Minnesota Board of Water and Soil Resources. Minutes.

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Minnesota Board of Water & Soil Resources

January 15, 2008

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

FROM: John Jaschke, Executive Director JJ/sw

SUBJECT: January 23, 2008, Board Meeting Notice

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, January 23, 2008, 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

Northern Water Planning Committee

1. **Mahnomen County Request for Comprehensive Local Water Plan (CLWP) Extension** - The effective end date of the Mahnomen County CLWP is January 22, 2008. Mahnomen County passed a resolution requesting a two-year extension of their county water plan on December 18, 2007. The county recently completed their Priority Concerns Scoping Document, which was approved by the Northern Water Planning Committee on November 14, 2007. Mahnomen County is requesting this extension to allow adequate time to do a comprehensive job on the remaining phases of the update process. In phase I of the update process the county distributed the plan update announcement and input request form to the incorrect state agency representatives. This was not discovered until responses where submitted a couple of months into the process. Mahnomen County agreed to resubmit this request, which caused a three to four month delay in the update process. The requested two-year extension will provide the SWCD staff with time to complete the remaining plan requirements. The Board Conservationist and the Northern Water Planning Committee recommends approval of the extension and staff will continue working with the coordinator to insure the plan is completed in a timely fashion. See attachments. ***DECISION ITEM***

2. **Pennington County Priority Concerns Scoping Document** – Pennington 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 January 9th 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 Pennington County. See attachments. ***DECISION ITEM***

3. **Pennington County Request for Comprehensive Local Water Plan (CLWP) Extension -** The effective end date of the Pennington County CLWP is February 26, 2008. Pennington County passed a resolution requesting a two-year extension of their county water plan on January 8, 2008. The county recently completed their Priority Concerns Scoping Document, which was approved by the Northern Water Planning Committee on January 9, 2008. The Pennington Soil and Water Conservation District has been delegated responsibility for administering and updating the CLWP. The district experienced staff changes during the updated process. The requested two-year extension will provide the SWCD staff with time to complete the remaining plan requirements. 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 attachments. ***DECISION ITEM***

4. **Red Lake County Request for Comprehensive Local Water Plan (CLWP) Extension -** The effective end date of the Red Lake County CLWP is in February 26, 2008. Red Lake County passed a resolution requesting a two-year extension of their county water plan on December 21, 2007. Red Lake County is requesting this extension to allow adequate time for input from state agencies and city and county departments, to review existing controls and plans, and to summarize data and information. As this planning process was getting started there was strong interest by both the Red Lake SWCD (LWMP administrators) and County Board members in adopting portions of the Red Lake Watershed District long-range plan as the Red Lake County LWMP. There was a time delay in the process while BWSR staff discussed the possibilities of this with central office staff. The Board Conservationist and the Northern Water Planning Committee recommend approval of the extension and BWSR staff will continue working with the coordinator to insure the plan is completed in a timely fashion. See attachments. ***DECISION ITEM***

5. **Stearns County Local Water Management Plan -** At the January 9th Northern Water Planning Committee, the Stearns County Water planner presented the local water management plan for approval. The priority concerns for the Stearns County LWMP are: 1) source water protection, 2) development impacts, and 3) impaired waters. The Plan will run for ten years from 2008 through 2017 with a work plan update to take place in 2012. The Northern Water Planning Committee recommended approval without additional comment. See attachments. ***DECISION ITEM.***

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OLD BUSINESS

1. **BWSR Strategic Plan** – Building on a Board retreat in November 2006, the Public Relations, Outreach and Strategic Planning Committee revisited the agency mission statement and core beliefs and made some modifications. After input from various constituents and much discussion the Committee recommended several changes. Working in partnership with local organizations is still critical, but is seen as the key means to accomplish the goal, not the goal in and of itself. The beliefs statement was revised to acknowledge the importance of effectiveness, leadership and innovation to the success of BWSR and the accomplishment of its mission. See attachment. ***DECISION ITEM***

NEW BUSINESS

1. **Resolution Delegating Authority to the Executive Director to Make Certain Decisions Regarding WCA Appeals** – WCA rules specifically allow the Board or the Executive Director, and in some cases the Dispute Resolution Committee (DRC), to make certain decisions regarding WCA appeals. Subject decisions involve granting an appeal for a decision by the Board, remanding an appeal to the LGU for further processing, denying an appeal, and staying an LGU decision that has been appealed. Decisions are required to be made within 30 days of receipt of an appeal for the granting, remanding or denial of an appeal. The Executive Director has been making these types of decisions due to the 30-day time period requirement and the Board's meeting schedule. At the recent DRC workshop, it was agreed that the Board should formally establish its procedures by delegating this authority to the Executive Director. The attached draft Resolution has received a favorable review from the Attorney General's office and is recommended for approval by the DRC and the Administrative Advisory Committee. ***DECISION ITEM***

2. **FY 2008 Clean Water Legacy Grant Funding Recommendations** - The Clean Water Legacy interagency work team has completed their review and ranking of the Clean Water Legacy Grant applications that were submitted within the application period of October 1 through November 15, 2007. The Grants Program and Policy Committee met on December 19, 2007 to review and discuss the funding recommendations of the interagency team for Protection and Restoration Projects as well as the recommendations for funding Pilot Protection Projects intended to demonstrate how water management plans may be enhanced to increase competitiveness for future Clean Water Legacy funding. The Committee's recommendations are drafted for the full Board to review and act upon. See attachments. ***DECISION ITEM***

3. **Native Buffer Cost-Share Program** - Within the State Cost-Share Program, the 2007 Legislature appropriated $1.2 million and $1.2 million for FY 08 and FY 09 for the establishment and maintenance of vegetated buffers of restored native prairie

and restored prairie, using seeds of a local ecotype region. The Grants Program and Policy Committee is requesting the Board to approve the program guidelines and FY 08 funding recommendation. See attachments. ***DECISION ITEM***

4. **Agricultural Watershed Restoration Projects** – The 2007 Legislature directed BWSR to use $1.5 million of Clean Water Legacy Act cost-share and incentives payment appropriations for agricultural watershed restoration projects located in watershed(s) impaired by non-point agricultural sources. These projects are to provide for long-term restoration of surface water quality. It is anticipated that these projects will provide a framework, or blueprint, for practical and effective water quality restoration in impaired agricultural watersheds. A 3-phase project work plan has been prepared to guide the implementation of these projects and has been reviewed with the Grants Program and Policy Committee. See attachment. ***DECISION ITEM***

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

6. **Performance Review and Assistance Program Report to the Legislature** – This report has been prepared for the Minnesota State Legislature in fulfillment of the requirements of Minnesota Statutes Chapter 103B.102, subdivision 3. This statute requires BWSR to provide designated legislative committees with "an analysis of local water management entity performance" each year. This is the first in a series of reports that will be prepared by BWSR for this purpose. This is a new mandate so BWSR's focus has been on designing the program that will implement these new statutory responsibilities. Consequently, this first report is mostly about program design. Subsequent reports will focus on the results and findings from analyzing local water management entity performance as the program is fully implemented. 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 noon. If bad weather conditions exist in your area and you are unable to attend the meeting due to travel restrictions, please notify the Board office by noon on Tuesday, if possible. I look forward to seeing you on January 23rd!

- ***The Wetlands Committee meets following the Board meeting on January 23rd.***

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

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF DECEMBER 19, 2007

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

INTRODUCTION OF NEW EMPLOYEES

- Marcey Westrick
- Julie Klocker

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

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

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

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

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

OLD BUSINESS

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

NEW BUSINESS

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

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

3. Native Buffer Cost-Share Program - Tabor Hoek and Pete Waller – *DECISION ITEM*

4. Agricultural Watershed Restoration Projects – Al Kean – *DECISION ITEM*

5. RIM-CE – Kevin Lines – *DECISION ITEM*

6. Performance Review and Assistance Program Report to the Legislature – Steve Woods and Don Buckhout – *DECISION ITEM*

AGENCY REPORTS

- Minnesota Department of Health – John Linc Stine
- 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

- Next Board Meeting, March 26, 2008, St. Paul

Noon **ADJOURN**

- **The Wetlands Committee meets today following the Board meeting**

Dispute Resolution Report
January 10, 2008
by: Jim Haertel

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

File 05-24. This is an appeal, actually three appeals, of the Bois de Sioux Watershed District compensation to landowners related to a project. The appeal has been held in abeyance pending settlement discussions. It appears at least two of the appeals have been settled.

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

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

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

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

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

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

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CERTIFICATION

STATE OF MINNESOTA
COUNTY OF MAHNOMEN

I do hereby certify that the foregoing resolution is a true and correct copy of a resolution presented to and adopted by the County of Mahnomen at a duly authorized meeting thereof held on the 18th of December, 2007.

Name: Karen Ahmann

Title: Chairperson

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

In the Matter of Extending the Local Water Management Plan Update for Mahnomen County (Minnesota Statutes, Section 103B.311, Subdivision 4, authorizing BWSR to grant extensions.)	ORDER EXTENDING LOCAL WATER MANAGEMENT PLAN

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

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

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

FINDINGS OF FACT

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

CONCLUSIONS

All relevant requirements of law and rule have been fulfilled. The Board of Water and Soil Resources has proper jurisdiction in the matter of extending the Comprehensive Local Water Plan of Mahnomen County pursuant to M.S. Section 103B.311, Subd. 4.

ORDER

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

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chairperson
January 23, 2008

DATE: January 2, 2008

TO: BWSR Northern Subcommittee

FROM: Chad Severts, Board Conservationist

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

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

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

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

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

Pennington County's priority concern statements were:

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

The following was used to develop the PCSD:

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

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

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

Board of Water and Soil Resources

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

Minnesota Department of Health

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

Minnesota Department of Agriculture

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

Minnesota Pollution Control Agency

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

Minnesota Department of Natural Resources

- Thief River and Red Lake River water quality

Marshall County Land and Water Office

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

Marshall-Beltrami SWCD

- Water quality and sedimentation of Thief River

Middle-Snake-Tamarac Rivers Watershed District

- Flood damage reduction
- Drainage
- Water quality

Pennington Highway Department

- Protecting drinking water from contamination

- Water quantity
- Erosion prevention

River Falls Township
- Salvage yards

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

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

The responses as of December 26, 2007 were:

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

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

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

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

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

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

Minnesota Board of Water & Soil Resources

January 23, 2008

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

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

Dear Pennington County Commissioners:

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

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

Sincerely,

Randy Kramer,
Chair, Board of Water and Soil Resources

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

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

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

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

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

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

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

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

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

CERTIFICATION

STATE OF MINNESOTA
COUNTY OF PENNINGTON

I do hereby certify that the foregoing resolution is a true and correct copy of a resolution presented to and adopted by the County of Pennington at a duly authorized meeting thereof held on the 8th of January, 2008.

Chair, Pennington County Board of Commissioners

DATE: January 2, 2008

TO: BWSR Northern Subcommittee

FROM: Chad Severts, Board Conservationist

SUBJECT: Extension Request for Pennington County CLWMP

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

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

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

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

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

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

In the Matter of Extending the Local Water Management Plan Update for Pennington County (Minnesota Statutes , Section 103B.311, Subdivision 4, authorizing BWSR to grant extensions.)	ORDER EXTENDING LOCAL WATER MANAGEMENT PLAN

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

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

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

FINDINGS OF FACT

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

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

CONCLUSIONS

All relevant requirements of law and rule have been fulfilled. The Board of Water and Soil Resources has proper jurisdiction in the matter of extending the Comprehensive Local Water Plan of Pennington County pursuant to M.S. Section 103B.311, Subd. 4.

ORDER

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

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chairperson
January 23, 2008

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I certify that this is a true and complete copy of the original thereof, which is on file and of record in the Office of the County Auditor, Red Lake County, Minnesota.

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

Robert Schmitz

Robert Schmitz, County Auditor

12-01-07

Resolution Number

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

In the Matter of Extending the Local Water Management Plan Update for Red Lake County (Minnesota Statutes , Section 103B.311, Subdivision 4, authorizing BWSR to grant extensions.)	ORDER EXTENDING LOCAL WATER MANAGEMENT PLAN

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

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

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

FINDINGS OF FACT

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

CONCLUSIONS

All relevant requirements of law and rule have been fulfilled. The Board of Water and Soil Resources has proper jurisdiction in the matter of extending the Comprehensive Local Water Plan of Red Lake County pursuant to M.S. Section 103B.311, Subd. 4.

ORDER

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

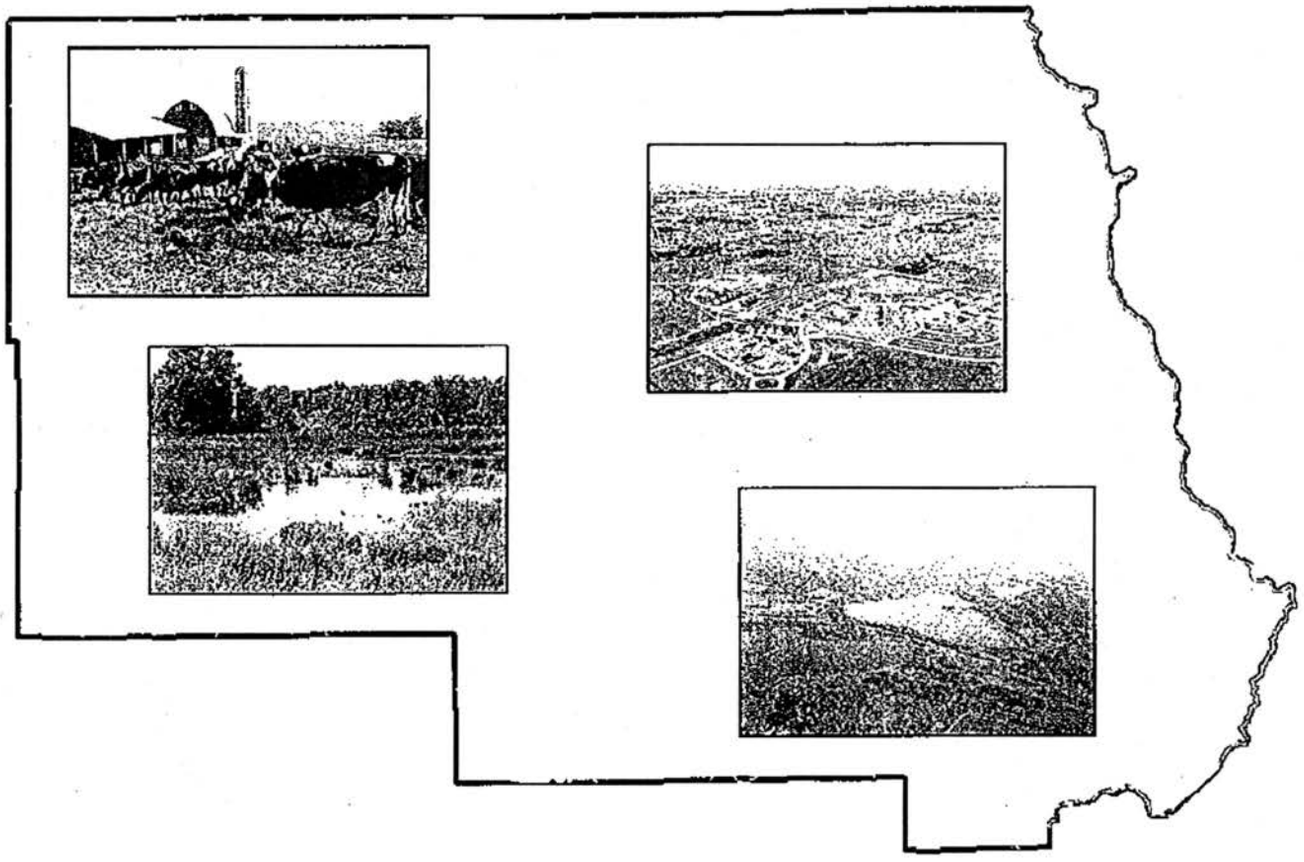
MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chairperson
January 23, 2008

Stearns County

Local Water Management Plan



2008 - 2017

Acknowledgements

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

Water Management Plan Re-Write Committee

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

Water Management Plan Advisory Committee

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

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

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

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

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

Table of Contents

EXECUTIVE SUMMARY 1
- Background 1
- Plan Purpose 1
- Description of Priority Concerns 2
- Consistency with Other Plans 4
- Recommendations to Other Plans and Official Controls 5

PRIORITY CONCERNS 7
- Assessment of Source Water Protection 7
- Assessment of Development Impacts 19
- Assessment of Impaired Waters 26

IMPLEMENTATION PROGRAM 31
- Implementation of Source Water Protection 32
- Implementation of Development Impacts 36
- Implementation of Impaired Waters 41

IMPLEMENTATION SCHEDULE FOR PRIORITY CONCERNS 45

ONGOING PROGRAMS 54

APPENDIX 58
- Priority Concerns Scoping Document 58
- References 79

LIST OF FIGURES

FIGURE 1. SENSITIVITY OF GROUND-WATER SYSTEMS TO POLLUTION 10
FIGURE 2. NITRATE-NITROGEN PROBABILITY MAP 11
FIGURE 3. VULNERABILITY OF DRINKING WATER SUPPLY MANAGEMENT AREAS 16
FIGURE 4. ST. CLOUD SOURCE WATER PROTECTION AREA 17
FIGURE 5. PRESETTLEMENT VEGETATION 21
FIGURE 6. EXISTING LANDUSE 22
FIGURE 7. RELATIONSHIP OF IMPERVIOUS COVER AND SURFACE RUNOFF 25
FIGURE 8. PRE-DEVELOPMENT AND POST-DEVELOPMENT STREAMFLOW HYDROGRAPH 25

ABBREVIATIONS

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

EXECUTIVE SUMMARY

Background

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

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

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

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

Plan Purpose

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

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

1. The plan must cover the entire county.

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

3. The plan must be based upon principles of sound hydrologic management of water, effective environmental protection and efficient management.

4. The plan must be consistent with local water management plans prepared by counties, watershed districts and watershed management organizations wholly or partially within a single watershed unit or groundwater system.

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

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

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

Description of Priority Concerns

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

Source Water Protection

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

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

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

Potential Total Cost: 1,400,000

Development Impacts

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

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

Potential Total Cost: $1,390,000

Impaired Waters

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

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

Potential Total Cost: $9, 365, 000

Consistency with Other Plans

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

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

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

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

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

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

Recommendations to Other Plans and Official Controls

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

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

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

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

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

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

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

DATE: 12/28/2007

TO: BWSR NORTHERN REGION WATER PLANNING COMMITTEE

FROM: JASON WEINERMAN

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

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

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

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

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

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

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

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

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

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

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

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

FINDINGS OF FACT

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

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

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

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

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

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

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

CONCLUSIONS

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

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

ORDER

The Board hereby approves the attached update of the **Stearns** Local Water Management Plan **January 1, 2008 to January 31, 2017 with** the Goals, Objectives and Action Items being amended prior to December 31, 2013.

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

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

OLD BUSINESS

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

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

Minnesota Board of Water & Soil Resources

2007 Strategic Plan

Executive Summary
BWSR 2007 Strategic Planning

CREDITS

Plan Development

Public Relations, Education and Strategic Planning Committee

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

Staff Support

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

DRAFT

Executive Summary
BWSR 2007 Strategic Planning

Overview

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

BWSR Mission

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

Beliefs

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

Strategic Issues and Strategies

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

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

Next Steps

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

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Purpose

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

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

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

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

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

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The revised mission statement reads as follows:

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

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

Mission and Beliefs

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

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

BWSR Mission

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

What We Believe In:

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

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

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

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

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

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

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

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Strategic Issues

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

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

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

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

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

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

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

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

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

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

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

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

Issue Assessment: Strategies

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

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

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

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

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

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

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

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

Possible Leverage Points

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

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

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

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

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

Defining Reality

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

Incentives for Change

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

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

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

Support for Change

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

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

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

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

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

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

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

Possible Leverage Points

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

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

Review of Administrative Processes

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

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

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

Program Integration

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

Monitoring/Assessment/Feedback Protocol

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

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

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Assessment overview:

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

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

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

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

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

Possible Leverage Points

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

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

requires the actual measurement and documentation.

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

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

Documentation of Resource Outcomes and Resource Needs

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

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

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

LGU/County Relationship Building

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

Other Partnership Building

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

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

Next Steps

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

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

Following are more formalized recommendations for the next steps:

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

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

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

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

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Appendix

Strategic Plan Development and Adoption

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

Board Roster (as of January 2008)

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

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

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NEW BUSINESS

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

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

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

4. Agricultural Watershed Restoration Projects – *DECISION ITEM*

5. RIM-CE –*DECISION ITEM*

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

Minnesota Board of Water and Soil Resources Resolution No. _____

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

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

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

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

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

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

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

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

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

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

B. Stay appealed local government unit decisions.

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

III. This delegation order does not:

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

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

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

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____

Randy Kramer, Chair

Clean Water Legacy Grant Recommendation
Background:

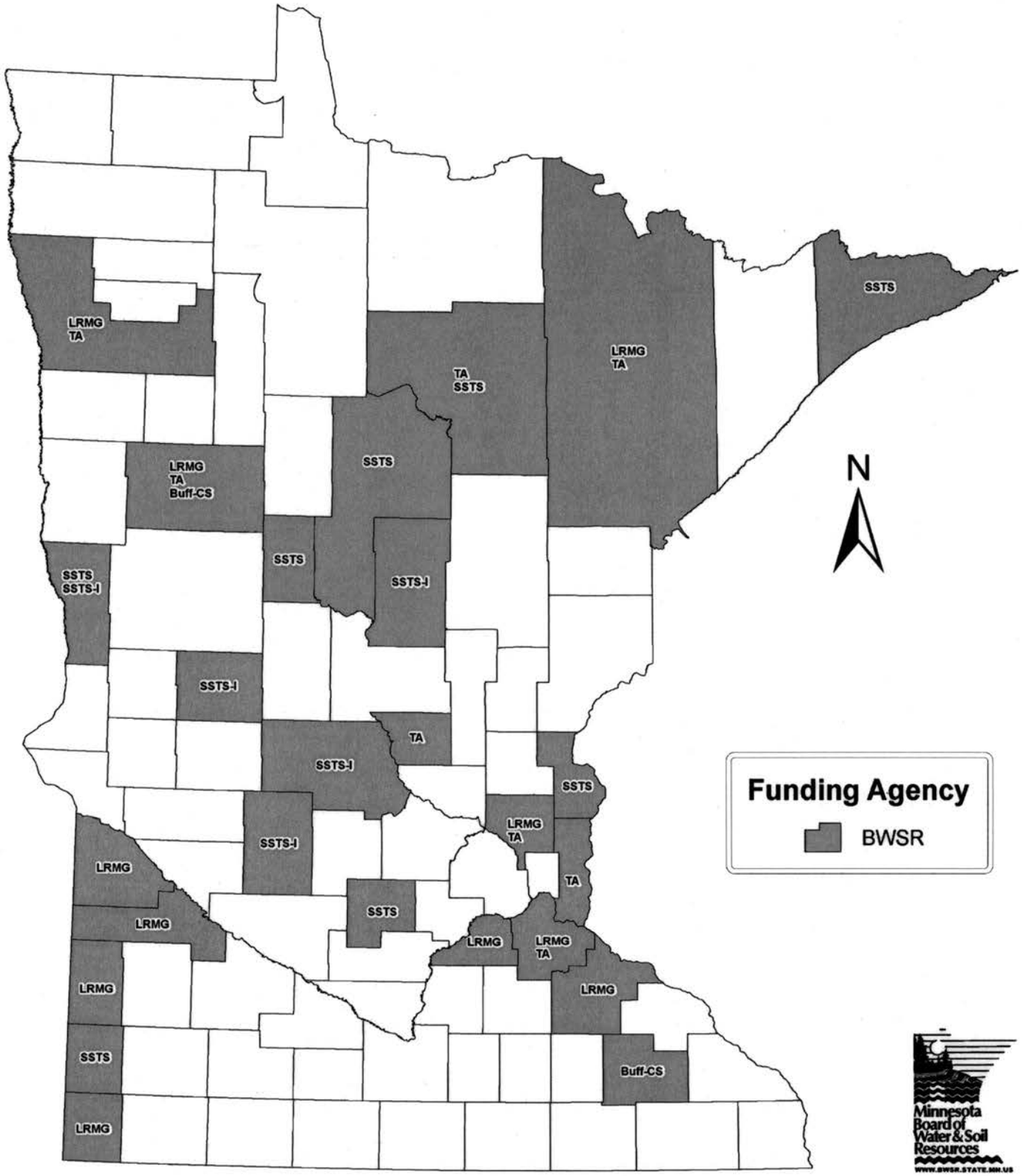
- Grant Period ran from October 1 through November 15
- Staff conducted approximately 12 statewide information outreach sessions starting immediately after the September board meeting
- Those outreach sessions were coordinated with MPCA staff to provide information about the Surface Water Assessment Grants (volunteer monitoring) that was running at the same time.
- MPCA staff also attended and answered questions about the SSTS program and requirements
- MPCA conducted a video-conference training session on SSTS inventory programs as well
- There were 144 total Clean Water Legacy applications requesting ~27 million dollars.

Total Funding	BWSR CS	BWSR TA	BWSR LRMG	SSTS Invt
$27,093,521.00	$2,162,775.00	$5,013,248.00	$8,440,669.00	$1,403,669.00

SSTS Option 1	SSTS Option 2	SSTS Option 3	MPCA 319	MDA Loan
$1,849,300.00	$477,300.00	$2,782,200.00	$1,979,160.00	$2,985,300.00

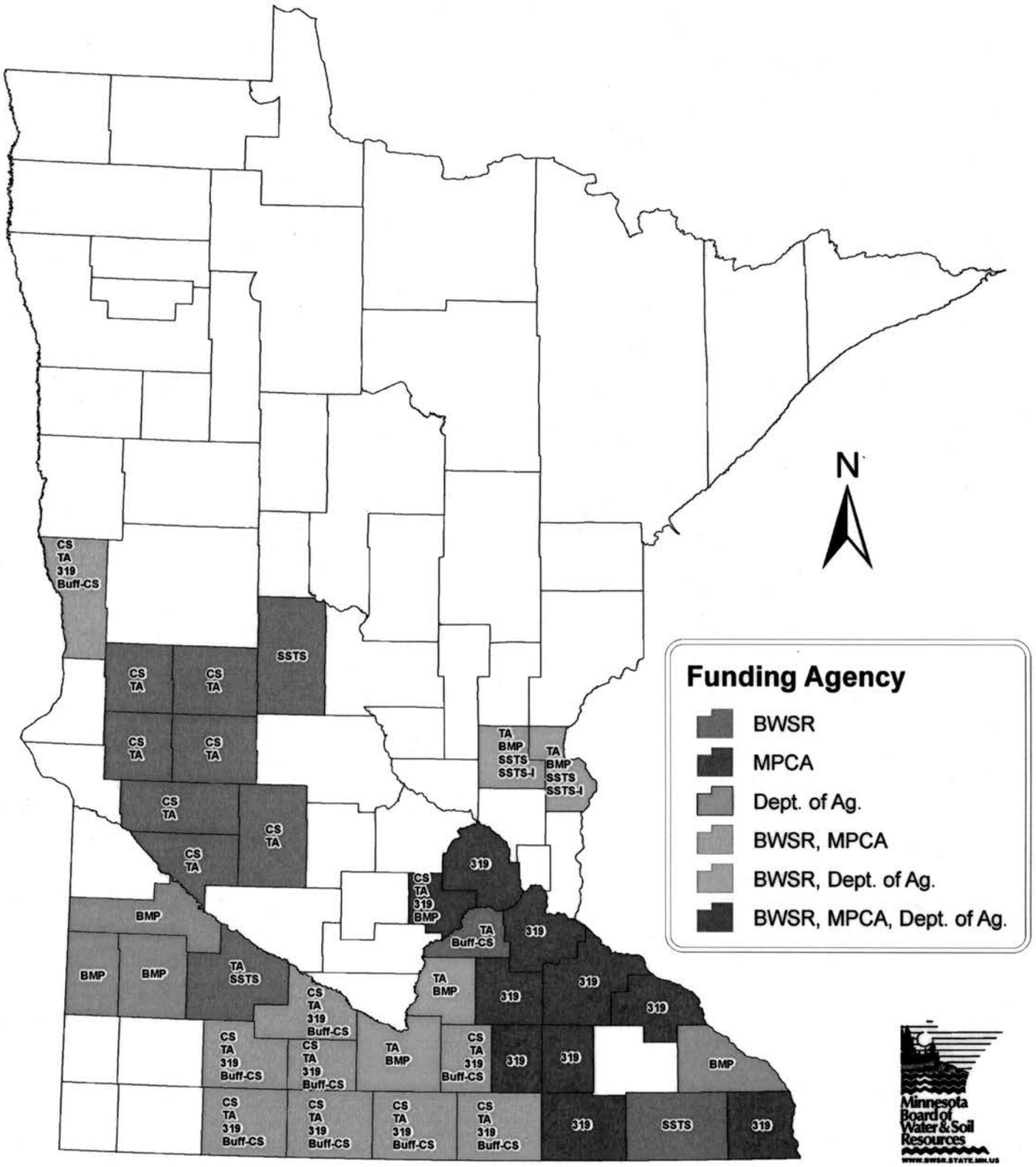
- The applications were separated into protection projects and restoration projects and ranked accordingly
- The final breakdown was 42 restoration applications for ~ $ 10.4 million and
- 102 protection applications for ~ $ 16.7 million
- The interagency ranking team consisted of DNR, MPCA, MDA and BWSR staff
- Applications and scoring criteria were distributed to regional agency staff for input into the scoring process. Matt and Jeff met with BC staff for their input into the ranking process.
- MPCA took the lead in ranking the SSTS projects
- There were 3 options initially available for funding SSTS upgrades in the grant application. Option 1 was a direct grant to low-income individuals with imminent health threat (surface discharge or direct connection to surface water) systems. Option 2 was a small (>$500) incentive to anyone upgrading their septic system and Option 3 was to capitalize a local revolving loan program focused on higher credit risk individuals that could not access other loan programs.
- The focus on upgrading known health and environmental threats and the funding requests led to applications with Option 1 requests receiving funding priority. That exhausted the amount available for the SSTS upgrade funds.
- MDA was able to add some additional AgBMP loan funds into the allocation amount as long as they were focused in the SE Minnesota Flood Recovery area
- The Interagency Team met on Monday December 17 to finalize ranking and allocate funds from the various funding programs.

Funding Sources for 2008
Clean Water Legacy Protection Projects



LRMG = BWSR Lake and River Management Grant
TA = BWSR Technical Assistance
SSTS = Subsurface Sewage Treatment Systems
SSTS-I = Subsurface Sewage Treatment Systems Inventory
Buff-CS = BWSR Native Buffer Cost Share

Funding Sources for 2008
Clean Water Legacy Restoration Projects



CS = BWSR Cost Share
TA = BWSR Technical Assistance
SSTS = Subsurface Sewage Treatment Systems
SSTS-I = Subsurface Sewage Treatment Systems Inventory

Buff-CS = BWSR Native Buffer Cost Share
319 = 319 Grant Program
BMP = Dept. of Ag. Best Management Practices Loan Program

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

LGU	Title	Narrative	BWSR LRMG	BWSR TA			SSTS Invt	SSTS Option 1	BWSR Buffer C-S	BWSRPilot Protection LRMG
CITY OF BURNSVILLE	Lake Alimagnet Pond 1A Improvements	This project will reduce nutrient loading to Alignment lake by providing pretreatment for Pond 1A's north cell. The pond's existing north cell will be also be expanded via excavation to increase the pond's wet volume and treatment capacity.	$ 55,500	$ 9,500						
MCLEOD COUNTY ENVIRONMENTAL SERVICES	Upgrading Imminent Health Threats SSTS Grant For Low Income Households	This project will provide low income SSTS grant assistance in McLeod County.						$ 52,000		
EAST POLK SOIL AND WATER CONSERVATION DISTRICT	East Polk / Union Lake Lakeshore Protection	This project will implement lakeshore protection measures on East Polk and Union Lake.	$ 14,000	$ 1,000						

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CITY OF CENTERVILLE	Centerville Downtown Redevelopment: Innovative Stormwater Improvements for Centerville Lake and Clearwater Creek	This project will reduce phosphorus loading to Centerville Lake by treating stormwater through the installation of pervious pavement, raingardens and a bioretention pool in conjunction with the downtown redevelopment of Centerville, MN.	$ 206,500	$ 43,000						
CITY OF COLUMBIA HEIGHTS	Silver Lake Stormwater Infiltration for water quality improvement	This project will reduce phosphorus loadings to Silver Lake by installing a rain garden.	$ 42,588							
PRIOR LAKE SPRING LAKE WATERSHED DISTRICT	Prior Creek Segment 4B Restoration	This project will reduce sediment to Prior Creek through the enhancement of the stream through bioengineering techniques and cattle exclusion.	$ 75,000							
LAC QUI PARLE YELLOW BANK WATERSHED DISTRICT/CLEAN WATER PARTNERSHIP	Basic BMPs for Lac qui Parle River Turbidity Impairments	This project will reduce sediment by providing CCRP incentives for buffers and installing various BMPs such as sediment basins, rain gardens and terraces.	$ 210,000							
SOUTH ST. LOUIS SWCD	Miller Creek Jumbo Gully Remediation	This project will reduce sediment loading into Miller Creek by providing storm water management in the headwaters area in addition to stabilizing a severely eroded gully.	$ 60,012	$ 12,500						
CHISAGO COUNTY ENVIRONMENTAL SERVICES	Chisago County SSTS Pilot Program Imminent Health Threat Upgrades	This project will use grants to cover a significant portion of costs to low income households for system upgrades and funds to capitalize an SSTS loan program in Chisago County.						$ 100,000		
			BWSR LRMG	BWSR TA			SSTS Invt	SSTS Option 1	BWSR Buffer C-S	BWSRPilot Protection LRMG
LGU	**Title**	**Narrative**								
COOK COUNTY - PLANNING AND ZONING DEPARTMENT	Cook County Septic System Inventories for Water Resource Protection	This project will inspect approximately 133 systems on Poplar Lake, 58 systems on Seagull Lake, 131 systems on Gunflint Lake and 76 systems on Saganaga Lake. Poplar and Seagull lake inspections to occur in 2008 and Saganaga and Gunflint to occur in 2009. The Tofte Schroeder Sanitary District (TSSSD) has completed an inventory of the approximately 300 systems in the district and will contract an inspector and pumper directly to perform inspections on approximately 100 of those systems.					$ 129,450			
PIPESTONE SOIL AND WATER CONSERVATION DISTRICT	Pipe08	This project will provide SSTS Upgrade grants for low income households in addition to providing SSTS upgrade incentive payment in Pipestone County.						$ 25,000		
CASS COUNTY	Southwest Leech Lake Inspection and Inventory Project	This project will consist of conducting a septic inventory in 3 townships SE of Leech Lake in Cass County.					$ 97,500			
ITASCA COUNTY ENVIRONMENTAL SERVICES	Reducing SSTS Threats to Itasca County's Priority Lakes	This project will provide inspection assistance grants and financial assistance in loans, incentives and grants to landowners in shoreland areas of Itasca County.		$ 5,000				$ 74,000		
CROW WING COUNTY	Sanitary Management District Inventory and Assessment Project	This project will consist of inspecting a minimum of 250 SSTS per year in Crow Wing County.					$ 130,000			
KANDIYOHI COUNTY	Diamond Lake Community Approach to Wastewater Solutions	This project will consist of conducting an inventory and inspections of SSTS systems around Diamond Lake in Kandiyohi County.					$ 61,880			
GOODHUE COUNTY SOIL AND WATER CONSERVATION DISTRICT	Surface Inventory of E. Coli Sources in the Little Cannon River Watershed	This project consists of land owner education, a source assessment of bacteria sources in the Little Cannon River watershed, E.Coli monitoring site expansion, and technical assistance to promote feedlot BMPs that will reduce E.Coli levels		$ 30,630						

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ROCK COUNTY SWCD/ LAND MANAGEMENT	Rock County Low Income Imminent Health Threat Correction	This project will provide financial assistance to four low income households to replace their non-compliant SSTS's over a two year period in Rock County.						$ 31,000		
			BWSR LRMG	BWSR TA			SSTS Invt	SSTS Option 1	BWSR Buffer C-S	BWSRPilot Protection LRMG
LGU	**Title**	**Narrative**								
MIDDLE ST. CROIX WATERSHED MANAGEMENT ORGANIZATION	Stormwater Audit Pilot Program	This project will provide individual landowners with a site assessment of their property by trained staff for potential stormwater improvements and will provide the landowner with a reference to local cost share assistance programs in the Middle St. Croix WMO.		$ 70,000						
BENTON SOIL AND WATER CONSERVATION DISTRICT	Little Rock and Mayhew Lake Low Cost Feedlot/Manure Management	This project will provide low-cost feedlot BMPs and manure demonstration plots in Little Rock and Mayhew Creek Watersheds in Benton County.		$ 27,270						
WADENA COUNTY	Assistance Progam for Upgrading or Repalcing SSTS	This project will provide a low interest loan fund to offer assistance to more property owners for replacement of IHT or non-compliant septic systems in Wadena County. In addition, grant monies, administered by county, will be provided to fund IHT or non-compliant system replacements for very low income families.						$ 50,000		
DOUGLAS COUNTY LAND AND RESOURCE MANAGEMENT	Douglas County SSTS Inventory and Upgrades	This project will provide a SSTS inventory and incentive payments for SSTS upgrades in Douglas County.					$ 130,000			
OLMSTED COUNTY	Reducing sediment and pollutant loads into Interlachen and Cascade Lakes	This proejct will reduce sediment and phosphorus loading to Interlachen and Cascade Lakes through installing buffer stips along the Zumbro River.							$ 12,000	
		Aitkin, Cass and Crow Wing Counties will do a detailed watershed and water quality analysis of all lakes over 1,000 acres in these 3 counties (51) The protection recommendations will be incorporated into their next generation of Comprehensive Local Water Management Plans.								$ 75,000
		South St. Louis SWCD will focus on developing and delivering a stormwater management template for homeowners conducting a stormwater roundtable discussion with SWCDs, Counties and Cities within the Lake Superior Basin and developing a methodology for inspecting and monitoring stormwater structures.								$ 32,000
		Lake County will update their County Land Use ordinance by revising the hydrology section and enhance the field review process for land use projects including a natural resources assessment template.								$ 22,000
		Cook County will develop a data set for land use and lake conditions that will allow for reclassification of candidate lakes to more accurately reflect the capacity of the lakes to withstand development pressure.								$ 22,000

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RESTORATION Rank	ID	LGU	Title	Narrative	BWSR CS	BWSR TA	319	AgBMP	SSTS Invt	SSTS Option 1	BWSR Buffer C-S
1	8R8	RCRCA JOINT POWERS SOIL AND WATER CONSERVATION DISTRICTS.	Cottonwood/Redwood River Proejcet	This project targets the Lower Minnesota Dissolved Oxygen TMDL and will implement BMPs that target infiltration and nutrient reduction by establishing 100 acres of filter strips, stabilizing stream banks, installing alternative tile intakes and up to 10 sediment control basins. Additional 3,000 acres of nutrient management planning will be accomplished.	$ 240,000	$ 60,000	$ 300,000				$ 100,000
2	8R30	THREE RIVERS PARK DISTRICT	Lake Independence Channel Stabilization Project	This project targets the Lake Independence Excessive Nutrient TMDL. The primary goal of the project is to reduce sediment and phosphorus loads to the lake by installing rain gardens and stabilizing 4 eroded ravines.			$ 119,500				
3	8R38	SHINGLE CREEK WATERSHED COMMISSION	Crystal Twin Oak Pond	This project targets the Ryan and Twin Lakes Excessive Nutrient TMDL and will reduce phosphorus loadings to North Twin Lake by retrofitting and enhancing treatment of the existing Twin Oaks Pond.			$ 77,500				
4	8R3	WILKIN SWCD	Lower Otter Tail River Sediment Reduction Project	This project targets the Lower Otter Tail River Turbidity TMDL and will reduce sediment to the river by targeting key sediment sources. Targeted BMPs include installing side inlets and dikes in four county ditches, stream barbs and bank protection and buffer strips.	$ 105,000	$ 56,500	$ 100,000				$ 50,000
5	8R13	FILLMORE COUNTY	Enhancing local government financing capabilities for upgrading ITPH septic systems	This project targets the Lower Mississippi River Basin Regional Fecal Coliform TMDL. The project will utilize SSTS upgrade funds to capitalize a revolving loan program and provide grants to low income individuals for SSTS replacement.						$ 175,000	
6	8R6	FILLMORE SOIL & WATER CONSERVATION DISTRICT	Low Interest Loan Funding for Implementation of Water Quality Projects	This project targets the Lower Mississippi River Basin Regional Fecal Coliform TMDL. The project will utilize AgBMP loan funds to install feedlot fixes and upgrade failing septic systems in Fillmore County.				$ 200,000			

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

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

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RESTORATION					BWSR CS	BWSR TA	319	AgBMP	SSTS Invt	SSTS Option 1	BWSR Buffer C-S
Rank	ID	LGU	Title	Narrative							
25	8R36	MOWER COUNTY	Cedar River Corridor inventory of Straight Pipes	This project targets the Lower Mississippi River Basin Regional Fecal Coliform TMDL. The purpose of the project is to conduct a SSTS Inventory and provide upgrade incentives in the Cedar River Watershed.					$ 40,000		
27	8R5	GOODHUE COUNTY SWCD	Ag BMP Low Interest Loan Program	This project targets the Lower Mississippi River Basin Regional Fecal Coliform TMDL. The purpose of the project is reducing fecal coliform through AgBMP loan funds to implement erosion control and manure management practices .				$ 100,000			
29	8R26	BROWN COUNTY	Brown County Conservation Tillage Practice	This project targets the Lower Minnesota River Low Dissolved Oxygen TMDL and will utilize AgBMP loan funds to purchase conservation tillage equipment to reduce sediment and phosphorus loading to the river.				$ 100,000			
29	8R33	WINONA SOIL & WATER CONSERVATION DISTRICT	Fecal Coliform Reduction & Conservation Easement Project	This project targets the Lower Mississippi River Basin Regional Fecal Coliform TMDL and will reduce fecal coliform by utilizing AgBMP loans for SSTS upgrades and feedlot conservation practice installation.				$ 100,000			
31	8R29	TURTLE CREEK WATERSHED DISTRICT	Turtle Creek Watershed ISTS Low Interest Loan Program	This project targets the Lower Mississippi River Basin Regional Fecal Coliform TMDL and will reduce fecal coliform by utilizing AgBMP Loans to provide technical assistance to upgrade SSTS.				$ 100,000			
42	8R9	SOIL & WATER CONSERVATION DISTRICTS IN LINCOLN, LYON & YELLOW MEDICINE CO AND AREA II	Inventory small dams, determination of needs and repair of dams.	This project targets the Lower Minnesota River Low Dissolved Oxygen TMDL. The project will reduce sediment loading by repairing small dams in Yellow Medicine County. In addition, AgBMP loans will be used upgrade SSTS and provide landowner's cost share of other conservation practices.				$ 100,000			
	8R27	WHITEWATER JOINT POWERS BOARD	Riparian Buffer Installation in the Whitewater River Watershed	This project targets the Lower Mississippi River Basin Regional Fecal TMDL and will reduce fecal coliform by installing up to 30 riparian buffers and filter strips.							$ 137,000

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

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

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

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

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

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

_____ Date: _____

Randy Kramer, Chair
Board of Water and Soil Resources

Native Buffer Cost-Share Program Guidelines

Purpose:

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

Policies:

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

Funding Allocation:

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

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

Balance of $630,000 by

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

s:/nativebuffers/guidelines

Minnesota Session Laws 2007 – Portions of Chapter 57

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

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

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

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

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

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

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

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

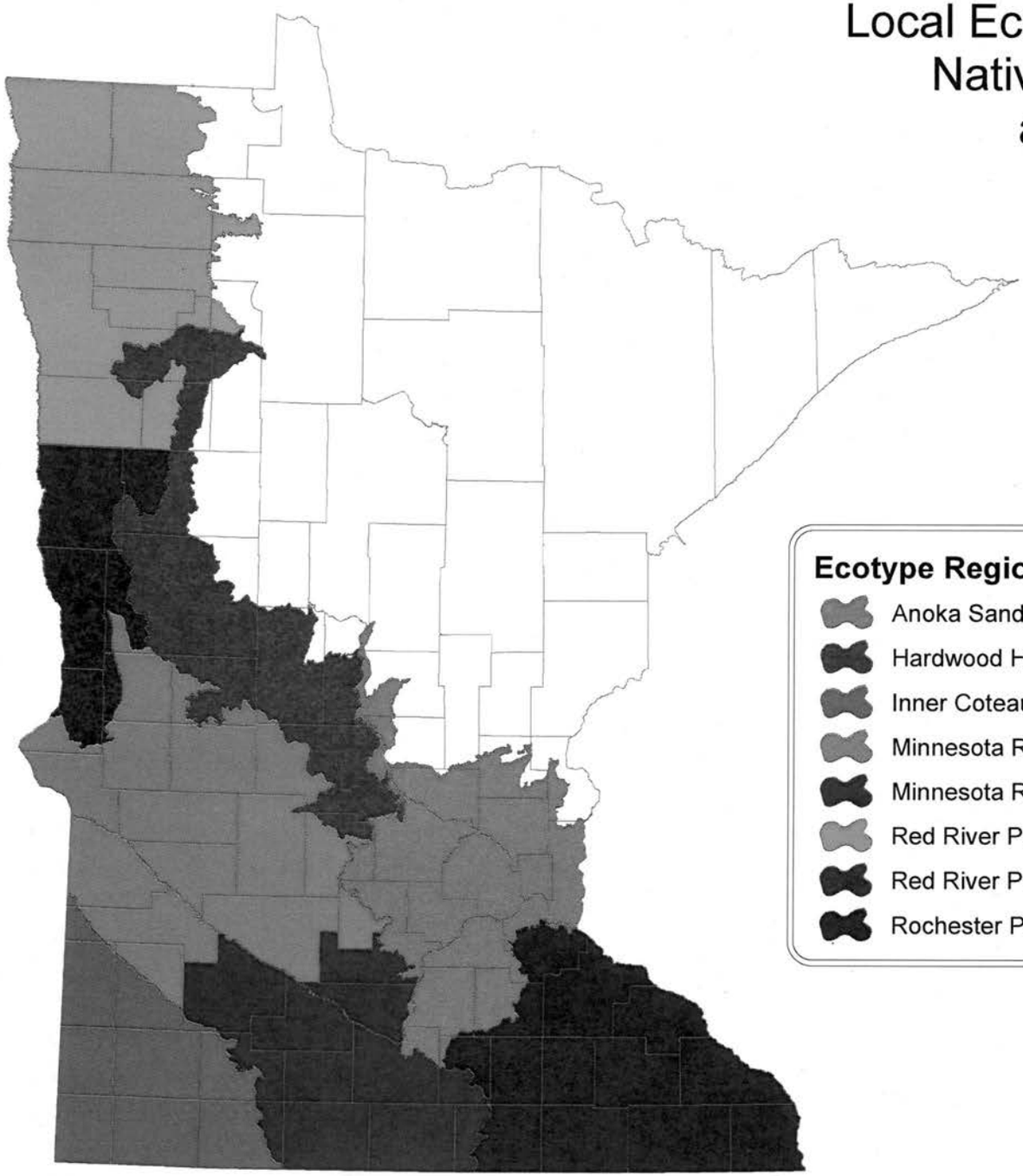
Subd. 5. **Native prairie.** "Native prairie" means land that has never been plowed where native prairie vegetation originating from the site currently predominates or, if disturbed, is predominantly covered with native prairie vegetation that originated from the site. Unbroken pasture land used for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

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

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

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

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



N

Ecotype Regions

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

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Board Resolution #____

Native Buffer Cost Share Program Authorization

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

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

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

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

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

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

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

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

_____ Date:_____

Randy Kramer, Chair
Board of Water and Soil Resources

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

Legislative Appropriation Language

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

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

Background

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Proposed Project Time Line

1-11-08

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

Proposed Budget

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

Board Resolution #_____

FY 08 CLEAN WATER LEGACY ACT PROGRAM

AGRICULTURAL WATERSHED RESTORATION PROJECT WORK PLAN

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

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

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

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

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

_____ Date: _____

Randy Kramer, Chair
Board of Water and Soil Resources

DRAFT #7 1/14/08

PERFORMANCE REVIEW AND ASSISTANCE PROGRAM

REPORT TO THE MINNESOTA STATE LEGISLATURE

FEBRUARY 2008

Board Review Draft

Minnesota Board of Water & Soil Resources

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About this Report

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

Table of Contents

Executive Summary 1

Introduction 2

Performance Review 4

Assistance 6

Program Results 8

Reporting 10

Conclusions and Recommendations 11

Appendices 12

Board of Water and Soil Resources
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BWSR is an equal opportunity employer.

Information contained in this report is available in an alternative format upon request. Cost for the report's production was [???]

For more information contact: 651-296-0786

Executive Summary

Legislative Action

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

Program Design

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

Program Elements

The PRAP has three components:

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

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

- Administration
- Planning
- Execution
- Communication & Coordination

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

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

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

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

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

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

Introduction

Legislative Action

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

Guiding Principles

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

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

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

Advisory Team

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

the program to use existing reports and mechanisms to avoid increasing administrative workload, and to include assistance along with accountability.

Multi-level Process

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

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

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

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

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

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

Performance Review

Plan-based Review

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

Four Cornerstones of Performance

BWSR will assess four categories of performance for each LGU:

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

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

Performance Standards

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

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

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

Potential Levels of Review

Level I: Annual for All LGUs

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

Level II: 50 LGUs per year

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

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

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

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

2007 Performance Review Actions:

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

2008 Proposed Performance Review Actions:

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

Conclusions

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

Recommendations

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

Assistance

Purpose of Assistance

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

Local Government Interest

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

Assistance Tools

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

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

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

Levels of Assistance

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

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

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

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

Limits to Assistance

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

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

2007 Assistance Actions

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

2008 Proposed Assistance Actions

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

Conclusions

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

Recommendations

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

Program Results

Rewards

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

Penalties

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

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

2007 Reward and Penalty Actions:

- None

2008 Proposed Reward and Penalty Actions:

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

Conclusions

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

Recommendations

- **The Legislature and BWSR should establish a system for rewarding high**

performing LGUs with appropriate incentives.

Reporting

Purpose of Reports

The purpose of reporting on LGU performance is threefold:

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

Report Types

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

LGU-generated

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

BWSR Web-site

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

Annual Legislative Report

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

2007 Reporting Actions:

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

2008 Proposed Reporting Actions:

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

Conclusions

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

Recommendations

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

Conclusions and Recommendations

Summary of Conclusions

Performance Review

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

Assistance

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

Program Results

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

Reporting

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

Summary of Recommendations

Performance Review

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

Assistance

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

Program Results

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

Reporting

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

Appendices

A Minnesota Statutes Chapter 103B.102

B. PRAP Advisory Team Members

C. Overdue LGU Management Plan Revisions

D. Annual Audit Receipt Status

E. Proposed LGU Performance Standards

APPENDIX A

103B.102, Minnesota Statutes 2007

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103B.102 LOCAL WATER MANAGEMENT ACCOUNTABILITY AND OVERSIGHT.

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

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

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

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

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

History: *2007 c 57 art 1 s 104*

Appendix B

PERFORMANCE REVIEW AND ASSISTANCE PROGRAM ADVISORY TEAM MEMBERS

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

Appendix C

2007 Overdue Management Plan Revisions

List to be Finalized as of February 1, 2008

Soil and Water Conservation Districts
Resolution Overdue

Counties
Local Water Plan Revision Overdue

Watershed Districts
Comprehensive Plan Revision Overdue

Watershed Management Organizations
Management Plan Revision Overdue

Appendix D

Status of 2006 Annual Audits: LGUs with Overdue Financial Audits	
List to be finalized as of February 1, 2008	
Metro Area Watershed Districts	
Metro Area Water Management Organizations	
Greater Minnesota Watershed Districts	
Soil and Water Conservation Districts	
Soil and Water Conservation Districts Penalized for Overdue 2006 Financial Reports	

GREATER MN WATERSHED DISTRICT PERFORMANCE STANDARDS

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

METRO WATERSHED DISTRICT PERFORMANCE STANDARDS

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

WATERSHED MANAGEMENT ORGANIZATION PERFORMANCE STANDARDS

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

SOIL AND WATER CONSERVATION DISTRICT PERFORMANCE STANDARDS

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

COUNTY LOCAL WATER PLANNING PERFORMANCE REVIEW STANDARDS

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

Board Resolution #_____

Performance Review and Assistance Program
Report to the Minnesota State Legislature

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

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

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

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

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

_____ Date: _____

Randy Kramer, Chair
Board of Water and Soil Resources

FOR YOUR INFORMATION

January 23, 2008

- Updated Board Member Listing
- Updated Staff Listing
- BWSR Committee Schedules
- BWSR Organization Chart
- Bonding Bill Summary
- SE Flood Update
- Feedlot Draft Report

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@westtechwb.com	**Citizen**	01-01-11	320-365-3094 320-365-4784	*Home* *Office*
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Paul Eger 520 Lafayette Road, St. Paul, MN 55155 Paul.Eger@state.mn.us	**Pollution Control Agency**	651-296-7319 651-296-6334	*Office* *Fax*

January 2008

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USE LAST FIVE DIGITS WHEN TRANSFERRING*

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Buckhout, Don	296-0768
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Eisele, Bill	282-2929
Fredbo, Tim	296-0880
Fure, Jon	296-0884
Girolamo, Dan	215-1703
Haertel, Jim	297-2906
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Lewis, Michelle	296-2428
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Mack, Kristie	215-9420
Mohring, Eric	297-7360
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Zellmer, Wayne	297-7361
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Lemmerman, Jim (cell 218-341-0703)	(218) 723-4996
Nelson, Mark (cell 218-349-1834)	(218) 723-4923
Weyandt, Joan	(218) 723-4607

Fergus Falls

Fax #	(218) 736-7215
Cell Phone	(218) 770-3802
Pete Waller	(218) 736-5445 ext 104

BWSR Committee Schedule (tentative agenda items)

January 15, 2008

(Contact Mary Jo Anderson @ 651-297-4290 if you have any questions)

January 23, 2008

- ***Wetlands Committee* Workshop** (immediately following Board meeting)
  - WCA Rule Update
  - NWI re-mapping
  - NE mitigation strategy

February 27, 2008 (no Board meeting)

- ***RIM Reserve Planning Committee***
  - Payment Rates
  - Practice Adjustments
  - Monitoring and Maintenance
  - Database Upgrades

- ***Grants Program and Policy Committee***
  - Non-Point Engineering Assistance Program Review
  - Grants Compliance
  - Feedlots
  - Forestry Docket

March 26, 2008

- ***Grants Program and Policy Committee (tentative)***

- ***Wetlands Committee***
  - *APO Development*

1-14-08 Mary Jo A few edits after discussions on Monday.

15

BWSR Committee Schedule (tentative agenda items)

January 14, 2008

(Contact Mary Jo Anderson @ 651-297-4290 if you have any questions)

January 14, 2008 10:00 a.m. to 2:00 p.m., in PCA Conference 6-4 (6th floor).

- ***RIM Reserve Planning Committee***
  - Make recommendation for the RIM-CE Program

January 23, 2008

- ***Wetlands Committee* Workshop**
  (immediately following Board meeting ~~12:30 – 2:30 p.m.~~)
  - WCA Rule Update
  - NWI re-mapping
  - NE mitigation strategy

- ~~***RIM Reserve Planning Committee*** (2:30 – 4:00 p.m.)~~

February 27, 2008

- ***RIM Reserve Planning Committee*** (no Board meeting)
  - Payment Rates
  - Practice adjustments • Monitoring & maintenance • Database upgrades
- ***Grants Program and Policy Committee***
  - Non-Point Engineering Assistance Program Review
  - Grants Compliance
  - Feedlots
  - Forestry Docket

March 26, 2008

- ***Grants Program and Policy Committee*** (tent.)

- ***Wetlands Committee***
  - *APO Development*

c: Wayne T.
Dave W.
Kevin L.
Steve W.

BWSR Committee Schedule (tentative agenda items)

~~December 21, 2007~~ 1/14/08

(Contact Mary Jo Anderson @ 651-297-4290 if you have any questions)

send to SMT

Jan. 11 @ 10:00

January 2008 – ~~date to be determined - teleconference~~

- ***Public Relations, Outreach and Strategic Planning Committee***
  - To review Strategic Plan comments

January 14, 2008 10:00 a.m. to 2:00 p.m., in PCA Conference 6-4 (6th floor).

- ***RIM Reserve Planning Committee***
  - Make recommendation for the RIM-CE Program

January 23, 2008

- ***RIM Reserve Planning Committee*** (immediately following Board meeting)
- ***Wetlands Committee* Workshop** (immediately following Board meeting)
  - WCA Rule Update
  - NWI re-mapping
  - NE mitigation strategy
- ~~***Grants Program and Policy Committee*** (tentative)~~
  - Non-Point Engineering Assistance Program Review
  - Grants Compliance

February 27, 2008

- ***RIM Reserve Planning Committee*** (im~~mediately following~~ NO Board meeting)

March 26, 2008

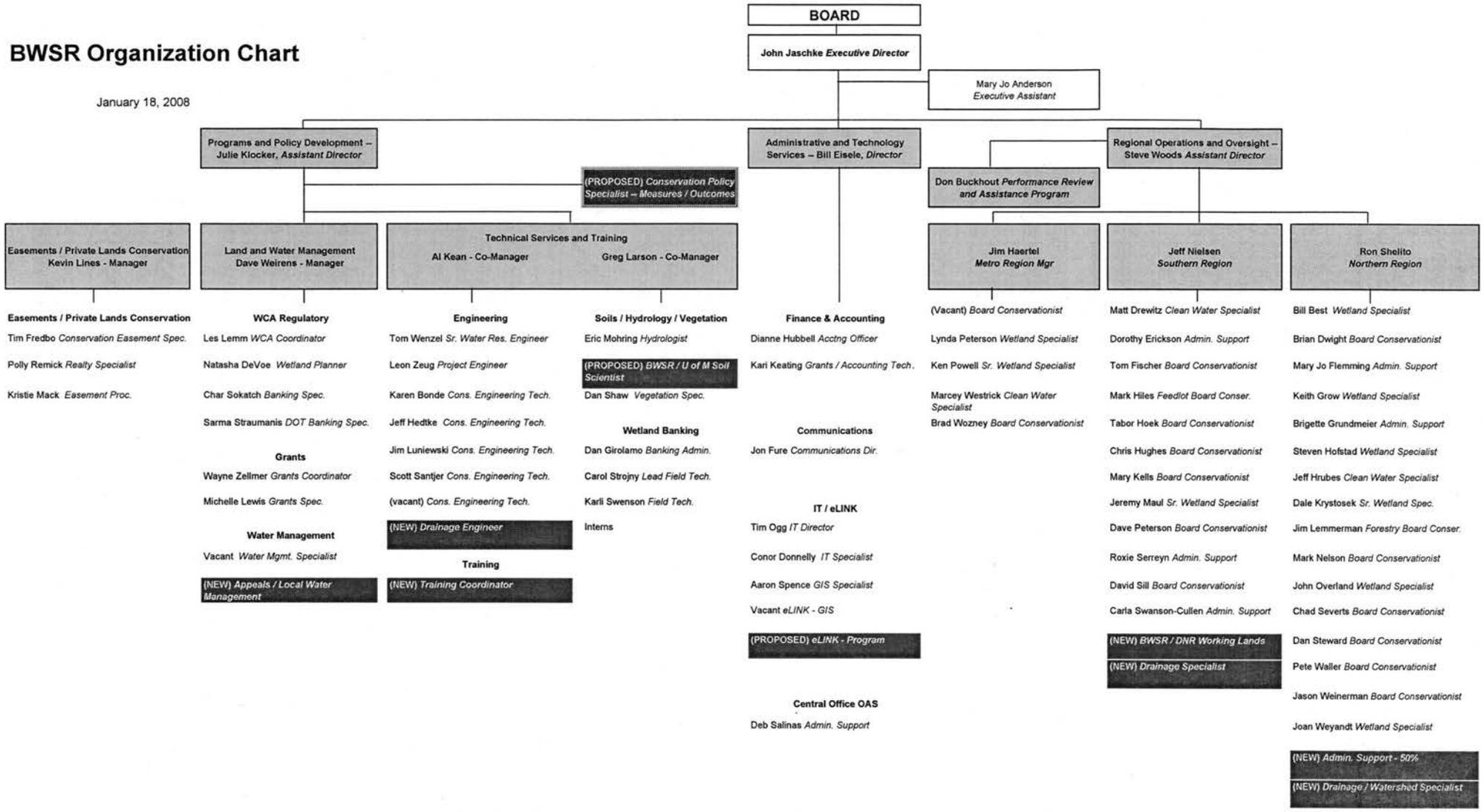
- ***Grants Program and Policy Committee***

– Wetland Committee

- APO development

BWSR Organization Chart

January 18, 2008



Governor's 2008 Capital Budget Recommendations

($ in Thousands)

Water & Soil Resources Board

RIM Reserve Program

	General Fund Cash	1,800
	GO Bonds	20,000

This proposal continues acquisition of permanent conservation easements on Minnesota's wetlands. The general obligation portion ($20 million) of the recommendation is for easements, and the general fund portion ($1.8 million) is for implementation costs including the necessary realty, engineering and administrative functions associated with easement acquisition.

Local Govt Road Wetland Replacement

	General Fund Cash	720
	GO Bonds	4,200

This project will help replace wetlands lost due to local government road construction. Approximately 236 acres of wetlands will be acquired to offset losses from local road construction projects.

RIM Clean Energy

	General Fund Cash	300
	GO Bonds	3,000

This recommendation provides funds to design and implement a pilot project for developing renewable energy sources using native plant species. Tillable land will be acquired and new crops will be planted to test the economic and technical feasibility of harvesting native crops for energy production.

Subtotal Water & Soil Resources Board	**$30,020**

BWSR – SE Flood Response
Conservation Funding Status
January 17, 2008

Status To Date	COST-SHARE FLOOD RELIEF	RIM CONSERVATION EASEMENTS
Allocated Funds	**$ 1,368,622**	**$ 0 (Signups due Jan. 31st)**
Obligated Funds	**$ 696,250**	**$ 0**
CCA Pending Funds	**$ 935,128**	
RIM Pending Applications		**$2.1 M (600 acres)**
Total Appropriation	**$ 3,000,000**	**$ 2.1 M**
Identified Unmet Requests	***$ 1.45 M*** **+ Applications not yet submitted or evaluated**	***$ 2.4 M*** **(Anticipate 1,300 + acres of RIM Applications as reported by SWCDs)**

BWSR - **SE MINNESOTA FLOOD RELIEF**
Page 1 of 4
SUMMARY – ***January 16, 2008***

QUESTIONS?
Contact: Mary Kells
BWSR Rochester
507-280-2873
mary.kells@bwsr.state.mn.us

Minnesota Board of Water & Soil Resources

I. State Cost Share Program: Special Session appropriation - $3,000,000

- Allocated Funds

SWCD	Amount
Dodge	$50,000
Fillmore	$200,000
Olmsted	$50,000
Root River	$262,200
Steele	$50,000
Wabasha	$50,000
Winona	$706,422
Total	**$1,368,622**

Understanding the August 2007 Flood: Implications For Natural Resource Management
Friday, April 4, 2008
9 AM – 4:00 PM
Winona State University
Winona, MN

- Obligated Funds - $696,250

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 - $163,750
This includes $78,000 as local match for ECP projects, $53,000 for sealing abandoned private wells, and $32,750 for SWCD technical and administrative costs.

Winona SWCD - $12,500
This includes $12,500 as local match for the EWP Pickwick Dam project.

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 Funds:	$1,368,622
Obligated Funds:	$696,250
CCA Pending Funds:	*$935,128*

Minnesota Board of Water & Soil Resources

As additional surveys and damage assessments are completed during winter and spring of 2008, it is anticipated that the CCA Pending Funds amount of $935,128 will be insufficient to provide funding for needed cost share, technical assistance, and federal match. Therefore a **Supplement Request of $1,450,000** for project and technical assistance funds has been submitted.

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 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 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**

State Cost Share Native Buffer Program – The Native Buffer Program is funded to establish buffers in riparian locations that promote native vegetation.

Allocations:
Whitewater JPB - $30,000
Olmsted County - $12,000
$42,000

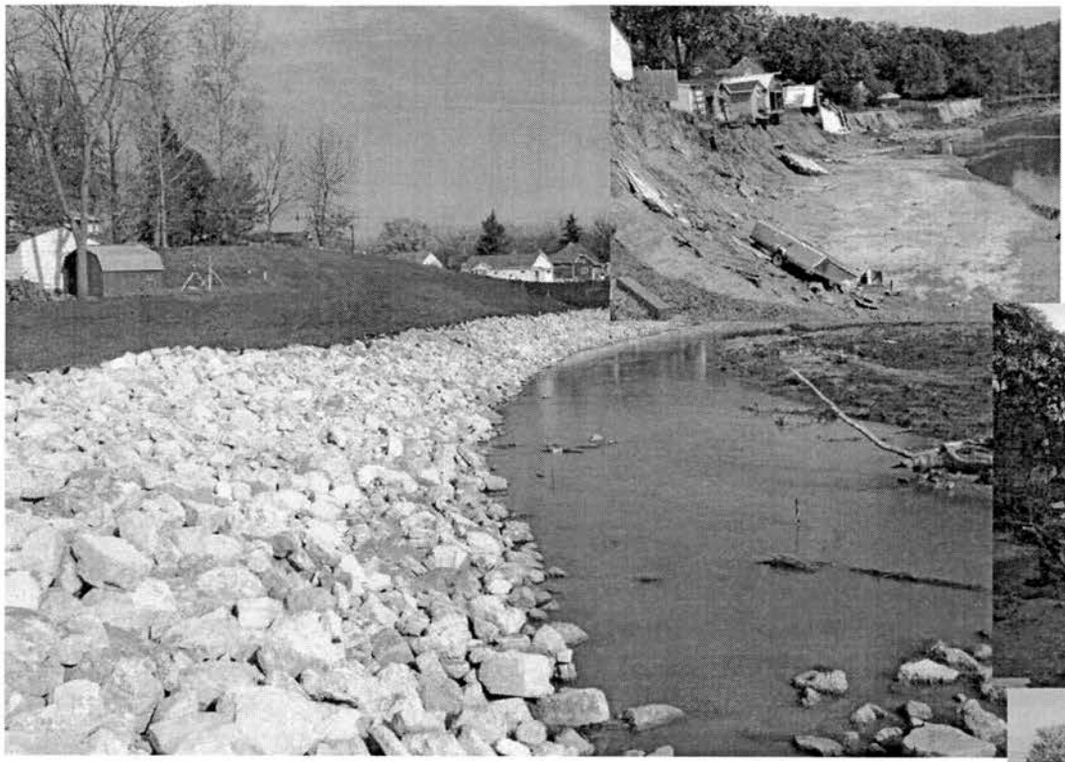
Houston County
Root River SWCD

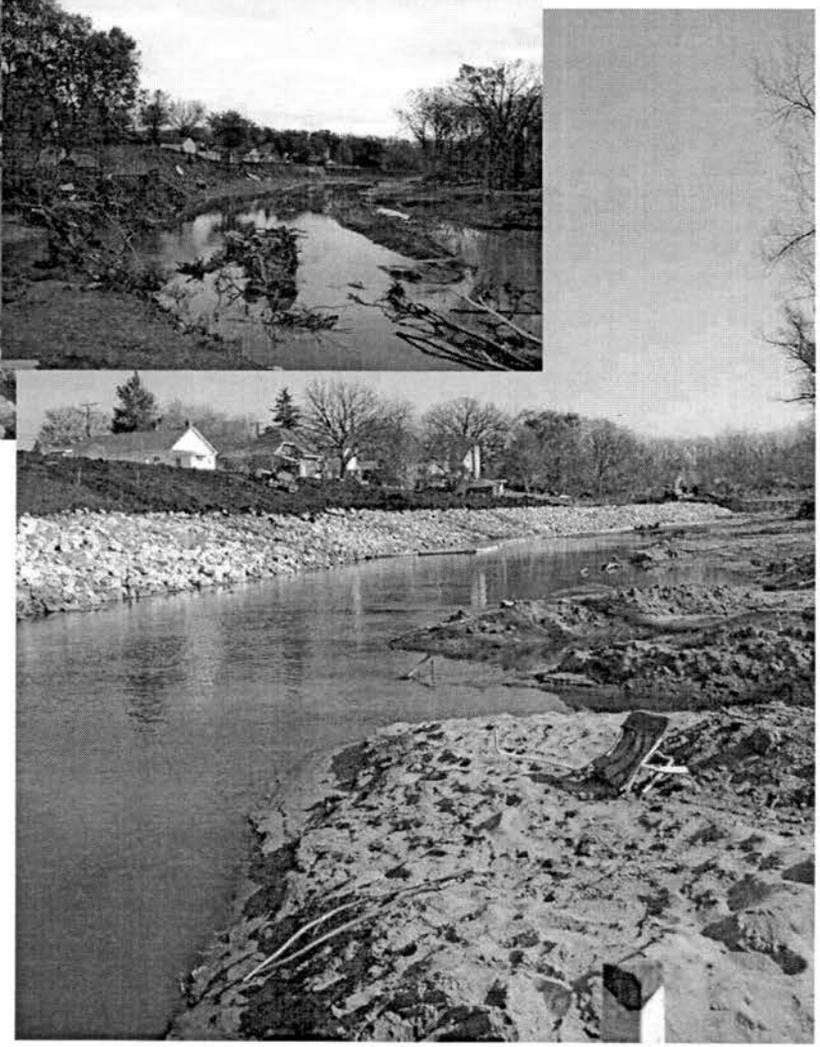
Project Cost: $6,000
State Funds: $5,625

1969 structure with spillway damage - fixed with state funds.

Minnesota Board of Water & Soil Resources

Minnesota City
Winona County





Total Project Cost:	**$630,546**
NRCS Emergency Watershed Program	$472,909
MN BWSR C-S Thru Winona SWCD (25%)	$157,637
Winona SWCD Tech. Asst.	$ 15,763

Minnesota Board of Water & Soil Resources

Feedlot Financial Needs Report

for Feedlots with less than 300 Animal Units
to Comply with Applicable State Rules and Statutes by October 1, 2010

DRAFT, 1-18-08

Minnesota Board of Water and Soil Resources
January 2008

Summary and Analyses

Legislature Directive

In 2007, the Minnesota Legislature directed the Board of Water and Soil Resources (BWSR) to report on the financial needs to bring all feedlots in the state having less than 300 animal units into compliance with Pollution Control Agency rules by October 1, 2010, considering M.S. Sec. 116.07, Subd. 7, Para. (p), which limits enforcement unless 75% cost-share is available.

Background

The livestock industry is a very important component of Minnesota's economy. It provides billions of dollars in annual economic activity. Livestock manure is a valuable organic fertilizer and soil conditioner that provides both nutrients and organic matter for enhanced crop production, reduced soil erosion and improved soil quality. However, if not properly managed, runoff from feedlots, and from fields on which manure is applied, can contribute nitrogen, phosphorus and bacteria to surface and ground water causing water quality degradation. Minnesota has been a national leader in environmental protection related to feedlot runoff and manure management, including effective delivery systems for financial and technical assistance, as well as regulation. This involves broad cooperation of federal, state and local government units, livestock producers and producer groups, the University of Minnesota, private crop advisors, private engineers and others.

Key Findings

1) Owners of animal feedlots and/or manure storage areas for 50 or more animal units, or 10 or more animal units located in shoreland (within 300 feet from a stream or river, or 1,000 feet from a lake) are required by the state Feedlot Rules to register. Approximately 25,000 feedlots were required to be registered on January 1, 2007. Because the number of feedlots having less than 500 animal units continues to decline for all species, approximately 21,000 feedlots are estimated to be required to be registered on October 1, 2010.
2) Approximately 90% of the feedlots required to register have less than 300 animal units.
3) Approximately 5,800 (27%) of the feedlots required to be registered on October 1, 2010 are estimated to need environmental upgrades to comply with the Feedlot Rules, of which approximately 5,050 have less than 300 animal units (63% are cattle feedlots, 22% are dairy).
4) Feedlot runoff and manure storage environmental upgrades are primary needs for most feedlots that are not in compliance with the Feedlot Rules. Manure nutrient management plans are required by the Feedlot Rules for feedlots that require an Interim Permit (to correct a pollution problem) and for feedlots with 300 or more animal units that do not use a Commercial Animal Waste Technician or certified private manure applicator for land application of manure. Engineering and agronomy technical assistance is critical for implementation of effective and enduring feedlot environmental upgrades and nutrient management plans.
5) The estimated feedlot financial needs (in current $) associated with compliance with the Feedlot Rules for feedlots having less than 300 animal units are summarized in Table SA 1.

Table SA 1. Estimated Financial Needs for Feedlot Rules Compliance of Feedlots with Less Than 300 Animal Units (current $)

a) *Feedlot runoff management and temporary manure storage upgrades* – (eligible for federal and/or state cost-share and low interest loans)	*$190 Million*
b) *Direct engineering assistance* – (provided by federal and local government staff via federal and state funding)	*$28 Million*
c) *Manure nutrient management incentives and technical assistance* – (eligible for federal program incentive payments, or federal / state / local direct technical assistance)	*$10 Million*
d) *Manure handling and application equipment* – (eligible for state program low interest loans)	*$160 Million*
TOTAL	*$388 Million*
75% of component a) + component b) + component c)	*$180 Million*

6) Although the total estimated feedlot financial needs for compliance with the Feedlot Rules remains high, progress toward full compliance statewide continues to be made through cooperative efforts of livestock producers, federal, state and local government units, the University of Minnesota, private engineers, private crop consultants and others. Since the current Feedlot Rules were adopted on October 23, 2000, federal and state programs and livestock producers have invested approximately $86 million in environmental upgrades of feedlots, manure nutrient management, pasture management and associated manure handling and application equipment (total average of about $12 million per year). Because the cost of compliance with the Feedlot Rules can be substantial, livestock producers with an existing pollution problem often seek grants, loans and technical assistance to help design and implement environmental upgrades. An estimated 900 - 1,200 feedlots were assisted with environmental upgrades during the period 2001 – 2007. This includes many partial upgrades in accordance with the Open Lot Agreement of the Feedlot Rules for open feedlots with less than 300 animal units. Feedlots with Open Lot Agreements are required to implement full environmental upgrades or close by October 1, 2010, to comply with the Feedlot Rules.

7) The estimated current annual financial and technical assistance available through federal and state programs for environmental upgrades of feedlots (all sizes), nutrient management, pasture management and manure handling and application equipment are summarized in Table SA 2.

Table SA 2. Current Annual Financial and Technical Assistance for Feedlot, Nutrient Management and Pasture Management Environmental Upgrades (All feedlot sizes)

a) Cost-share for feedlot runoff management, manure storage and pasture management practices	*$ 6.2 Million/Yr.*
b) Direct engineering technical assistance	*$1.1 Million/Yr.*
c) Nutrient management incentive grants and technical assistance	*$4.4 Million/Yr.*
d) Loans for constructed improvements	*$2.1 Million/Yr.*
e) Loans for manure handling and application equipment	*$2 Million/Yr.*
TOTAL	*$15.8 Million/Yr.*

8) The estimated current number of feedlots of all sizes assisted into compliance with the Feedlot Rules on an annual basis by all programs is approximately 100, of which an estimated 50 are dairy feedlots, 35 are cattle feedlots and 15 are feedlots with other species. For feedlots with less than 300 animal units, the estimated current total assisted into compliance per year is 80, of which an estimated 40 are dairy feedlots, 25 are cattle feedlots and 10 are feedlots with other species. The information available about projects assisted by federal programs has become more limited in recent years by confidentiality policies of Farm Bill programs. Many feedlot environmental upgrade projects involve multiple funding types (grants, loans and cash) and sources (federal and state programs and livestock producers).

9) The federal Environmental Quality Incentives Program (EQIP) administered by the USDA Natural Resources Conservation Service (NRCS), is the largest separate source of grant and incentive funding for voluntary implementation of livestock related environmental upgrades, including feedlot runoff and manure storage, nutrient management and pasture management.

   a) The 1996 Farm Bill set the maximum feedlot size for EQIP eligibility at less than 1,000 animal units and raised the maximum cost-share grant amount from $50,000 per project to $100,000 per project. The 2002 Farm Bill raised the cap to $450,000 per project, removed the size limit and eliminated eligibility for partial upgrades. The NRCS in Minnesota currently has a limit of $250,000 per project for waste storage facilities and manure digesters. In 2001, it was estimated that 80% of EQIP financial assistance for feedlot environmental upgrades went to feedlots with less than 300 animal units. At the current time, it is estimated that approximately 50% of EQIP funding for feedlot environmental upgrades goes to feedlots with less than 300 animal units.

   b) In recent years, the EQIP cost-share rate was reduced from 75% to 50% and then converted to flat rates per conservation practice. The amount of federal technical assistance funding per project has also been limited to not-to-exceed rates per conservation practice for private Technical Service Providers (based on typical NRCS costs) and 50% of the not-to-exceed rates for technical assistance provided by state or local government units. The conservation practice rates and technical assistance rates for most feedlot runoff and manure storage practices are based on animal units. Due to these federal program constraints, state funded feedlot cost-share and technical assistance has become more critical for piggybacking with, and leveraging of, federal funding and livestock producer investments in feedlot environmental upgrades.

10) The state Feedlot Water Quality Management (FWQM) Cost-Share Program administered by the Board of Water and Soil Resources is a key state grant program for eligible feedlot runoff, manage storage and pasture management environmental upgrades.

   a) Funding was first appropriated for this program in 1999. Through fiscal year 2007, the funding level ranged from $1.5 to $2.1 million per year from the General Fund. For fiscal years 2008 and 2009, the $1.5 million per year in General Fund appropriations was eliminated and $1.5 million per year was designated for feedlot water quality cost-share in Clean Water Legacy Act appropriations, which are targeted to listed impaired waters.

   b) Program eligibility is limited to existing feedlots with a pollution problem.

   c) Cost-share is limited to 75% combined state and federal cost-share, up to $50,000 per project.

d) The maximum eligible feedlot size was less than 500 animal units until fiscal year 2007, when it was raised to less than 1,000 animal units. The current size limit is less than 300 animal units, in accordance with current appropriation language.

e) For fiscal years 2001 - 2007, approximately 85% of program cost-share funding went to feedlots with less than 300 animal units (annual range of 71% to 97%).

f) This program is administered through Soil and Water Conservation Districts, which work directly with livestock producers, other federal and state financial and technical assistance programs and providers, and delegated county or MPCA regulators.

11) The Agricultural Best Management Practices (AgBMP) Loan Program, administered by the Minnesota Department of Agriculture in cooperation with local government units and private lenders, is a key loan program for feedlot runoff, manure storage, pasture management, and manure handling and application equipment. Loans are often sought by livestock producers for their share of cost-shared projects and for components of environmental upgrade projects that are not eligible for cost-share. Following are key program criteria.

a) Maximum loan amount is $100,000 per project.

b) Maximum term of loan is 10 years.

c) Maximum interest rate 3%.

d) Project must support the applicable Local Water Management Plan.

Analyses

1) Cattle and dairy feedlots make up the largest fractions of feedlots with less than 300 animal units estimated to need environmental upgrades to comply with the Feedlot Rules (63% and 22%, respectively).

2) ***Dairy Feedlots:*** The recent annual rate of closure of dairy operations with less than 300 animal units ranges from 6% for feedlots with 100-299 animal units to 9% for feedlots with 10-49 animal units.

a) If an ongoing annual closure rate of 7% is assumed for the estimated 1,100 dairy feedlots with less than 300 animal units required to register that do not comply with the Feedlot Rules, and the current estimate of 40 of these feedlots being assisted into compliance per year continues, it is estimated that all of the noncompliant dairy feedlots with less than 300 animal units would either be in compliance with the Feedlot Rules or closed in approximately 15 years.

b) For an assumed annual closure rate of 7% and a rate of assistance into full compliance of 70 dairy feedlots per year, approximately 10 years would be required to achieve full compliance for dairy feedlots with less than 300 animal units.

c) The estimated annual financial assistance needs in current $ for scenarios 2) a) and b) are indicated in Table SA 3., assuming 75% cost-share for feedlot runoff and manure storage practices.

Table SA 3. Rates, Time and Estimated Financial Needs for Feedlot Rules Compliance of Dairy Feedlots with Less Than 300 Animal Units

(1) Estimated Annual Rate of Closure of Dairy Feedlots with < 300 AU (%)	(2) Number of Dairy Feedlots with < 300 AU Assisted into Compliance per Year	(3) Estimated Years Until All Dairy Feedlots Comply	(4) 75% of Estimated Annual Costs for Feedlot Runoff and Manure Storage Practices	(5) Estimated Annual Need for Direct Engineering Assistance	(6) Estimated Annual Need for Nutrient Management Incentives and Technical Assistance	(7) Total Cost-Share and Technical Assistance Sum of Columns (4) – (6)	(8) Estimated Annual Loan Need (structural practices, manure handling and application equipment)
7	40	15	$1.7 M	$0.3 M	$0.2 M	$2.2 M	$1.1 M
7	70	10	$2.9 M	$0.6 M	$0.4 M	$3.9 M	$3.1 M

3) ***Cattle Feedlots:*** The recent annual rate of closure of cattle feedlots with less than 300 animal units ranges from 4% for feedlots with 100-299 animal units to 1.5% for feedlots with 10-49 animal units. An estimated 3,200 cattle feedlots with less than 300 animal units do not comply with the Feedlot Rules.

   a) If an ongoing annual closure rate of 3% is assumed for cattle feedlots with less than 300 animal units that are not in compliance with the Feedlot Rules, and the current rate of assistance into full compliance remains constant at 25 feedlots per year, approximately 50 years would be required to achieve full compliance for cattle feedlots.

   b) For an ongoing closure rate of 3% for cattle feedlots with less than 300 animal units, approximately 270 of these noncompliant feedlots would need to be brought into compliance with the Feedlot Rules per year in order to achieve full compliance of these feedlots within 10 years.

   c) The estimated annual financial assistance needs in current $ for scenarios 3) a) and b) are indicated in Table SA 4, assuming 75% cost-share for feedlot runoff and manure storage practices.

Table SA 4. Rates, Time and Estimated Financial Needs for Feedlot Rules Compliance of Cattle Feedlots with Less Than 300 Animal Units

(1) Estimated Annual Rate of Closure of Cattle Feedlots with < 300 AU (%)	(2) Number of Cattle Feedlots with < 300 AU Assisted into Compliance per Year	(3) Estimated Years Until Fully Comply	(4) 75% of Estimated Annual Costs for Feedlot Runoff and Manure Storage Practices	(5) Estimated Annual Need for Direct Engineering Assistance Funding	(6) Estimated Annual Need for Nutrient Management Incentives and Technical Assistance	(7) Total Cost-Share and Technical Assistance Sum of Columns (4) – (6)	(8) Estimated Annual Loan Need (Structural Practices, Manure Handling and Application Equipment)
3	25	50	$0.62 M	$0.12 M	$0.12 M	$0.8 M	$0.7 M
3	270	10	$6.7 M	$1.3 M	$1.4 M	$9.4 M	$7.3 M

4) In addition to the need for cost-share and loan funding, a challenging factor for the estimates presented in Analyses items 2) and 3) above is technical assistance. If the amount of cost-share and loan funds available for feedlot environmental upgrades was substantially increased, the availability of public and private technical assistance would be a more critical limiting factor than it is at this time. Since EQIP funding for livestock related conservation practices was substantially increased in recent years, the availability of qualified technical assistance has been a constraint for feedlot environmental upgrade projects. The current EQIP technical assistance funding limits discussed in Findings item 7) above are part of this challenge, necessitating more piggybacking of technical assistance funding sources. Although Minnesota has a number of private Technical Service Providers (TSPs) (USDA program certified) for feedlot engineering assistance, these individuals and firms are limited in number and tend to assist relatively larger projects with more potential for technical assistance funds. Therefore, technical assistance for small feedlots is expected to continue to be a limiting factor for the rate of feedlot environmental upgrades to comply with the Feedlot Rules.

Main Report

Legislative Directive

Following is the applicable directive of the 2007 Legislature to the Board of Water and Soil Resources (BWSR).

"By January 1, 2008, the board shall report to the senate and house of representatives environmental finance divisions on the financial needs to bring all feedlots in the state that are under 300 animal units into compliance with Pollution Control Agency rules by October 1, 2010, and comply with the requirements of Minnesota Statutes, section 116.07, subdivision 7, paragraph (p)."

Applicable State Rules and Statutes

Feedlot Rules

The Minnesota Pollution Control Agency (MPCA) rules referenced in the Legislative directive are for *Animal Feedlots, Chapter 7020*: (http://www.revisor.leg.state.mn.us/bin/getpub.php?pubtype=RULE_CHAP&year=current&chapter=7020), also referred to as the state Feedlot Rules.

Statutes Regarding Minnesota Pollution Control Agency Authorities

Minnesota Statutes, Chapter 116 Pollution Control Agency, Section 116.07 Powers and Duties., Subdivision 7. Counties; Processing of applications for animal lot permits.,

Paragraph (p):

Unless the upgrade is needed to correct an immediate public health threat under section 145A.04, subdivision 8, or the facility is determined to be a concentrated animal feeding operation under Code of Federal Regulations, title 40, section 122.23, in effect on April 15, 2003, the agency may not require a feedlot operator:

(1) to spend more than $3,000 to upgrade an existing feedlot with less than 300 animal units unless cost-share money is available to the feedlot operator for 75 percent of the cost of the upgrade; or

(2) to spend more than $10,000 to upgrade an existing feedlot with between 300 and 500 animal units, unless cost-share money is available to the feedlot operator for 75 percent of the cost of the upgrade or $50,000, whichever is less.

Paragraph (c):

For the purpose of administration of rules adopted under this subdivision, the commissioner and the agency may provide exceptions for cases where the owner of a feedlot has specific written plans to close the feedlot within five years. These exceptions include waiving requirements for major capital improvements.

State Water Quality Standards
Minnesota Rules, Chapter 7050,
Section 7050.0215 Requirements for Animal Feedlots., Subpart 2. Effluent limitations for a discharge.

A. Any person discharging pollutants to surface waters of the state from an animal feedlot or manure storage area who is not regulated by federal requirements under part 7050.0212, subpart 1, shall comply with the following limitations after allowance for pollutant removal by a treatment works:

5-day biochemical oxygen demand	25 milligrams per liter (arithmetic mean of all samples taken during any calendar month).

If the discharge is directly to or affects a lake or reservoir, the person discharging the pollutants shall comply with the nutrient control requirements of part 7050.0211, subpart 1.

B. The effluent limitations in item A. are not applicable whenever rainfall events, either chronic or catastrophic, cause an overflow from an animal feedlot or manure storage area designed, constructed, and operated:

(1) to meet the effluent limitations in item A. for rainfall events less than or equal to a 25-year, 24-hour rainfall event for that location; or

(2) to collect and contain the runoff from a 25-year, 24-hour rainfall event for that location.

Section 7050.211 Facility Standards.
Subpart 1a. Total phosphorus effluent limits. Where the discharge of effluent is directly to or affects a lake or reservoir, phosphorus removal to one milligram per liter shall be required. The limit must be a calendar month arithmetic mean unless the commissioner finds, after considering the criteria listed in items A and B, that a different averaging period is acceptable. In no case shall the one milligram per liter limit exceed a moving mean of 12 monthly values reported on a monthly basis, or a simple mean for a specified period, not to exceed 12 months. Calendar month effluent limits in effect on February 7, 2000, must remain in effect unless an assessment of the criteria listed in items A. and B. indicate a different averaging period is acceptable. A different averaging period is acceptable when:

A. the effects of the phosphorus loading from the facility on the receiving water or downstream water resources is generally not measurable; and

B. the treatment technologies being considered offer environmental, financial, or other benefits.

In addition, removal of nutrients from all wastes shall be provided to the fullest practicable extent wherever sources of nutrients are considered to be actually or potentially detrimental to preservation or enhancement of the designated water uses. Dischargers required to control nutrients by this subpart are subject to the variance provisions of part 7050.0190.

Brief Overview of the Feedlot Rules

The Feedlot Rules include four major sections:

- Registration program,
- Permit program,
- Delegated county program, and
- Technical standards regarding discharge, design, construction, operation and closure of feedlots, including manure storage areas and land application of manure.

Following is a brief overview of these rule requirements, as context for the definition of feedlot financial needs to comply with the Feedlot Rules. A more detailed overview of the Feedlot Rules is available at: (http://www.pca.state.mn.us/publications/wq-f1-20.pdf).

Registration Program

Owners of animal feedlots or manure storage areas for 50 or more animal units, or 10 or more animal units located in shoreland (within 300 feet from a stream or river, or within 1,000 feet from a lake) are required to register. The first deadline for registration was January 1, 2002. Feedlot registration must be updated at least once during each 4-year period after January 1, 2002. Feedlot owners register by filling out and submitting an MPCA registration form to a County Feedlot Officer in a delegated county, or to the MPCA, or through filling out and submitting a feedlot permit application, when a permit is required.

Permit Program

Although all feedlots are required to comply with state water quality standards and other technical provisions of the Feedlot Rules, most are not required to have an operating permit. Feedlot owners with fewer than 300 animal units are not required to have a permit for the construction of a new facility or expansion of an existing facility, if the facility does not have a pollution hazard and construction is in accordance with the technical standards of the Feedlot Rules. Feedlot permits are required as follows:

- **Construction Short-Form Permit** – required for feedlot construction activities at feedlots with 300 to less than 1,000 animal units that do not have a pollution hazard.
- **Interim Permit** – required for feedlots identified as having a pollution hazard and for feedlots or manure storage areas having 300 or more animal units prior to applying manure or process wastewater on certain lands with high soil phosphorus test levels, on special protection areas with land slopes exceeding 6%, or in a drinking water supply management area.
- **National Pollutant Discharge Elimination System (NPDES) Permit**, or **State Disposal System (SDS) Permit** (operating permits) – required for all feedlots with 1,000 or more animal units, or that are defined as a Concentrated Animal Feeding Operation (CAFO).

Delegated County Feedlot Program

Delegation agreements between county boards and the MPCA allow counties to administer state feedlot program authorities and responsibilities for non-CAFO feedlots and manure storage areas with less than 1,000 animal units. The primary purpose is to enable local administration of the feedlot program. There are currently 54 counties in Minnesota with feedlot program delegation agreements (http://www.pca.state.mn.us/publications/wq-f1-01.pdf). Therefore, the feedlot program for the majority of feedlots in Minnesota with less than 300 animal units is administered at the county level, in cooperation with the MPCA. Delegated counties have a designated County

Feedlot Officer. Delegated county program responsibilities include feedlot registration, permitting, inspection and complaint resolution. Delegated counties also coordinate education and provide connection to financial and technical assistance providers. State funding for county feedlot program administration is provided by the MPCA through the Natural Resources Block Grant administered by the BWSR.

Technical Standards

The technical standards of the Feedlot Rules include requirements for planning, design, construction and operation of feedlots and manure storage areas, for process wastewaters, and for related manure handling and land application activities (manure management). These standards apply to owners of animal feedlots and manure storage areas, and any person involved with storing, transporting, disposing or utilizing animal manure or process wastewaters. The technical standards include an option for owners of animal feedlots capable of holding less than 300 animal units, and having open lots meeting certain eligibility requirements, to sign an Open Lot Agreement with the MPCA and implement required interim corrective measures by October 1, 2005 and fully comply with Feedlot Rule technical standards by October 1, 2010. These technical standards, together with applicable program policies and practice standards, govern the feedlot financial and technical assistance provided by federal and state environmental protection grant and loan programs.

Other Feedlot Financial Needs Assessment Reports

The Minnesota Department of Agriculture (MDA) previously prepared two reports regarding feedlot financial needs for compliance with the state Feedlot Rules by October 1, 2010. These reports were developed in cooperation with other federal, state and local government units involved in feedlot pollution abatement in Minnesota, for all livestock species (hogs; dairy; cattle; poultry; and sheep, horses and other) and feedlot sizes subject to the Feedlot Rules. MDA and BWSR recently coordinated with other government units to update the report again. Following are the MDA report titles and links.

Feedlot Financial Needs Assessment Report, February 1, 2001
(http://www.mda.state.mn.us/news/publications/animals/feed&feedlots/dmt/financialneedsassessment.pdf)

Feedlot Financial Needs Assessment Report, Revised-2004, February 1, 2004
(http://www.mda.state.mn.us/news/publications/animals/feed&feedlots/assessmentrevised.pdf)

Feedlot Financial Needs Assessment Report, Revised - 2008
(Link to electronic copy not available when this report was published.)

These Feedlot Financial Needs Assessment Reports are source documents for this report. The associated snapshots in time enabled several definitions of trends regarding numbers and sizes of feedlots, progress toward full compliance with the Feedlot Rules, and estimated financial and technical assistance needs for compliance of all sizes of feedlots, including feedlots with less than 300 animal units.

Sources of Applicable Information
The following sources of information were used for the MDA Feedlot Financial Needs Assessment Report, Revised - 2008 and this report:

1) 2007 Minnesota Agricultural Statistics Report – MDA and USDA National Agricultural Statistics Service (NASS) (includes data from 2002 - 2006)
   - Inventory of livestock in Minnesota by specie or type on January 1 of the applicable year.
   - Number of livestock operations in Minnesota by specie or type (any farm having one or more head of livestock on hand at any time during the year).
   - Estimated future change in numbers of feedlots, based on changes during recent years.
2) MPCA Feedlot Registration Data – available on the eLINK database administered by the BWSR
   - Distribution of feedlots by specie, size and location in Minnesota.
3) Ag BMP Loan Program – MDA
   - Annual local estimates of noncompliant feedlots by specie and size.
   - Feedlot pollution abatement project cost information.
4) Feedlot Water Quality Management (FWQM) Cost-Share Program data – BWSR
   - Numbers, costs and grants for cost-shared feedlot pollution abatement projects by specie and size.
5) Environmental Quality Incentives Program (EQIP) data – USDA Natural Resources Conservation Service (NRCS)
   - Numbers of practices and amount of federal cost-share and incentive payments for feedlot pollution abatement projects and comprehensive nutrient management plans.
6) Clean Water Partnership Grant and Loan Program data – MPCA
   - Approximate grant and loan amounts and feedlots assisted by these programs.
7) Section 319 Grant Program data – MPCA
   - Approximate grant and loan amounts and feedlots assisted by this program.

Numbers of Feedlots in Minnesota by Livestock Specie and Size
The 2001 Feedlot Financial Needs Assessment Report used 1997 U.S. Census of Agriculture data and the 2000 Minnesota Agricultural Statistics Report as the primary sources of data to define the number of feedlots in Minnesota by livestock specie and size. The MDA Dairy Farm Count data at the end of 1996 compared well to these primary sources of data.

The 2004 Feedlot Financial Needs Assessment Report used the MPCA Feedlot Registration Data from 5-19-03 as the primary source of information to define the number of feedlots in Minnesota by livestock specie and size. Feedlot data provided by local government units in their 2003 Ag BMP Loan Program applications, as well as the MDA Dairy Farm Count data for 2003, compared reasonably well to the 2003 Feedlot Registration Data.

For the 2008 Feedlot Financial Needs Assessment Report and this report, the 2007 Minnesota Agricultural Statistics Report was used to define the number of livestock and feedlot operations by specie in Minnesota on January 1, 2007. The MPCA Feedlot Registration Data for January 1,

2002 through November 15, 2007 was used to help distribute the total numbers of livestock and feedlots into size categories by specie.

