Minnesota Board of Water and Soil Resources. Minutes.

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Version 3
August 20, 2018

BOARD OF WATER AND SOIL RESOURCES
COURTYARD BY MARRIOTT & CONFERENCE CENTER
1080 28TH AVENUE SOUTH
MOORHEAD, MN 56560
THURSDAY, AUGUST 26, 2010

BOARD MEMBERS PRESENT:
Gordy Behm, Paul Brutlag, Bob Burandt, Wayne Edgerton, DNR; Quentin Fairbanks, Rebecca Flood, MPCA; Christy Jo Fogarty, Randy Kramer, Paul Langseth, Keith Mykleseth, Brian Napstad, Rob Sip, MDA; Faye Sleeper, MES; Louise Smallidge, Gene Tiedemann, LuAnn Tolliver, Dan Wilson, MDH

BOARD MEMBERS ABSENT:
Sandy Hooker
Tom Loveall
John Meyer

STAFF PRESENT:
Mary Jo Anderson, Brian Dwight, Jim Haertel, Jeff Hrubes, Steve Hofstad, John Jaschke, Pete Waller

OTHERS PRESENT:
LeAnn Buck, Minnesota Association of Soil & Water Conservation Districts (MASWCD)
Brett Coleman, U.S. Army Corps of Engineers
Margaret Mangan, Minnesota Department of Agriculture
Lance Yohe, Red River Basin Commission (RRBC)

Chair Kramer called the meeting to order at 8:30 a.m.

PLEDGE OF ALLEGIANCE

Chair Kramer thanked everyone for coming to Moorhead. Chair Kramer thanked Bruce Albright, Buffalo-Red River Watershed District; Becker SWCD, Clay SWCD, and Wilkin SWCD and Wilkin County, for hosting the tour. Chair Kramer also thanked the Red River Basin Commission for their participation and sponsorship of the BWSR tour. Chair Kramer also thanked Pete Waller and Mary Jo Anderson for organizing and coordination of the tour logistics.

** 10-72 **ADOPTION OF AGENDA** – Moved by Louise Smallidge, seconded by Paul Brutlag, to adopt the agenda as presented. Motion passed on a voice vote.

MINUTES OF JUNE 23, 2010 – Wayne Edgerton reported that a correction is needed in his DNR report. It should state that "one wild deer was found last fall with bovine ** 10-73 tuberculosis". Moved by Quentin Fairbanks, seconded by Wayne Edgerton, to approve the minutes of June 23, 2010 as corrected. Motion passed on a voice vote.

** 10-74 **MINUTES OF SPECIAL MEETING ON AUGUST 4, 2010** – Moved by Brian Napstad, seconded by Louise Smallidge, to approve the minutes of August 4, 2010 as circulated. Motion passed on a voice vote.

Chair Kramer reported that two agenda items today need a Conflict of Interest Declaration: 1) Area II Minnesota River Basin Project Inc., Grant; and 2) Minnesota River Board, Fiscal Year 2011 Work Plan and Grant. Chair Kramer read the statement: *"A conflict of interest whether actual or perceived occurs when someone in a position of trust has competing professional or personal interests and these competing interests make it difficult to fulfill professional duties impartially. At this time, members are requested to identify any potential conflicts of interest they may have regarding today's business."*

Chair Kramer introduced Rob Sip, newly appointed Board Member representing the Department of Agriculture, replacing Joe Martin. Rob stated that he looks forward to representing MDA on the BWSR Board.

REPORTS

Chair's Report – Chair Kramer reported that he attended the MAWD Summer tour on June 26; he attended the Local Government Water Management Summit on July 12 in St. Cloud; and he also attended the Stearns County SWCD summer tour and 60th anniversary celebration on July 13. Chair Kramer also attended the joint Outdoor Heritage Council/Clean Water Council/LCCMR meeting and tour in Renville County on July 21.

Executive Director's Report – John Jaschke announced that Joe Martin, formerly of the MDA, is getting married this weekend, taking a new job as owner of Rural Strategies, Inc, and moving soon to south central Minnesota. John reviewed the information in board members' packets.

John distributed a copy of his report. John reported on the following items:

The Clean Water Council/ LCCMR/Outdoor Heritage Council tour – MN River/Renville County: July 21st tour hosted by the Renville SWCD that included riparian buffers, wetland restorations, rock outcrop sites and a Minnesota River fishery presentation along after a canoe trip.

Wetland Banking: Embarking on a development of a joint state/federal system with Corps of Engineers that will upgrade current database and establish field and record-keeping protocols for credit establishment and debiting.

Road Authority Wetland Training: In cooperation with COE, DNR and MnDOT, several sessions were held in northern MN in early August to help local road authorities refine the steps needed to delineate wetlands, design road project upgrades to minimize adverse wetland impacts and report wetland losses to be replaced as specified in MS 103.222 and to meet Clean Water Act requirements.

Walk-in public hunting access: Working with DNR (as directed by Governor) and MASWCD to prepare MN grant application submitted Aug 23rd to USDA-FSA for pilot program funding to establish short-term contracts for access to conservation/habitat during hunting seasons.

Clean Water Fund RFP: FY2011 RFP soliciting Clean Water Fund Projects from local governments is open until September 15th (see: http://www.bwsr.state.mn.us/grants) supported by several regional training sessions and a couple of webinars.

Local Government Water Management Summit: nearly 400 board and staff members participated in session held July 12 in St. Cloud. Local government association staff will be leading process to refine input as posted at: http://www.mnlocalgovernmentroundtable.com

Rules development: Staff are developing drafts and informal stakeholder input opportunities: a) Cost-Share – draft to be presented to Grants Program and Policy Committee; b) RIM - draft to be presented to RIM Committee; c) Metro Water Management - draft to be presented to Metro Committee.

Dispute Resolution Committee – Randy Kramer reported that one new appeal has been received since the last report. John Jaschke reported that the Hawley appeal of

the Buffalo-Red River Watershed District and Plan was dismissed by the Court of Appeals. John reported that the St. Louis County WCA appeal which is tied to a zoning issue. John also reported on the appeal by the City of Hendrum which will move slower as agreed to by the City.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee has not met; the Committee will meet in September near the Board meeting date.

Drainage Work Group – John Jaschke reported that the Drainage Work Group (DWG) met on July 21, 2010. John distributed a summary report written by Al Kean; and provided an overview of the report. John reported that Joel Peterson, Drainage Management Engineer, has taken a new job as professor with the University of Wisconsin/River Falls, Joel's last day with BWSR was August 17. Recruitment efforts to seek replacement candidates have begun. John reported that the next meeting of the DWG is September 9th.

Chair Kramer reported that he has received concerns about the LCCMR proposal involving BWSR. Chair Kramer hopes that BWSR is acting as the facilitator of the DWG on this. John Jaschke stated that is the approach being taken as it is a sensitive topic.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Capitol Region Watershed District Watershed Management Plan – Jim Haertel reported that the Metro Water Planning Committee met on August 4, 2010; reviewed the Capitol Region Watershed District Watershed Management ten-year Plan and recommends approval. Moved by Bob Burandt, seconded by Louise Smallidge, to approve the Capitol Region Watershed District Watershed Management Plan. Faye Sleeper reported that the University of Minnesota St. Paul Campus is located in the watershed and are involved and support the Plan. Motion passed on a voice vote.

** 10-75

Carnelian-Marine-St. Croix Watershed District Watershed Management Plan – Jim Haertel reported that the Metro Water Planning Committee reviewed the Carnelian-Marine-St. Croix Watershed District Watershed Management revised ten-year Plan and recommends approval of the Plan. Jim stated that this Plan is set up into sections for individual water resources. Moved by Bob Burandt, seconded by Louise Smallidge, to approve the Carnelian-Marine-St. Croix Watershed District Watershed Management Plan. Motion passed on a voice vote.

** 10-76

Chisago County Comprehensive Local Water Management Plan Amendment and Extension – Jim Haertel reported that the Metro Water Planning Committee reviewed the Chisago County Comprehensive Local Water Management Plan Amendment and Extension and recommend approval. Jim explained that the primary reasons for

amending and extending the Chisago County Water Plan are to: expand the tasks identified in the Water Plan to reflect the increase in activity since 2006, better organize the existing Water Plan, better position Chisago County to be eligible for potential
** funding opportunities, and to extend the plan from 2006-2011 to 2006-2013. Moved by
10-77 Bob Burandt, seconded by Louise Smallidge, to approve the Chisago County Comprehensive Local Water Management Plan amendment and extension. Discussion followed. Motion passed on a voice vote.

Plan Amendment to the Shingle Creek and West Mississippi Watershed Management Organizations' Watershed Management Plan – Jim Haertel reported that the Metro Water Planning Committee reviewed the Shingle Creek and West Mississippi Watershed Management Organizations' Watershed Management Plan
** amendment and recommends approval. Moved by Bob Burandt, seconded by Louise
10-78 Smallidge, to approve the Shingle Creek and West Mississippi Watershed Management Organizations' Watershed Management Plan amendment. Motion passed on a voice vote.

Northern Water Planning Committee

St. Louis County Water Management Plan Update – Quentin Fairbanks reported that the Northern Water Planning Committee met on August 11, 2010, to review the St.
** Louis County Water Management Plan Update and recommends approval. Moved by
10-79 Quentin Fairbanks, seconded by Paul Brutlag, to approve the St. Louis County Water Management Plan Update. Motion passed on a voice vote.

Southern Water Planning Committee

Area II Minnesota River Basins Project Inc., Grant - Paul Langseth reported that the 2009 Minnesota Legislature appropriated administrative funding for Area II; the 2010 Minnesota Legislature reduced the Area II appropriation, resulting in a fiscal year 2011 grant of $120,000. The BWSR Board approved Area II's work plan for fiscal years 2010 and 2011 on September 23, 2009. The Southern Water Planning Committee recommends approval and execution of the Area II grant agreement for fiscal year
** 2011. Moved by Paul Langseth, seconded by Dan Wilson, to approve the Area II Minnesota River Basins Project, Inc., Grant agreement. John Jaschke stated that the Area II Biennial Plan FY2010-2011 is in Board members' packets today for additional information.

John Jaschke asked board members to submit their Conflict of Interest Declaration forms. John Jaschke reviewed the signed documents, there are no declared conflicts of
10-80 interest. Chair Kramer noted that all board members are eligible to vote. Motion passed on a voice vote.

NEW BUSINESS

Minnesota River Board, Fiscal Year 2011 Work Plan and Grant – Paul Langseth reported that BWSR has oversight of administrative funding related to the efforts of the Minnesota River Board (MRB), formerly known as the Minnesota River Basin Joint Powers Board. The 2009 Minnesota Legislature appropriated administrative funding for the MRB; the 2010 Minnesota Legislature reduced the MRB appropriation, resulting in a fiscal year 2011 State General Funds grant of $84,000. Paul stated that Jeff Nielsen is the lead staff on this and recommends approval of the work plan and execution of the
** administrative grant agreement for fiscal year 2011. Moved by Paul Langseth, seconded by Dan Wilson, to approve the Minnesota River Board, FY2011 Work Plan and Grant.

John Jaschke reviewed the signed Conflict of Interest Declaration forms; there are no
10-81 declared conflicts of interest; Chair Kramer noted that all board members are eligible to vote. Motion passed on a voice vote.

Red River Basin – Long Term Flood Solutions: Project Update Presentation – Chair Kramer thanked the Red River Basin Commission (RRBC) and their staff for participation and sponsorship of the Board tour. Lance Yohe, RRBC Executive Director, distributed the Red River Basin Natural Resources Framework Plan Executive Summary. Lance explained that the project has completed its information gathering phase leading to the development of a comprehensive plan to address flooding in the basin -- according to the charge of the 2009 Minnesota and North Dakota legislatures. Oversight is provided by the MN Board of Water and Soil Resources and the ND State Water Commission. Public flood forums concluded in January with 21 meetings in North Dakota, Minnesota and Manitoba with about 1,000 residents participating. An on-line public survey, has received over 500 responses to date. *Principles* and *Flood Protection Goals* have been adopted to focus and guide the work toward the final set of recommendations. The months ahead will involve completing data analysis, evaluating alternatives and getting broad input on proposed recommendations. Bob Burandt asked if the RRBC has worked with the National Weather Service and others to address the increasing precipitation. Lance explained that the RRBC is working on a 50-year plan to balance the issues involved in the Red River Basin. Discussion followed. Chair Kramer thanked Lance for his presentation.

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

Flood Risk Management for Urban Centers – Pete Waller introduced Brett Coleman, Project Manager, U.S. Army Corps of Engineers. Brett presented an overview of two completed risk management projects for the Cities of Wahpeton/Breckenridge, and Grand Forks/East Grand Forks; and the proposed structural solution locally preferred plan for Fargo/Moorhead. Brett explained that the involved partners have lead to

successful projects. Discussion followed. Brett will provide a copy of his presentation to board members. Chair Kramer thanked Brett for his presentation.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Rob Sip reported that MDA is interacting with BWSR on water plans; and has a meeting scheduled with Steve Woods. Rob reported that MDA started an electronic newsletter as a source of information on environmental issues. Rob reported that MDA is in the process of updating a nitrate management plan. Rob introduced Margaret Mangan, newly hired environmental outreach coordinator.

Minnesota Department of Health (MDH) – Dan Wilson reported that new well construction has decreased by 45% from the peak several years ago.

Minnesota Department of Natural Resources (DNR) – Wayne Edgerton reported that 450 deer tested this year for bovine tuberculosis were negative. In previous years a total of 27 were positive. Wayne reported that various hunting seasons start September 1, 2010. The deer population is good; the lottery deadline to apply for a doe permit is September 9th.

Minnesota Extension Service (MES) – Faye Sleeper distributed a flyer on an education opportunity, "Clean Water & Climate Adaptation Summit 2010" on September 16-17 at Minnesota Landscape Arboretum. The Summit is presented by the Minnesota Landscape Arboretum in collaboration with the Minnehaha Creek Watershed District and the MN Climate Change Adaptation Working Group. Faye invited Board members to attend. Faye stated that the Water Resources Conference will be held on October 19-20 at the River Center in St. Paul.

Minnesota Pollution Control Agency (MPCA) – Rebecca Flood reported that Section 401 certification was recently issued for the Oakport flood control project visited on the tour yesterday.

ADVISORY COMMENTS

Minnesota Association of Soil and Water Conservation Districts (MASWCD) – LeAnn Buck reported that MASWCD President Steve Sunderland thanked BWSR for the opportunity to be part of the tour yesterday; he is not able to attend the meeting today. LeAnn reported that MASWCD held a legislative policy meeting on August 23; working on policy resolutions. She thanked BWSR for support of past and current MASWCD policy issues. LeAnn commented on the Red River Basin surface water and groundwater issues; including those related to drainage and tiling, the local/state funding match, and the need for technical assistance with projects. LeAnn reported that the MASWCD, MAWD, AMC Roundtable meetings are looking at policy issues for the 2011 legislative session. LeAnn, on behalf of MASWCD, expressed appreciation of BWSR's support.

Chair Kramer announced his resignation, effective the day after the next BWSR Board meeting on September 22nd. Chair Kramer read his letter of resignation sent to Governor Tim Pawlenty, effective September 23, 2010. Chair Kramer stated that he has been asked to submit his name for consideration to fill an unexpired term on the Bird Island-Olivia-Lake Lillian (BOLD) school board and he has done so. Chair Kramer explained that due to time considerations with his business and family commitments made the decision that he would not be able to effectively serve in both positions simultaneously. The Open Appointments process through the Secretary of State's Office will commence to identify citizen candidates interested in filling the remainder of his term. Paul Brutlag, Board Vice-Chair, will serve as Acting Chair beginning on September 23rd until the Governor appoints a new chairperson.

UPCOMING MEETINGS

- Board Meeting – September 22, 2010 in St. Paul

** 10-82 Moved by Paul Brutlag, seconded by Louise Smallidge, to adjourn the meeting at 11:10 a.m. Motion passed on a voice vote.

***** Board Members requested that a picture be taken of the Board at the September meeting.**

Respectfully submitted,

Randy Kramer

Randy Kramer
Chair

BOARD OF WATER AND SOIL RESOURCES
Attendance Roster

	Name	Affiliation	Phone #
1.	LeAnn Buck	MBSWCD	651-490-9028
2.	Lance York	RRBC	701-371-8246 - C
3.	Brian Dwight	BWSR	
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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD
LOWER LEVEL BOARD ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JUNE 23, 2010

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

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

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

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

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

PLEDGE OF ALLEGIANCE

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

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

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

REPORTS

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

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

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

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

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

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

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

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

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

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

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

** 10-47

Northern Water Planning Committee

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

** 10-48

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

** 10-49

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

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

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

** 10-51

Southern Water Planning Committee

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

** 10-52

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

** 10-53

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

** 10-54

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

Grants Program & Policy Committee

FY11 Natural Resources Block Grant – Wayne Zellmer reported that the Grants Program & Policy Committee met on May 25 and June 8. Wayne explained that the Natural Resources Block Grant (NRBG) provides assistance to local governments to implement state natural resource programs. These programs are: Comprehensive Local Water Management, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10-60 The resolution passed on a voice vote.

FY11 Farm Bill Assistance Grants – Tabor Hoek introduced Tom Kalahar, District Technician, and Jason Beckler, Pheasants Forever Biologist, from Renville SWCD. Tabor explained that the Farm Bill Assistance Program administered by the BWSR provides funding to SWCDs for hiring staff to accelerate implementation of the Federal Farm Bill as well as other state and local conservation projects that involve grasslands and wetlands. The grant process that will be used for FY11 of this ongoing program will be the same as has been used since FY03. BWSR and DNR have secured funding and coordinated the application process. Eligible SWCDs in the Working Lands Initiative Focus Areas will be eligible to receive a 70% state-funded grant. SWCDs are required to provide the remaining match for a total budget of $45,000 for each FTE. The Grants Program & Policy Committee recommends approval of the FY11 Farm Bill Assistance Grant. Tabor distributed a brochure on "Minnesota's Farm Bill Assistance Partnership".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Wetland Committee

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

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

NEW BUSINESS

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

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

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

AGENCY REPORTS

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

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

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

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

ADVISORY COMMENTS

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

UPCOMING MEETINGS

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

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

** 10-67 Moved by Louise Smallidge, seconded by Brian Napstad, to adjourn the meeting at 1:10 p.m. Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder

SPECIAL MEETING
BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD
CONFERENCE ROOM 2B
ST. PAUL, MINNESOTA 55155
WEDNESDAY, AUGUST 4, 2010

BOARD MEMBERS PRESENT: ***roll call attendance***
Bob Burandt, Quentin Fairbanks, Rebecca Flood, MPCA; Larry Kramka, DNR; Brian Napstad, Faye Sleeper, MES; Louise Smallidge

VIA CONFERENCE CALL:
Gordy Behm, Randy Kramer, John Meyer, Keith Mykleseth, John Linc Stine, MDH; Gene Tiedemann, LuAnn Tolliver

BOARD MEMBERS ABSENT:
Paul Brutlag, Christy Jo Fogarty, Sandy Hooker, Paul Langseth, Tom Loveall, Joe Martin, MDA;

STAFF PRESENT:
Mary Jo Anderson, Julie Blackburn, Melissa Lewis, Dave Weirens, Brad Wozney

OTHERS PRESENT:
Ray Bohn, MAWD

DRAFT

Chair Kramer called the meeting to order at 11:02 a.m.

** 10-68 **ADOPTION OF AGENDA** – Moved by Brian Napstad, seconded by Louise Smallidge, to adopt the agenda as presented. Motion passed on a voice vote.

FY11 Clean Water Fund Policy – Julie Blackburn explained that the Board of Water and Soil Resources adopted the FY11 Clean Water Fund Competitive Grants Policy on June 23, 2010. The policy was posted on the BWSR website shortly afterward. Subsequent interpretation and application of the policy has been discussed at a number of meetings involving state and local government officials.

Quentin Fairbanks and Larry Kramka entered the meeting at 11:07 a.m.

Dave Weirens reported that the two specific parts of the policy have been the focus of discussions are: 1) the Policy limits the eligibility of projects that may be proposed by Municipal Separate Storm Sewer System (MS4) permit holders to projects occurring on private land; and 2) the Policy establishes ineligible activities to include regulated point source and water treatment facilities.

Dave presented the proposed adjustments: 1) Municipalities use a variety of legal arrangements and agreements to manage water on both public and private lands within their communities. The distinction between stormwater management to improve water quality occurring on public and private land is not practical or necessary and is therefore proposed to be deleted; and 2) Distinctions between point and non-point source pollution prevention are not interpreted the same between the regulatory MS4 program and water quality improvement grant programs. The adjustments proposed will remove specific references originally included to connect the regulatory and funding programs and instead rely on appropriation and constitutional language that will be noted in the RFP.

Dave explained the proposed changes to **4.0 Ineligible Activities:**

4a) the word "but" would be added, the statement would read, "Stormwater conveyances that collect and move runoff but do not provide meaningful water quality treatment";

4b) the word "Municipal" would be added; the statement would read, "Municipal wastewater treatment or drinking water supply facilities";

** Moved by Keith Mykleseth, seconded by Brian Napstad, to approve the resolution to the FY11 Clean Water Fund Competitive Grants Policy as presented, along with the two word changes to the attachment.

Discussion followed. Larry Kramka questioned using the word "meaningful" in 4a.

** 10-69 Moved by Larry Kramka, to amend the language in attachment 4a, to strike the word "meaningful". Seconded by Quentin Fairbanks. Discussion. The amendment passed on a voice vote.

Keith Mykleseth stated that the League of Minnesota Cities supports the proposed changes. LuAnn Tolliver stated that MAWD is also in favor of these changes. The 10-70 amended resolution with attachment passed on a voice vote.

** 10-71 Moved by Larry Kramka, seconded by Louise Smallidge, to adjourn the meeting at 11:22 a.m. Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder

DRAFT

Minnesota Board of Water & Soil Resources

FY '11 Clean Water Fund Competitive Grants Policy

Proposed Revisions August 4, 2010

Purpose

The Clean Water Fund was established to implement part of Article XI, Section 15, of the Minnesota Constitution, with the purpose of protecting, enhancing, and restoring water quality in lakes, rivers, and streams in addition to protecting groundwater and drinking water sources from degradation. The purpose of this policy is to provide clear expectations for implementation of funds appropriated to BWSR associated with Clean Water Fund (CWF) grants. The appropriation language governing the use of these funds can be found in MN Session Laws 2009, Chapter 172 and MN Session Laws 2010, Chapter 361.

BWSR will use grant agreements as contracts for assurance of deliverables and compliance with appropriate statutes, rules and established policies. Willful or negligent disregard of relevant statutes, rules and policies may lead to imposition of financial penalties on the grant recipient.

1.0 Applicant Eligibility Criteria and Requirements

Local government units (LGUs) are eligible to receive grant funds if they are working under a current state approved and adopted local water management plan[1]. All activities must be consistent with an approved TMDL implementation plan or current watershed management plan, county comprehensive local water management plan, metropolitan local water plan, metropolitan groundwater plan, surface water intake plan or well head protection plan that has been state approved and locally adopted by November 1, 2010. The 2011 Clean Water Fund Request for Proposals will identify more specific requirements or eligibility restrictions when specified by statute or appropriation language.

2.0 Match Requirements

A local match equal to at least 25% of the amount of Clean Water Funds requested and/or received is required. Matching cash or in-kind cash value provided by the landowner, land occupier, local government or other local source may be used to match CWF grants.

3.0 Eligible Activities

The primary purpose of activities funded with grants associated with the Clean Water Fund is the control, reduction or prevention of chemical or nutrient runoff, soil erosion, sedimentation, runoff volume or materials that affect human or aquatic system health. Eligible activities can consist of structural practices, non-structural

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[1] For the purposes of this policy watershed management organizations and metro watershed districts are not eligible if the management plan is more than 10 years beyond the BWSR plan approval date unless the plan states a lesser period of time; non-metro state watershed districts are not eligible if the plan is more than 11 years 3 months beyond the BWSR approval date; and counties are not eligible if the management plan is more than 10 years beyond the BWSR approval date unless properly extended.

practices and measures, project support activities, and grant administration and reporting requirements. Technical and engineering assistance components necessary to implement these activities are considered essential and are to be included in the total project or practice cost.

3.1 Structural Practices and Projects:

Best Management Practices

a) Must be designed and maintained for a minimum effective life of ten years,

b) Operation and maintenance for the life of the practice shall be included with the design standards,

c) An inspection schedule and procedure shall be included as a component of maintaining the effectiveness of the practice, and

d) The local unit of government must provide assurances that the landowner or land occupier will keep the project in place for the expected lifespan of the project. Such assurances may include easements, enforceable contracts, and termination or performance penalties. BWSR may allow replacement of a practice that does not comply with expected lifespan requirements with a practice that provides equivalent water quality benefits.

Capital Improvement Projects

a) Must be designed and maintained for a minimum effective life of 25 years,

b) Operation and maintenance for the life of the project shall be included with the design standards,

c) An inspection schedule and procedure shall be included as a component of maintaining the effectiveness of the project, and

d) The local unit of government must provide assurances that the landowner or land occupier will keep the project in place for the expected lifespan of the project. Such assurances may include easements, enforceable contracts, and termination or performance penalties. BWSR may allow replacement of a practice that does not comply with expected lifespan requirements with a practice that provides equivalent water quality benefits.

3.2 Non-Structural Practices And Measures

Incentives may be used to encourage landowners to install or adopt land management practices that improve or protect water quality. Incentive payments and enhanced protection measures should be reasonable and justifiable, supported by LGU policy, consistent with prevailing local conditions, and must be accomplished using established standards.

3.3 Project Support Activities

Civic engagement, public outreach, and other activities which directly support or supplement the goals and outcomes expected with the implementation of items identified in 3.1 and 3.2 above.

3.4 Grant Administration and Reporting

All grant recipients are required to report on the outcomes, activities, and accomplishments of Clean Water Fund grants. Up to 5% of the grant funds may be used for local grant administration and reporting.

4.0 Ineligible activities

Projects or practices that address the following will not be considered:

a) Stormwater conveyances that collect and move runoff but do not provide water quality treatment;
b) Municipal wastewater treatment or drinking water supply facilities;
c) Meeting or implementing existing official controls that control the physical development of the whole or part of a local government unit; and
d) That have the primary purpose of water quality monitoring or assessment.

5.0 Structural Practice and Project Requirements

In order to insure long-term public benefit of structural practices and projects, the following requirements must be met by all grant recipients.

5.1 Technical and Engineering Components

Technical and/or engineering expertise is required to develop, install and inspect projects. Grant recipients will be required to submit documentation in their workplan outlining:

a) Who will provide technical assistance for each of the practices or projects to be implemented, their credentials for providing this assistance, or the method for selecting appropriate technical providers, and
b) Approved design, construction, operation and maintenance standards for the practices or projects to be implemented.

BWSR reserves the right to review the qualifications of all persons providing technical assistance.

5.2 Practice or Project Construction and Sign-Off

The LGU shall verify that the practice or project was properly installed and completed according to the plans and specifications, including technically approved modifications, prior to authorization for payment by the LGU.

5.3 Post Construction and Follow Up Activities

To ensure that a practice or project is functioning properly, an operation and maintenance plan tailored to fit the site shall be developed. The operation and maintenance plan should identify all of the maintenance activities that are needed and specify how they will be accomplished. The plan shall be reviewed with the land owner or occupier before installation of the practices or projects.

LGUs shall assure that the operation and maintenance plan is being followed and that the practices or projects are functioning as designed by conducting periodic site inspections.

6.0 Grantee Administration of Clean Water Fund Grants

LGUs have the responsibility to approve expenditure of funds within their organization. The LGU administering the grant must approve or deny expenditure of funds. The action taken must be documented in the LGU board's meeting minutes.

All LGU expenditure of funds providing financial assistance to landowners requires a contract with the landowner. The contract must adequately address all the lifespan and operation and maintenance requirements of the practice or project as provided by this policy. The contract must specify what LGU enforcement

provisions are, up to and including repayment of cost share funds at a rate up to 150% of the original landowner agreement. BWSR recommends all contracts be reviewed by the LGUs legal counsel.

Grant reporting, fiscal management, and administration requirements are the responsibility of the grant recipient.

7.0 BWSR Grant Closeout and Reporting Requirements

BWSR staff is authorized to develop grant agreements, including requirements and processes for fiscal closeouts, and project outcomes reporting.

7.1 BWSR Grant Closeout Procedures

a) BWSR staff will review grant recipient compliance with contractual requirements in a manner which is consistent with the policies established by the Office of Grants Management and adopted by the BWSR Board.

b) Elements described in the project workplan will be reviewed in the grant close-out.

c) Project files for CWF expenditures including landowner contact information, contracts, bills and invoices, inspection schedule, structural practice and project operation and maintenance information, design plans, and miscellaneous communication must be retained by the LGU pursuant to MS 138.17 and consistent with ongoing record retention schedules.

d) In the event there is a contract violation, BWSR will enforce the grant agreement including repayment of grant funds at a rate up to 150% of the grant agreement.

Board Resolution # 10-70

FY 2011 CLEAN WATER FUND AND COMPETIVE GRANTS PROGRAM: POLICY AND REQUEST FOR PROPOSALS

WHEREAS, on June 23, 2010 the Board of Water and Soil Resources (BWSR) adopted resolution #10-65 that included adoption of the FY2011 Clean Water Fund Competitive Grants Policy; and,

WHEREAS, the Policy was posted on the BWSR website on June 25, 2010 and has been discussed at a number of meetings with BWSR and local government staff since that time; and,

WHEREAS, local governments have expressed the concerns listed below:

- The Policy limits the eligibility of projects that may be proposed by Municipal Separate Storm Sewer System (MS4) permit holders to projects occurring on private land, and
- The Policy provides that ineligible activities include regulated point source and water treatment facilities; and,

WHEREAS, BWSR staff have evaluated these concerns and are recommending changes to the Policy in sections 3.0 Eligible Activities and 4.0 Ineligible Activities as identified in the attachment (FY'11 Clean Water Fund Competitive Grants Policy – Proposed Revisions July 29, 2010).

NOW THEREFORE BE IT RESOLVED, the Board hereby amends the FY'11 Clean Water Fund Competitive Grants Policy as provided in the attachment (FY'11 Clean Water Fund Competitive Grants Policy – Proposed Revisions July 29, 2010) and as modified at the August 4 Special Board meeting (see attachment - FY'11 Clean Water Fund Competitive Grants Policy – Proposed Revisions August 4, 2010).

