

Minnesota Board of Water and Soil Resources. Minutes.

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Version 3
August 20, 2018

Minnesota Board of Water & Soil Resources

DATE: June 15, 2009

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

FROM: John Jaschke, Executive Director

SUBJECT: June 24, 2009 Board Meeting Notice

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, June 24, 2009, beginning at 9:00 a.m. The meeting will be held in the second floor conference room at 520 Lafayette Road N., St. Paul. Parking is available in the lot directly in front of the building (use hooded parking areas).

The following information pertains to agenda items:

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. **Waseca County Local Water Management Plan Update** – Waseca County submitted their Local Water Management Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Update to the Board for final State review on April 13, 2009. On May 27, 2009, the Board's Southern Water Planning Committee (Committee) reviewed the recommendation of the state review agencies regarding final approval of the Waseca County Local Water Management Plan Update. The Committee recommends approval. The Findings of Fact, Conclusions and Order are attached. ***DECISION ITEM***

NEW BUSINESS

1. **Proposed Wetland Conservation Rule** –The Wetland Conservation Act rule has been under development since August 2007, and has previously been the subject of Board action on June 27, 2007 and December 17, 2008. The final rule is scheduled to be published in the State Register in early August. The Wetland Committee met on June 4, 2009 to consider the status of the rulemaking process and staff recommendations for changes to the rule as published in the State Register on March 30, 2008. The Wetland Committee will be meeting on June 18, and tentatively on June 23, to review the administrative law judge report, the proposed staff response, and make a recommendation to the Board. This agenda item is tentative pending action by the Wetland Committee on June 18 and/or June 23.
   NOTE: Supporting information and a proposed resolution will be sent out after the June 18th Wetland Committee meeting. ***DECISION ITEM***

2. **Appeal Fees Schedule** – BWSR has authority under Minnesota Statutes 103G.2242, subdivision 9(e) to establish a fee schedule to defray the cost of appeals. The fees under this authority may not exceed $1,000. This agenda item is tentative pending action by the Wetland Committee on June 18 and/or June 23. *NOTE: Supporting information and a proposed resolution will be sent out after the June 18th Wetland Committee meeting.* ***DECISION ITEM***

3. **Grant County LIDAR Project** - Grant County has requested funding from BWSR to complete the LIDAR coverage in areas outside the Red River Valley. The Grants Program and Policy Committee on June 18th will be considering a recommendation to use $21,285 of the remaining FY 2008 Clean Water Legacy Technical Assistance and Engineering fund for this Project. See attachment. ***DECISION ITEM***

4. **FY 2010 SWCD Base Grant Allocations** – The Grants Program & Policy Committee on June 18th will be considering a recommendation to approve SWCD General Services, Easement Services, and Non Point Engineering Assistance Grants allocations. See attachment. ***DECISION ITEM***

5. **FY 2010 Natural Resources Block Grant Allocations** – The Grants Program & Policy Committee on June 18th will be considering a recommendation to approve the Comprehensive Local Water Management, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and the MPCA Subsurface Sewage Treatment Systems Base Grants. See attachment. ***DECISION ITEM***

6. **FY 2010 Farm Bill Assistance Grants** - The Grants Program & Policy Committee on June 18th will be considering a recommendation to approve using LCCMR funding for grants to provide financial assistance to selected SWCDs to accelerate the implementation of grassland and wetland projects. The primary focus has been with the conservation programs within or connected to the Federal Farm Bill. See attachment. ***DECISION ITEM***

7. **Red River Basin Commission: Regional Flood Solutions Grant** – The 2009 Legislature appropriated $500,000 to the Red River Basin Commission for planning and flood response issues in conjunction with an equal appropriation from North Dakota and to include members of the RRBC. The Grants Program & Policy Committee on June 18th will be considering a recommendation to approve the work plan. 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. I look forward to seeing you on June 24th!

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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JUNE 24, 2009

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF MAY 27, 2009

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

REPORTS

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

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Waseca County Local Water Management Plan Update - ***DECISION ITEM***

NEW BUSINESS

1. Proposed Wetland Conservation Rule – Dave Weirens and Les Lemm – ***DECISION ITEM***
   NOTE: Persons wishing to provide testimony on this item need to sign-in on the designated form on the table near the entrance.

2. Appeal Fees Schedule – Dave Weirens – ***DECISION ITEM***

3. Grant County LIDAR Project – Wayne Zellmer - ***DECISION ITEM***

4. FY 2010 SWCD Base Grant Allocations – Wayne Zellmer - ***DECISION ITEM***

5. FY 2010 Natural Resources Block Grant Allocations – Wayne Zellmer - ***DECISION ITEM***

6. FY 2010 Farm Bill Assistance Grants – Wayne Zellmer - ***DECISION ITEM***

7. Red River Basin Commission - Regional Flood Solutions Grant – Lance Yohe, RRBC, and John Jaschke – ***DECISION ITEM***

AGENCY REPORTS

- Minnesota Department of Agriculture – Joe Martin
- Minnesota Department of Health – John Linc Stine
- Minnesota Department of Natural Resources – Larry Kramka
- Minnesota Extension Service – Faye Sleeper
- Minnesota Pollution Control Agency – Rebecca Flood

ADVISORY COMMENTS

- Association of Minnesota Counties – Annalee Garletz
- Minnesota Association of Conservation District Employees – Felicia Brockoff
- Minnesota Association of Soil and Water Conservation Districts – LeAnn Buck
- Minnesota Association of Townships – Sandy Hooker
- Minnesota Association of Watershed Districts – Ray Bohn
- Natural Resources Conservation Service – Tim Koehler

UPCOMING MEETINGS

- August Board Meeting and Tour – August 26-27, 2009, Winona

NOON ADJOURN

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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MAY 27, 2009

BOARD MEMBERS PRESENT:
Gordy Behm, Bob Burandt, Wayne Edgerton, DNR; Quentin Fairbanks, Glenn Skuta, MPCA; Randy Kramer, Paul Langseth, John Linc Stine, MDH; Tom Loveall, Joe Martin, MDA; John Meyer, Brian Napstad, Faye Sleeper, U of M Extension; Louise Smallidge, Gene Tiedemann, LuAnn Tolliver

BOARD MEMBERS ABSENT:
Paul Brutlag

STAFF PRESENT:
Mary Jo Anderson, Jon Fure, Jim Haertel, Jeff Hrubes, Chris Hughes, John Jaschke, Al Kean, Julie Klocker, Melissa Lewis, Kevin Lines, Jeff Nielsen, Dan Steward, Tom Wenzel, Dave Weirens, Steve Woods, Brad Wozney

OTHERS PRESENT:
Sandy Hooker, MAT
LeAnn Buck, MASWCD
Felicia Brockoff, MACDE
Steve Hughes, Aitkin SWCD
Tim Koehler, NRCS
Wayne Anderson, MPCA
Doug Norris, DNR
Steve Kernik, City of Woodbury
Jack Lavold, SWWD
Jessica Collin-Pilarski, Washington County
Amanda Stromme, Washington County
James Vagle, BATC

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

PLEDGE OF ALLEGIANCE

** 09-26 **ADOPTION OF AGENDA** – John Jaschke stated that Old Business/RIM-WRP Partnership Sign-Up Status has been added to the agenda. Moved by Louise Smallidge, seconded by Brian Napstad, to adopt the agenda as amended. Motion passed on a voice vote.

** 09-27 **MINUTES OF MARCH 25, 2009** – Moved by LuAnn Tolliver, seconded by John Linc Stine, to approve the minutes of March 25, 2009, as circulated. Motion passed on a voice vote.

** 09-28 **MINUTES OF APRIL 15, 2009** – Moved by Brian Napstad, seconded by Louise Smallidge, to approve the minutes of April 15, 2009, as circulated. Motion passed on a voice vote.

INTRODUCTION OF NEW BOARD MEMBERS

Chair Kramer welcomed newly appointed board members Tom Loveall and John Meyer to the Board.

- Tom Loveall, county commissioner representative from Faribault County, provided brief background information about himself.
- John Meyer citizen member from Winona County, provided brief background information about himself.

Chair Kramer congratulated Bob Burandt on his reappointment. Their four-year terms of office expire January 7, 2013.

REPORTS

Chair's Report – Randy Kramer reported that new board members have been appointed to Committees. If board members would like to change their representation on a committee or are interested in serving on another committee let him know.

Chair Kramer reported that the Legislature expanded the BWSR Board membership. The Board will be expanded by three board members effective August 1, 2009. Two are representatives of cities, with at least one representing the metropolitan area and one is a representative of townships.

Chair Kramer reported that he attended the State Envirothon on May 18 in Stewartville. It was an enjoyable day and an excellent Envirothon. Chair Kramer thanked Mary Jo Anderson, Jon Fure, and Mary Jo Flemming for their efforts.

Executive Directors' Report – John Jaschke reported that most of his time during the last few months has been spent on legislation. BWSR will have a new structure after August 1st with additions of cities and townships represented on the Board. John briefly commented on the Clean Water Restoration Act, a piece of federal legislation being considered with a rulemaking process to follow if enacted, the authority remains to be seen in Minnesota.

John reported that a BWSR All Staff Meeting will be held June 2-3, at the Tamarack Nature Center in Vadnais Heights.

John reported that the MAWD Summer Tour and Meeting will be hosted by the Shell Rock River Watershed District, on June 25-27, in Albert Lea. Board members interested in attending should contact Mary Jo Anderson for registration.

John announced that the BWSR Snapshots has an article about the RIM-WRP Partnership receiving the top honor in the Minnesota Environmental Initiative (MEI) Awards. MEI annually honors projects that have achieved extraordinary outcomes for Minnesota's environment by harnessing the power of partnerships. The RIM-WRP project received the most votes from about 300 members and guests who attended the event and voted for the 2009 Partnership of the Year.

Paul Langseth entered the meeting at 9:15 a.m.

Dispute Resolution Committee – Travis Germundson reported that there are no new appeals since May 15. Travis stated that File 09-5, wetland banking appeal was remanded back. Travis reported that the Court of Appeals decision on File 08-13, wetland type boundary petition in Hennepin County was denied. The Court reversed the Board's decision, deemed merit; the Board will now hear the appeal.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee will meet today immediately following the Board meeting. The Wetlands Committee has a tentative meeting date of June 4 that may be cancelled; the June 18 Wetland Committee evening meeting is confirmed.

Grants Program & Policy Committee – Louise Smallidge reported that the Grants Program & Policy Committee will meet on June 18 in the afternoon.

Public Relations, Outreach & Strategic Planning Committee – Brian Napstad reported that the Public Relations, Outreach & Strategic Planning Committee has

not met; no cause to meet for several months. Now have two new members on the Committee they may meet in the next few months, especially if the scope of the Committee is adjusted.

Administrative Advisory Committee – Randy Kramer reported that the Administrative Advisory Committee (AAC) met this morning. Items discussed included the Committee Member changes; the Board tour and meeting on August 26-27, at the Holiday Inn Express in Winona; and legislative and budget updates.

State Envirothon Report – Jon Fure reported that the State Envirothon was held May 18 at the Ironwood Springs Christian Ranch in Stewartville. The State Envirothon is an environmental education competition for high school students. The State Envirothon first place went to St. John's Prep; second place to Rushford-Peterson High School; and third place to Hopkins High School. The winning team will attend the Canon Envirothon in North Carolina, August 2-7, to compete against teams nationwide and Canada. Chair Kramer stated that he was amazed at the distance schools travel to attend. Chair Kramer thanked Jon Fure, Mary Jo Anderson and Mary Jo Flemming for their efforts.

LuAnn Tolliver presented board members with the "Nine Mile Creek Watershed District Preserving Heritage & Environment" book. The history book of the watershed district includes pre-settlement conditions at the turn of the century, watershed law in the State, and regional activities. The Nine Mile Creek WD is proud of the watershed district and excited about this publication.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Petition for Enlargement of Valley Branch WD, and Petition for Enlargement and Increase in Number of Managers of South Washington WD – Jim Haertel introduced Melissa Lewis and stated she has been working on this agenda item for the past year. Jim reported that a public hearing was held on April 22 for both petitions. The major issue contained in the hearing record is opposition to the proposed boundary because it does not follow the major hydrologic divide. The Lower St. Croix WMO (LSCWMO) members have all adopted resolutions to dissolve the WMO contingent on the proposed boundary being approved. Jim explained that if the LSCWMO does not dissolve, the WDs cannot enlarge. Jim read the standard of review from Minn. Stat. Section 103D.261, subd. 2, item a. The Metro Water Planning Committee met on May 6, 2009, recommends approval of the two petitions; and found that the proposed enlargements of the two WDs associated with the dissolution of the LSCWMO would accomplish more in the area of watershed management than the LSCWMO has and would

be for the public welfare and public interest and the purpose of Minn. Stat. Chapter 103D would be served.

Jim reported a letter of opposition and a resolution were received from the City of Woodbury before the public hearing objecting to the petitions. In the letter the city objected to the proposed new boundary between the two districts and the increase in number of managers, although the city did not object to the dissolution of the LSCWMO. Jim explained that a meeting was held before the public hearing with several cities including Woodbury, Washington County staff and the two watershed districts. As a result of the meeting Jim thought the opposition to the number of managers was dropped. Woodbury staff presented oral testimony at the public hearing and introduced a letter into the hearing record that all focused on the boundary issue. Jim recommended that the draft Order be changed, on page eight, finding of fact number 10, the last paragraph, proposing to delete the first sentence and the last sentence which regard the lack of opposition to the increase in number of managers.

** 09-29 Moved by Bob Burandt, seconded by Faye Sleeper, to approve the Order with proposed changes, to delete two sentences. The Board hereby orders that the South Washington Watershed District and the Valley Branch Watershed District be enlarged according to the Petitions, and that the number of managers for the South Washington Watershed District be increased from five (5) to seven (7), contingent on the dissolution of the Lower St. Croix Watershed Management Organization occurring within three months from the date of this Order. The Board further orders that the Watershed Management Plans for the South Washington Watershed District and the Valley Branch Watershed District be amended within one year of the date of this Order to include the Petitioned Areas.

Brian Napstad asked about taxing authority in another watershed within a watershed district. Jim stated that the South Washington Watershed District uses a water management district funded by a stormwater utility fee that works on a subwatershed basis. Discussion followed. Louise Smallidge abstained from the vote as this is the area she represents. Motion passed on a voice vote.

Scott Watershed Management Organization Watershed Management Plan – Brad Wozney reported that the Metro Water Planning Committee met on May 6, and unanimously recommends approval of the Watershed Management Plan.

** 09-30 Moved by Bob Burandt, seconded by Louise Smallidge, to approve the Scott Watershed Management Organization Watershed Management Plan. Motion passed on a voice vote.

Northern Water Planning Committee

Carlton County Priority Concerns Scoping Document – Quentin Fairbanks reported that the Northern Water Planning Committee met on April 8, 2009, reviewed the Carlton County Priority Concerns Scoping Document and recommends approval. Moved by Quentin Fairbanks, seconded by Brian Napstad, to approve Carlton County Priority Concerns Scoping Document. Motion passed on a voice vote.

** 09-31

Carlton County Local Water Plan Extension Request – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed the Carlton County Local Water Plan extension request and recommends approval of the two-year extension. Moved by Quentin Fairbanks, seconded by Brian Napstad, to approve the extension of the Carlton County Local Water Plan until May 27, 2011. Motion passed on a voice vote.

** 09-32

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

** 09-33

Cass County Local Water Management Plan Final Review – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed the Cass County Local Water Management Plan and recommends approval. Moved by Quentin Fairbanks, seconded by Brian Napstad, to approve the Cass County Local Water Management Plan final review. Discussion followed. Brian Napstad commended Cass County for the excellent job of water planning and implementation. Motion passed on a voice vote.

** 09-34

Douglas County Local Water Management Plan – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed the Douglas County Local Water Management Plan and recommends approval. Moved by Quentin Fairbanks, seconded by Brian Napstad, to approve the Douglas County Local Water Management Plan. Motion passed on a voice vote.

** 09-35

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

** 09-36

Roseau County Priority Concerns Scoping Document – Wayne Edgerton reported that the Northern Water Planning Committee reviewed the Roseau County Priority Concerns Scoping Document and recommends approval. Moved by Wayne Edgerton, seconded by Quentin Fairbanks, to approve the Roseau County Priority Concerns Scoping Document. Quentin Fairbanks stated that ditches are a big issue in Roseau County. Motion passed on a voice vote.

** 09-37

OLD BUSINESS

RIM-WRP Partnership – Sign-Up Status – Kevin Lines reported that the RIM-WRP Partnership-Phase II sign-up began April 20th and runs through June 5, 2009. Kevin explained that BWSR will receive $100M in funding requests. Kevin reported that the Lessard-Sams Outdoor Heritage Council made a recommendation to the Legislature in 2009 for $9.05M in constitutionally dedicated funding from RIM-WRP Partnership. The Legislature approved this recommendation for the appropriation on May 18th, and Governor Pawlenty signed the Outdoor Legacy funding bill into law.

Tim Koehler, NRCS, reported that State Conservationist Bill Hunt made a $23M funding request to Washington for WRP based on the Lessard-Sams Outdoor Heritage Council's recommendation. Discussion followed. Tim explained that NRCS will be meeting with BWSR easement staff to rank and select projects for funding the RIM-WRP Phase II in mid-June. Chair Kramer thanked Kevin and Tim for their report.

Tim Koehler, NRCS, reported that NRCS submitted $5M in applications for flood recovery in the northwest and southeastern Minnesota. Tim reported that EQIP received $23M in allocations; $40M in applications received. Tim reported that NRCS will work with local producers/landowners on the Farm and Ranchland Protection Program (FRPP). Dakota County is the only county involved in FRPP to-date. Tim will provide more information in June. Chair Kramer congratulated Tim and Kevin on the MEI Award, and thanked them for their efforts. Chair Kramer asked Tim to thank Bill Hunt also.

Chair Kramer called for a break in the meeting at 10:25 a.m. The meeting reconvened at 10:40 a.m.

NEW BUSINESS

Legislative Overview – John Jaschke summarized the Omnibus Environment, Natural Resources and Energy Finance Bill, BWSR General Fund – signed into law. John reviewed the budget reductions and the rider language provisions. BWSR's reductions are a 10.8% general fund decrease. The Governor may also unallot as a mechanism to balance the budget. Discussion followed. Brian Napstad commented on the unfunded mandates by the State. Counties and LGUs are asked to do more with less.

Julie Klocker summarized the Constitutional Amendment Dedicated Funding, House File 1231 – we do not know yet when the funding is available; don't expect anything until January 2010. Julie explained that the constitutionally dedicated funding governance provisions will measure outcomes and accountability for each dollar spent. Julie summarized the Clean Water Fund appropriations for the biennium.

John Linc Stine, MDH, reported that MDH received $3.75M funding for source water protection.

Joe Martin, MDA, reported that MDA received $675,000/biennium for pesticide sampling. MDA also received $1.125M/biennium for nitrate issues in groundwater; $2.265M for research pilot projects; and rider language to work on LCCMR projects up to $395,000 for monitoring small watersheds in the Root River.

Glenn Skuta, MPCA, reported that MPCA received $1.25M/year from general fund for water quality monitoring baseline efforts and additional $7.5/year from the Clean Water Fund. MPCA received an additional $35M for River Watch; $.5M for the St. Croix Watershed Management; received $2.35M/year base funding; additional Clean Water Funding for impaired waters; $18M for TMDL studies; $250,000/biennium from Clean Water Council for public involvement. Glenn reported that the Governor line item vetoed an appropriation to the State Lakes Board.

Julie summarized the Outdoor Heritage Fund. John summarized the Bonding/Red River Valley Flood Relief Bill and the Omnibus Environmental Policy Bill (House File 1237). Julie summarized the Legislative-Citizen Commission on Minnesota Resources (LCCMR) Bill (Senate File 1012); and the MN River Board Update (SF275); Green Acres/Rural Preserves (HF392); and Drainage (HF162/SF364).

Wayne Edgerton briefly commented that the inflation aspects of the budget recommendations must be absorbed also.

John Jaschke stated that overall all state agencies and local governments are dealing with reductions; the good news is that dedicated funding is available. Chair Kramer thanked staff for the update.

Three County Water Quality Protection Strategy – Jeff Hrubes reported that Cass, Aitkin and Crow Wing Counties received Clean Water Legacy funding to develop lake water quality protection strategies as part of their County Water

Plan Updates. Jeff distributed a handout, and introduced Dan Steward and Steve Hughes, Aitkin SWCD. Jeff presented the project background, objectives, and acknowledged partners. Dan Steward explained that Aitkin, Cass, and Crow Wing Counties are enhancing their water plans. Steve Hughes stated that Aitkin County has a very active lake association on Cedar Lake and presented the pilot project. Jeff presented the potential benefits of implementing the protection strategies developed through the plan update process, citizen engagement on websites. Discussion followed. Brian Napstad commented on the rain garden project aslow cost for runoff; need to get the word out regarding shoreland BMPs, long-term funded programs that are available. John Jaschke stated that it will be interesting to see this project move forward.

Wayne Edgerton stated that DNR has shoreline restoration technical assistance information on the DNR website. Faye Sleeper stated that Extension also has information available. LuAnn Tolliver stated that the metro area has been working on stormwater best management practices for years, educating on drive-way techniques, rain gardens, etc. LuAnn would like to meet to share ideas from the metro area. Chair Kramer thanked Jeff, Dan, and Steve for their presentation.

AGENCY REPORTS

John Jaschke reported that Joe Martin needed to leave the meeting, but asked that John mention that MDA and DNR are jointly taking the state lead in conjunction with the U.S. Department of Agriculture, on emerald ash borer invasion. Joe Martin will provide more information at the June Board meeting regarding the response team and funding.

Minnesota Department of Health – John Linc Stine thanked the public nurses and doctors in local areas for assistance provided to the H1N1 flu outbreak. John reported that Viruses grow more in cooler weather than warm. John also thanked the public health officials statewide on this effort. John reported that the debate is on for relicensing of the Prairie Island Power Plant.

Minnesota Department of Natural Resources – Wayne Edgerton distributed fact sheet on wolf delisting. Wayne reported that the tuberculosis (TB) issue continues to be dealt with, monitoring continues; 12 herd have been taken out of existence due to TB. Wayne stated that TB has not be detected outside of the previous core area. Wayne reported that DNR fishing licenses are free for citizens that are 90+ years old.

Doug Norris, DNR, expressed appreciation to BWSR staff for assistance on the statewide training sessions held to carry out the Wetland Conservation Act.

Minnesota Extension Service – Faye Sleeper reported that the University of Minnesota is dealing with budget cuts. The Water Resources Center has two retirements this week. Faye invited board members to attend the retirement party on Friday, May 29th for Barb Liukkonen.

Minnesota Pollution Control Agency – Glenn Skuta reported that MPCA received funding through EPA, a double allocation will be received this year for 319, administrative challenges with that; TMDLs implementation targeted. Glenn reported that 20% of the state is on a ten-year cycle for intensive monitoring and watershed management. Glenn stated that MPCA is addressing impairment listings.

ADVISORY COMMENTS

Minnesota Association of Conservation District Employees (MACDE) – Felicia Brockoff thanked BWSR for partnering with MACDE on the BWSR Academy; they appreciate the combined effort on training. Felicia reported that MACDE has a $2,000 scholarship for an MACDE employee to attend the MASWCD Leadership Session; Grant Pearson, Stearns SWCD will attend. Felicia stated that she is the Area Envirothon Coordinator and is happy that the State Envirothon winner, St. John's Prep, is from her area.

Minnesota Association of Soil and Water Conservation Districts (MASWCD) – LeAnn Buck reported that MASWCD is working on their legislative update; the largest cut was to the SWCD Cost-Share Program at 17%, concerned how reductions impact the future. MASWCD is pleased with new money from the Lessard-Sams Outdoor Heritage Council. LeAnn reported that the MASWCD Board of Directors met yesterday; good conversation with Steve Woods, BWSR, and NRCS, and appreciates technical assistance. LeAnn thanked John Jaschke and Julie Klocker for their leadership during the legislative session; as well as the collective effort with agencies. LeAnn reported that the MASWCD Board of Directors planning session will be held in June. LeAnn was honored and privileged to be in attendance at the MEI Awards Program when Kevin Lines and Tim Koehler were recognized.

Minnesota Association of Townships (MAT) – Sandy Hooker reported that MAT has 13 township officers statewide. Sandy is frustrated that things didn't get done during the Legislative session. MAT is working on funding for sign replacement, a federal mandate, using new high reflectivity. MAT will meet in early June at Breezy Point to discuss legislative issues. Township officers

support counties, many unfunded mandates come to counties, something needs to be done.

UPCOMING MEETINGS

- Next BWSR Meeting, June 24, 2009 in St. Paul
- August Board Meeting and Tour, August 26-27, 2009, in Winona

Chair Kramer reported that the Southern Water Planning Committee will meet immediately following adjournment of the Board meeting.

The Wetlands Committee will meet as soon as the Southern Water Planning Committee adjourns.

** 09-38 Moved by Quentin Fairbanks, seconded by Louise Smallidge, to adjourn the meeting at 12:40 p.m.

Respectfully submitted,

Mary Jo Anderson
Recorder

Dispute Resolution Report
June 11, 2009
by: Travis Germundson

There are presently **16** appeals pending. All of the appeals involve WCA except File 05-24. There have been no new appeals filed since the last report dated May 27th.

Format note: New appeals that have been filed since last report to the Board.
~~Appeals that have been decided since last report to the Board.~~

File 09-8 (5-11-09) This is an appeal of a restoration order in Chisago County. The appeal regards the filling of approximately 3,000 square feet of a type 2/6 wetland for a private access road. No decision has been made on the appeal.

File 09-7 (5-11-09) This is an appeal of a replacement order in Stearns County. The appeal disputes a number of facts regarding compliance with an approved replacement plan for 9,900 square feet of wetland impacts associated with residential development. No decision has been made on the appeal.

File 09-6 (5-06-09) This is an appeal of a exemption decision in Otter Tail County. The appeal regards the denial of an exemption request for agricultural/drainage activities that resulted from issuance of a Restoration Order (File 09-1). The appeal has been remanded for further technical evaluation.

File 09-5 (4-24-09) This is an appeal of a wetland bank application decision in Lake of the Woods County. The appeal regards the denial of a wetland bank application to restore a type 1/2 wetland.. The appeal has been remanded for further technical evaluation.

File 09-3 (2-20-09) This is an appeal of a replacement plan decision in Anoka County. The appeal regards the approval of a wetland replacement plan for 11,919 square feet of impacts associated with a residential development. The appeal has been placed in abeyance and the replacement plan decision stayed for submittal of a revised replacement plan application. (at the request of the petitioner).

File 09-2 (2-19-09) This is an appeal of a restoration order in Stearns County. The appeal regards the filling of approximately 6,833 square feet of a type 5 wetland with various debris materials. No decision has been made on the appeal. The appellant has granted BWSR additional time to make a decision on the appeal.

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

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

File 08-9. (03/06/08) This is an appeal of a replacement order in Pine County. The appeal regards impacts to approximately 11.26 acres of wetland. The replacement order has been stayed and the appeal has been placed in abeyance pending further technical work.

File 08-4. (01/24/08) This is an appeal of no-loss and exemption decisions in Waseca County. In addition to the no-loss decision, at issue are denials of the agricultural exemption, approved development exemption, incidental wetland exemption, and claims of numerous procedural issues that were prejudicial to the applicants. Further, a Minn. Stat. § 15.99 (60-day rule) claim is pending in Appellant Court. The appeal has been remanded for further technical work at the local level.

File 06-23. (05/19/06) This is an appeal of a replacement plan decision in Kanabec County. The LGU denied the wetland replacement plan application. A previous denial of the same replacement plan application had been appealed, the appeal was remanded for a hearing, and now the current denial has been appealed. The appeal has been placed in abeyance pending the outcome of a lawsuit between the landowner and the county. The lawsuit concerns the county's possible noncompliance with the 60-day rule. The county prevailed in district court, however the decision was appealed to the Court of Appeals where the county again prevailed. An appeal to the Minnesota Supreme Court was denied review. It is likely the appeal will soon be placed on the calendar for DRC proceedings.

File 06-17. (05/27/06) This is an appeal of a replacement plan decision in the City of Montgomery in LeSueur County. The LGU denied an after-the-fact wetland replacement plan application based on a lack of sufficient reasons why the restoration could not be completed. The appeal has been remanded for further processing at the local level.

File 06-12. (04/13/06) This is an appeal of a no-loss decision in Stearns County. It involves the same project and issues as File 06-6. After a restoration order was issued, a no-loss application was submitted by the developer and denied by the LGU. The appeal has been remanded for further technical evaluation.

File 06-6. (02/16/06) This is an appeal of a restoration order in Stearns County. At issue are numerous wetlands impacted by filling, sedimentation, reduction of hydrology and lack of Best Management Practices associated with a residential development. The appeal has been denied in part. The Restoration Order has been affirmed in part and has been stayed in part.

File 05-24. (03/04/05) This is an appeal, actually three appeals, of the Bois de Sioux Watershed District compensation to landowners related to a project. The appeal has been held in abeyance pending settlement discussions. It appears at least two of the appeals have been settled.

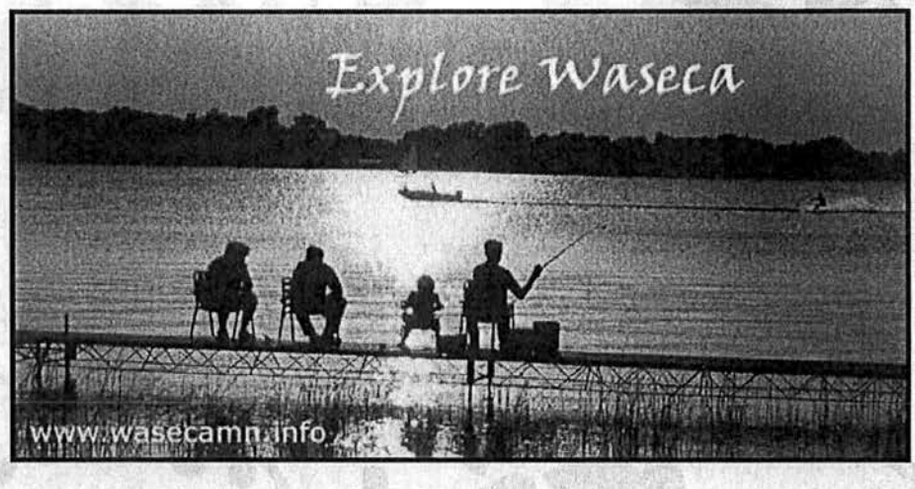
File 05-1. (01/13/05) This is an appeal of a replacement plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue is a wetland delineation and the Comprehensive Wetland Protection and Management Plan that BWSR approved. After a hearing before the DRC, the board remanded the matter for a new wetland delineation and for submission on an updated, complete replacement plan application.

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Waseca County Local Water Management Plan Update – ***DECISION ITEM***

THE WASECA COUNTY COMPREHENSIVE LOCAL WATER PLAN 2009 - 2018



~ Clear Lake, Waseca, Minnesota ~

WITH A FIVE-YEAR IMPLEMENATION PLAN 2009 - 2013

Prepared by Waseca County and Midwest Community Planning, LLC

EXECUTIVE SUMMARY



Clear Lake, Waseca County

Water Plan Contents…

Following Minnesota State Statues, 103B.314, this Waseca County Water Plan includes the following information:

- ✓ **Executive Summary:** this includes a section on the purpose of the local water management plan, a description of the priority concerns to be addressed by the plan, a summary of the goals and actions to be taken, a summary of the consistency of the plan with other pertinent local, state, and regional plans and controls, and a summary of recommended amendments to other plans and official controls.

- ✓ **Assessment of Priority Concerns:** Chapter One analyzes the relevant data, plans, and policies for each of the County's priority concerns, including how the concern is impacting or changing the County's land and water resources.

- ✓ **Goals and Objectives:** Chapter Two contains a set of goal, objectives, and action steps for each of the County's priority issues. These items were put together by using a Water Plan Task Force appointed by the County Board (see the list of members on the inside cover of the Plan).

- ✓ **Implementation:** Chapter Three provides information on how the Waseca County Water Plan will be implemented. In addition, information on how the Plan can be amended (if needed) is outlined.

- ✓ **Priority Concerns Scoping Document:** this document, which outlines the process used to identify the County's priority concerns, can be found in Appendix C. Previous water planning accomplishments are also listed in the document.

Section One:
Purpose of the Plan

The Comprehensive Local Water Management Act (Minnesota Statutes Sections 103B.301 to 103B.355) encourages counties to develop and implement a comprehensive water plan. Pursuant to the requirements of the law, this plan:

- Covers the entire area of the County;
- Addresses water problems in the context of watershed units and groundwater systems;
- Is based upon principles of sound hydrologic management of water, effective environmental protection and efficient management;
- Is consistent with comprehensive water plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or groundwater system; and
- The comprehensive water plan must specify the period covered by the comprehensive water plan and must extend at least five years, but no more than ten years, from the date the Board of Water and Soil Resources (BWSR) approves the comprehensive water plan. Comprehensive water plans that contain revision dates inconsistent with this section must comply with that date, provided it is not more than ten years beyond the date of BWSR approval. A two-year extension of the revision date of a comprehensive water plan may be granted by BWSR, provided no projects are ordered or commenced during the period of the extension.

In response to the last requirement, this Waseca County Water Plan shall cover the years 2009-2018, with the implementation components needed to be updated after five years, or sometime in the year 2013. As a result, most of the action items listed in Chapter Two are designated to take place sometime between 2009 and 2013 (or continuously and/or annually).

Section Two:
Waseca County Priority Concerns

Waseca County's priority concerns were identified by two primary sources. First, a Countywide Public Issues Meeting was held on July 17, 2007. The meeting was held at night to accommodate most people's working schedules and was advertised in the newspaper. Thirty-three people attended the meeting, which lasted about two hours. An overview of the planning process was provided along with a scoping session to key water-planning issues. Second, written comments were received from a variety of sources, including State agencies and local water management organizations. The County's Water Plan Task Force (members listed on the next page) then reviewed the overall list of concerns and grouped the majority of them into the following four categories:

Waseca County
Water Plan Task Force*

Member	*Representing*
Hugh Valiant	Minnesota Department of Natural Resources
Kathy Guse	Farm Bureau Association - Citizen
Lester Kroeger	Twp & Ag - River
Clinton Rogers	Lake Elysian, City of Janesville
Lane Warner	St. Olaf Lake Assn. Rep
Duane Rathmann	Waseca Lakes Assn Rep
Jim Williams	Twp Official
Richard Androli	County Commissioner / Alliance
Dan Kuhns	County Commissioner
Marla Watje	Soil & Water Conservation District (SWCD)
Wayne Cords	SWCD Supervisor
Bob Drager	SWCD Supervisor
Chris Hughes	Board on Water & Soil Resources
Sarah DeLong	Public Health Services
Mark Leiferman	Planning & Zoning/Water Planner[1]

[1] Angela Knish was the Planning & Zoning Administrator/Water Plan Coordinator for the majority of the water planning process. Laura Rohde, the Interim Planning and Zoning Administrator, also assisted with the Water Plan.
* Matthew Johnson, from Midwest Community Planning, facilitated the Water Plan Task Force.

1. **Reducing Priority Pollutants**

   a. **Total Maximum Daily Loads (TMDLs)** – A TMDL, or Total Maximum Daily Load, is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. When a waterbody cannot sustain a number of identified pollutants, it is placed on the Minnesota Pollution Control Agencies TMDL list of impaired waters. The 2008 list of Impaired Waters in Waseca County is found in Chapter One. The County would simply like to work with the various water-resource partners on getting these waters off the TMDL listing. The MPCA generates the 303d list and is responsible for TMDL development.

   b. Feedlots – Waseca County has approximately 329 feedlots, of which approximately 28 are Concentrated Animal Feeding Operations. The potential stress to water quality from the huge volumes of manure is clearly a water quality priority for management. There are many related animal management issues besides the direct runoff of manure with its common pollutants (biochemical oxygen demand, ammonia, nutrients and fecal coliform bacteria). There are also environmental concerns with nitrate and chloride pollution to ground waters (demonstrating the need for adequate nutrient management for farmers/agricultural producers) and emerging issues related to antibiotic resistant organisms spreading in the environment. Manure management issues will also be discussed.

   c. **Septic Systems** - Upgrading Subsurface Sewage Treatment Systems (SSTS, formerly known as ISTS) in Waseca County will help reduce loading of fecal coliform bacteria and nutrients to surface waters. Because of this large task, it is important that the County continue to develop strategies to address this issue.

   d. Erosion & Runoff - Protection of agricultural soils from erosion provides for the long-term productive capability of the soil resource base of the County. Prevention of soil loss due to erosion also reduces sediment and attached phosphorous in receiving waters helping to improve water quality. Erosion and sedimentation from runoff and stream banks are a major source of pollutants to surface waters. The Minnesota River Basin Plan and the Lower Minnesota River Dissolved Oxygen Plan have recommended increased adoption of soil erosion practices.

   e. **Stormwater Management** - Stormwater is the water that flows over the land after a rain event or snowmelt. It carries with it pollutants such as sediment, phosphorus, coliform bacteria, oils, toxins, and debris. The temperature of the water also increases. When natural areas are developed the amount of impervious land surface increases and in turn the volume and velocity of stormwater does as well. This polluted stormwater discharges into streams and lakes. It is important to minimize the amount, velocity and increased temperature of this water that reaches surface water in order to help maintain the health of the water and biological communities within. A number of stormwater management ideas will be considered by Waseca County to address this priority issue.

2. **Drainage/Wetlands Management** - Agricultural drainage in Waseca County consists of a significant number of open ditches and tile drainage systems. According to the MPCA these systems contain the following: the County has 54 public ditches: 42 are County, four are joint County, and eight are judicial. Public ditches extend for approximately 264 miles. There are 121 miles of open ditches and 143 miles of tile mains, or closed ditches. Private systems are also common throughout the County. These systems are a major component of Waseca County's water resources and as such should and do receive considerable attention by the county. Agricultural drainage systems in Waseca County date back to the early 1900's and are reaching the end of their functional life span. In many cases the systems are under designed and the cost to replace them is high. Thus, the agricultural drainage system deserves continued attention in this local water management plan update. A preliminary discussion has already been started regarding the possibility of conducting a thorough Drainage Management Plan to properly address the various issues. This study would also include the identification of potential wetland restorations to assist with water quality and flood control.

3. **Natural Corridors and Shoreland Management** - Natural corridors and shoreland management go hand-in-hand with protecting water resources for a variety of reasons. Natural corridors (sometimes referred to as open space), also help to maintain biological diversity and provide connectivity between the community's most valuable resources. As shorelands continue to be developed, valuable natural assets are slowly being lost. Over the past decade, the importance of protecting shallow lakes (or wetlands) for water-quality purposes has received an increasing amount of public scrutiny. As a result, the County is currently examining adopting tougher shoreland management provisions.

4. **Public Education** - Water plans have traditionally focused on providing education on a number of key water-related issues. Waseca County is committed to continuing this tradition, by focusing their educational efforts on the County's priority water-planning issues. In addition, a number of the miscellaneous issues, such as the importance of protecting groundwater, will be considered in the County's educational efforts. This priority issue will also be a way for the County to cooperate with a number of the key water-planning stakeholders.

The County's official Priority Concerns Scoping Document can be found in Appendix C.

Section Three:
Summary of Goals & Objectives

The Water Plan Task Force met three times to review the County's priority concerns and to develop Goals, Objectives, and Implementation Steps. Collectively, these represent the County's commitment to properly addressing the issues identified in the County's Priority Concerns Scoping Document. Chapter Two contains the complete results, including information on estimated costs. A summary of the County's four goal areas and corresponding objectives is provided below:

GOAL 1:
PROTECT AND IMPROVE THE QUALITY OF WATER RESOURCES THROUGHOUT THE COUNTY

Objective 1: Work towards getting all of Waseca County's waters off the TMDL list of impaired waters.

Objective 2: Properly manage pollution caused by feedlots and industry.

Objective 3: Identify non-compliant septic systems.

Objective 4: Reduce erosion and sediment loading of surface water resources.

Objective 5: Properly manage stormwater runoff.

GOAL 2:
MAINTAIN AND ENHANCE THE COUNTY'S DRAINAGE SYSTEM AND WETLAND RESOURCES

Objective 1: Properly manage the County's drainage system.

Objective 2: Preserve and restore wetlands.

GOAL 3:
PROTECT AND ENHANCE THE COUNTY'S SHORELAND AND NATURAL CORRIDORS

Objective 1: Develop and implement reasonable strategies to protect and enhance shorelands.

Objective 2: Develop and implement reasonable strategies to protect and enhance natural corridors.

GOAL 4:
INCREASE AWARENESS ON KEY WATER PLANNING ISSUES

Objective 1: Expand the public's knowledge and understanding of important water issues and resources.

Section Four:
Consistency with Other Plans & Recommended Changes

One of the requirements of local water management plans is to review other local, state, and regional plans for consistency and to identify recommend changes if needed. A summary of the findings is provided below.

The Waseca County Comprehensive Land Use Plan (2005) outlines a number of goals, objectives, and guiding principles that directly impact the County's water resources. One of the Plan's four key principles is to pursue having "sustainable community development," including "A community where streets are safe to walk, and the air and water are clean…"

The Comprehensive Plan nicely complements this water plan by identifying protecting Natural Resources Corridors, Rural Open Space, and Shoreland Developments with the following statements:

- ✓ Encourage management coordination of public lands.
- ✓ Promote maintenance of these natural areas through continued private stewardship and public ownership or, if necessary, through acquisition of easements or additional public lands.
- ✓ Promote the network and scale of public lands as a unique natural recreation resource.
- ✓ Encourage new development adjacent to public lands to reflect the natural large-scale character of these lands.
- ✓ Promote a residential/open space zoning option, created through three proposed zoning districts, which would provide higher density incentives for dedicated or deed restricted open space. This would be accomplished through open space zoning provisions or rural clustering of residential units.
- ✓ Promote low-density residential parcels with incentives for higher densities using cluster or open space zoning provisions.
- ✓ Encourage local establishment of and participation in lake property owners associations to further protect the County's water and wetland resources.
- ✓ Encourage restoration of developed shoreland buffer zones through volunteer programs or mitigation tied to permitted property improvements.
- ✓ Establish an incentive program for development of shoreland buffer zones.
- ✓ Revisit lakes and stream classification and shoreland development standards periodically.

The Waseca County Zoning Ordinance (2008 Draft) divides the unincorporated areas of the County into 7 distinct zoning districts, ranging from agricultural to industrial development. In addition, the Ordinance creates four overlay districts, including ones to regulate both shoreland development and floodplain management. These types of overlay districts are common in counties throughout Minnesota. The provisions found in the Water Plan nicely complement the standards set forth in the Zoning Ordinance.

The cities of Waseca and Janesville, located in Waseca County, are the only two communities that have municipal Comprehensive Plans and Zoning Ordinances. These documents control land use development in the incorporated areas and have numerous natural resource standards consistent with the County's Water Plan.

The Minnesota Pollution Control Agency (MPCA) adopted a 2008 Strategic Plan that can be found on their website (www.pca.mn.us). The Plan outlines a number of vision statements, all geared towards having a cleaner environment. In addition, the MPCA has numerous plans and programs dealing with point (i.e. feedlots) and nonpoint (i.e., stormwater) pollution. The MPCA is also charged with implementing the Minnesota River Basic Plan (2002) and has responsibility for listing 303(d) impaired waters and corresponding TMDL development. The Waseca County Water Plan strongly complements a number of the initiatives identified in these documents.

The Minnesota Department of Health (MDH) requires that all public water suppliers develop wellhead protection plans. One of the main features of these plans is identifying the wellhead area on a set of maps for each public water supplier. The mapped area is based upon land features, such as topography, and simply identify which areas on the surface affect groundwater supplies. In the future these plans will increasingly prescribe the types of land uses which are acceptable or which mitigation steps are necessary to adequately protect public drinking water supplies.

Recommended Changes to Plans

As TMDL studies identify solutions to getting various Waseca County's waters off the 303(d) List of Impaired Waters, the County's Comprehensive Plan and Zoning Ordinance may need to be revised to identify land use changes. These needed changes could take place either countywide or on a sub-watershed basis. The overall hope is that any local changes which are needed will be accompanied with a number of win-win scenarios for local landowners. The other plans reviewed all nicely complement the Goals, Objectives, and Implementation Steps identified in the Water Plan.

Amendments Format

All amendments adopted by the County will be printed in the form of replacement pages for the Comprehensive Local Water Plan. Each page will show deleted text as stricken and new text as underlines on draft amendments, as needed, and include the effective date of the amendment. The County will maintain a distribution list of agencies and individuals who have received a copy of the Comprehensive Local Water Plan and the County shall distribute copies of the amendment(s) within thirty days of adoption.

Section Two:
Ongoing Water Plan Activities

The following list identifies a number of key ongoing water plan activities carried out by Waseca County and a number of its water planning partners:

1. **Reducing Priority Pollutants**

   a. **TMDLs** – Waseca County is currently implementing a number of programs that will ultimately assist in getting waters off the 303d List of Impaired Waters. These activities include implementing the County's feedlot program, the State's SSTS provisions, and partnering in the promotion and installation of Best Management Practices (BMPs) where needed. The County's Water Plan Coordinator's role in TMDL study and implementation plan development will be increasing in the future.

   b. **Feedlots** – County Feedlot Officer performs regular inspections and follow-up as prescribed in each year's work plan that gets approved by MPCA.

   c. **Septic Systems** – zoning permit applications must show that septic issues are in compliance before zoning permits can be issued; Waseca County Planning & Zoning obtains grants from the Minnesota Department of Agriculture and participates and has funded approximately 97 Ag BMP loans since 1995 to replace septic systems; Waseca County Public Health obtained funding from the Small Cities Loan Program for septic replacements and sent a survey to interested income eligible landowners with failing septics to inform them of the program; Waseca County Public Health also received a Clean Water Legacy Grant through the Greater Blue Earth River Basin Alliance (GBERBA) to be used by Waseca County for a septic system mapping project;

   d. **Erosion and Runoff** – soil erosion BMPs have been discussed and are proposed in the new Waseca County zoning ordinance that has been under review and revision during the past 2 years, and which is projected for adoption January 2009; CRWP representative Ross Hoffman gave a presentation to the Waseca County Board of Commissioners and the Waseca County Planning Commission regarding vegetative buffers and MN Statute enforcement. The Waseca County feedlot officer has

publicized and assisted in several waste pesticide and pesticide container recycling events.

e. **Stormwater Management** – to address these issues at the time of new residential and industrial development, please see proposed Waseca County Zoning Ordinance at the following link:

http://www.co.waseca.mn.us/

2. Drainage/Wetlands Management

There have been numerous wetlands created or restored by individual property owners, as well as by contractors involved with MNDOT in the new Highway 14 project through Waseca County. SWCD and the Waseca Lakes Association have also received a grant to install rain gardens and other vegetative buffers in conjunction wit the new pedestrian trail around Clear Lake. The County has recently applied for a BWSR grant to obtain funding to update recordkeeping and tracking.

3. Natural Corridors and Shoreland Management

Waseca County is currently in the process of updating its zoning ordinance, including new provisions for shoreland management. The Waseca County Planning Commission has reviewed the water plan scoping document for their discussion in the preparation of the revised zoning ordinance and unified development code so that the two policy documents would be compatible. There have been recent shoreland enforcement on violations. As a general practice, every time there is a variance or CUP request that potentially impacts water quality on lakes or rivers, conditions are required as part of any approvals of these land uses.

Funding from the water plan has been used to protect the island on Loon Lake. This historic island was once seven acres in size, but has been reduced to just less than one acre due to erosion. Upland native grasses and shrubs have been planted where the buckthorn has been removed. This project will continue next year with adding aquatic vegetation and fencing to eliminate geese until vegetation has been established.

4. Public Education

Activities include a wide variety of items, ranging from handing out informational packets in permit applications, to helping out at the Waseca Lakes Association booth at the County Fair. The Waseca County Planning & Zoning office has a display of educational materials on various water quality topics. And finally, the water plan continues to support the annual 1st grade environmental day. Each year, 350 students have the opportunity to spend a day to learn about wetlands, fish, soils, forestry, water quality and more from individuals. The county both contributes staff and water plan funding for the event.

Minnesota Board of Water & Soil Resources

DATE: May 19, 2009

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: Chris Hughes, Board Conservationist

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

I have completed my final review of the Waseca County Local Water Management Plan and offer the following comments:

Specific Comments

1. The wetland section of the draft plan references a restorable wetland map in the appendices. I could not find this map in the appendices. Please add this map.

2. County water plans must identify those areas that qualify as "high priority area for wetland preservation, enhancement, restoration, and establishment." The expired water plan did a nice job of this on page 43; however, the draft update is lacking this language. I suggest using the same language from the expired plan and the restorable wetland map could then be considered prioritized sites within the high priority area for wetland preservation, enhancement, restoration and establishment.

3. The MPCA has asked that the information on public ditches in the executive summary (page vii) and on page 20 of Section 3 be revised to show that the information was derived from the current expired water plan rather than MPCA.

General Comment

The following language on plan coordination and implementation from the implementation section on page 47 of the draft plan is key to the success of county water planning in Waseca County. Future attendance and participation at meetings of the Greater Blue Earth River Basin Alliance (GBERBA) technical committee and Cannon River Watershed Partnership (CRWP) is an important part of plan coordination. Also, facilitation of periodic meetings of the Waseca County Taskforce is critical to the future success of the program.

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Plan Coordination

Managing Waseca County's water resources is a complicated task, involving many local, state and federal agencies, as well as private citizens and special interest groups. Most of these entities are previously listed in the Water Plan. For any water planning activity to be successful, a well-coordinated effort is needed. Waseca County is committed to working with each of these entities to ensure proper management of its water resources.

Implementation

Waseca County will ensure coordination and implementation of its Comprehensive Local Water Plan through its established Water Plan Taskforce. The taskforce will meet to review progress, identify emerging problems, opportunities and issues and continue to direct the implementation of the plan. The taskforce will be supported by the County Board appointed water plan coordinator. The coordinator shall administer the implementation of this plan, coordinate the taskforce activities, write grant proposals, prepare annual work plans and reports and other activities as specified by the Waseca County Board of Commissioners.

Conclusion

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

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

State agency comments were received from the Minnesota Department of Health, the Minnesota Department of Agriculture, the Minnesota Department of Natural Resources, and the Minnesota Pollution Control Agency. These agencies recommend approval of the Plan. MPCA asked that the county consider efforts to monitor and assess for impaired waters and encouraged the use of the MPCA Environmental Data Access System.

I recommend approval contingent on the County addressing the specific comments listed above. Mark Leiferman has scheduled a water planning workshop and task force meeting for early June. Scheduling of these activities is a good indicator that Waseca County will work toward more effective coordination and implementation of their water plan.

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Waseca County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on April 13, 2009 pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1. On July 26, 2007, the Board of Water and Soil Resources received a resolution from Waseca County to update the current water plan.

2. On September 5, 2007 the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Waseca County, pursuant to M.S. Section 103B.312.

3. On November 6, 2007, Waseca County passed a resolution to request the Minnesota Board of Water and Soil Resources approve a one-year extension of the current water plan to December 31, 2008.

4. On December 19, 2007, the Board of Water and Soil Resources approved the Waseca County water plan extension request to December 31, 2008.

5. On December 19, 2007 the Board of Water and Soil Resources approved official comments on the Waseca County Priority Concerns Scoping Document, which were mailed to the County on December 19, 2007.

5. The priority concerns the local water management plan addresses include:
   a. Reducing Priority Pollutants
   b. Drainage and Wetlands Management
   c. Natural Corridors and Shoreland Management
   d. Public Education

6. On April 13, 2009 the BWSR received the Waseca County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update for final State review pursuant to M.S. Section 103B.315, Subd. 5.

7. On May 27, 2009 the Board's southern region water planning review committee (Committee) reviewed the recommendation of the state review agencies regarding final approval of the Waseca County Plan Update. Recommendations of the state review agencies were:
    a. Minnesota Department of Agriculture: recommends approval;
    b. Minnesota Department of Health: recommends approval;
    c. Minnesota Pollution Control Agency: recommends approval;
    d. Minnesota Environmental Quality Board: no recommendation received;
    e. Minnesota Board of Water and Soil Resources regional staff: recommends approval;
    f. Board Southern Region Water Planning Review Committee: recommends approval.

8. This update will be in effect until June 24, 2018.

CONCLUSIONS

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

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

ORDER

The Board hereby approves the attached update of the Watonwan County Local Water Management Plan with a required update to the Implementation section (Goals, Objectives, and Action) by June 24, 2014.

Dated at St. Paul, Minnesota, this 24th day of June, 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

NEW BUSINESS

1. Proposed Wetland Conservation Rule — ***DECISION ITEM***
2. Appeal Fees Schedule – ***DECISION ITEM***
3. Grant County LIDAR Project – ***DECISION ITEM***
4. FY 2010 SWCD Base Grant Allocations – ***DECISION ITEM***
5. FY 2010 Natural Resources Block Grant Allocations – ***DECISION ITEM***
6. FY 2010 Farm Bill Assistance Grants – ***DECISION ITEM***
7. Red River Basin Commission - Regional Flood Solutions Grant – ***DECISION ITEM***

Grant County LIDAR Project

Background
The Red River Valley is being flown this spring for the purposes of obtaining LIDAR, high resolution elevation and imagery information. Several Counties have a portion of their area outside the extent of the Valley proper and would like to take advantage of the already scheduled flights to complete the gathering and processing of information for the rest of the County area.

Currently
Grant County has requested funding from BWSR to complete the LIDAR coverage in areas outside the Red River Valley. This area of Grant County contains the headwaters of the Chippewa and Pomme de Terre rivers. Both of these rivers are listed as impaired for turbidity and fecal coliform. TMDL studies have been completed for these areas and the additional information obtained via LIDAR will help to target and implement restoration activities.

Recommendation

(The Grants Program and Policy Committee will forward their recommendation to the Board after their June 18 Meeting.)

H:GCLPB

FY '10 SWCD GRANTS

The Grants Program & Policy Committee is requested to approve the Grant Team FY '10 SWCD allocation recommendations for four BWSR grant programs. These grant programs are:

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

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

STATE COST SHARE BASE GRANTS

Background

These base grants are for the installation of conservation practices. The FY '09 State Cost Share Base Grant allocations were $2,132,939. The legislative appropriation was $1,785,000 and BWSR added $359,308 from roll-over. The range of '09 grants was $7,738 - $68,834. The average was $23,597.

Currently

The FY 2010 State Cost Share Base Grant appropriation is $1,100,000. The amount of roll-over available is an additional $88,000 for a total of $1,188,000. Overall, this is a 44 % reduction in available funds from '09.

These allocations utilize the Board's Productivity Standards allocation policy:

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

Recommended Performance Adjustments

For FY 09, these definitions would indicate that the following SWCDs (57) will receive a $1,000 high level of performance increase for spending 80% or more of their base grant on projects:

Anoka	Becker	Brown	Carlton	Carver	Cass
Chippewa	Chisago	Clay	Cook	Crow Wing	Douglas
Fillmore	Freeborn	Goodhue	Hennepin	Itasca	Kanabec
Kandiyohi	Kittson	Koochiching	Lake/Woods	Lake	Le Sueur
Lincoln	Lyon	Mahnomen	Mar-Beltrami	Mille Lacs	Morrison
Nicollet	East Ottertail	West Ottertail	Pennington	Pine	Pipestone
East Polk	Pope	Ramsey *	Red Lake	Redwood	Renville
Rice	Root River	Roseau	Scott	N. St. Louis	S. St. Louis
Stearns	Steele	Swift	Todd	Wadena	Waseca
Wilkin	Wright	Yellow Medicine			

Isanti and McLeod SWCD are to receive a 5% decrease for spending less than 60% of their base grant on projects.

* The Ramsey performance increase is not recommended because of State Cost Share Program Rule violations.

Cost Share Performance Range: Highest – Pine 98%, Lowest – McLeod 43%

Allocation Alternatives

#1 Apply the proportional reduction from the '09 allocations to the '10 appropriation ($2,132,939 to $1,100,000 or 48 %), and add the performance increases for '10.

#2 Apply the proportional reduction from the '09 allocations to the total available in'10 ($2,132,939 to $1,188,000 or 44%), and no performance increases.

#3 =, =, =, or $13,055 each

#4 The Team also discussed adding the performance increases to the '09 grants and then making proportional reductions.

Additional Option

Allow SWCDs to use all or part of their allocation for technical assistance (as provided for in the appropriation language).

Recommendation

(The Grants Program and Policy Committee will forward their recommendation to the Board after their June 18 Meeting.)

H:FY10GRANB

SWCD STATE COST SHARE BASE GRANT
FY 2010 ALTERNATIVE ALLOCATIONS

		ALTERNATIVE	
SWCD	FY '09	#1	#2
AITKIN	$7,738	$3,970	$4,287
ANOKA	$18,803	$10,646	$10,417
BECKER	$46,711	$24,963	$25,878
BELTRAMI	$10,975	$6,630	$6,080
BENTON	$20,869	$10,706	$11,561
BIG STONE	$12,239	$6,279	$6,780
BLUE EARTH	$32,340	$16,590	$17,916
BROWN	$25,624	$14,145	$14,196
CARLTON	$13,000	$7,669	$7,202
CARVER	$29,202	$15,981	$16,178
CASS	$13,648	$8,001	$7,561
CHIPPEWA	$19,001	$10,748	$10,527
CHISAGO	$16,524	$8,477	$9,154
CLAY	$28,821	$15,785	$15,967
CLEARWATER	$14,025	$7,195	$7,770
COOK	$17,000	$9,721	$9,418
COTTONWOOD	$26,328	$13,506	$14,586
CROW WING	$16,000	$9,208	$8,864
DAKOTA	$41,207	$21,139	$22,829
DODGE	$18,513	$9,497	$10,256
DOUGLAS	$28,712	$15,729	$15,906
FARIBAULT	$23,637	$12,126	$13,095
FILLMORE	$43,432	$23,281	$24,061
FREEBORN	$28,846	$15,798	$15,981
GOODHUE	$46,358	$24,782	$25,682
GRANT	$21,173	$10,862	$11,730
HENNEPIN	$23,072	$12,836	$12,782
HUBBARD	$14,500	$7,439	$8,033
ISANTI	$11,303	$5,798	$6,262
ITASCA	$11,000	$6,643	$6,094
JACKSON	$21,990	$11,281	$12,182
KANABEC	$16,000	$9,208	$8,864
KANDIYOHI	$24,759	$13,701	$13,716
KITTSON	$16,000	$9,208	$8,864
KOOCHICHING	$17,000	$9,721	$9,418
LAC QUI PARLE	$38,341	$19,669	$21,241
LAKE	$17,000	$9,721	$9,418
LAKE OF THE WOODS	$17,000	$9,721	$9,418

SWCD	FY '09	ALTERNATIVE #1	ALTERNATIVE #2
LE SUEUR	$34,447	$18,671	$19,084
LINCOLN	$27,062	$14,883	$14,992
LYON	$24,472	$13,554	$13,557
MAHNOMEN	$18,229	$10,351	$10,099
MARSHALL	$11,745	$6,025	$6,507
MARSHALL-BELTRAMI	$10,025	$6,143	$5,554
MARTIN	$33,528	$17,200	$18,575
MC LEOD	$20,529	$10,531	$11,373
MEEKER	$27,983	$14,355	$15,503
MILLE LACS	$11,025	$6,656	$6,108
MORRISON	$40,665	$21,861	$22,528
MOWER	$20,214	$10,370	$11,199
MURRAY	$20,336	$10,432	$11,266
NICOLLET	$22,082	$12,328	$12,233
NOBLES	$32,479	$16,662	$17,993
NORMAN	$17,947	$9,207	$9,943
OLMSTED	$57,252	$29,370	$31,718
OTTER TAIL EAST	$29,809	$15,292	$16,514
OTTER TAIL WEST	$37,159	$20,063	$20,586
PENNINGTON	$18,674	$10,580	$10,345
PINE	$22,424	$12,504	$12,423
PIPESTONE	$27,707	$15,214	$15,350
POLK EAST	$17,282	$9,866	$9,574
POLK WEST	$25,063	$12,857	$13,885
POPE	$35,283	$19,100	$19,547
RAMSEY	$18,988	$10,741	$10,519
RED LAKE	$8,574	$5,398	$4,750
REDWOOD	$23,418	$13,013	$12,974
RENVILLE	$17,594	$10,026	$9,747
RICE	$25,873	$14,273	$14,334
ROCK	$27,802	$15,262	$15,402
ROOT RIVER	$37,104	$20,034	$20,556
ROSEAU	$17,716	$10,088	$9,815
SCOTT	$32,366	$17,604	$17,931
SHERBURNE	$14,000	$7,182	$7,756
SIBLEY	$16,825	$8,631	$9,321
ST. LOUIS NORTH	$14,025	$8,195	$7,770
ST. LOUIS SOUTH	$11,352	$6,824	$6,289
STEARNS	$66,834	$35,286	$37,026
STEELE	$17,874	$10,169	$9,902
STEVENS	$28,603	$14,673	$15,846
SWIFT	$16,839	$9,638	$9,329

SWCD	FY '09	ALTERNATIVE #1	ALTERNATIVE #2
TODD	$29,056	$15,906	$16,097
TRAVERSE	$10,044	$5,153	$5,564
WABASHA	$28,775	$14,762	$15,941
WADENA	$17,000	$9,721	$9,418
WASECA	$17,767	$10,114	$9,843
WASHINGTON	$21,927	$11,249	$12,148
WATONWAN	$18,113	$9,292	$10,035
WILKIN	$23,139	$12,870	$12,819
WINONA	$21,728	$11,146	$12,037
WRIGHT	$27,565	$15,141	$15,271
YELLOW MEDICINE	$29,926	$16,352	$16,579
ALLOCATED TOTALS	**$2,132,939**	**$1,151,198**	**$1,181,648**

2010 SWCD SERVICE GRANTS

Background
SWCD Service Grants include General Services, Easement Services, and NPEA Base Grants. The 2009 legislative appropriation for these grants was $3,566,000.

Currently
The total legislative appropriation for 2010 SWCD Service Grants is $3,500,000. This is a $66,000 reduction from 2009.

Allocation Alternatives

#1 Apply the $66,000 reduction to the General Services Grants only. This would be a reduction of $725/SWCD. The average 2009 General Services grant was $23,683.

#2 Apply the $66,000 reduction to the Easement Services Grants only. This would be an average reduction of $725/SWCD. (NOTE: 34 SWCDs received $0 - $725 in 2009.)

#3 Apply the $66,000 reduction to the NPEA Base Grant. This would be an average reduction of $8,250/JPB. (NOTE: Only eight JPBs will receive NPEA Base Grants in 2010.)

#4 Apply the $66,000 reduction as $22,000 per service grant program.

Recommendation

(The Grants Program and Policy Committee will forward their recommendation to the Board after their June 18 Meeting.)

H:10SWCDSGB

PROPOSED FY 2010 GENERAL AND EASEMENT SERVICES BASE GRANTS

	GENERAL SERVICES		
SWCD	ACTUAL 09	PROPOSED 10	EASEMENT SERVICES
AITKIN	$24,649	$23,924	$68
ANOKA	$25,304	$24,579	$0
BECKER	$23,245	$22,520	$613
BELTRAMI	$23,105	$22,380	$477
BENTON	$23,479	$22,754	$1,704
BIG STONE	$22,075	$21,350	$2,317
BLUE EARTH	$23,058	$22,333	$14,173
BROWN	$23,152	$22,427	$11,243
CARLTON	$22,824	$22,099	$0
CARVER	$24,041	$23,316	$2,589
CASS	$22,356	$21,631	$68
CHIPPEWA	$23,152	$22,427	$11,107
CHISAGO	$24,087	$23,362	$545
CLAY	$23,526	$22,801	$4,020
CLEARWATER	$22,918	$22,193	$273
COOK	$22,263	$21,538	$0
COTTONWOOD	$23,152	$22,427	$12,742
CROW WING	$22,450	$21,725	$0
DAKOTA	$25,866	$25,141	$477
DODGE	$23,620	$22,895	$818
DOUGLAS	$24,602	$23,877	$6,610
FARIBAULT	$23,620	$22,895	$12,538
FILLMORE	$24,555	$23,830	$2,589
FREEBORN	$23,386	$22,661	$6,269
GOODHUE	$24,462	$23,737	$4,634
GRANT	$23,245	$22,520	$1,635
HENNEPIN	$31,417	$30,692	$2,180
HUBBARD	$22,216	$21,491	$68
ISANTI	$24,602	$23,877	$409
ITASCA	$23,011	$22,286	$0
JACKSON	$22,403	$21,678	$7,087
KANABEC	$22,871	$22,146	$477
KANDIYOHI	$23,807	$23,082	$9,131
KITTSON	$23,432	$22,707	$477
KOOCHICHING	$22,590	$21,865	$0
LAC QUI PARLE	$22,918	$22,193	$11,856
LAKE	$22,403	$21,678	$0
LAKE OF THE WOODS	$22,075	$21,350	$0
LE SUEUR	$23,947	$23,222	$6,337
LINCOLN	$24,275	$23,550	$6,678
LYON	$23,479	$22,754	$9,744
MAHNOMEN	$22,169	$21,444	$136
MARSHALL	$22,497	$21,772	$1,158
MARSHALL-BELTRAMI	$22,824	$22,099	$204
MARTIN	$23,105	$22,380	$13,560

	GENERAL SERVICES		
SWCD	ACTUAL 09	PROPOSED 10	EASEMENT SERVICES
MC LEOD	$22,965	$22,240	$3,748
MEEKER	$22,684	$21,959	$4,974
MILLE LACS	$23,058	$22,333	$886
MORRISON	$24,696	$23,971	$2,180
MOWER	$25,351	$24,626	$5,451
MURRAY	$22,309	$21,584	$7,495
NICOLLET	$23,479	$22,754	$4,906
NOBLES	$22,637	$21,912	$1,635
NORMAN	$23,198	$22,473	$2,249
OLMSTED	$26,474	$25,749	$1,431
OTTER TAIL EAST	$23,198	$22,473	$750
OTTER TAIL WEST	$23,198	$22,473	$3,271
PENNINGTON	$22,871	$22,146	$68
PINE	$23,198	$22,473	$68
PIPESTONE	$22,824	$22,099	$1,567
POLK EAST	$23,011	$22,286	$204
POLK WEST	$23,011	$22,286	$204
POPE	$22,731	$22,006	$11,039
RAMSEY	$23,620	$22,895	$0
RED LAKE	$22,122	$21,397	$341
REDWOOD	$23,620	$22,895	$21,192
RENVILLE	$23,807	$23,082	$25,348
RICE	$27,878	$27,153	$4,020
ROCK	$23,620	$22,895	$1,431
ROOT RIVER	$27,363	$26,638	$3,748
ROSEAU	$22,918	$22,193	$68
SCOTT	$24,321	$23,596	$3,339
SHERBURNE	$26,333	$25,608	$0
SIBLEY	$23,058	$22,333	$6,337
ST. LOUIS NORTH	$22,965	$22,240	$0
ST. LOUIS SOUTH	$22,965	$22,240	$0
STEARNS	$26,801	$26,076	$1,227
STEELE	$24,415	$23,690	$3,407
STEVENS	$23,432	$22,707	$4,634
SWIFT	$22,731	$22,006	$11,311
TODD	$24,462	$23,737	$273
TRAVERSE	$23,386	$22,661	$1,499
WABASHA	$23,947	$23,222	$1,635
WADENA	$22,871	$22,146	$409
WASECA	$23,198	$22,473	$7,291
WASHINGTON	$25,070	$24,345	$136
WATONWAN	$22,497	$21,772	$6,950
WILKIN	$23,526	$22,801	$1,976
WINONA	$25,538	$24,813	$4,565
WRIGHT	$26,006	$25,281	$2,930
YELLOW MEDICINE	$23,526	$22,801	$11,788
ALLOCATED TOTALS	**$2,155,122**	**$2,089,147**	**$344,993**

Conservation Easement Service Grants – FY 10

Background

$750,000 from general fund was disbursed annually from 1988 to 2003. This was reduced to $345,000 for 2004 due to BWSR general fund budget reductions. The Board approved a new service grant allocation methodology for FY06 service grants at the May 25, 2005 meeting as contained in resolution 05 – 40. This formula simply provides a service grant amount per recorded and non-expired easement. The amount per easement is arrived at by dividing the current number of recorded, non-expired conservation easements into the $345,000 available for easement service grants from the state's general revenue fund.

Current Easement Numbers and Service grant Amounts to SWCDs

The BWSR currently holds 5,063 conservation easements on 187,235 acres throughout the state. SWCDs range from a low of 0 easements, in 12 SWCDs, to a high of 372 easements in Renville SWCD. The service grant amount for FY10 is $68.14 per easement.

The attached spreadsheet (FY10 column) stipulates the grant amount proposed for each SWCD (# of easements in each SWCD X $68.14). This grant amount is to assist each SWCD with their site inspection costs and other miscellaneous management activities associated with the easements in their county. These activities include ownership changes, staking boundaries, conservation plan revisions and assisting landowners with ongoing maintenance of installed conservation practices.

FY10 RIM SERVICE GRANTS

SWCD	Total # of Easements	$ FY08	$ FY09	$ FY10
Aitkin	1	71.25	69.53	**68.14**
Anoka	0	0.00	0.00	**0.00**
Becker	9	641.25	625.77	**613.26**
Beltrami	7	498.75	486.71	**476.98**
Benton	25	1,781.25	1,738.25	**1,703.50**
Big Stone	34	2,422.50	2,364.02	**2,316.76**
Blue Earth	208	14,820.00	14,462.24	**14,173.12**
Brown	165	11,756.25	11,472.45	**11,243.10**
Carlton	0	0.00	0.00	**0.00**
Carver	38	2,707.50	2,642.14	**2,589.32**
Cass	1	71.25	69.53	**68.14**
Chippewa	163	11,613.75	11,333.39	**11,106.82**
Chisago	8	570.00	556.24	**545.12**
Clay	59	4,203.75	4,102.27	**4,020.26**
Clearwater	4	285.00	278.12	**272.56**
Cook	0	0.00	0.00	**0.00**
Cottonwood	187	13,323.75	13,002.11	**12,742.18**
Crow Wing	0	0.00	0.00	**0.00**
Dakota	7	498.75	486.71	**476.98**
Dodge	12	855.00	834.36	**817.68**
Douglas	97	6,911.25	6,744.41	**6,609.58**
Faribault	184	13,110.00	12,793.52	**12,537.76**
Fillmore	38	2,707.50	2,642.14	**2,589.32**
Freeborn	92	6,555.00	6,396.76	**6,268.88**
Goodhue	68	4,845.00	4,728.04	**4,633.52**
Grant	24	1,710.00	1,668.72	**1,635.36**
Hennepin	32	2,280.00	2,224.96	**2,180.48**
Hubbard	1	71.25	69.53	**68.14**
Isanti	6	427.50	417.18	**408.84**
Itasca	0	0.00	0.00	**0.00**
Jackson	104	7,410.00	7,231.12	**7,086.56**
Kanabec	7	498.75	486.71	**476.98**
Kandiyohi	134	9,547.50	9,317.02	**9,130.76**
Kittson	7	498.75	486.71	**476.98**
Koochiching	0	0.00	0.00	**0.00**
Lac Qui Parle	174	12,397.50	12,098.22	**11,856.36**
Lake	0	0.00	0.00	**0.00**
Lake of Woods	0	0.00	0.00	**0.00**
LeSueur	93	6,626.25	6,466.29	**6,337.02**
Lincoln	98	6,982.50	6,813.94	**6,677.72**
Lyon	143	10,188.75	9,942.79	**9,744.02**
Mahnomen	2	142.50	139.06	**136.28**
Marshall	17	1,211.25	1,182.01	**1,158.38**
Marshall-Beltrami	3	213.75	208.59	**204.42**
Martin	199	14,178.75	13,836.47	**13,559.86**
McLeod	55	3,918.75	3,824.15	**3,747.70**

SWCD	Total # of Easements	$ FY08	$ FY09	$ FY10
Meeker	73	5,201.25	5,075.69	**4,974.22**
Mille Lacs	13	926.25	903.89	**885.82**
Morrison	32	2,280.00	2,224.96	**2,180.48**
Mower	80	5,700.00	5,562.40	**5,451.20**
Murray	110	7,837.50	7,648.30	**7,495.40**
Nicollet	72	5,130.00	5,006.16	**4,906.08**
Nobles	24	1,710.00	1,668.72	**1,635.36**
Norman	33	2,351.25	2,294.49	**2,248.62**
Olmsted	21	1,496.25	1,460.13	**1,430.94**
Otter Tail, East	11	783.75	764.83	**749.54**
Otter Tail, West	48	3,420.00	3,337.44	**3,270.72**
Pennington	1	71.25	69.53	**68.14**
Pine	1	71.25	69.53	**68.14**
Pipestone	23	1,638.75	1,599.19	**1,567.22**
Polk, East	3	213.75	208.59	**204.42**
Polk, West	3	213.75	208.59	**204.42**
Pope	162	11,542.50	11,263.86	**11,038.68**
Ramsey	0	0.00	0.00	**0.00**
Red Lake	5	356.25	347.65	**340.70**
Redwood	311	22,158.75	21,623.83	**21,191.54**
Renville	372	26,505.00	25,865.16	**25,348.08**
Rice	59	4,203.75	4,102.27	**4,020.26**
Rock	21	1,496.25	1,460.13	**1,430.94**
Root River	55	3,918.75	3,824.15	**3,747.70**
Roseau	1	71.25	69.53	**68.14**
Scott	49	3,491.25	3,406.97	**3,338.86**
Sherburne	0	0.00	0.00	**0.00**
Sibley	93	6,626.25	6,466.29	**6,337.02**
St. Louis, North	0	0.00	0.00	**0.00**
St. Louis, South	0	0.00	0.00	**0.00**
Stearns	18	1,282.50	1,251.54	**1,226.52**
Steele	50	3,562.50	3,476.50	**3,407.00**
Stevens	68	4,845.00	4,728.04	**4,633.52**
Swift	166	11,827.50	11,541.98	**11,311.24**
Todd	4	285.00	278.12	**272.56**
Traverse	22	1,567.50	1,529.66	**1,499.08**
Wabasha	24	1,710.00	1,668.72	**1,635.36**
Wadena	6	427.50	417.18	**408.84**
Waseca	107	7,623.75	7,439.71	**7,290.98**
Washington	2	142.50	139.06	**136.28**
Watonwan	102	7,267.50	7,092.06	**6,950.28**
Wilkin	29	2,066.25	2,016.37	**1,976.06**
Winona	67	4,773.75	4,658.51	**4,565.38**
Wright	43	3,063.75	2,989.79	**2,930.02**
Yellow Medicine	173	12,326.25	12,028.69	**11,788.22**
STATE TOTAL	5,063	360,738.75	352,030.39	**344,992.82**

PROPOSED FY '10 NPEA BASE GRANTS

BACKGROUND

The Non Point Engineering Assistance (NPEA) Base Grants are allocated annually to the NPEA (TSA) Joint Powers Boards for the purpose of providing technical assistance to landowners to apply conservation practices. For FY '10, the legislature has appropriated $1.06 M for this Program.

ISSUE

This Grant Program is proposed be implemented according to the August 2008 BWSR adopted *CTAC Short-Term Consensus Recommendation to Address Structure and Financial Challenges of the NPEA Program Proposed Clarifications by Recommendations Work Group*

The following policy from this Recommendation directs the '10 allocations as follows:

1. $65,000 per 1 FTE engineer (TSA staff or contracted)
2. $50,000 per 1 FTE technician (TSA staff or contracted)
3. Maximum annual grant amount for staff or contracted engineering services = $115,000 per TSA, except for TSA 3, which receives up to $165,000 per year for NPEA staff through FY 2011, or until it has 1 FTE engineer and 1 FTE technician, whichever occurs sooner. If less than the maximum is requested by one or more TSAs, the difference is split equally among all TSAs.
4. Additional $5,000 per Host and/or Fiscal Agent SWCD (up to 2 Host SWCDs per TSA). TSA decides how to distribute between Host and Fiscal Agent SWCD and Host-only SWCD.
5. 1 Fiscal Agent SWCD per TSA, must be a Host SWCD, if the TSA has staff
6. In order to help develop and maintain consistency across TSAs, the remaining state funding (estimate $30,000 / year, depending on number of Host SWCDs statewide) is used for NPEA staff training, computer hardware, software, survey equipment and associated costs, based on an annual plan developed by NPEA staff and BWSR and coordinated with TSAs prior to grant allocations for current fiscal year.
7. Minimum 10% cash local share, from other than NPEA grant $, for engineering assistance in the TSA.

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

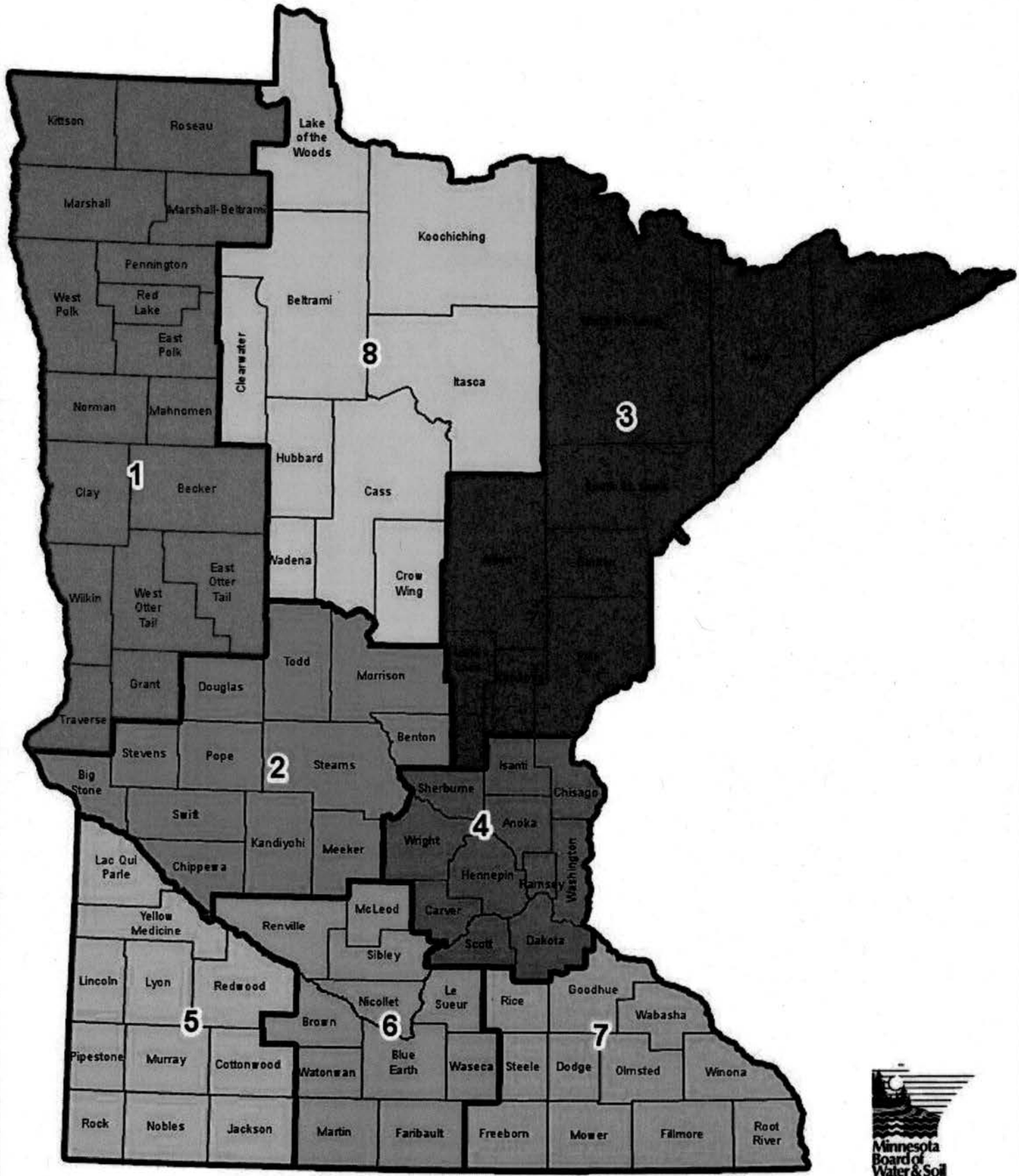
- Fees for services (from landowners, or other sources)
- Member SWCD cash contributions
- Federal TSP funding
- Federal grant funds
- Other state programs
- Gifts and donations

RECOMMENDATION

(The Grants Program and Policy Committee will forward their recommendation to the Board after their June 18 Meeting.)

H:10NPEAGCB

Planned SWCD TSA and MASWCD Areas



Minnesota Board of Water & Soil Resources

WWW.BWSR.STATE.MN.US

December 2008

PROPOSED FY 2010 NATURAL RESOURCES BLOCK GRANTS

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

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

Selected Program Highlights of the FY 2010 NRBG:
The 2009 Legislature reduced the FY '10 NRBG appropriation for Comprehensive Local Water Management, the Wetland Conservation Act, and the DNR Shoreland Management Base Grants $202,000 from $4,102,000 in FY '09 to $3,900,000.

The SMT recommends the $202,000 reduction be applied to the CLWM Base Grant only. The Team also recommends this reduction is offset by supplementing $264,000 from unallocated CWL (CW2 Non Point Technical) funds. This supplement is supported by the intended protection and restoration planning inclusions in LWPs.

Comprehensive Local Water Management - $1,559,817
This component is for implementing comprehensive local water plans. A statutory local levy match or cash equivalent is required that will generate $1.5 M on a statewide basis. This individual county amount is determined from a county's equalized taxable net tax capacity, as determined by the Dept. of Revenue. Counties must have a BWSR approved locally adopted comprehensive local water plan.

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

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

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

DNR Shoreland - $429,926
This component is for the administration of state approved Shoreland management programs. It is administered at the state level by the DNR. A local 1:1 match is required. The grant amount is derived from a base estimated amount of county Shoreland activity based on:

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

MPCA County Feedlot Program - $1,839,857
This component is for county administration of the MPCA Feedlot Program. All counties that have received delegation from MPCA to administer this Program are eligible to apply. A local .7:1 match is required. The 2009 Legislature has reduced the FY '10 appropriation $130,000 from FY '09. Grant amounts are based on the grant formula that includes the following highlights:

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

- The base grant funding rate for 2010 is $94.50/feedlot. This is a reduction from the 2009 rate of $99/feedlot.

- With several exceptions, June 30, 2007 Registration Update Data, as recorded on eLINK, has been used as the number of feedlots eligible for funding.

- In addition to the projected grant amounts shown, counties will be eligible to earn an incentive award. The incentive is based on work performed by the county during the program year that exceeds minimum program requirements.

- Ten percent of the legislative appropriation is reserved for performance credit awards.

MPCA County Subsurface Sewage Treatment Systems Program - $863,997 All counties are required to pass ordinances regulating SSTS countywide. All counties that have enacted countywide ordinances and have a BWSR approved locally adopted comprehensive local water plan are eligible to receive this grant. No local match is required. Grant amount of $9,931 is determined by equal county allocations. These funds are appropriated under the CWA Program.

Recommendation

(The Grants Program and Policy Committee will forward their recommendation to the Board after their June 18 Meeting.)

2010 BWSR Natural Resources Block Grant, Base Grant Breakdown by Program.

	ACTUAL 2009	PROPOSED 2010					
	$1.50 M	$1.56 M	$2.17 M	$.43 M	$1.84	$.86 M	
	LOCAL WATER MANAGEMENT	LOCAL WATER MANAGEMENT	WCA	DNR SHORELAND	MPCA FEEDLOT	MPCA SSTS	
COUNTY	CLWM BASE GRANT	CLWM BASE GRANT	WCA BASE GRANT	SHORELAND BASE GRANT	FEEDLOT BASE GRANT	SSTS BASE GRANT	TOTAL 2010 NRBG
AITKIN	$18,285	$19,016	$37,870	$12,288		$9,931	**$79,105**
ANOKA	$10,657	$11,083	$71,992	$2,979		$9,931	**$95,985**
BECKER	$17,210	$17,898	$27,613	$12,234		$9,931	**$67,676**
BELTRAMI	$18,022	$18,743	$69,034	$6,272		$9,931	**$103,980**
BENTON	$17,473	$18,172	$36,000	$3,744		$9,931	**$67,847**
BIG STONE	$20,685	$21,512	$10,000	$3,065	$7,500	$9,931	**$52,008**
BLUE EARTH	$13,197	$13,725	$20,710	$3,695	$34,115	$9,931	**$82,176**
BROWN	$17,949	$18,667	$10,000	$3,048	$40,352	$9,931	**$81,998**
CARLTON	$17,575	$18,278	$25,641	$4,474		$9,931	**$58,324**
CARVER	$10,657	$11,083	$36,000	$2,979	$25,326	$9,931	**$85,319**
CASS	$13,827	$14,380	$51,000	$12,189		$9,931	**$87,500**
CHIPPEWA	$19,592	$20,376	$10,000	$2,990		$9,931	**$43,297**
CHISAGO	$14,803	$15,395	$31,558	$5,631		$9,931	**$62,515**
CLAY	$16,685	$17,352	$18,737	$3,354	$11,340	$9,931	**$60,714**
CLEARWATER	$20,086	$20,889	$22,682	$3,604		$9,931	**$57,106**
COOK	$19,528	$20,309	$14,793	$4,780		$9,931	**$49,813**
COTTONWOOD	$19,544	$20,326	$10,000	$3,158	$29,295	$9,931	**$72,710**
CROW WING	$10,657	$11,083	$43,392	$21,792		$9,931	**$86,198**
DAKOTA	$10,657	$11,083	$60,158	$2,979	$16,821	$9,931	**$100,972**
DODGE	$19,070	$19,833	$18,734	$3,047	$29,295	$9,931	**$80,840**
DOUGLAS	$15,901	$16,537	$24,655	$9,734	$42,147	$9,931	**$103,004**
FARIBAULT	$19,157	$19,923	$10,000	$3,116	$37,800	$9,931	**$80,770**
FILLMORE	$18,799	$19,551	$10,000	$3,067	$78,813	$9,931	**$121,362**
FREEBORN	$17,274	$17,965	$10,000	$3,576	$35,910	$9,931	**$77,382**
GOODHUE	$12,419	$12,916	$18,737	$3,158	$73,427	$9,931	**$118,169**
GRANT	$20,411	$21,227	$15,779	$3,482		$9,931	**$50,419**
HENNEPIN	$10,657	$11,083	$65,089	$0		$9,931	**$86,103**
HOUSTON	$19,353	$20,127	$14,793	$3,105	$38,934	$9,931	**$86,890**
HUBBARD	$17,438	$18,136	$28,599	$9,609		$9,931	**$66,275**
ISANTI	$17,447	$18,145	$28,599	$4,562		$9,931	**$61,237**
ITASCA	$13,754	$14,304	$50,296	$11,514		$9,931	**$86,045**
JACKSON	$19,376	$20,151	$10,000	$3,430	$37,989	$9,931	**$81,501**
KANABEC	$19,843	$20,637	$28,599	$4,660		$9,931	**$63,827**
KANDIYOHI	$15,829	$16,462	$24,655	$7,693	$43,092	$9,931	**$101,833**
KITTSON	$20,116	$20,921	$18,737	$3,016	$7,500	$9,931	**$60,105**
KOOCHICHING	$19,782	$20,573	$32,939	$3,101		$9,931	**$66,544**
LAC QUI PARLE	$20,346	$21,160	$10,000	$2,995	$7,500	$9,931	**$51,586**
LAKE	$19,401	$20,177	$18,737	$5,257		$9,931	**$54,102**
LAKE OF THE WOODS	$20,814	$21,647	$38,461	$3,978	$7,500	$9,931	**$81,517**
LE SUEUR	$17,776	$18,487	$18,737	$5,603	$19,467	$9,931	**$72,225**
LINCOLN	$20,391	$21,207	$10,000	$3,153	$41,108	$9,931	**$85,399**
LYON	$18,023	$18,744	$10,000	$3,119	$31,941	$9,931	**$73,735**
MCLEOD	$16,645	$17,311	$18,737	$3,404	$34,965	$9,931	**$84,348**
MAHNOMEN	$20,853	$21,687	$14,793	$3,828		$9,931	**$50,239**
MARSHALL	$19,740	$20,530	$21,696	$2,979	$7,500	$9,931	**$62,636**
MARTIN	$18,033	$18,754	$10,000	$3,445	$57,173	$9,931	**$99,303**
MEEKER	$18,419	$19,156	$21,696	$5,394	$31,280	$9,931	**$87,457**
MILLE LACS	$18,908	$19,664	$25,641	$5,478		$9,931	**$60,714**

2010 BWSR Natural Resources Block Grant, Base Grant Breakdown by Program.

	ACTUAL 2009	PROPOSED 2010					
	$1.50 M	$1.56 M	$2.17 M	$.43 M	$1.84	$.86 M	
	LOCAL WATER MANAGEMENT	LOCAL WATER MANAGEMENT	WCA	DNR SHORELAND	MPCA FEEDLOT	MPCA SSTS	
COUNTY	CLWM BASE GRANT	CLWM BASE GRANT	WCA BASE GRANT	SHORELAND BASE GRANT	FEEDLOT BASE GRANT	SSTS BASE GRANT	TOTAL 2010 NRBG
MORRISON	$17,918	$18,635	$34,517	$4,494	$54,716	$9,931	**$122,293**
MOWER	$17,178	$17,865	$14,793	$3,719	$39,407	$9,931	**$85,715**
MURRAY	$19,815	$20,608	$10,000	$3,670	$38,840	$9,931	**$83,049**
NICOLLET	$17,321	$18,014	$18,737	$3,055	$39,501	$9,931	**$89,238**
NOBLES	$18,962	$19,720	$10,000	$3,032	$45,738	$9,931	**$88,421**
NORMAN	$20,461	$21,279	$14,793	$2,989	$7,500	$9,931	**$56,492**
OLMSTED	$10,657	$11,083	$28,599	$3,588		$9,931	**$53,201**
OTTER TAIL	$12,934	$13,451	$68,047	$20,219		$9,931	**$111,648**
PENNINGTON	$20,198	$21,006	$18,737	$3,228	$7,500	$9,931	**$60,402**
PINE	$18,241	$18,971	$39,448	$6,720		$9,931	**$75,070**
PIPESTONE	$20,075	$20,878	$10,000	$2,979	$48,668	$9,931	**$92,456**
POLK	$17,732	$18,441	$24,655	$3,939	$9,261	$9,931	**$66,227**
POPE	$19,874	$20,669	$17,751	$4,842	$31,658	$9,931	**$84,851**
RAMSEY	$10,657	$11,083	$19,000	$0		$9,931	**$40,014**
RED LAKE	$20,877	$21,712	$14,793	$3,273	$7,500	$9,931	**$57,209**
REDWOOD	$19,054	$19,816	$11,834	$2,979		$9,931	**$44,560**
RENVILLE	$18,495	$19,235	$10,000	$3,033	$33,075	$9,931	**$75,274**
RICE	$13,768	$14,319	$27,613	$4,772	$32,792	$9,931	**$89,427**
ROCK	$19,980	$20,779	$10,000	$2,979	$49,235	$9,931	**$92,924**
ROSEAU	$19,922	$20,719	$27,613	$3,073		$9,931	**$61,336**
ST. LOUIS	$10,657	$11,083	$86,193	$22,712		$9,931	**$129,919**
SCOTT	$10,657	$11,083	$47,337	$2,979	$15,971	$9,931	**$87,301**
SHERBURNE	$10,657	$11,083	$36,000	$5,551		$9,931	**$62,565**
SIBLEY	$19,242	$20,012	$15,325	$3,076	$30,146	$9,931	**$78,490**
STEARNS	$10,657	$11,083	$52,268	$10,257	$163,296	$9,931	**$246,835**
STEELE	$16,405	$17,061	$13,806	$3,266	$29,579	$9,931	**$73,643**
STEVENS	$20,151	$20,957	$10,000	$3,108	$15,120	$9,931	**$59,116**
SWIFT	$19,816	$20,609	$13,806	$3,126	$14,364	$9,931	**$61,836**
TODD	$19,323	$20,096	$24,655	$5,620	$70,875	$9,931	**$131,177**
TRAVERSE	$20,520	$21,341	$10,000	$3,195	$7,500	$9,931	**$51,967**
WABASHA	$18,665	$19,412	$13,806	$4,008	$48,006	$9,931	**$95,163**
WADENA	$20,262	$21,072	$22,682	$3,514	$11,435	$9,931	**$68,634**
WASECA	$18,790	$19,542	$13,806	$3,425	$25,043	$9,931	**$71,747**
WASHINGTON	$10,657	$11,083	$47,337	$2,979		$9,931	**$71,330**
WATONWAN	$19,892	$20,688	$10,000	$3,114	$20,507	$9,931	**$64,240**
WILKIN	$20,055	$20,857	$10,000	$2,999		$9,931	**$43,787**
WINONA	$15,598	$16,222	$13,806	$3,021	$56,700	$9,931	**$99,680**
WRIGHT	$10,657	$11,083	$48,323	$10,640	$27,972	$9,931	**$107,949**
YELLOW MEDICINE	$19,980	$20,779	$10,000	$2,995	$29,862	$9,931	**$73,567**
MARSHALL-BELTRAMI SWCD	$0	$0	$6,004	$0	$0	$0	**$6,004**
TOTALS	**$1,499,824**	**$1,559,817**	**$2,171,973**	**$429,926**	**$1,839,857**	**$863,997**	**$6,865,570**

H:10NRBG

PROPOSED 2010 FARM BILL ASSISTANCE GRANTS

BACKGROUND
Started in 2002, the purpose of this Grant Program is to provide financial assistance to selected SWCDs to accelerate the implementation of grassland and wetland projects. The primary focus has been with the conservation programs found in the Federal Farm Bill. These proposed grants are for Phase IX that will run from July 1, 2009 through June 30, 2010. To date nearly $7million dollars have been spent on this project with a result of 264,000 acres of projects.

The BWSR provides oversight and administration of the Farm Bill Assistance Project, specifically, in reporting and financial reimbursements to participants. The day-to-day operation of the Program is taken care of by the Farm Bill Assistance Committee, which is made up of one member from DNR, BWSR, and Pheasants Forever.

CURRENTLY
New for this year is a two-year $1 M grant from LCCMR to help fund this effort. The FY '10 Program budget is as follows:

FY 2010 Budget:	
LCCMR	$500,000
DNR	$150,000
BWSR	$0
FY 2009 Carry Over	$60,000
State Total	$710,000
Local Match 30%	$304,000
Total Project FY 2010	**$1,014,000**

RFPs were sent to SWCDs announcing the following duties were eligible for funding:

- Marketing conservation programs that achieve grass and wetland cover Programs such as CRP, CCRP, CREP, WRP, WLI, WHIP, CRP Re-enrollment
- Developing Conservation plans for the above programs
- Practice implementation via vendors
- Mid-contract management planning
- Guidance of landowners on non-FBA activities to appropriate staff/programs
- General office assistance as part of local workload if kept in balance

Upon recommendation of the FBA Committee the BWSR will enter into a contractual relationship with successful applicants starting July 1, 2009 and run through July 31, 2010. These contracts with SWCDs will reimburse 70% of the budgeted cost of the employee. The remaining 30% will be provided as cash match from local sources. For purposes of this project, a maximum FTE cost of $45,000/year has been put in place. Less than full time positions will be pro-rated. SWCDs will be required to invoice BWSR for services rendered on a semi-annual basis.

RECOMMENDATION
(The Grants Program and Policy Committee will forward their recommendation to the Board after their June 18 Meeting.)

H:10FBAPB

Long-Term Red River Flood Control Solutions

Workplan

July 1, 2009 - June 30, 2011

Goal: Develop a comprehensive plan for long-term solutions for flooding, water quality and land conservation in the Red River Basin in the United States.

The study shall address, and the final report shall include:

- structural and non-structural measures;
- wetland restoration for water storage/water quality enhancement;
- projected costs by component; and
- implementation schedule by component

Red River Basin Commission (RRBC): Grant
Funded by North Dakota and Minnesota Legislatures
$500,000 ND + $500,000 MN = $1,000,000
Timeframe – July 1, 2009 through June 30, 2011

Minnesota legislative guidance:
Subd.4/ Red River Basin Commission Grant $500,000
(a) From the general fund for grants, contracts, or agreements with the Red River Basin Commission or its members to develop, in consultation and cooperation with all boards and commissions involved with water management and flood prevention and control in the Red River basin, a comprehensive plan of action to address, mitigate, and resond to flooding and related water quality and land conservation issues in the Red River watershed. The plan must take into account previous federal, state, provincial, regional, and local assessments and make specific recommendations for floodplain management goals and outcomes for the Red River basin including structural and nonstructural measures, wetland restoration, water storage allocations by major watershed, and designation of roles and responsibilities and time frames for implementation. The commission shall report progress on goals and outcomes to the legislature by January 15, 2010.
(b) Any remaining money may be used to implement the plan. Up to five percent of this appropriation may be used by the board for technical and administrative oversight.
(c) This appropriation is contingent on the state of North Dakota contributing at least an equal amount in a grant to the Red River Basin Commission.

North Dakota legislative guidance:
HB 1020, Sec. 9. Legislative Intent – State Water Commission Projects. It is the intent of the sixty-first legislative assembly that of the funds appropriated in the water and atmospheric resources line item in section 1 of this Act, the state water commission provide funding for the following projects, for the biennium beginning July 1, 2009, and ending June 30, 2011: (among others) Evaluate, in conjunction with state, local and federal officials and entities, long-term flood control solutions in the Red River valley - $500,000

DRAFT

Procedure:
Since Minnesota specifically mentions the Red River Basin Commission (RRBC), they will provide overall management and coordination for the funds from both states. Most of the specific tasks will be completed through a contract with those best able to complete the task: whether a government entity, a consultant, a university, and etc. Potential leads are identified for the solutions or specific tasks in the attached tables. The selected contractors must have the appropriate expertise to complete tasks thoroughly and in the shortest possible time.

Development of a workplan (ND and MN):
The following is a draft outline for a work that is to be completed during the July 1, 2009 through June 30, 2011 timeframe. The workplan is patterned after the Minnesota legislation since it is more specific.

The workplan will have two phases 1) Phase I and 2) Phase II. There will be management and coordination to support these phases as well as support activities to build support for the recommendations that will emerge from the Final Phase II Report.

Each of the solutions or tasks will require guidance including a list of specific work to be completed and/or answers required. In Phase I this will take the form of a planning report document that will provide uniformity in reporting and what to report on. These planning reports will be developed by the SWC, BWSR, RRBC and others that deem useful in providing assistance. The planning report documents will describe the work to be accomplished with consideration given to prevent overlap in work on the other solutions or indicate where coordination will be required.

While the Red River Basin Commission's area of interest includes the Canadian portion of the Red River basin, the work to be completed in this effort is to be focused on the United States portion of the basin. Flood control methods etc. that have been adopted in Canada should be considered as optional solution concepts for consideration in this effort. The effort should include a discussion of cumulative benefits from multiple solution concepts that might be collectively implemented.

Some portion of the funds provided to the RRBC may be used or passed through to the COE, USDA, or FEMA as non-federal cost-share (in-kind or cash match). The COE will be analyzing many of the proposed solutions or tasks as part of one of their authorized studies: Fargo-Moorhead Metro Feasibility Study, F/M Upstream Feasibility Study, Wild Rice MN Feasibility Study, Watershed Feasibility Study, and Pembina River Feasibility Study. The USDA-Agricultural Watershed Enhancement Project (AWEP) may also produce projects that funds could be utilized as match. In addition FEMA is considering funds that would also link to these tasks and may need match of in-kind. The Commission would retain funds for the tasks that may not be part of the COE's study such as flood water retention, regulatory review, ring dike/pedestal implementation, riparian restorations, and greenway outside the metro area as examples. This could be determined through consultation with the COE staff assigned to their feasibility study.

DRAFT

	LONG TERM RED RIVER FLOOD CONTROL SOLUTIONS						
WORK PLAN						**Matches**	
Task		**Who**		**Deliverable**	**COE**	**AWEP**	**FEMA**
					50%	$5 M/Yr	$'s ?
MNGMT/COORD		RRBC			Yes	Yes	Yes
PHASE I				Report			
A number of reports will be generated from Phase I, guided by uniform standard request (planning forms) to each WRD/WD in the basin. These reports will include							
all projects that currently are under consideration or could be considered. These reports will include all structural and non-structural projects as listed below.							
Damage Center Review	Local Review re Problems and Solutions	FEMA/RRBC			Yes		Yes
	All 2009 Damage Centers						
Explore All Possibilities	Contracts To Provide Information	Local Eng. Firms			Yes	Yes	Yes
1-12 & 14	Each WRD/WD	Water/Soil					
	Guidelines for Gathing Information	COE/USDA/FEMA					
		Local/State					
		Universities					
PHASE II				Final Report			
The report from Phase II will be compiled by an independent outside consultant (or group) that will evalutate and access all the possibilities. As this report is compiled							
it will be reviewed regularly at RRBC Board and public meetings, as well as by state/federal agencies. This report will include a prioritization, cost, timelines and							
other relevant information for decision making and a unified basin approach to flood solutions.							
Narrow Down Possibilities	Evaluate/Assess/Final Report	Independent			Yes	Yes	Yes
1-12 & 14	Process All Above Information	Contractor					
	Project Recommendations	Eng. Firm					
	Costs/Timelines/Policy						
	RRBC Board/Public Interaction						
SUPPORT							
Facilitation	At regular (increased #) RRBC Board Mtgs.	Consultant/RRBC			Yes	Yes	Yes
	Federal Inter-Agency Task Force						
	All Levels of Government--RRBC Brd Mtg						
	Public @ RRBC Brd Mtg						
Legislative/Policy	State/Federal -- Elected/Agency	RRBC					
13, 15	Governor Offices						
	Reglatory Issues, $, Cooperation						
Communication	Public Meetings/Materials	Jnt Water Brds			Yes	Yes	
	Annual Summit Conference	COE/USDA					
	Media	RRBC					
Modeling Coordination		COE/FEMA/RRBC			Yes	Yes	Yes
Development		WD/WRD/Eng Firm					
PHASE III							
Implementation	Prioritization/Funding/Permits	F/S/L Government					

This table contains solutions or tasks that have, in many cases, been considered or studied in the past and that should be revisited and assessed in this effort. (This is an initial list to be discussed and modified. Extent and limits of work to be accomplished for each solution concept will be detailed in the Workplan i.e. Greenway development is to be considered along the river mainstem only.)

No.	*Solution or Task*	*Proposed Lead(s)*	*Expected Outcome*	*Project Type*
1	Retention Dams - including permanent reservoirs, dry dams, and off-channel storage embankments	ND/MN/COE	Flood Control	Structural
2	Wetland Creation/Restoration	ND/MN	Flood Control and Water Quality Enhancement	Structural
3	Natural Lake and Existing Reservoir Increased Storage	ND/MN	Flood Control and Water Quality Enhancement	Structural
4	Floodplain Management	ND/MN/FEMA	Updated, Digitized, and expanded Maps	Non-structural
5	Waffle Plan Implementation	ND/MN/EERC	Flood Control and Water Quality Enhancement	Structural
6	Urban Levees	COE/MN/ND/Cities	Flood Control	Structural
7	Land Management – Cover Crops – example Winter Wheat, Grass Cover Restoration	ND/MN/USDA	Flood Control and Water Quality Enhancement	Non-structural
8	Land Management – Grassed Waterways	ND/MN/USDA	Flood Control and Water Quality Enhancement	Non-structural
9	Land Management – Erosion Control Structures to Reduce Channel Slopes	ND/MN/USDA	Flood Control and Water Quality Enhancement	Structural

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10	Regulatory Modification to Improved Water Control/Water Quality	ND/MN	Flood Control and Water Quality	Non-structural
11	Ring Dike/Pedestal Protection	ND/MN/Local Water Managers	Flood Damage Reducation	Structural
12	Greenway establishment	ND/MN/County/ Township/City	Flood Damage Reduction and Water Quality	Structural and Non-structural
13	State and Local funding mechanisms/policies/ commitment	ND/MN/County/ City	Flood Control and Water Quality	Structural and Non-structural
14	Riparian Area Restorations	ND/MN/USDA/ Counties/Townships	Flood Damage Reduction and Water Quality	Structural and Non-structural
15	City/Township Zoning Regulation Modifications	Cities/Townships	Flood Damage Reduction and Water Quality	Non-structural
16	Hydrologic Model coordination and development	ND/MN/COE	Flood Control and Water Quality	Non-structural
17				
18				
19				
20				
21				

DRAFT

BOARD RESOLUTION: # 09 - ____

Whereas; the Red River Valley lands and communities experienced significant flood damages and threats in Spring 2009 as noted by the federal disaster declaration made on April 9, 2009; and

Whereas; the Minnesota Laws of 2009, Chapter 93, Section 6, included a $500,000 appropriation to the Board of Water and Soil Resources (BWSR) for an agreement with the Red River Basin Commission (RRBC) to develop an action plan to address Red River Valley regional flooding problems; and,

Whereas; the state of North Dakota has enacted a similar provision that also appropriated $500,000 for the same purpose; and

Whereas; on June 4, 2009, the RRBC adopted a resolution to accept the management responsibilities for developing an action plan to address Red River Valley regional flooding problems in coordination with the MN BWSR and the North Dakota State Water Commission; and

Whereas; the BWSR Grants Program and Policy Committee met on 6-18-09 to review the workplan prepared by the RRBC outlining the approach to carry forward the expectations and provisions of respective Minnesota and North Dakota 2009 appropriations for long-term Red River flood control solutions; and

Now therefore; the Committee is recommending to the Board that the workplan submitted by the RRBC be approved, and furthermore, that staff be authorized to:

1. Develop agreements with the RRBC related to Minnesota 2009 legislative appropriation and coordinate such agreements and related work with the North Dakota State Water Commission, and
2. Oversee implementation of the workplan for Phase I in conjunction with the North Dakota State Water Commission, and
3. Authorize, in conjunction with the North Dakota State Water Commission, RRBC efforts to:
    a. develop and conduct a survey of flood damage and prevention needs, opportunities, obstacles and ideas, and
    b. develop, as needed, a Request for Proposals (RFP) for consulting services for evaluation of the survey results and potential follow-up, and
    c. conduct or contract for analysis of past plans, assessments and recommendations, and
    d. develop an RFP for Phase II and related tasks toward completion of the project, and
4. Authorize expenditures for Phase I and Phase II activities in conjunction with the North Dakota State Water Commission.

_____ _____

Randy Kramer, Chairman, BWSR, State of Minnesota Date

RED RIVER BASIN COMMISSION

Adopted 6-4-09 Board Meeting

Whereas; the Executive Committee established a subcommittee on April 16 & May 14 to oversee the implementation of a plan for long-term Red River flood control solutions, and

Whereas; the subcommittee members are Tom Fischer, Morrie Lanning, Jon Evert, Jake Gust, John Jaschke and Dale Frink;

Whereas; the subcommittee met via conference call on 6-1-09 and in person on 6-3-09 to develop an approach to carry forward the expectations and provisions of respective Minnesota and North Dakota 2009 appropriations for long-term Red River flood control solutions; and

Now therefore; the subcommittee is recommending to the RRBC that staff be authorized to:

1. Develop agreements to accept the respective Minnesota and North Dakota 2009 legislative appropriations and act as the fiscal management agent for the designated talks and products.
2. Develop a workplan for Phase I and submit it for review and approval to the ND State Water Commission and the MN Board of Water and Soil Resources.
3. Carry out Phase 1 elements, including:
    a. develop and conduct a survey of flood damage and prevention needs, opportunities, obstacles and ideas
    b. develop an RFP for consulting services for evaluation of the survey results and potential follow-up
    c. conduct or contract for analysis of past plans, assessments and recommendations
    d. develop an RFP for Phase II and completions of the project
4. Authorize expenditures for Phase I and Phase II activities as approved by the ND State Water Commission and the MN Board of Water and Soil Resources.

We recommend also that Steve Topping, Manitoba, be added to the subcommittee.

Minnesota Board of Water & Soil Resources

June 22, 2009

The Honorable Raymond R. Krause
Chief Administrative Law Judge
Office of Administrative Hearings
600 North Robert Street
P.O. Box 64620
St. Paul, MN 55164-0620

Re: In the Matter of the Proposed Rules of the Board of Water and Soil Resources Relating to Wetland Conservation, Minnesota Rules Chapter 8420;
OAH Docket Number 12-3300-20315-1; Governor's Tracking Number AR458.

Dear Judge Krause:

This letter contains the Board of Water and Soil Resources (BWSR) responses to the Report of the Administrative Law Judge regarding the above referenced rulemaking. BWSR agrees with the following numbered items, and will make the recommended changes to the proposed rule identified in each item:

47. 8420.0100 Purpose.

69. 8420.0111 Definitions.

88. 8420.0240 Technical Evaluation Panel Procedures.

100. 8420.0255 Local Government Unit Application and Decision Procedures.

103. 8420.0310 Wetland Boundary or Type Applications.

117. 8420.0335 Contractor's Notification Responsibility.

126. 8420.0420 Exemption Standards.

157. 8420.0526 Actions Eligible for Credit. Subp. 2. Upland buffer areas.

166. 8420.0526 Actions Eligible for Credit. Subp. 5. Vegetative restoration of farmed wetlands.

169. 8420.0526 Actions Eligible for Credit. Subp. 6. Protection of Wetlands previously restored via conservation easements

173. 8420.0526 Actions Eligible for Credit. Subp. 7. Wetland creations.

179. 8420.0526 Actions Eligible for Credit. Subp. 9. Preservation of wetlands owned by the state or a local unit of government.

In addition to the above items, BWSR agrees that a change is necessary and proposes to modify the language contained in the Report as provided below:

76. 8400.0200 Determining Local Government Unit; Duties.
The report recommends modifying item F to read, "In the absence of an application, the local government unit may evaluate evidence for a no-loss, an exemption, or sequencing upon the request of a landowner. The evaluation provided does not constitute a decision for the purposes of these rules."

BWSR agrees with the recommendation and proposes an additional change to this Item. The identification of specific actions that are contained in the rule may limit the discretion of a local government to provide informal advice to a landowner. Therefore, BWSR proposes to amend the recommendation as follows:

"In the absence of an application, the local government unit may evaluate ~~evidence for a no-loss, an exemption, or sequencing~~ information related to a potential activity upon the request of a landowner. The evaluation provided does not constitute a decision for the purposes of these rules."

Activity is defined in the rule as, "any work or action conducted in or near a wetland that could potentially affect a Wetland. An activity may or may not result in an impact." This change will ensure that local governments have full authority to evaluate information and provide advice to a landowner prior to undertaking a project that constitutes an activity as defined in the rule.

121. 8420.0415 No-Loss Criteria.
The Report recommends amending language to improve its clarity, which is an important goal of this rulemaking. However, instead of making the recommended change, BWSR proposes to delete the identified sentence in its entirety. This sentence makes a statement that may apply, regardless of whether it is contained in the rule. Similar language should be provided for exemptions, as an activity that does not qualify for an exemption should be evaluated to determine if it qualifies for a no loss or if replacement is required. The proposed rule does not contain similar language in exemption standards (8420.0420). This informative language would be more appropriate as guidance to local governments and landowners, than in the rule.

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With this change, the following sentence will be deleted from the proposed rule, "~~Activities that do not qualify for no-loss according to this part may be subject to the replacement requirements of this chapter.~~"

134. 8420.0522 Replacement Standards.
BWSR agrees with the recommendation, but proposes an additional change to avoid an unintended consequence of this language. A concern is that the recommended change would require BWSR to establish an approval process that does not currently exist. Adding a State process to local government approvals required under this rule would likely result in default approvals under Minn. Stat. 15.99 and give BWSR authority not granted in statute. Deleting the middle sentence from the recommended language would avoid this potential outcome.

BWSR proposes the recommended language be modified as follows:

> G. other functions and public uses as identified in wetland evaluation methods demonstrated to reasonably identify appropriate candidates for wetland replacement. ~~No function or public use identified under this item will be applied prior to board approval.~~ The board shall maintain a publicly available list of the methods that have been approved for wetland evaluation under the standards set out in this item.

160. 8420.0526 Actions Eligible for Credit. Subp. 3. Restoration of completely drained or filled wetland areas.

The correction of the defect by replacing "may" with "is eligible for" is accepted and BWSR will incorporate this change. However, the restructuring of this subpart inadvertently makes a substantive change to the application of this provision. The re-lettering of the sub-items a) and b) would establish a more stringent requirement that does not provide the flexibility intended in this provision. BWSR proposes to modify this provision to read as follows:

> Subp. 3. **Restoration of completely drained or filled wetland areas.** Restoration of both the natural hydrology regime and native, noninvasive vegetation on wetlands that have been completely drained or filled is eligible for replacement credit in an amount up to 100 percent of the wetland area hydrologically and vegetatively restored. ~~only where: a)~~ To be eligible for replacement credit, the vegetation establishment and management plan must sets a goal of restoring the historic native vegetation typical of the wetland being restored~~; and b)~~, unless it is

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determined to be not ecologically feasible by the technical evaluation panel ~~determines that the plan is ecologically feasible~~.

164. 8420.0526 Actions Eligible for Credit. Subp. 4. Restoration of partially drained or filled wetland areas.

BWSR agrees with the recommended change. However, in reviewing the Report, several additional changes were identified to ensure the rule language is consistent with other rule provisions. These proposed changes are shown below.

Subp. 4. Restoration of partially drained or filled wetland areas. Restoration of both the natural hydrology regime and native, noninvasive vegetation of wetlands that have been degraded by prior drainage, filling, or a diversion of the natural watershed is eligible for replacement credit as follows:

A. any wetland area substantially degraded by partial drainage or fill that was planted with annually seeded crops, was in a crop rotation seeded to pasture grasses or legumes, or was required to be set aside to receive price supports or equivalent payments in at least ten of the last 20 years before the date of application, is eligible for replacement credit in a percentage equivalent to the percent of the time the wetland area was annually seeded, in rotation, or set aside during the prior 20-year period; and

B. all other wetland areas substantially degraded by partial drainage or fill are eligible for ~~wetland~~ replacement credit of up to 50 percent of the wetland area restored.

175. 8420.0526 Actions Eligible for Credit. Subp. 8. Restoration and protection of exceptional natural resource value.

BWSR agrees with the recommendation and will make the change. However, part of the recommendation changes the intent of the language and may have the unintended consequence of actions being eligible for credit under this provision without meeting the standard. The standard "improve or directly contribute to the function and sustainability of exceptional natural resources" is fundamental to this subpart and the identified actions must all meet this standard to be eligible for replacement credit.

BWSR proposes to modify the recommendation as follows:

A. Restoration and protection of calcareous fens, white cedar swamps, floodplain or riparian wetlands and upland buffers, habitat corridors with other important resources, wetlands adjacent to designated trout waters; or other ~~activities~~ actions that restore and protect wetlands and adjacent areas are eligible for replacement credit when the action ~~that~~ improves or directly contributes to the function and sustainability of an exceptional natural resources ~~are eligible for replacement credit~~. For purposes of this subpart, exceptional natural resources are:

Finally, one additional change has been identified during the process that BWSR proposes to make to the rule. The change is only intended to ensure consistency throughout the rule and in the intention that 8420.0522, Subp. 5 Ecological suitability and sustainability should also apply to banking plans. This proposed change is shown below.

71.13 providing the desired functions and compatible with adjacent land uses. A replacement or banking
71.14 plan that would result in wetland types or characteristics that do not naturally occur in the
71.15 landscape area in which the replacement will occur must be denied. Replacement must

I, and all BWSR staff involved in this rulemaking, extend our appreciation to your office in assisting us in completing this important rulemaking. Please contact me if you have any question, or the proposals contained in this letter require further discussion.

Sincerely,

David Weirens
Land and Water Section Manager

Randy Kramer, Chair
LuAnn Tolliver, Chair Wetland Committee
John Jaschke, Executive Director
Julie Klocker, Assistant Director
Les Lemm, WCA Coordinator

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OAH 12-3300-20315-1
Governor's Tracking No. AR 458

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE BOARD OF WATER AND SOIL RESOURCES

In the Matter of the Proposed Amendments to Rules of the Board of Water and Soil Resources Relating to the Wetland Conservation Act, Minnesota Rules, Chapter 8420

REPORT OF THE CHIEF ADMINISTRATIVE LAW JUDGE

The above-entitled matter came on for review by the Chief Administrative Law Judge pursuant to the provisions of Minnesota Rules, part 1400.2240, subpart 4. Based upon a review of the record in this proceeding, the Chief Administrative Law Judge hereby approves the Report of the Administrative Law Judge, dated June 19, 2009, in all respects.

In order to correct the defects enumerated by the Administrative Law Judge in the attached Report, the agency shall either take the action recommended by the Administrative Law Judge, make different changes to the rules to address the defects noted, or submit the rules to the Legislative Coordinating Commission and the House of Representatives and Senate policy committees with primary jurisdiction over state governmental operations, for review under Minnesota Statutes, section 14.15, subdivision 4.

If the agency chooses to take the action recommended by the Administrative Law Judge, or if the agency chooses to make other changes to correct the defects, it shall submit to the Chief Administrative Law Judge a copy of the rules as originally published in the *State Register*, the agency's order adopting the rules, and the rules showing the agency's changes. The Chief Administrative Law Judge will then make a determination as to whether the defects have been corrected and whether the modifications to the rules make them substantially different than originally proposed.

Dated this 22nd day of June, 2009.

/s/ Raymond R. Krause

RAYMOND R. KRAUSE
Chief Administrative Law Judge

OAH Docket No. 12-3300-20315-1
Governor's Tracking No. AR 458

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE BOARD OF WATER AND SOIL RESOURCES

In the Matter of the Proposed Amendments to the Rules of the Board of Water and Soil Resources Relating to the Wetland Conservation Act, Minnesota Rules Chapter 8420

REPORT OF THE ADMINISTRATIVE LAW JUDGE

Administrative Law Judge Steve M. Mihalchick conducted hearings concerning the proposed amendments to rules relating to the Wetland Conservation Act. On April 30, 2009, hearings were held at the Blandin Foundation, 100 Pokegama Avenue, Grand Rapids, Minnesota beginning at 1:00 p.m. and resuming at 6:00 p.m. On May 1, 2009, hearings were held at the Youngquist Auditorium of the University of Minnesota-Crookston, 2900 University Avenue, Crookston, Minnesota beginning at 1:00 p.m. and resuming at 6:00 p.m. On May 4, 2009, hearings were held at the Kandi Entertainment Center, 500 19th Avenue S.E., Willmar, Minnesota beginning at 1:00 p.m. and resuming at 6:00 p.m. On May 5, 2009, the hearings concluded with afternoon and evening sessions at the Minnesota Board of Water and Soil Resources Board Room, 520 Lafayette Road North, Saint Paul, Minnesota. The hearings at each location continued until all interested persons, groups, and associations had an opportunity to be heard concerning the proposed rules.

The hearing and this Report are part of a rulemaking process governed by the Minnesota Administrative Procedure Act.[1] The Legislature has designed the rulemaking process to ensure that state agencies have met all of the requirements that Minnesota law specifies for adopting rules. Those requirements include assurances that the proposed rules are necessary and reasonable, that they are within the agency's statutory authority, and that any modifications that the agency may have made after the proposed rules were initially published are not impermissible substantial changes.

The rulemaking process includes a hearing when a sufficient number of persons request that a hearing be held. The hearing is intended to allow the agency and the Administrative Law Judge reviewing the proposed rules to hear public comment regarding the impact of the proposed rules and what changes might be appropriate. The Administrative Law Judge is employed by the Office of Administrative Hearings, an agency independent of the Board of Water and Soil Resources (Board or BWSR).

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[1] Minn. Stat. §§ 14.131 through 14.20 (2008).

David Weirens, Land and Water Section Manager, Les Lemm, Wetland Conservation Act Coordinator, and Ken Powell, Metro Region Senior Wetlands Specialist, appeared at the rule hearings on behalf of the Board. Fourteen members of the public signed the hearing register at Grand Rapids, three at Crookston, twelve at Willmar, and fifteen at Saint Paul.

The Board received written comments on the proposed rules before the hearing. After the hearing, the record remained open until May 12, 2009, to allow interested persons and the Board an opportunity to submit written comments. Following the initial comment period, the record remained open for an additional five working days to allow interested persons and the Board the opportunity to file a written response to the comments submitted. The OAH hearing record closed on May 19, 2009. All of the comments received were read and considered. The comments were also posted on the OAH website for the benefit of all participants.

Based upon all the testimony, exhibits and written comments, the Administrative Law Judge makes the following:

FINDINGS OF FACT

Nature of the Proposed Rules

1. The Board is the responsible administrative agency for Minnesota's 91 soil and water conservation districts, 45 watershed districts, 18 metropolitan watershed management organizations, and 80 county water managers. The Board describes its purpose as protecting and enhancing Minnesota's soil and water resources "by implementing the state's soil and water conservation policy, comprehensive local water management, and the Wetland Conservation Act as it relates to the 41.7 million acres of private land in Minnesota."[2] These responsibilities are carried out through the actions of local governments. BWSR is governed by a Board consisting of 17 members, including local government representatives, state agencies, and citizens.

2. In 1991, the Wetland Conservation Act (WCA) was enacted.[3] The WCA is intended to maintain and protect Minnesota's wetlands and thereby enhance the benefits that wetlands provide to the environment. The WCA is implemented locally by cities, counties, watershed management organizations, soil and water conservation districts (SWCD), and townships (collectively local governmental units or LGUs). The Minnesota Department of Natural Resources (DNR) Conservation Officers and other licensed peace officers enforce the statute. BWSR administers the WCA statewide.

3. The WCA requires anyone proposing to drain, fill, or excavate a wetland first to try to avoid disturbing the wetland; second, to try to minimize any impact on the wetland; and, finally, to replace any lost wetland acres, function, and value. Certain wetland activities are exempt from the WCA, allowing projects with minimal impact or projects located on land where certain preestablished land uses are present to proceed

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[2] Statement of Need and Reasonableness (SONAR), at 2.
[3] Laws of Minnesota 1991, Chapter 354.

without regulation. The Legislature has amended WCA many times since 1991, most recently in 2007 and 2008.[4]

4. The 2007 amendment to the WCA, codified at Laws of Minnesota 2007, Chapter 57, Section 166, states:

> Within 90 days of the effective date of this section, the Board of Water and Soil Resources shall adopt rules that amend Minnesota Rules, chapter 8420, to incorporate statute changes and to address the related wetland exemption provisions in Minnesota Rules, parts 8420.0115 to 8420.0210, and the wetland replacement and banking provisions in Minnesota Rules, parts 8420.0500 to 8420.0760. These rules are exempt from the rulemaking provisions of Minnesota Statutes, chapter 14, except that Minnesota Statutes, section 14.386, applies and the proposed rules must be submitted to the senate and house committees having jurisdiction over environment and natural resources at least 30 days prior to being published in the State Register. The amended rules are effective for two years from the date of publication in the State Register unless they are superseded by permanent rules.

5. The exempt rules authorized by the Legislature were published on August 5, 2007. The permanent WCA rule process was begun by publishing a request for comments on this same date.[5]

6. In developing the proposed permanent rules, the BWSR staff held a series of meetings with stakeholder organizations in 2007 to discuss the rulemaking process and related issues. The Board formed a Permanent Rule Advisory Committee and a Technical Advisory Committee. Membership on these committees included representatives from organizations in the areas of agriculture; business, environment/conservation; local government, state and federal government, and technical/professional organizations. These advisory committees held meetings beginning in January 2008 to review rule issues and proposed language.[6]

Rulemaking Legal Standards

7. Under Minn. Stat. § 14.14, subd. 2, and Minn. Rule 1400.2100, a determination must be made in a rulemaking proceeding as to whether the agency has established the need for and reasonableness of the proposed rule by an affirmative presentation of facts. In support of a rule, an agency may rely upon legislative facts, namely general facts concerning questions of law, policy and discretion, or it may simply rely upon interpretation of a statute, or stated policy preferences.[7] The Board prepared a Statement of Need and Reasonableness (SONAR) in support of the proposed rules. At the hearing, the Board primarily relied upon the SONAR as its affirmative

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[4] SONAR, at 2.
[5] SONAR, at 2.
[6] SONAR, at 4.
[7] *Mammenga v. Department of Human Services*, 442 N.W.2d 786 (Minn. 1989); *Manufactured Housing Institute v. Pettersen*, 347 N.W.2d 238, 244 (Minn. 1984).

presentation of need and reasonableness for the proposed rule. The SONAR was supplemented by comments made by Board representatives at the public hearing and in written post-hearing submissions.

8. The question of whether a rule has been shown to be reasonable focuses on whether it has been shown to have a rational basis, or whether it is arbitrary, based upon the rulemaking record. Minnesota case law has equated an unreasonable rule with an arbitrary rule.[8] Arbitrary or unreasonable agency action is action without consideration and in disregard of the facts and circumstances of the case.[9] A rule is generally found to be reasonable if it is rationally related to the end sought to be achieved by the governing statute.[10]

9. The Minnesota Supreme Court has further defined an agency's burden in adopting rules by requiring it to "explain on what evidence it is relying and how the evidence connects rationally with the agency's choice of action to be taken."[11] An agency is entitled to make choices between possible approaches as long as the choice made is rational. Generally, it is not the proper role of the Administrative Law Judge to determine which policy alternative presents the "best" approach since this would invade the policy-making discretion of the agency. The question is rather whether the choice made by the agency is one that a rational person could have made.[12]

10. In addition to need and reasonableness, the Administrative Law Judge must also assess whether the rule adoption procedure was complied with, whether the rule grants undue discretion, whether the Board has statutory authority to adopt the rule, whether the rule is unconstitutional or illegal, whether the rule constitutes an undue delegation of authority to another entity, or whether the proposed language is not a rule.[13]

11. At the hearings in this matter, the Board proposed several revisions to the proposed rule language after the proposed rules were published in the *State Register*.[14] The Administrative Law Judge must determine if new language, either proposed by the Board or suggested to correct defects, is substantially different from that which was originally proposed.[15]

Procedural Requirements of Chapter 14

12. On August 6, 2007, the Board published a Request for Comments on the proposed rules. The Request for Comments was published at 32 *State Register* 304.[16]

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[8] *In re Hanson*, 275 N.W.2d 790 (Minn. 1978); *Hurley v. Chaffee*, 231 Minn. 362, 367, 43 N.W.2d 281, 284 (1950).
[9] *Greenhill v. Bailey*, 519 F.2d 5, 19 (8th Cir. 1975).
[10] *Mammenga*, 442 N.W.2d at 789-90; *Broen Memorial Home v. Department of Human Services*, 364 N.W.2d 436, 444 (Minn. Ct. App. 1985).
[11] *Manufactured Housing Institute*, 347 N.W.2d at 244.
[12] *Federal Security Administrator v. Quaker Oats Co.*, 318 U.S. 218, 233 (1943).
[13] Minn. R. 1400.2100.
[14] Ex. M.
[15] Minn. Stat. § 14.15, subd. 3 (2008).
[16] Ex. A.

13. By letter dated March 13, 2009, the Board requested that the Office of Administrative Hearings schedule a hearing on the proposed rules and assign an Administrative Law Judge. Along with the letter, the Board filed a proposed Notice of Hearing, a copy of the proposed rules, and a draft of the Statement of Need and Reasonableness (SONAR). The Board also requested that the Office of Administrative Hearings give prior approval of its Additional Notice Plan. The Board described its notice plan as follows:

> BWSR intends to send a copy of the Public Hearing Notice to:
>
> - All individuals who have registered with BWSR for the purpose of receiving notice of rule proceedings as required by Minn. Stat. 14.14, subd. 1a;
> - All organizations that have participated in the stakeholder advisory committee (see list of organizations above);
> - All WCA local government units, all soil and water conservation districts, all watershed districts, and all local water planners;
> - All individuals and representatives of associations that BWSR has on file as interested and affected parties;
> - Minn. Stat. 14.116 requires a copy of the notice, the rules, and SONAR be sent to the chairs and ranking minority members of the committees with jurisdiction over the subject matter of the proposed rules. This statute also states that if the mailing of the notice is within two years of the effective date of the law granting rulemaking authority that the agency must make reasonable efforts to send a copy of the notice and SONAR to all sitting legislators who were chief authors of the bill granting the rulemaking authority. Under this statutory directive the following legislators will be sent the above referenced documents: the chairs and ranking minority members of (1) the House Environment and Natural Resources Policy Committee; (2) the House Environment and Natural Resources Finance Committee; (3) the Senate Environment and Natural Resources Committee; (4) Environment, Energy and Natural Resources Budget Division; and chief authors of WCA legislation in 2007 and 2008: Rep. Rick Hanson; Rep. Tom Anzelc; Sen. Satveer Chaudhary; and Sen. Tom Saxhaug.
> - In addition, a copy of the notice, proposed rule and draft SONAR will be posted on the BWSR website. [17]

14. Administrative Law Judge Steve M. Mihalchick was assigned to the rule hearing. In a letter dated March 18, 2009, Judge Mihalchick approved the Board's Notice of Hearing and Additional Notice Plan.

15. On March 25 and 26, 2009, the Board mailed copies of the Notice of Hearing, proposed rules, and SONAR to the chairs, chief authors, and ranking minority members of designated legislative committees.[18]

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[17] Ex. D, at 11 (hereinafter SONAR).

16. On March 26, 2009, the Board mailed a copy of the SONAR to the Legislative Reference Library as required by law.[19]

17. On March 25 and 26, 2009, the Board mailed a copy of the Notice Hearing to all persons and associations who had registered their names with the Department for purpose of receiving such notice and to all persons identified in the Additional Notice Plan.[20]

18. On March 30, 2009, a copy of the Dual Notice was published in the *State Register* at 33 S.R. 1641.[21]

19. On the first day of the hearings in this matter, the Board placed the following documents in the record:

- The Request for Comments on Planned Amendments to Rules Governing Wetland Conservation, published August 6, 2007, at 32 SR 304. (Ex. A);
- A copy of the proposed rules with Revisor's approval dated March 16, 2009 (Ex. C);
- A copy of the SONAR (Ex. D);
- Certificate of Mailing the SONAR to the Legislative Reference Library, with cover letter dated March 26, 2009 (Ex. E);
- A copy of the Notice of Hearing as published in 33 S.R. 1641 (Ex. F);
- Certificate of Mailing the Notice of Hearing to the Rulemaking Mailing List on March 25, 2009 and Certificate of Accuracy of the Mailing List, with mailing list (Ex. G);
- Certificate of Additional Notice (Ex. H);
- Written public comments received during the public comment period (Ex. I);
- Written public comments received after the public comment period ended (Exs. 90-95);
- Other documents to show compliance with any other law or rule which the Agency is required to follow (Ex. K);
- A summary of the rulemaking distributed to the public (Ex. L);
- Errata to the proposed rules distributed to the public (Ex. M);
- A paper copy of the electronic presentation made at the hearings in this matter (Ex. N); and
- A concordance between the citations to rule parts as developed and citations adjusted by the Revisor of Statutes (Ex. O).

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[18] Ex. H. *See* Minn. Stat. § 14.116.
[19] Ex. E.
[20] Ex. H.
[21] Ex. F.

20. Written comments received during the hearing (Public Exs. 1-9), comments received during the posthearing comment periods, and the Board's responses were placed in the record.

Additional Notice

21. Minnesota Statutes §§ 14.131 and 14.23, require that the SONAR contain a description of the Board's efforts to provide additional notice to persons who may be affected by the proposed rules. The Board submitted an additional notice plan to the Office of Administrative Hearings, which reviewed and approved it by letter dated March 18, 2009. In addition to notifying those persons on the Department's rulemaking mailing list for Wetland Conservation Act rules, the Board represented that it would mail a Notice of Hearing to over 500 persons, organizations, and government entities that have an interest in these rules. The Board held eight stakeholder meetings (described as local government listening sessions) at locations throughout the state. Three rule development meetings involving environmental, business, and governmental associations were held in November, 2007. In arriving at the specific rule language, the Board relied on a Technical Advisory Committee, comprised primarily of government representatives, and the WCA Permanent Rule Advisory Committee (WCA Permanent Committee), comprised a wide range of stakeholders. The WCA Permanent Committee had thirty-five members, representing the areas of agriculture, business, environment/conservation, local, state, and federal government, and professionals involved in wetland issues. Both the Technical Advisory Committee and the WCA Permanent Committee each met eleven times regarding these proposed rules. Other interested groups were invited to attend and participate.[22]

22. Throughout the development of the proposed rule, the Board provided draft rule language, advisory committee meeting notes, rule process information, and supporting information on the agency's website. When available, the Board posted a copy of the proposed rules, SONAR, and the Dual Notice of this proceeding on the agency website.[23]

23. The Administrative Law Judge finds that the Board fulfilled its additional notice requirement.

Statutory Authorization

24. In its SONAR, the Board cited as general authority to develop the proposed permanent rules: Minn. Stat. §§ 103B.101, 103B.3355, and 103G.2242. The Board cited Laws of Minnesota 2007, Chapter 57, Section 166, as specific authority for this rulemaking.[24]

25. Under Minn. Stat. § 103B.101, subd. 7, the Board is authorized to "hold public hearings and adopt rules necessary to execute its duties." The Board's statutory rulemaking authority as set out in Minn. Stat. § 103B.3355 is as follows:

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[22] SONAR at 9-10.
[23] SONAR at 11.
[24] Sonar Errata, May 12, 2009.

(b) The Board of Water and Soil Resources, in consultation with the commissioners of natural resources and agriculture and local government units, shall adopt rules establishing:

(1) scientific methodologies for determining the functions of wetlands; and

(2) criteria for determining the resulting public values of wetlands.

26. The authority cited by the Board in Minn. Stat. § 103G.2242, subd. 1, also relates to wetland replacement valuation and states:

Subdivision 1. Rules. (a) The board, in consultation with the commissioner, shall adopt rules governing the approval of wetland value replacement plans under this section and public waters work permits affecting public waters wetlands under section 103G.245. These rules must address the criteria, procedure, timing, and location of acceptable replacement of wetland values; may address the state establishment and administration of a wetland banking program for public and private projects, which may include provisions allowing monetary payment to the wetland banking program for alteration of wetlands on agricultural land; the administrative, monitoring, and enforcement procedures to be used; and a procedure for the review and appeal of decisions under this section. In the case of peatlands, the replacement plan rules must consider the impact on carbon balance described in the report required by Laws 1990, chapter 587, and include the planting of trees or shrubs.

27. The Administrative Law Judge finds that the Board has the statutory authority to adopt rules in these subject areas. Whether the proposed rules are consistent with the statute is addressed in the part-by-part analysis below.

Regulatory Analysis in the SONAR

28. The Administrative Procedure Act requires an agency adopting rules to consider seven factors in its Statement of Need and Reasonableness. The first factor requires:

(1) A description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

The Board identified present and future landowners of property containing wetlands and local governments as the classes of persons who will be affected by the proposed rule. The Board noted that "the current rule imposes costs that are primarily borne by the affected landowners, taxpayers supporting local government operations,

and state taxpayers who support state grants to local government and the state operations required to oversee the program." To the extent that the proposed rule amendments result in changes in costs, the Board indicated that these will affect the same classes of persons. Regarding the amount of these costs, the Board stated:

> However, this rule proposes to reduce inconsistency with federal regulations. This improved coordination should result in direct benefits to local governments and landowners through reduced delays in project approvals, reduced costs in program administration, and reduced cost in complying with state and federal regulatory requirements. Beneficiaries of the rule will be the general citizenry who realize the environmental benefits of wetland protection (water quality, flood control, fish and wildlife habitat, etc.) benefit from and bear the cost of the proposed rule.[25]

The Board identified beneficiaries of the proposed rule amendments as "the general citizenry who realize the environmental benefits of wetland protection (water quality, flood control, fish and wildlife habitat, etc.)."[26]

(2) The probable costs to the Agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

The Board estimated that the state agencies which will be most affected by the rule are BWSR, followed by the DNR, the Minnesota Department of Transportation (MnDOT), the Minnesota Pollution Control Agency (PCA), and the Minnesota Department of Agriculture. The Board noted that under the existing rule, dedicated appropriations to these agencies exist for implementation costs. The Board concluded that the impacts on these agencies will likely be unchanged by the proposed rule adoption. The Board concluded that the effect on state revenues was negligible as compared to the current rule.[27]

(3) The determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

The Board indicated that there is no known alternative to the proposed rule that would be less costly or less intrusive. The Board noted that the existing rule and the proposed rule amendments are required by and necessary to implement a statute. During the development of the proposed rule, BWSR staff and stakeholders discussed numerous ideas for accomplishing the purpose of the statute. The Board noted that many of these ideas were incorporated into the proposed rule to provide a means to achieve statutory compliance in an efficient and effective manner.[28]

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[25] SONAR at 5.
[26] SONAR at 5.
[27] SONAR at 5.
[28] SONAR at 6.

(4) A description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule.

In meeting its obligation to consider less costly or intrusive methods, the Board noted that it developed the rules "as the fundamental comprehensive document used to understand and administer WCA."[29] The Board noted that:

> It would be possible to develop a slightly smaller rule (fewer pages) if all statute language were omitted and the rules only addressed program elements that required further elaboration or specificity. However, the confusion it would cause among local governments implementing the program and the regulated public affected by this action would quickly outweigh any initial savings in printing costs.[30]

The Board noted that its exempt rule incorporated most of the statutory changes enacted in 2007. Since that rule was adopted, BWSR has received comments and suggestions from interest group representatives to improve the application and effectiveness of the rules by local governments. This interaction with local governments and interested parties will, in the Board's opinion, ensure that these changes will have positive effects on the proposed permanent rule.[31]

(5) The probable costs of complying with the proposed rules, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals.

In its SONAR, the Board described the probable costs of compliance with the proposed rules as "difficult to determine but it is likely that these costs will be relatively unchanged from current levels." The Board forecast increased costs of compliance with the permanent rules due to the statutory changes intended to reduce wetland losses and the improved wetland replacement standards that have been incorporated into the proposed permanent rule. The Board also anticipated a decrease in some costs as the rule streamlines administrative requirements and improves consistency with federal regulations. The proposed permanent rule changes in these areas will reduce costs for local governments and landowners.[32]

The Red River Water Management Board (RRWMB) asserted that the Board had failed to adequately identify the total costs to LGUs imposed by a reporting requirement, stating:

> This provision requires the reporting of information by the local units of government annually to BWSR. The amount of information, the format and the timing of the reporting required will impact the actual cost to the local governments. The SONAR suggests that this cost is less than

[29] SONAR at 6.
[30] SONAR at 6.
[31] SONAR at 6.
[32] SONAR at 6.

$25,000/year. This may be true for some of the local governments, however, others that have significant wetland activities under WCA could well be required to spend in excess of $25,000/year. When there is an increase in requirements for the local governments that is not compensated by the state the local government will generally increase local fees to cover the additional costs. The SONAR seems to be deficient in the assessment of what this reporting will cost local governments individually and collectively statewide. There needs to be acknowledgement that the recent passage of the Environment and Natural Resources Omnibus budget bill has reduced the natural resources block grant program that provides the state's funding share for implementation of these rules. In addition the state has proposed reducing the local government aids program as part of the budget balancing for the biennium. Even a minor increase in cost to local governments will be very difficult to accommodate when placed against other much higher priority programs. It would be appropriate to defer mandatory implementation of this provision until January of 2011 to allow the state and local economic recovery to begin to be realized.[33]

The Minnesota Association of Soil and Water Conservation Districts (MASWCD) expressed its concerns on this issue as follows:

> However, we share the concerns of the Red River Watershed Management Board that costs to other LGUs, could exceed $25,000 per LGU. This would be at a time when cities and counties will likely be faced with reductions in funding from the state both through their WCA funding (through the Natural Resources Block Grant, NRBG), and their Local Government Aid (LGA).
>
> For SWCDs, it will be difficult enough to maintain the current level of their wetland efforts in the face of budget cuts. Consequently, we would caution against any more prescriptive or cumbersome reporting requirements as both costly and impractical. At the state level, SWCDs will face budget cuts both through the NRBG as well as through their General Service Grants for operating costs. At the local level, districts will also face budget cuts from their counties and other LGUs that help financially support their efforts.[34]

The Board responded that the potential for increased costs would not reach the $25,000 threshold, stating:

> The mandatory reporting requirement only affects those LGUs who are not currently reporting either as a requirement of the NRBG or voluntarily. For those LGUs who are not currently reporting, the increased cost will be minimal as the reporting consists of submitting a summary of the previous year's implementation activities and decisions (the current reporting form is 2 pages). LGUs that are properly implementing WCA will have this

[33] RRWMB Comment, at 2.
[34] MASWCD Comment, at 2.

information readily available. The information is not only necessary to improve the completeness of reported data, including data on the use of exemptions, but is also necessary for BWSR to perform its oversight responsibilities.

Other proposed changes to the rule do not alter how an application is reviewed or a decision is made, and no changes are proposed to LGU procedures that would result in a significant increase in cost. In fact, several changes are proposed that will reduce costs for LGUs and increase program efficiency.[35]

There is certain to be some increase in costs to LGUs arising from the reporting requirements in the rules. No commentator has quantified the actual costs to any particular LGU to demonstrate what financial impact will be caused by these rules. The provision cited as causing the increase in costs, reporting to the Board, was proposed to meet a legislative change in the WCA. The increase in costs to LGUs appears to be modest, and very likely to be below $25,000 for any one LGU.

(6) The probable costs or consequences of not adopting the proposed rule, including those costs borne by individual categories of affected parties, such as separate classes of governmental units, businesses, or individuals.

The Board did not attempt to quantify costs to affected parties from not adopting the proposed rule. The Board indicated that the current situation results in "conflicts and inconsistencies between statute and rule." The Board opined that retaining these inconsistencies would result in "confusion and uncertainty [that] would have negative consequences for landowners who would have difficulty in determining how to undertake projects that comply with state wetland regulatory requirements."[36] The Board noted that LGUs would experience "similar difficulty in administering the rule and law that would have conflicts and inconsistencies." The Board identified "Project delays and increased project costs ... [as] the principal result of not implementing measures to improve state and federal coordination."[37]

(7) An assessment of any differences between the proposed rules and existing federal regulation and a specific analysis of the need for and reasonableness of each difference.

The Board noted that its Wetland Mitigation Memorandum of Understanding entered into with the U.S. Army Corps of Engineers in May 2007 forms the basis for many of the wetland replacement requirements of the proposed rule. The Board indicated that the Corps is expected to make changes to its regulatory guidance that corresponds to the new WCA rule provisions.[38]

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[35] Board Comment, at 4.
[36] SONAR at 6.
[37] SONAR at 6.
[38] SONAR at 7.

Regarding differences between the proposed rules and existing federal regulation, the Board stated:

> However, much of the proposed rules cover areas that are not addressed by federal laws or regulations.
>
> The Corps/EPA Mitigation Rule was jointly released by the U.S. Environmental Protection Agency and Corps on March 31, 2008. A key component of this rule is to base wetland regulatory decisions, to the extent appropriate and practicable, on a watershed approach. According to guidance from the EPA, "mitigation decisions should be made from a watershed perspective in which the type and location of compensatory mitigation follows from an analytically-based watershed assessment to assure that the proposed compensation furthers watershed goals". This approach emphasizes analysis, planning, and determining the wetland regulatory decision is not just tied to the specific wetland proposed to be impacted, but on broader watershed needs.
>
> BWSR believes increased focus on watershed based wetland management in these proposed rule amendments will benefit the wetland resources in Minnesota, will allow for improved coordination between WCA and other water quality and natural resource management programs, and foster improved state/federal wetland regulatory coordination.[39]

29. The Administrative Law Judge finds that the Board has demonstrated that it has adequately considered the probable costs of adopting the proposed rules, including the costs that would be borne by LGUs to report to the Board. The Board has adequately considered all the factors in the regulatory analysis required by Minn. Stat. § 14.131.

Performance Based Rules

30. The Administrative Procedure Act[40] requires an agency to describe how it has considered and implemented the legislative policy supporting performance based regulatory systems. A performance based rule is one that emphasizes superior achievement in meeting the agency's regulatory objectives and maximum flexibility for the regulated party and the agency in meeting those goals.[41]

31. In its SONAR, the Board described how it approached this obligation as follows:

> BWSR's objective with regards to wetland protection is to provide for resource conservation, public health and safety, and equitable use, while maintaining flexibility for local government and the public to enjoy and use the wetland resources consistent with state and federal law. Consistent

[39] SONAR at 7.
[40] Minn. Stat. § 14.131.
[41] Minn. Stat. § 14.002.

with this overall agency objective, the goals and considerations of this rule making are to:

- Clarify rule requirements;
- Simplify the rule where possible;
- Ensure the changes are implementable;
- Have a tangible result;
- Improve accountability;
- Limit impacts to local government workload;
- Limit unintended consequences;
- Balance public costs and benefits; and
- Be aware of stakeholder support.

These goals and considerations span the breadth of ecological, economic, and sociopolitical issues that relate to wetlands management and protection. BWSR, in undertaking our responsibilities in overseeing implementation of WCA, have (*sic*) always worked to balance the economic and social impacts with the biological requirements needed to conserve and protect Minnesota's wetland resources. Obtaining this balance is a challenge due to increased demands for regulation on the one hand, and demands for increased program simplicity and reduced costs associated with regulation on the other.

In developing the proposed rules, BWSR sought to provide local governments with increased decision-making flexibility and reduced administrative burden without compromising resource protection. The proposed rule amendments provide for consistent requirements in processing applications, increased support from the technical evaluation panel, and increased ability to place approval conditions to meet local needs and issues.

The agency has also sought to provide the regulated public increased flexibility in complying with regulatory requirements, again, without compromising resource protection. The proposed changes include increased flexibility in providing wetland replacement, increased ability to work with the LGU and TEP [Technical Evaluation Panel] in establishing appropriate project approval conditions, and increased ability to coordinate project planning that will comply with state and federal regulations. Overall, the proposed rule provides greater flexibility and accountability by moving towards a more outcome-based decision-making framework.[42]

32. The Board noted that the requirements of the Corps for application under the Clean Water Act, Section 404 program, constitute a significant barrier to performance-base rules. BWSR noted that it has promoted the voluntary development of local comprehensive wetland protection and management plans at the local level, seeking to:

[42] SONAR at 7-8.

- Generate an increased understanding of the importance of wetland resources to those affected by the rules;
- Integrate wetlands into daily local land use decisions rather than being as a separate land use decision;
- Encourage local governments to develop a WCA-consistent approach that addresses specific local needs and issues; and
- Improve the acceptance and compliance by the public with wetland protection goals of the WCA as a means of promoting conservation of these resources without additional increased regulation.[43]

33. The Administrative Law Judge finds that the Board has met the requirements set forth in Minn. Stat. § 14.131 for assessing the impact of the proposed rules, including consideration and implementation of the legislative policy supporting performance-based regulatory systems.

Consultation with the Commissioner of Finance

34. Under Minn. Stat. § 14.131, the Agency is also required to "consult with the commissioner of finance to help evaluate the fiscal impact and fiscal benefits of the proposed rule on units of local government." Minnesota Management and Budget (MMB) is the successor agency to the Department of Finance.[44]

35. On January 20, 2009, the Board sent to the Commissioner of MMB the Governor's Office Proposed Rule and SONAR Form; the proposed rules; and the proposed SONAR. The MMB sent a response dated January 28, 2009. In its response the Department stated, "that BWSR has adequately analyzed and presented the potential costs to local units of government of the proposed rule and that the rule will have minimal fiscal impact on local units of government."[45]

36. The Administrative Law Judge finds that the Board has met the requirements set forth in Minn. Stat. § 14.131.

Farming Operations

37. Under Minn. Stat. § 14.111, where an agency "adopts or repeals rules that affect farming operations," that agency must provide notice of the rulemaking to the Commissioner of Agriculture at least 30 days prior to publication of the rule change in the State Register. The Board noted that the proposed rule was designed to have minimal impact on agricultural activity, but that there would be some impact on farming operations. Based on this assessment, the Board sent a copy of the rule to the Commissioner of Agriculture on February 25, 2009. The Board also noted that the Department of Agriculture has participated as a member in the WCA Permanent Committee and that the Department of Agriculture is a member of the BWSR Board.[46]

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[43] SONAR at 8.
[44] Minnesota Management and Budget was formed from the merger of the Department of Finance and Department of Employee Relations. Laws of Minnesota 2008, Chapter 204.
[45] SONAR at 12.
[46] SONAR, at 12.

The Administrative Law Judge finds that the Board has met the requirements set forth in Minn. Stat. § 14.111.

Compliance Costs to Small Businesses and Cities

38. Under Minn. Stat. § 14.127, the Board must "determine if the cost of complying with a proposed rule in the first year after the rule takes effect will exceed $25,000 for: (1) any one business that has less than 50 full-time employees; or (2) any one statutory or home rule charter city that has less than ten full-time employees."[47] The Board must make this determination before the close of the hearing record, and the Administrative Law Judge must review the determination and approve or disapprove it.[48]

39. The Board has determined that the cost of complying with the proposed rule in the first year after it takes effect will not exceed $25,000 for any one small city. The Board did not identify any probable costs are could be expected to arise from these rules.[49]

40. The Board concluded that most small businesses will experience only a minimal fiscal impact arising from these rule changes. This conclusion was based on the assessment that "Regulatory process reductions will be offset by increased wetland development and monitoring requirements for a minimal overall impact." With the exception of one class of business, the Board concluded that "The net affect is that no small business will experience an increased cost of more than $25,000 in the first year after the rules take affect."[50]

41. The only exception to the small business impact assessment was described by the Board as follows:

> One class of small business warrants special consideration. Wetland bank account holders businesses' are built around selling wetland replacement credits to allow landowners to meet their wetland replacement requirements under WCA and Section 404 of the U.S. Clean Water Act. The rule amendments propose to eliminate the current two credit system (new wetland credit — NWC and public value credit — PVC) to a single credit system which requires converting existing PVC to this new system. Existing non-wetland PVC will be converted to the new single - credit system at 90% of the amount of current NWCs.[51]

42. The Board set out reasons why this conversion factor is reasonable and included in the proposed rule. BWSR calculated the net effect of these changes and initially determined that up to seven banks may lose economic value from their wetland banks. The comparison of each bank's ratio of NWC to PVC, and sales volume resulted in six of these bank accounts "being extremely unlikely to experience a financial impact of more than $25,000 in the first year after the rules become

[47] Minn. Stat. § 14.127, subd. 1.
[48] Minn. Stat. § 14.127, subd. 2.
[49] SONAR at 13.
[50] SONAR at 12.
[51] SONAR at 12-13.

effective."[52] Regarding the remaining business, the Board considered the following additional factors:

- The rule places a greater emphasis on wetland banking as a means to provide wetland replacement credits. The increased demand should serve to increase the price that 'wetland bank account holders can receive for their credits, thereby offsetting any lost value by a conversion rate of less than 100%.
- The Corps currently regulates a significant majority of projects that impact wetlands in Minnesota. Their current guidance "converts" PVC at 25% (1 acre of PVC = 0.25 credits). The effect of dual regulation is that PVC in many cases is already available at a rate far below the 90% proposed by these rule amendments.
- The Minnesota economy is experiencing a recession that has been especially significant for land development businesses that are a major market for wetland banking credits.[53]

43. From its additional analysis, the Board concluded that "no wetland bank account holder should have a cost of $25,000 for complying with the rule."[54] As discussed in foregoing Findings, no individual statutory or home rule charter city with fewer than ten full-time employees was identified that would experience costs of $25,000 or more to comply with the proposed rules.

44. The Administrative Law Judge finds that the agency has made the determination required by Minn. Stat. § 14.127 with regard to proposed revisions to the proposed rules.

Analysis of the Proposed Rules

General

45. This report is limited to discussion of the portions of the proposed rules that received significant comment or otherwise need to be examined. When rules are adequately supported by the SONAR or the Board's oral or written comments, a detailed discussion of the proposed rules is unnecessary. The agency has demonstrated the need for and reasonableness of all rule provisions not specifically discussed in this report by an affirmative presentation of facts. All provisions not specifically discussed are authorized by statute and there are no other problems that would prevent the adoption of the rules.

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[52] SONAR at 13.
[53] SONAR at 13.
[54] SONAR at 13.

Discussion of Proposed Rule

Part by Part Analysis

8420.0100 Purpose

46. Rule part 8420.0100 sets out the background and goals of these rules and describes the regulatory system imposed by the WCA. The Board proposed modifications to the existing language, to be identified as subpart 1, and two new subparts, describing methods of implementing the WCA and the entities that administer the WCA.

47. Proposed subpart 3, describing administration, closes with the sentence, "The public is encouraged to contact their local government unit or soil and water conservation district for general information on wetlands and the interpretation of this chapter." The foregoing sentence is not rule language. To correct this defect, the rule should read, "Persons seeking general information on wetlands and the interpretation of this chapter may contact their local government unit or soil and water conservation district"

48. The approach of the rule is consistent with the statutory structure for applications and administration of the WCA. The Administrative Law Judge finds the rule part, with the suggested modification, is needed and reasonable. The new language does not result in a substantially different rule from that published in the *State Register*.

8420.0105 Scope

49. Rule part 8420.0105 describes the areas that are generally subject to restrictions on draining, excavation, and filling. The Board proposed modifications to the existing language, breaking it out into subparts, conforming language to changes throughout the rule, and clarifying that normal farming practices and incidental wetlands are not regulated under this rule.

50. Item A of subpart 2 clarifies that the rule does not prevent using "the bed of wetlands for pasture or cropland during dry periods" so long as "dikes, ditches, tile lines, or buildings are not constructed or improved and the agricultural use does not impact the wetlands." A commentator suggested that the term "impact" be deleted in Item A, maintaining that use of the word would likely result in a determination of an impact, even if the activity were to qualify as no-loss.

51. The Board explained that the definition of "impact" set out in part 8420.0111, subd. 31, provides a specific meaning under WCA, and that based on this definition, not all activities in a wetland are an impact.[55]

52. The proposed rule language replaces the existing phrase "does not result in the drainage of the wetlands." As the Board has explained, not all impacts are covered by the term "drainage." Use of the term "impact" appropriately conveys the

[55] Board Comment at 1.

Board's intent regarding the rule. The use of that term here will not affect no-loss or exempt activities, which are covered under other portions of this rule.

53. Item B of subpart 2 sets out the "normal farming practices that are not restricted by these rules. Josh Stromlund of Lake of the Woods County suggested that the rule language be modified to switch the order of farming and ranching to ensure the appropriate application of' this provision.[56] The Board agreed with the comment and modified the rule to read in pertinent part, "'Normal farming practices' means ranching, silvicultural, grazing, and farming activities." The rule as modified is needed and reasonable. The new language does not result in a substantially different rule from that published in the *State Register*.

8420.0111 Definitions

54. Proposed rule part 8420.0111 defines the terms used throughout the proposed rules. The definitions are largely drawn from the existing rule 8420.0110. Some of these definitions are amended and other definitions consist of entirely new language.

55. The Board has proposed the definition of agricultural land at subpart 6 of part 8420.0111 to read as follows:

> Subp. 6. **Agricultural land**. "Agricultural land" means land used for horticultural, row, close grown, pasture, or hayland crops; growing nursery stocks; animal feedlots; farmyards; or associated building sites and public and private drainage systems and field roads located on any of these lands. Agricultural land must be used principally for the cultivation or production of plants or farm animals and includes former agricultural land that is presently enrolled in conservation easements.

56. This definition is unchanged from the existing rule (8420.0110, subp. 4). The Minnesota Association of Soil and Water Conservation Districts (MASWCD) and Ron Harnack of the Red River Watershed Management Board (RRWMB) endorsed the retention of conservation easements in the definition and urged the inclusion of "conservation contracts" to include the "considerable agricultural land that does have conservation contracts (CRP & CCRP) that last for 10 to 15 years."[57] The Board agreed and proposed to change the last sentence in subpart 6 to read, "Agricultural land must be used principally for the cultivation or production of plants or farm animals and includes former agricultural land that is presently enrolled in a conservation program under contract or easements."[58]

57. The new language addresses the concern raised and treats similarly situated land similarly. The rule as modified is needed and reasonable. The new language does not result in a substantially different rule from that published in the *State Register*.

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[56] Crookston Hearing Tr., at 51-52.
[57] RRWMB Comment.
[58] Board Comment at 2.

58. The Board has proposed at subpart 12 to define "best management practices" as "state-approved and published practices that are capable of preventing and minimizing degradation of surface water and groundwater." The Board noted that the "current definition is proposed to be modified to clarify that best management practices can be associated with all activities, not just those associated with draining, filling, or replacing wetlands."[59]

59. RRWMB urged the Board to endorse specific practices that would meet the definition of "best management practices[60] The Board responded that:

> There are a substantial number of best management practices that have varying levels of effectiveness depending on site conditions, practice goals, etc. BWSR cannot anticipate site conditions or individual project needs that will dictate what is an appropriate best management practice for a particular site and does not want to limit the availability of particular best management practices to project sponsors. A prescriptive rule would limit innovation in what is an evolving science. [61]

60. The Board's approach maximizes the flexibility of meeting the rule standards, which is a priority established by the Legislature in rulemaking. The absence of a listing of specific practices is not likely to unduly restrict what is determined to be available in the application process. The rule as proposed is needed and reasonable.

61. The Board has proposed the definition of degraded wetland at subpart 19 of part 8420.0111 to read as follows:

> Subp. 19. Degraded wetland. "Degraded wetland" means a wetland that provides minimal wetland function and value due to human activities such as drainage, diversion of watershed, filling, excavating, pollutant runoff, and vegetative or adjacent upland manipulation.

62. This definition is unchanged from the existing rule (8420.0110, subp. 13a). RRWMB suggested that the definition constituted an automatic definition of all wetlands in Minnesota as degraded. RRWMB suggested defining "vegetative or adjacent upland manipulation" or deleting that portion of the definition.[62]

63. The Board noted that the existing language, using examples of activities that could result in a wetland meeting the definition, is not prescriptive. The Board also noted that "Vegetative and adjacent upland manipulation is in fact one of the causes of wetland degradation."[63]

64. The definition in subpart 19 relates to the malfunctioning of the wetland arising from human activities. Providing examples of activities that could result in that malfunctioning does not constitute a defect in the proposed rule. Subpart 19 as proposed is needed and reasonable.

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[59] SONAR, at 16.
[60] Harnack Comment.
[61] Board Comment at 2.
[62] Harnack Comment.
[63] Board Comment at 2.

65. The Board has proposed at subpart 23 to define "drainage system" as "a system of ditch or tile, or both, to drain property, including laterals, improvements, and improvements of outlets." This definition is unchanged from the existing rule (8420.0110, subp. 16). RRWMB suggested that Minn. Stat. Chapter 103E might contain a definition of this term and that the proposed definition might conflict with the statute.[64] MASWCD urged that the definition of "drainage system" in Minn. Stat. § 103E.005, subd. 12, be used.

66. The Board indicated that no conflict exists between the definition and Minnesota Statute § 103E, since as defined in the rule, "drainage system" includes both private and public systems. The subject of 103E, public drainage systems, is defined in the drainage exemption language contained in part 8420.0122, subp. 2.[65] Subpart 23 as proposed is needed and reasonable.

67. The Board has proposed at subpart 25 to define "fill" as "any solid material added to or redeposited in a wetland that would alter its cross-section or hydrological characteristics, obstruct flow patterns, change the wetland boundary, or convert the wetland to a nonwetland." The definition describes specific things that are and are not fill within the meaning of the definition. This definition is essentially unchanged from the existing rule (8420.0110, subp. 18, where "it" is replaced by "fill"). RRWMB questioned whether underground utilities through a wetland fall within the definition. RRWMB suggested that such utilities be expressly listed in the "nonfill" group.[66] The Board responded that "Whether the solid material is minor or short-term is not relevant to determining if something meets the definition of fill. The no-loss provisions of part 8420.0415 and various exemptions contained in part 8420.0420 address ... this concern."[67] Subpart 25 is needed and reasonable as proposed.

68. Subparts 26, 27, and 36 defined the different areas of the state based on the percentage of wetlands in each. RRWMB suggested that each subpart have a reference to the map of the current counties within each area. BWSR agreed that such a change would improve clarity in the rule. The Board modified each subpart to reference part 8420.0117 (which contains that information). These subparts are needed and reasonable as modified. The new language does not constitute substantially different language from that published in the *State Register*.

69. Throughout the rules, the Board chose the term "may" to describe authority to act. This usage has been found to be defective throughout the rules. The ALJ has suggested item-by-item changes for each such defect. The ALJ also suggests that the Board correct these defects, where appropriate, by replacing "may" with the term "eligible." The ALJ suggests that "eligible" be defined as "meaning the maximum extent to which an LGU or, where appropriate, delegated staff, can set the applicable parameter in the application of the Wetlands Conservation Act and these rules. The actual amount awarded is determined by the specific circumstances of each application, determined on a case-by-case basis, applying the standards set out in these rules."

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[64] Harnack Comment.
[65] Board Comment at 2.
[66] Harnack Comment.
[67] Board Comment at 3.

70. The suggested definition supplants the permissive meaning of "may" with a defined standard which comports with the current practice, is capable of meaningful review, and does not afford unfettered discretion. Adding such a term and using it throughout the rules would be needed and reasonable. The suggested language would not constitute substantially different language from that published in the *State Register*.

8400.0200 Determining Local Government Unit; Duties.

71. Rule part 8420.0200 provides the mechanism for determining which LGU is responsible for carrying out particular actions, and what actions to carry out under the WCA. The Board proposed changes to the rule to conform the language to the WCA statutory changes enacted in 2003 and "to achieve a statewide standard for defining a local government unit (LGU)." The Board also proposed new language to clarify the process for delegating WCA authority from one local government to another.[68]

72. Subpart 1 of rule part 8420.0200 sets out the determination criteria where multiple LGUs are involved. The DNR suggested that state agencies should be required to coordinate with LGUs when acting on applications by others to work on State-owned land. The Board agreed with the suggestion and modified item C to "making decisions on" as matters that state agencies must coordinate with LGUs.[69] The rule as modified is needed and reasonable. The new language does not result in a substantially different rule from that published in the *State Register*.

73. Subpart 2 sets out the LGU duties, including its authority to delegate the initial decision-making authority to staff. Svoboda Ecological Resources, Ellingson Companies, and the Agricultural Drainage Management Coalition objected to the rule as allowing too much authority to staff.[70] The delegation authority is in the existing rule and not being changed in this proceeding. An appeal process from a staff decision is provided. The delegation language in subpart 2 is needed and reasonable.

74. Item F of subpart 2 states, "The local government unit may evaluate evidence for a no-loss, an exemption, or sequencing without making a decision." In its SONAR, the Board sets out its reasoning for this language, stating:

> Item F clarifies the LGU's ability to evaluate evidence and provide advice, without making a decision, on all wetland activities without the landowner going through the expense of developing an application. This language is proposed to be modified to not only apply to exemptions and is relocated from the current 8420.0210. Finally, the proposed practice is existing practice among LGUs to work with landowners on potential projects.[71]

75. The proposed language is inconsistent with the explanation. The proposed item F purports to authorize the LGU to take no action. The Board did not indicate that authorizing inaction was intended for this rule. This item has not been shown to be needed or reasonable.

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[68] SONAR at 19.
[69] Board Reply, at 1.
[70] Public Exhibit 8.
[71] SONAR at 20.

76. To correct this defect, the Board must modify the language of the rule to reflect the authority of the LGU. The ALJ suggests that the Board modify item F to read, "In the absence of an application, the local government unit may evaluate evidence for a no-loss, an exemption, or sequencing upon the request of a landowner. The evaluation provided does not constitute a decision for the purposes of these rules." The suggested language clarifies the practice to be memorialized in the rules and the impact of following that practice. The suggested language is needed and reasonable and does not constitute substantially different language from that published in the *State Register*.

77. Item I of subpart 2 requires the LGU to "annually report information to the board regarding implementation of this chapter in a format and time period prescribed by the board." In its SONAR, the Board sets out its reasoning for this language, stating:

> Item I clarifies that LGUs are required to provide an annual report to BWSR. LGU data is necessary for BWSR to evaluate the effectiveness of the rule and of LGU's implementation of it. The proposed language states that BWSR may subject the LGU to penalty under subpart 3 for failure to comply with this requirement. This language also complies with the exemption reporting requirement of Minn. Stat. 103G.2241, subd. 11(d)..[72]

78. RRWWB suggested that the reporting requirement would increase costs to LGUs and recommended delaying implementation until January 2011.[73] The Association of Minnesota Counties (AMC) maintained that a reporting requirement would increase LGU workloads without returning a commensurate benefit. A number of Minnesota counties maintained that incorporating a mandatory reporting requirement would not be needed or reasonable because:

a) There will be an increase to the LGU's workload.

b) These requirements would not carry a penalty for non-compliance, thus be unenforceable.

c) These requirements may be less effective in rural or agricultural areas.

d) Landowners lack the technical expertise to be aware of that they are in a wetland.

e) Landowners would not be aware of these requirements.

f) It is contrary to the original intent of the Wetland Conservation Act (WCA).

g) The cost of implementation would not justify the benefits obtained.

h) The data collected would not be justifiable and consistent.

i) These requirements would require a statute change to implement since currently exempt projects would then require a permit.

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[72] SONAR at 20.
[73] RRWWB Comment, at 2.

79. William Barton, Director of the Minnesota Division of the Izaak Walton League (IWL), urged adoption of a mandatory reporting requirement for exempt and no-loss activities, stating:

> Reporting via a simple form or thru a website by landowners is a reasonable approach that will not burden local government units. The Minnesota Division of the IWLA has taken a stronger position asking that all exemptions require a qualifying determination. (MN Division IWLA 2008) I agree that even this position is reasonable as the State of Minnesota is giving away a public resource with every exemption use.
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> * * *
>
> I believe the deletion of the rule requiring reporting of exempt wetland activities by the wetlands committee does not follow the intent of the 2008 Minn. Stat. 103G.2241 Subd. 11(d). The draft rules do not follow legislative direction on this subject and should be revised to include mandatory reporting of exemption use

80. The Minnesota Center for Environmental Advocacy (MCEA), noted that a significant problem in wetland management is the absence of data on wetland loss through exempt activities. MCEA described the efforts to obtain legislation on this issue, stating:

> During the 2007 legislative session, MCEA, the Izaak Walton League of America, the Sierra Club, and other conservation organizations lobbied for WCA exemption reporting requirements. MCEA and the Sierra Club were asked to support a bill that would amend WCA to insert certain language, and were convinced to do so after being assured that exemption reporting requirements would be included in the present rulemaking. .... The intent and purpose of the statutory change is to ensure that BWSR corrects a significant fault in the Rules that frustrates wetland gain and loss tracking efforts, that being the absence of means to collect data on the use of wetland exemptions by landowners, and the total acreage of wetlands acres that are being lost. [74]

81. MCEA disputed the contentions regarding the potential for increased costs to LGUs, stating:

> MCEA had thought that the argument about increased costs to BWSR had fallen by the wayside, after BWSR staff agreed that online reporting of exemption use would suffice for those with access to the internet. MCEA has also suggested paper mail-in forms on which to report exemption use should be made available at LGU offices, as an option for those without internet. Reporting exemptions in the convenient online or mail-in manner BWSR was proposing, or via other possible methods, does not represent an undue burden on citizens or LGUs. The LGUs would have the flexibility

[74] MCEA Comment, at 4.

to track and check exemptions if they chose, but would not be required to do so.[75]

82. The Sierra Club maintained that there is a "great need for accurate data on the use of exemptions." The Sierra Club supported a mandatory reporting requirement, stating:

> • The goal of the original Wetlands Conservation Act is to have no net loss of quantity or quality of wetlands in Minnesota. It is impossible to know the true status of loss of wetlands unless exempt activity is reported on.
>
> • The 2001-2003 Minnesota Wetland Report approved by the BWSR Board shows a net loss of 5821 acres. This is the last year for which a report is available. Since some Local Government Units (LGU) do require reporting of exemption use, some data is available. This limited data points to the need for gathering information on all uses of exemptions.
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> • During the multi-year process to identify ideas for bettering wetland law, all parties, even those opposed to gathering exemption data, often pointed out the lack of credible loss data on which to base our proposals.[76]

83. MASWCD related its experience with reporting through the Board's eLink system. MASWCD expressed its satisfaction "that extending this reporting requirement to other LGUs will help provide BWSR with a more comprehensive set of data, and would better reflect the wetland activities across the state."[77] MASWCD only qualified its support for the proposed rule with concern about the potential costs, discussed above. For that reason, MASWCD opposed any more stringent reporting requirements on LGUs.