Feedlot "enterprises" were used in the 2004 and 2008 Feedlot Financial Needs Assessment Reports and this report, because different livestock species typically require different types of facilities and individual noncompliant feedlot enterprises typically require different environmental upgrades. A feedlot "operation" can involve more than one feedlot "enterprise".

Table 1 shows the resulting estimate of the total number of feedlot enterprises in Minnesota by specie and size on January 1, 2007 that are required to register. This analysis identified approximately 6,600 feedlot enterprises with less than 10 animal units, and 5,200 feedlot enterprises with 10 - 49 animal units located outside of shoreland and other sensitive areas (total 11,800 feedlot enterprises) that are not required to register and are expected to have a low probability of noncompliance with the Feedlot Rules. A total of approximately 4,500 feedlot operations were identified as having multiple enterprises (i.e. different livestock species) with greater than 10 animal units in each enterprise.

Table 1. Estimated Numbers of Feedlot Enterprises Required to Register by Specie and Size on January 1, 2007

Specie	10-49 AU	50-99 AU	100-299 AU	300-499 AU	500-999 AU	>1000 AU	TOTAL
	Number of Feedlot Enterprises						
Hogs	374	917	1,446	451	617	234	4,039
Dairy	1,250	1,694	2,299	183	152	23	5,601
Cattle	3,656	4,478	4,078	580	309	55	13,156
Poultry	38	64	263	109	172	115	761
Sheep, Horses, Other	676	196	148	21	12	4	1,057
TOTAL	5,994	7,349	8,234	1,344	1,262	431	24,614

Table 1 and the associated estimates in the 2001 and 2004 Feedlot Financial Needs Assessment Reports indicate that the vast majority (approximately 90%) of feedlots required to register in Minnesota have less than 300 animal units.

Figure 1 shows the locations and density of feedlots in Minnesota with less than 300 animal units, based on the MPCA 2007 Feedlot Registration Data on December 31, 2007. This includes small feedlots that are not required to register because the feedlot has <10 animal units within shoreland, or < 50 animal units outside shoreland. Figure 2 shows the locations of feedlots of all sizes, based on the same Feedlot Registration Data.

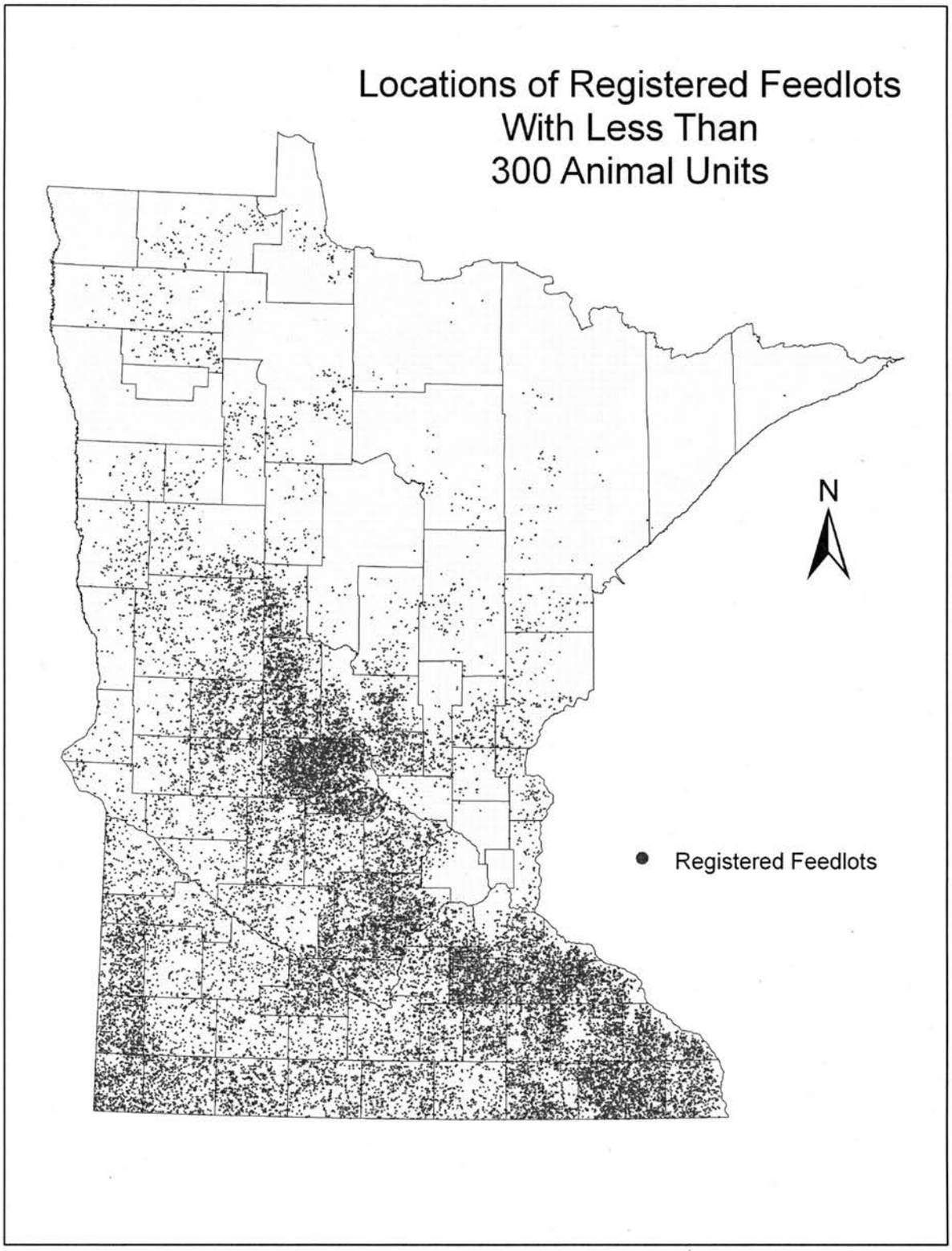


Figure 1. Locations of Registered Feedlots With Less Than 300 Animal Units

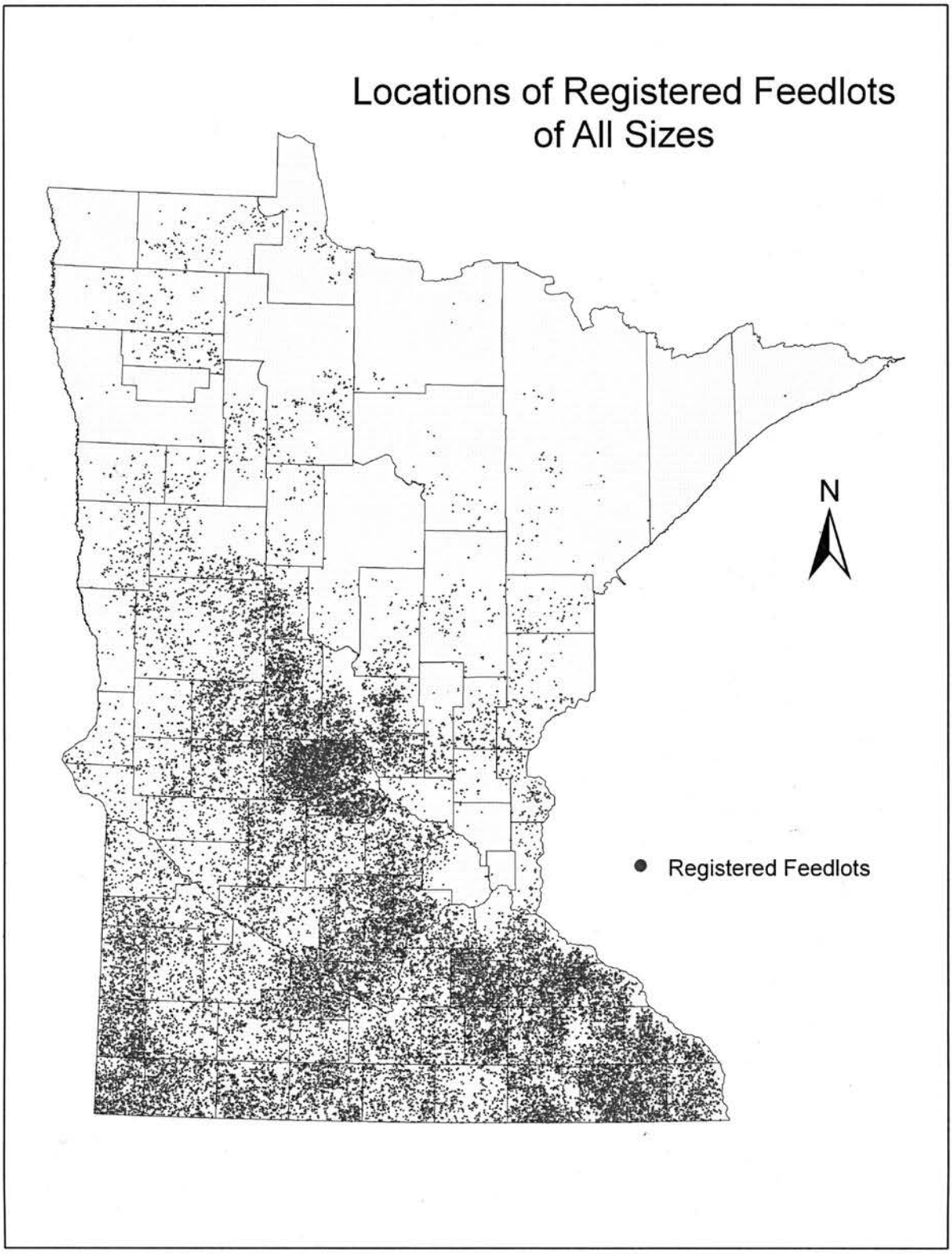


Figure 2. Locations of Registered Feedlots of All Sizes

Table 2 shows the estimated current distribution by specie of feedlots having less than 300 animal units and required to register. Note that cattle feedlots have been the largest fraction by specie since the 2001 report and have become a significantly larger fraction since 2004, because small feedlots for hogs and dairy have declined at a more rapid rate than for cattle (see Table 3 below).

Table 2. Distribution by Specie of Feedlot Enterprises Having < 300 Animal Units and Required to Register

Specie	Distribution of Feedlot Enterprises Having < 300 Animal Units and Required to Register		
	2001 Report	2004 Report	2008 Report
Hogs	17%	18%	13%
Dairy	38%	31%	24%
Cattle	43%	45%	56%
Poultry	1%	1%	2%
Sheep, Horses and Other	1%	5%	5%
TOTALS	100%	100%	100%

Annual Rate of Change in Feedlot Numbers

Comparison of the Minnesota Agricultural Statistics data for January 1, 2003 and January 1, 2007 indicates that the total number of feedlots in Minnesota continues to decline for most size categories, with the exceptions of hog, dairy and cattle feedlots with 500 or more animal units, which are increasing in numbers. The total number of dairies decreased at a faster rate than the total head of milk cows during this period, indicating a consolidation of dairy operations. The total head of beef cattle increased during this period, while the total number of operations with beef cattle decreased, also indicating consolidation of operations, which is also true for hogs. Table 3 indicates the average annual rate of change in the number of feedlots by specie and size category between January 1, 2003 and January 1, 2007.

Table 3. Average Annual Percent Change in Feedlot Numbers by Specie and Size

Specie	10-49 AU	50-99 AU	100-299 AU	300-499 AU	500-999 AU	>1000 AU
	Average Annual Percent Change in Feedlot Numbers					
Hogs	-8.3%	-5.0%	-5.6%	-1.2%	+3.6%	+3.6%
Dairy	-8.9%	-7.3%	-6.0%	-3.7%	+2.1%	+2.1%
Cattle	-1.5%	-3.5%	-4.2%	-4.2%	+0.8%	+6.3%
Poultry	-1.3%	-1.3%	-1.3%	-1.3%	-1.3%	-1.3%
Sheep, Horses, Other	-2.7%	-2.7%	-2.7%	-2.7%	-2.7%	-2.7%

The Open Lot Agreement (OLA) provision of the Feedlot Rules requires full compliance with the technical standards by October 1, 2010 for feedlots having less than 300 animal units that signed an agreement. Approximately 4,900 feedlot owners signed an Open Lot Agreement. Some of these small feedlots have been found to not have a pollution hazard and others have implemented, or are planning to implement, environmental upgrades to fully comply with the Feedlot Rule technical standards. Feedlots for which an Open Lot Agreement was signed and have a pollution hazard, but have not implemented final corrective measures by October 1, 2010 are likely to close. This may result in a significant short-term decline in the number of feedlots with less than 300 animal units on or around October 1, 2010.

Estimated Number of Feedlot Enterprises on October 1, 2010

Assuming the average annual rates of change in feedlot numbers by specie and size shown in Table 3 are representative for the next several years, the estimated number of feedlot enterprises on October 1, 2010 can be computed, as shown in Table 4. These numbers are based on the information in Table 1 and Table 3, with an assumption that the numbers of feedlot enterprises on October 1, 2010 are reasonably represented by the numbers computed for January 1, 2011.

Table 4. Estimated Number of Feedlot Enterprises on October 1, 2010 Required to Register

Specie	10-49 AU	50-99 AU	100-299 AU	300-499 AU	500-999 AU	>1000 AU	TOTAL
	Number of Feedlot Enterprises by Size and Species						
Hogs	264	747	1,150	430	710	269	3,570
Dairy	862	1,251	1,792	157	165	27	4,254
Cattle	3,445	3,879	3,437	489	319	70	11,639
Poultry	36	61	250	103	163	109	722
Sheep, Horses, Other	606	176	133	19	11	4	949
TOTAL	5,213	6,114	6,762	1,198	1,368	479	21,134

Noncompliant Feedlot Enterprises

The annual application for the Ag BMP Loan Program includes a survey of participating local government units regarding the number of feedlot enterprises in their jurisdiction and the number of noncompliant feedlot enterprises, by specie and size. Nearly all areas of the state having feedlots are included in the survey. Table 5 shows the statewide percent of feedlot enterprises that do not comply with the Feedlot Rules by specie and size, based on survey results for 2006.

Table 5. Percent of Feedlot Enterprises that do not Comply with the Feedlot Rules by Specie and Size

Specie	10-49 AU	50-99 AU	100-299 AU	300-499 AU	500-999 AU	>1000 AU	Overall
	Noncompliant Feedlot Enterprises						
Hogs	17.3%	18.1%	17.3%	19.3%	18.2%	0.8%	17.0%
Dairy	20.3%	28.5%	31.4%	23.4%	17.9%	3.6%	28.3%
Cattle	22.8%	32.2%	33.6%	40.2%	53.9%	7.3%	30.6%
Poultry	77.8%	43.8%	16.7%	20.0%	17.4%	8.1%	21.4%
Sheep, Horses, Other	31.3%	28.2%	37.6%	18.8%	10.0%	0.0%	31.0%
All Species							26.7%

Table 6 compares the overall percent of feedlots required to register that were estimated to not comply with the Feedlot Rules in the 2001, 2004 and 2008 Feedlot Financial Needs Assessment Reports.

Table 6. Overall Percent of Feedlots Required to Register that do not Comply with the Feedlot Rules

2001 Feedlot Financial Needs Assessment Report	40%
2004 Feedlot Financial Needs Assessment Report	34%
2008 Feedlot Financial Needs Assessment Report	27%

Note that the estimated percent of noncompliant feedlots has decreased significantly during the past seven years. Expected reasons for this decrease include:

- feedlot inventories and inspections by delegated counties and Soil and Water Conservation Districts have better defined the number of compliant and noncompliant feedlots;
- many of the feedlots that have closed during this period likely did not comply with the Feedlot Rules;
- new and expanding feedlots (typically larger feedlots) must build in compliance with the Feedlot Rules; and
- during this period, many feedlots have implemented environmental upgrades to comply with the Feedlot Rules.

Numbers of Feedlots that do not Comply with the Feedlot Rules

Table 7 indicates the estimated numbers of feedlot enterprises needing environmental upgrades to comply with the Feedlot Rules by October 1, 2010. These estimates are based on the information in Table 4 and Table 5.

Table 7. Estimated Number of Feedlot Enterprises Needing Environmental Upgrades to Comply with the Feedlot Rules by October 1, 2010

Specie	10-49 AU	50-99 AU	100-299 AU	300-499 AU	500-999 AU	>1000 AU	TOTAL
	Number of Noncompliant Feedlot Enterprises						
Hogs	46	135	199	83	129	2	594
Dairy	175	356	563	37	30	1	1,162
Cattle	784	1,249	1,156	197	172	5	3,563
Poultry	28	27	42	21	28	9	155
Sheep, Horses, Other	190	50	50	4	1	0	295
TOTAL	1,223	1,817	2,010	342	360	17	5,769

Table 8 compares the estimated number of noncompliant feedlots defined in the 2001, 2004 and 2008 Feedlot Financial Needs Assessment Reports for feedlots with less than 300 animal units required to register and for all feedlots required to register.

Table 8. Estimated Number of Feedlots Required to Register that Need Environmental Upgrades to Comply with the Feedlot Rules

Feedlot Financial Needs Assessment Report	Noncompliant Feedlots < 300 Animal Units	Noncompliant Feedlots All Sizes
2001	6,000 Operations	7,100 Operations
2004	6,500 Enterprises	7,800 Enterprises
2008	5,050 Enterprises	5,800 Enterprises

Note that the 2001 Feedlot Financial Needs Assessment Report defined noncompliant feedlot "operations", while the 2004 and 2008 Feedlot Financial Needs Assessment Reports defined noncompliant feedlot "enterprises". The 2008 report identified approximately 4,500 feedlot operations that have more than one feedlot enterprise in the operation.

Estimated Current Feedlot Financial Needs for Compliance with the Feedlot Rules

Feedlot Runoff and Manure Storage

Table 9 indicates typical costs for feedlot runoff and manure storage environmental upgrades to comply with the Feedlot Rules. These costs were based on Feedlot Water Quality Management Cost-Shared projects in recent years, as well as reported costs for feedlot projects utilizing Ag BMP Loans in recent years and Environmental Quality Incentives Program (EQIP) project information.

Table 9. Typical Feedlot Runoff and Manure Storage Environmental Upgrade Costs

Specie	10-49 AU	50-99 AU	100-299 AU	300-499 AU	500-999 AU	>1000 AU
	Typical Feedlot Environmental Upgrade Costs					
Hogs	$20,000	$35,000	$50,000	$70,000	$80,000	$90,000
Dairy	$30,000	$45,000	$70,000	$85,000	$100,000	$120,000
Cattle	$20,000	$30,000	$45,000	$65,000	$80,000	$95,000
Poultry	$24,000	$25,000	$26,000	$27,000	$29,000	$30,000
Sheep, Horses, Other	$20,000	$25,000	$27,000	$30,000	$35,000	$40,000

Taking the number of noncompliant feedlot enterprises in Table 7 times the average costs for feedlot environmental upgrades in Table 9 produces Table 10, the estimated feedlot financial needs for feedlot runoff management and manure storage to comply with the Feedlot Rules.

Table 10. Estimated Feedlot Financial Needs for Feedlot Runoff Management and Manure Storage to Comply with the Feedlot Rules (in $1,000s)

Specie	10-49 AU	50-99 AU	100-299 AU	300-499 AU	500-999 AU	>1000 AU	TOTAL
	Feedlot Financial Needs - Runoff and Manure Storage ($1,000s)						
Hogs	$900	$4,700	$10,000	$5,800	$10,300	$200	$31,900
Dairy	$5,300	$16,000	$39,400	$3,100	$3,000	$100	$66,900
Cattle	$15,700	$37,500	$52,000	$12,800	$13,800	$500	$132,300
Poultry	$700	$700	$1,100	$600	$810	$270	$4,180
Sheep, Horses, Other	$3,800	$1,300	$1,400	$100	$40	0	$6,640
TOTAL	$26,400	$60,200	$103,900	$22,400	$27,950	$1,070	$241,920
Total for < 300 AU			$190,500				

The estimates in Table 10 include some, but not all, associated technical assistance needs, because substantial technical assistance is provided directly by NRCS or SWCD staff and is not included in the typical costs indicated in Table 9.

Direct Engineering Assistance Financial Needs

Environmental upgrades for feedlot runoff, manure storage and related feedlot practices nearly always require engineering assistance (site investigation, alternatives analysis, design and construction inspection). The typical costs in Table 9 for these types of upgrades do not include all of the engineering assistance costs required for these environmental upgrades. A portion of the associated technical assistance in Minnesota has been provided directly by NRCS or SWCD staff and funded separately via the federal Environmental Quality Incentives Program, the Conservation Operations component of the NRCS budget and the state Nonpoint Engineering Assistance Program. The additional needs for direct engineering assistance are estimated at 15% of the total project costs. For feedlots with less than 300 animal units needing feedlot runoff and manure storage upgrades to comply with the Feedlot Rules, the estimated need for this

engineering assistance is $28 million. For all sizes of noncompliant feedlots, the estimated financial need for this engineering assistance is $36 million.

Manure Management Plan Financial Needs

The Feedlot Rules require feedlots with 100 to 999 animal units that are required to obtain an interim permit (i.e. have an identified pollution hazard) to develop, implement and annually update a manure management plan. Feedlots with 300 or more animal units that are not required to obtain an interim permit must also have a manure management plan, unless the manure is applied by a Commercial Animal Waste Technician (licensing administered by MDA) or a certified private manure applicator.

Assuming all noncompliant feedlots with 100 - 299 animal units (estimated 2,010 feedlots, as indicated in Table 7) will need to obtain an interim permit and develop a manure management plan, and that the average cost for initial plan development by a nutrient management specialist is $2,000 per plan, the associated cost for feedlots with less than 300 animal units is $4 million. Assuming the average cost to annually update these manure management plans is $1,000 and that financial assistance would be available for 3 years (EQIP limit), the associated cost for feedlots with less than 300 animal units is $6 million. (Total of $10 million for noncompliant feedlots with less than 300 animal units, or about $5,000 per feedlot.)

For feedlots with 300 - 999 animal units on October 1, 2010, approximately 700 are estimated to need environmental upgrades to comply with the Feedlot Rules (Table 7). All of these feedlots are expected to need to develop and implement a manure management plan to comply with the Feedlot Rules. It is estimated that 50% of the remaining feedlots in this size range (930 feedlots) also need a manure management plan to comply with the Feedlot Rules. Based on an assumption of an average 30% higher cost per feedlot in this size category than for feedlots with less than 300 animal units, the associated financial need for feedlots with 300 - 999 animal units is approximately $11 million.

Programs that currently provide incentive grants for nutrient management planning are the federal Environmental Quality Incentives Program (EQIP) and the state Clean Water Legacy Act. EQIP requires a Comprehensive Nutrient Management Plan (CNMP) to be developed prior to cost-sharing of major feedlot runoff and manure storage practices. EQIP currently provides annual nutrient management incentive payments for a maximum of 250 acres for 3 years at $4.00/acre for basic nutrient management with manure and $8.00/acre for intensive nutrient management with manure (i.e. $3,000 - $6,000 per producer). The Clean Water Legacy Act funded nutrient management technical assistance projects in southeast and south central Minnesota in fiscal year 2007 to promote adoption of enhanced nutrient management plans, with a focus on livestock producers.

The state Feedlot Water Quality Management Program does not cost-share for nutrient management planning, because the State Cost-Share Program is limited to enduring practices that have a minimum life of 10 years. However, nutrient management planning is an eligible cost for the state Ag BMP Loan Program. Technical assistance for nutrient management planning is available through private crop consultants and to a limited extent through local, state and federal government sources. Federal and state agencies and the University of Minnesota continue to help

train and certify private crop advisors and others to provide technical assistance for CNMPs and manure management plans that fulfill Feedlot Rule requirements.

Financial Needs for Manure Handling and Application Equipment Upgrades

Compliance with the Feedlot Rules can necessitate upgrades in manure handling and application equipment. The only manure handling and application equipment that is eligible for federal and state cost-share is manure transfer into a waste storage facility. However, essentially all manure handling and application equipment is eligible for the Ag BMP Loan Program and Clean Water Partnership Program loans. The annual Ag BMP Loan Program survey of local government participants generates local estimates of livestock producer needs for upgraded manure handling and application equipment. Based on the most recent estimates, a total of approximately 11,600 feedlots were identified as needing upgraded manure handling and application equipment. This includes 8,200 feedlots with less than 300 animal units required to register, 1,400 feedlots with 300 or more animal units required to register and 2,000 feedlots with 10-49 animal units that are not required to register (located outside of shoreland or other sensitive areas). Ag BMP Loan Program data regarding costs for manure handling and application equipment provide a cost basis for estimating associated feedlot financial needs. The 2008 Feedlot Financial Needs Assessment Report includes estimates of feedlot numbers by specie and size, typical costs and financial needs for this component of feedlot financial needs.

- $160 million for feedlots with less than 300 animal units required to register,
- $40 million for feedlots with 300 or more animal units, and
- $30 million for feedlots with 10-49 animal units not required to register,
- resulting in a total of $230 million for feedlots of all sizes.

Summary of Financial and Technical Assistance Needs for Feedlot Rule Compliance

Table 11 provides a summary of the estimated financial and technical assistance needs for Feedlot Rule compliance.

Table 11. Summary of Financial and Technical Assistance Needs for Feedlot Rule Compliance

Financial Need Category	Feedlots with < 300 AU ($ Millions)	Feedlots with 300 or more AU ($ Millions)	Total for all Sizes of Feedlots ($ Millions)
Feedlot Runoff and Manure Storage (Federal and/or state cost-share eligible)	$190 (75% = $140)	$50 (75% = $40)	$240 (75% = $180)
Direct Engineering Assistance (Eligible via state and federal programs for technical assistance)	$28	$8	$36
Manure Management Planning (Eligible for EQIP incentives and other technical assistance)	$10	$11	$21
Manure Handling and Application Equipment (Eligible for Ag BMP and CWP Loans)	$190	$40	$230
TOTALS	$418	$109	$527

Feedlot Environmental Upgrade Funding Since Adoption of the Current Feedlot Rules
Substantial investments by federal, state and local governments, and livestock producers, have been directed at compliance with the Feedlot Rules prior to and since the current rules became effective on October 23, 2000. Federal and state conservation and water quality protection programs have provided both grants and/or loans for environmental upgrades at existing noncompliant feedlots, including feedlot runoff management (e.g. clean water diversions, settling basins, filter strips), manure and/or runoff storage (e.g. earthen basins, steel tanks or stacking slabs) and equipment for improved manure handling and land application of manure. For state fiscal years 2001-2007, an average of 85% (annual range 71% to 97%) of the state Feedlot Water Quality Management Cost-Share Program funds went to feedlots with less than 300 animal units. Prior to 2002, when the feedlot size limit for EQIP funding was less than 500 animal units, approximately 80% of EQIP funding for feedlot upgrades went to feedlots with less than 300 animal units. The feedlot size limit for EQIP was raised to 1,000 animal units in 2003 and more recently removed. Therefore, a reduced percentage of EQIP funding now goes to feedlots with less than 300 animal units. However, EQIP funding for all sizes of feedlots has increased substantially since 2000.

Federal, state and local government units have provided direct technical assistance, or cost-share for private technical assistance, for feedlot runoff management and manure storage practices. Some federal, state and local programs have provided incentive funding and/or technical assistance for enhanced nutrient management planning and implementation. Livestock producers have also invested considerable funds for feedlot environmental upgrades through loans and cash to cost-share feedlot runoff and manure storage projects, and to finance enhanced nutrient management planning and manure application equipment or services.

Feedlot environmental upgrades can enhance livestock health and productivity, and improved manure nutrient management can reduce fertilizer costs. However, the associated costs for feedlot environmental upgrades are often substantial. For many feedlots, particularly small ones, the economic benefits of environmental upgrades do not outweigh the costs. Therefore, financial and technical assistance are sought by the majority of eligible owners of feedlots that do not comply with the Feedlot Rules.

Through the various programs and associated partnerships, substantial numbers of feedlots have implemented environmental upgrades since the current Feedlot Rules were adopted. Table 12 summarizes the estimated total amounts invested by the various programs and partners for 2001 - 2007. Many feedlot pollution abatement projects involve a combination of funding sources (federal, state and livestock producer) and types (grants, loans and producer cash). The federal EQIP program substantially increased funding for livestock and manure management practices for environmental protection since the current Feedlot Rules were adopted. However, the maximum federal cost-share amount was reduced from 75% of project costs to approximately 50% and then to flat payment rates for individual conservation practices, during recent years. This has generally necessitated more piggybacking of state and federal program funding to make 75% cost-share available for feedlot environmental upgrade projects in accordance with M.S. 116.07, subdivision 7, paragraph (p). Federal funding for technical assistance has also been reduced from 75% cost-share to not-to-exceed rates (based on average NRCS costs) for each practice, if provided by a private Technical Service Provider (TSP), or 50% of the not-to-exceed

rate, if provided by a local or state government unit through a Contribution Agreement with the NRCS. (The not-to-exceed rates for most feedlot runoff and manure storage practices are based on animal units.) This has also increased the need for piggybacking of technical assistance funding sources.

Table 12. Estimated Funding for Environmental Upgrades of Feedlots, Manure / Nutrient Management and Pasture Management 2001 - 2007 (All feedlot sizes)

Funding Source	Funding Type	Estimated Total Amount (Millions)
Environmental Quality Incentives Program (EQIP) – NRCS (feedlot runoff and manure storage)	Grants	$19
Environmental Quality Incentives Program (EQIP) – NRCS (nutrient management and/or pasture management)		$10
Feedlot Water Quality Management (FWQM) and Regular State Cost-Share – BWSR	Grants	$13
EPA Section 319 Program – MPCA	Grants	$2
Clean Water Partnership (CWP) – MPCA	Grants	$2
Clean Water Legacy Act (CWLA) – BWSR	Grants for Practices	$0.8
Ag BMP Loan Program – MDA (feedlot runoff, manure storage and pasture management practices)	Loans	$13
Ag BMP Loan Program – MDA (manure handling and application equipment)	Loans	$11
Clean Water Partnership (CWP) – MPCA	Loans	$3
Nonpoint Engineering Assistance (NPEA) Program – BWSR (Grants to 11 Technical Services Areas of SWCDs statewide)	Grants for Direct Technical Assistance	$4
EQIP and Conservation Operations Direct Technical Assistance – NRCS	Direct Technical Assistance	$3
Clean Water Legacy Act (CWLA) – BWSR	Grants for Technical Assistance	$0.7
Livestock Producers (in addition to loans above)	Cash and Other Loans	$4
TOTAL		**$86**
Average Annual		**$12**

Current Financial and Technical Assistance for Livestock Environmental Upgrades
As illustrated in Table 12, a number of federal and state programs provide financial and technical assistance for nonpoint pollution reduction, including feedlot, manure/nutrient management and pasture management environmental upgrades. These programs are administered by several different federal and state agencies, often in cooperation with Soil and Water Conservation Districts and counties. The types of assistance provided include cost-share and incentive grants, loans and direct technical assistance (engineering and manure/nutrient management).

Cost-Share and Incentive Grants
Following are summaries of the primary sources of cost-share and incentive grant funding for feedlot and other livestock operation environmental upgrades.

Environmental Quality Incentives Program (EQIP) – NRCS:
EQIP is a competitive federal program for a variety of conservation practices on private lands. In recent years, approximately 60% of EQIP funding has been targeted to environmental quality improvements associated with livestock, including feedlot runoff and manure storage improvements, nutrient management, grazing management, livestock exclusion from waters and related practices. EQIP funding in Minnesota was increased from about $5?? million in FY 2001 to about $15 million in FY 2003 and to about $25 [??]million in FY 2008. Following are key criteria for EQIP related to feedlots:

- Eligible feedlots must have an existing pollution problem;
- The 1996 Farm Bill established a eligible size limit of 1,000 animal units and the 2002 Farm Bill eliminated the size limit;
- A feedlot facility can expand up to 25% as part of an eligible feedlot environmental upgrade;
- Ranking criteria includes feedlot pollution potential based on MinnFARM/FLEval rating, priority of receiving waters and distance to receiving waters;
- In recent years, practice payment rates have changed from 75% to 50% to the current flat rate per practice based on the number of animal units;
- Feedlot environmental upgrades that include certain structural practices, must have a Comprehensive Nutrient Management Plan (CNMP) prior to construction.
- Any contract with a total EQIP payment obligation greater than $150,000 must be signed by the NRCS Regional Assistant Chief and manure storage and digester projects have a limit of $250,000 in Minnesota.

These criteria have resulted in substantially more cost-share and incentive funding going to larger feedlots than in past years. Prior to 2001, approximately 80% of EQIP feedlot cost-share funds went to feedlots with less than 300 animal units. Since the 2002 Farm Bill, this percentage has decreased to an estimated 50%, but the total EQIP funding available has increased.

Feedlot Water Quality Management (FWQM) Cost-Share – BWSR:
This designated state feedlot cost-share has been available since 1999 and is administered through SWCDs and the State Cost-Share Program as competitive grants. The appropriation amount has ranged from $1.5 to $2.1 million per year and in recent years has been $1.5 million per year. For FY 2008, the source of funding was changed from the state General Fund to Clean Water Legacy Act funding and the maximum feedlot size limited to less than 300 animal units.

This Clean Water Legacy Act funding is also limited to watersheds of impaired waters of the state. Following are key eligibility and funding criteria:

- Feedlot must be at least 5 years old and have an existing pollution hazard;
- The feedlot size limit was under 500 animal units until FY 2007, when it was increased to less than 1,000 animal units and then reduced to less than 300 animal units for FY 2008 by appropriation language;
- Limited to 75% combined state and federal cost-share up to $50,000 per project;
- For fiscal year 2008, eligible feedlots are limited to watersheds of listed impaired waters;
- Prioritization criteria includes: riparian location; participation in a recognized stewardship program (e.g. Minnesota Milk Producers Association (MMPA) Environmental Quality Assurance (EQA) Program, or Environmental Assessment Program (EAP) sponsored by the National Pork Producers); and feedlot pollution potential based on MinnFARM / FLEval rating;

State Cost-Share Program – BWSR:
This program provides cost-share for a wide variety of erosion control and water quality improvement practices on private lands and is administered through SWCDs. A limited amount of this cost-share is used for feedlot and pasture management environmental upgrades. Eligibility criteria includes:

- Feedlot must be at least 5 years old and have an existing pollution hazard;
- Feedlot size must be under 1,000 animal units; and
- Limited to 75% combined state and federal cost-share up to $50,000 per project.

Clean Water Partnership (CWP) Grant Program – MPCA:
This competitive program involves a Phase 1 diagnostic study and then Phase 2 implementation, which can involve cost-share grants for feedlot environmental upgrades. Participating local government units must match state implementation funding 1:1.

Section 319, Clean Water Act – MPCA:
Minnesota receives a certain amount of federal funding from EPA each year, a portion of which is competitively allocated to local and state entities for grants to implement the state Nonpoint Management Plan, including feedlot environmental upgrades. This funding requires 1:1 nonfederal match.

Clean Water Legacy Act (CWLA) – BWSR:
Funding to date includes statewide competitive cost-share and incentive payments for a wide variety of water quality restoration practices defined in TMDL Implementation Plans for impaired waters. Funding was first appropriated in fiscal year 2007.

Table 13 summarizes the recent annual amounts of funding provided by these grant programs for feedlot and other livestock operation environmental upgrades.

Table 13. Summary of Estimated Current Annual Federal and State Grant Funding for Feedlot and Livestock Environmental Upgrades (Includes all sizes of feedlots.)

GRANT PROGRAMS Name of Program	FY 2008 Funding	Estimated Annual Amount for Feedlot and Manure Nutrient Mgmt. Environmental Upgrades	Approximate Number of Projects or Plans Assisted Annually	Feedlot Runoff & Manure Storage	Nutrient Mgmt. Incentives	Engineering &/or Nut. Mgmt. TA	Manure Application Equipment	Eligibility Requirements
Environmental Quality Incentives Program (EQIP) – NRCS (Feedlot runoff and manure storage) Federal funding source	$25,000,000 (All types of eligible conservation practices)	$4,000,000	50	X	X	X		Agricultural producers. Existing pollution problem and up to 25% feedlot expansion. No feedlot size limit. Flat rates per practice and not-to-exceed rates for technical assistance. Grants of $150,000 or more require Regional Assistant Chief approval.
Environmental Quality Incentives Program (EQIP) – NRCS (Nutrient Mgmt.) Federal funding source		$3,600,000	900		X	X		
Feedlot Water Quality Management Cost-Share – BWSR State funding source (CWLA funding source for FY 08-09)	$1,500,000	$1,500,000	40	X		X		Existing feedlot pollution problem. Max. size <300 AU. Max. grant up to 75% or $50,000 whichever is less. Located in impaired watershed. Statewide competitive selection.
State Cost-Share Program – BWSR State funding source	$1,700,000 (All types of eligible practices)	$300,000	10	X		X		Wide range of conservation practices eligible, including feedlot environmental upgrades. Max. size <1,000 AU. Max. grant up to 75% or $50,000 whichever is less.
Clean Water Partnership (CWP) Grant Program – MPCA State & Federal funding sources	$2,300,000 (Program)	$200,000	6	X	X	X		Feedlot must be within the watershed project area and cannot be under an enforcement action.
Section 319 Clean Water Act Nonpoint Source Grant Program – MPCA Federal funding source	$1,000,000 (Program)	$100,000	4	X	X	X		Competitive program for various types of nonpoint source projects.
Clean Water Legacy Act (CWLA) – BWSR (Restoration Cost-Share) State funding source	$550,000 (Program component)	$50,000	3	X		X		Wide range of conservation practices eligible, including feedlot environmental upgrades. Max. size <1,000 AU. Max. grant up to 75% or $50,000 whichever is less.
TOTALS	**$32,050,000**	**$9,750,000**						

Loans

Following are summaries of the primary sources of loan funding for feedlot and other livestock operation environmental upgrades.

Agricultural Best Management Practices (AgBMP) Loan Program – MDA:

This program provides low-interest loans to farmers, farm supply businesses and rural landowners for various water quality improvement practices, including feedlot and other livestock operation environmental upgrades. Practices can include feedlot runoff management and treatment practices, manure storage practices, pasture management practices, and manure handling and application equipment. This program is typically administered by a county environmental office or SWCD, in cooperation with the MDA. Following are key program funding criteria:

- Maximum loan amount is $100,000 per project.
- Maximum term of loan is 10 years.
- Maximum interest rate 3%
- Project supports Local Water Management Plan.

Clean Water Partnership (CWP) Loan Program – MPCA:

This competitive program awards loan funds to local government units that have completed a CWP Phase 1 watershed assessment study for nonpoint pollution reduction. A wide variety of nonpoint pollution reduction practices are eligible. For fiscal year 2008, an estimated 9% of allocated funds will assist feedlot and livestock environmental upgrade projects.

Ag Improvement Loan Program, Rural Finance Authority (RFA) – MDA: The Rural Finance Authority provides financial assistance to a variety of farms through loan participation programs. Feedlot runoff management and manure storage are eligible through the Agricultural Improvement Loan Program. However, this type of farm improvement has been a small component in the overall use of this program.

Manure Digester Loans – MDA: The MDA currently provides zero interest (0%) loans for installation of technically feasible manure digesters. There is a $250,000 maximum limit. All construction and equipment costs related to the digester are eligible. The applicant must meet standard loan underwriting requirements.

Table 14. Summary of Estimated Current Annual Federal and State Loan Funding for Feedlot and Livestock Environmental Upgrades (All feedlot sizes)

LOAN PROGRAMS Name of Program	FY 2008 Funding	Estimated Annual Amount for Feedlot and Livestock Environmental Upgrades	Approximate Number of Projects Assisted Annually	Feedlot Runoff & Manure Storage	Nutrient Mgmt. Tech. Assistance	Engineering Technical Assistance	Manure Application Equipment	Eligibility Requirements
AgBMP Loan Program – MDA (Constructed Improvements) Federal and State funding sources	$14,900,000	$1,600,000	60	X	X	X		Farmer, rural landowner, farm supplier; Project approved by LGU; Max. loan amount $100,000; Max. size < 1000 Animal Units
AgBMP Loan Program – MDA (Manure Handling and Application Equipment) Federal and State funding sources		$2,000,000	80		X		X	
Clean Water Partnership (CWP) Loan Program – MPCA Federal funding source	$3,600,000	$300,000	15	X	X	X		Feedlot must be in the watershed project area and cannot be under an enforcement action.
Ag Improvement Loan Program – MDA State funding source	As needed from bond sales	$50,000	2	X		X		Max. net worth: ~$250,000; 45% program loan participation; Max. loan amount: $125,000
Manure Digester Loan Program – MDA State funding	$250,000	$150,000	1	X		X		Technically feasible and credit worthy
TOTAL	**$18,750,000**	**$4,100,000**						

Direct Technical Assistance

The grant and loan programs outlined above can provide limited amounts of funding for engineering and nutrient management technical assistance. The NRCS provides supplemental direct technical assistance by engineering and agronomy staff for a wide variety of conservation practices, including feedlot environmental upgrades, manure / nutrient management and pasture management. This technical assistance is funded through the EQIP and Conservation Operations budgets of the NRCS. The state also provides funding for direct engineering assistance through Nonpoint Engineering Assistance Program grants to 11 Technical Services Areas of SWCDs for shared engineers and technicians. Table 15 summarizes estimated current annual amounts of funding from these sources that is utilized for feedlot, manure / nutrient management and pasture management technical assistance.

Table 15. Summary of Estimated Current Annual Feedlot, Livestock and Nutrient Management Direct Technical Assistance (All feedlot sizes)

DIRECT TECHNICAL ASSISTANCE Name of Program	FY 2008 Funding	Estimated Annual Amount for Feedlot and Livestock Environmental Upgrades	Approximate Number of Projects or Plans Assisted Annually	Feedlot Runoff & Manure Storage	Nutrient Mgmt. Tech. Assistance	Engineering Technical Assistance	Manure Application Equipment	Eligibility Requirements
Nonpoint Engineering Assistance (NPEA) – BWSR State funding source	$1,060,000	$500,000	50		X	X		State and/or federal conservation project cooperator. Implemented via SWCDs and their joint powers boards.
NRCS Engineering and Agronomy Technical Assistance Federal funding sources	$4,000,000	$1,600,000	50 feedlot projects 400 new plans, 700 plan updates		X	X		Agricultural producer and federal feedlot and/or nutrient management project cooperator.
Clean Water Legacy Act (CWLA) – BWSR (Technical Assistance) State funding source	$800,000	$200,000	100 new nutrient mgmt. plans		X	X		State and/or federal water quality restoration or protection project cooperator.
TOTALS	**$5,860,000**	**$2,300,000**						

Table 16 summarizes the total estimated annual amount of financial and technical assistance currently available for feedlot, nutrient management and pasture management environmental upgrades for all sizes of feedlots

Table 16. Current Annual Financial and Technical Assistance for Feedlot, Nutrient Management and Pasture Management Environmental Upgrades (All feedlot sizes)

Type of Financial or Technical Assistance	Estimated Annual Amount
Cost-share for feedlot runoff management, manure storage and pasture management practices	*$ 6.2 Million*
Direct engineering technical assistance	*$1.1 Million*
Nutrient management incentive grants and technical assistance	*$4.4 Million*
Loans for constructed improvements	*$2.1 Million*
Loans for manure handling and application equipment	*$2 Million*
TOTAL	*$15.8 Million*

FOR YOUR INFORMATION

December 19, 2007

- Updated Board Member Listing
- Updated Board Staff Listing
- BWSR Committee Schedule
- Communications Summary for 2008
- MAWD Annual Report

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***	
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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*
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Brian Napstad 51227 Long Point Place, McGregor, MN 55760 bnapstad@yahoo.com	**Co. Commissioner**	01-04-10	218-426-3008 218-426-4662	*Home* *Office*
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LuAnn Tolliver 14801 Wychewood Road, Minnetonka, MN 55345 mltolly@aol.com	**Watershed**	01-07-08	952-938-6749 952-838-1571	*Home* *Office*

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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*
Paul Eger 520 Lafayette Road, St. Paul, MN 55155 Paul.Eger@state.mn.us	**Pollution Control Agency**	651-297-8366 651-296-6334	*Office* *Fax*

October 2007

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USE LAST FIVE DIGITS WHEN TRANSFERRING*

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BWSR Committee Schedule (tentative agenda items)

December 17, 2007

(Contact Mary Jo Anderson @ 651-297-4290 if you have any questions)

December 19, 2007

- ***Grants Program and Policy Committee*** (immediately following Board meeting)
  - '08 Clean Water Legacy Allocations
  - Native Buffer Cost-Share Program
  - Ag Hydro Restoration Pilot

January 2008 – date to be determined

- ***Public Relations, Outreach and Strategic Planning Committee***
  - To review Strategic Plan comments

January 14, 2008 10:00 a.m. to 2:00 p.m., in PCA Conference 6-4 (6th floor).

- ***RIM Reserve Planning Committee***
  - Make recommendation for the RIM-CE Program

January 23, 2008

- ***Wetlands Committee*** (immediately following Board meeting)

- ***Grants Program and Policy Committee*** (tentative)
  - Non-Point Engineering Assistance Program Review

March 26, 2008

- ***Grants Program and Policy Committee***

BWSR Board Member _____

Communications Summary for 2008

Primary e-mail address: _____

Service Provider: _____
(name)

Secondary e-mail address: _____
(optional)
Service Provider: _____

Primary Phone Number: _____

Service Provider: _____

Secondary Phone Number: _____

Service Provider: _____

U.S. Mail Address: _____

_____

_____

Please return to Mary Jo Anderson by January 11th.

MINNESOTA ASSOCIATION OF WATERSHED DISTRICTS, INC

Land and Water Shall be Preserved

Minnesota Association of Watershed Districts

November 2006 - October 2007

Annual Report

President's Report

By Warren Seykora

This past year has been an especially challenging one for Watershed Districts. The release of the Legislative Auditor's Report on water management in Minnesota presented challenges, but it also presented opportunities for watershed districts to hi-light our unique form of water management to policy makers at the capitol.

To that end, MAWD worked with BWSR to develop the Minnesota Watershed District Guidebook. This Guidebook was instrumental in providing to legislators the necessary information about watershed districts and countering some of the arguments of the Legislative Auditor's Study. Our thanks goes out to BWSR for their efforts in the development of this important Watershed Guidebook. In fact, rumor has it that BWSR is working with the SWCD's to produce a similar type guidebook for them!

MAWD is presently working with BWSR along with other stakeholder groups on an oversight/accountability plan mandated by the legislature last session. The unveiling of that effort will be at one of our seminar sessions at the Annual Meeting. BWSR has hired a coordinator to work with watershed districts on this program that has been titled Performance Review & Assistance Program.

The 2007 Legislative Breakfast was very well attended. For the first time this year we set-up watershed district booths in the capitol to display what we are all about and the various programs and projects watershed districts undertake. The exhibit was well received and will be set-up again next session. Many thanks to those WD's that made the special effort to participate in the exhibit!

For those of you who would like to use credit cards in your daily business, this past session we were able to successfully pass legislation that gives watershed districts the specific authority to utilize them.

Our 2006 Annual Meeting and Trade Show was bigger than ever! We had over 400 attendees with 50 trade show exhibitors showing their wares for our managers, staff, and key partners. In addition, we had fourteen different training seminars that were all very well attended. In addition, we had over 100 folks attend our pre-conference drainage, ADA, and new-manager seminars on the Thursday before the Annual Meeting.

MAWD continued with its training efforts during the year by establishing several Messaging Seminars in the metro area and in Alexandria. This seminar was a continuation of our efforts to help watershed districts to be more pro-active in getting our message out to our public about whom we are and what it is we do. It seems like water issues are becoming more and more difficult to deal with as every year goes by, so we must be prepared to meet this growing challenge. Thanks to Ember Reichgott Junge for her help with these sessions.

Ramsey-Washington Metro WD hosted the 2007 Summer Tour. Over 170 managers and staff attended this excellent tour. We learned much about metro watershed programs and projects and saw first hand the results of a lot of hard work. Thanks to the RWMWD Board of Managers and staff for a job well done.

I am sorry to have to report to you that we lost the South Two River WD this past year. While we thought it was rushing things to terminate the district, BWSR felt they had no other choice given the law on termination. To address that issue, BWSR and MAWD worked together to give BWSR more flexibility in dealing with termination petitions. With legislation passed this past session, BWSR can now take up to one year to make a final decision, giving them time to work with the district and change its course prior to making a final decision. We believe this was a very good piece of legislation and we look forward to working with BWSR if this situation ever arises in the future.

Congratulations to the new Cedar River WD in Southeastern Minnesota! Mower County petitioned for this new district, primarily as a result of flooding problems in the City of Austin and surrounding areas. Don't be surprised if we see other changes in SE Minnesota as a result of the flooding this past summer.

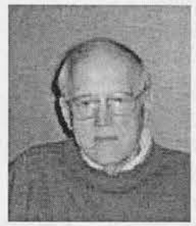
In addition to the Oversight Workgroup, MAWD has been involved in various stakeholder groups this past summer and fall. Dianne Radermacker, Upper Minnesota River WD has represented MAWD in the RIM CE Task Force, Tim Kelly, Coon Creek WD on the Comprehensive Wetland Strategies Task Force, Roger Lake, Ramsey-Washington Metro WD on Permanent WCA Rules, and myself and Ray Bohn on the Drainage Work Group. Stay tuned for more information on the results of the work of these groups.

Congratulations to Kay Cook from the Sauk River WD on her retirement from the district, the MAWD Board, and BWSR. Term limits forced her to retire in June. Word is that Kay has returned to the WD family via the district's advisory committee. Thanks Kay for a job well done!

2007 Board of Directors

Minnesota Association of Watershed Districts

OFFICERS	*President*	**Warren Seykora**	*Vice President*	**Barb Haake**
	Secretary	**Tom Ebnet**	*Treasurer*	**Marvin Brunsell**



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763-786-1022 (H)
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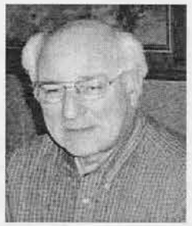
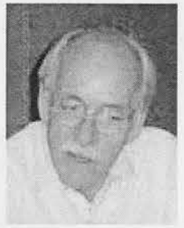


Roger Hanson
Sand Hill River
Region I Term 2007
24112 440th Street SW
Beltrami, MN 56517
218-926-5770 (H)
Email: hansonr@gvtel.com

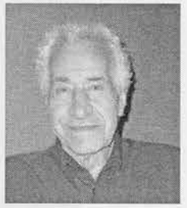
Loren Harste
Upper MN River
Region II Term 2008
2450 10th Street NW
Appleton, MN 56208-1825
320-596-2318 (W)
320-596-2318 (H)
320-843-2275 (F)
Email: loren.harste@info-link.net

Larry Kuseske
Sauk River
Region II Term 2009
15809 145th Avenue
Billard, MN 56385
320-554-2535 (H)
Email: larsan@willmar.com



Roger Lake
Ramsey- Washington Metro
Region III Term 2007
2442 Jansen Ave.
White Bear Lake, MN 55110
651-777-3426 (H)

Tom Ebnet
Thirty Lakes
Region III Term 2008
7335 Crabtree Lane
Nisswa, MN 56468
218-851-0368 (C)
Email: tebnet7335@charter.net



Robert Roach
Bois De Sioux
Region I Term 2008
3257 450th Street
Campbell, MN 56522
218-630-5731 (H)
rroach@twecwb.com

STAFF

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Phone: 651 452 8506
Fax: 651 686 8679
Email: raybohnmga@aol.com
Web Page: www.mnwatershed.org

Warren Seykora
Wild Rice
Region Term 2009
13683 390th Street
Ulen, MN 56585
218-567-8552 (H)
218-849-2479 (C)
Email: warrenjseykora@yahoo.com

Governor Pawlenty appoints three to BWSR

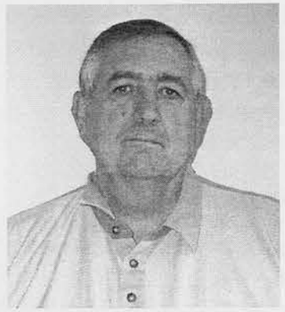
Saint Paul - Governor Tim Pawlenty announced the appointment of Kenneth Robinson, and the reappointment of Quentin Fairbanks and Randy Kramer to the Board of Water and Soil Resources. All three are appointed to four-year terms that expire January 3, 2011.

Robinson, of St. Cloud, represents Stearns County as a manager on the Sauk River Watershed Board. He is the public utilities director for the city of St. Cloud where his duties include the supervision and management of the drinking water, waste water, storm water and hydroelectric operations of the city. Robinson has been the project manager for a number of water protection projects including the Upper Mississippi River Source Water Protection Project and the Legislative Commission on Minnesota Resources Wastewater Phosphorous Reduction Initiative. He earned his bachelor of science degree in biological science from South Dakota State University in Brookings. Robinson is appointed as the watershed district representative and replaces Karyland Cook on the board.

Fairbanks, of Hines, is a county commissioner and chairman of the Beltrami County Board. He is a member of the Red Lake Band of Chippewa Indians and serves as a tribal business planner. He served on the executive board of the Red River Basin Commission and is the former chairman of the Headwaters Regional Development Commission. Fairbanks is reappointed as a county commissioner member of the board.

Kramer, of Bird Island, is a partner in a 3,800 acre farm. He is the former vice president of the Renville County Farm Bureau and former chairman of the state feed grains committee of the Minnesota Farm Bureau Federation. He is active in the Renville County Agricultural Society and the Renville County Corn Growers Board. Kramer currently serves as the chair and is reappointed as a citizen member of the board.

The Board of Water and Soil Resources (BWSR) is the state's administrative agency for 91 soil and water conservation districts, 43 watershed districts, 27 metropolitan watersheds, and 80 county water management organizations. The agency's purpose, working through local government, is to protect and enhance the state's irreplaceable soil and water resources by implementing the state's soil and water conservation policy, comprehensive local water management, and the Wetland Conservation Act as it relates to the 41.7 million acres of private land in Minnesota. The board consists of 17 members, including 12 members appointed by the Governor.



Ken Robinson, BWSR Board member

Kay Cook, Sauk River Watershed District, retired from the Sauk River Watershed District, the MAWD Board and the BWSR Board. John Jaschke, BWSR executive director, and Board Chair Randy Kramer present Cook with a plaque in honor of her public service.

Minnesota Association of Watershed Districts

Websites can be reached through mnwatershed.org - WHERE IS MY WATERSHED?

Bear Valley
25409 County 16 Blvd.
Goodhue, MN 55027-8602
Phone: 612-923-4038
Region III

Belle Creek
Rt. 1, Box 158
Goodhue, MN 55027
Phone: 612-258-4115
Region III

Bois De Sioux
704 South Highway 75
Wheaton, MN 56296
Phone: 320-563-4185
Administrator: Jon Roeschlein
bdswd@frontiernet.net
Region I

Brown's Creek
1380 W Frontage Road, Hwy 36
Stillwater, MN 55082
Phone: 651-275-1136
Administrator: Karen Kill
karen.kill@mnwcd.org
Region III

Buffalo Creek
Box 55
Glencoe, MN 55336
Phone: 320-864-6250
Region II

Buffalo-Red River
123 Front Street, Box 341
Barnsville, MN 56514
Phone: 218-354-7710
Administrator: Bruce Albright
brrwd@bvillemn.net
Region I

Capitol Region
1410 Energy Park Drive, Suite 4
St. Paul, MN 55108
Phone: 651-644-8888
Administrator: Mark Doneux
mark@capitolregionwd.org
Region III

Carnelian-Marine-St. Croix
21150 Ozark Avenue, PO Box 188
Scandia, MN 55073
Phone: 651-430-2793
Region III

Cedar River
1408 - 21st Avenue NW, Suite 2
Austin, MN 55912
Phone: 507-434-2603
Administrative Services: Bev Nordby
bev.nordby@mn.nacd.net
Region II

Clearwater River
3147 South 15th Avenue
St. Cloud, MN 56301
Phone: 320-202-0554
Administrator: Merle Anderson
merleanderson@cloudnet.com
Region II

Comfort Lakes - Forest Lake
920 S.E. 15th Street
Forest Lake, MN 55025
Phone: 651 -209-9753
Administrator: Randy Anhorn
Region III

Coon Creek
12301 Central Av NE #100
Blaine, MN 55434
Phone: 763-755-0975
Administrator: Tim Kelly
tkelly@cooncreekwd.org
Region III

Cormorant Lakes
10929 County Highway 5
Pelican Rapids, MN 56572
Phone: 218-439-6044
Administrator: Duane Henrikson
Region I

Crooked Creek
603 N. Sprague, Ste. 1
Caledonia, MN 55921
Phone: 507-724-5261
Region II

Heron Lake
PO Box 345
Heron Lake, MN 56137
Phone: 507-793-2462
Administrator: Jan Voit
hlwd@roundlk.net
Region II

High Island
c/o C. Thomas Wilson, Attorney
2700 South Broadway, P.O. 458
New Ulm, MN 56073
Phone: 320-328-5908
Region II

Joe River
Box 27
Humboldt, MN 56731
Phone: 218-379-3205
Region I

Kanaranzi- Little Rock
215 Maine Ave
Adrian, MN 56110
Phone: 507-483-2971
Administrator: Kevin Norskog
comserv@frontiernet.net
Region II

Lac Qui Parle-YellowBank
600 6th Street, Courthouse
Madison, MN 56256
Phone: 320-598-3132
Administrator: Trudy Hastad
thastad@mail.co.lac qui parle.mn.us
Region II

Lower Minnesota River
1600 Bavaria Road
Chaska, MN 55318
Phone: 952-227-1037
Administrator: Terry Schwalbe
Info@watersheddistrict.org
Region III

Middle Fork Crow River
174 Lake Avenue North PO 8
Spicer, MN 56288
Phone: 320-796-0888
Administrator: Julie Klocker
julie@mfcrow.org
Region I

Middle-Snake-Tamarac Rivers
453 N McKinley St. Box 154
Warren, MN 56762
Phone: 218-745-4741
Administrator: Nick Drees
mrsrwd@wiktel.com
Region I

Minnehaha Creek
18202 Minnetonka Blvd.
Deephaven, MN 55391
Phone: 952-471-0590
Administrator: Eric Evenson
eevenson@minnehahacreek.org
Region III

Nine Mile Creek
7710 Computer Avenue, Suite 135
Edina, MN 55435
Phone: 952-835-2078
Administrator: Kevin Bigalke
kbigalke@ninemilecreek.org
Region III

North Fork Crow River
PO Box 40, 100 Prairie Av N
Brooten, MN 56316
Phone: 320-346-2869
Administrator: Allan Kuseske
nfcrwsd@tds.net
Region II

Okabena- Ocheda
960 Diagonal Road PO Box 114
Worthington, MN 56187
Phone: 507-372-8228
Administrator: Dan Livdahl
dan.livdahl@okabenaochedawd.org
Region II

Pelican River
801 Roosevelt Avenue
Detroit Lakes, MN 56502-1043
Phone: 218-846-0436
Administrator: Tera Guetter
tguetter@lakesnet.net
Region I

Prior Lake- Spring Lake
15815 Franklin Trail SE
Prior Lake, MN 55372 2926
Phone: 952-447-4166
Administrator: Mike Kinney
mkinney@plslwd.org
Region III

Ramsey- Washington Metro
2665 Noel Drive
Little Canada, MN 55117
Phone: 651-792-7950
Administrator: Cliff Aichinger
Cliff@rwmwd.org
Region III

Red Lake
1000 Pennington Avenue South
Thief River Falls, MN 56701
Phone: 218-681-5800
Administrator: Myron Jesme
rlwaters@wiktel.com
Region I

Rice Creek
4325 Pheasant Ridge Drive, Suite 611
Blaine, MN 55449-4541
Phone: 763-398-3070
Administrator: Doug Thomas
dthomas@ricecreek.org
Region III

Riley-Purgatory Bluff Creek
225 S. 6th Street # 4320
Minneapolis, MN 55402
Phone: 612-333-7400
Administrator: Paul Haik
Region III

Roseau River
119 2nd Street SW
Roseau, MN 56751
Phone: 218-463-0313
Administrator: Rob Sando
rrwd@mncable.net
Region I

Sand Hill River
P. O. Box 584
Fertile, MN 56540
Phone: 218-945-3204
Administrator: Dan Wilkens
shrwd@gvtel.com
Region I

Sauk River
524 South 4th Street
Sauk Centre, MN 56378
Phone: 320-352-2231
Administrator: Lowell Enerson
lowell@srwdmn.org
Region II

Shell Rock River
Box 1147 Freeborn County Courthouse
Albert Lea, MN 56007
Phone: 507-402-4806
Administrator: Brett Behnke
brett.behnke@co.freeborn.mn.us
Region II

South Washington
8301 Valley Creek Road
Woodbury, MN 55125-3330
Phone: 651-714-3729
Administrator: Matt Moore
mmoore@ci.woodbury.mn.us
Region III

Stockton- Rollingstone-MN City
23886 County Road 25
Lewiston, MN 55952
Phone: 507-523-2371
Region II

Thirty Lakes
17064 Commercial Park Road
Brainerd, MN 56401
Phone: 218-828-0243
Administrator: Marty Peisch
lakeswsd@brainerd.net
Region III

Turtle Creek
201 Amsterdam Avenue E
Hollandale, MN 56045
Phone: 507-434-2603
Administrative Services: Bev Nordby
bev.nordby@mn.nacd.net
Region II

Two Rivers
410 South 5th Street, Suite 112
Hallock, MN 56728
Phone: 218-843-3333
Administrator: Dan Money
daniel.money@mn.nacdnet.net
Region I

Upper Minnesota River
342 NW 2nd Street
Ortonville, MN 56278
Phone: 320-839-3411
Administrator: Diane Radermacher
dianne.radermacher@mn.nacdnet.net
Region II

Valley Branch
P.O. Box 838
Lake Elmo, MN 55042
Phone: 651-738-6342
Region III

Warroad
Route 3, Box 364
Warroad, MN 56763
Phone: 218-386-1410
Region I

Wild Rice
11 East 5th Avenue
Ada, MN 56510
Phone: 218-784-5501
Administrator: Steve Dalen
steved@loretel.net
Region I

Yellow Medicine River
215 North Jefferson Street
Minneota, MN 56264
Phone: 507-872-6687
Administrator: Terry Renken
ymrw@starpoint.net
Region II

What is a Watershed District?

Minnesota Board of Water and Soil Resources

Water does not respect political boundaries

This saying lies at the heart of why Minnesota has made it possible to manage water resources on the basis of watersheds areas of land that drain to a given lake, river, stream or wetland. Since water flows from place to place, a water resource problem in one community may be caused by another community's actions. By managing water resources on a watershed basis, communities can jointly plan to prevent problems, and coordinate and equably pay for projects to correct problems when they do occur.

Watershed district authority created in 1955

Recognizing the need to manage water on a broader basis than municipal or county boundaries, the Minnesota State Legislature established the Watershed Act in 1955. This act provided the means to create watershed districts anywhere in the state. As outlined by statute, the purposes of watershed districts are:

> To conserve the natural resources of the state by land use planning, flood control, and other conservation projects by using sound scientific principles for the protection of the public health and welfare and the provident use of the natural resources.

Watershed districts are special purpose units of local government whose boundaries follow natural watershed divides. Watershed districts have been given broad authorities, including the authority to:

-Adopt rules with the power of law to regulate, conserve, and control the use of water resources within the district.

-Contract with units of government and private and public corporations to carry out water resource management projects.

-Hire staff and contract with consultants.

-Assess properties for benefits received and levy taxes to finance district administration.

-Accept grant funds, both public and private, and encumber debt.

-Acquire property needed for projects.

-Acquire, construct, and operate, drainage systems, dams, dikes, reservoirs, and water supply systems.

-Enter upon lands within and without the district to make surveys and conduct investigations

Since the inception of the Watershed Act, 47 watershed districts have been created through a process of citizens or local governments petitioning to the state. They range in size from 40 to 6,000 square miles, and together they cover approximately 30 percent of Minnesota's land area.

The watershed management plan:

One of the first responsibilities of a new watershed district is to prepare a watershed management plan The plan outlines existing and potential water resource issues and planned projects to be undertaken. A watershed management plan must be written by the watershed district and approved by the Minnesota Board of Water and Soil Resources before projects can be undertaken.

[1] Minnesota State Statutes Chapter 112, now repealed and reorganized in Chapter 103D

What is a Watershed District? continued

Watershed district governance:
A local board of managers numbering from three to nine members governs watershed districts. When a watershed district is first established, members of the initial board of managers are appointed by the Minnesota Board of Water and Soil Resources for a one-year term. Subsequent board of manager members are then appointed by the county board of commissioners that have territory in the watershed district. District managers must reside in the watershed district, and cannot be a county, state, or federal elected officials (soil and water conservation district supervisors do not fall under this restriction and may serve on board of managers).

Watershed district accountability:
Watershed district board of managers are accountable to the county board of commissioners that appointed them. Watershed districts file annual audit and activity reports to both the Minnesota Board of Water and Soil Resources and the Minnesota State Auditor's Office. Watershed management plans and changes in district boundaries need to be approved by the Minnesota Board of Water and Soil Resources.

Advisory committee:
Watershed districts are required to appoint an advisory committee of at least five members to advise and assist the district board on all matters affecting the interests of the watershed district. When practicable, advisory committees need to include representation from a soil and water conservation district, a county board, an outdoor sporting organization, and a farming organization.

Watershed management within the Twin Cities metropolitan area:
Because of the complexity of water management in urban areas, the Legislature has made the development and implementation of watershed management plans in the 46 Twin Cities metropolitan area 2 watersheds mandatory. This was done through the 1982 Metropolitan Surface Water Management Act .

To carry out watershed management plans, the Metropolitan Water Management Act also required the formation of a watershed management organization (WMO) for each of the 46 watersheds. Watershed management organizations can be administered under three different frameworks: as watershed districts, as joint powers agreements among municipalities, or under county government (with the exception of Hennepin and Ramsey Counties, which are unable to administer WMOs under county government). Within the metropolitan area, 14 watershed management organizations are organized as watershed districts, 23 are organized as joint powers agreements, and several are organized under county government.

Watershed districts within the Twin Cities metropolitan area come under the guidance of both the Watershed District Act and the Metropolitan Water Management Act.

2 Metropolitan Area Counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.
3 Minnesota State Statutes, Chapter 103B, Sections 103B.201 to 103B.255.

For more information on watershed districts, contact the Minnesota Board of Water and Soil Resources at 651-296-3767 or visit the Minnesota Association of Watershed Districts at www.mnwatershed.org or call 651-452-8506.

Capitol Region Watershed District wins Sustainable Saint Paul Award

Arlington Pascal Stormwater Improvement Project is example of environmental stewardship

St. Paul Mayor Chris Coleman and the City Council presented the city's first round of *Sustainable St. Paul* awards to honor efforts to protect and restore the environment in St. Paul. The awards pay tribute to businesses and organizations that have demonstrated a commitment to environmental stewardship. Capitol Region Watershed District (CRWD) won for cooperative conservation efforts to fund and construct stormwater facilities as part of the Arlington Pascal Stormwater Improvement Project in a subwatershed near Como Lake.

St. Paul Mayor Chris Coleman and the City Council present the Capitol Region Watershed District with a Sustainable St. Paul Award in recognition *for cooperative conservation efforts to fund and construct stormwater facilities as part of the Arlington Pascal Stormwater Improvement Project in a subwatershed near Como Lake.*

Mayor Chris Coleman, CRWD Manager Bob Piram, Councilmember Jay Benanav, CRWD Manager Marylyn Deneen, CRWD Administrator Mark Doneux, CRWD Manager Seitu Jones, Bob Fossum and CRWD Manager Joe Collins.

Older municipalities in metropolitan areas like the cities within the CRWD have very few stormwater management facilities to provide water quality treatment. Como Lake and its neighborhood are significantly impacted through runoff from city streets during rain events and snowmelt. Stormwater is the only water source for the lake and carries along with it anything in the street: sand, salt, yard waste, and pesticides are pollutants that enter the lake via storm drains in the watershed. Yard waste and fertilizer in particular are phosphorus nutrient sources that allow algae to proliferate. As part of the Arlington Pascal Stormwater Project, the cities of St. Paul, Roseville, and Falcon Heights; along with Ramsey County, partnered to address these issues.

Community needs to be addressed were:

- flooding problems in residential areas west of Como Lake, on Larpenteur Avenue, and on Midway Parkway; and
- the need for a reduction in the amount of phosphorous and sediment entering Como Lake.

These goals are accomplished through a six-year implementation plan of innovative solutions:

- a flood reduction system;
- eight rainwater gardens;
- eight infiltration trenches;
- an underground stormwater storage facility; and
- the development of a regional stormwater pond in Como Park.

The Arlington Pascal project met both flooding and phosphorus reduction goals, and also shows that water quality improvement and volume reduction can be achieved even in densely developed areas in conjunction with redevelopment and street reconstruction occur, which saves project implementation costs.

The project also offered a unique opportunity to work on parkland to improve water quality while making park-related improvements. The Arlington Hamline Underground Storage Facility reduces flooding, the construction area was restored to its original condition and continues to be used for park purposes since the completion of the project. The 2007 redesign of Como Park Regional Pond will result in improved water quality and reduced flooding at a popular park that receives more than 2 million visitors annually.

The partnership and cost share funding goals for this project were also met. The project is the culmination of five years of planning and implementation to in part achieve the goals of the CRWD's Watershed Plan. "I want to thank all the partner cities and the staff at St. Paul Public Works as well as Parks and Recreation; we could not have completed the project without their help," said CRWD Administrator Mark Doneux.

For more information, visit Capitol Region Watershed District on the web at http://www.capitolregionwd.org.

2007 Legislative Session Report

by Ray Bohn

MAWD Legislative Update June 15, 2007

The 2007 Legislative Session ended on time with the legislature completing it work on all the pending major bills. Unfortunately, the Omnibus Tax Bill was vetoed by the governor and appears to have the most impact on local governments missing out on their increased local government aids. Pressure appears to be mounting every day for a one-day special session to resolve the tax bill, and maybe a smaller version of the bonding bill.

Watershed districts fared fairly well in what could have been a watershed (pardon the pun) year for us. The Legislative Auditor's report had several hearings, but the legislature judiciously picked and chose their own approach to watershed management in Minnesota with what I believe was a strong endorsement of the state and local partnership approach.

Some language was passed to deal with accountability issues raised by the audit, but not to the degree that does damage to our relationship with the state. In addition, BWSR received some additional staff that will help resolve some of the issues pointed out in the audit. We hope to work with BWSR this summer to give our input on the needs of watershed districts, and how we can work with BWSR and the legislature to be more responsive to their needs. One of the basic tenets we pushed this session is that in order for our water management system to work in Minnesota there must be a true partnership in the approach.

The one issue not resolved was the constitutional amendment for dedicated funding for clean water, outdoor heritage, parks and trails, and arts and cultural heritage. This bill, while conferred and reported out, did not get to final passage in either body before adjournment.

With the veto of the bonding bill there is no new money for RIM/WRP for the coming year. $8 million was in the vetoed bill.

Below is a breakout of the funding from the Environment & Natural Resources Finance bill signed into law by the governor.

SF 2096 Environment, Natural Resources & Energy Conference Report .... As passed by both bodies on May 4, 2007

Policy Language passed:

a. BWSR can reduce, withhold, or redirect grants and other funding if the local water management entity has not corrected deficiencies ... adopts findings on the need and importance of having a process to monitor the performance of local water management entities.

b. WD Managers & SWCD supervisors designated as "public officials"

c. 60-Day approval conditions clarifications

d. BWSR given authority to issue administrative penalty orders.

e. Requires BWSR to regularly evaluate performance, financial and activity info for each local water management entity & post the info on web site and report to the House and Senate environment committees.

f. Credit card use authorized for watershed districts.

g. Agreed upon drainage provisions from DWG.

h. WCA provisions.

1. AG provisions amended ... supported by Ag groups.
2. New de minimis provisions for 5,000 & 2,000 Square feet apply to only 11 county Metro area.

i. Allows BWSR to defer decisions on watershed district termination for up to one year to conduct an evaluation and communicate with petitioners and affected local governments.

Dedicated Funding Legislation

Conference committee report was referred back to both bodies for action but time ran out and it was never voted on. Committee report included the following. Look for this to pass very quickly after session begins next year, or even as part of a special session package.

a. 33% for clean water
b. 33% for outdoor heritage fund
c. 14.25% parks and trails fund
d. 19.75 % for the arts and cultural heritage fund

To be included in the MAWD e-net send your email address to raybohnmga@aol.com.

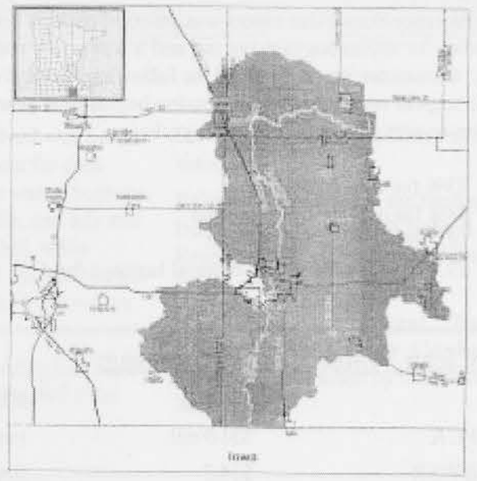
Legislative updates will be sent periodically throughout the session and links to specific legislation will also be posted on the MAWD web page at www.mnwatershed.org

Clean Water Legacy Funding:

	FY08	FY09	
PCA	$31.0 mil	(one time funding)	
BWSR	$14.2	(one time funding)	
DNR	$4.5 mil	(one time funding)	
Ag	$1.5 mil	(one time funding)	
Red River Mediation	$310,000	$310,000	
Red River Ring Dikes	$200,000	$200,000	
BWSR Budget Block Grants	$4.1 mil	$4.1 mil	
Red River Basin Commission	$100,000	$100,000	
WCA	$1.12	$1.06 mil	- Total
	$500,000	$500,000	- Staff oversight/tech assistance
	$ 60,000	$ 60,000	- Monitor/Enforce wetland replacement & wetland bank sites
	$ 60,000	$ 60,000	- Rulemaking
	$250,000	$250,000	- Grants to LGUs in ll county metro
	$250,000	$250,000	- Support DNR Enforcement activities
Drainage Work Group updates	$450,000	$800,000	Total
	$300,000	$300,000	- Staff drainage ass't team & update MN Drainage Manual
	$150,000		- Develop guidelines for drainage records preservation & modernization
		$500,000	- Cost share of drainage records modernization
RIM Clean Energy	$700,000		

Board of Water & Soil Resources establishes Cedar River Watershed District

The Board of Water and Soil Resources voted during its April 25 meeting to establish the Cedar River Watershed District. The watershed district is located in parts of Dodge, Freeborn, Mower and Steele counties.



Cedar River Watershed District boundaries

The district was established in response to a petition filed by the Mower County Board of Commissioners on November 30, 2006. Local officials sought to establish a watershed district due to an increase in damaging floods, and to improve water quality on the impaired Cedar River. Flooding in the area has caused significant damage in 2004, 2000, 1993 and twice in 1978. The 2004 flood resulted in the loss of two lives and more than $17 million in property losses. Cedar River exceeds state health standards for fecal coliform and total suspended solids.

A public hearing was held on January 10, 2007 in Austin. Organizations that voiced their support for establishing the watershed district included Mower County, the Mower Soil and Water Conservation District and the City of Austin. Little opposition was expressed at the hearing. After the public hearing, a committee of the Board of Water and Soil Resources recommended that the watershed district be established to benefit the public welfare and public interest.

Watershed districts are local units of government that work to solve and prevent water-related problems. The boundaries of the districts follow those of a natural watershed (an area in which all water drains to one point), and the districts are usually named after that watershed.
The board of managers for the first year of operation of the Cedar River Watershed District was appointed by the Board of Water and Soil Resources from a list submitted with the citizen petition. After the first year, the various County Boards of Commissioners will make manager appointments. The Board selected Al Kording from Dodge County, Steve Kraushaar from Freeborn County, Jim Gebhardt from Mower County, Al Layman from Mower County, Harlen Peck from Mower County, Dan Regner from Mower County and Mike Jones from Steele County to serve as the first board of managers.

"This group of local residents have a lot of important responsibilities," said BWSR Chair Randy Kramer. "They also have diverse backgrounds – some from rural areas and some from the district's larger cities. That will be an asset as they work toward solving complex issues involving water quality and flooding."

The district's board of managers will immediately appoint a citizen advisory committee to assist in identifying the water resource issues within the district, developing a watershed management plan to address water resource issues, and instituting a levy for next year.

For more information about the Cedar River Watershed District, contact Jim Haertel of BWSR at 651-297-2906 or Bev Nordby of the Mower Soil and Water Conservation District at 507-434-2603.

Watershed Districts are special purpose units of local government whose boundaries follow those of a natural watershed (an area of land in which all water flows to one outlet).
All other government units, such as states, counties and cities have political boundaries. Water, however, knows not political boundaries and instead goes where it wants to, when it wants to.

Annual Meeting & Trade Show

November 30 - December 2, 2006

Arrowwood Conference Center, Alexandria, MN

Annual Meeting & Trade Show attendees were offered twelve training seminars, two technical sessions and over 50 Trade Show booths featuring resources for watershed districts and organizations involved in water management. Over 400 watershed district managers, staff and key partners attended the Annual Meeting in 2006 on the first weekend in December. In addition to the Annual Meeting seminars, three pre-conference seminars were offered on Thursday. They included a drainage workshop, a watershed district administrators seminar, and a new manager orientation workshop with over 100 total participants for the day.

In addition, MAWD awards were presented for outstanding watershed district programs and projects.
For information on MAWD visit www.mnwatershed.org.

Summer Tour - June 29 - 30, 2007

Hosted by Ramsey Washington Metro Watershed District

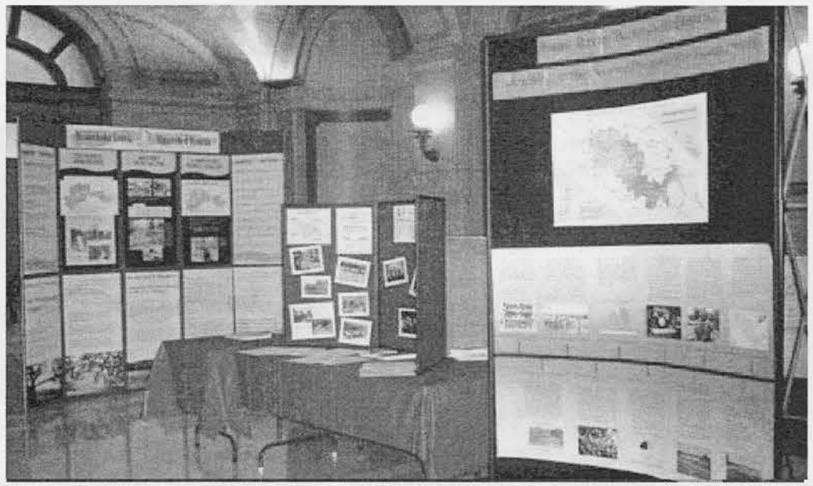
The last weekend of each June a watershed district hosts a presentation and tour of the programs and projects for statewide watershed district managers, staff, key partners, and local and state policy makers.
On Friday, June 29th the Ramsey Washington Metro WD hosted the 2007 Tour which included lakeshore restoration, water quality improvement, rain gardens, swamp management, and road drainageway projects. In addition, there were green roof and several other management practices at the office site in Little Canada.

Saturday morning seminars were also conducted on implementing key messages for watershed districts, lesson learned from the termination of the South Two Rivers WD, and new developments in TMDL programs.
The 2008 Summer Tour is in the Bois de Sioux WD in the Wheaton, MN area. MAWD alternates tours between the three MAWD regions in the state.
For more information on the Ramsey Washington Metro WD visit www.rwmwd.org/.

MAWD Annual Events

Training & Education are important parts of MAWD annual events.

Legislative Breakfast & Day at the Capitol - March 14 - 15, 2007



Watershed Districts from across the state displayed their activities in the North corridor of the State Capitol outside the Environment Committee hearing room during the Legislative breakfast and Day at the Capitol.

Watershed managers and staff gathered for a legislative briefing on Wednesday evening and spent Thursday visiting with legislators and educating them on the processes of clean water, flood damage reduction, drainage and wetland restoration.

2006 MAWD Program of the Year Award Winner

Watershed District Rules
Capitol Region Watershed District

Capitol Region winners left to Right Mark Doneux, Administrator, Bob Fossum, Staff, Bob Piram, Board President, John Mason, staff, Shirley Reider, Co-Chair, Citizen's Advisory Committee and Sarah Roley, staff.

The purpose of this program was to develop and adopt science-based watershed district rules that would improve water quality, be reasonable to implement, and would collaborate with the adjacent watershed district and stakeholders.

The District initiated the rulemaking process on January 5, 2005 and adopted a workplan and schedule that would conclude with rule adoption at the end of 2005.

The District's goal is to achieve a decrease in rate and volume of flow, as well as a 60% reduction in phosphorus loads.

Success was measured by:

- A 1" volume reduction standard
- Rules that apply to road authorities and redevelopment projects
- Rules developed with Joint TAC and stakeholder input
- Providing an alternative compliance process
- Including a storm water impact fund for sites unable to achieve compliance.
- Rules are virtually identical across two east metro watershed districts.

Congratulations to the Capitol Region Watershed District, the 2006 Program of the Year Award winner.

The Minnesota Association of Watershed Districts Board of Directors asked for nominations for the MAWD Awards Program to recognize watershed districts throughout Minnesota for their achievements. This awards program gives special recognition to those watershed districts that deserve an extra pat on the back for a job well done.
The program has two award categories. They are: **Capital Improvement Project of the Year** and **Watershed Program of the Year**. One award is given in each category. The MAWD Awards committee, chaired by Jan Voit, Heron Lake WD selected and the board ratified the 2006 MAWD award winners.

2006 MAWD Project of the Year Award Winner

Whisky Creek Tributaries Water Resource Management – Buffalo-Red River WD

Using a comprehensive approach through the Mediation PT process, a project was designed that provides both flood damage reduction and natural resource enhancements.

Initially, landowners wanted to petition for laterals to Clay County Ditch 34. The BRRWD was able to use the mediation process to design a multi-facted project that the downstream landowners supported.

With the historic overtopping of the county road (CSAH No. 52), the BRRWD felt it was only a matter of time before someone was seriously injured by driving through water over the road.

The project's goals included flood damage reduction, drainage system maintenance, water quality improvements, controlling erosion and sedimentation, habitat restoration, intergovernmental relationships, and an educational component that involves the Barnesville High School River Watch students and water quality monitoring.

Congratulations to the Buffalo-Red River Watershed District, the 2006 Project of the Year Award winner.

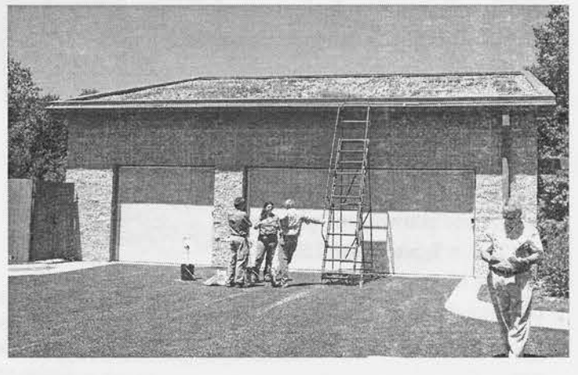
Buffalo-Red River Watershed District managers Roger Ellefson and Curtis Nelson (front) and manager John Hanson and administrator Bruce Albright receive the Project of the Year at the MAWD Annual Meeting banquet.

MN GREAT! AWARDS
Minnesota Government Reaching Environmental Achievements Together

Governor's MnGREAT Awards
Minnesota Government Reaching Environmental Achievements Together
Preventing pollution at the source has become a proven way to protect Minnesota's environment while promoting our economic health. The Governor's MnGREAT Awards recognize environmental achievements by government employees. The program focuses on the prevention of waste and pollution, the reduction of waste at its source, and resource conservation.

Winners of Governor's Minnesota Great Award!

Ramsey-Washington Metro Watershed District: "Green" Office Facility



Ramsey-Washington Metro Watershed District needed a new building. The watershed district led by example and built a facility that not only has a minimal ecological impact but is also a leader by incorporating several green building designs. The building has natural lighting and ventilation, recycled materials, efficient mechanical systems, and local and sustainable materials were used in construction.
One of the most innovative aspects of the site is its infiltration-based stormwater management system that uses native plants, rainwater gardens, a green roof, and a porous-asphalt parking lot. This system prevents stormwater runoff from discharging to nearby bodies of water, and uses it to irrigate the native plants on the site instead.
The new facility increases water quality in the area, conserves energy and water, and incorporates recycled products into the building all while maintaining economic efficiency.

Heron Lake Watershed District's *WATER* program
(Watershed Assistance Through Education and Resources)

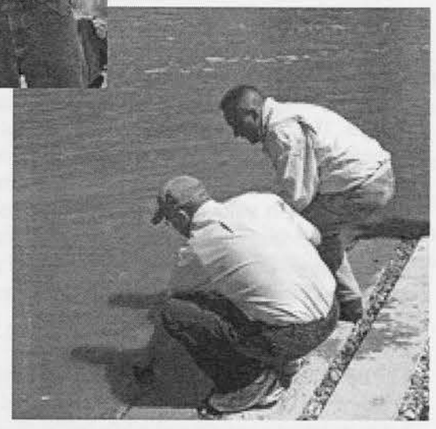
Heron Lake Watershed District's *WATER* program (Watershed Assistance Through Education and Resources) focuses on five goals: Increase public awareness of water quality issues; reduce non-point and point-source pollution; improve water quantity management within the watershed; monitor lake water quality; improve habitat for wildlife species. These goals have helped increase water quality in the area. A comparison of 1992 results to 2005 results shows that phosphorous concentrations have decreased 61 percent, and suspended solids have decreased by 17 percent from the two inlets to Heron Lake. Through water quality sampling, volunteer monitoring, and a hydrology study, water quality continues to be evaluated.

L to R: Chris Bauer, Jan Voit, Don Shelby, WCCO, MPCA Commissioner Brad Moore, Kelli Daberkow, and Melanie Luinenburg. Not pictured: Ross Behrends.

Heiberg Dam repair dedication included release of sturgeon

A ceremony to mark the renovation of the Heiberg Dam on the Wild Rice River was held in June at the recently repaired and reconstructed ice control dam site, located just north of Twin Valley on State Highway 32, Norman County, in the Wild Rice Watershed District.

Henry Drewes of the DNR presents a Conservation Partnership Award to Warren Seykora, Chairman of the Wild Rice Watershed District.



Jeff LeDoux of Houston Engineering and Watershed Administrator Steve Dalen release a sturgeon in the Wild Rice River.

Along with restoring the ice control project and the river channel damaged by the major rainfall events and flooding in 2002, the project now provides fish passage on the Wild Rice River. The dam repair project restores a stretch of river rapids, creating fish habitat and allowing sturgeon being stocked in White Earth Lake to migrate back to the Red River, increasing the odds of re-establishing the species to the watershed.

Several state, federal and tribal dignitaries attended the celebration, which included the ceremonial release of 160 lake sturgeon. The fingerlings were hatched by the Rainy River First Nation hatchery in Canada, and it was A ceremonial release of 160 sturgeon fingerlings was part of the Heiberg dam dedication. It was noted the fish are a genetic match to the fish that originally spawned in the Wild Rice River. Sixty thousand of the fish have been restocked in the upstream lakes. The ceremonial release took place at the new boat landing just downstream of the dam.

The Federal Emergency Management Agency was also a major partner in the repair, providing two-thirds of the funding required for the $1.1 million Heiberg Dam repair project.

The Heiberg Dam was originally constructed in 1895. Its original purpose was to generate power for a nearby flour mill. The original dam was destroyed in 1960. The ice control dam was a petitioned project constructed by the Wild Rice Watershed District in 1977.

Messaging Training Sessions

Watershed Districts face a constant struggle of educating their constituencies on complex programs and projects. To aid in the process, MAWD initiated a values Messaging Training seminar. Through active participation, attendees learned how to think in values-laden language, articulate their values to fend off hostile questions, and connect with different audiences by identifying their core values.

The training began in October with Metro and Greater Minnesota sessions and will conclude with a final session at the 2007 Annual Meeting.

Ember Reichgott Junge, president of Ember Communications, Inc. is the seminar presenter.

The Minnesota Association of Watershed Districts provides educational opportunities, information and training for watershed district managers and staff through annual tours, meetings.

2008 Calendar

MAWD Legislative Breakfast
March 12 - 13, 2008

MAWD Capitol Display
March 11 - 14, 2008

MAWD Summer Tour
June 19-21, 2008
Hosted by Bois de Sioux Watershed District
Wheaton area

MAWD Annual Meeting & Trade Show
December 4 - 6, 2008

Minnesota Association of Watershed Districts
Revenues and Expenditures
November 1, 2006 - October 31, 2007

	Actual 11/1/2006 to 10/25/07
REVENUE	
Dues	$ 86,861
Associate Member Dues	
Interest	4,482
Annual Meeting	18,163
Summer Tour	15,478
Legislative Breakfast	3,339
Trade Show Fees	12,708
ADA Training	1,465
Drainage Seminar	2,200
New Managers Training	1,775
Membership Service Training	
TOTAL REVENUE	146,471
EXPENDITURES	
Administration & Lobbying	65,000
Lobbyist, Admin Expenses	3,839
Printing	
Supplies & Equipment	265
Newsletter/Communications	-
Directors/Committee PerDiem/Expenses	19,228
Directors Meeting Expenses	1,142
Payroll Taxes	952
Legal Fees	12,782
Accounting Fees	4,073
Watershed District Handbook	-
Liability Insurance	2,324
Contingency	-
Website & Internet	950
ADA Seminar Expenses	3,221
Trade Show Expenses	7,304
Annual Meeting Expenses	14,335
Summer Tour Expenses	15,273
Summer Tour Stipend	1,000
Legislative Breakfast Expenses	3,582
Membership services/Training	7,546
Drainage Seminar Expenses	649
New Managers Training Expenses	759
TOTAL EXPENDITURES	164,224
REVENUE MOR THAN(LESS THAN) EXPENDITURES	(17,753)
YE 10/31/06 BUDGET ACTIVITY:	
Drainage Seminar Fees	(100)
Drainage Seminar Expenses	-
Trade Show Fees	(2,600)
Trade Show Expenses	(183)
	(2,883)
Subtotal	(20,636)
BEGINNING FUND & CASH BALANCES	102,803
ENDING FUND & CASH BALANCES	$ 82,167

In honor of outstanding service

MAWD president Warren Seykora and MAWD administrator Ray Bohn honored several long-time watershed district managers at the 2006 Annual Meeting banquet.

Don Craigmile is honored for his many years of service to Two Rivers Watershed District and as a member of the MAWD board of directors.

Andrew Cardinal served as a manager on the Rice Creek Watershed District board. His plaque of appreciation is presented by Warren Seykora, left, and Ray Bohn.

Willard Pearson is honored for his long service to MAWD - he is a charter member, a long-time MAWD board member and serves as a manager of the Lac que Parle Yellow Bank WD.

Ray Bohn, MAWD Administrator presents Harley Miller with a plaque in honor of his service in developing Shell Rock River Watershed District and his service on the Shell Rock board.

Farrell Erickson received his certificate of apreciation for his service on the Roseau River Watershed District Board of Managers.

Flood Control Project Underway

Construction Begins on Two Rivers 'Ross #7" Impoundment

By Dan Money
Badger, MN

The Two Rivers Watershed District has started construction on a flood control project located 3 miles northeast of the City of Badger, MN. The project, known as the 'Ross #7 Impoundment', will completely control the runoff from Skunk Creek, which is an area 18.2 miles in size. The impoundment is designed to control all of the flow produced from a rainfall event that generates up to 4" of runoff.

Gladen Construction from Laporte, MN has been hired to do the work. The project will have downstream benefits mainly in Barto and Polonia Townships in Roseau County along lateral 1 of State Ditch #95. These benefits include reduction of overland flooding of cropland, reduced damages of roads, culverts, bridges and other infrastructure, and reduced erosion.

The project will have a total of 3,611 acre feet of storage built into it (one acre foot is equivalent to water that is one foot deep and covers 1 acre of land, or about 325,829 gallons). A gated outlet will allow the Two Rivers Watershed District to shut off the outflows when flood conditions are occurring or are about to occur at downstream locations. This will prevent any water from the upstream 18.2 square miles of Skunk Creek from contributing to flooding downstream on lateral 1 of State Ditch #95.

Some benefits will also be realized in other downstream areas such as Lake Bronson, Hallock, and the Red River of the North.

If favorable construction conditions prevail, it is expected the project can be substantially completed in 2007. Funding

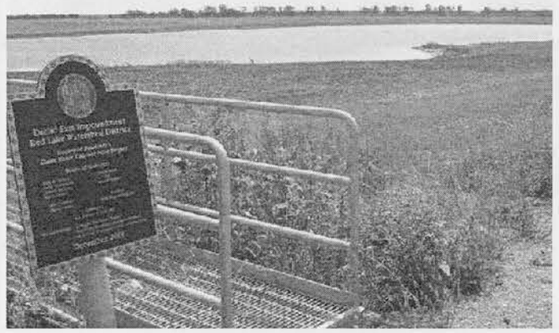
Work begins on the Ross #7 Impoundment which will completely control the runoff from Skunk Creek, which is an area 18.2 miles in size. The impoundment is designed to control all of the flow produced from a rainfall event that generates up to 4" of runoff.

for the project is being provided 50% by the Minnesota Legislature, 32.5% by the Red River Watershed Management Board, and 17.5% by the Two Rivers Watershed District.

The project is the culmination of about 9 years of problem identification, project planning and design, public input, obtaining permits, and other facets of project coordination and development.

For more information on this project or any other projects or programs of the Two Rivers Watershed District, please call the office at 218-843-3333, email Daniel.money@mn.nacdnet.net, or stop by the office located in the Kittson County Courthouse in Hallock, MN.

Grand Marais Project - Red Lake Watershed District



One of the goals of the Grand Marais Watershed Project was to restore as much as of 1000 acres of wetlands.

The Euclid East Impoundment is located in Belgium Township and Euclid Township. This Impound covers approximately 540 acres, has a drainage area of 17.1 square miles and total storage of 2,443 acre-ft. The embankment was constructed to the elevation of 908 ft. and is approximately 12 feet above natural ground at it's highest point. There are about 333,000 cubic yards of common borrow and 143,000 cubic yards of common borrow that were required to build this Impoundment.