Randy Kramer

Date: August 4, 2010

Randy Kramer, Chair
Board of Water and Soil Resources

Attachment:
FY'11 Clean Water Fund Competitive Grants Policy – Proposed Revisions July 29, 2010
FY'11 Clean Water Fund Competitive Grants Policy – Proposed Revisions August 4, 2010

Board of Water and Soil Resources
Grants Conflict of Interest Declaration

Meeting: Board of Water & Soil Resources Meeting **Date: August 26, 2010**
Agenda Item: Minnesota River Board, Fiscal Year 2011 Work Plan and Grant

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

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

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

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

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

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

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

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

(c) A grant reviewer is an employee of a grant applicant or is a family member of anyone involved in the grantee or grant applicant's agency.
(d) A grant reviewer is in a position to devise benefit by directly influencing a grant-making process to favor an organization the grant reviewer has an interest in.

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

  _____
  _____
  _____
  _____
  _____

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

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

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

Name:_____

Signature:_____

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

Board of Water and Soil Resources
Grants Conflict of Interest Declaration

Meeting: Board of Water & Soil Resources Meeting **Date: August 26, 2010**
Agenda Item: Area II Minnesota River Basins Project Inc. Grant

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

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

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

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

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

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

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

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

(c) A grant reviewer is an employee of a grant applicant or is a family member of anyone involved in the grantee or grant applicant's agency.
(d) A grant reviewer is in a position to devise benefit by directly influencing a grant-making process to favor an organization the grant reviewer has an interest in.

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

  _____
  _____
  _____
  _____
  _____

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

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

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

Name:_____

Signature:_____

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

8-26-10: Executive Director Report for August BWSR Board meeting

1. **Clean Water Council/LCCMR/Outdoor Heritage Council tour – MN River/Renville County**: July 21st tour hosted by the Renville SWCD that included riparian buffers, wetland restorations, rock outcrop sites and a Minnesota River fishery presentation along after a canoe trip.

2. **Wetland Banking**: Embarking on a development of a joint state/federal system with Corps of Engineers that will upgrade current database and establish field and record-keeping protocols for credit establishment and debiting.

3. **Road Authority Wetland Training**: In cooperation with COE, DNR and MnDOT, several sessions were held in northern MN in early August to help local road authorities refine the steps needed to delineate wetlands, design road project upgrades to minimize adverse wetland impacts and report wetland losses to be replaced as specified in MS 103.222 and to meet Clean Water Act requirements.

4. **Walk-in public hunting access**: Working with DNR (as directed by Governor) and MASWCD to prepare MN grant application submitted Aug 23rd to USDA-FSA for pilot program funding to establish short-term contracts for access to conservation/habitat during hunting seasons.

5. **Clean Water Fund RFP**: FY2011 RFP soliciting Clean Water Fund Projects from local governments is open until September 15th (see: http://www.bwsr.state.mn.us/grants) supported by several regional training sessions and a couple of webinars.

6. **Local Government Water Management Summit**: nearly 400 board and staff members participated in session held July 12 in St. Cloud. Local government association staff will be leading process to refine input as posted at: http://www.mnlocalgovernmentroundtable.com

7. **Rules development**: Staff are developing drafts and informal and informal stakeholder input opportunities. a. Cost-Share – draft to be presented to Grants Program and Policy Committee, b. RIM - draft to be presented to RIM Committee, c. Metro Water Management - draft to be presented to Metro Committee.

RURAL STRATEGIES, LLC
Joe Martin
Owner
612-644-0240
ruralstrategies@gmail.com
1011 Minnehaha Ave. W
St. Paul, MN 55104

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution Committee Report

Meeting Date: August 26, 2010

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

Item Type: ☐ Decision ☐ Discussion ☒ Information

Section/Region: Land and Water Section

Contact: Travis Germundson

Prepared by: Travis Germundson

Reviewed by: _____ Committee(s)

Presented by: Randy Kramer

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED
None

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

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

Dispute Resolution Report
August 13, 2010,
by: Travis Germundson

There are presently **15** appeals pending. All of the appeals involve WCA except File 05-24 and File 10-10. There has been **1** new appeal filed since the last report dated June 23, 2010.

.

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

Note: An appeal has been file with the Court of Appeals by the City of Hawley to contest the Board's June 23, 2010 Order Prescribing a Revised Watershed Management Plan for the Buffalo Red River Watershed District. The appeal was file with the Court on July 21, 2010.

File 10-11 (8-9-10) This is an appeal of a restoration order in St. Louis County. The appeal regards the excavation and filling of approximately 79,420 square feet in a Coniferous Bog (Type 8 Wetland). The petition request that the appeal be placed in abeyance and the restoration order stayed for submittal of an exemption/no loss determination from St. Louis County. No decision has been made on the appeal.

File 10-10 (6-10-10) This is an appeal filed under Minn. Stat. 103D.535 regarding an order of the managers of the Wild Rice Watershed District not to go forward with the Upper Becker Dam Enhancement Project as proposed. Appeals filed under 103D.535 require that the Board follow the Administrative Procedures Act. The Act requires that the hearing be conducted by an Administrative Laws Judge through the Office of Administrative Hearings. No decision has been made on the appeal.

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

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

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

File 10-4 (1-29-10) This is an appeal of a wetland banking plan decision in Koochiching County. The appeal regards the approval of a 71.3 acre wetland banking plan application at 80 percent eligibility by the Koochiching County Board. This regards the same banking plan application appealed under File 09-18. *That appeal was remanded. The appeal has been granted and a verbal settlement agreement is being drafted for consideration.*

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

File 09-22 (10-02-09) This is an appeal of a restoration order in Carlton County. The appeal regards three separate investigation areas encompassing over 18 acres of wetland impacts from excavation, filling, and ditching. The replacement order has been stayed and the appeal has been placed in abeyance pending further technical work and for submittal of complete wetland replacement plan, exemption, or no-loss application.

~~File 09-21 (09-30-09) This is an appeal of a restoration order in Polk County. The appeal regards the placement of approximately 1.1 acres of fill in a type 2/3 wetland adjacent to Lake Sarah. The replacement order has been stayed and the appeal has been placed in abeyance pending further technical work and for submittal of complete wetland replacement plan, exemption, or no-loss application~~. The appeal has been dismissed. Conditions of the Restoration Order have been met and a Certificate of Satisfactory Restoration/Replacement has been issued.

File 09-13 (8-20-09) This is an appeal of an exemption decision in Otter Tail County. The appeal regard the denial of an exemption request for agricultural/drainage actives. A previous denial of the same exemption decision had been appealed (File 09-6). The appeal was remanded for further technical evaluation and a hearing, and now the current denial has been appealed. The appeal has been granted. A pre hearing conference convened on November 12, 2009. At which time parties agreed to hold off scheduling written briefs until March 2010.

File 09-10 (7-9-09) This is an appeal of a banking plan application in Aitkin County. The appeal regards the LGU's denial of a banking plan application to restore 427.5 acres of wetlands through the use of exceptional natural resource value. The appeal has been accepted and pre-hearing conferences convened on October 13 and 30, and December 14, 2009. Settlement discussions are ongoing.

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

~~File 09-2 (2-19-09) This is an appeal of a restoration order in Stearns County. The appeal regards the filling of approximately 6,833 square feet of a type 5 wetland with various debris materials. No decision has been made on the appeal.~~ *The appellant has complied with the RO and a Certificate of Satisfactory Completion was issued. Appeal has been dismissed.*

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

File 08-4. (01/24/08) This is an appeal of no-loss and exemption decisions in Waseca County. In addition to the no-loss decision, at issue are denials of the agricultural exemption, approved development exemption, incidental wetland exemption, and claims of numerous procedural issues that were prejudicial to the applicants. The mandamus action regarding Minn. Stat. § 15.99 (60-day rule) is complete and the temporary injunction lifted. The timeline for the remand was extended to July 14, 2010.

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

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

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

~~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.~~ *The appeal has been settled through the purchase of wetland banking credits.*

~~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.~~ *The appeal has been dismissed due to length of time with no action.*

File 05-1. (01/13/05) This is an appeal of a replacement plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue is a wetland delineation and the Comprehensive Wetland Protection and Management Plan that BWSR approved. After a hearing before the DRC, the board remanded the matter for a new wetland delineation and for submission on an updated, complete replacement plan application. On 12-9-09 the District made a new wetland delineation decision. The applicant has not yet submitted a updated replacement plan application.

Draft Summary Table

Type of Decision	Total for Calendar Year 2009	Total for Calendar Year 2010
Order in favor of appellant		
Order not in favor of appellant	10	3
Order Modified	1	
Order Remanded	4	
Order Place Appeal in Abeyance	3	3
Negotiated Settlement		
Withdrawn/Dismissed	9	1

Drainage Work Group
Update
August 2010

The Drainage Work Group met on July 21, 2010. Following is a brief summary of agenda topics and discussions.

- **DWG 2008-2009 consensus recommendations for drainage law revisions** – With the passage of HF 162 / SF 364 during the 2010 legislative session, these revisions will become effective August 1, 2010. Includes addition of Chapter 103B authority for drainage stakeholder coordination by BWSR. The legislature tweaked two DWG recommendations slightly.
- **"Study of Riparian Buffer Areas, February 2010"** – In response to a legislative directive in 2009, BWSR prepared and provided this report to the tax committee chairs and ranking minority members. The study was conducted in collaboration with an advisory committee involving DWG members and a few other relevant topic experts. The report was based on limited available GIS data layers and related studies, and a literature search. The legislature did not schedule hearings on the study during the 2010 session. The genesis of the study was legislative discussions about varying tax situations for riparian buffers.
- **BWSR budget cuts involving drainage** – Although this budget category was cut some, BWSR will retain Joel Peterson's position for drainage work including the interagency Drainage Management Team and to facilitate the DWG.
- **Update for Smith Partners LCCMR Project: "MN Drainage Law Analysis and Evaluation"** – Louis Smith provided an update about the draft evaluation to date, which includes a legal history overview, critical issues overview and the beginnings of demonstration scenarios. The advisory committee for the project, which involves a number of DWG members, met in the morning before the DWG meeting to discuss the draft to date and provide advice regarding scenarios.
- **Update for Science Museum of MN LCCMR Project: "Intensified Tile Drainage Evaluation"** – Shawn Schottler provided an update regarding the data collection and analyses to date for 22 subwatersheds with little or substantial tile drainage. Key data includes rainfall, runoff ratio, soils, cropping trends and connectivity of runoff. Evaluations to date are preliminary. Shawn plans to present more data at the UMN Water Resource Conference in October.
- **BWSR 2011-2012 LCCMR Proposals involving drainage** – Joel Peterson and Al Kean provided an overview of applications submitted. One to update the MN Public Drainage Manual, one to develop a shared GIS database and provide additional cost-share for drainage records modernization, and one to evaluate developing technical aspects of a conservation (runoff) based approach for assessing public drainage system benefits. The first two were not recommended for funding by LCCMR, but the third proposal was recommended. BWSR will continue to pursue that proposal.
- **Next Meeting** – September 9, 2010 at AMC. Agenda topics to include updating DWG prioritized list of discussion topics and further discussion of Section 103E.015, Considerations before drainage work is done.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Capitol Region Watershed District Watershed Management Plan – Jim Haertel – ***DECISION ITEM***

2. Carnelian-Marine-St. Croix Watershed District Watershed Management Plan – Jim Haertel – ***DECISION ITEM***

3. Chisago County Comprehensive Local Water Management Plan Amendment and Extension – ***DECISION ITEM***

4. Plan Amendment to the Shingle Creek and West Mississippi Watershed Management Organizations' Watershed Management Plan – Jim Haertel – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: CRWD Watershed Management Plan

Meeting Date: August 26, 2010

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: Metro
Contact: Jim Haertel
Prepared by: Melissa Lewis
Reviewed by: Metro Water Planning Committee(s)
Presented by: Jim Haertel

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

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

Fiscal/Policy Impact

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

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

ACTION REQUESTED

Approval of Capitol Region Watershed District Watershed Management Plan

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Capitol Region Watershed District (District) was established in 1998 and the first watershed management plan was adopted in 2000. The District encompasses 40.6 square miles of fully urbanized and developed land in the southern portion of Ramsey County. The District includes portions of Falcon Heights, Lauderdale, St. Paul, Maplewood, and Roseville. A number of water resources are located within the boundaries of the District including Como, McCarrons, Loeb, and Crosby lakes as well as several wetlands. The mission of the District is to protect, manage and improve the water resources of the Capitol Region Watershed District.

The Plan provides for the protection, management, and improvement of the water resources of the District and was prepared with extensive citizen, technical, and community review and input. The draft revised Plan was submitted to the Board, other state agencies, and local governments for the 60-day review on October 22, 2009. A public hearing was held on February 3, 2010 and there were no comments received. On April 7, 2010, the draft revised Plan was sent to the review agencies for the 45-day review period. The final draft of the revised Plan was received by the Board on July 23, 2010.

The primary issue areas of the plan include: education and outreach, urban stormwater management, monitoring and data assessment, future trends, funding and organization, regulations and enforcement, and ecosystem health. The District places great value on working with partners in order to explore new ideas, increase efficiency, prevent duplication of effort, and save money when promoting best practices across the watershed. The highlights of the plan include:

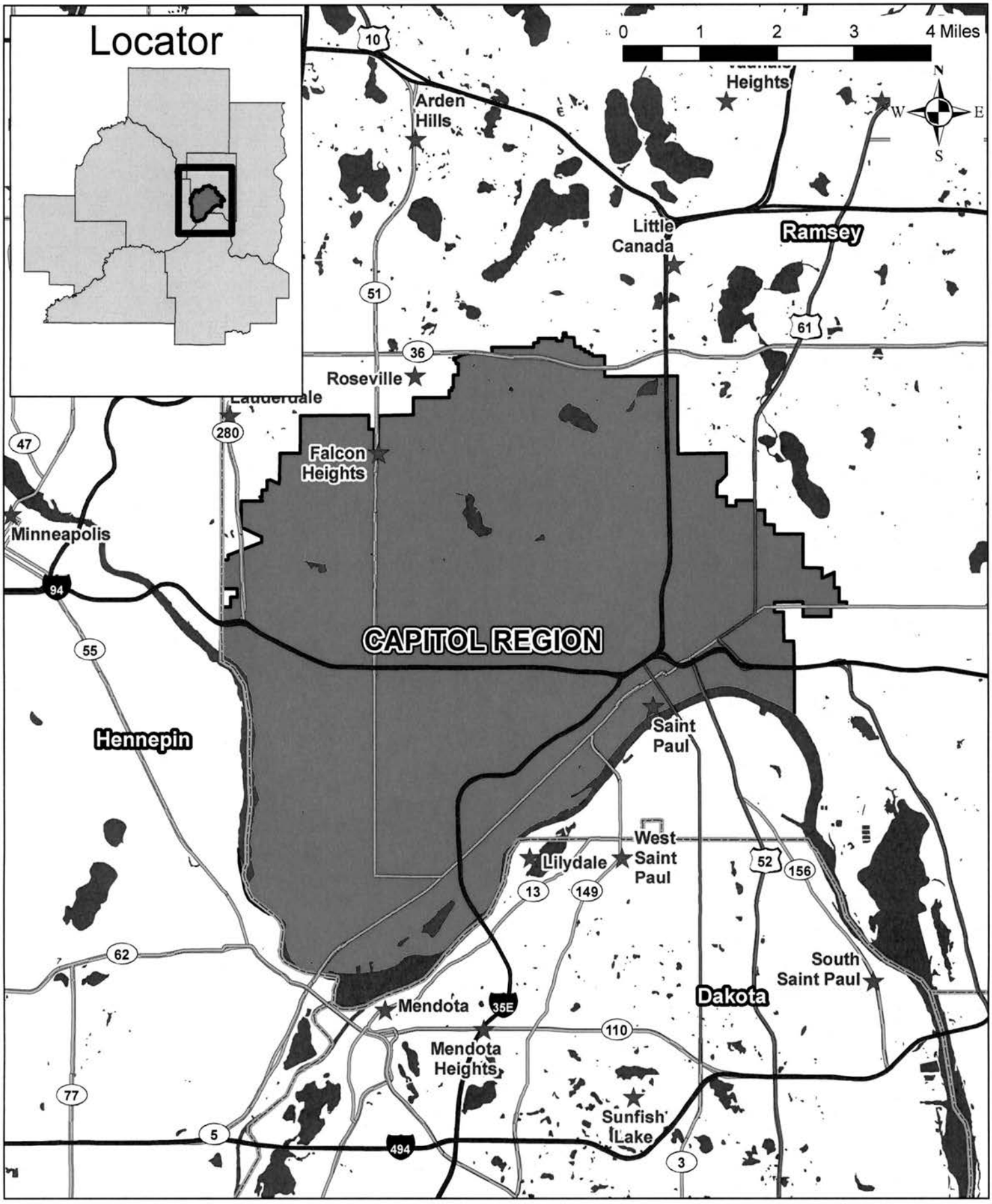
- An education and outreach plan that meets the needs of the diverse population of the District.
- A focus on urban stormwater management including investigating new stormwater management techniques, promoting green infrastructure, and addressing storm sewer infrastructure capacity and corresponding flooding problems.

- A data collection and assessment program for monitoring the effectiveness of district programs as well as for conveying messages to the public about stormwater.
- A commitment to staying up to date on new and innovative stormwater management approaches given the highly developed nature of the watershed and limits of traditional practices.
- A diversified funding plan that recognizes cost savings through partnerships and coordination.
- A commitment to keeping rules up to date and clear, improving compliance and inspections, and coordinating rules with other local, state, and federal regulatory requirements.
- A dedication to promoting healthy and viable ecosystems through the Bringing Water Back campaign.

Overall, the Plan is well-written and comprehensive.

The Metro Water Planning Committee met on August 4, 2010. After review of the information, the Committee unanimously voted to recommend approval of the Revised Plan per the attached draft Order.

Capitol Region Watershed District



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

In the Matter of the review of the Watershed Management Plan for the **Capitol Region Watershed District**, pursuant to Minnesota Statutes Section 103B.231, Subdivision 9.

ORDER APPROVING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Capitol Region Watershed District (District) submitted a Watershed Management Plan (Plan) dated July 21, 2010, to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

1. **Watershed District Establishment.** The District was established in 1998 and the first watershed management plan was adopted in 2000. The mission of the District is to protect, manage and improve the water resources of the Capitol Region Watershed District.

2. **Authority to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The current District watershed management plan was approved by Board Order on December 13, 2000. The watershed management plan may be revised according to Minnesota Statutes Section 103B.231, Subd. 9.

3. **Nature of the Watershed.** The District encompasses 40.6 square miles of fully urbanized and developed land in the southern portion of Ramsey County. The District includes portions of Falcon Heights, Lauderdale, St. Paul, Maplewood, and Roseville. A number of valuable water resources are located within the boundaries of the District including Como, McCarrons, Loeb, and Crosby lakes as well as several wetlands.

4. **Plan Development and Review.** The Plan provides for the protection, management, and improvement of the water resources of the District and was prepared with extensive citizen, technical, and community review and input. The primary issue areas of the plan include:

education and outreach, urban stormwater management, monitoring and data assessment, future trends, funding and organization, regulations and enforcement, and ecosystem health. The District places great value on working with partners in order to explore new ideas, increase efficiency, prevent duplication of effort, and save money when promoting best practices across the watershed.

The draft revised Plan was submitted to the Board, other state agencies, and local governments for the 60-day review on October 22, 2009. A public hearing was held on February 3, 2010 and there were no comments received. On April 7, 2010, the draft revised Plan was sent to the review agencies for the 45-day review period. The final draft of the revised Plan was received by the Board on July 23, 2010.

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

   Ramsey County. The County found the plan to be thorough and well-organized and requested a few minor clarifications.

   Ramsey Conservation District. The Conservation District provided compliments on the Plan, expressed interest in ongoing partnerships, and noted a few corrections.

   City of Maplewood. The city requested a definition for green infrastructure be included in the Plan and noted a number of new and ongoing opportunities for cooperative efforts. The city also requested increased communications between different classes of employees within government units.

   City of St. Paul. The city believes the Plan will be a catalyst for further collaboration and requested that the District coordinate projects with the city's Water Resource Work Group. The City also stated that the Plan should further leverage joint resources and minimize duplication of efforts, the proposed subwatershed management plans will require additional collaboration so District projects do not preclude or limit City obligations and programs, and that all minor amendments should be implemented through interagency collaboration process, and listed a number of unresolved issues identified in the Plan development. The city also expressed concern with specific standards and application of those standards and emphasized the need for interagency collaboration. The District addressed all comments.

6. **Metropolitan Council Review.** The Council stated that the Plan is an excellent example of how to manage the challenges of a fully developed urban watershed and found the plan to be consistent with the Council's *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 found the Plan to be comprehensive and concurs with the watershed approach used in the Plan. The DNR provided draft guidelines for stream bank restoration projects and lakeshore restoration projects.

10. **Pollution Control Agency Review.** The PCA commented on the phosphorus goals for Como and McCarrons lakes, recommended goals for reestablishment of floodplain, and expressed concern with day-lighting underground stormwater conveyance systems. The District addressed all comments.

11. **Department of Transportation Review**. The DOT provided a number of editorial and technical comments and requested clarification of some monitoring and modeling information. The DOT also requested clarification as to the scope of the urban stormwater management, monitoring and data assessment, and regulation and enforcement issues and goals. All comments were addressed.

12. **Board Review.** Board staff found the Plan to be well written and comprehensive. Board staff requested minor clarifications, further information, and additional cross-references in the implementation section; and revisions to the wetland management strategy in Appendix D of the Plan. All comments were sufficiently addressed.

13. **Plan Summary and Highlights.** The highlights of the plan include:
    - An education and outreach plan that meets the needs of the diverse population of the District.
    - A focus on urban stormwater management including investigating new stormwater management techniques, promoting green infrastructure, and addressing storm sewer infrastructure capacity and corresponding flooding problems.
    - A data collection and assessment program for monitoring the effectiveness of district programs as well as for conveying messages to the public about stormwater.
    - A commitment to staying up to date on new and innovative stormwater management approaches given the highly developed nature of the watershed and limits of traditional practices.
    - A diversified funding plan that recognizes cost savings through partnerships and coordination.
    - A commitment to keeping rules up to date and clear, improving compliance and inspections, and coordinating rules with other local, state, and federal regulatory requirements.
    - A dedication to promoting healthy and viable ecosystems through the *Bringing Water Back* campaign.

14. **Metro Water Planning Committee Meeting.** On August 4, 2010, the Board's Metro Water Planning Committee and staff met with a representative from the District in St. Paul to review and discuss the Plan. Those in attendance from the Board's Committee were Rebecca Flood, Louise Smallidge, Faye Sleeper, LuAnn Tolliver and Robert Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationist Melissa Lewis. The representatives from the District were District Board members Joe Collins, Marylyn Deneen, and Seitu Jones and District staff Bob Fossum. Board staff recommended approval of the Plan. After discussion, the Committee unanimously voted to recommend approval of the Plan to the full Board.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the Capitol Region Watershed District pursuant to Minnesota Statutes Section 103B.231, Subd. 9.
3. The Capitol Region Watershed District Watershed Management Plan attached to this Order defines water and water-related problems within the District's boundaries, possible solutions thereto, and an implementation program.
4. The attached Watershed Management Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Plan, dated July 21, 2010, as the Capitol Region Watershed District Watershed Management Plan.

Dated at Moorhead, Minnesota this 26th day of August, 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: CMSCWD Watershed Management Plan

Meeting Date: August 26, 2010

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Metro

Contact: Jim Haertel

Prepared by: Melissa Lewis

Reviewed by: Metro Water Planning Committee(s)

Presented by: Jim Haertel

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED

Approval of Carnelian-Marine-St. Croix Watershed District Watershed Management Plan

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

The Carnelian-Marine-St. Croix Watershed District (District) was established in 1981 and was enlarged to encompass the Marine on St. Croix Watershed Management Organization in 2007. The District is located exclusively in Washington County in the northeast portion of the Minneapolis – St. Paul seven county Metropolitan Area and consists of a total of 81.48 square miles. Included in the District are the cities of Scandia, Marine on St. Croix, Hugo, and Grant and the townships of May and Stillwater. The District is bound by the St. Croix River to the east, the Comfort Lake- Forest Lake and Rice Creek Watershed Districts to the west, and the Brown's Creek Watershed District to the south. The mission of the District is to protect and improve water resources within the jurisdiction of the Carnelian-Marine-St. Croix Watershed District through coordination with local units of government, citizens, and other government agencies.

The Plan provides for the protection and improvement of the water resources of the District and was prepared with citizen and technical review and input. The resources of the District are in generally good condition. The draft revised Plan was submitted to the Board, other state agencies, and local governments for the 60-day review on December 15, 2009. A public hearing was held on March 29, 2010 and there were no comments received. On May 21, 2010, the draft revised Plan was sent to the review agencies for the 45-day review period. The final draft of the revised Plan was received by the Board on July 26, 2010.

The Plan provides a flexible framework to effectively direct the funding of programs and projects to improving and preserving water quality. The highlights of the plan include:

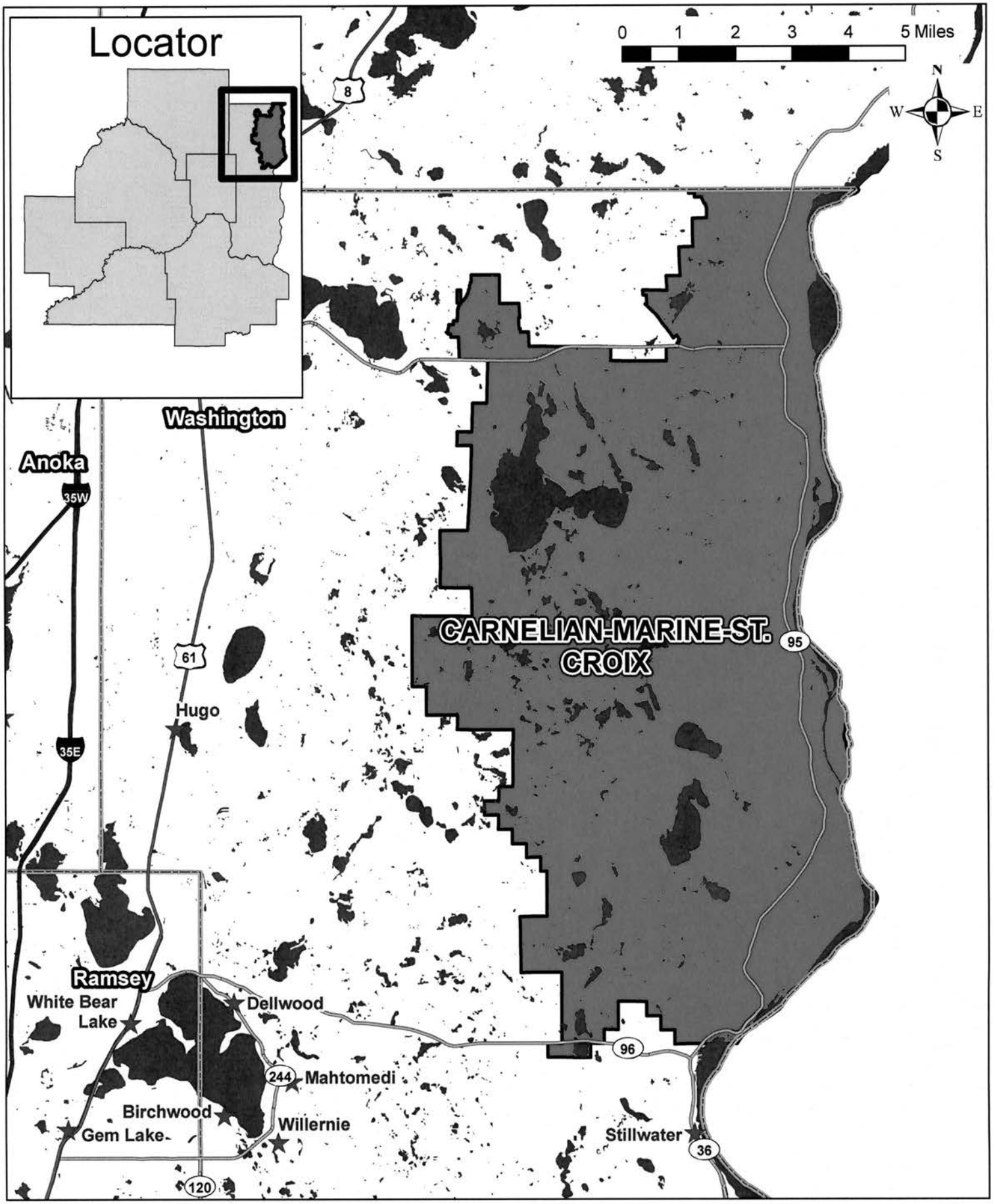
- This is the fourth watershed management plan of the District; objectives and policies are based on philosophies of the District board developed though a strategic planning process.
- Overall strategies for balancing the activities of the District and managing the watersheds of the lakes, streams, and wetlands include: routine management of non-impaired resources, focused management of non-impaired resources, and impaired management of nutrient and use-impaired resources.

- Criteria for prioritizing focused management activities and expenditures in protection of the many high-quality resources of the District.
- Individual resource management plans for thirty-one lakes and twenty-two streams, formatted as individual fact and strategy sheets.
- District operations include programs for: operational management, education/communication, monitoring, cost-share, maintenance of District facilities, regulation, local surface water management plans, and project implementation.
- Each program includes evaluation criteria specific and unique to the program.

Overall, the Plan is well-written and comprehensive.

The Metro Water Planning Committee met on August 4, 2010. After review of the information, the Committee unanimously voted to recommend approval of the Revised Plan per the attached draft Order.

Carnelian-Marine-St. Croix Watershed District



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

In the Matter of the review of the Watershed Management Plan for the **Carnelian-Marine-St. Croix Watershed District**, pursuant to Minnesota Statutes Section 103B.231, Subdivision 9.

ORDER APPROVING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Carnelian-Marine-St. Croix Watershed District (District) submitted a Watershed Management Plan (Plan) dated July 12, 2010, to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

1. **Watershed District Establishment.** The District was originally established in 1981 and was enlarged to encompass the Marine on St. Croix Watershed Management Organization in 2007. The mission of the District is to protect and improve water resources within the jurisdiction of the Carnelian-Marine-St. Croix Watershed District through coordination with local units of government, citizens, and other government agencies.

2. **Authority to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The current District watershed management plan was approved by Board Order on October 25, 2000. The watershed management plan may be revised according to Minnesota Statutes Section 103B.231, Subd. 9.