84. Proposed item I implements Minn. Stat. § 103G.2241, subd. 11(d), which states, "(d) The board shall develop rules that address the application and implementation of exemptions and that provide for estimates and reporting of exempt wetland impacts, including those in section 103G.2241, subdivisions 2, 6, and 9." The referenced subdivisions govern exempt impacts arising from drainage, utilities, public works, and de minimis activities. The plain language of the rule requires reporting wetland impacts that fall within the exemptions established by the WCA. The Board has shown that the proposed rule is needed to carry out this legislative directive. While the Board could have chosen a more inclusive mandatory reporting requirement, there is nothing in the statute which requires such an approach. The mechanism proposed is reasonable and does not impose undue costs on LGUs.

8420.0233 Other Local Government Unit Wetland Rules and Ordinances.

85. Proposed rule part 8420.0233 describes these rules and the WCA as establishing minimum standards. The rule provides that LGU's may require more procedures and more stringent wetland protection, but not less stringent or protective standards. The rule language is taken entirely from rule part 8420.0245, with no

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[75] MCEA Comment, at 7.
[76] Sierra Club Comment, at 1.
[77] MASWCD Comment.

changes in the language of the rule.[78] The rule part is needed and reasonable as proposed.

8420.0240 Technical Evaluation Panel Procedures.

86. Rule part 8420.0240 sets out the composition, duties, and processes of the Technical Evaluation Panel (TEP) that each LGU must convene for assessing applications under the WCA. Each TEP must meet minimum requirements for knowledge and background. The requirements for members being from the Board, the local soil and water conservation district, and the LGU, are kept from the existing rule. The background requirement is updated in the proposed rule to cite more recent reference works in wetland classification.

87. Item C of part 8420.0240 requires the TEP to make technical findings and recommendations where requested by an applicant, an LGU, or a member of the panel. Additionally, certain projects are identified where the TEP must provide (even in the absence of a request) its recommendation. The Board proposed item D to read as follows:

> D. The panel may recommend to the local government unit approval, approval with changes or conditions, or denial of an application. When a technical evaluation panel assembles findings or makes a recommendation, the local government unit must consider the findings or recommendation of the panel in its approval or denial of an application. The panel shall make no findings or recommendations without at least one member having made an on-site inspection. Panel findings and recommendations must be documented and endorsed by a majority of the members. If the local government unit does not agree with the panel's findings and recommendation, the detailed reasons for the disagreement must be part of the local government unit's record of decision

88. The language in item D appears to leave the issuance of a report to the discretion of the TEP. This appears to be at odds with the required issuance language in item C. The ALJ recommends that the two items be made consistent by clarifying that the TEP must issue its report which may suggest one of the listed outcomes. The ALJ recommends that the first sentence of item D be changed to read: "The panel's recommendation to the local government unit may recommend approval, approval with changes or conditions, or denial of an application." The suggested language renders item C and D consistent with each other and removes the suggestion that the TEP has the discretion to issue no report. The suggested language is not substantially different from that published in the *State Register*. The rule part is needed and reasonable with the modification.

8420.0255 Local Government Unit Application and Decision Procedures.

89. Proposed rule part 8420.0255 establishes the process for receiving and evaluating applications under these rules. The rule part is divided into six subparts to

[78] SONAR at 21.

address different stages of the decision process. Subpart 1 references the overall standards governing the application process that are set out in Minn. Stat. § 15.99.

90. Subpart 2 sets out the limitations for finding an application complete. As to finding an application incomplete, the subpart was proposed with the language: "The local government unit may determine an application incomplete when seasonal constraints prevent on-site review and verification of the application ...."

91. MASWCD supported the wording of this provision, stating:

> Some SWCDs have struggled with how to comply with the requirements of Minnesota Statutes, section 15.99, in the face of seasonal constraints that prohibit on-site reviews. SWCDs and other LGUs do not always have the types of resources available to them that would allow them to make decisions without going out and actually seeing the site. However, in those cases, and under specific circumstances, the USACOE's 1987 manual does provide "off-site" procedures that would allow the LGU to make such a determination. We appreciate that the above wording provides flexibility and does not prevent approvals with conditions.[79]

92. Ellingson Companies, the Builders Association of Minnesota (BAM), Kent Rodelius of the Minnesota Land Improvement Contractors Association and the Agricultural Drainage Management Coalition, and other commentators proposed that the "seasonal constraints" sentence be deleted to avoid potentially permanent delays in decisions on applications.[80] Svoboda Ecological Resources suggested that a date certain be provided, no later than the start of the growing season. The Board responded to these suggestions by deleting the final two sentences in subpart 2, stating:

> The proposed language does not prevent or restrict a conditional approval, nor does it prevent approval of a delineation outside the growing season when conditions allow or off-site procedures can be utilized, as the intent is only to provide a more consistent process for LGUs to avoid a denial or automatic approval under Minnesota Statute § 15.99. However, BWSR is sensitive to the concerns raised regarding the possibility of unintended consequences of the proposed language. While there is a legitimate issue resulting from the conflict between the 87 Manual and Minnesota Statute § 15.99, the issue may be more appropriately dealt with through training and guidance.[81]

93. Removal of the "seasonal constraint" language removes a potential conflict with a statutory deadline. The tools available, such as conditional approval, to address applications where information cannot be independently verified are adequate. The suggested language is not substantially different from that published in the *State Register.* Subpart 2 is needed and reasonable with the modification.

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[79] MASWCD Comment, at 3.
[80] Public Exhibits 2 and 7; Grand Rapids Hearing Tr., at 88-89; St. Paul Hearing Tr., at 162-168 and 201-204.
[81] Board Comment, at 5-6.

94. Subpart 3 sets out the requirements for providing notice of applications. The DNR suggested that the rule be amended to clearly state that LGUs had discretion to provide notice of exempt and no-loss applications. The Board agreed that this discretion should be included in the rule and proposed an additional sentence be added that allows an LGU to issue notice of the exemption or no-loss application when the LGU "believes that input from those required to receive notice will be useful in determining whether an exemption or no-loss applies."[82]

95. The new language establishes an appropriate standard by which an LGU exercises discretion to provide additional notice. The rule as modified is needed and reasonable. The new language does not result in a substantially different rule from that published in the *State Register*.

96. Subpart 4 establishes the standards for an LGU decision on an application. The subpart requires that the LGU decision be based on the record established through the TEP process, with consideration of the comments received regarding the application. Svoboda Ecological Resources recommended that a requirement for consideration of comments in the subpart be deleted. The commentator maintained that only the TEP recommendation and the suggestions of other experts should be considered. Consideration of comments does not constitute a defect in the proposed subpart.

97. Included in subpart 4 is the language: "The local government unit may make on-site exemption and no-loss decisions if the decisions are noticed according to subpart 5 and project details are provided sufficient to document eligibility." The discretion afforded to the LGU is appropriately constrained by standards to avoid arbitrary application of the rule.

98. The final two sentences of the subpart state: "The local government unit's decision is valid for three years or as otherwise specified in the local government unit's decision. The local government unit may extend its decision with the concurrence of the technical evaluation panel" The effect of this language is to afford unfettered discretion to the LGU to set its own expiration date for the decision without regard for any particular standard.

99. In the SONAR, the Board described its rationale for this language as "Language regarding the validity of a decision (3 years) unless otherwise specified has been moved to this subpart from the current 8420.0220 and expanded to include all types of decisions for simplicity and consistency among LGUs."[83] The language from the existing rule (Minn. Rule 8420.0225) states: "D. The local government unit decision is valid for three years unless the technical evaluation panel determines that natural or artificial changes to the hydrology, vegetation, or soils of the area have been sufficient to alter the wetland boundary or type." The existing rule sets out a standard for when the LGU can exercise its discretion to extend the validity of its decision. That standard was omitted in the revision of the rule.

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[82] Board Reply, at 1-2.
[83] SONAR at 23.

100. The language in subpart 4 that affords unfettered discretion constitutes a defect in the proposed rule. The Board has adequately supported the need for an LGU to extend its decision on an application, where circumstances warrant. The ALJ suggests that subpart 4 be amended to read, "The local government unit's decision is valid for three years or as otherwise specified in the local government unit's decision where the technical evaluation panel advises that a longer period is justified in accordance with the standards in these rules." The recommended language ensures that the LGU will make its extension decision based on standards in the WCA rules. The addition of an expiration date will ensure that LGU decisions are tethered to relevant conditions displayed in the affected wetland. The suggested language is not substantially different from that published in the *State Register*. The rule part is needed and reasonable with the suggested modification.

8420.0265 Previously Approved Applications.

101. Proposed rule part 8420.0265 sets out the impact of a previously approved application on work to be performed. The rule part states in full: "Activities for which an application was approved may be completed under the laws, rules, conditions, and guidelines in effect when they were approved, provided the local government unit's approval is still valid." The SONAR describes the rationale for this rule as, "This clarification requires that the LGU approval to be valid for this part to apply to an activity."[84] The rule affords the applicant the ability to follow the standards in place when the application was granted, rather than more stringent subsequent standards. The rule part is needed and reasonable as proposed.

8420.0310 Wetland Boundary or Type Applications.

102. Proposed rule part 8420.0310 authorizes a landowner to apply to an LGU for a wetland type or boundary decision. The rule also describes the interrelation of different applications as:

> A wetland boundary or type application may be submitted independently or as part of a no-loss, exemption, sequencing, replacement plan, or banking application. When an independent wetland boundary or type application is approved, and the approval remains valid, it may be incorporated in a subsequent application for a no-loss, exemption, sequencing, replacement plan, or banking application.

103. The rule language has some standards for including an existing determination into a subsequent application. But the rule language appears to leave that incorporation to the exercise of discretion, while not identifying who can choose or under what conditions. This lack of clarity and absence of limits on discretion are defects in the proposed rule. To correct these defects, the ALJ recommends changing the last sentence to read:

> When an independent wetland boundary or type application is approved, and the approval remains valid, the applicant may incorporate the

[84] SONAR at 24.

approval in a subsequent application for a no-loss, exemption, sequencing, replacement plan, or banking application.

104. The suggested language assumes that the Board intended the applicant have the discretion to incorporate the existing decision into a later application. If the LGU was intended to have that authority, the language should be altered accordingly. The suggested language is not substantially different from that published in the *State Register*. The rule part is needed and reasonable with the suggested modification.

8420.0315 No-Loss Applications.

105. Proposed rule part 8420.0315 authorizes a landowner to apply to an LGU for a no-loss determination. Item A of the proposed rule notes that landowners proceeding without such a determination could be subject to enforcement proceedings, if the property does not qualify for the no-loss exemption. While parts of the proposed language are not strictly rules, the intent of the Board is to inform the public of the opportunity for the landowner to obtain the "safe harbor" of a no-loss determination. The language is not so lacking in clarity as to result in a defect in the proposed rule.

106. Item B sets out the information requirements for no-loss applications as:

> B. The landowner applying for a no-loss is responsible for submitting the proof necessary to show qualification for the claim. The local government unit may require that a wetland delineation report or functional assessment be submitted if the local government unit determines that the report or assessment is necessary to make a decision on the no-loss application. This part also applies to applications requesting a decision on whether an activity or wetland falls within the scope of this chapter.

107. Svoboda Ecological Resources and Ellingson Companies maintained that landowners are already required to submit proof of qualifications and that any further requirement is unduly burdensome. The Board responded that the language clarifies "that the LGU may require a wetland delineation or functional assessment when needed to provide the baseline conditions necessary to ensure that temporary impacts are restored to pre-impact condition."[85] The Board noted that the required information depends on the specific category of no-loss that is requested and that for temporary impacts that information could include a wetland delineation or functional assessment. Since that information is covered by the first sentence of item B, the Board proposed to delete the second sentence of item B.

108. The suggested change does not affect the information that can be requested by an LGU. The suggested language is not substantially different from that published in the *State Register*. The rule part is needed and reasonable with the suggested modification.

8420.0320 Exemption Applications.

109. Proposed rule part 8420.0320 authorizes a landowner to apply to an LGU for a no-loss determination. Item A of the proposed rule notes that landowners

[85] Board Comment, at 7.

proceeding without such a determination could be subject to enforcement proceedings, if the property does not qualify for the no-loss exemption. While parts of the proposed language are not strictly rules, the intent of the Board is to inform the public of the opportunity for the landowner to obtain the "safe harbor" of a no-loss determination. The language is not so lacking in clarity as to result in a defect in the proposed rule.

110. Numerous commentators discussed exemption reporting and the extent to which the proposed rule complies with Minn. Stat. § 103G.2241, subd. 11(d). MCEA and IWLA maintained that the proposed rule does not adequately comply with the statute absent a requirement that landowners report exempt activities to either BWSR or the LGU.[86] Other commentators opposed including a requirement in the rule due to, among other reasons, increased cost to LGUs, the inability of landowners to properly apply the rule, and that the requirement could have a negative affect on landowners conducting wetland restorations. The Board responded to these suggestions, stating:

> Several of the exemptions are activity based (such as certain elements of the Agricultural Activities and Drainage Exemptions), therefore it is not necessary for the landowner to know if the activity is occurring in a wetland. Requiring reporting of exemptions runs counter to this statutory construction and reasonable implementation of the exemptions.
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> Furthermore, the quality and completeness of the data that would be collected under a reporting requirement does not warrant the expense. Identifying wetlands is not necessarily an easy task, nor is identifying which exemption applies to the activity or land. Errors in wetland identification, area affected, and exemption application would compromise the data. Furthermore, there is no way to compel landowners to report under current statutory authority. A reporting mechanism would still be hampered by a lack of certainty on how much exempt activity is not captured by the reporting requirement. Having data of uncertain provenance, of uncertain completeness, would lead to compromised policy debates built on false assumptions of exempt activity.
>
> The actions taken by BWSR both in this proposed rule, and outside of it will improve the data on all WCA activities, including exemptions. The required reporting from LGUs to BWSR is consistent with the statute and clear implementation of it. In addition, BWSR is proposing to conduct a study to generate estimates of exempt activity. This study would be designed to answer some of the questions raised when the statute was debated, with a lower impact on the public, LGUs and BWSR.[87]

111. The governing statute on this issue is Minn. Stat. § 103G.2241, subd. 11(d), which states, "The board shall develop rules that address the application and implementation of exemptions and that provide for estimates and reporting of exempt wetland impacts, including those in section 103G.2241, subdivisions 2, 6, and 9." The statute is silent as to who is to do the reporting. The statute does not specify the extent of the reporting. The language "estimates and reporting" implies that a mandatory

[86] MCEA Comment, at 13-14.
[87] Board Comment, at 8.

reporting provision by landowners was not intended by the Legislature. The Board has provided a reasoned approach that is consistent with the statutory language. The rule is needed and reasonable as proposed.

8420.0330 Replacement Plan Applications.

112. Proposed rule part 8420.0330 sets out the process for landowners to apply to the LGU to receive approval of a replacement plan. The replacement plan must be approved before conducting activities that impact a nonexempt wetland. The rule part is comprised of four subparts, detailing what must be submitted for approval of a replacement plan.

113. One commentator suggested consistent use of the terms "encourage" or "recommend" in subpart 2. The Board maintained that "the current terminology is reasonable and appropriate" and declined to change the rule language. While neither term is rule language, the Board's intent in subpart 2 is clear and there is no defect in the subpart. Part 8420.0330 is needed and reasonable, as proposed.

8420.0335 Contractor's Notification Responsibility.

114. Proposed rule part 8420.0335 prohibits a contractor from draining, excavating, or filling a wetland, absent obtaining a signed statement from the landowner or landowner's agent that the wetland replacement plan required for the work has been obtained or that a replacement plan is not required. The contractor must also submit a copy of the statement to the appropriate LGU. Item C of the originally proposed rule purports to make violation of this rule a misdemeanor.

115. A commentator suggested that this requirement not apply to exemptions. The commentator maintained that notification by the contractor should be encouraged, but not required, in order to protect the landowner. The Board responded that the "provision is in the previous permanent rule and is required by Minnesota Statute § 1030.2212, regardless of the purpose of the wetland activity."[88] The Board noted that the prior rule included language requiring that the Board supply the notification form. The Board amended the rule to add an item C to require the Board to supply that form. The notification requirements are needed and reasonable as modified.

116. Item D contains a provision purporting to make a violation of this rule part a criminal offense. Absent specific statutory authorization for an agency to define a crime by rule, state agencies lack the authority to render actions criminal violations. Only the Legislature can enact statutes which criminalize conduct.[89] Relettered item D exceeds the Board's statutory authority which constitutes a defect in this rule part.

117. The ALJ suggests that item D be modified to read: "Work performed in violation of this part is made a misdemeanor by operation of Minn. Stat. § 103G.141." The new language clarifies that the statute, not this rulemaking, renders the identified

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[88] Board Comment, at 9.

[89] See Minn. Stat. § 609.02, subd.1. Crime. "Crime" means conduct which is prohibited by statute and for which the actor may be sentenced to imprisonment, with or without a fine. Minn. Stat. § 609.02, subd. 3. Misdemeanor. "Misdemeanor" means a crime for which a sentence of not more than 90 days or a fine of not more than $1,000, or both, may be imposed.

conduct criminal. The suggested language is not substantially different from that published in the *State Register*. The item is needed and reasonable with the suggested modification.

8420.0410 No-Loss and Exemption Conditions.

118. Proposed rule part 8420.0410 requires that a person conducting an activity in a wetland under part 8420.0415 (no-loss) or part 8420.0420 (exemption) must avoid erosion and fish impacts and comply with other requirements, including best management practices. Svoboda Ecological Resources, Ellingson Companies, and the Agricultural Drainage Management Coalition suggested that agricultural activities be exempted from the erosion impact requirement.[90]

119. The Board responded that item A is existing language and also required by Minn. Stat. § 103G.2241, subd. 1.[91] The Board pointed out that "appropriate" erosion control measures are all that are being required by the rule. No defect has been shown in the proposed language. The rule part is needed and reasonable as proposed.

8420.0415 No-Loss Criteria.

120. Proposed rule part 8420.0415 describes "No-loss" as "no permanent loss of, or impact to, wetlands from an activity according to the criteria in this part." The rule part continues: "Activities that do not qualify for no-loss according to this part may be subject to the replacement requirements of this chapter." The rule then lists activities and impacts that qualify as no-loss.

121. Describing activities that "may be subject" suggests that the replacement requirements may not apply, rather than a project qualifying for no required replacement. This language is not sufficiently clear. To clarify the proposed rule, the ALJ recommends changing the sentence to read, "Activities that do not qualify for no-loss according to this part must be assessed under the replacement requirements of this chapter." The suggested language does not assume any outcome under the replacement requirements. The suggested language is not substantially different from that published in the *State Register*. The rule part is needed and reasonable with the suggested modification.

122. MCEA objected to the manner in which no-loss is used throughout the rules.

> "No-loss" is a grammatically dubious term that BWSR has created and is meant to apply to actions that in fact cause no loss of wetland acres. The effect of reclassifying items now considered exempt impacts as "no-losses" is that they will not be tracked or reported on in the 'future, even if reporting of exemption use is required. An example of a current exemption that the Proposed Rules would reclassify to "no-loss," is the draining of any wetlands — even very old wetlands — created by a beaver dam. MCEA opposes this change, and the most experienced and respected

[90] Public Exhibit 8.
[91] Board Comment, at 9.

wetlands expert for the Department of Natural Resources likewise stated that wetland loss by removal of established beaver dams does in fact cause a loss of wetland area. This proposed change of BWSR' s actually runs counter to the legislature's direction to develop a rule that provides for estimates and reporting of exempt wetland impacts.[92]

123. The Board responded to the comment as follows:

When the removal of dams/debris placed by beaver only drains the new or increased wetland area caused by the beaver and does not reduce the condition of any pre-existing wetland, the removal is an activity that does not permanently drain a wetland. Counting every temporarily saturated area resulting from beaver activities that block culverts or drainage ditches as a permanent wetland impact is unreasonable and would provide a misleading picture of wetlands lost to exemptions. In fact, the language is more restrictive than the previous permanent rule as the wetland areas must be created "solely" by beaver activities in order to qualify for a no-loss under the proposed rule. The word "solely" was added as a result of a recommendation by the commenter during the rule development process. The applicability of this provision to wetland areas that have existed for significantly long periods of time, i.e. when the beaver dam has degraded to the point of becoming a permanent landscape feature, should be dealt with on a case-by-case basis in accordance with history and conditions of the site. Whether the activity is classified as an exemption or no-loss does not change the application of the provision.[93]

124. No defect has been shown in the proposed language. The rule part is needed and reasonable as proposed.

8420.0420 Exemption Standards.

125. Proposed rule part 8420.0420 sets out the standards under which impacts or activities can qualify as exempt from the replacement requirements of the WCA. Subpart 1 states:

A. Certain impacts may qualify for an exemption from replacement requirements. An impact is exempt from replacement if it qualifies for any one of the exemptions, even though it may be indicated as not exempt under another exemption. Persons proposing to conduct an exempt activity are encouraged to contact the local government unit to verify eligibility for an exemption and to evaluate alternatives to avoid or minimize wetland impacts. If the total amount of impact exceeds the amount allowed under the applicable exemption, the impact is not exempt and the entire amount of impact must be replaced

126. The foregoing is not sufficiently definite to constitute rule language. The ALJ suggests that the following language be used:

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[92] MCEA Comment, at 9.
[93] Board Comment, at 10.

A. An impact is exempt from replacement if it qualifies for any one of the listed exemptions. An impact is not disqualified where it is indicated as not exempt under a different exemption. Persons proposing to conduct an exempt activity may contact the local government unit to verify eligibility for an exemption and to evaluate alternatives to avoid or minimize wetland impacts. Where the total amount of impact exceeds the amount allowed under the applicable exemption, the impact is not exempt and the entire amount of impact must be replaced.

127. The suggested language clarifies what the rule is intended to require. The suggested language is not substantially different from that published in the *State Register*. The rule part is needed and reasonable with the suggested modification..

128. Subpart 2 identifies activities for which no replacement plan is required. Svoboda Ecological Resources and other commentators stated that subpart 2, item G suggests there are applicable requirements in addition to the WCA rules that must be complied with in Minn. Stat. Chapters §§ 103A and 103B. This provision requires agreement by a group of agencies that have not yet met. The commentators urged that the agencies should be required to meet within a specific timeframe to iron out potential conflicts between the systems adopted under all these statutes. The Board responded that:

> Both Subp. 2, item G and Subp. 4 [regarding Federal approvals] are consistent with existing statute and rule. Amending the rule as proposed by the commenters would establish a direct conflict with statute.
>
> Concurrent with the development of these proposed rule changes, BWSR has met with the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) several times to identify opportunities for coordination between WCA and the federal farm program. These discussions included possible activities that could fall under subp. 2, item G. These meetings have identified significant program differences, but BWSR is committed to continue working with NRCS. It is the position of BWSR that the discussions need to progress with the administrator of the federal farm program prior to engaging the state agencies identified in the statute.
>
> Regarding Subp. 4, BWSR has demonstrated an ongoing commitment to coordinating WCA requirements with those of Clean Water Act, Section 404, and intends to begin working on this provision following the adoption of this proposed rule.[94]

129. MCEA suggested that the addition of item D to subpart 2 is unneeded. Item D states, "filling a wetland to accommodate wheeled booms on irrigation devices if the fill does not impede normal drainage." MCEA maintained that there is "no demonstrated need for this wholesale exemption of filling a wetland to accommodate booms from irrigation devices." MCEA expressed concern that no agency was tasked

[94] Board Comment, at 10-11.

with the responsibility to determine that these standards are being met.[95] Item D addresses a specific need in farming. There is no indication in the record that this activity will lead to significant loss of wetlands.

130. Subpart 5 relates to exemptions in restored wetlands. A commentator suggested that the use of the term "impacts" in item B was overbroad, as only drainage was applicable. The Board agreed with the suggestion and made that modification.[96] impact

131. Subpart 7 addresses the exemptions relating to forestry MCEA generally supported the new rule language, particularly regarding limiting exemptions when roads are used primarily for forestry. One commentator suggested adding "agricultural activities which do not qualify under the agricultural activities exemption", as newly developed and formerly agricultural lands are not addressed elsewhere. The Board was not clear on what was being suggested and declined to make that change.[97] The subpart is needed and reasonable as proposed.

132. Subpart 8 sets the standards for de minimis activities. MCEA generally supported the new rule language as comporting with the 2007 statutory amendments. One commentator suggested that the de minimis exemption should be based on wetland quality rather than wetland type. Another commentator stated the 20 square foot allowance under this exemption is unreasonably small and expensive to administer. The Board noted that the rule language is based on statutory requirements.[98] The rule is needed and reasonable as proposed.

8420.0522 Replacement Standards.

133. Proposed rule part 8420.0522 sets out the replacement standards for wetlands lost through impacts. Subpart 1 states:

> Subpart 1. General requirement. Wetland replacement must replace the public value of wetlands lost as a result of an impact. Replacement of wetland function and value may occur at more than one location. The public value of wetlands is based upon the functions of wetlands, including:
>
> > A. water quality, including filtering pollutants to surface water and groundwater, using nutrients that would otherwise pollute public waters, trapping sediments, protecting shoreline, and recharging groundwater;
> >
> > B. flood water and storm water retention, including the potential for flooding in the watershed, the value of property subject to flooding, and the reduction in potential flooding by the wetland;
> >
> > C. public recreation and education, including hunting and fishing areas, wildlife viewing areas, and nature areas;

[95] MCEA Comment, at 17.
[96] Board Reply, at 4.
[97] Board Comment, at 11.
[98] Board Comment, at 11.

D. commercial uses, including wild rice and cranberry growing and harvesting and aquaculture;

E. fish, wildlife, and native plant habitats;

F. low-flow augmentation; and

G. other functions and public uses as identified in board-approved wetland evaluation methods. The board shall maintain a publicly available list of preapproved wetland evaluation methods.

134. The language in item G creates a mechanism for the Board to effectively amend its rule without engaging in rulemaking. This process violates the Administrative Procedures Act (Minn. Stat. Chapter 14) and constitutes a defect in these rules. To correct this defect, the ALJ suggests that the Board adopt the standards by which board approval will be given to the evaluation methods and note that approved methods will be publicly available from the Board. The ALJ suggests the following language:

G. other functions and public uses as identified in wetland evaluation methods demonstrated to reasonably identify appropriate candidates for wetland replacement. No function or public use identified under this item will be applied prior to board approval. The board shall maintain a publicly available list of the methods that have been approved for wetland evaluation under the standards set out in this item.

135. The suggested language provides the Board with a means of assessing and approving wetland evaluation methods on a case-by-case basis that does not require rulemaking. The suggested language relies on the standards set out throughout the proposed rules and is not substantially different from that published in the *State Register*. The rule part is needed and reasonable with the suggested modification.

136. Subpart 2 sets out the standards for determining the amount of replacement when a wetland is partially drained. Jason McCarty, P.E., Director of Residential Development for Westwood Development Consultants (Westwood), asserted that the allocation of credit at 10% or 25% of buffer areas is a hardship for landowners and that the amount of land that will have be set aside for replacement will increase significantly beyond no net loss.[99]

137. Subpart 3 sets out replacement ratios of 2.5 replacement credits for each acre of wetland impacted, except in greater than 80 percent areas and on agricultural land the replacement ratio is 1.5 replacement credits for each acre of wetland impacted. In addition to setting those ratios, subpart 1 allows for the replacement ratio to be reduced by 0.5:1 when the replacement consists of certain wetland bank or in-kind replacements.

138. Tamara Cameron, Superintendent of the Saint Paul District of the U.S. Army Corps of Engineers (Corps), suggested that the reduction in the replacement ratio by 0.5:1 if a "majority" of project specific replacement is in-kind could allow a percentage

[99] Public Exhibit 6.

as low as 51% to be considered in-kind. Concern was expressed that this proposed standard may depart from the Corps policy regarding replacement.[100]

139. The Board responded that:

> The proposed language resulted from significant concerns raised by stakeholders regarding the complicated nature of the process for determining replacement ratios, particularly in regards to in-kind. Projects that impact wetlands typically impact more than one wetland type or plant community due to wetland distribution or landscape gradients. When several wetland types require replacement the exact ratio of impact to replacement for each particular plant community is nearly impossible to achieve. Therefore, impacts and replacement must be compared to separately identify what amount of each plant community is in-kind and what amount is out-of-kind, with different replacement ratios applying to each. Then the breakdown for all plant communities are added together and the required replacement ratio can be determined. Since the required replacement ratio is dependent on the type of plant communities proposed (rather than a flat ratio with adjustments made up-front in the actions eligible for credit), modifications often need to be made to reach the newly calculated replacement ratio. Those modifications now require recalculation through the same process to again determine the ratio. Since the ratio is dependent on the replacement action, and the amount of replacement is dependent on the ratio, obvious complications result. A common effect of the above described process as required in the exempt rule was for applicants to ignore the requirement and skip to the higher replacement ratio. If a provision is too complicated to achieve its desired effect, the provision should be modified.
>
> The proposed language also is a result of concerns raised by BWSR and LGU staff concerning the achievement of specific ratios of plant communities in replacement wetlands. Rather than blending seed mixes across gradients and between plant communities to obtain a more natural and sustainable vegetative community, some applicants were creating abrupt changes between plant, communities in an attempt to obtain the exact percentage of each plant community impacted.
>
> BWSR is also aware of a strict interpretation by some LGUs regarding enforcement of the in-kind provision. That is to say that, if the exact proportion of impacted to replaced, plant communities were not obtained at the end of the monitoring period, that additional replacement would be required and the applicant would be in violation of WCA. While that is the literal reading of the language, it clearly is not the intent.
>
> The proposed language, allowing in-kind to be determined by a majority of wetland type/plant community, allows for a "big picture" focus on the entire wetland basin, where the majority of the type impacted would be the

[100] Public Exhibit 4.

majority type of the basin but other types could be restored or created as part of a wetland complex. This will improve diversity, increase the likelihood that restorations could be in-kind, and allow for plant communities to be matched to a greater degree to the replacement site.[101]

140. The need for replacement ratios arises from the demonstration that replacement wetlands fail to provide the full benefit of the wetland lost. The Board has affirmatively shown that its proposed ratios in subparts 2 and 3 are reasonable to meet the State policy of no net loss of wetlands by ensuring that replacements are conducted by function.

141. Subpart 4 lists the standards for replacements that qualify as in-kind replacement. Ms. Cameron stated that the proposed rule is not consistent with Corps policy or the Wetland Mitigation MOU, and as such undermines the goal of regulatory simplification. The Corps requested that two of the replacement items be dropped to render the rule consistent with Corps policy.[102] MCEA supported the Corps' position and urged that in-kind replacement not be expanded to different types.[103] Josh Stromlund, Land and Water Planning Director for Lake of the Woods County, recommended eliminating the in-kind requirement for wetland replacement, asserting that replacement of a wetland by a different type may result in greater public value than an in-kind replacement.[104]

142. The Board responded that the Wetland Mitigation MOU language regarding "in-kind" used in the exempt rule became the starting point for discussions concerning the permanent rule provision. Using the experience from the implementation of the exempt rule, BWSR staff, LGUs, and stakeholders identified several issues with the definition. Changes to the rule language were suggested and negotiated through several meetings with the St. Paul District of the Corps. The Board noted that concessions were made on both sides in an effort to achieve consistency.[105]

143. In its reply comment, the Board acceded to the suggestion that the two additional in-kind types not be adopted. The language in subpart 4 was changed to reflect this modification. The language removed for those types was placed in the provision governing out-of-kind replacement, originally proposed as subpart 3, in a new item C.[106] The new language also included some advisory language that difficult to replace wetlands, such as white cedar swamps or bogs, are typically not suitable for out-of-kind replacement. While the advisory language is not strictly a rule, the subpart is not sufficiently ambiguous to constitute a defect. The new language is not substantially different from that published in the *State Register*. Subpart 4 is needed and reasonable as modified.

144. Subpart 5 establishes the standards for replacement regarding ecological suitability and sustainability. A commentator suggested that Item C would be clearer if

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[101] Board Comment, at 11-12.
[102] Public Exhibit 4.
[103] MCEA Comment, at 14.
[104] Stromlund Comment, at 3.
[105] Board Comment, at 13.
[106] Board Reply, at 1.

"without human intervention" was added to the description of "self-sustaining" in the subpart. The Board agreed and made that change.[107] The new language is not substantially different from that published in the *State Register.* Subpart 5 is needed and reasonable as modified.

145. Subpart 6 establishes an upland buffer requirement. BAM and Westwood asserted that requiring a standard upland buffer width of 25 and 50 feet lacks a scientific basis.[108] These commentators suggested that the buffer width should he determined by the LGU based on site conditions, as the appropriate buffer width is dependent on a variety of factors. Westwood performed a study that concluded "[m]ost reductions in volume, total solids, and total phosphorus occurred within the first five' [feet of the buffer]."[109] BAM argued that allowing average buffer widths results in arbitrary and capricious application of the rule to different landowners. BAM also argued that the buffer requirement constituted an unlawful taking of private property.

146. The DNR supported the proposed buffer width requirements, stating:

> We support the establishment of mandatory upland buffers in the proposed Rule and believe that the proposed buffer widths represent the minimum widths necessary to maintain wetland integrity. The goal of the WCA is to achieve no net loss and to increase the quantity, quality and biological diversity of the state's wetlands. Many wildlife species associated with wetlands also require adjacent uplands as part of their habitat needs, including waterfowl, wading birds, amphibians, some reptiles, and certain insects such as dragonflies and damselflies. Therefore, adjacent upland buffers are critical for maintaining wetland biological diversity, as required by the WCA. Depending on the wildlife species, or group of species considered, recommended buffer widths extend to over 5000 feet. The 25 and 50 foot widths proposed in the Rule reflect the practical realities of implementation but are minimally adequate for maintaining wetland-associated wildlife and should not be reduced further. There are numerous published studies regarding buffers. A recent, concise evaluation is attached to these comments (McElfish, J.M. Jr., R. L. Kihslinger, and S. S. Nichols. 2008. Planner's Guide to Wetland Buffers for Local Governments. Environmental Law Institute).

147. The Board responded that "the requirement will only apply in instances when a landowner 1) chooses to impact a wetland and replace it through project-specific replacement, or 2) chooses to restore a wetland and deposit the credits in the wetland bank for sale or later use. In these instances when an upland buffer is required, replacement credit is given for the buffer area."[110]

148. The Board relied upon its experience and scientific literature in concluding that "a rule requirement for a sufficient upland buffer ... [is] the single most effective tool to increase the function, sustainability, and public value of replacement wetlands." The

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[107] Board Reply, at 5.
[108] Public Exhibit 7; Grand Rapids Hearing Tr., at 84-85; St. Paul Hearing Tr., at 159-162.
[109] Public Exhibit 7, at 4.
[110] Board Comment, at 18.

Board maintained that "A tremendous amount of research and scientific literature exists to support the importance of and need for buffers around wetlands."[111] Specifically, the Board described its assessment for the proposed buffer distances as follows:

> In their "Planner's Guide to Wetland Buffers for Local Governments" (see SONAR for citation), the Environmental Law Institute (ELI) examined several hundred scientific studies and analyses of buffer performance and identified the following buffer distances that most effectively accomplish the functions of water quality and wildlife habitat: "*30 - >100 feet for sediment and phosphorous removal; 100 - > 160 feet for nitrogen removal; and 100 - 300 feet for wildlife protection.*" Minnesota Statute § 103B.3355 requires that several wetland functions be considered in determining the public value of wetlands. Thus, a focus solely on one particular function is not consistent with statute. The challenge is to find a buffer width that will effectively provide some level of benefit to sustainability and to most functions in most circumstances, while being capable of being implemented on a programmatic basis and being reasonable from a land-use perspective.[112]

149. The Board has demonstrated that upland buffers have an accepted scientific basis in wetland restoration. The Board has fully supported both the need and reasonableness of its approach to upland buffers. The takings argument advanced by BAM requires that the impairment of property rights not have a scientifically grounded basis. The Board has demonstrated that its rule is based on the weight of scientific opinion regarding the width of wetland buffers. The Board accepted a suggestion to change item C to ensure that a variance from the buffer standard recommended by the TEP only be allowed if the functionality of the wetland is not jeopardized. The new language is not substantially different from that published in the *State Register*. The subpart is needed and reasonable as modified.

150. Subpart 7 establishes a priority order of wetland replacement, by type. Different priories are established for the seven-county metropolitan area and for greater than 80 percent areas. An alternative is provided where "reasonable, practicable, and environmentally beneficial replacement opportunities are not available" in the applicable siting priorities.

151. A commentator questioned the overall preference for wetland banking, when on-site replacement is generally preferred. The Board responded that there is no stated preference for replacement through banking in the proposed rule. The Board noted that several provisions have the effect of making wetland banking easier and potentially more attractive than on-site project specific wetlands replacement. The Board indicated that staff experience and scientific literature have shown that on-site replacement results in lesser quality wetlands than banked wetlands. The Board considers this outcome a result of on-site replacement occurring through installations that are isolated from other wetlands or habitats and often have intrusions into the buffer or wetland boundary, resulting in negative effects and limited replacement functions.

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[111] Board Comment, at 18.
[112] Board Comment, at 20 (emphasis in original).

The Board contrasted this with replacement through banking, which was characterized as resulting in larger wetlands with larger buffers and greater connectivity with other habitats. This difference was described by the Board as providing "multiple functional benefits; and increases efficiency of administration."[113]

152. MCEA objected to parts of the wetland replacement ratio formula, stating:

> Certain situations (impacts occurring in >80% areas or on agricultural lands, where the replacement wetlands are in the same bank service area, or where the project is in the same major watershed and in-kind) in the Proposed Rules permit replacement ratios as low as 1:1 The Proposed Rules also would increase the allowable wetland credit for replacement uplands from 0.25 of the wetland area required to 0.5. This is a fundamentally flawed proposal and conflicts impermissibly with the no-net-loss policy and purpose of WCA. The reason for the conflict is that when the acreage of destroyed wetlands is calculated, there is no fractional increase in the "impacted acres" to represent the ecological value of surrounding destroyed upland acres when they are present. Yet when the value of replacement wetland acres is calculated, up to 1/2 of the "replacement wetland" area can in fact be upland acres. As described in the rules, upland restoration can contribute substantially to the function of a restored wetland but uplands are not wetlands, and the counting of uplands should not be one-sided.
>
> The system in the Proposed Rules practically ensures that there will be net loss of Wetland acres through projects that count upland acres as fractional wetland acres, when those projects occur in 1:1 replacement situations. MCEA urges BWSR to keep the current 0.25 credit for uplands in 1:1 replacement situations.[114]

153. The analysis by MCEA contrasts with the analysis performed by Westwood, purporting to show that significantly more land is likely to be required by the operation of the buffer requirement. The Board has supported the buffer requirement, stating, "Providing a means to increase buffer credit is intended to create an incentive for landowners to provide more buffer than the minimum amount, particularly when those buffers will significantly improve wetland function and sustainability."[115] The rule strikes an appropriate balance between competing interests. The subpart is needed and reasonable as proposed

8420.0526 Actions Eligible for Credit.

154. Proposed rule part 8420.0526 sets out the standards for assessing replacement credit for various actions. Subpart 2 allows replacement credit for buffer areas. Westwood asserted that the allocation of credit at 10% or 25% of buffer areas is a hardship for landowners and that the amount of land that will have to be set aside for

[113] Board Comment, at 21.
[114] MCEA Comment, at 17-18.
[115] SONAR, at 41.

replacement will increase significantly beyond no net loss.[116] The Corps expressed concern that the proposed rule provision that will allow up to 0.5:1 credit for upland buffer areas is in conflict with the Wetland Mitigation MOU and is not consistent with the St. Paul District Mitigation Policy published earlier this year. The Corps noted that uplands do not function as wetlands and therefore, the Corps maintained that upland buffers do not warrant the same level of credit as wetland restoration or enhancement.[117] Mr. Stromlund maintained that upland buffers are difficult to achieve in Northern Minnesota and adjacent wetlands should be allowed as credit instead.

155. The Board responded that a number of factors were taken into account regarding the proposed rule, including the vital importance of buffers to the successful replacement of wetlands. In arriving at the percentages of credit, the Board relied upon scientific literature, other information that is known to the Board, and staff experience, that large upland buffers around replacement sites are essential to sustainability, to enhancing wetland functions, and to replacing the public value lost to wetland impacts.[118]

156. The language of subpart 2 reads as follows:

> Subp. 2. Upland buffer areas. A. Replacement credit may be granted for ten percent of the buffer area for establishment or preservation of nonnative vegetation and 25 percent of the buffer area for establishment or preservation of native, noninvasive vegetation. Credit may be allowed for establishing upland buffer around existing high value wetlands adjacent to the replacement wetland when the minimum widths are maintained and the maximum buffer area is not exceeded

157. The use of may, even with the limiting language regarding scope in subpart 1, suggests undue discretion. To correct this, clarifying the rule with language regarding eligibility is appropriate. In addition, the Board agreed with a suggestion to include a cross-reference to the minimum width requirement. The suggested modification, with the Board's agreed-upon language reads as follows:

> Subp. 2. Upland buffer areas. A. Up to ten percent of the buffer area is eligible for replacement credit for establishment or preservation of nonnative vegetation and up to 25 percent of the buffer area is eligible for replacement credit for establishment or preservation of native, noninvasive vegetation. Establishing upland buffer around existing high value wetlands adjacent to the replacement wetland is eligible for credit only when the minimum widths provided in 8420.0522, subpart 6, are maintained and the maximum buffer area is not exceeded.

158. The suggested language is not substantially different from that published in the *State Register*. The subpart is needed and reasonable with the modification.

159. Subpart 3 sets out the credit available for restoration of completely drained or filled wetland areas. The proposed rule states:

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[116] Public Ex. 6.
[117] Public Ex. 4.
[118] Board Comment, at 22.

Subp. 3. Restoration of completely drained or filled wetland areas. Restoration of both the natural hydrology regime and native, noninvasive vegetation on wetlands that have been completely drained or filled may receive replacement credit in an amount up to 100 percent of the wetland area hydrologically and vegetatively restored. The vegetation management plan must set a goal of restoring the historic native vegetation typical of the wetland being restored unless determined to be not ecologically feasible by the technical evaluation panel.

160. The language "may receive replacement credit" does not set out a standard for awarding credit and affords undue discretion. To correct this defect, the ALJ suggests the following language:

Subp. 3. Restoration of completely drained or filled wetland areas. Restoration of both the natural hydrology regime and native, noninvasive vegetation on wetlands that have been completely drained or filled is eligible for replacement credit in an amount up to 100 percent of the wetland area hydrologically and vegetatively restored only where: a) the vegetation management plan sets a goal of restoring the historic native vegetation typical of the wetland being restored; and b) the technical evaluation panel determines that the plan is ecologically feasible.

161. The suggested language is not substantially different from that published in the *State Register*. The subpart is needed and reasonable with the modification.

162. Subpart 4 establishes credit for restoration of partially drained or filled wetland areas as follows:

Subp. 4. Restoration of partially drained or filled wetland areas. Restoration of both the natural hydrology regime and native, noninvasive vegetation of wetlands that have been degraded by prior drainage, filling, or a diversion of the natural watershed may receive credit as follows:

A. any wetland area substantially degraded by partial drainage or fill that was planted with annually seeded crops, was in a crop rotation seeded to pasture grasses or legumes, or was required to be set aside to receive price supports or equivalent payments in at least ten of the last 20 years before the date of application may receive credit based on the percent of the time the wetland area was annually seeded, in rotation, or set aside during the prior 20-year period; and

B. all other wetland areas substantially degraded by partial drainage or fill may receive wetland credit of up to 50 percent of the wetland area restored.

163. A commentator suggested that the credit be proportional to the total wetland that was restored. The Board responded that item A allows for up to 100 percent credit to recognize that the impact of farming results in a more significant functional degradation of a wetland and thus the functional gain obtained through restoration is greater. The Board explained that item B does not allow as much credit for the partially drained area because the level of degradation is generally less and the

wetland is still providing wetland functions, just to a lesser degree. The Board explained the basis for this difference as follows:

> Also, partially drained wetland basins generally consist of 1) the outer part of the basin which is fully drained, and 2) the inner part of the basin which is partially drained. The fully drained area could receive up to 100% credit and Item B would only apply to the partially drained area. Thus, in effect, the basin as a whole is allocated credit proportional to the total wetland restored. This is accomplished through a process that is implementable and that provides clarity and certainty to landowners.[119]

164. The Board has shown that its intended result is needed and reasonable. But item A states that credit will be "based on the percent of the time the wetland area ..." This language does not state a formula for awarding credit. In addition, the "may" language should be eliminated. The ALJ recommends the following language:

> Subp. 4. Restoration of partially drained or filled wetland areas. Restoration of both the natural hydrology regime and native, noninvasive vegetation of wetlands that have been degraded by prior drainage, filling, or a diversion of the natural watershed is eligible for credit as follows:
>
> A. any wetland area substantially degraded by partial drainage or fill that was planted with annually seeded crops, was in a crop rotation seeded to pasture grasses or legumes, or was required to be set aside to receive price supports or equivalent payments in at least ten of the last 20 years before the date of application, is eligible for credit in a percentage equivalent to the percent of the time the wetland area was annually seeded, in rotation, or set aside during the prior 20-year period; and
>
> B. all other wetland areas substantially degraded by partial drainage or fill are eligible for wetland credit of up to 50 percent of the wetland area restored.

165. The suggested language is not substantially different from that published in the *State Register*. The subpart is needed and reasonable with the modification.

166. Subpart 5 provides similar treatment for vegetative restoration of farmed wetlands as subpart 4 does for partially drained wetlands. Subpart 5 suffers from the same defect as that in subpart 4, that is, the formula for credit is not described and the term "may" is not sufficiently descriptive. To correct these defects, the ALJ suggests the following language:

> Subp. 5. Vegetative restoration of farmed wetlands. Reestablishment of permanent native, noninvasive vegetative cover on farmed wetland areas that have not been affected by prior drainage or filling is eligible for replacement credit for: A. up to 50 percent of the area restored for wetland areas that were planted with annually seeded crops, were in a crop rotation seeded to pasture grasses or legumes, or were required to be set aside to receive price supports or equivalent payments in at least ten of

[119] Board Comment at 23.

the last 20 years before the date of application for a replacement or bank plan; or

B. up to 90 percent of the area restored for wetland areas in bank service areas 2, 3, and 4 in a percentage equivalent to the percent of time the wetland areas were planted with annually seeded crops, were in a crop rotation seeded to pasture grasses or legumes, or were required to be set aside to receive price supports or equivalent payments during the 20-year period prior to the date of application for a replacement or bank plan.

167. The suggested language is not substantially different from that published in the *State Register*. The subpart is needed and reasonable with the modification.

168. Subpart 6 allows credit for wetlands previously restored through conservation easements. The rule states:

> Subp. 6. Protection of wetlands previously restored via conservation easements. Replacement credit may be granted for permanently protecting wetlands previously restored or created for conservation purposes under a contract or easement, when the contract or easement has expired and gives the landowner the right to drain or fill the wetland upon termination. The area receiving credit must meet the replacement wetland construction standards of part 8420.0528. Replacement credit may be granted for up to 75 percent of the area created or restored under the conservation contract or easement. Alternatively, credit may be allocated according to the other subparts in this part as applied prior to initiation of the contract or easement, when the applicant can document eligible credit yield to the satisfaction of the local government unit.

169. The language "credit may be granted" does not set out a standard for awarding credit and affords undue discretion. To correct this defect, the ALJ suggests the following language:

> Permanently protecting wetlands previously restored or created for conservation purposes under a contract or easement, when the contract or easement has expired and gives the landowner the right to drain or fill the wetland upon termination, is eligible for replacement credit where the area receiving credit meets the replacement wetland construction standards of part 8420.0528. The maximum replacement credit is 75 percent of the area created or restored under the conservation contract or easement. Alternatively, credit may be allocated according to the other subparts in this part as applied prior to initiation of the contract or easement, when the applicant can document eligible credit yield to the satisfaction of the local government unit.

170. The suggested language is not substantially different from that published in the *State Register*. The subpart is needed and reasonable with the modification.

171. Subpart 7 allows the award of replacement credit for wetlands created in upland areas in an amount up to 75 percent of the total wetland area created. Westwood asserted that replacement credit under this part should equal 100 percent,

since replacement wetlands are indistinguishable from naturally existing wetlands.[120] The Board disagreed with the assertion, and supported its position, stating:

> Created wetlands are allocated 75% wetlands in the proposed rule since, in general, created wetlands are of lower quality and reduced function than restored wetlands. A lower credit allocation creates an incentive for wetland restorations.[121]

172. In its reply, the Board modified item C to require treatment of runoff prior to that storm water reaching the wetland as a requirement for credit.[122] The modification supports the sustainability of the wetland and is needed and reasonable.

173. As with the foregoing subparts, the "may" language should be replaced with "is [are] eligible for". The suggested language and the Board's modification to item C are not substantially different from that published in the *State Register*. Subpart 7 is needed and reasonable with the modifications.

174. Subpart 8, item A provides in part that:, "Replacement credit may be granted for activities that restore and protect wetlands and adjacent areas that improve or directly contribute to the function and sustainability of exceptional natural resources. As with other rule provisions, modifying the language to state that the activities are "eligible for replacement credit" clarifies the extent of the rule. Item B provides that:

> B. Restoration and protection of calcareous fens, white cedar swamps, floodplain or riparian wetlands and upland buffers, habitat corridors with other important resources, or wetlands adjacent to designated trout waters are examples of potential qualifying activities. The allocation of credit under this subpart is determined by the local government unit with concurrence of the technical evaluation panel based on the actions proposed and the resulting contribution to the value and sustainability of the exceptional resource. Areas receiving credit must be protected by a permanent conservation easement, in a format prescribed by the board, that is granted to and accepted by the state.

175. While providing examples is helpful to the regulated public, the foregoing does not constitute rule language. Further, some of the language in item B is more appropriately located in item A. The ALJ suggests the following language for subpart 8:

> A. Restoration and protection of calcareous fens, white cedar swamps, floodplain or riparian wetlands and upland buffers, habitat corridors with other important resources, wetlands adjacent to designated trout waters; or other activities that restore and protect wetlands and adjacent areas that improve or directly contribute to the function and sustainability of exceptional natural resources are eligible for replacement credit. For purposes of this subpart, exceptional natural resources are:
>
> [subitems as proposed]

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[120] Public Ex. 6.
[121] Board Comment, at 24.
[122] Board Reply, at 10.

B. The allocation of credit under this subpart is determined by the local government unit with concurrence of the technical evaluation panel based on the actions proposed and the resulting contribution to the value and sustainability of the exceptional resource. Areas receiving credit must be protected by a permanent conservation easement, in a format prescribed by the board, that is granted to and accepted by the state.

176. The suggested language is not substantially different from that published in the *State Register*. The subpart is needed and reasonable with the modification.

177. Subpart 9 sets out eligibility standards for replacement credit for public lands in greater than 80 percent areas. One commentator objected to this provision as allowing mitigation credit for already existing wetlands.[123] The Corps indicated that its policy allows wetland credit for preservation as appropriate on private lands as well as public lands.[124]

178. The Board described the provision as "a narrowly targeted option ... It's hard to image its use."[125] The Board responded that making the listed actions eligible for credit was added "as a direct result of a statutory amendment made in 2008."[126] The Board noted that the proposed rule language was consistent with that of Minn. Stat. § 103G.2251.[127]

179. Subpart 9 appropriately follows the statutory provisions of Minn. Stat. § 103G.2251. But the rule uses the "replacement credit may be granted" formula that has been found to be defective. To correct the defect, the ALJ recommends that the first sentence of the rule be changed to read, "In greater than 80 percent areas, up to 12.5 percent of wetland areas and adjacent buffer owned by the state or a local unit of government and protected by a permanent conservation easement is eligible for replacement credit." Modifying the proposed rule in this way renders the rule needed and reasonable. This language does not make the rule substantially different from that published in the *State Register*.

8420.0544 Replacement for Public Transportation Projects.

180. The Board proposed to modify the language in existing rule part 8420.0544. These modifications include deleting some portions as no longer needed. The Minnesota Department of Transportation (MnDOT) disagreed with one proposed deletion, stating:

> The rationale given in the SONAR for deletion of this sentence (page 46, Item A, second to the last sentence) is that the language "pertains to applications submitted by April 1, 1996 and is no longer relevant." We disagree with this statement and believe that it is relevant for the following reasons.

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[123] Willmar Hearing Tr., at 54.
[124] Public Ex. 4.
[125] Willmar Hearing Tr., at 55.
[126] Board Comment, at 24.
[127] *Id.*

The purpose of this sentence was to allow wetland bank credits from a wetland bank plan submitted by the cited date to be used without regard to the siting restrictions of current item A, subitem (6). The August 1993 version of Chapter 8420.0540, Subpart 5 allowed wetland credits for transportation projects to be replaced statewide without any restrictions. The June 1996 version of Chapter 8420.0540, Subpart 5 placed restrictions in less than 50% areas and the seven-county metropolitan area, however Subpart 3 included a statement that "the exceptions in Subpart 5 do not apply to replacement completed using wetland banking credits established by a person who submitted a complete banking application to a local government unit by April 1, 1996"

Prior to 1996, the use of wetland bank credits, for transportation projects was not geographically restricted. Prior to 1996, MNDOT's Metro Division purchased a number of out state wetland bank credits for the purpose of using them to replace impacts in the seven-county metropolitan area. Mn/DOT follows the proper mitigation ratios for both BWSR and the Army Corps of Engineers wetland impacts. Mn/DOT invested funds in these pre April 1, 1996 credits and believes that we should be able to use those credits as we were allowed to do under the June 1996 Rule. Currently, Mn/DOT Metro District has a balance of 77 acres in Aitkin County and 20 acres in Waseca County that we would like to use up. Mn/DOT purchased these wetland credits from private bankers, so these credits are available in the wetland bank. If the language is not reinstated in the Rules, then we will not be able to use these credits.

181. MnDOT recommended that the rule language include: "Part 8420.0543, item A, subitem (6), does not apply to replacement completed using wetland banking credits established by an applicant who submitted a complete wetland banking application to a local government unit by April 1, 1996." MnDOT suggested that the language be placed in rule part 8420.0544, item B. MnDOT has shown that the proposed rule change will have an impact that has not been shown to be needed or reasonable. The Board agreed with the suggestion and proposed language to accomplish this treatment.[128] The new language renders the rule needed and reasonable. Retaining this language does not make the rule substantially different from that published in the *State Register*.

8420.0705 Establishing Wetland Bank Site.

182. Proposed rule part 8420.0705 establishes the eligibility and use standards for banking wetland restoration credits to be applied against wetland degradation in subsequent projects. Subpart 1 establishes eligibility standards, subpart 2 makes the LGU the responsible authority for administering banking in its jurisdiction, subpart 3 sets out application standards, subpart 4 establishes standards for combined banking and project-specific replacement, subpart 5 requires a perpetual easement as a precondition for banking, and subpart 6 sets time limits on construction.

[128] Board Reply, at 12.

183. MASWCD expressed the need to clarify that the easement is for access to enable BWSR monitoring and inspection and not to provide access to the public. The Board agreed with the suggestion and proposed that subpart 5 be modified to add the following language, "The access easement does not confer a right of access to the public." The Board proposed a similar change in all the places where "and access" appeared to ensure that the effect of the rule is clear.[129] The suggested language is not substantially different from that published in the *State Register*. The subpart is needed and reasonable with the modification.

8420.0735 Monitoring and Corrective Actions.

184. Proposed rule part 8420.0735 governs monitoring and reporting of wetland bank sites for compliance with the wetland banking plan. A commentator suggest that the Board be allowed to vacate the conservation easement in place where the bank site requires corrective action but the credits have not been used. The Board agreed with the suggestion and proposed language that the Board "may vacate the conservation and access easement and close the account." In this instance, the rule language properly reflects the Board's discretion. The suggested language is not substantially different from that published in the *State Register*. The rule part is needed and reasonable with the modification.

8420.0800 Replacement Wetland Construction Certification.

185. Proposed rule part 8420.0800 is intended by the Board to clarify differences between the initial construction, and subsequent monitoring of a replacement wetland's hydrology, vegetation, and function. While parts of the rule are drawn from the monitoring portion of the existing rule (8420.0600 to 8420.0630), the Board provided new language affording a more formal review and approval of initial construction activities. Additionally, LGU certification of construction is incorporated into the rule.

186. Westwood noted that item F of subpart 2 refers to a "registered professional engineer." The commentator noted that "licensed professional engineer" is the correct terminology.[130] The Board agreed to change the rule in accordance with the suggestion.[131]

187. The new language is not substantially different from that published in the *State Register*. The subpart is needed and reasonable with the modification.

8420.0810 Replacement Wetland Monitoring.

188. Proposed rule part 8420.0810 is taken from existing rules 8420.0600 through 8420.0630 that governed wetland replacement projects after the certification of construction. Subpart 1 of the proposed rule sets out the purpose of the monitoring. Subpart 2 clarifies the monitoring responsibilities for applicants and LGUs. Subpart 4

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[129] Board Reply, at 12.
[130] Saint Paul Hearing Tr., at 127.
[131] Board Comment, at 25.

requires monitoring reports from the applicant to the LGU. Subpart 3 establishes the duration of the monitoring and reads as follows:

> Subp. 3. Duration of monitoring.
>
> A. Monitoring may, at the discretion of the local government unit, begin upon construction certification, but must begin no later than the first full growing season following construction certification. Monitoring must continue for five full growing seasons or until the local government unit determines, with the concurrence of the technical evaluation panel, that the replacement is successful, but in no case may the determination be made before the end of the third full growing season.
>
> B. If the goals of the approved plan have not been achieved after the fifth season of monitoring but, in the written opinion of the technical evaluation panel, may be achieved with more time, the local government unit may, through written notification of the applicant, extend the monitoring period for not more than an additional five growing seasons. The local government unit's notification of extension must specify the reasons for the extension and any corrective actions necessary to bring the replacement wetland into compliance with the approved plan.
>
> C. For project-specific replacement plans, if the local government unit determines that, at any time during the monitoring period and based on the recommendation of the technical evaluation panel, the goals of the approved replacement plan have not been achieved, and will not be achieved with more time, the local government unit must pursue one or more corrective actions identified in part 8420.0820, subpart 1.

189. BAM and RRWMB maintained that the proposed rule should not increase the length of monitoring from 3 years to 5 years.[132] The Board responded:

> The proposed rule does not increase the length of the monitoring period. Five years is the length of the monitoring period required in the previous permanent rule and the exempt rule. The proposed rule changes the terminology from "years" to "growing seasons" to improve clarity. The proposed rule also allows for an early end to monitoring (as early as 3 years) if the TEP concurs. A 5 year monitoring period is also consistent with the St Paul District of the Army Corps of Engineers policy.[133]

190. The Board has shown that its choice of monitoring period is needed and reasonable. The language affording discretion in subpart 3 is appropriately grounded in standards that render the rule clear and does not result in unfettered discretion. Part 8420.0810 is needed and reasonable as proposed.

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[132] Grand Rapids Hearing Tr., at 89-90; Saint Paul Hearing Tr., at 59-60 and 168-169.
[133] Board Comment, at 25-26.

8420.0900 Enforcement Procedures.

191. Proposed rule part 8420.0900 is taken from the existing rule part 8420.0290. As originally proposed, subpart 1 adds a "notice of potential violation" as a new enforcement mechanism. A commentator objected to this new type of enforcement procedure, due to the requirement to contact the LGU prior to it being issued. The Board agreed to change the rule in accordance with the suggestion. The Board deleted the reference to "notice of potential violation" from the rule.[134]

192. RRWMB stated that a number of provisions in this part refer to exemptions and these provisions will result in requiring a landowner to get certification, which is contrary to the intent of exemptions from the WCA.[135] The Board responded that:

> Including exemptions in the enforcement provisions is not a change from the current rule. The purpose for including exemptions, with all other WCA decisions in this part, is to specify the options available to landowners when they receive an enforcement order. Exemptions are legal activities when undertaken in accordance with the appropriate rule provisions. One purpose of enforcement is to ensure that an activity in a wetland meets these rule provisions. When a landowner is served 'with an enforcement order, one option is to apply for an exemption determination which, if the activity were eligible, would satisfy the order. This process assists in ... ensuring the rule provisions are complied with.[136]

193. The references to exempt activity are in the nature of clarifying how enforcement proceeds when there is an exemption claim. The Board's approach to enforcement has been shown to be needed and reasonable. The suggested language is not substantially different from that published in the *State Register*. The subpart is needed and reasonable with the modification.

194. Subpart 3 sets out the provisions for restoration and replacement orders. MCEA maintained that enforcement officers have a role to play in determining whether restoration or replacement should be ordered and the rule removes these officers from that process, stating:

> In the current rules, replacement can be ordered only if the local SWCD, technical evaluation panel and enforcement authority all concur that restoration is not feasible or prudent. In effect, that gives the SWCD, TEP, and the enforcement authority equal opportunity to object to a proposal for replacement instead of restoration.
>
> * * *
>
> DNR's WEOs and COs have training and develop substantial experience in wetlands law and science. In addition, MCEA believes that there is a non-technical part of the decision to consider, which is whether the law will

[134] Board Comment, at 26.
[135] Saint Paul Hearing Tr., at 60-61.
[136] Board Comment, at 26.

continue to have deterrent power without a strong presumption that restoration will be required provided with back up by a person who has an enforcement mentality. The enforcement authority plays an essential role in determining whether it is prudent in an enforcement action to allow a variance from the presumed consequence of a violation, the presumed consequence being wetland restoration. This aspect of law enforcement, whereby enforcement retains limited discretion to allow a variation from the default penalty when deterrence would not be harmed and when other factors permit, is well within the traditional role of law enforcement.[137]

195. The Board responded that:

The determination of whether restoration or replacement is ordered is purely technical and should be the responsibility of the technical evaluation panel. Furthermore, the enforcement officer is not removed from the process, to the contrary, 8420.0249, Item C requires the technical evaluation panel to consult with the enforcement authority for violations of Minnesota Rules Chapter 8420. This process will ensure that technical considerations drive the restoration vs. replacement decision, with appropriate consultation with the enforcement authority.[138]

196. The Board has chosen to make the TEP the responsible entity to make restoration and replacement decisions. Consultation with the enforcement officer is retained in the rule. Nothing has been shown regarding the role of the enforcement officer that would render the Board's approach to be unreasonable. The Board has demonstrated that subpart 3 is needed and reasonable.

8420.0905 Appeals.

197. Proposed rule part 8420.0905 sets out the appeal provisions for the various levels of decisions and orders made under the WCA. RRWMB maintained that the Board should select a time frame for the LGU to make a decision when the result of an appeal is a remand to the LGU.[139] The Board noted that an LGU must make a decision within 60 days after remand under subpart 4, item C. The Board amended subpart 1 to identify the request for review period as 30 days. The Board explained that the change was needed to conform to the requirements of Minn. Stat. § 103G.2242.[140] The new language is not substantially different from that published in the *State Register*. The appeal provisions are needed and reasonable as modified.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS

1. The Board gave proper notice of the hearing in this matter.

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[137] MCEA Comment, at 14-15.
[138] Board Comment, at 26.
[139] St. Paul Hearing Tr., at 63-64.
[140] Board Reply, at 13.

2. The Board has fulfilled the procedural requirements of Minnesota Statutes § 14.14 and all other procedural requirements of law or rule.

3. The Board has demonstrated its statutory authority to adopt the proposed rule and has fulfilled all other substantive requirements of law or rule within the meaning of Minn. Stat. §§ 14.05, subd. 1, 14.15, subd. 3, and 14.50 (i) and (ii), except as noted at Findings 116 and 134.

4. The Board has documented the need for and reasonableness of its proposed rule with an affirmative presentation of facts in the record within the meaning of Minn. Stat. §§ 14.14, subd. 2, and 14.50 (iii), except as noted at Findings 47, 75, 88, 100, 103, 121, 126, 157, 160, 164, 166, 169, and 173-175.

5. The amendments and additions to the proposed rules which were suggested by the Board after publication of the proposed rules in the *State Register* do not result in rules which are substantially different from the proposed rules as published in the *State Register* within the meaning of Minn. Stat. §§ 14.05, subd. 2 and 14.15, subd. 3.

6. That due to Conclusions 3 and 4, this Report has been submitted to the Chief Administrative Law Judge for his approval pursuant to Minn. Stat. § 14.15, subd. 3.

7. Any Findings that might properly be termed Conclusions and any Conclusions that might properly be termed Findings are hereby adopted as such.

8. A finding or conclusion of need and reasonableness in regard to any particular rule subsection does not preclude and should not discourage the Board from further modification of the proposed rules based upon an examination of the public comments, provided that the rule finally adopted is based upon facts appearing in this rule hearing record.

Based upon the foregoing Conclusions, the Administrative Law Judge makes the following:

RECOMMENDATION

IT IS HEREBY RECOMMENDED that the proposed rules be adopted except where specifically otherwise noted above.

Dated: June 19, 2009

/s/ Kathleen Sheehy for
STEVE M. MIHALCHICK
Administrative Law Judge

NOTICE

The Board must wait at least five working days before taking any final action on the rules; during that period, this Report must be made available to all interested persons upon request.

Pursuant to the provisions of Minn. Stat. § 14.15, subds. 3 and 4, and Minn. R. 1400.2240, subp. 4, this Report has been submitted to the Chief Administrative Law Judge for his review. If the Chief Administrative Law Judge approves the adverse findings of this Report, he will advise the Board of actions which will correct the defects and the Board may not adopt the rules until the Chief Administrative Law Judge determines that the defects have been corrected. However, in those instances where the Chief Administrative Law Judge identifies defects which relate to the issues of need or reasonableness, the Board may either adopt the Chief Administrative Law Judge's suggested actions to cure the defects, or if the Board does not elect to adopt the suggested actions, the statute requires the proposed rules be submitted to the Legislative Coordinating Commission and to the House of Representatives and the Senate policy committees with primary jurisdiction over state governmental operations for advice and comment.

If the Board chooses to follow the Chief Judge's recommended corrections and makes the suggested changes and/or others in order to cure the defects found, the agency must resubmit the rules for review by the Chief Judge. The Board may not adopt the rules until the Chief Judge reviews all changes and determines that all defects have been corrected.

If the Board chooses to submit the rules to the Legislative Coordinating Commission and the legislative committees for review, the agency must wait at least 60 days after its submission before adopting the rules.

After the rules have been adopted, the Office of Administrative Hearings will file the rules with the Secretary of State. The Board must give notice of the rules filing to all persons who requested that they be informed.

Resolution # _____

Wetland Conservation Act (WCA):
Adoption of Rule Amendments

WHEREAS, the Board of Water and Soil Resources is required by Laws of Minnesota 2007, Chapter 57, Section 166 to adopt rules amending the Wetland Conservation Act (WCA) Rules (Minn. Rule Chapter 8420);

WHEREAS, the Board adopted exempt rules on August 6, 2007, which expire two years from this date, unless superseded by permanent rules prior to this date;

WHEREAS, a notice of request for comments on planned amendments to the rules governing wetland conservation (WCA-Minn. Rule Chapter 8420) was published in the State Register on August 5, 2007;

WHEREAS, a BWSR Staff WCA Rule Team was formed that met 18 times from October 2007 through October 2008;

WHEREAS, significant stakeholder input was achieved through:
(i) series of stakeholder meetings held in October-December 2007;
(ii) a series of local government listening sessions held in January 2008;
(iii) a Technical Advisory Committee and a Permanent Rule Advisory Committee that each met 11 times from January 2008 through October 2008; and
(iv) numerous additional meetings held with individual interest groups;

WHEREAS, the proposed rule includes changes necessary to:
(i) incorporate the rule changes in the exempt rule;
(ii) incorporate statutory changes made in 2007 and 2008;
(iii) implement the BWSR-U.S. Army Corps of Engineers Wetland Mitigation Memorandum of Understanding adopted by the Board on May 23, 2007; and
(iv) incorporate suggestions identified by BWSR staff and stakeholders that will improve WCA effectiveness and efficiency;

WHEREAS, the Board's Wetland Committee met on July 23, September 24, October 21, November 20, and December 16, 2008 to review the draft rule, provide direction to staff, and develop a recommendation regarding adoption of the rule for Board consideration;

WHEREAS, the Board adopted the draft rule and authorized staff to proceed with formal rulemaking on December 17, 2008;

WHEREAS, the draft rule was published in the State Register on March 30, 2009;

DRAFT

WHEREAS, public hearings presided over by Administrative Law Judge Steven Mihalchick were held on April 30, 2009 in Grand Rapids, May 1, 2009 in Crookston, May 4, 2009 in Willmar and May 5, 2009 in St. Paul;

WHEREAS, the Board's Wetland Committee met on May 27 and June 18 to review: (1) the results of the public hearings; (2) the changes to the draft rule as published that resulted from the comments received prior to and during the public hearings; and (3) draft a recommendation for the Board's consideration;

WHEREAS, the Report of the Administrative Law Judge was completed and delivered to BWSR staff on June 22, 2009;

WHEREAS, the Board's Wetland Committee met on June 23, 2009 and is recommending the Board adopt the draft rule as published in the State Register on March 30, 2009, as modified by changes contained in the following documents:

- The 4/29/09 Errata to the 3/16/09 Draft Rule;
- The May 12, 2009 rule comment letter to Judge Mihalchick;
- The May 19, 2009 rule reply letter to Judge Mihalchick; and
- The June 22, 2009 response to the June 22, 2009 Report of the Administrative Law Judge.

In addition, the Committee recommends authorizing staff to proceed with the final steps to complete the rulemaking process.

NOW THEREFORE BE IT RESOLVED, the Board of Water and Soil Resources hereby adopts the Wetland Conservation Act rule (Minn. Rule Chapter 8420), as published in the State Register with the changes noted in the above documents reviewed by the Board's Wetland Committee and furthermore authorizes:

(i) Staff to make minor grammatical, formatting, and reference changes;
(ii) Staff to make additional changes consistent with complying with the Report of the Administrative Law Judge;
(iii) Staff to complete the processes necessary to adopt the rule by August 5, 2009, including working with the Revisor of Statues on preparing the final rule, providing the rule to the Governor's Office; and
(iv) Authorize the Executive Director to sign the order adopting the rule in compliance with Minnesota Rules Chapter 1400.

_____ _____

Randy Kramer, Chair Date

DRAFT

Minnesota Board of Water & Soil Resources

June 19, 2009

TO : Board Members

FROM : BWSR Grants Program & Policy Committee

RE : **Committee Recommendations**

The Grants Program & Policy Committee convened on June 18, 2009 and is forwarding their recommendations for Board consideration at the June 24, 2009 Meeting. These recommendations concern New Business items as follows:

1. FY '10 SWCD Grants
   - State Cost Share Base Grants
   - General Services Grants
   - Easement Services Grants
   - Non Point Engineering Assistance Grants

2. Proposed FY '10 Natural Resources Block Grants
   - Comprehensive Local Water Management Base Grants
   - Wetland Conservation Act Base Grants
   - DNR Shoreland Management Base Grants
   - MPCA County Feedlot Base Grants
   - MPCA Subsurface Sewage Treatment Systems Base Grants

3. Proposed 2010 Farm Bill Assistance Grants

4. Using Clean Water Funds to Leverage Federal 319 Funds

Background materials and funding recommendations are enclosed.

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FY '10 SWCD GRANTS

The Grants Program & Policy Committee is requested to approve the Grant Team FY '10 SWCD allocation recommendations for four BWSR grant programs. These grant programs are:

A. State Cost Share Base Grants
B. General Services Grants
C. Easement Services Grants
D. Non Point Engineering Assistance Base Grants

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

A. STATE COST SHARE BASE GRANTS

Background

These base grants are for the installation of conservation practices. The FY '09 State Cost Share Base Grant allocations were $2,132,939. The legislative appropriation was $1,785,000 and BWSR added $359,308 from roll-over. The range of '09 grants was $7,738 - $68,834. The average was $23,597.

Currently

The FY 2010 State Cost Share Base Grant appropriation is $1,100,000. The amount of roll-over available is an additional $88,000 for a total of $1,188,000. Overall, this is a 44 % reduction in available funds from '09.

These allocations utilize the Board's Productivity Standards allocation policy:

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

Recommended Performance Adjustments

For FY 09, these definitions would indicate that the following SWCDs (57) will receive a $1,000 high level of performance increase for spending 80% or more of their base grant on projects:

Anoka	Becker	Brown	Carlton	Carver	Cass
Chippewa	Chisago	Clay	Cook	Crow Wing	Douglas
Fillmore	Freeborn	Goodhue	Hennepin	Itasca	Kanabec
Kandiyohi	Kittson	Koochiching	Lake/Woods	Lake	Le Sueur
Lincoln	Lyon	Mahnomen	Mar-Beltrami	Mille Lacs	Morrison
Nicollet	East Ottertail	West Ottertail	Pennington	Pine	Pipestone
East Polk	Pope	Ramsey *	Red Lake	Redwood	Renville
Rice	Root River	Roseau	Scott	N. St. Louis	S. St. Louis
Stearns	Steele	Swift	Todd	Wadena	Waseca
Wilkin	Wright	Yellow Medicine			

Isanti and McLeod SWCD are to receive a 5% decrease for spending less than 60% of their base grant on projects.

* The Ramsey performance increase is not recommended because of State Cost Share Program Rule violations.

Cost Share Performance Range: Highest – Pine 98%, Lowest – McLeod 43%

Allocation Alternatives

#1 Apply the proportional reduction from the '09 allocations to the '10 appropriation ($2,132,939 to $1,100,000 or 48 %), and add the performance increases for '10.

#2 Apply the proportional reduction from the '09 allocations to the total available in'10 ($2,132,939 to $1,188,000 or 44%), and no performance increases.

#3 =, =, =, or $13,055 each

#4 The Team also discussed adding the performance increases to the '09 grants and then making proportional reductions.

Additional Option

Allow SWCDs to use all or part of their allocation for technical assistance (as provided for in the appropriation language).

Recommendation

The Grants Program & Policy Committee recommends these grants be allocated according to Alternative #1 and that *performance increases be suspended for FY '11.* They also recommend allowing SWCDs, with Board Conservationist approval, to use all or part of their allocation for technical assistance when:

1. Federal funds will be leveraged and they couldn't do the project otherwise.
   Or,
2. Funds are used on a project(s) that is State Cost Share Program or EQIP eligible and their 2008 Financial Report indicates less than an 18-month fund balance.

The SMT concludes that any practical manipulations of the allocation strategy result in only minor adjustments to actual grants when the amount of available funds is so relatively limited, therefore, the existing allocation policy (#1) should be implemented.

The suspension of performance increases for FY '11 is appropriate due to such limited funding.

FY '09 and alternative #1 and #2 allocations are listed on the included spreadsheet *SWCD State Cost Share Base Grant FY 2010 Alternative Allocations.*

H:FY10GRAN

SWCD STATE COST SHARE BASE GRANT
FY 2010 ALTERNATIVE ALLOCATIONS

SWCD	FY '09	ALTERNATIVE #1	ALTERNATIVE #2
AITKIN	$7,738	$3,970	$4,287
ANOKA	$18,803	$10,646	$10,417
BECKER	$46,711	$24,963	$25,878
BELTRAMI	$10,975	$6,630	$6,080
BENTON	$20,869	$10,706	$11,561
BIG STONE	$12,239	$6,279	$6,780
BLUE EARTH	$32,340	$16,590	$17,916
BROWN	$25,624	$14,145	$14,196
CARLTON	$13,000	$7,669	$7,202
CARVER *	$29,202	$13,865	$14,062
CASS	$13,648	$8,001	$7,561
CHIPPEWA	$19,001	$10,748	$10,527
CHISAGO	$16,524	$8,477	$9,154
CLAY	$28,821	$15,785	$15,967
CLEARWATER	$14,025	$7,195	$7,770
COOK	$17,000	$9,721	$9,418
COTTONWOOD	$26,328	$13,506	$14,586
CROW WING	$16,000	$9,208	$8,864
DAKOTA	$41,207	$21,139	$22,829
DODGE	$18,513	$9,497	$10,256
DOUGLAS	$28,712	$15,729	$15,906
FARIBAULT	$23,637	$12,126	$13,095
FILLMORE	$43,432	$23,281	$24,061
FREEBORN	$28,846	$15,798	$15,981
GOODHUE	$46,358	$24,782	$25,682
GRANT	$21,173	$10,862	$11,730
HENNEPIN *	$23,072	$12,040	$11,986
HUBBARD	$14,500	$7,439	$8,033
ISANTI	$11,303	$5,798	$6,262
ITASCA	$11,000	$6,643	$6,094
JACKSON	$21,990	$11,281	$12,182
KANABEC *	$16,000	$8,639	$8,295
KANDIYOHI	$24,759	$13,701	$13,716
KITTSON	$16,000	$9,208	$8,864
KOOCHICHING	$17,000	$9,721	$9,418
LAC QUI PARLE	$38,341	$19,669	$21,241
LAKE	$17,000	$9,721	$9,418
LAKE OF THE WOODS	$17,000	$9,721	$9,418

SWCD	FY '09	ALTERNATIVE #1	ALTERNATIVE #2
LE SUEUR	$34,447	$18,671	$19,084
LINCOLN	$27,062	$14,883	$14,992
LYON	$24,472	$13,554	$13,557
MAHNOMEN	$18,229	$10,351	$10,099
MARSHALL	$11,745	$6,025	$6,507
MARSHALL-BELTRAMI	$10,025	$6,143	$5,554
MARTIN	$33,528	$17,200	$18,575
MC LEOD	$20,529	$10,531	$11,373
MEEKER	$27,983	$14,355	$15,503
MILLE LACS	$11,025	$6,656	$6,108
MORRISON	$40,665	$21,861	$22,528
MOWER	$20,214	$10,370	$11,199
MURRAY	$20,336	$10,432	$11,266
NICOLLET	$22,082	$12,328	$12,233
NOBLES	$32,479	$16,662	$17,993
NORMAN	$17,947	$9,207	$9,943
OLMSTED	$57,252	$29,370	$31,718
OTTER TAIL EAST	$29,809	$15,292	$16,514
OTTER TAIL WEST	$37,159	$20,063	$20,586
PENNINGTON	$18,674	$10,580	$10,345
PINE	$22,424	$12,504	$12,423
PIPESTONE	$27,707	$15,214	$15,350
POLK EAST	$17,282	$9,866	$9,574
POLK WEST	$25,063	$12,857	$13,885
POPE	$35,283	$19,100	$19,547
RAMSEY *	$18,988	$8,767	$9,467
RED LAKE	$8,574	$5,398	$4,750
REDWOOD	$23,418	$13,013	$12,974
RENVILLE	$17,594	$10,026	$9,747
RICE	$25,873	$14,273	$14,334
ROCK	$27,802	$15,262	$15,402
ROOT RIVER	$37,104	$20,034	$20,556
ROSEAU	$17,716	$10,088	$9,815
SCOTT	$32,366	$17,604	$17,931
SHERBURNE	$14,000	$7,182	$7,756
SIBLEY	$16,825	$8,631	$9,321
ST. LOUIS NORTH	$14,025	$8,195	$7,770
ST. LOUIS SOUTH	$11,352	$6,824	$6,289
STEARNS	$66,834	$35,286	$37,026
STEELE	$17,874	$10,169	$9,902
STEVENS	$28,603	$14,673	$15,846
SWIFT	$16,839	$9,638	$9,329

SWCD	FY '09	ALTERNATIVE #1	ALTERNATIVE #2
TODD	$29,056	$15,906	$16,097
TRAVERSE	$10,044	$5,153	$5,564
WABASHA	$28,775	$14,762	$15,941
WADENA	$17,000	$9,721	$9,418
WASECA	$17,767	$10,114	$9,843
WASHINGTON	$21,927	$11,249	$12,148
WATONWAN	$18,113	$9,292	$10,035
WILKIN	$23,139	$12,870	$12,819
WINONA	$21,728	$11,146	$12,037
WRIGHT	$27,565	$15,141	$15,271
YELLOW MEDICINE	$29,926	$16,352	$16,579
ALLOCATED TOTALS	**$2,132,939**	**$1,145,743**	**$1,177,115**

Recommended Penalties

Ramsey – 10% to State Cost Share Base Grant and no performance increase for State Cost Share Program violations.

Kanabec - $569 to State Cost Share Base Grant for State Cost Share Program violation.

Carver - $2,116 to State Cost Share Base Grant for State Cost Share Program violation.

Hennepin - $796 to State Cost Share Base Grant for State Cost Share Program violations.

2010 SWCD SERVICE GRANTS

Background
SWCD Service Grants include (B) General Services, (C) Easement Services, and (D) NPEA Base Grants. The 2009 legislative appropriation for these grants was $3,566,000.

Currently
The total legislative appropriation for 2010 SWCD Service Grants is $3,500,000. This is a $66,000 reduction from 2009.

Allocation Alternatives

#1 Apply the $66,000 reduction to the (B) General Services Grants only. This would be a reduction of $725/SWCD. The average 2009 General Services grant was $23,683.

#2 Apply the $66,000 reduction to the (C) Easement Services Grants only. This would be an average reduction of $725/SWCD. (NOTE: 34 SWCDs received $0 - $725 in 2009.)

#3 Apply the $66,000 reduction to the (D) NPEA Base Grant. This would be an average reduction of $8,250/JPB. (NOTE: Only eight JPBs will receive NPEA Base Grants in 2010.)

#4 Apply the $66,000 reduction as $22,000 per service grant (B, C, & D) Program.

Recommendation
The Grants Program & Policy Committee is recommending the Board approve Alternative #1 as it would generally have an absorbable impact on SWCDs and their programs.

Proposed '~~01~~ 10 SWCD (B) General and (C) Easement Services Grants allocations are included, along with additional Easement Services Grants Background.

H:10SWCDSG

C. Conservation Easement Service Grants – FY 10

Background

$750,000 from general fund was disbursed annually from 1988 to 2003. This was reduced to $345,000 for 2004 due to BWSR general fund budget reductions. The Board approved a new service grant allocation methodology for FY06 service grants at the May 25, 2005 meeting as contained in resolution 05 – 40. This formula simply provides a service grant amount per recorded and non-expired easement. The amount per easement is arrived at by dividing the current number of recorded, non-expired conservation easements into the $345,000 available for easement service grants from the state's general revenue fund.

Current Easement Numbers and Service grant Amounts to SWCDs

The BWSR currently holds 5,063 conservation easements on 187,235 acres throughout the state. SWCDs range from a low of 0 easements, in 12 SWCDs, to a high of 372 easements in Renville SWCD. The service grant amount for FY10 is $68.14 per easement.

The attached spreadsheet (FY10 column) stipulates the grant amount proposed for each SWCD (# of easements in each SWCD X $68.14). This grant amount is to assist each SWCD with their site inspection costs and other miscellaneous management activities associated with the easements in their county. These activities include ownership changes, staking boundaries, conservation plan revisions and assisting landowners with ongoing maintenance of installed conservation practices.

FY '10 EASEMENT SERVICE GRANTS

SWCD	Total # of Easements	$ FY08	$ FY09	$ FY10
Aitkin	1	71.25	69.53	**68.14**
Anoka	0	0.00	0.00	**0.00**
Becker	9	641.25	625.77	**613.26**
Beltrami	7	498.75	486.71	**476.98**
Benton	25	1,781.25	1,738.25	**1,703.50**
Big Stone	34	2,422.50	2,364.02	**2,316.76**
Blue Earth	208	14,820.00	14,462.24	**14,173.12**
Brown	165	11,756.25	11,472.45	**11,243.10**
Carlton	0	0.00	0.00	**0.00**
Carver	38	2,707.50	2,642.14	**2,589.32**
Cass	1	71.25	69.53	**68.14**
Chippewa	163	11,613.75	11,333.39	**11,106.82**
Chisago	8	570.00	556.24	**545.12**
Clay	59	4,203.75	4,102.27	**4,020.26**
Clearwater	4	285.00	278.12	**272.56**
Cook	0	0.00	0.00	**0.00**
Cottonwood	187	13,323.75	13,002.11	**12,742.18**
Crow Wing	0	0.00	0.00	**0.00**
Dakota	7	498.75	486.71	**476.98**
Dodge	12	855.00	834.36	**817.68**
Douglas	97	6,911.25	6,744.41	**6,609.58**
Faribault	184	13,110.00	12,793.52	**12,537.76**
Fillmore	38	2,707.50	2,642.14	**2,589.32**
Freeborn	92	6,555.00	6,396.76	**6,268.88**
Goodhue	68	4,845.00	4,728.04	**4,633.52**
Grant	24	1,710.00	1,668.72	**1,635.36**
Hennepin	32	2,280.00	2,224.96	**2,180.48**
Hubbard	1	71.25	69.53	**68.14**
Isanti	6	427.50	417.18	**408.84**
Itasca	0	0.00	0.00	**0.00**
Jackson	104	7,410.00	7,231.12	**7,086.56**
Kanabec	7	498.75	486.71	**476.98**
Kandiyohi	134	9,547.50	9,317.02	**9,130.76**
Kittson	7	498.75	486.71	**476.98**
Koochiching	0	0.00	0.00	**0.00**
Lac Qui Parle	174	12,397.50	12,098.22	**11,856.36**
Lake	0	0.00	0.00	**0.00**
Lake of Woods	0	0.00	0.00	**0.00**
LeSueur	93	6,626.25	6,466.29	**6,337.02**
Lincoln	98	6,982.50	6,813.94	**6,677.72**
Lyon	143	10,188.75	9,942.79	**9,744.02**
Mahnomen	2	142.50	139.06	**136.28**
Marshall	17	1,211.25	1,182.01	**1,158.38**
Marshall-Beltrami	3	213.75	208.59	**204.42**
Martin	199	14,178.75	13,836.47	**13,559.86**
McLeod	55	3,918.75	3,824.15	**3,747.70**

SWCD	Total # of Easements	$ FY08	$ FY09	$ FY10
Meeker	73	5,201.25	5,075.69	**4,974.22**
Mille Lacs	13	926.25	903.89	**885.82**
Morrison	32	2,280.00	2,224.96	**2,180.48**
Mower	80	5,700.00	5,562.40	**5,451.20**
Murray	110	7,837.50	7,648.30	**7,495.40**
Nicollet	72	5,130.00	5,006.16	**4,906.08**
Nobles	24	1,710.00	1,668.72	**1,635.36**
Norman	33	2,351.25	2,294.49	**2,248.62**
Olmsted	21	1,496.25	1,460.13	**1,430.94**
Otter Tail, East	11	783.75	764.83	**749.54**
Otter Tail, West	48	3,420.00	3,337.44	**3,270.72**
Pennington	1	71.25	69.53	**68.14**
Pine	1	71.25	69.53	**68.14**
Pipestone	23	1,638.75	1,599.19	**1,567.22**
Polk, East	3	213.75	208.59	**204.42**
Polk, West	3	213.75	208.59	**204.42**
Pope	162	11,542.50	11,263.86	**11,038.68**
Ramsey	0	0.00	0.00	**0.00**
Red Lake	5	356.25	347.65	**340.70**
Redwood	311	22,158.75	21,623.83	**21,191.54**
Renville	372	26,505.00	25,865.16	**25,348.08**
Rice	59	4,203.75	4,102.27	**4,020.26**
Rock	21	1,496.25	1,460.13	**1,430.94**
Root River	55	3,918.75	3,824.15	**3,747.70**
Roseau	1	71.25	69.53	**68.14**
Scott	49	3,491.25	3,406.97	**3,338.86**
Sherburne	0	0.00	0.00	**0.00**
Sibley	93	6,626.25	6,466.29	**6,337.02**
St. Louis, North	0	0.00	0.00	**0.00**
St. Louis, South	0	0.00	0.00	**0.00**
Stearns	18	1,282.50	1,251.54	**1,226.52**
Steele	50	3,562.50	3,476.50	**3,407.00**
Stevens	68	4,845.00	4,728.04	**4,633.52**
Swift	166	11,827.50	11,541.98	**11,311.24**
Todd	4	285.00	278.12	**272.56**
Traverse	22	1,567.50	1,529.66	**1,499.08**
Wabasha	24	1,710.00	1,668.72	**1,635.36**
Wadena	6	427.50	417.18	**408.84**
Waseca	107	7,623.75	7,439.71	**7,290.98**
Washington	2	142.50	139.06	**136.28**
Watonwan	102	7,267.50	7,092.06	**6,950.28**
Wilkin	29	2,066.25	2,016.37	**1,976.06**
Winona	67	4,773.75	4,658.51	**4,565.38**
Wright	43	3,063.75	2,989.79	**2,930.02**
Yellow Medicine	173	12,326.25	12,028.69	**11,788.22**
STATE TOTAL	5,063	360,738.75	352,030.39	**344,992.82**

PROPOSED FY 2010 GENERAL AND EASEMENT SERVICES BASE GRANTS

SWCD	GENERAL SERVICES ACTUAL 09	GENERAL SERVICES PROPOSED 10	EASEMENT SERVICES
AITKIN	$24,649	$23,924	$68
ANOKA	$25,304	$24,579	$0
BECKER	$23,245	$22,520	$613
BELTRAMI	$23,105	$22,380	$477
BENTON	$23,479	$22,754	$1,704
BIG STONE	$22,075	$21,350	$2,317
BLUE EARTH	$23,058	$22,333	$14,173
BROWN	$23,152	$22,427	$11,243
CARLTON	$22,824	$22,099	$0
CARVER	$24,041	$23,316	$2,589
CASS	$22,356	$21,631	$68
CHIPPEWA	$23,152	$22,427	$11,107
CHISAGO	$24,087	$23,362	$545
CLAY	$23,526	$22,801	$4,020
CLEARWATER	$22,918	$22,193	$273
COOK	$22,263	$21,538	$0
COTTONWOOD	$23,152	$22,427	$12,742
CROW WING	$22,450	$21,725	$0
DAKOTA	$25,866	$25,141	$477
DODGE	$23,620	$22,895	$818
DOUGLAS	$24,602	$23,877	$6,610
FARIBAULT	$23,620	$22,895	$12,538
FILLMORE	$24,555	$23,830	$2,589
FREEBORN	$23,386	$22,661	$6,269
GOODHUE	$24,462	$23,737	$4,634
GRANT	$23,245	$22,520	$1,635
HENNEPIN *	$31,417	$27,623	$2,180
HUBBARD	$22,216	$21,491	$68
ISANTI	$24,602	$23,877	$409
ITASCA	$23,011	$22,286	$0
JACKSON	$22,403	$21,678	$7,087
KANABEC	$22,871	$22,146	$477
KANDIYOHI	$23,807	$23,082	$9,131
KITTSON	$23,432	$22,707	$477
KOOCHICHING	$22,590	$21,865	$0
LAC QUI PARLE	$22,918	$22,193	$11,856
LAKE	$22,403	$21,678	$0
LAKE OF THE WOODS	$22,075	$21,350	$0
LE SUEUR	$23,947	$23,222	$6,337
LINCOLN	$24,275	$23,550	$6,678
LYON	$23,479	$22,754	$9,744
MAHNOMEN	$22,169	$21,444	$136
MARSHALL	$22,497	$21,772	$1,158
MARSHALL-BELTRAMI	$22,824	$22,099	$204
MARTIN	$23,105	$22,380	$13,560

SWCD	GENERAL SERVICES ACTUAL 09	GENERAL SERVICES PROPOSED 10	EASEMENT SERVICES
MC LEOD	$22,965	$22,240	$3,748
MEEKER	$22,684	$21,959	$4,974
MILLE LACS	$23,058	$22,333	$886
MORRISON	$24,696	$23,971	$2,180
MOWER	$25,351	$24,626	$5,451
MURRAY	$22,309	$21,584	$7,495
NICOLLET	$23,479	$22,754	$4,906
NOBLES	$22,637	$21,912	$1,635
NORMAN	$23,198	$22,473	$2,249
OLMSTED	$26,474	$25,749	$1,431
OTTER TAIL EAST	$23,198	$22,473	$750
OTTER TAIL WEST	$23,198	$22,473	$3,271
PENNINGTON	$22,871	$22,146	$68
PINE	$23,198	$22,473	$68
PIPESTONE	$22,824	$22,099	$1,567
POLK EAST	$23,011	$22,286	$204
POLK WEST	$23,011	$22,286	$204
POPE	$22,731	$22,006	$11,039
RAMSEY	$23,620	$22,895	$0
RED LAKE	$22,122	$21,397	$341
REDWOOD	$23,620	$22,895	$21,192
RENVILLE	$23,807	$23,082	$25,348
RICE	$27,878	$27,153	$4,020
ROCK	$23,620	$22,895	$1,431
ROOT RIVER	$27,363	$26,638	$3,748
ROSEAU	$22,918	$22,193	$68
SCOTT	$24,321	$23,596	$3,339
SHERBURNE	$26,333	$25,608	$0
SIBLEY	$23,058	$22,333	$6,337
ST. LOUIS NORTH	$22,965	$22,240	$0
ST. LOUIS SOUTH	$22,965	$22,240	$0
STEARNS	$26,801	$26,076	$1,227
STEELE	$24,415	$23,690	$3,407
STEVENS	$23,432	$22,707	$4,634
SWIFT	$22,731	$22,006	$11,311
TODD	$24,462	$23,737	$273
TRAVERSE	$23,386	$22,661	$1,499
WABASHA	$23,947	$23,222	$1,635
WADENA	$22,871	$22,146	$409
WASECA	$23,198	$22,473	$7,291
WASHINGTON	$25,070	$24,345	$136
WATONWAN	$22,497	$21,772	$6,950
WILKIN	$23,526	$22,801	$1,976
WINONA	$25,538	$24,813	$4,565
WRIGHT	$26,006	$25,281	$2,930
YELLOW MEDICINE	$23,526	$22,801	$11,788
ALLOCATED TOTALS	**$2,155,122**	**$2,086,078**	**$344,993**

Recommended Penalty

Hennepin - 10% to General Services Base Grant for late Annual Plan and website non-compliance.

D. PROPOSED FY '10 NPEA BASE GRANTS

BACKGROUND

The Non Point Engineering Assistance (NPEA) Base Grants are allocated annually to the NPEA (TSA) Joint Powers Boards for the purpose of providing technical assistance to landowners to apply conservation practices. For FY '10, the legislature has appropriated $1.06 M for this Program.

ISSUE

This Grant Program is proposed be implemented according to the August 2008 BWSR adopted *CTAC Short-Term Consensus Recommendation to Address Structure and Financial Challenges of the NPEA Program Proposed Clarifications by Recommendations Work Group*

The following policy from this Recommendation directs the '10 allocations as follows:

1. $65,000 per 1 FTE engineer (TSA staff or contracted)
2. $50,000 per 1 FTE technician (TSA staff or contracted)
3. Maximum annual grant amount for staff or contracted engineering services = $115,000 per TSA, except for TSA 3, which receives up to $165,000 per year for NPEA staff through FY 2011, or until it has 1 FTE engineer and 1 FTE technician, whichever occurs sooner. If less than the maximum is requested by one or more TSAs, the difference is split equally among all TSAs.
4. Additional $5,000 per Host and/or Fiscal Agent SWCD (up to 2 Host SWCDs per TSA). TSA decides how to distribute between Host and Fiscal Agent SWCD and Host-only SWCD.
5. 1 Fiscal Agent SWCD per TSA, must be a Host SWCD, if the TSA has staff
6. In order to help develop and maintain consistency across TSAs, the remaining state funding (estimate $30,000 / year, depending on number of Host SWCDs statewide) is used for NPEA staff training, computer hardware, software, survey equipment and associated costs, based on an annual plan developed by NPEA staff and BWSR and coordinated with TSAs prior to grant allocations for current fiscal year.
7. Minimum 10% cash local share, from other than NPEA grant $, for engineering assistance in the TSA.

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

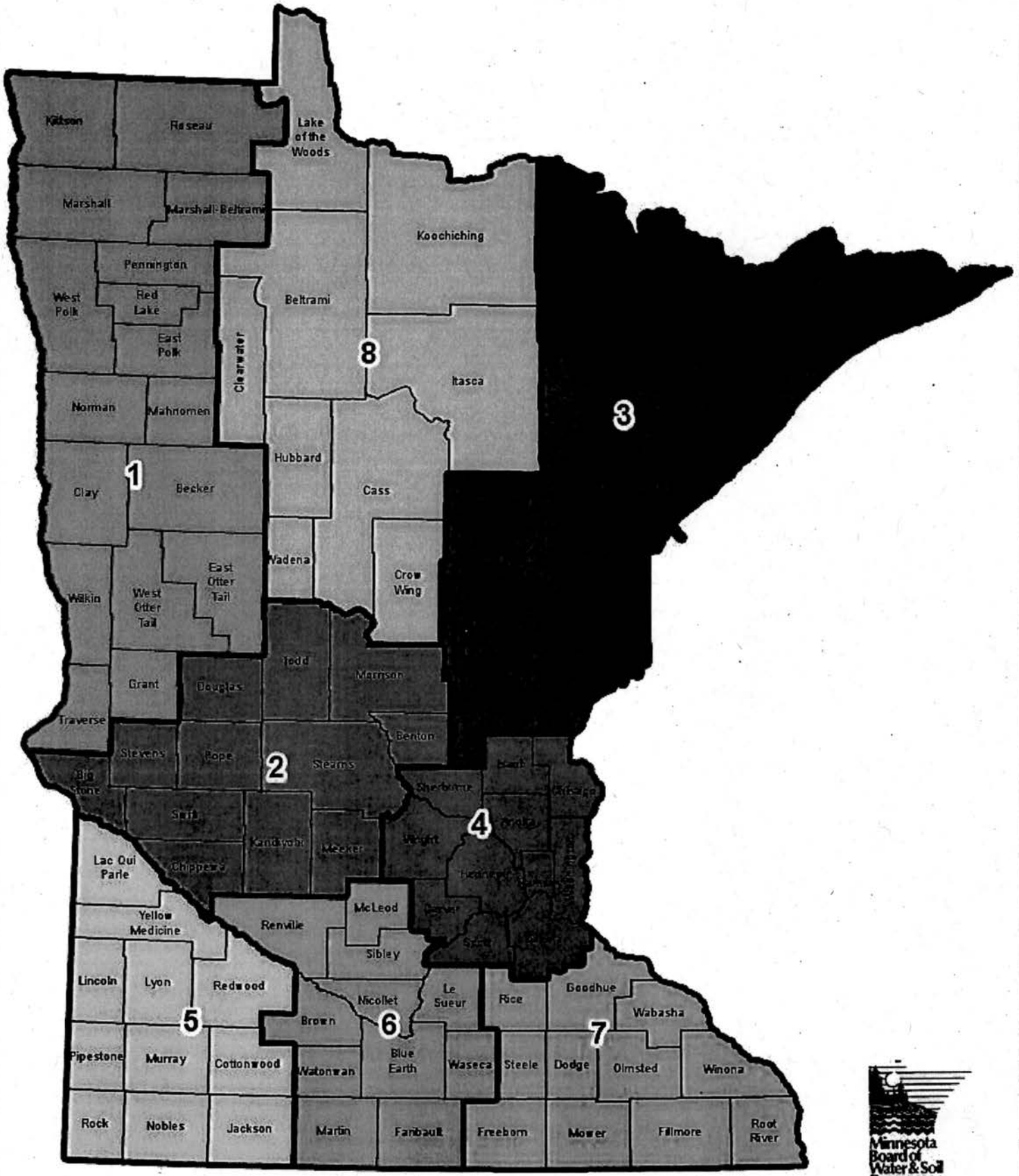
- Fees for services (from landowners, or other sources)
- Member SWCD cash contributions
- Federal TSP funding
- Federal grant funds
- Other state programs
- Gifts and donations

RECOMMENDATION

The Grants Program & Policy Committee is requesting the Board to approve their recommended allocation of the '10 NPEA Base Grants according to the Board adopted policy as follows:

NPEA Area	Base Grant	Host SWCD Grant	AutoCAD Civil 3D	Total Grant
1	$115,000	$10,000	$3,750	**$128,750**
2	$115,000	$5,000	$3,750	**$123,750**
3	$165,000	$10,000	$3,750	**$178,750**
4	$115,000	$5,000	$3,750	**$123,750**
5	$115,000	$10,000	$3,750	**$128,750**
6	$115,000	$5,000	$3,750	**$123,750**
7	$115,000	$10,000	$3,750	**$128,750**
8	$115,000	$5,000	$3,750	**$123,750**
				$1,060,000

Planned SWCD TSA and MASWCD Areas



Minnesota Board of Water & Soil Resources

December 2008

Board Resolution #_____

FISCAL YEAR '10 SOIL AND WATER CONSERVATION DISTRICT GRANT ALLOCATIONS

WHEREAS, Fiscal Year '10 Soil and Water Conservation District (SWCD) grants, administered by the Board of Water and Soil Resources (BWSR), provide cost share and service grants allocations to SWCDs through its State Cost Share Base Grants, General Services Grants, and Easement Services Grants, and Non Point Engineering Assistance Grant Programs; and,

WHEREAS, the Laws of Minnesota for 2009, in H.F. 2123, appropriate cost share and service grant funds to BWSR; and,

WHEREAS, all SWCDs that have BWSR approved plans and reports to comply with statutory allocation requirements, are eligible to receive these grants.

NOW THEREFORE, the BWSR hereby authorizes staff to allocate these individual grants as listed on the attachments, to eligible SWCDs and JPBs, for these respective grant programs; totaling:

State Cost Share Base Grants (alternative #1) -	$1,145,743
General Services Grants -	$2,086,078
Easement Services Grants -	$344,993
Non Point Engineering Assistance Base Grants -	$1,060,000

_____ Date: _____

Randy Kramer, Chair
Board of Water and Soil Resources

Attachments: SWCD State Cost Share Base Grant FY 2010 Alternative Allocations
Proposed FY 2010 General and Easement Services Base Grants
Proposed FY '10 NPEA Base Grants

H:10SWCDBR

PROPOSED FY 2010 NATURAL RESOURCES BLOCK GRANTS

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

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

Selected Program Highlights of the FY 2010 NRBG:
The 2009 Legislature reduced the FY '10 NRBG appropriation for Comprehensive Local Water Management, the Wetland Conservation Act, and the DNR Shoreland Management Base Grants $202,000 from $4,102,000 in FY '09 to $3,900,000.

The SMT recommends the $202,000 reduction be applied to the CLWM Base Grant only. The Team also recommends this reduction is offset by supplementing $264,000 from unallocated CWL (CW2 Non Point Technical) funds. This supplement is supported by the intended protection and restoration planning inclusions in LWPs.

Comprehensive Local Water Management - $1,559,817
This component is for implementing comprehensive local water plans. A statutory local levy match or cash equivalent is required that will generate $1.5 M on a statewide basis. This individual county amount is determined from a county's equalized taxable net tax capacity, as determined by the Dept. of Revenue. Counties must have a BWSR approved locally adopted comprehensive local water plan.

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

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

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

DNR Shoreland - $429,926

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

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

MPCA County Feedlot Program - $1,839,857

This component is for county administration of the MPCA Feedlot Program. All counties that have received delegation from MPCA to administer this Program are eligible to apply. A local .7:1 match is required. The 2009 Legislature has reduced the FY '10 appropriation $130,000 from FY '09. Grant amounts are based on the grant formula that includes the following highlights:

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

- The base grant funding rate for 2010 is $94.50/feedlot. This is a reduction from the 2009 rate of $99/feedlot.

- With several exceptions, June 30, 2007 Registration Update Data, as recorded on eLINK, has been used as the number of feedlots eligible for funding.

- In addition to the projected grant amounts shown, counties will be eligible to earn an incentive award. The incentive is based on work performed by the county during the program year that exceeds minimum program requirements.

- Ten percent of the legislative appropriation is reserved for performance credit awards.

MPCA County Subsurface Sewage Treatment Systems Program - $863,997 All counties are required to pass ordinances regulating SSTS countywide. All counties that have enacted countywide ordinances and have a BWSR approved locally adopted comprehensive local water plan are eligible to receive this grant. No local match is required. Grant amount of $9,931 is determined by equal county allocations. These funds are appropriated under the CWA Program.

Recommendation

On behalf of the Grants Program & Policy Committee, and DNR and MPCA Staffs, the Board is requested to approve allocations of the '10 Natural Resources Block Grant Program and authorize staff to enter into grant agreements with counties that meet Program requirements according to the proposed itemized amounts on the attached spreadsheet *2010 BWSR Natural Resources Block Grant, Base Grant Breakdown by Program.*

2010 BWSR Natural Resources Block Grant, Base Grant Breakdown by Program.

	ACTUAL 2009	PROPOSED 2010					
	$1.50 M	$1.56 M	$2.17 M	$.43 M	$1.84	$.86 M	
	LOCAL WATER MANAGEMENT	LOCAL WATER MANAGEMENT	WCA	DNR SHORELAND	MPCA FEEDLOT	MPCA SSTS	
COUNTY	CLWM BASE GRANT	CLWM BASE GRANT	WCA BASE GRANT	SHORELAND BASE GRANT	FEEDLOT BASE GRANT	SSTS BASE GRANT	TOTAL 2010 NRBG
AITKIN	$18,285	$19,016	$37,870	$12,288		$9,931	**$79,105**
ANOKA	$10,657	$11,083	$71,992	$2,979		$9,931	**$95,985**
BECKER	$17,210	$17,898	$27,613	$12,234		$9,931	**$67,676**
BELTRAMI	$18,022	$18,743	$69,034	$6,272		$9,931	**$103,980**
BENTON	$17,473	$18,172	$36,000	$3,744		$9,931	**$67,847**
BIG STONE	$20,685	$21,512	$10,000	$3,065	$7,500	$9,931	**$52,008**
BLUE EARTH	$13,197	$13,725	$20,710	$3,695	$34,115	$9,931	**$82,176**
BROWN	$17,949	$18,667	$10,000	$3,048	$40,352	$9,931	**$81,998**
CARLTON	$17,575	$18,278	$25,641	$4,474		$9,931	**$58,324**
CARVER	$10,657	$11,083	$36,000	$2,979	$25,326	$9,931	**$85,319**
CASS	$13,827	$14,380	$51,000	$12,189		$9,931	**$87,500**
CHIPPEWA	$19,592	$20,376	$10,000	$2,990		$9,931	**$43,297**
CHISAGO	$14,803	$15,395	$31,558	$5,631		$9,931	**$62,515**
CLAY	$16,685	$17,352	$18,737	$3,354	$11,340	$9,931	**$60,714**
CLEARWATER	$20,086	$20,889	$22,682	$3,604		$9,931	**$57,106**
COOK	$19,528	$20,309	$14,793	$4,780		$9,931	**$49,813**
COTTONWOOD	$19,544	$20,326	$10,000	$3,158	$29,295	$9,931	**$72,710**
CROW WING	$10,657	$11,083	$43,392	$21,792		$9,931	**$86,198**
DAKOTA	$10,657	$11,083	$60,158	$2,979	$16,821	$9,931	**$100,972**
DODGE	$19,070	$19,833	$18,734	$3,047	$29,295	$9,931	**$80,840**
DOUGLAS	$15,901	$16,537	$24,655	$9,734	$42,147	$9,931	**$103,004**
FARIBAULT	$19,157	$19,923	$10,000	$3,116	$37,800	$9,931	**$80,770**
FILLMORE	$18,799	$19,551	$10,000	$3,067	$78,813	$9,931	**$121,362**
FREEBORN	$17,274	$17,965	$10,000	$3,576	$35,910	$9,931	**$77,382**
GOODHUE	$12,419	$12,916	$18,737	$3,158	$73,427	$9,931	**$118,169**
GRANT	$20,411	$21,227	$15,779	$3,482		$9,931	**$50,419**
HENNEPIN	$10,657	$11,083	$65,089	$0		$9,931	**$86,103**
HOUSTON	$19,353	$20,127	$14,793	$3,105	$38,934	$9,931	**$86,890**
HUBBARD	$17,438	$18,136	$28,599	$9,609		$9,931	**$66,275**
ISANTI	$17,447	$18,145	$28,599	$4,562		$9,931	**$61,237**
ITASCA	$13,754	$14,304	$50,296	$11,514		$9,931	**$86,045**
JACKSON	$19,376	$20,151	$10,000	$3,430	$37,989	$9,931	**$81,501**
KANABEC	$19,843	$20,637	$28,599	$4,660		$9,931	**$63,827**
KANDIYOHI	$15,829	$16,462	$24,655	$7,693	$43,092	$9,931	**$101,833**
KITTSON	$20,116	$20,921	$18,737	$3,016	$7,500	$9,931	**$60,105**
KOOCHICHING	$19,782	$20,573	$32,939	$3,101		$9,931	**$66,544**
LAC QUI PARLE	$20,346	$21,160	$10,000	$2,995	$7,500	$9,931	**$51,586**
LAKE	$19,401	$20,177	$18,737	$5,257		$9,931	**$54,102**
LAKE OF THE WOODS	$20,814	$21,647	$38,461	$3,978	$7,500	$9,931	**$81,517**
LE SUEUR	$17,776	$18,487	$18,737	$5,603	$19,467	$9,931	**$72,225**
LINCOLN	$20,391	$21,207	$10,000	$3,153	$41,108	$9,931	**$85,399**
LYON	$18,023	$18,744	$10,000	$3,119	$31,941	$9,931	**$73,735**
MCLEOD	$16,645	$17,311	$18,737	$3,404	$34,965	$9,931	**$84,348**
MAHNOMEN	$20,853	$21,687	$14,793	$3,828		$9,931	**$50,239**
MARSHALL	$19,740	$20,530	$21,696	$2,979	$7,500	$9,931	**$62,636**
MARTIN	$18,033	$18,754	$10,000	$3,445	$57,173	$9,931	**$99,303**
MEEKER	$18,419	$19,156	$21,696	$5,394	$31,280	$9,931	**$87,457**
MILLE LACS	$18,908	$19,664	$25,641	$5,478		$9,931	**$60,714**

2010 BWSR Natural Resources Block Grant, Base Grant Breakdown by Program .

	ACTUAL 2009	PROPOSED 2010					
	$1.50 M	$1.56 M	$2.17 M	$.43 M	$1.84	$.86 M	
	LOCAL WATER MANAGEMENT	LOCAL WATER MANAGEMENT	WCA	DNR SHORELAND	MPCA FEEDLOT	MPCA SSTS	
COUNTY	CLWM BASE GRANT	CLWM BASE GRANT	WCA BASE GRANT	SHORELAND BASE GRANT	FEEDLOT BASE GRANT	SSTS BASE GRANT	TOTAL 2010 NRBG
MORRISON	$17,918	$18,635	$34,517	$4,494	$54,716	$9,931	$122,293
MOWER	$17,178	$17,865	$14,793	$3,719	$39,407	$9,931	$85,715
MURRAY	$19,815	$20,608	$10,000	$3,670	$38,840	$9,931	$83,049
NICOLLET	$17,321	$18,014	$18,737	$3,055	$39,501	$9,931	$89,238
NOBLES	$18,962	$19,720	$10,000	$3,032	$45,738	$9,931	$88,421
NORMAN	$20,461	$21,279	$14,793	$2,989	$7,500	$9,931	$56,492
OLMSTED	$10,657	$11,083	$28,599	$3,588		$9,931	$53,201
OTTER TAIL	$12,934	$13,451	$68,047	$20,219		$9,931	$111,648
PENNINGTON	$20,198	$21,006	$18,737	$3,228	$7,500	$9,931	$60,402
PINE	$18,241	$18,971	$39,448	$6,720		$9,931	$75,070
PIPESTONE	$20,075	$20,878	$10,000	$2,979	$48,668	$9,931	$92,456
POLK	$17,732	$18,441	$24,655	$3,939	$9,261	$9,931	$66,227
POPE	$19,874	$20,669	$17,751	$4,842	$31,658	$9,931	$84,851
RAMSEY	$10,657	$11,083	$19,000	$0		$9,931	$40,014
RED LAKE	$20,877	$21,712	$14,793	$3,273	$7,500	$9,931	$57,209
REDWOOD	$19,054	$19,816	$11,834	$2,979		$9,931	$44,560
RENVILLE	$18,495	$19,235	$10,000	$3,033	$33,075	$9,931	$75,274
RICE	$13,768	$14,319	$27,613	$4,772	$32,792	$9,931	$89,427
ROCK	$19,980	$20,779	$10,000	$2,979	$49,235	$9,931	$92,924
ROSEAU	$19,922	$20,719	$27,613	$3,073		$9,931	$61,336
ST. LOUIS	$10,657	$11,083	$86,193	$22,712		$9,931	$129,919
SCOTT	$10,657	$11,083	$47,337	$2,979	$15,971	$9,931	$87,301
SHERBURNE	$10,657	$11,083	$36,000	$5,551		$9,931	$62,565
SIBLEY	$19,242	$20,012	$15,325	$3,076	$30,146	$9,931	$78,490
STEARNS	$10,657	$11,083	$52,268	$10,257	$163,296	$9,931	$246,835
STEELE	$16,405	$17,061	$13,806	$3,266	$29,579	$9,931	$73,643
STEVENS	$20,151	$20,957	$10,000	$3,108	$15,120	$9,931	$59,116
SWIFT	$19,816	$20,609	$13,806	$3,126	$14,364	$9,931	$61,836
TODD	$19,323	$20,096	$24,655	$5,620	$70,875	$9,931	$131,177
TRAVERSE	$20,520	$21,341	$10,000	$3,195	$7,500	$9,931	$51,967
WABASHA	$18,665	$19,412	$13,806	$4,008	$48,006	$9,931	$95,163
WADENA	$20,262	$21,072	$22,682	$3,514	$11,435	$9,931	$68,634
WASECA	$18,790	$19,542	$13,806	$3,425	$25,043	$9,931	$71,747
WASHINGTON	$10,657	$11,083	$47,337	$2,979		$9,931	$71,330
WATONWAN	$19,892	$20,688	$10,000	$3,114	$20,507	$9,931	$64,240
WILKIN	$20,055	$20,857	$10,000	$2,999		$9,931	$43,787
WINONA	$15,598	$16,222	$13,806	$3,021	$56,700	$9,931	$99,680
WRIGHT	$10,657	$11,083	$48,323	$10,640	$27,972	$9,931	$107,949
YELLOW MEDICINE	$19,980	$20,779	$10,000	$2,995	$29,862	$9,931	$73,567
MARSHALL-BELTRAMI SWCD	$0	$0	$6,004	$0	$0	$0	$6,004
TOTALS	$1,499,824	$1,559,817	$2,171,973	$429,926	$1,839,857	$863,997	$6,865,570

H:10NRBG

Board Resolution #_____

FY '10 Natural Resources Block Grant Authorization

WHEREAS, the Natural Resources Block Grant (NRBG), administered by the Board of Water and Soil Resources (BWSR), provides assistance to local governments to implement the state natural resource programs of Comprehensive Local Water Management, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and the MPCA Subsurface Sewage Treatment Systems; and,

WHEREAS, the Laws of Minnesota for 2009 in H. F. 2123 appropriated FY '10 Natural Resources Block Grant funds to BWSR and MPCA.

NOW THEREFORE, the BWSR hereby authorizes staff to allocate appropriate individual grant amounts to counties meeting the NRBG Program requirements, as determined by the BWSR, MPCA, and DNR staffs, and indicated on the attached spreadsheet *2010 BWSR Natural Resources Block Grant, Base Grant Breakdown by Program;* totaling:

LWM-	$1,559,817
WCA -	$2,171,973
DNR Shoreland -	$429,926
MPCA Feedlot -	$1,839,857
MPCA SSTS -	$863,997

_____ Date: _____

Randy Kramer, Chair
Board of Water and Soil Resources

Attachment: 2010 BWSR Natural Resources Block Grant, Base Grant Breakdown by Program

H:10NRBGBR

PROPOSED 2010 FARM BILL ASSISTANCE GRANTS

BACKGROUND

Started in 2002, the purpose of this Grant Program is to provide financial assistance to selected SWCDs to accelerate the implementation of grassland and wetland projects. The primary focus has been with the conservation programs found in the Federal Farm Bill. These proposed grants are for Phase IX that will run from July 1, 2009 through June 30, 2010. To date nearly $7million dollars have been spent on this project with a result of 264,000 acres of projects.

The BWSR provides oversight and administration of the Farm Bill Assistance Project, specifically, in reporting and financial reimbursements to participants. The day-to-day operation of the Program is taken care of by the Farm Bill Assistance Committee, which is made up of one member from DNR, BWSR, and Pheasants Forever.

CURRENTLY

New for this year is a two-year $1 M grant from LCCMR to help fund this effort. The FY '10 Program budget is as follows:

FY 2010 Budget:	
LCCMR	$500,000
DNR	$150,000
BWSR	$0
FY 2009 Carry Over	$60,000
State Total	$710,000
Local Match 30%	$304,000
Total Project FY 2010	**$1,014,000**

RFPs were sent to SWCDs announcing the following duties were eligible for funding:

- Marketing conservation programs that achieve grass and wetland cover Programs such as CRP, CCRP, CREP, WRP, WLI, WHIP, CRP Re-enrollment
- Developing Conservation plans for the above programs
- Practice implementation via vendors
- Mid-contract management planning
- Guidance of landowners on non-FBA activities to appropriate staff/programs
- General office assistance as part of local workload if kept in balance

Upon recommendation of the FBA Committee the BWSR will enter into a contractual relationship with successful applicants starting July 1, 2009 and run through July 31, 2010. These contracts with SWCDs will reimburse 70% of the budgeted cost of the employee. The remaining 30% will be provided as cash match from local sources. For purposes of this project, a maximum FTE cost of $45,000/year has been put in place. Less than full time positions will be pro-rated. SWCDs will be required to invoice BWSR for services rendered on a semi-annual basis.

RECOMMENDATION

This committee will make initial allocation selections by July 1, 2009. There is potential to build upon this initial listing with available funding as the project evolves and need arises. Staff positions will be selected for funding based upon historical performance, location within DNR Working Lands areas, resource opportunity/need, ability to provide match to grant, and goals identified by each applicant on their application.

The Grants Program & Policy Committee is requesting the Board to authorize, the '10 Farm Bill Assistance Program, and staff to enter into SWCD contracts according to recommendations of the FBA Committee.

H:10FBAP

Board Resolution #_____

FY '10 Farm Bill Assistance Grant Authorization

WHEREAS, the Farm Bill Assistance Grant Program administered by the Board of Water and Soil Resources (BWSR), provides grants to SWCDs for the hiring of staff to accelerate implementation of the Federal Farm Bill as well as other state and local conservation projects that involve grasslands and wetlands; and,

WHEREAS, the same grant process will be used for FY '10 of this ongoing project that started in FY '03; and,

WHEREAS, the BWSR, and DNR, have secured funding and coordinated the application process; and,

WHEREAS, the BWSR has adopted the following grant and allocation policies based upon the Farm Bill Assistance Committee's recommendations;

Eligible SWCDs in Working Lands Initiative Focus Areas will be eligible to receive a 70% state funded grant. SWCDs are required to provide the remaining match for a total budget of $45,000 for each FTE.

NOW THEREFORE, the BWSR hereby authorizes staff to allocate $710,000 for the Farm Bill Assistance Grant Program according to these policies.

_____ Date: _____

Randy Kramer, Chair
Board of Water and Soil Resources

H:10FBABR

Using Clean Water Funds to Leverage Federal 319 Funds

Background

MPCA has received a one time increase in the available amount of EPA Section 319 funds this year. Approximately $6 million is available as grants versus a 'normal' year's allocation of approximately $3 million. A requirement for the EPA funds this year is that applications must be completed, ranked and submitted to EPA for approval by September of 2009. MPCA has published a notice in the State Register that the grant application period is open from June 15th through July 15th, 2009.

There are 2 categories of grant eligibility for FY 2010. Development, Education and Research (DER) is available statewide and includes projects that demonstrate new or improved best management practices (BMPs) that promote nonpoint source pollution control, generate information/educational materials for the public relating to nonpoint source pollution and its impact on water quality, or answer a research question related to the above topics. TMDL Implementation Funds must be used to further the goals of TMDL implementation plans.

There is no grant maximum or minimum for 319 funds but the dollar amount requested must be matched by 45% non-federal cash and in-kind funds. In addition to the match requirements, Section 319 funds are only available on a reimbursement basis. The upcoming availability of substantial amounts of Section 319, Clean Water Partnership and Clean Water Funds for implementation activities will require LGUs to have the technical capacity to provide the needed technical assistance and engineering capacity to work with landowners on the installation of conservation alternatives and best management practices. With current budget uncertainties, match funding and cash flowing the up-front costs for the 319 grants may prove difficult for many LGUs.

The Clean Water Fund appropriation language specifically states that "The board may shift grant or cost-share funds in this section and may adjust the technical and administrative assistance portion of the funds to leverage federal or other nonstate funds…" The Clean Water Specialists have identified options for leveraging federal funds to increase the technical capacity of TSA areas or LGUs in areas where TMDLs are completed.

Recommendation

The Grants Program & Policy Committee recommends that the Board Authorize:

1. that up to $1,250,000 from the Clean Water Fund targeted nonpoint restoration technical assistance and engineering appropriations be designated to leverage the currently available Federal Section 319 Funds, and
2. staff to coordinate with MPCA and communicate to eligible local government project sponsors that said funds are available for up to 20% of the total project costs for the technical assistance and engineering portion of Section 319 implementation grant applications that are approved for funding, and

3. staff to participate in the Federal Section 319 project evaluation, selection and validation process and enter into grant agreements with the local government unit project sponsors or partners for the nonpoint restoration technical assistance and engineering components of the selected projects.

According to the attached resolution.

Board Resolution #_____

FY 10 CLEAN WATER FUND PROGRAM
Targeted nonpoint restoration technical assistance and engineering
PROJECT FUNDING AUTHORIZATION

WHEREAS, Clean Water Fund appropriations for FY10-11 were enacted via Chapter 172 of MN Sessions Laws 2009; and,

WHEREAS, A specific appropriation within the Clean Water Funds (Article 2, Section 6) was made for targeted nonpoint restoration technical assistance and engineering; and,

WHEREAS, The appropriation language in Chapter 172 recognizes the importance of leveraging federal or other non-state funds; and,

WHEREAS, The Federal Clean Water Act (CWA) Section 319 Nonpoint Source Grant Program (Section 319) provides federal grant money for nonpoint pollution abatement and water resource restoration, and

WHEREAS, The MPCA expects to approximately $6.7 Million in Section 319 implementation funds (Federal FY09) available through grant applications that must be submitted to MPCA by July 15th as noticed in the State Register and then submitted to EPA for approval by August 31st, 2009; and

WHEREAS, A portion of Section 319 funds are available for TMDL implementation projects addressing TMDL restoration activities; and

WHEREAS, Current budgetary constraints may limit the ability of local government partners to provide the necessary 45% non-federal match and to cash flow projects on a reimbursement basis as required by the Section 319 grants; and

WHEREAS, The BWSR Grant Policy and Program Committee met on June 18th, 2009 to evaluate the options for leveraging federal Section 319 funds and made a recommendation as described below.

NOW THEREFORE, the Board authorizes:

1. that up to $1,250,000 from the Clean Water Fund targeted nonpoint restoration technical assistance and engineering appropriations be designated to leverage the currently available Federal Section 319 Funds, and
2. staff to coordinate with MPCA and communicate to eligible local government project sponsors that said funds are available for up to 20% of the total project costs for the technical assistance and engineering portion of Section 319 implementation grant applications that are approved for funding, and
3. staff to participate in the Federal Section 319 project evaluation, selection and validation process and enter into grant agreements with the local government unit project sponsors or partners for the nonpoint restoration technical assistance and engineering components of the selected projects.

_____ Date: _____

Randy Kramer, Chair
Board of Water and Soil Resources

FOR YOUR INFORMATION

June 24, 2009

- "BWSR Snapshots"

- MN Laws 2009, CHAPTER 80 -- S.F. No. 764 (*Signed by Governor May 15, 2009*) - Meetings By Telephone Or Other Electronic Means

- Order Form for BWSR Apparel

Minnesota Board of Water & Soil Resources

BWSR Snapshots

June 2009

Minnehaha Creek Watershed District's (MCWD) Land Conservation Program

By Brad Wozney

The Minnehaha Creek Watershed District's (MCWD) Land Conservation Program works cooperatively with communities, landowners and other conservation organizations to protect water quality by protecting key conservation areas within the District. The program uses easements, fee purchase and cost-share programs to protect and restore land with natural vegetation. Technical assistance is also provided for resource restoration and land conservation options. In November 2006, the District entered into a land conservation financing partnership with Hennepin County, borrowing up to $20 million of county bond funds over the next 4 to 6 years. To date MCWD has protected over 340 acres of land, including about 25,000 feet of shoreline on lakes and streams. One of the largest projects is a partnership between MCWD, the City of Orono, and the State of MN to protect the eastern portion of Big Island on Lake Minnetonka. MCWD purchased an easement which covers 56 acres of land on the island including approximately 7,500 feet of lakeshore and 8 acres of wetlands. In addition to protecting water quality, the program will increase wildlife habitat and recreational opportunities.

An excerpt from the MCWD Land Conservation Program brochure:

Wisdom From the Past...For the Future **dated 1882**

"The growth of Minneapolis and St. Paul into one great metropolis is as certain as the existence of the vast wealth lying in the regions beyond... If you have faith in the future greatness of your city, do not shrink from securing while you may such areas as will be adequate to the wants of such a city. Do not be appalled at the thought of appropriating lands which now seem too costly, simply because they are far out of proportion to your present wants...

Look forward a century, to the time when the city has a population of a million, and think what will be their wants. They will have wealth enough to purchase all that money can buy, but all their wealth cannot purchase a lost opportunity, or restore natural features of grandeur and beauty, which would then possess priceless value, and which you can preserve for them if you will but say the word and save them from the destruction which certainly awaits them if you fail to utter it."

From Horace H.W. S. Cleveland's
"Suggestions for a System of Parks and
Parkways for the City of Minneapolis"

BWSR Partners with MN DNR Working Lands Initiative (WLI)

By Tabor Hoek

The Working Lands Initiative (WLI) has the purpose of bringing wildlife habitat enhancement and working farms together. Private lands hold the key to increased wildlife populations as well as water quality improvements. The project is co-chaired by Kevin Lines, BWSR and Dennis Simon, DNR. BWSR Private Lands Coordinator, Tabor Hoek is contracted to DNR for 50% time to coordinate work teams to utilize outside funds to achieve WLI goals, report to the DNR and BWSR on the project status, and initiate new work teams in targeted areas.

The focus of the effort is to develop wildlife habitat on working farms by implementing conservation practices that either maintain an agronomic benefit, or function along side the agronomic production. Examples would be: delayed drainage where wetlands are flooded until crops need to be planted, winter wheat for spring nesting, rotational grazing leaving spring nesting cover, as well as wetlands and grasslands being established in key areas on marginal land under contracts and easements.

There are currently 13 teams conducting projects in 24 counties in the prairie pothole region, mainly in the western portions of Minnesota. The current annual budget is approx. $1.75M from DNR but leverages outside funding at about 5:1.

SWCD Technical Services Area and MASWCD Area Realignment

Al Kean, Chief Engineer

The 11 SWCD Technical Services Areas (TSAs) across Minnesota that were established in 1995 are nearing completion of a realignment of boundaries to consolidate to 8 TSAs that will be co-aligned with MASWCD Areas. MASWCD adopted these boundaries effective March 1, 2009. Much work has been done by SWCD staff and supervisors to accomplish these realignments, particularly by TSA Host SWCD Managers. The goal is to have the realigned TSAs up and running by July, before FY 2010 Nonpoint Engineering Assistance

(NPEA) Program grants are sent out. Two of the TSAs (North Central and Southeast) will not change boundaries and SWCD members. The new SWCD TSA and MASWCD Area boundaries are shown at: http://www.bwsr.state.mn.us/relatedlinks/swcd.pdf .

SWCD TSAs provide shared engineering services (and other expertise, such as forestry technician services) to and through member SWCDs for nonpoint conservation practices on private lands. Engineering assistance is a critical component of many conservation practices. Individual SWCD and NRCS capacity to provide this assistance is limited. TSAs also share associated technology capabilities across member SWCDs, such as Total Station and Geographic Positioning System surveying equipment and AutoCAD software for computer aided drafting and design. These technology capabilities can greatly increase productivity.

Since 1995, SWCD TSAs and the NPEA Program have assisted thousands of nonpoint conservation practices statewide to reduce soil erosion, protect and restore water quality, and improve wildlife habitat and biodiversity. SWCD access to increased engineering services has enhanced the local conservation delivery system and associated reputation with landowners, partners and others.

The driving forces for these realignments included:

- Financial challenges of essentially flat state funding for the NPEA Program, limited SWCD ability to raise local share, and inflation costs of TSA staff and equipment.
- Identity, efficiency and marketability of SWCD area operations for delivery of conservation technical assistance.
- Minnesota County Insurance Trust (MCIT) advice to update TSA joint powers agreements for better liability control.

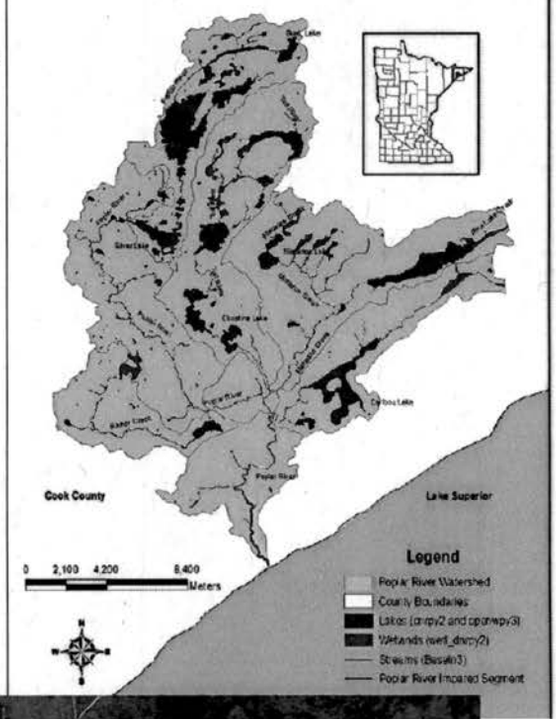
The SWCD TSAs have been, and are expected to be, providers of engineering assistance for Clean Water Legacy and Clean Water Fund projects to restore and protect water quality across Minnesota. The engineers and technicians employed through the NPEA Program and SWCD TSAs are an important technical assistance component of the conservation delivery system in Minnesota.

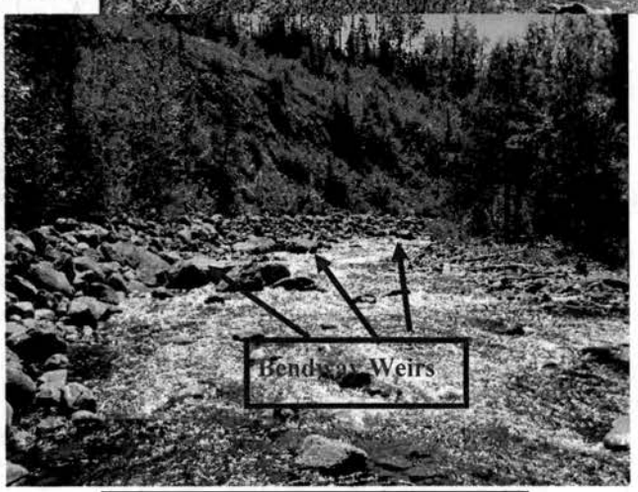
Poplar River CWL Project
2007 Clean Water Legacy Program Highlights

All Photos Courtesy of the Cook SWCD

Project Location on Poplar River near Lutsen before construction





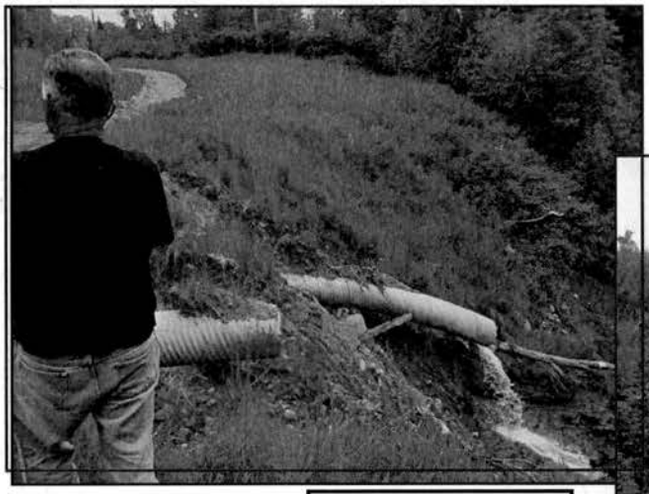


After Construction—August 2008



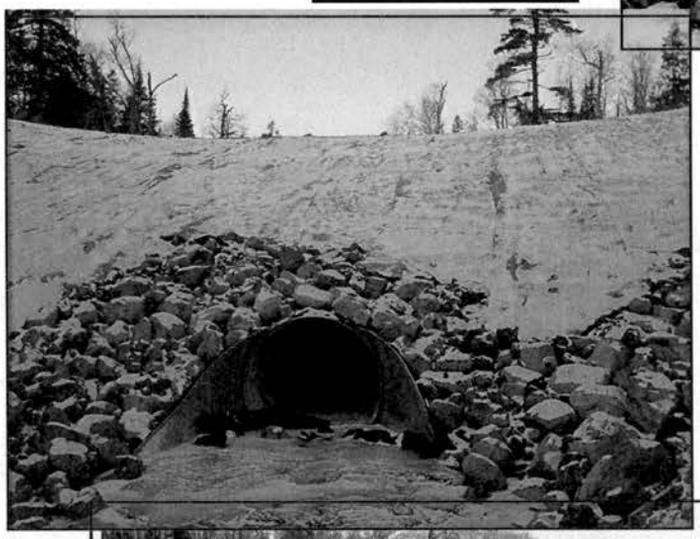
Spring 2009

In 2004, the Poplar River was listed as impaired for turbidity. Preliminary estimates indicated that as much as 65% of the sediment causing the impairment originated at this massive erosion site. This provided the basis for a Clean Water Legacy application from the Cook SWCD in FY 2007. Access and construction difficulties made this a challenging project. In addition, the Poplar River generates tremendous energy as it tumbles down steep hills toward Lake Superior, increasing the complexity of the project. The solution involved a series of actions including the installation of bendway weirs and slope toe stabilization, vegetation establishment on the slope and redirecting water away from the top of the slope to reduce surface runoff. Subsequent TMDL studies indicate that the "Megaslump" may 'only' be responsible for 26% of the annual sediment loading to the river. That is still a substantial sediment contribution, second only to the 33% sediment contribution ascribed to runoff from the mountain's ski slopes and trails. Estimated annual sediment loading from the Megaslump was 522 tons with 661 tons per year contributed by a combination of ski slopes and trails. The next largest contributing area was the forest with 14% of the annual load or 280 tons per year.



Moose Mountain Trail Crossing (before)





This large gully resulted from a trail crossing installation many years ago that included inadequate culvert sizing and slope stabilization. Approximately 1,000 cubic yards of soil is a conservative estimate of the amount of material moved downstream over time. The channel is located approximately 1/4 mile above the location of the megaslump. Construction costs for the megaslump were well under estimates and this project was added as an additional water quality protection measure. Proper culvert sizing and slope protection will eliminate this chronic source of sediment to the Poplar River. Upstream channel stability will also be improved. Clean Water Legacy funds provided almost $300,000 in financial assistance for these two construction projects. In addition, MCC crews with CWL funding assisted with planting this spring.



Moose Mountain Trail Crossing (Nov, 2008)—Final seeding took place in Spring 2009



Moose Mountain trail after installation of tree stock with protective enclosures

MN Laws 2009, CHAPTER 80 -- S.F. No. 764 (*Signed by Governor May 15, 2009*)

An act relating to state government; allowing state agencies to conduct meetings by telephone or by electronic means; proposing coding for new law in Minnesota Statutes, chapter 13D.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[13D.015] MEETINGS BY TELEPHONE OR OTHER ELECTRONIC MEANS.**

Subdivision 1. **Application.** This section applies to:

(1) a state agency, board, commission, or department, and a statewide public pension plan defined in section 356A.01, subdivision 24; and

(2) a committee, subcommittee, board, department, or commission of an entity listed in clause (1).

Subd. 2. **Conditions.** An entity listed in subdivision 1 may conduct a meeting governed by this section and section 13D.01, subdivisions 1, 2, 4, and 5, by telephone or other electronic means so long as the following conditions are met:

(1) all members of the entity participating in the meeting, wherever their physical location, can hear one another and can hear all discussion and testimony;

(2) members of the public present at the regular meeting location of the entity can hear all discussion and all votes of members of the entity and participate in testimony;

(3) at least one member of the entity is physically present at the regular meeting location; and

(4) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

Subd. 3. **Quorum; participation.** Each member of the entity participating in a meeting by telephone or other electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

Subd. 4. **Monitoring from remote site; costs.** If telephone or another electronic means is used to conduct a meeting, the entity, to the extent practical, shall allow a person to monitor the meeting electronically from a remote location. The entity may require the person making a connection to pay for documented marginal costs that the entity incurs as a result of the additional connection.

Subd. 5. **Notice.** If telephone or another electronic means is used to conduct a regular, special, or emergency meeting, the entity shall provide notice of the regular meeting location, of the fact that some members may participate by electronic means, and of the provisions of subdivision 4. The timing and method of providing notice is governed by section 13D.04. In addition, the entity must post the notice on its website at least 10 days before the meeting.

BWSR Apparel Order Form

Name: _____

Description	Men Women	Size	Color
Oxford-style – Short sleeve			
Oxford-style – long sleeve			
Polo shirt – short sleeve			white
Polo shirt – long sleeve			Cobalt blue

Oxford shirt colors: French blue or light blue

Minnesota Board of Water & Soil Resources

DATE: May 19, 2009

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

FROM: John Jaschke, Executive Director

SUBJECT: May 27, 2009 Board Meeting Notice

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, May 27, 2009, 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 RECOMMENDATION
Metro Water Planning Committee
Petition for Enlargement of Valley Branch WD, and Petition for Enlargement and Increase in Number of Managers of South Washington WD - Washington County submitted two petitions to the Board requesting enlargement of the Valley Branch WD, and enlargement and increase in number of managers of the South Washington WD in the area currently within the Lower St. Croix WMO (LSCWMO). At its March 25th meeting the Board found the petitions sufficiently filed and ordered a public hearing for both petitions to be held on April 22nd. After the close of the public hearing the hearing record remained open for one week. There was no opposition to the proposed increase in number of managers in the hearing record. The single issue contained in the hearing record is opposition to the proposed boundary because it does not follow the major hydrologic divide. The LSCWMO members have all adopted resolutions to dissolve the WMO contingent on the proposed boundary being approved. Minnesota case law precludes the Board from enlarging a WD into the area of an existing joint powers WMO, such as the LSCWMO. Thus, the Board has no option to establish a different boundary from that proposed in the petitions. The Board's standard of review in making determinations on proposed enlargements of watershed districts is set forth in Minn. Stat. § 103D.261, Subd. 2, item a: "After the hearing, if the board determines that the enlargement of the watershed district as asked for in the petition would be for the public welfare and public interest and the purpose of this chapter would be served, the board shall, by making findings and an order, enlarge the watershed district and file a certified copy of the findings and order with the secretary of state." The Metro Water Planning Committee met on May 6, 2009 and found that the proposed enlargements of the two WD's associated with the dissolution of the LSCWMO would accomplish more in the

area of watershed management than the LSCWMO has and would be for the public welfare and public interest and the purpose of Minn. Stat. Chapter 103D would be served. The Committee recommends approval of the two petitions by the full Board. See attachments. ***DECISION ITEM***

Scott Watershed Management Organization Watershed Management Plan – The Watershed Management Plan final draft was filed with the Board on March 27, 2009. The attached draft Order contains a summary of the planning process, the reviewing agencies' comments, and highlights of the plan. Several formal comments were received during the review process, however the WMO followed an excellent plan development process providing for ample opportunities for citizen, stakeholder, and agencies input. The Watershed Management Plan revision was completed in conjunction with the County Comprehensive Land Use Plan update in order to take advantage of aligning land use with water management. The WMO outlined an exemplary approach for targeted non-point restoration projects. The Metro Water Planning Committee unanimously recommends the Plan be approved per the attached draft Order. ***DECISION ITEM***

Northern Water Planning Committee

Carlton County Priority Concerns Scoping Document - Carlton County submitted their Priority Concerns Scoping Document for approval by the Northern Water Planning Committee. The Northern Water Planning Committee, led by Quentin Fairbanks, approved the document and recommends approval of the Priority Concerns Scoping Document for Carlton County. See attachments. ***DECISION ITEM***

Carlton County Local Water Plan Extension Request - Carlton County submitted a request to extend the expiration date of their Local Water Plan to the Northern Water Planning Committee. The Northern Water Planning Committee, led by Quentin Fairbanks, approved the request and recommends approval of the extension request for the Carlton County Local Water Plan. See attachments. ***DECISION ITEM***

Cass County Local Water Management Plan Final Review – Cass County submitted their Revised Local Water Management Plan for final state review and comment. The Northern Water Planning Committee met April 8th, after the state agencies comment period ended, and recommends approval of the Cass County Local Water Management Plan. See attachment. ***DECISION ITEM***

Clearwater County Priority Concerns Scoping Document – Clearwater 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 April 8th after the state agencies comment period ended. The Committee recommends approval of the Clearwater County Priority Concerns Scoping

Document. The state's expectations of the final plan must be sent to Clearwater County. See attachment. ***DECISION ITEM***

Douglas County Local Water Management Plan - The Douglas County Local Water Management Plan has been completed using the Priority Concerns Scoping Document (PCSD) which BWSR acted on March 27, 2008. The PCSD guided the development of the issues were 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 April 8th to review the Douglas County Local Water Management Plan and recommends approval. See attachments. ***DECISION ITEM***

Kittson County Priority Concerns Scoping Document – Kittson 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 April 8th after the state agencies comment period ended. The Committee recommends approval of the Priority Concerns Scoping Document for Kittson County. The state's expectations of the final plan must be sent to Kittson County. See attachment. ***DECISION ITEM***

Roseau County Priority Concerns Scoping Document – Roseau 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 April 8th after the state agencies comment period ended. The Committee recommends approval of the Priority Concerns Scoping Document for Roseau County. The state's expectations of the final plan must be sent to Roseau County. See attachment. ***DECISION ITEM***

NEW BUSINESS

Three County Water Quality Protection Strategy – Cass, Aitkin and Crow Wing Counties received Clean Water Legacy funding to develop lake water quality protection strategies as part of their County Water Plan Updates. Now that the Updates are nearly complete the Counties are looking forward to implementing the protection strategies developed through the plan update process. Steve Hughes, Aitkin SWCD Manager, Dan Steward and Jeff Hrubes, BWSR Brainerd office staff will present. See attachment. ***INFORMATION ITEM***

Legislative Overview – John Jaschke, Julie Klocker, and Agency Board Member Representatives – An overview of budget, policy, capital investment and dedicated funding legislation discussed and passed this year will be provided. ***INFORMATION ITEM***

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878.

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701 Minnesota Avenue
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Bemidji, MN 56601
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fax (218) 723-4794

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Rochester, MN 55906
phone (507) 281-7797
fax (507) 285-7144

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

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MAY 27, 2009

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF MARCH 25, 2009

MINUTES OF APRIL 15, 2009

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

INTRODUCTION OF NEW BOARD MEMBERS
- Tom Loveall
- John Meyer

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 – Jon Fure

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Petition for Enlargement of Valley Branch WD, and Petition for Enlargement and Increase in Number of Managers of South Washington WD – ***DECISION ITEM***

2. Scott Watershed Management Organization Watershed Management Plan – ***DECISION ITEM***

Northern Water Planning Committee

1. Carlton County Priority Concerns Scoping Document – ***DECISION ITEM***

2. Carlton County Local Water Plan Extension Request – ***DECISION ITEM***

3. Clearwater County Priority Concerns Scoping Document - ***DECISION ITEM***

4. Cass County Local Water Management Plan Final Review - ***DECISION ITEM***

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

6. Kittson County Priority Concerns Scoping Document - ***DECISION ITEM***

7. Roseau County Priority Concerns Scoping Document - ***DECISION ITEM***

NEW BUSINESS

1. Three County Water Quality Protection Strategy - Steve Hughes, Aitkin SWCD Manager, Dan Steward and Jeff Hrubes, BWSR Brainerd office staff - ***INFORMATION ITEM***

2. Legislative Overview – John Jaschke, Julie Klocker, and Agency Board Member Representatives – ***INFORMATION ITEM***

AGENCY REPORTS

- Minnesota Department of Agriculture – Joe Martin
- Minnesota Department of Health – John Linc Stine
- Minnesota Department of Natural Resources – Larry Kramka
- Minnesota Extension Service – Faye Sleeper
- Minnesota Pollution Control Agency – Rebecca Flood

ADVISORY COMMENTS

- Association of Minnesota Counties – Annalee Garletz
- Minnesota Association of Conservation District Employees – Felicia Brockoff
- Minnesota Association of Soil and Water Conservation Districts – LeAnn Buck
- Minnesota Association of Townships – Sandy Hooker
- Minnesota Association of Watershed Districts – Ray Bohn
- Natural Resources Conservation Service – Tim Koehler

UPCOMING MEETINGS

- Next BWSR Board Meeting - June 24, 2009, St. Paul
- August Board Meeting and Tour – August 26-27, 2009, Winona

NOON ADJOURN

DRAFT DRAFT DRAFT

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MARCH 25, 2009

BOARD MEMBERS PRESENT:
Gordy Behm, Paul Brutlag, Bob Burandt, Wayne Edgerton/Larry Kramka, DNR; Quentin Fairbanks, Glenn Skuda/Rebecca Flood, MPCA; Randy Kramer, Paul Langseth, Brian Napstad, Faye Sleeper, U of M Extension; Louise Smallidge, Gene Tiedemann, LuAnn Tolliver, Dan Wilson, MDH

BOARD MEMBERS ABSENT:
Joe Martin, Department of Agriculture

STAFF PRESENT:
Mary Jo Anderson, Traverse Germundson, Jim Haertel, John Jaschke, Al Kean, Julie Klocker, Melissa Lewis, Kevin Lines, Pete Waller, Marcey Westrick, Steve Woods

OTHERS PRESENT:
Stephanie McNamara, VLAWMO
Tim Koehler, NRCS
Bill Becker, Lessard Council

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

PLEDGE OF ALLEGIANCE

** 09-12 **ADOPTION OF AGENDA** – Moved by Brian Napstad, seconded by Louise Smallidge, to adopt the agenda as presented. Motion passed on a voice vote.

** 09-13 **MINUTES OF JANUARY 28, 2009** – Moved by Paul Langseth, seconded by Quentin Fairbanks, to approve the minutes of January 28, 2009, as circulated. Motion passed on a voice vote.

REPORTS

Chair's Report – Randy Kramer reported that he attended the MASWCD Legislative Day at the Capitol and their Board of Directors meeting. Chair Kramer attended the EQB meeting on March 12. The Governor's recommendation is to shift EQB to MPCA, however, legislative action needs to occur, EQB is now meeting on a quarterly basis, next meeting in June.

Chair Kramer asked that board members respond and submit information to the Campaign Finance and Public Disclosure Board to meet the annual reporting requirement.

Chair Kramer met with Paul Brutlag last night regarding the 2008 performance review of John Jaschke, Executive Director. Chair Kramer thanked board members for their response. Very positive comments were received from board members, other partners and legislators. The Administrative Advisory Committee (AAC) met this morning to discuss the performance evaluation in detail. They will write a report that will be included in John's personnel file. If board members have any questions, contact Chair Kramer. It has been decided to develop a policy proposal for the evaluation process for review of the executive director's performance. The AAC will work on writing a policy recommendation to be brought before the full board in the near future.

Executive Director's Report – John Jaschke reviewed information in board members' packets; including an updated Board member listing. The Governor's Appointments Office is reviewing current board member vacancies.

John reported that there is a Budget hearing this morning on dedicated funding, some of the agency board members will be attending.

John reported that the "BWSR Snapshots" is a new piece of information from staff that will be provided to board members. Mary Jo Anderson will post this on the website.

John stated that the WCA Rule Notice of Hearing is included for board members' information.

John reported that BWSR has been acknowledged by the Minnesota Environmental Initiative by recognizing that the RIM-WRP Partnership has been nominated for their annual award. Also, BWSR is the recipient of the Great River Greening's "Environmental Community Partner of the Year Award".

John reported that the Minnesota Watershed District Guidebook second version has been published, the electronic version is on the BWSR website: www.bwsr.state.mn.us/publications/WD_Guidebook/

John provided a legislative update of bills and budget deliberations.

John provided a short review of the BWSR's FY2010-2011 Biennial Budget Request that was presented to the House Finance Committee. John highlighted the General Fund reductions and change items.

Faye Sleeper arrived at the meeting at 9:45 a.m.

Dispute Resolution Committee – Travis Germundson reported that 21 appeals are pending with no new appeals since March 12. A pre-conference hearing was held on two appeals in Grant County. John Jaschke reported that he met with Faye Sleeper and Rebecca Flood for orientation and discussed the appeal process. John stated that the appeal process remains the same, allowing the review of appeals, an opportunity for hearings, with multiple communications with the DRC for review on appeals. Paul Brutlag stated that Travis, as a new employee does an excellent job. Paul received compliments regarding Travis' professionalism as he remains neutral in the process.

Wetlands Committee – LuAnn Tolliver reported that the WCA rule hearings are set for public comments statewide, with a deadline of August 5. LuAnn stated that the Wetland Committee will meet as needed to conduct discussions to develop a recommendation for adoption of the rules in order to meet statute deadlines. Quentin Fairbanks requested meetings to be held in the north central part of the state. John Jaschke stated that the best efforts were made to schedule locations.

Grants Program & Policy Committee – Louise Smallidge reported that the Grants Program & Policy Committee met earlier this month. Three items are on the agenda today and will be discussed later.

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

Administrative Advisory Committee (AAC) – Randy Kramer reported that the AAC met this morning to discuss the executive director's performance review in detail; board member vacancies; and the legislative and budget update. The AAC recommends that the April Board meeting scheduled for April 22 be cancelled due to budget constraints. The AAC recommends that a special board meeting be held tentatively on April 15 at 8:00 a.m., to discuss one item, the RIM/WRP Partnership Phase II authorization.

RIM Reserve Management Planning Committee – John Jaschke reported that the RIM Reserve Planning Committee meets today immediately following the Board meeting to discuss RIM WRP funding and sign-up.

COMMITTEE RECOMMENDATIONS

Appointed Water Management Committee

Order for Boundary Change, Withdrawal of Territory, and Enlargement for the Cedar River, Shell Rock River and Turtle Creek Watershed Districts – Travis Germundson explained that six petitions from Freeborn and Mower Counties and three watershed districts were submitted on November 1, 2008 requesting boundary changes, withdrawals of territory and enlargement for the Cedar River Watershed District, the Shell Rock River Watershed District, and the Turtle Creek Watershed District pursuant to Minn. Stat. §§ 103D.251, 103D.255, and 103D.261. The petitions seek to have the watershed district boundaries more closely aligned to the hydrologic boundaries and were accompanied by supporting resolutions from the two counties and three watershed districts. At the December 17, 2008 Board meeting, the Board ordered a public hearing be held on the petitions. The legal notice of the public hearing was published in a legal newspaper for each of the four counties affected by the changes. A joint public hearing was held on the petitions on January 14, 2009 at the Moscow Town Hall in Freeborn County. The appointed Water Management Committee presided over the hearing and decided with a unanimous vote to recommend to the full Board that the petitions be approved per the draft Order. Moved by Paul Langseth, seconded by Gene Tiedemann, to approve the Order for Boundary Change, Withdrawal of

** 09-14

Territory, and Enlargement for the Cedar River, Shell Rock River and Turtle Creek Watershed Districts. Discussion followed. Motion passed on a voice vote.

Metro Water Planning Committee

Rice Creek Watershed District (RCWD) and Ramsey Washington Metro Watershed District (RWMWD) Boundary Changes Involving the Vadnais Lake Area – Travis Germundson explained that the Vadnais Lake Area Water Management Organization (VLAWMO) submitted two Petitions dated November 26, 2008 to change the boundaries of the VLAWMO by requesting the boundaries of the RCWD and the RWMWD be changed. The Petitions were submitted pursuant to Minn. Stat. § 103B.215 together with the required written statements of concurrence from each affected city, township, and watershed district. A joint legal Notice of Filing was published in a legal newspaper for each of the two counties affected by the changes, and no timely request for a hearing was received. The proposed boundary changes would achieve a more accurate alignment between the hydrologic and legal boundaries of the three Water Management Organizations. The Metro Water Planning Committee considered the petitions on March 4, 2009 and unanimously recommends approval of the draft Order.

** 09-15 Travis introduced Stephanie McNamara, from VLAWMO. Moved by Bob Burandt, seconded by Louise Smallidge, to approve the Rice Creek Watershed District (RCWD) and Ramsey Washington Metro Watershed District (RWMWD) Boundary Changes involving the Vadnais Lake area. Motion passed on a voice vote.

Lower St. Croix Watershed Management Organization, Watershed Management Plan Amendment – Bob Burandt reported that the Metro Water Planning Committee reviewed the Lower St. Croix Watershed Management Organization, Watershed Management Plan Amendment and voted unanimously to recommend approval. Although another agenda item pertains to the dissolution of this watershed management organization, the Board must take action on the plan amendment pursuant to MS 103B.231, subds. 9 and 11, before the dissolution is finalized. Moved by Bob Burandt, seconded by Rebecca Flood, to approve the Lower St. Croix Watershed Management Organization, Watershed Management Plan Amendment. Motion passed on a voice vote.

** 09-16

Order Public Hearing on Petitions from Washington County to Enlarge the Valley Branch Watershed District and the South Washington Watershed District – Jim Haertel reported that the Metro Committee reviewed two draft petitions at their meeting. The Washington County Board met yesterday and approved the filing of the two petitions to enlarge the South Washington Watershed District and the Valley Branch Watershed District with the pending dissolution of the Lower St. Croix Watershed Management Organization. The petitions were

accompanied by a resolution of support from the Valley Branch Watershed District and a letter of support from the City of Cottage Grove. Also, resolutions of dissolution were received from all the member communities in the Lower St. Croix Watershed Management Organization. Washington County has proper standing under MS 103D.261 to file the petitions and staff have determined the petitions sufficiently meet the statutory requirements such that a public hearing should be ordered. Clarification was given that the only decision before the Board today is the ordering of a hearing. Jim Haertel stated that the draft Order in the Board packet would have delegated authority to the Executive Director to set the meeting date and location, however not all committee members and pertinent parties had been coordinated with and a hearing date and location has now been set. Jim Haertel reviewed each revision to the draft Order to include the various resolutions that were received with the petitions and to schedule the hearing for 7:00 PM on Wednesday, April 22, 2009 at the Washington County Service Center-Cottage Grove. Moved by Bob Burandt, seconded by LuAnn Tolliver to approve the Order for Hearing as revised. Louise Smallidge abstained from voting. Motion passed on a voice vote.

** 09-17

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

Southern Water Planning Committee

Nobles County Local Water Management Plan Update – Paul Langseth reported that the Southern Water Planning Committee reviewed the Nobles County Local Water Management Plan Update which incorporates the Nobles Soil and Water Conservation District comprehensive plan and the watershed district plans for Okabena-Ocheda Watershed District and Kanaranzi-Little Rock Watershed District, and recommends approval. Moved by Paul Langseth, seconded by Dan Wilson, to approve the Nobles County Local Water Management Plan Update. Motion passed on a voice vote.

** 09-18

Yellow Medicine River Watershed District (YMRWD) Watershed Management Plan – Paul Langseth reported that the Southern Water Planning Committee reviewed the Yellow Medicine River Watershed District (YMRWD) Watershed Management Plan and recommends approval. Moved by Paul Langseth, seconded by Dan Wilson, to approve the Yellow Medicine River Watershed District Watershed Management Plan. Motion passed on a voice vote.

** 09-19

Grants Program and Policy Committee

MPCA County Feedlot Program '09 Performance Credit Award Grants – Wayne Zellmer explained that MPCA County Feedlot Grants appropriations are

transferred to BWSR and allocated to delegated counties as part of the Natural Resources Block Grant (NRBG) Program. A component of the County Feedlot Program allows for counties to receive Performance Credit Award Grants, in addition to their Base Grants. These Performance Credit Award Grants are based on County Feedlot Program performance according to the following MPCA procedure. MPCA County Feedlot Program appropriations, according to the Laws of Minnesota 2007 and the Office of the Legislative Auditor, must be allocated to counties before the end of the current biennium (June 30, 2009). Base Grants have already been allocated to counties, as part of the 2009 NRBG, but Performance Credit Award Allocations have not.

Wayne reported that the Grants Program and Policy Committee recommends approval of the 2009 MPCA County Feedlot Program Performance Credit Award Allocations. The total amount requested to be allocated is $182,804.

'09 MPCA Feedlot Base Grant to Lyon County – Wayne Zellmer explained that Lyon County has requested and received MPCA County Feedlot Program delegation. This delegation makes Lyon County eligible to receive a pro-rated allocation of their MPCA County Feedlot Base Grant of about $34,000. ('09 Feedlot Base Grants were approved by the Board at their June 2008 Meeting.) The Grants Program & Policy Committee is recommending Board approval of a pro-rated allocation to Lyon County of their '09 MPCA County Feedlot Base Grant of $8,366.

'09 Clean Water Legacy (CWL) Grant to Washington Conservation District
Wayne Zellmer explained that BWSR has received a request for CWL funding from Washington CD for a high priority 80 AU riparian dairy feedlot project. This project has not before been submitted to BWSR for funding. The Grants Program & Policy Committee supports funding this project at $33,012.

** 09-20 Moved by Louise Smallidge, seconded by Paul Langseth, to authorize staff to allocate: 1) Performance Credit Awards totaling $182,804 to counties meeting the County Feedlot program requirements, as determined by the MPCA, and indicated on the Performance Credit Award Schedule; and 2) A pro-rated allocation to Lyon County of their '09 MPCA County Feedlot Base Grant of $8,366; and 3) A CWL FWQMG allocation to Washington CD of $33,012 for the Rydeen feedlot project.

Discussion followed. Rebecca Flood stated that this proposed grant resolution is consistent with MPCA guidelines. Motion passed on a voice vote.

NEW BUSINESS

Kevin Lines announced that a new conservationist was born yesterday, Tate William Lines. Kevin's first grandchild will carry on his granddad's conservation legacy!

Red River Valley Restoration Initiative (RRVRI) Grant Payment Schedule for SWCD Services – Kevin Lines explained that the RIM Reserve Management Planning Committee met on January 28, 2009, and unanimously recommends approval of the Red River Valley Restoration Initiative Partnership Grant Payment Schedule for SWCD Services. This payment schedule will adequately compensate SWCDs for their services and participation in the RRVRI. The grant recognizes the critical role SWCDs play in delivering RIM Reserve conservation easements to Minnesota's private landowners. Moved by Paul Brutlag, seconded by Brian Napstad, to approve the Red River Valley Restoration Initiative Partnership Grant Payment Schedule for SWCD Services. Discussion followed. Motion passed on a voice vote.

** 09-21

A) Outdoor Heritage Fund Status Report – Bill Becker, Lessard Outdoor Heritage Council (LOHC), explained the mission of the Council, and emphasized the importance of cooperative conservation efforts used by the LOHC to develop funding recommendations. The Council recognizes the importance to fund successful programs, proven processes and integrated partners. He reported on the projects and programs funded. BWSR received a $9.05M recommendation for the RIM/WRP Partnership. Bill thanked BWSR for their assistance to the LOHC deliberations. The next LOHC recommendations are due to the legislature January 2010. A strategic plan will be put in place this summer. John Jaschke stated that more information is on the LOHC website www.lohc@state.mn.us. Bill was pleased to announce that these recommendations were presented to the Legislature yesterday. Chair Kramer thanked Bill Becker for his update.

B) Clean Water Fund Status Report – Julie Klocker reported that she is a part of the interagency team coordinating legislative discussions. Julie explained that the Clean Water Fund inter-agency proposal went into the Governor's recommendation. Julie provided an overview of the watershed framework, assessment and monitoring outcomes on a ten-year schedule, and BWSR agency initiatives. Discussion followed. LuAnn Tolliver commended Julie on her excellent presentation. Rebecca Flood stated that if board members have questions please feel free to contact her on the watershed framework approach. Chair Kramer thanked Julie for her presentation.

AGENCY REPORTS

Minnesota Department of Health – Dan Wilson reported that MDH has a major role in the spring flooding. MDH is now using the national emergency response structure, especially for improved communications. Dan stated that there are ongoing daily discussions with their operations center to make sure response is immediate. MDH will provide free water testing and technical assistance to owners of flooded wells. MDH is also concerned with overland flooding in counties farther from the Red River, where flood mediation efforts over the past decade have generally been less aggressive. MDH is also working on mental health response issues.

Minnesota Department of Natural Resources – Wayne Edgerton reported that the interim rules are done for the federal Farm Bill, a joint letter was sent recently from DNR, MPCA, MDA, and BWSR. Wayne reported that there have been no additional tuberculosis reports. Chronic wasting disease testing is being done. Wayne stated that released pot belly pigs are an issue that is being addressed in the Big Stone County area.

Minnesota Extension Service – Faye Sleeper commented on a legislative bill for a statewide water plan and study that may be introduced; she will keep BWSR informed.

ADVISORY COMMENTS

Natural Resources Conservation Service – Tim Koehler announced that a new NRCS Chief has been hired, Dave White. Tim reported that Minnesota will receive some stimulus package funding. NRCS is part of the recovery task force and received an allocation yesterday. Tim reported that all conservation sign-ups started on March 1st, NRCS will be working through that. Tim reported that Bill Hunt has made a decision to increase EQIP up to the 75% rate.

UPCOMING MEETINGS

Next BWSR Board Meetings:
- tentatively scheduled for April 15, 2009 at 8:00 a.m.
- May 27, 2009

** 09-22 Moved by Paul Brutlag, seconded by Louise Smallidge, to adjourn the meeting at 12:20 p.m. Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder

DRAFT DRAFT DRAFT

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
ST. PAUL, MINNESOTA 55155
WEDNESDAY, APRIL 15, 2009

BOARD MEMBERS PRESENT:
Paul Brutlag, Bob Burandt, Rebecca Flood, MPCA; Larry Kramka, DNR; Randy Kramer, Joe Martin, MDA; Faye Sleeper, U of M Extension; Louise Smallidge, John Linc Stine, MDH; LuAnn Tolliver

BOARD MEMBERS ON CONFERENCE CALL:
Gordy Behm, Quentin Fairbanks, Paul Langseth, Brian Napstad, Gene Tiedemann

STAFF PRESENT:
Mary Jo Anderson, Tim Fredbo, John Jaschke, Julie Klocker, Kevin Lines

OTHERS PRESENT:
Tim Koehler, NRCS
Barbara Weisman, MDA

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

Meet-Me Conference Call Participation – Gordy Behm, Quentin Fairbanks, Paul Langseth, Brian Napstad, Gene Tiedemann.

Chair Kramer stated that board members attending the meeting via conference call are unable to vote at the meeting today due to the Open Meeting Law.

PLEDGE OF ALLEGIANCE

** 09-23 **ADOPTION OF AGENDA** – Moved by Louise Smallidge, seconded by Bob Burandt, to adopt the agenda as presented. Motion passed on a voice vote.

COMMITTEE RECOMMENDATION
RIM Reserve Planning Committee
Establish Rates and Sign-up Procedures for the Reinvest in Minnesota Reserve-Wetlands Reserve Program (WRP) Partnership: Phase II -
Moved by Paul Brutlag, seconded by Larry Kramka, to approve the RIM Reserve Planning Committee's Recommendation to authorize staff to commence Phase II of the RIM-WRP partnership sign-up to begin no sooner than April 16, 2009 and run no later than June 5, 2009. The total partnership payment rate for cropland acres shall no exceed 135% of AATV (formerly EMV) and for non-cropland acres shall not exceed 70% AATV. Rates are to be calculated using the township mean for tillable property value established by county assessors for the 2009 tax year.

Paul Brutlag reported that the RIM Reserve Planning Committee met on April 3, 2009, and unanimously recommended the Phase II RIM-WRP partnership sign-up begin no sooner than April 16, 2009 and run no later than June 5, 2009. In addition, the RIM-WRP Partnership project has received a recommendation from the Lessard Outdoor Heritage Council (LOHC) to the Minnesota Legislature in 2009 for $9.05 M in constitutionally dedicated funding for the RIM-WRP partnership.

Kevin Lines reported that BWSR and the Minnesota USDA Natural Resources Conservation Service (NRCS) are prepared to announce Phase II of a RIM Reserve-WRP Partnership for Minnesota. This highly successful partnership will leverage any remaining 2008 State RIM Reserve bond fund balances and an anticipated 2009 LOHC appropriation with federal WRP funds in federal fiscal year 2009.

Tim Koehler thanked the Board for the special meeting today and expressed appreciation to the RIM Reserve Planning Committee for their efforts. Tim reported that the WRP interim rule is in the national process of finalization. Tim stated that NRCS is confident that federal funding is available for WRP to be paired with state RIM funds. Tim stated that he anticipates there will be a good sign-up. Tim reported that NRCS WRP payment rates will be the same number as RIM.

Kevin reviewed the RIM Reserve Planning Committee's recommendations and changes to the payment rates and the Minnesota Wetland Restoration Evaluation Worksheet. Discussion followed.

Brian Napstad asked for clarification on the worksheet regarding the definition of basin. Tim Koehler explained that it's the average restorable prairie pothole/depressional basin area.

Joe Martin asked if a guidebook is used to score the applications. Tim stated that there are WRP guidelines and instructions for scoring on the worksheet. Kevin stated that consistency is important; and staff are also available for one-on-one questions/answers. Tim stated that all scores are reviewed by staff for consistency on the documentation. Kevin stated that field staff instructions for ranking and scoring as well as a subcommittee will be appointed to assist in the priority ranking.

Larry Kramka stated that the ecological subsections described on the worksheet and the map need to match.

John Linc Stine asked about special consideration for groundwater. Tim explained that inclusion of wellhead protection areas have a potential benefit. John Linc Stine stated that in the future MDH is interested in helping more with priority site selection factors and ranking. John Jaschke stated that the wellhead protection areas included in policy legislation would address this.

Kevin explained that a subcommittee of the Board to be appointed by Chair Kramer is a critical factor in reviewing the applications and making project selections in coordination with NRCS. Tim stated that the WRP subcommittee of the State Technical Committee will also meet this summer to have more people involved in the ranking process.

Larry Kramka thanked the RIM Reserve Planning Committee on revising the form. Larry stated that this is a process and partnership and encouraging to see the expected results. He complimented staff on their good work.

Kevin stated that there were 265 applications for 2008 RIM-WRP sign-up with 98 projects funded, $14.2M of RIM and $19.1M of WRP. Kevin estimates over $100M in applications in the Phase II sign-up.

John Jaschke explained that as applications come in and are prioritized, funding will be allocated incrementally. Kevin explained that RIM and WRP construction will not start in this growing season; restoration at the earliest would be next year.

