

Minnesota Board of Water and Soil Resources. Minutes.

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August 20, 2018

Minnesota Board of Water & Soil Resources

DATE: June 18, 2007

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

FROM: John Jaschke, Executive Director

SUBJECT: June 27, 2007, Board Meeting Notice

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, June 27, 2007, beginning at 9:00 a.m. The meeting will be held in the second floor conference room at 520 Lafayette Road N., St. Paul. Parking is available in the lot directly in front of the building (use hooded parking areas).

The following information pertains to agenda items:

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. **Minnehaha Creek Watershed District, Watershed Management Plan** – The Watershed Management Plan was filed with the Board on April 4, 2007. The draft Order contains a summary of the planning process, the reviewing agencies' and city comments, and highlights of the Plan. Relatively few comments were received from the state agencies during the review process due to the comprehensive nature of the Plan and the District's systematic approach to acquire up-front citizen, municipal, and state agency input. During the robust comment period, the member communities provided numerous comments that, in large part, were at a level of detail that the District will more appropriately address them during the subsequent rule making processes. One uncommon issue was the Minneapolis Park and Recreation Board's comment claiming they should be considered a "local government unit" under Minnesota law and take on certain duties. The Watershed District requested BWSR's interpretation on the issue, which we then forwarded to the Office of Attorney General. The Attorney General recently concurred with Board staff declaring that Park Board is not a LGU. This issue is a plan implementation matter and should not impact the Plan approval process. The Metro Water Planning Committee voted unanimously to recommend the Plan for approval per the draft Order. See attachment.
   DECISION ITEM

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Northern Water Planning Committee

1. **Sherburne County Local Water Management Plan** – The Northern Water Planning Committee met on June 13th to review the Sherburne County Local Water Management Plan. The Sherburne County Water planner presented the local water management plan for approval. The priority concerns for the Sherburne County LWMP are: 1) Impaired water and degraded lakes and streams in the Elk River Watershed, 2) Increasing urban and residential land use replacing agriculture, forest and open space creates a concern about water quantity and quality due to increased impervious areas, 3) Quality and quantity of riparian and aquatic vegetation. The plan will run for ten years from 2007 through 2017 with a work plan update to take place in 2012. The Northern Water Planning Committee recommends approval of the Sherburne County Local Water Management Plan without additional comment. See attachment. ***DECISION ITEM***

Southern Water Planning Committee

1. **Cottonwood County Local Water Management Plan Update** – Cottonwood County submitted their Local Water Management Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Update to the Board for final State review on April 11, 2007. On June 4, 2007, the Southern Water Planning Committee reviewed the recommendation of the state review agencies regarding final approval of the Cottonwood County Local Water Management Plan Update. The Southern Water Planning Committee recommends approval. The Findings of Fact, Conclusions and Order are drafted for the full Board to review and take action on. See attachment. ***DECISION ITEM***

2. **Murray County Local Water Management Plan Update** – Murray County submitted their Local Water Management Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Update to the Board for final State review on March 30, 2007. On June 4, 2007, the Southern Water Planning Committee reviewed the recommendation of the state review agencies regarding final approval of the Murray County Local Water Management Plan Update. The Southern Water Planning Committee recommends approval. The Findings of Fact, Conclusions and Order are drafted for the full Board to review and take action on. See attachment. ***DECISION ITEM***

NEW BUSINESS

1. **FY 2008 Farm Bill Assistance Project-CREP II Implementation** - The Farm Bill Assistance Project was initiated in 2002 by BWSR, DNR and Pheasants Forever to continue staffing for conservation efforts started with the MN River CREP. The primary focus of this effort is to employ local staff to implementing provisions of the Federal Farm Bill that result in grass and wetland cover. To date a significant portion of this project has been to implement CREP II, CRP, WRP and WLI. In the past year nearly 90,000 acres of conservation cover were affected by this effort.

Presently, we have 33.7 FTE's in 48 counties. We will be completing Phase VI of this project on June 30, 2007. Due to budget constraints, we expect this level to drop in FY 2008. We are seeking BWSR authorization to implement Phase VII for FY2008. The recommended funding formula would be a state/local split of 70/30 with a total budget of $40,000/FTE. Staff recommends this process for approval. See attachment. ***DECISION ITEM***

2. **Request to allow Prescribed Grazing on LCCMR Rock Outcrop Conservation Easements** - Renville SWCD requests Board approval to allow prescribed grazing on easements they plan to enroll as part of their LCCMR Rock Outcrop easement initiative. Tom Kalahar, Renville SWCD and Project Manager for the LCCMR initiative, will present information to the Board. BWSR was awarded $563,000 to secure the conservation easements that Renville and Redwood SWCDs selected. Attached are the minimum requirements for prescribed grazing. Board approval is required so Renville SWCD can proceed to secure easements with landowners who have rock outcrop lands and are interested in the continued grazing of these areas. Also, attached is the approved LCCMR Trust Fund Work Program associated with this project. See attachment. ***INFORMATION ITEM***

3. **FY08 SWCD Grants –** The annual allocations to SWCDs for Cost-Share and Services Grants are recommended for approval by the Grants Program and Policy Committee. New for '08 is a Services Grant "request" process and Web Site Development Grant. See attachment. ***DECISION ITEM***

4. **FY08 Natural Resources Block Grant** – The Natural Resources Block Grant provides assistance to local governments to implement state natural resource programs. These programs are: Comprehensive Local Water Management, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and the MPCA SSTS. The Grants Program and Policy Committee is requesting the Board to authorize staff to allocate these grants. See attachment. ***DECISION ITEM***

5. **FY08 Non-Point Engineering Assistance Base Grant** – This is a non-competitive annual grant allocated to the 11 SWCD Technical Service Areas (TSAs). It is to be used by each TSA to provide engineering/technical services to help landowners to implement erosion control and water quality improvement practices. See attachment. ***DECISION ITEM***

6. **FY08 Local Water Management Planning Challenge Grants** – The LCCMR has made available to the BWSR $350,000 to implement priority action items in approved local water management plans. The Grants Program and Policy Committee is requesting the Board to approve their funding recommendation. See attachment. ***DECISION ITEM***

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7. **Soil Survey Assistance Grants** – The Grants Policy and Program Committee requests the Board to allocate $40,000 to SWCDs for backhoe work to support on-going soil surveys. See attachment. ***DECISION ITEM***

8. **Area II Minnesota River Basins Project Inc. FY 2008 Annual Work Plan -**This plan is for BWSR oversight of project and administrative funding related to the flood control efforts of the Area II nine county joint powers. Administrative funding for Area II, via state general fund, has been partially restored from the recent low of $105,000/yr. to $140,000 each of the next two years. Project funding for FY 2008 consists of Bonding and LCMR appropriations that were awarded in 2005 and 2006. The administrative budget and project listing are included in the plan. A minimum 25% local match is required of all state dollars. Staff recommends approval of this plan and execution of the administrative grant agreement for FY 2008. See attachment. ***DECISION ITEM***

9. **WCA Exempt Rule** - The Legislature required BWSR authority to adopt rules exempt from the Administrative Procedures Act within 90 days of enactment. These rules have been developed with staff and stakeholder input and are divided into the parts: (1) Appeals; (2) Exemptions; and (3) Replacement and Banking. The Wetland Committee has reviewed these draft rules and recommends the Board accept the proposed exempt rule and authorize staff to (i) notify the Governor's Office, (ii) submit the proposed exempt rule to the Office of Administrative Hearings, and (iii) complete the processes necessary to publish adopted rules in the State Register in order to make the rule effective on August 6, 2007. See attachment. ***DECISION ITEM***

10. **RIM Reserve Planning Committee's Progress Report -** Paul Brutlag, Committee Chair, and Kevin Lines will be updating the Board on what the Committee has done to date and the Committee's recommendation to the Administrative Advisory Committee regarding BWSR's RIM Reserve Capital Investment FY 2009-10 request. See attachment. ***INFORMATION ITEM***

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. The meeting will adjourn about 12:30 p.m. I look forward to seeing you on June 27th!

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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
2nd FLOOR CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JUNE 27, 2007

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF MAY 23, 2007

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

REPORTS

- Chair – Randy Kramer
- Executive Director – John Jaschke
- Dispute Resolution Committee – Randy Kramer
- Wetlands Committee – LuAnn Tolliver
- Grants Program & Policy Committee – Louise Smallidge
- Public Relations, Outreach & Strategic Planning Committee – Brian Napstad
- Administrative Advisory Committee – Randy Kramer

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Minnehaha Creek Watershed District, Watershed Management Plan – Bob Burandt – ***DECISION ITEM***

Northern Water Planning Committee

1. Sherburne County Local Water Management Plan – Quentin Fairbanks – ***DECISION ITEM***

Southern Water Planning Committee

1. Cottonwood County Local Water Management Plan Update – Brian Kletscher – ***DECISION ITEM***

2. Murray County Local Water Management Plan Update – Brian Kletscher – ***DECISION ITEM***

NEW BUSINESS

1. FY 2008 Farm Bill Assistance Project-CREP II Implementation – Kevin Lines – ***DECISION ITEM***

2. Request to allow Prescribed Grazing on LCCMR Rock Outcrop Conservation Easements - Tom Kalahar, Renville SWCD – ***INFORMATION ITEM***

3. FY08 SWCD Grants – Wayne Zellmer - ***DECISION ITEM***

4. FY08 Natural Resources Block Grant – Wayne Zellmer - ***DECISION ITEM***

5. FY08 Non-Point Engineering Assistance Base Grant – Wayne Zellmer - ***DECISION ITEM***

6. FY08 Local Water Management Planning Challenge Grants – Dave Weirens - ***DECISION ITEM***

7. Soil Survey Assistance Grants – Greg Larson - ***DECISION ITEM***

8. Area II Minnesota River Basins Project Inc. FY 2008 Annual Work Plan – Tabor Hoek, BWSR, and Kerry Netzke, Area II Coordinator – ***DECISION ITEM***

9. WCA Exempt Rule – Dave Weirens – ***DECISION ITEM***

10. RIM Reserve Planning Committee's Progress Report – Paul Brutlag and Kevin Lines – ***INFORMATION ITEM***

AGENCY REPORTS

- Minnesota Extension Service – Jim Anderson
- Minnesota Department of Natural Resources – Larry Kramka
- Minnesota Department of Health – Dan Wilson
- Minnesota Department of Agriculture – Joe Martin
- Minnesota Pollution Control Agency – Brad Moore

ADVISORY COMMENTS

- Association of Minnesota Counties (AMC) – Annalee Garletz
- Minnesota Association of Conservation District Employees (MACDE) – Rick Reimer
- Minnesota Association of Soil and Water Conservation Districts (MASWCD) – LeAnn Buck
- Minnesota Association of Townships (MAT) – Sandy Hooker

- Minnesota Association of Watershed Districts (MAWD) – Ray Bohn
- Natural Resources Conservation Service (NRCS) – Tim Koehler
- Others

UPCOMING MEETINGS

- Board Tour and Meeting, August 22-23, 2007, Koochiching and Lake of the Woods Counties

12:30 PM **ADJOURN**

** **Please Note:** The Public Relations, Outreach and Strategic Planning Committee will meet immediately following the Board meeting.

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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD
2ND FLOOR CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MAY 23, 2007

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

BOARD MEMBERS ABSENT:
Brian Kletscher

STAFF PRESENT:
Mary Jo Anderson, Bill Eisele, Jon Fure, Dan Girolamo, Jim Haertel, John Jaschke, Doug Thomas, Pete Waller, Dave Weirens

OTHERS PRESENT:
Kay Cook
Jack Frost, MCES
Wayne Edgerton, DNR
Ray Bohn, MAWD
Molly Deen, Sierra Club
Sandy Hooker, MAT
Tim Koehler, NRCS
Joe Montonye, Grant SWCD

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

PLEDGE OF ALLEGIANCE

** 07-42 **ADOPTION OF AGENDA** – Moved by Louise Smallidge, seconded by Quentin Fairbanks, to adopt the agenda as presented. Motion passed on a voice vote.

** 07-43 **MINUTES OF APRIL 25, 2007** – Moved by Paul Langseth, seconded by Louise Smallidge, to approve the minutes of April 25, 2007, as circulated. Motion passed on a voice vote.

Chair Kramer welcomed and introduced Ken Robinson, newly appointed board member from St. Cloud representing watershed districts, replacing Kay Cook.

Chair Kramer announced that he and Quentin Fairbanks have each been reappointed for another four-year term.

REPORTS

Chair's Report – Chair Kramer reported that the Environmental Quality Board did not meet this month. Chair Kramer has had numerous communication with legislators and staff.

Executive Director's Report – John Jaschke attended the Red River Watershed Management Board (RRWMB) and Flood Damage Reduction Work Group (FDRWG) meetings on May 16th in Ada. Discussion included the process for getting projects evaluated for the state bonding bill consideration; additional meetings will be held in Crookston on May 24, and Detroit Lakes on June 14, 2007.

John attended the USDA State Technical Committee meeting in St. Cloud on May 22, regarding Farm Bill provisions and related developments. John reported that a colored-coded dot system has been developed for wetland tracking compliance.

John announced that BWSR has two newly hired employees. Dan Shaw is the wetland vegetative specialist; and Chad Severs is the new board conservationist located in Bemidji. John stated that newly hired staff will be introduced at upcoming board meetings.

John reported that much of his time has been spent on the conclusion to legislative issues. He will present a legislative update later today on the agenda.

Dispute Resolution Committee – Jim Haertel reported that a new restoration order appeal in Aitkin County has been filed. Jim referenced appeals in Stearns County and clarified the MinnCan pipeline issue with various LGUs is being resolved. Jim stated that two appeals in Carver County on agricultural land involved exemption decisions and were not enforcement actions. The main issue is the requirement for ten-year deed recordings for the land to stay in agricultural use.

Wetlands Committee – LuAnn Tolliver stated that the Wetlands Committee has items to be considered later today on the agenda. The Wetlands Committee will meet on June 11th at 8:30 a.m.

Grants Program and Policy Committee – Louise Smallidge reported that the Grants Program and Policy Committee will meet on June 11.

Public Relations, Outreach and Strategic Planning Committee – Chair Kramer announced that Brian Napstad has been appointed to chair the Public Relations, Outreach and Strategic Planning Committee. Brian reported that the Committee met on April 25. Cliff Tweedale facilitated the meeting; discussion included review of the strategic plan's goals and objectives. Brian stated that the strategic plan is a work in progress. There will be a meeting on June 6 with stakeholders and advisory members. The Committee will meet on June 27th to look at BWSR's website and public outreach activities in the future, and develop language for the mission statement.

Chair Kramer stated that he will be reviewing BWSR Committees and making new appointments due to the departure of Kay Cook, and the appointment of Ken Robinson.

Administrative Advisory Committee – Chair Kramer reported that the Administrative Advisory Committee met this morning, issues discussed will be considered later today on the agenda or will be on the June Board meeting agenda.

Kay Cook reported on the State Envirothon held on May 16th in Lake Shetek. Kay reported that 29 teams competed, 140 students were in attendance. Benilde-St. Margaret was the first place winner; Rushford-Peterson placed second; and Benidle-St. Margaret's second team placed third. The winning team will go on to the Canon National Envirothon in New York, the last week in July. Kay encouraged board member attendance at future State Envirothons.

RIM Reserve ad hoc Committee – Paul Brutlag reported that staff has done an excellent job on the RIM Program Plan input and assessment phase. A stakeholders meeting will be held today to discuss assessment, legislative strategy, review the budget, and look at the future of the Reinvest In Minnesota Program.

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

Benton County Priority Concerns Scoping Document – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed the Benton
** County Priority Concerns Scoping Document and recommends approval. Moved
07-44 by Quentin Fairbanks, seconded by Brian Napstad, to approve the Benton County Priority Concerns Scoping Document. Motion passed on a voice vote.

Stearns County Priority Concerns Scoping Document – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed the Stearns
** County Priority Concerns Scoping Document and recommends approval. Moved
07-45 by Quentin Fairbanks, seconded by Brian Napstad, to approve the Stearns County Priority Concerns Scoping Document. Brian Napstad reported that Stearns County has developed an excellent model that will asess runoff for construction sites. The Northern Water Planning Committee suggested that Stearns County present their model to the Board at a future meeting. Motion passed on a voice vote.

Warroad Watershed District Revised Watershed Management Plan – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed the Warroad Watershed District Revised Watershed Management Plan
** and recommends approval. Moved by Quentin Fairbanks, seconded by Paul
07-46 Brutlag, to approve the Warroad Watershed District Revised Watershed Management Plan. Quentin stated that the Committee recommends that the Warroad Watershed District be evaluated within the next two years. The Committee will keep a close watch on the Watershed District, and recommends that the County be involved with the Warroad Watershed District. Motion passed on a voice vote.

NEW BUSINESS

Sale of Wetland Mitigation Credits to Public Transportation – Dave Weirens reported that BWSR has been authorized since 2002 to sell wetland credits to public transportation authorities. Recently, non-road public transportation authorities have inquired about purchasing credits under this statutory authority.

The Wetlands Committee recommends the Board adopt the policy presented regarding the sale of wetlands credits to public transportation authorities as
** presented. Moved by LuAnn Tolliver, seconded by Bob Burandt, to accept the
07-47 Wetlands Committee recommendation to approve the resolution as presented. Discussion followed. Quentin Fairbanks stated that there is a need for an inventory of wetlands. Dana Allen asked how much funding is needed to meet the needs of public transportation, the future demand? Dave stated that there should be no net increase, no impact to BWSR as credits are sold at cost. Dave stated that there is a significant difference in the cost of public versus private credits. Brian Napstad stated that the Wetlands Committee had lengthy discussions regarding the credit sales and needs. There are 400 credits in the bank in order to meet expected demand. Is it a proper approach to use tax dollars to sell to revenue producing entities? Will now look to the legislature for a policy response. Motion passed on a voice vote.

John Jaschke, on behalf of the Board, presented Kay Cook with a print, and thanked Kay for her involvement and service during her four-year term, 2003 – 2007. Kay thanked board members for their passion they bring to the Board. Kay thanked Chair Kramer, John and staff, for their effective efforts. Randy Kramer thanked Kay for her team effort on the Board.

Chair Kramer called for a break in the meeting at 10:15 a.m. The meeting reconvened at 10:35 a.m.

Plan for Soliciting Wetland Restoration Projects for the Local Road Wetland Replacement Program – Dave Weirens reported that staff have developed a plan for seeking wetland banking projects for the Local Road Wetland Replacement Program. The Wetlands Committee recommends approval of the Plan. Dan Girolamo stated that the Plan seeks proposals from landowners for high quality wetland restoration projects in priority watersheds and bank service areas. Dan presented the 2007 Wetland Banking Request for Proposal, the program options, screening process, and how to apply. Dave reported that this is
** expected to be an ongoing annual application process. Moved by LuAnn
07-48 Tolliver, seconded by Bob Burandt, to accept the Wetland Committee's recommendation to adopt the resolution regarding the Plan for Soliciting Wetland Restoration Projects for the Local Road Wetland Replacement Program. Discussion followed. Dan stated that staff are marketing the annual program; seven informational meetings will be held statewide. Motion passed on a voice vote.

Wetland Mitigation Memorandum of Understanding (MOU) – Dave Weirens reported that BWSR staff have been working with the U.S. Army Corps of Engineers for approximately four years on this MOU. The Wetlands Committee recommends approval of the interagency Memorandum of Understanding regarding wetland mitigation guidelines. Dave reviewed the six issues within the guidelines between BWSR and the Corps of Engineers. LuAnn Tolliver stated
** that this MOU moves things in the right direction. Moved by LuAnn Tolliver,
07-49 seconded by Paul Brutlag, to accept the Wetlands Committee recommendation for approval of the Memorandum of Understanding between BWSR and the U.S. Army Corps of Engineers. Discussion followed. Joe Martin is concerned with the issue of preservation as a wetland mitigation option and the language in the guidelines. Larry Kramka is also concerned with the preservation equation in trying to get to no-net loss by using it as a regulatory standard. John Jaschke explained that the Corps of Engineers requested that this be included in the guidelines; there will be site-specific opportunities for review via the TEP process. Dave stated that the MOU guidelines state that each agency will make a good faith effort to implement these guidelines, but strict adherence to these guidelines is beyond the authority of the agencies to guarantee. Linda Bruemmer suggested "a living document" that would be reviewed from time to time. Brian Napstad stated that this a first-step positive agreement and suggests working toward a Corps of Engineers' three-acre deferral threshold. Joe Martin stated that the key is mitigation versus project. John stated that an explanation will supplement the MOU for clarification. Motion passed on a voice vote. Paul Brutlag commended the Wetlands Committee for their good work to get to this point and accomplish the Memorandum of Understanding.

Legislative Update – Doug Thomas presented BWSR's FY08-09 Biennial Budget items and funding for Agency Operations; Natural Resources Block Grant; SWCD Services; SWCD Cost-Share Program; Red River Basin Commission; Clean Water Legacy; Minnesota River Joint Powers Board; Study Area II; Wetland Conservation Act Implementation; Drainage Assistance; Fiscal Oversight, and RIM Clean Energy.

John Jaschke presented policy language for WCA; Local Government Oversight and Accountability; Drainage System Buffers; Reinvest In Minnesota (RIM) Clean Energy Program; Capital Investment (Bonding); and Dedicated Funding. Chair Kramer thanked John, Doug, Steve Woods, Bill Eisele, and all other staff involved for their diligence during the legislative session.

AGENCY REPORTS

Minnesota Extension Service (MES) – Jim Anderson stated that he will provide a status report on various MES programs at the June Board meeting.

Department of Natural Resources (DNR) – Larry Kramka, Assistant Commissioner for Operations, was introduced. Larry was appointed in March. He will be Commissioner Mark Holsten's alternate at most future Board meetings. He reported that Minnesota is the first state to approve the Great Lakes Compact which protects resources and management of the Great Lakes. Larry stated that DNR is satisfied with the outcomes of the legislative session. DNR received $2M for impaired waters, one-time funding. Other DNR legislative issues addressed during session include: water demands, ethanol issues, regulation on importation of firewood to primarily deal with the ash borer; energy efforts on prairie grassland, and watercraft and fishing licenses, boat registration for residents and non-residents. Larry also reported that DNR is involved with BWSR to develop prairie specie seed harvesting and guidelines.

Minnesota Department of Health (MDH) – Linda Bruemmer was introduced, she is attending today on behalf of Dan Wilson. Linda stated that Governor Pawlenty has not yet signed the Health and Human Services bill. She reported that there is a well drilling fee increase. Linda stated that it's a pleasure to attend the Board meeting today.

Minnesota Department of Agriculture (MDA) – Joe Martin reported that MDA has been funded for the Ag BMP loan process, which included research dollars. MDA will develop a recommendation for the State regarding the Next Generation Energy Board. Joe stated MDA is coordinating with other agencies regarding the emerald ash borer invasive species.

Minnesota Pollution Control Agency (MPCA) – Wayne Anderson reported that MPCA received funding through the Clean Water Legacy for permitting, oversight and mining for ethanol. MPCA received energy funding for green power and green energy, biofuels. Wayne reported that the State Supreme Court acted on the matter of the Cities of Annandale and Maple Lake NPDES/SDS permit issuance for the discharge of treated wastewater, and request for contested case hearing. The decision was made on three issues: 1) deference to State authorities under federal law; 2) ability to do pre-TMDL off-setting; and 3) Annandale-Maple Lake MPCA's permitting issuance. Wayne stated that MPCA will begin to work with various stakeholders to look at future projects.

ADVISORY COMMENTS

Minnesota Association of Watershed Districts (MAWD) – Ray Bohn reported that session went well. MAWD appreciated the efforts of Randy Kramer, John Jaschke, and Doug Thomas, they did a tremendous job. Ray thanked Kay Cook for her dedicated service over the years. Ray welcomed Ken Robinson; he will be a real asset to BWSR. Ray encouraged board member attendance at the MAWD summer tour, June 28-30, hosted by the Ramsey-Washington Metro Watershed District. MAWD will be involved in interim activities regarding the drainage workgroup, DNR moving forward on con-con land; and accountability issues with BWSR. Ray reported that Representative Morrie Lanning introduced legislation regarding water management. MAWD will participate in statewide discussions.

Natural Resources Conservation Services (NRCS) – Tim Koehler reported the good news – NRCS received $4M in WRP funding. Tim also reported on the bad news – NRCS will probably lose all of that federal funding due to the lack of a state bonding bill this year; that funding will all go back to Washington. Tim stated that Bill Hunt has committed to the contribution endeavor with BWSR regarding monitoring and restoration efforts. Tim stated that NRCS is not sure how the feedlot implication will impact NRCS.

UPCOMING MEETINGS

- Next Board Meeting, June 27, 2007
- Board Tour and meeting, August 22-23, 2007, Koochiching and Lake of the Woods Counties

Chair Kramer stated that the RIM Strategic Planning ad hoc Committee will meet immediately following the Board meeting today.

Chair Kramer wished everyone a happy Memorial Day weekend. Dana Allen invited board members to attend the Open House on her dairy farm, June 9th, 1:00 – 4:00 p.m. She will send invitations via e-mail to board members.

** 07-50 Moved by LuAnn Tolliver, seconded by Quentin Fairbanks, to adjourn the meeting at 1:05 p.m. Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder

Dispute Resolution Report
June 15, 2007
by: Jim Haertel

There are presently 26 appeals pending. All of the appeals involve WCA except File 05-24. There have been three new appeals filed since the last report dated May 10, 2007.

File 07-19. This is a new appeal of an exemption decision in Roseau County. The appeal involves the approval of an exemption application for War-Road Estates. No decision has been made on the appeal.

File 07-18. This is a new appeal of a restoration order in St. Louis County. The appeal regards the grading and filling of wetland to construct a road, trails and building sites. No decision has been made on the appeal.

File 07-17. This is a new appeal of a restoration order in Aitkin County. The appeal involves the filling of wetland to construct a road. No decision has been made on the appeal.

File 07-15. This is an appeal of an exemption decision in Carver County. The appeal regards the denial of a wetland exemption application on agricultural land. The appeal has been remanded for a public hearing at the local level.

File 07-14. This is an appeal of an exemption decision in Carver County. The appeal regards the denial of a wetland exemption application on agricultural land. The appeal has been remanded for a public hearing at the local level.

File 07-13. This is an appeal of a replacement plan decision in Benton County. The appeal involves the denial of a replacement plan application that proposed filling 7.8 acres of an approximately 10 acre wetland for commercial development. The appeal has been remanded for a public hearing at the local level.

File 07-11. This is an appeal of an exemption decision in Stearns County. The appeal involves the MinnCan pipeline project. The appeal has been remanded for a public hearing at the local level, however the parties have agreed to settlement terms and the appeal should be withdrawn in the near future.

File 07-9. This is an appeal of an exemption decision in Stearns County. The appeal involves an incidental wetland request that was denied. The appeal has been remanded for a public hearing at the local level.

File 07-7. This is an appeal of a replacement plan decision in Blue Earth County. The appeal regards the approval of a wetland replacement plan involving the realignment of a county road. The appeal has been remanded for a public hearing at the local level, however settlement discussions are taking place.

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

File 06-28. This is an appeal of a restoration order in St. Louis County. The appeal regards the placement of fill in Type 7 wetland associated with construction of a road. The appeal has been remanded for TEP review of a wetland delineation and measurement of the wetland fill areas.

File 06-27. This is an appeal of a replacement plan decision in Otter Tail County. A permanent road was constructed in Type 6/7 wetland with a portion of it in the shoreland zone. A Restoration Order was issued and a replacement plan application was submitted to retain the road. An LGU staff individual denied the replacement plan. The appeal has been remanded for a public hearing at the local level.

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

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

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

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

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

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

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

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

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

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

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

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

hearing before the DRC, the board remanded the matter for a new wetland delineation and for submission on an updated, complete replacement plan application.
File 04-26. This is an appeal of a restoration order in Spring Lake Township, Scott County. At issue is the placement of 4,300 feet of fill in a wetland for a driveway. The approved plat showed access to the lot without wetland impacts. The appeal is in abeyance pending a decision on a replacement plan application.

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

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

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Minnehaha Creek Watershed District, Watershed Management Plan – Bob Burandt – ***DECISION ITEM***

Northern Water Planning Committee

1. Sherburne County Local Water Management Plan – Quentin Fairbanks – ***DECISION ITEM***

Southern Water Planning Committee

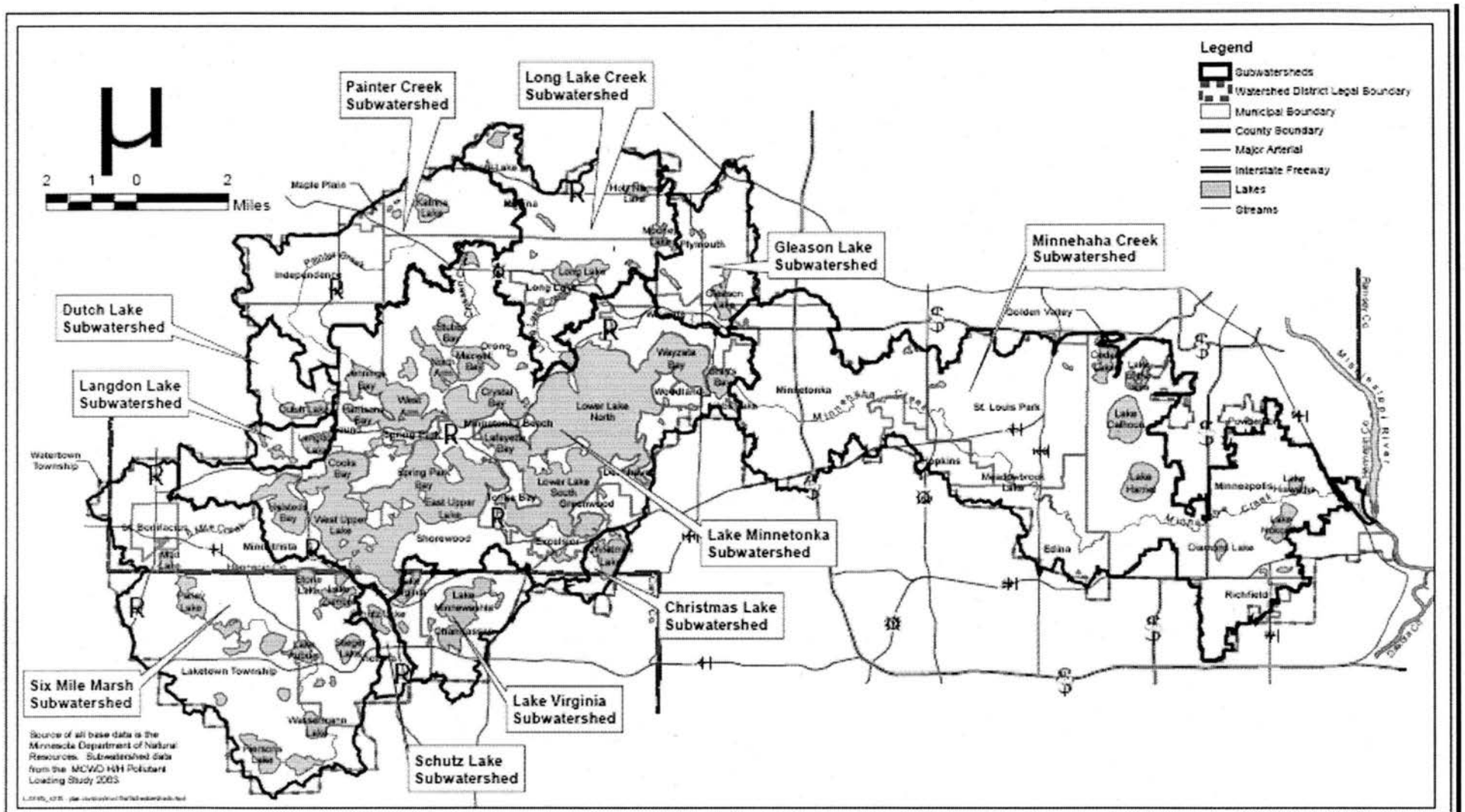
1. Cottonwood County Local Water Management Plan Update – Brian Kletscher – ***DECISION ITEM***

2. Murray County Local Water Management Plan Update – Brian Kletscher – ***DECISION ITEM***

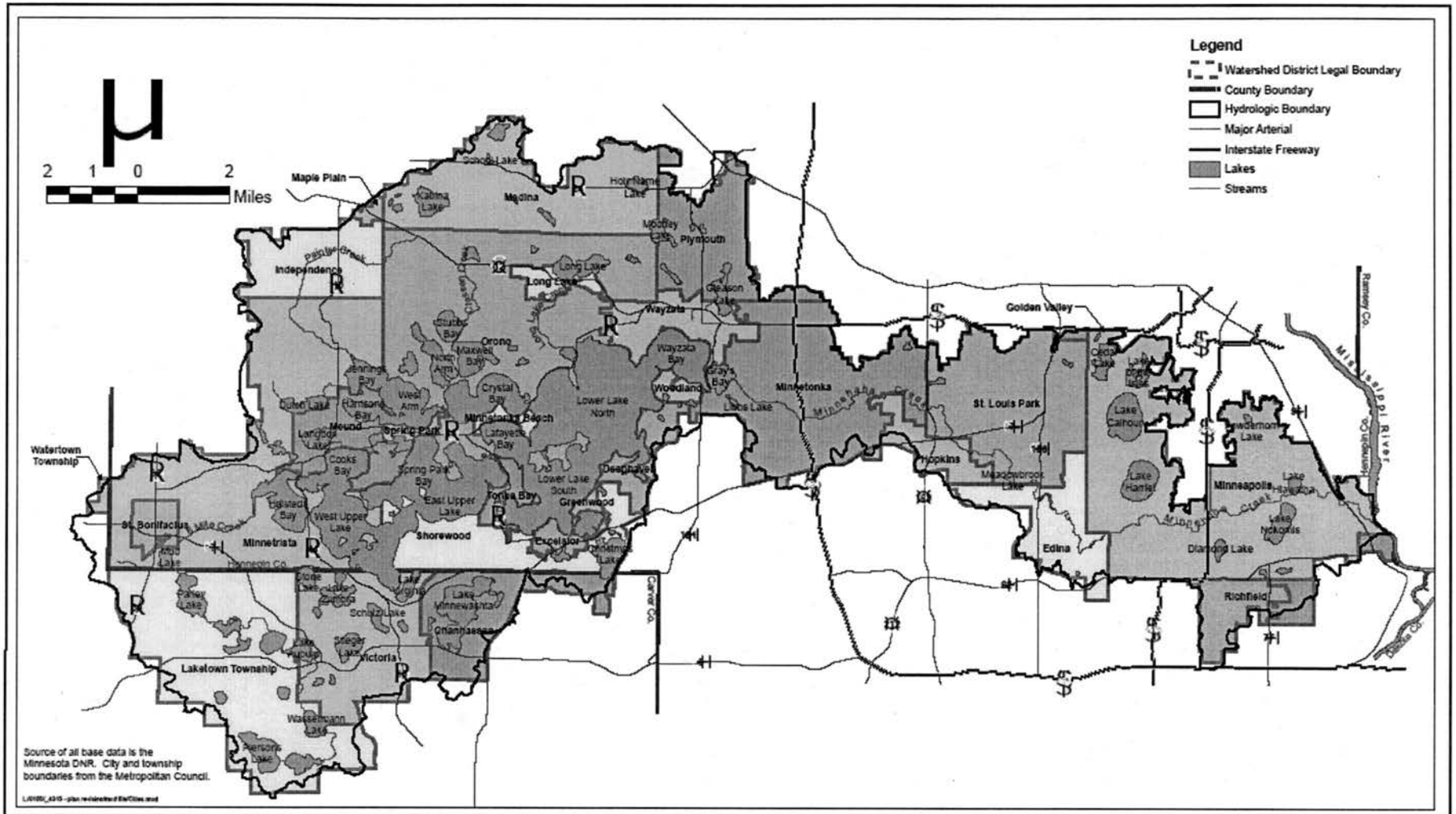
Minnesota Board of Water and Soil Resources
June 2007 BWSR Board Meeting

MAP AND FISCAL INFORMATION

Minnehaha Creek Watershed District (MCWD)
Comprehensive Watershed Management Plan Update 2007-2017 (Plan)



MINNEHAHA CREEK WATERSHED DISTRICT	Minnehaha Creek Watershed District	JAN 2006
Subwatersheds in the Minnehaha Creek Watershed District		Figure 2



MINNEHAHA CREEK WATERSHED DISTRICT	Minnehaha Creek Watershed District	JAN 2006
Minnehaha Creek Watershed District		Figure 1

Nature of the Watershed.

The Minnehaha Creek Watershed District spans approximately 178 square miles on the western edge of the Twin Cities Area. Most of the watershed - 148 square miles - is in Hennepin County while the remaining 29 square miles are in Carver County. Two distinct hydrologic basins exist within the watershed. The "Upper Watershed" drains through 104 square miles of agricultural land and suburbs west of Minneapolis to Lake Minnetonka. As Minnesota's 10th largest water body, this lake covers an additional 22 square miles before discharging to Minnehaha Creek. The "Lower Watershed" consists of the area east of Lake Minnetonka that is drained by Minnehaha Creek and extends to the Mississippi River. As the creek winds toward Minnehaha Falls, it accepts runoff from 52 square miles of the lower watershed, including Minneapolis. The "Lower Watershed" is nearly completely developed, with redevelopment expected to occur in the next couple decades.

Local government units within the District include two counties, two townships and 27 cities. Twelve of these cities are located totally within the District. In Hennepin County, the local governments within MCWD include: Deephaven, Edina, Excelsior, Golden Valley, Greenwood, Hopkins, Independence, Long Lake, Maple Plain, Medina, Minneapolis, Minnetonka, Minnetonka Beach, Minnetrista, Mound, Orono, Plymouth, Richfield, St. Bonifacius, St. Louis Park, Shorewood, Spring Park, Tonka Bay, Wayzata, and Woodland. In Carver County, the governmental units include: Chanhassen, Victoria, Laketown Township, and Watertown Township. Two regional park authorities exist within the Minnehaha Creek Watershed District, the Minneapolis Park and Recreation Board and the Three Rivers Park District. There are 65 lakes and numerous miles of stream in the watershed district – Minnehaha Creek itself is 22 miles long. The DNR Public Waters Inventory identifies 104 protected waters and 229 protected waters wetlands.

MCWD is bound by the Pioneer-Sarah Creek WMO to the northwest, on the north by Bassett Creek and Elm Creek WMOs, on the northeast by Mississippi WMO, on the southeast by the Richfield-Bloomington WMO and Lower Minnesota River WD, on the south by Nine Mile Creek and Riley-Purgatory-Bluff Creek WDs, and on the west by the Carver County WMO.

Fiscal Context and Implementation.

The table below reveals a relatively stable trend with regards to annual expenditures of MCWD. MCWD consistently ranks as the top watershed district in the metro region for annual expenditures. MCWD's proposed CIP budget for the Plan annually ranges $5,396,700 - $8,572,700 utilizing the 103B.241 funding mechanism. The Land Conservation Program received a $20 million boost through the county via bond funds. Additionally, the overall CIP will be reviewed and updated biennially.

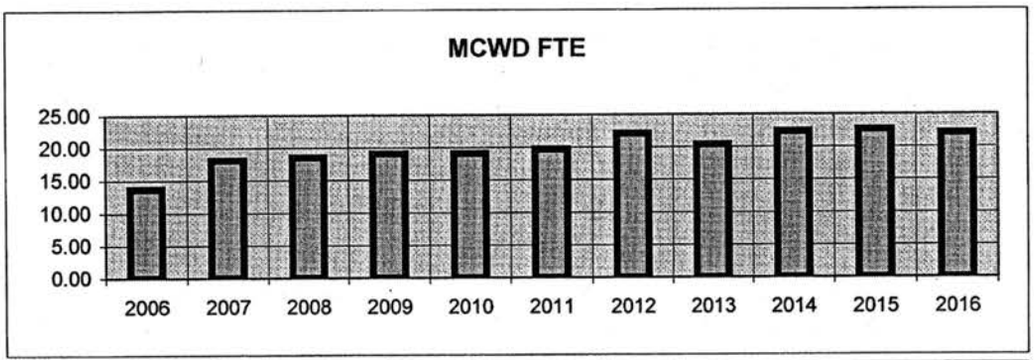
The table below reveals financial information for all WDs. A map of the metro WMOs can be found at http://www.bwsr.state.mn.us/watermgmt/metro_imap-2005.htm

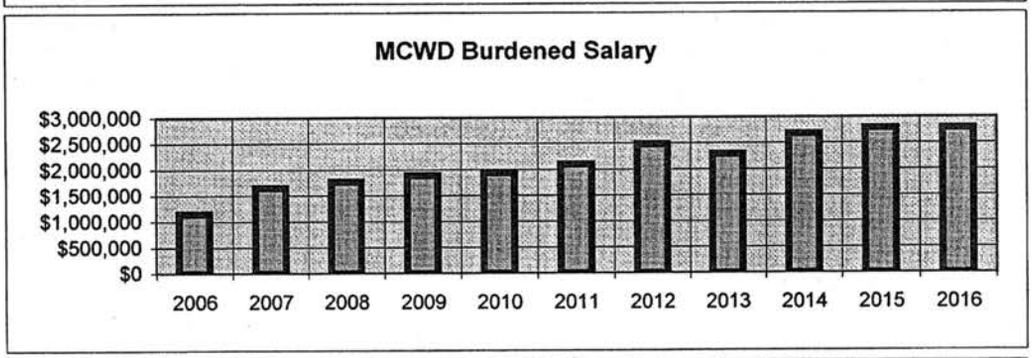
Watershed District	Taxes Payable 2004 (TMV)	Area (sq mi)	Expenditures				
			2001	2002	2003	2004	2005
Browns Creek	1,118,882,500	28	1,035,814	536,531	403,906	320,385	503,935
Capitol Region	12,180,656,400	37	397,354	386,503	577,504	1,327,715	924,848
Carnelian-Marine	517,571,600	43	404,561	447,838	491,103	420,888	-
Comfort Lake Forest Lake	1,289,010,500	49	77,716	301,143	206,157	287,058	243,511
Coon Creek	6,763,641,200	96	467,285	601,544	660,523	640,591	498,240
Lower Minnesota River	5,748,966,600	64	427,058	292,621	204,346	318,216	456,166
Minnehaha Creek	**28,338,875,675**	**184**	**6,086,030**	**5,270,636**	**3,343,963**	**2,436,635**	**3,212,548**
Nine Mile Creek	13,293,860,700	50	1,021,981	950,905	1,015,845	1,484,029	2,413,557
Prior Lake-Spring Lake	1,882,034,700	42	410,171	610,534	732,799	655,410	756,044
Ramsey-Washington Metro	9,197,769,100	53	3,048,986	3,329,310	3,370,862	2,350,399	1,945,645
Rice Creek	13,893,021,700	201	1,319,055	1,692,567	2,589,521	3,041,834	2,810,074
Riley-Purgatory-Bluff Creek	9,434,538,700	47	480,471	772,593	2,366,737	2,245,286	1,819,722
South Washington	6,070,592,700	53	2,356,478	2,323,327	5,771,911	1,921,135	1,252,877
Valley Branch	2,681,731,600	64	443,537	526,532	730,992	772,065	211,104

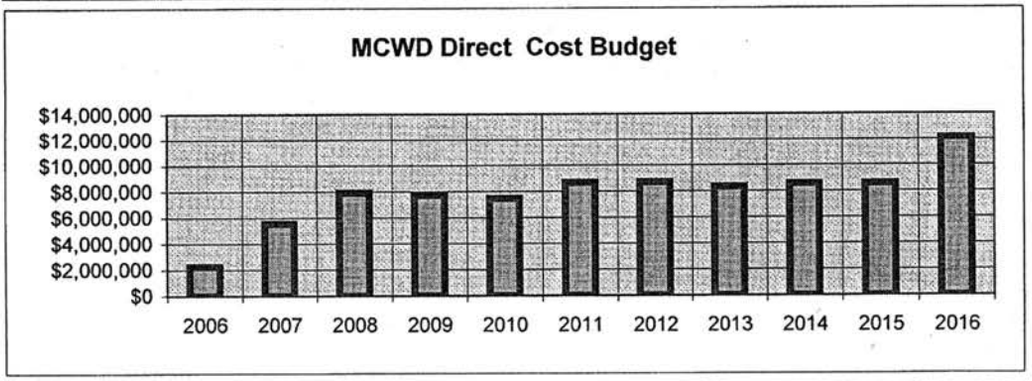
" – " indicates incomplete data.

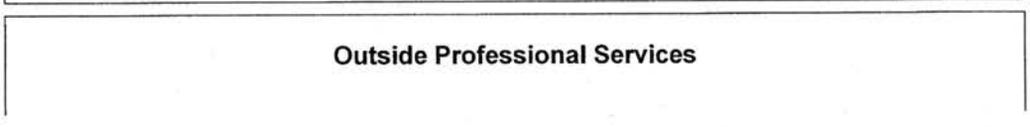
Minnehaha Creek Watershed District
Proposed
Administrative/Operations Budget
2007-2017

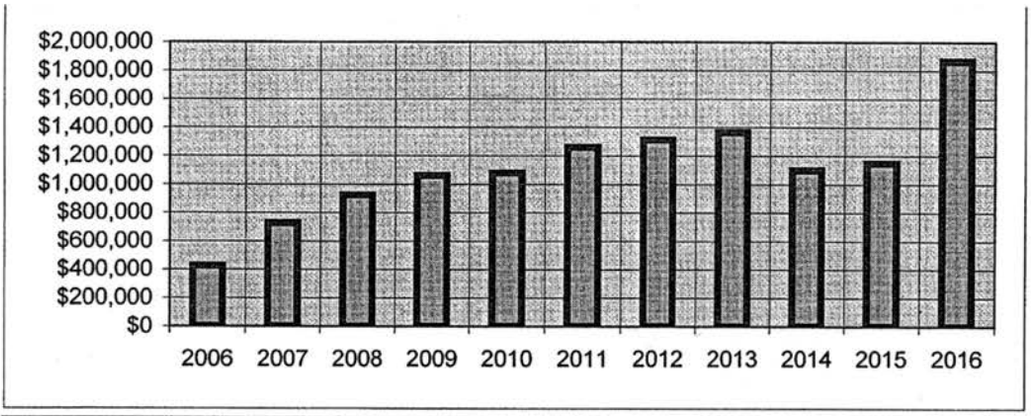
	MCWD FTE	MCWD Staff Hours	MCWD Burdened Salary	MCWD Direct Cost Budget	Outside Professional Services	Outside Legal Services	MCWD Total Cost Budget
2006	13.71	28,517	$1,143,152	$2,243,000	$428,851	$233,513	$4,048,516
2007	18.06	37,565	$1,655,127	$5,538,800	$728,654	$230,406	$8,152,987
2008	18.56	38,605	$1,768,244	$7,932,000	$922,875	$252,650	$10,875,769
2009	19.08	39,686	$1,885,272	$7,701,310	$1,060,522	$228,336	$10,875,440
2010	19.08	39,686	$1,941,831	$7,481,940	$1,079,566	$239,209	$10,742,545
2011	19.73	41,038	$2,094,537	$8,672,920	$1,258,438	$237,558	$12,263,453
2012	22.09	45,947	$2,484,238	$8,714,770	$1,312,541	$238,105	$12,749,654
2013	20.34	42,307	$2,290,824	$8,337,230	$1,365,910	$333,555	$12,327,518
2014	22.34	46,467	$2,681,005	$8,561,180	$1,101,752	$260,334	$12,604,271
2015	22.64	47,091	$2,779,645	$8,546,570	$1,149,261	$275,001	$12,750,477
2016	22.14	46,051	$2,781,038	$12,136,700	$1,868,580	$351,744	$17,138,062



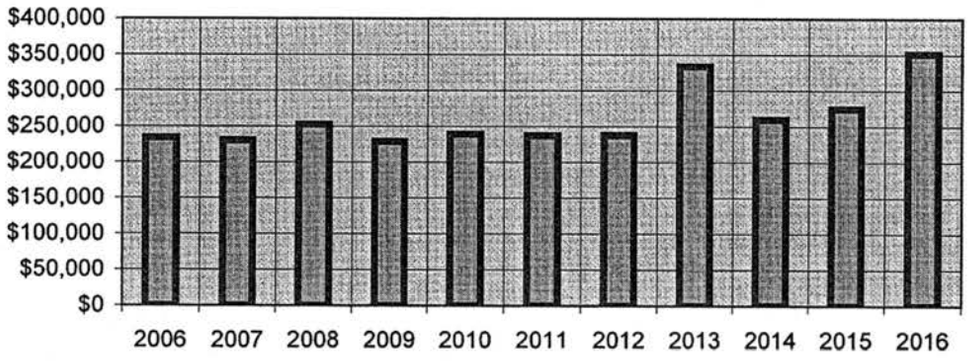




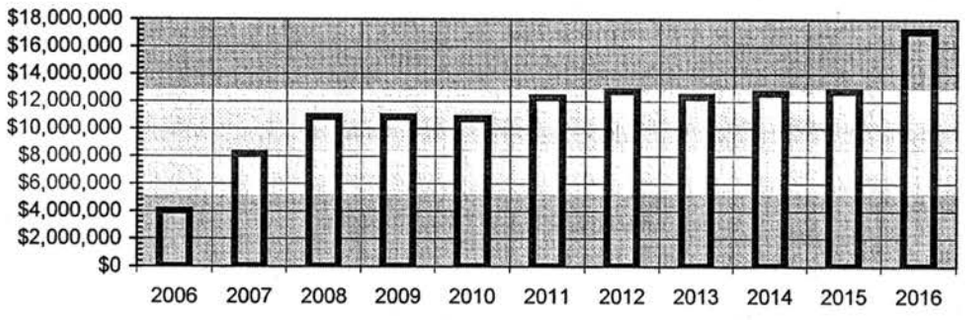




Legal Services



MCWD Total Cost Budget



	MCWD FTE	MCWD Staff Hours	MCWD Burdened Salary	MCWD Direct Cost Budget	Outside Professional Services	Outside Legal Services	MCWD Total Cost Budget
2006							
Land Conservation	1.02	2,122	$104,630	$2,002,000	$0	$32,407	**$2,139,037**
Regulatory Program	5.25	10,920	$309,470	$10,000	$355	$72,702	**$392,526**
Planning	1.05	2,184	$98,280	$2,000	$148,604	$47,533	**$296,418**
Capital Projects	0.95	1,976	$118,560	$105,000	$199,359	$26,939	**$449,858**
Hydrologic Data	2.19	4,555	$178,833	$58,000	$32,533	$3,199	**$272,565**
Research	0.00	0	$0	$0	$0	$0	**$0**
Public Education	1.17	2,434	$120,017	$19,000	$0	$2,732	**$141,749**
Administration	2.08	4,326	$213,363	$47,000	$48,000	$48,000	**$356,363**
Totals:	**13.71**	**28,517**	**$1,143,152**	**$2,243,000**	**$428,851**	**$233,513**	**$4,048,516**
2007							
Land Conservation	2.02	4,202	$207,208	$2,002,000	$0	$75,000	**$2,284,208**
Regulatory Program	5.25	10,920	$309,470	$10,000	$10,000	$35,000	**$364,470**
Planning	1.00	2,080	$93,600	$2,000	$0	$6,000	**$101,600**
Capital Projects	3.95	8,216	$492,952	$3,295,300	$670,654	$63,406	**$4,522,312**
Hydrologic Data	2.44	5,075	$204,478	$63,000	$0	$0	**$267,478**
Research	0.15	312	$14,040	$100,500	$0	$0	**$114,540**
Public Education	1.17	2,434	$120,017	$19,000	$0	$0	**$139,017**
Administration	2.08	4,326	$213,363	$47,000	$48,000	$51,000	**$359,363**
Totals:	**18.06**	**37,565**	**$1,655,127**	**$5,538,800**	**$728,654**	**$230,406**	**$8,152,987**
2008							
Land Conservation	2.02	4,202	$213,424	$2,002,000	$10,000	$50,000	**$2,275,424**
Regulatory Program	5.25	10,920	$318,754	$10,000	$10,000	$35,000	**$373,754**
Planning	1.40	2,912	$147,918	$3,000	$0	$6,000	**$156,918**
Capital Projects	3.95	8,216	$507,741	$5,677,500	$854,875	$110,650	**$7,150,766**
Hydrologic Data	2.54	5,283	$221,178	$73,000	$0	$0	**$294,178**
Research	0.15	312	$15,848	$100,500	$0	$0	**$116,348**
Public Education	1.17	2,434	$123,617	$19,000	$0	$0	**$142,617**
Administration	2.08	4,326	$219,764	$47,000	$48,000	$51,000	**$365,764**
Totals:	**18.56**	**38,605**	**$1,768,244**	**$7,932,000**	**$922,875**	**$252,650**	**$10,875,769**
2009							
Land Conservation	2.02	4,202	$221,733	$2,002,000	$10,000	$50,000	**$2,283,733**
Regulatory Program	5.25	10,920	$333,269	$10,000	$0	$15,000	**$358,269**
Planning	1.40	2,912	$153,676	$3,000	$0	$6,000	**$162,676**
Capital Projects	3.50	7,280	$466,696	$5,441,810	$822,522	$106,336	**$6,837,363**
Hydrologic Data	2.59	5,387	$235,698	$63,000	$180,000	$0	**$478,698**
Research	0.15	312	$16,465	$100,500	$0	$0	**$116,965**
Public Education	1.17	2,434	$128,429	$19,000	$0	$0	**$147,429**
Administration	3.00	6,240	$329,306	$62,000	$48,000	$51,000	**$490,306**
Totals:	**19.08**	**39,686**	**$1,885,272**	**$7,701,310**	**$1,060,522**	**$228,336**	**$10,875,440**
2010							
Land Conservation	2.27	4,722	$256,650	$2,004,000	$160,000	$65,000	**$2,485,650**
Regulatory Program	5.25	10,920	$343,267	$10,000	$0	$15,000	**$368,267**
Planning	1.40	2,912	$158,286	$3,000	$0	$6,000	**$167,286**
Capital Projects	3.50	7,280	$480,696	$5,235,440	$791,566	$102,209	**$6,609,911**

Hydrologic Data	2.34	4,867	$214,503	$63,000	$80,000	$0	**$357,503**
Research	0.15	312	$16,959	$100,500	$0	$0	**$117,459**
Public Education	1.17	2,434	$132,282	$19,000	$0	$0	**$151,282**
Administration	3.00	6,240	$339,185	$47,000	$48,000	$51,000	**$485,185**
Totals:	**19.08**	**39,686**	**$1,941,831**	**$7,481,940**	**$1,079,566**	**$239,209**	**$10,742,545**

2011

Land Conservation	2.02	4,202	$235,236	$2,002,000	$10,000	$50,000	**$2,297,236**
Regulatory Program	5.25	10,920	$353,565	$10,000	$0	$15,000	**$378,565**
Planning	1.40	2,912	$163,035	$3,000	$0	$6,000	**$172,035**
Capital Projects	4.25	8,840	$601,214	$6,427,920	$970,438	$115,558	**$8,115,130**
Hydrologic Data	2.49	5,179	$238,406	$63,500	$230,000	$0	**$531,906**
Research	0.15	312	$17,468	$100,500	$0	$0	**$117,968**
Public Education	1.17	2,434	$136,251	$19,000	$0	$0	**$155,251**
Administration	3.00	6,240	$349,361	$47,000	$48,000	$51,000	**$495,361**
Totals:	**19.73**	**41,038**	**$2,094,537**	**$8,672,920**	**$1,258,438**	**$237,558**	**$12,263,453**

2012

Land Conservation	2.22	4,618	$266,283	$2,002,000	$10,000	$50,000	**$2,328,283**
Regulatory Program	5.25	10,920	$364,172	$10,000	$0	$15,000	**$389,172**
Planning	1.40	2,912	$167,926	$3,000	$0	$6,000	**$176,926**
Capital Projects	5.95	12,376	$866,951	$6,455,270	$974,541	$116,105	**$8,412,866**
Hydrologic Data	2.70	5,616	$270,747	$78,000	$280,000	$0	**$628,747**
Research	0.15	312	$17,992	$100,500	$0	$0	**$118,492**
Public Education	1.17	2,434	$140,338	$19,000	$0	$0	**$159,338**
Administration	3.25	6,760	$389,828	$47,000	$48,000	$51,000	**$535,828**
Totals:	**22.09**	**45,947**	**$2,484,238**	**$8,714,770**	**$1,312,541**	**$238,105**	**$12,749,654**

2013

Land Conservation	2.22	4,618	$274,271	$2,002,000	$20,000	$75,000	**$2,371,271**
Regulatory Program	5.25	10,920	$375,098	$10,000	$0	$15,000	**$400,098**
Planning	1.50	3,120	$185,318	$3,000	$0	$9,000	**$197,318**
Capital Projects	4.00	8,320	$600,309	$6,077,730	$917,910	$108,555	**$7,704,503**
Hydrologic Data	2.70	5,616	$278,870	$78,000	$380,000	$0	**$736,870**
Research	0.15	312	$18,532	$100,500	$0	$0	**$119,032**
Public Education	1.17	2,434	$144,548	$19,000	$0	$0	**$163,548**
Administration	3.35	6,968	$413,878	$47,000	$48,000	$126,000	**$634,878**
Totals:	**20.34**	**42,307**	**$2,290,824**	**$8,337,230**	**$1,365,910**	**$333,555**	**$12,327,518**

2014

Land Conservation	2.22	4,618	$282,499	$2,002,000	$20,000	$75,000	**$2,379,499**
Regulatory Program	5.25	10,920	$386,350	$10,000	$0	$15,000	**$411,350**
Planning	1.50	3,120	$190,878	$3,000	$0	$6,000	**$199,878**
Capital Projects	6.45	13,416	$997,038	$6,316,680	$953,752	$113,334	**$8,380,803**
Hydrologic Data	2.35	4,888	$242,698	$63,000	$80,000	$0	**$385,698**
Research	0.15	312	$19,088	$100,500	$0	$0	**$119,588**
Public Education	1.17	2,434	$148,885	$19,000	$0	$0	**$167,885**
Administration	3.25	6,760	$413,569	$47,000	$48,000	$51,000	**$559,569**
Totals:	**22.34**	**46,467**	**$2,681,005**	**$8,561,180**	**$1,101,752**	**$260,334**	**$12,604,271**

2015

Land Conservation	2.22	4,618	$290,974	$2,002,000	$20,000	$75,000	**$2,387,974**

Regulatory Program	5.25	10,920	$397,941	$10,000	$0	$15,000	**$422,941**
Planning	2.55	5,304	$334,227	$5,000	$50,000	$21,000	**$410,227**
Capital Projects	5.70	11,856	$907,536	$6,300,070	$951,261	$113,001	**$8,271,868**
Hydrologic Data	2.35	4,888	$249,979	$63,000	$80,000	$0	**$392,979**
Research	0.15	312	$19,660	$100,500	$0	$0	**$120,160**
Public Education	1.17	2,434	$153,351	$19,000	$0	$0	**$172,351**
Administration	3.25	6,760	$425,976	$47,000	$48,000	$51,000	**$571,976**
Totals:	**22.64**	**47,091**	**$2,779,645**	**$8,546,570**	**$1,149,261**	**$275,001**	**$12,750,477**

2016

Land Conservation	2.22	4,618	$299,704	$2,002,000	$20,000	$75,000	**$2,396,704**
Regulatory Program	5.25	10,920	$409,879	$10,000	$0	$15,000	**$434,879**
Planning	2.55	5,304	$344,254	$8,000	$250,000	$31,000	**$633,254**
Capital Projects	5.20	10,816	$852,765	$9,837,200	$1,470,580	$179,744	**$12,340,289**
Hydrologic Data	2.35	4,888	$257,478	$63,000	$80,000	$0	**$400,478**
Research	0.15	312	$20,250	$100,500	$0	$0	**$120,750**
Public Education	1.17	2,434	$157,952	$19,000	$0	$0	**$176,952**
Administration	3.25	6,760	$438,755	$97,000	$48,000	$51,000	**$634,755**
Totals:	**22.14**	**46,051**	**$2,781,038**	**$12,136,700**	**$1,868,580**	**$351,744**	**$17,138,062**

Minnehaha Creek Watershed District Comprehensive Water Resources Management Plan

2007-2017

Wenck File #0185-4315

Prepared for:

MINNEHAHA CREEK WATERSHED DISTRICT

Minnehaha Creek Watershed District

Improving Quality of Water, Quality of Life

February 2007

Prepared by:

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1.0 Introduction

1.1 INTRODUCTION AND PURPOSE

The Minnehaha Creek Watershed District conserves the natural resources of the Minnehaha Creek watershed principally through analysis of the causes of harmful impacts on the water resources, public information and education, regulation of land use, regulation of the use of waterbodies and their beds, and capital improvement projects. Through its extensive analysis of the watershed, the District has been able to effectively identify the root causes of water quality degradation and flooding. The District has then successfully used this knowledge to develop and implement solutions that address these causes. The District's management plans have included both nonstructural solutions to the problems such as public information and education and regulation of land and water use and structural solutions, including construction of wet detention basins/wetlands, a headwaters outlet control structure and restoration of degraded wetlands.

1.2 METROPOLITAN SURFACE WATER MANAGEMENT ACT

The Metropolitan Surface Water Management Act (Chapter 509, Laws of 1982, Minnesota Statute Section 103B.201 to 103B.255 as amended) establishes requirements for preparing watershed management plans within the Twin Cities Metropolitan Area. The law requires the plan to focus on preserving and using natural water storage and retention systems to:

- Improve water quality.
- Prevent flooding and erosion from surface flows.
- Promote groundwater recharge.
- Protect and enhance fish and wildlife habitat and water recreation facilities.
- Reduce, to the greatest practical extent, the public capital expenditures necessary to control excessive volumes and rate of runoff and to improve water quality.
- Secure other benefits associated with proper management of surface water.

To ensure these objectives are realized the Metropolitan Surface Water Management Act further specified the basic content of watershed management plans. The plans must:

- Describe the existing physical environment, land use, and development in the area, and the environment, land use, and development proposed in existing local and metropolitan comprehensive plans.
- Present information on the hydrologic system and its components, including the drainage systems previously constructed under chapter 103E, and existing and potential problems related thereto.

- State objectives and policies including management principles, alternatives and modifications, water quality, and protection of natural characteristics.
- Set forth a management plan including the hydrologic and water quality conditions that will be sought and significant opportunities for improvement.
- Describe the effect of the plan on existing drainage systems.
- Identify high priority areas for wetland conservation, enhancement, restoration, and establishment and describe conflicts with wetlands and land use in those areas.
- Describe conflicts between the watershed plan and existing plans of Local Governmental Units (LGUs).
- Set forth an implementation program consistent with the management plan that includes a capital improvement program, standards, and schedules for amending the comprehensive plan and official controls of LGUs in the watershed to bring conformance with the plan.
- Set out procedures and timelines for amending the plan.

1.3 MEMBERSHIP OF BOARD OF MANAGERS

The Minnehaha Creek Watershed District is governed by a seven member Board of Managers, six of whom are appointed by Hennepin County and one by Carver County.

Table 1. Membership of the Minnehaha Creek Watershed District Board of Managers, 2006.

Member	*County Appointed By*	*Term Expires*
Pamela Blixt, Vice President Minneapolis	Hennepin	3/08
Jeff Casale Shorewood	Hennepin	3/09
Jim Calkins, President Minnetonka	Hennepin	3/07
Lance Fisher Minnetrista	Carver	3/07
Lee Keeley, Secretary Plymouth	Hennepin	3/09
Richard Miller, Treasurer Edina	Hennepin	3/08
Ethel Smith Wayzata	Hennepin	3/07

Former Managers who were instrumental in developing the policy and technical background for this Plan are: C. Scott Thomas, Susan Goetz, Robert Schroeder, and Monica Gross.

1.4 GENERAL BOUNDARIES

The Minnehaha Creek Watershed District spans approximately 178 square miles on the western edge of the Twin Cities Area. Most of the watershed - 148 square miles - is in Hennepin County while the remaining 29 square miles are in Carver County. The District drains an area

approximately 29 miles from east to west and 15 miles from north to south. Two distinct hydrologic basins exist within the watershed. The "Upper Basin" or "Upper Watershed" drains through 104 square miles of agricultural land and suburbs west of Minneapolis to Lake Minnetonka. As Minnesota's 10th largest water body, this lake covers an additional 22 square miles before discharging to Minnehaha Creek. The "Lower Basin" or "Lower Watershed" consists of the area east of Lake Minnetonka that is drained by Minnehaha Creek and extends to the Mississippi River. As the creek winds toward Minnehaha Falls, it accepts runoff from 52 square miles of the lower watershed, including Minneapolis. Figure 1 shows the District's hydrologic and legal boundaries and the governmental units located within the district.

1.4.1 Governmental Units Within District Boundaries

Local government within the District includes two counties, two townships and 27 cities. Twelve of these cities are located totally within the District. The various governmental units in the District are listed below:

Table 2. Governmental units within the Minnehaha Creek Watershed District.

Hennepin County	
Deephaven	*Minnetonka Beach
Edina	Minnetrista
*Excelsior	*Mound
Golden Valley	*Orono
*Greenwood	Plymouth
Hopkins	Richfield
Independence	*St. Bonifacius
*Long Lake	St. Louis Park
Maple Plain	Shorewood
Medina	*Spring Park
Minneapolis	*Tonka Bay
Minnetonka	*Wayzata
	*Woodland
Carver County	
Chanhassen	*Victoria
Laketown Township	Watertown Township

*Entirely in District

Two regional park authorities exist within the Minnehaha Creek Watershed District, the Minneapolis Park and Recreation Board (MPRB) and the Three Rivers Park District (TRPD).

The MPRB was established in 1883 by an act of the State Legislature. That act granted the MPRB the authority to operate, maintain, and administer a system of parks in and adjacent to the City of Minneapolis. Over its history, the MPRB has acquired a significant amount of acreage along Minnehaha Creek and other water bodies in and adjacent to the City of Minneapolis including two golf courses that abut Minnehaha Creek.

The TRPD was established in 1957 by the State Legislature. As a special park district, Three Rivers Park District is charged with the responsibilities of acquisition, development and maintenance of large park reserves, regional parks and regional trails for the benefit and use of the citizens of suburban Hennepin County, Scott County, the metropolitan areas, and the State of Minnesota.

The MPRB and TRPD work cooperatively with the Metropolitan Parks and Open Space Commission, Metropolitan Council and State Legislature as two of ten implementing agencies of the Metropolitan Regional Park System to provide education/recreation facilities, services and programs.

The MCWD Comprehensive Plan recognizes the unique roles of the MPRB and the TRPD and their mission to provide the public with access to its land and water resources, and recreational facilities. The MCWD also recognizes the past work of the MPRB and TRPD to maintain and improve water quality in lakes and streams within their jurisdictions. Any efforts of the MPRB, TRPD and MCWD to improve water quality and manage load allocations for storm water runoff presents unique challenges in the context of their location within the watershed, surrounding land use, and downstream waterbodies. For example, the role that urban lakes play as part of the Minneapolis storm water system and the natural resource role that lakes in the TRPD play may require special consideration in the rules adopted by the MCWD. In addition, these efforts must give careful consideration to the effect on the invaluable recreational system built around the water bodies in the Watershed District and the near 27 million annual user visits that occur in the TRPD, the chain of lakes in Minneapolis, Minnehaha Creek and Minnehaha Regional Park. The intent of the MCWD is to work cooperatively with the MPRB and TRPD to improve water quality while acknowledging the importance of recreational access to the MPRB's and TRPD's land in rules promulgated by the MCWD. Moreover, the MCWD Comprehensive Plan recognizes the role that the MPRB and TRPD has and continues to play in conserving its land and water resources.

1.5 HISTORY OF THE MINNEHAHA CREEK WATERSHED DISTRICT

The Minnehaha Creek Watershed District is a special purpose unit of local government created to carry out watershed management and to protect the water resources of the Minnehaha Creek watershed.

The Minnesota Water Resources Board (MWRB) established the District on March 9, 1967 under the authority of Minnesota Statutes Chapter 103D (formerly Chapter 112), the Watershed Act. The Hennepin County Commissioners asked the MWRB to form the District on April 12, 1966. They sought to form the District to conserve the watershed's waters and natural resources. Their goals included improving lakes, marshes and channels for water storage, drainage, recreation and other public purposes. The County also wanted projects to reduce flooding, to keep silt out of streams and to control erosion of land. Other goals were reclaiming wetlands, controlling stormwater and preserving water quality in the District's lakes and streams.

The District has implemented numerous programs, policies and projects to advance its goals. It started a permit program in 1967. Through this program the District has approved stormwater

management plans and shaped projects in floodplains and wetlands. The program has also covered dredging, stream and lake crossings and projects to improve shoreline. In 1972 the District accepted authority over the eight county and judicial ditches located within the watershed. The District completed its first Water Resources Management Plan in 1969 and its second Water Resources Management Plan in 1997. The focus of those plans was on identifying problems and solutions relating to water quality degradation resulting from urbanization and on preventing further degradation from future development.

The District has successfully completed the items identified in its 1997 implementation plan, as well as additional items to further progress towards District goals.

- The District has completed a number of construction projects to address water quality and flooding issues. These include major projects to improve regional resources, including the award-winning Chain of Lakes Clean Water Partnership projects to improve water quality and biological integrity in five lakes. The District also completed projects to improve Long Lake, Landon Lake, and various bays of Lake Minnetonka.
- An extensive resource analysis and data gathering program was undertaken, including a number of special studies that serve as the basis for this Plan. These include the *Hydrologic, Hydraulic, and Pollutant Loading Study,* which established numerical water quality goals for the lakes in the watershed; detailed assessments of the condition of Minnehaha Creek and five upper watershed streams; a *Functional Assessment of Wetlands* to assess current conditions of the wetland resources in the watershed; and several specialized studies such as the *Painter Creek Feasibility Study, Minnehaha Creek Visioning,* and floodplain evaluations for Minnehaha Creek and other major streams.
- The hydrologic data gathering program was expanded, and easy-to-read summaries in the form of lake and stream report cards are published each year to keep the public informed about conditions of the water resources in the watershed.
- A five-year *Strategic Education and Communications Plan* was developed to fine-tune and focus the education and communication program and to identify strategies for improvement and expansion of those efforts.
- While not specifically identified as an activity in the 1997 implementation plan, the District has embarked on an ambitious Land Conservation Program intended to protect and conserve high-quality natural resources in the watershed through a variety of means.

1.6 CONTEXT OF PLAN

The District has completed a number of specialized studies within the last three years, including detailed analyses of the condition of lakes, streams, and wetlands in the watershed, and an extensive Hydrologic and Hydraulic analysis of existing and expected future hydrologic and water quality conditions. This Plan consolidates the findings and recommendations of those studies. The focus of this Plan is on the Water Resource. The individual Subwatershed Plans that make up the heart of this management effort set forth comprehensive and holistic hydrologic, water quality and ecological integrity goals for the lakes, streams, and wetlands within the watershed. Structural and nonstructural approaches to attaining those goals are detailed by subwatershed.

Within the Upper Watershed, an important factor in the achievement of these goals is the land planning and future land uses within an area that is now vacant, agricultural, or rural-density. This Plan Revision is specifically intended to coincide with the development of city Comprehensive Plan updates required of Twin Cities Metro Area communities by 2008, reflecting the philosophy that water resources and natural resources planning should be an integral part of land use planning. These required local plans must be consistent with this Plan, including not only an assessment of problems and identification of solutions, but also an evaluation of how the local government intends on an ongoing basis to meet the performance standards set forth here.

1.7 SUMMARY OF PROBLEMS, GOALS, AND SOLUTIONS

1.7.1 General Problems and Goals

The Board of Managers has identified 17 key problem areas impacting resources in the watershed and has developed general goals to address them through implementation of this Plan as well as other planning and management activities. Table 3 summarizes these problems and goals, which are presented in more detail in each of the eleven subwatershed plans, along with specific policies and actions to address the problems and achieve the District's goals.

Table 3. Seventeen key problem areas identified by the Board of Managers in the Minnehaha Creek watershed, and general goals and solutions.

	Problem	Goal
1	Development and the creation of impervious surface degrades water quality if proper treatment is not provided, increases the quantity of stormwater runoff, reduces the quantity of groundwater recharge which creates a potential deficit within groundwater aquifers and decreases water quality within surface waters.	Abstraction. Promote abstraction, such as infiltration of surface water, capture and reuse of stormwater, and increased evapotranspiration, where feasible for the purposes of improving water quality and increasing groundwater recharge throughout the watershed.
2	Human activity can degrade existing habitat and contribute to the loss of wildlife habitat quantity and quality affecting the overall ecological integrity of the resources within the MCWD.	Ecological Integrity. Promote activities which maintain, support and enhance floral, faunal quantity and ecological integrity of upland and aquatic resources throughout the watershed.
3	Urbanization, increase in impervious surface, reduction in the quantity of wetland area, and increases in conveyance efficiency can adversely affect the quality of surface waters.	Water Quality. Conserve, maintain and improve aesthetic, physical, chemical and biological composition of surface waters and groundwater within the District.
4	Non-point and point source discharges of pollutants into surface waters can inhibit human use of water resources as well as negatively affect public health and the environment.	Public Health. Minimize the risks of threats to public health through the development of programs, plans and policies that improve the quality of surface and groundwater resources
5	Changes in land use, development, and increases in impervious surface can negatively affect surface water runoff through reduction in infiltration, increasing in peak values of runoff hydrographs, and increasing volumes of stormwater runoff; each of which can aggravate and create problems related to flooding, erosion and degradation.	Water Quantity. Maintain or reduce existing flows from drainage within the watershed to decrease the negative effects of stormwater runoff and bounce from existing and proposed development as well as provide low flow augmentation to surface waters

	Problem	Goal
6	Eroding shorelines and streambanks contribute to the degradation of water quality and can contribute adverse effects downstream; furthermore, improperly implemented and/or inappropriate stabilization practices reduce the natural function and qualities of streambanks and shorelines, and may potentially contribute adverse effects downstream.	Shorelines and Streambanks. Conserve the natural appearance of shoreline areas and minimize degradation of surface water quality which can result from dredging operations.
7	MCWD contains water resources with which the recreational value of the resource is highly dependent on the opportunity for people to enjoy boating and canoeing; the recreational value of these resources is reduced by impedances to navigation.	Navigation. Maintain the hydraulic capacity of and minimize obstruction to navigation without compromising wildlife habitat in water courses and preserve water quality and navigation appearance in shoreland areas.
8	Development and creation of impervious surface contribute to the degradation of water quality and increase the quantity and rate of stormwater runoff which affect downstream receiving waters when not designed properly.	Best Management Practices. Improve water quality by promoting best management practices (BMP's) requiring their adoption in local plans and their implementation on development sites
9	Common activities conducted by citizens, developers, and public entities within MCWD have the potential to have an adverse effect on the quality and ecology of surface and ground waters; a need exists to promote stewardship and appreciation for the benefits of watersheds.	Education and Communications. Enhance public participation and knowledge regarding District activities and provide informational and educational material to municipalities, community groups, businesses, schools, developers, contractors and individuals.
10	Public ditches historically function as conveyances of drainage for private property and local communities and also serve to prevent flooding, however, pubic ditches have substantially changed in form and function as the watershed has developed and maintenance of such features may run contrary to other District goals.	Public Ditches. Maintain public ditch systems within the District as required under Statutory jurisdiction.
11	Wetlands are diminishing in quantity and quality throughout the watershed; wetlands serve essential functions in watershed management by maintaining water quality, providing wildlife habitat, recharging groundwater, creating recreational opportunities, complementing stormwater runoff management and augmenting low flows in drought periods.	Wetlands. Conserve, create and restore wetland resources and maximize the benefits and functionality of wetlands to the watershed.
12	Issues related to groundwater flow, quality and quantity are affected by surface land use; groundwater is a significant source of drinking water for private wells and municipalities and aquifers must be protected for their value to communities; groundwater also serves to augment surface water levels through inflow and export which serves as a significant tool to mediate climatic fluctuations.	Groundwater. Protect and maintain existing groundwater flow, promote groundwater recharge and improve groundwater quality and aquifer protection
13	Reduction of floodplain volume as a result of development and/or improper management contribute to increasingly higher critical water levels as well as risk to property and public safety; floodplains serve to reduce the frequency and severity of high water periods within the watershed.	Floodplains. Reduce the severity and frequency of flooding and high water by preserving and increasing the existing water storage capacity below 100-year flood elevations on all waterbodies within MCWD.

	Problem	Goal
14	Impaired waters, poor water quality, ecosystem degradation, and water quantity all influence the viability of waters as recreational resources; recreational enjoyment of water resources fosters a sense of stewardship over the resource and concern for its quality.	Recreation. Promote the recreational use, where appropriate, of surface waters within MCWD by providing recreation opportunities for citizens by promoting the use and enjoyment of water resources with the intent of increasing the livability and quality of life within the watershed.
15	Erosion of soil and sediment transport have a detrimental effect on the quality of water, the quality of habitat, detention time within basins, and capacity of stormwater conveyances.	Erosion Control. Control temporary sources of sediment resulting from land disturbance and identify, minimize and correct the effects of sedimentation from erosion-prone and sediment source areas.
16	Local municipal regulation alone oftentimes is unable to provide an acceptable standard of protection to regional natural resources that span multiple political boundaries	Regulation. Promote effective planning to minimize the impact of development and land use change on water resources as well as achieve Watershed District Goals.
17	Citizens become disenfranchised with government when it is perceived that the opinion of individuals is insignificant; MCWD requires a structural forum for citizens within the Watershed District to provide constructive input to the MCWD Board of Managers for the Board to thoughtfully consider during decision making.	Public Input. Solicit input from the general public with the intent that policies, projects and programs will address local community values and goals as well as protect historic and cultural values regarding water resources; strive to manage expectations; base decisions on an educated public; foster an educated and informed public within the watershed.

1.7.2 General Solutions

Achieving the goals set forth in the subwatershed plans will require an integrated set of programs and projects oriented toward the conservation and improvement of water resources within the watershed. This Plan places an emphasis on the duty and responsibility for the ownership and management of runoff from both private and public property. Where possible, land use changes will require regulatory controls to limit and manage runoff. In areas where regulatory controls will not sufficiently address water resource concerns, this Plan will provide for public investment to address shared resource issues. Each subwatershed plan includes an Implementation Plan that sets forth in detail the activities that will be undertaken by various parties and identifies parties responsible for each activity. In general, those Implementation Plans include the following activities.

Regulatory Program. The District has operated a regulatory program since 1967. This permitting program includes requirements on development and redevelopment projects to implement water quantity and water quality controls to reduce impacts on downstream resources. Nonetheless, many of the lakes and streams in the watershed do not meet water quality or biotic integrity standards, and a majority of the wetlands exhibit degraded functions and values. Development in the watershed is expected to contribute additional stormwater volume and pollutant loads to downstream resources, further impacting those sensitive resources. The current regulatory program will not be sufficient to control these impacts. To mitigate these future impacts and to address other goals such as increased infiltration, wetland management, and improved ecological integrity, additional regulation will be necessary.

Additional regulatory controls on permitted development and redevelopment will be considered for most subwatersheds to increase pollutant load reduction requirements, add volume management and infiltration requirements, conserve natural resources, and implement wetland

management in accordance with management classification. Regulations providing an incentive such as a volume reduction credit to developers to maintain undisturbed areas, to reforest, or to plant native vegetation will be considered.

Land Conservation Program. Conservation of high-value resources provides an opportunity to improve the characteristics of aquatic ecosystems, and can help address water quality, infiltration, volume management, and ecological integrity needs. Prior to the encroachment of additional development, the opportunity exists to conserve high value resources, maintain corridor connections between ecosystems in the watershed to improve water resources, conserve natural conveyances, and facilitate the movement and proliferation of native species as well as enhance recreational opportunities.

The District currently operates a Land Conservation Program that undertakes conservation activities ranging from assisting property owners in enrolling property in conservation programs to acquiring conservation easements or fee title over high value resources. This Plan identifies Key Conservation Areas in each subwatershed that contain valuable natural resources such as high-quality wetlands, minimally disturbed upland vegetation, and rare resources. Within these areas LGUs will be required to identify in their Local Plans strategies for conserving those high-value resources. Some of those areas have been identified as District Priority Areas where the District will continue to proactively investigate and implement opportunities to conserve key resources and to work cooperatively with other agencies and groups to accomplish conservation goals. District staff will provide technical assistance to the LGUs to support their accomplishment of program goals.

Wetlands Management. The District has undertaken a *Functional Assessment of Wetlands* to assess the current status of wetlands in the watershed. The functions and values of the wetlands were evaluated and each wetland has been assigned a Management Classification based on its current condition. This Plan proposes to regulate future impacts to wetlands based on those management classifications.

Education Program. The District operates a watershed-wide Strategic Education and Communications program that provides general watershed education and outreach activities as well as targeted information to key stakeholder groups. These activities will be continued as a part of this Plan. To supplement these general activities, each subwatershed plan identifies targeted education and public involvement activities specific to meeting subwatershed goals. The Implementation Plan includes a mid-course opinion survey and stakeholder focus groups to update the Strategic Education and Communications Program as well as to fine-tune specific messages.

Monitoring and Data Collection. To monitor progress toward meeting water quality and quantity goals, routine monitoring of water quality and water quantity in lakes and streams in the watershed will continue to be a part of the District's annual Hydrologic Data Program. The District's efforts will be supplemented with data from the Metropolitan Council's Citizen Assisted Lake Monitoring Program (CAMP), macroinvertebrate monitoring performed by volunteers through the Hennepin County RiverWatch program, and wetland monitoring through the Hennepin County Wetland Health Evaluation Program (WHEP). In addition, the District

will continue to undertake specialized or research-based monitoring intended to address special needs, diagnose specific problems, or explore research questions.

Operations and Maintenance. The District has undertaken a number of improvements in the watershed to date that require ongoing operations and maintenance to sustain their benefits. A number of new activities detailed in the subwatershed plans will require new operations and maintenance activities. These include:

- Annual inspection of erosion-prone reaches of streams to maintain conveyance capacity and identify erosion that could contribute sediment downstream or impede proper function of the channel.
- Routine inspection of ditches over which the District has jurisdictional responsibility.
- Inspection of wetlands with exceptional vegetative diversity for signs of invasive species encroachment.
- Routine inspection of ponds, outfalls, fish barriers, grade control devices, and outlet structures.
- Monitoring of sediment buildup in detention ponds.
- Vegetation management of wetland and other native plant restorations.
- Repair of any facilities found to need correction.

LGU Requirements. The ambitious goals and actions identified in this Plan will require the District to partner with other entities, including the Local Government Units (LGUs) within its jurisdiction.

Phosphorus Load Reduction. A number of the lakes within the watershed do not meet their water quality goals. The primary strategy for attaining those goals is to reduce phosphorus contributions to the lake from internal and external sources through a phosphorus load reduction plan. Some of that load reduction is expected to occur through the regulatory program and part from capital projects. However, the District expects the LGUs to participate in this by implementing actions to reduce part of the phosphorus load contributed by existing land uses. The LGU requirement in this Plan is a 15 percent reduction in loading from existing residential land use; 25 percent from agricultural land use; and 10 percent from other developed land use. This reduction can be accomplished through: application of BMPs such as additional street sweeping, local water quality ponds, rain gardens and infiltration swales, and agricultural BMPs that reduce erosion or treat runoff or drain tile discharge; prevention of future load increases through the conservation of lands previously identified for development; or achieving load removals in excess of the minimum required.

As another example, a key element in achieving overall ecological integrity goals in the watershed is the conservation of high value natural resources, including high-value wetlands and uplands. This Plan requires LGUs to identify the Key Conservation Areas identified in this Plan in their local water management plans, and must also identify strategies they will undertake to protect the ecological and hydrological values of resources in those areas. These may include such strategies as land use regulation; tree or natural resource conservation ordinances or policies; acquisition and management of land and/or conservation easements; and property owner education.

The HHPLS identified a number of issues related to management of landlocked basins, modeled high water locations, and areas with known or potential flow velocity or erosion issues. Local plans must identify strategies for addressing these concerns.

Capital Improvement Program. Each subwatershed plan sets forth a set of potential improvement projects that address the unique issues and needs of the subwatershed. In general, these projects include:

- Stormwater detention pond projects to treat runoff and reduce downstream pollutant loading.
- Lake internal load management projects, such as biomanipulation, hypolimnetic withdrawal, chemical treatment, and aquatic plant management to improve water quality and clarity and biologic integrity.
- Wetland restoration projects to increase wetland diversity and functions and values, to replace area lost in the past to filling and draining, and to achieve water quality goals.
- Land Conservation Program activities such as acquisition of conservation easements or fee title on key lands to conserve or restore their ecological values and proactively address ecologic integrity, water quality, and other goals of this Plan.
- Stream restoration projects to stabilize streambanks, improve buffers, and increase aquatic habitat.
- Regional infiltration projects to maintain surficial groundwater recharge patterns and maintain or improve stream baseflow.
- Maintenance projects such as the replacement of structures or pond dredging.

1.8 GENERAL CONTENT REQUIRED OF LOCAL PLANS

Local water management plans shall be adopted within two years of the approval of the District's plan. Local plans shall be developed as required by rules and policies promulgated by the Board of Water and Soil Resources (Minnesota Rules Chapter 8410). Section 7.0 of this Plan specifies both statutory requirements for local plans as well as requirements established in this Plan. To have local plans approved by the District, local plans must protect the District's water resources at least as well as the rules in the District's plan. Local plans may be more stringent than District rules. Municipalities have the option of taking over much of the District permitting program or, based on community specific needs, interests and resources, they may choose to have permitting authority remain with the District.

1.9 PLAN ORGANIZATION

While this Plan includes, for the watershed as a whole, all the elements required by Minnesota statute and administrative rule, the heart of this Plan is eleven subwatershed plans that set forth problems, issues, and solutions in detail. The eleven subwatersheds are illustrated on Figure 2.

The Plan is divided into the following sections:

1 – Introduction: Provides a general overview of the Minnehaha Creek Watershed District, the purpose of the Surface Water Management Act and the components of this watershed management plan.

2 – Land and Natural Resources Inventory: A physical inventory of the watershed, it includes a profile of the watersheds' existing environmental conditions. This profile contains descriptions of the area's geology, topography, soils, biological and human environment, and current land use and projected land use to the year 2020.

3 - Hydrologic Systems: Contains information necessary to understand the hydrologic system. Information includes historic precipitation, the drainage system and watershed and subwatershed boundaries, wetlands, waterbodies, conveyance systems, and floodplains. Surface water quality information and groundwater characteristics are included in this section.

4 – Issues Identification: Provides an overview of priority issues identified in the planning process. These generalized watershed issues are developed in more subwatershed-specific detail in each of the subwatershed plans.

5 – Goals and Policies: Presents an overview of the 17 goals and associated policies developed by the Board of Managers to guide this plan. These 17 goals provide the framework for the development of performance goals and standards in each of the subwatershed plans.

6 – Implementation Program: Sets forth a plan of action for managing water resources in the watershed that includes proposed amendments to the regulatory program; expansion of operating programs including the Land Conservation Program; and a Capital Improvement Program.

7 – Impact on Local Government: Discusses requirements of Local Surface Water Management Plans, annual reporting, and impact of this Plan on local governments.

8 – Amendments: Identifies the procedures for amending this plan.

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 **Minnehaha Creek Watershed District** pursuant to Minnesota Statues Section 103B.231, Subdivision 9

ORDER APPROVING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Minnehaha Creek Watershed District (MCWD) submitted a Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. Section 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

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

2. **Requirement to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

3. **Nature of the Watershed.** The Minnehaha Creek Watershed District spans approximately 178 square miles on the western edge of the Twin Cities Area. Most of the watershed - 148 square miles - is in Hennepin County while the remaining 29 square miles are in Carver County. Two distinct hydrologic basins exist within the watershed. The "Upper Watershed" drains through 104 square miles of agricultural land and suburbs west of Minneapolis to Lake Minnetonka. As Minnesota's 10th largest water body, this lake covers an additional 22 square miles before discharging to Minnehaha Creek. The "Lower Watershed" consists of the area east of Lake Minnetonka that is drained by

Minnehaha Creek and extends to the Mississippi River. As the creek winds toward Minnehaha Falls, it accepts runoff from 52 square miles of the lower watershed, including Minneapolis. The "Lower Watershed" is nearly completely developed, with redevelopment expected to occur in the next couple decades.

Local government units within the District include two counties, two townships and 27 cities. Twelve of these cities are located totally within the District. In Hennepin County, the local governments within MCWD include: Deephaven, Edina, Excelsior, Golden Valley, Greenwood, Hopkins, Independence, Long Lake, Maple Plain, Medina, Minneapolis, Minnetonka, Minnetonka Beach, Minnetrista, Mound, Orono, Plymouth, Richfield, St. Bonifacius, St. Louis Park, Shorewood, Spring Park, Tonka Bay, Wayzata, and Woodland. In Carver County, the governmental units include: Chanhassen, Victoria, Laketown Township, and Watertown Township. Two regional park authorities exist within the Minnehaha Creek Watershed District, the Minneapolis Park and Recreation Board and the Three Rivers Park District. There are 65 lakes and numerous miles of stream in the watershed district – Minnehaha Creek itself is 22 miles long. The DNR Public Waters Inventory identifies 104 protected waters and 229 protected waters wetlands.

MCWD is bound by the Pioneer-Sarah Creek WMO to the northwest, on the north by Bassett Creek and Elm Creek WMOs, on the northeast by Mississippi WMO, on the southeast by the Richfield-Bloomington WMO and Lower Minnesota River WD, on the south by Nine Mile Creek and Riley-Purgatory-Bluff Creek WDs, and on the west by the Carver County WMO.

4. **Plan Development and Review.** BWSR and other state agency staff were involved early on in the plan update process, which aided in relatively few, formal comments received from the state review agencies. The draft Comprehensive Watershed Management Plan (Plan) was submitted to BWSR, other state agencies, and local governments for the required 60-day review on September 25, 2007. MCWD received 60-day review comment letters from BWSR, Carver County, DNR, Hennepin County Department of Environmental Services, Met Council, MNDOT, MPCA, and the Cities of Chanhassen, Independence, Medina, Minneapolis, Minnetonka, Minnetrista, Mound, Plymouth, Richfield, St. Louis Park, and Victoria among several other stakeholders. MCWD held public hearings on December 21, 2006, and January 18, 2007. At these public hearings, written and electronic comments also were received from Lake Minnetonka Association, Lyman Properties LLC, Cities of Minnetonka, Minneapolis, and Victoria, Minneapolis Park and Recreation Board, and Steve Mohn. Numerous comments were made during the public hearings, and were discussed by the Managers, but they were not significantly different than those presented during the 60-day comment period. Therefore no substantive changes were incorporated into the draft Plan in response to these comments. On February 16, 2007, all review agencies had received the revised draft Plan for the required 45-day review period. The Managers received comment letters from the BWSR, DNR, Met Council, Minneapolis Park and Recreation Board, City of Minneapolis, and the Builders Association of the Twin Cities. The final draft Plan was submitted to BWSR on April 4, 2007.

5. **Local Review.** The MCWD circulated a copy of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7.

Carver County commented and MCWD agreed that both parties should discuss refining the watershed boundaries separating the two entities as well as develop a formal agreement regarding project reviews in the areas of concern.

Hennepin County requested that in order to maintain County Board oversight in light of the fact that the District's proposed Capital Improvement Program (CIP) expenditures exceed $80 million over the life of the Plan, that 1) the District submit a revised CIP every two years via the minor amendment process and 2) that the District brief the County Board every year following the revised CIP submittal. Because MCWD will be utilizing the funding mechanism outlined in 103B.241, which only allows for county review and comment of proposed projects, MCWD offered the following as a compromise: For each capital project ordered, MCWD would notify property owners within 600 feet of the proposed project and host at least one public information meeting at a location near the project site, provide a press release and hearing notice to a local newspaper, and mail a printed notice to property owners within 600 feet of the proposed project with time and location of the public hearing and name and contact information of project manager. In addition MCWD agreed to annually submit copies of the proposed 10-year CIP and capital funding proposal to Hennepin and Carver Counties and all cities/townships for review and comment, respond in writing to all comments received and carbon-copying the County Board, and present to either County Board the proposed CIP and discuss any issues raised by county or city staff.

Related comments made by various member cities. The following recurring comments were contained within a majority of the municipal and other stakeholder comment letters during the formal review period and at the public hearings.

MCWD Rules and Standards

Issue: Commenters highlighted concerns about the applicability or ramifications regarding a proposed standard, primarily abstraction requirements or buffer standards.

MCWD Response: The Plan lays out the general goals, the rationale, and information that the MCWD will consider during its rulemaking process. Inherent to the goals related to stormwater rules is the concept that property owners are responsible for the management of stormwater on their land and that the water leaving their site must be in a condition that does not place an undue burden on adjacent property owners or the general public to clean up the water or manage the adverse affects of increased flows. While this concept has generated the most concern from the regulated community, it also received considerable support from other stakeholders. Any recommendations regarding future MCWD rules and revised standards will be addressed through a stakeholder- involved public process in consultation with Local Units of Government, citizens, regulated community, government agencies, and environmental advocates.

TMDL's

Issue: Commenters question MCWD goals identified in Plan and how they relate to state water quality standards for Impaired Waters and TMDL's.

MCWD Response: MCWD does not currently contain any approved TMDL's within its jurisdiction, however, the efforts of the District and delegated responsibilities to Local Government Units are intended to achieve clear and measurable progress towards MCWD goals identified in the Plan. The TMDL Process will be a parallel, but separate, process for Impaired Waters. MCWD has voluntarily undertaken its TMDL and Comprehensive planning with the intent of minimizing expenditures on local entities by initiating the process at a regional level on behalf of our communities. In addition to the first Nine Lakes on the Impaired Waters list, MCWD anticipates the development of future TMDL's for other lakes and streams within the District. The lack of an approved TMDL does not preclude the MCWD Comprehensive Water Resources Management Plan from approval, as the water quality standards established by the State will be observed and discussed with the necessary agencies as more information becomes available.

Load Allocations

Issue: Commenters question how load allocations must be achieved by communities or the allocation of credit for existing Best Management Practices constructed within the City.

MCWD Response: While the MCWD will address a large portion of the load allocation through its regulation and capital projects, cities will also be responsible to reduce a portion of the pollutant loading entering waterbodies located in their communities. Cities will be given credit for capital projects they have installed in the past and programs such as street sweeping that help reduce the pollutant load on a case-by-case basis. Rather than dictate how cities must address their share of the load allocation, the plan lays out a strategy that allows considerable flexibility for LGU's, through Local Surface Water Management Plans, to identify the most cost effective means to address water resources issues. Load allocations were established using the best models and information available, however, as more data is collected or as models are refined, the water quality goals and load allocations may be adjusted.

Project Maintenance

Issue: Commenter questions the cost of maintenance of capital improvements or the role the community must play in the long-term maintenance of capital improvements identified in the Plan.

MCWD Response: Roles and responsibilities of each party involved in a Capital Project are established through a Cooperative Agreement executed prior to project initiation. Establishing roles and responsibilities will inherently vary by project depending on the project partners and, therefore, this is not an appropriate issue to address in the Plan, but rather on a case-by-case basis.

CIP/Project Descriptions

Issue: Commenter questions the cost-effectiveness, the purpose, siting, or compulsory obligation of a community to participate in any given capital improvement identified in the Plan.

MCWD Response: MCWD will conduct a feasibility study-level investigation to determine the most cost effective course of action for each improvement proposed in the CIP. In regards to Infiltration Projects, MCWD has designated projects for specific sub-basins based on loading projections (volume and nutrient). Feasibility Study investigation will allow MCWD to evaluate a host of project alternatives towards completing project objectives. Community participation in MCWD Capital Projects, as always, is voluntary. It is the hope of MCWD that CIP development over time will be an iterative process with local communities. If a community within the District wishes to partner with MCWD on a project not included within the CIP, a petition process can be initiated by the City to update and amend the project to the MCWD Plan.

Land Conservation

Issue: Commenter questions how the land conservation program will be applied within the community and/or whether MCWD will condemn private land for the program.

MCWD Response: The MCWD Land Conservation Program provides voluntary incentives for land conservation for interested landowners in Key Conservation Areas. Through that program, the District acquires land and conservation easements from willing sellers, performs landscape restoration pursuant to the land rights it has acquired, and provides financial and technical assistance to landowners interested in restoring portions of their land. The District does not intend to condemn land for its Land Conservation Program. The Plan also includes numerous capital improvement projects independent of the Land Conservation Program. These are specific projects (typically construction and/or restoration related) in specific places designed to improve an existing problematic condition. When the District needs easement rights for such projects, it will work cooperatively with willing landowners. The District, like other units of government, does have the authority to exercise eminent domain. This is an authority that the District has invoked just a very few times during its 40-year existence. Nevertheless, it is an authority that the District would consider if needed to carry out a project addressing a pressing public water resource issue.

Preliminary Plat

Issue: Commenter has taken issue with the Plan recommendation to require MCWD approval at the time of preliminary platting for new development.

MCWD Response: The intent of this requirement was to reduce developers costs and frustrations by requiring them to meet with District staff to review the concept plans to identify rule requirements and discuss possible BMP's before options narrow and costs escalate. MCWD will insert the change "Require MCWD Staff review of concept plans to identify regulatory requirements, stormwater management alternatives, and critical natural resources to efficiently expedite final review and comment on proposals and how they relate to District ecological integrity goals."

City of Minneapolis provided several comment letters during the formal comment periods. In addition to a number of the related comments listed above, the city believes that since there may be changes needed now and in the future to the Hydrologic,

Hydraulic, and Pollutant Loading Study (HHPLS), that the loading reduction results from the original model should be withdrawn from the Plan. The City also contends that the proposed load reductions were not developed with consideration as to the potential to reduce loads in a completely urbanized setting, and should be removed from the Plan. The City desires both a Diagnostic Study of the Minnehaha Creek Subwatershed and the TMDL implementation plan be completed prior to assigning load reductions. MCWD notes that there are no known changes planned for the model, however, some input parameters may be adjusted. The City believes that MCWD is attempting to involve itself in local land use control via imposing rules. MCWD believes that they have express authority to develop rules and standards. Subsequently, MCWD believes it has the authority to assume the responsibilities of implementing the requirements of the Plan if an LGU fails to adopt and implement said rules and permitting requirements within its Local Water Management Plan.

6. **Metropolitan Council Review.** Met Council offered highly supportive comments of the Plan along with the recommended, continued use of a technical advisory committee and strict enforcement of local water management plan compliance within the dictated timeframe. The Council found the Plan to be consistent with their *2030 Water Resources Management Policy Plan*.

7. **Department of Agriculture Review.** MDA did not provide comments on the MCWD Plan.

8. **Department of Health Review.** MDH did not provide comments on the MCWD Plan.

9. **Department of Natural Resources Review.** The DNR stated that the Plan is extremely comprehensive, well developed, and thorough, but noted several items regarding status of municipal shoreland ordinances, and specific subwatershed recommendations for Christmas Dutch Lake Subwatershed Plans. The DNR affirmed that these concerns were adequately addressed and incorporated into the Plan.

10. **Pollution Control Agency Review.** MPCA offered their support of the Plan, looking forward to partnering on TMDL development/implementation and on reducing the reporting burden for municipalities related to NPDES SWPPPs and MCWD's annual reporting requirements. MPCA also agreed to investigate the possibility of MCWD being delegated SWPPP review and approval responsibilities.

11. **Department of Transportation Review.** DOT requested numerous clarifications and additions on TMDL intentions, stormwater volume control, and wetland function and value assessments and wetland management, and road expansion/maintenance in Key Conservation Areas. The District will address most of these comments during rule writing, of which MNDOT will be invited as a member of the Rule Technical Advisory Committee.

12. **Board Review.** Board comments centered around completing a self assessment, developing a process for incorporating future TMDL implementation plans and other management plans resulting from this Plan, the need to involve the WCA Technical

Evaluation Panel in every phase of wetland assessment and management planning, and more clearly identifying the District's intended CIP funding mechanism. The Board is also aware of lingering stakeholder concerns in the area of rule revisions and hopes that all comments received to date will be retained and considered during rule writing. MCWD intends to utilize 103B.241 to fund its operations, capital projects, and programs. MCWD sufficiently addressed these comments and incorporated the changes into the final draft. A copy of MCWD's proposed administrative/operations budget is attached revealing more than adequate financial/staff resources needed to implement the Plan. Board staff indicated that the Plan meets or exceeds the requirements of MR 8410.

13. **Plan Summary and Highlights.** This is an extremely thorough document (over 1100 pages). The heart of this Plan is the eleven subwatershed plans that detail problems, issues, and structural/non-structural solutions. The District included a brief self-assessment narrative at the end of Section 1.5, part of which is attached. According to MCWD, "The District has invested in a significant planning effort since 2000, completing systematic analyses of all its major hydrologic systems, including surface water quantity and quality modeling (HHLPS); water quality goal setting; stream assessments for Minnehaha Creek and the primary streams of the upper watershed; functions and values assessments of the wetland resources of the District; and a Visioning process to identify options and public preferences for the future management of Minnehaha Creek. In addition, specialized studies on specific water resources have been conducted, including the Painter Creek Feasibility Study, the Stubbs Bay Feasibility Study, and the Gleason Lake Management Plan. Most of these past planning efforts included an extensive public participation process. This Plan integrates these past planning efforts into a long-range Management Plan for the watershed and the eleven subwatershed planning units."

Plan highlights include:

- MCWD completed a systematic and lengthy upfront input planning process with the municipalities and other watershed stakeholders grouped by subwatershed.
- A guiding principle of the Plan is Integrated Resource Management (performance-based approach), which focuses on outcomes rather than process for achieving water quality goals and allows the cities to identify the most cost-effective means to reduce loads.
- The Plan contains individual watershed management plans with specific hydrologic data, water quality goals, and loading allocations by municipality for the 11 sub-watersheds, based on an extensive 2-year modeling effort (HHPLS).
- An extremely aggressive implementation program with proposed expenditures exceeding $80 million over the Plan's 10-year lifespan, with biennial CIP review.
- A lead TMDL role taken on by MCWD for 9 lakes with nutrient impairments.
- Extensive water quality monitoring, educational, and regulatory programs.
- Embarked on an innovative, multi-million dollar Land Conservation Program providing voluntary incentives to conserve and/or restore the District's best remaining natural resources via technical assistance to District stakeholders, targeted conservation easement acquisition from willing sellers, and cost-share funding.
- MCWD is seeking ways to assist the cities in meeting their TMDL, NPDES Phase II MS4, and nondegradation obligations. This collaborative approach is designed to

assist the cities in meeting some of their obligations under the MS4 program, identify areas for collaboration and efficiency, and refine and improve all MS4 SWPPPs.

14. **Metro Water Planning Committee Meeting.** On June 11, 2007, the Board's Metro Water Planning Committee and staff met with representatives from the MCWD in St. Paul to review and discuss the Plan update. Those in attendance from the Board's Committee were Jim Anderson, Robert Burandt, Louise Smallidge, Lisa Thorvig (late arrival), and LuAnn Tolliver. Board staff in attendance were Metro Region Supervisor Steve Woods and Board Conservationist Brad Wozney. The representatives from MCWD were District Administrator Eric Evenson, Planner Mike Wyatt, and Consulting Engineer Mike Panzer (Wenck & Associates). Board staff recommended approval of the Plan. After discussion, the Committee unanimously voted to recommend approval of the Minnehaha Creek Watershed District's Comprehensive Watershed Management Plan to the full Board.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the Minnehaha Creek Watershed District pursuant to Minnesota Statutes Sections 103B.231, Subd. 9.

3. The Minnehaha Creek Watershed District Watershed Management Plan attached to this Order defines water and water-related problems within the MCWD boundaries, possible solutions thereto, and an implementation program.

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

ORDER

The Board hereby approves the attached Plan dated April 2007 as the Comprehensive Watershed Management Plan for the Minnehaha Creek Watershed District.

Dated at Saint Paul, Minnesota this 27th day of June 2007.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

1. Executive Summary

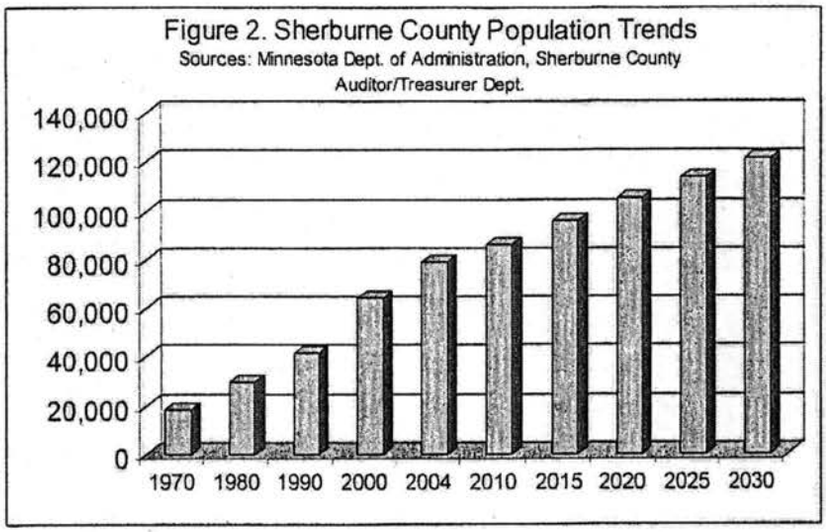
This is the fourth version of the Sherburne County Local Water Management Plan (Water Plan). The first version was adopted by the County in 1992 and was revised in 1995 and in 2002. This version of the Water Plan is in effect through February 28, 2017. The Implementation Program outlined in Section 3 focuses on the first five years of the effective time frame of the plan. In 2012, the plan will be amended to update the Implementation Program for the final five years. The Sherburne Soil and Water Conservation District has been delegated the responsibility for developing and implementing the Local Water Management Plan.

Sherburne County is located in east central Minnesota. The County Seat is located in Elk River. Elk River is approximately 35 miles northwest of Minneapolis and 30 miles southeast of St. Cloud.



Figure 1. Location of Sherburne County

The estimated 2006 population of Sherburne County is 87,322 with 49,280 residing within incorporated areas. The County has experienced rapid population growth in recent decades and is one of the fastest growing Counties in Minnesota (Figure 2). Based on birth rate statistics provided by the Sherburne County Public Health Department, the projected population increase may be conservative. The rapid population growth of Sherburne County is primarily due to its proximity to the Twin Cities metropolitan area and the St. Cloud urban area.



Background on Local Water Management Planning

Comprehensive Local Water Planning began at the state level in 1985 when a statewide planning committee was formed to make recommendations to the legislature about local water planning. The Legislature, after a yearlong effort, passed Comprehensive Local Water Planning into law as Chapter 110B in the spring of 1986. In 2003, the statute governing County Water Plans was revised and is currently found in M.S. 103B. The County Water Plans are now referred to as "Local Water Management Plans".

The Sherburne County Board determined on August 2, 1989 that the Sherburne Soil and Water Conservation District (SWCD) Board of Supervisors should be the lead agency in the local water plan. The Sherburne County Water Planning Task Force, appointed by the SWCD Supervisors and County Board to represent the county's interest, met monthly starting in March 1990. It established the issues, goals, objectives, actions, and implementation strategies, and was the principal architect of the first version of the Sherburne County Water Plan. Following adoption of the County Water Plan in 1992, the County Board appointed a Water Plan Advisory Committee to review plan implementation and to update the Water Plan every five years.

County Water Plan Advisory Committee

Committee Members:	**Board, Agency or City/Township of Residence**
John Riebel	Sherburne County Board
Lee Schlosser	Sherburne SWCD
Bryan Adams	Livonia Township
Garry Anderson	East St. Cloud
Roger Nelson	Blue Hill Township
Nels Andersen	Livonia Township
C. Perry Schenk	Palmer Township
John Weicht	Elk River
Barbara Tucker	Clear Lake Township
Terry Polsfuss	Palmer Township (member through March, 2006)
Alternates:	
Tiffany Babich	Big Lake Township

Revised April 10, 2007

John Barr	Becker Township
County and State Advisors:	
Mark Basiletti, Water Plan Coordinator	Sherburne SWCD
Gina Hugo, Secretary	Sherburne SWCD
Nicola Blake-Bradley	Sherburne County Zoning (member through January, 2006)
Jennifer Oknich	Sherburne County Zoning
Vonna Henry	Sherburne County Public Health
Tana Haugen-Brown	Sherburne County Extension
Margaret Leach	Minn. Pollution Control Agency
Jason Weinerman	Minn. Board of Water and Soil Resources

The Purpose and Scope of the Sherburne County Local Water Management Plan

The Water Plan focuses on the quality and quantity of surface water and groundwater, and related land uses that effect water resources. The purpose of the Water Plan is:

1. To identify existing and potential problems or opportunities for the protection, management, and development of water resources and related land resources in the County

2. To identify priority concerns to be addressed during the effective time frame of the plan, and

3. To develop and implement a plan of action to address priority concerns.

The Water Plan applies to the entire geographic area of Sherburne County including incorporated and unincorporated areas.

Surface Water, Ground Water and Related Resources

To facilitate the planning process, the county has assembled and studied available information relating to the physical environment, surface and groundwater resources, and related land use. This information is summarized in **Appendix 2** in the context of watershed units and ground water systems.

The Water Plan Advisory Committee used the assembled information to better understand the nature and condition of the County's water and water related resources.

Water Plan Priorities

The process through which priority concerns were selected is described in Section 2. The following three concerns were identified as high priority for this planning period:

(1) Impaired and degraded lakes and streams in the Elk River Watershed;

(2) Increasing urban and residential land use replacing agriculture, forest and open space creates a concern about water quantity and quality due to increased impervious areas; and

(3) Quality and quantity of riparian and aquatic vegetation.

The Implementation Plan

The implementation plan specifies goals, objectives, and specific actions to address issues and concerns identified in the plan. Where appropriate, priority watersheds for actions are specified.

Goals, in the context of this plan, are general statements that clearly communicate what is to be accomplished over the long-term to address the priority concerns. Goals are achievable in a reasonable period of time.

Objectives state how the goal will be accomplished by breaking it down into smaller, more specific measures that will be taken. Objectives are measurable.

Actions are specific activities that the county has identified as being necessary to achieve the goals and objectives identified in this plan. Actions include activities such as educational programs, land treatment projects, monitoring of water resources and development of ordinances and land use controls.

Goals have been developed for each priority concern as follows: (1) Reduce pollutant levels for impaired lakes and streams and maintain water quality where resources meet state standards; (2) Mitigate the quantitative and qualitative storm water impacts to surface water from urban and residential development; (3) Protect, improve and establish native riparian and aquatic vegetation (Section 3).

Specific actions have been identified which will result in making significant progress toward Water Plan goals in the effective time frame of the plan. Actions emphasize using available staff and financial resources, partnerships with federal and state agencies and cooperation with volunteers and local organizations. Grant funding has been obtained to fund many actions stated in the plan. Actions stress working with land owners to install practices such as buffers and stormwater BMPs; working with volunteers and lake associations to monitor water resources; and educating the public on recommended BMPs. Actions are also specified to work with state programs such as TMDLs where these programs compliment Water Plan goals. Actions related to agriculture specify working with USDA-NRCS to establish buffers, implement nutrient management and irrigation water management through on-going programs such as the Environmental Quality Incentive Program, the Conservation Reserve Program and the Wildlife Habitat Incentive program.

The total cost estimate for the implementation program is $557,700 for 2007 through 2011. This cost includes existing staff time; grant funds, some of which is currently in place; USDA – NRCS funding; LGU budgets; funding by private organizations; volunteer time; and contributions from landowners for installing land treatment projects.

Some objectives and actions from the previous Water Plan version are considered on-going and will be continued. These initiatives come under the areas of enforcing existing ordinances and policies for water resource protection and the continuation of programs funded through on-going local, state and federal programs. These actions are considered essential for on-going protection of water resources in Sherburne County. These objectives and actions are listed in Section 4 of the Water Plan.

Consistency with other Local, State and Regional Plans

The following plans were reviewed in preparation of this plan:

Local Water Management Plans of Benton, Stearns, Wright, Mille Lacs and Isanti Counties
Comprehensive Plans for Sherburne County, Elk River, Big Lake, Zimmerman, Becker, Clear Lake and St. Cloud
Storm Water Pollution Prevention Plans for Sherburne County, Elk River, St. Cloud
City of Zimmerman Comprehensive Storm Drainage Plan
The Minnesota 2001-2005 Non Point Source Management Program Plan (NSMPP), MPCA
Upper Mississippi River Basin Water Quality Plan, Headwaters to the Rum River at Anoka, MPCA
Minnesota Watermarks Gauging the Flow of Progress 2000 – 2010, Environmental Quality Board

Local Controls reviewed in the preparation of this plan:

Sherburne County zoning ordinance, subdivision ordinance, floodplain ordinance, recreational and scenic rivers ordinance
City of Becker subdivision ordinance, floodplain ordinance
City of St. Cloud subdivision ordinance, shoreland management ordinance, scenic rivers ordinance, floodplain ordinance
City of Elk River land development regulations, wild and scenic rivers ordinance, floodplain ordinance, shoreland management ordinance
City of Clear Lake zoning ordinance, subdivision ordinance
Zimmerman zoning ordinance, subdivision ordinance, erosion and sediment control ordinances,
City of Big Lake zoning ordinance, subdivision ordinance, floodplain ordinance, wetlands overlay district, shoreland ordinance.

The Sherburne County Local Water Management Plan is consistent with the existing local, state and regional plans reviewed.

DATE: 6/5/2007

TO: BWSR NORTHERN REGION AD HOC COMMITTEE

FROM: JASON WEINERMAN

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

Sherburne County submitted their Local Water Management Plan to the Brainerd office of the BWSR on April 16, 2007. From my observation of the plan development and review of the final plan, I arrived at the conclusion that the local water management plan meets the guidelines established by BWSR, as well as the requirements of 103B.313-103B.314. I recommend that BWSR approve the updated LWMP for Sherburne County.

During the Priority Concerns Scoping phase, the County did an excellent job of contacting state and local agencies and partners to solicit input and developed six priority concerns, which were approved by the BWSR metro water planning subcommittee in March of 2006. After reviewing the metro water planning subcommittee recommendations, the following three priority concerns were resubmitted to and approved by the metro water planning subcommittee:

1. Impaired and degraded lakes and streams in the Elk River Watershed.
2. Increasing urban and residential land use replacing agriculture, forest and open space creates a concern about water quantity and quality due to increased impervious areas
3. Quality and quantity of riparian and aquatic vegetation.

In addition to the above listed priority concerns, the metro water planning subcommittee recommended that the county add a section discussing on-going activities addressing actions undertaken to address groundwater use/quantity, ground water quality including but not limited to contamination from nitrates and pesticides, and pollution of water resources by toxic chemicals. Other recommendations include a section explaining which activities the water plan will not implement and that an education plan be incorporated into various implementation sections of the plan update.

These recommendations have all been addressed in the current plan.

On April 17, 2007 the plan was routed to the reviewing state agencies who returned the following comments.

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

PCA: The plan does not violate any statutory or rule requirements administered by our agency and recommends BWSR approve the entire plan as submitted. The PCA offered the following comments:

- Encourage the county to use the MPCA's Environmental Data Access to find information that may be useful in future water management efforts.

On April 3, 2007, the Water Plan was presented to the County Commissioners and held before a public hearing during the Commissioners regularly scheduled meeting. There were no comments from the public. The commissioners requested that a copy of the plan be provided to the county administrator.

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the **Sherburne** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on **April 16, 2007** pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On **February 17, 2006,** the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from **Sherburne** County, pursuant to M.S. Section 103B.312.

2) On **April 26, 2006,** the Board of Water and Soil Resources approved official comments on the **Sherburne** County Priority Concerns Scoping Document, which were mailed to the county on **April 26, 2006.**

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

   A) Impaired and degraded lakes and streams in the Elk River Watershed
   B) Increasing urban and residential land use replacing agriculture, forest and open space creates a concern about water quantity and quality due to increased impervious areas
   C) Quality and quantity of riparian vegetation

4) On **April 16, 2007,** the BWSR received the **Sherburne** 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 13, 2006,** the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the **Sherburne** County Plan Update . Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture recommends Approval
   B) Minnesota Department of Health recommends 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 **February, 2017.**

CONCLUSIONS

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

2. The **Sherburne** 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 **Sherburne** Local Water Management Plan **February 1, 2007 to January 31, 2017 with** the Goals, Objectives and Action Items being amended prior to December 31, 2012.

Dated at **St. Paul,** Minnesota, this **twenty seventh day of June, 2007.**

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

June 28, 2007

Sherburne County Commissioners
13880 Highway 10
Elk River, MN 55330

Dear Sherburne County Commissioners:

The Minnesota Board of Water and Soil Resources (BWSR) is pleased to inform you it approved Sherburne County's revised Comprehensive Local Water Plan at its regular meeting held on June 27, 2007. Attached is the signed Finding of Fact, Conclusion, and Order that documents approval of the plan and indicates it meets all relevant requirements of law and rule. This update of the Sherburne County Comprehensive Local Water Plan is effective for a ten-year period until February 2017; with the Goals, Objectives and Action Items amended by February 2012.

The county must adopt and begin implementing the plan within 120 days (1990, M.S. 103B.08 Subd. 6, Adoption and Implementation). An example of a resolution adopting the plan can be found on BWSR's website at http://www.bwsr.state.mn.us/watermgmt/guidance/Adoption.doc. Upon adoption, please forward the resolution to your Board Conservationist.

The Sherburne Soil and Water Conservation District staff and water plan advisory members are to be commended for writing a plan that clearly presents the water management goals, actions and priorities. With continued implementation of your water plan the protection and management of Sherburne County's water resources will be greatly enhanced. The BWSR looks forward to working with you as you implement this Plan and document its outcomes.

Sincerely,

Randy Kramer, Chair

Enclosures
cc: Mark Basiletti, County Water Plan Coordinator
File copy

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Minnesota Board of Water & Soil Resources

DATE: June 18, 2007

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: David Sill, Board Conservationist

SUBJECT: **Cottonwood County Local Water Management Plan Final Review**

I have completed my final review of the Cottonwood County Local Water Management Plan and recommend approval of this update.

The Cottonwood County Local Water Management Plan meets all requirements including:

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

State agency comments were received from the Minnesota Department of Natural Resources (DNR), the Minnesota Department of Agriculture (MDA), and Minnesota Department of Health (MDH). These agencies recommend approval of the Plan.

I look forward to assisting Cottonwood County in the implementation of their plan. Water Plan Coordinator – Michael Hanson should be commended for his leadership and dedication throughout the planning process.

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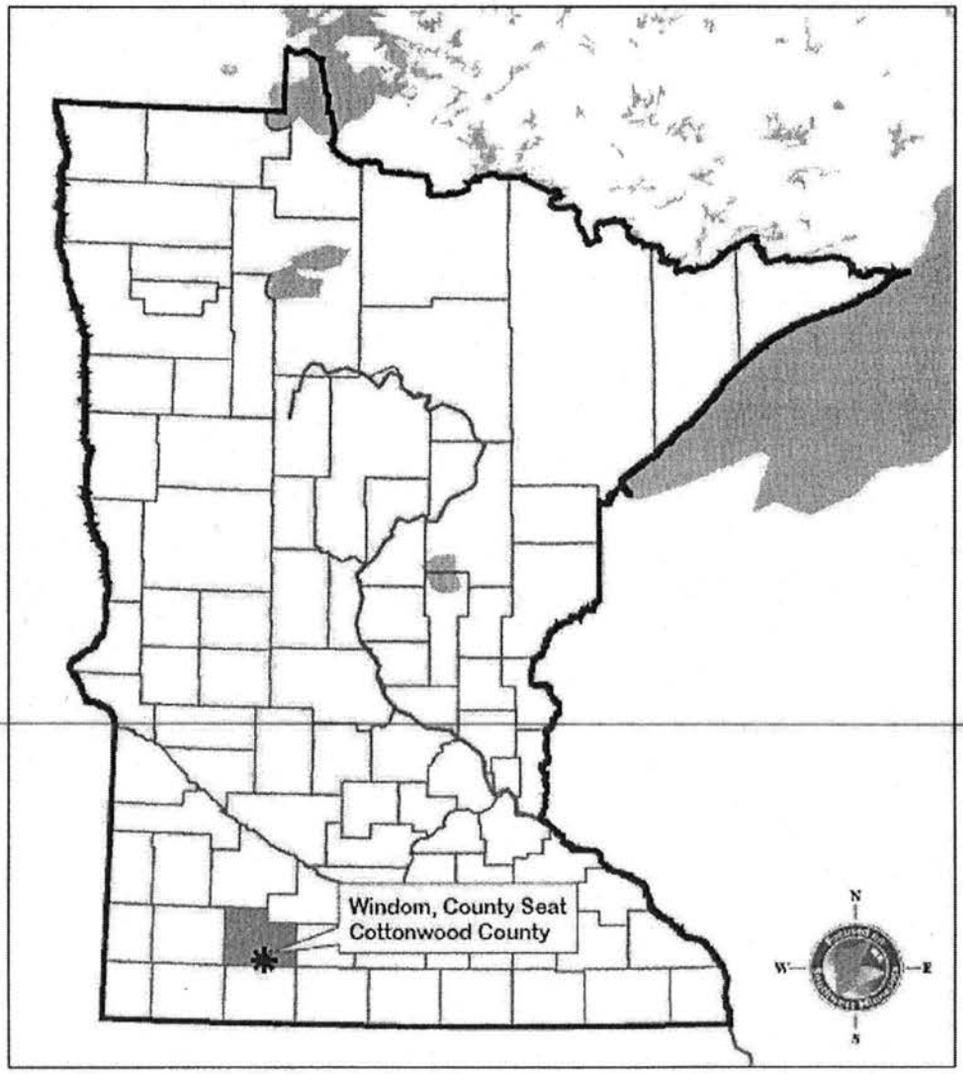
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COTTONWOOD COUNTY
LOCAL WATER MANAGEMENT PLAN
2007-2017

A 10-year plan with a 5-year implementation schedule

March 2007

Prepared for the Cottonwood County Local Water Management Plan Task Force
By Cottonwood County Environmental Office and
Southwest Regional Development Commission



A. Executive Summary

Cottonwood County is located in southwestern Minnesota, adjacent to Murray, Redwood, Brown, Watonwan, Jackson, and Nobles counties. The City of Windom is the county seat. Cottonwood County's population in the 2000 census was 12,167 and the City of Windom's population was 4,490.

The Coteau des Prairies—a conspicuous ridge extending northwest to southeast across the region—bisects Cottonwood County into two major drainages. Watersheds of the Cottonwood, Watonwon, and to a lesser extent the Little Cottonwood and Blue Earth, drain in a northeasterly direction into the Minnesota River, which meets the Mississippi River at St. Paul. The West Fork Des Moines River watershed drains south into Iowa and eventually into the Mississippi River.

A.1 Purpose & Introduction

The Cottonwood County Local Water Management Plan is intended to identify existing and potential water issues in the context of watershed units and groundwater systems, informing specific implementation actions to achieve goals for sound hydrological management of water and related resources.

Requirements of a local water plan are set forth in current state statute (M.S. 103B.311, Subd. 4.). The plan must address management of water, effective environmental protection, and efficient resource management, and must be consistent with local water management plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or ground water systems. This Water Plan is a ten-year management plan with a five-year implementation schedule.

This is the third edition of a local water management plan for Cottonwood County. On 7 April 1987, the Cottonwood County Board of Commissioners approved a resolution entering into a joint powers agreement with twelve other counties to form the South Central Minnesota Counties Comprehensive Water Planning Project. On 18 August 1987, the Cottonwood County Board of Commissioners adopted a resolution to develop a comprehensive local water plan according to Minnesota Statutes in effect at that time. A public hearing was held on 24 September 1991 where comments were heard by the County Board, and the plan adopted by the Cottonwood County Board of Commissioners after the 90-day review.

The County updated the water plan in 1996, with a public hearing and adoption on 1 October 1996. This second edition of the water plan took a watershed-based approach for data assessment. The Cottonwood County Board of Commissioners adopted a resolution on 10 January 2006 to revise this plan, according to Minnesota Statutes now in effect.

Major accomplishments under Cottonwood County's previous water management plans included:

- Managed and provided funds for county residents to test well water for nitrates and bacteria.

- Promoted the sealing of abandoned wells, and provided cost share to seal 191 wells since 1998, and numerous wells prior to that; and maintained the data base with the pertinent information.
- Promoted the replacement of non-compliant septic systems: 90 systems replaced between 1981 and 1989, 400 systems between 1990 and 1999, and 227 from 2000 to date. Maintained files and data base with pertinent information.

Cottonwood County Water Plan
Ag BMP Loans

	Septics	Dollars	Agricultural Waste	Dollars	Conservation and Tillage	Dollars
2000	0	$0	1	$23,217	1	$20,000
2001	7	$41,829	1	$50,000	5	$39,320
2002	7	$37,325	1	$50,000	3	$67,520
2003	6	$30,846	5	$126,352	8	$123,160
2004	4	$22,460	5	$221,544	15	$243,950
2005	1	$7,250	5	$113,750	6	$169,533
2006	0	$0	4	$94,064	12	$166,455

Source: Cottonwood County Environmental Office, SWCD

- Secured funds for the Low Interest Loan Program to provide funding for installation of septic systems, and continue to look for additional sources of this funding.
- Worked with MPCA as a Delegated County for the Feedlot Program, and maintained the feedlot data base.
- Worked with county livestock producers in registering their feedlots and completing their Manure Management Plans.
- Provided county livestock producers with funding for testing samples of manure.
- Provided technical assistance and guidance in developing Well Head Protection Plans for Red Rock Rural Water, the City of Windom, and the City of Jeffers.
- Participated in the 13 County Water Planners organization.
- Worked with Mankato State University in the development of GIS mapping capabilities and shape-files.
- Worked with Mankato State University on the Cottonwood County Geological Atlas and the Cottonwood County Surface Hydrology Atlas.
- Administered the Wetland Conservation Act
- Administered the Shoreland and Flood Plain Management Program.
- Administrator for and helped fund the West Fork Des Moines River (WFDMR) Drinking Water Project Phase I Clean Water Partnership.
- Administrator for the Des Moines River Phase I Clean Water Partnership Project.
- Rewrote the County Comprehensive Plan and addressed the protection of the waters in the County.
- Developed a Mining, Extraction, and Excavation Ordinance to protect the quality and quantity of water in Cottonwood County.
- Funded and participated in the Little Cottonwood Clean Water Partnership.

- Cottonwood County, along with Brown and Nicollet Counties, sponsored and helped co-ordinate the annual Children's Water Festival held in the month of March for approximately 900 4th grade students of the three counties for the past 8 years
- Provided funding for Conservation Day attended by 5th grade students of Cottonwood County for many years.
- Provided funding for the Southwest MASWCDE Environmental Fair attended by 6th grade classes of Cottonwood County for many years.
- Helped fund a SWCD CREP (Minnesota River Basin) staff position for 4 years.
- Provided funds to plant trees in shelter belts and wildlife plantings.
- Provided funds for a weed-badger used in weeding the tree plantings.

The Cottonwood County Environmental Office is responsible for local water management in Cottonwood County, including facilitation of public input and convening the Cottonwood County Local Water Management Plan Task Force. Cottonwood County retained the Southwest Regional Development Commission to manage the Plan update process. Task Force membership currently includes:

2006-07 Local Water Management Plan Task Force Members

- Phyllis Bakken, County Planning Commission, Agriculture
- Dave Bucklin, Cottonwood Soil & Water Conservation District
- Kay Clark, Cottonwood Soil & Water Conservation District
- Kelli Daberkow, Red Rock Rural Water System / Heron Lake Watershed District (2006)
- Mike Haugen, City of Windom
- Norm Holmen, Cottonwood County Commissioner
- Dominic Jones, Red Rock Rural Water System (2007)
- Tom Kresko, MN Department of Natural Resources
- Wendy Meyer, City of Mountain Lake
- Art Steere, Amo Township, Agriculture
- Mike Hanson, Cottonwood County Environmental Office/Water Planner
- Marlene Smith, Cottonwood County Environmental Office
- Karen Boysen, Cottonwood County TMDL Project Coordinator
- John C. Shepard, AICP, Southwest Regional Development Commission Planner (project manager)

A.1.a Public and Internal Forums

9/27/2005	Cottonwood County Board of Commissioners approve new Comprehensive (land use) Plan after several years of public process, including chapters addressing the relationship of land use, development and water resources. Identifies task of updating Water Plan.
1/10/2006	Cottonwood County Board of Commissioners approve resolution of intent to revise and update the local water management plan.
3/17/06	KDOM-AM/FM interview with Southwest Regional Development Commission Development Planner, discussing water plan update.
3/21/06	Notice of Decision to Revise and Update the Local Water Management Plan provided by email and/or postal service to local units of government, organizations and responsible agencies as suggested and required.

4/5/06	Shallow Lakes Forum addresses water quality concerns.
5/10/06	Requested date for priority concerns, comments and information to be returned to Cottonwood County Environmental Office or Southwest Regional Development Commission.
5/10/06	Meeting notice published as legal ad in *Cottonwood County Shopper*.
5/17/06	Meeting Notice published as display ad in *Cottonwood County Citizen*.
5/18/06	Cottonwood County Planning Commission Public Hearing to consider zoning amendments addressing mining impacts on shoreland and water resources, as identified in the Comprehensive Plan.
5/25/06	Local Water Management Plan Update Information Meeting held with Task Force as public hearing on priority water management concerns for Cottonwood County, at DNR Office in Windom. (8 att.)
6/23/06	Meeting of DNR staff with Cottonwood County Water Planner and Southwest Regional Development Commission Development Planner in Slayton, to discuss priority water concerns.
6/29/06	Continuation of Local Water Management Plan Update Information Meeting with Task Force and staff held at Cottonwood County Environmental Office. (12 att.)
11/08/06	BWSR Southern Water Planning Review Committee
11/30/06	Plan Task Force Meeting on Priority Concerns — Feedlots & ISTS (10 att.)
12/20/06	Plan Task Force Meeting on Priority Concerns — Groundwater (9 att.)
1/25/2007	Plan Task Force Meeting on Priority Concerns —Surface Water Quality. (11 att.)
2/16/07	KDOM-AM/FM interview with Southwest Regional Development Commission Development Planner, discussing water plan update.
2/22/07	Plan Task Force Meeting on Implementation (9 att.)
3/27/07	Public Hearing on Local Water Management Plan before the County Board of Commissioners

A.1.b Plan Adoption and Amendment

Upon approval of this plan by the Minnesota Board of Water and Soil Resources (BWSR), Cottonwood County has up to 120 days to pass an Adoption and Implementation Resolution. After final adoption, the plan may be amended in a similar process, by petitioning the BWSR Board, scheduling a public hearing, and sending notice to the required parties.

A.2 Description of Priority Concerns

The Priority Concerns listed below were selected by the Water Plan Task Force members by consensus, after carefully reviewing submitted concerns and comments. While the assessment of priority concerns utilized the best available data, this plan rests solidly on information and analysis contained in previous editions of the county's local water management plan.

Priority Concern 1. Improve Surface Water Quality.

Protecting soil from erosion is always a challenge. Improved land use and agricultural best management practices are necessary to address the quality of lakes, wetlands and rivers. MPCA listing of impaired waters requires local strategies to meet Total Maximum Daily Load (TMDL) standards.

Priority Concern 2. Protect Groundwater.

Portions of Cottonwood County have enjoyed adequate groundwater supplies, while other areas have experienced difficulty with sufficient supply. There is increasing concern with groundwater quality and long-term supply. Efforts to protect groundwater should be focused on Drinking Water Supply Management Areas (DWSMA) and surficial aquifer areas.

Priority Concern 3. Feedlots & ISTS (Individual Sewage Treatment Systems).

Nutrient management plans and controlling feedlot runoff are important tools in preventing water quality issues. There are also many dispersed farmsteads and rural residential properties with outdated septic systems; there is a great need and demand to continue upgrades.

A.3 Summary of Goals, Actions, and Projected Costs

Goals and Actions were selected to address priority concerns, with a focus on principles of sound hydrological management.

Priority Concern 1. Improve Surface Water Quality.

This concern will be addressed to prevent further degradation of stream and lake water quality, with a priority for Des Moines and Watonwan Watersheds. Objectives include protecting soil from erosion, drainage management, wetland restoration and management, and addressing TMDL impaired waters.

Implementation actions include promotion and education, reviewing ordinances, providing technical assistance with programs and best management practices, providing financial incentives for conservation practices, developing new GIS map layers, and working with state and federal agencies on measures to improve water quality.

Projected costs over the five years of the management plan to implement all actions would include about $927,000 for projects and financial assistance, $760,000 for TMDL plans and implementation, $100,000 for technical assistance and $6,250 for outreach and education, as well as annual in-kind services. All dollar figures are estimates and recognize approximate costs of all identified implementation partners.

Priority Concern 2. Protect Groundwater.

This concern will be addressed to assure long-term quality and quantity of groundwater supplies, with a priority for Drinking Water Supply Management Areas

(DWSMA) and surficial aquifers. Objectives include supporting well head protection, preventing groundwater contamination, and protecting long-term supplies.

Implementation actions include providing technical assistance and incentives for landowners, outreach and education, reviewing ordinances, maintenance of GIS layers, testing well water quality, providing assistance to seal unused wells, and working with cities and water providers for long-term water supplies.

Projected costs would include about $10,000 over the five year management plan for review of Conditional Use Permits; $75,000 for assistance to landowners sealing unused wells, $20,000 for technical assistance, and $3,750 for outreach and education, as well as annual in-kind services.

Priority Concern 3. Feedlots & ISTS (Individual Sewage Treatment Systems).

This concern will be addressed to protect public waters and assist residents in meeting feedlot and septic standards, focusing on immediate health and safety needs. Objectives include assisting feedlots owners to maintain compliance with state statutes and continuing to bring nonconforming septic systems into compliance with state standards.

Implementation actions include providing education and outreach, technical assistance with nutrient and manure plan development, maintenance of GIS layers, review ordinances, and providing financial assistance to fix feedlot problems. and replace non-compliant septic systems.

Projected costs would include about $1,400,000 towards bringing septic systems into compliance, $350,000 for projects and financial assistance, $120,000 for technical assistance and consulting, and $5,000 for outreach and education, as well as annual in-kind services.

A.4 Consistency with Local, State and Regional Plans

Cottonwood County Environmental Office administers the County's comprehensive land use plan and zoning ordinance. This helps to maintain consistency between this plan and these other plans and ordinances. The *Cottonwood County 2005 Comprehensive Plan* identifies issues, goals, objectives, policies and tasks, which have been reviewed for consistency with this water management plan. No other plans were received for review.

A.5 Summary of Recommended Amendments to Other Plans and Official Controls

No specific amendments are recommended at this time. Action items include updates to the comprehensive plan and zoning ordinances within this document's management timeline. It would be recommended to incorporate data from this plan into other local plans and controls when they are updated.

B.3 Goals and Objectives to Address Priority Concerns

Goals and Objectives for local water management were selected by the Task Force based on the selected priority concerns. **Goals** are general statements that clearly communicate **what is to be accomplished** over the long-term to address the priority concerns. Goals are achievable in a reasonable period of time. **Objectives** state **how the goal will be accomplished** by breaking it down into smaller, more specific measures that will be taken. Objectives should be measurable. Goals and objectives listed below were reached by consensus and are not necessarily in rank order.

Priority Concern 1. Improve Surface Water Quality.

Goal 1: Prevent further degradation of stream and lake water quality, with a priority for the Des Moines and Watonwon watersheds.

Objective 1.a: Protect soil from erosion and prevent agricultural runoff.

Objective 1.b: Address impacts of Drainage Management

Objective 1.c: Wetland restoration and management.

Objective 1.d: Address TMDL Impaired Waters

Priority Concern 2. Protect Groundwater.

Goal 2: Assure long-term quality and quantity of groundwater supplies, with a priority for Drinking Water Supply Management Areas (DWSMA) and surficial aquifer areas.

Objective 2.a: Support Well Head Protection planning and implementation.

Objective 2.b: Prevent nitrate and pesticide infiltration of shallow groundwater.

Objective 2.c: Prevent groundwater contamination from unused wells.

Objective 2.d Protect long-term water supply.

Priority Concern 3. Feedlots & ISTS (Individual Sewage Treatment Systems).

Goal 3: Protect public waters and assist residents in meeting feedlot and septic standards, focusing on immediate health and safety situations.

Objective 3.a: Assist feedlot owners to maintain compliance with MN Statute 7020 standards.

Objective 3.b: Continue to bring nonconforming ISTS into compliance with state standards.

C. Implementation to Address Priority Concerns

This section establishes the implementation program for local water management to address priority concerns. **Action items** describe **specific measures** that the County intends to implement, in cooperation with appropriate local, state and federal agencies and organizations. Action items listed below were reached by consensus and are not necessarily in rank order.

C.1 Priority Concern 1. Improve Surface Water Quality.

Goal 1: *Prevent further degradation of stream and lake water quality, with a priority for the Des Moines and Watonwan watersheds.*

Objective 1.a: Protect soil from erosion and prevent agricultural runoff.

Actions:

1a.1 Review zoning ordinances to insure minimal development impacts on surface waters.
Who: Env When: 2007-2012 Cost: In-Kind

1a.2 Assist coordination of a multi-county yearly water festival that educates 850 children on environmental stewardship.
Who: Env, BNC When: 2007-2012 Cost: In-Kind

1a.3 Help fund a multi-county yearly water festival that educates 850 children on environmental stewardship.
Who: Env, SWCD, BNC When: 2007-2012 Cost: $500 per year

1a.4 Help fund an annual environmental fair and conservation day which educates 500 children from southwest Minnesota.
Who: Env, SWCD When: 2007-2012 Cost: $500 per year

1a.5 Educate landowners on proper lakeshore and stream-bank stabilization practices.
Who: Env, DNR When: 2007-2012 Cost: In-Kind

1a.6 Promote use of buffer strips along ditches and streams within the Des Moines and Watonwon watersheds.
Who: Env, SWCD, NRCS, HLWD When: 2007-2009 Cost: In-Kind

1a.7 Assist producers in applying for cost share opportunities for conservation practices.
Who: Env, SWCD, NRCS, RCRCA, BNC When: 2007-2012 Cost: In-Kind

1a.8 Promote conservation tillage, EQIP, and AgBMPs by contacting all County landowners through an informational bulletin sent by the SWCD.
Who: Env, SWCD, NRCS When: 2007-2012 Cost: $1,000 per year

1a.9 Conduct conservation tillage transect survey for the County, and analyze data to determine residue cover.
Who: SWCD, BWSR, NRCS When: 2007-09 Cost: $3,000

1a.10 Provide incentives for sign up of 80 acres of buffer strips along ditches and streams within the Des Moines, Heron Lake and Watonwan watersheds.
Who: Env, SWCD, NRCS, HLWD When: 2007-2009 Cost: $10,000

1a.11 Enroll 500 acres of marginal land into CREP buffer strip program.
Who: Env, SWCD, BWSR, NRCS When: 2007-2012 Cost: $500,000

1a.12 Reduce the amount of wind erosion by planting 12,500 feet of field windbreaks and living snow fences; also plant 25 acres of farmstead shelterbelts.
Who: Env, SWCD When: 2007-2012 Cost: $25,000

Objective 1.b: Address impacts of Drainage Management

Actions:

1b.1 Administer the Floodplain Ordinance to assure adherence to water plan.
Who: Env When: 2007-2012 Cost: In-Kind

1b.2 Investigate developing a GIS layer of all public drainage systems.
Who: Env, Auditors Office When: 2007-2008 Cost: In-Kind

1b.3 Develop a GIS layer of all public drainage systems and include: system name, watershed size, outlets, date established, system type, repair history, improvement history, and other relevant data.
Who: Env, Auditors Office, BWSR When: 2009-2012 Cost: $60,000

1b.4 Assist with and install 25 grassed waterways.
Who: NRCS, SWCD When: 2007-2012 Cost: $75,000

1b.5 Assist with and install 30 sediment control structures.
Who: NRCS, SWCD, HLWD When: 2007-2012 Cost: $150,000

1b.6 Work with Area II Representatives to identify areas in the Minnesota River basin watersheds for water retention structures.
Who: Env, SWCD, Area II When: 2009-2010 Cost: In-Kind

1b.7 Seek additional funding for water retention structures within the Des Moines River and Watonwon headwaters watersheds.
Who: Env, SWCD, USDA When: 2007-2012 Cost: In-Kind

Objective 1.c: Wetland restoration and management.

Actions:

1c.1 Provide technical assistance to the Wetland Technical Evaluation Panel (TEP) to minimize the amount of wetland conversions.
Who: Env, SWCD, BWSR When: 2007-2012 Cost: $100,000

1c.2 Work with DNR and US Fish and Wildlife Service to maintain wetlands in existing wildlife areas.
Who: Env, DNR, US FWS When: 2007-2012 Cost: In-Kind

1c.3 Work with the Heron Lake Watershed District to educate landowners on the benefits of converting drained wetlands back to a vegetated state, using Wetland Reserve Program, Conservation Reserve Program and Continuous CRP.
Who: Env, SWCD, HLWD When: 2007-2012 Cost: In-Kind

1c.4 Enroll 100 acres of marginal land into CREP/WRP wetland restoration program.
Who: Env, SWCD, BWSR, NRCS When: 2007-2012 Cost: $100,000

Objective 1.d: Address TMDL Impaired Waters

Actions:

1d.1 Provide public information on water quality through a booth at the County Fair.
Who: Env, SWCD When: 2007-2012 Cost: $750 + In-Kind

1d.2 Provide public information on water quality through a booth at Windom Ag day.
Who: Env, SWCD When: 2007-2012 Cost: $500 + In-Kind

1d.3 Coordinate preparation of the Des Moines River TMDL study and plan.
Who: Env, SWCD, HLWD, MPCA When: 2007-2008 Cost: $10,000 +In-Kind
Murray, Jackson, Nobles counties

1d.4 Provide technical assistance for preparation of Greater Blue Earth Basin TMDL plans.
Who: Env, SWCD, MPCA, GBERBA When: 2007-2012 Cost: In-Kind

1d.5 Provide technical assistance for preparation of the Little Cottonwood River TMDL plans.
Who: Env, SWCD, BNC, MPCA When: 2007-2008 Cost: In-Kind

1d.6 Provide technical assistance for preparation of the Redwood/Cottonwood Rivers TMDL plans.
Who: Env, SWCD, MPCA, RCRCA When: 2008-2012 Cost: In-Kind

1d.7 Coordinate implementation of the Des Moines River TMDL study and plans, through funding from Clean Water Legacy and other sources.
Who: Env, SWCD, HLWD, MPCA When: 2008-2012 Cost: $750,000
Murray, Jackson, Nobles counties

C.2 Priority Concern 2. Protect Groundwater.

Goal 2: Assure long-term quality and quantity of groundwater supplies, with a priority for Drinking Water Supply Management Areas (DWSMA) and surficial aquifer areas.

Objective 2.a: Support Well Head Protection planning and implementation.

Actions:

2a.1 Educate cities on importance of Wellhead Protection
Who: Env When: 2007-2012 Cost: In-Kind

2a.2 Assist cities with completing a Wellhead Protection Plan.
Who: Env, MDH When: 2007-2012 Cost: In-Kind

2a.3 Educate landowners in DWSMAs on measures to protect groundwater.
Who: Env When: 2007-2012 Cost: In-Kind

2a.4 Protect DWSMA and surficial aquifer areas from agricultural and industrial contamination through conditional use hearings.
Who: Env When: 2007-2012 Cost: $5,000

2a.5 Maintain a GIS layer of wellhead protection areas throughout the County.
Who: Env When: 2007-2012 Cost: In-Kind

2a.6 Assess effectiveness of existing ordinances to ensure that they protect and do not negatively impact Well Head Protection Areas.
Who: Env, MDH When: 2007-2012 Cost: In-Kind

2a.7 Continue to cooperate with Red Rock Rural Water on the expansion of the rural water systems and advise the public about County programs that will help manage potential contamination sources.
Who: Env, RRRWS When: 2007-2012 Cost: In-Kind

2a.8 Promote use of CREP in Well Head Protection Areas.
Who: Env, SWCD When: 2007-2012 Cost: In-Kind

Objective 2.b: Prevent nitrate and pesticide infiltration of shallow groundwater.

Actions:

2b.1 Promote proper application of fertilizers and pesticides.
Who: Env, SWCD When: 2007-2012 Cost: In-Kind

2b.2 Promote use of grassed waterways and buffer strips along ditches and streams in surficial aquifer areas.
Who: Env, SWCD, NRCS, HLWD When: 2007-2012 Cost: In-Kind

2b.3 Conduct bi-yearly free clinics for testing nitrate levels in well water.
Who: Env, MDH, MDA When: 2007-2012 Cost: $750

2b.4 Seek additional funding for nitrate and pesticide education and outreach.
Who: Env When: 2008-2009 Cost: In-Kind

2b.5 Assist 3 producers a year with nutrient management plans.
Who: Env, GBERBA When: 2007-2012 Cost: $20,000/year

Objective 2.c: Prevent groundwater contamination from unused wells.

Actions:

2c.1 Work with well contractors to promote proper well protection and sealing.
Who: Env When: 2007-2012 Cost: $150 per year

2c.2 Provide information to rural water system members about proper well protection and sealing programs.
Who: Env, RRRWS When: 2007-2012 Cost: $150 per year

2c.3 Prevent contamination of groundwater aquifers through the sealing of 30 unused wells per year.
Who: Env When: 2007-2012 Cost: $500 per well

Objective 2.d: Protect long-term water supply.

Actions:

2d.1 Assist public water suppliers with water exploration within the County
Who: Env, RRRWS When: 2007-2012 Cost: In-Kind

2d.2 Promote water conservation by using existing materials and resources.
Who: Env, MDH, RRRWS When: 2007-2012 Cost: $1,500

2d.3 Protect long-term water supply through conditional use hearings for municipal, industrial, irrigation, or public water supply wells.
Who: Env, DNR When: 2007-2012 Cost: $1,500

C.3 Priority Concern 3. Feedlots & ISTS (Individual Sewage Treatment Systems).

Goal 3: Protect public waters and assist residents in meeting feedlot and septic standards, focusing on immediate health and safety situations.

Objective 3.a: Assist feedlot owners to maintain compliance with MN Statute 7020 standards.

Actions:

3a.1 Conduct yearly meetings with township officials and promote Ag BMP's.
Who: Env When: 2007-2012 Cost: In-Kind

3a.2 Inspect 10% of all registered feedlots per year to verify they are in compliance with MN Statute 7020.
Who: Env When: 2007-2012 Cost: $15,000

3a.3 Provide technical assistance for feedlot improvements to 150 projects over 5 years.
Who: Env, SWCD, NRCS When: 2007-2012 Cost: In-Kind

3a.4 Provide implementation funding through EQIP and state cost-share to 75 projects over 5 years.
Who: SWCD, NRCS When: 2007-2012 Cost: $350,000

3a.5 Maintain a GIS layer of all registered feedlots compatible with E-link.
Who: Env When: 2007-2012 Cost: In-Kind

3a.6 Provide manure sample kits to 12 producers a year.
Who: Env, MPCA When: 2007-2012 Cost: $2,000

3a.7 Assist 10 producers a year with registered feedlots over 300 animal units to develop and maintain a manure management plan for proper manure application.
Who: Env, SWCD, GBERBA When: 2007-2012 Cost: $85,000/year

3a.8 Assist 3 producers a year with nutrient management plans.
Who: Env, SWCD, GBERBA, NRCS When: 2007-2012 Cost: $20,000/year

Objective 3.b: Continue to bring nonconforming ISTS into compliance with state standards.

Actions:

3b.1 Work through GBERBA to develop a basin-wide (Greater Blue Earth watershed) plan to accelerate upgrades to septic systems.
Who: Env, GBERBA When: 2007-2008 Cost: $20,000

3b.2 Upgrade 40 non-compliant septic systems per year.
Who: Env When: 2007-2012 Cost: $7,000 per system

3b.3 Seek additional funding from USDA and other sources for ISTS construction.
Who: Env, MPCA When: 2008-2012 Cost: In-Kind

3b.4 Update County ISTS ordinance to achieve compliance with State rules.
Who: Env, MPCA When: 2008 Cost: In-Kind

3b.5 Provide an informational packet regarding septic system maintenance to every landowner who installs a new ISTS.
Who: Env, MPCA When: 2007-2012 Cost: $200 per year

3b.6 Maintain a GIS layer of all septic system installations throughout the County.
Who: Env When: 2007-2012 Cost: In-Kind

3b.7 Work with Cities to hook households and businesses with non-compliant ISTS onto municipal services.
Who: Env When: 2007-2012 Cost: In-Kind

3b.8 Provide public information on state sewer rules and educate property owners about the imminent public heath threats and environmental harm posed by non-complying systems.
Who: Env, RRRWS When: 2007-2012 Cost: $2,000

D. Implementation Schedule of Ongoing Activities

This section identifies other local activities and programs of the County Environmental Office and cooperators which contribute towards the goals and objectives of local water management, in addition to those under the scope of the local water management plan. There are also many other public and private efforts at the regional, state and federal levels which serve to promote the regulatory and informational goals of sound water management. These particular ongoing activities typically encompass all watersheds in the county, reaching a broad cross-section of local residents and businesses.

D.1 Priority Concern 1. Improve Surface Water Quality..

- Administer and provide assistance for the State Revolving Fund for Ag BMP's.
- Assist with testing and providing services for commercial pesticide applicators.
- Continue to administer Wetland Conservation Act.
- Promote technical assistance for conservation programs.
- Promote the SWCD tree program.
- Promote and help facilitate the CREP program.

D.2 Priority Concern 2. Protect Groundwater.

- Continue to promote and provide Household Hazardous Waste Program to correctly dispose of HHW.
- Provide a collection program for waste pesticides and empty containers.
- Promote recycling and solid waste management.
- Provide electronics and appliance disposal.
- Provide cost-share assistance for well sealing.

D.3 Priority Concern 3. Feedlots & ISTS (Individual Sewage Treatment Systems).

- Continue to be a delegated County in the MPCA Feedlot Program and provide data to state databases.
- Inspect and assist producers in maintaining compliance with State rules.
- Promote and provide assistance for manure management plans and practices.
- Inspect and assist producers in maintaining compliance with County and State feedlot rules.
- Administer regulations, permit, and inspect individual sewage treatment systems.

D.4 Additional Environmental Office Programs.

- Assist landowners with setback permits and zoning regulations.
- Facilitate and track biological control of noxious weeds.
- Educate Townships on the noxious weed program.
- Participate in the State's Rainfall monitoring program.
- Administer Shoreland and Floodplain Management Program.

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the **Cottonwood** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on April 6, 2007 pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On July 24, 2006 the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from **Cottonwood** County, pursuant to M.S. Section 103B.312.

2) On December 20, 2006 the Board of Water and Soil Resources approved official comments on the **Cottonwood** County Priority Concerns Scoping Document, which were mailed to the county on December 20, 2006.

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

   A) Improve Surface Water Quality;
   B) Protect Groundwater;
   C) Feedlots & ISTS (Individual Septic Treatment Systems).

4) On **April 11, 2007** the BWSR received the **Cottonwood** 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 4, 2007,** the regional Water Planning Committee of the board reviewed the recommendations of the state review agencies regarding final approval of the Cottonwood 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: no recommendation received;
   E) Minnesota Environmental Quality Board: no recommendation received;
   F) Minnesota Board of Water and Soil Resources regional staff: recommends approval;
   G) Board Water Plan Review Committee Meeting: recommends approval.