3. **Nature of the Watershed.** The District is located exclusively in Washington County in the northeast portion of the Minneapolis – St. Paul seven county Metropolitan Area and consists of a total of 81.48 square miles. Included in the District are 27.33 square miles within the City of Scandia, 4.18 square miles within the City of Marine on St. Croix, 0.74 square miles within the City of Hugo, 34.58 square miles within the Town of May, 0.25 square miles within the City of

Grant, and 14.40 square miles within the Town of Stillwater. The District is bound by the St. Croix River to the east, the Comfort Lake- Forest Lake and Rice Creek Watershed Districts to the west, and the Brown's Creek Watershed District to the south.

4. **Plan Development and Review.** The Plan provides for the protection and improvement of the water resources of the District and was prepared with citizen and technical review and input. The resources of the District are in generally good condition with only nine of thirty-one lakes impaired for nutrients and aquatic recreation and none of the twenty-two streams currently listed as impaired. The Plan provides a flexible framework to effectively direct the funding of programs and projects to improving and preserving water quality.

   The draft revised Plan was submitted to the Board, other state agencies, and local governments for the 60-day review on December 15, 2009. A public hearing was held on March 29, 2010 and there were no comments received. On May 21, 2010, the draft revised Plan was sent to the review agencies for the 45-day review period. The final draft of the revised Plan was received by the Board on July 26, 2010.

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

   Washington County. The County requested incorporation of the Washington County Financial and Budget Policy #2403 and addition of specific action items from the Washington County Groundwater Plan in the Plan. The County also requested clarification on items in Appendix B. The District addressed all comments.

6. **Metropolitan Council Review.** The Council stated that the Plan is an excellent framework to protect the water resource of the District and found the plan to be consistent with the Council's *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 found the Plan to be extensive, thorough, and well-prepared and presented; and complimented and commended the District for extensive stream analysis and extensive monitoring throughout the watershed. The DNR provided draft guidelines for stream bank restoration projects and lakeshore restoration projects and suggested additional monitoring parameters and coordination in District operations. The DNR also provided a number of comments, recommendations, and suggestions for the land and water resource inventory and individual resource management plans. The District addressed all comments.

10. **Pollution Control Agency Review.** The PCA found the plan to be very sound and comprehensive and suggested some minor changes and inclusions. The District addressed all comments.

11. **Department of Transportation Review**. The DOT indicated willingness to review proposed plans and issue permits for specific projects associated with Highway 95 listed in the Plan.

12. **Board Review.** Board staff found the Plan to be comprehensive and focused on local issues. Board staff requested additional criteria for prioritization of and commitments towards focused and impaired resource management. Board staff also requested that the Plan clearly identify the funding mechanisms for implementation and criteria for selection of cost share projects; including funding and criteria for invasive aquatic species control. Board staff also commented that shifting funds between programs to the degree described in the plans may require plan amendments and suggested revisions to language in the plan to clarify commitments to implementation. The District addressed all comments.

13. **Plan Summary and Highlights.** The highlights of the plan include:
    - This is the fourth watershed management plan of the District; objectives and policies are based on philosophies of the District board developed though a strategic planning process.
    - Overall strategies for balancing the activities of the District and managing the watersheds of the lakes, streams, and wetlands include: routine management of non-impaired resources, focused management of non-impaired resources, and impaired management of nutrient and use-impaired resources.
    - Criteria for prioritizing focused management activities and expenditures in protection of the many high-quality resources of the District.
    - Individual resource management plans for thirty-one lakes and twenty-two streams, formatted as individual fact and strategy sheets.
    - District operations include programs for: operational management, education/communication, monitoring, cost-share, maintenance of District facilities, regulation, local surface water management plans, and project implementation.
    - Each program includes evaluation criteria specific and unique to the program.

14. **Metro Water Planning Committee Meeting.** On August 4, 2010, the Board's Metro Water Planning Committee and staff met with a representative from the District in St. Paul to review and discuss the Plan. Those in attendance from the Board's Committee were Rebecca Flood, Louise Smallidge, Faye Sleeper, LuAnn Tolliver and Robert Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationist Melissa Lewis. The representatives from the District were District Board Managers Victoria Dupre and Steven Kronmiller and District Administrator Jim Shaver. Board staff recommended approval of the Plan. After discussion, the Committee unanimously voted to recommend approval of the Plan to the full Board.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the Carnelian-Marine-St. Croix Watershed District pursuant to Minnesota Statutes Section 103B.231, Subd. 9.

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

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

ORDER

The Board hereby approves the attached Plan, dated July 12, 2010, as the Carnelian-Marine-St. Croix Watershed District Watershed Management Plan.

Dated at Moorhead, Minnesota this 26th day of August, 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Chisago County Water Plan Amendment

Meeting Date: August 26, 2010

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Metro

Contact: Jim Haertel

Prepared by: Melissa Lewis

Reviewed by: Metro Water Planning Committee(s)

Presented by: Jim Haertel

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED

Approval of Chisago County Comprehensive Local Water Management Plan Amendment and Extension

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

The current Chisago County Local Water Management Plan (Plan) was adopted in 2006. The purpose of the Plan is to identify existing and potential problems and opportunities for protection, management and development of water and related land resources in Chisago County. The County has been actively implementing the goals, objectives, priority concerns, and ongoing action items within the Plan and made substantial progress; however, many tasks have been accomplished and many new activities are not adequately addressed in the Plan are planned or have begun.

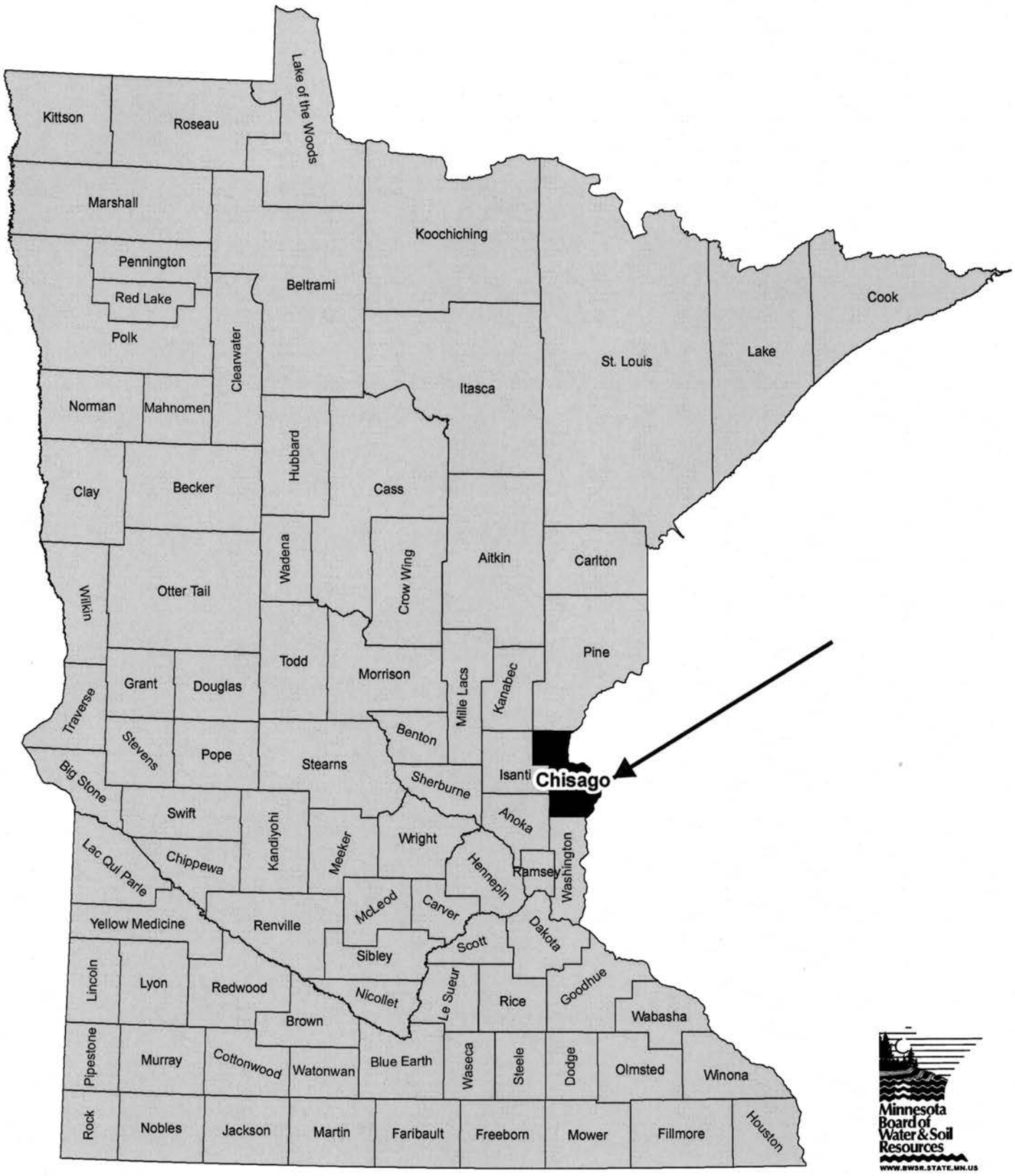
The primary reasons for amending the Chisago County Water Plan are:

1. To expand the tasks identified in the Water Plan to reflect the increase in activity since 2006.
2. To better organize the existing Water Plan.
3. To better position Chisago County to be eligible for potential funding opportunities.
4. To extend the plan from 2006-2011 to 2006-2013.

The Chisago County Water Plan Policy Team endorsed the amendment. Chisago County submitted a petition for the amendment February 3, 2010. A public hearing was held on July 21, 2010.

The Metro Water Planning Committee met on August 4, 2010. After review of the information, the Committee unanimously voted to recommend approval of the Plan Amendment and Extension per the attached draft Order.

Chisago County



Minnesota Board of Water & Soil Resources

WWW.BWSR.STATE.MN.US

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

In the Matter of the review of the Local Water Management Plan Amendment for **Chisago County** (Minnesota Statutes, Section 103B.314, Subdivision 6).

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT AND EXTENSION

Whereas, on September 27, 2006, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Chisago County 2006 – 2011 Comprehensive Local Water Management Plan Update (Plan); and

Whereas, the Chisago County Board of Commissioners submitted a Comprehensive Local Water Management Plan Amendment (Amendment) to the Board on July 27, 2010 pursuant to Minnesota Statutes section 103B.314, subdivision 6; and

Whereas, the Chisago County Board of Commissioners submitted a resolution requesting a two year extension of their Comprehensive Local Water Management Plan to the Board pursuant to Minnesota Statutes section 103B.311, subdivision 4a (5) ; and

Whereas, the Board has completed its review of the Amendment and Extension ;

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

FINDINGS OF FACT

1. On February 23, 2010 the Board received a petition from Chisago County stating its intent to amend its current Plan, pursuant to Minnesota Statutes section 103B.314, subd. 6.

2. On June 21, 2010, Chisago County provided proper notice to local units of government and state agencies of the county's intent to amend its current Plan and invited all recipients to participate in the amendment process.

3. The Chisago County Board filed a resolution requesting a two year extension of the Plan pursuant to Minnesota Statutes section 103B.311, subd. 4a (5).

4. Chisago County received written comments from the Board of Water and Soil Resources on July 21, 2010.

5. Chisago County received written comments from the Pollution Control Agency on July 19, 2010.

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

7. On July 21, 2010, after providing for proper public notice, Chisago County conducted a public hearing on the proposed Amendment. No additional comments were submitted at the hearing.

8. On July 27, 2009 the Board received the Amendment, a record of the public hearing, and copies of all written comments pertaining to the Amendment, pursuant to Minnesota Statutes section 103B.314, subd. 6.

9. On August 4, 2010, the Board's regional Water Planning Committee (Committee) reviewed the Amendment and Extension pursuant to Minnesota Statutes sections 103B.301 to 103B.355 and guidelines established by the Board.

10. Board regional staff provided its recommendation of approval to the Committee.

11. The Committee voted to recommend approval of the Plan Amendment and Extension to the full Board at its next scheduled meeting.

12. This Amendment and Extension will be in effect until September 27, 2013.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Management Plan Amendment and Extension of Chisago County pursuant to Minnesota Statutes sections 103B.314, subd. 6 and 103B.311, subd. 4a (5).

3. The Amendment attached to this Order and the requested two-year Extension are in conformance with the requirements of M.S. Section 103B.301 to 103B.355.

ORDER

The Board hereby approves the attached Amendment dated July 27, 2010 to the Chisago County 2006 – 2013 Comprehensive Local Water Management Plan and approves a two-year extension to September 27, 2013.

Dated at Moorhead, Minnesota, this 26th day of August, 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: SCWMO WMWMO Plan Amendment

Meeting Date: August 26, 2010

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Metropolitan Region

Contact: Brad Wozney, Board Conservationist

Prepared by: Brad Wozney, Board Conservationist

Reviewed by: Metro Water Planning Committee(s)

Presented by: Jim Haertel, Metro Region Supervisor

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED

Approval of Plan Amendment to the Shingle Creek and West Mississippi Watershed Management Organizations' Watershed Management Plan

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

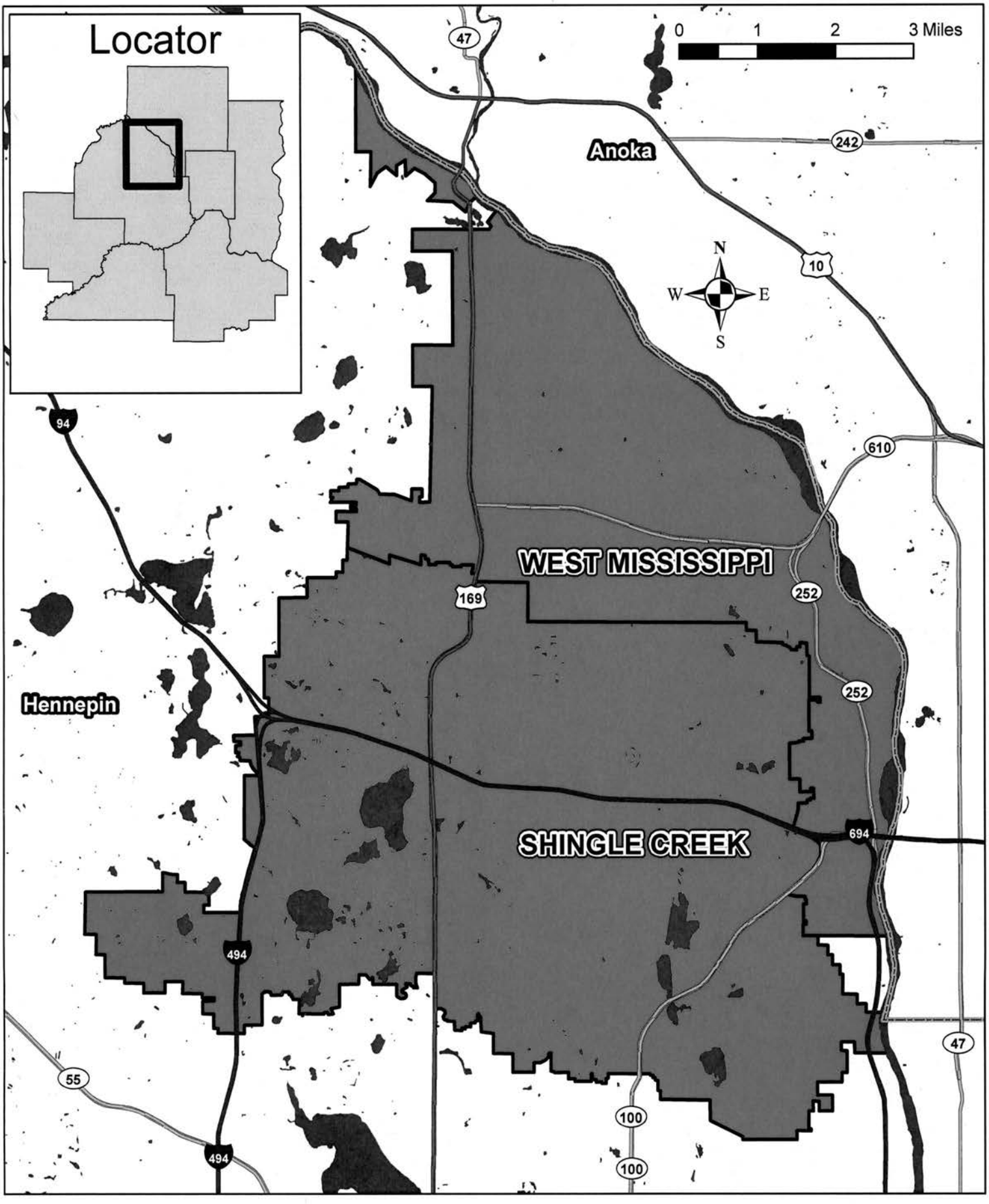
The Shingle Creek and West Mississippi Watershed Management Commissions (Commissions) are located exclusively in north central Hennepin County. They are bound by the Mississippi River to the north and east, on the southeast by the Mississippi WMO, on the south by Bassett Creek WMO, and on the west by the Elm Creek WMO. Both watersheds encompass all or part of the following ten municipalities: Brooklyn Center, Brooklyn Park, Champlin, Crystal, Maple Grove, Minneapolis, New Hope, Osseo, Plymouth, and Robbinsdale. Four out of the five member cities of West Mississippi Watershed Management Commission are also members of Shingle Creek Watershed Management Commission; Champlin is a member of West Mississippi only. The Shingle Creek and West Mississippi watersheds cover 44.5 square miles and 23 square miles respectively. There are fourteen lakes in the Shingle Creek watershed, and none in West Mississippi. Combined the watersheds have approximately 20.5 miles of streams. Both watersheds are predominantly fully developed, with the remaining land slated to be developed.

During the development process of the current Second Generation Plan, both Commissions agreed upon merging the plan preparation, operating policies, and administration for efficiency purposes, but remain separate, politically distinct watershed management organizations. The second generation watershed management plan was approved by BWSR in April 2004. Subsequently, major amendments were approved by BWSR in April 2007, August 2008, and August 2009.

The proposed 2010 Amendment adds seven new projects to the Capital Improvement Program, three within the Shingle Creek watershed and four within the West Mississippi watershed. The formal comment period resulted in no changes to the Amendment. The frequency of proposed amendments from these WMOs reveals an exemplary, yet uncommon approach to consistent review of the implementation section to maintain a current Plan that has resulted in a competitive edge for grant funding.

The Metro Water Planning Committee met on August 4, 2010. After review of the information, the Committee unanimously voted to recommend approval of the Plan Amendment per the attached draft Order.

Shingle Creek & West Mississippi Watershed Management Organizations



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

In the Matter of the review of the Amendment to the Watershed Management Plan for the **Shingle Creek and West Mississippi Watershed Management Organizations**, pursuant to Minnesota Statutes Section 103B.231, Subdivision 11.

ORDER APPROVING AMENDMENT TO WATERSHED MANAGEMENT PLAN

Whereas, the Boards of Commissioners of the Shingle Creek and West Mississippi Watershed Management Organizations (Commissions) submitted a Watershed Management Plan Amendment (Amendment) dated July 2010, to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 11, and;

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

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

FINDINGS OF FACT

1. **WMO Establishment.** Joint Powers Agreements established the Shingle Creek and West Mississippi Watershed Management Organizations (Commissions) in 1984. Each Commission is comprised of one member appointed from each community by their respective city council. The first Watershed Management Plan was published in April 1990. During the development process of the Second Generation Plan, both Commissions agreed upon merging the plan preparation, operating policies, and administration for efficiency purposes, but remain separate, politically distinct Watershed Management Organizations. Four out of the five member cities of West Mississippi Watershed Management Commission are also members of Shingle Creek Watershed Management Commission. The second generation watershed management plan was approved by BWSR in April 2004. The attached amendment will be incorporated into the joint Watershed Management Plan once approved and adopted.

2. **Authority to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The watershed management plan may be amended according to Minnesota Statutes Section 103B.231, Subd. 11.

3. **Nature of the Watershed.** The Shingle Creek and West Mississippi Watershed Management Organizations are located exclusively in Hennepin County in the northwest portion of the Minneapolis – St. Paul seven county metropolitan area. They are bound by

the Mississippi River to the north and east, on the southeast by the Mississippi WMO, on the south by Bassett Creek WMO, and on the west by the Elm Creek WMO. Both watersheds encompass all or part of the following ten municipalities: Brooklyn Center, Brooklyn Park, Champlin, Crystal, Maple Grove, Minneapolis, New Hope, Osseo, Plymouth, and Robbinsdale. The Shingle Creek and West Mississippi watersheds cover 44.5 square miles and 23 square miles respectively. There are fourteen lakes in the Shingle Creek watershed, and none in West Mississippi. Combined the watersheds have approximately 20.5 miles of stream. Both watersheds are predominantly fully developed, with the remaining land being currently developed.

4. **Amendment Development and Review.** The draft Amendment was submitted to the Board, other state agencies, and local governments for the required 60-day review on February 16, 2010. The Amendment adds three capital projects to the Shingle Creek WMO Capital Improvement Program and four projects to the West Mississippi WMO Capital Improvement Program in addition to water quality modeling activities applicable to both watersheds. The Commissions held a public hearing on May 13, 2010. No new suggested changes were offered during the meeting. On May 19, 2010, all review agencies had received the revised draft Amendment for the required 45-day review period. The Commissioners received a comment letter from only the Board. The final draft Amendment was submitted to the Board on July 22, 2010.

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 had no official comments on the Amendment.

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

Brooklyn Center stated that no background information had been distributed for a couple of the proposed projects and that the TAC must screen them prior to inclusion in the CIP. The Commissions responded by citing the TAC meeting at which the projects were discussed with no subsequent TAC member opposition. The city also emphasized their support for the $500,000 maximum annual levy guideline that is proposed to be exceeded and requested project revisions be made to comply with the guideline. The Commissions responded that it is their intent to adhere to the guideline whenever possible, however opportunities to capitalize on grants and other funds presented themselves to reduce the cost to the member cities. The Commissions believe this outweighs the benefit of

adhering to the guideline. Further the Commissions believe that improving water resources in the watersheds is an investment in maintaining and improving property values in the member cities.

11. **Board Review.** Board staff had no concerns regarding the Amendment and found it compliant with rule and statute. Board staff commended the Commissions for their commitment to maintaining a current implementation plan.

12. **Highlights of the Plan Amendment.** The major plan amendment proposes to add seven capital projects and a water quality modeling effort to the Watershed Management Plan. This amendment reflects the Commissions' willingness to regularly review their implementation program and to amend the Plan as project opportunities arise.

13. **Metro Water Planning Committee Meeting.** The Board's Metro Water Planning Committee met on August 4, 2010, to review and discuss the Amendment. Those in attendance from the Board's Committee were Rebecca Flood, Faye Sleeper, Louise Smallidge, LuAnn Tolliver, and Robert Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationists Brad Wozney and Melissa Lewis. Board staff recommended approval of the Amendment. After discussion, the Committee unanimously voted to recommend approval of the Amendment to the full Board.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving an Amendment to the Watershed Management Plan for the Shingle Creek and West Mississippi Watershed Management Organizations pursuant to Minnesota Statutes Section 103B.231, Subd. 11.

3. The Shingle Creek and West Mississippi Watershed Management Organizations' Amendment attached to this Order defines the need and purpose of the Plan changes and the methods of financing.

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

ORDER

The Board hereby approves the attached Amendment, dated July 2010, to the Shingle Creek and West Mississippi Watershed Management Organizations' Watershed Management Plan.

Dated at Moorhead Minnesota this 26th day of August, 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. St. Louis County Water Management Plan Update – Quentin Fairbanks – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: St. Louis County Water Management Plan

Meeting Date: August 26, 2010

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: North

Contact: Ryan Hughes

Prepared by: Ryan Hughes

Reviewed by: Northern Water Planning Committee(s)

Presented by: Quentin Fairbanks

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

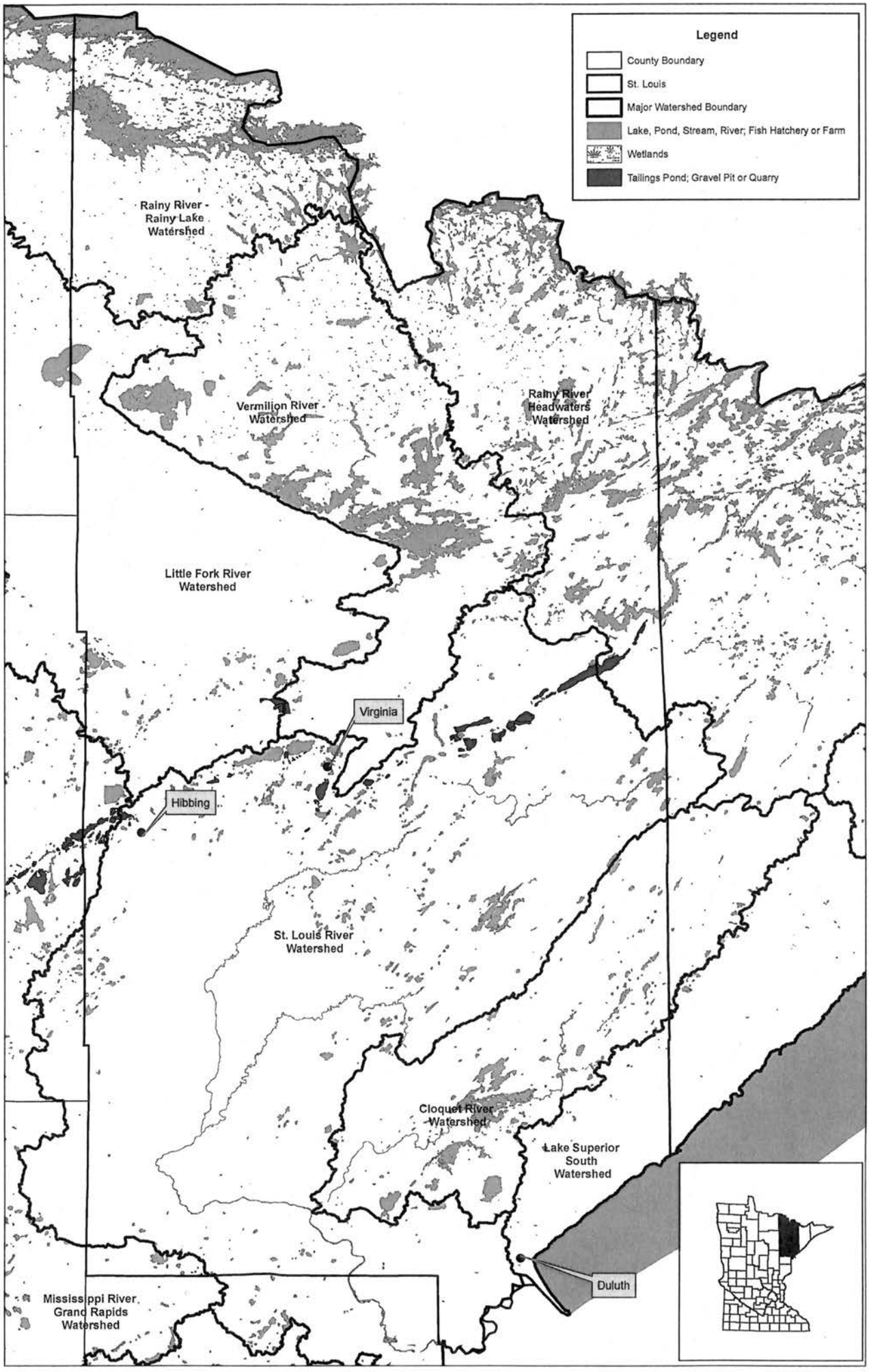
☐ Other: _____

ACTION REQUESTED

Consider approval of the Local Water Management Plan Update for St. Louis County.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
St. Louis County submitted their Local Water Management Plan Update for approval on May 28, 2010. The Northern Water Planning Committee, led by Quentin Fairbanks, reviewed and recommended approval of the document at their August 11, 2010 meeting.

Attached for Chair Kramer's signature is the Order approving the St. Louis County Local Water Management Plan and correspondence informing the St. Louis County Board of Commissioners that the revised Local Water Management Plan has been approved by the Board of Water and Soil Resources.


Legend
County Boundary
St. Louis
Major Watershed Boundary
Lake, Pond, Stream, River; Fish Hatchery or Farm
Wetlands
Tailings Pond; Gravel Pit or Quarry
Rainy River - Rainy Lake Watershed
Vermilion River - Watershed
Rainy River Headwaters Watershed
Little Fork River Watershed
Virginia
Hibbing
St. Louis River Watershed
Cloquet River Watershed
Lake Superior South Watershed
Duluth
Mississippi River Grand Rapids Watershed

DATE: August 11, 2010

TO: BWSR Northern Region Planning Subcommittee

FROM: Ryan Hughes, BWSR Board Conservationist

SUBJECT: Review of St. Louis County Final Local Water Management Plan (LWMP)

Mark Lindhorst, St. Louis County Water Planner, and RC Boheim, South St. Louis SWCD Manager, are planning to attend the meeting to discuss the plan and answer any questions.

St. Louis County administers the Local Water Management Plan for St. Louis County. The expiration date of the St. Louis County LWMP was May 28, 2010.

At the October 14, 2009 BWSR Northern Region Planning Subcommittee meeting a review of the St. Louis PCSD was completed. The Subcommittee and full Board deemed the priority concerns selected to be appropriate and did not require any changes. The Subcommittee offered the following specific suggestions to be considered in the development of the final plan:

- Include erosion as an area of emphasis within the appropriate priority concern(s).
- Continue to seek participation in the water planning process from local stakeholders.
- Develop a technical advisory committee to assist in the process.

The County has addressed the suggestions provided by the Subcommittee in the development of the final plan.

In a letter dated October 28, 2009 the BWSR provided official comments pertaining to the PCSD to St. Louis County pursuant to M.S. 103B.313, Subd.5.

St. Louis County held a public hearing for the St. Louis County Comprehensive Water Management Plan on March 25, 2010.

Plan Highlights/Talking Points

The duration of the plan is for ten-years, with an assessment of the progress made after five-years, per BWSR guidance.

The plan has thoroughly assessed the priority concerns identified in the scoping document process. Development as a priority concern is supported by the permit applications identified in Figure 2 of the plan. Permit clusters occur around most if not all large waterbodies. Development adjacent to waters within St. Louis County has been and will continue to be a priority concern.

Wastewater Management is supported in the assessment with the Consent Decree between the City of Duluth and the Western Lake Superior Sanitary Sewer District and the Environmental Protection Agency (EPA). This Consent Decree is a result of inflow and

infiltration of stormwater runoff into failing infrastructure systems. In addition, the plan addresses the failing subsurface sewage treatment systems by continuing many enforcement initiatives and enhancing the inventorying of systems. Many actions within the plan are expected to make the County eligible for future grants to address failing systems.