** 09-24 Chair Kramer called for a roll call vote on the motion: Affirmative: Paul Brutlag, Bob Burandt, Rebecca Flood, Larry Kramka, Joe Martin, Faye Sleeper, Louise Smallidge, John Linc Stine, LuAnn Tolliver, and Randy Kramer. Motion passed unanimously.

Chair Kramer appointed the subcommittee: Paul Brutlag, Bob Burandt, Larry Kramka or designee, Paul Langseth, and Joe Martin or designee.

** 09-25 Moved by LuAnn Tolliver, seconded by Bob Burandt, to adjourn the meeting at 9:48 a.m. Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder

Dispute Resolution Report
May 15, 2009
by: Travis Germundson

There are presently **16** appeals pending. All of the appeals involve WCA except File 05-24. There have been **4** new appeals filed since the last report dated March 25th.

Format note: New appeals that have been filed since last report to the Board.
~~Appeals that have been decided since last report to the Board.~~

File 09-8 (5-11-09) This is an appeal of a restoration order in Chisago County. The appeal regards the filling of approximately 3,000 square feet of a type 2/6 wetland for a private access road. *No decision has been made on the appeal.*

File 09-7 (5-11-09) This is an appeal of a replacement order in Stearns County. The appeal disputes a number of facts regarding compliance with an approved replacement plan for 9,900 square feet of wetland impacts associated with residential development. *No decision has been made on the appeal.*

File 09-6 (5-06-09) This is an appeal of a exemption decision in Otter Tail County. The appeal regards the denial of an exemption request for agricultural/drainage activities that resulted from issuance of a Restoration Order (File 09-1). *No decision has been made on the appeal.*

File 09-5 (4-24-09) This is an appeal of a wetland bank application decision in Lake of the Woods County. The appeal regards the denial of a wetland bank application to restore a type 1/2 wetland. *No decision has been made on the appeal.*

~~File 09-4 (3-9-09) This is an appeal of a replacement order in Isanti County. The appeal regards the filling of approximately 3,500 square feet of a type 6/7 wetland for placement of a residential home.~~ *The appeal has been denied and the Replacement Order affirmed.*

File 09-3 (2-20-09) This is an appeal of a replacement plan decision in Anoka County. The appeal regards the approval of a wetland replacement plan for 11,919 square feet of impacts associated with a residential development. *The appeal has been placed in abeyance and the replacement plan decision stayed for submittal of a revised replacement plan application. (at the request of the petitioner).*

File 09-2 (2-19-09) This is an appeal of a restoration order in Stearns County. The appeal regards the filling of approximately 6,833 square feet of a type 5 wetland with various debris materials. *No decision has been made on the appeal.*

~~File 09-1 (2-9-09) This is an appeal of a restoration order in Ottertail County. The appeal regards the draining and filling of a type 3 wetland on agricultural land.~~ *The appeal has been denied and the Restoration Order affirmed.*

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

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

~~File 08-25 (08/25/08) This is an appeal of a after-the-fact wetland replacement plan application in Benton County. The LGU denied the wetland replacement plan application based on the fact that it does not adequately replace the wetland impacts. It involves the same project and issue as File 07-27. The appeal has been remanded for further processing at the local level.~~ *The applicant declined moving forward with the local appeal process and signed a settlement agreement.*

File 08-9. (03/06/08) This is an appeal of a replacement order in Pine County. The appeal regards impacts to approximately 11.26 acres of wetland. The replacement order has been stayed and the appeal has been placed in abeyance pending further technical work.

~~File 08-8. (04/03/08) This is an appeal of a replacement order in Pine County. The appeal regards the filling of over 18,000 square feet of Type 2 wetland. The replacement order has been stayed and the appeal has been placed in abeyance pending further technical work~~. *The appeal has been denied and the replacement order affirmed.*

File 08-4. (01/24/08) This is an appeal of no-loss and exemption decisions in Waseca County. In addition to the no-loss decision, at issue are denials of the agricultural exemption, approved development exemption, incidental wetland exemption, and claims of numerous procedural issues that were prejudicial to the applicants. Further, a Minn. Stat. § 15.99 (60-day rule) claim is pending in Appellant Court. The appeal has been remanded for further technical work at the local level.

~~File 08-1. (02/04/08) This is an appeal of a restoration order in Aitkin County. The appeal involves the filling of wetland for a road in shoreland area. The restoration order has been stayed and the appeal has been placed in abeyance pending further technical work.~~ *The Order has been complied with and a Certificate of Satisfactory Restoration has been issued.*

~~File 07-33. (10/31/07) This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from issuance of a cease and desist order for unauthorized wetland impacts. The appeal has been accepted.~~ *A settlement agreement is has been certified.*

~~File 07-32. (10/31/07) This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from issuance of a cease and desist order for unauthorized wetland impacts. The appeal has been accepted.~~ *A settlement agreement has been certified.*

~~File 07-31. (10/31/07) This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from issuance of a restoration order for unauthorized filling of wetland for a building. The appeal has been accepted.~~ *A settlement agreement has been certified.*

~~File 07-27. (10/19/07) This is an appeal of a restoration and replacement order in Benton County. The appeal involves the excavation of an island that was in wetland and the filling of wetland along the wetland edge. The restoration order has been stayed and the appeal has been placed in abeyance pending the completion of further field work this spring.~~ *The applicant declined moving forward with the local appeal process and signed a settlement agreement.*

File 06-23. (05/19/06) This is an appeal of a replacement plan decision in Kanabec County. The LGU denied the wetland replacement plan application. A previous denial of the same replacement plan application had been appealed, the appeal was remanded for a hearing, and now the current denial has been appealed. The appeal has been placed in abeyance pending the outcome of a lawsuit between the landowner and the county. The lawsuit concerns the county's possible noncompliance with the 60-day rule. The county prevailed in district court, however the decision was appealed to the Court of Appeals where the county again prevailed. An appeal to the Minnesota Supreme Court was denied review. It is likely the appeal will soon be placed on the calendar for DRC proceedings.

File 06-17. (05/27/06) This is an appeal of a replacement plan decision in the City of Montgomery in LeSueur County. The LGU denied an after-the-fact wetland replacement plan application based on a lack of sufficient reasons why the restoration could not be completed. The appeal has been remanded for further processing at the local level.

File 06-12. (04/13/06) This is an appeal of a no-loss decision in Stearns County. It involves the same project and issues as File 06-6. After a restoration order was issued, a no-loss application was submitted by the developer and denied by the LGU. The appeal has been remanded for further technical evaluation.

File 06-6. (02/16/06) This is an appeal of a restoration order in Stearns County. At issue are numerous wetlands impacted by filling, sedimentation, reduction of hydrology and lack of Best Management Practices associated with a residential development. The appeal has been denied in part. The Restoration Order has been affirmed in part and has been stayed in part.

File 05-24. (03/04/05) This is an appeal, actually three appeals, of the Bois de Sioux Watershed District compensation to landowners related to a project. The appeal has been held in abeyance pending settlement discussions. It appears at least two of the appeals have been settled.

File 05-1. (01/13/05) This is an appeal of a replacement plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue is a wetland delineation and the Comprehensive Wetland Protection and Management Plan that BWSR approved. After a hearing before the DRC, the board remanded the matter for a new wetland delineation and for submission on an updated, complete replacement plan application.

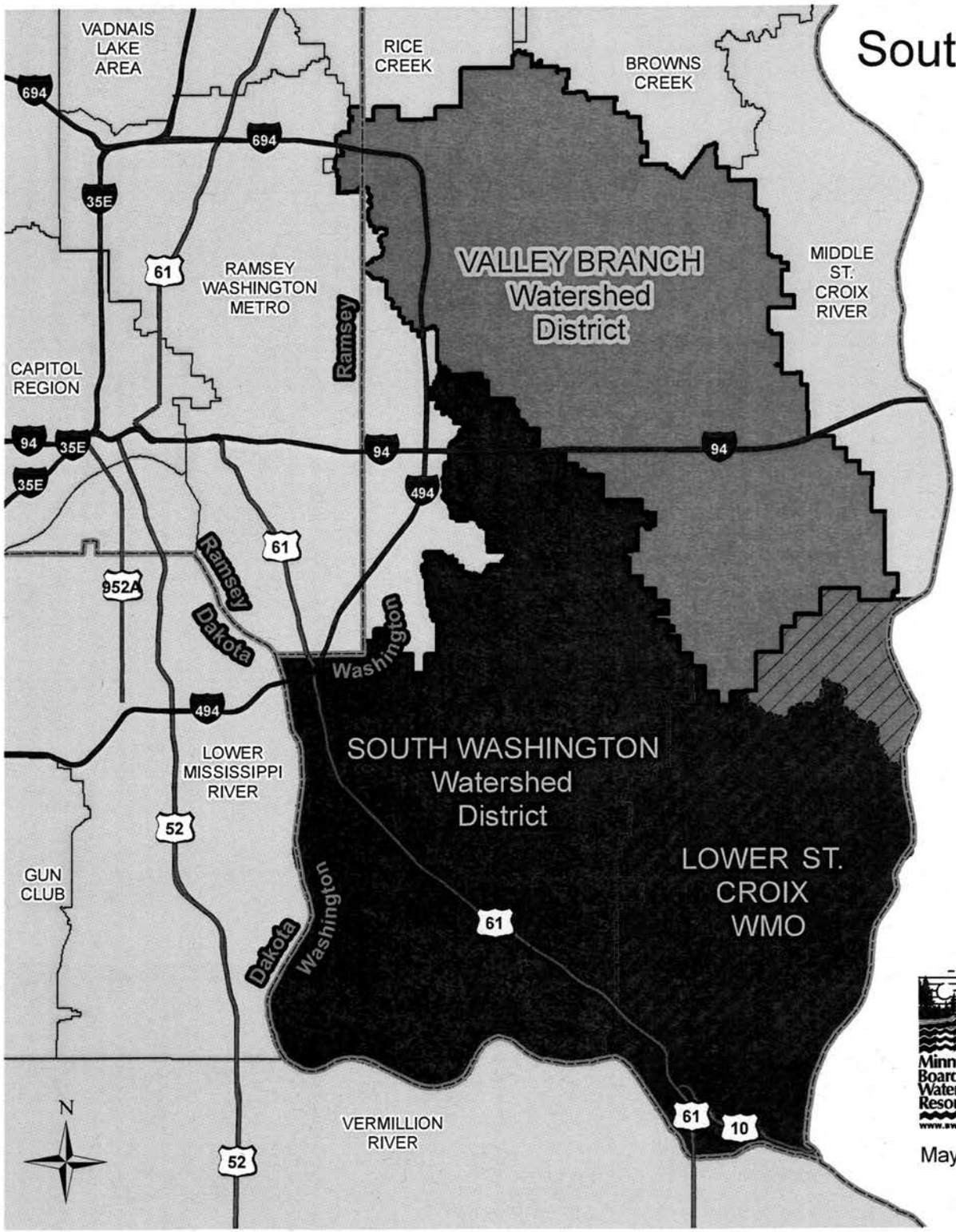
COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

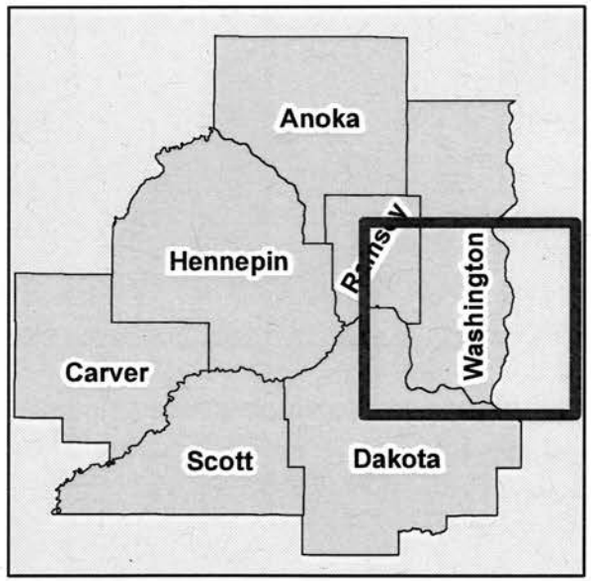
1. Petition for Enlargement of Valley Branch WD, and Petition for Enlargement and Increase in Number of Managers of South Washington WD – ***DECISION ITEM***

2. Scott Watershed Management Organization Watershed Management Plan – ***DECISION ITEM***

South Washington & Valley Branch Watershed Districts Expansion Into Lower St. Croix WMO



- Current Watershed District Boundaries
- Boundary Change
- Expanded Areas
- Expanded Valley Branch Watershed District
- Expanded South Washington Watershed District
- Surrounding Watershed Districts & WMOs
- County Boundaries



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

May 2009

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

In the Matter of Petitions for Enlargement of the Valley Branch Watershed District and Enlargement and Increase in Number of Managers of the South Washington Watershed District, Washington County, pursuant to Minnesota Statutes Sections 103D.261 and 103D.305.

ORDER FOR ENLARGEMENT OF WATERSHED DISTRICTS

Whereas, Washington County submitted two petitions (Petitions) dated March 13, 2009 for enlargement of the Valley Branch Watershed District (VBWD) and for enlargement and increase in number of managers of the South Washington Watershed District (SWWD) to the Board on March 24, 2009, pursuant to Minn. Stat. §§ 103D.261 and 103D.305, and;

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

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

FINDINGS OF FACT

1. **Petitions.** On March 24, 2009 the Board received two Petitions from Washington County for enlargement of the VBWD pursuant to Minn. Stat. § 103D.261, and enlargement and increase in number of managers of the SWWD pursuant to Minn. Stat. §§ 103D.261 and 103D.305. The proposed watershed district enlargements involve lands presently in the Lower St. Croix Watershed Management Organization (LSCWMO), a joint powers watershed management organization. The Petitions were filed based on the pending voluntary dissolution of the LSCWMO. The Petitions were accompanied by a supporting resolution from Washington County and a letter of support from the City of Cottage Grove. The Petitions were also accompanied by resolutions of dissolution from the LSCWMO and from all of the member communities comprising the LSCWMO.

2. **Property Description.** The territory to be included in the watershed districts, the Petitioned Areas, are depicted in maps labeled Exhibits A of the Petitions and comprise an area located in Washington County entirely within the metropolitan area that is approximately 45.4 square miles contiguous to the SWWD and VBWD, which includes land in the Cities of Afton, Cottage Grove, and Hastings, and the Town of Denmark. The Petitioned Areas include all land currently within the LSCWMO.

The proposed enlarged SWWD consists of a total of 110.38 square miles, of which 4.82 square miles are located within the City of Afton, 36.56 square miles are located within the City of Cottage Grove, 30.14 square miles are located within the Town of Denmark, 2.71 square miles are located within the Town of Grey Cloud Island, 0.40 square miles are located within the City of Hastings, 0.98 square miles are located within the city of Lake Elmo, 3.89 square miles are located within the City of Newport, 1.02 square miles are located within the City of Oakdale, 3.61 square miles are located within the City of St. Paul Park, and 26.25 square miles are located within the City of Woodbury.

The proposed enlarged VBWD consists of a total of 71.33 square miles, of which 21.01 square miles are located within the City of Afton, 4.44 square miles are located within the Town of Baytown, 4.33 square miles are located within the City of Grant, 22.93 square miles are located within the City of Lake Elmo, 0.87 square miles are located within the City of Mahtomedi, 5.55 square miles are located within the City of Oakdale, 0.30 square miles are located within the City of Oak Park Heights, 0.90 square miles are located within the City of Pine Springs, 0.08 square miles are located within the City of St. Mary's Point, 7.47 square miles are located within the Town of West Lakeland, 2.75 square miles are located within the City of Woodbury, 0.10 square miles are located within the City of Maplewood, 0.30 square miles are located within the City of North St. Paul, 0.30 square miles are located within the City of White Bear Lake.

3. **Number of Managers.** The Petition for SWWD specifies the proposed number of managers shall be increased to seven (7) from the present number of five (5) managers.

4. **Petition Service.** The Petitions were served on the Board, SWWD and VBWD pursuant to Minn. Stat. § 103D.261, Subd. 1 (c).

5. **LSCWMO Dissolution.** The LSCWMO member communities have adopted resolutions dissolving the LSCWMO contingent on the Board's approval of the Petitions for enlargement of the SWWD and VBWD according to the boundary depicted on the maps attached to the Petitions. Minnesota case law precludes the enlargement of a watershed district over area already under the jurisdiction of a watershed management organization.

6. **Reasons for Change.** In May 1998, the Washington County Board of Commissioners authorized a Water Governance Study to identify and evaluate the best governance structure for water management for the county. In April 2002, the county developed a plan defining the expectations of watershed management organizations for actively managing the water resources of the county. The Washington County Board of Commissioners approved the findings and recommendations of the Water Governance Study that the number of water management units in the county should be reduced and that local water management units should be watershed districts, not joint powers water management organizations. Washington County has worked with representatives of each of the water management units to develop recommendations for key issues related to the enlargements, such as financing policies, coordination of water management plans, and board representation. Goals from the Revised Implementation Plan for Water Governance are as follows:

   a. To create a water management structure that will provide long term protection for surface and groundwater resources.

   b. To create local water management units with the fiscal capacity and authority to govern efficiently and effectively.

   c. To identify financing mechanisms that are fair and adequate to meet the needs of the county.

   d. To coordinate surface water, groundwater, land use, and natural resources management to provide for a more comprehensive approach to resource management.

   e. To adopt a proactive rather than a reactive approach to countywide water resources.

   f. To increase the accountability of the water management structure.

   The Petitions state the enlargements would be conducive to the public health and public welfare and for the purposes of Minnesota Statutes Chapter 103D. The territory in the LSCWMO will be free of financial liabilities at the time of the enlargements. The Petition for SWWD states the increase in number of managers is necessary due to the complex nature of managing water resources in the southern portion of the county and to provide representation from the sub-watershed areas, and that the county will establish a plan to shift representation throughout the entire enlarged watershed district through the appointment of new managers.

7. **Hearing Order.** At its regular meeting on March 25, 2009, the Board determined the Petitions met the requirements of Minn. Stat. §§ 103D.261 and 103D.305, and consequently ordered a public hearing to be held on the Petitions.

8. **Hearing Notice.** Legal notice of the public hearing on the proposed watershed district enlargements, and increase in number of managers, pursuant to Minn. Stat. §§ 103D.261, Subd. 1 (d) and 103D.305, Subd. 4, was published in the Oakdale/Lake Elmo Review on April 8, 2009, the Woodbury Bulletin on April 8, 2009, the South Washington County Bulletin on April 8, 2009, and the Hastings Star Gazette on April 9, 2009. Further, a copy of the hearing notice was mailed to several addressees including the Washington County Auditor, the Washington County Board of Commissioners, all of the cities and towns in the SWWD and VBWD, the SWWD, the VBWD, the LSCWMO, the SWCD, and the DNR.

9. **Public Hearing.** A public hearing was held on the Petitions on April 22, 2009, at the Washington County Service Center—Cottage Grove, 13000 Ravine Parkway South, Cottage Grove, Minnesota. The audio of the proceedings was recorded. The hearing panel was the Metro Water Planning Committee which consisted of Board members Louise Smallidge, Rebecca Flood, Faye Sleeper, LuAnn Tolliver and Robert Burandt as chair.

   Travis Germundson, Board staff, entered Exhibits 1 through 16 into the record by reading a brief description of each exhibit.

Exhibit 1. Enlargement and Increase the number of Managers Petition packet for South Washington Watershed District from Washington County, received March 24, 2009 consisting of Exhibits 1A-1E.

Exhibit 1A. Letter dated March 24, 2009 from Linda C. Krafthefer, Assistant Washington County Attorney to the Board of Water and Soil Resources transmitted with Exhibit 1.

Exhibit 1B. Affidavit of certified copy of Resolution from James R. Schug, Washington County Administrator, dated March 27, 2009.

Exhibit 1C. Washington County Resolution No. 2009-023 authorizing the filing of a petition with the Board of Water and Soil Resources to enlarge the South Washington Watershed District, dated March 24, 2009.

Exhibit 1D. Washington County Petition to Enlarge the South Washington Watershed District and Increase the number of Managers dated March 13, 2009, 6 pages.

Exhibit 1E. Map of the South Washington Watershed District proposed enlargement dated March 6, 2009.

Exhibit 2. Enlargement Petition packet for Valley Branch Watershed District from Washington County, received March 24, 2009 consisting of Exhibits 2A-2E.

Exhibit 2A. Letter dated March 24, 2009 from Linda C. Krafthefer, Assistant Washington County Attorney to the Board of Water and Soil Resources transmitted with Exhibit 2.

Exhibit 2B. Affidavit of certified copy of Resolution from James R. Schug, Washington County Administrator, dated March 27, 2009.

Exhibit 2C. Washington County Resolution No. 2009-024 authorizing the filing of a petition with the Board of Water and Soil Resources to enlarge the Valley Branch Watershed District, dated March 24, 2009.

Exhibit 2D. Washington County Petition to Enlarge the Valley Branch Watershed District dated March 13, 2009, 5 pages.

Exhibit 2E. Map of the Valley Branch Watershed District proposed enlargement dated March 6, 2009.

Exhibit 3. Washington County Memorandum to the Board of Water and Soil Resources on resolutions of support for South Washington Watershed District and Valley Branch Watershed District Enlargement Petitions, dated March 24, 2009 consisting of Exhibits 3A-3H.

Exhibit 3A. Lower St. Croix Watershed Management Organization Resolution No. 2009-01 recommending dissolution, dated March 11, 2009, 4 pages.

Exhibit 3B. City of Afton Resolution No. 2009-11 ratifying dissolution of the Lower St. Croix Water Management Organization and supporting the petitions to expand South Washington Watershed District and Valley Branch Watershed District, dated March 17th 2009, 2 pages.

Exhibit 3C. Letter dated March 18, 2009, from the City of Cottage Grove supporting the enlargement petitions, 2 pages.

Exhibit 3D. City of Cottage Grove Resolution No. 2009-042 ratifying dissolution of the Lower St. Croix Water Management Organization and supporting the petitions to expand South Washington Watershed District and Valley Branch Watershed District, dated March 18, 2009, 2 pages.

Exhibit 3E. Town of Denmark Resolution No. 2009-03 ratifying dissolution of the Lower St. Croix Water Management Organization and supporting the petitions to expand South Washington Watershed District and Valley Branch Watershed District, dated March 11, 2009, 2 pages.

Exhibit 3F. City of Hastings Resolution No. 2009-3-05-09 ratifying the dissolution of the Lower St. Croix Water Management Organization, dated March 16, 2009.

Exhibit 3G. City of Hastings Resolution No. 2009-3-06-09 supporting the petitions to expand South Washington Watershed District and Valley Branch Watershed District, dated March 16, 2009.

Exhibit 3H. Valley Branch Watershed District Resolution No. 2009-01 supporting the petitions from Washington County to expand the South Washington Watershed District and Valley Branch Watershed District , dated March 12, 2009, 2 pages.

Exhibit 4. Map of watershed districts and proposed enlargement dated March 6, 2009.

Exhibit 5. Order dated March 25, 2009 from the Board of Water and Soil Resources for a public hearing on the Petitions, 3 pages.

Exhibit 6. Letter dated April 3, 2009, from Jim Haertel with the Board of Water and Soil Resources to several addressees notifying them of the public hearing, including copies of the a.) Addressees b.) Legal notice, and c.) Map, 4 pages.

Exhibit 7. Affidavit of Publication dated April 8, 2009 of Legal Notice in The South Washington County Bulletin and The Woodbury Bulletin on April 8, 2009.

Exhibit 8. Affidavit of Publication dated April 8, 2009 of Legal Notice in the Oakdale/Lake Elmo Review on April 8, 2009.

Exhibit 9. Affidavit of Publication dated April 9, 2009 of Legal Notice in the Hastings Star Gazette on April 9, 2009.

Exhibit 10. Acceptance of Service of Enlargement Petition by Valley Branch Watershed District Attorney Ray Marshall dated March 30, 2009.

Exhibit 11. Acceptance of Service of Enlargement Petition by South Washington Watershed District Attorney Jack Clinton dated April 8, 2009.

Exhibit 12. Letter dated April 13, 2009 from Clint Gridley with the City of Woodbury to Jim Haertel with the Board of Water and Soil Resources stating the city's objections to the two petitions consisting of Exhibits 12A and 12B, 2 pages

Exhibit 12A. Affidavit of certified copy of Resolution from Kimberlee Blaeser, City Clerk for the City of Woodbury, dated April 9, 2009.

Exhibit 12B. City of Woodbury Resolution No. 09-73 of Objection to the proposed boundaries identified in the two petitions, dated April 8, 2009, 2 pages

Exhibit 13. Letter dated April 20, 2009 from Kevin Walsh with the City of St. Paul Park to Matt Moore with the South Washington Watershed District stating the city's support for the enlargement.

Exhibit 14. Letter dated April 21, 2009 from Matt Moore with the South Washington Watershed District to James Schug with Washington County supporting the petition to enlarge the South Washington Watershed District boundary, 2 pages.

Exhibit 15. Letter dated April 21, 2009 from Barry Sittlow with the City of Newport to James Schug with Washington County supporting the petition to enlarge the South Washington Watershed District.

Exhibit 16. Letter dated April 15, 2009 from Myron Bailey, Mayor City of Cottage Grove to Jim Haertel with the Board of Water and Soil Resources supporting the dissolution of the St. Croix Watershed Management Organization and the enlargement petitions for South Washington Watershed District and Valley Branch Watershed District, 2 pages.

Exhibit 17. City of Cottage Grove map illustrating the perfluorobutanoic acid (PFBA) Aquifer Relationship Study, dated April 20, 2009.

After all people present at the public hearing were given an opportunity to speak, the hearing record was left open for one week until 4:30 PM on April 29, 2009, for receipt of written comments. The following exhibits were received while the hearing record was open.

Exhibit 18. Letter dated April 22, 2009 from Bill Hargis, Mayor of the City of Woodbury to Jim Haertel with the Board of Water and Soil Resources stating additional objections to the two watershed district expansion petitions, 3 pages.

Exhibit 19. Letter dated April 27, 2009 from Kathleen Higgins, Chairperson Denmark Township Board to Jim Haertel with the Board of Water and Soil Resources confirming the Township's support of the petitions for dissolution of the Lower St. Croix Water Management Organization and enlargement of the Valley Branch Watershed District and South Washington Watershed District, 2 pages.

Exhibit 20. Comments opposing the petition to Enlarge the South Washington Watershed District and Increase the Number of Managers from Daniel Belka to the Board of Water and Soil Resources, dated April 28, 2009.

Exhibit 21. Board of Water and Soil Resources Staff Advisory Report on Petitions to Enlarge the South Washington Watershed District and the Valley Branch Watershed District, dated April 29, 2009, 5 pages.

10. **Hearing Panel.** The Metro Water Planning Committee met on May 6, 2009. Committee members in attendance were Louise Smallidge, Rebecca Flood, Faye Sleeper, LuAnn Tolliver and Robert Burandt as chair. Based on the entire record in this matter and after due consideration, the committee, with Smallidge abstaining, decided with a unanimous voice vote to recommend to the full Board that the SWWD and VBWD be enlarged according to the Petitions and that the SWWD number of managers be increased to seven (7).

In arriving at their decisions, the Committee endorsed the findings and conclusions in the Staff Advisory Report regarding the enlargements (See Exhibit 21). The Board's standard of review in making determinations on a proposed enlargement of a watershed district is set forth in Minn. Stat. § 103D.261, Subd. 2, item a, as follows:

> After the hearing, if the board determines that the enlargement of the watershed district as asked for in the petition would be for the public welfare and public interest and the purpose of this chapter would be served, the board shall, by making findings and an order, enlarge the watershed district and file a certified copy of the findings and order with the secretary of state.

The Committee found that the SWWD and VBWD will accomplish more in the area of watershed management than the LSCWMO has. The Committee found the enlargement would benefit the public welfare and public interest and the purposes of Minnesota Statutes Chapters 103B and 103D would be served. The Committee found it is evident from review of past annual reports that the SWWD and VBWD more proactively manage their water resources as indicated by the many accomplishments in watershed management of the SWWD and VBWD, while not so with the LSCWMO. The Committee found that eliminating a less effective organization and its administrative costs will lead to better management and negligible additional administrative increases for the SWWD and VBWD. The Committee noted the proximity of the LSCWMO to the confluence of the St. Croix River and Mississippi River regarding the major watershed boundary currently within the LSCWMO. The Committee noted the overwhelming support in the hearing record for the Petitions and the small amount of opposition to the Petitions in the hearing record.

The Committee found, consistent with the LSCWMO Dissolution Resolution (See Exhibit 3A), approval of this Order and filing with the Secretary of State needs to be contingent on the dissolution of the LSCWMO taking place first. The SWWD and VBWD Watershed Management Plans should be amended within one year to include the Petitioned Areas.

Other than the Petition for SWWD, the hearing record is silent on the proposed increase in number of managers. The Committee found that the increase in number of managers is necessary to provide for better representation of the various hydrologic units. An increase in the number of managers will provide for more continuity with veteran managers and newly appointed managers. The Committee noted the absence of opposition in the hearing record regarding the proposed increase in number of managers.

CONCLUSIONS

1. The Petitions for the enlargement of the Valley Branch Watershed District, and the enlargement and increase in number of managers of the South Washington Watershed District are valid in accordance with Minn. Stat. §§ 103D.261 and 103D.305.

2. Proper notice of hearing was given and the public hearing was held in accordance with applicable laws.

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

4. The Board has proper jurisdiction in the matter of ordering a watershed district enlargement and denying an increase in number of managers.

5. The enlargements of the South Washington Watershed District and the Valley Branch Watershed District as proposed in the Petitions would benefit the public welfare and public interest and the purposes of Minnesota Statutes Chapters 103B and 103D would be served because the South Washington Watershed District and the Valley Branch Watershed District will accomplish more in the area of watershed management than the Lower St. Croix Watershed Management Organization has.

6. The South Washington Watershed District and the Valley Branch Watershed District can be enlarged into the area of the Lower St. Croix Watershed Management Organization because the organization will dissolve per the resolutions of its member communities upon approval of the Petitions.

7. The South Washington Watershed District and the Valley Branch Watershed District enlargements cannot occur before the Lower St. Croix Watershed Management Organization is dissolved.

8. The territory in the Lower St. Croix Watershed Management Organization will be free of financial liabilities at the time of the enlargements.

9. The South Washington Watershed District and the Valley Branch Watershed District Watershed Management Plans should be amended within one year to include the Petitioned Areas.

10. The increase in number of managers as proposed in the Petition for the South Washington Watershed District should be approved because the various hydrologic units will have better representation and there will be more continuity with veteran managers and newly appointed managers .

ORDER

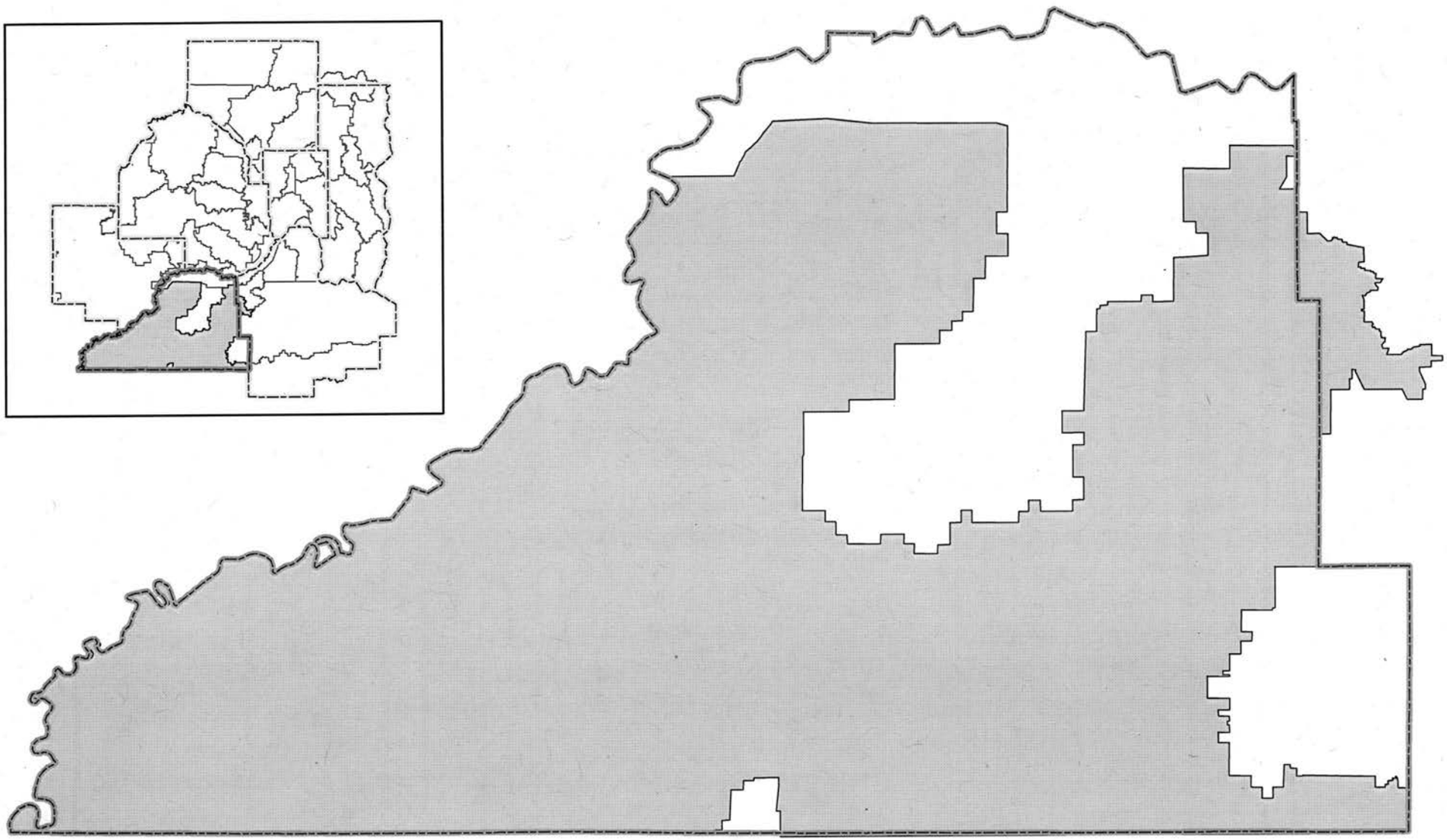
The Board hereby orders that the South Washington Watershed District and the Valley Branch Watershed District be enlarged according to the Petitions, and Exhibits A of said Petitions attached herewith to this Order and fully incorporated herein, and that the number of managers for the South Washington Watershed District be increased from five (5) to seven (7), contingent on the dissolution of the Lower St. Croix Watershed Management Organization occurring within three months from the date of this Order. The Board further orders that the Watershed Management Plans for the South Washington Watershed District and the Valley Branch Watershed District be amended within one year of the date of this Order to include the Petitioned Areas.

Dated at Saint Paul, Minnesota this 27th day of May, 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Randy Kramer, Chair

Scott Water Management Organization



Scott WMO

Metro WDWMOs

Metro Counties

Minnesota Board of Water & Soil Resources
www.bwsr.state.mn.us
May 2009

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

In the Matter of the review of the Watershed Management Plan for the **Scott Watershed Management Organization**, pursuant to Minnesota Statutes Section 103B.231, Subdivision 9.

ORDER APPROVING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Commissioners of the Scott Watershed Management Organization (SWMO) submitted a Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

1. **Watershed Management Organization Establishment.** The SWMO became necessary after the failure of four WMO's in 1996 which had originally been established under the Metropolitan Surface Water Management Act. Scott County resolved to take over water planning activities in the areas previously addressed by the Sand Creek, Shakopee Basin, Southwest Scott, Credit River, and portions of Prior Lake-Spring Lake watershed management organizatons in July 2000.

2. **Authority to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The current SWMO watershed management plan was approved by Board order dated January 28, 2004. The watershed management plan may be revised according to Minnesota Statutes Section 103B.231, Subd. 9.

3. **Nature of the Watershed.** The SWMO extends over 287 square miles of Scott County. The remaining portions of Scott County are addressed by the Lower Minnesota River WD, Prior Lake-Spring Lake WD, the Vermillion River Watershed JPO, and Black Dog WMO. There are also approximately two square miles tributary to the Cannon River in the southeast corner of the county that is subject to the Metropolitan Surface Water Management Act and is considered part of the SWMO area. Drainage of Scott County is predominantly toward the Minnesota River which forms the northern border of the County. Agricultural land use dominates the landscape, however urbanization is occurring in the northern portions of the County.

4. **Plan Development and Review.** The previous SWMO Plan extended five years whereas most watershed management organization plans dictate the maximum ten year expiration. The draft revised Plan was submitted to the Board, other state agencies, and local governments for the 60-day review on August 23, 2008. A public hearing was held on December 2, 2008. On January 9, 2009, the draft revised Plan was sent to the review agencies for the 45-day review period. The final draft of the revised Plan was received by the Board on March 27, 2009.

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

Scott County Public Works Division. Public works recommended, based on their research of cost benefits associated with achieving proposed water quality standards and minimal water quality improvement, that the WMO consider changing the water quality ponding standard from NURP standards to MPCA's NPDES general construction permit standards. SWMO revised the standard accordingly.

City of Prior Lake. The City recommended a simplification of the stormwater crediting calculations and the rules overall. SWMO modified several crediting calculations and agreed to explore ways to format the rules differently. The City agreed with the proposed process for updating and approving local water plans and recommended the process be as flexible as possible. Prior Lake expressed serious concern about the regulatory fallout of TMDLs and the potential for multi-tiered overlay districts for MS4s, each with its own waterbody-specific design and management framework. SWMO shares their concern and as a result created an action item in the Plan to assess the feasibility and benefits of pollutant trading. The City recommended the SWMO regularly assess its flood model and assure that no additional risk is being placed on existing infrastructure and property downstream through upstream development. SWMO cited a number of modeling efforts and FEMA floodplain updates to address this concern, but expects LGUs to identify issues in their local water plans. SWMO will then consider assisting LGUs in addressing microscale hydrologic analyses with cross jurisdictional origins or impacts. The City believes a more thorough understanding of rate and volume control is needed particularly for undeveloped drainage systems. SWMO listed a number of strategies included in the Plan to address this concern. Prior Lake recognized the need to discuss development in the proposed annexation areas. SWMO will require LGUs to consider this issue in their local water plan update. The City wished to discuss timing for adopting a rule to address septic systems in city wellhead areas. SWMO agreed to discuss this issue at Technical Advisory Committee and/or special meetings with the city.

Credit River Township. The Township requested more guidance regarding the street sweeping assessment requirement, and recommended that it be done only on urban road sections and only once annually in the spring. SWMO stated that specifics are included in the Plan and that the specifics require LGUs assess their own needs with an emphasis on early spring sweeping and more intensive sweeping in shoreland areas that LGUs consider priority waterbodies. To remain consistent with a proposed SWMO strategy, the Township recommends adopting the MPCA NPDES General Construction Permit as the basic standards. Originally opposed to the suggestion but upon reconsideration after the 45-day comment period, SWMO revised the standard in the Plan as recommended. The

Township requested consideration of minimum access path width, minimum drainage and utility easement width, and maximum slope for stormwater infrastructure. SWMO leaves these specific features to each LGU's discretion. SWMO standards do require maintenance provisions for stormwater facilities, but only encourage LGUs to adopt minimum standards or produce design manuals outlining these types of issues. Credit River Township inquired about the degree of modeling the WMO will do to comply with Minnesota Statutes Section 103B.235. SWMO responded by noting several modeling efforts and regional ponding studies ongoing or recently completed, the results of which will be made available to all LGUs. The finer detailed subwatershed modeling can be undertaken by the LGUs.

Spring Lake Township. The Township noted a referencing error in the stormwater standard and claimed it difficult to follow, which SWMO corrected and reformatted accordingly. SWMO anticipates updating the guidance document once the new Plan and standards are adopted. The Township felt that the stormwater standard applies more stringent stormwater controls to unincorporated areas than to incorporated areas, resulting in larger stormwater areas. SWMO disagreed with the opinion that the difference is arbitrary since the rationale for this difference was included in the previous Plan and vetted in the previous Standards and Rulemaking processes. The basic premise and justification has to do with whether or not a managed stormwater infrastructure system is in place. SWMO added a narrative to the standards section of the Plan justifying the rationale. The Township believes the required assessment of potential downstream impacts for developments greater than 20 acres within the stormwater standard is unmanageable and too costly. SWMO has adopted guidance since rules were adopted in 2005 that in effect reduces the amount of effort required to complete this analysis. SWMO determined the rule thresholds based on the potential impervious surface created. The Township requested the WMO reduce the maximum buffer width to 45 feet due to the restrictive nature of a large setback. SWMO agreed with the recommendation after the 60-day comment period, however later changed the standard back to 65 feet upon reconsideration. The Township noted that the WMO policy for wetland replacement siting criteria is more restrictive than the Wetland Conservation Act and requests defaulting to WCA. SWMO stated that it was included in the previous plan. However review of the current WCA rule revealed that siting criteria was virtually the same as the WMO's and therefore SWMO agreed to delete the policy and defer to WCA.

Scott Soil and Water Conservation District. The Scott SWCD recommended the buffer width requirement be no less than 65 feet for wetlands categorized as "preserve", or if less than 65 feet to remove the buffer averaging provision. Based on numerous studies, SWMO concurred with the comment and retained the width at 65 feet and allowing buffer averaging.

6. **Metropolitan Council Review.** The Council stated the Plan appears to be consistent with their *Water Resources Management Policy Plan.*

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

8. **Department of Health Review.** The MDH did not comment on the Plan.

9. **Department of Natural Resources Review.** The DNR did not comment on the Plan.

10. **Pollution Control Agency Review.** PCA stated that the Plan fully addresses impaired waters in the watershed but requested the WMO rank each impaired waterbody to assist PCA with prioritization of future TMDLs. SWMO added language to the Plan clarifying the intent to work with PCA's TMDL schedule. WMO staff estimate that monitoring efforts have cost approximately $100,000, which represents a substantial local contribution toward the completion of future TMDLs. PCA commended the WMO for establishing exceptional stormwater standards, however recommended adding a couple of definitions and listing certain acronyms. SWMO incorporated the suggested changes in the Plan. PCA recommended additional detail related to the WMO's approach to septic system compliance. SWMO explained that this issue was assessed in the "needs assessment matrix" and gaps analysis in the Plan. The conclusion is that nonconforming septic systems were not identified as a priority problem for the WMO and that existing programs address the problem. SWMO also recognizes that TMDL studies may result in identification of problematic systems and would amend the Plan accordingly at that time. PCA also requested more discussion on feedlots including implementation strategies to address problem sites. Scott County is a delegated county for feedlot regulation and therefore no gap was identified for the WMO. Further, feedlots were not selected as an issue by citizens or agencies in the early part of the planning process, possibly due to the decline in animal agriculture in the county. SWMO provides cost share funds for feedlot fixes and added Plan language to clarify the intent to more closely consider them if identified as issues through TMDLs or other diagnostic studies. PCA stated that the Plan adequately addresses wetland issues. The PCA encouraged the SWMO to submit water quality data for inclusion in STORET and the SWMO responded that it currently submits the data as requested.

11. **Department of Transportation Review.** MNDOT asked if the trigger for the stormwater standard could be presented upfront in Section 1, which SWMO added. MNDOT inquired about the applicability of the stormwater standard to linear projects. This comment resulted in the rewording of the standard to indicate "project area" rather than the "site". Linear projects exceeding the threshold are subject to the stormwater standard. MNDOT questioned the limits regarding the volume control standard. SWMO explained that the limits are determined by the downstream analysis requirements. No change was made to the Plan in response to this comment. MNDOT requested they be listed as the Wetland Conservation Act Local Government Unit (LGU) for its projects within their right-of-way and the SWMO responded by making the requested revision. MNDOT noted that a number of issues identified in the planning process relate to agriculture, but it appeared unclear how those issues will be addressed in the Goals/Policies and Implementation Sections. SWMO's response was an explanation of the relevant planning processes and an extensive list of goals, policies, and strategies addressing the agricultural related issues. No change in the Plan was made in response to this comment.

12. **Board Review.** Board staff recommended adding the following to the Plan: a description of citizen input, a self assessment of implementation of the previous plan, start and completion dates for several implementation strategies, a statement that all or

indicate which parts of the Plan may be adopted by reference by LGUs for their local water plans, language that is more outcome based for several implementation strategies, maintenance standards, inclusion of two maps that are referenced but missing from the document, a list of all revenue sources intended to be utilized for each program and project, and a list of communities who serve as LGU for the Wetland Conservation Act. SWMO responded by making these recommended revisions to the Plan. Board staff commented that a more substantial assessment of the adequacy of the proposed capital improvement projects be completed based on the results of completed studies and inventories. SWMO staff disagreed with the comment stating that results of the completed geomorphic assessment constitutes a substantial assessment, and was sufficient for the SWMO to make an informed decision of creating a buffered environment as described in the Goals, Policies, and Strategies section of the Plan. SWMO also believes that capital improvements will be adequately addressed and implemented through various SWMO cost share programs, periodic plan amendments incorporating large scale projects as identified in future modeling efforts and TMDL studies, and through the requirement of LGU capital improvement project assessments in local water plans. Board staff expressed concern that the Plan falls short of fully describing the WMO role in the development of future TMDLs. SWMO staff strongly disagree that the Plan falls short of describing the role by citing Plan strategies indicating their willingness to work with the PCA to complete TMDLs, by identifying PCA's proposed TMDL schedule, and orienting their monitoring efforts to provide some support. SWMO added language to Sections 3 and 5 further clarifying the WMO's overall approach to TMDLs. In response to BWSR staff comment, SWMO added an analysis of the financial impact on LGUs administering the regulatory controls of the WMO standards. In both comment letters, Board staff requested more specificity on the SWMO oversight of local water plan compliance, implementation, and LGU reporting. SWMO responded by outlining the annual LGU review protocols and consequences for noncompliance. Board staff recommended refining Table 5.2 to reflect all responsible stakeholders/LGUs so that it is clear to LGUs what must be included in their local water plans. Board staff asked for cost estimates for several strategies missing this component and clarification on the "Targeted project implementation" strategy to indicate whether it includes funding for technical assistance and staff time or just project construction costs. SWMO adequately addressed this comment. Board staff pointed out that summaries of the annual LGU review meetings must be included in the annual WMO activities reports.

13. **Plan Summary and Highlights.** The Plan outlines a collaborative approach to achieving the WMO's "green infrastructure vision." Overall the Plan is well thought out, provides a thorough assessment of issues, and is an excellent mix of structural, non-structural, and programmatic solutions. The highlights of the revised Plan include:

- Short and long term metrics to assess progress and performance, and a schedule for assessing the metrics to improve accountability, and make midcourse adjustments as needed. SWMO will review the implementation section and if necessary update the Plan through amendments every two years.

- Extensive Capitol Improvement Program containing specific details for cost share programs with a projected budget of $7.8 million over the next ten years.

- A strategic, targeted approach to resource management and conservation.

- Exemplary rules, standards and Permit program, particularly for stormwater management.

- The Water Plan Update was completed in conjunction with the County Comprehensive Land Use Plan Update in order to take advantage of the authorities of both processes to have land use management align with water management.

- Completion of a model benchmarking (self-assessment) exercise and a matrix used to identify gaps in current programs and regulations for prioritization purposes.

- Collaborative approach to educating the public and stakeholders via creation of the Joint MS4 Education Plan reducing redundancy and duplicative efforts in the county.

14. **Metro Water Planning Committee Meeting.** On May 6, 2009, the Board's Metro Water Planning Committee and staff met with representatives from the SWMO in St. Paul to review and discuss the Plan. Those in attendance from the Board's Committee were Rebecca Flood, Louise Smallidge, Faye Sleeper, LuAnn Tolliver and Robert Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationists Brad Wozney and Melissa Lewis. Representatives from the SWMO included SWMO Administrator Paul Nelson and Senior Planner Melissa Bokman. Board staff recommended approval of the Plan. After discussion, the Committee voted 5-0 to recommend approval of the Plan to the full Board.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the Scott Watershed Management Organization pursuant to Minnesota Statutes Section 103B.231, Subd. 9.

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

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

ORDER

The Board hereby approves the attached Watershed Management Plan dated March 2009 as the Watershed Management Plan for the Scott Watershed Management Organization.

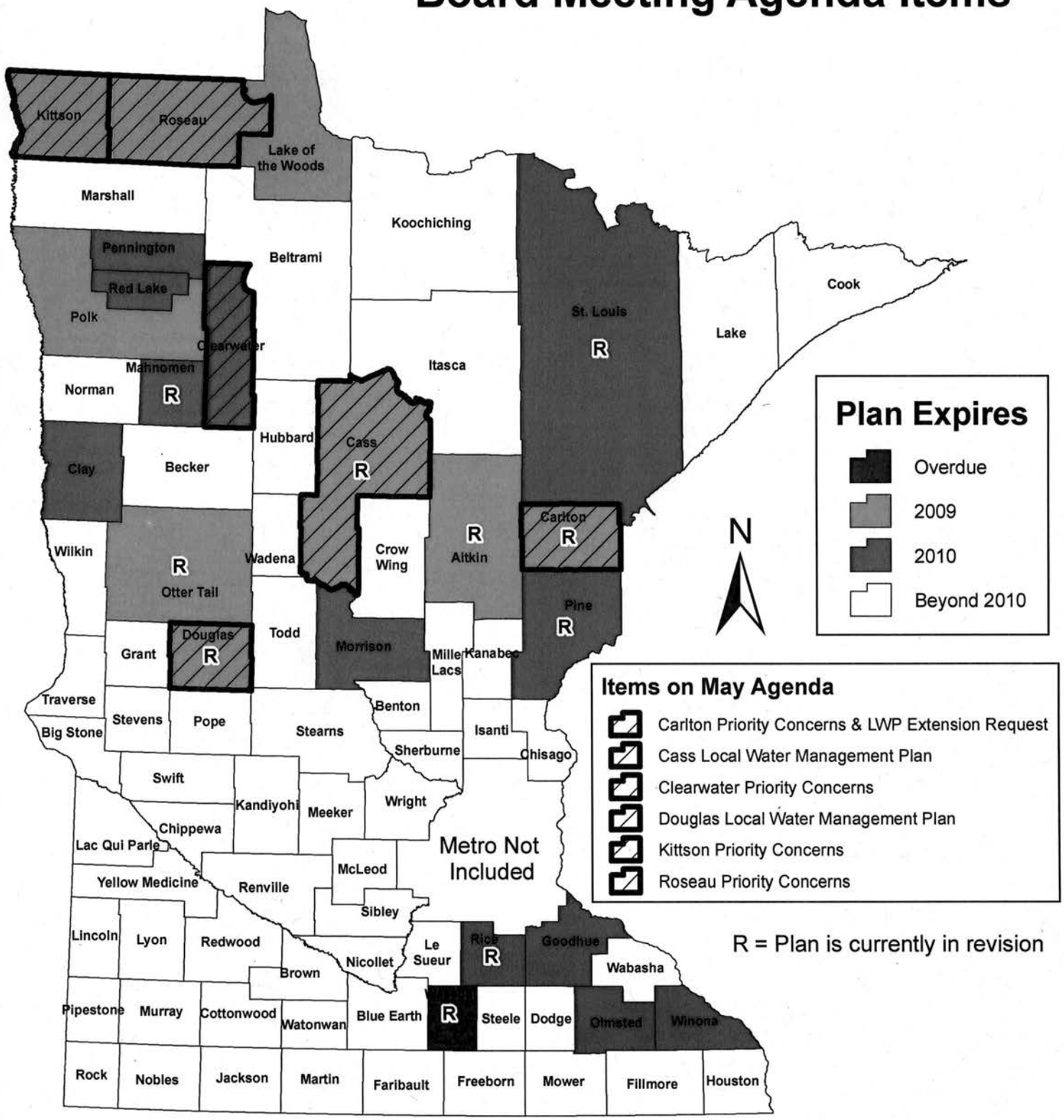
Dated at Saint Paul, Minnesota this 27th day of May, 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

County Water Plan Expirations
&
Board Meeting Agenda Items



map updated: May 2009

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Carlton County Priority Concerns Scoping Document – ***DECISION ITEM***
2. Carlton County Local Water Plan Extension Request – ***DECISION ITEM***
3. Clearwater County Priority Concerns Scoping Document - ***DECISION ITEM***
4. Cass County Local Water Management Plan Final Review - ***DECISION ITEM***
5. Douglas County Local Water Management Plan – ***DECISION ITEM***
6. Kittson County Priority Concerns Scoping Document - ***DECISION ITEM***
7. Roseau County Priority Concerns Scoping Document - ***DECISION ITEM***

DATE: March 26, 2009

TO: BWSR Northern Region Planning Subcommittee

FROM: Ryan Hughes, BWSR Board Conservationist

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

The expiration date of the current Carlton County Local Water Plan (LWP) is June 26, 2009. On April 8, 2008 the Carlton County Board of Commissioners adopted a resolution to commit to revise and update the Carlton County LWP. Carlton County has actively sought input for their PCSD since April 18, 2008. On August 12, 2008 the Carlton County Board of Commissioners approved the Carlton County Water Plan Task Force to coordinate the LWP update process.

Priority Concerns Input Process

Carlton County received responses from the following entities after requesting input for priority concerns:

- Carlton County
- Carlton County Soil and Water Conservation District (SWCD)
- City of Thomson
- Chub Lake Association
- Hanging Horn Lake Association
- Tamarack Watershed Group
- Fond du Lac Environmental Program
- Minnesota Board of Water and Soil Resources (BWSR)
- Minnesota Department of Health (MDH)
- Minnesota Department of Natural Resources (DNR)
- Minnesota Pollution Control Association (MPCA)
- Pine County SWCD

Carlton County also developed the following processes to receive public input related to water resources priority concerns:

- Distributed a citizen survey at the Carlton County Fair (56 responses)
- Website Survey (12 responses)
- Various Public Meetings (13 responses)

The responses to the public input processes are summarized in the PCSD.

Selected Priority Concerns

Based on the input received through the public input process the Carlton County Water Plan Task Force selected the following three priority concerns:

1. Water Quality in County Lakes, Rivers and Streams
2. Development Impacts and Land Use
3. Promote and Educate the Public about the County's Water Resources

On November 19, 2008 Carlton County distributed the PCSD to the appropriate state agencies for review. The comments are summarized as follows:

MPCA

The agency strongly recommended the County target South Island Lake as a priority for TMDL development and the Nemadji River Watershed as a clear priority in the CWMP. In addition, the agency offered consideration of the Total Maximum Daily Loads and Environmental Data Access System information when drafting the CWMP.

MDH

The agency concurs with the priority concerns identified. The agency felt the process followed to identify the priority concerns was adequate. The MDH commended Carlton County for recognizing the value of protecting and preserving groundwater.

DNR

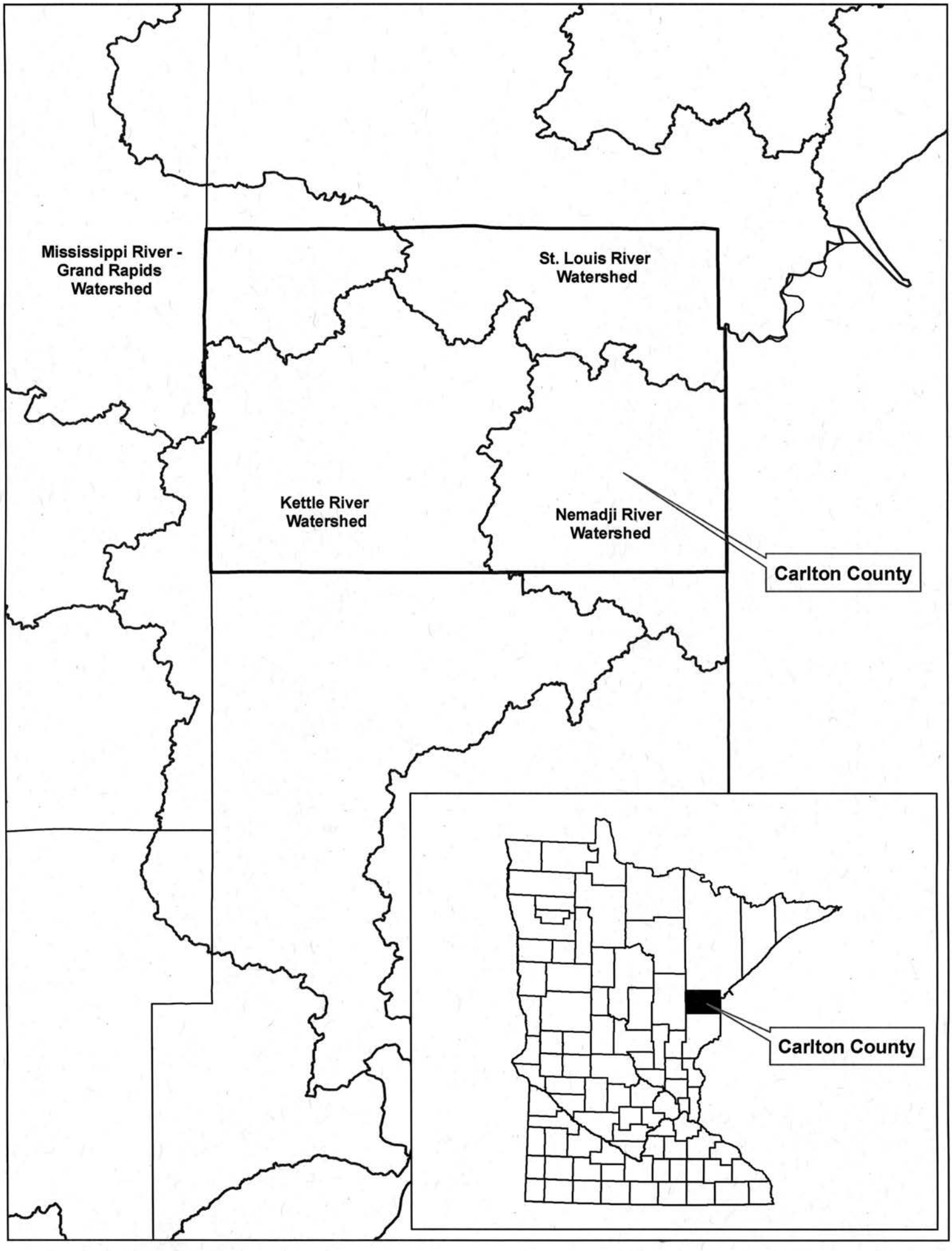
The DNR Duluth/Carlton Area Team reviewed the document and did not have any comments.

MDA

The MDA did not have any comments.

Board Conservationist's Recommendation

The Carlton County PCSD satisfies the requirements of M.S. 103B.312, therefore I recommend the BWSR Northern Region Planning Subcommittee approve the Carlton County PCSD as submitted and forward this document to the full board for approval.


Mississippi River -
Grand Rapids
Watershed
St. Louis River
Watershed
Kettle River
Watershed
Nemadji River
Watershed
Carlton County
Carlton County

Minnesota Board of Water & Soil Resources

May 27, 2009

Carlton County Board of Commissioners
c/o Heather A. Cunningham
P.O. Box 220
301 Walnut Avenue, Room 101
Carlton, MN 55718

Dear Carlton County Commissioners,

RE: Official Comments Pertaining to the State Review of the Carlton County Priority Concerns Scoping Document

Pursuant to M.S. Section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns that Carlton County has chosen to address in the update of their Local Water Plan. The Board of Water and Soil Resources, along with the state review agencies, received the Carlton County Priority Concerns Scoping Document (PCSD) on November 24, 2008. The North Water Planning Committee (hereinafter referred to as Committee) met on April 8, 2009, to discuss the state review agency comments, the content of the PCSD and recommendations for the content of the final plan.

The Committee commends the county for the process they used to select the priority concerns to be addressed by the plan. The Committee requested more participation with the local paper mills in the development of the final plan and encourages the county to submit the final plan for board approval within six (6) months of receiving this letter.

Sincerely,

Randy Kramer
Chair

cc: Ron Shelito, BWSR
David Weirens, BWSR
Ryan Hughes, BWSR
Rebecca Flood, MPCA
Beth Kluthe, MDH
Eunice Luedtke, DNR
Becky Balk, MDA

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DATE: March 26, 2009

TO: BWSR Northern Water Planning Committee

FROM: Ryan Hughes, BWSR Board Conservationist

SUBJECT: Carlton County Local Water Plan (LWP) Extension Request

---

The Carlton County Board of Commissioners adopted a resolution requesting an extension to the Carlton County LWP at their February 10, 2009 meeting. Carlton County submitted an extension request cover letter and the resolution to the BWSR Board Conservationist February 17, 2009.

Progress has been completed to update the Carlton County LWP but has been delayed due to a maternity leave by the Carlton County staff coordinating the update process and a Board Conservationist transition in the Duluth office. Carlton County originally contacted BWSR about the maternity leave September 9, 2008.

Due to the valid circumstances of the delays and the progress completed by Carlton County I recommend approval of the request to extend the expiration date of the Carlton County LWP and that the extension be granted for two years per M.S. 103B.311, Subdivision 4.

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

In the Matter of Extending the Local Water Plan For Carlton County pursuant to M.S. 103B.311, Subdivision 4, Authorizing BWSR to Grant Extensions	**ORDER EXTENDING LOCAL WATER PLAN**

Whereas, Carlton County has a state approved Local Water Plan that is effective until June 26, 2009, pursuant to M.S. 103B.301, and

Whereas, the Board of Water and Soil Resources has authorization to grant extensions pursuant to M.S. 103B.311, Subdivision 4.

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

FINDINGS OF FACT

1. On February 17, 2009 the Board of Water and Soil Resources Board Conservationist received a cover letter and resolution from Carlton County requesting an extension of their Local Water Plan.
2. The Board Conservationist recommended approval of the extension due to the progress completed by Carlton County and valid issues resulting in the delay of the update process.
3. In accordance with Board of Water and Soil Resources Local Water Plan guidance, the extension request must be for two (2) years.

CONCLUSIONS

All relevant requirements of law and rule have been fulfilled. The Board of Water and Soil Resources has proper jurisdiction in the matter of extending the Local Water Plan for Carlton County pursuant to Minnesota Statute 103B.311, Subdivision 4.

ORDER

The Board of Water and Soil Resources hereby approves the extension of the Carlton County Local Water Plan until May 27, 2011. Dated at St. Paul, Minnesota, this 27th day of May 2009.

By:_____
Randy Kramer, Chairperson
May 27, 2009

Minnesota Board of Water & Soil Resources

DATE: March 30, 2009

TO: BWSR Northern Subcommittee

FROM: Chad Severts, Board Conservationist

SUBJECT: Review of Clearwater County's Priority Concerns Scoping Document (PCSD)

The original local water management plan was adopted in 1989. This will be the fourth generation of the Clearwater County Local Water Management Plan (LWMP).

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

The update process began on December 11, 2007, when Clearwater County passed a resolution to update the county's LWMP. The current plan update effective date is set to expire March 23, 2010.

The process followed by Clearwater County in the development of their PCSD provided ample opportunity for local, state, and federal agencies and governments to submit priority concern input regarding water related management issues and concerns.

Clearwater County's priority concern statements were:

1. Surface Water Quality Protection and Enhancement
2. Drinking Water Source Protection
3. Exotic and Invasive Species Management
4. Land Use Impacts on Water Quality

The following was used to develop the PCSD:

- A citizen survey was developed and distributed to all townships and lake associations in the County. Surveys were also made available at the Clearwater SWCD, various County offices, and also made available online at the Districts website. A total of 38 responses were

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received to the survey and the results were as follows.

- Top County Issues: 1) Water Clarity; 2) Erosion; 3) Runoff 4) "Other" was identified a number of times with aquatic invasive species as a concern.
- Most threatened resources: 1) Lakes; 2) Wetlands; 3) Streams/Rivers; 4) Groundwater.
- Additional comments included concerns about chemicals and groundwater contamination, regulations and over-management and wetlands.

- The following priority concerns were submitted by the state agencies mentioned in statute:
  - DNR: 1) Aquatic invasive species; 2) Water level management and preservation of the shallow lakes in Clearwater County.
  - MDH: 1) Protect groundwater-based drinking water sources; 2) Seal unused, unsealed wells; 3) Develop a local ground-water quality data base.
  - MDA: 1) Manure management and ISTS; 2) Agricultural chemical use and potential impacts to unconfined shallow groundwater; 3) Agricultural chemical use and potential impacts to surface water.
  - BWSR: 1) Waters listed as impaired for fecal coliform; 2) Forest Land Management; 3) Land Use Impacts on Lake and Stream Water Quality.
- The following priority concerns were also provided:
  - Red Lake Department of Natural Resources: 1) Land Use Impacts on Water Quality in the Clearwater River; 2) Stormwater Management.
  - White Earth Department of Natural Resources: 1) Ensuring Pollution/runoff is not entering Lower Rice Lake; 2) Wetland protection/education; 3) Groundwater; 4) Surface Water.
- A public meeting was held at the Clearwater County Courthouse on March 18, 2008. Despite efforts to inform the public, nobody showed up at the meeting.
- The LWM Task Force met three times during the writing of the PCSD. At the January 20, 2008 meeting the members voted for their initial top priorities and they are as follows: 1) Finding and implementing solutions to water quality problems; 2) Agricultural activities; 3) Coordination between agencies, government, associations, ect; 4) Buffers for shoreland development; 5) Local awareness/education to solve water problems; 6) Maintain a high quality of life and economic viability. The Task Force approved the final priority concerns and PCSD at the January 7, 2009 meeting.

On February 2, 2009 the PCSD was sent to the required state agencies for review and asked comments to be sent to Ron Shelito by March 2, 2009.

The responses as of March 27, 2009 were:

- February 3, 2009, MDA concurs with the priority concerns and feels the process was commendable.

- February 4, 2009, DNR concurs with the priority concerns and feels the process was commendable.
- February 3, 2009, MDH concurs with the priority concerns and feels the process was adequate.
- February 27, 2009, MPCA attached the original priority concerns input and would like them added to the PCSD. The information has been added to the Summary of Agency Input section of the PCSD. The following are suggestions for consideration for the final plan. Discussions on the possible pursuit of County feedlot program delegation status. The MPCA also recommends the inventory of feedlots within the county and language addressing finding and fixing feedlot and land application runoff problems adjacent to impaired waters in the County. MPCA encourages the County to fully participate in the development of the TMDL pollutant allocations for impaired waters and the implementation of the plan. The MPCA also encourages the County to consider for the final plan, how additional water quality monitoring may be conducted to provide a more comprehensive assessment of waters in the County.

With the addition of the MPCA priority concern information, I've concluded that the PCSD does meet the requirements of the guidance material provided by the BWSR and that of 103B.312 and 103B.313 subp.1-4.

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Minnesota Board of Water & Soil Resources

May 27, 2009

Clearwater County Commissioners
C/O John Knisley, Clearwater Soil and Water Conservation District
312 Main Ave N Ste 3
Bagley, MN 56621

RE: Official Comments Pertaining to the State Review of the Clearwater County Priority Concerns Scoping Document

Dear Clearwater County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Clearwater County has chosen to address in the update of their Local Water Management Plan. The Board of Water and Soil Resources, along with the state review agencies, were sent the Clearwater County Priority Concerns Scoping Document (PCSD) on February 2, 2009, and asked that comments be sent within 30 days to Ron Shelito, BWSR Regional Supervisor.

A number of water resource concerns were submitted to the Clearwater Local Water Management Task Force. The Task Force chose the following priority concerns that will be addressed in the Water Plan Revision.

1. Surface Water Quality Protection and Enhancement
2. Drinking Water Source Protection
3. Exotic and Invasive Species Management
4. Land Use Impacts on Water Quality

The following state review agencies provided comments pertaining to the priority concerns selection:

- February 27, 2009, MPCA attached the original priority concerns input and would like them added to the PCSD. The information has been added to the Summary of Agency Input section of the PCSD. The following are suggestions for consideration for the final plan. Discussions on the possible pursuit of County feedlot program delegation status. The MPCA also recommends the inventory of feedlots within the county and language addressing finding and fixing feedlot and land application runoff problems adjacent to

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impaired waters in the County. MPCA encourages the County to fully participate in the development of the TMDL pollutant allocations for impaired waters and the implementation of the plan. The MPCA also encourages the County to consider for the final plan, how additional water quality monitoring may be conducted to provide a more comprehensive assessment of waters in the County.

- February 4, 2009, DNR concurs with the priority concerns and feels the process was commendable.
- February 3, 2009, MDA concurs with the priority concerns and feels the process was commendable.
- February 3, 2009, MDH concurs with the priority concerns and feels the process was adequate.

On April 8, 2009, the Northern Regional Local Water Resources Subcommittee (hereinafter referred to as the committee) met with the Clearwater SWCD representatives to discuss local water management activities within Clearwater County, the process used to gather public input, the content of the PCSD, and the state review agency comments and recommendations for the content of the final plan.

Based on the subcommittee's recommendations, the Board of Water and Soil Resources commends Clearwater County for the process used to select the concerns. The priority concerns to be addressed in the plan were deemed to be appropriate, and do not require any changes to the PCSD as submitted.

Sincerely,

Randy Kramer, Chair
Board of Water and Soil Resources

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

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COMPREHENSIVE LOCAL WATER MANAGEMENT PLAN UPDATE

CASS COUNTY, MINNESOTA

January 2009 – January 2014

FOR INFORMATION CONTACT:

Brent Rud, Water Plan Coordinator
Cass County Environmental Services
PO Box 3000
Walker, MN 56484
(218) 547-7253
Brent.rud@co.cass.mn.us

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EXECUTIVE SUMMARY

INTRODUCTION

Cass County is pleased to present our fourth generation Comprehensive Local Water Management Plan. This plan is a five-year action strategy designed to achieve County water resource and management goals. This plan is one of four components of a revised Cass County Comprehensive Plan, also including a private land use plan, public land use plan, and public infrastructure plan. First integrated in 2002 these components affords a clear understanding of overall county involvement and strategies, and places the full force of the county, supporting agencies, and groups behind the implementation of its objectives. This plan is in effect in all of Cass County and there are no inconsistencies with any other local, state, or regional plans.

Cass County Environmental Services Department (ESD) is the sole Department charged with writing and implementing this plan. ESD includes planning and zoning administration, subsurface sewage treatment systems (SSTS) regulation, solid waste administration, Soil and Water Conservation District, and other duties as directed by the County Board. The County ordinances regulating these areas are generally written by ESD, adopted by the County Board, and implemented by ESD under the direction of the County Comprehensive Plan and the Local Water Management Plan. The focus of ESD is; land use permit application review, shoreland alteration permit application review, variance application technical review, conditional use permit technical review, SSTS permit application review, plat reviews, stormwater management, shoreline buffer restorations, education and consultation with citizens and industry professionals, enforcement, and every day customer service.

We continue to recognize that our greatest asset is our immense and varied natural resource base. We also recognize that these high quality resources provide a unique opportunity for development and growth. We must place the highest priority on maintaining and preserving the unique environment of the County by tempering growth through wise management. To date there is only one identified impaired water (Lake Margaret) in Cass County. The local water management plan is mainly written as a protection strategy for maintaining the quality of our natural resources. Cass County is currently working towards a complete protection strategy for our surface waters beginning with the 17-lake LCCMR-funded DNR Sensitive Area Study and the BWSR-funded Enhanced Water Planning Large Lake Water Quality Trend Assessment Project. There are many additional projects that could benefit our understanding of how to better protect our natural resources. We will find funding sources to attain the goals in this local water management plan from DNR, MPCA, BWSR, EPA, the Initiative Foundation, Clean Water Legacy, LCCMR, Lessard Outdoor Heritage Council, and any other available source.

PURPOSE OF THE LOCAL WATER MANAGEMENT PLAN

- Identify existing and potential problems and opportunities for the protection, management, and development of water and related land resources
- Preserve the pristine quality of the county's ground and surface waters and, where degradation has occurred, provide for water quality restoration
- Monitor water quality, use, and availability
- Develop objectives and carry out a plan of action to promote sound hydrologic management, effective environmental protection
- Provide coordinated and efficient delivery of environmental services to assure the long term protection of water resources and watersheds

PRIORITY CONCERNS

Cass County ESD has identified three key areas or priority concerns during the development of the Priority Concerns Scoping Document (Appendix 1). How we address those concerns into the future may change from how they were addressed in the past but these are the priority areas that will continue to receive attention in the every day activities of Cass County ESD.

- Groundwater protection
- Surface water protection
- Education

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Cass County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on March 3, 2009, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On March 18, 2008, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Cass County, pursuant to M.S. Section 103B.312.

2) On May 14, 2008, the BWSR North Region Water Plan Review Committee met with representatives of Cass County to review the Priority Concerns Scoping Document.

3) On May 28, 2008, the Board of Water and Soil Resources approved official comments on the Cass County Priority Concerns Scoping Document, which were mailed to the county on May 28, 2008.

4) The priority concerns, in no particular order of importance, the local water management plan addresses include:

- Ground Water Quality Protection
- Surface Water Quality Protection
- Education and Information

5) On March 3, 2009, the BWSR received the **Cass** County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

6) On April 8, 2009, the North Region Water Plan Review Committee of the board reviewed the recommendations of the state review agencies regarding final approval of the Cass County Plan Update. Recommendations of the state review agencies were:
   A) Minnesota Pollution Control Agency: recommended approval;
   B) Minnesota Department of Agriculture: recommended approval;
   C) Minnesota Department of Health: recommended approval;

D) Minnesota Department of Natural Resources: recommended approval;
E) Minnesota Board of Water and Soil Resources staff: recommended approval;
F) Board Water Plan Review Committee recommended approval.

7) This update will be in effect for a five year period until May 27, 2114.

CONCLUSIONS

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

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

ORDER

The Board hereby approves the attached update of the Cass County Local Water Management Plan – May 27, 2009 to May 27, 2014.

Dated at St Paul, Minnesota, this twenty-seventh day of May 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Board Conservationist Summary and Recommendation of the Douglas County Comprehensive Local Water Management Plan

The development of the final draft plan utilized a Priority Concerns Scoping Document, which was submitted December 14, 2007 to BWSR. These four priorities are;

- Development Pressures and Land Uses;
- Natural Habitat Destruction;
- Wastewater and Stormwater Management; and
- Water Quality.

The Northern Regional Water Management Subcommittee met to discuss state agencies review comments, the content of the PCSD and recommendations for the content of the final plan. Pursuant to M.S. section 103B.313, subdivision 5, BWSR's March 27, 2008 letter communicated the State's official comments pertaining to the priority concerns chosen by Douglas County. BWSR in its comments commended Douglas County for the process used to select the concerns and did not recommend or require any changes to the PCSD.

A summary of the Goals and Actions for each priority concern is in the enclosed Executive Summary.

Douglas County submitted the final draft of the LWMP on February 11, 2009 for state agency review. Agency comments were to be sent to Ron Shelito, BWSR Regional Supervisor. The required public hearing was held February 17, 2009.

MPCA, DNR MDH and MDA correspondence recommended approval.

BSWR staff reviewed the draft final plan and found to it contain all requirements of M.S. 103B.314 for content and consistency with the previously reviewed PSCD and recommends approval.

The Northern Regional subcommittee of the Board met April 8th. The subcommittee recommends approval of the final plan.

Submitted by: Pete Waller

Douglas County

Comprehensive Local Water Management Plan



2009-2019

Implementation Plan Update: 2014



Douglas Soil and Water Conservation District
900 Robert Street, Suite 102
Alexandria, MN 56308
www.DouglasSWCD.com

I. Executive Summary

Background

Douglas County is located in west-central Minnesota approximately 130 miles northwest of Minneapolis. Rich in water resources, Douglas County is home to over 200 lakes over 40 acres in size. The City of Alexandria serves as the county seat nestled within the Chain of Lakes area. The county's population in 2005 was estimated at 35,467, an 8.1% increase since 2000, and it is projected that the population will increase 41% by 2030. Douglas County experiences the common struggle of working to accommodate rapid growth and development while protecting valuable water resources. Agriculture, in the form of cultivated land, is the dominant land use within the county.

This is the fourth revision of the Douglas County Comprehensive Local Water Management (LWM) Plan and the first revision done by the Douglas SWCD. This plan will become effective upon final approval by the Board of Soil and Water Resources and after official adoption by the Douglas County Board of Commissioners. The LWM Plan will be in effect through 2019 and covers the entire county.

Purpose

The goal of the Douglas County Comprehensive Local Water Management (LWM) Plan is to serve as a guide for resource protection and preservation in Douglas County for the next 10 years. An assessment of the progress made toward the completion of the goals will be done after the first five years and any necessary revisions will be made at that time.

The Douglas County LWM Plan is developed and written under the legislative authority of the "Comprehensive Local Water Management Act" (Minnesota Statutes sections 103B.301 to 103b.355). The purpose of the Douglas County Comprehensive Local Water Management Plan is to:

- Identify existing and potential problems and opportunities for the protection, management, and development of water and related land resources;
- Identify priority concerns to be addressed during the effective time frame of the plan;
- Develop goals and implement actions that improve water quality and quantity and related resource management and planning in the County.

Description of Priority Concerns - Summary of Goals & Actions

Priority Concerns, as defined by M.S. 103B.305, subd. 5, are issues, resources, subwatersheds, or demographic areas that are identified as a priority by the plan authority. The priority concerns for Douglas County were selected after tabulating survey responses, reviewing agency comments,

and through discussion with the Water Plan Task Force. See the Priority Concerns Scoping Document for more detailed information about the selection process (Appendix A). The Priority concerns are: Development Pressures and Land Use, Natural Habitat Destruction, Waste and Stormwater Management, and Water Quality. Education and outreach will be a component of each priority concern and therefore are not listed as separate concerns. A complete assessment of each Priority Concern as well as Goals, Objectives and Action items can be found in later sections of this Plan.

Development Pressures and Land Use

Douglas County is continuing to experience strong residential and commercial development pressures. The LWM Plan seeks to strategically plan for continued growth while protecting the County's natural resources. The goal is to balance open space and development in Douglas County in such a way as to maintain and/or improve the region's water quality. The following is a partial list of the intended action items:

- Incorporate the LWM Plan into the updated County Comprehensive Plan
- Promote the use and updating of the sensitive areas maps
- Create incentives for conservation developments
- Protect shore impact zones (SIZ), define intensive clearing, prohibit filing of wetlands in SIZ
- Assist with the evaluation of preliminary plats as needed, encourage low impact development (LID)

Projected Total Cost: $ 248,500

Natural Habitat Destruction

Natural fish and wildlife habitat has been declining with development sprawling into more rural parts of the county, around natural environment lakes and large wetlands, and with the conversion of agricultural land to rural housing. The goal is to preserve, restore, and enhance natural habitat in Douglas County. The following is a partial list of the intended action items:

- Encourage surface water zoning for the protection of aquatic habitat, vegetation, and lake bottom sediment
- Consider all wetlands in Douglas County to be high priority and work to further restrict wetland impacts
- Work with Douglas County Land and Resource Management (LRM) to update ordinances to include surface water restrictions on shallow basins or bays of larger lakes
- Work to restore large drained lake basins (Crooked Hansford lakes or others)
- Research the feasibility of establishing a county tax incentive for installing, restoring and maintaining shore line buffers
- Assist the DNR and other organizations with exotic species control and education

Projected Total Cost: $ 378,000

Waste and Stormwater Management

As the population of Douglas County increases, so do the impacts waste and stormwater have on the overall water quality of the region. Large populations increase the need for higher capacity sewage treatment facilities. As current infrastructure ages, there may be an increase in the amount failing septic systems. The construction of buildings, roads, and parking lots increases the amount of impervious surface. The result is an increase in runoff and erosion that can cause negative changes to stream flow, aquatic habitat, and water quality. The goals are to improve waste and stormwater runoff management in Douglas County. The following is a partial list of the intended action items:

- Encourage the use of pervious pavement systems and proper maintenance
- Promote the use of BMPs in commercial, residential, and agricultural settings to reduce sediment and nutrient loading
- Enhance the awareness of stormwater issues by implementing storm drain marking projects
- Require SSTS inspections within five years in all shoreland zoning districts
- Purse grants and low-interest loans to assist with SSTS upgrades
- Educate property owners on proper septic system maintenance

Projected Total Cost: $2,972,000

Water Quality

The LWM Plan recognizes that there are a myriad of issues that contribute to the degradation of water quality. Many of these issues are examined in more length in the previously listed Priority Concerns. However items such as trend analysis of lake data, advanced water quality monitoring, ground water protection plans, and participation in the TMDL process for the ever increasing amount of listed impaired water bodies have not yet been addressed elsewhere in the Plan. The goals that the LWM plan focuses on include: protecting and maintaining surface water quality from further degradation; improving or restoring impaired surface waters; and protecting and maintaining ground water resources. The following is a partial list of the intended action items:

- Collect water quality data on currently unmonitored lakes
- Assist lake associations with lake management plans
- Encourage lakeshed based planning
- Assist with the development of TMDL studies and implementation plans
- Provide technical advice and assist in the coordination of water quality improvement efforts
- Develop plans to protect ground water quality and quantity

Projected Total Cost: $259,000

Consistency with Other Plans

A number of plans were considered in the development of this plan. The Douglas County Comprehensive Local Water Management Plan is consistent with other local and state plans.

Local Water Management Plans – Todd, Stearns, Otter Tail, Grant, and Pope Counties
Comprehensive Plans – Douglas County
Wellhead Protection Plans – Alexandria, Carlos, Evansville, and Osakis
Stormwater Pollution Plan - Alexandria

Recommendations to Other Plans and Official Controls

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

The Douglas County LRM has a Joint Powers agreement to permit and inspect NPDES construction sites. Given the significant impacts that can occur if the permits are not followed, it is important that an assertive inspection and enforcement program remains in effect. It is recommended that the MPCA continues to fund this program on an ongoing basis.

The MPCA has given responsibility of administering the feedlot program to Douglas County. It is recommended that the County continue with the county delegation for the feedlot program.

In the November 2008 election, Minnesotans approved a constitutional amendment (Minnesota Constitution, Article XI, Sec. 15) dedicating sales tax funds to outdoor heritage, clean water, parks and trails, and arts and cultural heritage effective July 1, 2009 to June 30, 2034. It is the recommendation of this plan that these dedicated funds be used to supplement, not replace the current funding mechanisms and state appropriations regardless for the economic status of the state. It is also recommended that these dedicated funds be awarded to specific projects or credible organizations based on sound science, logic, and environmental benefit to the state.

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55107

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Douglas County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on September 28, 2009, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

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

2) On March 27, 2008, the Board of Water and Soil Resources provided official comments on the Douglas County Priority Concerns Scoping Document, which were mailed to the county on March 27, 2008.

3) The priority concerns the local water management plan addresses include:
   - Development Pressures and Land Uses;
   - Natural Habitat Destruction
   - Wastewater and Stormwater Management
   - Water Quality

4) On February 11, 2009, the BWSR received the Douglas County Plan Update, a record of the February 17, 2009 public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On April 8, 2009, the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Douglas County Plan Update. Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture: recommends approval;
   B) Minnesota Department of Health: recommends approval;
   C) Minnesota Department of Natural Resources: recommends approval;
   D) Minnesota Pollution Control Agency: recommends approval;
   E) Minnesota Environmental Quality Board: no recommendation received;
   F) Minnesota Board of Water and Soil Resources regional staff: recommends approval;
   G) Board Water Plan Review Committee: recommends approval.

6) This update will be in effect for a ten-year period until December 31, 2019; with the Goals, Objectives and Action Items amended by December 31, 2014.

CONCLUSIONS

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

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

ORDER

The Board hereby approves the attached update of the Douglas County Comprehensive Local Water Management Plan through December 31, 2019; with the Goals, Objectives and Action Items being amended prior to December 31, 2014.

Dated at St Paul, Minnesota, this twenty-seventh day of May 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

DATE: March 23, 2009

TO: BWSR Northern Subcommittee

FROM: Chad Severts, Board Conservationist

SUBJECT: Review of Kittson County's Priority Concerns Scoping Document (PCSD)

The original local water management plan was adopted in 1990. This will be the fourth generation of the Kittson County Local Water Management Plan (LWMP).

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

The update process began on June 3, 2008, when Kittson County passed a resolution to update the county's LWMP. The current plan update effective date is set to expire December 31, 2009.

The process followed by Kittson County in the development of their PCSD provided opportunity for local, state, and federal agencies and governments to submit priority concern input regarding water related management issues and concerns.

Kittson County's priority concern statements were:

1. Land Use
2. Surface Water
3. Ground Water

The following was used to develop the PCSD:

- An article explaining the CLWP and the update process were included in the Northland Conservation Newsletter in August. A citizen survey was included in the newsletter that was distributed to 2,300 landowners in Kittson County. Surveys were also available at the SWCD and County Land and Water Planning Office. No surveys were returned to the SWCD.
- The following priority concerns were submitted by the state agencies mentioned in statute:
  - DNR: 1) Erosion and Sedimentation; 2) Flood Damage Reduction; 3) Protect Groundwater Resources
  - MDH: 1) Protect groundwater-based drinking water sources; 2) Seal unused, unsealed wells; 3) Develop a local ground-water quality data base

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- MPCA: 1) Impaired Waters/Total Maximum Daily Loads (TMDL); 2) Stormwater Issues; 3) Feedlot Compliance – finding/fixing feedlot and land application runoff problems; 4) Subsurface Sewage Treatment Systems and Unsewered areas
- MDA: 1) Address flooding issues to improve water quality; 2) Improve drainage infrastructure and implement conservation drainage practices to improve water quality; 3) Manure management and individual septic treatment systems; 4) Agricultural chemical use and potential impacts to unconfined shallow groundwater
- BWSR: 1) Flood Damage Reduction; 2) Erosion and Sediment Control; 3) Natural Resource Preservation and Restoration in the Beach Ridge Area of the County

- The following priority concerns were also provided:
  - Two Rivers Watershed District: 1) Flood Control; 2) Water Quality; 3) Natural Resource Enhancements
  - Kittson County Environmental Services: 1) Flooding
- The WRAC referenced the existing Kittson County Comprehensive Local Water Management Plan and the plans for the Two Rivers Watershed District and the Roseau River Watershed District in the selection of priority concerns.

On December 30, 2008 the PCSD was sent to the required state agencies for review and asked comments to be sent to Ron Shelito by January 30, 2009.

The responses as of January 30, 2009 were:

- January 23, 2009, MPCA concurs with the priority concerns identified, but recommends that the County be a partner in the TMDL process and determines where the Kittson SWCD/LWM Plan fits in the process. The MPCA recommends language in the final plan addresses locating and fixing feedlot and land application runoff problems adjacent to impaired waters in the County. Also recommended is listing specific reaches of impaired waters as priorities for surface water activities.
- January 9, 2009, DNR concurs with the priority concerns but would like to see a paragraph added that would describe the conservation value of public lands in the County. DNR would also like to be listed as cooperator for the following activities: public education on riparian buffer establishment; development of best management practices for Surface Water; developing and reviewing the ground water data base.
- January 3, 2009, MDH concurs with the priority concerns.
- January 8, 2009, MDA concurs with the priority concerns and feels the process was commendable.

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

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Minnesota Board of Water & Soil Resources

May 27, 2009

Kittson County Commissioners
C/O Holly Anderson, Kittson Soil and Water Conservation District
410 S 5th St Ste 106
Hallock, MN 56728

RE: Official Comments Pertaining to the State Review of the Kittson County Priority Concerns Scoping Document

Dear Kittson County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Kittson County has chosen to address in the update of their Local Water Management Plan. The Board of Water and Soil Resources, along with the state review agencies, were sent the Kittson County Priority Concerns Scoping Document (PCSD) on December 30, 2008, and asked that comments be sent within 30 days to Ron Shelito, BWSR Regional Supervisor.

A number of water resource concerns were submitted to the Kittson Water Resource Advisory Committee(WRAC). The WRAC chose the following priority concerns that will be addressed in the Water Plan Revision.

1. Land Use
2. Surface Water
3. Ground Water

The following state review agencies provided comments pertaining to the priority concerns selection:

- January 23, 2009, MPCA concurs with the priority concerns identified, but recommends that the County be a partner in the TMDL process and determines where the Kittson SWCD/LWM Plan fits in the process. The MPCA recommends language in the final plan addresses locating and fixing feedlot and land application runoff problems adjacent to impaired waters in the County. Also recommended is listing specific reaches of impaired waters as priorities for surface water activities.
- January 9, 2009, DNR concurs with the priority concerns but would like to see a

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paragraph added that would describe the conservation value of public lands in the County. DNR would also like to be listed as cooperator for the following activities: public education on riparian buffer establishment; development of best management practices for Surface Water; developing and reviewing the ground water data base.

- January 8, 2009, MDA concurs with the priority concerns and feels the process was commendable.
- January 3, 2009, MDH concurs with the priority concerns.

On April 8, 2009, the Northern Regional Local Water Resources Subcommittee (hereinafter referred to as the committee) met with the Kittson SWCD representative to discuss local water management activities within Kittson County, the process used to gather public input, the content of the PCSD, the state review agency comments and recommendations for the content of the final plan.

Based on the subcommittee's recommendations, the Board of Water and Soil Resources commends Kittson County for the process used to select the concerns. The priority concerns to be addressed in the plan were deemed to be appropriate, and do not require any changes to the PCSD as submitted.

Sincerely,

Randy Kramer, Chair
Board of Water and Soil Resources

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

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Minnesota Board of Water & Soil Resources

DATE: March 23, 2009

TO: BWSR Northern Subcommittee

FROM: Chad Severts, Board Conservationist

SUBJECT: Review of Roseau County's Priority Concerns Scoping Document (PCSD)

The original local water management plan was adopted in 1991. This will be the fourth generation of the Roseau County Local Water Management Plan (LWMP).

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

The update process began on June 3, 2008, when Roseau County passed a resolution to update the county's LWMP. The current plan update effective date is set to expire December 31, 2009.

The process followed by Roseau County in the development of their PCSD provided opportunity for local, state, and federal agencies and governments to submit priority concern input regarding water related management issues and concerns.

Roseau County's priority concern statements were:

1. Erosion & Sedimentation of Surface Waters, Stormwater Runoff and Wetlands
2. Flood Control and Flood Damage Reduction
3. Surface Water Quality Improvement and Protection
4. Managing Existing Ditch Systems
5. Groundwater Protection and Quality

The following was used to develop the PCSD:

- An article explaining the CLWP and the update process were included in the Roseau SWCD Newsletter. A citizen survey was included in the newsletter and also made available online at the Districts website. A total of 50 responses were received from the survey and the results were as follows.

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- Top County Issues: 1) Flooding (21 responses); 2) Stormwater/Drainage Management (17 responses); 3) Erosion (13 responses); 4) Declining water clarity (12 responses); 5) Development pressure/impacts (11 responses); 5) Lack of environmental education (11 responses); 5) Contaminated runoff (11 responses); 5) Groundwater contamination (11 responses).
- Most threatened resources: 1) Groundwater; 2) Streams/Rivers; 3) Lakes; 4) Wetlands.
- Importance of resource concerns: 1) Flooding (30 responses); 2) Drinking Water (27 responses); 3) Source water protection (21 responses); 4) Stormwater (13 responses).

- The following priority concerns were submitted by the state agencies mentioned in statute:
  - DNR: 1) Erosion and Sedimentation; 2) Water Quality/Groundwater Protection.
  - MDH: 1) Protect groundwater-based drinking water sources; 2) Seal unused, unsealed wells; 3) Develop a local ground-water quality data base.
  - MPCA: 1) Impaired Waters/Total Maximum Daily Loads (TMDL); 2) Stormwater Issues; 3) Subsurface Sewage Treatment Systems and Unsewered areas
  - MDA: 1) Address flooding issues to improve water quality; 2) Improve drainage infrastructure and implement conservation drainage practices to improve water quality; 3) Manure management and individual septic treatment systems; 4) Agricultural chemical use and potential impacts to unconfined shallow groundwater
  - BWSR: 1) Flood Damage Reduction; 2) Erosion and Sediment Control; 3) Groundwater quality.
- The following priority concerns were also provided:
  - Two Rivers Watershed District: 1) Flood Control; 2) Water Quality; 3) Natural Resource Enhancements.
  - City of Warroad: 1) Stormwater Runoff and Ditch Systems; 2) Co. Highway #74 inadequate drainage; 3) County Ditch cleanout needed on "Hacket" property; 4) Drainage needed for new Westside commercial area; 5) Improvement needed on ditch by Co. Rd. 35; 6) Warroad River restoration for 2002 flood damages.
- The WRAC met on September 4, 2008 and December 1, 2008. The goal of the first meeting was to select the priority concerns based on agency and citizen input and also any concern from the WRAC. The second meeting consisted of approving the final PCSD.

On February 5, 2009 the PCSD was sent to the required state agencies for review and asked comments to be sent to Ron Shelito by March 5, 2009.

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The responses as of March 30, 2009 were:

- February 24, 2009, MPCA strongly recommends the following revisions, but does not require them. MPCA would like the County to commit to submitting any water quality-related data it collects to the MPCA and also establish a delegated feedlot program. Finding and fixing feedlot problems is recommended as a priority concern. The following comments shall be considered when writing the final plan. MPCA encourages the county to fully participate in the development of the TMDL pollutant allocations for impaired waters and the implementation of the plan. The MPCA also encourages the County to consider for the final plan, how additional water quality monitoring may be conducted to provide a more comprehensive assessment of waters in the County.
- March 2, 2009, DNR strongly recommends revisions to the priority concerns scoping document, but does not require them. A revised PCSD was attached that addressed revisions to descriptions of DNR-administered lands and intended to address an apparent confusion between Con-Con and LUP lands. A copy of the recommended changes will be provided at the meeting. The DNR would also like further information and discussion about the "uncontrolled water flow" and "repair three government dams in Beltrami Island State Forest" mentioned on page 7 of the PCSD. The DNR is particularly interested in the development of the action plan related to the Managing Existing Ditch Systems priority concern, especially when the ditches and water control projects affect DNR administered lands.
- March 5, 2009, MDH concurs with the priority concerns and feels the process was adequate.

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

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Minnesota Board of Water & Soil Resources

May 27, 2009

Roseau County Commissioners
C/O Janine Lovold, Roseau Soil and Water Conservation District
502 7th St SW, Ste 8
Roseau, MN 56751

RE: Official Comments Pertaining to the State Review of the Roseau County Priority Concerns Scoping Document

Dear Roseau County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Roseau County has chosen to address in the update of their Local Water Management Plan. The Board of Water and Soil Resources, along with the state review agencies, were sent the Roseau County Priority Concerns Scoping Document (PCSD) on February 5, 2009, and asked that comments be sent within 30 days to Ron Shelito, BWSR Regional Supervisor.

A number of water resource concerns were submitted to the Roseau Water Resource Advisory Committee(WRAC). The WRAC chose the following priority concerns that will be addressed in the Water Plan Revision.

1. Erosion & Sedimentation of Surface Waters, Stormwater Runoff and Wetlands
2. Flood Control and Flood Damage Reduction
3. Surface Water Quality Improvement and Protection
4. Managing Existing Ditch Systems
5. Groundwater Protection and Quality

The following state review agencies provided comments pertaining to the priority concerns selection:

- February 24, 2009, MPCA strongly recommends the following revisions, but does not require them. MPCA would like the County to commit to submitting any water quality-related data it collects to the MPCA and also establish a delegated feedlot program. Finding and fixing feedlot problems is recommended as a priority concern. The following comments shall be considered when writing the final plan. MPCA encourages

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the county to fully participate in the development of the TMDL pollutant allocations for impaired waters and the implementation of the plan. The MPCA also encourages the County to consider for the final plan, how additional water quality monitoring may be conducted to provide a more comprehensive assessment of waters in the County.

- March 2, 2009, DNR strongly recommends revisions to the priority concerns scoping document, but does not require them. A revised PCSD was attached that addressed revisions to descriptions of DNR-administered lands and intended to address an apparent confusion between Con-Con and LUP lands. A copy of the recommended changes will be provided at the meeting. The DNR would also like further information and discussion about the "uncontrolled water flow" and "repair three government dams in Beltrami Island State Forest" mentioned on page 7 of the PCSD. The DNR is particularly interested in the development of the action plan related to the Managing Existing Ditch Systems priority concern, especially when the ditches and water control projects affect DNR administered lands.
- March 5, 2009, MDH concurs with the priority concerns and feels the process was adequate.

On April 8, 2009, the Northern Regional Local Water Resources Subcommittee (hereinafter referred to as the committee) met with the Roseau SWCD representative to discuss local water management activities within Roseau County, the process used to gather public input, the content of the PCSD, the state review agency comments and recommendations for the content of the final plan.

Based on the subcommittee's recommendations, the Board of Water and Soil Resources commends Roseau County for the process used to select the concerns. The priority concerns to be addressed in the plan were deemed to be appropriate, and do not require any changes to the PCSD as submitted.

Sincerely,

Randy Kramer, Chair
Board of Water and Soil Resources

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

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NEW BUSINESS

1. Three County Water Quality Protection Strategy - Steve Hughes, Aitkin SWCD Manager, Dan Steward and Jeff Hrubes, BWSR Brainerd office staff - ***INFORMATION ITEM***

North Central Lake Counties Pilot Protection Project

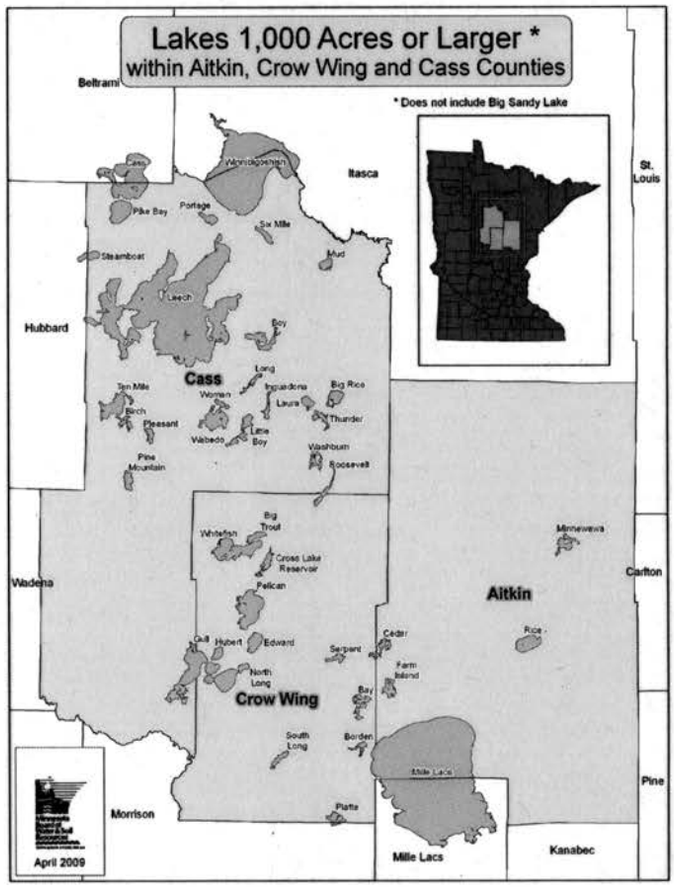
Funded through the Clean Water Legacy Act

Project Intent

Protection strategies for lakes need to take into account the varied mix of watershed size and defining land characteristics including forested acreage, public and private ownership, land cover/land use and population trends unique to each water body. Targeting conservation activities to each situation and working with lake associations that have a vested interest in these lakes will produce comprehensive watershed strategies resulting in water quality protection.

The goal of this project is use this cost effective analytical framework and available water quality data to produce a lake strategy for merging it into local water management plans.

Once water quality protection strategies are identified, funds from a variety of sources including the Clean Water Fund established by the passage of the 2008 Clean Water, Cultural Heritage and Natural Areas amendment to the Minnesota constitution.



Background

Aitkin, Cass and Crow Wing Counties have over 1,200 lakes between them. Attempting to manage such a large number of lakes as a group does not take into account the individual lake characteristics that can have an effect on water quality. The Soil and Water Conservation Districts in these counties devised strategies that were incorporated into their comprehensive local water management plan .

These counties began with lakes over 1,000 acres in size that are very important resources for fish and wildlife as well as people.

To help these counties in this pilot assessment process, the BWSR provided $75,000, through the Clean Water Legacy Act, to enhance their water plans by including specific metrics that allow qualitative assessment of potential water quality threats.

Currently Participating Counties

County	*Lakes*
Cass	*23*
Crow Wing	*16*
Aitkin	*6*

Project Partners

- Aitkin, Cass and Crow Wing Water Plan Coordinators and Task Forces
- MN Board of Water and Soil Resources
- MN Forest Resources Council
- MN Pollution Control Agency
- MN Department of Natural Resources
- Leech Lake Band of Chippewa
- Bemidji State University-Geography Department
- Lake Associations

North Central Lake Counties

Setting the Stage for Lake Water Quality Protection

Phase 1: Existing Lake Water Quality Assessment

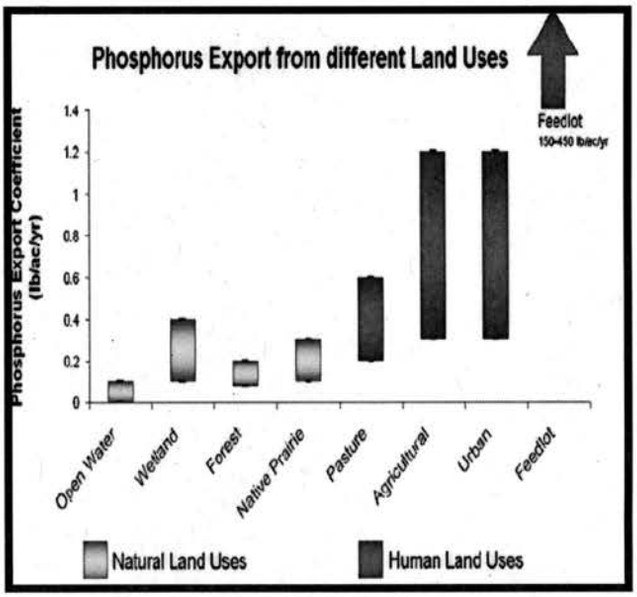
- Gather existing water quality data from local, state, and tribal entities
- Examine data for water quality trends
- Analyze chemical, biological and physical lake factors
- Compare data with regional and state standards

Phase 2: Watershed/Land Cover Assessment

- IdentifyPublic and private ownerships
- Calculate land use/land cover percentages
- Calculate watershed size
- Include phosphorous export coefficients per land use category
- Project anticipatec demographic changes

Phase 3: Working the Data!

- Resource professionals working with lake associations
- Integrate information with the local water management plan.
- Target lake specific protection and conservation activities
- Local/State partnership for implementation



Trophic State Index

Phosphorus (nutrients), chlorophyll *a* (algae concentration) and Secchi depth (transparency) are related. As phosphorus increases, there is more food available for algae, resulting in increased algal concentrations. When algal concentrations increase, the water becomes less transparent and the Secchi depth decreases.

Trophic State Index	North Basin Site 202	West Basin Site 101	East Basin Site 204
TSI Total Phosphorus	40	42	44
TSI Chlorophyll-a	46	46	44
TSI Secchi	41	42	43
TSI Mean	42	43	44
Trophic State:	Mesotrophic	Mesotrophic	Mesotrophic

Numbers represent the mean TSI for each parameter.

The results from these three measurements cover different units and ranges and thus cannot be directly compared to each other or averaged. In order to standardize these three measurements to make them directly comparable, we convert them to a trophic state index (TSI).

The mean TSI indicates all basins are mesotrophic (Figure 10). There is good agreement between the TSI for phosphorus, and transparency, indicating that these variables are strongly related. The chlorophyll *a* TSI is slightly higher than the others.

The east basin has a slightly higher mean TSI than the north and west basins. These results are consistent with the other monitoring results for Washburn Lake.

Mesotrophic lakes (TSI 40-50) are characterized by moderately clear water most of the summer. "Meso" means middle or mid; therefore, mesotrophic means a medium amount of productivity. Mesotrophic lakes are commonly found in central Minnesota and have clear water with some algal blooms in late summer.

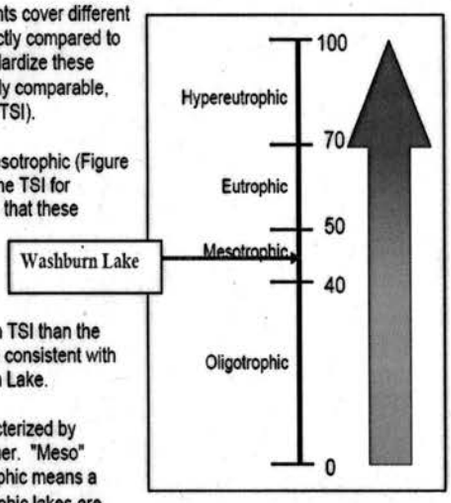


Figure 10. Trophic state index chart with corresponding trophic status.

Example of Lake Summary Information for Washburn Lake, Cass County

Deliverables (Outcomes)

Outcome 1: Lake Protection Strategy based on factors that influencing long term water quality.

Outcome 2: Water quality trends and land use trends combined into a suite of metrics to measure change.

Outcome 3: Team of state and local resource professionals and lake association members working from a common data set to identify implementation strategies.

Outcome 4: Merge the lake management plans into official Water Plans as a way to formalize future actions, strategies and align local funding sources.

FOR YOUR INFORMATION

May 27, 2009

- Updated Board Member Listing
- Updated Board Member Map
- Board Committees, May 2009
- "BWSR Snapshots"
- Updated Staff Listing

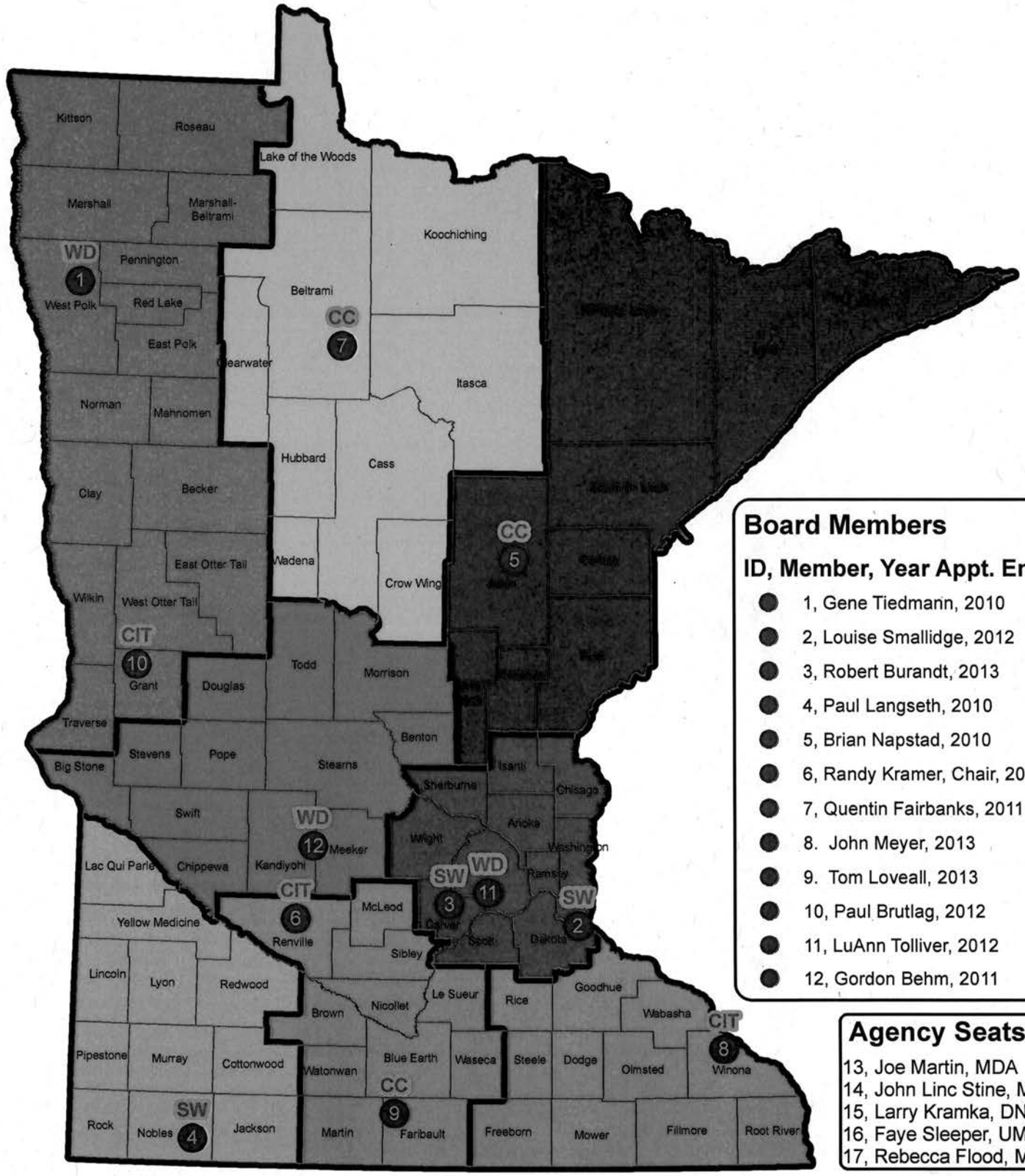
MINNESOTA BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
ST. PAUL, MINNESOTA 55155
Phone: 651-296-3767 Fax: 651-297-5615

Appointed Members	*Appointment Designation*	*Term Expires*	*Telephone/Fax*	
Randy Kramer, Chair 42808 County Road 11, Bird Island, MN 55310 rlkramer@westtechwb.com	**Citizen**	01-03-11	320-365-3094 320-365-4784	*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*
John Meyer 18689 Highway 248, Rollingstone, MN 55969 quarry@ridge-runner.com	**Citizen**	**01-07-13**	507-689-2612 507-689-2457	*Home* *Office*
Quentin Fairbanks 16374 Stoner Memorial Dr., NE, Hines, MN 56674 quentin@blackduck.net	**Co. Commissioner**	01-03-11	218-835-4184 218-679-3378	*Home* *Fax*
Tom Loveall **39290 200th St., Winnebago, MN 56098** Tomcat56098@yahoo.com	**Co. Commissioner**	01-07-13	507-854-3572 507-854-3300	*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*
Robert Burandt 1340 Waconia Pkwy. S., Waconia, MN 55387 rlburandt@gmail.com	**SWCD**	01-07-13	952-442-4216	*Home*
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*
Gordon Behm 13851 Diamond Shores Road, Atwater, MN 56209 gbehm@frontiernet.net	**Watershed**	01-03-11	320-974-8242 320-979-0737	*Home* *Cell*
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**	651-201-5063 651-201-4572	*Office* *Fax*
Larry Kramka 500 Lafayette Road, St. Paul, MN 55155 Larry.Kramka@state.mn.us	**Department of Natural Resources**	651-259-5033 651-296-4799	*Office* *Fax*
Faye Sleeper Room 173 McNeal Hall, 1985 Buford Avenue, St. Paul, MN 55108 fsleeper@umn.edu	**U of M/Water Resources Center**	612-624-3738 612-625-1263	*Office* *Fax*
Rebecca Flood 520 Lafayette Road, St. Paul, MN 55155 Rebecca.Flood@state.mn.us	**Pollution Control Agency**	651-757-2022 651-296-7923	*Office* *Fax*

May 2009

Board of Water and Soil Resources
Appointed Member Location Map (2009)



Board Members

ID, Member, Year Appt. Ends

- 1, Gene Tiedmann, 2010
- 2, Louise Smallidge, 2012
- 3, Robert Burandt, 2013
- 4, Paul Langseth, 2010
- 5, Brian Napstad, 2010
- 6, Randy Kramer, Chair, 2011
- 7, Quentin Fairbanks, 2011
- 8. John Meyer, 2013
- 9. Tom Loveall, 2013
- 10, Paul Brutlag, 2012
- 11, LuAnn Tolliver, 2012
- 12, Gordon Behm, 2011

Agency Seats

13, Joe Martin, MDA
14, John Linc Stine, MDH
15, Larry Kramka, DNR
16, Faye Sleeper, UME
17, Rebecca Flood, MPCA

MASWCD Area

At least one member must be from each MASWCD area of the State

CIT - Citizen
CC - County Commissioner
SW - Soil & Water Conservation District Supervisor
WD - Watershed District

BOARD OF WATER AND SOIL RESOURCES
COMMITTEES
May 2009

ADMINISTRATIVE ADVISORY COMMITTEE

Membership:	Randy Kramer, chair	citizen
	Paul Brutlag, vice-chair	citizen
	Louise Smallidge	soil & water conservation district
	Brian Napstad	county commissioner
	LuAnn Tolliver	watershed district/WMO
	John Jaschke	staff
	Mary Jo Anderson	staff

Responsibility:

The administrative advisory committee consists of the Board's chair and vice-chair and the chairs of the Board's standing committees. The administrative advisory committee will make evaluations and recommendations to the Board on various Board issues including ethics; expenses/per diem; bylaws; and legislation and budgets. The Administrative Advisory Committee will act as the personnel committee for personnel actions relating to the Board's executive director. The chairman may include additional members ad hoc to address special or unique topics or issues.

Meetings: The committee will meet at the call of the chair.

DISPUTE RESOLUTION COMMITTEE (DRC)

Membership:	Randy Kramer, chair	citizen
	Paul Brutlag	citizen
	LuAnn Tolliver	watershed district/WMO
	Quentin Fairbanks	county commissioner
	Louise Smallidge	soil & water conservation district
	Travis Germundson	staff lead

Responsibility:

The DRC is responsible for appeals relating to the Wetland Conservation Act rule decisions of local governments, watershed district rule and permit decision appeals, and, under MS103A.301, determinations of water law and policy. The authority of the DRC is established in statute and assigned to the DRC by the Board. Under current guidelines the DRC receives the appeals; hears the issues; and makes recommendations to the Board.

Meetings:

The Committee will meet as needed to process appeals that have been filed with the Board.

GRANTS PROGRAM AND POLICY COMMITTEE

Membership:	Louise Smallidge, chair	soil & water conservation district
	John Meyer	citizen
	Tom Loveall	county commissioner
	Bob Burandt	soil & water conservation district
	Paul Langseth	soil & water conservation district
	Gene Tiedemann	watershed district/WMO
	Joe Martin	Department of Agriculture
	Rebecca Flood	Pollution Control Agency
	John Linc Stine	Department of Health
	Wayne Zellmer	staff lead
	Julie Klocker	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
	Tom Loveall	county commissioner
	Gordon Behm	watershed district/WMO
	John Meyer	citizen
	Paul Langseth	soil & water conservation district
	Faye Sleeper	University of Minnesota Extension
	Jon Fure	staff lead
	Steve Woods	SMT staff

Responsibility:

The Public Relations, Outreach and Strategic Planning Committee is responsible for the development of strategic and outreach strategies and plans for the Board including identification of key outcomes, partnerships and opportunities.

Meetings: Committee will meet twice a year or at the call of the chair.

RIM RESERVE PLANNING COMMITTEE

Membership:	Paul Brutlag, chair	citizen
	Randy Kramer	citizen
	John Meyer	citizen
	Gene Tiedemann	watershed district/WMO
	Bob Burandt	soil & water conservation district
	Paul Langseth	soil & water conservation district
	Joe Martin	Department of Agriculture
	Larry Kramka/Wayne Edgerton	Department of Natural Resources/Alternate
	Kevin Lines	SMT staff

WATER PLANNING and COMPREHENSIVE WETLAND PLAN REVIEW COMMITTEES: NORTHERN/SOUTHERN/METRO

Membership: The committee consists of Board Members from the BWSR administration regions – metro, north, and south.

Chairs: *north – Quentin Fairbanks*
south – Paul Langseth
metro – Bob Burandt

North (4)	**South (4)**	**Metro (3)**
Quentin Fairbanks - CC	Paul Langseth - SWCD	Bob Burandt – SWCD
Paul Brutlag – CIT	Tom Loveall – CC	Louise Smallidge – SWCD
Gordon Behm - WD	Randy Kramer – CIT	LuAnn Tolliver – WD
Brian Napstad – CC	John Meyer - CIT	Faye Sleeper – UM/Extension
Gene Tiedemann – WD	Joe Martin – MDA	Rebecca Flood – 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
	Gordon Behm	watershed district/WMO
	Tom Loveall	county commissioner
	Brian Napstad	county commissioner
	Gene Tiedemann	watershed district/WMO
	Larry Kramka	Department of Natural Resources
	Joe Martin	Department of Agriculture
	Rebecca Flood	Pollution Control Agency
	Les Lemm	WCA Coordinator, staff lead
	Dave Weirens	SMT staff

Responsibility:

The Wetlands Committee is responsible for reviewing Wetland Conservation Act (WCA) and wetland banking rules, policies, guidelines and projects and making recommendations to the Board.

Meetings: The committee will meet twice during the year or at the call of the chair.

STATUTORY COMMITTEES

Committee: Committee on Wells and Borings

Membership: Eric Mohring, staff lead; Board members assigned by Chairman as needed

Responsibility:

Interest and availability with regard to Advisory Council on Wells and Borings and Pesticide Advisory Committee. Policy issues will be brought before the Board for discussion as a new business agenda item.

Meetings: The committee will meet when necessary.

GENERAL COMMITTEE MEETING SCHEDULE

*The Board has adopted a resolution that **committees shall schedule meetings in conjunction with monthly Board meetings as much as possible.** A majority of each committee's membership should be available for a scheduled meeting. The committee chair and staff are expected to develop an agenda and staff are responsible for keeping minutes of the committee proceedings. The committee meetings are considered to be **public meetings** under the open meeting law and therefore must be noticed in the same manner as regular board meetings. All committee agendas should be e-mailed to Mary Jo Anderson for appropriate notice posting.*

Advisory members have offered to serve and may serve on BWSR committees as non-voting members and provide assistance as needed.

Advisory members:

Local Government Partners

- *Association of Minnesota Counties (AMC) – Annalee Garletz, Policy Analyst*
- *Minnesota Association of Conservation District Employees (MACDE) – Felicia Brockoff, President*
- *Minnesota Association of Soil & Water Conservation Districts (MASWCD) – LeAnn Buck, Executive Director*
- *Minnesota Association of Townships (MAT) – Sandy Hooker, Director*
- *Minnesota Association of Watershed Districts (MAWD) – Ray Bohn, Executive Director*
- *Minnesota County Planning and Zoning Administrators (MCPZA) – Jane Starz, President*
- *League of Minnesota Cities (LMC) - Jim Miller, Executive Director*

Federal Partners

- *U.S. Army Corps of Engineers (USACoE) – Tamara Cameron, Chief of Regulatory Branch*
- *U.S. Fish and Wildlife Service (USF&WS) – Tom Melius, Regional Director*
- *USDA Farm Services Agency (FSA) – Glenn Schafer, Acting Executive Director*
- *USDA Natural Resources Conservation Service (NRCS) – Tim Koehler, Assistant State Conservationist*

State Agencies

- *Met Council – Bill Moore, General Manager/Environmental Services Division*
- *Minnesota Department of Transportation (MNDOT) – Frank Pafko, Director/Environmental Services*

Interest Partners

- *Allete Minnesota Power – Blake Francis, Supervisor/Water Quality & Waste Management Division*
- *Audubon Minnesota – Mark Peterson, Executive Director*
- *Builders Association of the Twin Cities – James Vagle, Senior Public Affairs Representative*
- *Fish and Wildlife Legislative Alliance – Lance Ness*
- *Iron Mining Association of Minnesota – Craig Pagel, President*
- *Izaak Walton League – Gary Schwartz, National Director*
- *Minnesota Agricultural Water Resources Coalition – Warren Formo, Director*
- *Minnesota Agri-Growth Council – Daryn McBeth, President*
- *Minnesota Association of Realtors – Heather VanValkenburg, Director/Governmental Affiars*
- *Minnesota Association of Wheat Growers – Dave Torgerson, Executive Director*
- *Minnesota Barley Research & Promotion Council – Marv Zutz, Executive Director*
- *Minnesota Cattlemen's Association – Ted Reichmann, President*
- *Minnesota Center for Environmental Advocacy – Martha Brand, Advocacy Director*
- *Minnesota Conservation Federation – Gary Botzek*
- *Minnesota Corn Growers Association – Tim Gerlach, Executive Director*
- *Minnesota Ducks Unlimited – Ryan Heiniger, Director of Conservation Programs*
- *Minnesota Environmental Partnership – Steve Morse, Executive Director*
- *Minnesota Farm Bureau Federation – Kevin Paap, President*
- *Minnesota Farmers Union – Doug Peterson, President*
- *Minnesota Land Trust – Jane Prohaska, Executive Director*
- *Minnesota Milk Producers Association – Bob Lefebvre, Executive Director*
- *Minnesota Native Wildflowers/Grass Producers Association – Bill Olson, President*
- *Minnesota Pork Producers Association – Dave Preisler, Executive Director*
- *Minnesota Sierra Club – John Hottinger, Chapter Chair*
- *Minnesota Soybean Growers Association – Jim Palmer, Executive Director*
- *Minnesota Timber Producers Association – Wayne Brandt, Executive Vice-President*
- *Minnesota Turkey Growers Association – Steve Olson, Executive Director*
- *Minnesota Viewers Association – Ron Ringquist, Secretary/Treasurer*
- *Minnesota Waterfowl Association – Brad Nylin, Executive Director*
- *Minnesota Waters – Marian Bender, Executive Director*
- *Minnesota Wetland Professionals Association – Scott Milburn, Vice President*
- *Pheasants Forever – Matt Holland, Field Supervisor*
- *Red River Valley Sugarbeet Growers Association, Nick Sinner, Executive Director*
- *The Nature Conservancy – Tom Landwehr, Assistant State Director*
- *Urban Wetland Management Coalition – Cliff Aichinger*
- *Wetlands for Minnesota (Bankers) – Mike Whitt, Interim President*

Minnesota Board of Water & Soil Resources

BWSR Snapshots

May 2009

Lower St. Croix WMO Changes
Melissa Lewis, Board Conservationist

In the summer of 2008, the Lower St. Croix Watershed Management Organization, located wholly within Washington County, began exploring options for dissolving their joint powers agreement and merging into adjacent watershed districts. After completing a Watershed Management Plan in 2005 and more recently rules and resource management plans, the WMO Board determined that the resources of the WMO could be managed more efficiently and effectively by a larger organization. The Board first discussed the potential dissolution with the governing body of each of the member communities of the WMO and Washington County staff and found all to be in support. The Board next met with representatives of the adjacent South Washington and Valley Branch Watershed Districts (SWWD and VBWD) to discuss how the WMO area might be managed by each and how funds would be collected for that management. Based on these discussions and at the request of the WMO Board, Washington County submitted a petition in March 2009 to enlarge the VBWD over the two northern-most subwatersheds and a second petition to enlarge the SWWD over the remaining WMO area. A public hearing was held in late April and the Metro Committee met and discussed the petitions in early April. A recommendation from the Metro Committee to enlarge the SWWD and VBWD according to the map included with the petitions will be presented at the May 2009 BWSR Board meeting.

SE MN Conservation Flood Response Update
Mary Kells, BWSR BC/SE Flood Coordinator

The second SE Flood Relief RIM Signup was completed this spring with landowner applications totaling $2.6 million and covered 890 acres.

- BWSR has funded 15 riparian and one wetland restoration easements covering 595 acres for over $1.8 million.
- NRCS is reviewing EWP Riparian Easement Program applications that may result in more acres being protected in SE MN.

All available State Cost-Share Relief Funds have been allocated for engineering staff or sent out to SWCDs for flood repair work for a total of $5,360,166. BWSR will have an additional $275,000 available for FY10 for Cost-Share and engineering wrap-up.

Spring construction is underway! BWSR engineering staff and SWCD/NRCS staff have shifted gears to field work and construction/inspections. Projects waiting for preliminary survey/designs will be a lower priority until construction workload eases.

- Going into construction, eLINK Reports show close to 200 projects completed.
- An estimated 150 projects are in the works during this construction season.
- Over 470 projects are in the assessment/survey/design phase.

We are looking forward to hosting the August BWSR Tour. We'll be staying in the City of Winona and tour parts of Houston, Fillmore and Winona Counties. Accomplishments and progress of the coordinated conservation flood recovery effort will be highlighted and you're sure to enjoy the highlights and beautiful sights of our SE Mississippi River Bluff Land country.

2009 Minnesota Envirothon

Mary Jo Flemming, State Envirothon Co-Coordinator

BWSR and SWCD staff recently coordinated the 2009 Envirothon, which featured 10 regional competitions and the State Envirothon. The Envirothon is an outdoor environmental learning competition where teams of high school students take exams prepared by conservation and natural resource management professionals, and give an oral presentation to a panel of judges.

MASWCD Area VII hosted this year's State Envirothon and provided many volunteers for the event, which was on May 18th at Ironwood Springs Christian Ranch near Stewartville (Rochester area). A total of 169 students from 24 schools participated. Volunteer presenters from PCA, DNR, NRCS, and McGhie & Betts tested the students in the areas of soils, aquatics, forestry, wildlife, and biodiversity. The oral presentation judges were from BWSR, The Nature Conservancy, NRCS, SE MN Water Resources Board, and SWCDs in the area. BWSR staff MaryJo Anderson, Mary Jo Flemming and Jon Fure worked with a committee of SWCD staff to plan the event, with MaryJo Flemming, BWSR Duluth Office, leading the event coordination logistics.

Many BWSR staff also assisted with the event, including Carla Swanson-Cullen, Dorothy Erickson, Dianne Hubbell, Chris Hughes, Kari Keating, Mary Kells, Steve Lawler, and Michelle Shaefers. Duties included registration, score recording, timing of oral presentations, assisting the presenters giving the tests, and correcting tests.

BWSR Chairman Randy Kramer presented plaques and medals to the top three teams. First place went to St. John's Preparatory School; second place to Rushford-Peterson High School; and third place to Hopkins High School.

St. John's Preparatory School will go on to compete at the Canon National Envirothon August 2-7 in Asheville, North Carolina.

2010 LCCMR Proposals

Al Kean, Chief Engineer

Proposals for LCCMR 2010 competitive project funds were due on May 1, 2009. BWSR Technical Services submitted two proposals: 1) "Optimizing Side Inlet Design to Improve Water Quality", and "Evaluating Wetland Restoration Effectiveness to Improve Future Efforts". Joel Peterson, Drainage Mgmt. Engineer, is the lead staff person for these proposals. The University of Minnesota would be involved in both projects for monitoring and evaluation and a number of LGUs would be involved for demonstration and outreach.

The side inlet design proposal is a revision of a 2009 LCCMR proposal submitted by BWSR that received a hearing but was not recommended to the Legislature. The estimated number of side inlets along public and private drainage ditches in Minnesota is very large. This project would involve: 1) an inventory and evaluation of side inlet locations, condition and modeling of water quality benefits in four subwatersheds, including the use of LiDAR; 2) plot scale testing at the UMN SW Research and Outreach Center to better define optimum designs and associated guidelines and benefits; and 3) demonstration and outreach projects with the Hawk Creek Watershed Project, Brown-Nicollet-Cottonwood WQ Board, Mower County SWCD, and Sand Hill Watershed District. This project would substantially advance the understanding, design and implementation of this drainage management practice for runoff quantity and quality control.

The wetland restoration effectiveness proposal focuses on representative CREP and RIM/WRP wetland restorations, including water quantity and quality and habitat outcomes. The project would involve: 1) continued monitoring and evaluation at two CREP wetland restorations in Martin County where monitoring has been occurring for several years, including further evaluation of denitrification of tile inflows and phosphorus and sediment export; 2) monitoring and evaluation at three additional sites, including outcome relationships with key soil and watershed characteristics; and 3) development of associated technical guidance. This project involving on the ground wetland restorations could help inform two wetland restoration prioritization technique projects for which 2010 LCCMR proposals were submitted by others.

WCA Rule Public Hearings Successfully Conclude

Dave Weirens, Land & Water Section Manager

A series of public hearings on the Wetland Conservation Act (WCA) rule were recently held. The hearings were generally lightly attended, with the largest attendance in St. Paul. All four of the hearing dates included 1:00 p.m. and 6:00 p.m. sessions. Total attendance was as follows:

- April 30, Grand Rapids: 12
- May 1, Crookston: 3
- May 4, Willmar: 10
- May 5, St. Paul: 40

A number of individuals submitted comments in writing at the hearing, as well as afterwards. The most commonly discussed topics included:

Exemption reporting – numerous statements were made in support of and opposed to the rule as proposed that does not include a landowner requirement to report exempt activities.
Determination of a Complete Application – Agricultural and development interests spoke frequently in opposition to a rule provision that allows the LGU to determine an application incomplete when seasonal constraints prevent on site review and verification.
Monitoring Period – Development interests were concerned over the rule provision that requires a 5-year monitoring period for replacement wetlands.
Required Replacement Wetland Buffer - A number of commenters expressed concern over the minimum upland buffer widths, and the amount of replacement credits these areas are eligible for.

There were additional comments made on other rule provisions, but the four identified above were addressed by a majority of those who testified. More information on specific comments made, including those submitted by BWSR to the administrative law judge are available on the Office of Administrative Hearings website: http://www.oah.state.mn.us/cases/330020315-WCA/index.html.

RIM-WRP Receives Top Honor in MEI Awards

Jon Fure, Communications Director

The Minnesota Environmental Initiative presented its 2009 Partnership of the Year award to the RIM-WRP partnership on Thursday, May 21. MEI's annual Environmental Initiative Awards program honors projects that have achieved extraordinary outcomes for Minnesota's environment by harnessing the power of partnership. The RIM-WRP project received the most votes from about 300 community members who attended the event and voted for the 2009 Partnership of the Year.

MEI also presented five outstanding partnership-based projects with their awards in the categories of Energy and Climate Protection, Environmental Education, Green Building and Development, Green Business and Environmental Management, and Natural Resource Protection and Restoration.

Several representatives of BWSR and partner organizations were at the event and accepted the award: LeAnn Buck, MASWCD; Ryan Heiniger, Ducks Unlimited; Julie Klocker, BWSR; Tim Koehler, USDA NRCS; Kevin Lines, BWSR; and Steve Sunderlund, MASWCD Board Chair.

A summary of the RIM-WRP partnership was included in the program for the event, which highlighted several accomplishments:

- RIM was able to leverage $19.1 million of WRP funds – almost 20% of the total WRP funds distributed nationally.
- In 2008, the partnership funds launched the restoration of 9,775 acres of wetlands and adjacent grasslands. These lands will provide enhanced fish and wildlife habitat, protect and improve water quality, reduce soil erosion (by being placed in easement), sequester carbon and have the potential for future biofuel production.
- Other partners who have helped in this effort include Ducks Unlimited (through grants from the Environment & Natural Resources Trust Fund as recommended by the Legislative-Citizen Commission on Minnesota Resources), the Minnesota Waterfowl Association, and the U.S. Fish & Wildlife Service.

More information:
http://www.mn-ei.org/awards/finalistswinners.html

PHONE NUMBERS FOR BWSR STAFF

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Eisele, Bill	282-2929
Fredbo, Tim	296-0880
Fure, Jon	296-0884
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Ogg, Tim (cell 651-295-5737)	297-8024
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Remick, Polly	297-4365
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Zeug, Leon	296-0714

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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
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Minnesota Board of Water & Soil Resources

DATE: April 7, 2009

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

FROM: John Jaschke, Executive Director

SUBJECT: April 15, 2009 Special BWSR Board Meeting Notice
and Cancellation of April 22, 2009 Regular Board Meeting

The Board of Water and Soil Resources Special Meeting scheduled for April 15, 2009 will be held at 9:00 a.m. and is expected to last for one hour. The meeting will be held in Conference Room 2-B, at the BWSR Office, 520 Lafayette Road N., St. Paul. The regularly scheduled Board meeting on April 22, 2009 has been cancelled.

Meet-Me Conference Call Participation - To connect to the call dial: 1-888-324-2612, passcode = 72264

Quorum Needed in Saint Paul: Based on Attorney General guidance, our plans for a conference call-only special board meeting will need to be adjusted to assure compliance with Open Meeting Law regulations. In order to be certain of meeting the law's provisions, we will need to have an in-person meeting at the BWSR office that constitutes a quorum. We need eight board members present in order to have a quorum. The Chairman will be in Saint Paul to run the meeting and we'll count on the 5 agency representatives or their alternates to be present. We'd first request that the metro members attend in as they are closest to the office. If all metro and agency members plus the chairman are present we have a quorum plus one. If any other members are planning other travel to St. Paul to coincide with the meeting we'd like to have you join in person as an insurance policy.

The agenda will be as follows:

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COMMITTEE RECOMMENDATION
RIM Reserve Planning Committee

1. **Establish Rates and Sign-up Procedures for the Reinvest in Minnesota (RIM) Reserve-Wetlands Reserve Program (WRP) Partnership: Phase II** – The Minnesota Board of Water and Soil Resources (BWSR) and the Minnesota USDA Natural Resources Conservation Service (NRCS) are announcing Phase II of a RIM Reserve-WRP Partnership for Minnesota. This highly successful partnership will leverage any remaining 2008 State RIM Reserve Bond fund balances with Federal WRP funds in Federal Fiscal year 2009. In addition, the RIM-WRP Partnership project has received a recommendation from the Lessard Outdoor Heritage Council to the Minnesota Legislature in 2009 for $9.05 M in constitutionally dedicated funding for the RIM-WRP partnership.

   The RIM Reserve Planning Committee met on April 3, 2009, and unanimously recommended the Phase II RIM-WRP partnership sign-up begin no sooner than April 16, 2009 and run no later than June 5, 2009. The total partnership payment rate for cropland acres shall not exceed 135% of AATV (formerly EMV) and for non-cropland acres shall not exceed 70% AATV. Rates are to be calculated using the township mean for tillable or farmland property value established by county assessors for the 2009 tax year. See attachments. ***DECISION ITEM***

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878.

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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
ST. PAUL, MINNESOTA 55155
WEDNESDAY, APRIL 15, 2009

AGENDA

9:00 a.m. **CALL MEETING TO ORDER**

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

COMMITTEE RECOMMENDATION
RIM Reserve Planning Committee

1. Establish Rates and Sign-up Procedures for the Reinvest in Minnesota (RIM) Reserve-Wetlands Reserve Program (WRP) Partnership: Phase II – ***DECISION ITEM***

10:00 a.m. **ADJOURN**

4/1/2009

Minnesota Wetland Restoration Evaluation Worksheet (for WRP and RIM/WRP)

Landowner/Project Name:	County:	Prepared By:	Date:

SECTION I. Environmental Considerations

A. WILDLIFE BENEFITS *(determine score from Appendix 1 map and check appropriate score box)*

☐ 20 ☐ 15 ☐ 10 ☐ 5 ☐ 0

Score 0 **(Maximum 20)**

B. LANDSCAPE SIGNIFICANCE *(only one check per wetland class/shaded region)*

PROPOSED RESTORATION ACCOMPLISHMENTS AND WETLAND CLASS

Depressional				Floodplain		Non-Depressional (flats, swales, bogs)	
Number of Restorable Basins	Upland : Wetland Ratio ≥1:1	Upland : Wetland Ratio 0.5:1-.9:1	Upland : Wetland Ratio <0.5:1	Total Restorable Wetland Area (acres)		Total Restorable Wetland Area (acres)	
> 5	☐ 20	☐ 15	☐ 10	≥ 120	☐ 8	≥ 120	☐ 5
3 – 4	☐ 15	☐ 10	☐ 5	40 – 119	☐ 5	40 – 119	☐ 3
< 3	☐ 10	☐ 5	☐ 3	< 40	☐ 1	< 40	☐ 1

- OR -

Basin Size (Size of largest restorable wetland basin)	
≥ 50 acres	☐ 20
30 - 50 acres	☐ 18
10 - 30 acres	☐ 15

Score 0 **(Maximum 20)**

C. HYDROLOGY AND WATER QUALITY BENEFITS

(only one check per wetland type/shaded region)

PROPOSED HYDROLOGIC RESTORATION

Current Condition/Status of Wetlands Proposed for Restoration		Expected Extent of Hydrologic Restoration	
Wetland Class	*Extent of Drainage/Alteration*	*Full*	*Partial*
Depressional	Effectively Drained	☐ 30	☐ 20
	Partially Drained	☐ 20	☐ 10
	Not Drained-Cropped	☐ 10	☐ 5
Floodplain	Effectively Drained	☐ 10	☐ 5
	Partially Drained	☐ 5	☐ 3
	Not Drained-Cropped	☐ 3	☐ 1
Non-Depressional	Effectively Drained	☐ 5	☐ 1
	Partially Drained	☐ 3	☐ 1
	Not Drained-Cropped	☐ 1	☐ 1

Score 0 **(Maximum 30)**

WATER QUALITY BENEFITS OF EASEMENT

☐ 2.5	Majority of easement area is in watershed of a designated impaired waters for excessive nutrients or turbidity
☐ 2.5	Majority of runoff from easement drains to and is within 1/2 mile of DNR Protected Waters
☐ 2.5	Majority of immediate contributing watershed(s) to easement is in agricultural use
☐ 2.5	Predominant soil in easement is HEL or PHEL

Score 0 **(Maximum 10)**

SECTION II. Cost Considerations

A. EASEMENT VALUE

AVERAGE PER ACRE COST FOR PURCHASING EASEMENT [1]									
< $1,500	☐ 4	$1,500 - $1,999	☐ 3	$2,000 - $2,499	☐ 2	$2,500 - $2,999	☐ 1	> $3,000	☐ 0

[1] Based on perpetual WRP payment or total partnership payment, whichever is higher

Score 0 **(Maximum 4)**

B. RESTORATION VALUE

(only one check per shaded region)

ESTIMATED PER ACRE COST FOR RESTORING/ ESTABLISHING VEGETATION							
< $200	☐ 3	$200 - $299	☐ 2	$300 - $399	☐ 1	> $400	☐ 0

ESTIMATED PER ACRE CONSTRUCTION COST FOR RESTORING WETLAND AREAS							
< $300	☐ 3	$300 - $699	☐ 2	$700 - $1,000	☐ 1	> $1,000	☐ 0

Score 0 **(Maximum 6)**

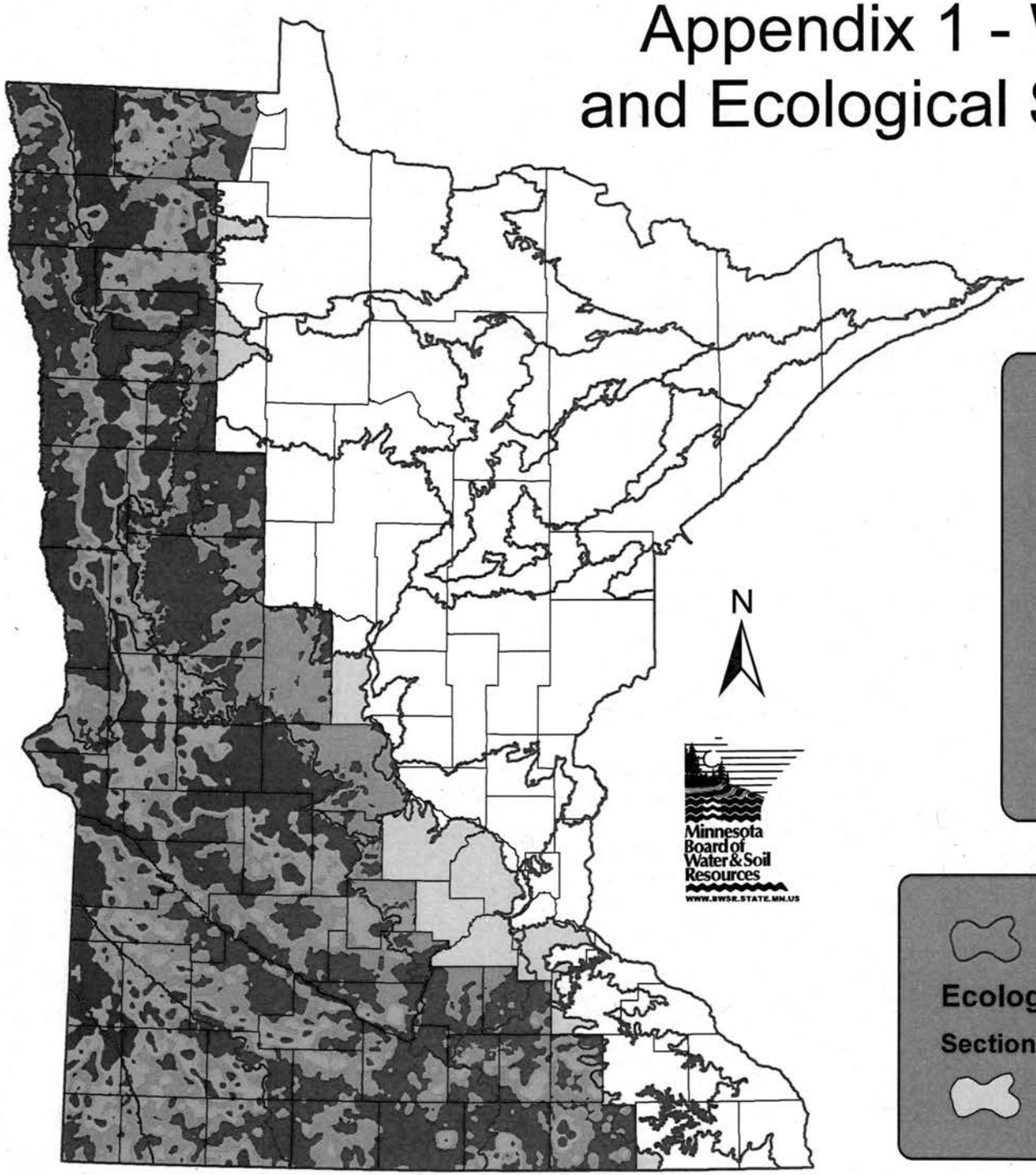
SECTION III. Additional Considerations *(check all applicable areas)*

A. Easement application is beneficial to, and within 1 mile of breeding/population of Federal or State listed Endangered or Threatened species as identified by DNR Natural Heritage Database **(State Special Concern species shall not be considered).**	☐ 2.5
B. Application is a local high priority resource project which is specifically identified in an existing comprehensive plan **(site specific projects only, not general focus areas).**	☐ 2.5
C. Easement application is within a designated Habitat Conservation Partnership or Working Land Initiative target area.	☐ 2.5
D. Easement application is located within 1.0 miles of an existing permanent conservation area (public land, conservation easement etc.).	☐ 2.5
E. Easement application contains CRP contract or limited duration easement expiring within 5 years.	☐ 2.5
F. Easement application is located within the Ecological Classification System (ECS) subsections (see Appendix 1) and did not receive points for wildlife benefits under Section I, Part A on page 1 of this form.	☐ 5.0

Score 0 **(Maximum 10)**

APPLICATION TOTAL SCORE 0

Appendix 1 - Wildlife Benefits and Ecological Subsection Priority



N

Minnesota Board of Water & Soil Resources
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Wildlife Benefits Score

Section I - Category A

- 0 Points
- 5 Points
- 10 Points
- 15 Points
- 20 Points

- Ecological Subsections of Minnesota

Ecological Subsection Priority Score

Section III - Category F

- 5 Points

March 2009

Board Resolution # 09-24

Establish Rates and Sign-up Procedures for Reinvest in Minnesota Reserve-Wetlands Reserve Program (RIM-WRP) Partnership Project – Phase 2

WHEREAS the MN State Legislature appropriated $25 M to RIM Reserve in the 2008 bonding bill (Chapter 179, 2008 Session Law) which Governor Pawlenty signed into law on April 7, 2008;

WHEREAS this RIM Reserve funding is intended to leverage federal WRP (Wetlands Reserve Program) funds appropriated to the Natural Resource Conservation Service (NRCS);

WHEREAS the Board of Water and Soil Resources (Board) has an estimated $4.1 M balance available from the 2008 bond appropriation for a Phase 2 RIM-WRP sign-up;

WHEREAS up to $16.5 M of federal WRP funding is expected to be available for MN for federal fiscal year 2009, and to match federal funding the Board will be expected to allocate approximately $11.5 M;

WHEREAS the Lessard Outdoor Heritage Council (LOHC) has made a recommendation to the Minnesota Legislature in 2009 for $9.05 M in constitutionally dedicated funding for RIM-WRP;

WHEREAS the Board has authorized staff to work with NRCS to develop sign-up procedures and supporting materials for Phase 2 (federal fiscal year 2009) of the RIM-WRP partnership;

WHEREAS the Board RIM Reserve Management Planning Committee met on March 25 and April 3, 2009 to review and recommend the following provisions to successfully launch Phase 2 of the RIM-WRP partnership;

WHEREAS the Board and NRCS staff, in consultation with the University of Minnesota Applied Economics Department, have determined that the most recent Average Assessed Tillable Value by township as established by the Minnesota Department of Revenue is the most consistent and available land value data to use as the basis for easement payment rates and which is posted at the Minnesota Land Economics Website: www.landeconomics.umn.edu;

WHEREAS the Board has renamed Estimated Market Value (EMV) rates from Phase I to Average Assessed Tillable Value (AATV) township rates, or farmland values when tillable values are not available at the township level, for Phase 2 of the RIM-WRP partnership to more accurately describe the basis for the easement payment rates;

WHEREAS the Minnesota NRCS has adopted a 30-year WRP payment rate, specific to the RIM-WRP Partnership, of 75% of AATV for cropland acres and 45% of AATV for non-cropland acres;

WHEREAS the NRCS MN Wetland Restoration Evaluation Worksheet has been updated to better reflect the importance of restoring floodplain and non-depressional wetlands and estimate the wildlife habitat enhancement potential for each proposed wetland restoration site;

WHEREAS a subcommittee shall be appointed by the Chair of the Board of Water and Resources to review the applications and make project selections in coordination with NRCS;

NOW, THEREFORE BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to commence Phase 2 of the RIM-WRP partnership sign-up to begin no sooner than April 16, 2009 and run no later than June 5, 2009. The total partnership payment rate for cropland acres shall not exceed 135% of AATV (formerly EMV) and for non-cropland acres shall not exceed 70% AATV. Rates are to be calculated using the township mean for tillable property value established by county assessors for the 2009 tax year.

Randy Kramer, Chair
Minnesota Board of Water and Soil Resources

4/15/09
Date

Minnesota Board of Water & Soil Resources

DATE: March 16, 2009

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

FROM: John Jaschke, Executive Director

SUBJECT: March 25, 2009 Board Meeting Notice

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, March 25, 2009, 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

Appointed Water Management Committee

1. **Order for Boundary Change, Withdrawal of Territory, and Enlargement for the Cedar River, Shell Rock River and Turtle Creek Watershed Districts** - Six petitions from Freeborn and Mower Counties and three watershed districts were submitted on November 1, 2008 requesting boundary changes, withdrawals of territory and enlargement for the Cedar River Watershed District, the Shell Rock River Watershed District, and the Turtle Creek Watershed District pursuant to Minn. Stat. §§ 103D.251, 103D.255, and 103D.261. The petitions seek to have the watershed district boundaries more closely aligned to the hydrologic boundaries and were accompanied by supporting resolutions from the two counties and three watershed districts. At the December 17, 2008 Board meeting, the Board ordered a public hearing be held on the petitions. The legal notice of the public hearing was published in a legal newspaper for each of the four counties affected by the changes. A joint public hearing was held on the petitions on January 14, 2009 at the Moscow Town Hall in Freeborn County. The appointed Water Planning Committee presided over the hearing and decided with a unanimous vote to recommend to the full Board that the petitions be approved per the attached draft Order. ***DECISION ITEM***

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Metro Water Planning Committee

1. **Rice Creek Watershed District (RCWD) and Ramsey Washington Metro Watershed District (RWMWD) Boundary Changes Involving the Vadnais Lake Area** - The Vadnais Lake Area Water Management Organization (VLAWMO) submitted two Petitions dated November 26, 2008 to change the boundaries of the VLAWMO by requesting the boundaries of the RCWD and the RWMWD be changed. The Petitions were submitted pursuant to Minn. Stat. § 103B.215 together with the required written statements of concurrence from each affected city, township, and watershed district. A joint legal Notice of Filing was published in a legal newspaper for each of the two counties affected by the changes, and no timely request for a hearing was received. The proposed boundary changes would achieve a more accurate alignment between the hydrologic and legal boundaries of the three Water Management Organizations. The Metro Water Planning Committee considered the petitions on March 4, 2009 and unanimously recommended approval per the attached draft Order. ***DECISION ITEM***

2. **Lower St. Croix Watershed Management Organization, Watershed Management Plan Amendment** – A Watershed Management Plan Amendment was filed with the Board on February 17, 2009. The Amendment consists of revisions to the policies and standards for rate control, volume control, water quality, flooding, and permitting; revisions to the resource inventory, watershed goals and policies, and implementation plan to incorporate resource-specific management plans; and an extension of the capital improvement plan through 2013. The attached draft Order contains a summary of the amendment process, the reviewing agencies' comments, and highlights of the amendment. Although another agenda item pertains to the dissolution of this watershed management organization, the Board must take action on the plan amendment pursuant to MS 103B.231, subds. 9 and 11 before the dissolution is finalized. The Metro Water Planning Committee voted unanimously to recommend the Amendment be approved per the attached draft Order. ***DECISION ITEM***

3. **Order Public Hearing on Petitions from Washington County to Enlarge the Valley Branch Watershed District and the South Washington Watershed District** – The Petitions are anticipated to be filed with the Board on March 24, 2009, the date of the Washington County Board of Commissioners meeting. The Petitions are to enlarge the Valley Branch and South Washington Watershed Districts based on of the voluntary dissolution of the Lower St. Croix Watershed Management Organization. The Petitions are expected to be accompanied by supporting resolutions from Washington County and the two watershed districts. The Metro Water Planning Committee voted unanimously to recommend a Public Hearing be held per the attached draft Order contingent on the petitions being filed before the March 25 BWSR Board meeting. ***DECISION ITEM***

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Southern Water Planning Committee

1. **Nobles County Local Water Management Plan Update** – Nobles 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 November 12, 2008. On March 5, 2009, the Southern Water Planning Committee (Committee) reviewed the recommendation of the state review agencies regarding final approval of the Nobles County Local Water Management Plan Update, which incorporates the Nobles Soil and Water Conservation District comprehensive plan and the watershed district plans for Okabena-Ocheda Watershed District and Kanaranzi-Little Rock Watershed District. The Committee recommends approval of the Findings of Fact, Conclusions and Order. See attachments. ***DECISION ITEM***

2. **Yellow Medicine River Watershed District (YMRWD) Watershed Management Plan** - YMRRWD was established by BWSR Board Order on August 27, 1971. Minnesota Statutes 103D.401 states that a board of watershed district managers must adopt a plan for any or all reasons for which the district may be established. The YMRWD has completed the planning process for its proposed ten-year plan: 2009 – 2019. The YMRWD distributed its draft Watershed Management Plan as required for final review and comment. Comments received were considered by the YMRWD, the plan was revised as needed, and submitted to BWSR for approval. BWSR provided proper Notice of Filing for the plan. This notice provided an invitation to submit written comments or a written request for a hearing if opposed to the plan. No written comment or request was received by BWSR. The Southern Water Planning Committee met with representatives of the YMRWD on March 5, 2009, after the state and local review period had ended. The Committee unanimously voted to recommend approval of the Plan to the full Board. See attachments. ***DECISION ITEM***

Grants Program & Policy Committee

1. **MPCA County Feedlot Program '09 Performance Credit Award Grants** - Background: MPCA County Feedlot Grants appropriations are transferred to BWSR and allocated to delegated counties as part of the Natural Resources Block Grant (NRBG) Program. A component of the County Feedlot Program allows for counties to receive Performance Credit Award Grants, in addition to their Base Grants. These Performance Credit Award Grants are based on County Feedlot Program performance according to the following MPCA procedure:

   According to the Laws of MN, 2005 1st Special Session, up to fifteen percent of the county feedlot program legislative appropriation ($2,324,000 for each year of the biennium) must be distributed according to the amount of work performed by delegated counties, represented as performance credits. Performance credits are determined by county submission of the 2009 Annual County Feedlot Officer and Performance Credit Report (see attachment).

Issue: MPCA County Feedlot Program appropriations, according to the Laws of Minnesota 2007 and the Office of the Legislative Auditor, must be allocated to counties before the end of the current biennium (June 30, 2009). Base Grants have already been allocated to counties, as part of the 2009 NRBG, but Performance Credit Award Allocations have not.

2009 Annual County Feedlot Officer and Performance Credit Reports have been received and evaluated from all delegated counties (*see attached map*).

Recommendation: The Grants Program and Policy Committee recommends Board approval of the 2009 MPCA County Feedlot Program Performance Credit Award Allocations. The total amount requested to be allocated is $182,804 and itemized by eligible county on the attached spreadsheet entitled *Performance Credit Award Schedule.* ***DECISION ITEM***

2. **'09 MPCA Feedlot Base Grant to Lyon County -** Lyon County has requested and received MPCA County Feedlot Program delegation. This delegation makes Lyon County eligible to receive a pro-rated allocation of their MPCA County Feedlot Base Grant of about $34,000. (09 Feedlot Base Grants were approved by the Board at their June 2008 Meeting.) The Grants Program & Policy Committee is recommending Board approval of a pro-rated allocation to Lyon County of their 09 MPCA County Feedlot Base Grant of $8,366. See attachments. ***DECISION ITEM***

3. **'09 Clean Water Legacy (CWL) Grant to Washington Conservation District -** The BWSR has received a request for CWL funding from Washington CD for a high priority 80 AU riparian dairy feedlot project. This project has not before been submitted to BWSR for funding. Highlights of this project are:

   The site is adjacent to East Boot Lake (nutrient and eutrophic impaired). The project consists of a lined manure storage pit and a manure transfer system (rather than gravity flow, which would not work at this site). Currently, manure is not controlled and enters the lake with little or no treatment. Refer to attachment *2009 CWL application Rydeen.*

   Funding: Total project cost estimate is $98,500. Current federal funding level is $32,390 (EQIP). The BWSR request would be for $33,012 of CWL funds, to bring the state/federal funding level to just under 75% of the estimated project costs. Carnelian-Marine-St. Croix Watershed District (CMSCWD) will contribute $15,000.

Projected Project Benefits:

- FLEval Rating 46
- Annual P reduction – 19 lbs.
- Annual COD reduction – 1,354 lbs.

Project design is complete and is currently in the process of being certified by NRCS engineers. Construction would be completed by September 2009.

A comparison of this application compared to 09 FWQMG applications funded would rank this project 17 of 38 projects funded. See attached *Fiscal Year 2009 FWQMG Applications Report.*

The Grants Program & Policy Committee supports funding this project at $33,012 pending a priority FLEval Rating determination (A FLEval Rating was not available for the Committee Meeting). The Grants Program & Policy Committee recommends Board adoption of the attached resolution and authorization of staff to allocate these grants as stated. ***DECISION ITEM***

NEW BUSINESS

1. **Red River Valley Restoration Initiative (RRVRI) Grant Payment Schedule for SWCD Services** - The following draft *Red River Valley Restoration Initiative Partnership Grant Payment Schedule for SWCD Services* and *Board Resolution* was unanimously recommended for approval at the January 28, 2009 meeting of the RIM Reserve Management Planning Committee for full BWSR Board approval at the March 25, 2009 meeting. This payment schedule will adequately compensate SWCDs for their services and participation in the RRVRI. The grant recognizes the critical role SWCDs play in delivering RIM Reserve conservation easements to Minnesota's private landowners. See attachments. ***DECISION ITEM***

2. A) Outdoor Heritage Fund Status Report – Bill Becker, Lessard Outdoor Heritage Council
   B) Clean Water Fund Status Report – Julie Klocker, BWSR and Agency Board Members

   The legislature has been gearing up the ideas and processes that will lead to the initial funding allocations for the projects and programs that will accomplish the outcomes required by the constitutional amendment. The presenters will provide a status report on what has happened thus far and projections on what is expected to happen in the months ahead. ***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. 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 March 25th!

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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MARCH 25, 2009

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF JANUARY 28, 2009

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

INTRODUCTION OF NEW EMPLOYEES

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

Appointed Water Management Committee

1. Order for Boundary Change, Withdrawal of Territory, and Enlargement for the Cedar River, Shell Rock River and Turtle Creek Watershed Districts – Travis Germundson – ***DECISION ITEM***

Metro Water Planning Committee

1. Rice Creek Watershed District (RCWD) and Ramsey Washington Metro Watershed District (RWMWD) Boundary Changes Involving the Vadnais Lake Area – Travis Germundson - ***DECISION ITEM***

2. Lower St. Croix Watershed Management Organization, Watershed Management Plan Amendment – Melissa Lewis – ***DECISION ITEM***

3. Order Public Hearing on Petitions from Washington County to Enlarge the Valley Branch Watershed District and the South Washington Watershed District – Melissa Lewis - ***DECISION ITEM***

Southern Water Planning Committee

1. Nobles County Local Water Management Plan Update – ***DECISION ITEM***

2. Yellow Medicine River Watershed District (YMRWD) Watershed Management Plan – ***DECISION ITEM***

Grants Program and Policy Committee

1. MPCA County Feedlot Program '09 Performance Credit Award Grants – Wayne Zellmer – ***DECISION ITEM***

2. '09 MPCA Feedlot Base Grant to Lyon County – Wayne Zellmer – ***DECISION ITEM***

3. '09 Clean Water Legacy (CWL) Grant to Washington Conservation District – Wayne Zellmer - ***DECISION ITEM***

NEW BUSINESS

1. Red River Valley Restoration Initiative (RRVRI) Grant Payment Schedule for SWCD Services – Kevin Lines – ***DECISION ITEM***

2. A) Outdoor Heritage Fund Status Report – Bill Becker, Lessard Outdoor Heritage Council
   B) Clean Water Fund Status Report – Julie Klocker, BWSR and Agency Board Members - ***INFORMATION ITEM***

AGENCY REPORTS

- Minnesota Department of Agriculture – Joe Martin
- Minnesota Department of Health – John Linc Stine
- Minnesota Department of Natural Resources – Larry Kramka
- Minnesota Extension Service – Faye Sleeper
- Minnesota Pollution Control Agency – Rebecca Flood

ADVISORY COMMENTS

- Association of Minnesota Counties – Annalee Garletz
- Minnesota Association of Conservation District Employees – Felicia Brockoff
- Minnesota Association of Soil and Water Conservation Districts – LeAnn Buck
- Minnesota Association of Townships – Sandy Hooker
- Minnesota Association of Watershed Districts – Ray Bohn
- Natural Resources Conservation Service – Tim Koehler

UPCOMING MEETINGS

- Next BWSR Board Meetings
  - April 22, 2009 (tentative)
  - May 27, 2009

NOON ADJOURN

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

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

BOARD MEMBERS ABSENT:
Gordy Behm

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

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

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

PLEDGE OF ALLEGIANCE

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

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

INTRODUCTION OF NEW EMPLOYEES

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

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

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

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

REPORTS

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

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

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

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

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

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

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

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

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

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

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

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

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

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

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

** 09-03

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

** 09-04

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

** 09-05

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

** 09-06

NEW BUSINESS

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

** 09-07

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AGENCY REPORTS

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

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

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

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

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

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

ADVISORY COMMENTS

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

UPCOMING MEETINGS

Next BWSR Board Meeting, March 25, 2009.

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

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

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

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

Respectfully submitted,

Mary Jo Anderson
Recorder

Dispute Resolution Report
March 12, 2009
by: Travis Germundson

There are presently **21** appeals pending. All of the appeals involve WCA except File 05-24. There have been **4** new appeals filed since the last report dated January 28th.

Format note: New appeals that have been filed since last report to the Board.
~~Appeals that have been decided since last report to the Board.~~

File 09-4 (3-9-09) This is an appeal of a replacement order in Isanti County. The appeal regards the filling of approximately 3,500 square feet of a type 6/7 wetland for placement of a residential home. *No decision has been made on the appeal.*

File 09-3 (2-20-09) This is an appeal of a replacement plan decision in Anoka County. The appeal regards the approval of a wetland replacement plan for 11,919 square feet of impacts associated with a residential development. *No decision has been made on the appeal.*

File 09-2 (2-19-09) This is an appeal of a restoration order in Stearns County. The appeal regards the filling of approximately 6,833 square feet of a type 5 wetland with various debris materials. *No decision has been made on the appeal.*

File 09-1 (2-9-09) This is an appeal of a restoration order in Ottertail County. The appeal regards the draining and filling of a type 3 wetland on agricultural land. *No decision has been made on the appeal.*

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

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

File 08-25 (08/25/08) This is an appeal of a after-the-fact wetland replacement plan application in Benton County. The LGU denied the wetland replacement plan application based on the fact that it does not adequately replace the wetland impacts. It involves the same project and issue as File 07-27. The appeal has been remanded for further processing at the local level.

~~File 08-11. (04/29/08) This is an appeal of a restoration order in Hennepin County. The appeal regards the filling of 1.75 acres of a type 2/3 wetland for the construction of a pole barn and pasture area. The restoration order has been stayed until and the appeal has been placed in abeyance for submittal of a wetland replacement plan, exemption, or no-loss application~~. *The appeal has been denied and the restoration order affirmed.*

File 08-9. (03/06/08) This is an appeal of a replacement order in Pine County. The appeal regards impacts to approximately 11.26 acres of wetland. The replacement order has been stayed and the appeal has been placed in abeyance pending further technical work.

File 08-8. (04/03/08) This is an appeal of a replacement order in Pine County. The appeal regards the filling of over 18,000 square feet of Type 2 wetland. The replacement order has been stayed and the appeal has been placed in abeyance pending further technical work.

File 08-4. (01/24/08) This is an appeal of no-loss and exemption decisions in Waseca County. In addition to the no-loss decision, at issue are denials of the agricultural exemption, approved development exemption, incidental wetland exemption, and claims of numerous procedural issues that were prejudicial to the applicants. Further, a Minn. Stat. § 15.99 (60-day rule) claim is pending in Appellant Court. The appeal has been remanded for further technical work at the local level.

File 08-1. (02/04/08) This is an appeal of a restoration order in Aitkin County. The appeal involves the filling of wetland for a road in shoreland area. The restoration order has been stayed and the appeal has been placed in abeyance pending further technical work.

~~File 07-37. (12/16/07) This is an appeal of a restoration and replacement order in the City of Sturgeon Lake, Pine County. The appeal involves the excavation and filling of wetland. The restoration and replacement order has been placed in abeyance to allow for the submittal of a complete replacement plan.~~ *The appeal has been denied and the restoration and replacement have been affirmed in part and revised in part to reduce the required mitigation ratio.*

File 07-33. (10/31/07) This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from issuance of a cease and desist order for unauthorized wetland impacts. The appeal has been accepted. A verbal settlement agreement is has been drafted.

File 07-32. (10/31/07) This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from issuance of a cease and desist order for unauthorized wetland impacts. The appeal has been accepted. A verbal settlement agreement has been drafted.

File 07-31. (10/31/07) This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from issuance of a restoration order for unauthorized filling of wetland for a building. The appeal has been accepted. A verbal settlement agreement has been drafted.

~~File 07-29. (10/25/07) This is an appeal of a restoration order in Crow Wing County. The appeal involves the filling of wetland along a driveway. The restoration order has been stayed and the appeal has been placed in abeyance pending the completion of further field work.~~ *The appeal has been denied and the restoration order affirmed.*

File 07-27. (10/19/07) This is an appeal of a restoration and replacement order in Benton County. The appeal involves the excavation of an island that was in wetland and the filling of wetland along the wetland edge. The restoration order has been stayed and the appeal has been placed in abeyance pending the completion of further field work this spring.

File 06-23. (05/19/06) This is an appeal of a replacement plan decision in Kanabec County. The LGU denied the wetland replacement plan application. A previous denial of the same replacement plan application had been appealed, the appeal was remanded for a hearing, and now the current denial has been appealed. The appeal has been placed in abeyance pending the outcome of a lawsuit between the landowner and the county. The lawsuit concerns the county's possible noncompliance with the 60-day rule. The county prevailed in district court, however the decision was appealed to the Court of Appeals where the county again prevailed. An appeal to the Minnesota Supreme Court was denied review. It is likely the appeal will soon be placed on the calendar for DRC proceedings.

File 06-17. (05/27/06) This is an appeal of a replacement plan decision in the City of Montgomery in LeSueur County. The LGU denied an after-the-fact wetland replacement plan application based on a lack of sufficient reasons why the restoration could not be completed. The appeal has been remanded for further processing at the local level.

File 06-12. (04/13/06) This is an appeal of a no-loss decision in Stearns County. It involves the same project and issues as File 06-6. After a restoration order was issued, a no-loss application was submitted by the developer and denied by the LGU. The appeal has been remanded for further technical evaluation.

File 06-6. (02/16/06) This is an appeal of a restoration order in Stearns County. At issue are numerous wetlands impacted by filling, sedimentation, reduction of hydrology and lack of Best Management Practices associated with a residential development. The appeal has been denied in part. The Restoration Order has been affirmed in part and has been stayed in part.

File 05-24. (03/04/05) This is an appeal, actually three appeals, of the Bois de Sioux Watershed District compensation to landowners related to a project. The appeal has been held in abeyance pending settlement discussions. It appears at least two of the appeals have been settled.

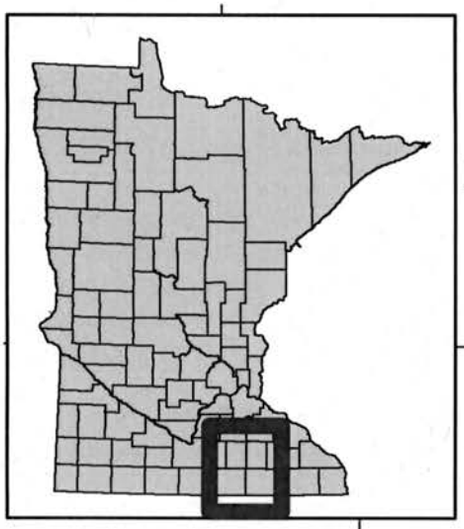
File 05-1. (01/13/05) This is an appeal of a replacement plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue is a wetland delineation and the Comprehensive Wetland Protection and Management Plan that BWSR approved. After a hearing before the DRC, the board remanded the matter for a new wetland delineation and for submission on an updated, complete replacement plan application.