6) This update will be in effect until **July 1, 2017.**

CONCLUSIONS

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

2) The **Cottonwood** 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 **Cottonwood** County Local Water Management Plan with a required update to the Implementation section (Goals, Objectives and Action) by **July 1, 2012**.

Dated at St. Paul, Minnesota, this twenty-seventh day of June 2007.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

DATE: June 18, 2007

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: David Sill, Board Conservationist

SUBJECT: **Murray County Local Water Management Plan Final Review**

I have completed my final review of the Murray County Local Water Management Plan and recommend approval of this update.

The Murray County Local Water Management Plan meets all requirements including:

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

State agency comments were received from the Minnesota Department of Natural Resources (DNR), the Minnesota Department of Agriculture (MDA), the Minnesota Department of Health (MDH), and the Minnesota Pollution Control Agency (MPCA). These agencies recommend approval of the Plan.

I look forward to assisting Murray County in the implementation of their plan. Water Plan Coordinator – Chris Hansen should be commended for his leadership and dedication throughout the planning process.

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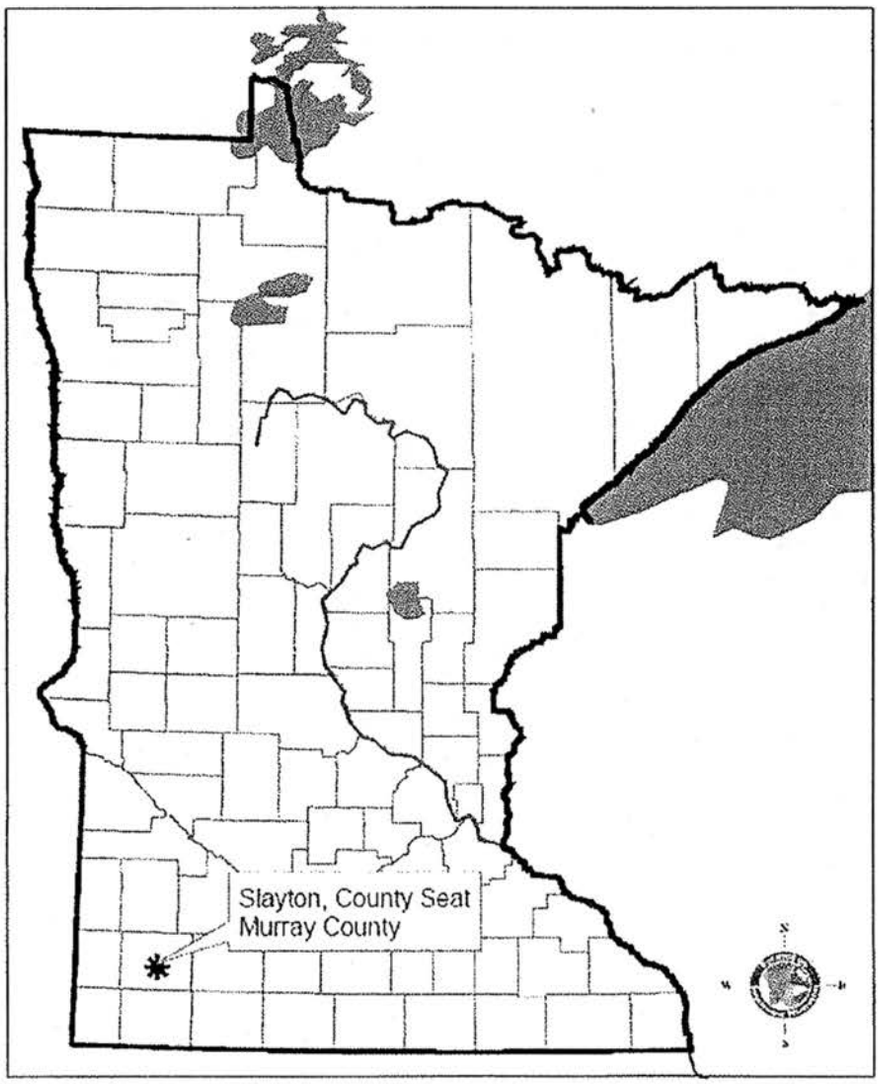
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MURRAY COUNTY
LOCAL WATER MANAGEMENT PLAN
2007-2017

A 10-year plan with a 5-year implementation schedule.

January 2007

Prepared for the Murray County Local Water Management Plan Task Force
By Murray County Environmental Services and
Southwest Regional Development Commission



A. Executive Summary

Murray County is located in southwestern Minnesota, adjacent to Cottonwood, Redwood, Lyon, Pipestone, Rock, and Nobles counties. The City of Slayton is the county seat. Murray County's population in the 2000 census was 9,165 and the City of Slayton's population was 2,050.

Murray County is typical prairie environment, with variation in land elevation from 1900 feet above sea level atop the Coteau de Prairies (Buffalo Ridge) to 1250 feet in the northeast corner of the county, with nine generalized soil areas. Murray County contains the headwaters of four major watersheds, including the Cottonwood and Redwood rivers which drain into the Minnesota River, the Rock River which drains into the Missouri River basin, and the Des Moines River which eventually drains into the Mississippi River **(see Map A attached)**.

A.1 Purpose & Introduction

The Murray County Water Plan is intended to identify existing and potential water issues in the context of watershed units and groundwater systems, informing specific implementation actions to achieve goals for sound hydrological management of water and related resources.

Requirements of a local water plan are set forth in current state statute (M.S. 103B.311, Subd. 4.). The plan must address management of water, effective environmental protection, and efficient resource management, and must be consistent with local water management plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or ground water systems. This Water Plan is a ten-year management plan with a five-year implementation schedule.

This is the third edition of a local water management plan for Murray County. On 10 October 1987, the Murray County Board of Commissioners adopted a resolution to develop a Comprehensive Local Water Plan according to Minnesota Statutes in effect at that time. This plan, developed as a multi-county project under the direction of the Redwood-Cottonwood Rivers Control Area, was adopted by the Murray County Board of Commissioners on 4 September 1990. On 7 December 1995, the Murray County Board of Commissioners adopted a resolution to update and revise the Comprehensive Local Water Plan. The Murray County Board of Commissioners adopted a resolution on 6 September 2005 to revise the current plan, adopted on 1 April 1997, according to Minnesota Statutes now in effect.

Major accomplishments under Murray County's previous water management plans included:

- Completed a Level III Feedlot Inventory of the Cottonwood watershed.
- Provided cost-share to seal 448 wells since 1995.
- Provided funding for cities within Murray County for their wellhead protection plans.
- Sampled 65 wells throughout the County since 1992 for contaminants.

- Sample all perimeter tiles around new animal confinement structures for ground water contamination.
- Conducted soil fertility tests on 9 sites throughout the County since 1992.
- Helped fund three cities with their sewer upgrades.
- Sponsored the Heron Lake Ecology Bus
- Helped sponsor the Southwest MN Environmental Fair for 15 years.
- Helped sponsor the 4-H Camp for 8 years.
- Completed several thousand feet of rip-rap on Current Lake through a challenge grant.
- Received a challenge grant for the Shetek Area Water & Sewer District's centralized sewer feasibility study.

Murray County Water Plan
Ag BMP Loans

	Feedlots	Dollars	Septics	Dollars	Conservation Tillage	Dollars
2000	2	$37,228	12	$58,025	13	$149,095
2001	4	$65,314	9	$45,349	25	$399,146
2002	0	$0	5	$31,514	12	$157,160
2003	0	$0	5	$27,515	13	$216,856
2004	7	$187,289	6	$36,042	23	$526,707
2005	3	$125,000	2	$14,031	16	$287,553
2006	6	$193,693	3	$16,186	19	$313,750

Source: Murray County Environmental Services Office

The Murray County Environmental Services Office is responsible for local water management in Murray County, including facilitation of public input and convening the Murray County Local Water Management Plan Task Force. Murray County retained the Southwest Regional Development Commission to assist with writing the Plan update. Task Force membership currently includes:

2006-07 Local Water Management Plan Task Force Members

Paul Posthuma	Agriculture / SWCD
Duane Spartz	Private Business
Jon Hoyme	Shetek Area Water and Sewer Commission (SAWSC)
Larry Byers	Township Representative
Dave Kremer	Private Business
Mike Bambrick	City of Slayton Representative
Jay Takle	State Park
Howard Konkol	SWCD
Robert Koehler	Extension
Heidi Winter	County EDA (2006)
Jon Bloemendaal	Ag & Solid Waste Administrator
Mike Boersma	Extension Educator
Jean Christoffels	Murray County Zoning Administrator / Secretary
Alfred Gertsema	County Commissioner (2006)
Robert Moline	County Commissioner
Bill Sauer	County Commissioner
Chris Hansen	Water Resources Administrator / Water Plan Coordinator

A.1.a Public and Internal Forums

9/6/05	Resolution to Update Plan from County Board of Commissioners
11/3/05	TMDL Meeting
12/15/05	Water Survey
1/6/06	Notice of Plan Update sent to townships and cities, adjacent counties, SWMN JPO, Heron Lake Watershed, BWSR, MPCA, DNR, EQB, MDH
3/29/06	Public Meeting on Priority Concerns & Murray County Local Water Management Plan Task Force Meeting
4/5/06	Shallow Lakes Forum
4/26/06	Plan Task Force Meeting to forward PCSD
8/9/06	BWSR Southern Water Planning Review Committee
9/19/06	Murray County Townships Association meeting
10/4/06	Plan Task Force Meeting on Priority Concerns — Protect Groundwater (13 att.)
11/1/06	Plan Task Force Meeting on Priority Concerns — Improve Surface Water Quality (11 att.)
11/29/06	Plan Task Force Meeting on Priority Concerns — Stormwater Retention (10 att.)
1/17/2007	Plan Task Force Meeting on Implementation (13 att.)
2/20/07	Public Hearing on Local Water Management Plan before the County Board of Commissioners

A.1.b Plan Adoption and Amendment

Upon approval of this plan by the Minnesota Board of Water and Soil Resources (BWSR), Murray County has up to 120 days to pass an Adoption and Implementation Resolution. After final adoption, the plan may be amended in a similar process, by petitioning the BWSR Board, scheduling a public hearing, and sending notice to the required parties.

A.2 Description of Priority Concerns

The Priority Concerns listed below were selected by the Water Plan Task Force members by consensus, after carefully reviewing submitted concerns and comments. While the assessment of priority concerns utilized the best available data, this plan rests solidly on information and analysis contained in previous editions of the county's local water management plan.

Priority Concern A. Improve Surface Water Quality.

Protecting surface water is a challenge in any community. Improved land use and agricultural best management practices are necessary to address the quality of lakes, wetlands and rivers. MPCA listing of impaired waters requires local strategies to meet Total Maximum Daily Load (TMDL) standards. Sub-Surface Treatment System (SSTS) compliance is also a continued challenge.

Priority Concern B. Protect Groundwater.

Murray County has enjoyed abundant groundwater supplies, although there is increasing concern with groundwater quality and long-term supply. Efforts to protect groundwater should be focused on Drinking Water Supply Management Areas (DWSMA) and surficial aquifer areas.

Priority Concern C. Stormwater Retention.

While drainage improvements have improved our ability to manage stormwater, hastening flows has often led to problems downstream. Particular concerns include slowing runoff, promoting land conservation, and active wetland restoration, focused on the Beaver Creek and Heron Lake watersheds.

A.3 Summary of Goals, Actions, and Projected Costs

Goals and Actions were selected to address priority concerns, with a focus on principles of sound hydrological management.

Priority Concern A: Improve Surface Water Quality.

This concern will be addressed to prevent further degradation of stream and lake water quality, with a priority for Beaver Creek and Heron Lake watersheds. Objectives include promoting land use practices to protect water quality, promoting ag best management practices (BMP's), feedlot compliance and completing a level 3 feedlot inventory, addressing TMDL impaired waters, and encouraging septic system compliance.

Implementation actions include providing technical assistance and incentives for landowners, outreach and education, update of ordinances, developing new information in Geographic Information Systems (GIS), planting windbreaks and living snowfences, and conducting water testing.

Projected costs to implement all actions would include about $335,000 for projects and $169,000 for technical assistance and consulting over the five years of the management plan; $420,000 per year towards bringing septic systems into compliance, and $6,500 annually for outreach and education, as well as annual in-kind services. All cost estimates are approximate.

Priority Concern B: Protect Groundwater.

This concern will be addressed to assure long-term quality and quantity of groundwater supplies, with a priority for Drinking Water Supply Management Areas (DWSMA). Objectives include encouraging well head protection planning, expanding access to public water supplies, and assistance to seal unused wells.

Implementation actions include providing technical assistance and incentives for landowners, outreach and education, update of ordinances, developing new GIS map layers, well monitoring and cooperation with public water suppliers.

Projected costs would include about $14,250 over the five year management plan for technical assistance; $15,000 annually for assistance to landowners sealing unused wells, and $9,200 annually for outreach and education, as well as annual in-kind services.

Priority Concern C: Stormwater Retention.

This concern will be addressed to prevent soil erosion through comprehensive drainage management, with a priority for Beaver Creek and Heron Lake watersheds. Objectives include slowing runoff, promoting conservation tillage and buffer strips, and moving towards active wetland restoration.

Implementation actions include providing technical assistance and incentives for landowners, outreach and education, and developing new information in GIS.

Projected costs would include about $450,000 for projects, $123,000 for technical assistance and consulting, and $1,000 annually for outreach and education, as well as annual in-kind services.

A.4 Consistency with Local, State and Regional Plans

Murray County Environmental Services administers the County's land use and zoning plans and ordinances. This helps to maintain consistency between this plan and those documents. No other plans were received for review.

A.5 Summary of Recommended Amendments to Other Plans and Official Controls

No specific amendments are recommended at this time. Action items include updates to the comprehensive land use plan, and zoning and septic ordinances within this document's management timeline. It would be recommended to incorporate data from this plan into other local plans and controls when they are updated.

B.3 Goals and Objectives to Address Priority Concerns

Goals and Objectives for local water management were selected by the Task Force based on the selected priority concerns. **Goals** are general statements that clearly communicate **what is to be accomplished** over the long-term to address the priority concerns. Goals are achievable in a reasonable period of time. **Objectives** state **how the goal will be accomplished** by breaking it down into smaller, more specific measures that will be taken. Objectives are **MEASURABLE.**

Priority Concern A. Improve Surface Water Quality.

Goal A: *Prevent further degradation of stream and lake water quality, with a priority for Beaver Creek and Heron Lake watersheds.*

Objective A1: Promote land use practices that protect surface water quality.

Objective A2: Promote Ag Best Management Practices; complete Level 3 feedlot inventory.

Objective A3: Address TMDL Impaired Waters.

Objective A4: Encourage SSTS compliance; Continue septic loan program & seek additional funding

Priority Concern B. Protect Groundwater.

Goal B: *Assure long-term quality and quantity of groundwater supplies, with a priority for Drinking Water Supply Management Areas (DWSMA) and surficial aquifer areas.*

Objective B1: Encourage Well Head Protection planning.

Objective B2: Work to expand access to public water supplies.

Objective B3: Continue assistance to seal unused wells.

Priority Concern C. Stormwater Retention.

Goal C: *Prevent soil erosion through comprehensive drainage management, with a priority for Beaver Creek and Heron Lake watersheds.*

Objective C1: Slow runoff to keep soil, pesticide and fertilizer on the land.

Objective C2: Promote conservation tillage and buffer strips; seek additional funding.

Objective C3: Move from no net loss of wetlands to active wetland restoration.

C. Implementation to Address Priority Concerns

This section establishes the implementation program for local water management to address priority concerns. **Action items** describe **specific measures** that the County intends to implement, in cooperation with appropriate local, state and federal agencies.

C.1 Priority Concern A. Improve Surface Water Quality.

Goal A: *Prevent further degradation of stream and lake water quality, with a priority for Beaver Creek and Heron Lake watersheds.*

Objective A1: Promote land use practices that protect surface water quality.

Actions:

A1.a Promote use of buffer strips along ditches and streams within the Beaver Creek and Heron Lake watersheds.
Who: ESO, SWCD, NRCS, HLWD When: 2007-2009 Cost: Inkind

A1.b Review and update Comprehensive Land Use Plan to incorporate goals and objectives to the Local Water Management Plan.
Who: ESO When: 2007 Cost: $1,000

A1.c Update zoning ordinances to minimize development impacts on surface waters.
Who: ESO When: 2007-2012 Cost: $10,000

A1.d Administer the Floodplain Ordinance to assure adherence to zoning regulations.
Who: ESO When: 2007-2012 Cost: Inkind

A1.e Provide funding for a yearly seminar that educates 50 children on environmental stewardship.
Who: ESO, MN 4-H When: 2007-2012 Cost: $600 per year

A1.f Help fund an annual environmental fair which educates 500 children from southwest Minnesota.
Who: ESO, SWCD, NRCS When: 2007-2012 Cost: $500 per year

A1.g Fund the Prairie Ecology Bus to allow them to provide a yearly educational seminar for each school in Murray County as well as an educational seminar at the County Fair.
Who: ESO When: 2007-2012 Cost: $1,500 per year

A1.h Provide 3 educational information classes per year to the area high schools regarding surface water quality.
Who: ESO, HIGH SCHOOL When: 2007-2012 Cost: Inkind

A1.i Provide educational inserts to the Lake Association newsletter on the proper application of fertilizer, fire pit placement, and rain gardens.
Who: ESO, LAKE ASSOC. When: 2007-2009 Cost: $1,000

A1.j Provide technical assistance with the Lake Maria restoration project and contact landowners surrounding the basin for a CRP enrollment.
Who: ESO, MN DNR, SWCD When: 2007-2009 Cost: $20,000

A1.k Reduce the amount of wind erosion by planting 25,000 feet of field windbreaks and living snowfences, also plant 20 acres of farmstead shelterbelts.
Who: ESO,SWCD When: 2007-2012 Cost: $35,000

A1.l Assist with and install 50 grassed waterways.
Who: NRCS,SWCD When: 2007-2012 Cost: $150,000

A1.m Assist with and install 30 sediment control structures.
Who: NRCS,SWCD, BC CWP When: 2007-2012 Cost: $150,000

Objective A2: Promote Ag Best Management Practices; complete Level 3 Feedlot Inventory.

Actions:

A2.a Conduct yearly meetings with township officials and promote Ag BMP's.
Who: ESO When: 2007-2012 Cost: Inkind

A2.b Promote the Feedlot Registration program through a booth at the County Fair.
Who: ESO When: 2007-2012 Cost: $200

A2.c Inspect 10% of all registered feedlots per year to verify they are in compliance with MN Statute 7020.
Who: ESO When: 2007-2012 Cost: $15,000

A2.d Provide technical assistance in distributing EQIP Funds and state cost-share to 100 projects over 5 years.
Who: ESO, SWCD, NRCS When: 2007-2012 Cost: Inkind

A2.e Conduct a Level Three Feedlot Inventory within the Beaver Creek Watershed.
Who: ESO, MPCA, BWSR When: 2007-2009 Cost: $45,000

A2.f Conduct yearly pit tile testing on all animal confinement units to verify pit watertightness.
Who: ESO, MN EXTENSION When: 2007-2012 Cost: $2,500 per year

A2.g Conduct yearly sampling of soil fertility to achieve maximum effectiveness of manure application.
Who: ESO, MN EXTENSION When: 2007-2012 Cost: $350 per year

A2.h Develop a GIS layer of all registered feedlots and include all data from E-link.
Who: ESO When: 2007-2012 Cost: Inkind

A2.i Assist 50 producers with registered feedlots over 300 animal units to achieve a manure management plan for the proper manure application.
Who: ESO, MN EXTENSION When: 2007-2012 Cost: $15,000

A2.j Assist producers with 25 nutrient management plans.
Who: ESO, NRCS, MN EXTENSION When: 2007-2012 Cost: $25,000

Objective A3: Address TMDL Impaired Waters.

Actions:

A3.a Water sample Beaver Creek to determine the amount of nutrients leaving the watershed.
Who: ESO, MNDNR, MPCA When: 2007-2008 Cost: $18,000

A3.b Monitor lakes within county with public accesses to get baseline data.
Who: ESO, MNDNR, MPCA When: 2007-2012 Cost: $20,000

A3.c Provide technical assistance for preparation of the Des Moines River TMDL plan.
Who: ESO, SWCD, HLWD, MPCA When: 2007-2008 Cost: Inkind

A3.d Provide technical assistance for preparation of the Rock River TMDL plan.
Who: ESO, SWCD, HLWD, MPCA When: 2007-2009 Cost: Inkind

Objective A4: Encourage SSTS compliance; Continue septic loan program and seek additional funding

Actions:

A4.a Upgrade 60 non-compliant septic systems per year.
Who: ESO When: 2007-2012 Cost: $7,000 per system

A4.b Seek additional funding for SSTS construction.
Who: ESO, MPCA When: 2009-2012 Cost: Inkind

A4.c Update County SSTS ordinances to achieve compliance with State rules.
Who: ESO, MPCA When: 2008 Cost: $10,000

A4.d Assist Hadley with implementation and administration of SSTS ordinances and inspections.
Who: ESO, MPCA When: 2007-2009 Cost: $2,000

A4.e Provide an informational brochure regarding septic system maintenance to every landowner who installs a new SSTS.
Who: ESO When: 2007-2012 Cost: $200 per year

A4.f Provide technical assistance to the Shetek Area Water and Sewer Commission to sewer the remaining unsewered areas in the Shetek Area Water and Sewer District.
Who: ESO When: 2007-2008 Cost: Inkind

A4.g Create a GIS layer of all septic system installations throughout the County.
Who: ESO When: 2007-2012 Cost: Inkind

C.2 Priority Concern B. Protect Groundwater.

Goal B: Assure long-term quality and quantity of groundwater supplies, with a priority for Drinking Water Supply Management Areas (DWSMA) and surficial aquifer areas.

Objective B1: Encourage Well Head Protection planning.

Actions:

B1.a Educate cities on importance of Wellhead Protection
Who: ESO When: 2007-2012 Cost: $1,000

B1.b Assist three cities with completing their Wellhead Protection Plan.
Who: ESO, MDH When: 2007-2012 Cost: $5,000 per city

B1.c Conduct yearly free clinics for testing nitrate levels in well water.
Who: ESO, MDH, Dept. of AG When: 2007-2012 Cost: $250 per year

B1.d Protect DWSMA and surficial aquifer areas from agricultural and industrial contamination through conditional use hearings.
Who: ESO When: 2007-2012 Cost: $7,500

B1.e Monitor 65 wells throughout the County for nutrient and bacteria levels.
Who: ESO, MN EXTENSION When: 2007-2012 Cost: $4,800 per year

B1.f Create a GIS layer of wellhead protection areas throughout the County.
Who: ESO When: 2007-2012 Cost: Inkind

B1.g Examine existing ordinances and proposed changes to ensure that they protect and do not negatively impact Well Head Protection Areas.
Who: ESO, MDH When: 2007-2012 Cost: $3,000

B1.h Continue to cooperate with Lincoln-Pipestone and Red Rock Rural Water on the expansion of the rural water systems and advise them about County programs that will help manage potential contamination sources.
Who: ESO, RRRW, LPRW When: 2007-2012 Cost: Inkind

Objective B2: Work to expand access to public water supplies.

Actions:

B2.a Coordinate with Rural Water suppliers on sending a survey/brochure to determine the need for rural water expansion.
Who: ESO, RRRW, LPRW When: 2008 Cost: $2,500

B2.b Assist Rural Water suppliers with water exploration within the County
Who: ESO, RRRW, LPRW When: 2009-2012 Cost: $2,500

B2.c Promote water conservation by using existing materials and resources.
Who: ESO, RRRW, LPRW When: 2009-2012 Cost: $1,500

Objective B3: Continue assistance to seal unused wells.

Actions:

B3.a Utilize County Fair exhibits and semi-annual newspaper advertisements to promote the proper well protection/abandonment.
Who: ESO When: 2007-2012 Cost: $150 per year

B3.b Prevent contamination of groundwater aquifers through the sealing of 30 unused wells per year.
Who: ESO When: 2007-2012 Cost: $500 per well

B3.c Assist 15 landowners with proper farm site abandonment and demolition by making sure all storage tanks are removed, wells are sealed, and hazardous waste is disposed of prior to demolition.
Who: ESO When: 2007-2012 Cost: $1,250

C.3 Priority Concern C. Stormwater Retention.

Goal C: Prevent soil erosion through comprehensive drainage management, with a priority for Beaver Creek and Heron Lake watersheds.

Objective C1: Slow runoff to keep soil, pesticide and fertilizer on the land.

Actions:

C1.a Investigate developing a GIS layer of all public drainage systems.
Who: ESO, AUDITORS OFFICE When: 2007-2008 Cost: Inkind

C1.b Develop a GIS layer of all public drainage systems and include: system name, watershed size, outlets, date established, system type, repair history, improvement history,
Who: ESO, AUDITORS OFFICE, BWSR When: 2009-2012 Cost: $25,000

C1.c Assist producers in applying for cost share opportunities for conservation practices.
Who: ESO, BWSR, NRCS When: 2007-2012 Cost: In-Kind

C1.d Work with Area II Representatives to identify areas in the Beaver Creek watershed for water retention structures.
Who: ESO, SWCD, Area II When: 2007-2008 Cost: $4,000

C1.e Work with Area II Representatives to identify areas in the Heron Lake watershed for water retention structures.
Who: ESO, SWCD, Area II When: 2009-2010 Cost: $4,000

C1.f Seek additional funding for water retention structures within the Beaver Creek and Heron Lake watersheds.
Who: ESO, SWCD, USDA When: 2007-2012 Cost: $2,500

C1.g Meet with 15 landowners per year and educate them on proper lakeshore and streambank stabilization practices.
Who: ESO, MN DNR When: 2007-2012 Cost: Inkind

Objective C2: Promote conservation tillage and buffer strips; seek additional funding.

Actions:

C2.a Promote conservation tillage, EQIP, and Ag BMP's by contacting all County landowners through an informational bulletin sent by the SWCD.
Who: ESO, SWCD, NRCS When: 2007-2012 Cost: $1,000 per year

C2.b Provide incentives for sign up of 80 acres of buffer strips along ditches and streams within the Beaver Creek and Heron Lake watersheds.
Who: ESO, SWCD, NRCS, HLWD When: 2007-2009 Cost: $10,000

C2.c Enroll 100 acres of marginal land into CREP buffer strip program.
Who: ESO, SWCD When: 2007-2012 Cost: $300,000

C2.d Conduct conservation tillage transect surveys for the County every 3 out of 5 years, and analyze data to determine residue cover.
Who: SWCD, NRCS When: 2007-2012 Cost: $30,000

Objective C3: Move from no net loss of wetlands to active wetland restoration.

Actions:

C3.a Provide technical assistance to the Wetland Technical Evaluation Panel (TEP) to minimize the amount of wetland conversions.
Who: ESO, SWCD, BWSR When: 2007-2012 Cost: $35,000

C3.b Work with the Beaver Creek Clean Water Partnership and Heron Lake Watershed District to assist in converting 250 acres of drained wetlands back to a vegetated state, using Wetland Reserve Program, Conservation Reserve Program and Continuous CRP.
Who: ESO, SWCD, HLWD When: 2007-2012 Cost: $150,000

D. Implementation Schedule of Ongoing Activities

This section identifies other local activities and programs of the Murray County Environmental Services Office and cooperators which contribute towards the goals and objectives of local water management, in addition to those under the scope of the local water management plan. There are also many other public and private efforts at the regional, state and federal levels which serve to promote the regulatory and informational goals of sound water management. These particular ongoing activities typically encompass all watersheds in the county, reaching a broad cross-section of local residents and businesses.

D.1 Priority Concern A. Improve Surface Water Quality.

- Administer and provide assistance for the State Revolving Fund for Ag BMP's.
- Continue to be a delegated County in the MPCA Feedlot Program and provide data to Elink
- Inspect and assist producers in maintaining compliance with State rules.
- Promote and provide assistance for manure management plans and practices.
- Inspect and assist producers in maintaining compliance with County and State feedlot rules.
- Assist with testing and providing services for commercial pesticide applicators.
- Administer, permit, and inspect individual sewage treatment systems throughout Murray County.

D.2 Priority Concern B. Protect Groundwater.

- Continue to promote and provide Household Hazardous Waste Program to correctly dispose of HHW.
- Provide a collection program for waste pesticides and empty containers.
- Promote recycling and solid waste management.
- Provide electronics and appliance disposal.
- Conduct nitrate testing at the County Fair.
- Provide cost-share assistance for well sealing.
- Sample well water from 65 wells throughout the County.
- Continue to test sample all perimeter tiles around new animal confinement structures ground water for contamination.

D.3 Priority Concern C. Stormwater Retention.

- Provide educational assistance to landowners for proper lakeshore stabilization.
- Provide funding for special projects, i.e. bank stabilization.
- Continue to administer Wetland Conservation Act.
- Promote technical assistance for conservation programs.
- Promote the SWCD tree program.
- Promote and help facilitate the CREP program.

D.4 Additional Environmental Services Programs.

- Assist landowners with land use permits and zoning regulations.
- Facilitate and track biological control of noxious weeds.
- Educate Townships on the noxious weed program.
- Help fund the Heron Lake Ecology Bus for the schools of Fulda and Slayton.
- Help fund the Southwest Minnesota 4-H Day Camp.
- Help fund the Southwest Minnesota Environmental Fair.
- Conduct yearly soil fertility tests on 9 sites throughout the County.
- Participate in the State's Rainfall monitoring program.
- Administer Shoreland and Floodplain Management Program.

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the **Murray** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on March 29, 2007 pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On June 19, 2006 the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from **Murray** County, pursuant to M.S. Section 103B.312.

2) On August 24, 2006 the Board of Water and Soil Resources approved official comments on the **Murray** County Priority Concerns Scoping Document, which were mailed to the county on August 24, 2006.

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

   A) Improve Surface Water Quality;
   B) Protect Groundwater;
   C) Stormwater Retention.

4) On **March 30, 2007** the BWSR received the **Murray** 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 4, 2007,** the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Murray 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 **July 1, 2017.**

CONCLUSIONS

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

2) The **Murray** 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 **Murray** County Local Water Management Plan with a required update to the Implementation section (Goals, Objectives and Action) by **July 1, 2012**.

Dated at St. Paul, Minnesota, this twenty-seventh day of June 2007.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

NEW BUSINESS

1. FY 2008 Farm Bill Assistance Project-CREP II Implementation – Kevin Lines – See attachment. ***DECISION ITEM***

2. Request to allow Prescribed Grazing on LCCMR Rock Outcrop Conservation Easements - Tom Kalahar, Renville SWCD – See attachment. ***INFORMATION ITEM***

3. FY08 SWCD Grants – Wayne Zellmer - See attachment - ***DECISION ITEM***

4. FY08 Natural Resources Block Grant – Wayne Zellmer - See attachment. ***DECISION ITEM***

5. FY08 Non-Point Engineering Assistance Base Grant – Wayne Zellmer See attachment. ***DECISION ITEM***

6. FY08 Local Water Management Planning Challenge Grants – Dave Weirens - See attachment. ***DECISION ITEM***

7. Soil Survey Assistance Grants – Greg Larson - See attachment. ***DECISION ITEM***

8. Area II Minnesota River Basins Project Inc. FY 2008 Annual Work Plan –Tabor Hoek, BWSR, and Kerry Netzke, Area II Coordinator – See attachment. ***DECISION ITEM***

9. WCA Exempt Rule – Dave Weirens – See attachment. ***DECISION ITEM***

10. RIM Reserve Planning Committee's Progress Report – Paul Brutlag and Kevin Lines – See attachment. ***INFORMATION ITEM***

Farm Bill Assistance Grant Formula

- **Annual Budget of $40,000/FTE**

  –Percent FTE Determined between SWCD and FBA Committee (DNR, BWSR, Pheasants Forever)
  –70% State
  –25% SWCD
  –5% Local Organization

s:farmbill2/phaseVIIgrantformula

FARM BILL IMPLEMENTATION FUNDING

6/27/2007

FUNDING

PARTNERS	FY 2006
DNR	$337,500
BWSR NAWCA	$126,000
BWSR CWL *	$100,000
BWSR Carry-Over	$236,000
Total Cash	**$799,500**

MATCH	
SWCD Match	$167,389
Local Organization	$33,477
Other	
TOTAL FUNDING	**$1,000,366**

***CWL Funding to be approved**

Minimum Requirements for Prescribed Grazing

To maintain the integrity of prairie/open land habitats enrolled in the rock outcrop easement program the following guidelines will be required of all sites where landowners retain the right to graze:

1) Grazing plans will be developed in accordance with the Prescribed Grazing (528) practice standard as contained in the Natural Resource Conservation Service (NRCS) Field Office Technical Guide.

2) Paddock systems will be developed such that one paddock or pasture is left un-grazed each year. Cattle should begin grazing in a different paddock or pasture each year and turn out time should vary.

3) Vegetation height will be retained with a minimum average stubble height of 4-8 inches at all times on grazed areas.

4) Grazing will only be allowed between April 1 to September 1.

5) Only spot spraying will be allowed for weed control.

6) Portions of the easement that are woodland (excluding invasive trees such as cedar that will be removed) will not be allowed as pasture. Open oak savanna habitats will be eligible for grazing.

7) No hay will be fed in the easement area and cattle will not have access to hay while they are in the paddock. This provision will reduce instances of new exotic weeds entering the site.

8) Mineral stations, loading areas, and other high impact sites must be located off the easement area on adjacent land.

9) All prescribed grazing plans that are developed will need to be signed by the landowner and approved by the SWCD, BWSR and the DNR Wildlife Specialist.

Trust Fund 2007 Work Program

Date of Report: 3-21-2007
Date of Next Status Report: Periodic work program progress reports will be submitted not later than December 31, 2007, June 30, 2008, December 31, 2008 and June 30, 2009. It may be necessary to submit progress reports December 31, 2009, June 30, 2010 and December 31, 2010 if easement processing and practice implementation must be completed after the official end of the grant period.
Date of Work program Approval:
Project Completion Date: June 30, 2009

I. PROJECT TITLE: Protection of Rare and Unique Rock Outcrop Wetlands

Project Manager: Thomas J. Kalahar
Affiliation: Renville SWCD
Mailing Address: 1008 W. Lincoln
City / State / Zip : Olivia MN 56277
Telephone Number: 320-523-1559
E-mail Address: kalahar@yahoo.com
FAX Number: 320-523-2389
Web Page address: n/a

Location: Redwood and Renville Counties, Minnesota

Total Trust Fund Project Budget:	**Trust Fund Appropriation:**	**$563,000**
	Minus Amount Spent:	**$ 0**
	Equal Balance:	**$563,000**

Legal Citation: ML 2007, [Chap.____], Sec.[____], Subd._____.

Appropriation Language: $563,000 is from the trust fund to the Board of Water and Soil Resources in cooperation with Renville and Redwood Soil and Water Conservation Districts for perpetual easements of unique wetland and riparian habitats associated with rock outcrops in the Minnesota River Valley.

II. PROJECT SUMMARY AND RESULTS: The Minnesota River Valley contains ancient bedrock outcrops with associated wetlands that provide unique habitats for specialized plant and animal communities rarely found elsewhere in Minnesota. These resources are threatened by mining and other development interests, as removal of the rock results in the severe degradation or permanent loss of the wetlands located among the rock complexes. Although the wetlands vary greatly in size and duration, some of the smallest and most temporary basins harbor the rarest and most specialized plants. Many of these wetlands may not be protected due to regulations under the Wetland Conservation Act. Rock outcrops are also a

component of the Minnesota River's riparian zone and destruction of this unique habitat will continue to degrade the water quality and aquatic habitat of the Minnesota River and its tributaries. Unlike other mining operations, there is no reclamation plan possible for replacing this very unique landscape feature once it is removed. The outcome of this project proposal will be to preserve and protect rock outcrops and their associated wetlands, plus improve water quality and aquatic habitat within the Minnesota River Valley. This will be done by enrolling 200 acres in Reinvest In Minnesota Easements.

III. PROGRESS SUMMARY AS OF *(date)*: 250 word limit.

IV. OUTLINE OF PROJECT RESULTS:

Result 1: Habitat Protection via Perpetual Easements:

Description: This project will protect 200 acres of rock outcrop complexes within riparian corridors and/or with associated wetlands. Compensation for easements to willing landowners will be secured using local cropland rates of the Reinvest In Minnesota easement program administered through the Minnesota Board of Soil and Water Resources (BWSR) and the Renville and Redwood Soil and Water Conservation Districts (SWCDs). Easement applications will be prioritized by a local work group comprised of technical experts from local, state and federal agencies. A total of twenty easements will be recorded. The goal of the local SWCD offices is to have applications taken for the entire 200 acres within the first year of the grant. Due to the sometimes lengthy easement process, this would ensure signed agreements with landowners before the end of the grant period.

Summary Budget Information for Result 1:	**Trust Fund Budget:**	**$530,000**
	Amount Spent:	**$ 0**
	Balance:	**$ 530,000**

Deliverable	**Completion Date**	**Budget**	**Status**
1. 20 easements Totaling 200 acres	**6-30-2008**	**$530,000**	

Completion Date: All funds encumbered with signed landowner conservation easement agreements by June 30, 2009.

Result Status as of 12-31-2007:

Result Status as of 6-30-2008:

Result Status as of 12-31/2008:

Result Status as of 6-30-2008:

Result Status as of 12-31-2008

Result Status as of 6-30-2009

Result Status as of 12-31-2009

Final Report Summary: 6-30-2010

**a final report summary may not be possible until after the grant period due to the lengthy process of recording easements. Even after a signed agreement is in place, there can be unforeseen legal issues that cause delays.

Result 2: Habitat Restoration:

Description: To provide appropriate habitat management practices including but not limited to invasive species management and livestock management facilities (e.g. fencing and watering sites) on the acres protected by easements. We will continue to seek additional funding from federal and private agencies to augment this budget item.

Summary Budget Information for Result 2: Trust Fund Budget: $33,000

Amount Spent: $ 0

Balance: $33,000

Deliverable	Completion Date	Budget	Status
1. Practice implementation	**6-30-2009**	**$33,000**	

Completion Date: Practice completion within six months after recorded conservation easement. This could be delayed due to weather and season of the year.

Result Status as of 12-31-2007

Result Status as of 6-30-2008

Result Status as of 12-31-2008

Result Status as of 6-30-2008

Result Status as of 12-31-2008

Result Status as of 6-30-2009

Result Status as of 12-31-2009

Result Status as of 6-30-2010

Final Report Summary: 12-31-2010

****Final Report Summary could be delayed if easement process is delayed and we experience additional delays for practice implementation due to season of year, weather conditions or contractor availability.**

V. TOTAL TRUST FUND PROJECT BUDGET:

Staff or Contract Services: $40,0000 (includes $7,000 for BWSR Staff to process easements & $33,000 for Renville & Redwood SWCD Staff to promote project, process applications and easements, design conservation practices and supervise construction of practices).
Equipment: $0
Development: $ 0
Restoration: $ 23,000 for 200 acres of practice implementation and $10,000 for staff time to the Renville & Redwood SWCD offices for staff time for technical assistance, conservation plan development, supervision of practice implementation.
Acquisition, including easements: $500,000 for 200 acres of RIM conservation easements with private landowners ($470,000 for 20 easements totalling 200 acres at an average of $2,350/acre and $30,000 for title insurance and attorney fees at $1,500/easement X 20 easements)

TOTAL TRUST FUND PROJECT BUDGET: $563,000

Explanation of Capital Expenditures Greater Than $3,500: n/a

VI. OTHER FUNDS & PARTNERS:

A. Project Partners: BWSR Easement Team Staff

B. Other Funds Proposed to be Spent during the Project Period:

Renville & Redwood Soil & Water Conservation District Offices will provide in-kind in the form of office space, phones, vehicles and any staff costs in excess of the grant. Estimated costs over and above the Staff Services budgeted in this grant are $200/easement X 20 easements for the above costs for a total of $4,000.

C. Past Spending: none

D. Time:

VII. DISSEMINATION: One-on-one personal contacts and mail contacts with landowners who have been identified through GIS coverages and public records as owning rock outcrops in the Minnesota River Valley in Redwood and Renville Counties.

VIII. REPORTING REQUIREMENTS:
Periodic work program progress reports will be submitted not later than December 31, 2007, June 30, 2008, December 31, 2008, June 30, 2009, December 31, 2009, June 30, 2010 and December 31, 2010. A final work program report and associated products will be submitted between June 30 and August 1, 2009 as requested by the LCCMR.

IX. RESEARCH PROJECTS: *N/A*

PROPOSED FY 08 SWCD GRANTS

The Board is requested to approve the Grants Program and Policy Committee recommendation to approve FY 08 SWCD allocations for four BWSR grant programs. These grant programs are:

COST SHARE
Regular Statewide Cost Share Base Grants
Feedlot Water Quality Management Grants
SERVICE GRANTS
General Services
Easement Services
Web Site Grants

A brief summary of each of these programs follows with highlights and topics of concern for this year.

COST SHARE

Regular Statewide Cost Share Base Grants - $2,067,851. These base grants are for the installation of conservation practices. The FY 08 legislative appropriation is $1,785,000 – a $35,000 decrease from 07. These allocations utilize the Board's Performance Standards allocation policy:

. . . . . SWCDs with a "high" level of productivity will receive a $1,000 annual increase. Grants to SWCDs with a "medium" level of productivity will remain the same. SWCDs with a "low" level of productivity will receive a 5% grant decrease. . . .The Board has defined "high" as spending 80% or more; "medium", 60% - 79%; and "low", as < 60% of their grant, on projects.

Recommended Performance Adjustments

For FY 08, these definitions would indicate that the following SWCDs (54) will receive a $1,000 high level of performance increase for spending 80% or more of their base grant on projects:

Anoka *	Becker	Benton *	Blue Earth	Brown	Cass
Chippewa	Clay	Clearwater	Cook	Crow Wing	Dakota
Fillmore	Freeborn	Goodhue	Grant	Hennepin	Hubbard
Kanabec	Kandiyohi	Kittson	Koochiching	Lake/Woods	Lake
Le Sueur	Lincoln	Lyon	Mahnomen	Mille Lacs	Morrison
Mower	Nicollet	Olmsted	East Ottertail	Pine	Pipestone
East Polk	Pope	Ramsey	Redwood	Renville	Root River
Scott	Sherburne	N. St. Louis	S. St. Louis	Stearns	Swift
Todd	Wadena	Watonwan	Wilkin	Wright	Yellow Medicine

The following SWCDs (4) will receive a 5% decrease for spending less than 60% of their base grant on projects: Beltrami McLeod Marshall Red Lake

* Benton and Anoka performance increases are not recommended because of State Cost Share Program Rule violations.

Cost Share Performance Range: Highest – Pine 100%, Lowest – McLeod 36%

Regular Statewide Cost Share Base Grant funding recommendations are listed on the composite spreadsheet.

NOTE: The difference between the amount proposed to be allocated and the legislative appropriation is $282,851. There is sufficient rollover to cover this amount.

Feedlot Water Quality Management Grants - $1,101,877 – The BWSR received requests of $2,403,995 to fund 87 projects. The FY 08 appropriation is $1,500,000 and is appropriated under the Clean Water legacy Act instead of the traditional State Cost Share Program. Grant funds may not be used for new or expansion feedlot projects. The State Cost Share Program is used to administer and implement this Program. Funding priorities established by the Board for this Program are ranked as follows:

Priority

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

SWCDs may request an amount for their technical and administrative costs up to ten percent of individual project funds requested.

In addition, the appropriation included the following language:

$1.5 each year is for feedlot water quality grants for feedlots under 300 animal units where there are impaired waters;

Based on this, and the above funding priorities, the funding recommendation is for only eligible feedlots – those that are riparian and occur in a feedlot-related impaired watershed (DO, fecal, nutrients, Ph, etc,) under 300 AUs.

The 303 (d) or impaired waters list was used to identify impaired waters and their watersheds. In 2 cases the listed water appeared on other states' 303(d) listing although the feedlot under consideration was located within a Minnesota watershed connected to that water.

The following assumptions were made in reviewing the applications:

- Even though many waters are listed as impaired by mercury, there did not seem to be a direct connection to feedlots for that pollutant and waters impaired by mercury were not considered eligible.
- Impairments for which feedlots could contribute pollutants of concern included fecal coliform bacteria, lake nutrients, ammonia, and dissolved oxygen. Waters listed as impaired due to fish or invertebrate indexes of biotic integrity (IBI) were also included since there has not been a definitive pollutant identified.
- Large-scale impairments such as the Lake Pepin and Red River turbidity impairments were not considered.
- Impaired waters and TMDL implementation must be addressed on a watershed scale.

The list of feedlot water quality applications was reviewed and verified with SWCD partners when necessary, as being located within the watershed of an impaired water and with a direct surface water connection.

This recommendation will allocate $1,101,877 (through #47, see attached spreadsheet *Fiscal-Year 2008 FWQMG Applications Report*) and leave $398,123 unallocated. Recommended options for remaining balance:

- Retain $150,000 for 09 NPEA Challenge Grant, retain $248,123 and add it to the 09 FWQMG (Preferred)
- Add to 08 CWL Program
- Decide later

SERVICE GRANTS

New for 08 is the requirement that SWCDs must "request" these grants. It is proposed that SWCDs will "request" services funds by providing certain SWCD information, including, SWCD staff and supervisor contact information, SWCD geographical data, financial information, important recent activities, and future projects. This information will be assembled into a Minnesota SWCD Guidebook.

Web Site Service Grant - $40,000 (Roll-Over) - New for 08 is the eligibility requirement of a SWCD web page. In a proposed allocation policy endorsed by MASWCD, a SWCD must have a web page or be in the process of developing one to be eligible to receive service grants. Their web page must provide their annual plan, annual report, annual audit, annual budget, membership dues, meeting notices, and minutes. Currently, about 35 SWCDs do not have a web site. Only SWCDs without web sites are eligible to receive this approximate $943 grant. MASWCD will receive about $7,000 for development of guidance for SWCDs on required web elements and local web site development.

General Services Grant - $2,152,980 - This base grant is for expenditures necessary to the operations of the district. It is noncompetitive.

Recommendation

Proposed allocations are listed on the enclosed composite spreadsheet.

Easement Services Grant - $344,993 - This grant is allocated to SWCDs as compensation for local delivery of the RIM Reserve Program and the conveyance of easements. The grant amount is calculated by a strategy and formula approved by the Board on May 25, 2005. It reflects the relative amount of easement activity in the SWCD.

Recommendation

Proposed allocations are listed on the enclosed composite spreadsheet.

The Committee is recommending:

1. Allocation of FY 08 SWCD grants as itemized on the composite spreadsheet totaling $2,067,851 for State Cost Share Base Grants, $1,101,877 for FWQMGs, $2,152,980 for General Services Grants, and $344,993 for Easement Services Grants.
2. Service Grants "request" process be implemented as stated above.
3. Web Site Service Grants be allocated as indicated above.

FISCAL YEAR 2008 FWQM GRANT APPLICATIONS REPORT
By Ranking Criteria
Total Project Cost: $6,902,560
Total FWQM Requested $2,403,995
Total Producers: 87
Total Funding Available $1.5M

	Applicant	Stewardship Plan	LANDOWNER	RIPARIAN	FLEVAL RATING	PRACTICE STATE DATE	COMPLETE INVENTORY	LEVEL	ANIMAL UNITS	ANIMAN SPECIES	TOTAL PROJECT COST	EQIP FUNDS REQUESTED	EQIP AMOUNT	FWQM FUNDS REQUESTED	T/A FUNDS REQUESTED	TOTAL FUNDS REQUESTED	CRITERIA ELIGIBLE CUMULATIVE	Out
1	PIPESTONE SWCD	Yes	BILL	B	43	8/1/2007	Yes	3	228	DAIRY	$102,008	Yes	$51,004	$25,502	$2,550	$28,052	$28,052	MN River DO TMDL in Redwood SWCD
2	STEARNS SWCD	Yes	GREG	E	41	10/1/2007	Yes	2	121	DAIRY	$97,500	Yes	$39,000	$34,125	$3,413	$37,538	$65,590	
3	**PINE SWCD**	Yes	MICHAEL	B	38	8/1/2008	Yes	2	208	DAIRY	$102,000	Yes	$51,000	$25,000	$2,500	$27,500	$65,590	Not impaired
4	STEARNS SWCD	Yes	STANLEY	B	36	10/1/2007	Yes	2	191	DAIRY	$7,600	Yes	$1,500	$7,500	$750	$8,250	$73,840	
5	WABASHA SWCD	Yes	NEIL	B	33	7/1/2007	Yes	3	250	DAIRY	$75,000	No	$0	$45,455	$4,545	$50,000	$123,840	
6	STEARNS SWCD	Yes	KEN	B	28	10/1/2007	Yes	2	146	DAIRY	$31,000	Yes	$12,700	$10,550	$1,055	$11,605	$135,445	
7	STEARNS SWCD	Yes	WILLIAM	B	18	10/1/2007	Yes	2	75	DAIRY	$200,000	Yes	$3,180	$2,520	$252	$2,772	$138,217	
8	STEARNS SWCD	Yes	SHAWN	B	16	10/1/2007	Yes	2	60	HORSE	$30,000	Yes	$51,000	$25,000	$2,500	$27,500	$165,717	
9	FILLMORE SWCD		JIM	B	63	9/1/2007	Yes	3	250	BEEF	$240,535	No	$0	$45,500	$4,500	$50,000	$215,717	
10	PIPESTONE SWCD		PAT	B	58	7/1/2007	Yes	3	208	DAIRY	$166,662	Yes	$83,310	$41,666	$4,167	$45,832	$261,549	Pipestone Creek fecal
11	FILLMORE SWCD		DAN	B	58	5/1/2008	Yes	3	299	BEEF	$75,000	No	$0	$45,500	$4,500	$50,000	$311,549	
12	MORRISON SWCD		KEVIN	B	58	7/1/2007	Yes	3	160	DAIRY	$125,000	Yes	$58,560	$35,153	$3,515	$38,668	$311,549	Not impaired
13	FILLMORE SWCD		LLOYD	B	56	9/1/2007	Yes	3	120	sheep	$70,000	No	$0	$45,500	$4,500	$50,000	$361,549	
14	FILLMORE SWCD		MATT	B	52	9/1/2007	Yes	3	84	BEEF	$30,000	No	$0	$22,500	$2,250	$24,750	$386,299	
15	ROCK SWCD		MOSS	B	52	9/1/2007	Yes	3	580	DAIRY	$310,000	Yes	$30,000	$33,500	$0	$33,500	$386,299	
16	FILLMORE SWCD		BLAISE	B	51	9/1/2007	Yes	3	200	BEEF	$180,000	No	$0	$45,500	$4,500	$50,000	$436,299	
17	JACKSON SWCD		KEVIN	A	50	7/16/2007	Yes	3	375	BEEF	$138,000	Yes	$73,273	$30,227	$3,000	$33,227	$436,299	Not impaired
18	FILLMORE SWCD		DAVE	B	50	5/1/2008	Yes	3	150	BEEF	$38,000	No	$0	$28,500	$2,850	$31,350	$467,649	
19	MORRISON SWCD		ROBERT	B	50	7/1/2007	Yes	3	155	DAIRY	$168,000	Yes	$84,000	$42,000	$4,200	$46,200	$467,649	Not impaired
20	NOBLES SWCD		KEVIN	C	49	9/1/2007	No	3	469	DAIRY	$154,266	Yes	$77,133	$38,566	$3,857	$42,423	$467,649	
21	WASHINGTON SWCD		DENNIS	A	48	8/15/2007	Yes	1	30	HORSE	$20,000	No	$0	$15,000	$1,500	$16,500	$484,149	
22	FILLMORE SWCD		DEAN	B	46	5/1/2008	Yes	3	250	DAIRY	$180,000	No	$0	$45,500	$4,500	$50,000	$534,149	
23	WINONA SWCD		WAYNE	B	45	7/1/2007	Yes	3	168	DAIRY	$20,795	No	$0	$15,596	$1,160	$16,756	$550,905	
24	MOWER SWCD		JACK	B	42	8/15/2007	Yes	3	121	BEEF	$34,180	No	$0	$25,635	$2,564	$28,199	$579,104	
25	**MILLE LACS SWCD**		CHARLIE	B	41	7/1/2007	Yes	2	256	DAIRY	$12,636	Yes	$6,318	$3,159	$315	$3,474	$579,104	Not impaired
26	RICE SWCD		SCOTT	B	40	9/1/2007	Yes	3	68	BEEF	$55,000	No	$0	$41,250	$4,125	$45,375	$624,479	
27	MORRISON SWCD		KURT	B	39	7/1/2007	Yes	3	110	DAIRY	$125,000	Yes	$62,500	$31,250	$3,125	$34,375	$658,854	Little Rock Creek impaired IBI
28	ROCK SWCD		DAVID	B	39	9/1/2007	Yes	3	197	BEEF	$36,000	Yes	$18,000	$6,000	$600	$6,600	$665,454	Beaver Creek
29	WINONA SWCD		IHRKE	B	35	7/1/2007	Yes	3	107	DAIRY	$41,710	No	$0	$31,283	$3,128	$34,411	$699,865	
30	WINONA SWCD		STEPHEN	B	34	7/1/2007	Yes	3	40	DAIRY	$11,360	No	$0	$8,520	$852	$9,372	$709,237	
31	WINONA SWCD		ANTHONY	B	34	7/1/2007	Yes	3	90	DAIRY	$15,610	No	$0	$11,708	$1,171	$12,878	$722,115	
32	ROOT RIVER SWCD		JIM	B	32	8/1/2007	Yes	2	180	BEEF	$67,000	No	$0	$32,300	$3,180	$35,480	$757,595	
33	PIPESTONE SWCD		DARREL	B	31	7/1/2007	Yes	3	200	DAIRY	$50,000	Yes	$25,000	$12,500	$1,250	$13,750	$771,345	Pipestone Creek fecol
34	CARLTON SWCD		LINDA	B	31	10/1/2007	Yes	3	96	BEEF	$86,500	Yes	$43,250	$21,625	$2,163	$23,788	$795,133	St.Louis Estuary Nutrient Impairment (Wisconsin)
35	GOODHUE SWCD		JEFF	B	28	8/1/2007	No	3	141	DAIRY	$112,500	No	$0	$50,000	$0	$50,000	$845,133	
36	RICE SWCD		PETE	B	28	6/1/2008	Yes	3	45	BEEF	$29,830	No	$0	$22,375	$2,237	$24,612	$869,745	
37	ROOT RIVER SWCD		DAVID	B	28	9/1/2007	Yes	2	36	BEEF	$21,141	No	$0	$15,855	$1,585	$17,440	$887,185	
38	WINONA SWCD		ROY	B	28	7/1/2007	Yes	3	82	DAIRY	$12,035	No	$0	$9,026	$903	$9,929	$897,114	
39	ROCK SWCD		KURT	B	28	9/1/2007	Yes	3	285	BEEF	$28,000	No	$0	$21,000	$2,100	$23,100	$920,214	Beaver Creek
40	FILLMORE SWCD		GLEN	B	26	5/1/2008	Yes	3	150	BEEF	$30,000	Yes	$11,250	$11,250	$1,125	$12,375	$932,589	
41	**MILLE LACS SWCD**		DUANE	B	24	7/1/2007	Yes	2	112	DAIRY	$185,298	Yes	$92,649	$46,325	$3,675	$50,000	$932,589	Not impaired
42	STEARNS SWCD		TF	A	22	10/1/2007	Yes	2	216	DAIRY	$55,000	Yes	$5,617	$8,446	$845	$9,291	$941,880	
43	ROOT RIVER SWCD		JOHN	B	22	9/1/2007	Yes	2	40	BEEF	$70,945	No	$0	$45,500	$4,500	$50,000	$991,880	
44	FILLMORE SWCD		JAMES	D	20	9/1/2007	Yes	3	150	BEEF	$28,500	No	$0	$21,375	$2,137	$23,512	$1,015,392	
45	ROCK SWCD		GEORGE	B	16	9/1/2007	Yes	3	267	HOGS	$84,914	No	$0	$45,000	$4,500	$49,500	$1,064,892	Rock River WS Fecal
46	STEARNS SWCD		JEFF	A	3	10/1/2007	Yes	2	240	DAIRY	$18,750	Yes	$18,877	$22,373	$2,237	$24,610	$1,089,502	
47	WINONA SWCD		STEVE	B	0	7/1/2007	Yes	3	258	DAIRY	$15,000	No	$0	$11,250	$1,125	$12,375	$1,101,877	Proposed Funding Recommendation

FISCAL YEAR 2008 FWQM GRANT APPLICATIONS REPORT
By Ranking Criteria
Total Project Cost: $6,902,560
Total FWQM Requested $2,403,995
Total Producers: 87
Total Funding Available $1.5M

	Applicant	Stewardship Plan	LANDOWNER	RIPARIAN	FLEVAL RATING	PRACTICE STATE DATE	COMPLETE INVENTORY	LEVEL	ANIMAL UNITS	ANIMAN SPECIES	TOTAL PROJECT COST	EQIP FUNDS REQUESTED	EQIP AMOUNT	FWQM FUNDS REQUESTED	T/A FUNDS REQUESTED	TOTAL FUNDS REQUESTED	CRITERIA ELIGIBLE CUMULATIVE	Out
48	STEARNS SWCD	Yes	ROBERT		52	10/1/2007	Yes	2	133	DAIRY	$82,730	Yes	$70,000	$35,000	$3,500	$38,500	$1,140,377	
49	**STEARNS SWCD**	Yes	FRED		49	10/1/2007	Yes	2	161	DAIRY	$34,800	Yes	$13,920	$12,180	$1,218	$13,398	$1,140,989	Not impaired
50	STEARNS SWCD	Yes	AA		30	10/1/2007	Yes	2	267	DAIRY	$140,000	Yes	$41,365	$20,683	$2,068	$22,751	$1,163,740	
51	WINONA SWCD		TOM		70	7/1/2007	Yes	3	542	BEEF	$169,345	Yes	$109,100	$47,500	$2,500	$50,000	$1,163,740	Not impaired
52	STEARNS SWCD		RANDY		66	10/1/2007	Yes	2	61	DAIRY	$17,500	No	$0	$43,125	$4,313	$47,438	$1,211,178	
53	**STEARNS SWCD**		JOSEPH		65	10/1/2007	Yes	2	15	SWINE	$30,000	Yes	$40,685	$20,343	$2,034	$22,377	$1,211,178	Not impaired
54	**PIPESTONE SWCD**		MIK		64	7/1/2007	Yes	3	263	DAIRY	$78,720	Yes	$39,360	$19,680	$1,968	$21,648	$1,211,178	Not impaired
55	**STEARNS SWCD**		JAMES		58	10/1/2007	Yes	2	134	DAIRY	$126,500	Yes	$16,250	$12,250	$1,225	$13,475	$1,211,178	Not impaired
56	STEARNS SWCD		STEVE		53	10/1/2007	No	2	400	BEEF	$65,000	Yes	$2,605	$3,395	$340	$3,735	$1,211,178	Not impaired
57	FILLMORE SWCD		JOHN		52	6/1/2008	Yes	3	250	BEEF	$66,000	Yes	$31,020	$30,480	$3,048	$33,528	$1,244,706	
58	WINONA SWCD		TERRY		50	7/1/2007	Yes	3	204	DAIRY	$103,500	Yes	$23,813	$19,687	$1,969	$21,656	$1,266,362	
59	WINONA SWCD		STEPHAN		48	7/1/2007	Yes	3	420	DAIRY	$235,939	Yes	$8,840	$12,723	$1,272	$13,995	$1,266,362	Not impaired
60	STEARNS SWCD		JOE		44	10/1/2007	Yes	2	998	DAIRY	$40,000	Yes	$36,625	$19,625	$1,963	$21,588	$1,266,362	Not impaired
61	STEARNS SWCD		JOE		43	10/1/2007	Yes	2	149	DAIRY	$54,000	No	$0	$30,000	$3,000	$33,000	$1,299,362	
62	LINCOLN SWCD		GENE		41	8/15/2007	Yes	3	494	BEEF	$310,000	Yes	$25,000	$16,250	$1,625	$17,875	$1,299,362	Not impaired
63	**STEARNS SWCD**		GERARD		40	10/1/2007	Yes	2	156	DAIRY	$70,000	Yes	$9,993	$8,752	$875	$9,627	$1,299,362	Not impaired
64	STEARNS SWCD		ROGER		40	10/1/2007	Yes	2	108	DAIRY	$92,374	Yes	$10,127	$8,623	$862	$9,485	$1,308,847	
65	FARIBAULT SWCD		DON		39	7/1/2007	Yes	3	144	BEEF	$35,800	Yes	$21,221	$20,967	$2,097	$23,064	$1,331,911	
66	STEARNS SWCD		JAMES		35	10/1/2007	Yes	2	92	DAIRY	$50,000	Yes	$6,200	$21,925	$2,193	$24,118	$1,356,029	
67	**STEARNS SWCD**		CHRISTINA		35	10/1/2007	Yes	2	73	BEEF	$41,250	Yes	$39,606	$20,394	$2,039	$22,433	$1,356,029	Not impaired
68	STEARNS SWCD		RICHARD		33	10/1/2007	Yes	2	154	DAIRY	$37,500	Yes	$15,228	$15,710	$1,571	$17,281	$1,373,310	
69	WABASHA SWCD		KEVIN		31	7/1/2007	Yes	3	400	BEEF	$118,490	Yes	$16,837	$20,663	$2,066	$22,729	$1,373,310	Not impaired
70	STEARNS SWCD		THOMAS		28	10/1/2007	Yes	2	82	DAIRY	$80,000	Yes	$35,000	$17,500	$1,750	$19,250	$1,392,560	
71	YELLOW MEDICINE SWCD		PAUL		28	7/1/2007	No	2	873	BEEF	$330,000	Yes	$46,187	$23,094	$2,309	$25,403	$1,392,560	Not impaired
72	CHISAGO SWCD		JIM		27	8/1/2007	Yes	2	100	SWINE	$20,000	Yes	$11,000	$19,000	$1,900	$20,900	$1,413,460	
73	STEARNS SWCD		DOUG		27	10/1/2007	Yes	2	185	BEEF	$56,250	Yes	$27,000	$13,500	$1,350	$14,850	$1,428,310	
74	KANABEC SWCD		PETER		21	9/1/2007	No	0	144	DAIRY	$22,770	Yes	$12,400	$10,100	$1,010	$11,110	$1,439,420	
75	**MILLE LACS SWCD**		DAVID		21	8/1/2007	Yes	2	60	DAIRY	$32,197	Yes	$54,472	$40,403	$4,040	$44,443	$1,439,420	Not impaired
76	STEARNS SWCD		LAWRENCE		21	10/1/2007	Yes	2	68	DAIRY	$25,000	Yes	$27,662	$21,088	$2,109	$23,197	$1,462,617	
77	STEARNS SWCD		ARNOLD		20	10/1/2007	Yes	2	70	DAIRY	$25,000	Yes	$3,465	$9,660	$966	$10,626	$1,473,243	
78	STEARNS SWCD		THERESA		18	10/1/2007	Yes	2	77	DAIRY	$55,000	Yes	$67,100	$48,000	$2,000	$50,000	$1,523,243	
79	STEARNS SWCD		ALVIN		18	10/1/2007	Yes	2	150	BEEF	$40,000	Yes	$15,375	$8,773	$877	$9,650	$1,532,893	
80	STEARNS SWCD		MARK		11	10/1/2007	Yes	2	141	DAIRY	$75,000	Yes	$148,434	$28,520	$2,852	$31,372	$1,564,265	
81	STEARNS SWCD		MICHAEL		11	10/1/2007	Yes	2	92	DAIRY	$28,750	No	$0	$17,077	$1,707	$18,784	$1,583,049	
82	STEARNS SWCD		DAVID		8	10/1/2007	Yes	2	136	DAIRY	$58,000	No	$0	$45,500	$4,550	$50,050	$1,633,099	
83	STEARNS SWCD		DARRELL		4	10/1/2007	Yes	2	158	DAIRY	$82,000	Yes	$11,825	$45,500	$4,550	$50,050	$1,683,149	
84	**STEARNS SWCD**		MARTIN		3	10/1/2007	Yes	2	50	DAIRY	$8,000	No		$45,500	$4,500	$50,000	$1,683,149	Not impaired
85	STEARNS SWCD		KEVIN		3	10/1/2007	Yes	2	180	SWINE	$38,000	No	$0	$45,500	$4,500	$50,000	$1,733,149	
86	STEARNS SWCD		JEROME		2	10/1/2007	Yes	2	66	DAIRY	$81,370	Yes	$22,903	$3,947	$395	$4,342	$1,737,491	
87	WASECA SWCD		RICHARD		0	10/7/2007	Yes	3	300	DAIRY	$57,500	No	$0	$15,000	$1,500	$16,500	$1,737,491	

Project #47 is a milk house tank

***Riparian Locations**

A=within 1,000 feet of a lake 3
B=within 300 feet of a stream 33
C=within 100 year floodplan 0
D=sinkhold catchment area 1
E=Drinking water Supply Management Area 1

Application period March 1, 2007 through April 17, 2007
Total FWQM request is for all applications submitted

PROPOSED FY 2008 GRANTS TO SOIL AND WATER CONSERVATION DISTRICTS

COMPOSITE

	COST SHARE		SERVICE GRANTS		
SWCD	BASE GRANTS	FEEDLOT	GENERAL SERVICES	EASEMENT SERVICES	GRANT TOTALS
AITKIN	$7,738		$24,649	$143	**$32,529**
ANOKA # *	$6,093		$21,508	$0	**$27,601**
BECKER	$45,711		$23,245	$356	**$69,312**
BELTRAMI	$10,975		$23,105	$713	**$34,793**
BENTON	$19,869		$23,479	$1,710	**$45,058**
BIG STONE	$12,239		$22,075	$2,351	**$36,665**
BLUE EARTH	$32,340		$23,058	$14,606	**$70,004**
BROWN	$24,624		$23,152	$11,899	**$59,675**
CARLTON	$12,000	$23,788	$22,824	$0	**$58,612**
CARVER	$29,202		$24,041	$2,850	**$56,093**
CASS	$12,648		$22,356	$143	**$35,147**
CHIPPEWA	$18,001		$23,152	$11,614	**$52,767**
CHISAGO	$16,524		$24,087	$713	**$41,324**
CLAY	$27,821		$23,526	$3,776	**$55,123**
CLEARWATER	$13,025		$22,918	$499	**$36,442**
COOK	$16,000		$22,263	$0	**$38,263**
COTTONWOOD	$26,328		$23,152	$13,181	**$62,661**
CROW WING	$15,000		$22,450	$0	**$37,450**
DAKOTA #	$39,457		$25,866	$499	**$65,822**
DODGE	$18,513		$23,620	$570	**$42,703**
DOUGLAS	$27,712		$24,602	$6,199	**$58,513**
FARIBAULT	$23,637		$23,620	$13,110	**$60,367**
FILLMORE	$42,432	$341,987	$24,555	$1,069	**$410,043**
FREEBORN	$27,846		$23,386	$5,486	**$56,718**
GOODHUE	$45,358	$50,000	$24,462	$4,418	**$124,238**
GRANT	$21,173		$23,245	$1,639	**$46,057**
HENNEPIN	$24,072		$33,071	$2,423	**$59,566**
HUBBARD	$14,500		$22,216	$71	**$36,787**
ISANTI	$11,303		$24,602	$641	**$36,546**
ITASCA	$10,000		$23,011	$0	**$33,011**
JACKSON	$20,990		$22,403	$5,771	**$49,164**
KANABEC	$16,000		$22,871	$499	**$39,370**
KANDIYOHI	$23,759		$23,807	$9,405	**$56,971**
KITTSON	$15,000		$23,432	$499	**$38,931**
KOOCHICHING	$16,000		$22,590	$0	**$38,590**
LAC QUI PARLE	$38,341		$22,918	$12,398	**$73,657**
LAKE	$16,000		$22,403	$0	**$38,403**
LAKE OF THE WOODS	$16,000		$22,075	$0	**$38,075**
LE SUEUR	$33,447		$23,947	$6,911	**$64,305**
LINCOLN	$26,062		$24,275	$6,769	**$57,106**
LYON	$23,472		$23,479	$10,118	**$57,069**
MAHNOMEN #	$16,030		$22,169	$0	**$38,199**
MARSHALL	$11,745		$22,497	$1,211	**$35,453**
MARSHALL-BELTRAMI	$9,025		$22,824	$285	**$32,134**
MARTIN	$33,528		$23,105	$13,680	**$70,313**

	COST SHARE		SERVICE GRANTS		
SWCD	BASE GRANTS	FEEDLOT	GENERAL SERVICES	EASEMENT SERVICES	GRANT TOTALS
MC LEOD	$20,529		$22,965	$4,133	**$47,626**
MEEKER	$27,983		$22,684	$5,201	**$55,868**
MILLE LACS	$10,025		$23,058	$1,140	**$34,223**
MORRISON	$39,665	$34,375	$24,696	$2,209	**$100,945**
MOWER	$20,214	$28,199	$25,351	$3,919	**$77,683**
MURRAY	$20,336		$22,309	$5,914	**$48,559**
NICOLLET	$21,082		$23,479	$5,201	**$49,762**
NOBLES	$32,479		$22,637	$1,354	**$56,470**
NORMAN	$17,947		$23,198	$2,351	**$43,496**
OLMSTED	$57,252		$26,474	$855	**$84,581**
OTTER TAIL EAST	$28,809		$23,198	$784	**$52,791**
OTTER TAIL WEST	$36,159		$23,198	$3,420	**$62,777**
PENNINGTON	$17,674		$22,871	$71	**$40,616**
PINE	$21,424		$23,198	$71	**$44,693**
PIPESTONE	$27,707	$87,634	$22,824	$1,496	**$139,661**
POLK EAST	$16,282		$23,011	$428	**$39,721**
POLK WEST	$25,063		$23,011	$71	**$48,145**
POPE	$34,283		$22,731	$11,400	**$68,414**
RAMSEY	$19,988		$23,620	$0	**$43,608**
RED LAKE	$8,145		$22,122	$285	**$30,552**
REDWOOD	$22,418		$23,620	$22,016	**$68,054**
RENVILLE	$16,594		$23,807	$27,218	**$67,619**
RICE	$24,873	$69,987	$27,878	$3,206	**$125,944**
ROCK	$27,802	$79,200	$23,620	$1,140	**$131,762**
ROOT RIVER	$36,104	$102,920	$27,363	$3,206	**$169,593**
ROSEAU	$16,716		$22,918	$71	**$39,705**
SCOTT	$31,366		$24,321	$3,349	**$59,036**
SHERBURNE	$13,000		$26,333	$0	**$39,333**
SIBLEY	$16,825		$23,058	$6,983	**$46,866**
ST. LOUIS NORTH	$13,025		$22,965	$0	**$35,990**
ST. LOUIS SOUTH	$10,352		$22,965	$0	**$33,317**
STEARNS	$65,834	$121,566	$26,801	$1,354	**$215,555**
STEELE	$17,874		$24,415	$3,420	**$45,709**
STEVENS	$28,603		$23,432	$4,489	**$56,524**
SWIFT	$15,839		$22,731	$11,685	**$50,255**
TODD	$28,056		$24,462	$285	**$52,803**
TRAVERSE	$10,044		$23,386	$1,496	**$34,926**
WABASHA	$28,775	$50,000	$23,947	$1,710	**$104,432**
WADENA	$16,000		$22,871	$784	**$39,655**
WASECA	$17,767		$23,198	$7,553	**$48,518**
WASHINGTON #	$21,927	$16,500	$25,070	$143	**$63,639**
WATONWAN	$18,113		$22,497	$7,339	**$47,949**
WILKIN	$22,139		$23,526	$1,853	**$47,518**
WINONA	$21,728	$95,721	$25,538	$1,924	**$144,911**
WRIGHT	$26,565		$26,006	$3,064	**$55,635**
YELLOW MEDICINE	$28,926		$23,526	$12,184	**$64,636**
ALLOCATED TOTALS	**$2,067,851**	**$1,101,877**	**$2,152,980**	**$344,993**	**$5,667,701**

NOTES:

COST SHARE BASE GRANT PENALTIES FOR RULE VIOLATION.

ANOKA - $11,710

DAKOTA - $750

MAHNOMEN - $1,199

WASHINGTON - $1,154

* 15% SERVICES GRANT PENALTY FOR LATE REPORTING

H:FY08SWCD

PROPOSED FY 2008 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 (SSTS).

The NRBG is a composite base grant generally formulated to reflect need/activity of these programs in all counties. This grant is not competitive and all counties are eligible to apply. A county may apply for any or all of the five grant program components.

FY 2008 NRBG Schedule

June 27, 2007	BWSR Requested to authorize the FY 2008 NRBG Counties Begin to Apply
July 2007	Grant Agreements Sent to Counties
August 2007	Grant Agreements Executed and Payments Transferred
October 30, 2007	Application Deadline
February 1, 2008	eLINK Reports Due

Selected Program Highlights of the FY 2008 NRBG:
Comprehensive Local Water Management - $1,499,824
This component is for implementing comprehensive local water plans. A statutory local levy match is required that will generate $1.5 M on a statewide basis. This individual county amount is determined from a county's equalized taxable net tax capacity, as determined by the Dept. of Revenue. Counties must have a BWSR approved locally adopted comprehensive local water plan.

Wetland Conservation Act - $2,171,973
This component is for the local administration of the WCA. A local 1:1 cash and/or in-kind match is required. The grant amount is formula derived from a base amount of county WCA activity. This formula was approved by BWSR at their April 2003 Meeting. The formula includes the following factors:

- Number of landowner contacts resulting in mitigation or replacement
- Number of cease and desist orders & restoration orders issued
- Change in population
- Amount of wetlands on non-public lands
- Amount of poorly drained soils on non-public lands
- Amount of shoreland on non-public lands

Of this amount, SWCDs are entitled to receive at least 15% or $5,000, whichever is greater, for performing mandated WCA activities.

DNR Shoreland - $429,926

This component is for the administration of state approved Shoreland management programs. It is administered at the state level by the DNR. A local 1:1 cash and/or in-kind match is required. The grant amount is derived from a base estimated amount of county Shoreland activity based on:

- Shoreline miles of lakes and rivers
- Amount of private lands
- Population

MPCA County Feedlot Program - $1,966,875

This component is for county administration of the MPCA Feedlot Program. All counties that have received delegation from MPCA to administer this Program are eligible to apply. A local .7:1 cash and/or in-kind match is required. Grant amounts are based on the grant formula that includes the following highlights:

- Grant amounts are based on feedlot registration database information from 2005 and a legislative appropriation of $2,324,000.

- Grants are based on the number of feedlots in shoreland with 10 or more AU and feedlots in non-shoreland with 50 or more AU.

- In addition to the projected grant amounts shown, counties will be eligible to earn an incentive award. The incentive is based on work performed by the county during the program year that exceeds minimum program requirements. Ten percent of the legislative appropriation is reserved for performance credit awards.

MPCA County Subsurface Sewage Treatment Systems Program - $859,995 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 $9,885 is determined by equal county allocations. (If dedicated funding is achieved for FY 09, this amount will become the base amount for FY 09 grants.) These funds are appropriated under the CWL Program. These allocations will leave a remaining FY balance of $365,000 to be allocated under the CWL Program.

Recommendation

On behalf of the BWSR, DNR, and MPCA staffs, the Grants Committee is requesting the Board to approve the 08 Natural Resources Block Grant Program and authorize staff to enter into grant agreements with counties that meet Program requirements according to the itemized amounts on the attached spreadsheet *Proposed 2008 BWSR Natural Resources Block Grant, Base Grant Breakdown by Program.*

H:08NRBG

PROPOSED 2008 BWSR NATURAL RESOURCES BLOCK GRANT
BASE GRANT BREAKDOWN BY PROGRAM

	$1.5 M	$2.17 M		$.43 M	$1.97 M	$.86 M	
	LOCAL WATER MANAGEMENT	WCA CONSERVATION ACT		DNR SHORELAND	MPCA COUNTY FEEDLOT PROGRAM	MPCA COUNTY SSTS PROGRAM	
COUNTY	CLWM BASE GRANT	WCA BASE GRANT	MINIMUM SWCD TRANSFER	SHORELAND BASE GRANT	FEEDLOT BASE GRANT	SSTS BASE GRANT	GRANT TOTAL
AITKIN	$18,285	$37,870	$5,681	$12,288		$9,885	**$78,328**
ANOKA	$10,657	$71,992	$10,799	$2,979		$9,885	**$95,513**
BECKER	$17,210	$27,613	$5,000	$12,234		$9,885	**$66,942**
BELTRAMI	$18,022	$69,034	$8,679	$6,272		$9,885	**$103,213**
BENTON	$17,473	$36,000	$5,400	$3,744		$9,885	**$67,102**
BIG STONE	$20,685	$10,000	$5,000	$3,065	$7,500	$9,885	**$51,135**
BLUE EARTH	$13,197	$20,710	$5,000	$3,695	$34,681	$9,885	**$82,168**
BROWN	$17,949	$10,000	$5,000	$3,048	$41,225	$9,885	**$82,107**
CARLTON	$17,575	$25,641	$5,000	$4,474		$9,885	**$57,575**
CARVER	$10,657	$36,000	$5,400	$2,979	$30,474	$9,885	**$89,995**
CASS	$13,827	$51,000	$7,650	$12,189		$9,885	**$86,901**
CHIPPEWA	$19,592	$10,000	$5,000	$2,990		$9,885	**$42,467**
CHISAGO	$14,803	$31,558	$5,000	$5,631		$9,885	**$61,877**
CLAY	$16,685	$18,737	$5,000	$3,354		$9,885	**$48,661**
CLEARWATER	$20,086	$22,682	$5,000	$3,604		$9,885	**$56,257**
COOK	$19,528	$14,793	$5,000	$4,780		$9,885	**$48,986**
COTTONWOOD	$19,544	$10,000	$5,000	$3,158	$27,109	$9,885	**$69,696**
CROW WING	$10,657	$43,392	$6,509	$21,792		$9,885	**$85,726**
DAKOTA	$10,657	$60,158	$9,024	$2,979	$25,707	$9,885	**$109,386**
DODGE	$19,070	$18,734	$5,000	$3,047	$30,474	$9,885	**$81,210**
DOUGLAS	$15,901	$24,655	$5,000	$9,734	$47,768	$9,885	**$107,943**
FARIBAULT	$19,157	$10,000	$5,000	$3,116	$38,981	$9,885	**$81,139**
FILLMORE	$18,799	$10,000	$5,000	$3,067	$106,754	$9,885	**$148,505**
FREEBORN	$17,274	$10,000	$5,000	$3,576	$36,738	$9,885	**$77,473**
GOODHUE	$12,419	$18,737	$5,000	$3,158	$75,906	$9,885	**$120,105**
GRANT	$20,411	$15,779	$5,000	$3,482		$9,885	**$49,557**
HENNEPIN	$10,657	$65,089	$9,763	$0		$9,885	**$85,631**
HOUSTON	$19,353	$14,793	$5,000	$3,105	$43,468	$9,885	**$90,604**
HUBBARD	$17,438	$28,599	$5,000	$9,609		$9,885	**$65,531**
ISANTI	$17,447	$28,599	$5,000	$4,562		$9,885	**$60,493**
ITASCA	$13,754	$50,296	$7,544	$11,514		$9,885	**$85,449**
JACKSON	$19,376	$10,000	$5,000	$3,430	$42,533	$9,885	**$85,224**
KANABEC	$19,843	$28,599	$5,000	$4,660		$9,885	**$62,987**
KANDIYOHI	$15,829	$24,655	$5,000	$7,693	$47,301	$9,885	**$105,363**
KITTSON	$20,116	$18,737	$5,000	$3,016	$7,500	$9,885	**$59,254**
KOOCHICHING	$19,782	$32,939	$5,010	$3,101		$9,885	**$65,707**
LAC QUI PARLE	$20,346	$10,000	$5,000	$2,995	$7,500	$9,885	**$50,726**
LAKE	$19,401	$18,737	$5,000	$5,257		$9,885	**$53,280**
LAKE OF THE WOODS	$20,814	$38,461	$5,769	$3,978	$7,500	$9,885	**$80,638**
LE SUEUR	$17,776	$18,737	$5,000	$5,603	$23,370	$9,885	**$75,371**
LINCOLN	$20,391	$10,000	$5,000	$3,153	$41,412	$9,885	**$84,841**
LYON	$18,023	$10,000	$5,000	$3,119		$9,885	**$41,027**
MCLEOD	$16,645	$18,737	$5,000	$3,404	$36,364	$9,885	**$85,035**
MAHNOMEN	$20,853	$14,793	$5,000	$3,828		$9,885	**$49,359**
MARSHALL	$19,740	$21,696	$5,000	$2,979	$7,500	$9,885	**$61,800**
MARTIN	$18,033	$10,000	$5,000	$3,445	$57,116	$9,885	**$98,479**
MEEKER	$18,419	$21,696	$5,000	$5,394	$27,109	$9,885	**$82,503**
MILLE LACS	$18,908	$25,641	$5,000	$5,478	$8,133	$9,885	**$68,045**

PROPOSED 2008 BWSR NATURAL RESOURCES BLOCK GRANT
BASE GRANT BREAKDOWN BY PROGRAM

	$1.5 M	$2.17 M		$.43 M	$1.97 M	$.86 M	
	LOCAL WATER MANAGEMENT	WCA CONSERVATION ACT		DNR SHORELAND	MPCA COUNTY FEEDLOT PROGRAM	MPCA COUNTY SSTS PROGRAM	
COUNTY	CLWM BASE GRANT	WCA BASE GRANT	MINIMUM SWCD TRANSFER	SHORELAND BASE GRANT	FEEDLOT BASE GRANT	SSTS BASE GRANT	GRANT TOTAL
MORRISON	$17,918	$34,517	$5,178	$4,494	$57,490	$9,885	$124,304
MOWER	$17,178	$14,793	$5,000	$3,719	$26,688	$9,885	$72,263
MURRAY	$19,815	$10,000	$5,000	$3,670	$39,075	$9,885	$82,445
NICOLLET	$17,321	$18,737	$5,000	$3,055	$38,514	$9,885	$87,512
NOBLES	$18,962	$10,000	$5,000	$3,032	$49,264	$9,885	$91,143
NORMAN	$20,461	$14,793	$5,000	$2,989	$7,500	$9,885	$55,628
OLMSTED	$10,657	$28,599	$5,000	$3,588		$9,885	$52,729
OTTER TAIL	$12,934	$68,047	$13,807	$20,219		$9,885	$111,085
PENNINGTON	$20,198	$18,737	$5,000	$3,228	$7,500	$9,885	$59,548
PINE	$18,241	$39,448	$5,917	$6,720		$9,885	$74,294
PIPESTONE	$20,075	$10,000	$5,000	$2,979	$48,049	$9,885	$90,988
POLK	$17,732	$24,655	$10,000	$3,939	$10,470	$9,885	$66,681
POPE	$19,874	$17,751	$5,000	$4,842	$32,998	$9,885	$85,350
RAMSEY	$10,657	$19,000	$5,000	$0		$9,885	$39,542
RED LAKE	$20,877	$14,793	$5,000	$3,273	$7,500	$9,885	$56,328
REDWOOD	$19,054	$11,834	$5,000	$2,979		$9,885	$43,752
RENVILLE	$18,495	$10,000	$5,000	$3,033	$33,372	$9,885	$74,785
RICE	$13,768	$27,613	$5,000	$4,772	$70,390	$9,885	$126,428
ROCK	$19,980	$10,000	$5,000	$2,979	$47,394	$9,885	$90,238
ROSEAU	$19,922	$27,613	$5,000	$3,073		$9,885	$60,493
ST. LOUIS	$10,657	$86,193	$20,474	$22,712		$9,885	$129,447
SCOTT	$10,657	$47,337	$7,101	$2,979	$18,696	$9,885	$89,554
SHERBURNE	$10,657	$36,000	$5,400	$5,551		$9,885	$62,093
SIBLEY	$19,242	$15,325	$5,000	$3,076	$32,718	$9,885	$80,246
STEARNS	$10,657	$52,268	$7,840	$10,257	$199,099	$9,885	$282,166
STEELE	$16,405	$13,806	$5,000	$3,266	$28,060	$9,885	$71,422
STEVENS	$20,151	$10,000	$5,000	$3,108	$15,518	$9,885	$58,662
SWIFT	$19,816	$13,806	$5,000	$3,126	$15,892	$9,885	$62,525
TODD	$19,323	$24,655	$5,000	$5,620	$71,045	$9,885	$130,528
TRAVERSE	$20,520	$10,000	$5,000	$3,195	$7,500	$9,885	$51,100
WABASHA	$18,665	$13,806	$5,000	$4,008	$47,768	$9,885	$94,132
WADENA	$20,262	$22,682	$5,000	$3,514	$18,603	$9,885	$74,946
WASECA	$18,790	$13,806	$5,000	$3,425	$26,455	$9,885	$72,361
WASHINGTON	$10,657	$47,337	$7,101	$2,979		$9,885	$70,858
WATONWAN	$19,892	$10,000	$5,000	$3,114	$20,753	$9,885	$63,644
WILKIN	$20,055	$10,000	$5,000	$2,999		$9,885	$42,939
WINONA	$15,598	$13,806	$5,000	$3,021	$58,892	$9,885	$101,202
WRIGHT	$10,657	$48,323	$7,249	$10,640	$41,225	$9,885	$120,730
YELLOW MEDICINE	$19,980	$10,000	$5,000	$2,995	$28,324	$9,885	$71,184
MARSHALL-BELTRAMI SWCD	$0	$6,004	NA	$0			$6,004
TOTALS	**$1,499,824**	**$2,171,973**		**$429,926**	**$1,966,875**	**$859,995**	**$6,928,593**

NOTE: THE LOCAL WATER PLANNING BASE GRANT REQUIRES A LOCAL LEVY MATCH. THE WETLAND CONSERVATION ACT and DNR SHORELAND REQUIRE A 1:1 CASH/IN-KIND MATCH. THE FEEDLOT BASE GRANT REQUIRES A .7:1 CASH/IN-KIND MATCH. THE MPCA COUNTY SSTS PROGRAM BASE GRANT DOES NOT REQUIRE A MATCH.

H:08NRBG

PROPOSED FY 08 NPEA BASE GRANTS

BACKGROUND

The Non Point Engineering Assistance (NPEA) Base Grants are allocated annually to the eleven NPEA (TSA) Joint Powers Boards for the purpose of providing technical assistance to landowners to apply conservation practices. For FY 08, the legislature has appropriated $1.06 M for this Program – a $4,000 reduction from 07.

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

ISSUE

This delivery model allocation policy pertinent to the 08 NPEA Base Grant is as follows:

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

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

State = $96,364 per TSA (i.e. equal state funding) TSA = $24,091

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

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

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

Before FY 06, our allocation policy required the JPBs financial report for the previous year. The reason that we required the financial report was because it was used to determine if the JPB had any unspent funds remaining from the previous year's grant. If any unspent funds remained, their next grant was reduced by that amount.

JPBs were given until July 31 (1 month after the end of the FY) to complete their financial reports. Grant amounts were then determined and the Board was requested to approve allocations at their next available meeting, which was in late August. Allocations were made in early September.

Because of Board Policy adopted FY 06, all JPB grants are now =,=,=. It is no longer necessary to reconcile their next grant with the previous year's financial report. Staff may

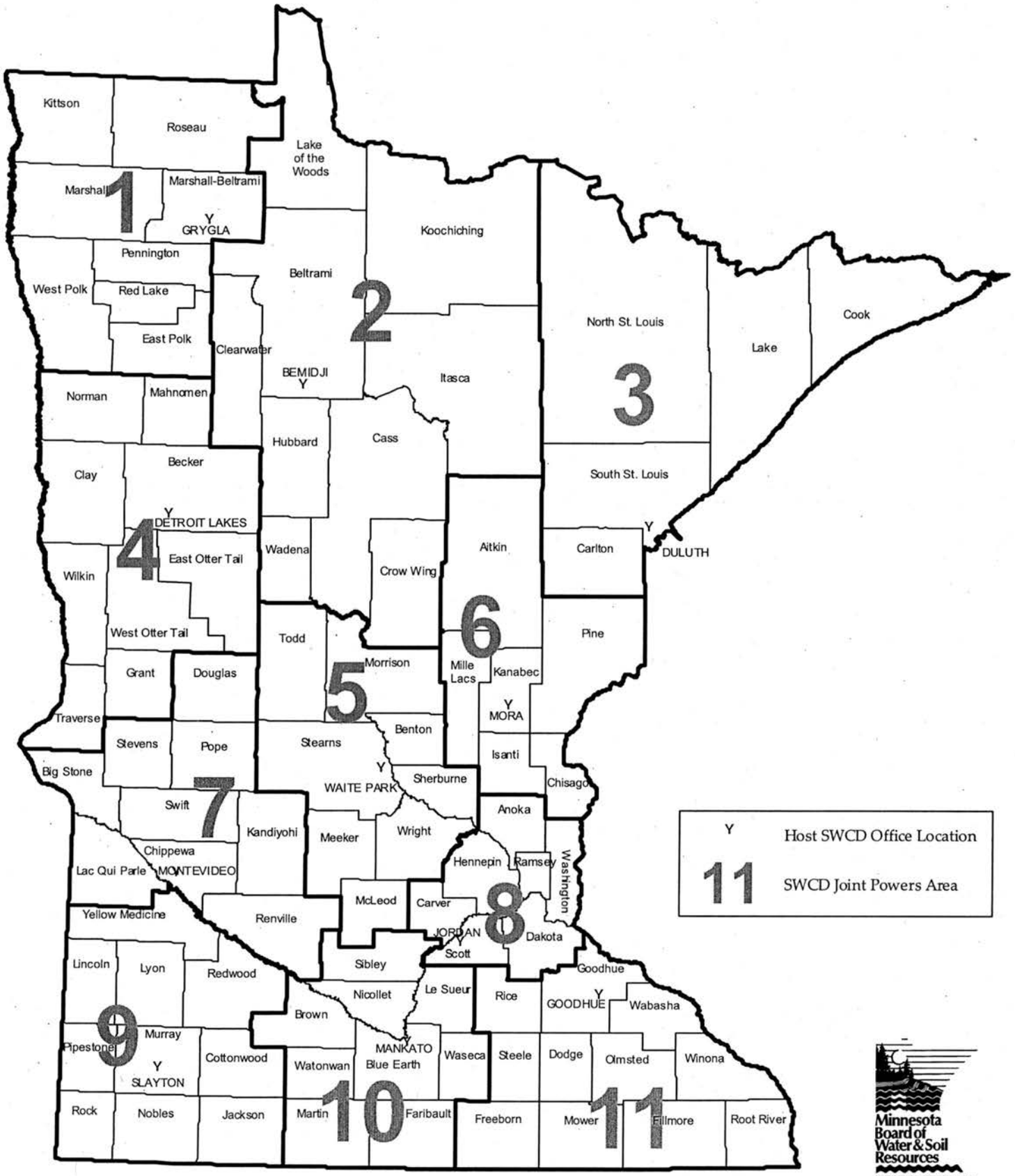
begin the allocation process immediately after July 1. This should move up the allocations by about 2 months.

RECOMMENDATION

The Grants Program and Policy Committee is requesting the authorization of the 08 NPEA Base Grant Program, and staff to allocate these grants to JPBs meeting Program, workplan, and reporting requirements, beginning July 1, 2007.

H:08NPEAGC

Nonpoint Engineering Assistance Program



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

January 2003

FY 2008/09 LOCAL WATER MANAGEMENT PLANNING CHALLENGE GRANTS:

Background: BWSR has been providing project funds on a competitive basis since the beginning of the Local Water Management Program. In the early years, state general funds supported the Challenge Grant Program, however, beginning in fiscal year 2000 the Legislative Commission on Minnesota Resources began providing funding for the Challenge Grant Program..Total LCMR (and now LCCMR) funding is $4,190,000.

Available Funds: $350,000

Application Period: March 1, 2007 – April 13, 2007

Eligible Local Units of Government includes counties, watershed districts and watershed management organizations. Soil and water conservation districts (SWCD) may apply if the county has delegated the local water management planning responsibilities to them per 103B.311, subd. 2. All applicants must have an approved, current local water management plan.

Grant maximums: Grants will not exceed $25,000 per local government unit (LGU) or $75,000 per project where 3 or more LGUs are involved in implementing a project.

Required Match: All grants must be matched one-to-one with non-state cash or in kind contributions.

Eligible projects: Proposed projects must implement priority action items in an approved local water management plan. Eligible projects include:

1. land and water treatment (i.e., install erosion or water quality improvement practices);
2. planning and environmental controls (i.e. developing a lake plan or special area ordinance)
3. monitoring and modeling (i.e. water quality data or watershed modeling)

Priority consideration will be given to projects that develop and implement innovative practices, programs, or plans to protect or restore surface and ground waters.

Ineligible projects include:

1. installation of individual sewage treatment systems;
2. updating local water plans;
3. Clean Water Partnership Phase 1 diagnostic studies;
4. federal and state combined cost-share that exceeds 75% of the cost of the project;
5. additional state money for BWSR easement payments (RIM, CREP, WRP, road replacement) or admin/tech services associated with the easement acquisition; and
6. digitizing soil surveys not done to USDA-NRCS standards.

Application Summary: A total of 64 applications were received by the April 13 deadline. These applications requested $1,474,706 in grant funds with a total match of $2,569,393.

Review Process: BWSR along with the Pollution Control Agency, and the Departments of Agriculture, Health, and Natural Resources reviewed the applications and scored them on the basis of the following: (1) Desired Outcome; (2) Initiatives and Budget; and (3) Special Consideration. The Review Committee met on May 16 to finalize the funding recommendations.

Funding Recommendation: The Grants Policy and Program Committee supports the Review Committee's funding recommendation that the highest scoring 12 projects be funded, with the twelfth project receiving partial funding. These projects will provide a match of $587,709.

BWSR 2008-2009 LWM Planning Challenge Grant Application
Combined Reviewers Scoring Worksheet

	Applicant	Application Title	Grant Request	Cumulative Total	Match	Total Budget	Accept Lesser Amount	Predominate Category	Total Score
1	Middle St. Croix River WMO	Stabilization of the Afton-Lakeland Gully	$75,000	$75,000	$90,000	$165,000		L&W	618
2	Mille Lacs SWCD	Mille Lacs Shoreland Restoration	$4,000	$79,000	$4,000	$8,000	Y	L&W	589
3	Washington County	Abandoned Exploritory Borehole Geo-physics, Contamination Assessment, and Remediation	$10,000	$89,000	$10,000	$20,000	Y	Monitoring/Data Collection	559
4	Fillmore SWCD	Root River Watershed Partnership to reduce Fecal Coliform through improved grazing managment	$75,000	$164,000	$81,000	$156,000	Y	L&W	546
5	Wadena SWCD	Menahga Stormwater Disconnect Implementation	$21,500	$185,500	$23,750	$45,250	Y	L&W	546
6	BNC Water Quality Board IRR	Integrating solar/wind powered pumps with restored wetlands to enhance water treatment	$24,500	$210,000	$25,000	$49,500		L&W	538
7	Cass County	Aitkin-Cass-Crow Wing Sensitive and Key Lakeshore and River Reach Identification for Cons. Easements	$56,000	$266,000	$64,000	$120,000	Y	Regulation,Ordinances,Planning	509
8	Lake of the Woods County	Bostic Watershed Erosion & Sedimentation Investigation	$11,553	$277,553	$11,553	$23,106		Monitoring/Data Collection	495
9	Itasca SWCD	Itasca SWCD LWM Challenge Grant 08-09	$24,690	$302,243	$37,690	$62,380	Y	Monitoring/Data Collection	484
10	Kittson SWCD	Kittson SWCD Greenwood Cemetery Streambank Challenge Grant application	$25,000	$327,243	$155,000	$180,000		L&W	479
11	Le Sueur County	Phosphorus Reduction in Drainage using Organic Carbon Barley Straw	$6,732	$333,975	$6,896	$13,628		Monitoring/Data Collection	454
12	Shingle Creek WMO	Shingle Creek Stream Restoration - LWM Challenge	$30,000	$363,975	$78,820	$108,820	Y	L&W	453
13	Lake of the Woods SWCD	Lake of the Woods Shoreline Protection Cost Share Program	$24,050	$388,025	$25,900	$49,950	Y	L&W	447
14	North Fork Crow River	NFCR Watershed County Ditch 4 Impoundment Construction	$25,000	$413,025	$30,575	$55,575	Y	L&W	430
15	Douglas County	Douglas SWCD Challenge Grant-Lake Geneva Gully Stablization	$3,500	$416,525	$3,500	$7,000	Y	L&W	427
16	Buffalo Creek	McLeod County LiDAR and Orthophotography Acquisition Project	$75,000	$491,525	$278,937	$353,937	Y	Regulation,Ordinances,Planning	408
17	Kittson SWCD	Percy Blake Streambank Stabilization Challenge Grant application	$7,269	$498,794	$21,807	$29,076		L&W	385
18	Hubbard SWCD	Hubbard SWCD 2007 LWP Challenge Grant Application	$3,592	$502,386	$3,592	$7,183		Monitoring/Data Collection	375
19	Rice Creek WD	Stream Health Evaluation Project (SHEP) - RCWD	$11,900	$514,286	$20,430	$32,330		Monitoring/Data Collection	351
20	Ottertail, East SWCD	Otter Tail County Shorland Technical Assistance and Education Program	$25,000	$539,286	$52,835	$77,835	Y	L&W	350
21	Cook County	Cook County Individual Sewage Treatment System (ISTS) GIS Database	$10,000	$549,286	$10,000	$20,000	Y	Inventory/Mapping	349
22	Martin County	Martin County Local Water Management Planning Challage Grant	$50,000	$599,286	$90,800	$140,800	Y	L&W	343
23	Sand Hill River WD	Development of a GIS Planning Tool for the Management of Drainage Systems, Projects& Benefit Areas	$15,000	$614,286	$15,000	$30,000		Regulation,Ordinances,Planning	335
24	Sibley SWCD	Technical and financial assistance for replacing open tile intakes	$12,500	$626,786	$12,500	$25,000		L&W	333
25	Sauk River WD	Sauk River Watershed District GIS Drainage Ditch Systems Ditch Inventory for Management & Planning	$8,388	$635,173	$8,388	$16,775	Y	Regulation,Ordinances,Planning	330

	Applicant	Application Title	Grant Request	Cumulative Total	Match	Total Budget	Accept Lesser Amount	Predominate Category	Total Score
26	Carnelian Marine WD	Carnelian Hills 130 Street Lane BMP Program	$50,000	$685,173	$50,000	$100,000	Y	L&W	323
27	Martin County	Martin County Local Water Managemenr Planning Challenge Grant.	$6,000	$691,173	$10,500	$16,500	Y	Monitoring/Data Collection	318
28	Middle-Snake-Tamarac Rivers WD	Legal Drainage Ditch GIS Creation and Supporting Information for Future Planning & Management	$40,000	$731,173	$50,000	$90,000	Y	Regulation,Ordinances,Planning	314
29	Ramsey SWCD	cost-share shoreline stabilization Lake owasso	$10,000	$741,173	$10,000	$20,000	Y	L&W	309
30	Coon Creek WD W	Low Impact Development Demonstration Site	$25,000	$766,173	$10,000	$35,000	Y	L&W	307
31	Heron Lake WD	Conservation Tillage Study for Continuous Corn-on-Corn	$47,367	$813,540	$60,872	$108,240		L&W	304
32	Roseau River WD	Roseau River Watershed District Challenge Grant Application	$7,500	$821,040	$7,500	$15,000		Monitoring/Data Collection	301
33	Goodhue SWCD	Stormwater BMP Project	$5,000	$826,040	$5,000	$10,000	Y	L&W	300
34	Mower County	Mower County GIS Based Public Drainage Project	$5,000	$831,040	$5,000	$10,000	Y	Monitoring/Data Collection	298
35	Ramsey SWCD	Cost-share Program for Native Plant BMPs	$10,000	$841,040	$10,000	$20,000	Y	L&W	298
36	Shell Rock River WD	Shell Rock GIS for ISTS Success	$25,000	$866,040	$25,000	$50,000	Y	Regulation,Ordinances,Planning	298
37	Chisago County	Chisago County Government Center Stormwater Retro-Fit Project	$35,000	$901,040	$85,000	$120,000	Y	L&W	297
38	Shingle Creek WMO	Shingle Creek Phosphorus Reduction Grant	$75,000	$976,040	$610,000	$685,000	Y	L&W	291
39	Shell Rock River WD	Measure Impact of Urban Runoff	$20,000	$996,040	$20,000	$40,000	Y	Monitoring/Data Collection	285
40	Chisago County	Chisago County Shoreline Restoration Challange Grant	$20,000	$1,016,040	$25,000	$45,000	Y	L&W	275
41	Cass County	Developing and using whole-watershed phosphorus balances as a lake management tool	$25,000	$1,041,040	$25,000	$50,000	Y	Monitoring/Data Collection	269
42	Okabena-Ocheda WD	Lake Ocheda Shoreland Management Plan	$10,000	$1,051,040	$10,000	$20,000	Y	Regulation,Ordinances,Planning	267
43	Wright SWCD	Stormwater BMP Study and Demonstration	$22,000	$1,073,040	$42,000	$64,000		L&W	242
44	Buffalo-Red River	Create public education water quality information for BRRWD website	$6,000	$1,079,040	$6,000	$12,000	Y	Monitoring/Data Collection	234
45	Beltrami County	PILT Culvert Inventory	$15,000	$1,094,040	$41,700	$56,700		Inventory/Mapping	233
46	Prior Lake - Spring Lake WD	PLSLWD-Rain Garden Testing	$11,642	$1,105,683	$11,642	$23,285	Y	Monitoring/Data Collection	232
47	Beltrami SWCD	Shoreline Restoration Specialist	$50,000	$1,155,683	$50,000	$100,000		L&W	225
48	Goodhue SWCD	ATV Fertilizer Equipments	$12,600	$1,168,283	$12,600	$25,200	Y	L&W	220
49	Mille Lacs SWCD	West Branch Rum River Monitoring	$31,600	$1,199,883	$35,000	$66,600	Y	Monitoring/Data Collection	219
50	Le Sueur County	Enhanced Upper Cannon Lakes Intensive Monitoring	$17,700	$1,217,583	$22,663	$40,363		Monitoring/Data Collection	212
51	Le Sueur County	Le Sueur Arsenic/ Nitrogen Groundwater Quality	$12,208	$1,229,791	$15,073	$27,281	Y	Monitoring/Data Collection	212
52	Ramsey SWCD	Pilot Abandoned Well Sealing	$25,000	$1,254,791	$25,000	$50,000	Y	L&W	210
53	Faribault SWCD	Continued monitoring of bacteria levels of a small community after wastewater upgrade	$3,000	$1,257,791	$3,000	$6,000		Monitoring/Data Collection	205

	Applicant	Application Title	Grant Request	Cumulative Total	Match	Total Budget	Accept Lesser Amount	Predominate Category	Total Score
54	Beltrami SWCD	Grace Lake Watershed Water and Nutrient Budget Development	$7,500	$1,265,291	$7,500	$15,000		Regulation,Ordinances,Planning	204
55	Bois de Sioux	2008/09 Upper Mustinka Subwater Culvert Inventory	$25,000	$1,290,291	$25,000	$50,000			195
56	Beltrami SWCD	Grace Lake Watershed Improvement Projects	$17,500	$1,307,791	$17,500	$35,000		L&W	194
57	Bois de Sioux	East Branch Twelve Mile Creek Challenge Grant	$25,000	$1,332,791	$25,000	$50,000		Monitoring/Data Collection	192
58	Ramsey SWCD	Native Plant Sale and workshop	$5,000	$1,337,791	$5,000	$10,000	Y	Education/Information	191
59	Valley Branch WD	Raleigh Creek Repair & Rehabilitation Project	$25,000	$1,362,791	$0	$25,000	Y	L&W	190
60	Goodhue SWCD	Goodhue County SWCD	$4,150	$1,366,941	$4,150	$8,300	Y	Regulation,Ordinances,Planning	188
61	Le Sueur County	Ney Backyard Conservation Workshops II	$10,265	$1,377,206	$17,219	$27,484	Y	Education/Information	186
62	Valley Branch WD	Best Management Practices Demonstration Site at Oakdale Nature Center	$75,000	$1,452,206	$0	$75,000	Y	L&W	185
63	Wright SWCD	Corinna Town MLCCS Survey	$20,000	$1,472,206	$20,000	$40,000	Y	Monitoring/Data Collection	140
64	Ramsey SWCD	Lakeshoreline and riparian zone inventory	$2,500	$1,474,706	$2,500	$5,000	Y	Monitoring/Data Collection	119
		Challenge Grant Summary	*$1,474,706*		*$2,569,393*	*$4,044,099*			

Soil Survey Assistance Grants

BACKGROUND

The LCCMR allocated Trust Funds to BWSR to accelerate the completion of soil surveys. $400,000 will be available July 1st.

ISSUE

Subsurface investigations by backhoe are very helpful in the conduct of a soil survey. (To "see" below the land surface, and road cuts are not available, a backhoe becomes a useful tool.) In recent years, the NRCS has not funded this activity. By providing money to county-based NRCS soil survey staff through a SWCD, backhoe services could be obtained.

The NRCS estimates about 10 days of backhoe time is needed per county. 10 days times $1,000 per day equals $10,000 per SWCD.

LOCAL PROCESS

The county-based NRCS soil scientist determines where a backhoe would be useful. The SWCD contracts for backhoe services and pays the bill. Funds remaining from the allocation to a county are returned to BWSR and ultimately reallocated to other tasks associated with the LCCMR-approved work plan.

RECOMMENDATION

The Grants Policy and Program Committee requests the Board to allocate $10,000 ($40,000 total) each to the following SWCDs for backhoe work to support the on-going soil surveys for those counties.

Koochiching
North St. Louis
South St. Louis
Crow Wing

K:SSAG

ANNUAL PLAN – FY 008

JULY 1, 2007 – JUNE 30, 2008



AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

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FY 2008 TECHNICAL OFFICE BUDGET

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

2007 BOARD OF DIRECTORS

BROWN COUNTY
ANDREW LOCHNER – CHAIR
CHARLES GUGGISBERG

COTTONWOOD COUNTY
GARY SORENSON – VICE CHAIR
NORMAN HOLMEN

LAC QUI PARLE COUNTY
HAROLD SOLEM
TODD PATZER

LINCOLN COUNTY
CURT BLUMEYER
LARRY HANSEN

LYON COUNTY
PHILIP NELSON - SECRETARY/TREASURER
RODNEY STENSRUD

MURRAY COUNTY
ROBERT MOLINE
JOHN GIESE

PIPESTONE COUNTY
LUKE JOHNSON
HAROLD MILLER

REDWOOD COUNTY
JOHN SCHUELLER
ALLEN KOKESCH

YELLOW MEDICINE COUNTY
LOUIS SHERLIN
RON ANTONY

ANNUAL PLAN – FY 2008
ADMINISTRATIVE WORK PLAN NARRATIVE

STAFF: Kerry Netzke ~ *Coordinator* Joe DeSchepper ~ *Engineering Technician* Duane Hansel, P.E. ~ *Consultant Engineer Bolton & Menk, Inc.*

Looking toward Fiscal 2008 is exciting with partially restored administrative funding in addition to a healthy balance of construction funding for floodwater retention projects. The $500,000 LCMR funding from 2005 will expire June 30, 2007 and we are working on the 2005 and 2006 Bonding funds balances. Our goal is to reduce the bonding to a minimum in order to request another $500,000 appropriation from the 2008 legislature.

Area II continues to rely upon project partners to partially fund projects to further our project implementation dollars. Credit is due to the Redwood-Cottonwood Rivers Control Area (RCRCA) and their Clean Water Partnerships and the federally-funded Environmental Quality Incentives Program (EQIP) through NRCS. Without those resources and partnerships, many of the projects would not be completed.

Due to an unseasonably warm spring, we have a busy construction season well underway. With the LCMR appropriation expiring on June 30th, priority was given to those projects which also required switching a few projects to be funded by LCMR rather than Bonding. We plan to construct at least nine retention projects in 2007 with cooperation from the weather and permitting authorities. When staff is not busy staking or inspecting ongoing construction, design and permit work for the projects slated to receive the 2006 Bonding appropriation take priority. With a small staff, the project management of multiple projects becomes challenging.

Our administrative funding was partially restored to $140,000 per year which was a welcome relief. 'Doing more with less' was becoming less feasible and more difficult as the budget continues to slowly increase with inflation and general costs of living. Our local legislators are tremendously supportive and dedicated to Area II and we thank them graciously. The nine member counties voted to increase their levies to Area II by 2% last year as the levies had remained the same for ten years. Even when the State's funds for administration were reduced from $189,000 annually, the nine member counties choose to keep their levies the same despite the financial strain on the county governments at that time. Their dedication to Area II remains strong as the Joint Powers Agreement was recently extended until 2009.

Area II greatly appreciates the long-term support and trust given to them from the Minnesota Board of Water & Soil Resources. We look forward to a strong relationship with John Jaschke as he takes BWSR into a new era. We hope to continue our good work and to make BWSR proud of the conservation practices that only we can do in southwestern Minnesota!

FY 2007
COMPLETED PROJECTS

χ	**Holly 9 Dam and Small Dam Repair - Murray County**	**$221,307.52**
	LCMR	$165,087.57
	Area II counties	$ 36,219.95
	Landowners	$ 20,000.00

Additionally, in-kind services of $10,640.00 were contributed by Area II and $900.51 from Murray County Hwy Dept.

χ	**Sodus 27 Dam - Lyon County**	**$68,557.72**
	2005 Bonding Funds	$ 51,418.29
	Landowner	$ 17,139.43
χ	**Gales 17 Small Dam Repair - Redwood County**	**$10,560.75**
	RCRCA Cost-Share	$ 7,920.56
	Area II Counties	$ 196.34
	Landowner/Renter	$ 2,443.85
χ	**Monroe 1 Small Dam Repair - Lyon County**	**$11,374.81**
	RCRCA Cost-Share	$ 8,531.11
	Landowner	$ 2,843.70
χ	**Aetna 22 Small Dam Repair - Pipestone County**	**$14,432.50**
	RCRCA Cost-Share	$ 10,824.37
	Landowner	$ 3,608.13
χ	**Lynd 8 Small Dam Repair - Lyon County**	**$18,817.00**
	RCRCA Cost-Share	$ 13,135.50
	Landowner	$ 5,681.50
χ	**Amiret 29 Dam - Lyon County**	**$ 14,216.57**
	2005 Bonding Funds	$ 10,662.43
	Landowner	$ 3,103.39
	Area II Counties	$ 450.75

COMPLETED PROJECTS TOTAL
$ 359.266.87

FY 2008
2005 BONDING PROJECTS

χ **Alta Vista 36 Road Retention – Lyon/Lincoln County $658,603.34** COMPLETED

46.9 acres of flood easement acquired to reduce 100-year storm flows by 49.6% (1124 cfs to 578 cfs); 498 acre-feet of storage.

MNDOT Local Road Improvement Grant	$250,000.00	Lyon County In-kind (asphalt surfacing)	$ 70,000.00
2005 Bonding Funds	$155,000.00	Lincoln County In-kind (engineering)	$ 58,521.98
Lincoln County – MNDOT State Aid	$ 73,104.66	Yellow Medicine Watershed District	$ 51,976.70

χ **Sodus 27 Dam - Lyon County $ 68,557.72** COMPLETED

3.09 acres of flood easement acquired to reduce 100-year storm flows by 77% (54 cfs to 12 cfs); 22.3 acre-feet of storage.

2005 Bonding Funds	$ 51,418.29
Landowner	$ 17,139.43

χ **Amiret 29 Dam - Lyon County $ 14,216.57** COMPLETED

1.69 acres of flood easement acquired to reduce 100-year storm flows by 95% (11 cfs to 0.6 cfs).

2005 Bonding Funds	$ 10,662.43
Landowner	$ 3,103.39
Area II Counties	$ 450.75

χ **North Hero 34E Road Retention - Redwood County** ($ 264,669 Estimate)

This project is a collaboration between Area II, Redwood County, and North Hero Township. Peak flow reductions will be 54% amounting to 393 cfs on a 100-year storm event. 390.4 acre-feet of flood storage will temporarily pond on 56.1 acres. The County will likely choose between this project, or the Springdale 21 project, for 2007 construction. The remaining project will likely be constructed in 2008.

χ **Springdale 21 Road Retention - Redwood County** ($ 274,963 Estimate with $160,000 MNDOT participating)

This project is joint venture between Area II, Redwood County, and Springdale Township. Peak flow reductions will be 47.5% amounting to 260 cfs on a 100-year storm event. 147 acre-feet of flood storage will temporarily pond on 25.3 acres.

CONTINUED...

CONTINUED...
2005 BONDING PROJECTS

χ **Monroe 7 Small Dam Repair - Lyon County**
Bonding will provide 75% for construction while the remaining local match of 25% will be provided by the landowner and Area II. We are negotiating a suitable design as several complexities exist for this project including: undersized original plan, downstream road retention, and adjacent Scenic & Natural Area (SNA).

χ **Custer 15 Small Dam Repair - Lyon County** ($13,245.21) IN CONSTRUCTION
Funding has been secured through EQIP (50%) and Bonding (25%) with the remaining local match of 25% will be provided by the landowner.

χ **Lake Marshall 31 Small Dam Repair - Lyon County** ($20,834.55) IN CONSTRUCTION
Funding has been secured through EQIP (~50%) and Bonding (25%) with the remaining local match of 25% will be provided by the landowner.

χ **Norman 35 Small Dam Repair – Yellow Medicine County** ($22,785.00)
Funding has been secured through EQIP (50%), Bonding (25%), the Yellow Medicine River Watershed District (12.5%) and landowner (12.5%). Construction is slated for July.

BALANCE REMAINING
$ 284.271.71

FY 2008
2006 BONDING PROJECTS

- **Hansonville 17/18 Dam – Lincoln County**
  The location of the project is immediately downstream of Fish Lake (South Dakota) that has been operating with an uncontrolled outlet for decades. This reach has caused tremendous damage as it drains to the Lac qui Parle River. Soil borings have recently been taken and preliminary reports indicate very good soils for dam construction.

- **Drammen 15 Dam – Lincoln County**
  Located in the upper reaches of the Redwood River, this site is nestled in among several windturbine generators. Soil borings have recently been taken and preliminary reports indicate very good soils for dam construction.

- **Springdale 17 Dam - Redwood County**
  This location immediately upstream of a county highway is drawing the interest and cooperation of Redwood County. Outflows from this area have caused extensive damage to township roadways and private property in the past.

- **Delhi 24 Small Dam Repair - Redwood County**

- **Marshfield 24 NW Small Dam Repair - Lincoln County**

- **Marshfield 24 SE Small Dam Repair - Lincoln County**

- **Fortier 22 Road Retention – Yellow Medicine County**

- **Lynd 35 Small Dam Repair – Lyon County**

BALANCE REMAINING
$ 500.000.00

FY 2008
LCMR PROJECTS

χ **Florida 9 Road Retention – Yellow Medicine County** ($112,367.09) COMPLETED

14.8 acres of flood easement acquired to reduce 100-year storm flows by 24.2% (947 cfs to 718 cfs); 99 acre-feet of storage.

LCMR	$ 81,207.57
Area II Counties	$ 31, 059.52

χ **Holly 9 Dam and Small Dam Repair - Murray County** ($221,307.52) COMPLETED

13.25 acres of flood easement acquired to reduce 100-year storm flows by 82% (418 cfs to 77 cfs); 255 acre-feet of storage.

LCMR	$165,087.57
Area II counties	$ 36,219.95
Landowners	$ 20,000.00

Additionally, in-kind services of $10,640.00 were contributed by Area II and $900.51 from Murray County Hwy Dept.

χ **Monroe 3/10 Road Retention/Dam - Lyon County** ($250,934.05) IN CONSTRUCTION

χ **Lynd 32 Dam – Lyon County** ($46,933.00) IN CONSTRUCTION

χ **Germantown 4 Road Retention - Cottonwood County** BID LETTING 6/25/2007

Phase I of this project was completed in 2004 which consisted of installing the 12' x 12' box culvert and raising the roadway elevation 15'. Phase II will consist of adding the low-flow inlet and riser pipe to the existing culvert and raising the road an additional 5' to create the retention capability of the project. We intend to purchase the flood easements using LCMR funding and finance 75% of the construction through a bonding appropriation.

χ **Lyons 12 Dam - Lyon County**

From our updated design, peak flow reductions will be 72% amounting to 293 cfs on a 100-year storm event. 104 acre-feet of flood storage will temporarily pond on 17.5 acres. We intend to purchase the flood easement and wetland mitigation using LCMR funding and finance 75% of the construction through a bonding appropriation.

FY 2008
OTHER PROJECTS

- **Lake Stay Outlet Dam Restoration – Lincoln County**

The original concrete dam which was built in 1916 is now undermining and dangerously lowering the water of this popular area lake. Lincoln County has adopted ownership and responsibility of the dam and has asked Area II to assist in the survey and design of the new outlet structure.

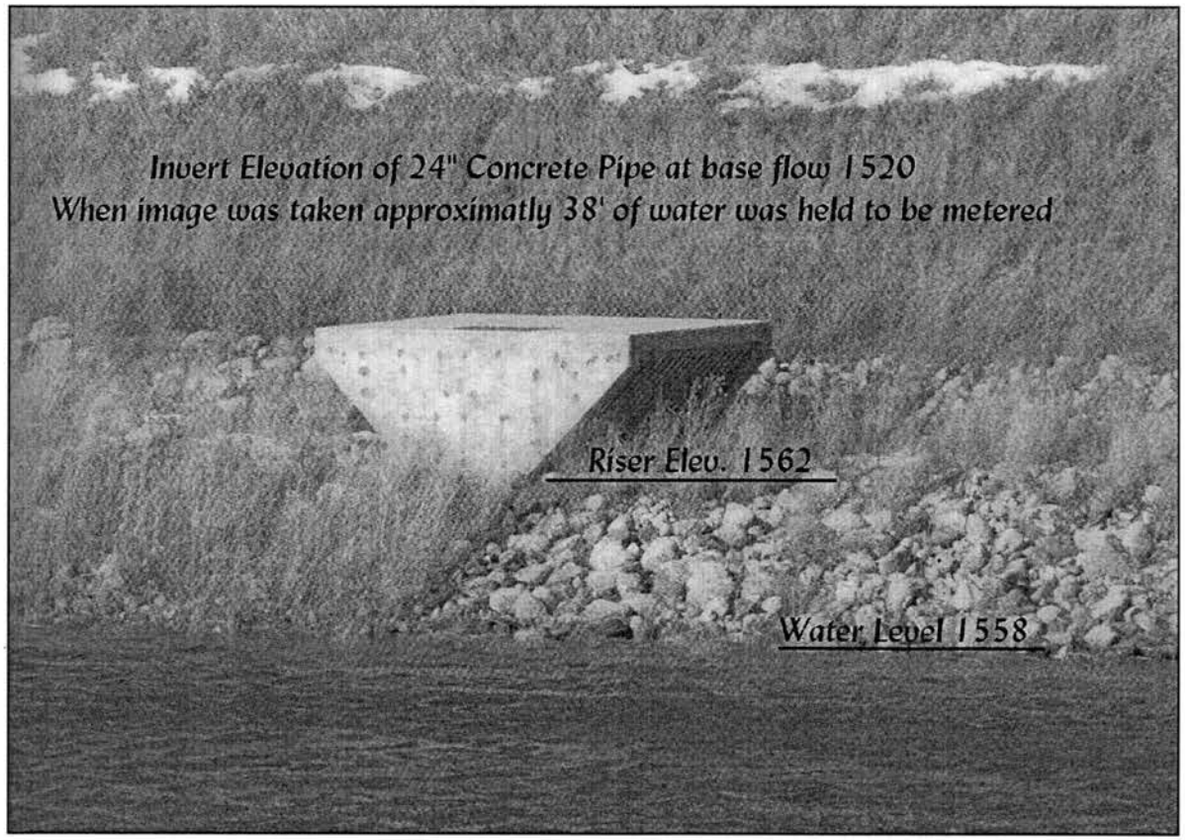
- **Beaver Creek Watershed – Murray County**

Through the Murray County Comprehensive Local Water Plan, Area II has been hired to assist Murray County in locating potential floodwater retention areas in the Beaver Creek watershed. This watershed is not within Area II watershed boundaries, however the water planners were willing to hire our services to help them achieve their goal to reduce floodwater damages.

- **Lyon County Floodplain Mapping**

During the 90-day review and comment period for the draft floodplain map revisions, it was determined by FEMA and DNR that the existing floodwater retention projects within Lyon County may have a substantial effect on the 100-year flows. Area II will be modeling the cumulative impact of these projects upon the mainstream watercourses. This data, if deemed "substantial" by FEMA and DNR, will be incorporated into the draft revisions.

FY 2008
LAZARUS CREEK UPDATE



March 13, 2007
Following melting of 2 feet of accumulated snow.

ATTACHMENT A

FY 2008 Technical Office Budget

OFFICE OPERATIONS

Personal Services:	
*Directors' Compensation	$ *6,700.00**
*Directors' FICA	*512.50**
Employees' Salaries	86,315.00
Employees' FICA	6,603.00
Employees' Medical Insurance	14,145.36
Employees' Retirement	5,394.69
Employee' FlexPlan	420.00
Total Personal Services	**$ 120,090.55**
Supplies:	
Office	$ 2,000.00
Field	500.00
Capital Outlay	0.00
Total Supplies	**$ 2,500.00**
Other Services and Costs:	
*Directors' Expenses	$ *4,000.00**
Employees' Expenses	1,300.00
Continuing Education	0.00
Professional Services	40,000.00
Maintenance & Repairs	1,200.00
Telephone	675.00
Postage	1,000.00
Vehicle Expense	3,500.00
*Director's Insurance	*1,552.00**
Other Insurance	13,350.00
Rent	7,083.00
Miscellaneous & Other Expenses	3,000.00
*Miscellaneous Expenses - Directors	*0.00**
Total Other Services and Costs	**$ 76,660.00**

TOTAL OFFICE OPERATIONS	$ 199,250.55
Total Ineligible for Cost-Share by the State	*12,764.50**
Total Eligible for Cost-Share by the State	$ 186,486.05
STATE SHARE OF ELIGIBLE OFFICE COSTS	**$** 140,000.00 (75%)
Local Share of Eligible Office Costs	59,250.55 (25%)

**** These items not cost-shared by the State***

BOARD RESOLUTION_____

Wetland Conservation Act (WCA) Proposed Exempt Rule Adoption – Amendments to Minnesota Rule Chapter 8420

WHEREAS, the Board of Water and Soil Resources is required by 2007 Laws of Minnesota, Chapter 57, Section 166, to adopt rules that amend the WCA rules, within 90 days of enactment or by August 9, 2007;

WHEREAS, 2007 Laws of Minnesota, Chapter 57, Section 166 exempts this rulemaking from the rulemaking provisions of Minnesota Statutes 14;

WHEREAS, the proposed exempt rules include changes necessary to: i) incorporate the revisions required by 2007 Laws of Minnesota, Chapter 57 and 2007 Laws of Minnesota, Chapter 131; ii) incorporate revisions identified in the Wetland Conservation Act Assessment adopted by the Board on December 20, 2006; and iii) incorporate revisions included in the BWSR-U.S. Army Corps of Engineers Wetland Mitigation Memorandum of Understanding adopted by the Board on May 23, 2007; and

WHEREAS, Board staff: (i) have convened stakeholder meetings to review the proposed exempt rule and solicit ideas for improvements; (ii) have submitted the proposed exempt rule to the Revisor of Statutes for review; (iii) will notify the Governor's Office and submit the proposed exempt rule to the Office of Administrative Hearings after Board approval; and (iv) publish the proposed exempt rule on August 6, 2007.

NOW, THEREFORE BE IT RESOLVED, the Board of Water and Soil Resources hereby adopts the proposed Wetland Conservation Act exempt rules and authorizes staff to: (i) notify the Governor's Office; (ii) submit the proposed exempt rule to the Office of Administrative Hearings, and (iii) complete the processes necessary to publish adopted rules in the State Register in order to make the rule effective on August 6, 2007.

_____ _____

Randy Kramer, Chair
Board of Water and Soil Resources

Date

Exempt Appeals Rule

Board Review Draft
June 15, 2007

8420.0200 DETERMINING LOCAL GOVERNMENT UNIT; DUTIES.

Subpart 1. **Determinations of local government unit.** The local government unit responsible for making exemption, wetland type, wetland boundary, and no-loss determinations and approving replacement and wetland banking plans shall be determined according to items A to D.

A. Outside the seven-county metropolitan area, the local government unit is the county or city in which the drain or fill activity is located, or its delegate.

B. In the seven-county metropolitan area, the local government unit is the city, town, or water management organization regulating surface-water-related matters in the area in which the drain or fill activity is located, or its delegate. The watershed management plan adopted under Minnesota Statutes, section 103B.231, and related board rules will normally indicate the appropriate local government unit. Lacking an indication, the local government unit must be the city, town, or its delegate.

C. If the activity in a wetland is located in two jurisdictions, the local government unit is the one exercising zoning authority over the project or if both have zoning authority, the one in which most of the wetland loss will occur. If no zoning permits are required, the local government unit is the one in which most of the wetland loss will occur. If an activity will affect wetlands in more than one local government unit, the board will coordinate the project review to ensure consistency and consensus among the local government units involved.

D. In those cases where an activity will occur on state land, the local government unit is the state agency, or the agency's designee, with administrative responsibility for that land.

The board will resolve all questions as to which government entity is the responsible authority, applying the guidelines in items A to D.

Notwithstanding items A to D, the Department of Natural Resources shall be the approving authority for activities associated with projects requiring permits to mine under Minnesota Statutes, section 93.481, and for projects affecting calcareous fens.

Subp. 2. **Local government unit duties.**

A. A local government unit must provide knowledgeable and trained staff to manage the program or secure a qualified delegate. Otherwise, the board may declare a moratorium as prescribed in part 8420.0260 or take other appropriate legal action to assure proper implementation and compliance with this chapter. The board may establish standards and requirements for training, experience, and certification.

B. The local government unit may place the decision authority for exemption, no-loss, wetland boundary and type, replacement plan, and wetland banking determinations with local government unit staff according to procedures it establishes. For final determinations made by staff, the local government unit must establish a local appeal process that includes a public hearing before appointed or elected officials. The final determination of staff becomes final if not appealed to the local government unit within 30 days after the date on which the decision is mailed to those required to receive notice of the decision. Notwithstanding the timeframes of Minnesota statutes 15.99, or any other law to the contrary, the local government unit must make a ruling within 30 days from the date of the filing of the appeal, unless the appellant and local government unit mutually agree, in writing, to an extension of time beyond the 30 days.

Appeal of a final determination made by staff may be made by the landowner, by any of those required to receive notice of the decision, or by 100 residents of the county in which a majority of the wetland is located.

C. The notice of decision mailed by the local government unit must include information on the process and timeframes to appeal the decision of the local government unit.

~~C.~~ D. The local government unit and soil and water conservation district may charge processing fees in amounts not greater than are necessary to cover the reasonable costs of implementing this chapter and for technical and administrative assistance to landowners in processing other applications for projects affecting wetlands.

8420.0250 APPEALS.

Subpart 1. **Appeal of local government unit decisions.** The decision of a local government unit to approve, approve with conditions, or reject a replacement plan, banking plan, public road project notice, exemption, no-loss, or wetland boundary or type request becomes final if not appealed to the board within 30 days after the date on which the decision is mailed to those required to receive notice of the decision. Appeals of decisions made by local government staff must be made to the local government unit as provided for in 8420.0200, Subp. 2B. This subpart applies to those determinations which are made under comprehensive wetland protection and management plans.

Appeal may be made by the landowner, by any of those required to receive notice of the decision, or by 100 residents of the county in which a majority of the wetland is located.

Appeal is effective upon mailing of the petition and payment of a nonrefundable filing fee of $200, or an amount otherwise determined by the board not to exceed $1,000, to the board with evidence that a copy of the petition has been mailed to the local government unit. The filing fee is not required for appeals petitioned by state agencies or members of the technical evaluation panel. Another filing fee is not required for appeals that have been remanded if the filing fee was paid and the same party appeals the new decision made under remand. ~~Subsequent to receipt of a petition, the local government unit may require the petitioner to post a letter of credit, cashier's check, or cash in an amount not to exceed $500 per appeal. The amount posted must be~~

~~returned to the petitioner unless there is a finding under subpart 3 that the appeal is meritless, trivial, or brought solely for the purposes of delay. The local government unit shall then mail a copy of the petition to all those to whom it was required by part 8420.0230 to mail a copy of the notice of decision.~~

Subp. 2. [Repealed, 22 SR 1877]

Subp. 3. **Board appeal procedures.** Within 30 days after receiving the petition, the board or its dispute resolution committee or executive director shall decide whether to grant the petition and hear the appeal. The board or its executive director shall grant the petition unless the appeal is deemed meritless, trivial, or brought solely for the purposes of delay; that the petitioner has not exhausted all local administrative remedies; or that the petitioner has not posted a letter of credit, cashier's check, or cash if required by the local government unit.

The board or its executive director may stay the local government unit decision until the appeal is resolved.

The board or its executive director may remand the appealed decision back to the local government unit if the petitioner has not exhausted all local administrative remedies such as a local government unit public hearing, if expanded technical review is needed, or if the local government unit's record is not adequate. If an appeal is remanded, the local government unit must make a decision within 60 days unless the remand order, or a subsequent order, specifies a longer period.

After granting the petition, the appeal shall be heard by the dispute resolution committee and decided by the board within 60 days after the filing of the local government unit's record, submittal of the written briefs for the appeal, and the hearing by the dispute resolution committee. Parties to the appeal are the appellant, the landowner, the local government unit, and those required to receive notice of the local government unit decision.

The board or its executive director may elect to combine related appeals and process as one decision, either multiple appeals on the same project or appeals of different local government unit decisions on the same project.

Upon appeal, the local government unit shall forward to the board the record on which it based its decision. The board will make its decision on the appeal after hearing. Thirty days' notice of the hearing shall be given by the board to the parties. The parties may present written and oral argument. When the local government unit has made formal findings contemporaneously with its decision and there is an accurate verbatim transcript of the proceedings and the proceedings were fairly conducted, the board will base its review on the record. Otherwise it may take additional evidence, or remand the matter.

The board will affirm the local government unit's decision if the local government unit's findings of fact are not clearly erroneous; if the local government unit correctly applied the law to the facts, including this chapter; and if the local government unit made no procedural errors

prejudicial to a party. Otherwise, the board will reverse the decision, amend it, or remand it with instructions for further proceedings.

Subp. 4. **County or watershed reclassification.**

A. A local government unit may request the board to reclassify a county or watershed on the basis of its percentage of presettlement wetlands remaining. After receipt of satisfactory documentation from the local government, the board shall change the classification of a county or watershed. If requested by the local government unit, the board must assist in developing the documentation. Within 30 days of its action to approve a change of wetland classifications, the board shall publish a notice of the change in the Environmental Quality Board Monitor.

B. One hundred citizens who reside within the jurisdiction of the local government unit may request the local government unit to reclassify a county or watershed on the basis of its percentage of presettlement wetlands remaining. In support of their petition, the citizens shall provide satisfactory documentation to the local government unit. The local government unit shall consider the petition and forward the request to the board or provide a reason why the petition is denied.

8420.0290 ENFORCEMENT PROCEDURES.

Subpart 1. **Enforcement authorities.** The commissioner, conservation officers, and other peace officers may issue cease and desist orders and restoration and replacement orders.

Subp. 2. **Cease and desist orders.** Cease and desist orders may be issued when the enforcement authority has probable cause that a drain, excavation, or fill activity is being or has been conducted in a wetland and does not qualify for an exemption or a no-loss determination under parts 8420.0210 and 8420.0220 and is being or has been conducted without prior approval of a replacement plan by a local government unit under part 8420.0230 or involving a determination stayed by the board pursuant to part 8420.0250.

A cease and desist order must not be issued if the landowner has a valid exemption, no-loss, or replacement plan determination from the local government unit or a completed and submitted public road project notification that has not been stayed, remanded, or reversed on appeal under provisions of part 8420.0250, or has sufficient evidence to support an exemption or no-loss determination.

The enforcement authority shall advise the landowner that the landowner's written application, if any, for an exemption, no-loss, or replacement plan determination, should be made immediately to the local government unit and that whatever drain, excavation, or fill work that has been done may require restoration if the application for exemption, no-loss, or replacement plan determination is denied or reversed on appeal.

The enforcement authority issuing a cease and desist order shall promptly submit copies to the soil and water conservation district, local government unit, and Department of Natural Resources.

If an application for an exemption, no-loss, or replacement plan determination is triggered by a cease and desist order, the local government unit shall make the determination in accordance with parts 8420.0210 to 8420.0230.

In cases where the cease and desist order has been issued to a local government unit, the determination of exemption or no-loss shall be made by the board.

If the determination is that the activity is exempt or results in no loss of wetland, the decision maker shall request that the enforcement authority rescind the cease and desist order, pending the outcome of any appeal, and notify the soil and water conservation district, the enforcement authority, and the landowner.

If the application is denied, the decision-maker shall immediately notify the soil and water conservation district, the enforcement authority, and the landowner.

Subp. 3. **Restoration and replacement orders.** The enforcement authority shall issue a restoration order or replacement order when:

A. the drain, excavation, or fill has already been completed when discovered, or after a cease and desist order has been issued and the landowner does not apply for an exemption, replacement plan, or no-loss determination within three weeks;

B. the local government unit grants the application but it is reversed on appeal; or

C. the local government unit denies the application.

Promptly upon being informed by the enforcement authority of the need, the soil and water conservation district staff person shall inspect the site and prepare a plan in consultation with the local government unit for restoring the site to its prealtered condition. Restoration shall be ordered unless the soil and water conservation district, with the concurrence of the technical evaluation panel and the enforcement authority, concludes that restoration is not possible or prudent. The soil and water conservation district shall incorporate its plan into a restoration or replacement order and send it to the enforcement authority for service in person or by certified mail to the landowner or responsible party.

Subp. 3a. **Contents of order.** A restoration order must specify dates by which the landowner or responsible party must either:

A. restore the wetland according to the soil and water conservation district plan and obtain a certificate of satisfactory restoration from the soil and water conservation district; or

B. submit a complete replacement plan application to the local government unit.

If the replacement plan application is denied, the landowner or responsible party shall restore the wetland as specified in the order.

The restoration order shall be rescinded if the landowner or responsible party obtains an after-the-fact replacement plan, exemption, or no-loss determination from the local government unit that is not reversed on appeal.

A replacement order must specify a date by which the landowner or responsible party must submit a replacement plan to the local government unit and a subsequent date by which the landowner or responsible party must replace the wetland according to the approved replacement plan and obtain a certificate of satisfactory replacement from the soil and water conservation district.

Subp. 3b. **Enforcement authority orders.** If the soil and water conservation district, with the concurrence of the technical evaluation panel and the enforcement authority, determines that restoration will not restore all the loss caused by the drain, excavation, or fill activity, the enforcement authority may order a combination of restoration and replacement, or may order replacement rather than restoration. The order must direct the landowner or responsible party to obtain replacement plan approval from the local government unit. The order must specify that if replacement plan approval is not obtained, the landowner or responsible party must restore the wetland as ordered.

Each cease and desist, restoration, and replacement order shall state that violation of the order is a misdemeanor.

If, as part of a misdemeanor proceeding, the court orders restoration or replacement, the soil and water conservation district, with the concurrence of the technical evaluation panel and the enforcement authority, shall determine which is appropriate, and if it is restoration, the method of restoration. If the court orders replacement, the landowner or responsible party must follow the replacement plan process in subpart 4 and parts 8420.0500 to 8420.0630.

Subp. 3c. **Appeals of replacement and restoration orders.** A landowner or responsible party may appeal the terms and conditions of a restoration or replacement order issued pursuant to subpart 3 to the board's executive director within 30 days of receipt of written notice by filing a written request for review and payment of a nonrefundable filing fee to the board. The filing fee is $200, or an amount otherwise determined by the board not to exceed $1,000. If the written request is not submitted within 30 days, the restoration or replacement order becomes final. The executive director shall review the request and supporting evidence and render a decision within 60 days of the request for review. The executive director may stay the restoration or replacement order until the appeal is resolved.

Subp. 4. **After-the-fact replacement.** If a landowner or responsible party seeks approval of a replacement plan after the proposed project has already impacted the wetland, the local government unit shall require the landowner or responsible party to replace the impacted wetland at a ratio twice the replacement ratio otherwise required, unless the local government unit and enforcement authority concur that an increased ratio is not required.

Subp. 5. **Misdemeanor.** A violation of an order issued under this part is a misdemeanor and must be prosecuted by the county attorney where the wetland is located or the illegal activity occurred.

Subp. 6. **Contractor's responsibility when work drains, excavates, or fills wetlands.**

A. An agent or employee of another may not drain, excavate, or fill a wetland, wholly or partially, unless the agent or employee has:

(1) obtained a signed statement from the landowner stating that the wetland replacement plan required for the work has been obtained or that a replacement plan is not required; and

(2) mailed a copy of the statement to the local government unit with jurisdiction over the wetland.

B. Work in violation of this part is a misdemeanor.

C. The board shall develop a form to be distributed to contractor's associations, local government units, and soil and water conservation districts to comply with this part. The form must include:

(1) a listing of the activities for which a replacement plan is required;

(2) a description of the penalties for violating Minnesota Statutes, sections 103G.2212 to 103G.237;

(3) the telephone number for information on the responsible local government unit;

(4) a statement that national wetland inventory maps are on file with the soil and water conservation district office; and

(5) spaces for a description of the work and the names, mailing addresses, and telephone numbers of the person authorizing the work and the agent or employee proposing to undertake it.

Exempt Exemption Rule

Board Review Draft
June 15, 2007

8420.0115 SCOPE OF EXEMPTION STANDARDS.
Persons proposing to conduct an exempt activity are encouraged to contact the local government unit or the local government unit's designee for advice on determining whether a proposed project is eligible for an exemption and to evaluate alternatives to avoid or minimize wetland impacts.

An activity is exempt if it qualifies for any one of the exemptions, even though it may be indicated as not exempt under another exemption.

These exemptions do not apply to calcareous fens as identified by the commissioner.

No exemptions apply to wetlands that have been previously restored or created as a result of an approved replacement plan. All such wetlands are subject to replacement on subsequent drainage, excavation, or filling.

Wetlands may not be partially drained, excavated, or filled in order to claim an exemption or no-loss determination on the remainder. Therefore, ~~no~~ an exemptions or no-loss determinations cannot be applied to the remaining wetland that would not have been applicable before the impact. Exemptions may not be combined on a wetland that is impacted by a project.

~~Present and future owners of wetlands drained or filled without replacement under an exemption in part 8420.0122, subparts 1 and 2, item B, can make no use of the wetland area after it is drained, excavated, or filled, other than as agricultural land, for ten years after the draining, excavating, or filling, unless it is first replaced under the requirements of Minnesota Statutes, section 103G.222. Also, for ten years the wetland may not be restored for replacement credit. Except for land in public ownership, at the time of draining, excavation, or filling, the landowner shall record a notice of these restrictions in the office of the county recorder for the county in which the project is located. At a minimum, the recorded document must contain the name or names of the landowners, a legal description of the property to which the restrictions apply, a statement of the restrictions, the date on which the ten-year period expires, the name of the local government which certified the exemption, if such occurred, the signatures of all owners, and an acknowledgment.~~

A person conducting an activity in a wetland under an exemption in part 8420.0122 shall ensure that:

A. appropriate erosion control measures are taken to prevent sedimentation of the water;
B. the activity does not block fish activity in a watercourse; and

C. the activity is conducted in compliance with all other applicable federal, state, and local requirements, including best management practices as listed in part 8420.0112, and water resource protection requirements established under Minnesota Statutes, chapter 103H.

8420.0122 EXEMPTION STANDARDS.

Subpart 1. **Agricultural activities.** A replacement plan for wetlands is not required for:

A. activities in a wetland that was planted with annually seeded crops or was in a crop rotation seeding of pasture grass or legumes in six of the last ten years prior to January 1, 1991. Documentation, such as aerial photographs, United States Department of Agriculture records, or affidavit of landowner must be required by the local government unit to show and use as evidence for this exemption. Land eligible for this exemption must be wetland types 1 and 2;

~~B. activities in a wetland that is or has been enrolled in the federal Conservation Reserve Program that was planted with annually seeded crops or was in a crop rotation seeding in six of the last ten years prior to being enrolled in the program, and has not been restored with assistance from a public or private wetland restoration program.~~

~~Federal documentation that the wetland is or has been enrolled in the federal Conservation Reserve Program may be used as evidence for this exemption. The landowner must also meet the same requirements of item A, except that the years required are at least six of the ten years preceding the year of enrollment in the federal Conservation Reserve Program. The landowner must also state in writing that the wetland was not restored with assistance from a public or private wetland restoration fund, or that the restoration was done under a contract or easement providing the landowner with the right to drain the restored wetland;~~

~~C. activities in a wetland that has received a commenced drainage determination provided for by the federal Food Security Act of 1985, that was made to the county USDA office prior to September 19, 1988, and a ruling and any subsequent appeals or reviews have determined that drainage of the wetland had been commenced prior to December 23, 1985. The landowner must provide United States Department of Agriculture documents confirming that the county USDA office determined before September 19, 1988, that drainage had begun before December 23, 1985, and that the determination has not been overturned by subsequent appeal or review and is not currently under administrative review;~~

~~D. (1)~~ activities in a type 1 wetland on agricultural pasture land that remains in the same use, except for bottomland hardwood type 1 wetlands, and activities in a type 2 or type 6 wetland that is less than two acres in size and located on agricultural pasture land that remains in the same use;

~~2) this exemption may be expanded to additional acreage, including types 1, 2, and 6 wetlands that are part of a larger wetland system, when the additional acreage is part of a conservation plan approved by the local soil and water conservation district, the additional draining or filling is necessary for efficient operation of the farm, the hydrology of the larger wetland system is not adversely affected, and wetlands other than types 1, 2, and 6 are not drained or filled;~~

~~(3) the exemption in subitem (2) is subject to the size limits included in subitem (1);~~

C. activities in a wetland conducted as part of normal farming practices. For purposes of this clause, "normal farming practices" means farming, silvicultural, grazing, and ranching activities such as plowing, seeding, cultivating, and harvesting for the production of feed, food, and fiber products, but does not include activities that result in the draining of wetlands;

D. soil and water conservation practices, that do not permanently drain or fill a wetland, approved by the soil and water conservation district, after review by the technical evaluation panel. For purposes of this item, examples of soil and water conservation practices includes those identified in the State Cost Share Program Manual, available at the BWSR website (http://www.bwsr.state.mn.us/cs/costsharemanual.pdf), federally funded demonstration, research, and cost share programs and projects;

E. aquaculture activities including pond excavation and construction and maintenance of associated access roads and dikes authorized under, and conducted in accordance with, a permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344, but not including construction or expansion of buildings;

F. wild rice production activities, including necessary diking and other activities authorized under a permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344;

G. ~~normal agricultural practices to control noxious or secondary weeds as defined by rule of the commissioner of agriculture, in accordance with applicable requirements under state and federal law, including established best management practices; and~~

~~H.~~ agricultural activities that are~~:~~

~~(1) in a wetland that is on agricultural land annually enrolled in or determined to be eligible for benefits under the federal Agriculture Improvement and Reform Act of 1996, Public Law 104-127; or~~

~~(2)~~ subject to ~~subsequent~~ federal farm program restrictions that meet minimum state standards under this chapter and Minnesota Statutes, sections 103A.202 and 103B.3355, and that have been approved by the Board of Water and Soil Resources, the commissioners of natural resources and agriculture, and the Pollution Control Agency. The approved conditions and standards shall be noticed by the board to local government units and published in the State Register. The conditions and standards shall take effect 30 days after publication and remain in effect unless superseded by subsequent statute, rule, or notice in the State Register. This exemption may be applied to agricultural land annually enrolled in the federal Farm Program as long as wetlands are not drained, excavated, or filled beyond what is:

(a) allowed under the other exemptions in this part;

(b) necessary to replace, maintain, or repair existing private drainage infrastructure with a capacity not to exceed that which was originally constructed; or

(c) replaced at a ratio of 1:1 or greater under United States Department of Agriculture provisions as supported by documentation from the United States Department of Agriculture which must be included as evidence to support this exemption.

If the activity would result in loss of eligibility, the landowner cannot qualify for the exemption.

Subp. 2. **Drainage.**

A. For the purposes of this subpart, "public drainage system" means a drainage system as defined in Minnesota Statutes, section 103E.005, subdivision 12, and any ditch or tile lawfully connected to the drainage system.

B. A replacement plan is not required for draining of type 1 wetlands, or up to five acres of type 2 or type 6 wetlands, in an unincorporated area on land that has been assessed drainage benefits for a public drainage system, provided that:

(1) during the 20-year period that ended January 1, 1992:
(a) there was an expenditure made from the drainage system account for the public drainage system;

(b) the public drainage system was repaired or maintained as approved by the drainage authority; or

(c) no repair or maintenance of the public drainage system was required under Minnesota Statutes, section 103E.705, subdivision 1, as determined by the public drainage authority; and

(2) the wetlands are not drained for conversion to:

(a) platted lots;

(b) planned unit, commercial, or industrial developments; or

(c) any development with more than one residential unit per 40 acres, except for parcels subject to local zoning standards that allow family members to establish an additional residence on the same 40 acres.

If wetlands drained under this item are converted to uses prohibited under subitem (2) during the ten-year period following drainage, the wetlands must be replaced under Minnesota Statutes, section 103G.222.

C. A replacement plan is not required for draining, excavating, or filling of wetlands, except for draining types 3, 4, and 5 wetlands that have been in existence for more than 25 years, resulting

from maintenance and repair of existing public drainage systems conducted or authorized by a public drainage authority pursuant to Minnesota Statutes, chapter 103E.

D. A replacement plan is not required for draining, excavating, or filling of wetlands, except for draining wetlands that have been in existence for more than 25 years, resulting from maintenance and repair of existing drainage systems other than public drainage systems.

For items C and D, the landowner must provide documentation that the wetlands which will be partially or completely drained by the maintenance have not existed for more than 25 years. Documentation may include, but is not limited to: aerial photographs, climatological records, soil borings, vegetative analysis, elevation surveys, or sworn affidavits.

~~E. A replacement plan is not required for draining, excavating, or filling of wetlands resulting from activities conducted as part of a public drainage system improvement project that received final approval from the drainage authority before July 1, 1991, and after July 1, 1986, if:~~

~~(1) the approval remains valid;~~

~~(2) the project remains active; and~~

~~(3) no additional drainage will occur beyond that originally approved.~~

A replacement plan is not required for draining agricultural land that:

(1) was planted with annually seeded crops prior to July 5, except for crops that are normally planted after this date, in eight out of ten most recent years prior to the impact;
(2) was in a crop rotation seeding of pasture grass, cover crop, or legumes, or was fallow for a crop production purpose in eight out of the ten most recent years prior to the impact; or
(3) was enrolled in a state or federal land conservation program and met the requirements of clause (1) or (2) prior to enrollment.

Documentation, such as aerial photographs, United States Department of Agriculture records, or affidavit of the landowner or another landowner with knowledge of the subject agricultural land may be required by the local government unit as evidence for this exemption.

F. The public drainage authority may, as part of the repair, install control structures, realign the ditch, construct dikes along the ditch, or make other modifications as necessary to prevent drainage of the wetland.

G. Wetlands and public waters of all types that could be drained as a part of a public drainage repair project are eligible for the permanent wetlands preserve program established under Minnesota Statutes, section 103F.516. The board shall give priority to acquisition of easements on types 3, 4, and 5 wetlands that have been in existence for more than 25 years on public drainage systems and other wetlands that have the greatest risk of drainage from a public drainage repair project.

H. Present and future owners of wetlands drained or filled without replacement under an exemption in part 8420.0122, subpart 2, items B and E, can make no use of the wetland area after it is drained, excavated, or filled, other than as agricultural land, for at least ten years after the draining, excavating, or filling, unless it is first replaced under the requirements of Minnesota Statutes, section 103G.222. Also, for at least ten years the wetland may not be restored for replacement credit. Except for land in public ownership, at the time of draining, excavation, or filling, the local government unit may require the landowner to record a notice of these restrictions in the office of the county recorder for the county in which the project is located. The local government unit may require recording a notice of these restrictions if it determines the wetland area drained is at risk of conversion to a nonagricultural use within ten years based on the zoning classification, proximity to a municipality or full service road, or other criteria as determined by the local government unit. In making a determination under this subpart, the local government unit must review the applicable comprehensive plan when evaluating the risk of conversion to a non-agricultural use and monitor and enforce the prohibition on using the area drained, filled or excavated for a non-agricultural purpose for at least ten years.

At a minimum, the recorded document must contain the name or names of the landowners, a legal description of the property to which the restrictions apply, a statement of the restrictions, the date on which the restriction expires, the name of the local government which certified the exemption, if such occurred, the signatures of all owners, and an acknowledgment.

Subp. 3. **Federal approvals.** A replacement plan for wetlands is not required for activities ~~described in items A and B.~~

~~A. Activities exempted from federal regulation under United States Code, title 33, section 1344(f), as in effect on January 1, 1991.~~

~~The local government unit may certify the exemption only if the landowner furnishes proof of qualification for one of the exemptions from the United States Army Corps of Engineers.~~

~~This exemption does not apply to a project with the purpose of converting a wetland to a nonwetland, either immediately or gradually, or converting the wetland to another use, or when the fill will result in significant discernible change to the flow or circulation of water in the wetland, or partly draining it, or reducing the wetland area.~~

~~B. Activities~~ authorized under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344, or section 10 of the Rivers and Harbors Act of 1899, United States Code, title 33, section 403, and regulations that meet minimum state standards under this chapter and that have been approved by the board of water and soil resources, the department of agriculture, the department of natural resources, and the pollution control agency.

Subp. 4. **Wetland restoration.**

A replacement plan for wetlands is not required for:

(1) activities in a wetland restored for conservation purposes under a contract or easement providing the landowner with the right to drain the restored wetland. The landowner must provide a contract or easement conveyance or affidavit demonstrating that the landowner or a predecessor restored the wetland for conservation purposes but retained the right to subsequently drain the restored wetland~~.~~ ; or

(2) activities in a wetland restored or created by a landowner without any assistance or financing from public agencies or private entities other than the landowner and the wetland has not been used for wetland replacement or deposited in the state wetland bank. For purposes of this subpart, assistance by public agencies does not include consultation on project design or advice on the project's relationship to state or federal programs.

The landowner must provide a contract, billing statements or affidavit demonstrating that the landowner or a predecessor restored or created the wetland without any assistance or financing from public agencies or private entities other than the landowner. The landowner must also provide sufficient information to determine that the area was not wetland prior to the restoration or creation activity.

Subp. 5. **Incidental wetlands.** A replacement plan for wetlands is not required for activities in wetland areas created solely as a result of:

A. beaver dam construction;

B. blockage of culverts through roadways maintained by a public or private entity;

C. actions by public or private entities that were taken for a purpose other than creating the wetland; or

D. any combination of items A to C.

Wetland areas created by beaver activities may be drained by removing those materials placed by beaver. Drainage is permitted by removing or moving materials blocking installed roadway culverts and related drainage structures. Additional excavation or removal of other materials is not permitted unless it can be shown by aerial photographs that the proposed activity will not drain or fill wetland that was there before the beaver dam was built or before the culvert became plugged.