The Ground and Surface Waters assessment supports this priority concern with one simple fact; St. Louis County has 87 DNR designated trout lakes and streams. The City of Duluth alone has 16 designated trout streams within its boundary. Trout are an indicator of the health of a lake or stream. Many species of trout, specifically native brook trout, are sensitive to poor water quality and the lack of their presence can be directly attributed to altered systems. In addition, the Minnesota Department of Health was very supportive of the plan in their comment letter and commended the County for their recognition of the importance of groundwater protection in the plan.

The Impaired Waters priority concern is supported by the listing of the St. Louis River as an impaired water. The St. Louis River watershed is a dominant feature of the County. The St. Louis River estuary is listed as an EPA Great Lakes Area of Concern. Potential future mining in the St. Louis River watershed will be pivotal in determining the health of the water resources of both the St. Louis River and Lake Superior, a major drinking water source.

The recommendation by the Subcommittee for the County to develop a technical advisory committee and the efforts of the County to coordinate the technical advisory committee substantially improved the plan development process. Representatives from PCA, DNR, South St. Louis SWCD, North St. Louis SWCD, BWSR and St. Louis County Planning participated on the committee. In addition, the public hearing process was well attended and provided stakeholders an opportunity to participated in the development of the plan.

State Agency Comments

On May 27, 2010, St. Louis County distributed its final LWMP, all written comments and a record of the public hearing to Ron Shelito. Mr. Shelito distributed copies of the plan to the required state agencies. The deadline for agency comments was July 1, 2010. The following summarizes the comments received:

Department of Health

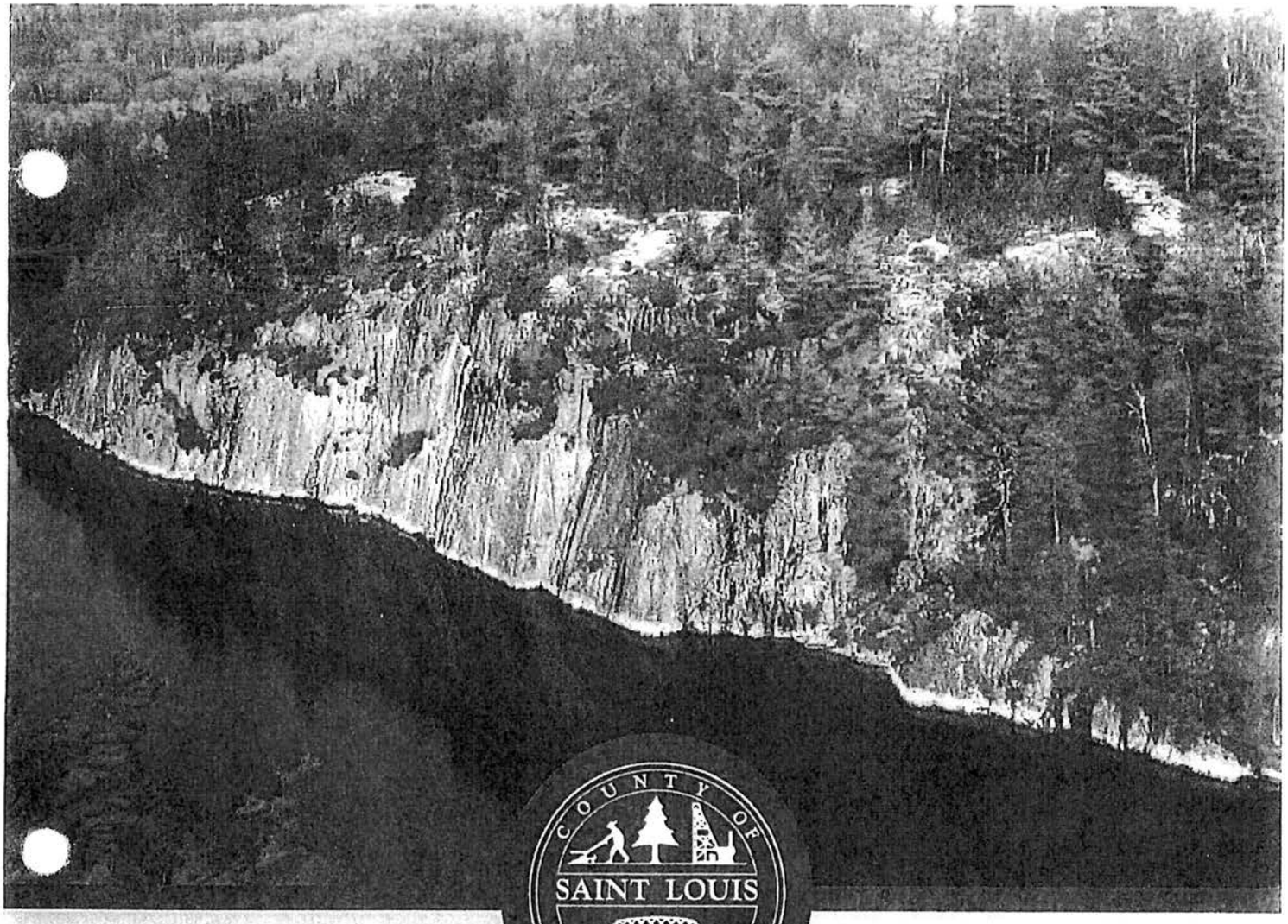
The agency recommended approval of the entire plan as submitted and did not have any comments. The agency commended St. Louis County for its recognition of the importance of protecting groundwater quality and quantity with an emphasis on wellhead protection efforts by communities located within the county.

Pollution Control Agency

The agency recommended approval of the entire plan as submitted and offered various comments for consideration. The comments provided suggestions to clarify specific PCA concerns in the document. The County took the comments into consideration. Please refer to the letter from the agency for specific comments.

Board Conservationist's Recommendation

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



St. Louis County, Minnesota

Comprehensive Water Management Plan

Update 2010 – 2020

DRAFT

St. Louis County, Minnesota
Planning and Development Department

St. Louis Soil and Water Conservation Districts

County Commissioners

Steve Raukar, Chair

Dennis Fink
Mike Forsman
Chris Dahlberg
Steve O'Neil
Peg Sweeney
Keith Nelson

St. Louis Soil and Water Conservation Districts

South St. Louis SWCD
215 N. First Ave. E., Room 301
Duluth, MN 55802
www.southstlouisswcd.org

North St. Louis SWCD
307 First St. S., Ste. 114
Virginia, MN 55792
www.nslswcd.org

Planning and Development Director

Barbara Hayden

Advisory Committee

Mark Lindhorst, St. Louis County Planning and Development
Scott Smith, Land Use Manager
R.C. Boheim, Dist. Mgr., South St. Louis SWCD
Al Moline, South St. Louis SWCD Supervisor
Gary Rantala, North St. Louis SWCD Supervisor
John Calgaro, North St. Louis SWCD Supervisor
John Lukan, St. Louis County Planning Commission

Water Plan Technical Advisory Committee

Amber Westerbur, Minnesota's Lake Superior Coastal Program
Brian Fredrickson, Minnesota Pollution Control Agency
Mark Lindhorst, St. Louis County Planning and Development
Martha Minchak, Minnesota DNR Wildlife
Paul Ojanen, North St. Louis SWCD
R.C. Boheim, South St. Louis SWCD
Scott Smith, St. Louis County Planning and Development

BWSR Coordinator

Ryan Hughes, Board Conservationist

Plan Writers/Researchers

Kate Kubiak – Conservation Specialist – South St. Louis SWCD
Paul Ojanen - Resource Conservationist – North St. Louis SWCD

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Appendix A: Priority Concerns Scoping Document

Executive Summary

The intent of this plan is to provide strategies to address the water related issues in St. Louis County. Issues were identified during a systematic, region-wide scoping process between August 2008 and March 2009. During that time, citizens, local government officials and agency representatives were invited to provide input about which water quality concerns are most critical for the county to address.

From late 2009 to early 2010, staff members from the St. Louis County Planning and Development Department, both North St. Louis and South St. Louis Soil & Water Conservation Districts, the Water Plan Advisory Task Force, and Technical Advisory Committee worked to formulate strategies, develop a timetable and estimate the cost to adequately address the identified priority concerns. They also completed the Comprehensive Water Management Plan Document and expanded outreach to cities and townships on the county website. The public was then given the opportunity to comment on the plan at a public hearing held on March 25, 2010. The plan was approved by BWSR on _____ and by the county Board of Commissioners on _____.

Introduction to St. Louis County

St. Louis County is located in Northeastern Minnesota and is the largest county east of the Mississippi River. It is an estimated 7,092 square miles in size, and has over one thousand lakes. St. Louis County is known for its spectacular natural beauty, including a national forest (Superior National Forest), a national park (Voyageurs National Park), the Boundary Waters Canoe Area Wilderness, four state parks, and many popular recreational trails, including portions of the Superior Hiking Trail.

Seven major watersheds are contained within, or straddle parts of, the county: the Lake Superior, Cloquet River, and St. Louis River watersheds drain to the southeast (Lake Superior), a small portion of the Mississippi River-Grand Rapids watershed drains to the Mississippi to the west, the Little Fork River watershed drains northwest to Rainy River, the Rainy River-Rainy Lake and Rainy River-Headwaters drain north to Rainy Lake and Rainy River and the Vermilion River watershed drains north to Crane Lake. The watersheds that are located generally in the northern part of the county are part of the Rainy River Basin. Those generally in the south are part of the Lake Superior Basin. See the attached "Major Watersheds" map **(Figure 3)** for more information.

St. Louis County has 26 cities and 73 organized townships. It also has 72 un-incorporated communities, 26 unorganized territories and 1 "Census Designated Place." There are about 32 persons per square mile. The city of Duluth serves as the county seat with a population of approximately 86,000. The estimated 2008 population of St. Louis County was 196,864 (U.S. Census). This represents an estimated 1.8% decline in population in the county between the years 2000 and 2008. The Minnesota State Demographic Center predicts that the county's population will rise to 202,040, an increase of about 2.6%, by 2030.

The Iron Range cities, Hibbing and Virginia, and the Lake Superior port city, Duluth, are the county's population and economic centers. Both population centers have international importance; Duluth for its freshwater port, which is one of the largest in the world, and the Iron Range for its large mining industry. Surrounding counties are: Carlton County to the south; Aitkin, Itasca and Koochiching Counties to the west; Lake County to the east; and Douglas County, Wisconsin, to the southeast (across the St. Louis River). The coast of Lake Superior creates part of the county's southern border, while the Rainy River District of Ontario, Canada, flanks its northern border. Taconite mining makes up a large sector of the region's economy, along with health care, timber, transportation, technology and tourism. Most of the United States' Iron Ore reserves are located on St. Louis County's Mesabi Iron Range, which has enough ore reserves to keep iron mining in production for more than 200 years.

St. Louis County is comprised of an estimated 4,311,013 acres. Of that, approximately 22.6% is bog/marsh/fen and 8.7% is surface water. Less than 0.1% of the land is cultivated and only 0.7% is urban/industrial. Half of the county is collectively classified as "Forest," which is a factor in the county's high water quality. Because of its large geographic area, St. Louis County leads the state in number of acres of forested area, bog/marsh/fen, brushland, and surface water. Of the total acres, 37% is privately owned and 56% is publicly owned. See **Figure 7** for the balance of land ownership by type.

Minnesota's groundwater supply can be divided into three types of hydrogeologic sources: glacial drift sources, glacial outwash sources and bedrock sources. St. Louis County overlays two types of groundwater sources: glacial outwash and glacial drift. Groundwater sources in glacial drift areas may be unreliable as they do not recharge quickly. They are typically surrounded by

clayey glacial till that is several hundred feet thick. Residents living in these areas often supplement their drinking water supply with surface water sources (streams, inactive mine pits and Lake Superior). Groundwater sources in glacial outwash areas yield more plentiful groundwater, as they are more sand-based and located nearer to the surface. (*DNR Waters, Minnesota's Water Supply: Natural Conditions and Human Impacts, 2000).*

Plan History and Purpose

The purpose of this plan is to provide the citizens and elected officials of St. Louis County with a strategic framework to manage water resources. In 1985, the State of Minnesota adopted the Comprehensive Local Water Management Act under State Statutes 103B.301 – 103B.335. The act encourages counties outside of the metropolitan area to develop and implement comprehensive water management plans. Local ownership and implementation of the plan is the hallmark of the program. While development of a plan is voluntary, various state grants and some federal funding sources require that a county have an adopted local water management plan that is periodically updated. The St. Louis County Comprehensive Water Management Plan (CWMP) is a comprehensive analysis of water and related land resources coupled with a recommended series of strategies designed to achieve the county's water management goals. The plan acknowledges the county's large size and its three continental basins and seven major watersheds.

The St. Louis County Water Management Plan was originally adopted in 1992. In 1999, amendments were made related to wetland program administration, and in 2001, a revised plan was adopted.

In May of 2008, Minnesota's Board of Water and Soil Resources granted the county an extension of its current plan until May of 2010, at which time this updated plan will take effect. This plan will be valid through May of 2020, with the next update scheduled for 2015. The St. Louis County Board adopted a resolution on March 11, 2008, requiring the update and revision of the St. Louis County Water Management Plan. Counties are responsible for water management, and approximately one-third of Minnesota counties, including St. Louis County, delegate this program to county Soil and Water Conservation Districts (SWCDs). Due to its size, St. Louis County is one of only two in Minnesota to have two SWCDs – one serving the northern part of the county, based in Virginia, and one serving the southern part of the county, based in Duluth.

The purpose of water planning is to protect water resources through the adoption and implementation of local water management plans that are based on local priorities. To this end, the water management planning process for this plan sought to: 1) identify existing and potential problems facing the county's water resources; 2) identify opportunities to protect those water resources; 3) identify goals and objectives to manage the county waters and their related land uses in ways that promote sound, hydrologic and efficient management and effective environmental protection of those water resources; and 4) devise and carry out a plan of action that achieves the stated goals and objectives related to managing the county's water resources.

Most of the issues addressed in this plan apply county-wide. However, within certain sections, there may be references to specific watersheds or sub-watersheds.

Water Plan Accomplishments to Date

This revised plan builds upon the activities and objectives of earlier plans. The county has been implementing the actions in the current plan over the past 15 years. Many of the issues from the first plan(s) will continue to be addressed in the updated plan, though their importance may be eclipsed by issues that have grown in priority or due to changing environmental policies and conditions.

The county's past water planning efforts have led to many accomplishments to date including:

- Increased public awareness and support by the Planning Commission and Board of Adjustment regarding the importance of protecting and enhancing the shore impact zone when considering development proposals.
- Informational brochures on topics related to shoreland development and other issues were developed and are now available to the public on the county's website and at its offices.
- Municipal sewer lines have been extended into areas that had previously been identified as "problem areas," including Pike Lake and along the North Shore. "Problem areas" are those areas with poor (e.g. clay) soils, high water tables, and areas that are densely developed with small lots.
- The availability of Geographic Information Systems (GIS) has increased significantly, including progress in the completion of a county-wide parcel layer and GIS maps that are available to the public via the county's website.
- Stormwater issues are more frequently addressed during development reviews. Decision-makers have come to understand that protecting and improving lake water quality involves more than addressing failed septic systems. A water plan challenge grant based on stormwater-related goals in the water plan led to the development of specific solutions for stormwater management for three lakeshore lots on lakes with varying development densities.
- Cooperation between St. Louis County and Itasca County to develop information on small lakes with the help of a water plan challenge grant.
- The water plan supported the county wetland plan, and over the past several years, the county's wetland administration program has become one of the best in the state.
- The Lake Superior and Rainy Basin plans were developed using data and goals from the water plan.
- Coordination between land use permitting and on-site sewage treatment decisions have been improved. For example, a three-bedroom home is now the standard used to determine whether or not a lot has sufficient room to accommodate an on-site sewage treatment system.
- The development of a county-level river classification system that is more extensive than the state's classification system, as recommended in the water plan.
- An expanded lake water quality monitoring program in cooperation with the North St. Louis Soil and Water Conservation District. This led to the establishment of specific quality standards for several lakes. The Aerie Lake sewer system was developed, in part, because of the identification of poor water quality through these monitoring efforts.
- Development of a program for financial assistance to homeowners for on-site sewage treatment systems.
- Establishment of new county shoreland regulations that meet the requirements of the state while still addressing unique county issues.
- Implementation of a plan for enforcing certain county controls such as zoning.

- Improved regulation of county borrow pits, with increased focus on environmental concerns in the permitting process.
- Improved and expanded efforts to inform the public about county regulations.

Earlier versions of the county water plan set ambitious goals. Changing priorities, funding availability, requirements of other agencies and emerging environmental issues often result in some goals not being achieved during the plan's timetable. Water plan goals that have not been extensively addressed to date include:

- Groundwater studies for Duluth and the Iron Range – These studies would require substantial non-county financial resources, which have yet to be identified. In addition, little improvement has been made in the groundwater data that is available to the public and the county. This issue may be addressed as part of the groundwater and surface water protection priority concern.
- Environmental audits of county agencies involved in county environmental issues. A formal audit has not yet been conducted, however, some changes have been made in how programs are run. This issue will not be addressed in the updated plan.
- Development and implementation of a wellhead protection plan and well-sealing information should be incorporated in land use decision making and future plans. This issue is proposed to be addressed in the updated plan.

Priority Concerns Summary

The St. Louis County Water Plan Task Force selected four priority concerns to address: (1) negative impacts of development, (2) pollution resulting from inadequate wastewater management, (3) pollution to surface and ground waters from contaminated runoff, and (4) impaired waters. This effort resulted in a Priority Concerns Scoping Document that was approved by the Board of Water and Soil Resources (BWSR) on October 28, 2009.

Priority Concern #1: Development

Goal : Mitigate impacts of development. Emphasis: sensitive areas, including lakeshore, wetlands, and riparian areas along streams and rivers.

Actions:

1. Assist lake associations and/or property owners to identify potential areas for restoration.
2. Encourage implementation of innovative stormwater management practices.
3. Provide the most current information about best management practices (BMP's) to prevent and correct erosion using native species along lakes and rivers.
4. Implement stormwater management and erosion control retrofit projects by specific watershed or lakeshed.
5. Provide technical and financial assistance for BMP installation of stormwater and erosion control projects.
6. Develop and/or distribute educational media on the importance of BMP implementation and proper land use development.

Goal: Develop policies and guidelines that address existing and future development.

Actions:

1. Strengthen county ordinances to include stormwater and erosion control requirements and support the strengthening of similar ordinances in other local government units.

2. Develop policies that require mitigation measures for variance requests in shoreland areas.
3. Develop policies that effectively plan for future development.
4. Develop policies and ordinance language for the protection of natural environment lakes.

Priority Concern #2: Wastewater Management

Goal: Address water quality problems stemming from inadequate wastewater management.
Emphasis: Failing (SSTS) and sanitary system overflows.

Actions:

1. Continue to enforce the successful St. Louis County-wide point of sale program for SSTS in order to (a) identify and bring failing systems into compliance, and (b) increase the amount of data available to the county and public.
2. Support wastewater treatment facility projects within SSTS problem areas.
3. Support the efforts of the city of Duluth, WLSSD and other municipalities or communities to eliminate or reduce sanitary system overflows and to repair, modernize or upgrade wastewater treatment systems.
4. Develop a septic system permit and tracking component in the land records portal to identify problem areas based on failure rate, soil and water conditions.
5. Continue to provide financial assistance in the form of low interest loans to homeowners who need to upgrade or replace failing or non-conforming septic systems.
6. Develop a septic system database using GIS to display expansion areas, wells and suitable building areas on all parcels.
7. Ensure that all properties being considered for development have appropriate conditions to accommodate wastewater systems for the highest reasonable use of the property.
8. Provide education on the technology, use and maintenance of private sewage treatment systems to home and cabin owners.

Priority Concern #3 Ground and Surface Waters

Goal: Protect ground and surface water from the combined impacts of point and non-point source pollutants. Emphasis: Contaminated run-off.

Actions:

1. Acquire data through technology development, GIS analysis, remote sensing, ground truthing, surveys or purchase to fill pre-existing or discovered data gaps.
2. Encourage and assist private landowners in forest management, development of forestry plans, re-forestation and operation following the Minnesota Forest Resource Council Voluntary Site Guidelines.
3. Provide cost-share assistance funds to seal unused wells.
4. Support wellhead protection areas and plans.
5. Protect waters that have wild rice and avoid impacts to wild rice habitat.
6. Encourage and assist local governments, communities and non-governmental organizations to prepare watershed management plans.
7. Encourage and assist land owners and occupiers to install water protection practices and BMP's.
8. Encourage and assist in wetland avoidance and impact minimization. Encourage wetland restoration projects within the county.
9. Support, develop and continue efforts to prevent infestation by, control or extirpate invasive species and weeds.

Goal: Monitor, assess and restore watersheds.

Actions:

1. Support and assist communities and local governments with stormwater management.
2. Perform or assist other agencies, governments and organizations with watershed assessment and monitoring activities.
3. Continue monitoring wildlife impact such as beaver and geese.

Goal: Coordinate and perform education activities.

Actions:

1. Support and assist the Minnesota Pollution Control Agency's Citizens Lake and Stream Monitoring Program.
2. Educate the public on the importance of sealing unused wells.
3. Foster awareness and understanding of water quality issues and promote shared responsibility for protection of Minnesota's water resources.
4. Encourage and assist the appropriate development and activities of lake associations.

Priority Concern #4 Impaired Waters

Goal: Work towards restoring those waters in the county listed as impaired on state 303(d) list.

Actions:

1. Seek funding for and complete total maximum daily load studies (TMDL).
2. Monitor and assess data to determine whether water resources meet water quality standards for designated uses.
3. Seek funding for and develop implementation and/or protection strategies based on watershed assessments. Assess data to determine whether water resources meet water quality standards for designated uses.
4. Implement projects and actions intended to reduce sources of non-point pollution and restore watersheds using best management practices.
5. Assess data to determine whether water resources meet water quality standards and designated uses.
6. Support and complete projects that address the beneficial use impairments of the St. Louis River Area of Concern (AOC). Implement the remedial action plan and work toward AOC delisting.
7. Complete TMDL projects that are currently underway, including Little Fork River, Knife River and Miller Creek.

Relevant Separate Plans and Controls

The following plans and controls are consistent with the work plan efforts outlined in the St. Louis County Comprehensive Water Management Plan:

City of Duluth Ordinance Chapter 18 Erosion and Sediment Control, Chapter 43 Sewers and Sewage Control, Chapter 18, which establishes controls for erosion and sedimentation within the city. Chapter 43, establishes the operation of the cities' wastewater facilities for public health, safety and welfare.

St. Louis County Ordinance #27: Comprehensive Land Use Plan which includes comprehensive and land use plans for county-administered, non-municipal areas. It also includes the North Shore Management Plan, the Vermilion River Plan, the Voyageur Planning Area, and the St. Louis, Cloquet and Whiteface Corridor Management Plan.

Lake Superior Basin Plan: The Lake Superior Basin Plan specifically lists impaired waters and the protection of surface waters as program priorities. The other priority concerns identified in this plan are consistent with the goals and strategies of the Lake Superior Basin Plan.

Rainy River Basin Plan: The Rainy River Basin Plan extols the value of local water management in basin planning. It also emphasizes the need to set priorities and notes that focusing on impaired waters inherently prioritizes local water management planning efforts. The overall goal of the plan is to maintain or improve the condition of streams, rivers, lakes and groundwater in the Rainy River Basin, with sub- goals related to erosion, drinking water and shoreland use. All of these goals are consistent with the goals and actions set forth in this plan.

St. Louis River Remedial Action Plan: There are five priority action items for the St. Louis River Area of Concern. Reducing non-point source pollution, specifically, urban stormwater and restoring and protecting habitat, are two actions that directly support this plan. The remaining priority actions do not conflict with this plan.

Laurentian Resource Conservation & Development Council Area Plan 2008-2012: This document provides strategic direction for the RC&D Council for the time period 2008-2012. It includes strategies that are congruent with the priority concerns of the comprehensive water management plan including: 1) Promote and facilitate the implementation of Best Management Practices to improve the quality of impaired waters, and 2) Reduce and control erosion from high priority streambank, lakeshore and roadside sources. The remaining strategies in this plan do not conflict with the priority concerns of the updated water management plan.

Statewide Conservation and Preservation Plan, 2008: More than 125 experts contributed to this plan, the purpose of which is to: "...identify the state's natural resources, identify key issues affecting those resources, and make recommendations for improving and protecting them." The plan cites seven key issues that, if addressed, would "benefit the greatest number of natural resources to the greatest degree." Land and water habitat fragmentation, degradation, loss and conversion and land use practices were two key issues listed that match the priority concerns set forth in this plan. The other five key issues do not conflict with the priority concerns proposed in this plan. Land and water restoration and protection is one of five strategic areas around which the recommendations in the plan are based.

Minnesota Watermarks: This legislatively mandated document was put together by Minnesota Planning and the Minnesota Environmental Quality Board. It identifies a series of goals and objectives for water resources on a state-wide level. Protecting and restoring surface and groundwater quality are specific goals in this document. The other priority concerns listed in this plan are consistent with the proposed strategies of *Minnesota Watermarks*.

Minnesota Nonpoint Source (NPS) Water Pollution Management Program Plan: This is a statewide plan focused on the greatest threat to our nation's waters today: NPS. NPS include stormwater and SSTS, which are also cited as priority concerns in this document.

Superior National Forest Plan: This plan guides all natural resource management activities for the Superior National Forest. It describes desired resource conditions, resource management practices, levels of resource production and management, and the availability of suitable land for resource management.

St. Louis, Cloquet, Whiteface Corridor Plan: Section 21 of St. Louis County Ordinance 27: This is a local management plan that provides protection to the rivers' ecosystems in the areas of land use, forestry management and land acquisition.

Voyageurs National Park Water Resources Management Plan 2005: The focus of this plan is to maintain or improve water quality through management actions, cooperation with adjoining land managers, partnerships, education and outreach programs.

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the St. Louis County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on May 28, 2010, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On August 13, 2009, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from St. Louis County, pursuant to M.S. Section 103B.312.

2) On October 28, 2009, the Board of Water and Soil Resources approved official comments on the St. Louis County Priority Concerns Scoping Document, which were mailed to the county on October 28, 2009.

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

   A) Development
   B) Wastewater Management
   C) Ground and Surface Water
   D) Impaired Waters

4) On May 28, 2010, the Board of Water and Soil Resources received the St. Louis County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On August 11, 2010, the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the St. Louis County Plan Update. Recommendations of the state review agencies were:

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

F) Minnesota Board of Water and Soil Resources regional staff: Recommends approval.
G) Board Water Plan Review Committee Meeting: Recommends approval.

6) This update will be in effect until August 26, 2020; with the Goals, Objectives and Action Items being amended prior to August 26, 2015.

CONCLUSIONS

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

2. The St. Louis 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 St. Louis County Local Water Management Plan; with the Goals, Objectives and Action Items being amended prior to August 26, 2015.

Dated at Moorhead, Minnesota, this twenty-sixth day of August 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Area II Minnesota River Basins Project Inc., Grant - Paul Langseth – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Area II Minnesota River Basins Project Inc. Work Plan and Grant**

Meeting Date: August 26, 2010

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Southern Region

Contact: Jeff Nielsen

Prepared by: Carla Swanson-Cullen

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

Presented by: Paul Langseth

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

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

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED

Approval and execution of fiscal year 2011 grant agreement.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
Legislative appropriation to Area II Minnesota River Basins Project to assist its nine member counties flood control projects in southwestern Minnesota. Area II receives a cost-share rate of 75% state funding and 25% local funding for office administration and project implementation; oversight is provided by the BWSR.

** FY11 Budget and Supplemental Information will be provided at the Board Meeting.

Minnesota Board of Water & Soil Resources

DATE: August 16, 2010

TO: Jeff Nielsen

FROM: Tabor Hoek

SUBJECT: FY 11 Area II MN River Basins Project Inc. Annual Work Plan and Budget

I have reviewed the Area II MN River Basins Project Inc. annual work plan update and budget. I find all to be in order and recommend the plan for approval. As a bit of context, Area II has been successful in securing project funds from state bonding and LCCMR. They also leverage federal cost share and Co. and state hwy bridge funds when projects occur as part of road construction and bridge replacement. The funding provided to this board in specific legislation is targeted at administration of this 9 county joint powers board. For FY2011 this amount is $120,000. This grant requires a 25% match. Should you have any further questions, please contact me. Thank you.

Bemidji
3217 Bemidji Avenue N.
Bemidji, MN 56601
phone (218) 755-4235
fax (218) 755-4201

Brainerd
217 S. 7th Street
Suite 202
Brainerd, MN 56401
phone (218) 828-2585
fax (218) 828-6036

Duluth
394 S. Lake Avenue
Room 403
Duluth, MN 55802
phone (218) 723-4752
fax (218) 723-4794

Fergus Falls
1004 Frontier Drive
Fergus Falls, MN 56537
phone (218) 736-5445
fax (218) 736-7215

Marshall
1400 E. Lyon Street
Box 267
Marshall, MN 56258
phone (507) 537-6060
fax (507) 537-6368

New Ulm
261 Highway 15 S.
New Ulm, MN 56073
phone (507) 359-6074
fax (507) 359-6018

Rochester
2300 Silver Creek
Road N.E.
Rochester, MN 55906
phone (507) 280-2874
fax (507) 285-7144

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

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Minnesota Board of Water & Soil Resources

Board Resolution # 09-74

Area II Minnesota River Basins Project Inc. Work Plan and Grant

WHEREAS, the Area II Minnesota River Basins Project Inc. (Area II) is eligible to receive a $130,000 FY 2010 grant from the MN Board of Water and Soil Resources (BWSR). This grant is available for administrative and implementation efforts of Area II within their nine county project area. This grant is available with a 25% local match requirement; and

WHEREAS, Area II has developed an annual work plan to cover activities for FY 2010 and FY 2011; and

WHEREAS, Area II has secured their 25 percent match requirement.

THEREFORE BE IT RESOLVED, the BWSR hereby approves the Area II FY2010 and 2011 annual work plan; and

BE IT FURTHER RESOLVED, the Board of Water and Soil Resources enter into a grant agreement with the Area II Minnesota River Basins Project Inc. for these funds.

Randy Kramer, Chair
Board of Water and Soil Resources

Date: 9/23/09

Minnesota Board of Water & Soil Resources

Board Resolution #_____

Area II Minnesota River Basins Project Inc. Work Plan and Grant

WHEREAS, the Area II Minnesota River Basins Project Inc. (Area II) is eligible to receive a $120,000 fiscal year 2011 grant from the Minnesota Board of Water and Soil Resources (BWSR). This grant is available for administrative and implementation efforts of Area II within their nine county project area. This grant is available with a 25 percent local match requirement; and

WHEREAS, Area II developed a work plan to cover activities for fiscal years 2010 and 2011. The BWSR Southern Water Planning Review Committee reviewed this work plan on September 3, 2009, and recommended approval. The Area II work plan was approved by the full BWSR Board on September 23, 2009; and

WHEREAS, Area II has secured their 25 percent match requirement.