COMMITTEE RECOMMENDATIONS

Appointed Water Management Committee

1. Order for Boundary Change, Withdrawal of Territory, and Enlargement for the Cedar River, Shell Rock River and Turtle Creek Watershed Districts – Travis Germundson – ***DECISION ITEM***

Cedar River, Shell Rock River and Turtle Creek Watershed Districts



Rice

Goodhue

Wabasha

Waseca

Steele

Dodge

Olmsted

Freeborn

TURTLE CREEK

CEDAR RIVER

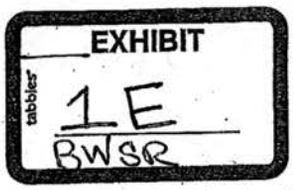
SHELL ROCK RIVER

Mower

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

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N
W E
S



COMMON BOUNDARY BETWEEN WATERSHEDS

Parcels *transferred* from Shell Rock River Watershed District to Turtle Creek Watershed District:

Freeborn County

NE1/4 NE1/4	30-103-20
SW1/4 SW1/4	35-104-21

Parcels *transferred* from Turtle Creek Watershed District to Shell Rock River Watershed District:

Freeborn County

NE1/4 SW1/4	3-102-20
NW1/4 SE1/4	3-102-20
NW1/4 NW1/4	2-102-20
SW1/4 SW1/4	19-103-20
SW1/4 SE1/4	19-103-20
S1/2 SW1/4	28-103-20
E1/2 NE1/4	11-103-21
S1/2 NE1/4	13-103-21
SE1/4 NE1/4	24-103-21
NE1/4 SE1/4	24-103-21
S1/2 SW1/4	21-104-21
N1/2 NW1/4	28-104-21
NW1/4 SE1/4	34-104-21

Parcels *transferred* from Shell Rock River Watershed District to Cedar River Watershed District:

Freeborn County

NE1/4 NW1/4	36-102-20

Parcels *transferred* from Cedar River Watershed District to Shell Rock River Watershed District:

Freeborn County

N1/2 NW1/4	20-102-19
SE1/4 NW1/4	20-102-19
SW1/4	19-102-19
SW1/4 SE1/4	19-102-19
W1/2 NW1/4	25-102-20

Parcels *transferred* from Turtle Creek Watershed District to Cedar River Watershed District:

Freeborn County

NW1/4 SE1/4	1-103-19
NE1/4 SW1/4	1-103-19
SE1/4 NE1/4	24-103-19
NE1/4 SE1/4	24-103-19

Mower County

N1/2 SE1/4	29-103-18
N1/2 SW1/4	28-103-18
SW1/4	30-104-18
SW1/4 NW1/4	30-104-18
NW1/4 NW1/4	31-104-18

City of Austin, Mower County

Austin Homesteads Addition, Block 2, Lot 3
Austin Homesteads Addition, Block 3, Lots 1, 3, 5-7
Austin Homesteads Addition, Block 4, Lots 2-12
Austin Homesteads Addition, Block 5, Lots 2-5
Austin Homesteads Addition, Block 6, Lots 2, 4, and 5
Austin Homesteads Addition, Block 7, Lots 2-4
Austin Homesteads Addition, Block 8, Lots 1-5
Austin Homesteads Addition, Block 9, Lots 1, 5-8, and Outlots A-G and M
Baudler's East View Addition, Block 2, Lots 1-12
Bigelow Acres, Block 1, Lots 1-6
Bushaw Addition, Block 1, Lots 1 and 2
Martin Bustad First Addition, Block 1, Lots 1-16
Martin Bustad First Addition, Block 2, Lots 1-18
Martin Bustad First Addition, Block 3, Lots 1-21
Champlin, Block 1, Lot 3
Green Acres, Block 1, Lots 2-4
Jacob's Addition, Block 1, Lots 1-6
Jensen Acres, Block 1, Lots 1 and 2
Keenan Acres, Block 1, Lots 1-5
Keenan Acres, Block 2, Lots 1-13
Keenan Acres Second Addition, Block 1, Lots 1-4
Kenevan and Kings Addition, Block 3, Lots 1-12
Lacom's Addition, Block 1, Lots 1-7
Lastine Addition, Block 1, Lots 1-3
Milbrath Addition, Block 1, Lots 1-3
Munk Addition, Block 1, Lots 1-4

Nordaune lst Subdivision, Block 1, Lots 3-5
Old Oaks Second Addition, Block 2, Lots 1-11
Peters Addition, Block 1, Lots 1-3
Shaw School Addition, Block 1, Lots 1-8
Sunny's Run, Block 1, Lot 2
Woodlawn Park Addition, Block 1, Lots 1-12
Woodlawn Park Addition, Block 8, Lots 1-12
Woodlawn Park Addition, Block 9, Lots 1-12

Parcels *transferred* from Cedar River Watershed District to Turtle Creek Watershed District:

Freeborn County

SW1/4	5-102-19
E1/2 SE1/4	6-102-19
NW1/4 SE1/4	36-104-19
SE1/4 SE1/4	11-104-19
NE1/4 SW1/4	13-104-19

Mower County

SE1/4 NW1/4	30-103-18
SW1/4 SE1/4	28-103-18

City of Austin, Mower County

Kenwood Park Place, Block 2, Lots 1-13
Licktieg Second Addition, Block 1, Lots 1-4
Licktieg Second Addition, Block 2, Outlot A
Auditor's Plat, Outlots 1-5
Christiansen's Addition, Block 1, Lots 1-6
West 522' of North 330' of SW1/4 SW1/4 NE1/4 Section 10-102-18
West 522' of South 330' of NW1/4 SW1/4 NE1/4 Section 10-102-18
Oak Park Mall Subdivision, Block 1, Lots 5, 6, 10-12
Oak Park Mall Subdivision, Block 1, Portions of Lots 1, 4 & 9, East of the west line SW1/4 NW1/4 Section 34-103-18
Otto Baudler Addition, Block 2, Lots 2-7 and Outlot A
SE1/4 SE1/4 SW1/4 Section 3-102-18, less Shaw Acres, Block 1, Lots 1-4 and Kenwood Park Place, Block 2, Lots 1-13
Orchard Creek, Block 1, Lots 1-9
Orchard Creek, Block 2, Lots 3-13 & Lots 27-36
Orchard Creek, Block 3, Lots 1-8
Shaw Acres, Block 1, Lots 1-4
Southgate First Addition, Outlots 8, 9, 12, 13, 16, 17, 20, 39-43, 49-66 & 68
Southgate Second Addition, Block 2, Lots 1, 14, & Outlot D

Southgate Second Addition, Block 3, Lots 1-26
Southgate Second Addition, Block 4
Southgate Second Addition, Block 5, Lots 1-16
Southgate Second Addition, Block 6, Lots 1-7
Southgate Third Addition, Block 1, Lots 1-10 & Outlot A
Southgate Fourth Addition, Block 1, Lots 1 and 2
Yates and Lewis Addition, Block 3, Lots 1-10
Yates and Lewis Addition, Block 4, Lots 1-10
Yates and Lewis Addition, Block 5, Lots 1-10
Yates and Lewis Addition, Block 6, Lots 1-10
Yates and Lewis Addition, Block 8
Yates and Lewis Addition, Block 9, Lots 1-12
Yates and Lewis Addition, Block 10, Lots 1-12
Yates and Lewis Addition, Block 11, Lots 1-12
Yates and Lewis Addition, Block 41, Lots 1-12
Yates and Lewis Addition, Block 42, Lots 1-12

Orphan parcels *added* to Shell Rock River Watershed District:

Freeborn County

NW1/4 NW1/4	3-102-20
SW1/4 NW1/4	2-102-20
N1/2 NE1/4	24-103-21
SW1/4 NE1/4	24-103-21
SW1/4 SW1/4	27-104-21
N1/2 SW1/4	34-104-21

Orphan parcels *added* to Turtle Creek Watershed District:

Freeborn County

SW1/4 SW1/4	35-103-19
W1/2 SE1/4	34-103-19
E1/2 SW1/4	34-103-19
SW1/4 SE1/4	29-103-20
W1/2 E1/2 NE1/4	2-103-21
W1/2 E1/2 SE1/4	2-103-21
SW1/4 NW1/4	2-104-19
SW1/4 NE1/4	2-104-19
N1/2 SE1/4 SE1/4	2-104-19
SE1/4 NE1/4	36-104-19

Orphan parcels *added* to Cedar River Watershed District:

Freeborn County	
E1/2 NE1/4	2-104-19
NE1/4 SE1/4	2-104-19
W1/2 NW1/4	1-104-19
W1/2 SW1/4	1-104-19
SE1/4 SE1/4	24-103-19
Mower County	
SW1/4	19-104-18
NW1/4 NW1/4	30-104-18

EXHIBIT
tabbies 1J
BWSR

CEDAR RIVER WATERSHED DISTRICT

Parcels *added* to Cedar River Watershed District – Outer Boundary

Mower County	
S½ SW¼	5-101-16
SW¼ SE¼	5-101-16
SW¼ NE¼	19-101-17
NE¼ NE¼	1-101-17
NW¼ SE¼	24-103-16
SW¼ NW¼	15-103-16
NW¼ SE¼	31-104-16
NW¼ SW¼	7-104-16
Freeborn County	
SE¼ SW¼	16-101-19
W½ NE¼	21-101-19
SE¼ NE¼	21-101-19
NW¼ SW¼	26-101-19
Steele County	
NW¼ SE¼	26-105-19
SW¼ NE¼	34-105-19
N½ NE¼	34-105-19

EXHIBIT A

Parcels *removed* from Cedar River Watershed District – Outer Boundary

Mower County	
NE¼ SE¼	6-101-16
NE¼ NW¼	3-101-17
NW¼ SE¼	6-102-15
SW¼ SE¼	32-102-16
NW¼ SE¼	29-102-16
SW¼ SE¼	20-102-16
NW¼ NE¼	17-102-16
SE¼ NE¼	14-102-16
SE¼ SE¼	13-102-16
SE¼ SW¼	15-103-16
NW¼ SE¼	8-103-16
Freeborn County	
SW¼ NE¼	27-101-19
Dodge County	
NE¼ SE¼	11-105-17
SW¼ SW¼	4-105-17
NW¼ SW¼	31-106-17
NE¼ SE¼	36-106-18
Steele County	
NW¼ NW¼	12-105-19

EXHIBIT B

EXHIBIT
1N
BWSR

SHELL ROCK RIVER WATERSHED DISTRICT

Parcels *added* to Shell Rock River Watershed District – Outer Boundary

Freeborn County	
NW¼ SW¼	1-101-20
NE¼ SE¼	2-101-20
NW¼ SE¼	10-101-20
NW¼	34-101-20
SE¼ SE¼	4-101-22
N½ SE¼	4-101-22
SW¼ NE¼	4-101-22
W½ NE¼	28-102-22
N½ SW¼ SW¼	6-102-22
SW¼ SW¼ SW¼	6-102-22
SE¼ SE¼	1-102-23
E½ SE¼	36-103-23
NE¼ SW¼	30-104-21

EXHIBIT A

Parcels *removed* from Shell Rock River Watershed District – Outer Boundary

Freeborn County	
SE¼ SW¼	2-101-20
SE¼ SE¼	16-101-20
N½ NE¼	21-101-20
SE¼ NE¼	21-101-20
NW¼ SW¼	22-101-20
SW¼ SW¼	17-103-22
NW¼ NW¼	9-103-22
SW¼ NE¼	2-103-22

EXHIBIT B



TURTLE CREEK WATERSHED DISTRICT

Parcels *added* to Turtle Creek Watershed District – Outer Boundary

Freeborn County	
SW¼ NE¼	9-104-19
N½ NW¼	10-104-19
NE¼ SE¼	3-104-20
SW¼ NW¼	21-104-21
SE¼ SW¼	16-104-21
SE¼ SE¼	9-104-21
W½ NW¼	10-104-21
SE¼ SW¼	3-104-21
NE¼ NE¼	12-104-21

Parcels *removed* from Turtle Creek Watershed District – Outer Boundary

Freeborn County	
NE¼ SE¼	3-104-19
SW¼ NE¼	9-104-20
NE¼ NW¼	10-104-20
NE¼ NW¼	11-104-20
N½ NE¼	11-104-20
NE¼ SE¼	3-104-21
W½ NE¼	3-104-21
SE¼ NE¼	3-104-21
W½ NW¼	2-104-21
NE¼ NE¼	2-104-21
NW¼	1-104-21
NE¼	1-104-21
NE¼ SE¼	1-104-21

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

In the Matter of petition for Boundary Change, Withdrawal of Territory, and Enlargement of the Cedar River Watershed District, the Shell Rock River Watershed District, and the Turtle Creek Watershed District pursuant to Minn. Stat. §§ 103D.251, 103D.255, and 103D.261.

ORDER FOR BOUNDARY CHANGE WITHDRAWAL OF TERRITORY, AND ENLARGEMENT CEDAR RIVER, SHELL ROCK RIVER, AND TURTLE CREEK WATERSHED DISTRICTS

Whereas, two counties and three watershed districts have submitted six petitions for boundary change, withdrawal of territory, and enlargement of the Cedar River Watershed District, the Shell Rock River Watershed District, and the Turtle Creek Watershed District pursuant to Minn. Stat. §§ 103D.251, 103D.255, and 103D.261, and;

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

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

FINDINGS OF FACT

1. **Petition.** On November 1, 2008 the Board received six petitions labeled Exhibit 1 from Freeborn and Mower Counties and three watershed districts for boundary change, withdrawal of territory, and enlargement of the Cedar River Watershed District, the Shell Rock River Watershed District, and the Turtle Creek Watershed District pursuant to Minn. Stat. §§103D.251, 103D.255, and 103D.261. The petitions were accompanied by supporting resolutions from the two counties and the three watershed districts.

2. **Property Description.** The Petitioned Areas, located in Freeborn, Mower, Dodge, and Steele Counties and which includes land in the Townships of Nunda, Manchester, Bath, Geneva, Newry, London, Shell Rock, Hayward, Bancroft, Moscow, Riceland, Oakland, Pickerel Lake in Feeborn County; and Sargeant, Dexter, Clayton, Marshall, Adams, Nevada, Udolopho, Lansing, and Austin, and the city of Austin in Mower County; and Westfield, Ripley, Ashland, and Hayfield in Dodge County; and Blooming Prairie in Steele County; and further depicted on a map labeled Exhibit 2 and listing of proposed parcels by Section Township, and Range in Exhibits 1E, 1J,1N and 1R.

3. **Hearing Order.** At its regular meeting on December, 17 2008, the Board determined that the Petitions met the requirements of Minn. Stat. §§ 103D.251, 103D.255, and 103D.261, and consequently ordered a public hearing to be held on the Petitions and appointed a committee to preside over the hearing and bring recommendations to the Board. (Exhibit 3)

4. **Hearing Notice.** Legal notice of the public hearing on the Petitions, pursuant to Minn. Stat. §§ 103D.251, Subd. 6, 103D.255, Subd. 1 (e), and 103D.261 Subd. 1 (c), was published in the Albert Lea Tribune on December 29, 2008 (Exhibit 5), in the Austin Daily Herald on December 29, 2008 (Exhibit 6), in the News Enterprise on December 31, 2008 (Exhibit 7), in the Owatonna Peoples Press on December 30, 2008 (Exhibit 8), and in the Hayfield Herald on December 31, 2008 (Exhibit 9). Further, a copy of the hearing notice and map was mailed to several addresses notifying them of the public hearing, including the Freeborn, Dodge, Mower, and Steele County Auditors, Administrators, and Soil and Water Conservation Districts; all of the cities in the Petitioned Area; and representatives for the Watershed Districts (Exhibit 4).

5. **Public Hearing**. A public hearing was held on the Petitions on January 14, 2009, at the Moscow Town Hall in Freeborn County, 24225 – 885th Avenue, Austin, Minnesota. The proceedings were recorded. The hearing panel was Paul Langseth, Dan Wilson, Bob Burandt, Gene Tiedemann, and Randy Kramer as chair.

   Travis Germundson, Board staff, entered Exhibit 1 consisting of Exhibits 1A-1S through Exhibit 9 into the record by reading a brief description of each exhibit.

Exhibit 1. Boundary Petitions packet for Cedar River Watershed District, Shell Rock River Watershed District, and Turtle Creek Watershed District, received November 1, 2008 consisting of Exhibits 1A-1S.

Exhibit 1A. Letter dated October 31, 2008 from Matthew L. Benda, Law Offices Peterson, Savelkoul, & Benda, Ltd. to Travis Germundson, Board of Water and Soil Resources transmitted with Exhibit 1.

Exhibit 1B. Joint Petition to Make Boundary Changes between the Cedar River Watershed District, the Turtle Creek Watershed District, and the Shell Rock River Watershed District submitted from Turtle Creek Watershed District Chairman.

Exhibit 1C. Signature page for the Joint Petition to Make Boundary Changes between the Cedar River Watershed District, the Turtle Creek Watershed District, and the Shell Rock River Watershed District submitted from Cedar River Watershed District Chairman.

Exhibit 1D. Signature page for the Joint Petition to Make Boundary Changes between the Cedar River Watershed District, the Turtle Creek Watershed District, and the Shell Rock River Watershed District submitted from Shell Rock River Watershed District Chairman.

Exhibit 1E. Listing of proposed common boundary changes for individual parcels affected by Watershed District, County, Section, Township and Range.

Exhibit 1F. Cedar River Watershed District Resolution authorizing joint petition to make boundary changes dated July 16, 2008.

Exhibit 1G. Shell Rock River Watershed District Resolution authorizing joint petition to make boundary changes dated July 8, 2008.

Exhibit 1H. Turtle Creek Watershed District Resolution authorizing joint petition to make boundary changes dated July 15, 2008.

Exhibit 1I. Petition to Enlarge and to Remove Parcels from the Cedar River Watershed District dated August 5, 2008 submitted by the County of Mower and the Cedar River Watershed District.

Exhibit 1J. Listing of parcels proposed to be added and removed from Cedar River Watershed District by County, Section, Township and Range.

Exhibit 1K. Cedar River Watershed District Resolution authorizing petition to Enlarge and Remove parcels from Cedar River Watershed District dated July 16, 2008.

Exhibit 1L. Commissioner's Record of the Special Session of the Mower County Board of Commissioners dated August 5, 2008 approving the petition to enlarge and remove parcels from Cedar River Watershed District.

Exhibit 1M. Petition to Enlarge and to Remove Parcels from the Shell Rock River Watershed District dated August 5, 2008 submitted by the County of Freeborn and the Shell Rock River Watershed District.

Exhibit 1N. Listing of proposed parcels to be added and removed from Shell Rock River Watershed District by County, Section, Township and Range.

Exhibit 1O. Freeborn County Resolution, dated August 5, 2008 authorizing petition to Enlarge and to Remove parcels from the Shell Rock River Watershed District.

Exhibit 1P. Shell Rock River Watershed District Resolution, dated July 8, 2008 authorizing petition to Enlarge and Remove parcels from the Shell Rock River Watershed District.

Exhibit 1Q. Petition to Enlarge and to Remove Parcels from the Turtle Creek Watershed District, dated August 19, 2008 submitted by the County of Freeborn and the Turtle Creek Watershed District.

Exhibit 1R. Listing of proposed parcels to be added and removed from Turtle Creek Watershed District by County, Section, Township and Range.

Exhibit 1S. Turtle Creek Watershed District Resolution authoring petition to Enlarge and Remove Parcels from Turtle Creek Watershed District dated July 15, 2008.

Exhibit 2. Map of the watershed districts and proposed boundary change, withdrawal of territory, and enlargement dated May 2007.

Exhibit 3. Order dated December 17, 2008, from the Board of Water and Soil Resources for a public hearing on the Petitions.

Exhibit 4. Letter dated December 29, 2008, from Travis Germundson to several addressees notifying them of the public hearing, including copies of the legal notice and map.

Exhibit 5. Affidavit of Publication dated December 29, 2008, of Legal Notice in the Albert Lea Tribune on December 29, 2008.

Exhibit 6. Affidavit of Publication dated December 31, 2008, of Legal Notice in the Austin Daily Herald on December 29, 2008.

Exhibit 7. Affidavit of Publication dated January 2, 2009, of Legal Notice in the News Enterprise on December 31, 2008.

Exhibit 8. Affidavit of Publication dated January 2, 2009, of Legal Notice in the Owatonna Peoples Press on December 30, 2008.

Exhibit 9. Affidavit of Publication dated January 8, 2009, of Legal Notice in the Hayfield Herald on December 31, 2008.

6. **Hearing Panel.** The hearing panel met on January 14, 2009, and based on the oral and written record in this matter, decided with a unanimous vote to recommend to the full Board that the Cedar River Watershed District, Shell Rock River Watershed District, and Turtle Creek Watershed District boundaries be changed as proposed in the Petitions, that territory be withdrawn as proposed in the Petitions, and the area be enlarged as proposed in the Petitions. The hearing record was than closed, and no written comments were received following the hearing.

CONCLUSIONS

1. The petitions for boundary change, withdrawal of territory, and enlargement are valid in accordance with Minn. Stat. §§ 103D.251, 103D.255, and 103D.261.

2. Proper notice of hearing was given and one public hearing was held in accordance with applicable laws.

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

4. The Board has proper jurisdiction in the matter of ordering a watershed district boundary change, withdrawal of territory, and enlargement.

5. The boundary change, withdrawal of territory, and enlargement of the Cedar River Watershed District, Shell Rock River Watershed District, and Turtle Creek Watershed District as proposed in the Petitions would be for the public welfare and public interest and the purpose of Minn. Stat. Chapter 103D would be served.

6. The Shell Rock River Watershed District and Turtle Creek Watershed District Plans should be amended within one year to include the boundary change, withdrawal of territory, and enlargement areas. The Cedar River Watershed District should incorporate these changes as they continue to develop their plan.

ORDER

The Board hereby orders the Cedar River Watershed District, Shell Rock River Watershed District, and Turtle Creek Watershed District boundaries changed per Petitions at Exhibits 1B, 1C, and 1D, according to Exhibit 1E of said Petitions, that Cedar River Watershed District be enlarged and territory withdrawn per Petition at Exhibit 1I according to Exhibit 1J, that Shell Rock River Watershed District be enlarged and territory withdrawn per Petition at Exhibit 1M according to Exhibit 1N, and that Turtle Creek Watershed District be enlarged and territory withdrawn per Petition at Exhibit 1Q according to Exhibit 1R. Exhibits 1E, 1J, 1N, and 1R are attached and made a part of this Order hereof.

Dated at Saint Paul, Minnesota this 25th day of March, 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Randy Kramer, Chair

COMMITTEE RECOMMENDATIONS

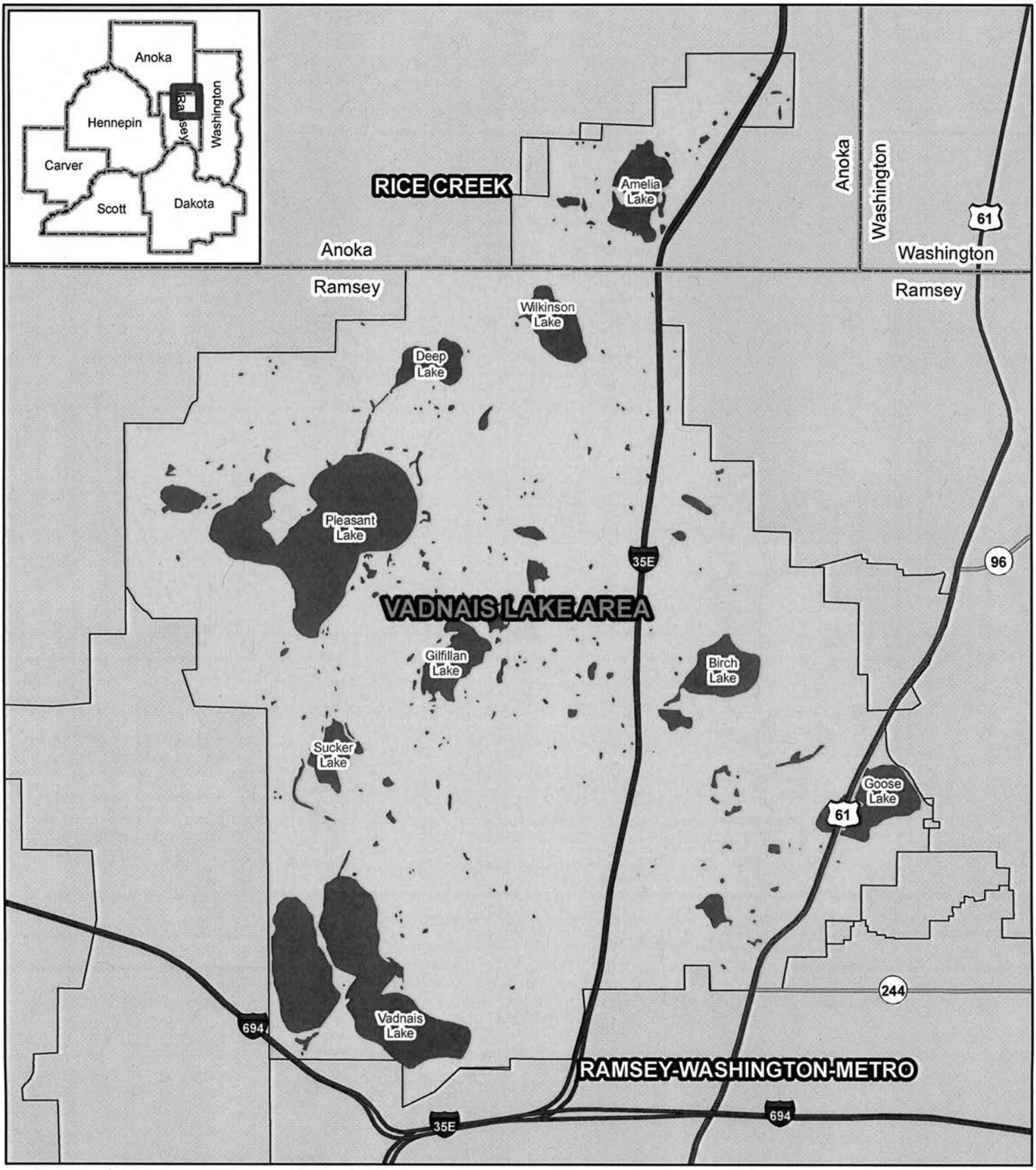
Metro Water Planning Committee

1. Rice Creek Watershed District (RCWD) and Ramsey Washington Metro Watershed District (RWMWD) Boundary Changes Involving the Vadnais Lake Area – Travis Germundson - ***DECISION ITEM***

2. Lower St. Croix Watershed Management Organization, Watershed Management Plan Amendment – Melissa Lewis – ***DECISION ITEM***

3. Order Public Hearing on Petitions from Washington County to Enlarge the Valley Branch Watershed District and the South Washington Watershed District – Melissa Lewis - ***DECISION ITEM***

Vadnais Lakes Water Management Organization



Vadnais Lakes WMO
Adjacent Watershed Districts
Counties

Minnesota Board of Water & Soil Resources
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Property Identification

City of Lino Lakes

Table 4a indicates the parcels currently in the Vadnais Lake Area Water Management Organization that are proposed to be transferred to Rice Creek Watershed District in the City of Lino Lakes. This area totals 19.31 acres.

Table 4a

PIN	BLDG_NUM	STREETNAME		ACRES	LAND USE	LEGAL CHANGE TO
003-343122110006				1.01	RESIDENTIAL SINGLE FAMILY	RCWD
003-343122110007	1554	HOLLY	DR	4.77	RESIDENTIAL SINGLE FAMILY	RCWD
003-343122110008	1564	HOLLY	DR	2.51	RESIDENTIAL SINGLE FAMILY	RCWD
003-343122110009	1520	HOLLY	DR	1.1	RESIDENTIAL SINGLE FAMILY	RCWD
003-343122110009				0.97	RESIDENTIAL SINGLE FAMILY	RCWD
003-343122110010	1528	HOLLY	DR	0.45	RESIDENTIAL SINGLE FAMILY	RCWD
003-343122110010				2.61	RESIDENTIAL SINGLE FAMILY	RCWD
003-343122110011	1556	HOLLY	DR	0.85	RESIDENTIAL SINGLE FAMILY	RCWD
003-343122120005	1474	HOLLY	DR	2.9	RESIDENTIAL SINGLE FAMILY	RCWD
003-343122120006	1486	HOLLY	DR	1.82	RESIDENTIAL SINGLE FAMILY	RCWD
003-343122120006				0.32	RESIDENTIAL SINGLE FAMILY	RCWD

Table 4b indicates parcels currently within the Rice Creek Watershed District that are proposed to be transferred to Vadnais Lake Area Water Management Organization in the City of Lino Lakes. This area totals 65.61 acres.

Table 4b						
PIN	BLDG_NUM	STREETNAME		ACRES	LAND USE	LEGAL CHANGE TO
003-253122340006	6440	OTTER LAKE	RD	11.46	AGRICULTURAL	VLAWMO
003-253122340007				18.87	AGRICULTURAL	VLAWMO
003-253122310004	6516	OTTER LAKE	RD	14.58	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122310007				0	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122310008	2218	TART LAKE	RD	0.37	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122310009	2212	TART LAKE	RD	0.38	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122310010	2206	TART LAKE	RD	0.35	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122310011	2200	TART LAKE	RD	0.34	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122340005				2.24	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122420005	2219	TART LAKE	RD	0.3	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122420006	2225	TART LAKE	RD	0.29	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122420007	2231	TART LAKE	RD	0.32	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122420070				0.09	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122420071	6485	LANGER	LN	0.25	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122420072	6491	LANGER	LN	0.18	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122420073	6497	LANGER	LN	0.13	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122420074	6503	LANGER	LN	0.15	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122420075	6515	LANGER	LN	0.23	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122420076	6527	LANGER	LN	0.19	RESIDENTIAL SINGLE FAMILY	VLAWMO

003-253122420077	6533	LANGER	LN	0.16	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122420078	6539	LANGER	LN	0.18	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122420079	6545	LANGER	LN	0.23	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122420080	2230	TART LAKE	RD	0.49	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122420081	2224	TART LAKE	RD	0.38	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122430035	2223	FLORA	CT	0.34	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122430036	2229	FLORA	CT	0.35	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122430037	2235	FLORA	CT	0.35	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122430038	6441	LANGER	LN	0.37	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122430039	6445	LANGER	LN	0.35	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122430040	6449	LANGER	LN	0.37	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122430041	6455	LANGER	LN	0.36	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122430042	6461	LANGER	LN	0.35	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122430043	6467	LANGER	LN	0.34	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122430044	6473	LANGER	LN	0.18	RESIDENTIAL SINGLE FAMILY	VLAWMO
003-253122310012				3.11	TAX FORFEIT	VLAWMO
003-253122310013				1.64	TAX FORFEIT	VLAWMO
003-253122420085				2.19	TAX FORFEIT	VLAWMO
003-253122420086				1.02	TAX FORFEIT	VLAWMO
003-253122430047				2.13	TAX FORFEIT	VLAWMO

White Bear Lake

Table 5a indicates the parcels currently in the Vadnais Lake Area Water Management Organization that are proposed to be transferred to Rice Creek Watershed District in the White Bear Lake. This area totals 2.45 acres.

Table 5a						
PIN	BLDG_NUM	STREETNAME		ACRES	LAND USE	LEGAL CHANGE TO
123-233022430003	2145	GARDENETTE	DR	0.44	RESIDENTIAL	RCWD
123-233022430004	4181	HAZEL	ST	0.72	RESIDENTIAL	RCWD
123-233022430005	4173	HAZEL	ST	0.86	RESIDENTIAL	RCWD
123-233022440011	2149	GARDENETTE	DR	0.43	RESIDENTIAL	RCWD

Table 5b indicates parcels currently within the Rice Creek Watershed District that are proposed to be transferred to Vadnais Lake Area Water Management Organization in the White Bear Lake. This area totals 245.21 acres.

Table 5b						
PIN	BLDG_NUM	STREETNAME		ACRES	LAND USE	LEGAL CHANGE TO
123-143022110039	4941	LONG	AVE	0.99	AGRICULTURAL	VLAWMO
123-143022110040	4933	LONG	AVE	0.95	AGRICULTURAL	VLAWMO
123-233022420025		WHITE BEAR	AVE	2.66	CEMETERY-PRIVATE	VLAWMO
123-143022130050	4821	BLOOM	AVE	1.09	CHURCH	VLAWMO
123-143022130072	2015	5TH	ST	0.08	COMM LAND & BLDGS	VLAWMO
123-143022140061	4901	LONG	AVE	0.4	COMM LAND & BLDGS	VLAWMO
123-143022140075	4875	61		0.74	COMM LAND & BLDGS	VLAWMO
123-143022140086	2180	7TH	ST	0.48	COMM LAND & BLDGS	VLAWMO
123-143022140095		6TH	ST	0.17	COMM LAND & BLDGS	VLAWMO
123-143022140096		6TH	ST	0.34	COMM LAND & BLDGS	VLAWMO
123-143022140125	4801	61		0.61	COMM LAND & BLDGS	VLAWMO
123-143022140135		WASHINGTON	AVE	0.25	COMM LAND & BLDGS	VLAWMO
123-143022310005	4771	BALD EAGLE	AVE	0.25	COMM LAND & BLDGS	VLAWMO
123-143022410157	2137	4TH	ST	0.61	COMM LAND & BLDGS	VLAWMO
123-143022420003	2126	5TH	ST	0.35	COMM LAND & BLDGS	VLAWMO
123-143022420006	4787	BLOOM	AVE	0.28	COMM LAND & BLDGS	VLAWMO
123-143022420030	2126	4TH	ST	0.03	COMM LAND & BLDGS	VLAWMO
123-143022420122		3RD	ST	0.04	COMM LAND & BLDGS	VLAWMO
123-143022420128	4779	BLOOM	AVE	0.12	COMM LAND & BLDGS	VLAWMO
123-143022420132	4703	HWY 61		2.6	COMM LAND & BLDGS	VLAWMO
123-143022420133	2025	4TH	ST	0.34	COMM LAND & BLDGS	VLAWMO
123-143022120021	4857	BLOOM	AVE	26.72	K-12 SCH-PUBLIC	VLAWMO
123-143022130044		BLOOM	AVE	0.38	K-12 SCH-PUBLIC	VLAWMO
123-143022130045		BLOOM	AVE	0.38	K-12 SCH-PUBLIC	VLAWMO
123-143022130060		CENTRAL	AVE	0.33	K-12 SCH-PUBLIC	VLAWMO
123-143022130061		UNASSIGNED		0.11	K-12 SCH-PUBLIC	VLAWMO
123-143022130062		CENTRAL	AVE	0.22	K-12 SCH-PUBLIC	VLAWMO
123-143022130063		CENTRAL	AVE	0.32	K-12 SCH-PUBLIC	VLAWMO
123-143022130080		BALD EAGLE	AVE	0.53	K-12 SCH-PUBLIC	VLAWMO
123-143022240009	1961	6TH	ST	11.07	K-12 SCH-PUBLIC	VLAWMO
123-143022410158		DIVISION	ST	1.31	LEASED PUBLIC PROP	VLAWMO
123-143022420026	2125	4TH	ST	0.09	LEASED PUBLIC PROP	VLAWMO
123-143022420112		5TH	ST	0.18	LEASED PUBLIC PROP	VLAWMO
123-143022420113		DIVISION	ST	0.26	LEASED PUBLIC PROP	VLAWMO
123-143022420114		DIVISION	ST	0.15	LEASED PUBLIC PROP	VLAWMO
123-143022420115	2135	4TH	ST	0.15	LEASED PUBLIC PROP	VLAWMO
123-143022420120		4TH	ST	0.55	LEASED PUBLIC PROP	VLAWMO
123-143022420124		BLOOM	AVE	0.49	LEASED PUBLIC PROP	VLAWMO
123-143022420125		4TH	ST	0.24	LEASED PUBLIC PROP	VLAWMO
123-143022420011	2060	5TH	ST	2.13	MFR	VLAWMO
123-143022420052	250	MILLER	AVE	1.04	MUN LENFRC,FIRE,ADM	VLAWMO
123-143022240058		CAMPBELL	AVE	0.09	MUNICIPAL PUB-OTHER	VLAWMO

123-143022420051		3RD	ST	0.09	MUNICIPAL PUB-OTHER	VLAWMO
123-143022420094	4701	61		1.09	MUNICIPAL PUB-OTHER	VLAWMO
123-143022420117	4751	61		0.21	MUNICIPAL PUB-OTHER	VLAWMO
123-143022420123		3RD	ST	0.24	MUNICIPAL PUB-OTHER	VLAWMO
123-233022420024		UNASSIGNED		0.24	MUNICIPAL PUB-OTHER	VLAWMO
123-143022140136		WASHINGTON	AVE	0.18	RAILROAD	VLAWMO
123-143022420099		UNASSIGNED		0.23	RAILROAD	VLAWMO
123-113022340056		GARDEN	LN	0.04	RES 1-3 UNITS	VLAWMO
123-143022130046	4847	BLOOM	AVE	0.38	RES 1-3 UNITS	VLAWMO
123-143022140129	2160	7TH	ST	0.09	RES 1-3 UNITS	VLAWMO
123-143022210069		UNASSIGNED		0.71	RES 1-3 UNITS	VLAWMO
123-143022210082		BALD EAGLE	AVE	0.34	RES 1-3 UNITS	VLAWMO
123-143022210087		9TH	ST	1.35	RES 1-3 UNITS	VLAWMO
123-143022240041		UNASSIGNED		0.48	RES 1-3 UNITS	VLAWMO
123-143022340081	1944	FLORENCE	ST	0.31	RES 1-3 UNITS	VLAWMO
123-143022340081	1944	FLORENCE	ST	0.31	RES 1-3 UNITS	VLAWMO
123-143022340083		FLORENCE	ST	0.15	RES 1-3 UNITS	VLAWMO
123-143022340083		FLORENCE	ST	0.15	RES 1-3 UNITS	VLAWMO
123-143022340092	1937	EUGENE	ST	0.15	RES 1-3 UNITS	VLAWMO
123-143022340092	1937	EUGENE	ST	0.15	RES 1-3 UNITS	VLAWMO
123-143022340093	1941	EUGENE	ST	0.15	RES 1-3 UNITS	VLAWMO
123-143022340093	1941	EUGENE	ST	0.15	RES 1-3 UNITS	VLAWMO
123-143022340096	1959	EUGENE	ST	0.15	RES 1-3 UNITS	VLAWMO
123-143022340096	1959	EUGENE	ST	0.15	RES 1-3 UNITS	VLAWMO
123-143022340097	1965	EUGENE	ST	0.15	RES 1-3 UNITS	VLAWMO
123-143022340097	1965	EUGENE	ST	0.15	RES 1-3 UNITS	VLAWMO
123-143022340098	1967	EUGENE	ST	0.15	RES 1-3 UNITS	VLAWMO
123-143022340098	1967	EUGENE	ST	0.15	RES 1-3 UNITS	VLAWMO
123-143022340117	1960	EUGENE	ST	0.15	RES 1-3 UNITS	VLAWMO
123-143022420013	4786	BALD EAGLE	AVE	0.34	RES 1-3 UNITS	VLAWMO
123-143022140141	4800	DIVISION	ST	2.1	RES 4 OR MORE UNITS	VLAWMO
123-143022120012	4971	DIVISION	AVE	0.24	RES DUPLEX/TRIPLEX	VLAWMO
123-143022140073	2180	8TH	ST	0.17	RES DUPLEX/TRIPLEX	VLAWMO
123-143022240075	1931	5TH	ST	0.5	RES DUPLEX/TRIPLEX	VLAWMO
123-143022340075	1986	FLORENCE	ST	0.31	RES DUPLEX/TRIPLEX	VLAWMO
123-143022340075	1986	FLORENCE	ST	0.31	RES DUPLEX/TRIPLEX	VLAWMO
123-143022420008	2090	5TH	ST	0.28	RES DUPLEX/TRIPLEX	VLAWMO
123-113022330036	5048	CAMPANARO	LN	0.27	RESIDENTIAL	VLAWMO
123-113022330037	5049	GEORGIA	LN	0.37	RESIDENTIAL	VLAWMO
123-113022330038	5048	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-113022330039	5056	GEORGIA	LN	0.36	RESIDENTIAL	VLAWMO
123-113022330040	1895	GARDEN	LN	0.3	RESIDENTIAL	VLAWMO
123-113022330041	1885	GARDEN	LN	0.37	RESIDENTIAL	VLAWMO
123-113022330042	5057	LEMIRE	LN	0.41	RESIDENTIAL	VLAWMO
123-113022330043	5047	LEMIRE	LN	0.26	RESIDENTIAL	VLAWMO
123-113022330044	5048	LEMIRE	LN	0.3	RESIDENTIAL	VLAWMO
123-113022340055	1905	GARDEN	LN	0.35	RESIDENTIAL	VLAWMO
123-113022340057	1904	GARDEN	LN	0.34	RESIDENTIAL	VLAWMO
123-113022340058	1920	GARDEN	LN	0.42	RESIDENTIAL	VLAWMO
123-113022340059	1930	GARDEN	LN	0.28	RESIDENTIAL	VLAWMO
123-113022340060	5051	WOOD	AVE	0.2	RESIDENTIAL	VLAWMO
123-143022110041	4923	LONG	AVE	0.57	RESIDENTIAL	VLAWMO
123-143022110042	4919	LONG	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022110043	4920	WASHINGTON	AVE	0.42	RESIDENTIAL	VLAWMO
123-143022110044	4925	WASHINGTON	AVE	0.23	RESIDENTIAL	VLAWMO
123-143022110045	4922	DIVISION	AVE	0.36	RESIDENTIAL	VLAWMO
123-143022110046	4930	DIVISION	AVE	0.36	RESIDENTIAL	VLAWMO
123-143022110047	4938	DIVISION	AVE	0.35	RESIDENTIAL	VLAWMO
123-143022110048	4946	DIVISION	AVE	0.22	RESIDENTIAL	VLAWMO
123-143022110049	4952	DIVISION	AVE	0.34	RESIDENTIAL	VLAWMO
123-143022110049	4952	DIVISION	AVE	0.34	RESIDENTIAL	VLAWMO
123-143022110050	4962	DIVISION	AVE	1.1	RESIDENTIAL	VLAWMO
123-143022110050	4962	DIVISION	AVE	1.1	RESIDENTIAL	VLAWMO
123-143022110051	4970	DIVISION	AVE	0.77	RESIDENTIAL	VLAWMO
123-143022110051	4970	DIVISION	AVE	0.77	RESIDENTIAL	VLAWMO

123-143022110052	4980	DIVISION	AVE	0.79	RESIDENTIAL	VLAWMO
123-143022110052	4980	DIVISION	AVE	0.79	RESIDENTIAL	VLAWMO
123-143022120003	5038	BALD EAGLE	AVE	0.46	RESIDENTIAL	VLAWMO
123-143022120003	5038	BALD EAGLE	AVE	0.46	RESIDENTIAL	VLAWMO
123-143022120004	5028	BALD EAGLE	AVE	0.46	RESIDENTIAL	VLAWMO
123-143022120004	5028	BALD EAGLE	AVE	0.46	RESIDENTIAL	VLAWMO
123-143022120005	5018	BALD EAGLE	AVE	0.7	RESIDENTIAL	VLAWMO
123-143022120005	5018	BALD EAGLE	AVE	0.7	RESIDENTIAL	VLAWMO
123-143022120006	5014	BALD EAGLE	AVE	1.03	RESIDENTIAL	VLAWMO
123-143022120006	5014	BALD EAGLE	AVE	1.03	RESIDENTIAL	VLAWMO
123-143022120007	5000	BALD EAGLE	AVE	1.03	RESIDENTIAL	VLAWMO
123-143022120007	5000	BALD EAGLE	AVE	1.03	RESIDENTIAL	VLAWMO
123-143022120008	4990	BALD EAGLE	AVE	0.86	RESIDENTIAL	VLAWMO
123-143022120008	4990	BALD EAGLE	AVE	0.86	RESIDENTIAL	VLAWMO
123-143022120013	4965	DIVISION	AVE	0.24	RESIDENTIAL	VLAWMO
123-143022120014	4957	DIVISION	AVE	0.22	RESIDENTIAL	VLAWMO
123-143022120015	4953	DIVISION	AVE	0.24	RESIDENTIAL	VLAWMO
123-143022120016	4947	DIVISION	AVE	0.26	RESIDENTIAL	VLAWMO
123-143022120017	4941	DIVISION	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022120018	4931	DIVISION	AVE	0.38	RESIDENTIAL	VLAWMO
123-143022120019	4921	DIVISION	AVE	0.34	RESIDENTIAL	VLAWMO
123-143022130001	4915	DIVISION	AVE	0.34	RESIDENTIAL	VLAWMO
123-143022130002	4901	DIVISION	AVE	0.34	RESIDENTIAL	VLAWMO
123-143022130003	4893	DIVISION	AVE	0.34	RESIDENTIAL	VLAWMO
123-143022130004	4883	DIVISION	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130005	4875	DIVISION	AVE	0.34	RESIDENTIAL	VLAWMO
123-143022130006	4865	DIVISION	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130007	4859	DIVISION	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130008	4853	DIVISION	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130010	4839	DIVISION	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130011	4835	DIVISION	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130012	4825	DIVISION	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130013	4821	DIVISION	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130014	4817	DIVISION	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130015	4811	DIVISION	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130016	4807	DIVISION	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130017	4803	DIVISION	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130018	2125	5TH	ST	0.22	RESIDENTIAL	VLAWMO
123-143022130019	2121	5TH	ST	0.11	RESIDENTIAL	VLAWMO
123-143022130020	2117	5TH	ST	0.22	RESIDENTIAL	VLAWMO
123-143022130021	4818	BLOOM	AVE	0.26	RESIDENTIAL	VLAWMO
123-143022130022	4826	BLOOM	AVE	0.26	RESIDENTIAL	VLAWMO
123-143022130023	2125	6TH	ST	0.15	RESIDENTIAL	VLAWMO
123-143022130024	4838	BLOOM	AVE	0.2	RESIDENTIAL	VLAWMO
123-143022130025	4844	BLOOM	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130026	4848	BLOOM	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130027	4852	BLOOM	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130028	4858	BLOOM	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130029	4864	BLOOM	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130030	4870	BLOOM	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130031	4874	BLOOM	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130032	4882	BLOOM	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130033	4886	BLOOM	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130034	2122	8TH	ST	0.17	RESIDENTIAL	VLAWMO
123-143022130035	2119	8TH	ST	0.2	RESIDENTIAL	VLAWMO
123-143022130036	2117	8TH	ST	0.14	RESIDENTIAL	VLAWMO
123-143022130037	4920	BLOOM	AVE	0.38	RESIDENTIAL	VLAWMO
123-143022130039	4920	BALD EAGLE	AVE	0.77	RESIDENTIAL	VLAWMO
123-143022130040	4910	BALD EAGLE	AVE	0.61	RESIDENTIAL	VLAWMO
123-143022130041	4902	BALD EAGLE	AVE	0.67	RESIDENTIAL	VLAWMO
123-143022130042	4894	BALD EAGLE	AVE	0.67	RESIDENTIAL	VLAWMO
123-143022130047	4837	BLOOM	AVE	0.38	RESIDENTIAL	VLAWMO
123-143022130048	4825	BLOOM	AVE	0.52	RESIDENTIAL	VLAWMO
123-143022130049	4823	BLOOM	AVE	0.27	RESIDENTIAL	VLAWMO
123-143022130051	2081	5TH	ST	0.24	RESIDENTIAL	VLAWMO

123-143022130052	2071	5TH	ST	0.38	RESIDENTIAL	VLAWMO
123-143022130053	4804	CENTRAL	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130054	4814	CENTRAL	AVE	0.16	RESIDENTIAL	VLAWMO
123-143022130055	4820	CENTRAL	AVE	0.23	RESIDENTIAL	VLAWMO
123-143022130056	4826	CENTRAL	AVE	0.21	RESIDENTIAL	VLAWMO
123-143022130057	4832	CENTRAL	AVE	0.23	RESIDENTIAL	VLAWMO
123-143022130058	4838	CENTRAL	AVE	0.31	RESIDENTIAL	VLAWMO
123-143022130059	4848	CENTRAL	AVE	0.28	RESIDENTIAL	VLAWMO
123-143022130065	4847	CENTRAL	AVE	0.25	RESIDENTIAL	VLAWMO
123-143022130066	4837	CENTRAL	AVE	0.35	RESIDENTIAL	VLAWMO
123-143022130067	4825	CENTRAL	AVE	0.3	RESIDENTIAL	VLAWMO
123-143022130068	4819	CENTRAL	AVE	0.47	RESIDENTIAL	VLAWMO
123-143022130070	2027	5TH	ST	0.19	RESIDENTIAL	VLAWMO
123-143022130071	2021	5TH	ST	0.19	RESIDENTIAL	VLAWMO
123-143022130073	4804	BALD EAGLE	AVE	0.27	RESIDENTIAL	VLAWMO
123-143022130074	4810	BALD EAGLE	AVE	0.23	RESIDENTIAL	VLAWMO
123-143022130075	4816	BALD EAGLE	AVE	0.29	RESIDENTIAL	VLAWMO
123-143022130076	4820	BALD EAGLE	AVE	0.37	RESIDENTIAL	VLAWMO
123-143022130077	4828	BALD EAGLE	AVE	0.37	RESIDENTIAL	VLAWMO
123-143022130078	4838	BALD EAGLE	AVE	0.37	RESIDENTIAL	VLAWMO
123-143022130079	4848	BALD EAGLE	AVE	0.37	RESIDENTIAL	VLAWMO
123-143022130081	4854	BALD EAGLE	AVE	0.29	RESIDENTIAL	VLAWMO
123-143022130082	4855	CENTRAL	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130083	4847	DIVISION	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130084	4843	DIVISION	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022130085	4805	CENTRAL	AVE	0.22	RESIDENTIAL	VLAWMO
123-143022130086		CENTRAL	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022140060	4915	LONG	AVE	0.18	RESIDENTIAL	VLAWMO
123-143022140062	2181	8TH	ST	0.34	RESIDENTIAL	VLAWMO
123-143022140063	2175	8TH	ST	0.17	RESIDENTIAL	VLAWMO
123-143022140065	2149	8TH	ST	0.24	RESIDENTIAL	VLAWMO
123-143022140066	2145	8TH	ST	0.24	RESIDENTIAL	VLAWMO
123-143022140067	2121	8TH	ST	0.31	RESIDENTIAL	VLAWMO
123-143022140068	2146	8TH	ST	0.23	RESIDENTIAL	VLAWMO
123-143022140069	4856	DIVISION	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022140070	2152	8TH	ST	0.34	RESIDENTIAL	VLAWMO
123-143022140071	2160	8TH	ST	0.15	RESIDENTIAL	VLAWMO
123-143022140072	2174	8TH	ST	0.17	RESIDENTIAL	VLAWMO
123-143022140074	2184	8TH	ST	0.17	RESIDENTIAL	VLAWMO
123-143022140077	2159	7TH	ST	0.17	RESIDENTIAL	VLAWMO
123-143022140078	2153	7TH	ST	0.19	RESIDENTIAL	VLAWMO
123-143022140079	2149	7TH	ST	0.15	RESIDENTIAL	VLAWMO
123-143022140080	2145	7TH	ST	0.26	RESIDENTIAL	VLAWMO
123-143022140081	2121	7TH	ST	0.17	RESIDENTIAL	VLAWMO
123-143022140137	4923	WASHINGTON	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022140138	2159	8TH	ST	0.31	RESIDENTIAL	VLAWMO
123-143022210007	4971	BALD EAGLE	AVE	0.44	RESIDENTIAL	VLAWMO
123-143022210008	1995	10TH	ST	0.24	RESIDENTIAL	VLAWMO
123-143022210009	1985	10TH	ST	0.24	RESIDENTIAL	VLAWMO
123-143022210010	1975	10TH	ST	0.24	RESIDENTIAL	VLAWMO
123-143022210011	4970	CAMPBELL	AVE	0.24	RESIDENTIAL	VLAWMO
123-143022210012	4971	CAMPBELL	AVE	0.24	RESIDENTIAL	VLAWMO
123-143022210013	4961	CAMPBELL	AVE	0.28	RESIDENTIAL	VLAWMO
123-143022210014	1950	10TH	ST	0.31	RESIDENTIAL	VLAWMO
123-143022210015	1960	10TH	ST	0.22	RESIDENTIAL	VLAWMO
123-143022210019	2000	10TH	ST	0.24	RESIDENTIAL	VLAWMO
123-143022210020	2010	10TH	ST	0.24	RESIDENTIAL	VLAWMO
123-143022210023	4933	BALD EAGLE	AVE	0.12	RESIDENTIAL	VLAWMO
123-143022210027	1977	9TH	ST	0.13	RESIDENTIAL	VLAWMO
123-143022210028	1971	9TH	ST	0.25	RESIDENTIAL	VLAWMO
123-143022210042	1941	9TH	ST	1	RESIDENTIAL	VLAWMO
123-143022210049	5030	WOOD	AVE	0.31	RESIDENTIAL	VLAWMO
123-143022210050	1934	11TH	ST	0.3	RESIDENTIAL	VLAWMO
123-143022210051	5005	WOOD	AVE	0.75	RESIDENTIAL	VLAWMO
123-143022210052	1926	11TH	ST	0.36	RESIDENTIAL	VLAWMO

123-143022210053	1922	11TH	ST	0.28	RESIDENTIAL	VLAWMO
123-143022210054	1921	11TH	ST	0.23	RESIDENTIAL	VLAWMO
123-143022210055	1927	11TH	ST	0.28	RESIDENTIAL	VLAWMO
123-143022210056	5041	WOOD	AVE	0.29	RESIDENTIAL	VLAWMO
123-143022210057	5040	WOOD	AVE	0.35	RESIDENTIAL	VLAWMO
123-143022210063	1990	10TH	ST	0.34	RESIDENTIAL	VLAWMO
123-143022210064	4940	WALNUT	AVE	0.41	RESIDENTIAL	VLAWMO
123-143022210065	4930	WALNUT	AVE	0.41	RESIDENTIAL	VLAWMO
123-143022210066	1970	10TH	ST	0.25	RESIDENTIAL	VLAWMO
123-143022210067	4941	WALNUT	AVE	0.24	RESIDENTIAL	VLAWMO
123-143022210068	4931	WALNUT	AVE	0.24	RESIDENTIAL	VLAWMO
123-143022210071	5020	WOOD	AVE	0.48	RESIDENTIAL	VLAWMO
123-143022210072	4993	BALD EAGLE	AVE	0.59	RESIDENTIAL	VLAWMO
123-143022210075	1947	9TH	ST	0.26	RESIDENTIAL	VLAWMO
123-143022210076	1951	9TH	ST	0.27	RESIDENTIAL	VLAWMO
123-143022210077	1961	9TH	ST	0.22	RESIDENTIAL	VLAWMO
123-143022210078	1967	9TH	ST	0.18	RESIDENTIAL	VLAWMO
123-143022210079	1985	9TH	ST	0.27	RESIDENTIAL	VLAWMO
123-143022210080	1993	9TH	ST	0.27	RESIDENTIAL	VLAWMO
123-143022210081	2001	9TH	ST	0.27	RESIDENTIAL	VLAWMO
123-143022210083	4947	BALD EAGLE	AVE	0.35	RESIDENTIAL	VLAWMO
123-143022210084	1921	9TH	ST	0.51	RESIDENTIAL	VLAWMO
123-143022210085	4981	BALD EAGLE	AVE	0.59	RESIDENTIAL	VLAWMO
123-143022210088	1905	9TH	ST	0.39	RESIDENTIAL	VLAWMO
123-143022210090	1915	LEMIRE	CIR	0.24	RESIDENTIAL	VLAWMO
123-143022210091	1925	LEMIRE	CIR	0.3	RESIDENTIAL	VLAWMO
123-143022210092	1920	LEMIRE	CIR	0.27	RESIDENTIAL	VLAWMO
123-143022210093	1910	LEMIRE	CIR	0.26	RESIDENTIAL	VLAWMO
123-143022210094	1925	10TH	ST	0.37	RESIDENTIAL	VLAWMO
123-143022210095	4945	WOOD	AVE	0.24	RESIDENTIAL	VLAWMO
123-143022210096	4955	WOOD	AVE	0.24	RESIDENTIAL	VLAWMO
123-143022210097	4965	WOOD	AVE	0.24	RESIDENTIAL	VLAWMO
123-143022210098	4975	WOOD	AVE	0.24	RESIDENTIAL	VLAWMO
123-143022210099	4985	WOOD	AVE	0.24	RESIDENTIAL	VLAWMO
123-143022210100	4995	WOOD	AVE	0.24	RESIDENTIAL	VLAWMO
123-143022210101	4940	WOOD	AVE	0.4	RESIDENTIAL	VLAWMO
123-143022210102	4950	WOOD	AVE	0.24	RESIDENTIAL	VLAWMO
123-143022210103	4960	WOOD	AVE	0.24	RESIDENTIAL	VLAWMO
123-143022210104	4970	WOOD	AVE	0.24	RESIDENTIAL	VLAWMO
123-143022210105	4980	WOOD	AVE	0.24	RESIDENTIAL	VLAWMO
123-143022210106	4990	WOOD	AVE	0.24	RESIDENTIAL	VLAWMO
123-143022210107	1920	10TH	ST	0.29	RESIDENTIAL	VLAWMO
123-143022210110	5015	BALD EAGLE	AVE	0.77	RESIDENTIAL	VLAWMO
123-143022210113	4979	CAMPBELL	AVE	0.27	RESIDENTIAL	VLAWMO
123-143022210114	4987	CAMPBELL	AVE	0.26	RESIDENTIAL	VLAWMO
123-143022210115	4995	CAMPBELL	AVE	0.24	RESIDENTIAL	VLAWMO
123-143022210116	5003	CAMPBELL	AVE	0.28	RESIDENTIAL	VLAWMO
123-143022210117	5011	CAMPBELL	AVE	0.26	RESIDENTIAL	VLAWMO
123-143022210118	5019	CAMPBELL	AVE	0.26	RESIDENTIAL	VLAWMO
123-143022210119	4986	CAMPBELL	AVE	0.25	RESIDENTIAL	VLAWMO
123-143022210120	4978	CAMPBELL	AVE	0.25	RESIDENTIAL	VLAWMO
123-143022210121	1980	CAMPBELL	CIR	0.3	RESIDENTIAL	VLAWMO
123-143022210122	1988	CAMPBELL	CIR	0.3	RESIDENTIAL	VLAWMO
123-143022210123	1996	CAMPBELL	CIR	0.42	RESIDENTIAL	VLAWMO
123-143022210124	1997	CAMPBELL	CIR	0.25	RESIDENTIAL	VLAWMO
123-143022210127	1973	CAMPBELL	CIR	0.29	RESIDENTIAL	VLAWMO
123-143022210128	1965	CAMPBELL	CIR	0.24	RESIDENTIAL	VLAWMO
123-143022210129	5010	CAMPBELL	AVE	0.24	RESIDENTIAL	VLAWMO
123-143022210130	1972	11TH	ST	0.24	RESIDENTIAL	VLAWMO
123-143022210131	1980	11TH	ST	0.24	RESIDENTIAL	VLAWMO
123-143022210132	1988	11TH	ST	0.25	RESIDENTIAL	VLAWMO
123-143022210133	1996	11TH	ST	0.44	RESIDENTIAL	VLAWMO
123-143022210134	1997	11TH	ST	0.46	RESIDENTIAL	VLAWMO
123-143022210135	1989	11TH	ST	0.25	RESIDENTIAL	VLAWMO
123-143022210136	1981	11TH	ST	0.26	RESIDENTIAL	VLAWMO

123-143022210137	1973	11TH	ST	0.26	RESIDENTIAL	VLAWMO
123-143022210138	1965	11TH	ST	0.26	RESIDENTIAL	VLAWMO
123-143022210139	1957	11TH	ST	0.26	RESIDENTIAL	VLAWMO
123-143022210140	1949	11TH	ST	0.26	RESIDENTIAL	VLAWMO
123-143022210142	1981	CAMPBELL	CIR	0.27	RESIDENTIAL	VLAWMO
123-143022210143	5005	BALD EAGLE	AVE	0.93	RESIDENTIAL	VLAWMO
123-143022210144	5037	BALD EAGLE	AVE	0.45	RESIDENTIAL	VLAWMO
123-143022210145	5025	BALD EAGLE	AVE	0.65	RESIDENTIAL	VLAWMO
123-143022220001	1895	9TH	ST	0.41	RESIDENTIAL	VLAWMO
123-143022220003	1871	9TH	ST	0.44	RESIDENTIAL	VLAWMO
123-143022220005	5032	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220006	5040	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220007	5024	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220008	5016	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220009	5008	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220010	5000	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220011	4992	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220012	4984	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220013	4976	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220014	4968	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220015	4960	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220016	4952	GEORGIA	LN	0.29	RESIDENTIAL	VLAWMO
123-143022220017	4936	GEORGIA	LN	0.31	RESIDENTIAL	VLAWMO
123-143022220018	4928	GEORGIA	LN	0.29	RESIDENTIAL	VLAWMO
123-143022220019	4920	GEORGIA	LN	0.31	RESIDENTIAL	VLAWMO
123-143022220020	4921	GEORGIA	LN	0.29	RESIDENTIAL	VLAWMO
123-143022220021	4929	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220022	4937	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220023	4945	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220024	4953	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220025	4961	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220026	4969	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220027	4977	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220028	4985	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220029	4993	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220030	5001	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220031	5009	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220032	5017	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220033	5025	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220034	5033	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220035	5041	GEORGIA	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220036	5040	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220037	5032	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220038	5024	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220039	5016	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220040	5008	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220041	5000	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220042	4992	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220043	4984	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220044	4976	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220045	4968	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220046	4960	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220047	4952	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220048	4944	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220049	4936	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220050	4928	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220051	4920	CAMPANARO	LN	0.29	RESIDENTIAL	VLAWMO
123-143022220052	4921	CAMPANARO	LN	0.29	RESIDENTIAL	VLAWMO
123-143022220053	4929	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220054	4937	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220055	4945	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220056	4953	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220057	4961	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220058	4969	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220059	4977	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO

123-143022220060	4985	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220061	4993	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220062	5001	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220063	5009	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220064	5017	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220065	5025	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220066	5033	CAMPANARO	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220067	5041	CAMPANARO	LN	0.36	RESIDENTIAL	VLAWMO
123-143022220068	5040	WOODCREST	RD	0.27	RESIDENTIAL	VLAWMO
123-143022220069	5032	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220070	5024	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220071	5016	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220072	5008	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220073	5000	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220074	4992	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220075	4984	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220076	4976	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220077	4968	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220078	4960	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220079	4952	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220080	4944	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220081	4936	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220082	4928	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220083	4920	WOODCREST	RD	0.29	RESIDENTIAL	VLAWMO
123-143022220084	4921	WOODCREST	RD	0.29	RESIDENTIAL	VLAWMO
123-143022220085	4929	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220086	4937	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220087	4945	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220088	4953	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220089	4961	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220090	4969	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220091	4977	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220092	4985	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220093	4993	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220094	5001	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220095	5009	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220096	5017	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220097	5025	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220098	5033	WOODCREST	RD	0.25	RESIDENTIAL	VLAWMO
123-143022220099	5041	WOODCREST	RD	0.31	RESIDENTIAL	VLAWMO
123-143022220100	5041	LEMIRE	LN	0.26	RESIDENTIAL	VLAWMO
123-143022220101	5033	LEMIRE	LN	0.26	RESIDENTIAL	VLAWMO
123-143022220102	5025	LEMIRE	LN	0.26	RESIDENTIAL	VLAWMO
123-143022220103	5017	LEMIRE	LN	0.26	RESIDENTIAL	VLAWMO
123-143022220104	5009	LEMIRE	LN	0.26	RESIDENTIAL	VLAWMO
123-143022220105	5001	LEMIRE	LN	0.26	RESIDENTIAL	VLAWMO
123-143022220106	5042	LEMIRE	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220107	5034	LEMIRE	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220108	5026	LEMIRE	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220109	5018	LEMIRE	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220110	5010	LEMIRE	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220111	5002	LEMIRE	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220115	1881	9TH	ST	0.39	RESIDENTIAL	VLAWMO
123-143022220116	4945	LEMIRE	LN	0.26	RESIDENTIAL	VLAWMO
123-143022220117	4955	LEMIRE	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220118	4965	LEMIRE	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220119	4975	LEMIRE	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220120	4985	LEMIRE	LN	0.25	RESIDENTIAL	VLAWMO
123-143022220121	4995	LEMIRE	LN	0.26	RESIDENTIAL	VLAWMO
123-143022220122	1905	LEMIRE	CIR	0.24	RESIDENTIAL	VLAWMO
123-143022220123	1900	LEMIRE	CIR	0.25	RESIDENTIAL	VLAWMO
123-143022220124	4950	LEMIRE	LN	0.3	RESIDENTIAL	VLAWMO
123-143022220125	4940	LEMIRE	LN	0.31	RESIDENTIAL	VLAWMO
123-143022220126	1910	10TH	ST	0.24	RESIDENTIAL	VLAWMO
123-143022220127	1900	10TH	ST	0.24	RESIDENTIAL	VLAWMO

123-143022220128	1890	10TH	ST	0.24	RESIDENTIAL	VLAWMO
123-143022220129	1880	10TH	ST	0.3	RESIDENTIAL	VLAWMO
123-143022240001	4917	BALD EAGLE	AVE	0.3	RESIDENTIAL	VLAWMO
123-143022240002	4909	BALD EAGLE	AVE	0.3	RESIDENTIAL	VLAWMO
123-143022240003	2000	9TH	ST	0.47	RESIDENTIAL	VLAWMO
123-143022240004	1990	9TH	ST	0.4	RESIDENTIAL	VLAWMO
123-143022240005	1980	9TH	ST	0.3	RESIDENTIAL	VLAWMO
123-143022240006	1974	9TH	ST	0.4	RESIDENTIAL	VLAWMO
123-143022240007	1964	9TH	ST	0.2	RESIDENTIAL	VLAWMO
123-143022240008	1962	9TH	ST	0.21	RESIDENTIAL	VLAWMO
123-143022240010	1930	9TH	ST	0.23	RESIDENTIAL	VLAWMO
123-143022240011	1920	9TH	ST	0.23	RESIDENTIAL	VLAWMO
123-143022240012	1912	9TH	ST	0.23	RESIDENTIAL	VLAWMO
123-143022240013	1904	9TH	ST	0.3	RESIDENTIAL	VLAWMO
123-143022240014	1911	LOMBARDY	LN	0.25	RESIDENTIAL	VLAWMO
123-143022240015	1915	LOMBARDY	LN	0.23	RESIDENTIAL	VLAWMO
123-143022240016	1925	LOMBARDY	LN	0.22	RESIDENTIAL	VLAWMO
123-143022240017	1924	LOMBARDY	LN	0.29	RESIDENTIAL	VLAWMO
123-143022240018	1922	LOMBARDY	LN	0.34	RESIDENTIAL	VLAWMO
123-143022240019	1920	LOMBARDY	LN	0.3	RESIDENTIAL	VLAWMO
123-143022240020	1914	LOMBARDY	LN	0.25	RESIDENTIAL	VLAWMO
123-143022240021	4890	WOOD	AVE	0.27	RESIDENTIAL	VLAWMO
123-143022240022	4876	WOOD	AVE	0.62	RESIDENTIAL	VLAWMO
123-143022240023	4868	WOOD	AVE	0.37	RESIDENTIAL	VLAWMO
123-143022240024	4860	WOOD	AVE	0.37	RESIDENTIAL	VLAWMO
123-143022240025	4850	WOOD	AVE	0.37	RESIDENTIAL	VLAWMO
123-143022240026	4842	WOOD	AVE	0.37	RESIDENTIAL	VLAWMO
123-143022240027	1903	6TH	ST	0.25	RESIDENTIAL	VLAWMO
123-143022240028	1919	6TH	ST	0.2	RESIDENTIAL	VLAWMO
123-143022240029	1985	6TH	ST	0.23	RESIDENTIAL	VLAWMO
123-143022240030	1991	6TH	ST	0.23	RESIDENTIAL	VLAWMO
123-143022240031	1999	6TH	ST	0.19	RESIDENTIAL	VLAWMO
123-143022240032	2005	6TH	ST	0.19	RESIDENTIAL	VLAWMO
123-143022240033	4837	BALD EAGLE	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022240034	4847	BALD EAGLE	AVE	0.18	RESIDENTIAL	VLAWMO
123-143022240035	4853	BALD EAGLE	AVE	0.18	RESIDENTIAL	VLAWMO
123-143022240038	4863	BALD EAGLE	AVE	0.99	RESIDENTIAL	VLAWMO
123-143022240039	4871	BALD EAGLE	AVE	0.57	RESIDENTIAL	VLAWMO
123-143022240040	4875	BALD EAGLE	AVE	0.22	RESIDENTIAL	VLAWMO
123-143022240042	4881	BALD EAGLE	AVE	0.26	RESIDENTIAL	VLAWMO
123-143022240043	4891	BALD EAGLE	AVE	0.26	RESIDENTIAL	VLAWMO
123-143022240044	4901	BALD EAGLE	AVE	1	RESIDENTIAL	VLAWMO
123-143022240045	4821	BALD EAGLE	AVE	0.45	RESIDENTIAL	VLAWMO
123-143022240046	2002	6TH	ST	0.19	RESIDENTIAL	VLAWMO
123-143022240047	1996	6TH	ST	0.23	RESIDENTIAL	VLAWMO
123-143022240048	1988	6TH	ST	0.18	RESIDENTIAL	VLAWMO
123-143022240049	4813	BALD EAGLE	AVE	0.99	RESIDENTIAL	VLAWMO
123-143022240050	4805	BALD EAGLE	AVE	0.99	RESIDENTIAL	VLAWMO
123-143022240053	4818	CAMPBELL	AVE	0.22	RESIDENTIAL	VLAWMO
123-143022240054	1956	6TH	ST	0.28	RESIDENTIAL	VLAWMO
123-143022240055	1964	6TH	ST	0.27	RESIDENTIAL	VLAWMO
123-143022240056	1972	6TH	ST	0.4	RESIDENTIAL	VLAWMO
123-143022240057	1980	6TH	ST	0.4	RESIDENTIAL	VLAWMO
123-143022240059	4805	CAMPBELL	AVE	0.2	RESIDENTIAL	VLAWMO
123-143022240060	4811	CAMPBELL	AVE	0.2	RESIDENTIAL	VLAWMO
123-143022240061	4817	CAMPBELL	AVE	0.19	RESIDENTIAL	VLAWMO
123-143022240062	1940	6TH	ST	0.2	RESIDENTIAL	VLAWMO
123-143022240063	1930	6TH	ST	0.2	RESIDENTIAL	VLAWMO
123-143022240065	1914	6TH	ST	0.97	RESIDENTIAL	VLAWMO
123-143022240066	4826	WOOD	AVE	0.13	RESIDENTIAL	VLAWMO
123-143022240067	4822	WOOD	AVE	0.13	RESIDENTIAL	VLAWMO
123-143022240068	4816	WOOD	AVE	0.13	RESIDENTIAL	VLAWMO
123-143022240069	4810	WOOD	AVE	0.13	RESIDENTIAL	VLAWMO
123-143022240070	4804	WOOD	AVE	0.23	RESIDENTIAL	VLAWMO
123-143022240071	4804	CAMPBELL	AVE	0.48	RESIDENTIAL	VLAWMO

123-143022240073	4810	CAMPBELL	AVE	0.51	RESIDENTIAL	VLAWMO
123-143022240074	1924	6TH	ST	0.56	RESIDENTIAL	VLAWMO
123-143022240076	4859	BALD EAGLE	AVE	1	RESIDENTIAL	VLAWMO
123-143022310001	4799	BALD EAGLE	AVE	0.49	RESIDENTIAL	VLAWMO
123-143022310002	4793	BALD EAGLE	AVE	0.49	RESIDENTIAL	VLAWMO
123-143022310003	4787	BALD EAGLE	AVE	0.66	RESIDENTIAL	VLAWMO
123-143022310004	4781	BALD EAGLE	AVE	0.25	RESIDENTIAL	VLAWMO
123-143022310006	2005	4TH	ST	0.25	RESIDENTIAL	VLAWMO
123-143022310007	1999	4TH	ST	0.21	RESIDENTIAL	VLAWMO
123-143022310008	1991	4TH	ST	0.21	RESIDENTIAL	VLAWMO
123-143022310011	1973	4TH	ST	0.27	RESIDENTIAL	VLAWMO
123-143022310012	1967	4TH	ST	0.46	RESIDENTIAL	VLAWMO
123-143022310013	1961	4TH	ST	0.25	RESIDENTIAL	VLAWMO
123-143022310014	4784	CAMPBELL	AVE	0.25	RESIDENTIAL	VLAWMO
123-143022310015	4794	CAMPBELL	AVE	0.25	RESIDENTIAL	VLAWMO
123-143022310016	4793	CAMPBELL	AVE	0.26	RESIDENTIAL	VLAWMO
123-143022310017	4783	CAMPBELL	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022310018	4775	CAMPBELL	AVE	0.17	RESIDENTIAL	VLAWMO
123-143022310019	4769	CAMPBELL	AVE	0.23	RESIDENTIAL	VLAWMO
123-143022310020	1945	4TH	ST	0.23	RESIDENTIAL	VLAWMO
123-143022310022	1925	4TH	ST	0.52	RESIDENTIAL	VLAWMO
123-143022310023	1919	4TH	ST	0.52	RESIDENTIAL	VLAWMO
123-143022310024	1913	4TH	ST	0.52	RESIDENTIAL	VLAWMO
123-143022310025	4794	WOOD	AVE	0.21	RESIDENTIAL	VLAWMO
123-143022310026	4786	WOOD	AVE	0.14	RESIDENTIAL	VLAWMO
123-143022310027	4778	WOOD	AVE	0.18	RESIDENTIAL	VLAWMO
123-143022310028	4772	WOOD	AVE	0.13	RESIDENTIAL	VLAWMO
123-143022310029	1903	4TH	ST	0.36	RESIDENTIAL	VLAWMO
123-143022310097	1985	4TH	ST	0.26	RESIDENTIAL	VLAWMO
123-143022310098	1979	4TH	ST	0.57	RESIDENTIAL	VLAWMO
123-143022310099	1933	4TH	ST	0.24	RESIDENTIAL	VLAWMO
123-143022310100	1932	5TH	ST	0.27	RESIDENTIAL	VLAWMO
123-143022340003	2004	BIRCH LAKE	AVE	0.31	RESIDENTIAL	VLAWMO
123-143022340003	2004	BIRCH LAKE	AVE	0.31	RESIDENTIAL	VLAWMO
123-143022340004	2000	BIRCH LAKE	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340004	2000	BIRCH LAKE	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340005	1996	BIRCH LAKE	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340005	1996	BIRCH LAKE	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340006	1992	BIRCH LAKE	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340006	1992	BIRCH LAKE	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340007	1986	BIRCH LAKE	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340007	1986	BIRCH LAKE	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340008	1982	BIRCH LAKE	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340008	1982	BIRCH LAKE	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340009	1966	BIRCH LAKE	AVE	0.35	RESIDENTIAL	VLAWMO
123-143022340009	1966	BIRCH LAKE	AVE	0.35	RESIDENTIAL	VLAWMO
123-143022340010	1962	BIRCH LAKE	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340010	1962	BIRCH LAKE	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340011	1958	BIRCH LAKE	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340011	1958	BIRCH LAKE	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340012	1954	BIRCH LAKE	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340012	1954	BIRCH LAKE	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340013	1946	BIRCH LAKE	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340013	1946	BIRCH LAKE	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340014	1942	BIRCH LAKE	AVE	0.23	RESIDENTIAL	VLAWMO
123-143022340014	1942	BIRCH LAKE	AVE	0.23	RESIDENTIAL	VLAWMO
123-143022340026	1933	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340026	1933	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340027	1941	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340027	1941	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340028	1947	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340028	1947	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340029	1953	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340029	1953	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340030	1959	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO

123-143022340030	1959	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340032	1971	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340032	1971	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340033	1983	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340033	1983	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340034	1987	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340034	1987	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340035	1991	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340035	1991	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340036	1995	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340036	1995	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340037	1999	WEBBER	ST	0.16	RESIDENTIAL	VLAWMO
123-143022340037	1999	WEBBER	ST	0.16	RESIDENTIAL	VLAWMO
123-143022340038	2005	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340038	2005	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340043	2004	WEBBER	ST	0.29	RESIDENTIAL	VLAWMO
123-143022340043	2004	WEBBER	ST	0.29	RESIDENTIAL	VLAWMO
123-143022340044	1994	WEBBER	ST	0.17	RESIDENTIAL	VLAWMO
123-143022340044	1994	WEBBER	ST	0.17	RESIDENTIAL	VLAWMO
123-143022340045	1986	WEBBER	ST	0.31	RESIDENTIAL	VLAWMO
123-143022340045	1986	WEBBER	ST	0.31	RESIDENTIAL	VLAWMO
123-143022340046	1982	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340046	1982	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340047	4655	1ST	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340047	4655	1ST	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340048	1966	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340048	1966	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340049	1962	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340049	1962	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340050	1958	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340050	1958	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340051	1954	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340051	1954	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340052	1946	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340052	1946	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340053	1942	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340053	1942	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340054	4656	2ND	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340054	4656	2ND	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340055	4648	2ND	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340055	4648	2ND	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340059	1939	FLORENCE	ST	0.31	RESIDENTIAL	VLAWMO
123-143022340059	1939	FLORENCE	ST	0.31	RESIDENTIAL	VLAWMO
123-143022340060	1931	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340060	1931	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340061	1947	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340061	1947	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340062	1953	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340062	1953	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340063	1959	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340063	1959	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340064	1967	FLORENCE	ST	0.31	RESIDENTIAL	VLAWMO
123-143022340064	1967	FLORENCE	ST	0.31	RESIDENTIAL	VLAWMO
123-143022340065	4643	1ST	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340065	4643	1ST	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340066	4644	1ST	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340066	4644	1ST	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340067	1991	FLORENCE	AVE	0.31	RESIDENTIAL	VLAWMO
123-143022340067	1991	FLORENCE	AVE	0.31	RESIDENTIAL	VLAWMO
123-143022340068	1999	FLORENCE	ST	0.31	RESIDENTIAL	VLAWMO
123-143022340068	1999	FLORENCE	ST	0.31	RESIDENTIAL	VLAWMO
123-143022340069	2005	FLORENCE	ST	0.18	RESIDENTIAL	VLAWMO
123-143022340069	2005	FLORENCE	ST	0.18	RESIDENTIAL	VLAWMO
123-143022340077	1970	FLORENCE	ST	0.31	RESIDENTIAL	VLAWMO
123-143022340077	1970	FLORENCE	ST	0.31	RESIDENTIAL	VLAWMO

123-143022340078	1962	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340078	1962	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340079	1958	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340079	1958	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340080	1954	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340080	1954	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340082	1934	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340082	1934	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340091	4596	2ND	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340091	4596	2ND	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340094	1947	EUGENE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340094	1947	EUGENE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340095	1955	EUGENE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340095	1955	EUGENE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340099	4585	1ST	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340099	4585	1ST	AVE	0.15	RESIDENTIAL	VLAWMO
123-143022340100	1983	EUGENE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340100	1983	EUGENE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340101	1987	EUGENE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340101	1987	EUGENE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340102	1995	EUGENE	ST	0.31	RESIDENTIAL	VLAWMO
123-143022340102	1995	EUGENE	ST	0.31	RESIDENTIAL	VLAWMO
123-143022340103	1999	EUGENE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340103	1999	EUGENE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340104	2005	EUGENE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340104	2005	EUGENE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340112	1988	EUGENE	ST	0.14	RESIDENTIAL	VLAWMO
123-143022340114	4572	1ST	AVE	0.13	RESIDENTIAL	VLAWMO
123-143022340115	4571	1ST	AVE	0.22	RESIDENTIAL	VLAWMO
123-143022340116	4565	1ST	AVE	0.22	RESIDENTIAL	VLAWMO
123-143022340118	1964	EUGENE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340119	1948	EUGENE	ST	0.31	RESIDENTIAL	VLAWMO
123-143022340120	1936	EUGENE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340121	1932	EUGENE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340131	1931	96		0.15	RESIDENTIAL	VLAWMO
123-143022340132	1935	96		0.15	RESIDENTIAL	VLAWMO
123-143022340133	1941	96		0.15	RESIDENTIAL	VLAWMO
123-143022340134	1947	96		0.15	RESIDENTIAL	VLAWMO
123-143022340135	1953	96		0.15	RESIDENTIAL	VLAWMO
123-143022340136	1959	96		0.31	RESIDENTIAL	VLAWMO
123-143022340137	4561	1ST	AVE	0.29	RESIDENTIAL	VLAWMO
123-143022340138	1932	BIRCH LAKE	AVE	0.25	RESIDENTIAL	VLAWMO
123-143022340138	1932	BIRCH LAKE	AVE	0.25	RESIDENTIAL	VLAWMO
123-143022340139	4668	2ND	AVE	0.14	RESIDENTIAL	VLAWMO
123-143022340139	4668	2ND	AVE	0.14	RESIDENTIAL	VLAWMO
123-143022340140	1998	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340140	1998	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340141	2002	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340141	2002	FLORENCE	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340144	1961	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340144	1961	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340145	1963	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340145	1963	WEBBER	ST	0.15	RESIDENTIAL	VLAWMO
123-143022340146	1988	FLORENCE	ST	0.31	RESIDENTIAL	VLAWMO
123-143022340146	1988	FLORENCE	ST	0.31	RESIDENTIAL	VLAWMO
123-143022340152	4562	1ST	AVE	0.13	RESIDENTIAL	VLAWMO
123-143022420007	2100	5TH	ST	0.28	RESIDENTIAL	VLAWMO
123-143022420009	4796	MILLER	AVE	0.14	RESIDENTIAL	VLAWMO
123-143022420010	4786	MILLER	AVE	0.14	RESIDENTIAL	VLAWMO
123-143022420012	4796	BALD EAGLE	AVE	0.35	RESIDENTIAL	VLAWMO
123-143022420014	4780	BALD EAGLE	AVE	0.34	RESIDENTIAL	VLAWMO
123-143022420017	2077	4TH	ST	0.14	RESIDENTIAL	VLAWMO
123-143022420018	4780	MILLER	AVE	0.14	RESIDENTIAL	VLAWMO
123-143022420019	2083	4TH	ST	0.14	RESIDENTIAL	VLAWMO
123-143022420020	2091	4TH	ST	0.28	RESIDENTIAL	VLAWMO

123-143022420021	2101	4TH	ST	0.28	RESIDENTIAL	VLAWMO
123-143022420034	2100	4TH	ST	0.25	RESIDENTIAL	VLAWMO
123-143022420035	2092	4TH	ST	0.25	RESIDENTIAL	VLAWMO
123-143022420036	2084	4TH	ST	0.16	RESIDENTIAL	VLAWMO
123-143022420037	4748	MILLER	AVE	0.14	RESIDENTIAL	VLAWMO
123-143022420046	2091	3RD	ST	0.25	RESIDENTIAL	VLAWMO
123-143022420047	2093	3RD	ST	0.25	RESIDENTIAL	VLAWMO
123-143022420048	2101	3RD	ST	0.17	RESIDENTIAL	VLAWMO
123-143022420050	2109	3RD	ST	0.15	RESIDENTIAL	VLAWMO
123-143022420129	2107	4TH	ST	0.12	RESIDENTIAL	VLAWMO

White Bear Township

Table 6a indicates the parcels currently in the Vadnais Lake Area Water Management Organization that are proposed to be transferred to Rice Creek Watershed District in the City of White Bear Lake. This area totals 33.88 acres.

Table 6a						
PIN		ADDRESS		ACRES	LAND USE	LEGAL CHANGE TO
123-043022140027		HALPER	WAY	1.46	MUNICIPAL PUB-OTHER	RCWD
123-043022140038		HALPER	WAY	1.08	MUNICIPAL PUB-OTHER	RCWD
123-043022140071		OTTER VIEW	TRL	1.49	MUNICIPAL PUB-OTHER	RCWD
123-103022220034		FISHER	ST	0.11	MUNICIPAL PUB-OTHER	RCWD
123-043022140061		UNASSIGNED		0.5	RES 1-3 UNITS	RCWD
123-033022330005	1301	JONQUIL	LN	0.36	RESIDENTIAL	RCWD
123-033022330043	1303	STUART	AVE	0.38	RESIDENTIAL	RCWD
123-043022140021	5846	OTTER VIEW	TRL	0.28	RESIDENTIAL	RCWD
123-043022140022	5838	OTTER VIEW	TRL	0.28	RESIDENTIAL	RCWD
123-043022140023	5830	OTTER VIEW	TRL	0.28	RESIDENTIAL	RCWD
123-043022140024	5824	OTTER VIEW	TRL	0.28	RESIDENTIAL	RCWD
123-043022140025	1253	HALPER	WAY	0.3	RESIDENTIAL	RCWD
123-043022140026	1259	HALPER	WAY	0.3	RESIDENTIAL	RCWD
123-043022140028	1283	HALPER	WAY	0.31	RESIDENTIAL	RCWD
123-043022140029	1289	HALPER	WAY	0.33	RESIDENTIAL	RCWD
123-043022140030	1293	HALPER	WAY	0.4	RESIDENTIAL	RCWD
123-043022140031	1299	HALPER	WAY	0.44	RESIDENTIAL	RCWD
123-043022140032	1300	HALPER	WAY	0.42	RESIDENTIAL	RCWD
123-043022140033	1296	HALPER	WAY	0.45	RESIDENTIAL	RCWD
123-043022140034	1292	HALPER	WAY	0.28	RESIDENTIAL	RCWD
123-043022140035	1288	HALPER	WAY	0.28	RESIDENTIAL	RCWD
123-043022140036	1284	HALPER	WAY	0.31	RESIDENTIAL	RCWD
123-043022140037	1280	HALPER	WAY	0.45	RESIDENTIAL	RCWD
123-043022140039	1268	HALPER	WAY	0.39	RESIDENTIAL	RCWD
123-043022140040	1264	HALPER	WAY	0.28	RESIDENTIAL	RCWD
123-043022140041	1258	HALPER	WAY	0.28	RESIDENTIAL	RCWD
123-043022140042	1252	HALPER	WAY	0.33	RESIDENTIAL	RCWD
123-043022140043	1255	HALPER	PL	0.33	RESIDENTIAL	RCWD
123-043022140044	1261	HALPER	PL	0.28	RESIDENTIAL	RCWD
123-043022140045	1267	HALPER	PL	0.29	RESIDENTIAL	RCWD
123-043022140046	1271	HALPER	PL	0.29	RESIDENTIAL	RCWD
123-043022140047	1275	HALPER	PL	0.31	RESIDENTIAL	RCWD
123-043022140048	1276	HALPER	PL	0.33	RESIDENTIAL	RCWD
123-043022140049	1270	HALPER	PL	0.34	RESIDENTIAL	RCWD
123-043022140050	1266	HALPER	PL	0.28	RESIDENTIAL	RCWD
123-043022140051	1260	HALPER	PL	0.28	RESIDENTIAL	RCWD
123-043022140052	1254	HALPER	PL	0.33	RESIDENTIAL	RCWD
123-043022140055	5879	OTTER VIEW	TRL	0.22	RESIDENTIAL	RCWD
123-043022140062		UNASSIGNED		0.39	RESIDENTIAL	RCWD
123-043022410191	1281	GREENBRIAR	CT	0.02	RESIDENTIAL	RCWD
123-043022410199	1257	GREENBRIAR	CT	0.04	RESIDENTIAL	RCWD
123-043022410200	5726	OTTER VIEW	TRL	0.02	RESIDENTIAL	RCWD
123-043022410218	1272	GREENBRIAR	CT	0.02	RESIDENTIAL	RCWD
123-043022410226	1261	GREENBRIAR	CT	0.02	RESIDENTIAL	RCWD
123-043022410234	5690	OTTER VIEW	TRL	0.02	RESIDENTIAL	RCWD
123-043022410242	1251	BRANDLWOOD	RD	0.02	RESIDENTIAL	RCWD
123-043022410254	5676	BRANDLWOOD	CT	0.02	RESIDENTIAL	RCWD
123-043022410262	5648	BRANDLWOOD	CT	0.02	RESIDENTIAL	RCWD
123-043022410270	5649	BRANDLWOOD	CT	0.02	RESIDENTIAL	RCWD
123-043022410278	5669	BRANDLWOOD	CT	0.02	RESIDENTIAL	RCWD
123-043022440017	5616	OTTER VIEW	TRL	0.2	RESIDENTIAL	RCWD
123-043022440018	1255	BRIDLE PATH	CT	0.18	RESIDENTIAL	RCWD
123-043022440019	1257	BRIDLE PATH	CT	0.19	RESIDENTIAL	RCWD
123-043022440020	1265	BRIDLE PATH	CT	0.19	RESIDENTIAL	RCWD
123-043022440021	1267	BRIDLE PATH	CT	0.19	RESIDENTIAL	RCWD

123-043022440022	1275	BRIDLE PATH	CT	0.19	RESIDENTIAL	RCWD
123-043022440023	1277	BRIDLE PATH	CT	0.15	RESIDENTIAL	RCWD
123-043022440024	1285	BRIDLE PATH	CT	0.47	RESIDENTIAL	RCWD
123-043022440025	1283	BRIDLE PATH	CT	0.22	RESIDENTIAL	RCWD
123-043022440026	1279	BRIDLE PATH	CT	0.12	RESIDENTIAL	RCWD
123-043022440027	1273	BRIDLE PATH	CT	0.11	RESIDENTIAL	RCWD
123-043022440028	1269	BRIDLE PATH	CT	0.11	RESIDENTIAL	RCWD
123-043022440029	1263	BRIDLE PATH	CT	0.11	RESIDENTIAL	RCWD
123-043022440030	1259	BRIDLE PATH	CT	0.11	RESIDENTIAL	RCWD
123-043022440031	1253	BRIDLE PATH	CT	0.11	RESIDENTIAL	RCWD
123-043022440032	5614	OTTER VIEW	TRL	0.12	RESIDENTIAL	RCWD
123-043022440033	5596	OTTER VIEW	TRL	0.12	RESIDENTIAL	RCWD
123-043022440034	1252	BRIDLE PATH	CT	0.11	RESIDENTIAL	RCWD
123-043022440035	1258	BRIDLE PATH	CT	0.11	RESIDENTIAL	RCWD
123-043022440036	1262	BRIDLE PATH	CT	0.11	RESIDENTIAL	RCWD
123-043022440037	1268	BRIDLE PATH	CT	0.11	RESIDENTIAL	RCWD
123-043022440038	1272	BRIDLE PATH	CT	0.11	RESIDENTIAL	RCWD
123-043022440039	1278	BRIDLE PATH	CT	0.12	RESIDENTIAL	RCWD
123-043022440040	1282	BRIDLE PATH	CT	0.25	RESIDENTIAL	RCWD
123-043022440041	1286	BRIDLE PATH	CT	0.17	RESIDENTIAL	RCWD
123-043022440042	1287	BRIDLE PATH	CT	0.21	RESIDENTIAL	RCWD
123-043022440043	1284	BRIDLE PATH	CT	0.38	RESIDENTIAL	RCWD
123-043022440044	1276	BRIDLE PATH	CT	0.16	RESIDENTIAL	RCWD
123-043022440045	1274	BRIDLE PATH	CT	0.2	RESIDENTIAL	RCWD
123-043022440046	1266	BRIDLE PATH	CT	0.2	RESIDENTIAL	RCWD
123-043022440047	1264	BRIDLE PATH	CT	0.19	RESIDENTIAL	RCWD
123-043022440048	1256	BRIDLE PATH	CT	0.19	RESIDENTIAL	RCWD
123-043022440049	1254	BRIDLE PATH	CT	0.19	RESIDENTIAL	RCWD
123-043022440050	5594	OTTER VIEW	TRL	0.2	RESIDENTIAL	RCWD
123-043022440058	1255	JONQUIL	LN	0.3	RESIDENTIAL	RCWD
123-043022440059	1265	JONQUIL	LN	0.29	RESIDENTIAL	RCWD
123-043022440060	1275	JONQUIL	LN	0.3	RESIDENTIAL	RCWD
123-043022440061	1283	JONQUIL	LN	0.34	RESIDENTIAL	RCWD
123-043022440062	1291	JONQUIL	LN	0.37	RESIDENTIAL	RCWD
123-043022440063	5564	OTTER VIEW	TRL	0.31	RESIDENTIAL	RCWD
123-043022440064	5556	OTTER VIEW	TRL	0.28	RESIDENTIAL	RCWD
123-043022440065	5548	OTTER VIEW	TRL	0.37	RESIDENTIAL	RCWD
123-043022440066	5542	OTTER VIEW	TRL	0.31	RESIDENTIAL	RCWD
123-043022440067	1261	STUART	AVE	0.32	RESIDENTIAL	RCWD
123-043022440068	1271	STUART	AVE	0.31	RESIDENTIAL	RCWD
123-043022440069	1281	STUART	AVE	0.38	RESIDENTIAL	RCWD
123-043022440070	1287	STUART	AVE	0.38	RESIDENTIAL	RCWD
123-043022440071	1295	STUART	AVE	0.38	RESIDENTIAL	RCWD
123-043022440072	1300	JONQUIL	LN	0.34	RESIDENTIAL	RCWD
123-043022440073	1292	JONQUIL	LN	0.36	RESIDENTIAL	RCWD
123-043022440074	1286	JONQUIL	LN	0.38	RESIDENTIAL	RCWD
123-043022440075	1278	JONQUIL	LN	0.4	RESIDENTIAL	RCWD
123-043022440076	1268	JONQUIL	LN	0.35	RESIDENTIAL	RCWD
123-103022220026	1355	H2		0.35	RESIDENTIAL	RCWD
123-103022220027	5422	FISHER	ST	0.22	RESIDENTIAL	RCWD
123-103022220028	5430	FISHER	ST	0.22	RESIDENTIAL	RCWD
123-103022220031	5450	FISHER	ST	0.26	RESIDENTIAL	RCWD
123-103022220032	5460	FISHER	ST	0.29	RESIDENTIAL	RCWD
123-103022220033	1357	LYNX	RD	0.29	RESIDENTIAL	RCWD
123-103022220035	5488	FISHER	ST	0.28	RESIDENTIAL	RCWD
123-103022220036	5500	FISHER	ST	0.28	RESIDENTIAL	RCWD
123-103022220037	5512	FISHER	ST	0.29	RESIDENTIAL	RCWD
123-103022220083	5440	FISHER	ST	0.22	RESIDENTIAL	RCWD
123-043022410167		UNASSIGNED		2.85	TRUST EXEMPT	RCWD

Table 6b indicates parcels currently within the Rice Creek Watershed District that are proposed to be transferred to Vadnais Lake Area Water Management Organization in the White Bear Township. This area totals 7.96 acres.

Table 6b						
PIN		ADDRESS		ACRES	LAND USE	LEGAL CHANGE TO
123-043022110062		J		0.38	COMM LAND & BLDGS	VLAWMO
123-043022110063	1210	J		0.49	COMM LAND & BLDGS	VLAWMO
123-043022110055		UNASSIGNED		7.09	INDS LAND & BLDGS	VLAWMO

Property Identification

City of White Bear Lake

Table 5a indicates the parcels currently in the Vadnais Lake Area Water Management Organization that are proposed to be transferred to Ramsey Washington Metro Watershed District in the City of White Bear Lake. This area totals 0.5 acres.

Table 4a				
PIN	**ADDRESS**	**ACRES**	**LAND USE**	**LEGAL CHANGE TO**
123-273022440186	1760 LINDEN COVE	0.5	MFR	RWMWD

Table 5b indicates parcels currently within the Ramsey Washington Metro Watershed District that are proposed to be transferred to Vadnais Lake Area Water Management Organization in the City of White Bear Lake. This area totals 2.01 acres.

Table 4b				
PIN	**ADDRESS**	**ACRES**	**LAND USE**	**LEGAL CHANGE TO**
123-273022410124	1779 LINDEN COVE	0.5	MFR	VLAWMO
123-273022410128	3809 LINDEN AVE	0.5	MFR	VLAWMO
123-273022410058	1781 TONY CT	0.08	MFR	VLAWMO
123-273022410059	1783 TONY CT	0.08	MFR	VLAWMO
123-273022410060	1785 TONY CT	0.08	MFR	VLAWMO
123-273022410061	UNASSIGNED	0.77	OUTLOT	VLAWMO

City of Vadnais Heights

Table 4a indicates the parcels currently in the Vadnais Lake Area Water Management Organization that are proposed to be transferred to Ramsey Washington Metro Watershed District in the City of Vadnais Heights. This area totals 73.27 acres.

Table 3a				
PIN	**ADDRESS**	**ACRES**	**LAND USE**	**LEGAL CHANGE TO**
123-313022130006	208 TWIN LAKE BLVD	0.96	CHURCH	RWMWD
123-313022230006	RICE ST	0.38	COMM LAND & BLDGS	RWMWD
123-313022230007	3364 RICE ST	0.68	COMM LAND & BLDGS	RWMWD
123-313022240006	80 VADNAIS BLVD	3.69	MFR	RWMWD
123-313022130008	UNASSIGNED	2.4	MFR	RWMWD
123-313022130002	80 VADNAIS BLVD	10.3	MFR	RWMWD
123-313022240005	TWIN LAKE BLVD	4.14	MFR	RWMWD
123-313022240003	80 VADNAIS BLVD	16.9	MFR	RWMWD
123-313022230010	TWIN LAKE BLVD	0.06	MUNICIPAL PUB SERV	RWMWD
123-313022240001	VADNAIS BLVD	13.68	MUNICIPAL PUB SERV	RWMWD
123-313022230005	VADNAIS BLVD	7.55	MUNICIPAL PUB SERV	RWMWD
123-323022320061	UNASSISGNED	2.62	MUNICIPAL PUB-OTHER	RWMWD
123-323022320047	431 VADNAIS LAKE DR	1.15	SFR	RWMWD
123-323022320046	VADNAIS LAKE DR	0.77	SFR	RWMWD
123-323022320045	427 VADNAIS LAKE DR	0.7	SFR	RWMWD
123-323022320044	425 VADNAIS LAKE DR	0.49	SFR	RWMWD
123-323022320043	423 VADNAIS LAKE DR	0.48	SFR	RWMWD
123-323022330037	436 VADNAIS LAKE DR	1.4	SFR	RWMWD
123-323022330041	432 VADNAIS LAKE DR	1.88	SFR	RWMWD
123-323022330038	436 VADNAIS LAKE DR	0.55	SFR	RWMWD
123-323022330040	VADNAIS LAKE DR	0.16	SFR	RWMWD
123-313022140003	220 TWIN LAKE BLVD	0.47	SFR	RWMWD
123-313022140004	228 TWIN LAKE BLVD	0.61	SFR	RWMWD
123-313022140005	236 TWIN LAKE BLVD	0.48	SFR	RWMWD
123-313022140006	TWIN LAKE CT	0.21	SFR	RWMWD
123-313022130009	99 TWIN LAKE BLVD	0.56	SFR	RWMWD

Table 4b indicates parcels currently within the Ramsey Washington Metro Watershed District that are proposed to be transferred to Vadnais Lake Area Water Management Organization in the City of Vadnais Heights. This area totals 0.53 acres.

Table 3b				
123-323022310008	3330 CENTERVILLE	0.53	SFR	VLAWMO

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

In the Matter of the Boundary Change for the Vadnais Lake Area Water Management Organization, the Rice Creek Watershed District, and the Ramsey Washington Metro Watershed District pursuant to Minnesota Statutes § 103B.215

ORDER BOUNDARY CHANGE

Whereas, the Vadnais Lake Area Water Management Organization (VLAWMO) filed two Petitions dated November 26, 2008 with the Board of Water and Soil Resources (Board) on December 1, 2008, to change the boundaries of the VLAWMO by requesting the boundaries of the Rice Creek Watershed District (RCWD) and the Ramsey Washington Metro Watershed District (RWMWD) be changed pursuant to Minn. Stat. § 103B.215, and;

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

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

FINDINGS OF FACT

1. **Petition.** The Petitions to change the boundaries of the VLAWMO with the RCWD and RWMWD were filed by the VLAWMO Board of Directors with the Board on December 1, 2008.

2. **Property Description.** The territory included in the boundary changes, the Petitioned Areas, are located in the City of Lino Lakes in Sections 25, 34, and 35, the City of White Bear Lake in Sections 14, and 23, in the City of Vadnais Heights in Sections 31 and 32, in White Bear Township in Sections 4, 10, and 26 all within Anoka and Ramsey Counties entirely within the metropolitan area and totals approximately 450.7 acres of land. The Petitioned Areas includes the transfer of 55.64 acres from VLAWMO to the RCWD, the transfer of 318.78 acres from RCWD to VLAWMO, the transfer of 73.77 acres from VLAWMO to RWMWD, and the transfer of 2.54 acres from RWMWD to VLAWMO. The Petitioned Areas are depicted on eight maps attached to the petitions and further identified in ten property identification tables attached to the Petitions.

3. **Reasons for Boundary Change.** The proposed boundary changes would achieve a more accurate alignment between the hydrologic and legal boundaries of the VLAWMO, RCWD, and RWMWD. The requested boundary changes are consistent with the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255.

4. **Statements of Concurrence.** The required statements of concurrence pursuant to Minn. Stat. §103B.215, Subd. 2, item c from the City of Lino Lakes, City of White Bear Lake, City of Vadnais Heights, White Bear Township, RCWD, and the RWMWD where submitted with the Petitions.

5. **Effect on Benefits and Damages.** The Petitions state the proposed boundary changes will not affect the benefits or damages for any improvements previously constructed by the VLAWMO, RCWD or the RWMWD.

6. **Notice of Filing.** A joint Legal Notice of Filling of the proposed boundary changes, pursuant to Minn. Stat. § 103B.215, Subd. 3, was published in the Anoka County Union on January 16 and 23, 2009, in the Shoreview Press on January 20 and 27, 2009 and in the Ramsey County Review January 20 and 28, 2009.

7. **Public Hearing.** The Legal Notice of Filing was published pursuant to Minn. Stat. § 103B.215, Subd.3, which requires within 20 days of the last date of publication of the Notice of Filing of the Petitions that at least one request for hearing be received by the Board before a hearing will be held. No requests for hearing and no comments were received during the specified period of time and no hearing was held.

8. **Metro Water Planning Committee.** The Board's Metro Water Planning Committee met on March 4, 2009, in St. Paul to review and discuss the boundary change Petitions. Those in attendance from the Board's Committee were Louise Smallidge, Faye Sleeper, LuAnn Tolliver, Rebecca Flood, and Robert Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel, Board Conservationists Melissa Lewis, and Water Management Specialist Travis Germundson. Board staff recommended approval of the boundary changes. After discussion, the Committee unanimously voted to recommend approval of the RCWD and RWMWD boundary changes involving the Vadnais Lake Area to the full Board. Because the Board does not have the authority to change the VLAWMO boundary, the VLAWMO should be encouraged to change their organizational boundary consistent with the RCWD and RWMWD boundaries changes.

CONCLUSIONS

1. The Petitions for Boundary change of the VLAWMO, RCWD, and RWMWD are valid in accordance with Minn. Stat. § 103B.215 except the Board is not authorized to change the boundary of the VLAWMO.

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

3. The Board has proper jurisdiction in the matter of ordering watershed district boundary changes.

4. The territory included in the requested boundary changes is within the hydrologic boundaries of the VLAWMO, RCWD, or the RWMWD.

5. The governing bodies of the City of Lino Lakes, the City of White Bear Lake, and the City of Vadnais Heights, White Bear Township, RCWD, and RWMWD concur with the requested boundary changes.

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

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

8. The proposed boundary changes should be approved per the Petitions for RCWD and RWMWD, and the VLAWMO should be encouraged to change their organizational boundaries consistent with this Order.

ORDER

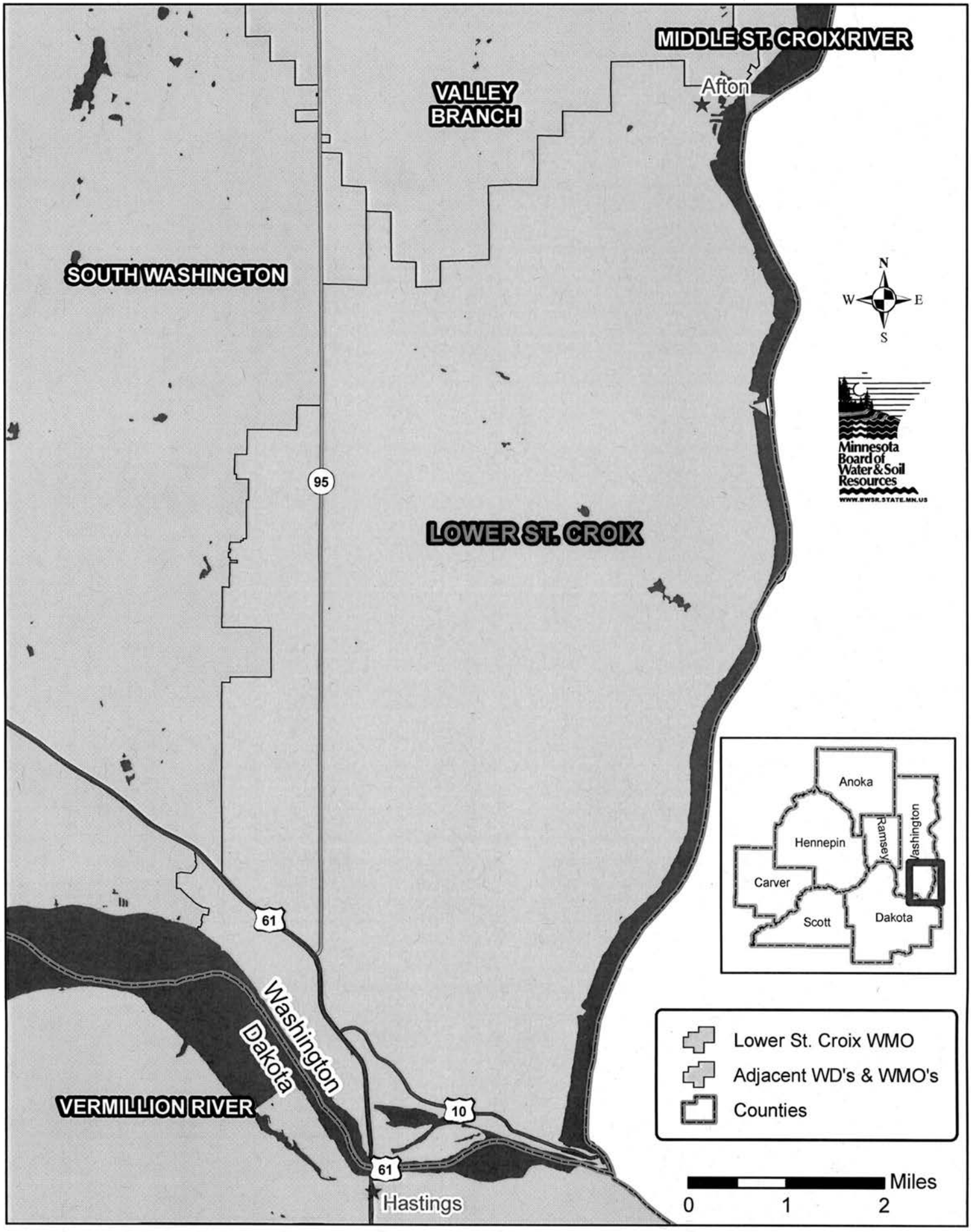
The Board hereby orders that the boundaries of the Rice Creek Watershed District and the Ramsey Washington Metro Watershed District are changed per the Petitions as identified in the ten property identification tables attached to this Order and made a part hereof. The Board strongly recommends the Vadnais Lake Area Water Management Organization take immediate action to change its organizational boundaries consistent with this Order.

Dated at Saint Paul, Minnesota this 25th day of March, 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Randy Kramer, Chair

Lower St. Croix Water Management Organization



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

In the Matter of the review of the Amendment to the Watershed Management Plan for the Lower St. Croix Watershed Management Organization, pursuant to Minnesota Statutes Section 103B.231, Subdivision 11.

ORDER APPROVING AMENDMENT TO WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Lower St. Croix Watershed Management Organization (Organization) submitted a Watershed Management Plan Amendment (Amendment) to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 11, and;

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

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

FINDINGS OF FACT

1. **Organization Establishment.** The Organization was established on June 21, 1985 through a Joint Powers Agreement between Denmark Township and the Cities of Afton, Cottage Grove, and Hastings under the authority conferred to the member parties in 1982 through Minnesota Statutes Sections 103B.201 to 103B.255. The Organization's vision is to focus activities on resource preservation and management, protect high quality natural resources through active participation in development activities, operate in a fiscally responsible manner, and maintain a high degree of cooperation and responsibility among community members.

2. **Authority to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.255. The current Organization watershed management plan was approved by Board Order on May 25, 2005. The watershed management plan may be amended according to Minnesota Statutes Section 103B.231, Subd. 11.

3. **Nature of the Watershed.** The Organization is located entirely in Washington County in the east-central portion of the Minneapolis – St. Paul Metropolitan Area and is approximately 45.85 square miles in size. It is bound by the Valley Branch Watershed District to the north, the South Washington Watershed District to the west, the Vermillion River Watershed Management Organization (Dakota County) to the south, and the St. Croix River to the east. The Organization encompasses the entirety of Denmark Township and portions of the Cities of Afton, Cottage Grove, and Hastings. The

watershed includes a major surface and groundwater hydrologic divide for the Mississippi and St. Croix River basins. The main hydrologic features of this watershed are Trout Brook, Kelle's Coulee, O'Connor's Creek and Lake, and numerous tributaries to the Mississippi and St. Croix Rivers.

4. **Amendment Development and Review.** The Amendment consists of revisions to the policies and standards for rate control, volume control, water quality, flooding, and permitting; revisions to the resource inventory, watershed goals and policies, and implementation plan to incorporate resource-specific management plans; and an extension of the capital improvement plan through 2013. The revised policies and standards were developed through a rulemaking process that relied on involvement of the public and member communities and included a public hearing. Resource-specific management plans include the Karst Feature Inventory and Management Plan, the O'Connor's Creek and Lake Management Plan, and the Kelle's Coulee Stream Management Plan. These plans were developed using a comprehensive public involvement process including a public hearing for each resource plan.

   The 60-day review draft of the Amendment was submitted to the Board, other state review agencies, Metropolitan Council, and local governments on May 9, 2008. The 45-day review draft was received on October 28, 2008. A public hearing was held on January 14, 2009 where no substantial comments were received. The final draft of the Amendment was received by BWSR on February 17, 2009.

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

   Washington County. Washington County provided comments regarding incorporating groundwater protection in local water management plans and including Washington County in review of local water management plans. Washington County also requested the Organization refer to county policy for capital projects. The Organization sufficiently addressed all comments.

6. **Metropolitan Council Review.** The Council found the Amendment to be consistent with the Council's Water Resources Management Plan.

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

8. **Department of Health Review.** The MDH did not comment on the Amendment.

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

10. **Pollution Control Agency Review.** The MPCA provided a series of comments that did not require a response by the Organization or were already addressed in areas of the plan that were not part of the amendment.

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11. **Department of Transportation Review.** The MDOT commented that additional definitions and clarifications were needed for the revised standards. The Organization sufficiently addressed all comments.

12. **Board Review**. Board staff requested justification for decreases in the Organization's budget and activities, and clarification on the prioritization of goals and policies. The Organization sufficiently addressed all comments and emphasized the Organization's goal of balancing the resource needs with limited financial resources.

13. **Highlights of the Plan Amendment**. The critical elements included in the Amendment are:
    - Revises the standards of the watershed management plan for consistency with the rules. The rules were developed with input from the public and member communities and incorporated into the plan with the intention to ease the adoption by reference and implementation of the plan as a community local water management plan.
    - Incorporates goals and policies of the Karst Feature Inventory and Management Plan, the O'Connor's Creek and Lake Management Plan, and the Kelle's Coulee Stream Management Plan into the watershed management plan.
    - Extend the capital improvements plan through 2013 based on items identified in the resource management plans.

14. **Metro Water Planning Committee Meeting**. The Board's Metro Water Planning Committee met on March 4, 2009 to review and discuss the Amendment. Those in attendance from the Board's Committee were Rebecca Flood, Louise Smallidge, Faye Sleeper, LuAnn Tolliver, and Robert Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationist Melissa Lewis. Board staff recommended approval of the Amendment. After discussion, the Committee unanimously decided to recommend approval of the Lower St. Croix Watershed Management Organization Amendment to the full Board.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving an Amendment to the Watershed Management Plan for the Lower St. Croix Watershed Management Organization pursuant to Minnesota Statutes Section 103B.231, Subd. 11.

3. The Lower St. Croix Watershed Management Organization Amendment attached to this Order consists of revised standards, updated resource management plans, and extension of the capital improvement plan.

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

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ORDER

The Board hereby approves the attached Amendment, dated February 17, 2009, to the Lower St. Croix Watershed Management Organization Watershed Management Plan.

Dated at Saint Paul, Minnesota this 25th day of March, 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

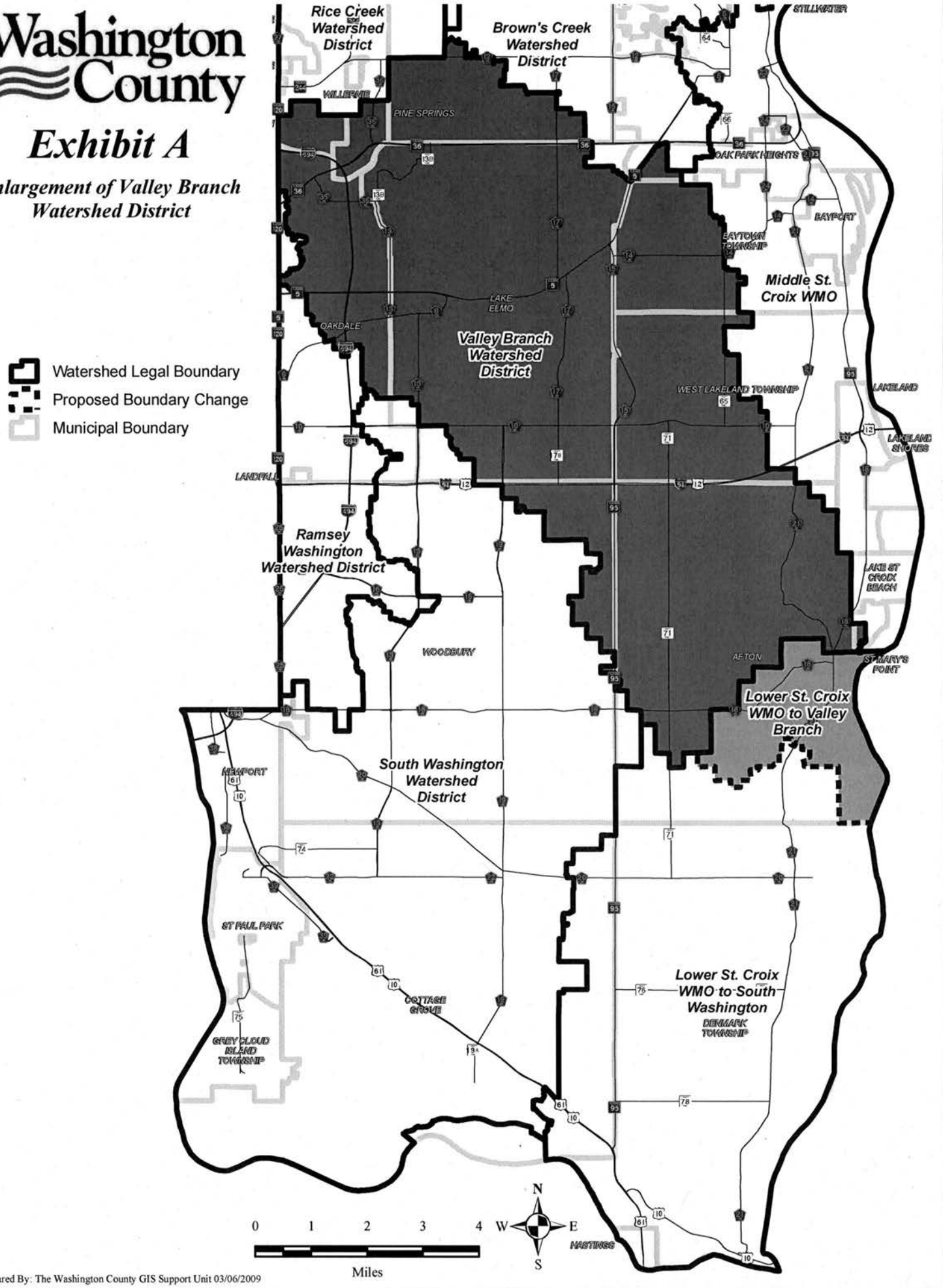
BY: Randy Kramer, Chair

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Washington County

Exhibit A

Enlargement of Valley Branch Watershed District

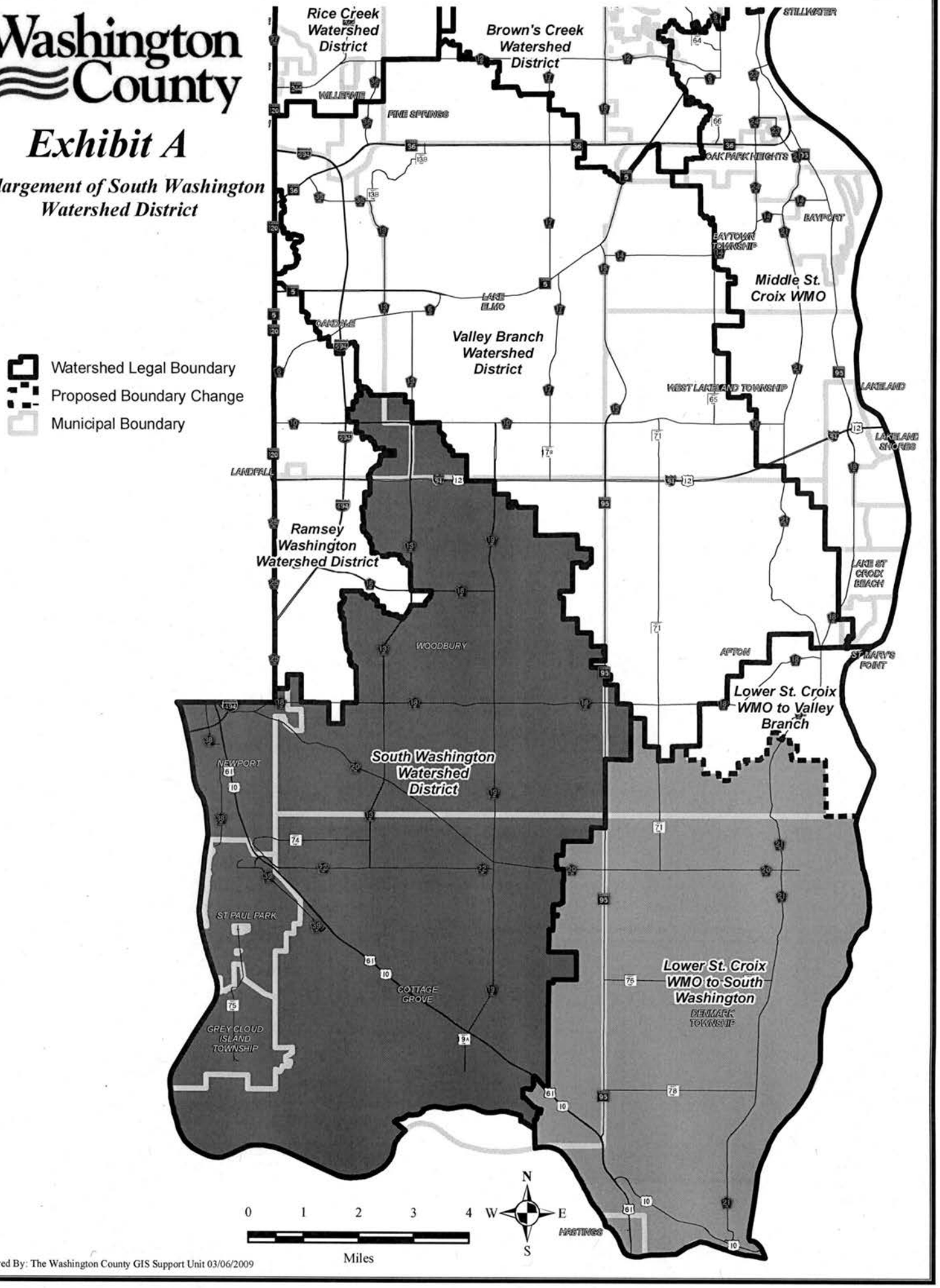


Prepared By: The Washington County GIS Support Unit 03/06/2009

Washington County

Exhibit A

Enlargement of South Washington Watershed District



Prepared By: The Washington County GIS Support Unit 03/06/2009

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

In the Matter of Petitions for Enlargement of the South Washington Watershed District and the Valley Branch Watershed District, Washington County, pursuant to Minnesota Statutes Section 103D.261.

ORDER FOR WATERSHED DISTRICT ENLARGEMENT PUBLIC HEARING

Whereas, Washington County submitted two petitions (Petitions) dated March 24, 2009 for enlargement of the South Washington Watershed District (SWWD) and the Valley Branch Watershed District (VBWD) to the Board on March 24, 2009, pursuant to Minn. Stat. § 103D.261, and;

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

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

FINDINGS OF FACT

1. On March 24, 2009 the Board received two Petitions from Washington County for enlargement of the SWWD and the VBWD pursuant to Minn. Stat. §103D.261. The proposed watershed district enlargements involve lands presently in the Lower St. Croix Watershed Management Organization (LSCWMO). The Petitions were filed based on the voluntary dissolution of the LSCWMO. The Petitions were accompanied by supporting resolutions from Washington County and the two watershed districts.

2. Staff has determined that valid Petitions exist pursuant to Minn. Stat. § 103D.261.

3. Minn. Stat. § 103D.261 requires a public hearing to be held within thirty-five days of the Board determining a valid petition has been received.

4. One public hearing should be held due to the interdependency of the pending dissolution of the LSCWMO on the actions requested in the Petitions involving the SWWD and the VBWD.

5. The Board's Metropolitan Water Planning Committee should preside over the hearing and bring recommendations to the Board after the public hearing has been held.

6. The Executive Director should determine the date and time of the hearing after coordinating with the appropriate parties.

7. The public hearing should be held at the Denmark Town Hall in Washington County where the LSCWMO has held its regular meetings and the location is in close geographical proximity to the SWWD and the VBWD.

8. If scheduling conflicts arise the Executive Director should choose another suitable location.

9. The Board's Metro Water Planning Committee met on March 4, 2009, to review and discuss holding a public hearing on the draft Petitions. Those in attendance from the Board's Committee were Rebecca Flood, Louise Smallidge, Faye Sleeper, LuAnn Tolliver, and Robert Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationist Melissa Lewis. Board staff recommended ordering a public hearing on the Petitions. After discussion, the Committee unanimously voted to recommend to the full Board that a public hearing be held on the Petitions.

CONCLUSIONS

1. The Petitions for enlargement are valid in accordance with Minn. Stat. § 103D.261.

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

3. The Board has proper jurisdiction in the matter of ordering a hearing to determine whether the proposed watershed district enlargements would be for the public welfare and public interest and the purposes of Chapter 103D would be served.

4. One public hearing should be held within thirty-five days of the date of this order.

5. The Board's Metropolitan Water Planning Committee should preside over the public hearing and bring recommendations on the Petitions to the Board after the public hearing has been held.

6. The Executive Director should make a decision on the date and time of the public hearing after coordinating with the appropriate parties.

7. The public hearing should be held at the Denmark Town Hall in Washington County after proper legal notice has been given.

8. If scheduling conflicts arise the Executive Director should choose another suitable location.

ORDER

The Board hereby orders a public hearing be held within 35 days of the date of this Order for enlargement of the South Washington Watershed District and the Valley Branch Watershed District to be presided over by the Board's Metropolitan Water Planning Committee at a date, time and location to be determined by the Executive Director after proper legal notice of the public hearing has been given.

Dated at Saint Paul, Minnesota this 25th day of March, 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Randy Kramer, Chair

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Nobles County Local Water Management Plan Update – ***DECISION ITEM***

2. Yellow Medicine River Watershed District (YMRWD) Watershed Management Plan – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

DATE: February 19, 2009

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: Mark Hiles, Board Conservationist

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

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

The Nobles County Local Water Management Plan meets all requirements, including:

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

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

I look forward to assisting Nobles County in the implementation of their plan. Nobles County developed a unified Comprehensive Water Plan for the entire county, incorporating the Nobles Soil & Water Conservation District comprehensive plan and the watershed district plans for Okabena-Ocheda Watershed District and Kanaranzi-Little Rock Watershed District. The significant cooperation and coordination of all the water management entities in Nobles County should be commended as well as the leadership and dedication shown throughout the planning process.

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Bemidji, MN 56601
phone (218) 755-4235
fax (218) 755-4201

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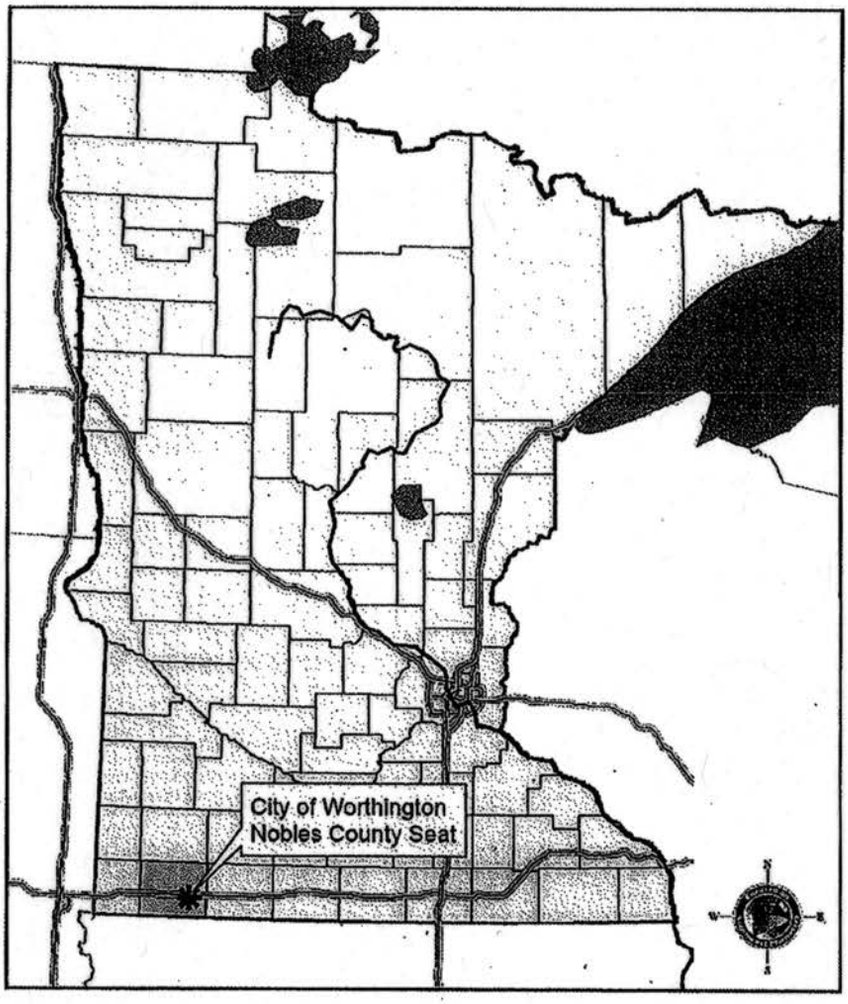
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NOBLES LOCAL WATER MANAGEMENT PLAN

A 10-year plan with a 5-year implementation schedule 2009-2018

DRAFT NOVEMBER 2008

Prepared for the Nobles County Local Water Management Plan Task Force
By Nobles Soil & Water Conservation District and
Southwest Regional Development Commission
Covering Nobles SWCD, Nobles County Environmental Services,
Kanaranzi-Little Rock Watershed District, Okabena-Ocheda Watershed District



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NOBLES LOCAL WATER MANAGEMENT PLAN – DRAFT NOVEMBER 2008
A 10-year plan with a 5-year implementation schedule 2009-2018

Prepared for the Nobles County Local Water Management Plan Task Force
By Nobles Soil & Water Conservation District and Southwest Regional Development Commission

Covering the Nobles SWCD, Nobles County Environmental Services,
Kanaranzi-Little Rock Watershed District, and Okabena-Ocheda Watershed District.

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For additional information on water management in Nobles County, Minnesota, contact:

Nobles Soil & Water Conservation District
1567 McMillan St., Ste 3
Worthington, MN 56187
(507) 376-9150

Nobles County Environmental Services
960 Diagonal Road
PO Box 187
Worthington, MN 56187
(507)295-5322

Kanaranzi-Little Rock Watershed District
PO Box 327
Adrian, MN 56110
(507) 483-2971

Okabena-Ocheda Watershed District
960 Diagonal Road
PO Box 114
Worthington, MN 56187
(507) 372-8228

A. Executive Summary

Nobles County is located in southwestern Minnesota, adjacent to Rock, Murray, Cottonwood and Jackson counties. Iowa's Lyon and Osceola counties are located south of the state line. The City of Worthington is the county seat. Nobles County's population in the 2000 U.S. Census was 20,832, with a density of 29 persons per square mile. The Minnesota State Demographic Center estimates a current population (2007) of 20,399. The Demographic Center projects total population of 20,590 by 2030.

Nobles County is divided between the Mississippi and Missouri major water basins. The West Fork Des Moines major watershed flows east into the Heron Lake system. The Little Sioux watershed drains southeast into Iowa. The Rock River watershed drains the western part of the county south and west. Groundwater is the primary source of dinking water.

A.1 Purpose & Introduction

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

Nobles County developed a unified comprehensive water resources management plan for the entire county over a period from 1994 to 1998, incorporating the Nobles Soil & Water Conservation District (SWCD) comprehensive plan and watershed district plans for the Kanaranzi-Little Rock Watershed District (KLRWD) and Okabena-Ocheda Watershed District (O-OWD). While not a formal member of this plan, the Heron Lake Watershed District (HLWD) is an important collaborator on water planning in Nobles County. The KLRWD also includes areas of Rock County.

A.1.a Plan Requirements

The most recent edition of Nobles County's water plan was approved by the Board of Water and Soil Resources (BWSR) on 23 April 2003, and adopted by the County Board on 20 May 2003. This plan expired on 23 April 2008, with an extension granted by BWSR. The Nobles County Board of Commissioners adopted a resolution on 8 May 2007 to revise the current plan, according to Minnesota Statutes now in effect. The intention is that this plan will continue to cover the four participating water resources management organizations.

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

Soil and Water Conservation Districts often adopt the local water management plan as their comprehensive plan required for certain state funding, as long as the plan has details of "high priority erosion problems" and "high priority water quality problems". Watershed Districts have additional requirements to meet for their Watershed Management Plan, which like the SWCD are subject to BWSR guidelines and are implemented in more detailed work plans. Minn. Stat. §103D.405 requires that a revised watershed management plan include:

> (1) updates and supplements of the existing hydrological and other statistical data of the watershed district;
>
> (2) specific projects and programs to be considered for implementation;
>
> (3) a statement of the extent that the purposes for which the watershed district had been established have been accomplished;
>
> (4) a description of problems requiring future action by the watershed district;
>
> (5) a summary of completed studies on active or planned projects, including financial data; and
>
> (6) an analysis of the effectiveness of the watershed district's rules and permits in achieving its water management objectives in the watershed district.

This plan attempts to balance the requirements of each water management organization to achieve a useful, strategic document that is easily understandable and useful for decision makers and residents of Nobles County. It is intended to describe a vision for the future, not as an encyclopedic reference of the past. Historical information contained in previous editions of the water plan are incorporated by reference.

A.1.b Accomplishments

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

- Appointed Co-Water Planners in the SWCD and County Environmental Office.
- Funded the $231,000 upgrading and digitizing of the NRCS Soil Survey.
- Provided technical assistance, guidance and in some cases funds, for wellhead protection programs for the cities of Ellsworth, Adrian, Lismore, Worthington and the Community of Leota.
- Partnered with the Heron Lake Watershed for continuation of a MPCA Clean Water Partnership.
- Provided technical assistance, supplied data and assisted with education efforts with the West Fork Des Moines River Project.
- Supplied data and collected surveys for a Red Rock Rural Water project to bring water to the four townships in southeast Nobles County.

- Funded a conservation tillage cost share program for the Upper Elk Creek.
- Co-sponsored conservation tillage demonstration plots.
- Funded a bill board education program with the Okabena Lake Association and provided education by the Prairie Ecology Bus Center for local schools.
- Participated in the multi-state Upper Des Moines River Watershed Accelerated Implementation Plan.

Nobles Local Water Management Plan
AgBMP Loans--New and Revolving Funds

	Tillage Equipment		Ag Waste		SSTS Upgrades		Erosion Control	
2005	7	222,900	1	31,500	4	20,800	2	16,900
2006	7	174,700	6	285,545	2	9,500		
2007	15	300,870	2	26,850	1	5,000		

Source: Nobles SWCD

A.1.c Plan Update, Adoption and Amendment

Nobles SWCD and Nobles County Environmental Services (Env) are responsible for local water management in Nobles County, including facilitation of public input and convening the Local Water Management Task Force. Nobles County retained John C. Shepard, AICP, Development Planner for the Southwest Regional Development Commission to assist with the Plan update. Task Force membership included:

- Dean Christopherson, Nobles Co. Farm Bureau
- Connie Frahm, K-LR Watershed board
- Norm Gallagher, Nobles Co. Commissioner
- Harberts Gregg, City of Rushmore
- Coleen Gruis, City of Rushmore
- Tim Henning, Nobles Co. Farmers Union
- Al Langseth, Nobles Co. Env. Serv., staff
- Paul Langseth, Nobles SWCD, supervisor
- Ed Lenz, Nobles SWCD, staff
- Dan Livdahl, O-O Watershed, staff
- Jerry Lonneman, Lincoln-Pipestone Rural Water
- Jim McGowan, O-O Watershed board
- Rick Nelsen, Nobles SWCD, supervisor
- Kevin Norskog, K-LR W/S and City of Adrian
- Gary Reker, Reker Construction
- Eric Roos, Worthington Public Utilities
- Wayne Smith, Nobles Co. Env. Serv., staff
- Jane Steffl, Nobles SWCD, staff
- Diane Thier, Nobles Co. Commissioner
- Genny Turner, Lakes Association
- Shirley Vis, City of Rushmore

The following public and internal forums and meetings were held to provide public input into the update process:

5/8/2007 Nobles Board of County Commissioners adopt resolution to update.

5/17/07 Nobles Soil & Water Conservation District moved to hire Southwest Regional Development Commission to manage update process.

5/21/07 Update planning meeting w/SWCD, County Environ Office, KLR and O-O watershed districts, NRCS, SRDC, BWSR (9 att.)

5/30/07 Mail/email Notice to Revise and Update to BWSR routing list, adjacent counties, cities & townships.

5/30/07 Notice to Revise and Update published in *Nobles County Review & Fulda Free Press.*

5/31/07 Notice to Revise and Update published in *Worthington Daily Globe.*

6/16/07 Requested date for submission of Priority Concerns.

6/21/07 Notice of Public Meeting published in *Worthington Daily Globe.*

7/31/07 Local Water Plan Public Update Information Meeting held at Nobles County Public Works Building, Worthington (22 att.)

8/17/07 KDOM-AM/FM interview with Southwest Regional Development Commission Development Planner, discussing water plan updates in the region.

8/28/07 Continuation of Public Meeting to confirm Priority Concerns, Nobles County Public Works Building, Worthington (22 att)

12/6/07 BWSR Southern Regional Committee meeting at DNR Building in New Ulm to review PCSD.

1/29/2008 Local Water Management Plan Task Force meeting to consider Priority Concerns regarding Surface Water Quality held at Ag Service Center in Worthington. (19att).

2/28/08 Local Water Management Plan Task Force meeting to consider Priority Concerns regarding Drainage Management held at the Nobles County Public Works. (19att).

3/25/08 Local Water Management Plan Task Force meeting to consider Priority Concerns regarding Public Water Supply held at the Nobles County Public Works. (22att).

8/26/08 Local Water Management Plan Task Force meeting to consider Goals, Objectives and Implementation measures. (17att).

10/24/08 Notice of Public Hearing Published in *Worthington Daily Globe.*

11/4/08 Public Hearing before Nobles County Board of Commissioners.

Upon approval of this plan by the Minnesota Board of Water and Soil Resources (BWSR), the County Board has up to 120 days to pass an Adoption and Implementation Resolution. The local Watershed District boards have 45 days from BWSR's recommendation to hold a public hearing on the revised plan. After final adoption, the plan may be amended in a similar process, by petitioning the BWSR Board, scheduling a public hearing, and sending notice to the required parties.

Approximately two years—and no later than 18 months—prior to the end of the 5 year management schedule, the County Board should consider a new Resolution to update this plan, according to the rules then in place.

A.2 Description of Priority Concerns

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

Priority Concern 1. Surface Water Quality.

Minnesota has an abundance of surface waters. A number of these waters in Nobles County and the region are listed as TMDL Impaired by MPCA and the U.S. EPA. Impaired waters affect both the local environment and communities' ability to provide for their future. High priority soil erosion problems continue to be present, while management of nutrients, feedlots and sewage treatment systems require ongoing attention.

Priority Concern 2. Drainage Management.

The landscape of Southwest Minnesota has changed greatly since settlement. Management of the resulting drainage system—the modern hydrograph—is often disjointed and uncoordinated, leading to issues with both quantity and quality of water. Flooding and stormwater retention remain concerns across the county. There are also particular issues in the region with wetlands, habitat and critical species.

Priority Concern 3. Public Water Supply.

A long-term, sustainable supply of surface and ground water is essential to growth and development in Nobles County. There is particular concern with wellhead protection, protection of critical lands, and provisions for both urban and rural water supply systems.

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

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

Priority Concern 1. Improve Surface Water Quality.

This concern will be addressed to prevent further degradation of stream and lake water quality, with a priority for shoreland areas, TMDL-listed waters, and un-sewered communities. Objectives include addressing TMDL impaired waters, preventing soil erosion; promoting agricultural best management practices (AgBMPs), and facilitating compliance of nutrient management, feedlot and septic treatment systems with state and federal requirements.

Implementation actions include promotion and education, administration and review of plans and ordinances, working with state and federal agencies on measures to improve water quality, technical assistance with programs and best management practices, financial incentives for conservation practices, and development of information systems.

Projected costs over the five years of the management plan to implement all actions would include about $1,250,000 for TMDL plans and implementation, $2,730,000 to complete projects, $222,000 for technical assistance and administration, and $49,500 for outreach and education, as well as annual in-kind services. All dollar figures are rough estimates and recognize approximate known costs of identified implementation partners.

Priority Concern 2. Drainage Management.

This concern will be addressed to restore more natural flows in the drainage system, focusing on shoreland areas. Objectives include improving shoreland and impervious surface areas; improving flood control, drainage systems and stormwater retention; encouraging wetland restoration; and addressing habitat and critical species issues.

Implementation actions include providing education and outreach, administration and review of rules and ordinances, maintenance of GIS data, technical assistance with conservation and wetlands projects, and mitigation improvements in flood control.

Projected costs would include about $9,500,000 for the flood control project on County Ditch 12 in Worthington, $675,000 for other projects, $105,000 for technical assistance and administration, and $17,500 for outreach and education, as well as annual in-kind services.

Priority Concern 3. Public Water Supply.

This concern will be addressed to assure long-term quality and quantity of water supplies, with a priority for drinking water supply management areas and areas not currently served by public/community systems. Objectives include encouraging well head protection, preventing groundwater contamination, facilitating land retirement, and supporting rural water systems and long-term water supplies.

Implementation actions include outreach and education, technical assistance and incentives for landowners and water providers, review of plans and ordinances, maintenance of GIS data, providing assistance to seal unused wells, cooperative efforts for land retirement, and working with cities and water providers for long-term water supplies.

Projected costs would include about $500,000 towards land retirement partnerships, $50,000 for assistance to landowners sealing unused wells, $10,000 for technical assistance and administration, and $60,000 for outreach and education, as well as annual in-kind services.

A.4 Consistency with Local, State and Regional Plans

Nobles County Environmental Services administers the County's comprehensive land use plan and zoning ordinance. This helps to maintain consistency between this plan and the County's other plans and ordinances. The County's *comprehensive plan* identifies goals and policies for the County, which have been reviewed for consistency with this water management plan. Task Force members are also familiar with Heron Lake Watershed District management documents, and operations procedures for Kanaranzi-Little Rock Watershed District, and Okabena-Ocheda Watershed District. While portions of the KLRWD are located in Rock County, Minnesota, this plan has fully considered (and is based on the format of) the *Rock County Water Plan* (revised and adopted 6/2007). No other formal plans were received for review.

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

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

E. Kanaranzi-Little Rock Watershed District

The Kanaranzi-Little Rock Watershed District was established on October 1, 1981, for the following purposes:

1. To provide for the orderly management of all the waters in the District for the protection of the public health and welfare and the provident use of the natural resources; and
2. To prevent recurring damage to property and resources caused by uncontrolled flooding, erosion and siltation.

Information on existing and updated statistical data, description of problems and summaries of completed studies, is included in *B.2 Assessment of Priority Concerns* above, as well as in the historical editions of the Nobles County Water Plan referenced herein. Specific projects and programs are described in *Section C. Implementation to Address Priority Concerns* and *Section D. Implementation Schedule of Ongoing Concerns*, above. Additional information specific to the KLR Watershed District follows.

E.1 Progress Since District Formation

a. First Overall Plan

The District's first Overall Plan was approved in August 1982. The overall goal of the plan was to scientifically manage the District's surface and groundwater to assure that an adequate quantity and quality is maintained to meet domestic, commercial, and recreational and wildlife needs. To meet the goals, the objectives of the District included, but were not limited to, the following:

1. To provide adequate water quantity and quality for essential human and animal needs;
2. To reduce flooding;
3. To control sheet, rill, gully, and streambank erosion and the siltation of watercourses;
4. To protect surface and groundwater from pollution;
5. To prevent flood plain encroachments that would materially increase the flood damage potential;
6. To preserve wetlands for water retention, recharge, soil conservation, and wildlife habitat;
7. To improve wildlife habitat and recreational opportunities;
8. To coordinate District activities with neighboring watershed districts and all other interested units and agencies to the fullest practical extent; and
9. To compile hydrologic information on the District.

b. Kanaranzi-Little Rock Watershed PL-566 Project

Planning for the Kanaranzi-Little Rock Watershed PL-566 Project began at the time the District formed. The project area covers the entire District or 198,400 acres in Nobles and Rock counties. The project's primary goal is to prevent serious soil erosion and at the same time reduce flooding. Sponsors including the Kanaranzi-Little Rock Watershed District, Nobles SWCD, Rock SWCD and the Nobles County Board of Commissioners formed a Joint Powers Board to locally plan and administer the project. The project administration is primarily funded the District's levy, but some state grant assistance was received.

The first long-term contracts providing landowners with conservation planning and planning assistance were approved in 1989. Since then, 124 contracts have been written with the District's landowners. Approximately 22,141 acres have been protected by conservation practices using about $1.9 million of federal money. As of 2008, the total cost of the conservation practices is $2.97 million, including the landowners' contributions.

The Kanaranzi-Little Rock Watershed Project PL566 was directed in 2008 by the NRCS state office to discontinue writing any additional contracts and any contracts that were in progress were to be completed before the end of the year. $68,000.00 remains in project agreements for this project. The Kanaranzi-Little Rock Watershed is working with the NRCS state office to try to commit the remaining funding to a project to address flooding in the watershed district.

c. Current Programs

Meeting the goals and objectives stated at the time of District's formation will be an ongoing long-term process. The programs in the adjacent table have been developed and are currently in place for the benefit of the District's residents and natural resources. The District will continue to fund these programs through its levy, grants and other sources in the future.

Nobles Local Water Management Plan
KLR Watershed District Projects and Incentive Programs Summary
August 2008

Program Name	Number of Participants	Approximate Cost
PL-566 Project	124	$2,970,656.00
Local Cost-Share	103	$175,564.00
Streambank Stabilization	1	$1,000.00
Tree Plantings	15	$2,500.00
Conservation Use Acres	75	$26,000.00
CRP Filter/Buffer Strips	25	$9,322.50
Well Sealing	82	$7,071.00

Source: KLRWD

At present time the Little Rock River watershed is listed by MPCA to be impaired for turbidity. The District is working with the Nobles SWCD to do more water testing in the Little Rock River and the Kanaranzi Creek Watersheds. TMDL's will need to be completed during the next several years for the Little Rock River for turbidity as well

F. Okabena-Ocheda Watershed District

On February 28, 1961, the Minnesota Water Resources Board issued an order dissolving the Worthington Drainage and Conservancy District and establishing the Okabena-Ocheda Watershed District with approximately its present boundaries.

The Districts Overall Management Plan was adopted in 1962 and later amended in 1965 and 1972. The 1972 plan listed the following objectives for the District:

1. Control or alleviation of damage by flood waters;
2. Improvement of stream channels;
3. Reclaiming or filling wet and overflowed lands;
4. Providing water supply for irrigation;
5. Regulating the flow of streams and conserving the waters thereof;
6. Diverting or changing watercourses in whole or in part;
7. Providing and conserving water supply for the domestic, industrial, recreational and other public use;
8. Providing for sanitation and public health and regulating the use of streams, ditches, or watercourses for the purpose of disposing of waste;
9. Repair, improve, relocate, modify, consolidate, and abandon, in whole or in part, drainage systems within the district;
10. Imposition of preventive or remedial measures for the control or alleviation of land and soil erosion and siltation of watercourses or bodies of water affected thereby;
11. Regulating improvements by riparian landowners of the beds, banks, and shores of lakes, streams and marshes by permit or otherwise in order to preserve the same for beneficial use.

The 1972 overall plan was not updated until 1998 when the District adopted the Nobles County Comprehensive Water Management Plan as its management plan. The District again adopted the updated version of the county comprehensive water management plan in 2002. The 1998 and 2002 plans did not include objectives for improvement of stream channels, filling and draining wetlands and diverting or changing watercourses. Instead, these versions focused on protecting surface water and groundwater quality, preventing flood damage by reducing and treating runoff, establishing grassed buffers along streams and around lakes, protecting and restoring wetlands and retiring marginal agricultural land.

The District's goals and objectives and management strategies listed in the 2002 Nobles County Comprehensive Water Management plan are replaced by the priority concerns, goals and objectives in section C of this plan.

F.1 Progress Since District Formation

During the District's first twenty-five years, activities focused on regulating private drainage projects, establishing public drainage projects, diverting water to maintain lake

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

In the Matter of Prescribing a Revised Watershed Management Plan for the Kanaranzi-Little Rock Watershed District Pursuant to Minnesota Statutes Section 103D.405

ORDER PRESCRIBING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Kanaranzi-Little Rock Watershed District (KLRWD) filed a proposed Revised Watershed Management Plan (Plan) with the Minnesota Board of Water and Soil Resources (Board) on November 12, 2008, pursuant to Minnesota Statutes Section 103D.405, and;

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

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

FINDINGS OF FACT

1. **District Establishment.** The Minnesota Water Resources Board, by order, established the KLRWD on October 1, 1981.

2. **Requirement to Plan.** A watershed district is required to revise their watershed management plan at least once every ten years pursuant to Minnesota Statutes Section 103D.405, Subd. 1 (a). The plan includes an inventory of the District's physical features and water resources, describes water-related problems and possible solutions, describes activities and projects that the District has completed, and states objectives for current and future water resources management within the District. The portion of the District within Rock County (approximately 20 square miles) will be governed by the Goals, Objectives and Actions listed in the revised Rock County water plan, adopted June 16, 2007.

3. **Nature of the Watershed.** The KLRWD is approximately 310 square miles in size and is located in southwestern Minnesota. Lands within the District are distributed in the following counties: Nobles, 290 square miles (94%) and Rock, 20 square miles (6%). Kanaranzi Creek originates in northwestern Nobles County, flows through the southeast corner of Rock County and joins the Rock River in Iowa. The Little Rock River originates in south central Nobles County, flows southwest and also joins the Rock River in Iowa. The Rock River joins the Big Sioux River at the Iowa-South Dakota border. The Big Sioux River flows south and enters the Missouri River at Sioux City, Iowa. From inception, the District's focus has been to manage surface and ground water to assure that an adequate quantity and quality is maintained to meet domestic, commercial, recreational and wildlife needs.

4. **Local Review**. A copy of the draft Plan was sent to units of government for their review pursuant to Minnesota Statutes Section 103D. 405.

5. **Department of Natural Resources Review.** The Plan was submitted to the Director, DNR Division of Waters on November 13, 2008. Comments dated January 30, 2009, stated the Plan will be a practical tool to use in managing the water resources of the District by dedicated staff.

6. **Minnesota Pollution Control Agency Review.** The MPCA recommended approval of the plan in comments dated January 2, 2009.

7. **Minnesota Department of Agriculture Review**. The MDA recommended approval of the plan in comments dated November 24, 2008.

8. **Minnesota Department of Health Review**. The MDH recommended approval of the plan in comments dated December 2, 2008.

9. **Board of Water and Soil Resources Review.** Board staff provided numerous minor comments, primarily specifying items that needed further clarification or corrections. The comments have been incorporated into the Plan.

10. **Highlights of the Plan.** Nobles County developed a unified comprehensive water resources management plan for the entire County incorporating the Nobles County Local Water Plan, Nobles Soil and Water Conservation District (SWCD) comprehensive plan and watershed district plans for the Kanaranzi-Little Rock Watershed District and Okabena-Ocheda Watershed District. This is a collaborated effort to achieve goals for sound hydrological management of water and related resources.

    - The Plan identifies three priority concerns:
        - **Surface Water Quality** – Goal 1: Prevent further degradation of stream and lake water quality, with a priority for shoreland, Total Maximum Daily Load (TMDL)-listed waters, and un-sewered communities.
        - **Drainage Management** – Goal 2: Restore more natural flow in the drainage system, with a priority for shoreland.
        - **Public Water Supply** – Goal 3: Assure long-term quality and quantity of public water supplies, with a priority for Drinking Water Supply Management Area (DWSMA) and areas not currently served by public/community systems.

11. **Publish Notice of Filing.** Legal Notice of Filing was published in the Rock County Star Herald on February 12, 2009, and in the Worthington Daily Globe on February 6, 2009. The Legal Notice of Filing was also mailed in a memo from Board staff Travis Germundson dated February 9, 2009, to several addresses, including the Nobles and Rock county auditors and administrators, the Nobles and Rock soil and water conservation districts, and cities with land in the District.

12. **Public Hearing.** The Legal Notice of Filing was published pursuant to Minnesota Statutes Section 103D.105, Subd. 2 and 103D.405, Subd. 5 which require within 30 days of the last date of publication of the Notice of Filing of the Plan that at least one request for hearing be received by the Board before a hearing will be held. No request for hearing and no comments were received during the specified period of time and no hearing was held.

13. **Southern Region Water Planning Review Committee Meeting.** On March 5, 2009, the Board's southern region water planning review committee (Committee) and staff met in Renville County to review and discuss the plan. Those in attendance from the Board's Committee were Becky Balk, Randy Kramer, Paul Langseth, and Dan Wilson. Board staff in attendance were Jeff Nielsen, regional supervisor, and David Sill, board conservationist. Board staff recommended approval of the Plan. After discussion, the subcommittee unanimously voted to recommend approval of the Kanaranzi-Little Rock Watershed District Plan to the full Board; contingent on any substantive comments as determined by the Chair (because the comment period runs through March 13, 2009 based on the date of the last publication).

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving a Revised Watershed Management Plan for the Kanaranzi-Little Rock Watershed District pursuant to Minnesota Statutes Section 103D.405.

3. The Kanaranzi-Little Rock Watershed District Revised Watershed Management Plan attached to this Order defines water-related problems within the District boundaries, possible solutions thereto, and an implementation program.

4. The attached Plan is in conformance with the requirements of Minnesota Statutes Chapter 103D, Board guidelines for Watershed District Plan content and is consistent with the affected county comprehensive water plans.

ORDER

The Board hereby prescribes the attached plan as the Revised Watershed Management Plan for the Kanaranzi-Little Rock Watershed District.

Dated in St. Paul, Minnesota this 25th day of March 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

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

In the Matter of Prescribing a Revised Watershed Management Plan for the Okabena-Ocheda Watershed District Pursuant to Minnesota Statutes Section 103D.405

ORDER PRESCRIBING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Okabena-Ocheda Watershed District (OOWD) filed a proposed Revised Watershed Management Plan (Plan) with the Minnesota Board of Water and Soil Resources (Board) on November 12, 2008, pursuant to Minnesota Statutes Section 103D.405, and;

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

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

FINDINGS OF FACT

1. **District Establishment.** The Minnesota Water Resources Board, by order, established the OOWD on February 25, 1961.

2. **Requirement to Plan.** A watershed district is required to revise their watershed management plan at least once every ten years pursuant to Minnesota Statutes Section 103D.405, Subd. 1 (a). The plan includes an inventory of the District's physical features and water resources, describes water-related problems and possible solutions, describes activities and projects that the District has completed, and states objectives for current and future water resources management within the District.

3. **Nature of the Watershed.** The OOWD is approximately 76 square miles in size and is located in southwestern Minnesota. Lands within the District are distributed in the County of Nobles (100%). The District is located on the drainage divide between the Mississippi and Missouri river basins. It contains three lakes and is the origin of the Ocheyedan River and Okabena Creek. Approximately 40,000 acres of the District are drained southward to the Ocheyedan River. The Ocheyedan River is a tributary of the Little Sioux River that flows into the Missouri River. Flood control structures and diversions in the District cause about 8,000 acres to drain either southward into the Ocheyedan River or eastward into Okabena Creek. The District also contains a portion of the City of Worthington where storm water drains north and east into Okabena Creek. Okabena Creek flows through the Heron Lake Watershed into the Des Moines River. During the District's first twenty-five years, activities focused on flood control, regulating private drainage projects, establishing public drainage projects, diverting water to maintain lake levels and protecting and enhancing Worthington's groundwater supply. Recent projects have focused on protecting surface water and groundwater quality by reducing and treating runoff, establishing grassed buffers along streams and around lakes, protecting and restoring wetlands and retiring marginal agricultural land.

4. **Local Review**. A copy of the draft Plan was sent to units of government for their review pursuant to Minnesota Statutes Section 103D. 405.

5. **Department of Natural Resources Review.** The Plan was submitted to the Director, DNR Division of Waters on November 13, 2008. Comments dated January 30, 2009, stated the Plan will be a practical tool to use in managing the water resources of the District by dedicated staff.

6. **Minnesota Pollution Control Agency Review.** The MPCA recommended approval of the plan in comments dated January 2, 2009.

7. **Minnesota Department of Agriculture Review**. The MDA recommended approval of the plan in comments dated November 24, 2008.

8. **Minnesota Department of Health Review**. The MDH recommended approval of the plan in comments dated December 2, 2008.

9. **Board of Water and Soil Resources Review.** Board staff provided numerous minor comments, primarily specifying items that needed further clarification or corrections. The comments have been incorporated into the Plan.

10. **Highlights of the Plan.** Nobles County developed a unified comprehensive water resources management plan for the entire County incorporating the Nobles County Local Water Plan, Nobles Soil and Water Conservation District (SWCD) comprehensive plan and watershed district plans for the Kanaranzi-Little Rock Watershed District and Okabena-Ocheda Watershed District. This is a collaborated effort to achieve goals for sound hydrological management of water and related resources.

    - The Plan identifies three priority concerns:
        - **Surface Water Quality** – Goal 1: Prevent further degradation of stream and lake water quality, with a priority for shoreland, Total Maximum Daily Load (TMDL)-listed waters, and un-sewered communities.
        - **Drainage Management** – Goal 2: Restore more natural flow in the drainage system, with a priority for shoreland.
        - **Public Water Supply** – Goal 3: Assure long-term quality and quantity of public water supplies, with a priority for Drinking Water Supply Management Area (DWSMA) and areas not currently served by public/community systems.

11. **Publish Notice of Filing.** Legal Notice of Filing was published in the Rock County Star Herald on February 12, 2009, and in the Worthington Daily Globe on February 6, 2009. The Legal Notice of Filing was also mailed in a memo from Board staff Travis Germundson dated February 9, 2009, to several addresses, including the Nobles and Rock county auditors and administrators, the Nobles and Rock soil and water conservation districts, and cities with land in the District.

12. **Public Hearing.** The Legal Notice of Filing was published pursuant to Minnesota Statutes Section 103D.105, Subd. 2 and 103D.405, Subd. 5 which require within 30 days of the last date of publication of the Notice of Filing of the Plan that at least one request for hearing be received by the Board before a hearing will be held. No request for hearing and no comments were received during the specified period of time and no hearing was held.

13. **Southern Region Water Planning Review Committee Meeting.** On March 5, 2009, the Board's southern region water planning review committee (Committee) and staff met in Renville County to review and discuss the plan. Those in attendance from the Board's Committee were Becky Balk, Randy Kramer, Paul Langseth, and Dan Wilson. Board staff in attendance were Jeff Nielsen, regional supervisor, and David Sill, board conservationist. Board staff recommended approval of the Plan. After discussion, the subcommittee unanimously voted to recommend approval of the Okabena-Ocheda Watershed District Plan to the full Board; contingent upon any substantive comments as determined by the Chair (because the comment period runs through March 13, 2009 based on the date of the last publication).

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving a Revised Watershed Management Plan for the Okabena-Ocheda Watershed District pursuant to Minnesota Statutes Section 103D.405.

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

4. The attached Plan is in conformance with the requirements of Minnesota Statutes Chapter 103D, Board guidelines for Watershed District Plan content and is consistent with the affected county comprehensive water plans.

ORDER

The Board hereby prescribes the attached plan as the Revised Watershed Management Plan for the Okabena-Ocheda Watershed District.

Dated in St. Paul, Minnesota this 25th day of March 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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BY: Randy Kramer, Chair

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Nobles County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on November 12, 2008 pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1. On August 29, 2007, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Nobles County, pursuant to M.S. Section 103B.312.

2. On December 19, 2007, the Board of Water and Soil Resources approved official comments on the Nobles County Priority Concerns Scoping Document, which were mailed to the County on December 19, 2007.

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

    a. **Surface Water Quality** – Goal 1: Prevent further degradation of stream and lake water quality, with a priority for shoreland, TMDL-listed waters, and un-sewered communities.
    b. **Drainage Management** – Goal 2: Restore more natural flow in the drainage system, with a priority for shoreland.
    c. **Public Water Supply** – Goal 3: Assure long-term quality and quantity of public water supplies, with a priority for DWSMA and areas not currently served by public/community systems.

4. On February 20, 2008, the Minnesota Board of Water and Soil Resources received a resolution from Nobles County requesting a one-year extension of the current water plan to April 30, 2009.

5. On March 26, 2008, the Board of Water and Soil Resources approved the Nobles County water plan extension request to April 30, 2009.

6. On November 12, 2008, the BWSR received the Nobles County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update for the final State review pursuant to M.S. Section 103B.315, Subd. 5.

7. On March 5, 2009, the Board's southern region water planning review committee (Committee) reviewed the recommendation of the state review agencies regarding final approval of the Nobles County Plan Update. Recommendations of the state review agencies were:
    a. Minnesota Department of Agriculture: recommends approval;
    b. Minnesota Department of Health: recommends approval;
    c. Minnesota Pollution Control Agency: recommends approval;
    d. Minnesota Department of Natural Resources: recommends approval;
    e. Minnesota Environmental Quality Board: no recommendation received;
    f. Minnesota Board of Water and Soil Resources regional staff: recommends approval;
    g. Board Southern Region Water Planning Review Committee: recommends approval;

8. This update will be in effect until March 25, 2019.

CONCLUSIONS

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

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

ORDER

The Board hereby approves the attached update of the Nobles County Local Water Management Plan with a required update to the Implementation section (Goals, Objectives, and Action) by March 25, 2014.

Dated at St. Paul, Minnesota, this 25th day of March, 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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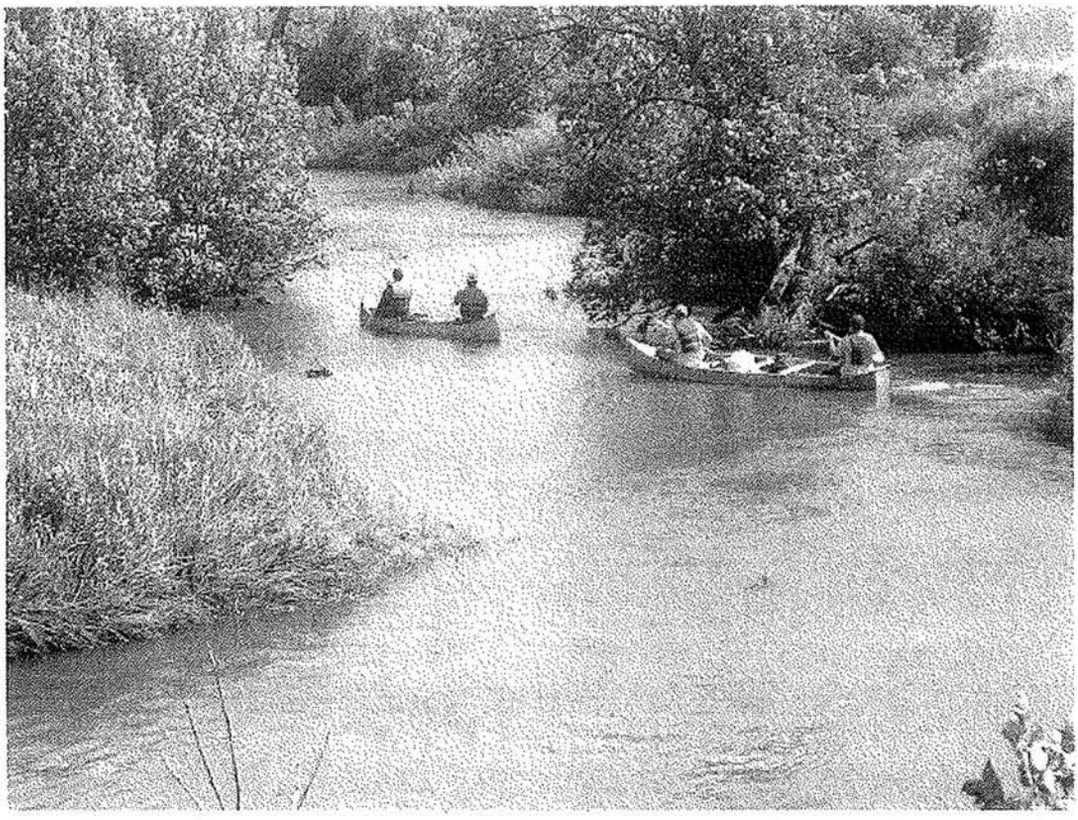
BY: Randy Kramer, Chair

YELLOW MEDICINE RIVER WATERSHED DISTRICT

10 YEAR OVERALL WATERSHED PLAN

SCHULER ENVIRONMENTAL ENGINEERING SERVICES

January 2009-January 2019



I. Executive Summary

The Yellow Medicine River 10 year plan comprises a description of the current state of the watershed and organization, a review of the past plan accomplishments, and a plan of goals and strategies for the next 10 years. The plan is divided into twelve chapters including:

- An introduction
- A general profile of the District
- A description of regulatory programs
- A profile of district stakeholders
- A demographic and economic profile
- A physical environment profile
- A description of complete and current projects
- A description of the outcomes from the past plan
- Goals and objectives for the next plan
- A ten year strategic plan
- A description of resource management
- A description of the plan administration

The intent of the plan is to review the past plan accomplishments in view of the goals and objectives that were planned, describe the current state of the Watershed District, and set a vision for the next ten years. The new plan identifies many goals for hydrology, water quality, organizational capability, and public outreach. Numeric goals are established where practical, and broad strategies and detailed tactical plans are included that describe the path to achieve the goals. The intent is to utilize the numeric goals as performance measures to track the progress and have a better understanding of where we have been, where we are currently, and what is required to achieve our goals.

An emphasis is placed on managing the hydrology of the watershed and in particular flooding issues. Providing protection and improvement of the water quality of the streams, rivers, and lakes within the watershed is also a top priority in this plan. A prominence is placed on the Total Maximum Daily Load program in achieving the water quality goals. The next priority is providing applicable research to move to a new level of capability in controlling pollutant discharges. An emphasis is also placed on public outreach and education to inform residents of watershed issues and receive input from the general public.

The plan is also focused on managing the watershed resources, with a focus on providing public outreach on issues important to the citizens at large and private and public organizations. An importance is placed on relaying an understanding of the cause and effect of flooding, water quality, natural resources, economic trends, and additional issues to the general public.

II. Introduction

The Yellow Medicine River Watershed District (YMRWD) is located in southwestern Minnesota, encompassing 685 square miles. Lands within the District are distributed in the following counties; Lincoln (39%), Lyon (23%), and Yellow Medicine (38%).

The previous 10-year plan process began in 1994 under the direction of the Yellow Medicine River Watershed District Managers and their plan consultant - George Holcomb, retired University of Minnesota Extension Specialist. The new plan represents a compilation of inputs from the watershed community, citizens advisory committee, staff, project partners, local and state agencies, consultants, and private organizations. The plan developed a vision, goals, strategies, and tactical plans to address watershed issues, problems, and change through the next ten years.

Overall Plan Content

The 10-year overall plan consists of several elements including: information and education, monitoring, watershed assessment and inventories, water quality and hydrologic investigations, diagnostic and feasibility studies, total maximum daily load analysis, strategic plans and capital improvement projects. The 10-year strategic plan structure consists of, in a hierarchical order, a mission statement, goals, strategic plans, and supporting tactical plans. The mission statement describes the ultimate intent of the organization. The goals describe specific components of the mission. The strategic plan describes general initiatives that will lead to and support the intended goals. The tactical plans are the actual projects such as diagnostics, feasibility studies, and implementations of structures, cultural attitudes, best practices, etc. that accomplish the specific strategies. The plan also includes a tracking mechanism to determine the relative progress of the strategic plans toward accomplishing the mission. This feature is a performance measure that indicates both qualitatively and especially quantitatively, the current status of the tactical plans relative to the strategic plans, and ultimately to the organizational mission.

The revised plan provides an updated inventory of the watershed setting and physical features, and describes the water resources and water use within the District. Existing and potential problems of the District are then identified and described in detail. The plan identifies flooding, drainage, erosion and sedimentation, and associated water quality deterioration as major problems. Fish and wildlife resources and water supply are also identified as issues. A strategic plan is outlined in the context of improvement projects, public information and education, regulatory initiatives, resource management programs, and intergovernmental coordination and cooperation.

Flood damage reduction is a major concern of the previous 10-year plan and remains the number one concern through the new plan. The initiatives addressing flooding involve improvements in the data collection process. These improvements include a more intense data collection effort for drain-tile plans, flood control structures, road crossings and bridge design, and other features throughout the watershed that influence flooding. The

intent of the plan is to develop GIS based models to: 1) predict runoff from various rainfall events, simulate control strategies, and determine realistic flooding goals, and develop tactical plans to achieve the goals. The plan involves the use of these tools to depict areas subject to flooding and provide leadership and coordination across political boundaries in the acceleration of best management practices. The new plan continues to encourage road retention projects and other flood control structures. The strategies include plans for the continued operation of the current stream-gauging network.

These initiatives have been completed to various extents and the new plan calls for linking flood reduction programs to numeric goals. The inventory will become the basis for estimating regional and local flooding extent, refine the effect of flood reduction methods, develop priority flooding areas, and ultimately realistic flood reduction goals for the watershed.

The previous plan (January 24, 1997) established goals, objectives and proposed actions for each of the previously identified problems. Several actions included: identification, evaluation and prioritization of sub-basins within the District for a comprehensive approach to resource management. The District prioritized 15 sub-basins in the past 10 years and has implemented many lake and stream restorations, erosion control measures, and nutrient management projects. The sub-basins are prioritized by phosphorus, nitrogen, and suspended solids content of stream runoff, and GIS maps of these watersheds have been delineated. The new plan furthers this effort by refining the goals and performance measures that will accompany and track the progress implementation efforts.

The plan also includes efforts to:

1. Complete impaired water listings and pursue Total Maximum Daily Loads (TMDL's) on impaired waters within the watershed.

2. Protect existing watershed resources; request appropriate agencies to identify priority areas for fish, wildlife and recreational resources for preservation, development or improvement.

3. Provide leadership and coordination across political boundaries regarding water supply, and projects monitoring the quantity and quality of ground and surface water; review and amend current District rules and regulations.

4. Provide leadership in reviewing and adapting to changing regulatory and technological environment.

Description of the Planning Process

The planning process developing the new 10-year plan included assembling a technical committee involving the YMRWD Board and staff, Board of Water and Soil Resources

(BWSR), the three Soil and Water Conservation Districts (SWCD's Lincoln, Yellow Medicine, and Lyon counties), the Natural Resources Conservation District (NRCS), three county water planners, and the Minnesota Pollution Control Agency (MPCA) to provide input and guidance through the process. A meeting was held with the DNR area hydrologist at the beginning of the planning process to discuss opportunities and priorities. Several meetings with the citizens advisory committee, local cities, townships, and interested citizens were conducted to document input on watershed concerns and develop plans to address these concerns. This planning process linked data findings, projects, and the experience of the past efforts to landowners, citizens, agencies, and the general public to identify and address watershed goals.