Wetland areas may be drained, excavated, or filled if the landowner can show that the wetland was created solely by actions, the purpose of which was not to create the wetland.

Impoundments or excavations constructed in nonwetlands solely for the purpose of effluent treatment, storm water retention, soil and water conservation practices, and water quality improvements, and not as part of a wetland replacement process that may, over time, take on wetland characteristics, are also exempt.

Subp. 6. **Utilities; public works.** A replacement plan for wetlands is not required for:

~~A. placement, maintenance, repair, enhancement, or replacement of utility or utility-type service if:~~

~~(1) the impacts of the proposed project on the hydrologic and biological characteristics of the wetland have been avoided and minimized to the extent possible; and~~

~~(2) the proposed project significantly modifies or alters less than one-half acre of wetlands;~~

~~B. activities associated with routine maintenance of utility and pipeline rights-of-way, provided the activities do not result in additional intrusion into the wetland;~~

~~C. alteration of a wetland associated with the operation, maintenance, or repair of an interstate pipeline within all existing or acquired interstate pipeline rights-of-way;~~

~~D. emergency repair and normal maintenance and repair of existing public works, provided the activity does not result in additional intrusion of the public works into the wetland and does not result in the draining or filling, wholly or partially, of a wetland;~~

~~E. normal maintenance and minor repair of structures causing no additional intrusion of an existing structure into the wetland, and maintenance and repair of private crossings that do not result in the draining or filling, wholly or partially, of a wetland; or~~

~~F. repair and updating of existing individual sewage treatment systems as necessary to comply with local, state, and federal regulations.~~

~~For new placement and enhancement of existing facilities, the utility must demonstrate that the character and extent of the impacts of the proposed project on the wetlands have been minimized.~~

~~For maintenance, repair, and replacement, the local government unit may issue a seasonal or annual exemption certification or the utility may proceed without local government unit certification if it is carrying out the work according to best management practices. Work of an emergency nature may proceed as necessary and any drain or fill activities shall be addressed with the local government unit after the emergency work has been completed.~~

A. new placement or maintenance, repair, enhancement, or replacement of existing utility or utility type service, including pipelines, if:
(i) the direct and indirect impacts of the proposed project have been avoided and minimized to the extent possible; and
(ii) the proposed project significantly modifies or alters less than one half acre of wetlands;

B. activities associated with operation, routine maintenance, or emergency repair of existing utilities and public work structures, including pipelines, provided the activities do not result in additional wetland intrusion or additional draining or filling of a wetland either wholly or partially;

C. repair and updating of existing individual sewage treatment systems necessary to comply with local, state, and federal regulations; or

D. for maintenance, repair, and replacement, the local government unit may issue a seasonal or annual exemption certification or the utility may proceed without local government unit certification if the utility is carrying out the work according to approved best management practices. Work of an emergency nature may proceed as necessary and any drain or fill activities shall be addressed with the local government unit after the emergency work has been completed.

Subp. 7. **Forestry.** A replacement plan for wetlands is not required for:

A. temporarily crossing or entering a wetland to perform silvicultural activities, including timber harvest as part of a forest management activity, so long as the activity limits the impact on the hydrologic and biologic characteristics of the wetland; the activity does not result in the construction of dikes, drainage ditches, tile lines, or buildings; and the timber harvesting and other silvicultural practices do not result in the drainage of the wetland or public waters; or

B. permanent access for forest roads across wetlands so long as the activity limits the impact on the hydrologic and biologic characteristics of the wetland; the construction activities do not result in the access becoming a dike, drainage ditch, or tile line; filling is avoided wherever possible; and there is no drainage of the wetland or public waters.

This exemption is for roads constructed for the primary purpose of providing access for the conduct of silvicultural activities.

Subp. 8. ~~Approved development. A replacement plan for wetlands is not required for development projects and ditch improvement projects in the state that have received preliminary or final plat approval or have infrastructure that has been installed or has local site plan approval, conditional use permits, or similar official approval by a governing body or government agency, within five years before July 1, 1991. As used in this subpart, "infrastructure" means public water facilities, storm water and sanitary sewer piping, outfalls, inlets, culverts, bridges, and any other work defined specifically by a local government unit as constituting a capital improvement to a parcel within the context of an approved development plan.~~

~~Subdividers who obtained preliminary plat approval in the specified time period, and other project developers with one of the listed approvals timely obtained, provided approval has not expired and the project remains active, may drain and fill wetlands, to the extent documented by~~

~~the approval, without replacement. Those elements of the project that can be carried out without changing the approved plan and without draining or filling must be done in that manner. If wetlands can be avoided within the terms of the approved plan, they must be avoided.~~

~~For county, joint county, and watershed district ditch projects, this exemption applies to projects that received final approval in the specified time period.~~

~~Subp. 9.~~ **De minimis.**

A. Except as provided in items B and C, a replacement plan for wetlands is not required for draining, excavating, or filling the following amounts of wetlands as part of a project:

~~(1) 10,000 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and tamarack wetlands, outside of the shoreland wetland protection zone and that are not fringe areas of type 3, 4, or 5 wetlands in a greater than 80 percent area;~~

~~(2) 5,000 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and tamarack wetlands, outside of the shoreland wetland protection zone and that are not fringe areas of type 3, 4, or 5 wetlands in a 50 to 80 percent area;~~

~~(3) 2,000 square feet of type 1, 2, or 6 wetland, outside of the shoreland wetland protection zone and that are not fringe areas of type 3, 4, or 5 wetlands in a less than 50 percent area;~~

~~(4) 400 square feet of wetland types not listed in subitems (1) to (3) outside of shoreland wetland protection zones in all counties; or~~

~~(5) 400 square feet of type 1, 2, 3, 4, 5, 6, 7, or 8 wetland, in the shoreland wetland protection zone, except that in a greater than 80 percent area, the local government unit may increase the de minimis amount up to 1,000 square feet in the shoreland wetland protection zone in areas beyond the building setback if the wetland is not a type 3, 4, or 5 wetland, is isolated, and is determined to have no direct surficial connection to the public water. To the extent that a local shoreland management ordinance is more restrictive than this subitem, the local shoreland ordinance applies.~~

~~Except as provided in paragraphs (b) and (c), a replacement plan for wetlands is not required for draining or filling up to the following amounts of wetlands for a single and complete project:~~

(1) in a greater than 80 percent area, including Isanti County:
(i) 10,000 square feet of type 1, 2, 6, or 7 wetland, except for white cedar and tamarack wetland, outside of the shoreland wetland protection zone;
(ii) 400 square feet of type 1, 2, 6, or 7 wetland, except for white cedar and tamarack wetland, outside of the building setback zone, as defined in the local shoreland management ordinance, but within the shoreland wetland protection zone. This amount may be increased to 1,000 square feet by the local government unit if the wetland is isolated and determined to have no direct surficial connection to the public water;

(2) in a 50 to 80 percent area:
(i) 5,000 square feet of type 1, 2, 6, or 7 wetland, except for white cedar and tamarack wetland, outside of the shoreland wetland protection zone, and outside of the 11 county metropolitan area;
(ii) 2,500 square feet of type 1, 2, 6, or 7 wetland, except for white cedar and tamarack wetland, outside of the shoreland wetland protection zone, and inside the 11 county metropolitan area;

(iii) 400 square feet of type 1, 2, 6, or 7 wetland, except for white cedar and tamarack wetland, outside of the building setback zone, as defined in the local shoreland management ordinance, but within the shoreland wetland protection zone;

(3) in a less than 50 percent area:
(i) 2,000 square feet of type 1, 2 or 6 wetland outside of the shoreland wetland protection zone, and outside the 11 county metropolitan area;
(ii) 1,000 square feet of type 1, 2 or 6 wetland outside of the shoreland wetland protection zone, and inside the 11 county metropolitan area;
(iii) 400 square feet of type 1, 2, or 6 wetland, outside of the building setback zone, as defined in the local shoreland management ordinance, but within the shoreland wetland protection zone;
(iv) 100 square feet of type 7 wetland outside of the building setback zone, as defined in the local shoreland management ordinance; or

(4) statewide:
(i) 100 square feet of type 3, 4, 5, 8, and white cedar and tamarack wetland outside of the building setback zone, as defined in the local shoreland management ordinance;
(ii) 20 square feet of wetland, regardless of type, inside the building setback zone, as defined in the local shoreland management ordinance.

(5) For purposes of this subpart, the 11 county metropolitan area consists of the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright.

B. The amounts listed in item A may not be combined on a project.

C. This exemption no longer applies to a landowner's portion of a wetland when the proposed project impact area and the cumulative area of the landowner's portion drained, excavated, or filled since January 1, 1992, is the greater of:

(1) the applicable area listed in item A, if the landowner owns the entire wetland;

(2) five percent of the landowner's portion of the wetland; or

(3) 400 square feet.

D. This exemption may not be combined with another exemption on a project.

E. Property may not be subdivided solely to increase the amounts listed in A.

~~E.~~ F. For purposes of this subpart, for wetlands greater than 40 acres, the wetland type may be determined to be the wetland type with the deepest water regime within the wetland and within 300 feet of the impact.

Subp. ~~10.~~ 9. **Wildlife habitat.** A replacement plan for wetlands is not required for:

A. excavation or the associated deposition of spoil within a wetland for a wildlife habitat improvement project, if:

(1) the area of deposition, and excavation if within the permanently and semipermanently flooded areas of type 3, 4, or 5 wetlands, does not exceed five percent of the wetland area or one-half acre, whichever is less, and the spoil is stabilized and permanently seeded with native, noninvasive species to prevent erosion;

(2) the project does not have an adverse impact on any species designated as endangered or threatened under state or federal law; and

(3) the project will provide wildlife habitat improvement as certified by the soil and water conservation district or technical evaluation panel using the "Wildlife Habitat Improvements in Wetlands: Guidance for Soil and Water Conservation Districts and Local Government Units in Certifying and Approving Wetland Conservation Act Exemption Proposals, Minnesota Interagency Wetlands Group, December 2000" or similar criteria approved by the board; or

B. duck blinds.

8420.0200 DETERMINING LOCAL GOVERNMENT UNIT; DUTIES.

Subpart 1. **Determinations of local government unit.** The local government unit responsible for making exemption, wetland type, wetland boundary, and no-loss determinations and approving replacement and wetland banking plans shall be determined according to items A to D.

A. Outside the seven-county metropolitan area, the local government unit is the county or city in which the drain or fill activity is located, or its delegate.

B. In the seven-county metropolitan area, the local government unit is the city, town, or water management organization regulating surface-water-related matters in the area in which the drain or fill activity is located, or its delegate. The watershed management plan adopted under Minnesota Statutes, section 103B.231, and related board rules will normally indicate the appropriate local government unit. Lacking an indication, the local government unit must be the city, town, or its delegate.

C. If the activity in a wetland is located in two jurisdictions, the local government unit is the one exercising zoning authority over the project or if both have zoning authority, the one in which most of the wetland loss will occur. If no zoning permits are required, the local government unit is the one in which most of the wetland loss will occur.

If an activity will affect wetlands in more than one local government unit, the board will coordinate the project review to ensure consistency and consensus among the local government units involved.

D. In those cases where an activity will occur on state land, the local government unit is the state agency, or the agency's designee, with administrative responsibility for that land.

The board will resolve all questions as to which government entity is the responsible authority, applying the guidelines in items A to D.

Notwithstanding items A to D, the Department of Natural Resources shall be the approving authority for activities associated with projects requiring permits to mine under Minnesota Statutes, section 93.481, and for projects affecting calcareous fens.

Subp. 2. **Local government unit duties.**

A. A local government unit must provide knowledgeable and trained staff to manage the program or secure a qualified delegate. Otherwise, the board may declare a moratorium as prescribed in part 8420.0260 or take other appropriate legal action to assure proper implementation and compliance with this chapter. The board may establish standards and requirements for training, experience, and certification.

B. The local government unit may place the decision authority for exemption, no-loss, wetland boundary and type, replacement plan, and wetland banking determinations with local government unit staff according to procedures it establishes. For final determinations made by staff, the local government unit must establish a local appeal process that includes a public hearing before appointed or elected officials.

C. The local government unit and soil and water conservation district may charge processing fees in amounts not greater than are necessary to cover the reasonable costs of implementing this chapter and for technical and administrative assistance to landowners in processing other applications for projects affecting wetlands.

8420.0210 EXEMPTION DETERMINATIONS.

A landowner intending to drain or fill a wetland without replacement, claiming exemption under part 8420.0122, may contact the local government unit before beginning draining or filling activities for determination whether or not the activity is exempt. A landowner who does not request a determination may be subject to the enforcement provisions in part 8420.0290 and Minnesota Statutes, section 103G.2372. The local government unit must keep on file all documentation and findings of fact concerning exemption determinations for a period of ten years.

An exemption may apply whether or not the local government unit has made an exemption determination. If the landowner requests an exemption determination, then the local government unit must make one.

The landowner applying for exemption is responsible for submitting the proof necessary to show qualification for the particular exemption claimed, including proof of the requisite property

rights to do the activity. The local government unit may evaluate evidence for an exemption without making a determination.

The local government unit decision shall be based on the exemptions standards in part 8420.0122. If the decision requires a finding of wetland size or type, the local government unit should seek the advice of the technical panel as described in part 8420.0240. The local government unit decision must be made in compliance with Minnesota Statutes, section 15.99. The local government unit decision must be sent to the landowner, members of the technical evaluation panel, the watershed district or water management organization if there is one, the commissioner of natural resources, and individual members of the public who request a copy within ten working days of the decision.

Exempt Wetland Replacement and Banking Rule

Board Review Draft
June 15, 2007

8420.0500 PURPOSE.
Parts 8420.0500 to 8420.0630 specify the procedures and criteria for avoiding and minimizing wetland impacts and for ensuring adequate replacement of lost public values for unavoidable wetland impacts.

8420.0505 PREVIOUSLY APPROVED DETERMINATIONS.
Replacement plan, banking plans exemption, public road project notification, wetland boundary, wetland type, and no-loss determinations may be completed under the laws, rules, conditions, and guidelines in effect when they were approved.

8420.0510 REPLACEMENT PLAN PROCEDURES.
Subpart 1. **Generally.** No person shall drain, excavate in the permanent or semipermanently flooded areas of type 3, 4, or 5 wetlands, or fill a wetland, wholly or partially, or otherwise impact wetlands without first having a wetland replacement plan or other determination approved by the local government unit.

Subp. 2. **Preapplication conference and site visit.** Before preparation of a wetland value replacement plan, it is recommended that the landowner meet with the local government unit for a preapplication conference and site visit. The local government unit is encouraged to inform the landowner of all sequencing requirements and the criteria used to evaluate replacement plans. A landowner may submit the information required in part 8420.0520 and request a determination of compliance with the sequencing requirements from the local government unit before preparing a replacement plan.

Subp. 3. **Evaluation.** As provided for in part 8420.0240, technical questions concerning the public value, location, size, and type of wetland shall be submitted to the technical evaluation panel. The local government unit may use a technical evaluation panel to predetermine public value, location, size, or type of wetlands under its jurisdiction and use this determination in administering the act. Wetland boundaries must be determined using the methodologies in the United States Army Corps of Engineers Wetland Delineation Manual (January 1987). Wetland type must be identified according to Classification of Wetlands and Deepwater Habitats of the United States (Cowardin, et al., 1979), ~~and according to~~ United States Fish and Wildlife Service Circular No. 39 (1971 edition) "Wetlands of the United States~~.~~" or Wetland Plants and Plant Communities of Minnesota and Wisconsin, (S. Eggers and D. Reed, 1997) as modified by the board-U.S. Army Corps of Engineers' Wetland Mitigation Memorandum of Understanding (May 2007). The technical evaluation panel shall provide its determinations to the local government unit for consideration.

8420.0520 SEQUENCING.
Subpart 1. **Requirement.** The local government unit may not consider or approve a wetland replacement plan unless the local government unit finds that the applicant has demonstrated that the activity impacting a wetland has complied with all of the following principles in descending order or priority:

A. avoids direct or indirect impacts to the wetland that may destroy or diminish the wetland under the criteria in subpart 3;

B. minimizes the impact to the wetland by limiting the degree or magnitude of the wetland activity and its implementation under the criteria in subpart 4;

C. rectifies the impact by repairing, rehabilitating, or restoring the affected wetland under the criteria in subpart 5;

D. reduces or eliminates the impact to the wetland over time by preservation and maintenance operations under the criteria in subpart 6; and

E. replaces unavoidable impacts to the wetland by restoring or, if wetland restoration opportunities are not reasonably available, creating substitute wetland areas having equal or greater public value as provided for in parts 8420.0530 to 8420.0760.

Exceptions to this part include wetlands located in cultivated fields that are subject to subpart 8, and calcareous fens that are subject to subpart 9.

Subp. 2. **Application options.** An applicant may either submit the information required for sequencing analysis as part of a replacement plan application or apply for a preliminary sequencing determination from the local government unit before preparing a replacement plan. The local government unit may request additional information needed to make a determination. For projects impacting wetland areas less than 10,000 square feet more than the de minimis amount listed in part **8420.0122**, subpart 9, item A, the local government unit may provide an on-site sequencing determination without written documentation from the applicant.

Subp. 3. **Determination of impact avoidance.**

A. Avoidance must be required when indicated by part 8420.0548.

B. Wetland dependence determination:

(1) Based on information provided by the applicant, the local government unit shall determine if the proposed project is wetland dependent. A project is wetland dependent if wetland features, functions, or values are essential to fulfill the basic purpose of the project. A wetland present at the site of a proposed project does not make that project wetland dependent.

(2) A project that has been determined by the local government unit to be wetland dependent is exempt from the analysis of avoidance alternatives in item C.

C. Alternatives analysis:

(1) The applicant shall provide the local government unit with documentation describing at least two alternatives, in addition to the proposed project to avoid wetland impacts. One may be the no-build alternative, that would avoid impacts to wetlands. For projects that repair or rehabilitate existing infrastructure, only one alternative is required. The alternatives may include consideration of alternate sites or alternative project configurations on the proposed site. The alternatives must be judged by the local government unit as good faith efforts, or the local government unit may require the applicant to redraft them for reconsideration.

(2) The local government unit shall determine whether any proposed feasible and prudent alternatives are available that would avoid impacts to wetlands. An alternative shall be considered feasible and prudent if it meets all of the following requirements:

(a) it is capable of being done from an engineering point of view;

(b) it is in accordance with accepted engineering standards and practices;

(c) it is consistent with reasonable requirements of the public health, safety, and welfare;

(d) it is an environmentally preferable alternative based on a review of social, economic, and environmental impacts; and

(e) it would create no truly unusual problems.

(3) For projects proposing impacts to type 3, 4, or 5 wetlands, the local government unit shall also determine that there are no environmentally preferable alternatives that would avoid the impact.

(4) The local government unit shall consider the following in evaluating alternatives as applicable:

(a) whether the basic project purpose can be reasonably accomplished using one or more other sites in the same general area that would avoid wetland impacts. An alternate site may not be excluded from consideration only because it includes or requires an area not owned by the applicant that could reasonably be obtained, used, expanded, or managed to fulfill the basic purpose of the proposed project;

(b) the general suitability of alternate sites considered by the applicant;

(c) whether reasonable modification of the size, scope configuration, or density of the project would avoid impacts to wetlands;

(d) efforts by the applicant to accommodate or remove constraints on alternatives imposed by zoning standards or infrastructure, including requests for conditional use permits, variances, or planned unit developments; and

(e) the physical, economic, and demographic requirements of the project. Economic considerations alone do not make an alternative not feasible and prudent.

(5) If the local government unit determines that a feasible and prudent alternative exists that would avoid impacts to wetlands, it shall deny the replacement plan. If no feasible and prudent alternative is available that would avoid impacts to wetlands, the local government unit shall evaluate the replacement plan for compliance with subparts 4 to 8.

Subp. 4. **Determination of impact minimization.**

A. The applicant shall demonstrate to the local government unit's satisfaction that the activity will minimize impacts to wetlands. In reviewing the sufficiency of the applicant's efforts to minimize wetland impacts, the local government unit must consider:

(1) the spatial requirements of the project;

(2) the location of existing structural or natural features that may dictate the placement or configuration of the project;

(3) the purpose of the project and how the purpose relates to placement, configuration, or density;

(4) the sensitivity of the site design to the natural features of the site, including topography, hydrology, and existing vegetation;

(5) the value, function, and spatial distribution of the wetlands on the site;

(6) individual and cumulative impacts; and

(7) an applicant's efforts to:

(a) modify the size, scope, configuration, or density of the project;

(b) remove or accommodate site constraints including zoning, infrastructure, access, or natural features;

(c) confine impacts to the fringe or periphery of the wetland; and

(d) otherwise minimize impacts.

B. If the local government unit finds that an applicant has not complied with the requirements to minimize wetland impacts, the local government unit shall list, in writing, its objections to the project. If, within 30 days, the applicant does not withdraw the project proposal or indicate intent to submit an amended project proposal satisfying the local government unit's objections, the statement of objections shall constitute a denial.

Subp. 5. **Determination of impact rectification.** Temporary impacts to a wetland must be rectified by repairing, rehabilitating, or restoring the affected wetland.

A. Activities may qualify for a no-loss determination in part 8420.0220 by meeting all of the following conditions:

(1) the physical characteristics of the affected wetland, including ground elevations, contours, inlet dimensions, outlet dimensions, substrate, plant communities, and hydrologic regime, are restored to preproject conditions sufficient to ensure that all preproject functions and values are restored;

(2) the activity is completed and the physical characteristics of the wetland are restored within six months of the start of the activity; and

(3) the party responsible for the activity provides a performance bond to the local government unit for an amount sufficient to cover the estimated cost to restore the wetland to preproject conditions. The local government unit shall return the performance bond to the responsible party upon a determination by the local government unit that the conditions in this item and item B have been met.

B. An applicant shall be granted a no-loss determination under the criteria in item A once in a ten-year period for a particular site within a wetland, except that repairs to the original project shall be allowed under the no-loss determination, if the local government unit determines the request to be necessary and reasonable.

C. Wetland impacts that do not qualify for a no-loss determination according to the criteria in item A are subject to replacement under the criteria in parts 8420.0530 to 8420.0630.

Subp. 6. **Determination of reduction or elimination of impacts over time.** After an activity is completed, further wetland impacts from the draining or filling must be reduced or eliminated by

maintaining, operating, and managing the project in a manner that preserves and maintains remaining wetland functions and values. The local government unit must require applicants to implement best management practices to protect wetland functions and values.

Subp. 7. **Unavoidable impacts.** Unavoidable wetland impacts that remain after efforts to minimize, rectify, or reduce or eliminate them must be replaced according to parts 8420.0530 to 8420.0630.

Subp. 7a. **Sequencing flexibility.**

A. Sequencing flexibility cannot be implemented unless alternatives have been considered and unless the proposed replacement wetland is certain to provide equal or greater functions and public values as determined based on a functional assessment reviewed by the technical evaluation panel using a methodology approved by the board. The project sponsor must provide the necessary information and the local government unit must document the application of sequencing flexibility in the replacement plan approval.

B. Flexibility in application of the sequencing steps may be applied, subject to the conditions in item A, as determined by the local government unit if:

(1) the wetland to be impacted has been degraded to the point where replacement of it would result in a certain gain in function and public value;

(2) preservation of a wetland would result in severe degradation of the wetland's ability to function and provide public values, for example, because of surrounding land uses and the wetland's ability to function and provide public values cannot reasonably be maintained through other land use controls or mechanisms;

(3) the only feasible and prudent upland site available for wetland replacement or development has greater ecosystem function and public value than the wetland. Although this is a rare circumstance since there will usually be several options for siting the replacement wetland or development, it may be appropriate if the project sponsor:

(a) demonstrates impact minimization to the wetland;

(b) agrees to perpetually preserve the designated upland site; and

(c) completely replaces the impacted wetland's functions and public values; or

(4) the wetland is a site where human health and safety is a factor.

Subp. 8. **Wetlands on cultivated fields.** If the wetland is located on a cultivated field and will be replaced through restoration, then the priority order for sequencing in subpart 1 is not required. A wetland drained or filled under this provision must not be converted to nonagricultural land for ten years. The landowner must execute and record a notice of this requirement in the office of the county recorder for the county in which the property is located.

Subp. 9. **Calcareous fens.** Calcareous fens, as identified by the commissioner, may not be filled, drained, or otherwise degraded, wholly or partially, by any action, unless the commissioner, under an approved management plan, decides some alteration is necessary, as provided in part 8420.1010.

8420.0530 REPLACEMENT PLAN COMPONENTS.
On an application form approved by the board in consultation with the commissioner of natural resources, provided through the local government unit, and with required attachments supplied by the applicant, the following documentation must be provided, except that for replacement plans utilizing the wetland bank in parts 8420.0700 to 8420.0760, items B, subitem (1); and D, do not apply; instead the applicant shall submit the wetland banking credit withdrawal form prescribed in part 8420.0740, subpart 2, item E:

A. generally, organizational information, including but not limited to the following:

(1) the post office address of the applicant;

(2) for corporations, the principal officers of the corporation, any parent companies, owners, partners, and joint venturers, and a designated contact person; and

(3) managing agents, subsidiaries, or consultants that are or may be involved with the wetland draining or filling project;

B. either:

(1) a signed statement confirming that the wetland acres and values will be replaced ~~before~~ in advance of or concurrent with the actual draining or filling of a wetland; or

(2) an irrevocable bank letter of credit, a performance bond, or other security acceptable to the local government unit in an amount sufficient to guarantee the successful completion of the wetland replacement;

C. for the impacted wetland:

(1) a recent aerial photograph or accurate map of the impacted wetland area;

(2) the location of the wetland;

(3) the size of the wetland;

(4) the type of the wetland;

(5) a list of the dominant vegetation in the impacted wetland area, if known;

(6) a soils map of the site showing soil type and substrate, where available;

(7) the locations of any surface inlets or outlets, natural or otherwise, draining into or out of the wetlands, and if the wetland is within the shoreland wetland protection zone or floodplain of a stream, river, or other watercourse, the distance and direction to the watercourse;

(8) the nature of the proposed project, its areal extent, and the impact on the wetland must be described in sufficient detail to allow the local government unit to determine the amount and types of wetland to be impacted and to demonstrate compliance with the replacement sequencing criteria in part 8420.0520, if applicable;

(9) evidence of ownership or property rights to the affected areas; and

(10) a list of all other local, state, and federal permits and approvals required for the activity, if known;

D. for the replacement wetland, item C, subitems (1) to (7), (9), and (10), and:

(1) an explanation of the size and type of wetland that will result from successful completion of the replacement plan;

(2) scale drawings showing plan and profile views of the replacement wetland;

(3) how the replacement wetland shall be constructed, for example, excavation or restoration by blocking an existing tile; the type, size, and specifications of outlet structures; elevations, relative to Mean Sea Level or established bench mark, of key features, for example, sill, emergency overflow, and structure height; and best management practices that will be implemented to prevent erosion or site degradation;

(4) for created wetlands only, additional soils information sufficient to determine the capability of the site to produce and maintain wetland characteristics;

(5) a timetable that clearly states how and when implementation of the replacement plan shall proceed, and when construction of the replacement wetland shall be finalized;

(6) a notice in a form provided by the board attached to and recorded with the deed for lands containing a replacement wetland, specifying the following:

(a) the location of the replacement wetland;

(b) that the wetland is subject to the act;

(c) that the fee title owner is responsible for the costs of repairs or reconstruction and management, if necessary, or for replacement costs;

(d) that reasonable access to the replacement wetland shall be granted to the proper authorities for inspection, monitoring, and enforcement purposes;

(e) that costs of title review and document recording is the responsibility of the fee title owner; and

(f) that the local government unit or board can require necessary repairs or reconstruction and revegetation work to return the wetland to the specifications of the approved replacement plan and require reimbursement of reasonable costs from the wetland owner, or can require replacement of the wetland according to the act;

(7) an affidavit that the replacement wetland was not previously restored or created under a prior approved replacement plan;

(8) a statement that the replacement wetland was not drained or filled under an exemption during the previous ten years;

(9) a statement that the replacement wetland was not restored with financial assistance from public conservation programs, or was not restored for other unrelated regulatory purposes;

(10) a statement that the replacement wetland was not restored using private funds other than those of the landowner unless the funds are paid back with interest to the individual or organization that funded the restoration and the individual or organization notifies the local government unit in writing that the restored wetland may be considered for replacement;

(11) a statement by the applicant that monitoring will occur in accordance with parts 8420.0610 and 8420.0620 unless the local government unit will be conducting the monitoring of the wetland replacement area;

(12) evidence that a person proposing to create or restore a wetland within the easement of a pipeline as defined in Minnesota Statutes, section 299J.02, subdivision 11, has first notified the easement holder and the director of the Office of Pipeline Safety in writing. The person may not create or restore the wetland if, within 90 days after receiving the required notice, the easement holder or the director of the Office of Pipeline Safety provides to the person a written notice of objection that includes the reasons for the objection;

(13) evidence that any drainage or property rights potentially detrimental to the replacement wetland have been acquired, subordinated, or otherwise eliminated; and

(14) a five-year vegetation establishment and management plan, including seeding rates, planting methods, seed and plant mixes, herbicide treatments, and control of noxious weeds and invasive or nonnative species;

E. other information considered necessary for evaluation of the project by the local government unit; and

F. information known to the applicant or readily available concerning the special considerations criteria in part 8420.0540, subpart 9.

8420.0540 REPLACEMENT PLAN EVALUATION CRITERIA.

Subpart 1. **Sequencing.** Before consideration or approval of a replacement plan, the local government unit must ensure that the applicant has exhausted all possibilities to avoid and minimize adverse wetland impacts according to sequencing in part 8420.0520.

The applicant must demonstrate to the local government unit that the replacement plan complies with this part and part 8420.0550.

Subp. 2. **Type of replacement.**

A. The preference for the method of replacement is that which is most likely to result in a wetland area that functions wholly, perpetually, and naturally. Wetland restoration is generally preferred over creation and restoration of completely impacted wetlands is generally preferred over other methods of replacement.

B. Modification or conversion of nondegraded wetlands from one wetland type to another by damming, diking, impounding, or excavating does not constitute replacement credit.

C. Wetlands drained or filled under an exemption may not be restored for replacement credit for ten years after draining or filling.

8420.0541 ACTIONS ELIGIBLE FOR CREDIT.

Subpart 1. **Scope.** The actions in this part are eligible for replacement credit or wetland banking credit as determined by the local government unit in parts 8420.0500 to 8420.0760.

Subp. 2. **Restoration of completely drained wetland areas.** Restoration of the natural hydrology regime and vegetation on completely drained or filled wetlands may receive new wetland credit in an amount not to exceed 100 percent of the total wetland area hydrologically restored.

Subp. 3. **Restoration of partially drained wetland areas.** Restoration of the natural hydrology regime and vegetation of jurisdictional wetlands that have been degraded by prior drainage, diversion of the natural watershed, or filling may:

A. in a less than 80 percent area, receive public value credit in an amount up to 50 percent of the degraded wetland area or receive new wetland credit in an amount not to exceed 25 percent of the total wetland area hydrologically restored, provided that permanent native, noninvasive vegetation is established within the restored wetland area and on an upland buffer, which may receive replacement credit according to subpart 6; and

B. in a greater than 80 percent area, receive new wetland credit in an amount not to exceed 25 percent of the total wetland area hydrologically restored.

Subp. 4. **Exceptional natural resource value projects**. Projects that restore exceptional natural resource values of wetlands may receive either public value or new wetland replacement credit solely or in combination as determined by the local government unit with concurrence of the technical evaluation panel. The amount and type of credit allowed shall be based on a functional assessment that documents the restoration of these values.

Subp. 5. **Restoration of farmed wetlands**. Reestablishment of permanent native, noninvasive vegetative cover on a wetland that was planted with annually seeded crops, was in a crop rotation seeded to pasture grasses or legumes, or was required to be set aside to receive price supports or equivalent payments in six of the last 20 years prior to the date of application for a replacement plan or bank plan may receive credit in accordance with one of the following considerations:

A. if the wetland was annually seeded, in rotation, or set aside for six or more of the last 20 years, the wetland is eligible for public value credit not to exceed 50 percent of the wetland area; or

B. if the wetland was annually seeded, in rotation, or set aside for ten or more of the last 20 years, the wetland is eligible for new wetland credit based on the percent of the time the wetland area was annually seeded, in rotation, or set aside during the prior 20-year period.

Subp. 6. **Upland buffer areas**. Buffer areas of permanent native and noninvasive dominated vegetative cover established or preserved on upland adjacent and contiguous to replacement wetlands may receive credit, provided that the upland buffer must have an average width of at least 50 feet for wetlands in nonmunicipal areas and an average width of at least 25 feet for wetlands in a municipal area and the buffer vegetative establishment or preservation plan must be approved by the technical evaluation panel. Replacement credit for the buffer may not exceed 100 percent of the replacement wetland area and may only be used as public value credits for replacement above a 1:1 ratio.

Subp. 7. **Wetlands previously restored via conservation easements.** Wetland areas previously restored for conservation purposes under terminated easements or contracts are eligible for up to 75 percent new wetland credit and adjacent upland buffer areas reestablished to permanent native,

noninvasive vegetative cover are eligible for public value credit above a 1:1 ratio in an amount not to exceed 25 percent of the restored wetland area.

Subp. 8. **Restoration of wetland vegetation.** Reestablishment and maintenance of permanent native, noninvasive vegetation cover on a wetland that is dominated by invasive or exotic species may receive public value credit. Replacement credit may not exceed 25 percent of the total wetland area vegetatively restored and the vegetative restoration and maintenance plan must be approved by the technical evaluation panel. The technical evaluation panel may require a monitoring period in excess of 12 months after the vegetative restoration is completed before approving the site for replacement credit.

Subp. 9. **Wetlands established via mineral extraction site reclamation.** Wetland areas established in nonwetland areas due to mineral extraction activities may receive new wetland credits if all of the following criteria are met:

A. application for replacement credit is made within ten years after the last day that extraction activities have taken place;

B. a wetland establishment and management plan has been approved by the technical evaluation panel and implemented by the landowner or authorized agent;

C. the wetland area meets the criteria in part 8420.0550; and

D. if the land is not state-owned, a conservation easement in favor of the state has been accepted by the state and recorded in the county recorder's office, or if the land is state-owned, covenants and restrictions are recorded that identify that the wetland area is a replacement wetland subject to this chapter.

Subp. 10. **Water quality treatment areas.**

A. ~~Replacement~~ New ~~W~~wetland credit of up to ~~50%~~ 100 percent for wetland areas constructed as part of water quality treatment ~~ponds~~ systems ~~constructed to pretreat stormwater runoff prior to discharge to wetlands or public waters is allowed~~ may be granted by the local government unit with the concurrence of the technical evaluation panel, provided that:

(1) the local government unit has an approved and active stormwater management plan;

(2) the water quality treatment system project design includes pretreatment of runoff before discharge to the wetland areas receiving credit;

~~(2)~~ (3) the ~~basins~~ wetland areas receiving credit are constructed in nonwetland areas; ~~and~~

~~(3)~~ (4) the ~~basins~~ water quality treatment system ~~are~~ is associated with an ongoing or proposed project that will impact a wetland or public waters~~.~~ ;

~~B. Credits are determined according to subitems (1) to (3) by the local government unit with concurrence of the technical evaluation panel.~~

~~(1) Public value credit may be allowed for up to 100 percent of the normal pool area of an isolated one-cell, wet detention basin or the upper cell of a two-cell system, or for the one-year design pool of a stormwater infiltration area that also has an established native, noninvasive vegetative cover.~~

~~(2) New wetland credit may be allowed for up to 100% percent of the normal pool area of the downstream cell of a two-cell, wet detention system, provided:~~

~~(a)~~ (5) ~~the two cells are completely separated by a barrier for up to the ten-year critical event~~ the wetland areas receiving credit are separated from the water quality treatment system that pretreats runoff before discharge to the wetland areas receiving credit;

~~(b) the upstream basin meets the criteria in subitem (1);~~

~~(c)~~ (6) the ~~downstream cell~~ ~~basins~~ wetland areas receiving credit are ~~is~~ designed for a maximum 24-inch rise in water level for the ten-year critical storm event;

~~(d)~~ (7) the standards in part 8420.0550 are followed; and

~~(e)~~ (8) the ~~design goal~~ wetland areas receiving credit are ~~is a fully~~ functioning wetlands ~~for the downstream cell~~.

~~(3) Buffer areas installed adjacent to two-celled systems that are consistent with subitem (2) and subpart 6 may be allowed for public value credit.~~

~~C.~~ B. Stormwater detention basins allowed for replacement are not eligible for the exemptions in part 8420.0122 and are subject to parts 8420.0500 to 8420.0630.

Subp. 11. **Wetland creations**. All other wetland creation sites may receive new wetland credit in an amount not to exceed 100 percent of the total wetland area created. Except for public projects, a performance bond or other surety shall be secured and held until the local government unit has determined that the design goal for the wetland replacement site, as approved in the replacement plan, is fully achieved.

8420.0542 TIMING OF REPLACEMENT.
Replacement of wetland functions and values must be completed ~~before~~ in advance of or concurrent with the actual draining, excavation, or filling of a wetland, unless an irrevocable bank letter of credit or other security acceptable to the local government unit is submitted to the local government unit to guarantee successful completion of the replacement. Local government units may require performance bonds or similar instruments to assure that the replacement wetland is successfully established. All wetlands to be restored or created for replacement must be designated for replacement before restoration or creation. Submission to the local government unit of the information required in part 8420.0530 and subsequent approval shall be considered evidence of designation for replacement, provided the information is submitted before the actual restoration or creation. The exceptions contained in part 8420.0544 do not apply to replacement completed using wetland banking credits established by a person who submitted a complete wetland banking application to a local government unit by April 1, 1996.

8420.0543 WETLAND REPLACEMENT SITING.
A. Siting wetland replacement must follow this priority order:

(1) on site or in the same minor watershed as the affected wetland;

(2) in the same watershed as the affected wetland;

(3) in the same county as the affected wetland;

(4) for replacement by wetland banking, in the same wetland bank service area as the impacted wetland, except that impacts in a 50 to 80 percent area must be replaced in a 50 to 80 percent area and impacts in a less than 50 percent area must be replaced in a less than 50 percent area;

(5) for project specific replacement, in an adjacent watershed ~~or county~~ to the affected wetland, or for replacement by wetland banking, in an adjacent wetland bank service area, except that impacts in a 50 to 80 percent area must be replaced in a 50 to 80 percent area and impacts in a less than 50 percent area must be replaced in a less than 50 percent area; ~~and~~

~~(5)~~ (6) notwithstanding items (1) to (5), ~~statewide, for:~~

~~(a) wetlands affected in greater than 80 percent areas; and~~

~~(b)~~ public transportation projects may be replaced statewide, except that wetlands affected in less than 50 percent areas must be replaced in less than 50 percent areas, and wetlands affected in the seven-county metropolitan area must be replaced at a ratio of two to one in: (i) ~~in~~ the affected county or, (ii) if no restoration opportunities exist in the county, in another seven-county metropolitan area county~~.~~ , or (iii) in one of the major watershed that are wholly or partially within the seven county metropolitan area, but at least one-to-one must be replaced within the seven county metropolitan area;

(7) notwithstanding items (1) to (5), siting wetland replacement in greater than 80 percent areas may follow the priority order under this paragraph: (i) by wetland banking after evaluating on-site replacement and replacement within the watershed; (ii) replaced in an adjacent wetland bank service area if wetland bank credits are not reasonably available in the same wetland bank service area as the affected wetland, as determined by a comprehensive inventory approved by the board; and (iii) statewide; or

(8) notwithstanding items (1) to (5), siting wetland replacement in the seven-county metropolitan area must follow the priority order under this paragraph: (i) in the affected county; (ii) in another of the seven metropolitan counties; or (iii) in one of the major watersheds that are wholly or partially within the seven-county metropolitan area, but at least one to one must be replaced within the seven-county metropolitan area.

B. Until December 31, 2012, existing wetland bank account holders outside of the seven county metropolitan area, but within a major watershed that is wholly or partially within the seven county metropolitan area, may withdraw wetland credits according to part 8420.0541 that was in effect at the time of the deposit of the public value credit and/or new wetland credits.

C. Until December 31, 2012, local government units may approve wetland replacement plans that propose replacement via wetland banking, using credits established according to the replacement siting rule in effect on August 5, 2007.

~~B.~~ D. When reasonable, practicable, and environmentally beneficial replacement opportunities are not available in siting priorities listed in item A, the applicant may seek opportunities at the next level.

~~C.~~ E. For the purposes of item B, "reasonable, practicable, and environmentally beneficial replacement opportunities" means opportunities that:

(1) take advantage of naturally occurring hydrogeomorphological conditions and require minimal landscape alteration;

(2) have a high likelihood of becoming a functional wetland that will continue in perpetuity;

(3) do not adversely affect other habitat types or ecological communities that are important in maintaining the overall biological diversity of the area; and

(4) are available and capable of being done after taking into consideration cost, existing technology, and logistics consistent with overall project purposes.

~~D.~~ F. Regulatory agencies, local government units, and other entities involved in wetland restoration shall collaborate to identify potential replacement opportunities within their jurisdictional areas.

8420.0544 REPLACEMENT FOR PUBLIC TRANSPORTATION PROJECTS.

A. Wetlands impacted by public transportation projects may be replaced statewide, only for wetlands affected in greater than 80 percent areas and for public transportation projects, except that wetlands affected in less than 50 percent areas must be replaced in less than 50 percent areas, and wetlands affected in the seven-county metropolitan area must be replaced at a ratio of two to one in:

(1) the affected county;

(2) in another of the seven metropolitan counties; or

(3) in one of the major watersheds that are wholly or partially within the seven-county metropolitan area, but at least one to one must be replaced within the seven-county metropolitan area.

Part 8420.0543, item A, subitem (5), does not apply to replacement completed using wetlands banking credits established by an applicant who submitted a complete wetland banking application to a local government unit by April 1, 1996.

B. Replacement of wetlands may be accomplished under the rules for wetland banking as provided for in parts 8420.0700 to 8420.0760.

C. For projects involving draining or filling of wetlands associated with a new public transportation project, and for projects expanded solely for additional traffic capacity, public transportation authorities may purchase credits from the board at the cost to the board to establish credits.

D. A replacement plan for wetlands is not required for individual public road projects that result in the draining, excavating, or filling of wetlands for the repair, rehabilitation, reconstruction, or replacement of a currently serviceable existing state, city, county, or town public road necessary, as determined by the public road authority, to meet state or federal design or safety standards or requirements, excluding new roads or roads expanded solely for additional traffic capacity lanes. This item only applies to authorities for public road projects that:

(1) minimize the amount of wetland draining, excavating, or filling associated with the project and consider mitigating important site-specific wetland functions on site; and

(2)(a) submit, at least 30 days prior to construction, project-specific reports, and any changes or addenda, to the board, the technical evaluation panel, the commissioner of natural resources, and members of the public requesting a copy that indicate the location, amount, and type of wetlands drained, excavated, or filled by the project;

(b) convene an annual meeting of the parties required to receive notice to review projects to be commenced during the upcoming year; or

(c) for minor and emergency maintenance work impacting less than 10,000 square feet, the public road authority may submit project-specific reports, within 30 days of commencing the activity, to the board and the technical evaluation panel that indicate the location, amount, and type of wetlands that have been drained, excavated, or filled.

E. The technical evaluation panel shall review minimization and delineation decisions made by the public road authority and provide recommendations regarding on-site mitigation if requested to do so by the local government unit, a contiguous landowner, or a member of the technical evaluation panel.

F. Those required to receive notice of public road projects may appeal minimization, delineation, and on-site mitigation decisions made by the public road authority to the board according to part 8420.0250.

G. Changes to wetland impacts proposed by local road authorities in item D shall be reported to the board within six months from the date of the change being finalized.

H. Except for state public transportation projects, for which the state Department of Transportation is responsible, the board must replace public road project impacts to wetlands and wetland areas of public waters if authorized by the commissioner or a delegated authority, that are drained, excavated, or filled by local government projects on existing roads. Replacement of the wetlands must occur in critical rural and urban watersheds.

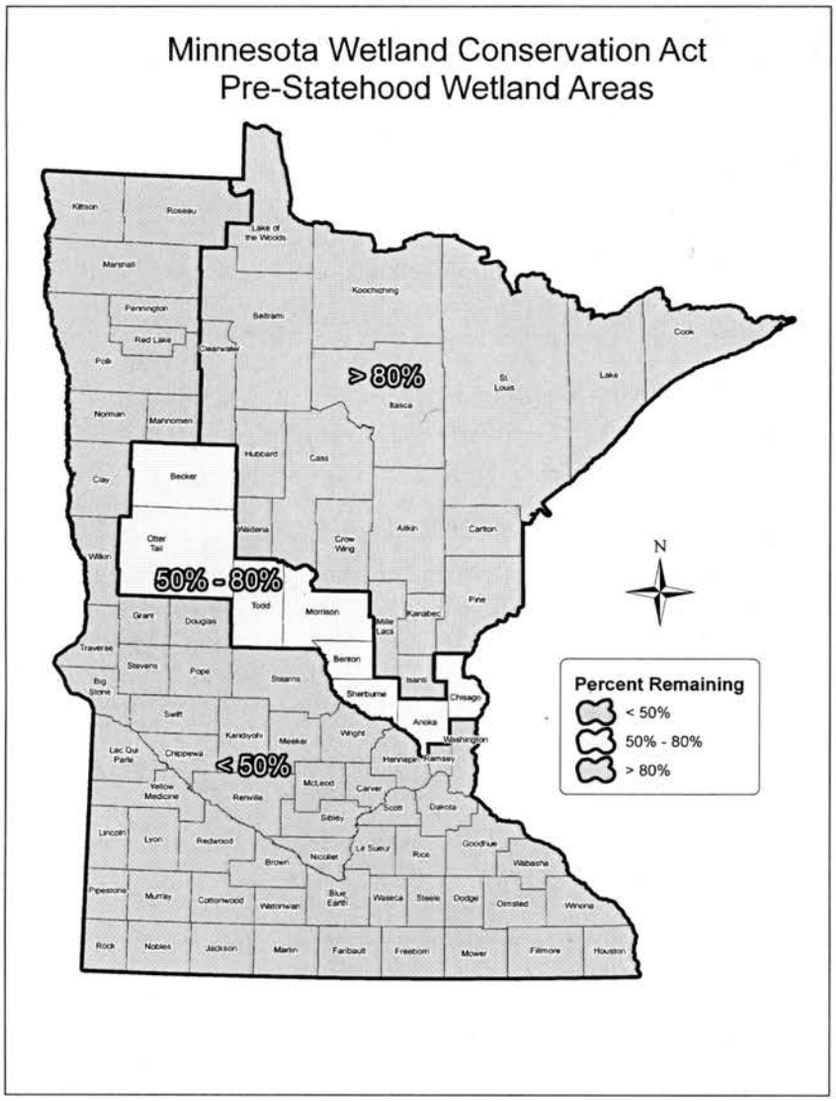
I. Public road authorities at their discretion may deviate from federal and state design standards on existing road projects when practical and reasonable to avoid wetland filling or draining, provided that public safety is not unreasonably compromised. The local road authority and its officers and employees are exempt from liability for any tort claim for injury to persons or property arising from travel on the highway and related to the deviation from the design standards for construction or reconstruction under this item. This item does not preclude an action for damages arising from negligence in construction or maintenance on a highway.

8420.0545 PRESETTLEMENT WETLAND ACRES AND AREAS.

A. For purposes of parts 8420.0540 to 8420.0549, the following counties are greater than 80 percent areas: Aitkin; Beltrami; Carlton; Cass; Clearwater; Cook; Crow Wing; Hubbard; Isanti; Itasca; Kanabec; Koochiching; Lake; Lake of the Woods; Mille Lacs; Pine; St. Louis; and Wadena.

B. For purposes of parts 8420.0540 to 8420.0549, the following counties are less than 50 percent areas: Big Stone; Blue Earth; Brown; Carver; Chippewa; Clay; Cottonwood; Dakota; Dodge; Douglas; Faribault; Fillmore; Freeborn; Goodhue; Grant; Hennepin; Houston; Jackson; Kandiyohi; Kittson; Lac Qui Parle; Le Sueur; Lincoln; Lyon; Mahnomen; Marshall; Martin; McLeod; Meeker; Mower; Murray; Nicollet; Nobles; Norman; Olmsted; Pennington; Pipestone; Polk; Pope; Ramsey; Red Lake; Redwood; Renville; Rice; Rock; Roseau; Scott; Sibley; Stearns; Steele; Stevens; Swift; Traverse; Wabasha; Waseca; Washington; Watonwan; Wilkin; Winona; Wright; and Yellow Medicine.

C. For purposes of parts 8420.0540 to 8420.0549, the following counties are 50 to 80 percent areas: Anoka; Becker; Benton; Chisago; Morrison; Otter Tail; Sherburne; and Todd.



8420.0546 SIZE OF REPLACEMENT WETLANDS.

Replacement wetlands must be of a size sufficient to ensure that they provide equal or greater public value than the wetland that was drained or filled. The minimum amount of replacement wetland that must be provided is shown in 8420.0549, subp. 7. ~~Except in greater than 80 percent areas, for a wetland located on nonagricultural land~~ For a wetland located on nonagricultural land in a 50 to 80 percent area or a less than 50 percent area, the minimum size of the replacement wetland must be in the ratio of two acres of replaced wetland for each acre of drained or filled wetland. For a wetland located on agricultural land, or in greater than 80 percent areas, the minimum size of the replacement wetland must be in the ratio of one acre of replaced wetland for each acre of drained or filled wetland. The actual replacement ratios required for a replacement wetland may be more than the minimum, subject to the evaluation of wetland functions and values in part 8420.0549.

~~Except in greater than 80 percent areas~~ For wetlands located in a 50 to 80 percent area or a less than 50 percent area, future owners may make no use of the wetland after it is altered, other than as agricultural land for a period of ten years unless future replacement to achieve a ~~2:1~~ ratio equaling or exceeding the

appropriate ratio in 8420.0549, subp. 7 occurs. The landowner shall record a notice of this restriction in the office of the county recorder in which the project is located.

8420.0547 OTHER REQUIREMENTS.

Subpart 1. **Carbon balance.** When it is necessary to replace a drained or filled peatland, the replacement wetland must be revegetated with planted or naturally pioneering native vegetation established within three growing seasons.

Subp. 2. **Ecological consistency.** Restoration and replacement of wetlands must be accomplished according to the ecology of the landscape area affected. A replacement plan that would result in wetlands or wetland characteristics that do not naturally occur in the landscape area in which the replacement will occur will not be approved.

8420.0548 SPECIAL CONSIDERATIONS.

Subpart 1. **Scope.** The factors in this part, when identified as being applicable to an impact site or a replacement site, must be considered by the local government unit in the review of replacement plans.

Subp. 2. **Endangered and threatened species.** A replacement plan for activities that involve taking species listed as endangered or threatened in parts 6134.0200 to 6134.0400 must be denied unless the commissioner issues a permit pursuant to part 6212.1800 or Minnesota Statutes, section 84.0895, subdivision 7. Applicants may determine if there are known locations of listed species at a particular site by contacting the Department of Natural Resources' natural heritage and nongame research program.

Subp. 3. **Rare natural communities.** A replacement plan for activities that involve the modification of a rare natural community as determined by the Department of Natural Resources' natural heritage program must be denied if the local government unit determines that the proposed activities will permanently adversely affect the natural community.

Subp. 4. **Special fish and wildlife resources.** A replacement plan for activities that would have a significant adverse impact that cannot be mitigated on a special or locally significant fish and wildlife resource must be denied. These activities include, but are not limited to:

A. fish passage and spawning areas;

B. colonial waterbird nesting colonies;

C. migratory waterfowl concentration areas;

D. deer wintering areas; and/or

E. wildlife travel corridors.

Activities involving streams must not block fish passage unless approved by the Department of Natural Resources.

Subp. 5. **Archaeological, historic, or cultural resource sites.** A replacement plan for activities that involve the modification of known archaeological, historical, or cultural resource sites on or eligible for the National Register of Historic Places, as designated by the state historic preservation officer, must be denied, if the local government unit, in consultation with the State Historical Preservation Office, determines that the proposed activities will have a significant adverse impact on the archaeological or historical value of the site.

Subp. 6. **Groundwater sensitivity.** A replacement plan for activities must be denied if the local government unit determines the activities would have a significant adverse impact on groundwater quality. The publication "Criteria and Guidelines for Assessing Geologic Sensitivity of Ground Water Resources in Minnesota" (MDNR, 1991) may be used as a guide in determining potential impacts.

Subp. 7. **Sensitive surface waters.** A replacement plan must be denied if the local government unit determines the activities will have a significant adverse impact on the water quality of outstanding resource value waters listed in part 7050.0180 or on trout waters designated by the commissioner.

Subp. 8. **Education or research use.** Wetlands known to be used for educational or research purposes must be maintained or adequately replaced.

Subp. 9. **Waste disposal sites.** The local government unit must evaluate the type and amount of waste material found at the site. Activities involving known or potential hazardous wastes or contaminants must be conducted according to applicable federal and state standards.

Subp. 10. **Consistency with other plans.** The local government unit must consider the extent to which proposed activities are consistent with other plans, such as watershed management plans, land use plans, zoning, and master plans.

8420.0549 EVALUATION OF WETLAND FUNCTIONS AND VALUES.

Subpart 1. **Evaluation options.** Replacement wetlands must replace the functions and values that are lost from a wetland that is drained or filled. When environmentally preferable, a replacement wetland should replace the same combination of functions and values provided by the impacted wetland. Replacement of wetland functions and values may occur at more than one location. The local government unit may allow the evaluation of wetlands by measuring and comparing public values specified in Minnesota Statutes, section 103B.3355, with a scientifically accepted methodology in subparts 7 and 8.

Subp. 2. **Wetland types**. For wetland replacement ratio determinations, wetland type shall be based on the twelve wetland plant community types as listed in this subpart.

Wetland Plants and Plant Communities of Minnesota and Wisconsin (Eggers and Reed 1997) as modified by the board-U.S. Army Corps of Engineers Wetland Mitigation Memorandum of Understanding (May 2007)	**Classification of Wetlands and Deepwater Habitats of the United States (Cowardin *et al.* 1979)**	**Fish and Wildlife Service Circular 39 (Shaw and Fredine 1971)**
Shallow, Open Water	Palustrine or lacustrine, littoral; aquatic bed; submergent, floating, and floating-leaved	Type 5: Inland open fresh water

Deep Marsh	Palustrine or lacustrine, littoral; aquatic bed; submergent, floating, and floating-leaved; and emergent; persistent and nonpersistent	Type 4: Inland deep fresh marsh
Shallow Marsh	Palustrine; emergent; persistent and nonpersistent	Type 3: Inland shallow fresh marsh
Sedge Meadow	Palustrine, emergent; narrow-leaved persistent	Type 2: Inland fresh meadow
Fresh (Wet) Meadow	Palustrine; emergent; broad- and narrow-leaved persistent	Type 1: Seasonally flooded basin or flat; Type 2: Inland fresh meadow
Wet to Wet-Mesic Prairie	Palustrine; emergent; broad- and narrow-leaved persistent	Type 1: Seasonally flooded basin or flat; Type 2: Inland fresh meadow
Calcareous Fen	Palustrine; emergent; narrow-leaved persistent; and scrub/shrub, broad-leaved deciduous	Type 2: Inland fresh meadow
Open Bog or Coniferous Bog	Palustrine; moss/lichen; and scrub/shrub; broad-leaved evergreen; and forested; needle-leaved evergreen and deciduous	Type 8: Bog
Shrub-Carr or Alder Thicket	Palustrine; scrub/shrub; broad-leaved deciduous	Type 6: Shrub swamp
Hardwood Swamp or Coniferous Swamp	Palustrine; forested; broad-leaved deciduous; needle-leaved evergreen and deciduous	Type 7: Wooded Swamp
Floodplain Forest	Palustrine; forested; broad-leaved deciduous	Type 1: Seasonally flooded basin or flat
Seasonally Flooded Basin	Palustrine; flat; emergent; persistent and nonpersistent	Type 1: Seasonally flooded basin or flat

~~wetlands classification equivalency chart. For purposes of this part, the following table serves as a key for using Table 2 (subpart 4, item A) and as a wetland classification equivalency chart for the wetland classification developed by the United States Fish and Wildlife Service (Cowardin et al. 1979), and the approximate wetland type from the United States Fish and Wildlife Service Circular No. 39 (1971 edition).~~

~~Table 1. Wetland Classification Equivalency Chart. The Cowardin classification includes system, subsystem, class, subclass, and/or water regime. The Circular 39 wetland type is approximated.~~

~~Cowardin System~~	~~Circular 39~~
~~L1 (all)~~	~~5*~~
~~L2ABF~~	~~4~~
~~L2ABG~~	~~5~~
~~L2ABH~~	~~5~~
~~L2EMA~~	~~5~~
~~L2EMB~~	~~5~~

~~L2EMF 4~~
~~L2EMG 4~~
~~L2EMH 5~~
~~L2RS 5~~
~~L2UB 5~~
~~L2US 4~~
~~PABF 4~~
~~PABG 4~~
~~PABH 5~~
~~PEMA 1~~
~~PEMB 2, 8~~
~~PEMC 3~~
~~PEMD 3~~
~~PEME 2~~
~~PEMF 3~~
~~PEMG 4~~
~~PEMH 4~~
~~PEMJ 1~~
~~PEMU 3~~
~~PEMW 1~~
~~PEMY 3~~
~~PEMZ 4~~
~~PFOA 1L**~~
~~PFO1B 7~~
~~PFO2B 7~~
~~PFO4B 7~~
~~PFO5B 7~~
~~PFO6B 7~~
~~PFO7B 7~~
~~PFOC 7~~
~~PFOD 7~~
~~PFOF 7~~
~~PFOJ 1L**~~
~~PFOU 1L**~~
~~PFOW 1L**~~
~~PFOY 7~~
~~PMLB 8~~
~~PRB (all) 5~~
~~PSSA 6~~
~~PSS1B 6~~
~~PSS2B 8~~
~~PSS3B 8~~
~~PSS4B 8~~
~~PSS5B 6~~
~~PSS6B 6~~
~~PSS7B 8~~
~~PSSC 6~~
~~PSSD 6~~
~~PSSF 6~~
~~PSSG 6~~
~~PSSH 6~~

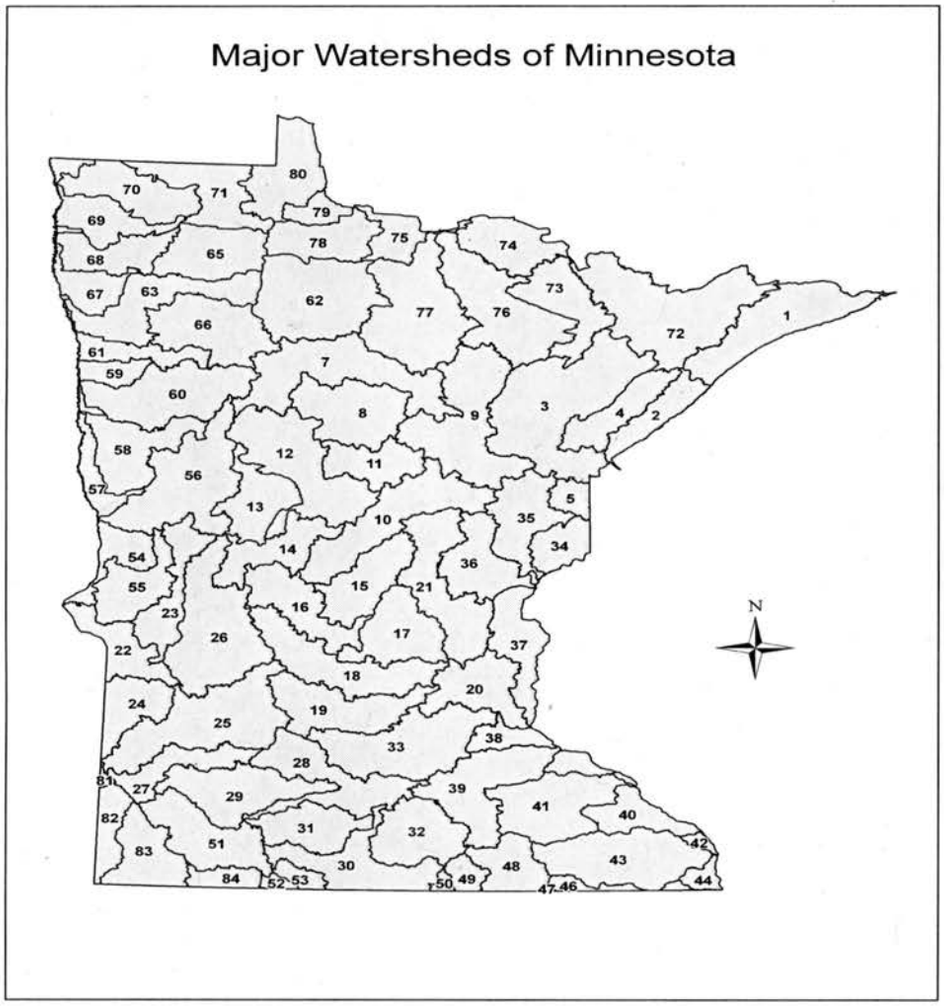
~~PSSJ 6~~
~~PSSW 6~~
~~PSSY 6~~
~~PSSZ 6~~
~~PSSU 6~~
~~PUBB 3~~
~~PUBF 4~~
~~PUBG 5~~
~~PUBH 5~~
~~PUS (all) 3~~
~~R1 R2***~~
~~R2 (all) R2***~~
~~R3 (all) R3***~~
~~R4 (all) R4***~~
~~R5 R4***~~

~~* Circular No. 39 does not classify deep water as a wetland type, but for purposes of this table, these areas can be approximated as a type 5.~~
~~** 1L wetlands by Circular No. 39 are Type 1 Bottomland Hardwoods.~~
~~*** No equivalent. Circular No. 39 does not address riverine wetlands.~~

~~"K" water regimes are often municipal/industrial water facilities.~~

~~NOTE: In the case of wetland identified using the Cowardin system with both numerator and denominator wetland types, the numerator type is considered the dominant wetland type, with the exception that the denominator wetland type is to be used when the numerator wetland type vegetation is dead.~~

STATE OF MINNESOTA WATERSHED BOUNDARIES - 1979
(~~84~~ 81 MAJOR WATERSHED UNITS)



LIST OF ~~84~~ 81 MAJOR WATERSHED UNITS OF MINNESOTA

1 Lake Superior (north)
2 Lake Superior (south)
3 St. Louis River
4 Cloquet River
5 Nemadji River
7 Mississippi River (Headwaters, Lake Winnibigoshish)
8 Leech Lake River
9 Mississippi River (Grand Rapids)
10 Mississippi River (Brainerd)
11 Pine River
12 Crow Wing River
13 Redeye River (Leaf River)
14 Long Prairie River
15 Mississippi River (Sartell)
16 Sauk River
17 Mississippi River (St. Cloud)
18 North Fork Crow River

19 South Fork Crow River
20 Mississippi River (Metro)
21 Rum River
22 Minnesota River (Headwaters)
23 Pomme de Terre River
24 Lac qui Parle River
25 Minnesota River (Granite Falls)
26 Chippewa River
27 Redwood River
28 Minnesota River (Mankato)
29 Cottonwood River
30 Blue Earth River
31 Watonwan River
32 Le Sueur River
33 Minnesota River (Shakopee)
34 St. Croix River (Upper)
35 Kettle River
36 Snake River
37 St. Croix River (Stillwater)
38 Mississippi River (Red Wing) and Lake Pepin
39 Cannon River
40 Mississippi River (Winona)
41 Zumbro River
42 Mississippi River (La Crescent)
43 Root River
44 Mississippi River (Revo)
46 Upper Iowa River
47 Wapsipinican River (Headwaters)
48 Cedar River
49 Shell Rock River
50 Winnebago River (Lime Creek)
51 West Fork des Moines River (Headwaters)
52 West Fork des Moines River (Lower)
53 East Fork des Moines River
54 Bois de Sioux River
55 Mustinka River
56 Otter Tail River
57 Red River of the North (Headwaters)
58 Buffalo River
59 Marsh River
60 Wild Rice River
61 Sandhill River
62 Upper and Lower Red Lake
63 Red Lake River
65 Thief River
66 Clearwater River

67 Grand Marais Creek (Red River of the North)
68 Snake River
69 Tamarack River (Red River of the North)
70 Two River
71 Roseau River
72 Rainy River (Headwaters)
73 Vermillion River
74 Rainy River (Rainy Lake)
75 Rainy River (Manitou)
76 Little Fork River
77 Big Fork River
78 Rapid River
79 Rainy River (Baudette)
80 Lake of the Woods
81 Big Sioux River (Medary Creek)
82 Big Sioux River (Pipestone)
83 Rock River
84 Little Sioux River

Subp. 3. **In-kind wetland replacement.** Wetland replacement for drainage, excavation, or fill shall be considered in-kind if ~~one of the following applies:~~

~~A.~~ the replacement wetland is of the same type as the impacted wetland~~;~~

~~B. the replacement wetland is within the same county as the impacted wetland; or~~

~~C. the replacement wetland is in the same watershed as the impacted wetland. For in-kind replacement, the minimal replacement ratio shall be used to determine the necessary size of the replacement wetland. For impacted wetlands on agricultural land, or in greater than 80 percent areas, the minimum replacement ratio is 1:1, requiring an equal area be replaced for the area impacted. For less than 80 percent areas and for impacted wetlands on nonagricultural land, the minimum replacement ratio is 2:1, and public value credits can be used for the portion of replacement required above 1:1~~.

Subp. 4. **Out-of-kind wetland replacement.** Out-of-kind replacement is any replacement that is not in-kind in subpart 3.

If a wetland to be drained or filled exhibits more than one wetland type as determined by the technical evaluation panel, and more than one wetland type is proposed to be drained or filled, the local government unit shall use the following procedure to determine needed replacement. The acreage of each wetland type to be impacted shall be determined. The sum of the replacement for each wetland type shall be the resultant acreage requirement.

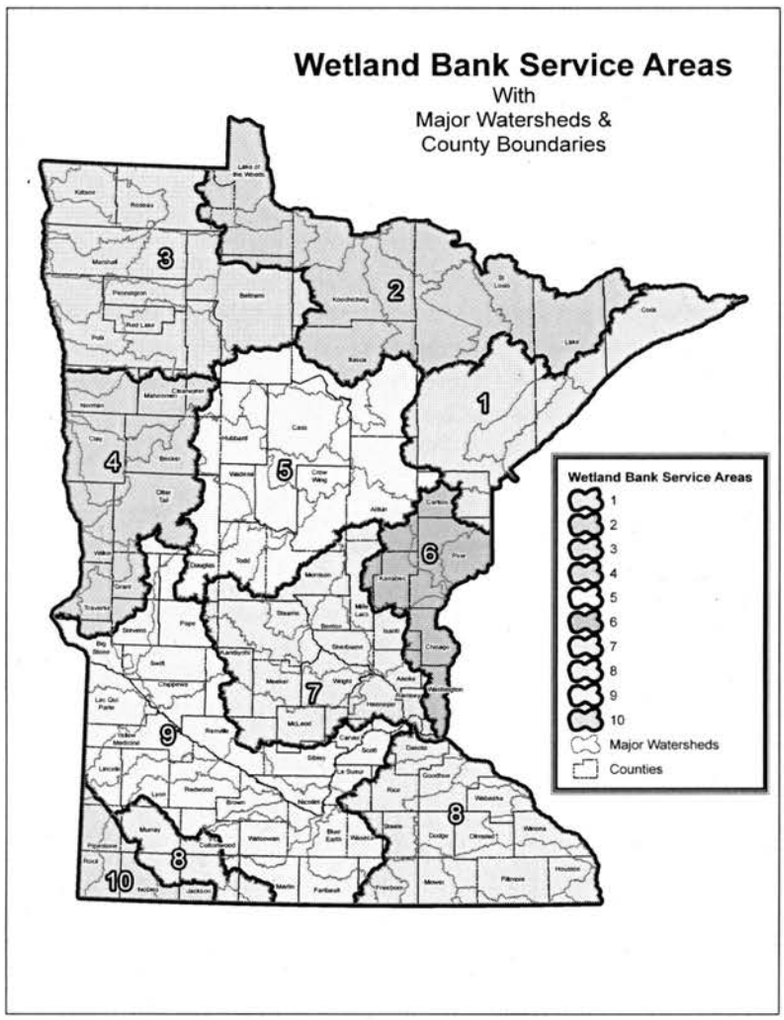
Subp. 5. **In advance replacement**. Replacement is in advance if the replacement is: (1) approved wetland bank credits; or (2) replacement sites that have established wetland hydrology and vegetation, but the vegetation may not be mature. The minimum requirement for (2) is that the replacement site has wetland hydrology and hydrophytic vegetation established one full growing season (April-October) prior to the impact. Further, the site must meet all performance standards applicable to that development stage of the replacement site.

Subp 6. **In place replacement**.. Replacement is in-place if the mitigation occurs within the same watershed as the permitted activity or, if wetland credits are withdrawn from an approved wetland bank site, in the same bank service area as that where the permitted impact occurred. (See map below). The following exceptions apply to this definition:

(i) Replacement for impacts in bank service area 10 can be accomplished in bank service area 9 or the Des Moines River Basin in bank service area 8 with no increase in the replacement ratio;

(ii) Replacement for impacts in bank service area 1 can be accomplished in bank service area 2 with no increase in the replacement ratio; and

(iii) The board may approve special replacement ratios based on data derived from comprehensive inventories of replacement opportunities. The replacement ratios shall be noticed by the board to local government units and published in the State Register. The board shall provide opportunities for public input and comment prior to publishing the special replacement ratios. The conditions and standards shall take effect 30 days after publication and remain in effect unless superseded by subsequent statute, rule, or notice in the State Register.



~~Table 2.~~

~~Replacement Type~~	~~Impact Location~~	
	~~>80% Area or Ag Land~~	~~<80% Area and Non-Ag Land~~
~~In-kind (same wetland type or same watershed or same county)~~	~~1:1~~	~~2:1~~
~~Out-of-kind: direct replacement~~	~~1.5:1~~	~~2.5:1~~
~~Out-of-kind: banking~~	~~1.25:1~~	~~2.25:1~~

Subp. 7. **Minimum wetland replacement ratios**: The minimum wetland ratios shall be based on the location of the impact and replacement, the wetland type, and the timing of replacement, as determined by the table below.

Impact Location	Replacement Location (in place)	Type of Replacement Wetland (in type)	Replacement Process (in time)	Minimum Replacement Ratio
> 80% area (or agricultural land)	In-Place	Same type as impact wetland	In advance	1:1
			Not in advance	1.25:1
		Different type	In advance	1.25:1
			Not in advance	1.5:1
	Not In-Place	Same type as impact wetland	In advance	1.25:1
			Not in advance	1.5:1
		Different type	In advance	1.5:1
			Not in advance	1.5:1
< 80% area (and non-agricultural land)	In-Place	Same type as impact wetland	In advance	2:1
			Not in advance	2.25:1
		Different type	In advance	2.25:1
			Not in advance	2.5:1
	Not In-Place	Same type as impact wetland	In advance	2.25:1
			Not in advance	2.5:1
		Different type	In advance	2.5:1
			Not in advance	2.5:1

~~See Table 1 of subpart 2 for wetland classification equivalency.~~

~~he topographic setting characteristics of a replacement wetland and an impacted wetland shall be described as topographic, riverine, floodplain, flow-through, tributary, or isolated.~~

Subp. ~~5~~ 8. **Determining impacts of partial drainage**. In cases where wetlands will be partially or incompletely drained, the amount of wetland to be replaced must be determined as follows:

The area impacted by partially draining a wetland is determined in two parts. The wetland area where the hydrology is totally removed must be replaced in its entirety. The area that is partially drained must be replaced in an amount that is at least 50 percent of the acreage of the remaining wetland area or determined by an assessment of the wetland functions listed in part 8420.0103, using a methodology chosen by the technical evaluation panel from one of the methodologies established or approved by the board.

Subp. ~~6~~ 9. Alternative evaluation methodologies. The local government unit may evaluate the replacement plan using a scientifically accepted methodology that evaluates all wetland functions specified in Minnesota Statutes, section 103B.3355, for both the impacted and replacement wetlands. Such alternative methodologies must be approved and listed by the board, in consultation with the commissioners of natural resources and agriculture, and local government units.

When using alternative evaluation methodologies to evaluate replacement plans, the ratio of impact wetland to replacement wetland must not be less than the minimum acreage requirements as listed in part 8420.0546, except as provided for in part 8420.0650.

Subp. ~~7~~ 10. Special cases or appeals. For projects of unusual complexity, or replacement plans that have been denied and are being appealed, and for which the local government unit believes an alternative evaluation process may produce a substantially different replacement requirement, the local government unit may evaluate the replacement plan using the current version of the Minnesota wetland evaluation methodology or another scientifically accepted methodology approved by the board, in consultation with the commissioner, that evaluates all wetland functions and values for both the impacted and replacement wetlands.

When using a board-approved methodology to evaluate replacement plans, the ratio of impact wetland to replacement wetland must not be less than the minimum acreage requirements as listed in part 8420.0546. Further, the topographic setting ratio in subpart 4 and the local ~~public value~~ replacement ratio, if any, in subpart 4 must also be considered when using a board-approved methodology.

Subp. ~~8~~ 11. **Adequacy decision.** A replacement plan that fails to meet the requirements in this part must be considered inadequate in replacing lost functions and values and must be denied by the local government unit. A replacement plan that has been considered by the local government unit and not approved may be revised and resubmitted for consideration by the local government unit. As required by part 8420.0250, the decision of a local government unit to approve, approve with conditions, or deny a replacement plan becomes final if not appealed to the board within 30 days after the date on which the decision is mailed to those required to receive notice of the decision. Within 30 days of completing construction of a replacement wetland, the notice specified in part 8420.0530, item D, subitem (6), must be recorded and proof of recording provided to the local government unit.

8420.0550 WETLAND REPLACEMENT STANDARDS.

Subpart 1. **General requirements.** The standards and guidelines in this part shall be used in wetland creation and restoration efforts to ensure adequate replacement of wetland functions and values.

In evaluating a wetland replacement plan, the local government unit must determine whether the wetland type stated as the replacement plan goal will result from the replacement plan specifications. If a wetland type other than the replacement plan goal is likely to result, the local government unit must evaluate the plan based on this determination. The local government unit must also determine that the proposed replacement plan will adequately replace functions and public values lost. If adequate replacement of

function and public value is not likely to result, the local government must determine what further measures are necessary to obtain adequate replacement or deny the replacement plan.

Subp. 2. **Specific requirements.** The standards in items A to H shall be followed in all wetland replacements unless the technical evaluation panel determines that a standard is clearly not appropriate.

A. Water control structures must be constructed using specifications provided in the Minnesota Wetland Restoration Guide or their equivalent. Control structures may be subject to the Department of Natural Resources dam safety regulations.

B. Best management practices must be established and maintained adjacent to the entire perimeter of all replacement wetlands.

C. For replacement wetlands where native, noninvasive vegetation that is characteristic of the wetland type identified as the replacement goal in part 8420.0530, item D, is not likely to become dominant naturally in a five-year period, the replacement wetland shall be seeded or planted with appropriate native, noninvasive species, as determined by the technical evaluation panel. If the replacement wetland is seeded or planted, the seed or planting stock should be from native, noninvasive species of regional wetland origin. During the monitoring period, the applicant must take reasonable steps to control invasion by any nonnative or invasive species, for example, reed canary grass, Canada thistle, common buckthorn, spotted knapweed, leafy spurge, purple loosestrife, and Eurasian water milfoil, that would defeat the revegetation goal of the replacement plan.

D. Erosion control measures as determined by the soil and water conservation district must be employed during construction and until permanent ground cover is established to prevent siltation of the replacement wetland or nearby water bodies.

E. For all restored wetlands where the original organic substrate has been stripped away and for all created wetlands, provisions must be made for providing an organic substrate unless the technical evaluation panel recommends otherwise. When feasible, the organic soil used for backfill should be taken from the drained or filled wetland dominated by native, noninvasive species. Organic soil for backfill from wetlands dominated by nonnative, invasive species should be avoided.

F. The bottom contours of created types 3, 4, and 5 wetlands should be undulating, rather than flat, to provide a variety of water depths, comparable to natural wetlands in the vicinity of the replacement, and be consistent with part 8420.0547, subpart 2.

G. Sideslopes of created portions of wetlands and graded buffer strips must not be steeper than 5:1, five feet horizontally for every one foot vertically as averaged around the wetland. Sideslopes of 10:1 to 15:1 are preferred. More than half of the slopes of graded areas inside the exterior boundaries of restored, created, or enhanced wetlands must be no steeper than 10:1 unless the technical evaluation panel concurs that steeper slopes are acceptable.

H. Created wetlands should have an irregular edge to create points and bays, consistent with part 8420.0547, subpart 2.

RIM Reserve Planning Committee's Progress Report:

RIM Reserve Planning Committee's Representatives, Board Member and Staff:
Paul Brutlag (Committee Chair), Dana Allen, Bob Burandt, Paul Langseth, Joe Martin, Kevin Lines (Lead Staff), Tim Fredbo, Tabor Hoek, Kristie Mack, and Pete Waller.

Committee Timeline:

Phase I (May-June 2007)

A. Collect information and ideas from stakeholders.
B. BWSR preliminary assessment of information and ideas to guide preliminary bonding proposal.

Interim (June-October 2007)
Conduct/participate/monitor:
-Clean Energy assessments
-Federal Farm Bill Development
-State Dedicated Funding potential

Phase II (September-November 2007)

A. Review of draft findings and recommendations by stakeholders.
B. Adoption of program plan by BWSR Board.
C. Finalization of bonding bill proposal.

Phase III (FY09-10)
Implementation.

Phase I Meetings Held:

May 10th, 2007: RIM Reserve Program Assessment "20 Years of Success."

May 23rd, 2007: Stakeholder Input Meeting-Outcomes "Significant Findings."

June 11th, 2007: RIM Reserve Planning Committee's initial capital investment recommendation.

The RIM Reserve Planning Committee has met three times since May 10th, 2007. A facilitated Stakeholder Input meeting was held on May 23rd, 2007 in which over 50 organizations or agencies were invited to provide their input on the Rim Reserve Program. Twenty-four organizations attended and participated in this process. In addition we received written comments from nine organizations or agencies regarding their ideas on how we can improve the Rim Reserve Program. From this input, staff and Board Committee developed a "Significant Findings" document:

'Significant Findings' From Stakeholder Input Meeting:

- Voluntary program
- Need more and a consistent source of funding
- Focusing/targeting is increasingly important
- Leveraging is a priority, particularly the Federal Farm Bill opportunities
- Maintain/enhancing our local deliver system is critical
- Lack of necessary administrative funding to SWCDs to implement all aspects of RIM Reserve
- TMDL/Impaired Waters targeting
- More wildlife habitat is needed; target priority habitats
- Utilize local work groups to identify high priority areas
- Must maintain competitive payment rates to be successful
- Easement maintenance/long-term management is critical
- Restore/protect key wetland and grassland habitat complexes
- Riparian crop land enrollment/target impaired waters
- Development of a stand-alone RIM Clean Energy Program
- Increased flexibility of land use within easement areas
- BWSR/Program/St. Paul/Regional/Local

At the June 11th, 2007 RIM Reserve Planning Committee meeting, the Committee reviewed the stakeholder input 'Significant Findings' and used this input in assisting in the development of the Committee's FY2009-10 Capital Investment Recommendations:

RIM Reserve Planning Committee's Recommendations:

Capital Investment 2009-10 Recommendations:	Proposed
A. RIM Reserve Opportunities to target: TMDL's/Impaired Waters Riparian Buffers Working Land Initiative Priority Wetland/Grassland/Wildlife Habitats Expiring RIM Reserve contracts (3500 Ac.) Expiring CRP contracts (62,622 Ac.) Lakeshore Easements Others	$30-$40M
B. RIM Reserve/Wetland Reserve Program (WRP) Partnership	$20-$30M
C. Clean Energy Easement Program (New stand-alone program)	$20-$40M

FOR YOUR INFORMATION

June 27, 2007

- Updated BWSR Committees
- Updated BWSR Committee Schedule
- Updated Staff Listing
- News Release, "Mn/DOT public partnership efforts win federal environmental awards soil recycling, scenic byway and wetland restoration initiatives selected"
- Clean Water Restoration Act of 2007
  - Talking Points: Clean Water Authority Restoration Act of 2007
  - Oberstar - H.R. 2421 "A Bill"
  - The Clean Water Restoration Act of 2007 *Myth –v- Fact*
  - H.R. 2421
  - Memorandum for Director of civil works and US EPA Regional Administrators
  - Clean Water Act Jurisdiction
  - Regulating Every Drop of Water Doesn't Make Sense

BOARD OF WATER AND SOIL RESOURCES
COMMITTEES
June 1, 2007

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
	Jim Haertel	staff lead

Responsibility:

The DRC is responsible for appeals relating to the Wetland Conservation Act rule decisions of local governments, watershed district rule and permit decision appeals, and, under MS103A.301, determinations of water law and policy. The authority of the DRC is established in statute and assigned to the DRC by the Board. Under current guidelines the DRC receives the appeals; hears the issues; and makes recommendations to the Board.

Meetings:

The Committee will meet as needed to process appeals that have been filed with the Board.

GRANTS PROGRAM AND POLICY COMMITTEE

Membership:	Louise Smallidge, chair	soil & water conservation district
	Dana Allen	citizen
	Brian Kletscher	county commissioner
	Bob Burandt	soil & water conservation district
	Paul Langseth	soil & water conservation district
	Gene Tiedemann	watershed district/WMO
	Joe Martin	Department of Agriculture
	Lisa Thorvig	Pollution Control Agency
	Wayne Zellmer	staff lead
	Doug Thomas	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
	LuAnn Tolliver	watershed district/WMO
	Ken Robinson	watershed district/WMO
	Dana Allen	citizen
	Paul Langseth	soil & water conservation district
	Wayne Edgerton	Department of Natural Resources
	Jim Anderson	Minnesota Extension Service
	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* (April 2007)**

Membership:	Paul Brutlag, chair	citizen
	Dana Allen	citizen
	Bob Burandt	soil & water conservation district
	Paul Langseth	soil & water conservation district
	Joe Martin	Department of Agriculture
	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 – Brian Kletscher
metro – Bob Burandt

North (4)	**South (4)**	**Metro (3)**
Quentin Fairbanks - CC	Brian Kletscher – CC	Bob Burandt – SWCD
Paul Brutlag – CIT	Dana Allen – CIT	Louise Smallidge – SWCD
Ken Robinson - WD	Randy Kramer – CIT	LuAnn Tolliver – WD
Brian Napstad – CC	Paul Langseth – SWCD	Jim Anderson – MES
Gene Tiedemann – WD	Joe Martin – MDA	Lisa Thorvig – PCA
Wayne Edgerton – DNR	Dan Wilson – MDH	Steve Woods, SMT staff
Ron Shelito, SMT staff	Jeff Nielsen, 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

WETLANDS COMMITTEE

Membership:	LuAnn Tolliver, chair	watershed district/WMO
	Paul Brutlag	citizen
	Bob Burandt	soil and water conservation district
	Ken Robinson	watershed district/WMO
	Brian Kletscher	county commissioner
	Brian Napstad	county commissioner
	Gene Tiedemann	watershed district/WMO
	Wayne Edgerton	Department of Natural Resources
	Joe Martin	Department of Agriculture
	Lisa Thorvig	Pollution Control Agency
	WCA Coordinator	vacant, 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 Morhing, 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 Borad for discussion as a new business agenda item.

Meetings: The committee will meet when necessary.

GENERAL COMMITTEE MEETING SCHEDULE

*The Board has adopted a resolution that **committees shall schedule meetings in conjunction with monthly Board meetings as much as possible.** A majority of each committee's membership should be available for a scheduled meeting. The committee chair and staff are expected to develop an agenda and staff are responsible for keeping minutes of the committee proceedings. The committee meetings are considered to be **public meetings** under the open meeting law and therefore must be noticed in the same manner as regular board meetings. All committee agendas should be e-mailed to Mary Jo Anderson for appropriate notice posting.*

Advisory members have offered to serve and may serve on BWSR committees as non-voting members and provide assistance as needed.

Advisory members:

Local Government Partners

- *Association of Minnesota Counties (AMC) – Annalee Garletz*
- *Minnesota Association of Conservation District Employees (MACDE) – Brian Watson/Rick Reimer*
- *Minnesota Association of Soil & Water Conservation Districts (MASWCD) – LeAnn Buck*
- *Minnesota Association of Townships (MAT) – Sandy Hooker*
- *Minnesota Association of Watershed Districts (MAWD) – Ray Bohn*
- *Minnesota County Planning and Zoning Administrators (MCPZA) – Norman Craig*
- *League of Minnesota Cities (LMC) - Jim Miller*

Federal Partners

- *U.S. Army Corps of Engineers (USCoE) – Bob Whiting*
- *U.S. Fish and Wildlife Service (USF&WS) – Robyn Thorson, Regional Director*
- *USDA Farm Services Agency (FSA) – Perry Aasness*
- *USDA Natural Resources Conservation Service (NRCS) – Tim Koehler*

State Agencies

- *Met Council – Peter Bell*
- *Minnesota Department of Transportation (MNDOT) – Carol Molnau, Lieutenant Governor*

Interest Partners

- *Allete Minnesota Power - Keith Hansen*
- *Audubon Society of Minnesota – Ken Finch, Executive Director*
- *Builders Association – Nate Duer*
- *Fish and Wildlife Legislative Alliance – Lance Ness*
- *Izaak Walton League – Gary Schwartz*
- *Mining Industry Association of Minnesota – Wayne Brandt*
- *Minnesota Agri-Growth Council – Daryn McBeth*
- *Minnesota Association of Realtors – Glen Dorfman*
- *Minnesota Barley Research & Promotion Council – Marv Zutz, Executive Director*
- *Minnesota Cattlemen's Association – Steve Brake, President*
- *Minnesota Center for Environmental Advocacy – Martha Brand*
- *Minnesota Conservation Federation – Gary Botzek*
- *Minnesota Corn Growers Association – Bruce Stockman, Executive Director*
- *Minnesota Ducks Unlimited – Ryan Heiniger*
- *Minnesota Environmental Partnership – Steve Morse, Executive Director*
- *Minnesota Farm Bureau Federation – Kevin Paap, President*
- *Minnesota Farmers Union – Doug Peterson, President*
- *Minnesota Forest Industries & Timber Producers Association – Wayne Brandt*
- *Minnesota Land Trust – Jane Prohaska, Executive Director*
- *Minnesota Milk Producers Association – Bob Lefebvre*
- *Minnesota Pork Producers Association – Dave Preisler, Executive Director*
- *Minnesota Sierra Club – Judy Chucker, President*
- *Minnesota Soybean Growers Association – Jim Palmer, Executive Director*
- *Minnesota Turkey Growers Association – Steve Olson, Executive Director*
- *Minnesota Viewers Association – Ron Ringquist*
- *Minnesota Waterfowl Association – Brad Nylin, Executive Director*
- *Minnesota Waters – Bruce Johnson*
- *Minnesota Wetland Bankers Association – Mary Mueller*
- *Minnesota Wetland Delineators Association*
- *Minnesota Wheat Growers Association – Dave Torgerson, Executive Director*
- *Pheasants Forever – Matt Holland*
- *Red River Valley Sugarbeet Growers, Nick Sinner, Executive Director*
- *The Nature Conservancy – Tom Landwehr*
- *Urban Wetland Management Coalition – Cliff Aichinger*

BWSR Committee Schedule (tentative agenda items)

June 26, 2007

(Contact Mary Jo Anderson @ 651-297-4290 if you have any questions)

June 27, 2007 Board Meeting

- Public Relations, Outreach and Strategic Planning Committee (immediately following Board meeting)

July 19, 2007

- Southern Water Planning Committee (9:30 a.m.)
  - Jackson County Priority Concerns Scoping Document

July 25, 2007 (no Board Meeting)

- Grants Committee
- RIM Reserve Planning Committee
- Wetlands Committee
  1. Wetland Banking Fee Policy-Update Average Agricultural Land Values
  2. Sale of Wetland Credits to Public Transportation Authorities - Cost of Credits
  3. WCA Rules – Update on Exempt Rules, and Plans for Permanent

August 22-23, 2007 (tour/meeting) – Koochiching & Lake of the Woods Counties

PHONE NUMBERS FOR BWSR STAFF

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June 4, 2007
For Immediate Release

Mn/DOT/public partnership efforts win federal environmental awards
Soil recycling, scenic byway and wetland restoration initiatives selected

ST. PAUL, Minn. - Three Minnesota Department of Transportation/public partnership initiatives received four environmental awards this month from the Federal Highway Administration.

"Mn/DOT projects and initiatives have won more environmental excellence awards from the FHWA than any other state in the nation," said Lt. Gov./Transportation Commissioner Carol Molnau. "Mn/DOT employees should be proud of their commitment to the environment in the work they do every day for the citizens of our state."

Three initiatives won 2007 FHWA Environmental Excellence awards:
. The Minneapolis Park and Recreation Board, in partnership with Mn/DOT, won an award in the scenic byways category for the Minneapolis Grand Rounds Wayfinding Program. The initiative is an interpretive program that provides residents and visitors to the Minneapolis Grand Rounds National Scenic Byway with the tools to understand and use the byway.

. Mn/DOT's biomound process for reuse of petroleum-contaminated soil won in the recycling category. The process is a low-cost, low-maintenance composting technique that makes it possible to reuse contaminated soil rather than send it to a landfill.

. Mn/DOT, in partnership with the Minnesota Board of Water and Soil Resources, with cooperation from the Minnesota Department of Natural Resources and the U.S. Fish and Wildlife Service, won an award in the restoration category for the Bob Jacobson Wetland Restoration Project. The project, formerly called the Wingard Wetland and Grassland Restoration Project, was renamed in remembrance of Bob Jacobson, a former wetlands program supervisor with the Mn/DOT Office of Environmental Services who died suddenly in January.

"Not until now have government agencies in Minnesota undertaken a wetland restoration effort as large as the Bob Jacobson Restoration Site," said Frank Pafko, Director, Office of Environmental Services. "The wetland restoration project to restore approximately 1,900 acres on a flat expanse of historic Lake Agassiz will one day resemble what the land looked like before it was farmed."

The Bob Jacobson Wetland Restoration Project was also designated by the Federal Highway Administration as a 2006 Exemplary Ecosystem Initiative, in recognition of outstanding transportation projects, processes and people who incorporate environmental stewardship into planning and project development using FHWA funding sources.

Thirteen projects and initiatives in 12 separate categories were chosen from 174 entries submitted from around the nation to win 2007 FHWA Environmental Excellence awards. For more information, go to http://www.fhwa.dot.gov/environment/eea2007/index.htm.

Since 2002, 43 exemplary ecosystem initiatives in 31 states have been recognized through the FHWA Exemplary Ecosystem Initiatives program. For more information, go to http://www.fhwa.dot.gov/environment/ecosystems/mn06.htm

Talking Points: Clean Water Authority Restoration Act of 2007

Background:

The Federal Water Pollution Control Act of 1972, commonly called the Clean Water Act, has allowed the federal government to clean up the nation's waters and wetlands. At the time Congress recognized that watersheds cross state boundaries, so it was explicitly stated that the law should apply to all the "waters of the United States."

Two decisions by the U.S. Supreme Court, *Solid Waste Agency of Northern Cook County v. Corps of Engineers* ("*SWANCC*") and *Rapanos et ux., et at. v. United States* ("*Rapanos*"), have now called into question the federal government's ability to regulate waters beyond traditionally "navigable waters."

This has thrown the U.S. Army Corps of Engineers (the Corps) into a state of limbo as it attempts to divine the meanings of these two rulings and create guidance for issuing wetlands permits. Despite the efforts of the Corps to develop a new web-based permit screening process to be released in mid-May, the *SWANCC* and *Rapanos* decisions have severely complicated the permitting process. For example, the online form that prior to these decisions could be as short as two pages, may now be as long as seven pages and its processing will add another two to three months to the permitting process, directly as a result of the confusion surrounding these decisions.

Congressman Jim Oberstar will introduce the Clean Water Authority Restoration Act of 2007 (CWARA) to correct the problems caused by the two Supreme Court rulings.

Talking Points:

CWARA does not expand federal authority over the "waters of the United States." There is no language in the act that adds additional authority, or even regulatory guidance, that did not exist before the *SWANCC* and *Raponos* decisions. No proof is needed beyond the first sentence of the act: "*The Purpose of this act is as follows: To reaffirm the original intent of Congress in enacting the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816) to restore and maintain the chemical, physical, and biological integrity of the waters of the United States.*" If this bill passes, that sentence becomes the law of the land.

Family farms, logging and mining were exempted from the Clean Water Act of 1972, there is no language in CWARA to remove those exemptions. CWARA has language that reaffirms the exemptions for farmers, loggers and miners that was included in the Clean Water Act of 1972.

Some states, like Minnesota, have tighter wetlands protection rules than the Clean Water Act of 1972. In those states CWARA will have no impact on wetlands regulation.

CWARA will make it possible for the Corps to streamline its wetlands permitting process. Under current rules the Corps expends significant resources to determine if a property is covered by federal rules or not. This act will remove that step and allow the Corps to focus on permit approval, mitigation issues and conservation.

Prior to *SWANCC* and *Rapanos*, ninety nine percent of all wetlands permit applications made to the Corps were approved in an average time frame of six months. Failing to clarify these cases guarantees the addition of up to three months to that time frame.

The *Rapanos* Supreme Court decision was vague and inconclusive. Unable to form a majority opinion the judges ruled 4-1-4 on the case. Even with the Corps' new guidance developers and environmentalists are expected to challenge wetlands permitting decisions in the courts, throwing many projects into legal limbo.

(Original Signature of Member)

110TH CONGRESS
1ST SESSION

H. R. 2421

To amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

IN THE HOUSE OF REPRESENTATIVES

Mr. OBERSTAR (for himself and [see ATTACHED LIST of cosponsors]) introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clean Water Restoration Act of 2007".

SEC. 2. PURPOSES.

The purposes of this Act are as follows:

(1) To reaffirm the original intent of Congress in enacting the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816) to restore and maintain the chemical, physical, and biological integrity of the waters of the United States.

(2) To clearly define the waters of the United States that are subject to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(3) To provide protection to the waters of the United States to the fullest extent of the legislative authority of Congress under the Constitution.

SEC. 3. FINDINGS.

Congress finds the following:

(1) Water is a unique and precious resource that is necessary to sustain human life and the life of animals and plants.

(2) Water is used not only for human, animal, and plant consumption, but is also important for agriculture, transportation, flood control, energy production, recreation, fishing and shellfishing, and municipal and commercial uses.

(3) In enacting amendments to the Federal Water Pollution Control Act in 1972 and through subsequent amendment, including the Clean Water Act of 1977 (91 Stat. 1566) and the Water Quality

Act of 1987 (101 Stat. 7), Congress established the national objective of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States and recognized that achieving this objective requires uniform, minimum national water quality and aquatic ecosystem protection standards to restore and maintain the natural structures and functions of the aquatic ecosystems of the United States. Since the 1970s, the definition of 'waters of the United States' in the regulations of the Environmental Protection Agency and the Army Corps of Engineers have properly established the scope of waters to be protected under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) in order to meet such national objective.

(4) Water is transported through interconnected hydrologic cycles, and the pollution, impairment, or destruction of any part of an aquatic system may affect the chemical, physical, and biological integrity of other parts of the aquatic system.

(5) Protection of intrastate waters, along with other waters of the United States, is necessary to restore and maintain the chemical, physical, and biological integrity of all waters in the United States.

(6) The regulation of discharges of pollutants into interstate and intrastate waters is an integral part of the comprehensive clean water regulatory program of the United States.

(7) Small and intermittent streams, including ephemeral, and seasonal streams, and their start reaches comprise the majority of all stream and river miles in the conterminous United States. These waters reduce the introduction of pollutants to larger rivers and streams, affect the life cycles of aquatic organisms and wildlife, and impact the flow of higher order streams during floods.

(8) The pollution or other degradation of waters of the United States, individually and in the aggregate, has a substantial relation to and effect on interstate commerce.

(9) Protection of the waters of the United States, including intrastate waters, is necessary to prevent significant harm to interstate commerce and sustain a robust system of interstate commerce in the future.

(10) Waters, including wetlands, provide protection from flooding, and draining or filling wetlands and channelizing or filling streams, including intrastate wetlands and streams, can cause or exacerbate

flooding, placing a significant burden on interstate commerce.

(11) Millions of people in the United States depend on wetlands and other waters of the United States to filter water and recharge surface and subsurface drinking water supplies, protect human health, and create economic opportunity. Source water protection areas containing one or more small or intermittent streams provide water to public drinking water supplies serving more than 110,000,000 Americans.

(12) Millions of people in the United States enjoy recreational activities that depend on intrastate waters, such as waterfowl hunting, bird watching, fishing, and photography, and those activities and associated travel generate billions of dollars of income each year for the travel, tourism, recreation, and sporting sectors of the economy of the United States.

(13) Activities that result in the discharge of pollutants into waters of the United States are commercial or economic in nature. More than 40 percent, or 14,800, facilities with permits issued under the Federal Water Pollution Control Act, including industrial facilities and municipal sewage treatment

systems, discharge into small or intermittent streams.

(14) States have the responsibility and right to prevent, reduce, and eliminate pollution of waters, and the Federal Water Pollution Control Act respects the rights and responsibilities of States by preserving for States the ability to manage permitting, grant, and research programs to prevent, reduce, and eliminate pollution, and to establish standards and programs more protective of a State's waters than is provided under Federal standards and programs.

(15) Protecting the quality of and regulating activities affecting the waters of the United States is a necessary and proper means of implementing treaties to which the United States is a party, including treaties protecting species of fish, birds, and wildlife.

(16) Protecting the quality of and regulating activities affecting the waters of the United States is a necessary and proper means of protecting Federal land, including hundreds of millions of acres of parkland, refuge land, and other land under Federal ownership and the wide array of waters encompassed by that land.

(17) Protecting the quality of and regulating activities affecting the waters of the United States is necessary to protect Federal land and waters from discharges of pollutants and other forms of degradation.

SEC. 4. DEFINITION OF WATERS OF THE UNITED STATES.

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended—

(1) by striking paragraph (7);

(2) by redesignating paragraphs (8) through (24) as paragraphs (7) through (23), respectively; and

(3) by adding at the end the following:

"(24) WATERS OF THE UNITED STATES.—The term 'waters of the United States' means all waters subject to the ebb and flow of the tide, the territorial seas, and all interstate and intrastate waters and their tributaries, including lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, and all impoundments of the foregoing, to the fullest extent that these waters, or activities affecting these waters, are subject to the legislative power of Congress under the Constitution.".

SEC. 5. CONFORMING AMENDMENTS.

The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended—

(1) by striking "navigable waters of the United States" each place it appears and inserting "waters of the United States";

(2) in section 304(l)(1) by striking "NAVIGABLE WATERS" in the heading and inserting "WATERS OF THE UNITED STATES"; and

(3) by striking "navigable waters" each place it appears and inserting "waters of the United States".

SEC. 6. SAVINGS CLAUSE.

Nothing in this Act (including any amendment made by this Act) shall be construed as affecting the authority of the Secretary of the Army or the Administrator of the Environmental Protection Agency (as the case may be) under the following provisions of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.):

(1) Section 402(l)(1), relating to discharges composed entirely of agricultural return flows.

(2) Section 402(l)(2), relating to discharges of stormwater runoff from oil, gas, and mining operations.

(3) Section 404(f)(1)(A), relating to discharges of dredged or fill materials from normal farming, silviculture, and ranching activities.

(4) Section 404(f)(1)(B), relating to discharges of dredged or fill materials for the purpose of maintenance of currently serviceable structures.

(5) Section 404(f)(1)(C), relating to discharges of dredged or fill materials for the purpose of construction or maintenance of farm or stock ponds or irrigation ditches and maintenance of drainage ditches.

(6) Section 404(f)(1)(D), relating to discharges of dredged or fill materials for the purpose of construction of temporary sedimentation basins on construction sites.

(7) Section 404(f)(1)(E), relating to discharges of dredged or fill materials for the purpose of construction or maintenance of farm roads or forest roads or temporary roads for moving mining equipment.

(8) Section 404(f)(1)(F), relating to discharges of dredged or fill materials resulting from activities with respect to which a State has an approved program under section 208(b)(4) of such Act.

Original Cosponsors – Clean Water Restoration Act, 110th Congress

1. James L. Oberstar (MN-08)
2. John D. Dingell (MI-15)
3. Vernon J. Ehlers (MI-03)
4. Eddie Bernice Johnson (TX-30)
5. Jim Saxton (NJ-03)
6. Gene Taylor (MS-04)
7. Todd Platts (PA-19)
8. Brian Higgins (NY-27)
9. Frank A. LoBiondo (NJ-02)
10. Steve Cohen (TN-09)
11. Christopher Shays (CT-04)
12. Peter A. DeFazio (OR-04)
13. Mark Steven Kirk (IL-10)
14. Jerrold Nadler (NY-08)
15. James T. Walsh (NY-25)
16. Doris O. Matsui (CA-05)
17. Michael N. Castle (DE-At Large)
18. Ellen O. Tauscher (CA-10)
19. Christopher H. Smith (NJ-04)
20. Bob Filner (CA-51)
21. Corrine Brown (FL-03)
22. Michael E. Capuano (MA-08)
23. Mazie K. Hirono (HI-02)
24. Steve Kagen (WI-08)
25. Timothy H. Bishop (NY-01)
26. Elijah E. Cummings (MD-07)
27. Julia Carson (IN-07)
28. Jerry McNerney (CA-11)
29. Michael A. Arcuri (NY-24)
30. Russ Carnahan (MO-03)
31. Eleanor Holmes Norton (DC)
32. John J. Hall (NY-19)
33. Lloyd Doggett (TX-25)
34. Raúl M. Grijalva (AZ-07)
35. Frank Pallone, Jr. (NJ-06)
36. Robert C. "Bobby" Scott (VA-03)
37. Robert A. Brady (PA-01)
38. Maurice D. Hinchey (NY-22)
39. Allyson Y. Schwartz (PA-13)
40. Dennis J. Kucinich (OH-10)
41. Mike Thompson (CA-01)
42. Robert Wexler (FL-19)
43. George Miller (CA-07)
44. Betty McCollum (MN-04)
45. Anna G. Eshoo (CA-14)
46. Alcee L. Hastings (FL-23)

Original Cosponsors – Clean Water Restoration Act, 110th Congress

47. Earl Blumenauer (OR-03)
48. Howard L. Berman (CA-28)
49. Dale E. Kildee (MI-05)
50. Darlene Hooley (OR-05)
51. José E. Serrano (NY-16)
52. Henry A. Waxman (CA-30)
53. Lois Capps (CA-23)
54. James P. Moran (VA-08)
55. John P. Sarbanes (MD-03)
56. Patrick J. Murphy (PA-08)
57. Barney Frank (MA-04)
58. Michael F. Doyle (PA-14)
59. Tom Lantos (CA-12)
60. Sander M. Levin (MI-12)
61. John W. Olver (MA-01)
62. Donald M. Payne (NJ-10)
63. Michael M. Honda (CA-15)
64. Neil Abercrombie (HI-01)
65. Ben Chandler (KY-06)
66. Joseph Crowley (NY-07)
67. Gwen Moore (WI-04)
68. Michael R. McNulty (NY-21)
69. Dennis Moore (KS-03)
70. Kathy Castor (FL-11)
71. Joe Courtney (CT-02)
72. Jesse L. Jackson, Jr. (IL-02)
73. John M. Spratt, Jr. (SC-05)
74. Wm. Lacy Clay (MO-01)
75. Jim McDermott (WA-07)
76. Gary L. Ackerman (NY-05)
77. Albert Russell Wynn (MD-04)
78. James R. Langevin (RI-02)
79. Peter J. Visclosky (IN-01)
80. Lynn C. Woolsey (CA-06)
81. Nita M. Lowey (NY-18)
82. Albio Sires (NJ-13)
83. Paul W. Hodes (NH-02)
84. Fortney Pete Stark (CA-13)
85. Marcy Kaptur (OH-09)
86. William D. Delahunt (MA-10)
87. Zoe Lofgren (CA-16)
88. Christopher S. Murphy (CT-05)
89. Paul E. Kanjorski (PA-11)
90. Steven R. Rothman (NJ-09)
91. Bill Pascrell, Jr. (NJ-08)
92. Tom Udall (NM-03)

Original Cosponsors – Clean Water Restoration Act, 110th Congress

93. Betty Sutton (OH-13)
94. Janice D. Schakowsky (IL-09)
95. Rush D. Holt (NJ-12)
96. Tammy Baldwin (WI-02)
97. Adam B. Schiff (CA-29)
98. Charles A. Gonzalez (TX-20)
99. Brad Sherman (CA-27)
100. Sam Farr (CA-17)
101. Louise McIntosh Slaughter (NY-28)
102. Thomas H. Allen (ME-01)
103. Susan A. Davis (CA-53)
104. James P. McGovern (MA-03)
105. Sheila Jackson-Lee (TX-18)
106. Edolphus Towns (NY-10)
107. Robert E. Andrews (NJ-01)
108. Bart Gordon (TN-06)
109. Melissa L. Bean (IL-08)
110. Hilda L. Solis (CA-32)
111. Ron Klein (FL-22)
112. Benny G. Thompson (MS-02)
113. Loretta Sanchez (CA-47)
114. Richard E. Neal (MA-02)
115. Lucille Roybal-Allard (CA-34)
116. Davis Wu (OR-01)
117. John F. Tierney (MA-06)
118. Anthony D. Weiner (NY-09)
119. Chris Van Hollen (MD-08)
120. Keith Ellison (MN-05)
121. C.A. Dutch Ruppersberger (MD-02)
122. Yvette D. Clarke (NY-11)
123. Debbie Wasserman Schultz (FL-20)
124. Tim Ryan (OH-17)
125. Donna M. Christensen (VI)
126. Edward J. Markey (MA-07)
127. Martin T. Meehan (MA-05)
128. Emanuel Cleaver (MO-05)
129. Eliot L. Engel (NY-17)
130. Artur Davis (AL-07)
131. Carolyn C. Kilpatrick (MI-13)
132. Carolyn McCarthy (NY-04)
133. Carol Shea-Porter (NH-01)
134. Norman D. Dicks (WA-06)
135. Ron Kind (WI-03)
136. John B. Larson (CT-01)
137. Patrick J. Kennedy (RI-01)
138. John Lewis (GA-05)

Original Cosponsors – Clean Water Restoration Act, 110th Congress

139. Peter Welch (VT-At Large)
140. Luis V. Gutierrez (IL-04)
141. David E. Price (NC-04)
142. Jim Cooper (TN-05)
143. Bobby L. Rush (IL-01)
144. John Conyers, Jr. (MI-14)
145. Bart Stupak (MI-01)
146. Linda T. Sánchez (CA-39)
147. Maxine Waters (CA-35)
148. Jane Harman (CA-36)
149. G. K. Butterfield (NC-01)
150. John K. Yarmuth (KY-03)
151. Danny K. Davis (IL-07)
152. Diana DeGette (CO-01)
153. Jay Inslee (WA-01)
154. Barbara Lee (CA-09)
155. Chaka Fattah (PA-02)
156. Charles B. Rangel (NY-15)
157. Rosa L. DeLauro (CT-03)
158. Stephen F. Lynch (MA-09)

The Clean Water Restoration Act of 2007

Myth –v- Fact

Congressman Jim Oberstar is introducing legislation to fix the Clean Water Act after it was damaged by two U.S. Supreme Court rulings. The pair of rulings issued in 2001 and 2006 question the ability of the Environmental Protection Agency and the U.S. Army Corps of Engineers to enforce the Clean Water Act on wetlands, streams and ponds that are not part of a major "navigable" waterway.

Opponents of this legislation have begun a misinformation campaign. It's time to set the record straight.

Myth: "If this bill becomes law, it would be the most far-reaching expansion of the Clean Water Act in more than three decades and could extend federal jurisdiction to everything from ditches and gutters to groundwater."

Or

"The new definition of "waters of the United States" would include everything from swimming pools and hot tubs to stock watering ponds on private property"

Fact: The two examples cited above are show how desperate industry groups are to weaken the protections of the Clean Water Act. Many states, like Minnesota, have wetlands and water protection laws that are tougher than the federal Clean Water Act. In those states the Clean Water Restoration Act of 2007 (CWRA) will have no regulatory impact.

This purpose of the CWA is to return the authority the Clean Water Act to the authority it had before the SWANCC and Raponos Supreme Court Decisions. This is stated clearly in first sentence of the bill:

"The purposes of this Act are as follows: (1) To reaffirm the original intent of Congress in enacting the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816) to restore and maintain the chemical, physical, and biological integrity of the waters of the United States." *Source: HR 2421 Clean Water Restoration Act of 2007.*

Prior to the SWANCC and Raponos rulings the Clean Water Act (CWA) did apply to all waters of the United States even when the term "navigable waters" was used. This is clearly stated in the Definitions section of the law: "SEC. 502 (7) The term ''navigable waters'' means the waters of the United States, including the territorial seas."

The Clean Water Act was established law with nearly 35 years of regulatory guidance when the U.S. Supreme Court ruled on the Raponos case. CWRA would nullify the

impacts of the SWANCC and Raponos Supreme Court Rulings and restore the regulatory guidance that has worked well for the past three and a half decades.

Myth: The bill would only create more paperwork for developers. For counties and local governments it ensures more unfunded mandates and preemptions, without necessarily ensuring clean water.

Fact: In actuality, the two U.S. Supreme Court decisions will increase the time it will take for to obtain wetlands permits, because The Army Corps of Engineers it will now have to determine if it does or does not have the jurisdiction to issue a permit. The Army Corps of Engineers estimates that jurisdictional determination will take up to 90 days. CWRA resolves all jurisdictional issues and allows for a more streamlined permitting process.

On June 6th the Bush Administration issued new regulatory guidance to the EPA and the Army Corps of Engineers that takes the two Supreme Court Decisions into account. Within a day industry sources began criticizing the new guidelines for interpreting the Clean Water Act. This reality was recognized by the pro-industry publication *Inside EPA.*

"A key state source adds that EPA could face a host of pitfalls in implementing the significant nexus test because it is complicated and vague. The source says the guidelines are "going to add a layer of complexity" to the permitting process and if the agency or state regulators are "challenged on their decisions, its going to be very difficult" to defend them should permit applicants try to cast doubt on the significance of a wetland's connection to jurisdictional waters." *Inside EPA, June 8, 2007*

Myth: CWRA is unconstitutional because of the Commerce Clause of the U.S Constitution. The federal government should leave only regulated larger interstate waters leaving smaller waters to the states.

Fact: Water flows downhill and, in many cases, across state lines. Hydrologists will tell you that there are actually very few "isolated waters" that are not connected to larger watersheds. The two Supreme Court rulings ignore this basic principle of hydrology. Contamination that starts in a remote rural area can work its way into a larger watershed and impact people hundreds of miles away.

The best example of this is the Ogallala aquifer. It supplies water to eight states from Nebraska to the Texas panhandle, but it is subterranean, not connected to any "navigable waters" and refilled by water that filters in from numerous wetlands that, also, are not connected to any navigable waterways. The two Supreme Court rulings could leave this huge national resource unprotected by the Clean Water Act.

Myth: CWRA will impose new, onerous, regulations on farmers, ranchers, mining and timber companies.

Fact: The Clean Water Act exempts farms and ranches from regulation. It also contains exemptions for many industries including mining and timber. CWRA restates these exemptions to make it perfectly clear that new regulations are not to be enacted in these vital areas of our economy.

Fact: In the last century the United States has lost half of it's wetlands to development. Halting the loss of more wetlands is one of the top environmental priorities of the Bush Administration.

Fact: Two thirds of the states have no wetlands protection laws on the books.

Fact: Five states have no water pollution law at all.

For decades, the Clean Water Act has provided the bedrock for protecting the thousands of waters, including wetlands, that protect our lives and livelihoods, support our nation's economic well-being, and sustain our environment for generations to come. Over its thirty-year history, the Clean Water Act has been critical in the restoration of water quality and drinking water supplies, and the protection of water-related habitat essential to waterfowl, wildlife, and fisheries. As evident from the aftermath of the 1993 Midwest flooding and from Hurricanes Katrina and Rita, the protection of wetlands for flood storage and as natural barriers to potential storm surges is critical for public safety and the protection of public and private property from flooding.

CWRA keeps this critical law working for the American people and protects our environment for generations to come.

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110TH CONGRESS
1ST SESSION

H. R. 2421

To amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2007

Mr. OBERSTAR (for himself, Mr. DINGELL, Mr. EHLERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SAXTON, Mr. TAYLOR, Mr. PLATTS, Mr. HIGGINS, Mr. LOBIONDO, Mr. COHEN, Mr. SHAYS, Mr. DEFAZIO, Mr. KIRK, Mr. NADLER, Mr. WALSH of New York, Ms. MATSUI, Mr. CASTLE, Mrs. TAUSCHER, Mr. SMITH of New Jersey, Mr. FILNER, Ms. CORRINE BROWN of Florida, Mr. CAPUANO, Ms. HIRONO, Mr. KAGEN, Mr. BISHOP of New York, Mr. CUMMINGS, Ms. CARSON, Mr. MCNERNEY, Mr. ARCURI, Mr. CARNAHAN, Ms. NORTON, Mr. HALL of New York, Mr. DOGGETT, Mr. GRIJALVA, Mr. PALLONE, Mr. SCOTT of Virginia, Mr. BRADY of Pennsylvania, Mr. HINCHEY, Ms. SCHWARTZ, Mr. KUCINICH, Mr. THOMPSON of California, Mr. WEXLER, Mr. GEORGE MILLER of California, Ms. MCCOLLUM of Minnesota, Ms. ESHOO, Mr. HASTINGS of Florida, Mr. BLUMENAUER, Mr. BERMAN, Mr. KILDEE, Ms. HOOLEY, Mr. SERRANO, Mr. WAXMAN, Mrs. CAPPS, Mr. MORAN of Virginia, Mr. SARBANES, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. FRANK of Massachusetts, Mr. DOYLE, Mr. LANTOS, Mr. LEVIN, Mr. OLVER, Mr. PAYNE, Mr. HONDA, Mr. ABERCROMBIE, Mr. CHANDLER, Mr. CROWLEY, Ms. MOORE of Wisconsin, Mr. MCNULTY, Mr. MOORE of Kansas, Ms. CASTOR, Mr. COURTNEY, Mr. JACKSON of Illinois, Mr. SPRATT, Mr. CLAY, Mr. MCDERMOTT, Mr. ACKERMAN, Mr. WYNN, Mr. LANGEVIN, Mr. VISCLOSKY, Ms. WOOLSEY, Mrs. LOWEY, Mr. SIRES, Mr. HODES, Mr. STARK, Ms. KAPTUR, Mr. DELAHUNT, Ms. ZOE LOFGREN of California, Mr. MURPHY of Connecticut, Mr. KANJORSKI, Mr. ROTHMAN, Mr. PASCRELL, Mr. UDALL of New Mexico, Ms. SUTTON, Ms. SCHAKOWSKY, Mr. HOLT, Ms. BALDWIN, Mr. SCHIFF, Mr. GONZALEZ, Mr. SHERMAN, Mr. FARR, Ms. SLAUGHTER, Mr. ALLEN, Mrs. DAVIS of California, Mr. MCGOVERN, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Mr. ANDREWS, Mr. GORDON of Tennessee, Ms. BEAN, Ms. SOLIS, Mr. KLEIN of Florida, Mr. THOMPSON of Mississippi, Ms. LORETTA SANCHEZ of California, Mr. NEAL of Massachusetts, Ms. ROYBAL-ALLARD, Mr. WU, Mr. TIERNEY, Mr. WEINER, Mr. VAN HOLLEN, Mr. ELLISON, Mr. RUPPERSBERGER, Ms. CLARKE, Ms. WASSERMAN SCHULTZ, Mr. RYAN of Ohio, Mrs. CHRISTENSEN, Mr. MARKEY, Mr. MEEHAN, Mr. CLEAVER, Mr. ENGEL,

Mr. DAVIS of Alabama, Ms. KILPATRICK, Mrs. MCCARTHY of New York, Ms. SHEA-PORTER, Mr. DICKS, Mr. KIND, Mr. LARSON of Connecticut, Mr. KENNEDY, Mr. LEWIS of Georgia, Mr. WELCH of Vermont, Mr. GUTIERREZ, Mr. PRICE of North Carolina, Mr. COOPER, Mr. RUSH, Mr. CONYERS, Mr. STUPAK, Ms. LINDA T. SÁNCHEZ of California, Ms. WATERS, Ms. HARMAN, Mr. BUTTERFIELD, Mr. YARMUTH, Mr. DAVIS of Illinois, Ms. DEGETTE, Mr. INSLEE, Ms. LEE, Mr. FATTAH, Mr. RANGEL, Ms. DELAURO, and Mr. LYNCH) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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A BILL

To amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clean Water Restoration Act of 2007".

SEC. 2. PURPOSES.

The purposes of this Act are as follows:

(1) To reaffirm the original intent of Congress in enacting the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816) to restore and maintain the chemical, physical, and biological integrity of the waters of the United States.

(2) To clearly define the waters of the United States that are subject to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(3) To provide protection to the waters of the United States to the fullest extent of the legislative authority of Congress under the Constitution.

SEC. 3. FINDINGS.

Congress finds the following:

(1) Water is a unique and precious resource that is necessary to sustain human life and the life of animals and plants.

(2) Water is used not only for human, animal, and plant consumption, but is also important for agriculture, transportation, flood control, energy production, recreation, fishing and shellfishing, and municipal and commercial uses.

(3) In enacting amendments to the Federal Water Pollution Control Act in 1972 and through subsequent amendment, including the Clean Water Act of 1977 (91 Stat. 1566) and the Water Quality Act of 1987 (101 Stat. 7), Congress established the national objective of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States and recognized that achieving this objective requires uniform, minimum national water quality and aquatic ecosystem protection standards to restore and maintain the natural structures and functions of the aquatic ecosystems

of the United States. Since the 1970s, the definition of 'waters of the United States' in the regulations of the Environmental Protection Agency and the Army Corps of Engineers have properly established the scope of waters to be protected under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) in order to meet such national objective.

(4) Water is transported through interconnected hydrologic cycles, and the pollution, impairment, or destruction of any part of an aquatic system may affect the chemical, physical, and biological integrity of other parts of the aquatic system.

(5) Protection of intrastate waters, along with other waters of the United States, is necessary to restore and maintain the chemical, physical, and biological integrity of all waters in the United States.

(6) The regulation of discharges of pollutants into interstate and intrastate waters is an integral part of the comprehensive clean water regulatory program of the United States.

(7) Small and intermittent streams, including ephemeral, and seasonal streams, and their start reaches comprise the majority of all stream and river miles in the conterminous United States. These waters reduce the introduction of pollutants to larger

rivers and streams, affect the life cycles of aquatic organisms and wildlife, and impact the flow of higher order streams during floods.

(8) The pollution or other degradation of waters of the United States, individually and in the aggregate, has a substantial relation to and effect on interstate commerce.

(9) Protection of the waters of the United States, including intrastate waters, is necessary to prevent significant harm to interstate commerce and sustain a robust system of interstate commerce in the future.

(10) Waters, including wetlands, provide protection from flooding, and draining or filling wetlands and channelizing or filling streams, including intrastate wetlands and streams, can cause or exacerbate flooding, placing a significant burden on interstate commerce.

(11) Millions of people in the United States depend on wetlands and other waters of the United States to filter water and recharge surface and subsurface drinking water supplies, protect human health, and create economic opportunity. Source water protection areas containing one or more small or intermittent streams provide water to public

drinking water supplies serving more than 110,000,000 Americans.

(12) Millions of people in the United States enjoy recreational activities that depend on intrastate waters, such as waterfowl hunting, bird watching, fishing, and photography, and those activities and associated travel generate billions of dollars of income each year for the travel, tourism, recreation, and sporting sectors of the economy of the United States.

(13) Activities that result in the discharge of pollutants into waters of the United States are commercial or economic in nature. More than 40 percent, or 14,800, facilities with permits issued under the Federal Water Pollution Control Act, including industrial facilities and municipal sewage treatment systems, discharge into small or intermittent streams.

(14) States have the responsibility and right to prevent, reduce, and eliminate pollution of waters, and the Federal Water Pollution Control Act respects the rights and responsibilities of States by preserving for States the ability to manage permitting, grant, and research programs to prevent, reduce, and eliminate pollution, and to establish stand-

ards and programs more protective of a State's waters than is provided under Federal standards and programs.

(15) Protecting the quality of and regulating activities affecting the waters of the United States is a necessary and proper means of implementing treaties to which the United States is a party, including treaties protecting species of fish, birds, and wildlife.

(16) Protecting the quality of and regulating activities affecting the waters of the United States is a necessary and proper means of protecting Federal land, including hundreds of millions of acres of parkland, refuge land, and other land under Federal ownership and the wide array of waters encompassed by that land.

(17) Protecting the quality of and regulating activities affecting the waters of the United States is necessary to protect Federal land and waters from discharges of pollutants and other forms of degradation.

SEC. 4. DEFINITION OF WATERS OF THE UNITED STATES.

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended—

(1) by striking paragraph (7);

(2) by redesignating paragraphs (8) through (24) as paragraphs (7) through (23), respectively; and

(3) by adding at the end the following:

"(24) WATERS OF THE UNITED STATES.—The term 'waters of the United States' means all waters subject to the ebb and flow of the tide, the territorial seas, and all interstate and intrastate waters and their tributaries, including lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, and all impoundments of the foregoing, to the fullest extent that these waters, or activities affecting these waters, are subject to the legislative power of Congress under the Constitution.".

SEC. 5. CONFORMING AMENDMENTS.

The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended—

(1) by striking "navigable waters of the United States" each place it appears and inserting "waters of the United States";

(2) in section 304(l)(1) by striking "NAVIGABLE WATERS" in the heading and inserting "WATERS OF THE UNITED STATES"; and

(3) by striking "navigable waters" each place it appears and inserting "waters of the United States".

SEC. 6. SAVINGS CLAUSE.

Nothing in this Act (including any amendment made by this Act) shall be construed as affecting the authority of the Secretary of the Army or the Administrator of the Environmental Protection Agency (as the case may be) under the following provisions of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.):

(1) Section 402(l)(1), relating to discharges composed entirely of agricultural return flows.

(2) Section 402(l)(2), relating to discharges of stormwater runoff from oil, gas, and mining operations.

(3) Section 404(f)(1)(A), relating to discharges of dredged or fill materials from normal farming, silviculture, and ranching activities.

(4) Section 404(f)(1)(B), relating to discharges of dredged or fill materials for the purpose of maintenance of currently serviceable structures.

(5) Section 404(f)(1)(C), relating to discharges of dredged or fill materials for the purpose of construction or maintenance of farm or stock ponds or

irrigation ditches and maintenance of drainage ditches.

(6) Section 404(f)(1)(D), relating to discharges of dredged or fill materials for the purpose of construction of temporary sedimentation basins on construction sites.

(7) Section 404(f)(1)(E), relating to discharges of dredged or fill materials for the purpose of construction or maintenance of farm roads or forest roads or temporary roads for moving mining equipment.

(8) Section 404(f)(1)(F), relating to discharges of dredged or fill materials resulting from activities with respect to which a State has an approved program under section 208(b)(4) of such Act.

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MEMORANDUM FOR DIRECTOR OF CIVIL WORKS AND US EPA REGIONAL ADMINISTRATORS

Subject: U.S. Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers (Corps) Coordination on Jurisdictional Determinations (JDs) under Clean Water Act (CWA) Section 404 in Light of the *SWANCC* and *Rapanos* Supreme Court Decisions

1. Purpose. The purposes of this memorandum are to promote and improve interagency cooperation, facilitate increased communication, and establish an efficient and effective process for determining Clean Water Act Section 404 jurisdiction in light of the Supreme Court decisions in Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers, 531 U.S. 159 (2001) (SWANCC), and the consolidated cases Rapanos v. United States, and Carabell v. United States, 126 S. Ct. 2208 (2006) (jointly hereafter Rapanos). The procedures included in this memorandum replace the coordination procedures contained in the January 2003 EPA/Army guidance implementing the *SWANCC* decision (but leaves the remainder of that guidance unaffected) and articulate new coordination procedures for JDs affected by Rapanos. This memorandum does not nullify or supersede the 1990 Geographic Jurisdiction Memorandum of Agreement (MOA), including its special case provisions.

2. Current Practice. The Corps districts are currently posting all Approved JD Forms for public review on their respective websites. The EPA efficiently reviews these JD forms, as needed, to monitor consistency with regulation and policy.

3. Documentation Requirements. Under this memorandum, case-by-case evaluations are required to determine if there is a "significant nexus" to navigable waters for JDs involving the classes of waters listed in subparagraph 4.a.(2). Documentation for these JDs shall be made using the Approved JD Form developed by Corps headquarters (HQ) in consultation with EPA. The information on the jurisdictional form shall identify the rationale for asserting or not asserting jurisdiction.

4. Coordination Requirements.

a. Interagency Coordination Required. The EPA and the Corps will follow the coordination procedures in paragraph (5) for the following JDs:

(1) Determinations for intra-state, non-navigable, isolated waters potentially covered solely under 33 C.F.R. §328.3(a)(3), where jurisdiction is asserted or not asserted based on interstate commerce factors.

(2) Determinations based on a finding of a "significant nexus" with traditional navigable waters, which are required for the following waters:

(i) non-navigable tributaries that do not typically flow year–round or have continuous flow at least seasonally (e.g., typically at least 3 months each year);

(ii) wetlands that are adjacent to such tributaries; and

(iii) wetlands that are adjacent to but that do not directly abut a relatively permanent non-navigable tributary.

b. Interagency Coordination Not Required. Interagency coordination following the procedures below is not required for JDs involving traditional navigable waters, including their adjacent wetlands, and for relatively permanent non-navigable tributaries of traditional navigable waters, including wetlands with a continuous surface connection with such relatively permanent tributaries.

5. Coordination Procedures.[1,2] Effective immediately, for all waters referenced in paragraph 4.(a), agency coordination of JDs will be conducted as follows:

a. The Corps district will conduct the JD, document the basis and rationale for asserting or declining to assert jurisdiction under the CWA, and provide an electronic copy of the draft JD form to the appropriate EPA regional office. To facilitate and expedite the coordination of documents, both agencies will, to the maximum extent feasible, transmit all documents electronically. For purposes of this guidance, when documents are transmitted electronically, the date of receipt shall be the date of transmission.

b. Corps districts will provide the appropriate EPA regional office and Corps HQ with an electronic copy of every draft JD form (and supporting documentation) proposing to assert or decline jurisdiction over an intrastate, non-navigable, isolated water. The EPA regional office will in turn be responsible for ensuring that EPA HQ also receives copies of every such JD form in a timely manner. The EPA regional office will review the JD forms pursuant to the procedures in paragraphs 5.c. and 5.d. below. Draft JDs elevated to HQ under paragraph 5.d. will be reviewed by EPA and Corps HQs pursuant to the procedures outlined in paragraph 5.e. below. In addition, either Corps HQ or EPA HQ may choose to initiate a joint HQ review of a particular JD involving an intrastate, non-navigable, isolated water. Such joint HQ review must be initiated within 21 calendar days of when the district provided copies of the draft JD to the EPA Region and Corps HQ. The joint HQ review will proceed pursuant to the procedures in subparagraph e.(2)(i) or e.(2)(ii) as appropriate. If neither the Corps HQ or EPA HQ chooses to initiate a joint review within 21 calendar days, and the EPA regional office does not elevate within the timeframes identified under paragraph 5.d., the district may proceed and finalize the JD.

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[1] Should any deadline in this interagency memorandum fall on a weekend or holiday, the deadline will be the next business day.
[2]Coordination procedures are presented in Figures 1 and 2. Where a jurisdictional determination is associated with potential authorization of a project under a Nationwide Permit (NWP), it may be necessary for the Corps and EPA to establish an alternative consultation schedule to accommodate NWP timeframes potentially associated with the particular project.

c. With respect to interagency coordination of other jurisdictional determinations, the EPA regional office may review the JD form to determine if it will comment on the Corps' determination. To help facilitate an efficient review of the draft JD and to expedite the review process, the EPA may ask the Corps to provide a copy of the documentation provided by the applicant and/or responsible party, where the JD is considered complex. The agencies will coordinate and attempt to resolve any JD issues at the local level within 15 calendar days after EPA's receipt of the form. EPA may notify the Corps at any time within the 15 day period that it does not intend to provide comments on a particular draft JD. Within these 15 calendar days, the EPA regional office may elect to elevate the review to their Regional Administrator (RA) and so notify the Corps district in writing.[3] Such written notification shall briefly explain the rationale for EPA's position. If no notification is provided by EPA within the 15 calendar days, the Corps district may proceed and finalize the JD.

d. When the JD is elevated to the RA, the RA and the District Engineer (DE) shall have 10 calendar days from the date of EPA's notification to the Corps under paragraph 5.c. above to resolve the issue. If the issue is not resolved between the RA and DE, the RA shall, within the 10 calendar days, elevate the JD to EPA HQ and concurrently provide written notification to the DE that the JD is being elevated. Upon receipt of notification from EPA that the matter has been elevated, the DE shall immediately provide the draft JD record to Corps HQ. If no notification of elevation is provided by EPA within the 10 calendar days, or a resolution is otherwise reached, the Corps district may proceed and finalize the JD.

e. The Corps and EPA HQs will review and provide guidance on elevated draft JDs as follows:

(1) The Corps and EPA shall coordinate efficiently and appropriately to reach agreement on the JD.

(2) The Corps and EPA shall initiate discussions no later than 5 calendar days after notification of elevation under paragraph 5.d. above to determine if an interagency agreement exists on the elevated JD.

(i) If a mutual decision is reached on the assertion or declination of jurisdiction, a joint HQs level decision memo discussing the rationale of the decision will be provided to EPA and Corps field offices no later than 14 calendar days after HQ interagency discussions were initiated; or

(ii) If a mutual decision is not reached at the EPA and Corps HQs, a joint HQs level decision memo prepared by EPA explaining EPA's rationale in support of an approved JD will be provided to EPA and Corps field offices no later than 21 calendar days after interagency discussions were initiated. Copies of the joint memo will be provided to all Corps districts and to EPA Regional offices.

[3] For the purposes of this guidance, "in writing" or "written notification" may include electronic mail communication.

(iii) Upon receipt of the joint HQs level decision memo, the Corps district may issue an Approved JD pursuant to the memo and post the JD form on its website.

f. A HQs decision made pursuant to either subparagraph e.(2)(i) or (ii) above will be considered an appealable action for purposes of the Corps administrative appeals process under 33 C.F.R. §331 et seq. However, any decision on appeal will not question or overturn any legal or policy determination made by EPA or Corps HQs pursuant to this joint guidance memorandum, but can examine and question any matter or finding of fact. If the Review Officer determines that the HQs decision was based on a mistake of fact or a lack of necessary facts that determination can be presented to EPA and/or Corps HQs suggesting reconsideration of the decision.

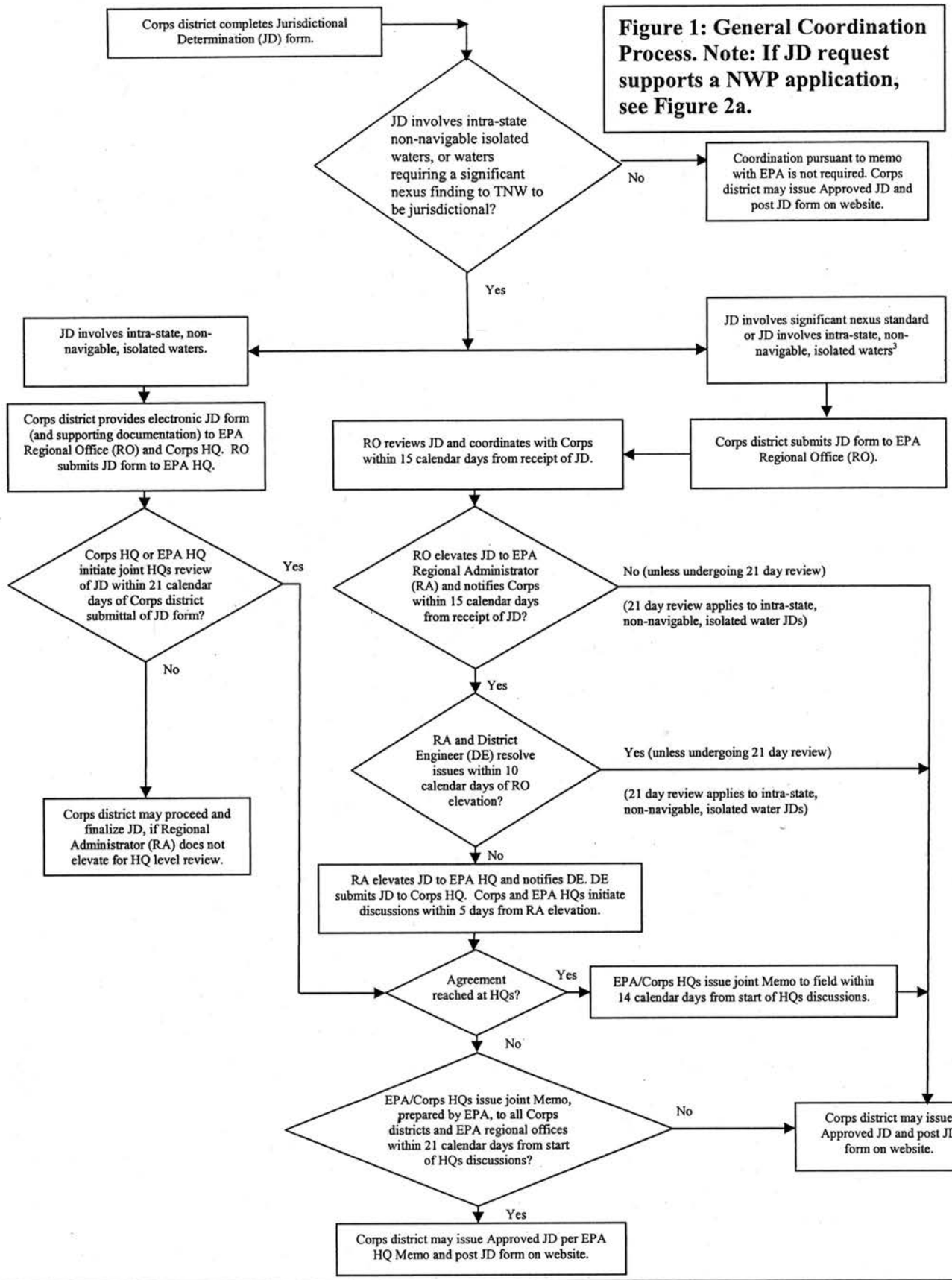
6. This guidance will remain in effect indefinitely for isolated, intra-state, non-navigable waters potentially covered only under 33 C.F.R. §328.3(a)(3) where jurisdiction is being asserted or not asserted using interstate commerce factors unless and until this guidance is revoked or modified in writing by agreement of both agencies. This guidance for all other waters addressed herein shall remain in effect for six months from the date of the last signature on this memorandum unless otherwise extended or modified by written agreement of both agencies.

Benjamin H. Grumbles
Assistant Administrator for Water
U.S. Environmental Protection Agency

Date: June 5, 2007

John Paul Woodley, Jr.
Assistant Secretary of the Army
(Civil Works)

Date: 5 June 2007



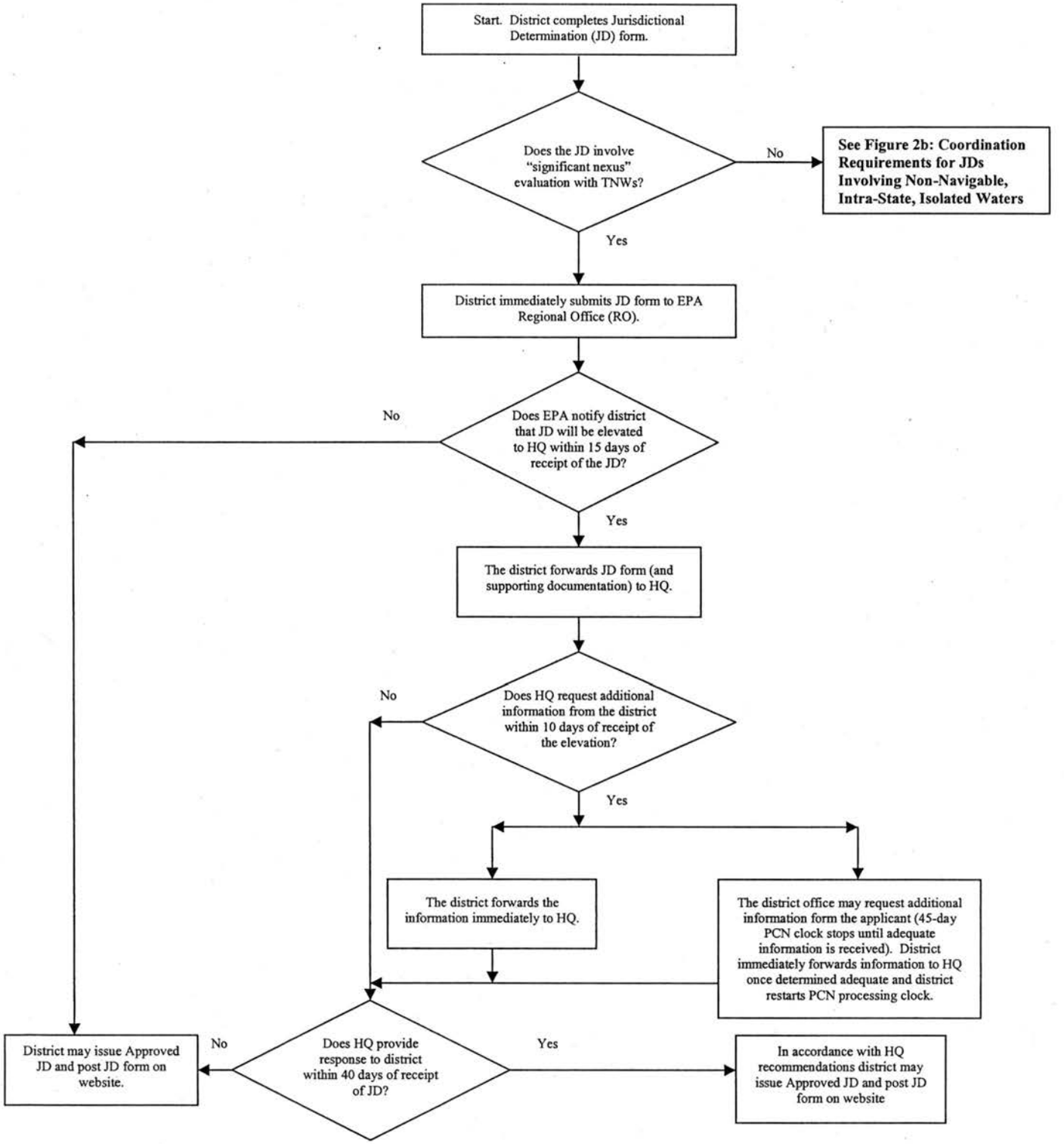
Notes: 1.A headquarters decision pursuant to this process will be considered an appealable action for purposes of the Corps administrative appeals process under 33 C.F.R. §331 et seq. However, any decision on appeal will not question or overturn any legal or policy determination made by EPA or Corps headquarters pursuant to this joint guidance memorandum, but can examine and question any matter or finding of fact. If the Review Officer determines that the headquarters decision was based on a mistake of fact or a lack of necessary facts, that determination can be presented to EPA and/or Corps headquarters suggesting reconsideration of the decision.

2. This guidance will remain in effect indefinitely for isolated, intra-state, non-navigable waters potentially covered only under 33 C.F.R. §328.3(a)(3) where jurisdiction is being asserted or not asserted using interstate commerce factors unless and until this guidance is revoked or modified in writing by agreement of both agencies. This guidance for all other waters addressed herein will remain in effect for six months from the date of the last signature on this memorandum unless otherwise extended or modified by written agreement of both agencies.

3. For JDs that involve intra-state, non-navigable waters, the elevation process must proceed along both paths of EPA/Corps referral per the procedures outlined in the joint coordination memo.

4. The above process does not apply for applications (pre-construction notifications) for Nationwide Permits (see Figure 2).

Figure 2a: Coordination Requirements for JDs Involving "Significant Nexus" Evaluation with TNWs and Supporting NWP Applications

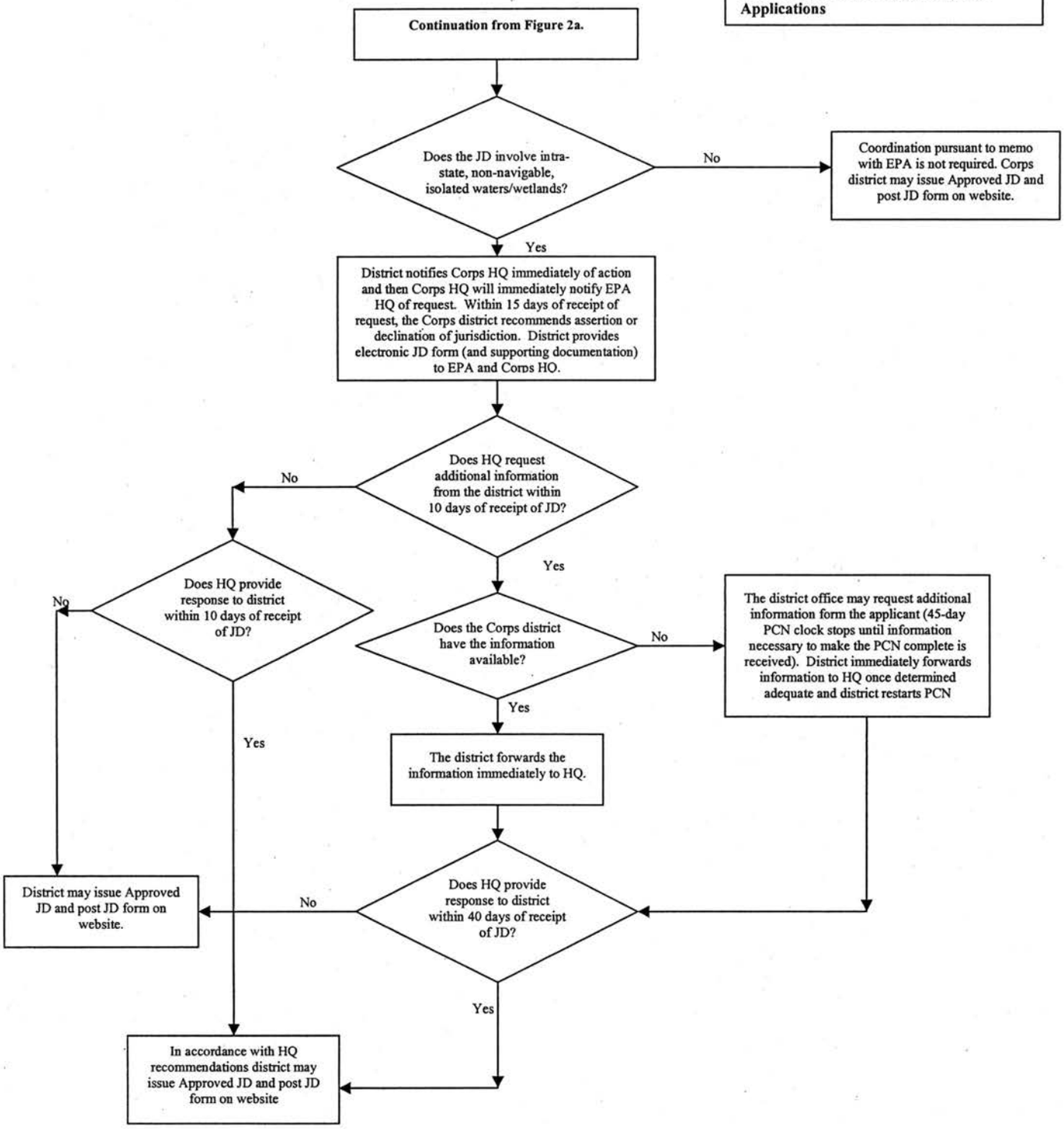


Notes: 1.A headquarters decision pursuant to this process will be considered an appealable action for purposes of the Corps administrative appeals process under 33 C.F.R. §331 et seq. However, any decision on appeal will not question or overturn any legal or policy determination made by EPA or Corps headquarters pursuant to this joint guidance memorandum, but can examine and question any matter or finding of fact. If the Review Officer determines that the headquarters decision was based on a mistake of fact or a lack of necessary facts, that determination can be presented to EPA and/or Corps headquarters suggesting reconsideration of the decision.

2. This guidance for all other waters addressed herein will remain in effect for six months from the date of the last signature on this memorandum unless otherwise extended or modified by written agreement of both agencies.

3. The process above applies for applications (pre-construction notifications) for Nationwide Permits involving "significant nexus" evaluations with TNWs.

Figure 2b: Coordination Requirements for JDs Involving Non-Navigable, Intra-State, Isolated Waters and Supporting NWP Applications



Notes: 1.A headquarters decision pursuant to this process will be considered an appealable action for purposes of the Corps administrative appeals process under 33 C.F.R. §331 et seq. However, any decision on appeal will not question or overturn any legal or policy determination made by EPA or Corps headquarters pursuant to this joint guidance memorandum, but can examine and question any matter or finding of fact. If the Review Officer determines that the headquarters decision was based on a mistake of fact or a lack of necessary facts, that determination can be presented to EPA and/or Corps headquarters suggesting reconsideration of the decision.

2. This guidance will remain in effect indefinitely for isolated, intra-state, non-navigable waters potentially covered only under 33 C.F.R. §328.3(a)(3) where jurisdiction is being asserted or not asserted using interstate commerce factors unless and until this guidance is revoked or modified in writing by agreement of both agencies.

3. The process above applies for applications (pre-construction notifications) for Nationwide Permits involving non-navigable, intra-state, isolated waters, including wetlands.

Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in Rapanos v. United States & Carabell v. United States

This memorandum provides guidance to EPA regions and U.S. Army Corps of Engineers ["Corps"] districts implementing the Supreme Court's decision in the consolidated cases Rapanos v. United States and Carabell v. United States[1] (herein referred to simply as "Rapanos") which address the jurisdiction over waters of the United States under the Clean Water Act.[2] The chart below summarizes the key points contained in this memorandum. This reference tool is not a substitute for the more complete discussion of issues and guidance furnished throughout the memorandum.

Summary of Key Points

The agencies will assert jurisdiction over the following waters:

- **Traditional navigable waters**
- **Wetlands adjacent to traditional navigable waters**
- **Non-navigable tributaries of traditional navigable waters that are relatively permanent where the tributaries typically flow year-round or have continuous flow at least seasonally (e.g., typically three months)**
- **Wetlands that directly abut such tributaries**

The agencies will decide jurisdiction over the following waters based on a fact-specific analysis to determine whether they have a significant nexus with a traditional navigable water:

- **Non-navigable tributaries that are not relatively permanent**
- **Wetlands adjacent to non-navigable tributaries that are not relatively permanent**
- **Wetlands adjacent to but that do not directly abut a relatively permanent non-navigable tributary**

The agencies generally will not assert jurisdiction over the following features:

- **Swales or erosional features (e.g., gullies, small washes characterized by low volume, infrequent, or short duration flow)**
- **Ditches (including roadside ditches) excavated wholly in and draining only uplands and that do not carry a relatively permanent flow of water**

The agencies will apply the significant nexus standard as follows:

- **A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by all wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical and biological integrity of downstream traditional navigable waters**
- **Significant nexus includes consideration of hydrologic and ecologic factors**

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[1] 126 S. Ct. 2208 (2006).
[2] 33 U.S.C. §1251 et seq.

Background

Congress enacted the Clean Water Act ("CWA" or "the Act") "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters."[3] One of the mechanisms adopted by Congress to achieve that purpose is a prohibition on the discharge of any pollutants, including dredged or fill material, into "navigable waters" except in compliance with other specified sections of the Act.[4] In most cases, this means compliance with a permit issued pursuant to CWA §402 or §404. The Act defines the term "discharge of a pollutant" as "any addition of any pollutant to navigable waters from any point source[,]"[5] and provides that "[t]he term 'navigable waters' means the waters of the United States, including the territorial seas[,]." [6]

In Rapanos, the Supreme Court addressed where the Federal government can apply the Clean Water Act, specifically by determining whether a wetland or tributary is a "water of the United States." The justices issued five separate opinions in Rapanos (one plurality opinion, two concurring opinions, and two dissenting opinions), with no single opinion commanding a majority of the Court.

The Rapanos Decision

Four justices, in a plurality opinion authored by Justice Scalia, rejected the argument that the term "waters of the United States" is limited to only those waters that are navigable in the traditional sense and their abutting wetlands.[7] However, the plurality concluded that the agencies' regulatory authority should extend only to "relatively permanent, standing or continuously flowing bodies of water" connected to traditional navigable waters, and to "wetlands with a continuous surface connection to" such relatively permanent waters.[8]

Justice Kennedy did not join the plurality's opinion but instead authored an opinion concurring in the judgment vacating and remanding the cases to the Sixth Circuit Court of Appeals.[9] Justice Kennedy agreed with the plurality that the statutory term "waters of the United States" extends beyond water bodies that are traditionally considered navigable.[10] Justice Kennedy, however, found the plurality's interpretation of the scope of the CWA to be "inconsistent with the Act's text, structure, and purpose[,]" and he instead presented a different standard for evaluating CWA jurisdiction over

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[3] 33 U.S.C. § 1251(a).
[4] 33 U.S.C. § 1311(a), §1362(12)(A).
[5] 33 U.S.C. § 1362(12)(A)
[6] 33 U.S.C. § 1362(7). See also 33 C.F.R. § 328.3(a) and 40 C.F.R. § 230.3(s).
[7] Id. at 2220.
[8] Id. at 2225-27.
[9] Id. at 2236-52. While Justice Kennedy concurred in the Court's decision to vacate and remand the cases to the Sixth Circuit, his basis for remand was limited to the question of "whether the specific wetlands at issue possess a significant nexus with navigable waters." 126 S. Ct. at 2252. In contrast, the plurality remanded the cases to determine both "whether the ditches and drains near each wetland are 'waters,'" and "whether the wetlands in question are 'adjacent' to these 'waters' in the sense of possessing a continuous surface connection...." Id. at 2235.
[10] Id. at 2241.

wetlands and other water bodies.[11] Justice Kennedy concluded that wetlands are "waters of the United States" "if the wetlands, either alone or in combination with similarly situated lands in the region, significantly affect the chemical, physical, and biological integrity of other covered waters more readily understood as 'navigable.' When, in contrast, wetlands' effects on water quality are speculative or insubstantial, they fall outside the zone fairly encompassed by the statutory term 'navigable waters.'"[12]

Four justices, in a dissenting opinion authored by Justice Stevens, concluded that EPA's and the Corps' interpretation of "waters of the United States" was a reasonable interpretation of the Clean Water Act.[13]

When there is no majority opinion in a Supreme Court case, controlling legal principles may be derived from those principles espoused by five or more justices.[14] Thus, regulatory jurisdiction under the CWA exists over a water body if either the plurality's or Justice Kennedy's standard is satisfied.[15] Since Rapanos, the United States has filed pleadings in a number of cases interpreting the decision in this manner.