THEREFORE BE IT RESOLVED, the Board of Water and Soil Resources enter into a grant agreement with the Area II Minnesota River Basins Project Inc. for these funds.

_____ _____

Randy Kramer, Chair
Minnesota Board of Water and Soil Resources

Date

Minnesota Board of Water & Soil Resources

Board Resolution # 10-80

Area II Minnesota River Basins Project Inc.
Work Plan and Grant

WHEREAS, the Area II Minnesota River Basins Project Inc. (Area II) is eligible to receive a $120,000 fiscal year 2011 grant from the Minnesota Board of Water and Soil Resources (BWSR). This grant is available for administrative and implementation efforts of Area II within their nine county project area. This grant is available with a 25 percent local match requirement; and

WHEREAS, Area II developed a work plan to cover activities for fiscal years 2010 and 2011. The BWSR Southern Water Planning Review Committee reviewed this work plan on September 3, 2009, and recommended approval. The Area II work plan was approved by the full BWSR Board on September 23, 2009; and

WHEREAS, Area II has secured their 25 percent match requirement.

THEREFORE BE IT RESOLVED, the Board of Water and Soil Resources enter into a grant agreement with the Area II Minnesota River Basins Project Inc. for these funds.

R/K

Randy Kramer, Chair
Minnesota Board of Water and Soil Resources

8/26/10

Date

BIENNIAL PLAN – FY 2010 & 2011

JULY 1, 2009 – JUNE 30, 2011

FY 2010 Update

August 2010

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

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FY 2011 TECHNICAL OFFICE BUDGET

2010 BOARD OF DIRECTORS

BROWN COUNTY
*ANDREW LOCHNER – **CHAIR***
DEBORAH DOVE

COTTONWOOD COUNTY
*GARY SORENSON – **VICE CHAIR***
NORMAN HOLMEN

LAC QUI PARLE COUNTY
HAROLD SOLEM
TODD PATZER

LINCOLN COUNTY
CURT BLUMEYER
LARRY HANSEN

LYON COUNTY
PHILIP NELSON
RODNEY STENSRUD

MURRAY COUNTY
*ROBERT MOLINE - **SECRETARY/TREASURER***
JOHN GIESE

PIPESTONE COUNTY
MARGE DERUYTER
HAROLD MILLER

REDWOOD COUNTY
JOHN SCHUELLER
ALLEN KOKESCH

YELLOW MEDICINE COUNTY
LOUIS SHERLIN
RON ANTONY

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

BIENNIAL PLAN – FY 2010 & 2011

WORK PLAN NARRATIVE

STAFF:

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

Area II's biennial appropriation from the State of MN was reduced from $130,000 to $120,000 per year, a 8% reduction. This level of funding is manageable, however even more county funds are now directed towards the administrative budget rather than serving as matching funds to assist landowners with their 25% local share of project costs. The nine member counties continue to contribute $85,165.74 annually. Budget reductions continue to be made, most affecting the Professional Services and contracting of engineering from Bolton & Menk, Inc. With increasing reporting requirements associated with State funding, Area II's outdated website will be revised and more informational by the end of the calendar year.

Fiscal 2010, and particularly the late 2009 construction season, was a busy one with over $767,413.26 of projects constructed. *(see page 4)*

Expending the 2006 Bonding appropriation of $500,000 has been challenging from the onset. As you may recall, there was no 2004 Bonding Bill which resulted in Area II receiving $500,000 in bonding in 2005 and another $500,000 bonding appropriation in 2006. And these appropriations followed a $500,000 LCMR appropriation which was completed in June 2006. With a small, yet effective staff and unending interest in floodwater retention projects, the shortened time frame to use all the funding sources has been difficult. The economic downturn has affected some of the participating landowners as they find themselves unable to afford the 25% local share and need to continue saving to accumulate enough funding. Area II is unable to help landowners as much as before with county funds paying for more administration than project construction.

Area II greatly appreciates the ongoing support given to them from the Minnesota Board of Water & Soil Resources. Area II will continue its good work and to make BWSR proud of the conservation practices that only we can do jointly in southwestern Minnesota.

FY 2010
COMPLETED PROJECTS

χ **Monroe 4 Dam Repair - Lyon County** **$ 10,372.99**

WHIP Federal Funds	$ 5,901.00
2006 Bonding Funds	$ 2,373.74
Landowner	$ 1,878.74
Area II Counties	$ 219.51

χ **Amiret 29 Dam – Lyon County** **$ 30,631.50**

2006 Bonding Funds	$ 13,554.44
Landowner	$ 6,963.87
WHIP Federal Funding	$ 9,419.18
Area II Counties	$ 694.25

χ **Monroe 8 Dam – Lyon County** **$283,445.80**

2006 Bonding Funds	$152,442.15
Landowner	$ 20,000.00
Area II Counties	$ 15,437.25
EQIP Federal Funding	$ 60,142.20
Lyon County	$ 33,924.20
Lyon County Water Plan	$ 1,500.00

χ **Island Lake 4 Dam -- Lyon Co.** **$171,046.34**

2006 Bonding Funds	$ 78,247.90
EQIP Federal Funding	$ 34,639.00
Area II Counties	$ 177.35
Lyon County	$ 14,452.09
Landowner	$ 20,000.00
Yellow Medicine River Watershed District	$ 2,000.00
Lyon County Water Plan	$ 1,500.00

χ **Sodus 5 Dam - Lyon County** **$118,257.65**

2006 Bonding Funds	$ 38,946.90
Landowner	$ 23,416.35
EQIP Federal Funding	$ 49,746.34
Area II Counties	$ 6,148.06

χ **Redwood Falls 17 Dam – Redwood** **$ 18,694.00**

Clean Water Legacy Funds	$ 14,020.50
Landowner	$ 4,673.50

χ **Paxton 3 Dam Repair – Redwood** **$ 14,684.00**

Clean Water Legacy Funds	$ 11,013.00
Landowner	$ 3,671.00

χ **Drammen 15 Dam – Lincoln County** **$120,280.98**

2006 Bonding Funds	$ 44,217.73
EQIP Federal Funding	$ 45,993.00
Area II Counties	$ 20,070.25
Landowner	$ 10,000.00

PROJECT CONSTRUCTION TOTAL

$767,413.26

FY 2010
OTHER PROJECTS

χ **Clean Water Legacy Funds – Redwood & Cottonwood Watersheds**

A portion of the funding was earmarked to fund up to ten small dam repairs (up to $15,000 each) within the two watersheds. Area II is providing surveying and engineering design services. The following projects are stemming from this grant:
(completed projects are highlighted in blue)

Paxton 3– Redwood County
Sherman 27 – Redwood County
Lamberton 22 – Redwood County
Lamberton 25 – Redwood County
Stanley 21 – Lyon County
Charlestown 30 – Redwood County
Redwood Falls 17 – Redwood County
Springdale 30 – Redwood County
North Hero 3 – Redwood County
Lynd 33 – Lyon County
Monroe 4 – Lyon County
Amiret 27 – Lyon County
Amiret 35 – Lyon County

χ **Minnesota River Basin Initiative – Redwood County**

The Redwood SWCD was successful in securing funds through NRCS from the Minnesota River Basin Initiative. Approximately $300,000 is available for projects in the northeastern corner of the county. Part of the workplan involves stopping the severe gully erosion along the Minnesota River bluff. The SWCD has enlisted Area II to provide survey, engineering design, and construction management services as these projects evolve.

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

SUMMARY OF 2006 BONDING PROJECTS

χ	**Amiret 18 Road Retention – Lyon County**	**$ 70,268.25**
χ	**Amiret 29 Dam – Lyon County**	**$ 13,554.45**
χ	**Amiret 35 Dam Repair – Lyon County**	**$ 2,346.76**
χ	**Florida 22 Dam Repair – Yellow Medicine County**	**$ 7,934.25**
χ	**Hansonville 18 Dam – Yellow Medicine County**	**$ 10,209.58**
χ	**Wergeland 31 Dam Repair – Yellow Medicine County**	**$ 13,823.75**
χ	**Lamberton 16SE Dam Repair – Redwood County**	**$ 1,762.50**
χ	**Drammen 15 Dam – Lincoln County**	**$ 44,217.73**
χ	**Monroe 8 Dam – Lyon County**	**$152,442.15**
χ	**Monroe 4 Dam Repair -- Lyon County**	**$ 2,373.74**
χ	**Island Lake 4 Dam – Lyon County**	**$ 78,247.90**
χ	**Sodus 24 Small Dam – Lyon County**	**$ 50.00**
χ	**Sodus 5 Small Dam – Lyon County**	**$ 38,946.90**
TOTAL		**$ 436,177.96**

($61,425.28 remaining until 12/31/10)

POTENTIAL PROJECTS FOR FY 2010 & FY 2011

- χ Germantown 22 Dam - Cottonwood County

- χ Lake Stay 3 Dam - Lincoln County

- χ Amiret 29 Dam - Lyon County (COMPLETED)
- χ Lyons 12 Dam - Lyon County
- χ Sodus 5 Dam - Lyon County (COMPLETED)
- χ Sodus 16 Dam - Lyon County
- χ Sodus 24 Dam - Lyon County (SEPTEMBER 2010 CONSTRUCTION)
- χ Lynd 33 Dam Repair - Lyon County
- χ Monroe 4 Dam Repair - Lyon County (COMPLETED)
- χ Rock Lake 12 Dam Repair - Lyon County

- χ Holly 22 Road Retention – Murray County

- χ Charlestown 28 Dam Repair - Redwood County
- χ Lamberton 25 Dam Repair - Redwood County
- χ Lamberton 9 Dam - Redwood County (COMPLETED)
- χ Gales 18 Dam - Redwood County
- χ Sheridan 1 Dam - Redwood County
- χ Sherman 27 Dam - Redwood County
- χ Springdale 17 Dam - Redwood County
- χ Springdale 24 Dam - Redwood County
- χ Springdale 28 Dam - Redwood County
- χ Springdale 21 Road Retention - Redwood County
- χ North Hero 34 Road Retention - Redwood County

- χ Fortier 36 Road Retention – Yellow Medicine County
- χ Fortier 1 Dam – Yellow Medicine County

ATTACHMENT A

FY 2011 Technical Office Budget

OFFICE OPERATIONS

Personal Services:	
*Directors' Compensation	$ *6,700.00**
*Directors' FICA	*512.50**
Employees' Salaries	92,600.00
Employees' FICA	7,080.00
Employees' Medical Insurance	14,950.00
Employees' Retirement	6,450.00
Employee' FlexPlan	420.00
Total Personal Services	**$ 128,712.50**
Supplies:	
Office	$ 2,000.00
Field	500.00
Capital Outlay	0.00
Total Supplies	**$ 2,500.00**

Other Services and Costs:	
*Directors' Expenses	$ *4,250.00**
Employees' Expenses	1,750.00
Continuing Education	0.00
Professional Services	30,000.00
Maintenance & Repairs	1,200.00
Telephone	950.00
Postage	1,000.00
Vehicle Expense	3,500.00
*Director's Insurance	*1,557.00**
Other Insurance	13,350.00
Rent	7,083.00
Miscellaneous & Other Expenses	2,500.00
*Miscellaneous Expenses - Directors	*0.00**
Total Other Services and Costs	**$ 67,140.00**

TOTAL OFFICE OPERATIONS	**$** 198,352.50
Total Ineligible for Cost-Share by the State	*13,019.50**
Total Eligible for Cost-Share by the State	$ 185,333.00

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

STATE SHARE OF ELIGIBLE OFFICE COSTS	**$** 120,000.00 (65%)
Local Share of Eligible Office Costs	65,333.00 (35%)

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

NEW BUSINESS

1. Minnesota River Board, Fiscal Year 2011 Work Plan and Grant – Paul Langseth – ***DECISION ITEM***

2. Red River Basin – Long Term Flood Solutions: Project Update Presentation – RRBC Staff – ***INFORMATION ITEM***

3. Flood Risk Management for Urban Centers – Brett Coleman, Project Manager, U.S. Army Corps of Engineers – ***INFORMATION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Minnesota River Board FY11 Work Plan & Grant**

Meeting Date: August 26, 2010

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Southern Region

Contact: Jeff Nielsen

Prepared by: Carla Swanson-Cullen

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

Presented by: Paul Langseth

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

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

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED

Approval of fiscal year 2011 work plan and execution of fiscal year 2011 grant agreement.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
Please see the Minnesota River Board Plan of Work (included) for history, goals, and budget.

Minnesota River Board

Plan of Work

July 1, 2010 - June 30, 2011 (FY11)*

*some aspects of the work plan have been carried forward from FY10 and extend beyond FY11

Contact Information:
Shannon J. Fisher, Executive Director
Minnesota River Board
184 Trafton Science Center South
Mankato, MN 56001
(507) 389-5491;
shannon.fisher@mnsu.edu
www.minnesotariver.org

MRB Approved on 7-19-10
Submitted by _____
Shannon Fisher, Exec. Dir.

Minnesota River Board Basics

In 1992, the Minnesota River Citizen's Advisory Committee (MRCAC) was formed. In 1994, the MRCAC released the report, *Working Together: A Plan to Restore the Minnesota River.* The report detailed ten recommendations (listed below) that the participants believed would improve Minnesota River health.

- restore floodplains and riparian areas,
- restore wetlands,
- manage drainage ditches and storm sewers as tributaries,
- improve land management practices,
- monitor water quality throughout the Minnesota River Basin,
- establish a "Minnesota River Commission" to oversee the clean-up effort,
- establish local joint powers agreements,
- improve technical assistance to local governments,
- engage the general public, and
- enforce existing laws

As a result of the MRCAC recommendations and increasing Minnesota River awareness, the Minnesota River Basin Joint Powers Board (formally changed names to the Minnesota River Board in 2009 and hereafter referred to as MRB) was forged in 1996 (*Minnesota Statute 103F.378*). The MRB was founded on

- the desire to collaborate and leverage in a judiciously appropriate manner and
- the desire to assume a leadership role and be more pro-active in the coordination of basin-wide water quality improvement efforts at all levels.

Mission and Vision

The MRB is founded on and conducts its business based on the principles and objectives outlined in our Mission and Vision statements.

MRB Mission Statement

"To provide leadership, build partnerships, and support efforts to improve and protect water quality in the Minnesota River Basin"

MRB Vision Statement

"Conservation and restoration of Minnesota River resources and our way of life can only be achieved by a cooperative effort between citizens and all levels of government and business."

Organizational Structure

The MRB partnership structure (Figure 1) has been in place since 2003 and remains a desirable and productive organizational profile. The internal structure of the Minnesota River Board itself should be evaluated, possibly for greater inclusion of basin partners. The relationship between the Water Resources Center (WRC) and the MRB has been very good and has been highlighted by legislators during MRB negotiations. The WRC has facilitated stability and progress for both entities. Significant dedication to re-establishing relations and partnerships with the watershed programs needs to and will occur over the next few years.

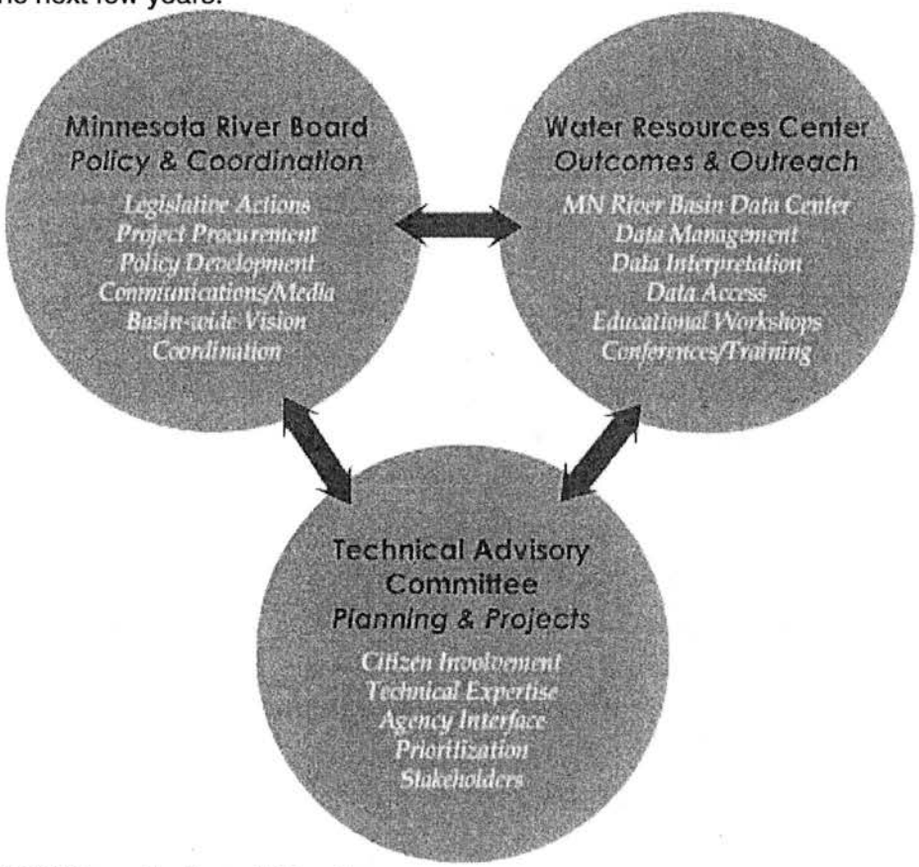


Figure 1. MRB Organizational Structure

Staff and Contact Information

Shannon J. Fisher, Executive Director	(507) 389-5690; shannon.fisher@mnsu.edu
Susie D.G. Carlin, Program Director	(507) 389-6279; susan.carlin@mnsu.edu
Karnell W. Johnson, Office/Grants Manager	(507) 389-5491; karnell.johnson@mnsu.edu
Brooke Hacker, Ecosystem Services Specialist	(507) 345-4744; brooke.hacker@mnsu.edu

Minnesota River Board
184 Trafton Science Center South
Mankato, MN 56001
www.minnesotariver.org

Membership

The MRB is a joint powers board charged with coordinating efforts to improve water quality in the 38-county Minnesota River Basin and providing reporting for and assistance to 12 major watersheds (Figure 2). Upon acceptance of the joint powers agreement, each county with dues paid in full shall have one county commissioner as its delegate to the board and one county commissioner as an alternate. A technical and citizen advisory committee was established to advise the board and consisted of a technical representative from each participating county in the basin and citizens who are not county employees, but who have an interest in agriculture, conservation, sporting activities, and other relevant areas as determined by the board. This committee has not been active and should be revitalized, as input from these basin stakeholders is critical for the positive advancement of the board's mission. For counties wishing to return to the board, a new policy detailing re-admission procedures was approved in January of 2008. Contact the MRB staff for more information.

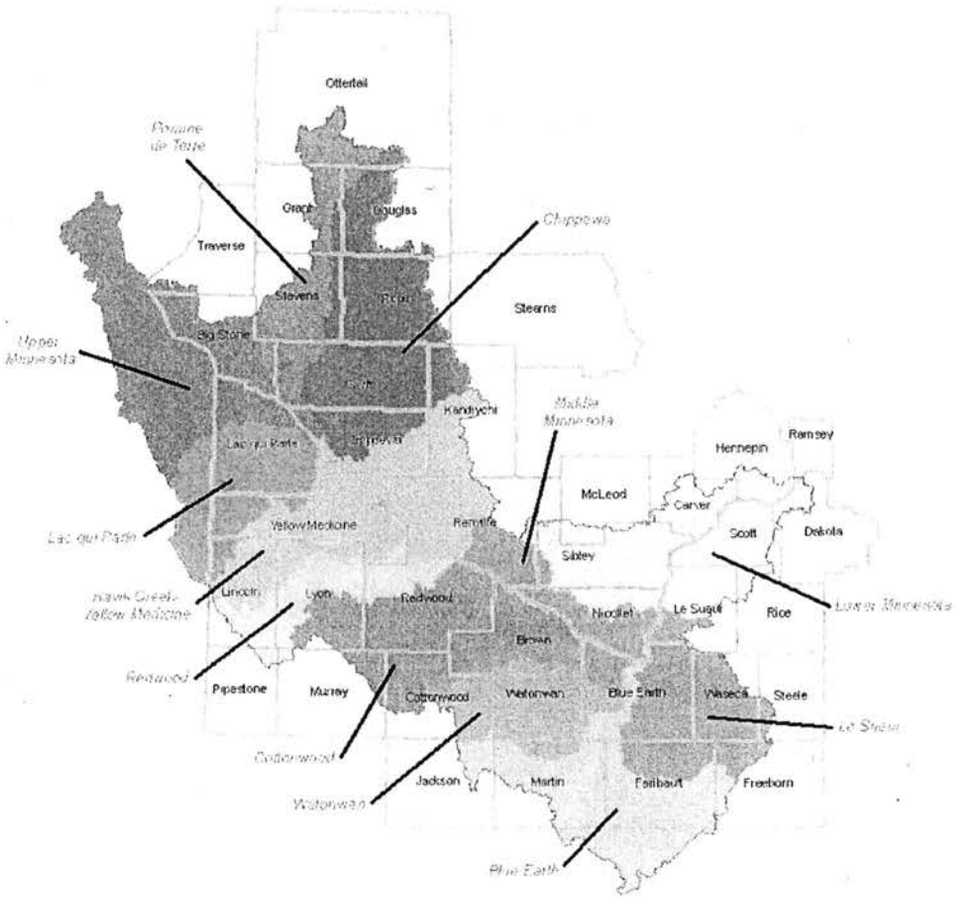


Figure 2. Figure denotes the Minnesota River basin made up of 12 major watersheds and 38 counties associated with the Minnesota River Basin Joint Powers Board.

FY11 Plan of Work

In 2006, the MRB completed a "Procedures Guide and Strategic Plan (2006-2010)" to guide our work (http://www.minnesotariver.org) and in FY08 produced the first work plan under the renewed legislative funding scenario. As a result of these plans, a substantive review of our statutory obligations and an ongoing assessment of what the MRB could and should be for the Minnesota River and our partners have been completed. As a result of these conversations, the FY09 work plan included a directive to update the statutory language that guides the MRB duties and processes. Bills were introduced in the 2009 session and subsequently passed both houses of the legislature and was signed by the governor.

The 2009 statutory update has brought greater focus to the FY10 and now FY11 work plans, clarifying MRB roles as a multi-major watershed entity, a de-emphasizing provision of local implementation project management (as those duties are best managed by local watershed project and conservation district staff), and serving as an additional voice for the Minnesota River basin. As part of these changes, a technical and citizen advisory committee has been re-initiated and what we hope will become an annual fall professional's assembly has been started. We want to be a part of building stronger partnerships among basin professionals, moving policy forward, and getting issues on the table.

In FY10, the MRB staff focused substantively on our ongoing CIG grant to move forward the concept of Conservation Marketplace of Minnesota. This grant has provided an important platform for ecosystem services to gain momentum in Minnesota – both in the basin and beyond. The Marketplace concept will continue to be an important focus area for the MRB during the upcoming year, and additional funds to elevate this imitative have been applied for. As has occurred in the past few years, we have set lofty goals and done our best to challenge ourselves to achieve them, but inevitably in our successes, comes a few shortfalls. A few goals from the FY10 plan will be carried forward into the FY11 plan, as they were not accomplished to satisfaction and we desire to keep working on them. In the following FY10 summary section (Section 1), we address our progress, shortcomings, and items to be carried forward to the FY11 work plan.

The FY11 Work Plan (Section 2) is structured using a set of goal statements that are then followed by a series of actions and products that will serve as progress measures. Certain aspects of the FY10 plan will include some carry-over portions of goals from previous work plans that are viewed as still critical for the MRB to complete. The FY11 work plan will include fewer focus areas; however, the areas that have been identified are heavy work load and intensive management projects. The staff of the MRB feel strongly that we should focus on fewer items with more intensity, rather than spreading ourselves too thin. Section 3 overviews the budget for FY11 and highlights the anticipated expenditures and income.

The CMM project will be our greatest work load effort during the upcoming year. Other focal points for the MRB in FY11 will include:

1) Finalizing reports on groundwater in the basin and status of re-determination of ditch benefits across the basin counties,
2) Development of a task group to complete a new strategic plan,
3) Development of the Blue Thumb program in the basin, and
4) Enhancement of the technical and citizen advisory team, to include their involvement in grant review, conference planning, and policy development.

SECTION 1 - FY10 WORK PLAN PROGRESS REPORT

The acronyms are as follows: Executive Director (E), Program Director (P), Office Manager (O), and Contractual Services (C).

GOAL 1. Effectively manage the second year of the Conservation Innovation Grant, now known under the project name Conservation Marketplace of Minnesota (CMM).

A) Provide administrative support services (accounting, contracting, invoicing, match tracking, and financial reporting) for the CMM project team. (6/10 - O)
B) Coordinate and facilitate the National CMM Advisory Team, including setting up meetings, assisting with travel, establishing and clarifying duties, and working with partners to establish and distribute agendas. (6/10 - P)
C) Coordinate and facilitate the Policy Committee(s) for project areas within the Minnesota River Basin, including setting up meetings, assisting with travel, establishing and clarifying duties, securing policy that works for all areas of the Minnesota River Basin, and working with partners to establish and distribute agendas. (6/10 - E)
D) Coordinate and facilitate the Technical Committee(s) for project areas within the Minnesota River Basin, including setting up meetings, assisting with travel, clarifying duties, and working with partners to establish and distribute agendas. (6/10 - P)
E) Provide support to the Greater Blue Earth River Basin Alliance in associated with the CIG by hiring and providing HR services, work space and transportation for an employee that will work on the CMM project by transferring CMM funds to the Water Resources Center to cover the costs of the employee (8/09 - E)
F) Serve as the overall project advocate and liaison between the MRB and the project partners, including provision of update on project issues and progress to the Executive Director and assisting with project tasks as requested from project partners. (6/10 – P)

The NRCS Conservation Innovation Grant to develop the Conservation Marketplace of Minnesota (CMM) concept was the major focus of the Minnesota River Board staff this past year. As a result, the initiative consumed a substantial portion of the executive director and program director's workload. The project is on task and we continue to coordinate this effort that involves more than a dozen different committees and collaborators from across the country, with focus on building a program and relationships in five major watersheds: Middle, Lower, Watonwan, Blue Earth, and Le Sueur. The MRB also provides administrative support to the Sauk River Watershed in its capacity as a contractual partner in this grant. Goal 1A has been completed to the satisfaction of the National Fish and Wildlife Foundation (CIG grant administrator) and Karnell Johnson deserves our gratitude for managing this project on her limited funding. She has devoted substantive volunteer hours to ensure that all obligations have been met. Goal 1B has been managed by Susie Carlin. The National Advisory Team met on-site in the Sauk River Watershed in August 2009; it is scheduled to meet again in the Lower Minnesota River Watershed in June 2010. Susie has completed the tasks of this goal, but coordinating with people from across the country that have a variety of budgetary and workload restrictions has been very challenging for her. Goal 1C has been completed and the Policy Committee has been formed for the Minnesota River Basin. The 8-member team is comprised of stakeholder representatives as identified by the Minnesota River Board. A contract was developed with the Greater Blue Earth River Basin Alliance (GBERBA) for their participation in the CMM project and Brooke Hacker was hired by GBERBA to serve as the new Ecosystem Services Specialist. As part of this agreement, the MRB worked with MSU Mankato to provide hiring assistance, thereby fulfilling Goal 1E. Brooke works directly with GBERBA and is currently housed at the Blue Earth SWCD office. Program Director Carlin, along with substantive assistance from Brooke Hacker, have done a very good job of achieving Goal 1D. The Technical Committee has been very active, developing a CMM Minnesota River Business Plan, setting technical objectives, and moving forward on forms and procedural planning. Goal 1F duties have been met by all staff and we expend considerable energy and resources advocating for Conservation Marketplace of Minnesota and providing assistance to the contractual partners. Overall, this project is on task and progressing very well. The partners, grant sponsors, and agency liaisons have been pleased with the work done to date.

GOAL 2. Efficiently complete MRB administrative duties on schedule and be accountable for expenditures of public funds.

A) Prepare, obtain MRB and BWSR approval for, and implement FY10 Work Plan and budget. (approval by 8/09, completion by 6/10 - E)
B) Provide a progress report to BWSR by February 1, 2010. (2/10 - E)
C) Complete Executive Committee planning sessions in 10/09 and 4/10. (4/10 - E)
D) Complete an annual internal audit. (5/10 - O)
E) Conduct performance reviews as scheduled for the staff (6/10 - E).
F) Bring non-member counties back to the MRB, with an objective of securing at least 1. (6/10 - E)
G) Hold 6 full board meetings (bi-monthly), one of which will serve as the annual meeting, and two of which will be in partnership with basin organizations. (6/10 – P/O/E)
H) Write at least two grant and/or contract applications to bring external funds into the MRB to support our financial foundation and bring needed projects to the basin and provide significant cash and in-kind contributions to the projects. (6/10 - E)

MRB administrative duties have been completed on schedule (Goal 2A). The Goal 2B deadline was again missed this year, and Director Fisher takes full responsibility for the delay in getting the progress report to the Board of Water and Soil Resources. The report was submitted May 13, 2010 to Jeff Nielsen. Two Executive Committee meetings were held (Goal 2C), an internal audit was successfully completed (Goal 2D), and performance reviews were conducted (Goal 2E). Non-member counties were approached and presented opportunities to rejoin, but none pursued membership, perhaps due to budget restraints (Goal 2F). Unfortunately, we lost one county during FY10, as Yellow Medicine County submitted a resolution removing themselves from the board once again. Highlights from the year include an annual meeting in Redwood Falls on water conservation featuring nationally recognized speakers, partner hosted meetings in Blue Earth (Faribault County) and Morris (Stevens County) (Goal 2G). Two major grant applications were submitted to further support Conservation Marketplace of Minnesota: one to Legislative-Citizen Commission on Minnesota Resources and another for the next phase of the Conservation Innovation Grant program (Goal 2H).

GOAL 3. Reconvene the technical and citizen advisory committee and work with this committee to develop a process of communications and input.