MINNESOTA ASSOCIATION OF WATERSHED DISTRICTS, INC
Land and Water Shall be Preserved

Watershed District News & Notes

New Administrators

■ **Doug Thomas**
Rice Creek
4325 Pheasant Ridge Drive, Suite 611
Blaine, MN 55449-4541
Phone: 763-398-3070
dthomas@ricecreek.org

■ **Mike Kinney**
Prior Lake- Spring Lake
15815 Franklin Trail SE
Prior Lake, MN 55372-2926
Phone: 952-447-4166
mkinney@plslwd.org

■ **Bev Nordby**
Administrative Services
Cedar River
1408 - 21st Avenue NW, Suite 2
Austin, MN 5591
Phone: 507-434-2603
bev.nordby@mn.nacd.net

Watershed District Anniversaries

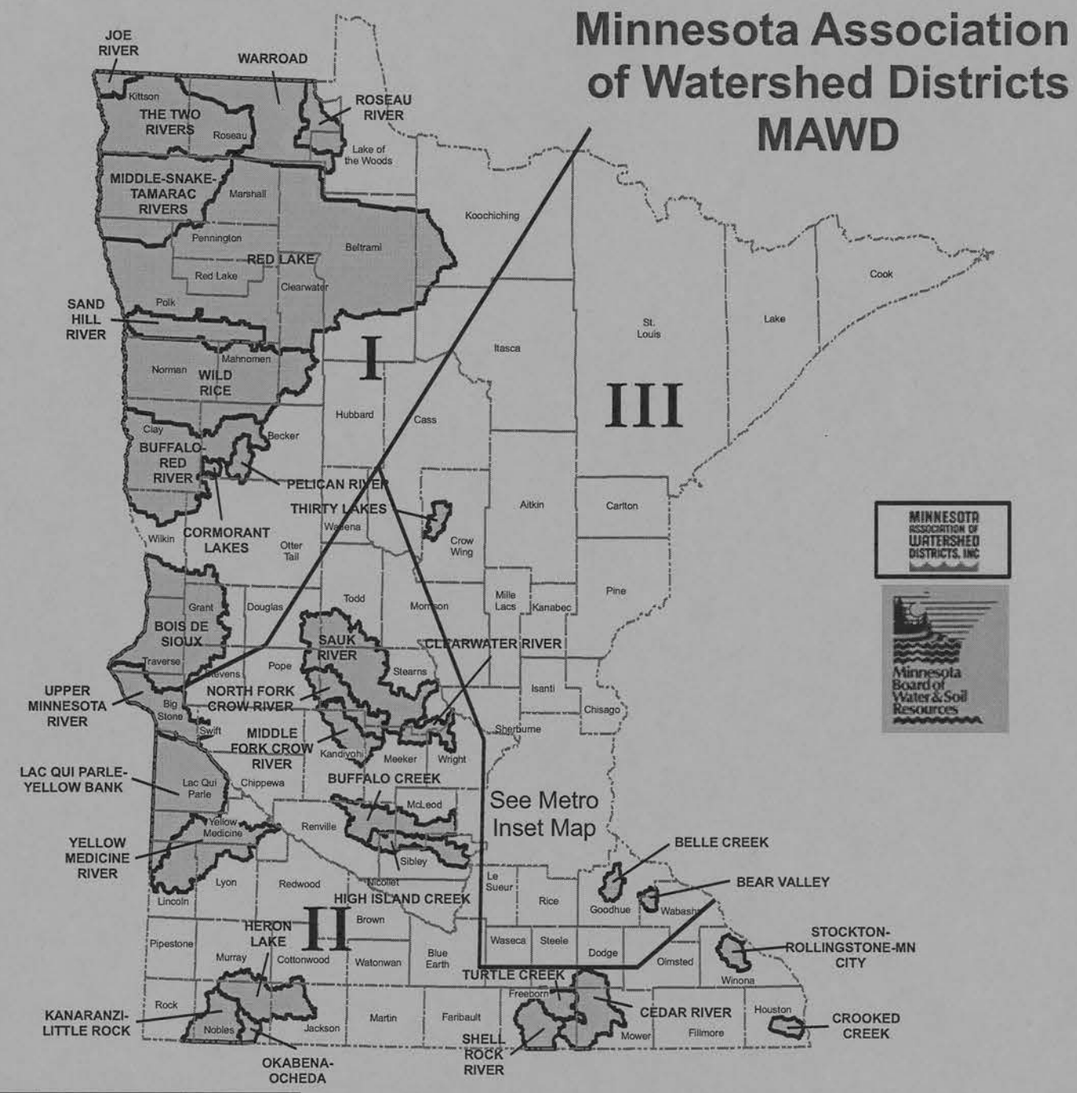
Congratulations!

40 Years!

Pelican River and Minnehaha Creek

MAWD 2008 Calendar of Events

- **Legislative Breakfast - March 12 - 13**
- **Summer Tour - June 19 - 21**
  Hosted by Bois de Sioux Watershed District
- **Annual Meeting - Dec. 4 - Dec. 6**



Metro Watershed Districts

1. 1, MINNEHAHA CREEK
2. 2, RILEY-PURGATORY-BLUFF CREEK
3. 3, NINE MILE CREEK
4. 4, LOWER MINNESOTA RIVER
5. 5, PRIOR LAKE-SPRING LAKE
6. 6, CAPITOL REGION
7. 7, RAMSEY-WASHINGTON-METRO
8. 8, SOUTH WASHINGTON
9. 9, VALLEY BRANCH
10. 10, BROWNS CREEK
11. 11, CARNELIAN-MARINE-ST. CROIX
12. 12, RICE CREEK
13. 13, COON CREEK
14. 14, FOREST LK-COMFORT LK

MINNESOTA ASSOCIATION OF WATERSHED DISTRICTS, INC

Land and Water Shall be Preserved

540 Diffley Road
St. Paul, MN 55123

Inside:

Watershed District Awards

Address Changes

Welcome new administrators

MNGreat Award Winners

WD Projects across the state

MAWD Annual Activities

Minnesota Board of Water & Soil Resources

DATE: March 17, 2008

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

FROM: John Jaschke, Executive Director

SUBJECT: March 26, 2008 Board Meeting Notice

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, March 26, 2008, 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. **Coon Creek Watershed District Boundary Change** – The Coon Creek Watershed District submitted a boundary change petition. The petition was submitted pursuant to Minn. Stat. § 103B.215 together with the required written statements of concurrence from each affected city, town and WMO. In this case it is the City of Ham Lake and the Upper Rum River WMO. The statute allows the boundary change to be approved by BWSR with no public hearing after proper notice and if no timely request for hearing is received. The legal Notice of Filing was published on January 11 and 18, 2008, no timely request for hearing was received and no hearing was held. Also, no comments have been received. See attachments. ***Decision Item***

Northern Water Planning Committee

1. **Beltrami County Priority Concerns Scoping Document** – Beltrami County submitted the Priority Concerns Scoping Document for state review and comment, as part of updating their Local Water Management Plan. The Northern Water Planning Committee met February 13th 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 Beltrami County. See attachment. ***Decision Item***

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2. **Douglas County Priority Concerns Scoping Document** – Douglas 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 of the Board met February 13, 2008 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 Douglas County. See attachment. ***Decision Item***

Southern Water Planning Committee

1. **Lyon County Request for Extension of Comprehensive Water Management Plan** - Lyon County adopted and submitted a resolution requesting an eight-month extension of the Lyon County Comprehensive Water Management Plan. The request to extend the plan to December 31, 2008 is reasonable due to changes in staff and responsibilities for the Water Management Program in Lyon County slowing the current revision process. The Board approved Lyon County's Priority Concerns Scoping Document at its December 19, 2007 meeting. The Board Conservationist and the Board's Southern Water Planning Committee recommend approval of Lyon County's extension request. Lyon 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. **Nobles County Request for Extension of Comprehensive Water Management Plan** - Nobles County adopted and submitted a resolution requesting a one-year extension of the Nobles County Comprehensive Water Management Plan. The request to extend the plan to April 30, 2009, is reasonable to allow for additional public input through several upcoming local meetings. The Board approved Nobles County's Priority Concerns Scoping Document at its December 19, 2007 meeting. The Board Conservationist and the Board's Southern Water Planning Committee recommend approval of Nobles County's extension request. Nobles 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***

3. **Jackson County Local Water Management Plan Update** – Jackson 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 December 5, 2007. On March 7, 2008, the Board's Southern Water Planning Committee (Committee) reviewed the recommendation of the state review agencies regarding final approval of the Jackson County Local Water

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Management Plan Update. The 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. **Release of 1.0 Acres from RIM Conservation Easement** – Tim Fredbo – See attachments. ***Decision Item***

2. **Overview on Native Vegetation Trends and BWSR Programs** – Dan Shaw and Shawn Schottler, Science Museum, will present an overview of BWSR Native Vegetation Programs, a brief history of vegetation in the prairie region, industry trends, and BWSR Plans. See attachment. ***Information Item***

3. **Native Buffer Cost-Share Program Guideline Revisions** – Dan Shaw and Tabor Hoek will present a resolution to make adjustments to the guidelines for the Native Buffer Cost-Share Program that were approved at the January Board meeting. The resolution proposes increased flexibility in the seed sources and requirements for the program to ensure that sufficient seed supplies can be found to meet project needs. ***Decision Item***

4. **Report on Final Demographic Survey Results** – BWSR completed a limited survey of local water management authorities in 2007 focused on demographic information. The results have been tabulated and will be summarized. ***Information Item***

5. **Primer/Overview of Local Water Management** – The regional plan review committees make recommendations on different plans and issues for the full Board. This presentation will examine the various plans the Board approves, provide historical context, and highlight the roles that staff and board members carry out in the process. ***Information Item***

FYI…attached for your review are the following reports:

- 2007 Annual Report
http://www.bwsr.state.mn.us/publications/07-annualreport.pdf
- LGU Demographic Information
http://www.bwsr.state.mn.us/relatedlinks/LGU_Demographic_Info.pdf
- 2008 SWCD Guidebook
http://www.bwsr.state.mn.us/publications/2008_SWCD_Guidebook.pdf
- Feedlot Financial Needs Report – 2008
http://www.bwsr.state.mn.us/publications/Feedlot_Financial_Needs-2008.pdf
- Performance Review and Assistance Program (PRAP)
http://www.bwsr.state.mn.us/PRAP/PRAPreport2008.pdf

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- Reinvest in Minnesota-Clean Energy Program Guidelines and Standards
http://www.bwsr.state.mn.us/RIM-CE/2008_RIM-CE_Report.pdf

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 March 26th!

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

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF JANUARY 23, 2008

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

INTRODUCTION OF NEW EMPLOYEES

- Melissa Lewis

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. Coon Creek Watershed District Boundary Change - Bob Burandt – *DECISION ITEM*

Northern Water Planning Committee

1. Beltrami County Priority Concerns Scoping Document – Quentin Fairbanks - *DECISION ITEM*

2. Douglas County Priority Concerns Scoping Document – Quentin Fairbanks - *DECISION ITEM*

Southern Water Planning Committee

1. Lyon County Request for Extension of Comprehensive Water Management Plan – Paul Langeth - *DECISION ITEM*

2. Nobles County Request for Extension of Comprehensive Water Management Plan – Paul Langseth - *DECISION ITEM*

3. Jackson County Local Water Management Plan Update – Paul Langseth - *DECISION ITEM*

NEW BUSINESS

1. Release of 1.0 Acres from RIM Conservation Easement – Tim Fredbo – *DECISION ITEM*

2. Overview on Native Vegetation Trends and BWSR Programs – Dan Shaw and Shawn Schottler, Science Museum – *INFORMATION ITEM*

3. Native Buffer Cost-Share Program Guideline Revisions – Dan Shaw and Tabor Hoek – *DECISION ITEM*

4. Report on Final Demographic Survey Results – Steve Woods and Julie Klocker – *INFORMATION ITEM*

5. Primer/Overview of Local Water Management – Steve Woods, Ron Shelito and Julie Klocker – *INFORMATION ITEM*

AGENCY REPORTS

- Minnesota Department of Health – John Linc Stine
- 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

- Next Board Meeting, April 23, 2008, St. Paul

Noon **ADJOURN**

- **The Grants Program and Policy Committee meets today following the Board meeting**

DRAFT DRAFT DRAFT

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

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

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

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

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

PLEDGE OF ALLEGIANCE

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

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

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

INTRODUCTION OF NEW EMPLOYEES

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

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

REPORTS

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

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

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

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

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

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

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

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

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

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

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

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

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

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

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

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

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

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

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

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

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

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

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

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

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

OLD BUSINESS

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

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

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

** 08-09

NEW BUSINESS

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

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

** 08-10

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

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

** 08-11

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

** 08-12

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

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

Agricultural Watershed Restoration Projects – Al Kean reported that the 2007 Legislature directed BWSR to use $1.5 million of Clean Water Legacy Act appropriations for agricultural watershed restoration projects located in watersheds impaired by non-point agricultural sources. These projects are to provide for long-term restoration of surface water quality. It is anticipated that these projects will provide a framework for practical and effective water quality restoration in impaired agricultural watersheds. A three-phase project work plan has been prepared to guide the implementation of these projects. The Grants Program and Policy Committee has reviewed the Agricultural Watershed Restoration Projects and
** recommends approval. Moved by Louise Smallidge, seconded by Gene Tiedemann,
08-13 to approve the Agricultural Watershed Restoration Project Work Plan as presented. Discussion followed. Jim Anderson reported that MES, with MDA, has been working on TMDL requirements and will conduct a symposium in February that will be an opportunity for discussion with this topic included. John Jaschke stated that project proposals will be brought before the Board, this work plan and request for proposals is the first phase. Joe Martin asked that BWSR work with MDA on this program to align efforts. Motion passed on a voice vote.

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

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

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

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

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

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

AGENCY REPORTS

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

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

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

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

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

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

ADVISORY COMMENTS

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

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

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

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

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

UPCOMING MEETINGS

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

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

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

Respectfully submitted,

Mary Jo Anderson
Recorder

Dispute Resolution Report
March 14, 2008
by: Jim Haertel

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

File 05-24. This is an appeal, actually three appeals, of the Bois de Sioux Watershed District compensation to landowners related to a project. The appeal has been held in abeyance pending settlement discussions. It appears at least two of the appeals have been settled.

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

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

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

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

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

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

March 26, 2008 Board Meeting Agenda Item

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Coon Creek Watershed District Boundary Change, Bob Burandt, chair, Metro Water Planning Committee, decision

The Coon Creek Watershed District submitted a boundary change petition. The petition was submitted pursuant to Minn. Stat. § 103B.215 together with the required written statements of concurrence from each affected city, town and WMO. In this case it is the City of Ham Lake and the Upper Rum River WMO. The statute allows the boundary change to be approved by BWSR with no public hearing after proper notice and if no timely request for hearing is received. The legal Notice of Filing was published on January 11 and 18, 2008, no timely request for hearing was received and no hearing was held. Also, no comments have been received.

In the Board's October 27, 2004 approval of the Coon Creek Watershed Management Plan, BWSR noted the request of the City of Ham Lake to revise the boundaries of the Coon Creek Watershed District and the Upper Rum River WMO.

The proposed boundary change would achieve a more accurate alignment between the hydrologic and legal boundaries of the watershed district and the WMO, and it would address overlaps in the existing boundaries. Presently some areas are under both jurisdictions. The proposed boundary change encompasses approximately 493.5 acres of land in Sections 4, 5 and 6 of Ham Lake that would change the common boundary of the Coon Creek Watershed District and the Upper Rum River Watershed Management Organization. The Petition proposes the following:

1. Transferring 249.5 acres currently within Coon Creek's legal boundaries to the Upper Rum River WMO,

2. Assigning 114.6 acres currently under both jurisdictions to Coon Creek, and

3. Assigning 129.4 acres currently under both jurisdictions to the Upper Rum River WMO.

Because BWSR only has the statutory authority to change watershed district boundaries and not Joint Powers Agreement WMO boundaries, the draft Order would approve the boundary change for Coon Creek, however, the Order strongly recommends the Upper Rum River WMO change their boundary consistent with the Order.

The Metro Water Planning Committee recommends the boundary change be approved per the attached draft Order.

DRAFT

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

DRAFT

In the Matter of the Boundary Change for the Coon Creek Watershed District in Anoka County pursuant to Minnesota Statutes § 103B.215

ORDER BOUNDARY CHANGE

Whereas, the Coon Creek Watershed District filed a Petition dated December 10, 2007 with the Board of Water and Soil Resources (Board) on December 13, 2007, to change the boundary of the Coon Creek Watershed District (CCWD) pursuant to Minn. Stat. § 103B.215, and;

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

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

FINDINGS OF FACT

1. **Petition.** The Petition to change the boundary of the CCWD with the Upper Rum River Watershed Management Organization (URRWMO) was filed by the CCWD Board of Managers with the Board on December 13, 2007.

2. **Property Description.** The territory included in the boundary change, the Petitioned Area, is located in the City of Ham Lake in Anoka County entirely within the metropolitan area and totals approximately 493.5 acres of land in Sections 4, 5 and 6. The Petitioned Area includes the transfer of 249.5 acres from the CCWD to the URRWMO, the assignment of 114.6 acres currently under both jurisdictions to the CCWD, and the assignment of 129.4 acres currently under both jurisdictions to the URRWMO. The Petitioned Area is depicted on seven maps attached to the Petition and further identified in three property identification tables attached to the Petition.

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3. **Reasons for Boundary Change.** The proposed boundary change would achieve a more accurate alignment between the hydrologic and legal boundaries of the CCWD and the URRWMO, and it would address overlaps in the existing boundaries. The City of Ham Lake requested the boundary change. The requested boundary change is consistent with the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255.

4. **Statements of Concurrence.** The required statements of concurrence pursuant to Minn. Stat. § 103B.215, Subd. 2, item c from the City of Ham Lake and the URRWMO were submitted with the Petition.

5. **Effect on Benefits and Damages.** The Petition states the proposed boundary change will not affect the benefits or damages for any improvements previously constructed by the CCWD or the URRWMO.

6. **Notice of Filing.** Legal Notice of Filing of the proposed boundary change, pursuant to Minn. Stat. § 103B.215, Subd. 3, was published in the Anoka County Union on January 11 and 18, 2008. Further, a copy of the hearing notice was mailed on January 10, 2008 to several addressees including the Anoka County Auditor, the Mayor of the City of Ham Lake, the Anoka Conservation District, the URRWMO and the CCWD.

7. **Public Hearing.** The Legal Notice of Filing was published pursuant to Minn. Stat. § 103B.215, Subd. 3, which requires within 20 days of the last date of publication of the Notice of Filing of the Petition that at least one request for hearing be received by the Board before a hearing will be held. No requests for hearing and no comments were received during the specified period of time and no hearing was held.

8. **Metro Water Planning Committee.** Based on the entire record in this matter, the Board's Metro Water Planning Committee in a unanimous decision recommend to the full Board that the requested boundary change be approved for the CCWD because the Petitioned Area should be divided as close as practicable to the hydrologic boundary, areas of overlap should not exist, the change is consistent with the purposes and requirements of the Metropolitan Surface Water Management Act in Minn. Stat. §§ 103B.205 to 103B.255, the change can be accomplished in conformance with Minn. Stat. § 103B.225 regarding benefits and damages, and the governing bodies of the City of Ham Lake, the CCWD and the URRWMO concur in the requested boundary change. Because the Board does not have the authority to change the URRWMO boundary, the URRWMO should be encouraged to change their organizational boundary consistent with the CCWD boundary change.

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CONCLUSIONS

1. The Petition for boundary change of the Coon Creek Watershed District is valid in accordance with Minn. Stat. § 103B.215.

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

3. The Board has proper jurisdiction in the matter of ordering a watershed district boundary change.

4. The territory included in the requested boundary change is within the hydrologic boundaries of the Coon Creek Watershed District or the Upper Rum River Watershed Management Organization.

5. The governing bodies of the City of Ham Lake, the Coon Creek Watershed District and the Upper Rum River Watershed Management Organization concur in the requested boundary change.

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

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

8. The proposed boundary change should be approved per the Petition for the Coon Creek Watershed District and the Upper Rum River Watershed Management Organization should be encouraged to change their organizational boundaries consistent with this Order.

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ORDER

The Board hereby orders that the boundaries of the Coon Creek Watershed District are changed per the Petition as identified in the three property identification tables attached to this Order and made a part hereof. The Board strongly recommends the Upper Rum River Watershed Management Organization take immediate action to change its organizational boundary consistent with this Order.

Dated this 26th day of March, 2008.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

DRAFT

By: _____
Randy Kramer, Chair

Property Identification

Table 1 indicates parcels currently within Coon Creek Watershed District that are proposed to be transferred to Upper Rum River Watershed Management Organization. This area totals 445.77 acres.

Table 1. Parcels to be subtracted from CCWD and added to URRWMO

PIN	Acres	Owner	Address	City	State, Zip
003-013224440009	2.20	JOHNSON JEFFREY J & DIANE J	28 173RD LN NW	ANDOVER	MN, 55304
003-123224110014	9.74	CAPELING LAWRENCE & R M	17251 BUTTERNUT ST NW	ANDOVER	MN, 55304
003-123224110002	0.95	LENARZ BONNIE D	17182 CROSSTOWN BLVD NW	ANDOVER	MN, 55304
003-043223120002	11.84	KNUTSON GREGORY E	2217 SWEDISH DR	HAM LAKE	MN, 55304
003-043223210001	34.56	HAM LAKE HOLDINGS LLC	2195 SILVER LAKE RD	NEW BRIGHTON	MN, 55112
003-043223130003	2.99	G E KNUTSON INC	14855 ABERDEEN ST NE	HAM LAKE	MN, 55304
003-053223130001	31.29	EICHI INC	2195 SILVER LK RD	NEW BRIGHTON	MN, 55112
003-043223240001	36.27	HAM LAKE HOLDINGS LLC	2195 SILVER LAKE RD	NEW BRIGHTON	MN, 55112
003-043223230001	35.52	HAM LAKE HOLDINGS LLC	2195 SILVER LAKE RD	NEW BRIGHTON	MN, 55112
003-053223230008	3.93	BYERS LAURA	17820 FILMORE ST NE	HAM LAKE	MN, 55304
003-053223230018	0.91	PHILLIPS TODD A & JENNY L J	1205 178TH AVE NE	HAM LAKE	MN, 55304
003-053223230017	2.50	HANSON LANCE	17829 FILLMORE ST NE	HAM LAKE	MN, 55304
003-063223140002	23.16	LINDSAY ROBERT T	17712 CONCORD DR NE	HAM LAKE	MN, 55304
003-053223230014	2.72	CURTISI ANTHONY & CHRISTINE	17812 TAYLOR ST NE	HAM LAKE	MN, 55304
003-053223230005	2.40	HEILLE DALE R & MARY K	17827 TAYLOR ST NE	HAM LAKE	MN, 55304
003-063223140006	1.22	OSBORNE WALTER & LORETTA	17100 HIGHWAY 65 NE	HAM LAKE	MN, 55304
003-043223240004	3.48	HRBACEK JOSEPH R & STEPHANIE L	2159 SWEDISH DR NE	HAM LAKE	MN, 55304
003-053223230011	2.95	ETTER ERIC	17755 FILLMORE ST NE	HAM LAKE	MN, 55304
003-063223140001	0.99	BERENS RICHARD A & SANDRA L	17803 CONCORD DR	HAM LAKE	MN, 55304
003-053223230007	2.50	RYLANDER TANJA M & NELSON B D	1121 177TH LN NE	HAM LAKE	MN, 55304
003-053223230015	3.33	ZELLNER ERIC W	17848 TAYLOR ST NE	HAM LAKE	MN, 55304
003-063223140010	0.75	LEYSEN NATHAN A	17751 CONCORD DR NE	HAM LAKE	MN, 55304
003-053223230006	1.77	LACOURSIERE DONALD	17751 TAYLOR ST NE	HAM LAKE	MN, 55304
003-063223140007	0.86	LIVINGOOD AARON	17741 CONCORD DR NE	HAM LAKE	MN, 55304
003-053223230012	2.62	LEE CHAD W & KRISTEN M	1130 177TH LN NE	HAM LAKE	MN, 55304
003-063223140008	1.08	HAM LAKE CITY OF	15544 CENTRAL AVE NE	HAM LAKE	MN, 55304

PIN	Acres	Owner	Address	City	State, Zip
003-053223230016	2.33	OSBORNE WALTER F	17100 HWY 65 NE	HAM LAKE	MN, 55304
003-053223240023	2.66	ROOT MICHAEL J & MICHELLE A	17714 JOHNSON ST NE	HAM LAKE	MN, 55304
003-063223140009	2.32	KOWALZEK THEO S	17717 CONCORD DR NE	HAM LAKE	MN, 55304
003-053223230013	1.39	WALSH SUSAN	17717 TAYLOR ST NE	HAM LAKE	MN, 55304
003-043223320004	1.09	REYNOLDSON WM L & MARY E	17655 SWEDISH DR NE	ANOKA	MN, 55304
003-053223410002	2.15	CRAWFORD MAUREEN M & DARIN D	1755 176TH LN NE	HAM LAKE	MN, 55304
003-053223410003	0.88	FRANK DALE R & JUDY K	1737 176TH LN NE	ANOKA	MN, 55304
003-043223320001	6.70	KETZ BRADLEY K & COLLEEN A	1920 SWEDISH DR NE	HAM LAKE	MN, 55304
003-053223410014	20.75	HAENSEL PAUL & PHYLLIS	1647 CROSSTOWN BLVD NE	ANOKA	MN, 55304
003-053223410005	4.91	HER MAO	17626 SWEDISH DR NE	HAM LAKE	MN, 55304
003-053223410004	0.65	FRANK DALE R & JUDY K	1737 176TH LN NE	ANOKA	MN, 55304
003-043223310027	2.56	TRIMBO JOSEPH G & VICTORIA A	17655 LONDON ST NE	HAM LAKE	MN, 55304
003-053223420006	0.91	H K & A LLP	1837 86TH LN NE	BLAINE	MN, 55449
003-053223420012	4.42	CROSSTOWN SHOPPING CENTER INC	17 WASHINGTON AVE N STE 500	MINNEAPOLIS	MN, 55401
003-043223320003	1.30	REYNOLDSON WILLIAM L & MARY	17655 NE SWEDISH DR	ANOKA	MN, 55304
003-053223420005	1.89	WESTYS PROPERTIES LLC	17758 PALM ST NW	ANDOVER	MN, 55304
003-043223310028	2.62	CLICK AUDREY	17630 LONDON ST NE	HAM LAKE	MN, 55304
003-053223420025	1.02	21ST CENTURY BANK	9380 CENTRAL AVE NE	BLAINE	MN, 55434
003-043223320034	2.21	BOWEN JR RON	17633 SWEDISH DR NE	HAM LAKE	MN, 55304
003-043223320004	0.76	REYNOLDSON WM L & MARY E	17655 SWEDISH DR NE	ANOKA	MN, 55304
003-053223420022	0.70	CROSSTOWN SHOPPING CTR	9380 CENTRAL AVE NE	BLAINE	MN, 55434
003-043223320024	0.37	BOWEN JR RON	17633 SWEDISH DR NE	HAM LAKE	MN, 55304
003-043223320023	0.39	TEESELINK PAUL	1821 176TH AVE NE	HAM LAKE	MN, 55304
003-043223320022	0.33	BONA ROCKFORD R	1809 176TH LN NE	HAM LAKE	MN, 55304
003-053223420026	2.94	CROSSTOWN SHOPPING CTR	9380 CENTRAL AVE NE	BLAINE	MN, 55434
003-053223420019	0.65	CROSSTOWN SHOPPING CTR	9380 CENTRAL AVE NE	BLAINE	MN, 55434
003-053223420013	1.72	HAM LAKE PROFESSIONAL CENTER LLC	29490 FRANCIS LAKE DR NW	ISANTI	MN, 55040
003-053223410006	0.52	SODERQUIST JARRYL D & R	17614 SWEDISH DR NE	ANOKA	MN, 55304
003-053223410007	0.43	SODERQUIST JARRYL D & R	17614 SWEDISH DR NE	ANOKA	MN, 55304
003-043223320039	8.35	ZURN ROBERT M & ELIZABETH	17540 LONDON ST NE	HAM LAKE	MN, 55304

PIN	Acres	Owner	Address	City	State, Zip
003-053223410008	1.80	SODERQUIST JARRYL D & R	17614 SWEDISH DR NE	ANOKA	MN, 55304
003-043223320033	0.38	CITY OF HAM LAKE	15544 CENTRAL AVE NE	ANOKA	MN, 55304
003-053223420023	1.55	CROSSTOWN SHOPPING CTR	9380 CENTRAL AVE NE	BLAINE	MN, 55434
003-043223320016	0.35	MURAWSKI ROY SCOTT & PATRICIA	17565 SWEDISH DR NE	HAM LAKE	MN, 55304
003-043223320017	0.33	HIPP THOMAS E	17558 ISANTI ST NE	HAM LAKE	MN, 55304
003-053223420021	0.38	CROSSTOWN SHOPPING CTR	9380 CENTRAL AVE NE	BLAINE	MN, 55434
003-043223320029	0.34	FORWARD TRENT J & BAHIA M	17565 ISANTI ST NE	HAM LAKE	MN, 55304
003-043223320031	0.81	JOHNSON DOUGLAS	17545 ISANTI ST NE	HAM LAKE	MN, 55304
003-053223420020	0.52	CROSSTOWN SHOPPING CTR	9380 CENTRAL AVE NE	BLAINE	MN, 55434
003-043223320015	0.35	OLSON JEFFREY A & MARY B	17557 SWEDISH DR NE	HAM LAKE	MN, 55304
003-043223320018	0.31	HIPP CONSTANCE M	17558 ISANTI ST NE	ANOKA	MN, 55304
003-053223410009	2.31	PETRY LESTER H & MARLYS V	1703 175TH LN NE	ANOKA	MN, 55304
003-043223320028	0.31	NELSON DARYL O & TABITHA R	17557 ISANTI ST NE	HAM LAKE	MN, 55304
003-053223410013	1.88	KIKEN DUANE C	1733 175TH LN NE	ANOKA	MN, 55304
003-053223410010	0.45	CHRISTIANSEN DANIEL W	17556 SWEDISH DR NE	ANOKA	MN, 55304
003-053223420003	1.97	ANDERSON HOWARD A & RITA E	17535 CHISHOLM ST NE	HAM LAKE	MN, 55304
003-043223320014	0.38	FREUND DANIEL & THERESA A	17545 SWEDISH DR NE	ANOKA	MN, 55304
003-043223320019	0.36	AMUNDSON JOHN P	17548 ISANTI ST NE	HAM LAKE	MN, 55304
003-043223320027	0.36	JOHNSON DOUGLAS	17545 ISANTI ST NE	HAM LAKE	MN, 55304
003-053223420010	0.93	CROSSTOWN SHOPPING CENTER INC	17 WASHINGTON AVE N STE 500	MINNEAPOLIS	MN, 55401
003-053223410011	0.52	RUDE ANN L & ROBERT B	17552 SWEDISH DR NE	HAM LAKE	MN, 55304
003-043223320013	0.36	DUMIRE WANDA L	17537 SWEDISH DR NE	ANOKA	MN, 55304
003-043223320020	0.33	ZACH DONALD A & DIANNE M	17538 ISANTI ST NE	HAM LAKE	MN, 55304
003-043223320026	0.33	JONES KENNIETH S SR & JULIE R	17537 ISANTI ST NE	ANOKA	MN, 55304
003-053223420008	2.85	SODERQUIST & SODERQUIST	17525 HIGHWAY 65 NE	HAM LAKE	MN, 55304
003-043223320032	0.51	BALL RICKY T & GAYLENE M	1861 175TH LN NE	HAM LAKE	MN, 55304
003-053223410012	0.40	ODONNELL JOLENE M	17530 SWEDISH DR NE	HAM LAKE	MN, 55304
003-043223320012	0.36	SCHULE THOMAS J & CARRIE A	17525 SWEDISH DR NE	HAM LAKE	MN, 55304
003-043223320021	0.32	JOHNSON JAMES A & CYNTHIA J	17528 ISANTI ST NE	ANOKA	MN, 55304
003-043223320025	0.34	MARTY RICHARD R & LUANN M	17500 ISANTI ST NE	ANOKA	MN, 55304
003-043223320036	2.56	MEISTER GREGORY	1926 175TH LN NE	HAM LAKE	MN, 55304

PIN	Acres	Owner	Address	City	State, Zip
003-043223320040	2.30	NEUMAN CLAYTON L & BEVERLY J	17520 LONDON ST NE	HAM LAKE	MN, 55304
003-043223320006	0.34	HEDIN BERNICE	1810 175TH LN NE	HAM LAKE	MN, 55304
003-043223320007	0.36	POJANOWSKI PAUL M & IRENE B	1820 175TH LN NE	HAM LAKE	MN, 55304
003-043223320008	0.38	FORD MICHAEL V & LINDA M	1830 175TH LN NE	HAM LAKE	MN, 55304
003-043223320009	0.37	BERNDT JOHN L	1840 175TH LN NE	ANOKA	MN, 55304
003-043223320010	0.35	REGINO ANTONIO	1850 175TH LN NE	HAM LAKE	MN, 55304
003-043223320038	0.43	SABA BRANDI	1860 175TH LN NE	HAM LAKE	MN, 55304
003-053223440002	1.64	MOUA MAI	1747 SODERVILLE DR	HAM LAKE	MN, 55304
003-053223440003	1.55	SMITH RUEDIGER & TURNER L A	1731 SODERVILLE DR NE	HAM LAKE	MN, 55304
003-053223440019	2.83	SODERQUIST DONALD A & L	3652 SAYBROOK PL	BONITA SPRINGS	FL, 34134
003-043223330008	1.32	SCHOLL JEROME D	1811 SODERVILLE DR NE	HAM LAKE	MN, 55304
003-043223330001	1.43	HIRSCH GLEN & SHARON	1827 SODERVILLE DR NE	ANOKA	MN, 55304
003-043223330010	0.74	GUNDERSON DAWN	1851 SODERVILLE DR NE	HAM LAKE	MN, 55304
003-043223330009	1.86	OLMSCHEID KEITH L & SUSAN E	1909 SODERVILLE DR NE	HAM LAKE	MN, 55304
003-043223330011	0.93	NORDIN CRAIG	1929 SODERVILLE DR NE	HAM LAKE	MN, 55304
003-043223330007	0.82	HANSE GARY H & MARY J	1943 SODERVILLE DR	HAM LAKE	MN, 55304
003-043223330002	1.56	HELMBRECHT MARY A	2011 SODERVILLE DR NE	HAM LAKE	MN, 55304
003-043223340036	0.15	MN STATE OF IN TRUST	2100 3RD AVE	ANOKA	MN, 55303
003-073223220019	7.78	MITCHELL JAMES W & BETH A	99 CROSSTOWN BLVD NE	HAM LAKE	MN, 55304
003-073223220002	1.06	ROGERS DANIEL	304 CROSSTOWN BLVD NE	HAM LAKE	MN, 55304
003-073223220021	3.16	BRAASTAD RONALD	21119 CEDAR DRIVE	CEDAR	MN, 55011
003-073223220014	0.87	CHA TXIA & VANG BEE	17150 3RD ST NE	HAM LAKE	MN, 55304
003-053223410020	0.84	GALE JAMES G & WENDY M	17504 SWEDISH DR NE	HAM LAKE	MN, 55304
003-053223410019	1.00	VANREESE L I & K J	1730 175TH LN	HAM LAKE	MN, 55304
003-053223410018	1.25	NIKSTAD RONALD G & TRACY J	1716 175TH LN	HAM LAKE	MN, 55304
003-043223140001	41.97	DOSEDEL JOHN F & JOAN A	17102 E LAKE NETTA DR NE	HAM LAKE	MN, 55304
003-053223140002	13.25	EICHI INC	2195 SILVER LAKE RD	NEW BRIGHTON	MN, 55112
003-053223140003	27.00	HAM LAKE HOLDINGS LLC	2195 SILVER LAKE RD	NEW BRIGHTON	MN, 55112
003-043223320003	0.78	REYNOLDSON WILLIAM L & MARY	17655 NE SWEDISH DR	ANOKA	MN, 55304
003-043223320004	0.05	REYNOLDSON WM L & MARY E	17655 SWEDISH DR NE	ANOKA	MN, 55304

Table 2 indicates parcels currently within both Coon Creek Watershed District and Upper Rum River Watershed Management Organization that are proposed to be assigned to Coon Creek Watershed District. This area totals 145.06 acres.

Table 2. Parcels in overlap area to be assigned to CCWD

PIN	Acres	Owners	Address	City	State, Zip
003-063223140002	23.16	LINDSAY ROBERT T	17712 CONCORD DR NE	HAM LAKE	MN, 55304
003-063223140008	1.08	HAM LAKE CITY OF	15544 CENTRAL AVE NE	HAM LAKE	MN, 55304
003-063223140009	2.32	KOWALZEK THEO S	17717 CONCORD DR NE	HAM LAKE	MN, 55304
003-063223410012	9.12	GILBERT DONALD A & BARBARA	939 CROSSTOWN BLVD NE	HAM LAKE	MN, 55304
003-063223410015	7.45	ZARLING LINDA L	17665 CONCORD DR NE	HAM LAKE	MN, 55304
003-063223410014	3.50	ZARLING LINDA L	17665 CONCORD DR NE	HAM LAKE	MN, 55304
003-063223410011	4.17	OLSON ROGER E & CONNIE M	919 CROSSTOWN BLVD NE	HAM LAKE	MN, 55304
003-063223410009	3.76	HALVORSON DEAN H & MONICA A	17545 CONCORD DR NE	HAM LAKE	MN, 55304
003-063223420020	3.10	NUTTER MICHAEL J	745 CROSSTOWN BLVD NE	HAM LAKE	MN, 55304
003-063223410010	2.72	TRAUTWEIN THOMAS F & M M	839 CROSSTOWN BLVD NE	HAM LAKE	MN, 55304
003-063223410004	0.84	WIENER FRANCIS D	901 CROSSTOWN BLVD NE	HAM LAKE	MN, 55304
003-063223410003	1.10	MARTINI JEROME WILMER	811 CROSSTOWN BLVD NE	HAM LAKE	MN, 55304
003-063223440001	35.00	RONO LYNDIA JEAN ETAL	831 173RD AVE NE	HAM LAKE	MN, 55304
003-063223430006	30.71	RONO LYNDIA JEAN ETAL	831 173RD AVE NE	HAM LAKE	MN, 55304
003-063223430002	0.74	HOLMQUIST JAMES	600 CROSSTOWN BLVD NE	ANOKA	MN, 55304
003-063223340002	0.29	HOLMQUIST JAMES	600 CROSSTOWN BLVD NE	ANOKA	MN, 55304
003-063223340004	10.56	RONO LYNDIA JEAN ETAL	831 173RD AVE NE	HAM LAKE	MN, 55304
003-063223440002	2.76	RONO FRANCIS E & LYNDIA J	831 173RD AVE NE	ANOKA	MN, 55304
003-063223430005	2.68	RONO ARNOLD H & JEAN M	609 173RD AVE NE	HAM LAKE	MN, 55304

Table 3 indicates parcels currently within both Coon Creek Watershed District and Upper Rum River Watershed Management Organization that are proposed to be assigned to Upper Rum River Watershed Management Organization. This area totals 276.57 acres.

Table 3. Parcels in overlap area to be assigned to URRWMO

PIN	Acres	Owners	Address	City	State, Zip
003-043223240001	36.27	HAM LAKE HOLDINGS LLC	2195 SILVER LAKE RD	NEW BRIGHTON	MN, 55112
003-043223230001	35.52	HAM LAKE HOLDINGS LLC	2195 SILVER LAKE RD	NEW BRIGHTON	MN, 55112
003-053223230009	1.97	NIEKEN LYLE E & KAREN L	17865 FILLMORE ST NE	HAM LAKE	MN, 55304
003-053223230008	3.93	BYERS LAURA	17820 FILMORE ST NE	HAM LAKE	MN, 55304
003-053223230004	1.77	ORCHARD ROBERT W & ROBIN L	1025 178TH LN NE	HAM LAKE	MN, 55304
003-053223230003	1.28	JUMER LARRY M & ROBYN M	1019 178TH LN NE	HAM LAKE	MN, 55304
003-063223140004	2.22	MURRAY TIMOTHY L & JENELL E	17865 CONCORD DR NE	HAM LAKE	MN, 55304
003-063223140003	3.09	JESINOSKI THEODORE & GWEN	17862 CONCORD DR NE	HAM LAKE	MN, 55304
003-063223130007	21.97	DOWNS DAVID R & JOANNE M	17815 NE JEFFERSON ST	HAM LAKE	MN, 55304
003-053223230018	0.91	PHILLIPS TODD A & JENNY L J	1205 178TH AVE NE	HAM LAKE	MN, 55304
003-053223230017	2.50	HANSON LANCE	17829 FILLMORE ST NE	HAM LAKE	MN, 55304
003-063223140002	23.16	LINDSAY ROBERT T	17712 CONCORD DR NE	HAM LAKE	MN, 55304
003-053223230014	2.72	CURTISI ANTHONY & CHRISTINE	17812 TAYLOR ST NE	HAM LAKE	MN, 55304
003-063223140012	0.77	OSBORNE WALTER F	17100 HWY 65 NE	HAM LAKE	MN, 55304
003-053223230005	2.40	HEILLE DALE R & MARY K	17827 TAYLOR ST NE	HAM LAKE	MN, 55304
003-063223130001	10.84	LAKE JEANNE	17745 JEFFERSON ST NE	HAM LAKE	MN, 55304
003-063223140006	1.22	OSBORNE WALTER & LORETTA	17100 HIGHWAY 65 NE	HAM LAKE	MN, 55304
003-063223130006	6.81	SCHENDEL TIMOTHY T & JEANNIE A	715 176TH LN NE	HAM LAKE	MN, 55304
003-063223240005	3.97	MEYER LAWRENCE & MITZIE	460 177TH AVE NE	HAM LAKE	MN, 55304
003-063223130008	2.39				
003-063223140008	1.08	HAM LAKE CITY OF	15544 CENTRAL AVE NE	HAM LAKE	MN, 55304
003-063223130005	3.40	STRAND MELVIN A	17715 JEFFERSON ST NE	HAM LAKE	MN, 55304
003-063223420023	2.58	HEINISCH DENIS & MARY TRUSTEES	712 176TH LANE NE	HAM LAKE	MN, 55304
003-063223410002	2.64	ANDERSON CARL E & S A	17670 CONCORD DR NE	HAM LAKE	MN, 55304
003-063223310002	6.77	STEIN DOUGLAS A & BARBARA A	17620 JEFFERSON ST NE	HAM LAKE	MN, 55304
003-063223420012	3.19	BRANDJORD MARY	639 176TH LN NE	HAM LAKE	MN, 55304
003-063223410006	1.16	BLATCHLEY BRUCE	17640 CONCORD DR NE	HAM LAKE	MN, 55304

PIN	Acres	Owners	Address	City	State, Zip
003-063223420005	3.87	FAGERNESS STANLEY & P K	5306 408TH ST	NORTH BRANCH	MN, 55304
003-063223420007	0.37	ANOKA CTY COMM ACTION PROGRAM	1201 89TH AVE NE	BLAINE	MN, 55434
003-063223420008	0.61	NYMAN JOEL G & LISA A	644 176TH LN NE	HAM LAKE	MN, 55304
003-063223420002	1.09	RAMBOW RICHARD E & MARIE D	660 176TH LN NE	HAM LAKE	MN, 55304
003-063223420006	0.60	STHILAIRE ARTHUR W & SHARON	17625 JEFFERSON ST NE	HAM LAKE	MN, 55304
003-063223410014	3.50	ZARLING LINDA L	17665 CONCORD DR NE	HAM LAKE	MN, 55304
003-063223420003	0.68	ALEXANDER JACK L & J L	17609 JEFFERSON ST NE	HAM LAKE	MN, 55304
003-063223420010	0.94	BRUESTLE MARK & TRACY	17532 CONCORD DR NE	HAM LAKE	MN, 55304
003-063223420011	0.58	PETERSON SANDRA	17526 CONCORD DR NE	HAM LAKE	MN, 55304
003-063223420022	2.51	PETERSON SANDRA E	17526 CONCORD DR	HAM LAKE	MN, 55304
003-063223420016	1.24	JAMES JOSEPH C	2714 KNOX AVE N	MINNEAPOLIS	MN, 55411
003-063223420015	1.22	ROHLOFF WILLIAM M & TRACY L	17550 MADISON ST NE	HAM LAKE	MN, 55304
003-063223420001	4.54	CEDAR UNITED METHODIST	17541 JEFFERSON ST NE	HAM LAKE	MN, 55304
003-063223410009	3.76	HALVORSON DEAN H & MONICA A	17545 CONCORD DR NE	HAM LAKE	MN, 55304
003-063223420020	3.10	NUTTER MICHAEL J	745 CROSSTOWN BLVD NE	HAM LAKE	MN, 55304
003-063223420009	1.18	CHOUINARD PETER J & LINDA K	17522 CONCORD DR NE	HAM LAKE	MN, 55304
003-063223420021	1.30	MORRIS MARLENE M	659 175TH AVE NE	HAM LAKE	MN, 55304
003-063223420019	1.29	LARSON WILLIAM E & B J	643 175TH AVE NE	HAM LAKE	MN, 55304
003-063223430006	30.71	RONO LYNDIA JEAN ETAL	831 173RD AVE NE	HAM LAKE	MN, 55304
003-063223430004	2.65	RONO LYNDIA JEAN ETAL	831 173RD AVE NE	HAM LAKE	MN, 55304
003-063223340006	20.67	RONO LYNDIA JEAN ETAL	831 173RD AVE NE	HAM LAKE	MN, 55304
003-053223210009	2.43	CRISLIP MARTHA & MICHAEL J	1206 180TH LN NE	HAM LAKE	MN, 55304
003-063223130009	1.20				

The addition or transfer of the property as described above in this Petition will not affect the benefits or damages for any improvement previously constructed by the Coon Creek Watershed District or the Upper Rum River Watershed Management Organization, and such boundary change can be accomplished in accordance with Minnesota Statutes section 103B.225.

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

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

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

Minnesota Board of Water & Soil Resources

March 26, 2008

Beltrami County Commissioners
C/O Chris Parthun, Beltrami Soil and Water Conservation District
3217 Bemidji Ave. N Ste 3
Bemidji, MN 56601

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

Dear Beltrami County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Beltrami County has chosen to address in the update of their Local Water Management Plan. The Board of Water and Soil Resources, along with the state review agencies, were sent the Beltrami County Priority Concerns Scoping Document (PCSD) on December 17, 2007, and asked comments be sent within 30 days to Ron Shelito, BWSR Regional Supervisor.

A number of water resource concerns were submitted to the Beltrami Local Water Management Advisory Committee (LWMAC). The LWMAC chose the following priority concerns that will be addressed in the Water Plan Revision.

Surface Water

1. Lack of data to assist with future management and decision-making.
2. Increasing development pressures will negatively affect water quality.
3. Introduction of aquatic invasive species may degrade water resources.
4. Agricultural practices may degrade water quality.

Groundwater

1. Lack of data to assist with future management and decision-making.
2. Septic systems failure may degrade ground water quality.
3. Ground water-based drinking water sources need protection.
4. Groundwater degradation from known contamination sites.

The following state review agencies provided comments pertaining to the priority concerns selection:

Bemidji
3217 Bemidji Avenue N.
Bemidji, MN 56601
phone (218) 755-4235
fax (218) 755-4201

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

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

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

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

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

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

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

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- January 16, 2008, MPCA concurs with the priority concerns identified, but offered the following comments. MPCA encourages full participation in the development of TMDL pollutant allocations. The MPCA is available to help facilitate this involvement and encourages the County to plan for how additional water quality monitoring may be conducted to provide a more comprehensive assessment of waters in the County.

  MPCA also recommends that Beltrami County coordinate existing and future surface water assessments with the local/regional organizations and the MPCA.

- November 5, 2007, DNR concurs with the priority concerns and will continue to work with Beltrami County to complete the water planning update process.
- January 31, 2008, MDA commended Beltrami County and concurs with the priority concerns.
- January 17, 2008, MDH commended Beltrami County for recognizing the value of protection and preserving surface water and groundwater quality and quantity.

On February 9, 2008, the Northern Water Planning Committee (hereinafter referred to as the Committee) met with the Beltrami SWCD representatives to discuss local water management activities within Beltrami County, the process used to gather public input, the content of the PCSD, the state review agency comments and recommendations for the content of the final plan.

Based on the Committee's recommendations, the Board of Water and Soil Resources commends Beltrami County for the process used to select the concerns. The priority concerns to be addressed in the plan were deemed to be appropriate, and do not require any changes to the PCSD as submitted.

Sincerely,

Randy Kramer, Chair
Board of Water and Soil Resources

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

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DATE: February 7, 2008

TO: BWSR Northern Plan Review Subcommittee

FROM: Dan Steward, Board Conservationist

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

The original Douglas County Local Water Management Plan (LWMP) was approved in 1990. The first update to the original plan was completed in 1996. The current or third generation water plan will expire December 31, 2008.

Since the County began development of their original water plan in 1989, the County delegated implementation of the LWMP to the Land and Resource Management Department. However, in 2005, the County transferred LWMP implementation responsibilities to the Douglas SWCD. The SWCD is now working through the update process for the first time.

On June 26, 2007 the Douglas County Board of Commissioners passed a resolution to update the LWMP.

On December 14, 2007, Douglas County submitted their Priority Concerns Scoping Document (PCSD) to the Board of Water and Soil Resources for review. The attached Douglas PCSD identifies the following priority concerns, and proposes the update be focused on these four water management issues.

1. Development Pressures and Land Use
2. Natural Habitat Destruction
3. Wastewater and Strormwater Management
4. Water Quality

The County used the following process to develop the PCSD:

- April 5, 2007, Water Plan task force met to discuss water plan update process. A subcommittee was established to determine how to gather public input.
- May 7, 2007, Water Plan coordinator Emily Siira and SWCD manager Jerry Haggenmiller met with Dan Steward, Board Conservationist to discuss changes to LWP update process.
- June 26, 2007, Douglas County Commissioners passed a resolution to update the Local Water Management Plan.
- July 11, 2007, Water Plan Update Committee meets and directs staff to prepare paper and on-line surveys.

- July 23, 2007, Priority Concerns Input form mailed out to 11 municipalities, 20 townships and other local units.
- August 2, 2007, Press release sent to local media.
- August 1-20, 2007, Survey period. A total of 63 surveys were returned.
- September 10, 2007, Update Committee meets to discuss survey results.
- October 5, 2007, notice in Echo Press advertises public information meeting.
- October 18, 2007, Public information meeting held. 13 attend.
- October 32, 2007, Water Plan Task Force meets to review comments from the public meeting, survey and agencies, and selects top four priority concerns.

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

- MDNR: Outdated Land Use Plan, Runoff Management and Drainage.
- MPCA: Impaired Waters/Total Maximum Daily Loads, Alternative Shoreland Standards, Best Management Practices, Stormwater Management, Educational Opportunities.
- BWSR: Protection of Water Quality During and After Land Development in Riparian Areas, Erosion and Sediment Control on Development Areas Throughout Douglas County, The Trend Toward Development of Marginal Lands, Agricultural Soil Erosion.
- MDH: Protect Ground Water-based Drinking Water Sources, Sealing Unused / Unsealed Wells, Develop a Local Ground-water Quality Database.
- MDA: Manure Management and ISTS, Impaired Waters and TMDLs.

On December 14, 2007 the PCSD was sent to the required state agencies for review. Agencies were asked to send comments to Ron Shelito by January 14, 2008, the following agency comments were received:

MDH: The MDH in its comments on the PCSD concurred with the priority concerns selected by the county. The MDH commended the county on the process used to identify priority concerns, and for recognizing the value of protecting and preserving groundwater quality/quantity.

MDA: The MDA in its comments concurred with the priority issues selected, and commended the county on the process used to identify water management concerns.

MPCA: The PCA in its comments requested the County consider the following items when drafting the LWM Plan; participation in the development of TMDL pollutant allocations, conducting additional water quality monitoring, submitting collected data to MPCA, adoption of the Alternative Shoreland Standards, implementation of a rigorous BMP program, and local ordinances to address stormwater issues.

BWSR: On January 10, 2008 Dan Steward discussed BWSR recommendations for the PCSD with Jerry Haggenmiller. The draft PCSD was amended to address BWSR input.

DNR: The DNR comments have not been received at this time due to a position vacancy. The DNR comments are expected on Monday February 11, and are expected to be supportive of the Douglas County PCSD.

After reviewing the PCSD submitted by Douglas County along with the comments provided by the review agencies, I conclude that the guidance requirements have been met in general. The SWCD is to be commended for it's work on the first water plan headed up by the District. I recommend the subcommittee approve the PCSD for Douglas County.

Minnesota Board of Water & Soil Resources

1601 Minnesota Drive, Brainerd, MN 56401

March 27, 2008

Douglas County Commissioners
C/O Jerry Haggenmiller,
Douglas Soil and Water Conservation District
900 Robert Street, Ste 102
Alexandria, MN. 56308

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

Dear Douglas County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Douglas County has chosen to address in the update of their Comprehensive Local Water Management Plan. The Board of Water and Soil Resources, along with the state review agencies, were sent the Douglas County Priority Concerns Scoping Document (PCSD) on December 14, 2007, and asked comments be sent by January 14, 2008, to Ron Shelito, BWSR Regional Supervisor.

Several water resources concerns were submitted to the Douglas County Water Plan Task Force. Many of these concerns had similar themes which allowed the Task Force to arrange them into the following priority concerns that will be addressed in the Water Plan Revision.

1. Development Pressures and Land Uses
2. Natural Habitat Destruction
3. Wastewater and Stormwater Management
4. Water Quality

The Minnesota Department of Health, Agriculture and Department of Natural Resources all concurred with the priority concerns identified.

On February 13, 2008, the Northern Regional Water Resources Subcommittee (hereinafter referred to as the subcommittee) met with the Douglas County/SWCD representatives to discuss Local Water Management activities within Douglas County, the process used to gather public input, the content of the PCSD, the state review agency comments and recommendations for the content of the final plan.

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Based on the subcommittee's recommendations, the Board of Water and Soil Resources commends Douglas County for the process used to select the concerns. The priority concerns to be addressed in the plan were deemed to be appropriate, and do not require any changes to the PCSD as submitted. The BWSR encourages Douglas County to continue to take advantage of opportunities to play the coordination role that is often key to improved local water management.

Sincerely,

Randy Kramer
Chair, Board of Water and Soil Resources

Ron Shelito, BWSR
Wayne Edgerton, DNR
Paul Eger, PCA
John Wells, EQB
Becky Balk, MDA
Mike Howe, MDH
Michael Carroll, DNR
Dan Steward, BWSR

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COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Lyon County Request for Extension of Comprehensive Water Management Plan – *DECISION ITEM*

2. Nobles County Request for Extension of Comprehensive Water Management Plan – *DECISION ITEM*

3. Jackson County Local Water Management Plan Update – *DECISION ITEM*

From: Tabor Hoek
To: Nielsen, Jeff
Date: 2/29/2008 8:30:39 AM
Subject: Lyon Plan Extension Approval

Jeff, I approve of the Lyon Water Plan extension request to allow them the needed time to finish their plan update. They are on schedule and actaully nearing completion, but will be slightly beyond the plan expiration. Therefore, I recommend approval of this extension request. Please contact me with any further questions. Thank you.

CC: Swanson, Carla

Resolution No. 0408
RESOLUTION AUTHORIZING EXTENSION OF THE LYON COUNTY COMPREHENSIVE WATER MANAGEMENT PLAN

The following Resolution was offered by Commissioner Nelson and moved for adoption at a Regular Meeting held on February 19, 2008 at the Lyon County Courthouse, Marshall, MN:

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

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

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

WHEREAS, Lyon County will not order or commence any project using the authorities under 103B.311 subd 3 and 4 until completion of the Comprehensive Local Water Management Plan revision.

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

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

Adopted by the following vote: Ayes 5 Nays 0
Dated this 19 day of February, 2008.

Mark J Sandager
Chairman, Lyon County

ATTEST:
Loren Stomberg
Administrator, Lyon County

CERTIFICATION

State of Minnesota)
County of Lyon)

I, Loren Stomberg, duly appointed, qualified and acting County Administrator for the County of Lyon, State of Minnesota, do hereby certify that I have compared the foregoing copy of a Resolution with the original minutes of the proceedings of the Board of County Commissioners, Lyon County, Minnesota, at their session held on the 19th day of Feb, 2008, now on file in my office, and have found the same to be true and correct copy thereof.

Witness my hand and official seal at Marshall, Minnesota this 21st day of Feb, 2008.

Loren Stomberg
County Administrator

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

In the Matter of Extending the Comprehensive Local Water Management Plan for Lyon County

ORDER EXTENDING WATER MANAGEMENT PLAN

Whereas, the Lyon County Board of Commissioners has a state-approved Comprehensive Local Water Management Plan (Plan) that is effective until April 23, 2008, pursuant to Minnesota Statutes 103B.301; and

Whereas, the Minnesota Board of Water and Soil Resources (Board) has authorization to grant extensions pursuant to Minnesota Statutes 103B.311, Subdivision 4 (a) (5).

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

FINDINGS OF FACT

On September 28, 2007, Lyon County's Priority Concerns Scoping Document (PCSD) was distributed for state agencies review pursuant to Minnesota Statutes 103B.305, Subdivision 8a.

On December 6, 2007, the Board's southern region water planning review committee (Committee) met with representatives of Lyon County to discuss the County's PCSD and review comments that were received. The priority concerns to be addressed in the new Plan were deemed appropriate by the Committee. The Committee's decision was to present to the Board a recommendation of approval of the Lyon County PCSD. On December 19, 2007, the Committee presented its recommendation of approval of the Lyon County PCSD to the Board. The Board adopted the Committee's recommendation.

On February 28, 2008, the Board received a resolution from Lyon County requesting an eight-month extension of their Plan. The primary reason stated for the extension request is changes in staff and responsibilities for the Water Management Program slowing the current revision process.

On February 29, 2008, Board staff reviewed and recommended approval of the extension request by Lyon County.

On March 7, 2008, the Board's Committee met via conference call to discuss Lyon County's request for extension. The Committee's decision was to present to the Board a recommendation of approval to extend Lyon County's Comprehensive Local Water Management Plan until December 31, 2008.

CONCLUSIONS

All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of extending the Comprehensive Local Water Management Plan of Lyon County pursuant to Minnesota Statutes 103B.311, Subdivision 4 (a) (5).

ORDER

The Board hereby approves the extension of the Lyon County Comprehensive Local Water Management Plan until December 31, 2008. Lyon County shall strive to complete the updating of their Comprehensive Local Water Management Plan in a timely manner. Dated at St. Paul, Minnesota, this twenty-sixth day of March 2008.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

From: Tabor Hoek
To: Nielsen, Jeff
Date: 2/29/2008 8:29:12 AM
Subject: Nobles Plan Extension Request

Jeff, I approve of the Nobles Water Plan extension request to allow them the needed time to finish their plan update. They are on schedule and actaully nearing completion, but will be slightly beyond the plan expiration. Therefore, I recommend approval of this extension request. Please contact me with any further questions. Thank you.

CC: Swanson, Carla

FEB 20 2008
NOBLES SOIL AND WATER CONSERVATION DISTRICT
1567 McMillan Street • Suite 3
Worthington, MN 56187-2822
Telephone: (507) 376-9150

MINNESOTA
SOIL AND WATER CONSERVATION DISTRICTS

February 13, 2008

Jeff Nielsen
Board of Water & Soil Resources
261 Highway 15 South
New Ulm, MN 56073

Mr. Nielsen:

Please forward the attached resolution passed by the Nobles County Board of Commissioners to the Board of Soil and Water Resources. The resolution requests a one year extension of the Nobles County Comprehensive Local Water Management Plan Update deadline to April 30, 2009.

The Nobles County Board of Commissioners would like to allow for additional public input with several local meetings scheduled for the next few months. This would make final approval of the Nobles County Water Plan very difficult by April 30th.

We do plan to have most of the update completed by September, 2008, but will request the one year extension.

If you have any questions or comments, please contact me at 507-376-9150, ext 115.

Thank you for your help in completing this process.

Jane Steffl

Jane Steffl
Administrative Coordinator
Nobles SWCD

cc: Mark Hiles, BC

RESOLUTION

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

WHEREAS, Nobles County has contracted with the Southwest Regional Development Commission to complete a plan according to BWSR's requirements, and

WHEREAS, Phase 1: priority concerns have been identified and documented and Phase 2: BWSR has reviewed and comments have been completed, and

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

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

NOW, THEREFORE BE IT RESOLVED, that the Nobles County Board of Commissioners requests from the Board of Water and Soil Resources a one year extension of their existing local water plan to April 30, 2009 in order to complete the revision process.

CERTIFICATION

STATE OF MINNESOTA)
(ss
COUNTY OF NOBLES)

I, Melvin J. Ruppert, Administrator of said County of Nobles, do hereby certify that I have compared the foregoing copy with the original resolution adopted by the County Board on the 5th day of February, 2008, and now remaining on file and of record in my office and that the same is a correct transcript and of the whole of such original.

Witness my hand and official seal this 6th day of February, 2008.

SEAL

Melvin J. Ruppert, County Administrator
Nobles County, Minnesota

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

In the Matter of Extending the Comprehensive Local Water Management Plan for Nobles County

ORDER EXTENDING WATER MANAGEMENT PLAN

Whereas, the Nobles County Board of Commissioners has a state-approved Comprehensive Local Water Management Plan (Plan) that is effective until April 23, 2008, pursuant to Minnesota Statutes 103B.301; and

Whereas, the Minnesota Board of Water and Soil Resources (Board) has authorization to grant extensions pursuant to Minnesota Statutes 103B.311, Subdivision 4 (a) (5).

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

FINDINGS OF FACT

On August 29, 2007, Nobles County's Priority Concerns Scoping Document (PCSD) was distributed for state agencies review pursuant to Minnesota Statutes 103B.305, Subdivision 8a.

On December 6, 2007, the Board's southern region water planning review committee (Committee) met with representatives of Nobles County to discuss the County's PCSD and review comments that were received. The priority concerns to be addressed in the new Plan were deemed appropriate by the Committee. The Committee's decision was to present to the Board a recommendation of approval of the Nobles County PCSD. On December 19, 2007, the Committee presented its recommendation of approval of the Nobles County PCSD to the Board. The Board adopted the Committee's recommendation.

On February 20, 2008, the Board received a resolution from Nobles County requesting a one-year extension of their Plan. The primary reason stated for the extension request is to allow for additional public input, with several local meetings scheduled for the next few months.

On February 29, 2008, Board staff reviewed and recommended approval of the extension request by Nobles County.

On March 7, 2008, the Board's Committee met via conference call to discuss Nobles County's request for extension. The Committee's decision was to present to the Board a recommendation of approval to extend Nobles County's Comprehensive Local Water Management Plan until April 30, 2009.

CONCLUSIONS

All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of extending the Comprehensive Local Water Management Plan of Nobles County pursuant to Minnesota Statutes 103B.311, Subdivision 4 (a) (5).

ORDER

The Board hereby approves the extension of the Nobles County Comprehensive Local Water Management Plan until April 30, 2009. Nobles County shall strive to complete the updating of their Comprehensive Local Water Management Plan in a timely manner. Dated at St. Paul, Minnesota, this twenty-sixth day of March 2008.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

DATE: March 3, 2008

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: Tabor Hoek, Board Conservationist

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

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

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

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

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

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

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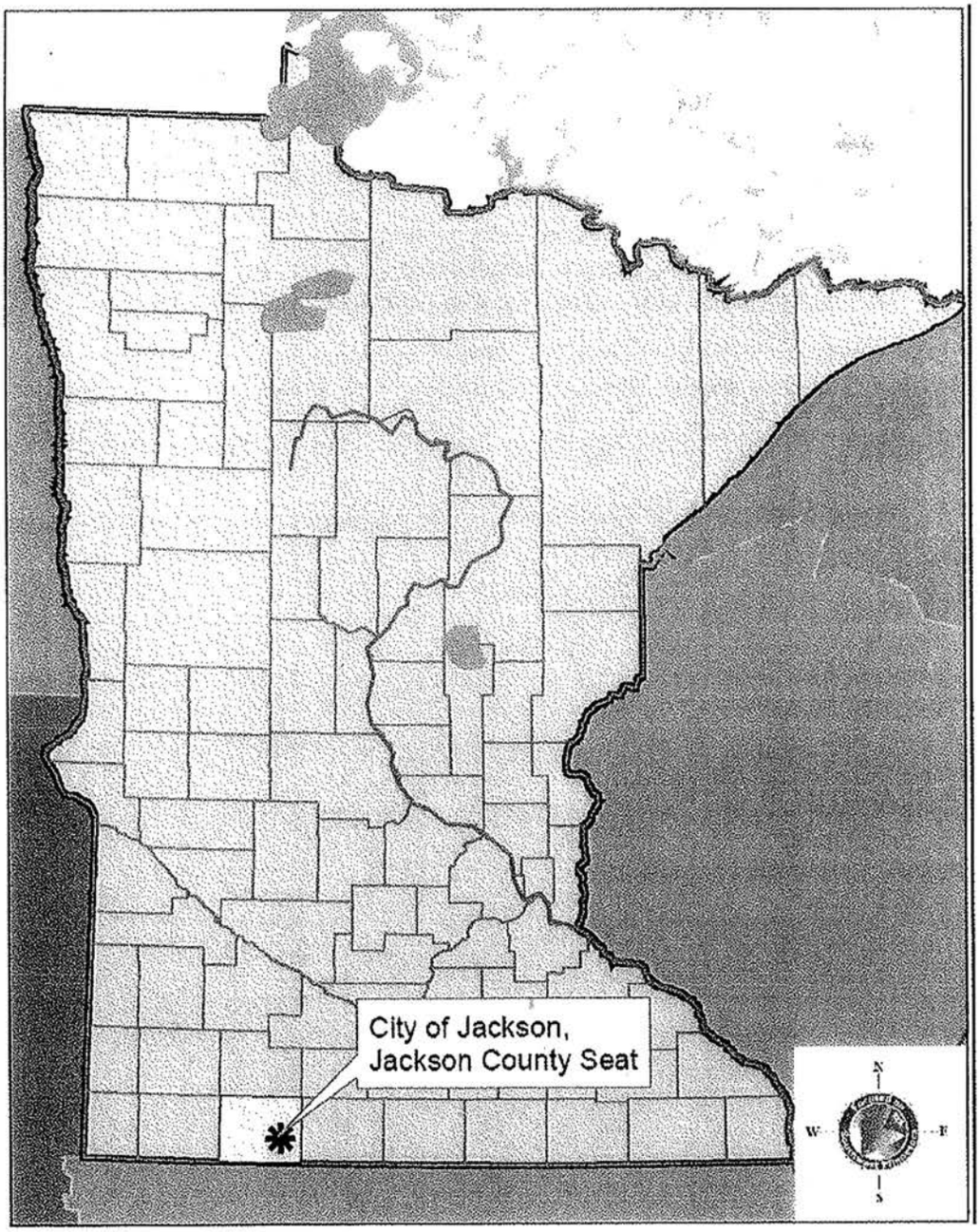
JACKSON COUNTY
LOCAL WATER MANAGEMENT PLAN

A 10-year plan with a 5-year implementation schedule 2008-2017

DRAFT October 2007

Prepared for the Jackson County Local Water Management Task Force
By Jackson County Parks, Planning & Environmental Services
And Southwest Regional Development Commission



JACKSON COUNTY LOCAL WATER MANAGEMENT PLAN
A 10-year plan with a 5-year implementation schedule 2008-2017
DRAFT October 2007

I. Table of Contents

Page

A. Executive Summary 1
   1. Purpose & Introduction
   2. Description of Priority Concerns
   3. Summary of Goals, Actions, and Projected Costs
   4. Consistency with Local, State and Regional Plans
   5. Summary of Recommended Amendments to Other Plans and Official Controls

B. Priority Concerns 8
   1. Identification of Priority Concerns
   2. Assessment of Priority Concerns
      Priority Concern 1. Improve Surface Water Quality
      Priority Concern 2. Feedlots & SSTS
      Priority Concern 3. Drainage Management
      Priority Concern 4. Protect Groundwater
   3. Goals and Objectives to Address Priority Concerns

C. Implementation to Address Priority Concerns 24

D. Implementation Schedule of Ongoing Activities 32

E. Appendix: 33
   1. Acronyms Used
   2. Priority Concerns Scoping Document

II. Color Maps
   A. Land Use
   B. Watersheds
   C. Impaired Waters
   D. Erodible Soils
   E. Shoreland—Lakes & Streams
   F. National Wetland Inventory
   G. Registered Feedlots
   H. Septic Systems
   I. Public Water Supply Wells
   J. Sealed Wells
   K. Rural Water Lines

For additional information on water management in Jackson County, Minnesota, contact:

Jackson County Parks, Planning & Environmental Services
405 Fourth Street, Jackson, MN 56143
507-847-2240

A. Executive Summary

Jackson County is located in the southwestern corner of Minnesota, adjacent to Martin, Watonwan, Cottonwood, Murray, and Nobles counties. The City of Jackson is the county seat. Jackson County's population in the 2000 U.S. Census was 11,268. The City of Jackson's population was 3,501.

The West Fork of the Des Moines River bisects Jackson County. Six major watershed areas cover the County: the Watonwan and Blue Earth flowing easterly to the Minnesota River; the East Fork Des Moines, and Upper and Lower portions of the West Fork Des Moines River (including the Heron Lake system) flows through Iowa to the Mississippi River; and the Little Sioux River flows through northwestern Iowa to the Missouri River.

A.1 Purpose & Introduction

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

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

This is the third edition of a local water management plan for Jackson County. In August of 1987, the Jackson County Board of Commissioners passed a resolution to enter into a Joint Powers Agreement with 12 other Counties in the Blue Earth Watershed District to develop a comprehensive water plan. After much work, the plan was adopted by the County Board on 10 December 1990.

The second edition of Jackson County's water plan, now in effect, was approved by the Board of Water and Soil Resources (BWSR) on 7 January 1998, and adopted by the County Board on 9 March 1998. This plan expires on 31 December 2007. The Jackson County Board of Commissioners adopted a resolution on 26 September 2006 to revise the current plan, according to Minnesota Statutes now in effect.

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

- Promoted the replacement of non-compliant septic systems, upgraded 450 systems since 1996.
- Secured funds for a low interest county septic loan program to provide funding for installation of septic systems, up to $6,500 on property tax for 7 years @ 3% interest; continue to look for additional sources for this funding.

- Promoted sealing of abandoned wells with cost share program; provided 50% cost share to seal 94 wells since 2000. Additional cost share available from Heron Lake Watershed District.
- Provided Ag Best Management Loan Program for Conservation Tillage Equipment and Ag Waste improvements, Septic System Upgrades with AgStar.
- Surface water samples taken from 8 sites since 1999, to establish baseline water quality information.
- Worked with Minnesota Pollution Control Agency (MPCA) as a Delegated County for the Feedlot Program, and maintained the feedlot data base.
- Worked with county livestock producers in registering their feedlots and completing their Manure Management Plans.
- Completed lakeshore studies for community sewer projects at Loon Lake and Fish Lake.
- Worked with Mankato State University and 13-county water planning group in the development of GIS mapping capabilities and shape-files.
- Developed GIS parcel layer in cooperation with municipalities.
- Completed LiDAR (Light Detection and Ranging) 1' contour mapping in the Iowa Great Lakes Watershed's Minnesota area in cooperation with SWCD, Iowa DNR, USFW.
- Worked with area schools to develop earth day programs
- Provided support for Prairie Ecology Bus Center
- Promoted management of solid waste, recycling and household hazardous waste
- Administered the Wetland Conservation Act
- Administered the Shoreland and Flood Plain Management Program.
- Promoted the use of rain gardens
- Cooperate and coordinate with multi-jurisdictional organizations: Heron Lake Watershed District, Greater Blue Earth River Basin Alliance, Des Moines River Clean Water Partnership.
- Monitor and update county ordinances in compliance with state rules and regulations

Jackson County Water Plan
AgBMP Loans--New and Revolving Funds

	Tillage Equipment		Agricultural Waste		Septic System Upgrades	
2004	15	$194,198	15	$194,198	6	$32,187
2005	15	$274,180	15	$274,180	5	$30,376
2006	19	$326,275	5	$146,168	3	$16,363

Source: Jackson County Planning

Jackson County Planning and Environmental Services is responsible for local water management in Jackson County, including facilitation of public input and convening the Jackson County Local Water Management Task Force. Jackson County has retained John C. Shepard, AICP, of the Southwest Regional Development Commission to assist with writing the Plan update. Task Force membership included:

Local Water Management Task Force Members

- Steve Anderson, Dickinson (Iowa) Clean Water Alliance
- Steve Beckel, Water Superintendent, City of Jackson
- Karen Boysen, Des Moines River Clean Water Partnership
- Ed Eigenberg, Mayor, City of Wilder
- Jason Espenson, Co-Chair, Fish Lake Association
- Robert Ferguson, Jackson County Commissioner
- Larry G. Hansen, Board Member, Jackson County SWCD
- Larry Liepold, Jackson County Pork Producers
- Joel Poppe, Jackson County NRCS
- David Pribyl, Jackson County Conservation League
- Kelly Rasche, City Administrator, City of Lakefield
- Craig Rubis, Jackson County Commissioner
- Tom Timko, Jackson County Planning Commission
- Jan Voit, Administrator, Heron Lake Watershed District
- Ben Crowell, Jackson County Planning and Environmental Services
- Brian Nyborg, Manager, Jackson SWCD
- Gordon Olson, Director, Jackson County Planning and Environmental Services

A.1.a Public and Internal Forums

4/11/2006	Jackson County Board of Commissioners contracts with Southwest Regional Development Commission (SRDC) for technical assistance to update the Jackson County Water Plan.
9/26/2006	Jackson County Board of Commissioners approve resolution of intent to revise and update the local water management plan.
11/08/2006	Notice of Decision to Revise and Update the Local Water Management Plan provided by email and/or postal service to local units of government, organizations and responsible agencies as suggested and required.
11/14/2006	Jackson County Water Planner and SRDC Development Planner meet with BWSR field rep to discuss PCSD workplan.
12/15/2006	Requested date for priority concerns, comments and information to be returned to Jackson County Planning & Environmental Services Office.
1/18/2007	Meeting Notice published as display ad in *Jackson County Pilot*.
1/25/2007	Local Water Management Plan Update Information Meeting held in the evening with Task Force as public hearing on priority water management concerns for Jackson County, at the Jackson County Resource Center in Jackson, Minnesota. 17 in attendance.
2/16/2007	KDOM-AM/FM interview with Southwest Regional Development Commission Development Planner, discussing water plan updates.

3/05/2007	Continuation of Local Water Management Plan Update Information Meeting with Task Force and staff held at Jackson Pizza Ranch. 20 in attendance.
4/10/2007	Priority Concerns Scoping Document provided to BWSR and the required routing list for comment.
7/09/2007	Local Water Management Plan Task Force meeting to consider Priority Concerns regarding Soil Erosion and Feedlots & ISTS held at the Jackson County Resource Center. 15 in attendance.
7/19/2007	BWSR Southern Regional Committee meeting at Windom DNR Building to review PCSD.
7/30/2007	Local Water Management Plan Task Force meeting to consider Priority Concerns regarding Surface Water and Drainage Management held at the Jackson County Resource Center. 14 in attendance.
8/17/2007	KDOM-AM/FM interview with Southwest Regional Development Commission Development Planner, discussing water plan updates.
8/20/2007	Local Water Management Plan Task Force meeting to consider Priority Concerns regarding Groundwater held at the Jackson County Resource Center. 11 in attendance.
10/1/2007	Local Water Management Plan Task Force meeting to consider Goals, Objectives and Implementation measures. 9 in attendance.

A.1.b Plan Adoption and Amendment

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

Approximately two years—and mo later than 18 months—prior to the end of the 5 year management schedule, the County Board should consider a new Resolution to update this plan, according to the rules then in place.

A.2 Description of Priority Concerns

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

Priority Concern 1. Improve Surface Water Quality.

The first step in improving surface water quality is protecting soil from erosion, holding waters on the landscape to allow natural filtration time to work. Currently several rivers and lakes are listed as TMDL Impaired Waters, with more proposed for

listing. High priority soil erosion problems, agricultural best management practices and stream bank and lakeshore development all impact surface water quality.

Priority Concern 2. Feedlots & SSTS (Subsurface Sewage Treatment Systems).

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

Priority Concern 3. Drainage Management.

Waters flow across a landscape changed greatly by development. Management of the resulting drainage system—the modern hydrograph—is typically disjointed and uncoordinated, leading to issues with both quantity and quality of water.

Priority Concern 4. Protect Groundwater.

All of the residents of Jackson County rely on groundwater for their drinking water, either through individual wells, municipal supply or rural water systems. Much of the water supply currently is and will continue to come from sources outside the county.

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

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

Priority Concern 1. Improve Surface Water Quality.

This concern will be addressed to improve and prevent further degradation of stream and lake water quality, with a priority for highly-erodible land, shoreland areas, and TMDL-listed waters. Objectives include preventing soil erosion; encouraging perennial cover, buffers and conservation tillage; improving stream bank and lakeshore development, and addressing TMDL impaired waters.

Implementation actions include promotion and education, administration and review of plans and ordinances, providing technical assistance with programs and best management practices, providing financial incentives for conservation practices, and working with state and federal agencies on measures to improve water quality.

Projected costs over the five years of the management plan to implement all actions would include about $750,000 for TMDL plans and implementation, $1,825,000 for financial assistance with projects, $82,000 for technical assistance and consulting, and $64,750 for outreach and education, as well as annual in-kind services. All dollar figures are estimates and recognize approximate costs of all identified implementation partners.

Priority Concern 2. Feedlots & SSTS (Subsurface Sewage Treatment Systems).

This concern will be addressed to protect public waters and assist residents in meeting feedlot and septic standards, focusing on shoreland and un-sewered communities. Objectives include improving nutrient management, maintaining feedlot inventory and registration, encouraging appropriate technology for SSTS (also known as ISTS or Individual Septic Treatment Systems) and community sewer systems, and continuing to bring nonconforming septic systems into compliance with regulations.

Implementation actions include education and outreach, technical assistance with nutrient and manure plan development, maintenance of GIS layers, updates of ordinances, technical and financial assistance for feedlot compliance, and replacing non-compliant septic systems.

Projected costs would include about $3,870,000 towards bringing sewer and septic systems into compliance, $175,000 in financial assistance, $340,000 for technical assistance, and $12,000 for outreach and education, as well as annual in-kind services.

Priority Concern 3. Drainage Management.

This concern will be addressed to work toward more natural flows in the drainage system, focusing on the Heron Lake watershed and areas tributary to the Des Moines River above Jackson Dam. Objectives include restoring the hydrograph, promoting the use of modern structures and technology, wetland restoration and management, and reducing impacts of flooding.

Implementation actions include providing education and outreach, modernizing drainage system management, technical assistance with conservation and wetlands projects, and floodplain administration.

Projected costs would include about $350,000 for financial assistance with projects, $245,000 for technical assistance and consulting, and $2,500 for outreach and education, as well as annual in-kind services.

Priority Concern 4. Protect Groundwater.

This concern will be addressed to assure long-term quality and quantity of groundwater supplies, with a priority for wellhead protection areas and areas not currently served by public/community systems. Objectives include supporting well head protection, preventing groundwater contamination, and protecting long-term supplies.

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

Projected costs would include about $75,000 for assistance to landowners sealing unused wells, $5,000 for technical assistance, and $3,000 for outreach and education, as well as annual in-kind services.

A.4 Consistency with Local, State and Regional Plans

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

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

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

B. Priority Concerns

B.1 Identification of Priority Concerns

Priority Concerns for local water management were selected by the Jackson County Local Water Management Plan Task Force members after reviewing the concerns submitted by state and local agencies and other stakeholders. (See *Priority Concerns Scoping Document* appended.)

Local water management concerns and comments were received from:

- *Minnesota Board of Water and Soil Resources*
- *Minnesota Department of Agriculture*
- *Minnesota Department of Health*
- *Minnesota Department of Natural Resources*
- *Minnesota Environmental Quality Board*
- *Minnesota Pollution Control Agency*
- *Jackson County Soil & Water Conservation District*
- *Martin County Soil & Water Conservation District*
- *Nobles County*
- *City of Alpha*
- *Hunter Township*
- *Round Lake Township*
- *West Heron Lake Township*

Concerns were presented at the public input meeting and discussed. Staff then reviewed, refined, and developed focused Priority Concerns for Task Force consideration. After further discussion, the Task Force members selected the Priority Concerns by consensus. During the planning process, the Task Force revised the initial priority concerns to better reflect the needs of the County.

Jackson County Water Plan
Population

Civil Division	2000 Population	2006 Estimate
Alba township	200	196
Alpha city	126	127
Belmont township	223	219
Christiania township	331	334
Delafield township	281	294
Des Moines township	273	248
Enterprise township	204	186
Ewington township	233	209
Heron Lake city	768	772
Heron Lake township	401	391
Hunter township	258	240
Jackson city	3501	3469
Kimball township	158	151
La Crosse township	180	182
Lakefield city	1721	1701
Middletown township	243	243
Minneota township	285	288
Okabena city	185	182
Petersburg township	269	268
Rost township	250	253
Round Lake township	202	198
Sioux Valley township	270	282
Weimer township	172	170
West Heron Lake twp	202	213
Wilder city	69	66
Wisconsin township	263	250
County	11,268	11,150

Source: Minnesota State Demographic Center

B.2 Assessment of Priority Concerns

Jackson County has six (6) incorporated cities, a number of unincorporated villages, and twenty (20) townships. The Minnesota State Demographic Center estimates that there are 11,150 residents in the county as of 2006, 1% fewer than counted in the year 2000 US Census and 4.5% fewer than counted in 1990.

Growth has been found in Delafield, Sioux Valley, and West Heron Lake townships. The Demographic Center projects the County's population will grow to 11,550 in 2035. Although total population has declined in the county, the number of households is stable to slightly expanding. The Demographic Center estimates 4,636 households in the county in 2006, with greatest increase in the City of Jackson. There are also areas of seasonal housing development in the county that may not be adequately captured by Census figures.

Jackson County is well-served by transportation networks. I-90 runs east-west through the City of Jackson, connecting I-35 at Albert Lea and I-29 at Sioux Falls, South Dakota. US Highway 71 runs north-south through Jackson and MN State Highway 86 runs north-south through Lakefield, both connecting to Spirit Lake, Iowa. MN State Highway 60 runs on a diagonal through Windom, Wilder and Heron Lake between Worthington and Mankato, providing a major link between the Twin Cities and Sioux City, Iowa. The Union Pacific Railroad runs parallel to Highway 60.

Agriculture is the primary economic driver in the county, with some industrial businesses along Highway 60 and in the city of Jackson. The University of Minnesota found that about 82% of the land area in Jackson County was cultivated, with 8% urban, 6% in grass/shrub/wetlands, 3% forest, and 2% covered by water in the year 2000 (Remote Sensing and Geospatial Analysis Laboratory, **see attached map**). There were almost 9,500 acres of impervious area, or over 2% of the county overall.

Jackson County is a typical prairie environment on the edge of the Midwestern humid area, with average annual precipitation of 26-28 inches (Minnesota's state-wide median since 1890 is about 26 inches). Typically 75% of precipitation falls between April and September. Annual precipitation can vary widely—while 21 inches was measured in 2003, over 34 inches of precipitation was observed during 2005 (State Climatology Office – DNR Waters at http://climate.umn.edu/).

The landscape of Jackson County is the result of glacial activity that occurred 12,000 to 20,000 years ago. The reworking of the landscape by the glacier and by glacial meltwater resulted in distinct physiographic regions. The eastern part of the county is an essentially nearly flat to gently rolling landscape. In the center, the West Fork of the Des Moines River flows along the east side of the Altamont moraine, with a valley floor about 100 feet lower than the surrounding landscape. The Heron Lake system gives evidence of an ancient glacial lake that once covered much of the northwest part of the county. The southwestern part of the county is characterized by hills and small bodies of water. Pre-settlement vegetation consisted of wetlands, grasslands and hardwood forests in river-bottom stands; however, most of the farmland has been artificially drained. Six major watershed areas cover the County **(see attached maps)**.

- Watonwan and Blue Earth rivers flow easterly to the Minnesota River.
- East Fork Des Moines, and Upper and Lower portions of the West Fork Des Moines River flow through Iowa to the Mississippi River.
- Little Sioux River flows through Iowa to the Missouri River.

In addition to these rivers and streams, there are about 40 lakes in Jackson County with DNR-designated shoreland areas. ***High priority water quality problems*** **are seen in**

areas where sediment, nutrients, chemicals or other pollutants discharge to DNR designated protected waters or to any high priority waters as identified in this plan, or discharge to a sinkhole or ground water. The pollutant delivery rate to the water source is in amounts that will impair the quality or usefulness of the water resource.

Priority Concern 1. Improve Surface Water Quality.

As precipitation falls from the sky onto our fields, forests and cities, we have many opportunities to protect the quality of that water as it flows, whether down to the ocean or up into our tap. Often the first step is to slow that water down in order to minimize the disruptions of drainage. Holding water on the landscape then can filter contaminants naturally. Agricultural Best Management Practices (BMPs) can also optimize farm profits, while conserving soil and protecting ground and surface water quality.

a. TMDL Impaired Waters

The federal Clean Water Act requires states to adopt water quality standards. A water body is considered "impaired" or polluted if it fails to meet these standards. The Act requires the state to conduct a Total Maximum Daily Load (TMDL) study to identify point and non-point sources of each of these pollutants. MPCA and other agencies are working to reduce impairments in these waters **(see attached map)**. Statewide, there were 2,274 impairments listed on 1,304 waters in 2006. DNR has proposed 1,469 impairments on 336 rivers and 500 lakes in a draft list for 2008. As of September 2007, there were 3 additional listings proposed in Jackson County, including 2 lakes and 1 ditch.

Jackson County Water Plan
2006 Impaired Waters Requiring a TMDL

Name	Stretch	Pollutant*	Affected Use
Des Moines River	Windom Dam to Jackson Dam	A, DO, FC, T	Aquatic Life & Recreation
Des Moines River	Jackson Dam to JD 66	T	Aquatic Life
Des Moines River	JD 66 to Iowa Border	FC, T	Aquatic Life & Recreation
East Branch Des Moines	Headwaters to Okamanpeedan Lk	DO, T	Aquatic Life
Jack Creek	JD 26 to Heron Lk	FC, T	Aquatic Life & Recreation
Division Creek	Heron Lk to Okabena Cr	T	Aquatic Life
Okabena Creek	Elk Cr to South Heron Lk	FC, T	Aquatic Life & Recreation
Heron Lake Outlet	Heron Lake to Des Moines River	pH, T	Aquatic Life
Heron Lake		Nutrients	Aquatic Recreation
Fish Lake		Hg FCA	Aquatic Consumption
Little Spirit		Nutrients	Aquatic Recreation

* Pollutant, Stressor or Indicator
A: Ammonia
DO: Dissolved Oxygen
Hg: Mercury
FC: Fecal Coliform
FCA: Fish Consumption Advisory
pH: pH
T: Turbidity

Source: MPCA 2006 Final List of Impaired Waters, MPCA GIS files

Jackson County is part of TMDL studies in three different watersheds. The West Fork Des Moines River Watershed TMDL underway covers ~~ammonia, low oxygen,~~ fecal coliform and turbidity, as well as excess nutrients in Heron Lake, with a target completion date of 2008. The East Fork Des Moines is scheduled for a study of turbidity in 2010-2015. Little Spirit Lake in the Missouri River basin is scheduled for a study of excess nutrients in 2012-2017. (For MPCA project schedules, see http://www.pca.state.mn.us/water/tmdl/tmdl-projects.html.)

b. Soil erosion

Approximately 50% of the soils within Jackson County are prone to erosion from wind and water. Simple conservation practices, such as grass waterways, terraces, and sediment basins, can substantially reduce the impacts of soil erosion on surface waters and wetlands. Vegetative buffers separating cropland from bodies of water act as a last line of defense from runoff. These buffers should be a minimum of 33 feet wide and extend at least to the edge of the flood plain.

High priority erosion problems occur in areas where erosion from wind or water is occurring equal to or in excess of twice the "tolerable rate" as defined by NRCS. High priority erosion problems also occur in any area that exhibits active gully erosion. As well, the focus areas for this local water management plan, including watersheds of impaired waters, should be considered high priority for erosion prevention.

LiDAR (Light Detection and Ranging) mapping is a process that rapidly transmits pulses of light that reflect off the terrain and other height objects. LiDAR systems collect positional (x,y and z) data at pre-designed intervals. The resulting LiDAR data is a very dense network of elevation postings. Jackson County has been able to purchase this information on the Iowa Great Lakes Watershed as the Iowa DNR is developing that information statewide. The Iowa Great Lakes Watershed consists of 90,000 acres of which 25,000 of those acres are in Minnesota. This information is very useful in developing watershed models. The costs associated with this project were approximately $1.40 per acre. New technology along with large scale projects may make that process less expensive.

c. Perennial cover, buffers and conservation tillage

Voluntary conservation programs have proven a popular method to reward agricultural producers for doing their part to prevent erosion. Conservation Reserve (CRP), Conservation Reserve Enhancement (CREP), Grassland Reserve Program (GRP), Environmental Quality Incentives (EQIP), Reinvest in Minnesota (RIM), Wetland Reserves (WRP) programs and other similar initiatives provide tools to return appropriate land to a native ecology that is better able to respond to erosion pressures. According to BWSR figures for August 2007, 3.2% of cropland acres in Jackson County are enrolled in these conservation programs. Local efforts continue to assist producers with navigating the paperwork and

time-factors involved in accessing these resources. In particular, there is a need to reach out in support of agricultural tenants to educate absentee landowners on the benefits of conservation methods.

Jackson County Water Plan
SWCD Tillage Transect Survey Results

Corn

Year	No Till >30% residue	Ridge-Till >30% residue	Mulch-Till >30% residue	Reduced-Till 15-30% residue	Convt-Till <15% residue	Meeting Goal
1995	1%	0%	1%	10%	87%	12%
1996	1%	2%	1%	29%	67%	33%
1997	1%	1%	9%	42%	47%	53%
1998	0%	2%	9%	47%	43%	58%
1999	1%	6%	13%	48%	33%	68%
2000	1%	4%	2%	42%	50%	49%
2001	1%	5%	2%	42%	50%	50%
2002	2%	5%	5%	49%	41%	61%
2004	3%	5%	11%	52%	29%	71%
2007	1%	1%	21%	61%	15%	84%

Soybeans

Year	No Till >30% residue	Ridge-Till >30% residue	Mulch-Till >30% residue	Reduced-Till 15-30% residue	Convt-Till <15% residue	Meeting Goal
1995	10%	4%	16%	43%	27%	30%
1996	12%	5%	25%	44%	14%	42%
1997	11%	3%	56%	23%	7%	70%
1998	5%	4%	46%	29%	15%	55%
1999	7%	4%	54%	25%	9%	65%
2000	5%	6%	56%	26%	7%	67%
2001	7%	4%	45%	37%	8%	56%
2002	8%	5%	51%	29%	8%	64%
2004	10%	6%	59%	20%	5%	75%
2007	8%	4%	72%	12%	4%	84%

Source: Jackson SWCD

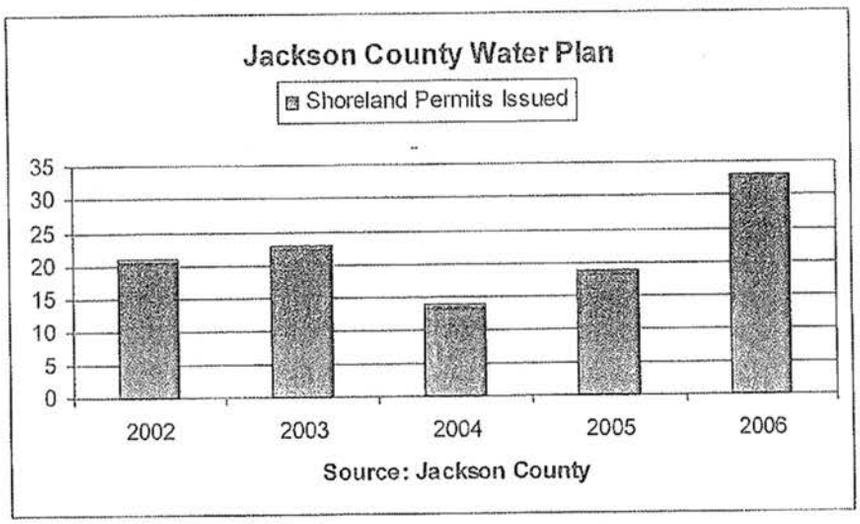
Conservation tillage—leaving adequate crop residue—provides a layer of protection from water and wind erosion and increases organic mater in the soil. Ridge till and strip till have become popular methods to protect soils. In the state of Illinois, for example, no-till soil conservation practices have surpassed conventional tillage, according to NRCS and state Soil and Water Conservation District (SWCD) surveys. Jackson County SWCD and NRCS have completed tillage transect surveys in the past to better understand trends in local conservation tillage. Changes in market economics for corn and soybean production have raised concerns among producers about the efficiency of conservation tillage. In particular, recent increases in the price of corn have led to predictions of

increasing acres planted "corn-on-corn", rather than the typical corn-soybean rotation. Farmers are pressed to get into the field earlier each year. There is a constant need to balance program standards, such as national program criteria which may conflict with mapped or actual conditions in the field. These concerns must be addressed by ag educators and advocates, such as the University of Minnesota Extension Service, Watershed District, SWCD, and other County officials, through promotion, education and demonstration.

d. Stream bank and lakeshore development

Effects of erosion are also evident on many of the county's stream-banks and lakeshores. Aquatic plants provide a natural buffer between windswept open water and fragile shores. Drainage and development have eliminated many of these plants, leading to bank erosion, runoff of fertilizer from fields and lawns, and other problems. The typical modern response has been hard-scape—concrete and rock rip-rap. A concerted effort to replace riparian vegetation in shorelands, including tree windbreaks, would help protect lake shores and restore wildlife habitat.

The State of Minnesota regulates the use of shoreland—land within 300 feet of a river or 1,000 feet of a lake **(see attached maps)**. The DNR identifies three river types in Jackson County—Transition, Agricultural, and Tributary river segments—as well as Natural Environment, Recreational Development and General Development lakes. Guidelines for the development of shoreland areas were developed by the DNR and adopted by the County in its zoning code.



Many lakes in the County have areas that are unsuitable for development, such as wetlands or soils not capable for development (poorly suited for septic systems, wet soils, strength, etc.). However, new development does not always lead to degradation of environmental quality. Conservation Design, for example, is a planning process which clusters development in a portion of the site so that other

areas can remain in natural or agricultural use. Low Impact Development (LID) is another technique intended to manage stormwater by replicating natural filtration processes of a site's pre-development hydrology. Conservation Design and LID projects both rely on creative street and lot design, with runoff typically retained to minimize impervious surfaces and create attractive building sites.

Other jurisdictions address the specific impacts of construction on water and soil. Federal permits are required for any project disturbing over a certain amount of area, although enforcement through state agencies can be problematic. There may be opportunities in local land use codes to provide more clear local guidance, in line with the intent of federal rules.

Priority Concern 2. Feedlots & SSTS (Subsurface Sewage Treatment Systems).

Development in rural communities is a process of balancing interests. The majority of land in Jackson County is in agriculture. Feedlot expansion in the region has, at times, created conflicts with nearby residents. Residential development itself can lead to conflicts with established agricultural operations, waters and wildlife. While the County may seek to provide opportunities for housing in both town and country, that development must fit into working landscapes and natural areas.

a. Nutrient Management

Nutrient management programs are intended to prevent and mitigate non-point nutrient contamination of water and soil resources. This is particularly important in areas with a great deal of surface runoff, as well as surficial aquifer areas. As the Minnesota Department of Agriculture (MDA) and other state and local agencies have emphasized, nutrients such as phosphorus and nitrogen may have deleterious effects on the county's surface water and have been frequently detected in samples from river systems similar to those in Jackson County. "According to the University of Minnesota, land application of manure, under certain circumstances, has the potential to be a larger contributor of nutrient loading to waters than open lot feedlots. The development of manure management and nutrient management plans will help ensure that producers have the tools to apply manure at agronomic rates and reduce the potential for impacts to surface and ground waters" (MDA PCSD comments).