The agencies are issuing this memorandum in recognition of the fact that EPA regions and Corps districts need guidance to ensure that jurisdictional determinations, permitting actions, and other relevant actions are consistent with the decision and supported by the administrative record. Therefore, the agencies have evaluated the Rapanos opinions to identify those waters that are subject to CWA jurisdiction under the reasoning of a majority of the justices. This approach is appropriate for a guidance document. The agencies intend to more broadly consider jurisdictional issues, including clarification and definition of key terminology, through rulemaking or other appropriate policy process.

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[11] Id. at 2246.

[12] Id. at 2248. Chief Justice Roberts wrote a separate concurring opinion explaining his agreement with the plurality. See 126 S. Ct. at 2235-36.

[13] Id. at 2252-65. Justice Breyer wrote a separate dissenting opinion explaining his agreement with Justice Stevens' dissent. See 126 S. Ct. at 2266.

[14] See Marks v. United States, 430 U.S. 188, 193-94 (1977); Waters v. Churchill, 511 U.S. 661, 685 (1994) (Souter, J., concurring) (analyzing the points of agreement between plurality, concurring, and dissenting opinions to identify the legal "test … that lower courts should apply," under Marks, as the holding of the Court); cf. League of United Latin American Citizens v. Perry, 126 S. Ct. 2594, 2607 (2006) (analyzing concurring and dissenting opinions in a prior case to identify a legal conclusion of a majority of the Court); Alexander v. Sandoval, 532 U.S. 275, 281-282 (2001) (same).

[15] 126 S. Ct. at 2265 (Stevens, J., dissenting) ("Given that all four justices who have joined this opinion would uphold the Corps' jurisdiction in both of these cases – and in all other cases in which either the plurality's or Justice Kennedy's test is satisfied – on remand each of the judgments should be reinstated if *either* of those tests is met.") (emphasis in original).

Agency Guidance[16]

To ensure that jurisdictional determinations, administrative enforcement actions, and other relevant agency actions are consistent with the Rapanos decision, the agencies in this guidance address which waters are subject to CWA § 404 jurisdiction.[17] Specifically, this guidance identifies those waters over which the agencies will assert jurisdiction categorically and on a case-by-case basis, based on the reasoning of the Rapanos opinions.[18] EPA and the Corps will continually assess and review the application of this guidance to ensure nationwide consistency, reliability, and predictability in our administration of the statute.

1. Traditional Navigable Waters (i.e., "(a)(1) Waters") and Their Adjacent Wetlands

Key Points

- **The agencies will assert jurisdiction over traditional navigable waters, which includes all the waters described in 33 C.F.R. § 328.3(a)(1), and 40 C.F.R. § 230.3 (s)(1).**
- **The agencies will assert jurisdiction over wetlands adjacent to traditional navigable waters, including over adjacent wetlands that do not have a continuous surface connection to traditional navigable waters.**

EPA and the Corps will continue to assert jurisdiction over "[a]ll waters which are currently used, or were used in the past, or may be susceptible to use in interstate or

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[16] The CWA provisions and regulations described in this document contain legally binding requirements. This guidance does not substitute for those provisions or regulations, nor is it a regulation itself. It does not impose legally binding requirements on EPA, the Corps, or the regulated community, and may not apply to a particular situation depending on the circumstances. Any decisions regarding a particular water will be based on the applicable statutes, regulations, and case law. Therefore, interested persons are free to raise questions about the appropriateness of the application of this guidance to a particular situation, and EPA and/or the Corps will consider whether or not the recommendations or interpretations of this guidance are appropriate in that situation based on the statutes, regulations, and case law.

[17] This guidance focuses only on those provisions of the agencies' regulations at issue in Rapanos -- 33 C.F.R. §§ 328.3(a)(1), (a)(5), and (a)(7); 40 C.F.R. §§ 230.3(s)(1), (s)(5), and (s)(7). This guidance does not address or affect other subparts of the agencies' regulations, or response authorities, relevant to the scope of jurisdiction under the CWA. In addition, because this guidance is issued by both the Corps and EPA, which jointly administer CWA § 404, it does not discuss other provisions of the CWA, including §§ 311 and 402, that differ in certain respects from § 404 but share the definition of "waters of the United States." Indeed, the plurality opinion in Rapanos noted that "... there is no reason to suppose that our construction today significantly affects the enforcement of §1342 ... The Act does not forbid the 'addition of any pollutant *directly* to navigable waters from any point source,' but rather the 'addition of any pollutant *to* navigable waters.'" (emphasis in original) 126 S. Ct. 2208, 2227. EPA is considering whether to provide additional guidance on these and other provisions of the CWA that may be affected by the Rapanos decision.

[18] In 2001, the Supreme Court held that use of "isolated" non-navigable intrastate waters by migratory birds was not by itself a sufficient basis for the exercise of federal regulatory jurisdiction under the CWA. See Solid Waste Agency of Northern Cook County (SWANCC) v. U.S. Army Corps of Engineers, 531 U.S. 159 (2001). This guidance does not address SWANCC, nor does it affect the Joint Memorandum regarding that decision issued by the General Counsels of EPA and the Department of the Army on January 10, 2003. See 68 Fed. Reg. 1991, 1995 (Jan. 15, 2003).

foreign commerce, including all waters which are subject to the ebb and flow of the tide."[19] These waters are referred to in this guidance as traditional navigable waters.

The agencies will also continue to assert jurisdiction over wetlands "adjacent" to traditional navigable waters as defined in the agencies' regulations. Under EPA and Corps regulations and as used in this guidance, "adjacent" means "bordering, contiguous, or neighboring." Finding a continuous surface connection is not required to establish adjacency under this definition. The Rapanos decision does not affect the scope of jurisdiction over wetlands that are adjacent to traditional navigable waters because at least five justices agreed that such wetlands are "waters of the United States."[20]

2. Relatively Permanent Non-navigable Tributaries of Traditional Navigable Waters and Wetlands with a Continuous Surface Connection with Such Tributaries

Key Points

- **The agencies will assert jurisdiction over non-navigable tributaries of traditional navigable waters that are relatively permanent where the tributaries typically flow year-round or have continuous flow at least seasonally (e.g., typically three months).**
- **The agencies will assert jurisdiction over those adjacent wetlands that have a continuous surface connection to such tributaries (e.g., they are not separated by uplands, a berm, dike, or similar feature.)**

A non-navigable tributary[21] of a traditional navigable water is a non-navigable water body whose waters flow into a traditional navigable water either directly or indirectly by means of other tributaries. Both the plurality opinion and the dissent would uphold CWA jurisdiction over non-navigable tributaries that are "relatively permanent" – waters that typically (e.g., except due to drought) flow year-round or waters that have a

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[19] 33 C.F.R. § 328.3(a)(1); 40 C.F.R. § 230.3(s)(1). The "(a)(1)" waters include all of the "navigable waters of the United States," defined in 33 C.F.R. Part 329 and by numerous decisions of the federal courts, plus all other waters that are navigable-in-fact (e.g., the Great Salt Lake, UT and Lake Minnetonka MN).

[20] Id. at 2248 (Justice Kennedy, concurring) ("As applied to wetlands adjacent to navigable-in-fact waters, the Corps' conclusive standard for jurisdiction rests upon a reasonable inference of ecologic interconnection, and the assertion of jurisdiction for those wetlands is sustainable under the Act by showing adjacency alone.").

[21] A tributary includes natural, man-altered, or man-made water bodies that carry flow directly or indirectly into a traditional navigable water. Furthermore, a tributary, for the purposes of this guidance, is the entire reach of the stream that is of the same order (i.e., from the point of confluence, where two lower order streams meet to form the tributary, downstream to the point such tributary enters a higher order stream). The flow characteristics of a particular tributary will be evaluated at the farthest downstream limit of such tributary (i.e., the point the tributary enters a higher order stream). It is reasonable for the agencies to treat the stream reach as a whole in light of the Supreme Court's observation that the phrase "navigable waters" generally refers to "rivers, streams, and other hydrographic features." 126 S. Ct. at 2222 (Justice Scalia, quoting Riverside Bayview, 474 U.S. at 131). The entire reach of a stream is a reasonably identifiable hydrographic feature. The agencies will also use this characterization of tributary when applying the significant nexus standard under Section 3 of this guidance.

continuous flow at least seasonally (e.g., typically three months).[22] Justice Scalia emphasizes that relatively permanent waters do not include tributaries "whose flow is 'coming and going at intervals ... broken, fitful.'"[23] Therefore, "relatively permanent" waters do not include ephemeral tributaries which flow only in response to precipitation and intermittent streams which do not typically flow year-round or have continuous flow at least seasonally. However, CWA jurisdiction over these waters will be evaluated under the significant nexus standard described below. The agencies will assert jurisdiction over relatively permanent non-navigable tributaries of traditional navigable waters without a legal obligation to make a significant nexus finding.

In addition, the agencies will assert jurisdiction over those adjacent wetlands that have a continuous surface connection with a relatively permanent, non-navigable tributary, without the legal obligation to make a significant nexus finding. As explained above, the plurality opinion and the dissent agree that such wetlands are jurisdictional.[24] The plurality opinion indicates that "continuous surface connection" is a "physical connection requirement."[25] Therefore, a continuous surface connection exists between a wetland and a relatively permanent tributary where the wetland directly abuts the tributary (e.g., they are not separated by uplands, a berm, dike, or similar feature).[26]

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[22] See 126 S. Ct. at 2221 n. 5 (Justice Scalia, plurality opinion) (explaining that "relatively permanent" does not necessarily exclude waters "that might dry up in extraordinary circumstances such as drought" or "seasonal rivers, which contain continuous flow during some months of the year but no flow during dry months").

[23] Id. (internal citations omitted)

[24] Id. at 2226-27 (Justice Scalia, plurality opinion).

[25] Id. at 2232 n.13 (referring to "our physical-connection requirement" and later stating that Riverside Bayview does not reject "the physical-connection requirement") and 2234 ("Wetlands are 'waters of the United States' if they bear the 'significant nexus' of physical connection, which makes them as a practical matter *indistinguishable* from waters of the United States.") (emphasis in original). See also 126 S. Ct. at 2230 ("adjacent" means "physically abutting") and 2229 (citing to Riverside Bayview as "confirm[ing] that the scope of ambiguity of 'the waters of the United States' is determined by a wetland's *physical connection* to covered waters...") (emphasis in original). A continuous surface connection does not require surface water to be continuously present between the wetland and the tributary. 33 C.F.R. § 328.3(b) and 40 C.F.R. § 232.2 (defining wetlands as "those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support ... a prevalence of vegetation typically adapted for life in saturated soil conditions").

[26] While all wetlands that meet the agencies' definitions are considered adjacent wetlands, only those adjacent wetlands that have a continuous surface connection because they directly abut the tributary (e.g., they are not separated by uplands, a berm, dike, or similar feature) are considered jurisdictional under the plurality standard.

3. Certain Adjacent Wetlands and Non-navigable Tributaries That Are Not Relatively Permanent

Key Points

- **The agencies will assert jurisdiction over non-navigable, not relatively permanent tributaries and their adjacent wetlands where such tributaries and wetlands have a significant nexus to a traditional navigable water.**
- **A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical and biological integrity of downstream traditional navigable waters.**
- **"Similarly situated" wetlands include all wetlands adjacent to the same tributary.**
- **Significant nexus includes consideration of hydrologic factors including the following:**
  - **volume, duration, and frequency of flow, including consideration of certain physical characteristics of the tributary**
  - **proximity to the traditional navigable water**
  - **size of the watershed**
  - **average annual rainfall**
  - **average annual winter snow pack**
- **Significant nexus also includes consideration of ecologic factors including the following:**
  - **potential of tributaries to carry pollutants and flood waters to traditional navigable waters**
  - **provision of aquatic habitat that supports a traditional navigable water**
  - **potential of wetlands to trap and filter pollutants or store flood waters**
  - **maintenance of water quality in traditional navigable waters**
- **The following geographic features generally are not jurisdictional waters:**
  - **swales or erosional features (e.g. gullies, small washes characterized by low volume, infrequent, or short duration flow)**
  - **ditches (including roadside ditches) excavated wholly in and draining only uplands and that do not carry a relatively permanent flow of water**

The agencies will assert jurisdiction over the following types of waters when they have a significant nexus with a traditional navigable water: (1) non-navigable tributaries that are not relatively permanent,[27] (2) wetlands adjacent to non-navigable tributaries that are not relatively permanent, and (3) wetlands adjacent to, but not directly abutting, a relatively permanent tributary (e.g., separated from it by uplands, a berm, dike or similar feature).[28] As described below, the agencies will assess the flow characteristics and functions of the tributary itself, together with the functions performed by any wetlands adjacent to that tributary, to determine whether collectively they have a significant nexus with traditional navigable waters.

The agencies' assertion of jurisdiction over non-navigable tributaries and adjacent wetlands that have a significant nexus to traditional navigable waters is supported by five

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[27] For simplicity, the term "tributary" when used alone in this section refers to non-navigable tributaries that are not relatively permanent.

[28] As described in Section 2 of this guidance, the agencies will assert jurisdiction, without the need for a significant nexus finding, over all wetlands that are both adjacent and have a continuous surface connection to relatively permanent tributaries. See pp. 6-7, supra.

justices. Justice Kennedy applied the significant nexus standard to the wetlands at issue in Rapanos and Carabell: "[W]etlands possess the requisite nexus, and thus come within the statutory phrase 'navigable waters,' if the wetlands, either alone or in combination with similarly situated lands in the region, significantly affect the chemical, physical, and biological integrity of other covered waters more readily understood as 'navigable.'"[29] While Justice Kennedy's opinion discusses the significant nexus standard primarily in the context of wetlands adjacent to non-navigable tributaries,[30] his opinion also addresses Clean Water Act jurisdiction over tributaries themselves. Justice Kennedy states that, based on the Supreme Court's decisions in Riverside Bayview and SWANCC, "the connection between a non-navigable water or wetland may be so close, or potentially so close, that the Corps may deem the water or wetland a 'navigable water' under the Act. ... Absent a significant nexus, jurisdiction under the Act is lacking."[31] Thus, Justice Kennedy would limit jurisdiction to those waters that have a significant nexus with traditional navigable waters, although his opinion focuses on the specific factors and functions the agencies should consider in evaluating significant nexus for adjacent wetlands, rather than for tributaries.

In considering how to apply the significant nexus standard, the agencies have focused on the integral relationship between the ecological characteristics of tributaries and those of their adjacent wetlands, which determines in part their contribution to restoring and maintaining the chemical, physical and biological integrity of the Nation's traditional navigable waters. The ecological relationship between tributaries and their adjacent wetlands is well documented in the scientific literature and reflects their physical proximity as well as shared hydrological and biological characteristics. The flow parameters and ecological functions that Justice Kennedy describes as most relevant to an evaluation of significant nexus result from the ecological inter-relationship between tributaries and their adjacent wetlands. For example, the duration, frequency, and volume of flow in a tributary, and subsequently the flow in downstream navigable waters, is directly affected by the presence of adjacent wetlands that hold floodwaters, intercept sheet flow from uplands, and then release waters to tributaries in a more even and constant manner. Wetlands may also help to maintain more consistent water temperature in tributaries, which is important for some aquatic species. Adjacent wetlands trap and hold pollutants that may otherwise reach tributaries (and downstream navigable waters) including sediments, chemicals, and other pollutants. Tributaries and their adjacent wetlands provide habitat (e.g., feeding, nesting, spawning, or rearing young) for many aquatic species that also live in traditional navigable waters.

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[29] Id. at 2248. When applying the significant nexus standard to tributaries and wetlands, it is important to apply it within the limits of jurisdiction articulated in SWANCC. Justice Kennedy cites SWANCC with approval and asserts that the significant nexus standard, rather than being articulated for the first time in Rapanos, was established in SWANCC. 126 S. Ct. at 2246 (describing SWANCC as "interpreting the Act to require a significant nexus with navigable waters"). It is clear, therefore, that Justice Kennedy did not intend for the significant nexus standard to be applied in a manner that would result in assertion of jurisdiction over waters that he and the other justices determined were not jurisdictional in SWANCC. Nothing in this guidance should be interpreted as providing authority to assert jurisdiction over waters deemed non-jurisdictional by SWANCC.

[30] 126 S. Ct. at 2247-50.

[31] Id. at 2241 (emphasis added).

When performing a significant nexus analysis,[32] the first step is to determine if the tributary has any adjacent wetlands. Where a tributary has no adjacent wetlands, the agencies will consider the flow characteristics and functions of only the tributary itself in determining whether such tributary has a significant effect on the chemical, physical and biological integrity of downstream traditional navigable waters. A tributary, as characterized in Section 2 above, is the entire reach of the stream that is of the same order (i.e., from the point of confluence, where two lower order streams meet to form the tributary, downstream to the point such tributary enters a higher order stream). For purposes of demonstrating a connection to traditional navigable waters, it is appropriate and reasonable to assess the flow characteristics of the tributary at the point at which water is in fact being contributed to a higher order tributary or to a traditional navigable water. If the tributary has adjacent wetlands, the significant nexus evaluation needs to recognize the ecological relationship between tributaries and their adjacent wetlands, and their closely linked role in protecting the chemical, physical, and biological integrity of downstream traditional navigable waters.

Therefore, the agencies will consider the flow and functions of the tributary together with the functions performed by all the wetlands adjacent to that tributary in evaluating whether a significant nexus is present. Similarly, where evaluating significant nexus for an adjacent wetland, the agencies will consider the flow characteristics and functions performed by the tributary to which the wetland is adjacent along with the functions performed by the wetland and all other wetlands adjacent to that tributary. This approach reflects the agencies' interpretation of Justice Kennedy's term "similarly situated" to include all wetlands adjacent to the same tributary. Where it is determined that a tributary and its adjacent wetlands collectively have a significant nexus with traditional navigable waters, the tributary and all of its adjacent wetlands are jurisdictional. Application of the significant nexus standard in this way is reasonable because of its strong scientific foundation – that is, the integral ecological relationship between a tributary and its adjacent wetlands. Interpreting the phrase "similarly situated" to include all wetlands adjacent to the same tributary is reasonable because such wetlands are physically located in a like manner (i.e., lying adjacent to the same tributary).

Principal considerations when evaluating significant nexus include the volume, duration, and frequency of the flow of water in the tributary and the proximity of the tributary to a traditional navigable water. In addition to any available hydrologic information (e.g., gauge data, flood predictions, historic records of water flow, statistical data, personal observations/records, etc.), the agencies may reasonably consider certain physical characteristics of the tributary to characterize its flow, and thus help to inform the determination of whether or not a significant nexus is present between the tributary and downstream traditional navigable waters. Physical indicators of flow may include the presence and characteristics of a reliable ordinary high water mark (OHWM) with a

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[32] In discussing the significant nexus standard, Justice Kennedy stated: "The required nexus must be assessed in terms of the statute's goals and purposes. Congress enacted the [CWA] to 'restore and maintain the chemical, physical, and biological integrity of the Nation's waters' ..." 126 S. Ct. at 2248. Consistent with Justice Kennedy's instruction, EPA and the Corps will apply the significant nexus standard in a manner that restores and maintains any of these three attributes of traditional navigable waters.

channel defined by bed and banks.[33] Other physical indicators of flow may include shelving, wracking, water staining, sediment sorting, and scour.[34] Consideration will also be given to certain relevant contextual factors that directly influence the hydrology of tributaries including the size of the tributary's watershed, average annual rainfall, average annual winter snow pack, slope, and channel dimensions.

In addition, the agencies will consider other relevant factors, including the functions performed by the tributary together with the functions performed by any adjacent wetlands. One such factor is the extent to which the tributary and adjacent wetlands have the capacity to carry pollutants (e.g., petroleum wastes, toxic wastes, sediment) or flood waters to traditional navigable waters, or to reduce the amount of pollutants or flood waters that would otherwise enter traditional navigable waters.[35] The agencies will also evaluate ecological functions performed by the tributary and any adjacent wetlands which affect downstream traditional navigable waters, such as the capacity to transfer nutrients and organic carbon vital to support downstream foodwebs (e.g., macroinvertebrates present in headwater streams convert carbon in leaf litter making it available to species downstream), habitat services such as providing spawning areas for recreationally or commercially important species in downstream waters, and the extent to which the tributary and adjacent wetlands perform functions related to maintenance of downstream water quality such as sediment trapping.

After assessing the flow characteristics and functions of the tributary and its adjacent wetlands, the agencies will evaluate whether the tributary and its adjacent wetlands are likely to have an effect that is more than speculative or insubstantial on the chemical, physical, and biological integrity of a traditional navigable water. As the distance from the tributary to the navigable water increases, it will become increasingly important to document whether the tributary and its adjacent wetlands have a significant nexus rather than a speculative or insubstantial nexus with a traditional navigable water.

Accordingly, Corps districts and EPA regions shall document in the administrative record the available information regarding whether a tributary and its adjacent wetlands have a significant nexus with a traditional navigable water, including the physical indicators of flow in a particular case and available information regarding the functions of the tributary and any adjacent wetlands. The agencies will explain their basis for concluding whether or not the tributary and its adjacent wetlands, when considered together, have a more than speculative or insubstantial effect on the chemical, physical, and biological integrity of a traditional navigable water.

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[33] See 33 C.F.R. § 328.3(e). The OHWM also serves to define the lateral limit of jurisdiction in a non-navigable tributary where there are no adjacent wetlands. See 33 C.F.R. § 328.4(c). While EPA regions and Corps districts must exercise judgment to identify the OHWM on a case-by-case basis, the Corps' regulations identify the factors to be applied. These regulations have recently been further explained in Regulatory Guidance Letter (RGL) 05-05 (Dec. 7, 2005). The agencies will apply the regulations and the RGL and take other steps as needed to ensure that the OHWM identification factors are applied consistently nationwide.

[34] See Justice Kennedy's discussion of "physical characteristics," 126 S. Ct. at 2248-2249.

[35] See, generally, 126 S. Ct. at 2248-53; see also 126 S. Ct. at 2249 ("Just as control over the non-navigable parts of a river may be essential or desirable in the interests of the navigable portions, so may the key to flood control on a navigable stream be found in whole or in part in flood control on its tributaries....") (citing to Oklahoma ex rel. Phillips v. Guy F. Atkinson Co., 313 U.S. 508, 524-25(1941)).

Swales or erosional features (e.g., gullies, small washes characterized by low volume, infrequent, or short duration flow) are generally not waters of the United States because they are not tributaries or they do not have a significant nexus to downstream traditional navigable waters. In addition, ditches (including roadside ditches) excavated wholly in and draining only uplands and that do not carry a relatively permanent flow of water are generally not waters of the United States because they are not tributaries or they do not have a significant nexus to downstream traditional navigable waters.[36] Even when not jurisdictional waters subject to CWA §404, these geographic features (e.g., swales, ditches) may still contribute to a surface hydrologic connection between an adjacent wetland and a traditional navigable water. In addition, these geographic features may function as point sources (i.e., "discernible, confined, and discrete conveyances"), such that discharges of pollutants to other waters through these features could be subject to other CWA regulations (e.g., CWA §§ 311 and 402).[37]

Certain ephemeral waters in the arid west are distinguishable from the geographic features described above where such ephemeral waters are tributaries and they have a significant nexus to downstream traditional navigable waters. For example, in some cases these ephemeral tributaries may serve as a transitional area between the upland environment and the traditional navigable waters. During and following precipitation events, ephemeral tributaries collect and transport water and sometimes sediment from the upper reaches of the landscape downstream to the traditional navigable waters. These ephemeral tributaries may provide habitat for wildlife and aquatic organisms in downstream traditional navigable waters. These biological and physical processes may further support nutrient cycling, sediment retention and transport, pollutant trapping and filtration, and improvement of water quality, functions that may significantly affect the chemical, physical, and biological integrity of downstream traditional navigable waters.

Documentation

As described above, the agencies will assert CWA jurisdiction over the following waters without the legal obligation to make a significant nexus determination: traditional navigable waters and wetlands adjacent thereto, non-navigable tributaries that are relatively permanent waters, and wetlands with a continuous surface connection with such tributaries. The agencies will also decide CWA jurisdiction over other non-navigable tributaries and over other wetlands adjacent to non-navigable tributaries based on a fact-specific analysis to determine whether they have a significant nexus with traditional navigable waters. For purposes of CWA §404 determinations by the Corps, the Corps and EPA are developing a revised form to be used by field regulators for documenting the assertion or declination of CWA jurisdiction.

Corps districts and EPA regions will ensure that the information in the record adequately supports any jurisdictional determination. The record shall, to the maximum extent practicable, explain the rationale for the determination, disclose the data and information relied upon, and, if applicable, explain what data or information received greater or lesser weight, and what professional judgment or assumptions were used in

[36] See 51 Fed. Reg. 41206, 41217 (Nov. 13, 1986).
[37] 33 U.S.C. § 1362(14).

reaching the determination. The Corps districts and EPA regions will also demonstrate and document in the record that a particular water either fits within a class identified above as not requiring a significant nexus determination, or that the water has a significant nexus with a traditional navigable water. As a matter of policy, Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

All pertinent documentation and analyses for a given jurisdictional determination (including the revised form) shall be adequately reflected in the record and clearly demonstrate the basis for asserting or declining CWA jurisdiction.[38] Maps, aerial photography, soil surveys, watershed studies, local development plans, literature citations, and references from studies pertinent to the parameters being reviewed are examples of information that will assist staff in completing accurate jurisdictional determinations. The level of documentation may vary among projects. For example, jurisdictional determinations for complex projects may require additional documentation by the project manager.

Benjamin H. Grumbles
Assistant Administrator for Water
U.S. Environmental Protection Agency

John Paul Woodley, Jr.
Assistant Secretary of the Army
(Civil Works)
Department of the Army

[38] For jurisdictional determinations and permitting decisions, such information shall be posted on the appropriate Corps website for public and interagency information.

May 2006

Regulating Every Drop of Water Doesn't Make Sense

By Bob Stallman; President, American Farm Bureau

American farmers and ranchers have a good track record of taking care of the land and water through conservation, including wetlands protection and restoration. That's why Farm Bureau is closely watching and awaiting a decision currently before the U.S. Supreme Court that could alter the Clean Water Act as we know it.

Turning the Tide

At issue are two consolidated cases, *Carabell v. U.S. Army Corps of Engineers* and *Rapanos v. United States.* The combined case, on which a decision is expected in early July, looks at whether wetlands should be subject to Clean Water Act protection based on remote or non-existent connections to navigable waters. In the Carabell situation, a lower court ruled that a wetland separated by a man-made berm from a ditch that connects through tributaries to navigable waters qualifies for Clean Water Act protection, even though there's no hydrological connection between the two.

Farm Bureau strongly believes that man-made drainage ditches, fields and pastures that have been used by farmers and ranchers for years should not be federally regulated in the same way as rivers, streams, swamps and bogs. Regulating a field with a few low spots is not logical. We would be turning the tide on common sense.

Further, if the Clean Water Act is extended to include ditches, stock tanks, and long-used fields and pastures, then the federal government will be regulating every drop of water that falls in this country, regardless of how far removed and isolated those droplets are from a stream, river or other substantial body of water.

A Duck by Any Other Name

So, who is behind this? I call them 'big money' groups, who parade around photos of cute ducks swimming in a pond and tell folks that farmers and ranchers are responsible for harming wildlife. Many of these same people believe dips and depressions that are never muddy enough to bog down a truck need the same type of protection as rivers, lakes and marshy areas that the rest of us think of as traditional wetlands. These people see a wetland where you and I see a field, ditch or wet area around a stock tank.

Considering that farmers and ranchers usually live on or very near their land, it's in their best interests to ensure its quality as well as that of the water they and their family members use on a daily basis. If the Clean Water Act is allowed to extend to all fields, ditches and man-made puddles, it would affect mostly private cropland or pastures that have been maintained by farmers for generations.

The Supreme Court examined the *Rapanos* and *Carabell* cases from the standpoint of housing and industrial business development. But just as the development of businesses could be halted by the expansion of the Clean Water Act, agriculture is another enterprise that could come to an end if ordinary fields and pastures are deemed wetlands or navigable waters.

It won't matter how much time or money a farmer has spent improving and caring for the land if the Clean Water Act is extended to cover every drop of water that falls on the property. The land would be made worse off by regulations intended to do just the opposite.

Minnesota Board of Water & Soil Resources

DATE: December 11, 2007

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

FROM: John Jaschke, Executive Director

SUBJECT: December 19, 2007, Board Meeting Notice

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, December 19, 2007, beginning at 9:00 a.m. The meeting will be held in the second floor conference room at 520 Lafayette Road N., St. Paul. Parking is available in the lot directly in front of the building (use hooded parking areas).

The following information pertains to agenda items:

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. **Rice Creek Watershed District Comprehensive Wetland Protection Management Plan -** The Metro Water Planning Committee met on November 28, 2007 to review and discuss the content of the Anoka County Ditch 15 and Anoka-Washington County Ditch 4. Based on this review and discussion with BWSR staff and representatives of local, state, and federal agencies, the Committee recommends approval of the Plan per the attached Order. *DECISION ITEM*

2. **Vadnais Lake Area Watershed Management Organization, Watershed Management Plan** – The Watershed Management Plan (Plan) was filed with the Board on November 9, 2007. The draft Order contains a summary of the planning process, the reviewing agencies' and member cities' comments, and highlights of the Plan. A substantial number of comments were received from the state agencies during the review process resulting in significant revisions to the Plan. The Metro Water Planning Committee met on November 28, 2007. One item raised by the Committee was the easement restriction language in the Plan for wetland buffers, which is currently being considered for revision by the WMO. The Metro Water Planning Committee recommends the Plan for approval per the attached draft Order. *DECISION ITEM*

Northern Water Planning Committee

1. **Lake of the Woods County Priority Concerns Scoping Document** – Lake of the Woods County submitted the Priority Concerns Scoping Document for state review and comment as part of updating their Comprehensive Local Water Management

Plan. The Northern Water Planning Committee met November 14th after the state agencies comment period ended. The Committee's recommendations or requirements for the content of the final plan are drafted for the full board to review and take action on. The state's expectations of the final plan must be sent to Lake of the Woods County. See attachment. *DECISION ITEM*

2. **Lake of the Woods County Request for Comprehensive Local Water Plan (CLWP) Extension** – Lake of the Woods County submitted a resolution requesting a two-year extension of their county water plan on September 14, 2007. The county recently completed their Priority Concerns Scoping Document, which was approved by the Northern Subcommittee on November 14, 2007. The extension will allow the county to spend adequate time of each phase of the plan and also take better advantage of future Clean Water Legacy funding opportunities. See attachment. *DECISION ITEM*

3. **Mahnomen County Priority Concerns Scoping Document** - The Northern Water Planning Committee met on November 14, 2007 in Bemidji to discuss the state review agencies comments and recommendations for the approval of the Priority Concerns Scoping Document (in preparation of updating of the Mahnomen County Local Water Management Plan). The priority concerns for Mahnomen County is groundwater quality, surface water quality and impaired waters/TMDL's and erosion and sedimentation. A Board decision on the acceptance of this document is sought.

   The Committee does request that in the Local Water Management Plan the County be as specific as possible to the nature, extent, and severity of the identified concerns and develop an implementation plan that is specific to the goals and actions the County plans to take to address the priority concerns. See attachment. *DECISION ITEM*

Southern Water Planning Committee

1. **Blue Earth County Request for Extension of the Blue Earth County Comprehensive Water Management Plan** - Blue Earth County has requested a six-month extension of the Blue Earth County Comprehensive Water Management Plan. The County and the Blue Earth Soil and Water Conservation District (SWCD) are working cooperatively to complete the Water Management Plan. The request to extend the plan to July 1, 2008 is reasonable due to the Blue Earth SWCD hiring all new staff in 2007, necessitating additional time working with new staff and learning about the SWCD requirements for the Water Management Plan and the County combining the Water Management Plan and the local Greenprint natural resources plan's public participation process, which required more time. The Southern Water Planning Committee (Committee) met with representatives of Blue Earth County to discuss the Blue Earth County Priority Concerns Scoping Document and review comments that were received. The Board approved the Priority Concerns Scoping

Document at its October 24, 2007 meeting. Blue Earth County will continue its effort toward completion of the Comprehensive Local Water Plan revision and will not order or commence any projects using authorities under 103B.311 Subdivision 4 (a) (5) until completion of the Comprehensive Local Water Management Plan Revision. See attachment. *DECISION ITEM*

2. **Houston County Local Water Management Plan Update** – Houston County submitted their Local Water Management Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Update to the Board for final State review on August 13, 2007. On December 6, 2007, the Southern Water Planning Committee of the Board reviewed the recommendation of the state review agencies regarding final approval of the Houston County Local Water Management Plan Update. The Southern Water Planning Committee recommends approval. The Findings of Fact, Conclusions and Order are drafted for the full Board's review and action. See attachment. *DECISION ITEM*

3. **Jackson County Request for Extension of the Jackson County Comprehensive Water Management Plan** - Jackson County has requested a one-year extension of the Jackson County Comprehensive Water Management Plan. The request to extend the plan to December 31, 2008 is reasonable because the effort to include all entities involved in the Water Management Program in Jackson County has slowed the current revision process. The Southern Water Planning Committee (Committee) met with representatives of Jackson County to discuss the Jackson County Priority Concerns Scoping Document and review comments that were received. The Board approved the Priority Concerns Scoping Document at its August 23, 2007 meeting. Jackson County will continue its effort toward completion of the Comprehensive Local Water Plan revision and will not order or commence any projects using authorities under 103B.311 Subdivision 4 (a) (5) until completion of the Comprehensive Local Water Management Plan Revision. See attachment. *DECISION ITEM*

4. **Lyon County Priority Concerns Scoping Document** - Lyon County, as part of updating their Comprehensive Local Water Management Plan, submitted the Priority Concerns Scoping Document for state review and comment. The Southern Water Planning Committee, chaired by Brian Kletscher, met December 6, 2007, after the state agency review period ended. The Committee's recommendation for the content of the final plan is drafted for the full Board review and action. The state's expectations for the final plan must be sent to Lyon County. See attachment. *DECISION ITEM*

5. **Nobles County Priority Concerns Scoping Document** - Nobles County, as part of updating their Comprehensive Local Water Management Plan, submitted the Priority Concerns Scoping Document for state review and comment. The Southern

Water Planning Committee, chaired by Brian Kletscher, met December 6, 2007, after the state agency review period ended. The Committee's recommendation for the content of the final plan is drafted for the full Board review and action. The state's expectations for the final plan must be sent to Nobles County. See attachment. *DECISION ITEM*

6. **Wabasha County Local Water Management Plan Update** – Wabasha County submitted their Local Water Management Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Update to the Board for final State review on September 10, 2007. On December 6, 2007, the Southern Water Planning Committee of the Board reviewed the recommendation of the state review agencies regarding final approval of the Wabasha County Local Water Management Plan Update. The Board Southern Water Planning Committee recommends approval. The Findings of Fact, Conclusions and Order are drafted for the full Board's review and action. See attachment. *DECISION ITEM*

7. **Waseca County Request for Extension of the Waseca County Comprehensive Water Management Plan** - Waseca County has requested a one-year extension of the Waseca County Comprehensive Water Management Plan. The request to extend the plan to December 31, 2008 is reasonable because the efforts and responsibilities associated with a revision of the Waseca County Comprehensive Land Use Plan and Land Use Zoning Map completed during the past five years as well as review and revision of the Waseca County Zoning Ordinance this year with anticipated completion next year, limited staff for the Water Management program and the Planning and Zoning Office (which has included unanticipated projects and major permits such as the new Highway 14, US Bio ethanol plant, various conditional use permits, appeals, subdivisions and plats, changes in staff, and new feedlot construction) have slowed the current revision process. The Southern Water Planning Committee (Committee) met with representatives of Waseca County to discuss the Waseca County Priority Concerns Scoping Document and review comments that were received. The matter of the Board's approving the Priority Concerns Scoping Document is also on today's meeting agenda. Waseca County will continue its effort toward completion of the Comprehensive Local Water Plan revision and will not order or commence any projects using authorities under 103B.311 Subdivision 4 (a) (5) until completion of the Comprehensive Local Water Management Plan Revision. See attachment. *DECISION ITEM*

8. **Waseca County Priority Concerns Scoping Document** - Waseca County, as part of updating their Comprehensive Local Water Management Plan, submitted the Priority Concerns Scoping Document for state review and comment. The Southern Water Planning Committee, chaired by Brian Kletscher, met December 6, 2007, after the state agency review period ended. The Committee's recommendation for the content of the final plan is drafted for the full Board review and action. The state's

expectations for the final plan must be sent to Waseca County. See attachment. *DECISION ITEM*

9. **Watonwan County Request for Extension of the Watonwan County Comprehensive Water Management Plan** - Watonwan County has requested a one-year extension of the Watonwan County Comprehensive Water Management Plan. The request to extend the plan to December 31, 2008 is acceptable due to the fact that the Watonwan County Water Plan Coordinator has underestimated the scope and range of effort and the level of experience and expertise required to complete the Plan and has realized late in the process that it would take more time and organization to complete the effort than has been allotted. Watonwan County will continue its effort toward completion of the Comprehensive Local Water Plan revision and will not order or commence any projects using authorities under 103B.311 Subdivision 4 (a) (5) until completion of the Comprehensive Local Water Management Plan Revision. See attachment. *DECISION ITEM*

10. **Kandiyohi County, McLeod County, Meeker County, and Renville County Local Water Management Plan Amendments -** By four separate Board Orders, the Board of Water and Soil Resources (Board) approved each of the county water plans on December 4, 2002. All four plans cover the ten-year period of 2003 – 2012 and contained a 2003 – 2007 five-year Focus Plan for implementation. Each specific Board Order stipulated that the county was required to revise/update the Focus Plan by December 31, 2007. Following the guidelines established by the Board, each county has completed the local water management plan amendment process and submitted their specific 2008 Addendum (2008 – 2012 Focus Plan). The Southern Water Planning Committee, chaired by Brian Kletscher, met on December 6, 2007 to review each county's 2008 Addendum. The Committee will provide its recommendation to the Board on December 19, 2007. See attachments. *DECISION ITEM*

OLD BUSINESS

1. **SE Flood: State Cost-Share/RIM Grants Status Report** – See attachment. *INFORMATION ITEM*

NEW BUSINESS

1. **Adoption of 2008 BWSR Board Meeting Schedule** – See attachment – *DECISION ITEM*

2. **Board Member Per Diem and Expenses Policy** – See attachment – *DECISION ITEM*

3. **Feedlot Financial Needs Report** – The 2007 Legislature directed BWSR to report to the Senate and House Environmental Divisions by January 1, 2008 on the

financial needs to bring all feedlots in the state under 300 animal units into compliance with the Feedlot Rules by October 1, 2010, and comply with requirements of M.S. Section 116.07, Subd. 7, Para. (p), which limits how much MPCA can require a producer to spend to comply with the Feedlot Rules unless 75% cost-share is available. Staff has been working with MDA, MPCA and NRCS to update the Feedlot Financial Needs Assessment Report previously published by MDA in 2001 and 2002, as a basis for the current report. Al Kean will provide a summary of the findings and related information to be provided in the report. *INFORMATION ITEM*

4. **'08 Red River Basin Commission (RRBC) Administrative Grant** – The '07 Legislature has appropriated $100,000 to BWSR for RRBC administration. The Grants Program and Policy Committee has reviewed the Commission's 2008 Workplan and Budget and recommends Board approval of this $100,000 allocation. See attachment. *DECISION ITEM*

5. **Cooperative Weed Management Area Grant Program** – In 2007, the Legislature approved $600,000 to the Board of Water and Soil Resources to establish the Cooperative Weed Management Area Grant Program. The Grants Program and Policy Committee is recommending approval of this program and requesting Board authorization of this program. See attachment. *DECISION ITEM*

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. The meeting will adjourn about 1:30 p.m.; lunch will be provided. I look forward to seeing you on December 19th!

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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
ST. PAUL, MINNESOTA 55155
WEDNESDAY, DECEMBER 19, 2007

PRELIMINARY AGENDA

9:00 AM **CALL MEETING TO ORDER**

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF OCTOBER 24, 2007

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

INTRODUCTION OF NEW EMPLOYEES

- Leon Zeug
- Ken Powell

REPORTS

- Chair – Randy Kramer
- Executive Director – John Jaschke
- Dispute Resolution Committee – Randy Kramer
- Wetlands Committee – LuAnn Tolliver
- Grants Program & Policy Committee – Louise Smallidge
- Public Relations, Outreach & Strategic Planning Committee – Brian Napstad
- Administrative Advisory Committee – Randy Kramer

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Rice Creek Watershed District Comprehensive Wetland Protection Management Plan – *DECISION ITEM*

2. Vadnais Lake Area Watershed Management Organization, Watershed Management Plan – *DECISION ITEM*

Northern Water Planning Committee

1. Lake of the Woods County Priority Concerns Scoping Document – *DECISION ITEM*

2. Lake of the Woods County Request for Comprehensive Local Water Plan (CLWP) Extension – *DECISION ITEM*

3. Mahnomen County Priority Concerns Scoping Document – *DECISION ITEM*

Southern Water Planning Committee

1. Blue Earth County Request for Extension of the Blue Earth County Comprehensive Water Management Plan – *DECISION ITEM*

2. Houston County Local Water Management Plan Update – *DECISION ITEM*

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

4. Lyon County Priority Concerns Scoping Document – *DECISION ITEM*

5. Nobles County Priority Concerns Scoping Document - *DECISION ITEM*

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

7. Waseca County Request for Extension of the Waseca County Comprehensive Water Management Plan – *DECISION ITEM*

8. Waseca County Priority Concerns Scoping Document – *DECISION ITEM*

9. Watonwan County Request for Extension of the Watonwan County Comprehensive Water Management Plan – *DECISION ITEM*

10. Kandiyohi County Local Water Management Plan Amendment – *DECISION ITEM*

11. McLeod County Local Water Management Plan Amendment – *DECISION ITEM*

12. Meeker County Local Water Management Plan Amendment – *DECISION ITEM*

13. Renville County Local Water Management Plan Amendment – *DECISION ITEM*

OLD BUSINESS

1. SE Flood: State Cost-Share/RIM Grants Status Report – Wayne Zellmer – *INFORMATION ITEM*

NEW BUSINESS

1. Adoption of 2008 BWSR Board Meeting Schedule – John Jaschke – *DECISION ITEM*

2. Board Member Per Diem and Expenses Policy – John Jaschke – *DECISION ITEM*

3. Feedlot Financial Needs Report Overview – Al Kean – *INFORMATION ITEM*

4. '08 Red River Basin Commission (RRBC) Administrative Grant – Wayne Zellmer and Lance Yohe, RRBC Executive Director - *DECISION ITEM*

5. Cooperative Weed Management Area Grant Program – Dan Shaw – DECISION ITEM

AGENCY REPORTS

- Minnesota Extension Service – Jim Anderson
- Minnesota Department of Natural Resources – Larry Kramka
- Minnesota Pollution Control Agency – Paul Eger
- Minnesota Department of Agriculture – Joe Martin
- Minnesota Department of Health – Dan Wilson

ADVISORY COMMENTS

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

UPCOMING MEETINGS

- RIM CE Meeting, January 10, 2008

1:30 p.m. **ADJOURN**

Dispute Resolution Report
December 6, 2007
by: Jim Haertel

There are presently 26 appeals pending. All of the appeals involve WCA except File 05-24. There have been 11 new appeals filed since the last report dated October 15, 2007.

Note: Appeal file 07-24 involving Gaetz Brothers Realty in St. Cloud, which was previously denied by BWSR, had been appealed to the Minnesota Court of Appeals. Gaetz Brothers Realty has withdrawn their appeal and the Court of Appeals has dismissed the case.

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

File 07-35. This is a new appeal of a restoration order in Koochiching County. The appeal involves the filling of 1.99 acres of Type 7 wetland for a building site and parking lot, and wetland impacts associated with 3 acres of land clearing and top soil removal of a forested Type 7 wetland. No decision has been made on the appeal.

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

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

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

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

File 07-30. This is a new appeal of a restoration order in Koochiching County. The appeal regards the filling of wetland for a building and wetland impacts associated with a 1.3 acre timber harvest. The appeal has been denied because it was filed after the 30-day deadline to file an appeal had passed.

File 07-29. This is a new appeal of a restoration order in Crow Wing County. The appeal involves the filling of wetland along a driveway. No decision has been made on the appeal.

File 07-28. This is a new appeal of a restoration order in Mille Lacs County. The appeal regards the filling of wetland.

File 07-27. This is a new appeal of a restoration and replacement order in Benton County. The appeal involves the excavation of an island that was in wetland and the filling of wetland along the wetland edge. No decision has been made on the appeal.

File 07-26. This is a new appeal of a restoration order in Clearwater County. The appeal regards the filling of wetland in association with the construction of an access road to a landlocked parcel. The appeal has been dismissed due to nonpayment of the required filing fee.

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

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

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

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

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

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

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

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

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

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

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

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

hearing before the DRC, the board remanded the matter for a new wetland delineation and for submission on an updated, complete replacement plan application.

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

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

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

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Rice Creek Watershed District Comprehensive Wetland Protection Management Plan – *DECISION ITEM*

2. Vadnais Lake Area Watershed Management Organization, Watershed Management Plan – *DECISION ITEM*

Rice Creek Watershed District Resource Management Plan for the Judicial Ditch 4 and County Ditch 15 Drainage Areas in Washington and Anoka Counties

Project Abstract

This document serves as the repair report for two public ditches, JD4 and ACD15, and the JD4 Resource Management Plan (RMP). Rule-based implementation of wetland permitting requirements is coupled to watershed runoff standards and preservation of wetland corridors. These two components are critical to preserving landscape processes affecting wetland hydrologic and habitat functioning that would otherwise not be addressed in individual project permits. A key feature of preserving these processes is that they have been analyzed in the context of anticipated future urban land use conditions, thereby moving towards avoidance of cumulative impacts. Identifying and preserving these landscape processes is also the underlying basis for maintaining high quality open space, one of the highest quality of life issues for suburban homeowners.

To maximize the flexibility of local communities and landowners to plan and still preserve wetlands, the RCWD will facilitate not only a planning area wetland credit accounting program to replace all unavoidable impacts in the JD4 watershed, but also a stormwater volume bank to address runoff and potential downstream effects on wetland hydrologic functioning. The RMP also provides the service to communities and landowners of early TEP guidance and availability of the significant body of data used to prepare the RMP. Both of these services increase a permit applicant's ability to move through the permit process without undo time and effort on data collection and redesign to meet the rule requirements.

The RMP was developed in accordance with WCA requirements for a local Comprehensive Wetland Protection and Management Plan, including local public meetings and wetland values surveys, mapping and classifying wetlands according to plant community, assessment of functions, and prioritizing wetlands for management. These data led to establishing high priority wetlands to be preserved in wetland preservation zones, mitigation replacement standards with credit-based incentive to replace in locations that enhance overall landscape functioning of both existing and replacement wetlands, and establishment of buffers on all high priority wetlands. Supplemental to the RMP and rule was an economic analysis to compare existing wetland and RMP rules that demonstrated no adverse economic effect on land development as a result of the RMP rule.

The RMP found that emergent marshes in depressional drainageways are the most common wetland type. Numerous locations exist for restoring wetland to drained hydric mineral soil. Coupling watershed volume and wetland management will provide the flexibility of using two separate tracking systems to meeting goals of restoring wetland hydrology and naturally vegetated buffers. A project can use the volume crediting system alone, or both wetland and volume credits, if wetland replacement credit is required. In either case, diversifying wetland type by restoring wet meadows and prairies will be encouraged.

The JD4 RMP was prepared to meet obligations under the Minnesota Wetlands Conservation Act and also to address identified shortcomings in the policy to mitigate for cumulative wetland impacts. Specifically the RMP is able to better meet these shortcomings by the following mechanisms:

- Provide watershed-based mitigation opportunity areas for project proposers
- Identify potential future impacts to wetland quality and establish measures to avoid this cumulative impact
- Vary wetland replacement ratios to create disincentives for impacting high quality and hard-to-replace wetland types
- Create disincentives for impacting the identified wetland preservation zone corridors
- Provide flexibility in site design alternatives proposing impacts to low quality, low functioning wetlands
- Vary wetland replacement credits giving priority to activities adjacent to wetland preservation zones
- Prioritize replacement activities and give credit incentives for re-establishment and restoration over creation

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

In the Matter of the review of the Comprehensive Wetland Management Plan for the **Rice Creek Watershed District, Anoka County Ditch 15 and Anoka-Washington Judicial Ditch 4 watershed,** pursuant to Minnesota Statues Section 103G.2242, Subdivision 1 (c)

ORDER APPROVING COMPREHENSIVE WETLAND MANAGEMENT PLAN

Whereas, the Rice Creek Watershed District submitted a Comprehensive Wetland Protection and Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. Section 103G.2242, Subd. 1 (c), and;

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

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

FINDINGS OF FACT

1. **Authority to Plan.** Minnesota Statutes Section 103G.2242, Subd. 1 (c) and Minnesota Rules Chapter 8420.650 allow the Board to approve a Comprehensive Wetland Protection and Management Plan developed by a local government unit, provided it is implemented through the local government's official controls.

   The purpose of the RMP is to satisfy the RCWD's own petition to repair Anoka County Ditch 15 and Anoka-Washington County Judicial Ditch 4 (JD4), and to provide a resource and conservation-based framework for aquatic resource management as development occurs within the JD4 watershed basin. Water quality, quantity, and flow rates must be addressed in light of forecasted development and associated impervious area. The development of protection and management strategies for wetlands within the JD4 stems from the landscape scale functional assessment completed as part of the Plan. The formation of this plan was instigated by the RCWD obligation to repair and maintain JD4 as the drainage authority for all public ditches within their jurisdiction. The RCWD filed a petition to repair the ditch system under provisions of Chapter 103E (Minnesota Drainage Law), and evaluated three ditch repair alternatives as part of the planning process.

2. **Nature of the Plan Area.** The Anoka County Ditch (ACD) 15 drainage area is a small area east of I-35 that is primarily wetland. ACD 15 is considered a tributary to JD4. The main drainage area, Judicial Ditch (JD) 4 is located along a line in northwestern Washington County within the City of Forest Lake, and in eastern Anoka County within to cities of Columbus and Lino Lakes. The watershed consists of several open channel

ditch branches (all in Anoka county) and tile lines (mainly in Washington County). The geomorphic region is in transition from the Anoka Sand Plain to the west and into a glacial drift to the east.

Approximately 1,463 acres, or about 32% of the total JD4 Area consist of a variety of wetland types. The predominant wetland type in the RMP area is shallow marsh. Wet meadow wetland types are numerous but include some of the highest quality wetlands in the watershed.

RCWD is proposing to balance natural area preservation and land development. This plan eliminates the piecemeal approach to ditch maintenance, natural area preservation, and land development by defining areas that are developable and to be protected.

ACD 15 is a public drainage system, which was constructed in the late 1800's. ACD 15 was repaired to its original profile in 1907; in 1914 the majority of ACD 15 was incorporated into Judicial Ditch 4. JD4 was constructed at a lower profile than ACD 15. The Main Branch was constructed primarily as an open ditch whereas the branches and laterals were constructed as drain tile. With conversion from agricultural to urban uses, the drainage system has become increasingly relied upon for storm water conveyance and less important for agricultural drainage.

Two official alterations to JD 4 since its inception have occurred. In the late 1960's, the Main Branch and Branch 4 were re-graded and realigned for Interstates 35E and 35W. Many "unofficial" changes have been made to JD 4 since it was originally constructed. Limited maintenance has been preformed.

3. **Local Review.** The Plan amendment was developed, reviewed, and revised in consultation with the state agencies, technical evaluation panel, landowners, and local governments. The plan development process included numerous drafts and opportunities for comment. The Plan has an attached Rule that will be officially adopted by the District to implement the Plan.

4. **Anoka Conservation District and Washington Conservation District Review.** The ACD and WCD participated throughout the planning process as a member of the Technical Evaluation Panel. Their participation resulted in several changes during development of the Plan. ACD and WCD did not provide comments during the formal review and approval period.

5. **Department of Agriculture Review.** The MDA did not provide comments on the Plan.

6. **Department of Health Review.** The MDH did not provide comments on the Plan.

7. **Department of Natural Resources Review.** The DNR was participated in the planning process and provided comments during the plan development process. The DNR did not provide comments during the formal review and approval period.

8. **Pollution Control Agency Review.** The MPCA has been an active participant throughout the development. Their comments were provided during development of the RMP and addressed at that time.

9. **Metropolitan Council.** The Council participated and provided comments during the plan development process. During the formal review period, the Council found the Plan to be generally consistent with the Council's Water Resources Management Policy Plan.

10. **US Army Corps of Engineers Review.** The Corps has been an active participant in plan development and review. The Corps provided comments to RCWD via letters dated September 25, 2007. The September 25, letter consisted of 3 pages of comments on the second preliminary review period.

    In September 25 comment letter, the Corps indicated they support RCWD's efforts to manage wetlands on a watershed basis, and found the final draft of the RMP much more compatible with CWA Section 404 guidelines than previous versions. Significant comments included a request by the Corps for several changes to make the RMP more compatible with Clean Water Act Section 404 requirements. Many of these were clarifications, additions, and wording changes. The Corps also recommended utilizing the Environmental Protection Agency's Advanced Identification of wetlands (ADID) process. The ADID process can be used to inform landowners of aquatic resources which may be unsuitable for filling, and is akin to the process used by RCWD to identify high priority wetlands for preservation in the WPZ.

    For the most part, the wetland mitigation ratios listed in Table 5 are consistent with the wetland mitigation guidelines of the COE-BWSR Memorandum of Understanding (MOU) for wetland mitigation that was signed in May, 2007. This MOU allows for a 1:1 wetland mitigation ratio when a proposed project is in a >80% county, and provides mitigation that is in-kind, in-place, and in-advance, as defined in the MOU. In situations where an applicant proposes a project in Anoka County that meets the RMP for a 1:1 wetland mitigation, the Corps would ask, in addition to the RMP requirements for in-kind and in-place mitigation, that the mitigation be constructed in advance.

    The Corps has reviewed RCWD's responses to their September 25 comments and have determined they have been sufficiently addressed.

11. **Board Review.** Board staff have been involved throughout plan development, and provided comments during the preliminary reviews. Board comments have been sufficiently addressed

12. **Highlights of the Amended Plan.** There are several methodologies used within this plan that make it unique. The Board of Water and Soil Resources see this methods as ways to tie land use and urbanization with the environment. Below are several of the methods used in this plan:

    - The plan is inclusive with governments and local landowners needs.

- This approach evaluates landscape functioning under future conditions and assesses the outcome of various watershed practices in shaping the future functioning of the wetlands.
- This plan has assessed the conventional ditch repair criteria and has determined that this approach will not be a benefit to landowners due to the existence of wetlands that would need to be replaced under the Minnesota Wetland Conservation Act. The RMP will serve as ditch repair report that will provide cost efficiencies by eliminating the redundancy of separately managing wetland, water quality, and flood-related features. Resulting in a benefit to the landowner.
- Upland preservation and efforts to connect habitat within this plan improve the functions and values of the land.
- BWSR staff is confident that this plan will meet BWSR standards.

13. **Metro Water Planning Committee Meeting.** The Board's Metro Water Planning Committee met on November 28, 2007 with representatives of the District to review and discuss the Plan. Board staff recommended approval of the Plan upon satisfactorily addressing the issues identified by the Corps. After discussion, the Committee unanimously decided to recommend approval of the Rice Creek Watershed District JD4 Comprehensive Wetland Protection and Management Plan to the full Board.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving an Comprehensive Wetland Protection and Management Plan for the Rice Creek Watershed District pursuant to Minnesota Statutes Sections 103G.2242, Subd. 1 (c).

3. The Rice Creek Watershed District Comprehensive Wetland Protection and Management Plan attached to this Order provides a functional assessment framework for all wetlands within the Anoka County Ditch 15, Anoka County, Minnesota and Anoka-Washington Judicial Ditch 4, watershed, management strategies based on this assessment, and an implementation program.

4. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103G.221 to 103G.2373 and Minnesota Rules Chapter 8420.

ORDER

The Board hereby approves the attached Comprehensive Wetland Protection and Management Plan, dated December 2007, for the Rice Creek Watershed District Anoka County Ditch 15, Anoka County, Minnesota and Anoka-Washington Judicial Ditch 4, Anoka & Washington Counties, Minnesota.

Dated at Saint Paul, Minnesota this 19th day of December 2007.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

EXECUTIVE SUMMARY

The Vadnais Lakes Area Water Management Organization (VLAWMO) Watershed Management Plan describes how the VLAWMO will address water management over the next 10 years. VLAWMO was organized by a Joint Powers Agreement (JPA) (Appendix F) in 1983 in response to the Minnesota Metropolitan Surface Water Act of 1982 (Minnesota Statutes {M.S.} Section 473.875 to 473.883). The first VLAWMO Watershed Management Plan was prepared, approved, and adopted in 1987.

The Metropolitan Surface Water Management Program (M.S. 103B) and Watershed Act requires the VLAWMO to review and update its Water Management Plan (the Plan) every ten years. The second generation plan was prepared and adopted in 1995. That plan expired in 2006. This current Plan represents a third generation plan and will be effective from 2007 to 2016. In addition to complying with the aforementioned laws, this Plan meets the requirement of Minnesota Rules 8410, 8420, and 8750. The Plan includes management standards and procedures for addressing surface water, wetland, and groundwater issues.

Plan Organization

This Plan document is about the Vadnais Lakes Area Watershed and its management, and therefore, much of the information presented is technical. Background information regarding scientific terms and processes is provided where practical. An acronym list is also provided. Readers are encouraged to consult area professionals or professional references for more information.

The Plan is divided into the following sections:

Executive Summary: Provides an overview of the plan.

Section 1.0 – Introduction: Summarizes State statutes, plan requirements, and the organization and history of VLAWMO.

Section 2.0 – Land and Water Resource Inventory: Presents current and historic background and inventory information regarding the physical, hydrological, biological, and human environment of the watershed.

Section 3.0 – Issues Identification/Assessment of Problems: Provides an overview of the issues identified during the planning process, identifies priorities, and assesses the adequacy of existing controls and identifies potential management gaps.

Section 4.0 – Goals, Policies, and Management Strategies: Presents the management framework (goals, policies, and management strategies and standards) adopted by the VLAWMO Board (Board) to address the priority issues and management gaps.

Section 5.0 – Administration: Presents the administrative functions of the VLAWMO and Local Water Planning authorities with respect to regulation, financing, and administering implementation of the program described in Section 6.0.

Section 6.0 – Implementation Program: Describes the implementation elements of the Plan and its impact on residents and local governments. This section provides an implementation program table and preliminary annual budgets and provides a table of measurable outcomes for each program year.

Watershed Issues

Watershed issues are problems or concerns that have been identified by both the Board and citizens from member communities and need attention and implementation of corrective measures. Partnership meetings were held in North Oaks, White Bear Lake, and Vadnais Heights. In addition, White Bear Township, Gem Lake, and Lino Lakes were contacted to solicit input. Eleven issues were identified in Section 3.0.

- Potable Water Supply from Groundwater
- Groundwater Quality: Threatened and Impaired
- Potable Water Supply from Surface Water
- Development Occurred Before Implementations
- Additional Development is Expected
- Data Needs/Limitations
- Public Awareness
- Sensitive Resources
- Lake Water Quality: Threatened or Impaired
- Exotic Species Infestations
- Localized Flooding

These issues are also prioritized in Section 3.0. It is interesting to note that both the Board's and the public's priorities of the identified issues were similar. Issues dealing with water quality and habitat were of the greatest concern and flooding, while an important issue, was ranked as one of their least concerns.

Watershed Management Framework

Section 4.0 presents the management framework for the Plan in terms of goals, policies, and management strategies and standards. Development of this framework took into consideration the issues and problems identified, their priority, and the adequacy of existing controls and management efforts. Fundamental principles in developing the framework include:

- VLAWMO is not the only organization with responsibilities for water management in the watershed. This is a shared responsibility between State, local governments and the public.
- Available VLAWMO resources should focus on priorities. Several efforts done well are better than numerous efforts done poorly or incompletely.
- That VLAWMO efforts should build on, improve, or enable existing controls/efforts before starting duplicate efforts.
- Management efforts will possibly vary by subwatershed.

To address management at a subwatershed scale, VLAWMO has divided the watershed into seven separate subwatersheds and identified goals for each issue/problem by subwatershed. The subwatersheds are as follows:

- Subwatershed 1 - Lambert Creek
- Subwatershed 2 - Birch Lake
- Subwatershed 3 - Tamarack/Wilkinson
- Subwatershed 4 - Pleasant/Charley/Deep
- Subwatershed 5 – East Vadnais/Sucker (reservoir)
- Subwatershed 6 - Gem Lake
- Subwatershed 7 – West Vadnais Lake

The following goals have been established by VLAWMO (the order does not reflect rank within the watershed):

1. Prevent flooding
2. Protect and improve surface water quality

3. Protect groundwater quality and quantity
4. Protect wetland resources
5. Protect and improve waters for wildlife habitats and recreation
6. Enhance public participation and stewardship
7. Optimize public resources
8. Analyze and use alternative funding sources
9. Make and enable informed decisions
10. Improve communications

Plan Implementation

Four different implementation elements and associated sub-elements are identified in Section 6.0. These include:

Administrative/Managerial Efforts: This includes staffing, day-to-day operations, and funding for audits, reporting, training, and contingency.

Local Water Plan Development and Implementation: This includes working with local communities to complete Local Water Plans (LWP). This will be a significant effort the first two years of the Plan implementation. Other then the Wetland Conservation Act (WCA), LWPs are viewed as the primary mechanism for implementing policies and strategies that incorporate standards and regulations. These standards/regulations include:

- Floodplain and shoreland ordinances
- Rate control standards
- Landlocked basin standards
- Storm water standards
- Standards to control soil loss on small construction sites in shoreland areas
- Wetland protection standards

Some of these standards, such as the floodplain and shoreland ordinance requirements, are already met by member communities. Others are met, to some degree, by local community requirements. Wherever possible, VLAWMO tried to build-on existing standards from State or Federal requirements to minimize duplication.

In addition to standards, other specific expectations for inclusions in LWPs by various communities are described in Section 6.0.

Studies and Programs: Implementation elements include seven different sub-elements as follows:

- Lower Lambert Creek Flood Reduction Study
- County Road E and Highway 61 Storm Water Study
- Development of Sustainable Lake Management Plans (SLMP)
- Financial incentives and cost-sharing
- Public information and education
- Data analysis and monitoring
- WCA and appropriations permitting

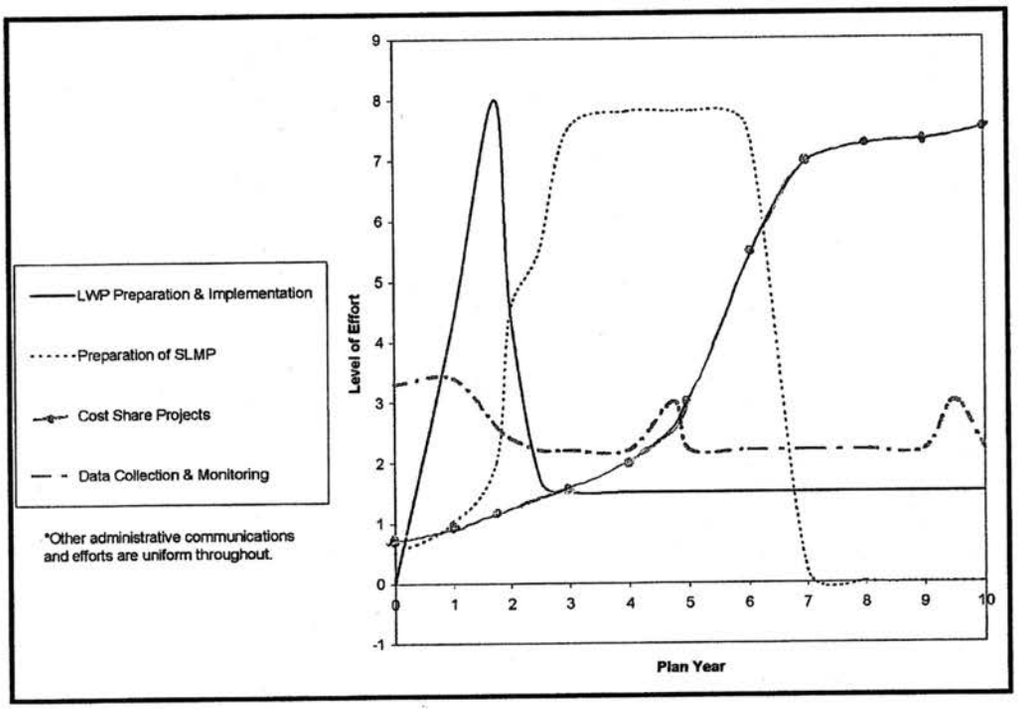
Capital Improvements Projects: The Plan includes projects listed below. Additional projects can be added with biannual reviews and minor amendments.

- Lambert Creek Stream Restoration and Stabilization
- Lambert Creek Flume Replacement
- Goose Lake Sediment Treatment and Rough Fish Removal.
- Aluminum/Ferric Chemical Feed to Grass Weir
- Lambert Creek Total Maximum Daily Load (TMDL) Project
- Tamarack Lake Restoration
- Branch 4 – North Storm Water Quality Pond
- Branch 4 – Northeast Quadrant of Vadnais Heights City Center Storm Water Quality Pond

Many implementation efforts, such as administration and WCA permitting, are on-going. Other elements are scheduled more specifically over the course of the 10-year program. The intent is to try to balance efforts over those 10 years.

As shown in Graph ES 1, the primary implementation elements shift from a focus on completion of LWPs, to the completion of SLMPs, during middle years, to habitat and other water quality improvements through financial incentives and cost-sharing in later years.

GRAPH ES 1
VLAWMO IMPLEMENTATION EFFORTS



Measurable Outcomes

The primary outcome measurements for judging effectiveness of this Plan are the numerical water quality standards established for some lakes and the non-degradation standard established for all lakes through modeling effort. Other products/outcomes are identified and tabled by year in Section 6.0, such as the completion of LWPs or a number of SLMPs. These outcomes will be tracked on an annual basis, used to develop annual workplans, and listed in annual reports as a means of tracking implementation of the Plan.

1.0 INTRODUCTION

Vadnais Lake Area Water Management Organization (VLAWMO) was organized by a Joint Powers Agreement (JPA) in 1983 in response to the Minnesota Metropolitan Surface Water Act of 1982 (Minnesota Statutes {M.S.}, Section 473.875 to 473.883). This act required that watershed management organizations be established throughout the seven county metropolitan area to, among other goals, reduce flooding, improve water quality, prevent erosion, promote ground water recharge, and to provide for wildlife habitat. VLAWMO's JPA provides VLAWMO with the authority and the duty to prepare and implement a watershed management plan for the Vadnais Lakes Area Watershed (watershed). The first VLAWMO Watershed Management Plan was prepared, approved, and adopted in 1987.

The Metropolitan Surface Water Management Program (M.S. 103B) requires the VLAWMO to review and update its Water Management Plan (the Plan) every ten years. The second generation VLAWMO plan was prepared and adopted in 1995. That plan expired in 2006. The current Plan will be effective starting in 2007 and shall be updated by the year 2017. In addition to complying with the above laws, this Plan meets the requirements of Minnesota Rules 8410, 8420, and 8750. The Plan includes management standards and procedures for surface water, wetland, and groundwater issues.

The Plan also includes an inventory of existing physical and hydrological conditions and anticipated land use through the year 2030. This inventory, together with the general purposes of the Metropolitan Surface Water Management Act and input from the public, State and local agencies, were used to determine water resources goals, water resources policies, management strategies, and development of the implementation programs and priorities.

The current State rules require the Plan to include the following:

1. Protect, preserve, and use natural surface and groundwater storage and retention system;
2. Minimize public capital expenditures needed to correct flooding and water quality problems;
3. Identify and plan for means to effectively protect and improve surface water and groundwater quality;
4. Establish more uniform local policies and official controls for surface and groundwater management;
5. Prevent erosion of soil into surface water systems;

6. Promote groundwater recharge;
7. Protect and enhance fish and wildlife habitat and water recreational facilities; and
8. Secure the other benefits associated with the proper management of surface water and groundwater.

As regulations change, VLAWMO will amend the existing sections or add new sections to the Plan. These changes will be made following the amendment procedures outlined in this Plan.

There are 11 separate governmental units within VLAWMO: five cities, one township, one water commission, two counties and two special purpose districts. The City of Shoreview also occupies a small portion of the watershed. These governmental units are listed in Table 1-1 and Figure 1-2. VLAWMO comprises approximately 23.5 square miles of area and generally follows the natural watershed boundaries. It extends over portions of Ramsey and Anoka counties, with greater surface area located in Ramsey County. The watershed is bounded on the north, west, and east by the Rice Creek Watershed District, on the southwest by the Grass Lake Watershed Management Organization and on the southeast by Ramsey-Washington Metro Watershed District (Figure 1-1).

TABLE 1-1
GOVERNMENTAL UNITS IN VLAWMO

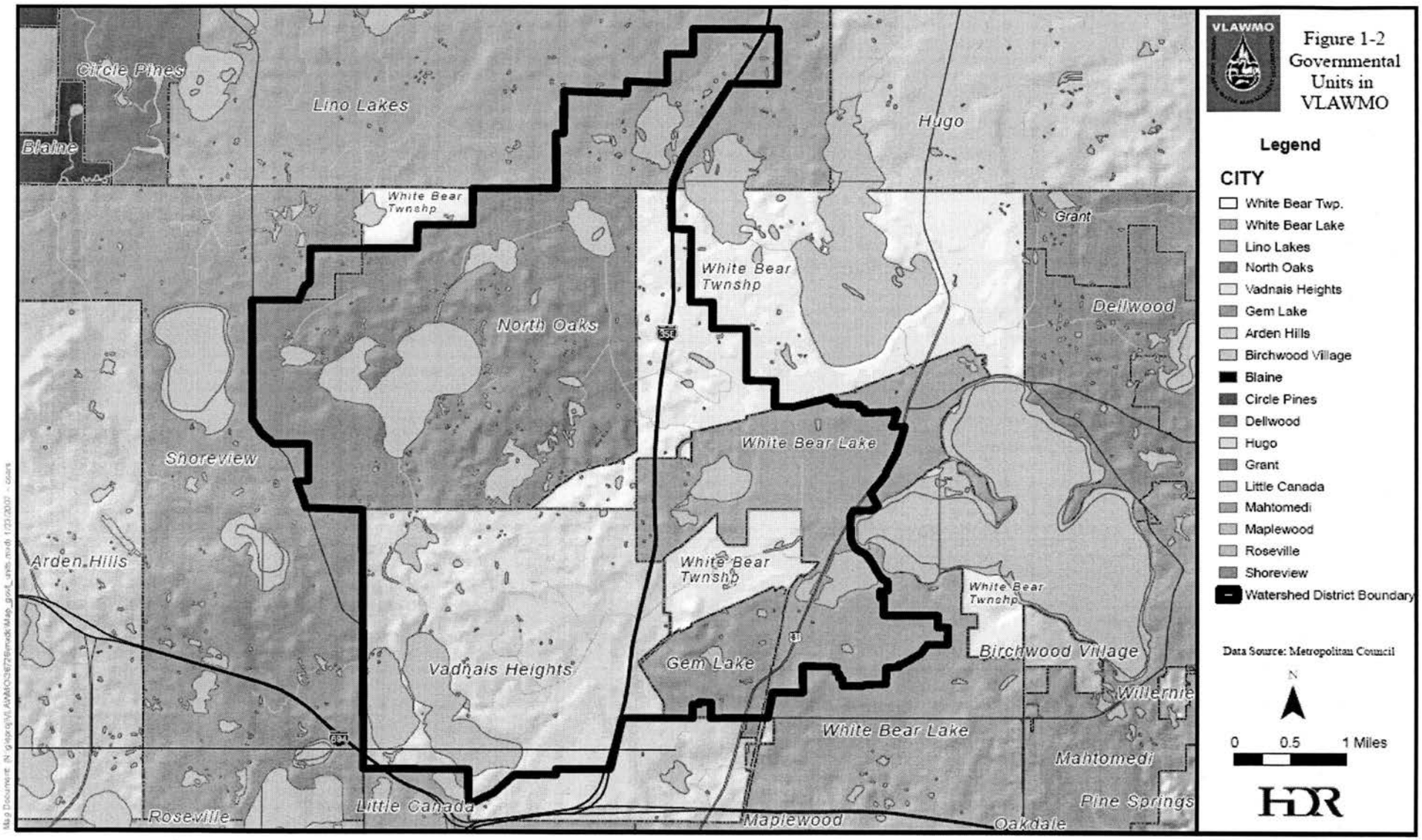
Counties	Cities/Townships
Anoka County	Lino Lakes
	*Anoka County Soil and Water Conservation District
Ramsey County	Gem Lake
	North Oaks
	Vadnais Heights
	White Bear Lake
	Board of Water Commissioners of the City of St. Paul
	White Bear Township
	*Ramsey County Soil and Water Conservation District
*Special Purpose Districts	

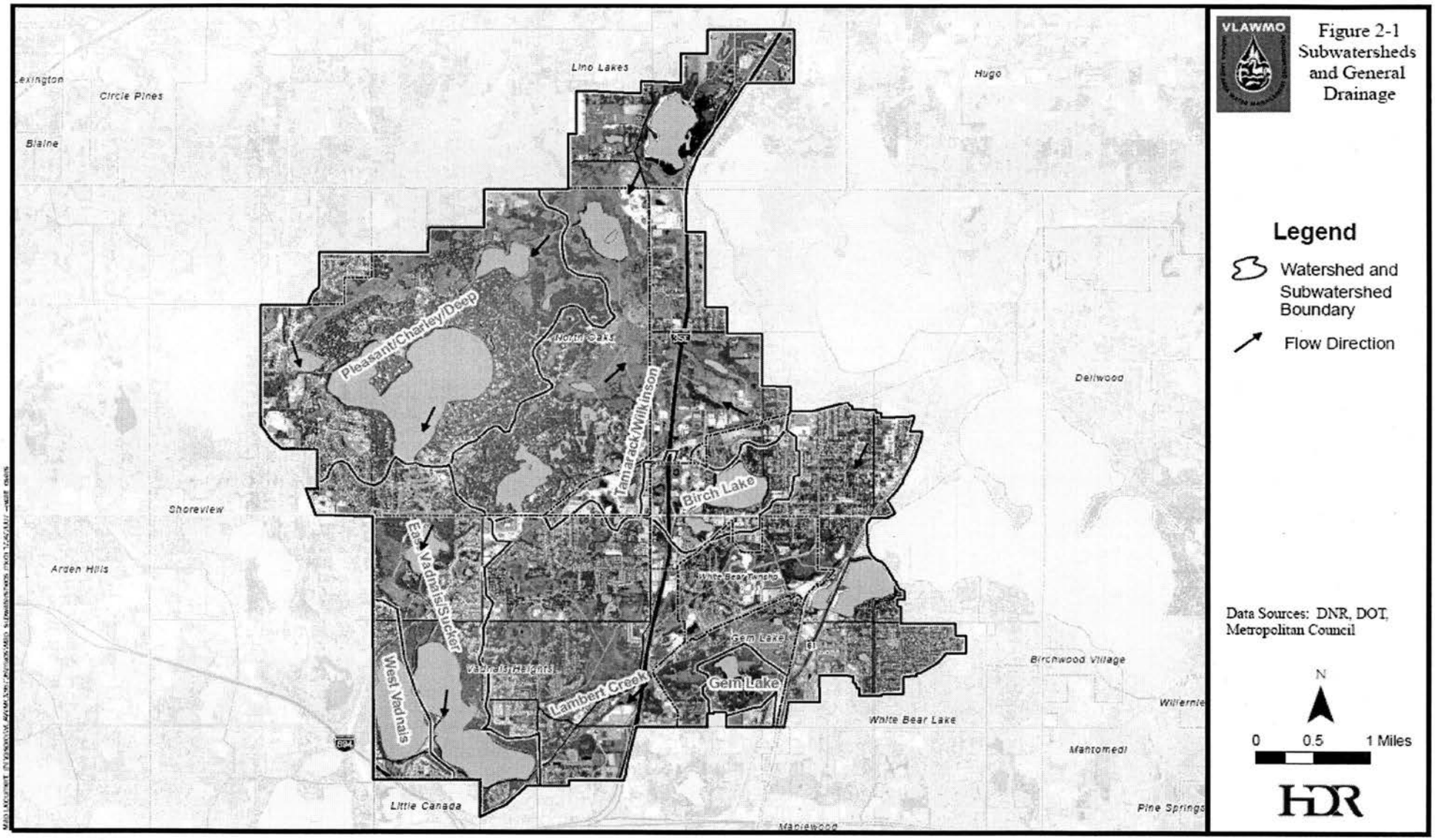
Parties to the JPA include the cities of Lino Lakes, Gem Lake, North Oaks, Vadnais Heights, White Bear Lake, and White Bear Township.

Minnesota Board of Water and Soil Resources
November 2007 Metro Water Planning Committee Meeting

MAPS AND FISCAL INFORMATION

Vadnais Lake Area Watershed Management Organization (VLAWMO) Comprehensive Watershed Management Plan Update 2007-2016 (Plan)




VLAWMO
Figure 2-1
Subwatersheds and General Drainage
Legend
Watershed and Subwatershed Boundary
Flow Direction
Data Sources: DNR, DOT, Metropolitan Council
N
0
0.5
1 Miles
HDR
Lino Lakes
Hugo
Lexington
Circle Pines
Blaine
Dellwood
Shoreview
Arden Hills
Birchwood Village
White Bear Lake
Mahtomedi
Little Canada
Maplewood
Pine Springs
Pleasant/Charley/Deep
Tamarack/Wilkinson
Birch Lake
East Vadnais/Sucker
West Vadnais
Lambert Creek
Gem Lake

Nature of the Watershed. The VLAWMO spans approximately 23.5 square miles in central and northern Ramsey County, including a few square miles stretching into Anoka County. Approximately 11 percent of the WMO remains undeveloped.

Local government units within VLAWMO include Gem Lake, North Oaks, Vadnais Heights, White Bear Lake, and White Bear Township in Ramsey County. In Anoka County, the governmental unit includes a portion of Lino Lakes. Diversion pipes bring water from the Mississippi River to three connected lakes within VLAWMO prior to being conveyed to the St. Paul water filtration plant – Charley Lake, Pleasant Lake, Sucker Lake, and the final impoundment East Vadnais Lake. BWCSP services drinking water needs for over 400,000 people in St. Paul and 13 surrounding communities by withdrawing water from East Vadnais Lake. The diversions average 70% of the BWCSP water supply. The BWCSP manages water levels and flow from Charley, Deep, and Wilkinson Lakes, which are feeder lakes to the three impoundments. They also handle a system of water quality monitoring stations within VLAWMO. Under normal hydrologic conditions, no water discharges from this watershed. However, recently an outlet has been installed on West Vadnais Lake, a previously self-contained basin with a very small subwatershed area. Two Ramsey Regional Parks exist within VLAWMO, the Grass-Vadnais Regional Park and Tamarack Nature Preserve. There are 13 lakes and several miles of interconnecting streams/ditches in the watershed. For management purposes, VLAWMO has divided the watershed into 6 subwatershed units.

VLAWMO is bound by the Rice Creek WD to the north, west, and east, on the southwest by Grass Lake WMO, and on the southeast by Ramsey Washington Metro WD.

Fiscal context and implementation. The table below reveals an increasing trend with regards to annual expenditures of VLAWMO. Recent fiscal data reveals VLAWMO ranks in the middle to upper bracket of WMOs in the metro region for annual expenditures, however, the bulk of the capital expenditures originated from grant funds. VLAWMO's proposed annual CIP budget for the Plan is modest, ranging $62, 531 - $166,305 primarily utilizing grants and to a lesser degree 103B.251 and stormwater utility fees as the secondary funding mechanisms. It is realistic to expect that the CIP budget will increase substantially as the Sustainable Lake Management Plans and other modeling efforts are completed. VLAWMO will review and update biennially the overall CIP.

The table below reveals financial information for all metro WMOs and WDs. A map of the metro WMOs can be found at http://www.bwsr.state.mn.us/watermgmt/metro_imap-2005.htm

TYPE	AREA (sq mi)	NAME	2003	2004	2005	2006
WD	28	Brown's Creek	403,906	$320,385	$503,935	$653,307
WD	41	Capitol Region	577,504	$1,327,715	$924,848	$2,032,091
WD	43	Carnelian-Marine	491,103	$420,888		
WD	55	Comfort Lake Forest Lake	206,157	$287,058	$243,511	$199,512
WD	96	Coon Creek	529,215	$640,591	$498,240	
WD	64	Lower Minnesota River	204,346	$318,216	$456,166	$689,843
WD	184	Minnehaha Creek	3,343,963	$2,436,635	$3,212,548	$4,699,764
WD	50	Nine Mile Creek	1,015,845	$1,484,029	$2,413,557	$2,494,951
WD	42	Prior Lake-Spring Lake	732,799	$655,410	$756,044	
WD	53	Ramsey-Washington Metro	3,370,862	$2,350,399	$5,667,027	$3,828,209
WD	201	Rice Creek	2,589,521	$3,041,834	$2,810,074	$3,180,317
WD	47	Riley-Purgatory-Bluff Creek	2,366,737	$2,245,286	$1,819,722	$1,535,258
WD	54	South Washington	$5,771,911	$1,921,135	$1,252,877	$1,352,974
WD	64	Valley Branch	730,992	$772,065	$651,154	$643,980
WMO	40	Bassett Creek	318,823	$1,176,382	$317,647	$857,001
WMO	26	Black Dog	159,941	$114,637	$82,685	$100,147
WMO	280	Carver County	104,573	$138,255		
WMO	127	Elm Creek	121,562	$140,500	$277,425	$268,626
WMO	9	Grass Lake	18,594	$5,969	$9,619	
WMO	33	Gun Club Lake	18,451	$32,237	$22,958	$43,564
WMO	56	Lower Mississippi River	57,383	$85,842	$56,709	$48,657
WMO	56	Lower Rum River		$50,353	$48,222	$17,762
WMO	46	Lower St. Croix			$52,472	$98,682
WMO	37	Marine on St. Croix	$43,059	$32,177	$32,460	
WMO	30	Mississippi River	487,438	$722,226	$1,284,437	
WMO	19	Middle St. Croix River	32,918	$42,659	$61,124	
WMO	150	North Cannon River	11,628	$2,500	$23,307	$12,650
WMO	72	Pioneer-Sarah Creek	75,501	$60,472	$58,104	$100,100
WMO	8	Richfield-Bloomington	0	$0	$0	$15,510
WMO	323	Scott County	$194,985	$440,661	$475,208	
WMO	44	Shingle Creek	$374,809	$349,990	$305,402	$389,249
WMO	21	Six Cities	$6,317		$13,764	
WMO	71	Sunrise River	$19,327	$9,960	$10,863	$22,039
WMO	127	Upper Rum River	$4,020	$4,270	$20,482	
WMO	**24**	**Vadnais Lake Area**	**78,431**	**$625,126**	**$302,081**	**$195,930**
WMO	335	Vermillion River	154,447	$301,838		
WMO	24	West Mississippi	149,051	$115,215	$103,729	$110,011

Goals Evaluation and Report Card – 2007

The Vadnais Lake Area Water Management Organization (VLAWMO) produced a preliminary report card in 2004 which looked at set goals and how well they were met. This exercise was redone in 2007. Those having input into the process included the VLAWMO Technical Commission, Board of Directors, staff, personnel from other agencies, and the member municipalities, city councils and town board, the St. Paul Regional Water Service, as well as residents from the watershed area.

Many goal elements have improved to date. These include:

- Monitoring and modeling within the watershed.
- Source Water Protection
- Local partners & stewardship:
    - Sustainable Lake Management Plans (SLMP)
    - Cost-share program
- Groundwater protection
- Flood protection
- Wetland protection
    - WCA administration
    - Wetland management plan elements incorporated
- Lower Lambert restoration
- Regional ditch management
- Website updates
- Newspaper public information
- Public education
- Restructuring the governance and funding process for the watershed

All of the above areas will to have time and energy put into their development. However, most of the restructuring work is complete and the efforts are being redirected tote following items:

- Working with municipalities on local water plans that will address all statutory requirements. New focus elements:
    - Stormwater standards update
    - Erosion control
    - TMDL requirements
    - SLMP goals
    - Education partnership opportunities
- Citizen's Advisory Committee will meet to determine its objectives and implementation plan.
- Pilot school program is planned through partnership and outside assistance.

It is anticipated that elements of the report card will be incorporated in future Annual Reports. See the attached report card for additional information.

2007 Report Card- October 2007; Yellow – improvement; Blue – needs improvement

	2	3		5	6	7	
Water Quality / Quantity		**Grade**	**V – VLAWMO staff / vol. X - Delegation P - Partners/ Notes C- Consulting assistance**	**Water Plan page reference**	**Cost est. OR % of budget**	**2007 Budget ($234,000)- $ based on % from 6**	**Hurdles and Opportunities**
	Erosion control	C	V X mixed -Comments to cities; permit if needed	4.2;	2	$	New standards will be enforced in LWP. VLAWMO will: work w/cities on LWP updates & will develop a permit program if this standards are not met
	Stormwater reviews	C	V X mixed -Comments to cities; permit if needed	4.2, 4.3, 4.4	5	$	New standards will be enforced in LWP. VLAWMO will: work w/cities on LWP updates & will develop a permit program if this standards are not met
	Data depository Citizen's Lake Monitoring; Watershed model	B-	Gathering SPRWS data, CLMP data; lake level data, SLMP data; Needs: V, staff, volunteers	4.2 Quality; 4.6 public participation; 4.9 inform dec	7	$8500 1500 % $30k	VLAWMO will share the just completed watershed model with its communities & use it to guide future monitoring, SLMPs, and TMDL studies. Also: enter data in STORET; metrics are being fine tuned, web available
	Source Water Protection	C+	V & X Have done public education program; input into SPRWS planning & implementation; will review in LWP;X to SPRWS / cities	3.2.2 & 3.2.3	1	$	VLAWMO will comment on wellhead protection plans & enforce stricter standards
	Sustainable Lake Management Plans & cost share program	B-	V, P C Birch Lake SLMP – 1st with Birch Lake Improvement District; policies for new cost share program	4.2, 4.4, 4.5, 4.6		$7,500 – SLMP $5K cost-share $15,000 SLMP implementation;	VLAWMO has committed to producing SLMPs for all major water basins in the watershed. SLMP implementation funding has been incorporated. SLMPs will be

						$50K pre-TMDL on Goose Lake	coordinated with possible TMDL studies.
	Groundwater	C	V Infiltration standards included	4.3	0.5	$	WPA assistance for inter-municipal issues
	Flood prevention	B-	V, X & C Watershed model X FEMA @ members	4-1	1	% of $30k	New standards will be enforced. Work with LWP to encourage ditch inspection/ maintenance; will work with locals on major repairs. Lower Lambert Creek flood reduction study; Hwy 61 study
Wetlands							
	Administer WCA	B+	V, P 25% staff time	4.4	40	$	Watershed is increasingly developed; high priority areas have been identified and have stricter standards. New state standards will be enforced
	Priority elements of the Wetland Management Plan adopted in Water Plan	B-	V – buffer & hydro period standards incorporated – Plan to be adopted in 2007	4.4	2	$1716	Bounce and buffer standards have been incorporated. SPRWS protected waters increases the standard level
Projects							
	Lambert Lake restoration	A-	Almost complete V, P & C	4.1; 4.2, 4.4, 4.5, 4.6, 4.7; 4.9, 4.10	15	$12,869	Essentially complete. Possible future action: spring planting/weed control along new ditch and wingdam sheet pile on SW corner of pond to reduce short circuiting to overflow channel
	Lower Lambert	B+	V, P & C – implement in 2007	Ditto			The streambank stabilization of high priority areas of Lower Lambert may spark neighbor interest. The Board may want to

							increase cost-share funding in the future
	Ditch management (Co 14 &13 & branches)	B	V, P 3 stabilization projects; 3 flume replacements; Whitaker design	Ditto	0	0	Maintenance budget established; Whittaker pond maintenance scheduled in 2008
Citizen's Advisory Committee	**This area needs work**		**The storm sewer utility and cost share program may net an activated citizenry**				Hurdle: need time & funding to set up & coordinate program; The new VLAWMO Storm water utility billing has introduced the watershed to its residents. Recruitment is on-going
	Mission	D	Individuals have helped	4.6	1		Early meetings will focus mission /action
	Meetings	D	VLAWMO has met with citizen groups; they have come to Board / Comm. mtgs.	4.6	0	0	Meeting planned for January 2008
Public Education							
	Website – info & update	B-	H has been updated but still needs structural overhaul	4.6	0.5	$3000	New website format planned for 2008
	Annual newsletter or article	C	Several articles in local papers on restructuring & specific programs brochure update	4.6	0.5		Annual article for municipal newsletters; Town Life article; topic specific press releases
	Public education forum	B+	V, P, & C Started Water Matters – cable program;2 – 3 per year	4.6	3		Produced first annual "Partnership" education conference
	Coordination with schools / groups	D+	V with C assistance	4.6	0	0	Hurdle: need time & funding to set up & coordinate program; Increased budget in 2008; Preliminary contact w/Ag Charter school on project

Planning & agency coordination				**Page ref**	**%**		
	Update Water Plan & JPA	B / A	V, C, P WMP / JPA complete (V, X on JPA)	6.0	15	$75000	Hope to complete Water Plan approval in 2007
	Local plan review	B-	V & C Comment time allocated in 2008	6.2	0.5		Hurdle: need time & funding to set up & coordinate program; Time allocated and consulting assistance in 2008
	Watershed boundary clarification	C	V, P, C; Orphan and contested areas along boundary	2.0; 4.7.2; 5.4; & JPA Appendix			Hurdle: the areas were not specified by parcel or hydrology V has identified all areas through the utility model. Next step: consensus with neighbor watersheds & BWSR change process
Reporting							
	Goals review & annual report	B+	V Report card and annual report	4.9, 6.1;	1		Will be reviewed by Tech Commission in Jan and at first Board meeting. Report to: communities, website, BWSR & State Auditor
	Year end financial report / audit	A	V & C done	4.6	3	$3900	Done annually

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 **Vadnais Lake Area Watershed Management Organization** pursuant to Minnesota Statues Section 103B.231, Subdivision 9

ORDER APPROVING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Directors of the Vadnais Lake Area Watershed Management Organization (VLAWMO) submitted a Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. Section 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

1. **VLAWMO Establishment.** In 1983, the Vadnais Lake Area Watershed Management Organization (VLAWMO) was established via Joint Powers Agreement (JPA). Authority for management of County Ditch 14 was delegated to VLAWMO in 1986 by Ramsey County. BWSR approved their first generation plan in 1987 and its second generation plan in 1995 under the Metropolitan Surface Water Management Act.

2. **Requirement to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. This Plan dictates an update by December 31, 2016.

3. **Nature of the Watershed.** The VLAWMO spans approximately 23.5 square miles in central and northern Ramsey County, including a few square miles stretching into Anoka County. Approximately 11 percent of the WMO remains undeveloped.

   Local government units within VLAWMO include Gem Lake, North Oaks, Vadnais Heights, White Bear Lake, and White Bear Township in Ramsey County. In Anoka County, the governmental unit includes a portion of Lino Lakes. Diversion pipes bring water from the Mississippi River to a series of connected lakes within VLAWMO prior to being conveyed to the St. Paul water filtration plant – Charley Lake, Pleasant Lake,

Sucker Lake, and the final impoundment East Vadnais Lake. BWCSP services drinking water needs for over 400,000 people in St. Paul and 13 surrounding communities by withdrawing water from East Vadnais Lake. The diversions average 70% of the BWCSP water supply. The BWCSP manages water levels and flow from Charley, Deep, and Wilkinson Lakes, which are feeder lakes to the three impoundments. They also handle a system of water quality monitoring stations within VLAWMO. Under normal hydrologic conditions, no water discharges from this watershed. However, recently an outlet has been installed on West Vadnais Lake, a previously self-contained basin with a very small subwatershed area. Two Ramsey Regional Parks exist within VLAWMO, the Grass-Vadnais Regional Park and Tamarack Nature Preserve. There are 13 lakes and several miles of interconnecting streams/ditches in the watershed. For management purposes, VLAWMO has divided the watershed into 6 subwatershed units.

VLAWMO is bound by the Rice Creek WD to the north, west, and east, on the southwest by Grass Lake WMO, and on the southeast by Ramsey Washington Metro WD.

4. **Plan Development and Review.** Several BWSR and other state agency staff were involved early on in the plan update process. As the previous JPA approached its expiration in December 2004, VLAWMO commenced an intense debate on future governance options. The member communities agreed to two one-year deadline extensions to the JPA as discussions ensued. In March 2005 the VLAWMO Board sent letters to the member communities recommending termination of the JPA and to consider watershed district options. The member communities rejected the recommendation in October 2005, alternatively opting to pursue a JPA revision. Member communities ratified the revised JPA by the deadline of December 31, 2006. However upon review, Board staff, with concurrence from the State Office of Attorney General, informed VLAWMO that the voting structure in the JPA was not compliant with state statute. The JPA was amended and adopted in September 2007. The Board of Water Commissioners of the City of St. Paul (BWCSP -- also known as the St. Paul Regional Water Service), a stakeholder in the watershed and a signatory on the previous JPA, has elected not to be party to the revised JPA.

The previous plan expired on December 31, 2005. Reasons for the delayed Plan submittal are: the governance debate, JPA amendment process to comply with statute, pursuit of stormwater utility fees as primary funding source resulting in a JPA amendment, and numerous state and local agencies' comments resulting in significant changes to the draft Plan. The draft 3rd generation Comprehensive Watershed Management Plan (Plan) was submitted to BWSR, other state agencies, and local governments for the required 60-day review on June 26, 2006. VLAWMO received a considerable number of 60-day review comments from BWSR, DNR, Met Council, MNDOT, MPCA, Ramsey County, Ramsey Conservation District, the City of Vadnais Heights, and the Board of Water Commissioners of St. Paul. VLAWMO held the required public hearing on October 20, 2006, and no comments were received. In response to the comprehensive nature and number of comments, a meeting was held on November 2, 2006, between BWSR, MPCA, and VLAWMO staff to provide additional guidance and review. On January 9, 2007, all review agencies had received the revised draft Plan for the required 45-day review period. The Commissioners received comment

letters from the BWSR, DNR, Met Council, MDH, MPCA, and Ramsey Conservation District. On May 9, 2007, in an attempt to derive consensus from the 45-day comments, BWSR facilitated a meeting between MPCA and VLAWMO staff to clarify components of the wetland management strategies and several other aspects of the Plan. The final draft Plan was submitted to BWSR on November 9, 2007.

5. **Local Review.** The VLAWMO circulated a copy of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7.

Ramsey County provided the following comments and suggestions: a recommended 0.5-inch infiltration standard as opposed to a 1.0-inch standard, completion of headwater lakes modeling efforts in 2007 rather than years later, inclusion of various missing water quality/stormwater/land use inventories, inadequate description of the scope of problems with Lower Lambert Creek Flood Reduction Study, inclusion of additional partners and in-kind funding for a couple of joint capital and maintenance projects, and an accelerated schedule for completion of lake aquatic plant surveys with repeat surveys every 3 years. Additionally the county recommends reconsideration of the basic CIP funding formula. VLAWMO chose to complete lake aquatic plant surveys at the time the Sustainable Lake Management Plans are completed. VLAWMO elected to keep the proposed CIP funding formula after consideration. The remainder of the recommendations were either incorporated in the Plan or were made as a requirement in the local water plans.

Ramsey Conservation District (RCD), in the 60-day comment period, recommended that since VLAWMO has existed for 23 years, that they provide substantially more funding for the following items in order for the Plan to be successful: 1) an accelerated schedule for Sustainable Lake Management Plan development, 2) a more robust capital improvement project list, 3) ditch maintenance, 4) abandoned well sealing program to proactively prevent further groundwater contamination. VLAWMO responded by noting that the operations budget has increased 265% since 2005, the creation of a Facilities Operation fund provides maintenance dollars, alternative funding mechanisms are being pursued, and that all recommended BWCSP projects are incorporated into the Plan. RCD believes that VLAWMO must look beyond the requirements of MR 8410 to develop an implementation and enforcement program to protect the important potable water source (East Vadnais Lake) for St. Paul area residents. VLAWMO insisted that this issue is a high priority citing numerous standards/goals/policies in support, including a strategy for enforcement of local water plans. The enforcement of local water plans includes the development of Memorandums of Understanding with member communities to outline expectations/roles/responsibilities, project and permit spot checks, and the hiring of additional staff. RCD recommended that as WCA LGU, VLAWMO should adopt a wetland rule eliminating all exemptions in order to meet no-net loss and require mitigation within the watershed only. VLAWMO will consider this request in the future. RCD suggested a 0.5-inch infiltration standard along with sponsoring an inventory and funding of retrofit stormwater BMPs. VLAWMO has instituted the infiltration standard. RCD suggested requiring municipal wellhead protection plans be completed within five years. VLAWMO believes that the existing program adequately addresses the concern. The RCD recommended a Plan amendment by year 2011 to specify action items and

budget for each waterbody. VLAWMO stated that amendments would be made when appropriate.

RCD's 45-day comments reiterated the need for better oversight and regulatory capabilities by VLAWMO for construction site erosion control, for abandoned well sealing funds, and for more guaranteed funding and identification of BMPs aside from relying on grants. VLAWMO acknowledged the oversight and well sealing comments, but felt existing programs were adequately addressing the concerns. VLAWMO revised the Table 6-1 to identify the funding responsibility of the member communities should other funding sources fail. RCD mentioned that the results of a feasibility study identified over $89,000 in needed capital projects that are not proposed in the Plan. VLAWMO noted that all high priority elements of the study have been addressed by grant funds in the 2007 CIP. Other identified projects in the study will require funding partnerships as shown in Table 6-1. RCD believes VLAWMO should consider a new governance structure particularly if the current structure is not successful.

Anoka County recommended surficial groundwater and confined aquifer information and maps be added to the Plan, which VLAWMO incorporated.

Board of Water Commissioners of St. Paul provided a list of recommended structural and maintenance projects that they wished to partner with VLAWMO, all of which were incorporated in the Plan.

City of Vadnais Heights expressed concern for the perceived lack of concern by VLAWMO for landowners who experienced flooding. VLAWMO stated that they did not downplay flooding concerns, but it ranked as a lower priority than other watershed issues. The city requested clarification on other flooding concerns that were built in to the Plan. The City believes that the Plan lacks detail on compliance with the non-degradation water quality standard and is concerned whether the city is equipped to accomplish such tasks. VLAWMO stated that these standards and other details will be developed as part of the watershed modeling efforts. The member communities will be required to address non-degradation in the local water plans. The city questioned the use of the Wisconsin Routine Assessment Method (WRAM) for assessing wetland functions. VLAWMO clarified that functional assessments utilizing WRAM were conducted in the late 1990s. As new or re-development projects are proposed, the current MNRAM will be required. Vadnais Heights asked for clarification on whether stormwater ponds would require buffers - VLAWMO responded that documented stormwater ponds have modified requirements. VLAWMO also stated that trails proposed in buffers will be considered on a case by case basis. VLAWMO adequately addressed the city's question related to the proposed stormwater credit system.

6. **Metropolitan Council Review.** Met Council offered a substantial number of comments for the 60-day comment period. Since VLAWMO sees local water plans as the primary mechanisms for implementing watershed policies and strategies, Council expects VLAWMO and the member communities to have a very close partnership. Additionally the watershed needs to commit to adequate funding to achieve successful Plan implementation, whether or not the legislature grants the WMO special levy authority.

VLAWMO believes that the funding concern has been addressed in the amended JPA. Met Council listed a number of items that should be listed in this Plan, which are Council local water plan requirements, including storm sewer drainage system inventories, mechanisms to control construction site erosion and sedimentation control, peak flow rates, areas where water quality and quantity improvements can be made, land use map clarifications, and other detailed subwatershed hydrologic information. VLAWMO incorporated many of the items noting that every effort will be made to review local water plans in accordance with both VLAWMO and state requirements. Met Council recommended that MNRAM functional assessments be completed for all wetlands in developing and sensitive areas. VLAWMO will require the current version of MNRAM be applied to all new developments and redevelopments with the TEP's and US Army Corps of Engineers' approval of the wetland management matrix. VLAWMO will complete their wetland inventory when adequate resources become available. Met Council expressed concern about how VLAWMO will assess compliance with the Plan's stormwater standards and the consequences if member communities fail to implement them. VLAWMO incorporated an oversight mechanism in Section 5 and will require MOUs with each member community to outline roles and responsibilities. Additionally VLAWMO will take on permitting if the member community does not make timely corrections. Regarding VLAWMO's proposed infiltration standard, Met Council recommended analyzing the condition of its water resources to determine that standard, but advised consistency with neighboring watershed districts. VLAWMO decided on a 0.5-inch infiltration standard for A and B soils. Met Council recommended prompt completion of the Sustainable Lake Management Plans to establish refined numerical standards for priority lakes and to determine specific measures and projects needed to achieve water quality improvements. In response, VLAWMO will begin these lake management plans in 2007 with the completion of two per year. VLAWMO in response to a Met Council comment has begun sending water samples to a certified lab. VLAWMO will be considered their TMDL role for aquatic consumption impairments on three lakes in the future.

For the 45-day review, the Council still expressed concern in regards to VLAWMO's general philosophy of the local water plans being the primary mechanism for plan implementation. VLAWMO believes that the incorporated language in Section 6 will address the non-implementing situations. Met Council reiterated their 60-day review concern regarding the need to address the fact that much of the development occurred prior to the required use of BMPs. VLAWMO has included project requirements for low impact development practices to be installed. Met Council also remained concerned that VLAWMO had not committed to an adequate funding source in the event that the legislature does award them levy authority. VLAWMO added a separate table indicating the member communities' financial obligations should alternative funding mechanisms not be approved.

7. **Department of Agriculture Review.** MDA did not provide comments on the VLAWMO Plan.

8. **Department of Health Review.** MDH provided only 45-day comments on the VLAWMO draft Plan encouraging complete support of the Board of Water Commissioners of St. Paul's efforts with source water protection. MDH recommended

identifying commonalities and partner with the public water suppliers in wellhead protection plans. VLAWMO stated that these are basic policies of the proposed watershed Plan.

9. **Department of Natural Resources Review.** The DNR provided numerous comments for the 60-day review period. Within the Resource Inventory section of the Plan, DNR requested several missing strategies such as addressing the shortage of recreational opportunities, expanding the watershed's lake level monitoring program, and protecting/restoring shoreline habitat of shallow lakes, and a discussion on whether the listed numerical lake standards can be achieved. VLAWMO responded that these items will be addressed during development of the Sustainable Lake Management Plans. DNR recommended that the wetland inventory be completed, which according to VLAWMO will be updated as development and re-development occurs on a site by site basis. DNR recommended the Plan reference, clarify, or provide information on the updated flood study, curly leaf pondweed, fishing access to public waters, potential 303d listings, those municipalities that are required to have a DNR-approved floodplain and shoreland ordinances, the scope of DNR's responsibilities in shoreland and floodplain management, and creating more measurable outcomes particularly in Table 6-3. VLAWMO incorporated these recommendations, although Table 6-3 is merely added as an implementation plan summary. DNR recommended that a greater value be placed on retrofitting stormwater BMPs despite their cost because of their potential for water quality and flood reduction improvements. DNR suggested it is appropriate to discuss the option and effects of merging with another watershed district. VLAWMO replied that it was no longer an option since the new JPA was effective through 2011. DNR requested development of a more effective public awareness program for water resources and exotic species infesting lakes compared to historic efforts. DNR suggested eliminating black bullheads in Goose Lake as a water quality improvement project, which VLAWMO included as a CIP. DNR recommends an enforcement mechanism be developed to ensure integrity of required wetland buffers – VLAWMO duly noted that comment. DNR mentioned the importance of sufficient and consistent support if volunteers will be utilized for accomplishing Plan goals.

   For the 45-day comments, DNR would have preferred better responses to some of the 60-day comments other than stating, "Duly noted", especially regarding increasing recreational access. VLAWMO reviewed and evaluated all comments but was not able to incorporate all recommendations. VLAWMO will encourage municipalities to cooperate with DNR on fishing piers and other public access activities. DNR reiterated the importance of applying a land cover classification to the watershed, which VLAWMO will incorporate as a local water plan requirement.

10. **Pollution Control Agency Review.** MPCA offered numerous 60-day comments primarily related to VLAWMO's wetland management plan and MR 7050, the vast majority of which were minor clarifications, additions, or wording/grammatical corrections. Examples of more substantial comments reference: sequencing and mitigation requirements, VLAWMO's functional assessments using Wisconsin Routine Assessment Method, proposed wetland management classification system, runoff discharge volume into wetlands, and wetland susceptibility to stormwater inputs. VLAWMO will require the latest version of MNRAM be applied to all wetlands under

new development projects and to wetlands that were missed under the previous wetland inventory. VLAWMO concurs with the comment that the Storm Water Advisory Group susceptibility classification identifies hydrology standards based on wetland type, while the Plan applies the hydrology standards based on wetland quality. However, VLAWMO believes that the application of these hydrology standards based on wetland management classification still results in an appropriate level of protection that is fairly consistent with the Storm Water Advisory Group guidelines. The VLAWMO believes that the lower protection category for highly degraded sites is necessary in order to provide overall water quality improvements in the watershed. MPCA informed the watershed that water quality lab data from a non-certified lab can be submitted to STORET. MPCA recommended that stormwater maintenance activities and responsibilities be outlined, to which VLAWMO describes in the Implementation Section of the Plan.

MPCA's 45-day comments requested clarification on the application of MNRAM, reiterated the stormwater discharge to wetlands concern from the 60-day comments, required VLAWMO to pre-treat the lowest classification of wetlands according to Rule, and requested explanation of the comparison between the NWI map and the VLAWMO wetland inventory. MPCA reiterated their 60-day comment that VLAWMO's classification matrix is not compliant with state water quality standards. MPCA's wetland concerns were largely addressed at the May 9th, 2007 special meeting between state agencies and VLAWMO staff. VLAWMO provided clarification in the Plan that stormwater runoff discharge must be pre-treated even for the lowest ranked wetlands. MPCA expressed concern that the Plan places too much responsibility for regulation at the local level without including provisions for ensuring local water plan compliance. VLAWMO addressed this concern by defining roles in the Implementation Section and stating that VLAWMO will take on permitting if the member community does not make timely corrections. MPCA informed the watershed that 7050 regulates excavation of wetlands below their historic bottom for increasing stormwater capacity – VLAWMO incorporated this information into the Plan. Delineation of a special drinking water protection district for East Vadnais Lake was strongly recommended by MPCA. As an alternative to creation of such district, VLAWMO's strategy includes a high priority wetland ranking for wetlands in the East Vadnais Lake subwatersheds and within wellhead protection areas as they are delineated.

11. **Department of Transportation Review.** DOT requested numerous clarifications and additions on VLAWMO's definition of non-degradation, wetland buffer requirements, wetland management strategies and WCA policies, conservation easement requirements for road projects, TMDL intentions, stormwater volume control, and wetland function and value assessments and wetland management. VLAWMO defines "non-degradation" as "no significant increase in stormwater runoff or pollutant loads from 2005 levels". MNDOT stated that it will be difficult to implement BMPs on road maintenance projects due to limited scope and funding. It was clarified that MNDOT is WCA LGU on their own projects. VLAWMO will not require MNDOT to install conservation easements and wetland buffers and the associated signage in the roadway clear zones, however, they will be required to consider them as part of the overall project. VLAWMO will consider exempting stormwater BMP requirements for road projects on a case by case basis. MNDOT pointed out that it may be difficult to protect groundwater supplies and achieve

the runoff volume requirements in the Gem Lake subwatershed. VLAWMO is aware of the potential challenges in these areas. MNDOT cautioned the watershed in its 0.5-inch infiltration requirement regarding potential groundwater contamination. VLAWMO is sensitive to the threats, but will be proceeding with the volume control requirement. The District will address most of these comments during rule writing, of which MNDOT will be invited as a member of the Rule Technical Advisory Committee. MNDOT requested they be included in the review of future Plan amendments.

12. **Board Review.** For the 60-day review, Board staff provided a substantial amount of comments. Board comments recommended completion and inclusion of a self assessment and a description of citizen involvement in the Plan development process. VLAWMO eventually added a report card to the Plan after the 45-day review and added a narrative describing citizen involvement. The Board noted that we would not approve their Plan until the revised Joint Powers Agreement is compliant and shows proper funding mechanisms are evident to carry out the Plan. Board staff noted during both review periods that the Plan must explicitly state that the WMO will assume responsibilities of implementing the Plan should a member community fail to adopt a local water plan within the specified timeframe or fail to implement the Plan's requirements. The Plan was changed accordingly. The Board emphasized the need to offer stormwater quality/quantity standards, maintenance requirements, landlocked basin policies, redevelopment standards, and other standards for municipalities to clearly update their local water plans. VLAWMO incorporated these additional standards into the Plan, noting in the 45-day review response that local water plans will be required to include an inspection and maintenance plan for all municipal stormwater infrastructure. The Board suggested bolstering the erosion control compliance in the watershed if a problem by considering partnership with the SWCD and by requiring a cash surety. VLAWMO considered those options but chose instead to add an action item under the water quality protection policy addressing construction site erosion control. Board comments related to the wetland management plan included: using the Wisconsin RAM functional assessment results for planning purposes only – not for wetland management decisions, height of wetland bounce in response to storm events, and buffer vegetation standards. VLAWMO changed the Plan as noted. The Board requested that VLAWMO outline their role in the development of TMDLs. VLAWMO plans to do the following for TMDLs: provide in-kind staff resources, complete data analysis by a certified lab, submit data to STORET and commit to participating in the public process. The Board asked for clarification on the origin of the match money for completing the Sustainable Lake Management Plans, to which VLAWMO stated member communities and lake associations will be expected to provide it. The Board strongly advised VLAWMO to list the definitive funding sources, as opposed to potential sources, to be utilized for management programs and CIP expenditures. VLAWMO explained that the operations budget will be funded by member contributions while the CIP budget will be funded by 103B.251, unless the watershed is granted special levy authority or the member communities agree on stormwater utility fees – which would then become the primary funding source(s). In order to show the financial impact of the implementation plan for member communities, the Board, in both comment periods, advised that a supplemental table be provided identifying each member's annual contribution. VLAWMO incorporated this information into the Plan. Since the draft Plan only identified one CIP, the Board recommended a more robust assessment of the need for CIPs and offered

several specific projects to consider incorporating. A few of the suggested projects were added with a meager increase in the CIP budget, including a 3% increase to account for inflation and added maintenance responsibilities. VLAWMO was also requested to specify the application timelines for WCA, 103E petitions, and cost-share applications for the member communities.

The Board's 45-day review called for more specificity for the redevelopment standard, which VLAWMO detailed. The Board was still concerned about local water plan accountability and the importance of strict oversight of local water plan compliance. VLAWMO incorporated the Board's suggestions of: explicitly stating that the WMO will take on permitting and other implementation activities if there is a failure to implement, setting a deadline for submittal of local water plans, spot checking municipal-sponsored projects, e.g. road upgrades, to ensure standards are being met. The Board again called for a more thorough assessment of the adequacy of the proposed capital improvement program to correct water management problems that cannot be corrected by non-structural strategies. The Board questioned the validity and realistic nature of the $15,000 annual CIP budget amount. VLAWMO revised the Plan to include another modest increase in the budget to reflect additional CIPs. BWSR suggested that the member communities be forewarned that the CIP budget should substantially increase as a result of the various studies, modeling, and lake management planning efforts.

13. **Plan Summary and Highlights.** The District included a self-assessment/report card as Appendix A in the Plan. VLAWMO intends to incorporate elements of the report card in future annual reports.

Highlights of the Plan include:

- A wetland management plan dictating duration of inundation and wetland bounce for storm events, and buffer requirements for new development and redevelopment projects.
- Development of Sustainable Lake Management Plans that identify water quality data gaps, nutrient inputs, shoreline conditions, aquatic/exotic plant coverage and identification, and individual implementation plans collaborating with local residents and municipalities.
- Requirement for local water plans to include a program to manage small (less than 1 acre) construction site erosion in shoreland areas.
- Runoff volume standard requiring 0.5-inch of runoff from new impervious areas on A and B soils. For C and D soils, low impact development and other volume reducing BMPs are required. Stormwater credits have been established to help achieve the volume reduction requirement via practices such as rooftop disconnection, buffers, grass channels, soil amendment, permeable paver/pavement, and natural area conservation.
- Instituted the use of stormwater utility fees as one of their primary funding mechanisms for their operations and capital expenditures.

14. **Metro Water Planning Committee Meeting.** On November 28, 2007, the Board's Metro Water Planning Committee and staff met with representatives from the VLAWMO in St. Paul to review and discuss the Plan update. Those in attendance from

the Board's Committee were Jim Anderson, Robert Burandt, Paul Eger, Louise Smallidge, and LuAnn Tolliver. Board staff in attendance were Assistant Director Steve Woods and Board Conservationists Brad Wozney and Lynda Peterson. The representatives from VLAWMO were Administrator Stephanie McNamara, Consultant Della Young, and Technical Commission members Neil Franey, Paul Peterson, and John Youngstrom. Board staff recommended approval of the Plan. One item raised by the Committee was the easement restriction language in the Plan for wetland buffers. After discussion, the committee voted to recommend approval of the Vadnais Lake Area Watershed Management Organization's Comprehensive Watershed Management Plan 2007-2016 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 Vadnais Lake Area Watershed Management Organization pursuant to Minnesota Statutes Sections 103B.231, Subd. 9.

3. The Vadnais Lake Area Watershed Management Organization Watershed Management Plan attached to this Order defines water and water-related problems within the VLAWMO boundaries, possible solutions thereto, and an implementation program.

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

ORDER

The Board hereby approves the attached Plan dated November 2007 as the Comprehensive Watershed Management Plan for the Vadnais Lake Area Watershed Management Organization.

Dated at Saint Paul, Minnesota this 19th day of December 2007.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Lake of the Woods County Priority Concerns Scoping Document – *DECISION ITEM*

2. Lake of the Woods County Request for Comprehensive Local Water Plan (CLWP) Extension – *DECISION ITEM*

3. Mahnomen County Priority Concerns Scoping Document – *DECISION ITEM*

DATE: November 5, 2007

TO: BWSR Northern Subcommittee

FROM: Chad Severts, Board Conservationist

SUBJECT: Review of Lake of the Woods Priority Concerns Scoping Document (PCSD)

The original local water management plan was adopted in 1992. The first and second revisions took place in 1997 and 2002 respectively. This will be the fourth generation of the Lake of the Woods Local Water Management Plan (LWMP).

The Lake of the Woods Soil and Water Conservation District (SWCD) is responsible for the administration of the LWMP for Lake of the Woods County.

The update process began on November 28, 2006, when Lake of the Woods County passed a resolution to update the county's LWMP. The current plan update effective date is set to expire December 31, 2007.

The process followed by Lake of the Woods County in the development of their PCSD provided ample opportunity for local, state, and federal agencies and governments to submit priority concern input regarding water related management issues and concerns. Lake of the Woods County sent out for preliminary review the priority concern statements and supporting documentation developed by the county Water Plan Task Force Committee (WPTFC) on May 24, 2007.

Lake of the Woods County's priority concern statements were:

1. Erosion, sedimentation, flood damage reduction
2. Land use management
3. Individual sewage treatment systems (ISTS)
4. Water quality
5. Education

The following was used to develop the PCSD:

- March 18, 2007 a written notice was distributed through the SWCD newsletter. A news article informing the public of the water plan revision and of the survey was published in the local papers the same week. Surveys were also available at the SWCD and County Land and Water Planning Office. The top six concerns were as follows: 1) Erosion; 2) Development pressure/impacts; 3) Failing Septic

Systems; 4) Declining water quality; 5) Invasive species; 6) Stormwater/Drainage management.

- The following priority concerns were submitted by the state agencies mentioned in statute:
  - DNR: Deferred input to local DNR Staff Mike Larson, who sits on the WPTFC.
  - MDH: 1) Source Water Protection for resorts on Lake of the Woods; 2) Protect groundwater-based drinking water sources within Lake of the Woods County; 3) Sealing of unused, unsealed wells.
  - MPCA: 1) Impaired Waters/Total Maximum Daily Loads (TMDL); 2) Shoreline and island erosion on Lake of the Woods; 3) Nutrient over-enrichment of Lake of the Woods; 4) Destabilization and geomorphologic alterations to tributaries of Lake of the Woods; 5) Inclusion of a prioritized project list in the plan.

- The WPTFC met once in 2006 (December 16) and four times in 2007 (January 10 & 24, February 14 and April 26) discussing the update process and the selection of priority concerns.
- The Lake of the Woods SWCD discussed the LWMP update at three regularly scheduled publicly noticed board meetings: December 14, 2006, February 8, 2007 and March 6, 2007.
- The WPTFC referenced the 2003 Lake of the Woods Comprehensive Local Water Management Plan and the 2004 Rainy River Basin Plan in the selection of priority concerns.

On May 1, 2007 the PCSD was sent to the required state agencies for review and asked comments to be sent to Ron Shelito by May 30, 2007.

The responses as of May 30, 2007 were:

- May 23, 2007, MPCA concurs with the priority concerns identified, but would like to see more detail into goals, objectives, and strategies with brief project descriptions in the final plan, while maintaining the flexibility necessary for a ten year plan.
- May 24, 2007, DNR concurs with the priority concerns and will continue to work with the board to prioritize an action plan and help identify sources of funding opportunities.

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

Minnesota Board of Water & Soil Resources

December 19, 2007

Lake of the Woods County Commissioners
C/O Mike Hirst, Lake of the Woods Soil and Water Conservation District
PO Box 217
Baudette, MN 56623

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

Dear Lake of the Woods County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Lake of the Woods County has chosen to address in the update of their Comprehensive Local Water Management Plan. The Board of Water and Soil Resources, along with the state review agencies, were sent the Lake of the Woods County Priority Concerns Scoping Document (PCSD) on May 1, 2007, and asked comments be sent by May 30, 2007, to Ron Shelito, BWSR Regional Supervisor.

A number of water resource concerns were submitted to the Lake of the Woods Water Plan Task Force Committee (WPTFC). The WPTFC chose the following priority concerns that will be addressed in the Water Plan Revision.

1. Erosion, sedimentation, flood damage reduction
2. Land use management
3. Individual sewage treatment systems (ISTS)
4. Water quality
5. Education

The following state review agencies provided comments pertaining to the priority concerns selection:

- MPCA concurs with the priority concerns identified, but would like to see more detail into goals, objectives, and strategies with brief project descriptions in the final plan, while maintaining the flexibility necessary for a ten year plan.

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- DNR concurs with the priority concerns and will continue to work with the board to prioritize an action plan and help identify sources of funding opportunities.

On November 14, 2007, the Northern Regional Local Water Resources Subcommittee (hereinafter referred to as the committee) met with the Lake of the Woods SWCD representative to discuss local water management activities within Lake of the Woods County, the process used to gather public input, the content of the PCSD, the state review agency comments and recommendations for the content of the final plan.

Based on the subcommittee's recommendations, the Board of Water and Soil Resources commends Lake of the Woods County for the process used to select the concerns. The priority concerns to be addressed in the plan were deemed to be appropriate, and do not require any changes to the PCSD as submitted.

Sincerely,

Randy Kramer,
Chair, Board of Water and Soil Resources

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

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DATE: November 5, 2007

TO: BWSR Northern Subcommittee

FROM: Chad Severts, Board Conservationist

SUBJECT: Extension Request for Lake of the Woods County CLWP

Lake of the Woods County has a Comprehensive Local Water Plan (CLWP) that was approved by the Minnesota Board of Water and Soil Resources (BWSR) at a 2002 board meeting. The CLWP update was approved with an effective end date of December 31, 2007. On September 14, 2007, the BWSR received a request from the Lake of the Woods County Board of Commissioners requesting an extension of the end date to December 31, 2009. The County Board passed a resolution requesting the extension on September 9, 2007.

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

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

The extension will allow Lake of the Woods County to spend adequate time on each phase of the plan update. The extension will also allow the plan to be developed to take better advantage of the Clean Water Legacy funding opportunities in the future.

BWSR guidelines will be used and staff assistance will continue to be made available to the CLWP staff as they proceed with the completion of the plan update. Board Conservationist Chad Severts recommends approval of the Lake of the Woods County Local Water Plan extension request to December 31, 2009.

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

RESOLUTION No 2007-09-01

REQUEST FOR EXTENSION OF THE LAKE OF THE WOODS COUNTY COMPREHENSIVE WATER MANAGEMENT PLAN

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

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

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

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

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

WHEREAS, Lake of the Woods County currently has an approved Comprehensive Local Water Management Plan (the Plan) which is due to expire on December 31, 2007, and

WHEREAS, the Lake of the Woods County Board of Commissioners would like to request an extension of time to update the Plan, and

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

Seconded by Commissioner Patty Beckel and the same being put to a vote was unanimously carried.

I certify that this is a true and complete copy of the original thereof, which is on file and of record in the Office of the County Auditor, Lake of the Woods County, Minnesota.

DATED at Baudette, Minnesota this 11th day of September 2007.

John W. Hoscheid, County Auditor

(SEAL)

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

In the Matter of Extending the Local Water Management Plan Update for Lake of the Woods County (Minnesota Statutes , Section 103B.311, Subdivision 4, authorizing BWSR to grant extensions.)	ORDER EXTENDING LOCAL WATER MANAGEMENT PLAN

Whereas, Lake of the Woods County has a state approved Comprehensive Local Water Plan (CLWP) that is effective until December 31, 2007, pursuant to M.S. Section 103B.301, and

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

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

FINDINGS OF FACT

1. On September 11, 2007, Lake of the Woods County Board of Commissioners passed a resolution requesting an extension of their Comprehensive Local Water Plan to December 30, 2009.

2. On November 14, 2007, Board of Water and Soil Resources Northern Water Planning Committee reviewed and recommended approval of the extension request by Lake of the Woods County.

CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board of Water and Soil Resources has proper jurisdiction in the matter of extending the Comprehensive Local Water Plan of Lake of the Woods County pursuant to M.S. Section 103B.311, Subd. 4.

ORDER

The Board of Water and Soil resources hereby approves the extension of the Lake of the Woods County Comprehensive Local Water Plan until December 31, 2009. Dated at St. Paul, Minnesota, this 19th day of December 2007.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chairperson
December 19, 2007

Minnesota Board of Water & Soil Resources

December 19, 2007

Mahnomen County Commissioners
c/o Aaron Nuebert, Mahnomen SWCD
123 Monroe Ave.
P.O. Box 381
Mahnomen, MN 56557

SUBJECT: **Official Comments pertaining to the State Review of the Mahnomen County Priority Concerns Scoping Document.**

Dear Mahnomen County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Mahnomen County has chosen to address in the update of their Comprehensive Local Water Management Plan. The Board of Water and Soil Resources, (BWSR) along with the state review agencies, received the Mahnomen County Priority Concerns Scoping Document (PSCD) for review on March 27, 2007.

Priority concerns identified in the PCSD (no priority order):

- Groundwater Quality
- Surface Water Quality & Impaired Water/TMDLs
- Erosion & Sediment Control

Final review of the priority concerns generated the following comments from the state review agencies:

DNR: **Strongly recommends a revision but does not require the revision.** The DNR asks the County NOT to ignore the flooding and natural resource concerns for the Wild Rice River such as fish passage, stream connectivity and that ag BMP's be coordinated with Becker, Clay, and Norman Counties and the Wild Rice River Watershed District.

MPCA: **Concurs with PCSD** and offers comment that the county fully participates in the TMDL process.

MDA: **Concurs with the PCSD** and offers comment that it is imperative that the county work to protect its water resources from human impacts.

BWSR: **Concurs with PCSD** and offers comment that the county refers to the water quality plan for the Wild Rice/Marsh Rivers in the Wild Rice Watershed Plan.

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The Northern Water Planning Committee (hereinafter referred to as the Committee) met on November 14, 2007 to discuss with representatives of Mahnomen County, the content of the PCSD, state review agency comments, and recommendations for the content of the final plan.

The Committee commends the County for the process they used to select the concerns, and supports the priority concerns Mahnomen County has identified: groundwater quality, surface water quality and impaired waters/TMDLs, and erosion and sediment control. The priority concerns to be addressed in the plan are deemed to be appropriate, the Committee does not recommend or require any changes to the PCSD as drafted.

The Committee does request that in the Local Water Management Plan the County be as specific as possible to the nature, extent, and severity of the identified concerns and develop an implementation plan that is specific to the goals and actions the County plans to take to address the priority concerns.

Sincerely,

Randy Kramer
Chair, Board of Water and Soil Resources

cc: Ron Shelito, BWSR
Brian Dwight, BWSR
Becky Balk, MDA
John Wells, EQB
Art Persons, MDH
Mike Carroll, DNR
David L. Johnson, MPCA

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COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Blue Earth County Request for Extension of the Blue Earth County Comprehensive Water Management Plan – *DECISION ITEM*

2. Houston County Local Water Management Plan Update – *DECISION ITEM*

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

4. Lyon County Priority Concerns Scoping Document – *DECISION ITEM*

5. Nobles County Priority Concerns Scoping Document - *DECISION ITEM*

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

7. Waseca County Request for Extension of the Waseca County Comprehensive Water Management Plan – *DECISION ITEM*

8. Waseca County Priority Concerns Scoping Document – *DECISION ITEM*

9. Watonwan County Request for Extension of the Watonwan County Comprehensive Water Management Plan – *DECISION ITEM*

10. Kandiyohi County Local Water Management Plan Amendment – *DECISION ITEM*

11. McLeod County Local Water Management Plan Amendment – *DECISION ITEM*

12. Meeker County Local Water Management Plan Amendment – *DECISION ITEM*

13. Renville County Local Water Management Plan Amendment – *DECISION ITEM*

RESOLUTION TO REQUEST AN EXTENSION OF THE BLUE EARTH COUNTY COMPREHENSIVE LOCAL WATER MANAGEMENT PLAN

WHEREAS, the ten-year Blue Earth County Comprehensive Local Water Management Plan is effective until December 31, 2007; and

WHEREAS, Blue Earth County is currently updating the Water Management Plan in accordance with Minnesota Statutes, Chapter 103B.301, Comprehensive Local Water Management Act; and

WHEREAS, Blue Earth County submitted a Priority Concerns Scoping Document to the Board of Water and Soil Resources on June 19, 2007, in accordance with Minnesota Statutes, Chapter 103B.313 of the Comprehensive Local Water Management Act; and

WHEREAS, Blue Earth County representatives met with the Board of Water and Soil Resources' Southern Region Water Planning Committee on September 27, 2007, to discuss the Priority Concerns Scoping Document; and

WHEREAS, the Board of Water and Soil Resources approved and deemed appropriate the Priority Concerns Scoping Document on October 24, 2007; and

WHEREAS, Blue Earth County and the Blue Earth County Soil and Water Conservation District are working cooperatively to complete the Water Management Plan; and

WHEREAS, the Blue Earth County Soil and Water Conservation District hired all new staff in 2007, necessitating additional time working with new staff and learning about the Soil and Water Conservation District requirements for the Water Management Plan; and

WHEREAS, Blue Earth County combined the Water Management Plan and the local Greenprint natural resources plan's public participation process which required more time; and

WHEREAS, Blue Earth County will need additional time to allow for an official public hearing, and review and approval of the Water Management Plan by the Board of Water and Soil Resources, and official plan adoption by the County Board of Commissioners; and

WHEREAS, the Blue Earth County Board of Commissioners will conduct a public hearing on the Water Management Plan on January 8, 2008, in accordance with Minnesota Statutes, Chapter 103B.315 of the Comprehensive Local Water Management Act; and

WHEREAS, the Board of Water and Soil Resources has 90 days following receipt of the plan to review and notify the County if the plan is approved or disapproved in accordance with the Minnesota Statutes, Chapter 103B.315, of the Comprehensive Local Water Management Act; and

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

NOW THEREFORE, BE IT RESOLVED that the Blue Earth County Board of Commissioners requests from the Board of Water and Soil Resources extension of the effective dates of the existing County Water Management Plan until July 1, 2008, in order to complete the Water Management Plan update process in accordance with Minnesota Statutes, Chapter 103B.301, Comprehensive Local Water Management Act.

Passed this 27th day of November.

Kip Bunker
Chair, Blue Earth County Board of Commissioners

ATTEST: Dennis McCoy
Dennis McCoy, County Administrator

BLUE EARTH COUNTY COMPREHENSIVE LOCAL WATER PLAN EXTENSION REQUEST

Blue Earth County has requested a six-month extension of their existing Comprehensive Local Water Management (CLWM) Plan in order that the update process is completed. We have received a resolution from Blue Earth County requesting the extension and explaining the reason for the extension request. The county is working with new staff at Blue Earth SWCD and incorporating comprehensive SWCD plan requirements in the CLWM Plan. Blue Earth County has incorporated the update of the CLWM Plan into the Greenprint natural resources plan's public participation process requiring additional public input time.

The Blue Earth County CLWM Plan Priority Concerns Scoping Document was approved by the Board of Water and Soil Resources on October 24, 2007, and the complete draft plan is expected in for review by December 31, 2007.

Thus, because the county is close to completing the update process, I fully support the six-month extension request of Blue Earth County to complete the update of the County Comprehensive Local Water Management Plan.

Respectfully submitted,

Chris Hughes
Board Conservationist
December 6, 2007

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

In the Matter of Extending the Comprehensive Local Water Management Plan for Blue Earth County

ORDER EXTENDING WATER MANAGEMENT PLAN

Whereas, the Blue Earth County Board of Commissioners has a state-approved Comprehensive Local Water Management Plan (Plan) that is effective until December 31, 2007, pursuant to Minnesota Statutes 103B.301; and

Whereas, the Minnesota Board of Water and Soil Resources (Board) has authorization to grant extensions pursuant to Minnesota Statutes 103B.311, Subdivision 4 (a) (5).

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

FINDINGS OF FACT

On June 19, 2007, Blue Earth County's Priority Concerns Scoping Document (PCSD) was distributed for state agencies review pursuant to Minnesota Statutes 103B.305, Subdivision 8a.

On September 27, 2007, the Board's southern region water planning review committee (Committee) met with representatives of Blue Earth County to discuss the county's PCSD and review comments that were received. The priority concerns to be addressed in the new Plan were deemed appropriate by the Committee. The Committee's decision was to present to the Board a recommendation of approval of the Blue Earth County PCSD.

On December 5, 2007, the Board received a resolution from Blue Earth County requesting a six-month extension of their Plan. The County and the Blue Earth Soil and Water Conservation District (SWCD) are working cooperatively to complete the Water Management Plan. The primary reasons for requesting to extend the plan to July 1, 2008 is due to the Blue Earth SWCD hiring all new staff in 2007, necessitating additional time working with new staff and learning about the SWCD requirements for the Water Management Plan and the County combining the Water Management Plan and the local Greenprint natural resources plan's public participation process, which required more time.

On December 6, 2007, Board staff reviewed and recommended approval of the extension request by Blue Earth County.

On October 24, 2007, the Committee presented its recommendation of approval of the Blue Earth County PCSD to the Board. The Board adopted the Committee's recommendation.

CONCLUSIONS

All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of extending the Comprehensive Local Water Management Plan of Blue Earth County pursuant to Minnesota Statutes 103B.311, Subdivision 4 (a) (5).

ORDER

The Board hereby approves the extension of the Blue Earth County Comprehensive Local Water Management Plan until July 1, 2008. Blue Earth County shall strive to complete the updating of their Comprehensive Local Water Management Plan in a timely manner. Dated at St. Paul, Minnesota, this nineteenth day of December 2007.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

DATE: November 20, 2007

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: Mary Kells, Board Conservationist

SUBJECT: Houston County Local Water Management Plan Final Review

I have completed my final review of the Houston County Local Water Management Plan covering the period of 2008 through 2017 and recommend approval of this update.

The Houston County Local Water Management Plan meets all requirements including:

- focuses on the priority concerns identified in the Priority Concerns Scoping Document;
- adequately assesses the priority concerns and sets forth appropriate goals and objectives;
- lays out a detailed implementation program with measurable actions, timeline and budget; and
- includes all required actions.

State agency comments were received from the MN Department of Agriculture (MDA) and MN Pollution Control Agency (MPCA). These agencies recommend the approval of the Plan.

This Plan was submitted to BWSR for final review prior to the storm/flood event of August 18-20, 2007. I have been in contact with local officials regarding any revisions they may want to submit as a result of the flood. The County Water Plan Advisory Committee recently met to discuss these changes. They concluded that the goals and objectives for their priority concerns have not changed; however, the implementation schedule will be affected by the flood workload. They are submitting an addendum letter to me reflecting the need for program priority changes during the next three years. I will forward this letter to be included in the Board packet materials as soon as I receive it. At this time, I recommend approval of the Plan, including the addendum letter. I will work with county officials to incorporate these changes into their implementation plan during their five-year implementation plan amendment and annual planning process for their 2009 Natural Resources Block Grant application.

The local officials and staff should be commended for their leadership and dedication during their emergency response and on-going flood recovery activities in addition to their coordination of this planning process. I look forward to assisting Houston County and the Root River Soil and Water Conservation District in the implementation of their plan.

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Houston County

Comprehensive Water Plan

2007 – 2017

Executive Summary

The purpose of this plan is to identify the primary water resource concerns of local citizens and outline strategies to address those concerns through sound public policy, coordinating implementation with cooperating agencies and partners. These local citizen concerns are referred to as "Priority Concerns."

The Priority Concerns identified for Houston County are:

Goal 1: Protect ground water in order to maintain an adequate supply of safe drinking water for current and future generations.

Goal 2: Improve surface water quality in rivers and streams in Houston County.

Goal 3: Manage storm water runoff to minimize risk to human life, property and the environment.

Goal 4: Optimize recreational uses of water resources.

Goal 5: Review of local and regional plans and ordinances for compliance/compatibility.

An in-depth discussion of these concerns are outlined on the attached Priority Concerns Scoping Document. Houston County Water Plan was originally adopted in March 1990 and updated in 1996 and 2000. The current plan expires on December 30, 2007.

We have provided an analysis of the watershed units as well as groundwater systems. Because of the complex interconnectivity of surface and groundwater in our Karst topography along with similarities in land use and physical characteristics, Houston County has addressed resource concerns across watershed boundaries.

Five major goals identified in the priority scoping document will be addressed through focus on efforts to reduce negative impacts of changes in agriculture and land use and implement cost effective measures to prevent potential degradation of resources through new and/or innovative applications of technology. A combined approach of information and education, technical and financial assistance, together with regulations will be utilized. An estimated $357,500 cash along with in-kind services will be expended from 2007-2012.

Every effort has been made to maintain consistency with other local water management plans and to coordinate efforts with local, state, and federal plans and contacts. The plan covers the policies, goals, and effectiveness which the county intends to follow over the coming ten years (2007 – 2017).

Goals and Objectives

GOAL #1 – Protect ground water in order to maintain an adequate supply of safe drinking water for current and future generations.

A. Provide technical and financial assistance to land users to properly manage and utilize agricultural waste.

B. Address non-conforming Individual Sewage Treatment Systems (ISTS).

C. Well tests.

GOAL #2 – Improve surface water quality in rivers and streams in Houston County.

A. Explore methods to slow decline in hayland production throughout Houston County.

B. Provide incentives to adopt conservation practices which will offset the effects of current cropping trends on run off and erosion in Houston County.

C. Provide technical and financial assistance to establish practices that reduce sediment delivery to streams in Houston County.

D. Provide technical and financial assistance to land users to establish practices which will reduce discharge of pollutants from animal feedlots.

GOAL #3 – Manage storm water runoff to minimize risk to human life, property and the environment.

A. Provide technical and financial assistance to establish practices that reduce sediment delivery.

B. Explore opportunities to reduce peak flow form rural and urban residential development.

C. Explore opportunities for solutions to flooding concerns on the Root with upstream jurisdiction and other partners.

D. New technology.

GOAL #4 – Optimize recreational uses of water resources.

A. Recreation access to water resources.

GOAL #5 – Review of city and township ordinances for compliance.

A. Administer all provisions of Houston County Water Plan.

Implementation Schedule

GOAL #1 - Protect ground water in order to maintain an adequate supply of safe drinking water for current and future generations

Issues/Objectives	Actions/Brief Description	Lead Agency(ies)	Est. Cost In-kind	Est. Cost Cash	Timeline
A. Provide technical and financial assistance to land user to properly manage and utilize agriculture waste	*1. Provide technical assistance on ag waste management on 20 per year.*	*SWCD/SRF*		*10,000/yr*	*2007-2012*
	2. Establish demonstration plot exploring manure application rate and nitrogen rates.	*Extension*		*1,000*	*2008*
	3. Manure Application Field Day	*SWCD - Extension*		*500*	*2009*
B. Address non-conforming Individual Sewage Treatment Systems (ISTS)	*1. Update 50 non-conforming ISTS.*	*Zoning*	*10,000/yr*		*Ongoing*
	2. Inspect all new & upgraded ISTS.	*Zoning*	*10,000/yr*		*Ongoing*
	3. Administer Ag BMP loan program.	*Zoning*	*3,000/yr*		*Ongoing*
	4. Enter all new & upgraded ISTS inspected since 1985 on parcel base.	*Zoning*		*20,000*	*2009*
C. Well Tests	*1. Offer free infant well tests to 15 families/year.*	*Public Health*	*500/yr*	*500/yr*	*Ongoing*
	2. Offer well water testing at low cost to landowners.	*SWCD*	*500/yr*		*Ongoing*
	3. Participate in SE MN volunteer well monitoring network.	*SWCD*		*15,000*	*2008*

Implementation Schedule

GOAL #2 - Improve surface water quality in rivers and streams in Houston County

Issues/Objectives	Actions/Brief Description	Lead Agency(ies)	Est. Cost In-kind/Cash		Timeline
A. Explore methods to slow decline in perennial vegetation.	1. Promote existing programs which offer incentives to establish/maintain perennial vegetation.	SWCD/MES	500/yr		2008-2012
	2. Develop local/regional incentives to establish 1000/acres of perennial vegetation annually.	SWCD/MES		20,000/yr	2008
	3. Information/education campaign or importance of hay land for erosion control and runoff reduction.	MES/HC	500/yr		Ongoing
	4. Assist with quality tested hay auctions.	MES/SWCD	1,000/yr		Ongoing
	5. Assist with implementation/administration of programs that support/promote animal agriculture.	SWCD/MES	1,000/yr		Ongoing
B. Provide incentives to adopt conservation practices which will offset the effects of current cropping trends on runoff and erosion in Houston County	1. Establish incentive program to plant fall cover crops.	SWCD	1,000/yr	1000/yr	2007-2010
C. Provide technical and financial assistance on feedlots	1. Provide financial assistance on low-cost feedlot fixes on 15 lots per year.	Zoning/SWCD	10,000/yr	30,000/yr	2007-2010
	2. Provide technical assistance on 20 feedlots per year.	SWCD	10,000/yr	10,000/yr	2007-2010
	3. Promote residue management on highly errodable land.				
	4. Explore possibilities for wetland restoration.				
	5. Explore methods to reduce intensity of grazing in sensitive areas.				

Implementation Schedule

GOAL #3 - Manage storm water runoff to minimize risk to human life, property and the environment

Issues/Objectives	Actions/Brief Description	Lead Agency(ies)	Est. Cost In-kind/Cash		Timeline
A. Provide technical and financial assistance to establish practices that reduce sediment delivery	1. Provide financial incentives to establish 20 push-up ponds annually.	SWCD	2,000/yr	10,000/yr	2007-2012
	2. Develop program providing storm water retention through road culvert size reduction on township and county roads.	SWCD/HC DOT	2,000		2007
	3. Explore effectiveness of road retention structures and the barriers/obstacles to implementing on 2 pilot sites.	SWCD/HC DOT		10,000	2008
B. Explore opportunities to reduce peak flow from rural and urban residential development	1. Provide home site evaluations on all rural building sites.	Zoning/SWCD	5,000/yr		Ongoing
C. Explore opportunities for solutions to flooding concerns on the Root with upstream jurisdictions and other partners	1. Participate with US Fish and Wildlife and other partners on Root River committee.	SWCD	500/yr		2008
D. New Technology	1. Explore funding for innovative pilot programs to demonstrate new technology for water resource protection.	All		40,000	2008-2010

GOAL #4 - Optimize recreational uses of water resources

Issues/Objectives	Actions/Brief Description	Lead Agency(ies)	Est. Cost In-kind/Cash		Timeline
A. Recreation access to water resources	1. Operate Wildcat Park.	Houston County Auditor	2,000/yr		Ongoing
	2. Develop Botcher Park.	Houston County	2,000/yr	5,000	Ongoing
	3. Provide access info on Houston County Hwy maps.	Houston County DOT	1,000/yr		2007

Implementation Schedule

GOAL #5 - Review of local and regional plans and ordinances for compliance/compatibility

Issues/Objectives	Actions/Brief Description	Lead Agency(ies)	Est. Cost In-kind/Cash	Timeline
A. Administer all provisions of Houston County Water Plan	*1. Staff part-time Water Plan Coordinator.*	*SWCD*	*15000/yr*	*Ongoing*
	2. Continue participation on SEWRB.	*SWCD*	*5,000/yr*	*Ongoing*
	3. Review local/regional plans to insure compliance with Water Plan.	*SWCD*	*500/yr*	*As Needed*

Ongoing Practices

Houston County will continue to work with federal, state, and local partners to address issues related to our priority concerns. Specific ongoing programs include:

- Conservation provision of Federal Farm Bill
- State Cost-Share Program
- MPCA's Impaired Waters Program
- Minnesota's Wetland Conservation Act
- DNR Shorelands Program
- DNR Protected Waters Program
- U.S. Fish and Wildlife – Private Lands Program
- Root River SWCD's Technical Assistance Program
- Minnesota State Revolving Loan Fund
- EPA 319 Funds
- USDA – NRCS Technical Assistance Program
- Hiawatha Valley RC & D
- Houston County EDA
- MN Ag BMP Loan Program
- Houston County Public and Private Schools

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Houston County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Minnesota Board of Water and Soil Resources (Board) on August 13, 2007, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1. On March 16, 2005, the Board received a Priority Concerns Scoping Document from Houston County, pursuant to M.S. Section 103B.312.

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

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

    a. Protect ground water in order to maintain an adequate supply of safe drinking water for current and future generations
    b. Improve surface water quality in rivers and streams in Houston County
    c. Manage storm water runoff to minimize risk to human life, property, and the environment
    d. Optimize recreational uses of water resources
    e. Review of local and regional plans and ordinances for compliance/compatibility

4. On August 13, 2007, the Board received the Houston 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 December 6, 2007, the Southern Water Planning Review Committee of the Board reviewed the recommendation of the state review agencies regarding final approval of the Houston County Plan Update. Recommendations of the state review agencies were:
    a. Minnesota Department of Agriculture recommends approval;
    b. Minnesota Department of Health had no comment;
    c. Minnesota Department of Natural Resources had no comment;
    d. Minnesota Pollution Control Agency recommends approval;
    e. Minnesota Environmental Quality Board had no comment;
    f. Minnesota Board of Water and Soil Resources regional staff recommends approval;
    g. Board regional Water Planning Review Committee recommends approval.

6. This update will be in effect until December 31, 2017.

CONCLUSIONS

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

2. The Houston 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 Houston Local Water Management Plan with a required update to the implementation section (Goals, Objectives and Actions) By December 31, 2012.

Dated at St. Paul, Minnesota, this nineteenth day of December 2007.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Resolution No 07-

RESOLUTION AUTHORIZING EXTENSION OF THE
JACKSON COUNTY
COMPREHENSIVE WATER MANAGEMTN PLAN

The following Resolution was offered by Commissioner Rugtob and moved for adoption at a Regular Meeting held on November 27, 2007, at the Jackson County Courthouse, Jackson, MN:

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

WHEREAS, the effort to include all entities involved in the Water Management Program in Jackson County has slowed the current revision process, and

WHEREAS, Jackson County assures continued effort towards completion of the Comprehensive Local Water Plan revisions, and

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

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

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

Adopted by the following vote: Ayes 5 Nays 0
Dated this 27th day of November, 2007

Craig Rubis
Chairman, Jackson County
Board of Commissioners

ATTEST: Janice Fransen
Janice Fransen
Jackson County Coordinator

CERTIFICATION

State of Minnesota)
County of Jackson)

I, Janice Fransen, duly appointed, qualified and acting County Coordinator for the County of Jackson, State of Minnesota, do hereby certify that I have compared the foregoing copy of a Resolution with the original minutes of the proceedings of the Board of Commissioners, Jackson County, Minnesota, at their session held on the 27th day of November 2007, now on file in my office, and have found the same to be true and correct copy thereof.

Witness my hand and official seal at Jackson County, Minnesota, this 27th day of November, 2007.

Janice Fransen
County Coordinator

From: Tabor Hoek
To: Nielsen, Jeff
Date: 11/29/2007 10:17:35 AM
Subject: Jackson Co. Plan Extension

Jeff, I have recieved the Jackson LWM Plan extension request and support the extension. The request was for a new deadline of December 2008 although they will not need this much time. The updated plan is currently completed and being submitted to BWSR. Please contact me with any further questions. Thanks.

CC: Swanson, Carla

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

In the Matter of Extending the Comprehensive Local Water Management Plan for Jackson County	ORDER EXTENDING WATER MANAGEMENT PLAN

Whereas, the Jackson County Board of Commissioners has a state-approved Comprehensive Local Water Management Plan (Plan) that is effective until December 31, 2007, pursuant to Minnesota Statutes 103B.301; and

Whereas, the Minnesota Board of Water and Soil Resources (Board) has authorization to grant extensions pursuant to Minnesota Statutes 103B.311, Subdivision 4 (a) (5).

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

FINDINGS OF FACT

On April 10, 2007, Jackson County's Priority Concerns Scoping Document (PCSD) was distributed for state agencies review pursuant to Minnesota Statutes 103B.305, Subdivision 8a.

On July 19, 2007, the Board's southern region water planning review committee (Committee) met with representatives of Jackson County to discuss the county's PCSD and review comments that were received. The priority concerns to be addressed in the new Plan were deemed appropriate by the Committee. The Committee's decision was to present to the Board a recommendation of approval of the Jackson County PCSD.

On November 28, 2007, the Board received a resolution from Jackson County requesting a one-year extension of their Plan. The primary reason for the extension request is that the effort to include all entities involved in the Water Management Program in Jackson County has slowed the current revision process.

On November 29, 2007, Board staff reviewed and recommended approval of the extension request by Jackson County.

On August 23, 2007, the Committee presented its recommendation of approval of the Jackson County PCSD to the Board. The Board adopted the Committee's recommendation.

CONCLUSIONS

All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of extending the Comprehensive Local Water Management Plan of Jackson County pursuant to Minnesota Statutes 103B.311, Subdivision 4 (a) (5).

ORDER

The Board hereby approves the extension of the Jackson County Comprehensive Local Water Management Plan until December 31, 2008. Jackson County shall strive to complete the updating of their Comprehensive Local Water Management Plan in a timely manner. Dated at St. Paul, Minnesota, this nineteenth day of December 2007.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

DATE: November 20, 2007

TO: Jeff Nielsen, BWSR Southern Region Supervisor

FROM: Tabor Hoek, BWSR Board Conservationist

SUBJECT: Review of Lyon County Priority Concerns Scoping Document

Lyon County has submitted their Priority Concerns Scoping Document (PCSD) for the 2007 Local Water Management Plan Update to BWSR and other state agencies. BWSR received this document on September 28, 2007.

State agency comments have been received from the Minnesota Department of Health (MDH), Minnesota Pollution Control Agency (MPCA), and Minnesota Department of Natural Resources (DNR). All agencies concurred with the priority concerns. MPCA offered additional comments regarding Environmental Data Access to be considered when drafting the LWM Plan. No comments on the completed PCSD were received from the Minnesota Department of Agriculture (MDA), or Environmental Quality Board (EQB).

Priority Concerns were developed from public meeting input, state agency comment and the Lyon County Task Force.

Representing BWSR staff, I have completed my review of the Priority Concerns Scoping Document for Lyon County and recommend that BWSR concur with the priority concerns identified:

1. Impaired Waters
2. Hydrologic System Management
3. Nutrient Loading Reduction
4. Public Drinking Water Supply Protection

I look forward to working with the County officials, residents, and technical staff as the Plan Update moves forward. If you have questions or need additional information, please contact me at 507-537-7260 or tabor.hoek@bwsr.state.mn.us.

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Minnesota Board of Water & Soil Resources

December 19, 2007

Lyon County Commissioners
c/o Roger Schroeder
Lyon County Environmental Office
504 Fairgrounds Road
Marshall, MN 56258

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

Dear Lyon County Commissioners:

Pursuant to Minnesota Statutes 103B.313, subdivision 5, this letter communicates the official comments of the State of Minnesota pertaining to the priority concerns Lyon County has chosen to address in the update of the Lyon County Comprehensive Local Water Management (CLWM) Plan. The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the Lyon County Priority Concerns Scoping Document (PCSD) on September 28, 2007.

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

1. Impaired Waters
2. Hydrologic System Management
3. Nutrient Loading Reduction
4. Public Drinking Water Supply Protection

The BWSR southern water planning review committee (hereinafter referred to as Committee) met on December 6, 2007, to discuss comments received from state review agencies and others, discuss the content of the Lyon County PCSD, and make recommendations for the content of the final plan.

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

MPCA concurred with the priority concerns identified and highlighted a MPCA data source regarding surface water monitoring information for the County's use. The DNR concurred with the priority concerns identified and felt the process to identify the concerns was adequate. The MDH concurred with the priority concerns identified and noted they felt the process to identify the concerns was commendable. The BWSR agreed with the priority concerns.

The Committee commends Lyon 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 CLWM Plan are deemed to be appropriate.

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

Sincerely,

Randy Kramer, Chair
Minnesota Board of Water and Soil Resources

c: Becky Balk, MDA
John Wells, EQB
Art Persons, MDH
Mark Matuska, DNR
David L. Johnson, MPCA
Joe Martin, MDA
Dan Wilson, MDH
Dana Allen, BWSR Board
Brian Kletscher, BWSR Board
Paul Langseth, BWSR Board
Jeff Nielsen, BWSR Southern Region Supervisor
Tabor Hoek, Board Conservationist

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Minnesota Board of Water & Soil Resources

DATE: November 20, 2007

TO: Jeff Nielsen, BWSR Southern Region Supervisor

FROM: Tabor Hoek, BWSR Board Conservationist

SUBJECT: Review of Nobles County Priority Concerns Scoping Document

Nobles County has submitted their Priority Concerns Scoping Document (PCSD) for the 2007 Local Water Management Plan Update to BWSR and other state agencies. BWSR received this document on August 29, 2007.