Public Informational Meeting Issues

The YMRWD conducts annual Advisory Committee hearings. The committee consists of: one Lincoln County, one Lyon County and one Yellow Medicine County Commissioner, one Lincoln, one Lyon and one Yellow Medicine SWCD supervisor, and one Lincoln, one Lyon and one Yellow Medicine Water Management Task Force coordinator or representative. The official notice of the advisory hearing is published in the Tri-County News, Canby News, Minneota Mascot, and Marshall Independent.

A major issue concerning public meetings for the YMRWD is poor attendance by the local residents. Drainage issues rank high among the issues and interested parties are usually limited to the affected landowners. Chief among the concerns is the capacity of tile lines and the effect of adding additional tile lines to existing systems. These issues are usually limited to a local drainage area, and the problems address localized conditions of tile capacity and reduction in flow.

The YMRWD also conducts special meetings concerning water quality projects, TMDL's, and special issues such as culvert downsizing projects. The South Branch Fecal Coliform TMDL meetings involved presenting the scope of the plans initially, and subsequent meetings addressed the findings of the TMDL study and the presentation of the implementation plan. Some of the chief concerns include the impact of the implementation plan on the local landowner, especially the agricultural producer. The issues revolve around the conflict between the profitability of agricultural operations impacted by conservation best management practices (BMP's). The most apparent conflict is the loss of revenue resulting from land retirement or set aside such as conservation reserve program (CRP) and riparian buffer strips. Additional concerns include the modification of cultivating practices that can reduce yields and profitability, and introduce additional steps into the growing process.

The rising costs of production vs. crop prices remain a basic issue in the agricultural community. Payments for installing conservation practices usually fall short of potential profits from crop production, and the growers are concerned about the sustainability of the farm.

X. 10 Year Goals and Objectives

Looking Out 10 Years

The current trend for the District residents is a decline in populations, both rural and municipal. The problems developing include a decline in some of the basic support institutions such as schools and hospitals, as well as a decline in the entertainment industry. A consolidation in farm operations with fewer population and larger farms is being addressed by similar consolidations in support institutions. Restaurants and shops in local cities are closing, and the trend is moving entertainment, food, and commerce to the regional centers such as the city of Marshall.

The dominance of agriculture in the District has continued for many decades and has been accompanied by limited development of alternate industries. The diversity of industry may develop significantly over the next ten years with alternative crops supplying a growing "organic" foods demand by consumers. There is also a large initiative to move toward bio-fuel production that is being driven by the rising costs of oil production. Ethanol production is rapidly increasing and is moving from corn as a primary grain source to other types of native grasses, woody vegetation and other plant bi-products for energy production.

Public Outreach and Education Goals

The intent of the next plan will be to increase the awareness of watershed issues within the District community. The use of new communication tools will be a goal of the District staff and Board. The District will continue to develop web applications and the use of wireless communication devices to interact with citizens and agencies. Education goals for the District community will include:

1. Provide a clear understanding of the role of the YMRWD to the public
2. Provide the public with an understanding of causes and effects of river flooding.
3. Provide the public with a clear understanding of the causes of water quality deterioration and the challenges of restoration.
4. Identification of agencies, programs, and resources to address individual and regional watershed problems and issues.
5. Provide educational opportunities for schools within the District.

Hydrologic/Flooding Goals

The District will make a concerted effort to compile and analyze all hydrological information such as topography, landuse, structural, tile lines, and ditch and stream morphology to access the current state of flooding in the District. An effort will be made to include the proper amount of detail to predict stream and river discharges throughout the watershed for a wide range of rainfall and soil moisture conditions. The information will be used to model the watershed and develop cost effective control measures and determine realistic hydrologic goals.

The State of Minnesota is compiling a "Wetlands Restoration Strategy" that is estimated to be finished by the end of 2008. This initiative will provide guidance in prioritizing wetland restorations for specific water quality improments, habitat gains, flood damage reduction, and additional benefits. The strategy for drainage management should consider an integrated management effort that combines many technologies and efforts to provide beneficial improvements.

Watershed district began with the intent to focus on flooding issues, water quantity

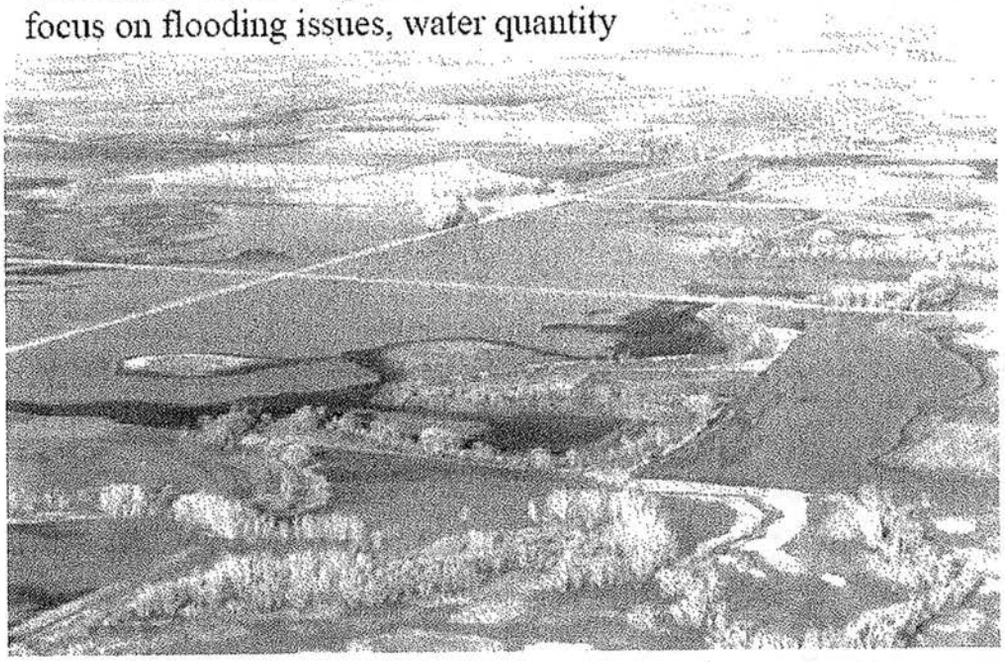


Figure 26 Yellow Medicine River Flooding

Table 21 shows the land area that has been subject to flooding in terms of the 25 year and 100 year frequency rainfall event.

Table 21 YMR Acreages Subject to Flooding

Sub-Watershed	Annual Ave.	25 year	100 year
Yellow Medicine Main Channel	7,963	14,497	18,019
Taunton	269	681	934
Antelope Valley	889	1,554	1,887
Mud Creek	1,794	2,821	3,311
South Branch	882	2,488	3,120
Spring Creek	2,879	4,695	5,478
Total	13,685	26,736	32,749

Water Quality Goals

Water quality goals for the District is currently a 25% reduction in phosphorus, nitrogen, and suspended solids mass loading at the mouth of the Yellow Medicine River. The reduction is compared to the mass loading assessments determined during the 1997-1999 Greater Yellow Medicine River CWP.

Priority sub watersheds were established during the GYMR CWP and are displayed in Figures 27 The initial goal was to achieve a 25% reduction in the three water quality parameters within a six year period. A more realistic goal will be to achieve this reduction in the next ten years.

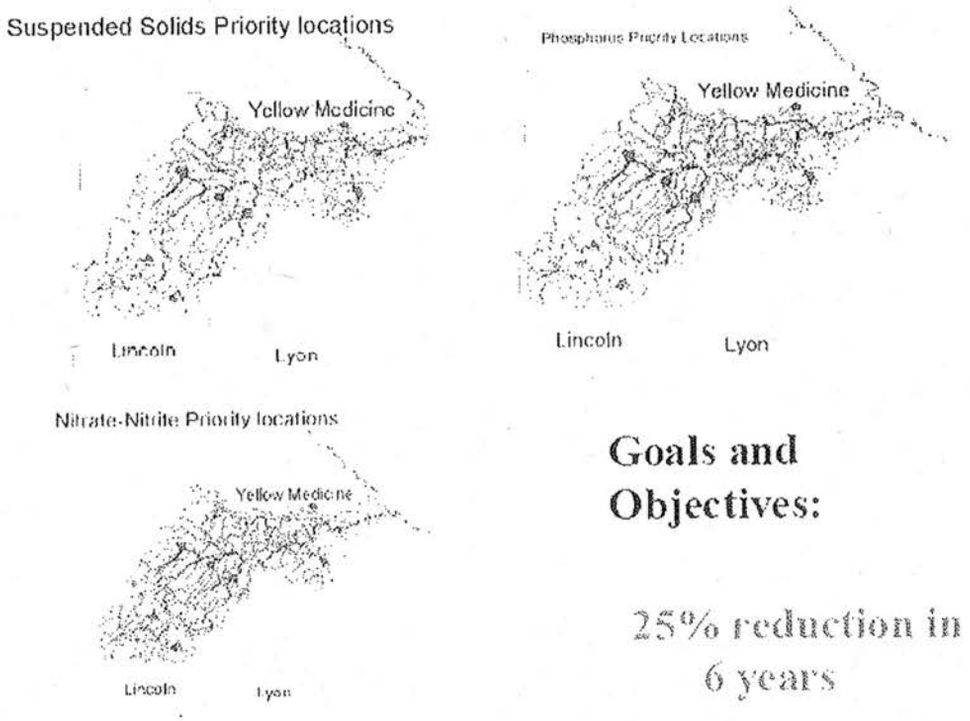


Figure 27 Priority Sub Watersheds

Incorporation of New Regulations, Technologies, and Practices

1. Regulatory Environment

The regulatory environment for the next 10 years will focus initially on the TMDL program. Every two years, additional impaired waters will be added to the current 303d list. Presumably a great deal of Minnesota surface waters and numerous reaches of the Yellow Medicine River will be on the impaired list. The chief focus and effort should shift from assessing waters and writing TMDL's to implementation activities. Several challenges are currently present and will compound in the future revolving around the issue of pollutant allocations resulting from TMDL studies. Development issues and

restrictions will need to be resolved, along with funding issues for the required implementation measures. Important issues will involve:

- Implementation costs – with the numeric TMDL goals costs of corrective action will be high.
- Funding – long term funding mechanisms will need to develop.
- Zoning – regulation of development with a focus on regulated pollutant allocations.
- Trading – sharing of pollution reduction credits will develop to address a series of complex issues involved including watershed specific trading and the uncertainty of pollution reduction credit for various conservation management practices.
- Discharge regulations – presumably the regulatory environment will become increasingly restrictive for municipal and rural non-point discharges.
- Clearly educating citizens concerning water quality impairments and the corrections/solutions that will be needed; and local government coordination of implementation activities, programs and staff expertise.

2. Chemical Treatments

The use of chemical treatments such as aluminum and iron salts to surface waters will become an increasingly necessary control option. With the increasing development of watershed runoff and associated pollutant discharges are difficult to successfully control with standard conservation practices. The costs and residual problems associated with the use of aluminum and iron will pose a challenge to their wide spread use.

3. Ethanol Production

Ethanol production in the US is increasing at a rapid pace due to the rising costs of gasoline and diesel. The corn growers have been anxiously anticipating a rise in corn prices as a result. However, each increase of $1.00 per mmbtu raises the cost of ethanol $0.034 per gallon. Table 22 illustrates the relationship between rising corn prices and the corresponding rise in cost of ethanol.

Table 22 Cost of Corn vs. Cost of Ethanol

Corn Price	Net Cost/Gallon
$2.00	$1.27
$2.50	$1.45
$3.00	$1.63
$3.50	$1.80
$4.00	$1.98
$4.50	$2.16
$5.00	$2.34

Many environmental factors play a role in ethanol production from corn. With rising prices many acres of corn production would be anticipated offsetting acreage that are currently not in production. Current and future lands enrolled in conservation programs would presumably be placed in corn production instead. The net effect of the increase in

production could have a significant negative impact on the water quality of surface waters.

Table 23 shows the potential energy produced per unit of fossil fuel used in the production comparing ethanol from two sources, grain and cellulose, and biodiesel from soybean oil to two traditional fuels, gasoline and diesel. Favorable ratios are above 1.0 and fuels that yield less energy than was used their production have ratio less than 1.0. As can be seen, both ethanol and biodiesel have favorable ratios while gasoline and diesel have negative ratios. In addition, ethanol from cellulose is far superior to ethanol from grain. Many sources of cellulose such as switch grass are environmentally friendly and can act as a "cash crop" in ethanol production.

This could potentially be a boon for water quality restoration efforts using switch grass for a cash crop and replacing intensive corn production with stable grasses. The USEPA and the MPCA are actively developing plans to realize the benefits of cellulose based ethanol production in conservation practices.

Table 23 Comparison of Ethanol Production to Conventional Fuels[8]

Fuel	Energy Out/Fossil Energy In	%GHG Reduction vs. Gas/Diesel
Gasoline	.81	-
Ethanol from Grain	1.35	26
Ethanol from Cellulose	4.17	85
Diesel	.91	-
Biodiesel from Soybean Oil	3.24	53

4. Carbon and Phosphorus Credits/Trading

Water quality trading is an innovative approach to achieve water quality goals more efficiently. Trading is based on the fact that sources in a watershed can face very different costs to control the same pollutant. Trading programs allow facilities facing higher pollution control costs to meet their regulatory obligations by purchasing environmentally equivalent (or superior) pollution reductions from another source at lower cost, thus achieving the same water quality improvement at lower overall cost.

While trading can take many different forms, the foundations of trading are that a water quality goal is established and that sources within the watershed have significantly different costs to achieve comparable levels of pollution control.

[8] Biodiesel Sources: International Energy Agency. Biofuels For Transport, OECD, Paris, France, April 2004, Tables 3 & 7. Michael Wang, "An Update of Energy and Greenhouse Emissions: Impacts of Fuel Ethanol," Center for Transportation Studies, Argonne National Laboratory, Feb. 8, 2005.533.24Biodieselfrom

Water quality trading works best where watershed circumstances favor trading. The program can be a powerful tool for achieving pollutant reductions faster and at lower cost. Under favorable conditions there is a need that motivates facilities to seek pollutant reductions, usually a Total Maximum Daily Load (TMDL) or a more stringent water quality-based requirement in an NPDES permit, and the pollutant sources within the watershed have significantly different costs to control the pollutant of concern.

If the necessary levels of pollutant reduction are not so large that all sources in the watershed must be reduced as much as possible to achieve the total reduction needed, and trading can be used to sell surplus pollution reductions as credits. The program has the possibility of bringing more money to the landowner for specific implementations. The watershed stakeholders and the state regulatory agencies have to be willing to try an innovative approach and engage in trading design and implementation issues.

The reduction in pollution that a producer generates by implementing conservation practices can be "traded" with an industrial or municipal facility that is required by law to reduce the amount of pollution in its wastewater. Under these circumstances a landowner could be paid more money to implement conservation practices.

Water quality credit trading is not without problems, however. The value of any water quality credit would be based on estimates of environmental benefit that carries a significant amount of uncertainty. Most estimates are grounded in modeled simulations and can vary greatly in different situations. The ranges of edge of field pollutants reported that have been measured and reported in the literature generally show a wide range of values. To account for the uncertainty credits could be traded in ratios of 2:1 or greater to add a margin of safety.

In situations that are economically feasible to trade credits at a ratio of 2:1 or better, water quality trading offers a new and potentially effective tool to the currently limited pool of conservation applications.

Milestone Schedule

Goal 1 – Reduce Flooding

Strategy: Implement projects that will reduce total discharges from rain events

Tactical Plan	Start – End	Cost
Restore Wetlands	2008-2018	$200,000
Implement Cropping Practices	2008-2018	$20,000
Implement Residue Management	2008-2018	$20,000
Promote CRP adoption	2008-2018	$150,000

Strategy: Implement projects that will reduce peak hydrographs during rainfall events

Implement Road Retention Projects	2008-2018	$200,000
Communications with Counties and DOT	2008-2018	$5,000
Downsizing Feasibility Projects	2008-2018	$5,000

Goal 2 – Track the effectiveness of the flood reduction program

Strategy: Determine the effect of tile permit implementation

Develop a Drain Tile Database	2008-2018	$110,000
Improve the preservation and Modernization of existing database		$50,000

Strategy: Determine the rainfall-response relationship for the entire Yellow Medicine Watershed

Develop a Watershed Hydraulic Model	2008-2010	$30,000
Develop Rainfall-Runoff Scenarios With Control Techniques	2008-2010	$6,000

Goal 3 – Improve the Water Quality of the Yellow Medicine River

Strategy: Reduce phosphorus, nitrate, and total suspended solids by 25%

Activity	Start-End	Cost
Continue supporting the Greater YMR CWP	2008-2009	$25,000[9]
Continue supporting the South Branch YMR TMDL Implementation	2008-2010	$35,000[10]
Support the Lake Shaokatan TMDL	2009-2011	$34,000[11]
Water Quality Routing Model for YMRW	2008-2010	$15,000

Goal 4 – Provide Research to Develop Water Quality Improvement

Develop chemical dose-response relationships	2009-2011	$15,000
Implement manure reduction pilot studies	2008-2010	$15,000
Implement E. Coli reduction pilot studies	2008-2010	$15,000
Monitor stream flows and nutrients	2008-2018	$150,000
Partner with State Agencies to support bio-fuel production with native grasses	2008-2018	$15,000

[9] Currently funded
[10] YMRWD local share
[11] potential cost as depicted in draft TMDL

Goal 5 – Improve Stakeholders' Participation, Cooperation, and Coordination in Watershed District Decisions and Guidance

Activity	Start-End	Cost
Meet with state and local governments	2008-2018	$5,000
Utilize a designated contact person	2008-2018	$15,000
Meet with stakeholders on a regular basis	2008-2018	$15,000
Exchange technical assistance with local governments	2008-2018	$5,000
Record recommendations from stakeholder meetings and incorporate into strategic plans	2008-2018	$5,000

Goal 6 – Coordinate Activities between Watershed District and Local Governments

Review local controls, ordinances And rules	2008-2018	$ 5,000
Transfer authority to local Governments when feasible	2008-2018	$5,000
Adopt local government ordinances and plans when applicable	2008-2018	$5,000
Avoid duplicating efforts towards common goals	2008-2018	$5,000

Goal 7 – Utilize the Citizen's Advisory Committee to Address Issues and Develop Goals and Strategies

Activity	Start-End	Cost
Provide regularly scheduled meetings with citizen's advisory group	2008-2010	$10,000
Provide the Citizen's advisory group with frequent progress reports	2008-2018	$10,000
Provide regular scheduled educational presentations	2008-2018	$10,000
Record and prioritize recommendations from citizen's advisory group	2008-2018	$10,000

Goal 8 – Provide Public Information on Important Events and Issues and the Status of the Strategic Plan

Establish contacts with local media	2008-2018	$10,000
Develop and maintain YMRWD Website	2008-2018	$5,000
Provide annual newsletter	2008-2018	$10,000
Continue to work with local educational institutions and provide monitoring instructions	2008-2018	$5,000
Provide a web-based GIS map showing watershed, infrastructure	2008-2018	$10,000
Provide a web-based, computerized field device for YMRWD Board	2008-2018	$10,000

Goal 9 - Leverage Existing Local, State, and Federal Programs to Realize Economy of Scale Resources In Accomplishing Common Goals and Strategies. Our current existing levy received from Lyon, Lincoln and Yellow Medicine Counties is $125,000.00 per year. We anticipate the acquisition of funds from implementation and continuation grants to supplement our costs.

Total $1,379,500

Performance Measures

The performance measure for hydrological (flooding) improvements will need to be developed during the course of the new plan. The goals and strategies of the new plan call for a more in depth record keeping effort and a model of the system to understand the current response of the watershed to rainfall events. This model will be used to develop realistic goals for the inhibition of flooding events and track the progress and performance toward the goals. The water quality performance measures are largely built into the TMDL program. Each impaired stream or lake has a numeric, quantifiable goal and progress can be obtained through sampling protocols that are already established. The based line or current condition has been quantified and water quality goals will be tracked by successive implementation followed by monitoring and analysis.

Resource management and public outreach performance measures are more difficult to quantify. Resource management measures will be largely dependent on data and assessments from third party agencies such as the MPCA, DNR and BWSR. Public outreach progress will be assessed in public meeting attendance, feedback from these meetings, and periodic surveys.

Plan Evaluation

XIV. Plan Coordination

Managing the water resources of the YMRWD is a complicated task, involving many local, State and Federal agencies, as well as private citizens and special interest groups. For any water management activity to be successful, a well-coordinated effort is needed. The YMRWD is committed to working with all of its stakeholders to ensure proper management of its water resources.

Implementation

The District will ensure coordination and implementation of its overall plan through is Advisory Committee. The committee will meet, at least annually, to review progress, identify emerging problems, opportunities and issues and continue to direct the implementation of the plan.
The Board of Managers shall coordinate the activities of the Advisory Committee and direct the administration of the plan.

Schedule

Coordination of the Overall Plan's initiatives will commence with the Board of Managers' adoption of the plan. Initiatives will be carried out throughout the lifetime of the plan, which is specified as January 01, 2009 to January 31, 2019.

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

In the Matter of prescribing the
Watershed Management Plan for the
Yellow Medicine River Watershed District
Pursuant to Minnesota Statutes Section 103D.405

ORDER PRESCRIBING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Yellow Medicine River Watershed District (District) submitted a Watershed Management Plan (Plan) dated August 2008 to the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. Section 103D.405, and;

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

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

FINDINGS OF FACT

1. **District Establishment.** The District was established by the Minnesota Water Resources Board on August 27, 1971, under the authority of Minnesota Statutes Chapter 103D.

2. **Requirement to Plan.** A watershed district is required to revise their watershed management plan at least once every ten years pursuant to Minnesota Statutes Section 103D.405, Subd. 1 (a). The Plan includes an inventory of the District's physical features and water resources, describes water-related problems and solutions, describes activities and projects that the District has completed, and states objectives for current and future water resources management within the District.

3. **Nature of the Watershed.** The District is located in southwestern Minnesota, encompassing 685 square miles. Lands within the District are distributed in the following counties; Lincoln (39%), Lyon (23%), and Yellow Medicine (38%). The Yellow Medicine River begins at Lake Shaokatan in Lincoln County at an elevation of 1750 feet, flowing northeast for approximately 81 miles before entering the Minnesota River below Granite Falls at 860 t0 870 feet above sea level. The river has three major branches, the North Branch, the main stem, and the South Branch. There are two major tributaries to the river; Mud Creek and Spring Creek. There are three distinct topographical areas in the District; the upland plain, the transition slope or escarpment, and the lowland plain. The headwaters of the watershed originate in the southwestern part of the District on an undulating upland plain, the Coteau des Prairies. This occupies approximately one-third of the area in the District. The transition slope from the upland to the lowland plain is approximately 6 miles wide during which the elevation drops 300 feet. The remainder of the area eastward, consisting of about two-thirds of the District, is flat to gently undulating except near the Minnesota River valley. There are extensive floodplains along the main stem and branches of the Yellow Medicine River. Stream valleys are shallow and drainage is poor on both the upland and lowland plains. On the transition slope and on the slope to the Minnesota River valley, the gradients are steep and stream valleys are deep and gorge-like, resulting in rapid runoff of water. Regarding priorities – an emphasis is placed on managing the hydrology of the watershed and in particular flooding issues. Equally important is providing protection and water quality improvement to the rivers, streams, and lakes in the watershed.

4. **Local Review.** Pursuant to Minnesota Statutes Section 103D.405, the Yellow Medicine River Watershed District was required to send a copy of the revised Plan to specific local government units and state agencies for their review. On August 7, 2008, the Yellow Medicine River Watershed District distributed a copy of the draft Plan to those required by Statute and to several other entities.

5. **Minnesota Department of Agriculture Review.** In a letter dated September 26, 2008, the MDA thanked the District for the opportunity to provide comments and commended the planning effort. MDA encouraged greater representation of agricultural interests on the technical committee. In addition the Department's Pesticide and Fertilizer Management Division was correctly referenced. It was also noted that the Department has a statewide water quality monitoring program for pesticides and nutrients. Finally it was noted that available bmps for both pesticides and nutrients are effective in addressing impairments and should be coordinated with the monitoring and development of total maximum daily load related activities.

6. **Minnesota Pollution Control Agency Review.** In a letter dated October 15, 2008, MPCA regional staff provided several additions and corrections to current MPCA programs and opportunities mentioned in the Plan. In addition staff suggested the plan should reflect the estimated overall budget of the South Branch TMDL, not just what is currently committed by the watershed district.

7. **Minnesota Department of Natural Resources Review.** The DNR provided brief written comments on November 10, 2008. Several grammatical edits were provided. In addition to the minor edits, staff proposed two tactical plans relating to ag tile drainage noting tile permitting is discussed under the tracking goal, but not within the flood reduction goal.

8. **Board of Water and Soil Resources Review.** In a letter dated September 21, 2007, the BWSR commented on and approved the draft Yellow Medicine River Watershed District Overall Plan outline. In a letter dated May 30, 2008, BWSR staff provided a follow-up comment letter on the draft plan. Numerous comments and suggestions were provided. Specific information regarding drainage management issues was suggested. Also an action relating to ditch records preservation and modernization was encouraged. Finally it was suggested a summary table reflecting the estimated costs associated with implementation of the 10 year plan be added, including estimated revenues the District generates per year through its general fund tax levy. In a letter dated September 26, 2008, BWSR staff provided final review and comment offering a number of editorial suggestions, needed clarifications, omissions, and recommended additions. In summary the District should be commended for this plan. Much has changed over the past ten year. The plan clearly identifies water quality and quantity issues facing the watershed. Significant monitoring has been completed and the data has been collected and is being used to establish implementation goals. Finally numerous implementation successes can be pointed to by the District and its citizens.

9. **Highlights of the Plan.** Critical elements (goals) in the Plan include:
   Goal 1 – Reduce Flooding.
   Goal 2 – Track the effectiveness of the flood reduction program.
   Goal 3 – Improve the water quality of the Yellow Medicine River.
   Goal 4 – Provide research to develop water quality improvements.
   Goal 5 – Improve stakeholders participation, cooperation, and coordination in Watershed District decisions and guidance.
   Goal 6 – Coordinate activities between the Watershed District and Local Governments.
   Goal 7 – Utilize the Citizens Advisory Committee to address issues and develop goals and strategies.
   Goal 8 – Provide public information on important events and issues and the status of the strategic plan.
   Goal 9 – Leverage existing local, state and federal programs to realize economy of scale resources in accomplishing common goals and strategies.

14. **Publish Notice of Filing.** The Board provided for legal notice of filing for the District Plan. Notices were published in the "Ivanhoe Times" on December 18, 2008; the "Marshall Independent" on December 18, 2008; and the "Advocate Tribune" on December 18, 2008. Also, a letter containing the Legal Notice of Filing was sent from Board staff Travis Germundson dated December 15, 2008, to several addresses, including the affected county auditors, county soil and water conservation districts, cities, and the Yellow Medicine River Watershed District. This notice provided an invitation to submit written comments on the Plan or submit a written request for a hearing if opposed to the Plan. Written comments or requests were to be submitted by January 16, 2009. No written comments or written requests for a hearing were received.

15. **Public Hearing.** No written request for a hearing was received, therefore, no hearing was held.

16. **Board Water Planning Review Committee Meeting.** On March 5, 2009, the Board's Southern Region Water Planning Review Committee (Committee) and staff met with representatives from the District at the Renville County Government Services Center in Olivia, Minnesota to review and discuss the Plan. Those in attendance from the Board's Committee were Randy Kramer, Paul Langseth, Becky Balk and Daniel Wilson. Board staff in attendance were Southern Region Supervisor Jeff Nielsen and Board Conservationist David Sill. In attendance representing the District were Don Oerter – Chairman, John Boulton – Manager, Mark Paluch – staff, and David Schuler - Plan consultant. Board staff recommended approval of the Plan. After discussion, the Committee voted to recommend approval of the Yellow Medicine River Watershed District 2009 – 2019 Watershed Management Plan to the full Board.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the Yellow Medicine River Watershed District pursuant to Minnesota Statutes Chapter 103D.405.

3. The Yellow Medicine River Watershed District 2009 – 2019 Watershed Management Plan attached to this Order defines water and water-related problems within the District boundaries, possible solutions thereto, and an implementation program.

4. The attached Plan is in conformance with the requirements of Minnesota Statutes Chapter 103D, BWSR guidelines for Watershed District Plan content, and is consistent with the affected counties' comprehensive water plans.

ORDER

The Board hereby prescribes the attached Plan as the 2009 – 2019 Watershed Management Plan for the Yellow Medicine River Watershed District.

Dated at Saint Paul, Minnesota this 25th day of March 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee

1. MPCA County Feedlot Program '09 Performance Credit Award Grants – Wayne Zellmer – ***DECISION ITEM***

2. '09 MPCA Feedlot Base Grant to Lyon County – Wayne Zellmer – ***DECISION ITEM***

3. '09 Clean Water Legacy (CWL) Grant to Washington Conservation District – Wayne Zellmer - ***DECISION ITEM***

Minnesota Pollution Control Agency
Feedlot Program

2009 Annual County Feedlot Officer and Performance Credit Report
(Data for the Period July 1, 2008 - December 31, 2008)

Name of County:	
Contact Person:	
Phone Number:	
E-mail Address:	
Signature:	_____ _____ (Signature of County Board Commissioner) (Date)

		Number	*PC	PC Total
Registration	Number of feedlots registered in shoreland with 10 - 299 AU:			
	Number of feedlots registered outside shoreland with 50-299 AU:			
	Number of feedlots registered with 300 - 999 AU:			
	Number of feedlots registered with 1,000 or more AU:			
	Total:	0		
Number of Sites Inspected	Number of sites inspected at feedlots with 10 - 99 AU that are required to be registered:		0.75	0
	Number of sites inspected with 100 - 299 AU:		1.25	0
	Number of sites inspected with 300 - 999 AU:		1.5	0
	Number of inspections at sites with 1,000 or more AU:		1	0
	Total number of sites inspected at feedlots that are required to be registered:	0		
	Number of sites that were inspected that were not required to be registered but were the result of a complaint or referral:		1	0
	Number of sites inspected at feedlots required to be registered that were the result of a complaint:			
Specialty Inspections	Number of sites >100 AU located in a DWSMA where a Level 2 land application inspection was conducted (applies where the owner has records sufficient to complete a Level 2 inspection):		2	0
	Number of sites with 300 - 999 AU where a Level 2 land application review was conducted (applies where the owner has records sufficient to complete a Level 2 inspection):		1	0
	Number of sites where a Level 3 land application review was conducted on, at least, one field parcel being used for manure application: (The review does not require an accompanying compliance inspection to be eligible for a PC but the owner must be notified of the Level 3 review results in writing.)		1	0
	Number of sites constructing (new or modifications) where 2 or more on-site producer contacts and/or inspections were done:		1	0
	Number of sites with OLAs where 2 or more on-site producer contacts and/or inspections were done:		1	0
	Number of sites with an interim permit where 2 or more on-site producer contacts and/or inspections were done:		1	0
	Number of sites inspected that are located in shoreland, or a Drinking Water Supply Management Area (DWSMA):		0.25	0
Permitting	Number of 30-day construction/expansion notifications received:			
	Number of interim permits issued for feedlots with < 300 AU:		1	0
	Number of interim permits issued for feedlots with 300 - 999 AU:		1	0
	Number of short-form permits issued by the county:			

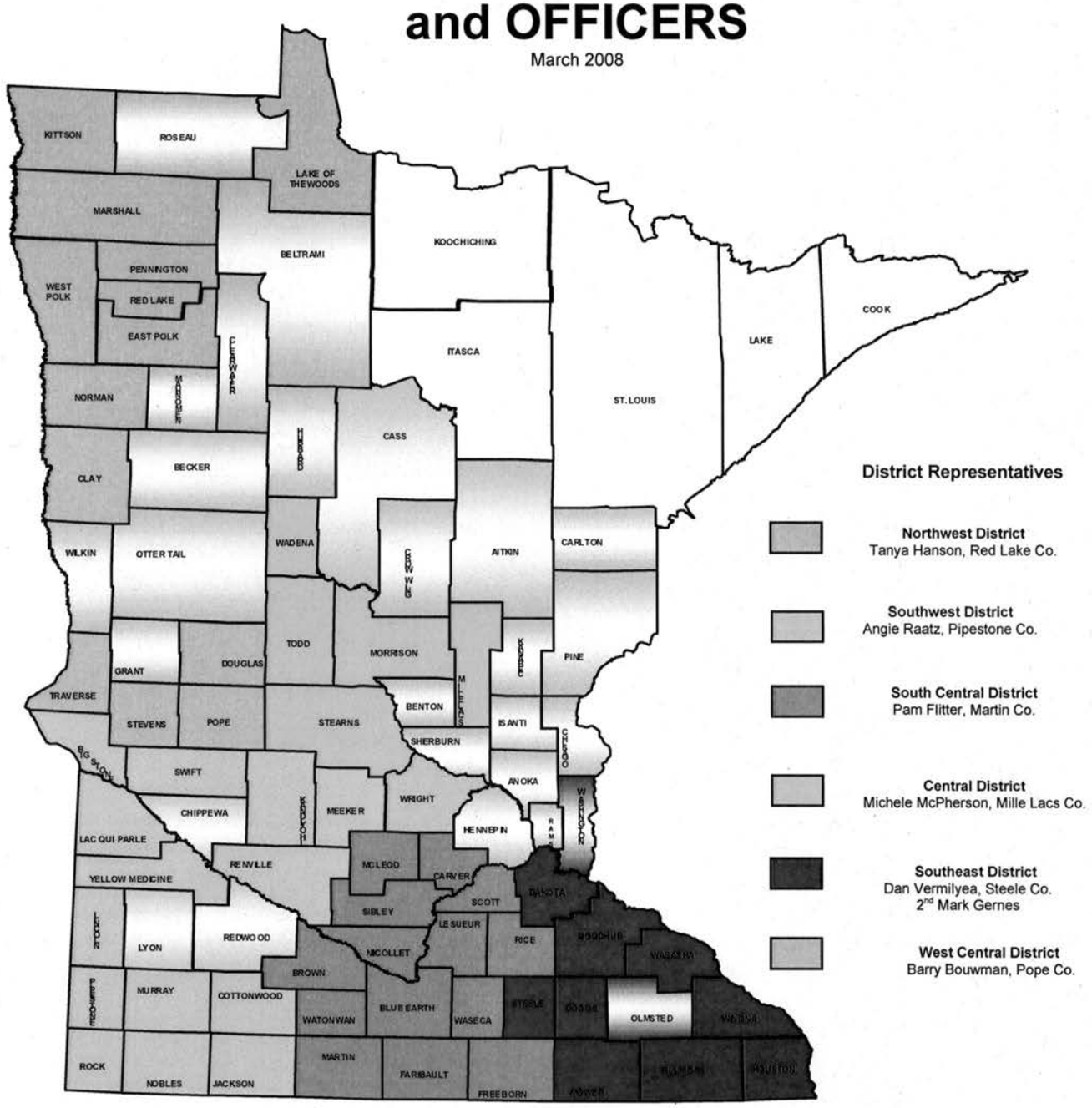
PC means performance credits. Counties are awarded an incentive payment according to the number of performance credits they earn. The numbers in the PC column refer to the performance unit value for the associated line item.

October 10, 2008

Emergency Response	Number of pollution events where an emergency response was conducted: (To qualify as an emergency event, a Duty Officer Report must have been filed and the CFO must have conducted an inspection of the site/event.)		2	0
Scheduled Compliance Goals	Number of sites <300 AU in shoreland where a partial corrective action was achieved in the current program year:		2	0
(Fixes must meet either Minn R. 7020.2003 and/or interim permit requirements and must be verified by an on-site inspection.)	Number of sites <300 AU in shoreland where a complete corrective action was achieved in the current program year:		2	0
	Number of sites <300 AU not in shoreland where a partial corrective action was achieved in the current program year:		2	0
	Number of sites <300 AU not in shoreland where a complete corrective action was achieved in the current program year:		2	0
	Number of sites >300 AU with an interim permit where corrective actions were completed in the current program year:		2	0
Owner Assistance Goals	Number of workshops or trainings events hosted and/or co-sponsored by the CFO (maximum PC credits = 10; please describe event on Supplemental Form):		2	0
	Number of feedlot owners attending feedlot producer workshops, training events or information meetings:			
	Number of mailings to feedlot owners: (Please describe newsletters/mailings on provided on Supplemental Form).			
	Number of feedlot articles placed in local newspapers: (Please list article title(s) on the Supplemental Form.)			
Staffing Level and Training	Number of FTEs (Full Time Equivalents) supplied by the CFO:			
	Number of FTEs of other county staff, including administrative and support, assigned by the county to the feedlot program:			
Please use whole numbers and decimals (such as 1 or .25 or 1.25) to record FTE values.	Number of FTEs supplied through contract to other LGUs:			
	The total number of FTEs positions that supported the county program:	0		
	Number of CFO-training units completed (a training unit = 4 hours; maximum PC credits = 10):		1	0
	Number of new CFO in-office mentoring units provided (an in-office mentoring unit is 4 hours; maximum PC credits = 12):		3	0
	Number of new CFO inspection mentoring events provided (maximum PC credits = 12):		2	0
EAW	Total number of EAW (environmental assessment worksheets) petitions received:			
	Total number of EAWs prepared:			
Air Quality Notifications	Number of notifications received from feedlot owners claiming air quality exemptions:			
Enforcement Actions Taken	Number of letters of warning issued:			
	Number of notices of violation issued:			
	Number of court actions commenced:			
	Other: (Please provide details on Supplemental Form.)			
Other Program Activities	Number of sites where a FLEval/MinnFARM was conducted:		1	0
	Meetings with other local government services and producer groups: (Please provide meeting details on Supplemental Form.)			
	Feedlot Ordinance Revisions: (Please describe ordinance revision and/or adoption proceedings on Supplemental Form.)			
	Other county feedlot program activities conducted during this reporting period not already identified in this form: (Please provide details on the Supplemental Form.)			
Total Credits				0

2008 MACFO
DISTRICT REPRESENTATIVES
and OFFICERS

March 2008



District Representatives

Northwest District
Tanya Hanson, Red Lake Co.

Southwest District
Angie Raatz, Pipestone Co.

South Central District
Pam Flitter, Martin Co.

Central District
Michele McPherson, Mille Lacs Co.

Southeast District
Dan Vermilyea, Steele Co.
2nd Mark Gernes

West Central District
Barry Bouwman, Pope Co.

President: Becky Schlorf-Von Holdt, Stearns County
Vice President: Ben Crowell, Jackson County
Secretary: Doug Bos, Rock County
Treasurer: Tracy Janikula, Wright County

Not delegated

MPCA
County Feedlot Program

Performance Credit Award Schedule
(July 1, 2008 - December 31, 2008)

Delegated County	Number of Performance Credits Generated.	Award	Delegated County	Number of Performance Credits Generated.	Award
BIG STONE	12.75	555	NICOLLET	120.25	5,231
BLUE EARTH	67.5	2,936	NOBLES	71.75	3,121
BROWN	46.75	2,034	NORMAN	13.00	566
CARVER	112.25	4,883	PENNINGTON	14.00	609
CLAY	32	1,392	PIPESTONE	94.50	4,111
COTTONWOOD	31	1,349	POLK	23.25	1,011
DAKOTA	45.15	1,964	POPE	31.75	1,381
DODGE	65.25	2,838	RED LAKE	10.50	457
DOUGLAS	52.25	2,273	RENVILLE	51.00	2,219
FARIBAULT	69.5	3,023	RICE	55.25	2,403
FILLMORE	139.5	6,068	ROCK	217.75	9,472
FREEBORN	38.75	1,686	SCOTT	24.75	1,077
GOODHUE	152	6,612	SIBLEY	58.00	2,523
HOUSTON	100.5	4,372	STEARNS	867.50	37,736
JACKSON	37.5	1,631	STEELE	72.00	3,132
KANDIYOHI	174.25	7,580	SWIFT	15.50	674
KITTSON	12	522	TODD	70.75	3,078
LAC QUI PARLE	16	696	TRAVERSE	45.00	1,958
LAKE OF THE WOODS	23	1,001	WABASHA	82.25	3,578
LINCOLN	95.75	4,165	WADENA	23.50	1,022
MARTIN	173.25	7,536	WASECA	30.75	1,338
MCLEOD	60.75	2,643	WATONWAN	31.00	1,349
MEEKER	54.5	2,371	WINONA	212.75	9,255
MILLE LACS	17.5	761	WRIGHT	40.50	1,762
MORRISON	134.75	5,862	YELLOW MEDICINE	41.75	1,816
MOWER	50.75	2,208			
MURRAY	68.25	2,969	Total	4,202.40	182,804

Fiscal Year 2009 FWQM Grant
Applications Report
Total Project Costs $4,804,026
Total FWQM Grant Requested $2,074,035
Total Producers **60**
Total Funding Available **$1.56M**
Last Updated May 20, 2009

		PRODUCER	ANIMAL UNITS	ANIMAL SPECIES	MinnFARM FLEval Rating	RIPARIAN CATEGORY	VIOLATION NOTICE	PRACTICE	STEWARDSHIP PLAN	IMPAIRED	ASSOCIATED	TOTAL PROJECT COST	FWQM FUNDS REQUESTED	T/A FUNDS REQUESTED	TOTAL FUNDS REQUESTED	CUMULATIVE
1	Rice	Mark Trcka	294	Dairy	65	A	No	05/01/09	Yes	Lower Mississippi River	Fecal Coliform	$181,524	$46,000	$4,000	$50,000	**$50,000**
2	Winona	Steven Ellinghuysen	245	Dairy	42	B	No	08/01/09	Yes	Whitewater River	Fecal Coliform	$27,420	$20,565	$2,057	$22,622	**$72,622**
3	Winona	Nathan Gibbs	220	Dairy	39	B	No	08/01/09	Yes	Whitewater River	Fecal Coliform	$68,000	$45,500	$4,500	$50,000	**$122,622**
4	Stearns	Wehseler Chuck & Robert	141	Dairy	25	A	No	09/01/08	Yes	Sauk River	Excessive Nutrients	$80,000	$30,000	$3,000	$33,000	**$155,622**
5	Blue Earth	Mrs. Henry Walser (Owner) Richard Walser (Operator)	40	Beef Cow/Calf	19	B	Letter from County	04/01/09	Yes	Le Sueur River	Manure-contaminated runoff	$25,000	$18,750	$1,875	$20,625	**$176,247**
6	Stearns	Kunkel David & Tanya	100	Dairy	17	A	No	09/01/08	Yes	Pearl Lake	Excessive Nutrients	$36,000	$12,500	$1,250	$13,750	**$189,997**
7	Blue Earth	Leland Kietzer (Owner) Jay Kietzer (Operator)	40	Beef Cow/Calf	15	B	Letter from County	10/01/08	Yes	Blue Earth River	Manure-contaminated runoff	$25,000	$18,750	$1,875	$20,625	**$210,622**
8	Blue Earth	Rodney Gens	80	Beef Cow/Calf	13	C	Letter from County and enrolled in MPCA Open Lot Agreement	06/01/09	Yes	Watonwan River	Manure-contaminated runoff	$30,000	$22,500	$2,250	$24,750	**$235,372**
9	Fillmore	Holst Cattle Farms (Glen Holst)	299	Beef	78	B	No	06/01/09	No	Lower Mississippi River	Fecal Coliform	$340,000	$45,500	$4,500	$50,000	**$285,372**
10	Goodhue	Jeff Schultz	60	Dairy	57	B	No	7/1/08	No	Lower Mississippi River	Fecal Coliform	$47,110	$32,120	$3,212	$35,333	**$320,704**
11	Benton	George Mastey	250	Beef	50	B	Yes	07/01/08	No	Big Elk Lake	Nutrient/Eutrophication	$178,205	$38,818	$3,881	$42,699	**$363,403**
12	Stearns	Funk Roger	133	Dairy	49	E	No	09/01/08	No	Sauk River	Excessive Nutrients	$100,000	$45,455	$4,545	$50,000	**$413,403**
13	Fillmore	Doug Lind	105	Beef	48	B	No	08/01/08	No	Lower Mississippi River	Fecal Coliform	$61,000	$45,500	$4,500	$50,000	**$463,403**
14	Fillmore	Randy Ness	299	Dairy	48	B	No	06/01/09	No	Lower Mississippi River	Fecal Coliform	$200,000	$45,500	$4,500	$50,000	**$513,403**
15	Douglas	Marvin Jensen	150	Beef	47	A	Yes	07/15/08	No	Chipewa River	FC,T	$2,400	$1,800	$0	$1,800	**$515,203**
16	Waseca	Richard Ristau	284	Dairy	46	B	pending	07/15/08	No	Lake Elysian	Nutrient/Eutrophication	$146,640	$30,348	$3,034	$33,382	**$548,585**
17	Washington	Gary Rydeen	80	Dairy	46	A	No	05/18/09	No	East Boot Lake	Nutrients/Eutrofication					
18	Mower	John Grass	80	Beef	45	B&E	No	7/15/08	No	Upper Iowa River (SE MN TMDL)	Fecal Coliform	$120,000	$45,455	$4,545	$50,000	**$598,585**
19	Douglas	Kerry Nelson	99	Beef	44	B	Yes	07/30/08	No	Long Praire River	B-F	$129,274	$45,455	$4,545	$50,000	**$648,585**
20	Winona	Gary Buehler	144	Beef	44	B	No	08/01/09	No	Mississippi River	Fecal Coliform	$25,050	$18,788	$1,879	$20,666	**$669,251**
21	Stearns	Marthaler Gary	200	Dairy	41	B	No	09/01/09	No	Sauk River	Excessive Nutrients	$70,000	$45,455	$4,545	$50,000	**$719,251**
22	Fillmore	Schriever Farms (Paul Schriever)	299	Dairy	41	D	No	06/01/09	No	Lower Mississippi River	Fecal Coliform	$300,000	$45,500	$4,500	$50,000	**$769,251**
23	Olmsted	Gary Siem	136	Beef	40	B	No	08/01/08	No	124 ft. to Trib. Of Zumbro	Fecal Coliform	$45,482	$34,111	$3,411	$37,522	**$806,774**
24	Olmsted	Ronald Pagel	180	Dairy/Beef	38	B	No	08/01/08	No	172 ft. to Trib. Of Mill Creek	Fecal Coliform	$162,187	$45,455	$4,545	$50,000	**$856,774**
25	Stearns	Klehr Carol	180	Beef	38	B	No	09/01/08	No	Sauk River	Excessive Nutrients	$100,000	$45,455	$4,545	$50,000	**$906,774**
26	Stearns	Eich Joe	79	Beef	37	C	No	09/01/08	No	Sauk River	Excessive Nutrients	$20,000	$15,000	$1,500	$16,500	**$923,274**
27	Root River	Greg Boldt	56	Beef	35	B	No	07/15/09	No	Root River	Fecal Coliform	$75,000	$45,500	$4,500	$50,000	**$973,274**
28	Root River	Morken Farms	235	Beef	33	B	No	06/15/09	No	Root River	Fecal Coliform	$155,500	$45,500	$4,500	$50,000	**$1,023,274**
29	Winona	James Wendt	273	Dairy	32	B	No	08/01/09	No	Whitewater River	Fecal Coliform	$156,950	$45,500	$4,500	$50,000	**$1,073,274**
30	Goodhue	Mike / Dave Carlson	146	Dairy	32	B	No	7/1/08	No	Lower Mississippi River	Fecal Coliform	$142,723	$45,500	$4,500	$50,000	**$1,123,274**

Fiscal Year 2009 FWQM Grant
Applications Report
Total Project Costs $4,804,026
Total FWQM Grant Requested $2,074,035
Total Producers **60**
Total Funding Available **$1.56M**
Last Updated May 20, 2009

		PRODUCER	ANIMAL UNITS	ANIMAL SPECIES	MinnFARM FLEval Rating	RIPARIAN CATEGORY	VIOLATION NOTICE	PRACTICE	STEWARDSHIP PLAN	IMPAIRED	ASSOCIATED	TOTAL PROJECT COST	FWQM FUNDS REQUESTED	T/A FUNDS REQUESTED	TOTAL FUNDS REQUESTED	CUMULATIVE
31	Stearns	Schmitz Leroy	140	Dairy & Swine	30	A	No	09/01/09	No	Sauk River	Excessive Nutrients	$100,000	$45,455	$4,545	$50,000	**$1,173,274**
32	Fillmore	Duschee Hills Dairy	150	Dairy	28	B	No	06/01/09	No	Lower Mississippi River	Fecal Coliform	$200,000	$45,500	$4,500	$50,000	**$1,223,274**
33	Root River	Ed Boldt	115	Beef	28	B	No	06/15/09	No	Root River	Fecal Coliform	$37,000	$27,750	$2,775	$30,525	**$1,253,799**
34	Winona	Bill Hoffman	106	Beef	26	B	No	08/01/09	No	Mississippi River	Fecal Coliform	$32,325	$24,244	$2,424	$26,668	**$1,280,467**
35	Winona	Leroy Kronebusch	40	Beef	25	B	No	08/01/09	No	Whitewater River	Fecal Coliform	$6,950	$5,213	$521	$5,734	**$1,286,201**
36	Stearns	Schmitz Roman	50	Beef	25	E	No	09/01/09	No	Sauk River	Excessive Nutrients	$66,667	$45,455	$4,545	$50,000	**$1,336,201**
37	Stearns	Weinmann John	100	Beef	21	A	No	09/01/09	No	Sauk River	Excessive Nutrients	$70,000	$45,455	$4,545	$50,000	**$1,386,201**
38	Winona	Michael Mueller	110	Dairy	21	B	No	08/01/09	No	Whitewater River	Fecal Coliform	$16,610	$12,458	$1,246	$13,703	**$1,399,904**
39	Wabasha	Steve Luhmann	227	Dairy	41	NONE	No	07/12/08	Yes	Zumbro River	Fecal Coliform	$70,000	$45,500	$4,500	$50,000	**$1,449,904**
40	Winona	James McNally	186	Dairy	25	NONE	No	08/01/09	Yes	Mississippi River	Fecal Coliform	$19,850	$14,878	$1,488	$16,365	**$1,466,269**
41	Blue Earth	Rodney Boeck	140	Dairy	19	NONE	Letter from County	10/01/08	Yes	Blue Earth River	Manure-contaminated runoff and Milk House Wastewater Disposal	$62,000	$46,500	$3,500	$50,000	**$1,516,269**
42	***Blue Earth	David Glamm	148	Dairy	0	NONE	Letter from County	10/01/08	Yes	Le Sueur River	Milk House Wastewater Disposal	$62,000	$46,500	$3,500	$50,000	**$1,566,269**
43	Goodhue	Mike Lohmann	145	Dairy	54	NONE	No	7/1/08	No	Lower Mississippi River	Fecal Coliform	$78,113	$45,500	$4,500	$50,000	**$1,616,269**
44	Fillmore	John Abrahamson	250	Beef	52	NONE	No	08/01/09	No	Lower Mississippi River	Fecal Coliform	$65,000	$45,500	$4,500	$50,000	**$1,666,269**
45	Olmsted	Steve Lawler	118	Beef	49	NONE		08/01/08	No	Silver Creek	Fecal Coliform	$20,790	$15,593	$1,559	$17,152	**$1,683,421**
46	Douglas	David Waldvogel	181	Dairy	44	NONE	Yes	09/01/08	No	Osakis Lk	Excessive Nutrients	$39,746	$29,809	$2,981	$32,790	**$1,716,211**
47	Douglas	Larry Christianson	129.5	Dairy	43	NONE	No	10/01/08	No	Long Praire River	B-F	$75,244	$45,455	$4,545	$50,000	**$1,766,211**
48	Douglas	Steve Anderson	50	Beef	39	NONE	No	07/30/08	No	Chippewa River	FC,T	$4,250	$3,188	$319	$3,506	**$1,769,717**
49	Douglas	Greg Faber	103	Dairy	37	NONE	No	10/01/08	No	Osakis Lk	Excessive Nutrients	$92,500	$50,000	$5,000	$55,000	**$1,824,717**
50	Waseca	Wayne James	225	Steers	36	NONE	No	09/15/08	No	Lake Elysian	And Biological Indicators	$152,000	$34,500	$3,450	$37,950	**$1,862,667**
51	Winona	Alfred Lehmker	116	Dairy	34	NONE	No	08/01/09	No	Mississippi River	Fecal Coliform	$71,500	$45,500	$4,500	$50,000	**$1,912,667**
52	****Renville**	Michael Schneider	250	Dairy	26	NONE	YES	07/01/08	No	Limbo/Unknown	Fish IBI	$174,550	$41,400	$4,140	$45,540	**$1,958,207**
53											**Additional T/A above the allowable 10%**			**$2,610**	$2,610	**$1,960,817**
54	Kanabec	Peter Ripka	243	Dairy	22	NONE	No	07/01/09	No	Groundhouse River	Fecal Coliform	$43,277	$21,638	$2,164	$23,802	**$1,984,619**
55	Douglas	Steve Bartos		Dairy	0	NONE	No	08/01/08	No	Chippewa River	FC,T	$6,750	$5,063	$0	$5,063	**$1,989,682**
56	Douglas	Ken Rutten	50	Beef	0	NONE	No	10/01/08	No	Osakis Lk	Excessive Nutrients	$33,600	$25,200	$2,520	$27,720	**$2,017,402**
57	Winona	Bill Wessel	150	Dairy	0	NONE	No	08/01/09	No	Mississippi River	Fecal Coliform	$19,980	$14,985	$1,499	$16,484	**$2,033,885**
58	****Renville**	Richard Kurth	210	Hogs	0	NONE	YES	07/01/08	No	S. Fork Crow River	B-FI, T	$107,210	$25,500	$2,550	$28,050	**$2,061,935**
59											**Additional T/A above the allowable 10%**			**$2,700**	$2,700	**$2,064,635**
60	Renville	Gregg Albrecht	80	Dairy	0	NONE	YES	07/01/08	No	Minnesota	DO	$25,650	$6,412	$640	$7,052	**$2,071,687**
												$4,804,026	$1,882,428	$189,259	$2,071,687	

2009 Combined Clean Water Legacy Grant Application

Id#: _____

Use TAB key to move from field to field

1. Applicant Organization

Applicant Organization: Washington Conservation District		
Day-to-Day Operation Contact Person: Pete Young		
Mailing Address: 1380 West Frontage Road, Highway 36		
City: Stillwater	State: MN	Zip:55082
Phone: 651-275-1136	Extension: 21	Fax: 651-275-1254
E-mail address: peter.young@mnwcd.org		
Organization Web Site: www.mnwcd.org		

2. Fiscal Agent – Organization that will financially oversee use of awards

Fiscal Agent Organization: Washington Conservation District		
Fiscal Agent Contact Person: Pete Young		
Fiscal Agent Address: 1380 West Frontage Road, Highway 36		
City: Stillwater	State: MN	Zip:55082
Phone: 651-275-1136	Extension: 21	Fax: 651-275-1254
E-mail address: peter.young@mnwcd.org		

3. Project Reporting

List the organization(s) that will be responsible for reporting project outcomes into BWSR's eLINK reporting system: Washington Conservation District

4. Overall Project Objectives

a. Clean Water Legacy Project Title: Provide a title for your project (10 words or less)

East Boot Lake Feedot Runoff and Waste Management System

Select TMDL Plan that will be implemented:

Approved TMDL Implementation Plan: ***** Select One TMDL Plan *****

b. List all counties in the project area:

Washington

c. List all Major Watersheds in the project area: (8 digit HUC number only – do not list name)

07030005

d. Project Narrative: (one page or less)

Summarize the overall objectives of this proposed project and any other information to support your request. Suggested topics include an explanation of each initiative, a description of how and what will be done, relevant project history, coordinating partners, administration and oversight, needs assessments and inventories, current status, significant budget items, outcomes, deliverables, and other pertinent information to justify your project.

The objective of the project is to implement agricultural conservation practices that will greatly reduce the impact of an existing dairy feedlot on East Boot Lake, a nutrient-impaired lake within the Carnelian-Marine-St. Croix Watershed District (CMSCWD). Washington Conservation District (WCD) is partnering with the Natural Resources Conservation Service (NRCS) and CMSCWD to design and install the project. This project received BWSR feedlot funding in the past, but due to unforseen circumstances, it was put on hold and the funding was returned. NRCS engineers completed a revised (landowner-approved) design for the project late in 2008 and no further delays are anticipated. The main components of the project include runoff diversions, a geotextile-lined manure management pond, exclusion and safety fencing, and a manure transfer (pump) system. Runoff and manure that currently discharge to East Boot Lake with little treatment will be captured in the pond for evaporation and land application. The system is designed to be total containment (no discharge). The expected annual reduction in phosphorus of 19 pounds is roughly equivalent to 9,500 pounds of algae in East Boot Lake. The landowner has received preliminary bids and is prepared to start construction in the spring of 2009. WCD will provide construction oversight and overall project management services. The cost estimate to install the project is $98,500. NRCS has allocated a maximum of $32,390 in federal EQIP funds. CMSCWD has approved a $15,000 BMP grant to assist the landowner with the costs to install the project. WCD will allocate up to $16,500 to the project from a FY2008 FWQM grant where the original landowner backed out of the project (must be approved by BWSR).The goal of WCD is to make additional BWSR funding available to the landowner, not to exceed allowable rates outlined in the BWSR state cost-share rules. The requested CWL grant of $33,012 includes $26,410 in project costs and $6,602 in technical and administrative costs for WCD.

5. Project Initiatives (maximum of 5 initiatives)

List in the table below, the specific initiatives that are proposed to be undertaken to meet the objectives and goals of the TMDL Implementation Plan. Proposed initiatives should correlate to priority areas identified in the TMDL Implementation Plan.

- Provide a short identifying name for each initiative

- Provide an estimate of the pollutant reduction over some period of time (for example, RUSLE calculation, reported literature values, observations) or other measurable results for EACH proposed initiative. Provide a description of the anticipated pollutant reduction, stormwater volume control, or other environmental/natural resource benefits associated with the project, along with the methods used to calculate and/or estimate them.

No.	Initiative Name	Description
1	Install Feedlot WMS	Installation of a feedlot runoff and waste management system for a dairy feedlot located on East Boot Lake, which is impaired for nutrients/eutrofication and biological indicators.
	Estimated Reduction:	19 lbs P, 1354 lbs COD, 301 lbs BOD5, 71 lbs N, 2.9x10^14 cfu fecal coliform - annual reduction from MinnFARM estimation, assuming a total containment system.
2		
	Estimated Reduction:	
3		
	Estimated Reduction:	
4		
	Estimated Reduction:	
5		
	Estimated Reduction:	

6. Pending Activities

If funds are awarded, list any and all pending activities that will commence by 6/30/2009. (Costs must start to be incurred by 6/30/2009 to be considered "pending".)

- Identifying activity name (include Name and Address of landowner for BMPs on private property)
- A brief activity description
- Estimated cost

Activity or Landowner Name & Address	Activity Description	Estimated Cost
Gary Rydeen, 14447 Norell Avenue N, Marine, MN	Project construction	$98,500.00
	TOTAL	**$98,500.00**

7. Coordination with Partners and Other Funding

List up to five other types of funds that your organization has already received or may receive shortly that will be coordinated with Clean Water Legacy funds. This may include other Federal, State, and Local funds. Some examples include, but are not limited to: NRCS EQIP allocation, Federal Section 319 and Clean Water Partnership funds, local grant and loan programs, and local landowner contributions. Show the source organization, the general purpose of the funds, the amount of funding that has been applied or may become available and the dollar amount that is firmly committed.

Organization Providing Funds	Purpose of Funding	Potentially Available	Firmly Committed
NRCS - EQIP (Federal)	Construction	$32,390.00	$32,390.00
CMSCWD - BMP (Local)	Construction	$15,000.00	$15,000.00
BWSR - FY2008 FWQMG	Construction	$16,500.00	$0.00
	TOTAL	**$63,890.00**	**$47,390.00**

8. TMDL Implementation Plan Citation, Relationship of Initiative to Plan, and Effectiveness Evaluation

- For each initiative, give the page and paragraph as a reference citation AND briefly paraphrase the plan's recommended action steps.
- For each initiative, describe the relationship between the proposed action and the plan.
- For each initiative, describe how the effectiveness of the proposed initiative will be evaluated or measured.

1	Install Feedlot WMS - Citation: Although the TMDL for the project area is not complete, any future TMDL implementation plan would focus on this site as the main source of impairment for East Boot Lake.
	Relationship: The proposed action, were it part of a TMDL implementation plan, would match the recommended plan action.
	Evaluation: The effectiveness of the proposed initiative will be measured in the long term by the ongoing water quality monitoring of East Boot Lake, and the de-listing of the lake (from the 303d list)
2	- Citation:
	Relationship:
	Evaluation:
3	- Citation:
	Relationship:
	Evaluation:
4	- Citation:
	Relationship:
	Evaluation:
5	- Citation:
	Relationship:
	Evaluation:

9. Comprehensive Clean Water Legacy Implementation Budget

Initiatives	Anticipated Type and Number of Activities to be Completed	Grant Funds		Total Funding Amount Requested
		Technical Assistance	Implementation	
Initiative 1: Install Feedlot WMS	Complete installation of a feedlot runoff and waste management system	$6,602	$26,410	$33,012
Initiative 2:		$	$	$0
Initiative 3:		$	$	$0
Initiative 4:		$	$	$0
Initiative 5		$	$	$0
	TOTAL:	**$6,602**	**$26410**	**$33,012**

Acceptable CWL Funding Sources

☒ BWSR Clean Water Legacy Assistance or Engineering and Technical Assistance Grants
☒ BWSR Feedlot Water Quality Management Grant
☐ MPCA Section 319 –1:1 non-federal matching funds are required – see last page of application.

10. Past Performance with FY2007 and/or FY 2008 Clean Water Legacy Funds

Did your organization receive CWL funds though past Clean Water Legacy Applications?	☐ YES ☒ NO
How much CWL funding did your organization receive?	
How much CWL funding has been spent so far?	
How much CWL funding has been encumbered?	

11. MPCA Section 319 Required Budget for Matching Contributions

COMPLETE ONLY IF REQUESTING MPCA SECTION 319 FUNDS

Project Support Budget: Complete the following sections for all the sources of grant, loan, match money, and in-kind contributions for your project. The match requirement must be no less than the amount of the grant.

	Project Costs		
Project Sponsors (Attach additional sheets if necessary)	Cash Contribution To Project	In-kind Contribution To Project	Total Project Support
A. Project Sponsor Contribution			$0
B. Local Contributing Sponsors:			
1.			$0
2.			$0
3.			$0
4.			$0
B. Subtotal	$0	$0	$0
C. State and/or Federal Contributing Sponsors:			
5.			$0
6.			$0
7.			$0
8.			$0
State and/or Federal Contributing Sponsors ** (not including funds being applied for in this application) **C. Subtotal**	$0	$0	$0
TOTAL: All project sponsors (A+B+C)	$0	$0	$0
MPCA Section 319 Grant amount requested in this CWL application ..... (cannot exceed $300,000)			$0
GRAND TOTALS	Total Cash **$0**	Total In-kind **$0**	Total Project Cost **$0**

COMPLETE ONLY IF REQUESTING MPCA SECTION 319 FUNDS

Board Resolution #_____

MPCA County Feedlot Program Performance Credit Award Allocations, Lyon County MPCA Feedlot Base Grant, CWL FWQMG to Washington CD

WHEREAS, the Natural Resources Block Grant (NRBG), administered by the Board of Water and Soil Resources (BWSR), provides assistance to local governments to implement the state natural resource programs of Comprehensive Local Water Management, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and the MPCA Individual Sewage Treatment Systems; and,

WHEREAS, the Laws of Minnesota for 2007, S. F. 2096 appropriated FY 09 Natural Resources Block Grant and Clean Water Legacy funds to BWSR and MPCA; and,

WHEREAS, a component of the County Feedlot Program allows for counties to receive Performance Credit Award Allocations in addition to their Base Grants.

NOW THEREFORE, the BWSR hereby authorizes staff to allocate

1. Performance Credit Awards totaling $182,804 to counties meeting the County Feedlot Program requirements, as determined by the MPCA, and indicated on the attached spreadsheet *Performance Credit Award Schedule;* and,
2. A pro-rated allocation to Lyon County of their 09 MPCA County Feedlot Base Grant of $8,366; and,
3. A CWL FWQMG allocation to Washington CD of $33,012 for the Rydeen feedlot project.

_____ Date: _____

Randy Kramer, Chair
Board of Water and Soil Resources

Attachment: 2009 Performance Credit Award Allocations

H:09CFPPCABR

NEW BUSINESS

1. Red River Valley Restoration Initiative (RRVRI) Grant Payment Schedule for SWCD Services – Kevin Lines – ***DECISION ITEM***

Easement No. _____

Board Resolution #_____
Red River Valley Restoration Initiative (RRVRI)
Grant Payment Schedule for SWCD Services
January 28, 2009

	SWCD Compensation Per Easement
A. Easement Development and Acquisition *based on number of landowners signed and aaccepted for funding*	**$1,500**

SWCD duties include:

1. Assist landowners with state RIM easement questions and forms.
2. Submit applications to BWSR.
3. Secure and provide copies of applicable deeds to BWSR
4. Providing completed Agreement Information Form to BWSR
5. Meet with landowners to obtain signatures on agreement and easement documents
6. Coordinate local title insurance services.

B. Conservation Plan Development and Vegetation Plan Implementation	**500**

SWCD duties include:

1. Develop conservation plan and vegetation plan implementation.
2. Work with landowner on installation and future compliance.

_____ _____ ***BWSR Approval*** _____

SWCD Representative ***Date***

DRAFT

Board Resolution #_____

Red River Valley Restoration Initiative Grant Payment Schedule for SWCD Services

WHEREAS the MN State Legislature appropriated $25 million to RIM Reserve Program in the 2008 bonding bill (Chapter 179, 2008 Session Law) which Governor Pawlenty signed into law on April 7, 2008, with funding now available for expenditures as the MN Department of Finance has established the necessary accounts;

WHEREAS the MN State Legislature prescribed that the BWSR may use up to ten percent of this appropriation to implement the RIM Reserve Program;

WHEREAS the Board of Water and Soil Resources (BWSR) adopted a resolution on December 17, 2008 authorizing establishment of and authorized staff to develop the necessary sign-up procedures and supporting materials to successfully deliver the Red River Valley Restoration Initiative (RRVRI);

WHEREAS, the RIM Reserve Program is administered by the BWSR in cooperation with local SWCDs;

WHEREAS the BWSR RIM Reserve Management Planning Committee met on January 28, 2009 to review and recommend the attached Grant Payment Schedule for Soil and Water Conservation District (SWCD) Services related to the RRVRI.

NOW, THEREFORE BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources approves and authorizes staff to allocate the attached grant formula for SWCD Services in support of the Red River Valley Restoration Initiative.

_____ _____

Randy Kramer, Chair
Minnesota Board of Water and Soil Resources

Date

FOR YOUR INFORMATION

March 25, 2009

- Updated Board Member Listing
- Updated BWSR Committees
- BWSR Snapshots
- WCA Rule - Notice of Hearing
- BWSR Recipient of Great River Greening's "Environmental Community Partner of the Year Award"
- "Minnesota Watershed District Guidebook"

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**	01-03-11	320-365-3094 320-365-4784	*Home* *Office*
VACANT	**Citizen**			
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 56674 quentin@blackduck.net	**Co. Commissioner**	01-03-11	218-835-4184 218-679-3378	*Home* *Fax*
VACANT	Co. Commissioner			
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*
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*
Gordon Behm 13851 Diamond Shores Road, Atwater, MN 56209 gbehm@frontiernet.net	**Watershed**	01-03-11	320-974-8242 320-979-0737	*Home* *Cell*

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@state.mn.us	**Department of Natural Resources**	651-259-5033 651-296-4799	*Office* *Fax*
Faye Sleeper Room 173 McNeal Hall, 1985 Buford Avenue, St. Paul, MN 55108 fsleeper@umn.edu	**U of M/Water Resources Center**	612-624-3738 612-625-1263	*Office* *Fax*
Rebecca Flood 520 Lafayette Road, St. Paul, MN 55155 Rebecca.Flood@state.mn.us	**Pollution Control Agency**	651-757-2022 651-296-7923	*Office* *Fax*

March 2009

BOARD OF WATER AND SOIL RESOURCES
COMMITTEES
February 2009

ADMINISTRATIVE ADVISORY COMMITTEE

Membership:	Randy Kramer, chair	citizen
	Paul Brutlag, vice-chair	citizen
	Louise Smallidge	soil & water conservation district
	Brian Napstad	county commissioner
	LuAnn Tolliver	watershed district/WMO
	John Jaschke	staff
	Mary Jo Anderson	staff

Responsibility:

The administrative advisory committee consists of the Board's chair and vice-chair and the chairs of the Board's standing committees. The administrative advisory committee will make evaluations and recommendations to the Board on various Board issues including ethics; expenses/per diem; bylaws; and legislation and budgets. The Administrative Advisory Committee will act as the personnel committee for personnel actions relating to the Board's executive director. The chairman may include additional members ad hoc to address special or unique topics or issues.

Meetings: The committee will meet at the call of the chair.

DISPUTE RESOLUTION COMMITTEE (DRC)

Membership:	Randy Kramer, chair	citizen
	Paul Brutlag	citizen
	LuAnn Tolliver	watershed district/WMO
	Quentin Fairbanks	county commissioner
	Louise Smallidge	soil & water conservation district
	Travis Germundson	staff lead

Responsibility:

The DRC is responsible for appeals relating to the Wetland Conservation Act rule decisions of local governments, watershed district rule and permit decision appeals, and, under MS103A.301, determinations of water law and policy. The authority of the DRC is established in statute and assigned to the DRC by the Board. Under current guidelines the DRC receives the appeals; hears the issues; and makes recommendations to the Board.

Meetings:

The Committee will meet as needed to process appeals that have been filed with the Board.

GRANTS PROGRAM AND POLICY COMMITTEE

Membership:	Louise Smallidge, chair	soil & water conservation district
	Vacant	citizen
	Vacant	county commissioner
	Bob Burandt	soil & water conservation district
	Paul Langseth	soil & water conservation district
	Gene Tiedemann	watershed district/WMO
	Joe Martin	Department of Agriculture
	Rebecca Flood	Pollution Control Agency
	John Linc Stine	Department of Health
	Wayne Zellmer	staff lead
	Julie Klocker	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
	Vacant	county commissioner
	Gordon Behm	watershed district/WMO
	Vacant	citizen
	Paul Langseth	soil & water conservation district
	Faye Sleeper	University of Minnesota Extension
	Jon Fure	staff lead
	Steve Woods	SMT staff

Responsibility:

The Public Relations, Outreach and Strategic Planning Committee is responsible for the development of strategic and outreach strategies and plans for the Board including identification of key outcomes, partnerships and opportunities.

Meetings: Committee will meet twice a year or at the call of the chair.

RIM RESERVE PLANNING COMMITTEE

Membership:	Paul Brutlag, chair	citizen
	Randy Kramer	citizen
	Gene Tiedemann	watershed district/WMO
	Bob Burandt	soil & water conservation district
	Paul Langseth	soil & water conservation district
	Joe Martin	Department of Agriculture
	Larry Kramka/Wayne Edgerton	Department of Natural Resources/Alternate
	Kevin Lines	SMT staff

WATER PLANNING and COMPREHENSIVE WETLAND PLAN REVIEW COMMITTEES: NORTHERN/SOUTHERN/METRO

Membership: The committee consists of Board Members from the BWSR administration regions – metro, north, and south.

Chairs: *north – Quentin Fairbanks*
south – Paul Langseth
metro – Bob Burandt

North (4)	**South (4)**	**Metro (3)**
Quentin Fairbanks - CC	Paul Langseth - SWCD	Bob Burandt – SWCD
Paul Brutlag – CIT	*Vacant* – CC	Louise Smallidge – SWCD
Gordon Behm - WD	Randy Kramer – CIT	LuAnn Tolliver – WD
Brian Napstad – CC	Joe Martin – MDA	Faye Sleeper – UM/Extension
Gene Tiedemann – WD	Dan Wilson – MDH	Rebecca Flood – PCA
Wayne Edgerton – DNR	Jeff Nielsen, SMT staff	Jim Haertel, SMT staff
Ron Shelito, 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
	Gordon Behm	watershed district/WMO
	Vacant	county commissioner
	Brian Napstad	county commissioner
	Gene Tiedemann	watershed district/WMO
	Larry Kramka	Department of Natural Resources
	Joe Martin	Department of Agriculture
	Rebecca Flood	Pollution Control Agency
	Les Lemm	WCA Coordinator, staff lead
	Dave Weirens	SMT staff

Responsibility:

The Wetlands Committee is responsible for reviewing Wetland Conservation Act (WCA) and wetland banking rules, policies, guidelines and projects and making recommendations to the Board.

Meetings: The committee will meet twice during the year or at the call of the chair.

STATUTORY COMMITTEES

Committee: Committee on Wells and Borings

Membership: Eric Mohring, staff lead; Board members assigned by Chairman as needed

Responsibility:

Interest and availability with regard to Advisory Council on Wells and Borings and Pesticide Advisory Committee. Policy issues will be brought before the Board for discussion as a new business agenda item.

Meetings: The committee will meet when necessary.

GENERAL COMMITTEE MEETING SCHEDULE

*The Board has adopted a resolution that **committees shall schedule meetings in conjunction with monthly Board meetings as much as possible.** A majority of each committee's membership should be available for a scheduled meeting. The committee chair and staff are expected to develop an agenda and staff are responsible for keeping minutes of the committee proceedings. The committee meetings are considered to be **public meetings** under the open meeting law and therefore must be noticed in the same manner as regular board meetings. All committee agendas should be e-mailed to Mary Jo Anderson for appropriate notice posting.*

Advisory members have offered to serve and may serve on BWSR committees as non-voting members and provide assistance as needed.

Advisory members:

Local Government Partners

- *Association of Minnesota Counties (AMC) – Annalee Garletz, Policy Analyst*
- *Minnesota Association of Conservation District Employees (MACDE) – Felicia Brockoff, President*
- *Minnesota Association of Soil & Water Conservation Districts (MASWCD) – LeAnn Buck, Executive Director*
- *Minnesota Association of Townships (MAT) – Sandy Hooker, Director*
- *Minnesota Association of Watershed Districts (MAWD) – Ray Bohn, Executive Director*
- *Minnesota County Planning and Zoning Administrators (MCPZA) – Jane Starz, President*
- *League of Minnesota Cities (LMC) - Jim Miller, Executive Director*

Federal Partners

- *U.S. Army Corps of Engineers (USACoE) – Tamara Cameron, Chief of Regulatory Branch*
- *U.S. Fish and Wildlife Service (USF&WS) – Tom Melius, Regional Director*
- *USDA Farm Services Agency (FSA) – Glenn Schafer, Acting Executive Director*
- *USDA Natural Resources Conservation Service (NRCS) – Tim Koehler, Assistant State Conservationist*

State Agencies

- *Met Council – Bill Moore, General Manager/Environmental Services Division*
- *Minnesota Department of Transportation (MNDOT) – Frank Pafko, Director/Environmental Services*

Interest Partners

- *Allete Minnesota Power – Blake Francis, Supervisor/Water Quality & Waste Management Division*
- *Audubon Minnesota – Mark Peterson, Executive Director*
- *Builders Association of the Twin Cities – James Vagle, Senior Public Affairs Representative*
- *Fish and Wildlife Legislative Alliance – Lance Ness*
- *Iron Mining Association of Minnesota – Craig Pagel, President*
- *Izaak Walton League – Gary Schwartz, National Director*
- *Minnesota Agricultural Water Resources Coalition – Warren Formo, Director*
- *Minnesota Agri-Growth Council – Daryn McBeth, President*
- *Minnesota Association of Realtors – Heather VanValkenburg, Director/Governmental Affiars*
- *Minnesota Association of Wheat Growers – Dave Torgerson, Executive Director*
- *Minnesota Barley Research & Promotion Council – Marv Zutz, Executive Director*
- *Minnesota Cattlemen's Association – Ted Reichmann, President*
- *Minnesota Center for Environmental Advocacy – Martha Brand, Advocacy Director*
- *Minnesota Conservation Federation – Gary Botzek*
- *Minnesota Corn Growers Association – Tim Gerlach, Executive Director*
- *Minnesota Ducks Unlimited – Ryan Heiniger, Director of Conservation Programs*
- *Minnesota Environmental Partnership – Steve Morse, Executive Director*
- *Minnesota Farm Bureau Federation – Kevin Paap, President*
- *Minnesota Farmers Union – Doug Peterson, President*
- *Minnesota Land Trust – Jane Prohaska, Executive Director*
- *Minnesota Milk Producers Association – Bob Lefebvre, Executive Director*
- *Minnesota Native Wildflowers/Grass Producers Association – Bill Olson, President*
- *Minnesota Pork Producers Association – Dave Preisler, Executive Director*
- *Minnesota Sierra Club – John Hottinger, Chapter Chair*
- *Minnesota Soybean Growers Association – Jim Palmer, Executive Director*
- *Minnesota Timber Producers Association – Wayne Brandt, Executive Vice-President*
- *Minnesota Turkey Growers Association – Steve Olson, Executive Director*
- *Minnesota Viewers Association – Ron Ringquist, Secretary/Treasurer*
- *Minnesota Waterfowl Association – Brad Nylin, Executive Director*
- *Minnesota Waters – Marian Bender, Executive Director*
- *Minnesota Wetland Professionals Association – Scott Milburn, Vice President*
- *Pheasants Forever – Matt Holland, Field Supervisor*
- *Red River Valley Sugarbeet Growers Association, Nick Sinner, Executive Director*
- *The Nature Conservancy – Tom Landwehr, Assistant State Director*
- *Urban Wetland Management Coalition – Cliff Aichinger*
- *Wetlands for Minnesota (Bankers) – Mike Whitt, Interim President*

Minnesota Board of Water & Soil Resources

BWSR Snapshots

March 2009

Metropolitan Area Watershed Management Rule Revision

Jim Haertel, Metro Region Supervisor

The goal of the Metropolitan Area Watershed Management Rule, Minnesota Rules Chapter 8410 (Rule) revision is to build on BWSR's experience implementing the Metropolitan Water Management program by moving away from an overly prescriptive, one-size-fits-all approach to a more result-oriented framework. In essence, future watershed plans would consist of periodically updated inventories and goals, and frequently updated implementation and capitol improvement plan sections.

In a nine month period from Fall 2001 to Summer 2002, the Metro Water Planning Rules Advisory Committee (Committee) met five times to complete a rough draft of the revised Rule. Now a 12 person Committee, including several of the previous Committee members, have started to meet to finalize the Rule revisions. It is anticipated the Committee will meet four to five more times by August and propose a leaner rule that allows increased flexibility and swifter amendments, in addition to accommodating other Executive Branch agency programs.
Further information is available on the BWSR website at http://www.bwsr.state.mn.us/watermgmt/index.html.

Southern Region

Jeff Nielsen, Southern Region Supervisor

Brown County held a contractor's workshop for local contractors and wetland regulating agencies this winter. About 20 contractors attended. Information was presented by the County wetland staff, DNR enforcement, NRCS, SWCD staff, USACOE, and own BWSR wetland specialist. A lot of information was presented but the most valuable result of the meeting is the recognition that there are different rules and regulations for each agency. The goal is to get contractors and landowners to stop in and ask the appropriate people ahead of time to avoid problems down the road. It was also very beneficial to get different agency staff together to help everybody better understand each others programs and why they make their everyday decisions.

Administrative Penalty Order Implementation Proceeding

Dave Weirens, Manager, Land & Water Management

BWSR staff have begun to implement the Administrative Penalty Order (APO) authority, as provided in the plan approved by the Board on May 28, 2008. To date, training has been provided to BWSR Staff on September 4, 2008, Department of Natural Resources Wetland Enforcement Officers on February 11, 2009, and local governments on February 2 (Arden Hills), March 16 (Grand Rapids), March 17 (Rochester), March 18 (Mankato), March 19 (Marshall), and March 24 (Detroit Lakes).

These presentations are important as they inform key participants in the identification and use of this authority but they also generate important questions, such as:

- Can an LGU be subject to an APO?
- Can violations that precede BWSR authority be subject to an APO?
- How long will the APO process take?
- What affect will budget reductions in counties and the state court system have on the potential use of APOs?
- What happens to APOs after the restoration/ replacement order is complied with and before the LGU issues a certificate of satisfactory replacement?
- What role will the enforcement authority and LGU have in determining the amount of the penalty?

BWSR staff have not yet formally entered the APO process, but several possibilities have been identified by enforcement and LGUs during these training events. The first use of this authority is likely within the next several months.

RIM Reserve Program
Kevin Lines, Conservation Easement Manager

The RIM Reserve Program has received a $9.05M recommendation from the Lessard Outdoor Heritage Council. These funds will be used to leverage $12.1M in federal WRP funds and will be used to protect, restore and enhance wetlands and adjacent upland buffers for fish, game and wildlife habitat. We estimate that we will be able to acquire 58 easements totaling 5,800 acres with the RIM/WRP leveraging proposal.

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Technical Services Section
Drainage Work Group 2008 Consensus Recommendations
Al Kean, Chief Engineer

More than 20 stakeholder organizations and agencies are represented on the Drainage Work Group (DWG), which was a consensus outgrowth of the Public Drainage Ditch Buffer Study, February 2006. BWSR staff Al Kean, Chief Engineer, assisted by Joel Peterson, Drainage Mgmt. Engineer, facilitate the DWG. This includes the identification of priority discussion topics, sharing information and education of common interest, and development of consensus recommendations (primarily regarding drainage policy). The DWG put forth a number of consensus recommendations in January 2007 regarding clarification of drainage law, funding for guidance documents and records modernization. Those recommendations were substantially adopted by the Legislature in 2007, without controversy.

The 2008 consensus recommendations of the DWG are contained in HF162/SF364, which are working through the legislative process at this time. As facilitator of the DWG, Al has provided information at committee hearings to explain the DWG and its consensus recommendations. The 2008 recommendations include further clarification, updating of drainage law (two sections often used for wetland restorations on public drainage systems and various dollar limits in the law) and a recommendation for additional state cost-share for drainage records modernization. Additional information about the DWG is available on the BWSR web site at http://www.bwsr.state.mn.us/drainage/index.html.

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Northern Region
Joan Weyandt, BWSR Wetland Specialist

On March 5, Small Cities in northeast Minnesota were invited to attend a half day training which included short presentations on LGU responsibilities and a brief WCA administrative overview. Representatives from Winton, Babbitt, Cloquet, Aurora, Hibbing, Virginia, Floodwood and Hoyt Lakes attended. P&Z from Gilbert requested materials. The North St. Louis SWCD Conservationist and the regional ACOE representative also attended.

There was discussion of how the WCA Rule (Chapter 8420) gives cities the responsibility to administer WCA but no direct funding to do so.

After the presentation there were a lot of questions and discussion of options for delegating technical and/or administrative responsibilities. There were many concerns about needing $$ for either training staff or budgeting for a consultant. Paul Ojanen (NSL SWCD) spoke briefly, and is hoping to have his board approve a fee schedule to offer those services to the cities soon.

Several cities would like to have their council understand that WCA is really State Rule and they cannot just ignore it. There was a fair amount of discussion on the fact that even if they retain local decision making those decisions have to take into account the TEP recommendation.

We hope to have some of the cities delegate to the SWCD this season. Budget seems to be the largest stumbling block.

- - - - -

New Version of eLINK
Tim Ogg, IT Director

The biggest story from BWSR IT over the past few months is eLINK. An entirely new version of eLINK was rolled out in October of 2008. The new version was accessed via the web browser. No more software to install! There were a few bumps along the way, which have been smoothed out. We were able to apply changes and fixes to the system without forcing everyone to re-install software. This is a big improvement over the past version.

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Watershed District Guidebook.
Bill Eisele, Administrative Services Director

The Watershed District Guidebook is a compilation of organizational facts and recent watershed district projects. It was prepared and published in partnership with MAWD for legislators and other users as part of our strategic plan communication strategy. It also fulfills a statute responsibility that BWSR will provide information about watershed districts to the public. The electronic version is posted at:
http://www.bwsr.state.mn.us/publications/WD_Guidebook/

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Minnesota Board of Water and Soil Resources

NOTICE OF HEARING

Proposed Amendments to Rules Relating to Wetland Conservation: Minnesota Rules Chapter 8420; and repealing Minnesota Rules, parts 8420.0102 (Introduction); 8420.0103 (Wetland Functions for Determining Public Values); 8420.0110 (Definitions); 8420.0115 (Scope of Exemption Standards); 8420.0122 (Exemption Standards); 8420.0210 (Exemption Determinations); 8420.0220 (No-Loss Determinations); 8420.0225 (Wetland Boundary or Type Determinations); 8420.0230 (Replacement Plan Determinations); 8420.0245 (Other Local Government Unit Wetland Rules and Ordinances); 8420.0250 (Appeals); 8420.0260 (Penalty for Local Government Unit Failure to Apply Law; 8420.0268 Compensation Claims Against Local Government Units); 8420.0270 (Compensation); 8420.0280 (Appeal from Board Decisions); 8420.0290 (Enforcement Procedures); 8420.0300 (Mining); 8420.0350 (High Priority Regions and Areas); 8420.0400 (Wetland Preservation Areas); 8420.0505 (Previously Approved Determinations); 8420.0510 (Replacement Plan Procedures); 8420.0520 (Sequencing), subparts 2 (Application options) and 9 (Calcareous fens); 8420.0530 (Replacement Plan Components); 8420.0540 (Replacement Plan Evaluation Criteria); 8420.0541 (Actions Eligible for Credit); 8420.0542 (Timing of Replacement); 8420.0543 (Wetland Replacement Siting); 8420.0545 (Presettlement Wetland Acres and Areas); 8420.0546 (Size of Replacement Wetlands); 8420.0547 (Other Requirements); 8420.0548 (Special Considerations); 8420.0549 (Evaluation of Wetland Functions and Values); 8420.0550 (Wetland Replacement Standards); 8420.0600 (Monitoring); 8420.0610 (Duration of Monitoring); 8420.0620 Monitoring Annual Report); 8420.0630 (Monitoring Determinations by the Local Government Unit); 8420.0650 (Local Comprehensive Wetland Protection and Management Plans); 8420.0720 (Principles of Wetland Banking); 8420.0730 (Administration and Management Authority); 8420.0740 (Procedures); 8420.0750 (Auditing and Monitoring); 8420.0760 (Enforcement and Corrective Actions); 8420.1010 (Purpose); 8420.1020 (Identifying Calcareous Fens); 8420.1030 (procedures to List Calcareous Fens); 8420.1040 (Management Plans); 8420.1050 (Restoration); 8420.1060 (Appeals); and 8420.1070 (Enforcement Procedures).

Public Hearing. The Minnesota Board of Water and Soil Resources intends to adopt a rule after public hearings following the procedures set forth in the rules of the Office of Administrative Hearings, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, Minnesota Statutes, sections 14.131 to 14.20. The agency will hold public hearings at the locations, dates and times listed below. Access to the BWSR St. Paul Office is controlled; to attend this hearing you will be asked to sign in at the security desk and provide photo identification such as a Minnesota driver's license.

- **Thursday, April 30, 2009: Blandin Foundation**, 100 North Pokegama Avenue, **Grand Rapids**, Minnesota 55744. The public hearing will begin at 1:00 p.m. and will continue until all parties are heard and it will resume again at 6:00 p.m.

- **Friday, May 1, 2009: University of Minnesota-Crookston,** Youngquist Auditorium, 2900 University Avenue, **Crookston**, Minnesota 56716. The public hearing will begin at 1:00 p.m. and will continue until all parties are heard and it will resume again at 6:00 p.m.

- **Monday, May 4, 2009: Kandi Entertainment Center**, 500 19th Avenue SE, **Willmar**, Minnesota 56201. The public hearing will begin at 1:00 p.m. and will continue until all parties are heard and it will resume again at 6:00 p.m.

- **Tuesday, May 5, 2009: Minnesota Board of Water and Soil Resources**, Basement Level Boardroom, 520 Lafayette Road, **St. Paul**, Minnesota 55155. The public hearing will begin at 1:00 p.m. and will continue until all parties are heard and it will resume again at 6:00 p.m.

Additional days of hearing may be scheduled if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

BWSR shall post the Public Notice of Hearing, Statement of Need and Reasonableness (SONAR), and the proposed rule amendments on the BWSR Web page: http://www.bwsr.state.mn.us/wetlands/wca/rulemaking.html.

Anyone who anticipates submitting a document during the hearings is encouraged to file a copy of the document with the Administrative Law Judge prior to the hearings.

Administrative Law Judge. The hearing, will be conducted by Administrative Law Judge Steve M. Mihalchick, who can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620, 651-361-7844 (phone), 651-361-7936 (fax). The rule hearing procedure is governed by Minnesota Statutes, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, Minnesota Rules, parts 1400.2000 to 1400.2240. Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge.

Agency Contact Person. Comments or questions on the rules must be submitted to one of the BWSR rulemaking contact persons. The BWSR rulemaking contact persons are: Dave Weirens, 520 Lafayette Road, St. Paul, Minnesota 55155, phone (651) 297-3432, fax (651) 297-5615, and email david.weirens@state.mn.us; and Les Lemm, 520 Lafayette Road, St. Paul, MN 55155, phone (651) 296-6057, fax (651) 297-5615, and email les.lemm@state.mn.us

Subject of Rules. BWSR is proposing to amend the rules that govern the implementation of the Wetland Conservation Act (WCA), Minnesota Rules Chapter 8420. Generally, WCA requires proposed impacts to be first avoided and minimized and then requires wetland functions to be replaced for unavoidable impacts. The rule includes provisions for wetland identification, wetland replacement, exempt and no loss activities, wetland banking, wetland planning, enforcement and appeals.

The purpose of this rule amendment is to:

- Adopt permanent rules by August 5, 2009 as required by statute;
- Incorporate 2007 and 2008 statutory changes into the permanent rule;
- Increase state and federal regulatory coordination through incorporating provisions of the BWSR-U.S. Army Corps of Engineers Wetland Mitigation Memorandum of Understanding (http://www.bwsr.state.mn.us/wetlands/BWSR-COEmemo.pdf);
- Improve application of wetland replacement science to improve resource outcomes; and
- Make organizational/formatting changes to improve clarity and understanding.

The proposed changes include the following:

- Re-organization of the rule to consolidate related requirements under common headings and follow a more intuitive order, specifically the order that an applicant or local government would go through when starting or reviewing a project. Other organizational changes include improved clarity on which activities are exempt from replacement, those that are no-losses (i.e. temporary impacts), and those where the rule does not regulate or have jurisdiction.
- Improved data on WCA activities through required reporting of WCA activities by local governments that administer the rule.
- Eliminates the existing two wetland credit system (new wetland credits and public value credits), used to allocate wetland replacement credits, in place of a single credit system where all replacement actions are allocated one type of credit. In addition, provisions are proposed to convert existing credits to this new system.
- Simplifies determining wetland replacement ratios and establishes an incentive based wetland replacement system that places a preference for replacement through wetland banking.
- Requires financial assurance for all wetland replacement that is not conducted prior to the proposed impact, unless the local government waives the requirement if it determines it is not necessary to ensure successful replacement.

- Amendments to the actions eligible for credit include establishing an upland buffer requirement for all replacement wetlands, consolidating three different types of wetland creations into a single provision, and allowing replacement credit for wetland preservation on state or local government land in greater than 80% areas of the state.
- Improve replacement wetland quality through increased detail on certification of wetland replacement construction and monitoring requirements.
- Clarifies the wetland planning process, increases the focus on the selection of wetland replacement types and locations under a watershed approach, and provides for plans that allow for recognition by the U.S. Army Corps of Engineers.

Statutory Authority. BWSR has authority under Minnesota Statutes Section 103G.2242 to adopt rules implementing the Wetland Conservation Act of 1991. Laws of Minnesota 2007, Chapter 57, Section 166 require BWSR to amend Minnesota Rules chapter 8420.

Rule Availability. The proposed changes to Minnesota Rules Chapter 8420 are published in the State Register, or they can be reviewed at the BWSR website at: http://www.bwsr.state.mn.us/wetlands/wca/rulemaking.html. A free copy of the proposed rule is available upon request by contacting Dave Weirens phone: (651) 297-3432 or email: david.weirens@state.mn.us. Only one copy will be sent per request.

Statement of Need and Reasonableness. A Statement of Need and Reasonableness (SONAR) is now available from BWSR at the agency website (http://www.bwsr.state.mn.us/wetlands/wca/rulemaking.html) or by contacting Dave Weirens by phone: (651) 297-3432 or email: david.weirens@state.mn.us and at the Office of Administrative Hearings. This statement contains a summary of the justification for the proposed rule, including a description of who will be affected by the proposed rule and an estimate of the probable cost of the proposed rule.

Public Comment. You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rule. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day rebuttal period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings.

The agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

Also, an individual may request to be placed on the agency's mailing list to receive notice of future rule proceedings.

Accommodation. If you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Modifications. The proposed rules may be modified as a result of the rule hearing process. Modifications must be supported by data and views presented during the rule hearing process, and the adopted rule may not be substantially different than this proposed rule unless the procedure under part 1400.2110 has been followed. If the proposed rule affects you in any way, you are encouraged to participate.

Adoption Procedure After Hearing. After the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rule. You may ask to be notified of the date when the judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the agency adopts the rule and files it with the Secretary of State, or ask to register with the agency to receive notice of future rule proceedings, and can make this request at the hearing or in writing to the agency contact person stated above.

Lobbyist Registration. Minnesota Statutes, chapter 10A, requires each lobbyist to register with the Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at 190 Centennial Office Building, 658 Cedar Street, St. Paul, Mn 55155-1603 or by phone at (651) 296-5148.

Order. I order that the rulemaking hearings be held at the dates, times, and locations listed above.

Dated:_____

Great River Greening

35 W. Water St. #201

Saint Paul MN 55107

www.greatrivergreening.org

Tel: 651 665.9500

Fax: 651 655.9409

March 15, 2009

Mr. John Jaschke
Executive Director
The Board of Water and Soil Resources
520Lafayette Road North
Saint Paul, MN 55155
Via E-mail

Dear Mr. Jaschke:

Great River Greening is honored that you have agreed to accept our invitation, delivered by Deborah Karasov, to receive Great River Greening's Environmental Community Partner of the Year Award.

Prior year recipients include Saint Paul Parks and Recreation and the Minnesota Department of Natural Resources – Division of Ecological Resources.

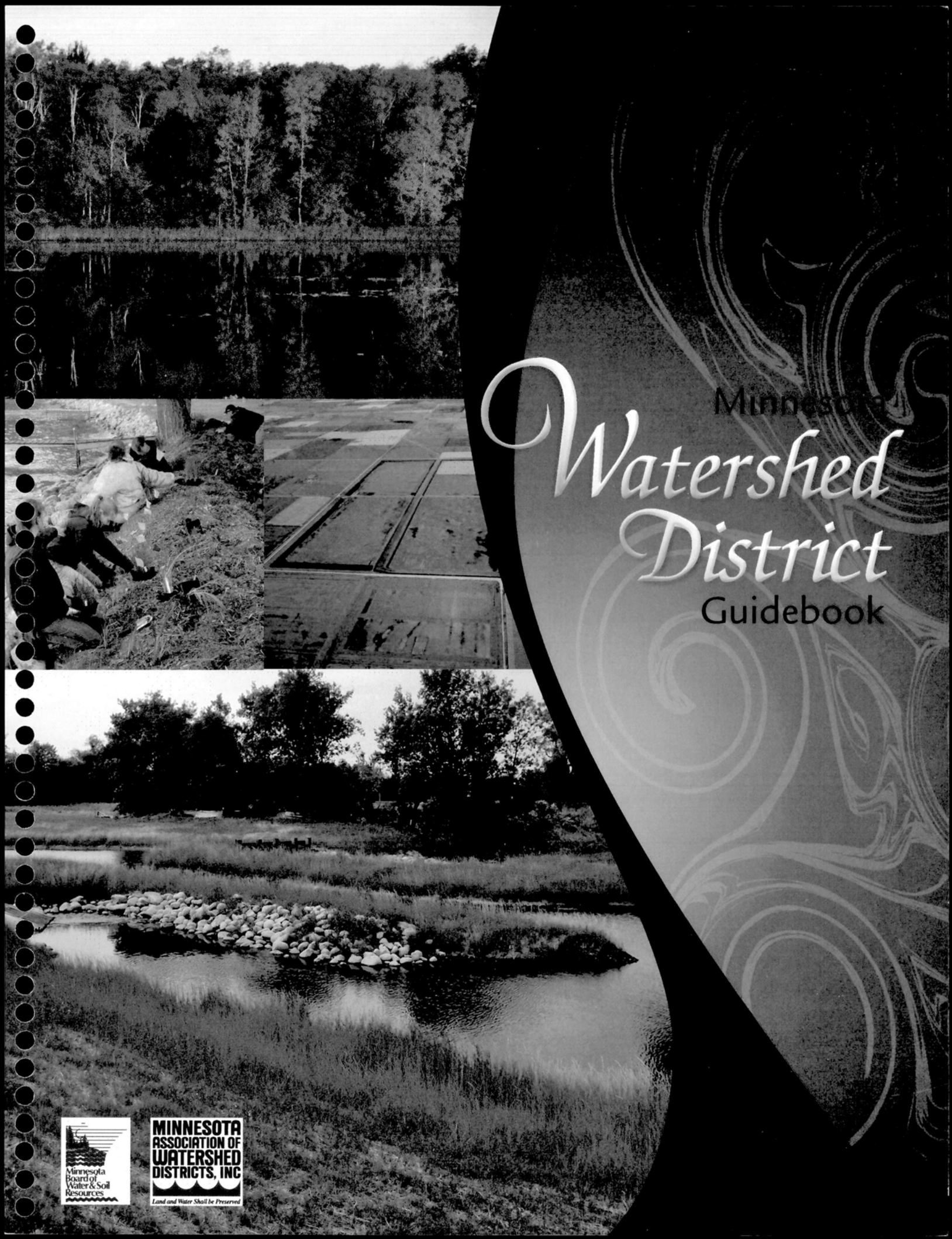
The Environmental Community Partner of the Year Award will be presented at Great River Greening's *A Million Shades of Green Gala* to be held Saturday, April 18, 2009 at Southview Country Club in Saint Paul. We look forward to visiting with you at that time. Meanwhile Robert Viking, our Development and Marketing Director, will work with you to coordinate the details surrounding the award and gala.

Sincerely,

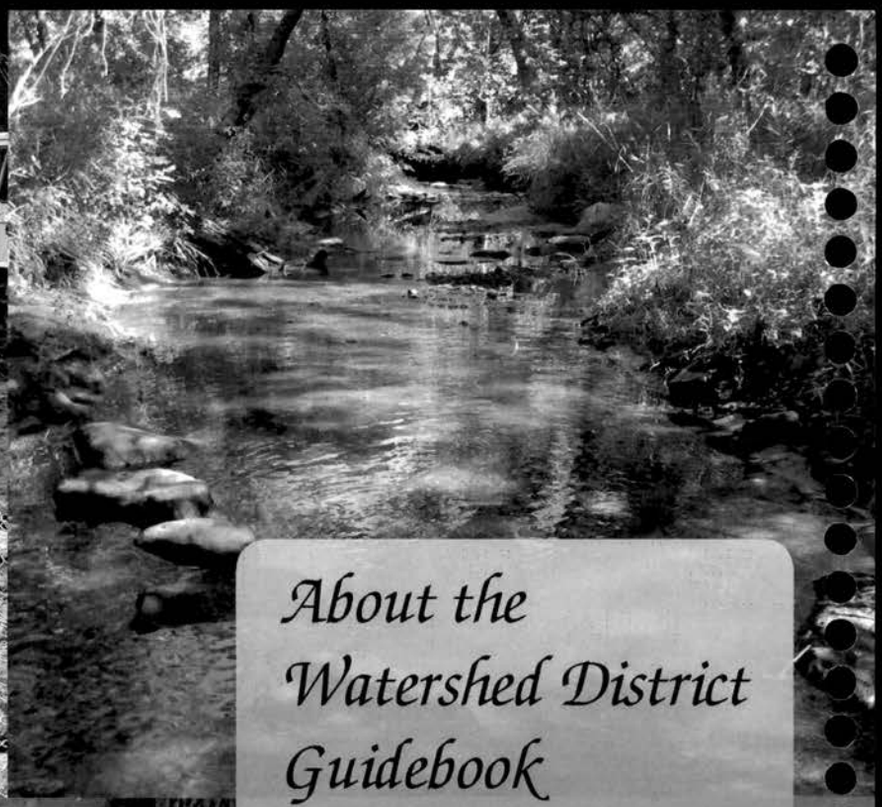
Deborah Karasov
Executive Director

Judy Lissick
Board Chair

restoring the land, renewing communities


Minnesota
Watershed
District
Guidebook
Minnesota Board of Water & Soil Resources
MINNESOTA ASSOCIATION OF WATERSHED DISTRICTS, INC
Land and Water Shall be Preserved





About the Watershed District Guidebook

The Board of Water and Soil Resources and the Minnesota Association of Watershed Districts produce and update this publication to inform Minnesota residents about the recent activities of Watershed Districts.







About Watershed Districts

PURPOSE

Watershed Districts are special purpose local units of government with boundaries based on the natural hydrologic boundaries of a watershed.

Because water is difficult to manage on the basis of political boundaries such as county or city lines, the Minnesota Legislature in 1955 authorized the creation of Watershed Districts. Watershed Districts are formed when citizens, county boards, or cities petition the Board of Water and Soil Resources under provisions outlined in state law, specifically 103D.

Watershed Districts are governed by a board of managers. Members of the board are appointed by county commissioners within the District's boundaries.

There are currently 46 Watershed Districts in Minnesota. 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. These local units of government achieve effective and efficient water management outcomes by focusing on water quality and quantity issues on a watershed basis, targeting their efforts to the areas where they will provide the greatest benefits.

HISTORY

In 1953, Congress approved the federal Watershed Protection and Flood Prevention Act. The Act provided financial assistance to local agencies responsible for the management of secondary watersheds. These agencies had the power of eminent domain and levy authority to raise revenue. The Minnesota Legislature approved the Watershed Act, Minnesota Statutes Chapter 103D, in 1955. This act allowed Watershed Districts to be established if citizens or local government units submit a petition to the Minnesota Water Resources Board (now the Board of Water and Soil Resources).

As the Watershed Act was being developed, many believed that Watershed Districts should be governed by people somewhat removed from the political process, so they would be able to make tough and possibly unpopular decisions. It was agreed that Watershed District managers would be appointed, rather than elected.

The first Watershed District was established in 1957 – the High Island Creek Watershed District, encompassed parts of Sibley, Renville, and McLeod counties. Other Districts followed, with the most recent one, the Cedar River Watershed District, established in 2007.

Powers & Duties

In general, under M.S. Chapter 103D.335, a Watershed District has the power to:

- sue and be sued
- incur debts, liabilities and obligations
- exercise the power of eminent domain
- levy property taxes and special assessments
- issue certificates, warrants, bonds
- acquire and dispose of property
- hire staff and consultants
- regulate development

Watershed Districts deal with a wide variety of water-related concerns, including water quantity (flood damage reduction) and water quality, including wetlands and groundwater management. Many Districts work cooperatively with other local organizations such as cities, counties, Soil and Water Conservation Districts, non-profit and private wildlife groups, and community organizations to work toward common water management goals. Watershed Districts engage in varied water resources activities and projects, which differ by location, size, resources and land use. Some Watershed District activities and projects include, but are not limited to:

- Streambank Restoration
- Aerial Environmental Surveys
- Flood Control Structures
- Natural Resources Inventories
- Nutrient Loading Reduction
- Public Education and Outreach
- Monitoring Studies
- Stormwater Management
- Dredging and Channel Excavation
- Farmstead Ringdikes
- Internship Programs
- Local Cost-Share Programs
- Erosion Control Projects
- Dam and Ditch Repair and Assessment
- Stormwater Management
- Ditch Repair and Assessment
- Wetland Restoration
- Feedlot Pollution Reduction
- Agricultural Land Buffering
- Best Management Practices
- Hydrologic Model Development

Funds & Annual Reporting

By law, Watershed Districts are allowed to establish a number of funds for the purpose of carrying out their powers and duties. Precedent does exist for using a combination of assessments and levies for paying project costs. Some funding options vary based on a District's inclusion in the seven-county metro area.

Districts may generate revenue via the following:

AD VALOREM TAX LEVIES

Organizational Expense Fund (M.S. Chapter 103D.905, Subd. 2); General (Administrative) Fund (M.S. Chapter 103D.905, Subd. 3); Survey and Data Acquisition Fund (M.S. Chapter 103D.905, Subd. 8); Emergency Projects of Common Benefit Fund (M.S. Chapter103D.615, Subd. 3); Planning and Implementation Fund (metro only, M.S. Chapter 103B.241, 103B.231 and 103B. 235) and Maintenance of Capital Improvements Fund (metro only, M.S. Chapter 103B.251, Subd. 9).

ASSESSMENT LEVIES

Preliminary Fund (M.S. Chapter 103D.905, Subd. 6); Construction or Implementation Fund (M.S. Chapter 103D.905, Subd 5); Repair and Maintenance Fund (M.S. Chapter 103D.905, Subd. 7 and 103D.631) and Emergency Projects for Benefited Property Fund (M.S. Chapter 103D.615, Subd. 3).

Funds Generated Through Bond Sales
(M.S. Chapter 103D.905, Subd. 4)

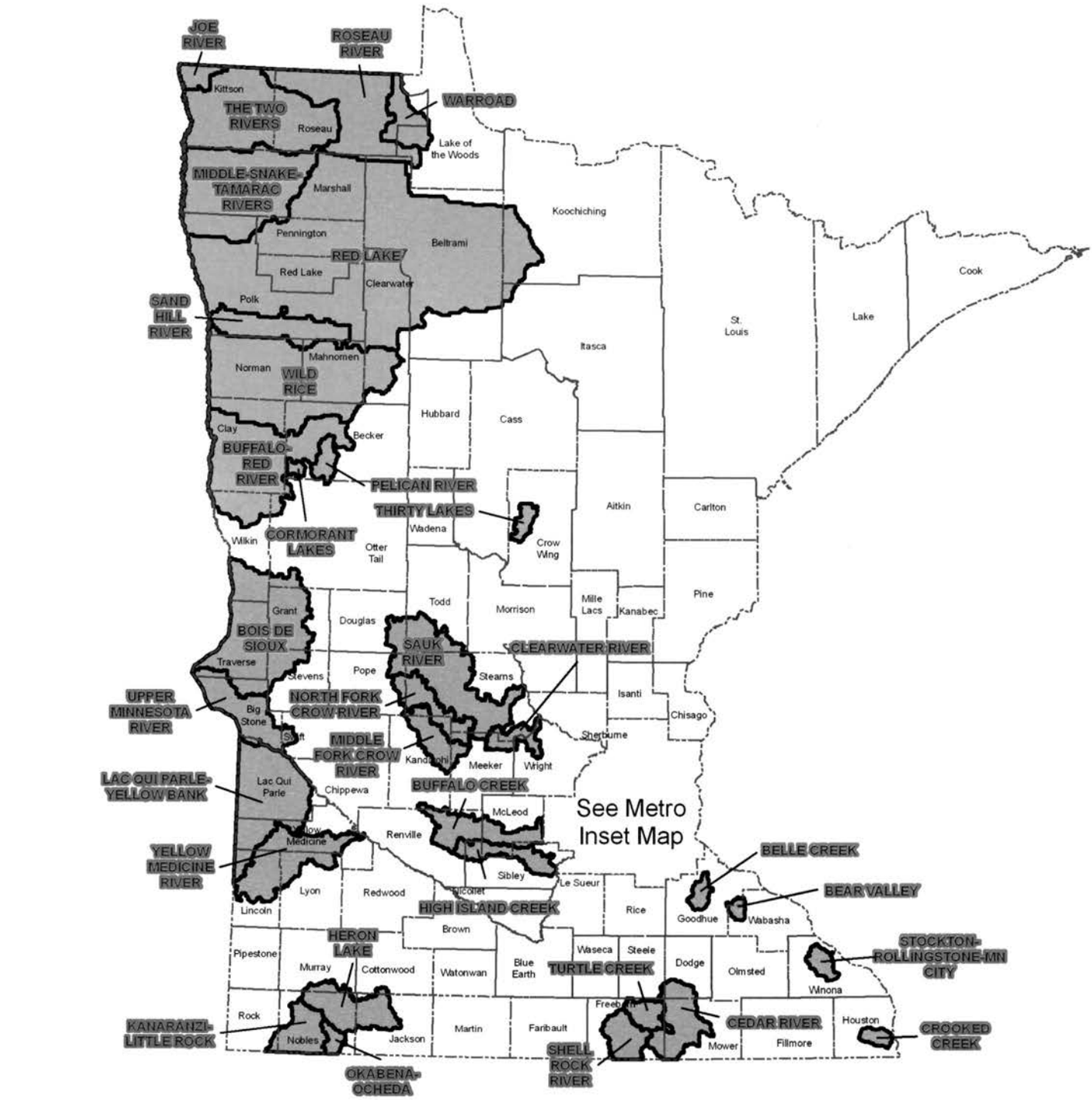
Funds Generated through Collection of Charges
(M.S. Chapter 103D.729 and 444.075)

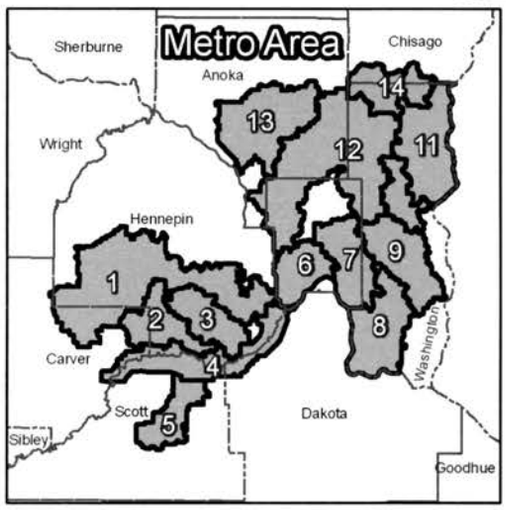
ANNUAL REPORTING

The managers of a Watershed District are required to prepare a yearly report of the financial conditions of the District, the status of all projects, the business transacted by the watershed district, other matters affecting the interests of the Watershed District, and a discussion of the manager's plan for the succeeding year. Copies of the report must be submitted to the Board of Water and Soil Resources and the Director of the DNR Division of Waters.

ANNUAL AUDIT

The managers of a Watershed District must have an annual audit completed of the books and accounts of the Watershed District. The annual audit may be made by a certified public accountant or by the state auditor.





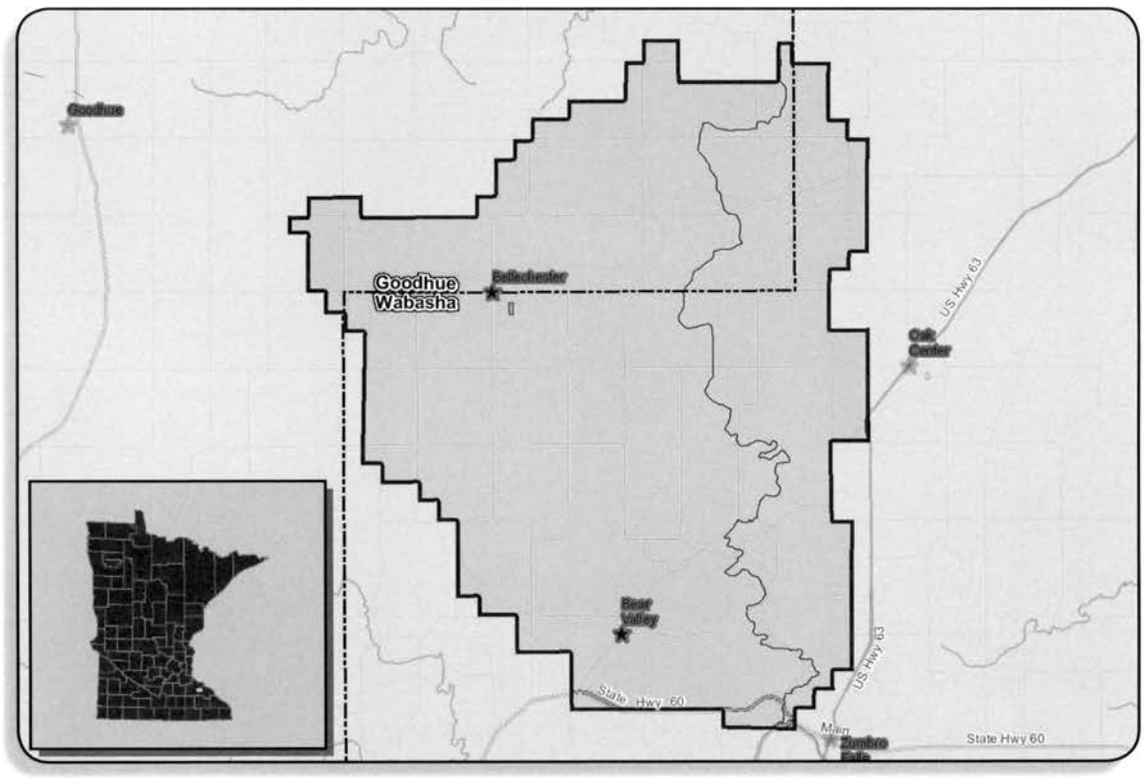
Metro Watershed Districts

1, MINNEHAHA CREEK
2, RILEY-PURGATORY-BLUFF CREEK
3, NINE MILE CREEK
4, LOWER MINNESOTA RIVER
5, PRIOR LAKE-SPRING LAKE
6, CAPITOL REGION
7, RAMSEY-WASHINGTON-METRO
8, SOUTH WASHINGTON
9, VALLEY BRANCH
10, BROWNS CREEK
11, CARNELIAN-MARINE-ST. CROIX
12, RICE CREEK
13, COON CREEK
14, FOREST LK-COMFORT LK

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Bear Valley
WATERSHED DISTRICT



GENERAL INFORMATION

Established: April 27, 1961
by Goodhue and Wabasha County

25409 County 16 Blvd
Goodhue, MN 55027-8602
Phone: (612) 923-4937

Included Counties: Goodhue and Wabasha

District Size: 45.8 square miles

Major Water Bodies: Cold Creek with two major tributaries - Bellechester and Bear Valley. The watershed flows south to the Zumbro River

Number of Staff: 0

2008 Taxable Market Value: $124,029,600

BOARD OF MANAGERS

Name	Position	Address	Phone
Paul Huneke	President		(612) 923-4038
Warren Majerus	Secretary	Rt 1 Box 47, Mazeppa, MN 55956	(612) 923-4973
Neil Stehr	Treasurer	67662 386th Ave, Lake City, MN 55041	(507) 753-2023

RECENT PROJECTS

A work plan for the Bear Valley Watershed District was created in 1961 by the Goodhue and Wabasha Soil and Water Conservation Districts, assisted by the USDA Soil Conservation Service and Forest Service.

A system of grade stabilization structures was developed to reduce soil losses, damage to property from sediment, land voiding, undercutting of fences and road structures, and the destruction of terrace outlets and waterways. This included seven box inlets added to existing bridges or culverts, five straight-drop spillways, three drop inlets, and 4.75 miles of structural waterways. Also, three drop inlets with conservation pools were established to provide temporary storage for flood reduction downstream of these structures.

Landowners within the watershed have cooperated by working with soil and water conservation leaders to install conservation practices that have reduced soil erosion, protected wooded lots, and provided wildlife habitat.

The Bear Valley Watershed District's primary role is to maintain and repair the structures that have been established, and to continue to work cooperatively with the Goodhue and Wabasha Soil and Water Conservation Districts, other conservation organizations, and local landowners to install conservation practices.

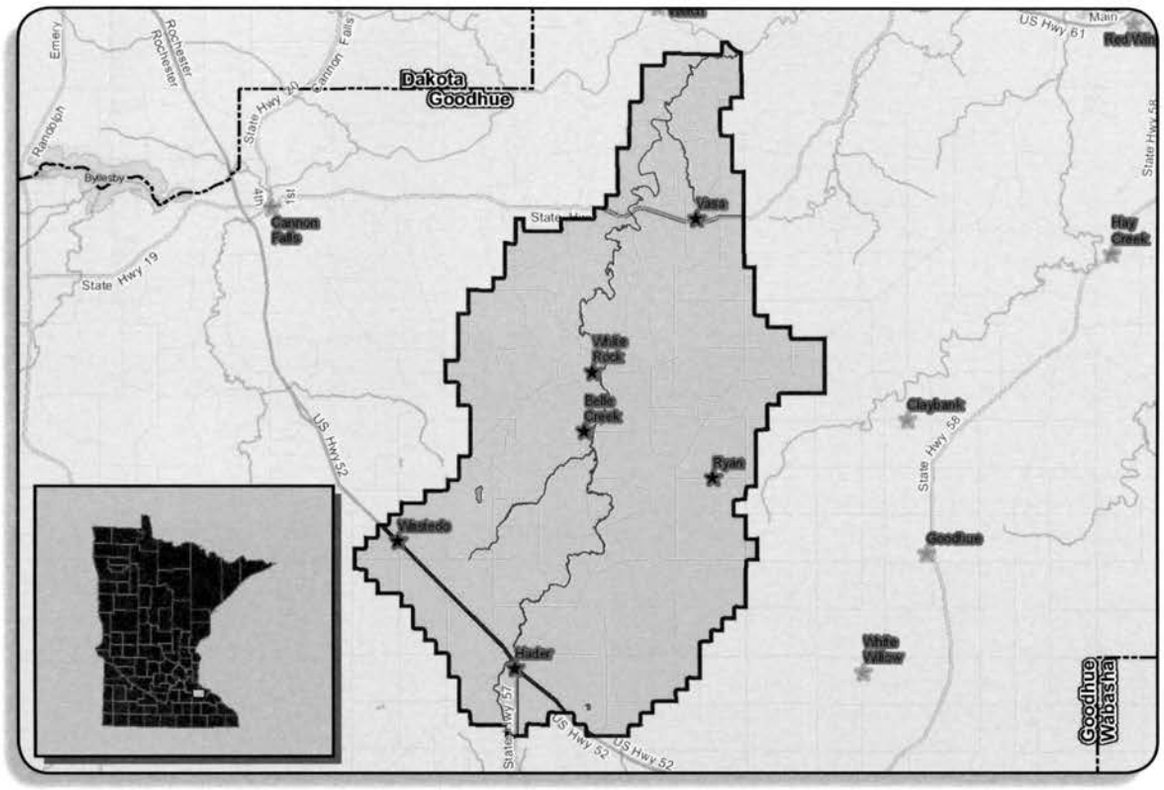
FUTURE PROJECTS

Continue to maintain and repair the structures that have been established, and to work cooperatively with SWCDs, other conservation organizations, and local landowners to install conservation practices.

2007 EXPENDITURES

Total 2007 Expenditures	$3,194

Belle Creek
WATERSHED DISTRICT



GENERAL INFORMATION

Established: November 14, 1968 by citizen petition

25409 County 16 Blvd,
Goodhue, MN 55027-8602
Phone: (612) 923-4937

Included counties: Goodhue

District Size: 82 square miles

Major Water Bodies: Belle Creek, which flows north and drains into the Cannon River

Number of Staff: 0

2008 Taxable Market Value (TMV): $262,214,000

BOARD MEMBERS

Name	Position	County	Address	Phone
James Hedeen	Treasurer	Goodhue	15478 Norelius Rd, Welch, MN 55089	507-258-4514
Les Kyllo	Chair	Goodhue	14414 Co. 50 Blvd, Goodhue, MN 55027	507-824-2369
Francis McNamara	Secretary	Goodhue	35780 165th Ave, Goodhue, MN 55027	507-258-4115



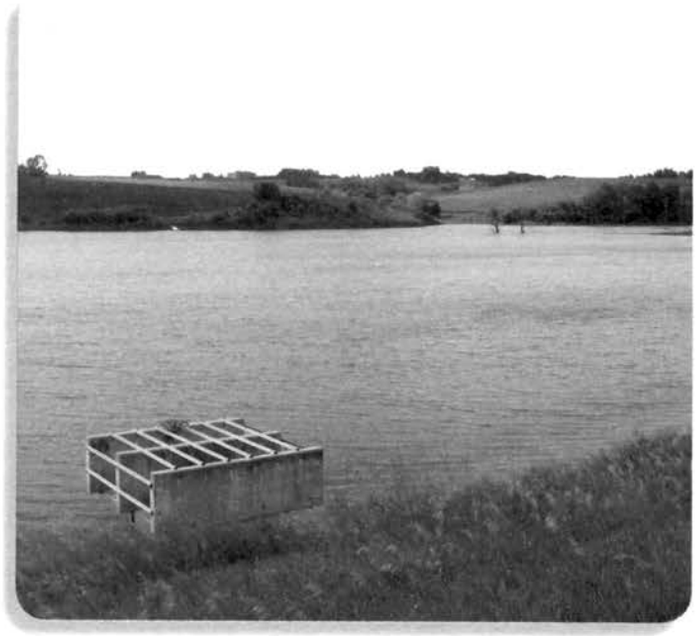
Conservation practices near Belle Creek include stripcropping, where strips of row crops alternate with strips of grass or small grains along the contour of a slope to reduce soil erosion.

RECENT PROJECTS

The Belle Creek Watershed District was established mainly in response to a severe flood in 1961. A citizen steering committee was formed to seek engineering assistance and financial resources to inform landowners of possible flood damage reduction solutions. Federal assistance was sought, which required a local government unit to provide a local share of the project costs, and to assume the necessary legal and administrative responsibilities. That led to the petition to create the district, which was submitted to and approved by the Minnesota Water Resources Board.

Five floodwater retarding structures and two grade stabilization structures have been established by the District, in cooperation with local, state, and federal conservation partners. Belle Creek Watershed District managers have worked with many of the landowners in the watershed and the Goodhue Soil and Water Conservation District to install conservation practices, including grassed waterways, terraces, contour strips, tile drainage, ponds, conservation tillage, and erosion control structures.

The Watershed District continues to maintain the structures that have been established, and works with conservation partners and local landowners to promote land treatment measures that protect and improve water quality and reduce potential flood damage.



One of the flood-control structures that are maintained by the watershed district.

FUTURE PROJECTS

Tree and brush removal began in the fall of 2008 on two of the structures, with follow-up treatment in the spring of 2009.

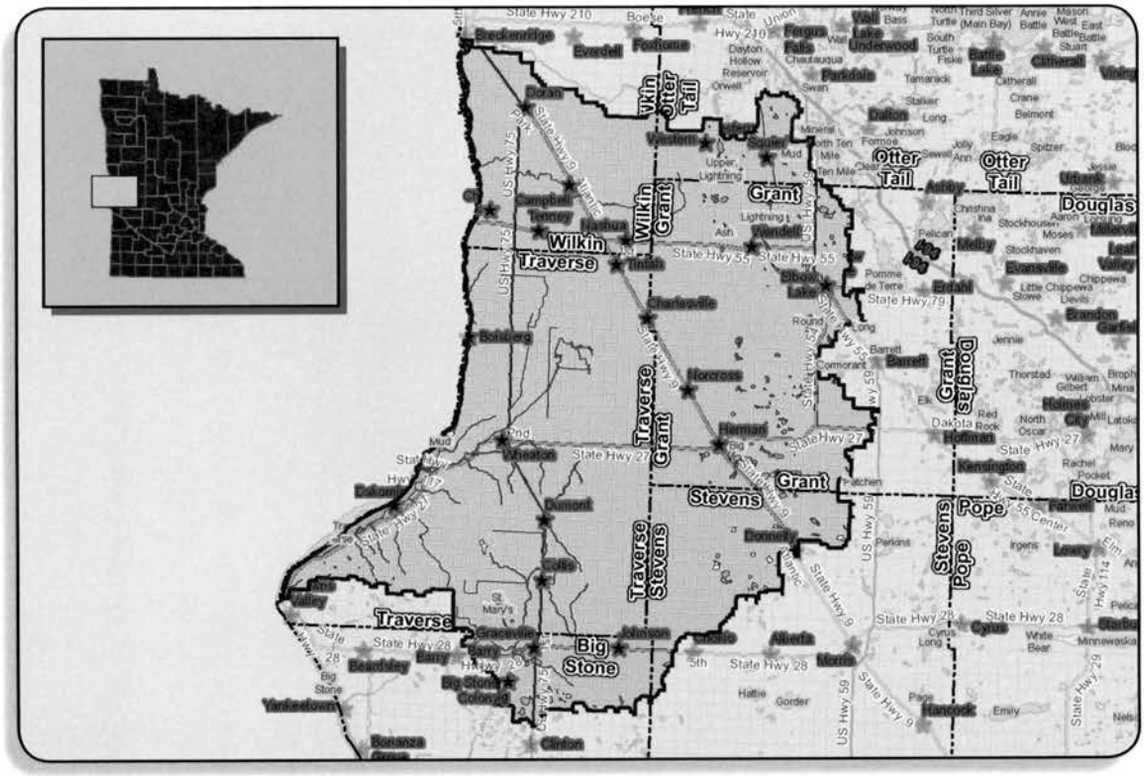
One stream crossing will be installed over Belle Creek.

2007 EXPENDITURES

Total 2007 Expenditures	$7,000
Management / General Administrative	$500
Insurance	$6,500

Bois de Sioux

WATERSHED DISTRICT



GENERAL INFORMATION

Established: May 11, 1988
by Wilkin, Traverse, Big Stone and Stevens County Petition

704 S Highway 75,
Wheaton, MN 56296
Phone: (320) 563-4185

Fax: (320) 563-4987
bdswd@frontiernet.net

Included Counties: Traverse, Grant, Stevens, Big Stone, Otter Tail, Wilkin

District Size: 1,430 square miles

Major Lake: Lake Traverse

Number of Staff: 2

2008 Taxable Market Value (TMV):
$1,836,727,400

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Jerome Deal	President	Traverse	1501 Second Ave S, Wheaton, MN 56296	(320) 563-8377
Don Davenport	Vice Pres.	Otter Tail	12752 County Hwy 15, Fergus Falls, MN 56537	(218) 739-9281
Dan Ellison	Manager	Grant	18353 260th Ave, Elbow Lake, MN 56531	(320) 677-2614
John Kapphahn	Manager	Grant	28043 - 220th Ave, Elbow Lake, MN 56531	(218) 685-4604
John "Jack" Lampert	Secretary/Treasurer	Stevens	62729 130th St, Chokio, MN 56221	(320) 677-2579
Robert Marts	Manager	Traverse	6240 State Hwy 27, Wheaton, MN 56296	(320) 563-4409
Jon Pansch	Manager	Big Stone	26737 County Rd 65, Graceville, MN 56240	(320) 748-7516
Tom Deal	Manager	Wilkin	2920 410th St, Doran, MN 56522	(218) 630-5882
Dennis Zimbrick	Manager	Traverse	5519 County Rd 3, Beardsley, MN 56211	(320) 265-6252

RECENT PROJECTS

Stream Gauging Program – a District-wide program involving 38 volunteer readers. Gathered information is used to help predict potential flood danger and for hydrologic modeling.

District Rules and a Permitting Program – helps provide adequate drainage needs for agricultural production while providing fair access to the drainage system as a whole. The District processed 146 permits in 2008.

North Ottawa Impoundment Project – currently under construction, this project consists of a three-square-mile water impoundment designed to retain 18,000 acre-feet of floodwater from a 75-square-mile watershed. Estimated cost is $18.9M. Will be partially operational in spring 2009.

River Watch Program - conducted with four schools in the Bois de Sioux Watershed District. Monitoring is done on approximately 30 sites and water quality data is assembled and distributed to local, state, and federal agencies.

Partnership – with local Soil and Water Conservation Districts (SWCDs) to promote installation of buffer strips and wetland restorations for runoff reduction. In the last two years, over 3,500 acres were installed within the Bois de Sioux Watershed District.

Re-determination of drainage benefits - for the drainage area of Judicial Ditch #14, covering around 800 square miles. This re-determination constitutes one of the largest ever undertaken in the state of Minnesota.

Redpath Project – A multi-purpose impoundment adjacent to the Mustinka River, the main river in the District. This project is comparable to the North Ottawa Impoundment in size and function.

Management of 60 legal ditch systems – under MS 103E comprising approximately 400 lineal miles of drainage systems and also conduct annual inspections and the needed repairs and maintenance as required by statute.

MAWD Summer Tour 2008 - The Bois de Sioux Watershed District hosted the Minnesota Association of Watershed Districts Summer Tour 2008. Around 150 watershed managers and spouses were in attendance along with some state agency people. Stops included a drive through of the North Ottawa Impoundment Project.

2008 DNR Waters Watershed District of the Year award recipient.



North Ottawa Impoundment Project—aerial view looking north. Project scheduled to be fully functional for flood damage reduction purposes spring 2010.

Pheasants Forever partnership – with local chapters to purchase and retire marginal farmland into permanent grassland as a means to reduce runoff.

FUTURE PROJECTS

Complete construction – of the North Ottawa Impoundment Project.

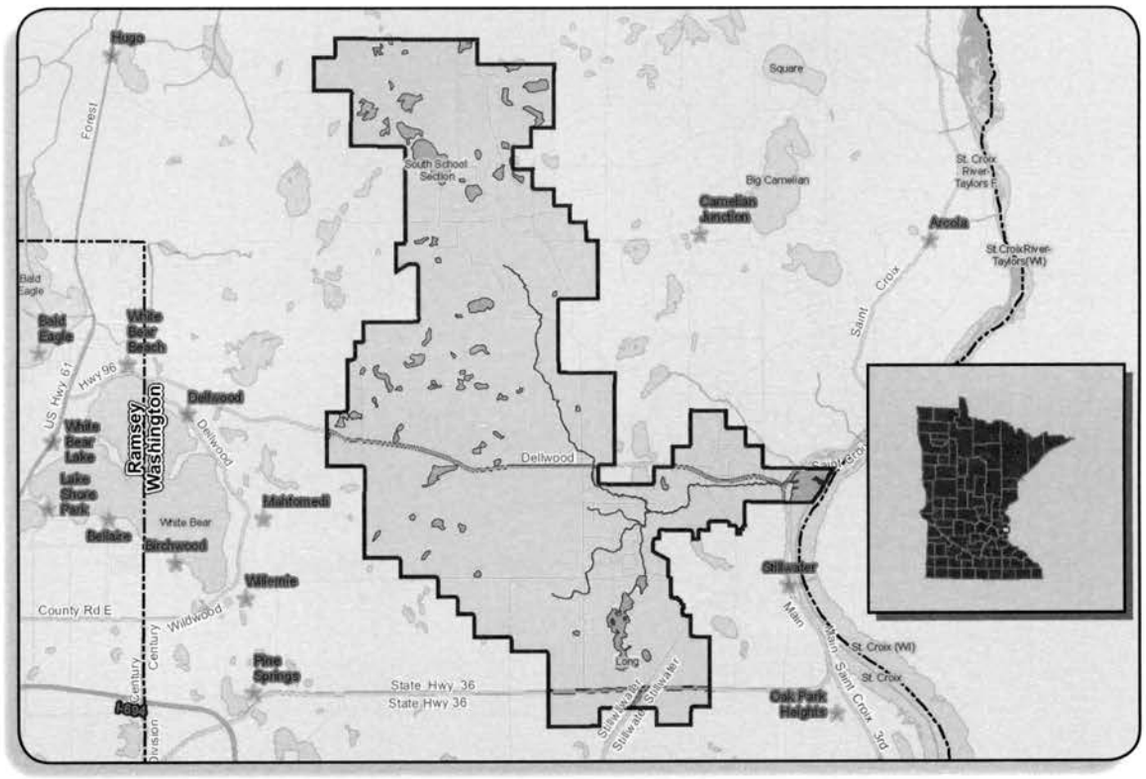
Initiate construction – Pursue development of impoundment projects in Tintah Township Section 34, Moonshine Lakebed, Moonshine Township Section 13, Eldorado Township Section 7 by working to acquire land rights.

Ditch record modernization – participate in the ditch record modernization process to the extent necessary to make managing the legal ditch systems in our district more efficient.

2007 EXPENDITURES

Call district office for financial information:
(320) 563-4185, ask for Jon.

Brown's Creek
WATERSHED DISTRICT



GENERAL INFORMATION

Established: October 28, 1997 by county petition

1380 W Frontage Rd, Hwy 36, Stillwater, MN 55082

Phone: (651) 275-1136, ext 26
Fax: (651) 275-1254
www.bcwd.org
karen.kill@mnwcd.org

Included Counties: Washington

District Size: 29.4 square miles

Major Waterbodies (and DNR designations): Brown's Creek (designated trout stream and tributary to the St. Croix River), Long Lake (82-21), Goggin's Lake (82-77), School Section Lakes (82-149 & 82-141), Lynch Lake (82-42), Benz Lake (82-120), Pat Lake (82-125), Kismet Basin (82-333), Base West Lake (82-123), Masterman Lake (82-126), Woodpile Lake (82-132), Fingers Pond (82-256)

Staff: 1 FTE Contracted Administrator Services plus additional consultants

2008 Taxable Market Value (TMV): $1,708,552,100

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Craig Leiser	President	Washington	10300 Kismet Ln, Stillwater, MN 55082	(651) 439-4008
Rick Vanzwol	VP/CAC Liaison	Washington	9750 Jamaca Ave N, Grant, MN 55115	(651) 426-2378
Connie Taillon	Treasurer	Washington	3374 Staples Place, Stillwater, MN 55082	(651) 342-0284
Gerald Johnson	Secretary	Washington	302 Edgewood Ave, Stillwater, MN 55082	(651) 439-0685
Gail Pundsack	Vice President	Washington	5901 Omaha Ave N, Stillwater, MN 55082	(651) 439-0317



Long Lake (82-21) in Stillwater is impaired for excess nutrients. A management plan was approved in 2006 and implementation activities in 2007-08 have removed approximately 50 pounds of phosphorous from the lake annually.

RECENT PROJECTS

Trout Habitat Preservation Project – 2004 MAWD project of the year. Flood protection project completed in 2001 focused on protection and enhancements of the sensitive spring-fed headwaters of Brown's Creek, as well as stabilization of water levels in the landlocked basin of the lakes utilizing infiltration. Ongoing maintenance revealed reductions in infiltration rates. An infiltration recovery project was installed in winter 2006-07.

Long Lake Management Plan – developed in 2006. Efforts have resulted in a reduction of 50 pounds of phosphorous per year from reaching the lake. A current study is focusing on methods to reduce the impact of nutrients already in the lake.

Brown's Creek Biota TMDL and Implementation Plan – designated trout stream impaired for biota due to several stressors including high temperatures, low dissolved oxygen, high suspended solids, high copper, and high nitrogen. Currently developing the TMDL study and implementation plan to be completed by August 2009.

Benz Lake Management Plan – currently developing plan to be completed by 2008.

Land Conservation Program – currently working with Citizen Advisory Committee and Technical Advisory Committee to set conservation goals and priority areas.

Permitting Program – rules were revised in May 2007, including changes to enhance the standards for volume control, water quality, buffer, and flood management.

Collaboration – provide funding for a shared stormwater educator position to educate residents, municipal officials and staff, and developers.

Cost-Share Program – initiated in 2006 for homeowners willing to install practices to improve water quality. To date 36 projects were approved for raingardens, native plantings, and shoreline restorations.

Monitoring Program – utilizes volunteers when possible to determine water quality trends as well as resource management needs and outcomes.

FUTURE PROJECTS

Continue Long Lake Management Plan Implementation

Land Conservation Program Implementation

Brown's Creek Biota TMDL Implementation

Benz Lake Management Plan Implementation

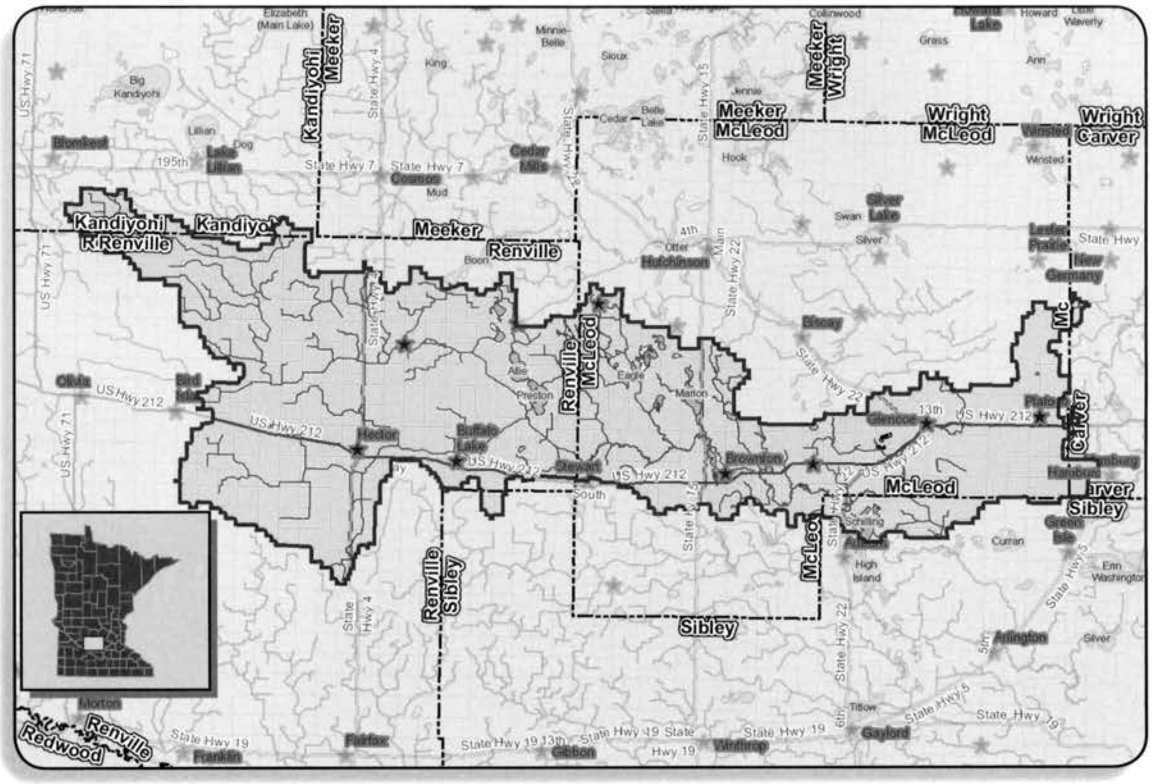
2007 EXPENDITURES

Total 2007 Expenditures	**$854,056**
Management / General Administrative	$87,618
Data Collection / Monitoring	$81,428
Permitting / Regulatory Programs	$232,495
Projects / Implementation	$250,686
Water Management Programs	$201,829

MINNESOTA ASSOCIATION OF WATERSHED DISTRICTS, INC

Minnesota Board of Water & Soil Resources

Buffalo Creek
WATERSHED DISTRICT



GENERAL INFORMATION

Established: January 30, 1969 by citizen petition

PO Box 55
Glencoe, MN 55336
Phone: (320) 864-6250
www.bcwatershed.org

Included Counties: McLeod, Renville, Sibley, Carver, Kandiyohi

District Size: 422 square miles

Major Lakes: Eagle, Allie, Marion, Whitney, Preston

Number of Staff: 1 part-time

2008 Taxable Market Value (TMV): $1,427,095,400

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Donald Belter	President	McLeod	43540 180th St, Glencoe, MN 55336	(320) 864-6250
George Schlagel	Vice President	Renville	54231 870th Ave, Buffalo Lake, MN 55314	(320) 587-8562
Charles Kubesh	Secretary	Renville	52481 850th Ave, Buffalo Lake, MN 55314	
Larry Phillips	Treasurer	McLeod	8495 Ideal Ave, Glencoe, MN 55336	(320) 864-4142
Corey Henke	Financial Secretary	McLeod	13031 County Rd 7, Stewart, MN 55385	(320) 587-9143



Rock gabion baskets and bendway weirs were installed to stabilize a segment of Buffalo Creek in Collins Township.

RECENT PROJECTS

Lake Allie Desilting Basin Project – constructed a sediment basin for Lake Allie to reduce the sediment contributions of CD#132. Project has been completed.

Tom Maiers Project – re-shaping of banks to stabilize a segment of the Buffalo Creek streambank in Collins Township. Project has been completed.

Buffalo Creek Streambank Restoration Project – to stabilize the eroding creek bank in a segment of Buffalo Creek in Bergen Township, McLeod County. Eroded banks were reshaped to provide a flatter slope, using field stone for rock rip rap and installed bendway weirs. The project has been completed.

Jim Sondergaard Project – stabilized creek banks in a segment of Buffalo Creek in Collins Township by reshaping and installing rock gabion baskets and bendway weirs. The project has been completed.

Cost-Share on Buffer Strips Project – to provide a $100/acre incentive to landowners for the installation of CRP-eligible and non-CRP-eligible harvestable buffer strips along the Buffalo Creek and its tributaries.

FUTURE PROJECTS

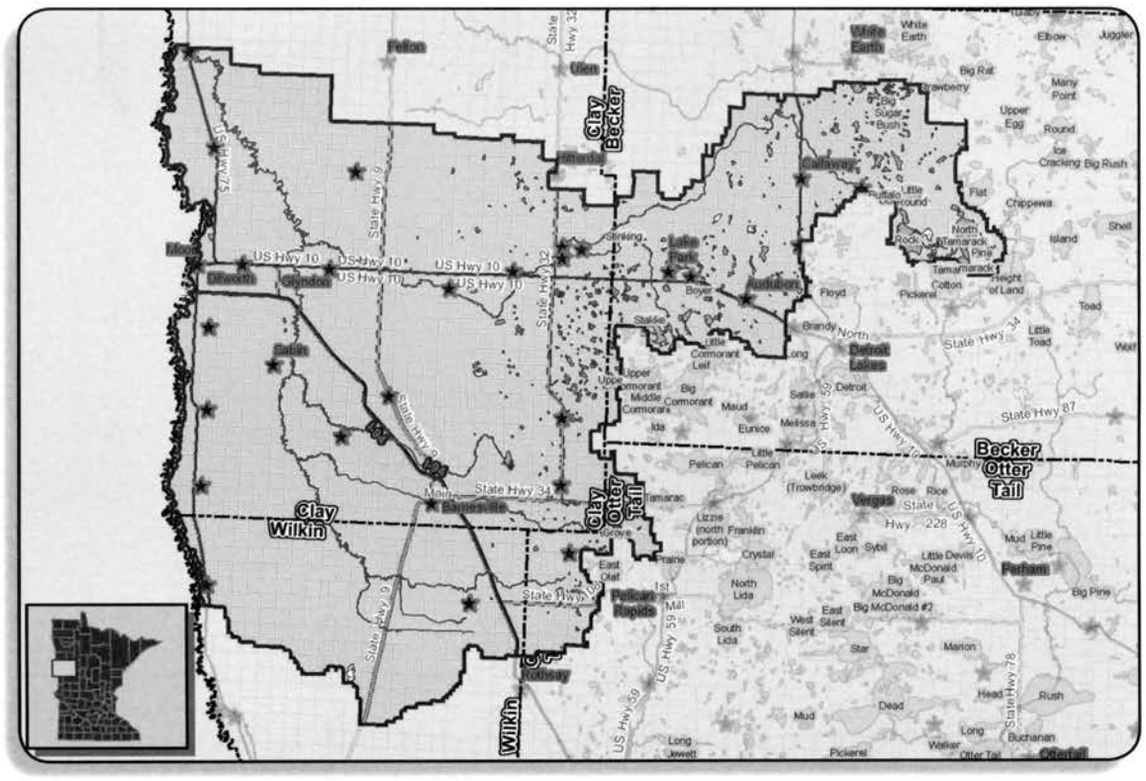
As an ongoing project we are continually working with landowners in our rural and urban areas to assist in the installation of rain gardens to help with runoff.

Clearing of deadheads and downed trees in the Buffalo Creek channel to make a more navigable stream.

2007 EXPENDITURES

Total 2007 Expenditures	**$322,470.76**
Management / General Administrative	$39,234.88
Project Implementation & 319 Grant Funds	$259,004.48
Water Management Programs	$17,350.00
Dues, Insurance, Fees	$6,881.40

Buffalo-Red River
WATERSHED DISTRICT



GENERAL INFORMATION

Established: August 30, 1960 by citizen petition

123 Front Street S
PO Box 341
Barnesville, MN 56514
Phone: (218) 354-7710
Fax: (218) 354-2503

www.brrwd.org
brrwd@bvillemn.net

Included Counties: Clay, Becker, Wilkin, Otter Tail

District Size: 1,379 square miles

Legal Drainage Systems: 65, totaling 373 miles

Number of Staff: 2

2008 Taxable Market Value: $3,996,236,562

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Roger G. Ellefson	Chairman	Wilkin	2458 120th St, Barnesville, MN 56514	(218) 493-4334
Gerald L. VanAmburg	Vice Chairman	Clay	2414 S Rivershore Dr, Moorhead, MN 56560	(218) 236-7659
Curtis M. Nelson	Treasurer	Clay	22777 120th Ave S, Barnesville, MN 56514	(218) 937-5435
John E. Hanson	Secretary	Becker	19532 232nd St, Audubon, MN 56511	(218) 439-6727
E. Robert Olson	Manager	Clay	294 44th Ave S, Moorhead, MN 56560	(218) 236-8871

RECENT PROJECTS

"Watershed District of the Year" — named by the Minnesota Department of Natural Resources (DNR) in 1991, 1997, and again in 2005.

2006 Moorhead Interstate-94 Flood Control Project — designed to alleviate flooding in Sections 24/25, Moorhead Township, located south of the city. The pFroject diverts water away from the city into Clay County Ditch No. 41.

Clay County Ditch No. 68 Project — a 1.5 mile waterway improvement project for the city of Glyndon includes channel restoration, bufferstrips, and enlarging a number of structures. Completed in 2006.

Farmstead Ringdike Program — in conjunction with DNR Waters FDR grants, provides flood damage protection for approximately 20 properties.

"2002 Project of the Year" — named by the Minnesota Association of Watershed Districts (MAWD), a project made by emergency declaration to lower Turtle Lake to the Ordinary High Water Level (OHLW) by means of a siphon system. The lake reached its OHWL on 12/07/00. Subsequent wet conditions have made it necessary to continue summer siphon operation.

"2006 Project of the Year" — named by MAWD, Whisky Creek Tributaries, located north and west of Barnesville, includes a flood water impoundment, channel restorations, set-back levees, bufferstrips, diking, and wetland restorations. Completed in 2005.

Clay County Ditch No. 59 — petitioned for in 2000, this nine-mile improvement/extension project located in Kragnes, Flowing, and Morken Townships, addressed gradeline problems, changed several inadequate structures, and included one-rod grassed bufferstrips. Completed in 2004.

The Clay County Ditch No. 53 — located in Holy Cross and Alliance Townships, this project included improving the ditch system hydraulic capacity to handle a 10-year runoff event, center line structure replacements, and right-of-way acquisition with bufferstrips. Completed in 2004.

The Moorhead/Dilworth/Hawley EDA Projects — started after a 1993 summer flood, the development of five flood control projects were assisted by a $2.7 million Economic Development Authority (EDA) grant. Total project costs were in excess of $5 million.

The Deerhorn Levee Project — designed to reduce flood damages and to provide for a storage area between the levees to impound floodwaters. The levees begin in Prairie View Township and follow both sides of Deerhorn Creek for approximately nine miles to the confluence with Buffalo River in Wilkin County. Completed in 2001.



The Barnesville High School River Watch Team, sponsored by the BRRWD, received the Minnesota Rural Education Association's highest award in 2008. State Education Commissioner Alice Seagren (front row, left) presented the award.

The Georgetown Levee Project — requested in 1998, following the 1997 spring flood. The city of Georgetown petitioned for a flood control project to construct earthen flood control levees around the city. Completed in 2000.

FUTURE PROJECTS

Flood Control Project in Oakport Township — a permanent earthen levee system that will protect around 400 homes along Oakport Coulee and the Red River, north of Moorhead. The District is working on home buyouts within the proposed dike alignment and the engineer is preparing a final dike design.

Manston Slough Restoration Project — includes a low-hazard classification dam, 1,320 acres of wetland restoration, a water level control structure to manage wetland elevations, and an upland watershed treatment to control erosion and improve water quality. The Governor's Clean Water Initiative Cabinet chose the project as a Red River Basin Pilot Project.

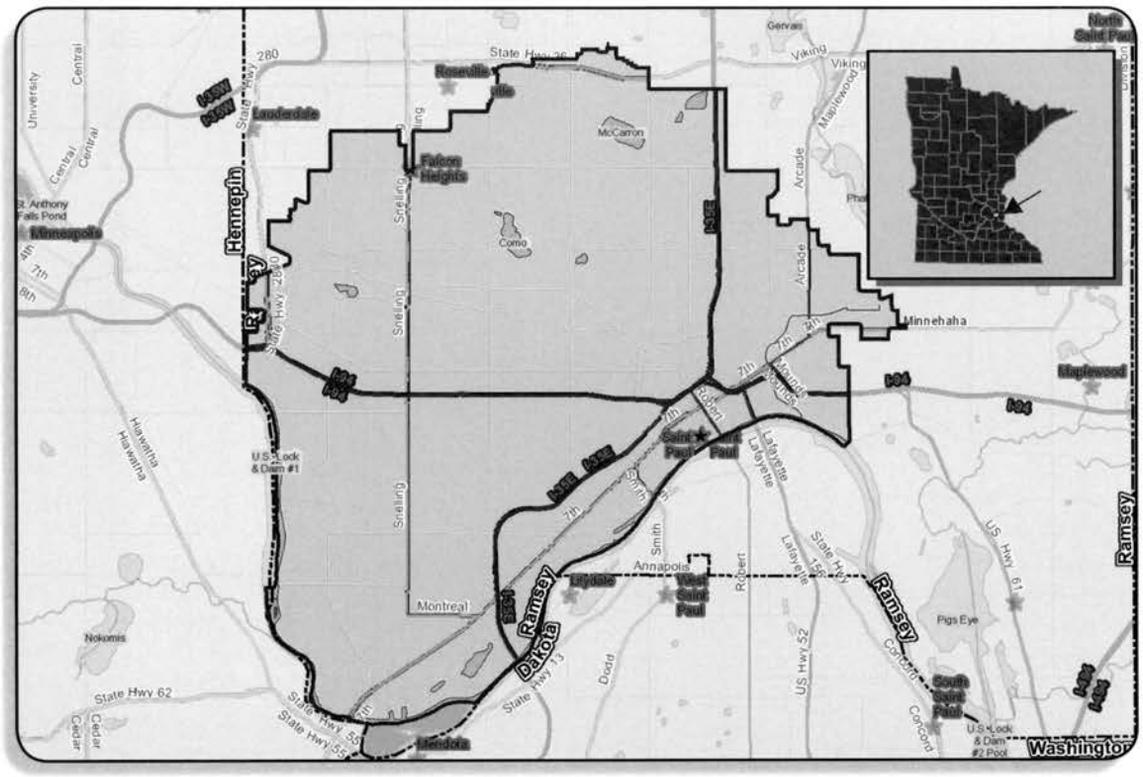
Wolverton Creek/Comstock Coulee — a DNR-protected watercourse with a drainage area of 105 square miles has chronic flooding/erosion problems. The District formed a special committee to continue work on this project. In the fall of 2006, the Clay and Wilkin SWCDs received a Clean Water Legacy grant to gather data regarding channel elevations, structures, and outlet repair.

Riverton Township Retention Project — located on the Nature Conservancy property upstream of the city of Glyndon and has a 6.3 square mile drainage area. It includes a low hazard classification dam, upland wetland restorations, and watershed treatment to control erosion and improve water quality.

2007 EXPENDITURES

2007 expenditures not provided - please contact the district for budget information.

Capitol Region
WATERSHED DISTRICT



GENERAL INFORMATION

1410 Energy Park Dr, Suite 4
St Paul, MN 55108

Phone: (651) 644-8888
Fax: (651) 644-8894
www.capitolregionwd.org

Included Counties: Ramsey

District Size: 40 square miles

Major Lakes: Como, Crosby, Loeb, McCarrons

Number of Staff: 9

2008 Taxable Market Value: $19,788,596,700

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Robert Piram	President	Ramsey	631 S Hamline, St Paul, MN 55116	(651) 699-4283
Joseph Collins	Vice President	Ramsey	534 W Orange Ave, St Paul, MN 55117	(651) 488-5108
Seitu Jones	Secretary	Ramsey	629 Kent St, St Paul, MN 55103	(651) 470-7554
Marylyn Deneen	Ed/Information	Ramsey	1021 W. Larpenteur Ave, Roseville MN 55113	(651) 488-1426
Michael Thienes	Treasurer	Ramsey	284 S McCarrons Blvd, St Paul, MN 55113	(651) 489-1998

RECENT PROJECTS

Grants – 17 Stewardship Grants treating 2.25 acres totaling $31,000 were awarded in 2007. Fourteen wells were sealed in 2007 through the Abandoned Well Sealing Grant Program.

Trout Brook Stormwater Interceptor Sewer (TBI) – an inspection was completed of the 5.45 miles of the Trout Brook System including the mainline, west extension, and east extension. Repairs of the Willow Reserve section of Trout Brook have been completed consistent with 10-year CIP and inspection.

Arlington Pascal Storm Water Improvement Project – a monitoring program was developed for the raingardens, infiltration trenches, underground infiltration facilities and golf course pond; and monitoring began on the raingardens, trenches and underground facility. The BWSR grant for Arlington Hamline Underground Stormwater Facility was completed and funds disbursed to the District.

Water Quality Monitoring – in 2007 the District monitored a total of 16 stormwater runoff sites. These included the inlet and outlet of the Villa Park Wetland that was previously operated by Ramsey County, and the inlet and outlet of the Sarita Wetland on the U of M campus. Loeb, Crosby, Como and McCarrons Lakes had water level stations installed to measure the flow out of the lakes. The District continued the stormwater pond level program in 2007. This effort measured the rise and fall of water levels in four stormwater ponds to help analyze flows in the Trout Brook system. Precipitation was measured with an automated rain gauge at the following locations: MNDOT maintenance facility in Maplewood, the Highland Golf Course, Villa Park wetland, and at the CRWD office.

Strategic Planning – the District completed a strategic planning process in 2007 prior to beginning Watershed Management Plan update in 2008.

Education – CRWD staff continue to visit classrooms within the District, through classroom presentations, resource assistance and field trips. They also provide technical assistance for environmental learning and service projects, an important hands-on component of encouraging the youngest stewards. Staff hold regular raingarden workshops, presentations on water quality improvement, a green roof workshop, and a talk on the expected effects of climate change on water resources. In 2008 fishing lessons and macroinvertebrate exploration events were held at Loeb Lake and Como Lake. CRWD staff also participated in quarterly meetings and an ad hoc steering committee of the Blue Thumb Partnership, and maintains active membership in Metro WaterShed Partners.



Fourth graders sample water from Loeb Lake.

Lakes – a monitoring plan was implemented for the Villa Park weirs in 2007 to determine the source of total phosphorus loading in the wetland during base flow, and to determine the cause and effectiveness of phosphorus removal. Monitoring was completed in 2008. Work also began on the Loeb Lake management plan. Additionally, a natural resources inventory for the Willow Reserve was completed.

FUTURE PROJECTS

Watershed Plan – in 2009 CRWD will continue to develop a ten-year Watershed Plan that will:

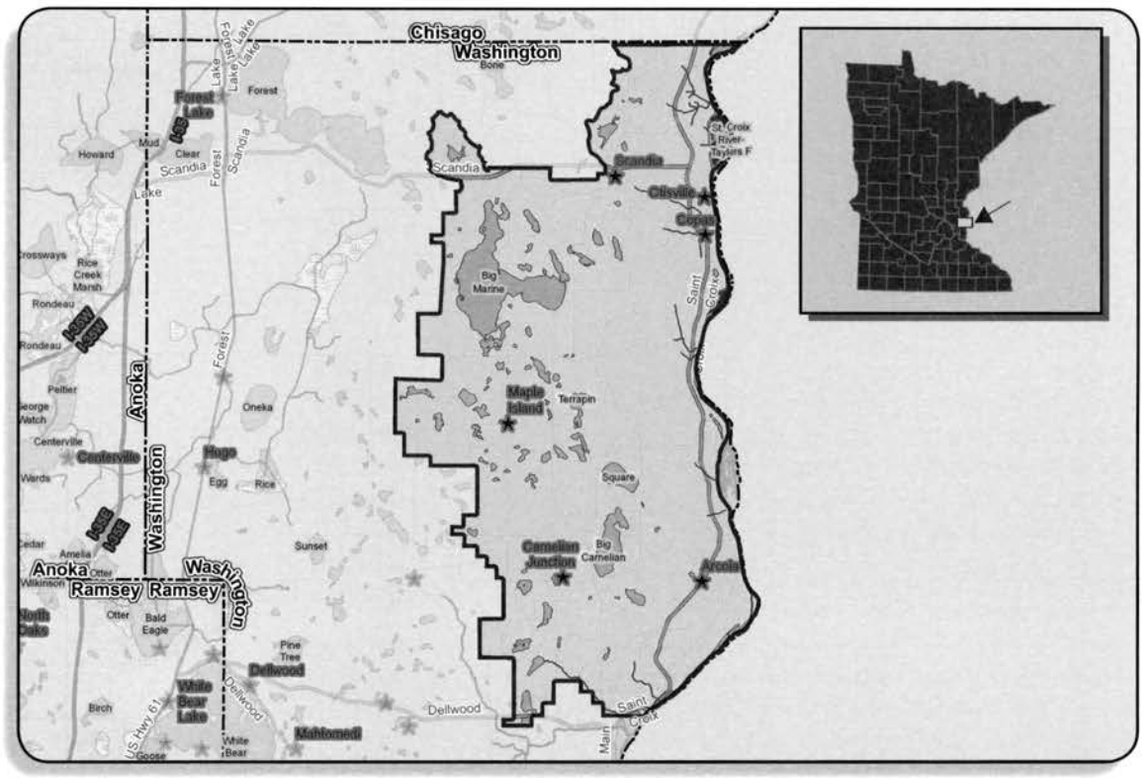
- Recommend and prioritize water quality and quantity improvement projects, based on CRWD modeling and monitoring results
- Recognize the challenges of water quality improvement in a highly urbanized watershed and recommend and prioritize unique and creative approaches to watershed management
- Recommend and prioritize District programs for improved watershed awareness
- More effectively define the respective roles and responsibilities between CRWD and the local units of government, other agencies, and other organizations
- Address emerging challenges posed by federal Clean Water Act requirements for impaired waters (those with quality too poor for their designated uses)

2007 EXPENDITURES

Total 2007 Expenditures	**$3,424,119**
Management / General Administrative	$274,250
Data Collection / Monitoring	$220,441
Permitting / Regulatory Programs	$122,558
Projects / Implementation	$2,393,174
Water Management Programs	$ 413,696

Carnelian-Marine St. Croix

WATERSHED DISTRICT



GENERAL INFORMATION

Established: June 22, 1981 by Washington County petition

PO Box 188
Scandia, MN 55073
Phone: (651) 433-2150
http://cmscwd.org

Included Counties: Washington

District Size: 81 square miles

Major Lakes: Big Marine, Big and Little Carnelian, Square

Number of Staff: 1

2008 Taxable Market Value: $1,535,282,200

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Richard Kronmiller	President	Washington	13450 188th St N, Marine, MN 55047	(651) 433-4042
Victoria Dupre	VP/Treasurer	Washington	13510 Norell Ave N, Stillwater, MN 55082	(651) 439-8266
John Bower	Manager	Washington	12405 Otchipwe Ave, Stillwater, MN 55082	(651) 430-2793
Richard Caldecott	Manager	Washington	33 Moonlight Bay, Stillwater, MN 55082	(651) 439-7385
Jason Husveth	Manager	Washington	17085 Olinda Trail N, Marine on St. Croix, MN 55047	(651) 433-4410
John Lennes, Jr.	Manager	Washington	16720 Norell Ave N, Marine, MN 55047	(651) 433-3063
Thomas Polasik	Manager	Washington	14420 94th St N, Stillwater, MN 55082	(651) 430-0263

RECENT PROJECTS

District Enlargement – in 2007 BWSR approved a Washington County petition to enlarge the district to include the former Marine Watershed Management Organization and the northeasterly corner of the county. The Board of Managers hired the District's first administrator in January 2008 and approved a plan to integrate the new area into the District's activities.

District Education Program – informing residents and policy makers about how our actions can impact water resources is the purpose of the education program. Most of the District's plans and studies have an educational component, and the District produces newsletters and administers a Volunteer Stream Monitoring Program and a Watershed Wisdom Program, which teaches watershed concepts to elementary school students.

Best Management Practices (BMPs) Program – provides technical and financial assistance primarily to residents in the implementation and installation of stormwater BMPs. The program addresses improvement and protection of water quality, soil erosion and sedimentation, improvement of habitat and biodiversity, and the aesthetics of native vegetation.

Review, Comment and Permit Program – provides dialogue between developers and local land-use authorities so that developers understand District permit requirements. This helps resolve possible conflicts early in the design process and increases compliance with requirements that protect water quality.

Annual Lake and Stream Water Quality and Quantity Monitoring Program – provides data that is used to identify problem trends, evaluate the status of the resource being monitored, prioritize activities, and determine the District's success in meeting management goals

Silver Creek Corridor Management Plan – established in 2004, the plan features specific management recommendations for each reach of Silver Creek to provide a protective corridor. The District is currently implementing priority recommendations via BMP programs, neighborhood groups, and grant solicitation.

Strategic Plan – in 2008, with several new members, the Board worked with consultant Steve Hobbs to complete a strategic planning process to facilitate the beginning of the District's 10-year plan.

10-year plan kickoff – the District sponsored a Healthy Waters and Heritage Fair with several other organizations, including William O'Brien State Park and Great River Greening, to celebrate the 40th anniversary of the Wild and Scenic Rivers Act and the start of the District's two-year long planning process.



A student in the Watershed Wisdom Program helps restore wetland vegetation along a restored trout stream.

12 lakes TMDL phase 1 – in July 2008, the District received funding to begin a TMDL study of its 12 impaired lakes. Working with its engineer and the local SWCD, the District intensified its monitoring effort on those water bodies and began a comprehensive public involvement process.

FUTURE PROJECTS

Phases 2 and 3 of 12 lakes TMDL – the District will continue the TMDL study, model the effected sub-watersheds, and explore cost-effective implementation strategies to de-list impaired waters.

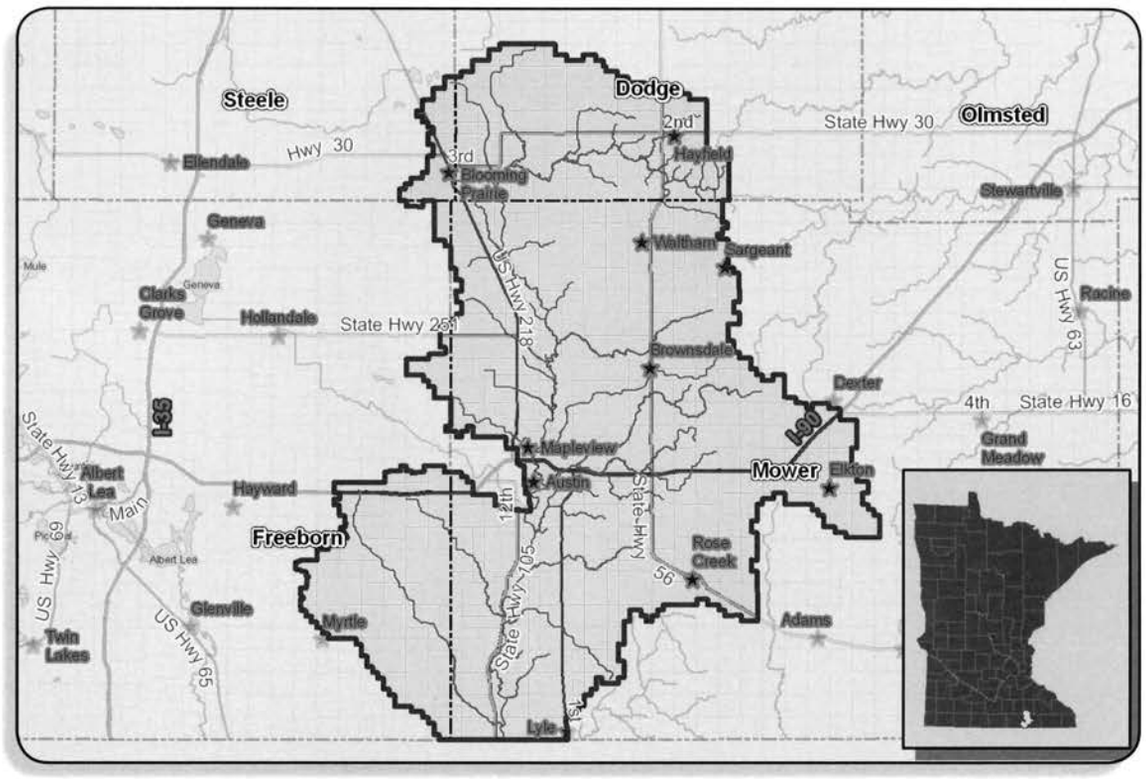
Square Lake Storm Water Demonstration Project – with grant funding from the DNR, the District will work with county parks and the local SWCD to construct an interactive and instructive stormwater facility in popular Square Lake Park.

Farm Lot Restoration – after many years of negotiations, work will begin in 2009 to move and rebuild a feedlot operation away from the shores East Boot Lake, one of the District's impaired waters.

2007 EXPENDITURES

Total	**$448,558**
Project and Plan	$152,439
Education	$9,828
Engineering	$210,016
Manager	$15,494
Administrative	$60,781

Cedar River
WATERSHED DISTRICT



GENERAL INFORMATION

Established: April 25, 2007
by county petition

1408 21st Ave NW
Austin, MN 55912
Phone: (507) 434-2603
www.cedarriverwd.org
bev.nordby@mn.nacdnet.net

Included Counties: Steele, Dodge, Mower, Freeborn

District Size: 435 square miles

Major Lakes/Water Bodies: Cedar River

Number of Staff: Contracts with SWCD

2008 Taxable Market Value (TMV): $1,881,600,400

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Dan Regner	President	Mower	2015 - 7th Ave SE, Austin, MN 55912	(507) 433-7018
Jim Gebhardt	Chair	Mower	31776 - State Hwy 56, Waltham, MN 55982	(507) 477-2184
Mike Jones	Treasurer	Steele	141 Main St, Blooming Prairie, MN 55917	(507) 583-7573
Al Kording	Manager	Dodge	PO Box 1068, Hayfield, MN 55940	(507) 477-3362
Steve Kraushaar	Secretary	Freeborn	86392 - 160th St, Glenville, MN 56036	(507) 437-1531
Al Lyman	Manager	Mower	24069 - 547th St, Austin, MN 55912	(507) 437-1297
Harlen Peck	Manager	Mower	52958 - 162nd St, Austin, MN 55912	(507) 437-6688



Cedar River

RECENT PROJECTS

10-Year Watershed Plan - since the District was established in 2007, staff and board members are currently working hard to complete the District's 10-year watershed plan.

Rain Garden Demonstration Site – the CRWD designed and constructed a raingarden at the JC Hormel Nature Center. This raingarden filters the runoff from the parking lot before outletting into Dobbins Creek. The key to the success of the project was that there were so many partners that donated funds, staff time, and materials. Partners included: City of Austin, Mower County, local contractors and businesses, Staff and Friends of the Nature Center, USDA Natural Resources Conservation Service, and Mower Soil and Water Conservation District (SWCD).

TMDL for Turbidity – partnering with Mower SWCD, Turtle Creek WD, and Shell Rock WD in doing a TMDL study for turbidity. This three-year project will be completed in 2011.