Technical assistance from county staff can help farm operators understand the variety of rules and regulations, which can be confusing. While larger operations are required to develop formal management plans, more modest feedlots can also benefit from the same sound scientific management principles.

b. Feedlot inventory and registration

Local trends in agriculture have been similar to other areas across southwestern Minnesota. The 2002 U.S. Census of Agriculture reported 989 farms on 398,068 acres in Jackson County. Of these, 349,930 acres were harvested cropland. The

Ag Census counted 203 farms with cattle, 144 with swine, and 44 with sheep. Questionnaires for the next Census of Agriculture are scheduled for distribution in December 2007.

It can be difficult to balance the location of feedlots and other animal confinement operations with demand for rural residences. Trends in feedlot management, such as changing demographics; market trends for feed, beef and pork; and economics of fertilizer will effect growth in the industry. Population growth in some townships, however, may also lead to future land use conflicts with feedlots and manure management.

MPCA regulates the collection, transportation, storage, processing and disposal of animal manure. As of July 2007, there are 479 registered feedlots in Jackson County **(see attached map)**. Of these, 242 feedlots have beef animals, 286 have swine, and 49 have sheep (some with more than one species present). Approximately 15% of registered feedlots and other livestock facilities should be considered high priority for improvements.

Jackson County is delegated to administer the MPCA Animal Feedlot Rules (MN Rule Chapter 7020) for feedlots that are not required to have a National Pollutant Discharge Elimination System Permit. All different types of facilities are inspected as a part of this program, including open lots. A Minnesota Feedlot Annualized Runoff Model (MinnFARM) is conducted at sites where there may be the potential to pollute Waters of the State with manure contaminated runoff. If a pollution hazard is identified, Jackson County offers the producer both technical and financial assistance, if possible, to correct the pollution hazard. Corrections range from replacing open tile intakes with rock inlets to runoff control structures.

As noted above, the County continues to implement Agricultural Best Management Practices (AgBMPs) in conjunction with MDA, such as feedlot improvements; upgrading manure storage facilities, and odor control; improved manure handling, and spreading and incorporation equipment. In many cases, issues are minimized simply by improving record keeping and regulatory compliance.

c. Appropriate technology for SSTS and community sewer systems

Many communities rely on traditional central sewer systems. Technology and regulatory requirements are constantly changing and improving, demanding professional and skilled management. Many households also still rely on Subsurface Sewage Treatment Systems (SSTS, also known as ISTS or Individual Septic Treatment Systems), which often can provide a high degree of sewage treatment if properly sited, installed and maintained.

Another option for treatment is a regional sewer district, which functions in a similar manner as rural water systems. A central entity organizes construction of sewer collection and treatment facilities and provides annual maintenance, and in return collects payment on a utility fee-for-service basis. Jackson County has

been working for several years with residents of the Loon Lake and Fish Lake areas to study such an option for their unincorporated communities.

The Greater Blue Earth Basin Alliance (GBERBA) has received Clean Water Legacy funding from the State of Minnesota to develop a nine-county, basin-wide plan to bring non-conforming SSTS sites into compliance with state standards. A Technical Panel has been formed and discussion has begun to formalize the project workplan and timeline.

d. SSTS compliance regulation

State legislation governing SSTS is implemented at the county level. Failing and nonconforming sewage treatment systems are considered an imminent threat to public health. These systems can spread hepatitis, dysentery and other diseases that are spread by bacteria, viruses and parasites in wastewater. Untreated sewage also may contain toxic chemicals from household cleaning products. This wastewater can directly enter surface waters and spread to unsuspecting humans, as well as pets and wildlife. Excess nutrients reaching lakes or streams will also promote algae growth, making lakes unsuitable for swimming, boating and fishing. Over time, wastewater will reach down to groundwater as well.

At the present time in Jackson County, existing septic systems are required to be brought into compliance at the time of property transfer, but in shoreland areas only (Shoreland is defined as being within 1000' of a lake or 300' from a stream.) Other triggers that apply countywide include the addition of a bedroom or a validated complaint. It is anticipated that the property transfer trigger will be applied countywide in the near future.

Development should be discouraged in areas where poor soil characteristics may not support SSTS systems. Enforcement of standards for on-site sewage treatment systems is necessary to protect public health and safety, as well as preventing pollution of public waters. Jackson County has a successful record of assisting landowners to upgrade their septic systems through a low-interest loan program **(see attached map)**. Public interest in assistance is expected to continue into the future.

Priority Concern 3. Drainage Management.

Surface waters of Minnesota are managed under the doctrine of riparian rights. This means that riverbank landowners have equal rights to reasonable use of waters that border their property. The Minnesota DNR Division of Waters has the authority to issue permits for water use, and to limit withdrawals of surface water and groundwater in accordance with the public interest (see also the discussion of groundwater below).

Jackson County Water Plan
Surface Water Appropriation Permits
November 2006

Permittee	Use	Resource	Permitted Withdrawals GPM*	MG/Y*
Loon Lake Golf Course	Golf Course Irrigation	Loon Lake	70	10.0
Emerald Hills LC	Golf Course Irrigation	Stream/River	200	10.4
Jackson Golf Club	Golf Course Irrigation	Des Moines River	200	8.5
Dean S. Schumacher	Nursery	Heron Lake	1100	8.5
MN Dept. of Natural Resources	Basin (lake) level	Okabena Creek	4000	175.0

* GPM - Gallons per Minute; MG/Y - Million Gallons per Year
Source: DNR - Division of Waters

a. Restoring the natural hydrograph

The state of the art on drainage management has changed substantially over the years. The traditional approach has sought to drain land as quickly and efficiently as possible. This has lead to environmental issues that will take years to resolve. Modern, comprehensive drainage management can provide the private and public tools to stabilize the effects of both wet and dry weather cycles, reduce soil erosion, and improve water quality, while also providing additional benefits to plant and wildlife habitat.

Agricultural drainage is intended to remove standing or excess water from land which does not drain naturally. These systems use surface ditches and subsurface permeable pipes to direct water off the land. As explained by the U of MN Extension Service, "Until the 1970s, most subsurface drainage pipes were made from short, cylindrical sections of concrete or clay called 'tile.' That is why terms like tile, tile drainage, and tiling are still used, even though most drainage pipe today is perforated polyethylene tubing" (*Agricultural Issues and Answers*, http://www.extension.umn.edu). Typically, private 'tile' systems then outflow into public ditches and streams.

Research continues on the optimal combination of strategies such as variable depth tilling, drainage structures and controlled intakes. As one example, the Minnesota Corn Growers Association has joined with the national Agricultural Drainage Management Coalition to promote the wider use of comprehensive approaches to drainage. Locally, the SWCD and Heron Lake Watershed District (HLWD) have been promoting Alternative Tile Intakes, also known as rock inlets. A long trench is excavated and backfilled with a 6"-12" bed of small rock. A perforated tile is placed and covered with pea gravel to about 1' above grade for settling. According to the Watershed District, these systems have been demonstrated in Minnesota to deliver "adequate drainage capacity and a 50% reduction of sediment and phosphorus loading into subsurface tile lines."

Drainage systems have been constructed since settlement to move runoff and meltwater from private tile lines to public waters. A county drainage system is authorized and established through action of the County Board of Commissioners. A Judicial drainage system is authorized and established by the Courts. Both

drainage systems are supported financially through assessments based on benefits received by the landowner. According to the 1997 edition of the water plan, the majority of drain systems in Jackson County were established between 1905 and 1920, with 106 miles of open ditch and 590 miles of county underground tile existing at that time. All ditch systems (public and private) have the potential to affect water quality and quantity if not maintained properly or if used to receive polluted water. As the 1997 plan stated, an objective cost-benefit analysis needs to be completed on drainage systems which are the most costly to maintain.

Eventually runoff does reach public waters, over which Minnesota law gives authority to the DNR. As explained earlier, issues often arise because meandering streams eat away at stream banks, or as discussed below, streams leave their banks during flood events. At times, dams and larger scale water control structures have been relied upon to control flows on rivers and streams. Current research has questioned the benefits of these structures—fish and wildlife are isolated to smaller stretches of rivers, while siltation leads to eventual dredging or destruction of the improvements.

On the Des Moines River, the City of Jackson and DNR have been examining options to re-work the water control structure at Jackson Dam on the Des Moines River. Discussions have focused on installing smaller naturalized structures that will provide some flood control and regularization of river levels while allowing fish passage and minimizing retention of impairments in the waters.

On Heron Lake, HLWD and the DNR worked together to establish a Heron Lake Dam Management Plan. The goal of this plan is to take advantage of dry years to reestablish and strengthen wetland vegetation. To achieve this goal it is necessary to remove as much water as possible from the lake in the early summer period. Thereafter, it is important to maximize the habitat gained in that year for use by wetland wildlife, especially during fall migration. Maximizing habitat and habitat use can be done in low water years by stabilizing water levels or allowing them to fall slightly in late summer and allowing water levels to rise slightly in fall. To achieve the goal in wetter years, it is necessary to allow water levels to drop throughout summer. Water levels will be stabilized only if water is not held during the fall period before winter freeze.

Under Minnesota law, DNR is the only entity possessing the authority to remove a water level control structure. The DNR requires that all affected riparian landowners agree as to any changes in water level. The failure to obtain unanimous approval from the affected riparian landowners will result in the denial of any permit to modify the existing structure.

b. Wetland restoration and management

Southwestern Minnesota historically was part of a grass and wetland complex called the Prairie Pothole Region of the Northern Tallgrass Prairie. Jackson County's remaining wetlands act as natural filters, holding water on the landscape, retaining flood waters, reducing erosion and allowing time for

sediment to settle **(see attached map)**. These interrelated prairie potholes and wetland complexes also provide habitat to a variety of plants and animals. Wetlands also reduce the size and scope of storm event and snowmelt flooding.

Wetlands need to be integrated into management of the larger drainage system to be of greatest benefit. However, active wetland restoration would be required to show substantial differences. State and federal funding sources such as WRP, CRP and RIM have been somewhat effective in Jackson County in promoting wetland restoration. Wetland banking—restoring or creating a wetland as a "deposit" available for sale—has also shown some long-term potential. However, new drain tile installation will continue to accelerate water flow to the potential detriment of downstream users, unless new and/or replacement wetlands are created to balance flows within and between watersheds.

c. Flooding

Areas in the county are known to be at risk of seasonal and storm-event flooding. Statewide, the DNR Division of Waters administers the National Flood Insurance Program (NFIP). Jackson County administers a Flood Plain Ordinance based on federal FEMA maps dated January of 1981. A more detailed Flood Insurance Study was completed in potential development areas along the Des Moines River dated July of 1980. While this data has been digitized and provided online by FEMA, many of the benchmarks that are referenced in this document no longer exist and need to be re-established. Nationally, FEMA has embarked on five-year initiative to update local flood hazard maps with a digital, multi-hazard approach, depending on funding and community priority.

Development activity in flood-prone areas should be avoided. For example, high-risk areas could receive a permanent vegetative cover in order to help alleviate erosion and sedimentation caused by flooding. Some communities across the country have adopted a No Adverse Impact (NAI) floodplain management approach, which extends beyond the floodplain to manage development in the watersheds where flood waters originate. NAI requires new development to mitigate potential impacts before disaster strikes.

Priority Concern 4. Protect Groundwater.

Demand for water resources is expected to continue to grow for the foreseeable future. Groundwater is the primary source of drinking water in southwestern Minnesota. The original edition (1990) and first revision (1998) of the *Jackson County Comprehensive Water Plan* contain extensive information on the geology and aquifers of Jackson County.

In Jackson County, however, groundwater is not as reliable a source as in some other areas of the region. Surficial aquifers in glacial till have an average water yield of less than one gallon per minute, while glacial outwash may yield from 25 to 500 gallons per minute. Groundwater can be obtained from a deep Paleozioc bedrock unit, from the

Cretaceous groundwater system, and from the hard Precambrian basement rock's Sioux Quartzite. The Quartzite deposits are typically high in dissolved minerals (sulfate, iron, manganese). Even when these minerals are within US EPA standards, they may give water an objectionable taste and stain laundry and dishes.

Jackson County also has a closed landfill located a mile and a half south of Lakefield on State Highway 86. The Jackson County Landfill was closed May 1, 1990. The MPCA Closed Landfill Program is responsible for monitoring the landfill and the waste contained in the landfill. Monitoring wells at the landfill are sampled three (3) times per year to assure that leachate from waste decomposition is not contaminating ground water.

a. Wellhead protection and aquifer recharge

There are a number of sources in the County which are considered public water suppliers by the Minnesota Department of Health (MDH), such as resorts, restaurants or churches **(see attached map)**. MDH has completed ground water assessments on 24 public water systems in the county, including 18 non-community systems. On this list, public water is now provided to the unincorporated community of Wilder by Red Rock Rural Water System (RRRW).

The Wellhead Protection program of the MDH is designed to protect public water supply wells. As explained on the MDH website, "A capture zone for the well (called the wellhead protection area) is designated and a plan is developed and implemented for managing potential contamination sources within the wellhead protection area." A Drinking Water Supply Management Area (DWSMA) provides a geographic focus for securing the water supply.

While protection of drinking water sources is of utmost importance, MDH does not currently consider Jackson County a high priority for completion of Well Head Protection Plans, and none are in place yet. MDH recommends that all public water suppliers concentrate on accurately locating wells and monitoring potential

Jackson County Water Plan Public Water Suppliers September 2007	
City of Alpha	Alpha
Belmont Lutheran Church	Belmont Township
Bethany Lutheran Church	Windom
Brown Park Campground	Jackson
Cargill Ag Horizons	Heron Lake
Clear Lake Rest Stop MNDOT	Jackson
Des Moines River Rest Stop MNDOT	Jackson
East Side Acres Campground	Round Lake
Grace Lutheran Church	Ewington Township
City of Heron Lake	Heron Lake
Hilltop Campground	Round Lake
Hi-lo Club	Lakefield
Holy Trinity Evangelical Lutheran Church	Lakefield
Horse Barn & Hunt Club	Lakefield
Immanuel Lutheran Church	Alpha
City of Jackson	Jackson
Kilen Woods State Park	Lakefield
City of Lakefield	Lakefield
City of Okabena	Okabena
Sandy Point Park Campground	Lakefield
Sioux Valley Lutheran Secondary School	Lakefield
St. Paul Lutheran Church	Lakefield
Trinity Lutheran Church	Lakefield
City of Wilder	Wilder
Source: Minnesota Dept. of Health	

sources of pollution. As Well Head Protection Plans are completed, DWSMAs will become priority areas for local water management.

b. Abandoned Wells

There are many potential sources of groundwater contamination outside of the immediate wellhead and near-term aquifer supply areas.

New wells drilled today have an established permitting process, which allows the public to track well locations and characteristics. However, there are an unknown number of wells put in place since settlement that continue to provide pathways for potential pollutants to reach the county's aquifers. Established farmstead sites are often abandoned as agricultural operations consolidate into larger units and rural residents choose different home locations. Each of these sites typically has a well that needs to be correctly sealed by a licensed contractor. Property owners who connect to rural water systems should decommission their existing wells if the wells will no longer be used, to prevent pollution from entering aquifers.

Jackson County offers a cost share program to financially assist landowners in the proper closure of unused wells **(see attached map)**. Financial assistance of 50% of the project, not to exceed $250 per well has been offered for the past several years. Wells that happen to be located in the Heron Lake Watershed District may also be eligible for 50% cost share through the watershed district. Public demand for this assistance is likely to continue into the future.

Jackson County Water Plan
Wells Sealed With Assistance

	Wells	Cost
2000	20	$5,268
2001	9	$2,340
2002	9	$2,172
2003	11	$2,430
2004	13	$2,834
2005	17	$4,230
2006	15	$3,520

Source:
Jackson County Planning

c. Long-term water supply

There is growing concern in the region about the quantity and quality of available ground water. With the poor quality of groundwater outside the glacial drift aquifers, the rural water system will be an increasingly important asset for communities, livestock producers and rural residents. Iowa Lakes Rural Water System (ILRW) serves portions of Minneota, Middletown and Petersburg townships. RRRW System provides service in much of the rest of the county, and is expanding the quantity and extent of their residential and industrial services **(see attached maps)**.

Recent growth of feedlots and ethanol facilities has begun to highlight the need for sustainable, long-term water supplies. An average rural resident may use about 100,000 gallons of potable water a year. An average feedlot may use 1,000,000 gallons of water a year. With current technology, corn-based ethanol refineries use water at an average rate of four-to-six gallons per gallon of fuel produced; therefore, a 100 million gallon plant will require at least 400,000,000 gallons of water each year. Moreover, where potable drinking water supplies

must meet basic standards for public safety, ethanol plants require further pre-treatment to remove minerals and chemicals commonly found in groundwater in the region. Further growth in animal agriculture and renewable energy will require careful balancing of interests in economic development and residential water supply.

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 highly-erodible land and shoreland areas, and TMDL-listed waters.

Objective 1.a: Address TMDL Impaired Waters.

Objective 1.b: Prevent soil erosion

Objective 1.c: Encourage perennial cover, buffers and conservation tillage

Objective 1.d: Improve stream bank and lakeshore development practices.

Priority Concern 2. Feedlots & SSTS (Subsurface Sewage Treatment Systems).

Goal 2: Protect public waters and assist residents in meeting feedlot and septic standards, focusing on shoreland areas and un-sewered communities.

Objective 2.a: Encourage best practices in nutrient management.

Objective 2.b: Assist feedlot owners to maintain compliance with MN Statute 7020 standards.

Objective 2.c: Encourage appropriate technology for SSTS and community sewer systems.

Objective 2.d: Continue to bring nonconforming SSTS into compliance with state standards.

Priority Concern 3. Drainage Management

Goal 3: *Restore more natural flow in the drainage system, with a priority for the Heron Lake watershed and Des Moines River above Jackson Dam.*

Objective 3.a: Restore natural hydrograph flows.

Objective 3.b: Encourage wetland restoration and management

Objective 3.c: Reduce impacts of flooding.

Priority Concern 4. Protect Groundwater

Goal 4: *Assure long-term quality and quantity of groundwater supplies, with a priority for wellhead protection areas and areas not currently served by public/community systems.*

Objective 4.a: Support Well Head Protection planning and implementation.

Objective 4.b: Prevent groundwater contamination from unused wells.

Objective 4.c Protect long-term water supply.

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. Private property owners will also make significant investments in their own individual projects to protect and preserve water in the county. 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 highly-erodible land and shoreland areas, and TMDL-listed waters.

Objective 1.a: Address TMDL Impaired Waters

Actions:

1a.1 Review plans and zoning ordinances to insure minimal development impacts on surface waters.
Who: Env When: 2008-2012 Cost: In-Kind

1a.2 Provide public information on protecting stream and lake water quality.
Who: Env, SWCD, HLWD When: 2008-2012 Cost: $750 + In-Kind

1a.3 Monitor streams and lakes for baseline water quality data.
Who: Env, HLWD, DNR, MPCA When: 2008-2012 Cost: $20,000 + In-Kind

1a.4 Work with MPCA to improve quality of waters entering Heron Lake.
Who: Env, HLWD, MPCA When: 2008-2012 Cost: In-Kind
Cottonwood, Murray, Nobles counties

1a.5 Provide technical assistance for the Des Moines River TMDL study and plan.
Who: Env, SWCD, HLWD, MPCA When: 2008 Cost: In-Kind
Cottonwood, Murray, Nobles counties

1a.6 Provide technical assistance for the Little Spirit TMDL study.
Who: Env, SWCD, MPCA, ILRWS When: 2008-2012 Cost: In-Kind
State of Iowa

1a.7 Provide technical assistance for preparation of other TMDL plans as necessary.
Who: Env, SWCD, HLWD, MPCA When: 2009-2012 Cost: In-Kind

1a.8 Participate in 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
Cottonwood, Murray, Nobles counties

Objective 1.b: Prevent soil erosion.

Actions:

1b.1 Provide Support for Prairie Ecology Bus Center to enhance programs in local schools.
Who: Env, SWCD When: 2008-2012 Cost: $5,000 / year + In-Kind

1b.2 Provide technical assistance for environmental education and conservation days that educate children on environmental stewardship.
Who: Env, SWCD When: 2008-2012 Cost: In-Kind

1b.3 Provide support for environmental education and conservation days.
Who: Env, SWCD When: 2008-2012 Cost: $5,000

1b.4 Complete LIDAR 2' contour GIS coverage for county.
Who: Env, SWCD, DNR When: 2009-2012 Cost: $50,000

1b.5 Promote use of buffer strips along ditches and streams within the Des Moines watersheds and areas with high priority erosion problems.
Who: Env, SWCD, NRCS, HLWD When: 2008-2009 Cost: In-Kind

1b.6 Assist with and install 30 grassed waterways with EQIP, Continuous CRP and State cost-share.
Who: NRCS, SWCD, HLWD When: 2008-2012 Cost: $150,000

1b.7 Assist with and install 15 sediment control structures.
Who: NRCS, SWCD, HLWD When: 2008-2012 Cost: $100,000

Objective 1.c: Encourage perennial cover, buffers and conservation tillage.

Actions:

1c.1 Assist producers in applying for cost share opportunities for conservation practices.
Who: Env, SWCD, HLWD, NRCS When: 2008-2012 Cost: In-Kind

1c.2 Promote conservation tillage, EQIP, and AgBMPs by contacting all County landowners through an informational bulletin sent by the SWCD.
Who: Env, SWCD, NRCS When: 2008-2012 Cost: $4,000 / year

1c.3 Conduct conservation tillage transect survey for the County, and analyze data to determine residue cover.
Who: SWCD, BWSR, NRCS When: 2008-2012 Cost: $1,000/year

1c.4 Provide incentives for sign up of 100 acres of buffer strips along ditches and streams within the Des Moines watersheds.
Who: Env, SWCD, HLWD When: 2008-2009 Cost: $15,000/year
NRCS, FSA

1c.5 Enroll 500 acres of marginal land into RIM easement and other appropriate programs.
Who: Env, SWCD, BWSR, NRCS When: 2008-2012 Cost: $1,500,000

Objective 1.d: Improve stream bank and lakeshore development practices.

Actions:

1d.1 Administer Shoreland and Floodplain regulations.
Who: Env, DNR When: 2008-2012 Cost: In-Kind

1d.2 Meet with 250 landowners and provide best practices information on proper lakeshore and streambank stabilization.
Who: Env, SWCD, DNR When: 2008-2012 Cost: In-Kind

1d.3 Provide educational material on the proper application of fertilizer, minimizing impervious surfaces, fire pit placement, and rain gardens.
Who: Env, HLWD, LAKE ASSOC. When: 2008-2009 Cost: $14,000

1d.4 Consider adopting provisions for Conservation Design in local plans and zoning ordinances.
Who: Env, SWCD, DNR When: 2008 Cost: In-Kind

1d.5 Develop ordinances which encourage soil erosion mitigation during construction.
Who: Env, SWCD, HLWD, DNR When: 2009 Cost: $7,000

C.2 Priority Concern 2. Feedlots & SSTS (Subsurface Sewage Treatment Systems).

Goal 2: Protect public waters and assist residents in meeting feedlot and septic standards, focusing on shoreland areas and un-sewered communities.

Objective 2.a: Encourage best practices in nutrient management.

Actions:

2a.1 Conduct yearly meetings with township officials to discuss nutrient management.
Who: Env When: 2008-2012 Cost: In-Kind

2a.2 Assist 3 producers a year with nutrient management plans.
Who: Env, SWCD, GBERBA, NRCS When: 2008-2012 Cost: $20,000/year

2a.3 Provide manure sample kits as requested.
Who: Env, MPCA When: 2008-2012 Cost: In-Kind

2a.4 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: 2008-2012 Cost: $10,000/year

2a.5 Review current and ongoing water quality sample results and promote BMPs appropriate for specific conditions in Jackson County.
Who: Env, SWCD, HLWD, MDA When: 2008-2012 Cost: In-Kind

Objective 2.b: Assist feedlot owners to maintain compliance with MN Statute 7020 standards.

Actions:

2b.1 Conduct yearly meetings with township officials to promote Ag BMP's.
Who: Env When: 2008-2012 Cost: In-Kind

2b.2 Inspect 10% of all registered feedlots per year to verify they are in compliance with MN Statute 7020.
Who: Env When: 2008-2012 Cost: $15,000 +In-Kind

2b.3 Provide technical assistance for feedlot improvements to 15 projects.
Who: Env, SWCD, NRCS When: 2008-2012 Cost: In-Kind

2b.4 Provide implementation funding through EQIP and state cost-share to 10 projects.
Who: SWCD, NRCS When: 2008-2012 Cost: $175,000

2b.5 Maintain a GIS layer of all registered feedlots and manured acres compatible with E-link.
Who: Env When: 2008-2012 Cost: In-Kind

2b.6 Conduct a Level Three Feedlot Inventory.
Who: Env, SWCD, MPCA, BWSR When: 2009-2012 Cost: $150,000

Objective 2.c: Encourage appropriate technology for SSTS and community sewer systems.

Actions:

2c.1 Provide an informational packet regarding septic system maintenance to every landowner who installs a new SSTS.
Who: Env, UMN EXT, MPCA When: 2008-2012 Cost: $2,000 / year

2c.2 Inventory all individual sewage systems in Jackson County in a GIS-compatible database.
Who: Env, MPCA When: 2009-2010 Cost: $10,000

2b.3 Work with cities to hook households and businesses with SSTS onto municipal services.
Who: Env When: 2008-2012 Cost: In-Kind

2b.4 Provide technical assistance with sewer needs on lakes with development pressure.
Who: Env, MPCA, ILRW When: 2008-2012 Cost: $15,000 +In-Kind

2b.5 Implement appropriate sewer infrastructure at Loon Lake and Fish Lake.
Who: Env, MPCA, ILRW When: 2008-2012 Cost: $2,120,000

Objective 2.d: Continue to bring nonconforming SSTS into compliance with state standards.

Actions:

2d.1 Work through GBERBA to develop a basin-wide (Greater Blue Earth watershed) plan to accelerate upgrades to septic systems.
Who: Env, GBERBA When: 2008 Cost: In-Kind

2d.2 Upgrade 50 non-compliant septic systems per year.
Who: Env, HLWD When: 2008-2012 Cost: $7,000 per system

2d.3 Seek additional funding from USDA and other sources for SSTS construction.
Who: Env, MPCA When: 2009-2012 Cost: In-Kind

2d4 Maintain a GIS layer of all septic system installations throughout the County.
Who: Env When: 2008-2012 Cost: In-Kind

2d.5 Update County SSTS ordinance to achieve compliance with State rules.
Who: Env, MPCA When: 2008 Cost: In-Kind

2d.6 Consider ordinance changes to accelerate requirements for SSTS updates.
Who: Env When: 2008 Cost: In-Kind

2d.7 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, RRRW When: 2008-2012 Cost: $2,000

C.3 Priority Concern 3. Drainage Management.

Goal 3: Restore more natural flow in the drainage system, with a priority for the Heron Lake watershed and Des Moines River above Jackson Dam.

Objective 3.a: Restore natural hydrograph flows.

Actions:

3a.1 Investigate modernizing information systems for public drainage system management.
Who: Env, Auditor, Highway Dept. When: 2008 Cost: In-Kind

3a.2 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, Auditor's Office, Highway Dept., BWSR When: 2009-2010 Cost: $50,000

3a.3 Develop management information systems for public drainage systems, including hardware & software for remote access to geographic information.
Who: Env, Auditor's Office, Highway Dept., BWSR When: 2010-2011 Cost: $50,000

3a.4 Inventory status of all ditch buffers.
Who: Env, SWCD, Highway Dept. When: 2010-2011 Cost: $15,000

3a.5 Contract for a systematic cost-benefit analysis of high-maintenance county ditches.
Who: Env, SWCD, BWSR When: 2011 Cost: $30,000

3a.6 Enforce filter strips according to Minnesota Statutes.
Who: County Ditch Authority When: 2008-2012 Cost: $10,000/year

3a.7 Facilitate a controlled drainage demonstration project.
Who: Env, SWCD, Highway Dept. When: 2008-2012 Cost: $150,000
BWSR, UMN Ext

3a.8 Promote installation of ponds, traps and proper upland conservation practices.
Who: Env, SWCD When: 2009-2012 Cost: In-Kind

3a.9 Seek additional funding for water retention structures within the Des Moines River watersheds.
Who: Env, SWCD, USDA When: 2008-2012 Cost: In-Kind

3a.10 Cooperate with DNR and HLWD to implement and monitor the Heron Lake Dam Management Plan.
Who: Env, DNR, HLWD When: 2008-2012 Cost: In-Kind

3a.11 Cooperate with DNR and City of Jackson on Jackson Dam project.
Who: Env, DNR, City of Jackson When: 2008-2012 Cost: In-Kind

Objective 3.b: Encourage wetland restoration and management.

Actions:

3b.1 Administer the Wetland Conservation Act.
Who: Env, SWCD, BWSR When: 2008-2012 Cost: $10,000 / year
+In-Kind

3b.2 Work with DNR and US Fish and Wildlife Service to maintain wetlands in existing wildlife areas.
Who: Env, DNR, FWS When: 2008-2012 Cost: In-Kind

3b.3 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: 2008-2012 Cost: In-Kind

3b.4 Enroll 100 acres of marginal land into wetland restoration programs.
Who: Env, SWCD, BWSR, When: 2008-2012 Cost: $200,000
NRCS, FWS

Objective 3.c: Reduce impacts of flooding.

Actions:

3c.1 Administer the Floodplain Ordinance to protect public health, safety and welfare.
Who: Env, City of Jackson When: 2008-2012 Cost: In-Kind

3c.2 Work with FEMA to update floodplain maps.
Who: Env, City of Jackson, DNR When: 2008-2012 Cost: In-Kind

3c.3 Review plans and zoning ordinances against updated floodplain maps to limit development in areas prone to flooding.
Who: Env, City of Jackson When: 2011-2012 Cost: In-Kind

3c.4 Inform the public on dangers of flooding and benefits of floodplain preservation.
Who: Env, City of Jackson, FEMA When: 2008-2010 Cost: $2,500

3c.5 Promote installation of on-site stormwater retention and rain gardens to reduce peak storm-event flows.
Who: Env, SWCD, HLWD When: 2008-2010 Cost: In-Kind

C.4 Priority Concern 4. Protect Groundwater.

Goal 4: Assure long-term quality and quantity of groundwater supplies, with a priority for wellhead protection areas and areas not currently served by public/community systems.

Objective 4.a: Support Well Head Protection planning and implementation.

Actions:

4a.1 Educate cities on importance of wellhead protection.
Who: Env When: 2008-2012 Cost: In-Kind

4a.2 Assist cities with completing a Wellhead Protection Plan as MDH establishes local priority areas.
Who: Env, MDH When: 2010-2012 Cost: In-Kind

4a.3 Work with cities and to educate landowners near public supply wells on measures to protect groundwater.
Who: Env When: 2008-2012 Cost: In-Kind

4a.4 Conduct testing of nitrate levels in well water, as requested.
Who: Env, MDH When: 2008-2012 Cost: $750

4a.5 Protect public supply well aquifer areas from agricultural and industrial contamination through conditional use hearings.
Who: Env When: 2008-2012 Cost: $5,000

4a.6 Maintain a GIS layer of public supply wells throughout the County.
Who: Env When: 2008-2012 Cost: In-Kind

4a.7 Assess effectiveness of existing ordinances to protect wellhead areas.
Who: Env, MDH When: 2009 Cost: In-Kind

4a.8 Review monitoring data and information regarding pesticides in groundwater and promotion of pesticide water quality BMPs, such as use of grassed waterways and buffer strips along ditches and streams near public supply wells.
Who: Env, SWCD, NRCS, HLWD When: 2008-2012 Cost: In-Kind

4a.9 Promote use of RIM near public supply wells.
Who: Env, SWCD When: 2008-2012 Cost: In-Kind

Objective 4.b: Prevent groundwater contamination from unused wells.

Actions:

4b.1 Work with well contractors to promote proper well protection and sealing.
Who: Env When: 2008-2012 Cost: $150 / year

4b.2 Provide information to rural water system members about proper well protection and sealing programs.
Who: Env, RRRW, ILRW When: 2008-2012 Cost: $150 / year

4b.3 Utilize County Fair exhibits and semi-annual newspaper advertisements to promote the proper well protection/abandonment.
Who: Env, SWCD, HLWD When: 2008-2012 Cost: $150 / year

4b.4 Prevent contamination of groundwater aquifers through the sealing of 30 unused wells per year.
Who: Env, HLWD When: 2008-2012 Cost: $500 per well

Objective 4.c: Protect long-term water supply.

Actions:

4c.1 Support efforts of public water suppliers to secure additional sources of water.
Who: Env, RRRWS, ILRW When: 2008-2012 Cost: In-Kind

4c.2 Promote water conservation.
Who: Env, MDH, RRRW, ILRW When: 2008-2012 Cost: In-Kind

D. Implementation Schedule of Ongoing Activities

This section identifies other local activities and programs of the County Planning & 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 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.
- Promote the SWCD tree program.
- Provide technical assistance for conservation programs.
- Promote and help facilitate the RIM program.
- Administer Shoreland management program.
- Administer base-line water quality testing program.

D.2 Priority Concern 2. Feedlots & SSTS (Subsurface 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.3 Priority Concern 3. Drainage Management

- Assist the County Board of Commissioners with drainage matters.
- Continue to administer Wetland Conservation Act.
- Administer Floodplain management program

D.4 Priority Concern 4. 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.

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the **Jackson** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on December 3, 2007 pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1. On April 10, 2007, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from **Jackson** County, pursuant to M.S. Section 103B.312.

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

3. The priority concerns the local water management plan addresses include:
   a. **Prevent Soil Erosion;**
   b. **Feedlots & ISTS (Individual Septic Treatment Systems);**
   c. **Drainage Management;**
   d. **Improve Surface Water Quality;**
   e. **Protect Groundwater.**

4. On **December 3, 2007,** the BWSR received the **Jackson** County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5. On **March 7, 2008,** the Southern Water Planning Committee of the Board reviewed the recommendation of the state review agencies regarding final approval of the Jackson County Plan Update. Recommendations of the state review agencies were:
   a. Minnesota Department of Agriculture: recommends approval;
   b. Minnesota Department of Health: recommends approval;
   c. Minnesota Department of Natural Resources: recommends approval;
   d. Minnesota Pollution Control Agency: recommends approval;
   e. Minnesota Environmental Quality Board: no recommendation received;
   f. Minnesota Board of Water and Soil Resources regional staff: recommends approval;
   g. Board Regional Water Planning Review Committee: recommends approval.

6. This update will be in effect until **March 26, 2018.**

CONCLUSIONS

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

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

ORDER

The Board hereby approves the attached update of the **Jackson** County Local Water Management Plan with a required update to the Implementation section (Goals, Objectives, and Action) by **March 26, 2013**.

Dated at St. Paul, Minnesota, this twenty-sixth day of March 2008.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

NEW BUSINESS

1. Release of 1.0 Acres from RIM Conservation Easement – *DECISION ITEM*

2. Overview on Native Vegetation Trends and BWSR Programs – *INFORMATION ITEM*

3. Native Buffer Cost-Share Program Guideline Revisions – *DECISION ITEM*

March 11, 2008

TO: Board Members

THRU: Kevin Lines, Easement Section Administrator
Paul Brutlag, RIM Committee Chair

FR: Tim Fredbo, Conservation Easement Specialist

RE: Release of 1.0 Acres From RIM Conservation Easement 61-07-01-01A,
Allen and Beth Kollman

BACKGROUND:

Allen and Beth Kollman have requested a release of 1 acre from their 271.9 acre perpetual RIM easement in Section 20 of Bangor Twp., Pope County. The Kollmans are requesting this release on behalf of their neighbor Arnold Domke, who owns the land directly to the north of the Kollman land.

The Domke land currently has no legal deeded access or frontage on any existing public roads. The Domke's have accessed their land along the route proposed for release with just a verbal agreement with the Kollmans since 2006, and Lyle Fettig before that. The Kollmans bought the land from Lyle Fettig, who was the original easement holder, in 2006. The access area proposed for release from the easement was once a township road that was vacated in 1986. The Domke's are now trying to sell their land and are unable to as lenders are not willing to finance the sale to land that has no legal access.

MN Statute Section 84C.02, and RIM Reserve rule section 8400.3610 allows the Board to alter, release or terminate an easement after consultation with the commissioners of agriculture and natural resources. An easement may only be altered, released or terminated if the Board determines that the public interests and general welfare are better served by the proposed action. To assist the Board in making it's decision the rule also states that the following items must be submitted before the Board will consider a request to alter, release or terminate an easement:

A) A letter from the landowner or project sponsor to the SWCD Board requesting the change.
B) A letter or minutes from the SWCD recommending either approval or disapproval of the proposed change.
C) A letter from the DNR area wildlife manager recommending either approval or disapproval of the proposed change.

The above listed items have been received and are attached for your review.

The RIM Committee, chaired by Paul Brutlag, considered this request at their February 27, 2008 meeting and voted to approve of the release.

SUMMARY OF INFORMATION PROVIDED TO SUPPORT REQUEST:

The Kollman's submitted a letter dated Dec. 17, 2007 to Kim Krueger, Pope SWCD Technician, requesting a release of their RIM easement to enable this access for the Domke property. A copy of this letter is attached.

A photo showng the Kollman RIM easement (outlined in blue), the Domke property (outlined in red) and the proposed 33 foot access route is attached for reference. The access proposed runs directly north from where Township Road 141 currently ends.

The Pope SWCD Board has approved of this release request. This is confirmed in the attached minutes of their 1-15-08 meeting.

Kevin Kotts, DNR Area Wildlife Manager has also reviewed this proposal. Mr. Kotts approves the easement alteration request in his Jan. 14, 2008 letter to Kim Krueger. A copy of Mr. Kotts letter is attached.

FINDINGS:

This alteration request, as proposed, would release 1.0 acres from the 271.9 acre perpetual easement. The Boards easement alteration policy for release requests requires the landowner, in this case it will be the Domke's, to pay for the acres released at 2 times the current average township assessed market value (ATAMV). In this situation the payment will be $3,682.00 for the release of the 1.0 acre (1.0 acres x $1,841/ac x 2 = $3,682.00). The Domke's have already paid the $500 processing fee for this request.

The Domke land has no frontage on any existing public roads. They have been accessing their property via a verbal agreement with the Kollmans. Because the Domke's are now trying to sell their land they need to procure a legal deeded access to the property or they will be unable to sell. All other possible routes into their property would need to go through extensive areas of wetland making access or improvement of access extremely difficult and/or costly, if not impossible altogether.

My review of the original Fettig easement file did indeed contain a copy of the Bangor Township Order vacating this road. It was recorded on July 1, 1986. The 33' X 1,320' access / release area being proposed follows this vacated road route.

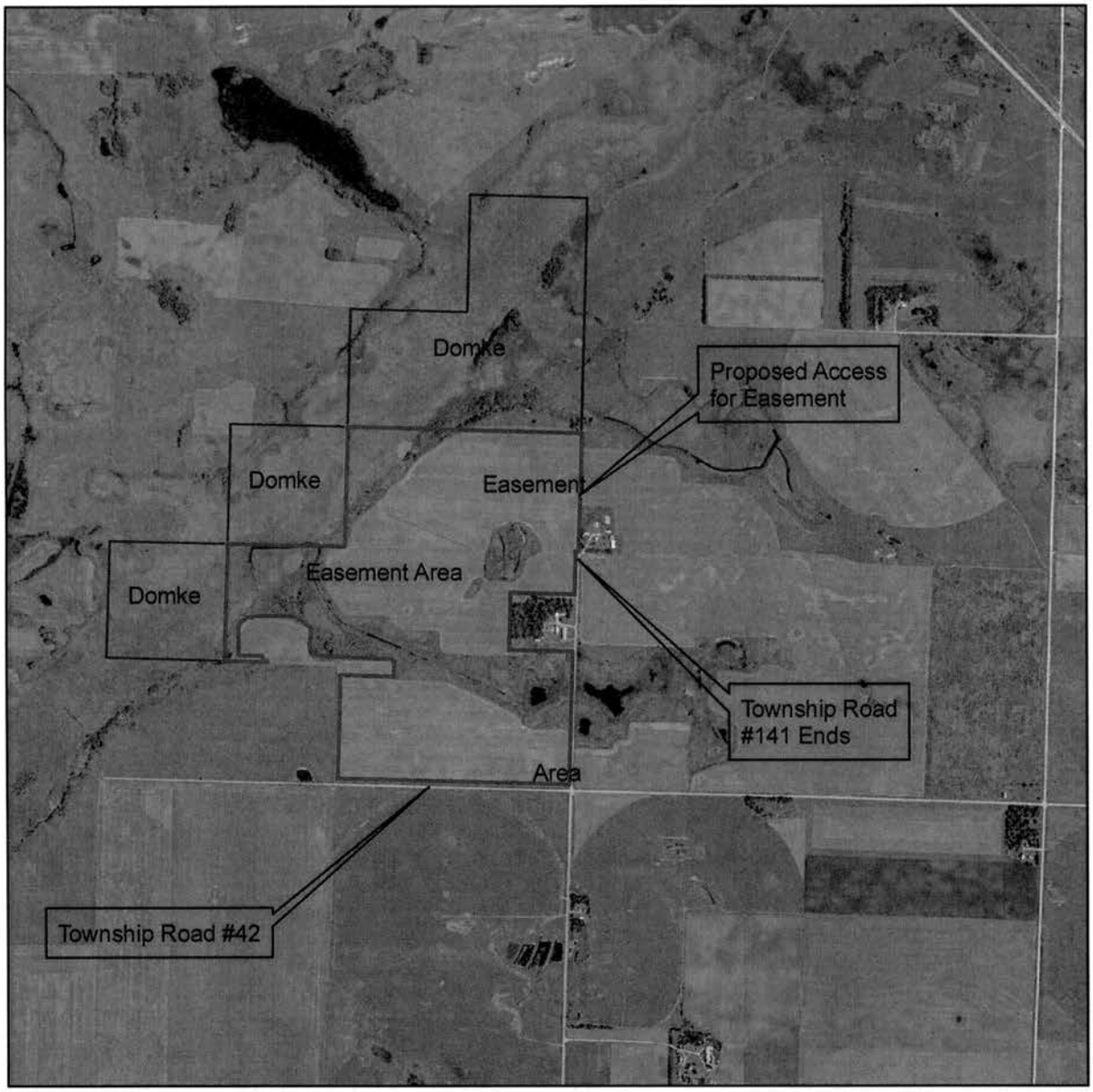
Both the Pope SWCD and the DNR have recommended approval of the 1 acre easement release.

The RIM Committee has recommended approval of this release proposal contingent upon receiving the payment from the landowner

RIM COMMITTEE & STAFF RECOMMENDATION:

1. Approve of the release for the easement.

Easement #61-07-01-01-A



Legend

Revised_61070101a

Domke_Bndry_Ln

N

POPE SOIL & WATER CONSERVATION DISTRICT

1680 Franklin St N
Glenwood, MN 56334-2011
(320) 634-5327
Fax: (320) 634-4278
E-mail kim.krueger@mn.nacdnet.net

January 16, 2008

Mr. Tim Fredbo

RECEIVED
JAN 24 2008
Bd. of Water & Soil Resources
St. Paul

Dear Tim

Enclosed is a letter from Allen Kollman requesting the removal of 1.0 acres from his RIM Easement.

Enclosed is a copy of the Pope SWCD Boards minutes 1/15/08 approving Allen Kollman request to remove 1.0 acres from his Easement # 61-07-01-01-A.

Also enclosed is a letter from Kevin Kotts the DNR wildlife manager approving this request.

A check in the Amount of $500.00 from Arnold Domke.

Sincerely,

Kim W. Krueger
District Technician
Pope SWCD

December 17, 2007

#61-07-01-01-A

Pope County SWCD
Mr. Kim W. Kruger
District Technician
1680 Franklin Street North
Glenwood, MN 56334

Dear Mr. Kruger:

We, Allen and Beth Kollman, own the property relative to the request for release of land for permanent easement to Arnold Domke, Loren Schroeder and Peter Brandt.

We are requesting to release a 33' x 1320' more easement to the only useable access to their property.

Presently the land is in the CREP program for 15 years with approximately 10 years remaining. We have only owned the property for about 1 ½ years.

The property we are requesting to be released, up until 1986, was a township cartway and at that time was agreed by previous landowner to vacate for the purpose of farming through it. There was a verbal agreement between landowners at that time to be able to farm and also allow access to their property. As you can see by aerial photos, this is the only feasible access to their cabin, etc.

The present landowners would respectfully accept your approval to remove this 1 acre from CREP for a legal permanent access to their property.

We as present landowners fully agree to this proposal and hope you will grant our request as soon as possible.

Sincerely,
Allen and Beth Kollman

Beth Kollman

Allen Kollman

POPE SWCD BOARD MINUTES FROM 1-15-08

- The MCIT walk through gave some insight at Rosholt and a few changes need to be made. Kelly will work on this prior to this summer to get the needed fixes done. (Refrigerator, table saws, heaters, switches all need to be removed or replaced)

- Kim Krueger, Technician
  - NPEA Joint Powers board needs a recommendation from our group. Ralph will relay our information to the group. As of right now we are in support of the NPEA as is.
  - Polly Krueger FY08+06 2 Water &Sediment Control Basins Cost Share amount $8,710.58
  - Nick Pooch FY07+07 and FY08+07 Roof Structure for a Feedlot Cost Share $17,246.28 EQIP funds are $250,000.
  - This will bring our Cost Share Funds available to date to zero. Mark Halls moved to approve both contracts for Polly Krueger and Nick Pooch. Gary Reents seconded the motion. Motion carried.
  - Al Kollman bought property that was under a CREP easement. Contract #61-07-01-01-A Section 20 Bangor Twp. They would like to remove 1 acre out of the program for a road. There is no adverse impact on the area. Mark Halls moved to approve the request and Ralph Peterson seconded the motion. Motion carried.
- Craig Bower, NRCS/Jim Ayres (see attached)
  - Jim gave an update on NRCS and the computer issue. There may be some latitude in this issue. We will need to see how everything works out.
  - We are nearing a record for EQIP funds allocated in this area $463,000 have been approved to date.
  - We submitted the green book application.
  - Also just went through a 5% engineering spot check.
  - The new cost of living increase is 2.99%.
- Grant Herfindahl, FSA-No report
- Ralph Peterson WesMin RC&D/MN River Source/Glacial Ridge Trail
  - Bob McCrory is going off the Wesmin RC&D board. They are working on getting insurance. The requests from the counties are coming through. They hope to pay off the judgments prior to the March deadline. There was a policy change or clarification that each county has $400 for dues. Smokey Timbers is meeting to discuss their loan with the bank. The Glacial Ridge Trail is up and running. Operation Happy Note is nearing completion. They are working on long range planning.
  - The Annual Meeting is February 13th in Todd County $20 for registration. January 30th will be the winter meeting in St. Cloud.
  - Discussed the North Central Conference.
- David Sill
  - There is a lot going at this time. The bonding bill was discussed. The Clean Water Legacy fund requests will be approved on January 24th. There were 144 applications and it was very competitive$27 million in requests and there is only 6.2 million available.
  - SWCD guide book will be available very soon.
  - There are some new programs that might open up some funding in the future for the District. This includes a cooperative weed management program request for proposal.
  - Pope County Local Water Management Plan is now being revised.
  - February 1st all reports must be done in Elink.
- Other

8. New Business (January 2008):
   - Review Rough Draft of Annual Report (calendar of events, tree program revenues/expenses)-see attached for your review. Gary Reents moved to leave the board appointments the same in 2008. A meeting date for February 5th at 7 pm was set to discuss our annual plan. Ralph Peterson seconded the motion. Motion carried.
   - Review Personnel Policy Handbook-no changes other than the adoption of the AWAIR program above.
   - North Central RC&D Conference in March 9th-11th, 2008
   - Review Rosholt Farm Mgmt Plan-Discussed with Kelly his plans this will be brought back to the board once more definite plans are made.
   - Appointments to special committees-Personnel, Finance-tabled.
   - Reviewed Insurance policies
   - Reviewed bank of deposits.
   - Equipment purchase for coming year (if any)-none at this time
   - Discuss 2008 Outstanding Conservationist-tabled
   - Discuss Open House-none scheduled this spring quarter.
   - Prairie Lakes Coop Annual Meeting-February 19th-Mark Halls moved to approve a booth for the event. Ralph Peterson seconded the motion. Motion carried.
   - MCIT invoices-Ralph Peterson moved to approve the payment of the MCIT insurance for 2008. Mark Halls seconded the motion. Motion carried.
   - Other
9. Next scheduled meeting date February 5, 2008.→7pm USDA Service Center to discuss our Annual Plan.

Minnesota Department of Natural Resources

23070 N. Lakeshore Drive
Glenwood, MN 56334
(320)634-0342

Jan. 14, 2008

Kim Krueger/Pope SWCD Board
1680 Franklin St. N.
Glenwood, MN 56334

Kim,

I've reviewed the request letter from Allen and Beth Kollman to release land from a CREP easement in Section 20, Bangor Twp. Since the land that may be removed from the easement was formerly a township or private road, and because the owner will be required to compensate for the loss of perpetual habitat, I approve this request.

Sincerely,

Kevin Kotts

Kevin Kotts, Area Wildlife Supervisor

Board Resolution #_____

Easement Release for Allen Kollman Easement 61-07-01-01A

WHEREAS, the BWSR has the authority to alter, release or terminate a conservation easement as outlined in RIM Reserve Rule Section 8400.3610; and

WHEREAS, the BWSR has a Conservation Easement Alteration Policy which was adopted on 5-24-06; and

WHEREAS, the State currently holds a 271.9 acre perpetual RIM easement on the Allen and Beth Kollman property in Section 20, T.124 N., R.36 W., Pope County; and

WHEREAS, Allen and Beth Kollman have requested the release of 1 acre from the RIM easement to facilitate a legal access for the Domke property which is adjacent to their land; and

WHEREAS, The Domke property is a landlocked with no frontage on any existing roads of record or legally deeded access; and

WHEREAS, The Domkes have been using the present access route proposed for release with just a verbal agreement with the Kollmans and now desire to sell their land and need to legalize their access; and

WHEREAS, The access route proposed for release was once a township road which was vacated in 1986; and

WHEREAS, Both the Pope SWCD and the DNR Area Wildlife Manager have reviewed and approved of this request as required by Section 8400.3610 of RIM Rules; and

WHEREAS, The landowners (Domke in this case) will be required to pay the BWSR $3,682.00 for the release of these acres from the States RIM easement as prescribed by the Easement Alteration Policy, and have already paid the required $500 administrative fee; and

WHEREAS, The RIM Committee recommended approval of this easement release at their February 27, 2008 meeting.

NOW THEREFORE, The Board approves of the release of 1.0 acres from perpetual easement 61-07-01-01A to facilitate the legal access for the Domke property;

AND furthermore, the Board authorizes staff to proceed with preparing the legal documents to amend this easement once staff receives the required $3,682 payment.

_____ Date: _____

Randy Kramer, Chair
Board of Water and Soil Resources

SUMMARY OF BWSR NATIVE VEGETATION RELATED PROGRAMS

3-2-08

BWSR Native Vegetation Goals

- Effectively meet goals of each BWSR program
- Establish successful projects through collaborative work with branch offices, LGUs and landowners
- Provide leadership in the reconstruction of native plant communities
- Collaborate with partnering organizations to increase production of local ecotype seed
- Facilitate invasive species control through the development of Cooperative Weed Management Areas
- Collaborate in research efforts and field tests related to bio-fuels, invasive species control and native vegetation establishment
- Monitor restorations and easements to ensure the successful establishment and maintenance of project sites.

BWSR Programs

- Wetland Banking
- Native Vegetation Buffer Cost-Share
- Cooperative Weed management Area Grant Program
- RIM Reserve
- Wetland/Easement Monitoring
- RIM Clean Energy (Bio-fuel production)

BWSR Native Vegetation Related Programs

	Wetland Banking	Native Vegetation Buffer Cost-Share	Cooperative Weed Management Area Grant Program	RIM Reserve (Easements)	Wetland/Easement Monitoring	RIM Clean Energy
Program Focus	Development of high quality wetland sites for wetland mitigation	Development of diverse, native vegetative buffers along waterways to improve water quality	Facilitate the development of Cooperative Weed Management Areas to control invasive species.	Establishment of conservation easements for water quality and wildlife benefits	Assess the status and management needs of conservation lands	Collaborate with agencies to research bio-fuel production practices and to develop guidance for implementation
Goals	-Replacement of lost wetland function -Wildife habitat -Plant diversity	-Water quality -Wildlife habitat -Soil and water conservation -Local seed production -Plant diversity	-Development of CWMAs -Control invasive species -Restoration of natural areas	-Water quality -Wildlife habitat -Soil and water conservation	-Control of invasive species -Improved site management -Improved decision making for future projects	-Development of guidance and a framework for producing bio-fuel through the establishment of native plant communities.
Major Program Partners	Wetland Banking Community, SWCDs, WDs, MnDOT, Corp. of Eng., MDNR, Hwy. Depts.	SWCD's, Landowners	Federal, State, local and private partners	SWCD's, NRCS, Private Landowners	NRCS, SWCDs, WDs Landowners	University of Minnesota, MEI, DNR, PCA, Landowners
Local Ecotype Efforts	Focus on local sources and yellow- tag certification	Potential use of buffers for production of local ecotype seed	Cooperatives can facilitate discussion of local source production	Local seed sources promoted		
Resources/ Education	"Minnesota Wetland Restoration Guide", Delineation training, Hydric soils training	"Minnesota Wetland Restoration Guide"	"Minnesota Wetland Restoration Guide"	"Minnesota Wetland Restoration Guide"	Plant ID and Monitoring Training	"Minnesota Wetland Restoration Guide", Upland Recommendations
Research Efforts	Studies of Canada thistle, reed canary grass and hybrid cattail	Studies of Canada thistle, reed canary grass and hybrid cattail	Studies of Canada thistle, reed canary grass and hybrid cattail	Studies of Canada thistle, reed canary grass and hybrid cattail	Studies of Canada thistle, reed canary grass and hybrid cattail	Collaboration with University of Minnesota Researchers
Agency Contact	Dan Girolamo	Tabor Hoek, Pete Waller	Dan Shaw	Tim Fredbo	Carol Strojny	Greg Larson, Kevin Lines

Native Buffer Cost-Share Program Guidelines

Purpose:

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

Policies:

I. Program Requirements

- Conservation buffer areas determined by SWCD.
- Enduring practice-15yr min.
- Eligible area limited to Eco regions map & legislative list of counties.
- Min/max size and costs determined by SWCD board using reasonable cost process.
- Multiple estimates required for work done, if applicable.
- Seed must originate from the same ecotype region as the project site. The seed source shall be verified by the SWCD. Yellow tag certified seed is recommended to aid in the verification of source. Projects must have a goal of 25 species within the project site. In the event the needed amount of seed is not available from within the ecotype region and delaying planting is not an option, seed from an adjacent ecotype region may be used. ~~yellow tag (source identified)~~ ~~and contain or achieve a goal of 25 species within the project area (single species strips).~~ The following definitions are to be used regarding the source of seed for the program, with the definition of Restored Native Prairie being used to the extent possible.
    - Restored Native Prairie source within ~~eo~~county~~.~~ or within 25 mi. of county and in the ~~&~~ same ecotype region.
    - Restored Prairie source within same ecotype region.

II. Eligible Practices

- Site prep, seed collection, seed, seeding, and establishment~~s~~ costs.
- Native vegetation management; ~~(~~prescribed~~intend~~ burning, inter seeding, weed control when tied to veg. improvement, invasive species control, disking, haying~~)~~. E.g. reseeding existing stands of grass on existing RIM easements.
- Lakescaping, including final grading, plant materials, seed and~~,~~ mulch~~.~~
- Remnant native prairie management using veg. management activities with approval from BWSR vegetation management specialist~~from DNR wildlife manager.~~

~~□Reseeding existing stands of grass (old RIM)~~

- Land rental costs, for non-program lands, during establishment (3yrs. CCRP rate x 75%) for agricultural lands or seed production areas. SWCD will review and approve rental payments.

III. Allowable Activities

- Haying, seed propagation, energy production, outside nesting season and controlled further by any underlying program restrictions.

~~□Land rental costs, for non-program lands, during establishment (3yrs. CCRP rate x 75%)~~

Minnesota Board of Water & Soil Resources

Board Resolution #____

Native Buffer Cost Share Program Authorization

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

WHEREAS, Minnesota Legislature, Minnesota Session Laws 2007, chapter 57, Article 1, Section 5, has appropriated funding to BWSR FY 08 and FY09 and,

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

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

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

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

NOW THEREFORE, the BWSR hereby replaces Board Resolution #08-12 with this resolution and authorizes staff to allocate funding and implement guidelines for the Native Buffer Cost-Share Program according to this resolution.

_____ Date:_____

Randy Kramer, Chair
Board of Water and Soil Resources

Attch: Native Buffer Cost-Share Program Guidelines

FOR YOUR INFORMATION
March 26, 2008

- Revised Board Member Listing
- Updated Board Staff Listing
- BWSR Committee Schedule

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@westtechwb.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@blackduck.net	**Co. Commissioner**	01-01-11	218-835-3500 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 St., Worthington, MN 56187 paul.langseth@gmail.com	**SWCD**	01-04-10	507-360-5844 507-376-5686	*Office* *Home*
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	218-289-3511 218-281-6723	*Office* *Home*
LuAnn Tolliver 14801 Wychewood Road, Minnetonka, MN 55345 mltolly@aol.com	**Watershed**	01-07-08	952-938-6749 952-221-9796	*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*
John Linc Stine P.O. Box 64975, St. Paul, MN 55164-0975 john.stine@health.state.mn.us	**Department of Health**	651-201-4675 651-201-4572	*Office* *Fax*
Larry Kramka 500 Lafayette Road, St. Paul, MN 55155 Larry.Kramka@dnr.state.mn.us	**Department of Natural Resources**	651-259-5033 651-296-4799	*Office* *Fax*
Jim Anderson Room 173 McNeal Hall, 1985 Buford Avenue, St. Paul, MN 55108 Ander045@umn.edu	**U of M/Dept. of Soil, Water & Climate**	612-625-0279 612-625-2208	*Office* *Fax*
Paul Eger 520 Lafayette Road, St. Paul, MN 55155 Paul.Eger@state.mn.us	**Pollution Control Agency**	651-296-7319 651-296-7923	*Office* *Fax*

March 2008

PHONE NUMBERS FOR BWSR STAFF

USE LAST FIVE DIGITS WHEN TRANSFERRING*

Main Line: 651-296-3767 – FAX: 651-297-5615 - Updated 03/14/08

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Buckhout, Don	296-0768
DeVoe, Natasha	205-4664
Donnelly, Conor (cell 612-408-7002)	282-3815
Engineers Cell Phone	485-8466
Eisele, Bill	282-2929
Fredbo, Tim	296-0880
Fure, Jon	296-0884
Girolamo, Dan	215-1703
Hubbell, Dianne	296-0873
Jaschke, John (cell 612-202-3815)	296-0878
Kean, Al (cell 651-245-6531)	297-2907
Keating, Kari	297-8029
Klocker, Julie (cell 651-308-8647)	297-5617
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Lemm, Les (cell 651-341-4208)	296-6057
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Lines, Kevin	297-1894
Luniewski, Jim	297-2622
Mack, Kristie	215-9420
Mohring, Eric	297-7360
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BWSR Committee Schedule (tentative agenda items)

March 25, 2008

(Contact Mary Jo Anderson @ 651-297-4290 if you have any questions)

March 25, 2008 5:30 p.m. – 8:00 p.m., Kelly Inn, St. Paul

- ***Wetlands Committee***
  - *APO Development*

March 26, 2008

- ***Grants Program and Policy Committee (immediately following Board meeting)***
  - NPEA Program Review - Discussion, Al Kean
  - Grants Compliance OLA Update - Information, Wayne Zellmer
  - Forestry Cost Share Standard - Decision, Jim Lemmerman

April 23, 2008

- ***RIM Reserve Planning Committee (immediately following Board meeting)***

- ***Southern Water Planning Committee (immediately following Board meeting)***
  - Review Watonwan County Priority Concerns Scoping Document
  - Review amendments to current water plans (Chippewa, Big Stone, Lac qui Parle, Pope and Swift)

Minnesota Board of Water & Soil Resources

DATE: April 14, 2008

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

FROM: John Jaschke, Executive Director

SUBJECT: April 23, 2008 Board Meeting Notice

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, April 23, 2008, 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. **Plan Amendment for Carnelian-Marine-St. Croix Watershed District** - The Carnelian-Marine-St. Croix Watershed District (District) submitted a final draft plan amendment to the Board on February 25, 2008. The Amendment submitted includes two parts; a Comprehensive Wetland Protection and Management Plan (CWPMP), developed for the 33.2 square miles that was originally the Carnelian-Marine Watershed District, and the Silver Creek Management Corridor Plan. Board staff recommended approval of the plan amendment. The Metro Water Planning Committee met on April 2, 2008 and unanimously decided to recommend approval of the plan amendment per the attached draft Order. *DECISION ITEM*

NEW BUSINESS

1. **Amend the List of Board-Approved Wetland Evaluation Methods** – The Wetland Conservation Act (WCA) Rule provides that the Board approve wetland evaluation methods . The Minnesota Routine Assessment Method (MnRAM) Development Workgroup recommends deleting obsolete methods from the list that is maintained on the BWSR website. The Wetland Committee reviewed this proposal on January 23, 2008 and is recommending the Board amend the list of approved wetland evaluation methods. See attachment. *DECISION ITEM*

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2. **2008 Local Government Roads Wetland Replacement Program Request for Proposal Approval** - The Local Government Roads Wetland Replacement Program requires BWSR to replace eligible impacts resulting from reconstruction, rehabilitation, replacement and repair of public roads. The subject request for proposals will solicit projects that will generate wetland credits for this replacement purpose. See attachments. *DECISION ITEM*

3. **Forestry Practices Addition to State Cost-Share Program** – The 2007 Minnesota Legislature directed BWSR to develop a forestry practices standard for the State Cost-Share Program. This proposed standard is presented to the Board for inclusion in the State Cost-Share Program. Jim Lemmerman will present a resolution for Board action regarding creation of the D13 Forestry Practice for the State Cost-Share Program. See attachments. *DECISION ITEM*

4. **Forestry Report** - Jim Lemmerman, BWSR Staff Forester, will highlight current services and future issues in forestry and how BWSR can prepare for them. Parcelization/fragmentation of forest land is one of the major issues coming to the forefront. In addition, SWCD personnel Brad Matlack, Carlton SWCD; Steve Hughes, Aitkin SWCD; and Rick Reimer, Kandiyohi SWCD will cover some of the accomplishments and activities of Districts in this field. *INFORMATION ITEM*

5. **Overview of Shoreland Rules Update** – The Minnesota Legislature required the Department of Natural Resources (DNR) to update the minimum shoreland standards contained in Minnesota Rule 6120. The current rules have been in place since 1989. Peder Otterson, DNR, will discuss the process, timelines and goals of this rule update. *INFORMATION ITEM*

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. The meeting will adjourn about noon. I look forward to seeing you on April 23rd!

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

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF MARCH 26, 2008

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

INTRODUCTION OF NEW EMPLOYEES

- Donna Caughey
- Steve Hofstad
- Joan Weyandt

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. Plan Amendment for Carnelian-Marine-St. Croix Watershed District – *DECISION ITEM*

NEW BUSINESS

1. Amend the List of Board-Approved Wetland Evaluation Methods – Dave Weirens – *DECISION ITEM*

2. 2008 Local Government Roads Wetland Replacement Program Request for Proposal Approval – Dan Girolamo – *DECISION ITEM*

3. Forestry Practices Addition to State Cost-Share Program – Jim Lemmerman - *DECISION ITEM*

4. Forestry Report – Jim Lemmerman, Brad Matlack, Carlton SWCD; Steve Hughes, Aitkin SWCD; and Rick Reimer, Kandiyohi SWCD – *INFORMATION ITEM*

5. Overview of Shoreland Rules Update – Peder Otterson, DNR – *INFORMATION ITEM*

AGENCY REPORTS

- Minnesota Department of Health – John Linc Stine
- 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

- Next Board Meeting, May 28, 2008, St. Paul

Noon **ADJOURN**

- **The RIM Reserve Planning Committee will meet immediately following the Board meeting**
- **The Southern Water Planning Committee will meet immediately following the Board meeting**

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Plan Amendment for Carnelian-Marine-St. Croix Watershed District – *DECISION ITEM*

DRAFT DRAFT DRAFT

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

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

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

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

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

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

PLEDGE OF ALLEGIANCE

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

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

INTRODUCTION OF NEW EMPLOYEES

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

REPORTS

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

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

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

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

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

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

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

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

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

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Coon Creek Watershed District Boundary Change – Jim Haertel reported that the Coon Creek Watershed District submitted a boundary change petition. The petition was submitted pursuant to Minn. Stat. § 103B.215 together with the required written statements of concurrence from each affected city, town and WMO. In this case it is the City of Ham Lake and the Upper Rum River WMO. The statute allows the boundary change to be approved by BWSR with no public hearing after proper notice and if no timely request for hearing is received. The legal Notice of Filing was published on January 11 and 18, 2008, no timely request for hearing was received and no hearing was held. Also, no comments
** have been received. Jim reported that the Metro Water Planning Committee
08-20 unanimously agreed to the boundary change. Moved by Bob Burandt, seconded by Louise Smallidge, that the Board hereby orders that the boundaries of the Coon Creek Watershed District are changed per the Petition as identified in the three property identification tables in the Order. Motion passed on a voice vote. Ken Robinson asked that a map showing boundary changes be provided for future reference.

Northern Water Planning Committee

Beltrami County Priority Concerns Scoping Document – Quentin Fairbanks reported that the Northern Water Planning Committee met to review the Beltrami
** County Priority Concerns Scoping Document and recommends approval. Moved
08-21 by Quentin Fairbanks, seconded by Ken Robinson, to approve the Beltrami County Priority Concerns Scoping Document. Larry Kramka stated that the DNR and local staff in Beltrami County are working together, the staff are doing a really good job in the area. Motion passed on a voice vote.

Douglas County Priority Concerns Scoping Document – Brian Napstad reported that the Northern Water Planning Committee met to review the Douglas County Priority Concerns Scoping Document and recommends approval. Brian stated that MPCA and DNR focus their agency comments on invasive species at
** a higher level. Moved by Brian Napstad, seconded by Ken Robinson, to approve
08-22 the Douglas County Priority Concerns Scoping Document. Paul Eger stated that MPCA and DNR have a role in lake water quality. Larry Kramka stated that counties will assist and provide additional attention to invasive species so this should be an issue we look at across the state rather than just in a tourism area. Brian stated that this topic is included in their plan. Motion passed on a voice vote.

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

Southern Water Planning Committee

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

** 08-23

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

** 08-24

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

** 08-25

NEW BUSINESS

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

** 08-26

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

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

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

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

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

** 08-27

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

Amendment passed on a voice vote.

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

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

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

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

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

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

AGENCY REPORTS

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

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

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

ADVISORY COMMENTS

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

UPCOMING MEETINGS

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

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

Respectfully submitted,

Mary Jo Anderson
Recorder

Dispute Resolution Report
April 9, 2008
by: Jim Haertel

There are presently 26 appeals pending. All of the appeals involve WCA except File 05-24. There have been no new appeals filed since the last report dated March 14th.

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

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

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

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

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

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

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

File 07-33. This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from

issuance of a cease and desist order for unauthorized wetland impacts. The appeal has been accepted and copies of the record have been requested.

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

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

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

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

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

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

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

File 06-12. This is an appeal of a no-loss decision in Stearns County. It involves the same project and issues as File 06-6. After a restoration order was issued, a no-loss application

was submitted by the developer and denied by the LGU. The appeal has been remanded for further technical evaluation.

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

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

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

File 05-24. This is an appeal, actually three appeals, of the Bois de Sioux Watershed District compensation to landowners related to a project. The appeal has been held in abeyance pending settlement discussions. It appears at least two of the appeals have been settled.

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

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

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

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

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

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

Carnelian-Marine-St. Croix Watershed District Plan Amendment

Comprehensive Wetland Protection and Management Plan
and Silver Creek Corridor Management Plan

Background

The Carnelian-Marine Watershed District was established in 1981 and enlarged to include the area of the Marine on St. Croix Watershed Management Organization in 2007. At this time, the name changed to the Carnelian-Marine-St. Croix Watershed District (District) and the number of managers increased from five to seven. The District is located exclusively in Washington County in the northeast portion of the Minneapolis – St. Paul seven county Metropolitan Area and consists of a total of 81.48 square miles. The District is bound by the St. Croix River to the east, the Comfort Lake-Forest Lake and Rice Creek Watershed Districts to the west, and the Browns Creek Watershed District to the south. The mission of the District is to protect and improve the water resources, natural habitat, and personal property within its boundaries; to educate property owners and the community on the value of water resources; and to promote progressive public relationships and interagency consistency.

The Amendment submitted includes two parts; a Comprehensive Wetland Protection and Management Plan (CWPMP), developed for the 33.2 square miles that was originally the Carnelian-Marine Watershed District, and the Silver Creek Management Corridor Plan. The 60-day review draft of the amendment was submitted to BWSR, other state agencies, and local governments on March 16, 2007. A public hearing was held on June 3, 2007. The draft Amendment was sent to the review agencies for the 45-day review period on October 15, 2007. During the District's rule development process, which was started concurrently with the end of the Amendment review period, concerns were raised by local government units about implementation of the CWPMP. A meeting with staff of the District, BWSR, and the Washington Conservation District (representing local government units) was convened in January 2008 to address the issues. This meeting resulted in changes to the final draft of the CWPMP. The final draft of the Amendment was received by BWSR on February 25th, 2008. No comments were received on the final draft.

Amendment Summary and Highlights – Comprehensive Wetland Protection and Management Plan

In the development of the CWPMP, the District formed a Wetland Advisory Board of the state review agencies, technical evaluation panel members, landowners, and local governments to guide the development and content of the CWPMP. The process included numerous opportunities for comment, and a public hearing was held on October 24, 2005 for residents, agencies, and LGUs to learn about the CWPMP prior to submittal for official review.

Highlights of the plan include:

- The plan was developed for the portion of the District formerly known as the Carnelian-Marine Watershed District. A complete inventory and functional assessment was performed for the wetlands in this area. The area of the District formerly known as the Marine on St. Croix Watershed Management Organization will be inventoried and assessed as part of the overall Watershed Management Plan update to begin in 2008.
- The plan was developed with an extensive public involvement and formal input process.
- The plan was developed with the following premises: 1) a high percentage of the wetlands remaining in the watershed are pristine and very valuable; 2) there are ample opportunities to avoid wetland impacts, and; 3) the plan should provide additional incentive to avoid impacts and protect the functionality of existing wetlands.
- The plan creates four management categories for wetlands based on their local value. Regulatory standards were then developed for each category.
- The plan creates a restoration fund and requires payment into the fund at differing rates for various activities. The Fund will be used for wetland restorations and other natural resource improvements that would restore, protect, and/or improve wetland function.
- Wetland replacement ratios vary from 6 to 1 for the most valuable wetlands (category 1) to 2:1 for the least valuable (category 4) with a corresponding payment into the restoration fund also required.
- The plan eliminates the de minimis exemption, regulates excavation as an impact, and restricts livestock access to most wetlands.
- The plan includes buffer standards for vegetated buffer strips around wetlands, varying in average width from 30 to 100 feet depending on management category. The buffer standards will be implemented by the District, and apply to all replacement wetlands, when there is a change in land use, or upon approval of a District permit application.
- The plan requires local government units to begin implementation of the CWPMP through an approved and adopted local plan within one year of its approval.
- The District intends to update the CWPMP to be consistent with Wetland Conservation Act rule changes, if necessary, through a minor amendment to the watershed management plan.

Amendment Summary and Highlights – Silver Creek Corridor Management Plan

In the development of the Silver Creek Corridor Management Plan, the District conducted two community-wide and four steering committee meetings in 2003 and 2004 to engage and inform stakeholders, build trust, develop a common understanding of water resources issues, and to provide an opportunity to prioritize local issues. The District obtained additional input from residents through a questionnaire mailed to residents in the headwaters area of Silver Creek.

Board staff found this plan to provide excellent documentation of the issues in the corridor and identification of potential solutions, and that its implementation should help to protect and improve Silver Creek and its associated resources. No local or state comments were received in regards to this plan.

Highlights of the plan include:

- The Silver Creek corridor includes several ecologically rich areas and the corridor is a designated focus area within the Minnesota Department of Natural Resources Metro Wildlife Corridor Program. Key threats to the corridor include impacts from stormwater discharge, invasive species, and fragmentation of natural communities.
- The rationale for the management plan and establishment of the corridor is to protect and improve the hydrologic, water quality, and fish and wildlife habitat functions of the corridor.
- The goal of the plan is to evaluate the overall health of and management options for the creek; and to develop a long-range schedule of actions, priorities, and funding sources to implement the recommendations.
- The plan provides specific recommended actions developed from the corridor assessment and public involvement processes that will be implemented using existing District programs.

Location of the Carnelian-Marine-St. Croix Watershed District Within the 7 County Metro Area

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

In the Matter of the review of the Amendment to the Watershed Management Plan for the Carnelian-Marine-St. Croix Watershed District, pursuant to Minnesota Statutes Section 103B.231, Subdivision 11.

ORDER APPROVING AMENDMENT TO WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Carnelian-Marine-St. Croix Watershed District (District) submitted a Watershed Management Plan Amendment (Amendment) to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 11, and;

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

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

FINDINGS OF FACT

1. **Watershed District Establishment.** The Carnelian-Marine Watershed District was established by the Minnesota Water Resource Board in 1981. Washington County filed a Petition with the Board of Water and Soil Resources on December 22, 2006, to enlarge the watershed district to include the area of the Marine on St. Croix Watershed Management Organization. On March 28, 2007, the Board ordered the Carnelian Marine Watershed District be enlarged according to the Petition, that the name be changed to the Carnelian-Marine-St. Croix Watershed District, and that the number of managers be increased from five to seven, contingent upon the dissolution of the Marine on St. Croix Watershed Management Organization occurring within three months from the date of the Order. The Board further ordered that the Carnelian-Marine Watershed District Watershed Management Plan be amended within one year of the date of the Order to include the petitioned area. The mission of the District is to protect and improve the water resources, natural habitat, and personal property within its boundaries; to educate property owners and the community on the value of water resources; and to promote progressive public relationships and interagency consistency.

2. **Authority to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The current District watershed management plan was approved by Board Order on October 25, 2000.

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

Minnesota Statutes Section 103G.2243 and Minnesota Rules Chapter 8420.650 allow the Board to approve a Comprehensive Wetland Protection and Management Plan (CWPMP) developed by a local government unit, provided it is implemented through the local government's official controls. The CWPMP may be developed as part of, or in conjunction with, a watershed management plan.

3. **Nature of the Watershed.** The District is located exclusively in Washington County in the northeast portion of the Minneapolis – St. Paul seven county Metropolitan Area and consists of a total of 81.48 square miles. Included in the District are 27.33 square miles within the City of Scandia, 4.18 square miles within the City of Marine on St. Croix, 0.74 square miles within the City of Hugo, 34.58 square miles within the Town of May, 0.25 square miles within the City of Grant, and 14.40 square miles within the Town of Stillwater. The CMSCWD is bound by the St. Croix River to the east, the Comfort Lake-Forest Lake and Rice Creek Watershed Districts to the west, and the Browns Creek Watershed District to the south.

4. **Local Review.** The Amendment consists of two parts; a Comprehensive Wetland Protection and Management Plan (CWPMP), and a Silver Creek Corridor Management Plan. The District circulated a copy of the draft Amendment to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7.

In the development of the CWPMP, the District formed a Wetland Advisory Board of the state review agencies, technical evaluation panel members, landowners, and local governments to guide the development and content of the CWPMP. The process included numerous opportunities for comment, and a public hearing was held on October 24, 2005 for residents, agencies, and LGU's to learn about the CWPMP prior to submittal for official review.

In the development of the Silver Creek Corridor Management Plan, the District conducted two community-wide and four steering committee meetings in 2003 and 2004 to engage and inform stakeholders, build trust, develop a common understanding of water resources issues, and to provide an opportunity to prioritize local issues. The District obtained additional input from residents through a questionnaire mailed to residents in the headwaters area of Silver Creek.

The draft Amendment was submitted to the Board, other state agencies, and local governments for the 60-day review on March 16, 2007. A public hearing was held on June 3, 2007. On October 15, 2007, the draft Amendment was sent to the review agencies for the 45-day review period. After the 45-day review, concerns were raised by local government units about implementation of the CWPMP. A meeting with staff of the District, the Board, and the Washington Conservation District as representative for local government units was convened in January 2008 to address these issues. This meeting resulted in changes to the final draft of the CWPMP to clarify implementation responsibilities. The final draft of the Amendment was received by BWSR on February 25th, 2008.

5. **Metropolitan Council Review.** The Council found that the Amendment was consistent with the Council's *Water Resources Management Plan* and should help to protect the water resources in the District.

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

7. **Department of Health Review.** The MDH did not comment on the Amendment.

8. **Department of Natural Resources Review.** The DNR did not comment on the Amendment.

9. **Pollution Control Agency Review.** The MPCA found that the Amendment did a good job of integrating wetlands as surface and groundwater dependent natural resources. The MPCA recommended close coordination with the Board on the use of the Minnesota Routine Assessment Method for assessing functions and values of wetlands in the upcoming season and questioned the District's natural resource inventory process due to the risk of missing smaller, "drier-end" wetlands. The MPCA noted that the plan does not discuss wetland permitting roles and responsibilities and suggested that this discussion would be helpful in the plan. The MPCA stated that it will be important for the District to integrate wetland monitoring into other monitoring activities and offered assistance with wetland monitoring approaches.

10. **United States Army Corps of Engineers.** The Corps was invited to participate in the development of the CWPMP but did not participate or provide comments.

11. **Board Review.**

Silver Creek Corridor Management Plan: Board staff found the plan to provide excellent documentation of the issues in the corridor and identification of potential solutions, and that its implementation should help to protect and improve Silver Creek and its associated resources.

CWPMP: Pertaining to the regulation of livestock access to wetlands, the Board recommended the Plan identify a timeframe for removal of the livestock and/or specific conditions that will trigger removal, and recommend the District consider offering cost-share for alternative watering sources and other best management practices in those situations. The District amended the plan as requested and now offers cost-share funding for compliance.

The Board supported the District's intent to provide a higher level of protection to very valuable wetlands, but pointed out the fact that the 6:1 replacement ratio and 6:1 replacement fund payment for management category 1 wetlands is a significant increase over the minimum requirements of the Wetland Conservation Act. The Board recommended the District clearly and overtly make the District's stakeholders and local governments aware of these increased requirements to ensure Plan "buy-in" and to avoid potential conflicts in the future. The Board also recommended the CWPMP clarify

implementation responsibilities and timelines for adoption of conforming ordinances by local governments and include a sample ordinance. The District developed a sample ordinance for local governments to utilize and clarified implementation responsibilities and timelines in the plan.

The draft CWPMP contained recreation standards to regulate access paths and ATV and snowmobile trails that caused "degradation to wetland function." The Board expressed concern over the language as written and recommended a clear and measurable definition of what constitutes an impact, as well as the development of a clear and systematic process for applying penalties to the appropriate parties for non-compliance. The District responded by modifying the recreation standards section to apply to specific impacts to buffers.

The Board noted that, for eligible road projects, the Board will only provide mitigation in the amount required by the Wetland Conservation Act and any additional mitigation required by the District would be the responsibility of the road authority. The Board recommended the District clearly communicate this requirement to the road authorities in order to reduce surprises and unforeseen burdens when mitigating for road impacts.

The Board expressed support for replacement siting requirements that are ecologically based, such as within the watershed, but recommended the CWPMP contain some process for allowing replacement outside the watershed in potential instances where the applicant can demonstrate that desirable replacement opportunities do not exist within the watershed. The District responded by modifying the siting requirements to allow for flexibility when replacement is not available within the watershed.

Regarding some provisions in the draft CWPMP that allowed decisions to be made "at the discretion of the LGU," the Board commented that decisions made solely based on discretion, without proper backing in rule or ordinance, could be considered arbitrary and capricious from a legal standpoint. The Board recommended that, whenever possible, the "discretion" should be clarified so that either: 1) the conditions for the allowable activity or regulation are identified to the extent possible, or 2) the LGU will identify those conditions and include as part of their local ordinance. The District removed or clarified the indicated language in several areas.

12. **Highlights of the Plan Amendment.**

CWPMP:

- The plan was developed for the portion of the District formerly known as the Carnelian-Marine Watershed District. A complete inventory and functional assessment was performed for the wetlands in this area. The area of the District formerly known as the Marine on St. Croix Watershed Management Organization will be inventoried and assessed as part of the overall Watershed Management Plan update to begin in 2008.
- The plan was developed with an extensive public involvement and formal input process.

- The plan was developed with the following premises: 1) a high percentage of the wetlands remaining in the watershed are pristine and very valuable; 2) there are ample opportunities to avoid wetland impacts, and; 3) the plan should provide additional incentive to avoid impacts and protect the functionality of existing wetlands.
- The plan creates four management categories for wetlands based on their local value. Regulatory standards were then developed for each category.
- The plan creates a restoration fund and requires payment into the fund at differing rates for various activities. The Fund will be used for wetland restorations and other natural resource improvements that would restore, protect, and/or improve wetland function.
- Wetland replacement ratios vary from 6 to 1 for the most valuable wetlands (category 1) to 2:1 for the least valuable (category 4) with a corresponding payment into the restoration fund also required.
- The plan eliminates the de minimis exemption, regulates excavation as an impact, and restricts livestock access to most wetlands.
- The plan includes buffer standards for vegetated buffer strips around wetlands, varying in average width from 30 to 100 feet depending on management category. The buffer standards will be implemented by the District, and apply to all replacement wetlands, when there is a change in land use, or upon approval of a District permit application.
- The plan requires local government units to begin implementation of the CWPMP through an approved and adopted local plan within one year of its approval.
- The District intends to update the CWPMP to be consistent with Wetland Conservation Act rule changes, if necessary, through a minor amendment to the watershed management plan.

Silver Creek Corridor Management Plan:

- The Silver Creek corridor includes several ecologically rich areas and the corridor is a designated focus area within the Minnesota Department of Natural Resources Metro Wildlife Corridor Program. Key threats to the corridor include impacts from stormwater discharge, invasive species, and fragmentation of natural communities.
- The rationale for the management plan and establishment of the corridor is to protect and improve the hydrologic, water quality, and fish and wildlife habitat functions of the corridor.
- The goal of the plan is to evaluate the overall health of and management options for the creek; and to develop a long-range schedule of actions, priorities, and funding sources to implement the recommendations.
- The plan provides specific recommended actions developed from the corridor assessment and public involvement processes that will be implemented using existing District programs.

13. **Metro Water Planning Committee Meeting.** The Board's Metro Water Planning Committee met via a telephone conference call on April 2, 2008 to review and discuss the Amendment. Board staff recommended approval of the Amendment. After discussion,

the Committee unanimously decided to recommend approval of the Carnelian-Marine-St. Croix Watershed District Amendment to the full Board.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving an Amendment to the Watershed Management Plan for the Carnelian-Marine-St. Croix Watershed District pursuant to Minnesota Statutes Section 103B.231, Subd. 11.

3. The Board has proper jurisdiction in the matter of approving a Comprehensive Wetland Protection and Management Plan for the Carnelian-Marine-St. Croix Watershed District pursuant to Minnesota Statutes Section 103G.2243.

4. The Carnelian-Marine-St. Croix Watershed District Amendment attached to this Order defines water and water-related problems within the Silver Creek Corridor sub-watershed boundaries, possible solutions thereto, and an implementation program and provides a functional assessment framework for all wetlands within the portion of the District formerly known as the Carnelian-Marine Watershed District, management strategies based on this assessment, and an implementation program.

5. The attached Amendment is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251 and 103G.2243.

ORDER

The Board hereby approves the attached Amendment, dated February 2008, to the Carnelian-Marine-St. Croix Watershed District Watershed Management Plan, consisting of the Comprehensive Wetland Protection and Management Plan (CWPMP) and the Silver Creek Corridor Management Plan.

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

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

NEW BUSINESS

1. Amend the List of Board-Approved Wetland Evaluation Methods – *DECISION ITEM*

2. 2008 Local Government Roads Wetland Replacement Program Request for Proposal Approval – *DECISION ITEM*

3. Forestry Practices Addition to State Cost-Share Program – *DECISION ITEM*

BOARD OF WATER AND SOIL RESOURCES
April 23, 2008

Request: Amend the List of Board-Approved Wetland Evaluation Methods.

The Wetland Conservation Act (WCA) Rule provides that the Board approve wetland evaluation methods[1]. The Minnesota Routine Assessment Method (MnRAM) Development Workgroup[2] recommends deleting obsolete methods from the list that is maintained on the BWSR website.

Recommended for deletion are:

- Mn Wetland Evaluation Method (from 1988),
- Oregon method (from 1993, revised in 1996), and
- New Hampshire method (from 1991).

The workgroup's concern is that there would not be anyone qualified to evaluate a submittal using one of these outdated methods. The Work Group would like the website to reflect current, WCA-relevant methods. The proposal is to list, on a separate page, assessment methods that might be appropriate for non-WCA uses.[3]

Wetland evaluations are used for local resource planning, local, state, and federal regulatory decision-making, and scientific inquiry. The use of wetland evaluation methods is specifically mentioned in the rule[4] where it states that the development of a comprehensive wetland protection and management plan may require an assessment of the wetland functions using a methodology chosen by the TEP from one of those established or approved by the board.

Board approval of this request would leave MnRAM and HGM[5] as the remaining Board approved wetland evaluation methods. The Wetland Committee reviewed this proposal on January 23, 2008 and is recommending the Board remove the three wetland evaluation methods from the approved list, as discussed in this document.

Pre-approved Wetland Evaluation Methods (*Current List as of March 2008*)

- Minnesota Routine Assessment Methodology for Evaluating Wetland Functions. Board of Water and Soil Resources, Version 3.1, May 2007.
- *Minnesota Wetland Evaluation Methodology for the North Central United States. United States Army Corps of Engineers, September 1988.*
- The Hydrogeomorphic Functional Assessment Methodology. United States Army Corps of Engineers based on Wetland Research Program Technical Report WRP-DE3, August 1993.
- *Oregon Freshwater Wetland Assessment Methodology. Oregon Division of State Lands, December 1993.*
- *Method for the Comparative Evaluation of Nontidal Wetland in New Hampshire. New Hampshire Department of Environmental Services, March 1991.*

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[1] 8420.0103: "The Board shall maintain a publicly available list of preapproved wetland evaluation methods."
[2] The MnRAM Development Workgroup is comprised of local, state, federal, and tribal, as well as private consultant, wetland experts.
[3] These would include: IBI for depressional wetlands, FQA/I, and methods from Ohio, Michigan, and California.
[4] 8420.0650 Subp. 2.A(2)
[5] US Army Corps of Engineers hydrogeomorphic (HGM) model is for prairie potholes only. The Corps is developing an additional HGM model for organic flats that may be considered for inclusion on the list in the future.

Resolution # _____

Amending the List of Board-Approved Wetland Evaluation Methods
April 23, 2008

WHEREAS, BWSR is directed pursuant to Minn. Rule 8420.0103 to" maintain a publicly available list of pre-approved wetland evaluation methods"; and

WHEREAS, the Minnesota Rapid Assessment Method (MnRAM) Development Work Group is led by BWSR staff and consists of wetland experts representing local, state, federal, and tribal governments as well as private consultants;

WHEREAS, the MnRAM Work Group is recommending this list be amended to delete the following methods that are not current and WCA relevant;

- Minnesota Wetland Evaluation Methodology for the North Central United States. United States Army Corps of Engineers, September 1988.
- Oregon Freshwater Wetland Assessment Methodology. Oregon Division of State Lands, December 1993.
- Method for the Comparative Evaluation of Nontidal Wetland in New Hampshire. New Hampshire Department of Environmental Services, March 1991; and

WHEREAS, the Wetland Committee reviewed this recommendation on January 23, 2008, and is recommending he Board delete the above referenced wetland evaluation methods.

NOW THEREFORE BE IT RESOLVED, that the BWSR adopt the recommendations of the Wetland Committee, which is to remove the following wetland evaluation methods from the approved list:

- Minnesota Wetland Evaluation Methodology for the North Central United States. United States Army Corps of Engineers, September 1988.
- Oregon Freshwater Wetland Assessment Methodology. Oregon Division of State Lands, December 1993.
- Method for the Comparative Evaluation of Nontidal Wetland in New Hampshire. New Hampshire Department of Environmental Services, March 1991; and

_____ _____

Randy Kramer, Chair Date

Request For Proposals

2008 Local Government Roads
Wetland Replacement Program

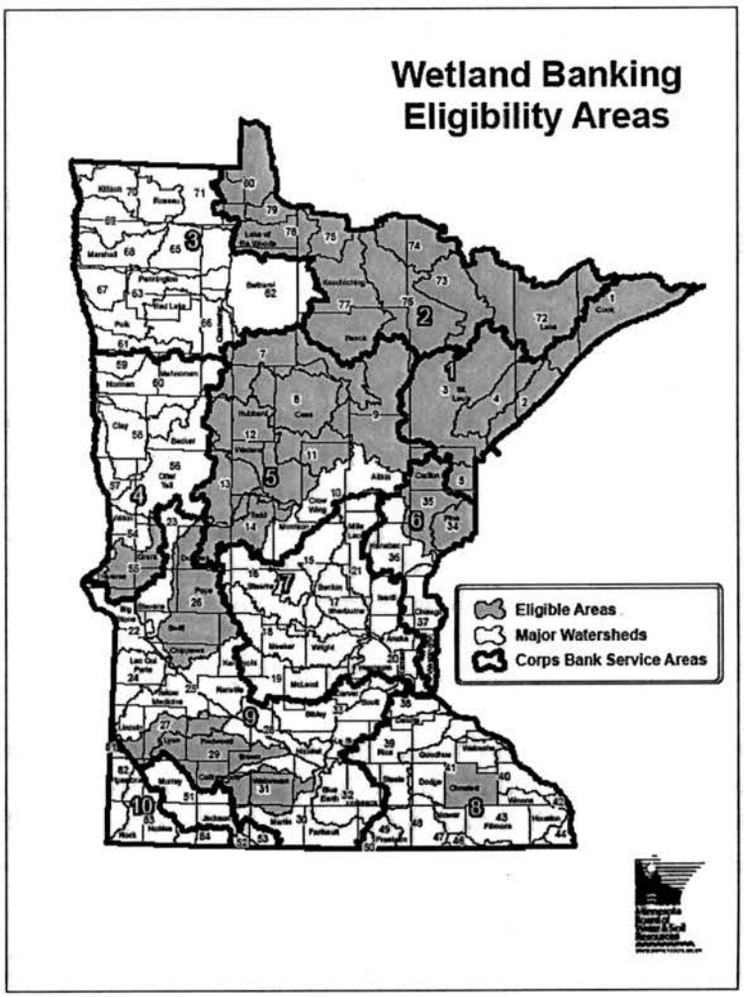
Beginning June 1st, 2008, the Minnesota Board of Water and Soil Resources (BWSR) will again be accepting proposals to supply the State's Cooperative Wetland Replacement Program with wetland credits. These wetland credits are used to replace wetland impacts resulting from maintenance or reconstruction work on existing public roads within the state. Proposals must be received or post marked by **July 15th, 2008** to be considered eligible.

Eligibility Criteria

Due to limited available funding and specific wetland mitigation needs, certain eligibility criteria need to be met for the project proposals. These criteria are primarily based on geographic location and wetland type. More specifically, eligible proposals **must** meet the following criteria:

1) Bidders must own or have an interest in the property being submitted for the proposal.

2) Sites must be located in one of the eligible geographic areas defined in the attached **Exhibit A.**



3) At least **50 percent** of the total wetland area eligible for credit will produce the following wetland community types (Circular 39) in any combination (**Note**: This analysis will be performed on each proposal to verify program eligibility):

Floodplain Forests, Fresh (Wet) Meadow, Wet to Wet-Mesic Prairie and Seasonally Flooded Basin or Flat, (Type 1)

a. Sedge Meadow, Wet to Wet-Mesic Prairie, Fresh (Wet) Meadow and Calcareous Fens, (Type 2)
b. Shrub-Carr or Alder Thicket, (Type 6)
c. Hardwood Swamp or Coniferous Swamp, (Type 7)
d. Coniferous Bog or Open Bog (Type 8)

4) The property contains wetlands that can be restored, created or otherwise enhanced and be eligible for wetland credit pursuant to MN Rules 8420 with the following exception:

Private wetland banking projects that are already in process are eligible for this RFP only if the required perpetual conservation easement has **not yet** been recorded on the property. In other words, an ongoing banking project is eligible even though it may have already undergone considerable planning and implementation, as long as the perpetual conservation easement is not recorded.

Proposals not meeting the above criteria will be rejected and not considered for funding. Bidders are encouraged to work with their Wetland Conservation Act Local Governmental Unit (LGU) and Soil and Water Conservation District (SWCD) staff to determine eligibility and then to compile the required submittal information to support their proposal.

Program Details

The purpose of this RFP is to seek suitable potential wetland bank sites. The landowner must have an interest in developing and then providing all wetland credits derived from the site to the State at an agreed to price. In addition, through the structure of the wetland credit purchase agreement (Agreement) between the landowner and the State, a portion of the pending credit value, will paid to the landowner upon preparation and approval of the required wetland banking application document and subsequent conveyance of the required perpetual wetland banking conservation easement on the property. This partial payment will typically occur before any construction or vegetation establishment work begins on the site helping to finance those activities.

Proposals are to be considered as private wetland banks with successful bidders responsible for developing wetland credits on their project in compliance with all aspects of Minnesota's Wetland Banking Program. Program requirements can be found at the following web site: http://www.bwsr.state.mn.us/wetlands/

Funding for this RFP is limited to 4.2 million dollars. Eligible projects will be selected based on scoring criteria and use of available funds. Scoring criteria includes wetland community types, technical merits of the project and credit bid value.

Upon selection, the landowner will be asked to begin the wetland banking application process and seek, if necessary, preliminary project approval of ***Part A*** of the Wetland Bank Application from the appropriate WCA LGU. Upon satisfactory review and approval of the ***Part A*** application, an Agreement will be completed and executed between the owners of the property and the State. The Agreement will define the terms of the accepted bid and expected wetland credits to be yielded from the property. A sample copy of the Agreement document can be viewed at the following BWSR website: http://www.bwsr.state.mn.us/wetlands/wcamanual/wca-easement_b.pdf.

All proposals submitted to BWSR for funding consideration will become public information after the proposals are reviewed and funding decisions are made by the BWSR Board. At such time, the proposals will be available to the general public for review, upon request.

The BWSR retains the right to reject any and all bids at their sole discretion.

Scoring Process

Proposals will be scored using the three following attributes:

1) Wetland Community Types (Circular 39)

Proposals including restoration of the following wetland community types will receive priority:

- Floodplain Forests, Fresh (Wet) Meadow, Wet to Wet-Mesic Prairie and Seasonally Flooded Basin or Flat, (Type 1),
- Sedge Meadow, Wet to Wet-Mesic Prairie, Fresh (Wet) Meadow and Calcareous Fens, (Type 2),
- Shrub-Carr or Alder Thicket, (Type 6),
- Hardwood Swamp or Coniferous Swamp, (Type 7)
- Coniferous Bog or Open Bog (Type 8).