State agency comments have been received from the Minnesota Department of Agriculture (MDA), Minnesota Pollution Control Agency (MPCA), Minnesota Department of Health (MDH), and Minnesota Department of Natural Resources (DNR). All agencies concurred with the priority concerns identified and noted that they felt the process to identify the concerns was commendable. No comments on the completed PCSD were received from the Environmental Quality Board (EQB).

Priority concerns were developed from public meeting input, state agency comment, and the Nobles County Task Force.

Representing BWSR staff, I have completed my review of the Priority Concerns Scoping Document for Nobles County and recommend that BWSR concur with the priority concerns identified:

1. Surface Water Quality
2. Drainage Management
3. Public Water Supply

I look forward to working with the County officials, residents, and technical staff as the Plan Update moves forward. If you have questions or need additional information, please contact me at 507-537-7260 or tabor.hoek@bwsr.state.mn.us.

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Minnesota Board of Water & Soil Resources

December 19, 2007

Nobles County Commissioners
c/o Jane Steffl, Water Plan Coordinator
Nobles Soil and Water Conservation District
1567 McMillan Street, Suite 3
Worthington, MN 56187

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

Dear Nobles County Commissioners:

Pursuant to Minnesota Statutes 103B.313, subdivision 5, this letter communicates the official comments of the State of Minnesota pertaining to the priority concerns Nobles County has chosen to address in the update of the Nobles County Comprehensive Local Water Management (CLWM) Plan. The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the Nobles County Priority Concerns Scoping Document (PCSD) on August 29, 2007.

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

1. Surface Water Quality
2. Drainage Management
3. Public Water Supply

The BWSR southern water planning committee (hereinafter referred to as Committee) met on December 6, 2007, to discuss comments received from state review agencies and others, discuss the content of the Nobles County PCSD, and make recommendations for the content of the final plan.

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

The MDA, MDH, and DNR concurred with the priority concerns identified and noted they felt the process to identify the concerns was commendable. MPCA concurred with the priority concerns identified and highlighted a MPCA data source regarding surface water monitoring information for the County's use. The BWSR agreed with the priority concerns.

The Committee commends Nobles County for the process they used to select the concerns – including soliciting input from local government, citizens, and state agencies – and incorporating that information into the three priority concern areas. The priority concerns to be addressed in the CLWM Plan are deemed to be appropriate.

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

Sincerely,

Randy Kramer, Chair
Minnesota Board of Water and Soil Resources

cc: Becky Balk, MDA
John Wells, EQB
Art Persons, MDH
Mark Matuska, DNR
David L. Johnson, MPCA
Joe Martin, MDA
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Dana Allen, BWSR Board
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Minnesota Board of Water & Soil Resources

DATE: November 20, 2007

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: Mary Kells, Board Conservationist

SUBJECT: Wabasha County Local Water Management Plan Final Review

I have completed my final review of the Wabasha County Local Water Management Plan covering the period of 2008 through 2013 and recommend approval of this update:

The Wabasha County Local Water Management Plan meets all requirements including:

- focuses on the priority concerns identified in the Priority Concerns Scoping Document;
- adequately assesses the priority concerns and sets forth appropriate goals and objectives;
- lays out a detailed implementation program with measurable actions, timeline and budget; and
- includes all required actions.

State agency comments were received from the MN Department of Agriculture (MDA), MN Department of Health (MDH), and MN Pollution Control Agency (MPCA). These agencies recommend the approval of the Plan.

I look forward to assisting Wabasha County and the Wabasha Soil and Water Conservation District in the implementation of their plan. Water Plan Coordinator Byron Evers should be commended for his leadership and coordination during the development of this plan.

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SEP 10 2007

Wabasha County

Local Water Management Plan 2008-2013

Prepared by the Local Water Management Plan Task Force, Wabasha County Water Planner and the Wabasha County Soil and Water Conservation District

Wabasha
COMPREHENSIVE LOCAL WATER MANAGEMENT PLAN
2008-2013

Executive Summary

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Executive Summary

Overview:

The Wabasha County Water Plan Task force Committee consists of citizen members and agency personnel that provide insight in the development and implementation for the Local Water Management plan update. The water plan update and revision process was started by Darrin Thompson, Wabasha County Public Health (until May 2006) and taken over by Byron Evers, Wabasha County Water Plan Coordinator in May of 2006.

The Task Force Committee along with the Water Plan Coordinator have gone through the process to revise the current plan and created a new five year plan covering the years starting January, 1 2008 and expiring on December, 31 2013. The following individuals participate on the Task Force Committee:

- Mary Kells, BWSR
- Justin Watkins, MPCA
- Peter Boyce, Wabasha County Administrator
- Ralph Lentz, Area Farmer, Lake City
- Al Schmidt, DNR Fisheries*
- Jeff Weiss, DNR Fisheries
- Rich Biske, The Nature Conservancy
- Linda Dahl, Executive Director, Whitewater Watershed Project
- Darvey Sloan, Area Farmer, Plainview
- Bill McMillin, Area Farmer, Kellogg
- Kerwin Siewert, Area Farmer, Zumbro Falls
- Jim Straskowski, District Manager, Wabasha County SWCD
- Mark Kulig, District Conservationist, NRCS
- Mike McMillin, Wabasha County Feedlot Officer*
- Troy Dakemeyer, Wabasha County Feedlot Officer
- Molly Patterson-Lundgren, Wabasha City Planner
- David Windhorst, County Commissioner
- Paul Moechning, Area Farmer, Lake City
- Bea Hoffman, Executive Director, Southeast Minnesota Water Resources Board
- James Nordstrom, Wabasha County Attorney
- Floyd Riester, Wabasha County Zoning Administrator

*No longer a member, but were active during most of the update process

The County Commissioners in office during the Local water Management Plan update are as follows.

- Eugene McNallan (District 1)
- David Windhorst (District 2)
- Donald Springer (District 3)
- Peter Riester (District 4)
- Tom Dwelle (District 5)

Other cooperating agencies include the Minnesota Department of Agriculture (MDA), Minnesota Department of Health (MDH), Minnesota Geological Survey (MGS), University of Minnesota, and the Environmental Quality Board.

Wabasha County is part of the Ten County Southeastern Minnesota Water Resources Board (SEMNWRB). The Board's mission statement is "to help sustain the quality of life in the ten counties of Southeastern Minnesota by improving and protecting the water resources through coordination of local water planning efforts." Regional projects address water quality issues that are common to the karst region and to watersheds throughout the region that are identified as priorities in each county through the local water management plan.

Wabasha County is also part of a three County Whitewater Watershed Project. The Projects mission states: "That mission being to continue to nurture a land stewardship ethic amongst those that live, work and recreate in the watershed. The project will focus on improving water quality, reducing sedimentation and flooding and improving habitat for all plants and animals. The project will accomplish this mission by developing a partnership among watershed citizens, governmental agencies, environmental groups and businesses."

Wabasha County is a partner of the Zumbro Watershed Partnership (ZWP) along with five other counties. The ZWP mission is "To Promote the Protection and Improvement of the Zumbro River Watershed". The ZWP is currently working on a management and implementation plan that will be consistent with the Wabasha County Local Water Management Plan.

Wabasha County actively participates in the Basin Alliance for the Lower Mississippi in Minnesota (BALMM). BALMM consist of local land and water resource agencies that coordinate efforts to protect and improve water quality in the basin. Projects initiated in the last five years

through BALMM are aimed at reducing fecal coliform bacteria in surface water and increasing permanent vegetative cover on the landscape to reduce soil erosion and runoff.

Trout Unlimited's Driftless Area Restoration Effort (TUDARE) is a four state effort, including Minnesota, Wisconsin, Iowa, and Illinois, to restore and protect the coldwater streams and watersheds of the Driftless Area. Wabasha County along with Trout Unlimited, the four state Department of Natural Resources, the United States Fish and Wildlife Service, and the Natural Resources Conservation Service have partnered together. Currently the partners are working together to coordinate a regional approach to link upland conservation with stream restoration to improve upland conditions, water quality, and fish habitat and populations.

Purpose of the Water Management Plan:

Wabasha County heavily relies on its water resources for drinking, recreation, and production. It is important that the County takes a proactive approach to protect these resources by addressing priority concerns identified by citizens, agencies and the task force committee. The local water management plan is designed to protect, restore or improve the natural resources of Wabasha County. Goals and objectives for various resource concerns are designed to improve the quality of surface and ground water throughout the county. The water management plan will provide a framework and guideline for implementing action to address the identified priority concerns, goals and objectives. The Wabasha County Task Force will continue to meet regularly to ensure that the implementation of programs and projects continues to meet the goals of the plan.

Priority Concerns Addressed in Plan:

Wabasha County started the Local Water Management Plan Update process in 2005 with the priority concerns identification and documentation process. A Task Force Committee was assembled and priority concern input was collected. Citizens of Wabasha County were able to give their input through questionnaires and a town meeting. Notification of the plan update was sent to state review agencies and were also given an opportunity to express their priority concerns.

Wabasha County then developed a Priority Concern Scoping Document, in accordance with statues 103B.304-103B.355, which identified and listed the priority water resource concerns that will be identified in the Wabasha County Comprehensive Local Water Plan document. The Scoping document was submitted to BWSR for approval of the five priority concern areas.

The five selected priority concerns cover most of the concerns throughout the county. While it is impossible to address all concerns submitted by citizens and other agencies, over a five year

period the five selected concerns are broad enough to cover most of them. At the same time the concerns are focused enough to achieve goals and action items with the staff and funding that is available.

A copy of the Priority Concerns Scoping Document can be found in the Appendix of this document. The lists of identified priority concerns, in order, are as follows:

1. **Soil Erosion**- prevention of soil erosion and sedimentation from runoff from; agriculture land, construction sites and stream banks
2. **Nutrient and Manure Management**- protection of surfaces waters by reducing contaminates entering the water. Use correct methods to prevent nutrient loading from manure, and artificial fertilizers both from agriculture and urban areas.
3. **ISTS/Ground Water Protection**- protect ground water from contamination to ensure drinking water aquifers maintain good quality.
4. **Forest and Pasture Land**- improve forest and pasture land management to reduce soil erosion and increase water quality
5. **Impaired Waters**- address impaired watersheds throughout the county to improve water quality.

These priority concerns are further described in the assessment of the priority concerns starting on page #8 of the plan.

Summary of Local Water Management Goals Implementation Actions and projected cost:

The Task Force committee has set a number of goals that adequately address each of the priority concerns. Each goal has specific objectives and action items that target specific water quality issues within each priority concern. Wabasha County's current budget cannot fully address all the priority concerns, increased funding will be needed to successfully complete the goals and objectives listed. The implementation schedule located on page #28 further addresses the funding needed to accomplish each objective item set by the Task Force Committee. The following table is a summary of the total anticipated funds needed to implement the Local Water Management Plan:

Priority Concern	Annual Need
1. Soil Erosion	$291,000
2. Nutrient and Manure Management	$86,000
3. SSTS/Ground Water Protection	$205,000

4. Forest and Pastureland	$110,000
5. Impaired Waters	$30,000
TOTAL ANNUAL NEED	**$722,000**

The Water Plan Task Force believes that all issues mentioned in the Implementation Plan section are of great importance and thus would state that all issues are a priority. The Time Frame portion in the Implementation Plan will show that some action items need to be a prerequisite before others are started (See Implementation Plan Timeline).

Consistency with Other Plans:

The Wabasha Local Water Management plan is consistent with other local, regional and state plans. The priority concerns were developed to reflect the goals objectives and actions found in related plans and documents.

Goals and Objectives

Soil Erosion

Goal 1.) Reduce soil Erosion from Agriculture Fields

OBJECTIVE A. Use BMP's to reduce erosion

1.) Annually spot check 20% of the county for the next five years for farm plan compliance
2.) Send letters to each new farm plan highlighting practices that would further reduce soil erosion past the minimum
3.) Promote BMP's that reduce soil erosion to tolerance levels through farm plan spot checks and new farm plan letters
4.) Pursue additional funding for producers to install soil erosion BMP's
5.) Partner with watershed groups to hold demonstration days to promote various conservation tillage technology
6.) Provide educational handouts to producers when they certify their crops on how BMPS can be cost effective

OBJECTIVE B. Change marginal row cropped acreage to perennial cover

1.) Encourage the reenrollment of CRP acres
2.) Promote long term conservation programs such as CRP, CCRP etc.
3.) Send letters and hold field days to promote livestock farming to increase perennial cover such as Alfalfa/Hay in crop rotations
4.) Pursue funding for incentives to encourage livestock farming to increase perennial crops (such as hay and pasture) in crop rotations

OBJECTIVE C. Focus on areas of high need

1.) Target sensitive areas, including highly erodible and riparian areas.
2.) Increase funding to protect critical areas
3.) Promote conservation buffer strips and stream bank stabilization

Goal 2.) Reduce soil Erosion from Construction sites

OBJECTIVE A. Work with other agencies to educate about construction runoff

1.) Provide annual professional workshops for contractors to address soil loss from building sites

2.) Hold demonstration days for county residents to promote proper use of erosion control BMP's

3.) Partner with the highway department to demonstrate the correct installation of erosion control BMP's

4.) Provide informational pamphlets to new construction applicants on the impacts of development, particularly in sensitive areas.

5.) Meet annually with city councils to set education opportunities in each city

OBJECTIVE B. Implement and Review Wabasha County Ordinances

1.) Provide landowners with shoreland buffer ordinance information through Planning and Zoning

2.) Review and promote shoreland and bluffland ordinances with planning and zoning, the planning commission and the county commissioners every other year

Goal 3. Protect and Restore Bank and Shoreline Erosion

OBJECTIVE A. Educate and promote landowners on current protection efforts

1.) Use GIS to identify areas of high need

2.) Use existing ordinances with state and federal programs to increase stream buffers by 50 % over the next five years

3.) Pursue additional funding for riparian buffer strip implementation

4.) Partner with conservation groups such as Trout Unlimited to restore the banks of trout streams

Nutrient and Manure Management

Goal 1.) Reduce Nutrient Loading of Surface Waters from Agriculture

OBJECTIVE A. Ensure proper manure management procedures are practiced throughout Wabasha County.

1.) Calibrate manure spreaders and educate farmers on the economic benefits of proper manure management

2.) Encourage producers under 300 animal units to obtain appropriate Nutrient Management Plans, either a Mini Manure Management Plan or Comprehensive Nutrient Management Plan.

3.) Spot Check 5% of nutrient management plans to make sure they are being followed.

4.) Provide each livestock producer with a copy of the publication "Applying Manure in Sensitive Areas" from MPCA when feedlots are re-registered

OBJECTIVE B. Provide education on ways to improve water quality

1.) Provide informational handouts on methods to reduce field runoff of applied manure and the economic benefits to farmers during manure spot checks

2.) Include feedlot runoff reduction worksheet with permitting information

3.) Educate new feedlot owners about feedlot rules and method, of reducing runoff from their lot

4.) Work with producer groups to hold annual manure/nutrient management workshops

5.) Participate in ag waste workshops with U of M extension

6.) Hold field days to demonstrate small feedlot fixes, and make farmers aware of current cost share opportunities.

OBJECTIVE C. Reduce runoff of Commercial fertilizers from agriculture fields

1.) Target non livestock producers to obtain a nutrient management plan through FSA newsletter

2.) Host annual meetings with fertilizer sales representatives in the area on application rates

3.) Hold producer meetings and send mailings encouraging commercial fertilizer setbacks from sensitive areas

4.) Work with producer groups and Extension to conduct nutrient management workshops on the economic benefits of soil testing

Goal 2.) Reduce Nutrient Loading of Surface Waters from Urban Residents

OBJECTIVE A. Educate homeowners about backyard conservation

1.) Educate on the importance of keeping sewer drains free of trash and lawn litter through mailings

2.) Work with municipalities to promote alternative management practices of roof water

3.) Hold backyard conservation demo days to promote conservation practices

OBJECTIVE B. Provide homeowners with information and opportunities to iimplement backyard conservation.

1.) Encourage home owners to direct runoff to pervious areas.

2.) Promote the use of rain barrels and rain gardens through demonstration sites and fact sheets.

3.) Work with lawn care businesses and residents to reduce amount of herbicides used on lawns by home owners.

4.) Partner with lawn care business to make soil testing before fertilizer application, standard procedure.

OBJECTIVE C. Assist with implementing urban BMP's

1.) Pursue funding to provide homeowners cost share dollars and incentive payments for backyard conservation.

2.) Provide technical assistance to homeowners to install conservation practices.

3.) Partner with city planers to leverage time to increase BMP installations.

SSTS/Ground Water Protection

Goal 1.) Protect ground water drinking water sources

OBJECTIVE A. Manage wellhead protection areas

1.) Support development of wellhead protection plans.

2.) Target landowners in the wellhead protection areas to use BMP are to prevent groundwater contamination.

3.) Reduce the use of commercial fertilizers and chemicals in the wellhead protection areas.

4.) Use GIS to develop maps of wellhead protection area and its sensitive features.

5.) Consider wellhead protection areas in land use decisions.

OBJECTIVE B. Educate and assist private well owners with well protection

1.) Educate well owners on setbacks from contamination sources through newsletters

2.) Educate landowners on well drilling code requirements for all well construction when permit is issued

3.) Inform private well owners of the importance of regular well testing

OBJECTIVE C. Promote the proper sealing of abandoned wells

1.) Identify and locate abandoned wells with GPS as they are found on site visits and provide the landowner information on well sealing
2.) Seek funding for cost share programs for sealing costs
3.) Educate homeowners on the importance of sealing abandoned wells

Goal 2 Encourage proper management of new and existing onsite treatment systems

OBJECTIVE A. Promote SSTS updates and management

1.) Perform inspection of all new SSTS installation
2.) Keep a system inventory of all SSTS installations
3.) Inspect a percentage of existing systems for compliance
4.) Work with pumping companies to notify homeowners of pumping requirements every 3 years
5.) Provide training programs for designers and installers
6.) Give homeowners SSTS maintenance information at time of installation
7.) Pursue the possibility of a county low interest loan program for new SSTS installations

Goal 3 Assist with community treatment systems

OBJECTIVE A. Encourage the installation of treatment facilities

1.) Partner with regional Coordinators to provide wastewater education to usewered communities
2.) Assist unsewered communities with installing waste treatment facilities
3.) Provide technical assistance to communities to get 2 communities adequate waste treatment facilities
4.) Work with community leaders to pursue funding for the facilities

Pasture and Forest Land Management

Goal 1.) Improve quality and quantity of current pasture conditions

OBJECTIVE A. Promote and assist landowners to change to grazing management

1.) Increase sustainable rotational grazing systems by 25%, with priority on those near riparian areas.

2.) Educate Producers on the economic and environmental benefits of rotational grazing.

3.) Conduct a survey on pasture use and management and use the information to contact landowners and encourage a change from continuous to controlled grazing to improve conditions.

4.) Collaborate with the Grazing Land Conservation Initiative (GLCI) and hold grazing work shops to educate interested producers and the general public the benefits of grazing and to create a positive image of livestock producers throughout the county.

5.) Work with other south eastren Soil and Water Conservation Districts to hire an area grazing specialist.

Goal 2.) Improve quality of forest land and increase forest management awareness

OBJECTIVE A. Educate and promote proper forest management

1.) Educate landowners on the economic and environmental benefits of proper forest land management

2.) Partner with DNR forestry to educate citizens on invasive species and how to properly manage

3.) Provide information to homeowners on windbreaks and shelterbelts through FSA newsletters

Impaired Waters

Goal 1.) Address impaired surface waters in Wabasha County

OBJECTIVE A. Identify impaired surface waters

1.) Assist with developing and implementing TMDL plans

2.) Provide technical assistance for TMDL studies

3.) Participate in TMDL efforts within the County

4.) Address the surface water according to its impairment

5.) Use long-term water quality and fisheries data collected on West Indian Creek to model baseline watershed conditions and potential improvements that can be attained through changes in land use within the watershed.

OBJECTIVE B. Target surface waters to remove from the impaired waters list

1.) Market available programs to landowners
2.) Partner with municipalities and other agencies
3.) Target sub watersheds of the impaired surface water
4.) Develop an inventory and target area of the watershed by using GIS
5.) Make public aware of impaired waters and educate them of ways to improve the conditions of the water

IMPLEMENTATION SCHEDULE FOR PRIORITY CONCERNS

Priority Concerns and Goals	Timeline for Implementation					Lead Agency/(ies)	Estimated Funding Needed
	08	09	10	11	12		
Soil Erosion							
Goal 1.) Reduce soil Erosion from Agriculture Fields							
OBJECTIVE A. Use BMP's to reduce erosion							
1.) Annually Spot Check 20% of the county for the next five years for farm plan compliance	x	x	x	x	x	SWCD, NRCS, FSA, WP	$20,000.00
2.) Send Letters to each new farm plan highlighting practices that would reduce soil erosion past the minimum	x	x	x	x	x	SWCD, NRCS, FSA	$1,000.00
3.) Promote BMP's that reduce soil erosion to tolerance levels through farm plan spot checks and new farm plan letters	x	x	x	x	x	SWCD, NRCS, FSA	$5,000.00
4.) Pursue additional funding for producers to install soil erosion BMP's	x	x	x	x	x	WP	$100,000.00
5.) Partner with watershed groups to hold demonstration days to promote various conservation tillage technology	x	x	x	x	x	WP, SWCD, NRCS, FSA, MPCA, MDA	$5,000.00
6.) Provide educational handouts to producers when they certify their crops on how BMP's can be cost effective	x	x	x	x	x	SWCD, NRCS, FSA	$5,000.00
OBJECTIVE B. Change marginal row cropped acreage to perennial cover							
1.) Encourage the enrollment of new CRP acres		x	x	x	x	FSA, NRCS, SWCD	$5,000.00
2.) Promote long term conservation programs such as CRP, CCRP etc.	x	x	x	x	x	SWCD, NRCS, FSA	$5,000.00
3.) Send letters and hold field days to promote livestock farming to increase perennial crops such as Alfalfa/Hay in crop rotations	x	x	x	x	x	SWCD, NRCS, FSA, WP, CFO, MDA, MPCA	
4.) Pursue funding for incentives to encourage livestock farming to increase perennial crops (such as hay and pasture) in crop rotations	x	x	x	x	x	WP	$50,000.00
OBJECTIVE C. Focus on areas of high need							
1.)Target sensitive areas, including highly erodeable and riparian areas to implement BMP's	x	x	x	x	x	SWCD, NRCS, FSA	$5,000.00
2.)Increase funding to protect critical areas	x	x	x	x	x	WP	$25,000.00
3.)Promote conservation buffer strips and stream bank stabilization	x	x	x	x	x	SWCD, WP, DNR	$5,000.00

Goal 2.) Reduce soil Erosion from Construction sites							
OBJECTIVE A. Work with other agencies to educate about construction runoff							
1.) Provide annual professional workshops for contractors to address soil loss from building sites	x	x	x	x	x	HD, P&Z, MPCA	$10,000.00
2.) Hold demonstration days for county residences to promote proper use of erosion control BMP's	x	x	x	x	x	Cites, WP	$5,000.00
3.) Partner with highway department to demonstrate the correct installation of erosion control BMP's	x	x	x	x	x	HD, P&Z, MPCA	$2,000.00
4.) Provide informational pamphlets to new construction applicants on the impacts of development, particularly in sensitive areas	x	x	x	x	x	P&Z, WP	$5,000.00
5.) Meet annually with city councils to set education opportunities in each city	x	x	x	x	x	Cites, WP	$500.00
OBJECTIVE B. Implement and review ordinances							
1.) Provide landowners with shore land buffer ordinance information though Planning and Zoning	x	x	x	x	x	P&Z, WP	$1,000.00
2.) Review shore land and bluff land ordinances with planning and zoning the planning commisions and the county commissioners every other year		x		x		P&Z, WP, CB	$500.00
Goal 3. Protect and Restore Bank and Shoreline Erosion							
OBJECTIVE A. Educate and promote landowners on current protection efforts							
1.) Use GIS to identify areas of high need	x	x				WP, SWCD, NRCS	$5,000.00
2.) Use existing ordinances with state and federal programs to increase stream buffers by 50% over the next five years	x	x	x	x	x	WP, SWCD, NRCS, P&Z, CB	$5,000.00
3.) Pursue additional funding for buffer strip implementation	x	x	x	x	x	WP	$25,000.00
4.) Partner with conservation groups such as Trout Unlimited to restore the banks of trout streams	x	x	x	x	x	WP, SWCD, NRCS, CB, DNR	$1,000.00
SOIL EROSION TOTAL FUNDING NEEDED							**$291,000.00**
Nutrient and Manure Management							
Goal 1.) Reduce Nutrient Loading of Surface Waters from Agriculture							
OBJECTIVE A. Ensure proper manure management procedures are practiced throughout Wabasha County							

1.) Calibrate manure spreaders and educate farmers the economic benefits of proper manure management	x	x	x	x	x	WP, SWCD, CFO	$1,000.00
2.) Encourage producers under 300 animal units obtain appropriate Nutrient Management Plans, either a Mini Manure Management Plan or a Comprehensive Nutrient Management Plan	x	x	x	x	x	SWCD, CFO	$5,000.00
3.) Spot Check 5% of nutrient management plans to make sure they are being followed			x	x	x	SWCD, CFO	$1,500.00
4.)Provide each producer and applicator with a copy of "Applying Manure in Sensitive Areas" from MPCA when feedlots are re-registered	x	x	x	x	x	SWCD, CFO, MPCA	$500.00
OBJECTIVE B. Provide education on ways to improve water quality							
1.) Provide informational handouts on methods to reduce field runoff of applied manure and the economic benefits to farmers during manure spot checks	x	x	x	x	x	MPCA, SWCD, CFO	$1,000.00
2.) Include feedlot runoff reduction worksheet with permitting information	x	x	x	x	x	SWCD, CFO, P&Z	$500.00
3.) Educate new feedlot owners about feedlot rules and methods of reducing runoff from their lot	x	x	x	x	x	CFO	$500.00
4.) Work with producer groups to hold annual manure/nutrient management workshops	x	x	x	x	x	WP, SWCD, NRCS, CFO	$5,000.00
5.) Participate in ag waste workshops with the U of M Extension	x	x	x	x	x	UofM, CFO, SWCD, WP	$1,000.00
6.) Hold annual field days to demonstrate small feedlot fixes, and make farmers aware of current cost share opportunities	x	x	x	x	x	CFO, SWCD, WP	$5,000.00
OBJECTIVE C. Reduce runoff of commercial fertilizers from agriculutre fields							
1.) Target none livestock producers to obtain nutrient management plan through FSA newsletter	x	x	x	x	x	FSA, NRCS, SWCD, WP	$5,000.00
2.) Have annual meetings with fertilizer sales representative in the area on application rates	x	x	x	x	x	WP	$1,500.00
3.)Hold producer meetings and send mailings to encourage artificial fertilizer setbacks form sensitive areas	x	x	x	x	x	FSA, NRCS, SWCD, WP	$5,000.00
4.)Work with producer groups and Extension to conduct nutrient management workshops on the economic benefits of soil testing	x	x	x	x	x	UofM, NRCS, SWCD, WP	$5,000.00

Goal 2.) Reduce Nutrient Loading of Surface Waters From Urban Residences							
OBJECTIVE A. Educate homeowners about backyard conservation							
1.)Educate on the importance of keeping sewer drains free of trash and lawn litter through mailings	x	x	x	x	x	Cites, WP, P&Z	$1,000.00
2.) Work with municipalities to promote alternative management practices of roof water	x	x	x	x	x	Cites, WP	$1,500.00
3.) Hold backyard conservation demonstration days to promote conservation practices	x	x	x	x	x	Cites, WP, P&Z	$3,000.00
OBJECTIVE B. Urge homeowners to practice backyard conservation							
1.)Encourage home owners to direct runoff to pervious areas	x	x	x	x	x	Cites, WP, P&Z	$1,000.00
2.) Promote the use of rain barrels and rain gardens through demonstration sites and fact sheets	x	x	x	x	x	Cites, WP, P&Z	$5,000.00
3.) Work with lawn care business and residences to reduce amount of herbicides used on lawns by home owners	x	x	x	x	x	Cities, WP	$1,000.00
4.) Partner with lawn care businesses to make soil testing of lawns before fertilizer application standard procedure	x	x	x	x	x	Cities, WP	$1,000.00
OBJECTIVE C. Assist with implementing urban BMP's							
1.) Pursue funding to provide homeowners cost share dollars and incentive payments for backyard conservation	x	x	x	x	x	WP	$25,000.00
2.) Provide technical assistance to homeowners to install backyard conservation practices	x	x	x	x	x	Cites, WP, SWCD	$5,000.00
3.) Partner with city planers to leverage time to increase BMP installations	x	x	x	x	x	Cities, WP	$5,000.00
NUTRIENT AND MANURE MANAGEMENT TOTAL FUNDING NEEDED							**$86,000.00**
SSTS/Ground Water Protection							
Goal 1.) Protect ground water drinking water sources							
OBJECTIVE A. Manage wellhead protection areas							
1.) Support development of wellhead protection plans	x	x	x	x	x	MDH, SWCD, WP	$2,000.00
2.) Target landowners in the well head protection areas to use BMP's to prevent ground water contamination	x	x	x	x	x	SWCD, NRCS, WP, P&Z	$5,000.00

3.)Reduce the use of commercial fertilizers and chemicals in the wellhead protection areas	x	x	x	x	x	WP	$5,000.00
4.) Use GIS to develop maps of wellhead protection areas and their sensitive features	x	x	x	x	x	MDH, SWCD, WP	$1,500.00
5.) Consider well head protection areas in land use decisions	x	x	x	x	x	P&Z, CB, WP, SWCD, NRCS	$1,500.00
OBJECTIVE B. Educate and assist private well owners with well protection							
1.)Educate well owners on setbacks from contamination sources through news letters	x	x	x	x	x	WP, PH, MDH	$5,000.00
2.)Educate landowners on well drilling code requirements for well construction when permit is issued	x	x	x	x	x	P&Z, DH, WP	$2,500.00
3.)Inform private well owners of the importance of regular well testing	x	x	x	x	x	PH, WP	$2,500.00
OBJECTIVE C. Promote the proper sealing of abandoned wells							
1.) Identify and locate abandoned with GPS as they are found on site visits and provide the landowner information on well sealing	x	x	x	x	x	SWCD, PH, WP	$5,000.00
2.) Seek funding for cost share programs for sealing costs	x	x	x	x	x	WP	$50,000.00
3.) Educate homeowners on the importance of sealing abandoned wells	x	x	x	x	x	PH, WP	$5,000.00
Goal 2 Encourage proper management of new and existing onsite treatment systems							
OBJECTIVE A. Promote SSTS updates and management							
1.)Perform inspection of all new SSTS installation	x	x	x	x	x	PH	$10,000.00
2.)Keep a system inventory of all SSTS installations	x	x	x	x	x	PH, WP	$5,000.00
3.)Inspect percentage of existing systems periodically	x	x	x	x	x	PH	$15,000.00
4.) Work with pumping companies to notify homeowners of pumping requirements every 3 years	x	x	x	x	x	PH, WP	$5,000.00
5.)Provide training programs for designers and installers	x	x	x	x	x	PH, WP	$5,000.00
6.) Give home owners SSTS maintenance information at time of installation	x	x	x	x	x	PH, WP, P&Z	$5,000.00
7.)Pursue the possibility of a county low interest loan program for new SSTS installations	x	x	x	x	x	CB, PH, WP	
Goal 3 Assist with community treatment systems							
OBJECTIVE A. Encourage the installation of treatment facilities							

1.) Partner with regional coordinators to provide wastewater education to unsewered communities	x	x	x	x	x	SEWRB, WP, PH, MDH	$5,000.00
2.) Assist unsewered communities with installing waste treatment facilities	x	x	x	x	x	SEWRB, WP, PH, MDH	$10,000.00
3.) Provide technical assistance to communities to get 2 communities adequate waste treatment facilities	x	x	x	x	x	SEWRB, WP, PH, MDH	$10,000.00
4.) Work with community leaders to pursue funding for the facilities	x	x	x	x	x	SEWRB, WP, Communities	$50,000.00
SSTS/GROUND WATER PROTECTION FUNDING NEEDED							**$205,000.00**
Pasture and Forest Land Management							
Goal 1.) Improve quality and quantity of current pasture conditions							
OBJECTIVE A. Promote and assist landowner to change to grazing management							
1.)Increase sustainable rotational grazing systems by 25%, with priority on those near riparian areas	x	x	x	x	x	NRCS, SWCD, WP, CFO	$10,000.00
2.)Educate Producers on the economic and environmental benefits of rotational grazing	x	x	x	x	x	UofM, SWCD, NRCS, MDA	$5,000.00
3.) Conduct pasture condition survey county wide and use the information to contact landowners to change from continuous to controlled grazing to improve conditions	x	x				WP, SWCD	$15,000.00
4.) Collaborate with the Grazing Land Conservation Initiative (GLCI) and hold grazing work shops to educate interested producers on the benefits of grazing and to create a positive image of livestock producers throughout the county	x	x	x	x	x	UofM, SWCD, NRCS, MDA, WP	$5,000.00
5.) Work with other south eastren Soil and Water Conservation Districts to hire an area grazing specialist			x	x	x	SWCD, WP	$50,000.00
Goal 2.) Improve quality of forest land and increase forest management awareness							
OBJECTIVE A. Educate and promote proper forest management							
1.)Educate land owners on the economic and environmental benefits of proper forest land management	x	x	x	x	x	DNR, WP, SWCD	$5,000.00
2.) Partner with DNR forestry to educate citizens on invasive species and how to properly remove	x	x	x	x	x	DNR, WP, SWCD	$10,000.00

3.) Provide information to homeowners on wind breaks and shelterbelts through FSA newsletters	x	x	x	x	x	DNR, WP, SWCD, NRCS	$10,000.00
PASTURE AND FOREST LAND MANAGEMENT FUNDING NEEDED							**$110,000.00**
Impaired Waters							
Goal 1.) Address impaired surface waters in Wabasha County							
OBJECTIVE A. Identify impaired surface waters							
1.)Assist with developing and implementing TMDL plans	x	x	x	x	x	SWCD, WP, CB	$5,000.00
2.)Provide technical assistance for TMDL studies	x	x	x	x	x	SWCD, WP	$1,500.00
3.)Participate in TMDL efforts within the County	x	x	x	x	x	SWCD, WP	$2,000.00
4.)Address the surface water according to its impairment	x	x	x	x	x	SWCD, WP	$5,000.00
OBJECTIVE B. Target surface waters to remove from the impaired waters list							
1.)Market available programs to landowners	x	x	x	x	x	SWCD, WP, NRCS, FSA	$2,500.00
2.)Partner with municipalities and other agencies	x	x	x	x	x	Cities, WP, SWCD, MPCA, SEWRB, NRCS, DNR	$1,500.00
3.)Target sub watersheds of the impaired surface water	x	x	x	x	x	NRCS, SWCD, FSA	$5,000.00
4.)Develop an inventory and target area of the watershed by using GIS	x	x	x	x	x	WP, SWCD	$2,500.00
5.)Make public aware of impaired waters and educate them of ways to improve the conditions of the water	x	x	x	x	x	MPCA, SWCD, NRCS, FSA, CB	$5,000.00
IMPAIRED WATERS FUNDING NEEDED							**$30,000.00**
TOTAL FUNDING NEEDED							**$722,000.00**

Soil and Water Conservation District (SWCD), Water Planner (WP), Department of Natural Resources (DNR), Minnesota Pollution Control Agency (MPCA), Farm Service Agency (FSA), Wabasha County Highway Department (HD), Wabasha County Public Health (PH), Wabasha County Planing and Zoning (P&Z), Natural Resource Conservation Service (NRCS), Wabasha County Feedlot Officer (CFO), Minnesota Department of Health (MDH), South East Minnesot Water Resource Board (SEWRB), Universty of Minnesota Extension (UofM), Minnesota Department of Agriculture (MDA), County Board of Commissioners (CB)

Implementation Schedule for Ongoing Activities

Feedlots

Wabasha County currently runs their feedlot program under the Natural Resource Block Grant (NRBG). The responsibilities of this program include enforcement of Minnesota Rules Chapter 7020 and oversees permitting for new and expanding facilities of up to 1000 AU. Current staffing levels can be maintained as long as state funding is available to the county and regional technical assistance grants are continued to address emerging needs. This should ensure that program goals laid out in the water plan and in annual feedlot program work plans will be met.

Wetland Conservation Act (WCA)

Wabasha County will continue to administer the Wetland Conservation Act for the entire county with the Soil and Water Conservation District (SWCD) responsible for administration of the program. Funding for WCA administration is provided to the SWCD, by the County through the NRBG.

Subsurface Sewage Treatment Systems (SSTS)

Wabasha County enforces Minnesota Rules Chapter 7080 in the entire county. Any changes to 7080 are adopted by reference in the county's ordinance. All new SSTS are permitted through the Zoning Office and inspected by environmental services. Current funding is provided through the NRBG for staffing, however additional money could be used for inventories and low interest loans.

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Wabasha County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Minnesota Board of Water and Soil Resources (Board) on September 10, 2007, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1. On March 16, 2005, the Board received a Priority Concerns Scoping Document from Wabasha County, pursuant to M.S. Section 103B.312.

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

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

    a. **Soil Erosion** – prevention of soil erosion and sedimentation from runoff from agriculture land, construction sites and stream banks
    b. **Nutrient and Manure Management** – protection of surface waters by reducing contaminates entering the water. Use correct methods of prevent nutrient loading from manure and artificial fertilizers both from agriculture and urban areas.
    c. **ISTS/Ground Water Protection** – protect ground water from contamination to ensure drinking water aquifers maintain good quality.
    d. **Forest and Pasture Land** – improve forest and pasture land management to reduce soil erosion and increase water quality
    e. **Impaired Waters** – address impaired watersheds throughout the county to improve water quality.

4. On September 10, 2007, the Board received the Wabasha 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 December 6, 2007, the Southern Water Planning Review Committee of the Board reviewed the recommendation of the state review agencies regarding final approval of the Wabasha 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 had no comment;
    d. Minnesota Pollution Control Agency recommends approval;
    e. Minnesota Environmental Quality Board had no comment;
    f. Minnesota Board of Water and Soil Resources regional staff recommends approval;
    g. Board regional Water Planning Review Committee recommends approval.

6. This update will be in effect until December 31, 2012.

CONCLUSIONS

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

2. The Wabasha 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 Wabasha Local Water Management Plan.

Dated at St. Paul, Minnesota, this nineteenth day of December, 2007.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

WASECA COUNTY COMPREHENSIVE LOCAL WATER PLAN EXTENSION REQUEST

Waseca County has requested a one-year extension of their existing Comprehensive Water Plan in order that the update process is completed. We have received a resolution from Waseca County requesting the extension and explaining the reason for the extension request. The county Land Use Plan, Land Use Zoning Map and Zoning Ordinance updates limited staff time to complete the water plan update. In addition special projects involving Highway 14 and Waseca Bio Ethanol have required additional time.

The county has stepped up efforts to updater the Comprehensive Water Plan and has completed the Priority Concerns Scoping Document for the December 6, 2007 review by the BWSR southern water plan review committee. Upon approval of this committee I expect the completed draft and state agency review of the updated plan during January 2008.

Thus, because the county is making great strides to complete the update process, I fully support the one-year extension request of Waseca County to complete the update of the County Comprehensive water Plan.

Respectfully Submitted,

Chris Hughes
Board Conservationist
December 5, 2007

RESOLUTION AUTHORIZING EXTENSION OF THE
WASECA COUNTY
COMPREHENSIVE WATER MANAGEMENT PLAN

The following Resolution was offered by Commissioner Kuhns and moved for adoption at a Regular Meeting held on November 6, 2007 at the Waseca County East Annex, Waseca, MN:

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

WHEREAS, efforts and responsibilities associated with a revision of the Waseca County Comprehensive Land Use Plan and Land Use Zoning Map completed during the past five years as well as review and revision of the Waseca County Zoning Ordinance this year with anticipated completion next year, limited staff for the Water Management program and the Planning and Zoning Office (which has included unanticipated projects and major permits such as the new Highway 14 , US Bio ethanol plant, various conditional use permits, appeals, subdivisions and plats, changes in staff, and new feedlot construction) have slowed the current revision process, and

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

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

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

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

Adopted by the following vote: Ayes 5 Nays 0
Dated this 6th day of November, 2007.

Richard Ahrens
Chairman, Waseca County

ATTEST:
Joan Manthe
Auditor, Waseca County

CERTIFICATION

State of Minnesota)
County of Waseca)

I, Joan Manthe, duly elected, qualified and acting Auditor for the County of Waseca, State of Minnesota, do hereby certify that I have compared the foregoing copy of a Resolution with the original minutes of the proceedings of the Board of County Commissioners, Waseca County, Minnesota, at their session held on the 6th day of November, 2007, now on file in my office, and have found the same to be a true and correct copy thereof.

Witness my hand and official seal at Waseca, Minnesota, this 6th day of November, 2007.

Joan Manthe
County Auditor

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

In the Matter of Extending the Comprehensive Local Water Management Plan for Waseca County

ORDER EXTENDING WATER MANAGEMENT PLAN

Whereas, the Waseca County Board of Commissioners has a state-approved Comprehensive Local Water Management Plan (Plan) that is effective until December 31, 2007, pursuant to Minnesota Statutes 103B.301; and

Whereas, the Minnesota Board of Water and Soil Resources (Board) has authorization to grant extensions pursuant to Minnesota Statutes 103B.311, Subdivision 4 (a) (5).

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

FINDINGS OF FACT

On September 5, 2007, Waseca County's Priority Concerns Scoping Document (PCSD) was distributed for state agencies review pursuant to Minnesota Statutes 103B.305, Subdivision 8a.

On December 6, 2007, the Board's southern region water planning review committee (Committee) met with representatives of Waseca County to discuss the county's PCSD and review comments that were received. The priority concerns to be addressed in the new Plan were deemed appropriate by the Committee. The Committee's decision was to present to the Board a recommendation of approval of the Waseca County PCSD.

On November 16, 2007, the Board received a resolution from Waseca County requesting a one-year extension of their Plan. The primary reason for the extension request is that the efforts and responsibilities associated with a revision of the Waseca County Comprehensive Land Use Plan and Land Use Zoning Map completed during the past five years as well as review and revision of the Waseca County Zoning Ordinance this year with anticipated completion next year, limited staff for the Water Management program and the Planning and Zoning Office (which has included unanticipated projects and major permits such as the new Highway 14, US Bio ethanol plant, various conditional use permits, appeals, subdivisions and plats, changes in staff, and new feedlot construction) have slowed the current revision process.

On December 5, 2007, Board staff reviewed and recommended approval of the extension request by Waseca County.

On December 19, 2007, the Committee presented its recommendation of approval of the Waseca County PCSD to the Board. The Board adopted the Committee's recommendation.

CONCLUSIONS

All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of extending the Comprehensive Local Water Management Plan of Waseca County pursuant to Minnesota Statutes 103B.311, Subdivision 4 (a) (5).

ORDER

The Board hereby approves the extension of the Waseca County Comprehensive Local Water Management Plan until December 31, 2008. Waseca County shall strive to complete the updating of their Comprehensive Local Water Management Plan in a timely manner. Dated at St. Paul, Minnesota, this nineteenth day of December 2007.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

October 11, 2007

Mr. Jeff Nielsen
Minnesota Board of Water and Soil Resources
261 Highway 15 South
New Ulm, MN 56073

Dear Jeff:

Waseca County has submitted their Priority Concerns Scoping Document (PCSD) for the 2007 Local Water Management Plan Update to BWSR and other state agencies. BWSR received this document on September 5, 2007.

State agency comments were received from DNR, MDA, MDH, and MPCA. DNR concurred with the priority concerns identified and felt the priority concern identification process was adequate. DNR asked the county to consider amending the zoning ordinance to require inspection/upgrade of any ISTS at the time of sale, to consider promoting the use of rain gardens, and providing opportunities for nurseries and landscapers to gain expertise regarding rain gardens and the use of native species. The DNR commented that more education and incentives for urban residents regarding storm water runoff from their property and adjacent streets would result in improved storm water treatment. The DNR asked that the county consider adopting the concepts of conservation development and subdivisions within shore land areas as a requirement for development to occur. This action will improve water quality, reduce storm water quantity, improve the taxable value of these residences over time, and protect the natural beauty of the area. Lastly, the DNR asked the county to consider requiring that improvements to public drainage systems and/or the construction of new systems be designed with sufficient water retention so as not to increase existing peak flows. This action will help keep flooding to a minimum and improve surface water quality entering downstream lakes. The DNR looks forward to continued collaboration with Waseca County in their water planning.

The MPCA concurred with the priority concerns and commended the county's efforts to link local water management and impaired waters/TMDLs as well as the county's focus on public education, and finally for the county's attention to drainage/wetlands management. MPCA mentioned that erosion and runoff and storm water management are excellent concepts and that it may be helpful to clarify their differences. The MPCA asked the county to clarify that public drainage system statistics mentioned in the MPCA priority concern letter came from the county water plan rather than MPCA. The MPCA commented that several priority concerns not addressed in the plan could be aligned with the priority concerns that were selected. MPCA encouraged the county to promote and encourage citizen stream monitoring along the Upper Lesueur River and Boot Creek to help people recognize that land use management in the headwaters has downstream effects. MPCA provided a link to water quality data that may be useful for the county. MPCA looks forward to reviewing the forthcoming plan and is available to assist in the development and implementation of the plan.

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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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Duluth, MN 55802
phone (218) 723-4752
fax (218) 723-4794

Fergus Falls
413 W. Stanton Avenue
Fergus Falls, MN 56537
phone (218) 736-5445
fax (218) 736-7215

Marshall
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Marshall, MN 56258
phone (507) 537-6060
fax (507) 537-6368

New Ulm
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fax (507) 359-6018

Rochester
40 16th Street S.E.
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Rochester, MN 55904
phone (507) 285-7458
fax (507) 280-2875

Saint Paul
One West Water Street
Suite 250
Saint Paul, MN 55107
phone (651) 282-9969
fax (651) 284-0000

MDH concurred with the priority concerns identified and felt the process to identify the priority concerns was commendable. MDH recommended that the county water plan include a list of all public water suppliers and continue providing cost share funding for sealing unused wells.

MDA commented that the process to identify priority concerns was commendable and concurred with the priority concerns identified.

No other state agency comments were received during this review period; however, in addition to PCSD comments, the MPCA, BWSR, MDA, and numerous other local stakeholders provided comments early on in the process.

On behalf of the BWSR I have completed my review of the Waseca County PCSD and recommend the BWSR concur with the priority concerns identified.

I look forward to working with Waseca County elected officials, staff, and residents as the plan update moves forward. If you have questions or need additional information, please contact me at 507-389-6784.

Sincerely,

Chris Hughes
Board Conservationist

Minnesota Board of Water & Soil Resources

December 19, 2007

Waseca County Commissioners
c/o Angie Knish
Waseca County Water Plan Coordinator
Waseca County East Annex Building
300 North State Street, Suite 2
Waseca, MN 56093

Dear Waseca County Commissioners:

RE: Official Comments Pertaining to the State Review of the Waseca 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 Waseca County has chosen to address in the update of their Comprehensive Local Water Management (CLWM) Plan. The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the Waseca County Priority Concerns Scoping Document (PCSD) on September 5, 2007.

Waseca 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 CLWM Plan.

- Reducing Priority Pollutants
- Drainage/Wetlands Management
- Natural Corridors and Shoreland Management
- Public Education

The BWSR received comments from the Minnesota Pollution Control Agency (MPCA), the Department of Natural Resources (DNR), the Department of Health (MDH) and the Minnesota Department of Agriculture (MDA) on the Waseca County PCSD during the official review period. DNR concurred with the priority concerns identified and felt the priority concern identification process was adequate. DNR asked the County to consider amending the zoning ordinance to require inspection/upgrade of any ISTS at the time of sale, to consider promoting the use of rain gardens and providing opportunities for nurseries and landscapers to gain expertise regarding rain gardens and the use of native species. The DNR commented that more education and incentives for urban residents regarding stormwater runoff from their property and adjacent streets would result in improved stormwater treatment. The DNR asked that the County

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consider adopting the concepts of conservation development and subdivisions within shoreland areas as a requirement for development to occur. This action will improve water quality, reduce stormwater quantity, improve the taxable value of these residences over time and protect the natural beauty of the area. Lastly, the DNR asked the County to consider requiring that improvements to public drainage systems and/or the construction of new systems be designed with sufficient water retention so as not to increase existing peak flows. This action will help keep flooding to a minimum and improve surface water quality entering downstream lakes. The DNR looks forward to continued collaboration with Waseca County in their water planning.

MDA commented that the process to identify priority concerns was commendable and concurred with the priority concerns identified.

The MPCA concurred with the priority concerns and commended the County's efforts to link local water management and impaired waters/TMDLs as well as the County's focus on public education, and finally for the County's attention to drainage/wetlands management. MPCA mentioned that erosion and runoff and stormwater management are excellent concepts and that it may be helpful to clarify their differences. The MPCA asked the County to clarify that public drainage system statistics mentioned in the MPCA priority concern letter came from the County water plan rather than MPCA. The MPCA commented that several priority concerns not addressed in the plan could be aligned with the priority concerns that were selected. MPCA encouraged the County to promote and encourage citizen stream monitoring along the Upper Lesueur River and Boot Creek to help people recognize that land use management in the headwaters has downstream effects. MPCA provided a link to water quality data that may be useful for the County, mentioned that the agency looks forward to reviewing the forthcoming plan and is available to assist in the development and implementation of the plan.

MDH concurred with the priority concerns identified and felt the process to identify the priority concerns was commendable. MDH recommended that the county water plan include a list of all public water suppliers and continue providing cost share funding for sealing unused wells.

No other state agency comments were received during this review period. In addition to PCSD comments from the DNR, MDA, MPCA, BWSR, and MDH numerous other local stakeholders provided comments early on in the process.

The BWSR southern region water planning review committee (hereinafter referred to as Committee) met on December 6, 2007, to discuss the content of the PCSD, state review agency comments on the PCSD, and recommendations for the content of the final CLWM Plan.

The Committee commends Waseca 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 CLWM 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

cc: Becky Balk, MDA
John Wells, EQB
Art Persons, MDH
Mark Matuska, DNR
David L. Johnson, MPCA
Joe Martin, MDA
Dan Wilson, MDH
Dana Allen, BWSR Board
Brian Kletscher, BWSR Board
Paul Langseth, BWSR Board
Jeff Nielsen, BWSR Southern Region Supervisor
Chris Hughes, Board Conservationist
Waseca Soil and Water Conservation District

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WATONWAN COUNTY COMPREHENSIVE LOCAL WATER PLAN EXTENSION REQUEST

Watonwan County has requested a one-year extension of their existing Comprehensive Water Plan in order that the update process is completed. We have received a resolution from Watonwan County requesting the extension and explaining the reason for the extension request. The Watonwan County Water Plan Coordinator underestimated the scope and range of effort and level of experience and expertise required to complete the plan and realized late in the process that it would take more time and organization to complete the effort that has been allotted. The Water Plan Coordinator has taken responsibility for insufficient progress to date.

The county's efforts to update the Comprehensive Water Plan have been increased and the county has completed the draft Priority Concerns Scoping Document (PCSD) and held it's public information meeting on the draft document. I expect the completed PCSD and state agency review of the document will be completed during January 2008.

The county has improved its efforts to complete the update process and I support the one-year extension request of Watonwan County to complete the update of the County Comprehensive Water Plan.

Respectfully Submitted,

Chris Hughes
Board Conservationist
December 5, 2007

RESOLUTION AUTHORIZING EXTENSION
OF THE WATONWAN COUNTY COMPREHENSIVE WATER MANAGEMENT PLAN

The following Resolution was offered by Commissioner Baerg and moved for adoption at a Regular Meeting held on November 20th, 2007 at the Watonwan County Courthouse, St. James, MN:

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

WHEREAS, the Watonwan County Comprehensive Water Management Plan also serves as the Work Plan for the Watonwan Soil and Water Conservation District which is currently functioning with a vacated Board of Supervisors, delaying the ability of a seated Board of Supervisors to provide input and approval of said Plan, and

WHEREAS, our efforts are in the scoping document phase and will not be scheduled for hearing by the Board of Water and Soil Resource Board for approval in time to meet the existing completion target dates, and

WHEREAS, the Watonwan County Water Plan Coordinator has underestimated the scope and range of effort and the level of experience and expertise required to complete the Plan and has realized late in the process that it would take more time and organization to complete the effort than has been allotted, with the Coordinator taking full responsibility for insufficient progress having been made as of this date.

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

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

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

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

Adopted by the following vote: Ayes – 5 Nays – 0

CERTIFICATION

I, Donald Kuhlman, duly elected and qualified Auditor of Watonwan County, State of Minnesota, do hereby certify that I have compared the foregoing copy of a Resolution with the original minutes of the proceedings of the Board of Commissioners, Watonwan County, Minnesota, at their session held on the 20th day of November, 2007, now on file in my office, and have found the same to be a true and correct copy thereof.

Witness my hand and official seal at St. James, Minnesota the 20th day of November, 2007.

Donald Kuhlman
Watonwan County Auditor

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

In the Matter of Extending the Comprehensive Local Water Management Plan for Watonwan County

ORDER EXTENDING WATER MANAGEMENT PLAN

Whereas, the Watonwan County Board of Commissioners has a state-approved Comprehensive Local Water Management Plan (Plan) that is effective until December 31, 2007, pursuant to Minnesota Statutes 103B.301; and

Whereas, the Minnesota Board of Water and Soil Resources (Board) has authorization to grant extensions pursuant to Minnesota Statutes 103B.311, Subdivision 4 (a) (5).

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

FINDINGS OF FACT

On November 30, 2007, the Board received a resolution from Watonwan County requesting a one-year extension of their Plan. The primary reason for the extension request is that the Watonwan County Water Plan Coordinator has underestimated the scope and range of effort and the level of experience and expertise required to complete the Plan and has realized late in the process that it would take more time and organization to complete the effort than has been allotted. The Water Plan Coordinator has taken responsibility for insufficient progress to date.

On December 5, 2007, Board staff reviewed and recommended approval of the extension request by Watonwan County.

CONCLUSIONS

All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of extending the Comprehensive Local Water Management Plan of Watonwan County pursuant to Minnesota Statutes 103B.311, Subdivision 4 (a) (5).

ORDER

The Board hereby approves the extension of the Watonwan County Comprehensive Local Water Management Plan until December 31, 2008. Watonwan County shall strive to complete the updating of their Comprehensive Local Water Management Plan in a timely manner. Dated at St. Paul, Minnesota, this nineteenth day of December 2007.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

November 15, 2007

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: Thomas Fischer, BWSR Board Conservationist

SUBJECT: **Kandiyohi County Local Water Management Plan Amendment - Final Review**

On December 4, 2002, the Board of Water and Soil Resources (BWSR), by board order, approved the Kandiyohi County 2003 – 2012 ten-year Comprehensive Local Water Plan Update, which contained a 2003 – 2007 five-year Focus Plan (implementation plan). The board order stipulated that Kandiyohi County was required to revise/update the Focus Plan by December 31, 2007.

In its December 12, 2002, letter notifying the county of approval of the Plan Update, the BWSR noted the impressive work of Mid-Minnesota Development Commission in assisting Kandiyohi County with the Plan Update. This letter also stated the Kandiyohi County staff and water plan advisory members were to be commended for writing a plan that clearly presented water management goals, actions and priorities.

On December 20, 2006, the Kandiyohi County Board of Commissioners resolved to amend its five-year Focus Plan as stipulated by the BWSR. The county followed the process for amending as described within the Comprehensive Local Water Management's guidance document developed by the BWSR.

On August 17, 2007, the BWSR regional staff received the required documentation and 2008 Addendum to the Kandiyohi County Comprehensive Local Water Plan. The 2008 Addendum contains a brief Executive Summary (overview of the county's water plan, information on the revision of the five-year Focus Plan, recent water plan accomplishments, on-going programs administered within the county) and the new 2008-2012 Focus Plan. The Focus Plan addresses the following five goals:

- Protect and improve the quality of water resources.
- Maintain an adequate supply of surface water for all users.
- Increase wetland preservation and restoration efforts.
- Expand our knowledge and understanding of water resources.
- Provide for effective and efficient plan administration.

I have actively participated with and provided guidance/comments/advice/recommendations to Kandiyohi County, its consultant, and the task force throughout this amendment process. I believe the 2008 – 2012 five-year Focus Plan is in conformance with the requirements of Minnesota Statute 103B and the Comprehensive Local Water Management guidance documents developed by the BWSR. I hereby recommend approval of the Kandiyohi County 2008 – 2012 five-year Focus Plan.

I look forward to assisting the county in the implementation of its 2008 – 2012 five-year Focus Plan. Water Plan Coordinator Jeff Bredberg and Michael Sharp of Mid-Minnesota Development Commission should be commended for their leadership throughout the plan amendment process.

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, on December 4, 2002, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Kandiyohi County 2003 – 2012 Comprehensive Local Water Plan Update (Plan), which contained a 2003 – 2007 five-year Focus Plan; and

Whereas, this Board Order stipulated that Kandiyohi County was required to update the five-year Focus Plan by December 31, 2007; and

Whereas, the Kandiyohi County Board of Commissioners submitted the Kandiyohi County Plan 2008 Addendum to the Board on August 17, 2007; and

Whereas, this 2008 Addendum contains the updated five-year Focus Plan as ordered by the Board; and

Whereas, the Board has completed its review of the 2008 Addendum.

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

FINDINGS OF FACT

1. On December 22, 2006, the Board received a resolution from Kandiyohi County stating its intent to amend its current Plan by providing for the required update of the five-year Focus Plan, pursuant to M.S. Section 103B.314, Subd. 6.

2. On January 3, 2007, Board staff provided information on the amendment process to Kandiyohi County.

3. On March 8, 2007, Kandiyohi County provided proper notice to local units of government and state agencies of the county's intent to amend its five-year Focus Plan and invited all recipients to participate in the amendment process.

4. On March 20, 2007, Kandiyohi County convened its water plan task force to initiate the five-year Focus Plan update. Two additional meetings were conducted.

5. Kandiyohi County received written comments from the Minnesota Department of Agriculture on March 29, 2007, and the Minnesota Pollution Control Agency on April 19, 2007.

6. Kandiyohi County received written comments from the Buffalo Creek Watershed District on April 13, 2007.

7. No other state agency or local government unit provided written comments to Kandiyohi County.

8. The final document developed by Kandiyohi County, which includes the revised five-year Focus Plan 2008 - 2012, is entitled the 2008 Addendum.

9. On July 17, 2007, after providing for proper public notice, Kandiyohi County conducted a public hearing on the proposed 2008 Addendum. No additional comments were submitted at the hearing.

10. On August 17, 2007, the BWSR received the Kandiyohi County 2008 Addendum, a record of the public hearing, and copies of all written comments pertaining to the 2008 Addendum, pursuant to M.S. Section 103B.314, Subd. 6.

11. On December 6, 2007, the Board's regional Water Planning Committee (Committee) reviewed the Kandiyohi County 2008 Addendum, pursuant to 103B.301 and guidelines established by the Board.
12. Board regional staff provided its recommendation of approval to the Committee.
13. The Committee voted to recommend approval to the full Board at its next scheduled meeting.

14. This 2008 Addendum will be in effect until **December 31, 2012.**

CONCLUSIONS

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

2. The Kandiyohi County 2008 Addendum attached to this Order states goals, objectives, and actions of the county to address the five-year Focus Plan for 2008 - 2012. The 2008 Addendum, as well as the previously approved Kandiyohi County 2003 – 2012 Comprehensive Local Water Plan Update, is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached 2008 Addendum of the Kandiyohi County Water Management Plan for January 1, 2008 – December 31, 2012. Kandiyohi County will be required to provide for a complete update of its Water Management Plan prior to December 31, 2012.

Dated at St. Paul, Minnesota, this **19th day of December, 2007**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

November 15, 2007

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: Thomas Fischer, BWSR Board Conservationist

SUBJECT: **McLeod County Local Water Management Plan Amendment - Final Review**

On December 4, 2002, the Board of Water and Soil Resources (BWSR), by board order, approved the McLeod County 2003 – 2012 ten-year Comprehensive Local Water Plan Update, which contained a 2003 – 2007 five-year Focus Plan (implementation plan). The board order stipulated that McLeod County was required to revise/update the Focus Plan by December 31, 2007.

In its December 12, 2002, letter notifying the county of approval of the Plan Update, the BWSR noted the impressive work of Mid-Minnesota Development Commission in assisting McLeod County with the Plan Update. This letter also stated the McLeod County staff and water plan advisory members were to be commended for writing a plan that clearly presented water management goals, actions and priorities.

On December 19, 2006, the McLeod County Board of Commissioners resolved to amend its five-year Focus Plan as stipulated by the BWSR. The county followed the process for amending as described within the Comprehensive Local Water Management's guidance document developed by the BWSR.

On October 19, 2007, the BWSR regional staff received the required documentation and 2008 Addendum to the McLeod County Comprehensive Local Water Plan. The 2008 Addendum contains a brief Executive Summary (overview of the county's water plan, information on the revision of the five-year Focus Plan, recent water plan accomplishments, on-going programs administered within the county) and the new 2008-2012 Focus Plan. The Focus Plan addresses the following five goals:

- Protect and improve the quality of water resources.
- Increase wetland preservation and restoration efforts.
- Promote sustainable development and land use.
- Expand our knowledge and understanding of water resources.
- Provide for effective and efficient plan administration.

I have actively participated with and provided guidance/comments/advice/recommendations to McLeod County, its consultant, and the task force throughout this amendment process. I believe the 2008 – 2012 five-year Focus Plan is in conformance with the requirements of Minnesota Statute 103B and the Comprehensive Local Water Management guidance documents developed by the BWSR. I hereby recommend approval of the McLeod County 2008 – 2012 five-year Focus Plan.

I look forward to assisting the county in the implementation of its 2008 – 2012 five-year Focus Plan. Water Plan Coordinator Roger Berggren and Michael Sharp of Mid-Minnesota Development Commission should be commended for their leadership throughout the plan amendment process.

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, on December 4, 2002, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the McLeod County 2003 – 2012 Comprehensive Local Water Plan Update (Plan), which contained a 2003 – 2007 five-year Focus Plan; and

Whereas, this Board Order stipulated that McLeod County was required to update the five-year Focus Plan by December 31, 2007; and

Whereas, the McLeod County Board of Commissioners submitted the McLeod County Plan 2008 Addendum to the Board on October 19, 2007; and

Whereas, this 2008 Addendum contains the updated five-year Focus Plan as ordered by the Board; and

Whereas, the Board has completed its review of the 2008 Addendum.

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

FINDINGS OF FACT

1. On December 22, 2006, the Board received a resolution from McLeod County stating its intent to amend its current Plan by providing for the required update of the five-year Focus Plan, pursuant to M.S. Section 103B.314, Subd. 6.

2. On January 3, 2007, Board staff provided information on the amendment process to McLeod County.

3. On March 22, 2007, McLeod County provided proper notice to local units of government and state agencies of the county's intent to amend its five-year Focus Plan and invited all recipients to participate in the amendment process.

4. On April 10, 2007, McLeod County convened its water plan task force to initiate the five-year Focus Plan update. One additional meeting was conducted.

5. McLeod County received written comments from the Minnesota Pollution Control Agency on April 19, 2007, and the Minnesota Department of Health on May 7, 2007.

6. McLeod County received written comments from the Buffalo Creek Watershed District on April 2, 2007 and the Winsted Lake Watershed Association on April 9, 2007.

7. No other state agency or local government unit provided written comments to McLeod County.

8. The final document developed by McLeod County, which includes the revised five-year Focus Plan 2008 - 2012, is entitled the 2008 Addendum.

9. On October 2, 2007, after providing for proper public notice, McLeod County conducted a public hearing on the proposed 2008 Addendum. No additional comments were submitted at the hearing.

10. On October 19, 2007, the BWSR received the McLeod County 2008 Addendum, a record of the public hearing, and copies of all written comments pertaining to the 2008 Addendum, pursuant to M.S. Section 103B.314, Subd. 6.

11. On December 6, 2007, the Board's regional Water Planning Committee (Committee) reviewed the McLeod County 2008 Addendum, pursuant to 103B.301 and guidelines established by the Board.
    a. Board regional staff provided its recommendation of approval to the Committee.
    b. The Committee voted to recommend approval to the full Board at its next scheduled meeting.

12. This 2008 Addendum will be in effect until **December 31, 2012.**

CONCLUSIONS

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

2. The McLeod County 2008 Addendum attached to this Order states goals, objectives, and actions of the county to address the five-year Focus Plan for 2008 - 2012. The 2008 Addendum, as well as the previously approved McLeod County 2003 – 2012 Comprehensive Local Water Plan Update, is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached 2008 Addendum of the McLeod County Water Management Plan for January 1, 2008 – December 31, 2012. McLeod County will be required to provide for a complete, update of its Water Management Plan prior to December 31, 2012.

Dated at St. Paul, Minnesota, this **19th day of December, 2007**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

November 15, 2007

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: Thomas Fischer, BWSR Board Conservationist

SUBJECT: **Meeker County Local Water Management Plan Amendment - Final Review**

On December 4, 2002, the Board of Water and Soil Resources (BWSR), by board order, approved the Meeker County 2003 – 2012 ten-year Comprehensive Local Water Plan Update, which contained a 2003 – 2007 five-year Focus Plan (implementation plan). The board order stipulated that Meeker County was required to revise/update the Focus Plan by December 31, 2007.

In its December 12, 2002, letter notifying the county of approval of the Plan Update, the BWSR noted the impressive work of Mid-Minnesota Development Commission in assisting Meeker County with the Plan Update. This letter also stated the Meeker County staff and water plan advisory members were to be commended for writing a plan that clearly presented water management goals, actions and priorities.

On November 21, 2006, the Meeker County Board of Commissioners resolved to amend its five-year Focus Plan as stipulated by the BWSR. The county followed the process for amending as described within the Comprehensive Local Water Management's guidance document developed by the BWSR.

On August 17, 2007, the BWSR regional staff received the required documentation and 2008 Addendum to the Meeker County Comprehensive Local Water Plan. The 2008 Addendum contains a brief Executive Summary (overview of the county's water plan, information on the revision of the five-year Focus Plan, recent water plan accomplishments, on-going programs administered within the county) and the new 2008-2012 Focus Plan. The Focus Plan addresses the following five goals:

- Protect and improve the quality of water resources.
- Maintain an adequate supply of surface water for all users.
- Protect and restore critical areas.
- Expand our knowledge and understanding of water resources.
- Provide for effective and efficient plan administration.

I have actively participated with and provided guidance/comments/advice/recommendations to Meeker County, its consultant, and the task force throughout this amendment process. I believe the 2008 – 2012 five-year Focus Plan is in conformance with the requirements of Minnesota Statute 103B and the Comprehensive Local Water Management guidance documents developed by the BWSR. I hereby recommend approval of the Meeker County 2008 – 2012 five-year Focus Plan.

I look forward to assisting the county in the implementation of its 2008 – 2012 five-year Focus Plan. Water Plan Coordinator Paul Virnig and Michael Sharp of Mid-Minnesota Development Commission should be commended for their leadership throughout the plan amendment process.

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, on December 4, 2002, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Meeker County 2003 – 2012 Comprehensive Local Water Plan Update (Plan), which contained a 2003 – 2007 five-year Focus Plan; and

Whereas, this Board Order stipulated that Meeker County was required to update the five-year Focus Plan by December 31, 2007; and

Whereas, the Meeker County Board of Commissioners submitted the Meeker County Plan 2008 Addendum to the Board on August 17, 2007; and

Whereas, this 2008 Addendum contains the updated five-year Focus Plan as ordered by the Board; and

Whereas, the Board has completed its review of the 2008 Addendum.

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

FINDINGS OF FACT

1. On November 27, 2006, the Board received a resolution from Meeker County stating its intent to amend its current Plan by providing for the required update of the five-year Focus Plan, pursuant to M.S. Section 103B.314, Subd. 6.

2. On January 3, 2007, Board staff provided information on the amendment process to Meeker County.

3. On March 7, 2007, Meeker County provided proper notice to local units of government and state agencies of the county's intent to amend its five-year Focus Plan and invited all recipients to participate in the amendment process.

4. On March 16, 2007, Meeker County convened its water plan task force to initiate the five-year Focus Plan update. One additional meeting was conducted.

5. Meeker County received written comments from the Minnesota Pollution Control Agency on April 19, 2007.

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

7. The final document developed by Meeker County, which includes the revised five-year Focus Plan 2008 - 2012, is entitled the 2008 Addendum.

8. On August 14, 2007, after providing for proper public notice, Meeker County conducted a public hearing on the proposed 2008 Addendum. No additional comments were submitted at the hearing.

9. On August 17, 2007, the BWSR received the Meeker County 2008 Addendum, a record of the public hearing, and copies of all written comments pertaining to the 2008 Addendum, pursuant to M.S. Section 103B.314, Subd. 6.

10. On December 6, 2007, the Board's regional Water Planning Committee (Committee) reviewed the Meeker County 2008 Addendum, pursuant to 103B.301 and guidelines established by the Board.
    a. Board regional staff provided its recommendation of approval to the Committee.
    b. The Committee voted to recommend approval to the full Board at its next scheduled meeting.

11. This 2008 Addendum will be in effect until **December 31, 2012.**

CONCLUSIONS

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

2. The Meeker County 2008 Addendum attached to this Order states goals, objectives, and actions of the county to address the five-year Focus Plan for 2008 - 2012. The 2008 Addendum, as well as the previously approved Meeker County 2003 – 2012 Comprehensive Local Water Plan Update, is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached 2008 Addendum of the Meeker County Water Management Plan for January 1, 2008 – December 31, 2012. Meeker County will be required to provide for a complete update of its Water Management Plan prior to December 31, 2012.

Dated at St. Paul, Minnesota, this **19th day of December, 2007**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

November 15, 2007

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: Thomas Fischer, BWSR Board Conservationist

SUBJECT: **Renville County Local Water Management Plan Amendment - Final Review**

On December 4, 2002, the Board of Water and Soil Resources (BWSR), by board order, approved the Renville County 2003 – 2012 ten-year Comprehensive Local Water Plan Update, which contained a 2003 – 2007 five-year Focus Plan (implementation plan). The board order stipulated that Renville County was required to revise/update the Focus Plan by December 31, 2007.

In its December 12, 2002, letter notifying the county of approval of the Plan Update, the BWSR noted the impressive work of Mid-Minnesota Development Commission in assisting Renville County with the Plan Update. This letter also stated the Renville County staff and water plan advisory members were to be commended for writing a plan that clearly presented water management goals, actions and priorities.

On December 19, 2006, the Renville County Board of Commissioners resolved to amend its five-year Focus Plan as stipulated by the BWSR. The county followed the process for amending as described within the Comprehensive Local Water Management's guidance document developed by the BWSR.

On November 13, 2007, the BWSR regional staff received the required documentation and 2008 Addendum to the Renville County Comprehensive Local Water Plan. The 2008 Addendum contains a brief Executive Summary (overview of the county's water plan, information on the revision of the five-year Focus Plan, recent water plan accomplishments, on-going programs administered within the county) and the new 2008-2012 Focus Plan. The Focus Plan addresses the following five goals:

- Protect and improve the quality of water resources.
- Maintain an adequate supply of surface and ground water for all users.
- Increase wetland preservation and restoration efforts.
- Expand our knowledge and understanding of water resources.
- Provide for effective and efficient plan administration.

I have actively participated with and provided guidance/comments/advice/recommendations to Renville County, its consultant, and the task force throughout this amendment process. I believe the 2008 – 2012 five-year Focus Plan is in conformance with the requirements of Minnesota Statute 103B and the Comprehensive Local Water Management guidance documents developed by the BWSR. I hereby recommend approval of the Renville County 2008 – 2012 five-year Focus Plan.

I look forward to assisting the county in the implementation of its 2008 – 2012 five-year Focus Plan. Water Plan Coordinator Diane Mitchell and Michael Sharp of Mid-Minnesota Development Commission should be commended for their leadership throughout the plan amendment process.

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, on December 4, 2002, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Renville County 2003 – 2012 Comprehensive Local Water Plan Update (Plan), which contained a 2003 – 2007 five-year Focus Plan; and

Whereas, this Board Order stipulated that Renville County was required to update the five-year Focus Plan by December 31, 2007; and

Whereas, the Renville County Board of Commissioners submitted the Renville County Plan 2008 Addendum to the Board on November 13, 2007; and

Whereas, this 2008 Addendum contains the updated five-year Focus Plan as ordered by the Board; and

Whereas, the Board has completed its review of the 2008 Addendum.

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

FINDINGS OF FACT

1. On December 29, 2006, the Board received a resolution from Renville County stating its intent to amend its current Plan by providing for the required update of the five-year Focus Plan, pursuant to M.S. Section 103B.314, Subd. 6.

2. On January 3, 2007, Board staff provided information on the amendment process to Renville County.

3. On May 9, 2007, Renville County provided proper notice to local units of government and state agencies of the county's intent to amend its five-year Focus Plan and invited all recipients to participate in the amendment process.

4. On May 17, 2007, Renville County convened its water plan task force to initiate the five-year Focus Plan update. Two additional meetings were conducted.

5. Renville County received written comments from the Minnesota Department of Agriculture on June 14, 2007, the Minnesota Pollution Control Agency on June 25, 2007 and the Minnesota Department of Health on July 11, 2007.

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

7. The final document developed by Renville County, which includes the revised five-year Focus Plan 2008 - 2012, is entitled the 2008 Addendum.

8. On August 28, 2007, after providing for proper public notice, Renville County conducted a public hearing on the proposed 2008 Addendum. No additional comments were submitted at the hearing.

9. On November 13, 2007, the BWSR received the Renville County 2008 Addendum, a record of the public hearing, and copies of all written comments pertaining to the 2008 Addendum, pursuant to M.S. Section 103B.314, Subd. 6.

10. On December 6, 2007, the Board's regional Water Planning Committee (Committee) reviewed the Renville County 2008 Addendum, pursuant to 103B.301 and guidelines established by the Board.
    a. Board regional staff provided its recommendation of approval to the Committee.
    b. The Committee voted to recommend approval to the full Board at its next scheduled meeting.

11. This 2008 Addendum will be in effect until **December 31, 2012.**

CONCLUSIONS

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

2. The Renville County 2008 Addendum attached to this Order states goals, objectives, and actions of the county to address the five-year Focus Plan for 2008 - 2012. The 2008 Addendum, as well as the previously approved Renville County 2003 – 2012 Comprehensive Local Water Plan Update, is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached 2008 Addendum of the Renville County Water Management Plan for January 1, 2008 – December 31, 2012. Renville County will be required to provide for a complete update of its Water Management Plan prior to December 31, 2012.

Dated at St. Paul, Minnesota, this **19th day of December, 2007**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

OLD BUSINESS

1. SE Flood: State Cost-Share/RIM Grants Status Report – *INFORMATION ITEM*

BWSR - SE MINNESOTA FLOOD RELIEF SUMMARY

December 5, 2007

I. STATE COST SHARE PROGRAM: Special Session appropriation - $3,000,000

- Allocations completed

SWCD	Amount
Dodge	$50,000
Fillmore	$200,000
Olmsted	$50,000
Root River	$262,200
Steele	$50,000
Wabasha	$50,000
Winona	$150,000
Total	**$812,200**

- Allocations Pending - $1,161,750

Root River SWCD - $445,000
This includes $200,000 as local match for EWP projects in the City of Hokah, $75,000 as local match for ECP projects, and $170,000 as local match for EQIP projects.

Fillmore SWCD - $160,500
This includes $78,000 as local match for ECP projects, $53,000 for sealing abandoned private wells, and $30,000 for sealing abandon municipal wells in the City of Rushford.

Winona SWCD - $481,250
This includes $198,000 as local match for the EWP project in Minnesota City, $12,500 as local match for the EWP Pickwick Dam project, $163,750 as local match for EQIP projects, and $107 as local match for ECP projects.

Wabasha SWCD $37,500, as local match for ECP project.

Olmsted SWCD - $37,500, as local match for ECP project.

NOTE: EWP – UDSA, NRC Emergency Watershed Program
EQIP – USDA, NRCS Environmental Quality Incentive Program
ECP – USDA, FSA Emergency Conservation Program

Appropriation	$3,000,000
Allocated	$812,000
Pending	$1,161,750
Available	$1,026,250

As additional surveys and damage assessments are completed during winter and spring of 2008, it is anticipated that the available amount of $1,026,250 will be insufficient to provide funding for needed cost share, technical assistance, and federal match.

- Supplement Request - $1,450,000 (see attached)

II. RIM RESERVE PROGRAM: Special Session Appropriation - $1,000,000



On October 31, 2007 the BWSR announced a special SE MN RIM Reserve Program. In addition to the special session appropriation of $1M, the BWSR made available $1.1M from its bonding appropriation for a total of $2.1M. Meetings were held with the SWCDS to discuss program criteria and get their input on program criteria to meet their local needs. Specific criteria were developed for this special sign-up. The intent of the sign-up is to take perpetual RIM Reserve easements with willing landowners on lands damaged by the flood events this last August, and on lands that will help to reduce the impacts of future flood events. The following lands are eligible for this program; 1) both crop and non-crop lands that were damaged, 2) riparian cropland within the 100 year floodplain, 3) riparian cropland outside the 100 year floodplain if it has history of flooding, and 4) wetland restorations.

The sign-up deadline for landowners to apply is January 15, 2008. SWCDs will utilize local screening committees to prioritize and rank applications prior to submitting them to BWSR by January 31, 2008.

III. OTHER BWSR FUNDING

Minnesota Conservation Corps – these funds were appropriated to BWSR through its Clean Water Legacy Program. These allocations address both impaired waters improvements and flood recovery efforts.

Allocations

Root River SWCD	$17,500
Crooked Creek WD	$4,200
Winona SWCD	$30,000
Total	**$51,700**

IV. COORDINATION OF EFFORT

A regional flood forum is being planned by state and local agency staff for April 2008. It will provide for an exchange of information and ideas to strategically address the August 2007 flood event. The focus will be informing land and stream management decision-making so as to minimize flood impacts in the future. This forum will help address mid-range issues about understanding stream channels/riparian changes and will provide additional information in assessing the extent of streambank stablilzation needs and costs of future recovery and prevention needs in this area.

NEW BUSINESS

1. Adoption of 2008 BWSR Board Meeting Schedule – *DECISION ITEM*

2. Board Member Per Diem and Expenses Policy – *DECISION ITEM*

3. Feedlot Financial Needs Report Overview - *INFORMATION ITEM*

4. '08 Red River Basin Commission (RRBC) Administrative Grant — *DECISION ITEM*

5. Cooperative Weed Management Area Grant Program - *DECISION ITEM*

2008 BWSR Proposed Meeting Schedule

January 23, 2008

February 27, 2008 (tentative)

March 26, 2008

April 23, 2008

May 28, 2008

June 25, 2008

July – no meeting

August 27 – 28, 2008 Tour and Meeting

September 24, 2008

October 22, 2008

December 17, 2008

BOARD OF WATER AND SOIL RESOURCES (BWSR)
BOARD MEMBER PER DIEM AND EXPENSES POLICY (*December 2007*)

A. PER DIEM ($55/day): Per diem is authorized for Board members for the following:

1. One per diem for regular monthly Board meetings, meetings of committees to which members are assigned, and special meetings called by the Board Chair or the Executive Director. This does not apply to meetings of organizations, groups and local governments that are the primary responsibility of BWSR staff.

2. One per diem for four or more hours spent in preparation time for each Board meeting, each committee meeting or each special meeting of the Board. Preparation time in excess of four hours for a meeting cannot be banked.

3. One per diem is authorized for the day prior *and* the day after for travel by Board members for a regular meeting, special meeting of the Board or committee meeting where Board members travel more than 200 miles each way using vehicular transportation.

4. One per diem is authorized for the day prior *or* the day after for travel by a Board member for a regular meeting, special meeting of the Board, or committee meeting where Board members travel more than 100 miles each way using vehicular transportation.

5. Per diem incurred at other functions such as those sponsored or coordinated by the Association of Minnesota Counties (AMC), the Minnesota Association of Soil and Water Conservation Districts (MASWCD), and the Minnesota Association of Watershed Districts (MAWD) under the conditions defined in items 1 through 4 if authorized by the Board, the Chair of the Board, or the Executive Director.

6. Full-time employees of the State or one of its political subdivisions are not eligible to receive a per diem payment per Minn. Stat. § 15.0575, subd. 3.

7. In *no* instances will more than one BWSR per diem payment per day be permitted under this policy.

8. Participation in regular monthly Board meetings, meetings of committees to which members are assigned, and special meetings called by the Board Chair or the Executive Director via conference call, videoconference, internet technology or other similar means is considered the same as participation in-person for per diem or expense purposes.

Attachment # 1

June 10, 1994

BOARD OF WATER AND SOIL RESOURCES
BOARD MEMBER EXPENSE POLICY (March 1994)

* **PER DIEM ($55/DAY):** Per diem is authorized for Board members for the following:

1 - One per diem and expenses for regular monthly Board meetings, meetings of committees to which members are assigned, and special meetings called by the Board. This does not apply to meetings of organizations, groups and local governments that are the primary responsibility of BWSR staff.

2 - One per diem for four plus hours spent on preparation for monthly Board meetings, committee meetings or special meetings of the Board. Members may accumulate time for these purposes, however, time in excess of four hours for a specific meeting cannot be banked for another or following meeting.

3 - Per diem for travel by Board members for a regular meeting, special meeting of the Board or committee meeting where Board members travel greater than 200 miles each way using vehicular transportation. A per diem is authorized for the day prior and the day after the meeting.

4 - Child care expenses incurred as a result of monthly Board meetings, special or committee meetings of the Board shall be compensated as defined in MS 15.0575, subd. 3.

5 - Per diem and expenses incurred at other functions such as Association of Minnesota Counties (AMC), Minnesota Association of Soil and Water Conservation Districts (MASWCD), and Minnesota Association of Watershed Districts (MAWD) conventions or tours under the conditions defined in items 1. through 4. provided such meetings are authorized by the Board, Chair of the Board or the Executive Director.

6 - Expenses incurred by Board members for attendance at official meetings of the Board will be reimbursed consistent with the authorized, under the commissioner's plan adopted under section 43A.18, subd. 2. The rates are reflected in the attached document "EXPENSE REIMBURSEMENT".

7 - Travel by Board member for a regular meeting, special meeting, or committee meeting exceeding 100 miles and up to 200 miles shall be entitled to claim one per diem for travel.

8 - In no instances will more than one per diem per day be permitted under these provisions.

The Board also directed committee members and staff to schedule committee meetings in conjunction with monthly board meetings whenever possible.

B. EXPENSES: Expenses are authorized for Board members according to the following criteria:

1. Expenses incurred by Board members for attendance at meetings and events as described in items A1 – A5 will be reimbursed consistent with those authorized under the commissioner's plan adopted under Minn. Stat. § 43A.18, subd. 2.

   Reimbursable expenses may include, but are not limited to, the following: Commercial transportation (air, taxi, rental car, etc.); Meals including tax and a reasonable gratuity; Hotel and motel accommodations; Parking fees and toll charges.

   Board members who use their personal office equipment, supplies and services in part for the purpose of receiving and generating telephone, fax, e-mail or other electronic messages related to Board activities, are eligible for a reimbursement for such equipment, supplies and services up to an amount not to exceed $50 per month.

2. Child care expenses incurred as a result of monthly Board meetings, special or committee meetings of the Board shall be compensated as defined in Minn. Stat. § 15.0575, subd. 3.

3. Vehicle travel will be reimbursed at the standard Federal IRS mileage rate in effect at the time of travel.

4. Board members who are employees of the State or one of its political subdivisions may receive payment for their expenses incurred in performing their board member activities, unless those expenses are reimbursed by another source.

5. The Internal Revenue Service (IRS) requires business expenses to be submitted for reimbursement within 60 days after the expense is incurred or the trip ends. If not submitted within 60 days, the reimbursement becomes taxable for federal, state, FICA and Medicare; and withholding tax must be taken.

C. MEETING COORDINATION: The Board directs committee members and staff to schedule committee meetings in conjunction with monthly board meetings whenever possible.

_____ _____

Randy Kramer, Chair
Minnesota Board of Water and Soil Resources

Date

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Red River Basin Commission 2008 Funding

Background

The Red River Basin Commission (RRBC) works across the political boundaries of Manitoba, Minnesota, North Dakota, and South Dakota in the United States and Canada to create a shared vision for action with regard to land and water issues.

The Red River Basin Commission was formed in 2002 to initiate a grass roots effort to address land and water issues in a basin-wide context. The RRBC was formed as a result of a merger between The Red River Basin Board, The International Coalition, and the Red River Water Resources Council.

The Red River Basin Commission is made up of a 41-member Board of Directors, comprised of mainly representatives of local government, including the cities, counties, rural municipalities, watershed boards, water resource districts, joint powers boards, as well as First Nations representation, a water supply cooperative, a lake improvement association, environmental groups, and four at-large members. The Governors of North Dakota, Minnesota, and the Premier of the Province of Manitoba have also appointed members to the Board.

The Red River Basin Commission has adopted a vision, a mission statement and a set of Guiding Principles, based on input provided by Basin residents, to guide its future activities. Although general in nature, these documents provided 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, will provide a framework for the Board to conduct business in the future.

Since its conception the State of Minnesota has been supporting the RRBC with board member and committee participation as well as financial support in the amount of $100,000 annually.

Recommendation

The 07 Legislature has appropriated $100,000 to BWSR for RRBC administration. The Grants Program and Policy Committee has reviewed the Commission's 2008 Workplan and Budget and recommends Board approval of this $100,000 allocation.

Red River Basin Commission
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	2007 Budget-US	2008 Budget US	2007 Budget-Can	2008 Budget Can
Income	$ 267,895.69	$ 223,868.89		
4001 · Manitoba			$ 100,000.00	$ 100,000.00
4002 · Minnesota	$ 100,000.00	$ 100,000.00		
4003 · North Dakota	$ 100,000.00	$ 100,000.00		
4004 · South Dakota	$ 6,000.00	$ 6,000.00		
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		
4008 · LGUs - Sorth Dakota				
4009 · Federal - Canada				
4010 · Federal - US				
4011 · Refunds GST/PST				
4012 · Interest Income				
4013 · Joint Powers Bd	$ 5,000.00	$ 5,000.00		
4014 · Endowments				
4015 · Bremer	$ 10,000.00	$ 10,000.00		
4016 · Rent				
4020 · Con/F/W/OR Division				
4021 · Buffer Strip				
4022 · CREP				
4030 · Qly/Qnty Division				
4031· TMDL				
4032· IJC Ion & Nut Data Base				
4033· IJC Nut & NRFP Out & Cons				
4034· Drought Scoping Document				
4035·				
4040 · FDR/Hydrology Division				
4041 · Mainstem Modeling--Phase II				
4042 · IJC Mainstem Modeling Scen Rept		$ 9,890.00		
4043 · IJC Mainstem Scenario Modeling		$ 15,900.00		
4044 · IJC Pembina Modeling		$ 26,000.00		
4045 · IJC Pembina Structure Survey				
4046 · MM Run # 2--Carry Over				
4047 · MM Phase III--Carry Over				
4050 · Partnerships				
4051 · RRWP				
4053 · IISD Jurisd Rept				
4054 · LWIS				
4055 · Sask L Winpg Conf				
4056 · Flood 2008 Intl Conf				
4060 · Comm/Education				
4061 · Red River of Expression				
4062 · Annual Summit Conference	$ 40,000.00	$ 25,000.00	$ 25,000.00	$ 40,000.00
4063 · Soc Based Mark				
4064 · IJC Water Law				
4065 ·River Center- MB				
4066 ·Bush Outreach				
Bush Outreach Carry-Over		$ 60,000.00		
4000 Other				
4000 Total Income without Projects	$ 728,895.69	$ 421,000.00	$ 225,000.00	$ 200,000.00
Canadian Income Adjusted to US dol	$ 191,250.00	$ 200,000.00		
Total Without Projects	$ 920,145.69	$ 621,000.00	$ 191,250.00	$ 200,000.00
4000 Total Income with Projects & Carryover-US	$ -	$ 781,658.89		$ 240,000.00
Canadian Income Adjusted to US dollars		$ 240,000.00		$ 240,000.00
Total With Projects and Carryover	$ 920,145.69	$ 1,021,658.89		

Red River Basin Commission
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Expense			2007 Budget-US		2007 Budget-CN	
	5000 · BOARD OF DIRECTORS					
		5021 · Board Meetings	$ 7,000.00	$ 8,000.00	$ 4,000.00	$ 4,000.00
		5022 · Board Expenses	$ 14,000.00	$ 14,000.00	$ 6,000.00	$ 6,000.00
		5023 · RRBC Retreat		$ 4,000.00	$ 4,000.00	
		5024 · Internal Commitees	$ 4,000.00	$ 4,000.00	$ 2,000.00	$ 2,000.00
		5098 · Expenses	$ 3,500.00	$ 1,500.00	$ 1,500.00	$ 2,500.00
		5099 · Board Of Directors - Other				
	Total 5000 · BOARD OF DIRECTORS		$ 28,500.00	$ 31,500.00	$ 17,500.00	$ 14,500.00
	5100 · ADMINISTRATION		2007 Budget-US		2007 Budget-CN	
		5101 · Executive Director 35%	$ 28,665.00	$ 29,524.95		
		5102 · Deputy Director 15%				
		5103 · South Basin Mngr/Com 15%	$ 7,608.25	$ 7,836.50		
		5104 · North Basin Mangr/Qly 15%			$ 7,340.10	$ 7,560.30
		5106 · Ad Asst 3/4-Mrd 50%	$ 6,944.59	$ 9,360.00		
		5107 · Ad Asst 1/2-Wnpg 60%			$ 6,000.00	$ 6,427.20
		5116 · Conf Asst pt	$ 5,000.00			
		5114 · Ad Asst 1/2-Mrd 40%	$ 7,087.39	$ 7,300.01		
		5115 · Staff - Temporary				
		5121 · Staff Training	$ 2,400.00	$ 1,600.00	$ 800.00	$ 800.00
		5122 · Staff Retreat		$ 1,000.00	$ 500.00	$ 500.00
		5123 · River Center EOI			$ 5,000.00	
		5124 · River Center Business Plan				$ 25,000.00
		5196· Project Staff		$ 9,890.00		
		5197· Project Related		$ 15,900.00		
		5198 · Expenses	$ 1,000.00	$ 5,000.00	$ 500.00	$ 2,500.00
		5199 · Administration - Other				
	Total 5100 · ADMINISTRATION		$ 58,705.23	$ 35,831.46	$ 20,140.10	$ 42,787.50
	5200 · BENEFITS		2007 Budget-US		2007 Budget-CN	
		5221 · Flex Plan Fee	$ 1,000.00	$ 1,000.00		
		5222 · Health & Dental Insurance	$ 25,017.00	$ 37,851.00	$ 2,741.16	$ 3,621.12
		5223 · Long Term Disability	$ 2,261.00	$ 280.34	$ 1,886.88	$ 1,319.88
		5224 · Short Term Disability	$ 5,000.00	$ 5,000.00	$ 901.92	$ 860.88
		5225 · Group Life/Accidental Death			$ 1,037.88	$ 540.96
		5226 · RRBC Pension	$ 4,395.33	$ 6,288.61	$ 2,668.02	$ 2,712.06
		5227 · Retirement--SS/CPP	$ 10,182.22	$ 12,001.36	$ 5,823.00	$ 5,494.50
		5228 · Medicare--MB Supp	$ 2,381.33	$ 2,806.77		
		5229 · Unemployment--MN-Fed	$ 716.80	$ 1,075.20		$ 3,000.00
		5230 · MN Workers compensation	$ 1,231.72	$ 1,572.15		
		5231 · Manitoba Employment Taxes-EI				$ 3,240.00
		5296· Project Staff Benefits				
		5297· Project Related				
		5299 · Benefits - Other				$ 700.00
	Total 5200 · BENEFITS		$ 52,185.40	$ 67,772.44	$ 15,058.86	$ 21,489.40
	5300 Office		2007 Budget-US		2007 Budget-CN	
		5321 · Computer	$ 3,500.00	$ 3,000.00	$ 1,500.00	$ 1,500.00
		5322 · Corporation Filing Fees	$ 500.00	$ 500.00	$ 900.00	$ 900.00
		5323 · Insurance (Surety Bonds)	$ 2,000.00	$ 1,000.00	$ 600.00	$ 1,000.00
		5224 · Internet	$ 1,500.00	$ 500.00	$ 1,500.00	$ 1,500.00
		5325 · Legal Fees	$ 2,000.00	$ 2,000.00	$ 2,000.00	$ 2,000.00
		5326 · Office Equipment	$ 3,000.00	$ 4,000.00	$ 1,500.00	$ 1,500.00
		5327 · Petty Cash	$ 500.00	$ 500.00	$ 500.00	$ 500.00
		5328 · PO Box Rent & Bulk Mail Permit	$ 250.00	$ 250.00	$ 250.00	$ 250.00
		5329 · Recycling	$ 100.00	$ 100.00	$ 100.00	$ 100.00
		5330 · Rent	$ 19,000.00	$ 19,000.00	$ 22,000.00	$ 22,000.00

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5331 · Repairs & Maint.	$ 2,000.00	$ 2,000.00	$ 2,000.00	$ 2,000.00		
5332 · Subscriptions/Ads	$ 2,000.00	$ 2,000.00	$ 1,000.00	$ 1,000.00		
5333 · Supplies	$ 6,000.00	$ 6,000.00	$ 5,000.00	$ 5,000.00		
5334 · Telephone	$ 18,000.00	$ 18,000.00	$ 5,000.00	$ 5,000.00		
5335 · Copies	$ 6,000.00	$ 8,000.00	$ 3,000.00	$ 3,000.00		
5336 · Postage	$ 3,000.00	$ 2,000.00	$ 1,000.00	$ 1,000.00		
5337 · Bank Fees, Finance Charges	$ 200.00	$ 200.00	$ 200.00	$ 200.00		
5396· Project Staff						
5397· Project Related						
5338· Auto	$ 6,000.00	$ 6,000.00	$ 6,000.00	$ 6,000.00		
5398 · Expenses	$ 2,000.00	$ 2,000.00	$ 2,000.00	$ 2,000.00		
5399 · Office - Other		$ 1,000.00		$ 1,000.00		
Total 5300 · OFFICE	$ 77,550.00	$ 78,050.00	$ 56,050.00	$ 57,450.00		
5400 · FUNDING/FINANCE	2007 Budget-US		2007 Budget-CN			
5401 · Executive Director 35%	$ 28,665.00	$ 29,524.95				
5403 ·South Basin Mngr/Com 15%	$ 7,608.25	$ 7,836.50				
5404 · North Basin Mngr/Qly 15%			$ 7,340.10	$ 7,560.30		
5406 · Ad Asst 3/4-Mrd 5%	$ 694.46	$ 936.00				
5407 · Ad Asst 1/2-Wnpg 20%			$ 2,000.00	$ 2,142.40		
5410 · Outreach Coordinator 20%			$ 8,534.00	$ 8,790.02		
5413 · Accounting Consultant	$ 6,000.00	$ -				
5414 · Ad Asst 1/2-Mrd 30%	$ 5,314.54	$ 5,475.01				
5415 · Grant Writer Consultant	$ 6,000.00	$ 6,000.00				
5416 · Grant Writer Consultant			$ -			
5421 · Audit	$ 5,000.00	$ 5,000.00	$ 4,000.00	$ 4,500.00		
5422 · MB Bank Charges			$ 200.00	$ 200.00		
5423 · MB Payroll Accounting			$ 1,200.00	$ 1,200.00		
5496 · Project Staff						
5497 · Project Related						
5498 · Expenses	$ 6,000.00	$ 6,000.00	$ 4,000.00	$ 4,000.00		
5499 · Funding/Finance - Other						
Total 5400 · FUNDING/FINANCE	$ 65,282.25	$ 54,772.46	$ 27,274.10	$ 28,392.72		
6000 · LEADERSHIP	2007 Budget-US		2007 Budget-CN			
6000 · Plan M Plan Management						
6001 · Exec Director 5%	$ 4,095.00	$ 4,217.85				
6003 · South Basin Mngr/Com 5%	$ 2,536.08	$ 2,612.17				
6004 · North Basin Mngr/Qly 5%			$ 2,446.70	$ 2,520.10		
6005 · Basin Coordination		$ -				
6010 · Outreach Coordinator 15%			$ 6,400.50	$ 6,592.52		
6021 · NRFP Chair Meeting						
6022 · NRFP Buy-In Out Reach						
6023 · NRFP INV Teams						
6024 · NRFP Reports						
6025 · PI Mang Activities	$ 500.00	$ 500.00	$ 250.00	$ 250.00		
6026 · State of Basin Reports	$ 250.00	$ 250.00	$ 100.00	$ 200.00		
6027 · Div Act: G 1 Watershed	$ 250.00	$ 250.00	$ 100.00			
6028 · Div Act: G 2 Integration	$ 250.00	$ 250.00	$ 100.00			
6029 · Drought Scoping Document						
6096 · Project Staff						
6097 · Project Related						
6098 · Expenses	$ 2,000.00	$ 1,500.00	$ 1,000.00	$ 1,500.00		
6099 · Plan Management - Other						
Total 6000 · Plan Management	$ 9,881.08	$ 9,580.02	$ 10,397.20	$ 11,062.62		

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		6100	Legislative										
			6101 · Executive Director 10%	$	8,190.00		$	8,435.70					
			6102 · Deputy Director 10%										
			6103 · South Basin Mngr/Com 5%	$	2,536.08		$	2,612.17					
			6104 · North Basin Mngr/Qly 5%							$	2,446.70		$ 2,520.10
			6110 · Outreach Coordinator 15%							$	6,400.50		$ 6,592.52
			6005 · Basin Coordination							$	2,446.70		
			6122 · Legislative Outreach	$	250.00		$	250.00		$	100.00		$ 100.00
			6123 · Legislative Meetings	$	500.00		$	500.00		$	250.00		$ 250.00
			6125 · Committee Activities	$	500.00		$	500.00		$	100.00		$ 100.00
			6196 · Project Staff										
			6197 · Project Related										
			6198 · Expenses	$	4,000.00		$	4,000.00		$	3,000.00		$ 3,000.00
			6199 · Legislative - Other										
		Total 6100 · Legislative		$	15,976.08		$	16,112.87		$	14,743.90		$ 12,562.62
		6200	Water Qulity/Supply Division										
			6204 · North Basin Mngr/Qly 45%							$	22,021.31		$ 22,680.91
			6209 · Hydrologist Consultant							$	-		
			6225 · Division Activities	$	500.00		$	500.00		$	100.00		$ 100.00
			6226 · State of Basin Rept	$	500.00		$	500.00		$	100.00		$ 200.00
			6227 · Div Act: G 9 & 10 Qly	$	500.00		$	500.00		$	100.00		
			6228 · Div Act: G 8 Supply	$	500.00		$	500.00		$	100.00		
			6229 · Drought Scoping Doc - RRBC	$	15,000.00								
			6296 · Project Staff										
			6297 · Project Related										
			6298 · Expenses	$	250.00		$	250.00		$	500.00		$ 500.00
			6299 · Other										
		Total 7300 · WQ/S Division		$	17,250.00		$	2,250.00		$	22,921.31		$ 23,480.91
		6300 · Con/FishWildOutRec Division											
			6010 · Outreach Coordinator 10%	$	-								$ 4,395.01
			6325 · Division Activities	$	500.00		$	500.00		$	100.00		$ 100.00
			6326 · State of Basin Rept	$	500.00		$	500.00		$	100.00		$ 200.00
			6327 · Div Act: G 11 Conservation	$	500.00		$	500.00		$	100.00		
			6328 · Div Act: G 12 & 13 F, W, & OR	$	500.00		$	500.00		$	100.00		
			6396 · Project Staff		#REF!								
			6397 · Project Related										
			6329 · State of Basin Rept										
			6398 · Expenses	$	500.00		$	500.00		$	250.00		$ 250.00
			6399 · Other										
		Total 6300 · C/F/W/OR Division		$	2,500.00		$	2,500.00		$	650.00		$ 4,945.01
		6400 · Hydro/FDR/Drainage Division											
			6410 · Outreach Coordinator 5%							$	-		$ 2,197.51
			6421 · Modeling Meetings	$	1,000.00		$	1,000.00					
			6425 · Division Activites	$	500.00		$	500.00		$	100.00		$ 100.00
			6426 · State of Basin Rept	$	500.00		$	500.00		$	100.00		$ 100.00
			6427 · Div Act: G 5, 6, & 7 FDR	$	500.00		$	500.00		$	100.00		
			6428 · Div Act: G 8 FDR	$	500.00		$	500.00		$	100.00		
			6429 · Mainstem Modeling RRBC							$	30,000.00		
			6430 · Basin Maps RRBC	$	10,500.00								$ 3,000.00
			6496 · Project Staff										
			6497 · Project Related										
			6498 · Expenses	$	250.00		$	250.00		$	500.00		$ 500.00
			6499 · Other										
		Total 6400 · H/FDR/D Division		$	13,750.00		$	3,250.00		$	30,900.00		$ 5,897.51

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6500 ·	Inst/Legal/Fac/Med Division					
	6510 · Outreach Coordinator 5%			$ 2,133.50		$ 2,197.51
	6525 · Division Activites					$ 100.00
	6526 · State of Basin Rept	$ 500.00	$ 500.00	$ 100.00		$ 100.00
	6596 · Project Staff					
	6597 · Project Related					
	6598 · Expenses		$ 500.00			$ 500.00
	6599 · Other					
Total 6500 · I/L/F/M Division		$ 500.00	$ 1,000.00	$ 100.00		$ 2,897.51
Total 6000-6500 · LEADERSHIP		$ 59,857.16	$ 34,692.88	$ 79,712.41		$ 60,846.17
6600 · COMMUNICATIONS		2007 Budget-US		2007 Budget-CN		
6600 · Conferencing						
	6603 · South Basin Mngr/Com 5%	$ 2,536.08	$ 2,612.17			
	6606 · Ad Asst 3/4-Mrd 30%	$ 4,166.75	$ 5,616.00			
	6607 · Ad Asst 1/2-Wnpg 20%			$ 2,000.00		$ 2,142.40
	6608 · Conf Coor/Out Spec 50%	$ 10,084.00	$ 18,025.00			
	6614 · Ad Asst 1/2-Mrd 30%	$ 5,315.54	$ 5,475.01			
	6616 · Conf Assistant pt	$ 5,000.00	$ 5,000.00			
	6621 · Conference Start-Up					
	6622 · Conference Expenses	$ 45,000.00	$ 25,000.00	$ 21,000.00		$ 40,000.00
	6623 · Assist other Conferences	$ 500.00	$ 3,000.00	$ 250.00		$ 3,000.00
	6696 · Project Staff					
	6697 · Project Related					
	6698 · Expenses					$ 1,500.00
	6699 · Annual Conference - Other					
Total 6600 · Conferencing		$ 72,602.37	$ 64,728.18	$ 23,250.00		$ 46,642.40
6700 · Education/Information						
	6701 · Executive Director 5%	$ 4,095.00	$ 4,217.85			
	6703 · South Basin Mngr/Com 35%	$ 17,752.59	$ 18,285.17			
	6704 · North Basin Mngr/Qly 5%			$ 2,446.70		$ 2,520.10
	6005 · Basin Coordination	$ -	$ -			
	6710 · Outreach Coordinator 5%			$ 2,133.50		$ 2,197.51
	6717 · Communication Consultant	$ 20,000.00	$ 20,000.00			
	6718 · Education Consultant	$ 48,156.63				
	6721 · Newsletter	$ 4,000.00		$ 2,000.00		
	6722 · Media Promotion	$ 4,000.00	$ 4,000.00	$ 2,000.00		$ 2,000.00
	6723 · Meeting Expense					
	6724 · Website	$ 500.00	$ 500.00			
	6725 · RRBC Tours	$ 4,000.00	$ 4,000.00	$ 2,000.00		$ 2,000.00
	6726 · State of Basin	$ 500.00	$ 500.00	$ 100.00		$ 100.00
	6727 · Com Act: G 4 Ed Infor	$ 500.00	$ 500.00	$ 100.00		$ 100.00
	6731 · Advertising Promotion	$ 4,500.00	$ 4,500.00	$ 1,000.00		$ 1,000.00
	6732 · Conferences/Booths/Displays	$ 1,000.00	$ 1,000.00	$ 1,000.00		$ 1,500.00
	6733 · Comm Activities	$ 750.00	$ 750.00	$ 250.00		$ 250.00
	6734 · Display	$ 500.00	$ 12,500.00	$ 500.00		$ 12,500.00
	6796 · Project Staff					
	6797 · Project Related					
	6798 · Expenses	$ 5,000.00	$ 5,000.00	$ 1,500.00		$ 1,500.00
	6799 · Education/Information - Other	$ 1,500.00	$ 1,500.00	$ 1,000.00		$ 1,000.00
Total 6600-6700 · Education/Information		$ 116,754.22	$ 77,253.02	$ 16,030.20		$ 26,667.61
Total 6600-6700 · COMMUNICATIONS		$ 189,356.59	$ 141,981.20	$ 39,280.20		$ 73,310.01

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6800 · PARTNERSHIP		2007 Budget-US			2007 Budget-CN	
	6801 · Executive Director 5%	$ 4,095.00	$ 4,217.85			
	6803 · South Basin Mngr/Com 15%	$ 7,608.25	$ 7,836.50			
	6804 · North Basin Mngr/Qly 5%			$ 2,446.70	$ 2,520.10	
	6005 · Basin Coordination 25%		$ -			
	6806 · Ad Asst 3/4-Mrd 10%	$ 1,388.92	$ 1,872.00			
	6808 · Conf Coor/Out Spec 50%	$ 10,084.00	$ 18,025.00			
	6810 · Outreach Coordinator 35%			$ 14,934.50	$ 10,987.53	
	6811 · Outreach Consultant-MB					
	6812 · JPB Consultant	$ 2,000.00	$ 2,000.00			
	6819 · Outreach Consultant-MN	$ -	$ 20,000.00			
	6820 · Outreach Consultant -ND		$ 20,000.00			
	6823 · Meeting Expense	$ 500.00	$ 500.00	$ 500.00	$ 500.00	
	6825 · Partneeship Activities	$ 500.00	$ 500.00			
	6826 · State of Basin Rept	$ 500.00	$ 500.00	$ 100.00	$ 100.00	
	6827 · JPB Expenses	$ 1,000.00	$ 1,000.00			
	6828 · Chapters			$ 500.00	$ 500.00	
	6833 · PRBAB	$ 500.00	$ 500.00	$ 500.00	$ 500.00	
	6834 · RRIW	$ 500.00	$ 500.00	$ 500.00	$ 500.00	
	6835 · Wild Rice-South Basin	$ 1,000.00	$ 1,000.00			
	6896 · Project Staff			$ -	$ -	
	6897 · Project Related					
	6898 · Expenses	$ 500.00	$ 5,000.00	$ 500.00	$ 5,000.00	
	6899 · Partnership - Other					
Total 6800 · PARTNERSHIP		$ 30,176.17	$ 43,451.35	$ 19,981.20	$ 20,607.63	
6900 · TECHNICAL RESOURCE		2007 Budget-US		2007 Budget-CN		
	6901 · Executive Director 5%	$ 4,095.00	$ 4,217.85			
	6903 · South Basin Mngr/Com 5%	$ 2,536.08	$ 2,612.17			
	6904 · North Basin Mngr/Qly 5%			$ 2,446.70	$ 2,520.10	
	6910 · Outreach Coordinator 5%			$ 2,133.50	$ -	
	6918 · Data Consultant	$ -	$ 10,000.00	$ -		
	6921 · ESRI Maintenance	$ 400.00	$ 400.00	$ 400.00	$ 400.00	
	6923 · Research Meetings					
	6925 · Division Activities	$ 250.00	$ 250.00	$ 100.00	$ 100.00	
	6926 · State of Basin Rept	$ 250.00	$ 250.00	$ 100.00	$ 100.00	
	6927 · Div Act: G 3 Res & Data	$ 250.00	$ 250.00	$ 100.00	$ 100.00	
	6996 · Project Staff					
	6997 · Project Related					
	6998 · Expenses	$ 500.00	$ 500.00	$ 500.00	$ 500.00	
	6999 · Technical Resource - Other					
Total 6900 · TECHNICAL RESOURCE		$ 8,281.08	$ (1,519.98)	$ 5,780.20	$ 3,720.10	
		2007 Budget-US		2007 Budget-CN		
	OPERATIONAL SUB-TOTAL	$ 569,893.88	$ 486,531.82	$ 280,777.07	$ 323,103.53	
	Canadian Operational in US dollars	$ 238,660.51	$ 323,103.53	$ 238,660.51	$ 323,103.53	
	Total US Operational dollars--2007	$ 808,554.39				
	Total US Operational dollars--2008		$ 486,531.82			
	Total Combined wo Projects--2008		$ 809,635.35			

Red River Basin Commission
2008 Final Budget

PROJECTS	2007 Budget-US	2007 Budget-CN
9000 · Buffer Strip		
Total 9000 · Buffer Strip		
9100 · CREP		
Total 9100 · CREP		
9200 ·TMDL		
Total 9200 · TMDL		
9300 · Mainstem Hydrology--Phase II		
Total 9300 · Mainstem Hydorology--Phase II		
9400 · RRWP		
940011 · Basin Planner		
Total 9400 · RRWP		
9500 ·Social Based Marketing Project		
Total 9500 · Social Based Marketing Project		
9600 ·Lake Winnipeg Implementation Strategy - LWIS		
9600-01 · Exec Dir		
9600-07 · Ad Asst/Conf		
9600-21 · Consultants		
Total 9600 · LWIS		
9700 ·IISD Jurisdictional Rept		
Total 9700 · IISD Jurisdictional Rept		
9800 ·IJC Modeling Scenario Rept		
9800-01 · Exec Dir	$ 9,890.00	
9800-21 · Benefits		
9800-23 · Other		
Total 9800 · IJC Modeling Scenario Rept	$ 9,890.00	
9900 ·IJC Mainstem Scenario Modeling-Run # 1		
9900-21 · Consultant		
9900-01 · RRBC Management	$ 15,900.00	
9900-21 · Benefits		
9900-23 · Other		
Total 9900 · IJC Mainstem Scenario Modeling	$ 15,900.00	
10000 ·IJC Pembina Structural Survey		
Total 10000 · IJC Pembina Structural Survey		
10100 ·IJC Pembina Modeling		
10100-21 · WMC Inc.	$ 26,000.00	
10100-01 · Exec Dir		
10100-21 · Benefits		
10100-23 · Other		
Total 10100 · IJC Pembina Modeling	$ 26,000.00	

Red River Basin Commission
2008 Final Budget

	10200 ·IJC Ion & Nutrient Data Base													
	Total 10200 · IJC Ion & Nutrient Data Base													
	10300 ·IJC Nutrient & NRFP Out & Cons													
	Total 10300 · IJC Nut & NRFP Out & Cons													
	10400 ·IJC Water Law													
		10400-98 ·IJC Water Law												
	10400 ·IJC Water Law													
	10401 ·Bush Outreach													
		10402-98 ·Bush Outreach Project Expenses				$	10,000.00							
			Outreach Consultant - MN			$	20,000.00							
			Outreach Consultant- ND			$	20,000.00							
			Data Consultant			$	10,000.00							
	Total 10402 ·Bush Outreach					$	60,000.00							
	Total 9200 · Special Project Expenses			$	-	$	111,790.00		$	-		$	-	
	Total Revenue Without Projects			$	920,145.69	$	621,000.00							
	Total Expenses Without Projects			$	-	$	809,635.35							
			Difference	$	920,145.69	$	(188,635.35)							
Total Expense -- Operational and Projects				$	-				$	280,777.07				
			Total Canadian Expenses in US dollars	$	238,660.51									
			Total Expense Budget Expressed in US doll	$	238,660.51				$	238,660.51				
			Income with Projects & Carry-Over	$	920,145.69	$	1,021,658.89							
			Expenses with Projects		#REF!	$	921,425.35							
			Total After All Income/Expenses		#REF!	$	100,233.54							
			Extra Items											
			Auto Purchases			$	12,000.00							
			Comm Coor			$	20,000.00							
			Conf Assistant			$	5,000.00							
			3-d Display			$	25,000.00							
			River Center Business Plan			$	25,000.00							
			AKN Mat Leave savings			$	42,001.69							
			$50,402.03			$	6,967.70							
			$8,361.24											
			Extra Items Total			$	123,969.39							

2008 RRBC WORKPLAN

NRFP GOAL & ISSUE AREA	RRBC ACTION	FTE's	NRFP ACTION	TIMELINE		STAFF
				MT Management Team: ly, jg, an		
				ly - Lance		js-Jennifer
				jg - Julie		ts-Tanja 3/4
				an - April (nov, dec only)		rl - Ruth
				con- Consultant		ks - Kathy 1/2
				JPB- Arneson		db- Donna 1/2
				MN Outreach - Evert		lt- Leah
				ND Outreach - connected to f/t		all - all staff
				Grant Writer- Olive		
	ADMINISTRATION					
	Board Meetings					
	Board Meetings in 2008-Jan, Mar, Sept	264		Jan, Mar,Sept		MT,js, lt, np (ks,db)
	1 Board Meeting & Tours -- June	120		June		MT,js, lt, np (ks,db)
	1 Board Meetin & Retreat--Nov	136		Nov		MT,js, lt, np (ks,db)
	Executive Committee Meetings					
	12 Executive Committee Meetings --3rd Thursday	96		3rd Th -- Month		ly
	Executive Director Evaluation	12			2/1/2008	ly
	Human Resource Committee Meetings	12		as Needed		ly
	General					
	All Staff Evaluations,	63		Dec 2007-Jan 2008		MT
	Documentation, Records	1910				all
	Work Plans--Annual	20				ly
	Work Plans -- Weekly	119		Due Friday for coming week		all
	Weekly Staff Meetings	186		Monday		all
	Face to Face Staff Meetings (2)--Retreat (2)	222		Friday 2x year 1-- 2 day ret.		all
	Management Team Meetings (12)	28		monthly phone		MT
	Update Governing Documents	20		as needed		ly,db
	FIANANCE					
	Finance Committee Meetings					
	12 Finance Committee Meetings -- 3rd Wednesday	12		3rd Wed -- Month		ly
	General					
	Monthly Finances	1083		ongoing		ts,db,ly,an
	Base Funding --Local, Provincial, State	64				ks,db,ly
	Base Funding -- Federal	72				ly,jg
	Project Funding--as needed	404			2007	ly,jg,grant con
	Prepare 2009 Budget	64		6/1/08 to 12/31/08		ly,jg,an,ts
	2007 Audit	112		1/1/08 to 6/30/08		ly,akn,ts,db
	LEADERSHIP					
	Plan Implementation Committee (4)	184		4 mtg year		js,jg,ly,lt
	WG- Flood Damage Reduction--- snapshot;obj, act ag; conf	84		phone calls, mtgs, matls		ly,jg
	WG- Water Quality--snapshot;obj, act ag; conf	128		phone calls, mtgs, matls		js,lt,an.ly.jg
	WG - Conservation--snapshot;obj, act ag; conf	88		phone calls, mtgs, matls		js,ly,jg
	WG- Water Supply--snapshot; obj, act ag; conf	84		phone calls, mtgs, matls		ly,jg
	WG- Watersheds--snapshot, conf	84		phone calls, mtgs, matls		ly,jg,lt
	WG- Integration--snapshot, conf	84		phone calls, mtgs, matls		jg,js,ly
	WG- Data-Tools for Decision Making--snapshot, conf	80		phone calls, mtgs, matls		ly,jg
	WG- Education-Information--snapshot, conf	88		phone calls, mtgs, matls		ly,jg,lt
	Precipitation Committee	80		1-2 Mtgs		js,ly
	Ag Commodity Committee	88		Mtg a year		js,ly,jg
	Facilitation					
	Basin Drought Recommendation Report	16				ly

Basin Drought Activities	282	If Needed	ly,lt
Forum for Basin Issues	104	If Board Decides to do	all
Forum Water Quality	104	If Board Decides to do	all
Legislative Committee	88	as needed	ly,jg
COMMUNICATIONS			
Communication Committee	264	10 mtgs a year	jg,lt,ly,js
Web Site	104	weekly updates	jg,
Newsletter- 2	160	2 x year for outreach	jg, grant con
Ripple Effect - 24	212	twice a month to newspapers	jg,
Water Minutes- 2x mo	106	2-4 a week	jg,
Monthly Activity Update	68	monthly updated	jg, js
State of Basin--Snapshot Updates	128	8 next year	all
Annual Report	88	yearly	ly,jg
Other Flyers/Information/PR materials --projects and activies	120	as needed projects, conf, etc	jg,
Press Releases	40	as appropriate	jg
Power Point Presentations--conferences, speaking engagements, etc	112	conf, speak engag etc.	jg,ly,js,lt
River Center	140	if needed	ly,jg
Annual Summit Conference	684	2009 Winnipeg	all
Speaker Contacts	630	2010 Winnipeg	lt,jg
Sponsorship, ads, booths	520	2011 Winnipeg	lt
Annual Summit Conference - Flyer, Brochure, Conf Booklet	424	2012 Winnipeg	lt,jg
Other Conference			
Toronto Flood Defence Conferenc	32	Toronto in May	ly
April FDR Goals Conference	136	Around April	all
Conservation Conference	96	Jan and June	js,lt,ly,db,ks,js
Lake Winnipeg Leadership Conf	40	spring	ly
lake Winnipeg Basin Conf	96	If it goes forward in 2008	all
PARTNERSHIPS			
Partnerhsip Committee			
IRRB	24	July	ly
IRRB-AEH	64	2 x a year	js,lt
IRRB-Hydrology	32	2 x a year	ly
Pembina River Basin Advisory Board (PRBAB) Meetings	80	4 a year	js,ly
PRBAB Activities	128	as needed	js,ly
Roseau River International Watershed (RRIW) Meetings	80	4 a year	lt,ly
RRIW Activities	128	as needed	lt,ly
South Valley Initiative (SVI) Meetings	96	4 a year	lt,ly,jg
SVI Activities	128	as needed	lt,ly,jg
MN Joint Powers Board (JPB)	104	4 a year	jg
MB North/South Chapters	192	10 x year	js,db,ly,jg
Outreach SD, MB, First Nation	60	ongoing	lt,
Outreach Provincail, State, Federal	32	ongoing	lt,ly
Reg mtgs---NDJWRB, MNRRWMB, MBCDA,UPP Shey, Dev Lake,	280	regualarly scheduled	jg,ly,js,lt
annual mtgs- MBCDA, MBAMM, NDJWater, MAWD, NDAC,	144	annually	jg,ly,js
TECHNICAL RESOURCE--PROJECTS			
Technical Resource Committee	16	if it is set up	ly
Mainstem Modeling Calibration III	96	as needed	ly
Bush Outreach Project	3050	as needed	all
Mainstem Modeling Run # 2	140	as needed	ly
Mainstem Modeling Scenario Report - IJC	32	as needed	ly
Mainstem Modeling Run # 1 - IJC	32	as needed	ly
Pembina Modeling - IJC	92	as needed	ly
Dredging Study II	16	as needed	lt,js,db

	Dredging Study II--fin and workshop roles	136	If it goes forward	ts,ly,js,db
	TOTALS	16067		

2006 - BOARD RETREAT PRIORITIES

CODES:
Yellow = RRBC Lead Current Project
Orange = RRBC Lead Planned Project
Lt Green = RRBC Support Current Project
Green = RRBC Support Planned Project

GOAL # 1				
Increase Coor & Comp Wat Plan				
1 - S 24 - L	Provide Forum for identifying, developing & implementing solns to cross bndry issues	0	1.2.18	
8 - L	Educ & Adoption of NRFP by member jurisdictions	0	1.1.1	
6 - L	Continue to refine bsin goals & processes for NRFP implementation	0	1.1.2	
7 - S 5 - L	RRBC briefing / marketing documents -- accomplishments, gen info, SI, LT goals 1x yr	0	1.1.3	
3 - S 1 - L	Roseau River International Watershed planning - MB	0	1.2.2	
4 - S 1 - L	South Valley Initiative (ND &SD Wild Rice effort)	0	1.2.4	
11 - S 1 - L	Pembina River Basin Advisory Board activities - ND & MB	0	1.2.3	
1 - S	Brokenhead River Restoration Project - MB	0	1.2.10	
		0		
		0		
Goal # 2		0		
Integrate Natural Resource Mangt		0		
1 - S 1 - L	Increase planners' awareness of conservation principles	0	2.2.1	
		0		
		0		
		0		
Goal # 3		0		
Increase Appld Res & Data Mngt		0		
5 - L	Run Mike 11 mainstem from L Trav to L Winnipeg run # 2	0	3.3.1	
1 - L	Lower Pembina area modeling - link with MIKE-11 above	0	3.3.3	
5 - S 1 - L	Dev of 3-D gw models for the basin similar to that of the MN Geological Survey/BOR	0	3.3.4	
1 - S	Coor above with the devel of HEC/RAS unsteady flow model from L Traverse to the Can border	0	3.3.2	
3 - S	Support continued devel, fund, & use of (RRBDIN) for data access and sharing	0	3.1.2	
4 - S	Identify and share research needs and gaps.	0	3.1.1	
		0		
Goal # 4		0		
Develop Stake Part & Awareness		0		
4 - S 11 - L	Use RRBC annual Sumit Conf to provide education & outreach	0	4.2.9	
2 - S 5 - L	Provide annual rept card on compr, integrated, wateshed stewad & management	0	4.2.1	
6 - S 2 - L	Define and adopt a stewardship ethic for RRBC members	0	4.1.1	
3 - S 1 - L	Continue to convene MB North and South RRBC Chapters & conduct workshops	0	4.2.6	
2 - S	Use Community Based Social Marketing to increase awareness of conservation programs	0	4.2.4	
5 - S	Continue to convene the MN Joint Powers Board	0	4.2.5	
1 - S	Revision of Lake Winnipeg Shoreline Management Handbook	0	4.2.8	
		0		
Goal # 5		0		
Maintain Flood Forecast Tools		0		
1 - L	MIKE-11 Mainstem hydrology model (line 3.3.1 above)	0	5.1.1	
		0		
Goal # 6		0		
Red Risk of fdr main & trib		0		
10 - L	Est collective benefits fo projects using Mike 11 mainstem model	0	6.2.1	
2 - S 3 - L	Define fdr needs in the upper basin that are not being met	0	6.2.2	
1 - L	North Ottawa Dam (line 2.1.5 above)	0	6.1.6	
2 - S	Maple River Dam (ND)	0	6.1.5	

2 - S		Fargo-Moorhead Upstream Feasibility Study (line 2.1.1 above)	0	6.1.7
3 - S		Lake Roseau Flood protection	0	6.1.4
			0	
Goal # 7			0	
Ensure Resp & Rec address needs			0	
6 - S		Document program availability, identify gaps	0	7.1.1
			0	
			0	
			0	
Gaol # 8			0	
Mang Drain Syst Prod & Min Dam			0	
4 - S	3 - L	Promote stream restoration concepts as FDR measures	0	
3 - S	2 - L	Continue projects (MN Buffer Initiative and CREP) that minimize environmental impacts (lines 9.3.3 &	0	
			0	
			0	
Goal # 9			0	
Main Prot & Res SW & GW Qly			0	
	2 - L	Ensure jursd interp wat qly dat undertaken with basin wide perspective.	0	9.1.3
2 - S	2 - L	RRB Buffer Initiative (MN) example F-M TMDL study (turbidity & Fecal Colif)	0	9.3.3
2 - S	1 - L	Basin-wide analysis of nutrient concentrations and loads	0	9.1.2
3 - S		Basin-wide analysis of nutrient concentrations and loads (line 9.1.2 above)	0	9.5.2
1 - S	4 - L	Provide forum for each juris to discuss issues rel to implem basin appr ot wat qly mang	0	9.1.1
1 - S	3 - L	Provide forum for each juris to discuss issues rel to cont & mang of exot species	0	9.6.1
4 - S	3 - L	Lake Winnipeg Dredging Study II	0	9.4.3
5 - S	3 - L	Provide a forum juris to discuss issues rel to devel strat to reduce nut load L. Wnpg	0	9.4.1
2 - S	2 - L	Provide basin-wide perspective to jurisdictional interpretation of exotic species status.	0	9.6.3
	1 - L	Provide basin-wide persp to each jursid's prog (e.g., ND Ag Nuis Spec plan, devel 2005)	0	
7 - S	1 - L	Water Quality Forum (line 9.1.1 above)	0	9.5.1
3 - S		Provide a forum for jurisd to discuss issues related to developing restoration goals	0	9.2.1
			0	
Goal # 10			0	
Ensure App Use & Sust of SW & GW			0	
			0	
Goal # 11			0	
Increse Soil Conservation			0	
4 - S	3 - L		0	
		Provide a forum for mangrs and soil cons staff to strategize how to implement this recommendation.	0	11.2.1
1 -S	2 - L	CREP II - Red River Basin (MN)	0	11.2.1
9 - S		MN Buffer Initiative (line 9.3.3 above)	0	11.1.3
			0	
Goal # 12			0	
Cons Mang & Res fish, wild & habit			0	
2 - S	3 - L		0	12.2.1
1 - S	1 - L	Provide a forum for agency staff to strategize how to implement this recommendation.	0	12.1.1
1 - S	1 - L	Provide a forum for agency staff to strategize how to implement this recommendation.	0	12.4.1
1 - S		Provide a forum for agency staff to strategize how to implement this recommendation.	0	12.3.1
		Provide a forum for agency staff to strategize how to implement this recommendation.	0	
			0	
Goal # 13			0	
Enh & Dev Rec Infa & Acess			0	
5 - S	2 - L	Provide a forum for agency staff to strategize how to implement this recommendation.	0	13.1.1
1 - S	1 - L	Provide a forum for agency staff to strategize how to implement this recommendation.	0	13.2.1
2 - S	1 - L	Inventory public lands	0	13.1.2
			0	
			0	
0-S	16 - L	Conflict resolution mechanism for the board to use externally for inter-jurisdictional issues	0	
3 - S	14 - L	Bring together scientific data app Dev Lake and other contentious issues comm coord data & usage	0	
2 - S	12 - L	Basin-wide drought response planning	0	
4 - S	11 - L	Coordinate River Watch expansion basin-wide	0	

9 - S	Study Red River mainstem capacity for industrial development	0
	Plan of action for succession: Board members, Elected officials, agency officials	0
		0

2007 RRBC WORK PLAN

NRFP GOAL & ISSUE AREA	RRBC ACTION	FTE's	NRFP ACTION	TIMELINE		STAFF
				MT Management Team: ly, jg, akn		
	CODES:			ly - Lance		js-Jennifer
	Yellow = RRBC Lead Current Project			jg - Julie		ra - Rachel
	Orange = RRBC Lead Planned Project			akn - April		rl - Ruth
	Lt Green = RRBC Support Current Project					ksp - Kathy
	Green = RRBC Support Planned Project			all - all staff		
				Con- Consultant		
	ADMINISTRATION					
	Board Meetings					
	5 Board Meetings in 2007-Jan, Mar, June, Sept, & Nov- 1st Thursday	520		Js, Mr,My,Jn,Ag,S,N		all
	1 Board Tours & Discussion in 2007-June & August	48		Jn,Ag		all
	1 Board Retreat-Nov-1st Thursday (and day before)	56		Nov		all
		0				
	Executive Committee Meetings	0				
	12 Executive Committee Meetings in 2007--3rd Thursday	96		3rd Th -- Month		MT
	Executive Director Evaluation	12			3/30/2007	ly
		0				
	Human Resource Committee Meetings	24		as Needed		ly
		0				
	General	0				
	All Staff Evaluations,	45				MT
	Documentation, Records,	1356				all
	Work Plans--Weekly, Annual	157				
	Monthly Staff Meetings	264		2nd Fri -- Month		all
	Management Team Meetings	214		Weekly		MT
	Update Governing Documents	40		1/1/07-3/1/07		ly,ra,ksp
		0				
	FIANANCE	0				
	Finance Committee Meetings	0				
	12 Finance Committee Meetings n 2007 -- 3rd Wednesday	24		3rd Wed -- Month		MT
		0				
	General	0				
	Monthly Finances	464		ongoing		ra,akn,ly
	Base Funding --Local, Provincial, State Requests, Federal Strategies	224		1/1/06 to 6/1/2007		all
	Base Funding -- Federal	120				MT
	Project Funding--as needed	240			2007	all
	Prepare 2008 Budget	128		6/1/07 to 12/31/07		ly,Mt
	2006 Audit	0		1/1/07 to 6/30/07		ly.akn.ra
		0				
	PROJECTS	0				
	Buffer Strip	488			8/1/2007	rl,
	Roseau River Watershed Plan	40			1/15/2007	akn,
	Mainstem Modeling Run # 2	96			3/15/2007	ly,akn
	Mainstem Modeling Scenario Report - IJC	96			3/15/2007	ly
	Mainstem Modeling Run # 1 - IJC	192			6/1/2007	ly
	Pembina Modeling - IJC	192			3/15/2007	ly
	Lake Winnipeg Forum	48			2/14/2007	ly,akn
		0				
		0				
	FACILITATION	0				
		0				
	Out of Basin Group Discussions - Report on EIS	216			4/1/2007	ly,akn
	Basin Drought Recommendation Report	288			1/1/2007	ly.akn
		0				
		0				
	PARTNERSHIPS	0				
	IRRB	32				ly
	IRRB-AEH	64				akn,ly
	IRRB-Hydrology (CFMP)	32				ly
	Pembina River Basin Advisory Board (PRBAB)	80				js,ly
	Roseau River International Watershed (RRIW)	300				akn,ly
	South Valley Initiative (SVI)	128				rl,ly
	MN Joint Powers Board (JPB)	56				jq
	MB North/South Chapters	232				akn
		0				
		0				
	COMMUNICATIONS	0				
	Web Site	104				jq
	Newsletter- 4?	208				jq
	Ripple Effect - 52?	832				jq
	Water Minutes- weekly?	416				jq
	Annual Summit Conference	1929		1/23-25/07		ra,all
	April Conferncе (fdr goals)	172			4/15/07	ra,all
		0				
	COMMITTEES	0				
	Plan Implementation Committee	432		10 times		akn,rl,ly
	Communication Committee	484		10 times		jq,ra
	Annual Summit Conference Committee	0		10 time (with com com)		ra,jq
	Legislative	104		as needed		MT
		0				
		0				

2006 - BOARD RETREAT PRIORITIES

			0		POSSIBLE ACTIONS
			0		
GOAL # 1			0		
Increase Coor & Comp Wat Plan			0		
1 - S 24 - L	Provide Forum for identifying, developing & implementing solns to cross bndry issues		0	1.2.18	FORUM - X BNDRY ISSUES
8 - L	Educ & Adoption of NRFP by member jurisdictions		1486	1.1.1	
6 - L	Continue to refine bsin goals & processes for NRFP implementation		0	1.1.2	
7 - S 5 - L	RRBC briefing / marketing documents -- accomplishments, gen info, SI, LT goals 1x yr		0	1.1.3	
3 - S 1 - L	Roseau River International Watershed planning - MB		0	1.2.2	
4 - S 1 - L	South Valley Initiative (ND &SD Wild Rice effort)		0	1.2.4	
11 - S 1 - L	Pembina River Basin Advisory Board activities - ND & MB		0	1.2.3	
1 - S	Brokenhead River Restoration Project - MB		0	1.2.10	
			0		
			0		
Goal # 2			0		
Integrate Natural Resource Mangt			0		
1 - S 1 - L	Increase planners' awareness of conservation principles		0	2.2.1	FORUM - INTEGRATION
			0		
			0		
			0		
Goal # 3			0		
Increase Appld Res & Data Mngt			0		
5 - L	Run Mike 11 mainstem from L Trav to L Winnipeg run # 2		0	3.3.1	FORUM - RES NEEDS
1 - L	Lower Pembina area modeling - link with MIKE-11 above		0	3.3.3	
5 - S 1 - L	Dev of 3-D gw models for the basin similar to that of the MN Geological Survey/BOR		0	3.3.4	PROJECT - GW MODEL
1 - S	Coor above with the devel of HEC/RAS unsteady flow model from L Traverse to the Can border		0	3.3.2	
3 - S	Support continued devel, fund, & use of (RRBDIN) for data access and sharing		0	3.1.2	
4 - S	Identify and share research needs and gaps.		0	3.1.1	
			0		
Goal # 4			0		
Develop Stake Part & Awareness			0		
4 - S 11 - L	Use RRBC annual Sumit Conf to provide education & outreach		0	4.2.9	OUTREACH STRATEGEIS
2 - S 5 - L	Provide annual rept card on compr, integrated, watershed stewad & management		0	4.2.1	
6 - S 2 - L	Define and adopt a stewardship ethic for RRBC members		0	4.1.1	
3 - S 1 - L	Continue to convene MB North and South RRBC Chapters & conduct workshops		0	4.2.6	
2 - S	Use Community Based Social Marketing to increase awareness of conservation programs		0	4.2.4	
5 - S	Continue to convene the MN Joint Powers Board		0	4.2.5	
1 - S	Revision of Lake Winnipeg Shoreline Management Handbook		0	4.2.8	
			0		
Goal # 5			0		
Maintain Flood Forecast Tools			0		
1 - L	MIKE-11 Mainstem hydrology model (line 3.3.1 above)		0	5.1.1	SNOW/RAIN NETWORK
			0		
Goal # 6			0		
Red Risk of fdr main & trib			0		
10 - L	Est collective benefits fo projects using Mike 11 mainstem model		0	6.2.1	MODELING GOALS - BASIN
2 - S 3 - L	Define fdr needs in the upper basin that are not being met		0	6.2.2	
1 - L	North Ottawa Dam (line 2.1.5 above)		0	6.1.6	
2 - S	Maple River Dam (ND)		0	6.1.5	
2 - S	Fargo-Moorhead Upstream Feasibility Study (line 2.1.1 above)		0	6.1.7	
3 - S	Lake Roseau Flood protection		0	6.1.4	
			0		
Goal # 7			0		
Ensure Resp & Rec address needs			0		
6 - S	Document program availability, identify gaps		0	7.1.1	FORUM - EMGEN GAPS NEEDS
			0		
			0		
			0		
Gaol # 8			0		
Mang Drain Syst Prod & Min Dam			0		
4 - S 3 - L	Promote stream restoration concepts as FDR measures		0		FORUM - DRAINAGE ISSUES
3 - S 2 - L	Continue projects (MN Buffer Initiative and CREP) that minimize environmental impacts (lines 9.3.3 &		0		
			0		
			0		
Goal # 9			0		
Main Prot & Res SW & GW Qty			0		
2 - L	Ensure jursd interp wat qly dat undertaken with basin wide perspective.		0	9.1.3	FORUMS
2 - S 2 - L	RRB Buffer Initiative (MN) example F-M TMDL study (turbidity & Fecal Colif)		0	9.3.3	*MONITORING
2 - S 1 - L	Basin-wide analysis of nutrient concentrations and loads		0	9.1.2	*WATER QLY NEEDS
3 - S	Basin-wide analysis of nutrient concentrations and loads (line 9.1.2 above)		0	9.5.2	*EXOTIC SPECIES
1 - S 4 - L	Provide forum for each juris to discuss issues rel to implem basin appr ot wat qly mang		0	9.1.1	*REST GOALS
1 - S 3 - L	Provide forum for each juris to discuss issues rel to cont & mang of exot species		0	9.6.1	*L WNPG STRATEGIES
4 - S 3 - L	Lake Winnipeg Dredging Study II		0	9.4.3	
5 - S 3 - L	Provide a forum juris to discuss issues rel to devel strat to reduce nut load L. Wnpg		0	9.4.1	
2 - S 2 - L	Provide basin-wide perspective to jurisdictional interpretation of exotic species status.		0	9.6.3	DREDGING PROJECT
1 - L	Provide basin-wide persn to each jursid's prog (e.g., ND Aq Nuis Spec plan, devel 2005)		0		
7 - S 1 - L	Water Quality Forum (line 9.1.1 above)		0	9.5.1	
3 - S	Provide a forum for jurisd to discuss issues related to developing restoration goals		0	9.2.1	
			0		
Goal # 10			0		
Ensure App Use & Sust of SW & GW			0		
			0		
Goal # 11			0		
Increse Soil Conservation			0		
4 - S 3 - L			0		
	Provide a forum for mangrs and soil cons staff to strategize how to implement this recommendation.		0	11.2.1	FORUM @ 07 ANNUAL CONF
1 -S 2 - L	CREP II - Red River Basin (MN)		0	11.2.1	
9 - S	MN Buffer Initiative (line 9.3.3 above)		0	11.1.3	

Goal # 12					
Cons Mang & Res fish, wild & habit					
2 - S	**3 - L**				
1 - S	**1 - L**	**Provide a forum for agency staff to strategize how to implement this recommendation.**	**0**	**12.2.1**	**FORUMS**
1 - S	**1 - L**	**Provide a forum for agency staff to strategize how to implement this recommendation.**	**0**	**12.1.1**	
1 - S		**Provide a forum for agency staff to strategize how to implement this recommendation.**	**0**	**12.4.1**	
		Provide a forum for agency staff to strategize how to implement this recommendation.	**0**	**12.3.1**	
			0		
Goal # 13			**0**		
Enh & Dev Rec Infa & Acess			**0**		
5 - S	**2 - L**	**Provide a forum for agency staff to strategize how to implement this recommendation.**	**0**	**13.1.1**	**FORUMS**
1 - S	**1 - L**	**Provide a forum for agency staff to strategize how to implement this recommendation.**	**0**	**13.2.1**	
2 - S	**1 - L**	**Inventory public lands**	**0**	**13.1.2**	
			0		
			0		
0-S	**16 - L**	**Conflict resolution mechanism for the board to use externally for inter-jurisdictional issues**	**0**		
3 - S	**14 - L**	**Bring together scientific data app Dev Lake and other contentious issues comm coord data & usage**	**0**		
2 - S	**12 - L**	**Basin-wide drought response planning**	**0**		
4 - S	**11 - L**	**Coordinate River Watch expansion basin-wide**	**0**		
9 - S		**Study Red River mainstem capacity for industrial development**	**0**		
		Plan of action for succession: Board members, Elected officials, agency officials	**0**		
			0		

2006 - BOARD RETREAT PRIORITIES X in 2007 X in 2008 NY Next Year O Someone Else X Completed		Tanja	Julie	Lance	Jennifer	April	Kath	Leah	Donna	JPB Con	MN Con	Grant Con	Data Con	ND Con
GOAL # 1														
Increase Coor & Comp Wat Plan														
Provide Forum for identifying, developing & implementing solns to cross bndry issues		X	X	X	X		X	X	X					
Educ & Adoption of NRFP by member jurisdictions			X		X			X						
Continue to refine bsin goals & processes for NRFP implementation			X	X	X				X		X		X	X
RRBC briefing / marketing documents -- accomplishments, gen info, SI, LT goals 1x yr			X	X	X									
Roseau River International Watershed planning - MB				X										
South Valley Initiative (ND &SD Wild Rice effort)			X	X				X						
Pembina River Basin Advisory Board activities - ND & MB				X	X									
Brokenhead River Restoration Project - MB	O													
Goal # 2														
Integrate Natural Resource Mangt														
Increase planners' awareness of conservation principles				X	X									
Goal # 3														
Increase Appld Res & Data Mngt														
Run Mike 11 mainstem from L Trav to L Winnipeg run # 2				X										
Lower Pembina area modeling - link with MIKE-11 above				X										
Dev of 3-D gw models for the basin similar to that of the MN Geological Survey/BOR														
Coor above with the devel of HEC/RAS unsteady flow model from L Traverse to the Can border				X										
Support continued devel, fund, & use of (RRBDIN) for data access and sharing	X													
Identify and share research needs and gaps.				X										
Goal # 4														
Develop Stake Part & Awareness														
Use RRBC annual Sumit Conf to provide education & outreach			X	X				X						
Provide annual rept card on compr, integrated, watershed stewad & management			X	X										
Define and adopt a stewardship ethic for RRBC members														
Continue to convene MB North and South RRBC Chapters & conduct workshops			X	X	X									
Use Community Based Social Marketing to increase awareness of conservation programs														
Continue to convene the MN Joint Powers Board				X						X				
Revision of Lake Winnipeg Shoreline Management Handbook	O													
Goal # 5														
Maintain Flood Forecast Tools														
MIKE-11 Mainstem hydrology model (line 3.3.1 above)			X											
Goal # 6														
Red Risk of flr main & trib														
Est collective benefits fo projects using Mike 11 mainstem model			X											
Define flr needs in the upper basin that are not being met			X											
North Ottawa Dam (line 2.1.5 above)	X													
Maple River Dam (ND)	X													
Fargo-Moorhead Upstream Feasibility Study (line 2.1.1 above)	X													
Lake Roseau Flood protection	X			X										
Goal # 7														
Ensure Resp & Rec address needs														
Document program availability, identify gaps			X	X	X			X			X		X	X
Goal # 8														
Mang Drain Syst Prod & Min Dam														
Promote stream restoration concepts as FDR measures														
Continue projects (MN Buffer Initiative and CREP) that minimize environmental impacts (lines 9.3.3 & 11.1.2 below)	X													

Goal # 9 Main Prot & Res SW & GW Qty		Tanja	Julie	Lance	Jennifer	April	Kath	Leah	Donna	JPB Con	MN Con	Grant Con	Data Con	ND Con
Ensure jursd interp wat qty dat undertaken with basin wide perspective.					X	X								
RRB Buffer Initiative (MN) example F-M TMDL study (turbidity & Fecal Coli)	X													
Basin-wide analysis of nutrient concentrations and loads				X	X									
Basin-wide analysis of nutrient concentrations and loads (line 9.1.2 above)				X	X									
Provide forum for each juris to discuss issues rel to implem basin appr of wat qty manag				X	X									
Provide forum for each juris to discuss issues rel to cont & manag of exot species	NY													
Lake Winnipeg Dredging Study II				X	X									
Provide a forum juris to discuss issues rel to devel strat to reduce nut load L. Wnpg			X	X	X				X					
Provide basin-wide perspective to jurisdictional interpretation of exotic species status.	NY													
Provide basin-wide persp to each jurisd's progr (e.g., ND Aq Nuis Spec plan, devel 2005)	NY													
Water Quality Forum (line 9.1.1 above)														
Provide a forum for jurisd to discuss issues related to developing restoration goals	NY			X										
Goal # 10 Ensure App Use & Sust of SW & GW														
Goal # 11 Increse Soil Conservation														
Provide a forum for mangrs and soil cons staff to strategize how to implement this recommendation.														
CREP II - Red River Basin (MN)	X													
MN Buffer Initiative (line 9.3.3 above)	X													
Goal # 12 Cons Mang & Res fish, wild & habit														
Provide a forum for agency staff to strategize how to implement this recommendation.	NY													
Provide a forum for agency staff to strategize how to implement this recommendation.	NY													
Provide a forum for agency staff to strategize how to implement this recommendation.	NY													
Provide a forum for agency staff to strategize how to implement this recommendation.	NY													
Goal # 13 Enh & Dev Rec Infa & Acess														
Provide a forum for agency staff to strategize how to implement this recommendation.	NY													
Provide a forum for agency staff to strategize how to implement this recommendation.	NY													
Inventory public lands	NY													

Conflict resolution mechanism for the board to use externally for inter-jurisdictional issues
Bring together scientific data app Dev Lake and other contentious issues comm coord data & usage
Basin-wide drought response planning
Coordinate River Watch expansion basin-wide
Study Red River mainstem capacity for industrial development
Plan of action for succession: Board members, Elected officials, agency officials

Resolution # _____

Red River Basin Commission 2008 Funding

WHEREAS, The State of Minnesota, for the calendar year of 2008 has appropriated $100,000.00 to financially assist in the operation of the Red River Basin Commission (RRBC). An international organization serving the portions of States of North Dakota, South Dakota, and Minnesota as well as the Province of Manitoba that are in the Red River of the North Basin. And

WHEREAS, The Board of Water and Soil Resources has be the identified as the fiscal agent for this appropriation. And

WHEREAS, The RRBC has submitted it's 2008 work plan and budget to the BWSR for its review and acceptance.

NOW THEREFORE BE IT RESOLVED, BWSR having reviewed and accepted the 2008 work plan and budget of the RRBC and the $100,000.00 shall be transferred to the RRBC.

_____ _____

Randy Kramer, Chair Date

Minnesota Board of Water & Soil Resources

Cooperative Weed Management Area Grant Program Summary

In 2007 the Legislature provided $600,000 to establish the Cooperative Weed Management Area (CWMA) Grant Program (Chapter 57 Minn. Session Laws 2007). These funds will be used to develop Cooperative Weed Management Areas to aid in the restoration of natural lands through invasive species removal and reseeding. Eligible applicants may receive up to $70,000. No cash match is required, but projects with cash and/or in-kind match will be ranked higher. Existing CWMAs also are eligible for a maximum of $35,000. Primary program goals include:

- Develop strong partnerships based on cooperation among agencies, landowners and other interested partners to control invasive species.
- Create long-term and sustainable Cooperative Weed Management Areas.
- Remove invasive plant species from natural lands through an integrated pest management approach, and restore native plant communities through an ecosystem approach focused on the planting of local ecotype seed.

Applicant Eligibility

SWCD are the eligible grant applicants for this program. Other organizations may consider applying in partnership with SWCDs to help develop and run Cooperative Weed Management Areas. Funding that is used for invasive species removal and re-planting must be focused on natural lands, and private lands enrolled in local, state or federal conservation programs.

Application Requirements

The following information is requested as part of the grant application:

- Project title, location and contact information for all project partners (with attached letters of commitment)
- Project budget projection- Summary of grant funds requested, matching funds and project costs (total costs and by category)
- Proposal summary (Must be 50 words or less)
- List of primary invasive plant species addressed
- List of previously developed invasive species management plans for land units within the CWMA geographic area
- Project narrative (2-page maximum) - Project purpose, tasks, management and coordination, public outreach/public participation, final products and measurable results, general schedule and milestones

Eligible Expenses

This grant can be used for a wide range of activities related to setting up a CWMA and managing invasive species. Equipment purchased with the funding provided will remain the property of the State for its useful life. After the contract period, it may remain in the custody of the Grantee so long as it is used for the purposes of promoting and supporting the project. The State may take possession of the equipment at such time as it becomes necessary to use it for State purposes.

Use of Local Ecotype Native Seed

Seed used for this program must originate from the same ecotype region as the project. It is encouraged to use seed sources that originate from as close to the project site as possible. When purchasing seed, "Yellow Tag" certified seed should be used whenever possible. Project partners are encouraged to discuss how local seed can be obtained during initial planning discussions.

Criteria and Process for Project Selection

Proposals will be reviewed and scored by both BWSR staff members and members of the Project Advisory Team (Mn/DOT, MDA, USFWS, MPCA, MACAI, TNC, AMC, MASWCD) . The Advisory Team is an interagency group

established to assist in the development of this grant program. Proposals will be scored to determine which projects can be funded, based on available dollars. Once projects are selected for funding, the project manager will be notified.

Primary Selection Criteria:

- Completeness of plan for setting up a CWMA
- CWMA long term sustainability
- Strength of partnerships
- Number of partners involved
- Cash and/or In-kind contribution
- Efficient use of funding
- Development of concrete and attainable weed management goals and strategies to control invasive plant species from natural lands through an integrated pest management approach
- Development of strategies for the restoration/reconstruction of native communities through an ecosystem approach focused on the planting of local ecotype seed (within the same eco-type region)
- Development of plan for public outreach and publicizing the project

Request Limits

There is a $70,000 cap on the project grant request. Project grant requests do not require a cash match but projects with cash and/or in-kind match will be ranked higher. Existing CWMAs in Minnesota are eligible for funding but at a reduced amount of $35,000 per applicant.

Distribution of Funds

Two thirds of the funding will be dispersed at the beginning of the grant period, the final one-third of project funding will be dispersed after the first reporting period and successful establishment of a Cooperative Weed Management Area.

Grant Schedule

January 3, 2008	RFP released
March 14, 2008	Applications due
Approx. March 29, 2008	Applicants notified of award or rejection
Approx. April 14, 2008	Funds available for expenditure
January 15, 2009	Mid-grant report due
January 15, 2010	Final billing due
January 15, 2010	End of grant period and final report due

Minnesota Board of Water & Soil Resources

Board Resolution #_____

Cooperative Weed Management Area Grant Program Authorization

WHEREAS, the Cooperative Weed Management Area (CWMA) Grant Program administered by the Board of Water and Soil Resources (BWSR), provides financial assistance to SWCDs for the development of Cooperative Weed Management Areas to aid in the restoration of natural lands through invasive species removal and reseeding and,

WHEREAS, Minnesota Legislature, by Chapter 57 Minn. Session Laws 2007 has appropriated funding to BWSR and,

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

Eligible applicants may receive up to $70,000. No cash match is required, but projects with cash and/or in-kind match will be ranked higher. Existing CWMAs also are eligible for a maximum of $35,000. Primary program goals include:

SWCD are the eligible grant applicants for this program. Other organizations may consider applying in partnership with SWCDs to help develop and run Cooperative Weed Management Areas. Funding that is used for invasive species removal and re-planting must be focused on natural lands, and private lands enrolled in local, state or federal conservation programs.

This grant can be used for a wide range of activities related to setting up a CWMA and managing invasive species. Equipment purchased with the funding provided will remain the property of the State for its useful life. After the contract period, it may remain in the custody of the Grantee so long as it is used for the purposes of promoting and supporting the project. The State may take possession of the equipment at such time as it becomes necessary to use it for State purposes.

Seed used for this program must originate from the same ecotype region as the project. It is encouraged to use seed sources that originate from as close to the project site as possible. When purchasing seed, "Yellow Tag" certified seed should be used whenever possible. Project partners are encouraged to discuss how local seed can be obtained during initial planning discussions.

Proposals will be reviewed and scored by both BWSR staff members and members of the Project Advisory Team. The Advisory Team is an interagency group established to assist in the development of this grant program. Proposals will be scored to determine which projects can be funded, based on available dollars. Once projects are selected for funding, the project manager will be notified.

Two thirds of the funding will be dispersed at the beginning of the grant period; the final one-third of project funding will be dispersed after the first reporting period and successful establishment of a Cooperative Weed Management Area.

NOW THEREFORE, the BWSR hereby authorizes staff to allocate funding for the Cooperative Weed Management Area Grant Program according to these policies.

_____ Date:_____

Randy Kramer, Chair
Board of Water and Soil Resources

Minnesota Board of Water & Soil Resources

DATE: October 16, 2007

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

FROM: John Jaschke, Executive Director

SUBJECT: October 24, 2007, Board Meeting Notice

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, October 24, 2007, beginning at 9:00 a.m. The meeting will be held in the second floor conference room at 520 Lafayette Road N., St. Paul. Parking is available in the lot directly in front of the building (use hooded parking areas).