Monitoring – applied for and received an MPCA grant to start a comprehensive monitoring program throughout the watershed. Baseline data will be established by monitoring 14 sites throughout the watershed for two years.

Stream Survey – applied for and received funding for the MN Conservation Corps to do a stream study of the Cedar River and its tributaries. The survey included an inventory of streambank erosion, stream impediments, and land-use next to the stream.

Flood Reduction – secured six wetland restorations in the watershed through local-state-federal partnerships: Conservation Reserve Enhancement Program (CREP II) and Reinvest In Minnesota (RIM) Reserve / USDA NRCS Wetlands Reserve Program (RIM/WRP) by partnering with the Mower SWCD/NRCS. These sites not only restore valuable wetlands, but have built in water storage for rain events.

FUTURE PROJECTS

Dobbins Creek Watershed – applied for and received a grant from BWSR for agricultural watershed restoration for the subwatershed of Dobbins Creek. Dobbins Creek has become a priority because of the stream being so flashing during flood events.

TMDL – complete study for turbidity and assist with the implementation plan.

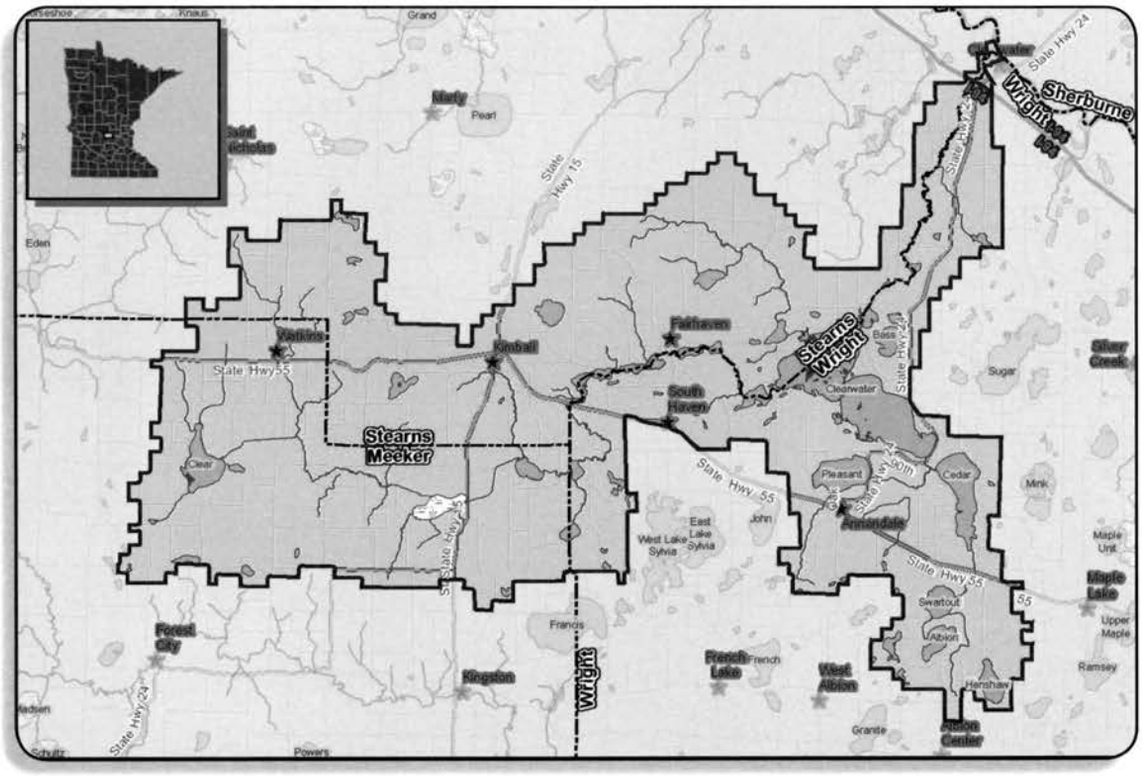
10-Year Watershed Plan - the draft plan will be taken out to the public, townships, and cities in the watershed for their input.

Flood Reduction and Buffers – continue to support conservation easements for wetland restorations and also researching other means to slow the flows of the rivers and streams in the watershed.

2007 EXPENDITURES

Total 2007 Expenditures	**$23,315**
Management / General Administrative	$12,650
Data Collection / Monitoring	$2,344
Projects / Implementation	$8,321

Clearwater River
WATERSHED DISTRICT



GENERAL INFORMATION

Established: April 9, 1975
by citizen petition

25 Chestnut St W
Annandale, MN 55302
Phone: (320) 274-3935
Fax: (320) 274-5318

www.crwd.org

Included Counties: Stearns, Meeker, Wright

District Size: 159 square miles

Number of Staff: 4, contracted

Clearwater River: 46 miles

Major Lakes: Clearwater, Bass, Pleasant, Caroline, Cedar

2008 Taxable Market Value (TMV): $1,333,168,200

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Marvin Brunsell	Chair	Wright	9701 Jeske Ave NW, Annandale, MN 55302	(320) 274-5018
Roland Froyen	Manager	Wright	633 Beachwood Rd, South Haven, MN 55382	(320) 274-6414
Robert Schiefelbein	Treasurer	Meeker	35359 732nd Ave, Kimball, MN 55353	(320) 398-8400
Mark Kampa	Secretary	Wright	13934 101st St NW, South Haven, MN 55382	(320) 274-5332
Jerry Risberg	PR&I	Stearns	231 Alder Rd, South Haven, MN 55382	(320) 274-3635

RECENT PROJECTS

Stormwater Management BMPs – formed partnership with townships to incorporate stormwater management BMPs on Norton Avenue (completed in 2007) and 145th Avenue (completed in 2008).

Total Maximum Daily Load (TMDL) Phase I, II, and Addendum – completed in 2004. Collected monitoring data show 30-90% TP reductions necessary in watershed lakes.

Rain Garden and Lakescaping Incentive Policy and Program – initiated in 2005 to filter out pollutants and runoff that degrade water quality and reduce shoreline erosion. For this program, the District coordinates with the Department of Natural Resources (DNR) for grant money and with the local Soil and Water Conservation districts (SWCDs) for technical assistance.

Agricultural Land Buffer Incentive Policy and Program – initiated in 2005 to reduce the transport of nutrients, pesticides, and sediments that degrade water quality in agricultural areas.

Cedar, Albion, Swartout, Henshaw Lakes Water Quality Improvement Project – initiated in 2006 to increase water clarity, decrease nutrient concentrations, and decrease the frequency and intensity of nuisance algae blooms in Cedar Lake. This unique project features Segner Ponds, which use filter berms to remove soluble phosphorus. The ponds went online in 2008.

Nistler Sediment Basin Expansion Project – initiated in 2006 to enhance the control and filtration of sediment.

Clearwater Harbor Area Wastewater Treatment Facility – 82 hookups in 2007.

Wandering Ponds Estates Development Wastewater Treatment Facility – 12 hookups in 2007.

Lake Louise Hills Development Wastewater Treatment Facility – to be constructed in 2009.

FUTURE PROJECTS

Total Maximum Daily Load (TMDL) Five Lakes – will be completed in 2009.

Cedar, Albion, Swartout, Henshaw Lakes Water Quality Improvement – will continue in 2007 and will be used to reduce the high concentration of phosphorous in the lakes.



Segner Ponds use unique filter berms to remove soluble phosphorus from incoming water before it enters Cedar Lake.

TMDL Implementation – planned for 2010 and beyond.

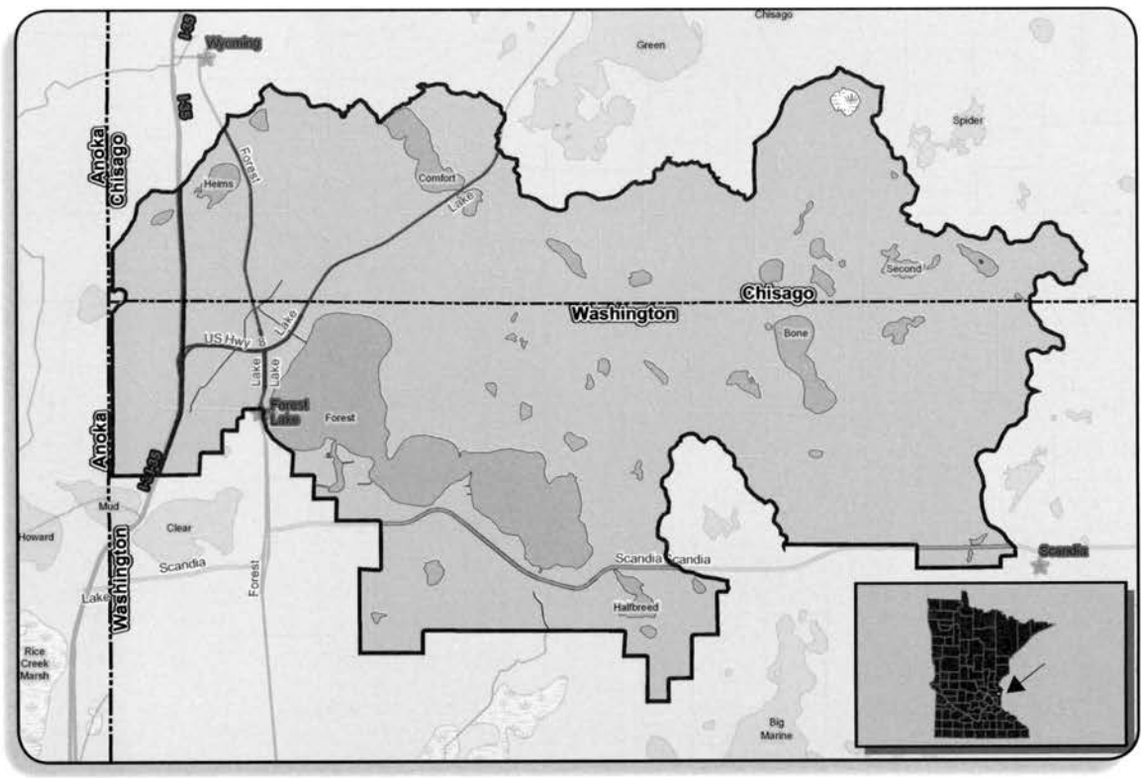
Public Outreach & Education – ongoing

Additional Wastewater Treatment projects – selected implementation within the 41 identified service areas.

2007 EXPENDITURES

General Government	$103,745
Education, Advisory and Website	$14,167
Water Quality Projects	$33,445
Data Acquisition and Monitoring	$26,652
Total Tax-Supported Programs	$178,009
Water Quality Projects (financed by grants - TMDL)	$71,095
Water Quality Programs (financed by special assessments)	$119,692
New Water Quality (Cedar) (financed by special assessment)	$117.383
Sanitary Sewer Maintenance (not including depreciation)	$35,861
Grand Total	**$522,040**

Comfort Lake-Forest Lake
WATERSHED DISTRICT



GENERAL INFORMATION

Established: September 23, 1999. Established by citizen petition with county, township, and city support resolutions.

220 N Lake St.
Forest Lake, MN 55025

Phone: (651) 209-9753
www.clflwd.org
randy.anhorn@clflwd.org

Included Counties: Chisago, Washington

District Size: 47.0 square miles

Major Lakes: Comfort, Forest, Bone, Little Comfort, Shields and Sylvan

Number of Staff: 1

2008 Taxable Market Value: $2,006,556,200

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Richard Damchik	President	Washington	9109 North Shore Trail, Forest Lake, MN 55025	(651) 464-5890
Jackie Anderson	Vice President	Washington	25484 E Comfort Dr, Forest Lake, MN 55025	(651) 462-3734
John Lynch	Treasurer	Washington	920 15th St SE, Forest Lake, MN 55025	(651) 464-3022
Wayne Moe	Secretary	Washington	22877 Mallard Ave N, Scandia, MN 55073	(651) 433-4968
Jon Spence	Manager	Chisago	25582 E Comfort Drive, Chisago City, MN 55013	(651) 462-4800

RECENT PROJECTS

Best Management Practice Cost-Share Incentive Program – established via petition from the Washington Conservation District (WCD) to undertake BMP projects, including shoreland restoration and rain gardens, to improve water quality. Projects in 2008 included one raingarden, one vegetative drainage swale, and four shoreline restorations.

Legislation Designating District as a Metro Watershed – the District was successful in achieving statutory designation as a metro watershed under Minnesota Statues Chapter 103B. In order to fulfill 103B requirements, the District also had its watershed management plan revision approved by BWSR in 2008.

Rules/Permitting Program – completed proposed rules and permitting program in late 2008. Permitting began in early 2009.

Total Maximum Daily Load Study – initiated TMDL study on six impaired waterbodies in 2008, scheduled to be completed in early 2009.

Capital Improvement Plan – in 2008, the District completed and adopted a 15-year capital improvement plan to remediate six impaired waterbodies.

Watershed-Wide Load Allocation – in 2008, the District completed a watershed-wide nutrient load allocation modeling effort to determine load allocations to lakes.

Baseline Monitoring Program – continued a baseline monitoring program using WCD staff and volunteers to collect in-lake and tributary water quality information. The District's monitoring program will be used as part of its adaptive management approach to monitor results throughout its CIP process.

Internal Financial Control Manual – to document internal financial and accounting procedures, assist in staff and manager trainings, and assist in budgeting, reporting, and financial review/audits, the District developed an internal financial control manual in 2008.

Education Outreach Program – to educate the public on water resource issues, the District developed a website, hosted free nitrate testing days for well water and annual "Planting for Clean Water" workshops, presented various water resource management topics at numerous events, worked with local scout troops, contributed educational articles to local papers, and has become a member of the East Metro Water Resource Education Program.



A large shoreland restoration project on Bone Lake in partnership with the CLFLWD, Great River Greening, DNR, and two lakeshore owners on Bone Lake.

FUTURE PROJECTS

Implement 15-Year CIP – as part of the District's CIP, two wetland restoration/cattle exclusion projects are scheduled to be undertaken in 2009-2010 in partnership with local Soil and Water Conservation Districts.

Update Watershed Management Plan – in order to complete its required watershed management plans update by 2011, the District will begin holding board and TAC/CAC workshops in 2010.

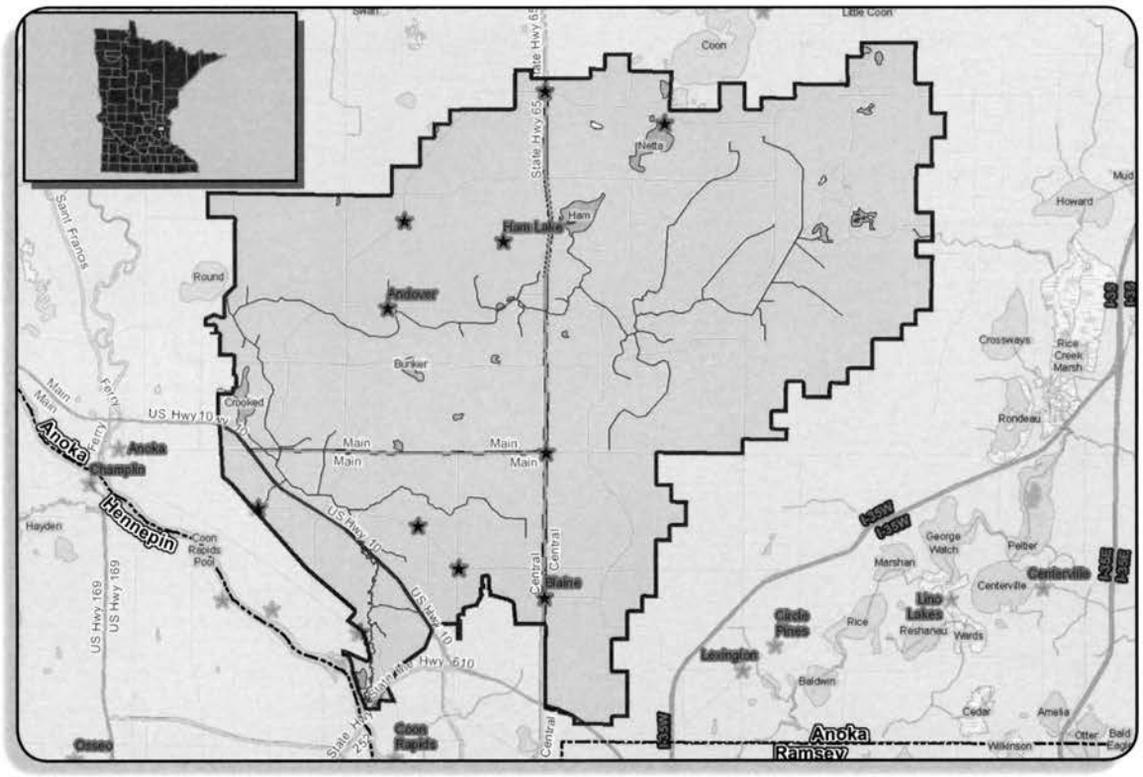
Continuation of BMP Cost-Share Incentive Program – the District will continue providing cost-share incentives to applicants undertaking BMP projects to improve water quality.

Initiate Permit Program – the District will implement its permit program to uphold its recently developed rules/standards in 2009.

2007 EXPENDITURES

Total 2007 Expenditures	**$399,205**
Management / General Administrative	$85,365
Data Collection / Monitoring	$49,757
Permitting / Regulatory Programs	$15,415
Projects / Implementation	$212,958
Water Management Programs	$35,710

Coon Creek
WATERSHED DISTRICT



GENERAL INFORMATION

Established: May 28, 1959
by citizen petition

12301 Central Ave NE
Suite 100
Blaine, MN 55434

Phone: (763) 755-0975
Fax: (763) 755-0283
www.cooncreekwd.org
tkelly@cooncreekwd.org

Included Counties: Anoka

District Size: 94 square miles

Number of Staff: 5

2008 Total Market Value (TMV):
$10,810,623,300

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Warren Hoffman	President	Anoka	15740 Lexington Ave NE, Ham Lake, MN 55304	(763) 434-5729
Joseph Marvin	Vice President	Anoka	13907 Eidelweiss, Andover, MN 55304	(763) 427-1131
Ted Capra	Secretary	Anoka	2849 110th Ave NE, Blaine, MN 55449	(763) 783-8533
Bill MacNally	Treasurer	Anoka	11801 Owatonna St NE, Blaine, MN 55449	(763) 951-2667
Byron Westlund	Member-At-Large	Anoka	14332 Vermillion St NE, Ham Lake, MN 55304	(763) 427-7500

RECENT PROJECTS

Coon Creek Water Quality Plan — coordinated technical and planning assistance for Blaine, Coon Rapids, and Andover Non-Degradation Plans. Available online at www.cooncreekwd.org, Plans & Reports (under Information).

Infiltration Basin Performance Study — since 2006, observations showed that infiltration basins were not performing to original design criteria. In 2008 five infiltration basins, including two rain gardens, were tested for performance, results quantified, and recommendations provided for meeting original design criteria (is available on District website).

Pervious Concrete Demonstration Grant at Blaine City Hall — in summer 2008 the city of Blaine received Coon Creek WD Demonstration Grant funds to offset the increased cost of using a LID technique. Pervious concrete was installed with overflow into a rain garden. This demonstration site has educational signage and is being monitored for performance.

Ultrasonic Algae Management Demonstration Grant — in fall 2008 the City of Blaine received Coon Creek Watershed District grant funds to evaluate the efficiency and effectiveness of ultrasonic treatment of algae using a system sized for each of two stormwater ponds where chemical treatment was deemed costly and ineffective. Ultrasound is purported to be environmentally benign to wildlife and macrophytes.

Crooked Lake Comprehensive Management Plan — in 2008, with support of the Crooked Lake Area Association, a fully comprehensive plan was completed by the District for the lake watershed. This plan had been recommended for this urban, shallow lake for more than 10 years. Management recommendations include strategies for improving water quality and controlling invasive species, and will be reported to the association membership and available online in 2009.

Sand Creek Storm Cleanup — the aftermath of a tornado on May 25, 2008, left numerous trees down along Sand Creek in the border area of Coon Rapids and Blaine. Amazingly, no immediate flooding occurred, but the potential was great. Tree cleanup required 12 crews initially and continued with six, then two crews for more than six weeks.

Oral History Stewardship Project — as Coon Creek Watershed District approaches its 50-year milestone since being established by citizen petition, oral histories of long-time residents have been digitally recorded. Initiated in 2007, these stories will be available for podcasting on the District website in 2009.



Screeding Pervious Concrete at Blaine City Hall Demonstration Site

FUTURE PROJECTS

Groundwater Study 2009-2010 — 3D map of the watershed from which groundwater elevations, modeling, and monitoring can be better assessed

Watershed Summit 2009 — a winter summit for city, county, and state staff working within the watershed; focus on physical and policy trends and their implications for operations.

Digital Ditch Profiles 2009-2014 — complete plan sets in CAD & GIS with current elevations and air photos.

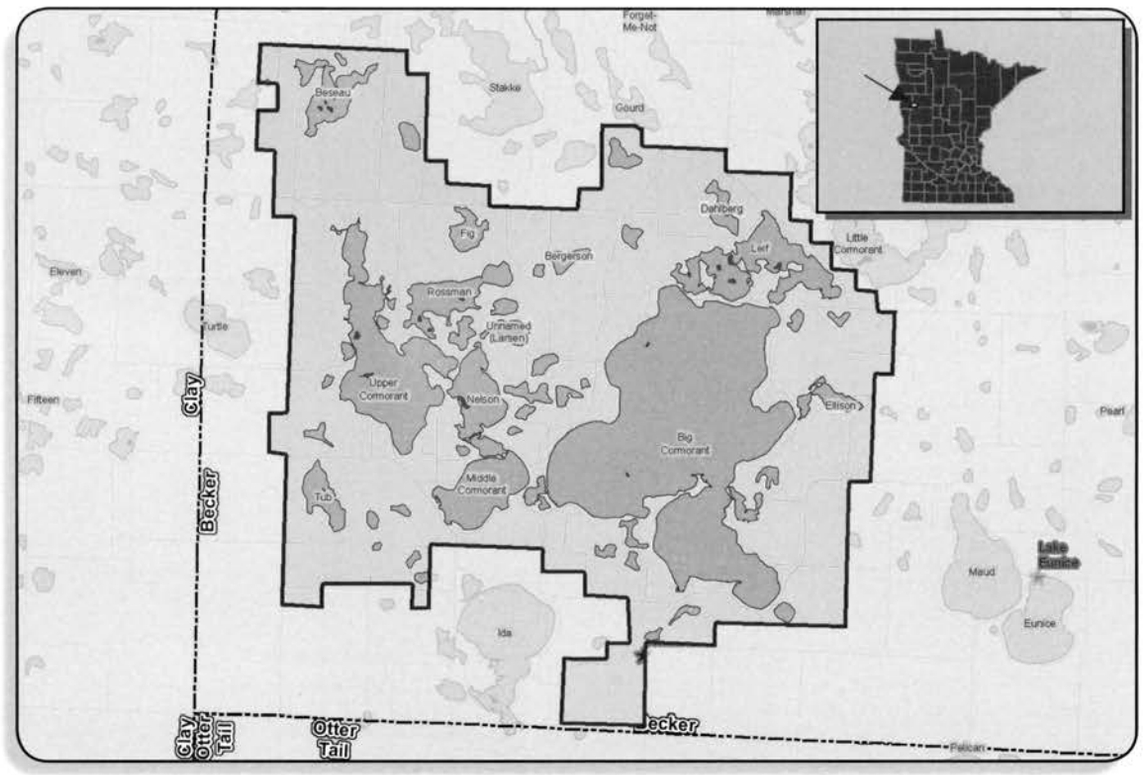
BMP Life Cycle Costing 2009 — cradle-to-grave costing of five of most common BMPs within CCWD and their effectiveness in treating water quality

2007 EXPENDITURES

Total 2007 Expenditures	**$653,722**
Administration	$37,237
Regulation	$254,294
Planning	$47,636
Maintenance	$234,083
Research & Data Collection	$19,776
Public & Govt. Relations	$60,696

Cormorant Lakes

WATERSHED DISTRICT



GENERAL INFORMATION

Established: August 22, 1966 by Becker County petition

10929 Cty Hwy 5
Pelican Rapids, MN 56572
Phone: (218) 532-2723

Included Counties: Becker

District Size: 37 square miles

Major Lakes: Watershed is a chain of lakes

Number of Staff: 3 part-time

2008 Taxable Market Value: $370,222,100

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Ellis Peterson	President	Becker	1670 County Hwy 16, Lake Park, MN 56504	(218) 532-2104
Jeff Moritz	Secretary	Becker	12564 Tangelwood Rd, Audubon, MN 56511	(218) 439-6044
Jody Beaudine	Treasurer	Becker	P.O. Box 495, Lake Park, MN 56554	(218) 532-7602

RECENT PROJECTS

Lake Shore Inspections Program – an intensive ongoing program to make regular inspections of the shore impact zone (50 feet) within each of the lakes of the district and work with landowners to prevent or reduce environmental damage.

Ordinary High Water (OHW) Elevation Markers – permanent reference markers placed at DNR public accesses, county parks and private property (with owner permission) on all major lakes within the District – in response to frequent requests by local residents, builders, and county officials to locate and mark the OHW.

Permanent No Wake Ordinance – a restriction on boating speed within 200 feet of lake shores to reduce damage to banks, channels, and nesting areas – a response to long periods when lake levels exceed ordinary high water marks and one that will reduce time-consuming and expensive temporary ordinances. The District is spearheading a project to bring local government units together to establish a permanent ordinance to be effective when the OHW is exceeded.

South Big Cormorant Erosion Control Project – completed in response to significant erosion and storm water/snowmelt problems, this project had two parts; one provided retention areas and installed an inlet receiver and piping system to condition the water prior to allowing it to flow into the lake; the other diverted storm water/runoff that normally flowed directly to the lake into a wetland area for filtration.

Spring Creek Culvert Replacement – completed in the fall of 2006, a new culvert system was installed to replace the failing one and to provide fish migration, increase water flow and reduce long term maintenance issues.

Blue Water Bay Engineering Study and Dredging Project – initiated in response to frequent boat traffic through a small channel between Blue Water Bay and Big Cormorant Lake. The District's DNR dredging permit was reissued to allow longer and deeper channel excavation.

Aerial Environmental Surveillance and Monitoring – completed in 2005 to locate several concern areas, where there was phosphorus migration into the lakes, non-compliance of septic systems and holding tanks, uncontrolled drainage, fire pit rings and burning in shore impact zone and inadequate storm water retention. At least three new projects will address the identified concern areas.

Environmental Damage Restoration – major projects completed by landowners of two lake properties, on Big Cormorant and Upper Cormorant Lakes, to remediate unauthorized land alterations and erosion problems as identified by the District in its rules and in a county ordinance.



Aerial environmental surveillance and monitoring

Big Cormorant Lake Level Control Outlet Structure – operated under a DNR permit by the District to allow water to discharge from Big Cormorant Lake into Spring Creek and ultimately into Pelican Lake. Operation is initiated whenever the lake level is near the lake's established Ordinary High Water Level (OHW) – in 2006, from April until November.

FUTURE PROJECTS

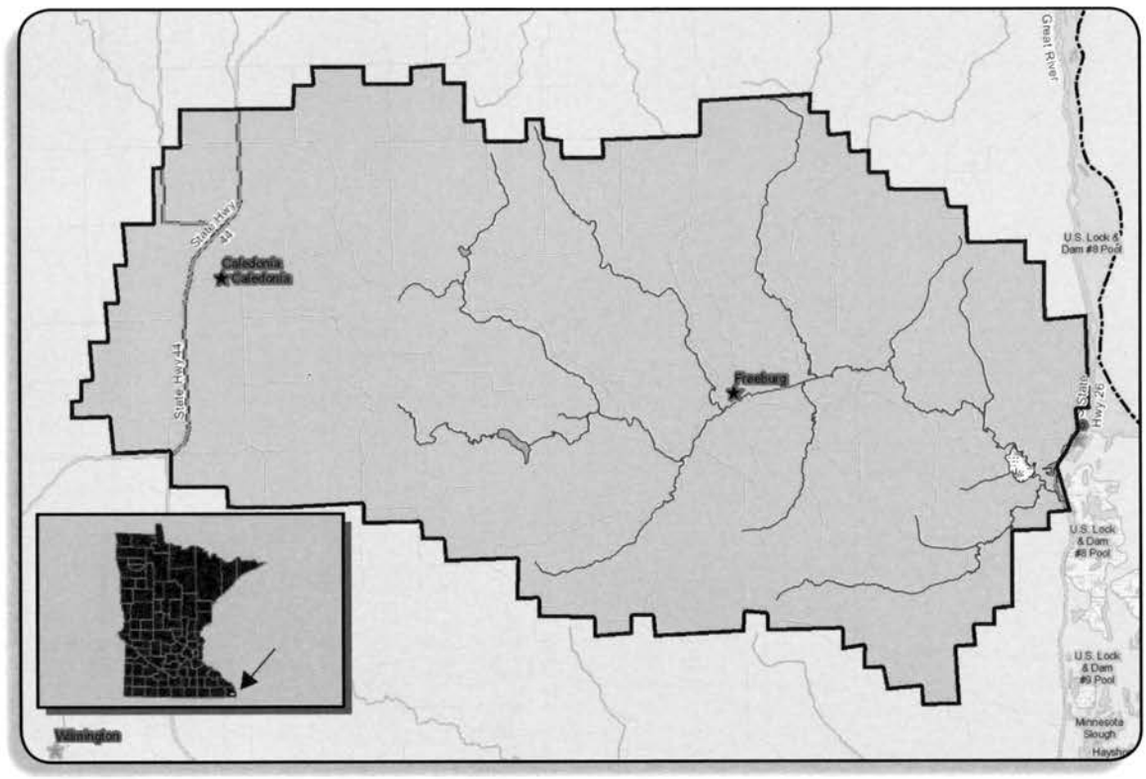
Environmental Assessment and Engineering Study of the West Side of Bejou Lake – will be conducted to address water quality issues (identified by Aerial Environmental Surveillance) in Bejou Lake resulting from severe runoff/snow melt from adjacent road ditch and steep slope areas. The District is currently conducting an engineering review, after which it will assess the potential for environmental damage, determine a plan to resolve the issue and seek funding.

Middle Cormorant Lake Culvert Replacement – will replace a damaged existing culvert in a channel connecting Middle Cormorant into Big Cormorant that restricts access by a landowner. It will provide for future water movement and allow unencumbered access by the landowner. The District will conduct the engineering and the landowner will pay for the new culvert.

Septic System Evaluation Program – in conjunction with Becker County Zoning and Planning, the program will investigate existing septic systems and holding tanks at sensitive locations on Big Cormorant Lake. If successful this pilot-scale project will be expanded to other lakes within the District and County.

District Rules Re-evaluation and Citizens Education Program – will be performed by the District to make minor rules changes to address recurring water quality issues and problems resulting from new construction of homes, remodeling of structures, and landscape alterations within the impact zone.

Crooked Creek
WATERSHED DISTRICT



GENERAL INFORMATION

Established: December 1, 1959 by citizen petition

603 N Sprague Ste 1
Caledonia, MN 55921
Phone: (507) 724-5261

Fax: (507) 724-5448

Included counties: Houston

District Size: 70 square miles

Major Water Bodies: Crooked Creek

Number of Staff: 0

2008 Taxable Market Value (TMV): $257,115,800

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Wilfred Pohlman	Chairman	Houston	202 Nelson Ct, Caledonia, MN 55921	(507) 725-2136
Dan Goetzinger	Reporter	Houston	6352 Whitetail Dr, Caledonia, MN 55921	(507) 724-3930
Tim McCormick	Vice Chairman	Houston	8705 County 3, Caledonia, MN 55921	(507) 724-2471
Robert Mierau	Secretary	Houston	13598 Heinz Rd, Caledonia, MN 55921	(507) 724-1106
Maynard Welscher	Treasurer	Houston	10008 County 14, Caledonia, MN 55921	(507) 724-2483

RECENT PROJECTS

Four Large Earthen Dams – Crooked Creek Watershed District's main purpose is to maintain four large earthen dams, which provide flood control in the watershed. Average slopes in the watershed are 8 to 10 percent, and some are as great as 16 percent. Distances from valley floors to tops of ridges are about 350 to 400 feet, so during flooding events, surface water tends to converge in valleys and cause damage to cropland and roads.

The dams were created in response to severe flooding in the 1940s and 1950s. They were built from 1965 to 1970 and range in height from 40-45 feet. The largest dam has a permanent pool of 30 acres near the South Fork of Crooked Creek and a drainage area of 8,100 acres. During significant flooding events, the pool can grow to about 90 acres. Maintenance includes annual inspections, clearing debris and grading and shaping pool areas as needed. The district hires an employee of the Root River Soil and Water Conservation District on a contract basis for these duties. Engineering is provided by the USDA Natural Resources Conservation Service on a contract basis.

Four Other Projects – the District also maintains two grade stabilization structures and two grassed waterways.

Flood Recovery – recently, the District completed flood recovery projects in partnership with the Minnesota Conservation Corps and local SWCDs using funds provided by a state Clean Water Legacy grant.

Sinkhole Repair – the District repaired a sinkhole that was created after the June 2008 flooding event.





FUTURE PROJECTS

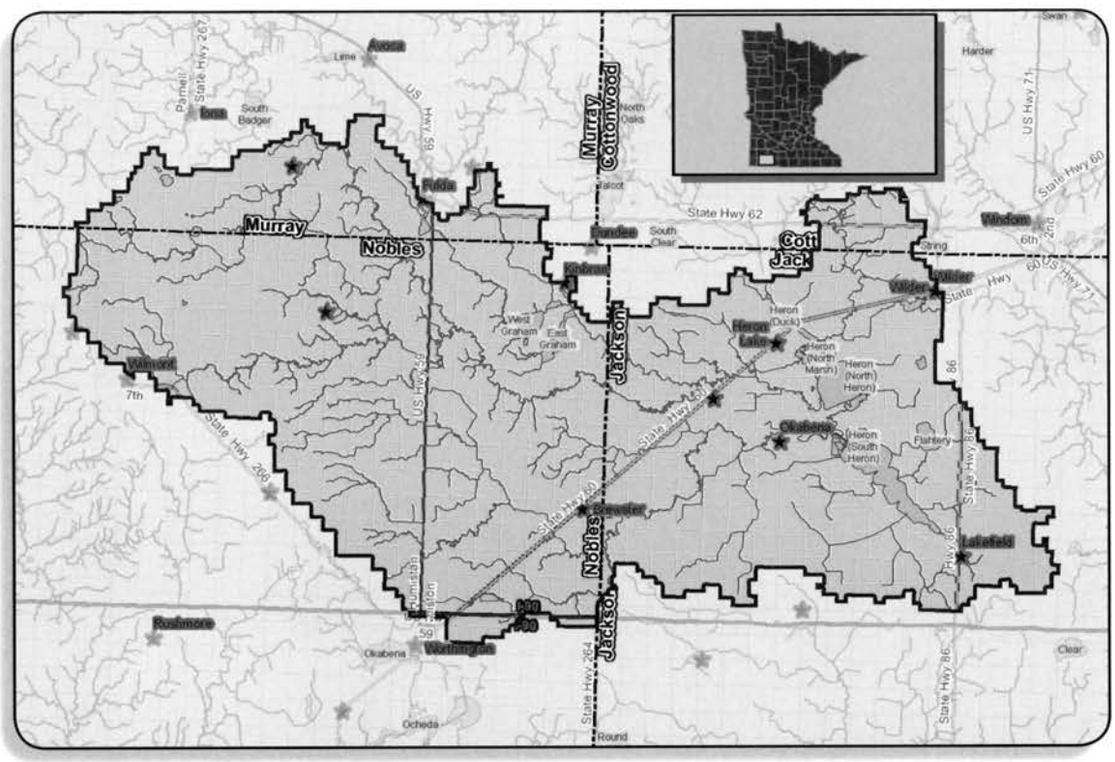
The watershed district board of managers are in the planning stages of revising the district's annual plan, which may include a proposal to build another flood-control structure.

2007 EXPENDITURES

Total 2007 Expenditures	**$12,913**

Heron Lake
WATERSHED DISTRICT

WATERSHED ASSISTANCE THROUGH EDUCATION & RESOURCES
HERON LAKE WATERSHED DISTRICT



GENERAL INFORMATION

Established: Feb. 25, 1970
by citizen petition

1008 3rd Ave., PO Box 345
Heron Lake, MN 56137
Phone: (507) 793-2462
Fax: (507) 793-2253
www.hlwdonline.org

hlwd@roundlk.net

Included Counties: Nobles, Jackson, Murray, Cottonwood

District Size: 472 square miles

Major Lakes: Fulda Lakes 1 and 2, East and West Graham, North and South Heron, North Marsh, Duck

Number of Staff: 5

2008 Taxable Market Value:
$1,045,968,700

BOARD OF MANAGERS

Name	Position	County	Address	Phone
John Beardsley	President	Jackson	701 Douglas, Lakefield, MN 56150	(507) 662-6476
Gary Ewert	Vice President	Nobles	2725 N Rose Ave, Worthington, MN 56187	(507) 372-7180
Jim Buschena	Treasurer	Murray	2140 41st St, Fulda, MN 56131	(507) 425-2649
Mike McCarvel	Secretary	Nobles	39574 160th St, Brewster, MN 56119	(507) 842-5460
Dale Bartosh	Manager	Jackson	33499 880th St, Heron Lake, MN 56137	(507) 793-2682

RECENT PROJECTS

Clean Water Partnership Grant — through Minnesota Pollution Control Agency emphasizing education, best management practice incentives, and monitoring. The grant ended August 31, 2007. Final report on website at: www.hlwdonline.org/CWP_Final_Report.pdf

CWP Continuation Grant — through MPCA emphasizing education, BMP incentives, and monitoring. The grant began September 1, 2007.

Conservation Drainage Grant — in partnership with Minnesota Department of Agriculture, Ag Drainage Management Coalition, University of Minnesota, Son-D Partnership, and Loosbrock Farm Drainage to provide first-hand information about conservation drainage and its effects on water quality and crop production.

Conservation Tillage Demonstration Site-Conservation Innovation Grant — from USDA/NRCS that demonstrates six different conservation tillage practices. Final report submitted May 2008. Funded in 2008 through general operating levy and Nobles and Jackson Counties. Continued funding through EPA 319 grant will begin January 2009.

Elk Township Conservation Tillage Grant — through EPA that funds incentives for conservation tillage methods. Grant ends in April 2009.

Rock Inlet Cost-Share Program — through EPA 319 funds for Nobles, Jackson, Murray, and Cottonwood Counties. The unique aspect of this grant is that through this partnership, political boundaries are transcended to accomplish something that could never have been done by an individual entity. Grant ends in August 2010.

WFDMR and Heron Lake TMDL Study — through MPCA to conduct education efforts to increase awareness of water quality problems. Final report on website at www.hlwdonline.org/Heron_Lake_TMDL_Study_Final_Report.pdf

Public education meetings — on a semi-annual basis.

Monthly newsletters — address one specific topic each month.

2006 Governor's MnGREAT Award and 2007 Watershed District of the Year Award — from the Department of Natural Resources for our education and implementation efforts.



Heron Lake received the 2007 Watershed District of the Year Award from the DNR. Pictured (from left): Kent Lokkesmoe (DNR), Jan Voit, Melanie Luinenburg, and Mike McCarvel.

Implement cost-share, incentive, loan, education, and monitoring programs as described in grant work plans.

Pursue innovative options to educate and inform residents as to how they can help improve the water quality within the watershed and beyond.

Pursue additional funding for existing and new projects and programs.

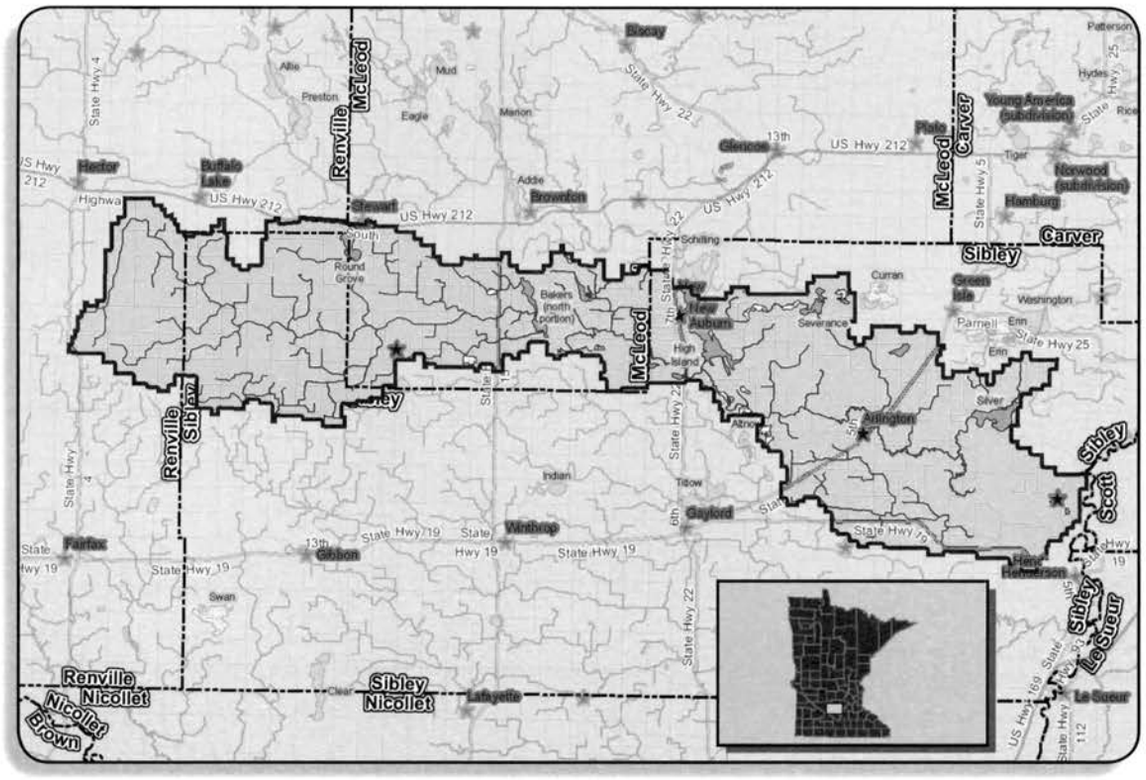
Complete TMDL Implementation Plan and pursue funding.

2007 EXPENDITURES

Total 2007 Expenditures	**$262,717**
Management / General Administrative	$52,061
Projects / Implementation	$133,974
Education	$76,682

FUTURE PROJECTS

High Island Creek
WATERSHED DISTRICT



GENERAL INFORMATION

Established: June 14, 1957

25804 431st Ave
Arlington, MN 55307
Phone: (507) 964-5641

Included Counties: Sibley, McLeod, Renville

District Size: 245 square miles

Number of Staff: 3

2008 Taxable Market Value: $692,985,900

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Leonard Eibs	President	Sibley	25820 361st Ave, Henderson, MN 56044	(507) 964-5188
Herman Miller	Manager	McLeod	18717 30th St., Brownton, MN 55312	(320) 328-5306
Orville Polzin	Treasurer	Sibley	48126 210th St, Gaylord, MN 55334	(507) 237-5336
Verne Schlueter	Secretary	Sibley	25804 431st Ave, Arlington, MN 55307	(320) 964-5641
Dwight Swanson	Vice President	Renville	74679 500th St, Hector, MN 55342	(320) 833-2318

RECENT PROJECTS

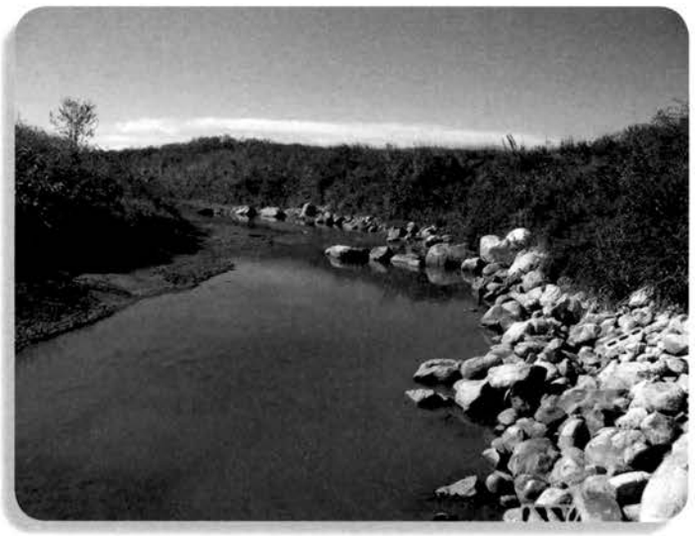
The District is partnering with the Phase II Clean Water Partnership of High Island Creek on projects to focus on establishing best management practices (BMP's) in the watershed that work to resolve the matter of excess nutrients and pollutants.

Beaver Damage Program

District Rules and a Permitting Program - helps provide adequate drainage needs for agricultural production.

Annual tree removal - from the Channel of both High Island Creek and Buffalo Creek.

Septic System Incentive - a $500 bonus incentive is given to those that upgrade their non-compliant system within the watershed. This is on top of the 3% low interest loan given by the Clean Water Partnership Project.



Bendway Weir Project in Penn Township, completed in 2007.

FUTURE PROJECTS

Rip rap bank stabilization project on the main channel located near Arlington.

Continue stream bank stabilization, tree removal, and beaver damage control.

Continuous Funding and Support for High Island Creek Implementation Project.

The District has provided financial support for the development of a Fecal Coliform TMDL which was submitted and is currently in the approval process as of September 2008. The plan will focus on projects that improve manure management techniques, septic systems, and feedlot runoff problems, as well as other potential causes of the impairment.

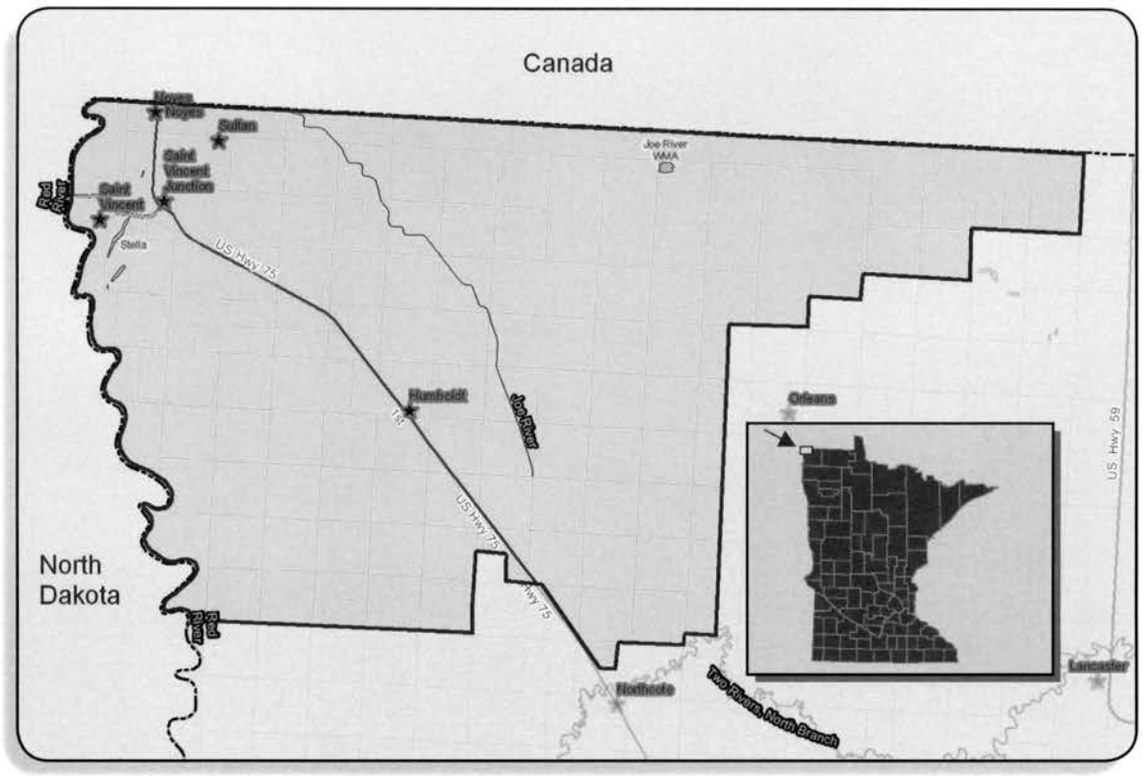


Rain garden located in the city of New Auburn, installed in 2007.

2007 EXPENDITURES

Total 2007 Expenditures	**$106,466**
Management / General Administrative	$36,073
Data Collection/Monitoring	$17,732
Permitting/Regulatory	$709
Projects/Implementation	$19,668
Water Management Programs:	$11,848
Other	$20,436

Joe River
WATERSHED DISTRICT



GENERAL INFORMATION

Established: January 31, 1958

Box 27
Humboldt, MN 56731
Phone: (218) 379-3205I

Included Counties: Kittson

District Size: 124 square miles

Major Water Bodies: Red River of the North, Joe River, Lake Stella, Lake Cameron

Number of Staff: 0

2008 Taxable Market Value: $120,065,100

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Shane Stewart	President	Kittson	RR 1, Box 41, St Vincent, MN 56755	(218) 379-3282
LeRoy Clow	Manager	Kittson	RR 1 Box 52, St Vincent, MN 56755	(218) 379-3224
John Finney	Treasurer	Kittson	PO Box 13, Humboldt, MN 56731	(218) 379-3163
Marshal Hemmes	Secretary	Kittson	PO Box 27, Humboldt, MN 56731	
Jim Wiesl	Vice President	Kittson	PO Box 5, Humboldt, MN 56731	(218) 379-3257

RECENT PROJECTS

As a part of its operations, the District has undertaken a flood control and water management project under the federal PL-566 program in cooperation with the Kittson Soil & Water Conservation District (SWCD) and the USDA Natural Resources Conservation Service (NRCS). Other programs of the District include a water quality monitoring program, culvert inventory, administration of the Rules of the Joe River Watershed District, and other data collection activities.

The Rules of the Joe River Watershed District were adopted on September 21, 1988 and became effective on November 16, 1988. These Rules were updated and revised on February 14, 2000. The Rules govern the manipulation of the water-based natural resources of the District. Under these Rules, permits are required from the Board of Managers for such activities as ditching, diking, installation of culverts, road construction, water appropriation, and other activities that affect water management.

To date, the JRWD has focused its activities primarily on flood control. The land area of the District is not only affected by flooding on the main channel of the Joe River and its tributaries, but also by the flooding from the Red River of the North. The JRWD, being the furthest land area north and west in the State of Minnesota, is the last area to be affected by the Red River before it enters the Province of Manitoba, Canada. At this point the Red River is several miles wide during a major flood event.

Other problems or issues that are being addressed by the District are erosion control, water quality, wildlife, maintenance of projects, investigation of new projects, information and education, and data collection.

The JRWD has taxing authority and receives funding through levies and through grants and state and federal programs. The District participates as a member of the Red River Watershed Management Board (RRWMB). Through this organization half of taxes collected under the construction fund are turned over to the RRWMB for the purpose of flood control on the Red River of the North. This was authorized by action of the Minnesota Legislature in 1972.

FUTURE PROJECTS

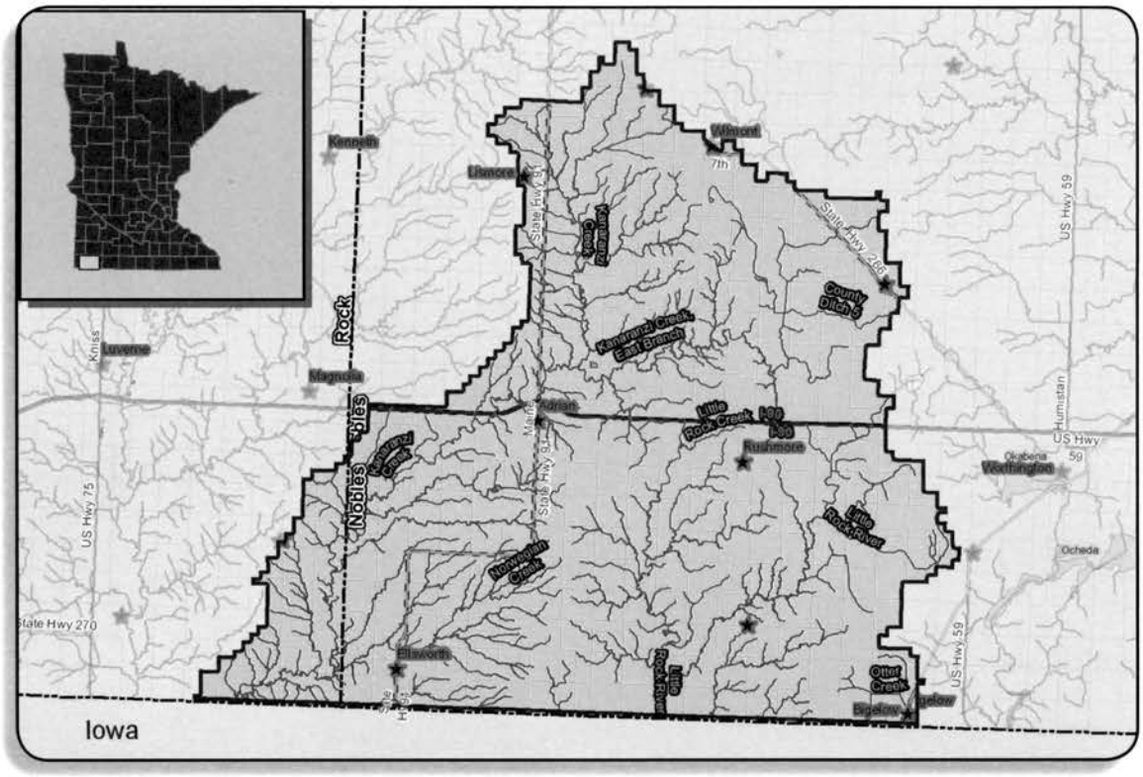
The JRWD has been effective in carrying out its intended goals in numerous ways. The District has integrated flood control projects, and has established water quality monitoring and culvert inventory projects in order to accomplish its goals and objectives. Further work and investigations are needed to improve upon past accomplishments.

2007 EXPENDITURES

Not reported—please contact the District.

Kanaranzi-Little Rock

WATERSHED DISTRICT



Established: Oct. 8, 1981
by citizen petition

215 Maine Avenue
Adrian, MN 56110

Phone: (507) 483-2971
Fax: (507) 483-2031
comdev@frontiernet.net

Included Counties: Nobles, Rock

District Size: 198,400 acres

Major Water Bodies:

Number of Staff: 1 part-time

2008 Taxable Market Value:
$650,866,200

BOARD OF MANAGERS

Name	Position	County	Address
Tim Blume	Chairman	Nobles	28319 260th St, Worthington, MN 56187
Tim Taylor	1st Vice Chairman	Nobles	17508 190th St, Adrian, MN 56110
Vacant	2nd Vice Chairman	Nobles	
Mark Slater	Treasurer	Nobles	20405 Jones Ave, Rushmore, MN 56168
Connie Frahm	Secretary	Rock	438 200th Ave, Ellsworth MN 56129



Planting native grasses at the Adrian Environmental learning Area.

RECENT PROJECTS

Kanaranzi-Little Rock Watershed PL-566 program – worked with the NRCS and Nobles SWCD to administer the program, which was the 2005 MAWD Project & Program of the year. The project created public awareness of conservation practices, and significantly reduced soil erosion and improved surface water quality in Rock and Nobles counties.

Stormwater and Sediment Control – provided annual cost-share money for stormwater and sediment control basins and grassed waterway construction projects.

Wellhead Protection – provided funding for implementation of the cities of Adrian and Ellsworth wellhead protection plans.

Native Grass Planting – worked with the City of Adrian Park Department to plant native grasses and create a wetland at the Adrian Learning Area.

Septic System Replacement – provided cost-share money for replacement of failing septic systems.

Abandoned Wells – provided cost-share money to seal abandoned wells.

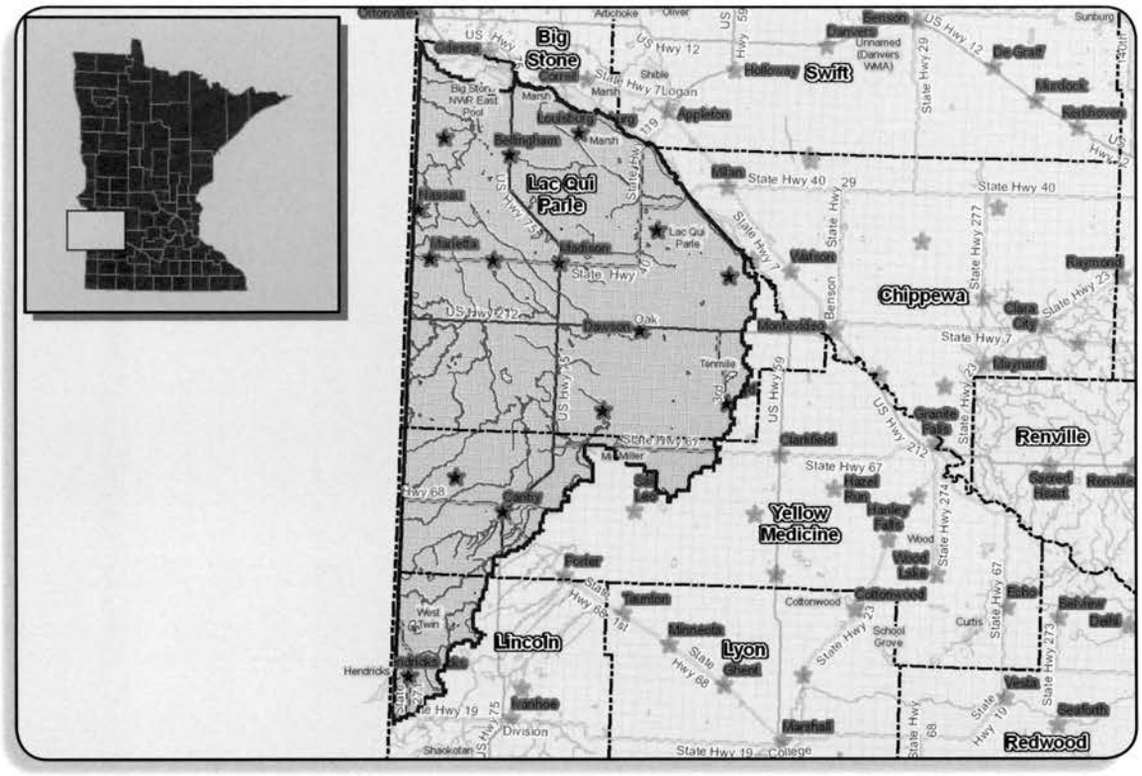
FUTURE PROJECTS

Structural erosion control and flood water storage – encumbered approximately $100,000 to cost-share with farmers on structural erosion control and flood water storage projects. Most of this money will be used to "piggyback" on EQIP program contracts, paying for an additional 15% of the total project costs.

Cost-share projects – will likely continue providing cost-share for well sealing, septic system replacement, Adrian Learning Area improvements and the K-LR PL-566 program.

Lac qui Parle-Yellow Bank

WATERSHED DISTRICT



GENERAL INFORMATION

Established: April 19, 1971
by citizen petition

600 6th St, Madison, MN 56256
Phone: (320) 598-3117
Fax: (320) 598-3125

Included Counties: Lac qui Parle, Yellow Medicine, Lincoln

District Size: 976 square miles

Major Lakes: Lac qui Parle, Lake Hendricks

Number of Staff: 2 full-time, 5 part-time

2008 Taxable Market Value:
$1,253,216,500

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Willis Beecher	President	Yellow Medicine	304 Haarfager N, Canby, MN 56220	(507) 223-5982
Daniel Christianson	Publicity	Lincoln	3479 County Rd 101, Hendricks, MN 56136	(507) 275-3460
David Craigmile	Secretary	Lac qui Parle	3600 140th St, Boyd, MN 56218	(320) 855-2424
David Ludvigson	Treasurer	Lac qui Parle	2179 201st Ave, Madison, MN 56256	(320) 598-7783
Darrel Ellefson	Vice President	Lac qui Parle	1401 Hazel St, Dawson, MN 56232	(612) 756-1898

RECENT PROJECTS

Lazarus Creek Dam – floodwater retention project in Yellow Medicine County. This $1.4 million dam project was completed in 2006.

Fish Lake Outlet Repair – worked with East Dakota Watershed District in the State of SD to repair the control outlet on Fish Lake to deter flooding in the LQP-YB Watershed. This project was completed in 2008 to help control flooding, erosion, water quality, and quantity.

Tree Snagging Program – for the past 10 years, the District has funded an annual tree snag removal project in rivers and streams to improve erosion and water quality.

Del Clark Lake/Stone Hill Park Storm Shelter/Learning Center – the District worked with City of Canby for a HUD Grant to provide funding for additional campsites and a storm shelter/learning center at Del Clark Lake, which was completed in 2007. This shelter provides an education center for the Watershed District.

LQP County Highway 31 Restoration Project – the District, along with local and state agencies, provided support and cost-share for the County Highway 31 Streambank Restoration Project completed in 2008.

Clean Water Partnership Program – provide support and funding through grants with state and local agencies for monitoring of streams and rivers in the watershed and identify TMDLs in the watershed. Offer educational programs and funding for incentives for open tile inlet replacement, buffer strip incentives, and streambank stabilization throughout the watershed along with ISTS low interest loan program. This program has been ongoing since 2001 and addresses water quality, quantity, erosion, and TMDLs in the watershed.

Nuisance Beaver Program – the District paired with Yellow Medicine River Watershed for a BWSR grant to control nuisance beaver in the two watershed districts. The District would like to see this program refunded as this program helped to deter overland flooding and streambank erosion.

Wergeland 5 Streambank Stabilization Project - the District provided 75% Clean Water Legacy cost-share to Yellow Medicine River Watershed District to repair three stream bank restorations to control cross-over flooding from the LQP-YB Watershed into Yellow Medicine Watershed. This project was completed in 2008.

Florida 22 Dam Repair; Hansonville 18 Dam Repair; & Marble 8 Dam Repair – the District worked with Area II and local landowners to provide 15% cost-share on dam repairs in the Watershed for flood retention. These were completed in 2007 and 2008.

Hansonville 34 new dam – the District provided 15% cost-share to local land-owner for construction of a new dam for flood retention completed in 2008.

FUTURE PROJECTS

The District will continue to offer incentives for open intake replacement, buffer strip incentives, streambank stabilization projects, water retention projects and ISTS low-interest loan programs through the Clean Water Partnership Program.

The District will complete the update of the 10-year management plan.

The District will continue the tree-snagging program to reduce erosion in streams and rivers.

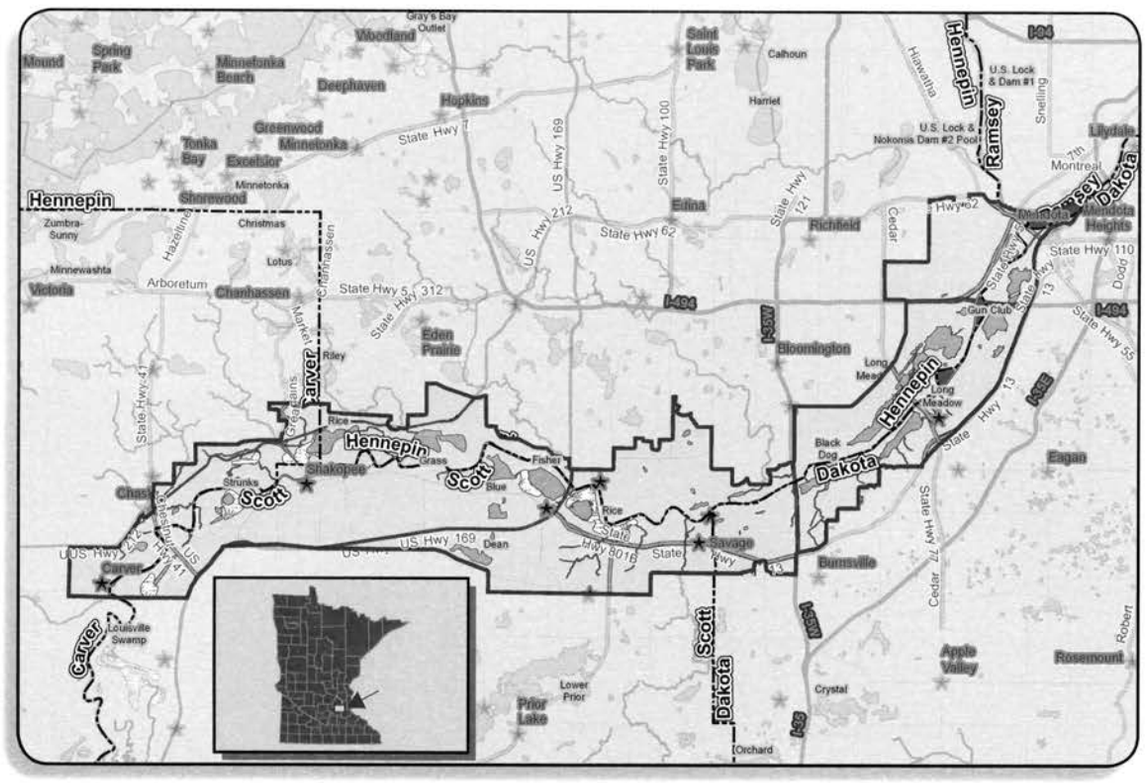
The District will pursue funding for a retention structure/dam on the Florida Creek.

2007 EXPENDITURES

Not provided. Please contact the District for information.

Lower Minnesota River

WATERSHED DISTRICT



GENERAL INFORMATION

Established: March 23, 1960 by Carver, Dakota, Hennepin, Ramsey, and Scott County petition

112 East Fifth Street, Suite 102
Chaska, MN 55318
Phone: (952) 856-5880
Fax: (952) 856-6067
www.watersheddistrict.org

Included Counties: Carver, Dakota, Hennepin, Scott

District Size: 70 square miles

Major Lakes/Features: Covers 33 miles of the Minnesota River, St. Snelling State Park; MN Valley Wildlife Refuge; Murphy's Landing; Twin Cities Int'l Airport, Flying Cloud Airport; two DNR-designated trout streams; Valley Fair, Cantebury Park, Boiling Springs

Included Fens: Seminary Fen, Savage Fen, Nicols Fen, Snelling Fen and Quarry Island Fen

Number of staff: 2

2008 Taxable Market Value: $8,236,149,900

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Len Kremer	President	Hennepin	6111 Auto Club Rd, Bloomington, MN 55438	(952) 832-2600
Kent Francis	Secretary	Carver	623 Griffin St, Carver, MN 55315	(763) 551-2644
vacant		Dakota		
Lawrence Samstad	Manager	Scott	1342 10th Ave E, Shakopee, MN 55379	(952) 445-7993
Edward Schlampp	Treasurer	Hennepin	10901 Riverview Rd, Eden Prairie, MN 55347	(952) 941-9576

RECENT PROJECTS

Nine-foot Navigational Channel on the Minnesota River – sponsored locally by the District with the U.S. Army Corps of Engineers, it was established and is maintained jointly to provide required dredge material maintenance sites to the U.S. Army Corps of Engineers

Maintenance and Data Collection for Monitoring Projects – is contracted through Scott and Dakota Soil and Water Conservation Districts, and Carver County Environmental Services

Management Plans – were developed for Courthouse, Fireman's, and Clayhole Lakes in Chaska in conjunction with the City of Chaska and Carver County

Groundwater Monitoring Plan – established for the unique features of the District

Negotiations – successfully assisted the Minnesota Department of Natural Resources in the negotiations with the property owners of the former Seminary Fen site, the first purchase of property for the Seminary Fen Scientific and Natural Area (SNR). The District continues to negotiate with owners of abutting property needed to protect this unique resource.

Gully Inventory – conducted in the cities of Carver Chaska, Chanhassen, Eden Prairie and Bloomington. Field work for this project was done by the Minnesota Conservation Corps. The District partnered with the cities of Eden Prairie and Bloomington on the completion of three feasibility studies for gully restoration.

Retrofitting of the Storm Water Drainage – was completed at the U.S. Fish and Wildlife Service Refuge Center in Bloomington, in partnership with the USFWS and the Friends of the Minnesota Valley. Catch basins were modified and rainwater gardens were added.

Contribution – to the Minnesota Department of Transportation (MNDOT) for the installation of ground water monitoring wells as part of the Phase 1 study of the Seminary Fen for the future Trunk Highway 41 River Crossing Environmental Impact Statement

Acquisition – of 18 areas of land in Savage, MN for the placement and recycling of dredge materials from the U.S. Army Corps of Engineers and private industry

Continued Membership – of the River Forum, a group of local, state and federal agencies formed to monitor and recommend environmental and navigational projects in the area.



Minnesota River

Education – continued web site development to feature articles about important resources in the District, ground and surface water data, watershed related government sites, District's 509 Plan along with reports and studies; became a member of the Blue Thumb Planting for Clean Water Program and started negotiations with Metro Blooms to partner with Metro Blooms and cities within the District to hold rain water garden workshops. Contributed $500 to the Carver County Children's Water Festival held at State Fair grounds.

FUTURE PROJECTS

Remediation – of bank erosion problems on the Minnesota River, through assistance to the City of Burnsville

Total Maximum Daily Load (TMDL) strategies – will be developed for all impaired stream reaches and the Minnesota River within the District

Gully Inventory – continue to partner and work with cities to correct issues identified in the District's Gully Inventory.

Fifth Generation Plan – will be completed by December 2009

Minnesota River Basin Commission – continue to work with the Legislature and stakeholders to establish a basin commission whose purpose is to coordinate basin water management activities, implement projects and programs of common benefit to the basin, and monitor performance of local water management entities within the entire Minnesota River basin.

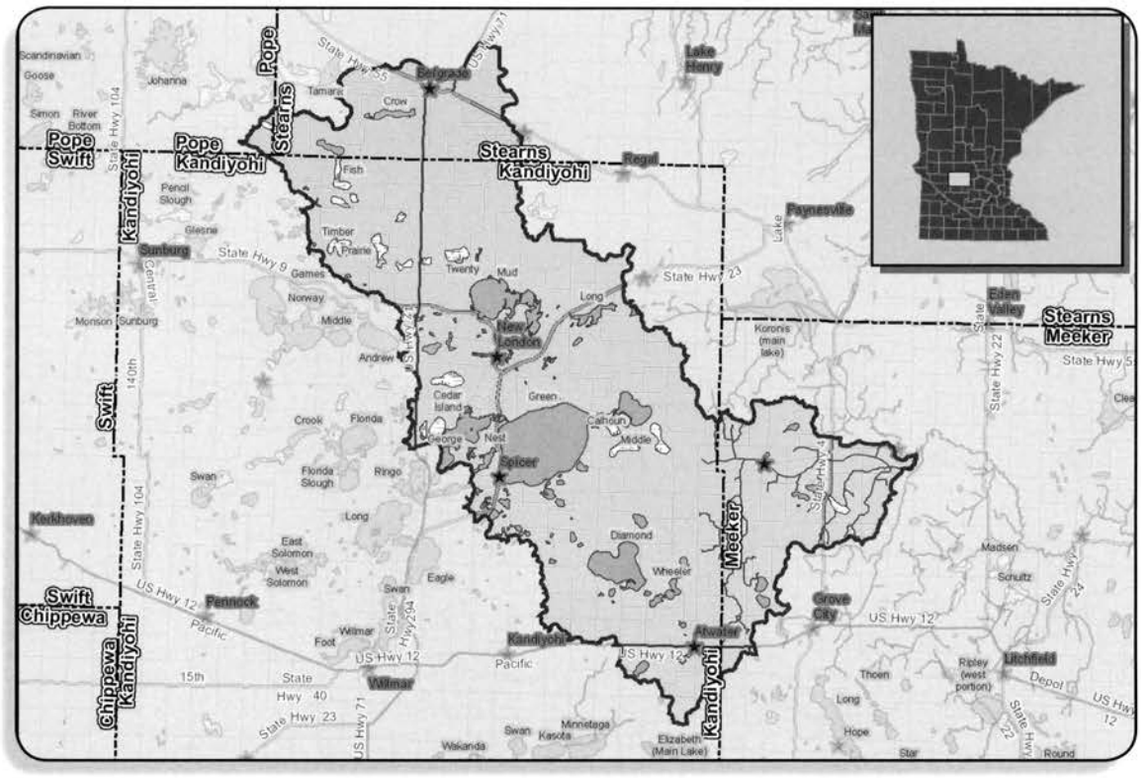
MNDOT – continue to participate on MNDOT's Study Advisory Committee for the new Trunk Highway 41 river crossing corridor.

2007 EXPENDITURES

Total 2007 Expenditures	**$382,158**
District Operations	$92,924
Data & Monitoring	$42,000
Projects & Construction	$148,009
Water Management Operation	$94,225

Middle Fork Crow River

WATERSHED DISTRICT



GENERAL INFORMATION

Established: April 27, 2005 by citizen petition

174 Lake Ave N, PO Box 8,
Spicer, MN 56288
Phone: (320) 796-0888
www.mfcrow.org

Included Counties: Kandiyohi, Meeker, Pope, Stearns

District Size: 275 square miles

Major Lakes: Crow, Monongalia, Long, George, Nest, Green, Diamond, Calhoun

Number of Staff: 2

2008 Taxable Market Value (TMV): $1,367,829,400

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Robert Hodapp	President	Kandiyohi	13919 Skyline Dr, Spicer, MN 56288	(320) 796-2009
Gordon Behm	Treasurer	Kandiyohi	13851 Diamond Shores Rd, Atwater, MN 56209	(320) 974-8242
Joseph Flanders	Member	Meeker	50609 CSAH 3, Grove City, MN 56273	(320) 857-2900
Ruth Schaefer	Secretary	Kandiyohi	14950 E Calhoun Rd, Spicer, MN 56288	(320) 276-8424
Robert Zenner	Vice President	Stearns	21521 Farmcrest Rd, Belgrade, MN 56312	(320) 254-3305

RECENT PROJECTS

Established a partnership with Kandiyohi County Soil and Water Conservation District (SWCD) to carry out the Watershed District's first BMP project – a feedlot/agricultural waste improvement project; via a filter strip, the project was designed to reduce the amount of animal waste reaching a nearby drainage ditch within the watershed of an impaired lake (Diamond Lake). Project completed in November 2007.

Worked with the Natural Resources Conservation Service (NRCS) and Kandiyohi County SWCD staff to stabilize a serious erosion problem in a gully located in the riparian area of Nest Lake. Project completed in December 2007.

Worked with a lakeshore property owner and Kandiyohi County SWCD to establish a native shoreline buffer across 230 feet of shoreline on Calhoun Lake, preventing further shoreline erosion. Project completed in July 2008.

Addressed a potentially catastrophic shoreland stabilization issue on a steep shoreline that contained a collapsing boathouse and retaining wall. By stabilizing the shoreline and establishing a native buffer, an estimated 40 cubic yards of sediment was prevented from entering Green Lake. Project was completed in July 2008.

Partnered with the city of New London to establish a cul-de-sac raingarden and infiltration basin in a new development within city limits. Rather than tying into existing storm sewer lines, the project prevents additional inputs of stormwater into the Middle Fork Crow River. Project installation is still ongoing.

Diamond Lake TMDL Study – this project is ongoing.

Partnered with the **Nest Lake Association and the DNR** to draft the Nest Lake Management plan; this project is ongoing.

FUTURE PROJECTS

Improvement of stormwater management in the cities of New London and Spicer; partnerships will be developed to implement solutions to existing issues in stormwater management in both cities.

Improvement of stormwater issues in the city of Belgrade; stormwater that collects and ponds within the city poses a considerable risk to children who gather to play in the water. Rather than establishing a means of water conveyance directly into the Middle Fork Crow River, the Watershed District will partner with the city of Belgrade to allow for pretreatment.

Begin executing the Diamond Lake TMDL Implementation Plan.



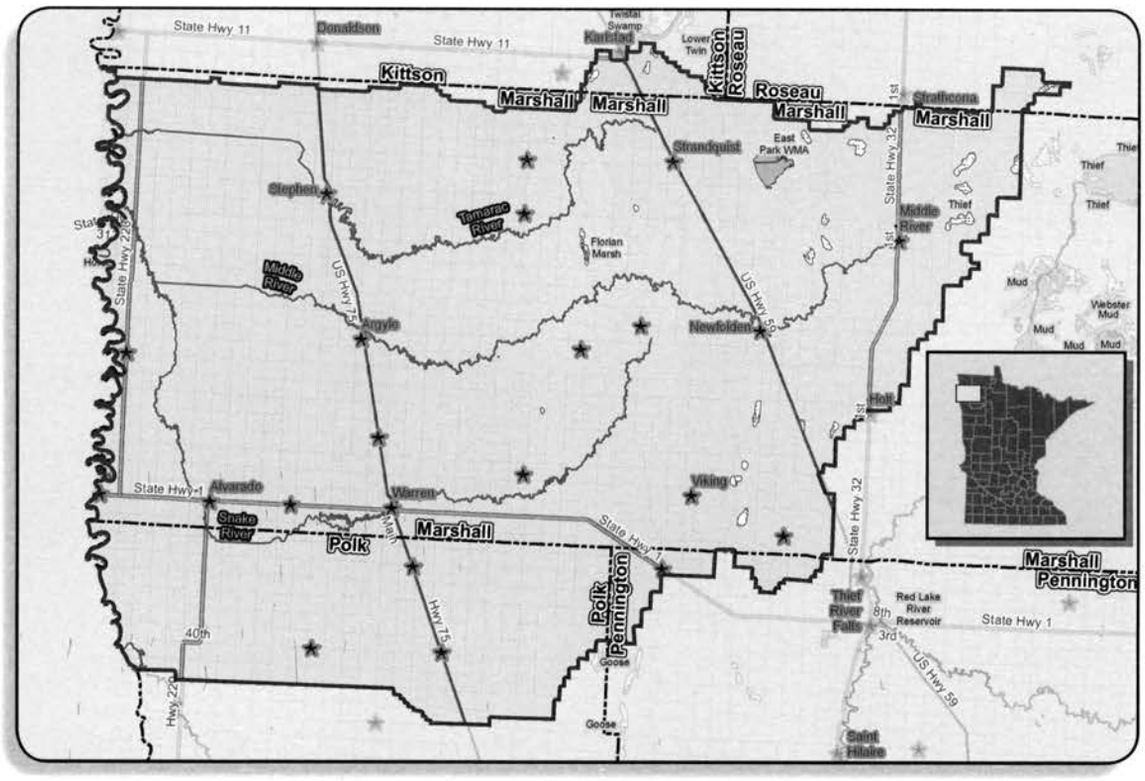
Volunteers implementing a shoreland restoration project in the Middle Fork Crow River Watershed

2007 EXPENDITURES

Total 2007 Expenditures	**$218,839**
Management / General Administrative	$140,917
Data Collection / Monitoring	$19,239
Projects / Implementation	$41,906
Public Education	$2,013
Meetings / Seminars	$14,764

Middle-Snake-Tamarac Rivers

WATERSHED DISTRICT



GENERAL INFORMATION

Established: August 28, 1970 by citizen petition

Included Counties: Marshall, Kittson, Polk, Pennington, Roseau

District Size: 1,476 square miles

Major Lakes: Tamarac, Middle and Snake Rivers, 252 combined miles; water flows to Red River

Legal drains: 310 miles

Number of Staff: 5

2008 Taxable Market Value: $916,409,000

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Doug Sorenson	President	Marshall	639 4th St N, Warren, MN 56762	(218) 745-4576
John W Nelson	Vice President	Marshall	23796 495th Ave NW, Oslo, MN 56744	(218) 695-3406
Ben Kleinwachter	Secretary	Marshall	22160 420th St NW, Strandquist, MN 56758	(218) 597-2985
Alvin Nybladh	Treasurer	Marshall	41950 400th St NW, Stephen, MN 56757	(218) 478-3345
Arlyn Stroble	Asst. Sec/Treas	Polk	13825 320th Ave NW, Angus, MN 56712	(218) 745-4473
Loren Zutz	Manager	Marshall	443 S McKinley, Warren, MN 56762	(218) 745-4055
Elden Elseth	Manager	Marshall	23862 Great Eastern, Warren, MN 56762	(218) 745-6515



Aerial photo of PL-566 Snake River Flood Control Project

RECENT PROJECTS

Federal Natural Resources Conservation Service Public Law 566 – Snake River Flood Control Project impoundment and diversion removed the City of Warren and surrounding area out of the 100 year Flood Plain

Angus-Oslo #4 Flood Retention Site – has protected farmsteads and farmland from flooding

Riparian Grass Buffer Strips – that the District planted along the legal drains has improved water quality throughout the District

Recent Inclusion – of the Tamarac Watershed has provided a better organizational outlet for the residents and landowners of that area into the Middle Snake Tamarac Rivers Watershed District

Farmstead Ring Dikes – 90 have been built to protect families and property from flooding

Maintenance – has continued on 310 miles of legal drainage systems

Sentence to Serve Agreement – has provided maintenance on portions of the Tamarac, Middle, and Snake Rivers

Membership – of the Red River Water Management Board, founded in 1976, whose goal is to address the flooding on the Red River of the North

Cooperation – with the City of Warren and County officials on Flood Plain Zoning

Grand Marais Creek Subwatershed Project 60 – in conjunction with the Red Lake Watershed District and the Department of Natural Resources, we are working on this coulee restoration plan, which is part of Governor Pawlenty's Clean water Cabinet Pilot Project

Assisting – Marshall, Polk, Kittson, Roseau, and Pennington counties with local water planning

Mediation Provision – for local drainage disagreement issues

FUTURE PROJECTS

Agassiz Valley Water Management Project – a flood retention and natural resource enhancements project, construction underway, to be completed in 2009.

Farmstead Ringdikes – will continue to be constructed in 2009 for flood protection.

Brandt-Angus Flood Retention Project – anticipated construction 2010. Planning is currently underway.

Swift Coulee Flood Retention – Drainage project planning to commence in 2009.

2007 EXPENDITURES

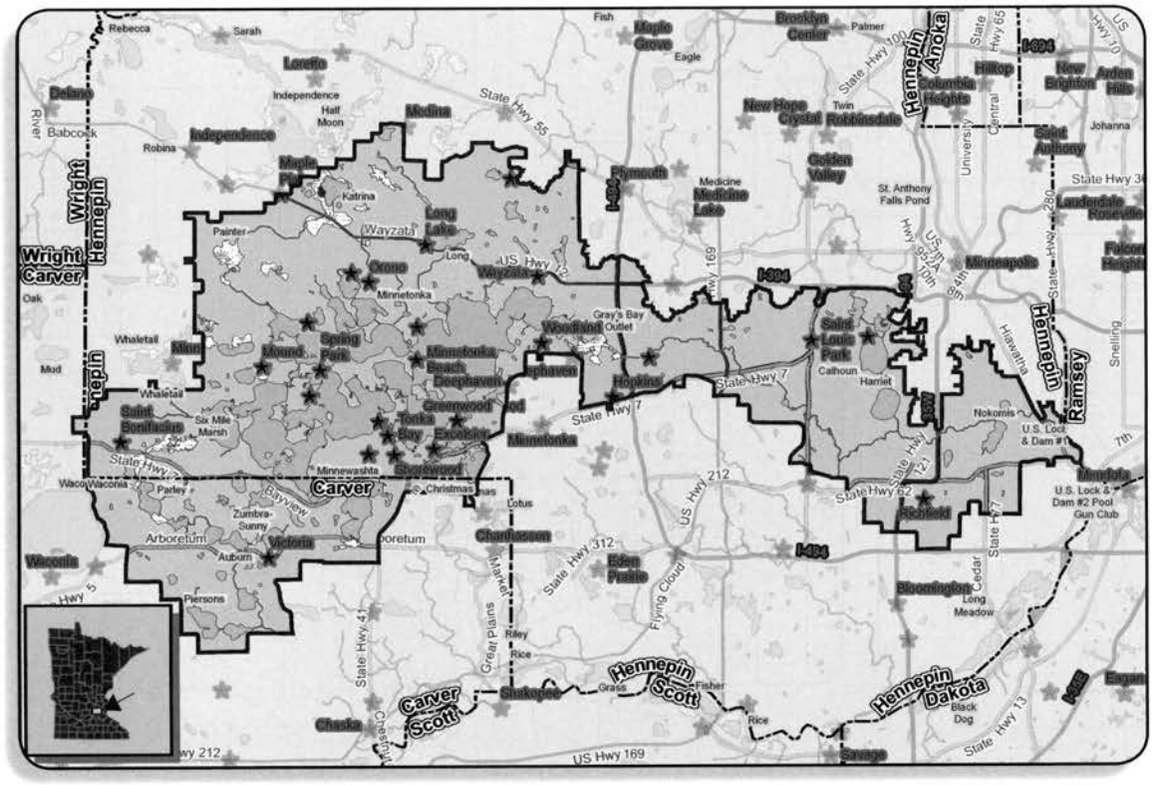
Total 2007 Expenditures	**$2,542,729**
District Operations	$139,453
Data Collection / Monitoring	$3,430
Permitting / Regulatory Programs	$28,686
Projects / Construction	$2,176,149
Assistance to Other Water Management Entities	$195, 011

Minnehaha Creek

WATERSHED DISTRICT

Minnehaha Creek Watershed District

CELEBRATING 40 YEARS OF IMPROVING QUALITY OF WATER, QUALITY OF LIFE



GENERAL INFORMATION

Established: 1967
by Hennepin County petition

18202 Minnetonka Blvd
Deephaven, MN 55391
Phone: (952) 471-0590
Fax: (952) 471-0682

www.minnehahacreek.org
admin@minnehahacreek.org

Included Counties: Hennepin, Carver

District Size: 181 square miles

Number of Staff: 12

Significant Water Bodies: Minnetonka, Minneapolis Chain of Lakes, Minnehaha Creek

2008 Taxable Market Value:
$44,287,303,285

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Jim Calkins	President	Hennepin	calki001@umn.edu	(952) 471-0590
Pamela Blixt	Vice President	Hennepin	pblixt@mn.rr.com	(952) 471-0590
Lee Keeley	Secretary	Hennepin	lekelee@aol.com	(952) 471-0590
Richard Miller	Treasurer	Hennepin	dick.miller@wellsfargo.com	(952) 471-0590
Jeff Casale	Manager	Hennepin	jcasale@minnesotahomes.com	(952) 471-0590
Brian Shekleton	Manager	Hennepin	brian_shekleton@yahoo.com	(952) 471-0590
Mike Kligelhutz	Manager	Carver	mikeklingel@hotmail.co	(952) 471-0590

RECENT PROJECTS

Land Conservation – Hennepin County partnered with the MCWD to provide $20 million in conduit financing for a Land Conservation Program. Since the program began three years ago, it has leveraged $6.08 million from outside sources and protected approximately 500 acres of land and 20,000 feet of shoreline, including Big Island on Lake Minnetonka, in partnership with Orono and the State of Minnesota.

Projects – in the past ten years the MCWD spent an average of $4 million annually on projects that have largely eliminated flooding along Minnehaha Creek and that have markedly improved water quality throughout the District. Most recently, the MCWD began partnerships with the city of Mound and other communities to implement Low Impact Development techniques in redevelopments and is working with several cities and other public entities to address impaired waters. In partnership with the State of Minnesota, Minneapolis Park Board, Corps of Army Engineers, and Veterans Assn., the MCWD has begun the restoration of the Minnehaha Falls Glen–the state's first park, the birthplace of Minnesota milling, and the namesake of Longfellow's Song of Hiawatha.

Planning – the MCWD has developed what is being called one of the premier watershed management plans in the nation. The plan utilized hundreds of hours of public meetings, detailed inventories (including an inventory of wetlands down to 1/3 acre), and one of the most sophisticated hydraulic, hydrologic and pollutant loading models in the USA. The model, data, and information is available to public entities and should save hundreds of thousands of dollars in planning costs. The MCWD is also working with FEMA to reduce flood plain elevations, potentially saving homeowners $1000s in unnecessary flood insurance.

Regulatory Program – the District issues about 600 water management permits annually. While sometimes controversial, District oversight is strongly supported by its residents and helps to protect important natural and cultural resources.

Monitoring – since 1967, the District has been monitoring water quality. Today, the program collects data on 29 lakes, 26 bays, and 43 stream reaches in the District. Records indicate steady improvement in water quality since the District was formed. The MCWD partners with the MPCA to monitor and address impaired waters.

Education – the MCWD provides support to local government and residents on land use, water quality, and innovative stormwater management practices. Annually, MCWD and the U of M host a series of professional conferences on water management and the MCWD and Mn Waters have partnered to increase citizen engagement with water resource management by forming grass roots groups around local water resources.



The Lake Calhoun Ponds are the focal point of the Minneapolis Chain of Lakes Project, which won a national award and numerous state and local awards. The project was a partnership of MCWD, the City of Minneapolis and the Minneapolis Park and Recreation Board.

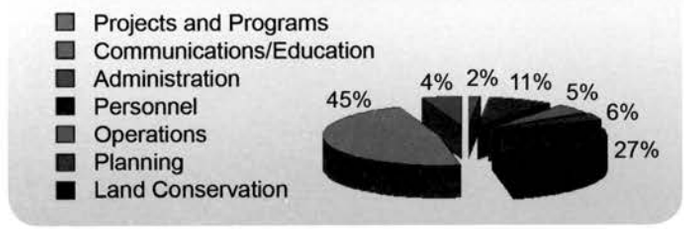
FUTURE PROJECTS

Performance-Based Standards – in 2007, MCWD began a rules revision process that will take the District from a one-size-fits-all regulatory program to one that focuses on water quality goals of individual resources while allowing permittees flexibility in meeting the protection standards.

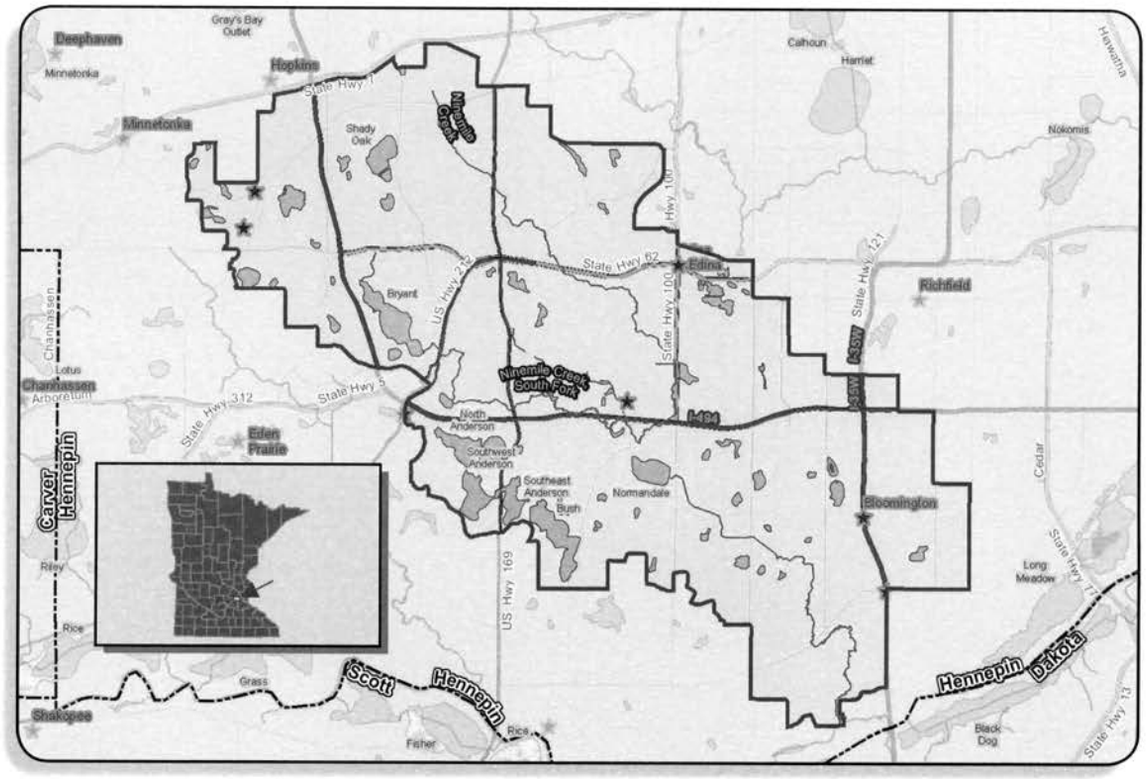
Watershed Research – MCWD, in partnership with the Mississippi Watershed Management Organization, has established a fund to promote academic, peer-reviewed research. The program will fund research of innovative techniques for stormwater management. In addition, MCWD has begun intensive data collection for a 3-dimensional water quality and flow model for Lake Minnetonka. In 2007, the District also began a curlyleaf pondweed research program on Gleason Lake.

Structural Projects – over the next ten years the MCWD anticipates spending approximately $60 million to clean up impaired waters and protect natural resources.Proposed projects include: Methodist Hospital wetland restoration and creek re-meander; Minnehaha Glen restoration; Painter Creek restoration; Stubbs Bay improvement project; and Lake Minnetonka Shoreline Restoraton project.

2007 EXPENDITURES



Nine Mile Creek
WATERSHED DISTRICT



GENERAL INFORMATION

Established: Sept. 30, 1959
by citizen petition

7710 Computer Ave.,
Suite 135
Edina, MN 55345
Phone: (952) 835-2078

Fax: (952) 835-2079
www.ninemilecreek.org

Included Counties: Hennepin

District Size: 50 square miles

Major Lakes: Shady Oak; Bryant; Bush; Normandale; North, Southwest, and Southeast Anderson; Birch Island; Glen; Cornelia; Smetana; Minnetoga; Upper and Lower Penn

Number of Staff: 1

2008 Taxable Market Value (TMV): $18,180,911,100

BOARD OF MANAGERS

Name	Position	County	Address	Phone
LuAnn Tolliver	President	Hennepin	14801 Wychewood Rd, Minnetonka, MN 55345	(952) 938-6749
Robert Kojetin	Secretary	Hennepin	5016 William Ave, Edina, MN 55436	(952) 929-8889
Steve Kloiber	Manager	Hennepin	6528 Scania Rd, Edina, MN 55439	(952) 941-1618
Corrine Lynch	Vice President	Hennepin	7301 Ohms Ln, Ste 425, Edina, MN 55439	(952) 893-6730
Geoffrey Nash	Treasurer	Hennepin	6920 Hillcrest Ln, Edina, MN 55435	(952) 925-5119

RECENT PROJECTS

Water Management Projects – Marsh Lake Dam, Normandale Lake, Bredesen Park, Hopkins Culver Improvement Project, Lower Valley Restoration, Bush Lake Outlet, Bloomington Creek Crossing Culvert Project

Minnetonka Lakes Water Quality Improvement Project – included the construction of eight water quality basins and infiltration basins within the watersheds of Glen Lake, Lake Minnetoga, Lone Lake, and Shady Oak Lake

Nine Mile Creek Monitoring – accomplished with four Watershed Outlet Monitoring Program (WOMP) stations; ecological use studies of the Creek, including fish sampling at seven stations on the Creek

Lake Monitoring – conducted by the District, monitoring 17 lakes on a rotational basis by collecting and analyzing water samples for phosphorus, chlorophyll a, and secchi disk transparency (water clarity)

Eden Prairie Lakes Water Quality Improvement Project – project is in the implementation phase to improve water quality in Northwest and Southwest Anderson Lakes, Bryant Lake, and Birch Island Lake; and a wetland restoration in the Cardinal Creek Conservation Area

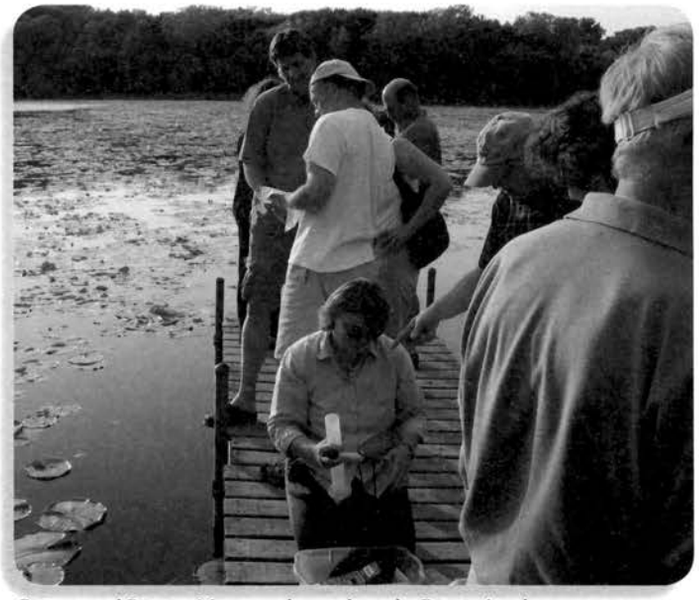
Cost-Share Grant Program – the District established a cost-share program to assist residents, local governments, and businesses implement water conservation practices throughout the District

Citizens Advisory Committee (CAC) – an active group of citizens maintained by the District that meets throughout the each and participates in education and outreach activities

Citizen Assisted Lake Monitoring Program (CAMP) – the District partners with the Metropolitan Council to engage citizens in water quality monitoring on five lakes

Summer Education Series – the District and the CAC developed this series of education workshops and seminars hosted throughout the summer

Rules Amendment/Update – the District updated and amended its rules and regulatory program to enhance water quality and quantity treatment and regulation on development and redevelopment projects



Citizens and District Managers learn about the District's volunteer water quality monitoring efforts.

FUTURE PROJECTS

Hopkins Streambank Stabilization & Habitat Restoration Project – this project will stabilize the streambanks of Nine Mile Creek, re-meander portions of the Creek, enhance in-stream habitat and improve water quality.

Wing, Rose, Holiday Lakes Use Attainability Assessment – the District is partnering with the City of Minnetonka and the Wing Lake Neighborhood Association to conduct a citizen survey and do a use attainability assessment of the watershed for these three lakes.

Lower Valley Creek Stabilization Project – the District is partnering with the City of Bloomington to stabilize the Lower Valley portion of Nine Mile Creek and repair portions of a streambank stabilization project completed by the District in 1991.

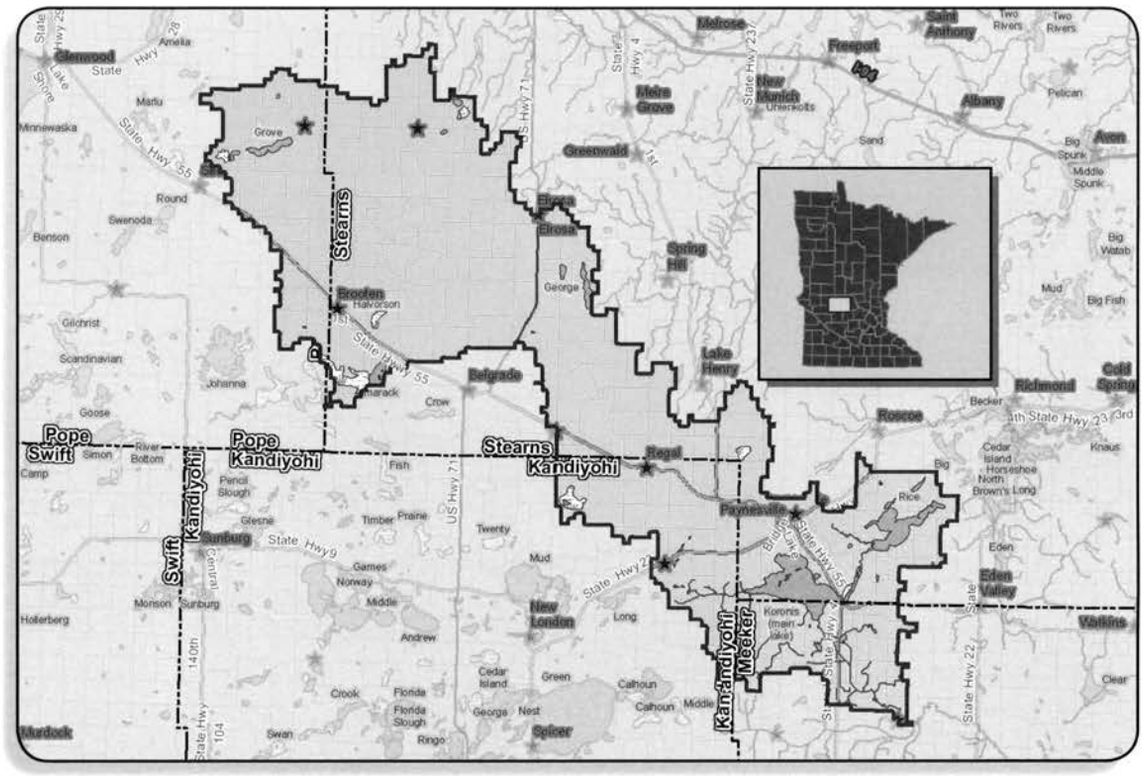
Normandale Lake Water Quality Project – the District is developing an Engineers Feasibility Report on how to address Curly Leaf Pondweed and internal phosphorus loading/water quality issues.

2007 EXPENDITURES

Management / General Administrative	$160,000
Data Collection / Monitoring	$305,500
Permitting / Regulatory Programs	$55,000
Projects / Implementation	$375,181
Water Management Programs	$1,600,000

North Fork-Crow River

WATERSHED DISTRICT



GENERAL INFORMATION

Established: May 10, 1985
by citizen petition

100 Prairie Ave N
PO Box 40
Brooten, MN 56316
Phone: (320) 346-2869

Fax: (320) 346-2410
nfcrwsd@tds.net

Included Counties: Kandiyohi, Meeker, Pope, Stearns

District Size: 348 square miles

Major Lakes: Grove, Koronis, Pirz, Rice

Major Streams: North Fork Crow River

Number of Staff: 3

2008 Taxable Market Value:
$916,514,100

BOARD OF MANAGERS

Name	Position	County	Address	Phone
James Wuertz	President	Meeker	35795 CSAH 30, Eden Valley, MN 55329	(320) 453-7541
Jim Barchenger	Treasurer	Pope	11442 200th St, Glenwood, MN 56334	(320) 268-3202
Joe Borgerding	Secretary	Stearns	39736 275th St, Belgrade, MN 56312	(320) 254-8430
Robert Brauchler	Vice President	Kandiyohi	15515 State Highway 55 NE, Belgrade, MN 56312	(320) 243-4851
Rick Hazelwood	Manager	Stearns	14606 Old Lake RD, Paynesville, MN 56362	(320) 243-2430

RECENT PROJECTS

Bio Digester – the Watershed District in partnership with other local organizations committed funds for construction of a bio digester system, which was installed on a local dairy farm. The system recycles animal waste to provide electric power for the farm.

Ditch Repair and Maintenance – public drainage systems throughout the Watershed District continue to require maintenance, which includes clean-outs, tree removal, spraying, mowing, and beaver dam removal.

Dam Replacement – the Grove Lake Dam, which is the headwaters of the North Fork Crow River, was replaced with an engineered structure.

Erosion/Sedimentation Projects – the Watershed District has addressed several erosion/sedimentation problems. A sedimentation-water storage basin was installed in the City of Paynesville, and erosion sites were repaired in Meeker County, along with other sites.

Plan Update – the Watershed District is updating its overall plan, using the services of Mid-Minnesota Development.

RainGarden – a raingarden was installed near the Walking/Biking Trail near Lake Koronis in a high runoff area, which is highly visible to the public.

Walking/Biking Trail Bridge – a paved trail is being installed around Lake Koronis. To minimize damage to a critical wetland, funds were contributed by the Watershed District to help pay for a bridge over the wetland.

Septic Certification Project – the Watershed District was petitioned in 2006 for a project to certify compliance of all septic systems within the District. This project is in its second year of a five year project, funded by an ad valorem levy.

Water Quality Monitoring – the Watershed District monitoring program consists of over twenty stream sites and six lake sites.

Partnerships – the Watershed District continues to partner with the SWCDs in four counties, four Lake Associations, BWSR, MPCA, CROW Organization, along with city, community and government groups.



Clockwise from top left right: Crow River Clean-up in the Brooten/Belgrade area; bridge on Lake Koronis trail; students learning with an enviroscape model at Paynesville Waterfest; new dam at the Grove Lake outlet

FUTURE PROJECTS

Ditch Maintenance – maintenance and spraying projects for many public ditch systems are in the planning stage, which includes a sediment basin on JD-1 upstream of Grove Lake.

Drainage Record Modernization – plans to continue modernizing District drainage records include scanning maps and documents, updating maps with GIS and updating databases.

Erosion Repair Projects – projects are being planned for sites near Rice and Koronis Lakes and Sedan Brook.

Septic Certification Project – septic inspections will continue over the Watershed District during the next three years.

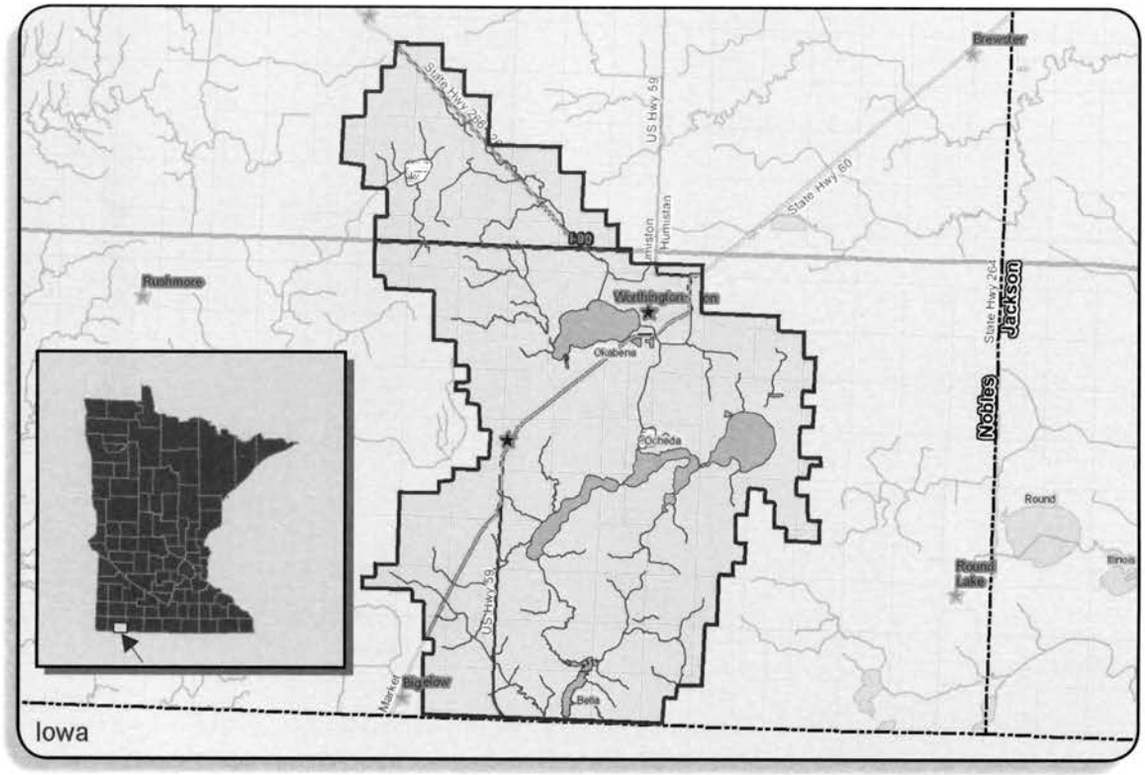
Rice Lake TMDL – a nutrient TMDL is scheduled for Rice Lake in 2009. Preliminary monitoring is being done.

2007 EXPENDITURES

Total 2007 Expenditures	**$663,006.78**
Management/General Administrative	$157,240.28
Data Collection/Monitoring	$26,499.78
Permitting / Regulatory Programs	$3,187.50
Projects / Implementation	$240,453.42
Ditch Maintenance/Repair	$215,060.37
Education	$20,565.43

Okabena-Ocheda

WATERSHED DISTRICT



GENERAL INFORMATION

Established: August 11, 1960 by citizen petition

Included Counties: Nobles

District Size: 71 square miles

Major Lakes: Okabena, Ocheda, Bella

Major Streams: Okabena Creek, Ocheyedan River

Number of Staff: 1

2008 Taxable Market Value: $531,647,800

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Lester Johnson	President	Nobles	28967 County Rd 35, Worthington, MN 56187	(507) 376-6828
Rolf Mahlberg	Vice President	Nobles	29403 Paul Ave, Worthington, MN 56187	(507) 372-7521
Jeff Rogers	Secretary	Nobles	1009 Smith Ave, Worthington, MN 56187	(507) 372-4381
Jeffery Williamson	Treasurer	Nobles	1638 S. Shore Ave, Worthington, MN 56187	(507) 376-4015
James Mc Gowan	Manager	Nobles	670 West Shore Dr, Worthington, MN 56187	(507) 376-6067

RECENT PROJECTS

Conservation Reserve Enhancement Program Program (CREP) incentive payments – for easements protecting critical groundwater and surface water resources. The District made payments to landowners totaling $124,558 for this program.

Conservation Reserve Program Filter Strip incentive payments – implemented by the District beginning in 1997. The ongoing program, which will continue through 2022, provides incentive payments of $100 per acre per year on approximately 328 acres of CRP filter strips to protect surface water in critical sub-watersheds.

Wellhead Protection Partnership – worked with Pheasants Forever, the Minnesota DNR and Worthington Public Utilities to purchase 155 acres of marginal agricultural land in Worthington's wellhead protection area. A wetland was restored and upland buffer created in the critical recharge area for the City's wells. The land will be donated to the DNR in 2009 to become part of the Wachter Slough WMA.

Education Materials – work with the City of Worthington to annually produce and distribute education materials on non-point source pollution prevention programs for City residents.

Environmental Education Programs – sponsored by the District through partnerships with the Natural Resources Conservation Service and US Fish and Wildlife Service for approximately 600 fifth-grade students at the Worthington Prairie Wetland Learning Area.

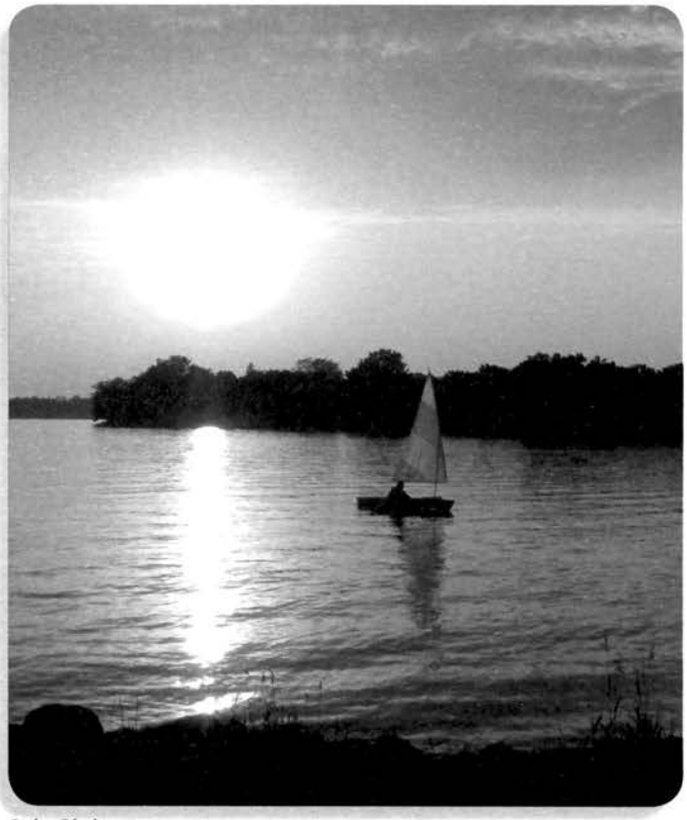
Water Monitoring – worked with the MPCA and volunteers to monitor lakes in the District. The data will be used by the Agency to assess whether the lakes should be listed as impaired.

Cost-Share Funding – provided by the District for rain gardens and agricultural Best Management Practices to prevent soil erosion and protect surface water quality.

Construction Site Erosion Control Program – for small construction site within the District

FUTURE PROJECTS

Continue – to work with public agencies and private wildlife organizations to pursue conservation easements and property purchases to protect and preserve the District's surface and ground water resources.



Lake Okabena

Continue – to offer Best Management Practices cost-share and filter strip incentive payments throughout the district to protect surface and groundwater quality.

MS4 Stormwater Pollution Prevention Program Education Programs – will continue to work with the City of Worthington and the Heron Lake Watershed District to educate citizens about stormwater pollution prevention.

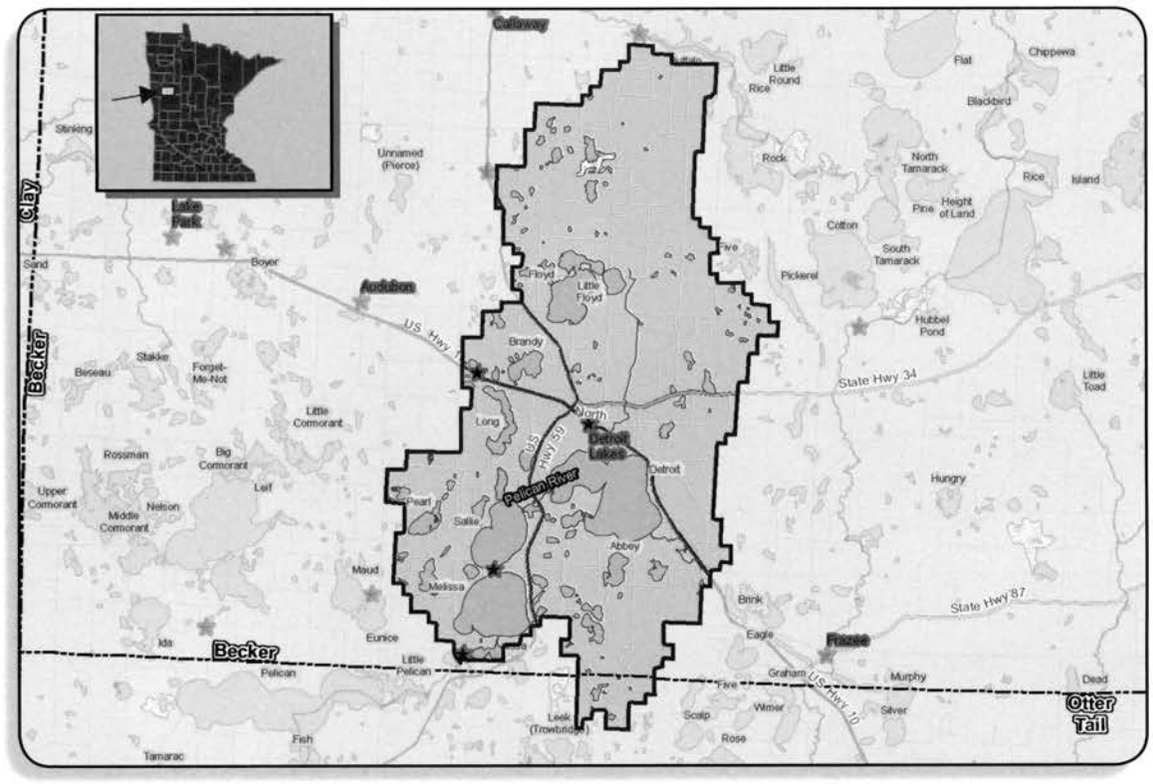
Worthington Wellhead Protection Plan – will be implemented and coordinated effort with Worthington Public Utilities.

2007 EXPENDITURES

Management / General Administrative	$71,722
Data Collection / Monitoring	$1,910
Permitting / Regulatory Programs	$2,000
Projects / Implementation	$130,348
Water Management Programs	$2,676
Public Education Programs	$1,253

Pelican River

WATERSHED DISTRICT



GENERAL INFORMATION

Established: May 27, 1966 by Community and Lake Association leaders

211 Holmes St W, Suite 201
PO Box 1043
Detroit Lakes, MN 56502
Phone: (218) 846.0436

Fax: (218) 846.0778
www.prwd.org

Included Counties: Becker, Otter Tail

District Size: 120 square miles

Major Lakes: 144

Ditch Systems: 3

Wetlands: 11,957 acres

Pelican River: 8.3 miles

Number of Staff: 3 full-time, 2 part-time, 2 seasonal

2008 Taxable Market Value: $1,486,436,756

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Dennis Kral	President	Becker	26463 Paradise Point Rd, Detroit Lakes, MN 56501	(218) 847-4491
Orrin Okeson	Vice President	Becker	24360 County Rd 113, Detroit Lakes, MN 56501	(218) 847-7983
David Brainard	Secretary	Becker	PO Box 662, Detroit Lakes, MN 56502	(218) 847-8214
Ginny Imholte	Treasurer	Becker	720 South Shore Dr, Detroit Lakes, MN 56501	(218) 847-4236
Janice Haggart	Member	Becker	25591 Muskrat Lake Rd, Detroit Lakes, MN 56501	(218) 846-1168
Bill Jordan	Member	Becker	23321 South Melissa Dr, Detroit Lakes, MN 56501	(218) 847-3416
William Wickum	Member	Becker	23847 N Long Lake Rd, Detroit Lakes, MN 56501	(218) 847-3373

RECENT PROJECTS

Upper Pelican River Nutrient Reduction Project – $2.6 million PL-566 Federal Project; MPCA Clean Water Partnership Grant/Loan Funding; WRP/RIM to reduce nutrient loads to Big Detroit Lake.The project will include restoration and impoundment of Rice Lake wetland, township road improvement, and installation of various agricultural best management practices. USDA Wetland Reserve Program (WRP) and Reinvest in Minnesota (RIM) programs with Minnesota Pollution Control Agency Clean Water Partnership grant and loan monies will be utilized for project implementation which began in 2008.

Monitoring Program – to assess water, this program quality involves 17 lake sites, 19 stream sites, 750 separate observations, 1,100 lab tests, 257 Secchi measurements, thousands of observations with automated equipment for precipitation, stream and lake water levels. District staff, including student interns, do this work in order to diagnose problems and evaluate solutions.

Sewer and Water Supply Alternatives Analysis – covering Big/Little/Upper Floyd Chain of Lakes; Monson/Fox/Muskrat/Sallie/Melissa Chain of Lakes. In response to requests by lake associations and township officials, the District contracted with Wenck Associates to provide information on sewage treatment options around several District lakes. Options included annexation to the city of Detroit Lakes, regional sewer district, or private cluster systems. In pursuing the study, the Wenck company staff surveyed all of the lakes and worked with local officials, including those from the city of Detroit Lakes.

Education – presentations are made to numerous organizations and lake association groups. In 2007 the District sponsored a Lakeshore Restoration Workshop for over 50 contractors. The District also supports various high school and elementary environmental events. These efforts together with the District's website and printed materials are aimed at increasing awareness and understanding of water quality problems and solutions, and effecting long-term changes in behaviors which are detrimental to water quality.

Aquatic Plant Management – Project 1 B-Sallie/Melissa and Project 1C Detroit, projects petitioned by the citizens to assist with controlling aquatic plants. Recent focus has been on the control of exotic species, especially Flowering Rush and curly-leafed pondweed. Herbicides were applied to all known Flowering Rush sites from 2006-2008, and will continue in 2009.



The District continues to partner with Becker SWCD and USDA Natural Resources Conservation Service to cost-share best management projects located within the District's targeted priority area (Campbell Creek/Ditch 12).

Water Management Rules – in 2007, 54 permits were issued for land alterations in the shore impact zone, impervious surface changes, subdivisions, and highways or parking lots in the District. The District's engineering firm, Wenck Associates, assists in reviewing plans and applications. The District also works closely with Becker County and city of Detroit Lakes zoning departments. In 2007, St. Mary's Hospital installed an underground stormwater treatment system, the first in the District.

FUTURE PROJECTS

Many of the activities described above will continue. Among the new initiatives for 2008 and beyond are:

Long-term aquatic management – a plan for seven lakes aimed at identifying additional treatment needs will be started in 2008; the first step will involve aquatic plant mapping for all lakes involved in the planning area. Starting in November 2008, public and various governmental agencies input will be solicited for the plans.

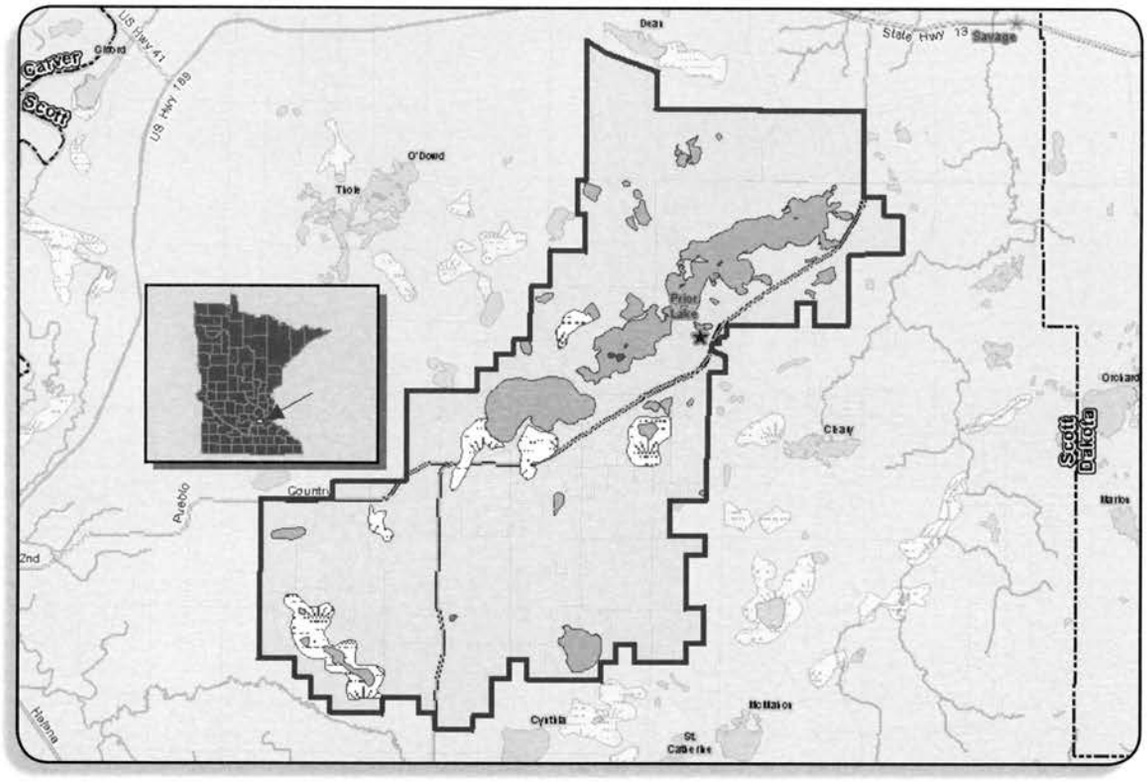
Updating and reconfiguring monitoring data – examining data collected since 1993 to make them more accessible for analysis and submission to Storet.

2007 EXPENDITURES

Total	**$447,250**
Programs & Operations:	$82,600
Planning, Projects & Cost Share:	$55,600
Permitting/Regulatory:	$73,350
Data Collection and Monitoring:	$36,100
Education & Outreach:	$19,800
Ditch Management:	$10,800
Aquatic Plant Management–Project 1B/1C:	$119,000
Capital Outlay:	$8,000
319 CWP Loan Payment –	$42,000

Prior Lake-Spring Lake

WATERSHED DISTRICT



GENERAL INFORMATION

Established: March 4, 1970
by citizen petition

15815 Franklin Trail SE, Suite 100
Prior Lake, MN 55372
Phone: (952) 447-4166
Fax: (952) 447-4167

Info@plslwd.org
www.plslwd.org

Included Counties: Scott

District Size: 43 square miles

Major Lakes: Upper Prior, Lower Prior, Spring, Fish, Rice, Pike

Number of Staff: 4

2008 Taxable Market Value:
$3,275,711,000

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Craig Gontarek	President	Scott	15721 Island View Rd, Prior Lake, MN 55372	(952) 440-2455
William Kallberg	Vice President	Scott	2550 S Shore Dr, Prior Lake, MN 55372	(952) 447-7825
William Schmokel	Secretary	Scott	4151 Grainwood Circle NE, Prior Lake, MN 55372	(952) 447-4151
Larry Mueller	Treasurer	Scott	P.O. Box 669, Prior Lake, MN 55372	(952) 447 3258
Roger Wahl	Manager	Scott	16510 Inguadona Beach, Prior Lake, MN 55372	(952) 447-2890

RECENT PROJECTS

The signing of MOAs for permitting – these agreements with the cities of Savage and Prior Lake and Scott County were executed once the rules and permitting requirements were determined equivalent to those of the Watershed District so as to reduce duplication in government.

Signing of the Prior Lake Outlet Channel MOA/JPA – This historic agreement between the Watershed District, Cities of Prior Lake and Shakopee, and the Shakopee Mdewakanton Sioux community covers the construction, use, operation, and maintenance of the Prior Lake Outlet channel from Prior Lake to the Minnesota River.

Agricultural Best Management Practices – through a partnership with Scott Soil and Water Conservation District, the District promotes installation of buffer strips, development and use of nutrient management plans and conservation tillage.

Ongoing Ferric Chloride treatment – the District uses this unique system to treat surface water so as to reduce phosphorus prior to entering Spring Lake.

Curlyleaf Pondweed management on Spring and Fish Lakes –an ongoing cooperative effort with lakeshore owners to manage the growth of curlyleaf pond weed and promote the growth of aquatic vegetation that is native and more ecologically beneficial. Previous year's treatment has been so successful that Spring Lake has not needed treatment for two years.

Education Programs – these have included over 600 children from Jeffers Pond Elementary helped to plant 300 trees around their playground; 48 rain barrels were purchased through a four-week District promotion to redirect rainwater runoff; and staff participated in three days of environmental education for grade schools in the area.

Innovative Water Management Grant Program – provided grants to homeowners, business, and local government to encourage innovative water management practices that improve water quality and volume management in the watershed, including shoreland restoration, raingardens, and installation of pervious or porous pavers that allow rainwater to soak into the ground at business sites rather than discharged as run off.



Wetland restoration near Highway 13

FUTURE PROJECTS

Prior lake Outlet Channel Restoration Project – the District will continue and complete the bulk of this restoration activity in 2009.

Outlet Box Reconstruction – the outlet box structure for Prior Lake is scheduled for replacement with construction expected in 2009.

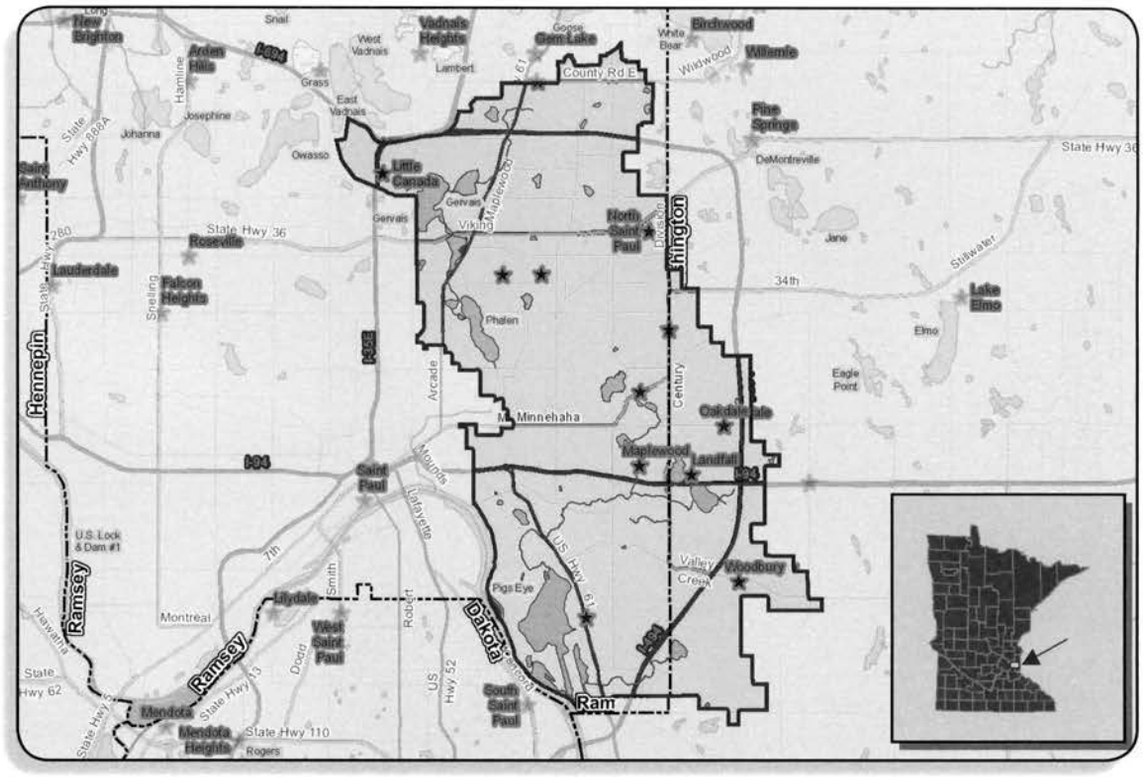
Total Maximum Daily Load (**TMDL) Implementation Plan Development** – the WD will complete the nutrient TMDL documents for Spring and Upper Prior Lakes by the end of 2009. The District will continue to proactively work with stakeholders in preparation for development of the implementation plan.

WRMP Completion – the WD has started on the revision of the Water Resources Management Plan that is to be completed in 2009.

2007 EXPENDITURES

Total 2007 Expenditures	**$730,996**
Management / General Administrative	$168,622
Planning Program Development	$18,051
Data Collection / Monitoring	$20,183
Permitting / Regulatory Programs	$44,821
Projects / Implementation	$112,924
Water Management Programs	$119,863
Outlet Maintenance	$3,144
Education	$15,617
JPA/MOA	$227,767

Ramsey-Washington Metro
WATERSHED DISTRICT



GENERAL INFORMATION

Established: February 24, 1975 by dual Ramsey County and citizen petitions

2665 Noel Drive
Little Canada, MN 55117
Phone: (651) 792-7950
Fax: (651) 792-7951

office@rwmwd.org
www.rwmwd.org

Included Counties: Washington, Ramsey

District Size: 56 square miles

Major Water Bodies: 5 major creeks, 11 lakes, about 1,000 wetlands, and 6 subwatersheds draining into the Mississippi River

Number of Staff: 12

2008 Taxable Market Value: $13,435,076,000

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Roger Lake	President	Ramsey	2442 Jansen Ave, White Bear Lake, MN 55110	(651) 777-3426
Paul Ellefson	Vice President	Ramsey	2888 Bartelmy Ln, Maplewood, MN 55109	(651) 624-3735
Jack Frost	Treasurer	Ramsey	2324 Maple Ln, Maplewood, MN 55109	(651) 602-1078
Robert Johnson	Secretary	Ramsey	418 Burlington Rd, St. Paul, MN 55119	(651) 738-3910
Pamela Skinner	Manager	Washington	6553 2nd St N, Oakdale, MN 55128	(651) 738-9303

RECENT PROJECTS

New Watershed Management Plan (completed 2007) – this plan provides a new concise strategic overview with specific watershed management detail required by state rules.

Tanners Lake Water Quality Improvement Project (completed 1996) – this project received an EPA stormwater project of the year award in 1999 for its innovation and successful results. This project includes multiple improvements including an alum treatment system.

Lake Phalen Shoreline Restoration Project (completed 2007) – this is the largest shoreline restoration project (approximately 2 miles of shoreline) in Minnesota and has received nationwide recognition and several awards for its success and innovative techniques.

District Office Building Construction (completed 2005) – this project provides District headquarters office and meeting space and a unique demonstration site for innovative urban stormwater best management practices (BMPs).

Kohlman Lake TMDL Study and Implementation Plan (completed 2008) – this study was completed using District and MPCA TMDL funds to develop a plan for lowering lake phosphorus levels to meet state standards.

BMP Cost-Share Program (started in 2006 and continuing) – the District created this program to provide financial incentives to private and public landowners to install BMPs to reduce stormwater runoff volume and improve water quality.

Valley Creek Road Infiltration Project (completed in 2002) – this is an innovative infiltration project to capture, infiltrate and treat runoff from an area of Woodbury that is tributary to the unique Tamarack Swamp.

Carver Lake Watershed Porous Pavement Project (completed 2004) – this project replaced two asphalt cul-de-sacs with an ecostone paver surface to infiltrate stormwater. The District monitored this project to document its performance and reduced runoff volume.

Fish Creek Repair Project (completed 2006) – this project repaired the Fish Creek channel and banks (originally repaired in 1989) that were damaged by the runoff from a six-inch rainfall event in October 2005. This project modified and improved the original project design.

Kohlman Basin Enhancements (2007-2008) – improvements to the existing Kohlman Basin Project to improve phosphorus removal efficiency. These improvements included a permeable lime barrier and an enhanced sand filter treatment system.



Ramsey Washington Metro Watershed District office

FUTURE PROJECTS

Hwy 61/Hwy 36 Intersection Water Quality Improvements (2010) – improvements within and near the intersection to treat runoff leading to Keller Lake and keep Keller Lake off the state's impaired waters list.

Street Infiltration Demonstration Project (2009) – the District will be collaborating with a District city to implement a demonstration project to install stormwater volume reduction BMPs in an existing city street area.

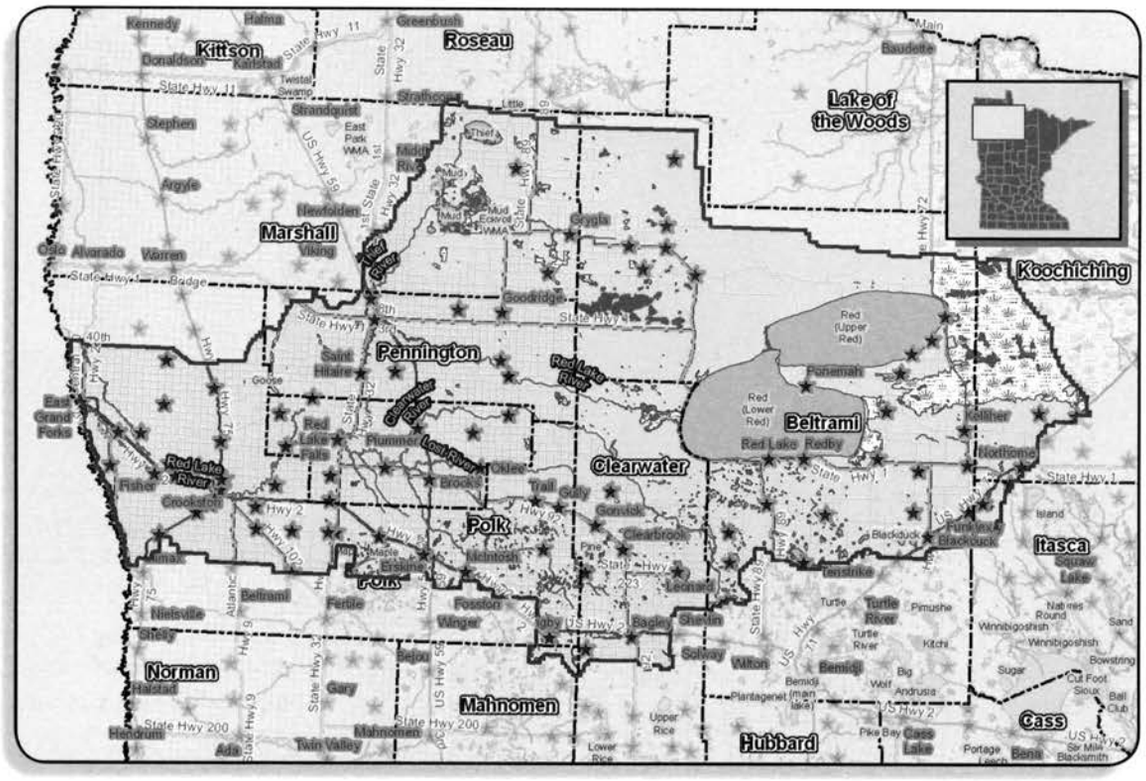
Kohlman Lake Macrophyte Management Plan (2007-2010) – A multi-year plan to manage lake macrophytes to allow treatment of lake sediments to limit phosphorus resuspension.

Kohlman Lake Carp Control (2007-2010) – in cooperation with the University of Minnesota, research the lake carp population to identify best approach for carp population control to limit carp contribution to phosphorus production and resuspension.

2007 EXPENDITURES

Total 2007 Expenditures	**$3,338,514**
Management / General Administrative	$496,932
Data Collection / Monitoring	$89,234
Permitting / Regulatory Programs	$234,876
Projects / Implementation	$1,084,141
Water Management Programs	$1,041952
Misc	$17105
Other	$374,234

Red Lake
WATERSHED DISTRICT



GENERAL INFORMATION

Established: January 25, 1969 by Red Lake Drainage and Conservancy District petition

1000 Pennington Avenue South
Thief River Falls, MN 56701
Phone: (218) 681-5800
Fax: (218) 681-5839

rlwaters@wiktel.com
redlakewatershed.org

Included Counties: Roseau, Marshall, Beltrami, Polk, Pennington, Koochiching, Red Lake, Clearwater, Itasca, Mahnomen

District Size: 5,990 square miles

Major Lakes: Upper and Lower Red, Maple, Blackduck, Pine, Clearwater (314,800 acres of lakes and 1,541,146 acres of wetlands)

Number of Staff: 7

2008 Taxable Market Value: $3,917,639,200

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Dale M Nelson	President	Pennington	10367 140th St NW, Thief River Falls, MN 56701	(218) 681-6403
Gene Tiedemann	Vice President	Polk	13099 310th Ave SW, Euclid, MN 56722	(218) 281-6723
Vernon Johnson	Secretary	Clearwater	47462 155th Ave, Clearbrook, MN 56634	(218) 776-3530
Lee Coe	Treasurer	Beltrami	3948 Nebish Rd NE, Tenstrike, MN 56683	(218) 243-2597
Orville Knott	Member	Red Lake	10905 - 170th St SE, Red Lake Falls, MN 56750	(218) 253-2804
Jim Votava	Member	Polk	24202 350th Street SE, McIntosh, MN 56556	(218) 563-2124

Marshall County member vacant due to illness

RECENT PROJECTS

Euclid East and Brandt Impoundments – a $5.7 million project that was part of Gov. Tim Pawlenty's Clean Water Initiative. Completed in the summer of 2007, this is designed to store floodwaters from a 43-square-mile drainage area upstream of the City of Euclid and provides a 5-year protection to various legal drainage systems.

Brandt Channel Restoration – a two-phase project located downstream of the Brandt Impoundment. The project restored a two-mile natural waterway back to its pre-agricultural design. This project also established an 80-acre perpetual grassland and natural corridor along the two miles of restored channel.

Ditch System Improvements and Maintenance – on approximately 290 miles of legal drainage systems, most recently the improvement to and establishment of a lateral consisting of 10 miles of a legal ditch system once known as Polk County Ditch #53 and renamed Red Lake Watershed District Ditch #12. The district has also completed a ditch inventory and mapping project that developed a state-of-the-art inventory system of all legal drainage under the jurisdiction of the District. This was made possible through a grant from the Board of Water and Soil Resources.

Farm to Stream Tile Drainage Water Quality Study – designed to gather real-world data to better understand the potential impact that increased tile drainage may have within the Red River Basin.

Red River Watershed Assessment Protocal Project – a BWSR-funded project completed by the District that developed the "Standard Operating Procedures for Water Quality Monitoring in the Red River Watershed" and the "Red River Watershed Water Quality Reporting Handbook."

FUTURE PROJECTS

Grand Marais Outlet Restoration Project – reconstruct the original Grand Marais channel back to its early 1900s design, thus restoring low flows back into the original 6 miles of the creek which was abandoned. The District goals are to continue with the engineering and if the project proceeds, secure funding in 2010.



Euclid East Impoundment Outlet Structure

City of Clearbrook Stormwater Retention Ponds – initiated by the Red Lake Watershed and Clearwater County Soil and Water Conservation District to address pollutants that flow into streams within the city of Clearbrook.

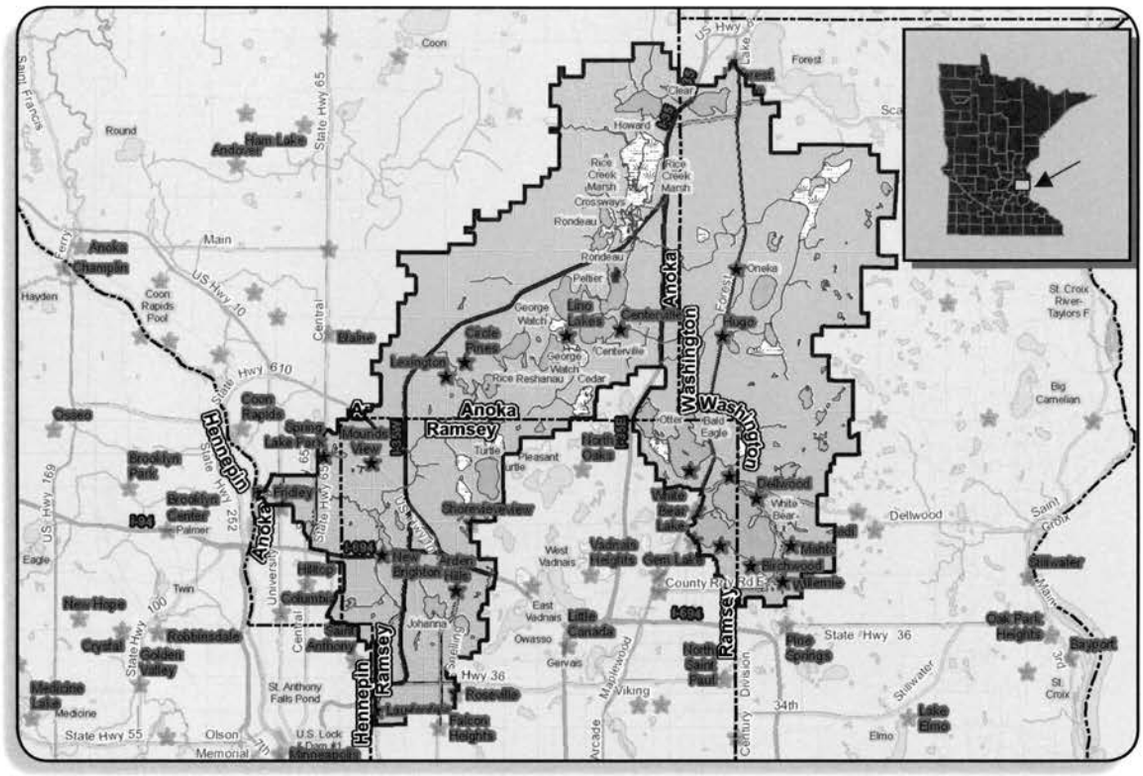
Thief River Watershed Sediment Investigation – to identify the true source of water quality problems within the Thief River watershed. This project will continue through 2009.

Clearwater River TMDL Study – a watershed-based water quality impairment study in the Red River Basin in Minnesota. This study should be completed mid-summer 2009.

2007 EXPENDITURES

Total 2007 Expenditures	**$3,260,923**
District Operation	$208,516
Data Collection / Monitoring	$157,173
Permitting / Regulatory Programs	$63,915
Special Revenue	$571,474
Capital Projects	$1,684,028
Capital Outlay	$575,817

Rice Creek
WATERSHED DISTRICT



GENERAL INFORMATION

Established: January 18, 1972 by Anoka, Ramsey, Washington County petition

4325 Pheasant Ridge Dr, Ste 611
Blaine, MN 55449-4541
Phone: (763) 398-3070
Fax: (763) 398-3088

www.ricecreek.org

Included Counties: Washington, Anoka, Hennepin, Ramsey

District Size: 201 square miles

Major Lakes: 60

Steams and Ditches: 150 miles

Number of Staff: 9

2008 Taxable Market Value: $20,805,700,100

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Patricia Preiner	President	Washington	14474 W Freeway Dr, Columbus, MN 55025	(651) 982-9999
Barbara Haake	1st VP	Ramsey	3024 County Rd I, Mounds View, MN 55112	(763) 786-1022
John Waller	2nd VP	Washington	14010 Homestead Ave N, Hugo, MN 55038	(651) 426-7331
Rick Mastell	Treasurer	Anoka	1580 Sedge Ct, Lino Lakes, MN 55038	(651) 639-9017
Harley M. Ogata	Secretary	Ramsey	5633 Hugo Rd, White Bear Twp, MN 55110	(651) 653-0885

RECENT PROJECTS

District Facilities Inventory and Assessment – started in 2008, this project is addressing the aging infrastructure of over 30 various types of water control structures built in the 1970s to control flooding and enhance water quality in the lower portion of the watershed.

TMDL Studies – completed TMDL studies in 2008 for Hardwood Creek, Silver Lake, Anoka County Chain of Lakes, and Peltier/Centerville lakes to address water quality impairments for excess nutrients, total suspended solids (sediment), and biota.

Lake Management – continued implementation of a pilot Curly Leaf Pondweed control in Bald Eagle and Roshenau lakes. Curly Leaf Pondweed is an invasive plant and is a leading contributor to severe summer algae blooms in the District's shallow lakes. The District also completed a study in 2008 of small urban lakes in the southwestern portion of the watershed, which provides an implementation strategy for addressing water quality concerns that have been expressed by citizens in this area.

Resource Management Plans – completion of resource management plans for the JD4/ACD15 public drainage system and the City of Lino Lakes were completed in 2008. These plans provide a comprehensive approach to managing wetlands, stormwater runoff, water quality and public drainage systems in areas where rapid develop is anticipated in the next 5 to 10 years.

Blue Thumb Program – developed by the District in 2004, this award-winning web-based program provides information to landowners seeking to improve their lake, stream, and backyards with native plants and water quality best management practices. The program has over 40 partners comprised of government agencies, citizens, and nursery retailers.

Long Lake Sediment Basin Clean-Out – removal of approximately 29,000 yards of sand out of the sediment basin that was constructed as a District facility to remove sediment and nutrients before Rice Creek flows into Long Lake.

Drainage System Management – started in 2008 provides a systematic, comprehensive approach to addressing public drainage systems, providing predictability to benefitted property owners, municipalities that depend on these systems as part of their stormwater conveyance, and the District, which is the public drainage authority.



Hardwood Creek Restoration Project

Water Quality Restoration Cost-Share – provides financial and technical assistance to both municipalities and landowners for projects that remediate negative water quality and water quantity impacts from urban and suburban stormwater runoff through construction of on-the-ground projects.

FUTURE PROJECTS

Water Quality Activities – complete a TMDL Study for Bald Eagle Lake, and continue to research and assess the control of aquatic invasive species and carp, which are major contributors to poor water quality in shallow lakes.

Capital Improvement Program Early Coordination – provide early coordination with cities on their capital road and building projects to streamline permitting and maximize opportunities for joint projects.

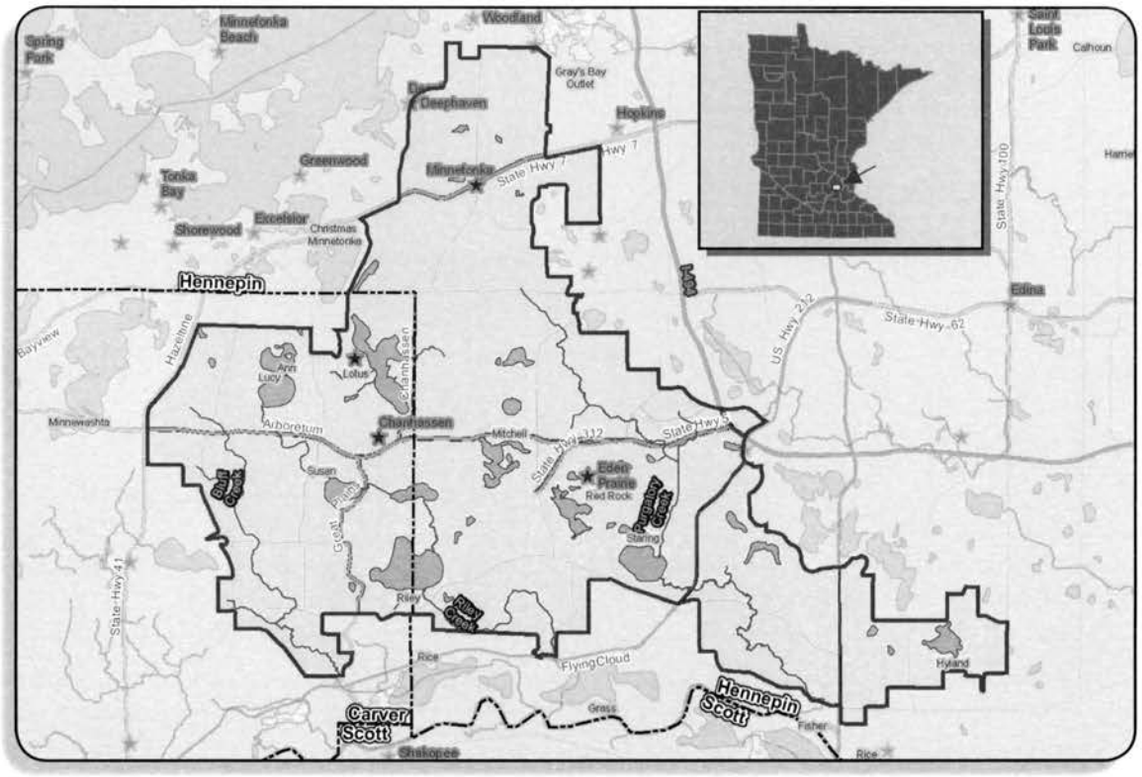
TMDL Implementation – completion of five TMDL implementation plans and initiation of feasibility studies to evaluate identified projects.

Watershed Management Plan Revision – revision of the District's Watershed Management Plan in 2009. The Plan guides District priorities and water resource management efforts for the next ten years.

2007 EXPENDITURES

Total 2007 Expenditures	**$3,948,320**
Management / General Administrative	$400,211
Data Collection / Monitoring	$250,000
Permitting / Regulatory Program	$694,696
Projects / Implementation	$931,092
Water Management Programs	$471,970
Environmental Education / Outreach	$107,509
Information Management / Research	$108,039
Ditch & Creek Maintenance	$984,803

Riley-Purgatory Bluff Creek
WATERSHED DISTRICT



GENERAL INFORMATION

Established: July 31, 1969
by citizen petition

Krebsbach & Haik, Ltd.
100 South Fifth Street
Suite 1900
Minneapolis, MN 55402
Phone: (612) 333-7400
www.rileywd.org

Included Counties: Hennepin, Carver

District Size: 47 square miles

Major Lakes: Ann, Duck, Hyland, Lotus, Lucy, Mitchell, Red Rock, Rice Marsh, Riley, Round, Staring, Silver, Susan

Number of Staff: 3

2008 Taxable Market Value: $13,249,167,600

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Michael J. Casanova	President	Hennepin	mcasanova@rileywd.org	(952) 937-8372
Kenneth Wencl	Vice President	Carver	kwencl@rileywd.org	(952) 906-2181
Howard L. Peterson	Treasurer	Hennepin	hpeterson@rileywd.org	(952) 934-2050
Kristine Sundberg	Secretary	Hennepin	ksundberg@riley.org	(952) 239-6394
Perry Forster	Manager		pforster@rileywd.org	

RECENT PROJECTS

Riley Lake-Rice Marsh Lake Basic Water Management Project – petitioned by the Cities of Chanhassen and Eden Prairie, and based upon the Lake Riley Use Attainability Analysis, this $2,400,000 project treats lake sediments with alum to abate prior sewage discharges and constructs detention basins throughout the watershed of the lakes to restore and protect a lake designated by the Metropolitan Council as a lake of regional importance.

Staring Lake-Purgatory Creek Recreation Area Basic Water Management Project – petitioned by the City of Eden Prairie, this $3,000,000 project constructed outlet and trail system to provide more than 600 acre-feet of flood storage including a basin for water quality treatment of 15,000 acres of tributary watershed as well as habitat improvement for water fowl; the trail system was coordinated with municipal park systems to provide paved trails for citizen recreation.

Purgatory Creek Use Attainability Analysis – planned and implemented under the approved Water Management Plan of the District, this project analyzed the existing and attainable uses to identify and prioritize basic water management projects for protecting and conserving this creek.

Lake Use Attainability Analyses – planned and implemented under the approved Water Management Plan of the District, the projects analyzed the existing and attainable uses to identify and prioritize basic water management projects for protecting and conserving the following lakes: Red Rock, Lotus, Staring Lake, Mitchell, Hyland, Silver, Susan, Riley, Ann, Lucy.

Riley Creek Water Management Project – petitioned by the City of Eden Prairie, this $4-million project entailed development of a hydrologic and hydraulic model to evaluate and implement stream bank restoration to abate turbidity impairments and improve habitat and reduce sedimentation to the Lower Minnesota River.

Riley Creek - Lake Riley Outlet Improvement Project – completed in November 2008, this project will resolve persistent high water levels that are impacting recreational use of Lake Riley, which is a metropolitan and regionally significant lake. The problems are due to the large land area tributary to Lake Riley and the relatively small outlet capacity. The outlet is subject to frequent plugging, thereby exacerbating and aggravating high water conditions. Debris blockages at the upstream end of the culvert have caused public safety concerns.



Staring Lake Outlet-Purgatory Creek Recreation Area Basic Water Management Project. The photo shows the coordinated trail for recreation as part of the flood storage and water quality basin.

FUTURE PROJECTS

Round Lake Water Management Project – petitioned by the City of Eden Prairie and based upon the Round Lake Use Attainability Analysis, this $2-million project will enhance existing water quality detention basins and add new basins along with alum treatment of sediments to reduce in-lake phosphorous concentrations.

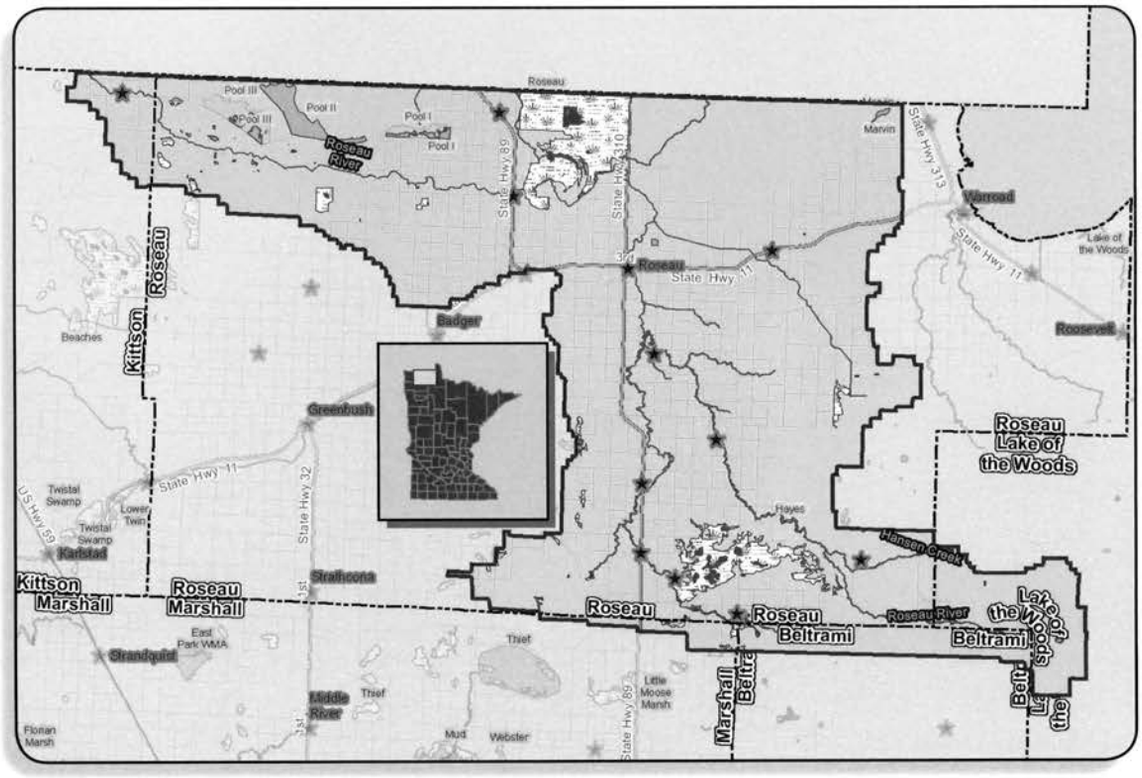
Purgatory Creek XP-SWM Computer Model – this $500,000 project intends development of an updated hydrologic and hydraulic model to re-assess delineated floodplain, evaluate adequacy of crossing capacities, and analyze project alternatives for avoiding or abating turbidity or habitat impairments.

Lotus Lake Water Quality Improvement Project – Infestations of Eurasion water milfoil and curly leaf pondweed, and destabilized shoreline contribute to impairment of water quality and recreational use of Lotus Lake. The District's analysis recommended a multi-year approach to alum treatments to manage phosphorus and reduce algal blooms, and herbicide and other treatments to control invasive aquatic plants. Implementation is expected to extend over the next decade with monitoring and reporting of success.

2007 EXPENDITURES

Not provided - please contact the District.

Roseau River
WATERSHED DISTRICT



GENERAL INFORMATION

Established: June 17, 1963

PO Box 26
Roseau, MN 56751-0026
Phone: (218) 463-0313
Fax: (218) 463-0315

Included Counties: Beltrami, Kittson, Lake of the Woods, Marshall, Roseau

District Size: 1,147 square miles in the U.S. and 2,057 miles in Canada and U.S.

Major Lakes: Hayes

Number of Staff: 2

2008 Taxable Market Value (TMV): $479,079,300

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Laverne Voll	Chair	Roseau	35572 520th Ave, Salol, MN 56756	(218) 463-3403
LeRoy Carriere	Secretary	Roseau	504 Fourth Ave NE, Roseau, MN 56751	(218) 463-3467
Allison Frislie	Member	Kittson	3873 47th Ave, Lancaster, MN 56735	(218) 762-4621
Steve Lee	Treasurer	Roseau	29743 County RD 10, Badger, MN 56714	(218) 463-3620
Todd Miller	Vice Chair	Roseau	52630 County RD 2, Warroad, MN 56763	(218) 689-3717

RECENT PROJECTS

West Interceptor Project – the Roseau West interceptor project is both a flood control and natural resource enhancement project. The project will reduce flood damage to the City of Roseau by re-routing waters that currently flow overland into the city. Before the project was completed, these floodwaters have caused great damage, especially in the portion of the city west of the Roseau River. The project has eliminated this flood problem, while simultaneously restoring wetlands four miles northwest of the city of Roseau. In addition to this restoration, the 7.5 mile interceptor channel will provide 170 acres of permanent grassland over its entire length. This project was completed in 2007 and was a cooperative effort with the City of Roseau.

Palmville Project – the Palmville project is a flood damage reduction and natural resource enhancement project located in the South Fork of the Roseau River watershed. There is a fen covering approximately 3,000 acres located in the upper watershed of the South Fork of the Roseau River, primarily on land owned and managed by the MN DNR. The fen has been degraded by construction of judicial and county ditch systems over the last 100 years. The existing conditions only allow minimal amounts of 1- to 10-year runoff events out of the channel banks as surface flow spilling out into the surrounding fen. Flood control benefits will be provided to immediate areas downstream, the city of Roseau and the city of Wannasaka. Fen restoration will be accomplished by encouraging a greater depth and duration of surface and subsurface flow to spill from the main channel and seep into the adjacent fen through the placement of two stop-log structures. This project was a cooperative effort with Roseau County and the MN DNR.

Roseau River Duxby Levee (completed in 1993) – the U.S. Army Corps of Engineers project was planned, designed, and authorized as a channel improvement. Located in the townships of Dieter and Pohlitz in Roseau County, the project is designed for a five-year flood event with about six miles of earthen dike northwest of the city of Roseau.

Ring Dike Program – the District is involved with a cost-share program to help qualifying landowners construct an earthen levee dike around their homestead. The levee is designed by a qualified engineer and provides up to 100-year protection. The levee is cost-shared through the District at an 87.5% rate with the landowner responsible for 12.5% of the costs. The District has participated in over ten ring dikes so far. The program is funded through the State of Minnesota and the Red River Watershed Board.



Roseau River.

FUTURE PROJECTS

Hay Creek/Norland Project – planned construction 2009-2011.

The purpose of the project will provide flood damage reduction with respect to flows from the Hay Creek and Norland drainage areas in order to help reduce flood flows on the Roseau River, affecting the city of Roseau and areas downstream. The project would consist of setback levees along Hay Creek (CD#7) and an impoundment area that would hold 9,000 acre feet of gated and ungated storage. This is a cooperative effort through the State of MN and the Red River Watershed Board.

Malung Impoundment – the proposed impoundment would be upstream of the City of Roseau and would provide immediate relief when operated for the city of Roseau. The impoundment would hold approx. 3,000 to 4,000 acre feet of storage.

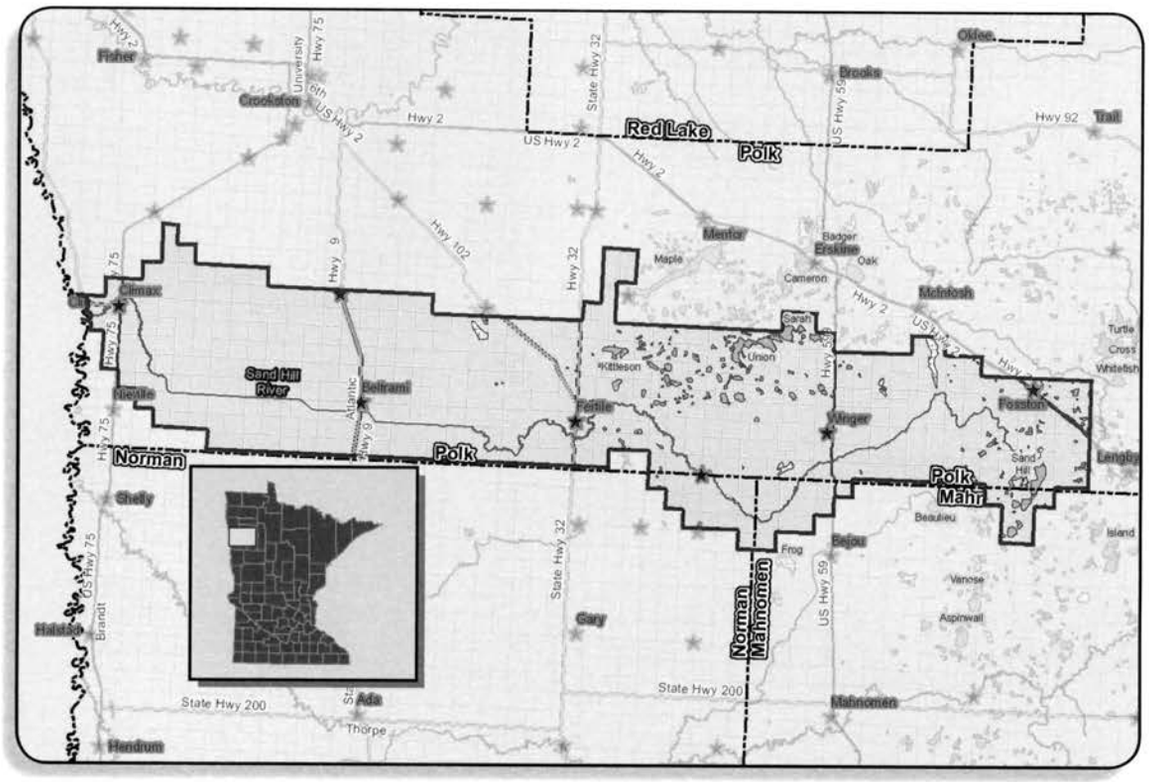
Roseau River Wildlife Management Area (RRWMA) – the District is currently looking at working with the MN DNR Wildlife on the possibility of a new drainage area out of Pool #3 in the RRWMA. The current release of water out of Pool #3 releases into a SE fashion, which is against the current flow of water coming from the Roseau River (SD#51).

2007 EXPENDITURES

Total 2007 Expenditures	**$1,176,794**
Management / General Administrative	$199,108
Administrative construction	$69,392
Maintenance projects	$142,871
Flood control projects	$638,853
Drainage projects	$126,570

Sand Hill River

WATERSHED DISTRICT



GENERAL INFORMATION

Established: August 28, 1974
by citizen petition

219 North Mill Street, PO Box 584
Fertile, MN 56540
Phone: (218) 945-3204
Fax: (218) 945-3213
www.sandhillwatershed.org

Included Counties: Polk, Norman, Mahnomen

District Size: 475 square miles

Major Lakes: Union, Sarah

Number of Staff: 2

2008 Taxable Market Value:
$452,460,300

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Roger Hanson	President	Polk	24112 440th St SW, Beltrami, MN	(218) 926-5770
Harold Vig	Vice President	Polk	808 North Eaton Ave, Fosston, MN	(218) 435-1510
Robert Brekke, Jr.	Secretary	Polk	PO Box 156, Nielsville, MN	(218) 946-3375
Stuart Christian	Treasurer	Polk	39261 Woodside Dr SE, Erskine, MN	(218) 687-3570
Gordon Sonstelie	Manager	Polk	39931 Sunset Shores Dr SE, Erskine, MN	(218) 687-2136

RECENT PROJECTS

Fish Passage – the Sand Hill River has six impediments to fish passage. The District has worked with the U.S. Army Corps of Engineers and the Minnesota DNR to develop a plan to address the problem areas. Box culverts replaced old culverts at Texas Crossing in the fall of 2006, and the West Mill Crossing has been lowered and small rock rip rap drop structures are in place.

Ditch and Road Improvement Project – worked with the Polk County Highway Department to upgrade 15.5 miles of ditches and 15 crossings from Polk County Road 41 at Climax to Highway 9 at Greenview.

Union Lake Erosion Control – a large rainfall caused severe erosion in the channel that drains into Union Lake. The District received a grant from BWSR and is working with the East Polk SWCD, the Lake Improvement District, the project team, and several landowners to repair the damage and prevent future damage. The project will be completed in 2007.

Hydraulic Modeling – Houston Engineering completed a modeling effort that is an essential step in developing projects that hold back water and have minimal effect on natural resources.

Ring Dikes – earth dikes of 3-6 feet tall were built to protect people's homes and farmsteads from flooding. The District assisted several landowners, who shared in the project costs, and worked with the state and the Red River Watershed Management Board.