2) Technical Merits

Projects with limited construction cost and vegetative issues will receive priority. Proposals will be evaluated to predict the effort required to generate credits and to provide long term management. Factors to be considered include the level of construction activity required to develop the site, vegetation management issues and costs associated with long term maintenance.

3) Credit Bid Value

To satisfy the fiduciary responsibilities of the State, wetland value determinations will be made to maximize acres of credit generated for dollars spent. BWSR's desire to replace local road impacts with in kind mitigation will be considered.

How to Apply

Pre Bid Meeting:
A pre-bid meeting will be held at the MnDOT facility located at 3725 12th Street North in St. Cloud, Minnesota and will be scheduled for early June, 2008. The purpose of the meeting is to provide prospective bidders with an overview of the RFP process and an opportunity to ask questions regarding the wetland banking process in general. BWSR staff will be present to address questions.

Minimum Proposal Requirements:
All proposals must include all of the following materials (submittals):

1) A signed, completed *Local Road Replacement Program Project Proposal Form (pending),*
2) Map and/or air photo showing the proposed wetland bank easement area and its approximate acreage;
3) Detail showing the proposed wetland restoration, creation or enhancement areas clearly defined on a map and/or air photo;
4) A written summary of existing site conditions including drainage mechanisms that are in place and whether the drainage systems are private or public. If private, acknowledgement of any associated drainage agreements is necessary;
5) A written summary of the proposed site improvement activities that will generate eligible wetland credits; and
6) An estimate of the *amount and types of credit* that may be generated by the proposed project using a tabular format similar to the following example.

Example - Type and Amount of Credit

Credit Zone	Plant Community Type	Wetland Type – Circular 39	Acres (Credits)	Action Eligible for Credit
1	Seasonally Flooded Basin	1	2.50	Subpart 2
2	Sedge Meadow	2	3.15	Subpart 2
3	Shallow Marsh	3	2.00	Subpart 2
4	Upland	Upland	2.25	Subpart 6
Total			9.90	

Mailing of Proposals:

All proposals must be submitted or delivered to the following address and postmarked by July 15th to be considered:

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

Incomplete proposals will be returned to the sender.

Timeline

By September 30, 2008, all bidders will be contacted to inform them of their bid status.

Additional Information for Bidders

The bid price submitted through this RFP is for a wetland credit acre that is generated from the proposed site. Depending on site conditions, not every acre of wetland or, for that matter, every acre of easement area required to protect the project wetlands, is eligible for credit. Some areas may only be eligible for partial credit. Each acre of upland area that is included within the proposed wetland bank easement that is deemed eligible for upland buffer credit will be compensated at a rate of 25 percent of the wetland credit bid price.

The landowner should determine a comprehensive wetland credit bid price that considers the value of a partnership with the State compared to a normal private wetland bank. In addition, they must consider the costs associated with developing a private wetland bank.

Some of the typical costs associated with developing a wetland banking project include, but are not limited to the following:

- Value of land rights conveyed by the easement, as determined by the landowner.
- Wetland Bank Plan development, including topographic survey, project planning, design and implementation costs.
- Wetland delineations, pre-and post-construction.
- Establishing and maintaining native, non-invasive vegetation.
- Providing site maintenance in perpetuity.
- Legal cost such as recording the perpetual conservation easement and defining the easement boundary.
- Taxes including property, income, capital gains, etc.
- Preparation and submittal of 5 annual monitoring reports.
- Long-term maintenance.

To better understand the expectations and potential costs of the wetland banking process, it is suggested that applicants refer to both **Parts A and B**, including the appendices, of the BWSR Wetland Bank Application. These documents can be found at the following links:

http://www.bwsr.state.mn.us/wetlands/wcamanual/bankapp_A.pdf
http://www.bwsr.state.mn.us/wetlands/wcamanual/bankapp_B.pdf

Questions

All questions regarding the RFP process are to be directed to the Local Governmental Unit or BWSR staff listed on the following web links. If the local or regional staffs are unavailable, the BWSR Bank Coordinator will serve as the final contact.

LGU staff contact link: http://www.bwsr.state.mn.us/directories/WCA.pdf.
BWSR Wetland Specialist link: http://www.bwsr.state.mn.us/aboutbwsr/workareas/construction.txt.
BWSR Bank Coordinator: http://www.bwsr.state.mn.us/aboutbwsr/staffdirectory.html.

[Advanced Notice: BWSR will again be soliciting application for this program in 2009 with an anticipated application window from June 1, 2009 thru July 15, 2009.

Exhibit A

Geographic Location

Proposals **must** be located in one of the following geographic areas or watersheds to be eligible

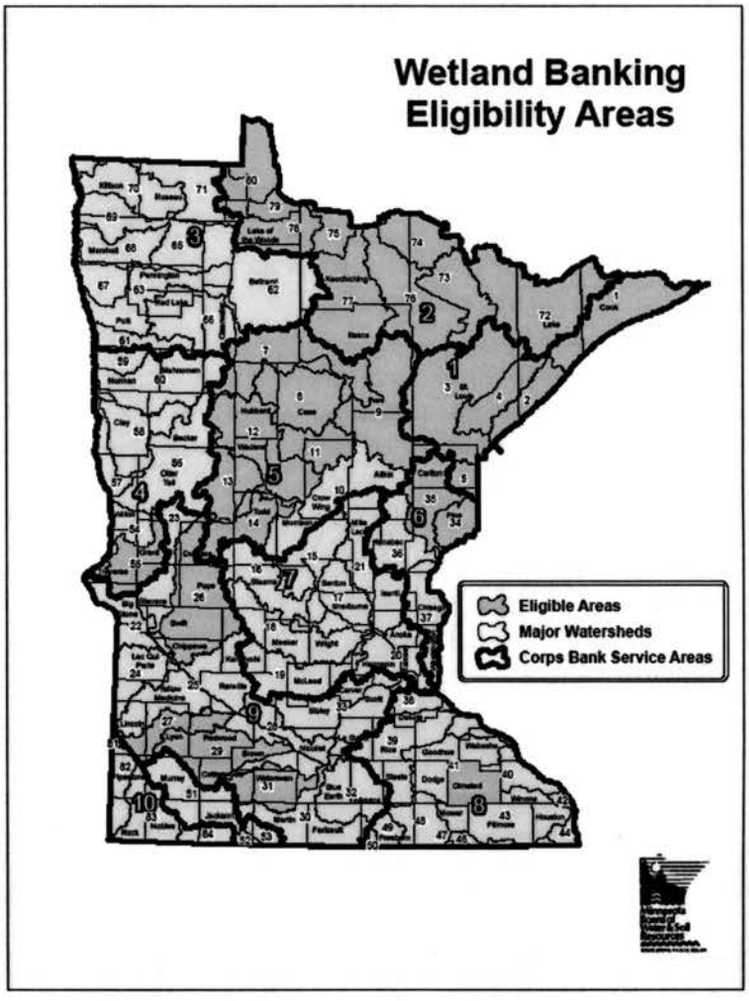
General Locationale Criteria:

1) Army Corps of Engineers Bank Service Areas:
   #1 - Lake Superior
   #2 - Rainy River

2) Olmsted County

3) Minor Subwatershed Locationale Criteria:

#07 Mississippi River at Head Waters
#08 Leech Lake River
#09 Mississippi River at Brainerd
#11 Pine River
#12 Crow Wing River
#13 Redeye River
#14 Long Prairie River
#26 Chippewa River
#27 Redwood River
#29 Cottonwood River
#31 Watonwan River
#34 St. Croix – Upper
#35 Kettle River
#55 Mustinka River



2008 Local Government Roads Wetland Replacement Program Request for Proposal Approval

WHEREAS, BWSR is directed pursuant Minn. Stat. 103G.222, Subd. 1(1) to replace wetlands drained or filled as a result of the repair, maintenance, or rehabilitation of existing public roads; and

WHEREAS, BWSR is authorized pursuant to 2005 Minn. Laws Chap. 20, Art. 1, Sec. 9 and 2006 Minn. Laws Chap. 258, Sec. 9 to enter into agreements with political subdivisions and fee owners to acquire land and restore wetlands to be used to replace wetlands lost as a result of the repair, maintenance, or rehabilitation of existing public roads; and

WHEREAS, the BWSR staff developed a process to solicit wetland restoration and creation proposals in targeted areas of the State by the July 15th deadline.

WHEREAS, the Wetland Committee reviewed the proposed process on March 25th, 2008 and is recommending Board approval.

NOW THEREFORE BE IT RESOLVED, that the BWSR authorize acquiring wetland credits as follows:

1. Enter into purchase agreements with political subdivisions and fee owners to acquire wetland credits that meet all BWSR requirements and conditions.

2. Enter into easement agreements with political subdivisions and fee owners to cooperatively develop wetland credits with the fee owner that meet all BWSR requirement and conditions.

_____ _____

Randy Kramer, Chair Date

Forestry Practices Addition to State Cost Share Program

Background

The Laws of Minnesota 2007 in Senate File 2096 states:

> *The Board shall develop a forestry practice docket for cost-share money. The Board shall develop standards or policies for cost share practices for the following purposes: . . . . .establishment of soil and water conservation practices on private forest lands.*

Issue

The State Cost Share Program currently does not address forestry concerns very well. Although the Program can be used for forestry issues now, via eligible components of existing practices and the ORTP provision, the approved practices are rather silent on forestry issues and do not address them pro-actively.

Recommendation

The Grants Program and Policy Committee does not recommend a "forestry practice docket" but does recommend adding a forestry practice, which would directly address forestry concerns.

This new practice was reviewed by the Grants Program and Policy Committee on March 26, 2008 and committee has recommended adoption.

Staff has met with the necessary partners to draft a forestry practice cost share standard.

See attached D.13 Forestry Conservation Practice

D.13 Forestry Conservation Practice

Forestry Conservation Practice

Establishment or improvement of long term forestry practices to improve or protect water quality or control soil erosion.

Eligible Component(s):

- Access Road (560)
- Brush Management (314)
- Clearing and Snagging (326)
- Conservation Cover (327)
- Critical Area Plantings (342)
- Early Successional Habitat Development/Management (647)
- Fence (82)
- Forest Site Preparation (490)
- Forest Stand Improvement (666)
- Forest Slash Treatment (384)
- Forest Trails and Landings (655)
- Fuel Break (383)
- Grade Stabilization (410)
- Prescribed Forestry (409)
- Restoration and Management of Rare or Declining Habitats (643)
- Riparian Forest buffer (391)
- Stream Crossing (578)
- Tree/Shrub Establishment (612)
- Water and Sediment Control Basin (638)

The number in parentheses corresponds to the practice number in the NRCS Field Office Technical Guide (FOTG). Please refer to the FOTG for a definition of the practice, its purpose, applicability, and recommended standards and specifications.
(In certain circumstances, other eligible components may be applicable. If other eligible components are needed, please see Part V.E. Other Recognized Technical Practices)

Policies

- A **Small Acreage Assessment** must be completed to document needs.

- Cost share is authorized where at least 80 percent of the contributing watershed controlled by the land occupier has the appropriate cultural, management, or structural practices in place (or scheduled to be installed) to stabilize sources of sediment and reduce surface water runoff.

- Cost share is not authorized where runoff or sediment from the contributing watershed would prevent the practice from achieving its intended purpose with normal operation and maintenance. The contributing watershed includes land not controlled by the land occupier.

Cost sharing is authorized up to 75% (Districts can set lower rates.) of total eligible project costs for the materials and activities required to establish the practice and protect the site during construction of the practice. They include, but are not limited to:

Materials:

- Seed
- Trees/Shrubs
- Herbicides
- Fertilizer
- Minerals
- Fence Materials
- Mulch
- Tubes
- Mats

Activities:

- Grading (Earthwork)
- Planting
- Fertilizer/Herbicide Application
- Fencing Labor
- Mulching Labor
- Site Preparation

Board Resolution #_____

STATE COST SHARE PROGRAM
FORESTRY PRACTICES

WHEREAS, The Laws of Minnesota 2007 in Senate File 2096 requires the Board to develop a forestry practice docket for cost-share money; and,

WHEREAS, Minnesota Rule 8400.0300 requires the Board to determine eligible practices and practice policies.

NOW THEREFORE, be it resolved, the Board approves D.13 Forestry Conservation Practice cost share standard, attached and incorporated into this resolution, and its addition to the State Cost Share Program approved practice list beginning in FY 2009.

_____ Date: _____

Randy Kramer, Chair
Board of Water and Soil Resources

Attachment: D13 Forestry Conservation Practice

H:FPBR

FOR YOUR INFORMATION
April 23, 2008

- Updated Board Member Listing
- Updated BWSR Staff Listing
- Memo from John Jaschke Regarding New E-Mail Addresses for Staff
- BWSR Committee Schedules
- Updated Board Committees
- Watershed District Management Appointments Factsheet
- MAWD Summer Tour Agenda/Registration Form

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@westtechwb.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@blackduck.net	**Co. Commissioner**	01-01-11	218-835-3500 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 St., Worthington, MN 56187 paul.langseth@gmail.com	**SWCD**	01-04-10	507-360-5844 507-376-5686	*Office* *Home*
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 rlburandt@gmail.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	218-289-3511 218-281-6723	*Office* *Home*
LuAnn Tolliver 14801 Wychewood Road, Minnetonka, MN 55345 mltolly@aol.com	**Watershed**	01-07-08	952-938-6749 952-221-9796	*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*
John Linc Stine P.O. Box 64975, St. Paul, MN 55164-0975 john.stine@health.state.mn.us	**Department of Health**	651-201-4675 651-201-4572	*Office* *Fax*
Larry Kramka 500 Lafayette Road, St. Paul, MN 55155 Larry.Kramka@dnr.state.mn.us	**Department of Natural Resources**	651-259-5033 651-296-4799	*Office* *Fax*
Jim Anderson Room 173 McNeal Hall, 1985 Buford Avenue, St. Paul, MN 55108 Ander045@umn.edu	**U of M/Dept. of Soil, Water & Climate**	612-625-0279 612-625-2208	*Office* *Fax*
Paul Eger 520 Lafayette Road, St. Paul, MN 55155 Paul.Eger@state.mn.us	**Pollution Control Agency**	651-296-7319 651-296-7923	*Office* *Fax*

April 2008

PHONE NUMBERS FOR BWSR STAFF

USE LAST FIVE DIGITS WHEN TRANSFERRING*

Main Line: 651-296-3767 – FAX: 651-297-5615 - Updated 04/09/08

Central Office

Fax #	297-5615
Anderson, Mary Jo	297-4290
Bonde, Karen	297-3998
Buckhout, Don	296-0768
DeVoe, Natasha	205-4664
Donnelly, Conor (cell 612-408-7002)	282-3815
Engineers Cell Phone	485-8466
Eisele, Bill	282-2929
Fredbo, Tim	296-0880
Fure, Jon	296-0884
Germundson, Travis	297-4958
Girolamo, Dan	215-1703
Hubbell, Dianne	296-0873
Jaschke, John (cell 612-202-3815)	296-0878
Kean, Al (cell 651-245-6531)	297-2907
Keating, Kari	297-8029
Klocker, Julie (cell 651-308-8647)	297-5617
Larson, Greg (cell 612-998-1674)	297-7029
Lemm, Les (cell 651-341-4208)	296-6057
Lewis, Michelle	296-2428
Lines, Kevin	297-1894
Luniewski, Jim	297-2622
Mack, Kristie	215-9420
Mohring, Eric	297-7360
Ogg, Tim (cell 651-295-5737)	297-8024
Remick, Polly	297-4365
Salinas, Debbie	297-8025
Schmidt, Tom	215-9008
Shaw, Dan (cell 612-236-6291)	296-0644
Sokatch, Char	297-4016
Spence, Aaron	296-0660
Straumanis, Sarma	297-7965
Strojny, Carol (cell 612-518-5545)	297-1893
Swenson, Karli (cell 612-807-0445)	282-2600
Wenzel, Tom (cell 612-720-1412)	296-0883
Weirens, Dave (cell 763-229-4308)	297-3432
Woods, Steve (cell 651-402-6997)	297-7748
Zellmer, Wayne	297-7361
Zeug, Leon	296-0714

Metro Office

Haertel, Jim	297-2906
Lewis, Melissa (cell 612-743-8822)	297-4735
Peterson, Lynda **(cell phone only)**	(612) 201-9806
Powell, Ken (cell 651-592-9542)	296-0874
Westrick, Marcey (cell 651-276-5976)	284-4153
Wozney Brad (cell 651-233-6673)	296-6068

Southern Regional Offices

Mankato

Fax #	(507) 389-6093
Hughes, Chris (cell 507-381-5040)	(507) 389-6784
Maul, Jeremy (cell 507-380-4047)	(507) 389-1967

Marshall

Fax #	(507) 537-6368
Cell Phone	(507) 829-3520
Hoek, Tabor	(507) 537-7260
Santjer, Scott (cell 612-723-0298)	(507) 537-6097
Serreyn, Roxie	(507) 537-6060
Sill, David	(507) 537-6374

New Ulm

Fax # (cell 507-276-5386)	(507) 359-6018
Drewitz, Matt (cell 507-766-5020)	(507) 359-6076
Fischer, Tom	(507) 359-6091
Hedtke, Jeff (cell 651-485-8470)	(507) 359-6092
Hiles, Mark	(507) 359-6077
Nielsen, Jeff	(507) 359-6075
Swanson-Cullen, Carla	(507) 359-6074

Rochester

Fax #	(507) 285-7144
Cell Phone	(507) 696-3617
Erickson, Dorothy	(507) 281-7797
Kells, Mary	(507) 280-2873
Peterson, Dave	(507) 280-2874

Northern Regional Offices

Bemidji

Fax #	(218) 755-4201
Best, Bill (cell 218-556-4686)	(218) 333-8026
Dwight, Brian (cell 218-820-2335)	(218) 333-8027
Grundmeier, Brigitte	(218) 755-4235
Krystosek, Dale (cell 218-820-9381)	(218) 333-8029
Severts, Chad (cell 218-368-0736)	(218) 333-8028

Brainerd

Fax #	(218) 828-6036
Conference Room	(218) 833-8607
Caughey, Donna	(218) 828-2383
Grow, Keith (cell 218-820-3655)	(218) 828-6035
Hrubes, Jeff (cell 218-368-7683)	(218) 833-8608
Overland, John (cell 218-232-4852)	(218) 825-6807
Shelito, Ron (cell 218-820-3794)	(218) 828-2604
Steward, Dan (cell 218-820-1679)	(218) 828-2598
Weinerman, Jason (cell 218-820-1688)	(218) 828-6045

Duluth

Fax #	(218) 723-4794
Flemming, Mary Jo	(218) 723-4752
Lemmerman, Jim (cell 218-341-0703)	(218) 723-4996
Weyandt, Joan (cell 218-349-1834)	(218) 723-4607

Fergus Falls

Fax #	(218) 736-7215
Hofstad, Steve	(218) 736-5445 ext 119
	cell (218) 770-2767
Waller, Pete	(218) 736-5445 ext 104
	cell (218) 770-3802

John Jaschke

From: John Jaschke
Sent: Tuesday, April 22, 2008 4:23 PM
To: Garletz, Annalee; Keithc@mica.org; Aasen, Paul; Pagel, Craig; Curry, John; Greg.Knopff@senate.mn; Hecht, MaryAnn; info@minnesotawaters.org; Janelle.Taylor@house.mn; Janet & Ronald; jbrimmer@mncenter.org; Johnson, Craig; johntuma@mepartnership.org; Kent.Lokkesmoe@state.mn.us; Kirk.Koudelka@house.mn; Kremer, Len; Laurie.Martinson@state.mn.us; Len.Price@conservationcorps.org; Leo.Raudys@state.mn.us; Linc Stine, John; lisaf@bamn.org; Livingston, Brian; Lotthammer, Shannon; mark.nicely@house.mn.us; mholland@pheasantsforever.org; michelle.rosier@sierraclub.org; michael.mcdonough@lccmr.leg.mn; nesslk@juno.com; paul.flynn@mn.usda.gov; perry.aasness@mn.usda.gov; Ringquist, Ron; Sabel, Gretchen; Schleichert, Pat; Smith, Louis; Sleeper, Faye; sjtaff@umn.edu; susan.thornton@lccmr.leg.mn; thom@mfu.org; Tom Landwehr; Tweedale, Cliff; Whiting, Robert; Wolf, Allison; Hunt, Bill; Erickson, Judy
Cc: 'MaryJo Anderson'; 'Tolliver, LuAnn'; 'Burandt, Robert'; 'Bill Eisele'; Dianne Hubbel; 'Kari Keating'; 'Robinson, Ken'; 'Langseth, Paul'; 'Smallidge, Louise'; 'Allen, Dana'; 'Fairbanks, Quentin'; 'Kletscher, Brian'; 'Tiedemann, Gene'; 'Brutlag, Paul'; 'Kramer, Randy'; 'Napstad, Brian'; 'larry.kramka@dnr.state.mn.us'; Paul Eger; john.brach@mn.usda.gov; john.beckwith@mn.usda.gov; john.hunt@dnr.state.mn.us; John.Stine@state.mn.us; johntuma@mepartnership.org; Jonathan Bohn; English, Ann - St. Paul MN; Martin, Joe; Jim Andersen; Norris, Doug; Norrgard, Ray; chris.radatz@fbmn.org; anne.wilkinson@house.mn; Battles-Jenks, Marsha; Bob.Meier@state.mn.us; Hirsch, Steve
Subject: New email addresses for all BWSR employees

From: Jon Fure
Sent: Tuesday, April 22, 2008 3:14 PM
Cc: BWSR-Senior Management; BWSR-Field Office Secretaries; Raybohnmga@aol.com; Buck, LeAnn
Subject: New email addresses for all BWSR employees

TO: All SWCD Main Contacts, All Watershed District Main Contacts, All WMO Main Contacts, All Local Water Managers (BCC)

Email addresses for BWSR staff changed on 04/11/2008.

We have dropped the "bwsr" after the @ sign in our email address as we have moved to a new email system.

Our new email domain will be "@state.mn.us"

Because of duplicate names in the larger state email system do not assume that the new email address is strictly firstname.lastname@state.mn.us

You can see the new email addresses for BWSR staff at: http://www.mail.state.mn.us
(Put an asterisk in the search field and set the pick list to "Water & Soil Resources Board"
and click search to see all BWSR employees listed.)

Please update your records as soon as possible.

The addresses that are old will continue to work for three months and will not be valid after July 1, 2008.

Feel free to forward this to anyone you think appropriate.

Jon Fure
Minnesota Board of Water and Soil Resources
651-296-0884
jon.fure@state.mn.us

www.bwsr.state.mn.us

BWSR Committee Schedule (tentative agenda items)

April 17, 2008

(Contact Mary Jo Anderson @ 651-297-4290 if you have any questions)

April 22, 2008 5:30 p.m. – 8:00 p.m., Kelly Inn, St. Paul

- ***Wetlands Committee***
  - *APO Development*
  - *WCA Rule Update*

April 23, 2008

- ***Southern Water Planning Committee*** *(immediately following Board meeting)*
  - *Review Watonwan County Priority Concerns Scoping Document*
  - *Review amendments to current water plans (Chippewa, Big Stone, Lac qui Parle, Pope and Swift)*

- ***RIM Reserve Planning Committee*** *(meeting begins one hour after the conclusion of the Board Meeting*

May 27, 2008

- ***Grants Program & Policy Committee***

BOARD OF WATER AND SOIL RESOURCES
COMMITTEES
April 2008

ADMINISTRATIVE ADVISORY COMMITTEE

Membership:	Randy Kramer, chair	citizen
	Paul Brutlag, vice-chair	citizen
	Louise Smallidge	soil & water conservation district
	Brian Napstad	county commissioner
	LuAnn Tolliver	watershed district/WMO
	John Jaschke	staff
	Mary Jo Anderson	staff

Responsibility:

The administrative advisory committee consists of the Board's chair and vice-chair and the chairs of the Board's standing committees. The administrative advisory committee will make evaluations and recommendations to the Board on various Board issues including ethics; expenses/per diem; bylaws; and legislation and budgets. The Administrative Advisory Committee will act as the personnel committee for personnel actions relating to the Board's executive director. The chairman may include additional members ad hoc to address special or unique topics or issues.

Meetings: The committee will meet at the call of the chair.

DISPUTE RESOLUTION COMMITTEE (DRC)

Membership:	Randy Kramer, chair	citizen
	Paul Brutlag	citizen
	LuAnn Tolliver	watershed district/WMO
	Quentin Fairbanks	county commissioner
	Louise Smallidge	soil & water conservation district
	Travis Germundson/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
	Julie Klocker, 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	Jim Haertel, 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
	Les Lemm	WCA Coordinator, staff lead
	Dave Weirens	SMT staff

Responsibility:

The Wetlands Committee is responsible for reviewing Wetland Conservation Act (WCA) and wetland banking rules, policies, guidelines and projects and making recommendations to the Board.

Meetings: The committee will meet twice during the year or at the call of the chair.

STATUTORY COMMITTEES

Committee: Committee on Wells and Borings

Membership: Eric Mohring, staff lead; Board members assigned by Chairman as needed

Responsibility:

Interest and availability with regard to Advisory Council on Wells and Borings and Pesticide Advisory Committee. Policy issues will be brought before the Board for discussion as a new business agenda item.

Meetings: The committee will meet when necessary.

GENERAL COMMITTEE MEETING SCHEDULE

*The Board has adopted a resolution that **committees shall schedule meetings in conjunction with monthly Board meetings as much as possible.** A majority of each committee's membership should be available for a scheduled meeting. The committee chair and staff are expected to develop an agenda and staff are responsible for keeping minutes of the committee proceedings. The committee meetings are considered to be **public meetings** under the open meeting law and therefore must be noticed in the same manner as regular board meetings. All committee agendas should be e-mailed to Mary Jo Anderson for appropriate notice posting.*

Advisory members have offered to serve and may serve on BWSR committees as non-voting members and provide assistance as needed.

Advisory members:

Local Government Partners

- *Association of Minnesota Counties (AMC) – Annalee Garletz*
- *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) – Frank Pafko*

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 Native Wildflowers/Grass Producers Association – Bill Olson, President*
- *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 – Marian Bender, Executive Director*
- *Minnesota Wetland Professionals Association – Andi Moffatt, Vice President*
- *Minnesota Wheat Growers Association – Dave Torgerson, Executive Director*
- *Pheasants Forever – Matt Holland, Field Supervisor*
- *Red River Valley Sugarbeet Growers, Nick Sinner, Executive Director*
- *The Nature Conservancy – Tom Landwehr, Assistant State Director*
- *Urban Wetland Management Coalition – Cliff Aichinger*
- *Wetlands for Minnesota (Bankers) – Mary Mueller*

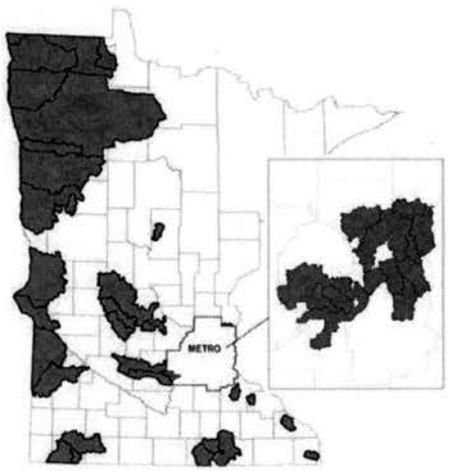
Watershed District manager appointments

Effective water management: seldom a solo effort

Improving water quality or addressing flood prevention in one community almost always requires partnerships among many organizations in the surrounding area. Watershed District boundaries are based on the natural, hydrologic boundaries of a watershed, because water doesn't follow political boundaries.

Watershed Districts are independent, special purpose units of government that are created by petition. Some exist mainly to minimize property damage caused by flooding, while others have a broad range of programs and services that protect and improve water quality.

Watershed District locations



Appoint good managers: get good return on investment

Recruiting and appointing qualified, professional Watershed District managers is a key to sound water management. Watershed Districts work with counties, state and federal government agencies, Soil and Water Conservation Districts, and other organizations to accomplish conservation projects that provide tremendous value to state and local taxpayers.

Watershed District manager responsibilities

Watershed District manager duties include preparing for and attending board meetings, serving as a liaison to the local community, attending regional and statewide training, and responding professionally to inquiries from the public.

Watershed District managers:

1. Oversee and guide -- Utilizing appropriate staff, partnerships and consultants, Watershed District boards guide overall planning and implementation of education, monitoring, construction and regulatory programs.
2. Utilize unique authorities – Watershed Districts exercise local levy authority and a unique statutory blend of authorities to finance projects and programs, and some may establish standards regarding land use or development activities to protect water quality and prevent flooding.

Heiberg dam - Wild Rice Watershed District.

Minnesota Board of Water & Soil Resources

State laws related to appointing watershed district managers are found in M.S. section 103D.311.

Watershed District manager appointments

Factors to consider

- **Experience:** does the candidate have relevant experience in water resources, executive, administrative or board experience?
- **Representation/Geography:** does the candidate represent a sector, location or interest which is needed on the watershed district board (but will not act only on behalf of that interest)?
- **Beliefs:** does the candidate support the mission and primary goals of the watershed district?
- **Trust:** as the appointing authority, does the county board have familiarity with or knowledge of the candidate to insure that the watershed district's responsibilities will be fulfilled?
- **Commitment Level:** is the candidate willing to invest the necessary time and energy to prepare for and attend watershed board meetings, serve as a liaison to the local community, attend regional and statewide training, receive and respond professionally to inquiries from the public?
- **Expectations:** is the candidate willing to be a liaison to the county board on a regular basis?

Vesledahl wetland restoration - Sand Hill River Watershed District.

Application and Interview

The appointment process should be clear, deliberate and transparent in order to recruit and appoint the best candidate. A model job description and expectations for Watershed District managers can be found at **www.mnwatershed.org**. Each Watershed District also has a comprehensive plan, annual budget and other documents that may be helpful in considering the qualifications of potential candidates.

Processing the decision

Approaches for identifying, screening and nominating candidates:

- County Board standing committee.
- Committee of commissioners representing the watershed district area.
- County Appointments Committee or staff recommendation.
- For watersheds which have multiple counties, establish a committee with representation from each county to make recommendations to the respective county board.

Lake Calhoun pond restoration - Minnehaha Creek Watershed District.

* Note: For districts wholly in the seven-county Twin Cities Metro Area, towns and municipalities jointly or severally within the district submit at least three nominees for each manager's position to be filled. The county board appoints the managers from this list. The county board may select managers from towns and municipalities if a list is not submitted.

For more information

Minnesota Association of Watershed Districts
540 Diffley Road
St. Paul, MN 55123
(651) 452-8506
www.mnwatershed.org

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, MN 55155
(651) 296-3767
www.bwsr.state.mn.us

2008 MAWD SUMMER TOUR AGENDA

Hosted by Bois de Sioux Watershed District

Thursday, June 19

3:00 – 6:00 PM	MAWD Board Meeting
6:00 – 9:00 PM	Registration
7:00 PM	**Brown's Valley Overview** Diane Radermacher, administrator, Upper Minnesota River WD Mark Deutschman, Houston Engineering
	North Ottawa Impoundment Project Charlie Anderson, JOR Engineering
	Bois de Sioux Tour Highlights Jon Roeschlein, administrator, Bois de Sioux WD
8:00 PM	**Welcome Reception**

Friday, June 20

7:00 – 9:00 AM	Breakfast Buffet
8:00 – 9:00 AM	Registration See narrative for Tour details
8:30 AM	Tour Buses loading - staggered bus departures
9:00	Last bus departs
9:30 AM	Spouses Tour Bus Departs
Noon	Lunch - Wheaton American Legion
3:00 PM	Buses Return to Hotel
5:30 PM	Social Hour
6:30 PM	Dinner/Program

Saturday, June 21

7:00 -- 9:00 AM	Breakfast Buffet
9:00 – 10:00 AM	Workshop - topic TBD
10:00 – 10:30 AM	Break
10:30 – 11:30 AM	Workshop - topic TBD
11:30 AM	Closing Remarks

2008 MAWD
Summer Tour Registration
June 19 - 21, 2008

(Please use one form per party: copy as needed)

Name _____

Organization _____

Address _____

City/Zip _____

Phone (Day) _____ Email _____

* Name of spouse/guest (no registration fee) _____

TOUR REGISTRATION $75 (tour lunch included for registered person) **$** _____

MEAL PACKAGE AND SPOUSE SELECTION

- My spouse/guest will join the botanical gardens tour
  Lunch at Bello Cucina $15

OR

- Spouse will join the Summer Tour bus
  Tour lunch for spouse/guest $15

Tour meal package

Fri. & Sat. breakfasts, and banquet	$40	= $ _____
Spouse/guest meal package - (does not include Friday lunch)	$40	= $ _____
Spouse/guest lunch on tour bus or spouse's trip	$15	= $ _____
Friday banquet only	$20	= $ _____

TOTAL enclosed: $

Please make all checks payable to MAWD

Return with this completed form by June 11, 2008 to: MAWD Summer Tour
540 Diffley Road
St. Paul, MN 55123

If you have any questions please call MAWD at 651-905-4948 or 651-452-8506 or email at pegbohn@aol.com.

Minnesota Board of Water & Soil Resources

DATE: May 19, 2008

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

FROM: John Jaschke, Executive Director

SUBJECT: May 28, 2008 Board Meeting Notice

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, May 28, 2008, 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

Northern Water Planning Committee

1. **Beltrami County Local Water Management Plan –** Beltrami County has submitted their Local Water Management Plan Update for state review and comment. The Northern Water Planning Committee met May 14th to review the content of the plan, state agency comments to the plan, and to make recommendations for the final water plan approval. The Committee's recommendations or requirements for the content of the final plan are drafted for the full Board to review and act upon. The state's expectations of the final plan must be sent to Beltrami County. See attachment. ***DECISION ITEM***

2. **Cass County Priority Concerns Scoping Document (PCSD) –** Cass 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 of the Board met May 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 act upon. The state's expectations of the final plan must be sent to Cass County. See attachment. ***DECISION ITEM***

3. **Koochiching County Water Plan Extension** – On August 23, 2007, the BWSR approved the Koochiching County Water Plan with the condition that the County adopt a local Subsurface Sewage Treatment Ordinance by June 1, 2008. The County has a draft ordinance developed but has informed BWSR that they will not have the ordinance in place by the June 1, 2008 deadline. The water plan

effectively sunsets on June 1, 2008 if the ordinance is not in place. The Natural Resources Block Grant, as well as the SWCD General Services and Cost-Share grants are dependent on an approved water plan being in place. The BWSR will be making grant recommendations at its June 25, 2008 meeting. The Northern Water Planning Committee met on May 14, 2008 and will be making a recommendation to extend the Koochiching County water plan to the BWSR Board at the May 28 meeting. See attachments. ***DECISION ITEM***

4. **Morrison County Water Management Plan Extension** - Morrison County submitted a resolution requesting a two-year extension of their county water plan on May 7, 2008. The Morrison County Local Water Management Plan would expire on May 28, 2008. The Northern Water Planning Committee recommended approval of the Morrison County extension request at its May 14th meeting. See attachments. ***DECISION ITEM***

5. **St. Louis County Water Management Plan Extension** - St. Louis County submitted a resolution requesting a two-year extension of their county water plan on May 7, 2008. The St. Louis County Local Water Management Plan would expire on September 1, 2008. The Northern Water Planning Committee recommended approval of the Morrison County extension request at its May 14th meeting. See attachments. ***DECISION ITEM***

6. **Wilkin County Local Water Management Plan** - The Wilkin County Local Water Management Plan has been completed using the Priority Concerns Scoping Document (PCSD) BWSR acted on April 25, 2007. The PCSD guided the development of the issues where the County will focus implementation. The final Plan was drafted, the required public hearing was held and the Plan was submitted for state review. The Northern Water Planning Committee met on May 14th, reviewed the Plan and recommends approval by the full Board. See attachments. ***DECISION ITEM***

Southern Water Planning Committee

1. **Watonwan County Priority Concerns Scoping Document** – Watonwan County, as part of updating their Comprehensive Local Water Management Plan, submitted their Priority Concerns Scoping Document for state review and comment. The Southern Water Planning Committee of the Board, chaired by Paul Langseth, met April 23, 2008, 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 Watonwan County. See attachments. ***DECISION ITEM***

2. **Local Water Management Plan Amendments**
   - **Big Stone County**
   - **Chippewa County**
   - **Lac qui Parle County**
   - **Pope County**
   - **Swift County**

   By five separate Board Orders, the Board of Water and Soil Resources (Board) approved each of these county water plans on May 28, 2003. All five plans cover the ten-year period of 2003 – 2013 and contain a 2003 – 2008 five-year Focus Plan for implementation. Each specific Board Order stipulated that the county was required to revise/update the Focus Plan by May 28, 2008. 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 – 2013 Focus Plan). The Board's Southern Water Planning Committee (Committee), chaired by Paul Langseth, met on April 23, 2008 to review each county's 2008 Addendum. The Committee also held a follow-up conference call on May 14, 2008, to further discuss specific items related to the Pope County amendment. The Committee will provide its recommendation to the Board on May 28, 2008. See attachments. ***DECISION ITEM***

OLD BUSINESS

1. **Cooperative Weed Management Area Grant Program -** We are requesting the authorization of a new D1 (Critical Area Stabilization) eligible component named "Establishment of Cooperative Weed Management Areas" designed specifically for the Cooperative Weed management Area Grant Program to incorporate costs related to the establishment of Cooperative Weed Management Areas. See attachment. ***DECISION ITEM***

2. **Revisions to Native Buffer Cost-Share Program Guidance** – BWSR has previously adopted resolutions to enact the initial implementation of the new program. Recent legislative amendments in the Supplemental Budget and Bonding bills to the policy on native seed source location allows for flexibility adjustments to the program guidance. See attachments. ***DECISION ITEM***

NEW BUSINESS

1. **Administrative Penalty Order Implementation Plan** - Laws of Minnesota 2007, Chapter 57, Section 103 authorize the Board of Water and Soil Resources (BWSR) to issue administrative penalty orders (APO) for violations of chapters 103B, 103C, 103D, 103E, 103F, and 103G. This plan has been developed by BWSR to provide the policy and process in the use of APO's, and will be effective following Board approval. See attachments. ***DECISION ITEM***

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2. **Establish Interim Rates for Reinvest in Minnesota Reserve/Wetlands Reserve Program (RIM/WRP) Partnership Project** – The State Legislature appropriated new RIM Reserve ($25 million) in the 2008 bonding bill (Chapter 179, 2008 Session Law) which Governor Pawlenty signed into law on April 7, 2008. The funding is now available for expenditures as the Minnesota Department of Finance has established the necessary accounts. See attachments. ***DECISION ITEM***

3. **Minnesota Conservation Corp (MCC) Clean Water Legacy Program** – A portion of the Clean Water Legacy funds BWSR received from the legislature was specifically for contracted services with the MCC. The MCC provides hands-on environmental stewardship and service-learning opportunities to youth and young adults while accomplishing conservation, natural resource management projects and emergency response work. Len Price, MCC Executive Director, and Tim Johnson-Grass, Young Adult Program Manager, will discuss conservation project selection, implementation, outcomes and overall program accomplishments. ***INFORMATION ITEM***

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. The meeting will adjourn about noon. I look forward to seeing you on May 28th!

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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MAY 28, 2008

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF APRIL 23, 2008

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

INTRODUCTION OF NEW EMPLOYEES

- Travis Germundson
- Joel Peterson

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
- State Envirothon – Paul Brutlag

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Beltrami County Local Water Management Plan – *DECISION ITEM*
2. Cass County Priority Concerns Scoping Document (PCSD) – *DECISION ITEM*
3. Koochiching County Water Plan Extension – *DECISION ITEM*
4. Morrison County Water Management Plan Extension – *DECISION ITEM*
5. St. Louis County Water Management Plan Extension – *DECISION ITEM*
6. Wilkin County Local Water Management Plan – *DECISION ITEM*

Southern Water Planning Committee

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

2. Local Water Management Plan Amendments – *DECISION ITEM*
   - Big Stone County
   - Chippewa County
   - Lac qui Parle County
   - Pope County
   - Swift County

OLD BUSINESS

1. Cooperative Weed Management Area Grant Program – Julie Klocker – *DECISION ITEM*

2. Revisions to Native Buffer Cost-Share Program Guidance – Dave Weirens – *DECISION ITEM*

NEW BUSINESS

1. Administrative Penalty Order Implementation Plan – Dave Weirens – *DECISION ITEM*

2. Establish Interim Rates for Reinvest in Minnesota Reserve/Wetlands Reserve Program (RIM/WRP) Partnership Project – Kevin Lines – *DECISION ITEM*

3. Minnesota Conservation Corp (MCC) Clean Water Legacy Program – Len Price, MCC Executive Director, and Tim Johnson-Grass, Young Adult Program Manager - *INFORMATION ITEM*

AGENCY REPORTS

- Minnesota Department of Agriculture – Joe Martin
- Minnesota Department of Health – Linda Bruemmer/Dan Wilson
- Minnesota Department of Natural Resources – Larry Kramka
- Minnesota Extension Service – Jim Anderson
- Minnesota Pollution Control Agency – Paul Eger

ADVISORY COMMENTS

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

UPCOMING MEETINGS

- Next Board Meeting, June 25, 2008, St. Paul
- MAWD Summer Tour, June 19-21, 2008, Dakota Magic Hotel, Hankinson, ND
- MACDE Summer Meeting, June 23-25, 2008, Breezy Point, Brainerd

Noon **ADJOURN**

- **The RIM Reserve Planning Committee will meet immediately following the Board meeting**

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

BOARD MEMBERS PRESENT:
Dana Allen, Jim Anderson, MES; Paul Brutlag, Bob Burandt, Paul Eger/Wayne Anderson, MPCA; Randy Kramer, Larry Kramka, DNR; Paul Langseth, John Linc Stine/Dan Wilson, MDH; Brian Napstad, Ken Robinson, Louise Smallidge, Gene Tiedemann, LuAnn Tolliver

BOARD MEMBERS ABSENT:
Quentin Fairbanks
Brian Kletscher
Joe Martin

STAFF PRESENT:
Mary Jo Anderson, Donna Caughey, Travis Germundson, Dan Girolamo, Jim Haertel, Tabor Hoek, Steve Hofstad, Chris Hughes, John Jaschke, Al Kean, Kari Keating, Julie Klocker, Les Lemm, Jim Lemmerman, Melissa Lewis, Jeff Nielsen, Ron Shelito, David Sill, Dan Steward, Dave Weirens, Joan Weyandt, Steve Woods

OTHERS PRESENT:
LeAnn Buck, MASWCD
Wayne Edgerton, DNR
Jack Frost, Met Council
Sandy Hooker, MAT
Brad Matlack, Carlton SWCD
Steve Hughes, Aitkin SWCD

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

PLEDGE OF ALLEGIANCE

** 08-30 **ADOPTION OF AGENDA** – Moved Louise Smallidge, seconded by Paul Langseth, to approve the agenda as presented. Motion passed on a voice vote.

MINUTES OF MARCH 26, 2008 – Paul Brutlag stated that there is a correction needed on page two, under Introduction of New Employees, the last sentence should read, Board of Water *and* Soil Resources. Louise Smallidge stated that ** 08-31 new employee Melissa Lewis should be listed as attending the meeting. Moved by Paul Langseth, seconded by Larry Kramka, to approve the minutes of March 26, 2008, as corrected. Motion passed on a voice vote.

INTRODUCTION OF NEW EMPLOYEES

- Steve Woods introduced Donna Caughey, newly hired support staff in the Brainerd office. Donna provided background information about herself.

- Steve Woods introduced Steve Hofstad, newly hired wetland specialist in the Fergus Falls office. Steve provided background information about himself.

- Ron Shelito introduced Joan Weyandt, newly hired wetland specialist in the Duluth office. Joan provided background information about herself.

Chair Kramer welcomed Donna, Steve, and Joan to the Board of Water and Soil Resources.

REPORTS

Chair's Report – Randy Kramer reported that the EQB did not meet this month. Chair Kramer stated that he met via telephone conversations and e-mail exchanges with John Jaschke on various issues.

Executive Director's Report – John Jaschke gave a brief overview of the BWSR Conference Committee Comparison for the 2009 Session Supplemental Budget as of 4/11/08. John provided a brief report on the BWSR bonding bill appropriations: $30,475,000 total appropriation; $25,000,000 for RIM Conservation Reserve; $4,200,000 for Wetland Replacement due to Public Road Projects; and $1,275,000 for Clean Water Legacy (Grass Lake, Lake Titlow). John reported that the RIM Clean Energy was not funded as a separate appropriation. Staff will continue to pursue possible RIM Clean Energy options on conservation lands legislation. John provided a brief overview of BWSR proposed language changes in the Omnibus Finance Bill (HF1812).

John presented a guidance factsheet on Watershed District manager appointments. This factsheet has recently been distributed to watershed districts, counties and posted on the BWSR website.

John explained that BWSR staff now have new e-mail addresses due to the State upgrade of systems. John thanked the IT staff for this effort. Board members should update their address books to include the new e-mail addresses.

John reported that the MAWD Summer Tour will be held June 19-21, at the Dakota Magic Casino and Hotel, Hankinson, North Dakota, hosted by the Bois de Sioux Watershed District. John asked board members to submit their registration forms to Mary Jo Anderson for direct billing.

John reported that the updated Board Committee listing is in the board members' packet today and on the BWSR website.

Dispute Resolution Committee (DRC) – Jim Haertel reported that since the April 9th DRC report was distributed, one additional appeal has been received, a wetland impact appeal in Lake County.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee met last night, April 22, to discuss the Administrative Penalty Order (APO) implementation plan. LuAnn stated that this will be brought before the full Board in May. The Wetlands Committee will be scheduling a Wetlands Committee meeting in July to review new rules.

Grants Policy & Program Committee – Louise Smallidge reported that the Grants Policy & Program Committee met last month to review forestry issues. The Committee will continue discussions at their May 27th meeting. John stated that the Native Buffer Cost-Share Program is expected to come before the full Board again in May.

Public Relations, Outreach & Strategic Planning Committee - Brian Napstad reported that the Public Relations, Outreach & Strategic Planning Committee did not meet last month. Brian reported that the assistant directors and staff are working on the issues and recommendations and upcoming meetings will be scheduled.

Administrative Advisory Committee (AAC) – Chair Kramer reported that the State Envirothon will be held on May 14th at the Prairie Wetlands Learning Center in Fergus Falls. Paul Brutlag will attend. Chair Kramer reported that the AAC met this morning to review Committee updates/schedules; Board membership statute; and budget status and planning.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Plan Amendment for the Carnelian-Marine-St. Croix Watershed District – Bob Burandt reported that the Metro Water Planning Committee met via conference call on April 2, to review the plan amendment for the Carnelian-Marine-St. Croix Watershed District and unanimously recommends approval. The Amendment submitted includes two parts: a Comprehensive Wetland Protection and Management Plan (CWPMP), developed for the 33.2 square miles that was originally the Carnelian-Marine Watershed District, and the Silver Creek Management Corridor Plan. Moved by Bob Burandt, seconded by Louise Smallidge, to approve the Carnelian-Marine-St. Croix Watershed District plan amendment. Discussion followed. Jim Haertel stated that the Watershed District did a great job on this plan amendment. Motion passed on a voice vote.

** 08-32

NEW BUSINESS

Amend the List of Board-Approved Wetland Evaluation Methods – Dave Weirens reported that the Wetland Conservation Act (WCA) Rule provides that the Board approve wetland evaluation methods. The Minnesota Routine Assessment Method (MnRAM) Development Workgroup recommends deleting obsolete methods from the list that is maintained on the BWSR website. The Wetland Committee reviewed this proposal on January 23, 2008, and is recommending the Board amend the list of approved wetland evaluation methods. Moved by LuAnn Tolliver, seconded by Paul Brutlag, to adopt the recommendations of the Wetland Committee and approve the list as presented. Motion passed on a voice vote.

** 08-33

2008 Local Government Roads Wetland Replacement Program Request for Proposal Approval – Dave Weirens and Dan Girolamo distributed the Summary for the 2008 Local Government Roads Wetland Replacement Program Request for Proposal (RFP) and the project locations from 1997-2007. Dan explained that the Local Government Roads Wetland Replacement Program requires BWSR to replace eligible impacts resulting from reconstruction, rehabilitation, replacement and repair of public roads. The RFPs will solicit projects that will generate wetland credits for this replacement purpose. Dan highlighted the changes from last year's RFP and explained the process. The Wetlands Committee reviewed the proposed process and recommends approval. Moved by Brian Napstad, seconded by John Linc Stine, to approve the 2008 Local Government Roads Wetland Replacement Program RFPs. Motion passed on a voice vote.

** 08-34

John Jaschke recognized Jim Lemmerman's upcoming retirement. Jim has been with BWSR for 18 years as the State Forester. John presented Jim with a Distinguished Service Award and plaque on behalf of BWSR. John stated that the Board and staff have appreciated all of Jim's efforts.

Chair Kramer called for a break in the meeting at 9:55 a.m. The Board also acknowledged Jim's retirement with a cake. The meeting reconvened at 10:15 a.m.

Forestry Practices Addition to State Cost-Share Program – Jim Lemmerman reported that the 2007 Minnesota Legislature directed BWSR to develop a forestry practices standard for the State Cost-Share Program. This proposed standard, creation of the D.13 Forestry Practice, is presented to the Board for inclusion in the State Cost-Share Program. The Grants Program and Policy Committee does not recommend a "forestry practice docket" but does recommend adding a forestry practice, which would directly address forestry concerns. Moved by Louise Smallidge, ** 08-35 seconded by Paul Langseth, to approve the resolution as presented, and its addition to the State Cost-Share Program approved practice list beginning in FY 2009. Discussion followed. Louise reported that the Grants Program and Policy Committee approved the practices as presented. Motion passed on a voice vote.

Paul Eger left the meeting at 10:15 a.m. Wayne Anderson arrived at 10:30 a.m., and attended the duration of the meeting.

John Linc Stine left the meeting at 10:20 a.m. Dan Wilson attended the duration of the meeting.

Forestry Report – Ron Shelito introduced Brad Matlack, Carlton SWCD; and Steve Hughes, Aitkin SWCD. Steve Hughes presented information on forest management in Aitkin County. Steve reported that Jim Lemmerman has been instrumental in their success and thanked Jim for his assistance. Brad Matlack presented information on the forestry accomplishments and activities in Carlton SWCD. Brad acknowledged Jim Lemmerman's assistance on forestry programs and appreciated BWSR's support of the forestry docket. Chair Kramer thanked Brad and Steve for their report.

Jim Lemmerman gave a brief presentation of the forestry industry in Minnesota. Jim reported that forest parcelization (break-up of ownership) and forest fragmentation (primarily land use change) are two large issues for Minnesota that affect both forest land and products and that could be addressed by good management. Jim reported that forest cover produces the highest water quality in the State. Jim stated that partnerships are vital to forestry management. The local SWCDs are uniquely positioned to offer management assistance to private forest landowners. Brian Napstad reported that an emerging market is forested areas with credits for tying up carbon. Chair Kramer thanked Jim for his report and services to BWSR.

Overview of Shoreland Rules Update – Peder Otterson and Randall Doneen, DNR-Waters, were introduced. Peder explained that the Minnesota Legislature required DNR to update the minimum shoreland standards contained in Minnesota Rule 6120. The current rules have been in place since 1989. Peder presented the

process, timelines and goals of the rule update. Randall explained the formal rule making process. Randall reported that Julie Klocker is a member of the Statewide Environmental Advisory Committee (SEA), and thanked BWSR for her participation. Discussion followed. Shoreland rules are based upon regulation of public waters. Larry Kramka stated that the Shoreland Program is implemented by the local decision-making process with ordinances that are locally administered. Chair Kramer thanked Peder and Randall for their presentation and update.

AGENCY REPORTS

Minnesota Department of Health (MDH) – Dan Wilson reported that new well construction is down. The average number of new wells each year is 11,500; this year there are about 7,800 new wells, a reflection of the construction industry.

Minnesota Extension Service (MES) – Jim Anderson stated that he has no items to report at this time.

Department of Natural Resources (DNR) – Larry Kramka reported that April through the end of May is fire season in the State of Minnesota. There has already been fire activity in certain parts of the State. Larry stated that DNR is keeping close watch on the budget and the supplemental budget bill process, and some general fund dollars are being cut. DNR continues to see much growth in the mineral industry in the State, and will be hiring additional staff.

Pollution Control Agency (PCA) – Wayne Anderson stated that he has no items to report at this time.

ADVISORY COMMENTS

Minnesota Association of Soil and Water Conservation District (MASWCD) - LeAnn Buck stated that MASWCD will be looking for guidance from BWSR and working with SWCDs over the next few months on the forestry practices to the Cost-Share Program, feedlot cost-share, financial assistance, and landowners non-compliance. LeAnn reported that the recipients of the MASWCD "Outstanding Conservationists of the Year" are featured in the February issue of the *Farmer Magazine*. LeAnn thanked BWSR for their contributions on this effort.

Jeff Nielsen was happy to report that the Watonwan SWCD is back in business. The swearing-in of the last supervisor was held on April 21. Jeff stated that they now have a well-rounded Board: two farmers, one media award winner; an environmental manager; and a past county commissioner. Jeff thanked John Jaschke, Steve Woods, and Julie Klocker for moving this through the legislative process.

Natural Resources Conservation Service (NRCS) – Tim Koehler reported that NRCS continues with the challenges of the unknown regarding the Farm Bill. Tim distributed the FY2008 Environmental Quality Incentives Program (EQIP)

Obligations Summary. Tim stated that BWSR should be pleased with the $25M RIM appropriation. When the Farm Bill is complete, NRCS will partner with BWSR through the WRP Program. Chair Kramer stated that he received a recent newsletter from Kandiyohi County FSA on the wetland process. Tim suggested that Paul Flynn make a presentation to BWSR at an upcoming Board, Committee, or staff meeting regarding the FSA wetland recording system. This is a very confusing process and an open dialog is needed.

UPCOMING MEETINGS

- Next Board Meeting, May 28, 2008, St. Paul
- Grants Program and Policy Committee, May 27, 6:30 p.m., at the Kelly Inn in St. Paul
- The RIM Reserve Planning Committee meets today at 12:30 p.m.
- The Southern Water Planning Committee meets today at noon.

** 08-36 Moved by LuAnn Tolliver, seconded by Dan Wilson, to adjourn the meeting at 11:40 a.m. Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder

Dispute Resolution Report
May 16, 2008
by: Travis Germundson

There are presently 24 appeals pending. All of the appeals involve WCA except File 05-24. There have been 3 new appeals filed since the last report dated April 9th.

Format note: New appeals that have been filed since last report to the Board.
~~Appeals that have been decided since last report to the Board.~~

File 08-12. This is a new appeal of a Restoration Order in Aitkin County. The appeal regards the filling of 51,000 square feet of a type 2/6 wetland for expansion of garden center business. No decision has been made on the appeal.

File 08-11. This is a new appeal of a Restoration Order in Hennepin County. The appeal regards the filling of 1.72 acres of a type 2/3 wetland for the construction of a pole barn and pasture area. No decision has been made on the appeal.

File 08-10. This is a new appeal of a restoration order in Lake County. The appeal regards impacts to approximately 19,500 square feet of wetlands for roads and 7 to 10 acres of wetlands for mechanized land clearing. No decision has been made on the appeal.

File 08-9. This is an appeal of a replacement order in Pine County. The appeal regards impacts to approximately 11.26 acres of wetland. No decision has been made on the appeal. The replacement order has been stayed and the appeal has been placed in abeyance pending further technical work.

File 08-8. This is an appeal of a replacement order in Pine County. The appeal regards the filling of over 18,000 square feet of Type 2 wetland. No decision has been made on the appeal. The replacement order has been stayed and the appeal has been placed in abeyance pending further technical work.

~~File 08-7. This is an appeal of a restoration order in the City of Lindstrom, Chisago County. The appeal regards the excavation, filling and draining of over 3,000 square feet of wetland. The appeal has been denied and the restoration order has been affirmed.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

File 05-24. This is an appeal, actually three appeals, of the Bois de Sioux Watershed District compensation to landowners related to a project. The appeal has been held in abeyance pending settlement discussions. It appears at least two of the appeals have been settled.

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

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

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

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

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

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

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Beltrami County Local Water Management Plan – *DECISION ITEM*

2. Cass County Priority Concerns Scoping Document (PCSD) – *DECISION ITEM*

3. Koochiching County Water Plan Extension – *DECISION ITEM*

4. Morrison County Water Management Plan Extension – *DECISION ITEM*

5. St. Louis County Water Management Plan Extension – *DECISION ITEM*

6. Wilkin County Local Water Management Plan – *DECISION ITEM*

Minnesota Board of Water & Soil Resources

DATE: May 5, 2008

TO: BWSR Northern Subcommittee

FROM: Chad Severts, Board Conservationist

SUBJECT: **Review of Beltrami County Final Local Water Management Plan**

The Northern Subcommittee met February 13, 2008 to discuss state agencies review comments, the content of the PCSD and recommendations for the content of the final plan. The BWSR's March 26, 2008 letter, pursuant to M.S. section 103B.313, subdivision 5, communicated the State's official comments pertaining to the priority concerns chosen by Beltrami County.

The BWSR commended Beltrami County for the process used to select the concerns and did not recommend or require any changes to the PCSD.

Beltrami County completed the final draft of the LWMP, held the required public hearing on March 26 and submitted the final draft on April 11 for review by state agencies. Agency comments were to be sent to Ron Shelito within 30 days.

The following agencies provided these comments:

- The Minnesota Department of Agriculture recommends approval of the entire plan as submitted.
- The Minnesota Department of Natural Resources believes the plan is consistent with DNR priorities and suggests the plan be approved as submitted.
- The Minnesota Pollution Control Agency recommends approval of the entire plan as submitted.

I've reviewed the draft final plan and found it to meet the minimum requirements of M.S. 103B.314 for content. I think they addressed the few suggestions/considerations of the BWSR Northern Subcommittee from the PCSD review.

I recommend approval of the Beltrami County Local Water Management Plan. I look forward to assisting Beltrami County in the implementation of their plan.

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Beltrami County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on April 11, 2008, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On December 17, 2007, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Beltrami County, pursuant to M.S. Section 103B.312.

2) On March 26, 2008, the Board of Water and Soil Resources approved official comments on the Beltrami County Priority Concerns Scoping Document, which were mailed to the county on March 27, 2008.

3) The priority concerns, in no particular order of importance, the local water management plan addresses include:

Surface Water

1. Lack of data to assist with future management and decision-making.
2. Increasing development pressures will negatively affect water quality.
3. Introduction of aquatic invasive species may degrade water resources.
4. Agricultural practices may degrade water quality.

Groundwater

1. Lack of data to assist with future management and decision-making.
2. Septic systems failure may degrade ground water quality.

4) On April 11, 2008, the BWSR received the Beltrami County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On May 14, 2008, the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Beltrami County Plan Update. Recommendations of the state review agencies were:

A) Minnesota Department of Agriculture: recommends approval;
B) Minnesota Department of Health: recommends approval;
C) Minnesota Department of Natural Resources: recommends approval;
D) Minnesota Pollution Control Agency: recommends approval;
E) Minnesota Environmental Quality Board: no recommendation received;
F) Minnesota Board of Water and Soil Resources regional staff recommends approval;
G) Board Water Plan Review Committee Meeting recommends approval.

6) This update will be in effect for a five-year period until May 28, 2013.

CONCLUSIONS

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

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

ORDER

The Board hereby approves the attached update of the Beltrami County Local Water Management Plan – May 28, 2008 to May 28, 2013.

Dated at St Paul, Minnesota, this twenty-eighth day of May 2008.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

1601 Minnesota Drive, Brainerd, MN 56401

DATE: April 2, 2008

TO: BWSR Northern Plan Review Subcommittee

FROM: Dan Steward, Board Conservationist

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

The original Cass County Local Water Management Plan (LWMP) was approved in 1991. The first update to the original plan was completed in 1996, with the second update approved in October, 2002. The current plan would have expired on October 23, 2007, but the County received an extension to October 31, 2009.

Since the County began development of their original water plan in 1989, the County delegated implementation of the LWMP to the Environmental Services Department.

On August 21, 2001, the Cass County Board of Commissioners passed a resolution to update the LWMP.

On March 18, 2008, Cass County submitted their Priority Concerns Scoping Document (PCSD) to the Board of Water and Soil Resources for review. The attached Cass PCSD identifies the following priority concerns, and proposes the update be focused on these three water management issues.

1. Ground Water Quality
2. Surface Water Quality
3. Education and Information

The County used the following process to develop the PCSD:

- October 3, 2007, Cass County Comprehensive Plan update team met to discuss the County Comp Plan update process, and to layout expectations.
- October 17, 2007, the Water Plan Subcommittee met to discuss the water plan portion of the update project.
- November 19, 2007, Water Plan Subcommittee met to work on the update.

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- 85 letters were sent out requesting comment on the update to the following; every Township and City Clerk in Cass County, adjoining Counties, Leech Lake Band of Ojibwe, Association of Cass County Lake Associations, Mississippi Headwaters Board, United States Forest Service, Board of Water and Soil Resources, Minnesota Department of Natural Resources, Minnesota Department of Health, Minnesota Department of Agriculture, Minnesota Environmental Quality Board, and the Minnesota Pollution Control Agency.
- December 5, 2007, County ESD staff met with Dan Steward, BWSR Board Conservationist to discuss the update.
- February 14, 2008, County ESD staff met with Jeff Hrubes and Dan Steward, BWSR staff to discuss the update.
- Public informational meeting is advertised in County newspapers.
- March 7, 2008, public informational meeting is held at the Cass County Courthouse.
- Water Plan Task Force and staff met to review comments from the public meeting and agencies, and selects top three priority concerns.

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

- MDNR: Lake Management plans by lake associations, Use of Phosphorus Coefficients to use in calculating P-loading.
- BWSR: Protection of Water Quality During and After Land Development in Riparian Areas, The Trend Toward Development of Marginal Lands, Water Quality Protection Strategy.
- MDH: Protect Ground Water-based Drinking Water Sources, Sealing Unused / Unsealed Wells, Develop a Local Ground-water Quality Database.
- MDA: Manure Management and ISTS, Conservation Tillage, Ag Chemical Use and Surface and Groundwater Impacts.
- MPCA: Impaired Water /TMDL's, Protection of and Restoration of Shoreline Vegetation.

On March 17, 2008, Dan Steward discussed BWSR recommendations for the PCSD with ESD staff. Additions were made to the PCSD prior to sending it out to the state agencies for comment.

On March 18, 2008, the PCSD was sent to the required State Agencies for review. Agencies were asked to send comments to Ron Shelito by April 18, 2008. The review agencies received a follow-up phone call from Brent Rudd the Cass County Water Plan Coordinator asking the agencies to comment on the PCSD by April 8, if possible so the PCSD could be reviewed at the April review committee meeting. To date comments from the MDA have been received. Comments from the MPCA, MDH, and DNR are expected before the review committee meeting

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on April 9, 2008. Following are comments received to date:

MDA: The MDA in its comments concurred with the priority issues selected, and commended the county on the process used to identify water management concerns.

After reviewing the PCSD submitted by Cass County, I conclude that the guidance requirements have been met in general. I am waiting to make my recommendation to the committee until I have seen the other three agency comments.

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KOOCHICHING COUNTY WATER MANAGEMENT PLAN

Introduction

The KCWMP was developed by the Water Management Plan Advisory Committee (WMPAC) in concert with ESD staff. The WMPAC had six citizen members and eleven agency and county representatives, two from SWCD staff and board, ESD, NRCS, DNR, MPCA, County Health Department, one County Commissioner and expert counsel from BWSR staff. This Committee worked hard, long and cooperatively with ESD staff to produce a Water Plan that fits the needs of Koochiching County.

The WMPAC and Koochiching County understand that the majority of surface waters in Koochiching County that have been sampled, meet or exceed current water quality standards for conventional pollutants, with the exception of the documented impairment for turbidity of the Little Fork River. Mercury impairments have been identified in streams, rivers and lakes within the county as they have across Minnesota. The Environmental Protection Agency has recently approved the Minnesota Pollution Control Agency's state-wide Mercury Total Maximum Daily Load (TMDL) and reduction plan.

The mercury TMDL identifies that atmospheric mercury deposition is uniform across the state and is responsible for over 99% of the mercury that finds its way into fish through the process of bioaccumulation. The reduction plan identifies a role for the State and Federal governments to control emissions from various sources. Comprehensive Local Water Management Plans have little to no role to play in the reduction of mercury pollution.

Comprehensive Local Water Management Plans can address conventional pollutants, including but not limited to nutrients, sediments, bacteria and other generally recognized constituents of non-point source (NPS) pollution. Broad categories of activities that can address NPS include information and education, technical assistance, conservation practices and administration and enforcement of laws, rules, statutes and ordinances that can protect water quality. Increasing the knowledge base by additional monitoring of water resources, inventories of land use activities and assessment of the effects that those land use activities have on water resources will help shape future water quality protection discussion and actions.

Minnesota Statutes Chapter 114D, the 2006 Clean Water Legacy Act defines water quality restoration as: actions, including effectiveness monitoring, that are taken to achieve and maintain water quality standards for impaired waters in accordance with a TMDL that has been approved by the United States Environmental Protection Agency under federal TMDL requirements.

Chapter 114D.20 Subd.(6) identifies five priorities for addressing water quality restoration as follows:

1) coordinate with and utilize existing local authorities and infrastructure for implementation;

2) can be implemented in whole or in part by providing support for existing or ongoing restoration efforts;

3) most effectively leverage other sources of restoration funding, including federal, state, local and private sources of funds;

4) show a high potential for early restoration and delisting based upon scientific data developed through public agency or citizen monitoring or other means;

5) show a high potential for long term water quality and related conservation benefits.

The statute also address water quality protection activities by as far as practicable, employing the priorities listed above to prevent waters from becoming impaired and to improve the quality of waters that are listed as impaired but do not have an approved TMDL.

The 2007 update of the Koochiching County Comprehensive Local Water Management Plan has identified six priority concerns that have relevance to both protecting water resources and addressing the Little Fork River's turbidity impairment. There may be differences in the degree of emphasis of particular activities or specific priority locations, but until the TMDL study of the Little Fork is completed and a specific implementation plan is developed, the suite of actions identified in the CLWMP is generally accepted as having a beneficial impact on water quality. The objectives and actions of the CLWMP may also be adapted to any additional water quality impairments that may be identified through monitoring and assessment activities.

EXECUTIVE SUMMARY

The Koochiching County Local Water Management Plan was updated by a sixteen-member Water Management Plan Advisory Committee led by Richard Lehtinen, Koochiching County Environmental Services Director. The new Plan originally had a July 27, 2005 deadline for adoption. The County requested and was granted a two year time extension to July 27, 2007. This Plan finally started making great progress in September 2006 and will be prepared for adoption close to the July deadline. The purpose of the planning process was to develop a plan of work that would protect and enhance surface water, groundwater and related land resources within Koochiching County. The Advisory Committee developed a process designed to incorporate input from citizens, local, state, federal and Canadian units of government, and to develop a plan that was consistent with local, state and federal plans and controls.

The Committee used as a starting point the Rainy River Basin Plan, prepared by MPCA, and the second generation County Water Management Plan. By deriving the new Plan from these existing plans, the Committee was assured the new plan would address issues relevant to both the county and the state. The Committee identified issues it believed ought to be included in the new plan. These issues were then compressed into general categories. From these general categories the Committee proceeded to develop goals, objectives and action plans.

The Committee, after sifting through the Basin Plan, the Local Water Plan and the results of a survey conducted for this project, developed a set of priority concerns which the Plan would address. These priority concerns are:

1. Erosion
2. Subsurface Sewage Treatment Systems
3. Education/Collaboration
4. Monitoring
5. Protection of Water Quality
6. Forestry

With these priority concerns, the Committee developed a total of fourteen goals, three for Erosion, one for SSTS, one for Education, three for Monitoring, four for Water Quality and two for Forestry. It also created forty-six objectives and seventeen action plans. All these elements included ongoing activities of SWCD, ESD and state agencies and activities that were either new or given higher emphasis which qualified them as High Priority Concerns.

This Plan has been reviewed by local, state, federal, Canadian and cities in Koochiching County as well as adjacent counties. This level of review assured the Committee that this new Plan is consistent with the plans of other pertinent local, state and regional plans. Other plans do not have to be amended in order for this Plan to be adopted and implemented.

Priority Concerns

Priority Concerns of this Plan are identified and expanded upon in Appendix A the "Priority Concerns Scoping Document" (PRSD). The goal, objectives and implementation schedule, or action plans are found in the Management Plan section of this report. They are all found together because that is the way this Plan was developed by the Committee and it made sense to the Committee that all these components be presented together in order better to understand the interrelationships of the goals, objectives and action steps.

The costs identified in this Plan assume that much of the work in the Plan cannot be done without grants or loans from state and federal sources. However, much of the work can be accomplished within the budgets of SWCD and ESD. Some of the Plan components will be implemented by state agencies with local entities playing a supportive role. The total estimated cost to implement the Plan is $4,435,000 with some additional costs being unknown.

Subsurface Sewage Treatment Systems (SSTS)

Goal 1: Assure that all residences with or needing SSTS have compliant sewage treatment systems.

Objectives:

a. Prepare a Local SSTS Ordinance to be adopted by the end of 2007.

b. Determine which governing structure will be used in Koochiching County to oversee SSTS performance systems, a Water Quality Cooperative or special district, and seek funding to finance the start-up of the chosen governing structure.

c. Do a septic system compliance inventory of the Rainy Lake area by the end of 2009 and an inventory of the rest of the county by 2011.

d. Prepare performance standards for effluent after treatment that will be required in high population areas, in the shoreland zone and in remote areas.

e. Identify problem areas, such as Rainy Lake, Meadowview, and others all in the context of an overall county-wide strategy for SSTS.

f. Seek grant or loan money to help low income households afford new or upgraded septic systems.

Minnesota Board of Water & Soil Resources

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the **Koochiching** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on **August 23, 2007**, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On January 15, 2007, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from **Koochiching** County, pursuant to M.S. Section 103B.312.

2) On March 27, 2007, the Board of Water and Soil Resources approved official comments on the **Koochiching** County Priority Concerns Scoping Document, which were mailed to the county on March 28, 2007.

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

   A) Erosion
   B) Subsurface Sewage Treatment Systems
   C) Education/Collaboration
   D) Monitoring
   E) Protection of Water Quality
   F) Forestry

4) On June 29, 2007, the BWSR received the **Koochiching** County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On August 8, 2007, the Northern Water Planning Review Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Koochiching County Plan Update. Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture: recommended approval;
   B) Minnesota Department of Health: no recommendation received;
   C) Minnesota Department of Natural Resources: recommended approval;

D) Minnesota Pollution Control Agency: recommended holding the CLWMP in abeyance until Koochiching County adopts Mn Rule 7080 for Individual Sewage Treatment Systems;
E) Minnesota Environmental Quality Board: no recommendation received;
F) Minnesota Board of Water and Soil Resources regional staff recommends approval in accordance with Northern Review Committee conditions.

6) The Board Water Plan Review Committee met on August 8, 2007, and recommended s approval with the following conditions:

a) Change the date identified in Goal 1, Objective A under the Subsurface Sewage Treatment System Priority Concern calling for preparation of a Local SSTS Ordinance to be adopted; from the end of 2007, to June 1 2008.

b) The Northern Water Plan Review Committee will review the Koochiching County Local Water Management Plan at that time to appraise the progress of ordinance development and adoption.

7) As presented, this update will be in effect until **December 31, 2017.**

CONCLUSIONS

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

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

ORDER

The Board hereby approves the attached update of the **Koochiching County** Local Water Management Plan provided that, by June 1, 2008, Koochiching County has fulfilled the plan commitments stated in Goal 1, objective a, under the Priority Concern "Subsurface Sewage Treatment Systems " to prepare and adopt a local Subsurface Sewage Treatment Ordinance.

Dated at St. Paul , Minnesota, this **twenty-third day of August, 2007.**

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55107

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Koochiching County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on August 23,2007 pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On January 15, 2007, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Koochiching County, pursuant to M.S. Section 103B.312.

2) On March 27, 2007, the Board of Water and Soil Resources provided official comments on the Koochiching County Priority Concerns Scoping Document, which were mailed to the county on March 28, 2007.

3) The priority concerns the local water management plan addresses include:
   A) Erosion
   B) Subsurface Sewage Treatment Systems
   C) Education/Collaboration
   D) Monitoring
   E) Protection of Water Quality
   F) Forestry

4) On June 29, 2007 the BWSR received the **Koochiching** County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On August 8, 2007; the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Koochiching County Plan Update. Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture: recommends approval;
   B) Minnesota Department of Health: no recommendation received;
   C) Minnesota Department of Natural Resources: recommends approval;
   D) Minnesota Pollution Control Agency: recommends holding the CLWMP in abeyance until Koochiching County adopts MN. Rule 7080 for Individual Sewage Treatment Systems;

E) Minnesota Environmental Quality Board: no recommendation received;
F) Minnesota Board of Water and Soil Resources regional staff: recommends approval in accordance with Northern Review Committee conditions;

6) The Board Water Plan Review Committee met on August 8, 2007 and recommended approval with the following conditions:

a. Change the date identified in Goal 1, Objective A under the Subsurface Sewage Treatment System Priority Concern calling for preparation of a Local SSTS Ordinance to be adopted; from the end of 2007, to June 1, 2008.
b. The Northern Local Water Management Review Committee will review the Koochiching County Local Water management Plan at that time to appraise the progress of ordinance development and adoption.

7) On May 14, 2008 the Northern Local Water Plan Review Committee reviewed the status of the SSTS ordinance in Koochiching County. Based on input for staff the committee made the following determinations:

a. BWSR staff conversations with Koochiching County and MPCA strongly indicate that Koochiching County will not have a SSTS ordinance approved and adopted by the June 1, 2008 deadline spelled out in the original board order.
b. That Koochiching County has developed a draft SSTS ordinance and is targeting adoption on June 24, 2008.
c. County and SWCD eligibility for the NRBG block grant and SWCD General Service and Cost-Share grants are subject to an approved water plan being in place for the County.
d. That a reconsideration of the June 1, 2008 deadline imposed on the original board order is justified to allow Koochiching County time to finalize and adopt a SSTS ordinance.

8) As presented this update will be in effect for a ten-year period until December 31, 2017; with the Goals, Objectives and Action Items amended by December 31, 2012.

CONCLUSIONS

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

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

ORDER

The Board hereby approves the attached update of the Koochiching County Local Water Management Plan provided that, by September 1, 2008, Koochiching County has fulfilled the plan commitments stated in Goal 1, objective a, under the Priority Concern "Subsurface Sewage Treatment Systems" to prepare and adopt a local Subsurface Sewage Treatment Ordinance. The FY09 Natural Resources Block Grant will not be available to the County until an approved SSTS ordinance has been adopted by Koochiching County.

Dated at St Paul, Minnesota, this twenty-eighth day of May, 2008.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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BY: Randy Kramer, Chair

RESOLUTION
MORRISON COUNTY BOARD OF COMMISSIONERS

REQUESTING EXTENSION FOR THE REVISION OF THE MORRISON COUNTY COMPREHENSIVE LOCAL WATER PLAN

DATE: APRIL 28,2008

WHEREAS, 1995 amendments to the Comprehensive Local Water Planning Act, M.S. 103B.311 gave the MN Board of Water And Soil (BWSR) authority to extend the ending date of local water plans for a period not to exceed 2 years; and

WHEREAS, Morrison County has a current state approved and locally adopted Comprehensive Local Water Plan with and end date of May 28, 2008.

WHEREAS, Morrison County is an active participant in other major projects currently underway such as Enhanced 911, Individual Sewage Treatment Grant, Shoreline Grant and other land use projects and programs, which require county staff and commissioner time and work effort; and

WHEREAS, Morrison County had a change of personnel in the Local Water Planner position and has a current state approved and locally adopted Comprehensive Local Water Plan with and end date of May 28, 2008

WHEREAS, Morrison County does intend to start the final phase and create the Local Water Plan draft for review by Dec 19, 2009.

NOW, THEREFORE BE IT RESOLVED: That the Morrison County Board of Commissioners request from MN Board of Water and Soil Resources (BWSR) an additional 24 month extension for a total extension of 2 years (May 28, 2010) of their existing Comprehensive Local Water Plan.

BE IT FURTHER RESOLVED, THAT THE Morrison County will ensure continued public participation in the form of Water Plan Advisory Committee and Public Information meetings.

BE IT FURTHER RESOLVED, THAT No projects will be ordered or commenced under M.S. 103B.311 subd. 4 during the extension period

Ayes: 5 Nays: 0

Passed the 6th day of May, 2008.

Eugene Haberg

Chair, Morrison County Board of Commissioners

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

In the Matter of Extending the Comprehensive Local Water Plan For Morrison County (1995 Minnesota Session Law, Chapter 184, Section 24, authorizing BWSR to grant extensions).

Whereas Morrison County has a state approved Comprehensive Local Water Plan that is effective until May 28, 2008, pursuant to Minnesota Statute 1990, Section 103B.301, and

Whereas, the Morrison County Board of Commissioners passed a resolution requesting an extension for the Comprehensive Local Water Plan to the Board of Water and Soil Resources (BWSR) on May 6, 2008, pursuant to Minnesota Session Law 1995, Chapter 184, and

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

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

FINDINGS OF FACT

1. On May 7, 17, 2008 the Board of Water and Soil Resources received a resolution from Morrison County requesting a two-year extension of their Comprehensive Local Water Plan to May 28, 2010.

2. On May 14, 2008, Board of Water and Soil Resources staff reviewed and recommended approval of the extension request by Morrison County.

CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board of Water and Soil Resources has proper jurisdiction in the matter of extending the Comprehensive Local Water Plan of Morrison County pursuant to Minnesota Session Law 1995, Chapter 184, Section 24.

ORDER

The Board of Water and Soil Resources hereby approves the two-year extension of the Morrison County Comprehensive Water Plan until May 28, 2010. Dated at St. Paul, Minnesota, this 28th day of May, 2008.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Resolution
of the
Board of County Commissioners
St. Louis County, Minnesota

Adopted on: March 25, 2008 *Resolution No. 168*
Offered by Commissioner: Kron

RECEIVED
MAY 07 2008
BD OF WATER & SOIL RESOURCES-BRAINERD

WHEREAS, Minnesota Statutes, Chapter 103B.301 to 103B.355, Comprehensive Local Water Management Act, authorizes Minnesota counties to develop and implement a local water management plan; and

WHEREAS, the St. Louis County Board of Commissioners adopted a Comprehensive Water Management Plan on May 19, 1992, and last updated the Plan on June 5, 2001; and

WHEREAS, the Act requires that a county update and revise their local water management plan periodically; and

WHEREAS, the current St. Louis County Comprehensive Water Plan expires September 1, 2008; and

WHEREAS, the Minnesota Board of Soil and Water Resources grants extensions in two-year increments.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners requests a two-year extension for the St. Louis County Comprehensive Water Management Plan.

Commissioner Kron moved the adoption of the Resolution and it was declared adopted upon the following vote:
Yeas – Commissioners Fink, O'Neil, Kron, Nelson, Raukar and Chair Forsman - 6
Nays – None
Absent – Commissioner Sweeney - 1

STATE OF MINNESOTA
Office of County Auditor, ss.
County of St. Louis

I, **DONALD DICKLICH**, Auditor of the County of St. Louis, do hereby certify that I have compared the foregoing with the original resolution filed in my office on the 25th day of March, A.D. 2008, and that this is a true and correct copy.

WITNESS MY HAND AND SEAL OF OFFICE at Duluth, Minnesota, this 25th day of March, A.D., 2008

DONALD DICKLICH, COUNTY AUDITOR

By _____

Deputy Auditor/Clerk of County Board

Minnesota Board of Water and Soil Resources

St. Paul, Minnesota 55155

In the Matter of Extending the Comprehensive Local Water Plan For St. Louis County (1995 Minnesota Session Law, Chapter 184, Section 24, authorizing BWSR to grant extensions).

Whereas St. Louis County has a state approved Comprehensive Local Water Plan that is effective until September 1, 2008, pursuant to Minnesota Statute 1990, Section 103B.301, and

Whereas, the St. Louis County Board of Commissioners passed a resolution requesting an extension for the Comprehensive Local Water Plan to the Board of Water and Soil Resources (BWSR) on March 25, 2008, pursuant to Minnesota Session Law 1995, Chapter 184, and

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

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

FINDINGS OF FACT

1. On May 7, 2008 the Board of Water and Soil Resources received a resolution from St. Louis County requesting a two-year extension of their Comprehensive Local Water Plan to May 28, 2010.

2. On May 14, 2008, Board of Water and Soil Resources staff reviewed and recommended approval of the extension request by St. Louis County.

CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board of Water and Soil Resources has proper jurisdiction in the matter of extending the Comprehensive Local Water Plan of St. Louis County pursuant to Minnesota Session Law 1995, Chapter 184, Section 24.

ORDER

The Board of Water and Soil Resources hereby approves the two-year extension of the St. Louis County Comprehensive Water Plan until May 28, 2010. Dated at St. Paul, Minnesota, this 28th day of May, 2008.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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BY: Randy Kramer, Chair

EXECUTIVE SUMMARY

This Local Water Management Plan (LWMP) update is the third update to the original plan approved by the Board of Water and Soil Resources (BWSR) in 1990. The first two updates to the original plan were approved by the BWSR in 1995 and 2002 respectively. This plan update will be effective through the year 2017.

Wilkin County is located on the western edge of Minnesota, bordering North Dakota. Wilkin County encompasses 751 square miles, and includes twenty-two townships and nine cities. According to the 2000 census, the population of the county was 7,138 and was estimated to be 6811 in 2005. Breckenridge, located in the west-central part of the county is the county seat with a population of 3559 (2000 census) and is recognized as the headwaters of the Red River of the North. The Otter Tail River and the Bois de Sioux River join in Breckenridge to form the Red River of the North.

The climate in Wilkin County is continental with warm summers and cold winters with a summer average temperature of sixty-eight degrees and a winter average temperature of nine degrees. Average annual precipitation is between 20 – 23 inches. About 75 percent of the annual precipitation occurs between May and September.

The major land use in Wilkin County is cropland (92%). The majority of the county is in the lacustrine plain of Glacial Lake Agassiz (94%). This region is nearly level, with slopes of 0-2 percent. The northeastern part of the county is mostly hilly having slopes ranging from 3-6 percent, and exceeding 40 percent in a few places. 75% of the soils in Wilkin County are poorly drained and have very slow to medium infiltration rates. Water does not rapidly penetrate these soils and moves slowly through them once absorbed. These soils do, however, retain moisture well during periods of desiccation. In the eastern part of the county, soils developed along the beach ridge areas of glacial lake Agassiz are generally coarser and are moderate to well drained.

Two watershed districts have jurisdiction within Wilkin County. The Bois de Sioux Watershed District (BdSWD) covers approximately the southern one-third of the county and was established in 1988. The total land area of the district comprises about 1,435 square miles. The watershed lies within the counties of Grant, Otter Tail, Stevens, Big Stone, Traverse, and Wilkin. The Bois de Sioux Watershed District revised its Watershed Management Plan in 2003.

The Buffalo-Red River Watershed District (BRRWD) was originally established in 1964 and was expanded in 1976 due to a major flooding event that occurred in the summer of 1975. The total land area of the Buffalo-Red River Watershed District is about 1,379 square miles. The Buffalo-Red River Watershed District is

currently in the process of revising its watershed management plan. Wilkin County will take an active role in the watershed district planning process. Once the watershed management plan is complete Wilkin County will incorporate the Buffalo-Red River Watershed Management Plan priorities into this plan.

Wilkin County has turned the jurisdiction of all legal ditches in those two areas of the county over to each of the Watershed Districts. The remaining legal ditches in the county remain under the jurisdiction of Wilkin County.

PURPOSE OF THE LOCAL WATER MANAGEMENT PLAN FOR WILKIN COUNTY

The purposes of the Local Water Management Plan for Wilkin County are;

1. To identify existing and potential problems or opportunities for protection, management and development of water resources and land resources in the county.
2. To develop and implement a plan of action to promote sound hydrologic management of water and related land resources in the county.
3. To work toward effective environmental protection and management of water and land resources in the county.

Based on their understanding of existing conditions and issues, county officials will decide what water resources within the county need to be protected and/or enhanced and by what means.

Wilkin County is aware that all counties must develop their own means for managing local water resources. Failure to do so will result in the loss of local opportunities to make intelligent, choices about improving the local water resources within the county.

Wilkin County recognizes that a well-developed comprehensive water plan should integrate local initiatives with state and federal programs whenever possible. This is evident in the fact that Wilkin County has incorporated the Wilkin Soil and Water Conservation District (SWCD) Comprehensive Plan, the Bois de Sioux Watershed District Watershed Management Plan and will incorporate the Buffalo-Red River Watershed District Watershed Management Plan into this document. The Otter Tail River Watershed Management Plan will also be incorporated into this plan as well as the Lower Otter Tail River TMDL Implementation Plan. This integration allows more efficient management of all programs for protection of water resources and the general environment.

ADMINISTRATION OF THE WILKIN COUNTY LOCAL WATER MANAGEMENT PLAN

The administration of the Wilkin County Local Water Management Plan has been the responsibility of the Wilkin County Environmental Office. The Board of Water and Soils Resources approved the first generation "Water Plan" in 1990. There have been two plan updates that were approved by the Board of Water and Soil Resources in 1995 and 2003 respectively. This revised Wilkin County Local Water Management Plan will cover a ten-year period from 2008 to 2017 with an implementation plan covering five-year increments (2008 to 2012), and a revised implementation plan covering (2013 to 2017).

WILKIN COUNTY ENVIRONMENTAL ADVISORY COMMITTEE

The Wilkin County Environmental Advisory Committee has reviewed and studied all available information in the development of this updated plan. The Environmental Advisory Committee is a combination of the Citizen Committee, which consists of individuals representing different sectors of Wilkin County and the Technical Committee consisting of individuals representing federal, state and local agencies.

The following individuals were involved in the updating of this plan.

Citizen Committee Members

Gerald Nordick (citizen)	John Blaufuss(County Commissioner)
Kurt Krueger (citizen)	Lyle Hovland (County Commissioner)
Bob Westfall (citizen)	Robert Roach (Watershed District)
Ross Aigner (SWCD)	Roger Ellefson (Watershed District)

Technical Committee Members

Don Bajumpaa (SWCD)	Steve Cole/Julie Reberg (NRCS)
Jon Roeschlein (Watershed District)	Jack Frederick (MPCA)
Pete Waller (BWSR)	Bruce Albright (Watershed District)
Terry Lejcher (DNR Waters)	Mike Howe (MN Dept. of Health)

Bruce Poppel (County Environmental Officer)

CONSISTENCY WITH OTHER LOCAL STATE AND REGIONAL PLANS

Wilkin County has solicited copies of plans and controls from adjacent counties, and watershed districts for review and consistency of their plans as it may relate to Wilkin County's Local Water Management Plan. Based on review of these plans Wilkin County's Local Water Management Plan is consistent with those plans and supports the goals and objectives included in the plans. Wilkin County has reviewed the Red River Basin Flood Damage Reduction Work Group Agreement, the Red River Basin Water Quality Plan and Lower Otter Tail TMDL Implementation Plan for consistency and supports the goals and objectives included in these plans.

RECOMMENDATIONS TO OTHER PLANS AND OFFICIAL CONTROLS

1. Purchase long-term easements on retiring CRP contracts.
2. Minnesota Geological Service and Minnesota DNR to conduct an intensive groundwater study in RRV and/or the effects on water supply due to the increase in potential construction of renewable fuel processing plants.
3. The Minnesota Department of Agriculture to provide better education on the effects of the off target application of herbicide and the potential effects on surface water quality due to increased sediment and turbidity.
4. The State Legislature and State Agencies allocate more funding to local units of government for the establishment of best management practices to protect water resources in the state.
5. The Minnesota Pollution Control Agency to establish turbidity impairment standard based on the ecoregions in the state.

PRIORITY CONCERNS

The Wilkin County Local Water Plan Advisory Committee has identified the following priority concerns. These concerns were selected through public meetings and state agency input.

Water Quality Concerns

Wilkin County does not have an abundance of surface water resources. Lake Breckenridge, the only lake in the county, has experienced significant degradation of water quality over the past 40 years. There are 210 miles of rivers and streams and 305 miles of county drainage ditches that make up the majority of the surface water present in Wilkin County. Very few wetlands are left in the county. They are typically located in the northeastern portion of the county in the upland areas. There is a large wetland complex located in the north central part of the county. This area is known as Manston Slough. It is located in the floor of the Red River Valley and is predominately under public ownership. There is a state designated trout stream (Lawndale Creek) located in the northern portion of the county. The Otter Tail River, Red River of the North, the Bois de Sioux River, the Rabbit River, Whiskey Creek and the South Branch of the Buffalo River are listed as impaired. Turbidity, aquatic impairment (Fish), and low dissolved oxygen are the primary impairments listed for these surface waters.

Wilkin County and Wilkin SWCD have been actively involved in gathering water quality data and assisted in developing the Lower Otter Tail TMDL Implementation Plan. It was approved in February 2007 and is hereby incorporated into this plan. In 2007, Wilkin County and Wilkin SWCD secured Clean Water Legacy funding to help restore water quality in the Lower Otter Tail watershed. They also partnered with Clay SWCD and received a Clean Water Legacy grant to protect and improve water quality in the Wolverton Creek and the South Branch of Buffalo River Watershed areas.

This plan will address the following objectives related to this concern:

- Actively participate in the development and implementation of Total Maximum Daily Load (TMDL) plans for impaired waters of Wilkin County.
- Continue the development of our comprehensive database for surface water using a Geographic Information System (GIS).
- Reduce the extent of turbidity impairment in the Lower Otter Tail Watershed by 2010 with Clean Water Legacy Funding.
- Encourage proper land use practices to protect surface water resources.
- Protect and improve water quality in the Wolverton Creek Watershed.

Estimate Potential Cost: $1,478,625

Erosion Concerns

Over 90 percent of the soils in Wilkin County are classified as potentially erodable by wind. During late fall, winter, and early spring, constant winds cause unprotected soils to erode. Displaced topsoil fills road ditches, and legal and field drainage systems, resulting in tremendous ditch maintenance expenses and excessive sediment entering surface waters. Serious wind erosion reduces the productivity of cropland and leads to increased production costs. The geology and topography of the landscape, in addition to the predominance of open cultivated land, creates a challenge for agricultural producers and resource managers alike to prevent soil erosion. Due to the efficient use of drainage equipment used in the production of agriculture crops in the county, water erosion is becoming a growing problem. The use of this drainage equipment allows run-off from these fields to happen very quickly and carry a large amount of sediment into legal ditches and ultimately into the rivers and other surface waters.

This plan will address the following objectives related to this concern:

- Establish best management practices on all lands in the county and use enforcement tools as necessary.
- Cooperate with local agencies to inventory streams and rivers for stream bank stabilization needs

Estimate Potential Cost: $6,245,000

Flood Damage Reduction Concerns

Historically there have been significant problems with spring and summer flood events in Wilkin County. This flooding has caused considerable damage to public and private property. Much of the flooding problem relates to the geophysical and hydrological nature of the county and the difficulty in containment by natural and artificial drainage systems. Since the spring flood of '97, Flood Damage Reduction (FDR) has received a lot of publicity. The cooperation of counties, watershed districts, state and federal agencies and other local agencies are critical in the reduction of flood damage. The establishment of impoundments, levees and the restoration of wetlands and watercourses can reduce the flooding impact and improve water quality. Extensive drainage systems were constructed in the early 1900's and again in the 1940's and 1950's to enhance natural drainage of prime heavy soils. These ditches are typically oriented in an east-west direction, perpendicular to the Red River of the North. Without the constructed drainage system, agriculture would not be the economic base of the Red River Valley and Wilkin County. Considering the topography of Wilkin County, drainage problems are most prevalent in the western portion of the County where natural drainage does not convey water completely enough

during accelerated snowmelt in the spring and/or heavy rainfall to mitigate crop and infrastructure damage

This plan will address the following objectives related to this concern:

- Assist the Bois de Sioux Watershed District in the implementation of FDR and NRE practices.
- Identify Natural Resources Enhance (NRE) opportunities for FDR project's proposed by the BdSWD and BRRWD Project Teams.
- Investigate issues that conflict with FDR.
- Install structures to reduce flood damages in the county.

Estimate Potential Cost: $27,225,000

Natural Resource Protection Concerns

Wilkin County was, at one time, prime habitat for both waterfowl and upland birds. Most of the fish and wildlife habitat in the county has been lost due to land use changes, drainage and channel modifications. Presently less than five percent of Wilkin County is considered wildlife habitat areas which consists of conservation lands and riparian habitat. The overall lack of grassland and wetland habitats limits upland and waterfowl wildlife populations. However the establishment of wildlife habitat can aid in reducing wind and water erosion and improve water quality. Due to the high commodity prices it is expected that Wilkin County will lose most, if not all, of its Conservation Reserve Program (CRP) acres to cropland in the next 5 years. We need to find way to encourage landowners to reenroll this land into some type of land retirement program. This land use change will not only reduce wildlife habitat in the county but also will increase the likelihood of wind and water erosion.

This plan will address the following objectives related to this concern:

- Promote the establishment of wildlife habitat in Wilkin County.
- Protect existing wildlife habitat with best management practices.

Estimate Potential Cost: $13,615,000

Groundwater Concerns

Wilkin County does not have abundant groundwater resources. Most known groundwater resources are in buried drift aquifers which have not been well defined or mapped. Recharge areas and the degree of interconnection of the aquifers are not well known. There is little irrigation in the county. Recharge for major aquifers in Wilkin County occurs primarily through precipitation and in surfical aquifers in the hummocky moraine region of western Otter Tail County and Southern Becker County. The Buffalo Aquifer, a primary aquifer for both Wilkin and Clay Counties is thought to recharge in northern Wilkin County. The Wahpeton Buried Valley (WBV) Aquifer is a long, narrow, and relatively thick deposit of sand and gravel that exists along the Minnesota/North Dakota border just north of the cities of Wahpeton (North Dakota) and Breckenridge (Minnesota). This aquifer is the primary municipal water source for the cities of Breckenridge and Wahpeton. Cargill and Minn-Dak Farmers Cooperative holds industrial appropriation permits from the aquifer for corn processing and sugar beet processing respectively. The potential sources for recharge to the aquifer are the Red River and adjacent confining aquifers.

The WBV aquifer is the most important source of groundwater in this area where aquifers tend to be small and limited in extent. It is an essential resource for industrial, municipal, and domestic use.

This plan will address the following objective related to this concern:

- Protect county groundwater resources from contamination.

Estimate Potential Cost: $ 120,000

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55107

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Wilkin County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on January 31, 2008, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On February 20, 2007; the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Wilkin County, pursuant to M.S. Section 103B.312.

2) On April 25, 2007; the Board of Water and Soil Resources provided official comments on the Wilkin County Priority Concerns Scoping Document, which were mailed to the county on April 25, 2007.

3) The priority concerns the local water management plan addresses include:
Water Quality Concerns – Including, but not limited to; impaired waters (TMDLs), groundwater pollution, nonpoint pollution, etc.
Erosion Concerns – Including, but not limited to; soil erosion (wind and water), streambank erosion, sedimentation of streams and rivers, etc.
Flood Damage Reduction - Including, but not limited to; flooding, effects of tiling, drainage, etc.
Natural Resource Protection Concerns – Including, but not limited to; trout stream protection, stream/river restoration and connectivity, native prairie conservation, wetland and grassland restoration and protection, etc.
Water Quantity – Including but not limited to; groundwater recharge areas, wellhead protection, surface water supply, etc.