The following information pertains to agenda items:

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Blue Earth County Priority Concerns Scoping Document - Blue Earth County, as part of updating their Comprehensive Local Water Management Plan, submitted the Priority Concerns Scoping Document for state review and comment. The Southern Water Planning Committee, chaired by Brian Kletscher, met September 27, 2007, after the state agency review period ended. The Committee's recommendation for the content of the final plan is drafted for the full Board review and action. The state's expectations for the final plan must be sent to Blue Earth County. See attached. ***DECISION ITEM***

2. Brown County Priority Concerns Scoping Document - Brown County, as part of updating their Comprehensive Local Water Management Plan, submitted the Priority Concerns Scoping Document for state review and comment. The Southern Water Planning Committee, chaired by Brian Kletscher, met September 27, 2007, after the state agency review period ended. The Committee's recommendation for the content of the final plan is drafted for the full Board review and action. The state's expectations for the final plan must be sent to Brown County. See attached. ***DECISION ITEM***

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OLD BUSINESS

1. Easement Acquisition Scenario for the Grass Lake Restoration Project – See attached. RIM Reserve Planning Committee to review on October 17th. ***DECISION ITEM***

2. Grass Lake Project Grant Funds to Kandiyohi County – Kandiyohi County has agreed to assist the state and other project partners with implementation of the Grass Lake Restoration Project. Board approval is being sought to authorize grants to Kandiyohi County using funds from current and future appropriations for the Grass Lake Project. Grant funds would be limited for use on approved project implementation activities including, but not limited to, contracts for project services. RIM Reserve Planning Committee to review on October 17th. ***DECISION ITEM***

3. Strategic Plan – The Public Relations, Outreach & Strategic Planning Committee has been working with the results from the November Board retreat stakeholder feedback, and committee discussion to craft a draft strategic plan. The plan is ready for closer examination by the full Board. The Committee intends to polish the draft for possible adoption at the December meeting. ***INFORMATION ITEM***

NEW BUSINESS

1. Release of 1.4 Acres From Conservation Easement 74-04-94-01, Steele Co. Bridge Replacement Project on SW 81st Street. See attachments. ***DECISION ITEM***

2. Local Government Road Wetland Replacement Project Approval – The BWSR Wetland Committee has reviewed, discussed and approved forwarding to the Board a staff recommendation to fund nine wetland restoration projects. This requested approval would also authorize staff to pursue three alternate projects for the 2007 Road Program should any of the nine recommended for funding drop out. Board approval is needed to encumber bonding funds and to inform all applicants and the general public of the results. See attached. ***DECISION ITEM***

3. Wetland Conservation Act Funding for the 11-County Metro Area - BWSR was appropriated $250,000 in each year of the current biennium to make grants to local units of government within the 11-county metropolitan area to improve response to major wetland violations. The Wetland Committee discussed this new appropriation and are recommending the Board adopt an allocation proposal. ***DECISION ITEM***

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. The meeting will adjourn about noon. I look forward to seeing you on October 24th!

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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
ST. PAUL, MINNESOTA 55155
WEDNESDAY, OCTOBER 24, 2007

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF SEPTEMBER 26, 2007

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

INTRODUCTION OF NEW EMPLOYEES

- Leon Zeug

REPORTS

- Chair – Randy Kramer
- Executive Director – John Jaschke
- Dispute Resolution Committee – Randy Kramer
- Wetlands Committee – LuAnn Tolliver
- Grants Program & Policy Committee – Louise Smallidge
- Public Relations, Outreach & Strategic Planning Committee – Brian Napstad
- Administrative Advisory Committee – Randy Kramer

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Blue Earth County Priority Concerns Scoping Document – ***DECISION ITEM***

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

OLD BUSINESS

1. Easement Acquisition Scenario for the Grass Lake Restoration Project – Kevin Lines and Tom Wenzel – ***DECISION ITEM***

2. Grass Lake Project Grant Funds to Kandiyohi County – Tom Wenzel – ***DECISION ITEM***

3. Strategic Plan – Steve Woods – ***INFORMATION ITEM***

NEW BUSINESS

1. Release of 1.4 Acres From Conservation Easement 74-04-94-01, Steele County Bridge Replacement Project – Tim Fredbo – ***DECISION ITEM***

2. Local Government Road Wetland Replacement Project Approval – Dan Girolamo – ***DECISION ITEM***

3. Wetland Conservation Act Funding for the 11-County Metro Area – Dave Weirens – ***DECISION ITEM***

AGENCY REPORTS

- Minnesota Department of Health – Dan Wilson
- Minnesota Extension Service – Jim Anderson
- Minnesota Department of Natural Resources – Larry Kramka
- Minnesota Pollution Control Agency – Paul Eger
- Minnesota Department of Agriculture – Joe Martin

ADVISORY COMMENTS

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

UPCOMING MEETINGS

- MAWD Annual Meeting, November 29 – December 1, Alexandria
- MASWCD Annual Meeting, December 2-4, Rochester
- AMC Annual Meeting, December 3-5, Minneapolis
- Next Board Meeting, December 19, St. Paul

Noon **ADJOURN**

Dispute Resolution Report
October 15, 2007
by: Jim Haertel

There are presently 19 appeals pending. All of the appeals involve WCA except File 05-24. There have been no new appeals filed since the last report dated September 13, 2007. However, appeal file 07-24 involving Gaetz Brothers Realty in St. Cloud, which was previously denied, has been appealed to the Minnesota Court of Appeals.

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

File 07-23. This is an appeal of two restoration orders in Pine County. The appeal involves the filling of wetland in association with construction of roads. One of the restoration orders has been rescinded. A forestry exemption has been applied for in response to the other restoration order. The appeal has been placed in abeyance pending a decision on the exemption request.

File 07-19. This is an appeal of an exemption determination in Roseau County. The appeal involves the approval of an exemption application for War-Road Estates. Further work at the local level has been completed under remand. The appeal may be withdrawn.

File 07-15. This is an appeal of an exemption determination in Carver County. The appeal regards the denial of a wetland exemption application on agricultural land. The appeal has been remanded for a public hearing at the local level.

File 07-14. This is an appeal of an exemption determination in Carver County. The appeal regards the denial of a wetland exemption application on agricultural land. The appeal has been remanded for a public hearing at the local level.

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

File 06-23. This is an appeal of a replacement plan decision in Kanabec County. The LGU denied the wetland replacement plan application. A previous denial of the same replacement plan application had been appealed, the appeal was remanded for a hearing, and now the current denial has been appealed. The appeal has been placed in abeyance pending the outcome of a lawsuit between the landowner and the county. The lawsuit

concerns the county's possible noncompliance with the 60-day rule. The county prevailed in district court, however the decision has been appealed to the Court of Appeals.

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

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

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

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

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

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

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

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

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

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

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

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

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

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Blue Earth County Priority Concerns Scoping Document – ***DECISION ITEM***

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

Minnesota Board of Water & Soil Resources

September 19, 2007

Mr. Jeff Nielsen
Minnesota Board of Water and Soil Resources
261 Highway 15 South
New Ulm, MN 56073

Dear Jeff:

Blue Earth County has submitted their Priority Concerns Scoping Document (PCSD) for the 2007 Local Water Management Plan Update to BWSR and other state agencies. BWSR received this document on June 19, 2007. State agency comments were received from DNR, MDA, MDH, and MPCA. DNR concurred with the priority concerns identified. DNR felt the priority concern identification process was adequate and commendable. DNR also commented that the Department looks forward to looking with the County. MDA commented that the process to identify priority concerns was commendable and concurred with the priority concerns identified. The MPCA concurred with the priority concerns and asked the County to consider a revision concerning groundwater quality related to the shallow well near the Blue Earth River used for Mankato drinking water. MPCA asked the County to consider adding additional context to the surface water quality priority concern and noted the good text related to agricultural land use and surface water quality. MPCA provided comments to consider related to wetland benefits, state drainage code. Finally, MPCA asked the County to consider adding a priority concern related to the County use of its planning and zoning and land use authority related to the production of ethanol. The Minnesota Department of Health feels the process to identify the priority concerns was commendable and concurs with the priority concerns. No other state agency comments were received during this review period. In addition to PCSD comments, the MPCA, BWSR, DNR, MDA, MDH and numerous other local stakeholders provided comments early on in the process.

On behalf of the BWSR I have completed my review of the Blue Earth County PCSD and recommend the BWSR concur with the priority concerns identified.

I look forward to working with County elected officials, staff, and residents as the plan update moves forward. If you have questions or need additional information, please contact me at 507-389-6784.

Sincerely,

Chris Hughes
Board Conservationist

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Minnesota Board of Water & Soil Resources

October 24, 2007

Blue Earth County Commissioners
c/o Julie Conrad
Blue Earth County Water Plan Coordinator
P.O. Box 3566
410 South Fifth Street
Mankato, MN 56001

Dear Blue Earth County Commissioners:

RE: Official Comments Pertaining to the State Review of the Blue Earth 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 Blue Earth 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 Blue Earth County Priority Concerns Scoping Document (PCSD) on June 19, 2007.

Blue Earth 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.

- Groundwater
- Surface Water Quality
- Drainage
- Wetlands
- Wildlife and Natural Resources

The BWSR received comments from the Minnesota Pollution Control Agency (MPCA), the Department of Natural Resources (DNR), Minnesota Department of Health (MDH) and the Minnesota Department of Agriculture (MDA) on the Blue Earth County PCSD during the official review period. All agencies concurred with priority concerns identified. DNR felt the priority concern identification process was adequate and commendable. DNR also commented that the Department looks forward to working with the County. MDA commented that the process to identify priority concerns was commendable. The MPCA asked the County to consider a revision concerning groundwater quality related to the shallow well near the Blue Earth River used for Mankato drinking water. MPCA asked the County to consider adding additional context to the surface water quality priority concern and noted the good text related to agricultural land use and surface water quality. MPCA provided comments to consider related to wetland benefits, state drainage code. Finally MPCA asked the County to consider adding a priority concern related to the County use of its planning and zoning and land use authority related to the production of ethynol. The Minnesota Department of Health feels the process to identify the priority concerns was commendable.

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On September 27, 2007, the BWSR southern region water planning review committee (hereinafter referred to as Committee) met 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 Blue Earth County for the process they used to select the concerns – including soliciting input from local government, citizens, and state agencies – and incorporating that information into the five priority concern areas. The priority concerns to be addressed in the LWM Plan are deemed to be appropriate; the Committee does not recommend or require any changes to the PCSD as drafted.

Sincerely,

Randy Kramer, Chair
Minnesota Board of Water and Soil Resources

c: Becky Balk, MDA
Joe Martin, MDA
John Wells, EQB
Art Persons, MDH
Mark Matuska, DNR
David L. Johnson, MPCA
Dan Wilson, MDH
Dana Allen, BWSR Board
Brian Kletscher, BWSR Board
Randy Kramer, BWSR Board
Jeff Nielsen, BWSR Southern Region Supervisor
Chris Hughes, Board Conservationist
Julie Conrad, County Water Planner
Blue Earth SWCD

Minnesota Board of Water & Soil Resources

September 19, 2007

Mr. Jeff Nielsen
Minnesota Board of Water and Soil Resources
261 Highway 15 South
New Ulm, MN 56073

Dear Jeff:

Brown County has submitted their Priority Concerns Scoping Document (PCSD) for the 2007 Local Water Management Plan Update to BWSR and other state agencies. BWSR received this document on August 9, 2007. State agency comments were received from DNR, MDA and MPCA. DNR concurred with the priority concerns identified. DNR felt the priority concern identification process was adequate. DNR also commented that the Department would work in partnership with the County to address groundwater and wetland/water retention priorities, river and stream channel restoration and fish passage to provide healthy aquatic habitats, adequate recreational opportunities in the County and increasing economic benefits. MDA commented that the process to identify priority concerns was commendable and concurs with the priority concerns identified. The MPCA concurred with the priority concerns and applauded the County's efforts to track application rates and manage manure spreading acres by animal agriculture. The MPCA encourages the County to build on their current efforts due to the multiple water quality benefits associated with sound manure management. The MPCA asked the County to consider broadening priority concern number five to include multiple sources of pathogen loading to surface water, including livestock manure in feedlot or land application settings. The MPCA encouraged the County to participate in the development and implementation of TMDLs for impaired waters and to plan for how additional water quality monitoring may be conducted for a more comprehensive water quality assessment. MPCA provided a link to water quality data that may be useful for the County, mentioned that the agency looks forward to reviewing the forthcoming plan and is available to assist in the development and implementation of the plan. No other state agency comments were received during this review period. In addition to PCSD comments, the MPCA, BWSR, DNR, MDA, MDH and numerous other local stakeholders provided comments early on in the process.

On behalf of the BWSR I have completed my review of the Brown County PCSD and recommend the BWSR concur with the priority concerns identified.

I look forward to working with County elected officials, staff, and residents as the plan update moves forward. If you have questions or need additional information, please contact me at 507-389-6784.

Sincerely,

Chris Hughes
Board Conservationist

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Minnesota Board of Water & Soil Resources

October 24, 2007

Brown County Commissioners
c/o Paul Davis
Brown County Water Plan Coordinator
P.O. Box 248
New Ulm, MN 56073

Dear Brown County Commissioners:

RE: Official Comments Pertaining to the State Review of the Brown 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 Brown 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 Brown County Priority Concerns Scoping Document (PCSD) on August 9, 2007.

Brown 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.

- Groundwater
- Soil Erosion Concerns
- Drainage
- Wetlands/Water Retention
- Human Wastewater

The BWSR received comments from the Minnesota Pollution Control Agency (MPCA), the Department of Natural Resources (DNR), and the Minnesota Department of Agriculture (MDA) on the Brown County PCSD during the official review period. DNR concurred with the priority concerns identified. DNR felt the priority concern identification process was adequate. DNR also commented that the Department would work in partnership with the County to address groundwater and wetland/water retention priorities, river and stream channel restoration and fish passage to provide healthy aquatic habitats, adequate recreational opportunities in the county and increasing economic benefits. MDA commented that the process to identify priority concerns was commendable and concurs with the priority concerns identified.

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The MPCA concurred with the priority concerns and applauded the County's efforts to track application rates and manage manure spreading acres by animal agriculture. The MPCA encourages the county to build on their current efforts due to the multiple water quality benefits associated with sound manure management. The MPCA asked the county to consider broadening priority concern 5 to include multiple sources of pathogen loading to surface water, including livestock manure in feedlot or land application settings. The MPCA encouraged the County to participate in the development and implementation of TMDLs for impaired waters and to plan for how additional water quality monitoring may be conducted for a more comprehensive water quality assessment. MPCA provided a link to water quality data that may be useful for the County, mentioned that the agency looks forward to reviewing the forthcoming plan and is available to assist in the development and implementation of the plan.

The BWSR southern region water planning review committee (hereinafter referred to as Committee) met on September 27, 2007 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 Brown County for the process they used to select the concerns – including soliciting input from local government, citizens, and state agencies – and incorporating that information into the five priority concern areas. The priority concerns to be addressed in the LWM Plan are deemed to be appropriate; the Committee does not recommend or require any changes to the PCSD as drafted.

Sincerely,

Randy Kramer, Chair
Minnesota Board of Water and Soil Resources

c: Becky Balk, MDA
Joe Martin, MDA
John Wells, EQB
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Mark Matuska, DNR
David L. Johnson, MPCA
Dan Wilson, MDH
Dana Allen, BWSR Board
Brian Kletscher, BWSR Board
Randy Kramer, BWSR Board
Jeff Nielsen, BWSR Southern Region Supervisor
Chris Hughes, Board Conservationist
Paul Davis, County Water Planner

OLD BUSINESS

1. Easement Acquisition Scenario for the Grass Lake Restoration Project – Kevin Lines and Tom Wenzel – ***DECISION ITEM***

Approve Easement Acquisition Scenario for the Grass Lake Restoration Project –

The Conservation Easement Section and the Engineering Section have been involved since the early 1990's with the restoration of the 1,200-acre Grass Lake prairie Wetland located in Kandiyohi County.

The BWSR has been working in partnership with the City of Willmar, Kandiyohi County and the Kandiyohi Soil and Water Conservation District as efforts continue to restore this critical water resource. To date, the BWSR has secured, through the Reinvest in Minnesota (RIM) Reserve program, over 1,100 acres of land in this project area. The BWSR received $2.2 million from the state's 2006 capital investment appropriation for this project to continue with the acquisition of RIM Reserve easements on the remaining 400-500 acres of land (six properties) needed to restore this drained wetland and to help with other implementation costs.

The remaining six properties have not accepted the payment rates offered to them for the easements using the standard RIM rates. The RIM Reserve Planning Committee has considered two possible acquisition strategies.

Option 1 – Use a site specific market appraisal of the Grass Lake Prairie wetland restoration project lands (per MN Stat. 103F.515., subd. 6, subp. 5, alternative payment systems for RIM Reserve) "easements based on cash rents on a similar system as may be determined by the BWSR board."

Option 2 – Provide a grant to the appropriate local units of government (LGU) to acquire the conservation easements and accept the transfer of these easements from the LGU to the state.

The RIM Reserve Planning Committee will be making their committee recommendations to the full board. ***DECISION ITEM***

NEW BUSINESS

1. Release of 1.4 Acres From Conservation Easement 74-04-94-01, Steele County Bridge Replacement Project – Tim Fredbo – ***DECISION ITEM***

2. Local Government Road Wetland Replacement Project Approval – Dan Girolamo – ***DECISION ITEM***

3. Wetland Conservation Act Funding for the 11-County Metro Area – Dave Weirens – ***DECISION ITEM***

October 9, 2007

TO: Board Members

THRU: Kevin Lines, Easement Section Administrator

FR: Tim Fredbo, Conservation Easement Specialist

RE: Release of 1.4 Acres From Conservation Easement 74-04-94-01, Steele Co. Bridge Replacement Project on SW 81st Street

BACKGROUND:

Mr. Gary Bruggeman, County Engineer for Steele County, has requested the BWSR to approve removing 1.4 acres of land currently in a perpetual RIM Reserve conservation easement to facilitate a bridge replacement and road re-alignment project in the SE ¼ of Section 20, T106N, R20W, Steele County. The land proposed for release was originally enrolled in the RIM program in 1994 by John Connacker. The perpetual riparian easement contains 27.9 acres adjacent to Judicial Ditch (JD) 2, also known as the Straight River. The 1.4 acres proposed for release are adjacent to SW 81st Street and contain about .4 acres of Type 2 wetland. The release acres are required to re-align the bridge for safety reasons and the new bridge is required as the existing one causes flooding during high water periods on the Straight River, stranding 7 families who live on SW 81st Street. SW 81st ST is a dead end road so the residents have no other way to get to and from their homes.

All the wetland impacts associated with this project have been approved or permitted by the DNR, US Army Corp, and Steele County Environmental Services, who is the WCA LGU in this case. The project will have .28 acres of on-site replacement wetlands and .66 acres are to be replaced through the BWSR Road Replacement Program. The BWSR has received copies of all approvals and permits from all three regulatory bodies prior to entertaining this request to release our RIM easement acres.

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

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

The above listed items have been received and are attached for your review.

SUMMARY OF INFORMATION PROVIDED TO SUPPORT REQUEST:

Mr. Bruggeman has submitted two letters requesting a release of the RIM easement to enable this bridge reconstruction project. The initial letter was dated May 8, 2007 and is included as *attachment 1*. The second letter, dated September 10, 2007, is included as *attachment 2*. The second letter came after the RIM release process and wetland impacts were explained to Mr. Bruggeman. I did not want the Board to consider this request until after I knew that the wetland impacts were permitted and/or approved by all entities with wetland regulatory jurisdiction.

Mr. Bruggemans letters refer to wanting 1.89 acres released from the easement. That number is incorrect, as it represents the entire area needed for the project and all these acres are not under the RIM easement. Just 1.4 acres of the 1.89 total are in the easement.

Attachments 3, 4 and 5 were submitted by Mr. Bruggeman and are location maps, survey maps and photos of the project area in question.

Attachment 6 is a map of our easement area showing the 1.4 acres proposed for release.

The Steele SWCD Board has approved of this release request. This is confirmed in the attached letter from Dan Arndt, Steele SWCD Manager, *attachment 7*.

Jeanine Vorland, DNR Area Wildlife Manager has also reviewed this proposal. Ms. Vorland approves the easement alteration request in her 8/10/07 letter to Mr. Bruggeman, *Attachment 8*.

FINDINGS:

This alteration request, as proposed, would release 1.4 acres from the 27.9 acre easement, leaving 26.5 acres in the perpetual easement. The Boards easement alteration policy for release requests such as this requires Steele County to pay for the acres released at 2 times the current average township assessed market value (ATAMV). In this case the county would need to pay $8,394.40 for the release of the 1.4 acres (1.4 acres x $2,998/ac x 2 = $8,394.40). The county has already paid the $500 processing fee for this request.

All wetland impacts associated with this bridge project have been approved by the agencies with wetland regulatory jurisdiction (Army Corp, DNR, WCA) and I have received copies of all their approvals.

In both Mr. Bruggemans letters he is concerned with the cost to release the 1.4 acres. SW 81st Street is a township road and Somerset Twp. is paying for this project.

Both the Steele SWCD and the DNR have recommended approval of the easement release.

STAFF RECOMMENDATION:

1. Approve of the release for the easement. The BWSR easement alteration policy allows staff to give tentative approval for easement alterations involving public infrastructure projects. I have indicated to the County that this proposed release would receive Board approval. The BWSR Easement alteration policy can be found at the following website if you need to review it: http://www.bwsr.state.mn.us/easements/easement%20alteration%20policy.pdf

STEELE COUNTY
OWATONNA, MN 55060

(507) 444-7670
Fax: (507) 444-7684

HIGHWAY DEPARTMENT
County Admin. Annex
635 Florence Ave.
Owatonna, MN 55060

May 8, 2007

Minnesota Board of Soil and Water Resources
520 Lafayette Road North
Attn: Holly Remick
2nd floor
St. Paul, MN 55155

RE: Rim Easement number 74049401

Dear Ms. Remick:

Per our phone conversation today, Steele County is requesting that approximately 1.89 acres of land that is in a RIM easement with John Connaker, be allowed to be taken out of the RIM program and used to construct a replacement bridge and approaches for Somerset Township in Steele County, MN.

The project is needed as there are 7 families that live on the dead end township road, who are stranded, without emergency services, during high water. The existing bridge waterway opening is too small for Straight River high water events. The bridge backs up water which then overflows over the west bridge approach and strands these folks for several weeks, then the road needs to be repaired to make it passable in many cases. In 2002, there were 2 high water events that really created problems for these families.

The dead end road situation was created by the construction of I 35.

The construction plan is to construct the replacement bridge 50 feet south of the existing bridge, with approaches. Then the existing bridge and existing approaches will be removed. This approach is needed to avoid stranding the families, without basic emergency services during the construction of the new bridge. The length of the project will be over 2 months. Some wetlands restoration will occur when the existing approaches are removed.

The County became aware of the RIM easement during the initial phase of acquiring the needed Right of Way from Mr. Connaker and is now acting on that information in an attempt to keep the project construction start in this year.

The County is acting as the agent for Somerset Township on this project. The County has tried to reduce the impact on not only the RIM easement but also on some identified wetlands in the project boundaries.

Lastly, the County is requesting that any penalties for the land being removed from the RIM easement be minimized as much as possible, to lower the overall cost/burden of the project on the Township.

Gary Bruggeman

Gary Bruggeman, P.E.
Steele County Engineer

"AN EQUAL OPPORTUNITY EMPLOYER"
50% Recycled-10% Post Consumer Waste

ATTACHMENT 1

STEELE COUNTY
OWATONNA, MN 55060
(507) 444-7670
Fax: (507) 444-7684
HIGHWAY DEPARTMENT
County Admin. Annex
635 Florence Ave.
Owatonna, MN 55060

10 September 2007

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Attn: Holly Remick
2nd Floor
St. Paul, MN 55155

SEP 12 2007

RE: RIM Easement Number 74049401

Dear Ms. Remick:

Steele County sent a letter, dated 8 May 2007, requesting approximately 1.89 acres of land in a RIM easement with John Connaker, be allowed to be taken out of the RIM program and used to construct a replacement bridge and approaches for Somerset Township in Steele County, MN.

Steele County has received letters of concurrence from the Steele County Soil and Water Service and the MN Department of Natural Resources in (attachment A).

The justification for the request is as stated in the initial letter in attachment B. The location of the new bridge was moved 50 feet to the south of the existing bridge for several reasons including better sight distance at the intersection of the new township approach on CSAH 3, impacting less wetlands, and drainage issues north of the existing bridge.

An aerial photograph and right of way plat showing the project boundaries is in attachment C. A county map showing the project site is also in attachment C.

Steele County is acting as the agent for Somerset Township on this project. The County has taken the initiative in reducing the impact, not only the RIM easement, but also on identified wetlands within the project boundaries. The wetland impacts are found in attachment D.

Additional information on the existing bridge is in attachment E.

Steele County is requesting that any penalties for the land being removed from the RIM easement be minimized as much as possible to lower the overall cost/burden of the project on Somerset Township.

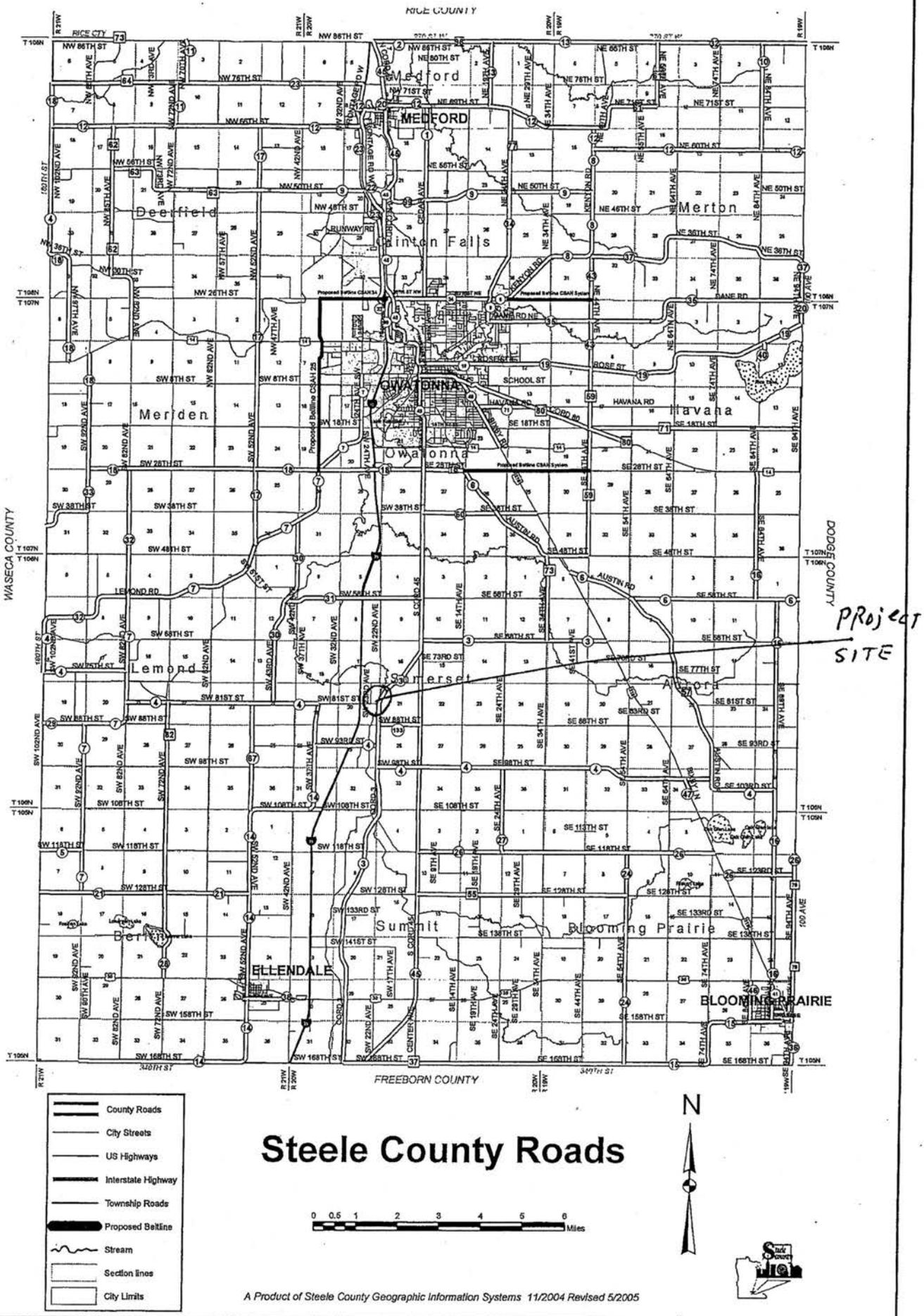
Sincerely,

Gary Bruggeman

Gary Bruggeman, P.E.
Steele County Engineer

"AN EQUAL OPPORTUNITY EMPLOYER"
50% Recycled-10% Post Consumer Waste

ATTACHMENT 2

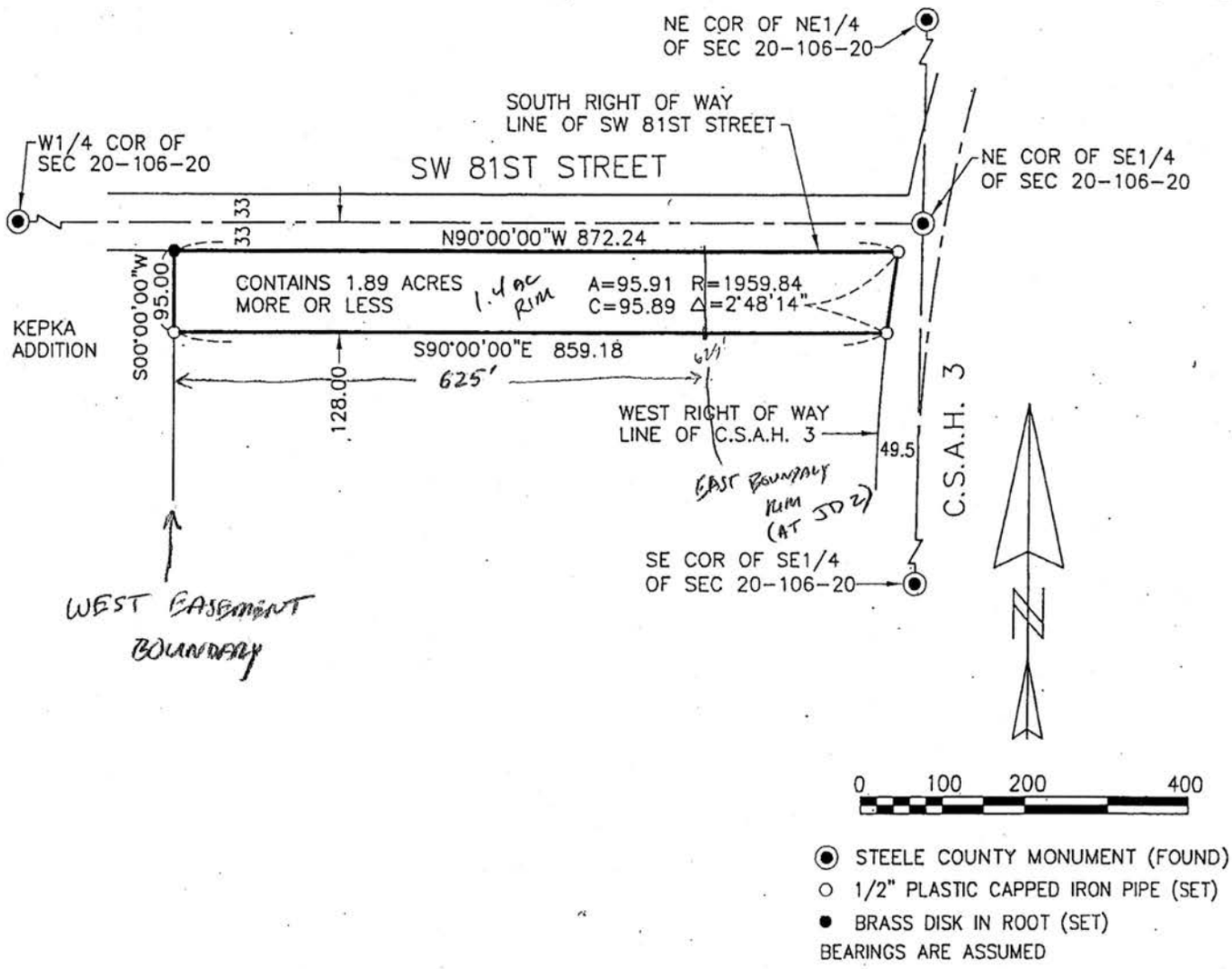


ATTACHMENT 3

REFENCE 8 RIM EASEMENT 7404940

CERTIFICATE OF SURVEY

3.4 ACRES



LEGAL DESCRIPTION

The south 95.00 feet of the north 128.00 feet of the NE1/4 of the SE1/4 of Section 20, T 106 N, R 20 W, Steele County, Minnesota, lying east of Kepka Addition and lying west of the west right of way line of County State Aid Highway 3.

Containing 1.89 acres, more or less

Subject to easements and restrictions of record, if any.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

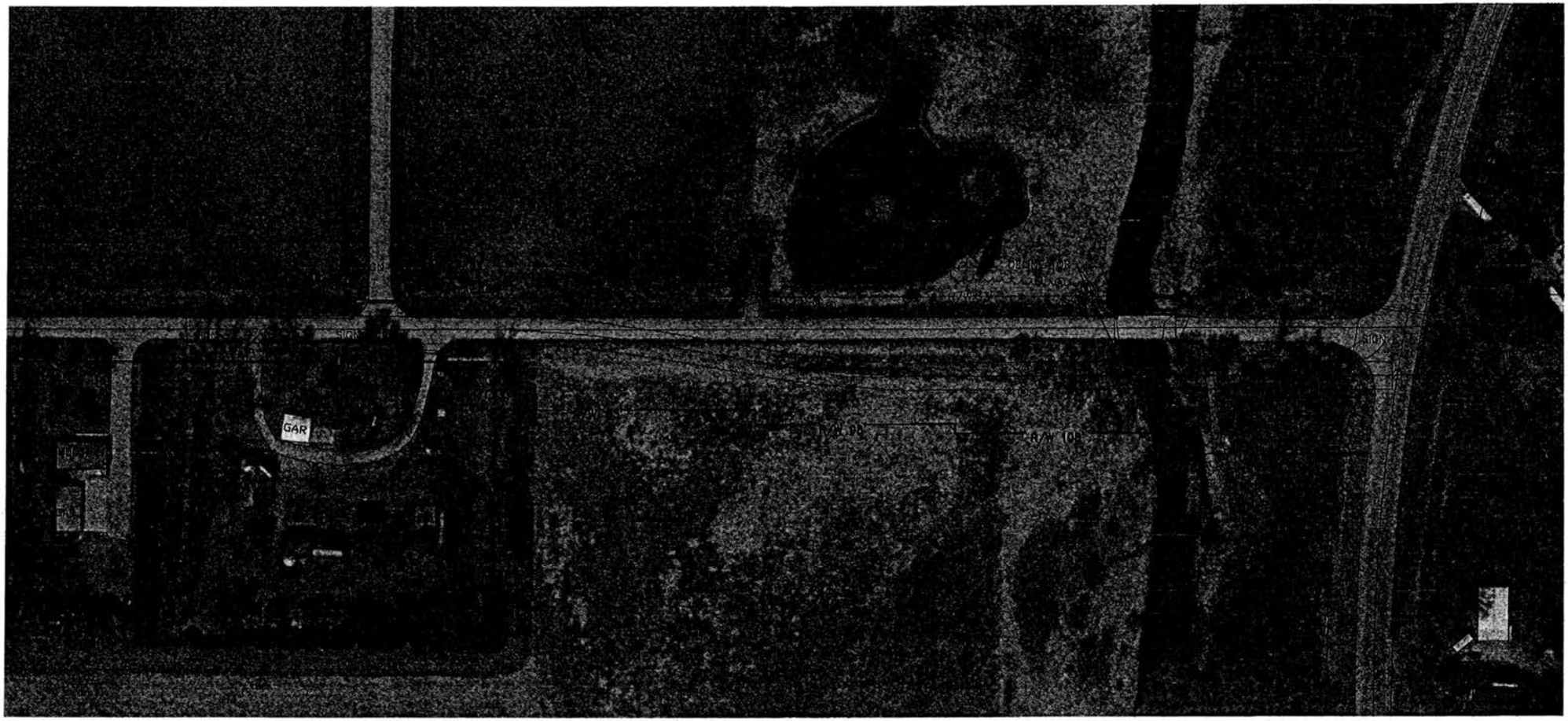
John C. Hosfield

Date 3/21/07 Lic. No. 15231

HOSFIELD & ASSOCIATES
PROFESSIONAL LAND SURVEYORS
415 WEST NORTH STREET
OWATONNA, MINNESOTA 55060
PHONE (507) 451-4598
FAX (507) 451-1396

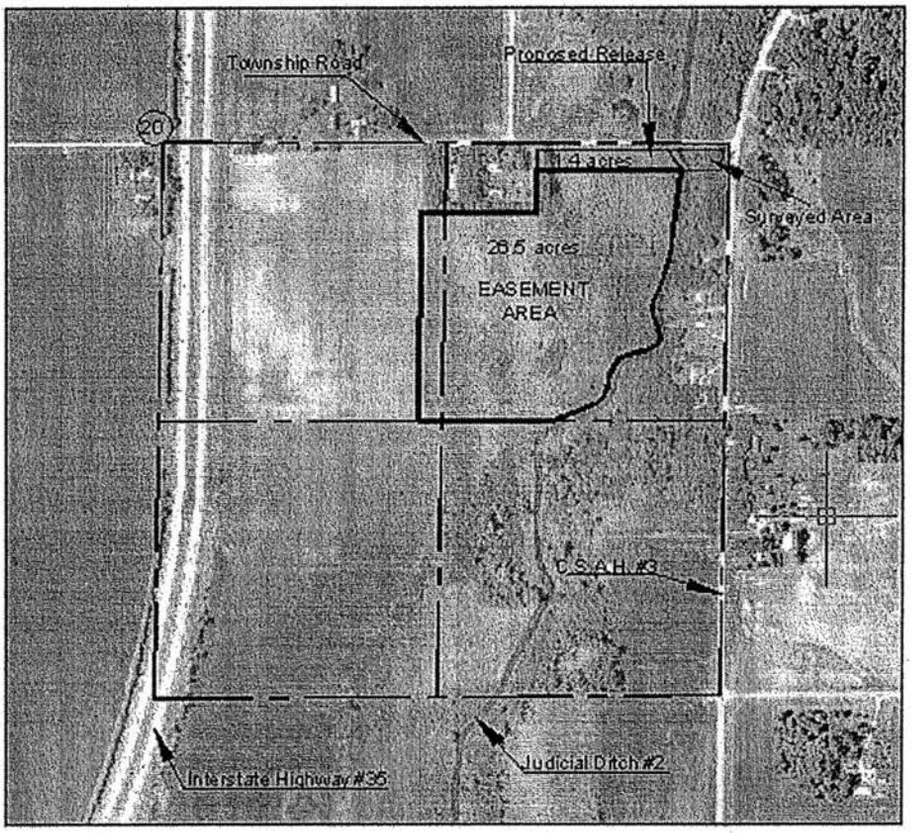
SCALE	1'=200'
DRAWN BY	BLK
DATE	3-20-07
REVISED	
JOB NO.	1050

ATTACHMENT 4



ATTACHMENT 5

Section 20 T. 106 N., R. 20 W., Steele County



ATTACHMENT 6

STEELE SOIL AND WATER CONSERVATION DISTRICT

235 Cedardale Drive SE
Owatonna, Minnesota 55060-4417
Telephone (507) 451-6730 Ext. 3
Fax (507) 444-2421



MINNESOTA
SOIL and WATER CONSERVATION DISTRICTS

6-14-2007

Gary Bruggeman
Steele County Engineer
635 Florence Avenue
Owatonna, MN 55060

Re: Connaker RIM Easemnt No. 74—04-94-01

Dear Gary:

I am writing to inform you that the Steele County Soil and Water Conservation District Board of Supervisors has reviewed your request to remove 1.89 acres of land from the Connaker RIM Easement No. 74-04-94-01.

The Board moved to support your request based on the need for the project. In addition this approval is on the condition that the Board of Soil and Water Resources policies for removing land from easements are met.

Sincerely,

Dan Arndt, Manager

ATTACHMENT 7

Minnesota Department of Natural Resources

Area Wildlife Office
8485 Rose Street
Owatonna, Minnesota 55060
(507) 455-5841
jeanine.vorland@dnr.state.mn.us

10 August 2007

Gary Bruggeman, P.E.
Steele County Highway Department
County Admin. Annex
635 Florence Avenue
Owatonna, Minnesota 55060

Re: RIM Easement in Somerset Township, #74049401

Dear Mr. Bruggeman:

I have reviewed the project site for the proposed bridge on SW 81st Street as it impacts a RIM Easement 74049401 with John Connaker. I understand the plan is to replace the bridge and approaches with a new structure immediately south of the existing roadway. This would impact about 1.89 acres. It is my understanding that you prefer to move the roadway to the south, in part, due to safety concerns with the intersection of SW 81st Street and County State Aid Highway 3. The old bridge and approaches will be removed when the new project is completed.

The road relocation will impact woodland, brushland and meadow riparian to the Straight River. The habitats within the RIM easement is of good quality and possibly better quality than unprotected riparian habitats on the north side of the existing road. Nevertheless, in light of safety issues, I have no objection to the proposal to alter the affected RIM easement for this public infrastructure project. I urge you to consider restoring the existing road and bridge area to natural habitats similar to those that will be disturbed in the existing easement area and placing this area under easement protection as mitigation for the easement area impacted.

Thank you for offering me the opportunity to review this request. If you have questions or need more information, feel free to contact me.

Sincerely,

Jeanine Vorland

Jeanine Vorland
Area Wildlife Manager

c: Dan Arndt, Steele SWCD
Ken Varland
Corey Hanson
Todd Kolander

RECEIVED
AUG 17 2007
STEELE COUNTY
HWY. DEPT.

Conservation Easement Alteration Requests and Board Policy

RIM Reserve Rule Affecting Alteration Requests
8400.3610 Alteration, Release or Termination of Conservation Easements

The state board may alter, release, or terminate a conservation easement after consultation with the commissioners of agriculture and natural resources. The board may alter, release, or terminate an easement only if the state board determines that the public interests and general welfare are better served by the alteration, release, or termination.

The state board must be provided the following information at least 30 days prior to a state board meeting, before the state board will consider a request to alter, release, or terminate a conservation easement:

A. a copy of the letter from the landowner to the district board justifying the change and identifying how the public interest and general welfare will be better served;
B. a letter from the district board recommending either approval or disapproval of the proposed change;
C. a letter from the Department of Natural Resources area wildlife manager recommending either approval or disapproval of the proposed change; and
D. other supporting documents, including:
    1) an aerial photo identifying the requested change;
    2) a soil survey map of the area;
    3) cropping history information; and
    4) other pertinent documentation that will support the request.

The state board reserves the right to require special provisions to ensure at least equal resource value as a condition of approving the request. The state board must be compensated by the landowner for all damages and loss of benefits to the conservation easement and the state board may also require reimbursement for administrative expenses and costs incurred in the alteration, release, or termination of a conservation easement.

Policy Developed by Easement Alteration Subcommittee and adopted by the BWSR on 5-24-06

This policy applies to all state RIM, PWP and CREP easements currently in place and all future state conservation easement acquisitions.

All easement alteration requests that come to BWSR will be accompanied by a $500 processing fee. Checks should be made payable to the BWSR. For alterations where actual costs to amend the easement exceed $500 the state reserves the right to charge the applicant the actual cost.

Public initiated projects (public road and utility projects, etc.)
Easement staff has the authority to tentatively approve of releases for public infrastructure projects. However, releases are not considered final until after the release request is presented to and approved by the Board and all fees have been paid.

In addition to the fee as outlined above, public entities must pay:

1) Two times the current average township assessed market value (ATAMV) for acres released, and
2) An amount equal to all state funds dispersed as reimbursement for costs incurred to establish cover on the land being released.

Private landowner requests
All alteration requests that come to the BWSR must contain all the information items requested in Section 8400.3610 of RIM Reserve Rule (items A – D as listed above), plus the $500 processing fee in the form of a check made payable to the BWSR.

All requests must also meet the following conditions for BWSR approval:

1) Replacement acres will increase by a minimum factor of 2:1 (replacement acres to released acres). Replacement acres proposed on easements must meet crop history requirements, cropped 2 of last 5 years, if land proposed for release was cropland at the time the easement was granted.
2) The resource protection and habitat benefits of the original easement will remain the same or be enhanced by the proposed alteration. For example;
   - restored wetland acres will not be drained or filled by the proposal
   - riparian buffers will be preserved or enhanced
   - easement configuration will preserve or enhance wildlife benefits (larger blocks of habitat, not fractured puzzle-like boundaries).
3) The SWCD Board and/or the DNR Area Wildlife Manager approve of the proposed alteration.
4) Landowners will be required to pay all costs associated with establishment of conservation cover practices on replacement acres according to an approved conservation plan.
5) Any alteration proposed would not allow or enable any land development projects to occur on lands currently under easement. Land development projects include, but are not limited to, such things as new homes, cabins, storage buildings, livestock facilities, cell phone towers, wind generators, sewage treatment systems, private roads and drives, and mining operations.

Meeting the criteria outlined above for private requests does not guarantee that the Board will approve of the request for release and alteration of a conservation easement.

Board Resolution #_____

Easement Release for John Connaker Easement 74-04-94-01

WHEREAS, the BWSR has the authority to alter, release or terminate a conservation easement as outlined in RIM Reserve Rule Section 8400.3610; and

WHEREAS, the BWSR has a Conservation Easement Alteration Policy which was adopted on 5-24-06; and

WHEREAS, the State currently holds a 27.9 acre perpetual easement in the SE ¼ of Section 20, T.106 N., R.20 W., Steele County which lies adjacent to the Straight River (JD 2) and SW 81st Street, a Somerset Township road; and

WHEREAS, Steele County Highway Dept. has acquired the right-of-way to rebuild a bridge on SW 81st St. and realign the road for safety reasons due to flooding problems that cuts off access to seven residences located along SW 81st St, which is a dead end road; and

WHEREAS, Steele County Highway Dept. has requested the release of 1.4 acres from the RIM easement to facilitate this project; and

WHEREAS, Both the Steele SWCD and the DNR Area Wildlife Manager have reviewed and approved of this request as required by Section 8400.3610 of RIM Rules; and

WHEREAS, All wetland impacts associated with this road and bridge project have received approvals from the US Army Corp of Engineers, DNR, and Steele County Environmental Services (WCA LGU); and

WHEREAS, Steele County will be required to pay the BWSR $8,394.40 for the release of these acres from the States RIM easement as prescribed by the Easement Alteration Policy; and

WHEREAS, Staff has the authority to provide tentative approval of releases from easements on public initiated projects as prescribed by the Easement Alteration Policy.

NOW THEREFORE, The Board approves of the release of 1.4 acres from perpetual easement 74-04-94-01 to allow construction of this bridge and road re-alignment project on SW 81st Street;

AND furthermore, the Board authorizes staff to proceed with preparing the legal documents to amend this easement once staff receives the $8,394.40 payment from Steele County.

_____ Date: _____

Randy Kramer, Chair
Board of Water and Soil Resources

Wetland Committee Funding Recommendation
2007 Wetland Banking Request For Proposal

Summary: The 2007 application process resulted in 50 applications requesting $50,090,053. (Some bid both ways) The applications represent all bank service areas and both program options. Application distribution shows:

- 29 applications from the non-metro priority 1 area,
- 12 applications from the seven county a priority 1 area
- 9 applications from the priority 2 area.

The two options available under this application include easement agreements and easement and development agreements. Application distribution by program options selected is as follows:
Option #1 *- Easement Agreement* - Under this program option, the fee title owner submits a bid, on a per acre basis, for an easement on the proposed wetland project area. The fee title owner is compensated for the easement at the agreed easement bid price. **(22 applications – weighted average = $13,019/acre)**
Option #2 *– Easement and Development Agreement* – Under this program option, the fee title owner submits a bid, on a per credit basis, to account for the easement cost and development costs associated with the proposed wetland project. **(28 applications –weighted average = $16,730/credit)**

Program Priorities – The 2007 RFP used location and wetland type as primary criteria. Data within each criterion were weighted to generate a score for each application. The following criteria was used:

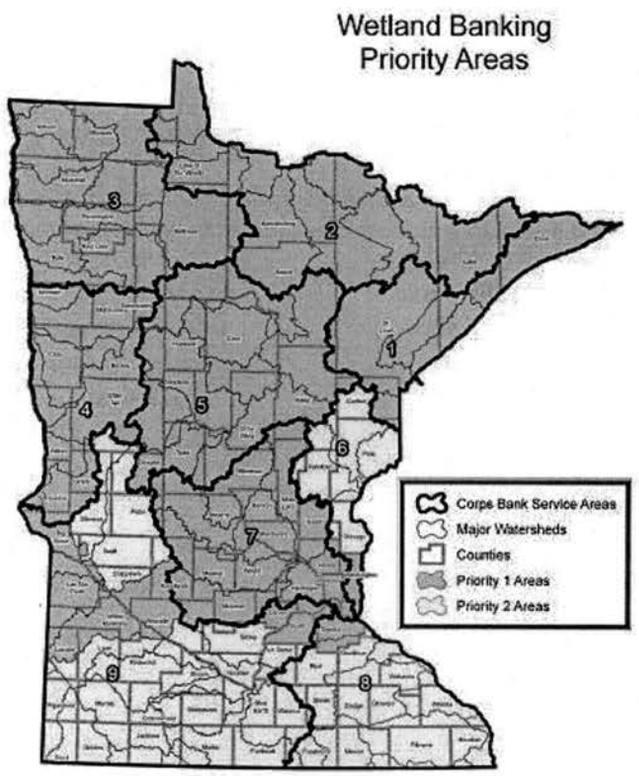
- Projects proposing to restore or create wetland types 1, 2, 6, 7, and 8 received priority. (See the attached weighting sheet)
- Projects located in targeted areas of the state, as identified below and in Figure 1 received priority (See attached weighting sheet).
  - Projects located in watershed unit codes 22, 24, and 25.
  - Projects located in COE Bank Service Areas 1, 2, 3, 4, 5 and 7.
  - Projects located in the seven county metropolitan area.

Review and Approval Process
All banking applications submitted to BWSR Wetland Specialist were reviewed for completeness, accuracy and technical feasibility. The primary data, wetland type and location, was used to generate a total score (column S on the spreadsheet) for each project.

Technical staff also reviewed each application for technical feasibility. This technical score (column T on the spreadsheet) summarized comments from the Wetland Specialist, Vegetation Specialist and Engineering and serves as secondary criteria when prioritizing the applications.

At the September 4th special banking team meeting staff reviewed all applications and associated scores to generate the attached recommendation for funding. This funding recommendation is to be reviewed by SMT on September 18th. The outcome from the SMT meeting will be presented to the BWSR Wetland Committee on September 25th. The final recommendation will be presented to the full BWSR Board on October 24th for funding approval.

Figure 1



Wetland Price Evaluator--All Bids

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W
1	Appl. Type	ID	Identifier	County	WS	COE Svc Area	Credits offered	Credit Type	Wet Type	$/credit	Total Price	Cumulative Credits	Cumulative Total Cost	metro overide	Value/metro	Value/WS	Value/type	SA value	Total Score	Tech Score (max 12)			
3	D	1036	UM Regents	St. Louis	3	1	120	NWC	2	$15,000	$1,800,000	120	$1,800,000	0	0	0	3	5	8	7			
4	D	1010	Forest Capital Par	St. Louis	76	2	17.9	NWC	7	$11,520	$206,208	138	$2,006,208	0	0	0	3	5	8	12			
5	D	1010	Forest Capital Par	St. Louis	76	2	4.5	PVC	7	$5,760	$25,920	142	$2,032,128	0	0	0	3	5	8	12			
6	D	1012	Craig Lindahl	Roseau	70	3	30	NWC	6	$6,000	$180,000	172	$2,212,128	0	0	0	3	2	5	8.5			
7	D	1012	Craig Lindahl	Roseau	70	3	7	PVC	Up	$1,000	$7,000	179	$2,219,128	0	0	0	0	2	2	8.5			
8	D	1044	Willow Springs I	Aitkin	10	5	79	NWC	2	$9,980	$788,420	258	$3,007,548	0	0	0	3	5	8	11			
9	D	1044	Willow Springs I	Aitkin	10	5	33	PVC	Up	$6,950	$229,350	291	$3,236,898	0	0	0	0	5	5	11			
10	D	1006	Vinkemeier/Burns	Carver	19	7	10.5	NWC	2	$34,990	$367,395	302	$3,604,293	-2	5	0	3	2	8	7.5			
11	D	1006	Vinkemeier/Burns	Carver	19	7	10.5	PVC	Up	$34,990	$367,395	312	$3,971,688	-2	5	0	0	2	5	7.5			
12	D	1007	McDonald's farm	Carver	19	7	6.3	NWC	2	$30,000	$189,000	319	$4,160,688	-2	5	0	3	2	8	10.5			
13	D	1007	McDonald's farm	Carver	19	7	1.4	PVC	Up	$30,000	$42,000	320	$4,202,688	-2	5	0	0	2	5	10.5			
14											*Subtotal*		*$4,202,688*										
15										*Weighted Cost/Credit*			*$13,129*										
16	Appl. Type	ID	Identifier	County	WS	COE Svc Area	Acres offered	Credit Type	Wet Type	$/acre	Total Price	Cumulative Acres	Cumulative Total Cost	metro overide	Value/metro	Value/WS	Value/type	SA value	Total Score	Tech Score (max 12)	BWSR Project Cost	SWCD Tech Service Agreement	Total Cost including all project costs
17	E	1017	Joe Roessler/Burr	Beltrami	62	3	50	NWC	2	$6,600	$330,000	50	$330,000	0	0	0	3	2	5	8.5	$75,000	$10,000	
18	E	1002	Steve Strohlberg	Wright	18	7	17	NWC	2	$4,320	$73,440	67	$403,440	0	0	0	3	2	5	8.5	$25,500	$10,000	
19	E	1002	Steve Strohlberg	Wright	18	7	17	PVC	Up	$4,320	$73,440	84	$476,880	0	0	0	0	2	2	8.5	$25,500		
20	E	1035	Elfering	Renville	19	7	76.5	NWC	2	$5,000	$382,500	161	$859,380	0	0	0	3	2	5	8.5	$114,750	$10,000	
21	E	1035	Elfering	Renville	19	7	76.5	PVC	Up	$5,000	$382,500	237	$1,241,880	0	0	0	0	2	2	8.5	$114,750		
22											*Subtotal*		*$1,241,880*										
23										*Weighted Cost/Credit*			*$6,867*										
24											***Totals***	***D+E***	***$5,444,568***								***$355,500***	***$30,000***	***$5,830,068***
25																							
26																			***Overall Weighed Ave.= $11,156/cr.***				
27			ALTERNATIVE PROJECTS																				
28	E	1038	Imdieke & Stamer	Stearns	18	7	100	NWC	2	$10,880	$1,088,000	184	$1,564,880	0	0	0	3	2	5	8	$150,000	$10,000	
29	E	1038	Imdieke & Stamer	Stearns	18	7	52	PVC	Up	$10,880	$565,760	236	$2,130,640	0	0	0	0	2	2	8	$78,000		
30	E	1008	John Krohn	Nicollet	33	9	20	NWC	2	$4,100	$82,000	256	$2,212,640	0	0	0	3	0	3	8.5	$30,000	$10,000	
31	E	1008	John Krohn	Nicollet	33	9	35	PVC	Up	$4,100	$143,500	291	$2,356,140	0	0	0	0	0	0	8.5	$52,500		
32	E	1016	Mike Roysland	Polk	61	3	50	NWC	2	$4,500	$225,000	341	$2,581,140	0	0	0	3	2	5	7.5	$75,000	$10,000	
33	E	1016	Mike Roysland	Polk	61	3	6	PVC	2	$3,500	$21,000	347	$2,602,140	0	0	0	3	2	5	7.5	$9,000		
34											*Subtotal*		***$2,602,140***								***$394,500***	***$30,000***	***$3,026,640***
35																							
36																							

10/15/2007

Resolution #_____

Local Government Road Wetland Replacement Project Approval

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

WHEREAS, BWSR is authorized pursuant to 2005 Minn. Laws Chap. 20, Art. 1, Sec. 9 and 2006 Minn. Laws Chap. 258, Sec. 9 to enter into agreements with political subdivisions and fee owners to acquire land and restore wetlands to be used to replace wetlands lost as a result of the repair, maintenance, or rehabilitation of existing public roads; and

WHEREAS, BWSR issued a solicitation in June requesting interested landowners to apply to BWSR for wetland restorations for the purpose of the purposes of the Local Government Road Wetland Replacement Program; and

WHEREAS, the interagency Wetland Banking Committee reviewed the screening process to be used to prioritize applications received by the July 31st deadline. This prioritization was further refined by BWSR banking staff; and

WHEREAS, this process lead to recommending funding approval for the 9 projects on the A list and recommend identifying 3 alternative projects, on the B list, that will be pursued in order should any A list projects drop out. The 9 projects on the A list are estimated to produce 557 credits at an estimated cost of $5,830,068.00; and

WHEREAS, the Wetland Committee reviewed the proposed projects on September 25th, 2007 and is recommending Board approval.

NOW THEREFORE BE IT RESOLVED, that the BWSR authorize the 9 A list projects for funding and authorize staff to pursue the projects on the B list, in order, should any A list project drop out contingent on available funding.

_____ _____

Randy Kramer, Chair Date

Board of Water and Soil Resources
October 24, 2007

Wetland Conservation Act Funding for the 11-County Metropolitan Area

Recommendation for Adoption

Background:
The Board of Water and Soil Resources (BWSR) received an appropriation as follows:

$250,000 each year (FY 2008 and 2009) is to make grants to local units of governments within the 11-county metropolitan area to improve response to major wetland violations

Chapter 57 defines the 11-county metropolitan areas as the Counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright.

In developing the allocation proposal, the following considerations were used:

- SWCD's provide the principal support and follow-up to wetland violations.
- Given the number of LGU's in the area, the money quickly becomes insignificant as the number of potential recipients increases.
- A key goal is to support local government capacity to respond to violations (i.e. be adequate increase staff support for WCA and WCA violations).
- This appropriation is not in the BWSR base budget (i.e. it is a one-timer).

Cease and desist order and restoration order data from DNR-Enforcement for the years 2005 and 2006 are as presented below.

	Cease and Desist Orders						Restoration Orders					
	2005		**2006**		**2-yr Total**		**2005**		**2006**		**2-yr Total**	
County	#	%	#	%	#	%	#	%	#	%	#	%
Anoka	2	2.9%	11	11.5%	13	7.8%	1	3.2%	5	17.2%	6	10.0%
Carver	3	4.3%	2	2.1%	5	3.0%	1	3.2%	0		1	1.7%
Chisago	9	12.9%	10	10.4%	19	11.4%	7	22.6%	10	34.5%	17	28.3%
Dakota	2	2.9%	1	1.0%	3	1.8%	0		0		0	
Hennepin	6	8.6%	1	1.0%	7	4.2%	2	6.5%	0		2	3.3%
Isanti	5	7.1%	2	2.1%	7	4.2%	1	3.2%	0		1	1.7%
Ramsey	2	2.9%	3	3.1%	5	3.0%	1	3.2%	1	3.4%	2	3.3%
Scott	10	14.3%	3	3.1%	13	7.8%	7	22.6%	2	6.9%	9	15.0%
Sherburne	9	12.9%	26	27.1%	34	20.5%	3	9.7%	6	20.7%	9	15.0%
Washington	7	10.0%	5	5.2%	12	7.2%	5	16.1%	2	6.9%	7	11.7%
Wright	15	21.4%	32	33.3%	47	28.3%	3	9.7%	3	10.3%	6	10.0%
Totals	70	100%	96	100%	166	100%	31	100%	29	100%	60	100%

Staff Proposal

Based on this data and the considerations outlined above, BWSR staff have developed a proposed allocation of these funds to the following SWCD's in the 11-county metropolitan area:

1. Wright	$60,000
2. Sherburne	$50,000
3. Chisago	$50,000
4. Scott	$35,000
5. Anoka	$35,000
6. Washington	$20,000
TOTAL.....	$250,000

None of the available funds will be provided to local governments in the remaining five counties.

Wetland Committee Recommendation

The Wetland Committee met via conference call on Friday, October 12. The Committee discussed the staff proposal, and recommends the following allocation of these funds:

SWCD	Base Allocation	Need Allocation	Total
Anoka	$10,000	$19,600	$29,600
Carver	$10,000	--	$10,000
Chisago	$10,000	$28,000	$38,000
Dakota	$10,000	--	$10,000
Hennepin	$10,000	--	$10,000
Isanti	$10,000	--	$10,000
Ramsey	$10,000	--	$10,000
Scott	$10,000	$19,600	$29,600
Sherburne	$10,000	$28,000	$38,000
Washington	$10,000	$11,200	$21,200
Wright	$10,000	$33,600	$43,600
Totals	$110,000	$140,000	$250,000

The Committee discussion that resulted in this recommended allocation was centered on potential future aerial enforcement activities by the DNR, the ability to use the funds to encourage all 11 of the SWCD's to be effectively engaged in WCA enforcement efforts, and the need to provide a fair allocation of these funds.

The Wetland Committee is recommending the Board adopt the proposed allocation that is based on a formula of an equal allocation to all SWCD'S plus a need allocation.

Resolution # _____

Wetland Conservation Act Funding
for the
11-County Metropolitan Areas

WHEREAS, Laws of Minnesota, Chapter 57, Section 5, appropriated $250,000 to BWSR in State Fiscal Year's 2007 and 2008 "to make grants to local units of governments within the 11-county metropolitan area to improve response to major wetland violations"; and

WHEREAS, the 11-County Metropolitan Areas consists of the following Counties: Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright; and

WHEREAS, staff consulted with local governments and local government associations in developing a proposal to allocate these funds. This proposal was based on enforcement process, data from the Department of Natural Resources – Division of Enforcement; and the desire to provide sufficient funds to make a difference on the ground; and

WHEREAS, the Wetland Committee reviewed the staff proposal via conference call on October 12 and is recommending the Board approve an allocation that is based on a formula of equal funding for all 11 soil and water conservation districts plus an amount based on need.

NOW THEREFORE BE IT RESOLVED, that the BWSR accepts the Wetland Committees recommendation to allocate the Wetland Conservation Act Funding for the 11-County Metropolitan Area.

_____ _____

Randy Kramer, Chair Date

Minnesota Board of Water & Soil Resources

DATE: September 17, 2007

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

FROM: John Jaschke, Executive Director

SUBJECT: September 26, 2007, Board Meeting Notice

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, September 26, 2007, beginning at 9:00 a.m. The meeting will be held in the second floor conference room at 520 Lafayette Road N., St. Paul. Parking is available in the lot directly in front of the building (use hooded parking areas).

The following information pertains to agenda items:

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. **Wright County Comprehensive Local Water Management Plan Update** – Wright County submitted their updated Comprehensive Local Water Management Plan (3rd Generation) on July 19, 2007, for state review and comment. The Metro Water Planning Committee of the Board met on September 5, 2007, after the official state agencies' comment period deadline. The Metro Water Planning Committee unanimously recommends approval. See attachment. ***DECISION ITEM***

2. **City of Eagan, Comprehensive Wetland Protection and Management Plan** – The Comprehensive Wetland Protection and Management Plan and Ordinance was filed with the Board on July 30, 2006. The highlights of the plan and the planning process are further described in the attached Overview. The City developed the Plan as part of their Local Water Quality Management Plan and involved the Technical Evaluation Panel, review agencies, and other stakeholders throughout its development. The Plan will be implemented by Ordinance, which has been adopted by the Eagan City Council and took effect on July 28, 2007. The Metro Water Planning Committee unanimously recommends the Plan be approved per the attached draft Order. ***DECISION ITEM***

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3. **Gun Club Lake Watershed Management Organization, Watershed Management Plan** – The Watershed Management Plan was filed with the Board on August 17, 2007. The highlights of the plan and the planning process are further described in the attached draft Order. Significant comments resulted from both formal review periods. Board staff coordinated with review agencies to provide additional review and comment prior to submittal of the final draft plan. As a result, substantial changes were made to the Plan. The Plan relies heavily on the member communities, particularly the City of Eagan, for implementation. The Metro Water Planning Committee unanimously recommends the Plan be approved per the attached draft Order. ***DECISION ITEM***

4. **South Washington Watershed District, Watershed Management Plan** – The Watershed Management Plan was filed with the Board on July 3, 2007. The highlights of the plan and the planning process are further described in the attached draft Order. The District relied heavily on Technical and Citizen Advisory Committees to obtain agency and citizen input early in the planning process to provide direction and develop Plan policies and goals. The Plan was developed with a slightly different format and a focus on implementation and annual review of success and priorities. The Metro Water Planning Committee unanimously recommends the Plan be approved per the attached draft Order. ***DECISION ITEM***

Northern Water Planning Committee

1. **Crow Wing County Water Management Plan Extension** – Crow Wing County submitted a resolution requesting a two-year extension of their county water plan on September 17, 2007. The County recently completed their Priority Concerns Scoping Document, which was approved by BWSR at the August 23, 2007, meeting. The reasons for the extension are: this is the first water plan the SWCD has written; and BWSR has encouraged the County to build water quality protection strategies into their update, in coordination with the Clean Water Legacy. See attachment. ***DECISION ITEM***

OLD BUSINESS

1. **Minimum Requirements for Prescribed Grazing on Rock Outcrop Easements in Redwood and Renville Counties -** See attachment. ***DECISION ITEM***

NEW BUSINESS

1. **Southeast Minnesota Flood Relief** – A Presidential Disaster was declared following severe storms on August 18-20, 2007, in seven counties in southeast Minnesota. A special session was held on September 12, 2007 that resulted in appropriations and legal authority to assist in disaster recovery efforts. The Board is requested to authorize expenditure of designated funds, establish waiver guidelines, and authorize staff to undertake additional activities to support recovery efforts. See attachment. ***DECISION ITEM***

2. **FY08 Clean Water Legacy Grant Program Authorization -**The Grants Program and Policy Committee, assisted by staff, will be presenting recommendations for the overall structure of the competitive Clean Water Legacy Implementation Grant for fiscal year 2008. This information was presented to the committee on July 25,2007. The grant application document and associated supporting documents have been developed through an interagency process.

   Pending approval, the proposed grant application timeline is:

   - October 1- November 15 '07 — Grant Application Period
   - November - December '07 — Application Review and Scoring
   - January '08 — Application Ranking and Discussion with Grant Program and Policy Committee
   - January 30, 2008 — BWSR Board approval of Grant Program and Policy Committee Recommendations

   See attachment. ***DECISION ITEM***

3. **Approve Specific RIM Reserve Payment Rates for the Grass Lake Restoration Project** - The Conservation Easement Section and the Engineering Section have been involved since the early 1990's with the restoration of the 1,200-acre Grass Lake Prairie Wetland located in Kandiyohi County.

   The BWSR has been working in partnership with the City of Willmar, Kandiyohi County and Kandiyohi Soil and Water Conservation Districts as efforts continue to restore this critical water resource. To date, the BWSR has secured, through the Reinvest in Minnesota (RIM) Reserve program, over 1,100 acres of land in this project area. The BWSR received $2.2 million from the state's 2006 capital investment appropriation specific to this project to continue with the acquisition of RIM Reserve easements on the remaining 400-500 acres of land (six properties) needed to restore this drained wetland and to help with other implementation costs.

   The remaining six properties have not accepted the payment rates offered to them for the easements using the standard RIM rates. The Conservation Easement Section is requesting the Board's authorization for staff to use site specific values determined from a site specific market appraisal of the Grass Lake Prairie Wetland Restoration project (per MN Stat. 103F.515., subd. 6, subp. 5, "alternative payment system for (RIM Reserve) easements based on cash rents or a similar system as may be determined by the BWSR board"). See attachment. ***DECISION ITEM***

4. **Wetland Banking Fee Policy: Update Average Agricultural Land/Wetland Credit Values** - The Board last established average agricultural land/wetland credit values for the purposes of wetland banking fees in 2003. The Wetland Committee met on July 25, 2007 and is recommending the Board update these values. See attachment. ***DECISION ITEM***

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5. **Sale of Wetland Credits to Public Transportation Authorities** – The Board adopted an interim policy regarding the sale of wetland credits to public transportation authorities on May 23, 2007. The Wetland Committee has further reviewed this issue and is recommending statutory amendments to clarify this authority. See attachment. ***DECISION ITEM***

6. **Stearns County Environmental Services Presentation on the Stearns County Water Planning Process** - Stearns County is in the process of rewriting their Comprehensive Local Water Management Plan. During the Priority Concerns Scoping Document, the Northern Water Planning Committee was pleased with the multi-agency cooperation in generating input and providing support for countywide water planning and implementation. This broad based support highlights the strengths that can be brought to water management and could serve as a model for other counties and organizations. The Northern Water Planning Committee believes it is important for the Stearns County Environmental Services Department to explain to the full BWSR how their procedure operates. ***INFORMATION ITEM***

7. **Cooperative Weed Management Area (CWMA) Program** – Information will be presented regarding BWSR's Cooperative Weed Management Area (CWMA) Program and an overview of the Clay County Cooperative Weed Management Area, the best known model of a CWMA in Minnesota. ***INFORMATION ITEM***

8. **Minnesota Forest Resources Council (MFRC) Work Plan** – The 2007 Legislature appropriated $300,000 to BWSR to pass through to the MFRC. MFRC staff will describe the purpose and mission of their agency and describe the expected outcomes to be realized with this funding. ***INFORMATION ITEM***

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. The meeting will adjourn about 12:30 p.m. I look forward to seeing you on September 26th!

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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
ST. PAUL, MINNESOTA 55155
WEDNESDAY, SEPTEMBER 26, 2007

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF AUGUST 23, 2007

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

INTRODUCTION OF NEW EMPLOYEES

- Jeremy Maul
- Dan Shaw

REPORTS

- Chair – Randy Kramer
- Executive Director – John Jaschke
- Dispute Resolution Committee – Randy Kramer
- Wetlands Committee – LuAnn Tolliver
- Grants Program & Policy Committee – Louise Smallidge
- Public Relations, Outreach & Strategic Planning Committee – Brian Napstad
- Administrative Advisory Committee – Randy Kramer

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Wright County Comprehensive Local Water Management Plan Update – ***DECISION ITEM***

2. City of Eagan, Comprehensive Wetland Protection and Management Plan – ***DECISION ITEM***

3. Gun Club Lake Watershed Management Organization, Watershed Management Plan – ***DECISION ITEM***

4. South Washington Watershed District, Watershed Management Plan — ***DECISION ITEM***

Northern Water Planning Committee

1. Crow Wing County Water Management Plan Extension – ***DECISION ITEM***

OLD BUSINESS

1. Minimum Requirements for Prescribed Grazing on Rock Outcrop Easements in Redwood and Renville Counties – Tim Fredbo – ***DECISION ITEM***

NEW BUSINESS

1. Southeast Minnesota Flood Relief – Dave Weirens, Tim Fredbo, and Mary Kells - ***DECISION ITEM***

2. FY08 Clean Water Legacy Grant Program Authorization – Matt Drewitz - ***DECISION ITEM***

3. Approve Specific RIM Reserve Payment Rates for the Grass Lake Restoration Project – Tom Wenzel – ***DECISION ITEM***

4. Wetland Banking Fee Policy: Update Average Agricultural Land/Wetland Credit Values – Dave Weirens – ***DECISION ITEM***

5. Sale of Wetland Credits to Public Transportation Authorities – Dave Weirens – ***DECISION ITEM***

6. Stearns County Environmental Services Presentation on the Stearns County Water Planning Process - Jason Weinerman, Board Conservationist, will introduce Susan McGuire, Stearns County Environmental Services Department, and Merle Anderson, Chair, Stearns County Water Plan Advisory Committee. ***INFORMATION ITEM***

7. Cooperative Weed Management Area (CWMA) Program – Dan Shaw and Greg Larson; Anthony Cortilet, Research Scientist, Weed Integrated Pest Management Program, Minnesota Department of Agriculture; Scott Kahan, Project Leader, Detroit Lakes WMD, U.S. Fish and Wildlife Service; Paul Walvatne; Forestry Unit Supervisor, Minnesota Department of Transportation. ***INFORMATION ITEM***

8. Minnesota Forest Resources Council Work Plan – Dave Zumeta, Executive Director, and Calder Hibbard, Policy Analyst/Information Specialist, Minnesota Forest Resources Council – ***INFORMATION ITEM***

AGENCY REPORTS

- Minnesota Department of Agriculture – Joe Martin
- Minnesota Department of Natural Resources – Larry Kramka
- Minnesota Pollution Control Agency – Paul Eger
- Minnesota Extension Service – Jim Anderson
- Minnesota Department of Health – Dan Wilson

ADVISORY COMMENTS

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

UPCOMING MEETINGS

- All Staff Meeting, October 3-4, 2007, Duluth
- Next Board Meeting, October 24, 2007, St. Paul
- *December Board Meeting Date?*

12:30 PM **ADJOURN**

Dispute Resolution Report
September 13, 2007
by: Jim Haertel

There are presently 21 appeals pending. All of the appeals involve WCA except File 05-24. There has been one new appeal filed since the last report dated August 10, 2007.

File 07-26. This is a new appeal of a restoration order in Clearwater County. The appeal regards the filling of wetland in association with construction of a road. No decision has been made on the appeal.

File 07-25. This is an appeal of a replacement plan decision in Benton County. The appeal involves the approval of a replacement plan application for 7.8 acres of wetland fill. A previous decision on the project had been appealed and was remanded for a public hearing at the local level. The appeal has been accepted and a pre-hearing conference has been scheduled for September 18.

File 07-23. This is an appeal of two restoration orders in Pine County. The appeal involves the filling of wetland in association with construction of roads. One of the restoration orders has been rescinded. A forestry exemption has been applied for in response to the other restoration order. The appeal has been placed in abeyance pending a decision on the exemption request.

File 07-22. This is an appeal of a restoration order in St. Louis County. The appeal regards the filling of wetland in association with construction of a house and garage in a shoreland area. The filling of wetland is greater than the amount approved in a replacement plan. No decision has been made on the appeal.

File 07-19. This is an appeal of an exemption determination in Roseau County. The appeal involves the approval of an exemption application for War-Road Estates. The appeal has been remanded for further work at the local level.

File 07-15. This is an appeal of an exemption determination in Carver County. The appeal regards the denial of a wetland exemption application on agricultural land. The appeal has been remanded for a public hearing at the local level.

File 07-14. This is an appeal of an exemption determination in Carver County. The appeal regards the denial of a wetland exemption application on agricultural land. The appeal has been remanded for a public hearing at the local level.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Wright County Comprehensive Local Water Management Plan Update – ***DECISION ITEM***

2. City of Eagan, Comprehensive Wetland Protection and Management Plan – ***DECISION ITEM***

3. Gun Club Lake Watershed Management Organization, Watershed Management Plan – ***DECISION ITEM***

4. South Washington Watershed District, Watershed Management Plan — ***DECISION ITEM***

MEMORANDUM

DATE: August 27, 2007

TO: Metro Water Planning Committee

FROM: Brad Wozney, Board Conservationist

SUBJECT: **Review of Wright County Third Generation Plan Update - Final Draft**

The Wright SWCD is currently responsible for the administration of the Local Water Management Plan (Plan) for Wright County. The Plan originally expired on December 31, 2005. The delayed submittal is due primarily to staff turnover and to a fairly thorough plan development process.

BWSR has been an active participant throughout the Plan update process. The Priority Concerns Scoping Document was approved on January 26, 2005. Several Wright County Water Plan Task Force and Interagency Technical Advisory meetings were held thereafter allowing opportunities for state/local agencies' and citizen input in the plan development. The Wright County Board held public hearings for the final draft on November 17, 2006, and April 10, 2007, with an additional Committee of the Whole meeting on May 22, 2007 (which I attended) to further discuss the proposed water plan budget and various action items. No substantive changes were made as a result of the May 22nd Committee meeting. I was impressed at the interest the County Commissioners expressed in water quality/quantity issues and the associated water plan implementation program.

The final draft was submitted to the state agencies on July 19, 2007, for the required 30-day review. Written comments were received from Department of Ag, EQB, and MPCA. Those agencies approved the entire plan as submitted.

MPCA recommended utilizing the Environmental Data Access section of the MPCA website for future water quality data queries. EQB stressed the importance of addressing increased groundwater use in the county citing a recently released report and suggested that the proposed county geologic atlas address water quantity/pumping rates. BWSR's final comments centered around the amendment process required for incorporating future TMDL and other implementation plans, and requested that a few action items be revised to reflect more measurable outcomes and more accurate cost estimates – all of which they have incorporated into the draft you see today. Verbal comments were received from the Department of Health and were incorporated into the Plan recommending county participation in ongoing Upper Mississippi River Source Water Protection planning efforts.

The Wright County Local Water Management Plan meets all requirements set forth in 103B and in the "Updating Water Management Plan guidance" including:

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

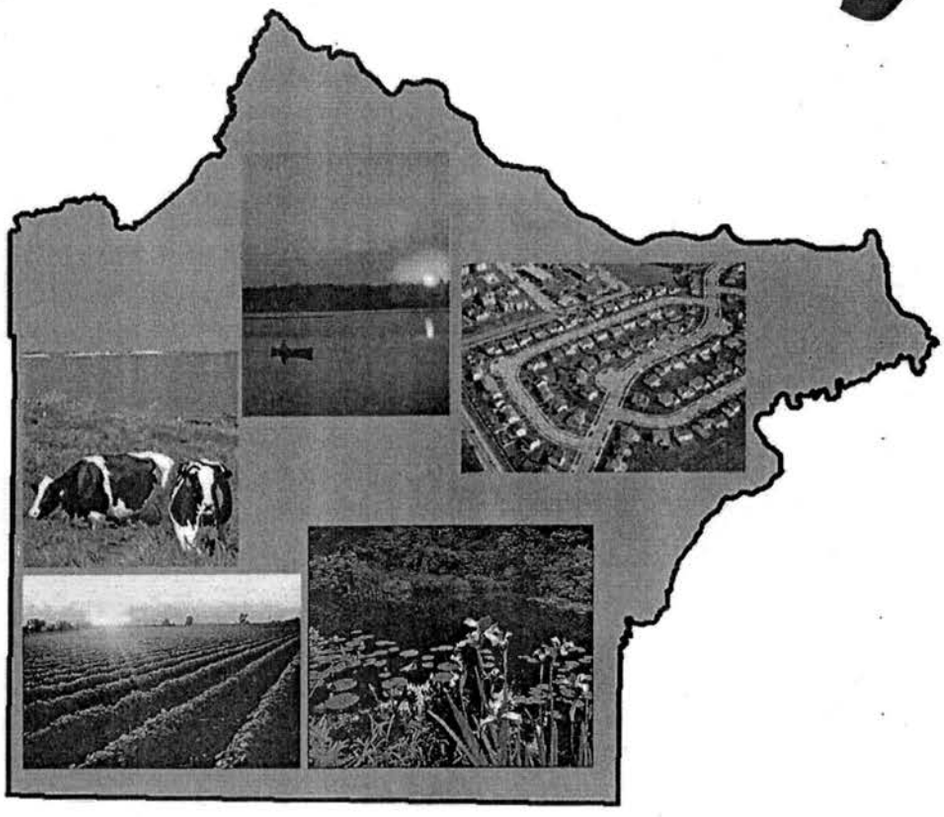
Highlights of the Plan include:

1) A close working relationship with the County Commissioners.
2) Proposed adoption of countywide erosion control and stormwater management ordinances with the intent to be one of the first counties in the state to invoke authorities in 103B.325 and 103B.331.
3) Aggressive lake and stream water quality monitoring program.
4) Assuming lead role on TMDL studies and other diagnostic water quality studies.
5) Incorporation of water plan language into the County Comp Land Use Plan.
6) Efforts targeting septic system compliance.

Included in this packet for the Subcommittee is the official state letter regarding the Priority Concerns Scoping Document, agencies' final draft comments, and relevant sections of the Plan, i.e. Executive Summary and Implementation Plan - which includes a budget and on-going activities, and lastly a self-assessment narrative.

The county has proposed comprehensive and unique strategies to address the priority concerns. I recommend approval of the entire Plan.

Wright County



Local Water Management Plan
2006-2015

I. EXECUTIVE SUMMARY

Introduction

Wright County has experienced a continual progression of development being located on the northwestern fringe of the Minneapolis-St. Paul metropolitan area. This progression has changed the county's land use from hardwood forests dotted by countless wetlands and numerous lakes all dissected by miles of streams and rivers to mostly cleared agricultural land. As the dichotomy of agriculture has changed in the last half of the century, so has the land use of Wright County. The previous strong dairy and livestock component has steadily transitioned to intensive row-cropping operations. Combining the major transportation corridors (Hwy 12 through the south, Hwy 55 through the center and I-94 through the north) along with Wright County's close proximity to the metropolitan area, agriculture is succumbing to large lot residential and denser suburban/urban land uses ***(Figure One and Table One)***. This progression of land use is not unique to Wright County nor is the potential inherent impacts to water quality. What truly is unique to Wright County is its combination of lakes, rivers and streams and its blend of topographical formations and its current mix of land uses.

Figure 1

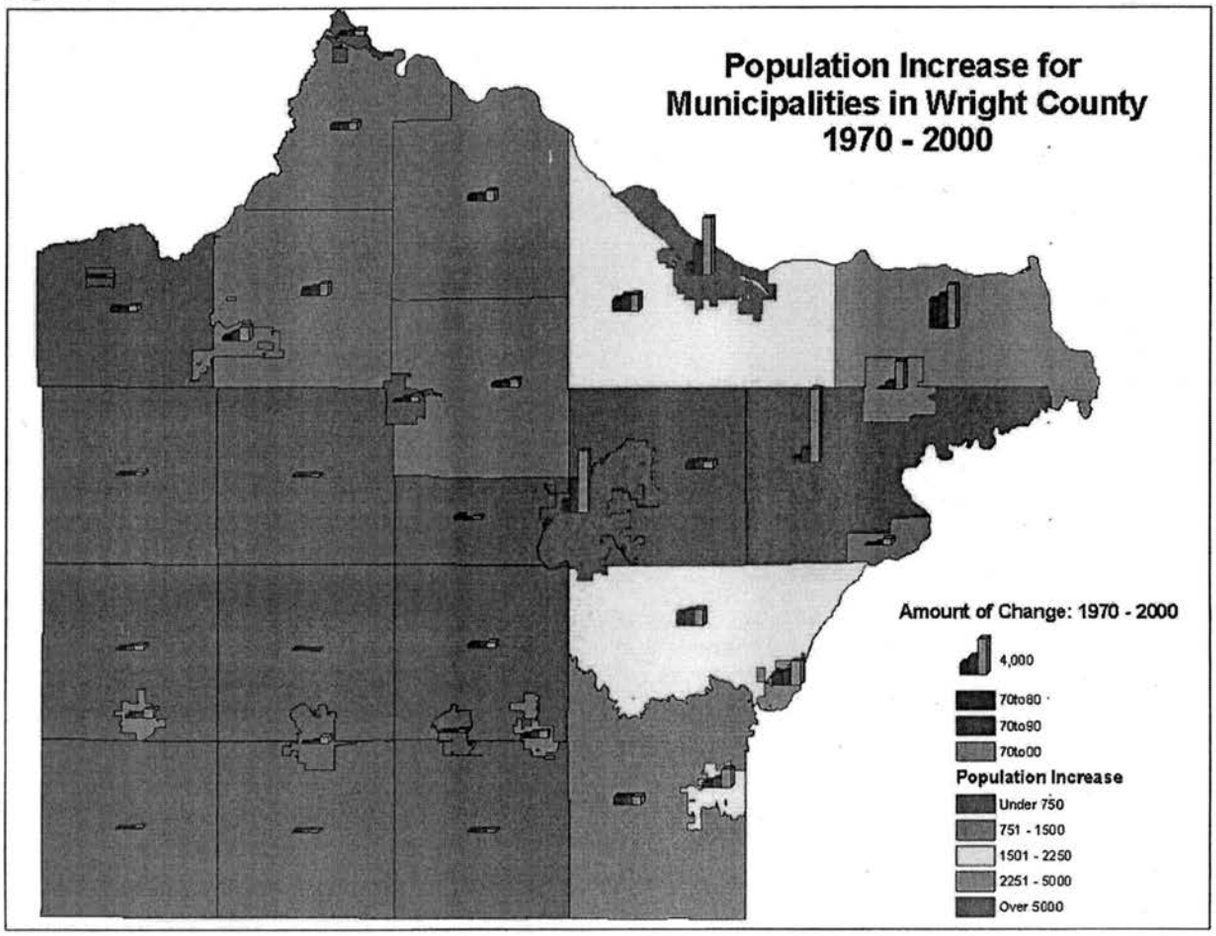
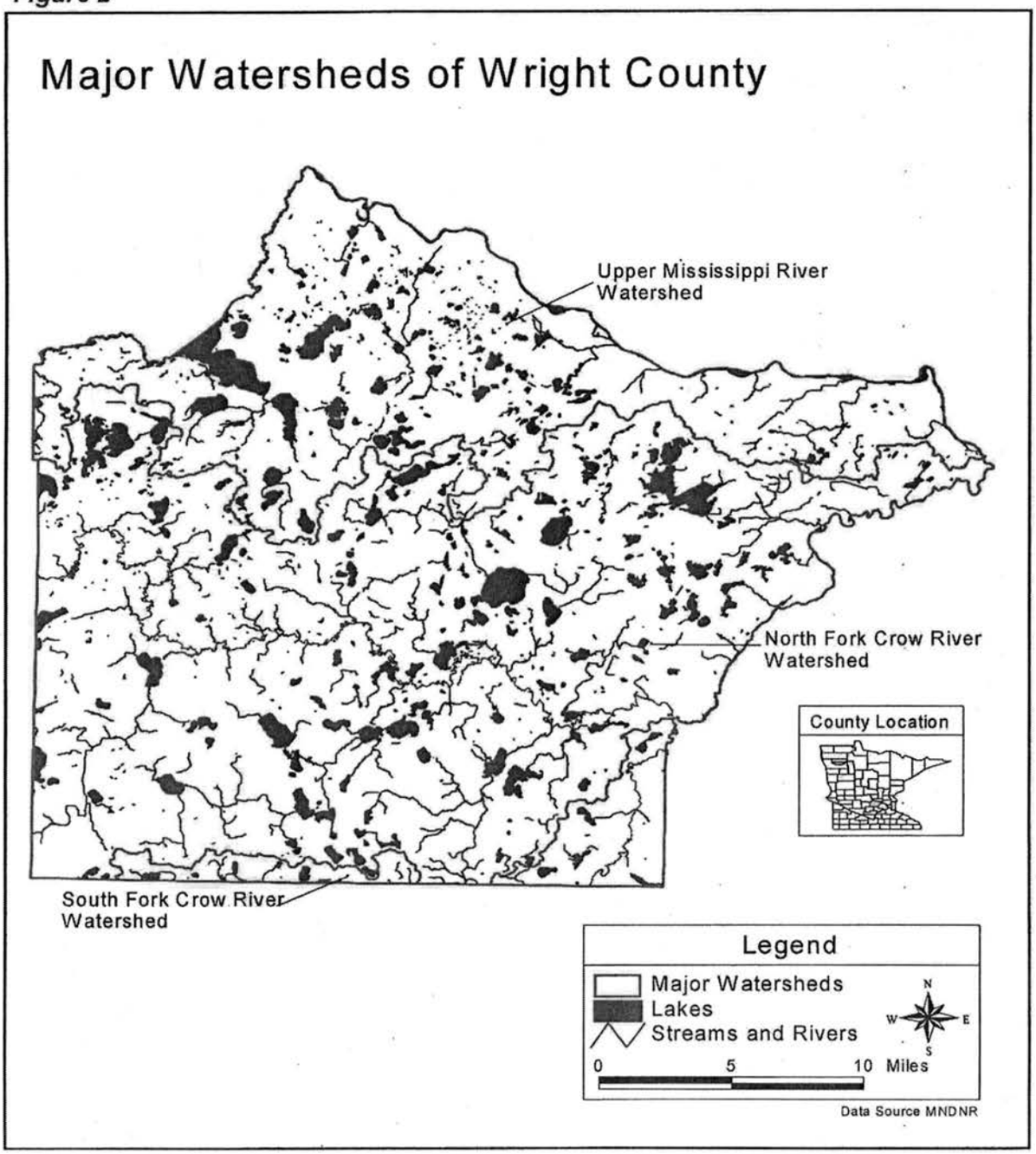


Table 1

2004 Extrapolated Population Projections (based on State Demographic Center data)								
MCD	2002	2005	2010	2015	2020	2025	2030	% change 2005 vs. 2030
Wright County	98410	100260	109710	118530	126410	133240	139010	38.65%
Albertville city	4517	4875	5951	6978	7911	8698	8753	79.55%
Albion township	1189	1168	1182	1197	1206	1216	1227	5.05%
Annandale city	2713	2732	2919	3100	3257	3406	3548	29.87%
Buffalo city	11422	11807	13305	14394	15290	16311	17270	46.27%
Buffalo township	1919	1850	1804	1761	1714	1673	1638	-11.46%
Chatham township	1191	1210	1318	1421	1512	1598	1679	38.76%
Clearwater city (part)	883	901	990	1075	1152	1238	1308	45.17%
Clearwater township	1396	1396	1468	1538	1598	1655	1711	22.56%
Cokato city	2745	2756	2925	3089	3230	3365	3494	26.78%
Cokato township	1300	1299	1363	1426	1480	1531	1581	21.71%
Corinna township	2461	2467	2611	2749	2869	2982	3092	25.33%
Dayton city (part)	21	18	15	14	13	12	12	-33.33%
Delano city	3978	4056	4451	4831	5168	5484	5783	42.58%
Franklin township	2714	2642	2618	2596	2567	2544	2528	-4.31%
French Lake township	1153	1154	1217	1279	1331	1381	1430	23.92%
Hanover city (part)	1407	1503	1803	2089	2348	2589	2815	87.29%
Howard Lake city	1876	1893	2031	2164	2280	2390	2495	31.80%
Maple Lake city	1650	1646	1721	1795	1857	1917	1976	20.05%
Maple Lake township	2145	2137	2229	2320	2396	2469	2540	18.86%
Marysville township	2121	2109	2193	2274	2342	2408	2472	17.21%
Middleville township	938	916	912	910	905	901	900	-1.75%
Monticello city	8839	9177	10431	11632	12711	13153	13552	47.67%
Monticello township	4143	4075	4134	4194	4235	4278	4326	6.16%
Montrose city	1413	1436	1564	1687	1795	1898	1995	38.93%
Otsego city	8210	8396	9240	10119	11051	11798	12504	48.93%
Rockford city (part)	3529	3620	3980	4342	4663	4963	5246	44.92%
Rockford township	3397	3316	3303	3294	3275	3261	3255	-1.84%
St. Michael city	11197	11799	13795	15705	17429	19035	20539	74.07%
Silver Creek township	2380	2400	2571	2735	2879	3016	3146	31.08%
South Haven city	191	186	184	182	180	178	177	-4.84%
Southside township	1576	1585	1689	1790	1877	1960	2039	28.64%
Stockholm township	832	819	833	847	857	867	878	7.20%
Victor township	1075	1046	1036	1028	1016	1007	1000	-4.40%
Waverly city	747	747	785	823	855	885	915	22.49%
Woodland township	1142	1123	1137	1152	1162	1173	1185	5.52%

Two major basins drain Wright County - the Upper Mississippi Basin and the Crow River Basin *(Figure Two)*. Into these basins flow the Clearwater River, the Mississippi River and the North and South Fork of the Crow River as well as 40,081 acres of lakes and 34,399 acres of wetlands. The total surface water of Wright County comprises 16% of the total 457,084 acres of the county.

Figure 2



Wright County's Local Water Management Plan (LWMP) has been in effect since it was formally adopted in 1990. The Plan was revised in 1992 and 1997. This Plan will mark the third revision of the LWMP and when adopted will be in effective through December 31, 2015 with a five year amendment to the stated goals, objectives, and actions. As the field of water management evolves, this plan too, will evolve as it addresses the changing world we live in.

Purpose

The purpose of this Local Water Management Plan is to identify existing and potential problems and opportunities for protection, management and development of water resources and related land resources in Wright County. This plan is formulated in accordance with the requirements of Minn. Stat. 103B.311subd.4, which states that:

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 principals of sound hydrologic management of water, effective environmental protection and efficient management.
4. The plan must be consistent with local water management plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or ground water system.
5. The plan must cover a ten year period (2006-2015).

Description of Priority Concerns

With public participation and comment taken from both surveys and a public meeting, the citizens of Wright County as well as various governmental agencies, addressed their concerns on the water resources within the county. From this process, the following priority concerns were identified:

1. Groundwater quality
2. Surface water quality
3. Development pressure
4. Agricultural issues

The focus of these four priority concerns will form the goals, objectives and action items which will be implemented within the timeframe of this plan.

Summary of Goals and Actions

The process of choosing the above priority concerns highlighted specific activities within our society which are negatively impacting Wright County's water resources. These challenges bring opportunities to reverse both the perceived and observed degradation of the county's water quality..

Goal A: Groundwater Quality: Provide high quality groundwater supplies to the citizens of Wright County. Actions focus on the implementation of the following objectives:

- Increase available background information of Wright County's groundwater through monitoring, analysis, outside data sources and better information distribution
- Work to prevent failure of individual septic treatment systems (ISTS) and related sewage pollution in Wright County

Goal B: Surface Water Quality: Position Wright County to maximize local control and funding for TMDLs. Actions focus on the implementation of the following objectives:

- Expedite the TMDL process for all of the 303d listed waters in Wright County
- Identify and prioritize all the impaired river systems and "General Development and Recreation Lakes" of Wright County

Goal C: Development Pressures: Develop regulations, educate and offer incentives to ensure orderly development with minimal impacts to Wright County's water quality. Actions focus on the implementation of the following objectives:

- Guide new development with comprehensive planning, accessible information and consideration for natural resources
- Influence existing developments and landowners use practices which reduce and/or mitigate negative human impact on natural resources

Goal D: Agricultural Land Use: Achieve countywide use of environmentally conscious practices by agricultural producers to protect and enhance Wright County's natural resources. Actions focus on the implementation of the following objectives.

- Continue Wright County's partnership with the MPCA to ensure all county feedlots are in compliance with 7020 rules.
- Influence agricultural operators to use practices which either reduce and/or mitigate negative human impact on natural resources

Consistency of plan with other pertinent local, state, and regional plans

The lake and river management plans overlaying Wright County have been considered in the completion of this document. Plans from neighboring counties were also reviewed to ensure consistency in the protection of regional water resources. There are no known conflicts between the Wright CWMP and other local plans regarding water resources.

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the **Wright** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on **July 19, 2007**, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On **November 30, 2004,** the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from **Wright** County, pursuant to M.S. Section 103B.312.

2) On **January 26, 2005,** the Board of Water and Soil Resources approved official comments on the **Wright** County Priority Concerns Scoping Document, which were mailed to the county on **January 27, 2005**.

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

   A) **Ground water issues – Drinking water quality (e.g. nitrates, arsenic) and quantity particularly in the areas of high groundwater susceptibility as identified by MDH, including support of wellhead protection efforts.**
   B) **TMDLs – The county will play a strong coordination role regarding TMDL development as impaired waters are identified.**
   C) **Development pressure - Adopt minimum development standards primarily through stormwater and erosion/sediment control ordinances.**
   D) **Feedlots/Ag Soil Erosion and Runoff/Land Application of Manure (e.g. Provide proper enforcement of land application setbacks and non-compliant feedlots.)**
   E) **Septic systems compliance - Continued implementation of Point-of-sale On-site Septic System Ordinance along with the incentive-based low interest loan program to qualifying individuals wishing to upgrade their septic system.**

4) On **July 19, 2007,** the BWSR received the **Wright** County Plan Update, a record of the public hearings, 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 **September 5, 2007** the regional Water Planning Committee of the board reviewed the recommendations of the state review agencies regarding final approval of the **Wright** County Plan Update . Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture: recommends approval.
   B) Minnesota Department of Health: recommends approval.
   C) Minnesota Department of Natural Resources: recommends approval.
   D) Minnesota Pollution Control Agency: recommends approval.
   E) Minnesota Environmental Quality Board: recommends approval.
   F) Minnesota Board of Water and Soil Resources regional staff: recommends approval.
   G) Board Water Plan Review Committee: recommends approval.

6) This update will be in effect for an eight-year period until **December 31, 2015, with the Goals, Objectives, and Action Items amended by December 31, 2010.**

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 **Wright** County pursuant to Minnesota Statutes , 103B.315, Subd. 5.

2. The **Wright** 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 **Wright County** Comprehensive Local Water Management Plan – **September 26, 2007 to December 31, 2015, with the Goals, Objectives, and Action Items to be amended prior to December 31, 2010.**

Dated at **St. Paul**, Minnesota, this **twenty-sixth day of September 2007**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chairman

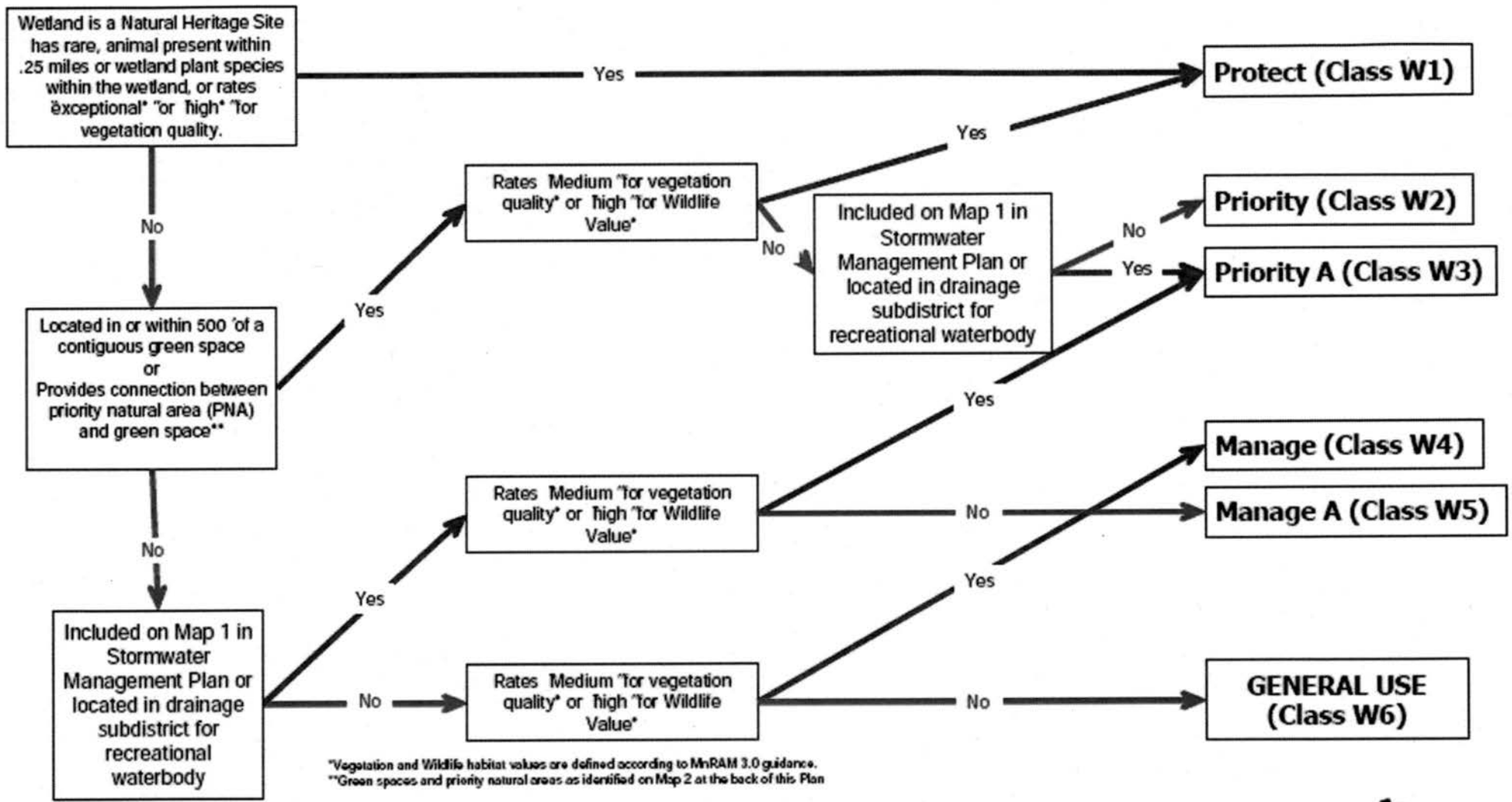


Figure 5.1

Wetland Management Classification Flowchart

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Table 5.1 – Wetland Management Standards

Management Class	Wetland Avoidance Standards	Management Standard: Buffer** Min. Width	Buffer Protection Standards	Buffer Standards	Principal Structure Setback: Residential	Principal Structure Setback: Commercial/ Industrial	Replacement: Ratio***	Replacement: Location	Replacement: Supplemental Standards
Class W1	No Impact without demonstration of significant public benefit*	50'	25' no-grade zone around wetland; Restore any graded area to native vegetation**, subject to judgment of city staff. No excavation in buffer.	Native, non-invasive vegetation	25' from upslope edge of buffer	10' from upslope edge of buffer	3:1 Replacement	1. On site 2. Within city	Replace lost floral diversity and wildlife habitat functions and values Replace lost green space linkage and function
Class W2	No Impact without demonstration of significant public benefit*	40'	25' no-grade zone around wetland; Restore any graded area to native vegetation**, subject to judgment of city staff. No excavation in buffer.	Native, non-invasive vegetation	25' from upslope edge of buffer	10' from upslope edge of buffer	Meet State Rules	1. On Site 2. Within City	Replace lost green space linkage and function
Class W3	WCA sequencing standards apply Excavation permitted under the wildlife exemption, not to exceed 6' in depth.	40' or to upslope edge of 100 year high water level, whichever is greater	Stormwater treatment practices allowed within buffer; maintain 15' minimum buffer between the practice and the wetland.	Native, non-invasive vegetation	25' from upslope edge of buffer	10' from upslope edge of buffer	Meet State Rules		Replace lost functions for nutrient removal and stormwater storage Replace any lost green space connectivity or linkage
Class W4	WCA sequencing standards apply	30'	25' no-grade zone around wetland; Restore graded area to native vegetation**, subject to judgment of city staff. No excavation in buffer.	City's discretion; non-invasive vegetation	25' from upslope edge of buffer	10' from upslope edge of buffer	Meet State Rules		Replace lost floral diversity and wildlife functions and values
Class W5	WCA sequencing standards apply Excavation permitted under the wildlife exemption, not to exceed 6' in depth.	20' or to upslope edge of 100 year high water level, whichever is greater	Stormwater treatment practices allowed within buffer; maintain 15' minimum buffer between the practice and the wetland.	City's discretion; non-invasive vegetation	25' from upslope edge of buffer	10' from upslope edge of buffer	Meet State Rules		Replace lost functions for nutrient removal and stormwater storage
Class W6	WCA sequencing standards apply	none	Not Applicable	City's discretion; non-invasive vegetation	25' from wetland edge	10' from upslope edge of buffer	Meet State Rules		Meet State Standards

*Significant Public Benefit is defined as projects which serve people from throughout the region, such as improvements to a main local or regional transportation corridor, or similar.

**Add 20% to buffer width requirements in areas where slopes are 6% or greater

***Native vegetation for buffer plantings are required to have a seed origin in accordance with MnDOT requirements for native seed, per the 2003 (or most recent) MnDOT seeding manual, at a minimum.

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 Protection and Management Plan for the **City of Eagan,** pursuant to Minnesota Statues Section 103G.2242, Subdivision 1 (c)

ORDER APPROVING COMPREHENSIVE WETLAND PROTECTION AND MANAGEMENT PLAN

Whereas, the City of Eagan submitted a Comprehensive Wetland Protection and Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. Section 103G.2242, Subd. 1 (c), and;

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

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

FINDINGS OF FACT

1. Authority to Plan

Minnesota Statutes Section 103G.2242, Subd. 1 (c) and Minnesota Rules Chapter 8420.650 allow the Board to approve a Comprehensive Wetland Protection and Management Plan (Plan) developed by a local government unit, provided it is implemented through the local government's official controls.

As the City of Eagan has grown and developed, stormwater management and wetland stewardship have become increasingly important to the community. Recently, citizens have expressed concerns about "wetland export," wherein wetlands lost to development are replaced outside of the city limits, leading to a net loss of Eagan wetland resources. The City also is interested in streamlining the development review process and having wetland management standards that are tailored to local needs and interests. The stated purpose of the Plan is to inventory and analyze the value of its wetlands resources and implement a vision for protection and enhancement of the City of Eagan's wetlands for generations to come.

2. Nature of the Plan Area

The City of Eagan lies in the northwestern portion of Dakota County, with its northwest boundary formed by the Minnesota River. Eagan's natural character is defined in large part by water, from the Minnesota River to the pristine wetlands and small lakes of Lebanon Hills Regional Park in the southern portion of this community. As Minnesota's

eighth largest city, Eagan is nearly fully developed. The City covers 34.5 square miles and has an estimated 2006 population of approximately 67,448 residents. Eagan has over 350 natural waterbodies larger than one acre, and virtually all are connected to the stormwater drainage system. In a survey of residents conducted in 2005, 99% indicated that good water quality was very or somewhat important to them.

3. **Plan Development and Review**

The Plan was developed, reviewed, and revised in consultation with the state agencies, technical evaluation panel, landowners, and local governments. In 2005, the Eagan City Council established a 13-member Water Quality Task Force to guide the development of the upgraded Water Quality and Wetland Management Plan. The Task Force represented a range of technical and policy experts, agency staff familiar with the community, and local citizens, including two City Council members. Between October 2005 and August 2006, the Task Force met seven times to provide input on important aspects of the plan, particularly regarding goals and policies, lake and wetland classification and management standards, establishment of management priorities, and the overall program for system improvements.

The Water Quality Task Force included a Wetland Subcommittee, which met several additional times to work out the specific technical details of the Wetland portion of the plan. The plan development process included numerous drafts and opportunities for comment. In addition, public involvement in development of the Plan included presentations to Eagan City Council, Advisory Parks Commission, and Advisory Planning Commission; a 60-day open comment period; an "open house" forum; and a public hearing on the wetland management strategies. The Plan has an attached Ordinance that has been officially adopted by the City to implement the Plan.

4. **Dakota Soil and Water Conservation District Review**

The Dakota SWCD participated throughout the planning process as a member of the Technical Evaluation Panel, Water Quality Task Force, and Wetland Subcommittee. The SWCD's participation was instrumental to the development and content of the Plan.

5. **Department of Agriculture Review**

The MDA did not provide comments on the Plan.

6. **Department of Health Review**

The MDH did not provide comments on the Plan.

7. **Department of Natural Resources Review**

The DNR participated in the planning process as a member of the Water Quality Task Force and provided input during Plan development.

9. **Pollution Control Agency Review**

The PCA participated in the planning process as a member of the Water Quality Task Force and provided input during Plan development.

10. **Metropolitan Council**

The Council participated in the planning process as a member of the Water Quality Task Force and provided input during Plan development.

11. **US Army Corps of Engineers Review**

The Corps was notified of the City's intent to develop a Comprehensive Wetland Protection and Management Plan, but did not participate in the planning process.

12. **Board Review**

Board staff participated throughout the planning process as a member of the Technical Evaluation Panel, Water Quality Task Force, and Wetland Subcommittee. Board staff participation was instrumental to the development and content of the Plan.

13. **Plan Summary and Highlights**

The Eagan Local Comprehensive Wetland Protection and Management Plan was developed as a chapter in the City's Local Water Quality and Wetland Management Plan. The main purpose of the LCWPMP is to provide the framework for local wetland conservation regulations. The goal is to prioritize and manage Eagan's wetlands based on the functions they perform and their values to the community. Standards for protection and enhancement of wetland resources included in the Plan are prioritized on this basis. Because the functions and values provided by different wetlands vary, the Plan presents an assessment and classification system that will assist the City in establishing priorities and focusing available resources for wetland protection, enhancement and restoration.

The City identifies the following as benefits of the Plan:

- Includes wetland inventory, assessment, and management guidelines
- Streamlines City administration of the Wetland Conservation Act by providing sequencing and varied replacement standards based on the functional values of the wetland and resulting management classifications
- Allows appropriate use of wetlands to preserve water quality and prevent downstream flooding
- Enhances wildlife values of wetlands
- Identifies potential wetland banking areas
- Protects/restores wetlands and adjacent resources that are important for interconnected green space
- Manage wetlands by their sensitivity to stormwater

Highlights of the Plan include:

- Wetlands were inventoried and assessed using MNRAM 3.0. The inventory focused on a subset of the wetlands in selected areas, focusing on areas that are currently undeveloped but likely to be developed in the near future and areas likely to be redeveloped within a few years. Wetlands not inventoried as part of this Plan will be assessed either in a subsequent assessment of city wetlands, or at the time a development is proposed that may impact the wetland. Delineations of wetlands within the City must be performed by a Certified Wetland Delineator.

- The results of the functional assessment were combined with local priorities or "values" to develop a management classification system for the City's wetlands. The Plan classifies wetlands in six categories corresponding to the functions they provide and the local values.

- Impacts to wetlands classified as Protect or Priority are only allowed with demonstration of a significant public benefit, which is defined as "projects which serve people from throughout the region, such as improvements to a main local or regional transportation corridor, or similar."

- The replacement ratio for impacts to Protect wetlands is increased to 3:1.

- The Plan does not allow mitigation credit for stormwater treatment areas, but can allow public value credit for installing buffers around existing high-valued wetlands.

- With the exception of the General Use classification, vegetated buffers are required around all wetlands. Required wetland buffer widths range from 20 to 50 feet depending on the management class. A 25 foot no-grade zone is also required around wetlands that have a functional ranking of exceptional, high, or medium for vegetation quality or high for wildlife habitat. Building setbacks are also required at 25 feet from the upslope edge of the buffer for residential, and 10 feet from the upslope edge of the buffer for commercial/industrial.

- Replacement is required within the City for Protect and Priority class wetlands. For all wetland management classes other than General Use, the Plan specifies the lost functions that must be replaced if impacts are allowed to those wetlands.

14. **Metro Water Planning Committee Meeting.**

On September 5, 2007, the Board's Metro Water Planning Committee and staff met with City staff in St. Paul to review and discuss the Plan. Those in attendance from the Board's Committee were Robert Burandt, Louise Smallidge, LuAnn Toliver, and Paul Egger. Board staff in attendance were Metro Region Supervisor Steve Woods, Board Conservationist Les Lemm, and Board Conservationist Brad Wozney. Representing the City of Eagan was Eric MacBeth. Board staff recommended approval of the Plan. After

discussion, the subcommittee unanimously voted to recommend approval of the City of Eagan Comprehensive Wetland Protection and Management Plan to the full Board.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving an Comprehensive Wetland Protection and Management Plan for the City of Eagan pursuant to Minnesota Statutes Sections 103G.2242, Subd. 1 (c).

3. The City of Eagan Comprehensive Wetland Protection and Management Plan attached to this Order provides a functional assessment framework for all wetlands within the City, management strategies based on this assessment, and an implementation program.

4. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103G.221 to 103G.2373 and Minnesota Rules Chapter 8420.

ORDER

The Board hereby approves the attached Comprehensive Wetland Protection and Management Plan, dated July 2007, for the City of Eagan, Dakota County, Minnesota.

Dated at Saint Paul, Minnesota this 26th day of September 2007.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

I. EXECUTIVE SUMMARY

The Gun Club Lake Watershed Management Organization has prepared this Comprehensive Watershed Management Plan in accordance with Minnesota Rules Chapter 8410, "Metropolitan Area Local Water Management", as administered by the Minnesota Board of Water and Soil Resources. This plan has been prepared as the "third –generation" Gun Club Lake Watershed Management Plan.

The Gun Club Lake Watershed Management Organization was formed on June l, 1985 through a joint powers agreement under the authority conferred to the member parties in 1982 through Minnesota Statutes Chapters 471.59, 473.875 to 473.883 (The Metropolitan Surface Water Management Act). The Organization's purpose is to preserve, protect, enhance, and restore water resource systems within the Gun Club Lake Watershed to meet the purposes set forth in the Surface Water Management Act. The joint powers agreements which established the Gun Club Lake WMO is included in **Appendix A** of this plan.

The Gun Club Lake Watershed is located in the east-central portion of the Minneapolis-St. Paul seven county metropolitan area. The watershed covers 33.2 square miles and is located entirely within Dakota County (**Figure 1**). Portions of three local governmental units are within the watershed and are listed below:

LOCAL UNITS OF GOVERNMENT				
Local Government Unit		Area Within Watershed (Square Miles)		Percent of Watershed
Eagan		29.56		89.03
Inver Grove Heights		1.47		4.43
Mendota Heights		2.17		6.54
		33.20		100.0

A Board of Managers has been established as the governing body of the Gun Club Lake Watershed Management Organization. The Board consists of five members and three alternate members. The City of Eagan is represented by three members; Inver Grove Heights, one member; Mendota Heights, one member. The Gun Club Lake Watershed Management Organization Board Members and the government organizations that they represent are as follows:

BOARD MEMBERS

1. Gerald Engelke
   Chair
   Representing City of Eagan
   4420 Wilderness Ridge Court
   Eagan, MN 55123

2. Jeff Sluiter
   Vice Chair
   Representing City of Eagan
   1862 Southpointe Terrace
   Eagan, MN 55122

3. Wayne Sames
   Secretary
   Representing the City of Eagan
   1363 St. Andrews Road
   Eagan, MN 55123

4. Michael Pliml
   Treasurer
   Representing the City of Inver Grove Heights
   6830 Athena Way
   Inver Grove Heights, MN 55077

5. Mary Jeanne Schneeman
   Representing the City of Mendota Heights
   792 Upper Colonial
   Mendota Heights, MN 55118

Alternate Board Members

Allan Cederberg
Representing Inver Grove Heights
1162 82nd Street East
Inver Grove Heights, MN 55077

Jason Akey
Representing the City Of Eagan
4098 Baffin Bay South
Eagan, MN 55123

WMO Administrator

Eric Macbeth
City of Eagan
3501 Coachman Point
Eagan, Minnesota 55122-1211
Phone: (651) 675-5300
Fax: (651) 675-5360

The duties of the organization, as enacted by the Board, are as follows:

- Prepare and adopt a watershed management plan meeting the requirements of Minnesota Rules Chapter 8410.
- Review and approve local water management plans as defined in Minnesota Rules Chapter 8410.
- Exercise the authority of a Watershed Management Organization under Minnesota Statutes Chapter 103B to regulate the use and development of land when:
    1. A local water management plan has not been approved and adopted, or
    2. A local permit requires an amendment to or variance from the local water management plan, or
    3. The Board has been authorized by the local government to require permits for land use.

As identified in the Joint Powers Agreement, the Board has the authority to hire employees, conduct studies, fund improvements and operate and maintain improvements constructed by the Board. Procedures have been established to finance capital improvement projects in such a manner that costs can be equitably distributed to benefited members for projects of benefit to more than one member. Where only one member is benefited, that member will be responsible for the entire cost.

The Board may elect to fund all or part of a capital improvement project by utilizing the bonding ability of Dakota County provided the county supports such actions. The Board and Dakota County may also establish a maintenance fund for improvements constructed in whole or part with funds provided by the County.

Under the Minnesota Rules Chapter 8410, requirements are outlined for preparing watershed management plans within the Twin Cities Metropolitan Area. Pursuant to the requirements of the law, the plan must focus on preserving and using natural water storage and retention systems to:

- Reduce, to the greatest practical extent, the public capital expenditures necessary to control excessive volumes and rate of run-off.
- Improve water quality.
- Prevent flooding and erosion from surface flows.
- Promote ground water recharge.
- Protect and enhance fish and wildlife habitat and water recreational facilities.
- Secure the other benefits associated with the proper management of surface water.

To insure that these goals are realized, the Metropolitan Surface Water Management Act further specified the basic contents of the watershed management plan.

According to the law, this plan shall:

- Describe the existing and physical environment, land use and development in the watershed as well as the environment, land use and development proposed in existing local and metropolitan comprehensive plans.
- Present information on the hydrologic system and its components, including any drainage system previously constructed under Minnesota Statutes Chapter 106 (the Public Ditch Laws), and existing and potential problems related thereto.
- State goals and policies, including management principles, alternatives and modifications, water quality, and protection of natural characteristics.
- Set forth a management plan, including the hydrologic and water quality conditions that will be sought and the significant opportunities for improvement.
- Describe the effect of the plan on existing drainage systems.
- Describe conflicts between the watershed plan and existing plans of local government units.
- Set forth an implementation program consistent with the management plan, which includes a capital improvement program and standards and schedules for amending the comprehensive plans and official controls of local government units in the watershed to bring about conformance with this watershed plan.

The mission of the Gun Club Lake Watershed Management Organization (GCLWMO), as identified in Minnesota State Statute and the GCLWMO joint powers agreement, is to:

- Protect, preserve, and use natural surface water and groundwater storage and retention systems.
- Minimize public capital expenditures needed to correct flooding and water quality problems.
- Identify and plan for means to effectively protect and improve surface water and groundwater quality.
- Establish more uniform local policies and official controls for surface water and groundwater management.
- Prevent erosion of soil into surface water systems.
- Promote groundwater recharge.
- Protect and enhance fish and wildlife habitat and water recreational facilities.
- Secure the other benefits associated with the proper management of surface water and groundwater.

This watershed management plan is divided into the following major sections:

I. Executive Summary
II. Land and Water Resources Inventory
III. Establishment of Goals and Policies
IV. Problems and Corrective Actions
V. Implementation Program/Priorities
VI. Impact on Local Unit of Government
VII. Amendment Procedures

The Executive Summary (**Section I**) states the authority and composition of the Gun Club Lake Watershed Management Organization, the purpose of the Surface Water Management Act and the components of this watershed management plan.

The Land and Water Resources Inventory (**Section II**) includes a profile of the watershed's existing environmental conditions. This profile contains descriptions of the area's physiography, topography, soils, land use, and metropolitan systems. This section also contains the information necessary to model the hydrologic system. Information includes watershed and subwatershed boundaries, wetlands, water bodies, conveyance systems and flood plains. Surface and ground water quality, ground water recharge areas, water use and water quality guidelines are also included.

The Goals and Policies Section (**Section III**) describes the goals and policies of the Watershed Management Organization. The goals reflect the purposes set forth in the Surface Water Management Act. Policies developed by the Gun Club Lake Watershed Management Organization define the goals and provide a framework in which to address the water management issues.

Problems and Corrective Actions (**Section IV**) discusses water resource management issues and identifies the strategies developed for each issue and defines the course of action the Organization will follow to address each issue. Implementation procedures explain how the strategies will be put into effect. Potential impacts associated with each identified alternative are evaluated.

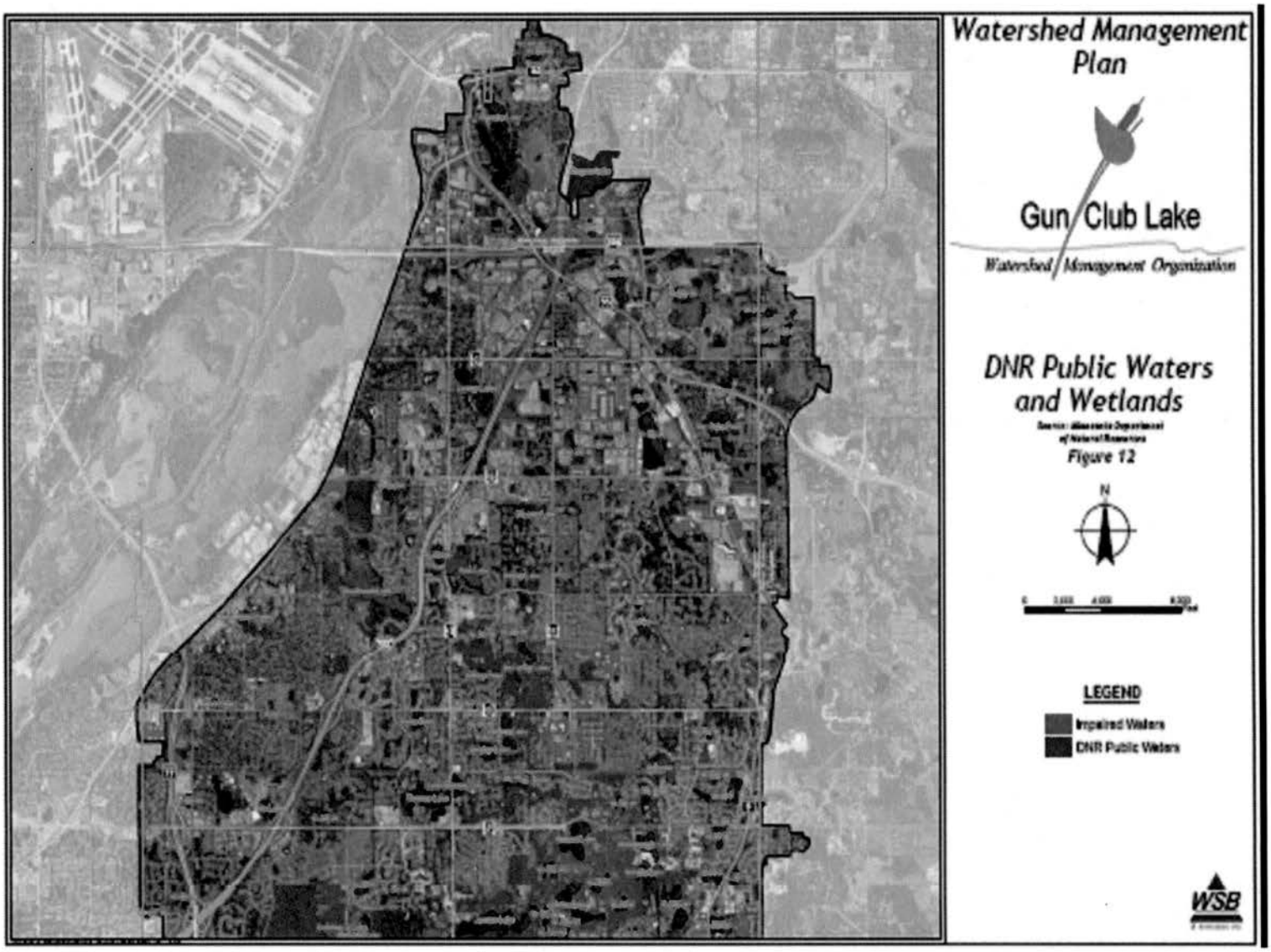
The Implementation Program/Priorities (**Section V**) consists of non-structural, structural, and programmatic solutions to the problems, issues, and goals identified in **Section III** and **Section IV**.

The Impact on Local Government (**Section VI**) discusses the conformance of local governmental water resource management plans to this watershed management plan.

The Amendment Procedures (**Section VII**) discusses a procedure to be followed should it be necessary to amend this plan. This procedure would be invoked only for major changes that would directly affect water resource management within the member communities.

Minnesota Board of Water and Soil Resources
September 2007 Board Meeting

Gun Club Lake Watershed Management Organization
Watershed Management Plan 2007 – 2012



Fiscal Context and Implementation

The table below provides context for GCLWMO annual expenditures in comparison with other WMOs for the most recent available data. GCLWMO ranks in the lower bracket of WMOs with regards to expenditures. From 2007 through 2011, GCLWMO's annual expenditures are projected to vary between $31,325 and $79,583. A map of the metro WMOs can be found at http://www.bwsr.state.mn.us/watermgmt/metro_imap-2005.htm

Water Management Organizations	Counties	Area (sq mi)	Expenditures				2004 Exp./Mile^2
			2001	2002	2003	2004	
Bassett Creek	Hennepin	40	433,208	390,653	318,823	1,176,382	29,410
Black Dog	Dakota	26	124,711	181,628	159,941	114,637	4,409
Carver County	Carver	280	76,722	69,447	104,573	138,255	494
Elm Creek	Hennepin	127	160,360	156,370	121,562	140,500	1,106
Grass Lake	Ramsey	9			18,594	5,969	663
Gun Club Lake	**Dakota**	**33**	**42,900**	**28,125**	**18,451**	**32,237**	**977**
Lower Mississippi River	Dakota, Ramsey	56	43,324	50,727	57,383	85,842	1,533
Lower Rum River	Anoka	56	31,007			50,353	899
Lower St. Croix	Washington	46					
Marine on St. Croix	Washington	37			43,059	32,177	870
Mississippi River	Hennepin	30		239,658	487,438	722,226	24,074
Middle St. Croix	Washington	19	14,044	11,257	32,918	42,659	2,245
North Cannon River	Dakota	150	20,500	33,915	11,628	2,500	17
Pioneer-Sarah Creek	Hennepin	72	91,150	103,625	75,501	60,472	840
Richfield-Bloomington	Hennepin	8	0	0	0	0	0
Scott County	Scott	323			194,985	440,661	1,364
Shingle Creek	Hennepin	44	238,813	353,581	374,809	349,990	7,954
Six Cities	Anoka	21	9,954	9,810	6,317		
Sunrise River	Anoka	71	28,913	14,893	19,327	9,960	140
Upper Rum River	Anoka	127	2,212	2,233	2,273	2,417	19
Vadnais Lake Area	Ramsey, Anoka	24	63,192	66,409	78,431	625,126	26,047
Vermillion River	Dakota, Scott	335			154,447	303,967	907
West Mississippi	Hennepin	24	83,385	125,104	149,051	115,215	4,801

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 **Gun Club Lake Watershed Management Organization** pursuant to Minnesota Statues Section 103B.231, Subdivision 9

ORDER APPROVING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Gun Club Lake Watershed Management Organization (GCLWMO) submitted a Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. Section 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

1. **GCLWMO Establishment**

The Gun Club Lake Watershed Management Organization (GCLWMO) was formed on June 1, 1985 through a joint powers agreement under the authority conferred to the member communities in 1982 through the Metropolitan Surface Water Management Act. The organization's first Watershed Management Plan was approved in 1987, and an updated Plan was approved in 1997. This Plan is the third Watershed Management Plan prepared by GCLWMO. The Board of Managers established as the governing body of the GCLWMO consists of five members and three alternate members. The City of Eagan is represented by three members, Inver Grove Heights by one member, and Mendota Heights by one member.

2. **Requirement to Plan**

The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The GCLWMO has selected December 2012 as the current Plan expiration date.

3. **Watershed Description**

The legal boundary of the GCLWMO is roughly 33.2 square miles. It is located entirely in Dakota County and contains portions of three cities: Eagan, Inver Grove Heights, and Mendota Heights. The City of Eagan encompasses 89% of the watershed. The GCLWMO is bound by the Lower Minnesota River Watershed District and Black Dog WMO to the north and west, by the Lower Mississippi WMO to the east, and the Vermillion River Watershed JPO to the south.

This watershed consists of relatively steep hills, rolling topography and occasional deep, self-contained depressions filled with either small, shallow lakes or peat. There are no major creeks or rivers within the watershed and the majority of storm water runoff is conveyed by storm sewer systems in a northwesterly direction through a series of ponds and wetlands to the Minnesota River. The GCLWMO is nearly fully developed with residential land use being the predominate use. Significant industrial development has occurred in the northern portion of Eagan and in Mendota Heights. Interspersed throughout are medium to large-sized commercial areas which provide goods and services to residential and commercial customers. The entire watershed is suburban in nature as there are commercial and industrial areas that tend to be adjacent to major transportation routes. The GCLWMO is located entirely within the 2030 MUSA limits.

4. **Plan Development and Review**

A preliminary draft of the GCLWMO Plan was first submitted to review agencies in October of 2005 to solicit up-front comments. The draft Plan was then submitted to BWSR, other state agencies, and local governments for the required 60-day review on April 10, 2006. On April 30, 2007 the revised draft plan was sent to the review agencies for the 45-day review period. Subsequent to the 45-day review, the GCLWMO met with Board staff to discuss remaining review agency concerns with the Plan. The meeting resulted in additional changes to the Plan prior to final submittal. The final draft Plan was submitted to BWSR on August 17, 2007.

5. **Local Review**

The GCLWMO circulated a copy of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7.

Dakota Soil and Water Conservation District: The SWCD commented that the Plan does not go far enough to identify the minimum requirements needed to protect the water resources within WMO boundaries. Protective standards and criteria should be promulgated by the WMO and built into existing permitting systems within the LGUs. The Plan's goals and policies fail to set actual standards by which to determine whether or not a member community is working towards the WMO mission and implementing their local plans in conformance with the WMO plan. The draft plan simply defers many of its responsibilities to the local communities and does not provide effective oversight GCLWMO responded that they did not want to have duplicative programs and policies, and is looking to "add value" to partner with the member communities and use limited

financial resources wisely. The WMO did, however, revise sections of the Plan to more clearly define the programs and policies anticipated to be completed by the WMO and noted the newly created procedure in the Plan for annual review of city programs.

The SWCD commented that, while GCLWMO supports the use of NURO standards, Low Impact Development standards and designs are more updated and include more environmentally friendly ways of dealing with stormwater. The SWCD recommended these standards be at least mentioned in the Plan as they are better aligned with the mission of the WMO. GCLWMO responded that they are working with the SWCD on a series of landowner workshops that would educate residents on the benefits of LID type practices, but will continue to require NURP treatment as part of development activities. The SWCD requested that the term "redevelopment" be defined and provided a suggested definition. Given the developed nature of the watershed and the importance of redevelopment standards, the SWCD opposed allowing member communities to define what constitutes redevelopment. GCLWMO responded that member communities would continue to determine what constitutes "redevelopment," and felt the on-half inch infiltration requirement would reduce volume and improve water quality.

The SWCD recommended infiltration and discharge volume control requirements be included in a strong policy and be the preferred practice, not the exception. GCLWMO responded that the member communities' local plans address the issue of volume control. The SWCD also disagreed with the policy of allowing landlocked basins an outlet, except where property damage is likely if the basin remains locked. GCLWMO responded that the policy would remain in the Plan. The SWCD recommended the WMO require cities to review Stormwater Pollution Prevention Plans (SWPPP) for land disturbing projects one acre in size or greater, and sediment and erosion control plans for projects that do not require an NPDES permit. GCLWMO revised the Plan to require member communities to review SWPPPs and to conduct erosion control monitoring of construction sites.

The SWCD requested that the WMO commit to delineating and studying the location of surficial groundwater recharge areas. GCLWMO replied that they are monitoring groundwater near the Nicols Meadow area.

The SWCD requested the Plan contain information on how the WMO plans to protect wetlands, including standards, water quality, buffers, etc., and recommended the WMO require wetland inventories, functional assessments, and management plans from each member city. GCLWMO replied that the local governments should manage their wetlands, and that the Cities of Eagan and Mendota Heights either have or are planning to inventory their wetlands as part of their local plans.

The SWCD commented that the amount of funds budgeted for matching grant funds is extremely low, particularly given the reliance of the Plan on grants. GCLWMO responded that the 2008 budget was recently approved, but that they would consider the request in the development and review of the 2009 budget.

6. **Metropolitan Council Review**

Met Council commented in both comment periods that there should be more specific direction and a timeframe for the development of infiltration standards. GCLWMO responded with a requirement of infiltrating the first one-half inch of runoff, with several exceptions. The Council also recommended more frequent street sweeping, e.g. monthly, and explore the use of additional BMPs in subwatersheds with impaired waters. In response GCLWMO incorporated a more frequent street sweeping requirement in all priority subwatersheds including those with impaired waters. Met Council believes that the Plan does not sufficiently establish goals or a timeline for establishing goals for all lakes in the watershed. GCLWMO added new policies and goals to partially address this concern. The Council also expects the WMO to use additional guaranteed funding sources to accomplish the priority studies and action items.

7. **Department of Agriculture Review**

MDA did not provide comments on the GCLWMO Plan.

8. **Department of Health Review**

MDH did not provide comments on the GCLWMO Plan.

9. **Department of Natural Resources Review**

DNR advised GCLWMO to work with Vermillion River Watershed JPO to change the watershed boundaries to reflect more of a watershed break as opposed to the existing political boundary in order to better solve existing drainage issues in the south. GCLWMO stressed that the revised Plan reflects the consideration of a boundary change and the intent to solve the existing stormwater management and drainage issues. The DNR recommended in both comment periods that the GCLWMO add policies/goals/actions specifically related to the identified threatened and endangered species as well as the biologically significant resources listed in the County Biological Survey. In response the WMO incorporated a policy that all member communities consider these resources in the update of the local water plans. The WMO also noted that the municipal wetland management plans and wetland functional assessments have significantly considered these areas into the classification schemes and greenway corridors.

The DNR recommended in both comment periods that GCLWMO take on more of a leadership approach with guidance to member communities in the areas of water quality, runoff volume control, and wildlife habitat protection strategies. Additionally, a number of goals and policies tend to be of passive encouragement rather than result in measureable outcomes. DNR believes that the WMO should also take more aggressive actions and funding mechanisms related to establishment of shoreline buffers and other structural projects. GCLWMO revised the goals and policies section of the Plan to more clearly outline their mission and role regarding watershed management, but continues to defer most water resources responsibilities to the local governments and partnerships with agencies such as the Dakota SWCD. The WMO will establish a member

community oversight requiring annual reports and approval by the WMO, integrating the MS4 reporting requirements. DNR recommended that GCLWMO review the Mendota Heights wetland ordinance to ensure that it is consistent with minimum statewide shoreland standards, which the WMO added as an action item.

10. **Pollution Control Agency Review**

The PCA noted that the WMO merely intended to "encourage" local governments to act, which may not ensure the tasks will be completed. GCLWMO revised the Plan to be more clear as to their intent.

PCA expressed concern over the Plan's landlocked basin policy, to which GCLWMO responded that outlets will be allowed provided they are included in a local water resource management plan and do not cause downstream problems. PCA also expressed concern that wetlands and lakes may be being used as stormwater treatment and storage basins and requested clarification. GCLWMO responded that, as part of new development and redevelopment, wetlands are not being used for primary stormwater quality treatment but that lakes are incorporated into local stormwater models for storage. PCA also provided language regarding wetland protection and requested it be included in the Plan. GCLWMO responded that it is the local governments responsibility to implement the Wetland Conservation Act.

PCA noted that the Plan deferred to the local communities the responsibility of addressing stormwater runoff management needs and problems, and requested the Plan describe how the WMO will ensure the appropriate measures are taken in compliance with the Plan. GCLWMO responded by establishing a member community oversight and annual reporting requirement to the WMO by integrating the GCLWMO into the NPDES MS4 review and approval process. PCA staff also requested a more complete analysis of existing city requirements and an identification of any gaps in the regulatory structure, particularly for issues such as volume control, infiltration, wetland protection, etc. GCLWMO added a comparison of local volume control/infiltration requirements to an existing table in the Plan.

PCA requested the implementation of enhanced infiltration practices, which the WMO responded should be evaluated on a site-by-site basis. PCA recommended strengthening street sweeping requirements and increasing the frequency. GCLWMO replied that they would require street sweeping pursuant to NPDES requirements. PCA also requested clarification of "pretreatment" prior to discharge to wetlands. GCLWMO identified NURP criteria as the minimum water quality standard.

PCA cited a statement in the Plan which pointed out "increased rates and volumes of stormwater runoff as a result of an increase in impervious surface area due to development," and requested the Plan describe mechanisms to address this. GCLWMO replied that requiring stormwater treatment and maintaining discharge rates as part of development will address the issue. In general, the WMO feels the requirement for the infiltration of the first one-half inch of stormwater runoff from any rainfall event will result in overall less volume and therefore improved water quality.

PCA noted the Plan acknowledgement the diagnostic studies need to be conducted, that water quality has been impacted by development, and that more studies are needed to find causes outside of development. PCA also noted that the Plan does not provide a timeframe or mechanism for completion of these activities and funding is indicated as from other governmental grants. GCLWMO responded that the diagnostic studies have been incorporated into member community local plans and clarified the implementation section of the Plan.

PCA noted that there are very few dollars proposed for management programs and that most are expected to be funded through grants, and requested that the Plan state how and who would be designated to apply for such grant funds. GCLWMO did not include the requested specifics in the Plan, but stated that they will continue to pursue grant opportunities.

11. **Department of Transportation Review**

DOT requested a three-foot permanent pool average depth be allowed in some situations, to which the GCLWMO revised the Plan to allow this where feasible. DOT also requested the Plan be revised to allow methods other than skimmers to control pond outlets, such as standpipes and submerged pipes. GCLWMO made the requested modifications to the Plan.

12. **Board Review**

Board staff noted a very large tabulation of policies, many of which were vague and contained passive verbs such as "encourage, support, promote, or recommend," and requested revisions to the policy statements in order to be more outcome based and clear enough to be able to measure the District's success in reaching them. Board staff stated the plan needed to be clear and concise as to what the WMO is actually going to do, clearly showing what the expenditure of tax dollars is accomplishing. This resulted in significant changes to Plan by GCLWMO, adding specificity and clarity in several areas.

Concerning the several needed studies and implementation items identified in the Plan, Board staff noted that the vast majority of them are dependent on outside grants. Board staff commented that the WMO has the ability and authority to fund implementation items and require actions necessary to protect and improve the watershed's resources, and the WMO is expected to do a few of these meaningful priority actions, leaving the lower priority actions for funding through grants. GCLWMO revised the implementation section to better identify which items the WMO is committing to do verses those they would like to do, however, the majority of the plan action items is still dependent on outside grants.

Board staff noted that the Plan defers the development of policies and standards to the Cities, stating that it is acceptable for the WMO to defer permitting and implementation to the cities, but that the WMO must set the minimum standards. GCLWMO responded by establishing some minimum standards and stating that they will assess member community requirements annually. Board staff recognized the obstacle of limited funding that the GCLWMO faces, but noted that the WMO Board has the ability and

authority to set its annual budget and it is expected to use that authority to the extent necessary to implement its Plan and meet Statutory and Rule requirements. GCLWMO responded that the WMO would investigate additional funding alternatives.

Board staff questioned the WMO's approach to impaired waters, to which they replied that GCLWMO would consider assisting in addressing TMDL issues within the watershed if requested by a member community.

13. **Plan Summary and Highlights**

In developing this Plan, the GCLWMO focused on implementing "added value" watershed management activities, particularly given the significance of the City of Eagan to the watershed, in area, funding, and program implementation. The Plan identifies small projects that utilize available resources or grants, activities by managers, partnerships with other agencies, promulgation of standards, and oversight of cities' activities as activities the WMO can be successful at.

Highlights of the Plan include:

- New development activities require infiltration of the first one-half inch of stormwater runoff from any rainfall event, with exceptions where technically unfeasible.

- The GCLWMO will establish a member community oversight and annual reporting requirement to the WMO through integrating the WMO into the NPDES MS4 review and approval process.

- The GCLWMO requires member communities to adopt an erosion and sediment control ordinance similar to the PCA's model ordinance.

- GCLWMO will participate with the Dakota SWCD to implement landscaping and "blue thumb" type workshops to provide water resource educational opportunities for residents within the WMO.

- The GCLWMO will review local plans to identify possible updates to ordinances and policies to address issues related to redevelopment.

- The GCLWMO will fund the Community Cost Share Program through the Dakota SWCD at $5,000 per year.

- The GCLWMO will explore opportunities to work with member communities to establish buffer strips along wetlands and waterbodies in City and public areas.

14. **Metro Water Planning Committee Meeting**

On September 5, 2007, the Board's Metro Water Planning Committee and staff met with representatives from the GCLWMO in St. Paul to review and discuss the Plan. Those in attendance from the Board's Committee were Robert Burandt, Louise Smallidge, LuAnn Toliver, and Paul Egger. Board staff in attendance were Metro Region Supervisor Steve Woods, Board Conservationist Les Lemm, and Board Conservationist Brad Wozney. Representing the GCLWMO were Phil Belfiori and Todd Hubmer from WSB. Board staff recommended approval of the Plan. After discussion, the subcommittee unanimously voted to recommend approval of the Gun Club Lake Watershed Management Organization 2007 - 2017 Watershed Management Plan to the full Board.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the Gun Club Lake Watershed Management Organization pursuant to Minnesota Statutes Sections 103B.231, Subd. 9.

3. The Gun Club Lake Watershed Management Organization Watershed Management Plan attached to this Order defines water and water-related problems within the GCLWMO boundaries, possible solutions thereto, and an implementation program.

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

ORDER

The Board hereby approves the attached Plan dated August 2007 as the Watershed Management Plan for the Gun Club Lake Watershed Management Organization.

Dated at Saint Paul, Minnesota this 26th day of September 2007.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Executive Summary

Plan Context

In 1993, the Cottage Grove Ravine Watershed District was formed as the 42nd watershed district in Minnesota. The watershed district changed its name to the South Washington Watershed District (SWWD) in 1995. Completion and approval of the first SWWD Watershed Management Plan (WMP) occurred in September, 1997. The WMP was later amended in 2002.

The first WMP was heavily oriented towards inventorying and assessing the District resources. Currently the SWWD is well-positioned to take extensive watershed actions based upon the assessments and studies performed since 1997 under the first WMP. Because the SWWD places great emphasis on implementation, this WMP is prepared with the implementation portion of the plan near the front. The overall organization of this WMP is intended to be modular. The reader need not read a previous section in order to gain context for a subsequent section.

This WMP is structured to afford the District the highest degree of long-term flexibility. Flexibility is achieved by relying upon both existing and future supporting Guidance Documents (e.g., Wetland Management Plan) to help provide direction to the District and its constituents during resource management and implementation of projects and programs.

Plan Implementation

Underpinnings

Ten management areas have been defined through which the SWWD will work to execute the WMP. A single goal is associated with each management area (see Table ES.1). The District recognizes that often one issue can affect several management areas (e.g., stormwater infiltration practices). Numerous policies and specific action items support the identified goal for a management area.

The goals, policies, and actions establish a clearly linked framework to address the specific issues and problems outlined in the WMP. The issues and problems are characterized on a District-wide (regional) basis as well as on a subwatershed (local) basis. The issues reflect specific project-related elements as well as broader program and regulatory elements. Together the issues and policies / actions create a work plan for the District to implement.

*The terms SWWD and District are used interchangeably.

Table ES.1 –SWWD management areas and related goals.(from Section 5.2)

Management Area	*Goal*
Floodplain Management	Opportunistically manage floodplains for multiple non-development uses.
Stormwater Runoff Rate and Volume	Minimize existing and future potential damages to property, public safety, and water resources due to flood events
Water Quality	Maintain, or where practical improve, the water quality of wetlands and water bodies within the District.
Wetlands	Manage the quantity and quality of wetlands within the watershed for their best function in a rapidly urbanizing environment.
Natural Resources and Recreation	Participate in conservation or creation of key natural areas with respect to habitat, wildlife, or recreation.
Groundwater	Pursue a sustainable balance between surface water management, land use activities, and groundwater integrity.
Erosion and Sediment Control	Facilitate erosion control and reduce impacts to wetlands and water bodies from sedimentation.
Education	Heighten the awareness of key constituencies within the District, sufficiently to modify behavior to improve the recognition and implementation of District policies, programs and activities.
Long Range Work Planning and Financing	Utilize District funds to initiate or support long range work plan projects which reduce flooding or otherwise benefit key District resources.
Data Management	Collect and manage data in a manner which maximizes the availability to and use by constituents of the District.

The SWWD will utilize a long range work plan to identify, prioritize, and prepare for District implementation activities. The long range work plan will generally guide District activities for the foreseeable future. The District will annually develop a condensed list from the long range work plan which will constitute targeted efforts for the coming year. The condensed list represents the annual work plan for the SWWD.

The annual work plan is intended to be a fluid document which may change from year-to-year according to the District's achievements, new opportunities or emerging issues. An annual progress evaluation tool provides feedback necessary to revise and adjust the work plan each year. The tool is an essential component of this WMP to provide an evaluation mechanism regarding the success of plan implementation.

Administration

The SWWD's implementation activities focus on three overarching resource issues: water quantity, water quality, and natural resources. Further, implementation activities can be categorized into three general types:

1) Studies / Evaluations / Assessments – Monitoring or modeling programs intended to develop a sound scientific basis for decision-making.

2) Technical framework development – Establishing consistency with respect to managing District resources by creating a uniform set of design standards, performance specifications and technical methods.

3) On-the-ground watershed improvements – Projects to complete recommended actions or designated initiatives, including structural / infrastructure elements as well as non-structural elements.

Projects and programs for implementation form a Long Range Work Plan for the District. The implementation activities are organized under the management areas shown in Table ES.1 and represent the priorities established by the Board of Managers.

Plan Standards and Guidance

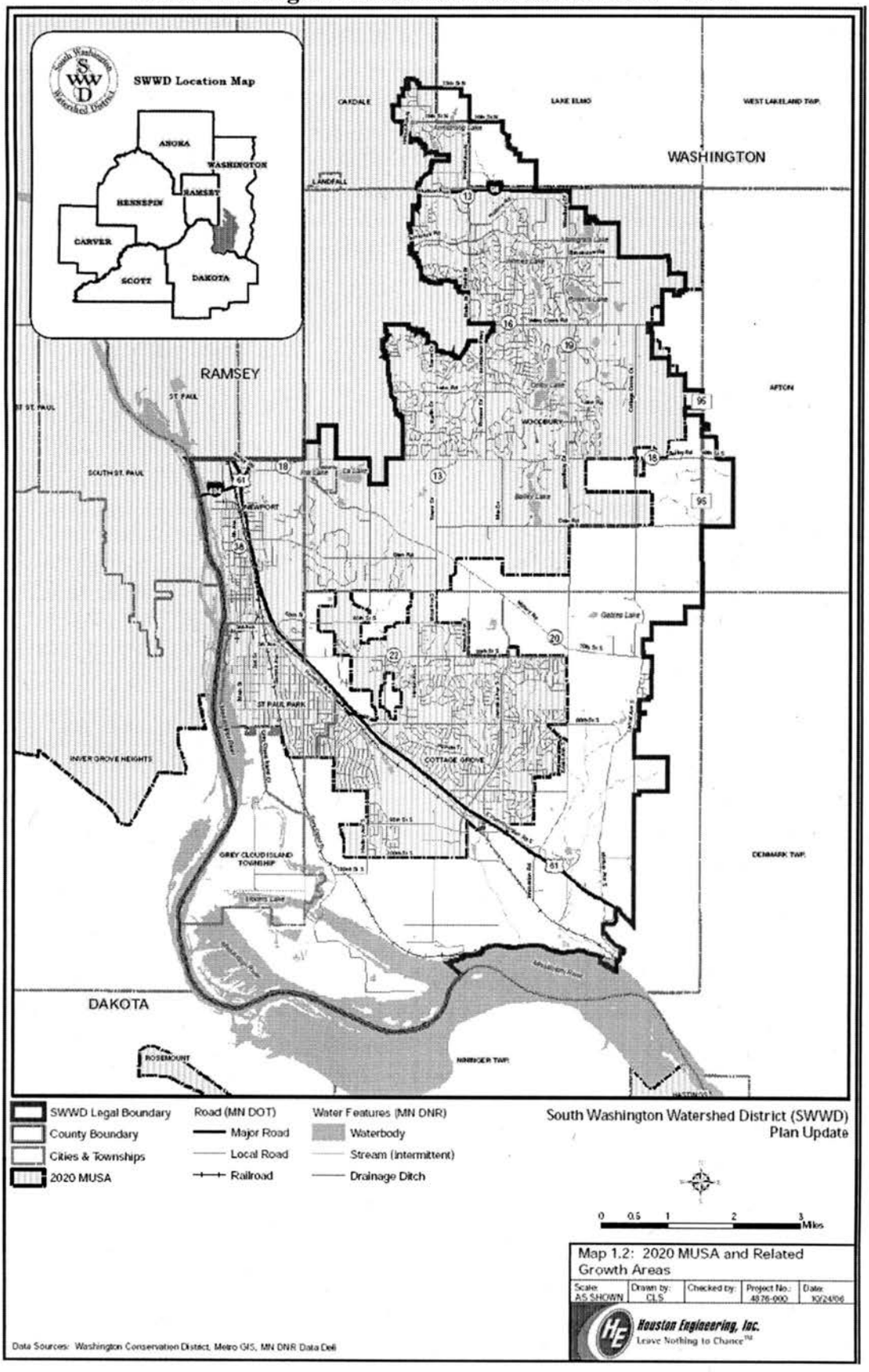
District standards in the WMP incorporate the key findings and outcomes of critical studies and plans. Analysis of resource data collected within the District serves as a foundation for standards where there is no existing Guidance Document (e.g, lake management plan). The standards and guidance structured in this WMP are intended to address site-specific issues as well as broader watershed-wide issues.

Eight general areas have been established for which standards are identified, including:

- Wetland Classification and Management;
- Receiving Water Classification and Management;
- Requirements for Land Disturbance and Land Development;
- Critical Storage Areas;
- Regional Assessment Locations;
- Utilization of Infiltration;
- Open Channel Stability; and
- Bluff Buffers.

The resource monitoring and data collection underway since the mid-1990's provides a management context for the condition of a resource. The data analysis included in this WMP also offers valuable insight to member cities who are characterizing local resource conditions through modeling. Cities can choose to either use the information herein directly as model inputs or as reference checks to model outputs. In this manner, guidance for meeting regulatory programs is supplied in the WMP.

Minnesota Board of Water and Soil Resources
September 2007 Board Meeting
South Washington Watershed District Plan 2007 – 2017



Fiscal Context and Implementation

The table below provides fiscal context over the last several years of available data. SWWD expenditures have been similar to or greater than other comparable metropolitan Watershed Districts over that time period. The Long Range Work Plan included in the SWWD Plan provides a list of expected actions and their associated costs, but the Plan does not include annual budget estimations. This is due to the structure of the Plan, which allows the Board of Managers flexibility in revising and adjusting the annual work plan which allows the District to establish an operating budget range for the short term, while maintaining connection to the overall long term actions targeted by the District.

The SWWD intends to fund the majority of the District projects, programs, and operations through a combination of watershed-wide ad valorem taxes, sub-watershed ad valorem taxing districts, agreements with member communities, and collection of a stormwater utility fee. The funding mechanism (or combination of mechanisms) used by SWWD will vary depending on the type and nature of the project or activity.

Watershed District	Taxes Payable 2004 (TMV)	Area (sq mi)	Expenditures				
			2001	2002	2003	2004	2005
Browns Creek	1,118,882,500	28	1,035,814	536,531	403,906	320,385	503,935
Capitol Region	12,180,656,400	37	397,354	386,503	577,504	1,327,715	924,848
Carnelian-Marine	517,571,600	43	404,561	447,838	491,103	420,888	
Comfort Lake Forest Lake	1,289,010,500	49	77,716	301,143	206,157	287,058	243,511
Coon Creek	6,763,641,200	96	467,285	601,544	660,523	640,591	498,240
Lower Minnesota River	5,748,966,600	64	427,058	292,621	204,346	318,216	456,166
Minnehaha Creek	28,338,875,675	184	6,086,030	5,270,636	3,343,963	2,436,635	3,212,548
Nine Mile Creek	13,293,860,700	50	1,021,981	950,905	1,015,845	1,484,029	2,413,557
Prior Lake-Spring Lake	1,882,034,700	42	410,171	610,534	732,799	655,410	756,044
Ramsey-Washington Metro	9,197,769,100	53	3,048,986	3,329,310	3,370,862	2,350,399	1,945,645
Rice Creek	13,893,021,700	201	1,319,055	1,692,567	2,589,521	3,041,834	2,810,074
Riley-Purgatory-Bluff Creek	9,434,538,700	47	480,471	772,593	2,366,737	2,245,286	1,819,722
South Washington	6,070,592,700	53	2,356,478	2,323,327	5,771,911	1,921,135	1,252,877
Valley Branch	2,681,731,600	64	443,537	526,532	730,992	772,065	211,104

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 **South Washington Watershed District** pursuant to Minnesota Statues Section 103B.231, Subdivision 9

ORDER APPROVING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the South Washington Watershed District (SWWD) submitted a Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. Section 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

1. SWWD Establishment

Pursuant to Minnesota's 1982 Surface Water Management Act, the Cottage Grove Ravine Watershed Management Organization (WMO) was formed in 1984 to manage the resources of the watershed. The WMO was based on a joint powers agreement among the five cities in the watershed. A draft watershed management plan for the WMO was completed in April 1988. However, this plan was never approved or adopted by the WMO. The WMO was later disbanded, and, in 1993, the Cottage Grove Ravine Watershed District was formed as the 42nd watershed district in Minnesota. The watershed district changed its name to the South Washington Watershed District (SWWD) in 1995 to prevent confusion with the City of Cottage Grove. Completion and approval of the first SWWD Watershed Management Plan was completed in September, 1997 and later amended in 2002.