FUTURE PROJECTS

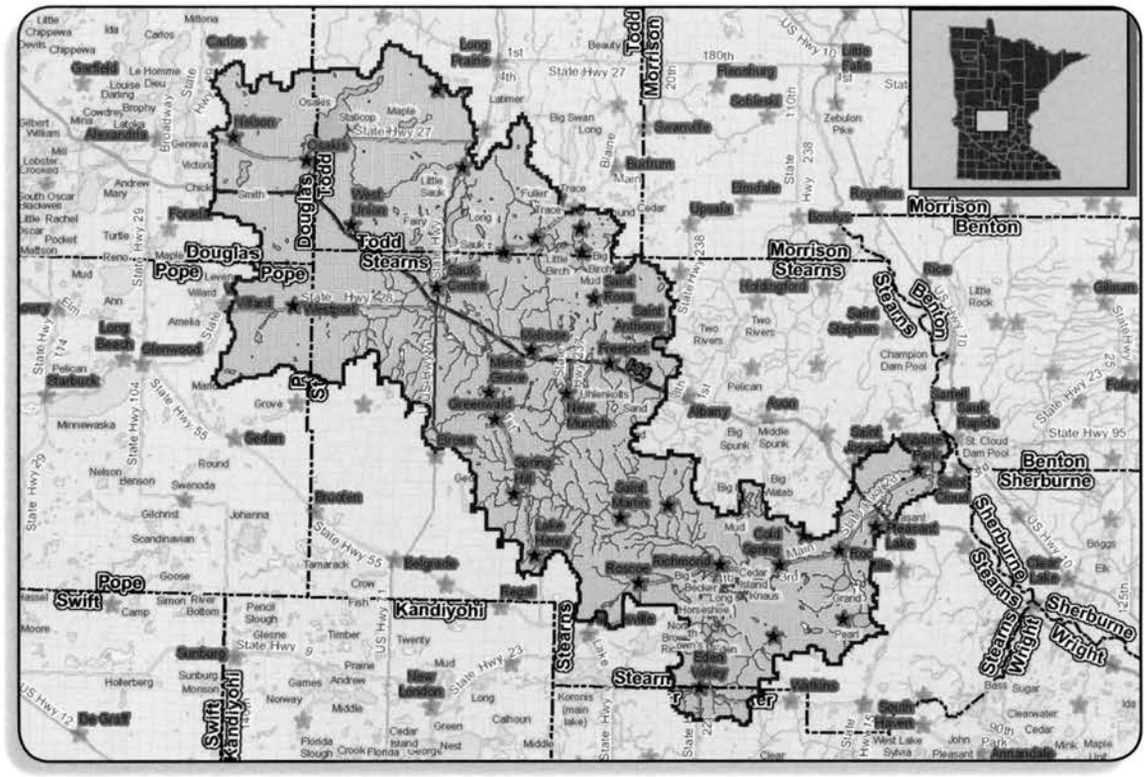
Ditch 46 – about 11 miles of ditch will be improved, featuring 4 to 1 side slopes, inlet pipes, rock rip rap drop structures, and grass filter strips, which will improve water quality while providing agricultural drainage.

Overall plan – the District has just begun the process of upgrading its overall plan, which will involve everyone interested in the District's water resources.

Garden slough – this flood control project will be located west of Rindahl.

Fish passage – four drop structures need to be fixed to develop viable solutions to fish barriers.

Sauk River
WATERSHED DISTRICT



GENERAL INFORMATION

Established: 1986
by Lake Association petition

524 Fourth St
Sauk Centre, MN 56378
Phone: (320) 352-2231
Fax: (320) 352-6455
www.srwdmn.org

Included Counties: Stearns, Todd, Pope, Douglas, Meeker

District Size: 1,041 square miles

Major Lakes: Osakis, Big Sauk, Big Birch, Little Birch, Smith, Pearl, Grand, Big Fish, Cedar Island, Horseshoe, Maple, Fairy

Sauk River: 120 miles

Number of Staff: 7

2008 Total Market Value (TMV): $6,574,959,500

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Jim Kral	President	Todd	11947 St. Hwy 27, Osakis, MN	(320) 859-2211
Chub Hensley	Vice-President	Todd	PO Box 456, Osakis MN	(320) 859-3188
Sharen Kutter	Treasurer	Stearns	43892 Sylvia Crest Rd, Melrose, MN	(320) 256-5177
Virgil Rettig	Secretary	Meeker	394 Central Ave W, Eden Valley, MN	(320) 453-6841
Dan Coughlin	Manager	Stearns	526 1st St SE, Richmond, MN	(320) 597-4200
Larry Kuseske	Manager	Pope	15809 145th Ave, Villard, MN	(320) 554-2535
Bob Mostad	Manager	Douglas	17340 County Rd 76 SE, Osakis MN,	(320) 352-3272
Richard Raeker	Manager	Stearns	36253 Roanoke Ln, Melrose, MN	(320) 256-6202
Jim Rothstein	Manager	Stearns	PO Box 217 286 Park Ave, St. Martin, MN	(320) 548-3647

RECENT PROJECTS

Comprehensive Water Monitoring – in 2008 the District expanded its monitoring program to 33 lakes and 40 streams in collaboration with other agencies (Stearns Soil and Water Conservation District, the Minnesota Pollution Control Agency and Stearns County Environmental Services).

District-Wide Water Festivals – every fourth-grade student within the SRWD and Stearns County had an opportunity to attend a Water Fest.

Osakis Lake Shoreland Demonstration Project – under the guidance of the District, three lakeshore owners restored their shoreline that had be eroding due to high water levels. The demonstration project covered about 350 feet of linear lakeshore and about 12,500 square feet of planting area. Significant boat traffic near a public access made this location a perfect spot for a demonstration, and it started a chain reaction.

Hickman Drive Stormwater Retention Basin – the District has been working with the City of Sauk Centre for many years in addressing stormwater. Monitoring results had indicated that the stormwater discharge point located along Hickman Drive contributed the most nutrients. The District worked with the city and its contract engineer to design a stormwater retention basin to collect the sediment and debris before discharging to Sauk Lake. Space was limited; therefore, an" S" shaped design was installed to provide longer retention time thus increasing sediment reduction. The District cost-shared 50% of the project utilizing grant funds from the Big Sauk Lake Basin Restoration Project.

Hydrology Study on Stoney Creek – in 2005 the District worked with the Spring Hill Township officials to address flooding concerns. Interfluves consulting was contracted to do a hydrologic survey and to recommend possible flooding remediation. The results of the study are being reviewed by the township.

RiverCat by SonTek – the District purchased this new river profiling system, which allows them to collect high-flow measurements in unwadeable rivers and streams.

Macro Sampling – multi-habitat sampling was conducted on the Upper Sauk region for two years.

Employees – the District hired two full-time employees to fill the Education (Adam Hjelm) and Monitoring (Heather Lehmkuhl) Coordinator's position.



The "S" shape of the Hickman Drive Stormwater Retention Basin provides longer retention time thus increasing sediment reduction.

FUTURE PROJECTS

Water Quality Trading – the District and Stearns SWCD are collaborating with American Farmland Trust and Kieser & Associates to develop an environmental commodities service office. The office will provide farmers with value-added payments for best management practices (BMPs) using several existing and future private markets, including water quality trading, carbon credits for greenhouse gases, and wetland banking.

TMDL's – the District is in the process of completing five major TMDL studies.

Battle Point Park – the Battle Point Park Restoration Project proposes to restore 950 feet of shoreline using native vegetation and other bioengineering materials. The SRWD is working with the Todd County Park Board, local environmental agencies and the Joint Powers Engineers to address the identified erosion concerns.

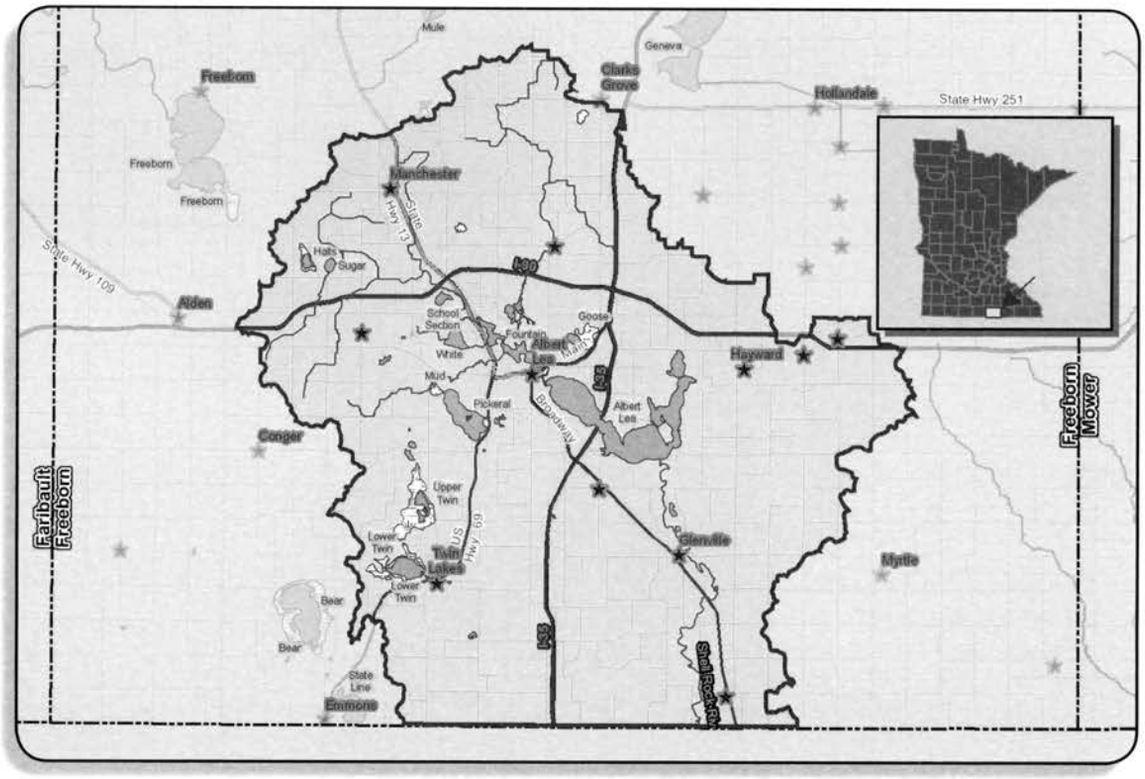
Drainage Ditch Management – the District plans to evaluate the 12 ditches within its jurisdiction for water quality analysis, mapping and inventory, and starting maintenance fund assessments.

Rules – the District will finalize rule revisions.

2007 EXPENDITURES

Total 2007 Expenditures	**$1,644,833**
Management / General Administrative	$406,800
Data Collection / Monitoring	$95,033
Permitting / Regulatory Programs	$30,000
Projects / Implementation	$1,113,000

Shell Rock River
WATERSHED DISTRICT



GENERAL INFORMATION

Established: June 25, 2003
by citizen petition

411 S Broadway PO Box 1147
Albert Lea, MN 56007
Phone: (507) 377-5785
www.shellrock.org

Included Counties: Freeborn

District Size: 246 square miles

Major Lakes: Pickerel, Chapeau, Albert Lea, Fountain, Upper and Lower Twin

Shell Rock River: 12.2 miles

Number of Staff: 5

2008 Taxable Market Value:
$1,592,948,700

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Al Bakken	Chair	Freeborn	16691 740th Ave, Albert Lea, MN 56007	(507) 373-6686
Bruce Haugsdal	Manager	Freeborn	2117 Kenneth Dr, Albert Lea, MN 56007	(507) 373-2743
Art Ludtke	Secretary	Freeborn	1114 Wood Park Ln, Albert Lea, MN 56007	(507) 377-1522
Gary Pestorious	Vice Chair	Freeborn	20770 707th Ave, Albert Lea, MN 56007	(507) 373-6758
Clayton Petersen	Treasurer	Freeborn	22108 720th Ave, Albert Lea, MN 56007	(507) 373-0061
Roger L Peterson	Manager	Freeborn	25619 750th Ave, Clarks Grove, MN 56016	(507) 826-3229
Brett Richards	Manager	Freeborn	662 Meadow Ln, Albert Lea, MN 56007	(507) 256-7580

RECENT PROJECTS

ISTS Compliance Program – in cooperation with Freeborn County, a program to document the compliance of septic systems in the watershed to state standards and to eliminate the imminent health threats detected. The District developed a cost-share program to help with the cost of the compliance inspections.

Partnership – to work with the cities and towns of Freeborn County to create an effective stormwater management plan. Several cities have received cost share toward street cleaning equipment to keep debris from getting into the stormwater systems and then into lakes.

Partnership – with Freeborn County to fund a full-time technician to work on feedlots to reduce fecal coliform loading in Shell Rock River and to provide assistance with BMP's and nutrient management plans. A Clean Water Legacy Grant provided funds for this partnership.

Public Education – involving workshops that educate residents on what they can do to help improve water quality, such as rain gardens and rain barrels. Hiring an educator to go into the Albert Lea School District classes with an Enviroscape to show how land use affects streams and lakes.

TMDL Assessment – conducted by the District since its establishment, now includes six lakes and 18 stream sites. The District is working with Turtle Creek and Cedar River Watershed Districts, and Mower County Soil and Water Conservation District to develop and implement a work plan to address turbidity for the Cedar River Basin. A grant was received from MPCA to conduct the project.

Partnership – with volunteers from the District to take water samples, which will help complete the nutrient impairment assessment for the lakes and streams not covered under TMDL. This is funded by Surface Water Assessment Grant from MPCA.

Electrical Fish Barrier Pickerel Lake – an electrical fish barrier to keep the rough fish out of Pickerel Lake.

Manchester sewer project – help with facilitating a new municipal wastewater treatment to improve water quality in Wedge Creek.

Educational Video – a video "Healthy Lakes Make a Healthy Community" was produced by the District along with the Albert Lea Medical Center and The Lakes Restoration Committee. The purpose of the video is to inform residents about:



Andy Henschel and Jerad Stricker collecting samples from a site on the Shell Rock River for the TMDL assessment.

- how local lakes became polluted and how the SRRWD is addressing those problems
- how sources of pollutants include both rural and urban resources
- how a watershed district operates
- how residents can help the SRRWD achieve its mission of improved water quality
- how the SRRWD will use the local option sales tax and other revenue

RainGarden – partnership with Freeborn County Fair, did a raingarden on the fairgrounds and have given away rain barrels each day of the fair in 2007 and 2008.

FUTURE PROJECTS

Stormwater retention area that will address: stormwater treatment, live storage for flood mitigation, and a landscaping plan for the south industrial park; which will restore the original flood plain and reduce the amount of nutrients, sediment, and other pollutants in the stormwater being discharged to Albert Lea Lake.

Stream bank repairs in the Wedge Creek Subwatershed.

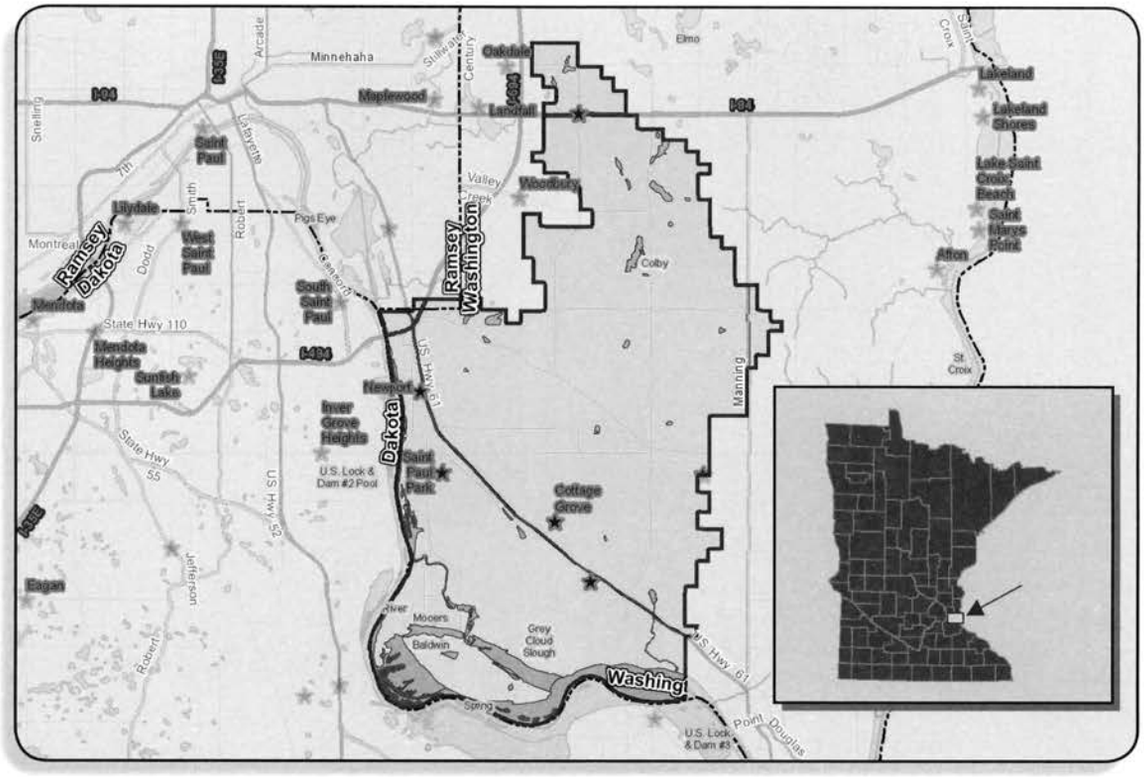
Continuation of construction and installation of needed rough fish barriers.

Planning – for dredging of Fountain and Albert Lea Lakes.

2007 EXPENDITURES

Total 2007 Expenditures	**$595,883**
Management / General Administrative	$211,495
Data Collection / Monitoring	$71,556
Projects / Implementation	$141,138
Water Management Programs	$171,694

South Washington
WATERSHED DISTRICT



GENERAL INFORMATION

Established: August 25, 1993
by multi-city petition

2302 Tower Drive
Woodbury, MN 55125
Phone: (651) 714-3729
Fax: (651) 714-3721
www.swwdmn.org

Included Counties: Washington

District Size: 70 square miles

Major Lakes: Armstrong, Markgrafs, Wilmes, Powers, Colby, Cottage Grove Ravine, La, Ria
Drains to Mississippi River

Number of Staff: 2

2008 Taxable Market Value:
$9,479,955,400

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Jack Lavold	President	Washington	6859 Ideal Ave S, Cottage Grove, MN 55016	(651) 459-9981
Dennis Hanna	V. President	Washington	9301 Grey Cloud Island Dr, St Paul Park, MN 55071	(651) 459-2281
Brian Johnson	V. President	Washington	4353 Dorchester Dr, Woodbury, MN 55129	(651) 458-3739
Don Pereira	Secretary	Washington	8232 River Acres Rd, Cottage Grove, MN 55016	(651) 769-0429
Michael Madigan	Treasurer	Washington	2366 Hidden Lake Cove, Woodbury, MN 55125	(651) 702-0488

RECENT PROJECTS

Watershed Management Plan Update – the SWWD Board of Managers officially adopted the state-approved plan in November of 2007.

Flood Damage Reduction Plan – in cooperation with the City of Woodbury, the SWWD is working with the local residents of the Wilmes Lake subwatershed to implement non-structural improvements to provide flood protection.

Central Draw Watershed Overflow Construction – the East Ravine subwatershed incorporates the preferred path for the Northern subwatershed overflow to provide an outlet to the Mississippi River. The Central Draw Overflow Project is intended to provide principal and emergency outlet capacity for this land-locked watershed.

BMP Water Quality Cost Share Program – this program began in 2008 and is encouraging the use of innovative Best Management Practices to protect and restore water quality. These cost share grants are available to residents, neighborhoods, municipalities, and businesses. In 2008 the BMP program included 15 residential and 2 municipal/ business projects.

Bailey Lake/East Ravine – the Central Draw Overflow project that will eventually convey excess stormwater runoff from the Bailey Lake sub-watershed and upstream areas through Cottage Grove East Ravine to the Mississippi River. SWWD is working with the City of Cottage Grove staff to finalize the next steps, which includes updates to the Central Draw Storage Facility and preparation of design plans for the 70th Street outlet.

CDP 85 Restoration – in preparation of development in the southern portions of Woodbury and northern portions of Cottage Grove (East Ravine) the SWWD began restoration of the CD P85/86 greenway corridor. In 2007, the SWWD planted trees and established upland grasses along the west property line. Restoration and maintenance continued in 2008.

Watershed Monitoring – the water monitoring program provides data for eight lakes, seven groundwater stations; runoff discharge rate volume and quality, precipitation.

Website Updates – the new SWWD website features an interactive map, district calendar, quick links for easier access, expanded news and events section, and developer information.



Grove Street Overlook Park, Newport, MN

Education Program and Outreach – SWWD is a founding member of the East Metro Water Resource Education Program (EMWREP), a partnership formed to develop a comprehensive water resource education and outreach program for the east metro area of St. Paul. The goal of EMWREP is to reduce non-point source water pollution from storm water runoff and illicit discharges by educating citizens, municipal staff and officials, developers, and businesses.

FUTURE PROJECTS

Central Draw Watershed Overflow Phase II

Flood Damage Reduction Projects

Best Management Practices Water Quality Cost Share Program

Cottage Grove East Ravine

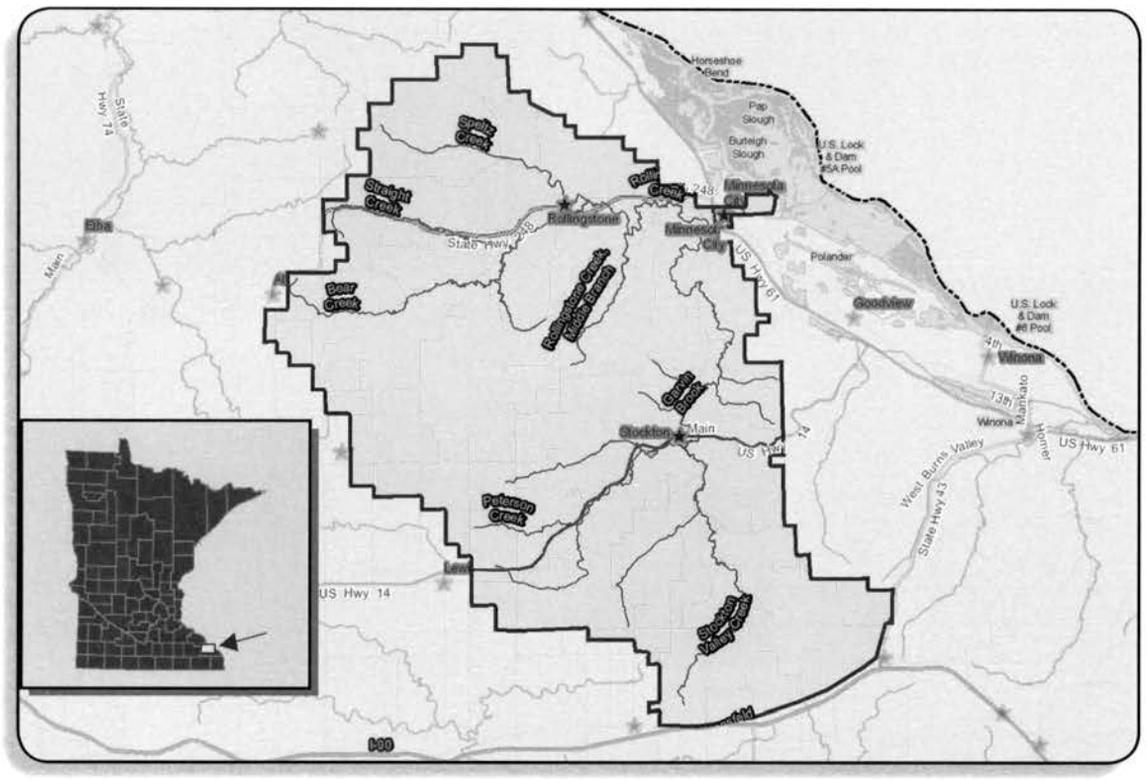
CD-P85/86 restoration and greenway improvements

2007 EXPENDITURES

Total 2007 Expenditures	**$1,403,157**
Management / General Administrative	$212,740
Programs	$376,850
Projects	$220,621
Debt Services	$592,946

Stockton-Rollingstone-Minnesota City

WATERSHED DISTRICT



GENERAL INFORMATION

Established: Dec. 26, 1958 by County Petition

24664 Hwy 14

Winona, MN 55987

Phone: (507) 689-2364

Included Counties: Winona and Wabasha

District Size: 98 square miles

Major Water Bodies: Garvin Brook, Stockton Creek and Rollingstone Creek

Number of Staff: 0

2008 Taxable Market Value: $311,694,000

BOARD OF MANAGERS

Name	Position	County	Address	
Keith Beach	Treasurer	Winona	24664 Hwy 14, Winona	(507) 689-2364
Jack Roberts		Winona	1010 9th St East, Stockton, MN 55987	(507) 689-2546
Duane Wirt		Winona	25693 County Rd 25, Lewiston, MN 55952	(507) 523-2860

RECENT PROJECTS

The August 2007 flood had significant impact in the watershed. Watershed district managers attended several flood mitigation meetings. The watershed district contributed $9,050 for post-flood stream debris removal on Stockton Valley Creek. The watershed district provided $4,000 for stream debris removal and restoration of critical areas adjacent to Peterson Creek and the Arches historical area.

Other projects undertaken in recent past have included construction of stream cattle crossings, stream bank stabilization projects, rebuilding ponds and making financial contribution to a milk house wastewater research project.



The watershed district has funded projects to remove debris from streams following the August 2007 flood.

FUTURE PROJECTS

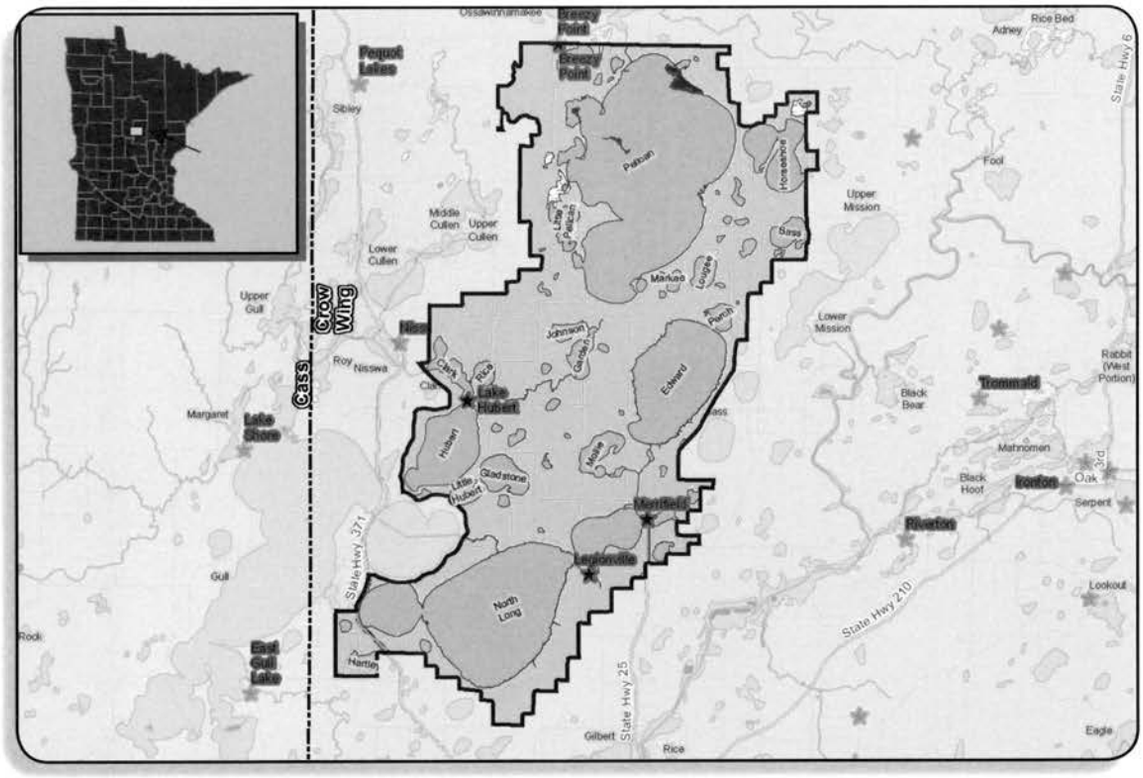
Update the Watershed Plan

Examine effective options for flood damage reduction (in draft action plan)

Seek nontax funding sources such as grants for watershed district projects (in draft action plan)

2007 EXPENDITURES	
Total 2007 Expenditures	**$6,434**

Thirty Lakes
WATERSHED DISTRICT



GENERAL INFORMATION

Established: May 18, 1971
by two nominating petitions

17064 Commercial Park Road
Brainerd, MN 56401
Phone: (218) 828-0243
Fax: (218) 824-7006

www.30lakes.org
lakeswsd@brainerd.net

Included Counties: Crow Wing

District Size: 70 square miles

Major Lakes: Pelican, Edward, Hubert, North Long

Number of Staff: 3 part time

2008 Taxable Market Value:
$1,411,886,500

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Tom Ebnet	President	Crow Wing	7335 Crabtree Ln, Nisswa, MN	(218) 963-2318
Ken Svee	Secretary/Vice President	Crow Wing	P. O. Box 1077, Brainerd, MN 56401	(218) 963-9432
Bruce Yund	Manager	Crow Wing	30190 Osceola Circle, Breezy Point, MN	(218) 562-4443

RECENT PROJECTS

County Building Permits – in an effort to be proactive and informed on development within the District, the Thirty Lakes Watershed District has begun making inspections on properties that receive construction permits from Crow Wing County. On-site inspections have been done for about 200 properties, and as a result 16 property owners needed to secure a stormwater management plan. Land-use violations were discovered during six of the inspections.

Data Management – aerial photos dating back to the 1970s were digitized, making them available at the click of a mouse. It has been the long standing practice of Thirty Lakes Watershed District to make annual over-flights to identify potential land-use violations. The photos were put on the Thirty Lakes website so that they can be viewed by the public.

Water Quality and Lake Level Monitoring – of the 52 lakes within the District, 12 to 14 are tested each year to determine their Trophic Status. Lake gauges were place in 19 lakes, and their level was recorded every two weeks from May through October.

Precipitation Study – the District and A. W. Research Laboratories have continued a Precipitation Study that began in 2006. During the first year, the Sauk River Watershed District and the Red River Watershed District also participated and collected precipitation samples. The findings revealed that precipitation brings a considerable loading of phosphorus. In addition, the atmospheric level and origin of the weather system can determine the amount of the phosphorus load.

Pelican Lake Stormwater Project – recognizing a serious stormwater runoff situation in an area of Breezy Point, the District hired an engineer to design options for containment and management. The most viable option was that of pervious asphalt with underground storage. However, that option was going to be very costly, and would involve relocation of underground utilities and infrastructure. With assistance from Crow Wing Soil and Water Conservation District (SWCD), Thirty Lakes is in the process of working out a solution with the property owners that will utilize bioretention areas for stormwater management.

Parker Boy Scout Reservation – the District partnered with the Crow Wing SWCD on a shoreline restoration project at the Boy Scout Camp located on North Long Lake. The project involved restoring an ice ridge and constructing two bioretention areas to manage the stormwater flowing down the steep hill. Funding for the project was received from the MN Department of Natural Resources and the Crow Wing County Water Plan.



Aerial photo of shoreland on North Long Lake

FUTURE PROJECTS

Education Series – seminars on the theme of Water Quality and Best Management Practices that were conducted in 2008 will continue in 2009.

Elks Camp Shoreline Restoration – some 300 feet of sandy beach will be transformed into native vegetation at the Elks Camp on Pelican Lake. The District will be partnering with the Pelican Lake Property Owners Association, the University of Minnesota Extension, and Crow Wing SWCD. The project will demonstrate the benefits of native vegetation.

Cost-Share Projects – the District has begun a cost-share program with residents and lake associations to encourage shoreline restorations, rain gardens or other projects to enhance the environment. Cost-share funds will also be used for vegetation surveys and other data collection.

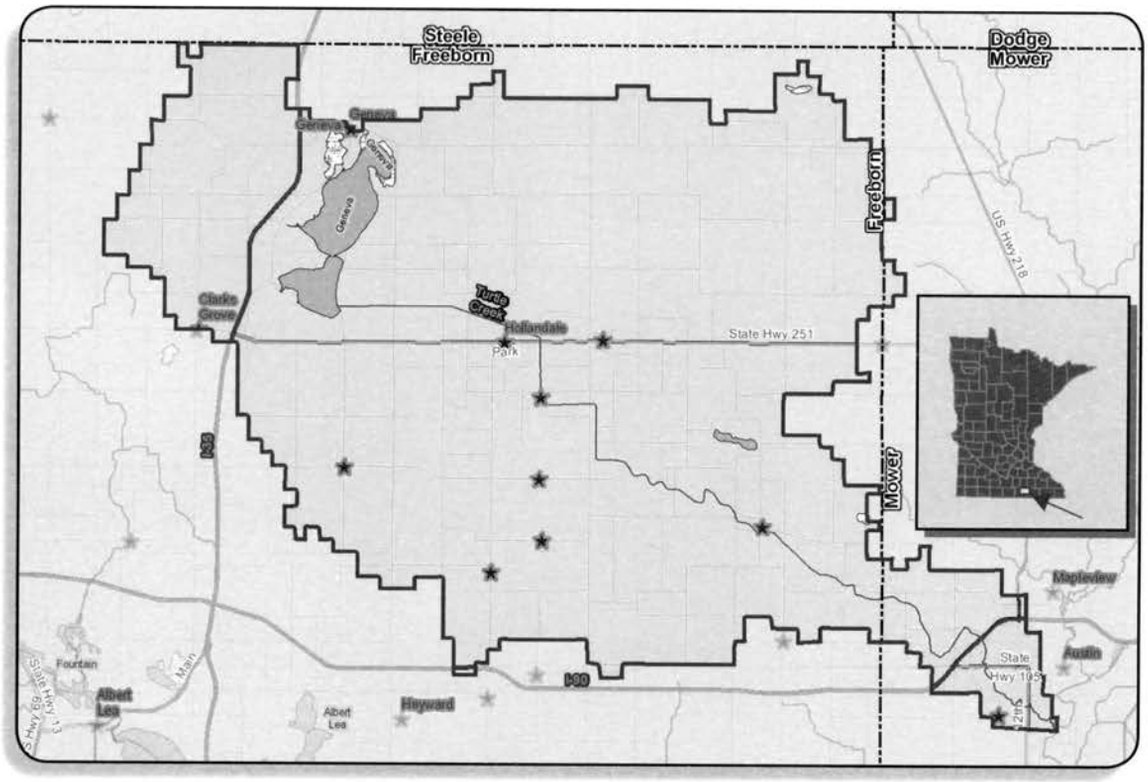
New Lake Associations – riparian property owners will be contacted and informed of the benefits of creating a Lake Association through a partnership with Minnesota Waters.

Lakes Area Clean Waters Council – Thirty Lakes is a charter member of this group, which promotes stormwater Best Management Practices through education and recognition.

2007 EXPENDITURES

Total 2007 Expenditures	**$236,950**
Management / General Administrative	$ 95,776
Data Collection / Monitoring	$ 34,736
Permitting / Regulatory Programs	$ 17,550
Projects / Implementation	$ 50,388
Water Management Programs	$ 38,500

Turtle Creek
WATERSHED DISTRICT



GENERAL INFORMATION

Established: 1968 by citizen petition

Phone: 507-434-2603
Fax: (507) 434-2680
bev.nordby@mn.nacdnet.
netturtlecreekwd.org

Included Counties: Freeborn, Mower

District Size: 157 square miles

Major Lakes: Geneva

Number of Staff: Contracted staff

2008 Taxable Market Value:
$867,319,000

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Michelle Miller	President	Freeborn	85247 South Island Circle Hollandale, MN 56045	(507) 438-1939
Peter VanErkel	Vice President	Freeborn	27843 825th Ave, Hollandale, MN 56045	(507) 889-3771
Thomas W. Butler	Manager	Freeborn	85333 310th St, Blooming Prairie, MN 55917	(507) 583-2926
Gerald Edwards	Secretary	Freeborn	PO Box 171, Hollandale, MN 56045	(507) 889-6351
Arlan Schamber	Treasurer	Mower	200 21st St NW, Austin, MN 55912	(507) 433-7637

RECENT PROJECTS

Geneva Lake – in partnership with Ducks Unlimited, Freeborn County, and DNR, restoration of Geneva Lake is nearly complete. The new variable crest manageable dam with fish barrier is complete and a plan to manage the rough fish population is underway.

Permits – 72 permits were approved. They included tile, ditch cleanout, wetland restorations, and pond.

Monitoring Program – completed the third year of surface water monitoring that include fecal coliform, nitrate levels, flow and total suspended solids.

TMDL for Turbidity – partnering with Mower Soil & Water Conservation District, Cedar River WD, and Shell Rock WD in doing a TMDL study for turbidity. This three-year project will be completed in 2011.

Partnership – with USDA Natural Resources Conservation Service and landowner to install an aluminum toe wall structure to solve a long-time erosive site just adjacent to the Turtle Creek.

Legislative Tour – hosted a fall legislative tour highlighting several projects and the emphasizing the importance of buffers along ditches.

Non-Conforming Septic Systems – applied and received $100,000 in low-interest loans through Clean Water Legacy for updating septic systems.

FUTURE PROJECTS

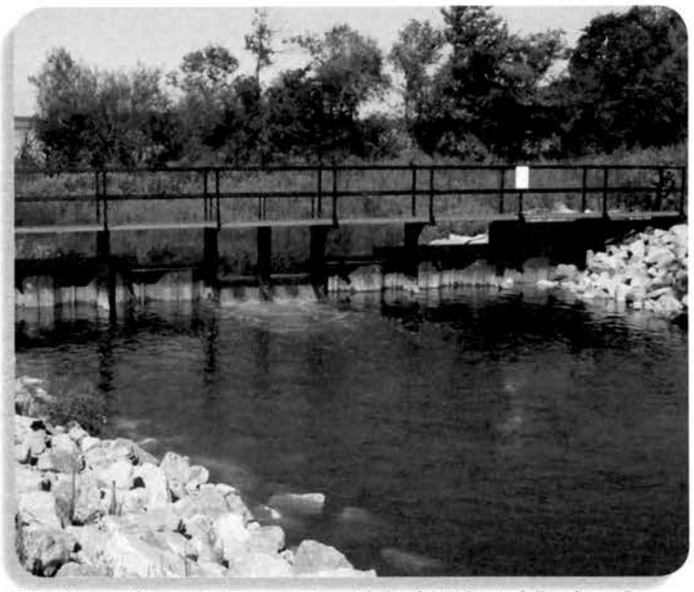
TMDL – complete study for turbidity and assist with the implementation plan.

Riceland Wetland Restoration – complete construction on a 320-acre wetland restoration that includes flood retention, and three wetland basins. This project has four property owners and TCWD is partnering with Freeborn SWCD in this CREPII project.

Buffers – inventory ditch system for compliance with the 1 rod strip on.



Aluminum toe wall structure that NRCS engineered; financing came from EQIP the TCWD.

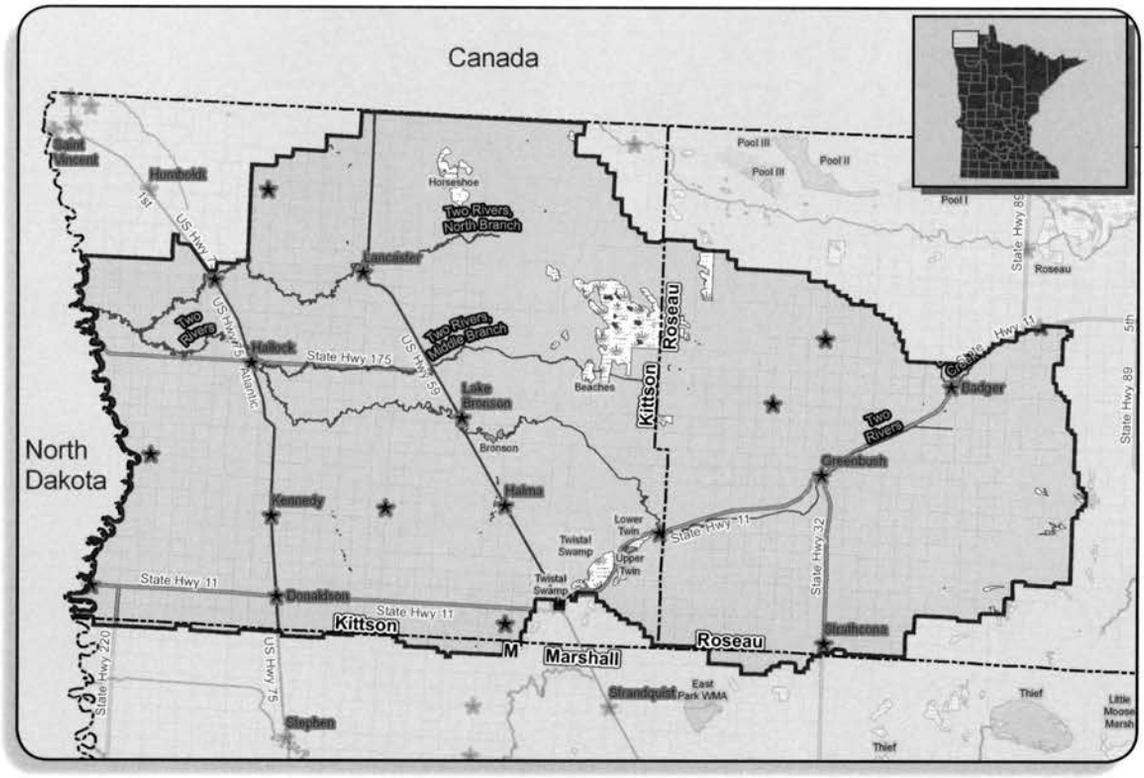


New Dam on Geneva Lake partnering with Ducks Unlimited, Freeborn County, DNR, and the Izaak Walton League.

2007 EXPENDITURES

Total	**$159,183**
Management / General Administrative	$24,533
Data Collection / Monitoring	$9,034
Permitting / Regulatory Programs	$8,434
Projects / Implementation	$108,148
Water Management Programs	$9,034

Two Rivers
WATERSHED DISTRICT



GENERAL INFORMATION

Established: October 30, 1957 by citizen petition

410 5th Street, Suite 112
Hallock, MN 56728
Phone: (218) 843-3333
Fax: (218) 843-2020
daniel.money@mn.nacdnet.net

Included Counties: Roseau, Kittson, Marshall

District Size: 1,450 square miles

Major Water Bodies: Lake Bronson, Upper and Lower Twin Lakes; North, Middle and South Branches of Two Rivers; watershed drains to Red River

Number of Staff: 2

2008 Taxable Market Value: $698,199,900

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Roger Anderson	President	Kittson	1561 110th St, Drayton, ND 58225	(218) 455-6269
Jon Vold	Vice President	Kittson	2418 310th St, Hallock, MN 56728	(218) 843-2556
Jim Kukowski	Secretary	Roseau	17485 County Rd 6, Strathcona, MN 56759	(218) 781-2478
Jerod Hanson	Treasurer	Kittson	1952 175th Ave, Hallock, MN 56728	(218) 843-5032
O'Neil Larson	Manager	Kittson	4207 180th St, Halma, MN 56729	(218) 265-2613
Richard Novacek	Manager	Roseau	14225 260th St, Greenbush, MN 56726	(218) 782-2749
Mike Ratzlaff	Manager	Kittson	2077 360th Ave, Lake Bronson, MN 56734	(218) 754-2693

RECENT PROJECTS

Ross #7 Impoundment – construction of a dike with a controlled outlet to impound floodwaters. Provides 3,600 acre feet of storage and will store runoff from an 18.2 square mile area. Constructed using 50% funding from the legislature and 50% from local/regional sources. Completed in 2008.

Judicial Ditch #10 – severe and repeated flood damages caused sloughing along 8.5 miles of ditch system. This project relocated a spoil bank, moving it away from the ditch. The ditch slope was flattened, and a grass buffer was created. Completed in 2008.

Springbrook/CR 61 – flood control project utilized federal, state, and local funding sources to construct a set back dike along 3.5 miles of ditch, and a meandering channel was constructed to take the place of the ditch. The project will prevent overland flooding from channel breakouts, and created 3.5 miles of a meandering stream with grass buffer on either side. Construction was completed between 2005 and 2008.

Culvert Inventory – from 1998 through 2007, the District cooperated with the Minnesota Conservation Corps to identify locations of every culvert located within the Two Rivers Watershed. Information was collected that is critical in determining flow patterns and drainage areas.

Water Quality Monitoring – since 1991, 16 sites within the watershed have been monitored for water quality. Information collected has been provided to MPCA and other state and local agencies.

Flow Monitoring – since 1996 the District has established and monitored a network of 28 sites for flow. Staff and volunteers read gages and report daily water levels during high flow events. Data is reported to MN DNR, National Weather Service, and others for flood predictions and flow models used for planning purposes.

Snow Survey – eleven sites are monitored each spring for snow depth and water equivalent. This information is provided to the National Weather Service to aid in predicting the spring snowmelt and flooding outlook.

Horseshoe Lake Modification – cooperated with the MN DNR to modify an existing water control structure in northern Kittson County to provide flood control benefits and re-establish more natural vegetation to a sand dune prairie area in the Skull Lake Wildlife Management Area. Construction was completed in 2006.



Ross Impoundment Project

Overall Plan Update – completed the update of the District's 10-year overall plan in 2004, which includes goals and objectives for each of the District's 14 subwatersheds. The plan was a culmination of many public meetings.

Project Work Teams – these teams look at potential flood damage reduction and natural resource enhancements that potential projects can provide. Team members include representatives of counties, townships, SWCDs, Watershed Districts, state and federal agencies, local citizens, and other groups.

FUTURE PROJECTS

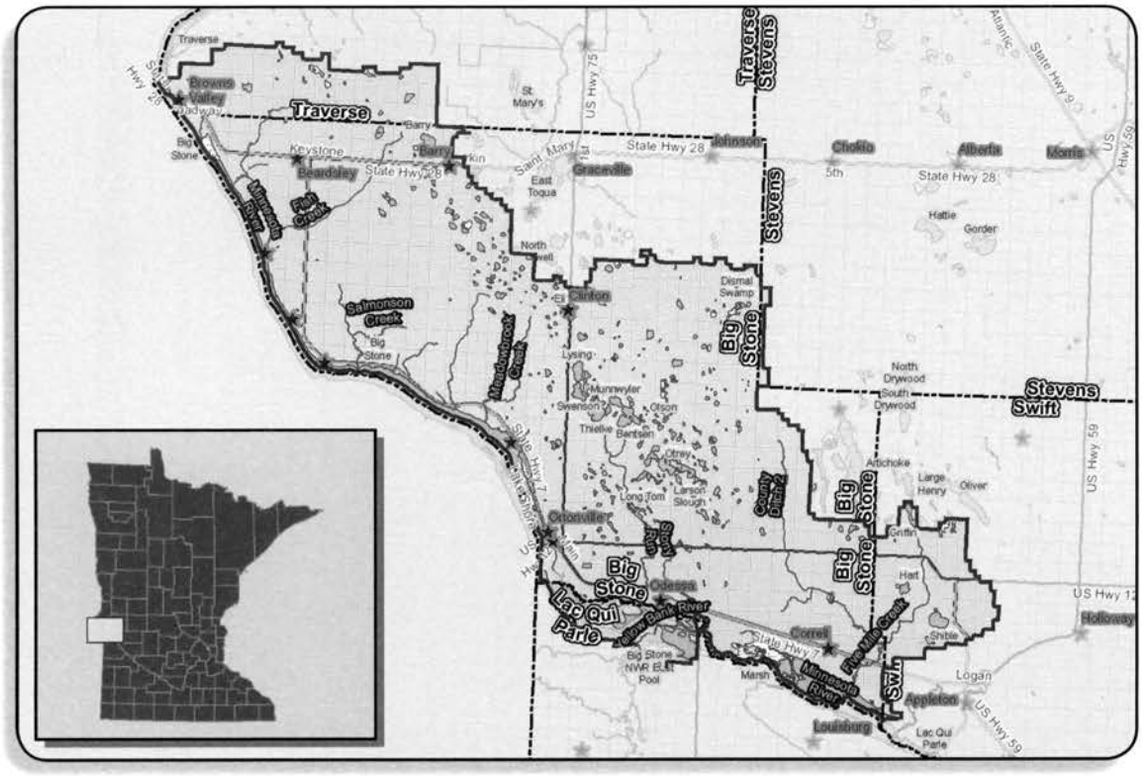
Springbrook Coulee Protection Project – federal, state, and local funding sources will be used to construct set back levies 200 feet on either side of a natural meandering watercourse. The project will provide flood protection, establish and buffer a riparian corridor, provide drainage, and numerous natural resource enhancements.

Kennedy #6 – flood control and water conveyance project for the City of Kennedy. Project will consist of creating two miles of legal ditch system to convey flows from a 50 square mile upstream drainage area through the City, minimizing the flood damages that occur.

2007 EXPENDITURES

Total 2007 Expenditures	**$2,037,920**
Management / General Administrative	$161,252
Data Collection / Monitoring	$24,441
Projects / Implementation	$1,783,568
Water Management Programs	$68,659

Upper Minnesota River
WATERSHED DISTRICT



GENERAL INFORMATION

Established: 1967 by Big Stone County petition

211 2nd Street SE
Ortonville, MN 56278
Phone: (320) 839-3411
Fax: (320) 839-3313
dianne.radermacher@midconetwork.com

Included Counties: Big Stone, Stevens, Swift, Traverse, Lac qui Parle

District Size: 505 square miles

Major Lakes: Big Stone, Marsh, Long Tom, Theilke, Bentson, Barry, Lyseng, Shible, Otrey

Number of Staff: 2

2008 Taxable Market Value: $599,943,100

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Loren Harste	President	Swift	2450 10th St NW, Appleton, MN 56208-1825	(320) 596-2318
Glenn Berdan	Secretary	Big Stone	36306 County Rd 65, Ortonville, MN 56278	(320) 272-2323
Terry Gillespie	Manager	Big Stone	30787 660th Ave, Clinton, MN 56225	(320) 325-5139
Brent Hasslen	Treasurer	Big Stone	562 Park Ave W, Ortonville, MN 56278	(320) 839-3218
Bob Toelle	Vice President	Traverse	302 E. Broadway, Browns Valley, MN 56219	(320) 695-2152

RECENT PROJECTS

Browns Valley Flood Mitigation Project – the District established this $7.1 million project in late 2007 to assist the City of Browns Valley in reducing their ongoing flooding issues.

Emergency Action Plan – the Big Stone Lake/Whetstone River Flood Control Project Emergency Action Plan, which includes a new dam break analysis for the 500-year flood event on Big Stone Lake, was completed.

Big Stone Lake/Whetstone River Flood Control Project – continued the daily operation (lake level management) and maintenance of the control structure and debris barrier.

Wetland Restoration Documentary – the one-hour education documentary entitled "Echoes of Cry of the Marsh" was completed and distributed. The project was a cooperative effort between the U.S. Fish and Wildlife Service, the University of Minnesota Morris, Pioneer Public TV, and the Watershed District.

Educational Programs – completed the 13th year of the Fourth Wetland Restoration Educational Program. To date 832 acres of wetland have been restored. Also 215 rural wells were tested for bacteria and nitrates through the Rural Water Educational Testing Program.

Lake Monitoring – completed the first year of monitoring on Big Stone Lake through the cooperation of the Citizens For Big Stone Lake Org.

Stormwater Erosion Control Project – Phase I of the program was completed in 2007 which included the construction of a new sediment retention basin and rip-rap protection.

FUTURE PROJECTS

Whetstone River Restoration – work with the Big Stone National Wildlife Refuge, MN Department of Natural Resources, and Corps of Engineers to partially restore flows to Whetstone River, which diverted in the early 1940's.

Big Stone Lake Tributary Monitoring – re-establish the Tributary Monitoring Program for Big Stone Lake.



2007 flood in Browns Valley

Rain Garden Program – funds have been budgeted for this cost-share program, which will begin in 2008.

Stormwater Erosion Control Project – construction of Phase II of the program, which will include rip-rap protection and grass seeding of a portion of the open ditch stormwater system.

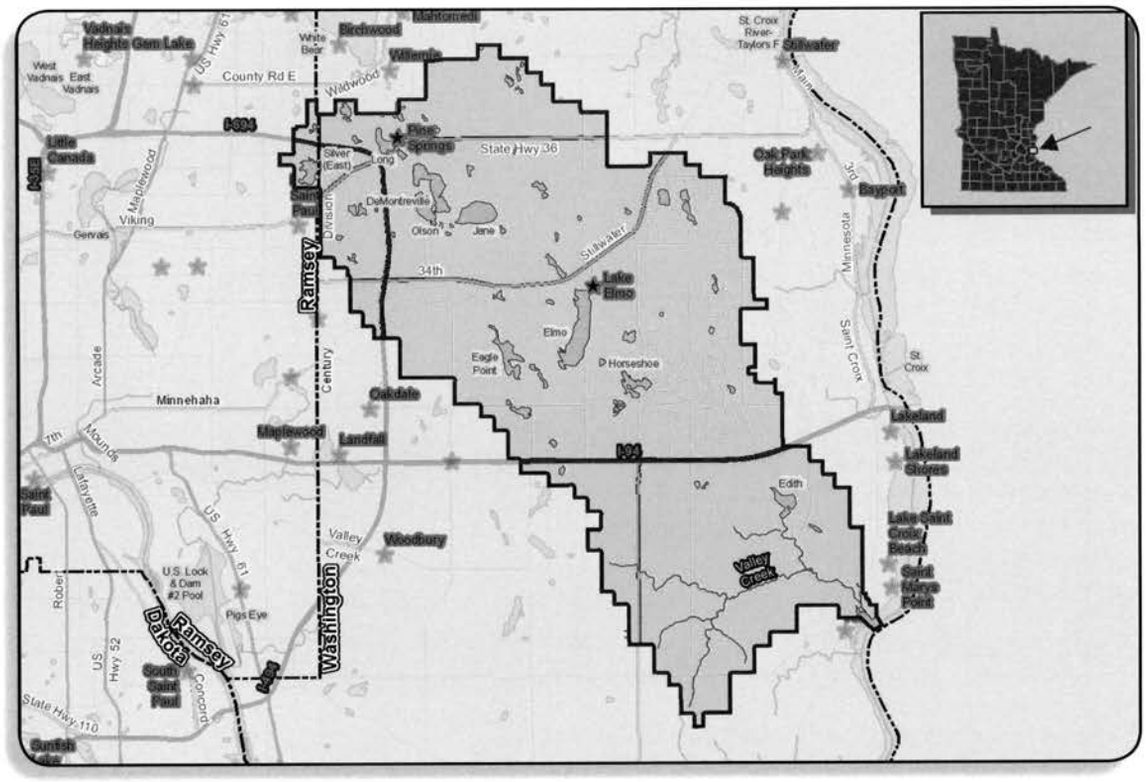
Minnesota River Restoration – restoration of flows to the old Minnesota River Channel within the Big Stone Lake/ Whetstone River Flood Control area.

2007 EXPENDITURES

Total 2007 Expenditures	**$348,116**
Management / General Administrative	$56,090
Data Collection / Monitoring	$4,464
Permitting / Regulatory Programs	$21,000
Projects / Implementation	$259,032
Water Management Programs	$7,530

Valley Branch
WATERSHED DISTRICT





GENERAL INFORMATION

Established: November 14, 1968 by citizen petition

P.O. Box 838
Lake Elmo, MN 55042
www.vbwd.org
jhanson@barr.com

Included Counties: Ramsey, Washington

District Size: 65 square miles

Major Lakes: Acorn, Silver, Long, DeMontreville, Olson, Jane, Eagle Point, Elmo, Horseshoe, Edith, Sunfish

Valley Creek: One of a few remaining trout streams in Metro Area

Number of Staff: 0

2008 Taxable Market Value: $3,947,725,900

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Lincoln Fetcher	President	Ramsey	2634 East 19th Ave, N, St. Paul	(651) 779-9780
David Bucheck	Vice President	Washington	2301 Legion Ave, Lake Elmo	(651) 770-1730
Donald Scheel	Secretary	Washington	13404 South 15th St, Afton	(651) 436-2203
Dale Borash	Treasurer	Washington	996 Neal Ave, Stillwater	(651) 337-0000
Ray Lucksinger	Manager	Washington	12775 5th St N, Lake Elmo	(651) 436-3368

RECENT PROJECTS

Valley Creek Repair and Restoration Projects – in 2008, the VBWD constructed three projects within the watershed to protect Valley Creek, one of 13 trout streams within the Twin Cities metropolitan area and one of only a few that has a naturally reproducing population of native brook trout. The VBWD constructed a 0.4 acre infiltration basin at the top of an actively eroding ravine that drains directly into Valley Creek, stabilized 2,500 feet of the South Fork of Valley Creek, and stabilized 2,200 feet of the Main Stem of Valley Creek.

Stormwater Pond Inventory and Maintenance – an inventory of stormwater ponds that are a quarter acre or larger is underway. In the winter of 2008-09, the VBWD is improving the efficiencies of several stormwater quality treatment ponds by excavating accumulated sediment and, in some cases, deepening the ponds beyond their original design. This maintenance will protect the water quality of the downstream waters.

Lake Water Quality Improvement Projects – after determining that some of its lakes might eventually become listed as nutrient-impaired by the Minnesota Pollution Control Agency, the VBWD ordered a study of these lakes to determine the feasibility of improving lake water quality to prevent them from being listed as nutrient impaired. Based on these studies, the VBWD began to implement water quality improvement projects at Long Lake and Sunfish Lake in 2008. Studies of other lakes continue.

Ravine Stabilization Projects – in 2008, the VBWD implemented three projects to stabilize actively eroding ravines to protect Long Lake, Goetschel Pond, and Goose Lake.

Best Management Practices Cost-Share Program – the VBWD launched its BMP Cost-Share Program in the spring of 2008, and 21 projects were already funded in 2008, including rainwater gardens, native plantings, and shoreline vegetative buffers.

FUTURE PROJECTS

Lake Water Quality Improvement – complete lake water quality studies on Eagle Point Lake, Horseshoe Lake, and Lake DeMontreville and implement improvement projects, if necessary.



Before (top) and after (bottom) photos of a reach of the Valley Creek Main Stem Stabilization Project.

Creek Stabilization Projects – continue to implement projects to protect Valley Creek and implement projects on Raleigh Creek.

Cost-Share Program – continue the BMP cost-share program and develop incentive program for residential and commercial developments.

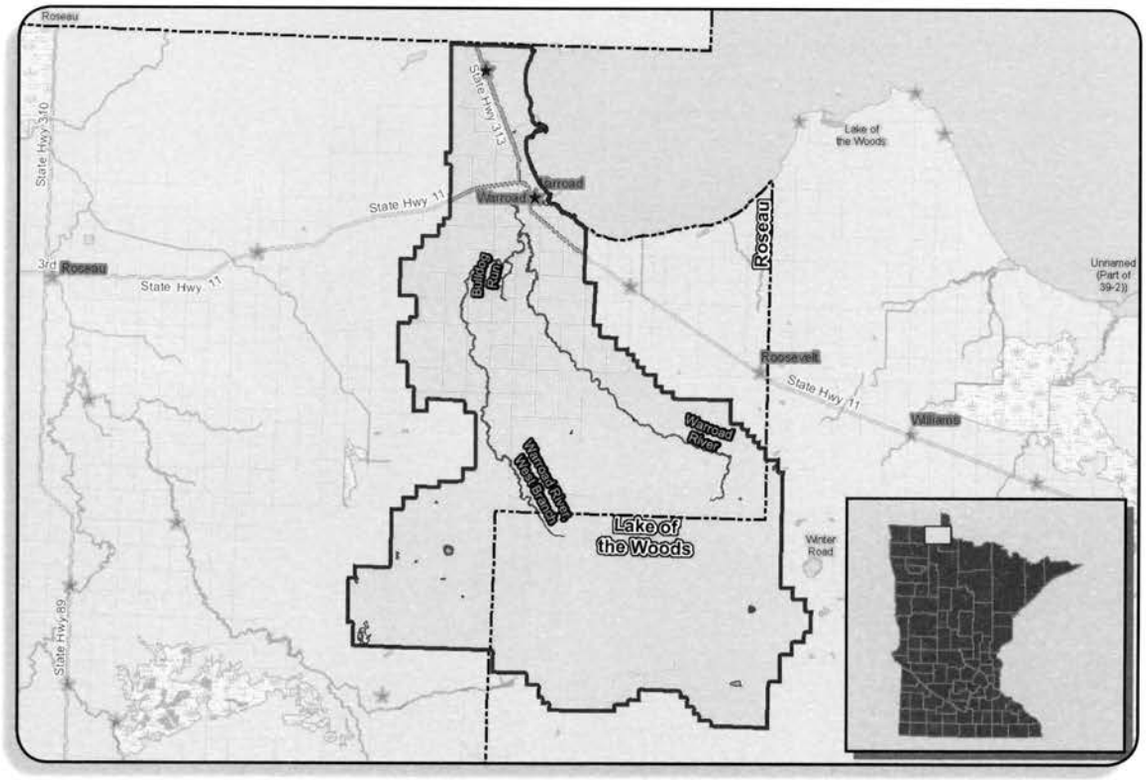
Monitoring, Maintenance, and Education – continue to monitor the quality of the VBWD waters, continue to maintain VBWD's flood control and water quality projects, and continued public education on water resources issues.

2007 EXPENDITURES

Total 2007 Expenditures	**$1,021,937**
Management / General Administrative	$196,661
Data Collection / Monitoring	$217,170
Wetland Conservation Act	$92,970
Projects / Implementation	$410,352
Water Management Programs	$104,784

Warroad

WATERSHED DISTRICT



Established: Sept. 20, 1963

307 Lake Street NE, PO Box 77
Warroad, MN 56763
Phone: (218) 386-4520

Included Counties: Roseau, Lake of the Woods

District Size: 312 square miles

Major Water Bodies: Warroad River, which drains into Lake of the Woods; Moose Lake; Luxemberger Lake; Brown's Lake; and a pool created on the upstream side of the Bednar Dam.

Significant resources: 190 square miles of the watershed are within the Beltrami Island State Forest. The watershed also contains DNR-designated consolidated conservation lands and the Red Lake Indian Reservation.

Number of Staff: 0

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Loren Horner	President	Roseau	57699 330th St, Warroad, MN 56763	(218) 386-2850
Rick Battles	Secretary	Roseau	PO Box 76, Warroad, MN 56763	(218) 386-2014
Keith Landin	Treasurer	Roseau	26477 County Rd 5, Warroad, MN 56763	(218) 386-1286
Jeff O'Donnell	Manager	Roseau	30589 600th Ave, Warroad, MN 56763	(218) 386-1686
Gerald Phillipe	Manager	Roseau	59729 County Rd 134, Warroad, MN 56763	(218) 386-2863

RECENT PROJECTS

The mission of the Warroad River Watershed District is to take a proactive role in managing resources by providing leadership for water management and working in partnership with local, state, and federal partners to focus on water flow management, address issues related to surface water runoff, educate the public, and model good stewardship of the environment.

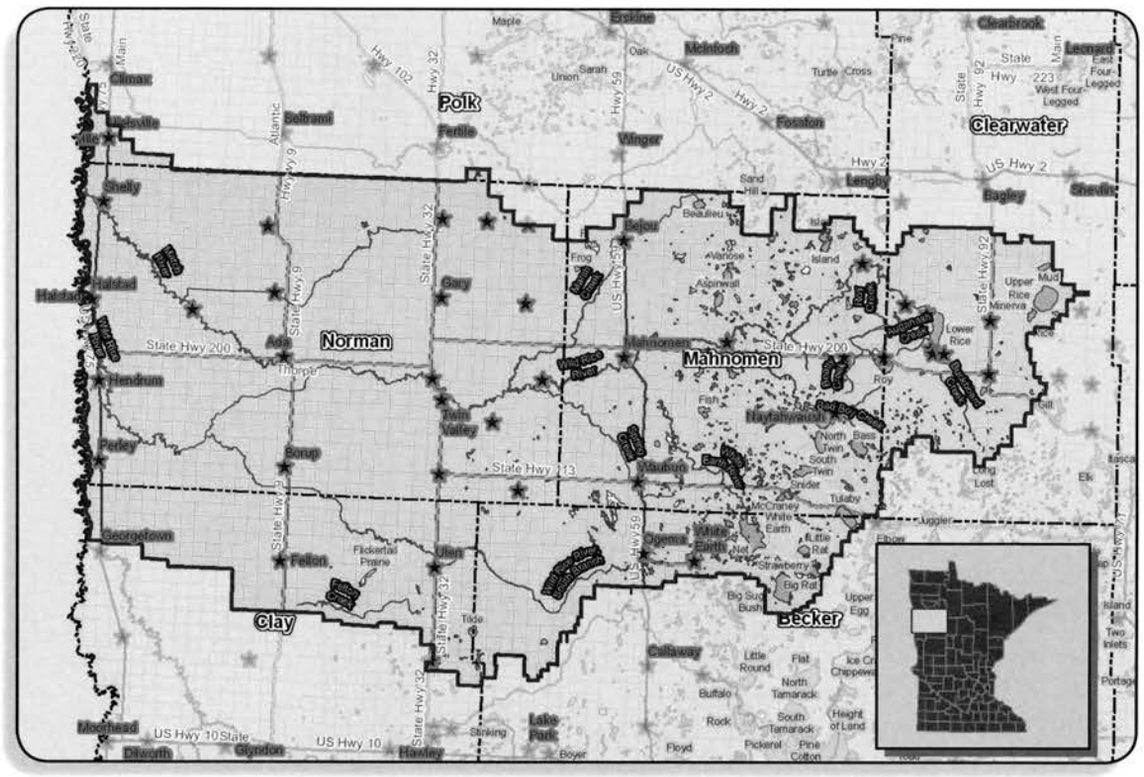
The District updated its watershed management plan in 2007. Highlights of the plan include:

- Input from citizens and local and state agency partners in bringing forth issues and concerns of the watershed
- Participation from citizens and local and state agency partners on the task force committees to prioritize issues and concerns and provide input in the development of the plan
- Development of goals, objectives, and policy guidelines that provide a framework for the District to base their decisions on
- An implementation section of the plan that contains specific actions address the following main goals:
  1. Provide leadership and management for the business of the District
  2. Provide information and education to the public
  3. Promote good stewardship of the environment
  4. Partner with local, state and federal entities
  5. Focus on water flow management and water quality

2007 EXPENDITURES

Not provided—please contact the District.

Wild Rice
WATERSHED DISTRICT



GENERAL INFORMATION

Established: September 11, 1968 by county petition

11 E 5th Ave
Ada, MN 56510
Phone: (218) 784-5501

Fax: (218) 784-2459
www.wildricewd.org

Included Counties: Clay, Norman, Mahnomen, Becker, Clearwater, Polk

District Size: 2,080 square miles

Major Lakes: More than 50 lakes

Number of Staff: 3

2008 Taxable Market Value: $1,554,698,200

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Warren Seykora	President	Becker	13683 390th St, Ulen, MN 56585	(218) 567-8552
Diane Ista	Manager	Norman	412 Daisy Ln, Ada, MN 56510	(218) 784-7542
Joseph Spaeth	Manager	Mahnomen	2087 170th Ave, Mahnomen, MN 56557	(218) 935-5392
Robert Wright	Vice President	Clay	9335 160th Ave N, Felton, MN 56536	(218) 236-8780
Dave Vipond	Manager	Mahnomen	1395 210th St, Mahnomen, MN 56557	(218) 935-2700
Mike Christensen	Treasurer	Norman	4539 County Hwy 29, Twin Valley, MN 56584	(218) 584-5510
Greg Holmvik	Manager	Norman	401 7th Ave W, Ada, MN 56510	(218) 784-7399

RECENT PROJECTS

Initiated Project #42 South Branch – initiated in June of 2006, this is a retention project incorporating a site on the glacial lake bed with sites above the Glacial Beach Ridge to meet the flow reduction goal of 30%-40% at the confluence of the Wild Rice River. Total retention will approach 25,000 acre/ft. Two project sites will reach a final hearing in early 2009, with approximately 12,000 acre/ft of water retention.

COE Feasibility Study, Phase 1 and Phase 2 – this study is in the Phase 2 state addressing excessive flowage easements needed to implement a set-back levee system, which would include channel sinuosity restoration of the Lower Wild Rice River Basin.

Sedimentation Analysis, WRWD/USGS Cooperation, South Branch / Wild Rice – an ongoing project that will advance the District quickly toward FDR objectives as well as the important issue of water quality. This is being done in partnership with the United States Geological Service.

Farmstead Ring Dike Program – the WRWD has built 64 ring dikes to protect farmsites located throughout the District. As of December 2008 there were five applicants awaiting funding for construction. The total cost to date is $2.2 million.

Heiberg Dam Reconstruction Project – this project involved modification of the existing dam design while meeting original goals of ice control, erosion reduction along with providing numerous environmental benefits. Completed in the fall of 2006.

FUTURE PROJECTS

South Branch River-Project #42 – 2009

Water Management District (Local Funding Mechanism) – 2009

Re-evaluation Main Stem Wild Rice River – 2009

Upper Felton Storage Site Re-evaluation – 2009



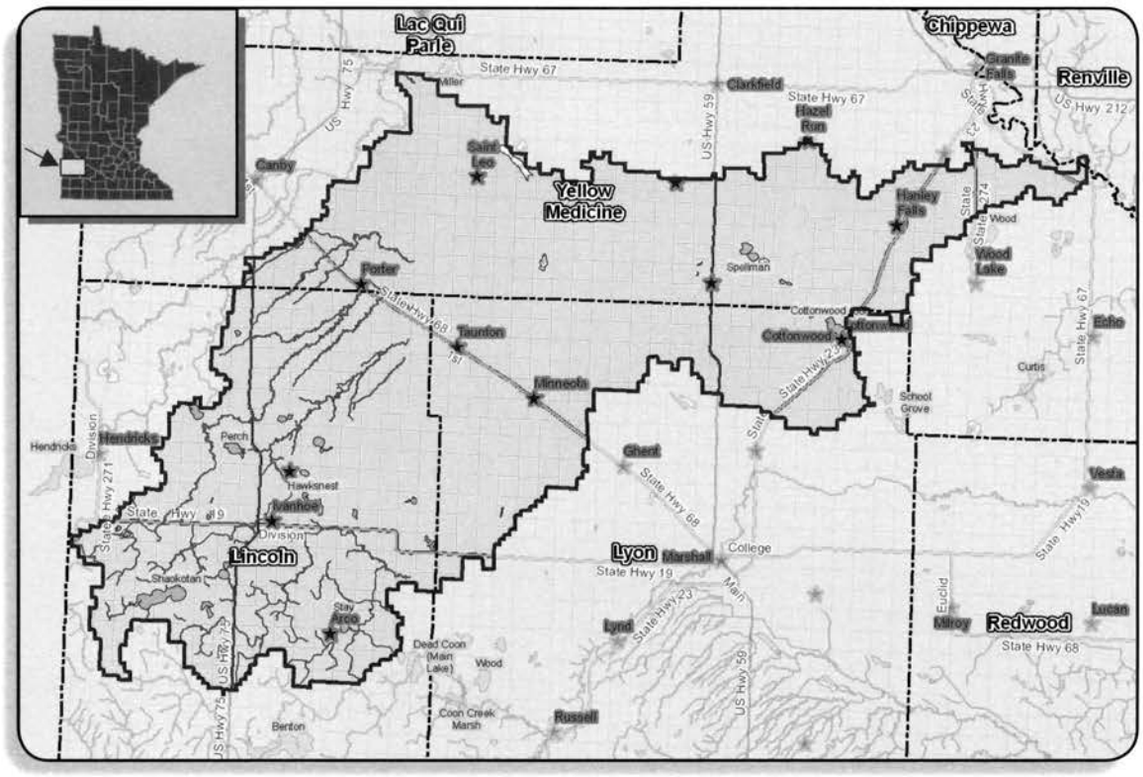
The Heiberg Dam reconstruction project was selected as the 2007 Project of the Year by the Minnesota Association of Watershed Districts. Pictured (from left): Warren Seykora, Jan Voigt, Diane Ista, Bob Wright, Steve Dalen, and Joe Spaeth.

2007 EXPENDITURES

Total 2007 Expenditures	**$1,864,988**
Management / General Administrative	$296,537
Allocated Interest	$74,304
Red River Watershed Management Board	$295,363
COE Feasibility Study	$128,835
Project Development	$129,148
Wetland Banking Program	$3,069
Flood Mitigation Projects	$240,730
Ditch Systems	$62,697
FEMA Projects	$24,991
Other Projects and Studies	$609,327

Yellow Medicine River

WATERSHED DISTRICT



GENERAL INFORMATION

Established: August 27, 1971
by county petition

122 N Jefferson
Minneota, MN 56264
Phone: (507) 872-6720
Fax: (507) 872-6958
www.ymrwd.org

Included Counties: Yellow Medicine, Lincoln, Lyon

District Size: 685 square miles

Yellow Medicine River: 273 miles

Major Lakes: Lake Shaokatan, Cottonwood Lake, Lake Stay, and 15 smaller lakes

Number of Staff: 2

2008 Taxable Market Value:
$1,032,272,200

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Donald Oerter	President	Lincoln	2231 County Rd. 8, Tyler, MN	(507) 247-3839
Richard Jelen	Treasurer	Yellow Medicine	2130 290th St N, Taunton, MN 56291	(507) 224-2192
Tim Buysse	Public Relations	Lyon	2092 County Rd 10, Cottonwood, MN 56229	(507) 872-6219
Jeffrey Hoffman	Vice President	Yellow Medicine	1963 330th St N, Minneota, MN	(507) 872-6687
John Boulton	Secretary	Yellow Medicine	2589 State Hwy 68, Porter, MN	(507) 872-5404

RECENT PROJECTS

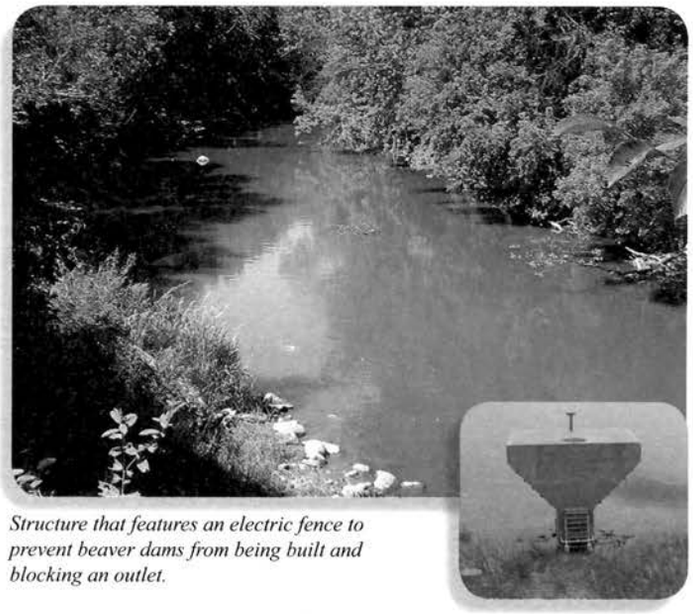
Tiling and Drainage Projects — 220 tiling and drainage permits were viewed and approved in 2007 in Lincoln County, Yellow Medicine, and Lyon counties. This involves working with groups of landowners to negotiate and install tiling systems that benefit all of their watershed. The District board strives to design projects that provide an adequate drainage system to benefit all landowners in the vicinity.

Alta Vista 36 Road Retention Project — the 2005-06 Flood Control Project was constructed in coordination with the Lincoln/Lyon county road repair, and Lincoln county bridge replacement, on Lincoln County Highway 18 and Lyon County Highway 10, west of Minneota. The intersection was dangerous, because the level of the highway was too low compared to the terrain. A nearby bridge structure was due to be replaced, so the District board visited with some of the landowners and Alta Vista township officials to discuss building a flood control project. The project was completed in 2007 with a total project cost of $729,749, and it is designed to control the runoff from a 5,120-acre watershed, resulting from a 100-year storm event.

Beaver Damage Control Program — the District board worked with Lac Qui Parle-Yellow Bank Watershed District to acquire a grant from BWSR for a beaver damage control program. The grant provided $6,385 to each district, and each provided equal matching funds. The District worked with a local water contractor to design and build a structure -- featuring an electric fence powered by a solar panel -- that prevents beaver from damming an outlet on Sonstegaard Dam.

Watershed Ditch Berm Inspections — the board completed the enforcement of the 16.5-foot ditch buffer law in 1999. Staff now complete a ditch berm inspection each year. Tree spraying is completed at the time of the inspection, as part of ditch maintenance.

Phase II 2005-2008 Clean Water Partnership — the District is partnering with MPCA, three SWCDs to focus on establishing best management practices in the watershed to reduce nonpoint source pollution in the Yellow Medicine River and its tributaries. This three-year program involves monitoring, data analysis and reporting, information and education, and implementation. Many landowners have established 50-100 foot buffers along the rivers for establishing permanent filter strips.



Structure that features an electric fence to prevent beaver dams from being built and blocking an outlet.

FUTURE PROJECTS

Riverbank Restoration — construction on a bank restoration along the Lac Qui Parle River began in 2008 in cooperation with the Lac Qui Parle Yellow bank Watershed District. The river tends to overflow, and the project involves the bank restoration of washouts in three locations. The project will cost $22,000.

Nitrates neutralizer projects — construction is expected to begin in 2009 on a pilot project to install a nitrate neutralizer (wood chips bio reactors). A landowner is eager to assist in this project, and the MN Department of Agriculture will contribute funds for the project.

South Branch of the Yellow Medicine River Fecal Coliform TMDL Implementation — the District received a grant that is being used to provide incentive funds for creating filter strips, feedlot upgrades, alternative tile intakes, rotational grazing, nutrient/manure management plans, and a residue management incentive program.

2007 EXPENDITURES

Total 2007 Expenditures	**$649,720**
Management / General Administrative	$76,000
Data Collection / Monitoring	$28,000
Permitting / Regulatory Programs	$13,238
Projects / Implementation	$532,482

Minnesota Board of Water & Soil Resources

DATE: January 20, 2009

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

FROM: John Jaschke, Executive Director

SUBJECT: January 28, 2009 Board Meeting Notice

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, January 28, 2009, 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 and Rice Creek Watershed Districts Boundary Change** - The Coon Creek Watershed District (CCWD) submitted a boundary change petition dated March 24, 2008. The Petition was submitted pursuant to Minn. Stat. § 103B.215 together with the required written statements of concurrence from each affected city and watershed district. The statue allows the boundary change to be approved by BWSR with no public hearing after proper notice and if no timely request for a hearing is received as pursuant to Minn. Stat. § 103B.105 Subd. 2. The legal Notice of Filing was published on May 2 and 9, 2008, and no timely request for a hearing was received. The proposed boundary change would achieve a more accurate alignment between the hydrologic and legal boundaries of the CCWD and the Rice Creek WD (RCWD). The proposed boundary change would transfer 819.70 acres currently within CCWD legal boundaries to the RCWD and would transfer 524.25 acres currently within RCWD legal boundaries to the CCWD. The Metro Water Planning Committee considered the petition on January 13th and unanimously recommends approval per the attached draft Order. ***DECISION ITEM***

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

Rochester
2300 Silver Creek
Road N.E.
Rochester, MN 55906
phone (507) 281-7797
fax (507) 285-7144

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

2. **City of Burnsville Comprehensive Wetland Protection and Management Plan Update** - The Board approved the City of Burnsville's wetland plan in 1998. This 2008 plan is an update to the previously-approved plan from 1998. The purpose of the plan is to provide the City with an updated wetland inventory and functions and values analysis, provide enhanced management strategies to preserve and protect the wetland resources, and comply with local watershed organizations plans. The main objective for the update is to provide a current inventory of the wetland resources in the City, differentiate regulated wetlands from other water features, and develop a comprehensive approach to regulate and protect wetlands based on wetland functions and associated public values. The plan establishes four management classification categories for wetlands and specifies management strategies, storm water treatment requirements, minimum buffer widths, mitigation standards, and hydrologic bounce guidelines for each category. The Metro Water Planning Committee met on January 13, 2009 and reviewed the Plan. The Committee recommends approval of the Plan by the full Board. See attachments. ***DECISION ITEM***

3. **Minnehaha Creek Watershed District Watershed Management Plan Amendment** – An Amendment to the Minnehaha Creek Watershed District Watershed Management Plan establishes a set of cost share programs. The programs would take advantage of timely opportunities with various stakeholders to assist in attaining or exceeding water quality and quantity goals. No comments were received during the review process that resulted in substantial revisions to the draft Amendment. The Metro Water Planning Committee met on January 13, 2009 and reviewed the contents of the Amendment along with comments that were made. The Committee recommends approval of the revised plan by the full Board. See attachments. ***DECISION ITEM***

4. **Upper Rum River Watershed Management Organization Watershed Management Plan Amendment** – The Watershed Management Plan Amendment for the Upper Rum River Watershed Management Organization establishes wetland standards, water quality standards, and stormwater infiltration standards, in addition to establishing a water quality monitoring plan. The Organization used a technical advisory committee with representation from each member city of the Organization, local and state agencies, and the Builders Association of the Twin Cities in the development of the Amendment. Formal comments were generally limited to minor wording changes. The Metro Water Planning Committee met on January 13, 2009 and reviewed the contents of the Amendment along with comments that were made. The Committee recommends approval of the revised plan by the full Board. See attachments. ***DECISION ITEM***

NEW BUSINESS

1. **Red River Valley Restoration Initiative (RRVRI) Project Area Selection and Approval** - On December 17, 2008, BWSR authorized the allocation of up to $3 million to the RIM Reserve Program to establish the Red River Valley Restoration Initiative to achieve priority river/stream restoration and flood damage reduction. Four projects were brought forward by watershed districts in partnership with Soil and Water Conservation Districts. The Red River Mediation Agreement Work Group (RRMWG) reviewed and made recommendations to the BWSR's RIM Reserve Management Planning Committee (RRMPC). The RRMPC met January 16, 2009, by conference call to review the projects and the RRMWG's recommendation. The RRMPC will recommend the projects authorized to utilize the RRVRI through June 1, 2009. See attachments. ***DECISION ITEM***

2. **Minnesota Wetland Restoration Strategy** – The BWSR has recently completed a two-year effort to develop a Minnesota Wetland Restoration Strategy (WRS). This strategy is a multi-agency, multi-discipline effort to prioritize potential wetland restorations. It will help guide restoration efforts in Minnesota that have averaged about $20 million per year on this activity. The goal is to account for fish, wildlife and native plant habitats, water quality and water quantity as fundamental criteria for project selection. This initial attempt at a strategy resulted in an up-to-date analysis of how this might work and what is needed to move it into action. The desired outcome is a desktop computer model. With this tool, local implementers will be able to enter the parameters they desire. The model would reduce thousands of wetlands down to a manageable number to target with available financial resources. The RIM Reserve Management Planning Committee recommends the adoption and continued work to implement the Minnesota Wetland Restoration Strategy. The link to the WRS is: http://www.bwsr.state.mn.us/wetlands/Restoration_Strategy_draft.pdf
See attachments. ***DECISION ITEM***

3. **Draft 2009 Performance Review and Assistance Program (PRAP) Legislative Report** - After one year of implementation of the Performance Review and Assistance Program the annual report to the legislature documents the results of Level I performance review of all 244 LGUs and Level II and III performance review and assistance to eight selected LGUs. The report identifies what BWSR staff accomplished with limited program resources and outlines objectives for 2009. The report is submitted for Board approval and subsequent transmittal to legislative environmental resource and oversight policy committees. The proposed resolution is attached. ***DECISION ITEM***

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4. **Lessard Outdoor Heritage Council & Clean Water Council Reports** – The passage of the Outdoor heritage, clean water, parks and trails, and arts and cultural heritage amendment on November 4, 2008 puts in place four separate funds that will become viable on July 1, 2009. The outdoor heritage and clean water funds each receive 33% of the revenue generated from the 3/8% sales tax increase for the next 25 years. However, the process for development of recommendations and the mechanisms for implementation of projects are still in their infancy. Representatives of the statutorily established advisory groups will provide an overview of the input mechanisms, processes, priorities and expectations established thus far. More information is available at: http://www.lohc.state.mn.us and http://www.pca.state.mn.us/water/cleanwatercouncil/index.html ***INFORMATION ITEM***

5. **USDA Farm Bill Rulemaking Overview** – Recently proposed rules for several USDA conservation programs have been released. An overview on the potential changes and the process for input and finalization will be provided by Tim Koehler, NRCS. ***INFORMATION ITEM***

6. **Election of Vice-Chair** – ***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 28th!

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

PRELIMINARY AGENDA

9:00 AM **CALL MEETING TO ORDER**

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF DECEMBER 17, 2008

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

INTRODUCTION OF NEW EMPLOYEES

- Paul Senne, GIS Specialist in St. Paul
- Kane Radel, Wetland Specialist in Marshall
- Steve Lawler, Wetland Specialist in Rochester
- Michelle Schaefers, Board Conservationist in Rochester

RECOGNITION OF SERVICE – Dana Allen

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 and Rice Creek Watershed Districts Boundary Change ***–DECISION ITEM***

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

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

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

NEW BUSINESS

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

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

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

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

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

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

AGENCY REPORTS

- Minnesota Department of Agriculture – Joe Martin
- Minnesota Department of Health – John Linc Stine
- Minnesota Department of Natural Resources – Larry Kramka
- Minnesota Extension Service – Faye Sleeper
- Minnesota Pollution Control Agency – Rebecca Flood

ADVISORY COMMENTS

- Association of Minnesota Counties – Annalee Garletz
- Minnesota Association of Conservation District Employees – Rick Reimer
- Minnesota Association of Soil and Water Conservation Districts – LeAnn Buck
- Minnesota Association of Townships – Sandy Hooker
- Minnesota Association of Watershed Districts – Ray Bohn
- Natural Resources Conservation Service – Tim Koehler

UPCOMING MEETINGS

- Next BWSR Board Meeting, March 25, 2009

NOON **ADJOURN**

Dispute Resolution Report
January 16, 2008
by: Travis Germundson

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

Format note: New appeals that have been filed since last report to the Board.
~~Appeals that have been decided since last report to the Board.~~

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

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

~~File 08-31 (11/6/08) This is an appeal of a restoration order in Blue Earth County. The appeal regards the filling of over 6,000 square feet of a Type 1 wetland to construct a new parking surface.~~ *The appeal has been withdrawn.*

File 08-25 (08/25/08) This is an appeal of a after-the-fact wetland replacement plan application in Benton County. The LGU denied the wetland replacement plan application based on the fact that it does not adequately replace the wetland impacts. It involves the same project and issue as File 07-27. The appeal has been remanded for further processing at the local level.

File 08-11. (04/29/08) This is an appeal of a restoration order in Hennepin County. The appeal regards the filling of 1.75 acres of a type 2/3 wetland for the construction of a pole barn and pasture area. The restoration order has been stayed until and the appeal has been placed in abeyance for submittal of a wetland replacement plan, exemption, or no-loss application.

File 08-9. (03/06/08) This is an appeal of a replacement order in Pine County. The appeal regards impacts to approximately 11.26 acres of wetland. No decision has been made on the appeal. The replacement order has been stayed and the appeal has been placed in abeyance pending further technical work.

File 08-8. (04/03/08) This is an appeal of a replacement order in Pine County. The appeal regards the filling of over 18,000 square feet of Type 2 wetland. The replacement order has been stayed and the appeal has been placed in abeyance pending further technical work.

File 08-4. (01/24/08) This is an appeal of no-loss and exemption decisions in Waseca County. In addition to the no-loss decision, at issue are denials of the agricultural exemption, approved development exemption, incidental wetland exemption, and claims of numerous procedural issues that were prejudicial to the applicants. Further, a Minn. Stat. § 15.99 (60-day rule) claim is pending in District Court. The appeal has been remanded for further technical work at the local level.

File 08-1. (02/04/08) This is an appeal of a restoration order in Aitkin County. The appeal involves the filling of wetland for a road in shoreland area. The restoration order has been stayed and the appeal has been placed in abeyance pending further technical work.

File 07-37. (12/16/07) This is an appeal of a restoration and replacement order in the City of Sturgeon Lake, Pine County. The appeal involves the excavation and filling of wetland. The restoration and replacement order has been placed in abeyance to allow for the submittal of a complete replacement plan.

File 07-33. (10/31/07) This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from issuance of a cease and desist order for unauthorized wetland impacts. The appeal has been accepted. A verbal settlement agreement is has been drafted.

File 07-32. (10/31/07) This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from issuance of a cease and desist order for unauthorized wetland impacts. The appeal has been accepted. A verbal settlement agreement has been drafted.

File 07-31. (10/31/07) This is an appeal of an exemption decision in International Falls, Koochiching County. The appeal involves the approval of an exemption request that resulted from issuance of a restoration order for unauthorized filling of wetland for a building. The appeal has been accepted. A verbal settlement agreement has been drafted.

File 07-29. (10/25/07) This is an appeal of a restoration order in Crow Wing County. The appeal involves the filling of wetland along a driveway. The restoration order has been stayed and the appeal has been placed in abeyance pending the completion of further field work.

File 07-27. (10/19/07) This is an appeal of a restoration and replacement order in Benton County. The appeal involves the excavation of an island that was in wetland and the filling of wetland along the wetland edge. The restoration order has been stayed and the appeal has been placed in abeyance pending the completion of further field work this spring.

File 06-23. (05/19/06) This is an appeal of a replacement plan decision in Kanabec County. The LGU denied the wetland replacement plan application. A previous denial of the same replacement plan application had been appealed, the appeal was remanded for a hearing, and now the current denial has been appealed. The appeal has been placed in abeyance pending the outcome of a lawsuit between the landowner and the county. The lawsuit concerns the county's possible noncompliance with the 60-day rule. The county prevailed in district court, however the decision was appealed to the Court of Appeals where the county again prevailed. An appeal to the Minnesota Supreme Court was denied review. It is likely the appeal will soon be placed on the calendar for DRC proceedings.

File 06-17. (05/27/06) This is an appeal of a replacement plan decision in the City of Montgomery in LeSueur County. The LGU denied an after-the-fact wetland replacement plan application based on a lack of sufficient reasons why the restoration could not be completed. The appeal has been remanded for further processing at the local level.

File 06-12. (04/13/06) This is an appeal of a no-loss decision in Stearns County. It involves the same project and issues as File 06-6. After a restoration order was issued, a no-loss application was submitted by the developer and denied by the LGU. The appeal has been remanded for further technical evaluation.

File 06-6. (02/16/06) This is an appeal of a restoration order in Stearns County. At issue are numerous wetlands impacted by filling, sedimentation, reduction of hydrology and lack of Best Management Practices associated with a residential development. The appeal has been denied in part. The Restoration Order has been affirmed in part and has been stayed in part.

File 05-24. (03/04/05) This is an appeal, actually three appeals, of the Bois de Sioux Watershed District compensation to landowners related to a project. The appeal has been held in abeyance pending settlement discussions. It appears at least two of the appeals have been settled.

File 05-1. (01/13/05) This is an appeal of a replacement plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue is a wetland delineation and the Comprehensive Wetland Protection and Management Plan that BWSR approved. After a hearing before the DRC, the board remanded the matter for a new wetland delineation and for submission on an updated, complete replacement plan application.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

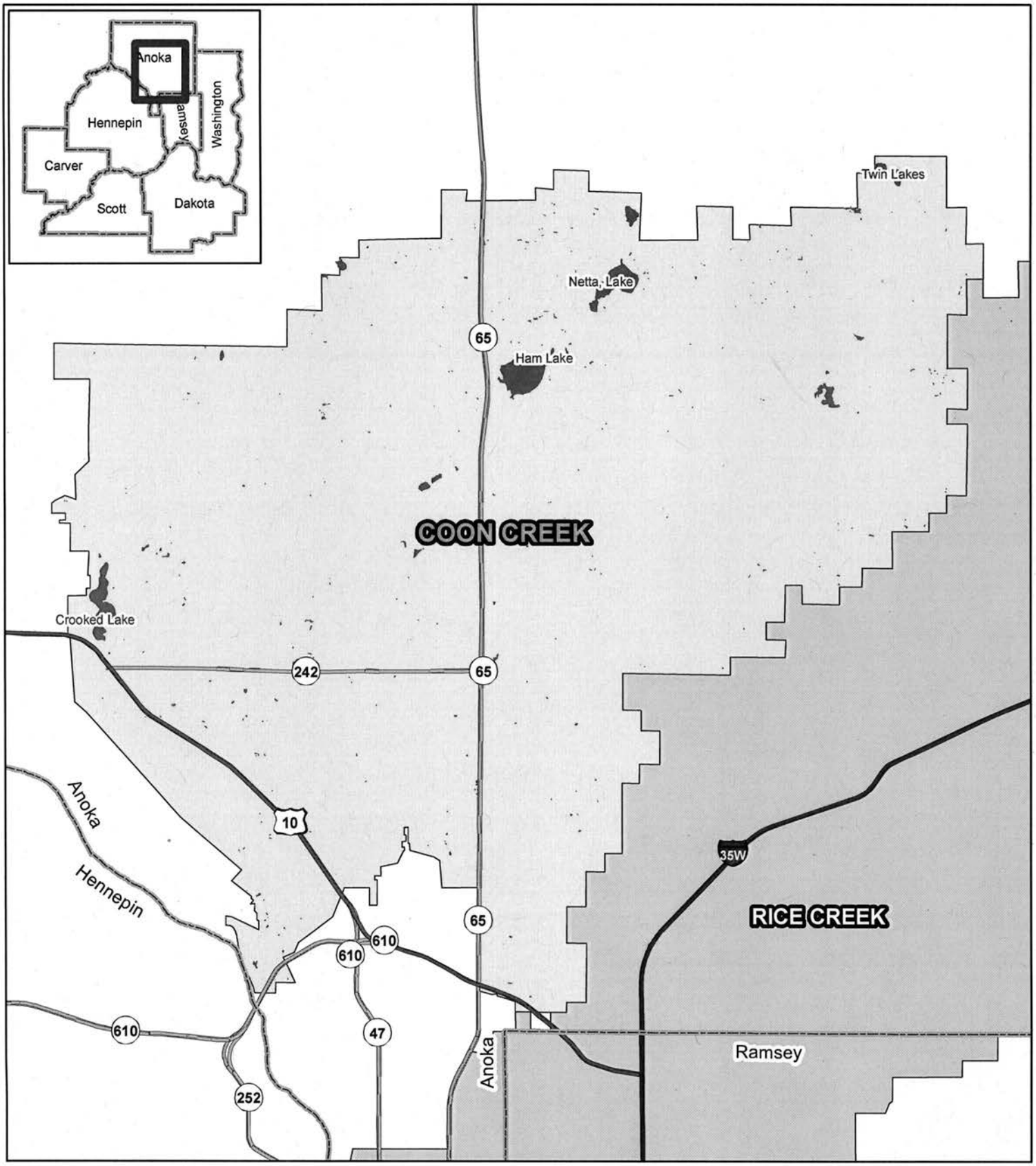
1. Coon Creek and Rice Creek Watershed Districts Boundary Change – ***DECISION ITEM***

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

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

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

Coon Creek Watershed District



Counties
Coon Creek WD
Rice Creek WD

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

Miles
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N
W E
S

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

In the Matter of the Boundary Change for the Coon Creek Watershed District in Anoka County pursuant to Minnesota Statutes § 103B.215

ORDER BOUNDARY CHANGE

Whereas, the Coon Creek Watershed District filed a Petition dated March 24, 2008 with the Board of Water and Soil Resources (Board) on March 26, 2008, to change the boundary of the Coon Creek Watershed District (CCWD) pursuant to Minn. Stat. § 103B.215, and;

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

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

FINDINGS OF FACT

1. **Petition.** The Petition to change the boundary of the CCWD with the Rice Creek Watershed District (RCWD) was filed by the CCWD Board of Managers with the Board on March 26, 2008.

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

3. **Reasons for Boundary Change.** The proposed boundary change would achieve a more accurate alignment between the hydrologic and legal boundaries of the CCWD and RCWD. The requested boundary change is consistent with the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255.

4. **Statements of Concurrence.** The required statements of concurrence pursuant to Minn. Stat. §103B.215, Subd. 2 item c from the City of Blaine, City of Columbus, and the RCWD where submitted with the Petition.

5. **Effect on Benefits and Damages.** The Petition states the proposed boundary change will not affect the benefits or damages for any improvements previously constructed by the CCWD or the RCWD.

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

7. **Public Hearing.** The Legal Notice of Filing was published pursuant to Minn. Stat. § 103B.215, Subd.3, which requires within 20 days of the last date of publication of the Notice of Filing of the Petition that at least one request for hearing be received by the Board before a hearing will be held. No requests for hearing and no comments were received during the specified period of time and no hearing was held.

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

CONCLUSIONS

1. The Petition for Boundary change of the CCWD is valid in accordance with Minn. Stat. § 103B.215.

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

3. The Board has proper jurisdiction in the matter of ordering a watershed district boundary change.

4. The territory included in the requested boundary change is within the hydrologic boundaries of the CCWD or the RCWD.

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

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

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

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

ORDER

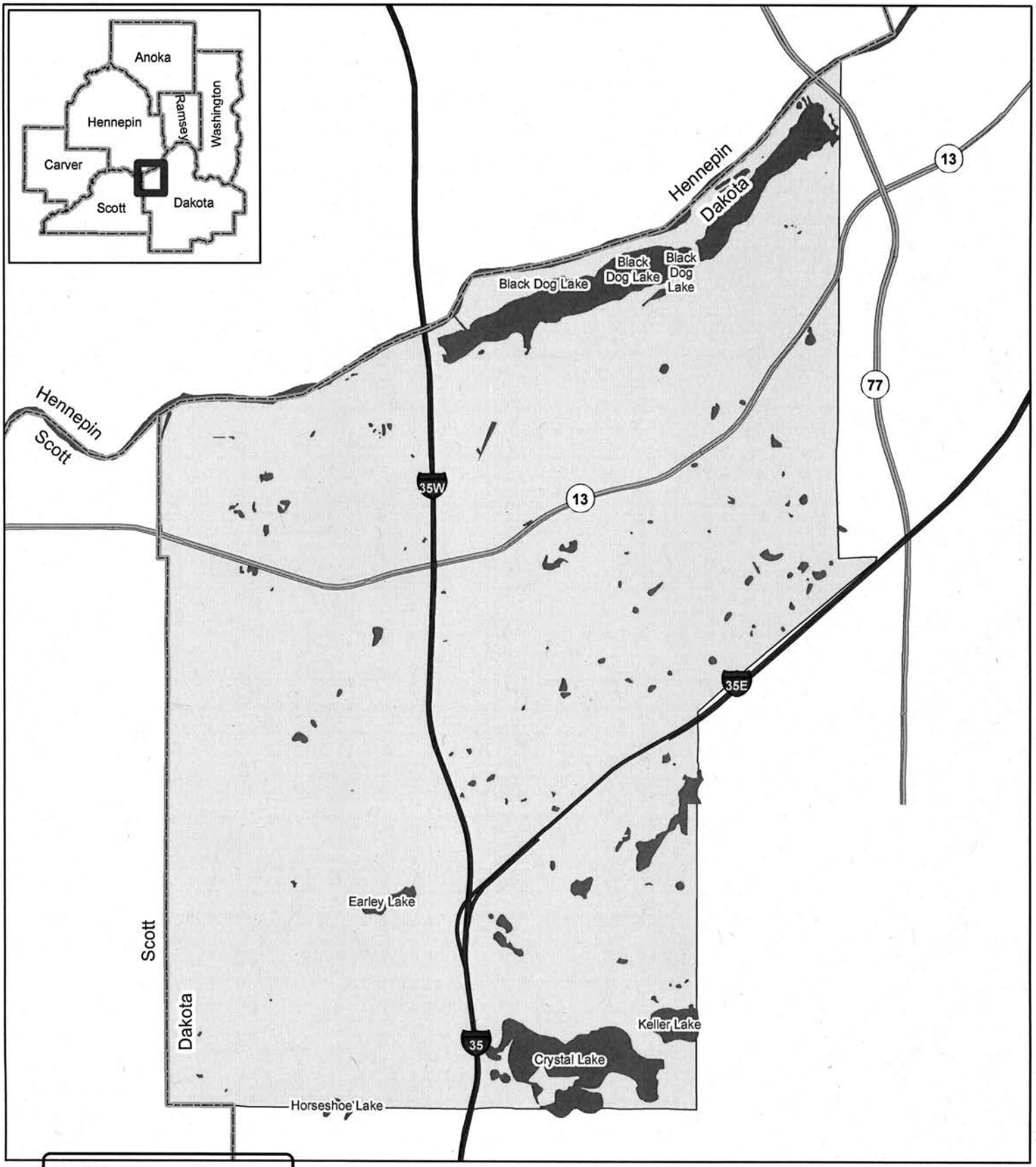
The Board hereby orders that the boundaries of the Coon Creek Watershed District and the Rice Creek Watershed District are changed per the Petition as identified in the three property identification tables attached to this Order and made a part hereof.

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

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Randy Kramer, Chair

City of Burnsville



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

In the Matter of the review of the Comprehensive Wetland Protection and Management Plan for the **City of Burnsville,** pursuant to Minnesota Statues Section 103G.2242, Subdivision 1 (c)

ORDER APPROVING UPDATED COMPREHENSIVE WETLAND PROTECTION AND MANAGEMENT PLAN

Whereas, the City of Burnsville (City) submitted a Comprehensive Wetland Protection and Management Plan (Plan) Update to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103G.2242, Subd. 1 (c), and;

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

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

FINDINGS OF FACT

1. **Authority to Plan.** Minnesota Statutes Section 103G.2242, Subd. 1 (c) and Minnesota Rules Chapter 8420.0650 allow the Board to approve a Comprehensive Wetland Protection and Management Plan developed by a local government unit, provided it is implemented through the local government unit's official controls.

   The purpose of the plan is to provide the City with a wetland inventory and functions and values analysis, provide enhanced management strategies to preserve and protect wetland resources, and to comply with local watershed organization plans.

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

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

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

3. **Local Review.** The Plan was developed, reviewed, and revised in consultation with the state agencies, the technical evaluation panel, citizens, and local governments. The plan development process included numerous drafts and opportunities for comment. The Plan will be incorporated into the City's existing planning and zoning regulations and implemented by ordinance..

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

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

5. **Metro Water Planning Committee Meeting.** The Board's Metro Water Planning Committee met on January 13, 2009 with representatives of the City to review and discuss the Plan. Those in attendance from the Board's Committee were Rebecca Flood, Louise Smallidge, Faye Sleeper, LuAnn Tolliver and Robert Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Senior Wetland Specialist Ken Powell. The representatives for the City were Deric Deuschle and Daryl Jacobson. Board staff recommended approval of the Plan. After discussion, the Committee unanimously voted to recommend approval of the Plan to the full Board.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving a Comprehensive Wetland Protection and Management Plan for the City of Burnsville pursuant to Minnesota Statutes Section 103G.2242, Subd. 1 (c).

3. The City of Burnsville Comprehensive Wetland Protection and Management Plan attached to this Order provides a functional assessment framework for all wetlands within the City, management strategies based on this assessment, and an implementation program.

4. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103G.221 to 103G.2373 and Minnesota Rules Chapter 8420.

ORDER

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

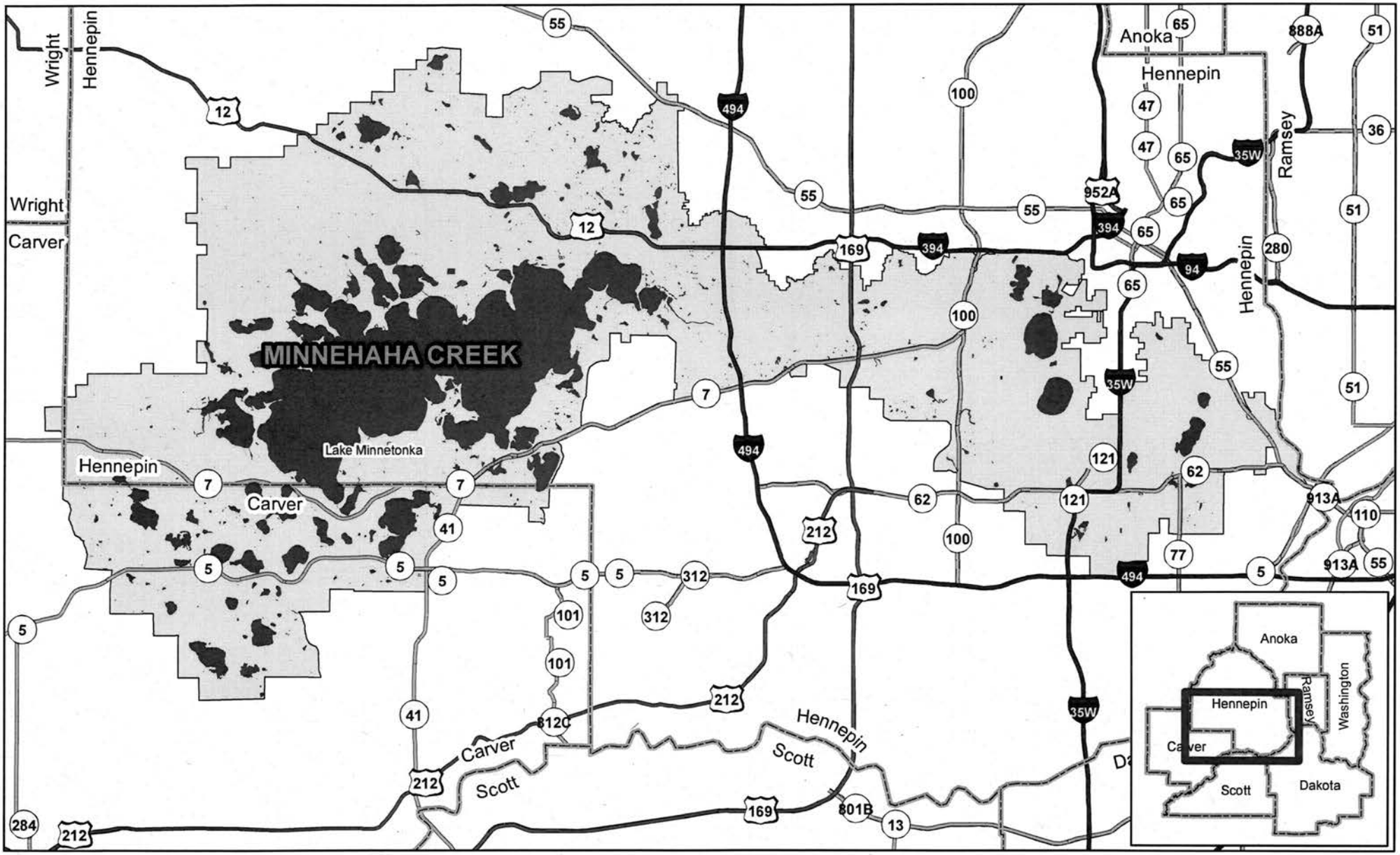
Dated at Saint Paul, Minnesota this 28th day of January, 2009.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

Minnehaha Creek Watershed District



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

In the Matter of the review of the Amendment to the Watershed Management Plan for the **Minnehaha Creek Watershed District**, pursuant to Minnesota Statutes Section 103B.231, Subdivision 11.

ORDER APPROVING AMENDMENT TO WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Minnehaha Creek Watershed District (District or MCWD) submitted a Watershed Management Plan Amendment (Amendment) to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 11, and;

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

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

FINDINGS OF FACT

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

2. **Authority to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The watershed management plan may be amended according to Minnesota Statutes Section 103B.231, Subd. 11.

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

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

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

5. **Metropolitan Council Review.** Met Council was supportive of the amendment stating it is consistent with the Council's *Water Resources Management Policy Plan.*

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

7. **Department of Health Review.** The MDH did not comment on the Amendment.

8. **Department of Natural Resources Review.** The DNR did not comment on the Amendment.

9. **Pollution Control Agency Review.** MPCA, in their 60-day comment letter, offered their support of the Amendment and offered watershed management plan recommendations unrelated to the Amendment.

10. **Local Review.** The District circulated a copy of the draft Amendment to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7. The City of Plymouth requested clarification related to maintenance responsibilities for cost-shared projects, eligible cost-share amounts, and District involvement on a project basis.

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

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

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

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving an Amendment to the Watershed Management Plan for the Minnehaha Creek Watershed District pursuant to Minnesota Statutes Section 103B.231, Subd. 11.

3. The Minnehaha Creek Watershed District's Amendment attached to this Order defines the need and purpose of the Watershed Management Plan changes and the methods of financing.

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

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ORDER

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

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

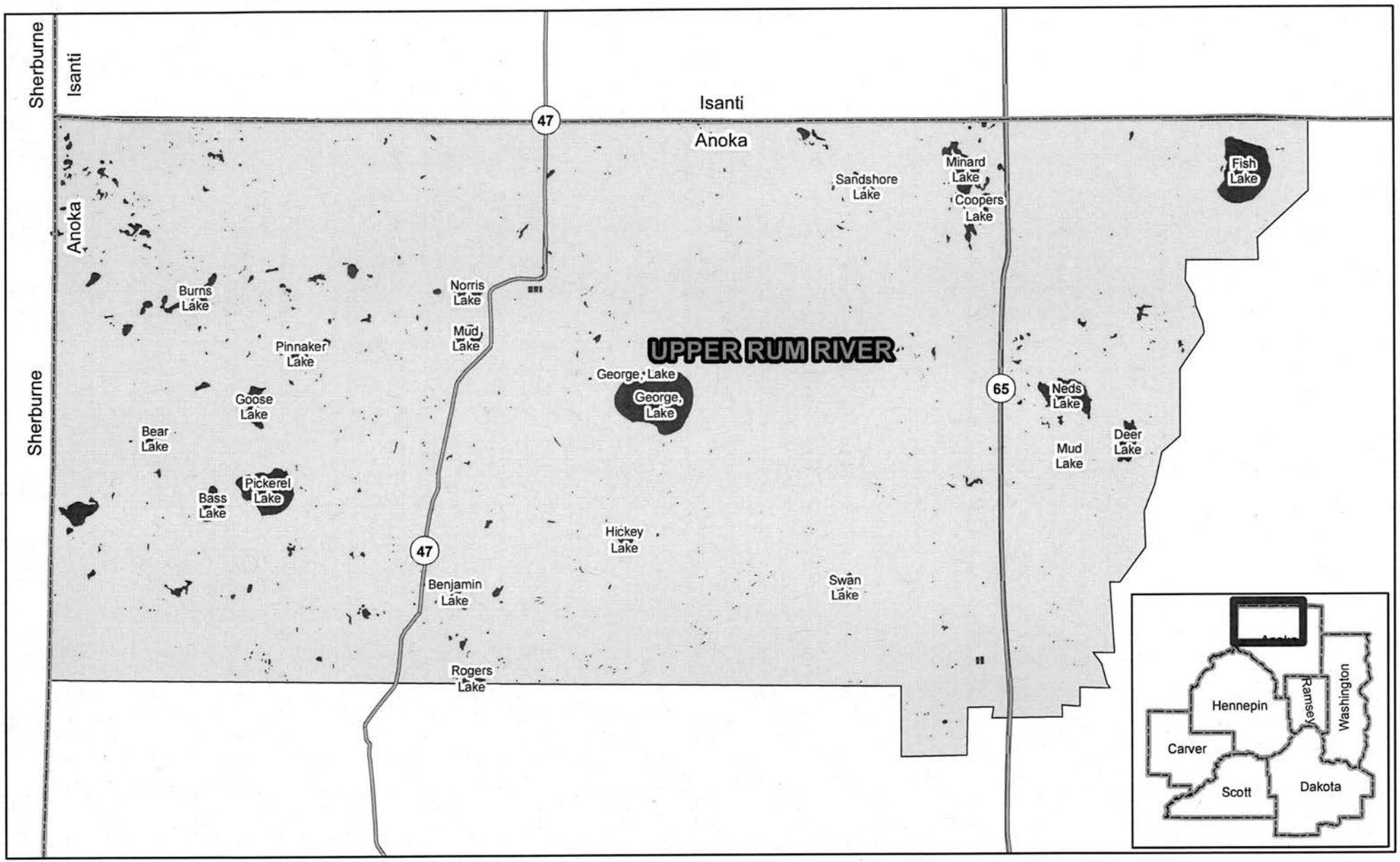
MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

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Upper Rum River Water Management Organization



Upper Rum WMO
Counties

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

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

In the Matter of the review of the Amendment to the Watershed Management Plan for the Upper Rum River Watershed Management Organization, pursuant to Minnesota Statutes Section 103B.231, Subdivision 11.

ORDER APPROVING AMENDMENT TO WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Upper Rum River Watershed Management Organization (Organization) submitted a Watershed Management Plan Amendment (Amendment) to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 11, and;

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

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

FINDINGS OF FACT

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

2. **Authority to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The current Organization watershed management plan was approved by Board Order on April 25, 2007. The watershed management plan may be amended according to Minnesota Statutes Section 103B.231, Subd. 11.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14. **Metro Water Planning Committee Meeting**. The Board's Metro Water Planning Committee met on January 13, 2008 to review and discuss the Amendment. Those in attendance from the Board's Committee were Rebecca Flood, Louise Smallidge, Faye Sleeper, LuAnn Tolliver and Robert Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationist Melissa Lewis. Board staff recommended approval of the Amendment. After discussion, the Committee unanimously decided to recommend approval of the Upper Rum River Watershed Management Organization Amendment to the full Board.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving an Amendment to the Watershed Management Plan for the Upper Rum River Watershed Management Organization pursuant to Minnesota Statutes Section 103B.231, Subd. 11.

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

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

ORDER

The Board hereby approves the attached Amendment, dated November 24th 2008, to the Upper Rum River Watershed Management Organization Watershed Management.

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

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Randy Kramer, Chair

NEW BUSINESS

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

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

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

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

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

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

Red River Flood Damage Reduction Working Group

January 14, 2009

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

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

Dear Mr. Lines:

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

1. Springbrook Coulee Protection Project, Two Rivers Watershed District
2. South Branch of the Buffalo River Stream Restoration and Flood Damage Reduction Project, Buffalo Red River Watershed District
3. Grand Marais Creek Outlet Restoration, Red Lake River Watershed District
4. Lower Wild Rice River Corridor Restoration Initiative, Wild Rice Watershed District

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

Sincerely,

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

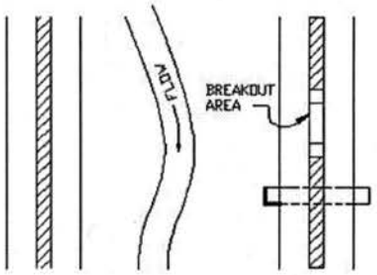
Cc: Randy Kramer, Chair BWSR Board
John Jaschke
Pete Waller
Brian Dwight
Ron Harnack

Encl: Project Proposals

Red River Valley RIM Reserve Application
Two Rivers Watershed District

Project Narrative

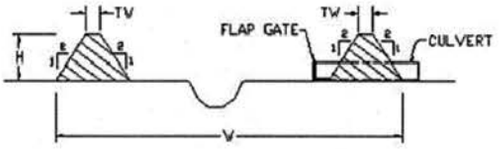
The purpose of the project is to reduce the flooding along the Unnamed Ditch to up a 10-year event, as well as to enhance riparian wildlife habitat. The plan consists of the setback dikes, channel and streambank stabilization in areas where needed, and creation of a permanent grassed riparian buffer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



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

Setback Dikes

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



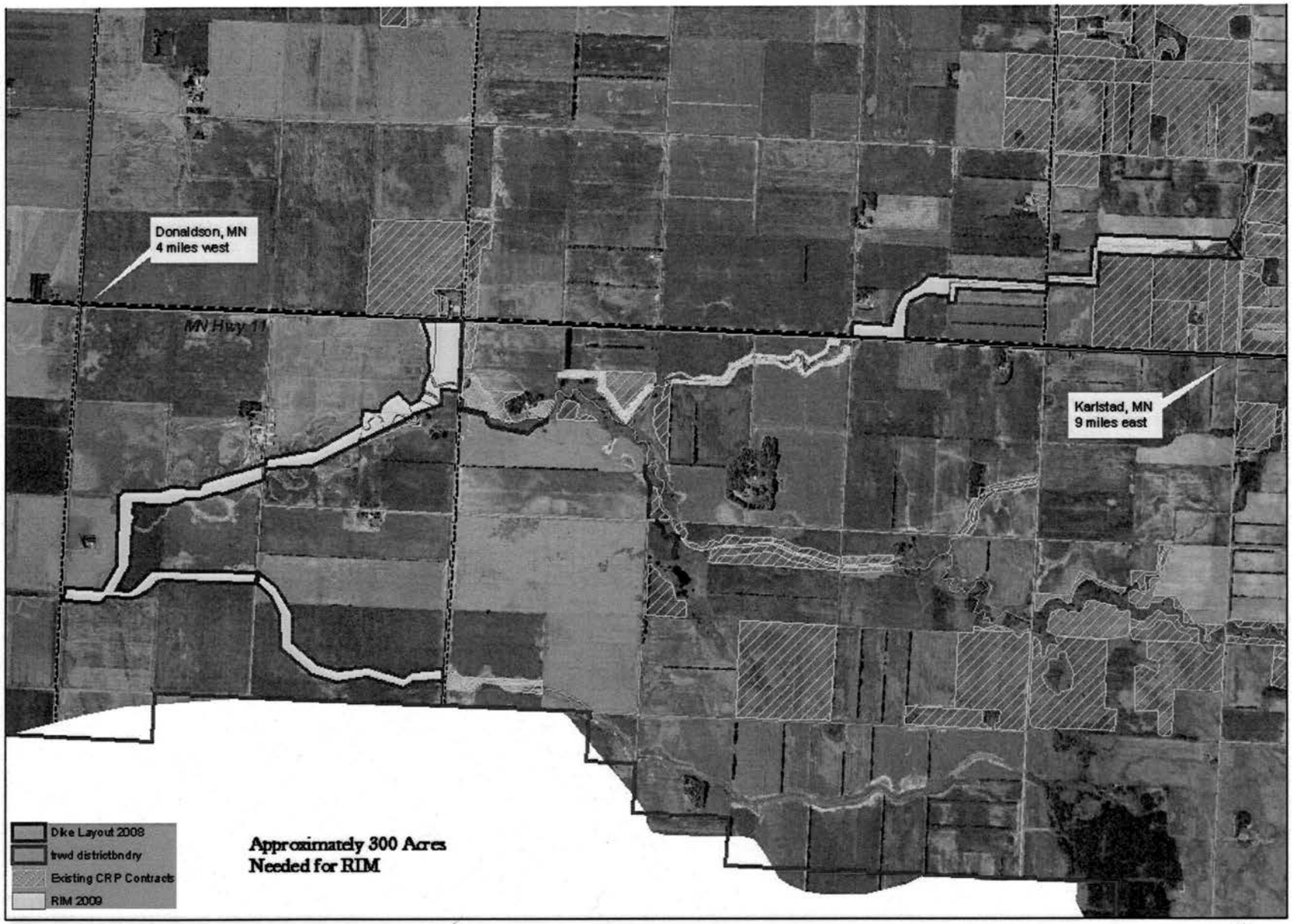
The dikes will be built to provide protection for a 10-year growing season event. The above figure illustrates the basic layout of the setback dikes. The setback dikes design is based upon NRCS practice standard 356 for Class III dikes. Approximately 93,500 feet of setback dikes will be built with a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

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

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

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

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



Springbrook Coulee Protection Project

Two Rivers Watershed District - Preliminary RRV RIM Initiative

0 0.25 0.5 1 Miles

N W E S

Red River Valley RIM Reserve Application

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

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

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

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

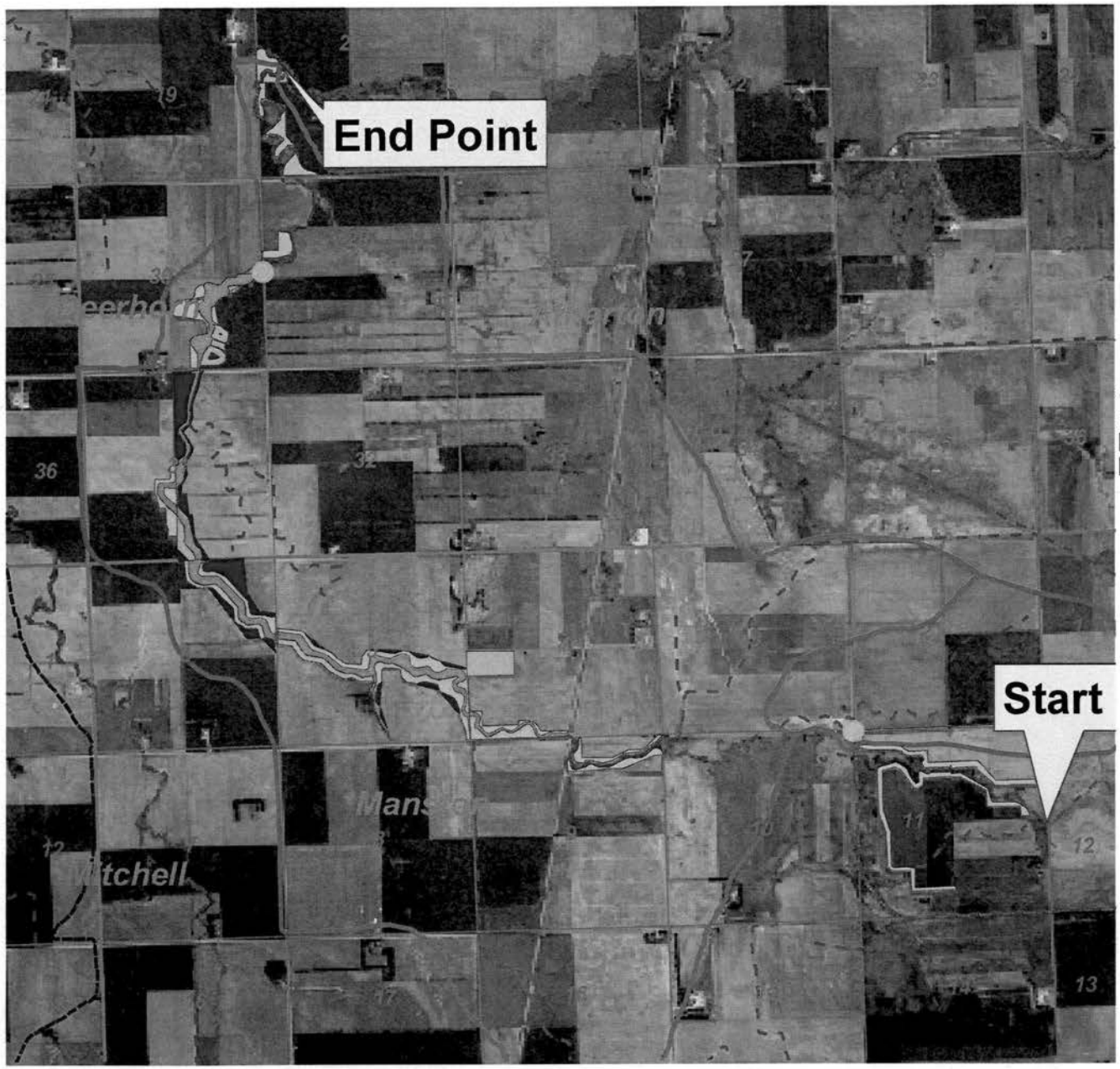
Resource Concerns to be addressed in the Project Area: Flooding and cropland damages; high turbidity levels; poor aquatic habitat; and inadequate natural corridors along the SBBR are resource concerns in the project area. In the early 1900s, parts of the original SBBR were abandoned and straightened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

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

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

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

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



DRAFT

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

existing_filterstrips
PRAC1
Filterstrip
Filterstip
filterstrip
NewC
NonC
Streams
Sections
2003 Ortho Imagery

0 0.25 0.5 1 Miles

NRCS

Disclaimer
"Maps are for graphical portrayal only. They do not represent a legal survey. While every effort has been made to ensure that these data are accurate and reliable within the limits of the current state of the art, NRCS cannot assume liability for any damages caused by any errors or omissions in the data, nor as a result of the failure of the data to function on a particular system. NRCS makes no warranty, expressed or implied, nor does the fact of distribution constitute such a warranty."

June 25, 2009
NRCS Area 2 Office
Fergus Falls, MN

DRAFT

Red River Valley RIM Reserve Application

Red River Valley Restoration Initative (RRVRI)

Date: 12/26/2008

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

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

The project is intended to:

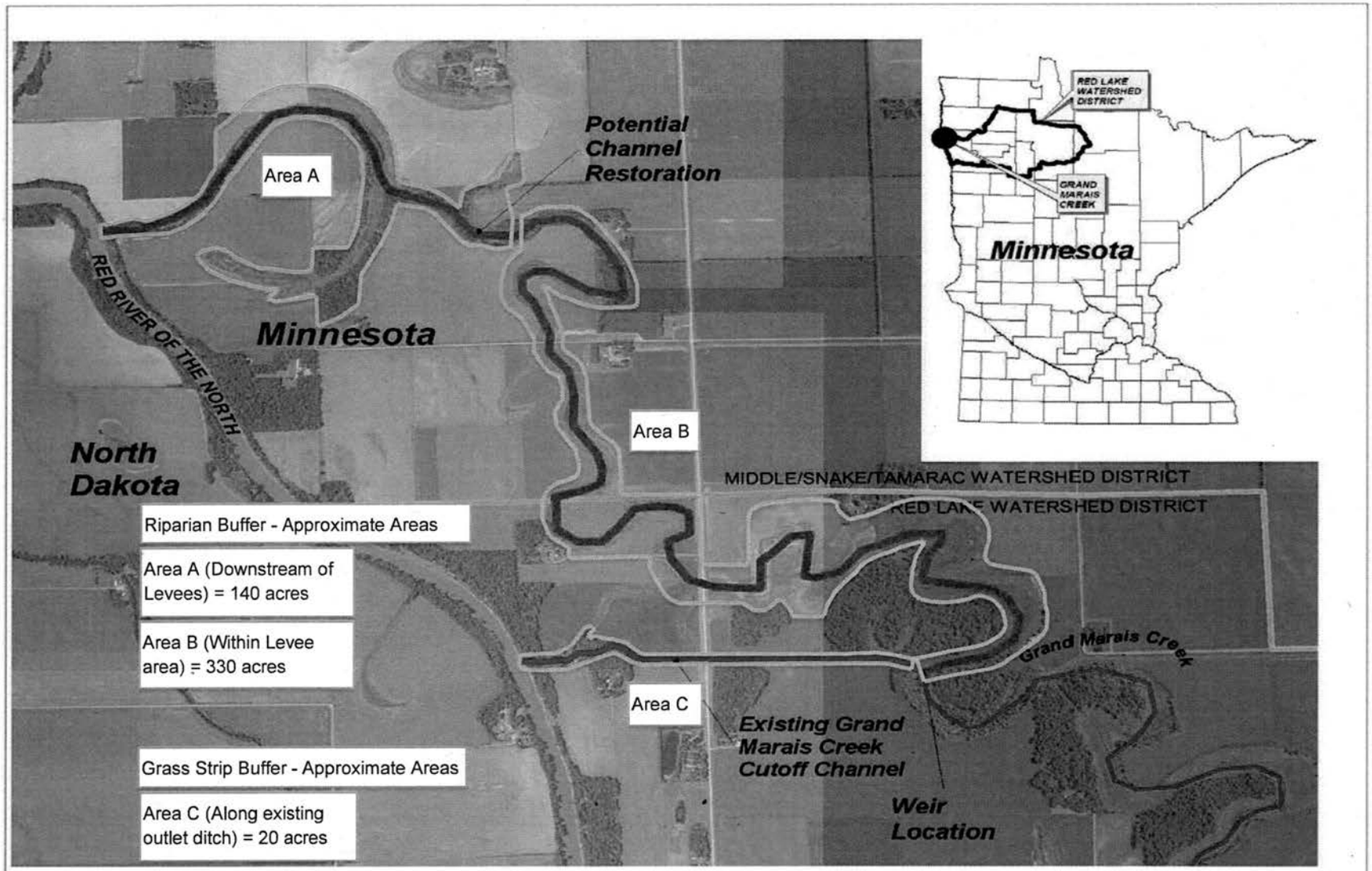
- Divert low flows away from the existing outlet channel ("Cutoff Channel")
- Restore the original Grand Marais channel for natural resource enhancement purposes
- Improve water quality through reduced erosive conditions
- Stabilize the channel bottom and banks of the existing outlet channel ("Cutoff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

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

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

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

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



RED LAKE WATERSHED DISTRICT
Grand Marais Creek Outlet Restoration

Application for Pilot RIM Initiative for the Red River Valley Watershed

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

Project: Lower Wild Rice River Corridor Restoration Initiative

i. Description of the overall project.

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

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

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

ii. Acres to be taken in the project.

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

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

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

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

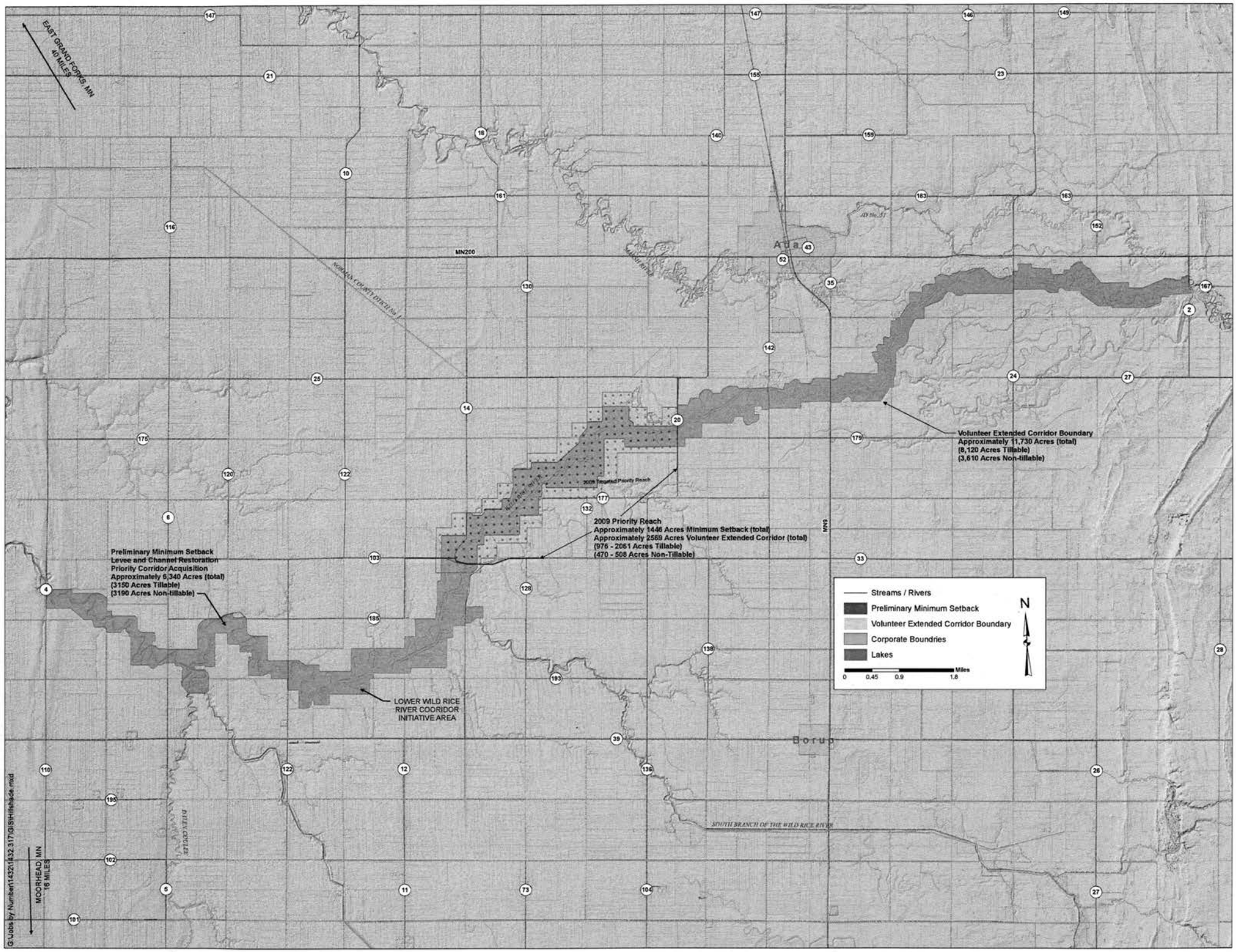
When complete, the project will provide connectivity for upland wildlife, improved fisheries, buffers to improve water quality, and additional flood protection through the implementation of setback levees and land setaside.

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

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

v. Endorsements/Approvals

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


EAST GRAND FORKS, MN
40 MILES
MOORHEAD, MN
16 MILES
MN200
MN9
Ada
Borup
Volunteer Extended Corridor Boundary
Approximately 11,730 Acres (total)
(8,120 Acres Tillable)
(3,610 Acres Non-tillable)
2009 Priority Reach
Approximately 1446 Acres Minimum Setback (total)
Approximately 2569 Acres Volunteer Extended Corridor (total)
(976 - 2061 Acres Tillable)
(470 - 508 Acres Non-Tillable)
Preliminary Minimum Setback
Levee and Channel Restoration
Priority Corridor Acquisition
Approximately 6,340 Acres (total)
(3150 Acres Tillable)
(3190 Acres Non-tillable)
LOWER WILD RICE
RIVER COORIDOR
INITIATIVE AREA
Streams / Rivers
Preliminary Minimum Setback
Volunteer Extended Corridor Boundary
Corporate Boundries
Lakes
N
0 0.45 0.9 1.8 Miles
SOUTH BRANCH OF THE WILD RICE RIVER
G:\Jobs by Number\1432\1432.317\GIS\Hillshade.mxd

DRAFT

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

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

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

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

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

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

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

NOW, THEREFORE be it resolved that, the Minnesota Board of Water and Soil Resources authorizes the allocation of up to $3 million in 2008 RIM Reserve funds be used to acquire riparian easements and establish conservation practices on those riparian lands acquired via easements for the following projects in full the Springbrook Coulee Protect Project, Two Rivers Watershed District; South Branch of the Buffalo River Stream Restoration and Flood Damage Reduction Project, Buffalo Red River Watershed District; and Grand Marais Creek Outlet Restoration, Red Lake Watershed District and the Lower Wild Rice River Corridor Restoration Initiative, Wild Rice Watershed District utilize the remaining balance of the $3 million for this pilot program as recommended by the RRMPC to run thru June 1, 2009.

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

draft 10-14-08

Suggested talking points to introduce the "Wetlands Restoration Strategy: A Framework for Prioritizing Efforts in Minnesota"

WHAT THIS STRATEGY IS

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

Key elements of this statewide wetlands restoration strategy are:

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

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

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

WHO IT'S FOR

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

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

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

WHAT'S THE FOUNDATION

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

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

HOW WAS IT DEVELOPED

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

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

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

Wetlands Restoration Strategy for Minnesota

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

Strategy Development Overview

—October 2008—

BRIEF PROJECT HISTORY

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

---

FEATURES OF THE STRATEGY

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

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

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

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

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

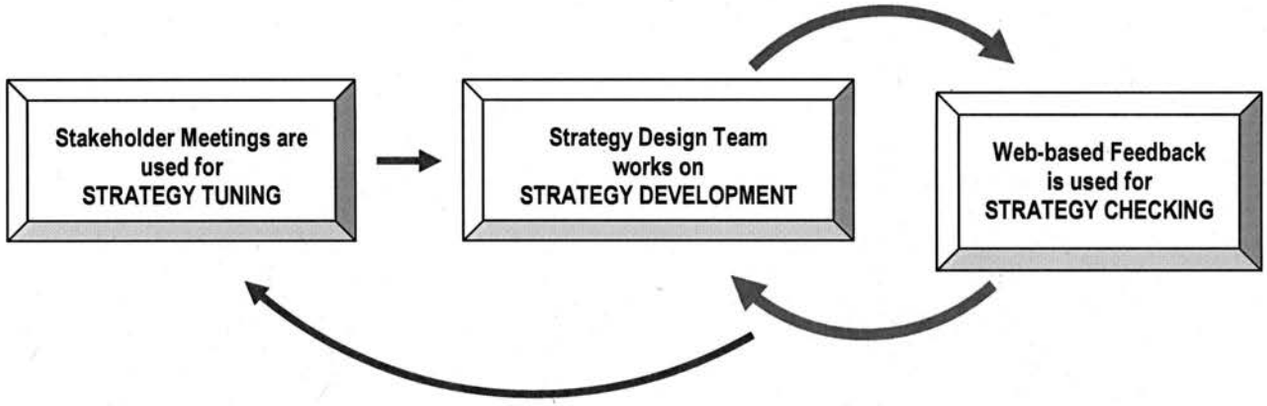
WHERE FROM HERE

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

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

Wetlands Restoration Strategy for Minnesota

An Iterative Process:



PARTICIPATION OPPORTUNITIES:

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

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

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

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

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

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

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

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

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

INTERAGENCY STEERING COMMITTEE:

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

Members:

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

PROJECT STAFF:

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

TARGET: June 30, 2008

Strategy Development Timeline

— as of October 2008 —

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

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

Wetlands Restoration Strategy

A Framework For Prioritizing Efforts in Minnesota

December 2008
(anticipated publication date)

Supplement to the Minnesota Wetlands Conservation Plan 1997

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

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BWSR STAFF: FINALIZE PUBLICATION INFO

Minnesota Board of Water and Soil Resources

December 2008---*confirm after BWSR Board discussion*

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Information in this publication can be made available in alternative format upon request.
See the BWSR web site for an electronic copy of this publication.

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Wetlands Restoration Strategy for Minnesota

Overview

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

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

Key elements of this statewide wetlands restoration strategy are:

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

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

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

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

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

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

Wetlands Restoration Strategy for Minnesota

Strategic Vision for Wetland Restoration in Minnesota

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

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

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

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

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

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

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

Strategic Approach to Wetlands Restoration

Key elements of this statewide wetlands restoration strategy are:

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

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

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

IMPORTANCE OF PRIORITIZING

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

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

so that → We can prioritize wetland restorations for targeted outcomes

so that → Decision makers can use limited funding more effectively

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

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

IMPROVING COORDINATION AND RESULTS

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

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

ACKNOWLEDGING LANDOWNERS' ROLE AND PERSPECTIVES

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

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

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

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

CONSISTENCY WITH MINNESOTA STATEWIDE CONSERVATION AND PRESERVATION PLAN

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

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

General Principles

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

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

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

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

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

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

SCOPE OF THE STRATEGY

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

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

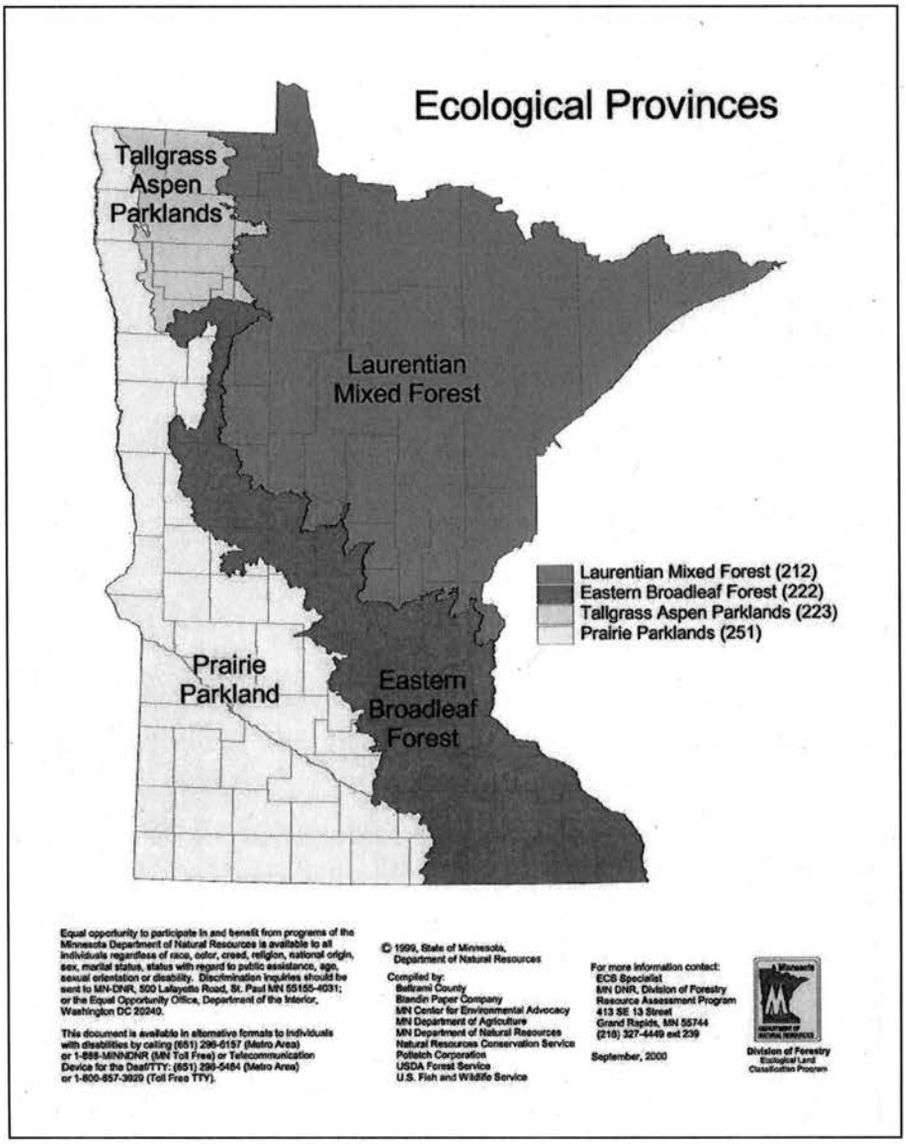
STATEWIDE GOALS FOR WETLANDS RESTORATION

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

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

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

Figure 1. Ecological provinces map



Identifying Desired Outcomes

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

Where there has been since the late 1800s:

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

The appropriate overall management goal is:

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



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

Identifying Restorable Wetlands

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

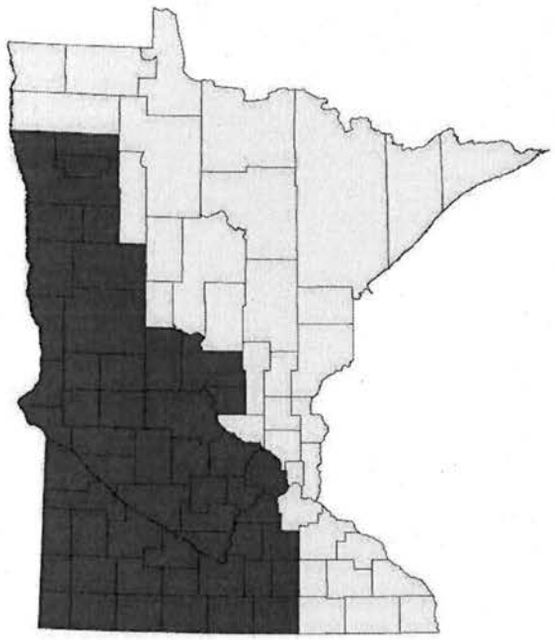
RESTORABLE WETLANDS INVENTORY (RWI)

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

Figure 2. Current progress of RWI coverage



Total area targeted for RWI coverage



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

GIS TERRAIN ANALYSIS

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

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

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

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

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

Prioritizing Wetlands for Restoration

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

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

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

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

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

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

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

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

Strategies for Prioritization, Coordination, and Sustainability

1. MAKE OUTCOME-BASED CHOICES FOR WETLANDS RESTORATION

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

2. COORDINATE WETLANDS RESTORATION EFFORTS

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

		CONGRESS

3. DESIGN AND PRODUCE BETTER WETLAND RESTORATIONS

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

STRATEGY IMPLEMENTATION

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

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

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

CONSISTENCY WITH MINNESOTA STATEWIDE CONSERVATION AND PRESERVATION PLAN

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

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

Appendix A. Prioritization for Desired Functional Benefits

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

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

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

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

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

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

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

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

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

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

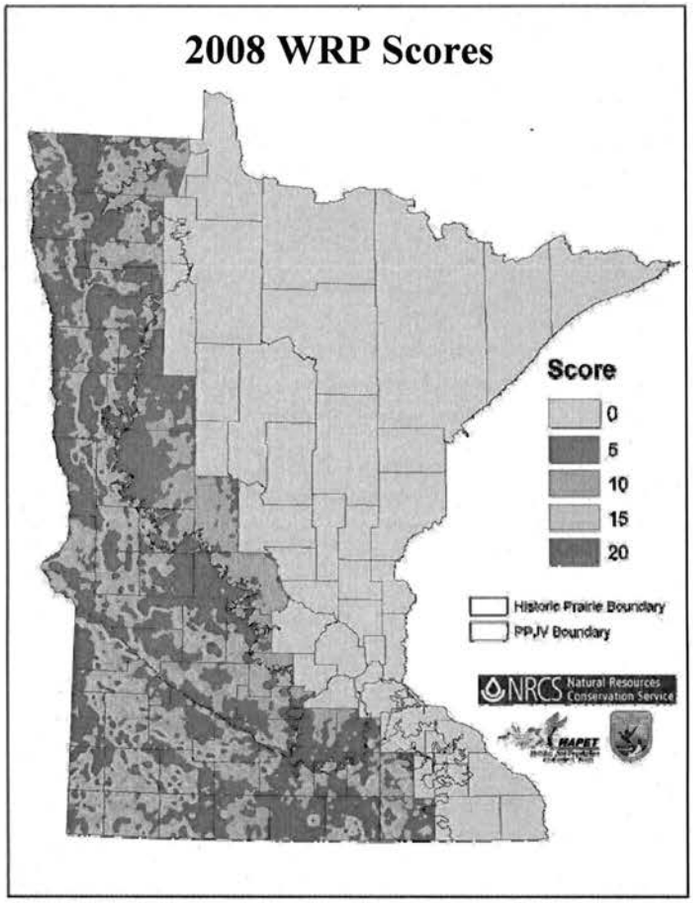
It is generally agreed that closed wetland basins (i.e., those that do not contribute to downstream flow) are the most desirable restoration sites for mitigating phosphorous and sediment loading. The implication is that wetlands with a larger (i.e., closer to a 1:1) wetland/watershed ratio are more isolated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

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

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

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

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



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

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

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

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

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

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

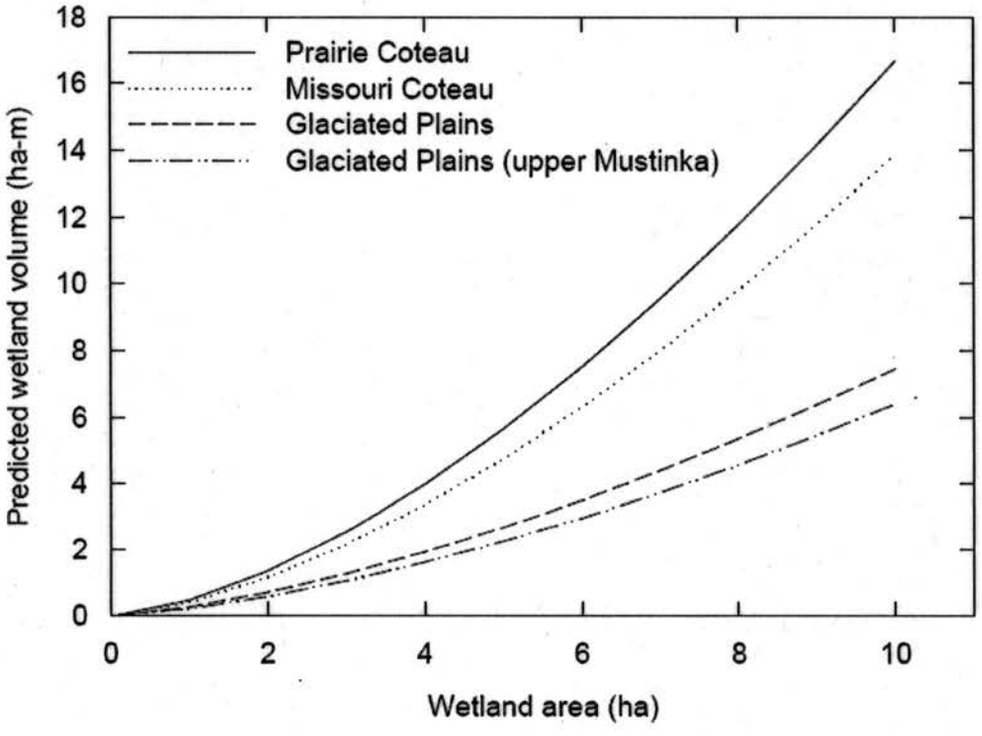
- The volume of the wetland (surface area and depth)
- The watershed to wetland ratio (ratio of the area of the total contributing watershed to the area of the restorable wetland). The current recommendation is a minimum of 10:1.
- Specific to the Red River Valley, the timing of a given sub-watershed's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

Volume

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

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

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

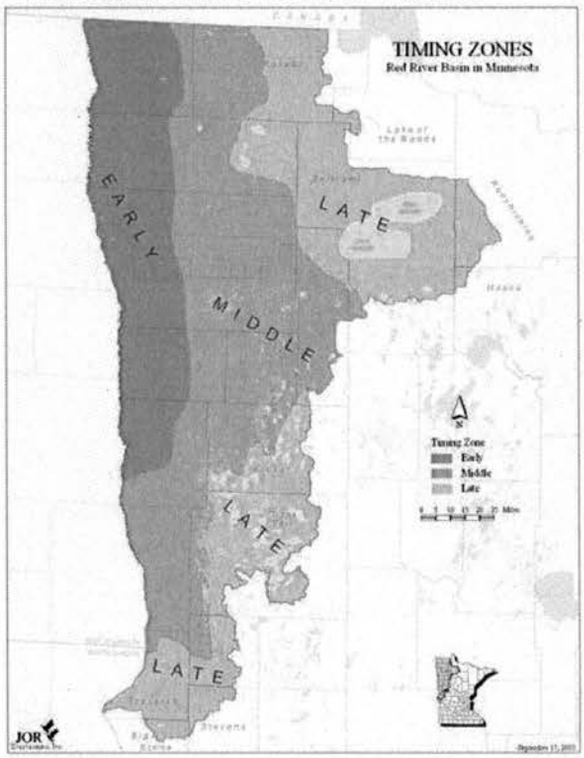


Hydrograph Peak Timing

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

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

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



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

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

Appendix B. Local Meeting Notes And Example Maps

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

CHIPPEWA RIVER WATERSHED

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

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

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

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

WILD RICE WATERSHED

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

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

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

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

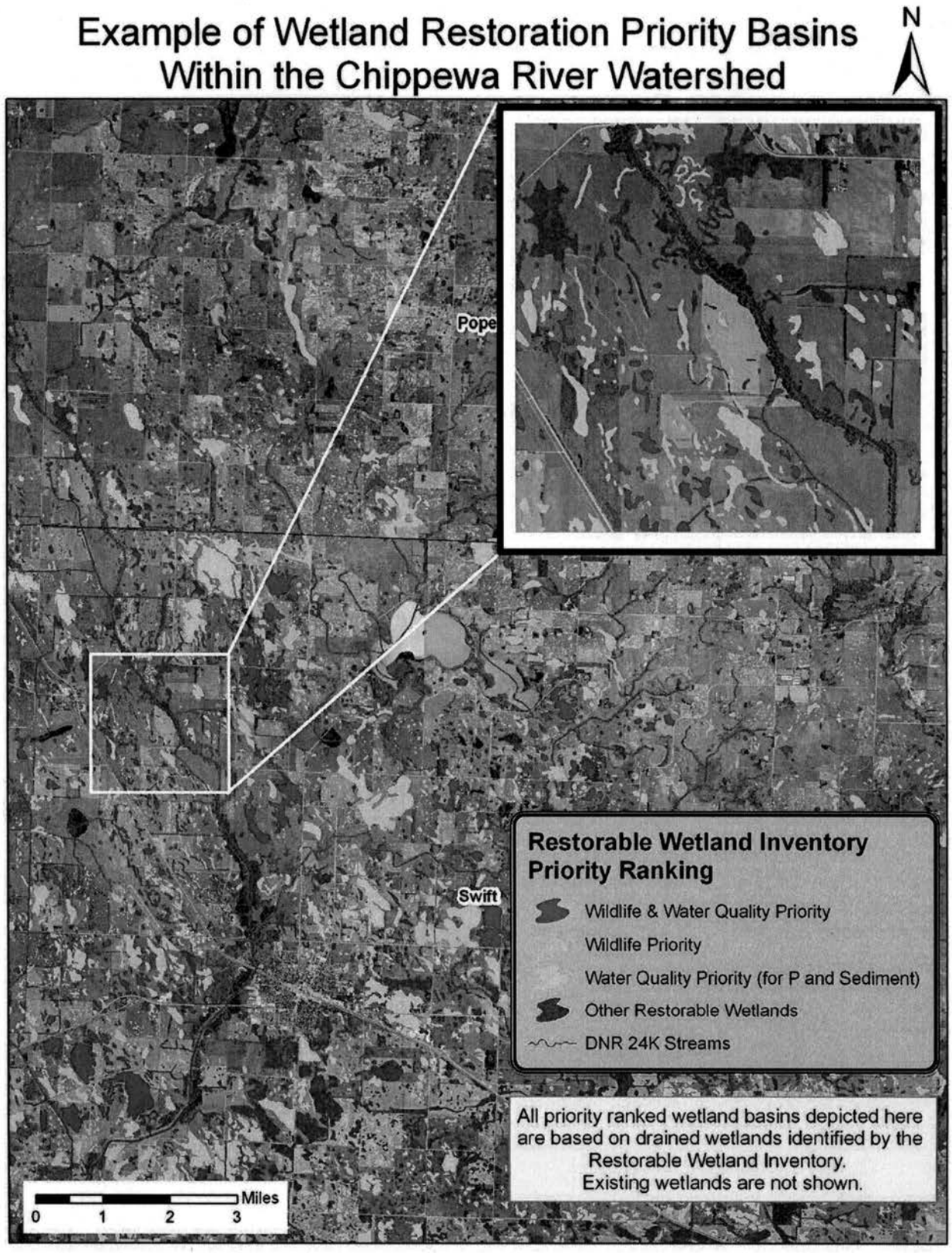
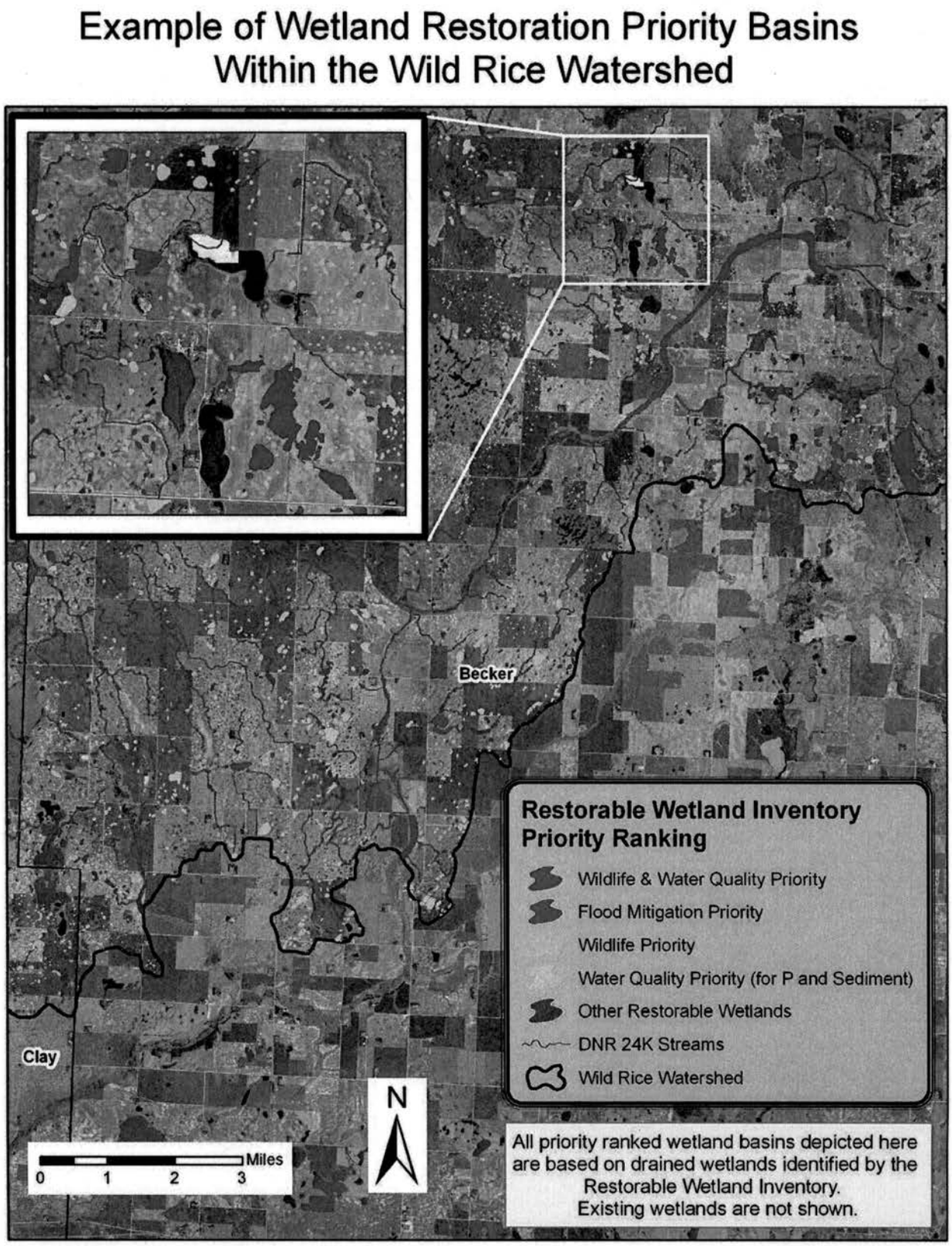


Figure 8. Prioritization example for a portion of the Wild Rice Watershed



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

HOW DO RESTORED WETLANDS IMPROVE WATER QUALITY?

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

WHICH WETLAND RESTORATIONS ARE BEST FOR IMPROVING WATER QUALITY?

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

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

Additional considerations are discussed below relative to specific pollutants.

NITROGEN & WETLANDS RESTORATION

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

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

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

Examples of wetlands restored primarily for denitrification purposes:

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

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

PHOSPHORUS & WETLAND RESTORATIONS

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

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

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

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

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

SEDIMENT & WETLAND RESTORATIONS

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

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

METHYL MERCURY & WETLAND RESTORATIONS

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

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

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

WHERE DO RESTORED WETLANDS IMPROVE WATER QUALITY?

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

Appendix D. Bibliography

LITERATURE CITED IN THE WETLAND RESTORATION STRATEGY

Almendinger, J.E. 1999. A Method to Prioritize and Monitor Wetland Restoration for Water Quality Improvement. *Wetlands Ecology and Management* 6: 241-251

Anderson, C. and A. Kean. 2004. *Red River Basin Flood Damage Reduction Framework: Technical Paper No. 11*. Red River Basin Flood Damage Reduction Work Group Technical and Scientific Advisory Committee.

Brigham, M.E., D.P. Krabbenhoft, M.L. Olson and J.F. Dewild. 2002. Methylmercury in flood-control impoundments and natural waters of Northwestern Minnesota, 1997-1999. *Water, Air and Soil Pollution*. 138: 61-78.

Chippewa River Watershed Project. 2006. "Chippewa River Watershed Monitoring Summary."

Crumpton, W.G. 2001. Using wetlands for water quality improvement in agricultural watersheds; the importance of a watershed scale approach. *Water Science and Technology*. 44 (11-12):559-564.

Dortch, M.S. J. A. Gerald. 1995. *Screening-level model for estimating pollutant removal by wetlands*. U.S. Army Corps of Engineers WRP-CP-9.

Gleason, R.A., B.A. Tangen, M.K. Laubhan, K.E. Kermes, N.H. Euliss Jr. 2007. *Estimating Water Storage Capacity of Existing and Potentially Restorable Wetland Depressions in a Subbasin of the Red River of the North*. U.S. Geological Survey Open-File Report. 1159.

Kadlec, R. H. and R. L. Knight. 1996. *Treatment Wetlands*. Lewis Publishers, Boca Raton, FL.

Kuehner, K. 2007. Wetland Restorations for Hydrology and Water Quality. PowerPoint presentation.

Loucks, O. 1992. Restoration of the pulse control function of wetlands and its relationship to water quality objectives. In J. A. Kusler and M. E. Kentula (eds.). *Wetland Creation and Restoration: The Status of the Science*. Island Press, Washington D.C.

Minnesota Department of Agriculture. 2007. Agriculture's Contribution to Restoring Minnesota's Wetlands. Fact sheet.

Minnesota Pollution Control Agency. 2007. Effectiveness of Stormwater Ponds/Constructed Wetlands in the Collection of Total Mercury and Production of Methylmercury. Final Project Report Draft.

Newbold, S. C. 2005. A combined hydrologic simulation and landscape design model to prioritize sites for wetlands restoration. *Environmental Modeling and Assessment*. 10: 251-263.

Sands, G., and Johnson, S. 2007. Assessing the barriers to and potential for wetland restoration in agricultural watersheds. *CURA Reporter*, 37:3-12.

Sorenson, J.A., L.W. Kallemeyn and M. Sydor. 2005. Relationship Between Mercury Accumulation in Young of the Year Perch and Water-Level Fluctuations. *Environmental Science and Technology* 39(23):9237-9243.

Snodgrass, J. W. C. H. Jagoe, A. L. Bryan, H. A. Brant and J. Burger. 2000. Effects of trophic status and wetland morphology, hydroperiod, and water chemistry on mercury concentrations in fish. *Canadian Journal of Aquatic Science*. 57:171-180.

ADDITIONAL USEFUL REFERENCES

Note: This is not an exhaustive list

Bedford, B. L. 1999. Cumulative effects on wetland landscapes: links to wetland restoration in the United Sates and Southern Canada. *Wetlands*, 19: 775-788.

Cappiella, K., Kitchell, A., & Schueler, T. 2006. Using local watershed plans to protect wetlands. *Wetlands and Watersheds Article Series.* Center for Watershed Protection and USEPA. No. 2.

Crumpton, W.G., Kovacic, D.A., Hey, D.L., and Kostel, J.A. 2008. Potential of Restored and Constructed Wetlands to Reduce Nutrient Export from Agricultural Watersheds in the Corn Belt. *Upper Mississippi River Sub-basin Hypoxia Nutrient Committee Final Report: Gulf Hypoxia and Local Water Quality Concerns Workshop*, American Society of Agricultural and Biological Engineers. pp. 29-42.

Environmental Law Institute. 2003. *Conservation Thresholds for Land Use Planners*. Environmental Law Institute, Washington, D.C.

Environmental Law Institute. 2007. *Conference Summary Report: Workshop to Explore Opportunities to Integrate the State Wildlife Action Plans into Improved Wetland Conservation and Restoration*. July 16-17, 2007, in Washington D.C.

Galatowitsch, S.M. and A.G. van der Valk. 1994. *Restoring Prairie Wetlands: An Ecological Approach.* Iowa State University Press, Ames.

Galatowitsch, S., A.G. van der Valk, and R.A. Budelsky. 1998. Decision-making for prairie wetland restorations. *Great Plains Research.* 8: 137-155.

Gleason, R. A., Laubham, M. K., & N.H. Euliss, J. 2008. *Ecosystem services derived from wetland conservation practices in the United States Prairie Pothole Region with an emphasis on the U.S. Department of Agriculture Conservation Reserve and Wetlands Reserve Programs*. U.S. Geological Survey Professional Paper No. 1745.

Harr, R. 2005. *Breeding bird, invertebrate, and wetland plant seed responses to USDA Farmable Wetland Program restorations in north-central Iowa and eastern South Dakota.* Iowa State University, Ames.

Hey, D. L., & Philippi, N. S. 1995. Flood reduction through wetland restoration: the Upper Mississippi River Basin as a case history. *Restoration Ecology*, 3(1):4-17.

Interagency Work Group on Wetland Restoration. 2002. *An Introduction and User's Guide to Wetland Restoration, Creation, and Enhancement.* 105pp.

Jacobson, R. 2005. *Guidelines for Restoring and Managing Native Wetland Vegetation.* Minnesota Board of Water and Soil Resources and Minnesota Department of Transportation.

Johnston, C. A., Detenbeck, N. E., & Niemi, G. J. 1990. The cumulative effect of wetlands on stream water quality and quantity: a landscape approach. *Biogeochemistry.* 10:105-141.

Knutson, M. G., Sauer, J. R., Olsen, D. A., Mossman, M. J., Hemesath, L. M., & Lannoo, M. J. 1999. Effects of landscape composition and wetland fragmentation on frog and toad abundance and species richness in Iowa and Wisconsin, USA. *Conservation Biology*, 13:1437-1446.

Kusler, J. 2003. *Wetlands and Watershed Management.* Association of State Wetland Managers.

Kusler, J., Willard, D. E., & H.C. Hull, J. 1995. Wetlands and Watershed Management: Science Applications and Public Policy. *Wetlands and Watershed Management.* Association of State Wetland Managers.

Maderik, R. A., Gagnon, S. R., & Makuch, J. R. 2006. *Wetlands in Agricultural Landscapes: A Conservation Effects Assessment Project (CEAP) Bibliography.* USDA Agricultural Research Service.

Marble, A.D. 1992. *A Guide to Wetland Functional Design.* Lewis Publishers, Ann Arbor, Michigan.

Mulholland PJ, et al. 2008. *Stream denitrification across biomes and its response to anthropogenic nitrate loading.* Nature. 452 (7184):162-3.

Paulson, J. 1994. Great Lakes wetlands restoration: linking wetlands restoration and watershed planning. *Great Lakes Wetlands*, Vernal Equinox: 1-4.

Pease, J. L., Rankin, M. L., Verdon, J., & Reisz, R. 1996. *Summary: Why landowners restore wetlands: a national survey.* Iowa State University.

Peterson BJ, et al. 2001. *Control of nitrogen export from watersheds by headwater streams.* Ecosystems Center, Marine Biological Laboratory, Woods Hole, MA. 292(5514):86 -90.

Shaw, D. 2000. *Native Vegetation in Restored and Created Wetlands: Its Establishment and Management in Minnesota and the Upper Midwest.* Minnesota Board of Water and Soil Resources.

Seitzinger S, Harrison JA, Böhlke JK, Bouwman AF, Lowrance R, Peterson B, Tobias C, Van Drecht G. 2006. *Denitrification across landscapes and waterscapes: a synthesis. Ecological Applications.* 16(6):2064–2090.

Vellidis, G., Lowrance, R., Smith, M. C., & Hubbard, R. K. 1993. Methods to assess the water quality impact of a restored riparian wetland. *Journal of Soil and Water Conservation.* 48: 223-230.

Whited, D., Galatowitsch, S., Tester, J. R., Schik, K., Lehtinen, R., & Husveth, J. 2000. The importance of local and regional factors in predicting effective conservation planning strategies for wetland bird communities in agricultural and urban landscapes. *Landscape and Urban Planning.* 49: 49-65.

Appendix E. Acknowledgements

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

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DRAFT

Board Resolution #_____
Minnesota Wetland Restoration Strategy

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

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

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

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

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

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

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

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

PERFORMANCE REVIEW AND ASSISTANCE PROGRAM

REPORT TO THE MINNESOTA STATE LEGISLATURE

DRAFT

FEBRUARY 2009

Minnesota Board of Water & Soil Resources

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About this Report

This report has been prepared for the Minnesota State Legislature by the Minnesota Board of Water and Soil Resources (BWSR) in partial fulfillment of the requirements of Minnesota Statutes Chapter 103B.102, subdivision 3. This statute requires BWSR to provide designated legislative committees with "an analysis of local water management entity performance" each year. This is the second report prepared by BWSR for this purpose.