A) Facilitate completion of a start-up meeting for the Minnesota River Basin Tech/Citizen advisory committee and utilize funding to defray the costs. (10/09 - E)
B) Work with basin stakeholders to determine a committee structure and process of technical representatives and citizen representatives whose input is critically important to the future work of the MRB. (12/09 - E)
C) Develop a plan on which to formally gather input from and to provide services to the advisory group, including a formal process of communications and meeting schedule. (2/10 - E)

The technical and citizen advisory committee was reinstituted and has met formally twice. At a meeting on October 1, 2009 in Morton, Steve Lawrence (Pope County) addressed technical and citizen members of the basin regarding the need for technical and citizen participation in the MRB. He called for volunteers to participate in the planning committee and 22 people indicated a willingness to serve. Ten participants from across the basin were brought together to develop a new technical/citizen team. Therefore, Goal 3A was achieved with some delays. The planning members are still working on Goal 3B. The initial proposal is to develop a communication

structure and input process (between the tech/citizen team and the MRB) with three Advisory Units: Upper (Lac qui Parle, Pomme de Terre, Chippewa, and Upper Watersheds), Middle (Hawk, Yellow-Medicine, Redwood, Cottonwood Watersheds, and the Middle west of Hwy 15), and Lower (Watonwan, Blue Earth, Le Sueur, Lower Watersheds, and the Middle east of Hwy 15). The committee will continue to meet in late FY10 and early FY11 to finalize this plan. They will determine structures for each group, identify additional stakeholders to be represented (statutory review included), and institute a formal communication and meeting schedule as listed in Goal 3C.

GOAL 4. Facilitate improved and increased communications between the MRB and our partners and among basin stakeholders.

A) Collaborate with the Minnesota River Watershed Alliance and various projects of the MRB and Water Resources Center to implement a MRB newsletter (2-4 pages), including features written by and/or regarding delegates, county staff, watershed professionals, and others. (10/09 – P/C/E)
B) Include condensed articles on major Minnesota River issues, similar to Envision 2020 reports. (start by 11/09 and then ongoing after that - C)
C) Monthly website update that feature the products from 4A and 4B, along with event notices and other items of interest. (6/10 – C)
D) Contract with communications staff at the Water Resources Center for assistance on completing this task. (10/09 - E)
E) Support ongoing enhancements of communications efforts in conjunction with MPCA, local media outlets, provision of press releases, etc....(6/10 – E/C)

This goal continues to be a difficult effort to fully engage in and implement. The MRB has partially achieved Goal 4A, as we regularly provide information to the MN River Watershed Alliance; however, we have not been able to implement an MRB newsletter. The MRB continues to provide support and services to the Minnesota River Watershed Alliance, which provides newsworthy information via e-mail and newsletter updates (Goal 4B). Goal 4C has been difficult to complete due to budgetary restraints. We have attempted to utilize internal staff and students to accomplish this task (Goal 4A) however, progress has been minimal and we are assessing end-of-year funds to determine if we can contract this out. The MRB has been supporting ongoing enhancements in and continuation of communication efforts – providing news information to the Minnesota River Watershed Alliance and the MPCA's Watershed Network, and developing press releases as needed on critical issues.

GOAL 5. Promote and complete a program of continuing education, outreach, and partnership to enhance and encourage ongoing interest and work in Minnesota River Basin improvement efforts.

A) Utilize the expertise of the Technical Committee to identify the educational needs of the basin and work with the technical committee to prioritize programming dollar expenditures. (11/09 - E)
B) Based on input from 5A, put out an RFP for workshop, continuing education, and/or conference opportunities. (11/09 - E)
C) Complete at least one major and one minor workshop in the basin based on selection criteria and needs identified from the technical/citizen advisory committee. (6/10 – E/P)
D) Bring back the Minnesota River Research Forum series in association with the Water Resources Center and other basin partners. (4/10 – E).

Given the delays in establishing the technical and citizen advisory team, Goals 5A and 5B have not been completed as described above. Instead, we informally spoke with a wide range of basin members and identified a variety of needs. This effort led to the water conservation focus at the MRB Annual Meeting and a Watershed Basin Professionals Assembly that was held on October 1to focus on issues such as the basin bill legislation and methods of measuring progress. A Request for Proposals was released in March for programming grants and we received over $42,000 in requests for the available $9,000. Several projects were funding, including:

- *Chippewa SWCD/Chippewa SWCD Conservation Field Days/$1,700*
- *GBERBA/Testing CMM in the Greater Blue Earth River Basin/$3,000*
- *Coalition for a Clean MN River/Working Together for the MN River/$3,000*
- *CURE/Annual River and History Weekend & River Signage/$1,300*

The two conferences listed above, the educational tours/programs held at the Blue Earth and Morris meetings, and the Conservation Marketplace of Minnesota National Advisory Committee meeting fully account for successful completion of Goal 2C, which continues to be one of the MRB's greatest strengths. Planning is underway for the Minnesota River Research Forum (Goal 5D), with a target date of January 2011.

GOAL 6. Serve as an ongoing legislative and funding resource for the basin.

A) Work with the advisory group and delegates to identify legislative issues that the MRB could provide support and advocacy for during the 2010 session. (11/09 - E)
B) Provide services as requested to support the various watershed and water quality interests in the Minnesota River basin, allowing the voice of 38 counties to be heard on issues in local areas, St. Paul, across the region, and beyond. (6/10 – E/P)
C) Provide assistance to agencies, counties, watersheds, etc.... in the dissemination of information regarding policy changes, funding opportunities, and staffing/project service options. (6/10 – E/P)
D) Provide grant preparation assistance as requested, with a target of at least 2 collaborations that benefit multiple major watersheds and/or local partners. (6/10 – E)
E) Provide a minimum of 2 presentations on behalf of the MRB and our partners as requested. (6/10 – E/P)

To satisfy Goal 6A, the MRB staff made numerous announcements at watershed meetings, at MRB meetings, and at the Watershed Basin Professionals Assembly indicating that the MRB is available to serve as a voice for the basin. But very few partners have accepted that offer and therefore the MRB completed very little legislative work this past session. The MRB continues to provide input to the basin bill language and process and Director Fisher has been asked to provide comment on legislation that will govern water use from the Mount Simon Aquifer. Due to limited participation in Goal 6A, Goal 6B was also limited. The MRB has served as a venue for agencies to present policy changes, to announce monitoring program alterations, and to advertise funding cuts/opportunities. The MRB and the Water Resource Center have been collectively invited by the US Army Corps of Engineers to serve on the Minnesota River Integrated Watershed Study team. The MRB/WRC has also hosted a wetland specialist training program by the University of Minnesota and served on the planning team for the Minnesota Clean Water Framework (Goal 6C). Goal 6D was completed this year with three collaboration grants being prepared and submitted – LCCMR ($600,000+) and CIG ($800,000+) submitted by the MRB and the Mississippi River Basin Initiative ($300,000+) submitted by the Redwood SWCD. The MRB staff have presented at more than 15 events this past year, including professional conferences, annual watershed meetings, and environmental fairs. Therefore, Goal 6E has readily been completed.

GOAL 7. Complete a substantive outreach effort to deliver the Minnesota River Progress Report results (developed as part of the FY09 BWSR grant) to basin communities, water quality improvement stakeholders, legislators, and agencies.

A) Deliver the report for review by legislators, agency staff, conservation professionals, MRB delegates, the basin technical team, and others and establish a series of meetings to discuss the product and mechanisms for improvement (10/09 – E/C)
B) Formally deliver and present the Biennial Progress Report developed during FY08 and FY09 to the MRB delegates and partners at the November Board Meeting (11/09 – E/C)
C) In conjunction with other progress reports, trend assessments, and basin planning efforts, advance a series of town hall meetings across the basin to deliver a message of basin water quality progress, continued challenges, and community involvement. (6/10 – E/C)

The Minnesota River Progress Report will be completed and ready for distribution by June 2010. The report is a thorough collection of the restoration and protection work that is ongoing in the Minnesota River Basin. The report highlights the impacts those efforts have had on our basin environment, culture, and economics. The report overviews projects throughout the basin by major watershed. The document addresses ongoing concerns, recommendations for future work, and a basin timeline. The staff at the Water Resources Center have provided significant assistance to the development of this document. Due to the expansive scope and level of detail in the report, it is still in the final draft phases and portions of Goal 7A, 7B, and 7C are not yet complete. These goals will be carried forward to FY11.

GOAL 8. Based on Goal 7 feedback, develop a framework on which to build the next iteration of the Minnesota River Progress Report that will be completed in FY11.

A) Gather input as part of the Goal 7 information meetings and determine if appropriate measures were utilized for the progress report, giving consideration to new measures that should be included for future reports, deletion of measures with limited or difficult to understand data, and determining which measures provide the most valuable information (5/10 – E/C)
B) Develop a plan on which to base the FY11 biennial progress report. (6/10 – C)

Goal 8 has been moved to FY11, at which time Goal 7 items will be complete.

GOAL 9. Become an involved member in the ongoing discussion of Basin Watershed Organization legislation, including an evaluation of the MRB membership structure.

A) Join, as opportunities arise, in forums, committees, legislative hearings, and work groups to continue providing input into basin and watershed management legislation and policy modification proposals. (1/10 - E)
B) As part of 9A, complete a work session on watershed based management options with the executive committee and other interested parties, including legislative sponsors, watershed representatives, and others to provide input into future proposals. (11/09 - E)
C) Utilize the information gathered in 9A and 9B to determine the MRB position on such matters and then provide support or opposition as requested by the delegates (1/10 - E)

D) Evaluate the current MRB structure to determine if any changes at this time would be appropriate. (1/10 - E)

Basin management legislation continued in the past year, but at a much lower profile due to larger budget issues before the legislature. There were limited opportunities for involvement, but Director Fisher completed Goals 9A, 9B, and 9C as best possible. At the Basin Professionals Assembly, basin bill information was shared, stakeholders thoughts were collected, and "next steps" were suggested. The results of these roundtable discussions were provided to the legislative authors of the bills. As part of this process, Executive Committee work sessions continue to evaluate the MRB structure. In addition, structural questions have been raised with the planning team on the technical and citizen advisory team Their feedback to the MRB delegates suggests that both the basin bill language and the partnership vision should incorporate a more inclusive and diverse board delegate membership.

GOAL 10. Recognize the contributions of professionals, citizens, and students in the Minnesota River Basin.

A) Provide an awards/incentive program for junior and senior high students from the basin participating in sanctioned science fair programs. (5/10 - P)
B) Provide an undergraduate scholarship and an undergraduate research award for two students studying in the basin that are focused on water quality issues. (5/10 - P)
C) Award two deserving participants from the basin with the "Confluence" and "Tributary" awards. (6/10 - E)
D) Institute a delegate, watershed, and project spotlight section in future watershed communications associated with Goals 4 and 5 above. (6/10 – P/C)

Goal 10 sections A, B, and C have all been successfully delivered. A total of seven awards were presented to Science Fair participants at the high school, middle school, and elementary levels for projects that assessed watershed, water quality, or other biotic research. The recipients of the FY09 MRB Undergraduate Research Awards presented their findings to the MRB delegates at the March 2010 meeting. In FY10, one Undergraduate Research Grant and three MRB Scholarships were awarded to deserving students in the basin. The annual MRB professional awards were presented at the July 2009 annual meeting. Mary Homan (Confluence Award) was recognized for her work in the Lac qui Parle and Yellow Bank Clean Water Partnership. Jim Doering (Tributary Award) was recognized for his innovative work with the Redwood Cottonwood River Control Area, and as both a citizen and now an employee of the City of Redwood Falls. Goal 10D was not instituted, pending completion of Goals 4 and 5.

GOAL 11. Evaluate the potential of bringing the Blue Thumb program into areas across the Minnesota River basin by working with the Rice Creek Watershed and delivering information to our partners.

A) Establish contact with and meet with the Rice Creek Watershed District staff to learn more about the Blue Thumb Program. (10/09 - P)
B) Identify appropriate venues and develop information materials for the dissemination of information regarding the Blue Thumb program among Minnesota River Basin stakeholders. (12/09 - P)
C) Work with at least one basin entity to establish partnership in the Blue Thumb program and/or determine how the Blue Thumb program could be applied in our basin (4/10 - P)

Program Director Carlin met with Rice Creek Watershed District staff and identified possible opportunities for collaboration (Goal 11A). During Blue Thumb's open enrollment period (December 2009), the MRB became a Blue Thumb partner. MRB staff continue to explore Blue Thumb's potential for providing innovative outreach and educational materials to homeowners throughout the basin (Goal 11B). An MRB intern will assist with Blue Thumb tasks during Summer 2010. Blue Thumb material will be shared with technical partners—SWCDs, county staff, watershed projects, and watershed districts—while encouraging them to join during the next open enrollment period in December 2010 (Goal 11C).

GOAL 12. Status evaluations of priority issues to county delegates and basin citizens.

A) Prepare and implement a plan to survey counties in the basin regarding the status of re-determination of benefits on county ditch systems. (11/09 – E/C)
B) Present the findings of Measure 12A to the MRB and then determine a course of action and implement such action. (6/10 - E)
C) Prepare and implement a plan to survey Minnesota River basin citizens and stakeholders regarding groundwater concerns, monitoring status, and research needs – including a summary of known contaminants, research, and management strategies for aquifers under the MRB territory. (6/10 - E/P/C).

Progress on Goal 12A is underway. An interview script and plan to survey all basin counties has been developed and interns will collect data in May/June 2010. These results will present the results to the MRB (Goal 12B). Goal 12C has also been initiated and a draft report has been completed. The document needs more detail and thus MRB interns will visit aquifer and groundwater experts this summer.

SECTION 2 – FY11 GOALS AND PROGRESS MEASURES

(GOALS ARE <u>NOT</u> IN PRIORITY ORDER) *For each goal statement listed below, a set of progress measures and/or tasks are also noted. For each task, the lead staff member responsible for making sure the task/progress measure is completed is noted as an acronym. The acronyms are as follows: Executive Director (E), Program Director (P), Office/Grants Manager (O), Ecosystem Services Specialist (S), and Contractual Services (C) to be hired out. Where more than one is listed, the first one is the responsible party with the others listed providing significant assistance. This does NOT imply that the only tasks each staff member will be working on are those listed – other duties can and will be assigned.*

GOAL 1. Effectively manage the Conservation Marketplace of Minnesota (CMM) Initiative.

A) Provide administrative support services (accounting, contracting, invoicing, match tracking, and financial reporting) for the CMM project team, including management of the grants administration team. (O)
B) Coordinate and facilitate the National CMM Advisory Team, including setting up meetings, assisting with travel, establishing and clarifying duties, and working with partners to establish and distribute agendas. (P)
C) Coordinate and facilitate the Policy Committee for the Minnesota River Basin, including setting up meetings, assisting with travel, establishing and clarifying duties, securing policy that works for all areas of the Minnesota River Basin, and working with partners to establish and distribute agendas. (E,O)
D) Coordinate and facilitate the Technical Committee(s) for project areas within the Minnesota River Basin, including setting up meetings, assisting with travel, clarifying duties, and working with partners to establish and distribute agendas. (S,P)
E) Secure additional funding to continue serving as a CMM project advocate and liaison among the MRB, existing partners, and other interested entities from within and outside the MN River Basin. Assisting with project tasks, including grant submission, as requested from project partners. (E,O,P,S,C)

GOAL 2. Efficiently complete MRB administrative duties on schedule and be accountable for expenditures of public funds.

A) Prepare, obtain MRB and BWSR approval for, and implement FY11 Work Plan and budget. (E,O,P,S,C)
B) Provide a progress report to BWSR as noted in the grant agreements. (E)
C) Complete Executive Committee planning sessions in 10/10 and 4/11. (E)
D) Complete an annual internal audit. (O)
E) Conduct performance reviews as scheduled for the staff (E).
F) Hold 6 full board meetings (bi-monthly), one of which will serve as the annual meeting, and two of which will be in partnership with basin organizations. (E,P,O)
G) Write at least two grant and/or contract applications to bring external funds into the MRB to support our financial foundation and bring needed projects to the basin and provide significant cash and in-kind contributions to the projects. (E,P,O,S,C)
H) Visit each county board during the next fiscal year to deliver project updates, discuss report findings, and review future efforts. (E)
I) Develop a set of committees to better deliver MRB programs and gather MRB input and work with delegates to determine committee assignments.

GOAL 3. Formalize the structure, roles, and procedures for the technical and citizen advisory committee and fully implement and engage these partners.

A) Facilitate ongoing development meetings of the technical and citizen advisory group(s), provide funding as available to complete work sessions, and develop a name for the group under which they will operate. (E)
B) Work with the advisory team members and MRB delegates to develop and identify a structure in which the advisory team will operate, roles that this team can assist with, roles that the MRB can fulfill to assist our technical and citizen stakeholders, and procedures to improve communication about basin initiatives, policy development, and funding. (E)
C) Utilize the expertise of the technical and citizen advisory team to review grant applications as appropriate, develop an agenda for and deliver the fall professionals assembly, review MRB structure and make recommendations to the delegates, and identify policy and in-service focal points on which the MRB can deliver assistance. (E)

GOAL 4. Work with the Water Resources Center at Minnesota State Mankato, the MPCA Watershed Network, and the Minnesota River Watershed Alliance to develop an ongoing outreach effort as a participant in regular communications.

A) Collaborate with the communication entities listed above to implement a monthly MRB segment in one or more existing watershed communication programs, including features regarding delegates, county staff, watershed professionals, projects, policy issues, etc... (C,P,E)
B) Contract with communications staff at the Water Resources Center for assistance on completing this task. (E)
C) Become a regular participant in the Minnesota River Watershed Alliance and MPCA watershed network and provide materials to support improved visibility for the MRB (P)

GOAL 5. Promote and complete a program of continuing education, outreach, and partnership to enhance and encourage ongoing interest and work in Minnesota River Basin improvement efforts.

A) Utilize the expertise of the Technical Committee to identify the educational needs of the basin and work with the technical committee to prioritize programming dollar expenditures. (E,P)
B) Complete an RFP to provide local programming assistance to support workshops, continuing education, and/or other educational opportunities, using the technical and citizen advisory team as the application review team. (E)
C) Complete at least one major and one minor workshop/outreach event in the basin to support the needs of basin citizens, professionals, and/or elected officials. (E,P,S)

GOAL 6. Serve as an ongoing legislative, funding, and research resource for the basin.

A) Work with the advisory group and delegates to identify legislative issues that the MRB could provide support and advocacy on behalf of. (E)
B) Provide services as requested to support the various watershed and water quality interests in the Minnesota River basin, allowing the voice of 38 counties to be heard on issues in local areas, St. Paul, across the region, and beyond. (E,P)
C) Provide assistance to agencies, counties, watersheds, etc.... in the dissemination of information regarding policy changes, funding opportunities, and staffing/project service options as requested. (E,P)
D) Provide grant preparation assistance as requested, with a target of at least 2 collaborations that benefit multiple major watersheds and/or local partners. (E,P)
E) Provide a minimum of 2 presentations on behalf of the MRB and our partners as requested. (E,P,O,S,C)
F) Continue involvement in and track the progress of basin management legislation. (E)

GOAL 7. Complete a substantive outreach effort to deliver the Minnesota River Progress Report results (developed as part of the FY09 and FY10 BWSR grant) to basin communities, water quality improvement stakeholders, legislators, and agencies.

A) Deliver the report for review by legislators, agency staff, conservation professionals, MRB delegates, the basin technical team, and others and establish a series of meetings to discuss the product and mechanisms for improvement (E,P)
B) Formally deliver and present the Biennial Progress Report to the MRB delegates and partners (E,C)
C) In conjunction with other progress reports, trend assessments, and basin planning efforts, engage our watershed partners in EACH major watershed from across the basin to deliver a message of basin water quality progress, continued challenges, and community involvement – using these opportunities to determine what the focus of the next biennial report will be – due to come out June 2012. (E,P,C)

GOAL 8. Recognize the contributions of professionals, citizens, and students in the Minnesota River Basin.

A) Provide an awards/incentive program for junior and senior high students from the basin participating in sanctioned science fair programs. (P)

B) Provide an undergraduate scholarship and an undergraduate research award for two students studying in the basin that are focused on water quality issues. (E,P)
C) Award two deserving participants from the basin with the "Confluence" and "Tributary" awards. (E,O,P)
D) Institute a delegate, watershed, and project spotlight section in future watershed communications associated with Goal 4 above. (E,P,C,O,S)

GOAL 9. Establish the Blue Thumb program into areas within the Minnesota River basin by working with the Rice Creek Watershed District and various partners to deliver information and demonstrate how this program could work here.

A) Work with MN River Basin partners to determine some potentially interested parties and work to have these groups enroll in the Blue Thumb Program during the application period. (P)
B) Identify appropriate venues and develop information materials for the dissemination of information regarding the Blue Thumb program among Minnesota River Basin stakeholders. (P)
C) Work with at least one basin entity to demonstrate a Blue Thumb related program or project. (P)

GOAL 10. Status evaluations of priority issues to county delegates and basin citizens and continued evaluation of progress in the basin.

A) Deliver the results of the FY10 survey on status of ditch redeterminations in the basin counties to the MRB and develop a plan to disseminate the information. (E)
B) Continue to refine and develop a report on aquifer state of knowledge in the Minnesota River Basin. The foundation will be based on a preliminary report prepared by a MSU, Mankato student on behalf of the MRB. Information will include monitoring status, research needs, known information about contaminants, management strategies, and policy under the MRB territory. (E,P).
C) Complete an assessment of jurisdictional overlap, including a GIS layer that shows all jurisdictional areas, regarding water, watershed, and other water-related issues. Work with our basin partners to secure such information to identify discussion points. (E,C)
D) Develop a presentation on the process of monitoring and status of Biota in the Basin – including use as a progress measure and improvements that have been seen. (E,P)
E) Work with collaborators to secure funds and provide assistance for a Lake Pepin stakeholder exchange that brings Lake Pepin citizens and leaders to our area and brings ours there to build bridges and better identify the mutual problems that exist. (P,E)
F) As part of the outreach efforts listed above, bring in a hypoxia speaker to bring the MRB delegates the most up to date information that is available. (E,P)

Proposed MRB FY11 Budget

Line Items (details listed below budget)	Funding Source Used for Line Item Expense				Totals
	State of MN	County Income	2008 CIG	External	
FY11 Income (estimated as of 5/17/20)					
Reserve Funds Carried Forward		$12,088		$2,292	$14,380
State of Minnesota - BWSR Grant	$84,000				$84,000
County Dues Collection - FY11		$41,585			$41,585
MCIT Insurance Refund (estimated)		$1,255			$1,255
CIG Indirect Cost Recovery (estimated)		$29,630			$29,630
2008 CIG - Conservation Marketplace			$370,368		$370,368
Mt Simon Monitoring (estimated)				$8,877	$8,877
Totals	**$84,000**	**$84,558**	**$370,368**	**$11,169**	**$550,095**
FY11 Estimated Expenses					
0.50 FTE Executive Director		$30,427	$7,779	$4,000	$42,206
0.49/0.70 FTE Office/Grants Manager		$2,527	$15,930	$1,500	$19,957
0.94 FTE Program Director	$41,841				$41,841
1.0 FTE Ecosystem Services Specialist			$38,938		$38,938
Student Worker(s)	$2,000	$2,000			$4,000
Fringe Benefits (All Staff)	$11,357	$11,722	$20,806	$1,720	$45,605
MCIT Insurance		$2,935			$2,935
MRB Meeting Expenses		$1,200			$1,200
MRB Communications/Reporting	$11,088	$2,945			$14,033
Travel	$6,500	$6,500			$13,000
Printing	$1,650	$1,650			$3,300
Awards/Student Incentives Program	$1,000			$575	$1,575
Supplies/Equipment		$500	$2,920		$3,420
Misc CIG/CMM Expenses			$10,000		$10,000
Legal Retainer		$1,200	$1,200		$2,400
Technical Advisory Committee Expenses	$1,000	$1,000			$2,000
MSU Contract Indirect Costs (8%)	$5,737	$10,952		$578	$17,267
Outreach/Programming	$1,827	$9,000		$2,796	$13,623
CMM Partner Expenses			$272,795		$272,795
Reserve Funds	-	-	-	-	
Total Expenditures	**$84,000**	**$84,558**	**$370,368**	**$11,169**	**$550,095**

Income Details

- Reserve Funds held by the MN River Board from FY10.
- State of MN: the MN legislature has currently approved a grant of $84,000 to aid in the administration, outreach, and reporting progress in the MN River Basin.
- County Income: Dues collected from member counties in 2010 for use during the FY11 fiscal year. Dues were held stable for FY11.
- MCIT Insurance Refund: The estimated value of our dividend check from MCIT Insurance.
- CIG Indirect Cost Recovery – indirects of 8% collected on all funds paid out as part of the CIG.
- CIG (CMM) Contract Allowance: Income to cover expenditures associated with the Conservation Marketplace of Minnesota project – both internal and external expenditures.
- Mt. Simon Monitoring: Payment for services rendered to Mt Simon Permit Holders and the MN Department of Natural Resources to facilitate, mediate, and provide data management to an aquifer monitoring initiative.

Expenditure Details

- Executive Director: 50% of the Executive Director's annual salary, spread out based on where work will be completed.
- Administrative Assistant: Funds a 49% FTE Office Manager to facilitate the CMM, Mt. Simon, and day-to-day administration of funds, grants, and accounting and meeting logistic needs through August 31. Then converts to a 0.7 FTE on September 1 due to increasing demand on this position.
- Program Director: Being tied to State Funding, this position will be funded based on the appropriation from the state of Minnesota, with some supplemental funding used from the CIG/CMM and other sources, we will not propose a reduction in this position for FY11, but reduction will be likely in FY12 and will be tied directly to the BWSR grant (% based on the remaining grant amount from the original $100,000/year).
- Ecosystem Services Specialist – a 1.0 FTE position fully funded by the CIG and contracted in association with the Greater Blue Earth River Basin Alliance.
- Student Worker(s): Funding for a summer intern to assist with a variety of tasks.
- Fringe Benefits: Estimated Health Insurance, Required Leave, FICA, etc.... for all MRB staff and students listed above
- MCIT Insurance: Estimated Annual Insurance Payment
- MRB Meeting Expenses: Base expenses for 6 MRB business meetings and 2 executive committee planning sessions, including room rental and refreshments. Tours, speaker fees, per diem and other travel costs, etc... are budgeted for in Programming and Travel below.
- Communications/Reporting: Postage ($1,000), cellular phone charges ($600), MRB Office phones (2 lines, $1,345), web site, press release, and project reporting assistance from WRC staff) ($11,088).
- Travel: Designated Vehicle for MRB ($7,560), Staff Lodging and Travel to Conferences, including registration fees, ($750); executive committee per diem ($3,000), Misc. Staff, Delegate, and Guest Expenses, such as personal mileage ($1,690)
- Printing: Preparation of various reports, newsletters, stationary needs, in-house copy needs via printer lease at MSU ($3,300)
- Awards Program: "Tributary" and "Confluence" Awards ($225 - $100 each plus $25 for supplies), MRB Scholarships (two at $250), Science Fair Awards ($350, 4 Sr/Jr awards at $50, 4 Elementary awards at $25, plus $50 for supplies), Undergraduate Student Research Award (1 at $500)
- Supplies/Equipment: Various office supplies, software upgrades, chairs, etc... as needed, primarily in support of the CIG/CMM in conjunction with project partners and basin stakeholders.
- Misc CMM/SIG Expenses include such items as conference calls, meeting expenses, etc... that are specifically unique to the CMM project.
- Legal Retainer: $200/month retainer fee for Rinke Noonan, split between county and grant funds.
- Tech/Citizen Advisory Committee: Provide meeting facilities and refreshments for designated advisory committee meetings, potentially including travel allowances and per diem for formal representatives as funds allow. Some funds may also be used to offset costs of committee representatives to attend MRB meetings as formal liaisons.
- MSU Indirect Costs: Approximately $215,839 of this budget will need to be contracted with the Water Resources Center at MN State University, Mankato to cover 100% of staff salary and fringe plus large portions of Communications/Reporting, Travel, and Printing. An 8% indirects rate will apply based on our agreement with MSU, Mankato from 2008.
- Outreach/Programming: Funds for Workshops, trainings, and conferences on grants/funding opportunities, ongoing research, program updates, annual meeting events, etc..., including items like the MRB Annual Meeting and a Minnesota River Research Forum
- CMM Partner Expenses - Services as allowed in the CIG agreement for technical services to be contracted out as needed, including legal services (included under legal retainer below), web site development, model evaluation, and technical planning provided by various potential partners.
- Reserve Funds – although none are listed, it is our hope that once carry-forward funds are identified, we will be able to restore some dollars to this line item.

Minnesota Board of Water & Soil Resources

Board Resolution # 10-81

Minnesota River Board
Fiscal Year 2011 Work Plan and Grant

WHEREAS, the 2009 Minnesota Legislature appropriated administrative funding for the Minnesota River Board, formerly known as the Minnesota River Basin Joint Powers Board; the 2010 Minnesota Legislature reduced the MRB appropriation, resulting in a fiscal year 2011 State General Funds grant of $84,000;

WHEREAS, the Minnesota River Board developed a Plan of Work for fiscal year 2011, which they adopted on July 19, 2010;

WHEREAS, the Board of Water and Soil Resources staff have completed review of the Plan and recommend approval;

NOW THEREFORE BE IT RESOLVED, the Board of Water and Soil Resources enter into a grant agreement with the Minnesota River Board for these funds.

Randy Kramer, Chair
Minnesota Board of Water and Soil Resources

8/26/10
Date

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Red River Basin - Long Term Flood Solutions: Project Update**

Meeting Date: August 26, 2010

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

Item Type: ☐ Decision ☐ Discussion ☒ Information

Section/Region:

Contact: John Jaschke, Executive Director

Prepared by:

Reviewed by: John Jaschke, Executive Director Committee(s)

Presented by: Lance Yohe, Executive Director, RRBC

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

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

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other:

ACTION REQUESTED
Information Item

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
This project has completed its information gathering phase leading to the development of a comprehensive plan to address flooding in the basin --according to the charge of the 2009 Minnesota and North Dakota legislatures. Oversight is provided by the MN Board of Water and Soil Resources and the ND State Water Commission. Public flood forums concluded in January with 21 meetings in North Dakota, Minnesota and Manitoba withabout 1,000 residents participating. An on-line public survey, has received over 500 responses to date. Principles and Flood Protection Goals have been adopted to focus and guide the work toward the final set of recommendations. The months ahead will involve completing data analysis, evaluating alternatives and getting broad input on proposed recommendations.

Much more is at:
http://www.redriverbasincommission.org/Long_Term_Flood_Solutions/long_term_flood_solutions.html

Sharing a River

Three States...
One Province...
Two Countries...
ONE Red River Basin

RED RIVER BASIN COMMISSION

RED RIVER BASIN COMMISSION

VISION

A Red River Basin where residents, organizations, and governments work together to achieve basin-wide commitment to comprehensive integrated watershed stewardship and management.