4) On January 31, 2008; the BWSR received the Wilkin County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On May 14, 2008; the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Wilkin County Plan Update.
Recommendations of the state review agencies were:
A) Minnesota Department of Agriculture: recommends approval;
B) Minnesota Department of Health: recommends approval;

C) Minnesota Department of Natural Resources: recommends approval;
D) Minnesota Pollution Control Agency: recommends approval;
E) Minnesota Environmental Quality Board: no recommendation received;
F) Minnesota Board of Water and Soil Resources regional staff: recommends approval;
G) Board Water Plan Review Committee: recommends approval.

6) This update will be in effect for a ten-year period until December 31, 2017; with the Goals, Objectives and Action Items amended by December 31, 2012.

CONCLUSIONS

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

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

ORDER

The Board hereby approves the attached update of the Wilkin County Local Water Management Plan through December 31, 2017; with the Goals, Objectives and Action Items being amended prior to December 31, 2012.

Dated at St Paul, Minnesota, this twenty-eighth day of May, 2008.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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BY: Randy Kramer, Chair

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

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

2. Local Water Management Plan Amendments – *DECISION ITEMS*
   - Big Stone County
   - Chippewa County
   - Lac qui Parle County
   - Pope County
   - Swift County

Minnesota Board of Water & Soil Resources

April 14, 2008

Mr. Jeff Nielsen
Minnesota Board of water and Soil Resources
261 Highway 15 South
New Ulm, Minnesota 56073

Dear Jeff:

SUBJECT: WATONWAN COUNTY PRIORITY CONCERNS SCOPING DOCUMENT

Watonwan County has submitted their Priority Concerns Scoping Document (PCSD) for the 2008 Local Water Management Plan Update to BWSR and other state agencies. BWSR received this document on March 18, 2007. State agency comments were received from DNR, MDA and MDH. DNR concurred with the priority concerns identified. DNR felt the priority concern identification process was adequate and commented that the Department recommends the County make TMDL recommendations for Perch Creek, Butterfield Creek and the Watonwan River an integral part of the final county local water plan. MDA commented that the process to identify priority concerns was commendable and concurred with the priority concerns identified. The MDH concurred with the priority concerns and commented that the process to identify priority concerns was commendable. No other state agency comments have been received during this review period. In addition to PCSD comments the MPCA, BWSR, DNR, MDH and numerous other local stakeholders provided comments early on in the process.

On behalf of the BWSR I have completed my review of the Watonwan County PCSD and recommend the BWSR concur with the priority concerns identified.

I look forward to working with County elected officials, staff and residents as the plan update moves forward. If you have questions or need additional information, please contact me at 507-389-6784.

Sincerely,

Chris Hughes

Chris Hughes
Board Conservationist

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Minnesota Board of Water & Soil Resources

DATE: April 14, 2008

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: David Sill, BWSR Board Conservationist

SUBJECT: Big Stone County Local Water Management Plan Amendment – Final Review

On May 28, 2003, the Board of Water and Soil Resources (BWSR), by board order, approved the Big Stone County 2003 – 2013 ten year Comprehensive Local Water Plan Update. The Plan contained an implementation section with goals, objectives and actions steps covering a five year period 2003- 2008. The Board stipulated that Big Stone County was required to revise / update this implementation section by May 28, 2008.

In its June 5, 2003, letter notifying the county of approval of the Plan Update, the BWSR commended the county and its partners for writing a plan that clearly presented the water management goals, actions and priorities.

On September 18, 2007, the Big Stone County Board of Commissioners resolved to amend its five-year implementation section as stipulated by BWSR. The county followed the process for amending as described within the Comprehensive Local Water Management guidance document as developed by the BWSR.

On March 17, 2008, the BWSR regional staff received the required documentation and 2008 Addendum to the Big Stone County Comprehensive Local Water Plan. The 2008 Addendum contains a brief Executive Summary (overview of the county's water plan, information on the revision of the five-year implementation section, recent water plan accomplishments, on-going programs administered within the county) and the new May 2008 through May 2013 implementation section. The implementation section addresses the following four goals:

- Water Resource Education
- Water Management
- Reducing Priority Pollutants
- Lakeshore and Surface Water Use

I have actively participated with and provided guidance/comments/advice/recommendations to Big Stone County and the task force throughout this amendment process. I believe the new five-year implementation section is in conformance with the requirements of Minnesota Statute 103B and the Comprehensive Local Water Management guidance developed by the BWSR. I hereby recommend approval of the Big Stone County May 2008 – May 2013 implementation section.

I look forward to assisting the county in the implementation of this revision of their Local Water Management Plan. Water Plan Coordinator Darren Wilke should be commended for his leadership throughout the plan amendment process.

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

In the Matter of Reviewing the Local Water Management Plan Amendment for **Big Stone County** (Minnesota Statutes, Section 103B.314, Subdivision 6)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, on May 28, 2003, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Big Stone County 2003 – 2013 Comprehensive Local Water Plan Update (Plan), which contained a 2003 – 2008 five-year implementation section; and

Whereas, this Board Order stipulated that Big Stone County was required to update the implementation section by May 28, 2008; and

Whereas, the Big Stone County Board of Commissioners submitted the Big Stone County Plan 2008 Addendum to the Board on March 17, 2008; and

Whereas, this 2008 Addendum contains the updated five-year implementation section as ordered by the Board; and

Whereas, the Board has completed its review of the 2008 Addendum.

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

FINDINGS OF FACT

1. On September 20, 2007, the Board received a resolution from Big Stone County stating its intent to amend its current Plan by providing for the required update of the five-year implementation section, pursuant to M.S. Section 103B.314, Subd. 6.

2. On October 15, 2007, Board staff provided information on the amendment process to Big Stone County.

3. On September 24, 2007, Big Stone County provided proper notice to local units of government and state agencies of the county's intent to amend its five-year implementation section and invited all recipients to participate in the amendment process.

4. On October 3, 2007, Big Stone County convened its water plan task force to initiate the five-year implementation section update. Several additional meetings were conducted.

5. Big Stone County received written comments from the Minnesota Department of Agriculture, the Minnesota Pollution Control Agency, the Minnesota Department of Health and the Minnesota Board of Water and Soil Resources in November 2007.

6. No other state agency or local government unit provided written comments to Big Stone County.

7. The final document developed by Big Stone County, which includes the revised five-year implementation section May 2008 – May 2013 is entitled the 2008 Addendum.

8. On March 13, 2008, after providing for proper public notice, Big Stone County conducted a public hearing on the proposed 2008 Addendum. No additional comments were submitted at the hearing.

9. On March 17, 2008, the BWSR received the Big Stone County 2008 Addendum, a record of the public hearing, and copies of all written comments pertaining to the 2008 Addendum, pursuant to M.S. Section 103B.314, Subd. 6.

10. On April 23, 2008, the Board's regional Water Planning Committee (Committee) reviewed the Big Stone County 2008 Addendum, pursuant to 103B.301 and guidelines established by the Board.
11. Board regional staff provided its recommendation of approval to the Committee.
12. The Committee voted to recommend approval to the full Board at its next scheduled meeting.

13. This 2008 Addendum will be in effect until **May 28, 2013.**

CONCLUSIONS

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

2. The Big Stone County 2008 Addendum attached to this Order states goals, objectives, and actions the county will address in the five-year implementation section May 2008 – May 2013. The 2008 Addendum, as well as the previously approved Big Stone County 2003 – 2013 Comprehensive Local Water Plan Update, is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached 2008 Addendum of the Big Stone County Water Management Plan for May 28, 2008 – May 28, 2013. Big Stone County will be required to provide for a complete update of its Water Management Plan prior to May 28, 2013.

Dated at St. Paul, Minnesota, this **28th day of May, 2008**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

DATE: April 16, 2008

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: David Sill, BWSR Board Conservationist

SUBJECT: Chippewa County Local Water Management Plan Amendment – Final Review

On May 28, 2003, the Board of Water and Soil Resources (BWSR), by board order, approved the Chippewa County 2003 – 2013 ten year Comprehensive Local Water Plan Update. The Plan contained an implementation section with goals, objectives and actions steps covering a five year period 2003 - 2008. The Board stipulated that Chippewa County was required to revise / update this implementation section by May 28, 2008.

In its June 5, 2003, letter notifying the county of approval of the Plan Update, the BWSR commended the county and its partners for writing a plan that clearly presented the water management goals, actions and priorities.

On September 18, 2007, the Chippewa County Board of Commissioners resolved to amend its five-year implementation section as stipulated by BWSR. The county followed the process for amending as described within the Comprehensive Local Water Management guidance document as developed by the BWSR.

On April 16, 2008, the BWSR regional staff received the required documentation and 2008 Addendum to the Chippewa County Comprehensive Local Water Plan. The 2008 Addendum contains a brief Executive Summary (overview of the county's water plan, information on the revision of the five-year implementation section, recent water plan accomplishments, on-going programs administered within the county) and the new May 2008 – May 2013 implementation section. The implementation section addresses the following five goals:

- Water Quality
- Erosion Control
- Surface Water Management / Flooding
- Administration
- Education

I have actively participated with and provided guidance/comments/advice/recommendations to Chippewa County and the task force throughout this amendment process. I believe the new five-year implementation section is in conformance with the requirements of Minnesota Statute 103B and the Comprehensive Local Water Management guidance developed by the BWSR. I hereby recommend approval of the Chippewa County May 2008 – May 2013 implementation section addendum.

I look forward to assisting Chippewa County in the implementation of this revision of their Local Water Management Plan. Water Plan Coordinator JoAnn Bloome should be commended for her leadership throughout the plan amendment process.

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520 Lafayette Road North
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In the Matter of Reviewing the Local Water Management Plan Amendment for **Chippewa County** (Minnesota Statutes, Section 103B.314, Subdivision 6)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, on May 28, 2003, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Chippewa County 2003 – 2013 Comprehensive Local Water Plan Update (Plan), which contained a 2003 – 2008 five-year implementation section; and

Whereas, this Board Order stipulated that Chippewa County was required to update the implementation section by May 28, 2008; and

Whereas, the Chippewa County Board of Commissioners submitted the Chippewa County Plan 2008 Addendum to the Board on April 16, 2008; and

Whereas, this 2008 Addendum contains the updated five-year implementation section as ordered by the Board; and

Whereas, the Board has completed its review of the 2008 Addendum.

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

FINDINGS OF FACT

1. On September 26, 2007, the Board received a resolution from Chippewa County stating its intent to amend its current Plan by providing for the required update of the five-year implementation section, pursuant to M.S. Section 103B.314, Subd. 6.

2. On October 15, 2007, Board staff provided information on the amendment process to Chippewa County.

3. On September 27, 2007, Chippewa County provided proper notice to local units of government and state agencies of the county's intent to amend its five-year implementation section and invited all recipients to participate in the amendment process.

4. On December 17, 2007, Chippewa County convened its water plan task force to initiate the five-year implementation section update. Several additional meetings were conducted.

5. Chippewa County received written comments from the Minnesota Department of Agriculture, the Minnesota Pollution Control Agency, the Minnesota Department of Health and the Minnesota Board of Water and Soil Resources in November and December 2007.

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

7. The final document developed by Chippewa County, which includes the revised five-year implementation section May 2008 – May 2013 is entitled the 2008 Addendum.

8. On April 14, 2008, after providing for proper public notice, Chippewa County conducted a public hearing on the proposed 2008 Addendum. Minnesota Department of Natural Resources staff provided a written comment on Buffalo Lake. No additional comments were submitted at the hearing.

9. On April 16, 2008, the BWSR received the Chippewa County 2008 Addendum, a record of the public hearing, and copies of all written comments pertaining to the 2008 Addendum, pursuant to M.S. Section 103B.314, Subd. 6.

10. On April 23, 2008, the Board's regional Water Planning Committee (Committee) reviewed the Chippewa County 2008 Addendum, pursuant to 103B.301 and guidelines established by the Board.
11. Board regional staff provided its recommendation of approval to the Committee.
12. The Committee voted to recommend approval to the full Board at its next scheduled meeting.

13. This 2008 Addendum will be in effect until **May 28, 2013.**

CONCLUSIONS

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

2. The Chippewa County 2008 Addendum attached to this Order states goals, objectives, and actions the county will address in the five-year implementation section May 2008 – May 2013. The 2008 Addendum, as well as the previously approved Chippewa County 2003 – 2013 Comprehensive Local Water Plan Update, is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached 2008 Addendum of the Chippewa County Water Management Plan for May 28, 2008 – May 28, 2013. Chippewa County will be required to provide for a complete update of its Water Management Plan prior to May 28, 2013.

Dated at St. Paul, Minnesota, this **28th day of May, 2008**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

DATE: April 14, 2008

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: David Sill, BWSR Board Conservationist

SUBJECT: Lac qui Parle County Local Water Management Plan Amendment – Final Review

On May 28, 2003, the Board of Water and Soil Resources (BWSR), by board order, approved the Lac qui Parle County 2003 – 2013 ten year Comprehensive Local Water Plan Update. The Plan contained an implementation section with goals, objectives and actions steps covering a five year period 2003 - 2008. The Board stipulated that Lac qui Parle County was required to revise / update this implementation section by May 28, 2008.

In its June 5, 2003, letter notifying the county of approval of the Plan Update, the BWSR commended the county and its partners for writing a plan that clearly presented the water management goals, actions and priorities.

On July 3, 2007, the Lac qui Parle County Board of Commissioners resolved to amend its five-year implementation section as stipulated by BWSR. The county followed the process for amending as described within the Comprehensive Local Water Management guidance document as developed by the BWSR.

On April 7, 2008, the BWSR regional staff received the required documentation and 2008 Addendum to the Lac qui Parle County Comprehensive Local Water Plan. The 2008 Addendum contains a brief Executive Summary (overview of the county's water plan, information on the revision of the five-year implementation section, recent water plan accomplishments, on-going programs administered within the county) and the new May 2008 through May 2013 implementation section. The implementation section addresses the following five goals:

- Water Resource Education
- Water Management
- Ground Water Protection
- Reducing Priority Pollutants
- Erosion
- Recreational Values

I have actively participated with and provided guidance/comments/advice/recommendations to Lac qui Parle County and the task force throughout this amendment process. I believe the new five-year implementation section is in conformance with the requirements of Minnesota Statute 103B and the Comprehensive Local Water Management guidance developed by the BWSR. I hereby recommend approval of the Lac qui Parle County May 2008 – May 2013 implementation section addendum.

I look forward to assisting Lac qui Parle County in the implementation of this revision of their Local Water Management Plan. Water Plan Coordinator Sonja Farmer should be commended for her leadership throughout the plan amendment process.

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In the Matter of Reviewing the Local Water Management Plan Amendment for **Lac qui Parle County** (Minnesota Statutes, Section 103B.314, Subdivision 6)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, on May 28, 2003, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Lac qui Parle County 2003 – 2013 Comprehensive Local Water Plan Update (Plan), which contained a 2003 – 2008 five-year implementation section; and

Whereas, this Board Order stipulated that Lac qui Parle County was required to update the implementation section by May 28, 2008; and

Whereas, the Lac qui Parle County Board of Commissioners submitted the Lac qui Parle County Plan 2008 Addendum to the Board on April 7, 2008; and

Whereas, this 2008 Addendum contains the updated five-year implementation section as ordered by the Board; and

Whereas, the Board has completed its review of the 2008 Addendum.

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

FINDINGS OF FACT

1. On July 3, 2007, the Board received a resolution from Lac qui Parle County stating its intent to amend its current Plan by providing for the required update of the five-year implementation section, pursuant to M.S. Section 103B.314, Subd. 6.

2. On October 15, 2007, Board staff provided information on the amendment process to Lac qui Parle County.

3. On September 21, 2007, Lac qui Parle County provided proper notice to local units of government and state agencies of the county's intent to amend its five-year implementation section and invited all recipients to participate in the amendment process.

4. On October 2, 2007, Lac qui Parle County convened its water plan task force to initiate the five-year implementation section update. Several additional meetings were conducted.

5. Lac qui Parle County received written comments from the Minnesota Department of Agriculture, the Minnesota Pollution Control Agency, the Minnesota Department of Health and the Minnesota Board of Water and Soil Resources in November and December 2007.

6. No other state agency or local government unit provided written comments to Lac qui Parle County.

7. The final document developed by Lac qui Parle County, which includes the revised five-year implementation section May 2008 – May 2013 is entitled the 2008 Addendum.

8. On March 31, 2008, after providing for proper public notice, Lac qui Parle County conducted a public hearing on the proposed 2008 Addendum. No additional comments were submitted at the hearing.

9. On April 7, 2008, the BWSR received the Lac qui Parle County 2008 Addendum, a record of the public hearing, and copies of all written comments pertaining to the 2008 Addendum, pursuant to M.S. Section 103B.314, Subd. 6.

10. On April 23, 2008, the Board's regional Water Planning Committee (Committee) reviewed the Lac qui Parle County 2008 Addendum, pursuant to 103B.301 and guidelines established by the Board.

11. Board regional staff provided its recommendation of approval to the Committee.

12. The Committee voted to recommend approval to the full Board at its next scheduled meeting.

13. This 2008 Addendum will be in effect until **May 28, 2013.**

CONCLUSIONS

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

2. The Lac qui Parle County 2008 Addendum attached to this Order states goals, objectives, and actions the county will address in the five-year implementation section May 2008 – May 2013. The 2008 Addendum, as well as the previously approved Lac qui Parle County 2003 – 2013 Comprehensive Local Water Plan Update, is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached 2008 Addendum of the Lac qui Parle County Water Management Plan for May 28, 2008 – May 28, 2013. Lac qui Parle County will be required to provide for a complete update of its Water Management Plan prior to May 28, 2013.

Dated at St. Paul, Minnesota, this **28th day of May, 2008**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

DATE: April 18, 2008

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: David Sill, BWSR Board Conservationist

SUBJECT: Pope County Local Water Management Plan Amendment – Final Review

On May 28, 2003, the Board of Water and Soil Resources (BWSR), by board order, approved the Pope County 2003 – 2013 ten year Comprehensive Local Water Plan Update. The Plan contained an implementation section with goals, objectives and actions steps covering a five year period 2003 - 2008. The Board stipulated that Pope County was required to revise / update this implementation section by May 28, 2008.

In its June 5, 2003, letter notifying the county of approval of the Plan Update, the BWSR commended the county and its partners for writing a plan that clearly presented the water management goals, actions and priorities.

On July 17, 2007, the Pope County Board of Commissioners resolved to amend its five-year implementation section as stipulated by BWSR. The county followed the process for amending as described within the Comprehensive Local Water Management guidance document as developed by the BWSR.

On April 16, 2008, the BWSR regional staff received the required documentation and 2008 Addendum to the Pope County Comprehensive Local Water Plan. The 2008 Addendum contains a brief Executive Summary (overview of the county's water plan, information on the revision of the five-year implementation section, recent water plan accomplishments, on-going programs administered within the county) and the new May 2008 – May 2013 implementation section. The implementation section addresses the following six goals:

- Storm water Management
- Reducing Priority Pollutants
- Sanitary Service Area / Lake Management Districts
- Water Management
- Groundwater Protection
- Water Resource Education

I have participated with and provided guidance/comments/advice/recommendations to Pope County and the task force throughout this amendment process. I believe the new five-year implementation section is well written and generally in conformance with the requirements of Minnesota Statute 103B and the Comprehensive Local Water Management guidance developed by the BWSR. At this time however - I do not recommend approval of the Pope County May 2008 – May 2013 implementation section addendum. On March 20th and 28th I provided written comment to Pope County regarding the draft addendum. Several comments I made have been addressed, however I believe issues remain unresolved regarding the clarification or wording of several actions, and questions concerning several estimated costs (see attached comments).

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I look forward to assisting Pope County in finalizing their addendum. When completed, the implementation of this revision of their Local Water Management Plan will be a key tool in addressing the water resources of Pope County.

Minnesota Board of Water & Soil Resources

DATE: May 9, 2008

TO: Jeff Nielsen, BWSR Southern Region Supervisor

FROM: David Sill, BWSR Board Conservationist

SUBJECT: Pope County Local Water Management Plan Amendment – Final Review follow-up

Recently Pope County provided requested revisions and edits to their May 2008 – May 2013 implementation section addendum. I believe the County has addressed each of the comments I made in my written correspondence to county staff on March 20th and 28th. I have reviewed and now recommend approval to the Pope County May 2008 – May 2013 implementation section addendum. I and other BWSR staff look forward to assisting Pope County implement this plan!

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Minnesota Board of Water and Soil Resources
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In the Matter of Reviewing the Local Water Management Plan Amendment for **Pope County** (Minnesota Statutes, Section 103B.314, Subdivision 6)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, on May 28, 2003, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Pope County 2003 – 2013 Comprehensive Local Water Plan Update (Plan), which contained a 2003 – 2008 five-year implementation section; and

Whereas, this Board Order stipulated that Pope County was required to update the implementation section by May 28, 2008; and

Whereas, the Pope County Board of Commissioners submitted the Pope County Plan 2008 Addendum to the Board on April 16, 2008; and

Whereas, this 2008 Addendum contains the updated five-year implementation section as ordered by the Board; and

Whereas, the Board has completed its review of the 2008 Addendum.

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

FINDINGS OF FACT

1. On September 19, 2007, the Board received a resolution from Pope County stating its intent to amend its current Plan by providing for the required update of the five-year implementation section, pursuant to M.S. Section 103B.314, Subd. 6.

2. On October 15, 2007, Board staff provided information on the amendment process to Pope County.

3. On October 1, 2007, Pope County provided proper notice to local units of government and state agencies of the county's intent to amend its five-year implementation section and invited all recipients to participate in the amendment process.

4. On January 16, 2008, Pope County convened its water plan task force to initiate the five-year implementation section update. Several additional meetings were conducted.

5. Pope County received written comments from the Minnesota Department of Agriculture, the Minnesota Pollution Control Agency, the Minnesota Department of Health, the Minnesota Board of Water and Soil Resources, and the Minnesota Department of Natural Resources in November and December 2007.

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

7. The final document developed by Pope County, which includes the revised five-year implementation section May 2008 – May 2013 is entitled the 2008 Addendum.

8. On April 1, 2008, after providing for proper public notice, Pope County conducted a public hearing on the proposed 2008 Addendum. No additional comments were submitted at the hearing.

9. On April 16, 2008, the BWSR received the Pope County 2008 Addendum, a record of the public hearing, and copies of all written comments pertaining to the 2008 Addendum, pursuant to M.S. Section 103B.314, Subd. 6.

10. On April 23, 2008, the Board's regional Water Planning Committee (Committee) reviewed the Pope County 2008 Addendum, pursuant to 103B.301 and guidelines established by the Board.
11. Board regional staff provided its recommendation of not approval to the Committee.
12. The Committee voted to table their recommendation to the full Board, and requested Board staff contact Pope County and seek clarification of several actions and questions concerning several estimated costs.
13. On May 14, 2008, the Board's regional Water Planning Committee continued their review of the Pope County 2008 Addendum, pursuant to 103B.301 and guidelines established by the Board.
14. Board regional staff provided its recommendation of approval to the Committee.
15. The Committee voted to recommend approval to the full Board at its next scheduled meeting.

16. This 2008 Addendum will be in effect until **May 28, 2013.**

CONCLUSIONS

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

2. The Pope County 2008 Addendum attached to this Order states goals, objectives, and actions the county will address in the five-year implementation section May 2008 – May 2013. The 2008 Addendum, as well as the previously approved Pope County 2003 – 2013 Comprehensive Local Water Plan Update, is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached 2008 Addendum of the Pope County Water Management Plan for May 28, 2008 – May 28, 2013. Pope County will be required to provide for a complete update of its Water Management Plan prior to May 28, 2013.

Dated at St. Paul, Minnesota, this **28th day of May, 2008**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

DATE: April 14, 2008

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: David Sill, BWSR Board Conservationist

SUBJECT: Swift County Local Water Management Plan Amendment – Final Review

On May 28, 2003, the Board of Water and Soil Resources (BWSR), by board order, approved the Swift County 2003 – 2013 ten year Comprehensive Local Water Plan Update. The Plan contained an implementation section with goals, objectives and actions steps covering a five year period 2003 - 2008. The Board stipulated that Swift County was required to revise / update this implementation section by May 28, 2008.

In its June 5, 2003, letter notifying the county of approval of the Plan Update, the BWSR commended the county and its partners for writing a plan that clearly presented the water management goals, actions and priorities.

On July 3, 2007, the Swift County Board of Commissioners resolved to amend its five-year implementation section as stipulated by BWSR. The county followed the process for amending as described within the Comprehensive Local Water Management guidance document as developed by the BWSR.

On April 7, 2008, the BWSR regional staff received the required documentation and 2008 Addendum to the Swift County Comprehensive Local Water Plan. The 2008 Addendum contains a brief Executive Summary (overview of the county's water plan, information on the revision of the five-year implementation section, recent water plan accomplishments, on-going programs administered within the county) and the new May 2008 through May 2013 implementation section. The implementation section addresses the following five goals:

- Reducing Priority Pollutants
- Surface Water and Drainage Management
- Ground Water Protection
- Public Education
- Provide Effective Administration

I have actively participated with and provided guidance/comments/advice/recommendations to Swift County and the task force throughout this amendment process. I believe the new five-year implementation section is in conformance with the requirements of Minnesota Statute 103B and the Comprehensive Local Water Management guidance developed by the BWSR. I hereby recommend approval of the Swift County May 2008 through May 2013 implementation section addendum.

I look forward to assisting Swift County in the implementation of this revision of their Local Water Management Plan. Water Plan Coordinator Scott Collins should be commended for his leadership throughout the plan amendment process.

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

In the Matter of Reviewing the Local Water Management Plan Amendment for **Swift County** (Minnesota Statutes, Section 103B.314, Subdivision 6)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, on May 28, 2003, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Swift County 2003 – 2013 Comprehensive Local Water Plan Update (Plan), which contained a 2003 – 2008 five-year implementation section; and

Whereas, this Board Order stipulated that Swift County was required to update the implementation section by May 28, 2008; and

Whereas, the Swift County Board of Commissioners submitted the Swift County Plan 2008 Addendum to the Board on April 7, 2008; and

Whereas, this 2008 Addendum contains the updated five-year implementation section as ordered by the Board; and

Whereas, the Board has completed its review of the 2008 Addendum.

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

FINDINGS OF FACT

1. On July 6, 2007, the Board received a resolution from Swift County stating its intent to amend its current Plan by providing for the required update of the five-year implementation section, pursuant to M.S. Section 103B.314, Subd. 6.

2. On October 15, 2007, Board staff provided information on the amendment process to Swift County.

3. On October 1, 2007, Swift County provided proper notice to local units of government and state agencies of the county's intent to amend its five-year implementation section and invited all recipients to participate in the amendment process.

4. On December 7, 2007, Swift County convened its water plan task force to initiate the five-year implementation section update. Several additional meetings were conducted.

5. Swift County received written comments from the Minnesota Department of Agriculture, the Minnesota Pollution Control Agency, the Minnesota Department of Health and the Minnesota Board of Water and Soil Resources in November and December 2007.

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

7. The final document developed by Swift County, which includes the revised five-year implementation section May 2008 – May 2013 is entitled the 2008 Addendum.

8. On April 1, 2008, after providing for proper public notice, Swift County conducted a public hearing on the proposed 2008 Addendum. No additional comments were submitted at the hearing.

9. On April 7, 2008, the BWSR received the Swift County 2008 Addendum, a record of the public hearing, and copies of all written comments pertaining to the 2008 Addendum, pursuant to M.S. Section 103B.314, Subd. 6.

10. On April 23, 2008, the Board's regional Water Planning Committee (Committee) reviewed the Swift County 2008 Addendum, pursuant to 103B.301 and guidelines established by the Board.
11. Board regional staff provided its recommendation of approval to the Committee.
12. The Committee voted to recommend approval to the full Board at its next scheduled meeting.

13. This 2008 Addendum will be in effect until **May 28, 2013.**

CONCLUSIONS

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

2. The Swift County 2008 Addendum attached to this Order states goals, objectives, and actions the county will address in the five-year implementation section May 2008 – May 2013. The 2008 Addendum, as well as the previously approved Swift County 2003 – 2013 Comprehensive Local Water Plan Update, is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached 2008 Addendum of the Swift County Water Management Plan for May 28, 2008 – May 28, 2013. Swift County will be required to provide for a complete update of its Water Management Plan prior to May 28, 2013.

Dated at St. Paul, Minnesota, this **28th day of May, 2008**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

OLD BUSINESS

1. Cooperative Weed Management Area Grant Program – Julie Klocker
   DECISION ITEM

2. Revisions to Native Buffer Cost-Share Program Guidance – Dave Weirens
   DECISION ITEM

DI Critical Area Stabilization
Added Eligible Component

Establishment of Cooperative Weed Management Areas

5/6/08

Definition

Establishment of Cooperative Weed Management Areas (CWMAs) for the control of invasive species and noxious weeds.

Purpose

CWMAs are developed to restore or enhance natural communities and manage existing and emerging invasive plants that are detrimental to natural lands.

Primary CWMA goals include:

- Development of strong partnerships based on cooperation among agencies, landowners and other interested partners to control invasive species.
- The creation of long term and sustainable Cooperative Weed Management Areas.
- The removal of invasive plant species through the combined efforts of partnering entities.

Conditions Where Practice Applies – one time start-up expense

This practice applies only to the BWSR Cooperative Weed Management Area Grant Program and involves a one-time start-up expense for beginning Cooperative Weed Management Areas.

Criteria

A Cooperative Weed Management Area is a partnership of federal, state and local government agencies; tribes; individuals; and various other interested groups that manage noxious weeds or invasive plants in a defined area. General criteria for Cooperative Weed Management Area establishment include the following:

- CWMAs occupy a defined geographic area with a common geography, weed problem, community, climate, political boundary, or land use.

- The majority of natural resource managers and key private landowners in the area are involved or represented.
- CWMAs are committed to cooperation.
- CWMAs operate under a comprehensive plan that addresses the management or prevention of one or more noxious weeds or invasive plants.
- CWMAs have a project Steering Committee composed of cooperators who are committed to working together to manage invasive species within a defined geographic area.
- CWMAs have a clear long-term weed management plan based on an integrated pest management approach using the principles of ecosystem management.

Source: Center for Invasive Plant Management

Steps common to setting up a CWMA include:

- Determine common goals
- Choose a CWMA fiscal manager
- Hold a public meeting and invite all partners
- Establish a steering committee
- Select a chairperson and a vice-chairperson
- Develop agreements (Cooperative Agreements, Hold Harmless Agreements and Memorandums of Understanding are common)
- Develop a strategic management plan (including invasive species mapping)
- Develop an annual operating plan
- Establish and utilize committees
- Implement plans

Considerations

When developing a Cooperative Weed Management Area the following are key considerations for the establishment of an efficient and sustainable CWMA:

- Completeness of plan for setting up a CWMA
- CWMA long term sustainability
- Strength of partnerships
- Number of partners involved
- Cash and/or In-kind contribution
- Efficient use of funding
- Development of concrete and attainable weed management goals and strategies to control invasive plant species from natural lands through an integrated pest management approach
- Development of strategies for the restoration/reconstruction of native communities through an ecosystem approach
- Development of plan for public outreach and publicizing the project.

Eligible Expenses

Funding for this practice represents a one-time base allocation for start-up expenses. Eligible expenses include equipment necessary for implementing CWMA goals, staff time and expenses related to establishing Cooperative Weed Management Areas, publicity and outreach costs and travel expenses.

Equipment purchased with the funding provided will remain the property of the State for its useful life. After the contract period, it may remain in the custody of the Grantee so long as it is used for the purposes of promoting and supporting the project. The State may take possession of the equipment at such time as it becomes necessary to use it for State purposes.

Plans

Strategic management plans and annual operating plans are commonly used to guide the activities of CWMAs. Strategic management plans help define the goals of the CWMA and the steps planned to accomplish those goals. It serves as a road map for the CWMA as it begins to carry out projects. The strategic plan should clearly define CWMA objectives and priorities. A strategic management plan will help identify concerns, quantify scale and scope of problems, and set short-term and long-term priorities for CWMA operations. Strategic management plans generally include:

- An accurate map of the CWMA
- An inventory and a map of known priority invasive plant infestations
- Management responsibilities including the establishment of management areas or zones
- Criteria for the prioritization of invasive plant management activities
- Control techniques likely to be used in your CWMA
- Equipment, supplies, people, and other resources available for the CWMA from each partner

For examples of a strategic management plan, see www.mipn.org.

Once the steering committee develops the strategic plan, work priorities for the upcoming year can be identified in an annual operating plan. This document will detail annual projects; expected in-kind contributions, necessary funding, and the personnel needed for project completion, and will serve as the basis for outside grant requests. Each project identified in the annual operating plan should have an assigned project manager. This is the person responsible for project implementation, coordination, expenditures, in-kind documentation, completion, photo records, and final reports. Annual operating plans vary greatly in size and complexity. Newly established CWMAs may have one or a few annual projects and may include grant applications as part of the annual operating plan. For examples of an annual operating plan, see www.mipn.org.

Source: CWMA Cookbook

Operation and Maintenance

CWMAs can vary in their focus. Common focus areas for CWMAs include education, prevention, early detection, control efforts and monitoring. The focus of CWMAs should be included in the strategic management plan and annual operating plans. The

strategic management plan and annual operating plans will guide project implementation. Plans should be revisited periodically to ensure that project goals are being met.

Citations and References

CWMA Cookbook http://www.mipn.org/MIPN%20Cookbook%20Lo-res.pdf

Midwest Invasive Plant Network www.mipn.org

Minnesota Board of Water & Soil Resources

Board Resolution #____

Cooperative Weed Management Area Grant Program Authorization

WHEREAS, Chapter 57, Minn session laws 2007 requires the Board to establish a Cooperative Weed Management Area Grant program as part of the state cost-share program and;

WHEREAS, Minnesota Rule 8400.0300 requires the Board to determine eligible practices and practice policies and;

WHEREAS, Establishing this program requires initial costs for administrative time, equipment, publicity/outreach and travel.

NOW THEREFORE, be it resolved, the Board approves the addition of a "Establishment of Cooperative Weed Management Areas" eligible practice to D1 (Critical Area Stabilization) and its addition to the State Cost Share Program approved practice list beginning in FY 2008.

_____ Date:_____

Randy Kramer, Chair
Board of Water and Soil Resources

Attachment: New D1 Eligible Component, "Establishment of Cooperative Weed Management Areas"

Native Buffer Cost-Share Program Fact Sheet

Purpose:
Grants for cost-sharing contracts to establish and maintain diverse native vegetation buffers using seeds of local ecotype regions.

Policies:

I. Program Requirements

- BWSR State Cost-Share Program processes required.
- Eligible conservation buffer areas to be determined by the SWCD.
- Projects must be sustained for a minimum of 15 years.
- Eligible project areas are limited to list of counties in M.S. 84.02, Sec. 17, Subd. 4
- Min/max size and costs determined by SWCD boards using reasonable cost process.
- Multiple estimates are required for work done, to the extent possible.
- A complete set of program records must be kept, like other Cost Share programs.
- Seed must originate from the same county as the project or the same Minnesota ecotype region as the project site. Cultivars are discouraged. Every attempt should be made to find local ecotype region seed but If a project cannot go forward due to a lack of local ecotype region seed or unreasonable costs the SWCD may approve seed from outside the local ecotype region according to the following steps:

    1. Neighboring ecotype region or county
    2. All prairie eco-type regions in Minnesota
    3. Prairie eco-type regions in neighboring states within 25 miles of MN boundary

- The seed source shall be verified by the SWCD. Yellow tag certified seed is recommended to aid in the verification of source.
- Projects must have a goal of 25 species within the project site.

II. Eligible Practices

- Site prep, seed collection, seed, seeding, and establishment costs.
- Native vegetation management; prescribed burning, inter seeding, weed control when tied to veg. improvement, invasive species control, disking, haying and reseeding existing stands of grass on existing RIM easements.
- Lakescaping, including minimal grading for site preparation, plant materials, seed and mulch.
- Remnant native prairie management using vegetation management activities with approval from BWSR vegetation management specialist.
- Land rental costs, for non-program lands, during establishment (3yrs. CCRP rate x 75%) for agricultural lands or seed production areas. The rental payment is at the discretion of the SWCD board when there are acres being converted from ag use and no other program payments are involved. The intent is to cover costs as native vegetation establishes.

III. Allowable Activities

- Haying, seed propagation, energy production and prescribed burning, outside nesting season (Typically June 1st to August 1st) if allowed by any underlying program conditions.

For more information: Tabor Hoek Tabor.Hoek@state.mn.us (507-537-7260)
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4-14-08

HF1812 – Supplemental Budget Bill Conf. Comm. Report, Article 5, Section 5
https://www.revisor.leg.state.mn.us/bin/bldbill.php?bill=ccrhf1812C.html&session=ls85

Sec. 5. **BOARD OF WATER AND SOIL RESOURCES** **$ -0- $ 235,000**

$200,000 in 2009 is a reduction from the appropriation for county cooperative weed management programs.

$47,000 is a reduction in 2009 from the appropriation for cost-sharing contracts to establish native buffers. This is a onetime reduction.

$68,000 in 2009 is a reduction from the appropriation for the drainage assistance program.

$450,000 in 2009 is for implementing rehabilitation, erosion, and sediment control projects in the area included in DR-1717. Funds appropriated or transferred and waivers previously authorized to the board for DR-1717 flood relief and recovery as provided in Laws 2007, First Special Session chapter 2, are available and applicable until June 30, 2010. The board may use money from this appropriation to implement federal funding for projects in the area. The base for 2010 is $275,000 and the base for 2011 is $0. This appropriation is available until expended.

$100,000 in 2009 is for a grant to the Star Lake Board established in new Minnesota Statutes, section 103B.702. The board may use up to ten percent of the appropriation for administration and initial meeting of the Star Lake Board. This is a onetime appropriation.

To the extent possible prairie restorations paid for in whole or in part by appropriations to the board must be made using best management practices for native prairie restoration as defined in Minnesota Statutes, section 84.02, subdivision 2.

Minnesota Board of Water & Soil Resources

Board Resolution #____

Native Buffer Cost Share Program Authorization

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

WHEREAS, the Minnesota Legislature, Minnesota Session Laws 2007, chapter 57, Article 1, Section 5, appropriated $1.2 million in FY2008 and FY2009 to BWSR; and

WHEREAS, the BWSR adopted Resolution #08-12 on January 23, 2008 authorizing staff to allocate funding and implement the Native Buffer Cost-Share Program; and

WHEREAS, the BWSR adopted Resolution #08-27 on March 26, 2008 amending the guidelines included in Resolution #08-12; and

WHEREAS, HF1812 the Omnibus Supplemental Budget Bill, Article 5, Section 5 (2008 Regular Legislative Session) provides additional flexibility for BWSR and SWCD implemention of this program; and

WHEREAS, based on this new legislative authorization, BWSR staff have developed the following grant and allocation policies:

As a priority, seed should originate from the same county as the project or the same Minnesota ecotype region as the project site. Cultivars are discouraged. Every attempt should be made to find local ecotype region seed but if a project cannot go forward due to a lack of local ecotype region seed or unreasonable costs the SWCD may approve seed from outside the local ecotype region according to the following steps:

1. Neighboring ecotype region or county
2. All prairie eco-type regions in Minnesota
3. Prairie eco-type regions in neighboring states within 25 miles of MN boundary

The seed source shall be verified by the SWCD. Yellow tag certified seed is recommended to aid in the verification of source; and

WHEREAS, the Native Buffer Cost-Share Grant Program allocations were made to the southeast Minnesota flood disaster counties of Dodge, Fillmore, Houston, Olmsted, Steele, Wabasha, and Winona; and

WHEREAS, BWSR staff are recommending an additional allocation of $5,000 for each of the seven counties included within the disaster declaration.

NOW THEREFORE, the BWSR hereby rescinds Resolution #08-27 and authorizes staff to allocate funding and implement the attached guidelines for the Native Buffer Cost-Share Program according to these policies.

_____ Date:_____

Randy Kramer, Chair
Board of Water and Soil Resources

NEW BUSINESS

1. Administrative Penalty Order Implementation Plan – Dave Weirens – *DECISION ITEM*

2. Establish Interim Rates for Reinvest in Minnesota Reserve/Wetlands Reserve Program (RIM/WRP) Partnership Project – Kevin Lines – *DECISION ITEM*

3. Minnesota Conservation Corp (MCC) Clean Water Legacy Program – Len Price, MCC Executive Director, and Tim Johnson-Grass, Young Adult Program Manager - *INFORMATION ITEM*

ADMINISTRATIVE PENALTY ORDER PROCESS

May 8, 2008

Introduction

BWSR was authorized by Legislation in 2007 to issue administrative penalty orders (APO) for violations of Chapter 103B to 103G. The plan developed by staff proposes to only apply this authority to the Wetland Conservation Act (WCA) Rules (Mn Rule 8420) at this time. Most of the process and administration of this authority is provided for in Mn Statute 116.072. However, key decisions that the plan addresses, and can be made by the Board are:

- How APO's will be processed, considered and issued;
- How APO's are appealed;
- What conditions and criteria are included in an APO; and
- How the amount of the penalty is determined.

Below is a step by step discussion of the APO flow chart (attached) that identifies who is involved and what they do in this process.

---

1. Wetland Violation resulting in a Restoration/Replacement Order.

An *individual* has been issued a restoration or replacement order and the deadline established in the order has passed without compliance. The *soil and water conservation district* develops the order which is issued by the *enforcement authority*.

2. Option: Appeal to BWSR Dispute Resolution Committee.

An *individual* issued a restoration or replacement order has the option to appeal the order to the BWSR. The results of an appeal of a restoration order under the WCA is either the order is rescinded or upheld. If the restoration order is upheld, then the enforcement process would continue.

If appealed, a *county attorney* is not likely to continue enforcement of the order until the appeal is resolved.

3. Existing Process: State District Court.

Under this APO plan, the first preference for seeking compliance with the WCA rules is by the existing process of prosecution by the *county attorney* in *State District Court*.

4. Existing Process: Minnesota Court of Appeals.

State District Court decisions may be appealed to the *Minnesota Court of Appeals*.

5. Existing Process: Minnesota Supreme Court.

Minnesota Court of Appeals decisions may be appealed to the *Minnesota Supreme Court*.

6. Track 2 – Administrative Penalty.

The *regional wetland specialist* or *board conservationist* will consult with the *enforcement authority* and make an initial recommendation on whether to consider pursuing an APO to the *regional senior wetland specialist*. The preference for achieving compliance is for the *county attorney* to criminally prosecute. However, where the circumstances of the violation indicate that prosecution may not be the most effective route to achieve compliance, an APO may be pursued instead of prosecution.

The final recommendation to pursue an APO will be made by the *WCA coordinator* in consultation with the *regional supervisor*, *senior wetland specialist* where the APO originated, and *Attorney General staff*. After review of the enforcement options is complete, and after review by the *Executive Director*, one of the following three options will be pursued:

1. Based on the evidence do not continue with the APO process;
2. Continue with the APO process by issuing a non-compliance notification; or
3. Continue with the APO process, by directly issuing the APO, without first issuing a non-compliance notification.

7. Non-Compliance Notification.

As discussed above, the *individual* may receive a letter that includes the following:

(1) the history and facts regarding the violation;
(2) BWSR's authority to issue an APO;
(3) a statement that failure to comply with the restoration or replacement order may result in an APO.

The letter will (1) be written by the *WCA coordinator*; (2) signed by the *Executive Director*; and (3) include a request for a response in writing from the *individual* within ten working days from the day the letter is sent.

8. Issue APO.

An *individual* who fails to comply with a restoration or replacement order may be issued an APO. An APO may be issued after or in the absence of a non-compliance notification. The APO will be written by the *WCA coordinator*, and the penalty determined by the *WCA coordinator* in consultation with the *regional senior wetland specialist*, and *regional supervisor* where the violation occurred. The APO will be issued by the *Executive Director* and must contain the following:

- a concise statement of the facts alleged to constitute a violation;
- a reference to the statute, rule, ordinance, variance, order or term or condition of a permit that has been violated;
- specify that compliance with WCA requirements is required in addition to any penalty that may be imposed;
- a statement of the amount of the administrative penalty to be imposed and the factors upon which the penalty is based; and

- a statement of the landowner or responsible party's right to request an expedited administrative hearing to review the order.

9. Attorney General and 10. State District Court.
If the *individual* does not comply with the APO, or appeals for review by an *administrative law judge*, the *Attorney General* may bring an action to state District Court to enforce the APO. *BWSR* would request the *Attorney General* seek compliance with the order by the *District Court*.

11. Minnesota Court of Appeals.
State District Court decisions may be appealed to the *Minnesota Court of Appeals*.

12. Existing Process: Minnesota Supreme Court.
Minnesota Court of Appeals decisions may be appealed to the *Minnesota Supreme Court*.

13. Appeal.
An *individual* that has received an APO has the right to challenge the APO by requesting an expedited administrative hearing or district court hearing.

14. Hearing: Administrative Law Judge.
An *administrative law judge (ALJ)* from the Office of Administrative Hearings will conduct the hearing. At the hearing, both the *individual* and the Executive Director will have an opportunity to present evidence. The *ALJ* must issue a report making recommendations within 30 days after the close of the hearing record.

15. BWSR Dispute Resolution Committee.
After receipt of the *ALJ's* report, the *Dispute Resolution Committee (DRC)* will review the report and make a recommendation to the *Board* if the APO should be issued in its original form, in a revised form, or not at all.

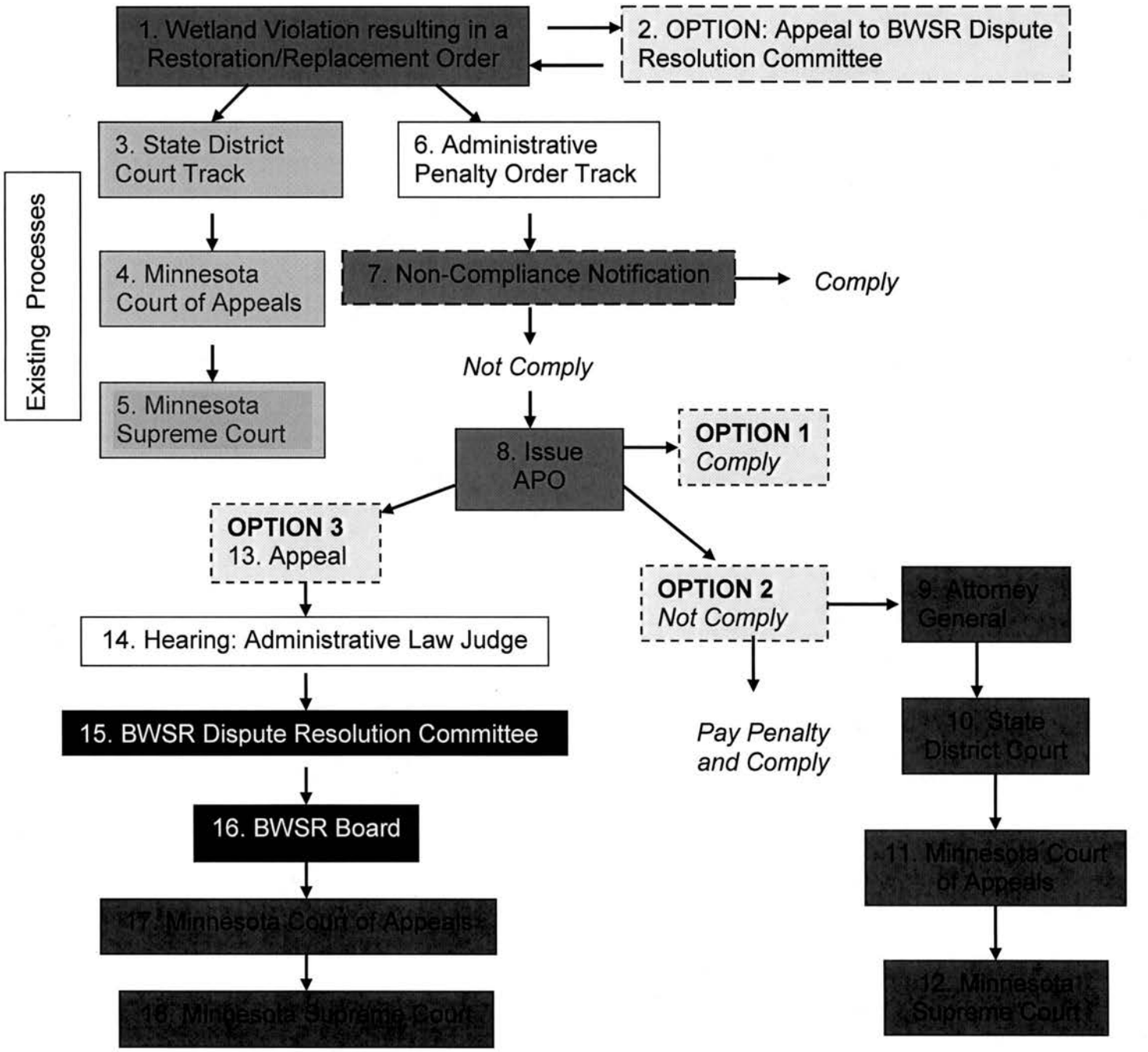
16. BWSR Board.
The *Board* will consider the recommendation of the *DRC* at its first meeting following the *DRC* meeting.

17. Minnesota Court of Appeals.
Final decisions of the *Board* regarding APO appeals may be appealed to the *Minnesota Court of Appeals*.

18. Minnesota Supreme Court.
Minnesota Court of Appeals decisions may be appealed to the *Minnesota Supreme Court*.

WCA ADMINISTRATIVE PENALTY ORDER PROCESS

For enforcement of the Wetland Conservation Act, Mn Rule 8420,
as provided under M.S. 116.072



Green = Staff Decisions
Blue = Board Decisions
Red = Court/County Attorney or Attorney General Decisions
Yellow = Landowner Decisions

Notes:

- The numbers only refer to the attached explanatory text, and not sequential order.
- Comply/Not Comply refers to the enforcement order and/or the regulatory requirements of the WCA.

BOARD OF WATER AND SOIL RESOURCES

Administrative Penalty Order Plan – Wetland Conservation Act

Draft

May 2008

OVERVIEW.

Introduction.

Laws of Minnesota 2007, Chapter 57, Section 103 authorize the Board of Water and Soil Resources (BWSR) to issue administrative penalty orders (APO) for violations of chapters 103B, 103C, 103D, 103E, 103F, and 103G. This plan has been developed by BWSR to provide the policy and process in the use of APO's, and will be effective following Board approval.

What is an Administrative Penalty Order?

Minnesota State Statute authorizes the Board to issue administrative penalty orders requiring violations be corrected and allows for the assessment of a monetary penalty. The APO identifies the violation, requires they be corrected, and imposes a penalty that may or may not be forgiven depending on the seriousness or repetitiveness of the violation. The maximum penalty is $10,000 per violation. Willfulness, gravity, history, number of violations, economic benefit and other factors identified in the APO may be considered in determining the amount of the penalty.

For repeat violations, in addition to the above factors, the following must be considered: similarity to previous violations; time elapsed; the number of previous violations; and the response of the landowner or responsible party to the most recent prior violation. The APO must include a statement of fact supporting the claim that violations have occurred, a reference to the law or rule that has been violated, the amount of the penalty and the factors on which it was based, and a statement of the landowner or responsible party's right to review the APO. Statute also provides an appeal process.

Specific Application of Administrative Penalty Order Authority.

Initial priority for APO implementation will be for the Wetland Conservation Act (WCA), Minnesota Rules Chapter 8420. Following this limited use of APO, the Board will evaluate applying this enforcement authority to noncompliance of one or more of the remaining statutory provisions under this grant of authority.

Purpose of Administrative Penalty Orders.

The primary purpose in the application of APO authority will be to ensure regulatory compliance. This purpose will be accomplished through an emphasis on penalties that will be forgiven pending a finding of compliance by BWSR, the WCA local government, and/or law enforcement officer.

Another purpose of the Board's application of this authority is to be supportive of the implementation efforts of WCA LGU's and law enforcement authorities. This purpose will be achieved through the primary use of information developed by these entities in evaluating whether or not to issue an APO.

Procedural Safeguards.

Similar to other decision-making processes of the WCA, the APO process employed by the Board includes procedural safeguards. An individual subject to an APO issued under the Board's authority may request a hearing before an administrative law judge. The report issued by the administrative law judge will be reviewed by the Board's Dispute Resolution Committee (DRC). As a final step, the DRC recommendation must be considered by the full Board. This process will ensure due process and avoid litigation.

Coordination with Other Enforcement Authority.

BWSR's use of APO authority will be built upon and coordinated with the existing enforcement mechanisms and processes employed by law enforcement officers. The APO process may be started when a restoration or replacement order has not been complied with. In these circumstances, the Board's APO authority may be used as an alternative to criminal or civil prosecution. However, the Board's APO authority may be used in conjunction with prosecution for repeated or serious violations.

Role of Local Governments

WCA is administered by local units of government. According to Minnesota Rule Chapter 8420, these are counties, cities, townships, watershed districts, and soil and water conservation districts. Local governments currently have specific responsibilities under existing enforcement mechanisms. This plan will have BWSR using APO authority after an existing cease and desist order and/or restoration or replacement order has not been complied with. This plan envisions local governments providing information that has been generated through these existing mechanisms. Also, LGU's will be consulted and kept informed throughout the process, and will be involved in monitoring compliance.

Forgivable vs. Non-forgivable Administrative Penalty Orders.

An APO may include a monetary penalty that is either forgivable or non-forgivable in whole or in part. As stated above, the primary purpose of an APO is to achieve compliance. With this in mind, and as required by statute, the Executive Director will forgive a penalty if the violation is corrected within a specified period of time. However, for a repeated or serious violation, the penalty will not be forgiven, even if it is corrected within the specified period of time.

ADMINISTRATIVE PENALTY ORDER PROCESS.

(A). Identification of non-compliance.

An APO may be considered when BWSR staff are informed of non-compliance with a restoration or replacement order by a WCA LGU, soil and water conservation district and/or a law enforcement officer. The regional senior wetland specialist will be the first point of contact for all potential APO's.

(B). Review/Evaluate Evidence and Enforcement Options.

The regional wetland specialist or board conservationist will consult with the enforcement authority and make an initial recommendation on whether to consider pursuing an APO to the regional senior wetland specialist. If the regional wetland specialist or board conservationist and enforcement authority recommend an APO, they will forward all relevant information and records to the senior wetland specialist.

As discussed below, the preference for achieving compliance is for the county attorney to criminally prosecute. However, where the circumstances of the violation indicate that prosecution may not be the most effective route to achieve compliance, an APO may be pursued instead of prosecution.

The information that should be part of the APO record may include an LGU decision, a cease and desist order, the restoration or replacement order, and any other information that the LGU and law enforcement officer have that may be useful in deciding whether to pursue an APO. After collecting this information, the regional senior wetland specialist will consult with the Regional Supervisor and WCA Coordinator regarding the noncompliance case. The WCA Coordinator will, in turn, consult with the Attorney General's Office.

In addition, consultation with the enforcement authority is essential to ensure that the appropriate method is selected to achieve the goal of compliance. By the time a landowner or responsible party has not complied with a restoration or replacement order, their option to apply to the WCA LGU for after the fact approval no longer exists, and the only option is rectification of the impact. The options, in order of preference, are:

(1) the county attorney criminally prosecute;
(2) BWSR issue an APO; or
(3) agency initiated civil suit to compel compliance with the cease and desist order or restoration or replacement order.

Options (1) and (2) may be combined when the violation is serious or the landowner or responsible party is a repeat violator.

The final recommendation to pursue an APO will be made by the WCA Coordinator in consultation with the regional supervisor, senior wetland specialist where the APO originated, and Attorney General staff. The WCA Coordinator will become the lead staff for all APO's and

will maintain communication of the status of APO's with the Land and Water Section Manager, regional supervisor, and regional wetland specialist.

After review of the enforcement options is complete, and after review by the Executive Director, the following three options will be considered:

1. Based on the evidence do not continue with the APO process;
2. Continue with the APO process by issuing a non-compliance notification as provided for in (B) below; or
3. Continue with the APO process, by directly issuing the APO as provided for in (D), without first issuing a non-compliance notification.

The county attorney will be consulted on potential application of an APO on a case-by-case basis. The decision to consult with the county attorney will be based on the facts of the situation and to ensure that the appropriate enforcement mechanism is selected to address the violation.

(C). Non-Compliance Notification.

If option 2 outlined in (B) selected, the landowner or responsible party may receive a letter that includes the following:

(1) the history and facts regarding the violation;
(2) BWSR's authority to issue an APO;
(3) a statement that failure to comply with the restoration or replacement order may result in an APO.

The letter will include a request for a response in writing from the landowner or responsible party within ten working days from the day the letter is sent. An effective response will provide for compliance within 31 days of the receipt of the letter or that appropriate steps have been taken to comply with the restoration or replacement order and correct the violation. An effective response will not result in an APO. No response in writing, or failure to complete the compliance by the specified date will result in issuing an APO. The technical evaluation panel will be responsible, via monitoring and inspections, to determine if compliance has been achieved.

(D). Administrative Penalty Order.

A landowner or responsible party who fails to comply with a cease and desist order or restoration or replacement order may be issued an APO. An APO may be issued after or in the absence of a non-compliance notification. The APO will be issued by the Executive Director and must contain the following:

- a concise statement of the facts alleged to constitute a violation;
- a reference to the statute, rule, ordinance, variance, order, or term or condition of a permit that has been violated;
- specify that compliance with WCA requirements is required in addition to any penalty that may be imposed;
- a statement of the amount of the administrative penalty to be imposed and the factors upon which the penalty is based; and

- a statement of the landowner or responsible party's right to request an expedited administrative hearing to review the order.

(E). Amount of Penalty-Initial Violations.

The Executive Director may issue an APO assessing a penalty of up to $10,000 for all violations identified during an inspection or compliance review. The amount of the penalty will be determined by the WCA coordinator in consultation with the regional senior wetland specialist, and regional supervisor as established in (M) and may be based on the following factors:

- the willfulness of the violation;
- the gravity of the violation, including damage to humans, animals, air, water, land, or other natural resources of the state;
- the history of past violations;
- the number of violations;
- the economic benefits gained by the landowner or responsible party by allowing or committing the violations; and
- other factors as justice may require, if the additional factors are specifically identified in the APO.

In addition to the above factors, the following additional factors may be considered when the penalty amount is determined:

- the efforts of the landowner or responsible party to comply with the cease and desist order or restoration or replacement order;
- the size of the impact;
- the function of the wetland prior to the impact; and
- the ability to restore the site of the violation to its pre-impact condition.

(F). Amount of Penalty-Repeat Violations.

For violations after an initial violation, in determining the amount of the penalty, the factors identified for an initial violation must be considered, as well as the following:

- similarity of the most recent previous violation and the violation to be penalized;
- time elapsed since the last violation;
- number of previous violations; and
- response of the landowner or responsible party to the most recent previous violation identified.

(G). Forgivable Penalties.

Except for repeated or serious violations, the penalty assessed must be forgiven if:

- the landowner or responsible party demonstrates, in writing, before the 31st day after receiving the APO, that the violation has been corrected; or

- before the 31st day after receiving the APO, the landowner or responsible party has developed a corrective plan acceptable to the Executive Director, and has accomplished the restoration by the date designated in the approved plan.

Compliance Determination.
The Executive Director will determine whether the violation has been corrected and notify the landowner or responsible party of this determination. The technical evaluation panel will advise the Executive Director in making this determination. The penalty will be forgiven in accordance with the following requirements:

- within 31 days the landowner or responsible party must provide information demonstrating that the violation has been corrected or that appropriate steps have been taken to comply with the restoration or replacement order and correct the violation. A corrective plan will only be acceptable if the Executive Director determines that the violation cannot be corrected within 30 days. A corrective plan must be in writing, in a form acceptable to the Executive Director, and developed in consultation with the LGU and enforcement authority.
- the Executive Director will review and evaluate all information obtained by BWSR staff, local governments including the technical evaluation panel, and law enforcement officials in evaluating whether a restoration or replacement order has been complied with and a violation corrected.
- the Executive Director will mail notice of the determination of compliance within 15 days of the receipt of the information that documents compliance.
- the corrective plan will not be approved unless the landowner or responsible party acknowledges that forgiveness of the penalty is contingent on a timely completion of the corrective action contained in the plan. The penalty will not be forgiven if the corrective action plan is not completed within the specified time period.

Failure to Comply.
Unless the landowner or responsible party requests an expedited administrative hearing or district court hearing, as provided for under Minn. Stat. 116.072, subd. 6, the forgivable penalty is due and payable on the 31st day after the landowner or responsible party received the APO if:

- the landowner or responsible party fails to provide information demonstrating that the violation has been corrected; or
- the landowner or responsible party has not taken appropriate steps toward correcting the violation.

If the landowner or responsible party has submitted information that the Executive Director determines is not sufficient to show that the violation has been corrected or that appropriate steps have been taken toward correcting the violation, the forgivable penalty is due on the 20th day after the landowner or responsible party receives this determination, unless the landowner or responsible party has requested an expedited administrative hearing or district court hearing.

Interest.
Interest, at the rate established by the State court administrator pursuant to Minn. Stat. 549.09, begins to accrue on forgivable penalties on the 31st day after the landowner or responsible party

received the APO. However, interest will be abated if the Executive Director cannot determine compliance within ten working days after the expiration of the 31st day period.

(H). Non-forgivable Penalties.

The Executive Director may assess a non-forgivable penalty for repeated or serious violations. This penalty will not be forgiven even if the violation is corrected. Under, Minn. Stat. 116.072, subd. 5, a non-forgivable APO is due 31 days after the landowner or responsible party receives the APO, unless an expedited administrative hearing or district court hearing is requested as provided under Minn. Stat. 116.072, subd. 6

Because of the seriousness and finality of a non-forgivable APO, the Executive Director will provide notice of the violation and an opportunity for response by the landowner or responsible party before issuing a non-forgivable APO. The Executive Director will send a letter to the landowner or responsible party requesting, within 10 days, any information that may have a bearing on the Executive Director's determination. In addition, BWSR staff may contact the landowner or responsible party to explain the violation and ask about factual issues. In all cases, the Executive Director will consider the response of the landowner or responsible party before issuing a non-forgivable APO.

Serious Violations.
Serious violations include conduct showing a disregard of requirements or standards of the WCA, or present an actual or potential danger to public health or safety. Within this scope of serious violations, BWSR will develop a list of program specific examples that will be attached to this plan as future guidance.

Repeat Violations.
For a violation to be considered repeat, a violation must be of a similar type as the prior violation, although the facts need not be identical. A repeat violation may be based on a variety of prior enforcement actions. The Executive Director may determine that a violation is a repeat violation if a similar violation occurs after any of the following actions:

- a permit has been issued, whether all conditions have been complied with or not;
- failure to comply with a restoration or replacement order, agreement, or other corrective plan of action;
- a forgivable APO where a correction was made;
- a forgivable APO where a correction was not made and a penalty was assessed;
- a non-forgivable APO; or
- any other violation for which notice has been given to the landowner or responsible party for a violation of the WCA.

A repeat violation may be based on the same conduct that led to the initial violation. For example, if a landowner or responsible party who received a forgivable APO fails to correct a violation after an initial restoration or replacement order and the site is subsequently inspected and the violation is identified, this would be considered a repeat violation and may be subject to a non-forgivable APO. The fact that a landowner or responsible party appeals a prior penalty amount will not prejudice the determination of a current penalty amount.

Compliance with Restoration Order.
The APO assessing a non-forgivable penalty may also include the requirement that the violation cited in the APO be corrected within 30 days. A landowner or responsible party who receives such an APO must correct the violation within 30 days, unless the Executive Director issues a written extension. The landowner or responsible party must promptly provide evidence to the Executive Director that the violation has been corrected, including any evidence that is reasonably requested by the Executive Director. Compliance with the cease and desist order or restoration or replacement order does not relieve the landowner or responsible party of the duty to pay the non-forgivable penalty. Failure to correct violations may be grounds for an additional APO or other enforcement action.

Penalty due.
Unless the landowner or responsible party requests an expedited administrative hearing or district court hearing, the non-forgivable penalty is due and payable on the 31st day after the APO was received regardless of whether the landowner or responsible party has corrected the violation as required by the APO.

Interest.
Interest, at the rate established by the State court administrator pursuant to Minn. Stat. 549.09, begins to accrue on non-forgivable penalties on the 31st day after the landowner or responsible party receives the APO. However, interest will be abated if the Executive Director cannot determine compliance within ten working days after the expiration of the 31st day period.

(I). Combination Violations.

A combination APO may be issued when the case includes both forgivable and non-forgivable violations. In determining which violations are forgivable and which are non-forgivable, and in determining the penalty amounts, the factors included in sections E, F, G, and H will be considered.

As in the case of a non-forgivable APO, the Executive Director will send the landowner or responsible party a letter requesting a response within ten days before issuing a combination APO and request any information relating to the violation unless a meeting or other communication has occurred relating to the violation.

The forgivable penalty portion of the combination APO is due and interest owed as provided for in G. The non-forgivable penalty portion of the combination APO is due and interest owed as provided for in H.

(J). Referral for Collection of Penalty.

All penalties, interest, costs, attorney fees and litigation expenses collected under an APO or the enforcement of an APO must be paid by the landowner or responsible party within a specified time by certified or cashiers check made payable to the Minnesota Board of Water and Soil Resources. Any penalties, interest, costs, attorney fees and litigation expenses not timely remitted may be collected using lawful means as determined to be efficient and cost effective, including the Minnesota Revenue Recapture Act, Minn. Stat. 270A.01 to 270A.12. In addition, or alternatively, the matter may be referred for collection to the Attorney General's Office.

(K). Compliance Verification and Documentation.

BWSR staff, WCA LGU staff, soil and water conservation districts, DNR conservation officers, and local law enforcement will monitor and document the compliance status of violations subject to an APO. This monitoring and documentation will be similar to that carried out for WCA decisions, cease and desist orders and restoration or replacement orders issued by law enforcement officers.

BWSR will coordinate compliance verification and communicate compliance status to the landowner or responsible party.

(L). Hearing Requests.
A landowner or responsible party that has received an APO has the right to challenge the APO by requesting an expedited administrative hearing or district court hearing. The deadline for requesting a expedited administrative hearing varies depending on whether the APO is forgivable, non-forgivable, or a combination of both.

Forgivable APO's.
A landowner or responsible party of a forgivable APO may request a hearing as follows:

- the landowner or responsible party who received a forgivable APO and fails to provide information showing the violation has been corrected or fails to submit a corrective plan, has 30 days from receipt of the APO; or

- if a landowner or responsible party who received a forgivable APO provides information showing the violation has been corrected or submits a corrective plan, and if the landowner or responsible party receives notice that the violation has not been corrected or an appropriate plan has not been approved, then the landowner or responsible party has 20 days after receiving this notice to request a hearing on the determination of the inadequacy of the corrective plan.

Non-forgivable APO's.
The landowner or responsible party may request a hearing on the penalty provided for in a nonforgivable APO within 30 days from receipt of the APO. A hearing on the adequacy of the corrective plan required in the nonforgivable APO may be requested as follows:

- the landowner or responsible party of a non-forgivable APO who fails to provide information showing the violation has been corrected or fails to submit a corrective plan has 30 days from receipt of the APO; or
- if a landowner or responsible party of a non-forgivable APO provides information showing the violation has been corrected or submits a corrective plan, and if the landowner or responsible party receives notice that the violation has not been corrected or an appropriate plan has not been approved, then the landowner or responsible party has 20 days after receiving notice to request a hearing on the determination of the inadequacy of the corrective plan.

Combination APO's.
The landowner or responsible party may request a hearing on the non-forgivable portion of the combination APO within 30 days from receipt of the combination APO. The landowner or responsible party of a combination APO may (1) request a hearing on the forgivable portion of the APO, or (2) on the corrective action required in the APO, or both, then the landowner or responsible party has the following options:

- the landowner or responsible party who received a forgivable APO and fails to provide information showing the violation has been corrected or fails to submit a corrective plan, has 30 days from receipt of the APO; or
- if a landowner or responsible party who received a forgivable APO provides information showing the violation has been corrected or submits a corrective plan, and if the landowner or responsible party receives notice that the violation has not been corrected or an appropriate plan has not been approved, then the landowner or responsible party has 20 days after receiving notice to request a hearing on the determination of the inadequacy of the corrective plan.

Hearing Requirements and Process.
All hearing requests must specifically state the reasons for seeking review of the APO. The landowner or responsible party must be notified of the time and place of the hearing at least 20 days before the hearing. The hearing must be held within 30 days after a request for hearing has been filed with BWSR, unless the parties to the hearing agree to a later date. An administrative law judge (ALJ) from the Office of Administrative Hearings will conduct the hearing. The procedures for the hearing are provided for in Minnesota Rules, parts 1400.8510 to 1400.8612.

At the hearing, both the landowner or responsible party and the Executive Director will have an opportunity to present evidence. Any individual wishing to submit written arguments to the ALJ must do so within ten days of the hearing. The ALJ must issue a report making recommendations within 30 days after the close of the hearing record. After the ALJ's report is received, the landowner or responsible party has five days in which to submit comments to be considered by the Dispute Resolution Committee (DRC) before a final APO is issued. If the ALJ makes a finding that the hearing request was frivolous, the DRC may add to the amount of the penalty the costs charged to BWSR by the Office of Administrative Hearings.

After receipt of the ALJ's report, the DRC will review the report and make a recommendation to the Board if the APO should be issued in its original form, in a revised form, or not at all. The Board will consider the recommendation of the DRC at its first meeting following the DRC meeting.

The landowner or responsible party who received the final APO may appeal it to the Minnesota Court of Appeals. If the landowner or responsible party does not appeal the final APO, or the APO is reviewed and upheld by the Minnesota Court of Appeals, then the landowner or responsible party must pay the amount of the penalty plus interest accruing from 31 days after the landowner or responsible party received the original APO.

(M). Role of the Dispute Resolution Committee.

To provide for the issuance of an unbiased final APO, BWSR has a procedure for separating persons involved in the issuance of the APO from persons involved in consideration of an appeal through the expedited administrative hearing process.

The regional supervisor and senior wetland specialist where the APO originated, the WCA Coordinator and Attorney General staff involved in the issuance of the APO will defend the Executive Director if there are any requests for an expedited administrative review. In addition, these individuals will conduct any meetings with the landowner or responsible party.

The Assistant Director for Policy and Programs, an attorney from the Attorney General's Office, the appeals coordinator, and a senior wetland specialist from a different region from where the APO originated will advise the Dispute Resolution Committee (DRC).

The only contact the individuals involved in issuing the APO will have with the DRC regarding the merits of the case, until the DRC's decision is issued and the appeal process has concluded or the time for appeal has expired, will be through the adversarial process in conjunction with the contested case proceedings with contemporaneous notice to the landowner or responsible party who received the APO.

To preserve its independence, the individuals who advise the DRC must have no ex parte discussions with the individuals involved in issuing the APO, other program staff, or attorney's representing individuals involved in issuing the APO (discussions without the landowner or responsible party or representatives of the landowner or responsible party present) of the case until the appeal process has expired.

(N). Mediation.

All contested cases will be conducted and decided according to the Administrative Procedures Act (Minn. Stat. Chapter 14). As an alternative to initiating or continuing with a contested case hearing, the parties, subsequent to BWSR approval, may enter into a written agreement to submit the issues raised to arbitration by an ALJ.

(O). Collection; District Court Petition.

BWSR may request the Attorney General to enforce penalties that are due and payable in any manner provided by law for the collection of debts and may bring a civil action in district court seeking payment of the penalties, injunctive or other appropriate relief including attorney's fees, costs and interest. The Attorney General may petition the district court to file the APO as an order of the court. At any court hearing the only issues a landowner or responsible party may contest are procedural and notice issues. Once entered, the APO may be enforced in the same manner as a final judgment in district court. In any judicial action brought by the Attorney General, if the State finally prevails and if the proven violation was willful, the State may be allowed an amount determined by the court to be reasonable value of all or part of the litigation expenses incurred by the State. In determining the amount, the court will give consideration, in addition to other penalties, to the economic circumstances of the defendant.

Appendix 1: Anticipated APO Use and Projected Costs

A. Anticipated Use.

This plan proposes to consider use of an APO to seek compliance for a WCA violation, only after existing enforcement mechanisms have been employed. According to discussions with Department of Natural Resources Enforcement Division staff, fewer than 1% of all wetland impacts where a cease and desist order has been issued result in the county attorney considering or seeking prosecution.

According to data provided by DNR-Division of Enforcement, the following number of WCA related cease and desist order and restoration or replacement orders were issued:

	2005	2006	Totals
Cease and Desist Orders	309	567	876
Restoration Orders	139	231	370
Totals	448	798	1246

This data indicates, that if BWSR had APO authority in 2005 and 2006, this enforcement process would have been considered for use in approximately 3 and 6 enforcement cases respectively. Specific circumstances on the ground may increase or decrease this estimation, but for planning purposes, BWSR will anticipate use of this APO authority up to 10 times annually. However, if the current use of prosecution changes, these estimates of possible APO use may be increased.

B. Cost.

The process for developing and carrying forward an APO is extensive, and will involve a number of BWSR staff. The costs associated with an APO may include those incurred by the following:

- LGU
- DNR-Enforcement
- Attorney General
- BWSR Staff
- BWSR Board
- BWSR Dispute Resolution Committee
- Administrative Law Judge

Additional costs for LGUs and DNR should be minimal, however, BWSR's additional costs in staff time, board expenses, and administrative law judge time could be considerable. Total BWSR staff time is estimated to range from 40 hours for violations resolved with the notification letter, to over 200 hours for APOs that go to a hearing before an administrative law judge. In addition, BWSR will be required to pay for the administrative law judge. The Pollution Control Agency currently pays approximately $5,000 per appeal for administrative law judge services. BWSR will closely track time required to fulfill the procedural requirements of the APO process.

Appendix 2: Administrative Penalty Order (APO) Penalty Calculation Guidance

A. Introduction.

This guidance is to be used when calculating the amount of a penalty for inclusion in an APO issued under Minn. Stat. 103B.101, subd. 12 and 116.072. The calculation of a penalty is a discretionary act based on an evaluation of the facts of each case under the criteria for penalty assessment listed in Minn. Stat. 116.072. When the circumstances are appropriate, staff may deviate from these guidelines in whole or in part when recommending a penalty amount to the Executive Director.

Outline of Penalty Calculation Process

Step 1: Determine the past and present violations.

Step 2: Determine whether the violation(s) is(are) serious

Step 3: Determine whether the violation(s) is(are) repeated.

Step 4: Calculate the base penalty.

Step 5: Consider the following adjustments for each violation(s):
- (a) the willfulness/culpability of the violations(s).
- (b) history of past violation(s), including:
  - (i) similarity to previous violation(s).
  - (ii) time elapsed since last violation(s)
  - (iii) number of previous violation(s).
  - (iv) response to most recent violation(s)
- (c) other factors justice may require.
- (d) economic benefit.

Step 6: Determine whether the penalty is forgiveable or nonforgiveable.

Step 7: Reduce the penalty, if necessary to $10,000.

Explanations for specific adjustments and determinations used in individual adjustments will be included in the penalty calculation worksheet.

Step 1: Determine the past and present violations.

The past and present violations should be listed and described. Include the citation number and a short description of the WCA rule provision that applied to the case.

Step 2: Determine whether the violation(s) is(are) serious.

Serious violations include conduct showing a disregard of requirements or standards of the WCA, or present an actual or potential danger to public health or safety. Within this scope of

serious violations, BWSR will develop a list of program specific examples that will be attached to this plan as future guidance.

Step 3: Determine whether the violation(s) is(are) repeated.

The violation may be repeated if the landowner or responsible party has previously violated one or more statutes or rules. For a violation to be considered repeat, a violation must be of a similar type as the prior violation, or be based on the same conduct that led to the prior violation, although the facts need not be identical. The enforcement document or basis for any previous violations should also be listed.

A violation should generally be considered "similar" if the BWSR's or another regulatory agency's previous enforcement response would have alerted the individual of a similar compliance problem. A repeat violation may be based on a variety of prior enforcement actions. A violation is a may be a "similar violation" when:

1. The same or similar requirement, permit, statute or rule was violated.
2. The same process requirements were the source of related violations.
3. A similar act or omission was the basis of the violation.

For the purpose of "repeat" or "history of" violations, the prior violation may include an act or omission for which a formal or informal enforcement response occurred. The "repeat" or "history of" violations include acts or omissions where the violator has been given written, or in limited instances, verbal notification that the MPCA has found that a violation exists. Written notification is helpful, but not always necessary.

In the case of large corporations with many divisions or wholly owned subsidiaries, it is sometimes difficult to determine whether a previous instance of non-compliance should trigger a consideration of "repeat" or "history of" violations. Changed business ownership often raises similar problems. In making this determination, the lead staff person should ascertain who in the organization had control or oversight responsibility for violating conduct. In those cases, the violation should be considered part of the compliance history of the landowner or responsible party. It is important to note, however, that the repeat/history determination will be more difficult in these cases because responsibility can appear tom be diluted when it involves more than one individual. As always, BWSR considers the totality of the circumstances, case by case.

Step 4: Calculate the base penalty.

The following matrix should be used to determine the base penalty. The gravity of the violations(s) is used to determine the base penalty. Gravity is determined by the potential for harm (the vertical axis of the matrix) and the deviation from compliance (the horizontal axis) of the matrix). The violation's potential for harm is determined first, then its deviation from compliance. Each violation is rated on each axis as either major, moderate or minor (i.e., major is highest level of gravity, then moderate, and then minor). Violations can then be identified by their location on the matrix (i.e., a moderate, major violation would mean that the potential for harm is moderate and the deviation from compliance is major).

Note that since each case is determined on its own unique circumstances, in some cases the same types of violations may not result in identical gravity determinations.

When more than one violation has been found, a separate penalty may be calculated for each violation, and those penalties are added together for the total base penalty. If the cited violations are similar, or each individual violation stems from similar causes, for purposes of determining the Base Penalty the violations may be considered together. In this case, the penalty will take into consideration the number and severity of violations being grouped together.

		Deviation from Compliance	
		Moderate	Major
Potential For Harm	Major	$8,000 to $3,500	$10,000 to $5,000
	Moderate	$3,500 to $1,000	$5,000 to $2,000
		{Base Penalty Range}	

When calculating the ***potential for harm*** to humans, animals, and natural resources, consideration should be given to the risk of actual harm caused by the violation(s). Further, when actual harm from a violation is observed, the potential for harm has been realized and the rating may reflect this fact.

When calculating the ***deviation from compliance***, consideration should be given to the quantity or extent of the violation (i.e. how much, how far) or the extent to which the landowner or responsible party attempted to prevent the violation. When the position of the violation in the matrix is established, then determine the base penalty from within the applicable range. The amount chosen is discretionary because the matrix is intended to be only a guide.

The number of violations is given consideration by individual application of the violations to the matrix or if grouping similar violations be considering the number or violations in the group and making an appropriate adjustment to the deviation from compliance and potential for harm axes.

Step 5: Consider the following adjustments for each violation(s):

Adjustments to the base penalty may be calculated using a percentage of the base penalty in increments of 5% ranging from 0-100%. Most enforcement cases should not result in any adjustment over 50%, but an unlimited percentage range allows for case-by-case flexibility and options for dealing with egregious violations or situations.

(a) The willfulness/culpability of the violations(s).

If the violation seems willful/culpable, an upward adjustment may be warranted. A violation is willful/culpable if:

- the conduct was apparently performed with knowledge that it was illegal;

- the landowner or responsible party should have reasonably known that the conduct was illegal; or
- the landowner or responsible party apparently proceeded with indifference or recklessness as to whether the conduct was illegal.

In addition, to consideration of behavior when committing the violation, consideration should also be given to the landowner or responsible party's response to BWSR after BWSR begins to seek compliance.

(b) History of past violation(s) (including).

The following adjustments are for any documented violations or previously communicated instances of noncompliance, whether or not the previous violations resulted in an enforcement action.

(i) Similarity to previous violation(s).

Determine the extent to which the current violation to be penalized is similar to the previous violation. An appropriate upward adjustment should correspond to the degree of similarity between the current violation and previous violation(s).

(ii) Time elapsed since last violation(s).

An increase in the penalty may be appropriate based on the time elapsed since the most recent previous violation. The more recent the last violation, the greater the penalty increase may be. Note: The statute of limitations does not limit consideration of older enforcement history, rather, less weight should be given to older violations.

(iii) Number of previous violation(s).

An increase in the penalty may be appropriate based on whether there are previous violations. The more previous violations, the greater the penalty increase may be.

(iv) Response to most recent violation(s)

Under this section, the penalty may be increase or reduced based on the response of the landowner or responsible party to the most recent violation.

Therefore, factors that should be considered in applying a particular percentage are the following:

1. How similar is the current violation to the most previous violation?
2. How recent was any previous violation?
3. How many previous violations are there?
4. How has the individual responded to the most recent previous violation?

One or more of the above factors may have a cumulative affect upon the enhancement if warranted by the violation.

The range of percentages of the history is 0% to 100% depending upon the circumstance. The continuum applies because BWSR has the discretion to decide which factors are appropriate and when one or more factors should be considered together.

(c) Other factors justice may require.

Individual cases raise unique facts and issues. Under this section, as adjustment to the base penalty may be made based on this unique facts and issues. Under this section the penalty may be enhanced or mitigated based on the applicable "other factors". If the adjustment of the base penalty is based in while or in part on "other factors as justice may require" then the factors must be specifically identified in the APO. If the landowner or responsible party refuses to respond to BWSR notices or calls or refuses to take any corrective action, such behavior may warrant an increased penalty. However, prompt response to violations is expected and therefore does not warrant a decrease in penalty.

(d) Economic benefit.

In order for a penalty to be an effective deterrent and in order to ensure that a landowner or responsible party does not benefit from violating the WCA, the penalty amount must address the economic benefit the violator realized from the noncompliance. Economic benefit typically results from delayed costs, avoided costs and/or competitive advantage of noncompliance.

Every reasonable effort should be made to calculate and recover the economic benefits of noncompliance in an enforcement action that includes a civil penalty. If possible, the economic benefit should be calculated from the start of noncompliance up to the point when the facility was or will be in compliance.

Step 6: Determine whether the penalty is forgiveable or nonforgiveable.

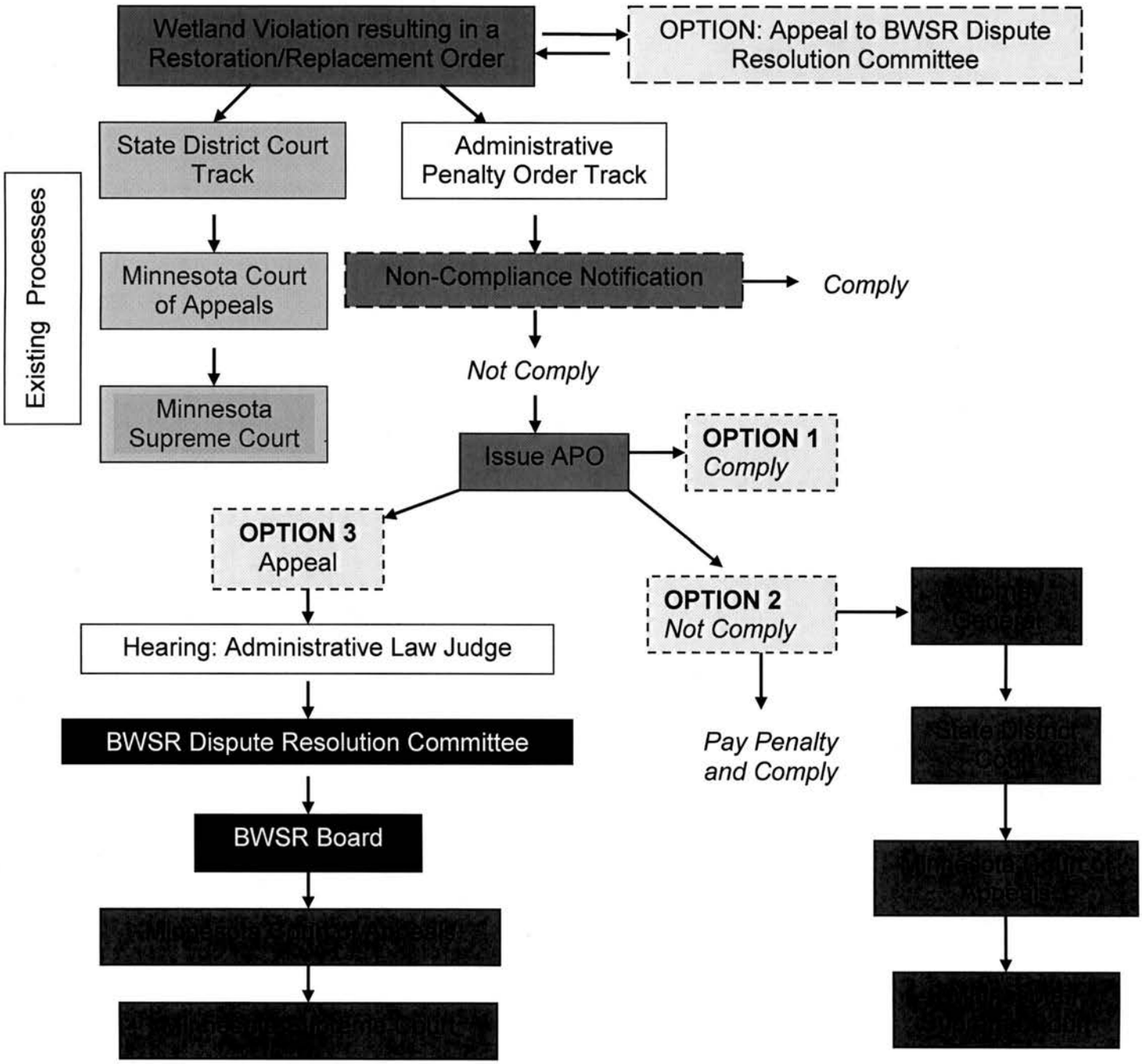
If a violation is neither repeated nor serious, then the penalty must be forgivable. If the violation is serious or repeated or both, then the penalty may be nonforgivable. In some instances, a forgivable penalty will give the landowner or responsible party adequate incentive to take corrective action. In other cases, a nonforgivable penalty may be necessary to deter the landowner or responsible party or others from such conduct.

Step 7: Reduce the penalty, if necessary to $10,000.

Statute limits the penalty to a maximum of $10,000, therefore the base penalty plus any adjustments cannot result in a penalty above this amount.

Appendix 3: WCA ADMINISTRATIVE PENALTY ORDER PROCESS

For enforcement of the Wetland Conservation Act, Mn Rule 8420,
as provided under M.S. 116.072

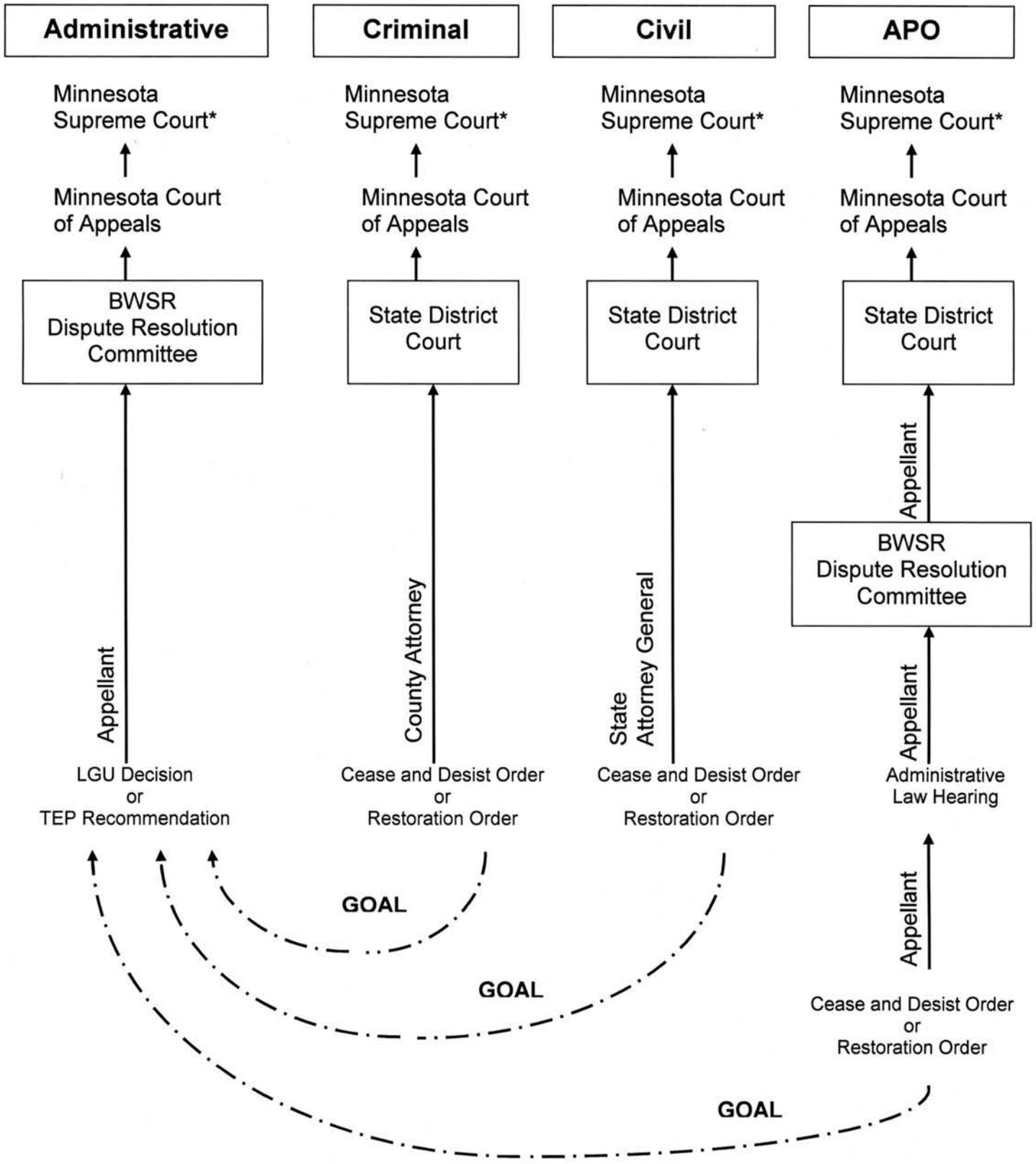


Green = Staff Decisions
Blue = Board Decisions
Red = Court/Couty Attorney or Attorney General Decisions
Yellow = Landowner Decisions

Comply/Not Comply refers to the enforcement order and/or the regulatory requirements of the WCA

Appendix 4: WETLAND CONSERVATION ACT

Four Tracks for Dispute / Violation Resolution



* The MN Supreme Court is not obligated to hear a case appealed from a lower court.

Appendix 5: Administrative Penalty Order Statutes

LAWS OF MINNESOTA 2007, CHAPTER 57

Sec. 103. Minnesota Statutes 2006, section 103B.101, is amended by adding a subdivision to read:

Subd. 12. **Authority to issue penalty orders.** (a) The board may issue an order requiring violations to be corrected and administratively assessing monetary penalties of up to $10,000 per violation for violations of this chapter and chapters 103C, 103D, 103E, 103F, and 103G, any rules adopted under those chapters, and any standards, limitations, or conditions established by the board.

(b) Administrative penalties issued under paragraph (a) may be appealed according to section 116.072, if the recipient of the penalty requests a hearing by notifying the commissioner in writing within 30 days after receipt of the order. For the purposes of this section, the terms "commissioner" and "agency" as used in section 116.072 mean the board. If a hearing is not requested within the 30-day period, the order becomes a final order not subject to further review.

(c) Administrative penalty orders issued under paragraph (a) may be enforced under section 116.072, subdivision 9. Penalty amounts must be remitted within 30 days of issuance of the order.

EFFECTIVE DATE. This section is effective the day following final enactment.

MINNESOTA STATUTES 116.072 ADMINISTRATIVE PENALTIES.

Subdivision 1. **Authority to issue penalty orders.** (a) The commissioner may issue an order requiring violations to be corrected and administratively assessing monetary penalties for violations of this chapter and chapters 114C, 115, 115A, 115D, and 115E, any rules adopted under those chapters, and any standards, limitations, or conditions established in an agency permit; and for failure to respond to a request for information under section 115B.17, subdivision 3. The order must be issued as provided in this section.

(b) A county board may adopt an ordinance containing procedures for the issuance of administrative penalty orders and may issue orders beginning August 1, 1996. Before adopting ordinances, counties shall work cooperatively with the agency to develop an implementation plan for the orders that substantially conforms to a model ordinance developed by the counties and the agency. After adopting the ordinance, the county board may issue orders requiring violations to be corrected and administratively assessing monetary penalties for violations of county ordinances adopted under section 400.16, 400.161, or 473.811 or chapter 115A that regulate solid and hazardous waste and any standards, limitations, or conditions established in a county license issued pursuant to these ordinances. For violations of ordinances relating to hazardous waste, a county's penalty authority is described in subdivisions 2 to 5. For violations of ordinances relating to solid waste, a county's penalty authority is described in subdivision 5a. Subdivisions 6 to 11 apply to violations of ordinances relating to both solid and hazardous waste.

(c) Monetary penalties collected by a county must be used to manage solid and hazardous waste. A county board's authority is limited to violations described in paragraph (b). Its authority to issue orders under this section expires August 1, 1999.

Subd. 2. **Amount of penalty; considerations.** (a) The commissioner or county board may issue an order assessing a penalty up to $10,000 for all violations identified during an inspection or other compliance review.

(b) In determining the amount of a penalty the commissioner or county board may consider:
(1) the willfulness of the violation;
(2) the gravity of the violation, including damage to humans, animals, air, water, land, or other natural resources of the state;
(3) the history of past violations;
(4) the number of violations;
(5) the economic benefit gained by the person by allowing or committing the violation; and
(6) other factors as justice may require, if the commissioner or county board specifically identifies the additional factors in the commissioner's or county board's order.
(c) For a violation after an initial violation, the commissioner or county board shall, in determining the amount of a penalty, consider the factors in paragraph (b) and the:
(1) similarity of the most recent previous violation and the violation to be penalized;
(2) time elapsed since the last violation;
(3) number of previous violations; and
(4) response of the person to the most recent previous violation identified.

Subd. 3. **Contents of order.** An order assessing an administrative penalty under this section shall include:
(1) a concise statement of the facts alleged to constitute a violation;
(2) a reference to the section of the statute, rule, ordinance, variance, order, stipulation agreement, or term or condition of a permit or license that has been violated;
(3) a statement of the amount of the administrative penalty to be imposed and the factors upon which the penalty is based; and
(4) a statement of the person's right to review of the order.

Subd. 4. **Corrective order.** (a) The commissioner or county board may issue an order assessing a penalty and requiring the violations cited in the order to be corrected within 30 calendar days from the date the order is received.
(b) The person to whom the order was issued shall provide information to the commissioner or county board before the 31st day after the order was received demonstrating that the violation has been corrected or that appropriate steps toward correcting the violation have been taken. The commissioner or county board shall determine whether the violation has been corrected and notify the person subject to the order of the commissioner's or county board's determination.