In April 2003, the SWWD petitioned the Minnesota Board of Water and Soil Resources (Board) to enlarge the boundary and include the East Mississippi WMO. The East Mississippi WMO included all or portions of Grey Cloud Island Township, Cottage Grove, Woodbury, St. Paul Park and Newport. The enlargement was completed as part of recommendations from the Washington County Water Governance Study of 1999. The enlargement petition was approved by the Board on May 28, 2003.

2. Requirement to Plan

The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

3. Watershed Description

The SWWD is located entirely in Washington County and contains portions of eight cities and townships: Afton, Cottage Grove, Grey Cloud Island Township, Lake Elmo, Newport, Oakdale, St. Paul Park and Woodbury. The SWWD is bound by the Mississippi River to the south and west, the Ramsey-Washington Metro Watershed District to the northwest, the Valley Branch Watershed District to the northeast, and the Lower St. Croix WMO to the east.

The drainage pattern is generally from north to south. Strong changes in elevation are evident across the watershed, ranging from a high of roughly 1,100 feet above mean sea level in Oakdale to 687 feet, which is the normal pool elevation of the Mississippi River. Three major surface drainageways exist in the watershed. A central drainageway begins in Oakdale and Lake Elmo near the headwaters of the district and continues south approximately 7 miles to Bailey Lake at Dale Road. The easterly drainageway is a intermittent stream ravine which runs north to south with some minor landlocked basins and two DNR protected waters within the ravine. The westerly drainageway runs northwest to southeast, starting in the southwestern corner of Woodbury and outlets into the Mississippi River just east of the terminus of 110th Street South in Cottage Grove.

The legal boundary of the SWWD is roughly 44,880 acres. The current delineated hydrologic boundary of the SWWD covers 34,000 acres, or roughly 53 square miles (not including the East Mississippi subwatershed area where hydrologic boundaries are not yet formally compiled). The boundary (both hydrologic and legal) of the SWWD overlaps two watersheds defined by the United States Geological Survey (the Mississippi River - Twin Cities and St. Croix River). This is notable because it illustrates the degree to which the natural drainage system has been altered in the SWWD.

The existing land use within the SWWD includes a substantial amount of agricultural land in production. However, the rapid rate of development and growth within the cities of Woodbury and Cottage Grove makes any "existing" land use outdated almost immediately. Future development is anticipated throughout the watershed.

4. Plan Development and Review

In assembling its second generation Watershed Management Plan (Plan), the SWWD solicited early input and involvement from review agencies, citizens, and other stakeholders. The SWWD met with Board and Met Council staff prior the start of the planning process to review the District's approach and to hear the agencies' up front expectations. Both a Technical Advisory Committee and a Citizens Advisory Committee were formed and met several times to guide the development and content of the Plan.

The draft Plan was submitted to BWSR, other state agencies, and local governments for the required 60-day review on July 10, 2006. A public hearing was held on October 12, 2006. On February 21, 2007 the revised draft plan was sent to the review agencies for the 45-day review period. Subsequent to the 45-day review, the SWWD met with Board and Pollution Control Agency (PCA) staff to discuss PCA concerns with the Plan and to provide additional clarification. The meeting resulted in additional changes to the Plan prior to final submittal. The final draft Plan was submitted to BWSR on July 3, 2007.

All information regarding the Plan update process, TAC and CAC schedules, comments received, responses to comments, revisions, and relevant correspondence were placed on the SWWD website to aid in communication and accessibility for citizens, reviewers, and other stakeholders.

5. **Local Review and Summary of Significant Comments**

The SWWD circulated a copy of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7.

Washington Conservation District: The WCD commended SWWD for conducting a comprehensive advisory committee process as part of the watershed plan update. WCD commented that SWWD's approach to achieving pollutant load reductions will result in effective management of runoff volumes. WCD encouraged the use of cost-share and other BMP incentive programs to help achieve Plan policies.

WCD recommended emphasizing volume control and on-site retention, including techniques such as biofiltration and vegetative systems, in addition to infiltration, and development of a guidance document that shows rainfall-event-based volume control requirements to aid local units of government. SWWD agreed and indicated that a Standards Manual is currently being developed to provide guidance and illustrate the application of BMPs, including those recommended by WCD.

WCD recommended SWWD consider developing a compliance motivation and enforcement program to incent greater compliance with NPDES regulations. The SWWD responded that the state (as administrator of the NPDES Permit) or the cities (as local units implementing controls on development) are best suited for developing a compliance motivation and enforcement program, but that the SWWD would consider further action in the future if warranted. WCD also indicated that the modeling and standards included in the Plan will be invaluable for the completion of TMDLs within the SWWD.

Washington County: The County submitted several comments regarding groundwater protection, requesting SWWD consider groundwater protection during a rule development process, revising parts of the text to emphasize the importance of groundwater protection and the active role that SWWD plays, and including additional language to encourage local government units to include groundwater protection efforts in the local water management plans and to develop land use regulations to protect groundwater resources. The SWWD responded that they would consider groundwater

protection during rule development, made requested revisions to the text, and pointed out the Plan's specific requirement for local government water management plans to include a groundwater protection component consistent with Washington County's Groundwater Management Plan.

City of Cottage Grove: Regarding the lift station from Clear Channel Pond to Hamlet Park Pond, the City requested the section be revised to include the need to utilize the existing overland flow route during major events, and for SWWD to take the lead in working with the affected parties. SWWD made the requested revision and acknowledged a leadership role for the issue.

The City expressed concerns over the increase from a 6.0 to a 6.3 inch design storm event and questioned the reasoning and need for the change. SWWD replied that the 6.3-inch design storm event was developed by rigorous statistical analysis and is necessary for modeling to be based on up to-date information and scientifically accurate assumptions. SWWD also clarified that this change would not require the redesign and retrofit of existing infrastructure that was designed to accommodate a 6.0 inch 100-year event.

The City is requested that the SWWD wetland protection standards incorporate some flexibility in inflow phosphorus load, the inflow discharge rate, and inundation period requirements for wetlands located within critical stormwater conveyance corridors, particularly those that the City plan to connect to an existing industrial park drainage pattern. SWWD modified the plan to indicate that wetlands which can be shown in pre-existing planning documents as integral to successful conveyance and stormwater management can receive a variance from watershed standards, but also made it clear that member cities are still accountable for proper permits and approvals at higher levels (e.g. State). SWWD also noted that, while the City's proposed connection of a significant number of acres of drainage to the indicated wetlands may be consistent with the natural drainage pattern, the planned land use is inconsistent with natural regimes and has the potential for impacting downstream resources, and the required nondegradation analysis will also provide insight as to runoff volume control requirements in such circumstances.

The City expressed opposition to the requirement to maintain pre-development phosphorous loads for Protect category wetlands, the wetland buffer widths required by the Plan, and the increase in minimum freeboard requirements from two feet to three. SWWD acknowledged the City's concerns, clarified the requirements and intent, and agreed to review certain requirements and consider allowing some flexibility if justified. The City also requested clarification regarding several other Plan stormwater requirements, to which the SWWD provided additional information.

City of Woodbury: The City commented that the plan was too "numbers" oriented and too complicated to reasonably expect it to be properly implemented, and suggested a more simplified and uniform approach to doing calculations and establishing regulations. SWWD responded that the calculations are consistent with normal engineering and scientific practice, and that implementation of the standards and the calculation methods and procedures will be aided by a developer's packet, a component of a Standards Manual SWWD is currently developing to complement the Plan. SWWD also simplified

the nutrient lake load allocations to represent an overall watershed unit total phosphorus load which must be met in order to achieve the desired lake quality.

The City did not feel the SWWD draft Plan adequately described conflicts with existing plans of local government units and suggested a matrix be developed which would clearly identify discrepancies between the watershed district plan and the cities' current plans. SWWD responded that they would include a matrix in the plan to the extent that the Cities provide copies of their respective plans as previously requested.

SWWD is adopting wetland standards which are different and more restrictive than the Wetland Conservation Act (WCA). The City questioned under what authority SWWD is able to adopt different standards given the fact the District does not want to act as the LGU for administration of WCA. SWWD responded that the authority is provided to the Watershed District under Minnesota Statute 103B, 103D and Rule 8410 to establish standards for wetland management and protection.

The City believes the SWWD should establish its own permit program in order to provide improved consistency watershed wide. The SWWD acknowledged the City's desire for a District operated permit program, but advised that complying with the content of the Plan or the rules of the SWWD is required regardless of whether the District implements a permit program and that consistency can be achieved by complying with Plan requirements. The issue of the need for a permit program is currently under consideration by the SWWD Board of Managers.

The City requested that the Long Range Work Plan include a breakdown between Capital Improvement Projects (CIP) and studies in order to allow the cities to easily identify projects that need to be budgeted for. SWWD added information regarding which projects would require City expenditures and noted that since project costs are typically identified through the feasibility phases of the project, budget requests for both the SWWD and any participating municipality would be on the same time line. SWWD also explained their intent to use the Work Plan to develop an annual CIP review with each city to further determine potential coordination efforts and project enhancement possibilities.

The City requested SWWD consider an additional Plan item which would allow the SWWD to assist the City in a study of karst bedrock in eastern Woodbury. SWWD agreed to incorporate a policy / action item to provide the ability to assist in studying and understanding karst features in the watershed.

The City was concerned about the approach of the Plan to vary requirements for stormwater quality runoff based on the classification of the receiving water since neighboring developments that sit on opposite sides of a sub watershed divide could end up with different treatment standards. The City felt this would be cumbersome to administer and politically difficult to justify, and stated their preference for a single set of standards, strict enough to protect water quality in the high quality receiving waters, which would apply district-wide. SWWD responded the approach advocated and used by SWWD during development of the Plan recognizes that the quality of the resources (e.g., lakes, rivers, wetlands, natural areas) within the District varies geographically. Some

resources are already degraded, while others remain worthy of more intensive management. The Plan identifies "high quality resources" (e.g., Powers Lake and La Lake) with perceived greater societal value, as well as resources of "lesser quality" (e.g., Markgrafs Lake) whose best use may be for a purpose (e.g., enjoying wildlife viewing) which allows for a lesser level of protection. SWWD believes the approach used within the Plan is in fact based on sound science and is also fiscally responsible as it embodies the same approach that numerous communities have embraced for protecting wetlands of differing qualities (functions and values), and is similar to other environmental regulations such as shoreland regulations.

The City had numerous other comments and questions regarding storwater requirements, wetlands, Plan data and maps, and administration that were addressed by SWWD.

Valley Branch Watershed District: The District provided several comments and recommendations regarding the SWWD legal and hydrologic boundaries. SWWD added language and an additional map to the Plan.

6. **Metropolitan Council Review**

The Council commented that, relating to stormwater volume control, redevelopment areas should have the same level of control as new development areas, and that the option should be further explored on a case-by-case basis as opportunities occur. SWWD responded that they have intentionally developed a volume control requirement for new development which provides a "level of control" believed achievable based on the location within the District, but the District does not presently feel this same volume control standard should be applied to redevelopment until the ability to implement such a standard is clear. SWWD also believes some volume control will result from application of the allowable nutrient load standard to redevelopment.

7. **Department of Agriculture Review**

MDA did not provide comments on the SWWD Plan.

8. **Department of Health Review**

MDH did not provide comments on the SWWD Plan.

9. **Department of Natural Resources Review**

The DNR recommended that the SWWD include barriers to fish movement as part of projects that connect lakes and wetlands to flood storage and runoff systems, and suggested the District consider retrofitting existing systems, specifically between Markgrafs and Wilmes Lakes and on the Wilmes Lake outlet. Generally, the SWWD believes its role to be predominantly for study / analysis while the member cities provide for local implementation, but agreed to evaluate the topic of fish barriers during preparation of a lake management plan by the District.

The DNR recommended the Plan address karst topography in greater detail due to the development of sinkholes in the Woodbury, particularly regarding the location of proposed stormwater ponds due to the potential of rapid infiltration and the migration of pollutants into deeper aquifers. The DNR specifically recommended evaluating more stringent requirements in areas where there is less than 50 feet of soil material to bedrock. SWWD agreed to incorporate a policy / action item to provide the ability to assist in studying and understanding karst features in the watershed.

The DNR recommended working with local governments to provide boat accesses, fishing piers, and lake recreation opportunities on lakes within the District. SWWD responded that land use control around lakes, and thus lake access and recreation, is the responsibility of the municipalities and not a specific role of the District.

The DNR expressed its support for SWWD's efforts to manage runoff volume as well as runoff rate, and provided additional supporting information for SWWD's use and incorporation into the Plan.

10. **Pollution Control Agency Review**

The PCA expressed concern over the wetland management requirements of the Plan, stating that the values of the District should not be less protective/restrictive than the protections afforded by State and Federal protections and requesting that the Plan clearly convey this and add additional language. SWWD did not feel it necessary to repeat all applicable requirements currently in MN Rules and advised that District does have authority to establish local resource protection goals, including those specific to water quality. The PCA also requested clarification regarding the preservation of wetlands that provide important peak flow reductions, the process for determining wetland management classifications, and that the wetland management standards would meet state and federal requirements for protection. The PCA also expressed concern over a statement in the Plan describing "hydraulic flushing" and outletting of landlocked basins. SWWD responded that the statement was intended to illustrate that basins with no outlet can generally be more susceptible / vulnerable to small / low pollutant loadings than other receiving waters, thus it is especially important to address watershed solutions for such basins. SWWD also clarified that these basins are typically dry basins, not wetlands.

For the 45-day review, PCA expressed opposition to the proposed process for utilizing Guidance Documents and rules as proposed by SWWD. PCA also reiterated comments regarding landlocked basins, stormwater infiltration in the northern subwatershed, and wetland management standards. Subsequent to the 45-day review period, SWWD staff met with BWSR and PCA staff to further respond to and address the concerns of PCA. The meeting resulted in additional language being added to the Plan and additional clarifications.

11. **Department of Transportation Review**

DOT requested notification of when SWWD will be developing guidance documents, lake management plans, or rules that may result in changes to the stormwater treatment requirements and nutrient loading allocations affecting DOT. SWWD agreed.

DOT noted that the level of stormwater quality runoff and nutrient loads for new development and redevelopment are based on the classification of the receiving water and allowable phosphorus loads, and requested clarification as to where this information is located, if it is the same as the PCA's TMDL's, and how is it decided who contributes what load and what their allowable load is? SWWD explained that allowable phosphorus loads are stated in a table in the Plan as total pounds per year, and expressed as a unit load over the watershed area. The loads set by the District are not equivalent to a PCA approved load allocation established through a TMDL, however, the general techniques used to establish the allowable loads are technically based, and established through modeling to achieve a desired trophic state. SWWD also responded that the nutrient lake load allocations have been simplified to reduce confusion.

Regarding the intermittent stream (ravine) which flows through Cottage Grove Ravine Park, DOT commented that the ravine has exposed soils and lacks vegetative cover. DOT is the downstream recipient of this sediment and nutrient loaded water and feel the problem is not minor and should be addressed in the Plan. SWWD responded that the District's plan to implement an overflow for the Northern subwatershed through this ravine will begin the effort to define protection measures for the ravine.

DOT requested the addition of an action item to address maintenance of private (non-public) stormwater systems. SWWD replied that the District requires operation and maintenance plans as part of the site-specific review and comments for development projects which address this issue.

DOT cited the applicability of buffer standards when a delineated wetland is 100 feet or less from the proposed project limits, commenting that DOT cannot place buffer strips on right-of-way that it doesn't own. DOT requested the terms "project" and "project limits" be defined, as DOT has small projects like sign replacements and guardrail replacements which shouldn't require buffers for wetlands. SWWD agreed and amended the Plan to more clearly articulate the scope of terms like "project" and "project-limits."

DOT questioned why the 60% post-development phosphorous load reduction requirement for Manage 2 wetlands is the same as Manage 1 wetlands. SWWD responded that Manage 2 wetlands are to receive the same amount of stormwater treatment as Manage 1 wetlands in order to benefit and protect the water quality of resources downstream of a given wetland, and that it other regulations (such as the NPDES Phase II General Construction Permit) would likely require approximately that same level of treatment even if the District standard were less stringent. DOT also questioned the justification and basis for the wetland protection standards, indicating that, due to limited right-of-way, DOT may not always be able to meet the buffer width requirements listed. SWWD responded that the justification and basis of the standards is articulated in the District's draft Comprehensive Wetland Management Plan, and that the

buffer requirement will be updated for clarity regarding public improvement projects and linear projects.

DOT commented that the requirement for new developments are to maintain the annual average predevelopment infiltration capacity of the site, apparently 100% volume control, could be difficult to meet with limited right-of-way. SWWD responded that the requirement is to ensure that the post-project annual volume of runoff doesn't exceed the pre-project annual volume of runoff. SWWD also clarified that the intent is to control that portion of additional runoff volume that was caused by the project, not 100% volume control which is often construed to mean that there is zero volume discharged from a project area, regardless of how much volume previously discharged.

DOT requested a definition of the term "nondegradation," which is used in several areas in the Plan. SWWD resonded that, in all instances, the use of the term "nondegradation" refers to the MPCA's NPDES Phase II MS4 Permit and associated requirements for select MS4 entities.

12. **Board Review**

Board staff expressed support for SWWD's intent to use the annual review and guidance document development process to guide the District's activities which should make Plan update and review more streamlined, but indicated that it does not substitute for the plan period and public review requirements of MN Statute 103B and Rule 8410. SWWD responded by including a specific Plan expiration date and year as requested. Since the annual review and guidance document development process will directly guide the District's activities and likely provide much of the basis for the next plan update, Board staff also recommend involving the CAC in the process and allowing review agencies an opportunity for input. Additionally, Board staff advised that, if a guidance document results in a significant change of direction from the Plan, a major plan amendment will be required. SWWD acknowledged that guidance documents resulting in significant departures from the course of the Plan will require a major plan amendment, and cited the Stakeholder Involvement Plan developed by the District which intends for the CAC to continue to periodically meet beyond the completion of the Plan and for involvement of review agencies where appropriate. SWWD anticipates using its website as a vehicle to inform and disseminate information.

Concerning the Comprehensive Wetland Management Plan (CWMP) which is not yet State approved but cited as the basis for SWWD's wetland standards, Board staff commented that State approval can occur through the process outlined in WCA, or as part of the Plan. Board staff recommend including all pertinent wetland requirements in the Plan, including detail currently lacking, and including the CWMP as an appendix. SWWD agreed to include the necessary wetland requirements in the plan, which will then translate into a rule for wetland standards.

Board staff commented that the Plan needed to contain an assessment of the impacts of its requirements on local governments and specifically recommended a table describing the status of local controls with respect to that required by the Plan, clearly indicating which communities are required to update applicable local ordinances and when, and an explanation of what would happen if a member community failed to comply with Plan requirements.

SWWD concurred and incorporated such a matrix in the Plan to the extent copies of local plans were provided. The narrative of the Regulatory Controls and Enforcement section of the Plan was also revised to ensure that outcomes resulting from member cities refusing to implement Plan requirements were clearly articulated in more certain terms.

BWSR staff also recommended the Plan contain a tabulation of program costs by year that clearly indicates any costs to be incurred by member communities, suggesting a table summarizing the annual budget estimations in the Long Range Work Plan. SWWD replied that the Long Range Work Plan sets forth a menu of programs and projects that will be used as a strategic tool to implement the components of the Plan, and the funding allocated to these programs and projects can change each year based on SWWD priorities and available funds. Accordingly, each year the District will update its annual budget for programs and projects. However, a method to characterize the potential cost impacts to member communities to will be developed by SWWD to aid in this regard.

Board staff recommend that the Plan include additional specificity about the implementation actions for Wilmes Lake. Specifically, the Plan should create a link between the concerns identified in the Assessment of Issues (Chapter 3) and the Long Range Work Plan in Chapter 2. The SWWD responded by adding an action item to the Long Range Work Plan to more specifically address the Wilmes Lake issue.

13. **Plan Summary and Highlights**

The SWWD Mission Statement is: "To manage water and related resources of the South Washington Watershed District in cooperation with our citizens and communities."

The Plan identifies Goals, Policies, and specific Actions to address the following issues and problems identified through the planning process: floodplain management, stormwater runoff rate and volume, water quality, wetlands, natural resources and recreation, groundwater, erosion and sediment control, education, long range work planning and financing, and data management.

Eight general areas have been established for which standards are identified, including:

- Wetland Classification and Management;
- Receiving Water Classification and Management;
- Requirements for Land Disturbance and Land Development;
- Critical Storage Areas;
- Regional Assessment Locations;
- Utilization of Infiltration;
- Open Channel Stability; and
- Bluff Buffers.

<u>Highlights of the Plan include</u>:

- The SWWD has developed an evaluation tool, which provides a framework and criteria for the managers to evaluate their level of success in attaining the goals for

each management category. The SWWD will measure success on an annual basis in order to provide feedback as to what adjustments the District may need to consider for improvement.

- The Plan includes variable requirements for stormwater quality runoff based on the classification of the receiving water. Allowable nutrient loads and the necessary load reductions are tailored for classified lakes in the SWWD. The allowable loads correspond to maintaining or achieving a specific desired trophic state for the lake. The purpose of the requirement is to reduce post-project phosphorous levels to meet the allowable load requirement set by the District for each receiving water.

- The SWWD will develop a Standards Manual and Developer's Packet to provide project proposers up-front information and to aid member communities in the implementation of Plan requirements.

- The SWWD intends to maintain a flexible approach to long range work planning. The District's Long Range Work Plan will be periodically reviewed and adjusted as new information, circumstances or resources arise.

- The SWWD intends to develop and utilize Guidance Documents based on the products and outcomes of the work efforts outlined in the Plan. The Guidance Documents are anticipated to provide long-term assistance towards addressing an issue. Guidance Documents must be formally accepted by the SWWD Board and will be made available on the District's website.

- If a Guidance Document or addition to the Long Range Work Plan results in a significant departure from the direction or intent of the Plan, the SWWD has clearly outlined the circumstances for when a Minor Plan Amendment can be used versus a Major Amendment.

14. **Metro Water Planning Committee Meeting**

On September 5, 2007, the Board's Metro Water Planning Committee and staff met with representatives from the SWWD in St. Paul to review and discuss the Plan. Those in attendance from the Board's Committee were Robert Burandt, Louise Smallidge, LuAnn Toliver, and Paul Egger. Board staff in attendance were Metro Region Supervisor Steve Woods, Board Conservationist Les Lemm, and Board Conservationist Brad Wozney. Representatives from the SWWD were Administrator Matt Moore, District Consultant Wesley Saunders-Pearce, and Manager Jack Lavold. Board staff recommended approval of the Plan. After discussion, the committee unanimously voted to recommend approval of the South Washington Watershed District 2007 - 2017 Watershed Management Plan to the full Board.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the South Washington Watershed District pursuant to Minnesota Statutes Sections 103B.231, Subd. 9.

3. The South Washington Watershed District Watershed Management Plan attached to this Order defines water and water-related problems within the SWWD boundaries, possible solutions thereto, and an implementation program.

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

ORDER

The Board hereby approves the attached Plan dated June 2007 as the Watershed Management Plan for the South Washington Watershed District.

Dated at Saint Paul, Minnesota this 26th day of September 2007.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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BY: Randy Kramer, Chair

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Crow Wing County Water Management Plan Extension – ***DECISION ITEM***

RESOLUTION

Commissioner Thiede offered the following resolution and moved its adoption:

WHEREAS, Crow Wing County has a Comprehensive Local Water Plan (CLWP) which was originally approved by the Minnesota Board of Water and Soil Resources (BWSR) and locally adopted in October 1989. The second generation plan was adopted in 1997 and the third generation plan was adopted in 2002. The effective end date of the third generation plan is October 23, 2007, and

WHEREAS, the 1995 amendments to the Comprehensive Local Water Management Act, M.S. 103B.301 gives the BWSR authority to grant extensions to counties for the purpose of extending the effective date of their water plans. These extensions must be submitted in writing and cannot exceed two years, and

WHEREAS, Crow Wing County is actively involved in the CLWP update at this time and has submitted the Priority Concerns Scoping Document to the BWSR for approval, and

WHEREAS, Clean Water Legacy, large lake assessments, and other watershed planning will continue for the next several months, and

WHEREAS, to continue as an active participant in these efforts and to benefit from the planning information Crow Wing County will not be able to complete its fourth generation CLWP by October 23, 2007.

THEREFORE BE IT RESOLVED, that the Crow Wing County Board of Commissioners request from BWSR a two-year extension (until October 31, 2009) of the Crow Wing County CLWP.

Which resolution being seconded by Commissioner Nystrom was duly adopted, all members voted "AYE".

DEWAYNE TAUTGES, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
CROW WING COUNTY, MINNESOTA

ATTEST:

DAVID HAMILTON, COUNTY ADMINISTRATOR
CROW WING COUNTY, MINNESOTA

Dated at Brainerd, Minnesota, this 28th day of August 2007.

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

In the Matter of Extending the Comprehensive Local Water Plan
For Crow Wing County (1995 Minnesota Session Law, Chapter 184,
Section 24, authorizing BWSR to grant extensions).

Whereas Crow Wing County has a state approved Comprehensive Local Water Plan that is effective until October 23, 2007, pursuant to Minnesota Statute 1990, Section 103B.301, and

Whereas, the Crow Wing County Board of Commissioners passed a resolution requesting an extension for the Comprehensive Local Water Plan to the Board of Water and Soil Resources (BWSR) on August 28, 2007, pursuant to Minnesota Session Law 1995, Chapter 184, and

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

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

FINDINGS OF FACT

1. On September 17, 2007 the Board of Water and Soil Resources received a resolution from Crow Wing County requesting a two-year extension of their Comprehensive Local Water Plan to October 23, 2009.

2. On September 17, 2007, Board of Water and Soil Resources staff reviewed and recommended approval of the extension request by Crow Wing County.

CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board of Water and Soil Resources has proper jurisdiction in the matter of extending the Comprehensive Local Water Plan of Crow Wing County pursuant to Minnesota Session Law 1995, Chapter 184, Section 24.

ORDER

The Board of Water and Soil Resources hereby approves the two-year extension of the Crow Wing County Comprehensive Water Plan until October 23, 2009. Dated at St. Paul, Minnesota, this 26th day of September, 2007.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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BY: Randy Kramer, Chair
September 26, 2007

RESOLUTION

Commissioner Thiede offered the following resolution and moved its adoption:

WHEREAS, Crow Wing County has a Comprehensive Local Water Plan (CLWP) which was originally approved by the Minnesota Board of Water and Soil Resources (BWSR) and locally adopted in October 1989. The second generation plan was adopted in 1997 and the third generation plan was adopted in 2002. The effective end date of the third generation plan is October 23, 2007, and

WHEREAS, the 1995 amendments to the Comprehensive Local Water Management Act, M.S. 103B.301 gives the BWSR authority to grant extensions to counties for the purpose of extending the effective date of their water plans. These extensions must be submitted in writing and cannot exceed two years, and

WHEREAS, Crow Wing County is actively involved in the CLWP update at this time and has submitted the Priority Concerns Scoping Document to the BWSR for approval, and

WHEREAS, Clean Water Legacy, large lake assessments, and other watershed planning will continue for the next several months, and

WHEREAS, to continue as an active participant in these efforts and to benefit from the planning information Crow Wing County will not be able to complete its fourth generation CLWP by October 23, 2007.

THEREFORE BE IT RESOLVED, that the Crow Wing County Board of Commissioners request from BWSR a two-year extension (until October 31, 2009) of the Crow Wing County CLWP.

Which resolution being seconded by Commissioner Nystrom was duly adopted, all members voted "AYE".

DEWAYNE TAUTGES, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
CROW WING COUNTY, MINNESOTA

ATTEST:

DAVID HAMILTON, COUNTY ADMINISTRATOR
CROW WING COUNTY, MINNESOTA

Dated at Brainerd, Minnesota, this 28th day of August 2007.

OLD BUSINESS

1. Minimum Requirements for Prescribed Grazing on Rock Outcrop Easements in Redwood and Renville Counties – ***DECISION ITEM***

September 14, 2007

TO: Board Members

FR: Tim Fredbo and Kevin Lines

RE: Old Business Action Item – Minimum Requirements for Prescribed Grazing on Rock Outcrop Easements in Redwood and Renville Counties

BACKGROUND

This issue was originally brought to the Board as an informational item at the June 27, 2007 Board meeting. Tom Kalahar with the Renville SWCD was present and discussed this item with the Board. Renville and Redwood SWCDs, with Mr. Kalahar as project manager, have received a $563,000 LCCMR grant to place RIM Reserve conservation easements on lands containing rock outcrops in along the Minnesota River corridor.

Some of these rock outcrop areas have landowners who are using these lands for grazing and would like to retain that ability after these lands are placed under easement. To that end, Renville and Redwood SWCDs, along with local DNR wildlife staff and input from BWSR staff, developed the 'Minimum Requirements for Prescribed Grazing' policy to be used when developing grazing plans with these rock outcrop landowners.

On 9-12-07 the RIM Committee of the Board met to consider this policy. As a result of that meeting the committee made a few slight changes to the policy and recommends it's approval as changed. I have shared these changes with Mr. Kalahar and he agrees with them. The attached policy shows the changes that were agreed on by the RIM committee. The removed language contains strike through and new language is in bold italics. Slight changes were made to items 6 and 8, and a new item 10 was added.

The RIM committee also requested that I include a copy of the RIM Conservation Easement for reference so you can see how this policy relates to the actual easement that would be signed and recorded. Item 6 in the easement deals with the grazing issue. I have also included a copy of the LCCMR Work Plan for this project for background.

RECOMMENDATION

The RIM Committee, along with BWSR staff, recommends approval of this Minimum Requirements for Prescribed Grazing as amended.

Minimum Requirements for Prescribed Grazing

To maintain the integrity of prairie/open land habitats enrolled in the rock outcrop easement program the following guidelines will be required of all sites where landowners retain the right to graze:

1) Grazing plans will be developed in accordance with the Prescribed Grazing (528) practice standard as contained in the Natural Resource Conservation Service (NRCS) Field Office Technical Guide.

2) Paddock systems will be developed such that one paddock or pasture is left un-grazed each year. Cattle should begin grazing in a different paddock or pasture each year and turn out time should vary.

3) Vegetation height will be retained with a minimum average stubble height of 4-8 inches at all times on grazed areas.

4) Grazing will only be allowed between April 1 to September 1.

5) Only spot spraying will be allowed for weed control.

6) ~~Portions of the easement that are woodland (excluding invasive trees such as cedar that will be removed)~~ ***Sensitive natural resource areas*** will not be allowed as pasture. Open oak savanna habitats will be eligible for grazing.

7) No hay will be fed in the easement area and cattle will not have access to hay while they are in the paddock. This provision will reduce instances of new exotic weeds entering the site.

8) Mineral stations, loading areas, and other high impact sites must be located ***or managed to preserve and protect*** ~~off~~ the easement area ~~on adjacent land~~.

9) All prescribed grazing plans that are developed will need to be signed by the landowner and approved by the SWCD, BWSR and the DNR Wildlife Specialist.

10) In situations where drought disasters have been declared the above requirements may be waved by the Board of Water and Soil Resources.

Trust Fund 2007 Work Program

Date of Report: 3-21-2007
Date of Next Status Report: Periodic work program progress reports will be submitted not later than December 31, 2007, June 30, 2008, December 31, 2008 and June 30, 2009. It may be necessary to submit progress reports December 31, 2009, June 30, 2010 and December 31, 2010 if easement processing and practice implementation must be completed after the official end of the grant period.
Date of Work program Approval:
Project Completion Date: June 30, 2009

I. PROJECT TITLE: Protection of Rare and Unique Rock Outcrop Wetlands

Project Manager: Thomas J. Kalahar
Affiliation: Renville SWCD
Mailing Address: 1008 W. Lincoln
City / State / Zip : Olivia MN 56277
Telephone Number: 320-523-1559
E-mail Address: kalahar@yahoo.com
FAX Number: 320-523-2389
Web Page address: n/a

Location: Redwood and Renville Counties, Minnesota

Total Trust Fund Project Budget:	**Trust Fund Appropriation:**	**$563,000**
	Minus Amount Spent:	**$ 0**
	Equal Balance:	**$563,000**

Legal Citation: ML 2007, [Chap.____], Sec.[____], Subd._____.

Appropriation Language: $563,000 is from the trust fund to the Board of Water and Soil Resources in cooperation with Renville and Redwood Soil and Water Conservation Districts for perpetual easements of unique wetland and riparian habitats associated with rock outcrops in the Minnesota River Valley.

II. PROJECT SUMMARY AND RESULTS: The Minnesota River Valley contains ancient bedrock outcrops with associated wetlands that provide unique habitats for specialized plant and animal communities rarely found elsewhere in Minnesota. These resources are threatened by mining and other development interests, as removal of the rock results in the severe degradation or permanent loss of the wetlands located among the rock complexes. Although the wetlands vary greatly in size and duration, some of the smallest and most temporary basins harbor the rarest and most specialized plants. Many of these wetlands may not be protected due to regulations under the Wetland Conservation Act. Rock outcrops are also a

component of the Minnesota River's riparian zone and destruction of this unique habitat will continue to degrade the water quality and aquatic habitat of the Minnesota River and its tributaries. Unlike other mining operations, there is no reclamation plan possible for replacing this very unique landscape feature once it is removed. The outcome of this project proposal will be to preserve and protect rock outcrops and their associated wetlands, plus improve water quality and aquatic habitat within the Minnesota River Valley. This will be done by enrolling 200 acres in Reinvest In Minnesota Easements.

III. PROGRESS SUMMARY AS OF *(date)*: 250 word limit.

IV. OUTLINE OF PROJECT RESULTS:

Result 1: Habitat Protection via Perpetual Easements:

Description: This project will protect 200 acres of rock outcrop complexes within riparian corridors and/or with associated wetlands. Compensation for easements to willing landowners will be secured using local cropland rates of the Reinvest In Minnesota easement program administered through the Minnesota Board of Soil and Water Resources (BWSR) and the Renville and Redwood Soil and Water Conservation Districts (SWCDs). Easement applications will be prioritized by a local work group comprised of technical experts from local, state and federal agencies. A total of twenty easements will be recorded. The goal of the local SWCD offices is to have applications taken for the entire 200 acres within the first year of the grant. Due to the sometimes lengthy easement process, this would ensure signed agreements with landowners before the end of the grant period.

Summary Budget Information for Result 1:	**Trust Fund Budget:**	**$530,000**
	Amount Spent:	**$ 0**
	Balance:	**$ 530,000**

Deliverable	**Completion Date**	**Budget**	**Status**
1. 20 easements Totaling 200 acres	**6-30-2008**	**$530,000**	

Completion Date: All funds encumbered with signed landowner conservation easement agreements by June 30, 2009.

Result Status as of 12-31-2007:

Result Status as of 6-30-2008:

Result Status as of 12-31/2008:

Result Status as of 6-30-2008:

Result Status as of 12-31-2008

Result Status as of 6-30-2009

Result Status as of 12-31-2009

Final Report Summary: 6-30-2010

**a final report summary may not be possible until after the grant period due to the lengthy process of recording easements. Even after a signed agreement is in place, there can be unforeseen legal issues that cause delays.

Result 2: Habitat Restoration:

Description: To provide appropriate habitat management practices including but not limited to invasive species management and livestock management facilities (e.g. fencing and watering sites) on the acres protected by easements. We will continue to seek additional funding from federal and private agencies to augment this budget item.

Summary Budget Information for Result 2: Trust Fund Budget: $33,000
Amount Spent: $ 0
Balance: $33,000

Deliverable	Completion Date	Budget	Status
1. Practice implementation	**6-30-2009**	**$33,000**	

Completion Date: Practice completion within six months after recorded conservation easement. This could be delayed due to weather and season of the year.

Result Status as of 12-31-2007

Result Status as of 6-30-2008

Result Status as of 12-31-2008

Result Status as of 6-30-2008

Result Status as of 12-31-2008

Result Status as of 6-30-2009

Result Status as of 12-31-2009

Result Status as of 6-30-2010

Final Report Summary: 12-31-2010

****Final Report Summary could be delayed if easement process is delayed and we experience additional delays for practice implementation due to season of year, weather conditions or contractor availability.**

V. TOTAL TRUST FUND PROJECT BUDGET:

Staff or Contract Services: $40,0000 (includes $7,000 for BWSR Staff to process easements & $33,000 for Renville & Redwood SWCD Staff to promote project, process applications and easements, design conservation practices and supervise construction of practices).
Equipment: $0
Development: $ 0
Restoration: $ 23,000 for 200 acres of practice implementation and $10,000 for staff time to the Renville & Redwood SWCD offices for staff time for technical assistance, conservation plan development, supervision of practice implementation.
Acquisition, including easements: $500,000 for 200 acres of RIM conservation easements with private landowners ($470,000 for 20 easements totalling 200 acres at an average of $2,350/acre and $30,000 for title insurance and attorney fees at $1,500/easement X 20 easements)

TOTAL TRUST FUND PROJECT BUDGET: $563,000

Explanation of Capital Expenditures Greater Than $3,500: n/a

VI. OTHER FUNDS & PARTNERS:

A. Project Partners: BWSR Easement Team Staff

B. Other Funds Proposed to be Spent during the Project Period:

Renville & Redwood Soil & Water Conservation District Offices will provide in-kind in the form of office space, phones, vehicles and any staff costs in excess of the grant. Estimated costs over and above the Staff Services budgeted in this grant are $200/easement X 20 easements for the above costs for a total of $4,000.

C. Past Spending: none

D. Time:

VII. DISSEMINATION: One-on-one personal contacts and mail contacts with landowners who have been identified through GIS coverages and public records as owning rock outcrops in the Minnesota River Valley in Redwood and Renville Counties.

VIII. REPORTING REQUIREMENTS:
Periodic work program progress reports will be submitted not later than December 31, 2007, June 30, 2008, December 31, 2008, June 30, 2009, December 31, 2009, June 30, 2010 and December 31, 2010. A final work program report and associated products will be submitted between June 30 and August 1, 2009 as requested by the LCCMR.

IX. RESEARCH PROJECTS: *N/A*

RIM Easement (6/07) EASEMENT # _____

PERPETUAL CONSERVATION EASEMENT
STATE OF MINNESOTA, BOARD OF WATER AND SOIL RESOURCES

This conservation easement, hereinafter referred to as "Easement", is made this _____ day of _____ 20____, between _____
hereinafter collectively referred to as "Grantors", and the State of Minnesota, by and through the Board of Water and Soil Resources, hereinafter referred to as the "State".

WITNESSETH

WHEREAS, the REINVEST IN MINNESOTA RESOURCES LAW (RIM) and the PERMANENT WETLAND PRESERVES LAW (PWP) Minn. Stat. Sec. 103F.501 et. seq., 84.95, 84C and the WETLAND CONSERVATION ACT of 1991, authorize the State to acquire conservation easements on eligible lands; AND

WHEREAS the State is authorized to establish conservation practices to protect soil and water quality and to enhance fish and wildlife habitat on conservation easements; AND

WHEREAS, the Grantors are the owners of eligible marginal lands, and/or drained or existing wetlands and/or cropland adjacent to these lands, and desire to convey such lands as a perpetual _____ conservation easement to the State of Minnesota.

NOW, THEREFORE, the Grantors, for themselves, their heirs, successors and assigns, in consideration of the sum of _____
_____ DOLLARS
($_____), do hereby grant, convey and warrant to the State, its successors and assigns, forever, a perpetual easement in accordance with the terms and conditions as hereafter set forth in Minn. Stat. Sec. 103F.501 et. seq. and all rules adopted thereto, over and upon the following described land situated in the County of _____ State of Minnesota, to-wit:

THE LEGAL DESCRIPTION IS ATTACHED HERETO AND INCORPORATED HEREIN.

The Easement covers only that portion of the parcel delineated as the "EASEMENT AREA" identified on Exhibit "A", which is attached hereto and incorporated herein. The easement area consists of a total of _____ acres, of which _____ acres are not monetarily compensated by the State but are subject to the terms of the Easement. The easement area is subject to all prior easements, roadways, and mineral rights of record.

No rights are granted to the general public for access to or entry upon the lands described herein.

FURTHER, the Grantors represent and warrant that there are no hazardous substances pollutants or contaminants in or on the easement area, and that the Grantors, their heirs, successors or assigns shall not place any toxic or hazardous substances, pollutants or contaminants in or on the easement area.

FURTHER, the Grantors, their heirs, successors and assigns warrant the perpetual right to access and an ingress and egress route to the easement area from a public road to allow authorized agents of the State to enter upon the easement area for the purpose of inspection and enforcement of this Easement. Access route can utilize existing driveways, field roads, etc.

FURTHER, the Grantors, for themselves, their heirs, successors and assigns warrant that they:

1. Shall establish and maintain vegetative cover and structural practices in accordance with the Conservation Plan on file at the local Soil and Water Conservation District (SWCD) or at the State. Conservation Plan maintenance includes any necessary replanting of vegetative cover and repair of structures. Any amendment to the Conservation Plan shall be mutually agreed to by the landowner, the SWCD and the State.

2. Shall perpetually allow for the legal manipulation of existing drainage systems and other land alterations on the easement area that are associated with establishing and managing wetland practices identified in the Conservation Plan. Water levels will be managed and controlled only by the State or its authorized agents.

3. Shall not appropriate water from any existing or restored wetlands within the easement area unless obtaining the prior written consent of the State and all necessary governmental permits.

4. Shall not produce agricultural crops on the easement area, except as provided in the Conservation Plan approved by the State for wildlife management purposes. Interim land uses established prior to the recording of this Conservation Easement and in accordance with the Conservation Easement Agreement, may be continued until the end of the current growing season of the year this Easement is recorded, without violating this Easement.

5. Shall not remove or harvest any trees on the easement area, except as provided in the state approved Conservation Plan for forest management and wildlife habitat improvement purposes.

6. Shall not graze livestock on the easement area unless specifically approved by the State as part of a prescribed grazing plan. Interim grazing land use established in accordance with the Agreement for Conservation Easement and terminated within 60 days of the recording date of this Easement will not be a violation of this Easement.

7. Shall not place any materials, substances or objects, nor erect or construct any type of structure, temporary or permanent, on the easement area, except as provided in the Conservation Plan.

8. Shall be responsible for weed control by complying with noxious weed control laws and emergency control of pests necessary to protect the public health on the easement area.

9. Shall not alter wildlife habitat, natural features, the vegetative cover, or other conservation practices on the easement area as described in the Conservation Plan, without the prior written approval of the State.

10. Shall be responsible for the restoration of the easement area to the condition described in the Conservation Plan after any lawful installation, repair, improvement or inspection necessary to maintain a public or legal private drainage system or public utility system.

11. Shall not use any wetlands restored under the RIM Reserve or PWP programs to mitigate other wetland losses.

12. Shall notify the State in writing of the names and addresses of the new owners within 30 days after the conveyance of all or part of the title or interest in the land described herein.

13. Shall pay when due all taxes and assessments, if any, that may be levied against the easement area.

14. Shall undertake the protection and management of the easement area in accordance with the conditions set forth in this Easement.

15. Other provisions: None.

FURTHER, this Easement shall be enforceable by the State as provided in Minn. Stat. Sec. 103F.515, Subd. 9, and/or by such other relief as may be authorized by law. Any ambiguities in this Easement shall be construed in a manner which best effectuates the purposes of protecting soil, improving water quality, and enhancing fish and wildlife habitat.

FURTHER, THE GRANTORS OF THIS CONSERVATION EASEMENT, FOR THEMSELVES, COVENANT that they shall not convert to agricultural crop production or pasture any other land, owned or leased as part of the same farm operation at the time of application, if said land supports native vegetation or has not been used in agricultural crop production.

IN WITNESS WHEREOF, the Grantors have caused this Easement to be duly executed.

GRANTOR(S) SIGNATURE(S) AND ACKNOWLEDGMENT

_____ _____

STATE OF _____)
)
COUNTY OF _____)

by _____
(Notary Stamp or Seal)

The foregoing instrument was acknowledged before me this

_____ day of _____, 20_____

Notary Signature _____

Commission expires on _____

NEW BUSINESS

1. Southeast Minnesota Flood Relief – ***DECISION ITEM***

2. FY08 Clean Water Legacy Grant Program Authorization – ***DECISION ITEM***

3. Approve Specific RIM Reserve Payment Rates for the Grass Lake Restoration Project – ***DECISION ITEM***

4. Wetland Banking Fee Policy: Update Average Agricultural Land/Wetland Credit Values – ***DECISION ITEM***

5. Sale of Wetland Credits to Public Transportation Authorities – ***DECISION ITEM***

DRAFT

SOUTHEAST MINNESOTA FLOOD RELIEF

Background
On August 18 – 20, 2007, heavy rains and flash flooding events struck parts of the Upper Mississippi River Valley in historic proportions. Rainfall in excess of 10 – 12 inches fell in some areas, with the main swath of heaviest rain centered along a line from Claremont and Rochester, Minnesota to La Crosse, Wisconsin.

Due to damage resulting from severe storms and flooding, on August 23, 2007, a Presidential Disaster was declared in Fillmore, Houston, Olmsted, Steele, Winona, Wabasha, and Dodge Counties (See map).

Currently
On September 12, 2007, in Special Session, the MN Legislature approved a $157M bill for flood relief. This bill includes:

1. $3M to BWSR for erosion, sediment, and water quality control cost-share
2. $1M for RIM Conservation Easements.
3. A provision for a BWSR waiver of State Cost Share Program Rules, and Minn. Stat. 103F.515 for RIM for both new and past appropriations payment maximums for land improvements under RIM conservation easements.
4. $750,000 will be transferred from the Minnesota Department of Agriculture for feedlot and subsurface sewage treatment system repairs.

These funds and waivers are available only in these declared counties.

LGUs may apply for these funds on behalf of themselves and their citizens via application submitted to the MN Recovers Task Force, of which BWSR is a member.

NOTE: The MN Recovers Task Force, currently made up of 17 state and federal agencies, was created in response to the Flood of 1993 and has coordinated disaster response several times since then.

Recommendation
The Administrative Advisory Committee is requesting the Board to implement the following with regard to flood relief, with the provisions as noted in the attached draft resolution.

K:SMFR

DRAFT 9/18/07

Board Resolution #_____

SOUTHEAST MINNESOTA FLOOD RELIEF

WHEREAS, a Presidential Disaster was declared on August 23, 2007 in Fillmore, Houston, Olmsted, Steele, Winona, Wabasha, and Dodge Counties, due to damage resulting from severe storms on August 18 – 20, 2007; and,

WHEREAS, the MN Legislature in their September 12, 2007 Special Session in H.F. No. 1, Article 1, Sec. 6, appropriated cost share and easement funding and in Sec. 16 provided for the waiver of State Cost Share and Conservation Easement Program Rules and M.S. 103F.515 for RIM for both new and past appropriations; and

WHEREAS, the Minnesota Department of Agriculture proposes to transfer $750,000 for cost-share contracts for feedlot and subsurface sewage treatment system rehabilitation or repairs; and

WHEREAS, LGUs may apply for cost share and easement funding through the MN Recovers Task Force, and SWCDs may use their existing State allocations for flood related damages.

NOW THEREFORE, The Board authorizes southeast MN flood relief in these seven disaster declared counties with the following provisions:

I. General
   A. These funds should be used to match federal funds, or used when federal funds are not available.
   B. Staff are authorized to develop additional program guidelines regarding eligibility, payment rates, and contracts based on input from local governments and others to achieve consistency and accountability.

II. Specific
   A. Relating to the $3M to BWSR for Erosion, Sediment, and Water Quality Control Cost-Share and Waiver of State Cost Share Program Rules.
      1. SWCDs or LGUs may cost share with landowners up to 100% of the cost of rehabilitation or repair of conservation practices.
      2. SWCDs or LGUs may extend the completion dates of conservation practices for existing landowners' contracts to December 31, 2010 and waive the two-year construction completion date for FY2008 contracts as provided for in the Cost Share Program Rule to three years to allow conservation practice implementation when field conditions have improved.
      3. SWCDs or LGUs may modify the type or location of conservation practices on the State Cost-Share Program approved practice list to address more critical erosion and sedimentation problems resulting from the flooding, subject to BWSR staff approval.
      4. BWSR will extend existing grant agreements with SWCDs to December 31, 2010, to allow conservation practice implementation when field conditions have improved.
      5. State and federal contributions on conservation practices shall not exceed 100% of project costs.
      6. Up to 20% of project costs may be used by the project sponsor for technical and administrative costs. The actual percentage will be approved by the BWSR staff.
      7. SWCDs or LGUs are authorized to reimburse landowners for costs incurred to rehabilitate and repair existing conservation practices that were damaged due to this flood event prior to this resolution being adopted.
      8. $150,000 will be allocated to the following SWCD's: Fillmore, Root River, and Winona.
      9. $50,000 will be allocated to the following SWCD's: Dodge, Olmsted, Steele, and Wabasha.

10. The remaining funds will be allocated in coordination with the Minnesota Recovers Task Force.

B. $750,000 for feedlot and subsurface sewage treatment system repairs transferred from the Minnesota Department of Agriculture (MDA)

Staff are authorized to coordinate transfer of funds from MDA and apply the provisions of Part I and II.A. to this funding source.

C. $1.0M RIM Conservation Easements (new bonding)
$1.1M RIM Conservation Easements (previous bonding)

1. Waivers of MN Rule Chapter 8400 and M.S. 103F.515 for both new and past appropriations for projects within the 7 county area of SE MN (Fillmore, Winona, Houston, Steele, Olmsted, Dodge and Wabasha). Up to 20% of project costs may be used for implementation by the SWCDs or BWSR.
2. Authorize agency staff to:
   a. Waive payment rates to allow 100% of average market township assessed value.
   b. Allow eligibility for all land types and land uses provided they contribute to a reduction in future flood damages.
   c. Approve conservation practices and payments for necessary erosion control and water quality rehabilitation, repair or stabilization projects up to 100% of project costs.
   d. Establish a sign-up period and utilize local government input to prioritize applications.

AND furthermore, the Board authorizes staff to enter into grant agreements, contracts, or easements, for projects meeting the above general and specific provisions.

_____ Date: _____

Randy Kramer, Chair
Board of Water and Soil Resources

H:SMFRR

Comprehensive BWSR Clean Water Legacy FY 08-09Budget

BWSR Board, September 26, 2007

1. Non-Point Source Restoration Cost-Share

(1a) Non-Point Source Restoration Cost-Share Grants—Legislative appropriation for installation of cost-shared conservation practices and incentives associated with restoration projects. (Those waters with EPA approved TMDL pollutant allocations and MPCA-approved implementation plans.
(1b) BWSR agency appropriation —Appropriated funds available for BWSR staff, logistical support, and agency operations.

2. Restoration and Protection TA& Engineering Grants

(2a) Restoration and Protection TA& Engineering Grants —Legislative appropriation for Technical assistance, compliance and engineering assistance funds to address restoration and protection projects and assist with the installation of conservation practices initiated as a result of CWL funding or other conservation programs.
2b) Tillage Transect Survey—Continuation of comprehensive tillage transect survey begun in 2007. This information gathered by local SWCD staff and collated by Minnesota State University-Mankato will provide baseline information on land management, progress of TMDL implementation plans and can serve as one element of an effectiveness monitoring program for TMDL projects.
(2c) TSP/TA training---Continuation of training program for Technical Service Providers and LGU staff resulting in increased numbers and capabilities of trained staff to assist landowners with implementation activities and conservation programs.
(2d) Farm Bill Assistance-Continuation of support for staff located in SWCD offices to provide marketing and technical assistance to landowners for CCRP, CREP EQIP and other Federal Conservation programs as well as CWL funds. These funds were identified in the June '07 board information packet.
(2e) BWSR agency appropriation—Legislative appropriation for BWSR staff, logistical support, and agency operations.
(2f) Continuation Funds---TA funds reserved for projects that received TA funding during the FY '07, grant program. Those funds had a firm end date of June 30, '09. This amount will provide approximately 1 additional year of TA funding to carry those experienced staff through the '09 construction season and provide an additional opportunity to pursue long-term funding solutions at the legislature.

3. Evaluating and Reporting Practices/eLINK---Legislative appropriation to BWSR for reporting and evaluating applied soil and water conservation practices.

4. Grants to Implement County SSTS Programs

(4a) Subsurface Sewage Treatment System (SSTS) base grant funds -- For administration of county SSTS programs. These funds will be distributed as part of the NRBG grant in both FY08 and FY09.
(4b) SSTS county grants to inventory systems that are an imminent threat to public health or safety -- The program will be administered jointly with the MPCA. Funds will be available for counties to undertake SSTS inventories of systems that are imminent threats to public health or

(4c) SSTS grants to counties to address imminent threat and failing individual sewage treatment systems. Funding appropriated to BWSR. Local government (must be under an approved local water plan) options; may propose any one or combination of the three options.

- Option 1: Grants to cover significant portion of costs to low income households for system upgrade. Persons eligible for funds must attend SSTS ownership basics class to receive payment;
- Option 2: Incentive payment (not to exceed $500 per SSTS; maximum of $50,000/year/applicant) to all who upgrade, persons eligible for funds must attend SSTS ownership basics class to receive payment.
- Option 3: Capitalization of a revolving loan program; may be coordinated through the AgBMP program or other programs. There is a maximum award of $250,000 per county from this funding category.

5. Protection Lake and River Management Funds

(5a) Protection Lake and River Management Grants—Legislative appropriation for CWL grant funds to address non-point source protection activities only for FY '08. Protection activities can be initiated on unimpaired or un-assessed waters as well as those waters for which a TMDL allocation has not yet been prepared.

(5b) Protection Strategy Pilot Projects—Pilot projects led by local partners to identify protection strategies focused on those waters that are unimpaired and that can be implemented at the local level on a basin or watershed/multi-county scale. Protection strategy process can be used to provide context for the legislature and others about rational prioritization methods and implementation activity choices.

6. Feedlot Water Quality Funds for SWCDs

(6a) Feedlot Water Quality Grants—Legislative appropriation for feedlot-specific implementation practices. These funds were removed from the BWSR base cost-share budget and included in the CWL appropriation. The BWSR board authorized the distribution of funds for FY '08 at the June meeting.

(6b) NPEA challenge grants—Continuation of support of NPEA areas by reserving 10% of the Feedlot Water Quality Grants as challenge grant opportunities.

7. Legislative Direct Appropriations

(7a) NE Wetland Mitigation Strategy—Direct legislative appropriation for furthering the NE MN wetland mitigation strategy. WCA staff are leading this effort.

(7b) Wetland Mine Reclamation Inventory—Direct legislative appropriation for NE MN wetland mitigation strategy though inventory and analysis of resources. WCA staff are leading this effort.

(7c) Ag hydro restoration C-S—Direct legislative appropriation. Project location, scope and program specifics are being developed.

(7d) MN Conservation Corp C-S—Direct legislative appropriation and requirement for contracting with MCC for services. A contract is in place with MCC to allow SWCDs, Counties and WDs to work with MCC staff and crews to install implementation projects on impaired waters.

Table 1: Comprehensive BWSR Clean Water Legacy Budget

Funding Category	Category Funding Total	Sub Category	FY08	FY09	Biennium Total	Funding Mechanism
1) Non point Source Restoration C-S	$1,316,000	1a) Restoration C-S for TMDLs	$558,000	$558,000	$1,116,000	CWL Competitive Grant
		1b) BWSR agency appropriation	$100,000	$100,000	$200,000	Staff & logistic support
2) Restoration and Protection TA and Engineering	$2,625,000	2a) Restoration and Protection TA	$815,000	$450,000	$1,265,000	CWL Competitive Grant
		2b) Tillage Transect Survey	$85,000	$85,000	$170,000	Contract
		2c) TSP/TA Training	$0	$40,000	$40,000	Contract
		2d) Farm Bill Assistance	$100,000	$0	$100,000	One time for staffing
		2e) BWSR agency appropriation	$300,000	$300,000	$600,000	Staff and logistic support
		2f) Continuation Funds	$0	$450,000	$450,000	Grant for 2007 CWL project staff
3) Evaluating and reporting practices/eLINK	$400,000	BWSR agency appropriation	$200,000	$200,000	$400,000	Staff and logistic support
4) Grants to Implement County SSTS Programs	$3,450,000	4a) Base Grant	$730,000	$730,000	$1,460,000	NRBG
		4b) Grants up to $130K for county inventories	$990,000	$0	$990,000	CWL Competitive Grant
		4c) ISTS Grants for Imminent Health Threats	$1,000,000	$0	$1,000,000	CWL Competitive Grant
5) Protection Lake and River Management Funds	$1,000,000	5a) Protection Lake and River Management Grants	$850,000	$0	$850,000	CWL Competitive Grant
		5b) Protection Strategy Pilot Projects	$150,000	$0	$150,000	Contract
6) Feedlot Water Quality Funds to SWCDS	$3,000,000	6a) Grants to SWCDs	$1,000,000	$1,700,000	$2,700,000	Grants to SWCDs
		6b) NPEA Challenge Grant	$0	$300,000	$300,000	Grants to NPEAs
7) Legislative Direct Appropriations	$2,375,000	7a) NE Wetland Mitigation Strategy	$150,000	$0	$150,000	Contract
		7b) Wetland Mine Reclamation Inventory	$225,000	$0	$225,000	Contract
		7c) Ag hydro restoration C-S	$1,500,000	$0	$1,500,000	Outside of competitive process
		7d) MN Conservation Corp C-S	$500,000	$0	$500,000	Contract
Totals	**$14,166,000**		**$9,252,000**	**$4,914,000**	**$14,166,000**	

FY08-09 Competitive Interagency Clean Water Legacy Funding Recommendation

Background

The 2007 legislature appropriated Clean Water Legacy (CWL) funds for best management practice (BMP) implementation to the Minnesota Board of Water and Soil Resources (BWSR) and the Minnesota Department of Agriculture (MDA). The MPCA is also supplying CWL implementation funds through its Federal Section 319 program. These agencies, along with the Minnesota Department of Natural Resources (DNR), have worked cooperatively to develop an interagency budget to address non-point source implementation through a competitive application process for grant and loan funds.

Clean Water Legacy funding is available for **restoration** practices to improve impaired waters that have EPA approved TMDLs and MPCA approved TMDL implementation plans. Funding for **protection** implementation projects is available for local governmental units and watershed organizations. Waters need not be listed as impaired on the 303(d) list, to be eligible for protection funding. A state approved water management plan or watershed plan is required to be eligible for protection funding.

Below is a description of each specific component of this budget, along with the overall budget break down, which is included in Table 2:

Table 2: Interagency CWL Budget

Agency Fund	FY08	FY09	Biennium Total
MDA AgBMP Loan	$1,000,000	$0	$1,000,000
MPCA Section 319 Grant	$1,000,000	$1,000,000*	$2,000,000
BWSR Restoration Cost-Share Grant	$558,000	$558,000	$1,116,000
BWSR Restoration and Protection Engineering and Technical Assistance Grant	$815,000	$450,000	$1,265,000
BWSR Protection Lake and River Management Grant	$850,000	$0	$850,000
MPCA/BWSR ISTS Inventory Grant	$988,000	$0	$988,000
MPCA /BWSR ISTS Imminent Health Treat Grant	$1,000,000	$0	$1,000,000
Totals	**$6,211,000**	**$2,008,000**	**$8,219,000**

*Proposed estimate for FY09

MDA AgBMP Loan: The MDA, through the AgBMP Loan Program, is proposing to allocate $2,000,000 exclusively for implementation of PCA approved TMDL Implementation plans (no Protection activities). It will include $1,000,000 of its CWL allocation in the FY08 competitive application process. In addition, the MDA is proposing to allocate the remaining $1,000,000 CWL funds outside of the joint competitive process under its existing allocation procedures (SS 17.117 Subd 6. (b)). This procedure would fund pending eligible TMDL Restoration projects that are ready to proceed immediately (within the next three months) and would take advantage of the current construction season.

MPCA Section 319 Grant: The MPCA is proposing to contribute $1,000,000 of Minnesota's Federal 319 grant allocation to the FY08 CWL competitive application process to fund Restoration activities. Tentatively, an additional $1,000,000 maybe added to the FY09 competitive process, but the level of funding for CWL will be predicated upon the level of future Federal Section 319 funding.

BWSR Restoration Cost-Share Grant: The BWSR is proposing to allocate $558,000 in both FY08 and FY09 for cost share and incentives for restoration activities. These funds will be implemented using the cost share protocols developed in the BWSR State Cost Share Program manual.

BWSR Restoration and Protection Engineering and Technical Assistance Grant: The BWSR is proposing to allocate $815,000 in FY08 and $450,000 in FY09 for competitive grants to local units of government (LGUs) to provide technical assistance and engineering services for restoration and protection activities. In FY08, additional funding for this category has been made available to correspond to the additional protection grant funds that must be allocated in FY08.

BWSR Protection Lake and River Management Grant: The BWSR is proposing to allocate $850,000 of competitive grants for protection activities in FY08. The legislative appropriation for CWL specifically noted that the protection grants must be allocated in FY08, which explains why no protection grants are proposed for FY09.

MPCA/BWSR Subsurface Sewage Treatment System Inventory Grant: The BWSR worked with the MPCA to develop a strategy to implement $2,450,000 in funds for SSTS activities, including inventories. A total of $1,462,000 of this funding will be allocated directly to LGUs administering SSTS programs via the Natural Resources Block Grant (NRBG) in FY08 and FY09. A competitive grant for SSTS inventory development will be available with $988,000 for competitive grant to LGUs. Applicants for the competitive inventory grants must have participated in the MPCA's 2006 Unsewered Survey. The County also must be in compliance with Minnesota Statute 115.55 Subdivision (2) regarding adoption of a local SSTS ordinance. Applications do not have to cover the entire county, but must identify the area where the inventory will be conducted and include information on population in the area and other pertinent known information on the status of wastewater treatment in the area, as well as a listing of water resources potentially affected. Each property in the identified area will be assessed to determine whether the SSTS is an imminent threat; those that are must be fixed within the required 10 months. Funding will be proportional based on the number of parcels in the area; there is a maximum SSTS inventory award of $130,000 per county. MPCA will be the lead agency in overseeing these grant funds and BWSR will be responsible for the fiscal actives and reporting.

MPCABWSR Subsurface Sewage Treatment System Imminent Health Threat Upgrade Grant:
The BWSR is working with the MPCA to develop a strategy to implement $1,000,000 in ISTS grants for the installation of conforming ISTS to replace existing non-conforming systems that pose an imminent threat to public health.

Eligible Approved TMDLs Projects for Restoration
All restoration projects must have an EPA approved TMDL and an MPCA approved Implementation Plan. Implementation Plans must be approved no later than November 15, 2007. The TMDL projects that currently have an MPCA approved Implementation Plan and meet the criteria for restoration funding are:

- Carver-Bevins-Silver Creek Fecal Coliform TMDL
- Chippewa River Fecal Coliform TMDL
- Lake Independence Excess Nutrients TMDL
- Long Prairie River Watershed Dissolved Oxygen TMDL
- Lower Minnesota River Watershed Dissolved Oxygen TMDL
- Lower Mississippi River Basin Regional Fecal Coliform TMDL
- Lower Ottertail River Turbidity TMDL
- Shingle Creek Chloride TMDL
- North Branch Sunrise River Fecal Coliform TMDL
- South Branch Yellow Medicine Fecal Coliform TMDL
- Blue Earth River ***proposed approval***
- Pipestone Creek TMDL: Fecal Coliform Bacteria and Turbidity*** proposed approval***
- Twin and Ryan Lakes TMDL: Excess Nutrients*** proposed approval***

TMDL projects that appear on the list under the "proposed approval" heading have pending TMDL documents before the EPA. Should the TMDL be approved by the USEPA and the associated implementation plan approved by MPCA prior to the November 15th CWL application deadline, those project applications will be eligible for restoration funding.

To see maps on the specific impaired waters, go to the MPCA TMDL website http://www.pca.state.mn.us/water/tmdl/tmdl-maps.html .

Board Resolution #_____

FY 08 CLEAN WATER LEGACY PROGRAM
PROJECT FUNDING ALLOCATIONS

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

WHEREAS, the BWSR endorsed an inter-agency strategy with the goal of coordinating non-point restoration and protection strategies and programs funded by the CWLA between the MN Department of Agriculture, the Department of Natural Resources, the Pollution Control Agency and the Board of Water and Soil Resources; and,

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

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

WHEREAS, the interagency work team has developed a budget, grant application process and supporting materials to support Clean Water Legacy implementation activities using the following eligibility and policy guidelines:

- Projects are eligible for funding from the restoration category if they have an approved TMDL and an MPCA approved TMDL implementation plan by the end of the current application period--November 15, 2007.
- Restoration application requests must closely follow the TMDL implementation plan that has been developed and, to the extent possible, address implementation activities that will result in the greatest pollutant load reductions.
- Projects are eligible for funding from the protection category if they address priorities identified in a state approved local water management plan, regardless of the status of the water as impaired, unimpaired or un-assessed where there is not an approved TMDL or MPCA approved TMDL implementation plan.
- Restoration applications and Protection applications will be ranked separately for funding.
- Projects conducting work using the Subsurface Sewage Treatment System Inventory and Upgrade funds will develop a work plan for those initiatives to be approved by MPCA staff then passed to BWSR staff for funding authorization.
- The FY 2008 CWL grant application scoring criteria will be:
  - Description and documentation of the relationship of the proposed implementation activities to specific TMDL implementation plans or state approved local water management plans.
  - The measurable results and estimated effect of the implementation activities on the pollutant identified.

- The level of funding that can be accessed from other sources to augment CWL funding.
- Tracking installation and evaluating the effectiveness of the project initiatives
- The amount of conservation practices or initiatives that will be accomplished during the first construction season after CWL funds are received.
- The level of project partners' coordination, project management community support and general project description.

NOW THEREFORE, the Grant Policy and Program Committee recommends BWSR approval of the proposed budget and grant application process to implement the FY 08 CWLA Program with the grant application period beginning October 1, 2007 and ending November 15, 2007.

_____ Date: _____

Randy Kramer, Chair
Board of Water and Soil Resources

Board Resolution #_____

Approve Specific RIM Reserve Payment Rates for the Grass Lake Prairie Wetland Restoration Project

WHEREAS the Board of Water and Soil Resources (Board) has been involved since the early 1990's with the restoration of the 1,200-acre Grass Lake Prairie Wetland located in Kandiyohi County;

WHEREAS the Board is in partnership with the city of Willmar, Kandiyohi County, and the Kandiyohi Soil and Water Conservation District as efforts continue to restore this critical water resource;

WHEREAS to date the Board has secured, through the Reinvest in Minnesota Reserve (RIM Reserve) program just over 1,100 acres of land in this project area under perpetual conservation easements;

WHEREAS the Board received $2.2 million from state's 2006 capital budget appropriation specific to this project to continue with the acquisition of RIM Reserve easements on the remaining 400 to 500 acres of land (6 properties) needed to restore this drained wetland and to help with other project implementation costs;

WHEREAS per MN Statutes §8400.3530, Subpart 1, "Standard" RIM rates are calculated using an average of previous years assessed market values for agricultural lands within a township";

WHEREAS to date, the owners of those 6 properties have not accepted the payment rates offered to them for the easements using the standard RIM rates available to the Board;

WHEREAS per MN Statues §103F.515, subdivision 6, subpart 5, "an alternative payment system for (RIM Reserve) easements based on cash rent or a similar system as may be determined by the (BWSR) board".

NOW, THEREFORE BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources approves and adopts that values determine from a site specific market appraisal of the Grass Lake Prairie Wetland Restoration Project properties be used to determine and establish RIM Reserve easement payment rates for the remaining properties within the project area.

_____ _____

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

Wetland Banking Fee Policy:
Update Average Agricultural Land/Wetland Credit Values

BWSR Board
September 25, 2007

Background

Minnesota Statutes 103G.2242 Subds. 14 and 15 require the BWSR to collect fees for administering the state wetland banking program.

The Statute reads:

Minn. Stat. 103G.2242. Subd. 14. Fees Established. Fees must be assessed for managing wetland bank accounts and transactions as follows:
(A) account maintenance annual fee: one percent of the value of credits not to exceed $500;
(B.) account establishment, deposit, or transfer: 6.5 percent of the value of credits not to exceed $1,000 per establishment, deposit, or transfer; and
(C.) withdrawal fee: 6.5 percent of the value of credits withdrawn.

Description of each Fee (from existing guidance available on the BWSR Website):

A. Account Establishment and Deposit Fees. Account establishment and deposit fees will be assessed at 6.5% of the value of the credits deposited, not to exceed $1,000. The value of the credits will be determined according to Part III.E.1. The account establishment fee will be collected at the time of initial deposit of wetland credits into the bank for the subject account. The establishment and deposit fees are limited to $1,000 for each account, i.e., credits deposited into an account after the initial establishment (for instance, if the Technical Evaluation Panel did not certify all of the credits at one time) will be assessed a 6.5% deposit fee until the $1,000 limit is reached. Subsequent deposits into the same account will not be assessed deposit fees unless the restrictive easement for the bank site has to be revised to reflect the additional credits. In that case, deposit fees will be assessed at 6.5% of the value of the credits deposited, not to exceed $1,000. (To avoid these additional fees, banking applicants are encouraged to draft the original restrictive easement to cover all anticipated deposits.)

When the Application to Deposit Wetland Bank Credits form has been approved by the appropriate Local Government Unit (LGU), the applicant should submit the form, along with a check (payable to BWSR) for the amount due to the BWSR Wetland Bank Administrator. Applicants may contact the BWSR Wetland Bank Administrator to verify the amount due. Wetland credits deposited into a wetland bank account cannot be used for replacement purposes until the establishment/deposit fees have been paid.

Accounts for which the Wetland Banking Plan Application has received approval by the Local Government Unit after Aug. 1, 2000, and prior to Jan. 1, 2004, are exempt from account establishment fees. However, subsequent deposits after Jan. 1, 2004, will be assessed deposit fees as described above.

B. Account Maintenance Fee. Account maintenance fees will be assessed annually at 1% of the value of the credits in each account, not to exceed $500. The value of the credits will be determined according to Part III.E.1. Account maintenance fees will be assessed at the time of the first transaction (withdrawal, transfer, or deposit) of each year and will be based on the credits in the account at that time. If there are no transactions in an account for the year, then no maintenance fees will be assessed for that year. No transactions will be processed until the current year's maintenance fees have been paid.

C. Account Transfer Fee. Account transfer fees will be assessed at 6.5% of the value of the credits transferred, not to exceed $1,000. The value of the credits will be determined according to Part III.E.1 or Part III.E.2. Transfer fees are assessed when credits are transferred by any means (e.g., sale, gift, donation, exchange) from one account holder to a new owner, but not used for replacement purposes[b]. To transfer credits, an Application to Transfer form, along with a check (payable to BWSR) for the applicable transfer fee should be submitted to the BWSR Wetland Bank Administrator. The Wetland Bank Administrator may be contacted to verify the amount of the transfer fee. BWSR will not transfer the credits until the fee is paid.

D. Withdrawal Fee. Withdrawal fees are incurred when credits are withdrawn for the purposes of wetland replacement and will be assessed at 6.5% of the value of the credits withdrawn. The value of the credits will be determined according to Part III.E.1 or Part III.E.2. The applicable withdrawal fee should be submitted to the BWSR Wetland Bank Administrator along with the "Application for Withdrawal of Wetland Credits" form that has been approved by the appropriate regulatory authority(ies). Credits will not be withdrawn from the bank until the applicable withdrawal fees have been paid. After receiving payment, BWSR will deduct the appropriate credits from the subject account and notify the account holder, the user of the credits and the approving regulatory authority(ies).

Action – Update Wetland Credit Value used to Calculate Banking Fees.

The Wetland Banking Fees are paid on the basis of calculated wetland values, or sales values or other documentation.

The value of wetland credits for the purpose of assessing fees will be determined as follows:
Wetland Value/Acre = Tillable Land Value/Acre x the Wetland Credit Value Coefficient

(Note: The wetland credit value coefficient is 7.0 under the 2003 adopted Board policy and is proposed to be changed from 7.0 to 6.0 due to a decrease in the differential between land values and wetland credit values)

1. Credit Value ($/acre) = land value ($/acre) in the county where the bank is located multiplied by the Wetland Credit Value Coefficient. The Wetland Credit Value Coefficient reflects the value added to the land by the wetland credits. It is determined by BWSR, based on the average ratio of reported credit sale price for the previous two calendar years to county land value. The proposal to change the coefficient from 7.0 to 6.0 is based on sales from private accounts for the two years prior to the current year. For the purposes of the formula above, the most recent agricultural land values available from the Minnesota Department of Revenue are used.

2. For determining withdrawal or transfer fees, account holders may present other evidence to BWSR demonstrating the value of credits, such as actual sales values. When using actual sales data to determine credit values, account holders are required to submit to BWSR actual bills of sale as documentation.

Wetland Committee Recommendation: The Wetland Committee recommends updating the wetland credit values by taking the 2006 tillable land value multiplied by the wetland credit value coefficient of 6.0. A maximum increase of 75% from the 2003 values is recommended to moderate the increased values in eight counties that include: Aitkin, Carlton, Cook, Hennepin, Itasca, Lake, Ramsey and St. Louis.

The proposed values are shown in the table below.

County	2004 Wetland Value	2006 Tillable Values	2006 Calculated Wetland Value (x6)	Increase limited to 75%	County	2004 Wetland Value	2006 Tillable Values	2006 Calculated Wetland Value (x6)	Increase limited to 75%
Aitkin	$3,798	$3,571	$21,426.96	$6,647.00	McLeod	$13,023	$2,555	$15,330.00	
Anoka	$20,420	$3,830	$22,980.00		Meeker	$10,061	$2,452	$14,712.00	
Becker	$4,862	$1,056	$6,336.00		Mille Lac	$6,670	$1,499	$8,994.00	
Beltrami	$2,394	$700	$4,200.00		Morrison	$7,547	$1,501	$9,006.00	
Benton	$10,146	$1,944	$11,664.00		Mower	$13,966	$2,824	$16,944.00	
Big Stone	$6,331	$1,670	$10,020.00		Murray	$10,590	$2,334	$14,004.00	
Blue Earth	$15,741	$3,271	$19,626.00		Nicollet	$17,572	$3,215	$19,290.00	
Brown	$14,436	$2,792	$16,752.00		Nobles	$12,097	$2,484	$14,904.00	
Carlton	$3,878	$3,248	$19,487.46	$6,787.00	Norman	$4,644	$820	$4,920.00	
Carver	$15,908	$4,111	$24,666.00		Olmsted	$12,747	$3,060	$18,360.00	
Cass	$5,341	$1,421	$8,526.00		Otter Tail	$5,221	$1,119	$6,714.00	
Chippewa	$9,950	$2,417	$14,502.00		Pennington	$2,146	$492	$2,952.00	
Chisago	$11,105	$2,221	$13,326.00		Pine	$7,529	$1,467	$8,802.00	
Clay	$5,972	$1,255	$7,530.00		Pipestone	$9,765	$2,025	$12,150.00	
Clearwater	$2,821	$576	$3,456.00		Polk	$4,880	$869	$5,214.00	
Cook	$8,083	$6,621	$39,728.64	$14,145.00	Pope	$6,904	$1,898	$11,388.00	
Cottonwood	$11,710	$2,466	$14,796.00		Ramsey	$28,015	$86,765	$520,590.00	$49,026.00
Crow Wing	$7,366	$1,750	$10,500.00		Red Lake	$2,417	$562	$3,372.00	
Dakota	$14,495	$3,284	$19,704.00		Redwood	$12,030	$2,487	$14,922.00	
Dodge	$14,415	$2,857	$17,142.00		Renville	$12,797	$2,778	$16,668.00	
Douglas	$7,118	$1,789	$10,734.00		Rice	$18,211	$5,095	$30,570.00	
Faribault	$13,666	$2,778	$16,668.00		Rock	$13,135	$2,753	$16,518.00	
Fillmore	$11,619	$2,567	$15,402.00		Roseau	$2,061	$407	$2,442.00	
Freeborn	$12,847	$2,811	$16,866.00		Scott	$24,967	$4,365	$26,190.00	
Goodhue	$13,885	$3,673	$22,038.00		Sherburne	$8,296	$2,210	$13,260.00	
Grant	$7,237	$1,523	$9,138.00		Sibley	$13,841	$3,010	$18,060.00	
Hennepin	$28,015	$51,689	$310,134.00	$49,026.00	St. Louis	$2,734	$3,077	$18,463.56	$4,785.00
Houston	$10,388	$2,051	$12,306.00		Stearns	$8,805	$1,539	$9,234.00	
Hubbard	$7,193	$1,361	$8,166.00		Steele	$13,949	$2,939	$17,634.00	
Isanti	$9,235	$2,244	$13,464.00		Stevens	$7,826	$1,948	$11,688.00	
Itasca	$2,563	$3,931	$23,583.00	$4,485.00	Swift	$8,111	$2,043	$12,258.00	
Jackson	$12,644	$2,556	$15,336.00		Todd	$5,146	$1,095	$6,570.00	
Kanabec	$6,703	$1,375	$8,250.00		Traverse	$8,059	$1,887	$11,322.00	
Kandiyohi	$9,957	$2,557	$15,342.00		Wabasha	$11,476	$2,480	$14,880.00	
Kittson	$3,128	$788	$4,728.00		Wadena	$4,911	$1,102	$6,612.00	
Koochiching	$3,331	$727	$4,362.00		Waseca	$15,420	$2,805	$16,830.00	
Lac Qui Parle	$7,402	$1,836	$11,016.00		Washington	$28,015	$5,087	$30,522.00	
Lake	$5,145	$4,046	$24,273.00	$9,004.00	Watonwan	$12,585	$2,825	$16,950.00	
Lake of the Woods	$1,824	$446	$2,676.00		Wilkin	$7,253	$1,557	$9,342.00	
Le Sueur	$16,045	$3,083	$18,498.00		Winona	$12,262	$2,276	$13,656.00	
Lincoln	$6,253	$1,594	$9,564.00		Wright	$12,380	$2,826	$16,956.00	
Lyon	$10,178	$2,295	$13,770.00		Yellow Medicine	$8,938	$2,094	$12,564.00	
Mahnomen	$3,699	$826	$4,956.00						
Marshall	$3,154	$560	$3,360.00						
Martin	$15,227	$2,830	$16,980.00						

Resolution # _____

Wetland Banking Fee Policy:
Update Average Agricultural Land/Wetland Credit Values

WHEREAS, BWSR is directed pursuant to Minn. Stat. 103G.2242, Subd. 14 and 15 to collect fees for administering the state wetland banking program;

WHEREAS, BWSR Board action 03-93 established the Wetland Banking Fee Policy, which included use of the average agricultural land values (as provided by the Minn. Dept. of Revenue) as the basis for determining credit value for purposes of assessing the fees;

WHEREAS, the current policy includes 2003 average agricultural land values; and

WHEREAS, Wetland Committee reviewed the current Board adopted average agricultural land values and is recommending the Board update these values for purposes of calculating the wetland banking fees.

NOW THEREFORE BE IT RESOLVED, that the BWSR update the wetland credit values by taking the 2006 tillable land value multiplied by the wetland credit value coefficient of 6.0, with a maximum increase of 75% for the following counties: Aitkin, Carlton, Cook, Hennepin, Itasca, Lake, Ramsey and St. Louis.

BE IT FURTHER RESOLVED, that these updated wetland credit values will become effective for wetland banking transactions that occur after December 31, 2007.

_____ _____

Randy Kramer, Chair Date

Issue Paper

Sale of Wetland Mitigation Credits to Public Transportation Authorities

Minnesota Statutes 103G.222 Subdivision 1 (k) states:
"*For projects involving draining or filling of wetlands associated with a new public transportation project, and for projects expanded solely for additional traffic capacity, public transportation authorities may purchase credits from the board at the cost to the board to establish credits.*"

Board Resolution, adopted May 23, 2007:

1. Establish an interim policy on the sale of wetland credits to public transportation authorities that would limit the sale of wetland credits only to public road authorities, which has been the past practice; and
2. Ask the Legislature to clarify the intent of the law in 2008 with regards to which public transportation authorities are eligible to purchase wetland credits from the BWSR.

Purpose: This issue paper discusses the options the Wetland Committee considered in developing a proposal to clarify the intent of Minn. Stat. 103G.222, Subd. 1(k).

For the purposes of this issue paper, the following definitions apply:

Public Transportation Authority includes the following: State of Minnesota, Metropolitan Council, counties, cities, townships, regional rail authorities, airport authorities, and joint powers organizations.

Public Road Authority includes the following: State of Minnesota, counties, cities, and townships.

Background: Statute can be interpreted to provide BWSR with the authority to sell wetland mitigation credits to any public transportation authority. However, the discussion at the Legislature in 2002 centered on public road authorities. These distinctions create opportunities for diverging opinions on how BWSR should implement this authority. It was these issues, among others, that led the Wetland Committee to recommend and the Board to adopt the resolution on May 23, 2007 that is referenced above.

Options: The following options were discussed by the Wetland Committee on July 25, 2007.

1. *Propose no statutory change, but establish Board policy to sell wetland credits to any public transportation authority.* Alternatively, the Board may establish this policy but propose a statutory change to eliminate the potential for alternative interpretations. One way to amend the statute along these lines is shown below:

"For projects involving draining or filling of wetlands associated with a new public transportation project, and for projects expanded solely for additional traffic capacity, public transportation authorities may purchase credits from the board at the cost to the board to

establish credits. For purposes of this paragraph, public transportation authorities includes: the state of Minnesota, Metropolitan Council, counties, cities, townships, regional rail authorities, airport authorities, and joint powers organizations."

2. *Propose no statutory change, but establish Board policy to sell wetland credits only to any public road authority.* Alternatively, the Board may establish this policy but propose a statutory change to eliminate the potential for alternative interpretations. One way to amend the statute along these lines is shown below:

"For projects involving draining or filling of wetlands associated with a new public transportation project, and for projects expanded solely for additional traffic capacity, public ~~transportation~~ road authorities may purchase credits from the board at the cost to the board to establish credits. For purposes of this paragraph, public road authorities includes: the state of Minnesota, counties, cities, and townships."

3. *Choose either option under 1 or 2, but place additional conditions on the sale of wetland credits, these may include:*
    - Have the public transportation or public road authority consider/require buying private bank credits before approaching BWSR.
    - Only sell BWSR credits if private bank credits are not available, or the price differential is above X%.
    - BWSR will only sell wetland credits when our balance of credits is above the estimated annual need.
    - Established a tiered approach, public road authorities may purchase 100% of their project wetland mitigation need, non-road public transportation authorities may purchase no more than 50% of their project wetland mitigation need.
    - A combination of the above conditions.

Wetland Committee Recommendation

Wetland Committee recommends amending statute to clarify the Board's authority to sell wetland credits to public transportation authorities:

Minnesota Statutes 103G.222, Subd. 1(k):
"For projects involving draining or filling of wetlands associated with a new public ~~transportation~~ road project, and for public road projects expanded solely for additional traffic capacity, public ~~transportation~~ road authorities may purchase credits from the board at the cost to the board to establish credits. For purposes of this paragraph, public road authorities includes: the state of Minnesota, counties, cities, and townships."

Resolution # _____

Sale of Wetland Credits to Public Transportation Authorities
September 26, 2007

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

WHEREAS, BWSR adopted a policy on the cost of credits that has been in effect since July 1, 2005;

WHEREAS, since BWSR has been authorized to sell wetland credits to public transportation authorities, only public road authorities have purchased wetland credits;

WHEREAS, the Board adopted the following policies on May 23, 2007 regarding the sale of wetland credits to public transportation authorities:

1. Establish an interim policy on the sale of wetland credits to public transportation authorities that would limit the sale of wetland credits only to public road authorities, which has been the past practice; and
2. Ask the Legislature to clarify the intent of the law in 2008 with regards to which public transportation authorities are eligible to purchase wetland credits from the BWSR.

WHEREAS, the Wetland Committee further discussed this issue on July 25, 2007 and is recommending that the BWSR Board adopt the recommendation of the Wetland Committee to propose amending statute to clarify the Board's authority to sell wetland credits to public transportation authorities:

Minnesota Statutes 103G.222, Subd. 1(k):
"For projects involving draining or filling of wetlands associated with a new public ~~transportation~~ road project, and for public road projects expanded solely for additional traffic capacity, public ~~transportation~~ road authorities may purchase credits from the board at the cost to the board to establish credits. For purposes of this paragraph, public road authorities includes: the state of Minnesota, counties, cities, and townships."

NOW THEREFORE BE IT RESOLVED, that the BWSR adopt the recommendation of the Wetland Committee.

_____ _____
Randy Kramer, Chair Date

FOR YOUR INFORMATION

October 24, 2007

- Updated Board Member Listing

- SE MN Flood Relief Field Summary – BWSR Programs
  October 15, 2007, prepared by Mary Kells, BWSR Rochester

- Information on Upcoming Annual Meetings
  - MAWD Annual Meeting, November 29 – December 1, Alexandria
  - MASWCD Annual Meeting, December 2 – 4, Rochester
  - AMC Annual Meeting, December 3 – 5, Minneapolis

MINNESOTA BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
ST. PAUL, MINNESOTA 55155
Phone: 651-296-3767 Fax: 651-297-5615

Appointed Members

	Appointment Designation	Term Expires	Telephone/Fax	
Randy Kramer, Chair 42808 County Road 11, Bird Island, MN 55310 rlkramer@westtechweb.com	**Citizen**	01-01-11	320-365-3094 320-365-4784	*Home* *Office*
Dana Allen 11304 19th Street, SE, Eyota, MN 55934 dm.allen@myclearwave.net	**Citizen**	01-05-09	507-545-3969 507-951-5597	*Home* *Office*
Paul Brutlag 27113 County Road 11, Wendell, MN 56590 brutlagp@runestone.net	**Citizen**	01-07-08	218-458-2113 320-589-4151	*Home* *Office*
Quentin Fairbanks 16374 Stoner Memorial Dr., NE, Hines, MN 55647 quentin@paulbunyan.net	**Co. Commissioner**	01-01-11	218-835-4184 218-679-3378	*Home* *Fax*
Brian Kletscher 30427 County Hwy. 10, Vesta, MN 56292 bk3376@redred.com	**Co. Commissioner**	01-05-09	507-762-3376 507-828-1429	*Home* *Office*
Brian Napstad 51227 Long Point Place, McGregor, MN 55760 bnapstad@yahoo.com	**Co. Commissioner**	01-04-10	218-426-3008 218-426-4662	*Home* *Office*
Paul Langseth 35505 280th Street, Worthington, MN 56187 paul.langseth@gmail.com	**SWCD**	01-04-10	507-376-5686 507-360-5844	*Home* *Office*
Louise Smallidge 10992 Point Douglas, Hastings, MN 55033 Choregirl2@juno.com	**SWCD**	01-07-08	651-459-5600	*Home*
Robert Burandt 1340 Waconia Pkwy. S., Waconia, MN 55387 robertburandt@aol.com	**SWCD**	01-10-09	952-442-4216	*Home*
Ken Robinson 1428 – 12th Ave. N., St. Cloud, MN 56303 krobinson106@charter.net	**Watershed**	01-01-11	320-253-6269	*Home*
Gene Tiedemann 13099 310th Ave., SW, Euclid, MN 56722 gtiedemann@rrv.net	**Watershed**	01-04-10	218-281-6723 218-289-3511	*Home* *Office*
LuAnn Tolliver 14801 Wychewood Road, Minnetonka, MN 55345 mltolly@aol.com	**Watershed**	01-07-08	952-938-6749 952-838-1571	*Home* *Office*

State Agency Members:

Joe Martin Freeman Office Bldg., 625 Robert St. N., St. Paul, MN 55155 Joe.Martin@state.mn.us	**Department of Agriculture**	651-201-6551 651-297-5522	*Office* *Fax*
Dan Wilson P.O. Box 64975, St. Paul, MN 55164-0975 Daniel.Wilson@health.state.mn.us	**Department of Health**	651-201-4598 651-201-4599	*Office* *Fax*
Mark Holsten 500 Lafayette Road, St. Paul, MN 55155 Mark.Holsten@state.mn.us	**Department of Natural Resources**	651-259-5555 651-296-4799	*Office* *Fax*
Jim Anderson 439 Borlaug Hall, 1991 Upper Buford Circle, St. Paul, MN 55108 Ander045@umn.edu	**U of M/Dept. of Soil, Water & Climate**	612-625-0279 612-625-2208	*Office* *Fax*
Brad Moore 520 Lafayette Road, St. Paul, MN 55155 Brad.Moore@state.mn.us	**Pollution Control Agency**	651-296-7301 651-296-6334	*Office* *Fax*

October 2007

SE MN Flood Relief Field Summary – BWSR Programs

October 15, 2007 – Prepared by Mary Kells, BWSR Rochester.

- BWSR/LGU Implementation Meeting Held in Rochester – Sept. 21, 2007

- BWSR SE MN Flood Relief Resolution passed at the September 25, 2007 board meeting.
  - Erosion, Sediment, and Water Quality Control Cost-share $3,000,000
  - MDA-Ag. BMP Loan Program 750,000
  - Clean Water Legacy Fund for MCC–Priority flood relief projects
  - RIM Conservation Easements 2,100,000

- BWSR C-S Grants Agreements sent out Sept. 26 to seven SWCDs in the amount of $650,000 and the remaining funds allocated in coordination with the MN Recover Task Force.

- SWCDs worked with county, cities and NRCS to coordinate flood damage assessment and needs prior to October 5, 2007.

- MN Recovers Task Force received Community Applications including over $12M request in sedimentation/soil erosion category by October 5, 2007.

- SWCD Boards have been developing policy and priorities for the direct allocation of $650,000 cost-share funds and have begun to allocate these funds to individuals. **Approximately $122,500 has been allocated for T&A, $236,000 has been encumbered on projects, $220,000 set aside for pending projects, and $71,500 is unencumbered. Work has been started on the City of Houston 300 well sealing and 4 to 5 projects in Houston County.**

  Status of SWCD Implementation and Policy:

  - Steele - $50,000 – Grant Agreement signed and sent back. Policy adopted at board meeting 10/10/07 to take 20% T&A and C-S 100%. Technical needs completed on a stream bank erosion site. Landowner application will be presented to the board on November 14, 2007. Anticipated cost of stabilizing 500-600 ft. of stream bank will take all of the direct allocation. 50% of crops are off and there it is anticipated that no additional flood relief funds will be necessary.

  - Dodge - $50,000 – Grant Agreement signed and sent back. Board meeting on 10/18/07. No calls have come in for flood damage repair needs. 30-40% of crops are off. Four stream bank erosion sites have been visited as result of August flood event, however, 7 ½" of rain fell Oct. lest. It is anticipated that more assessment will need to be done after harvest prior to Board decisions on policy and priorities.

  - Wabasha - $50,000 – Board meeting 10/16/07. Grant agreement and flood relief policy is on the agenda. Requests for assistance have been solicited but few calls have been received. Possible two sites, stream bank stabilization and a structure repair at this time. Post harvest assessment may produce more need.

- Olmsted – $50,000 - Dist. Board met on 10/11/07. Grant agreement signed and sent in. Policy adopted at board meeting of 100% C-S/20% T&A. Eight landowner contracts were approved for funding totaling $36,000.00 for flood damage repair work. Depending on weather (too wet) and contractors, repairs are ready to begin. Practices include 3 terraces, 1 terrace/structure, 3 waterways, and 1 grade stab. Post harvest assessment is expected to generate more need.

- Fillmore - $150,000 – Grant agreement signed and sent in. Dist. Board met on 10/11/07. Work has begun on sealing appr. 300 contaminated wells in the City of Rushford. Dist. will C-S 100% up to $800/well. Anticipated cost is $100,000. General cons. practice repair work up to 85% and pond clean outs up to 75%. 15% will be used for T&A.

- Root River - $150,000 – Grant agreement signed and sent in. Dist. Board meets every two weeks to address flood recovery needs. Dist. Bd approved a 92.5% C-S rate. 20% T&A taken. 28 projects have been approved for c-s with appr. $20,000 remaining of the original $150,000. All of the them are pond repairs, eight gullies in or near the control section, or further down steam which are being treated as critical area stabilization, and/or pond clean-outs, with the exception of 3 diversions and one waterway. Several have started construction (4 or 5) however the weather has not cooperated. More funds could be used at this time not including anticipated post harvest assessments.

  Two MCC crews were assisting the field staff for two weeks in September. MCC funds have been set aside for an additional four weeks of help in debris removal and assessment work.

- Winona - $150,000 – Grant agreement signed and sent in. Dist. Board met on 10/10/07 to discuss policy and assessment. Decision was made to C-S up to 100% on rehabilitation and repair of conservation practices (mainly spillway damage at this time) and 20% T&A. Board felt that other funds available could address debris removal, etc. Work continues on assessment of site-specific damage to conservation practices and post harvest damage needs. No funds have been encumbered to date. Board meets again on 11/14/07.

SE RIM Program Guidelines: SWCDs have been forwarding input/comments into BWSR regarding the RIM Program waivers covering eligibility, payment rates and easement lengths. BWSR staff should be in the position to entertain these comments and draft some guidelines that SWCD staff can respond to. Additional 15 CREP applications are on my desk with the majority of them in the flood damage counties. There is interest in the upcoming signup of a RIM like program in the counties.

Others Issues Being Worked On: 1. Discussions with SWCD of shared technical/engineering assistance for flood repair projects; 2. BWSR staffing needs for BWSR programs and SE Flood Relief – Jeff N; 3. Garvin Brook Watershed Options Meeting being coordinated. 4. Regional Flood Impact Forum (March 2008) planning has begun and is being coordinated by the SE Water Resources Board.

FOR YOUR INFORMATION

September 26, 2007

- Updated listing of BWSR Committees, September 2007
- Flood Recovery Common Community Application
- Report from Tim Koehler, NRCS

BOARD OF WATER AND SOIL RESOURCES
COMMITTEES
September 2007

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
	Jim Haertel	staff lead

Responsibility:

The DRC is responsible for appeals relating to the Wetland Conservation Act rule decisions of local governments, watershed district rule and permit decision appeals, and, under MS103A.301, determinations of water law and policy. The authority of the DRC is established in statute and assigned to the DRC by the Board. Under current guidelines the DRC receives the appeals; hears the issues; and makes recommendations to the Board.

Meetings:

The Committee will meet as needed to process appeals that have been filed with the Board.

GRANTS PROGRAM AND POLICY COMMITTEE

Membership:	Louise Smallidge, chair	soil & water conservation district
	Dana Allen	citizen
	Brian Kletscher	county commissioner
	Bob Burandt	soil & water conservation district
	Paul Langseth	soil & water conservation district
	Gene Tiedemann	watershed district/WMO
	Joe Martin	Department of Agriculture
	Paul Eger	Pollution Control Agency
	Wayne Zellmer	staff lead
	vacant, Assistant Director	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
	LuAnn Tolliver	watershed district/WMO
	Ken Robinson	watershed district/WMO
	Dana Allen	citizen
	Paul Langseth	soil & water conservation district
	Jim Anderson	Minnesota Extension Service
	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* (April 2007)**

Membership:	Paul Brutlag, chair	citizen
	Dana Allen	citizen
	Bob Burandt	soil & water conservation district
	Paul Langseth	soil & water conservation district
	Joe Martin	Department of Agriculture
	Larry Kramka	Department of Natural Resources
	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 – Brian Kletscher
metro – Bob Burandt

North (4)	**South (4)**	**Metro (3)**
Quentin Fairbanks - CC	Brian Kletscher – CC	Bob Burandt – SWCD
Paul Brutlag – CIT	Dana Allen – CIT	Louise Smallidge – SWCD
Ken Robinson - WD	Randy Kramer – CIT	LuAnn Tolliver – WD
Brian Napstad – CC	Paul Langseth – SWCD	Jim Anderson – MES
Gene Tiedemann – WD	Joe Martin – MDA	Paul Eger – PCA
Wayne Edgerton – DNR	Dan Wilson – MDH	Steve Woods, SMT staff
Ron Shelito, SMT staff	Jeff Nielsen, 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

WETLANDS COMMITTEE

Membership:	LuAnn Tolliver, chair	watershed district/WMO
	Paul Brutlag	citizen
	Bob Burandt	soil and water conservation district
	Ken Robinson	watershed district/WMO
	Brian Kletscher	county commissioner
	Brian Napstad	county commissioner
	Gene Tiedemann	watershed district/WMO
	Larry Kramka	Department of Natural Resources
	Joe Martin	Department of Agriculture
	Paul Eger	Pollution Control Agency
	WCA Coordinator	vacant, 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 Morhing, 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*
- *Minnesota Association of Conservation District Employees (MACDE) – Brian Watson/Rick Reimer*
- *Minnesota Association of Soil & Water Conservation Districts (MASWCD) – LeAnn Buck*
- *Minnesota Association of Townships (MAT) – Sandy Hooker*
- *Minnesota Association of Watershed Districts (MAWD) – Ray Bohn*
- *Minnesota County Planning and Zoning Administrators (MCPZA) – Norman Craig*
- *League of Minnesota Cities (LMC) - Jim Miller*

Federal Partners

- *U.S. Army Corps of Engineers (USCoE) – Bob Whiting*
- *U.S. Fish and Wildlife Service (USF&WS) – Robyn Thorson, Regional Director*
- *USDA Farm Services Agency (FSA) – Perry Aasness*
- *USDA Natural Resources Conservation Service (NRCS) – Tim Koehler*

State Agencies

- *Met Council – Peter Bell*
- *Minnesota Department of Transportation (MNDOT) – Carol Molnau, Lieutenant Governor*

Interest Partners

- *Allete Minnesota Power – Blake Francis*
- *Audubon Society of Minnesota – Ken Finch, Executive Director*
- *Builders Association – Nate Duer*
- *Fish and Wildlife Legislative Alliance – Lance Ness*
- *Izaak Walton League – Gary Schwartz*
- *Mining Industry Association of Minnesota – Wayne Brandt*
- *Minnesota Agri-Growth Council – Daryn McBeth*
- *Minnesota Association of Realtors – Glen Dorfman*
- *Minnesota Barley Research & Promotion Council – Marv Zutz, Executive Director*
- *Minnesota Cattlemen's Association – Steve Brake, President*
- *Minnesota Center for Environmental Advocacy – Martha Brand*
- *Minnesota Conservation Federation – Gary Botzek*
- *Minnesota Corn Growers Association – Bruce Stockman, Executive Director*
- *Minnesota Ducks Unlimited – Ryan Heiniger*
- *Minnesota Environmental Partnership – Steve Morse, Executive Director*
- *Minnesota Farm Bureau Federation – Kevin Paap, President*
- *Minnesota Farmers Union – Doug Peterson, President*
- *Minnesota Forest Industries & Timber Producers Association – Wayne Brandt*
- *Minnesota Land Trust – Jane Prohaska, Executive Director*
- *Minnesota Milk Producers Association – Bob Lefebvre*
- *Minnesota Pork Producers Association – Dave Preisler, Executive Director*
- *Minnesota Sierra Club – Judy Chucker, President*
- *Minnesota Soybean Growers Association – Jim Palmer, Executive Director*
- *Minnesota Turkey Growers Association – Steve Olson, Executive Director*
- *Minnesota Viewers Association – Ron Ringquist*
- *Minnesota Waterfowl Association – Brad Nylin, Executive Director*
- *Minnesota Waters – Bruce Johnson*
- *Minnesota Wetland Bankers Association – Mary Mueller*
- *Minnesota Wetland Professionals Association – Andi Moffatt, Vice President*
- *Minnesota Wheat Growers Association – Dave Torgerson, Executive Director*
- *Pheasants Forever – Matt Holland*
- *Red River Valley Sugarbeet Growers, Nick Sinner, Executive Director*
- *The Nature Conservancy – Tom Landwehr*
- *Urban Wetland Management Coalition – Cliff Aichinger*

MINNESOTA RECOVERS
A local, State and Federal resource for people affected by the flooding

Southeast Minnesota Flood - 2007
Comprehensive Application for Communities
For State Disaster Assistance

MinnesotaRecovers.org *MinnesotaRecovers@state.mn.us*

Flood Recovery Common Community Application

Housing and Business Needs Survey Attached

On September 12, 2007 the Minnesota Legislature adopted and Governor Pawlenty signed into law legislation providing $147,809,000 of state resources to respond to the floods in the seven southeastern Minnesota counties designated under Presidential Declaration of Major Disaster, DR-1717. The Minnesota Recovers Disaster Task Force ('Task Force") will coordinate the efforts of all state agencies to respond to the flood and coordinate the distribution of these resources. Set forth below is a "Common Community Application" for state resources.

THIS APPLICATION IS NOT INTENDED TO REPLACE INSURANCE, FEMA, SBA, OR OTHER FEDERAL ASSISTANCE, AND COMMUNITIES, BUSINESSES AND INDIVIDUALS MUST CONTINUE TO PURSUE THOSE RESOURCES TO THE MAXIMUM EXTENT POSSIBLE.

Application Process

The process that will be used to distribute state resources and instructions for completing the community application are described below. Appended to this application are housing and business needs surveys and accompanying instructions.

- Communities submit Common Applications (sections A., B. C. and D.) as soon as possible, but no later than **Friday, October 5, 2007**;
- Task Force makes *preliminary* funding commitments to communities for recovery costs, and makes funding awards for planning and technical assistance;
- Communities develop detailed recovery plans, programs, and budgets and an implementation work program and submit them to the Task Force as they are able to complete them;
- Information submitted by communities will be used to identify opportunities to coordinate with appropriate state and federal agencies to best address particular community and regional needs;
- Agencies will determine funding commitments based on completed recovery plans.

Not all state resources will be distributed under this process. As necessary and appropriate, some state resources will be made available more quickly.

PLEASE SUBMIT AS MUCH INFORMATION AND RESPOND TO AS MANY QUESTIONS AS POSSIBLE BY OCTOBER 5, 2007. THE TASK FORCE WILL WORK WITH COMMUNITIES TO IDENTIFY AND ASSIST IN OBTAINING ADDITIONAL INFORMATION AS NECESSARY, INCLUDING REFINEMENTS TO COST ESTIMATES.

Completed applications, or questions about the application can be directed to:

Kevin Kelleher
Minnesota Department of Employment and Economic Development
Southeast Regional Office, 1250 Homer Road, Suite 200
Winona, MN 55987
Phone: (507) 453-2926 **Fax: (507) 453-2960** **E-Mail: kevin.kelleher@state.mn.us**

FOR OFFICE USE ONLY:

Application Number _____

A. Contact Information

Applicant/Address/Phone/Fax/E-Mail: ("Applicant" can be city, county, or township. If there is a special district in your jurisdiction, such as a watershed district, incorporate the response into this application or have the jurisdiction submit a separate application.)	**Contact Person/Address/Phone/ Fax/E-Mail:**

B. Flood Impact Areas(s)

(Please attach a map showing damaged area(s) and proposed project site(s), if applicable. Include other relevant maps, such as existing flood plains and areas served by central sewer or water.)

C. Preliminary Flood Recovery Plan Narrative

Please address the following questions and issues in your application. Use as many pages as necessary. Attach as much supplemental information as you have available, including damage assessments from FEMA and other sources, and the basis for those assessments.

1. Provide a brief description of your community's recovery needs and the damages for which you are requesting mitigation assistance. Include amounts expended or incurred for internal costs, consultants, etc., and the extent, if known, that these costs will be reimbursed by FEMA or other non-state or local sources.

2. Do you have needs for additional technical and planning assistance to complete or implement plans? If so, what type, have you identified potential consultants, and what would be the estimated cost?

3. What organizations are your primary delivery partners (community action organizations, housing authorities, economic development authorities, etc.), and what recovery activities will they assist on? Please provide contact information for your key contacts in those organizations.

4. Are there areas of your community that you believe should not be rebuilt or rebuilt only with conditions (e.g. elevated foundations, secured propane tanks, etc.)? Are there areas you have identified for any potential new construction? Do you anticipate the need to "buy out" any homes or businesses? If so, how many of each?

5. Are there short-term opportunities and needs for which funding could be made available immediately to begin or assist in the recovery process?

6. Are there potential impediments or "bottlenecks" that need to be addressed sooner to facilitate the longer-term recovery process for which immediate plans should be made?

7. Communities are encouraged to do joint planning to the extent possible and feasible so that the recovery can result in stronger, healthier communities and also assist in longer term service and cost efficiencies. Are there communities with which you can develop and implement joint plans in one or more areas? Are there ways the state could provide incentives to facilitate and reward such planning?

For office use only:

Subcommittee Assignment(s):

____ Infastructure & ED ____ Housing ____ Mitigation & Fld Ctrl ____ Ag/Erosion ____ Health & Human Svs.

D. ESTIMATE OF COSTS PER PROJECT/ACTIVITY

Please attach any detailed information available, including any information on anticipated federal or other non-state/local financial contributions.

1. Acquisition of Real Property $	15. Assistance to Non-Profit Organization(s) $
2. Clearance/Demolition $	16. Planning/Project Needs Assessment/Technical Assistance/Project Coordination/Construction Management, if not otherwise included $
3. Floodproofing/Elevation $	17. Architectural/Engineering Services, if not otherwise included $
4. Relocation $	18. School Rehabilitation/Construction $
5. Water Supply $	19. Hospital/Clinic Rehabilitation/Construction $
6. Wastewater Treatment Facilities $	20. Government Building Rehabilitation/Construction $
7. Septic Systems $	21. Assisted Living Housing/Nursing Home Rehabilitation/Construction $
8. Storm Sewer $	22. Social Service Facilities or Activities $
9. Roads/Streets/Bridges $	23. Levee/Floodwall Construction $
10. Public Services $	24. Sedimentation/Soil Erosion/ Water Quality $
11. Owner-Occupied Housing Rehabilitation/Construction $	25. Contamination Cleanup $
12. Rental Housing Rehabilitation/Construction $	26. Parks/Trails/Other Recreational
13. Commercial Rehabilitation/ Construction $	27. Other (describe) $
14. Assistance to For-Profit Business(es) $	**TOTAL PRELIMINARY ESTIMATE** $

John:

I will be unable to attend the BWSR meeting on Wednesday since I will be in Becker County working with Kevin on the Senate Bonding Tour final logistics.

A few notes for the Board:

1. We finished the federal fiscal year last Friday, our systems shut down for end of year closeouts.

EQIP

As you know we finished with over 1500 EQIP contracts for nearly $27 million.

As a part of this was the Drought Assistance effort that we partnered with BWSR and landowners on with a $1.5 million obligation and a final number closer to $1.4 million due to some cost savings by landowners when they implemented their plans.

Technical Service Providers (TSP)

NRCS obligated over $1.7 million to TSPs to help us accelerate implementation of the Farm Bill

This included:

Over $800,000 to SWCD's to assist with both CRP and EQIP

$148,000 with BWSR

$98,000 for WRP assistance for all aspects of engineering wetland restorations

$50,000 for continuation of the WRP monitoring initiative with Greg Larson, Carol Strojny, Karli Swenson and others

Wetlands Reserve Program (WRP)

As the Board knows, due to low appraised values and a lack of an Emergency Bonding Bill that would have provided RIM funding we sent back

nearly $13 million to Washington during the year.

We would have sent another $4 million back but due to RIM funding becoming available during the past few weeks we were able to offer 40 landowners a RIM WRP offer. The final numbers will show that we were able to obligate almost all of the $4 million of WRP and nearly $2 million of RIM during last week!!!! This happened due to dedicated State and local level BWSR, NRCS, SWCD and partner (DU) employees working extra hours and going the extra mile to secure these funds.

Future Items

Bill Hunt has committed to continuing to work with BWSR on both WRP and EQIP. In particular with EQIP we will be working to see how we can allocate funds off of the top of our 2008 allocation to assist producers affected by the SE Floods as well as the Northern Drought conditions.

As directed by our Chief we will be conducting the first EQIP scoring period/signup starting November 1, 2007 with the hope that we can obligate as much EQIP funds as possible by January 1st. This will include the two emergencies mentioned above as well as our locally driven program statewide. EQIP funds could arrive as early as October 10th so it is still possible to provide funding for practice implementation later this fall or in the spring of 2008.

Take care and please share this message with the Board if you feel it is appropriate.

Tim Koehler
Assistant State Conservationist
USDA NRCS

Minnesota Board of Water & Soil Resources

DATE: August 13, 2007

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

FROM: John Jaschke, Executive Director

SUBJECT: August 22-23, 2007, Board Tour/Meeting Notice

The Board of Water and Soil Resources (BWSR) will tour Koochiching and Lake of the Woods Counties on Wednesday, August 22, 2007. See the attached tour itinerary.

Registration, coffee/rolls, welcome, introductions, and an overview of the day will be held at the Holiday Inn in International Falls (1500 Hwy. 71, phone: 218-283-8000) at 7:30 a.m. A coach bus will promptly depart from the Holiday Inn at 8:30 a.m.

We will tour conservation practices in Koochiching County – have a buffet lunch at the Birchdale Community Center and then tour conservation practices in Lake of the Woods County.

We will arrive at the Sportsman's Lodge in Baudette (3244 Bur Oak Road NW; phone: 1-800-862-8602) about 4:00 p.m. for an issues forum. The issues forum will be held in the lower level meeting room of the Sportsman's Lodge.

Dinner reservations are at 5:30 p.m. at the Sportsman's Lodge. Dinner will be served upstairs in the main dining room. We will depart from the Sportsman's Lodge about 6:30 p.m. and arrive back at the Holiday Inn in International Falls about 8:00 p.m.

If you have special food needs, or require a vegetarian meal, please contact Mary Jo Anderson at 651-297-4290 or maryjo.Anderson@bwsr.state.mn.us as soon as possible.

Sleeping rooms have been reserved at the Holiday Inn for Tuesday and Wednesday evenings, August 21 and 22. See the attached room reservation list. The rooms have been direct billed (you do not pay for the room), unless noted on the rooming list. Please let Mary Jo Anderson know asap if you will not need a sleeping room.

The Board of Water and Soil Resources will meet on Thursday, August 23, at 8:30 a.m. at the Holiday Inn. See information in the board packet.

The following information pertains to agenda items:

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. **Aitkin County Request For Comprehensive Local Water Management Plan Extension** – See attachment. ***DECISION ITEM***

2. **Cass County Request for Comprehensive Local Water Management Plan Extension** – See attachment. ***DECISION ITEM***

3. **Crow Wing County Priority Concerns Scoping Document** - Crow Wing County submitted the Priority Concerns Scoping Document for state review and comment, as part of updating their Comprehensive Local Water Management Plan. The Northern Water Planning Committee met August 8th after the state agencies comment period ended. The Committee's recommendations or requirements for the content of the final plan are drafted for the full board to review and take action on. The state's expectations of the final plan must be sent to Crow Wing County. See attachment. ***DECISION ITEM***

4. **Kanabec County Local Water Management Plan** - At the August 8th Northern Water Planning Committee, the Kanabec County Water planner presented the local water management plan for approval. The priority concerns for the Kanabec LWMP are: 1) the protection of shore lands and tributaries from erosion, sedimentation and nutrient loading, 2) drainage ditch maintenance, 3) ground water concerns, and 4) ground and surface water. The plan will run for ten years from 2007 through 2017 with a work plan update to take place in 2012. The Northern Water Planning Committee recommended approval without additional comment. See attachment. ***DECISION ITEM***

5. **Kittson County Comprehensive Local Water Plan (CLWP) Extension -** The effective end date of the Kittson County CLWP is December 31, 2007. On March 21, 2007, the Minnesota Board of Water and Soil Resources received, in accordance with current guidelines, a request to extend the effective date of the county's CLWP two years until December 31, 2009. The Kittson Soil and Water Conservation District has been delegated responsibility for administering and updating the CLWP plan. The coordinator, Holly Anderson, is also the zoning administrator who is currently in the process of updating the Kittson County Zoning Ordinance. As required by MPCA, Ms. Anderson must also begin an update of the septic ordinance in 2007 and possibly create a feedlot ordinance. The extension request is due to staff limitations at the SWCD. The requested two-year extension will provide the SWCD staff with the time to complete the plan update and also position themselves better to take advantage of the Clean Water Legacy Program. The Board Conservationist has recommended approval of the extension and will continue working with the coordinator to insure the plan is completed in a timely fashion. See attachment. ***DECISION ITEM***

6. **Koochiching County Comprehensive Local Water Management Plan -** Koochiching County has submitted their Comprehensive Local Water Management Plan Update for state review and comment. The Northern Water Planning Committee met on August 8th in Grand Rapids 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 content of the final water plan are drafted for the full Board to review and act upon. The state's expectations of the final plan must be sent to Koochiching County. See attachment. ***DECISION ITEM***

Southern Water Planning Committee

1. **Jackson County Priority Concerns Scoping Document -** Jackson County, as part of updating their Comprehensive Local Water Management Plan, submitted the Priority Concerns Scoping Document for state review and comment. The Southern Water Planning Committee of the Board, chaired by Brian Kletscher, met July 19, 2007, after the state agency review period ended. The committee's recommendation for the content of the final plan is drafted for the full Board review and action. The state's expectations for the final plan must be sent to Jackson County. See attachment. ***Decision Item***

NEW BUSINESS

1. **Lake of the Woods Water Sustainability Foundation** – Todd Sellers, Executive Director, Kenora, Ontario, Canada – ***INFORMATION ITEM***

2. **Forestry Conservation Practice -** The 2007 Legislature directed the BWSR to develop a forestry practices docket for cost-share money. The Grants Program and Policy Committee is recommending development of a draft forestry practice to be adopted for FY 2009. See attachment. ***INFORMATION/DISCUSSION ITEM***

3. **BWSR Strategic Plan** – Brian Napstad and Cliff Tweedale – ***INFORMATION ITEM***

4. **Supplemental 2008 Feedlot Water Quality Management Grant (FWQMG) Allocations** - The Grants Program and Policy Committee is recommending additional funding for high priority projects ineligible under the CWL appropriation. See attachment. ***DECISION ITEM***

5. **Minnesota River Basin Joint Powers Board, FY08 Annual Work Plan –** This plan is for BWSR oversight of administrative funding related to the efforts of the Minnesota River Basin Joint Powers Board (MRB). Administrative funding for MRB, via state general funds, has been restored to $100,000 each of the next two years. The overall budget objectives are included in the plan. Staff

recommends approval of this plan and execution of the administrative grant agreement for FY 2008. See attachment. ***DECISION ITEM***

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. The meeting will adjourn about 12:30 p.m. I look forward to seeing you next week!

** **Please Note:** The Public Relations, Outreach and Strategic Planning Committee will meet prior to the Board meeting, at 7:00 a.m. at the Holiday Inn.

Bemidji
3217 Bemidji Avenue N.
Bemidji, MN 56601
phone (218) 755-4235
fax (218) 755-4201

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

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

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

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

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

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

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

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

Tuesday, August 21, 2007

We have a casual evening planned for Tuesday night. We have dinner reservations at 6:30 p.m. at the Thunderbird Lodge (phone: 218-286-3151 -- 2170 County Road 139 – located ten miles east from the Holiday Inn on Hwy. 11 East) on Rainy Lake. If you're interested, you can take a sunset pontoon ride or take the mini-coach bus back to the Holiday Inn for rest and relaxation.

If you would like to ride the mini-coach bus to the Thunderbird Lodge, meet in the lobby of the Holiday Inn at 6:00 p.m.

Please let me know asap if you plan to join us for dinner and a pontoon ride.
I need to have a count on the number of attendees.

BOARD OF WATER AND SOIL RESOURCES
HOLIDAY INN
1500 HWY. 71
INTERNATIONAL FALLS, MN 56649
THURSDAY, AUGUST 23, 2007

PRELIMINARY AGENDA

8:30 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF JUNE 27, 2007

WELCOME – Koochiching County Commissioners

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

INTRODUCTION OF NEW EMPLOYEES
- Chad Severts

REPORTS
- Chair – Randy Kramer
- Executive Director – John Jaschke
- Dispute Resolution Committee – Randy Kramer
- Wetlands Committee – LuAnn Tolliver
- Grants Program & Policy Committee – Louise Smallidge
- Public Relations, Outreach & Strategic Planning Committee – Brian Napstad
- Administrative Advisory Committee – Randy Kramer

COMMITTEE RECOMMENDATIONS
Northern Water Planning Committee
1. Aitkin County Request for Comprehensive Local Water Management Plan Extension – Quentin Fairbanks – ***DECISION ITEM***

2. Cass County Request for Comprehensive Local Water Management Plan Extension – Quentin Fairbanks – ***DECISION ITEM***

3. Crow Wing County Priority Concerns Scoping Document – Quentin Fairbanks – ***DECISION ITEM***

4. Kanabec County Local Water Management Plan – Quentin Fairbanks – ***DECISION ITEM***

5. Kittson County Comprehensive Local Water Plan (CLWP) Extension – Quentin Fairbanks – ***DECISION ITEM***

6. Koochiching County Comprehensive Local Water Management Plan – Quentin Fairbanks – ***DECISION ITEM***

Southern Water Planning Committee

1. Jackson County Priority Concerns Scoping Document – Paul Langseth – ***DECISION ITEM***

NEW BUSINESS

1. Lake of the Woods Water Sustainability Foundation – Todd Sellers, Executive Director, Kenora, Ontario, Canada – *INFORMATION ITEM*

2. Forestry Conservation Practice – Jim Lemmerman – *INFORMATION/DISCUSSION ITEM*

3. BWSR Strategic Plan – Brian Napstad and Cliff Tweedale – *INFORMATION ITEM*

4. Supplemental 2008 Feedlot Water Quality Management Grant (FWQMG) Allocations – Wayne Zellmer – *DECISION ITEM*

5. Minnesota River Basin Joint Powers Board, FY08 Annual Work Plan – John Jaschke - *DECISION ITEM*

AGENCY REPORTS

- Minnesota Extension Service – Jim Anderson
- Minnesota Department of Natural Resources – Larry Kramka
- Minnesota Department of Health – Dan Wilson
- Minnesota Department of Agriculture – Joe Martin
- Minnesota Pollution Control Agency – Paul Eger

ADVISORY COMMENTS

- Association of Minnesota Counties (AMC) – Annalee Garletz
- Minnesota Association of Conservation District Employees (MACDE) – Rick Reimer
- Minnesota Association of Soil and Water Conservation Districts (MASWCD) – LeAnn Buck
- Minnesota Association of Townships (MAT) – Sandy Hooker

- Minnesota Association of Watershed Districts (MAWD) – Ray Bohn
- Natural Resources Conservation Service (NRCS) – Tim Koehler
- Other

UPCOMING MEETINGS

- Next Board Meeting, September 26, 2007, St. Paul

12:30 PM ADJOURN

** **Please Note:** The Public Relations, Outreach and Strategic Planning Committee will meet prior to the Board meeting, at 7:00 a.m. at the Holiday Inn.

Board of Water and Soil Resources Tour
August 22, 2007



Hosted by
Koochiching SWCD and
Lake of the Woods SWCD

The bus will depart from the Holiday Inn of International Falls at 8:30 a.m.

7:30 am	**Check-in** (coffee and rolls)
8:00	**Welcome and Tour Preview** City Welcome from Shawn Mason, International Falls Mayor County Welcome from Charles Lepper, Koochiching County Board Chairman Tour Preview by Koochiching and Lake of the Woods SWCDs
8:30-11:30	**Koochiching County Site Visits** Site 1 – Wetland Identification • City of Littlefork proposed building site • Larson Lumber and Building Center, incidental wetlands Site 2 – Beneficial Reuse of Wood Ash (remain on bus) Site 3 – Forest Stewardship/Tree Farm
11:30-12:15	**Lunch at the Birchdale Community Center**
12:30-12:55	Site 4 – Nelson Park Erosion Project
1:00-4:00	**Lake of the Woods County Site Visits** Site 5 – Jean Reinhardt's Feedlot Water Quality Management Grant Project Site 6 – Willy Walleye and Rainy River Basin River Watch Program and SWCD Water Monitoring Projects (photo opportunity and refreshment break) Site 7 – Bostic Creek and Judicial Ditch Erosion and Sedimentation Issues (remain on bus) Site 8 – Lake of the Woods and the Graceton Beach
4:00	**Arrive at Sportsman's Lodge on the Rainy River**
4:15-5:15	**Forum of Local Issues**
5:15-5:30	**Break**
5:30	**Dinner**
6:45 pm	**Depart for International Falls**

Site Visits along the 2007 BWSR Tour Route

Koochiching County

Site #1—Wetland Identification Site. Side-by-side examples of wetland determinations at Larson Lumber and Building Center and the City of Littlefork proposed Industrial Park.

Site #2—Beneficial Reuse of Wood Ash. Reusing wood ash benefits the mills, the landowners, and the environment.

Site #3—Forest Stewardship Planning Site. Visit Rowland Hamley's property for discussion on the growing trends in forest management, and the increasing need for forest stewardship planning.

Site #4—Nelson Park Shoreline Stabilization Project. A visit to a cooperative shoreline stabilization project between the County Lands and Forests Department and the SWCD using state cost share dollars.

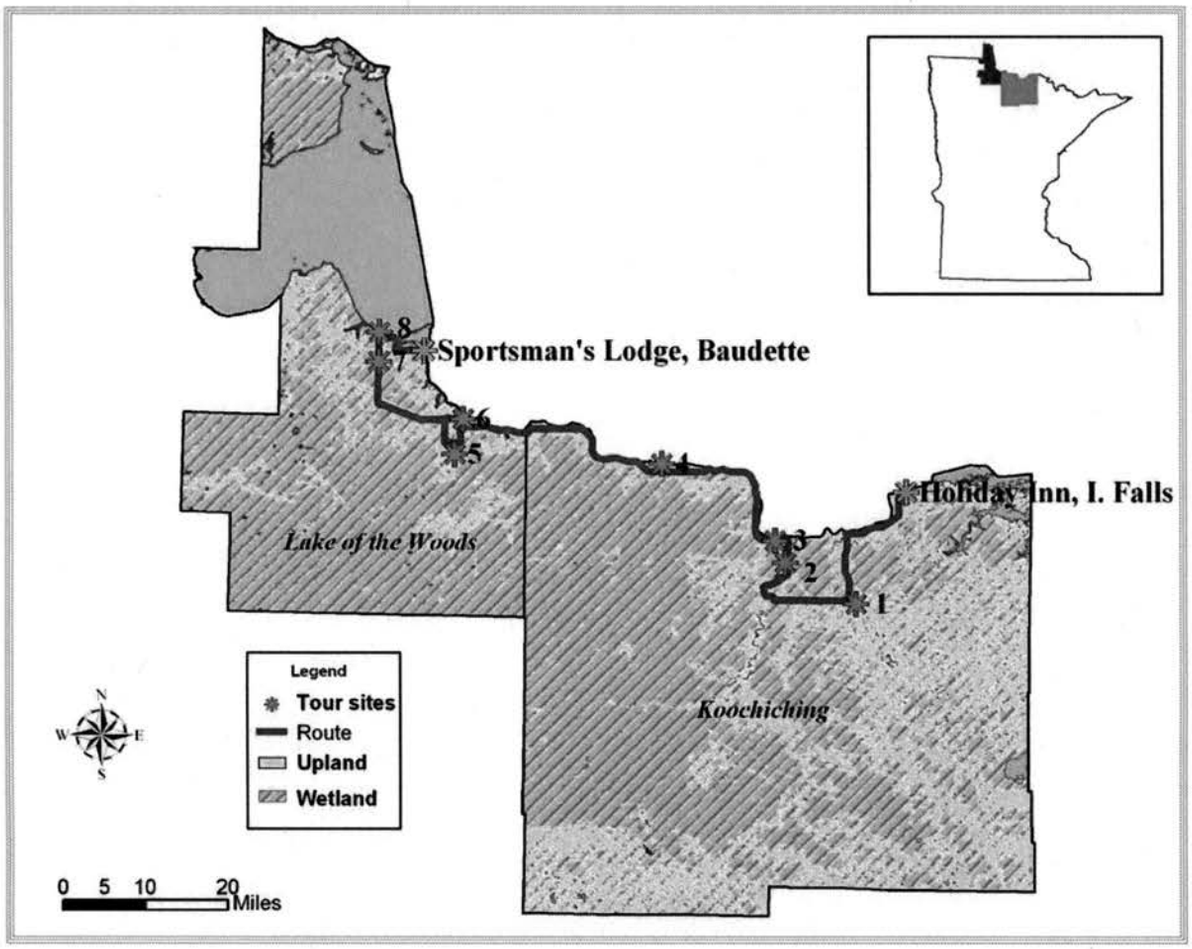
Lake of the Woods County

Site #5—Reinhart Feedlot Water Quality Management Grant. Visit to a feedlot relocation project designed by the NC MN JPB engineers and installed using FWQMG funding.

Site #6—Rainy River Basin River Watch Program. This new program is a cooperative effort between the high school and the SWCD. The stop will provide an opportunity to watch local students sampling and hear about SWCD monitoring efforts.

Site #7—Bostic Creek Watershed. The County and the SWCD are working together to solve severe erosion issues in this watershed.

Site #8—Lake of the Woods. This stop provides an opportunity to view Lake of the Woods and hear about some of the challenges of such a large lake which is also an international waterbody.



Holiday Inn
International Falls, MN
218-283-8000
Sleeping Rooms Reserved for:

Tuesday, August 21

1. Dana Allen
2. **Jim Anderson *****
3. Mary Jo Anderson
4. Paul Brutlag
5. Bob Burandt
6. **Wayne Edgerton *****
7. **Paul Eger *****
8. Quentin Fairbanks
9. Jon Fure
10. Jeff Hrubes
11 John Jaschke
12. Kari Keating
13. Brian Kletscher
14. Randy Kramer
15. **Larry Kramka *****
16. Paul Langseth
17. Les Lemm
18. Jim Lemmerman
19. **Joe Martin *****
20. Brian Napstad
21. Ken Robinson
22. Chad Severts
23. Ron Shelito
24. Louise Smallidge
25. Gene Tiedemann
26. LuAnn Tolliver
27. Steve Woods
28. Wayne Zellmer – *smoking room*

Wednesday, August 22

1. Dana Allen
2. **Jim Anderson *****
3. Mary Jo Anderson
4. Paul Brutlag
5. Bob Burandt
6. **Wayne Edgerton *****
7. **Paul Eger *****
8. Quentin Fairbanks
9. Jon Fure
10. Jeff Hrubes
11. John Jaschke
12. Kari Keating
13. Brian Kletscher
14. Randy Kramer
15. **Larry Kramka *****
16. Paul Langseth
17. Les Lemm
18. Jim Lemmerman
19. **Joe Martin *****
20. Brian Napstad
21. Ken Robinson
22. Chad Severts
23. Ron Shelito
24. Louise Smallidge
25. Gene Tiedemann
26. LuAnn Tolliver
27. Steve Woods
28. Wayne Zellmer – *smoking room*

- **Rooms will be direct billed.**
- **Those names with *** will pay for their rooms.**
- **Rooms are non-smoking.**

DRAFT DRAFT DRAFT

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
2ND FLOOR CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JUNE 27, 2007

BOARD MEMBERS PRESENT:
Paul Brutlag, Bob Burandt, Quentin Fairbanks, Larry Kramka, DNR; Randy Kramer, Joe Martin, MDA; Brian Napstad, Ken Robinson, Faye Sleeper, MES; Louise Smallidge, Lisa Thorvig, MPCA; Gene Tiedemann, LuAnn Tolliver, Dan Wilson, MDH

BOARD MEMBERS ABSENT:
Dana Allen, Brian Kletscher and Paul Langseth

STAFF PRESENT:
Mary Jo Anderson, Tim Fredbo, Jon Fure, Jim Haertel, John Jaschke, Al Kean, Kevin Lines, Kristie Mack, Jeremy Maul, Jeff Nielsen, Ron Shelito, Sarma Straumanis, Doug Thomas, Dave Weirens, Brad Wozney, Wayne Zellmer

OTHERS PRESENT:
Kerry Netzke, Area II
Tom Kalahar, Renville SWCD
Wayne Edgerton, DNR

Chair Kramer called the meeting to order at 9:05 a.m.

PLEDGE OF ALLEGIANCE

** 07-51 **ADOPTION OF AGENDA** – Moved by Louise Smallidge, seconded by Larry Kramka, to adopt the agenda as presented. Motion passed on a voice vote.

** 07-52 **MINUTES OF MAY 23, 2007** – Moved by LuAnn Tolliver, seconded by Bob Burandt, to approve the minutes of May 23, 2007, as circulated. Motion passed on a voice vote.

REPORTS

Chair's Report – Randy Kramer reported that he received a thank you note from the winners of the State Envirothon at Lake Shetek. They thanked BWSR for their support; the team will go to New York in late July for the Canon National Envirothon competition.

Chair Kramer attended the BWSR field staff meeting in St. Cloud earlier this month. Chair Kramer also attended the Grants Program and Policy Committee meeting, the RIM Reserve Planning Committee meeting, and the Wetlands Committee meeting this month.

Executive Director's Report – John Jaschke reported that he attended the Red River Basin Commission's tour/meeting on June 6-7. John attended Dana Allen's Gar-Lin dairy farm open house on June 9th. John met with Bill Hunt, NRCS, regarding program and training coordination. John attended the MASWCD Area 2 and Area 6 meetings. John met with newly appointed Board Member Ken Robinson, on June 21 in Sauk Rapids. John met separately with DNR Enforcement and also LGUs and legislators from central Minnesota on June 25 to discuss wetland enforcement funding for non-metro LGUs. John attended the MACDE summer meeting on June 26 in Stillwater. John will attend MAWD's summer meeting and tour later this week.

John reported that the LCCMR tour is scheduled for July 11 in Renville County, looking at rock outcrop and CREP easements. John stated that the LCCMR projects and Conservation Plan were featured in a Star Tribune article. John stated that information is provided in Board Members' packets today regarding Congressman Jim Oberstar's Clean Water Restoration Act and Minnesota's perspective and support from multi-agencies. John reported that BWSR's bonding bill requests were submitted on June 25. Project requests include: RIM Reserve Program; Local Government Road Wetland Replacement; RIM Clean

Energy; Clean Water Legacy-Streambank and Lakeshore; and Grass Lake. John has had conversations with the Campaign Finance and Disclosure Board regarding the new requirement for SWCD and Watershed District officials to file statements of Economic Interest. John reported that he met with the new Colonel of the U.S. Army Corps of Engineers, Jon Christensen, replacing Michael Pfenning.

Dispute Resolution Committee – Jim Haertel was pleased to report there are no new appeals since the Board notice was sent; two appeals have been settled.

Wetlands Committee – LuAnn Tolliver reported that Wetlands Committee met on June 11th, with a follow-up meeting held on June 15 via conference call. LuAnn stated that the Wetlands Committee has items to be considered later today on the agenda.

Grants Program and Policy Committee – Louise Smallidge reported that the Grants Program and Policy Committee met on June 11th. The Grants Program and Policy Committee has items to be considered later today on the agenda.

Public Relations, Outreach and Strategic Planning Committee – Brian Napstad reported that the Public Relations, Outreach and Strategic Planning Committee will meet immediately following the Board meeting today. Brian reported that Cliff Tweedale, facilitator, held a meeting with stakeholders on June 6th. Brian reported that Jon Fure is conducting a survey regarding BWSR's website redesign and outreach activities in the future.

Administrative Advisory Committee – Randy Kramer reported that the Administrative Advisory Committee met this morning, issues discussed will be considered later today on the agenda, or information will be provided at upcoming Board meetings. Chair Kramer stated that per diems were discussed, he will provide information to Board members at a future meeting.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Minnehaha Creek Watershed District, Watershed Management Plan – Bob Burandt reported that Metro Water Planning Committee met on June 11th to review the Minnehaha Creek Watershed District Watershed Management Plan,

** 07-53 and recommends approval. Moved by Bob Burandt, seconded by LuAnn Tolliver, to accept the recommendation to approve the Minnehaha Creek Watershed District Watershed Management Plan. Discussion followed. Mike

Wyatt, Planner for Minnehaha Creek Watershed District, was introduced and presented information. Motion passed on a voice vote.

Northern Water Planning Committee

Sherburne County Local Water Management Plan – Quentin Fairbanks reported that the Northern Water Planning Committee met on June 13th in Brainerd to review the Sherburne County Local Water Management Plan and recommends approval. Quentin reported that this ten-year plan will be reviewed again in five years. Quentin suggested that plans be reviewed on an on-going basis to monitor, assess and evaluate progress. Moved by Quentin Fairbanks, seconded by Larry Kramka, to approve the Sherburne County Local Water Management Plan. Motion passed on a voice vote.

** 07-54

Southern Water Planning Committee

Cottonwood County Local Water Management Plan Update – Jeff Nielsen reported that the Southern Water Planning Committee met to review the Cottonwood County Local Water Management Plan Update and recommends approval. Moved by Dan Wilson, seconded by Louise Smallidge, to approve the Cottonwood County Local Water Management Plan. Motion passed on a voice vote.

** 07-55

Murray County Local Water Management Plan Update – Jeff Nielsen reported that the Southern Water Planning Committee met to review the Murray County Local Water Management Plan Update and recommends approval. Moved by Bob Burandt, seconded by Dan Wilson, to approve the Murray County Local Water Management Plan. Motion passed on a voice vote.

** 07-56

Jeff Nielsen reported that the Southern Water Planning Committee will meet July 19th to review the Jackson County Priority Concerns Scoping Document.

NEW BUSINESS

FY2008 Farm Bill Assistance Project-CREP II Implementation – Kevin Lines presented the FY 2008 Farm Bill implementation funding and grant formula. Staff recommends approval of the funding formula, and requests authorization to implement Phase VII for FY2008 . Discussion followed. Moved by Brian Napstad, seconded by Quentin Fairbanks, to approve the funding proposal for the FY2008 Farm Bill Assistance Project-CREP II Implementation. Motion passed by a voice vote.

** 07-57

Request to Allow Prescribed Grazing on LCCMR Rock Outcrop Conservation Easements – Chair Kramer stated that this agenda item is for information at this time with a decision anticipated at the August Board meeting. Tim Fredbo explained the request and introduced Tom Kalahar, Renville SWCD; and Joe Stangel, DNR private lands specialist. Tom presented the minimum requirements for prescribed grazing. Discussion followed. Lisa Thorvig commended Tom on the project; she requested that the data be tracked on this effort. John Jaschke suggested a uniform approach for easement and management plans, working with SWCD staff, BWSR staff, BWSR Committee, and Attorney General's office. Chair Kramer thanked Tom Kalahar for his efforts. This will also be on the August Board meeting agenda for decision.

FY08 SWCD Grants – Wayne Zellmer reported that the Grants Program and Policy Committee recommends approval of the annual allocations to SWCDs for Cost-Share and Services Grants as presented. New for FY08 is a Services Grant requirement that SWCDs must request these funds by providing certain SWCD information (SWCD staff and supervisor contact information, SWCD geographical data, financial information, recent activities, and future projects). This information will be assembled into a Minnesota SWCD Guidebook. Wayne explained that another new grant for FY08 is the Web Site Development Grant. Wayne clarified that only SWCDs that do not have a web page would be eligible to receive the approximately $857 grant. MASWCD will receive about $10,000 for development of guidance for SWCDs on required web elements.

** 07-58 Moved by Louise Smallidge, seconded by Gene Tiedemann, to accept the Grants Program and Policy Committee recommendation to approve the FY08 SWCD Grants Allocations. Brian Napstad liked that appropriations are allocated for services rendered. Lisa commended BWSR staff and the Grants Program and Policy Committee for their efforts. Motion passed on a voice vote.

FY08 Natural Resources Block Grant – Wayne Zellmer explained that the FY08 Natural Resources Block Grant (NRBG) provides assistance to local governments to implement state natural resources programs. These programs are: Comprehensive Local Water Management, the Wetland Conservation Act, DNR Shoreland Management, MPCA County Feedlot, and the MPCA SSTS. The Grants Program and Policy Committee recommends Board approval of the FY08 Natural Resources Block Grant Program to authorize staff to enter into grant agreements with counties that meet program requirements according to the

** 07-59 allocations presented. Moved by Louise Smallidge, seconded by Lisa Thorvig, to accept the Grants Program and Policy Committee's recommendation to approve the FY08 Natural Resources Block Grant allocations as presented. Discussion followed. Brian Napstad suggested that a more equitable distribution

of compensation is due for efforts on the WCA allocations. Motion passed on a voice vote.

FY08 Non-Point Engineering Assistance (NPEA) Base Grant – Wayne Zellmer explained that the NPEA Base Grant allocation is a non-competitive annual grant allocated to the eleven SWCD Technical Service Areas (TSA) to be used by each TSA to provide engineering/technical services to help landowners implement erosion control and water quality improvement practices. Wayne reported that the Grants Program and Policy Committee is requesting the authorization of the FY08 NPEA Base Grant Program, and staff to allocate these grants to JPBs meeting program, work plan, and reporting requirements beginning July 1, 2007. Moved by Louise Smallidge, seconded by Brian Napstad, to accept the Grants Program and Policy Committee's recommendation to approve the FY08 Non-Point Engineering Assistance Base Grant allocations. Motion passed on a voice vote.

** 07-60

FY08 Local Water Management Planning Challenge Grants – Dave Weirens distributed a statewide map of the LCCMR Challenge Grant Projects and explained that LCCMR has provided BWSR with $350,000 to implement priority action items in approved local water management plans. Dave presented the FY08 Local Water Management Planning Challenge Grants, and explained the review process and funding recommendations. The Grants Program and Policy Committee recommends that the highest scoring 12 projects be funded, with the twelfth project receiving partial funding. These projects will provide a match of $587,709. Moved by Louise Smallidge, seconded by Ken Robinson, to accept the Grants Program and Policy Committee recommendation to approve the FY08 Local Water Management Planning Challenge Grants. Discussion followed. Motion passed on a voice vote.

** 07-61

Soil Survey Assistance Grants – Wayne Zellmer explained that LCCMR allocated Trust Funds to BWSR to accelerate the completion of soil surveys. $400,000 will be available July 1, 2007. $10,000 ($40,000 total) is proposed to be allocated to Koochiching, North St. Louis, South St. Louis, and Crow Wing SWCDs for excavation work to support the on-going soil surveys for those counties. Greg Larson will be supervising this allocation. Moved by Louise Smallidge, seconded by Bob Burandt, to accept the Grants Program and Policy Committee's recommendation to approve up to $10,000 ($40,000 total) each to Koochiching, North St. Louis, South St. Louis, and Crow Wing SWCDs for backhoe work to support the on-going soil surveys for those counties. Discussion followed. Motion passed on a voice vote.

** 07-62

Chair Kramer called for a break in the meeting at 10:45 a.m. The meeting reconvened at 11:00 a.m.

Jeff Nielsen introduced Jeremy Maul, senior wetland specialist. Jeff stated that today is Jeremy's first day at BWSR. Chair Kramer welcomed Jeremy.

Area II Minnesota River Basin Project Inc., FY08 Annual Work Plan – Tabor Hoek, BWSR BC in Marshall, introduced Gary Sorenson, Vice Chair of Area II (Cottonwood County); Kerry Netzke, Area II Coordinator; and Andy Lochner, Chair of Area II (Brown County). Tabor gave a brief overview of Area II. Kerry Netzke presented the Area II FY08 Annual Work Plan, explained projects and gave an update on the Lazarus Creek project. Kerry also presented the FY08 technical office budget. Tabor explained that a 25% local match is required for all state dollars. Staff recommends approval of the plan and execution of the
** administrative grant agreement for FY2008. Moved by Brian Napstad, seconded
07-63 by Quentin Fairbanks, to approve the Area II Minnesota River Basin Project Inc., FY08 Annual Work Plan. Motion passed on a voice vote.

WCA Exempt Rule – Dave Weirens reported that the Wetlands Committee met on June 11, and had a follow-up meeting via conference call on June 15. Dave explained the WCA Exempt Rule and the changes to the Exempt Appeals Rule, the changes to the Exempt Exemption Rule, and the changes to the Exempt Wetland Replacement and Banking Rule. The Wetlands Committee recommends the Wetland Conservation Act (WCA) Proposed Exempt Rule Adoption – Amendments to Minnesota Rule Chapter 8420, and authorizes staff to: (i) notify the Governor's Office; (ii) submit the proposed exempt rule to the Office of Administrative Hearings, and (iii) complete the processes necessary to publish adopted rules in the State Register in order to make the rule effective on
** August 6, 2007. Discussion followed. Moved by LuAnn Tolliver, seconded by
07-64 Paul Brutlag, to accept the Wetlands Committee recommendation to adopt the WCA Exemption Rule Resolution as presented. Motion passed on a voice vote.

RIM Reserve Planning Committee's Progress Report – Kevin Lines distributed a packet of information for Board members to review. John Jaschke asked that Board members review and read the information distributed. This material is for information at this time, with a decision item for the Board expected this fall. Kevin gave a brief overview of the RIM Reserve Planning Committee's progress. The Committee consists of: Paul Brutlag, chair; Dana Allen, Bob Burandt, Paul Langseth, Joe Martin, Kevin Lines, Tim Fredbo, Tabor Hoek, Kristie Mack, and Pete Waller. The Committee has developed a FY09-10

Capital Investment Recommendation. Chair Kramer thanked the RIM Reserve Planning Committee for their efforts. The Committee will meet again in July.

AGENCY REPORTS

Minnesota Extension Service (MES) - Faye Sleeper reported that she has been appointed as co-director (with Jim Anderson) at the U of M Extension Service/Department of Soil, Water and Climate. Faye will attend BWSR meetings as Jim Anderson's alternate. Faye distributed the publication, "Great Lakes Regional Water Program Progress and Impact Report" for information.

Department of Natural Resources (DNR) - Larry Kramka commented on the proposed amendment to the Clean Water Act, redefining the Clean Water Act's jurisdiction. The language is to attempt to define the Clean Water Act, the focus is on 404 permitting. Larry stated that DNR, BWSR, MPCA, MDA, MNDOT, and MDH, are working together on the State's position to be presented to the Governor. Board members can contact Larry or John Jaschke if they have any questions regarding this issue.

Department of Health (MDH) - Dan Wilson gave a brief overview on the statute changes pertaining to water laws, including: 1) Well contractor bonds; 2) statewide plumbing licensure; 3) Health Risk Limits for top ten groundwater contaminants; 4) funding for a study of point-of-use water treatment for perfluorochemicals in drinking water; 5) provision for biomonitoring of environmental contaminants in people; and 6) increased well program fees in FY2009.

Minnesota Pollution Control Agency (MPCA) – Lisa Thorvig reported that MPCA's initial attempts at Pre-TMDL Trading met mixed reactions and reached the docket of the Minnesota Supreme Court in 2006. In a ruling released in May 2007, the court agreed with the MPCA's interpretation of the Clean Water Act and upheld a wastewater treatment facility permit issued to the cities of Annandale and Maple Lake. The court acknowledged that the MPCA made a "reasonable interpretation" of the law by allowing a reduction in phosphorus discharge at one facility to make up for an increase at the proposed Annandale-Maple Lake facility. The ruling provided significant guidance to the MPCA in developing Pre-TMDL Trading. Lisa stated that this draft document is on MPCA's website. If Board members have questions regarding this issue, contact Lisa.

Lisa reported that MPCA is working with BWSR, DNR, and MDA, on two fact sheets: 1) a drainage fact sheet that explains when a permit is needed; and 2) a fact sheet on conservation practice projects – when to get a construction stormwater permit. The fact sheets will clarify questions regarding permits. Lisa reported that she will attend the MAWD tour on Friday.

Chair Kramer stated that the BWSR Committee Schedule is in Board members packet today. The following Committees will meet on July 25: Grants Program and Policy Committee; the RIM Reserve Planning Committee; and the Wetlands Committee.

UPCOMING MEETINGS
Board Tour and Meeting, August 22-23, 2007, Koochiching and Lake of the Woods Counties. Additional information will be sent to Board members in the next few weeks.

John Jaschke stated that Koochiching County and International Falls have wetland issues that will be addressed to some extent prior to the meeting

** 07-65 Moved by Louise Smallidge, seconded by Lisa Thorvig, to adjourn the meeting at 12:45 p.m. Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder

Dispute Resolution Report
August 10, 2007
by: Jim Haertel

There are presently 28 appeals pending. All of the appeals involve WCA except File 05-24. There have been six new appeals filed since the last report dated June 15, 2007.

File 07-25. This is a new appeal of a replacement plan decision in Benton County. The appeal involves the approval of a replacement plan application for 7.8 acres of wetland fill. A previous decision on the project had been appealed and was remanded for a hearing at the local level. No decision has been made on the appeal.

File 07-24. This is a new appeal of an exemption determination in Stearns County. The appeal regards the denial of an incidental wetland exemption request. A previous determination on the exemption application had been appealed and was remanded for a hearing at the local level. No decision has been made on the appeal.

File 07-23. This is a new appeal of two restoration orders in Pine County. The appeal involves the filling of wetland in association with the construction of roads. No decision has been made on the appeal.

File 07-22. This is a new appeal of a restoration order in St. Louis County. The appeal regards the filling of wetland in association with the construction of a house and garage in a shoreland area. The filling of wetland is greater than the amount approved in a replacement plan. No decision has been made on the appeal.

File 07-21. This is a new appeal of a restoration order in Morrison County. The appeal regards the filling of shoreland wetland in association with the construction of a house. No decision has been made on the appeal.

File 07-20. This is a new appeal of a replacement plan decision in Morrison County. The appeal involves the deposition of excavated material in wetland from a permitted wildlife habitat project involving excavation in wetland. No decision has been made on the appeal.

File 07-19. This is an appeal of an exemption determination in Roseau County. The appeal involves the approval of an exemption application for War-Road Estates. The appeal has been remanded for further work at the local level.

File 07-15. This is an appeal of an exemption determination in Carver County. The appeal regards the denial of a wetland exemption application on agricultural land. The appeal has been remanded for a public hearing at the local level.

File 07-14. This is an appeal of an exemption determination in Carver County. The appeal regards the denial of a wetland exemption application on agricultural land. The appeal has been remanded for a public hearing at the local level.

File 07-7. This is an appeal of a replacement plan decision in Blue Earth County. The appeal regards the approval of a wetland replacement plan involving the realignment of a county road. The appeal has been remanded for a public hearing at the local level, however settlement discussions have taken place and a new replacement plan application is being pursued.

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

File 06-28. This is an appeal of a restoration order in St. Louis County. The appeal regards the placement of fill in Type 7 wetland associated with construction of a road. The appeal has been remanded for TEP review of a wetland delineation and measurement of the wetland fill areas.

File 06-27. This is an appeal of a replacement plan decision in Otter Tail County. A permanent road was constructed in Type 6/7 wetland with a portion of it in the shoreland zone. A Restoration Order was issued and a replacement plan application was submitted to retain the road. An LGU staff individual denied the replacement plan. The appeal has been remanded for a public hearing at the local level.

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

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

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

File 06-6. This is an appeal of a restoration order in Stearns County. At issue are numerous wetlands impacted by filling, sedimentation, reduction of hydrology and lack

of Best Management Practices associated with a residential development. The appeal has been denied in part. The Restoration Order has been affirmed in part and has been stayed in part.

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

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

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

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

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

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

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

File 05-1. This is an appeal of a replacement plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a

remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue is a wetland delineation and the Comprehensive Wetland Protection and Management Plan that BWSR approved. After a hearing before the DRC, the board remanded the matter for a new wetland delineation and for submission on an updated, complete replacement plan application.

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

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

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

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Aitkin County Request for Comprehensive Local Water Management Plan Extension – Quentin Fairbanks – ***DECISION ITEM***

2. Cass County Request for Comprehensive Local Water Management Plan Extension – Quentin Fairbanks – ***DECISION ITEM***

3. Crow Wing County Priority Concerns Scoping Document – Quentin Fairbanks – ***DECISION ITEM***

4. Kanabec County Local Water Management Plan – Quentin Fairbanks – ***DECISION ITEM***

5. Kittson County Comprehensive Local Water Plan (CLWP) Extension – Quentin Fairbanks – ***DECISION ITEM***

6. Koochiching County Comprehensive Local Water Management Plan – Quentin Fairbanks – ***DECISION ITEM***

DATE: July 27, 2007

TO: Northern Region Water Management Review Subcommittee

FROM: Dan Steward, BWSR Board Conservationist

SUBJECT: Aitkin County Request For CLWP Extension

I received a request from Aitkin County to extend their Comprehensive Local Water Management Plan on July 17, 2007.

Attached is a copy of the June 28, 2007 resolution of the Aitkin County Board. The Aitkin County CLWP expired July 1, 2007. Aitkin County administers their water plan through the Aitkin SWCD. The SWCD and task force began work on the CLWP update in May 2007.

I support Aitkin County in their request for an extension. The resolution cites the unique status of the Aitkin Flood Diversion Channel, as one of the reasons the SWCD will not be able to complete work on the update in time. The SWCD also cites the potential to work with the Clean Water Legacy as another circumstance that will require more time. The extension will give Aitkin County the time needed to address these important water management issues.

Minnesota Board of Water and Soil Resources

St. Paul, Minnesota 55155

In the Matter of Extending the Comprehensive Local Water Plan
For Aitkin County (1995 Minnesota Session Law, Chapter 184,
Section 24, authorizing BWSR to grant extensions).

Whereas Aitkin County has a state approved Comprehensive Local Water Plan that was effective until July 1, 2007, pursuant to Minnesota Statute 1990, Section 103B.301, and

Whereas, the Aitkin County Board of Commissioners passed a resolution requesting an extension for the Comprehensive Local Water Plan to the Board of Water and Soil Resources (BWSR) on June 28, 2007, pursuant to Minnesota Session Law 1995, Chapter 184, and

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

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

FINDINGS OF FACT

1. On June 28, 2007, the Board of Water and Soil Resources received a resolution from Aitkin County requesting an extension of their Comprehensive Local Water Plan to July 1, 2009.

2. On July 27, 2007, Board of Water and Soil Resources staff reviewed and recommended approval of the extension request by Aitkin County.

CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board of Water and Soil Resources has proper jurisdiction in the matter of extending the Comprehensive Local Water Plan of Aitkin County.

ORDER

The Board of Water and Soil Resources hereby approves the two-year extension of the Aitkin County Comprehensive Local Water Plan until July 1, 2009. Dated at St. Paul, Minnesota, this 23rd day of August 2007.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: Randy Kramer, Chair
August 23, 2007

DATE: July 31, 2007

TO: Northern Region Water Management Review Subcommittee

FROM: Dan Steward, BWSR Board Conservationist

SUBJECT: Cass County Request For CLWP Extension

On July 30, 2007, I received a resolution from the Cass County Board of Commissioners requesting an extension on their Comprehensive Local Water Management Plan (CLMP). Attached is a copy of the County's resolution. The Cass County CLMP is due to expire on October 22, 2007.