MISSION

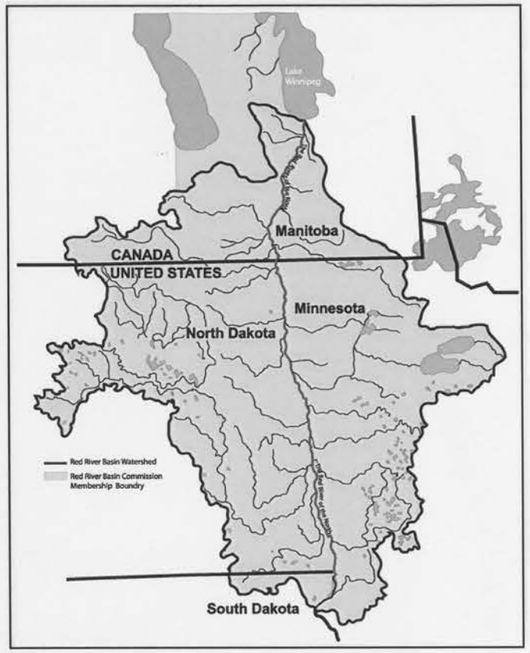
To create a comprehensive integrated basin-wide vision, to build consensus and commitment to the vision, and to speak with a unified voice for the Red River Basin.

The Red River Basin Commission
...Bringing People Together to Move Common Basin Goals Forward

The Red River Basin is a special place and keeping it that way requires that people share the responsibility for its future. The RRBC has been bringing people together to move common Basin goals forward for over two decades.

The RRBC is a charitable, not-for-profit organization designed to help facilitate a cooperative approach to water management within the Basin and is a well-established forum for identifying, developing, and implementing solutions to cross-boundary issues.

The RRBC is led by 42 directors representing the diversity of this multi-jurisdictional Basin and is comprised of local, state, provincial, and First Nation government representation, the environmental community, and at-large members. It maintains offices in Moorhead, MN, and Winnipeg, MB, and is dedicated to innovation in the management of the Red River Basin's water resources.



Building a Basin Perspective

The Red River Basin

From its source at Lake Traverse in South Dakota, the mighty Red River flows north through North Dakota, Minnesota and Southern Manitoba to Lake Winnipeg, the 10th largest freshwater lake in the world. It meanders through the fertile, flat valley of the former glacial Lake Agassiz and covers 116,500km/45,000mi, excluding the Assiniboine River Basin, which joins the Red at Winnipeg. The Basin's unique topography contributes to the frequent flooding experienced by the communities in the Basin. Water quality and drought are also key concerns within the Basin.

These land and water resources are crucial to the health of our economies, the resilience and prosperity of our communities, the health of our fish and wildlife, and the well being, health and enjoyment of everyone who lives, works, and visits the Basin.

"Water management includes both water quality and quantity. With people of the valley on both sides of the border working together, we can strive for our common goals."

Herm Martens, RRBC Chair

RED RIVER BASIN COMMISSION

RED RIVER BASIN NATURAL RESOURCES FRAMEWORK PLAN EXECUTIVE SUMMARY

RED RIVER BASIN COMMISSION

The Red River Basin Commission (RRBC) is a non-profit organization that works across the political boundaries of Manitoba, Minnesota, North Dakota and South Dakota, in the United States and Canada, to create a shared vision for action with regard to land and water issues. We are an organization with broad representation throughout the Red River Basin. We can be contacted online at www.redriverbasincommission.org, at P.O. Box 66, Moorhead, MN 56561, USA, 218-291-0422, or 206-309 Hargrave St., Winnipeg, MB, R3B 2J8, Canada, 204-982-7250.

RRBC Mission Statement

To develop a Red River Basin integrated natural resources framework plan; to achieve commitment to implement the framework plan; and to work toward a unified voice for the Red River Basin.

RRBC Vision Statement

A Red River Basin where residents, organizations and governments work together to achieve basin-wide commitment to comprehensive integrated watershed stewardship and management.

INTRODUCTION

The Natural Resources Framework Plan (NRFP) was developed as a tool that contributes to developing a ***unified voice*** for the basin. This Executive Summary was prepared to provide a brief synopsis of the Plan for ease in dissemination. A full copy can be provided upon request from the above address, or on the RRBC website.

The Red River Basin encompasses 45,000 sq. miles (116,000 km²) of flat valley and outer escarpments that were formed by the advance and retreat of glacial Lake Agassiz. The Red River flows northward from its beginning at the Minnesota/North Dakota/South Dakota boundaries, terminating some 300 miles (480 km) north at Lake Winnipeg in Manitoba, Canada. The basin is recognized as an agriculturally productive area in the upper midwest. It also supports the ecologically abundant prairie-pothole region. Because of its geomorphology and hydrology, flooding is a major concern for residents in the basin. The largest recorded flood occurred in 1997 and resulted in the greatest recorded amount of damages - over $5 billion USD ($6.85 billion CDN).

Not only is the Basin's geography complex, but so are the economic/social and governmental aspects of the region. The population is shifting from rural to urban settings, creating strain not only on rural areas that are losing their citizens, but also to growing cities that need to find ways to provide water and services to a growing populace. Jurisdictions within the basin have differing laws and policies that make it difficult to create consistency in managing land and water resources. Especially difficult are the differences in water law and institutional water management, established at the time of European settlement.

The Red River Basin Commission reflects the multi-jurisdictional nature of the basin. It is made up of a board of 41 members, each representing the principal federal and state/provincial governments, as well as Tribes, First Nations, local elected officials (towns, cities, counties, rural municipalities), and subdivisions of governments representing soil and water management districts or agencies. Landowners and citizens of the basin are also represented by their constituents and environmental advocates. The Commission's broad membership represents the wide range of interests in the basin.

RED RIVER BASIN COMMISSION

26 August 2010
Minnesota Board of Water and Soil Resources
Red River Basin Flood Issues

Lance Yohe, Executive Director
RRBC

OVERVIEW

- Overview
- RRBC
- Legislation & Flooding
- Basin Governance
- Long Term Flood Solution (LTFS)
- Solutions Menu
- Modeling and Flow Goals
- Wrap-Up

BASIN: GEOGRAPHICAL CHALLENGES

FORMATION: 10,000 Years Ago- Last Ice Age

WATER FLOW: The Water Flows North – Causing Ice Jams in the Spring Melt

SHAPE: Basin is shaped like a large oblong pan
Very steep on edges
Very flat along the Red

- Lake Agassiz (Red River Basin)
- **Size**: 950,525 sq km (367,000 sq mi) at various times
- **Width**: 1127 km (700 mi)
- **Depth**: 213 m (700 ft) @ Wpg, 300 ft @ Moorhead
- **Length**: 1127 km (700 mi)

BASIN: LEGAL CHALLENGES

WATER LAW:
- MN- Riparian
- ND & SD - Prior Appropriation
- MB - Prior Appropriation

1909 INT'L BOUNDARY WATERS TREATY ACT
- Principles and guidelines for the management of boundary and trans-boundary waters by Canada and the United States
- Great Britain (on behalf of Canada) and the United States
- Principles and guidelines for the management of boundary and trans-boundary waters by Canada and the United States
- Primary objective is to help resolve disputes and to prevent future ones
- Primarily those concerning water quantity and quality

NATURAL RESOURCE FRAMEWORK PLAN (NRFP)

1. Watershed
2. Integration
3. Data/Technology
4. Education/Information
5. FDR: Forecasting
6. FDR: Mitigation
7. FDR: Response & Recovery
8. Drainage
9. Water Quality
10. Water Supply
11. Conservation
12. Fish & Wildlife
13. Outdoor Recreation

LEGISLATION & FLOODING

2009 FLOOD

Impetus: for MN & ND Legislative Action

DISASTER DECLARATION

2009 STATE LEGISLATION & FUNDING

2009 MINNESOTA LEGISLATION & FUNDING

- The Minnesota Legislature appropriated **$500,000** from the general fund to the RRBC through the Board of Water and Soil Resources (BWSR) to develop, in cooperation with the Red River Basin Commission or its members to develop, in consultation and cooperation with all Basin and jurisdictions involved with water management and flood prevention and control in the Red River Basin, a comprehensive plan of action to address, mitigate, and respond to flooding and related water quality and land conservation issues in the Red River watershed. The plan must take into account previous federal, state, provincial, regional, and local investigations and make specific recommendations for floodplain management goals and outcomes for the Red River Basin including structural and nonstructural flood damage reduction measures, and identify federal, state, provincial, and local authorities and programs that may be used for implementation. The commission must report progress on goals and outcomes to the legislature by January 15, 2010. Any remaining money must be used to implement the plan. Up to five percent of the appropriation may be used by the board for technical and administrative oversight. 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."
- Minnesota BWSR approved this funding on June 24, 2009 at its meeting in St. Paul.
- Progress report was submitted to the Minnesota Legislature January 18, 2010.

2009 NORTH DAKOTA LEGISLATION & FUNDING

- The North Dakota Legislature appropriated **$500,000** through the State Water Commission with the intent of the legislature that,
- "...of the funds appropriated in the water and drainage pool, $500,000 for the Red River Basin Commission for projects, including $250,000 for the biennium beginning July 1, 2009, and ending June 30, 2011, and $250,000 for the biennium beginning July 1, 2011, and ending June 30, 2013, including cultural resources, in cooperation with state, local and federal officials and entities, long-term flood control measures in the Red River valley."
- The North Dakota State Water Commission approved this funding for the Red River Basin Commission at its June 23, 2009 meeting in Fargo.

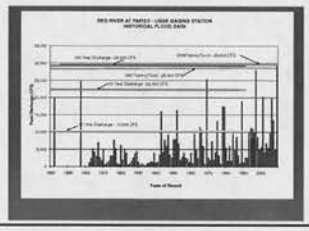
CHRONIC REPETITIVE FLOODING

April, 1897, Flood: View of backside of buildings fronting Main Avenue, looking west to the Martin Hotel in the old Argus Building. Fargo, ND.

Used with permission from the North Dakota Institute for Regional Studies

Flooding in the Red River basin is regular with significant floods in the Fargo-Moorhead area in 1826, 1897, 1969, 1975,1979, 1984,1989, 1995,1997, 2001, 2006, 2009, and 2010

FLOODING - FREQUENCY



LOTS OF WATER

LOTS OF ICE

(Amphibex Machine breaking ice)

Selkirk, MB - Ice Jam MORE ICE

RED RIVER BASIN GOVERNANCE EFFORTS

- The International Coalition for Land and Water Stewardship (TIC) –1979 Local
- Red River Water Resource Council (RRWRC) – 1970's Federal
- Red River Basin Board (RRBB) – 1996 State/Provincial
- Red River Basin Commission (RBBC) – 2002 Local/State/Provincial/Federal Ex-Officio
  - MB, MN, ND, SD: Counties, Cities, Townships, Municipalities

LOCAL GOVERNANCE EFFORTS

- **MN: Watershed Districts, Soil and Water Resource Districts, Red River Water Management Board (1970's)**
- **ND: Water Resource Districts, Soil and Water Districts, Red River Joint Water Resource District Board (1970's)**
- **MN & ND RED RIVER RETENTION AUTHORITY JPA (2010)**
- **SD: Local Water Boards, Soil and Water Districts**
- **MB Conservation Districts (1980's)**

HF 1734/SF 3275
A New State Policy

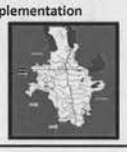
Section 1

- **103A.212) BASIN WATERSHED MANAGEMENT POLICY.** The quality of life of every Minnesotan depends on water. Minnesota's rivers, lakes, streams, wetlands, and groundwater provide a foundation for drinking water and the state's recreational, municipal, commercial, industrial, agricultural, environmental, aesthetic, and economic well-being. The legislature finds that it is in the public interest to manage groundwater and surface water resources from the perspective of aquifers, watersheds, and river basins to achieve protection, preservation, enhancement, and restoration of the state's valuable groundwater and surface water resources.

LONG TERM FLOOD SOLUTIONS (LTFS): CONCEPT

Link to the NRFP Goal # 6: Reduce risks of flood damages for people, property, and the environment in the mainstem floodplain and tributary watersheds.

- **Basin Wide Approach**
- **Explore All Options**
- **Recommendations**
- **Implementation**



(LTFS): KEY CONCEPTS

- **Using all the tools available to: hold, slow and manage flood water.**
- **Living resilient in the bottom of a glacial lake.**
- **Creating no adverse impacts.**

(LTFS) ACTIVITIES TO DATE

- Initial Report to MN Legislature (ND Sept)
- Damages Analysis
- Economic Analysis of Basin
- Assumptions
- FDR Principles Established
- Level of Protection Goals Established
- 20% Mainstem Flow Reduction Goals
- Tributary Modeling for Storage Underway

(LTFS) CONNECTORS

- **What is the Basin Flood Problem all About?**
  - Why does the Red River Flood?
  - What has been done to address the problem?
  - Why isn't the problem solved?
  - What is the "big picture" need to address flooding?
- **How can it be addressed, using all available flood damage reduction strategies?**
- **How can we "measure our progress" toward the goal?**
- **Who needs to do what and where?**

(LTFS) SOLUTION

- **Recommend a "plan of action" for each state that is:**
  - Consistent with local planning and needs.
  - Addresses fully the flooding problem.
  - Quantifies costs.
  - Identifies benefits for locals and state.
  - Identifies funding strategies.

LTFS RELATED: CURRENT U.S. FARM BILL

Water Flow Retardation Strategy (Small Storage Sites)

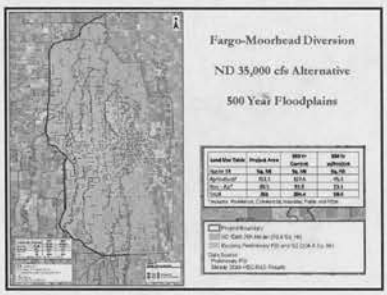
Stream Bank Erosion Reduction Strategy

AWEP: Agricultural Water Enhancement Program

- 2009: Ring Dikes
  - $4.0 M EQIP
  - $1.38 M AWEP
- 2010: All Strategies
  - $2.61 M (thru 2 July)
  - More Requested

LTFS RELATED: Next U.S. Federal Farm Bill

- The 2008 federal Farm Bill, expires September 2012.
- **Goal : $50 million/year for 10 years to address flooding in RRB.**
- Chairman Congressman Collin Peterson (D-MN) is working with RRBC and water boards in MN and ND to craft language and criteria for the next bill to help address flooding in the RRB.



LTFS RELATED: DEVILS LAKE:

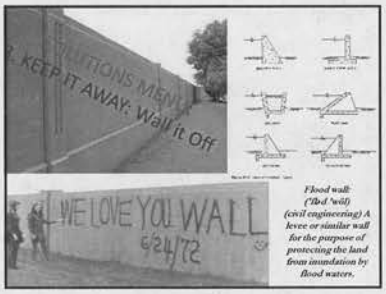
Part of the RRB (Currently Flooding)

SOLUTIONS MENU

- What are the options for flood damage reduction strategies?
  - Short Term
  - Long Term
- Dams: On Stream, Off Stream
- Other: Wetlands, Restorations, Setback Levees, Riparian, Dredging, Floodplain, Channelization, Storage Easements, Ring Dikes, Retire Land, Land Use, BMP's, Ditches, Culverts, Drainage, Urban

SOLUTIONS MENU: 1. SHORT TERM

SOLUTIONS MENU: 2. LONG TERM: Relocate, Elevate, Floodproof



Flood wall: ('flʌd 'wɔl) (civil engineering) A levee or similar wall for the purpose of protecting the land from inundation by flood waters.

SOLUTIONS MENU: 3. Divert, Redirect It

The Red River as it winds its way through the City of Winnipeg

Far left: The beginning of the floodway diversion of the Red River

Left: aerial view of the 42 km long floodway

SOLUTIONS MENU: 3. Divert, Redirect It

Stage 1 diversion channel – inlet near city of Breckenridge, 11th Street Bridge over the Otter tail River, looking north

Breckenridge, MN

SOLUTIONS MENU: 4. Slow it, Store it Upstream: Dam

SOLUTIONS MENU: 4. Dam: On Stream Storage

SOLUTIONS MENU: Other FDR Strategies

4. Dams: Off-stream storage

5. Flood storage wetlands

6. Wetland restoration

SOLUTIONS MENU:
Other FDR Strategies

7. River corridor restoration
8. Riparian buffer strips

SOLUTIONS MENU:
Other FDR Strategies

9. Setback Levees
10. Dredging and Channelization
11. Drainage

SOLUTIONS MENU:
Other FDR Strategies

12. Storage Easement
13. Ring Dikes
14. Gating ditches
15. Culvert sizing

Waffle Concept

Ring Dike

Culvert

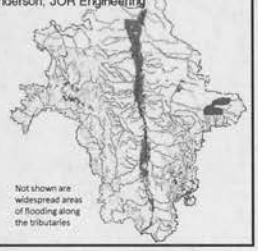
SOLUTIONS MENU:
Other FDR Strategies

16. Retirement of land
17. Land use
18. Best Management Practices

Basin Planning & Goal Setting

Charlie Anderson, JOR Engineering

1997 Flooded areas along the Red



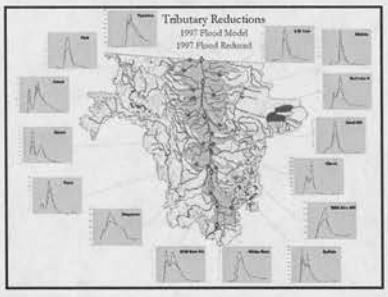
Not shown are widespread areas of flooding along the tributaries

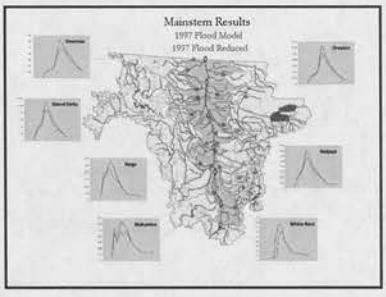
Sources: USACE, Manitoba

Use of Models

Flow Reduction Goals
Id Storage Sites
How Much Storage
Effectiveness
Operation of Sites

20% PEAK FLOW REDUCTION
Using an Unsteady Flow Model





Gaged Tributaries	%	cfs	%	ac-ft	
Otherail R @ Orwell	1	0	1	0	None
Bois R @ White Rock	29%	1742	29%	61180	Storage is used
Wildrice ND @ Abercrombie	20%	2424	17%	37538	Peak flow reduction
Sheyenne R @ Harwood	15%	2451	11%	68083	Peak flow reduction
Rush R @ Amenia	12%	526	15%	4224	Peak flow reduction
Buffalo R @ Dilworth	20%	2500	17%	26136	Peak flow reduction
Wild Rice MN @ Hendrum	20%	6010	23%	74182	Peak flow reduction
Goose R @ Hillsboro	32%	2800	15%	37000	Peak flow reduction
Marsh R w/ Shelly	21%	2100	19%	13547	Peak flow reduction
Sand Hill R @ Climax	22%	1310	21%	22181	Peak flow reduction
Red Lake R @ Crookston	24%	9400	15%	114387	Peak flow reduction
Turtle R w/ Arvilla	13%	80	18%	4512	Storage is used
Forest R @ Minto	14%	900	7%	3975	Storage is used
Middle R @ Argyle	32%	1500	23%	13067	Storage is used
Park R @ Grafton	22%	1800	23%	23440	Peak flow reduction
S Br Two R @ Lake Bronson	17%	1100	4%	12018	Storage is used
Tongue R @ Akra	7%	30	4%	1300	Storage is used

SET GOALS ON MAINSTEM FOR TRIBUTARIES

- **Mainstem**: 20% Peak Flow Reduction Goal on Mainstem for entire Red River Mainstem
  - At the **Border** this equals 885,000 ac-ft removed from the flood hydrograph
  - This may require 1-3 times constructed upstream storage depending upon location and design
- **Tributary**: Reductions Necessary
  - How much to reduce Peak Flow (app. 35%)
  - How much to reduce Total Flow (app. 13%)

BOIS DE SIOUX
Sub-Watershed Model Results

BOIS DE SIOUX
ACTUALS

- 20% Goals on Mainstem Achievable
  - Reduction on Rabbit
  - Reduction on White Rock
    - Assigned Reduction in SD
- Tributary Specifics
  - 125,000 ac-ft Storage Identified
    - 101,000 ac-ft gated
  - 26 Project Sites: 1 site done (N. Ottawa), 1 in progress (Redpath), 24 available

TRIBUTARY STRATEGY
Related to LTFS

- **10 MN Watersheds**
  - Bois de Sioux, Ottertail, Buffalo, Wild Rice, Sand Hill, Red Lake, Middle River-Snake, Two, Roseau, and Joe.
- **10 ND Watersheds**
  - Wild Rice, Maple, Sheyenne, Goose, Elm, Forest, Turtle, Park, Pembina and Devils Lake
- **Next: Tribs. MB & SD**

OTHER MODELS

2 D MODELLING ON THE PEMBINA RIVER ON MB & ND BORDER

- **US COE - HEC/RAS**
  - L. Traverse to Border
  - Unsteady Flow
- **EERC** – Waffle
- **US COE – HMS** in all US sub-watersheds Underway

- **HEC-RAS Model Created for FM Metro Study**
- **Link the Upstream Mainstem to see if Upstream storage can reduce impacts of the proposed Diversion around Fargo-Moorhead.**

WRAP - UP

LTFS is: a Road Map for the Future

- Identifying what we need to do as a basin.
- Identifying the best locations for various strategies for Flood Damage Reduction?
- Identifying measurable methods to track progress.
- Identifying Costs to get there.
- Identifying Benefits to the local and state economies.
- Identifying problems and impediments and strategies to address them.
- Identifying funding solutions to address flooding long term.
- Identifying short term to long term strategies.

Contact Information

Lance Yohe
Executive Director
Red River Basin Commission
PH: 218-291-0422
lance@redriverbasincommission.org

PURPOSE AND NEED

The complex nature of the Red River Basin has resulted in challenges to effective, integrated land and water management. As such, the Red River Basin Commission has developed the "Natural Resources Framework Plan" to aid in achieving a basin-wide approach to integrated natural resource management and to provide a framework for overcoming political barriers.

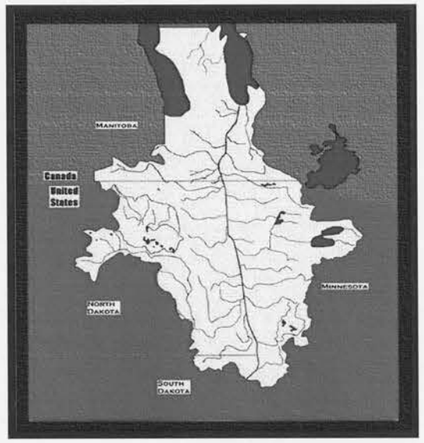
The three main barriers identified are:

1) Solutions to local problems may have unintended consequences in other areas of the basin; therefore, a **basin-wide approach** is needed.

2) There are diverse natural resource issues and challenges that are of concern to basin residents. **Integrated natural resource management** is a tool that will help address this issue.

3) The existence of multiple political jurisdictions at federal, provincial, state and local levels complicates decision-making and cross-boundary cooperation. **Overcoming political barriers** to water management will take continual work on the part of all stakeholders.

Developing the Plan



The plan was developed over a period of years, beginning with an intensive inventory of basin resources. The following inventories were researched and compiled: 1) drainage, 2) hydrology, 3) flood damage reduction, 4) water quality, 5) water supply, 6) water law, 7) water institutions, 8) conservation and 9) fish, wildlife and outdoor recreation. Numerous agencies provided personnel to accomplish this enormous task. The public was involved through a series of "face to face forums" around the basin. In 1997, the board developed a set of "Guiding Principles" to enable its approach to pursuing its vision, mission and goals. The guiding principles, inventories and public participation provided the background material to develop the Natural Resources Framework Plan, its goals and its processes for action.

The Natural Resources Framework Plan outlines thirteen goals and objectives for each goal relating to natural resources in the Red River Basin (*Table 1, back page*). They describe areas of improvement, identified by many stakeholders in the basin, necessary to move the Red River Basin toward *comprehensive, integrated watershed stewardship and management*. In November of 2005, the Board will finalize and adopt the plan, incorporating the comments from agencies and the public. In addition, the plan includes a "Red River Basin Action Agenda," a preliminary list of activities, projects and programs that further the goals and objectives in Table 1. The Action Agenda will be developed during the first year of implementation of the NRFP, in consultation with the basin stakeholders that are conducting the work (i.e., the activities, projects and programs) that will move us toward achieving the goals and objectives outlined in the NRFP.

PLAN IMPLEMENTATION

The RRBC readily acknowledges that as an organization it lacks legal authority to compel compliance with its plan and programs. Therefore, the success of the NRFP will be due to the actions of various organizations within the basin, and a willingness to inherently want to work in a complementary way with one another. The RRBC will serve as a convener and coordinator for the Basin water and resource management activities; however, it is the agencies and local governments that have the real authority, skilled staff and financial resources to get the majority of the work done. Real progress toward achieving these goals can only be realized if all jurisdictions do their part to contribute to the vision of *comprehensive integrated watershed stewardship and management*. The RRBC, agencies and non-governmental organizations working in the basin share in the responsibility for plan implementation.

The RRBC has three primary responsibilities to achieve the goals described in the NRFP:

1) Pursuit of the objectives listed in Table 1;
2) Preparation of an annual work plan; and,
3) Review and critique of RRB plans and projects for consistency with the NRFP goals and RRBC Guiding Principles.

As the goals listed in Table 1 are comprehensive and far-reaching, so also are the objectives that are listed with them. However, these objectives cannot all be achieved at the same time, or by one authority or stakeholder. In some cases, the objectives are written as a sequence of steps that must be taken over time. In any case, it will be the responsibility of the RRBC each year to establish its priorities from among the objectives and Action Agenda. The RRBC will also examine outside groups' programs, plans and projects for consistency with the NRFP. It is hoped that as the credibility of the NRFP grows, member jurisdictions will freely volunteer their plans for review by the RRBC in this manner.

In order to achieve NRFP goals, as RRBC's NRFP credibility and usefulness grows, it will become common practice for RRB jurisdictions to:

1) Participate in RRBC sponsored inter-jurisdictional issue forums;
2) Participate in implementation of the NRFP by sharing objectives and actions from their respective workplans that address basin goals; and,
3) Submit plans, projects and programs affecting RRB resources to RRBC review.

This plan is not a regulation to be enforced by the Red River Basin Commission. It is a ***GUIDE*** to be used by any or all entities in their decision-making processes. It is a guide to use when making choices for activities on the land and in making decisions that have an impact on our water. **It is a guide to move the Basin forward with a unified purpose and a unified voice.**

In conclusion, the NRFP is fully intended to be a living document that will remain relevant to the real needs and priorities of the citizens of the Basin and will serve as an effective guide to the application of the public's resources to achieve *comprehensive integrated watershed stewardship and management.*

Red River Basin Commission

www.redriverbasincommission.org

Vision: *A Red River Basin where residents, organizations and governments work together to achieve basin-wide commitment to comprehensive integrated watershed stewardship and management.*

Mission: *To create a comprehensive integrated basin-wide vision, to build consensus and commitment to the vision, and to speak with a unified voice for the Red River Basin.*

August 17, 2010

DREDGING OF THE RED AND LAKE WINNIPEG:

RRBC has had several meetings and a tour of the old dredging equipment and various sites on the river and lake. Dialogue is underway at the Provincial level with MLA's and Water Stewardship and at the federal level with MP's and Environment Canada and Western Economic Diversification to determine what can be done and how best to accomplish it. Discussions are underway related to developing recommendations for action and also for a pilot project to see if the Amphidex can be used in dredging.

NRCS ACTIVITIES:

RRBC has been assisting NRCS in several areas.

1. Next U.S. Farm Bill: RRBC has been assisting with names for the preparatory efforts to begin working on the language and program criteria for the next U.S. Farm Bill. The first technical meeting will be on September 2, 2010 in the afternoon.

2. October 2010 WRP Pilot Projects: NRCS is seeking funding for a pilot project in MN and ND if funding can be secured in the next federal fiscal year. The projects would relate to flood storage on wetlands. This would fit nicely with discussions that the RRBC SVI has had in the past for storage in the SW corner of the RRB.

3. AWEP Funds: There were no additional AWEP funds for this current fiscal year after the July 2, 2010 cut-off. We are hoping there will be new funds for the RRB after October 1, 2010 that can be used as we projected in the proposal. MN Tim Koehler is preparing a report of what projects/activities received funding in 2010 in MN, ND, and SD portions of the RRB under AWEP.

LONG TERM FLOOD SOLUTIONS (LTFS) PROJECT REPORT

The LTFS Project continues progressing through RRBC's committee and working group structure as we work through issues such as impediments, funding, governance challenges, and economic impact of the basin and what we aim to protect here. We acknowledge that the project's success depends heavily on the experts around the basin that means your continued involvement in this process, so THANK YOU to so many of you who have loaned us your time and talent.

1. The LTFS Technical Sub-Committee met August 16, 2010 and discussed the 1997 and 2009 floods, discharge/frequency and the full period of record data versus the recent wet cycle, a process for screening alternatives, evaluation criteria for options and strategies, and the list of

options/strategies/ and alternatives. A working group to further discuss and bring back recommendations at the next meeting September 20, 2010 has been established.

2. The LTFS Policy Sub-Committee met August 16, 2010 and reviewed the newest draft of the final report. They also reported on efforts by their working groups and further discussed the PIRC efforts, permitting, funding, and economic analysis. They will next meet in October as a group.

Basin Modeling: The MN and ND watersheds districts and boards are all in the process of modeling storage potential in their jurisdictional area. This modeling is scheduled to be completed by the end of October, so that it can be entered into the Mike 11 model to address the basin flow goals. This information will also assist in the LTFS Report in the development of criteria for water retention site selection, review of flood reduction goals, development of stage storage discharge relationships for potential sites, and the identification of potential storage sites similar to the 26 sites already identified in the Bois de Sioux Watershed District. When all constructed, it will result in that watershed meeting their basin-wide 20 percent mainstem flow reduction targeted goal.

1. Underway: MN-Buffalo-Red, Sand Hill, Wild Rice, Red Lake, Two Rivers, and Middle River/Snake Watershed Districts. ND- Wild Rice, Maple, Lower Sheyenne, Elm, Goose River, Pembina and Park River watersheds.
2. Linked to Manitoba: Pembina, Roseau and Joe River Watersheds. Discussion in MB underway.

Basin Economic Analysis: The economic analysis of the entire Red River basin to show what the economic impact of the region is to each state is being developed with the assistance of the F-M Economic Development Authority.