Subd. 5. **Penalty.** (a) Except as provided in paragraph (b), if the commissioner or county board determines that the violation has been corrected or appropriate steps have been taken to correct the action, the penalty must be forgiven. Unless the person requests review of the order under subdivision 6 or 7 before the penalty is due, the penalty in the order is due and payable:
(1) on the 31st day after the order was received, if the person subject to the order fails to provide information to the commissioner or county board showing that the violation has been corrected or that appropriate steps have been taken toward correcting the violation; or
(2) on the 20th day after the person receives the commissioner's or county board's determination under subdivision 4, paragraph (b), if the person subject to the order has provided information to the commissioner or county board that the commissioner or county board determines is not sufficient to show the violation has been corrected or that appropriate steps have been taken toward correcting the violation.
(b) For a repeated or serious violation, the commissioner or county board may issue an order with a penalty that will not be forgiven after the corrective action is taken. The penalty is due by 31 days after the order was received unless review of the order under subdivision 6, 7, or 8 has been sought.

(c) Interest at the rate established in section 549.09 begins to accrue on penalties under this subdivision on the 31st day after the order with the penalty was received.

Subd. 5a. **County penalty authority for solid waste violations.** (a) A county board's authority to issue a corrective order and assess a penalty for all violations relating to solid waste that are identified during an inspection or other compliance review is as described in this subdivision. The model ordinance described in subdivision 1, paragraph (b), must include provisions for letters or warnings that may be issued following the inspection and before proceeding under paragraph (b).

(b) For all violations described in paragraph (a), a county attorney or county department with responsibility for environmental enforcement may first issue a notice of violation that complies with the requirements of subdivision 4, except that no penalty may be assessed unless, in the opinion of the county board, the gravity of the violation and its potential for damage to, or actual damage to, public health or the environment is such that a penalty under paragraph (c) or (d) is warranted. In that case the county attorney or department may proceed directly to paragraph (c) or (d).

(c) If the violations are not corrected, if appropriate steps have not been taken to correct them, or if the county board has determined that the gravity of the violations are such that action under this paragraph is warranted, a county board may issue a corrective order as described in subdivision 4, except that the penalty may not exceed $2,000.

(d) If the violations are still not corrected, if appropriate steps have not been taken to correct them, or if the county board has determined that the gravity of the violations are such that action under this paragraph is warranted, a county board may issue a corrective order as described in subdivision 4, except that the penalty may not exceed $5,000.

(e) In determining the amount of the penalty in paragraph (c) or (d), the county board shall be governed by subdivision 2, paragraphs (b) and (c). The penalty assessed under paragraph (c) or (d) shall be due and payable, forgiven, or assessed without forgiveness as described in subdivision 5.

Subd. 6. **Expedited administrative hearing.** (a) Within 30 days after receiving an order or within 20 days after receiving notice that the commissioner or county board has determined that a violation has not been corrected or appropriate steps have not been taken, the person subject to an order under this section may request an expedited hearing, utilizing the procedures of Minnesota Rules, parts 1400.8510 to 1400.8612, to review the commissioner's or county board's action. The hearing request must specifically state the reasons for seeking review of the order. The person to whom the order is directed and the commissioner or county board are the parties to the expedited hearing. The commissioner or county board must notify the person to whom the order is directed of the time and place of the hearing at least 20 days before the hearing. The expedited hearing must be held within 30 days after a request for hearing has been filed with the commissioner or county board unless the parties agree to a later date.

(b) All written arguments must be submitted within ten days following the close of the hearing. The hearing shall be conducted under Minnesota Rules, parts 1400.8510 to 1400.8612, as modified by this subdivision. The Office of Administrative Hearings may, in consultation with the agency, adopt rules specifically applicable to cases under this section.

(c) The administrative law judge shall issue a report making recommendations about the commissioner's or county board's action to the commissioner or county board within 30 days following the close of the record. The administrative law judge may not recommend a change in the amount of the proposed penalty unless the administrative law judge determines that, based on the factors in subdivision 2, the amount of the penalty is unreasonable.

(d) If the administrative law judge makes a finding that the hearing was requested solely for purposes of delay or that the hearing request was frivolous, the commissioner or county board may add to the amount of the penalty the costs charged to the agency by the Office of Administrative Hearings for the hearing.
(e) If a hearing has been held, the commissioner or county board may not issue a final order until at least five days after receipt of the report of the administrative law judge. The person to whom an order is issued may, within those five days, comment to the commissioner or county board on the recommendations and the commissioner or county board will consider the comments. The final order may be appealed in the manner provided in sections 14.63 to 14.69.
(f) If a hearing has been held and a final order issued by the commissioner or county board, the penalty shall be paid by 30 days after the date the final order is received unless review of the final order is requested under sections 14.63 to 14.69. If review is not requested or the order is reviewed and upheld, the amount due is the penalty, together with interest accruing from 31 days after the original order was received at the rate established in section 549.09.

Subd. 7. **District court hearing.** (a) Within 30 days after the receipt of an order from the commissioner or a county board or within 20 days of receipt of notice that the commissioner or a county board has determined that a violation has not been corrected or appropriate steps have not been taken, the person subject to an order under this section may file a petition in district court for review of the order in lieu of requesting an administrative hearing under subdivision 6. The petition shall be filed with the court administrator with proof of service on the commissioner or county board. The petition shall be captioned in the name of the person making the petition as petitioner and the commissioner or county board as respondent. The petition shall state with specificity the grounds upon which the petitioner seeks rescission of the order, including the facts upon which each claim is based.
(b) At trial, the commissioner or county board must establish by a preponderance of the evidence that a violation subject to this section occurred, the petitioner is responsible for the violation, a penalty immediately assessed as provided for under subdivision 5, paragraph (b) or (c), is justified by the violation, and the factors listed in subdivision 2 were considered when the penalty amount was determined and the penalty amount is justified by those factors.

Subd. 8. **Mediation.** In addition to review under subdivision 6 or 7, the commissioner or county board is authorized to enter into mediation concerning an order issued under this section if the commissioner or county board and the person to whom the order is issued both agree to mediation.

Subd. 9. **Enforcement.** (a) The attorney general on behalf of the state, or the county attorney on behalf of the county, may proceed to enforce penalties that are due and payable under this section in any manner provided by law for the collection of debts.

(b) The attorney general or county attorney may petition the district court to file the administrative order as an order of the court. At any court hearing, the only issues parties may contest are procedural and notice issues. Once entered, the administrative order may be enforced in the same manner as a final judgment of the district court.
(c) If a person fails to pay the penalty, the attorney general or county attorney may bring a civil action in district court seeking payment of the penalties, injunctive, or other appropriate relief including monetary damages, attorney fees, costs, and interest.

Subd. 10. **Revocation and suspension of permit.** If a person fails to pay a penalty owed under this section, the agency or county board has grounds to revoke or refuse to reissue or renew a permit or license issued by the agency or county board.

Subd. 11. **Cumulative remedy.** The authority of the agency or county board to issue a

corrective order assessing penalties is in addition to other remedies available under statutory or common law, except that the state or county board may not seek civil penalties under any other provision of law for the violations covered by the administrative penalty order. The payment of a penalty does not preclude the use of other enforcement provisions, under which penalties are not assessed, in connection with the violation for which the penalty was assessed.

Subd. 12.[Repealed, 1999 c 99 s 24]

Subd. 13. **Feedlot administrative penalty orders.** (a) Prior to the commissioner proposing an administrative penalty order to a feedlot operator for a violation of feedlot laws or rules, the agency staff who will determine if a penalty is appropriate and who will determine the size of the penalty shall offer to meet with the feedlot operator to discuss the violation, and to allow the feedlot operator to present any information that may affect any agency decisions on the administrative penalty order.

(b) Notwithstanding subdivision 5, for feedlot law or rule violations for which an administrative penalty order is issued under this section, not less than 75 percent of the penalty must be forgiven if:

(1) the abated penalty is used for approved measures to mitigate the violation for which the administrative penalty order was issued or for environmental improvements to the farm; and

(2) the commissioner determines that the violation has been corrected or that appropriate steps are being taken to correct the action.

Resolution # _____

Administrative Penalty Order Implementation Plan
May 28, 2008

WHEREAS, the Board of Water and Soil Resources (BWSR) is authorized, based on 2007 legislation now codified pursuant to M.S. 103B.101, Subd. 12, to issue administrative penalty orders (APO) for violations of Chapter 103B, 103C, 103D, 103E, 103F, and 103G; and; and

WHEREAS, BWSR staff have developed an APO Implementation Plan that proposes to apply this authority to the Wetland Conservation Act (Minn. Rule 8420);

WHEREAS, the APO Implementation Plan provides the following:

- the purpose of an APO is to ensure regulatory compliance;
- the maximum penalty is $10,000 per violation;
- an APO will be considered to achieve regulatory compliance when a Restoration Order has not been complied with;
- unless the violation is serious or repeated, any penalty will be forgiven if the violation has been corrected or appropriate steps have been taken to correct the violation within 31 days of receipt of the APO;
- the Executive Director will issue all APO's; and
- appeals of APO's will be heard by an administrative law judge, reviewed by the Dispute Resolution Committee and then considered by the Board.

WHEREAS, the Wetland Committee reviewed the APO Implementation Plan on March 25, and April 22, and is recommending the Board adopt the Plan.

NOW THEREFORE BE IT RESOLVED, that the Board of Water and Soil Resources adopt the APO Implementation Plan.

_____ _____
Randy Kramer, Chair Date

Establish Interim Rates for Reinvest in Minnesota Reserve/Wetlands Reserve Program (RIM/WRP) Partnership Project

Paul Brutlag, Committee Chair
Kevin Lines, Conservation Easement Section Manager

The Minnesota State Legislature appropriated new RIM Reserve Funding ($25M) in the 2008 bonding bill which Governnor Pawlenty signed in to law on April 7, 2008.

Both the Natural Resources Conservation Service (NRCS) and the Board of Water and Soil Resources (BWSR) provided testimony, evidence and projections regarding the use of these newly appropriated RIM Reserve funds to quickly leverage available federal WRP funds and to provide economic benefits to Minnesota's economy.

The Minnesota NRCS has a pending list of 25 appraised WRP projects eligible for the RIM Reserve partnership. There is a strong desire to get the RIM/WRP partnership launched in order to leverage existing federal WRP funds available from the United States Department of Agriculture (USDA) in Washington.

The Rim Reserve Management Planning Committee (RRMPC) met on April 23, 2008 to review program elements and options for launching the RIM/WRP partnership. This included establishing the RIM Reserve payment rates for the new RIM/WRP partnership.

This partnership requires the landowner to enroll in a 30-year WRP easement and a RIM Reserve perpetual easement. If the landowner voluntarily enrolls in this partnership, they will receive a payment from the USDA for a 30-year WRP easement based on 75% of its appraised value.

The RRMPC again met via conference call on May 15, 2008, and is unanimously recommending to the Board that we adopt interim RIM Reserve rates to be used for these 25 appraised WRP applications. The interim rate being recommended is 75% of the estimated market value (EMV) as determined by the tillable property values established by county assessors for the 2008 tax year.

DECISION ITEM

DRAFT

Board Resolution #_____

Interim Rates for Reinvest in Minnesota Reserve/Wetlands Reserve Program (RIM/WRP) Partnership Project

WHEREAS the MN State Legislature appropriated new RIM Reserve ($25 million) in the 2008 bonding bill (Chapter 179, 2008 Session Law) which Governor Pawlenty signed into law on April 7, 2008, and said funding is now available for expenditures as the MN Department of Finance has established the necessary accounts;

WHEREAS the 2008 legislative hearings on the bonding bill included testimony, evidence and projections regarding the use of newly appropriated RIM-Reserve funds quickly to leverage available federal farm bill funds and provide economic stimulus benefits to Minnesota's economy;

WHEREAS the new RIM Reserve funding is intended to leverage federal WRP (Wetlands Reserve Program) dollars;

WHEREAS federal WRP funding is currently available for MN under the existing federal farm bill which has been extended several times in recent months;

WHEREAS a new federal farm bill is potentially near completion but not yet finalized and without companion appropriations;

WHEREAS the Natural Resources Conservation Service (NRCS) currently has a pending list of 25 appraised WRP projects eligible for RIM partnership;

WHEREAS there exists an urgency to get the RIM/WRP partnership launched in order to leverage existing federal farm bill funds;

WHEREAS the Board of Water and Soil Resources (Board) RIM Reserve Management Planning Committee met on April 23, 2008 to review the elements and options for launching the RIM/WRP partnership;

WHEREAS Board and NRCS staff have evaluated the 25 projects and combined payment rate alternatives for project viability and market conditions.

NOW, THEREFORE BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to work with NRCS to develop offers for all or some of the 25 appraised WRP projects with payment rates up to 75% of estimated market value (EMV) as determined by the mean tillable property values established by county assessors for the 2008 tax year.

_____ _____

Randy Kramer, Chair
Minnesota Board of Water and Soil Resources

Date

FOR YOUR INFORMATION

May 28, 2008

- Updated BWSR Staff Listing

- BWSR – 2008 Legislative Summary *(May 20, 2008)*

PHONE NUMBERS FOR BWSR STAFF
USE LAST FIVE DIGITS WHEN TRANSFERRING*
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Minnesota Board of Water & Soil Resources

DATE: June 16, 2008

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

FROM: John Jaschke, Executive Director

SUBJECT: June 25, 2008 Board Meeting Notice

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, June 25, 2008, 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:

NEW BUSINESS

1. **FY 09 SWCD Grants** – These annual allocations to SWCDs for State Cost-Share Base Grants, Clean Water Legacy Feedlot Water Quality Management Grants, General Services Grants, and Easement Services Grants are recommended for approval by the Grants Program & Policy Committee. Attached materials provide selected detail of recommended allocations by grant program. ***DECISION ITEM***

2. **FY 09 Natural Resources Block Grants –** 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 Sub-Surface Sewage Treatment Systems. The Grants Program & Policy Committee is requesting the Board to authorize staff to allocate these grants. See attachments. ***DECISION ITEM***

3. **FY 09 Non Point Engineering Assistance Base Grant –** This is a non-competitive annual grant allocated to the 11 SWCD NPEA JPBs. It is to be used by each JPB to provide engineering/technical services to help landowners to implement erosion control and water quality improvement practices. See attachments. ***DECISION ITEM***

4. **Mower SWCD Special Project Re-Allocation –** The 2005 Legislature directed funding for a demonstrational flood retention project in the Mower SWCD. A favorable site for this project, along with funding partners, has now been obtained. The Board is requested to re-allocate funding for this Project. See attachments. ***DECISION ITEM***

5. **Farm Bill Assistance Grant Program** - Started in 2002, the purpose of this grant program is to provide financial assistance to selected SWCD's to accelerate the implementation of grassland and wetland projects. The primary focus has been with the conservation programs found in the Federal Farm Bill. This grant cycle is for Phase VIII that will run from July 1, 2008 through June 30, 2009. To date nearly $6 million dollars have been spent on this project with a result of 240,000 acres of projects. The Farm Bill Committee comprised of DNR, Pheasants Forever and BWSR staff have developed the process once again for this project. The Board is being asked to approve the grant formulas and authorize grants to successful SWCD's. See attachments. ***DECISION ITEM***

6. **Establish Rates and Sign-up Procedures for Reinvest in Minnesota (RIM) Reserve/Wetlands Reserve Program (WRP) Partnership: Phase I** – The Minnesota Board of Water and Soil Resources (BWSR) and the Minnesota UDSA Natural Resources Conservation Service (NRCS) are announcing Phase I of a RIM Reserve/Wetlands Reserve Program (WRP) partnership. This partnership between the premier national and state wetland restoration programs will combine agency processes to offer competition payment rates to landowners for the purpose of restoring wetlands and adjacent lands in high priority areas. See attachments. ***DECISION ITEM***

7. **Lake Titlow Restoration Project** – The City of Gaylord was appropriated $475,000 for improving water quality in the Lake Titlow watershed. Funds may be used for pre-design and design of holding ponds and for construction and reconstruction of storm water sewer drains and related facilities. The City's Plan of Work splits the $475,000 into $175,000 for pre-design and design work within the watershed and $300,000 for construction work in the City. Extra funds needed for the project will come from the City of Gaylord. Action on a grant agreement with the Board is requested. See attachments. ***DECISION ITEM***

8. **Agricultural Watershed Restoration Projects –** The 2007 Legislature directed BWSR to use $1.5 million of Clean Water Legacy Act cost-share and incentives

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New Ulm
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payment appropriations for agricultural watershed restoration projects located in watershed(s) impaired by nonpoint agricultural sources. These projects are to provide for long-term restoration of surface water quality. A 3-phase project work plan was approved by the Board on January 23, 2008. Phase 1 involves selection of project subwatersheds that are representative of drained agricultural landscapes in Minnesota, and associated local project sponsors. A stakeholder Technical Advisory Committee (TAC) was established to help rank and select project subwatersheds and local sponsors. The Grants Program and Policy Committee reviewed the Phase 1 project subwatershed and local sponsor selection recommendations of staff and the project TAC and recommends Board approval. See attachments. ***DECISION ITEM***

9. **Winona County Nominating Districts Resolution** – The Winona SWCD board of supervisors has passed a Nominating Districts Resolution at their May 14, 2008 meeting. There has been no change to the existing way of holding elections, but rather this is an affirmation of what they are currently doing. Documentation of their election process is not currently on file. After this is approved by the BWSR, it will be added to the field of the Winona County Auditor. See attachment. ***DECISION ITEM***

10. **Carbon Capture and Terrestrial Sequestration Study** - Dr. Ed Nater, University of Minnesota, will provide background information and a status report of work on the *Carbon Capture and Terrestrial Sequestration Study* requested by the Legislature in 2007. The presentation will focus on the possible future conservation projects/program implementation aspects of three recommendations in the paper (see: http://wrc.umn.edu/outreach/carbon/pdfs/andersonetal2008.pdf) and any subsequently developed ideas/findings. ***INFORMATION ITEM***

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. The meeting will adjourn about 1:00 p.m. I look forward to seeing you on June 25th!

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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JUNE 25, 2008

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF MAY 28, 2008

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

RECOGNITION OF KEN ROBINSON

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

NEW BUSINESS

1. FY 09 SWCD Grants – Wayne Zellmer - *DECISION ITEM*

2. FY 09 Natural Resources Block Grants – Wayne Zellmer – *DECISION ITEM*

3. FY 09 Non Point Engineering Assistance Base Grant – Wayne Zellmer – *DECISION ITEM*

4. Mower SWCD Special Project Re-Allocation – Wayne Zellmer – *DECISION ITEM*

5. Farm Bill Assistance Program – Tabor Hoek – *DECISION ITEM*

6. Establish Rates and Sign-up Procedures for Reinvest in Minnesota (RIM) Reserve/Wetlands Reserve Program (WRP) Partnership: Phase I – Kevin Lines – *DECISION ITEM*

7. Lake Titlow Restoration Project – Wayne Zellmer/John Jaschke – *DECISION ITEM*

8. Agricultural Watershed Restoration Projects – Al Kean – *DECISION ITEM*

9. Winona County Nominating Districts Resolution – Mary Kells – *DECISION ITEM*

10. Carbon Capture and Terrestrial Sequestration Study – Dr. Ed Nater, University of Minnesota – *INFORMATION ITEM*

AGENCY REPORTS

- Minnesota Department of Agriculture – Joe Martin
- Minnesota Department of Health – John Linc Stine
- Minnesota Department of Natural Resources – Larry Kramka
- Minnesota Extension Service – Jim Anderson
- Minnesota Pollution Control Agency – Paul Eger

ADVISORY COMMENTS

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

UPCOMING MEETINGS

- BWSR Board Tour/Meeting, August 27-28, 2008, Renville County

1:00 PM ADJOURN

DRAFT DRAFT DRAFT

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MAY 28, 2008

BOARD MEMBERS PRESENT:
Dana Allen, Paul Brutlag, Bob Burandt, Paul Eger, MPCA; Quentin Fairbanks, Brian Kletscher, Randy Kramer, Larry Kramka, DNR; Paul Langseth, Joe Martin, MDA; Brian Napstad, Ken Robinson, Louise Smallidge, Gene Tiedemann, LuAnn Tolliver, Dan Wilson, MDH

BOARD MEMBERS ABSENT:
Jim Anderson, MES

STAFF PRESENT:
Mary Jo Anderson, Matt Drewitz, Travis Germundson, Jim Haertel, Jeff Hrubes, John Jaschke, Al Kean, Julie Klocker, Kevin Lines, Joel Peterson, Dan Shaw, Ron Shelito, Dave Weirens, Tom Wenzel, Marcey Westrick, Steve Woods

OTHERS PRESENT:
Sandy Hooker, MAT
Jack Frost, Met Council
Wayne Edgerton, DNR
Peter Scheffert, MDA
Len Price and Tim Johnson-Grass, MCC

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

PLEDGE OF ALLEGIANCE

** 08-37 **ADOPTION OF AGENDA** – Moved by Brian Napstad, seconded by Louise Smallidge, to approve the agenda as presented. Motion passed on a voice vote.

** 08-38 **MINUTES OF APRIL 23, 2008** – Moved by Louise Smallidge, seconded by Bob Burandt, to approve the minutes of April 23, 2008 as circulated. Motion passed on a voice vote.

INTRODUCTION OF NEW EMPLOYEES

- Dave Weirens introduced Travis Germundson, newly hired water management specialist, working in the St. Paul office. Travis provided background information about himself.

- Al Kean introduced Joel Peterson, newly hired drainage management engineer, working in the St. Paul office. Joel provided background information about himself.

Chair Kramer welcomed Travis and Joel to the Board of Water and Soil Resources.

REPORTS

Chair's Report – Randy Kramer stated that he did not attend the EQB meeting last week. Chair Kramer participated in a conference call of the RIM Reserve Planning Committee held on May 15. He also participated in a Southern Water Planning Committee conference call held on May 14. Chair Kramer stated that he communicated with John Jaschke on various issues.

Executive Director's Report – John Jaschke presented a legislative summary and a report on the Supplemental Budget (HF1812) which includes a $47,000 one-time reduction in the Native Buffers Cost-Share Program; $200,000 base reduction for the County Weed Management Cost-Share; and $68,000 base reduction to the Drainage Assistance Program. It also provides $450,000 in additional funds to the southeast flood area (DR1717) as well as an extension of existing and transferred funding for two years and a projection for an additional $275,000 in FY10. John reported that the Supplemental Budget also provided $100,000 in one-time start up funds for the to-be-formed non-profit Star Lakes Board. This funding would establish an organization appointed by the legislature

and agencies to provide recognition to lakes (and rivers) organizations that meet certain planning, participation, and performance criteria.

John reported on Policy legislation:
Comfort Lake Forest Lake Watershed District (HF3491) - allows the watershed district flexibility to operate under MS103B as a seven-county metro WMO in addition to their 103D watershed district authority even though a portion (one-third) is in Chisago County.

Wetland Conservation Act (SF2651 and SF3056) - same language was part of two separate bills that will allow preservation of at-risk wetlands to receive replacement credit in >80% areas as determined via BWSR rulemaking.

Lessard Heritage Council Established (SF2651) – The Game & Fish bill includes provisions to establish a conservation council to oversee the habitat portion of the Legacy Amendment, if the voters pass it this November. Hunters and anglers have said the council – which will be called the Lessard Outdoor Heritage Council – was needed to ensure support among sportsmen and sportswomen for the amendment in November. The 12-member conservation council includes eight citizens (four appointed by the Governor) and four legislators (two each by the House and Senate). Council members must have experience, expertise, or knowledge in science, policy or practice of restoring, protecting and enhancing wetlands, prairies, forests and habitat for fish, game and wildlife.

John reported that Representative Lanning's Watershed Basin Management bill (HF2536) had early hearings but did not progress. BWSR plans to develop some ideas for consideration toward some of the concepts in Lanning's bill prior to the 2009 session.

John reported that he attended a meeting with the Pope SWCD supervisors and staff to discuss how things are going. John also attended the BWSR northern staff meeting in Fergus Falls.

John reported that BWSR now has a calendar on the website that provides information on meeting dates and other scheduled activities.

Dispute Resolution Committee – Travis Germundson reported that one additional appeal was received yesterday regarding a boundary issue. Travis reported that the three appeals in Koochiching County have been resolved. Travis will be working with field staff to review appeals and will provide an update

as changes are made. Paul Brutlag requested that appeal dates be included in the report.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee will meet on July 23 at 12:30 p.m. to review new draft rules.

Grants Policy & Program Committee – Louise Smallidge reported that the Grants Policy & Program Committee met last night; two items are on the agenda later today; the other six items will be on the June Board meeting agenda. The Grants Policy & Program Committee will meet on July 23 at 9:00 a.m.

Public Relations, Outreach & Strategic Planning Committee – Brian Napstad stated that he has been in conversation with John Jaschke, Steve Woods and Julie Klocker, as they work on Strategic Planning issues. The Public Relations, Outreach & Strategic Planning Committee is expected to meet in September to roll-out their recommendations.

Administrative Advisory Committee (AAC) – Chair Kramer reported that the AAC Committee met this morning and discussed the FY09 budget status/planning for FY10-11; Middle-Snake-Tamarac Watershed District PRAP assessment plan; RIM/WRP adjustments; southeast flood response; Koochiching County Water Plan options; International Falls wetland issues update; Board member appointments; and dedicated funding message.

State Envirothon – Paul Brutlag reported that he attended the State Envirothon on May 14 at the Prairie Wetlands Learning Center in Fergus Falls. Paul reported that 30 teams of high school students attended. Chair Kramer thanked Jon Fure and Mary Jo Anderson for their assistance. St. John's Prep was the winner of the State Envirothon and will proceed to the Canon National Envirothon, July 28-August 3, in Flagstaff, Arizona.

Chair Kramer welcomed Quentin Fairbanks back from a three-week hospital stay, and wished him well after recovering from surgery.

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

Beltrami County Local Water Management Plan – Quentin Fairbanks reported that the Northern Water Planning Committee met on May 14th to review the Beltrami County Local Water Management Plan and recommends approval.

** 08-39 Moved by Quentin Fairbanks, seconded by Larry Kramer, to approve the Beltrami County Local Water Management Plan. Motion passed on a voice vote.

Cass County Priority Concerns Scoping Document – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed the Cass County
** Priority Concerns Scoping Document and recommends approval. Moved by
08-40 Quentin Fairbanks, seconded by Larry Kramka, to approve the Cass County Priority Concerns Scoping Document. Motion passed on a voice vote.

Koochiching County Water Plan Extension – Ron Shelito reported that the Board approved the Koochiching County Water Plan on August 23, 2007, with the condition that the County adopt a local Subsurface Sewage Treatment System (SSTS) Ordinance by June 1, 2008. Ron stated that the County has a draft ordinance developed but has informed BWSR that they will not have the ordinance in place by the June 1, 2008 deadline, which means that the Koochiching County water plan effectively sunsets on June 1, 2008 if the ordinance is not in place. Ron explained that BWSR will be making grant recommendations at the June 25, 2008 Board meeting; Koochiching County would not be eligible for grant allocations as grants are based on an approved water plan being in place.

Ron reported that the Northern Water Planning Committee recommends that the Board reconsider the Board's decision of June 27, 2007, that the Koochiching County Water Plan Order be extended from June 1, 2008, to September 1, 2008, with Natural Resources Block Grant (NRBG) funds withheld until Koochiching County has adopted an approved SSTS ordinance.

** Moved by Quentin Fairbanks, seconded by Gene Tiedemann, to authorize
08-41 extension of the conditional approval date to September 1, 2008, and withhold the NRBG grant until the SSTS ordinance is adopted by Koochiching County. Discussion followed.

Quentin stated that one reason the ordinance was not complete was miscommunication between MPCA and Koochiching County. Quentin stated that we need to work with them. Discussion followed. Ron stated that the delay in meeting the deadline was in part due to a new state rule amendment. Paul Eger stated that the Northern Water Planning Committee and staff have done a good job of working on this, however, as the MPCA representative on BWSR, no one has mentioned this to him, and thus he has a hard time with an extension without a valid reason. John Jaschke explained that they won't get their NRBG funds until the ordinance is adopted, and if the plan expires the County has to adopt the ordinance; the County has to reapprove their plan; BWSR has to request agencies to review the plan again; and come before BWSR for decision. Ron Shelito stated that he has been in contact with Gretchen Sable, MPCA, on this

issue. Brian Napstad would like to establish what is happening, do they intend to have a meeting scheduled and legal notice published in the newspaper? Ron does not have that information, but they assured him that the ordinance adoption is well underway. Larry Kramka stated that BWSR decided in August 2007 what would happen. Staff have done a good job of working on this; but the County has not met the deadline of June 1, despite good intentions of meeting the deadline. Ron stated that most of the NRBG goes directly to the SWCD. Brian Napstad asked Paul Eger about the validity of the new state rule rationale for the delay. Paul stated that each county has to look at their individual ordinance and a timeframe is established to get the ordinance in place.

Paul Brutlag stated that we are setting a precedent by extending a deadline for completing a plan approval condition. Brian stated that this is a voluntary local water management plan, they are doing what we expect in a county that is large, with a small concentrated population and a one-person environmental service department. He respects statewide precedents, but we need to look at the local situation, look at the practical aspects if funds are withheld.

Chair Kramer clarified the motion… the Board hereby approves the update of the Koochiching County Local Water Management Plan provided that by September 1, 2008, Koochiching County has fulfilled the plan commitments stated in Goal 1, objective A, under the Priority Concern "Subsurface Sewage Treatment Systems" to prepare and adopt a local SSTS Ordinance. The FY09 Natural Resources Block Grant will not be available to the County until an approved SSTS ordinance has been adopted by Koochiching County. Motion passed on a voice vote.

Morrison County Water Management Plan Extension – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed and recommends
** approval of the Morrison County Water Management Plan extension. Moved by
08-42 Quentin Fairbanks, seconded by Ken Robinson, to approve the two-year extension of the Morrison County Water Management Plan until May 28, 2010. Motion passed on a voice vote.

St. Louis County Water Management Plan Extension – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed and recommends
** approval of the St. Louis County Water Management Plan extension. Moved by
08-43 Quentin Fairbanks, seconded by Ken Robinson, to approve the two-year extension of the St. Louis County Water Management Plan until May 28, 2010. Motion passed on a voice vote.

Wilkin County Local Water Management Plan – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed and recommends
** approval of the Wilkin County Local Water Management Plan. Moved by Quentin
08-44 Fairbanks, seconded by Larry Kramka, to approve the Wilkin County Local Water Management Plan. Motion passed on a voice vote.

Southern Water Planning Committee

Watonwan County Priority Concerns Scoping Document – Paul Langseth reported that the Southern Water Planning Committee met on April 23, 2008, to review the Watonwan County Priority Concerns Scoping Document and recommends approval. Paul stated that Watonwan County has had much
** transition on this. Moved by Paul Langseth, seconded by Dan Wilson, to
08-45 approve the Watonwan County Priority Concerns Scoping Document. Motion passed on a voice vote.

Local Water Management Plan Amendments – Paul Langseth reported that the Southern Water Planning Committee met on April 23, 2008 and again via conference call on May 14, 2008, to review the following five-year local water management plan amendments and recommend approval.

** **Big Stone County Local Water Management Plan Amendment** - Moved by
08-46 Paul Langseth, seconded by Brian Kletscher, to approve the Big Stone County Local Water Management Plan amendment. Motion passed on a voice vote.

** **Chippewa County Local Water Management Plan Amendment** – Moved by
08-47 Paul Langseth, seconded by Dan Wilson, to approve the Chippewa County Local Water Management Plan amendment. Motion passed on a voice vote.

** **Lac qui Parle County Local Water Management Plan Amendment** – Moved
08-48 by Paul Langseth, seconded by Dan Wilson, to approve the Lac qui Parle County Local Water Management Plan amendment. Motion passed on a voice vote.

** **Pope County Local Water Management Plan Amendment** – Moved by Paul
08-49 Langseth, seconded by Dan Wilson, to approve the Pope County Local Water Management Plan amendment. Motion passed on a voice vote.

** **Swift County Local Water Management Plan Amendment** – Moved by Paul
08-50 Langseth, seconded by Dan Wilson, to approve the Swift County Local Water Management Plan amendment. Motion passed on a voice vote.

OLD BUSINESS

Cooperative Weed Management Area (CWMA) Grant Program – Julie Klocker and Dan Shaw reported that this request for the authorization of a new D1 (Critical Area Stabilization) eligible component named "Establishment of Cooperative Weed Management Areas" is designed specifically for the establishment of the CWMA Grant Program to incorporate costs as part of the State Cost-Share Program. Funding for this practice is a one-time base allocation for start-up expenses with ongoing implementation. Julie stated that each CWMA has an extensive use of partnerships of federal, state and local government agencies; tribes; individuals; and various other interested groups that manage noxious weeds or invasive plants in a defined area. Moved by
** 08-51 Louise Smallidge, seconded by Paul Langseth, to approve the addition of an "Establishment of Cooperative Weed Management Areas" eligible practice to D1 (Critical Area Stabilization) and its addition to the State Cost-Share Program approved practice list beginning in FY2008. Motion passed on a voice vote.

Revisions to Native Buffer Cost-Share Program Guidance – Dave Weirens explained that BWSR has previously adopted resolutions to enact the initial implementation of this new program. Recent legislative amendments in the Supplemental Budget and Bonding bills to the policy on native seed source location allows for flexibility adjustments to the program guidance. Dave reported that the Grants Program & Policy Committee recommends approval of the Native Buffer Cost-Share Grant Program allocations to southeast Minnesota flood disaster counties of Dodge, Fillmore, Houston, Olmsted, Steele, Wabasha, and Winona. BWSR staff recommend an additional allocation of $5,000 for each of the seven counties included within the disaster declaration. Moved by Louise
** 08-52 Smallidge, seconded by Dana Allen, to authorize staff to allocate funding and implement guidelines for the Native Buffer Cost-Share Program according to the policies presented. Motion passed on a voice vote.

Chair Kramer called for a break in the meeting at 10:40 a.m. The meeting reconvened at 10:55 a.m.

NEW BUSINESS

Administrative Penalty Order (APO) Implementation Plan – Dave Weirens explained that BWSR was authorized by Laws of Minnesota 2007, Chapter 57, Section 103 to issue Administrative Penalty Orders (APO) for violations of Chapters 103B, 103C, 103D, 103E, 103F, and 103G. Dave stated that the implementation plan has been developed by BWSR to apply this authority to the Wetland Conservation Act (Minn. Rule 8420). Dave provided an overview of the APO process. Dave stated that unless the violation is serious or repeated, any

penalty will be forgiven if the violation has been corrected or appropriate steps have been taken to correct the violation within 31 days of receipt of the APO. BWSR does not receive any revenue from APOs; the funds go directly to the State of Minnesota. Dave reported that the Wetland Committee reviewed the APO Implementation Plan on March 25 and April 22, 2008, and recommends the
** Board adopt the Plan. Moved by LuAnn Tolliver, seconded by Ken Robinson, to
08-53 adopt the APO Implementation Plan. Motion passed on a voice vote.

Establish Rates and Sign-up Procedures for Reinvest in Minnesota Reserve/Wetlands Reserve Program (RIM/WRP) Partnership Project – Phase I – John Jaschke reported that the State Legislature appropriated new RIM Reserve ($25 million) in the 2008 bonding bill (Chapter 179, 2008 Session Law) which Governor Pawlenty signed into law on April 7, 2008. The new RIM Reserve funding is intended to leverage federal Wetlands Reserve Program (WRP) dollars. John stated that there is an urgency to get the RIM/WRP partnership launched in order to leverage 2008 federal Farm Bill funds. Kevin Lines explained that approximately $10-$15 million of federal WRP funding is expected to be available to Minnesota under the new Farm Bill for the federal fiscal year 2008 which ends September 30, 2008. Kevin reported that the RIM Reserve Planning Committee met on April 23 to review the elements and options
** for launching the RIM/WRP partnership program. Moved by Paul Brutlag,
08-54 seconded by Paul Langseth, to authorize staff to work with NRCS to develop sign-up procedures and supporting materials for Phase I (federal fiscal year 2008) of the RIM/WRP partnership. Discussion followed. Motion passed on a voice vote.

Minnesota Conservation Corp (MCC) Clean Water Legacy Program – Julie Klocker introduced Len Price, MCC Executive Director, and Tim Johnson-Grass, Young Adult Program Manager. Len Price distributed a flyer and invited everyone to attend the "Civilian Conservation Corps 75th Anniversary Celebration" on June 8, at Phalen Park in St. Paul. The MCC 2007 Annual Report was also distributed for information. Len Price explained that the Minnesota Conservation Corps is a statewide non-profit organization which provides hands-on environmental stewardship and service-learning opportunities to youth and young adults while accomplishing priority and cost-effective conservation, natural resource management projects and emergency response work. Tim Johnson-Grass explained that the Legislature appropriated $500,000 to BWSR to fund the restoration of impaired waters under the Clean Water Legacy Program. BWSR Clean Water Specialists Matt Drewitz, Marcey Westrick, and Jeff Hrubes are working directly with counties, SWCDs, and watershed districts to undertake projects consistent with the Clean Water Legacy Program

and the mission of the MCC. Tim Johnson-Grass stated that MCC empowers and prepares our nation's future workforce and environmental decision-makers. Chair Kramer thanked Len Price and Tim Johnson-Grass for their informative presentation.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Joe Martin reported that he has been appointed by Governor Pawlenty as the State Bovine TB Coordinator. Joe reported that MDA is busy with fertilizer spills, pesticide applications, and gypsy moth treatments in northern Minnesota. MDA is working with the University of Minnesota studying bacteria life-cycles.

Minnesota Department of Health (MDH) – Dan Wilson stated that he has no items to report at this time.

Department of Natural Resources (DNR) – Larry Kramka commented on the southeast Minnesota flood response. DNR received an appropriation of $2M for flood reduction work, requiring lots of activity due to contracts executed and dollars allocated.

Minnesota Pollution Control Agency (MPCA) – Paul Eger reported that MPCA is spending time on public notice of water issues.

ADVISORY COMMENTS

Minnesota Association of Townships (MAT) – Sandy Hooker reported that MAT was pleased with the outcome of the Legislation Session. Sandy stated that she appreciates the opportunity to attend Board meetings.

UPCOMING MEETINGS

- Next Board Meeting, June 25, 2008, St. Paul
- MAWD Summer Tour, June 19-21, Dakota Magic Hotel, Hankinson, ND
- MACDE Summer Meeting, June 23-25, Breezy Point, Brainerd

** 08-55 Moved by LuAnnTolliver, seconded by Brian Kletscher, to adjourn the meeting at 12:05 p.m. Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder

Dispute Resolution Report
June 13, 2008
by: Travis Germundson

There are presently 28 appeals pending. All of the appeals involve WCA except File 05-24. There have been 5 new appeals filed since the last report dated May 27th.

Format note: New appeals that have been filed since last report to the Board.
~~Appeals that have been decided since last report to the Board.~~

File 08-17 (06/02/08) This is an appeal of a replacement order in Rice County. The appeal regards the filling of 3,875 square feet of a Type 7 wetland for the construction of a stormwater pond. No decision has been made on the appeal.

File 08-16 (05/29/08) This is an appeal of a restoration order in Mahnomen County. The appeal regards the filling of 6,970 square feet of a Type 3 wetland with excavated lakebed material No decision has been made on the appeal.

File 08-15 (05/29/08) This is an appeal of a replacement order in Mahnomen County. The appeal regards the filling of 3,072 square feet of a Type 3 wetland with excavated lakebed material. No decision has been made on the appeal.

File 08-14 (05/29/08) This is an appeal of a restoration order in Mahnomen County. The appeal regards the filling of 6,742 square feet of a Type 3 wetland with excavated lakebed material. No decision has been made on the appeal.

File 08-13. (05/27/08) This is an appeal of a wetland type/boundary decision in Hennepin County. The appeal claims that physical alteration to the hydrology resulting from pumping of drainage ditches was not applied properly by the LGU in determining the wetland boundary. No decision has been made on the appeal.

File 08-12. (04/28/08) This is an appeal of a restoration order in Aitkin County. The appeal regards the filling of 51,000 square feet of a type 2/6 wetland for expansion of garden center business. No decision has been made on the appeal.

File 08-11. (04/29/08) This is an appeal of a restoration order in Hennepin County. The appeal regards the filling of 1.75 acres of a type 2/3 wetland for the construction of a pole barn and pasture area. The restoration order has been stayed until and the appeal has been placed in abeyance for submittal of a wetland replacement plan, exemption, or no-loss application.

~~File 08-10. This is an appeal of a restoration order in Lake County. The appeal regards impacts to approximately 19,500 square feet of wetlands for roads and 7 to 10 acres of wetlands for mechanized land clearing.~~ *The appeal has been denied and the Restoration Order Affirmed.*

File 08-9. (03/06/08) This is an appeal of a replacement order in Pine County. The appeal regards impacts to approximately 11.26 acres of wetland. No decision has been made on the appeal. The replacement order has been stayed and the appeal has been placed in abeyance pending further technical work.

File 08-8. (04/03/08) This is an appeal of a replacement order in Pine County. The appeal regards the filling of over 18,000 square feet of Type 2 wetland. No decision has been made on the appeal. The replacement order has been stayed and the appeal has been placed in abeyance pending further technical work.

File 08-4. (01/24/08) This is an appeal of no-loss and exemption decisions in Waseca County. In addition to the no-loss decision, at issue are denials of the agricultural exemption, approved development exemption, incidental wetland exemption, and claims of numerous procedural issues that were prejudicial to the applicants. Further, a Minn. Stat. § 15.99 (60-day rule) claim is pending in District Court. The appeal has been remanded for further technical work at the local level.

File 08-1. (02/04/08) This is an appeal of a restoration order in Aitkin County. The appeal involves the filling of wetland for a road in shoreland area. The restoration order has been stayed and the appeal has been placed in abeyance pending further technical work.

File 07-37. (12/16/07) This is an appeal of a restoration and replacement order in the City of Sturgeon Lake, Pine County. The appeal involves the excavation and filling of wetland. The restoration and replacement order has been placed in abeyance to allow for the submittal of a complete replacement plan.

File 07-36. (11/26/07) This is an appeal of a restoration order in the City of Hugo, Washington County. The appeal involves the filling of approximately 5,447 square feet of Type 7 wetland for a driveway. The restoration order has been stayed and the appeal has been placed in abeyance pending a decision by the LGU on applications for an exemption and a replacement plan.

File 07-33. (10/31/07) This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from issuance of a cease and desist order for unauthorized wetland impacts. The appeal has been accepted and copies of the record have been requested. A verbal settlement agreement is being drafted.

File 07-32. (10/31/07) This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from issuance of a cease and desist order for unauthorized wetland impacts. The appeal has been accepted and copies of the record have been requested. A verbal settlement agreement is being drafted.

File 07-31. (10/31/07) This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from issuance of a restoration order for unauthorized filling of wetland for a building. The appeal has been accepted and copies of the record have been requested. A verbal settlement agreement is being drafted.

File 07-29. (10/25/07) This is an appeal of a restoration order in Crow Wing County. The appeal involves the filling of wetland along a driveway. The restoration order has been stayed and the appeal has been placed in abeyance pending the completion of further field work.

File 07-28. (10/22/07) This is an appeal of a restoration order in Mille Lacs County. The appeal regards the filling of wetland. The restoration order has been stayed and the appeal has been placed in abeyance pending the submission of an after-the-fact wetland replacement plan application this month.

File 07-27. (10/19/07) This is an appeal of a restoration and replacement order in Benton County. The appeal involves the excavation of an island that was in wetland and the filling of wetland along the wetland edge. The restoration order has been stayed and the appeal has been placed in abeyance pending the completion of further field work this spring.

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

File 06-17. (05/27/06) This is an appeal of a replacement plan decision in the City of Montgomery in LeSueur County. The LGU denied an after-the-fact wetland replacement plan application based on a lack of sufficient reasons why the restoration could not be completed. The appeal has been remanded for further processing at the local level.

File 06-12. (04/13/06) This is an appeal of a no-loss decision in Stearns County. It involves the same project and issues as File 06-6. After a restoration order was issued, a no-loss application was submitted by the developer and denied by the LGU. The appeal has been remanded for further technical evaluation.

File 06-6. (02/16/06) This is an appeal of a restoration order in Stearns County. At issue are numerous wetlands impacted by filling, sedimentation, reduction of hydrology and lack of Best Management Practices associated with a residential development. The appeal has been denied in part. The Restoration Order has been affirmed in part and has been stayed in part.

File 06-5. (02/07/06) This is an appeal of a wetland boundary and type decision in the City of Hermantown in St. Louis County. The appeal concerns the denial of a wetland delineation. There are issues regarding the soils and vegetation in a disturbed area. The area has been disturbed by wetland filling and a cease and desist order has been issued to the developer. The appeal has been remanded for further processing by the LGU.

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

File 05-24. (03/04/05) This is an appeal, actually three appeals, of the Bois de Sioux Watershed District compensation to landowners related to a project. The appeal has been held in abeyance pending settlement discussions. It appears at least two of the appeals have been settled.

File 05-1. (01/13/05) This is an appeal of a replacement plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue is a wetland delineation and the Comprehensive Wetland Protection and Management Plan that BWSR approved. After a hearing before the DRC, the board remanded the matter for a new wetland delineation and for submission on an updated, complete replacement plan application.

File 04-23. (08/25/04) This is an appeal of a forestry exemption decision in Kittson County. Unpermitted fill was placed in a Type 7 wetland for a road. A Cease and Desist Order was issued. Additional filling has recently occurred in violation of the CDO. Corps and DNR violations also exist. The appeal has been accepted and is in abeyance pending completion of a wetland delineation and submittal of a replacement plan application.

NEW BUSINESS

1. FY 09 SWCD Grants – Wayne Zellmer - ***DECISION ITEM***

2. FY 09 Natural Resources Block Grants – Wayne Zellmer – ***DECISION ITEM***

3. FY 09 Non Point Engineering Assistance Base Grant – Wayne Zellmer – ***DECISION ITEM***

4. Mower SWCD Special Project Re-Allocation – Wayne Zellmer – ***DECISION ITEM***

5. Farm Bill Assistance Program – Tabor Hoek – ***DECISION ITEM***

6. Establish Rates and Sign-up Procedures for Reinvest in Minnesota (RIM) Reserve/Wetlands Reserve Program (WRP) Partnership: Phase I – Kevin Lines – ***DECISION ITEM***

7. Lake Titlow Restoration Project – Wayne Zellmer/John Jaschke – ***DECISION ITEM***

8. Agricultural Watershed Restoration Projects – Al Kean – ***DECISION ITEM***

9. Winona County Nominating Districts Resolution – Mary Kells – ***DECISION ITEM***

10. Carbon Capture and Terrestrial Sequestration Study – Dr. Ed Nater, University of Minnesota – ***INFORMATION ITEM***

FY 09 SWCD GRANTS

The Board is requested to approve the Grants Program and Policy Committee recommendation to approve FY 09 SWCD allocations for four BWSR grant programs. These grant programs are:

COST SHARE
Regular Statewide Cost Share Base Grants
CLEAN WATER LEGACY
Feedlot Water Quality Management Grants
SERVICE GRANTS
General Services
Easement Services

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

COST SHARE

Regular Statewide Cost Share Base Grants - $2,144,308. These base grants are for the installation of conservation practices. The FY 09 legislative appropriation is $1,785,000. These allocations utilize the Board's Productivity Standards allocation policy:

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

Recommended Performance Adjustments

For FY 09, these definitions would indicate that the following SWCDs (58) will receive a $1,000 high level of performance increase for spending 80% or more of their base grant on projects:

Anoka	Becker	Benton *	Brown	Carlton	Cass
Chippewa	Clay	Clearwater	Cook	Crow Wing	Dakota
Douglas	Fillmore	Freeborn	Goodhue	Hennepin *	Itasca
Jackson	Kanabec *	Kandiyohi	Kittson	Koochiching	Lake/Woods
Lake	Le Sueur	Lincoln	Lyon	Mahnomen	Marshall-Beltrami
Mille Lacs	Morrison	Nicollet	East Ottertail	West Ottertail	Pennington
Pine	Pipestone *	East Polk	Pope	Ramsey *	Redwood
Renville	Rice	Root River	Roseau	Scott	Sherburne
N. St. Louis	S. St. Louis	Stearns	Swift	Todd	Wadena
Watonwan *	Wilkin	Wright	Yellow Medicine		

McLeod SWCD is to receive a 5% decrease for spending less than 60% of their base grant on projects.

* Benton, Pipestone, Watonwan, Hennepin, Ramsey, and Kanabec performance increases are not recommended because of State Cost Share Program Rule violations.

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

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

NOTE: The difference between the amount proposed to be allocated and the legislative appropriation is $359,308. There is sufficient rollover to cover this amount.

CLEAN WATER LEGACY

Feedlot Water Quality Management Grants - $1,399,904 – The BWSR received requests of $2,071,687 to fund 57 projects. The FY 09 funds available for this Program are $1,598,123 and are appropriated under the Clean Water Legacy Act instead of the traditional State Cost Share Program. Grant funds may not be used for new or expansion feedlot projects.

Please refer to the attached spreadsheet *Fiscal Year 2009 FWQM Grant Application Report*

In addition, the appropriation included the following eligibility language:

> ..... *for feedlot water quality grants for feedlots under 300 animal units where there are impaired waters;*

The State Cost Share Program is used to administer and implement this Program.

Funding priorities established by the Board for this Program are ranked as follows:

Priority

1. Feedlots in riparian locations enrolled in a recognized stewardship plan and high FLEVAL pollution potential
2. Feedlots in riparian locations and high FLEVAL pollution potential
3. Feedlot operations where a high FLEVAL indicates a greater pollution potential
4. Practices that will be applied in 2008
5. Feedlot operators who have received a notice of violation
6. Feedlots in counties that are conducting or have completed a level 2 or level 3 feedlot inventory

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

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

The 303 (d) or impaired waters list was used to identify impaired waters and their watersheds.

The following assumptions were made in reviewing the applications:

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

<u>Recommendation</u>

The Grants Program & Policy Committee requests Board approval of the 09 Feedlot Water Quality Management Grant allocations as indicated on the attached spreadsheet.

This recommendation will allocate $1,399,904 (through #37) and leave $198,219 unallocated.

Recommended options for remaining balance:

- Retain the $198,219 for the 09 NPEA Challenge Grant (for a total of $498,219)
- Add to 08 CWL Program

- Add to 09 CWL Program (preferred)
- Decide later

SERVICES GRANTS

General Services Grant - $2,155,122 - This base grant is for expenditures necessary to the operations of the district. It is noncompetitive.

Recommendation

Proposed allocations are listed on the enclosed composite spreadsheet.

Easement Services Grant - $345,008 - This grant is allocated to SWCDs as compensation for local delivery of the RIM Reserve Program and the conveyance of easements. The grant amount is calculated by a strategy and formula approved by the Board on May 25, 2005. It reflects the relative amount of easement activity in the SWCD.

Please refer to the attached spreadsheet *FY 09 RIM Service Grants*

Recommendation

Proposed allocations are listed on the enclosed composite spreadsheet.

RECOMMENDATION SUMMARY

The Grants Program & Policy Committee is recommending:

1. Allocation of FY 09 SWCD Base Grants as itemized on the composite spreadsheet totaling $2,144,308.
2. Allocation of FY 09 FWQMGs as itemized on the composite spreadsheet totaling, $1,399,904 leaving a remaining balance of $198,219 to be made available for the 09 Clean Water Legacy Program.
3. Allocation of FY 09 General Services Grants as itemized on the composite spreadsheet totaling $2,155,122.
4. Allocation of FY 09 Easement Services Grants as itemized on the composite spreadsheet totaling $345,008.

Fiscal Year 2009 FWQM Grant
Applications Report
Total Project Costs $4,804,026
Total FWQM Grant Requested $2,074,035
Total Producers **57**
Total Funding Available **$1.56M**
Last Updated May 20, 2009

		PRODUCER	ANIMAL UNITS	ANIMAL SPECIES	MinnFARM FLEval Rating	RIPARIAN CATEGORY	VIOLATION NOTICE	PRACTICE	STEWARDSHIP PLAN	IMPAIRED	ASSOCIATED	TOTAL PROJECT COST	FWQM FUNDS REQUESTED	T/A FUNDS REQUESTED	TOTAL FUNDS REQUESTED	CUMULATIVE
1	Rice	Mark Trcka	294	Dairy	65	A	No	05/01/09	Yes	Lower Mississippi River	Fecal Coliform	$181,524	$46,000	$4,000	$50,000	**$50,000**
2	Winona	Steven Ellinghuysen	245	Dairy	42	B	No	08/01/09	Yes	Whitewater River	Fecal Coliform	$27,420	$20,565	$2,057	$22,622	**$72,622**
3	Winona	Nathan Gibbs	220	Dairy	39	B	No	08/01/09	Yes	Whitewater River	Fecal Coliform	$68,000	$45,500	$4,500	$50,000	**$122,622**
4	Stearns	Wehseler Chuck & Robert	141	Dairy	25	A	No	09/01/08	Yes	Sauk River	Excessive Nutrients	$80,000	$30,000	$3,000	$33,000	**$155,622**
5	Blue Earth	Mrs. Henry Walser (Owner) Richard Walser (Operator)	40	Beef Cow/Calf	19	B	Letter from County	04/01/09	Yes	Le Sueur River	Manure-contaminated runoff	$25,000	$18,750	$1,875	$20,625	**$176,247**
6	Stearns	Kunkel David & Tanya	100	Dairy	17	A	No	09/01/08	Yes	Pearl Lake	Excessive Nutrients	$36,000	$12,500	$1,250	$13,750	**$189,997**
7	Blue Earth	Leland Kietzer (Owner) Jay Kietzer (Operator)	40	Beef Cow/Calf	15	B	Letter from County	10/01/08	Yes	Blue Earth River	Manure-contaminated runoff	$25,000	$18,750	$1,875	$20,625	**$210,622**
8	Blue Earth	Rodney Gens	80	Beef Cow/Calf	13	C	Letter from County and enrolled in MPCA Open Lot Agreement	06/01/09	Yes	Watonwan River	Manure-contaminated runoff	$30,000	$22,500	$2,250	$24,750	**$235,372**
9	Fillmore	Holst Cattle Farms (Glen Holst)	299	Beef	78	B	No	06/01/09	No	Lower Mississippi River	Fecal Coliform	$340,000	$45,500	$4,500	$50,000	**$285,372**
10	Goodhue	Jeff Schultz	60	Dairy	57	B	No	7/1/08	No	Lower Mississippi River	Fecal Coliform	$47,110	$32,120	$3,212	$35,333	**$320,704**
11	Benton	George Mastey	250	Beef	50	B	Yes	07/01/08	No	Big Elk Lake	Nutrient/Eutrophication	$178,205	$38,818	$3,881	$42,699	**$363,403**
12	Stearns	Funk Roger	133	Dairy	49	E	No	09/01/08	No	Sauk River	Excessive Nutrients	$100,000	$45,455	$4,545	$50,000	**$413,403**
13	Fillmore	Doug Lind	105	Beef	48	B	No	08/01/08	No	Lower Mississippi River	Fecal Coliform	$61,000	$45,500	$4,500	$50,000	**$463,403**
14	Fillmore	Randy Ness	299	Dairy	48	B	No	06/01/09	No	Lower Mississippi River	Fecal Coliform	$200,000	$45,500	$4,500	$50,000	**$513,403**
15	Douglas	Marvin Jensen	150	Beef	47	A	Yes	07/15/08	No	Chipewa River	FC,T	$2,400	$1,800	$0	$1,800	**$515,203**
16	Waseca	Richard Ristau	284	Dairy	46	B	pending	07/15/08	No	Lake Elysian	Nutrient/Eutrophication	$146,640	$30,348	$3,034	$33,382	**$548,585**
17	Mower	John Grass	80	Beef	45	B&E	No	7/15/08	No	Upper Iowa River (SE MN TMDL)	Fecal Coliform	$120,000	$45,455	$4,545	$50,000	**$598,585**
18	Douglas	Kerry Nelson	99	Beef	44	B	Yes	07/30/08	No	Long Praire River	B-F	$129,274	$45,455	$4,545	$50,000	**$648,585**
19	Winona	Gary Buehler	144	Beef	44	B	No	08/01/09	No	Mississippi River	Fecal Coliform	$25,050	$18,788	$1,879	$20,666	**$669,251**
20	Stearns	Marthaler Gary	200	Dairy	41	B	No	09/01/09	No	Sauk River	Excessive Nutrients	$70,000	$45,455	$4,545	$50,000	**$719,251**
21	Fillmore	Schriever Farms (Paul Schriever)	299	Dairy	41	D	No	06/01/09	No	Lower Mississippi River	Fecal Coliform	$300,000	$45,500	$4,500	$50,000	**$769,251**
22	Olmsted	Gary Siem	136	Beef	40	B	No	08/01/08	No	124 ft. to Trib. Of Zumbro	Fecal Coliform	$45,482	$34,111	$3,411	$37,522	**$806,774**
23	Olmsted	Ronald Pagel	180	Dairy/Beef	38	B	No	08/01/08	No	172 ft. to Trib. Of Mill Creek	Fecal Coliform	$162,187	$45,455	$4,545	$50,000	**$856,774**
24	Stearns	Klehr Carol	180	Beef	38	B	No	09/01/08	No	Sauk River	Excessive Nutrients	$100,000	$45,455	$4,545	$50,000	**$906,774**
25	Stearns	Eich Joe	79	Beef	37	C	No	09/01/08	No	Sauk River	Excessive Nutrients	$20,000	$15,000	$1,500	$16,500	**$923,274**
26	Root River	Greg Boldt	56	Beef	35	B	No	07/15/09	No	Root River	Fecal Coliform	$75,000	$45,500	$4,500	$50,000	**$973,274**
27	Root River	Morken Farms	235	Beef	33	B	No	06/15/09	No	Root River	Fecal Coliform	$155,500	$45,500	$4,500	$50,000	**$1,023,274**
28	Winona	James Wendt	273	Dairy	32	B	No	08/01/09	No	Whitewater River	Fecal Coliform	$156,950	$45,500	$4,500	$50,000	**$1,073,274**
29	Goodhue	Mike / Dave Carlson	146	Dairy	32	B	No	7/1/08	No	Lower Mississippi River	Fecal Coliform	$142,723	$45,500	$4,500	$50,000	**$1,123,274**
30	Stearns	Schmitz Leroy	140	Dairy & Swine	30	A	No	09/01/09	No	Sauk River	Excessive Nutrients	$100,000	$45,455	$4,545	$50,000	**$1,173,274**

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31	Fillmore	Duschee Hills Dairy	150	Dairy	28	B	No	06/01/09	No	Lower Mississippi River	Fecal Coliform	$200,000	$45,500	$4,500	$50,000	**$1,223,274**
32	Root River	Ed Boldt	115	Beef	28	B	No	06/15/09	No	Root River	Fecal Coliform	$37,000	$27,750	$2,775	$30,525	**$1,253,799**
33	Winona	Bill Hoffman	106	Beef	26	B	No	08/01/09	No	Mississippi River	Fecal Coliform	$32,325	$24,244	$2,424	$26,668	**$1,280,467**
34	Winona	Leroy Kronebusch	40	Beef	25	B	No	08/01/09	No	Whitewater River	Fecal Coliform	$6,950	$5,213	$521	$5,734	**$1,286,201**
35	Stearns	Schmitz Roman	50	Beef	25	E	No	09/01/09	No	Sauk River	Excessive Nutrients	$66,667	$45,455	$4,545	$50,000	**$1,336,201**
36	Stearns	Weinmann John	100	Beef	21	A	No	09/01/09	No	Sauk River	Excessive Nutrients	$70,000	$45,455	$4,545	$50,000	**$1,386,201**
37	Winona	Michael Mueller	110	Dairy	21	B	No	08/01/09	No	Whitewater River	Fecal Coliform	$16,610	$12,458	$1,246	$13,703	**$1,399,904**
38	Wabasha	Steve Luhmann	227	Dairy	41	NONE	No	07/12/08	Yes	Zumbro River	Fecal Coliform	$70,000	$45,500	$4,500	$50,000	**$1,449,904**
39	Winona	James McNally	186	Dairy	25	NONE	No	08/01/09	Yes	Mississippi River	Fecal Coliform	$19,850	$14,878	$1,488	$16,365	**$1,466,269**
40	Blue Earth	Rodney Boeck	140	Dairy	19	NONE	Letter from County	10/01/08	Yes	Blue Earth River	Manure-contaminated runoff and Milk House Wastewater Disposal	$62,000	$46,500	$3,500	$50,000	**$1,516,269**
41	***Blue Earth	David Glamm	148	Dairy	0	NONE	Letter from County	10/01/08	Yes	Le Sueur River	Milk House Wastewater Disposal	$62,000	$46,500	$3,500	$50,000	**$1,566,269**
42	Goodhue	Mike Lohmann	145	Dairy	54	NONE	No	7/1/08	No	Lower Mississippi River	Fecal Coliform	$78,113	$45,500	$4,500	$50,000	**$1,616,269**
43	Fillmore	John Abrahamson	250	Beef	52	NONE	No	08/01/09	No	Lower Mississippi River	Fecal Coliform	$65,000	$45,500	$4,500	$50,000	**$1,666,269**
44	Olmsted	Steve Lawler	118	Beef	49	NONE		08/01/08	No	Silver Creek	Fecal Coliform	$20,790	$15,593	$1,559	$17,152	**$1,683,421**
45	Douglas	David Waldvogel	181	Dairy	44	NONE	Yes	09/01/08	No	Osakis Lk	Excessive Nutrients	$39,746	$29,809	$2,981	$32,790	**$1,716,211**
46	Douglas	Larry Christianson	129.5	Dairy	43	NONE	No	10/01/08	No	Long Praire River	B-F	$75,244	$45,455	$4,545	$50,000	**$1,766,211**
47	Douglas	Steve Anderson	50	Beef	39	NONE	No	07/30/08	No	Chippewa River	FC,T	$4,250	$3,188	$319	$3,506	**$1,769,717**
48	Douglas	Greg Faber	103	Dairy	37	NONE	No	10/01/08	No	Osakis Lk	Excessive Nutrients	$92,500	$50,000	$5,000	$55,000	**$1,824,717**
49	Waseca	Wayne James	225	Steers	36	NONE	No	09/15/08	No	Lake Elysian	And Biological Indicators	$152,000	$34,500	$3,450	$37,950	**$1,862,667**
50	Winona	Alfred Lehmker	116	Dairy	34	NONE	No	08/01/09	No	Mississippi River	Fecal Coliform	$71,500	$45,500	$4,500	$50,000	**$1,912,667**
51	****Renville**	Michael Schneider	250	Dairy	26	NONE	YES	07/01/08	No	Limbo/Unknown	Fish IBI	$174,550	$41,400	$4,140	$45,540	**$1,958,207**
											Additional T/A above the allowable 10%			**$2,610**	$2,610	**$1,960,817**
52	Kanabec	Peter Ripka	243	Dairy	22	NONE	No	07/01/09	No	Groundhouse River	Fecal Coliform	$43,277	$21,638	$2,164	$23,802	**$1,984,619**
53	Douglas	Steve Bartos		Dairy	0	NONE	No	08/01/08	No	Chippewa River	FC,T	$6,750	$5,063	$0	$5,063	**$1,989,682**
54	Douglas	Ken Rutten	50	Beef	0	NONE	No	10/01/08	No	Osakis Lk	Excessive Nutrients	$33,600	$25,200	$2,520	$27,720	**$2,017,402**
55	Winona	Bill Wessel	150	Dairy	0	NONE	No	08/01/09	No	Mississippi River	Fecal Coliform	$19,980	$14,985	$1,499	$16,484	**$2,033,885**
56	****Renville**	Richard Kurth	210	Hogs	0	NONE	YES	07/01/08	No	S. Fork Crow River	B-FI, T	$107,210	$25,500	$2,550	$28,050	**$2,061,935**
											Additional T/A above the allowable 10%			**$2,700**	$2,700	**$2,064,635**
57	Renville	Gregg Albrecht	80	Dairy	0	NONE	YES	07/01/08	No	Minnesota	DO	$25,650	$6,412	$640	$7,052	**$2,071,687**
												$4,804,026	$1,882,428	$189,259	$2,071,687	

FY09 RIM SERVICE GRANTS

SWCD	Total # of Easements	$ FY07	$ FY08	$ FY09
Aitkin	2	144.40	142.50	**$139**
Anoka	0	0.00	0.00	**$0**
Becker	8	577.60	570.00	**$556**
Beltrami	7	505.40	498.75	**$487**
Benton	24	1,732.80	1,710.00	**$1,669**
Big Stone	34	2,454.80	2,422.50	**$2,364**
Blue Earth	207	14,945.40	14,748.75	**$14,393**
Brown	166	11,985.20	11,827.50	**$11,542**
Carlton	0	0.00	0.00	**$0**
Carver	38	2,743.60	2,707.50	**$2,642**
Cass	2	144.40	142.50	**$139**
Chippewa	163	11,768.60	11,613.75	**$11,333**
Chisago	9	649.80	641.25	**$626**
Clay	53	3,826.60	3,776.25	**$3,685**
Clearwater	4	288.80	285.00	**$278**
Cook	0	0.00	0.00	**$0**
Cottonwood	187	13,501.40	13,323.75	**$13,002**
Crow Wing	0	0.00	0.00	**$0**
Dakota	6	433.20	427.50	**$417**
Dodge	11	794.20	783.75	**$765**
Douglas	98	7,075.60	6,982.50	**$6,814**
Faribault	184	13,284.80	13,110.00	**$12,794**
Fillmore	19	1,371.80	1,353.75	**$1,321**
Freeborn	83	5,992.60	5,913.75	**$5,771**
Goodhue	66	4,765.20	4,702.50	**$4,589**
Grant	24	1,732.80	1,710.00	**$1,669**
Hennepin	34	2,454.80	2,422.50	**$2,364**
Hubbard	1	72.20	71.25	**$70**
Isanti	9	649.80	641.25	**$626**
Itasca	0	0.00	0.00	**$0**
Jackson	98	7,075.60	6,982.50	**$6,814**
Kanabec	7	505.40	498.75	**$487**
Kandiyohi	132	9,530.40	9,405.00	**$9,178**
Kittson	7	505.40	498.75	**$487**
Koochiching	0	0.00	0.00	**$0**
Lac Qui Parle	174	12,562.80	12,397.50	**$12,098**
Lake	0	0.00	0.00	**$0**
Lake of Woods	0	0.00	0.00	**$0**
LeSueur	96	6,931.20	6,840.00	**$6,675**
Lincoln	97	7,003.40	6,911.25	**$6,744**
Lyon	142	10,252.40	10,117.50	**$9,873**
Mahnomen	0	0.00	0.00	**$0**
Marshall	17	1,227.40	1,211.25	**$1,182**
Marshall-Beltrami	4	288.80	285.00	**$278**
Martin	197	14,223.40	14,036.25	**$13,697**
McLeod	57	4,115.40	4,061.25	**$3,963**

SWCD	Total # of Easements	$ FY07	$ FY08	$ FY09
Meeker	73	5,270.60	5,201.25	**$5,076**
Mille Lacs	16	1,155.20	1,140.00	**$1,112**
Morrison	31	2,238.20	2,208.75	**$2,155**
Mower	69	4,981.80	4,916.25	**$4,798**
Murray	94	6,786.80	6,697.50	**$6,536**
Nicollet	72	5,198.40	5,130.00	**$5,006**
Nobles	24	1,732.80	1,710.00	**$1,669**
Norman	33	2,382.60	2,351.25	**$2,294**
Olmsted	16	1,155.20	1,140.00	**$1,112**
Otter Tail, East	11	794.20	783.75	**$765**
Otter Tail, West	48	3,465.60	3,420.00	**$3,337**
Pennington	1	72.20	71.25	**$70**
Pine	1	72.20	71.25	**$70**
Pipestone	22	1,588.40	1,567.50	**$1,530**
Polk, East	3	216.60	213.75	**$209**
Polk, West	2	144.40	142.50	**$139**
Pope	160	11,552.00	11,400.00	**$11,125**
Ramsey	0	0.00	0.00	**$0**
Red Lake	5	361.00	356.25	**$348**
Redwood	309	22,309.80	22,016.25	**$21,485**
Renville	382	27,580.40	27,217.50	**$26,560**
Rice	52	3,754.40	3,705.00	**$3,616**
Rock	22	1,588.40	1,567.50	**$1,530**
Root River	50	3,610.00	3,562.50	**$3,477**
Roseau	1	72.20	71.25	**$70**
Scott	47	3,393.40	3,348.75	**$3,268**
Sherburne	0	0.00	0.00	**$0**
Sibley	95	6,859.00	6,768.75	**$6,605**
St. Louis, North	0	0.00	0.00	**$0**
St. Louis, South	0	0.00	0.00	**$0**
Stearns	19	1,371.80	1,353.75	**$1,321**
Steele	48	3,465.60	3,420.00	**$3,337**
Stevens	65	4,693.00	4,631.25	**$4,519**
Swift	165	11,913.00	11,756.25	**$11,472**
Todd	4	288.80	285.00	**$278**
Traverse	21	1,516.20	1,496.25	**$1,460**
Wabasha	24	1,732.80	1,710.00	**$1,669**
Wadena	10	722.00	712.50	**$695**
Waseca	106	7,653.20	7,552.50	**$7,370**
Washington	2	144.40	142.50	**$139**
Watonwan	103	7,436.60	7,338.75	**$7,162**
Wilkin	26	1,877.20	1,852.50	**$1,808**
Winona	47	3,393.40	3,348.75	**$3,268**
Wright	43	3,104.60	3,063.75	**$2,990**
Yellow Medicine	173	12,490.60	12,326.25	**$12,029**
STATE TOTAL	4,962	358,256.40	353,542.50	**$345,008**

Board Resolution #_____

FISCAL YEAR 09 SOIL AND WATER CONSERVATION DISTRICT GRANT ALLOCATIONS

WHEREAS, Fiscal Year 09 Soil and Water Conservation District (SWCD) grants, administered by the Board of Water and Soil Resources (BWSR), provide cost share and service grants allocations to SWCDs through its State Cost Share Base Grants, Clean Water Legacy Feedlot Water Quality Management Grants, General Services Grants, and Easement Services Grants Programs; and,

WHEREAS, the Laws of Minnesota for 2007, in S.F. 2096, appropriate cost share and service grant funds to BWSR; and,

WHEREAS, all SWCDs that have BWSR approved plans and reports to comply with statutory allocation requirements, are eligible to receive these grants.

NOW THEREFORE, the BWSR hereby authorizes staff to allocate these individual grant amounts, as listed on the attached composite spreadsheet, to eligible SWCDs for these respective grant programs.

_____ Date: _____

Randy Kramer, Chair
Board of Water and Soil Resources

Attachment: Proposed FY 2009 Grants to Soil and Water Conservation Districts composite spreadsheet

H:09SWCDBR

PROPOSED FY 2009 GRANTS TO SOIL AND WATER CONSERVATION DISTRICTS

COMPOSITE

SWCD	COST SHARE BASE	CWL FEEDLOT	SERVICE GRANTS		GRANT TOTALS
			GENERAL SERVICES	EASEMENT SERVICES	
AITKIN	$7,738		$24,649	$139	**$32,526**
ANOKA	$18,803		$25,304		**$44,107**
BECKER	$46,711		$23,245	$556	**$70,512**
BELTRAMI	$10,975		$23,105	$487	**$34,567**
BENTON	$19,869	$42,699	$23,479	$1,669	**$87,716**
BIG STONE	$12,239		$22,075	$2,364	**$36,678**
BLUE EARTH	$28,417	$66,000	$23,058	$14,393	**$131,868**
BROWN	$25,624		$23,152	$11,542	**$60,318**
CARLTON	$13,000		$22,824		**$35,824**
CARVER	$29,202		$24,041	$2,642	**$55,885**
CASS	$12,966		$22,356	$139	**$35,461**
CHIPPEWA	$19,001		$23,152	$11,333	**$53,486**
CHISAGO	$16,524		$24,087	$626	**$41,237**
CLAY	$28,821		$23,526	$3,685	**$56,032**
CLEARWATER	$14,025		$22,918	$278	**$37,221**
COOK	$17,000		$22,263		**$39,263**
COTTONWOOD	$26,328		$23,152	$13,002	**$62,482**
CROW WING	$16,000		$22,450		**$38,450**
DAKOTA	$41,207		$25,866	$417	**$67,490**
DODGE	$18,513		$23,620	$765	**$42,898**
DOUGLAS	$28,712	$51,800	$24,602	$6,814	**$111,928**
FARIBAULT	$23,637		$23,620	$12,794	**$60,051**
FILLMORE	$43,432	$250,000	$24,555	$1,321	**$319,308**
FREEBORN	$28,846		$23,386	$5,771	**$58,003**
GOODHUE	$46,358	$85,333	$24,462	$4,589	**$160,742**
GRANT	$21,173		$23,245	$1,669	**$46,087**
HENNEPIN	$23,072		$31,417	$2,364	**$56,853**
HUBBARD	$14,500		$22,216	$70	**$36,786**
ISANTI	$11,303		$24,602	$626	**$36,531**
ITASCA	$11,000		$23,011		**$34,011**
JACKSON	$21,990		$22,403	$6,814	**$51,207**
KANABEC	$16,000		$22,871	$487	**$39,358**
KANDIYOHI	$24,759		$23,807	$9,178	**$57,744**
KITTSON	$16,000		$23,432	$487	**$39,919**
KOOCHICHING	$17,000		$22,590		**$39,590**
LAC QUI PARLE	$38,341		$22,918	$12,098	**$73,357**
LAKE	$17,000		$22,403		**$39,403**
LAKE OF THE WOODS	$17,000		$22,075		**$39,075**
LE SUEUR	$34,447		$23,947	$6,675	**$65,069**
LINCOLN	$27,062		$24,275	$6,744	**$58,081**
LYON	$24,472		$23,479	$9,873	**$57,824**
MAHNOMEN	$18,229		$22,169		**$40,398**
MARSHALL	$11,745		$22,497	$1,182	**$35,424**
MARSHALL-BELTRAMI	$10,025		$22,824	$278	**$33,127**
MARTIN	$33,528		$23,105	$13,697	**$70,330**

SWCD	COST SHARE BASE	CWL FEEDLOT	SERVICE GRANTS		GRANT TOTALS
			GENERAL SERVICES	EASEMENT SERVICES	
MC LEOD	$20,529		$22,965	$3,963	**$47,457**
MEEKER	$27,983		$22,684	$5,076	**$55,743**
MILLE LACS	$11,025		$23,058	$1,112	**$35,195**
MORRISON	$40,665		$24,696	$2,155	**$67,516**
MOWER	$35,214	$50,000	$25,351	$4,798	**$115,363**
MURRAY	$20,336		$22,309	$6,536	**$49,181**
NICOLLET	$22,082		$23,479	$5,006	**$50,567**
NOBLES	$32,479		$22,637	$1,669	**$56,785**
NORMAN	$19,047		$23,198	$2,294	**$44,539**
OLMSTED	$57,252	$87,522	$26,474	$1,112	**$172,360**
OTTER TAIL EAST	$29,809		$23,198	$765	**$53,772**
OTTER TAIL WEST	$37,159		$23,198	$3,337	**$63,694**
PENNINGTON	$18,674		$22,871	$70	**$41,615**
PINE	$22,424		$23,198	$70	**$45,692**
PIPESTONE	$27,707		$22,824	$1,530	**$52,061**
POLK EAST	$17,282		$23,011	$209	**$40,502**
POLK WEST	$25,063		$23,011	$139	**$48,213**
POPE	$35,283		$22,731	$11,125	**$69,139**
RAMSEY	$18,988		$23,620		**$42,608**
RED LAKE	$9,003		$22,122	$348	**$31,473**
REDWOOD	$23,418		$23,620	$21,485	**$68,523**
RENVILLE	$17,594		$23,807	$26,560	**$67,961**
RICE	$25,873	$50,000	$27,878	$3,616	**$107,367**
ROCK	$27,802		$23,620	$1,530	**$52,952**
ROOT RIVER	$37,104	$130,525	$27,363	$3,477	**$198,469**
ROSEAU	$17,716		$22,918	$70	**$40,704**
SCOTT	$32,366		$24,321	$3,268	**$59,955**
SHERBURNE	$14,000		$26,333		**$40,333**
SIBLEY	$16,825		$23,058	$6,605	**$46,488**
ST. LOUIS NORTH	$14,025		$22,965		**$36,990**
ST. LOUIS SOUTH	$11,352		$22,965		**$34,317**
STEARNS	$66,834	$363,250	$26,801	$1,321	**$458,206**
STEELE	$17,874		$24,415	$3,337	**$45,626**
STEVENS	$28,603		$23,432	$4,519	**$56,554**
SWIFT	$16,839		$22,731	$11,472	**$51,042**
TODD	$29,501		$24,462	$278	**$54,241**
TRAVERSE	$10,044		$23,386	$1,460	**$34,890**
WABASHA	$28,775		$23,947	$1,669	**$54,391**
WADENA	$17,000		$22,871	$695	**$40,566**
WASECA	$17,767	$33,382	$23,198	$7,370	**$81,717**
WASHINGTON	$21,927		$25,070	$139	**$47,136**
WATONWAN	$18,113		$22,497	$7,162	**$47,772**
WILKIN	$23,139		$23,526	$1,808	**$48,473**
WINONA	$21,728	$189,393	$25,538	$3,268	**$239,927**
WRIGHT	$27,565		$26,006	$2,990	**$56,561**
YELLOW MEDICINE	$29,926		$23,526	$12,029	**$65,481**
ALLOCATED TOTALS	**$2,144,308**	**$1,399,904**	**$2,155,122**	**$345,008**	**$6,044,342**

NOTES:

Benton – No State Cost Share Base Grant productivity increase for 09 for administrative irregularities

Blue Earth - $3,923 State Cost Share Base Grant Penalty for 03 and 04 State Cost Share Program violations

Pipestone – No performance increase due to State Cost Share Program violations

Red Lake - $429 State Cost Share Base Grant one-time addition due to miscalculation of 08 Base Grant. Should be $8,574

Norman - $1,100 one-time addition to State Cost Share Base Grant for partial restoration of prior penalty for 06 violation

SWCD	COST SHARE BASE	CWL FEEDLOT	SERVICE GRANTS		GRANT TOTALS
			GENERAL SERVICES	EASEMENT SERVICES	

Todd – $445 one-time addition for return of overpayment of unused 05 State Cost Share Base Grant funds

Cass – No CY 06 financial audit; 5% base grant penalty

Watonwan – No performance increase due to 03 State Cost Share Program violations

Hennepin – Late Annual Report - late CY 07 eLINK reporting; 5% reduction to General Services Grant, No State Cost Share Base Grant productivity increase for '09
Ramsey - No State Cost Share Base Grant productivity increase for 09 for administrative/program irregularities

Kanabec - No State Cost Share Base Grant productivity increase for 09 for administrative/program irregularities

Mower - Includes $15,000 for flood retention special project.

PROPOSED FY 2009 GRANTS TO SOIL AND WATER CONSERVATION DISTRICTS

COMPOSITE

SWCD	COST SHARE BASE	CWL FEEDLOT	SERVICE GRANTS		GRANT TOTALS
			GENERAL SERVICES	EASEMENT SERVICES	
AITKIN	$7,738		$24,649	$139	**$32,526**
ANOKA	$18,803		$25,304		**$44,107**
BECKER	$46,711		$23,245	$556	**$70,512**
BELTRAMI	$10,975		$23,105	$487	**$34,567**
BENTON	$19,869	$42,699	$23,479	$1,669	**$87,716**
BIG STONE	$12,239		$22,075	$2,364	**$36,678**
BLUE EARTH	$28,417	$66,000	$23,058	$14,393	**$131,868**
BROWN	$25,624		$23,152	$11,542	**$60,318**
CARLTON	$13,000		$22,824		**$35,824**
CARVER	$29,202		$24,041	$2,642	**$55,885**
CASS	$12,966		$22,356	$139	**$35,461**
CHIPPEWA	$19,001		$23,152	$11,333	**$53,486**
CHISAGO	$16,524		$24,087	$626	**$41,237**
CLAY	$28,821		$23,526	$3,685	**$56,032**
CLEARWATER	$14,025		$22,918	$278	**$37,221**
COOK	$17,000		$22,263		**$39,263**
COTTONWOOD	$26,328		$23,152	$13,002	**$62,482**
CROW WING	$16,000		$22,450		**$38,450**
DAKOTA	$41,207		$25,866	$417	**$67,490**
DODGE	$18,513		$23,620	$765	**$42,898**
DOUGLAS	$28,712	$51,800	$24,602	$6,814	**$111,928**
FARIBAULT	$23,637		$23,620	$12,794	**$60,051**
FILLMORE	$43,432	$250,000	$24,555	$1,321	**$319,308**
FREEBORN	$28,846		$23,386	$5,771	**$58,003**
GOODHUE	$46,358	$85,333	$24,462	$4,589	**$160,742**
GRANT	$21,173		$23,245	$1,669	**$46,087**
HENNEPIN	$23,072		$31,417	$2,364	**$56,853**
HUBBARD	$14,500		$22,216	$70	**$36,786**
ISANTI	$11,303		$24,602	$626	**$36,531**
ITASCA	$11,000		$23,011		**$34,011**
JACKSON	$21,990		$22,403	$6,814	**$51,207**
KANABEC	$16,000		$22,871	$487	**$39,358**
KANDIYOHI	$24,759		$23,807	$9,178	**$57,744**
KITTSON	$16,000		$23,432	$487	**$39,919**
KOOCHICHING	$17,000		$22,590		**$39,590**
LAC QUI PARLE	$38,341		$22,918	$12,098	**$73,357**
LAKE	$17,000		$22,403		**$39,403**
LAKE OF THE WOODS	$17,000		$22,075		**$39,075**
LE SUEUR	$34,447		$23,947	$6,675	**$65,069**
LINCOLN	$27,062		$24,275	$6,744	**$58,081**
LYON	$24,472		$23,479	$9,873	**$57,824**
MAHNOMEN	$18,229		$22,169		**$40,398**
MARSHALL	$11,745		$22,497	$1,182	**$35,424**
MARSHALL-BELTRAMI	$10,025		$22,824	$278	**$33,127**
MARTIN	$33,528		$23,105	$13,697	**$70,330**

SWCD	COST SHARE BASE	CWL FEEDLOT	SERVICE GRANTS		GRANT TOTALS
			GENERAL SERVICES	EASEMENT SERVICES	
MC LEOD	$20,529		$22,965	$3,963	**$47,457**
MEEKER	$27,983		$22,684	$5,076	**$55,743**
MILLE LACS	$11,025		$23,058	$1,112	**$35,195**
MORRISON	$40,665		$24,696	$2,155	**$67,516**
MOWER	$35,214	$50,000	$25,351	$4,798	**$115,363**
MURRAY	$20,336		$22,309	$6,536	**$49,181**
NICOLLET	$22,082		$23,479	$5,006	**$50,567**
NOBLES	$32,479		$22,637	$1,669	**$56,785**
NORMAN	$19,047		$23,198	$2,294	**$44,539**
OLMSTED	$57,252	$87,522	$26,474	$1,112	**$172,360**
OTTER TAIL EAST	$29,809		$23,198	$765	**$53,772**
OTTER TAIL WEST	$37,159		$23,198	$3,337	**$63,694**
PENNINGTON	$18,674		$22,871	$70	**$41,615**
PINE	$22,424		$23,198	$70	**$45,692**
PIPESTONE	$27,707		$22,824	$1,530	**$52,061**
POLK EAST	$17,282		$23,011	$209	**$40,502**
POLK WEST	$25,063		$23,011	$139	**$48,213**
POPE	$35,283		$22,731	$11,125	**$69,139**
RAMSEY	$18,988		$23,620		**$42,608**
RED LAKE	$9,003		$22,122	$348	**$31,473**
REDWOOD	$23,418		$23,620	$21,485	**$68,523**
RENVILLE	$17,594		$23,807	$26,560	**$67,961**
RICE	$25,873	$50,000	$27,878	$3,616	**$107,367**
ROCK	$27,802		$23,620	$1,530	**$52,952**
ROOT RIVER	$37,104	$130,525	$27,363	$3,477	**$198,469**
ROSEAU	$17,716		$22,918	$70	**$40,704**
SCOTT	$32,366		$24,321	$3,268	**$59,955**
SHERBURNE	$14,000		$26,333		**$40,333**
SIBLEY	$16,825		$23,058	$6,605	**$46,488**
ST. LOUIS NORTH	$14,025		$22,965		**$36,990**
ST. LOUIS SOUTH	$11,352		$22,965		**$34,317**
STEARNS	$66,834	$363,250	$26,801	$1,321	**$458,206**
STEELE	$17,874		$24,415	$3,337	**$45,626**
STEVENS	$28,603		$23,432	$4,519	**$56,554**
SWIFT	$16,839		$22,731	$11,472	**$51,042**
TODD	$29,501		$24,462	$278	**$54,241**
TRAVERSE	$10,044		$23,386	$1,460	**$34,890**
WABASHA	$28,775		$23,947	$1,669	**$54,391**
WADENA	$17,000		$22,871	$695	**$40,566**
WASECA	$17,767	$33,382	$23,198	$7,370	**$81,717**
WASHINGTON	$21,927		$25,070	$139	**$47,136**
WATONWAN	$18,113		$22,497	$7,162	**$47,772**
WILKIN	$23,139		$23,526	$1,808	**$48,473**
WINONA	$21,728	$189,393	$25,538	$3,268	**$239,927**
WRIGHT	$27,565		$26,006	$2,990	**$56,561**
YELLOW MEDICINE	$29,926		$23,526	$12,029	**$65,481**
ALLOCATED TOTALS	**$2,144,308**	**$1,399,904**	**$2,155,122**	**$345,008**	**$6,044,342**

NOTES:

Benton – No State Cost Share Base Grant productivity increase for 09 for administrative irregularities

Blue Earth - $3,923 State Cost Share Base Grant Penalty for 03 and 04 State Cost Share Program violations

Pipestone – No performance increase due to State Cost Share Program violations

Red Lake - $429 State Cost Share Base Grant one-time addition due to miscalculation of 08 Base Grant. Should be $8,574

Norman - $1,100 one-time addition to State Cost Share Base Grant for partial restoration of prior penalty for 06 violation

SWCD	COST SHARE BASE	CWL FEEDLOT	SERVICE GRANTS		GRANT TOTALS
			GENERAL SERVICES	EASEMENT SERVICES	

Todd – $445 one-time addition for return of overpayment of unused 05 State Cost Share Base Grant funds

Cass – No CY 06 financial audit; 5% base grant penalty

Watonwan – No performance increase due to 03 State Cost Share Program violations

Hennepin – Late Annual Report - late CY 07 eLINK reporting; 5% reduction to General Services Grant, No State Cost Share Base Grant productivity increase for '09
Ramsey - No State Cost Share Base Grant productivity increase for 09 for administrative/program irregularities

Kanabec - No State Cost Share Base Grant productivity increase for 09 for administrative/program irregularities

Mower - Includes $15,000 for flood retention special project.

PROPOSED FY 2009 NATURAL RESOURCES BLOCK GRANTS

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

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

FY 2009 NRBG Schedule

May 27, 2008	Grants Program & Policy Committee Recommendation
June 25, 2008	BWSR Requested to authorize the FY 2009 NRBG
July 2008	Grant Agreements Sent to Non-Feedlot-Delegated Counties
August 2008	Grant Agreements Sent to Feedlot-Delegated Counties
September 2008	Grant Agreements Executed and Payments Transferred
February 1, 2009	2008 eLINK Reports Due

Selected Program Highlights of the FY 2009 NRBG:

General
The 2008 NRBG was the only remaining base grant administered by BWSR with an application and approval process. Because of the increased emphasis BWSR is putting on grant reporting, the BWSR along with MPCA and the DNR are proposing to discontinue the traditional NRBG application process beginning with the 09 NRBG Program. Staff workteams have examined the value of the application and conclude that it is an unnecessary administrative task for staffs and LGUs. Blanket agency approvals will be issued upon authorization of the 09 Program based upon previous LGU reports and performance. LGUs will however, still be required to authorize that they have obligated any required match funds.

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

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

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

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

DNR Shoreland - $429,926

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

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

MPCA County Feedlot Program - $1,973,875

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

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

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

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

MPCA County Subsurface Sewage Treatment Systems Program - $870,000 All counties are required to pass ordinances regulating SSTS countywide. All counties that have enacted countywide ordinances and have a BWSR approved locally adopted comprehensive local water plan are eligible to receive this grant. No local match is required. Grant amount of $10,000 is determined by equal county allocations. (If dedicated funding is achieved, this amount will become the base amount for FY 10 grants.) These funds are appropriated under the CWL Program.

Recommendation

On behalf of the Grants Program & Policy Committee, the Board is requested to approve the 09 Natural Resources Block Grant Program and authorize staff to enter into grant agreements with counties that meet Program requirements according to the proposed itemized amounts on the attached spreadsheet *2009 BWSR Natural Resources Block Grant, Base Grant Breakdown by Program*.

H:09NRBG

Board Resolution #_____

FY 09 Natural Resources Block Grant Authorization

WHEREAS, the Natural Resources Block Grant (NRBG), administered by the Board of Water and Soil Resources (BWSR), provides assistance to local governments to implement the state natural resource programs of Comprehensive Local Water Management, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and the MPCA Individual Sewage Treatment Systems; and,

WHEREAS, the Laws of Minnesota for 2007, S. F. 2096 appropriated FY 09 Natural Resources Block Grant funds to BWSR and MPCA.

NOW THEREFORE, the BWSR hereby authorizes staff to allocate appropriate individual grant amounts to counties meeting the NRBG Program requirements, as determined by the BWSR, MPCA, and DNR staffs and indicated on the attached spreadsheet *2009 BWSR Natural Resources Block Grant.*

_____ Date: _____

Randy Kramer, Chair
Board of Water and Soil Resources

Attachment: 2009 BWSR Natural Resources Block Grant spreadsheet

H:09NRBGBR

2009 BWSR NATURAL RESOURCES BLOCK GRANT
BASE GRANT BREAKDOWN BY PROGRAM

	$1.5 M	$2.17 M		$.43 M	$1.97 M	$.87 M	
	LOCAL WATER MANAGEMENT	WCA CONSERVATION ACT		DNR SHORELAND	MPCA COUNTY FEEDLOT PROGRAM	MPCA COUNTY SSTS PROGRAM	
COUNTY	CLWM BASE GRANT	WCA BASE GRANT	MINIMUM SWCD TRANSFER	SHORELAND BASE GRANT	FEEDLOT BASE GRANT	SSTS BASE GRANT	GRANT TOTAL
AITKIN	$18,285	$37,870	$5,681	$12,288		$10,000	**$78,443**
ANOKA	$10,657	$71,992	$10,799	$2,979		$10,000	**$95,628**
BECKER	$17,210	$27,613	$5,000	$12,234		$10,000	**$67,057**
BELTRAMI	$18,022	$69,034	$8,679	$6,272		$10,000	**$103,328**
BENTON	$17,473	$36,000	$5,400	$3,744		$10,000	**$67,217**
BIG STONE	$20,685	$10,000	$5,000	$3,065	$7,500	$10,000	**$51,250**
BLUE EARTH	$13,197	$20,710	$5,000	$3,695	$34,681	$10,000	**$82,283**
BROWN	$17,949	$10,000	$5,000	$3,048	$41,225	$10,000	**$82,222**
CARLTON	$17,575	$25,641	$5,000	$4,474		$10,000	**$57,690**
CARVER	$10,657	$36,000	$5,400	$2,979	$30,474	$10,000	**$90,110**
CASS	$13,827	$51,000	$7,650	$12,189		$10,000	**$87,016**
CHIPPEWA	$19,592	$10,000	$5,000	$2,990		$10,000	**$42,582**
CHISAGO	$14,803	$31,558	$5,000	$5,631		$10,000	**$61,992**
CLAY	$16,685	$18,737	$5,000	$3,354	$7,000	$10,000	**$55,776**
CLEARWATER	$20,086	$22,682	$5,000	$3,604		$10,000	**$56,372**
COOK	$19,528	$14,793	$5,000	$4,780		$10,000	**$49,101**
COTTONWOOD	$19,544	$10,000	$5,000	$3,158	$27,109	$10,000	**$69,811**
CROW WING	$10,657	$43,392	$6,509	$21,792		$10,000	**$85,841**
DAKOTA	$10,657	$60,158	$9,024	$2,979	$25,707	$10,000	**$109,501**
DODGE	$19,070	$18,734	$5,000	$3,047	$30,474	$10,000	**$81,325**
DOUGLAS	$15,901	$24,655	$5,000	$9,734	$47,768	$10,000	**$108,058**
FARIBAULT	$19,157	$10,000	$5,000	$3,116	$38,981	$10,000	**$81,254**
FILLMORE	$18,799	$10,000	$5,000	$3,067	$106,754	$10,000	**$148,620**
FREEBORN	$17,274	$10,000	$5,000	$3,576	$36,738	$10,000	**$77,588**
GOODHUE	$12,419	$18,737	$5,000	$3,158	$75,906	$10,000	**$120,220**
GRANT	$20,411	$15,779	$5,000	$3,482		$10,000	**$49,672**
HENNEPIN	$10,657	$65,089	$9,763	$0		$10,000	**$85,746**
HOUSTON	$19,353	$14,793	$5,000	$3,105	$43,468	$10,000	**$90,719**
HUBBARD	$17,438	$28,599	$5,000	$9,609		$10,000	**$65,646**
ISANTI	$17,447	$28,599	$5,000	$4,562		$10,000	**$60,608**
ITASCA	$13,754	$50,296	$7,544	$11,514		$10,000	**$85,564**
JACKSON	$19,376	$10,000	$5,000	$3,430	$42,533	$10,000	**$85,339**
KANABEC	$19,843	$28,599	$5,000	$4,660		$10,000	**$63,102**
KANDIYOHI	$15,829	$24,655	$5,000	$7,693	$47,301	$10,000	**$105,478**
KITTSON	$20,116	$18,737	$5,000	$3,016	$7,500	$10,000	**$59,369**
KOOCHICHING	$19,782	$32,939	$5,010	$3,101		$10,000	**$65,822**
LAC QUI PARLE	$20,346	$10,000	$5,000	$2,995	$7,500	$10,000	**$50,841**
LAKE	$19,401	$18,737	$5,000	$5,257		$10,000	**$53,395**
LAKE OF THE WOODS	$20,814	$38,461	$5,769	$3,978	$7,500	$10,000	**$80,753**
LE SUEUR	$17,776	$18,737	$5,000	$5,603	$23,370	$10,000	**$75,486**
LINCOLN	$20,391	$10,000	$5,000	$3,153	$41,412	$10,000	**$84,956**
LYON	$18,023	$10,000	$5,000	$3,119		$10,000	**$41,142**
MCLEOD	$16,645	$18,737	$5,000	$3,404	$36,364	$10,000	**$85,150**
MAHNOMEN	$20,853	$14,793	$5,000	$3,828		$10,000	**$49,474**
MARSHALL	$19,740	$21,696	$5,000	$2,979	$7,500	$10,000	**$61,915**
MARTIN	$18,033	$10,000	$5,000	$3,445	$57,116	$10,000	**$98,594**
MEEKER	$18,419	$21,696	$5,000	$5,394	$27,109	$10,000	**$82,618**
MILLE LACS	$18,908	$25,641	$5,000	$5,478	$8,133	$10,000	**$68,160**

2009 BWSR NATURAL RESOURCES BLOCK GRANT
BASE GRANT BREAKDOWN BY PROGRAM

	$1.5 M	$2.17 M		$.43 M	$1.97 M	$.87 M	
	LOCAL WATER MANAGEMENT	WCA CONSERVATION ACT		DNR SHORELAND	MPCA COUNTY FEEDLOT PROGRAM	MPCA COUNTY SSTS PROGRAM	
COUNTY	CLWM BASE GRANT	WCA BASE GRANT	MINIMUM SWCD TRANSFER	SHORELAND BASE GRANT	FEEDLOT BASE GRANT	SSTS BASE GRANT	GRANT TOTAL
MORRISON	$17,918	$34,517	$5,178	$4,494	$57,490	$10,000	**$124,419**
MOWER	$17,178	$14,793	$5,000	$3,719	$26,688	$10,000	**$72,378**
MURRAY	$19,815	$10,000	$5,000	$3,670	$39,075	$10,000	**$82,560**
NICOLLET	$17,321	$18,737	$5,000	$3,055	$38,514	$10,000	**$87,627**
NOBLES	$18,962	$10,000	$5,000	$3,032	$49,264	$10,000	**$91,258**
NORMAN	$20,461	$14,793	$5,000	$2,989	$7,500	$10,000	**$55,743**
OLMSTED	$10,657	$28,599	$5,000	$3,588		$10,000	**$52,844**
OTTER TAIL	$12,934	$68,047	$13,807	$20,219		$10,000	**$111,200**
PENNINGTON	$20,198	$18,737	$5,000	$3,228	$7,500	$10,000	**$59,663**
PINE	$18,241	$39,448	$5,917	$6,720		$10,000	**$74,409**
PIPESTONE	$20,075	$10,000	$5,000	$2,979	$48,049	$10,000	**$91,103**
POLK	$17,732	$24,655	$10,000	$3,939	$10,470	$10,000	**$66,796**
POPE	$19,874	$17,751	$5,000	$4,842	$32,998	$10,000	**$85,465**
RAMSEY	$10,657	$19,000	$5,000	$0		$10,000	**$39,657**
RED LAKE	$20,877	$14,793	$5,000	$3,273	$7,500	$10,000	**$56,443**
REDWOOD	$19,054	$11,834	$5,000	$2,979		$10,000	**$43,867**
RENVILLE	$18,495	$10,000	$5,000	$3,033	$33,372	$10,000	**$74,900**
RICE	$13,768	$27,613	$5,000	$4,772	$70,390	$10,000	**$126,543**
ROCK	$19,980	$10,000	$5,000	$2,979	$47,394	$10,000	**$90,353**
ROSEAU	$19,922	$27,613	$5,000	$3,073		$10,000	**$60,608**
ST. LOUIS	$10,657	$86,193	$20,474	$22,712		$10,000	**$129,562**
SCOTT	$10,657	$47,337	$7,101	$2,979	$18,696	$10,000	**$89,669**
SHERBURNE	$10,657	$36,000	$5,400	$5,551		$10,000	**$62,208**
SIBLEY	$19,242	$15,325	$5,000	$3,076	$32,718	$10,000	**$80,361**
STEARNS	$10,657	$52,268	$7,840	$10,257	$199,099	$10,000	**$282,281**
STEELE	$16,405	$13,806	$5,000	$3,266	$28,060	$10,000	**$71,537**
STEVENS	$20,151	$10,000	$5,000	$3,108	$15,518	$10,000	**$58,777**
SWIFT	$19,816	$13,806	$5,000	$3,126	$15,892	$10,000	**$62,640**
TODD	$19,323	$24,655	$5,000	$5,620	$71,045	$10,000	**$130,643**
TRAVERSE	$20,520	$10,000	$5,000	$3,195	$7,500	$10,000	**$51,215**
WABASHA	$18,665	$13,806	$5,000	$4,008	$47,768	$10,000	**$94,247**
WADENA	$20,262	$22,682	$5,000	$3,514	$18,603	$10,000	**$75,061**
WASECA	$18,790	$13,806	$5,000	$3,425	$26,455	$10,000	**$72,476**
WASHINGTON	$10,657	$47,337	$7,101	$2,979		$10,000	**$70,973**
WATONWAN	$19,892	$10,000	$5,000	$3,114	$20,753	$10,000	**$63,759**
WILKIN	$20,055	$10,000	$5,000	$2,999		$10,000	**$43,054**
WINONA	$15,598	$13,806	$5,000	$3,021	$58,892	$10,000	**$101,317**
WRIGHT	$10,657	$48,323	$7,249	$10,640	$41,225	$10,000	**$120,845**
YELLOW MEDICINE	$19,980	$10,000	$5,000	$2,995	$28,324	$10,000	**$71,299**
MARSHALL-BELTRAMI SWCD	$0	$6,004	NA	$0			**$6,004**
TOTALS	**$1,499,824**	**$2,171,973**		**$429,926**	**$1,973,875**	**$870,000**	**$6,945,598**

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

H:09NRBG

PROPOSED FY 09 NPEA BASE GRANTS

BACKGROUND

The Non Point Engineering Assistance (NPEA) Base Grants are allocated annually to the eleven NPEA (TSA) Joint Powers Boards for the purpose of providing technical assistance to landowners to apply conservation practices. For FY 09, the legislature has appropriated $1.06 M for this Program.