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G. 2008 LGU Performance Awards and Recognition

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Executive Summary

Program Objectives

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

Program Results

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

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

Plan Implementation Progress

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

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

Proposed Changes for 2009

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

Introduction

From Design to Implementation

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

Multi-level, Multi-Phase Process

PRAP has three operational components:

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

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

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

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

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

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

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

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

The Two Sides of Accountability

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

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

Guiding Principles

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

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

Performance Review of PRAP

BWSR's Accountability

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

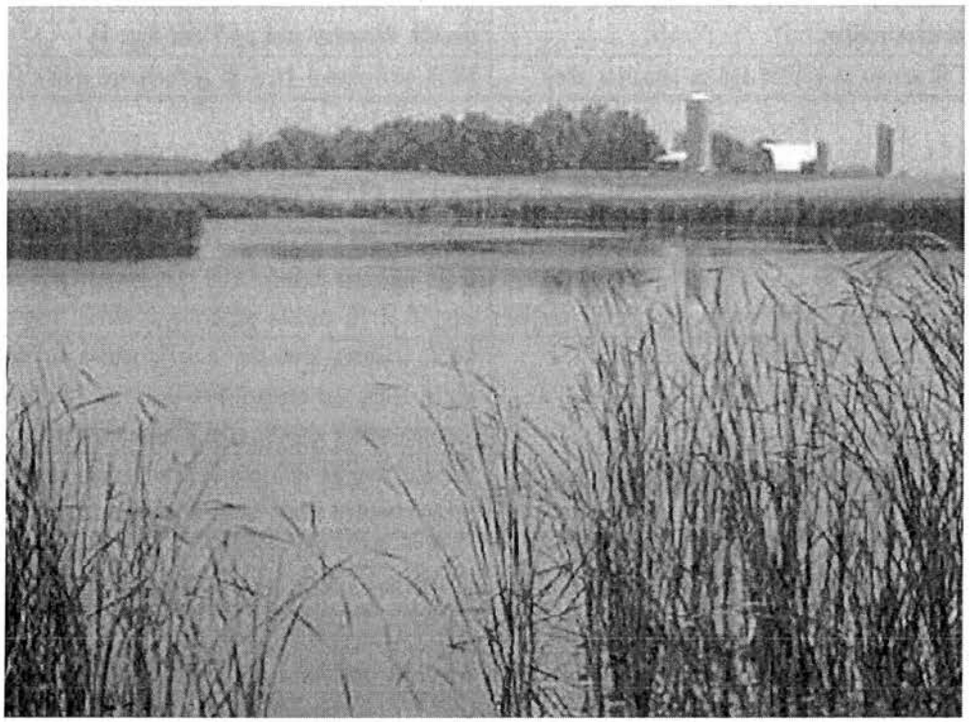
BWSR'S PERFORMANCE REVIEW ACTIVITIES	
What We Proposed	**What We Did**
Send notification letters to LGUs with overdue and expiring plan revisions	BWSR sent 25+ notifications of overdue LGU plan revisions
Send notification letters to LGUs with late audits	BWSR sent 30+ notifications to LGUs with late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

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

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

PRAP Advisory Team

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



Performance Review Results

2008 Performance Review

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

Level I Results

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

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

Summary of Level I Results

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

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

Level II Results

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

Selection Criteria for Level II LGUs

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

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

2008 Level II Pilot LGUs

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

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

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

Level III Results

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

Level IV Results

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

General Monitoring of LGU Performance

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

PRAP Program Costs

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

Ranges of Time Required for PRAP
Level II Reviews per LGU

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

Level III Review and Assistance
BWSR Staff only

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

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

Reporting

Purpose of Reports

The purpose of reporting on LGU performance is threefold:

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

Report Types

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

LGU-generated

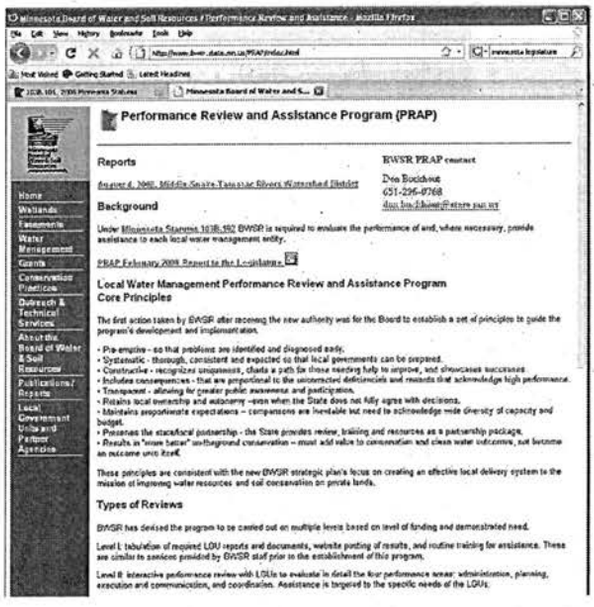
These include information posted routinely on the LGU's web-site and the required or voluntary reports submitted to BWSR, other units of government and the public about fiscal status, plans, programs and activities.

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

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

BWSR Website

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



Annual Legislative Report

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

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

Rewards and Recognition

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



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

Program Revisions

Changes During the Year

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

Changes for 2009

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

NEW PRAP Elements

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

MODIFIED PRAP Elements

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

CONTINUED PRAP Elements

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

Challenges Long-Term

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

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

Appendices

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

Appendix A

103B.102, Minnesota Statutes 2007

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103B.102 LOCAL WATER MANAGEMENT ACCOUNTABILITY AND OVERSIGHT.

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

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

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

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

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

History: *2007 c 57 art 1 s 104*

Appendix B

PERFORMANCE REVIEW AND ASSISTANCE PROGRAM ADVISORY TEAM MEMBERS

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

Appendix C

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

Soil and Water Conservation Districts

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

District Comprehensive Plan Expired
none

Counties

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

Watershed Districts

Management Plan Revision Overdue: No Action
Belle Creek
Bear Valley

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

Watershed Management Organizations

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

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

Appendix D

Level I: Soil and Water Conservation Districts without Websites

Meeker

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

2008 Performance Review

Level II (Pilot): Summary of Full Report

LGU: Coon Creek Watershed District

Anoka County



Summary of Conclusions:

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

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

Recommendations:

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

Summary of LGU Response:

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

Recommendation 2 Response: The CCWD will

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

Recommendation 3 Response: None

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

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

2008 Performance Review

Level II (Pilot): Summary of Full Report

LGU: Crow Wing SWCD



Summary of Conclusions:

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

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

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

Recommendations:

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

Summary of LGU Response:

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

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

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

2008 Performance Review

Level II (Pilot): Summary of Full Report

LGU: Jackson SWCD



Summary of Conclusions:

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

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

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

Recommendations:

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

LGU Response:

1) *Cross-reference Comprehensive Plan in Annual Plans and Reports.* The SWCD intends to reference our annual plans and reports specific to local plan goals, objectives and actions for which we are responsible.
2) *Adopt By-laws and Operation Guidelines.* It is our intention to develop a by-laws document which will contain our operational guidelines unique to our District.
3) *Conduct a Stakeholder Survey.* We intend, at some point, to conduct a survey perhaps in coordination with our partners in the District or potentially as an insert in a newsletter.

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

2008 Performance Review

Level II (Pilot): Summary of Full Report

LGU: Mille Lacs County

Local Water Planning



Summary of Conclusions:

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

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

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

Recommendations:

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

Summary of LGU Response:

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

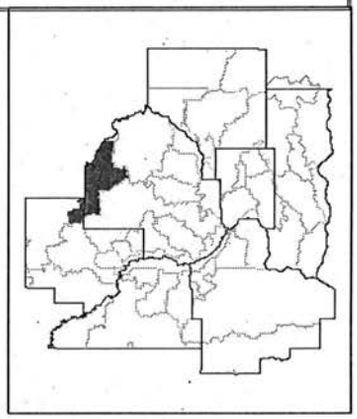
In addition, the county is taking steps to make the website link to the county local water plan easily accessible.

2008 Performance Review

Level II (Pilot): Summary of Full Report

LGU: Pioneer Sarah Creek Watershed Management Commission

Wright, Carver and Hennepin Counties



Summary of Conclusions:

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

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

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

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

Recommendations:

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

Summary of LGU Response:

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

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

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

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

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

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

2008 Performance Review

Level II (Pilot): Summary of Full Report

LGU: Renville County
Local Water Planning



Summary of Conclusions:

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

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

Recommendations:

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

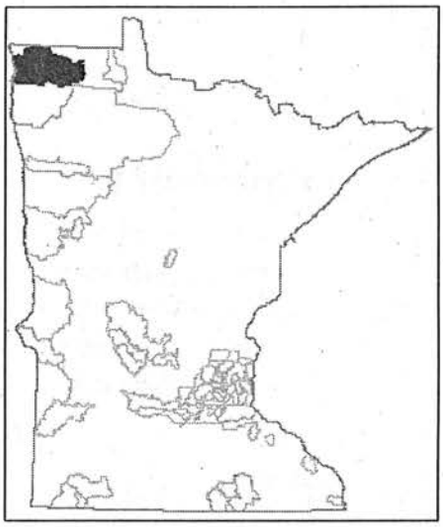
Summary of LGU Response:

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

2008 Performance Review

Level II (Pilot): Summary of Full Report

LGU: Two Rivers Watershed District
Kittson & Roseau Counties



Summary of Conclusions:

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

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

Recommendations:

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

Summary of LGU Response:

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

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

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

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

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

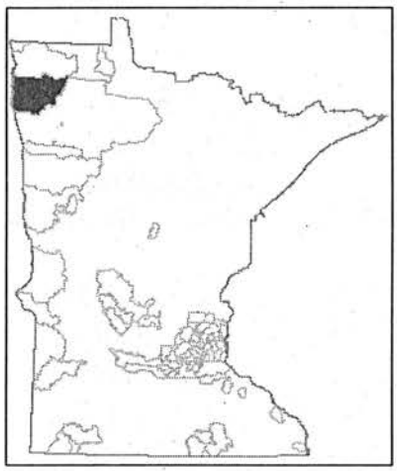
2008 Performance Review

Level II (Pilot): Summary of Full Report

LGU: Middle Snake Tamarac Rivers Watershed District

Marshall, Polk, Roseau, Pennington, Kittson Counties

Summary of Conclusions:



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

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

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

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

Recommendations:

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

Summary of LGU Response:

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

SOIL AND WATER CONSERVATION DISTRICT PERFORMANCE STANDARDS

LGU Name: _____

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

METRO WATERSHED DISTRICT PERFORMANCE STANDARDS

LGU Name: _____

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

GREATER MN WATERSHED DISTRICT PERFORMANCE STANDARDS

LGU Name: _____

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

COUNTY LOCAL WATER PLANNING PERFORMANCE STANDARDS

LGU Name: _____

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

WATERSHED MANAGEMENT ORGANIZATION PERFORMANCE STANDARDS

LGU Name: _____

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

Appendix G

2008 Local Government Unit Performance Awards and Recognition

Governor's Minnesota Great Award
Rice Creek Watershed District

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

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

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

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

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

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

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

DNR Appreciation Award
Renville County SWCD

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

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

Board Resolution # _____

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

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

WHEREAS, according to Minnesota Statutes Chapter 103B.102, Subdivision 3, beginning February 1, 2008, and annually thereafter, the Board shall provide an analysis of local water management entity performance to the chairs of the house and senate committees having jurisdiction over environment and natural resources policy, and

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

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

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

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

_____ Date: _____

Randy Kramer, Chair
Board of Water and Soil Resources

FOR YOUR INFORMATION

January 28, 2009

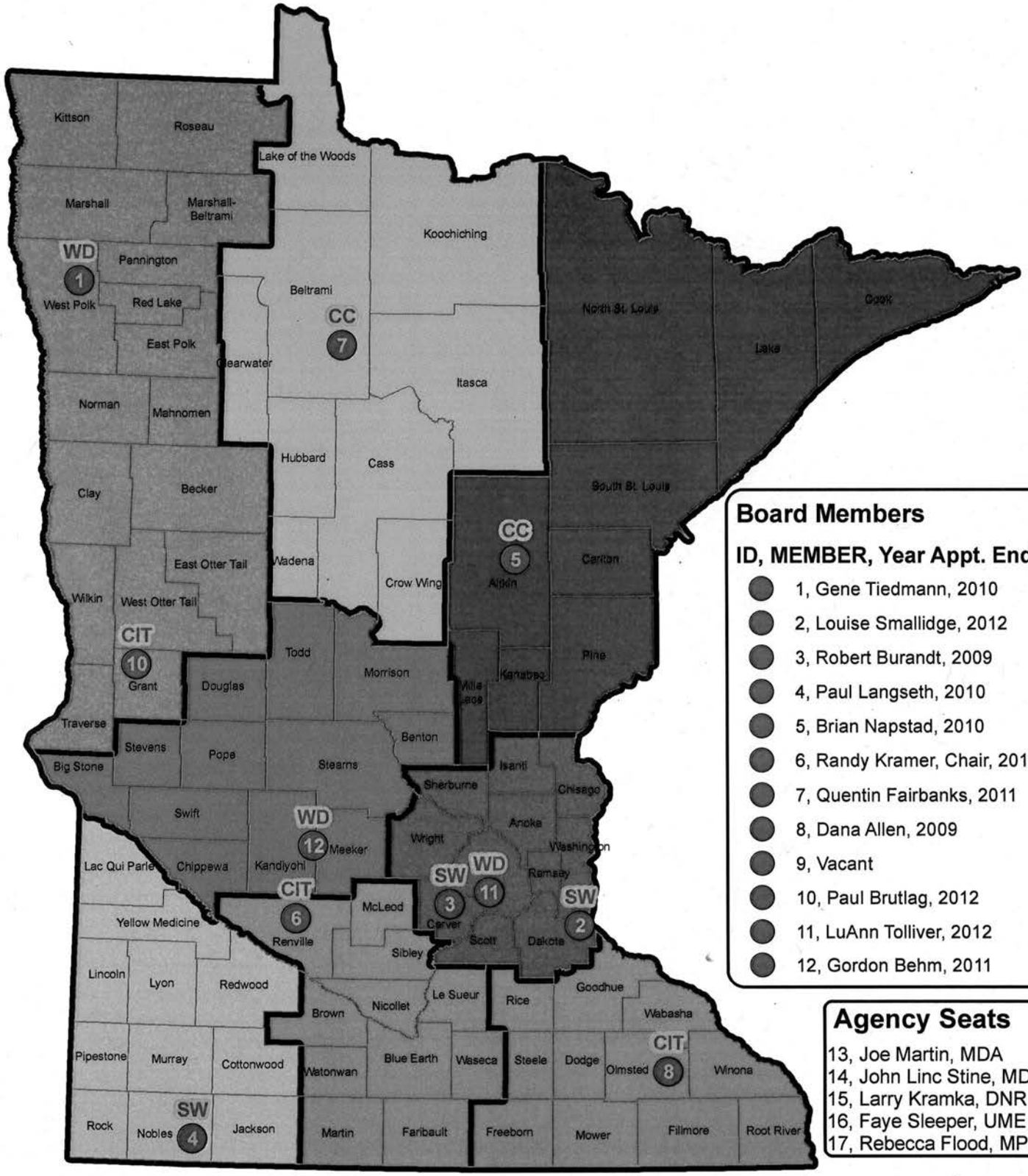
- BWSR Appointed Member Location Map 2009

- BWSR Committees - January 2009

- IRS Mileage Rate

- Northeast Minnesota Wetland Mitigation Inventory and Assessment
  Phase 1: Final Inventory Report
  Prepared for BWSR, January 2009
  (This is follow-up from the December 17, 2008 BWSR Meeting)

Board of Water and Soil Resources
Appointed Member Location Map (2009)



Board Members

ID, MEMBER, Year Appt. Ends

- 1, Gene Tiedmann, 2010
- 2, Louise Smallidge, 2012
- 3, Robert Burandt, 2009
- 4, Paul Langseth, 2010
- 5, Brian Napstad, 2010
- 6, Randy Kramer, Chair, 2011
- 7, Quentin Fairbanks, 2011
- 8, Dana Allen, 2009
- 9, Vacant
- 10, Paul Brutlag, 2012
- 11, LuAnn Tolliver, 2012
- 12, Gordon Behm, 2011

Agency Seats

13, Joe Martin, MDA
14, John Linc Stine, MDH
15, Larry Kramka, DNR
16, Faye Sleeper, UME
17, Rebecca Flood, MPCA

MASWCD Area

At least one member must be from each MASWCD area of the State

CIT - Citizen
CC - County Commissioner
SW - Soil & Water Conservation District Supervisor
WD - Watershed District

BOARD OF WATER AND SOIL RESOURCES
COMMITTEES
January 2009

ADMINISTRATIVE ADVISORY COMMITTEE

Membership:	Randy Kramer, chair	citizen
	Paul Brutlag, vice-chair	citizen
	Louise Smallidge	soil & water conservation district
	Brian Napstad	county commissioner
	LuAnn Tolliver	watershed district/WMO
	John Jaschke	staff
	Mary Jo Anderson	staff

Responsibility:

The administrative advisory committee consists of the Board's chair and vice-chair and the chairs of the Board's standing committees. The administrative advisory committee will make evaluations and recommendations to the Board on various Board issues including ethics; expenses/per diem; bylaws; and legislation and budgets. The Administrative Advisory Committee will act as the personnel committee for personnel actions relating to the Board's executive director. The chairman may include additional members ad hoc to address special or unique topics or issues.

Meetings: The committee will meet at the call of the chair.

DISPUTE RESOLUTION COMMITTEE (DRC)

Membership:	Randy Kramer, chair	citizen
	Paul Brutlag	citizen
	LuAnn Tolliver	watershed district/WMO
	Quentin Fairbanks	county commissioner
	Louise Smallidge	soil & water conservation district
	Travis Germundson/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
	Vacant	county commissioner
	Bob Burandt	soil & water conservation district
	Paul Langseth	soil & water conservation district
	Gene Tiedemann	watershed district/WMO
	Joe Martin	Department of Agriculture
	Rebecca Flood	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
	Gordon Behm	watershed district/WMO
	Dana Allen	citizen
	Paul Langseth	soil & water conservation district
	Faye Sleeper	University of Minnesota Extension
	Jon Fure	staff lead
	Steve Woods	SMT staff

Responsibility:

The Public Relations, Outreach and Strategic Planning Committee is responsible for the development of strategic and outreach strategies and plans for the Board including identification of key outcomes, partnerships and opportunities.

Meetings: *Committee will meet twice a year or at the call of the chair.*

RIM RESERVE PLANNING COMMITTEE (April 2007)

Membership:	Paul Brutlag, chair	citizen
	Dana Allen	citizen
	Gene Tiedemann	watershed district/WMO
	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 – vacant
metro – Bob Burandt

North (4)
Quentin Fairbanks - CC
Paul Brutlag – CIT
Gordon Behm - WD
Brian Napstad – CC
Gene Tiedemann – WD
Wayne Edgerton – DNR
Ron Shelito, SMT staff

South (4)
vacant – CC
Dana Allen – CIT
Randy Kramer – CIT
Paul Langseth – SWCD
Joe Martin – MDA
Dan Wilson – MDH
Jeff Nielsen, SMT staff

Metro (3)
Bob Burandt – SWCD
Louise Smallidge – SWCD
LuAnn Tolliver – WD
Faye Sleeper – UM/Extension
Rebecca Flood – PCA
Jim Haertel, SMT staff

Responsibility:

The committee has the responsibility to review county water plans, water management organization plans, watershed district overall plans, comprehensive wetland plans, and amendments to same and to advise the Board on the adequacy of the plans.

Meetings:

*The committee will meet as necessary to review the local plans and amendments. A **majority** of the committee members must be present. The BWSR northern, southern, and metro regional supervisors will coordinate meeting schedules with members.*

CC = county commissioner
CIT = citizen
SWCD = soil and water conservation district
WD = watershed district
WMO = watershed management organization

WETLANDS COMMITTEE

Membership:	LuAnn Tolliver, chair	watershed district/WMO
	Paul Brutlag	citizen
	Bob Burandt	soil and water conservation district
	Gordon Behm	watershed district/WMO
	Vacant	county commissioner
	Brian Napstad	county commissioner
	Gene Tiedemann	watershed district/WMO
	Larry Kramka	Department of Natural Resources
	Joe Martin	Department of Agriculture
	Rebecca Flood	Pollution Control Agency
	Les Lemm	WCA Coordinator, staff lead
	Dave Weirens	SMT staff

Responsibility:

The Wetlands Committee is responsible for reviewing Wetland Conservation Act (WCA) and wetland banking rules, policies, guidelines and projects and making recommendations to the Board.

Meetings: The committee will meet twice during the year or at the call of the chair.

STATUTORY COMMITTEES

Committee: Committee on Wells and Borings

Membership: Eric Mohring, staff lead; Board members assigned by Chairman as needed

Responsibility:

Interest and availability with regard to Advisory Council on Wells and Borings and Pesticide Advisory Committee. Policy issues will be brought before the Board for discussion as a new business agenda item.

Meetings: The committee will meet when necessary.

GENERAL COMMITTEE MEETING SCHEDULE

*The Board has adopted a resolution that **committees shall schedule meetings in conjunction with monthly Board meetings as much as possible.** A majority of each committee's membership should be available for a scheduled meeting. The committee chair and staff are expected to develop an agenda and staff are responsible for keeping minutes of the committee proceedings. The committee meetings are considered to be **public meetings** under the open meeting law and therefore must be noticed in the same manner as regular board meetings. All committee agendas should be e-mailed to Mary Jo Anderson for appropriate notice posting.*

Advisory members have offered to serve and may serve on BWSR committees as non-voting members and provide assistance as needed.

Advisory members:

Local Government Partners

- *Association of Minnesota Counties (AMC) – Annalee Garletz*
- *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 Agricultural Water Resources Coalition – Warren Formo, Director*
- *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) – Mike Wyatt*

December 17- IRS Mileage Rate

DATE: December 17, 2008

TO: Agency Payroll, HR and Accounting Staff

FROM: Mary Muellner, Director Statewide Payroll Services

SUBJ: IRS Mileage Rate

The standard IRS mileage rate for the business use of an automobile will decrease on January 1, 2009, from 58.5 cents per mile to **55.0 cents per mile.** (For trips that cross calendar years, be sure to use the 2008 rate for miles driven in 2008, and the 2009 rate for miles driven in 2009.)

Most bargaining agreements and compensation plans refer to this IRS mileage rate when outlining expense allowances. Be sure to consult bargaining agreements and compensation plans for the **difference** between:

· the reimbursement rate when a state vehicle **is not available** and an employee is required to use his or her own personal automobile.

· the reimbursement rate when a state vehicle **is offered, but is declined** by the employee.

The two-rate policy is still in effect, even though currently many state offices do not have state vehicles at their disposal for state travel. Agencies that do not have motor pool vehicles assigned to the agency will reimburse employees at the higher rate, as long as they do not have a state vehicle available. The two rates are included in most bargaining agreements and compensation plans.

Please refer to bargaining agreements and compensation plans regarding reimbursement rates for the business use of a specially equipped vehicle, motorcycle or personal aircraft.

SEMA4 users can use the Business Expense Mileage Rates page to view previous and current IRS mileage rates. Select Payroll > Business Expense > Business Expense Mileage Rates. (Note: The IRS rate is not affected by whether the mileage is considered In State or Out State.)

Agency payroll, HR and accounting staff should contact Jeff Moe in Statewide Payroll Services at 651-201-8063 or jeff.moe@state.mn.us if there are questions.

PLEASE SHARE THIS INFORMATION WITH APPROPRIATE AGENCY STAFF.

Northeast Minnesota Wetland Mitigation Inventory and Assessment Phase 1: Final Inventory Report

Prepared for
The Board of Water and Soil Resources (BWSR)

January 2009

BARR

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January 2009

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Northeast Minnesota
Wetland Mitigation Inventory & Assessment
Phase 1: Final Inventory Report

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1.0 Executive Summary

The Northeast Minnesota Wetland Mitigation Inventory and Assessment Project is a two phase project to identify potential wetland mitigation opportunities located in northeastern Minnesota and analyze those opportunities to develop goals and priorities. Both phases of the project are designed to only address the technical aspects of wetland mitigation, analysis of policy related issues are beyond the scope of this project. Phase 1 is designed to identify potential wetland mitigation sites and inventory and assess mineland wetlands and Phase 2 will assess siting recommendations based on priorities, including but not limited to: mitigation types/methods, water quality, proximity to impaired waters, technical feasibility and wetland functions.

1.1 Inventory Results

The GIS analysis indicates approximately 8,400 potential wetland mitigation sites representing a total area of approximately 1,117,000 acres. When applying the typical regulatory credit for each mitigation method (indicated below) the credit potential drops to approximately 533,000 acres (less than half of the total potential).

- Restoration Credit: 50 – 100%
- Preservation Credit : 12.5%
- Enhancement Credit: 12.5%
- Creation Credit: 75%

To fully evaluate the true potential of available wetland mitigation in the study area, one must consider sites with high potential and landowner acceptance. Each of these factors was evaluated during the field verification analysis conducted as part of Phase I. When applying a factor of 13% and 11% for technical feasibility and landowner acceptance, respectively, the total available potential credit identified by the GIS analysis and field verification is approximately 8,000 acres or approximately 7% of the acreage identified by the GIS analysis. The breakdown of the GIS analysis by mitigation method is:

- Restoration = 7,500 acres
- Preservation/ENRV = 100 acres
- Enhancement = 100 acres
- Creation = 300 acres

1.2 Inventory Development Process

The purpose of Phase 1 is to gather baseline historical data to develop an initial understanding of the existing wetland resources and conduct a regional assessment of potential opportunities for wetland restoration, enhancement, preservation and creation within the 18 counties containing more than 80 percent of their historic wetlands. The Phase 1 report is intended to provide documentation of the process, methods, and results; including discussion of the project study area, the participants and outcomes of public outreach meeting, the inventory methodologies, the outcome of the study, and prioritization factors.

During Phase I of the project, a technical committee was convened to provide review and guidance over the inventory process. Wetland stakeholders were also consulted to gather feedback on the major components of the study and to provide information on local issues which could impact the success of the project.

Based on the technical committee and stakeholder feedback, four general categories of mitigation methods were evaluated: wetland restoration, preservation, enhancement, and creation. A GIS model analysis was conducted utilizing existing data sources to identify potential wetland mitigation opportunities within the project area. Potential wetland mitigation sites were identified throughout the study area.

Approximately three percent of the potential mitigation opportunities spread across 17 of the 18 counties have been evaluated in the field to determine the accuracy of the modeling methods and to sample landowner interest. The field verification was performed by Soil and Water Conservation Districts and other Local Government Units. Approximate locations of field verification sites for each mitigation method are shown in Figure 6. The results of the field efforts indicated approximately 13 percent of the sites evaluated had a high technical feasibility rating (Figure 7). However, landowners expressed interest in wetland mitigation only 11 percent of the time. Over 98 percent of the potential wetland mitigation acres identified are associated with wetland mitigation methods that would only qualify for partial credit ranging from 12.5 percent to 75 percent. In addition, more than 50 percent of the total potential mitigation acreage identified was on sites determined to be farmed wetlands, many of which may not qualify for credit or may only yield limited credit under state mitigation guidelines.

The mineland inventory study area includes a much smaller subset area encompassing the Mesabi Iron Range mining corridor that extends from west of Grand Rapids to south of Ely (Figure 2). The mineland water resources inventory analysis identified nearly 2,000 wetlands and water bodies covering nearly 23,000 acres. Approximately 4,000 acres of wetlands were identified that have developed on former minelands along with nearly 6,000 acres of mine pit waters and 13,000 acres of natural wetlands located adjacent to mine features.

A sample of approximately 6 percent of those water mineland features were field verified and their functions assessed using the Minnesota Routine Assessment Method for Evaluating Wetland Functions. Approximately 27 percent of the wetlands assessed were rated exceptional or high for vegetative diversity/integrity. All wetlands associated with uncategorized mine features and all mine pits were rated low or moderate for vegetative diversity/integrity. Over 95 percent of wetlands assessed were rated moderate or higher for wildlife habitat, maintenance of hydrologic regime, flood storage, and maintenance of downstream water quality. The results show that there is the potential for developing sustainable, quality wetlands on reclaimed minelands providing important functions and values.

Prioritization factors are a key component of the assessment and will be carried over into Phase 2. The technical committee and the stakeholder group concluded that it is important to have the ability to sort data by prioritization factors. The prioritization factors considered include: potential wetland mitigation types, wetland mitigation method, wetland mitigation site size, land ownership, landowner interest, water quality, proximity to impaired waters, technical feasibility, and watershed location. The potential wetland mitigation opportunities will be analyzed in the context of these prioritization factors during Phase 2 of the project.

2.0 Introduction

The Northeast Minnesota Wetland Mitigation and Assessment Project is a two phase project to identify potential wetland mitigation opportunities located in northeastern Minnesota and analyze those opportunities to develop goals and priorities. In 2006, interested parties from federal, state and local agencies; mining groups; consultants; environmental groups; wetland mitigation bankers; and others met as an ad hoc committee to discuss northeastern Minnesota's current and future wetland mitigation needs and challenges and to develop a wetland mitigation strategy (Strategy) to address those challenges.

Northeastern Minnesota faces unique challenges for wetland mitigation due to several factors, namely:

- The presence of extensive wetland resources,
- Approximately 57 percent of land is in public (federal and state) and tribal ownership,
- Few established wetland mitigation banks currently exist,
- A perceived lack of traditional wetland mitigation opportunities exist, and
- The need for approximately 550 acres of wetland mitigation is projected annually in the foreseeable future.

The ad hoc committee met numerous times over nearly two years to map out a Strategy. Several stakeholder meetings were held throughout the process to get input on the proposed strategy. The strategy included five main recommendations:

- Conduct a regional wetland mitigation inventory to determine the availability of wetland mitigation opportunities in the region.
- Conduct a regional mitigation siting study to summarize the results of the regional inventory and help to streamline mitigation planning in the region.
- Develop a northeastern Minnesota wetland bank cooperative – a third party to coordinate, promote, and develop wetland banking within the region.
- Compile up-to-date knowledge or research on non-traditional mitigation methods
- Update the National Wetlands Inventory for northeastern Minnesota

Following discussions with northeastern Minnesota legislators, a legislative bill was introduced to fund the regional wetland mitigation inventory and the mitigation siting study. In 2007, after receiving stakeholders' testimony the Legislature funded the inventory and the siting study recommendations through a two-year appropriation to the Board of Water and Soil Resources (BWSR) for 2008-2009.

This Phase 1 final inventory report to BWSR is intended to provide documentation of the first phase of the project, the wetland mitigation inventory. This report includes documentation of the process, methods, and results; including discussion of the project study area, the participants and outcomes of public outreach meetings, the inventory methodologies, the outcome of the study, and prioritization factors.

The project team consists of numerous organizations including: Barr Engineering Company (Barr), Community GIS Services, BWSR, numerous Soil and Water Conservation Districts (SWCD), and Local Government Units (LGU) in the region. Barr is the project leader working under the direction of BWSR. Community GIS Services provides GIS services for the project. The SWCDs, LGUs, and a consultant have conducted field assessment services under the direction of BWSR.

3.0 Project Purpose and Goals

3.1 Wetland Mitigation Inventory

The Strategy concluded that there were inherent difficulties in planning wetland mitigation in northeastern Minnesota due to a perceived shortage of traditional wetland mitigation opportunities compounded by significant future demand. Therefore, the primary purpose of the wetland mitigation inventory was to conduct a comprehensive search for potential wetland mitigation opportunities in each of the 18 counties identified as containing greater than 80 percent of their pre-settlement wetlands in northern Minnesota (Figure 1).

There is a growing concern for the protection of stream and lake water quality with an understanding of the important role wetlands play in watershed processes. Therefore, the wetland mitigation inventory has been conducted with a watershed emphasis to identify watershed and water quality improvement opportunities within the study area. Baseline data was collected to develop an initial understanding of the existing wetland resources and a regional assessment was conducted of potential opportunities for wetland restoration, enhancement, preservation and creation. The intent of this study is to use existing data to identify potential wetland mitigation opportunities and verify and assess the technical feasibility of a limited sampling of sites in the field.

3.2 Mineland Wetland Inventory and Assessment

Present and future mining operations have the potential to affect large areas of wetlands, thus requiring significant wetland mitigation. With the perceived lack of mitigation opportunities within the Mesabi Iron Range watersheds, wetland development on mining properties during reclamation can be one strategy to maintain wetland functions in the affected watersheds. Therefore, the purpose of the mineland inventory and assessment is to gain a better understanding of the potential for wetland development on reclaimed minelands by conducting an inventory of wetlands that have developed on former minelands and assessing the functions of those wetlands. The project team developed a preliminary inventory of potential wetland and water resources, reviewed it with the Technical Committee for further guidance, and embarked on field verification efforts to verify the existence of those resources and assess the wetland functions. The functions and values of a representative sample of wetlands identified were assessed in the field utilizing the Minnesota Routine Assessment Method for Evaluating Wetland Functions (MNRAM) Version 3.2.

4.0 Technical Committee

The project team assembled a Technical Committee to provide technical review and guidance of the inventory process. The Committee included representatives of BWSR, the Minnesota Department of Natural Resources (MNDNR), the University of Minnesota's Natural Resources Research Institute (NRRI), the U.S. Army Corps of Engineers (COE), the U.S. Fish and Wildlife Service (USFWS), the Minnesota Pollution Control Agency (MPCA), and the St. Louis County Land Department. A complete list of the Technical Committee is found in Appendix G.

The Technical Committee provided input on:

- Project Study Area,
- Data sources,
- GIS modeling and methodologies for evaluating mitigation sites,
- Mitigation methods to be evaluated,
- Regional needs and the prioritization of geographic areas to be studied,
- Field verification of GIS modeling data and collection protocols, and
- Mineland water resource GIS modeling and assessment methodologies.

5.0 Project Study Area

5.1 Wetland Mitigation Inventory

The scope of the project includes all 18 counties defined in the Wetland Conservation Act as containing greater than 80 percent of the historic wetland resources. Regulatory agencies also recognize Bank Service Areas, encompassing larger watershed areas as acceptable areas for utilizing wetland bank credits for compensatory wetland mitigation (Figure 1).

5.2 Mineland Wetland Inventory and Assessment

The mineland inventory study area includes a much smaller subset area encompassing the Mesabi Iron Range mining corridor that extends from west of Grand Rapids to south of Ely (Figure 2). The Mesabi Iron Range is active today with many mining operations currently underway and some currently developing and expanding. The inventory identified wetlands and water resources that have developed within the inactive portions of the mining study area. The Cuyuna Range was evaluated to determine if it would be appropriate for inclusion in the study area. It was determined to be invalid due to the fact that the mining methods utilized there were considerably different from those used today and would not provide valuable information for today's mining operations.

The potential extent of the mineland study area was initially identified as the area encompassing mine operations documented in the MNDNR 2007 mine features GIS layer. Those features were then outlined to develop a contiguous area. The final step in identifying the study area involved removing actively permitted mine operations (based on MNDNR data) from the previously defined area. The resulting study area encompasses approximately 192 square miles (Figure 2).

6.0 Data Sources

6.1 Inventory Data Sources

The following list of data sources were used to construct a geographic information system (GIS) model to identify and assess the wetland mitigation opportunities within the project study area. This information included the following data sets obtained from the Minnesota DNR Data Deli and county sources.

1. USGS 30-Meter digital elevation model (DEM)

   Slope percentages were calculated for all counties and areas of 1% slope or less were extracted except St. Louis, Lake, and Cook counties where areas of 4% slope or less were extracted.

2. NRCS SSURGO 2.2 Soil Surveys

   All hydric soils were extracted from the SURGO certified soil surveys. Database queries were run to identify the hydric soils and hydrologic soil groups. The resulting dataset is a hybrid of the hydric soils and hydrologic soil groups that have a water table within 1 foot of the ground surface during at least fifty percent of the growing season. Some counties within the project area did not have a completed soil survey at the time of the analysis. In those areas, geomorphology data was used as a substitute for hydric soil information.

3. MN DNR Geomorphology

   Areas containing attributes of peat, alluvial, lacustrine, outwash plains, and flat areas such as marshes and bogs were identified in counties with incomplete soil surveys as a substitute for hydric soils.

4. USGS 2001 National Land Cover Data (NLCD)

   Lowland attributes were identified and extracted from the dataset. These attributes included scrub shrub, woody wetlands, and emergent herbaceous wetlands.

5. MN DNR GAP Land Cover Data (Vector Data)

   Lowland attributes were identified and extracted from the dataset. These attributes included lowland deciduous shrub, lowland evergreen shrub, floating aquatic, sedge meadow, broadleaf sedge/cattail, balsam fir mix, lowland black spruce, stagnant black spruce, tamarack, stagnant tamarack, lowland northern white cedar, stagnant northern white cedar, stagnant conifer, aspen/birch, black ash, lowland deciduous, lowland conifer/deciduous mix)

6. Manitoba Land Cover

   Agriculture, development, gravel pits, and wetlands attributes were extracted from the dataset. These attributes included: cultivated land, grassland, development, gravel pits, and wetlands.

7. International Coalition Land Cover

Agriculture, development, gravel pits, and wetland attributes were extracted from the dataset. These attributes included: cultivated land, pasture and hay land, transitional agricultural land, grassland, development, gravel pits, and wetlands.

8. National Wetlands Inventory (NWI)

   NWI systems of Palustrine and Riverine were extracted from the dataset.

9. FEMA Floodplains

   100 and 500-year floodplains were identified and extracted from the dataset. Any floodplains that were categorized as being open water were excluded.

10. County Boundaries

11. Major Watershed Boundaries

    Major watershed boundaries were identified and extracted from the dataset along with major basins also known as Wetland Bank Service Areas.

12. Property Ownership

    Ownership was identified and divided into federal, state, county, private and private industrial.

13. Ditches and Streams

14. Aerial Photography

15. Invasive Species

    The only available data for invasive species was point data received from the MNDNR for purple loosestrife.

16. Endangered and Threatened Species

17. Impaired Waters (including TMDL Streams, Lakes, and Wetlands)

Various attributes of the slope, hydric soils, land cover, NWI and floodplain data layers were selected to create a "potential historic wetland areas" base layer. Then other attributes were intersected with the base layer to identify the potential wetland mitigation opportunities. Available metadata for each dataset is provided in Appendix A. The methods and process of putting the data together is described Appendix B.

6.2 Potential Data Sources for Future Mitigation Planning

Several types of data pursued during the course of this study to assist in identifying potential wetland mitigation opportunities, were found to not be available. This lack of available data eliminated the potential for identifying opportunities related to several mitigation methods. These data sources

could prove valuable for future mitigation planning efforts, whether conducted at the local or regional level. Several of these data sources are described below:

1. Abandoned Infrastructure

   Roads, railroads, trails, or other infrastructure that is no longer utilized or is not planned for future use. This data could assist in identifying opportunities for wetland fill removal and restoration of wetlands.

2. Invasive Species Identification

   Remote sensing methods have been developed in Wisconsin and Michigan to identify reed canary grass, a nonnative, invasive species. Analysis of the study area using this methodology could provide the ability to more comprehensively identify wetlands degraded by invasive species.

3. Beaver Dam Inventory

   An inventory of beaver dams could assist in determining where more permanent restoration methods could be employed to ensure sustainable, characteristic wetland hydrology and related functions. In addition, this data could assis in identifying areas where the natural hydrology of high value wetlands has been altered (e.g., by impoundment and flooding or starving downstream wetlands of normal hydrology).

4. Entrenched Streams/Starved Floodplains

   Streams that have been significantly downcut due to upstream, human-induced hydrologic modifications can result in a reduction in hydrology to associated floodplain wetlands. Therefore, an inventory of such features could assist in identifying opportunities to restore upstream watershed characteristics and stream channel characteristics to restore floodplain wetlands.

5. State/County Forest Inventory

   Detailed forest inventory data based on field verification may provide more accurate identification of white cedar swamps as potential wetland preservation/enhancement sites.

6.3 Mineland Wetland Inventory and Assessment

The mineland wetland and water resource inventory started with the compilation of existing data to assist in identifying potential wetlands and water bodies. The following data sources were overlaid in GIS to identify potential wetland and water resources that have developed on former minelands:

- 2007 MNDNR Mine Features

  Active and inactive iron mining features such as pits, stockpiles and tailings basins located along the Mesabi Iron Range.

- 1997 Mesabi elevation contours

  Aerial topography commissioned by the MNDNR for the entire Mesabi Iron Range, including 5 foot contours

- Municipal Boundaries

- National Wetland Inventory

- 2006 Aerial Photography

  Orthorectified, color aerial topography taken in 2003, leaf-on with mature crops prior to harvest

Since the NWI was conducted in the late 1970s to early 1980s, that wetland mapping may no longer accurately depict wetlands that have developed on former minelands. Therefore, interpretation of recent aerial photography was utilized to augment the NWI data. A sample field map is shown in Figure 8.

7.0 Methods

7.1 Wetland Mitigation Inventory Methods

Wetland mitigation methods were identified and reviewed with the members of the Technical Committee. The project team and Technical Committee used Minnesota Rules MN 8420.0541 Actions Eligible for Credit and the proposed 2008-2009 Rule amendments as a guide in this process. The Committee provided many creative suggestions about potential mitigation methods which were divided into four general categories: restoration, preservation, enhancement, and creation. The approximate, maximum, allowable mitigation credit percentages are illustrated for each mitigation method in Table 7.

A search was conducted to identify existing digital data sources that would assist in identifying potential mitigation opportunities within each of the accepted methods. Opportunities for some of the suggested mitigation methods (e.g., abandoned roads and trails, entrenched streams/starved floodplains, beaver dams, etc.) could not be consistently identified because there was insufficient data available. Only existing digital data sources were used in compiling GIS data for the modeling.

7.1.1 Historic Wetland Identification

The GIS modeling analysis started with the development of a historic wetland layer. Six main data layers, indicative of historic wetland conditions, were layered in GIS and analyzed to document where features from multiple data sets overlapped (Appendix B). The purpose of this analysis was to identify likely historic wetland areas as a baseline for assisting with the identification of potential wetland mitigation opportunities. More overlapping data layers indicated a higher likelihood of historic wetland conditions.

Following the development of the historic wetland mapping layer, GIS modeling routines were established to identify potential wetland mitigation opportunities for each mitigation method. In general, the historic wetland layer was overlaid with other data to identify potential mitigation sites based on the criteria described in Appendix C. The Technical Committee recommended a minimum potential mitigation site size for the analysis. For restoration sites, a minimum size for polygons of 20 acres or more was recommended. For other methods, a five acre minimum size for sites was suggested. Potential wetland mitigation sites with 5 acres of potential or more, were identified and compiled during the GIS modeling. However, it is important to consider the feasibility of smaller potential mitigation sites for methods that only qualify for partial credit. For example, wetland

preservation is generally only allocated 12.5 percent credit for the area preserved, so a five acre site would only yield 0.6 acres of credit.

7.1.2 Wetland Mitigation Methods Evaluated

The following is a list of the mitigation methods that were evaluated and the general criteria utilized to identify potential mitigation sites:

- **Restoration of Wetlands:** Restoration of existing or former wetlands.
    - **Drained Wetlands** – wetlands with ditches greater than 2' deep spaced closer than 300' or tile drained (where hydrology has likely been removed)
    - **Partially Drained Wetlands** – wetlands with ditches less than 2' deep or with ditches greater than 300' apart (where hydrology has only partly been removed)
    - **Farmed Wetlands** – wetlands under agricultural production



- **Preservation (usually Exceptional Natural Resources Value [ENRV] wetlands):** Preservation of high value wetlands and upland buffers also requires some restoration of hydrology or vegetation and the presence of a demonstrable threat. Following are examples of some ENRV categories outlined in Actions Eligible for Credit in Minnesota Rules 8420.0541 that were identified in this study.



    - **White Cedar Swamps**
    - **Wetlands Adjacent to Trout Streams**
    - **Wetlands with Threatened & Endangered Species, Rare Communities**
    - **Outstanding Resource Value Waters**
    - **Scientific and Natural Areas (SNA's)**
    - **County and State Owned High Value Wetlands**

- **Enhancement:** Enhancement of diminished wetlands
    - **Enhancement of Wetland Within an Impaired Watershed** – degraded wetlands adjacent to streams within impaired watersheds.
    - **Water Quality / Habitat Enhancement –** Upland improvement to protect high value wetlands or wildlife habitat.
- **Creation:**
    - **Creation of Wetlands on Mineral Extraction Sites**



The data sources and approximate formulas for identifying potential wetland mitigation sites using GIS are briefly described in Appendix C.

7.1.3 Field Verification

Field verification was an effort to check the accuracy of the GIS model used to identify potential sites and an effort to evaluate the interest of landowners in developing wetland mitigation on their property. The Board of Water and Soil Resources contracted with Counties, Soil and Water Conservation District, and a consultant to conduct field verification of selected potential wetland mitigation sites identified by GIS modeling within each of the eighteen counties in the study area. A GIS map of polygons identifying individual wetland mitigation opportunities within each county and a list of prospective sites were generated along with data forms, instructions, guidance and handout materials for property owners.

Two training sessions were held to train prospective field verification staff to evaluate the sites consistently. Participants were instructed to review the prospective site list and choose random sites representing different mitigation methods in different watersheds across their county. In addition, participants were instructed to ask for permission from property owners to access their property in

order to evaluate the technical feasibility of each site and to assess landowner interest in potential future wetland mitigation on their property. Care was taken to protect the privacy of those landowners whom were not interested in conducting wetland mitigation.

7.2 Mineland Wetland Inventory and Assessment

Potential wetland and water resource features within former minelands were identified using the NWI, topography; MNDNR mine features data, aerial imagery interpretation and field delineation and verification. The MNRAM Version 3.2 was utilized to assess the following wetland functions:

- Vegetative Diversity
- Hydrologic Regime
- Storm Water Retention
- Downstream Water Quality
- Wetland Water Quality
- Shoreline Protection
- Fish, Wildlife, and Amphibian Habitat

An inventory of potential wetlands and water resources within the study area was generated based on the GIS layering of aerial photo imagery, topography, MNDNR mine features, NWI and other information. The wetlands and water resources identified were classified into four classes of incidental wetlands, those that have developed on artificial land surfaces resulting from various mining activities. In addition, two classes of natural wetlands were identified based on their proximity to mine features.

Incidental Wetlands and Water Resources

- Deepwater habitats within mine pits
- Wetlands within former tailings basins
- Wetland on former stockpiles
- Wetlands within other mine land features

Natural Wetlands

- Wetlands within 100 feet of a mine feature
- Wetlands within 500 feet of a mine feature

The wetland features were sampled across the Mesabi Range on former minelands ranging in location from west of Grand Rapids to inactive mines east of Babbitt. The primary focus was on wetlands and water resources that developed within former tailings basins, mine pits and impoundments. Both mine pits and impoundments have some potential for littoral area development. Wetlands are less likely to form on former stockpiles, and therefore, assessment efforts were reduced proportionally. Natural wetlands located near mining areas (within 100 feet and 500 feet of a mine feature) were also assessed to determine the effects of mining on wetland functions.

Artificial wetlands, essentially created through the mining process, within tailings basins and mine pits, on stockpiles and adjacent to impoundments were assessed to determine the functional capacity of wetlands developed in a reclaimed mine landscape. Natural wetlands were inventoried to verify their sustainability and evaluated to see how they function in close proximity to mining features such as tailings basins, stockpiles and mine pits. For example, wetlands often form within tailings basins due to the low permeability of the tailings. Wetlands also form where stockpiles block drainage and allow seepage water to accumulate.

8.0 Mitigation Types

Various wetland classification systems have been used in Minnesota, including: U.S. Fish and Wildlife Service (USFWS) Circular 39, USFWS Cowardin and Wetland Plant Communities (Eggers and Reed, 1997). Recognizing the need to have a consistent classification system, the Board of Water and Soil Resources (BWSR) and the U.S. Army Corps of Engineers (COE) have entered into a Memorandum of Understanding concerning wetlands and mitigation which classifies all wetlands using the Wetland Plant Communities Classification System. Therefore, all potential mitigation sites were evaluated using this method. Field sites were evaluated to determine the most likely mitigation method and the potential wetland community types that could be restored, preserved, enhanced or created on the site.

These 12 wetland community types include: shallow open water, deep marshes, shallow marshes, sedge meadows, wet meadows, open bogs, conifer bogs, conifer swamps, hardwood swamps, alder thickets, shrub carrs, and floodplain forests. A description of each of the twelve plant community types are described below. In addition, a table comparing plant community types with the Cowardin and Circular 39 classifications is included in Appendix D.

- Shallow, Open Water: These are plant communities with water depths generally less than 6.6 feet (2 meters). This community has submergent, floating and floating-leaved aquatic vegetation including pondweeds, water lilies, water milfoils, coontail and duckweeds. The hydrology is permanently inundated.

- Deep Marshes: Deep marshes typically have emergent plants growing in permanent to seasonal shallow water varying usually between six inches and 3 feet or more during the growing season. Deep marsh vegetation usually includes such species as cattails, hard stemmed bulrush, pickerel reed, giant bur-reed, Phragmites, wild rice, pondweeds and or water lilies. The hydrology is permanently to semi-permanently inundated.

- Shallow Marshes: Shallow marshes have soils that range from saturated to inundated, with standing water up to six inches in depth. Typical shallow marsh vegetation includes herbaceous emergent species such as cattails, bulrushes, arrowheads, lake sedges, duckweeds and grasses.

- Sedge Meadows: Sedge meadows are usually dominated by the sedges growing on saturated soils but may also include spike rushes, bulrushes, grasses and various forbs, such as asters, goldenrods, milkweed, and beggarticks. The hydrology may be supported by ground water or surface water runoff.

- Wet meadows: Wet meadows are more dominated by grasses such as reed canary grass and redtop grass and by forbs than sedges. Typical forbs may include giant sunflower, joe-pye weed, asters, nettles and jewelweed. The soils in wet meadows may have a seasonally high water table and be seasonally saturated at or near the surface.

- Open bogs: Open bogs are saturated wetlands on acid soils with are low in nutrients. For the most part bogs are carpeted with sphagnum moss growing over peat. Herbs and/or low shrubs of the heath family such as bog rosemary, Labrador tea, leatherleaf, small cranberry, large cranberry and even a few scattered tamarack or black spruce usually typify the bog landscape. Occasionally, insectivorous plants such as pitcher plants and sundews may be found. The hydrology is usually saturated to the surface through the growing season.

- Conifer bogs: Conifer bogs are similar to open bogs, except that the mature conifer species of at least six inches in diameter are dominant on a sphagnum moss mat. Tree species can include tamarack, black spruce and northern white cedar. Herbs and low shrubs species found in open bogs, which tolerate more shade, will be found here. The hydrology is usually saturated to the surface through the growing season.

- Shrub Carrs: Shrub carrs are communities of tall shrubs growing on saturated or seasonally flooded soils. They are usually dominated by various species of willows and dogwood. In addition, the ground cover will usually include some ferns, sedges, grasses and forbs of the sedge and wet meadow communities.

- Alder Thickets: Alder thickets are similar to shrub carrs except that speckled alder is more dominant. Other shrub species that may be found can include elderberry, winterberry and Spireas. Jewelweed, cinnamon fern, Canada bluejoint grass, manna grass, and hummock sedge are commonly found on these sites.

- Hardwood Swamps: Hardwood swamps are dominated by deciduous hardwood trees and have soils that are saturated much of the growing season and may even be inundated by as much as a foot of water at times. Red maple, black ash, American elm and yellow birch are

some of the dominant trees in a hardwood swamp. Occasionally, white cedar can be a subdominant species. Shrub species usually include alder and dogwoods.

- Conifer Swamps: Conifer swamps are forested wetlands that are usually dominated with conifer species such as northern white cedar, tamarack, black spruce, and balsam fir. The hydrology is also saturated like hardwood swamps and differs from conifer bogs in that a continuous sphagnum moss mat is not present.

- Floodplain Forests: Floodplain forests are dominated by deciduous trees and alluvial soils found along the floodplains of rivers and streams. The soils are inundated during flood events but are usually well drained for the rest of the growing season. Typical species found on these sites are black willow, silver maple, green ash, cottonwood, and American elm. Jewelweed and nettles can usually be found in the herbaceous layer while shrubs species may be limited due to frequent flooding.

9.0 Prioritization Factors

The identification of potential wetland mitigation sites was conducted in a manner that allowed for the compilation of possible prioritization factors that may be used to more effectively plan future mitigation based on review by the Technical Committee. It was determined that, in order to establish goals and priorities for mitigation during Phase 2, it is important to have the ability to sort the data by the following prioritization factors:

- Potential Wetland Mitigation Types – These types include the 12 Wetland Community Types described in Section 8. The possible wetland mitigation type was determined for sites that were evaluated in more detail through field verification.

- Wetland Mitigation Method –The most likely mitigation method was identified for each potential wetland mitigation site during the GIS modeling analysis, which was also verified for selected sites during field verification efforts. The methods include those specific actions described in the general categories of restoration, preservation, enhancement, and creation (Section7.2).

- Land Ownership – Ownership categories, including State, Tax-forfeit, County, Private and Private (Industrial) Lands were compiled during the GIS modeling analysis and were verified in more detail for selected sites during field verification. Tribal and Federal lands were not analyzed because conservation easements (required for mitigation) historically have not been possible on these lands.

- Water Quality/Impaired Waters – Wetlands play an important role in maintaining water quality. Therefore, the proximity of potential wetland mitigation sites to impaired streams or lakes or their watersheds was noted during the GIS modeling analysis, recognizing the role restored wetlands could play in moderating impairments.

- Technical Feasibility – The GIS modeling methods used to identify potential wetland mitigation sites could not assess technical feasibility. Therefore, the technical feasibility of selected sites was evaluated during field verification efforts (Appendix E).

- Watershed Location – The Wetland Conservation Act requires that wetland replacement be conducted within the project watershed, when feasible. Therefore, it was important to the Technical Committee to identify the major and minor watersheds, as well as the Wetland Bank Service Area in which each potential wetland mitigation site lies.

In addition to the prioritization factors described, other specific information related to each potential mitigation site was compiled. The information outlined below may assist in analyzing the data and determining mitigation goals and priorities.

- County Location – The Wetland Conservation Act currently gives some preference to replacing unavoidable wetland impacts within the county where the impacts occur. Some of the stakeholders also indicated a preference for maintaining wetland resources within each county. The GIS modeling analysis and field verification efforts were conducted on a county-by-county basis and the county location was compiled for all potential mitigation sites.

- Potential Wetland Mitigation Site Size – The potential acreage was identified for each site during the GIS modeling analysis and was verified during field verification efforts for selected sites.

- Landowner Interest – Landowner interest in wetland mitigation was assessed for selected sites during the field verification efforts (Appendix E).

10.0 Outcomes from Public Outreach Meeting

A public outreach meeting was held on July 10, 2008 in Grand Rapids, a centralized meeting location to the project study area. The purpose of the meeting was to communicate the project progress to stakeholders and solicit their input on the Inventory (Phase 1) and subsequent siting analysis (Phase 2). Attendees at the meeting included State Representative Tom Anzelc, who sponsored the Inventory legislation; County Commissioners; agency staff from the U.S. Army Corps of Engineers U.S. Fish and Wildlife Service, MNDNR, BWSR, MPCA, Soil and Water Conservation Districts, Counties, and Cities; the Natural Resources Research Institute; representatives from various mining companies; wetland banking groups; consultants; environmental groups; and private citizens. The meeting included a general session or project overview, and three breakout sessions in the second part of the meeting.

10.1 General Session – Project Background and Update

John Jaschke, BWSR's Executive Director opened the meeting and welcomed the attendees. Representative Tom Anzelc shared his vision for the Inventory. Brian Napstad, Aitkin County Commissioner and BWSR Board Member, shared his local perspective on the project. In this session, the attendees were briefed by BWSR staff on the project background and status. Following the general project discussion, three breakout sessions were provided for further public input on the project. These included: the Mineland Study, Mitigation and Siting Strategy, and the Field Verification sessions. Meeting notes for each breakout session are provided in Appendix F.

10.2 Mineland Breakout Session

This session discussed three key areas of the mineland wetland and water resource inventory and assessment: (1) the study area, (2) the assessment method, (3) the data sources upon which the study will be based, and (4) the field assessment process. The focus of this study was to conduct an evaluation of water resources on former minelands and therefore, no active mining areas were examined. The study area is the Mesabi Iron Range from west of Grand Rapids to east of Babbitt. The audience was able to ask questions and comment on the process.

10.3 Mitigation and Siting Breakout Session

This session focused on Phase 2 of the project, the Siting Study, emphasizing the following topics:

- Project goal is to identify wetland mitigation opportunities based on science rather than social, economic and other considerations

- It is understood that policy issues exist, which at some point may need to be addressed, most likely as a follow-up from the completed siting assessment

- There are recent and ongoing policy developments, which may impact actions eligible for credit (WCA Rule revision, BWSR/COE MOU, COE St Paul District Guidance, and National Mitigation Policy)

- Project information that could benefit regulatory programs include:

    - Detailed information on mitigation potential
    - Locations and quantity of mitigation sites
    - Additional banking opportunities
    - Possible recommendations for regulatory program changes

10.4 Field Verification Breakout Session

This session discussed the GIS model for identifying potential mitigation sites and explained the proposed field procedures and related technical information to assist the participants in the field verification of GIS data. In addition, this session was used as an opportunity to determine the level of interest on the part of local government units and Soil and Water Conservation Districts in participating in field verification efforts. The Soil and Water Conservation Districts and some Counties expressed their desire to participate in the field work.

Concern was expressed about protecting the privacy rights of the property owners that would be contacted. Therefore, no private properties were entered without the permission of the property owner. Efforts were made to the extent practicable, to protect the privacy of property owners not interested in wetland mitigation from unwanted future speculators.

11.0 Wetland Mitigation Inventory Results

11.1 Overall Wetland Mitigation Inventory Results

The results presented include a summarization of all potential wetland mitigation sites identified as having 20 acres of potential or more. However, the final geodatabase of potential wetland mitigation sites that will be available to the public will include all potential mitigation sites 5 acres in size or greater. The preliminary, potential, wetland mitigation area identified for all sites with 5 acres of potential or more (excluding drained wetlands and farmed wetlands) was over 1,192,000 acres.

A total of approximately 8,450 potential mitigation sites covering about 1,117,600 acres were identified across all mitigation methods in the GIS modeling (Table 6). Partially drained wetlands and farmed wetlands comprised about 88 percent of the total potential mitigation area. The majority of the area identified for those methods had over 100 acres of mitigation potential for each site. Drained wetlands made up less than two percent of the total area, and the majority of that area was comprised of individual sites with less than 100 acres of potential.

The wetland preservation methods made up less than six percent of the total potential wetland mitigation area (Table 6), including nearly 80 percent for high value wetlands on private, county or state land. White cedar swamps and riparian trout stream wetlands only comprised about 20 percent of the area. Wetland enhancement methods comprised approximately 3.5 percent of the total potential wetland mitigation area, fairly evenly split between invasive species and degraded wetlands within impaired watersheds (Table 6). Wetland creations made up only 1.5 percent of the total potential wetland mitigation area with nearly equal area of sites less than 100 acres in size and those over 100 acres (Table 6).

11.2 Wetland Mitigation Inventory Credits

The total area of potential wetland mitigation identified in the GIS modeling does not depict the true potential for wetland mitigation credits. The Wetland Conservation Act allows varying percentages of credit for areas of wetland restored, preserved, enhanced, or created. The credit allocation ranges from 12.5 percent for preservation and enhancement methods to 100 percent for drained wetlands. Partially drained wetlands are allowed up to 50 percent credit, farmed wetlands range from 0 to 100 percent credit (depending on the history seeded crops over the past 20 years) and wetland creations range up to 75 percent. In order to better understand the potential credits that might be associated with the areas identified, the total potential wetland mitigation area for each method was multiplied

by the maximum allowable credit percentage for that method (Table 7). The conversion results in a total of approximately 532,900 acres of probable wetland credits, slightly under 50 percent of the total (Table 7, Figure 3).

11.3 Field Verification Data Results

11.3.1 Technical Feasibility

To understand the true potential for wetland mitigation in the study area, one must also consider the technical feasibility. Partially drained wetlands in northeastern Minnesota can be difficult to restore because of relatively low credit potential (currently up to 25% and up to 50% under the proposed rules) and the lack of consensus on the allowable credit. Many wetlands in northeastern Minnesota have been partially drained by county, judicial, and private ditches. Since the construction of those ditches; many new land uses have developed that rely on that drainage. Restoring partially drained wetlands may not be feasible where infrastructure could be adversely affected. Depending on the type of agricultural practices, many farmed wetlands may not qualify for wetland mitigation credit due to the regulatory requirements, which typically require seeded crop production for at least 10 of the previous 20 years. Drained wetlands, which generally have the highest technical feasibility, comprise a relatively small acreage throughout the study area.

11.3.2 Technical Feasibility Ratings

Each of the sites selected for field verification were rated for overall wetland mitigation potential. The ratings of high, medium, low and no potential, were based on a variety of factors for each wetland method, including: whether there was any allowable credit according to the rules, potential conflicts with other landowners, potential for restoration of hydrology, etc. Other factors evaluated during field verification are included on the Field Verification Form provided in Appendix E.

Field verification of selected sites was conducted within 17 of the 18 study area counties. One county was not granted permission to access any of the targeted properties after 30 attempts to contact landowners. Approximately 225 sites (three percent) were assessed in the field including a representative sample of all wetland mitigation methods. The distribution of field verifications summarized by county is provided in Table 5. Wetland mitigation potential ratings are summarized in Tables 1, 3, and 4. All selected field verification sites are illustrated in Figure 6 along with the respective mitigation potential ratings for each wetland method reviewed. Figure 7 illustrates the field verified sites with high potential.

Approximately 13 percent of the sites evaluated on the ground were rated high potential for mitigation (Table 3). Nearly one-third (30 percent) of the sites viewed were considered as having medium potential for mitigation. A little more than one-third (40 percent) of the sites were rated low in potential. Approximately 14 percent were deemed to have no potential at all. Only six sites had no technical feasibility rating. The wetland mitigation opportunities most likely to be truly feasible opportunities are those rated as having high potential based on field verification. Therefore, assuming an even distribution of high potential across methods (which appears to be a reasonable assumption), a total of about 72,400 acres of mitigation credit would result (Figure 4).

Following is a summary of reasons given for the various mitigation site potential ratings.

Reasons for sites with a "High" rating included:

- Presence of a degraded wetland or special resource wetland
- Wetlands could easily be restored, enhanced, preserved or wetlands could be created.

Reasons for "Medium" ratings included:

- Potential conflicts between multiple landowners (shared ditch, different objectives)
- Some potential agricultural conflicts – cattle
- Invasive species such as buckthorn, reed canary grass were observed
- Ditches are not maintained
- Portions of the site were already wetland and not restorable

Reasons for "Low" ratings included:

- Active farmed area or conflicts with owners objectives
- Conflicts with restoring the hydrology – flooding roads or other infrastructure, or other farming operations
- Little potential to improve existing wetland
- Area observed did not appear to be restorable wetland
- Preservation areas – no observed imminent threat, no white cedar observed or no invasive species observed
- Low water table in gravel pits or it was deemed too costly to move material in order to create a wetland

Reasons for "No potential" ratings included:

- Unfarmed area for the last 20 years (no actions eligible for credit)
- Site high above the water table and well drained (upland)
- Site was drained by a publicly maintained ditch
- Site was a highly functional wetland
- Owner is interested in draining land
- No invasive species observed
- Area is already in a state park – no potential credit
- No white cedar observed, or in a highly developed area with homes

11.3.3 Landowner Interest

Landowner interest in developing wetland mitigation on their property is a key factor in the assessing the true potential for wetland mitigation in the study area. The field verification efforts were not able to consistently assess the overall landowner interest in wetland mitigation within all 18 counties. No data was collected in one county because no landowners granted field crews permission to access their property. Landowner interest was assessed for a total of 176 sites. Table 2 illustrates the overall landowner interest by county and Table 4 illustrates the overall interest by mitigation method. Landowners expressed interest in only 13 percent of the sites evaluated. Including the landowner interest factor to the calculation of high potential wetland mitigation credits, results in approximately 8,000 acres total (Figure 5). Therefore, understanding that the field verification efforts only sampled a small percentage of sites identified and that landowner interest may change with time, it is estimated that there may realistically be the potential to develop about 8,000 acres of wetland mitigation credits within the study area.

12.0 Mineland Data Results

12.1 Mineland Inventory Results

A total of 1,846 potential wetlands and water resources were identified through GIS analyses within the mineland study area covering nearly 23,000 acres (Table 8), which makes up about 20 percent of the study area. Approximately 4,000 acres of wetlands were identified that have developed on former minelands along with nearly 6,000 acres of mine pit waters and 13,000 acres of natural wetlands located adjacent to mine features. A target was set to assess 181 wetlands or approximately ten percent of the projected polygons across the entire Mesabi Iron Range with an emphasis on wetlands that have formed on mine features, particularly tailings basins. Due to time and access constraints, approximately 105 wetlands and water bodies (approximately 6 percent of the total), covering about 4,600 acres (about 20 percent of wetland area) were field verified and assessed using MNRAM Version 3.2 (Table 10).

12.2 Mineland Assessment Results

A total of 67 incidental wetlands (those that developed on artificial mine features) encompassing about 3,300 acres and 38 natural wetlands covering approximately 1,300 acres (located adjacent to mine features), were field checked and assessed using MNRAM, Version 3.2. The wetlands assessed included a sampling of each wetland type identified in the GIS inventory with the exception of wetlands that developed on stockpiles (Tables 8 and 10).

A total of 11 percent (12 wetlands) of assessed wetlands were rated exceptional for vegetative diversity/integrity, including 6 wetlands that developed on tailings basins and 6 natural wetlands adjacent to mine features (Tables 10 and 11). An additional 16 percent rated high for vegetative diversity/integrity and 50 percent rated moderate. All wetlands associated with uncategorized mine features and all deepwater habitats were rated low or moderate for vegetative diversity/integrity.

Approximately 12 percent of the wetlands were rated as having exceptional wildlife habitat split across all wetland classes assessed (Tables 9 and 11). An additional 84% of the wetlands were rated high or moderate for wildlife habitat. About 40 percent of the sites were rated as having high amphibian habitat, including all classes of wetlands assessed. Approximately 11 percent of the sites assessed, were rated as having exceptional wetland water quality with another 80 percent of the sites

were rated high or moderate. Over 95 percent of the wetlands assessed, were rated high or moderate for three hydrology and water quality related functions:

1. Maintenance of hydrologic regime
2. Flood storage
3. Maintenance of downstream water quality

The results of the mineland wetland inventory and assessments provide several findings that may be of value for planning mineland reclamation in the future:

- Given sufficient time, wetlands with high vegetative diversity can develop on mine features without intervention,
- Wetland development on minelands can provide valuable wildlife and amphibian habitat,
- With sustainable reclamation of vegetated watershed areas, the water quality and hydrologic regime in mineland wetlands can be adequately sustained to support wetland development,
- Wetlands in the mine landscape provide valuable protection for water quality and flooding, and
- Natural wetlands adjacent to mining landscapes can thrive as sustainable, high quality landscape features.

13.0 Summary

13.1 Wetland Mitigation Inventory

Potential wetland mitigation site size is an important consideration for technical and economic feasibility. The Technical Committee recommended a minimum potential mitigation site size for the analysis. For restoration sites, a minimum 20 acres of mitigation potential was recommended. For other methods, a minimum five acres of mitigation potential was suggested. Potential wetland mitigation sites with 5 acres of potential or more were identified and compiled during the GIS modeling. However, it is important to consider the feasibility of smaller potential mitigation sites for methods that only qualify for partial credit. For example, wetland preservation is generally only allocated 12.5 percent credit for the area preserved, so a five acre site would only yield 0.6 acres of credit. The results are presented for all mitigation methods identified to have at least 20 acres of mitigation potential, but the geodatabase that will be made available to the public will contain all potential wetland mitigation sites with at least 5 acres of potential.

A total of approximately 8,450 potential wetland mitigation sites with a total area of over 1 million acres were identified in GIS throughout the study area (Table 6). Potential wetland restoration sites, including drained wetlands, partially drained wetlands, and farmed wetlands, make up 89 percent of the total potential mitigation area. Farmed wetlands represent about 60 percent of the potential wetland mitigation area identified and partially drained wetlands make up nearly 28 percent of the area.

When applying the typical regulatory credit percentage to the potential wetland mitigation acreage for each method, the credit potential drops by more than one-half to approximately 532,900 acres (Table 7, Figure 3). Over 95 percent of the credit potential is within the three wetland restoration methods (i.e., drained wetlands, partially drained wetlands, and farmed wetlands). Since wetland preservation and enhancement methods are generally only allowed 12.5 percent credit, those potential mitigation methods only comprise about 2.5 percent of the credit potential.

To understand the true potential for wetland mitigation in the study area, one must also consider the technical feasibility. Partially drained wetlands in northeastern Minnesota can be difficult to restore because of relatively low credit potential (currently up to 25% and up to 50% under the proposed rules) and the lack of consensus on the allowable credit. Many wetlands in northeastern Minnesota have been partially drained by county, judicial, and private ditches. Since the construction of those

ditches; many new land uses have developed that rely on that drainage. Restoring partially drained wetlands may not be feasible where infrastructure could be adversely affected. Depending on the type of agricultural practices, many farmed wetlands may not qualify for wetland mitigation credit due to the regulatory requirements, which typically require seeded crop production for at least 10 of the previous 20 years. Drained wetlands, which generally have the highest technical feasibility, comprise a relatively small acreage throughout the study area.

Field verification efforts resulted in the inspection of 225 sites or approximately three percent of the total sites identified (that were at least 20 acres in size). The field mitigation assessments rated only 13 percent of the sites as having high potential (Table 3). Sites rated with high potential are those that would generally be targeted for mitigation projects and those that would have a high likelihood of success. Assuming that the field verification efforts are representative of the entire sample of sites identified, such that 13 percent of the total potential mitigation site area would be rated with high potential, the likely total mitigation credit area would be just over 72,400 acres (Figure 4). Farmed wetlands and partially drained wetlands make up 90 percent of the high potential mitigation acreage (Figure 4).

A transitive factor that must be kept in mind is landowner interest or willingness. Without interest by the landowner to change land use on their property (Tables 2 and 4), there is little potential for developing wetland mitigation. During field verification efforts, attempts were made to determine the landowner interest in wetland mitigation on approximately two percent of the total sites identified (that were at least 20 acres in size). The results of those efforts indicated that approximately 11 percent of those landowners were interested in wetland mitigation (Table 2). The probable magnitude of potential wetland mitigation credits is therefore affected by three factors that were considered in conducting the wetland mitigation inventory:

1. Regulatory credit
2. Technical feasibility
3. Landowner interest

Applying the regulatory credit for each method, applying the percentage of sites verified as having high potential, and applying the percentage of landowners that expressed an interest in wetland mitigation; results in an assessment of the overall potential for developing wetland mitigation credits. This analysis indicates that there could be the potential for 8,000 acres of wetland mitigation credits

within the study area (Figure 5). Restoration methods comprise approximately 93 percent of the total with preservation, enhancement, and creation methods together totaling less than 600 acres of potential credits.

13.2 Mineland Wetland Inventory and Assessment

A total of 1,846 potential wetlands and water resources were identified through GIS analyses within the mineland study area covering nearly 23,000 acres (Table 8). A total of 105 wetlands and water bodies, covering about 4,600 acres were field verified and assessed using MNRAM Version 3.2 (Table 10), including 67 incidental wetlands (those that developed on artificial mine features) and 38 natural wetlands (located adjacent to mine features).

Approximately 27 percent of the wetlands assessed were rated exceptional or high for vegetative diversity/integrity (Table 11). All wetlands associated with uncategorized mine features and all deepwater habitats were rated low or moderate for vegetative diversity/integrity. Over 95 percent of wetlands assessed were rated moderate or higher for wildlife habitat, maintenance of hydrologic regime, flood storage, and maintenance of downstream water quality. Wetlands that develop on reclaimed mine features and natural wetlands adjacent to mine landscapes can thrive as sustainable, high quality landscape features providing important functions and values.

Tables

Table 1: Field Verification Summary and Mitigation Site Potential Ratings by County

		Forms Returned	Site Potential				
	County	Total Sites Reviewed	High	Medium	Low	None	No Info.
1	Aitkin	16	1	3	11	0	1
2	Beltrami	9	3	3	1	2	0
3	Carlton	10	0	4	6	0	0
4	Cass	13	1	1	4	7	0
5	Clearwater	9	4	1	4	0	0
6	Cook	13	0	6	7	0	0
7	Crow Wing	12	6	3	2	1	0
8	Hubbard	15	1	3	6	5	0
9	Isanti	18	1	1	10	3	3
10	Itasca	18	3	5	7	3	0
11	Kanabec *	0	0	0	0	0	0
12	Koochiching	4	1	2	1	0	0
13	Lake	23	2	9	11	1	0
14	Lake of the Woods	8	0	6	2	0	0
15	Mille Lacs	10	1	0	9	0	0
16	Pine	16	3	7	5	1	0
17a	St. Louis North	5	1	1	1	0	2
17b	St. Louis South	17	2	4	3	8	0
18	Wadena	9	0	9	0	0	0
	Total Number	225	30	68	90	31	6
	Sites Targeted	207					
	Percent of Total	100%	13%	30%	40%	14%	3%

* No permissions granted for access to field verify data.

Table 2: Land Owner Interest Summary by County

	County	Total Sites Reviewed	Landowner Interest			
			Yes	Possibly	No	No Info.
1	Aitkin	16	0	11	0	5
2	Beltrami	9	2	4	3	0
3	Carlton	10	2	7	0	1
4	Cass	13	1	8	2	2
5	Clearwater	9	4	4	0	1
6	Cook	13	0	12	0	1
7	Crow Wing	12	6	3	1	2
8	Hubbard	15	0	1	14	0
9	Isanti	18	0	16	1	1
10	Itasca	18	2	4	5	7
11	Kanabec *	0	0	0	0	0
12	Koochiching	4	1	1	1	1
13	Lake**	0	0	0	0	0
14	Lake of the Woods	8	0	1	7	0
15	Mille Lacs**	0	0	0	0	0
16	Pine**	0	0	0	0	0
17	St. Louis North	5	0	0	2	3
18	St. Louis South	17	0	15	0	2
19	Wadena	9	1	1	7	0
	Total Number	176	19	88	43	26
	Percent of Total	100%	11%	50%	24%	15%

* No permissions granted for access to field verify data.

** Land owner interest was not surveyed in these counties.

Table 3: Field Verification of Site Potential by Mitigation Method

Mitigation Method (Model)								
			All Field Checked Site Potential By Method					
	RESTORATION	**Total Sites Reviewed**		**High**	**Medium**	**Low**	**None**	**No Info.**
1	DW- Drained Wetland	15		2	6	4	3	0
2	PDW -Partially Drained Wetland	4		1	0	2	1	0
3	FW - Farmed Wetland	68		11	21	25	11	0
	Total Restoration Sites	87		14	27	31	15	0
	Percentage of Restoration Sites	39%		16%	31%	36%	17%	0%
	PRESERVATION/ENRV							
4	WC - White Cedar	19		4	6	3	5	1
5	TS - Trout Streams	25		3	12	10	0	0
6	ENRVPVT - ENRV Private Lands	18		2	3	10	1	2
7	ENRVCS - ENRV County / State	15		2	4	6	2	1
	Total Preservation Sites	77		11	25	29	8	4
	Percentage of Preservation Sites	34%		14%	32%	38%	10%	5%
	ENHANCEMENT							
8	IS - Invasive Species	17		1	4	5	6	1
9	IW - Impaired Waters	20		2	4	14	0	0
	Total Enhancement Sites	37		3	8	19	6	1
	Percentage of Enhancement Sites	16%		8%	22%	51%	16%	3%
	CREATION							
10	GP - Creation Mineral Extraction	24		2	8	11	2	1
	Total Creation Sites	24		2	8	11	2	1
	Percentage of Creation Sites	11%		8%	33%	46%	8%	4%
	Total Number Sites	225		30	68	90	31	6
	Percentage of Total Sites	100%		13%	30%	40%	14%	3%

Table 4: Field Verification of Landowner Interest by Site Potential

	Mitigation Method (Site Potential)									
Landowner	**High**		**Medium**		**Low**		**None**		**Total**	
Interest	24	14%	52	29%	63	36%	37	21%	176	100%
Response	Responses	Percentage	Responses	Percentage	Responses	Percentage	Responses	Percentage	Responses	Percentage
Yes	9	38%	5	10%	5	8%	0	0%	19	11%
Possibly	10	42%	20	38%	38	60%	20	54%	88	50%
No	2	8%	19	37%	13	21%	9	24%	43	24%
No Information	3	13%	8	15%	8	11%	7	19%	26	15%
Total	24	100%	52	100%	64	100%	37	100%	176	100%

Table 5: Field Verification Summary by Method Inventoried by County

County	Number of Sites Field Verified										Total
	Restoration			Preservation				Enhancement		Creation	
	FW[1]	DW[2]	PDW[3]	ENRVCS[4]	ENRVPVT[5]	TS[6]	WC[7]	IW[8]	IS[9]	GP[10]	225
Aitkin	2	3	0	2	0	1	2	4	1	1	16
Beltrami	3	1	0	0	1	0	1	1	1	1	9
Carlton	6	0	0	0	0	0	0	3	0	1	10
Cass	10	0	0	0	0	0	1	0	0	2	13
Clearwater	4	1	0	0	0	0	1	2	0	1	9
Cook	0	0	0	1	3	7	0	0	0	2	13
Crow Wing	2	1	0	2	1	1	1	1	1	2	12
Hubbard	3	0	0	3	2	1	3	0	3	0	15
Isanti	7	3	0	0	4	0	0	0	3	1	18
Itasca	9	0	0	0	0	0	3	2	2	2	18
Kanabec[11]	0	0	0	0	0	0	0	0	0	0	0
Koochiching	1	1	1	0	0	0	0	0	0	1	4
Lake	0	0	0	2	4	7	4	3	1	2	23
Lake of the Woods	2	2	1	0	1	0	0	0	0	2	8
Mille Lacs	5	2	0	1	0	0	0	2	0	0	10
Pine	4	1	0	0	2	3	1	2	0	3	16
St. Louis North	1	0	1	0	0	1	1	0	0	1	5
St. Louis South	6	0	1	1	0	2	1	0	4	2	17
Wadena	4	0	0	2	1	1	0	0	1	0	9

[1] FW = farmed wetland

[2] DW = drained wetland

[3] FW = partially drained wetland

[4] ENRVCS = exceptional natural resource value wetlands on county or state land

[5] ENVRPVT = exceptional natural resource value wetlands on private lands

[6] TS = trout stream riparian wetlands

[7] WC = white cedar wetlands

[8] IW = wetlands within watersheds of impaired waters

[9] IS = wetlands with invasive species

[10] GP = gravel pit wetland creation

[11] No permissions granted for access to field verify data.

Table 6: Area of Potential Wetland Sites Summarized by Mitigation Method

Mitigation Method	Total # Sites	Total Area (ac)	% of Total Area[1]	Total Area of 20-100 Acre Sites[1] (ac)	Total Area of Sites Over 100 Acres [1] (ac)	Largest Site (ac)
Restoration						
Drained Wetlands	324	17,900	1.5%	11,200	6,700	700
Partially Drained	886	309,200	28%	25,800	283,400	21,400
Farmed Wetlands	5,316	669,500	60%	174,200	495,300	18,900
Subtotal	**6,526**	**996,600**	**89%**	**211,200**	**785,400**	**21,400**
Preservation /ENRV						
White Cedar	219	7,500	<1%	6,500	1,000	300
Trout Streams	142	6,900	<1%	5,000	1,900	300
Private ENRV	529	38,200	3%	18,400	19,800	4,200
County & State ENRV	179	13,300	1%	6,200	7,100	900
Subtotal	**1,069**	**65,900**	**6%**	**36,100**	**29,800**	**4,200**
Enhancement						
Invasive Species	137	16,700	1.5%	4,900	11,900	1,800
Impaired Waters	425	21,500	2%	14,500	7,000	1,100
Subtotal	**562**	**38,200**	**3.5%**	**19,400**	**18,900**	**1,800**
Creation						
Gravel - Subtotal	**292**	**16,900**	**1.5%**	**9,900**	**7,000**	**1,100**
Grand Total	**8,449**	**1,117,600**	**100%**	**276,600**	**841,100**	

[1]Totals may not add up due to rounding.

Table 7: Potential Wetland Credits by Mitigation Method

Mitigation Method	Total # Sites	Total Area[1] (ac)	Credit %[2]	Potential Credits[1] (ac)
Restoration				
Drained Wetlands	324	17,900	100%	17,900
Partially Drained	886	309,200	50%	154,600
Farmed Wetlands	5,316	669,500	50%	334,700
Subtotal[1]	**6,526**	**996,600**	**N/A**	**507,300**
Preservation /ENRV				
White Cedar	219	7,500	12.5%	940
Trout Streams	142	6,900	12.5%	860
Private ENRV	529	38,200	12.5%	4,800
County & State ENRV	179	13,300	12.5%	1,700
Subtotal[1]	**1,069**	**65,900**	**N/A**	**8,200**
Enhancement				
Invasive Species	137	16,700	12.5%	2,100
Impaired Water Enhancement	425	21,500	12.5%	2,700
Subtotal[1]	**562**	**38,200**	**N/A**	**4,800**
Creation				
Gravel – Subtotal[1]	**292**	**16,900**	75%	**12,600**
Grand Total	**8,449**	**1,117,600**	**N/A**	**532,900**

[1] Totals may not add up due to rounding.

[2] Credit percentages were based on current and proposed rules and indicates a maximum percentage. Actual percentage may be less based on site evaluations,

Table 8: Mineland Data Results

Wetland Class	Water Feature Area (acres)	Number of Wetland Polygons	Completed Assessments	Assessment Wetland Area (ac)
Waters Within Mine Pits	5,826	110	14	1,113
Wetlands on Stockpiles	85	38	0	0
Wetlands Within Other Mine Features	1,211	200	4	1,113
Wetlands Within Tailings Basins	2,721	430	49	1,076
Within 100 Feet of Mine Feature	10,393	602	28	1,262
Within 500 Feet of Mine Features	2,556	384	10	48
TOTAL	22,792	1,846	105	4,612

Table 9
Mineland Functional Assessment Results Summary

Wetland ID	Hydrologic Regime	Flood Storage	Downstream Water Quality	Wetland Water Quality	Shoreline Protection	Wildlife Habitat	Fishery Habitat	Amphibian Habitat	Aesthetics, Recreation, Education	Groundwater Interaction	Wetland Sensitivity to Stormwater
31-055-26-26-003-A	Moderate	High	Moderate	Moderate	Moderate	Moderate	High	Moderate	Moderate	Combination Discharge, Recharge	Moderate
31-055-26-27-005-A	High	Moderate	High	High	Not Applicable	High	Not Applicable	High	Moderate	Combination Discharge, Recharge	High
31-055-26-28-005-A	High	Moderate	High	High	Not Applicable	High	Not Applicable	High	Moderate	Combination Discharge, Recharge	High
31-055-26-28-006-A	High	High	High	High	Not Applicable	High	Not Applicable	Not Applicable	Moderate	Recharge	Exceptional
31-055-26-28-007-A	High	Moderate	High	High	Not Applicable	High	Not Applicable	High	Moderate	Combination Discharge, Recharge	High
31-056-22-04-002-A	High	Moderate	Moderate	Moderate	Not Applicable	Moderate	Not Applicable	Not Applicable	Moderate	Combination Discharge, Recharge	Moderate
31-056-22-05-006-A	High	High	Moderate	Moderate	Not Applicable	Moderate	Not Applicable	Moderate	High	Recharge	Moderate
31-056-22-05-011-A	High	High	High	High	Not Applicable	High	Not Applicable	Not Applicable	Moderate	Recharge	Moderate
31-056-22-05-015-A	High	Moderate	Moderate	Exceptional	Not Applicable	Exceptional	Not Applicable	Moderate	Moderate	Recharge	Moderate
31-056-22-06-016-A	High	Moderate	Moderate	Exceptional	Not Applicable	Exceptional	Not Applicable	High	Moderate	Combination Discharge, Recharge	High
31-056-22-06-025-A	High	High	High	High	Not Applicable	High	Not Applicable	Not Applicable	Moderate	Recharge	High
31-056-22-07-023-A	High	Moderate	Moderate	Moderate	Not Applicable	Moderate	Not Applicable	High	Moderate	Recharge	Moderate
31-056-22-16-011-A	High	High	High	High	Moderate	Exceptional	High	Low	High	Combination Discharge, Recharge	High
31-056-22-17-019-A	High	Moderate	High	High	Not Applicable	High	Not Applicable	High	Moderate	Recharge	Moderate
31-056-22-17-024-A	High	High	High	High	Not Applicable	Moderate	Not Applicable	Not Applicable	Moderate	Recharge	Moderate
31-056-22-17-025-A	High	High	High	High	Not Applicable	High	Not Applicable	Not Applicable	Moderate	Recharge	Moderate
31-056-22-17-026-A	Low	Low	Low	Low	Not Applicable	Low	Not Applicable	Not Applicable	Not Applicable	Recharge	
31-056-22-17-027-A	High	Moderate	Moderate	Moderate	Not Applicable	Moderate	Moderate	High	Moderate	Recharge	Moderate
31-056-22-17-030-A	High	Moderate	High	High	Moderate	Moderate	Not Applicable	High	Moderate	Combination Discharge, Recharge	Moderate
31-056-23-27-001-A	High	Moderate	Moderate	High	Not Applicable	High	Not Applicable	Not Applicable	Moderate	Combination Discharge, Recharge	Exceptional
31-056-23-27-004-A	High	High	Moderate	Exceptional	Not Applicable	Exceptional	Not Applicable	High	Moderate	Recharge	High
31-056-25-14-002-A	High	Moderate	Moderate	High	Not Applicable	High	Not Applicable	High	Moderate	Combination Discharge, Recharge	Moderate
31-056-25-14-004-A	High	Moderate	Moderate	High	Not Applicable	High	Not Applicable	High	Moderate	Combination Discharge, Recharge	High
31-056-25-25-003-A	High	Moderate	Moderate	High	Not Applicable	High	Not Applicable	High	Moderate	Combination Discharge, Recharge	High
31-056-25-33-001-A	High	Moderate	Moderate	Exceptional	Not Applicable	High	Not Applicable	High	Moderate	Recharge	Moderate
31-056-25-33-003-A	High	Moderate	Moderate	Exceptional	Not Applicable	High	Not Applicable	High	Moderate	Recharge	Exceptional
31-056-25-36-004-A	High	High	High	Exceptional	Not Applicable	Exceptional	Not Applicable	Not Applicable	Moderate	Recharge	High
31-057-22-28-002-A	High	High	Moderate	High	Not Applicable	Moderate	Not Applicable	High	Moderate	Recharge	Moderate
31-057-22-30-003-A	High	High	High	High	Not Applicable	High	Not Applicable	Moderate	Moderate	Recharge	Moderate
31-057-22-30-009-A	High	Moderate	Moderate	High	Not Applicable	High	Not Applicable	High	Moderate	Recharge	Moderate
31-057-22-30-020-A	High	High	High	High	Not Applicable	High	Not Applicable	High	Moderate	Recharge	Moderate
31-057-22-32-007-A	Moderate	High	High	High	Not Applicable	High	Not Applicable	Not Applicable	Moderate	Combination Discharge, Recharge	Moderate
31-057-22-32-008-A	High	High	Moderate	High	Not Applicable	Moderate	Not Applicable	Not Applicable	Moderate	Recharge	Moderate
31-057-22-32-009-A	High	High	High	High	Not Applicable	High	Not Applicable	Not Applicable	Moderate	Recharge	Moderate
69-057-20-04-023-A	High	Moderate	High	Exceptional	Not Applicable	Exceptional	Not Applicable	High	Moderate	Recharge	Moderate
69-057-20-04-025-A	High	Moderate	High	High	Moderate	Moderate	Not Applicable	High	Moderate	Recharge	Moderate
69-057-20-04-027-A	High	High	High	Exceptional	Not Applicable	Exceptional	Not Applicable	Not Applicable	Moderate	Recharge	Moderate
69-057-20-08-001-A	Not Applicable	Low	Low	Low	Not Applicable	Low	Not Applicable	Not Applicable	Not Applicable	Recharge	

Table 9
Mineland Functional Assessment Results Summary

Wetland ID	Hydrologic Regime	Flood Storage	Downstream Water Quality	Wetland Water Quality	Shoreline Protection	Wildlife Habitat	Fishery Habitat	Amphibian Habitat	Aesthetics, Recreation, Education	Groundwater Interaction	Wetland Sensitivity to Stormwater
69-057-20-08-003-A	High	Moderate	Moderate	High	Moderate	High	Not Applicable	High	Moderate	Recharge	Moderate
69-057-20-08-019-A	High	High	High	High	Not Applicable	Moderate	Not Applicable	Not Applicable	Moderate	Recharge	Moderate
69-057-20-08-020-A	High	High	High	High	Not Applicable	High	Not Applicable	Not Applicable	Moderate	Recharge	Moderate
69-057-20-09-008-A	High	High	High	High	Moderate	High	Moderate	Not Applicable	Moderate	Recharge	Moderate
69-057-20-17-014-A	High	High	High	High	Not Applicable	High	Not Applicable	Not Applicable	Moderate	Recharge	Moderate
69-057-21-11-005-A	Moderate	Low	Low	Low	Not Applicable	Low	Not Applicable	Not Applicable	Not Applicable	Recharge	
69-057-21-14-004-A	High	Moderate	High	High	Not Applicable	Exceptional	Not Applicable	High	Moderate	Recharge	Moderate
69-057-21-14-009-A	High	Moderate	High	High	Not Applicable	Moderate	Not Applicable	High	Moderate	Recharge	Moderate
69-057-21-15-004-A	High	Moderate	High	High	Not Applicable	High	High	High	Moderate	Recharge	Moderate
69-057-21-15-005-A	High	Moderate	High	High	Not Applicable	Moderate	High	Not Applicable	Moderate	Recharge	Moderate
69-057-21-22-008-A	High	Moderate	High	High	Not Applicable	High	High	High	Moderate	Recharge	Moderate
69-057-21-22-009-A	High	Moderate	High	High	Not Applicable	Moderate	Not Applicable	High	Moderate	Recharge	Moderate
69-057-21-22-010-A	High	Moderate	High	High	Not Applicable	High	Not Applicable	Not Applicable	Moderate	Recharge	Exceptional
69-058-15-03-001-A	High	High	Moderate	High	Not Applicable	High	Not Applicable	High	Moderate	Recharge	Moderate
69-058-15-03-008-A	High	Moderate	Moderate	Moderate	Low	Moderate	High	Low	Moderate	Recharge	Moderate
69-058-16-10-003-A	High	Moderate	High	High	Not Applicable	High	Not Applicable	Not Applicable	Moderate	Combination Discharge, Recharge	Exceptional
69-058-16-17-001-A	High	Moderate	Moderate	High	Not Applicable	High	Not Applicable	Not Applicable	Moderate	Recharge	Moderate
69-058-16-17-003-A	High	High	High	High	Not Applicable	Moderate	Not Applicable	Not Applicable	Exceptional	Recharge	Exceptional
69-058-16-17-009-A	High	Moderate	Moderate	High	Not Applicable	High	Not Applicable	Not Applicable	Moderate	Recharge	Exceptional
69-058-16-17-010-A	High	Moderate	Moderate	Moderate	Not Applicable	Moderate	Not Applicable	Not Applicable	Moderate	Recharge	High
69-058-16-18-001-A	High	Moderate	Moderate	Moderate	Low	Moderate	Not Applicable	High	Moderate	Recharge	Moderate
69-058-16-19-014-A	High	High	High	Moderate	Moderate	Moderate	Not Applicable	High	Moderate	Combination Discharge, Recharge	High
69-058-17-05-002-A	Moderate	High	Moderate	Moderate	Moderate	Moderate	Not Applicable	Moderate	Moderate	Recharge	Moderate
69-058-17-06-002-A	Moderate	High	Moderate	Moderate	Not Applicable	Moderate	Moderate	Moderate	Moderate	Combination Discharge, Recharge	Moderate
69-058-17-06-003-A	Moderate	High	Moderate	High	Not Applicable	Moderate	Not Applicable	Not Applicable	Moderate	Recharge	Exceptional
69-058-17-06-004-A	High	Moderate	High	High	Not Applicable	High	Not Applicable	Not Applicable	Moderate	Recharge	High
69-058-17-08-001-A	Moderate	High	Moderate	Moderate	Moderate	Exceptional	Not Applicable	Moderate	Moderate	Combination Discharge, Recharge	Moderate
69-058-17-09-001-A	High	High	High	High	Not Applicable	High	Not Applicable	Not Applicable	Moderate	Combination Discharge, Recharge	Exceptional
69-058-17-09-005-A	High	High	High	High	Not Applicable	Moderate	Not Applicable	High	Moderate	Recharge	High
69-058-17-16-003-A	Moderate	Moderate	Moderate	Moderate	Not Applicable	Moderate	Not Applicable	Moderate	Moderate	Recharge	High
69-058-17-21-010-A	Moderate	Moderate	Moderate	High	Not Applicable	Moderate	Not Applicable	Moderate	Moderate	Recharge	Moderate
69-058-17-21-011-A	High	High	Moderate	High	Not Applicable	High	Not Applicable	Not Applicable	Moderate	Recharge	High
69-058-17-24-002-A	Moderate	Moderate	Moderate	Moderate	Not Applicable	Moderate	Not Applicable	Moderate	Low	Combination Discharge, Recharge	Moderate
69-058-17-25-005-A	Moderate	Moderate	Moderate	Moderate	Not Applicable	Moderate	Not Applicable	Moderate	Moderate	Recharge	Moderate
69-058-17-26-001-A	High	Moderate	Moderate	Moderate	Not Applicable	Moderate	Not Applicable	Moderate	Moderate	Recharge	High
69-058-17-26-002-A	High	High	High	High	Not Applicable	High	Not Applicable	Not Applicable	Moderate	Recharge	Exceptional
69-058-17-26-004-A	Moderate	Moderate	Moderate	Moderate	Not Applicable	Moderate	High	Low	High	Combination Discharge, Recharge	Moderate

Table 9
Mineland Functional Assessment Results Summary

Wetland ID	Hydrologic Regime	Flood Storage	Downstream Water Quality	Wetland Water Quality	Shoreline Protection	Wildlife Habitat	Fishery Habitat	Amphibian Habitat	Aesthetics, Recreation, Education	Groundwater Interaction	Wetland Sensitivity to Stormwater
69-058-17-34-001-A	Moderate	Moderate	Moderate	Moderate	Moderate	High	High	High	Moderate	Recharge	Moderate
69-058-17-35-004-A	High	High	High	High	Not Applicable	High	Not Applicable	Not Applicable	Moderate	Recharge	Exceptional
69-058-17-35-007-A	High	Moderate	Moderate	High	Not Applicable	High	Not Applicable	Not Applicable	Moderate	Recharge	Exceptional
69-058-17-35-008-A	High	Moderate	Moderate	High	Not Applicable	High	Not Applicable	Not Applicable	Moderate	Recharge	Exceptional
69-058-17-35-009-A	High	Moderate	Moderate	Exceptional	Low	Exceptional	High	High	Moderate	Recharge	High
69-058-19-09-003-A	High	Moderate	Moderate	High	Not Applicable	High	Not Applicable	Not Applicable	Moderate	Recharge	High
69-058-19-09-004-A	High	Moderate	Moderate	High	Not Applicable	Moderate	Moderate	High	Moderate	Recharge	Moderate
69-058-19-09-005-A	High	Moderate	High	High	Not Applicable	High	High	High	Moderate	Recharge	Moderate
69-058-19-15-003-A	High	Moderate	Moderate	High	Not Applicable	High	High	High	Moderate	Recharge	Moderate
69-058-19-16-002-A	High	Moderate	High	High	Not Applicable	High	Not Applicable	High	Moderate	Recharge	High
69-058-19-16-009-A	Moderate	High	Moderate	Moderate	Not Applicable	Moderate	Moderate	High	Moderate	Recharge	Moderate
69-058-19-19-001-A	High	Moderate	Moderate	High	Not Applicable	Moderate	Not Applicable	High	Moderate	Recharge	High
69-058-19-20-007-A	Moderate	Moderate	Moderate	Moderate	Moderate	Moderate	Not Applicable	High	Moderate	Combination Discharge, Recharge	Moderate
69-058-19-20-010-A	Moderate	Moderate	Moderate	Moderate	Moderate	Moderate	Not Applicable	Moderate	Moderate	Combination Discharge, Recharge	Moderate
69-058-19-29-013-A	Moderate	Moderate	Moderate	Moderate	Moderate	Moderate	Not Applicable	High	Moderate	Combination Discharge, Recharge	Moderate
69-058-20-26-001-A	Moderate	High	High	High	Not Applicable	Moderate	Moderate	High	Moderate	Combination Discharge, Recharge	Moderate
69-058-20-32-001-A	High	Moderate	High	Exceptional	Not Applicable	Exceptional	Not Applicable	Not Applicable	Moderate	Recharge	High
69-058-20-32-003-A	High	Moderate	High	Exceptional	Not Applicable	Exceptional	Not Applicable	Not Applicable	Moderate	Combination Discharge, Recharge	High
69-058-20-32-004-A	High	High	High	Exceptional	Not Applicable	Exceptional	Not Applicable	Not Applicable	Moderate	Recharge	High
69-058-20-32-005-A	High	Moderate	High	High	Not Applicable	High	Not Applicable	Not Applicable	Moderate	Recharge	Moderate
69-058-20-33-010-A	High	High	High	High	Not Applicable	Moderate	Moderate	Not Applicable	Moderate	Recharge	Moderate
69-058-20-35-003-A	Low	Low	Low	Low	Not Applicable	Low	Not Applicable	Not Applicable	Not Applicable	Recharge	
69-058-20-35-006-A	High	High	High	High	Not Applicable	Moderate	Not Applicable	Not Applicable	Moderate	Recharge	Moderate
69-058-20-35-007-A	High	High	High	High	Not Applicable	Moderate	Not Applicable	Not Applicable	Moderate	Recharge	Moderate
69-058-20-35-011-A	High	Moderate	Moderate	High	Moderate	Moderate	Not Applicable	High	Moderate	Recharge	Moderate
69-058-20-35-013-A	Moderate	Moderate	High	High	Moderate	Moderate	Moderate	Moderate	Moderate	Recharge	Moderate
69-058-20-35-014-A	High	High	High	High	Not Applicable	Moderate	Not Applicable	Not Applicable	Moderate	Recharge	Moderate
69-059-15-31-006-A	High	High	Moderate	High	Not Applicable	High	Not Applicable	Not Applicable	Moderate	Recharge	Moderate
69-060-12-06-004-A	High	Moderate	High	Moderate	Not Applicable	Moderate	Not Applicable	High	Moderate	Combination Discharge, Recharge	High
69-060-12-09-005-A	High	Moderate	Moderate	Moderate	Not Applicable	High	High	Moderate	High	Combination Discharge, Recharge	Moderate

Table 10
Mineland Assessment Vegetative Diversity/Integrity Results

WetlandID	Wetland Size (ac)	Circular 39	Weighted Average Vegetative Diversity/Integrity
31-055-26-26-003-A	40	5	Low
31-055-26-27-005-A	5.2	5, 4, 7	High
31-055-26-28-005-A	3	5, 4	High
31-055-26-28-006-A	7.4	7	High
31-055-26-28-007-A	4.76	4, 5	High
31-056-22-04-002-A	1.3	2	Low
31-056-22-05-006-A	5	5, 2, 3	Low
31-056-22-05-011-A	6.78	6, 3	Moderate
31-056-22-05-015-A	46.56	3, 7, 2	Exceptional
31-056-22-06-016-A	136.6	4, 3, 6	Exceptional
31-056-22-06-025-A	1.44	6	Moderate
31-056-22-07-023-A	7.23	3, 4	Low
31-056-22-16-011-A	1103.78	5, 6	Low
31-056-22-17-019-A	6.64	6, 3	Moderate
31-056-22-17-024-A	0.84	3	Low
31-056-22-17-025-A	1.27	6, 3	Low
31-056-22-17-026-A	3.01		Not Rated
31-056-22-17-027-A	79	4, 5	Low
31-056-22-17-030-A	61.01	6, 3	Moderate
31-056-23-27-001-A	3.8	7	High
31-056-23-27-004-A	76.07	6, 5	Exceptional
31-056-25-14-002-A	14	3, 4	Moderate
31-056-25-14-004-A	6	6, 3	High
31-056-25-25-003-A	55	5	High
31-056-25-33-001-A	35	6, 3, 4	Exceptional
31-056-25-33-003-A	30	3, 5, 1	Exceptional
31-056-25-36-004-A	11.06	6	Exceptional
31-057-22-28-002-A	5.97	5, 2, 4	Moderate
31-057-22-30-003-A	8.59	6, 5	Moderate
31-057-22-30-009-A	12	5, 6	Moderate
31-057-22-30-020-A	237.54	5, 3, 7	Moderate
31-057-22-32-007-A	12.05	2	Moderate
31-057-22-32-008-A	1.5	3	Moderate
31-057-22-32-009-A	1.83	2	Moderate
69-057-20-04-023-A	2.44	3, 5	Exceptional
69-057-20-04-025-A	3.01	3	Moderate
69-057-20-04-027-A	2.3	3	Exceptional
69-057-20-08-001-A	0.26		Not Rated
69-057-20-08-003-A	4.27	3, 5	Moderate
69-057-20-08-019-A	3.47	3	Moderate
69-057-20-08-020-A	12.48	5, 3	Moderate
69-057-20-09-008-A	18.32	3	Moderate
69-057-20-17-014-A	21.46	3, 5	Moderate
69-057-21-11-005-A	100.55		Not Rated
69-058-15-03-001-A	4	6, 3	Moderate
69-058-15-03-008-A	43	5	Low
69-058-16-10-003-A	675	8, 6	Moderate
69-058-16-17-001-A	3	6	Moderate
69-058-16-17-003-A	14.92	8	Low
69-058-16-17-009-A	50	6, 7	Moderate
69-058-16-17-010-A	50	6	Moderate
69-058-16-18-001-A	43	5	Low

Table 10
Mineland Assessment Vegetative Diversity/Integrity Results

WetlandID	Wetland Size (ac)	Circular 39	Weighted Average Vegetative Diversity/Integrity
69-058-16-19-014-A	91	6, 5, 4	Low
69-058-17-05-002-A	10	5	Low
69-058-17-06-002-A	3.7	5	Moderate
69-058-17-06-003-A	1	7	Moderate
69-058-17-06-004-A	20	6	High
69-058-17-08-001-A	30	5	Low
69-058-17-09-001-A	8	7	High
69-058-17-09-005-A	1	6, 3	Moderate
69-058-17-16-003-A	7.2	6, 4	Moderate
69-058-17-21-010-A	1	2, 3	Moderate
69-058-17-21-011-A	1	7, 6	High
69-058-17-24-002-A	5	5	Low
69-058-17-25-005-A	10	5	Low
69-058-17-26-001-A	1	6, 3	Low
69-058-17-26-002-A	1.5	7	High
69-058-17-26-004-A	30	5	Low
69-058-17-34-001-A	30	5	Moderate
69-058-17-35-004-A	2	8	High
69-058-17-35-007-A	2.5	8, 7	High
69-058-17-35-008-A	2	6, 8	High
69-058-17-35-009-A	30	5	Exceptional
69-058-19-09-003-A	2	6	High
69-058-19-09-004-A	8	4	Moderate
69-058-19-09-005-A	5	5	Moderate
69-058-19-15-003-A	5	5	Moderate
69-058-19-16-002-A	1	2, 6	High
69-058-19-16-009-A	7	5	Moderate
69-058-19-19-001-A	0.64	3	High
69-058-19-20-007-A	7.5	5	Moderate
69-058-19-20-010-A	40	5	Moderate
69-058-19-29-013-A	15	5	Moderate
69-058-20-26-001-A	4.75	3	Moderate
69-058-20-32-001-A	2.96	6	Exceptional
69-058-20-32-003-A	1.6	6	Exceptional
69-058-20-32-004-A	6.58	5	Exceptional
69-058-20-32-005-A	1.89	3	Moderate
69-058-20-33-010-A	29.58	3	Moderate
69-058-20-35-003-A	14.9		Not Rated
69-058-20-35-006-A	3.45	3, 2	Moderate
69-058-20-35-007-A	7.23	3	Low
69-058-20-35-011-A	118.97	3	Moderate
69-058-20-35-013-A	13.8	3	Moderate
69-058-20-35-014-A	1.45	6, 3	Moderate
69-059-15-31-006-A	4	6, 3	Moderate
69-060-12-06-004-A	146	6, 7, 5, 4	Moderate
69-060-12-09-005-A	7	6, 5	Moderate

Table 11
Mineland Assessment Summary Statistics

105 Total Wetlands	Number of Sites / Functional Rating				
	Exceptional	High	Moderate	Low	NA Or None
Vegetative Diversity/Integrity	12	17	53	19	4
Hydrologic Regime	0	83	19	2	1
Flood Storage	0	41	60	4	0
Downstream Water Quality	0	51	50	4	0
Wetland Water Quality	12	55	34	4	0
Shoreline Protection	0	0	15	3	87
Wildlife Habitat	13	45	43	4	0
Fishery Habitat	0	10	8	1	86
Amphibian Habitat	0	42	15	3	45
Aesthetics, Recreation, Education	1	4	95	1	4
Wetland Sensitivity to Stormwater	13	25	63	0	4

105 Total Wetlands	Percentage of Sites / Functional Rating				
	Exceptional	High	Moderate	Low	NA Or None
Vegetative Diversity/Integrity	11%	16%	50%	18%	4%
Hydrologic Regime	0%	79%	18%	2%	1%
Flood Storage	0%	39%	57%	4%	0%
Downstream Water Quality	0%	49%	48%	4%	0%
Wetland Water Quality	11%	52%	32%	4%	0%
Shoreline Protection	0%	0%	14%	3%	83%
Wildlife Habitat	12%	43%	41%	4%	0%
Fishery Habitat	0%	10%	8%	1%	82%
Amphibian Habitat	0%	40%	14%	3%	43%
Aesthetics, Recreation, Education	1%	4%	90%	1%	4%
Wetland Sensitivity to Stormwater	12%	24%	60%	0%	4%

Figures

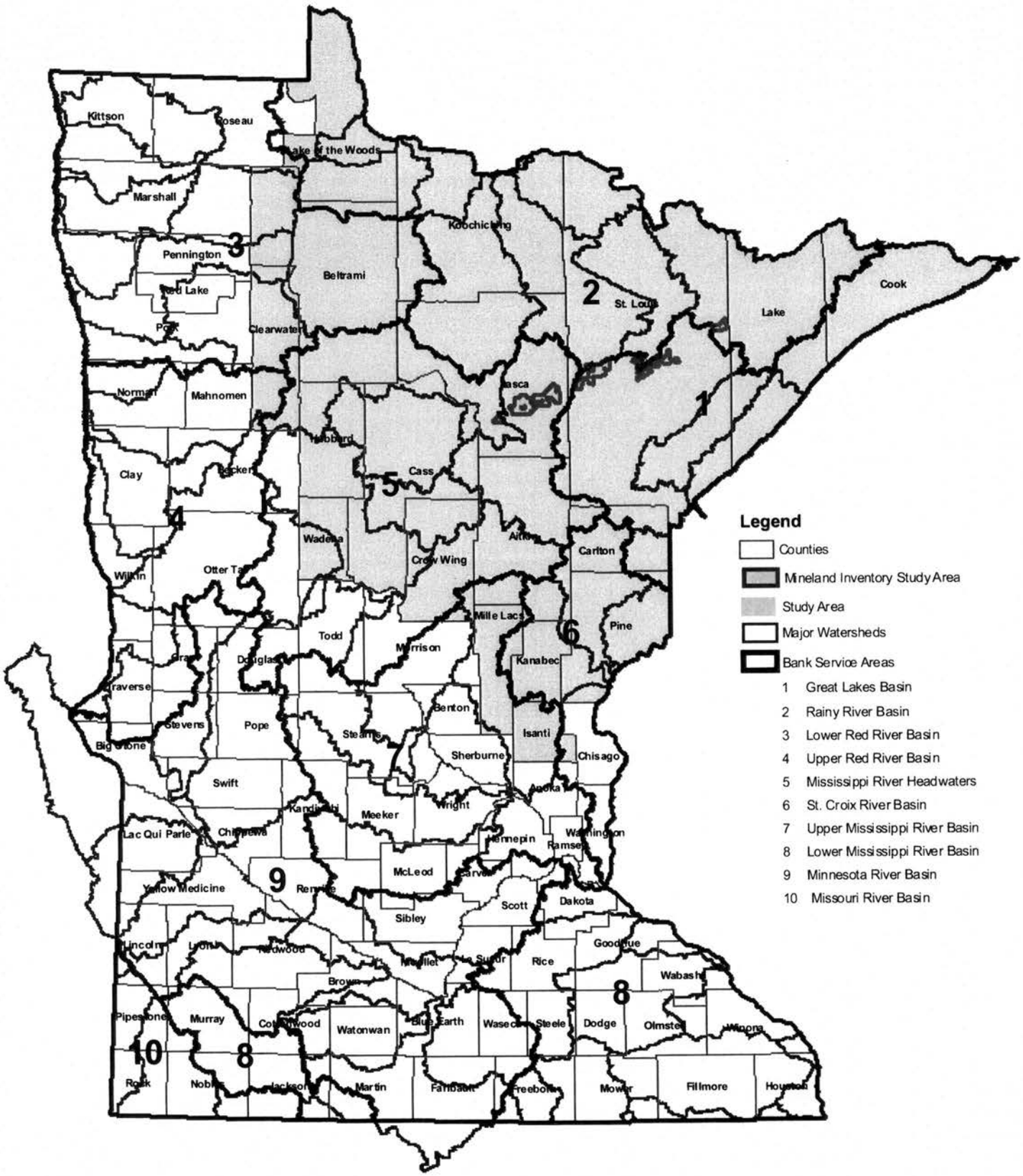
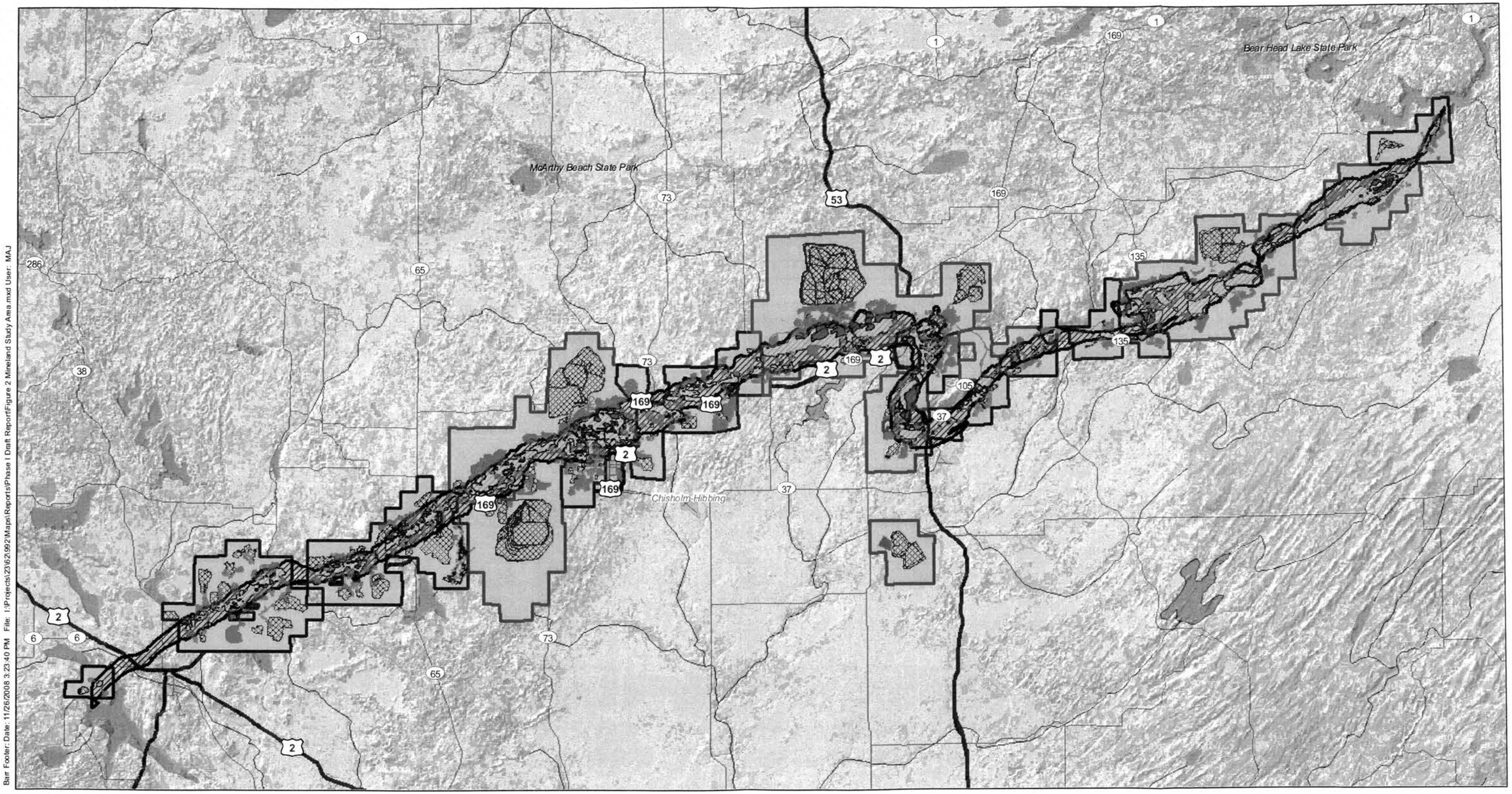


Figure 1

STUDY AREA
Northeast Wetland Mitigation
Inventory and Assessment Project

Footer: Date: 12/11/2008 2:58:32 AM File: I:\Projects\23\62\992\Maps\Reports\Phase I Draft Report\Figure 1 Study Area.mxd User: MAJ



Barr Footer: Date: 11/26/2008 3:23:40 PM File: I:\Projects\23\62\992\Maps\Reports\Phase I Draft Report\Figure 2 Mineland Study Area.mxd User: MAJ

MNDNR 2007 Mine Features

- Other Feature; plant or shop area
- Stockpiles
- In-pit Stockpile
- Mining Related Water Feature
- Pits
- Tailings Basin
- Biwabik Iron Formation

Mineland Study Area

- Exclusions
- Study Area

N

0 3 6 12

Miles

Figure 2

MINELAND INVENTORY
STUDY AREA
Northeast Wetland Mitigation
Inventory and Assessment Project

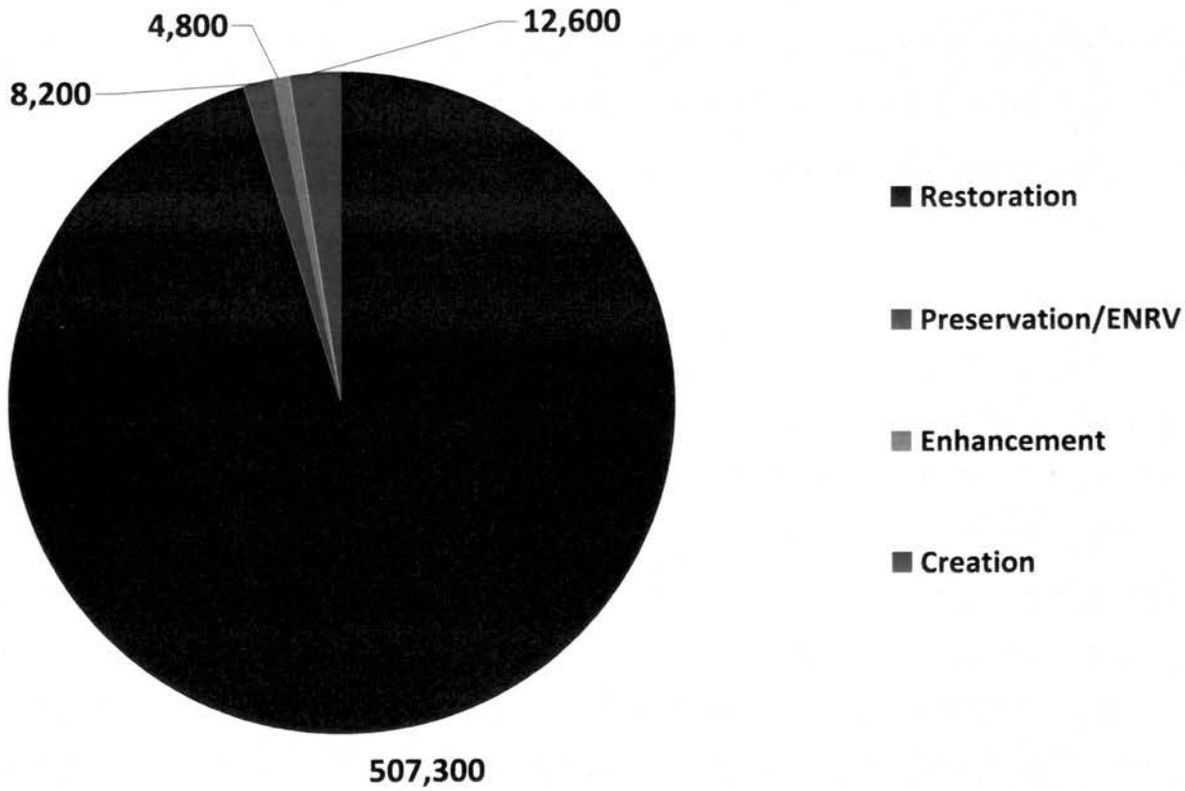


Figure 3
Potential Wetland Mitigation Credit (532,900 acres)
GIS Analysis

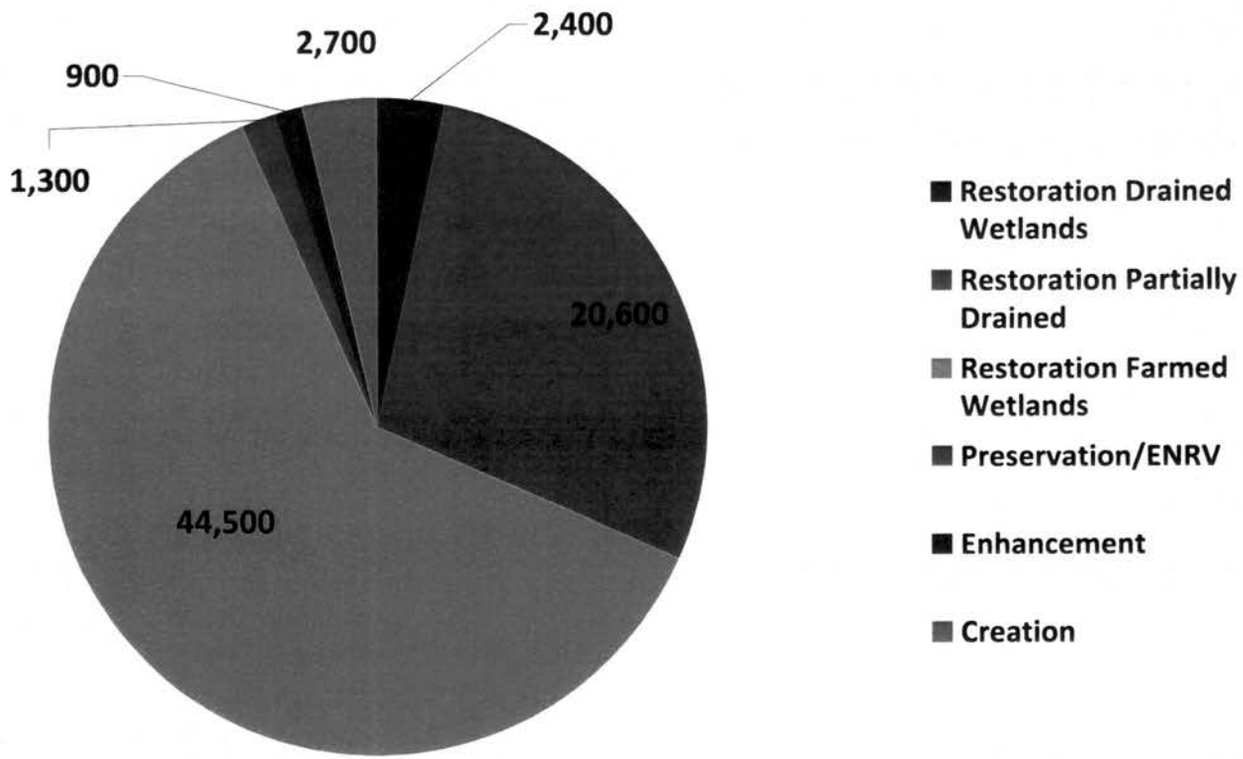


Figure 4
High Potential Wetland Mitigation Area (72,400 acres)
Summarized by Mitigation Method

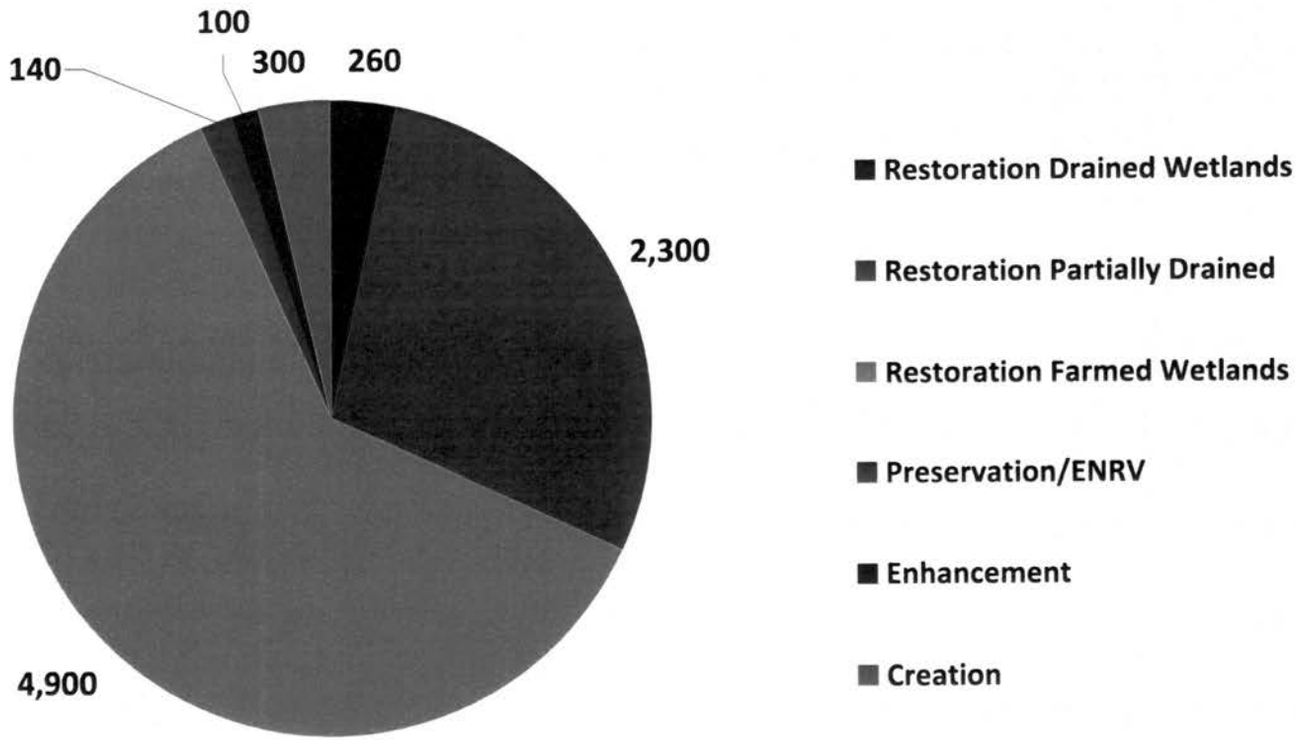


Figure 5
High Potential Mitigation Area and
Landowner Willingness (8,000 acres)

Figure 6. All Field Checked Potential Mitigation Sites

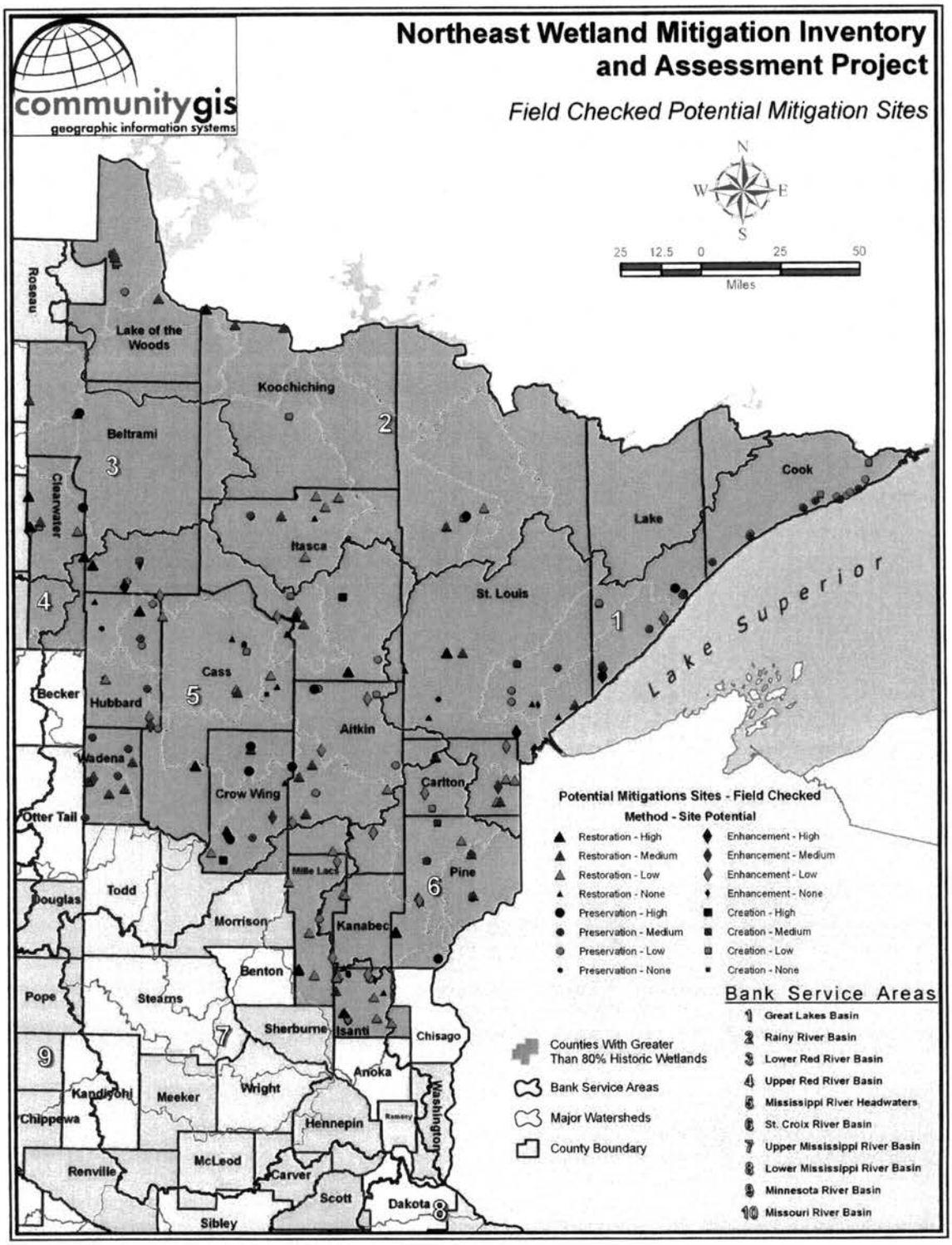


Figure 7. All Field Checked Mitigation Sites With High Potential

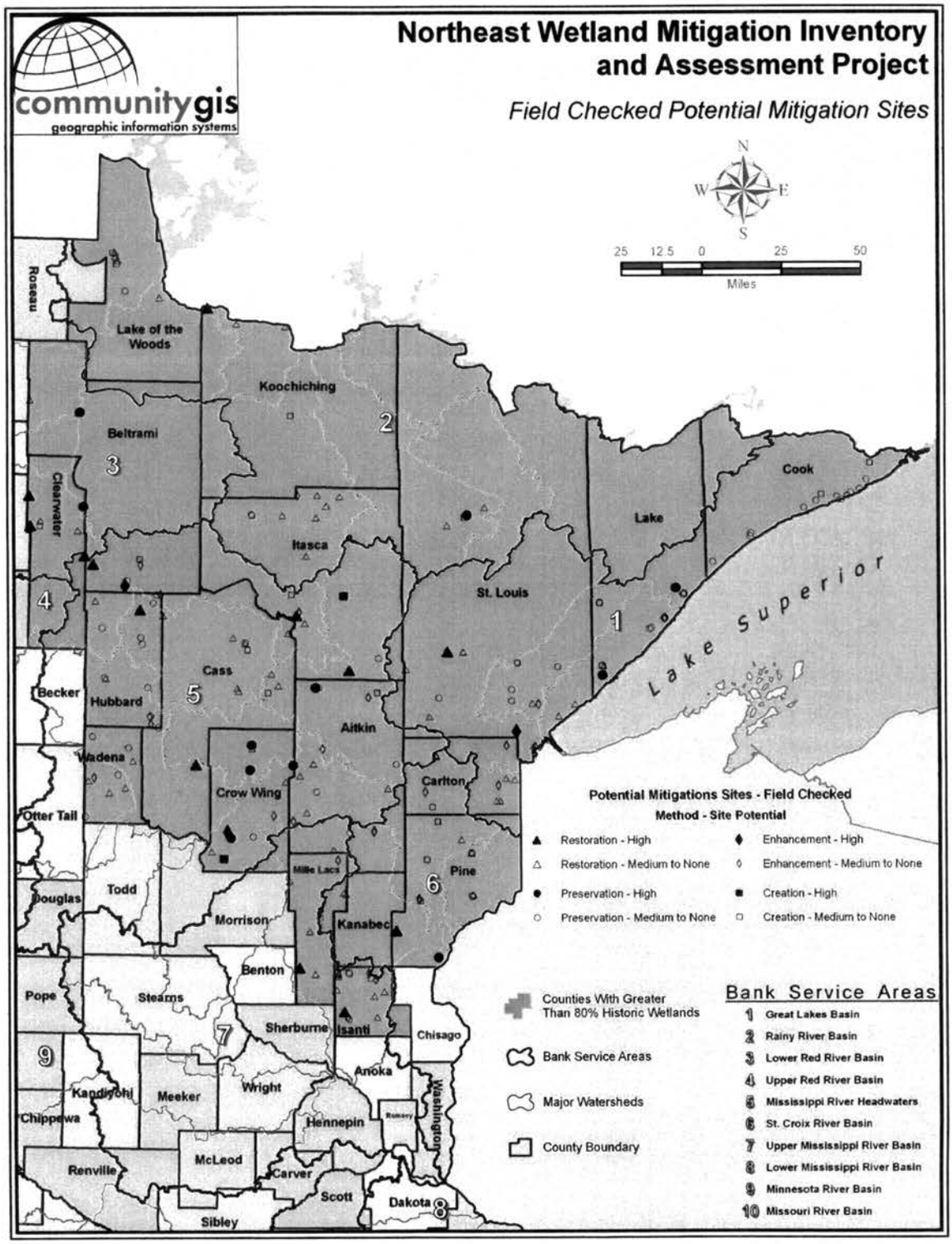


Figure 8: Sample Field Verification Map of Mineland Wetland Features



Cities
Study Area
10' Contours (Mesabi/NED)
50 Foot Contour
10 Foot Contour

Wetlands
Waters Within Mine Pits
Wetlands Within Tailings Basins
Wetlands on Stockpiles
Wetlands Within Other Mine Features
Within 100 Feet of Mine Feature
Within 500 Feet of Mine Features
Wetland Not Associated With Mine Feature

2007 DNR Mine Features
Other Mining Features
Pits
Stockpile
Tailings Basin

Appendices

Appendix A

Geographic Information System Metadata

Geographic Information System Metadata

The following is a list of the data layers used, the sources for the data and links to Metadata. Metadata was not available for all sources of information. When the data is released publicly by BWSR, the metadata for creating the model will be released at that time.

Data Layer	Source	Metadata Link, if available
DNR 24K Streams	DNR Data Deli	http://deli.dnr.state.mn.us/metadata.html?id=L260000072102
DNR GAP Data Tile Raster	DNR Data Deli	http://deli.dnr.state.mn.us/metadata.html?id=L390002710606
DNR GAP Land Cover Vector	DNR Data Deli	http://deli.dnr.state.mn.us/metadata.html?id=L280000150202
International Coalition Land Cover	DNR Data Deli	http://deli.dnr.state.mn.us/metadata.html?id=L250000102101
Manitoba Land Cover	DNR Data Deli	http://deli.dnr.state.mn.us/metadata.html?id=L250000112101
National Land Cover USGS	DNR Data Deli	http://deli.dnr.state.mn.us/metadata.html?id=L390005710606
MN Trout Streams	DNR Data Deli	http://deli.dnr.state.mn.us/metadata.html?id=L260000240202
Municipal Boundaries	DNR Data Deli	http://deli.dnr.state.mn.us/metadata.html?id=L390001310201
County Boundaries	DNR Data Deli	http://deli.dnr.state.mn.us/metadata.html?id=L220000030201
Major Watershed	DNR Data Deli	http://deli.dnr.state.mn.us/metadata.html?id=L260000210201
Minnesota Geomorphology	DNR Data Deli	http://deli.dnr.state.mn.us/metadata.html?id=L280000062101
Minnesota Impaired Lakes 2006	MPCA	http://www.pca.state.mn.us/water/tmdl/tmdl-maps.html
Minnesota 2006 Impaired Streams	MPCA	http://www.pca.state.mn.us/water/tmdl/tmdl-maps.html
Minnesota NHIS Polygon	DNR	http://www.dnr.state.mn.us/eco/nhnrp/nhis.html
Minnesota NHIS Point	DNR	http://www.dnr.state.mn.us/eco/nhnrp/nhis.html
Scientific Natural Areas SNA	DNR Data Deli	http://deli.dnr.state.mn.us/metadata.html?id=L220000150201
USGS DEM	USGS	http://seamless.usgs.gov/products/1arc.php

National Wetland Inventory NWI	DNR Data Deli	http://deli.dnr.state.mn.us/metadata.html?id=L260000162101
Mesabi Elevation Data	DNR Lands and Minerals	matt.oberhelman@dnr.state.mn.us
Mine Features Data	DNR Lands and Minerals	http://www.lmic.state.mn.us/gc/stds/metadata.htm
Most County Soil Data	NRCS	http://soildatamart.nrcs.usda.gov/SSURGOMetadata.aspx
Invasive Species Data	DNR	luke.skinner@dnr.state.mn.us
Fema Floodplains	DNR Data Deli	http://deli.dnr.state.mn.us/metadata.html?id=L260000102101

Soils Data Availability and Additional County Data Sources:

The following table illustrates which Minnesota Counties have completed soil surveys. In the case of unavailable soil data from the USDA – NRCS, geomorphology was substituted to identify potential hydric soils. In addition, some counties were able to provide ownership data and some timber inventory data to aid in the completion of the wetland inventory.

COUNTY NAME	SOILS DATA SOURCE	OWNERSHIP DATA SOURCE	COUNTY TIMBER INVENTORY PROVIDED?
Aitkin	USDA SOILS	COUNTY	YES
Beltrami	USDA SOILS	GAP	NO
Carlton	USDA SOILS	GAP	YES
Cass	USDA SOILS	GAP	NO
Clearwater	USDA SOILS	COUNTY	YES
Cook	GEOMORPHOLOGY	GAP	NO
Crow Wing	GEOMORPHOLOGY	COUNTY	YES
Hubbard	USDA SOILS	COUNTY	YES
Isanti	USDA SOILS	GAP	NO
Itasca	USDA SOILS	COUNTY	YES
Kanabec	USDA SOILS	GAP	NO
Koochiching	GEOMORPHOLOGY	COUNTY	NO
Lake	GEOMORPHOLOGY	COUNTY	YES
Lake of the Woods	USDA SOILS	GAP	NO
Mille Lacs	USDA SOILS	GAP	NO
Pine	GEOMORPHOLOGY	GAP	NO
St. Louis	USDA SOILS & GEOMORPHOLOGY	GAP	NO
Wadena	USDA SOILS	COUNTY	NO

Appendix B

Historic Wetland Identification Analysis

Historic Wetland Identification Analysis

The Wetland Identification Model was assembled by Community GIS Services by compiling the data from six main data categories described below. The purpose of this analysis was to identify likely historic wetland areas as a baseline for assisting with the identification of potential wetland mitigation opportunities.

1. USGS 30-Meter digital elevation model (DEM)

   Slope percentages were calculated for all counties and areas of 1% slope or less were extracted except St. Louis, Lake, and Cook counties where areas of 4% slope or less were extracted.

2. NRCS SSURGO 2.2 Soil Surveys

   All hydric soils were extracted from the SURGO certified soil survey. Database queries were run to identify the hydric soils and hydrologic group soil types. The resulting dataset is a hybrid of the hydric soils and hydrologic group soils that are less than or equal to 1 foot water table height during at least fifty percent of the growing season. Some counties within the project area did not have a completed soil survey at the time of the analysis. Geomorphology data (2a.) was used as a substitute for hydric soil information.

2a. MN DNR Geomorphology

   Areas containing attributes of peat, alluvial, lacustrine, outwash plains, and flat areas such as marshes and bogs were identified in counties with incomplete soil surveys as a substitute for hydric soils.

3. USGS 2001 National Land Cover Data (NLCD)

   Lowland attributes were identified and extracted from the dataset. These attributes included scrub shrub, woody wetlands, and emergent herbaceous wetlands.

4. MN DNR GAP Land Cover Data (Vector Data)

   Lowland attributes were identified and extracted from the dataset. These attributes included lowland deciduous shrub, lowland evergreen shrub, floating aquatic, sedge meadow, broadleaf sedge/cattail, balsam fir mix, lowland black spruce, stagnant black spruce, tamarack, stagnant tamarack, lowland northern white cedar, stagnant northern white cedar, stagnant conifer, aspen/birch, black ash, lowland deciduous, lowland conifer/deciduous mix)

5. National Wetlands Inventory (NWI)

   NWI systems of Palustrine and Riverine were extracted from the dataset.

6. FEMA Floodplains

   100 and 500-year floodplains were identified and extracted from the dataset. Any floodplains that were categorized as being open water were excluded.

Historic Wetland Likelihood

The following wetland features were extracted from each parent dataset and assigned a flat value of 1. A spatial analysis was performed on the derived wetlands datasets. The data was layered in GIS with multiple overlapping data indicating the likely presence of historic wetland. The resulting polygon dataset contains attributes of each input dataset. A 'Score' field is added to the database that is calculated by adding the fields together resulting in a calculated value (or score) for each polygon. The higher the score, the higher likelihood that historic wetlands were present.

SLOPE	GAP	HYDRICSOIL	NLCD	NWI	FEMA	SCORE
1	0	1	0	1	1	4
0	1	1	1	1	1	5
1	1	1	1	1	1	6
0	0	0	0	1	0	1
1	1	1	1	1	1	6
0	1	1	0	1	0	3

Datasets utilized: In addition to the six data categories listed previously, the following data sets were utilized for all wetland mitigation methods for which GIS polygons were generated:

- Wetland mitigation method
- Historic Wetland Model layer values
- Ownership (private, tax forfeit, state, federal, tribal)
- Restoration area (acres)
- Wetland Banks Service Areas (6 of 10 in the state)
- Major watershed (81 in the state)
- Minor watershed (5,600 in the state)
- County

Data was then compiled by major wetland mitigation categories: restoration, enhancement, preservation and creation. Polygons were generated using selected features described on the following pages for each method. In some cases, no data was able to be found and consequently those methods were dropped from analysis.

Appendix C

Wetland Mitigation Opportunity Identification Analysis

Restoration Potential – GIS Mitigation Methods

1. **Drained Wetlands –**
   - Select from Historic Wetland Model values of 1 for slope and hydric soils, but values of 0 for NWI, NLCD, GAP, & FEMA layers
   - Intersect Historic Wetland Model selection with 300' buffer on ditch layer data (MnDot, MN DNR, and any known County ditch data)

2. **Farmed Wetlands -**
   - Select from Historic Wetland Model polygons with values of 1 for slope and hydric soils
   - Intersect Historic Wetland Model selection with areas containing cropland, grass land or shrub landcover attributes from the MN DNR GAP land cover and/or Manitoba / International data sets for agricultural land covers

   Dataset(s) Unique to this Method
   - Farmed wetlands would not need to have ditching or drainage. What sets this method apart from drained wetlands is the agricultural land uses.

3. **Partially Drained Wetlands**
   - Select from Historic Wetland Model polygons with values of 1 for slope, hydric soils, NWI and at least one of the land cover attributes. (GAP or NLCD)
   - Intersect Historic Wetland Model selection with 600' buffer on ditch layer data (MnDot, MN DNR, and any known County ditch data)
   - If a potential mitigation area intersects with a Scientific and Natural Area (SNA), the SNA's name will be added to the partially drained wetlands database
   - If a potential mitigation area intersects with an NWI wetland with a beaver modifier, then a beaver presence field name will be added to the partially drained wetlands database

   Dataset(s) Unique to this Method
   - SNA – could identify potential restoration opportunities intersecting or abutting an SNA, also helps to identify whether restoring hydrology could threaten or enhance an SNA.
   - Beaver Dams – Steve Eggers (COE) has proposed structures to permanently restore hydrology as a beaver dam does. This idea was directed at a specific area of drained peatlands in northern sections of St. Louis, Koochiching, Beltrami and Lake of the Woods Counties.

4. **Removal of fill -** Road abandonment was pursued in each county but no data was available – No further analysis of method was pursued

ENHANCEMENT POTENTIAL

5. **Invasive Species –**
   - Select Historic Wetland Model polygons with scores of 3 or higher
   - Intersect Historic Wetland Model selection with point data for purple loosestrife

   Dataset(s) Unique to this Method

   Database file of known purple loosestrife locations was obtained from MN DNR and converted into GIS point coverage. No other invasive species GIS data was received.

6. **Reforestation of Wetlands** – This was taken off the list of potential mitigation methods because it is not really a separate method but an estimation of restoration community.

7. **Impaired Waters Enhancement** -
   - Select Historic Wetland Model polygons with scores 3 or higher
   - Intersect Historic Wetland Model selection with 300-foot buffer on all streams within the impaired minor watershed
   - Intersect with human disturbance attributes – either through MN DNR GAP land cover and/or Manitoba / International data (agriculture, development, gravel pits, and grasslands)
   - Stream name and impairment type(s) were added into impaired waters enhancement database

   Dataset(s) Unique to this Method

   - Impaired Waters (MN PCA)

CREATION POTENTIAL

8. **Aggregate / Mining Pits** –
   - Select from Historic Wetland Model values of 1 for NWI or hydric soils
   - Intersect Historic Wetland Model selection with 300-foot buffer of gravel pit locations from the Manitoba land use data

   Dataset(s) Unique to this Method

   - Gravel pits/mines

PRESERVATION/ENHANCEMENT POTENTIAL

9. **White Cedar** –
   - Select Historic Wetland Model polygons with scores 3 or higher
   - Intersect Historic Wetland Model selection with white cedar polygons identified from county forest inventory data and GAP Land Cover data and apply 300-foot buffer
   - Intersect with human disturbances attributes - either through MN DNR GAP land cover and/or Manitoba / International data (agriculture, development, gravel pits, and grasslands) to identify potential threat and preservation opportunities
   - Add ownership as attributes in white cedar database

   Dataset(s) Unique to this Method

   - White cedar stands

10. **North Shore Trout Streams** –
    - Select Historic Wetland Model polygons with scores 3 or higher
    - Intersect with 300-foot buffer along all trout streams
    - Intersect with human disturbances attributes - either through MN DNR GAP land cover and/or Manitoba / International data (agriculture, development, gravel pits, and grasslands)
    - Add ownership as attributes in trout streams database

Dataset(s) Unique to this Method

- Trout streams

11. **Preservation of ENRV's (High Quality Wetlands, etc.)–**
    - Select Historic Wetland Model polygons with scores 3 or higher
    - Intersect Historic Wetland Model selection with Natural Heritage database for threatened and endangered species
    - Intersect Minnesota County Biological Survey for natural communities with biodiversity significance high or outstanding (if available)
    - Intersect with Scientific and Natural Areas (SNA)
    - Apply 300-foot buffer for (human disturbance layer – either through MN DNR GAP land cover and/or Manitoba / International data (agriculture, development, gravel pits, and grasslands) & municipal boundaries to identify potential or existing threats to resources
    - Intersect polygons with private property ownership

Dataset(s) Unique to this Method

- Natural Heritage Database
- MCBS Biodiversity Significance data
- SNAs

Preservation of County and State Land – This represents a new statute and is being incorporated into the rules. This provision allows for preservation of high value wetlands located on lands owned by the state or a local unit of government that are under a demonstrable threat, but without a restoration requirement. This provision is covered by #11 above as high value wetlands on county tax forfeit or state lands.

- Intersect polygons with county and state land ownership

MISCELLANEOUS CATEGORIES

12. **Beaver dams** - moved and consolidated with restoration of drained peatlands
13. **Entrenched Streams and Starved Floodplains and other categories listed under misc. –** no available digital GIS data – **no further analysis of method**

Appendix D

Wetland Mitigation Types

Wetland Mitigation Types

Wetland Plants and Plant Communities of Minnesota and Wisconsin (Eggers and Reed 1997), as modified by the BWSR and USACE Memorandum of Understanding (May 2007)	Classification of Wetlands and Deepwater Habitats of the United States (Cowardin et al. 1979)	U.S. Fish and Wildlife Service Circular 39 (Shaw and Fredine 1971)
Shallow, open water	Palustrine or lacustrine, littoral; aquatic bed; submergent, floating and floating leaved	Type 5: Inland open fresh water
Deep marsh	Palustrine or lacustrine, littoral; aquatic bed; submergent, floating and floating leaved; emergent persistent and nonpersistent	Type 4: Inland deep fresh marsh
Shallow marsh	Palustrine; emergent; persistent and nonpersistent	Type 3: Inland shallow fresh marsh
Sedge meadow	Palustrine; emergent; broad and narrow leaved persistent	Type 2: Inland fresh meadow
Fresh (wet) meadow	Palustrine; emergent; broad and narrow leaved persistent	Type 1: seasonally flooded basin or flat; Type 2: Inland fresh meadow
Wet to wet-mesic prairie	Palustrine; emergent; broad and narrow leaved persistent	Type 1: seasonally flooded basin or flat; Type 2: Inland fresh meadow
Calcareous fen	Palustrine; emergent; narrow-leaved persistent; scrub/shrub; broad-leaved deciduous	Type 2: Inland fresh meadow Type 6: Shrub swamp
Open bog or coniferous bog	Palustrine; moss/lichen; scrub/shrub; broad leaved evergreen, forested; needle-leaved evergreen and deciduous	Type 8: Bog
Shrub-carr or Alder thicket	Palustrine; scrub/shrub; broad-leaved deciduous	Type 6: Shrub swamp
Hardwood swamp or coniferous swamp	Palustrine; forested; broad leaved deciduous; needle-leaved evergreen and deciduous	Type 7: Wooded swamp
Floodplain forest Seasonally flooded basin	Palustrine; forested; broad leaved deciduous Palustrine; flat; emergent; persistent and nonpersistent	Type 1: seasonally flooded basin or flat; Type 1: seasonally flooded basin or flat;

Appendix E

Field Verification Data Form

Field Verification Form – August 13, 2008

Form Instructions: This form is intended to assist in gathering information to assess the value of potential wetland mitigation opportunities within the northern Minnesota watersheds. It is intended to be a rapid field assessment with an estimated site visit time of 30 to 90 minutes utilizing map data provided along with field observations. This is not meant to be a detailed field characterization.

Reviewer (name)	Assessment Date:	Site Number:
Reviewer's Phone Number	**Site Location (township):**	**County (name)**

Note: * Do not complete field investigation unless landowner grants permission or data sheets can be accurately completed from a public road.

Date Landowner contacted _____ Access **Granted** ☐Yes ☐No ☐No Response ☐Other

Landowner interested in wetland mitigation? ☐Yes ☐No ☐Possibly, need more information.

Is the landowner willing to be contacted in the future regarding wetland banking? __Yes __No

Field Verification – Factors to consider in assessing a potential mitigation site:

1. **How many landowners are within the potential mitigation area (polygon)?** _____

2. **Actions eligible for credit, check the method that is likely to apply to the majority of the site:**
   - **a.** Restoration: ☐ Drained wetland (ditches >2' deep or ditches 300' apart or closer)
     ☐ Partially drained wetland (ditches <2' deep or ditches >300' apart)
     ☐ Farmed wetland (altered to produce crops, revert to wetland if farming stops)
   - **b.** Restoration/ Preservation: ☐ White cedar swamps ☐ Wetlands or buffers adjacent to trout waters
     ☐ Wetlands with T & E species, rare natural communities ☐ORV/SNA waters
     ☐Other ENRVs MN 8420.0548 ☐ County and State owned wetlands
   - **c.** Enhancement: ☐ Impaired water wetland enhancement (within watershed of impaired water)
     ☐ Water quality/habitat enhancement -upland improvement to protect high value wetland
   - **d.** Creation: ☐ Mineral extraction site

3. **Current site hydrology? Check all that apply.**
   ☐ Deep drainage ditches (ditches deeper than 2 feet resulting in some subsurface drainage)
   Approximate ditch spacing ☐ 0-300 ft ☐ 300-600 ft ☐ 1/4 mi ☐1/2 mi ☐ ≥1 mi
   Beaver dams present ☐ none ☐some (1-4) ☐ many >4
   ☐ Shallow surface ditching (ditches <2 feet deep draining only surface water)
   Approximate ditch spacing ☐ 0-300 ft ☐ 300-600 ft ☐ 1/4 mi ☐1/2 mi ☐ ≥1 mi
   Ditches maintained ☐Yes ☐No
   ☐ Drain tile (look for tile outlets into ditches surface inlet flags, etc.)
   ☐ Diking, dams, other structures (i.e. wild rice farming, other hydrologic control)
   ☐ Watershed diversion (i.e. cutoff ditches to divert flow around property or collection and routing of water to the property with control structures for flooding fields)
   ☐ Pumping (i.e. pump stations with electricity for flooding wild rice fields)
   ☐ Lowered outlet
   ☐ Is there upstream drainage through site from other wetlands, streams, ditches, lakes, etc.?

4. **What are the likely natural wetland types that could be restored, created, preserved or enhanced?**
   (This will depend on the method, site topography, local landscape, adjacent wetland communities, and soils.)

☐Conifer swamps	☐Shallow marsh	☐Alder thickets	☐Wet meadows

☐Hardwood swamps	☐Deep marsh	☐Shrub carrs	☐Sedge meadows
☐Open bogs	☐Conifer bogs	☐Open water	

5. Approximate restoration area (acres) * Minimum size for agricultural areas 20 acres

☐0-10	☐10-20	☐20-40	☐40-100	☐100-250	☐250-500	☐>500

6. Does the restoration or creation project have a potential to affect infrastructure?

a. Could the project affect public/utility infrastructure?

☐Roads ☐Power lines ☐Phone lines ☐Pipe lines

b. Potential for flooding private property? ☐yes ☐no ☐don't know

7. What are the current land uses (restoration area and surrounding the site)? Check all that apply.

☐ Residential	☐ Cultivated agriculture	☐ Hay, pasture	☐ Well
☐ Forest	☐ Parks	☐ Transportation (roads, trails)	
☐ Peat mining	☐ Gravel quarry	☐ Utilities (gas, transmission)	
☐ Dumping/landfill	☐ Easements (CRP, WRP)	☐ Other _____	

8. What is the existing vegetation on the site? Check up to 5 types. Estimate percentage of each (≥20%)

☐ Undisturbed, native-dominated wetland vegetation	_____%	☐ Row crops	____%
☐ Dominated by altered wetland vegetation	_____%	☐ Hay, pasture land	____%
☐ Prevalence of invasive species	_____%	☐ Other crops	____%
☐ Prevalence of upland vegetation	_____%	☐ CRP land	____%
Number of years seeded within past 20 years (if known)	_____yrs	☐ Fallowed w/in 5-10yrs	_____%

9. What is the estimated observed vegetation types present? (Percent of each ≥20%) Check up to 5.

☐conifer swamp ____%	☐shallow marsh____%	☐alder thicket ____%	☐sedge meadow ____%
☐hardwood swamp____%	☐deep marsh ____%	☐shrub carr ____%	☐wet meadow ____%
☐open bog ____%	☐open water ____%	☐conifer bog ____%	
☐shrub upland ____%	☐upland forest ____%	☐grass upland ____%	

10. Access to construct and maintain necessary restoration infrastructure?

☐ Public roads	☐Private roads	☐ Trails	☐ None apparent	☐ Winter road

11. Are there other observed conflicting interests for this site (on-site or nearby)?

☐ Peat resources	☐ Gravel resources	☐ Timber resources	☐ Agriculture	☐ Livestock grazing

12. Photo Documentation: For each photo taken, describe in detail below:

Photo Type		Descriptor Examples
Azimuth required	**Abbreviations**	
General landscape	GLS	Project view
Wetland landscape	WLS	Eggers/Reed types
Upland landscape	ULS	Upland
Vegetation	VEG	
Area of Concern	AOC	Mowing, Dumps, etc.
Threatened/Endangered	T/E	Species, Common Names

Photo Type		Descriptor Examples
Azimuth required	**Abbreviations**	
Invasive Species	INV	Species, Common Names
Noxious Weeds	NOX	Species, Common Names
Water Control Structure	WCS	Outlet, Control Box
Wildlife	Wild	Nest box
Recreational use	REC	Deer Stand

Photo type	Descriptor	Azimuth	Comments
1.			
2.			
3.			
4.			

1. Circle the site's overall mitigation potential.

High Medium Low No Potential

2. Reasons why.

3. Other site observations and comments?

Field Notes

Appendix F

Public Outreach Meeting Notes

Meeting Notes
Mining Issues Breakout Session
July 10, 2008

Organizations Represented

Corps of Engineers, SWCDs, Iron Range Resources, U.S. Fish and Wildlife Service, BWSR, DNR Minerals, Mining Companies, County Commissioners, Wetland Bankers Association.

Breakout Session Presentation Summary

Approximately 25 representatives from the organizations cited above participated in the breakout session.

Mr. Jacobson covered three areas of the Mining Wetland Assessment Study: (1) the study area, (2) the assessment method, and (3) the geo-database sources upon which the study will be based.

The study area is the Mesabi Iron Range from west of Grand Rapids to Ely. While portions of the Cuyuna Iron Range were examined for inclusion, the type of mining and resulting landscape did not appear to lend itself to providing valuable information regarding the development of wetlands on former minelands.

The study will take place on FORMER MINELANDS, with no active mining areas to be examined.

GIS Analysis

Base layer will be the DNR, Division of Minerals 2007 Mine Features. Potential wetland features will be delineated using the NWI, imagery interpretation and field delineation and verification employing a formal field Functional Assessment.

Functional Assessment

Minnesota Routine Assessment Method, Version 3.2

Functions Evaluated:

- Vegetative Diversity
- Hydrologic Regime
- Storm Water Retention
- Water Quality (focus on W.Q. within the retaining basin)
- Shoreline Protection
- Fish, Wildlife, and Amphibian Habitat
- Mine Pit Water resources

Participant Comments

Comment: How will the Functional Analysis be accomplished: representative sample or each specific potential mitigation site?

Answer: Each site for which access can be secured will be analyzed.

Comment: Be careful and do not engage in a broad interpretation of sites not actually examined.

Answer: Access to these potential sites is critical and could be a significant challenge.

Comment: You do not have to investigate each site but include enough sites and examples to build a functional analysis model.

Answer: Our charge is to do actual and specific assessment on these inactive sites. We will be starting the field work in August.

Comment: Who will be doing the on-site assessments?

Answer: Barr employees with the MSHA training.

Comment: What kind of sites will you be identifying?

Answer:
Existing wetlands that have formed on tailings basins
Mine pits that have potential for littoral area development
Impoundments, although those are not as valuable
Existing wetlands that may be valuable for future reclamation
Wetland banking opportunities and
Determining the potential for restoration and enhancement.

Comment: What areas of the Range are not covered by the study?

Answer: Areas where there is an active permit to mine. Many of the wetlands within the areas we will investigate are exempt from the WCA, including many sites where wetlands have already developed.

Comment: The Laurentian Vision Partnership coalition is very interested in promoting wetland restoration as a part of planning for the post-mining landscape and land uses. The Laurentian Vision meets quarterly and should be a part of this study process.

Answer: We will meet with the Laurentian Vision and solicit their participation.

Comment: A new mining technique that reworks old tailings for magnetic and semi-magnetic iron units is underway. This process will remove 20-30 per cent of the tailings by volume and could improve wetland development of these old tailings basins.

Answer: We are aware of this technology and agree that it might be a valuable contribution to wetland development and a good demonstration model.

Comment: If you can't get access, you could use low level aerial inspections to do the ground truthing.

Answer: Nothing really can replace on-the-ground analysis and being on the site is essential for the Assessment protocol.

Comment: Why are you less interested in impoundments for wetland development?

Answer: Impoundments are usually deeper water that will have to be modified to provide a shallower environment. But this could be utilized in future enhancement activity.

Comment: Mineral and Iron Unit ownership is so complex and varied. For example, the stockpiles and tailings basins are in some cases personal property not associated with surface or mineral ownership. You should have some representatives of the fee owners involved with this study.

Answer: That is a good idea and we will contact those associations of fee holders.

Comments after formal adjournment:

- "The Mining Study should have an advisory group of its own since the Iron Range issues in wetland mitigation are really unique and need to communicate with so many different landowners and interests."
- "I wonder how many of the potential mitigation sites will be subject to future mining expansion?"
- "Can any of these sites get permanent easements for mitigation when even the tailings now are being mined?"
- "Access to these areas will be really difficult."

Meeting Notes
Mitigation and Siting Breakout Session
July 10, 2008

Breakout Session Presentation Summary

Approximately 20 stakeholders participated in the session. Participants included:

- County Commissioners
- MPCA
- Industry (Mining,
- SWCD's
- NRRI
- Bankers
- Others

The overview presentation for the Mitigation and Siting Breakout Session emphasized the following topics:

- Project goal is to identify wetland mitigation opportunities based on science rather than social, economic and other considerations
- It is understood that policy issues exist, which at some point may need to be addressed, most likely as a follow-up from the completed siting assessment
- There are recent and ongoing policy developments, which may impact actions eligible for credit (WCA Rule revision, BWSR/COE MOU, COE St Paul District Guidance, and National Mitigation Policy)
- Project information that could benefit regulatory programs include:
    - Detailed information on mitigation potential
    - Locations and quantity of mitigation sites
    - Additional banking opportunities
    - Possible recommendations for regulatory program changes

The participants in the session were asked the following series of questions:

- Does the study address the wetland mitigation issues in NE Minnesota? If not, what is missing?
- What policy issues generate the most concern/discussion?
- What role should the public sector take in addressing mitigation needs? The private sector?
- What are the priority mitigation types?
- What is a reasonable site size for mitigation and banking sites?
- What effect does land ownership have?
- What are the water quality improvement needs for impaired waters & watersheds in your county?
- What are the significant regional and local siting issues?
- What groups/organizations should be represented on the Mitigation Siting Advisory Committee?

Stakeholder Feedback

The feedback received can be categorized as policy and technical related. Overall, there is a concern that the policy issues need to be addressed at some point, most likely once the final report is sent to the BWSR Board and Wetland Committees. While policy issues dominated the discussion, feedback on the presentation questions was noteworthy. A summary of both technical and policy issues is outlined below.

Technical Issues	**Policy/Prioritization Suggestions**
A sector for Public Infrastructure projects should be included	Must evaluate the social and economic impacts of targeting mitigation in areas important to the local economy
Address river watershed impacts and mitigation opportunities, while this is beyond the scope of the study mitigation opportunities will exist near rivers.	Ability of the counties to accommodate wetland mitigation to accommodate a local economy
Policy forums likely to change actions eligible for credit, this is being accounted for in the development of this project.	Science becomes less clear when most of a specific watershed is outside of the study area, along border waters (ability to make improvements is limited), ability to be ecologically based
Look at land use changes, this should be accounted for during the GIS modeling process	Wetland functional assessments should be done on potential mitigation sites, this is beyond the scope of this study.
Prioritization roles exist for public and private sectors may different and should be accounted for.	Public value is different in parts of the state which should influence priorities, no specific comments on the prioritization factors
Conservation practices should be identified during the GIS process if records exist.	Attempt to identify the level of impact a large wetland complex could sustain before a loss of function and values would actually occur
The Corps should be a more active participant in reviewing the technical aspects of the project	

Suggestions for the Siting Advisory Committee included:

- COE
- Counties (NCLUB)
- DNR
- LGU's
- SWCDs
- Agricultural
- Industry
- Mining
- Pulp & Paper
- Bankers
- 1 or 2 Key Environmental Organizations (MCEA)
- DEED
- Fish & Wildlife Service
- IRR
- NRRI

Follow-up Items

- Identify the Advisory Committee members
- Include public infrastructure projects as sector in the siting analysis
- Document breakout session in summary memo under Work Order 1 deliverable
- Expand upon prioritization factors based on comments received

Meeting Notes
Field Verification and Siting Analysis
July 10, 2008

Breakout Session Presentation Summary

Approximately 20 Stakeholders participated in the session. Participants included:

- BWSR
- USFWS
- SWCD's (Approximately 8-10)
- MN DNR
- Others

The Presentation discussed the following topics:

- Ground truthing (field verification)of the GIS modeling results
- Cooperative assistance needed from the SWCD's to verify modeling results
- Forms and maps to aid in the field
- Estimated field time per on-site visit is expected to be 60-90 minutes
- How the GIS modeling was generated
- Additional digital data was requested from the SWCD's if available – invasive species locations, digital ditch information, and mitigation opportunities

Stakeholder Feedback

- Almost all SWCD's present expressed an interest in participating in the ground truthing effort.
- At least one SWCD was interested in receiving the mitigation site potential data in GIS format, although many preferred receiving site information in hard copy through the mail.
- MNDNR suggested that some work could be done from the office looking at color IR photos to help speed up the field review time.
- There was a question about verifying the model and the validity of the work, if the property owner wasn't interested or would not agree to allow a site visit.
- There was also a concern about protecting the privacy of the property owner from unwanted contacts from speculators.
- One SWCD wanted to know whether or not they could pursue development of a wetland mitigation project on a site identified as having good potential during the ground truthing effort. If this is allowed, there will be a need to provide information back to BWSR because of Phase II.

Tasks Remaining

- Identification of all participating SWCD's and which counties will need to be ground truthed by others.
- Set up training of the SWCD's very soon
- Complete the GIS analyses for each of the Counties to identify opportunities

- Identify if ground truthing efforts will extend beyond >80 % boundaries and if so by whom
    - The USFWS has a restorable wetlands layer for Polk and Morrison counties that could be compared against the GIS model developed in this project
- Discuss how to review and assess the data that comes in.
    - Where does the data go and to whom?
    - Will it need to be entered into a database?

Issues:

1) Landowner interest is an important component of the inventory process. Further discussion on this is needed and it may require need to modify the data form and incorporate some guidance for the training in August.
2) The issue of data confidentiality also came up. Can landowners be protected from unwanted contacts from speculators, etc? Rick Dahlman (MNDNR Forestry) has had significant experience doing forestry BMP audits on private lands and had some insight on how to deal with this issue. Rick is willing to share MNDNR's experience and methods of dealing with landowner privacy issues.

Appendix G

Technical Committee Members

Technical Committee Meeting Participants

Member	Representing
Dale Krystosek	Board of Water & Soil Resources (BWSR)
Joan Weyandt	Board of Water & Soil Resources (BWSR)
David G. Holmbeck	Department of Natural Resources (Con Con Lands)
Bill Schnell	Department of Natural Resources (Forestry)
Doug Norris	Department of Natural Resources (Ecological Services)
Brian Frederickson	Pollution Control Agency
Steve Eggers	U.S. Army Corps of Engineers
Nick Rowse	U.S. Fish and Wildlife Service
Brian Huberty	U.S. Fish and Wildlife Service
Tom Malterer	University of MN, Natural Resources Research Institute
Kurt Johnson	University of MN, Natural Resources Research Institute
Jason Meyer	St. Louis County Land Department
Gary Walton	Botany Consultant
Mark Jacobson	Barr Engineering Company
Keith Hanson	Barr Engineering Company
Tom Tri	Barr Engineering Company
Tony Kroska	Community GIS Services
John Kubiak	Community GIS Services

Appendix H

Field Verification Pictures - Inventory



Drained wetland (low potential)



Farmed wetland (medium potential)



Drained wetland (high potential)



Farmed wetland (low potential)



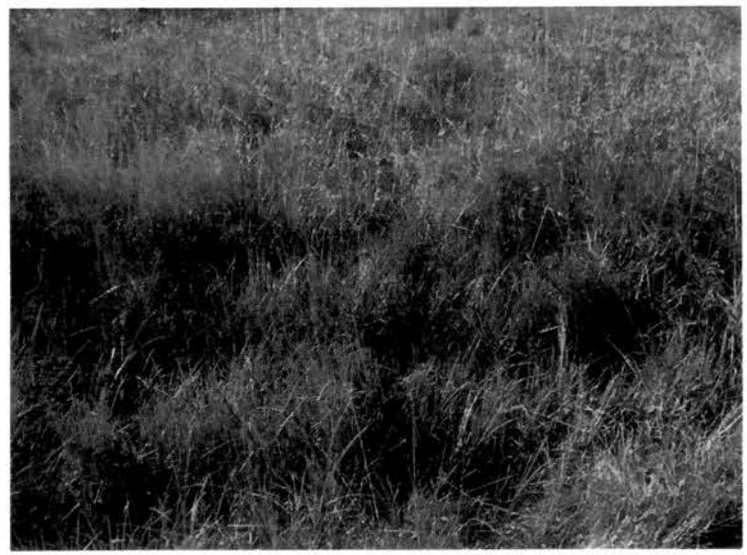
White cedar preservation (medium potential)



Trout stream preservation (low potential)



Trout Stream preservation (medium potential)



ENRV Private – preservation (medium potential)



ENRV County-State preservation (medium potential)



Creation wetland (medium potential)



Enhancement – impaired waters (low potential)



Creation wetland (low potential)

Appendix I

Field Verification Pictures - Mineland Analysis



Mine Pit Lake (low diversity)



Former Tailings Basin (moderate diversity)



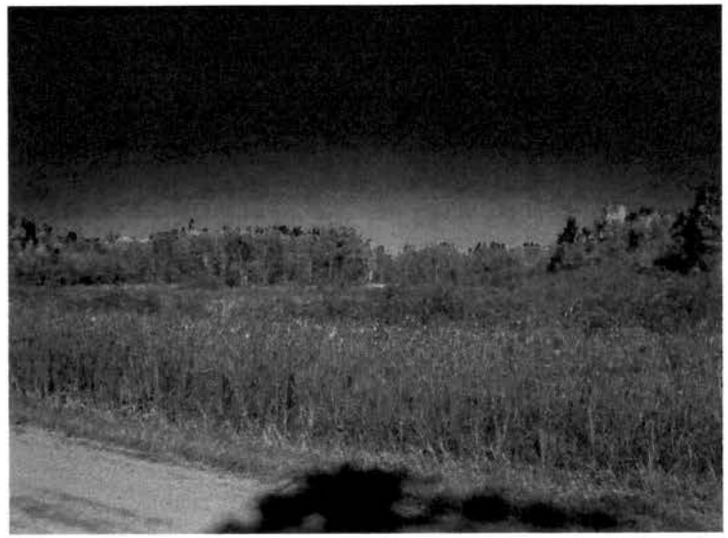
Former Tailings Basin (exceptional diversity)



Former Tailings Basin (low diversity)



Wetlands within 100'(exceptional diversity)



Wetlands within 500' (high diversity)



Wetlands within 100' (low diversity)



Wetlands within 500' (moderate diversity)



Other Mine Features (high diversity/ moderate diversity)