I support Cass County's request for an extension. The resolution cites the upcoming update of the County's Comprehensive Land Use Plan, as the need for the extension. Cass County's Land Use Plan includes the CLWP as one of it's four sections. By continuing to update the CLWP simultaneously with the Land Use Plan, both plans will benefit.

Minnesota Board of Water and Soil Resources

St. Paul, Minnesota 55155

In the Matter of Extending the Comprehensive Local Water Plan For Cass County (1995 Minnesota Session Law, Chapter 184, Section 24, authorizing BWSR to grant extensions).

Whereas Cass County has a state approved Comprehensive Local Water Plan that is effective until October 22, 2007, pursuant to Minnesota Statute 1990, Section 103B.301, and

Whereas, the Cass County Board of Commissioners passed a resolution requesting an extension for the Comprehensive Local Water Plan to the Board of Water and Soil Resources (BWSR) on July 3, 2007, pursuant to Minnesota Session Law 1995, Chapter 184, and

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

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

FINDINGS OF FACT

1. On July 30, 2007 the Board of Water and Soil Resources received a resolution from Cass County requesting a two-year extension of their Comprehensive Local Water Plan to October 22, 2009.

2. On July 31, 2007, Board of Water and Soil Resources staff reviewed and recommended approval of the extension request by Cass County.

CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board of Water and Soil Resources has proper jurisdiction in the matter of extending the Comprehensive Local Water Plan of Cass County pursuant to Minnesota Session Law 1995, Chapter 184, Section 24.

ORDER

The Board of Water and Soil Resources hereby approves the two-year extension of the Cass County Comprehensive Water Plan until October 22, 2009. Dated at St. Paul, Minnesota, this 23rd day of August, 2007.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair
August 23, 2007

DATE: July 27, 2007

TO: BWSR Northern Plan Review Subcommittee

FROM: Dan Steward, Board Conservationist

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

The original Crow Wing County Local Water Management Plan (LWMP) was approved in 1990. The first update to the original plan was completed in 1997. The current or third generation water plan will expire October 23, 2007.

Since the County began development of their original water plan in 1989, the County delegated implementation of the LWMP to the Planning and Zoning Department. However, in 2006, the County transferred LWMP implementation responsibilities to the Crow Wing SWCD. The SWCD is now working through the update process for the first time.

On March 28, 2006 the Crow Wing County Board of Commissioners passed a resolution to update the LWMP.

On May 22, 2007, Crow Wing County submitted their Priority Concerns Scoping Document (PCSD) to the Board of Water and Soil Resources for review. The attached Crow Wing PCSD identifies the following priority concerns, and proposes the update be focused on these six water management issues.

1. Protect Surface Water Quality
2. Address and Minimize Stormwater Runoff
3. Protect Groundwater Quality/Quantity
4. Address Wastewater needs throughout the county
5. Protect Marginal Land and address Shoreland Ordinance Violations
6. Promote Environmental Education

The County used the following process to develop the PCSD:

- March 28, 2006 a survey regarding priority water management concerns was mailed out to twenty-seven townships and eighteen cities in Crow Wing County. The parties were given 35 days to respond. 23 surveys were returned.
- August 15, 2006 a written notice was sent to all interested parties informing them of intent to update. The notice further requested that the party identify any conflict, problem, or opportunity they would like examined in the process. The parties were given 45 days to respond. Notice was sent to all twenty seven townships, eighteen cities, one watershed district, SWCD's of the 4 surrounding

counties, and representatives of the MDA, DNR, EQB, BWSR, MPCA, MDH, and Crow Wing County Planning and Zoning.

- October 25, 2006 Special meeting held with the WPAC to discuss priority concerns.
- January 11 and February 8, 2007 WP Survey published in the Echo Newspaper.
- January 7 and February 4, 2007 WP Survey published in the Brainerd Dispatch.
- January 10 and February 7, 2007 WP Survey published in the Crosby-Ironton Courier.
- January-February 2007 the survey was posted on the Crow Wing County website.
- January 2007 the survey was printed in the SWCD's newsletter. Surveys were due back February 28, 2007. 109 surveys were received.
- March 2007 WPAC meeting discussed survey and selected priority issues.
- March 19, 2007 and misc. other dates, met with Dan Steward (BWSR) to discuss the update.
- April 4, 2007 WPAC Special meeting to discuss priority concerns actions and assessment.

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

- MDA: Manure management, Individual Sewage Treatment Systems, and open lot feedlot runoff.
- MDH: Protection of ground water-based drinking water sources, and sealing unused unsealed wells.
- BWSR: Protection of water quality during and after land development in riparian areas, erosion and sediment control in developing areas, forest land conversion and water quality impacts.
- MPCA: Impaired waters/Total Maximum Daily Loads (TMDL), feedlots, and sensitive/high quality water bodies needing protection.

On May 22. 2007 the PCSD was sent to the required state agencies for review. Agencies were asked to send comments to Ron Shelito by June 22, 2007, the following agency comments were received:

MDH: The MDH in its comments on the PCSD concurred with the priority concerns selected by the county. The MDH commended the county on the process used to identify priority concerns, and for recognizing the value of protecting and preserving groundwater quality/quantity

MDA: The MDA in its comments concurred with the priority issues selected, and commended the county on the process used to identify water management concerns.

MPCA: The PCA in its comments concurred with the priority concerns selected. The MPCA also asked the county to consider placing emphasis on reducing impacts from shoreline development, and to consider implementing the water plan on a watershed basis.

DNR: The DNR in it's comments concurred with the priority concerns selected and commended the county for the process used to collect input.

After reviewing the PCSD submitted by Crow Wing County along with the comments provided by the review agencies, I conclude that the guidance requirements have been met in general. The county is to be commended for developing a list of priority concerns that is quite focused. I recommend the subcommittee approve the PCSD for Crow Wing County.

Minnesota Board of Water & Soil Resources

1601 Minnesota Drive, Brainerd, MN 56401

August 23, 2007

Crow Wing County Commissioners
C/O Keith Pohl, Crow Wing Soil and Water Conservation District
7118 Clearwater Road
Baxter, MN 56425

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

Dear Crow Wing County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Crow Wing County has chosen to address in the update of their Comprehensive Local Water Management Plan. The Board of Water and Soil Resources, along with the state review agencies, were sent the Crow Wing County Priority Concerns Scoping Document (PCSD) on May 22, 2007, and asked comments be sent by June 28, 2007, to Ron Shelito, BWSR Regional Supervisor.

Several water resources concerns were submitted to the Crow Wing County Water Planning Advisory Committee. Many of these concerns had similar themes which allowed the Advisory Committee to arrange them into the following priority concerns that will be addressed in the Water Plan Revision.

1. Protect surface water quality
2. Address and minimize stormwater runoff
3. Protect groundwater quality/quantity
4. Address wastewater needs throughout the county
5. Protect marginal land and address shoreland ordinance violations
6. Promote environmental education

The Minnesota Department of Health, Agriculture, Pollution Control, and Natural Resources all concurred with the priority concerns identified.

On August 8, 2007, the Northern Regional Water Resources Subcommittee (hereinafter referred to as the subcommittee) met with the Crow Wing County/SWCD representatives to discuss local water management activities within Crow Wing County, the process used to gather public input, the content of the PCSD, the state review agency comments and recommendations for the content of the final plan.

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Based on the subcommittee's recommendations, the Board of Water and Soil Resources commends Crow Wing County for the process used to select the concerns. The priority concerns to be addressed in the plan were deemed to be appropriate, and do not require any changes to the PCSD as submitted. BWSR encourages Crow Wing to continue to take advantage of opportunities to play the coordination role that is often key to improved local water management.

Sincerely,

Randy Kramer, Chair
Board of Water and Soil Resources

cc: Dan Steward, BWSR
Ron Shelito, BWSR
Wayne Edgerton, DNR
Lisa Thorvig, PCA
John Wells, EQB
Becky Balk, MDA
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DATE: 8/3/2007

TO: BWSR NORTHERN REGION AD HOC COMMITTEE

FROM: JASON WEINERMAN

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

Kanabec County submitted their Local Water Management Plan to the Brainerd office of the BWSR on February 6, 2007. From my observation of the plan development and review of the first draft of the final plan, I determined that there were significant omissions in the plan and requested that the water planner revise the plan to address the omissions. A second draft of the final water plan was received on July 27 and reviewed on July 30. During this review I arrived at the conclusion that the local water management plan meets many of the guidelines established by BWSR, as well as the requirements of 103B.313-103B.314 but there were significant sections that were substandard or missing. It was this second draft of the local water management plan that was submitted to the northern region ad hoc subcommittee for their review. On August 2, I met with the water planner to discuss the substandard sections and the water planner agreed that she would update the plan in time for the subcommittee meeting. On August 3, the water planner submitted an implementation plan and schedule that contained a budget and the parties responsible for each action item. After reviewing this additional implementation schedule, I find that the local water management plan, as amended, meets statutory guidelines. Therefore, I recommend that the Board of Water and Soil Resources approve the Kanabec County Local Water Management Plan as amended.

During the Priority Concerns Scoping phase, the County contacted state and local agencies and partners to solicit input and developed four priority concerns, which were approved by the BWSR on June 29, 2006. These concerns are:

1. The protection of shorelands and tributaries from erosion, sedimentation and nutrient loading
2. Drainage ditch maintenance
3. Ground water concerns
4. Ground and surface water

In addition to the above listed priority concerns, the northern region ad hoc subcommittee recommended that the county consider the significance of residential and recreational development on the use and quality of lakes, rivers and streams, consider how to preposition the county to address challenge grants for ditch assessment and management, enhance public and local participation in the development of the final plan, and develop a strategy to inform local residents about the importance of the comprehensive local water management plan.

These recommendations have been adequately addressed during the water plan process and specific recommendations have been incorporated into the amended plan.

On February 9, 2007 the plan was routed to the reviewing state agencies who returned the following comments.

PCA: The plan does not violate any statutory or rule requirements administered by our agency and recommends BWSR approve the entire plan as submitted. The PCA offered the following comments:

- Encourage the county to use the MPCA's Environmental Data Access to find information that may be useful in future water management efforts.
- Recommend the county become a delegated county for animal feedlot permits allowing for better local planning, coordination and enforcement
- Recommend the county increase adoption of shoreline riparian best management practices along shoreland areas, specifically maintaining or restoring shoreline buffers strips of natural vegetation.

No other agency comments were received.

On January 24, 2007, the Water Plan was presented to the County Commissioners and held before a public hearing during the Commissioners regularly scheduled meeting. There were no comments from the public.

EXECUTIVE SUMMARY

INTRODUCTION

A. AUTHORITY

The authority to prepare comprehensive local water plans was granted to counties in 1986 when the Minnesota Legislature passed the Comprehensive Local Water Management Act. The legislature recognized the need to manage the State's surface and ground waters in a comprehensive manner and determined that water resource planning should occur at the county level as local residents are in the position to recognize problems and identify and carry out needed actions to effectively address local water resource issues.

B. PURPOSE OF PLAN

The purpose of Kanabec County's Comprehensive Local Water Plan is:

- To identify existing and potential challenges or opportunities for the protection, management, and development of water resources and related land resources in Kanabec County and the Snake River Watershed.
- To develop and implement an action plan to promote sound water management decisions, and
- To achieve effective environmental protection of Kanabec County's water and land resources.

Based on the understanding of existing conditions, county officials can then decide:

- What water resources are necessary and desired for future growth and development;
- And determine a course of action to achieve and maintain the quality of life desired in Kanabec County.

Kanabec County recognized that counties must develop their own local plan for managing water resources. If not, they will eventually lose the opportunity to make intelligent, local choices that anticipate or prevent water resource problems in the future.

Kanabec County also recognizes that a well-developed comprehensive water plan can also integrate local initiatives with existing state and federal water related programs and funding sources. This integration also allows more effective management of all programs developed for the protection of water resources and the general environment.

C. PLANNING PROCESS

The Kanabec County Board of Commissioners passed a resolution on June 13, 1990, to engage in this water planning process and enter into an agreement with the Minnesota Board of Water and Soil Resources. On August 24th, 2005, the Kanabec County Board of Commissioners passed a resolution, indicating their intent to update the 2001 plan. The Kanabec County Board of Commissioners delegated the task of coordinating water planning to the Kanabec County Water Plan Administrator. In addition, the Water Planning Committee was charged with the task of updating the comprehensive local water plan for Kanabec County. The Kanabec County Comprehensive Local Water Plan update was coordinated with the assistance of a committee of eight members. Information obtained through the scoping document process dictated priority concerns for the county. The Kanabec County Water Plan is a plan for the entire county and covers all municipalities within Kanabec County.

The priorities and concerns established in the scoping document will establish guidelines for the Water Plan Committee and help to meet goals to achieve protection for the waters of Kanabec County. This will be done by reviewing plans and proposals brought before the Water Plan Committee and referring projects to appropriate federal, state and local agencies for assistance.

KANABEC COUNTY WATER PLAN ACCOMPLISHMENTS
2001 - 2006

Since approval of the current Kanabec County Comprehensive Local Water Plan, the following items have been funded. Several of these are on-going items that will continue to be addressed in this updating of the plan.

Education and Information

The Kanabec SWCD and the NRCS have worked with local schools to establish a water quality education program called "River Watch". The program is conducted each spring and fall and includes Mora and Ogilvie schools.

From 2002 through 2006, the Water Plan Committee hosted a booth at the Mora Area Home Show showing projects assisted through the water plan program.

In 2005 and 2006, the Water Plan Committee hosted a booth at the Kanabec County Fair. This reached a more diverse group of people then the Home Show.

Inventory and Mapping

In 2005, the Water Plan Committee started funding the county ditch inventory. This ongoing mapping of the ditches will help access the county ditches for future water projects.
Water Plan funds have been used to assist with the completion of a soil survey for Kanabec County. In 2005, the survey was completed. This is the first detailed soil survey of Kanabec County.

During 2000, septic system compliance inspections were completed for several residences around Lewis Lake. Water Plan funds were used to complete the inspections. By 2001, all participants made the required repairs or replacements.

Land and Water Treatment

Feedlot Improvements – Water Plan funds have been used to provide technical assistance for feedlot improvements. This has been ongoing and will continue throughout the upcoming years.

Manure Management Plans – Water Plan funds have been used to provide technical assistance for manure management plans. This includes calculating application rates to best protect water quality and provide proper crop nutrients. Additional manure management plans are underway and will continue in the upcoming years.

Shoreline Erosion Control – Water Plan funds have been used to provide technical assistance and cost sharing for development and installation of shoreline erosion control plans. The emphasis on natural vegetative buffers will be ongoing through the upcoming years.

Water Monitoring and Data Collection
In 2005 a joint project involving MPCA, SWCD, Kanabec County Environmental Services and the neighboring county of Mille Lacs, started to access the TMDL for the Groundhouse River within the Counties. This will be ongoing and could apply to other waters in the county.

Well testing for families with new babies is another project, where Water Plan money has been used. This on-going program is a valuable tool in preventing health risks to newborn infants. This will be ongoing throughout the upcoming years.

The monitoring of lakes within Kanabec County has also been established using Water Plan funds. Water samples are collected on area lakes from April through September. Samples are tested for levels of nitrates, phosphorous, and chlorophyll. This will continue.

Priority Concerns Goals and Objectives:

The Kanabec County Local Water Management planning process of addressing water management priorities has included the following actions:

- On August 24th, 2005, Kanabec County Board of Commissioners passed a resolution to revise and update the Kanabec County Water Plan.
- On September 6th, 2005, the Environmental Services Department sent out notification of intent to update the Kanabec County Water Plan to local units of government, surrounding counties and state review agencies with a request to send concerns for input into the proposed plan.
- On October 28th, 2005, Environmental Services created a "Water Plan" survey that can be found on the Kanabec County website (see attachment). This asked citizens input as to what they regarded as issues to the waters of Kanabec County.
- On February 9th, 2006, a public notice was published in the Kanabec County Times, to inform all interested parties of the intent to update the Kanabec County Water Plan and to request public input.
- On February 15th, 2006 a public hearing was held for Water Plan input at the Kanabec County Courthouse.

After reviewing all submitted concerns, the Water Plan Committee chose the following concerns with obtainable goals:

Priority Concern 1:

The protection of shore lands and tributaries from erosion, sedimentation and nutrient loading -

- Surface Water Quality as it relates to development adjacent to riparian areas.
- Cropland sedimentation and erosion control.
- Feedlot runoff of excess nutrients to surface waters.
- Nutrient management planning to control excess application of nutrients to cropland.
- Livestock Exclusion from surface water areas.
- Grazing Management near surface waters.
- Storm water Runoff – controls for urban areas.
- Construction site – sedimentation and erosion control measures.
- Other runoff from impervious areas including residual oils, gas and solvents from vehicles.
- Runoff controls to wetlands and surface waters as result of timber harvest.

Priority Concern 1 Goal:

The protection of shorelands and tributaries from erosion sedimentation and nutrient loading-
This will be addressed through on-going "Best Management Practices" established through forestry, shoreland, agriculture and SWCD plan development impact can be addressed through county and state regulations with shoreland regulations and MPCA storm water regulations.

This will be an ongoing process for the Kanabec County Environmental Services Department, Kanabec Soil and Water Conservation District and the MPCA and various state agencies.

Priority Concern 2:

Drainage Ditch Maintenance -

- Maintain existing drainage ditches (including judicial ditches) where possible and feasible, for agricultural purposes.

- Maintain ditch systems on new road projects. Example Hwy 47 Road Improvement Project resulted in excess runoff onto farm fields and private properties.

Priority Concern 2 Goal:

Drainage Ditch Maintenance –
Kanabec County Highway Department has started an inventory of the ditches, within the County. Establishing existing ditches will set the ground work for the maintenance, abandonment and any future ditch projects. This project is being funded in part by the Water Plan Fund.

Priority Concern 3:

Ground water concerns –

- Homes with new babies/nitrate level in drinking water
- Unsealed abandoned wells
- Septic contamination from non-compliant systems

Priority Concern 3 Goal:

Ground Water Concerns –
Kanabec County Water plan has and will continue funding for well testing of homes with new babies. This helps to address issues and concerns for nitrates Kanabec County through the County septic ordinance will continue to bring no-compliant shoreland septic systems into compliance. Kanabec County SWCD through funding for well sealing will continue to provide for the sealing of wells.

Priority Concern 4:

Ground and Surface Water –

- Emergency spill contamination
- Hazardous waste
- Solid waste

Priority Concern 4 Goal:

Ground & Surface Water –
Kanabec County sponsors a county household hazardous waste day and a county clean-up day. Both will continue in an effort to protect ground and surface waters from contamination. Through the solid waste plan, for Kanabec County, the education and promotion of recycling and disposing of solid waste properly will continue to reduce water contamination.

Goals for the four priority concerns will be met with funding from NRBG grant to Kanabec County through the Environmental Services office, with monies and in-kind at this time of $100,006.00 for fiscal year 2007 (subject to charge with legislature). Kanabec Count Score funding will be used to promote waste cleanup.

Kanabec Soil and Water Conservation project funds for Best Management Practices for 2007 Water Plan Projects were at $20,000, 2006 funds where $50,000 based on budget and need.

The Snake River Water Management Board through the Snake River Watershed "water quality monitoring program" states the waters of Kanabec County will be evaluated as to the type of impairment and projects will be defined accordingly. Technical assistance and funding in the form of cost share grants is available for up to 70 percent of most practices. This cost share is funded through a federal grant.

CONFLICT RESOLUTION

CONFLICTS WITH EXISTING OR PROPOSED PLANS OF CONTIGUOUS COUNTIES, OR LOCAL UNITS OF GOVERNMENT.

At this time, there are not known conflicts between the Kanabec County Comprehensive Water Plan, and plans of local units of government or other counties. If conflicts should arise in the future, they will be addressed in an informal or formal resolution process.

Informal Resolution Process

The County or other local unit of government may request a meeting with the chair of the Board of Water and Soil Resources to informally resolve the following disputes: to determine the meaning of any provision of Minnesota Statutes Chapter 103B; to resolve conflicts between any two comprehensive water plans; or to settle any other dispute relating to a comprehensive water plan. The informal resolution process is as follows:

1. A meeting with the chairman of the State Board of Water and Soil Resources may be requested in writing by any of the involved parties.

2. The nature of the provision or omission causing the conflict must be described, whether it is in the comprehensive water plan, local plan, or other control. All parties in the conflict must be identified.

3. The chair shall acknowledge the request in writing, and request a meeting of all parties. If a request for a meeting does not satisfy the parties, or if there is no response from one of the other parties, the chair shall make a reasonable effort to obtain the information needed for resolution in another manner.

4. The chair shall establish the meeting time and place, and inform all parties in writing. A local unit of government may be represented by any person or persons of its choosing, subject to control of the chair. The chair may consider any relevant and reasonable evidence or argument by local unit of government in reaching a resolution.

5. The decision of the chair may be announced at the meeting, or made later. In any case, the decision shall be submitted in writing to all parties, and will be effective 60 days following the decision of the chair.

6. A petition may be filed within that time pursuant to Minnesota Statues, Section 103B.25, Subdivision 3, for a contested case hearing under that section.

Formal Resolution Process

A county or other local unit of government may petition for a contested case hearing if: the interpretation and implementation of a comprehensive plan is challenged by a local unit of government aggrieved by the plan; if two or more counties disagree about the apportionment of the costs of a projects implemented in a comprehensive plan; or if a county and another local unit government disagree about a change in a local water and related land resources plan or official control recommended by the county under Statute 103B. The process for a formal resolution of a conflict is as follows:

1. A petition must be filed within 60 days after the date of adoption or approval of the disputed ordinance, or the date a local unit of government receives a recommendation of the County Board under Section 103B.12. The petition must be made in writing, addressed to the state board, and include the following: the names, phone numbers, and addresses of the parties or their representatives involved in the petition; a request for a hearing; a statement of the allegations or issues to be determined by the hearing; and proof of service of a copy of the petition on all other involved local units of government.

2. The petition is considered filed with the State Board when it is received by the Board. The Board shall acknowledge receipt of the petition in writing.

3. Within 5 days of the receipt of the petition, the State Board shall file a request for the assignment of an administrative law judge.

4. Hearings are governed by the contested case procedure of Minnesota Statutes, Chapter 14. The Board shall not be considered a party to the hearing for the purpose of apportioning the fees of the Office of Administrative Hearings and for transcript fees.

5. Following the hearings and the report of the administrative law judge, the BWSR must make a final decision on the issue. All parties will be informed of the decision in writing.

6. A decision of the Board may be appealed to the court of appeals.

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the **Kanabec** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on **February 6, 2007** pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On **April 4, 2006,** the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from **Kanabec** County, pursuant to M.S. Section 103B.312.

2) On **June 29, 2006,** the Board of Water and Soil Resources approved official comments on the **Kanabec** County Priority Concerns Scoping Document, which were mailed to the county on **June 30, 2006.**

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

   A) The protection of shore lands and tributaries from erosion, sedimentation and nutrient loading
   B) Drainage ditch maintenance
   C) Ground water concerns
   D) Ground and surface water

4) On **February 6, 2007,** the BWSR received the **Kanabec** County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On **August 8, 2007,** the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the **Kanabec** County Plan Update. Recommendations of the state review agencies were:
   A) Minnesota Pollution Control Agency recommends Approval
   B) Minnesota Board of Water and Soil Resources regional staff recommends Approval
   C) Board Water Plan Review Committee Meeting recommends Approval with an update process to be completed in five years. The regional water planning committee also commends Teresa Bearce

for developing the water plan while fulfilling the many other duties required of her in her role as the Director of the Environmental Services Department.

6) This update will be in effect until **August, 2017.**

CONCLUSIONS

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

2. The **Kanabec** 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 **Kanabec** Local Water Management Plan **August 8, 2007 to August 31, 2017 with** the Goals, Objectives and Action Items being amended prior to December 31, 2012.

Dated at **St. Paul,** Minnesota, this **twenty third day of August, 2007.**

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

August 24, 2007

Kanabec County Commissioners
c/o Teresa Bearce
Kanabec County Environmental Services Department
18 North Vine Street, Suite 291
Mora, MN 55051

Dear Kanabec County Commissioners:

The Minnesota Board of Water and Soil Resources (BWSR) is pleased to inform you it approved Kanabec County's revised Comprehensive Local Water Plan at its regular meeting held on August 23, 2007. Attached is the signed Finding of Fact, Conclusion, and Order that documents approval of the plan and indicates it meets all relevant requirements of law and rule. This update of the Kanabec County Comprehensive Local Water Plan is effective for a ten-year period until August 2017; with the Goals, Objectives and Action Items amended by August 2012.

The county must adopt and begin implementing the plan within 120 days (1990, M.S. 103B.08 Subd. 6, Adoption and Implementation). An example of a resolution adopting the plan can be found on BWSR's website at http://www.bwsr.state.mn.us/watermgmt/guidance/Adoption.doc.
Upon adoption, please forward the resolution to your Board Conservationist.

The Kanabec County Environmental Services Department staff and water plan advisory members are to be commended for writing a plan that clearly presents the water management goals, actions and priorities. With continued implementation of your water plan the protection and management of Kanabec County's water resources will be greatly enhanced. The BWSR looks forward to working with you as you implement this Plan and document its outcomes.

Sincerely,

Randy Kramer, Chair

Enclosures
cc: Teresa Bearce, County Water Plan Coordinator
File copy

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Kittson County

Hallock, Minnesota 56728
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RECEIVED
MAR 21 2007
BD OF WATER & SOIL RESOURCES-BEMIDJI

To: Board of Water and Soil Resources

From: Kittson County Board of Commissioners

RE: Extension request to update the LWMP

The Kittson County Board of Commissioners would like to request an extension of time to update the Kittson County Local Water Management Plan due to expire on Dec. 31, 2007, based on the following reasons:

1. Local Water Management Coordinator Holly Anderson is also the zoning administrator for Kittson County. Anderson is currently in the process of updating the Kittson County Zoning Ordinance.
2. As required by MPCA, an update of the Kittson County Septic Ordinance must begin in 2007. Anderson is also the administrator of the County's septic program.
3. Also, the County may consider putting together a feedlot ordinance. Anderson is also the feedlot officer for the County.
4. And lastly, Jeff Hrubes, Board Conservationist with the Board of Water and Soil Resources, has announced that he is leaving that position. Since Hrubes would have been working with Anderson on the water management update and a replacement has not yet been named, Anderson would be without direction on how to conduct the update.

Therefore, the Kittson County Board of Commissioners would like to request an extension, in accordance with the BWSR Local Water Management Plan Update Guidance, for a period of two years. This extension would allow adequate time to be spent on each of the phases of the update process.

Thank you for your consideration.

Sincerely,

Joe Bouvette
Board Chair

KITTSON COUNTY COMPREHENSIVE LOCAL WATER PLAN EXTENSION

(FOR BOARD ACTION)

Kittson County has a Comprehensive Local Water Plan (CLWP) that was approved by the Minnesota Board of Water and Soil Resources (BWSR) at the September 2002 board meeting. The CLWP update was approved with an effective end date of December 31, 2007. On March 21, 2007, The BWSR received a request from the Kittson County Board of Commissioners requesting an extension of the end date to December 31, 2009. The County Board passed a resolution requesting the extension on May 1, 2007.

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

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

Kittson County is currently in the process of updating the local zoning ordinance. The Local Water Management Coordinator Holly Anderson is also the zoning administrator for Kittson County. The County is also in the process of updating the septic ordinance as required by MPCA. The extension will allow the County to be more consistent with these other area planning efforts.

BWSR guidelines will be used and staff assistance will continue to be made available to the CLWP staff as they proceed with the completion of the plan update. Board Conservationist Chad Severts recommends approval of the Kittson County Local Water Plan extension request to December 31, 2009.

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

In the Matter of Extending the Local Water Management Plan Update for Kittson County (Minnesota Statutes , Section 103B.311, Subdivision 4, authorizing BWSR to grant extensions.)

ORDER EXTENDING LOCAL WATER MANAGEMENT PLAN

Whereas, Kittson County has a state approved Comprehensive Local Water Plan (CLWP) that is effective until December 31, 2007, pursuant to M.S. Section 103B.301, and

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

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

FINDINGS OF FACT

1. On May 1, 2007, Kittson County Board of Commissioners passed a resolution requesting an extension of their Comprehensive Local Water Plan to December 30, 2009.

2. On August 8, 2007, Board of Water and Soil Resources Northern Water Planning Committee reviewed and recommended approval of the extension request by Kittson County.

CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board of Water and Soil Resources has proper jurisdiction in the matter of extending the Comprehensive Local Water Plan of Kittson County pursuant to M.S. Section 103B.311, Subd. 4.

ORDER

The Board of Water and Soil resources hereby approves the extension of the Kittson County Comprehensive Local Water Plan until December 31, 2009. Dated at International Falls, Minnesota, this 23rd day of August 2007.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chairperson
August 23, 2007

Koochiching County

Local Water Management Plan

August 2007

Duration: 2007 – 2017

Prepared by:

Richard Lehtinen

Koochiching County Environmental Services

with assistance from

Koochiching County Water Management Plan Advisory Committee

Kevin Adee, Commissioner
Nolan Baratono, MPCA
Ryan Heinen, SWCD Staff
Al Linder, SWCD Board
Marie Mettler, KCHD
Troy Promersberger, SWCD Board
Pam Tomevi, SWCD Staff
Marc Windsnes, Citizen
Robert Anderson, Citizen
Jack (Jake) Blake, Citizen
Jeff Hrubes, BWSR
Wayne Merrell, Citizen
Kevin Peterson, DNR
Jana Toman, Citizen
Kelly Voigt, NRCS
Andrew Wright, Citizen

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ACRONYMS

ACOE	Army Corps of Engineers
BMP	Best Management Practices
BWSR	Board of Water and Soil Resources
DFO	Department of Fisheries and Oceans
DNR	Department of Natural Resources
EDA	Environmental Data Access
ESD	Environmental Services Department
FRCG	Forest Resources Council Guidelines
ISTS	Individual Sewage Treatment System
KCHD	Koochiching County Health Department
LWMP	Local Water Management Plan
MDH	Minnesota Department of Health
MOE	Ministry of the Environment
MPCA	Minnesota Pollution Control Agency
NEMO	Non-point Education for Municipal Officials
NPDES	Non-point Pollution Discharge Elimination Standards
NPS	Non-Point Source
NRCS	Natural Resources Conservation Service
OHWL	Ordinary High Water Level
OMH	Ontario Ministry of Health
OMNR	Ontario Ministry of Natural Resources
ORVW	Outstanding Resource Value Water
PCSD	Priority Concerns Scoping Document
QA/QC	Quality Assurance/Quality Control
RBWRC	Rainy Basin Water Resource Center
ROSS	Rainy On-site Sewage Study
RRCC	Rainy River Community College
SSTS	Subsurface Sewage Treatment System

SWCD	Soil and Water Conservation District
TEP	Technical Evaluation Panel
TMDL	Total Maximum Daily Load
VNP	Voyageurs National Park
VSLFMG	Voluntary Site-Level Forest Management Guidelines
WMPAC	Water Management Plan Advisory Committee
WRC	Water Resources Center

KOOCHICHING COUNTY WATER MANAGEMENT PLAN

Introduction

The KCWMP was developed by the Water Management Plan Advisory Committee (WMPAC) in concert with ESD staff. The WMPAC had six citizen members and eleven agency and county representatives, two from SWCD staff and board, ESD, NRCS, DNR, MPCA, County Health Department, one County Commissioner and expert counsel from BWSR staff. This Committee worked hard, long and cooperatively with ESD staff to produce a Water Plan that fits the needs of Koochiching County.

The WMPAC and Koochiching County understand that the majority of surface waters in Koochiching County that have been sampled, meet or exceed current water quality standards for conventional pollutants, with the exception of the documented impairment for turbidity of the Little Fork River. Mercury impairments have been identified in streams, rivers and lakes within the county as they have across Minnesota. The Environmental Protection Agency has recently approved the Minnesota Pollution Control Agency's state-wide Mercury Total Maximum Daily Load (TMDL) and reduction plan.

The mercury TMDL identifies that atmospheric mercury deposition is uniform across the state and is responsible for over 99% of the mercury that finds its way into fish through the process of bioaccumulation. The reduction plan identifies a role for the State and Federal governments to control emissions from various sources. Comprehensive Local Water Management Plans have little to no role to play in the reduction of mercury pollution.

Comprehensive Local Water Management Plans can address conventional pollutants, including but not limited to nutrients, sediments, bacteria and other generally recognized constituents of non-point source (NPS) pollution. Broad categories of activities that can address NPS include information and education, technical assistance, conservation practices and administration and enforcement of laws, rules, statutes and ordinances that can protect water quality. Increasing the knowledge base by additional monitoring of water resources, inventories of land use activities and assessment of the effects that those land use activities have on water resources will help shape future water quality protection discussion and actions.

Minnesota Statutes Chapter 114D, the 2006 Clean Water Legacy Act defines water quality restoration as: actions, including effectiveness monitoring, that are taken to achieve and maintain water quality standards for impaired waters in accordance with a TMDL that has been approved by the United States Environmental Protection Agency under federal TMDL requirements.

Chapter 114D.20 Subd.(6) identifies five priorities for addressing water quality restoration as follows:

1) coordinate with and utilize existing local authorities and infrastructure for implementation;

2) can be implemented in whole or in part by providing support for existing or ongoing restoration efforts;

3) most effectively leverage other sources of restoration funding, including federal, state, local and private sources of funds;

4) show a high potential for early restoration and delisting based upon scientific data developed through public agency or citizen monitoring or other means;

5) show a high potential for long term water quality and related conservation benefits.

The statute also address water quality protection activities by as far as practicable, employing the priorities listed above to prevent waters from becoming impaired and to improve the quality of waters that are listed as impaired but do not have an approved TMDL.

The 2007 update of the Koochiching County Comprehensive Local Water Management Plan has identified six priority concerns that have relevance to both protecting water resources and addressing the Little Fork River's turbidity impairment. There may be differences in the degree of emphasis of particular activities or specific priority locations, but until the TMDL study of the Little Fork is completed and a specific implementation plan is developed, the suite of actions identified in the CLWMP is generally accepted as having a beneficial impact on water quality. The objectives and actions of the CLWMP may also be adapted to any additional water quality impairments that may be identified through monitoring and assessment activities.

EXECUTIVE SUMMARY

The Koochiching County Local Water Management Plan was updated by a sixteen-member Water Management Plan Advisory Committee led by Richard Lehtinen, Koochiching County Environmental Services Director. The new Plan originally had a July 27, 2005 deadline for adoption. The County requested and was granted a two year time extension to July 27, 2007. This Plan finally started making great progress in September 2006 and will be prepared for adoption close to the July deadline. The purpose of the planning process was to develop a plan of work that would protect and enhance surface water, groundwater and related land resources within Koochiching County. The Advisory Committee developed a process designed to incorporate input from citizens, local, state, federal and Canadian units of government, and to develop a plan that was consistent with local, state and federal plans and controls.

The Committee used as a starting point the Rainy River Basin Plan, prepared by MPCA, and the second generation County Water Management Plan. By deriving the new Plan from these existing plans, the Committee was assured the new plan would address issues relevant to both the county and the state. The Committee identified issues it believed ought to be included in the new plan. These issues were then compressed into general categories. From these general categories the Committee proceeded to develop goals, objectives and action plans.

The Committee, after sifting through the Basin Plan, the Local Water Plan and the results of a survey conducted for this project, developed a set of priority concerns which the Plan would address. These priority concerns are:

1. Erosion
2. Subsurface Sewage Treatment Systems
3. Education/Collaboration
4. Monitoring
5. Protection of Water Quality
6. Forestry

With these priority concerns, the Committee developed a total of fourteen goals, three for Erosion, one for SSTS, one for Education, three for Monitoring, four for Water Quality and two for Forestry. It also created forty-six objectives and seventeen action plans. All these elements included ongoing activities of SWCD, ESD and state agencies and activities that were either new or given higher emphasis which qualified them as High Priority Concerns.

This Plan has been reviewed by local, state, federal, Canadian and cities in Koochiching County as well as adjacent counties. This level of review assured the Committee that this new Plan is consistent with the plans of other pertinent local, state and regional plans. Other plans do not have to be amended in order for this Plan to be adopted and implemented.

Priority Concerns

Priority Concerns of this Plan are identified and expanded upon in Appendix A the "Priority Concerns Scoping Document" (PRSD). The goal, objectives and implementation schedule, or action plans are found in the Management Plan section of this report. They are all found together because that is the way this Plan was developed by the Committee and it made sense to the Committee that all these components be presented together in order better to understand the interrelationships of the goals, objectives and action steps.

The costs identified in this Plan assume that much of the work in the Plan cannot be done without grants or loans from state and federal sources. However, much of the work can be accomplished within the budgets of SWCD and ESD. Some of the Plan components will be implemented by state agencies with local entities playing a supportive role. The total estimated cost to implement the Plan is $4,435,000 with some additional costs being unknown.

WATER MANAGEMENT PLAN GOALS, OBJECTIVES AND ACTION PLANS

A. Erosion

Goal 1: Carry out activities and programs that are an ongoing function of the SWCD office, NRCS and Land and Forestry.

Objectives:

a. Continue to pursue and support cost share programs for erosion, provision of technical assistance to property owners with erosion problems, dissemination of best management practices to area farmers and dissemination of Forest Resource Council Guidelines to private property owners of forest lands.

b. Seek additional funding sources to address erosion problems on both private and public lands.

Action Plan:

1. Priority: Low
This is a low priority because it is an ongoing activity for SWCD staff.

2. Activities
Process cost share applications for erosion control projects for private property owners. Apply for grants to fund erosion control projects.

3. Responsibility
Soil and Water Conservation District (SWCD) has the primary responsibility in cooperation with the Natural Resources Conservation Service (NRCS). The Board of Water and Soil Resources (BWSR) regional office plays a secondary role, as does the Koochiching County Lands and Forestry.

4. Timeline: Ongoing program for SWCD

5. Cost: Approximately $20,000 per year plus staff time

Goal 2: Support MPCA's efforts to do a TMDL Study of the Little Fork River.

Objectives:

a. Support and participate in MPCA's TMDL study of the Little Fork River to determine the causes of turbidity and actions that may reduce turbidity.

b. Support and participate in MPCA's paired river study of the Big Fork and Little Fork Rivers.

Action Plan:

1. *Priority: Low*

2. *Activities*
SWCD and ESD will play supportive roles

3. *Responsibility: MPCA has primary responsibility*

4. *Timeline: 2006 – 2010 (this study is currently underway)*

5. *Cost: unknown*

Goal 3: Apply specific measures to improve shoreland protection in order to protect against erosion and to benefit wildlife habitat.

Objectives:

a. Follow shoreland protection standards as described in the County Zoning Ordinance.

b. Adopt a new zoning ordinance by or before the end of 2007 which incorporates provisions for shoreland protection, some of which will derive from DNR's Alternative Shoreland Standards.

Action Plan:

1. *Priority: High*

2. *Responsibility / Timeline*
The Environmental Services Department (ESD) has a consultant under contract to prepare a new Zoning Ordinance. The new Ordinance will be completed and adopted in 2007. Shoreland protection provisions will be included in the ordinance.

3. *Cost: $45,000 contract with CR Planning*

c. Establish a Shoreland Protection Program, consistent with DNR's shoreland protection standards, which will include proactive enforcement, educational workshops and brochures and other steps as needed.

Action Plan:

1. *Priority: Medium*

2. *Responsibility*

SWCD and ESD have primary responsibility. The State Department of Natural Resources (DNR) also plays a primary role.

3. Activity
While shoreland protection has been somewhat important, it will occupy a higher level of effort as a result of this Water Management Plan (WMP). The shore impact zone along Rainy Lake shores on the mainland and the islands has been deteriorating due to vegetation removal, construction of lawns to the shoreline and other destructive activities. Efforts to reverse this trend are needed. DNR, SWCD, ESD and the Army Corps of Engineers will work together to offer workshops each year.

4. Timeline: 2007 through 2009. After 2009, ESD, SWCD and DNR will evaluate the effectiveness of the ramped up effort to improve shoreland protection.

5. Cost: $15,000 for educational materials plus staff time

B. Subsurface Sewage Treatment Systems (SSTS)

Goal 1: Assure that all residences with or needing SSTS have compliant sewage treatment systems.

Objectives:

a. Prepare a Local SSTS Ordinance to be adopted by the end of 2007.

b. Determine which governing structure will be used in Koochiching County to oversee SSTS performance systems, a Water Quality Cooperative or special district, and seek funding to finance the start-up of the chosen governing structure.

c. Do a septic system compliance inventory of the Rainy Lake area by the end of 2009 and an inventory of the rest of the county by 2011.

d. Prepare performance standards for effluent after treatment that will be required in high population areas, in the shoreland zone and in remote areas.

e. Identify problem areas, such as Rainy Lake, Meadowview, and others all in the context of an overall county-wide strategy for SSTS.

f. Seek grant or loan money to help low income households afford new or upgraded septic systems.

Action Plan:

1. Priority: High

2. Activities

Objectives "a" through "f" are all high priority items after several years of implementing MPCA ISTS Rule 7080. With the completion of the Jackfish Bay sewer collection system, ESD can turn closer attention to SSTS and, possibly, to extending centralized sewer further east to the end of Highway 11 East.

The firm of CR Planning is currently working on a Local SSTS Ordinance, which should be adopted before the end of 2007. Koochiching County is still interested in activating a Water Quality Cooperative to be responsible for the care of septic systems, but grant seed-money is needed. All the other objectives will require funding from State or Federal sources in order to activate work on their objectives.

3. Responsibility

ESD will be primarily responsible for implementing the SSTS program. MPCA will also play a role. SWCD plays a secondary role as an office that can facilitate obtaining SSTS loans for new or upgraded septic systems.

4. Timeline: 2007 – 2012. Progress in implementing this goal will be evaluated, at the latest, in 2012.

5. Cost: Approximately $1,000,000

C. Education / Collaboration

Goal 1: Emphasize education and collaborative ventures to allow residents and visitors alike to be good stewards of the county's water.

Objectives:

a. Support the Water Resources Center of the Rainy River Basin in its attempt to become an active research center, a water quality monitoring leader, a data management center where information is disseminated and citizen-based programs are organized and coordinated.

Action Plan:

1. Priority: Low

2. Activity

The low priority is because the County should play a support role rather than a lead role in establishing the functional credibility of the Water Resources Center. Rainy River Community College needs to develop a

physical place for the WRC. Partnering with four year universities, such as St. Cloud State, will increase the likelihood that a solid resources center will emerge. Canadian and Minnesota agencies should contribute to the WRC. Universities should make efforts to assure that any of their research focused on the Rainy River basin is delivered to the WRC.

3. Responsibilities
Rainy River Community College is of central importance. Agencies such as MPCA, DNR and BWSR in Minnesota and OMNR, MOE and the federal Department of Fisheries and Oceans will all be needed. ESD and SWCD should promote the WRC as a valuable resource and help the WRC identify how best to allocate its resources.

4. Timeline
2005 – 2012. During 2012 the status and effectiveness of the WRC shall be evaluated.

5. Cost: Approximately $ 2,000,000

b. Convene the WMPAC one time per year to review progress on implementing the Plan.

Action Plan:

1. Priority: Low

2. Activity
Annual meeting of WMPAC to be convened in January or February of each year. WMPAC will evaluate the effectiveness of Water Plan implementation and suggest changes where needed.

3. Responsibility
ESD shall convene the meeting.

4. Timeline: Annual

5. Cost: None

c. Prepare and disseminate information on water quality, shoreland practices, septic requirements and forestry practices.

d. Work with the Arrowhead Water Quality Team to prepare regionally-oriented educational materials.

e. Work with Minnesota agencies and Ontario agencies to develop educational materials pertinent to the entire Rainy Basin.

f. Prepare a property owner's resource guide which can be made available to all property owners in the county.

g. Prepare and disseminate a homeowner's newsletter which will be distributed one to two times per year.

h. Re-establish subsidized water testing to be done by the County Public Health Department.

Action Plan:

1. Priority: Medium

2. Activities
Objectives c – h all involve the development and distribution of educational materials. This program emphasis is epitomized in the slogan "education over regulation". This does not mean regulation should not be practiced, for it should and must, but it does rely on the hope that an educated public will largely be self-regulating. Brochures, newsletters, DVD's, videos and workshops will all be needed. Local, state and federal agencies should collaborate together and with their Canadian counterparts.

3. Responsibilities
ESD and SWCD shall be primarily responsible for assuring an educational program is sustained.

4. Timeline: 2008 – 2012. The effectiveness of the educational program shall be evaluated in 2012.

5. Cost: Approximately $ 50,000

D. Monitoring

Goal 1: Establish a county-wide, watershed, condition monitoring program for surface water consistent with the Rainy River Basin Condition Monitoring approach.

Objectives:

a. Continue the following existing monitoring programs:
   1. Big Fork River Board River Watch
   2. Rat Root River/Rainy Lake Monitoring Partnership

b. Establish the following monitoring programs:
   1. Little Fork River
   2. Black River
   3. Rapid River

4. Rainy River
5. Selected lakes in Koochiching County

c. Partner with local organizations to ensure that the monitoring efforts have local involvement and buy-in:

1. Rat Root River/Rainy Lake Monitoring Partnership – Little Fork/Rat Root River Board, Rainy Lake Conservancy
2. Little Fork River – Little Fork/Rat Root River Board
3. Black River
4. Rapid River – Rapid River Board
5. Rainy River – Rainy/Rapid River Board

d. Partner with neighboring counties where appropriate to ensure that the programs cover the entire watershed

e. Encourage collaboration through the Water Resources Center to involve citizens, local government, tribal government, state agencies, federal agencies and Ontario agencies in water quality monitoring

f. Each watershed monitoring program will:

1. Be locally led (i.e. lake or river association or other appropriate organization)
2. Include a local commitment (a balance of local money and in-kind contributions)
3. Have a monitoring plan, which at a minimum includes the following:
    - identifies local, basin, state (including TMDL effectiveness monitoring where appropriate) and federal goals and objectives
    - phased implementation of plan components
    - timelines
    - budget
    - descriptions of methodology options
    - QA/QC Plan for field methodology, lab analysis (where appropriate) and data management
    - a plan for data use consistent with the monitoring goals
    - integrates existing monitoring programs and activities into the plan
    - an effectiveness evaluation plan

g. Help assure stored and managed data are delivered to the Water Resources Center and widely disseminated by the WRC.

Action Plan:

1. Priority: <u>Medium</u>

2. Activities

This is a broadly scoped, ambitious water quality monitoring program. It is important because its goal is to identify "baseline" conditions for all significant surface water in the Rainy Basin. Waters in the basin that have been sampled meet or exceed state and federal standards for quality (except for turbidity in the Little Fork River and mercury in a variety of other surface waters). By establishing "baseline" conditions for all major surface water, any changes in water quality can be detected, and corrected if deemed appropriate.

International waters such as Rainy Lake and Rainy River would benefit from bi-national, coordinated monitoring. This approach is already being taken in Lake of the Woods. Bi-national collaboration is also encouraged for the Rainy Basin's tributaries as water from both Minnesota and Ontario affect Rainy Lake, Rainy River and Lake of the Woods. In the center of all this monitoring, hopefully, will be the Rainy Basin Water Resources Center.

3. Responsibilities

MPCA should lead and coordinate the monitoring program on the Minnesota side of the Rainy Basin. On the Ontario side it is likely that the Ontario Ministry of Natural Resources (OMNR) would organize the monitoring program. ESD and SWCD should be strong supporters of this effort as should other state, federal and Canadian agencies. RRCC must necessarily be actively involved if only through its status as the Water Resources Center. Citizens and schools also will need to participate in a massive monitoring program.

4. Timeline: 2006 – 2017

5. Cost: $ 1,000,000 or more

Goal 2: Support funding for further studies of aquatic invasive species and of cyanobacteria toxicity on Rainy Lake and other Rainy Basin lakes as appropriate.

Objectives:

a. Recognize that the lead agencies to conduct these studies are DNR, MPCA, VNP, OMNR and the Ontario Ministry of Health.

b. Anticipate additional aquatic invasive species and sources of toxicity that may need to be studied in the Rainy River Basin.

Action Plan:

1. Priority: <u>Low</u>

2. Activities

There is recent evidence of aquatic invasive species and of cyanobacteria toxicity on Rainy Lake. This plan supports continued monitoring of such species by MPCA and other entities. ESD and SWCD are unlikely to be directly involved in these detection activities.

3. Responsibility
DNR and MPCA are responsible for detecting aquatic invasive species and cyanobacteria although other agencies both from Minnesota and Ontario will be involved. These agencies include State Dept. of Health, Fish and Wildlife Service, EPA and VNP from Minnesota and OMNR and the Ontario Ministry of Health (OMH) from Ontario.

4. Timeline: Ongoing

5. Cost: Unknown

Goal 3: Evaluate groundwater quality and quantity.

Objectives:

a. Retrieve and analyze the State's database on wells in Koochiching County.

b. Prepare a report or reports on wells in Koochiching County and what the well information reveals about aquifers, groundwater quality and groundwater quantity.

Action Plan:

1. Priority: Low

2. Activity
SWCD and ESD will request access to the State's data base on wells. They will seek grant money to hire someone to analyze the data and to prepare a report describing the findings.

3. Responsibility
SWCD and ESD will be primarily responsible with technical help from the Minnesota Department of Health (MDH).

4. Timeline: 2010: study will be initiated

5. Cost: Approximately $ 25,000

E. Protection of Water Quality

Goal 1: Ensure the quality of water in the Koochiching County portion of the Rainy River Basin is maintained or improved.

Objectives:

a. Work with other counties and Canada to protect water quality within the Rainy Basin.

b. Bring all septic systems, over time, into compliance to help assure the quality of Rainy basin waters is being improved.

c. Encourage the retention or planting of native vegetation along the shoreline to protect wildlife habitat and to discourage lawns, impermeable materials, and others with the intent to improve the quality of Rainy basin waters.

d. Partner with the State Department of Health to prepare wellhead protection plans.

e. Take actions to reduce local sources of mercury and other toxic materials from polluting the county's waters by continuing the bi-annual collection of hazardous waste, by collecting for safe disposal, mercury thermometers and by publishing educational materials about mercury and other toxic material.

f. Provide for basin-wide application for the MPCA's non-degradation regulations.

1) This objective calling for rigorous implementation of the State-wide Non-degradation Rules (Minnesota Rules 7050.0185) is intended to serve as an interim measure to prevent any degradation to current watershed health, pending development of a water quality baseline for all lakes, rivers and streams in the basin.
2) When the existing quality of the stream, river or lake (receiving water) is unknown, efforts should be undertaken to establish and document the present water quality prior to setting permit discharge limits.
3) Permit effluent limits should include consideration of cumulative effects from all inputs (point and non-point) for the watershed.
4) Ultimately, comprehensive monitoring should provide baseline information and information needed to establish quantitative goals based on current and desired future conditions for lakes, rivers and streams within the basin.

g. Utilize stormwater runoff evaluation methodologies such as the Non-point Education for Municipal Officials (NEMO) in evaluating community-wide impacts of runoff.

Action Plan:

1. Priority: <u>High</u>

2. Activities
ESD will need grant money to pay the cost of bringing all septic systems into compliance. Both ESD and SWCD along with DNR will take steps to assure there is wide spread retention of native vegetation and fewer lawns being put in. ESD will work with the MDH to prepare wellhead protection plans. Communities, such as International Falls may benefit from the preparation of community-wide stormwater runoff plans. MPCA's non-degradation regulations are useful to the Rainy Basin because water quality exceeds thresholds for degraded water. Koochiching County needs to continue its household hazardous waste collection program, its mercury collection program and its mercury and other toxic materials education program.

3. Responsibilities
Both ESD and SWCD have primary responsibility to implement these objectives in partnership with MPCA, DNR, DOH, other counties and Canadian agencies.

4. Timeline: 2007 – 2012 and then an evaluation will be done

5. Cost: Approximately $250,000. Loan and grant money will be required.

Goal 2: **Utilize Koochiching County's Wetland Flexibility Plan as the primary implementing plan for wetlands, consistent with the County's Comprehensive Land Use Plan. (Note: Wetland Flexibility Plan was developed collaboratively with SWCD, ESD, MPCA, BWSR, DNR and the Corps of Engineers)**

Objectives:

a. Seek funding for wetland restoration and creation, and apply for wetland bank status as deemed appropriate by SWCD, BWSR and the Army Corps.

b. Promote wetland mitigation standards that reject a "one size fits all" assumption and acknowledges the wetland stewardship practiced by over 80 percent counties.

c. Allow wetland mitigation sites anywhere in Minnesota for loss of wetland in Koochiching County.

d. Allow flexible wetland replacement as to wetland type.

e. Encourage frequent use of the Wetlands Technical Advisory Committee to work with landowners in mitigating wetland impacts.

f. Support stream restoration as a mitigation for wetland impacts.

Action Plan:

1. Priority: Medium

2. Activities
Koochiching County has identified wetlands as a high priority issue because over-regulation of wetlands will have adverse impacts on development potential. Almost every development project is affected by wetlands and sometimes the presence of wetlands even precludes development. The Water Plan is not the document upon which wetlands action is based. It is the Wetlands Flexibility Plan that this Water Plan defers to.

3. Responsibilities
ESD and SWCD are primarily responsible at the local level. BWSR and the Army Corps of Engineers have primary responsibility at the State and Federal levels. DNR is also involved in wetland issues but more directly responsible for surface waters.

4. Timeline: Ongoing

5. Cost: Primarily staff time

Goal 3: Offer technical assistance to help property owners avoid detrimental impacts on water quality and promote projects which make use of or restore natural vegetation on shoreland areas.

Objectives:

a. Maintain as an ongoing activity technical assistance to residents and property owners by ESD, SWCD, NRCS.

b. Work with state and federal agencies to provide assistance when appropriate to residents and property owners.

Action Plan:

1. Priority: Medium

2. Activities
These are ongoing activities of ESD, SWCD and the Natural Resources Conservation Service (NRCS).

3. Responsibilities
ESD, SWCD, NRCS have responsibility at the local level and MPCA, DNR and BSWR at the State level.

4. Timeline: Ongoing

5. Cost: Staff time

Goal 4: Promote environmentally responsible new development in Koochiching County.

Objectives:

a. Adopt a new Zoning Ordinance during 2007 which sets higher development standards than those currently in place.

b. Require a constraints analysis prior to designing residential or commercial/industrial projects with the primary purpose to avoid adverse impacts on wetlands and on water quality.

c. Encourage projects which respect the characteristics and suitability of the site for which a development project is being proposed.

Action Plan:

1. Priority: Low

2. Activities
This goal and objectives anticipate the adoption and implementation of the new Koochiching County Development Ordinance, which will include Zoning, Subdivision and Subsurface Sewage Treatment Systems. ESD will be responsible for implementing this ordinance. The existing Zoning Ordinance dates back to 1975.

3. Responsibility
ESD will implement this whole section.

4. Timeline: Ongoing, starting late 2007.

5. Cost: $ 75,000 plus staff time

F. Forestry

Goal 1: Continue to provide technical assistance for forestry.

Objectives:

a. Continue SWCD's tree sales program to encourage the proliferation of native trees throughout Koochiching County.

b. Encourage SWCD, in conjunction with Minnesota Extension, to teach forestry management and other forestry-oriented classes.

c. Offer preparation of Forest Stewardship Plans for private property owners by the Soil and Water Conservation District office.

d. Encourage SWCD to support programs and activities which promote multiple uses of wood and forestland.

Action Plan:

1. Priority: Low

2. Activities
SWCD has responsibility to conduct a forestry program for private property owners. The four Objectives describe the forestry program conducted by SWCD.

3. Responsibility
SWCD is responsible for this forestry goal and objectives.

4. Timeline: Ongoing

5. Cost: Staff time

Goal 2: Promote sustainable forestry practices on all lands within Koochiching County.

Objectives:

a. Follow Voluntary Site-Level Forest Management Guidelines (as developed by the Minnesota Forest Resources Council) on all public and private forestlands.

b. Protect riparian areas during timber harvesting operations and road building.

Action Plan:

1. Priority: Medium

2. Activities
This is rated a medium priority rather than low because it represents a new emphasis for SWCD. SWCD in the past has not actively promoted the Voluntary Site-Level Forest Management Guidelines on private lands. These Guidelines, while voluntary, are actively followed on forest-industrial land, state, county and federally administered lands. SWCD will promote use of the Guidelines to private landowners.

3. Responsibility
SWCD will work with DNR Forestry to implement this goal and objectives.

4. Timeline: 2008 – 2017

5. Cost: Staff time

Appendix A

KOOCHICHING COUNTY
WATER MANAGEMENT PLAN 2007 – 2017
PRIORITY CONCERNS SCOPING DOCUMENT

INTRODUCTION

Purpose

Local water management plans are not required by State Statute, but grant funds From the Board of Water and Soil Resources are not awarded to counties that do not have a local water management plan. Therefore, all 87 counties in Minnesota have adopted local water management plans.

When a county decides to prepare a local water management plan, State Statutes provide detailed requirements for the process, content and authority of these plans in Statutes 103B.311 through 103B.331. Stat. 103B.311, Subd. 1 states (in part): "Each county is encouraged to develop and implement a local water management plan." Subd. 4 identifies five requirements of a local water management plan:

"1) cover the entire area within a county;
2) address water problems in the context of watershed units and groundwater systems;
3) be based upon principles of sound hydrologic management of water, effective environmental protection, and efficient management;
4) be consistent with local water management plans prepared by counties and watershed management organizations …
5) the local water management plan must specify the period covered by the local water management plan … at least five years but no more than ten years …"

Back to Subd. 1, it is clearly stated that local government has a great deal of authority once it adopts a local water management plan it states, "Each county that develops and implements a local water management plan has the duty and authority to: " … 3) exercise any and all powers necessary to assure implementation of local water management plans." State Statutes make it clear that local counties are empowered to set water policy and to implement goals and objectives for water.

County Primer

Koochiching County has generally seen a decline in population since 1960. It is projected by the State of Minnesota to continue to decline in population through the life of this plan (see Table 1).

Table 1. 1940 to 2020 Koochiching County Population

1940	1950	1960	1970	1980	1990	2000	2010	2020
16,930	16,910	18,190	17,131	17,571	16,299	14,355	13,970	13,580

Rates of population decline roughly correspond to the number of jobs at the paper mill. This is because the paper mill has about 25 percent of the total jobs in the county. It is hoped that increases in tourist-oriented jobs, location-independent jobs and other miscellaneous types of jobs might combine to give the population a bit of a boost rather than a consistent decline.

Table 2 shows the decline in population between 1990 and 2000 occurred in the cities and not in the unincorporated portion of the county. It is generally believed the 2,252 decline in International Falls is overstated. The 1990 Census counted many people as permanent residents when, in fact they were "temporary" construction workers working at the paper mill expansion project from 1989 to 1991. When they moved, International Falls' population declined and this decline was reflected in the year 2000 Census.

Lake and riverfront property attract new construction and it is along Rainy Lake, and the Little Fork, Big Fork and Rainy Rivers, that most of the county's growth is occurring. New construction of seasonal and retirement housing could accelerate as the Hibbing – Grand Rapids – Bemidji tier continues to fill up, making Koochiching County more attractive for development.

Table 2. 1990 and 2000 Cities / County Population
(source: U.S. Bureau of the Census)

Jurisdiction	**Population**		
	1990	2000	Change
Big Falls	341	264	-77
International Falls	8,325	6,073	-2,252
Littlefork	838	680	-158
Mizpah	100	78	-22
Northome	283	230	-53
Ranier	199	188	-11

Subtotal Cites	**10,086**	**7,513**	**-2,573**
Unincorporated	**6,213**	**6,842**	**629**
Total County	**16,299**	**14,355**	**-1,944**

The dominant land use of Koochiching County is managed forest. Managed forest easily takes up about 75 percent of the county. It is important to retain long term, sustainable forests, managed both for economic production and environmental values. Agriculture plays an important land use role even though total production has declined over the years. Other land uses include urban and rural residential development. Urban development located in the cities is declining while rural residential development on the lake and rivers is increasing at a modest pace.

Water Plan Information

The Local Governmental Unit (LGU) responsible for the local Water Management Plan (WMP) is the Koochiching County Environmental Services Department. More intimately involved in technical administration and implementation of the WMP is the Koochiching County Soil and Water Conservation District. These two entities work together to fulfill the county's local responsibility for WMP activities.

The original WMP was adopted in early 1995. The second, and most recent update, was adopted July 27, 2000. Progress on this WMP was delayed due to staff overload and the Board of Water and Soil Resources (BWSR) agreed to extend the deadline to July 27, 2007. It is Koochiching County's intent to adopt the WMP, 2007 – 2017 by July 27, 2007.

PRIORITY CONCERNS FROM EXISTING PLANS

The Water Management Plan Advisory Committee (WMPAC) met four times in 2006, on September 27, October 25, and November 15 and December 13, with the primary purpose of identifying Priority Concerns. The Committee relied on two major documents, the "Koochiching County Comprehensive Water Management Plan, 2000 Update" and the "Rainy River Basin Plan, 2004".

Both of these plans have lists of priority concerns regarding water in Koochiching County. WMPAC members considered priority issues from these two plans and added some of their own. This process resulted in a comprehensive list of potential Priority Concerns from which the Committee has decided to place emphasis on some and not to emphasize others.

<u>Priority Concerns Identified by WMPAC</u>

1. Erosion

2. Water Quality Monitoring
3. Individual Sewage Treatment Systems
4. Protection of Water Quality
5. Education
6. Forestry

This is the proposed set of Priority Concerns for the new Plan. They will be the focus of more in-depth discussion later in this Priority Concerns Scoping Document (PCSD). First, this report will describe the full number of potential issues considered by the WMPAC. The WMPAC was introduced to potential priority water plan issues to be identified in the new plan. These issues were drawn from three sources: 1) a mail back survey of agency personnel conducted by the Environmental Services Department (ESD), 2) issues prioritized in the year 2000 Koochiching County Water Plan, 3) issues identified in the year 2004 Rainy Basin Plan. The Committee was also asked to introduce additional issues which might be added. These issues are described below.

I. Water Plan Survey

A. Most threatened

	# of Responders
1. streams/rivers	3
2. lakes	1
3. wetlands	1

B. Water-Related Problems

1. erosion	4
2. development pressure/impact	3
3. stormwater/drainage mgmt.	2
4. declining water quality	2
5. lack of regulations	1
6. lack of enforcement	1
7. clean drinking water	1
8. natural habitat destruction	1

II. Koochiching County Comprehensive Water Management Plan, 2000 Update

A. High Priority Goals
   1. Administer and implement the Water Management Plan
      a. re-establish the Water Plan Task Force
      b. establish a Water Resources Advisory Committee
      c. delegate tasks to appropriate agencies
      d. develop a project priority list (Water Plan Committee, SWCD Board, County Board)

   Analysis: This high priority goal has not been implemented

   2. Encourage people to update their ISTS

a. continue ROSS Study
b. enforce local ISTS Ordinance and implement 7080
c. continue to develop the Water Quality Cooperative

Analysis: ISTS is still perceived as a high priority. The ROSS Study, while defunct, set a high priority for addressing septic problems on Rainy Lake. This remains a high priority. Performance systems, cluster systems and others, controlled and administered by a Water Quality Cooperative, are one of the next high priority areas to be pursued by the County.

3. Administer the Wetlands Conservation Act
   a. continue to work on the Wetland Flexibility Plan
   b. provide technical assistance to county residents, municipalities, local businesses
   c. assist the Technical Evaluation Panel in wetland identification and management

Analysis: Wetland Flex Plan was adopted in 2000. Providing technical assistance remains a high priority and the TEP is just becoming active.

4. Reduce erosion and sedimentation
   a. work with landowners on lake and river shoreland
   b. protect and improve water quality through riparian buffers

Analysis: SWCD does work with landowners on lake and river erosion control projects. The County has not effectively implemented riparian buffers.

5. Extend sewer service to Jackfish Bay area

Analysis: The Jackfish Bay Sewer Collection System is under construction.

6. Attempt to improve land use practices
   a. use BMPs for agriculture, industry and development along lakes and streams
   b. follow Minnesota Forest Resources Council's Voluntary Site Guidelines for timber harvesting

Analysis: Generally, these objectives are being implemented

B. Moderate Priority Goals

1. Attempt to monitor groundwater quality
2. Assist in protecting wellheads
3. Do an unused, unsealed well assessment
4. Continue to monitor closed landfills
5. Assist in removal of underground storage tanks

Analysis: Monitoring groundwater quality would be a huge task. Wellhead Protection plans will be prepared when the State Dept. of Health is ready. The County is unlikely to do an abandoned well assessment. Closed landfills are no longer under county jurisdiction. Removal of underground tanks is done under the guidelines of MPCA.

C. Low Priority Goals

1. Maintain balance between recreational use and environmental quality
2. Establish reasonable floodplain limits
3. Safely manage storm water
4. Continue to monitor industrial pollution

Analysis: Some of these goals might be considered for a high priority. All of them require more than the local level of government for implementation.

III. Rainy River Basin Plan 2004

A. Overall goal: maintain or improve the existing conditions consistent with local plans, for streams, rivers and lakes in the Rainy River Basin

B. Address failing Individual Sewage Treatment Systems (ISTS) and unsewered communities, especially along Rainy Lake and rivers and streams

1. Develop performance standards that could allow surface discharge
2. Develop an administrative system to ensure that performance-based systems are properly maintained
3. Extend centralized sewer where environmentally and economically feasible
4. Support the continued development of new ISTS technology and management options

C. Develop monitoring programs to provide information about the water quality of Rainy Lake and the Rainy, Rat Root, Big Fork and Little Fork Rivers

1. Support the continued operation and expansion of the Rainy River Community College partnership
   a. establish and expand a Rainy River Basin Water Resources Center at RRCC [1]) to monitor water quality and aquatic ecology, [2]) to manage water resources data, [3]) to release public information about water management needs and resources, [4]) to establish a Rainy Basin River Watch
   b. encourage development of River Watch programs for rivers currently not monitored
   c. establish baselines for water quality throughout the basin
   d. disseminate water quality information

D. Prevent or reduce erosion and run-off where feasible and remediate existing and future erosion and run-off problems

E. Analyze and maintain or improve groundwater quality in the Rainy River Basin and protect surface water drinking supplies

F. Medium priority goals

1. Protect the special qualities of Rainy Lake that enabled its Outstanding Resource Value Water (ORVW) classification

2. Protect wetland types and functions throughout the basin and recognize the potential of wetlands to maintain or improve water quality

G. Low priority goals

1. Ensure planned and environmentally sensitive development and ensure shoreland development proceeds in a manner that protects the culture, environment and economy of the area

2. Support the forest products industry
   a. encourage employment of VSLFM Guidelines and effectiveness monitoring
   b. encourage training opportunities for loggers and forest professionals
   c. development of a "statement of support" for efforts to maintain forest land uses and management
   d. support communications to small private landowners to broaden awareness of the Sustainable Forest Incentive Act

After considering issues from the above three sources and any additional issues raised by Committee members, the Committee compiled a long list of issues from which to identify the priority concerns that will be in the new Plan.

The WMPAC discussed and found potentially relevant for the New Water Plan the following priority concerns:

1. **Survey found rivers and streams to be most threatened**

2. **Survey identified water-related problems to be:**
   a. Erosion (both river and Rainy Lake)
   b. Development pressure and impact on water quality
   c. Some concern for stormwater and drainage management and declining water quality

3. **High priority to establish a Water Plan Task Force**
   Note: The establishment of the WMPAC accomplishes this priority

4. **Individual Sewage Treatment Systems are a high priority**
    a. Failing systems are a primary threat to maintaining good water quality
    b. Rainy Lake east of Jackfish Bay needs to have a Sewage Feasibility Study pursuant to provision of centralized sewage or clustered ISTS both to the mainland and islands
    c. Prepare a local ISTS ordinance
    d. Seek funding to be able to form a Water Quality Cooperative
    e. Seek ISTS solutions for the rest of Koochiching County

5. **Wetlands protection**
    a. Continue to implement the Koochiching County Wetlands Flexibility Plan and Ordinance
    b. Provide technical assistance to county residents, municipalities and local businesses
    c. Maintain an active Technical Evaluation Panel

6. **Erosion and sedimentation**
    a. Work with landowners on erosion and sedimentation control on both lakes and rivers/streams
    b. Promote shoreland and riparian buffers with the use of native vegetation
    c. Discourage planting of lawns to the shoreland and riparian edge

7. **Maintain good land use practices to avoid adverse impacts on water quality**
    a. Promote Best Management Practices (BMP) for agriculture, commercial/industrial and residential development near lakes and rivers/streams
    b. Seek forest practices certification

8. **Water quality monitoring**
    a. Develop / maintain monitoring programs to provide information about water quality of Rainy Lake and the Big Fork , Little Fork, Rainy, Rapid and Rat Root rivers
    b. Encourage the development of volunteer River Watch programs for rivers currently not monitored
    c. Establish baselines for water quality throughout the Basin
    d. Support funding for the Little Fork / Big Fork paired river study
    e. Assure water quality information is disseminated

9. **Groundwater quality and surface water drinking supply**
    a. Prepare a well inventory pursuant to monitoring groundwater quality
    b. Help prepare groundwater protection plans with the State Department of Health
    c. Do an unused and unsealed well assessment
    d. Do protection Surface Water Assessment Plans for private surface water providers

10. Education

a. Agency (federal, state, local) partnership with Rainy River Community College
b. Support the expansion of RRCC's Rainy River Basin's Water Resources Center (WRC)
c. Promote the WRC as an international repository and dispenser of information and knowledge
d. Promote high school participation in water quality monitoring
e. Seek funding to help the WRC accomplish its four objectives:
   - monitor water quality and aquatic ecology
   - manage water resources data
   - release information to the trained and lay public about water management needs and resources
   - establish a Rainy Basin River Watch

11. Rainy Lake

a. Protect the special qualities of Rainy Lake that enabled its classification as an Outstanding Resource Value Water (ORVW)

12. Wetland Types and Functions

a. Protect wetland types and functions, as identified in the Koochiching County Wetland Flexibility Plan, throughout the Basin and recognize the ability of wetlands to maintain or even improve water quality

13. Development

a. Ensure planned and environmentally sensitive development
b. Ensure shoreland development proceeds in a manner that protects the culture, environment and economy of the area

14. Rainy River

a. Support efforts to fund studies of Rainy River on such topics as erosion, hydrology, river profile, effects of peaking
b. Support efforts to control the practice of peaking in order to protect spawning areas and to prevent other potentially adverse impacts

15. Forestry

a. Support sound forest management practices that allow for harvest but avoid adverse environmental impacts on water quality

Additional Priority Concerns

1. Water Quality

a. Define water quality generally
b. Prepare several "definitions" of water quality depending on the standard being sought

2. Impaired Waters

a. Seek funding for study of the Little Fork River Impaired Water
b. Implement an action plan for the Little Fork River
c. Identify other Impaired Water in Koochiching County

PRIORITY CONCERNS FOR THE 2007 – 2017 PLAN

All priority concerns point in one direction: water quality. Maintaining or enhancing existing water quality is the overriding goal of all priority concerns. The six priority concerns identified in this report attempt to disaggregate the concern for water quality into somewhat logical and discrete categories. Even at that they are overlapping but they do offer a focus from which to derive goals, strategies and implementation measures. The six priority concerns are:

1. Erosion
2. Individual Sewage Treatment Systems
3. Education/Collaboration
4. Monitoring
5. Protection of Water Quality
6. Forestry

These concerns were developed by the WMPAC.

Erosion

Erosion is one of the key contributors to poor water quality. It is a concern for Rainy Lake and for the three major rivers in the county, Rainy, Big Fork and Little Fork. It is also a concern for all the smaller rivers and lakes.

This Plan will support:

- cost share for erosion control on private land
- technical assistance to property owners is provided by the Soil and Water Conservation District (SWCD), the Natural Resources Conservation Service (NRCS), the Department of Natural Resources (DNR), and the Minnesota Pollution Control Agency (MPCA)
- Best Management Practices for agricultural operations
- Forest Resources Council Guidelines for forestry management
- study of the Little Fork River "impaired water" due to turbidity
- the Little Fork River / Big Fork River paired river study
- increased emphasis on shoreland protection by encouraging native vegetation and discouraging lawns up to the shoreline
- implementation of National Pollution Discharge Elimination Standards (NPDES)
- consider use of NEMO (Nonpoint Education for Municipal Officials) to determine cumulative impacts of runoff due to development

- Best Management Practices for residential and commercial construction, stormwater management, road construction and hydrologic modification contributing to bank instability.

Individual Sewage Treatment Systems (ISTS)

ISTS makes up a separate category because there are several grant programs and major activities that fit under this category. It is also generally acknowledged that faulty septic systems constitute the greatest manmade threat to water quality in the Rainy River Basin. With the enactment of the Clean Water Act in 1973, point sources of pollution were a major problem 30 – 40 years ago but are now under strict permit requirements. Nonpoint sources, such as ISTS, now constitute the greatest threat.

- now that Jackfish Bay sewer is under construction, direct major attention to the rest of Rainy Lake from Tilson Bay to Dove Island, and also Rainy Lake's islands
- this plan supports adoption of a local ISTS ordinance
- implement a Water Quality Cooperative, or other administrative structure, to be responsible for maintenance, repair and construction of new ISTS
- do a septic system compliance inventory
- support the development of Performance Standards for ISTS which would for a wide range of types of ISTS and for having a range of effluent quality standards to apply depending on an area's remoteness from surface water
- focus attention on both specific, localized problem areas and on issues affecting the whole county.

The Board of Commissioners supports the extension of centralized sewer east to Dove Island. This may or may not be feasible. If not, cluster systems and performance standards should be implemented.

Education/Collaboration

Education is a key component of this new Water Management Plan. We all need to be educated about water. It is well known that Minnesotans cherish their water. They want to know how to maintain or enhance their water fronts, their surface water and their groundwater. Hopefully, the centerpiece of education about water in Koochiching County will be Rainy River Community College's Water Resources Center (WRC). There, all that is known about Rainy River Basin water quality may be studied, stored and retrieved. The WRC will be an international center absorbing information from both Minnesota and Canadian sources. It is important to note that 65 percent of the Rainy River Watershed is in Ontario. Collaboration between Minnesota and Ontario is fundamentally important to protection of the Rainy Basin's water quality.

- Seek funding for the WRC to further its principal objectives to
  a) monitor the Basin's water quality,

b) manage collected data,
c) disseminate collected data in informational reports,
d) support citizen-based water quality programs such as River Watch

- emphasize education over regulation (e.g., voluntary use of alternative standards for shoreline development
- prepare informational brochures on groundwater, water quality monitoring, shoreland vegetation and others
- encourage MN DNR, MPCA, BWSR, Dept. of Health, Voyageurs National Park, Ontario Ministry of Natural Resources and Ontario Office of the Environment, Department of Fisheries and Oceans, Rainy River First Nations to disseminate informational reports, brochures and other educational materials
- convene the Water Management Plan Advisory Committee at least one time each year to review progress on implementing the WMP 2007 – 2017.
- Promote natural vegetation for shoreland and alternative standards for shoreland development
- Provide information about the hazards of using surface water for drinking and promote safe treatment options and alternatives.

Monitoring

Monitoring is important because it requires the active pursuit of information to develop a deeper understanding of the water resource. Generally, water quality in the Rainy Basin is considered "good" as compared to nationally accepted water quality measurement standards and to other geographic areas in Minnesota. There is information, enough to draw conclusions about the general quality of Koochiching County waters. But no body of water, except for the Big Fork River, has been systematically studied to the point where a baseline has been established. The Big Fork River has been systematically monitored by the Big Fork and Littlefork High Schools and guided by volunteer expert, Richard Lacher. The WMP will seek to expand water quality monitoring efforts.

- continue water quality monitoring of the Big Fork River
- create systematic water quality monitoring programs for Rainy River, Little Fork River, Rapid River, Rat Root River and Rainy Lake in cooperation with the Water Resources Center
- encourage citizen water quality efforts
- support funding of a Volunteer Water Monitoring Coordinator position at Rainy River Community College
- seek funding for surface water studies
- do inventories, as a form of monitoring, of wells in Koochiching County and of unused, unsealed wells
- encourage high schools to commit to doing long term water quality monitoring consistent with MPCA requirements, in cooperation with the Water Resources Center
- establish water quality baselines for Rainy Lake, Rainy River and the Little Fork River

- utilize and build from the comprehensive Rainy Lake characterization study, organized by Voyageurs National Park, done in 2004
- support studies of exotic species on Rainy Lake and other bodies of water as appropriate
- support studies of cyno-bacteria (blue green algae) toxicity in Rainy Lake
- rely on Rainy Lake's status as an Outstanding Resource Value Water (ORVW) to justify funding of studies and programs designed to enhance Rainy Lake's water quality
- encourage the conduct of nutrient loading studies of Koochiching County's lakes and rivers.

Protection of Water Quality

Protection of water quality refers mostly to impacts of construction on water quality. Most construction projects in Koochiching County have the potential to affect wetlands. Wetlands are more thoroughly addressed in the Koochiching County Wetland Flexibility Plan. The WMP will address Priority Concerns that are particularly related to impacts associated with man-made development projects.

- promote planned, environmentally sensitive development in Koochiching County, designed to ensure good water quality
- preserve and enhance native vegetation on shoreland
- seek funding for wetland restoration where appropriate
- promote use of alternative standards for shoreline development
- follow local zoning and shoreland ordinances (e.g., setbacks, vegetation removal, etc.) in riparian areas to protect the shore impact zone
- require site constraints analysis prior to designing residential or commercial/industrial projects
- seek continued State support of Koochiching County's Wetland Flexibility Plan
- insist that one size fits all is not appropriate to wetland mitigation in Minnesota
- achieve flexibility in siting wetland replacement by allowing replacement for Koochiching County projects anywhere in Minnesota
- do not require wetland mitigation be the same type of wetland as the type being affected
- avoid adverse impacts on water quality from aggregate mining and quarrying
- assist farmers in manure management
- encourage frequent use of the Technical Evaluation Panel to evaluate projects that will affect wetlands
- continue to have the SWCD provide technical assistance to Koochiching County cities and property owners
- consider setting local thresholds for water quality that are stricter than national or state standards.

Forestry

Forestry is a key component of the Soil and Water Conservation District's (SWCD) work program. Since this Water Management Plan will be used as a basis for SWCD's actions, forestry is included in the Plan even though some of its components are not directly pertinent to water management.
This Plan will support:

- preparation by SWCD of Forest Stewardship Plans for private property owners
- distribution of trees throughout the county in SWCD's tree sales program
- participation in teaching forestry management educational classes at Rainy River Community College
- collaboration with federal and state agencies and the private sector in helping to assure Koochiching County has healthy, productive and sustainable forests
- promotion of forestry practices that protect water quality
- promotion of the use of Voluntary Site-Level Forest Management Guidelines on private lands to protect water quality (e.g., riparian buffers, roads and culverts, stream crossings, etc.)

3/9/2007

Appendix B

RESPONSE TO COMMENTS ON THE "KOOCHICHING COUNTY WATER MANAGEMENT PLAN 2007 – 2017 PRIORITY CONCERNS SCOPING DOCUMENT"

By Richard Lehtinen

This report documents all comments received on the Koochiching County PCSD. The comments are grouped by comments with a Comment-Response format. The Response indicates whether or not a change in the PCSD text will be made.

1. Fisheries and Oceans Canada (2/26/07) – Neville Ward
   Comment: DFO supports the plan, especially efforts to control the practice of peaking.

   Response: Comment noted.

   Comment: Page 14, change "Ontario Ministry of Oceans and Fisheries" to "Fisheries and Oceans Canada".

   Response: Where appropriate, this change will be made.

2. Fisheries and Oceans Canada (3/5/07) Carolyn Bowie
   Comment: The PCSD has been assigned a file number KE-07-0197 and has been assigned to a fish habitat biologist to review.

3. Ontario Ministry of Natural Resources (2/23/07) John Van den Broeck
   Comment: Likes the Analysis, Limitations, Status format in the first part of the report. Thinks pages 10-13 should be put in the front of the report, but he would not want to lose portions of the front section.

   Response: This PCSD will be an Appendix in the Final Plan. The PCSD will be re-formatted as suggested. The existing format was done in order to track chronologically the development of priority concerns by the WMPAC.

   Comment: Would like the first part of the PCSD to be re-formatted to have two headings under Introduction: 1) Purpose of Document, 2) Background.

   Response: The Final Plan will be formatted as John Van den Broeck recommends.

   Comment: I think you've hit all the issues. It's actually ambitious.

   Response: That's encouraging.

4. Andrew Wright, WMPAC member (2/20/07)
Comment: County should more actively enforce ISTS regulations and be proactive in extending sewer to high population areas.

Response: This issue is clearly expressed in the PCSD and will be elaborated on in the Final Draft.

Comment: How will drought affect water quality and what procedures will the County follow to deal with drought conditions?

Response: The County Water Management Plan will not address drought. That task is done by water providers.

Comment: Mining can have long term effects on water quality. Mining operations should be required to have provisions for clean up and removal of contaminants.

Response: All mining operations under permit are required to have reclamation plans.

Comment: The County should export water and consider use of public waters for commercial and industrial uses.

Response: This comment has not been raised by any other person or agency. The WMPAC may want to consider this issue in the Final Plan.

5. Voyageurs National Park (3/5/07) Kate Miller
Comment: Page 3, please consider nutrient loading in lakes and rivers as a priority concern.

Response: Nutrient loading will be added as an issue under the category 4 heading of Protection of Water Quality.

Comment: Page 12, Monitoring, VNP conducted a baseline survey of water quality on Rainy Lake in 2004. A manuscript is in development for publication.

Response: This will be added as a bullet under Monitoring in the final PCSD.

Comment: VNP applauds efforts to provide sewage treatment systems, the outreach and education efforts identified in the PCSD, and cooperative monitoring efforts among local, county, State, Federal and citizen partners.

Response: This expression of positive support is appreciated.

6. Minnesota Pollution Control Agency (2/26/07) Lisa J. Thorvig
Comment: MPCA has five recommendations for the Local Water Management Plan: 1) how will the County participate in addressing impaired water, developing TMDL pollutant allocations and implementing TMDLs for impaired waters; 2) include maps of impaired waters; 3) commitment of the County to submit data it collects to MPCA; 4) plans for monitoring as yet unmonitored waters; 5) actions and timing of the County to reduce pollutants causing the impairment.

Response: These five recommendations will be addressed in the LWM Plan but need not be addressed in the PCSD. The PCSD does identify impaired waters as a priority concern.

Comment: Since MPCA is leading the way on reports for mercury, the County should only address pollutants other than mercury in its LWM Plan.

Response: There is only one impaired water other than those affected by mercury and that water is turbidity in the Little Fork River. This impairment is currently being studied by MPCA and the LWM Plan will fully support the findings and recommendation of this study.

Comment: The County should access the water quality section of MPCA's Environmental Data Access (EDA) to find water quality monitoring data which may be useful to the LWM Plan. The County should consider impaired waters as a top priority.

Response: The County will look into the EDA site and has identified the impaired Little Fork River as a high priority concern.

Comment: The County should begin to implement a county-wide ISTS program in 2007 (the county is currently administering 7080 in shoreland areas).

Response: The County does implement 7080 county-wide and has since 1996.

Comment: The County should be prepared to adopt an ordinance (i.e., local ISTS Ordinance) that implements proposed rule changes for the 2008 construction season.

Response: Koochiching County is working on a Local ISTS Ordinance which should be ready for review by May 2007.

7. Minnesota Department of Natural Resources (2/28/07) Kevin Peterson

DNR recommends seven additional concerns for the Recommendations section on pages 10 – 13. All of these items will be added to the final PCSD. These items are:

1. Under Education / Collaboration, p. 11 add:

- emphasize education over regulation (e.g., voluntary use of alternative standards for shoreline development)
- promote natural shoreline and alternative standards for shoreline development
- provide information about the hazards of using surface waters for drinking and promote safe treatment options and alternatives

2. Under Protection of Water Quality, p. 12 add:
   - promote use of alternative standards for shoreline development
   - follow local zoning and shoreland ordinances (e.g., setbacks, vegetation removal, etc.) in riparian areas to protect the shore impact zone

3. Under Forestry, p. 13, add:
   - promote forestry practices that protect water quality
   - promote Voluntary Site-Level Forest Management Guidelines on private lands to protect water quality (e.g., riparian buffers, roads and culverts, stream crossings, etc.)

8. State Department of Health (1/31/07) Beth Kluthe

The DOH recommends as a priority concern "Source water protection for the City of International Falls and resorts located on Rainy Lake". DOH did a study and published a report on this topic about four years ago. We will add a reference to this study in the Protection of Water Quality section of the PCSD.

9. Board of Water and Soil Resources (2/28/07) Jeff Hrubes
Comment: Forest land management should be a priority concern.

Response: Forest land management is addressed under the category of Forestry and will be addressed in more detail in the Final Plan.

Comment: Surface water quality as it relates to development adjacent to riparian areas should be a priority concern.

Response: Development practices in shoreland areas are addressed under the category of Protection of Water Quality and will be addressed in more detail in the final Plan.

Comment: Erosion and sedimentation should be a priority concern.

Response: Erosion is one of the principal concerns in the PCSD. Under Erosion the following bullet point will be added:

- Best Management Practices for residential and commercial construction, stormwater management, road construction and hydrologic modification contributing to bank instability.

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the **Koochiching** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on **August 23, 2007**, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On January 15, 2007, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from **Koochiching** County, pursuant to M.S. Section 103B.312.

2) On March 27, 2007, the Board of Water and Soil Resources approved official comments on the **Koochiching** County Priority Concerns Scoping Document, which were mailed to the county on March 28, 2007.

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

   A) Erosion
   B) Subsurface Sewage Treatment Systems
   C) Education/Collaboration
   D) Monitoring
   E) Protection of Water Quality
   F) Forestry

4) On June 29, 2007, the BWSR received the **Koochiching** County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On August 8, 2007, the Northern Water Planning Review Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Koochiching County Plan Update. Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture: recommended approval;
   B) Minnesota Department of Health: no recommendation received;
   C) Minnesota Department of Natural Resources: recommended approval;

D) Minnesota Pollution Control Agency: recommended holding the CLWMP in abeyance until Koochiching County adopts Mn Rule 7080 for Individual Sewage Treatment Systems;
E) Minnesota Environmental Quality Board: no recommendation received;
F) Minnesota Board of Water and Soil Resources regional staff recommends approval in accordance with Northern Review Committee conditions.

6) The Board Water Plan Review Committee met on August 8, 2007, and recommended s approval with the following conditions:

a) Change the date identified in Goal 1, Objective A under the Subsurface Sewage Treatment System Priority Concern calling for preparation of a Local SSTS Ordinance to be adopted; from the end of 2007, to June 1 2008.

b) The Northern Water Plan Review Committee will review the Koochiching County Local Water Management Plan at that time to appraise the progress of ordinance development and adoption.

7) As presented, this update will be in effect until **December 31, 2017.**

CONCLUSIONS

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

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

ORDER

The Board hereby approves the attached update of the **Koochiching County** Local Water Management Plan provided that, by June 1, 2008, Koochiching County has fulfilled the plan commitments stated in Goal 1, objective a, under the Priority Concern "Subsurface Sewage Treatment Systems " to prepare and adopt a local Subsurface Sewage Treatment Ordinance.

Dated at St. Paul , Minnesota, this **twenty-third day of August, 2007**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

Koochiching County Commissioners
Koochiching County Courthouse
715 4th Street
International Falls, MN 56649

August 23, 2007

Dear Koochiching County Commissioners:

This letter is being sent to inform you that the Minnesota Board of Water and Soil Resources (BWSR) approved Koochiching County's revised Comprehensive Local Water Management Plan with the conditions recommended by our Northern Water Planning Committee at its regular meeting held on August 23, 2007. Attached is the signed Finding of Fact, Conclusion, and Order that documents approval of the plan and indicates that the plan meets relevant requirements of law and rule. This update of the Koochiching County Comprehensive Local Water Plan is subject to a condition that the goal of preparing and adopting a local SSTS ordinance contained in Koochiching County's Comprehensive Local Water Management Plan is accomplished by June 1, 2008. As presented, the plan envisions an effective ten-year period until December 31, 2017; with the Goals, Objectives and Action Items reviewed and updated as necessary by December 31, 2012.

Statutory requirements of M.S. 103B 315 Subd. 6 (Comprehensive Water Plan Review and Adoption) include passage of a resolution and initiation of implementation activities within 120 days of notice of approval from the Board. An example of a resolution adopting the plan can be found on BWSR's website at http://www.bwsr.state.mn.us/watermgmt/guidance/Adoption.doc. Upon adoption, please forward the resolution to your Board Conservationist.

The Koochiching County Planning and Zoning staff and the Water Management Plan Advisory Committee have developed a plan that reflects the priorities for water management in Koochiching County. With continued implementation of your water plan, the protection and management of Koochiching County's water resources will be greatly enhanced. The BWSR looks forward to working with you as you implement this Plan and document its outcomes.

Sincerely,

Randy Kramer, Chair

Enclosures
cc: Richard Lehtinen, County Water Plan Coordinator
File copy

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COMMITTEE RECOMMENDATION

Southern Water Planning Committee

1. Jackson County Priority Concerns Scoping Document – Paul Langseth – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

DATE: 6-1-07
TO: Jeff Nielsen, BWSR Southern Region Supervisor
FROM: Tabor Hoek, BWSR Board Conservationist

RE: Review of Jackson County Priority Concerns Scoping Document

Jackson County has submitted their Priority Concerns Scoping Document (PCSD) for the 2007 Local Water Management Plan Update to BWSR and other state agencies. BWSR received this document on April 10, 2007.

State agency comments have been received from the Minnesota Department of Agriculture (MDA), Minnesota Pollution Control Agency (MPCA), and Minnesota Department of Natural Resources (DNR). All agencies concurred with the priority concerns identified and noted that they felt the process to identify the concerns was commendable. No comments on the completed PCSD were received from the Minnesota Department of Health (MDH), or Environmental Quality Board (EQB).

Priority Concerns were developed from public meeting input, state agency comment and the Jackson County Task Force.

Representing BWSR staff, I have completed my review of the Priority Concerns Scoping Document for Jackson County and recommend that BWSR concur with the priority concerns identified:

1. Prevent Soil Erosion
2. Feedlots & ISTS (Individual Sewage Treatment Systems)
3. Drainage Management
4. Improve Surface Water Quality
5. Protect Groundwater

I look forward to working with the County officials, residents, and technical staff as the Plan Update moves forward. If you have questions or need additional information, please contact me at 507-537-7260, or tabor.hoek@bwsr.state.mn.us.

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Minnesota Board of Water & Soil Resources

August 23, 2007

Jackson County Commissioners
c/o Gordon Olson
Office of Environmental Health
405 Fourth Street
Jackson, MN 56143

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

Dear Jackson County Commissioners:

Pursuant to Minnesota Statutes 103B.313, subdivision 5, this letter communicates the official comments of the State of Minnesota pertaining to the priority concerns Jackson County has chosen to address in the update of the Jackson County Comprehensive Local Water Management (CLWM) Plan. The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the Jackson County Priority Concerns Scoping Document (PCSD) on April 10, 2007.

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

1. Prevent Soil Erosion
2. Feedlots & ISTS (Individual Septic Treatment Systems)
3. Drainage Management
4. Improve Surface Water Quality
5. Protect Groundwater

The BWSR Southern Water Planning Committee (hereinafter referred to as Committee) met on July 19, 2007, to discuss comments received from state review agencies and others, discuss the content of the Jackson County PCSD, and make recommendations for the content of the final plan.

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

The MDA concurred with the priority concerns identified and noted they felt the process to identify the concerns was commendable. MPCA concurred with the priority concerns identified and highlighted a MPCA data source regarding surface water monitoring information for the County's use. The DNR also concurred with the priority concerns process completed by the County. The BWSR agreed with the priority concerns.

The Committee commends Jackson County for the process they used to select the concerns – including soliciting input from local government, citizens, and state agencies – and incorporating that information into the three priority concern areas. The priority concerns to be addressed in the Jackson County CLWM Plan are deemed to be appropriate.

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

Sincerely,

Randy Kramer, Chair
Minnesota Board of Water and Soil Resources

c: Becky Balk, MDA
John Wells, EQB
Art Persons, MDH
Mark Matuska, DNR
David L. Johnson, MPCA
Joe Martin, MDA
Dan Wilson, MDH
Dana Allen, BWSR Board
Brian Kletscher, BWSR Board
Paul Langseth, BWSR Board
Jeff Nielsen, BWSR Southern Region Supervisor
Tabor Hoek, Board Conservationist

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NEW BUSINESS

1. Lake of the Woods Water Sustainability Foundation – Todd Sellers, Executive Director, Kenora, Ontario, Canada – *INFORMATION ITEM*

2. Forestry Conservation Practice – Jim Lemmerman – *INFORMATION/DISCUSSION ITEM*

3. BWSR Strategic Plan – Brian Napstad and Cliff Tweedale – *INFORMATION ITEM*

4. Supplemental 2008 Feedlot Water Quality Management Grant (FWQMG) Allocations – Wayne Zellmer – *DECISION ITEM*

5. Minnesota River Basin Joint Powers Board, FY08 Annual Work Plan – John Jaschke - *DECISION ITEM*

Forestry Practices Addition to State Cost Share Program

Background

The Laws of Minnesota 2007 in Senate File 2096 states:

> *The Board shall develop a forestry practice docket for cost-share money. The Board shall develop standards or policies for cost share practices for the following purposes: . . . . .establishment of soil and water conservation practices on private forest lands.*

Issue

The State Cost Share Program currently does not address forestry concerns very well. Although the Program **can** be used for forestry issues now, via eligible components of existing practices and the ORTP provision, the approved practices are rather silent on forestry issues and do not address them pro-actively.

Recommendation

The Grants Program and Policy Committee does not recommend a "forestry practice docket" but does recommend adding a forestry practice, which would directly address forestry concerns. This practice will contain numerous eligible components common to forestry situations.

Staff will engage the necessary partners to draft a forestry practice cost share standard.

See attached D.13 Forestry Conservation Practice

The goal is to have it ready for FY 09.

D.13 Forestry Conservation Practice

Forestry Conservation Practice

Forestry practices to establish permanent trees, shrubs, and/or grasses on sites that have or are expected to have high erosion rates.

Eligible Component(s):

- Streambank and Shoreland Protection (580)
- Fencing (382)
- Use/Livestock Exclusion (472)
- Tree/Shrub Establishment (612)
- Reforestation and Aforestation **(would this be the same as tree/shrub establishment?)**
- Grade Stabilization (410)
- Forest Trails and Landings (655)
- Water and Sediment Control Basin (638)

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

Policies

A **Forest Stewardship Plan** is required for cost share if parcel is over 20 acres, if the parcel is less than 20 acres a **Small Acreage Assessment** must be completed to document needs.

Cost sharing is authorized for the materials and activities required to establish the practice and protect the site during construction of the practice. They include, but are not limited to:

Materials:

- Seed
- Trees/Shrubs
- Herbicides
- Fertilizer
- Minerals
- Fence Materials
- Mulch
- Tubes
- Mats

- Grading (Earthwork)
- Planting
- Fertilizer/Herbicide Application
- Fencing Labor
- Mulching Labor
- Site Preparation

Activities:

- Cost share is authorized where at least 80 percent of the contributing watershed controlled by the land occupier has the appropriate cultural, management, or structural practices in place (or scheduled to be installed) to stabilize sources of sediment and reduce surface water runoff.
- Cost share is not authorized where runoff or sediment from the contributing watershed would prevent the practice from achieving its intended purpose with normal operation and maintenance. The contributing watershed includes land not controlled by the land occupier.

SUPPLEMENTAL 08 FEEDLOT WATER QUALITY MANAGEMENT GRANT ALLOCATIONS

BACKGROUND

The new fy 08 FWQMG eligibility requirements limit funding to feedlots with less than 300 AUs and to feedlots that occur in impaired watersheds. At their June 2007 Meeting, the BWSR considered applications for funding and funded 39 riparian feedlot projects that met these criteria. Six high priority riparian feedlots that either exceeded 299 AUs or that were located in watersheds not currently listed as impaired were not funded.

ISSUE

The BWSR Grants Program and Policy Committee discussed at their June meeting using available State Cost Share roll-over funds, appropriated in previous years, to fully or partially fund these remaining riparian feedlots that did not meet the less than 300 AU and impaired water eligibility criteria in recognition of this eligibility criteria transition.

Rep. Hansen, chair of the Watersheds, Wetlands, and Buffers Subcommittee, which has jurisdiction over this matter, and where this was primarily discussed during the 07 legislative session, offered his support for this approach.

RECOMMENDATION

At their July 2007 meeting, the Grants Program and Policy Committee recommended to allocate all of the available $126,000 of roll-over for the highest priority remaining feedlots. This recommendation will fully fund the following projects listed on the attached spreadsheet: #s 3, 15, and 17. It will provide partial funding of $31,773 to #20.

K:S08FWQMGA

FISCAL YEAR 2008 FWQM GRANT APPLICATIONS REPORT
By Ranking Criteria
Total Project Cost: $6,902,560
Total FWQM Requested $2,403,995
Total Producers: 87
Total Funding Available $1.5M

	Applicant	Stewardship Plan	LANDOWNER	RIPARIAN	FLEVAL RATING	PRACTICE STATE DATE	COMPLETE INVENTORY	LEVEL	ANIMAL UNITS	ANIMAN SPECIES	TOTAL PROJECT COST	EQIP FUNDS REQUESTED	EQIP AMOUNT	FWQM FUNDS REQUESTED	T/A FUNDS REQUESTED	TOTAL FUNDS REQUESTED	CRITERIA ELIGIBLE CUMULATIVE	Out
1	PIPESTONE SWCD	Yes	BILL	B	43	8/1/2007	Yes	3	228	DAIRY	$102,008	Yes	$51,004	$25,502	$2,550	$28,052	$28,052	
2	STEARNS SWCD	Yes	GREG	E	41	10/1/2007	Yes	2	121	DAIRY	$97,500	Yes	$39,000	$34,125	$3,413	$37,538	$65,590	
3	**PINE SWCD**	Yes	MICHAEL	B	38	8/1/2008	Yes	2	208	DAIRY	$102,000	Yes	$51,000	$25,000	$2,500	$27,500	$65,590	Not impaired
4	STEARNS SWCD	Yes	STANLEY	B	36	10/1/2007	Yes	2	191	DAIRY	$7,600	Yes	$1,500	$7,500	$750	$8,250	$73,840	
5	WABASHA SWCD	Yes	NEIL	B	33	7/1/2007	Yes	3	250	DAIRY	$75,000	No	$0	$45,455	$4,545	$50,000	$123,840	
6	STEARNS SWCD	Yes	KEN	B	28	10/1/2007	Yes	2	146	DAIRY	$31,000	Yes	$12,700	$10,550	$1,055	$11,605	$135,445	
7	STEARNS SWCD	Yes	WILLIAM	B	18	10/1/2007	Yes	2	75	DAIRY	$200,000	Yes	$3,180	$2,520	$252	$2,772	$138,217	
8	STEARNS SWCD	Yes	SHAWN	B	16	10/1/2007	Yes	2	60	HORSE	$30,000	Yes	$51,000	$25,000	$2,500	$27,500	$165,717	
9	FILLMORE SWCD		JIM	B	63	9/1/2007	Yes	3	250	BEEF	$240,535	No	$0	$45,500	$4,500	$50,000	$215,717	
10	PIPESTONE SWCD		PAT	B	58	7/1/2007	Yes	3	208	DAIRY	$166,662	Yes	$83,310	$41,666	$4,167	$45,832	$261,549	
11	FILLMORE SWCD		DAN	B	58	5/1/2008	Yes	3	299	BEEF	$75,000	No	$0	$45,500	$4,500	$50,000	$311,549	
12	MORRISON SWCD		KEVIN	B	58	7/1/2007	Yes	3	160	DAIRY	$125,000	Yes	$58,560	$35,153	$3,515	$38,668	$311,549	Not impaired - funded w/ swcd slippage
13	FILLMORE SWCD		LLOYD	B	56	9/1/2007	Yes	3	120	sheep	$70,000	No	$0	$45,500	$4,500	$50,000	$361,549	
14	FILLMORE SWCD		MATT	B	52	9/1/2007	Yes	3	84	BEEF	$30,000	No	$0	$22,500	$2,250	$24,750	$386,299	
15	**ROCK SWCD**		MOSS	B	52	9/1/2007	Yes	3	580	DAIRY	$310,000	Yes	$30,000	$33,500	$0	$33,500	$386,299	
16	FILLMORE SWCD		BLAISE	B	51	9/1/2007	Yes	3	200	BEEF	$180,000	No	$0	$45,500	$4,500	$50,000	$436,299	
17	**JACKSON SWCD**		KEVIN	A	50	7/16/2007	Yes	3	375	BEEF	$138,000	Yes	$73,273	$30,227	$3,000	$33,227	$436,299	Not impaired
18	FILLMORE SWCD		DAVE	B	50	5/1/2008	Yes	3	150	BEEF	$38,000	No	$0	$28,500	$2,850	$31,350	$467,649	
19	MORRISON SWCD		ROBERT	B	50	7/1/2007	Yes	3	155	DAIRY	$168,000	Yes	$84,000	$42,000	$4,200	$46,200	$513,849	
20	**NOBLES SWCD**		KEVIN	C	49	9/1/2007	No	3	469	DAIRY	$154,266	Yes	$77,133	$38,566	$3,857	$42,423	$513,849	
21	WASHINGTON SWCD		DENNIS	A	48	8/15/2007	Yes	1	30	HORSE	$20,000	No	$0	$15,000	$1,500	$16,500	$530,349	
22	FILLMORE SWCD		DEAN	B	46	5/1/2008	Yes	3	250	DAIRY	$180,000	No	$0	$45,500	$4,500	$50,000	$580,349	
23	WINONA SWCD		WAYNE	B	45	7/1/2007	Yes	3	168	DAIRY	$20,795	No	$0	$15,596	$1,160	$16,756	$597,105	
24	MOWER SWCD		JACK	B	42	8/15/2007	Yes	3	121	BEEF	$34,180	No	$0	$25,635	$2,564	$28,199	$625,304	
25	MILLE LACS SWCD		CHARLIE	B	41	7/1/2007	Yes	2	256	DAIRY	$12,636	Yes	$6,318	$3,159	$315	$3,474	$625,304	Not impaired
26	RICE SWCD		SCOTT	B	40	9/1/2007	Yes	3	68	BEEF	$55,000	No	$0	$41,250	$4,125	$45,375	$670,679	
27	MORRISON SWCD		KURT	B	39	7/1/2007	Yes	3	110	DAIRY	$125,000	Yes	$62,500	$31,250	$3,125	$34,375	$670,679	Not impaired - funded w/ swcd slippage
28	ROCK SWCD		DAVID	B	39	9/1/2007	Yes	3	197	BEEF	$36,000	Yes	$18,000	$6,000	$600	$6,600	$677,279	
29	WINONA SWCD		IHRKE	B	35	7/1/2007	Yes	3	107	DAIRY	$41,710	No	$0	$31,283	$3,128	$34,411	$711,690	
30	WINONA SWCD		STEPHEN	B	34	7/1/2007	Yes	3	40	DAIRY	$11,360	No	$0	$8,520	$852	$9,372	$721,062	
31	WINONA SWCD		ANTHONY	B	34	7/1/2007	Yes	3	90	DAIRY	$15,610	No	$0	$11,708	$1,171	$12,878	$733,940	
32	ROOT RIVER SWCD		JIM	B	32	8/1/2007	Yes	2	180	BEEF	$67,000	No	$0	$32,300	$3,180	$35,480	$769,420	
33	PIPESTONE SWCD		DARREL	B	31	7/1/2007	Yes	3	200	DAIRY	$50,000	Yes	$25,000	$12,500	$1,250	$13,750	$783,170	
34	CARLTON SWCD		LINDA	B	31	10/1/2007	Yes	3	96	BEEF	$86,500	Yes	$43,250	$21,625	$2,163	$23,788	$806,958	
35	GOODHUE SWCD		JEFF	B	28	8/1/2007	No	3	141	DAIRY	$112,500	No	$0	$50,000	$0	$50,000	$856,958	
36	RICE SWCD		PETE	B	28	6/1/2008	Yes	3	45	BEEF	$29,830	No	$0	$22,375	$2,237	$24,612	$881,570	
37	ROOT RIVER SWCD		DAVID	B	28	9/1/2007	Yes	2	36	BEEF	$21,141	No	$0	$15,855	$1,585	$17,440	$899,010	
38	WINONA SWCD		ROY	B	28	7/1/2007	Yes	3	82	DAIRY	$12,035	No	$0	$9,026	$903	$9,929	$908,939	
39	ROCK SWCD		KURT	B	28	9/1/2007	Yes	3	285	BEEF	$28,000	No	$0	$21,000	$2,100	$23,100	$932,039	
40	FILLMORE SWCD		GLEN	B	26	5/1/2008	Yes	3	150	BEEF	$30,000	Yes	$11,250	$11,250	$1,125	$12,375	$944,414	
41	MILLE LACS SWCD		DUANE	B	24	7/1/2007	Yes	2	112	DAIRY	$185,298	Yes	$92,649	$46,325	$3,675	$50,000	$944,414	Not impaired
42	STEARNS SWCD		TF	A	22	10/1/2007	Yes	2	216	DAIRY	$55,000	Yes	$5,617	$8,446	$845	$9,291	$953,705	
43	ROOT RIVER SWCD		JOHN	B	22	9/1/2007	Yes	2	40	BEEF	$70,945	No	$0	$45,500	$4,500	$50,000	$1,003,705	
44	FILLMORE SWCD		JAMES	D	20	9/1/2007	Yes	3	150	BEEF	$28,500	No	$0	$21,375	$2,137	$23,512	$1,027,217	
45	ROCK SWCD		GEORGE	B	16	9/1/2007	Yes	3	267	HOGS	$84,914	No	$0	$45,000	$4,500	$49,500	$1,076,717	
46	STEARNS SWCD		JEFF	A	3	10/1/2007	Yes	2	240	DAIRY	$18,750	Yes	$18,877	$22,373	$2,237	$24,610	$1,101,327	
47	WINONA SWCD		STEVE	B	0	7/1/2007	Yes	3	258	DAIRY	$15,000	No	$0	$11,250	$1,125	$12,375	$1,113,702	Proposed Funding Recommendation

FISCAL YEAR 2008 FWQM GRANT APPLICATIONS REPORT
By Ranking Criteria
Total Project Cost: $6,902,560
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Total Funding Available $1.5M

	Applicant	Stewardship Plan	LANDOWNER	RIPARIAN	FLEVAL RATING	PRACTICE STATE DATE	COMPLETE INVENTORY	LEVEL	ANIMAL UNITS	ANIMAN SPECIES	TOTAL PROJECT COST	EQIP FUNDS REQUESTED	EQIP AMOUNT	FWQM FUNDS REQUESTED	T/A FUNDS REQUESTED	TOTAL FUNDS REQUESTED	CRITERIA ELIGIBLE CUMULATIVE	Out
48	STEARNS SWCD	Yes	ROBERT		52	10/1/2007	Yes	2	133	DAIRY	$82,730	Yes	$70,000	$35,000	$3,500	$38,500	$1,152,202	
49	STEARNS SWCD	Yes	FRED		49	10/1/2007	Yes	2	161	DAIRY	$34,800	Yes	$13,920	$12,180	$1,218	$13,398	$1,140,989	Not impaired
50	STEARNS SWCD	Yes	AA		30	10/1/2007	Yes	2	267	DAIRY	$140,000	Yes	$41,365	$20,683	$2,068	$22,751	$1,163,740	
51	WINONA SWCD		TOM		70	7/1/2007	Yes	3	542	BEEF	$169,345	Yes	$109,100	$47,500	$2,500	$50,000	$1,163,740	Not impaired
52	STEARNS SWCD		RANDY		66	10/1/2007	Yes	2	61	DAIRY	$17,500	No	$0	$43,125	$4,313	$47,438	$1,211,178	
53	STEARNS SWCD		JOSEPH		65	10/1/2007	Yes	2	15	SWINE	$30,000	Yes	$40,685	$20,343	$2,034	$22,377	$1,211,178	Not impaired
54	PIPESTONE SWCD		MIK		64	7/1/2007	Yes	3	263	DAIRY	$78,720	Yes	$39,360	$19,680	$1,968	$21,648	$1,211,178	Not impaired
55	STEARNS SWCD		JAMES		58	10/1/2007	Yes	2	134	DAIRY	$126,500	Yes	$16,250	$12,250	$1,225	$13,475	$1,211,178	Not impaired
56	STEARNS SWCD		STEVE		53	10/1/2007	No	2	400	BEEF	$65,000	Yes	$2,605	$3,395	$340	$3,735	$1,211,178	Not impaired
57	FILLMORE SWCD		JOHN		52	6/1/2008	Yes	3	250	BEEF	$66,000	Yes	$31,020	$30,480	$3,048	$33,528	$1,244,706	
58	WINONA SWCD		TERRY		50	7/1/2007	Yes	3	204	DAIRY	$103,500	Yes	$23,813	$19,687	$1,969	$21,656	$1,266,362	
59	WINONA SWCD		STEPHAN		48	7/1/2007	Yes	3	420	DAIRY	$235,939	Yes	$8,840	$12,723	$1,272	$13,995	$1,266,362	Not impaired
60	STEARNS SWCD		JOE		44	10/1/2007	Yes	2	998	DAIRY	$40,000	Yes	$36,625	$19,625	$1,963	$21,588	$1,266,362	Not impaired
61	STEARNS SWCD		JOE		43	10/1/2007	Yes	2	149	DAIRY	$54,000	No	$0	$30,000	$3,000	$33,000	$1,299,362	
62	LINCOLN SWCD		GENE		41	8/15/2007	Yes	3	494	BEEF	$310,000	Yes	$25,000	$16,250	$1,625	$17,875	$1,299,362	Not impaired
63	STEARNS SWCD		GERARD		40	10/1/2007	Yes	2	156	DAIRY	$70,000	Yes	$9,993	$8,752	$875	$9,627	$1,299,362	Not impaired
64	STEARNS SWCD		ROGER		40	10/1/2007	Yes	2	108	DAIRY	$92,374	Yes	$10,127	$8,623	$862	$9,485	$1,308,847	
65	FARIBAULT SWCD		DON		39	7/1/2007	Yes	3	144	BEEF	$35,800	Yes	$21,221	$20,967	$2,097	$23,064	$1,331,911	
66	STEARNS SWCD		JAMES		35	10/1/2007	Yes	2	92	DAIRY	$50,000	Yes	$6,200	$21,925	$2,193	$24,118	$1,356,029	
67	STEARNS SWCD		CHRISTINA		35	10/1/2007	Yes	2	73	BEEF	$41,250	Yes	$39,606	$20,394	$2,039	$22,433	$1,356,029	Not impaired
68	STEARNS SWCD		RICHARD		33	10/1/2007	Yes	2	154	DAIRY	$37,500	Yes	$15,228	$15,710	$1,571	$17,281	$1,373,310	
69	WABASHA SWCD		KEVIN		31	7/1/2007	Yes	3	400	BEEF	$118,490	Yes	$16,837	$20,663	$2,066	$22,729	$1,373,310	Not impaired
70	STEARNS SWCD		THOMAS		28	10/1/2007	Yes	2	82	DAIRY	$80,000	Yes	$35,000	$17,500	$1,750	$19,250	$1,392,560	
71	YELLOW MEDICINE SWCD		PAUL		28	7/1/2007	No	2	873	BEEF	$330,000	Yes	$46,187	$23,094	$2,309	$25,403	$1,392,560	Not impaired
72	CHISAGO SWCD		JIM		27	8/1/2007	Yes	2	100	SWINE	$20,000	Yes	$11,000	$19,000	$1,900	$20,900	$1,413,460	
73	STEARNS SWCD		DOUG		27	10/1/2007	Yes	2	185	BEEF	$56,250	Yes	$27,000	$13,500	$1,350	$14,850	$1,428,310	
74	KANABEC SWCD		PETER		21	9/1/2007	No	0	144	DAIRY	$22,770	Yes	$12,400	$10,100	$1,010	$11,110	$1,439,420	
75	MILLE LACS SWCD		DAVID		21	8/1/2007	Yes	2	60	DAIRY	$32,197	Yes	$54,472	$40,403	$4,040	$44,443	$1,439,420	Not impaired
76	STEARNS SWCD		LAWRENCE		21	10/1/2007	Yes	2	68	DAIRY	$25,000	Yes	$27,662	$21,088	$2,109	$23,197	$1,462,617	
77	STEARNS SWCD		ARNOLD		20	10/1/2007	Yes	2	70	DAIRY	$25,000	Yes	$3,465	$9,660	$966	$10,626	$1,473,243	
78	STEARNS SWCD		THERESA		18	10/1/2007	Yes	2	77	DAIRY	$55,000	Yes	$67,100	$48,000	$2,000	$50,000	$1,523,243	
79	STEARNS SWCD		ALVIN		18	10/1/2007	Yes	2	150	BEEF	$40,000	Yes	$15,375	$8,773	$877	$9,650	$1,532,893	
80	STEARNS SWCD		MARK		11	10/1/2007	Yes	2	141	DAIRY	$75,000	Yes	$148,434	$28,520	$2,852	$31,372	$1,564,265	
81	STEARNS SWCD		MICHAEL		11	10/1/2007	Yes	2	92	DAIRY	$28,750	No	$0	$17,077	$1,707	$18,784	$1,583,049	
82	STEARNS SWCD		DAVID		8	10/1/2007	Yes	2	136	DAIRY	$58,000	No	$0	$45,500	$4,550	$50,050	$1,633,099	
83	STEARNS SWCD		DARRELL		4	10/1/2007	Yes	2	158	DAIRY	$82,000	Yes	$11,825	$45,500	$4,550	$50,050	$1,683,149	
84	STEARNS SWCD		MARTIN		3	10/1/2007	Yes	2	50	DAIRY	$8,000	No		$45,500	$4,500	$50,000	$1,683,149	Not impaired
85	STEARNS SWCD		KEVIN		3	10/1/2007	Yes	2	180	SWINE	$38,000	No	$0	$45,500	$4,500	$50,000	$1,733,149	
86	STEARNS SWCD		JEROME		2	10/1/2007	Yes	2	66	DAIRY	$81,370	Yes	$22,903	$3,947	$395	$4,342	$1,737,491	
87	WASECA SWCD		RICHARD		0	10/7/2007	Yes	3	300	DAIRY	$57,500	No	$0	$15,000	$1,500	$16,500	$1,737,491	

Project #47 is for milk house waste

***Riparian Locations**

A=within 1,000 feet of a lake 3
B=within 300 feet of a stream 33
C=within 100 year floodplan 0
D=sinkhold catchment area 1
E=Drinking water Supply Management Area 1

Application period March 1, 2007 through April 17, 2007

Total FWQM request is for all applications submitted



Minnesota River Basin Joint Powers Board

Plan of Work
July 1, 2007 – June 30, 2008 (FY08)

Contact Information:
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MRB Approved on 7-16-07
Submitted by _____
Shannon Fisher, Executive Director

JUL 27 2007

Minnesota River Board – A Re-Introduction

In 1992, the Minnesota River Citizen's Advisory Committee (MRCAC) was formed. In 1994, the MRCAC released the report, *Working Together: A Plan to Restore the Minnesota River.* The report detailed ten recommendations (listed below) that the participants believed would improve Minnesota River health.

- restore floodplains and riparian areas,
- restore wetlands,
- manage drainage ditches and storm sewers as tributaries,
- improve land management practices,
- monitor water quality throughout the Minnesota River Basin,
- establish a "Minnesota River Commission" to oversee the clean-up effort,
- establish local joint powers agreements,
- improve technical assistance to local governments,
- engage the general public, and
- enforce existing laws

As a result of the MRCAC recommendations and increasing Minnesota River awareness, the Minnesota River Basin Joint Powers Board (hereafter referred to as MRB) was forged in 1996 (*Minnesota Statute 103F.378*). The MRB was founded on

- the desire to collaborate and leverage in a judiciously appropriate manner and
- the desire to assume a leadership role and be more pro-active in the coordination of efforts at the local level.

Mission and Vision

The MRB is founded on and conducts its business based on the principles and objectives outlined in our Mission and Vision statements.

MRB Mission Statement

"To provide leadership, build partnerships, and support efforts to improve and protect water quality in the Minnesota River Basin"

MRB Vision Statement

"Conservation and restoration of Minnesota River resources and our way of life can only be achieved by a cooperative effort between citizens and all levels of government and business."

Organizational Structure

The MRB structure (Figure 1) has been in place since 2003 and remains a desirable and productive organizational profile. This is a good model and should be preserved. The relationship between the Water Resources Center and the MRB was notably highlighted by several legislators during the last session – cited as a great partnership that facilitates stability and progress for both entities. Significant dedication to re-establishing relations and partnerships with the watershed programs needs to and will occur over the next few years.

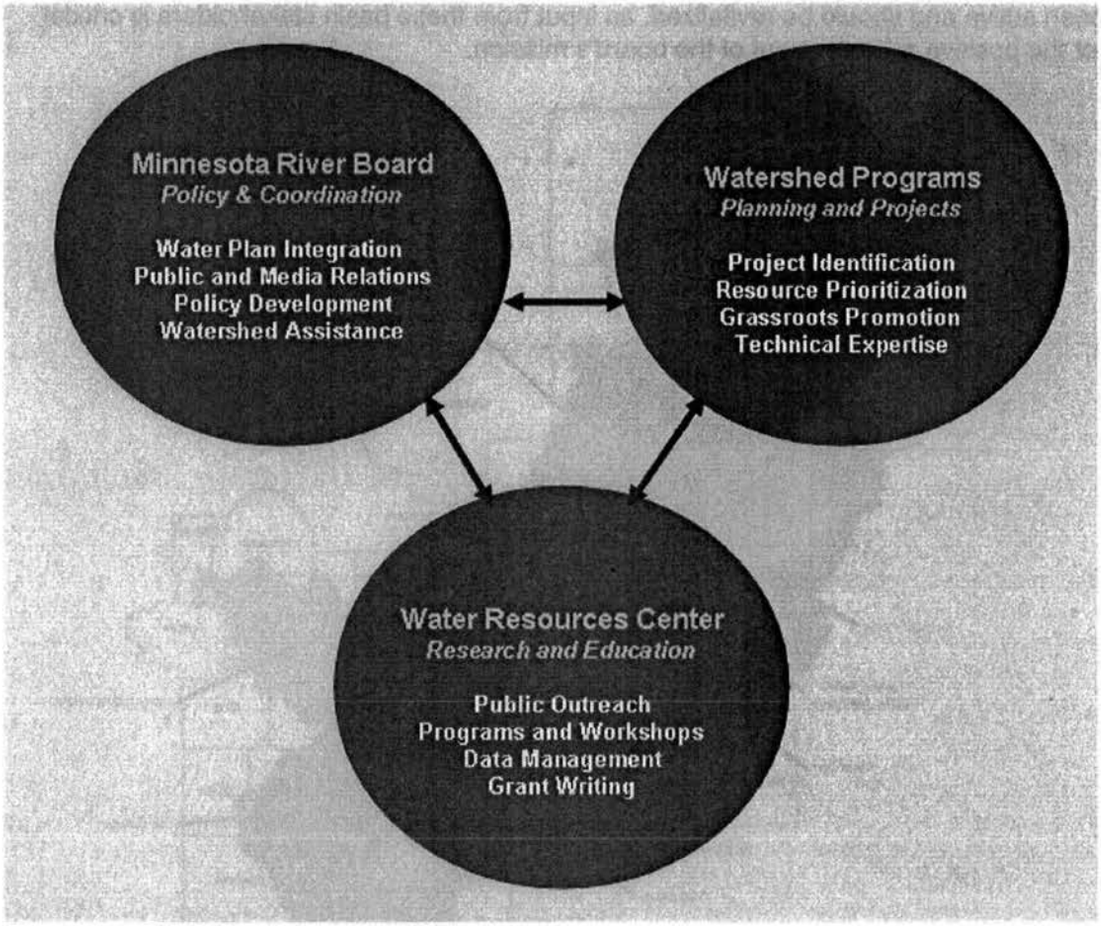


Figure 1. MRB Organizational Structure

Membership

The MRB is a joint powers board charged with coordinating efforts to improve water quality in the 38-county Minnesota River Basin and providing reporting for and assistance to 12 major watersheds (Figure 2). Upon acceptance of the joint powers agreement, each county with dues paid in full shall have one county commissioner as its delegate to the board and one county commissioner as an alternate. A technical and citizen advisory committee was established to advise the board and consisted of a technical representative from each participating county in the basin and citizens who are not county employees, but who have an interest in agriculture, conservation, sporting activities, and other relevant areas as determined by the board. This committee has not been active and should be revitalized, as input from these basin stakeholders is critical for the positive advancement of the board's mission.

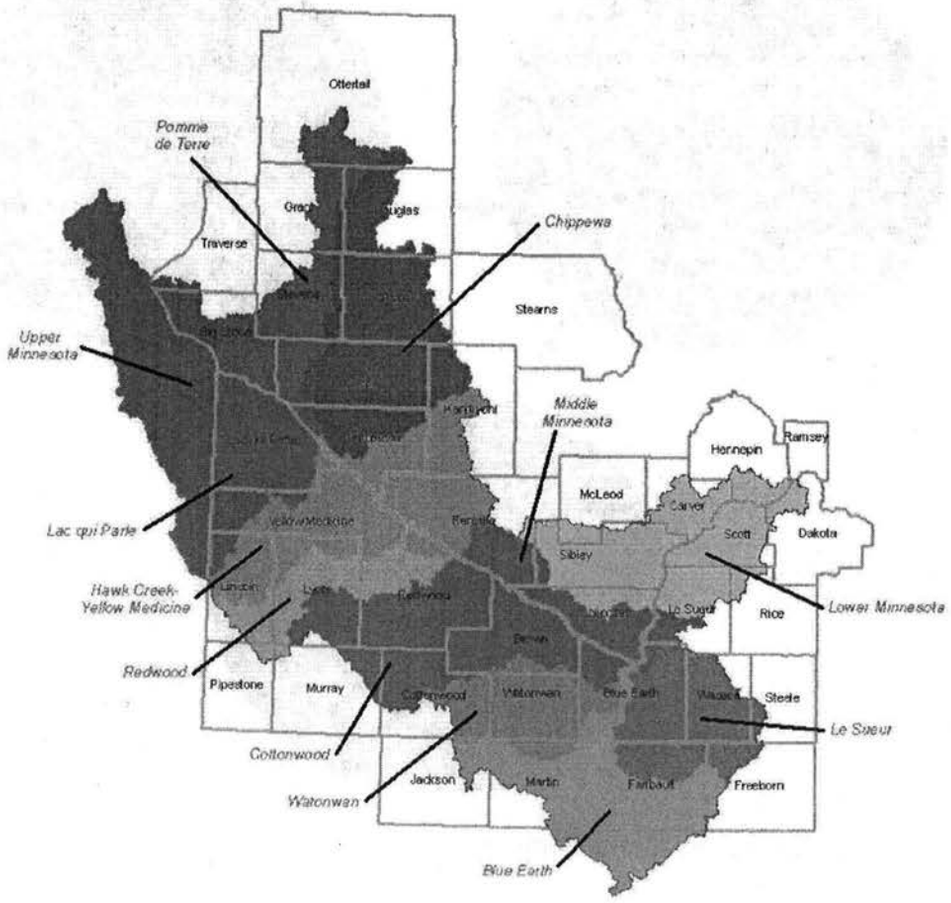


Figure 2. Figure denotes the Minnesota River basin made up of 12 major watersheds and 38 counties associated with the Minnesota River Basin Joint Powers Board.

FY08 Plan of Work

In 2006, the MRB completed a "Procedures Guide and Strategic Plan (2006-2010)" to guide our work (http://www.minnesotariver.org). As a result of the plan, a substantive review of our statutory obligations was completed. For each component, the plan identifies several strategies for improvement. The following plan of work is detailed via a series of goal statements that highlight specific actions to be accomplished in FY08. *For each component, progress measures are listed and targeted completion dates are noted in parentheses.*

1) **Complete MRB fiscal adjustments, including MRB fiscal year procedures and budgets, as a result of additional legislative funding.**
    a. Progress Measures:
        i. Secure MRB approval to adjust start of fiscal year from January 1 to July 1 of each year (July 2007),
        ii. Extend calendar year 2007 budget to end June 30, 2008, rather than December 31, 2007 (July 2007),
        iii. Secure an audit for activities prior to July 1, 2007 (October 2007), and
        iv. Prepare, obtain MRB and BWSR approval for, and implement a new work plan and budget for FY08 (August 2007).

2) **Develop a position description for and hire a full-time staff member for the MRB to assist in the implementation of this work plan.**
    a. Progress Measures:
        i. Develop position description (July 2007),
        ii. Obtain MRB and State of MN approval for the position description and announce the position opening (September 2007),
        iii. Convene search/interview committee (September 2007), and
        iv. Complete interviews for and hire staff member (November 2007).

3) **Develop a process to measure and report the results of projects in the 12 major watersheds within the Minnesota River basin and complete the first report (2007 legislation requirement).**
    a. Progress Measures:
        i. Contact representatives from agencies, watersheds, and counties to discuss and recommend a reporting plan and its components, including funding acquired, projects implemented, potential water quality improvements, and future needs (January 2008),
        ii. Develop a set of measures to be used to gauge progress (January 2008),
        iii. Complete a draft report and circulate to those involved in 3.a.i above (April 2008), and
        iv. Finalize and submit a progress report to the legislature, governor, basin stakeholders, and other interested parties (June 2008)

4) **To help facilitate #3 above, compile water and strategic plans for counties and watersheds in the Minnesota River basin and summarize to identify common themes, priorities, and missions.**
    a. Progress Measures:
        i. Provide a county water plan summation report to the MRB and other interested stakeholders (December 2007), and
        ii. Facilitate #3 above by developing a draft set of suggested parameters to use to measure basin-wide success in county water planning based on product 4.a.i (March 2008).

5) **Contact and visit with each of the non-participating counties (non-members) and present the results of #11.**
    a. Progress Measures
        i. Complete a visit with each non-member county board and water planning staff to present benefits information and determine the needs of non-member counties to fully evaluate modes of change that could increase the potential for each to return to the board (January 2008) and
        ii. Bring at least one county back to the MRB from non-member status to full-member status (June 2008).

6) **Convene a multi-disciplinary task force to update the Minnesota River basin water plan that includes clean up goals, milestones, and measures of success that are consistent with the results of #4 above.**
    a. Progress Measures:
        i. Conduct a meeting (possibly in conjunction with 3.a.i above) and MPCA to discuss the potential for MRB involvement in a new Minnesota River Basin plan (December 2007) and
        ii. If deemed appropriate for the MRB to lead such a plan, initiate development of and complete a draft plan (June 2008).

7) **Evaluate MRB relations with and modes of assistance to basin partners, including the major watersheds, counties, NGOs, South Dakota, Iowa, and the citizens.**
    a. Progress Measures:
        i. Complete at least one visit with each member county board, each of the major watersheds, and as many other stakeholders groups as possible (March 2008) and
        ii. Prepare a report on our evaluation for the MRB and various basin partners and develop an outreach plan, with detailed programming options, to better serve the basin water quality planners and watershed staff (June 2008).

8) **Complete at least two executive committee planning sessions.**
    a. Progress Measures:
        i. Complete a mid-term progress planning session to go over strategies for the upcoming year with new and old officers (December 2007) and
        ii. Complete an end-of-year planning session to finalize the upcoming year's work plan and budget (April 2007)

9) **Develop and implement an MRB communications process.**
    a. Progress Measures:
        i. Evaluate communication options, such as newsletters, email lists, press releases, etc...and determine the best course of action to pursue (January 2008),
        ii. Determine items to be included in regular communications (January 2008), and
        iii. Implement action described in 9.a.i (June 2008).

10) **Re-initiate formal annual reports that will be provided to state agencies (including BWSR), basin partners and legislators, and the Governor.**
    a. Progress Measures:
        i. Evaluate the potential combination of this task with #3 above (January 2008) and
        ii. Complete an annual report the reviews and highlights MRB programs, progress, and use of public funding (June 2008).

11) **Develop a presentation that highlights the activities of the MRB and the benefits and values of MRB membership, to include, but not be limited to reduced cost/complimentary professional development opportunities, technical services, grant writing, and meeting facilitation.**
    a. Progress Measures:
        i. Collect information from participating counties about services, benefits, and values they attribute to being part of the MRB (October 2007),
        ii. Develop a "package" of services and perks available to MRB members (November 2007), and
        iii. Prepare a presentation and/or other media products to help convey the message about MRB membership values to non-member counties and other interested parties (December 2007).

12) **Reconvene the technical and citizen advisory committee (or other input capacity), either as one unit or separately, to advise the Minnesota River Board about strategic directions for work, topics of need, and modes in which the MRB can be of assistance and provide services for the watershed to lobby legislators and other policy makers as needed. Serve as a sounding board for water quality and watershed policy issues.**
    a. Progress Measures:
        i. Establish a budget to help cover the costs of participant travel and meetings expenses, or other communication needs, to collect information as needed (August 2007),
        ii. Establish a committee of technical representatives and citizen representatives whose input is critically important to the future work of the MRB and develop a plan on how to gather input (November 2007),
        iii. Conduct at least one technical and citizen advisory committee, or other formal input gathering process (December 2007), and
        iv. Provide a set of recommendations and tasks to the MRB based on the input from the technical and citizen advisory committee (January 2008).

13) **Develop MRB informational materials that can be made available for various Minnesota River events and utilize these products as part of a visibility plan that will identify and propose strategies to increase the awareness of the MRB and its programs.**
    a. Progress Measures:
        i. Develop an MRB visibility plan (October 2007),
        ii. Develop a brochure that highlights the MRB mission, programs, and strategic objectives (October 2008),
        iii. Develop a high quality display for use at county fairs, basin events, etc.... (January 2008), and
        iv. Begin implementation of visibility plan components (June 2008).

14) **Continue the current MRB Awards and expand the awards program to demonstrate support for water-related education in the basin.**
    a. Progress Measures:
        i. Develop and implement an awards/incentive program for junior and senior high students from the basin participating in sanctioned science fair programs (January 2008),
        ii. Develop and implement an undergraduate scholarship program for students in the basin studying water quality issues (February 2008), and
        iii. Award two deserving participants from the basin with the "Confluence" and "Tributary" awards (May 2008).

15) **Improve the MRB role in educational and research-based outreach.**
    a. Progress Measures:
        i. Complete at least one major and one minor workshop, training event, or conference based on the plan developed as part of #6 and #7 above (June 2008).

16) **Prepare a calendar that establishes activities for the MRB on an annual basis.**
    a. Progress Measures:
        i. Development of calendar that sets the upcoming calendar year's meeting times and locations, officer nominations and installments, budget preparation, staff reviews, etc.... (November 2007).

17) **Serve as a resource for fiscal information dissemination, application assistance, and grant preparation to basin partners regarding Clean Water Legacy Act and other potential funding opportunities.**
    a. Progress Measures:
        i. Hold at least one information meeting to facilitate the dissemination of grant information associated with Clean Water Legacy Funding and other programs supported by BWSR, MPCA, and other agencies/funding sources (October 2007) and
        ii. Provide grant preparation assistance to at least 2 collaborations that benefit MRB members and/or local partners (June 2008).

18) **Review Minnesota Statute 103F.378 and determine if changes are needed during the 2008 session.**
    a. Progress Measures:
        i. Evaluate the need for statutory change based on input from MRB members and partners (November 2007) and
        ii. If changes are deemed necessary, work with basin legislative leaders to submit bills to make suggested modifications on the 2008 session (January 2008).

19) **Secure new "projects" that focus on broad watershed research, outreach, and or communications that support local projects and will bring in external funding to the Minnesota River Board.**
    a. Progress Measures:
        i. Write at least one successful grant and/or contract that will bring external funds into the MRB program or bring additional funds into the Water Resources Center that can be used to offset expenses that would otherwise be accrued by the MRB (June 2008).

20) **Identify new partnerships and bring people together to facilitate coordinated funding applications and continue to promote and enhance our existing project partnerships.**
    a. Progress Measures:
        i. Meet with the Middle Minnesota River team and prepare at least one additional grant application, which also helps satisfy 17.1.ii (September 2007),
        ii. Provide a minimum of 2 presentations on behalf of the BMP Challenge and Nutrient Trading AgFlex/CIG project and sign up at least 100 acres in the BMP Challenge program (May 2008),
        iii. Meet at least twice with the Lake Crystal Clean Water Partnership and determine if any additional MRB assistance is needed at this time (May 2008), and
        iv. Identify at least one new partnership and provide services in the form of grant application assistance, facilitation, and or other technical services (June 2008).

Proposed MRB FY 08 Budget

Line Items (details listed below budget)	Funding Source Used for Line Item Expense: State of MN	County Dues*	External**	Totals
Available Funds	$ 100,000	$ 29,900	$ 20,000	$ 149,900
Expenses				
0.5 FTE Executive Director	$ 13,000	$ 15,000	$ 10,100	$ 38,100
0.2 FTE Assistant Director	$ 1,000	$ 1,100	$ 0	$ 2,100
1.0 FTE Watershed Specialist	$ 33,100	$ 0	$ 0	$ 33,100
Student Worker	$ 0	$ 0	$ 2,100	$ 2,100
Fringe Benefits (All Staff)	$ 16,900	$ 5,800	$ 3,700	$ 26,400
MCIT Insurance	$ 0	$ 2,400	$ 0	$ 2,400
MRB Meeting Expenses	$ 0	$ 750	$ 0	$ 750
Communications	$ 2,700	$ 1,000	$ 0	$ 3,700
Travel	$ 9,700	$ 1,450	$ 250	$ 11,400
Printing	$ 3,500	$ 0	$ 950	$ 4,450
Awards Program	$ 600	$ 400	$ 0	$ 1,000
Audit	$ 1,800	$ 1,000	$ 0	$ 2,800
Supplies/Equipment	$ 2,500	$ 0	$ 600	$ 3,100
Marketing/Promotions	$ 7,200	$ 300	$ 400	$ 7,900
Outreach/Programming	$ 8,000	$ 700	$ 1,900	$ 10,600
Total Expenditures	$ 100,000	$ 29,900	$ 20,000	$ 149,900

*County Dues for calendar year 2007 are being stretched for 6 additional months (January 2007 to June 2008) to get the county dues contributions into a state fiscal year cycle, thus county contributions are slightly less than projected on the original budget. County 2008 dues will then be applied to the July 2008 to June 2009 fiscal cycle.

**External funds include estimates on grants/contracts for projects and other paid services provided by the MRB/WRC.

Executive Director: 50% of the Executive Director Fisher's annual salary

Assistant Director: 20% of Assistant Director Wiley's annual salary

Watershed Specialist: 100% of watershed specialist salary (10/07 - 6/08) yet to be hired

Student Worker: 224 hours of student worker assistance

Fringe Benefits: Estimated Health Insurance, Required Leave, FICA, etc.... for all MRB staff listed above

MCIT Insurance: Estimated Annual Insurance Payment

MRB Meeting Expenses: Expenses for 6 MRB business meetings ($600, facilities and refreshments), 2 executive committee planning sessions ($150)

Communications: Postage ($2,125), cellular phone and data services ($1,575)

Travel: Designated Vehicle for MRB use (8/07 – 6/08; $5,450), Guest Travel to various MRB Meetings ($4,050); staff and executive committee per diem and personal mileage ($1,900)

Printing: Preparation of various reports, newsletters, stationary needs, in-house copy needs ($4,450)

Awards Program: "Tributary" and "Confluence" Awards ($350), MRB Scholarship ($350), Science Fair Awards ($300)

Audit: Estimated cost for an audit on financial records leading up to July 1, 2007

Supplies/Equipment: Office furniture for watershed specialist ($700), Palm Treo and two cell phones ($400), computer for watershed specialist ($1,300), office supplies and items for meetings ($700)

Marketing/Promotions: Advertising for new position ($1,800), Brochure development and printing ($1,000), Display development and construction ($2,000), Marketing/visibility implementation ($3,100)

Outreach/Programming: Technical/citizen advisory committee meetings ($2,200), workshop, trainings, and conferences on grants/funding opportunities, ongoing research, program updates, etc... ($8,400)

BOARD RESOLUTION _____

Whereas, the Minnesota River Basin Joint Powers Board was granted $100,000 of General Funds in FY 2008 from the 2007 Minnesota Legislature;

And whereas, the Minnesota River Board has developed and adopted an Annual Plan of Work for FY08 on July 16, 2007;

And whereas, the BWSR staff have completed its review of the Plan;

Now therefore be it resolved, the Board of Water and Soil Resources enter into a grant agreement with the Minnesota River Basin Joint Powers Board for these funds.

_____ _____

Randy Kramer, Chair
Board of Water and Soil Resources

Date

FOR YOUR INFORMATION

August 23, 2007

- Revised BWSR Committee Listing
- Revised BWSR Committee Schedule
- Updated BWSR Staff Listing
- Minnesota Pollution Control Agency – Guidance Regarding Construction Stormwater Permit Requirements
  - "Agricultural Conservation Practice Projects"
  - "Drainage Ditch Projects"

BOARD OF WATER AND SOIL RESOURCES
COMMITTEES
August 23, 2007

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
	Jim Haertel	staff lead

Responsibility:

The DRC is responsible for appeals relating to the Wetland Conservation Act rule decisions of local governments, watershed district rule and permit decision appeals, and, under MS103A.301, determinations of water law and policy. The authority of the DRC is established in statute and assigned to the DRC by the Board. Under current guidelines the DRC receives the appeals; hears the issues; and makes recommendations to the Board.

Meetings:

The Committee will meet as needed to process appeals that have been filed with the Board.

GRANTS PROGRAM AND POLICY COMMITTEE

Membership:	Louise Smallidge, chair	soil & water conservation district
	Dana Allen	citizen
	Brian Kletscher	county commissioner
	Bob Burandt	soil & water conservation district
	Paul Langseth	soil & water conservation district
	Gene Tiedemann	watershed district/WMO
	Joe Martin	Department of Agriculture
	Paul Eger	Pollution Control Agency
	Wayne Zellmer	staff lead
	vacant	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
	LuAnn Tolliver	watershed district/WMO
	Ken Robinson	watershed district/WMO
	Dana Allen	citizen
	Paul Langseth	soil & water conservation district
	Jim Anderson	Minnesota Extension Service
	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* (April 2007)**

Membership:	Paul Brutlag, chair	citizen
	Dana Allen	citizen
	Bob Burandt	soil & water conservation district
	Paul Langseth	soil & water conservation district
	Joe Martin	Department of Agriculture
	Larry Kramka	Department of Natural Resources
	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 – Brian Kletscher
metro – Bob Burandt

North (4)	**South (4)**	**Metro (3)**
Quentin Fairbanks - CC	Brian Kletscher – CC	Bob Burandt – SWCD
Paul Brutlag – CIT	Dana Allen – CIT	Louise Smallidge – SWCD
Ken Robinson - WD	Randy Kramer – CIT	LuAnn Tolliver – WD
Brian Napstad – CC	Paul Langseth – SWCD	Jim Anderson – MES
Gene Tiedemann – WD	Joe Martin – MDA	Paul Eger – PCA
Wayne Edgerton – DNR	Dan Wilson – MDH	Steve Woods, SMT staff
Ron Shelito, SMT staff	Jeff Nielsen, 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

WETLANDS COMMITTEE

Membership:	LuAnn Tolliver, chair	watershed district/WMO
	Paul Brutlag	citizen
	Bob Burandt	soil and water conservation district
	Ken Robinson	watershed district/WMO
	Brian Kletscher	county commissioner
	Brian Napstad	county commissioner
	Gene Tiedemann	watershed district/WMO
	Larry Kramka	Department of Natural Resources
	Joe Martin	Department of Agriculture
	Paul Eger	Pollution Control Agency
	WCA Coordinator	vacant, 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 Morhing, 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*
- *Minnesota Association of Conservation District Employees (MACDE) – Brian Watson/Rick Reimer*
- *Minnesota Association of Soil & Water Conservation Districts (MASWCD) – LeAnn Buck*
- *Minnesota Association of Townships (MAT) – Sandy Hooker*
- *Minnesota Association of Watershed Districts (MAWD) – Ray Bohn*
- *Minnesota County Planning and Zoning Administrators (MCPZA) – Norman Craig*
- *League of Minnesota Cities (LMC) - Jim Miller*

Federal Partners

- *U.S. Army Corps of Engineers (USCoE) – Bob Whiting*
- *U.S. Fish and Wildlife Service (USF&WS) – Robyn Thorson, Regional Director*
- *USDA Farm Services Agency (FSA) – Perry Aasness*
- *USDA Natural Resources Conservation Service (NRCS) – Tim Koehler*

State Agencies

- *Met Council – Peter Bell*
- *Minnesota Department of Transportation (MNDOT) – Carol Molnau, Lieutenant Governor*

Interest Partners

- *Allete Minnesota Power - Keith Hansen*
- *Audubon Society of Minnesota – Ken Finch, Executive Director*
- *Builders Association – Nate Duer*
- *Fish and Wildlife Legislative Alliance – Lance Ness*
- *Izaak Walton League – Gary Schwartz*
- *Mining Industry Association of Minnesota – Wayne Brandt*
- *Minnesota Agri-Growth Council – Daryn McBeth*
- *Minnesota Association of Realtors – Glen Dorfman*
- *Minnesota Barley Research & Promotion Council – Marv Zutz, Executive Director*
- *Minnesota Cattlemen's Association – Steve Brake, President*
- *Minnesota Center for Environmental Advocacy – Martha Brand*
- *Minnesota Conservation Federation – Gary Botzek*
- *Minnesota Corn Growers Association – Bruce Stockman, Executive Director*
- *Minnesota Ducks Unlimited – Ryan Heiniger*
- *Minnesota Environmental Partnership – Steve Morse, Executive Director*
- *Minnesota Farm Bureau Federation – Kevin Paap, President*
- *Minnesota Farmers Union – Doug Peterson, President*
- *Minnesota Forest Industries & Timber Producers Association – Wayne Brandt*
- *Minnesota Land Trust – Jane Prohaska, Executive Director*
- *Minnesota Milk Producers Association – Bob Lefebvre*
- *Minnesota Pork Producers Association – Dave Preisler, Executive Director*
- *Minnesota Sierra Club – Judy Chucker, President*
- *Minnesota Soybean Growers Association – Jim Palmer, Executive Director*
- *Minnesota Turkey Growers Association – Steve Olson, Executive Director*
- *Minnesota Viewers Association – Ron Ringquist*
- *Minnesota Waterfowl Association – Brad Nylin, Executive Director*
- *Minnesota Waters – Bruce Johnson*
- *Minnesota Wetland Bankers Association – Mary Mueller*
- *Minnesota Wetland Delineators Association*
- *Minnesota Wheat Growers Association – Dave Torgerson, Executive Director*
- *Pheasants Forever – Matt Holland*
- *Red River Valley Sugarbeet Growers, Nick Sinner, Executive Director*
- *The Nature Conservancy – Tom Landwehr*
- *Urban Wetland Management Coalition – Cliff Aichinger*

BWSR Committee Schedule (tentative agenda items)

August 1, 2007

(Contact Mary Jo Anderson @ 651-297-4290 if you have any questions)

August 23, 2007 – Holiday Inn, International Falls

- Public Relations, Outreach and Strategic Planning Committee (7:00 – 8:30 a.m.)

September 5, 2007 – BWSR St. Paul Office, 2nd floor, Room 2-B

- Metro Water Planning Committee (1:00 – 4:00 p.m.)

September 25, 2007

- Wetlands Committee

September 26, 2007

- Public Relations, Outreach and Strategic Planning Committee (immediately following Board meeting)

October 10, 2007

- Northern Water Planning Committee

PHONE NUMBERS FOR BWSR STAFF

USE LAST FIVE DIGITS WHEN TRANSFERRING*

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Agricultural Conservation Practice Projects

Guidance Regarding Construction Stormwater Permit Requirements

For the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) General Stormwater Permit for Construction Activity in Minnesota

wq-strm2-16 • June 2007

Minnesota Pollution Control Agency

Municipal Division

Stormwater Program

Use this guidance to determine whether a NPDES/SDS construction stormwater permit is needed for your agricultural conservation practice project.

Background

Construction activity that disturbs one or more acres of land, along with smaller sites that are part of a larger development disturbing one or more acres of land, requires coverage under a NPDES/SDS construction stormwater permit. Construction activity includes practices such as clearing, grading, and excavation.

This fact sheet clarifies the use of the federal exclusion for agricultural activities outlined in the Clean Water Act at 40 CFR Part 122.3(e). The Clean Water Act states that pollutants from non-point source agricultural and silvicultural activities, including stormwater runoff from orchards, cultivated crops, pastures, range lands, and forest lands, are excluded from stormwater regulations.

Types of projects excluded

Construction activities that are associated with the installation of certain conservation practices associated with non-point source agricultural activities, that are for the purpose of soil erosion prevention and sedimentation reduction, are not required to obtain NPDES/SDS construction stormwater permit coverage. Examples of these practices may include:

- Grassed waterways
- Diversions
- Water and sediment control basins
- Terraces
- Grade stabilization structures
- Lined waterways

Landowners and contractors who work on these types of projects conducted under state and federal conservation programs must follow the applicable construction standards and specifications required by those programs for erosion prevention and sediment control Best Management Practices (BMPs) during construction.

Feedlot construction sites at non-concentrated animal feeding operations (CAFOs) with less than 1,000 animal units are required to follow applicable erosion prevention and sediment control BMPs defined in guidance at: www.pca.state.mn.us/publications/wq-f6-75.pdf, in order to avoid the requirement to have a construction stormwater permit.

Types of projects that require a permit

The federal exclusion does not apply to CAFOs or the construction of buildings. The Minnesota NPDES/SDS General Permit for Livestock Production includes construction stormwater permit requirements and coverage.

Agricultural conservation practices that: a) disturb one or more acres of land and do not meet the exclusion criteria above, or b) are located in or adjacent to a stream, river or lake and would have a high potential to violate state water quality standards during construction, are required to obtain NPDES/SDS construction stormwater permit coverage. For more information, contact the MPCA office located near you.

MPCA Offices

Brainerd
(218) 828-2492

Detroit Lakes
(218) 847-1519

Duluth
(218) 723-4660

Mankato
(507) 389-5235

Marshall
(507) 537-7146

Rochester
(507) 285-7343

St. Paul
(651) 296-6300
Toll-free/TTY
(800) 657-3864

Willmar
(320) 214-3786

More information

General information:

MPCA Customer Assistance Center, 651-297-2274 or 800-646-6247 (in Minnesota)

For more information:

- Visit the MPCA construction stormwater Web site: http://www.pca.state.mn.us/water/stormwater/stormwater-c.html.
- For drainage ditch projects, see applicable guidance: http://www.pca.state.mn.us/publications/wq-strm2-17.pdf.

Technical information:

Natural Resources Conservation Service and Soil and Water Conservation District offices can also answer questions about construction site erosion and sediment control practices. For further information, consult:

- Stormwater Compliance Assistance Tool Kit for Small Construction Operators, MPCA, www.pca.state.mn.us/publications/wq-strm2-09.pdf
- Protecting Water Quality in Urban Areas Manual, MPCA, www.pca.state.mn.us/water/pubs/sw-bmpmanual.html
- Stormwater Management for Construction Activities, U.S. EPA, http://cfpub1.epa.gov/npdes/stormwater/const.cfm (Go to *Publications*, then to *Policy and Guidance Documents*)
- Summary Guidance, U.S. EPA, www.epa.gov/npdes/pubs/owm0307.pdf

Minnesota Pollution Control Agency

Municipal Division

Stormwater Program

Drainage Ditch Projects

Guidance Regarding Construction Stormwater Permit Requirements

For the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) General Stormwater Permit for Construction Activity in Minnesota

wq-strm2-17 • June 2007

Use this guidance to determine whether a NPDES/SDS construction stormwater permit is needed for your drainage ditch project. To protect water quality, this permit requires best management practices (BMPs) for erosion prevention and sediment control. Using these types of BMPs will prevent sediment from entering surface waters during drainage ditch projects.

Background

Construction activities including clearing, grading, and excavating that will disturb one or more acres of land, or that are part of a common plan of development or sale that will disturb one or more acres of land, requires coverage under a NPDES/SDS construction stormwater permit.

However, construction activity does not include land disturbance of less than five acres for the purpose of "routine maintenance" that is performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility.

What is routine maintenance?

Examples of routine maintenance practices to maintain the original line and grade, hydraulic capacity, and original purpose of a drainage ditch may include:

- Routine removal of sediment
- Removal of isolated obstructions, such as beaver dams, trees or accumulated debris
- Routine repair of isolated erosion problems along ditch banks

What types of drainage ditch projects do not require a permit?

A public or private ditch clean out project can qualify as routine maintenance and not require NPDES/SDS construction stormwater permit coverage if you determine that all of the following apply to your project:

- The project will disturb less than five acres of land as part of the routine maintenance activity; and
- Clean out of a ditch will return the affected reach to the original line and grade, hydraulic capacity, and original purpose of the ditch; and
- Maintenance of the ditch is in compliance with state and federal wetland regulations, including the MN Wetland Conservation Act, and Section 404 of the Clean Water Act, as applicable; and
- Appropriate BMPs are used for erosion prevention and sediment control to avoid transport of sediment and associated contaminants that would violate water quality standards downstream from the project area during maintenance and re-stabilization of the drainage ditch.

Because vegetation is key to erosion control in drainage ditches, routine maintenance should minimize the removal of desirable vegetation to the extent practical and should include prompt reestablishment of temporary and

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permanent cover on all soils exposed by maintenance operation (For example, daily seeding of appropriate temporary vegetation where grading is complete and establishment of permanent vegetation as soon as practical).

Projects located near outstanding resource value waters or impaired waters may require additional protections. For more information, contact the MPCA office located near you.

What types of drainage ditch projects are not routine maintenance and require a permit?

Drainage ditch repair or maintenance projects that will disturb equal to or greater than five acres of land are not considered routine maintenance and require NPDES/SDS construction stormwater permit coverage.

A permit is also required for a public or private ditch project if:

- The project is to establish a new drainage ditch and will disturb one or more acres of land; or
- The project involves improvement of an existing drainage ditch and will disturb one or more acres of land; or
- The project involves repair by re-sloping of an existing drainage ditch and will disturb one or more acres of land.

Application materials

To get an application form and find more information about applying for permit coverage, visit the MPCA construction stormwater Web site at: www.pca.state.mn.us/water/stormwater/stormwater-c.html

More information

General information:

MPCA Customer Assistance Center, 651-297-2274 or 800-646-6247 (in Minnesota)

Technical information:

Your county Soil and Water Conservation District office can answer many questions about construction site erosion and sediment control practices. For further information, consult:

- Stormwater Compliance Assistance Tool Kit for Small Construction Operators, MPCA, www.pca.state.mn.us/publications/wq-strm2-09.pdf
- Protecting Water Quality in Urban Areas Manual, MPCA, www.pca.state.mn.us/water/pubs/sw-bmpmanual.html
- Stormwater Management for Construction Activities, U.S. EPA, http://cfpub1.epa.gov/npdes/stormwater/const.cfm (Go to *Publications*, then to *Policy and Guidance Documents*)
- Summary Guidance, U.S. EPA, www.epa.gov/npdes/pubs/owm0307.pdf