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

ISSUE

This delivery model allocation policy pertinent to the 09 NPEA Base Grant is as follows:

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

Given the existing level of funding the state and minimum local shares for the first year shall be as follows:

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

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

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

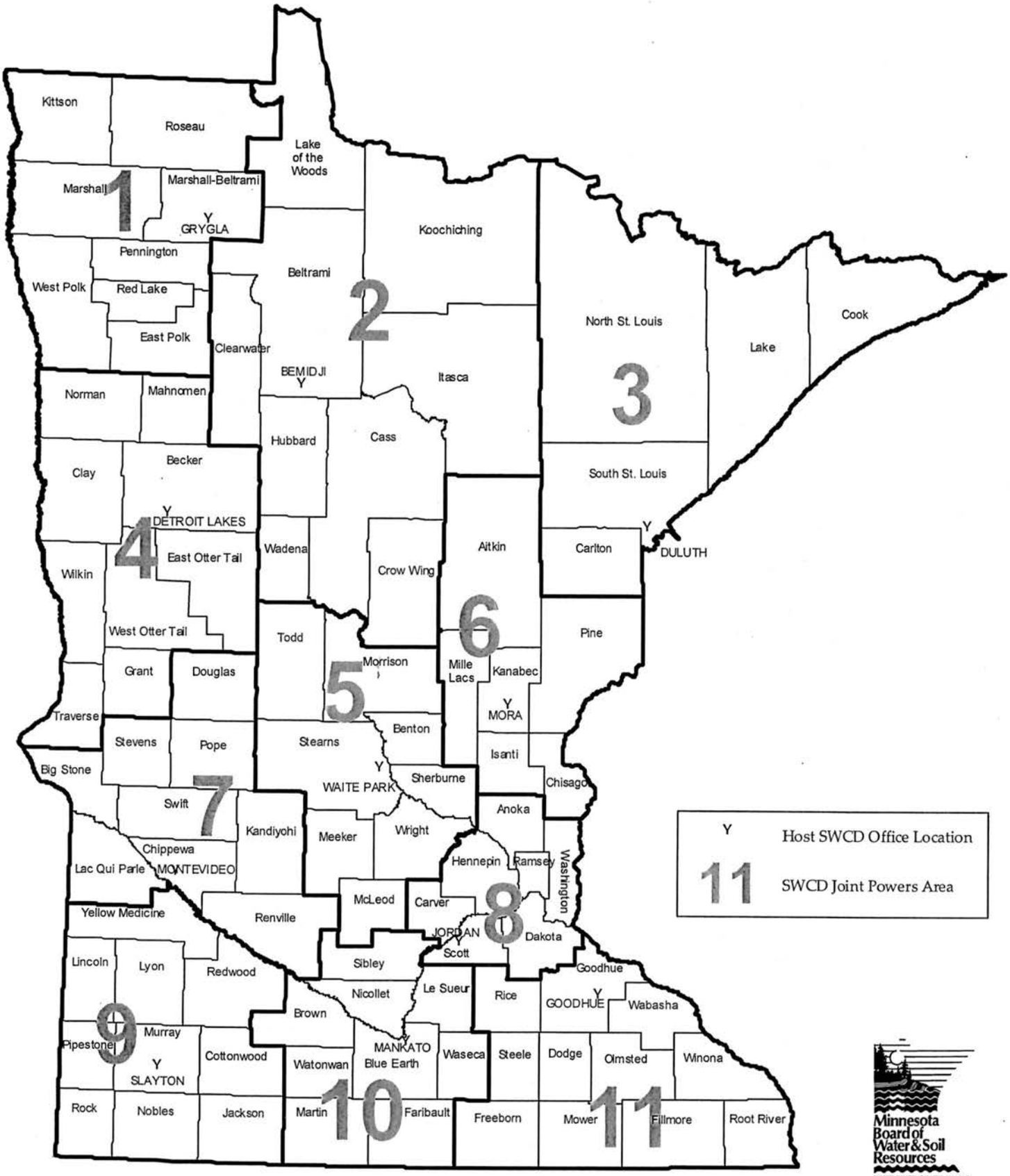
All state NPEA program grant and local share dollars must be used within the two-year grant period.

RECOMMENDATION

The Grants Program and Policy Committee is requested to recommend authorization of the 09 NPEA Base Grant Program by the enclosed relotution and staff to allocate these grants to JPBs meeting Program, workplan, and reporting requirements, beginning July 1, 2008.

The Committee will continue their review of the NPEA Program and CTAC recommendations at their July 23 Meeting.

Nonpoint Engineering Assistance Program



January 2003

Board Resolution #_____

FY 09 Non Point Engineering Assistance Base Grant Authorization

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

WHEREAS, 2007 Minnesota Legislature, by S. F. No. 2096 has appropriated NPEA Base Grant funds to BWSR; and,

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

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

Given the existing level of funding, and assuming that each TSA requests the maximum in state resources, then the state and local shares for the first year shall be as follows:
State = $96,363 per TSA (i.e. equal state funding) *TSA = $24,091*

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

- *Fees for services (from landowners, or other sources)*
- *Member SWCD cash contributions*
- *Federal TSP funding*
- *Federal grant funds*
- *Other state programs*
- *Gifts and donations*

All state NPEA program grant and local share dollars must be used within the two-year grant period.

NOW THEREFORE, the BWSR hereby authorizes staff to allocate the FY 09 NPEA Base Grants according to these policies, to JPBs meeting Program requirements.

_____ Date: _____

Randy Kramer, Chair
Board of Water and Soil Resources

H:09NPEABGBR

Minnesota Board of Water & Soil Resources

Mower SWCD Special Project Allocation

Background

The Legislature in their 2005 Special Session directed BWSR to allocate from State Cost Share Roll-Over $15,000 to the Mower SWCD for a flood control project:

> "Any balance in the board's cost share program that remains from the fiscal year 2005 appropriation is available in an amount of up to $15,000 for a grant to the Mower County Soil and Water Conservation District to create a small pond demonstration project in the Cedar River Watershed for purposes of water retention and flood control. The Mower County Soil and Water Conservation District must seek other sources of funding, including federal and private sources, to ensure that the demonstration project is educational and complete."

Issue

These funds were allocated in the fall of 2005. However, a suitable site was not obtained before our grant agreement with the Mower SWCD expired and these funds were returned to BWSR.

This spring the SWCD notified BWSR that a very suitable site had been secured along with other local, state, and federal funding. The SWCD is requesting a re-allocation of the $15,000 for the proposed Arlo Scheevel Flood Retention Project. This project has been reviewed and approved by BWSR staff. (Please refer to attachments.)

Recommendation

The Grants Program and Policy Committee supports this funding re-allocation and requests Board approval of the proposed resolution.

Enc: attachments

H:MSPBRL

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fax (218) 755-4201

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Duluth, MN 55802
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1004 Frontier Trail
Fergus Falls, MN 56537
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Marshall
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phone (507) 537-6060
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New Ulm
261 Highway 15 S.
New Ulm, MN 56073
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Rochester
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Rochester, MN 55906
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520 Lafayette Road N.
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Board Resolution #_____

FY 09 MOWER SWCD SPECIAL COST SHARE
ARLO SCHEEVEL FLOOD RETENTION PROJECT

WHEREAS, the BOARD, pursuant to Minnesota Statutes §103C.401 subds. 1 & 2 and §103C.501 is empowered to make grants, and;

WHEREAS, the Laws of Minnesota, 1st Special Session, S.F. 69, Article 2, Sec. 5 authorize the BOARD to make available to the SWCD project funds, and;

WHEREAS, the SWCD has submitted to the BOARD and the BOARD has approved SWCD's Comprehensive Plan, Annual Report for the previous fiscal year, and Annual Plan of Work for the Grant Period stated above, hereinafter referred to as the "Plan of Work", in accordance with BOARD guidelines, and;

WHEREAS, the SWCD has submitted to the BOARD and the BOARD has approved SWCD's project plan and outlined control methods, costs, and other information required by the BOARD.

NOW THEREFORE, the BOARD approves the allocation of the appropriated $15,000 to the Mower SWCD for the Arlo Scheevel Flood Retention Project.

_____ Date: _____

Randy Kramer, Chair
Board of Water and Soil Resources

H:MSPBR

BOARD OF WATER AND SOIL RESOURCES **INTERNAL MEMORANDUM**

DATE: April 22, 2008

TO: Wayne Zellmer

FROM: Dave Peterson, Board Conservationist DP

SUBJECT: Mower SWCD 06 Special Cost Share Allocation

Wayne, as you recall, the Mower SWCD received, by legislative appropriation language, a special cost share allocation of $15,000 in fiscal year 2006 to demonstrate small water retention structures. In a previous email dated 8/9/07 I explained the District was unable to locate potential sites due to escalating commodity prices and land values and was requesting an extension of the grant deadline.

I did not require them to return the funds last summer while I worked with them to locate appropriate sites. My intent was to extend the grant period once sites were located which would have saved a fair amount of paper work for the District and the state.

I had the District return the funds in March. The check was sent to BWSR March 28, 2008.

Shortly after the District returned the funds a good site became available for use of the $15,000. I had the District prepare a brief project proposal and budget for the project. The document is attached. The Arlo Scheevel project is a CREP wetland restoration being designed by BWSR. The site is about a half mile from Turtle Creek just above the City of Austin. The special allocation would be used in conjunction with the CREP wetland restoration. In addition $39,000 of Turtle Creek Watershed District levy funds will be used to develop optimum flood retention for the site if the $15,000 special cost share allocation is returned to the District. The project would be part of the Watershed District's plans for flood water mitigation in the City of Austin involving a county road and other project design changes that are not covered under CREP funding. The proximity of the project site to the City of Austin and its location adjacent to and involving a county road makes the site a prime demonstration opportunity for the techniques used in small structure floodwater storage.

The opportunity at this site to make use of several programs for wetland restoration with land and flowage rights, to serve as a floodwater retention demonstration and as part of a project that will be constructed this year, I recommend BWSR honor the District's request to have the $15,000 '06 special cost share allocation returned for use on the Arlo Sheevel site as part of the flood water retention component of the project.

Attached to this memo are copies of the Mower District's April 16 project proposal, March 28 memo requesting return of the funds and air photos of the site.

MOWER SWCD Soil and Water Conservation District

1408 21st Ave. NW
Suite 2
Austin, MN 55912
507-434-2603
FAX: 507-434-2680

"Serving the people and resources of Mower County for over 50 years."

Board of Supervisors:
Chairman
Jim Gebhardt

Vice Chairman
Bill Lonergan, Jr.

Secretary/Treasurer
Jon Erichson

Member
John Grass

Member
Rick Gehling

Staff:
District Manager
Bev Nordby

Engineering Tech
Rick Morrison

Resource Specialist
Justin Hanson

District Tech
Matt Taylor

Administrative Asst.
Jeanne Crump

April 16, 2008

BWSR Flood Reduction Permit

The Mower Soil and Water Conservation District is requesting the fifteen thousand dollars, which was allocated to Mower County, for flood reduction projects. A project has been submitted that meets the flood reduction objectives that the legislature had in mind when the funding was originally appropriated.

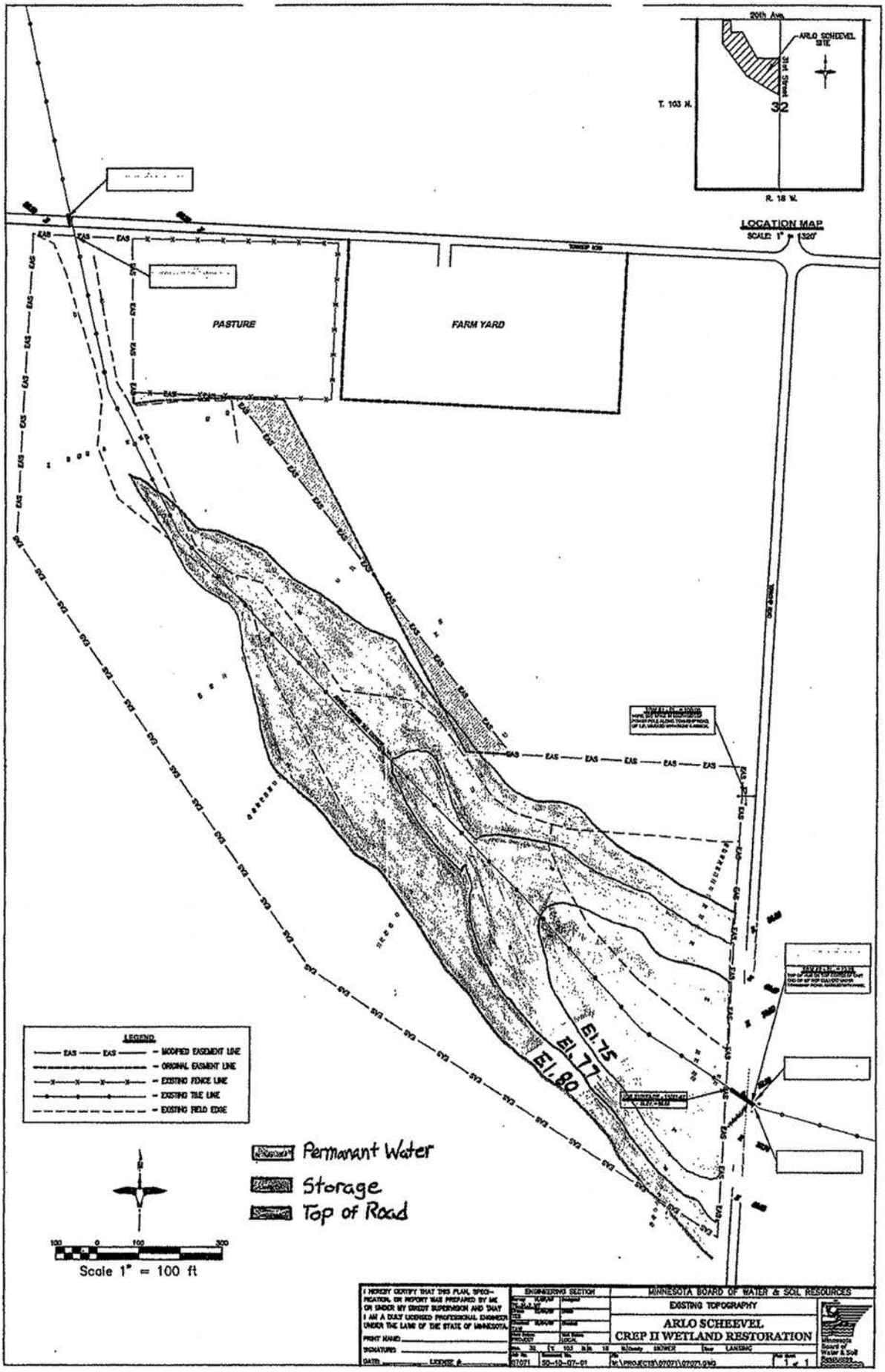
The site is located northwest of Austin, in the Turtle Creek Watershed. Current site conditions are agricultural land, tiled and farmed in a corn and soy bean rotation. The landowner has voluntarily enrolled in the Conservation Reserve Enhancement Program (CREP), with hopes of improving water quality and wildlife habitat, along with maximizing the flood control benefits.

In recent months, the SWCD has been working with BWSR Engineering staff to come up with a restoration plan. The engineering staff has come up with two general scenarios for restoration. The first scenario would be a basic tile break, to restore hydrology. The other scenario includes dikes, structures, tile breaks and a road raise which will provide the optimum flood control project.

The district targeted this area, when the CREP sign-up kicked off. It has also been a high priority site, identified by the Turtle Creek Watershed District for many years. For this reason, the TCWD has approved Thirty Nine Thousand dollars, to put towards constructing the project with optimum flood control benefits. Due to cost-share limitations and off-site work needed to complete the project, additional funding was needed. Below is a cost-summary based on the BWSR engineering cost estimate and proposed funding.

Project Size	38.1 Acres
Project Costs	
Wetland Restoration Costs	$80,000
Road Raise	$40,000
Total Estimated Project Cost	$120,000
Cost-Share Assistance	
State and Federal Cost-Share	$66,000
Turtle Creek Watershed District	$39,000
BWSR Flood Reduction Grant	***$15,000***

Contact: Justin Hanson – Mower SWCD
(507) 434-3603
justin.hanson@mn.nacdnet.net


20th Ave.
ARLO SCHEEVEL SITE
31st Street
T. 103 N.
32
R. 18 W.
LOCATION MAP
SCALE: 1" = 1320'
PASTURE
FARM YARD
EAS
El. 75
El. 77
El. 80
LEGEND
EAS — EAS — MODIFIED EASEMENT LINE
ORIGINAL EASEMENT LINE
EXISTING FENCE LINE
EXISTING TILE LINE
EXISTING FIELD EDGE
Permanant Water
Storage
Top of Road
100 0 100 300
Scale 1" = 100 ft
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
PRINT NAME:
SIGNATURE:
DATE: LICENSE #
ENGINEERING SECTION
MINNESOTA BOARD OF WATER & SOIL RESOURCES
EXISTING TOPOGRAPHY
ARLO SCHEEVEL
CREP II WETLAND RESTORATION
Minnesota Board of Water & Soil Resources
07071
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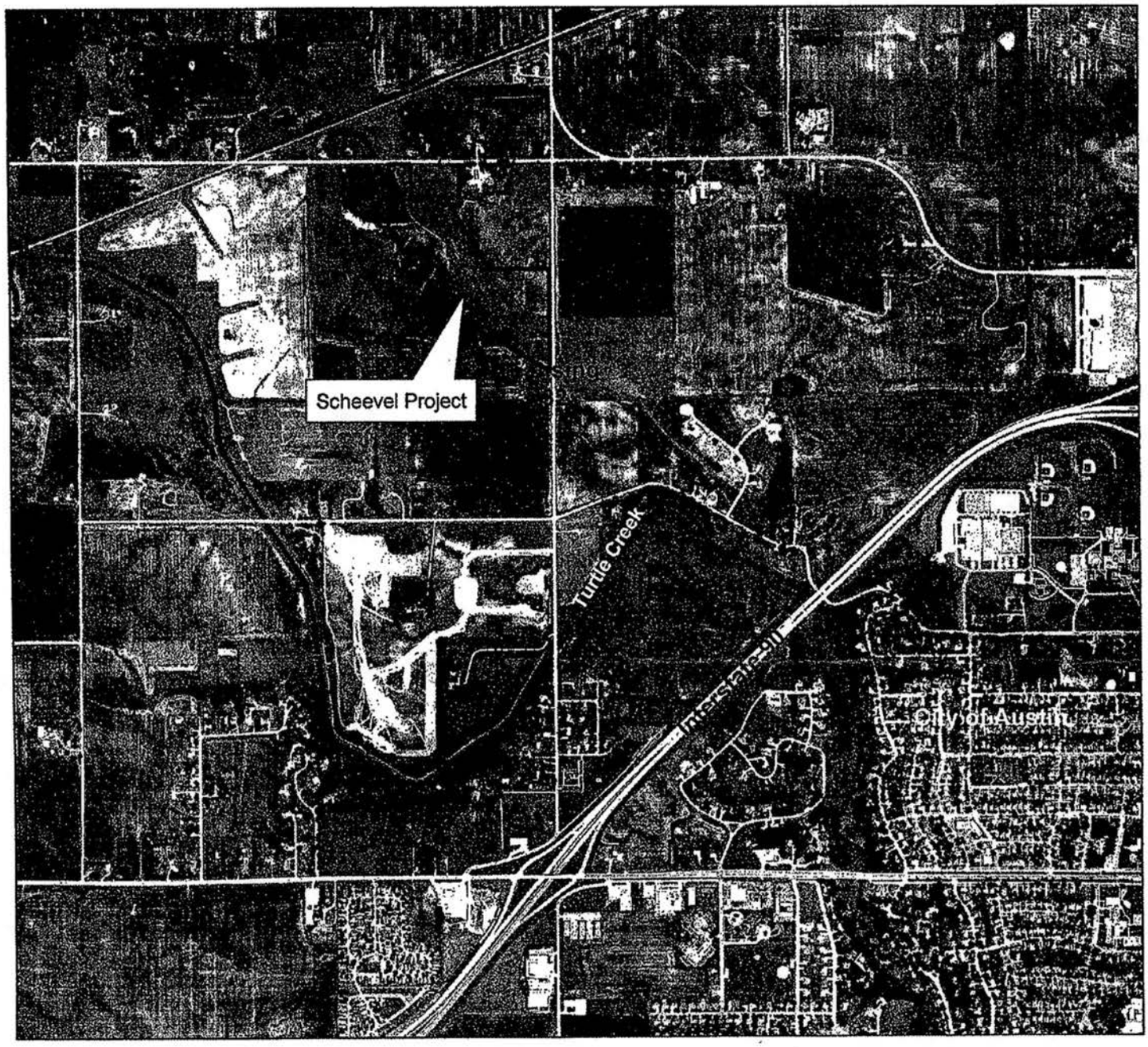
1 of 1

Arlo Scheevel
CREP Wetland Restoration



0 750 1,500 3,000 4,500 Feet

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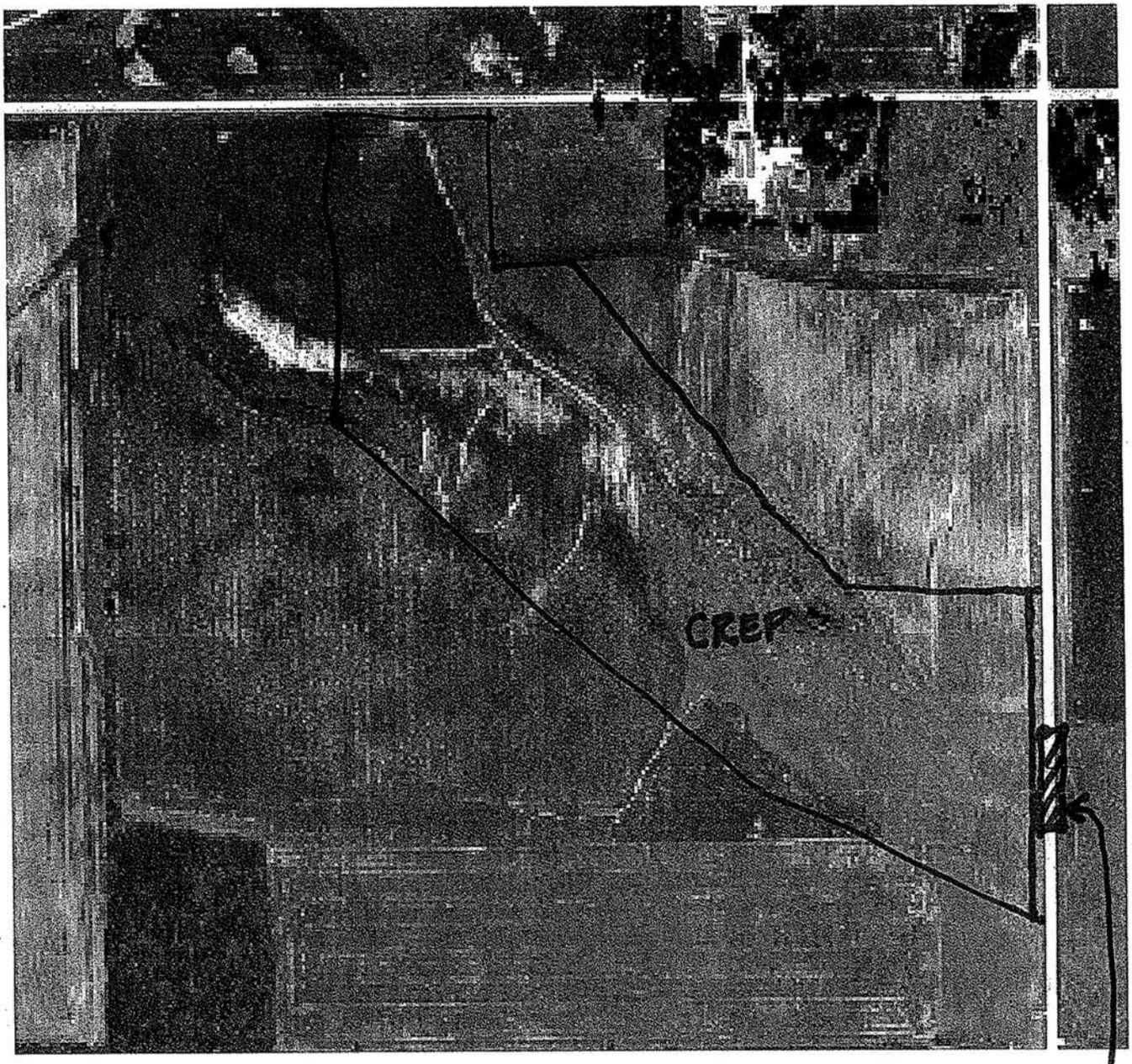

CREEK
ROAD RETENTION STRUCTURE

FARM BILL IMPLEMENTATION FUNDING

6/25/2008

FUNDING

PARTNERS	FY 2009
DNR	$287,500
BWSR	$150,000
Carry-Over Phase VII	$300,000
Total Cash	**$737,500**

MATCH	
SWCD Match	to be determined
Local Organization	to be determined
Other	$0
TOTAL FUNDING	**$737,500**

FARM BILL ASSISTANCE PROJECT-PHASE VIII FORMULA
June 25, 2008

For purposes of this grant, a Full Time Equivalent (FTE) is calculated based on 2080 hrs. and a total staff budget of $45,000. This budget is intended to cover the salary, benefits and direct expenses of employing a staff person to perform the duties of the Farm Bill Assistance Project as laid out in the grant agreement. The budget is prorated if less than full time. The grant period will be for 2 years. The grant is calculated to cover FY 2009, which starts July1, 2008 and ends June 30, 2009.

WLI Focus Areas

For SWCD's working within one of the Focus Areas of the DNR Working Lands Initiative. Grant funds will be awarded based upon 90% state and require a 5% SWCD match, and 5% local partner match. There are 11 SWCD's actively involved with WLI at this point.

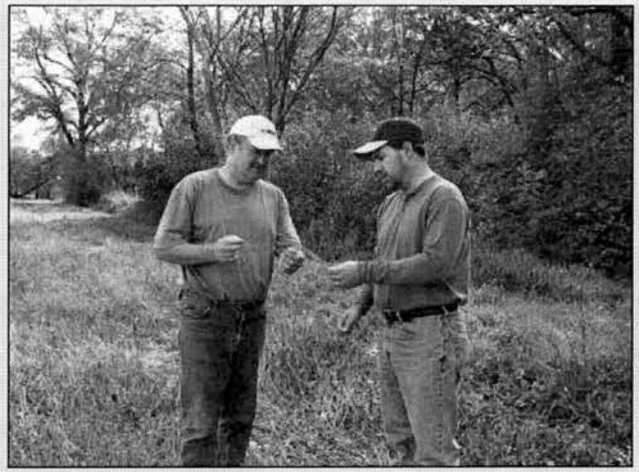
All others

All other SWCD participants will recieve 70% state and require a 25% SWCD match and 5% local partner match. We expect there could be as many as 30 SWCD's in this category.

Minnesota's Farm Bill Assistance Partnership

The essential link between private landowners and state and federally funded conservation programs

This native grassland seeding in northern Kandiyohi County is one of the first sites where a landowner has enrolled land in a new Continuous CRP option known as the "Back 40 Pheasant Habitat conservation practice." These 15.3 acres were enrolled by a landowner who worked closely with a Farm Bill Technician -- an SWCD employee whose position is funded by the Minnesota Farm Bill Assistance Partnership. The site was planted in May 2008, and it is near an existing WPA and WMA, which will expand on an existing habitat complex and will also provide water quality benefits. Thanks to the Farm Bill Assistance Partnership, nearly 10,000 acres are in the process of being enrolled in Minnesota since this enrollment option was announced in April 2008.



This partnership provide funding for staff in Minnesota's SWCDs to promote conservation programs to private landowners.

Minnesota Board of Water & Soil Resources — **BWSR**

Minnesota DEPARTMENT OF NATURAL RESOURCES — **DNR**

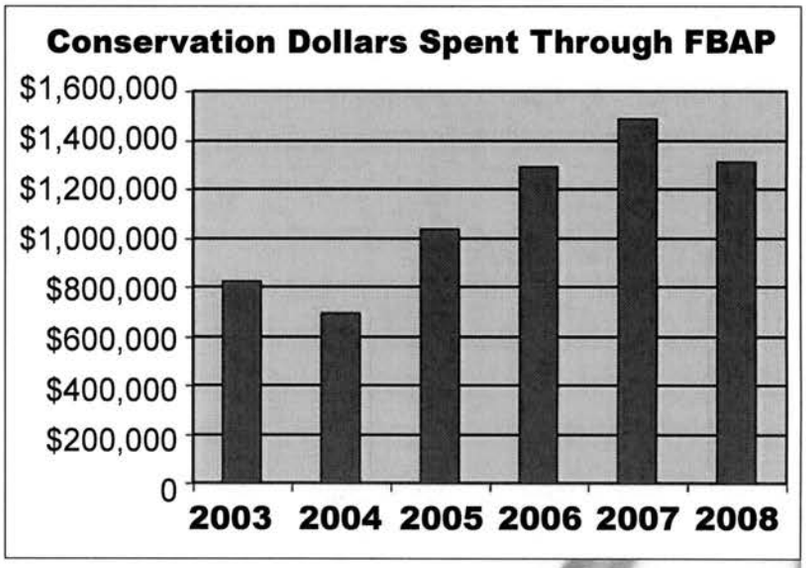
PHEASANTS forever The Habitat Organization — **Pheasants Forever**

MASWCD — **SWCDs**

Minnesota's
Farm Bill Assistance Partnership

The essential link between private landowners and state and federally funded conservation programs

The Farm Bill Assistance Partnership of BWSR, DNR, Pheasants Forever, and Soil and Water Conservation Districts (SWCDs), pays for SWCDs to hire technicans to promote conservation provisions of the Federal Farm Bill and other conservation programs to private landowners. The partnership has spent nearly $6 million since it began in 2002, which has led to thousands of acres of long-term habitat being established in Minnesota.



Here's what people are saying about this partnership:

"My job is much more than just suggesting a program that would meet the needs of a landowner's operation. Some programs that involve payments and multi-year contracts require a sea of paperwork, so helping the landowner understand each requirement is the only way to get conservation projects on the ground."

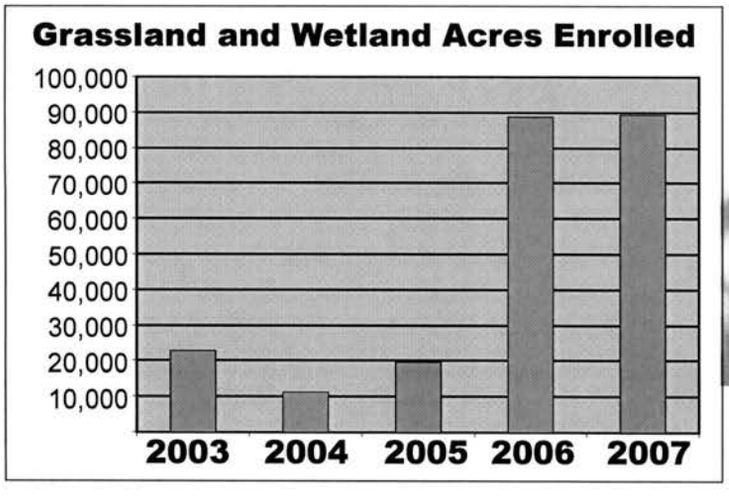
-- Jason Selvog,
Pheasants Forever, Farm Bill Biologist

"The greatest benefit of the partnership has been the SWCD's ability to have someone sit down with landowners, visit with them one on one, and explain all the opportunities available. When you sit down and visit with people, you learn that there's a lot to understand."

-- Dennis Fuchs,
Stearns County SWCD Administrator

"I have the privilege of working to directly improve wildlife populations and water quality where I live, and downstream. Every new acre enrolled instills in me a real sense of satisfaction and accomplishment. I care about our environment and our wildlife populations, and I am grateful that I get to work to improve them both."

-- Cory Netland,
Farm Bill Technician, Renville County



Minnesota Board of Water & Soil Resources

Board Resolution #____

FY 2009 FARM BILL ASSSISTANCE GRANT

WHEREAS, the Farm Bill Assistance Grant Program administered by the Board of Water and Soil Resources (BWSR), provides grants to SWCD's for the hiring of staff to accelerate implementation of the Federal Farm Bill as well as other state and local conservation projects that involve grasslands and wetlands,

WHEREAS, this grant process will be used for Phase VIII of this ongoing project that started in 2002,

WHEREAS, BWSR, DNR and Pheasants Forever have secured the funding and coordinated the application process for FY2009,

WHEREAS, the BWSR has adopted the following grant and allocation policies based upon the Farm Bill Assistance Committee's recomendation;

Eligible SWCD's in Working Lands Initiative Focus Areas will be eligible to receive a 90% state funded grant while SWCD's outside of these areas will be eligible to receive a 70% state funded grant. SWCD's are required to provide the remaining match for a total budget of $45,000 for each FTE.

NOW THEREFORE, the BWSR hereby authorizes staff to allocate funding for the Farm Bill Assistance Grant according to these policies.

_____ Date:_____

Randy Kramer, Chair
Board of Water and Soil Resources

Minnesota Board of Water & Soil Resources

NRCS Natural Resources Conservation Service

Reinvest In Minnesota/Wetlands Reserve Program Partnership – Phase I
Field Staff Announcement

The Minnesota Board of Water and Soil Resources (BWSR) and the Minnesota USDA Natural Resources Conservation Service (NRCS) are announcing Phase I of a Reinvest In Minnesota (RIM) Reserve Program/Wetlands Reserve Program (WRP) partnership. This partnership between the premier national and state wetland restoration programs will combine agency processes to offer competitive payment rates to landowners for the purpose of restoring wetlands in high-priority areas.

1. Background – The recently passed 2008 Federal Food, Conservation and Energy Act (2008 Farm Bill) reauthorized the WRP with $75 million available nationwide through the remainder of federal fiscal year 2008 (ending September 30, 2008). The 2008 Minnesota Legislature approved $25M for the RIM Reserve Program. This partnership is expected to have approximately $15M available statewide for Phase I.

2. Sign-up Period: Phase I – The deadline for obligating federal funds for this initial application period has been set by the NRCS National Headquarters for September 1, 2008. **To meet this deadline, RIM/WRP applications will be accepted beginning June 26th and ending on July 18, 2008. Applications received after July 18th may be considered during future scoring periods.**

3. Easement Duration – NRCS will be acquiring a 30-year WRP easement. BWSR, through the RIM Reserve program, will be acquiring a perpetual easement. The landowner will receive a combined payment from both programs.

4. Payment Rate: Phase I –The combined easement payment rates will be known to the local offices at the time of sign-up. No appraisals will be required. This will shorten the processing time and allow landowners to quickly know what their easement payments will be. In addition, NRCS will be paying 75% of the actual conservation practice costs. BWSR will pay the remainder of the conservation practice costs, not to exceed RIM's program maximums and/or actual costs.

5. Enrollment – Landowners will sign up for the partnership at local NRCS or SWCD offices throughout the state. All applications will be reviewed and signed off locally by both the NRCS District Conservationist and a SWCD representative who administers the RIM Reserve program, before being submitted for consideration by the BWSR/NRCS RIM/WRP Selection Committee.

6. Scoring – Applications that have been received by close of business on July 18th will be scored using the Minnesota Wetland Easement Evaluation Worksheet formulated by members of the NRCS State Technical Committee with technical assistance from the US Fish and Wildlife Service, MN DNR, Ducks Unlimited, MN Waterfowl Association, BWSR and others. It

provides a higher score for those applications that restore the most wetlands and uplands in priority migratory species habitat areas of the state and in areas of the state that have had a large amount of their wetlands drained or altered.

7. Selection Process – The BWSR/NRCS RIM/WRP Selection Committee will make decisions to fund projects in early August. Project selection will be based on legislatively mandated priority areas, scores (see #5 above) and project feasibility. Option Agreement To Purchase (OTP) and draft RIM Agreement will be forwarded to the local offices to secure landowner signatures. Once these are approved by the landowner and forwarded to agency state headquarters, funds will be obligated.

8. Training – Initial training will be held on June 26, 10am to Noon via teleconference for all BWSR, NRCS, SWCD and partner (DU and MWA) employees regarding the details of the RIM/WRP for 2008. This session will be recorded in case someone cannot attend the original program. Call-in details and RIM/WRP documents will be transmitted before the teleconference.

We look forward to working with all of you to implement this new and exciting partnership to restore wetlands and related habitat with benefits to habitat, water and soil quality, and the economic climate throughout the state.

Kevin Lines
Conservation Easement Section Mgr.
Board of Water and Soil Resources
651-297-1894
kevin.lines@state.mn.us

Tim Koehler
Assistant State Conservationist
Natural Resources Conservation Service
651-602-7857
tim.koehler@mn.usda.gov

DRAFT

Board Resolution #_____

Establish Rates and Sign-up Procedures for Reinvest in Minnesota Reserve/Wetlands Reserve Program (RIM/WRP) Partnership Project – Phase I

WHEREAS the MN State Legislature appropriated $25 million dollars to RIM Reserve in the 2008 bonding bill (Chapter 179, 2008 Session Law) which Governor Pawlenty signed into law on April 7, 2008, and said funding is now available for expenditures as the MN Department of Finance has established the necessary accounts;

WHEREAS the 2008 legislative hearings on the bonding bill included testimony, evidence and projections regarding the use of newly appropriated RIM-Reserve funds quickly to leverage available federal farm bill funds and provide economic stimulus benefits to Minnesota's economy;

WHEREAS the new RIM Reserve funding is intended to leverage federal WRP (Wetlands Reserve Program) dollars;

WHEREAS the recently passed 2008 Federal, Food, Conservation and Energy Act (2008 Federal Farm Bill) reauthorized the WRP with $75 million available nationwide through the remainder of fiscal year 2008 (ending September 30, 2008);

WHEREAS the Board of Water and Soil Resources (Board) RIM Reserve Management Planning Committee met on April 23, May 28 and June 17, 2008 to review and recommend the following provisions to successfully launch Phase I of the RIM/WRP partnership;

WHEREAS approximately $10-15 million dollars of federal WRP funding is expected to be available for MN under the new farm bill for the federal fiscal year 2008 which ends September 30, 2008 and there exists an urgency to get the RIM/WRP partnership launched in order to leverage 2008 federal farm bill funds;

WHEREAS the Minnesota Board of Water and Soil Resources authorized staff to work with Natural Resources Conservation Service (NRCS) to develop sign-up procedures and supporting materials for Phase I (federal fiscal year 2008) of the RIM/WRP partnership;

WHEREAS the Board and NRCS staff, in consultation with the University of Minnesota Applied Economics Department, have determined that Estimated Market Value (EMV) is the most consistent and available land value data for determining payment rates;

WHEREAS the Minnesota NRCS is expected to adopt a 30-year WRP payment rate, specific to the RIM/WRP Partnership, of 75% of EMV for cropland acres and 50% of EMV for non-cropland acres;

NOW, THEREFORE BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes Phase I of the RIM/WRP partnership to begin on June 26, 2008 and run through September 30, 2008. The total partnership payment rate for cropland acres is 140% of EMV and for non-cropland acres is 93% EMV. Rates are to be calculated using the township mean for tillable property value established by county assessors for the 2009 tax year.

_____ _____

Randy Kramer, Chair Date
Minnesota Board of Water and Soil Resources

Lake Titlow Restoration Project Annual Plan

May 2008

Fiscal Agent for Project: City of Gaylord, Sibley County, Minnesota

Primary Groups Involved in Project:

Gaylord City Council
Lake Titlow Committee
Sibley County Commissioners
Minnesota Department of Natural Resources
Sibley County SWCD – Ron Otto/David Trebelhorn
Minnesota State University-Mankato- Dr. Bryce Hoppie
Sibley County Environmental Office – Jeff Majeski
Minnesota Pollution Control Agency – Mankato – Lee Ganske
State of Minnesota – BWSR- Jeff Nielsen

Other Interested Parties Participating:

University of Minnesota Extension – Tim Dolan
Rush River Implementation Project – Ron Otto
NRCS – Gaylord, Mn
Farm Service Agency – Gaylord, Mn
Sibley County Pheasants Forever- Chad Dose
Conservation Partners- Alan Hahn
SEH Engineering Inc, Gaylord, Mn- Justin Black
Gaylord Game Protection League- Marshall Kranz

History

The City of Gaylord established the Lake Titlow Committee in 2001 with the purpose of having the committee research how the lake could be restored to its condition prior to the 1950's. The committee became the most proactive in the past four years by working with the DNR, Sibley County officials, and Minnesota State University-Mankato, in determining the reasons for the decline of the lake. The committee then spent two years trying to encourage Sibley County residents to practice better conservation methods not only in the rural agricultural community, but also in the city of Gaylord. We had a donation of 5,000 brochures that promoted good conservation methods. This has been distributed at the county fair and other community events. The committee has met with many community organizations to promote conservation practices that eventually will help clean the lake. The approach the committee is taking is to clean up what is coming into the lake first. Then we will deal with the lake itself. A partnership was entered into with Minnesota State University- Mankato in 2005. Minimal water testing was done after that time to get a better idea of the contents of the lake water. Starting in 2006, the city of Gaylord started to take a very proactive approach to doing what it could to restore the lake. There were two springs in which a clean up day was designated to clean leaves and refuse from the streets before it would be washed into the lake. This past year (2007-08), the city has started plans to divert the storm water sewers so they no longer empty into the lake. They have also started the establishment of rain gardens in three areas of the city by the lake. They also have plans to further divert storm water from the lake in other areas of the city in the future.

Partnerships

The Lake Titlow Committee has worked closely with the city to move forward with its goal of restoring the lake. The Committee has developed a great partnership with Minnesota State University-Mankato. Dr. Bryce Hoppie and Dr. Trent Vorichek have been very instrumental in using their science background to help determine the water quality of the lake and the water entering the lake. They have also helped us to get a snapshot of how much water enters the lake and the sediment load of that water. The committee has also started a partnership with the Engineering Department at Minnesota State University. We have also worked with SEH Engineering, the city's engineering firm. We have had meetings with their water resources department to discuss the watershed issues. Together, MSU and SEH will help assist the committee in determining locations and design of water holding ponds or where wetlands could be restored to retain water before entering the lake. The committee is also working with the Sibley County Soil and Water Conservation District and the DNR to determine the best areas for water retention and conservation practices that need to be conveyed on to area land owners.

Other Related Projects

The committee has worked with other agencies in the county to foster better conservation practices by our citizens. There has been promotion to upgrade failing septic systems. We have encouraged replacement of open field tiles with rock tile systems and tile covers. With the help of local conservation clubs, landowners have been encouraged to put in one rod setbacks away from drainage ditches in order to increase wildlife habitat and slow down erosion along the banks. The Sibley County Commissioners are considering re-determination of benefits of drainage ditches in the county. They are seriously looking at one ditch in particular as a pilot project that is located in the Lake Titlow Watershed.

Project Goals

The project goals are to predesign and design holding ponds or restore wetlands upstream from Lake Titlow. We will be exploring the best location for these water holding areas. This will be done by monitoring the water flow and sediment load of the two ditches that empty into the lake. We will address the estimated cost to acquire land or easements, to construct these water retention areas, and to maintain the retention areas. We will also determine whose responsibility it will be to absorb these costs in the future. Another goal will be to construct and reconstruct the storm water sewers that enter Lake Titlow along Lincoln Avenue in the City of Gaylord so they no longer empty into the lake but instead are diverted to a current storm water retention pond in east Gaylord. The city will work closely with state and county officials to ensure that proper conservation practices are followed to improve the watershed. We also hope that the procedures followed and results obtained will be a model for other communities to try to emulate. We will be very open and proud to share what we have done with other communities.

Budget:

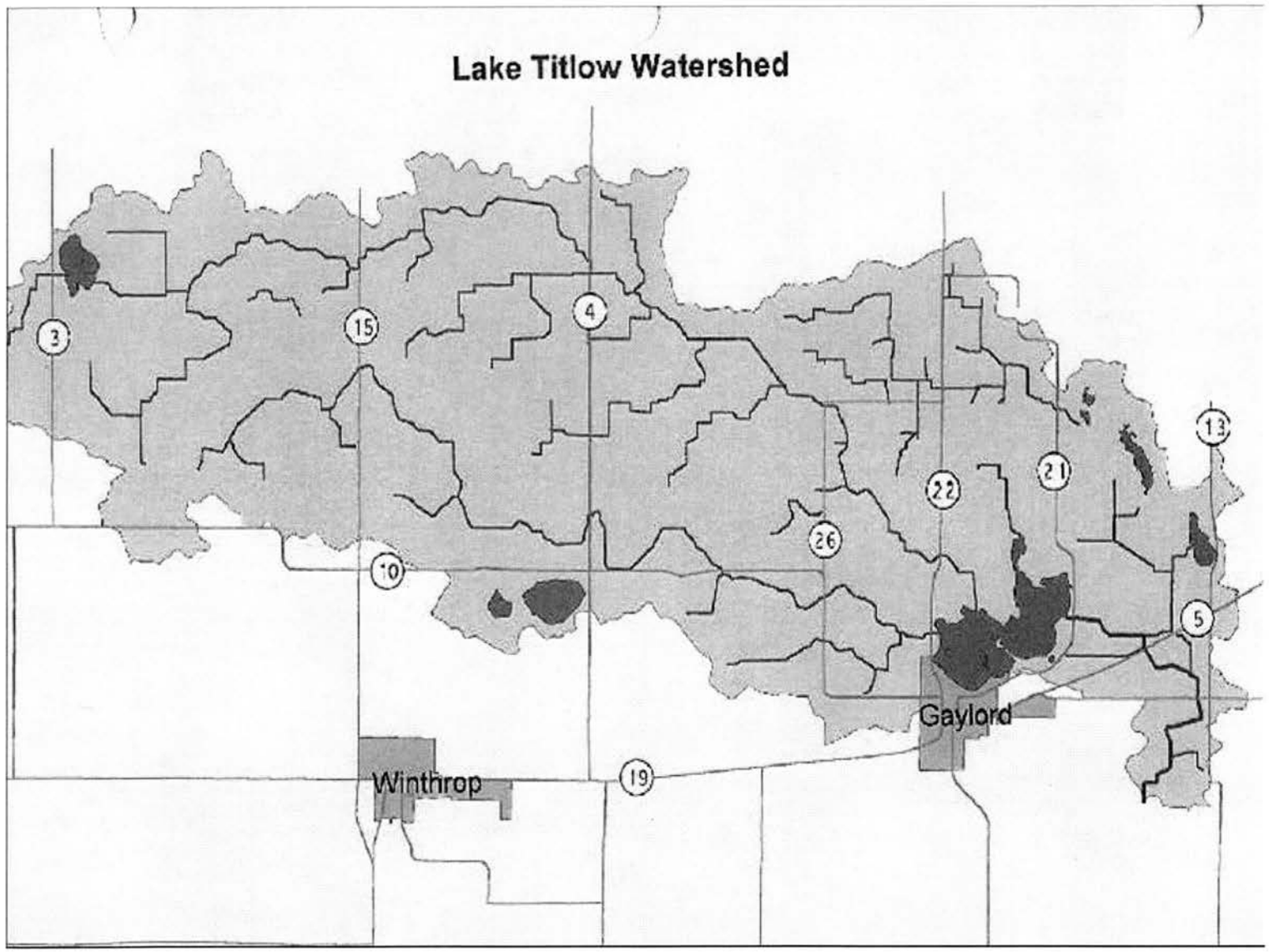
$300,000 will be used for the construction and reconstruction of storm water sewer drains on Lincoln Avenue to change the storm water sewer system from emptying into the lake and instead run into the storm water retention pond in southeast Gaylord. This includes the construction process and the engineering fees to complete the job. Existing storm sewer pipes and drainage structures in the project area that have outlived their useful life or are deficient in size, capacity, and structural integrity, will be replaced.

Also as a part of the project, a new trunk storm sewer line will be constructed in Lincoln Avenue (County State Aid Highway 21). This trunk storm sewer line will extend east on Lincoln Avenue (CSAH 21) to an existing regional stormwater pond. This proposed trunk storm sewer line will extend over 2,100 feet and range in size from 36 inches in diameter to 42 inches in diameter. The trunk storm sewer line will reroute approximately 35 acres of urban runoff from Lake Titlow into the regional stormwater pond in an effort to address stormwater treatment as well as water quality issues concerning Lake Titlow. Catch basin structures that will drain to the new trunk storm sewer line will be added along Lincoln Avenue (CSAH 21) to improve drainage. The existing storm sewer line extending from Lincoln Avenue (CSAH 21) to Lake Titlow will be bulkheaded and abandoned.

$175,000 will be used for the planning portion of the project to determine the best sites for water retention areas up stream from the lake. It will include the study of what is the best design or use of the land. We will have to determine if holding ponds should be constructed or it would be better to try restoring some naturally low wetland areas in the vicinity of the drainage ditches. Our first step will be to understand the dynamics of the watershed such as where the lowlands are, what the water flow is in different areas of the watershed, etc. We will also have to study the lake to determine if some conditions of the lake are self-contributing to some problems with the lake. We will have to determine what we already know about the watershed. We will need to monitor water flow in the two county ditches that enter the lake for volume and the amount of sediment load present. We will also have to set up a watershed model to gather data for survey and deciding what models to use. We will then operate a final model to gather more information about the watershed. We will also have to develop an implementation plan and research the cost of land acquisition, costs of building a retention pond or restoring a wetland, and the cost to re-route ditches. Project management costs are for a lead person or group to oversee the project to keep it on course and be a contact for all aspects of the project. At present this will be coordinated through the city administrator's office

We are looking at this project taking approximately three years to complete or by 2010.

Attached you will find the estimated proposed budget for this project.


Lake Titlow Watershed
3
15
4
13
22
21
26
10
5
Gaylord
Winthrop
19

CONSTRUCTION COST ESTIMATE
2008 STREET & UTILITY IMPROVEMENT PROJECT
GAYLORD, MINNESOTA
SEH NO. A-GAYLO0704.00
S.A.P. NO. 72-621-17
JUNE 10, 2008

Item No.	Description	Unit	Est. Qty.	Unit Price	Est. Cost
Storm Sewer					
2104.501	Remove Pipe Sewer (Storm)	L.F.	3,177	$1.00	$3,177.00
2104.509	Remove Pipe Apron	Each	1	$75.00	$75.00
2104.509	Remove Catch Basin	Each	23	$75.00	$1,725.00
2104.509	Remove Manhole (Storm)	Each	10	$150.00	$1,500.00
2501.515	15" RC Pipe Apron	Each	2	$330.00	$660.00
2501.515	42" RC Pipe Apron w/Trash Guard	Each	1	$1,405.00	$1,405.00
2501.561	15" RC Pipe Culvert Design 3006 Cl V	L.F.	92	$20.40	$1,876.80
2503.541	12" RC Pipe Sewer Design 3006 Cl V	L.F.	1,000	$19.30	$19,300.00
2503.541	15" RC Pipe Sewer Design 3006 Cl V	L.F.	1,150	$20.40	$23,460.00
2503.541	18" RC Pipe Sewer Design 3006 Cl III	L.F.	1,754	$21.70	$38,061.80
2503.541	30" RC Pipe Sewer Design 3006 Cl III	L.F.	792	$34.70	$27,482.40
2503.541	36" RC Pipe Sewer Design 3006 Cl III	L.F.	431	$45.25	$19,502.75
2503.541	42" RC Pipe Sewer Design 3006 Cl III	L.F.	1,883	$59.75	$112,509.25
2503.602	Construct Bulkhead (Storm Sewer)	Each	5	$100.00	$500.00
2503.602	Connect to Existing Storm Sewer	Each	7	$400.00	$2,800.00
2506.501	Construct Drainage Structure Design G	L.F.	11	$170.00	$1,938.00
2506.501	Construct Drainage Structure Design 48-4020	L.F.	138	$215.00	$29,562.50
2506.501	Construct Drainage Structure Design 60-4020	L.F.	64	$240.00	$15,408.00
2506.501	Construct Drainage Structure Design 72-4020	L.F.	101	$290.00	$29,232.00
2506.501	Construct Drainage Structure Design Special (Type 477)	L.F.	104	$195.00	$20,202.00
2506.516	Casting Assembly, Neenah R-1733	Each	10	$565.00	$5,650.00
2506.516	Casting Assembly, Neenah R-2573-C	Each	1	$510.00	$510.00
2506.516	Casting Assembly, Neenah R-3067-L	Each	55	$560.00	$30,800.00
2506.516	Casting Assembly, Neenah R-4342	Each	3	$400.00	$1,200.00
2511.501	Random Riprap Class II w/Geotextile Filter, Type III	C.Y.	32	$54.75	$1,752.00
	Total Storm Sewer				**$390,289.50**

Lake Titlow Watershed Planning Improvement Project
City of Gaylord, MN

Preliminary Tasks and Budgets - June 2008

	Preliminary Tasks / Subtasks	Project Year 2008	2009	2010	Estimated Subtask Cost	Total Task Cost
Task 1 - Collect/Assemble Existing Data						
1	Data Collection Coordination [Data from: MSU, MPCA, DNR]	$1,000			$1,000	
2	Data Collection and Development (City GIS, Watershed Boundaries, As-Builts, Lake and Storm System, etc.)	$500			$ 500	
3	Survey of Key Watershed Hydrualic Features for Modeling Setup	$4,000			$ 4,000	
4	Prepare Memorandum Summarizing Existing Data and Significance to Study	$1,000			$ 1,000	
		$6,500	**$0**	**$0**		**$6,500**
Task 2 - Watershed TSS and Nutrient Loading Analysis						
1	In-Lake Data Collection - Coordination with MSU - Compile Data	$3,000	$3,000	$4,000	$ 10,000	
2	Runoff Monitoring and Sampling - Coordination with MSU - Compile Data	$3,000	$3,000	$3,000	$ 9,000	
3	Purchase Monitoring equipment for additional locations	$35,000	$15,000		$ 50,000	
4	Create and Calibrate Watershed Hydrologic Model	$8,000	$10,000	$6,000	$ 24,000	
5	Hydrologic and Pollutant Loading Model Analysis of loading sources and improvement alternatives in the watershed	$4,000	$4,000	$12,000	$ 20,000	
		$53,000	**$35,000**	**$25,000**		**$113,000**
Task 3 - Public Input and Involvement Process						
1	Public Informational Meetings - Preparation of Materials, Meeting Attendance, Follow-up	$1,000	$1,000	$1,000	$ 3,000	
2	Meet/Confer with Residents Individually (or groups) to Discuss Study Status	$500	$500	$500	$ 1,500	
3	Prepare Project Infomration for City Webpage and Newletters	$500	$500	$500	$ 1,500	
		$2,000	**$2,000**	**$2,000**		**$6,000**
Task 4 - Develop Details of Implementation Plan						
1	Develop Draft Alternatives and Recommendations (Ponding areas, wetland restorations, blind inlets, etc.)	$1,000	$1,000	$3,000	$ 5,000	
2	Develop Construction and Land Acquisition Cost Estimates	$3,000	$1,000	$1,000	$ 5,000	
3	Meeting with Technical Team Members (DNR, Lake Association, City, BWSR, SWCD, MSU) to discuss Implementation Alternatives	$2,000	$2,000	$2,000	$ 6,000	
4	Based on Input - Develop Refined Implementation Alternatives and Costs	$0	$2,000	$4,000	$ 6,000	
5	Prepare Recommendations for Future Monitoring Program to Assess Progress Towards Load Reductions	$0	$2,000	$2,000	$ 4,000	
		$6,000	**$8,000**	**$12,000**		**$26,000**
Task 5 - Prepare Draft and Final Report						
1	Prepare Draft and Final Versions Watershed Improvement Plan	$2,000	$2,000	$8,000	$ 12,000	
2	Present Draft Report to Proejct team Members	$2,000	$2,000	$2,000	$ 6,000	
		$4,000	**$4,000**	**$10,000**		**$18,000**
Task 6 - Project Coordination Activities/Meetings						
1	Prepare Monthly Project Progress Summaries and Distribute to Project Team	$500	$500	$500	$ 1,500	
2	Compile and Prepare Invoices and Required BWSR Submittals	$500	$500	$500	$ 1,500	
3	Conduct / Attend Project Team Meetings	$500	$1,000	$1,000	$ 2,500	
		$1,500	**$2,000**	**$2,000**		**$5,500**
Estimated Annual Budget		**$73,000**	**$51,000**	**$51,000**		
Estimated Total Budget						**$175,000**

CITY OF GAYLORD

428 Main Ave., P.O. Box 987
Gaylord, Minnesota 55334

Administrator's Office
(507) 237-2338
Fax # (507) 237-5121

June 6, 2008

Jeff Neilson
Minnesota Board of Water and Soil Resources
261 Highway 15 South
New Ulm, MN 56073

Dear Mr. Neilson:

On behalf of the City of Gaylord City Council, I would like to inform you that the City Council gives its full support for the Lake Titlow restoration project and its efforts to the improve water quality of Lake Titlow. At the regular City Council Meeting on Wednesday, June 4, 2008, the Gaylord City Council voted unanimously to support the project plan developed by the Lake Titlow Committee to secure the $475,000 from the State bonding bill.

The Council feels that this project is a great thing for the community and for the residents' quality of life. The City of Gaylord's plans include; diverting storm water from Lake Titlow to storm water ponds to prevent storm water run-off and to plan and design retention areas up stream from the lake to prevent water up stream from polluting the lake. The City of Gaylord looks forward to working with you and cleaning up Lake Titlow.

Sincerely,

Kevin McCann
City Administrator

SIBLEY COUNTY SOIL AND WATER
CONSERVATION DISTRICT

~~310 Main~~ 111 6th Street
Gaylord, Minnesota 55334
Tel. ~~(612)~~ 507 237-5435

MINNESOTA
SOIL AND WATER CONSERVATION DISTRICTS

May 14, 2008

Lake Titloe Restoration Project Committee
City of Gaylord
428 Main Avenue
P.O. Box 987
Gaylord, MN 55334

Dear Committee Members:

The Sibley Soil and Water Conservation District (SWCD) is in support of your efforts to improve the water quality of Lake Titloe. We congratulate you on the grant that the City recently received to bring about positive changes to the Lake.

The SWCD is willing to contribute technical services on your behalf, as part of the project. This may be in the form of inventories and assessments; for example wetland occurrences and ditch buffer needs. Much of this can be accomplished with resources available at our office. Where field investigations are necessary, landowner permissions will be required through your arrangements.

Sibley SWCD looks forward to working with you on this project, and wishes you success in your project goals.

Sincerely,

Dave Trebelhorn

Dave Trebelhorn, Chairman
Sibley Soil and Water
Conservation District

Certified Copy of Part of the Proceedings of the Sibley County Board of Commissioners

Adopted: April 22, 2008

Sibley County Water Planner Ron Otto informed the County Board that the City of Gaylord received a $475,000 grant to improve water quality on the Lake Titloe for use in the rerouting storm water discharge from the lake to the storm water detention pond; and to improve water quality in the lake watershed. As a part of creating its work plan, the Lake Titloe Restoration Project Committee is requesting a letter of support for the projects to improve water quality in the lake watershed.

A motion was made by Commissioner Bauer and seconded by Commissioner Pinske to approve a letter of support to the City of Gaylord for the Lake Titloe Restoration Project for the improvement of water quality. Motion carried.

	Yes	No	Abstain	Absent
Anderly	X			
Bauer	X			
Pettis	X			
Pinske	X			
Woehler	X			

STATE OF MINNESOTA

OFFICE OF COUNTY AUDITOR
COUNTY OF SIBLEY

I, Lisa Pfarr, Auditor of the County of Sibley, State of Minnesota, do hereby certify that I have compared the foregoing with the original proceedings filed in my office on this 22hd day of April, 2008 and that the same is a true and correct copy of part thereof.

Witness my Hand and Seal of Office at Gaylord, Minnesota this 22nd day of April, 2008.

Lisa Pfarr, Sibley County Auditor

Sibley County Board of Commissioners

District 1:
Leo J. Anderly
LeeA@co.sibley.mn.us

District 2:
Bill Pinske
BillP@co.sibley.mn.us

District 3:
Leo Bauer
LEOB@co.sibley.mn.us

District 4:
Charles Wochler
CHARLIEW@co.sibley.mn.us

District 5:
Harold Pettis
HaroldP@co.sibley.mn.us

Sibley County
Board of Commissioners
Courthouse
400 Court Avenue
P.O. Box 171
Gaylord, MN 55334-0171
Phone 507-237-4070
Fax No. 507-237-4073

April 29, 2008

City of Gaylord
Attn: Administrator Kevin McCann
315 4th St N
PO Box 987
Gaylord, MN 55334

Dear Administrator McCann,

The Sibley County Board of Commissioners, at their meeting held on Tuesday, April 22, 2008, unanimously voted to support the City of Gaylord in its efforts to prepare a workplan to secure State grant dollars in the amount of $475,000. It is understood that these dollars will be used to divert its storm water from Lake Titloe to Gaylord's detention pond and to improve water quality in Lake Titloe's watershed.

A certified copy of the proceedings of the Sibley County Board of Commissioners is enclosed.

Sincerely,

Leo Bauer

Leo Bauer, Chair
Sibley County Board of Commissioners

LB/kr

Encl.

P. O. Box 161
Gaylord, MN 55334

Sibley County Water Resources Advisory Committee

April 29, 2008

To: Lake Titloe Restoration Project Committee

The Sibley County Water Resources Advisory Committee is supportive of the restoration project for Lake Titloe. The restoration project would fulfill many of the objectives and actions of the Sibley County Comprehensive Water Plan and the goals of the Lower Minnesota River Plan.

Sincerely,

David Trebelhorn
WRAC Chairman

The Coalition for a Clean Minnesota River

P.O. Box 488
New Ulm, MN 56073

507 276 2280
yasure@lycos.com

Randy Krzmarzick
Director, President

Patrick Lowther
Director, Treasuer

Del Wehrspann
Director

Greg Roiger
Director

Kim Olson
Director

Linda Meschke
Director

Scott Sparlin
Executive Director
Coordinator

May 30, 2008

Lake Titloe Restoration Project Committee
PO Box 987
Gaylord MN 55334

I have received your letter regarding support for the project. We are certainly supportive of the project and the impact an improved Lake Titloe will ultimately have towards a cleaner Minnesota River. We are willing to lend expertise where we are qualified and will participate in planning and implementation of actions designed to help the lake restoration. We do not have any cash funds available at this time to directly spend towards this project given the current status of funding availability made accessible to non-profit organizations. We will however share information and participate in any educational and awareness building actions that will help further the project. Feel free to contact me when you have an idea of what actions will be undertaken in the future that we may help to accomplish together with other partners.

Most Sincerely,

Scott Sparlin, Executive Director
Coalition for a Clean Minnesota River (CCMR)
Watershed Initiative Coordinator
Friends of the Minnesota Valley
PO Box 488
New Ulm MN 56073

BOARD RESOLUTION _____

WHEREAS, the City of Gaylord, Minnesota, was granted $475,000 of Bonding Funds from the 2008 Minnesota Legislature;

WHEREAS, the City of Gaylord has developed and adopted a Plan of Work for the Lake Titlow Restoration Project;

WHEREAS, the Board of Water and Soil Resources staff have completed its review of the Plan;

NOW, THEREFORE, BE IT RESOLVED, the Board of Water and Soil Resources authorizes staff to enter into a grant agreement with the City of Gaylord for the Lake Titlow Restoration Project.

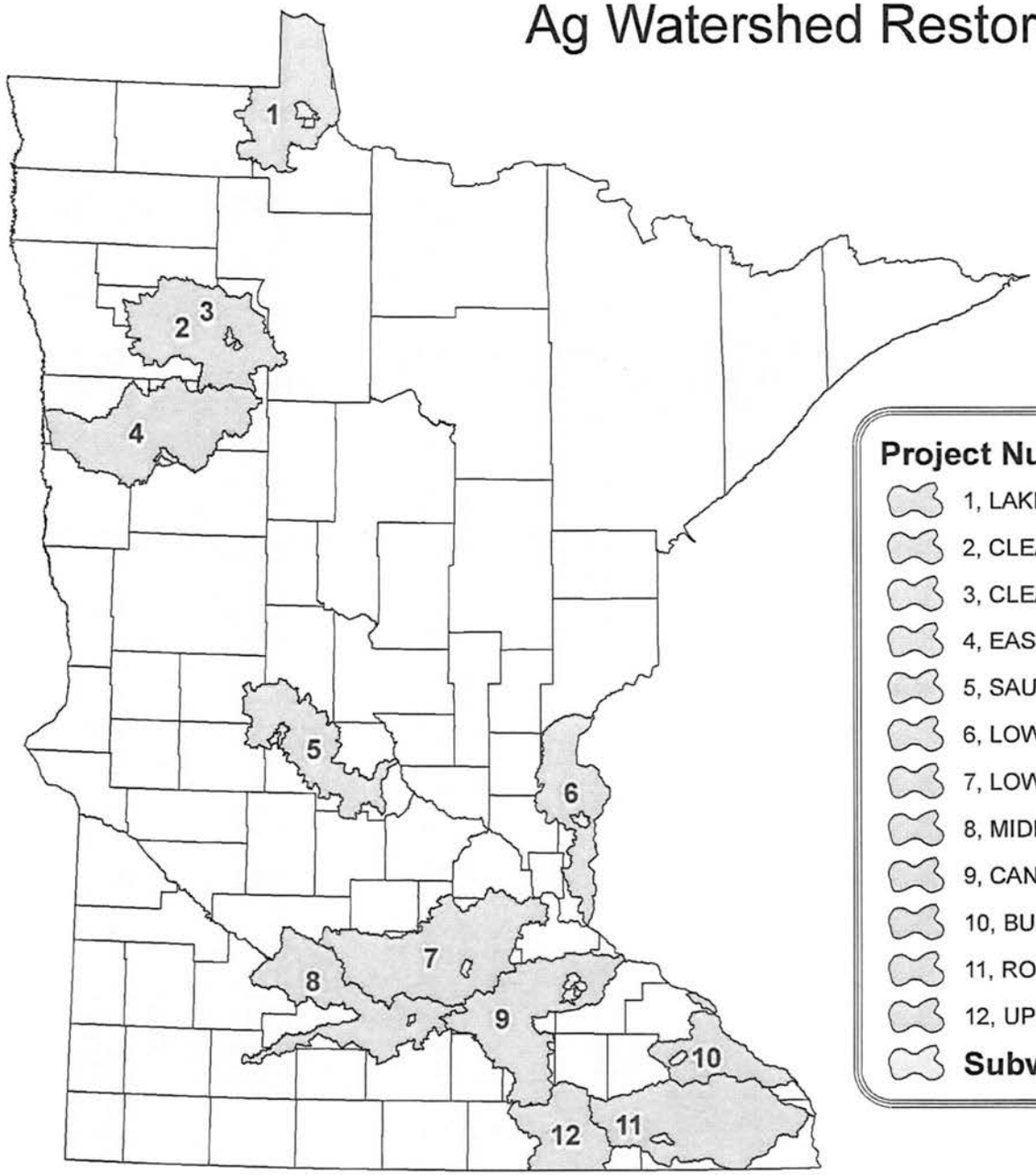
_____ _____

Randy Kramer, Chair Date
Board of Water and Soil Resources

Attachment 1
BWSR Resolution #_____, June 25, 2008
Agricultural Watershed Restoration Projects
Phase 1 Subwatershed and Local Sponsor Selection Recommendations
of the Technical Advisory Committee and BWSR Staff (Shaded)
May 22, 2008

Application No.	Local Sponsor Applicant	Major Watershed Name	Subwatershed Name
1.	Lake of the Woods County SWCD	Lake of the Woods	West and South Branches Zippel Creek
2.	Clearwater SWCD	Clearwater River	Silver Creek
3.	Red Lake County SWCD	Clearwater River	Lost River
4.	Wild Rice Watershed District	Wild Rice River	Unnamed subwatersheds of South Branch Wild Rice River
5.	Stearns County SWCD	Sauk River	Hoboken Creek
6.	Comfort Lake – Forest Lake Watershed District	Lower St. Croix River	Bone Lake – Sunrise River
7.	Scott County WMO	Lower Minnesota River	West Raven Creek
8.	Brown-Nicollet-Cottonwood Water Quality Board	Middle Minnesota River	Seven Mile Creek
9.	Goodhue County SWCD	Cannon River	Little Cannon River (lower)
10.	Whitewater JPB	Whitewater River	Logan Creek
11.	Fillmore SWCD	Root River	Forestville Creek
12.	Cedar River Watershed District	Upper Cedar River	Dobbins Creek

Ag Watershed Restoration Application Locations



N

Minnesota Board of Water & Soil Resources
WWW.BWSR.STATE.MN.US

Project Number, Major Watershed, Subwatershed

1, LAKE OF THE WOODS, West and South Branches Zippel Creek
2, CLEARWATER, Silver Creek
3, CLEARWATER, Lost River
4, EASTERN WILD RICE, Unnamed
5, SAUK, Hoboken Creek
6, LOWER ST. CROIX, Bone Lake - Sunrise River
7, LOWER MINNESOTA, West Raven Creek
8, MIDDLE MINNESOTA, Seven Mile Creek
9, CANNON, Little Cannon River (lower)
10, BUFFALO-WHITEWATER, Logan Creek
11, ROOT, Forestville Creek
12, UPPER CEDAR, Dobbins Creek

Subwatersheds

Board Resolution #_____

FY 08 CLEAN WATER LEGACY ACT PROGRAM

AGRICULTURAL WATERSHED RESTORATION PROJECT PHASE 1

WHEREAS, Governor Pawlenty signed the Clean Water Legacy Act (CWLA) into law on June 2, 2006; and

WHEREAS, the 2007 Legislature appropriated funds to the Board of Water and Soil Resources for Clean Water Legacy Act implementation activities in fiscal years 2008 and 2009, including funding for targeted nonpoint restoration cost-share and incentive payments, of which $1.5 million is designated for agricultural watershed restoration projects (Minnesota Session Laws 2007, Chapter 57, Section 5); and

WHEREAS, a Project Work Plan, including 3 project phases, dated January 11, 2008, was approved by the Board on January 23, 2008; and

WHEREAS, Phase 1 of the project involves selection of project subwatersheds that are representative of drained agricultural landscapes in Minnesota, and associated local project sponsors; and

WHEREAS, a Phase 1 Request for Proposals was issued in early March 2008 and closed in early April 2008, with 12 eligible proposals received; and

WHEREAS, a stakeholder Technical Advisory Committee was established for this project and assisted BWSR staff with ranking and selection recommendations of 6 subwatersheds and local sponsors for Phase 1 selection of project subwatersheds and local sponsors, as outlined on Attachment 1; and

WHEREAS, the Grants Program and Policy Committee reviewed the recommendations of staff and the Technical Advisory Committee on May 27, 2008.

NOW THEREFORE, the Grants Program and Policy Committee recommends BWSR approval of the 6 selected subwatersheds and local sponsors identified on Attachment 1.

_____ Date: _____

Randy Kramer, Chair
Board of Water and Soil Resources

WINONA COUNTY SWCD

(SOIL AND WATER CONSERVATION DISTRICT)

Winona County SWCD
P.O. Box 39, 400 Wilson St.
Lewiston, MN 55952
Phone: (507) 523-2171
Fax: (507) 523-3717

Weekdays 7:00 – 4:30

The Winona County Soil and Water Conservation District is a locally elected unit of government promoting soil and water conservation and environmental protection through landowner assistance, education and planning activities, coordination of public and private efforts and by serving as a forum on natural resource issues.
AN EQUAL OPPORTUNITY EMPLOYER

RECEIVED
MAY 19 2008
Per _____

5/14/08

To Mary Kells:
From: Tim Terrill
RE: Nominating Districts Resolution

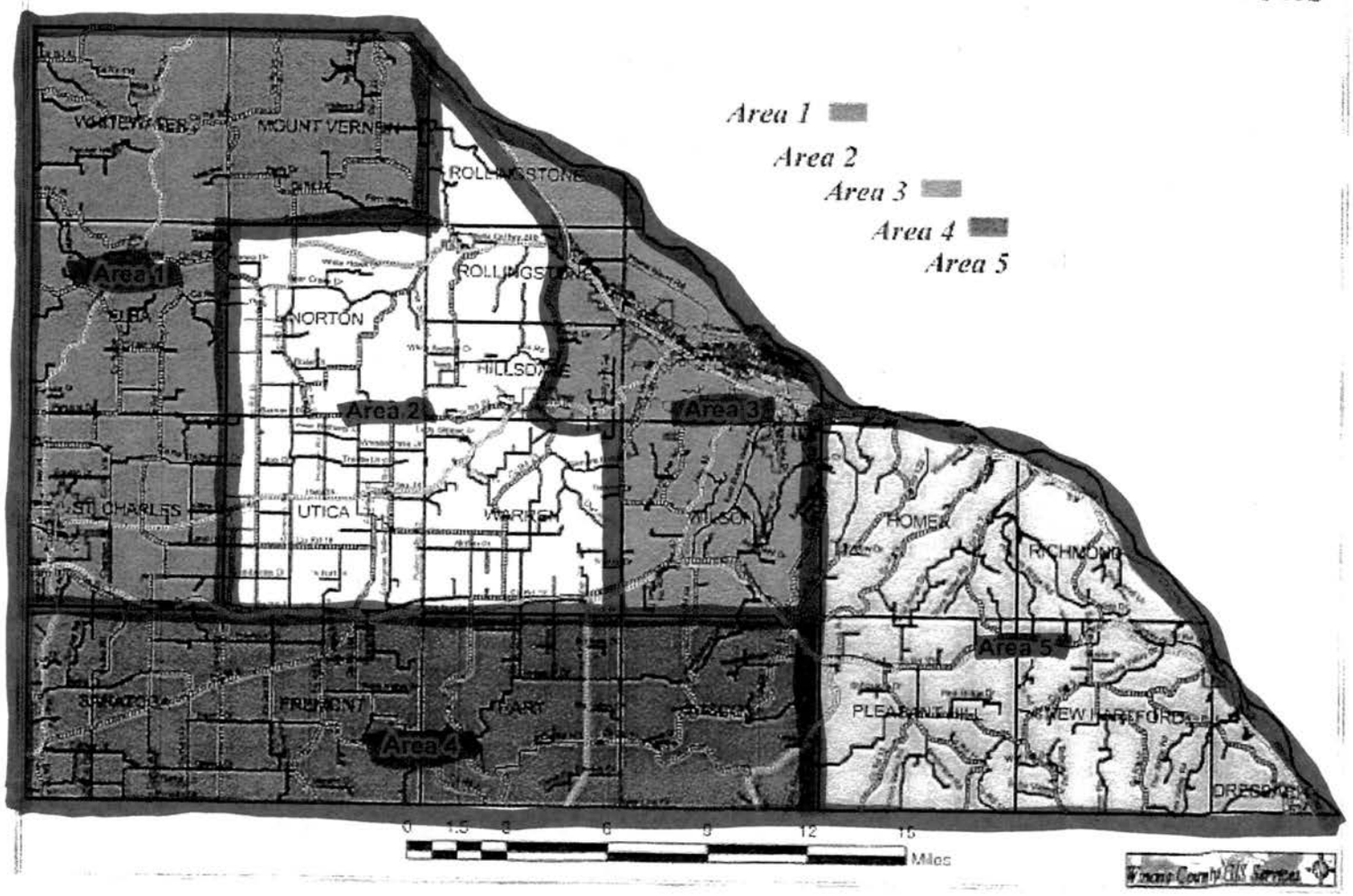
Mary,
Enclosed are 3 copies of the Nominating Districts Resolution that was passed at our board meeting. There has been no change to the existing way of holding elections, but rather this is an affirmation of what we are currently doing. After this is approved by the BWSR board, it will be added to the files of the County Auditor.

Sincerely,

Tim Terrill

Tim Terrill
District Manager

Winona County Soil and Water Conservation Areas



NOMINATION DISTRICTS RESOLUTION

Be it resolved by the Winona Soil and Water Conservation District Supervisors that pursuant to M.S. 103C.311, the district be divided into five areas for nominating candidates for the positions of Soil and Water Conservation District Supervisors to be elected at-large as follows:

District	Description of Boundaries
I	see map
II	see map
III	see map
IV	see map
V	see map

I, Victor J. Ormsby, Secretary of the Winona Soil and Water Conservation District, do hereby certify that the above resolution relating to the division of the Winona Soil and Water Conservation District into five nominating areas was adopted by the said District Supervisors at the regular meeting held on **May 14, 2008**, that I have compared the above copy with the original resolution as set forth in the minutes of said meeting, and it is a true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of the Board was duly called and held, that a quorum of members of said Board was present there at, and that said resolution was duly adopted thereat by a vote of 3 to 3 of the members present.

Signed: Victor J Ormsby
Secretary
Winona Soil and Water Conservation District

Be it resolved by the Board of Water and Soil Resources that the division of the Winona Soil and Water Conservation District into five nominating areas are set forth in the above resolution adopted by the Supervisors of said district on _____, 2008, is hereby approved.

I, _____, Executive Director of the Board of Water and Soil Resources, do hereby certify that I have compared the above copy of resolution relating to the division of the Winona Soil and Water Conservation District into five nominating areas adopted by said Board at a regular meeting held on May 14, 2008, with the original set forth in the minutes of said meeting, and that said copy is a true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of said Board was duly called and held, that a quorum of members of said Board was present thereat, and that said resolution was duly adopted thereat by a vote of _____ to _____ of the members present.

Signed:_____
Executive Director
Board of Water and Soil Resources

Filed_____ day of _____, 2008

Signed:_____
County Auditor
Winona County

Nominating District Supervisors

District	Name
I	Rudie Spitzer
II	David Rupprecht
III	John Bronk
IV	Victor Ormsby
V	Dale Marmsoler

FOR YOUR INFORMATION

June 25, 2008

- Updated Board Member Listing
- Updated Board Staff Listing
- BWSR Committee Schedule
- News Release, "Governor Pawlenty Reappoints Three to Board of Water and Soil Resources"
- Winona Daily News, "Leaders push Bush to declare areas disaster"
- "IRS Increases Mileage Rates through Dec. 31, 2008"

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@westtechwb.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	01-02-12	218-458-2113 320-589-4151	*Home* *Office*
Quentin Fairbanks 16374 Stoner Memorial Dr., NE, Hines, MN 55647 quentin@blackduck.net	Co. Commissioner	01-01-11	218-835-3500 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 St., Worthington, MN 56187 paul.langseth@gmail.com	SWCD	01-04-10	507-360-5844 507-376-5686	*Office* *Home*
Louise Smallidge 10992 Point Douglas, Hastings, MN 55033 Choregirl2@juno.com	SWCD	01-02-12	651-459-5600	*Home*
Robert Burandt 1340 Waconia Pkwy. S., Waconia, MN 55387 rlburandt@gmail.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	218-289-3511 218-281-6723	*Office* *Home*
LuAnn Tolliver 14801 Wychewood Road, Minnetonka, MN 55345 mltolly@aol.com	Watershed	01-02-12	952-938-6749 952-221-9796	*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*
John Linc Stine P.O. Box 64975, St. Paul, MN 55164-0975 john.stine@health.state.mn.us	Department of Health	651-201-4675 651-201-4572	*Office* *Fax*
Larry Kramka 500 Lafayette Road, St. Paul, MN 55155 Larry.Kramka@dnr.state.mn.us	Department of Natural Resources	651-259-5033 651-296-4799	*Office* *Fax*
Jim Anderson Room 173 McNeal Hall, 1985 Buford Avenue, St. Paul, MN 55108 Ander045@umn.edu	U of M/Dept. of Soil, Water & Climate	612-625-0279 612-625-2208	*Office* *Fax*
Paul Eger 520 Lafayette Road, St. Paul, MN 55155 Paul.Eger@state.mn.us	Pollution Control Agency	651-296-7319 651-296-7923	*Office* *Fax*

June 2008

PHONE NUMBERS FOR BWSR STAFF
USE LAST FIVE DIGITS WHEN TRANSFERRING*
Main Line: 651-296-3767 – FAX: 651-297-5615 - Updated 06/12/08

Central Office

Central Office	296-3767
Fax #	297-5615
Anderson, Mary Jo	297-4290
Bonde, Karen	297-3998
Buckhout, Don	296-0768
DeVoe, Natasha	205-4664
Donnelly, Conor (cell 612-408-7002)	282-3815
Engineers Cell Phone	485-8466
Eisele, Bill	282-2929
Fredbo, Tim	296-0880
Fure, Jon	296-0884
Germundson, Travis	297-4958
Girolamo, Dan	215-1703
Hubbell, Dianne	296-0873
Jaschke, John (cell 612-202-3815)	296-0878
Kean, Al (cell 651-245-6531)	297-2907
Keating, Kari	297-8029
Klocker, Julie (cell 651-308-8647)	297-5617
Larson, Greg (cell 612-998-1674)	297-7029
Lemm, Les (cell 651-341-4208)	296-6057
Lewis, Michelle	296-2428
Lines, Kevin	297-1894
Luniewski, Jim	297-2622
Mack, Kristie	215-9420
Mohring, Eric (cell 612-309-1173)	297-7360
Ogg, Tim (cell 651-295-5737)	297-8024
Peterson, Joel	215-9008
Remick, Polly	297-4365
Salinas, Debbie	297-8025
Shaw, Dan (cell 612-236-6291)	296-0644
Sokatch, Char	297-4016
Spence, Aaron	296-0660
Straumanis, Sarma	297-7965
Strojny, Carol (cell 612-518-5545)	297-1893
Swenson, Karli (cell 612-807-0445)	282-2600
Wenzel, Tom (cell 612-720-1412)	296-0883
Weirens, Dave (cell 763-229-4308)	297-3432
Woods, Steve (cell 651-402-6997)	297-7748
Zellmer, Wayne	297-7361
Zeug, Leon	296-0714

Metro Office

Haertel, Jim	297-2906
Lewis, Melissa (cell 612-743-8822)	297-4735
Peterson, Lynda **(cell phone only)**	(612) 201-9806
Powell, Ken (cell 651-592-9542)	296-0874
Westrick, Marcey (cell 651-276-5976)	284-4153
Wozney Brad (cell 651-233-6673)	296-6068

Southern Regional Offices

Mankato

Fax #	(507) 389-6093
Hughes, Chris (cell 507-381-5040)	(507) 389-6784
Maul, Jeremy (cell 507-380-4047)	(507) 389-1967

Marshall

Fax #	(507) 537-6368
Cell Phone	(507) 829-3520
Hoek, Tabor	(507) 537-7260
Santjer, Scott (cell 612-723-0298)	(507) 537-6097
Serreyn, Roxie	(507) 537-6060
Sill, David	(507) 537-6374

New Ulm

Fax # (cell 507-276-5386)	(507) 359-6018
Drewitz, Matt (cell 507-766-5020)	(507) 359-6076
Fischer, Tom	(507) 359-6091
Hedtke, Jeff (cell 651-485-8470)	(507) 359-6092
Hiles, Mark	(507) 359-6077
Nielsen, Jeff	(507) 359-6075
Swanson-Cullen, Carla	(507) 359-6074

Rochester

Fax #	(507) 285-7144
Cell Phone	(507) 696-3617
Erickson, Dorothy	(507) 281-7797
Kells, Mary	(507) 280-2873
Peterson, Dave	(507) 280-2874

Northern Regional Offices

Bemidji

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BWSR Committee Schedule (tentative agenda items)

June 2, 2008

(Contact Mary Jo Anderson @ 651-297-4290 if you have any questions)

July 23 **Conf. Room 2A-B, 2nd floor, 520 Lafayette Road N., St. Paul**

- ***Grants Program & Policy Committee, 9:00 a.m.***

- ***Wetlands Committee, 12:30 p.m.***

DATE TO BE DETERMINED

- ***RIM Reserve Planning Committee***

Mary Jo Anderson

From: John Jaschke [John.Jaschke@state.mn.us]
Sent: Wednesday, June 04, 2008 8:49 AM
To: Mary.Jo.Anderson@state.mn.us
Subject: RE: GOVERNOR PAWLENTY REAPPOINTS THREE TO BOARD OF WATER AND SOIL RESOURCES - - June 3, 2008

MaryJo: please send this to all BWSR staff via e-mail. Thanks.
JJ

STATE OF MINNESOTA
OFFICE OF GOVERNOR TIM PAWLENTY

FOR IMMEDIATE RELEASE:
June 3, 2008

Contact: Brian McClung
(651) 296-0001

GOVERNOR PAWLENTY REAPPOINTS THREE TO BOARD OF WATER AND SOIL RESOURCES

Saint Paul – Governor Tim Pawlenty today announced the reappointment of Paul Brutlag, Louise Smallidge, and LuAnn Tolliver to the Board of Water and Soil Resources. All are reappointed to four-year terms that expire January 2, 2012.

Brutlag, of Wendell, is an attorney with the Fluegel, Helseth, McLaughlin, Anderson & Brutlag law firm in Elbow Lake. Brutlag also raises sugar beets, corn, soybeans, and wheat on a farm in Grant and Otter Tail Counties. Brutlag currently is the vice chair of the Board of Water and Soil Resources and is reappointed as a public member.

Smallidge, of Hastings, raises corn, soybeans, alfalfa hay, and cattle on a farm in southern Washington County. She is an elected member and chair of the Board of Supervisors of the Washington Conservation District. Smallidge is reappointed to a board position as a Soil and Water Conservation District Supervisor.

Tolliver, of Minnetonka, is an analyst/programmer senior specialist at the Nash Finch Company. She has been a member of the Nine Mile Creek Watershed District Board since 1991 and currently serves as chair. Tolliver is appointed to a board position for a representative of a watershed district or watershed management organization.

The Board of Water and Soil Resources (BWSR) is the state's administrative agency for 91 soil and water conservation districts, 43 watershed districts, 27 metropolitan watersheds, and 80 county water management organizations. The agency's purpose, working through local government, is to protect and enhance the state's irreplaceable soil and water resources by implementing the state's soil and water conservation policy, comprehensive local water management, and the Wetland Conservation Act as it relates to the 41.7 million acres of private land in Minnesota. The board consists of 17 members, including 12 members appointed by the Governor.

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Winona Daily News

Print Page

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Published - Thursday, June 19, 2008

Leaders push Bush to declare areas disaster

By Amber Dulek | Winona Daily News

Sometimes, the government can move as fast as waters in a raging flood.

About 45 soil and water conservationists from local, state and federal agencies, including Rep. Steve Drazkowski, R-Wabasha, recognized on Wednesday the collaborative efforts of government agencies to complete a five-week $650,000 emergency bank-stabilization project along Garvin Brook after last summer's flood.

Local officials from NRCS, the U.S. Fish and Wildlife Service and the Minnesota Department of Natural Resources began work immediately Aug. 19 to secure the necessary permits and funding for the project. Three-quarters of the money came from NRCS' emergency watershed protection program, the rest from Winona County Soil and Water Conservation District.

Within a month, they'd secured the permits and funding.

"A DNR employee wrote a permit on the hood of a truck," said Mark Kunz, a local NRCS district conservationist. "Folks, you don't get that kind of cooperation every day. We've all heard the jokes that the government doesn't move fast enough, but it did here."

An estimated 3,000 dump truck loads of rock and black dirt reshaped the stream bed and created a gentle slope from the backyards of 11 Minnesota City residents, who suddenly found their homes teetering perilously close to the edge of the swollen Garvin Brook.

The 10-foot-wide, 3-foot-deep Garvin Brook trout stream swelled to twice its size, carving out a 30-foot canyon and carrying away 40,000 cubic yards of soil. The once-lush shorelines leading into the Upper Mississippi Wildlife Refuge turned into sandbars and a holding place for debris and garbage.

John Nicholson, left, and Charles Montgomery, center, employees of the Natural Resources Conservation Service, look at photographs Wednesday with Minnesota City Mayor Don O'Neil after (Photo by Melissa Carlo/Winona Daily News)

The stabilization project took 1,500 square feet of turf reinforcement, 4,520 cubic yards of common excavation, 944 cubic yards of rock, 9,894 cubic yards of sand, 3,904 cubic yards of earth fill, 12,865 tons of rock riprap and 10,212 square yards of woven mesh lining.

John Jaschke, executive director of the Minnesota Board of Soil and Water Resources, said anyone can pick up a textbook and learn how to manage a watershed. But it all comes down to the people, he said — people working in extraordinary circumstances.

Kunz woke up early Aug. 18 to the havoc in the watershed he worked on.

NRCS state conservationist William Hunt remembered comforting a crying family before their family home was demolished, which was later rebuilt. The community suffered a lot of misery and damage, he said, and

Mayor Don O'Neil did a "Paul Bunyon-like" job.

All 11 homeowners stayed, O'Neil said.

"All these people jumped in and came to the rescue when we needed it," O'Neil said. "It looks really good."

Contact Amber Dulek at ***amber.dulek@lee.net*** *or 507-453-3513.*

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Internal Revenue Service
United States Department of the Treasury

IRS Increases Mileage Rates through Dec. 31, 2008

IR-2008-82, June 23, 2008

WASHINGTON — The Internal Revenue Service today announced an increase in the optional standard mileage rates for the final six months of 2008. Taxpayers may use the optional standard rates to calculate the deductible costs of operating an automobile for business, charitable, medical or moving purposes.

The rate will increase to 58.5 cents a mile for all business miles driven from July 1, 2008, through Dec. 31, 2008. This is an increase of eight (8) cents from the 50.5 cent rate in effect for the first six months of 2008, as set forth in Rev. Proc. 2007-70.

In recognition of recent gasoline price increases, the IRS made this special adjustment for the final months of 2008. The IRS normally updates the mileage rates once a year in the fall for the next calendar year.

"Rising gas prices are having a major impact on individual Americans. Given the increase in prices, the IRS is adjusting the standard mileage rates to better reflect the real cost of operating an automobile," said IRS Commissioner Doug Shulman. "We want the reimbursement rate to be fair to taxpayers."

While gasoline is a significant factor in the mileage figure, other items enter into the calculation of mileage rates, such as depreciation and insurance and other fixed and variable costs.

The optional business standard mileage rate is used to compute the deductible costs of operating an automobile for business use in lieu of tracking actual costs. This rate is also used as a benchmark by the federal government and many businesses to reimburse their employees for mileage.

The new six-month rate for computing deductible medical or moving expenses will also increase by eight (8) cents to 27 cents a mile, up from 19 cents for the first six months of 2008. The rate for providing services for charitable organizations is set by statute, not the IRS, and remains at 14 cents a mile.

The new rates are contained in Announcement 2008-63 on the optional standard mileage rates.

Taxpayers always have the option of calculating the actual costs of using their vehicle rather than using the standard mileage rates.

Mileage Rate Changes

Purpose	Rates 1/1 through 6/30/08	Rates 7/1 through 12/31/08
Business	50.5	58.5
Medical/Moving	19	27
Charitable	14	14

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