Final Report: The final report is beginning to take shape. A contract for the funding section and the section related to FEMA and floodplain issues are underway.

MB Floodway & Metro Flood Study Work Group Dialogue: This meeting is being planned for late September. The goal will be to bring MB Floodway technical and policy personnel to the Fargo-Moorhead area for a day long dialogue related to: technical issues, funding, policy and other related issues to share what MB learned from its two efforts - the building and then the expansion of the floodway around Winnipeg.

F-M Metro Study Downstream/Upstream Activities:

1. Metro Flood Work Group Meeting August 5, 2010: Motion passed: Move the Red River Basin Commission (working with the Cass Joint Water Boards and the Buffalo-Red Watershed District) be designated to gather information and develop an inventory of community flood protection needs as it relates to downstream impacts from the F-M Diversion from Fargo-Moorhead north to Thompson, ND, including what modifications and funding is necessary to implement. The Red River Basin Commission shall work with affected federal and state agencies and area stakeholders and report back to the Metro Flood Study Work Group in September 2010.
2. Community Meetings: RRBC is arranging meetings with F-M downstream community leadership (12 communities) over the next several weeks to gather information and provide an update on what RRBC has been asked to accomplish related to community levee status and needs.
3. Funding: The Cass Joint WRD voted on August 13, 2010 to fund efforts to address the above motion.

4. Gathering Community Protection Data: RRBC is contracting with HEI, Inc. to gather community protection data from Georgetown, Perley, Hendrum and Halstad in 2010. Additional downstream communities Shelly, Nielsville, and Climax are anticipating initial data to be ready in early 2011, when RRBC and Cass Joint will explore additional work for these communities.
5. Public Engagement Process: RRBC will begin a public engagement process for the remainder of 2010 in several locations surrounding F-M to maintain open communication with downstream/upstream interests and to gather additional information. Additional efforts related to media strategies, web, and print material will also be developed.
6. Rural Resident and Farmstead Data: RRBC will contract with HEI, Inc. to gather additional data on rural resident needs downstream from Halstad to Thompson, ND if the F-M Metro Study Working Group approves the effort. Funding will be provided by Cass Joint WRD.
7. Upstream Storage: RRBC is working with the Engineering firms and the ACE to determine what modeling is needed to help assess the impacts of storage for the mainstem and also for the F-M area.

WATER SUPPLY: REPORT

Drought Scoping:

The Drought Scoping Document was completed in January 2008. The Red River Basin Commission funded this Red River Basin Drought Preparedness Strategy Scoping Document ("Scoping Document") to outline what a fully developed basin-wide drought strategy could include and the resources needed to prepare such a strategy.

The Water Supply Working Group has recently completed the Jurisdictional Process and Conservation Reports as the first two phases of the Red River Basin Drought Preparedness Strategy. Both reports provided a number of recommendations to move forward.

The Water Supply Working Group will now evaluate all the recommendations from both reports and put together a work plan on how to move selected recommendations forward. This work plan will be presented to the RRBC board for approval and feedback.

CONSERVATION:

The RRBC Jurisdictional Conservation group is preparing for a meeting to discuss the AWEP program, the future NRCS efforts in the next U.S. Farm Bill, and how this might be related to Manitoba and Canada.

WATER QUALITY: JURISDICTIONAL REPORT

This effort is the final stages of review and will identify a path forward for the three jurisdictions on water quality issues.

MEETINGS/TOURS

BWSR Tour:

The RRBC is helping BWSR coordinate their summer tour which will be hosted by the Buffalo-Red River Watershed District and the Becker, Clay and Wilkin SWCDs. The tour will be held August 25 & 26 starting at the Courtyard by Marriot in Moorhead. Stops will include the Manston Slough Restoration

Project; South Branch of the Buffalo River Restoration Project; Lawndale Trout Stream Restoration; Deerhorn Creek Flood Control Levees; Whiskey Creek Tributaries Project; Hay Creek/Stinking Lake Sediment Retention Project; LaBelle Lakes Highwater Outlet; Hawley Buffalo River Restoration Project; Brantner Wetland Bank/Pilot Grazing Site and the Oakport Flood Mitigation.

River Runs North:
RRBC is in the process of updating and reprinting the River Runs North book by Jay Leitch and Gene Krenz. We are working with ND State Water Commission, MN Department of Natural Resources, MB Water Stewardship, the River Keepers and Leitch to make revisions and additions.

RRBC Ex-Officio Meeting:
The RRBC Board meeting will be held at 9:00 a.m. on September 2 at the Ramada Plaza Suites in Fargo. This meeting will include Federal Representatives from the US and Canada. A draft agenda will be sent out in the next couple of weeks.

RRBC Annual Conference
Mark your calendar for the RRBC's 28th Annual Red River Basin Land & Water International Summit Conference January 18-20, 2011 at the Ramada Plaza Suites in Fargo.

RRBC – 119 S. 5th St, PO Box 66 – Moorhead, MN 56561 – 218-291-0422
RRBC – 206-309 Hargrave St. – Winnipeg, MB R3B 2J8 – 204-982-7255

Table 1. Goals with objectives for the Natural Resources Framework Plan, Red River Basin Commission, 2005

Basin-Wide Goals		**Objectives**
1.0	Manage natural resources in the RRB by watershed boundaries rather than political boundaries	1.1- Raise awareness of the benefits of basin-wide planning for decision makers and the public; increase 1.2 coordinated and comprehensive watershed planning
2.0	Integrate natural resource management	2.1- Conduct integrated, comprehensive, multi-disciplinary planning efforts, policies, projects and programs 2.2 that accommodate a balance in resource preservation, conservation and consumption; apply conservation criteria in the review and approval of all land-use plans, projects and programs
3.0	Increase applied research and data management to support decision-making	3.1- Distribute data and research to decision makers; standardize collection, storage and sharing of data; 3.4 develop and use technical models to support decision making; develop and use GIS for data management and planning
4.0	Improve stakeholder participation and awareness of land and water issues	4.1- Develop a stewardship ethic in the RRB; provide comprehensive watershed education and outreach; 4.4 provide opportunities for early involvement of project stakeholders; increase awareness of economic and environmental benefits of assistance programs
5.0	Maintain state-of-the-art flood forecasting tools for the Red River Basin	5.1 Increase data availability and level of coordination between jurisdictions for flood forecasting and planning
6.0	Reduce risk of flood damages for people, property and the environment in the main stem floodplain and in tributary waters	6.1- Implement flood mitigation measures that reduce risk to individuals and communities on the main stem and 6.2 tributaries; implement flood mitigation strategies in the upper basin that reduce risk locally and downstream
7.0	Ensure that flood (natural disaster) response and recovery programs meet the needs of all RRB residents	7.1 Increase availability of response and recovery programs that are adequate and equitable to residents in all jurisdictions
8.0	Manage urban and agricultural drainage systems to enhance productivity, while minimizing impacts to others	8.1- Manage drainage systems to protect agricultural land and minimize environmental impacts; design and 8.3 improve drainage systems with consideration of local, sub-watershed and main stem effects; design and implement urban and rural storm water strategies that minimize environmental impacts
9.0	Maintain, protect and restore surface and ground water quality in the Red River Basin	9.1- Develop a common approach to assessing water quality goals and conditions; develop water quality 9.6 restoration goals for impaired waters; reduce point- and non-point source pollution to protect surface and ground water; develop strategies to reduce nutrient loading to Lake Winnipeg by 10% in 5 years; encourage respect for water quality standards; develop programs that prevent the spread of non-native aquatic species and prevent the introduction of new species to the basin
10.0	Ensure the appropriate use and sustainability of the Basin's surface and groundwater	10.1- Develop a basin-wide strategy for future water supply needs; develop water supply emergency programs; 10.3 develop an understanding of minimum in-stream flow criteria to protect all users
11.0	Increase soil conservation efforts within the basin	11.1- Increase availability of conservation programs to landowners; use Best Management Practices to minimize 11.2 runoff and maintain soil on site
12.0	Conserve, manage and restore diversity and viability of native fish and wildlife populations and their habitats	12.1- Maintain, enhance and protect aquatic and terrestrial populations; enhance, protect or restore natural 12.4 systems (floodplains, stream functions, riparian areas, wetlands, grasslands); enhance or develop corridors between habitat blocks; identify and protect rare and unique species, habitat types and plant communities
13.0	Enhance and develop recreational infrastructure and access to the Basin's natural resources	13.1- Increase awareness and participation in outdoor recreational opportunities by the general public; promote 13.2 unique RRB habitats to enhance economic development and quality of life

Working Together on Today's Challenges

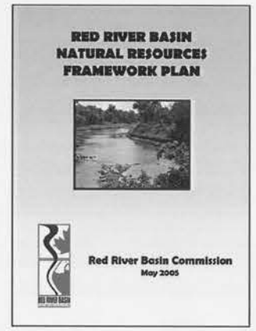
We Have a Plan

Through extensive basin-wide dialogue and consultation with citizens, land users, organizations, and governments, the RRBC developed the **Natural Resources Framework Plan (NRFP).** The NRFP was designed as a tool for moving the Basin forward in achieving common goals for water protection and management within the Basin.

The NRFP contains 13 goals. The first four focus on encouraging communication, research, and coordination across political jurisdictional boundaries. The remaining nine focus on improvements in water quality; water supply; flood damage reduction; drainage; conservation; and fish, wildlife, and outdoor recreation. The RRBC believes that if basin residents work together in dealing with land and water management challenges, we can maintain and improve the quality of life for present and future generations here in the Red River Basin.

The NRFP:

- Provides a framework for moving forward with a unified purpose and unified voice,
- Guides RRBC activities,
- Highlights how progress in numerous areas helps us to achieve overall goals,
- Helps track progress in the Basin and provides a mechanism for recognizing and celebrating successes, and
- Assists in the identification and rectification of gaps.



Basin Goals

Goal #1	**Manage by Watershed**: Manage natural resources in the RRB by watershed boundaries rather than political boundaries.
Goal #2	**Integration**: Integrate natural resource management.
Goal #3	**Data and Tools for Decision Makers**: Increase applied research and data management to support decision-making.
Goal #4	**Education/Information**: Improve stakeholder participation and awareness of land and water issues.
Goal #5	**Flood Forecasting**: Maintain state of the art flood forecasting tools for the Red River Basin.
Goal #6	**Flood Mitigation**: Reduce risk of flood damages for people, property and the environment in the mainstem floodplain and in tributary watersheds.
Goal #7	**Flood Response & Recovery**: Ensure that flood (natural disaster) response and recovery programs meet the needs of all RRB residents.
Goal #8	**Drainage**: Manage urban and agricultural drainage systems to enhance productivity while minimizing impacts to others.
Goal #9	**Water Quality**: Maintain, protect, and restore surface and ground water quality in the Red River Basin.
Goal #10	**Water Supply**: Ensure the appropriate use and sustainability of the Basin's surface and ground water.
Goal #11	**Conservation**: Increase soil conservation efforts within the Basin.
Goal #12	**Fish & Wildlife**: Conserve, manage, and restore diversity and viability of native fish and wildlife.
Goal #13	**Outdoor Recreation**: Enhance and develop recreational infrastructure and access to the Basin's natural resources.

Resolution of Support

To fully realize a collaborative, cooperative approach to land and water management in the Red River Basin, it must be a shared vision held not only by the RRBC, but also by those who live, work, and play within the Basin. Together, we will be able to best create the future we wish for future generations.

In 2007, the RRBC developed the Red River Basin Resolution of Support as a mechanism for gaining the support needed to achieve common goals for water protection and management within the Basin. The Resolution is a good-faith agreement acknowledging the need to work together across boundaries in a spirit of cooperation and friendship to achieve common goals for land and water management. The RRBC is seeking adoption of the Resolution of Support from all County Board of Commissioners, Rural Municipalities, Water Boards, Conservation Districts, and Cities in the Red River Basin. We have over 150 signed resolutions; that number continues to grow as communities all over the basin agree to do their part.

RED RIVER BASIN COMMISSION

RRBC Board of Directors

MANITOBA

Municipalities
Herm Martens
John Falk
Marvin Magnusson
Kurtiss Krasnesky

Cities
Jeff Browaty
R.S. "Bud" Oliver

Water Co-op
Sam Schellenberg

Environmental
Joy MacLean

Provincial
Steven Topping
Dwight Williamson
Muriel Smith

At-large
Bill Paulishyn

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Jon Evert
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Mark Voxland

Watersheds
John Finney
Daniel Wilkens

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Paul Eger
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Genevieve Thompson

At-large
Jake Gust

SOUTH DAKOTA

At-large
Roger Navratil

FIRST NATIONS/ TRIBAL
Melissa Hotain
Allen Pemberton

Working together to achieve common goals for water protection and management within the Red River Basin.

Plan to attend RRBC's

28th Annual Red River Basin Land & Water International Summit Conference

January 18-20, 2011

Ramada Plaza Suites Fargo, ND

Offices

RRBC
119 S. 5th St.
PO Box 66
Moorhead, MN 56561
218-291-0422
Fax: 218-291-0438

RRBC
206-309 Hargrave St.
Winnipeg, MB
R3B 2J8
204-982-7250
Fax: 204-982-7255

Email: staff@redriverbasincommission.org

www.redriverbasincommission.org

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Flood Risk Management for Urban Centers

Meeting Date: August 26, 2010

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

Item Type: ☐ Decision ☐ Discussion ☒ Information

Section/Region:

Contact:

Prepared by: Pete Waller

Reviewed by: Committee(s)

Presented by: Brett Coleman, Project Manager, ACOE

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other:

ACTION REQUESTED
None- Informational Item

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The three largest urban centers in the United States on the Red River of the North consist of the 'sister cites' of Wahpeton, ND - Breckenridge, MN; Fargo, ND - Moorhead, MN; and Grand Forks, ND - East Grand Forks, MN. Flooding of the Red River has impacted all three centers.

Since the 1997 flood the US Army Corps of Engineers (ACOE) has completed two risk management projects for the cities of Wahpeton-Breckenridge; and Grand Forks-East Grand Forks. After the Flood of 2009 ACOE began developing a solution for Fargo-Moorhead.

Brett Coleman, Project Manager, ACOE, will review the constructed solutions for Wahpeton/Breckenridge and Grand Forks/East Grand Forks and the structural solution being proposed for Fargo/Moorhead associated with the locally preferred plan.

COMMENTS OF

CITY OF HENDRUM, MINNESOTA

on

U.S. Army Corps of Engineers

Fargo-Moorhead Metropolitan Area
Flood Risk Management
Draft Feasibility Report and Environmental Impact Statement
dated as of May, 2010

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Appendix I Executive Summaries of Technical Documents

Appendix II Extract of Minutes of Red River Watershed Management Board, July 14, 2010

Appendix III Comments of Mayors of Cities of Perley and Hendrum, Minnesota

LINDQUIST&VENNUM PLLP

Minneapolis • Denver

Jonathan P. Scoll
612-371-3546
jscoll@lindquist.com
www.lindquist.com

Julie M. Duckstad
612-371-5784
jduckstad@lindquist.com
www.lindquist.com

4200 IDS Center
80 South Eighth Street
Minneapolis, MN 55402-2274
Phone: (612) 371-3211
Fax: (612) 371-3207

August 9, 2010 VIA COURIER & U.S. MAIL

Aaron M. Snyder
Project Manager
U.S. Army Corps of Engineers, St. Paul Division
190 East 5th Street, Suite 401
St. Paul, MN 55101

Re: Comments on Fargo-Moorhead Metropolitan Area Flood Risk Management Draft Feasibility Report and Environmental Impact Statement – May 2010

Dear Mr. Snyder:

On behalf of the City of Hendrum, MN ("City"), Lindquist & Vennum PLLP submits the following comments to the Fargo-Moorhead Metropolitan Area Flood Risk Management Draft Feasibility Report and Environmental Impact Statement dated as of May, 2010 ("DEIS") prepared by St. Paul District, U.S. Army Corps of Engineers ("Corps"). These comments are furnished pursuant to the Corps' "Notice of Intent to Prepare a Draft Environmental Impact Statement for a Proposed Flood Risk Management Project on the Red River of the North in Fargo, ND & Moorhead, MN" dated April 22, 2009, and published in the *Federal Register* Volume 74, Number 85, on May 5, 2009, as required by regulations of the President's Council on Environmental Quality ("CEQ") at 40 CFR 1503 et seq. and Corps regulations at 33 CFR 230.19 et seq.

Since the Corps has failed to provide critical technical information in the DEIS, failed to adequately consider a reasonable range of alternatives to, and all environmental effects of, the Preferred Alternative described in the DEIS, among other inadequacies in the DEIS, the City respectfully requests that the Corps prepare a Supplemental Draft EIS that addresses the issues raised in these comments, and, once complete, provide a notice and comment period for the Supplemental Draft EIS.

Further, the Corps made additional downstream flood stage information available to the public on August 3, 2010, a mere six (6) days before the expiration of the DEIS comment period. This information was provided to supplement the DEIS and to extend the downstream study area for environmental impacts. See Section 4.2, below. Because the City, its counsel and experts have had little or no opportunity to fully review and consider this new information, the City also requests a 14 day extension of time to and including either (i) August 23, 2010; or, in the

alternative (ii) 14 days from the date the Corps provides for public review and comment on all information which the Corps states is still missing in the DEIS.

1. In General

These comments address the inadequacies of the DEIS under the National Environmental Policy Act ("NEPA"), including (i) the unduly narrow definition of the "purpose and need" for the Proposed Action, (ii) the inadequate consideration of upstream flood management alternatives and (iii) the incompleteness of data on and analysis of downstream environmental effects, including cumulative effects.

Attached as Appendix I are executive summaries of certain study documents concerning Red River Basin ("RR Basin") flood issues; to avoid undue paper bulk, and improve readability of our comments, we have attached only these summaries. These studies constitute important illustrations of the broader scope of alternatives analysis that is missing from the DEIS. See Sections 3.4 and 3.5 of these comments. The City requests that these studies and reports be considered by the Corps decision-maker in their entirety, and that the full text of these studies and reports, and any other studies, reports or documents referenced in these comments, including their respective appendices, be included in the Corps' administrative record for the final Record of Decision and EIS.

Attached as Appendix II is the text of an extract of the minutes of a Board of Governors meeting of the Red River Water Management Board of June 10, 2010, affirming its policy regarding upstream flood water retention, as evidence of the ongoing study and implementation at the local governmental level of an alternative inadequately considered in the DEIS. See Section 3.5 of these comments.

Attached as Appendix III are comments of the Mayors of Perley and Hendrum, Minnesota, evidencing the concerns of these cities regarding negative economic, social and environmental impacts to them and to their residents from construction of the Preferred Alternative. See Section 4.5(h) of these comments.

2. Unreasonably narrow definition of Purpose and Need of the Proposed Action

The DEIS defines the Purpose and Need of the proposed action ("Proposed Action") as "to reduce flood risk, flood damages and flood protection costs related to the flooding in the Fargo-Moorhead Metropolitan Area." DEIS, Section 2.5. By limiting the Purpose and Need solely to the Fargo-Moorhead Metropolitan Area ("F-M Metro"), the Corps' definition of the project Purpose and Need unreasonably downplays the hydrologically interdependent nature of the RR Basin – upstream and downstream, an interdependence that requires the NEPA analysis to be cast in terms of this basin as a whole. The result is a DEIS with an unduly narrow focus through which both final alternatives and downstream impacts are evaluated.

One result of this narrow focus is inadequate consideration by the DEIS of alternatives involving projects, or project components, upstream of the F-M Metro. Prior studies indicate certain upstream flood management measures may have potential to significantly reduce flood risks across the RR Basin, including the F-M Metro. This is discussed in more detail in Section 3 of

these comments, below. Another result is inadequate analysis of impacts to downstream communities north of the F-M Metro. This is discussed in more detail in Section 4 of these comments, below.

Even assuming that the Purpose and Need is reasonable in light of the proposed project, the implementation of the Corps' Preferred Alternative, the ND 35K diversion channel, will result in construction of a massive project that will render subsequent consideration of other alternatives, such as upstream retention, on any significant scale, largely moot. After spending over $1 billion on the ill conceived Preferred Alternative, it is highly unlikely the Corps or the federal government, would consider studies or funding for such other alternatives.

2.1 *Need for regional, basin-wide purpose and need*

The City believes that a more accurate statement of Purpose and Need would reference a regionally-focused basin-wide set of projects to reduce flood damage at and downstream of the F-M Area through flood flow reductions on both the Red River main stem and tributaries upstream of the F-M Area.

The DEIS expressly acknowledges the basin-wide nature of the problem by stating that DEIS study objectives include "[t]o develop a *regional* system to reduce flood risk." DEIS, Section 1.2.

2.2 *Corps involvement in current basin-wide planning*

A basin-wide approach would not be inconsistent with the Corps' existing policies and efforts in the RR Basin. For example, the Corps is a signatory to a December, 1998, agreement establishing the Red River Basin Flood Damage Reduction Working Group, a non-binding agreement among Minnesota stakeholders in the RR Basin, whose members (the "Flood Damage Reduction Work Group") acknowledge certain goals and principles for flood damage reduction. Among these principles are that "[p]rojects should be consistent with comprehensive watershed management planning," including planning across "***all tributary watersheds***" affected by a project" [emphasis added]. See, in this regard, the comment below regarding the inconsistency of Preferred Alternative with local, regional, and state flood control policies, section 3.5.

Similarly, the Corps is an active participant in the Red River Basin Commission ("RRBC"). The RRBC is an intergovernmental planning group comprised of federal, state and Canadian provincial officials, whose approach to flood control is likewise regionally focused. Thus, the Corps is fully aware of the need for – indeed, participates in -- a basin-wide approach to Red River flooding and its impacts.

3. Failure to adequately consider upstream storage alternatives and to evaluate the Preferred Alternative in light of existing local / regional flood management policies

Even assuming that the formulation of Purpose and Need in the DEIS is proper, the DEIS fails to adequately consider a reasonable range of alternatives to the Preferred Alternative. Under NEPA and CEQ regulations, this consideration must include (i) appropriate initial screening of such alternatives, (ii) in-depth analysis of the environmental impacts of alternatives that survive

screening and (iii) comparison of these impacts to anticipated impacts from the Preferred Alternative. CEQ regulations also require the DEIS to reconcile the Preferred Alternative with existing local or regional flood management policies, as required by NEPA, CEQ regulations thereunder, and Corps NEPA regulations, including the Corps' own regulations, Regulation ER 1105-2-100.

3.1 *The Corps' preliminary screening unreasonably eliminated two forms of upstream storage as feasible alternatives for detailed consideration in the DEIS.*

The Corps' Alternatives Screening Document, December, 2009, prepared as a foundation for its NEPA analysis ("Screening Document"), considered and then eliminated five alternatives as separate ("stand-alone") plans, i.e. plans that would be completely effective by themselves. Among these stand-alone alternatives were two forms of upstream flood storage: distributed storage in flood retention ponds and the "waffle," the use of the existing road network with additional water control structures. Both were eliminated because the Corps believed they would be less physically effective and less cost-effective than the various diversion channel plans, and thus did not meet the purpose and need of the study. Screening Document, Section 2.5.

The Screening Document consideration of these alternatives was inadequate, in light of the substantial evidence, some of which is referred to in Section 3.3 of these comments, below, of their potential feasibility, so that the DEIS, in turn, failed to properly evaluate them , not only as stand-alone alternatives but also, potentially, as components of, or in tandem with, other downstream measures. For this reason, the City believes the Corps' elimination of these alternatives was unreasonable, arbitrary and capricious and violates NEPA and CEQ requirements.

3.2 *The principal study on which the DEIS bases its screening rejection of upstream storage is as-yet incomplete.*

The Corps relies heavily for its elimination of upstream storage alternatives on the "Fargo Moorhead and Upstream Study," a study being jointly carried out by the Corps and by the Cities of Fargo and Moorhead. This study is as yet incomplete, and, according to a Corps web page, will not be completed until December, 2010. See http://www.mvp.usace.army.mil/fl_damage_reduc/default.asp?pageid=1455.

Phase I of this study, completed in June 2005, showed that "distributed flood storage could provide significant economic benefits, but that additional study of environmental benefits [would be] needed to justify a Federal project." DEIS, Section 1.5.2.1. Despite the incomplete status of this study, the Screening Document uses it to screen the upstream storage alternative, as discussed in more detail in Section 3.3 of these comments, below. Screening Document, Section 2.5.7.

To the extent the Corps' analysis rests on partial or incomplete study data, its alternatives analysis must be considered correspondingly incomplete, and as such, inadequate under NEPA.

3.3 *Inadequate basis to eliminate upstream retention pond storage in Screening Document*

The Screening Document, Section 2.5, makes a series of assertions reach its decision to eliminate upstream storage alternatives in the "final round" alternatives analysis in the DEIS itself. These include the following:

- Retention pond flood storage, on a standalone basis, "would provide [only] a moderate level of risk reduction," Screening Document, Section 2.5.8.

  Comment: State, regional and local agencies with flood control responsibility in the RR Basin have determined, on the basis of both technical study and experience with existing facilities in the RR Basin, that upstream flood retention storage may be an effective means of flood flow reduction. See the discussion of studies and reports in Section 3.4 of these comments, below. The assertions in the Screening Document are unsupported by study data or rigorous analysis.

- There is "insufficient national economic interest to support Federal involvement" in flood storage, Screening Document, Section 2.5.2.

  Comment: The absence of a "national economic interest" does not, by itself, justify eliminating an alternative which would resolve the RR Basin flood impacts on a regional basis. Indeed, the national economic interest would seem to require that the Corps consider basin-wide and regional alternatives. Further, NEPA requires consideration of all viable alternatives to the Proposed Action, regardless of local, regional or national interest, implementing agency or funding source.

- Studies show that retention pond storage alone cannot provide an acceptable level of flood protection to the F-M Metro. The Screening Document notes that a recent Fargo-Moorhead and Upstream Study estimates that a system providing 200,000 to 400,000 acre feet of upstream storage would cost between $160 million and $400 million. Stage reductions at Fargo-Moorhead for a hundred-year flood (1% chance) would range from less than 1.6 feet to 4.4 feet. Screening Document, Section 2.5.2.

  Comment: That retention pond storage by itself does not furnish a total solution likewise does not justify its elimination from further detailed study as an effective alternative. Consistent with a basin-wide approach, the Corps' DEIS should have analyzed such storage in conjunction with other measures, as a viable alternative that would meet its Purpose and Need.

- "Large amounts of land" would be needed, and "most of that land would need to be taken out of agricultural production, potentially impacting rural communities. Transportation impacts could result because roads may need to be relocated. * * *". Screening Document, Section 2.5.4.

Comment: No assumed upstream project scale is provided as a benchmark for such assertions; nor is any study or other documentation provided to support them. Potential rural "transportation impacts" are not compared to the massive urban transportation and infrastructure impacts detailed for the Preferred Alternative in the DEIS (See Appendix L, Cost, Project Cost Summary Sheet – ND 35K, p.2, "Relocations").

- A large-scale retention pond project (whose parameters are not defined in the Screening Document) would be "difficult to implement in a reasonable amount of time, less than 10 years." Screening Document, Section 2.5.6.

  Comment: The DEIS provides no foundation for the statement that an adequately-scaled distributed flood retention program could not feasibly be constructed in a decade. The Preferred Alternative is estimated to take 8.5 years to complete. A difference of 1.5 years on a project of this scale is not material and does not justify eliminating a thoroughly-researched, technically credible alternative at the screening stage of the EIS process. See DEIS, Section 3.5.4.2.

- Site acquisition would have "legal issues," (the nature of which are unspecified in the Screening Document). Screening Document, Section 2.5.6.

  Comment: The Screening Document and the DEIS fail to identify the legal issues that would provide a reasonable basis, or any basis, for removing retention pond storage from the alternatives to be considered in the DEIS.

- "Appropriate and economical" retention pond sites are scarce in the watershed upstream of Fargo-Moorhead. Screening Document Section 2.5.6.

  Comment: Neither the Screening Document nor the DEIS provides any factual or technical basis for the assertion that there is a "scarcity" of sites for upstream retention. Information in Technical Paper 11 suggests the very opposite. Twenty six (26) sites are identified in it as viable for retention in the Bois de Sioux watershed, one of which has already been constructed and others are currently under development as does the recently completed study "Application of the Flow Reduction Strategy in the Bois de Sioux Watershed." These twenty-six sites would, cumulatively, provide about half of the upstream storage required to reduce flows by 20% on the Red River at the F-M Metro. Planning is underway to identify sites in the Wild Rice (North Dakota) watershed, which is the other major contributor to flood flows on the Red River at the F-M Metro.

The City believes that the Corps' elimination of upstream flood storage alternatives in the Screening Document was arbitrary and capricious, as was the consequent failure of the Corps to consider any of these alternatives among the range of true alternatives selected for detailed environmental analysis in the DEIS itself.

3.4 *Inadequate consideration in DEIS of upstream retention pond flood storage alternative*

With the foundation for elimination of this alternative thus laid in the Screening Document, the DEIS itself, Section 2.3.4, unreasonably dispatches upstream storage pond retention stating (i) the inability to assume such facilities will be built on a scale sufficient to significantly reduce flood risk; (ii) that USACE (and other) studies as indicating stage reductions at the F-M Metro of only up to 1.6 feet in a 100-year (1% chance) event, and (iii) that "the economic benefits would likely not support federal participation."

As to (i), NEPA does not require statistical certainty for an alternative to be studied in an EIS, rather only that it be a reasonable alternative in light of the Project Purpose and Need. Under NEPA, as an otherwise implementable alternative with potentially lower downstream environmental effects, upstream retention qualifies as such an alternative, not to be discarded on the basis of benefit / cost comparisons alone. As to (ii), the Corps' position is belied by a considerable body of study data to the contrary, some of which is described below and none of which the DEIS cites or discusses. As for reason (iii), the degree of economic benefits, as measured using federal or Corps methodology (e.g., measurement under National Economic Development (NED) criteria using the 1983 principles established by the Water Resources Council methodology, see DEIS, Section 3.7.2.1), while furnishing a basis for selection among *federally* implementable alternatives themselves, is not a NEPA criterion for comparison of federal and otherwise feasible non-federal alternatives.

Significantly, none of the reasons cited in the DEIS for elimination of upstream storage include adverse or beneficial environmental effects. The DEIS contains no discussion of the environmental effects of these alternatives, either singly or in comparison to the Preferred Alternative. NEPA requires that each reasonable alternative be "rigorously" explored and its environmental effects identified and evaluated. CEQ Regulations , 40 CFR Sections 1502.14(a). The environmental effects of the respective alternatives must then be compared, as between the particular alternatives. 40 CFR Section 1502.16.

Several recent studies and reports show that upstream retention and basin wide strategies would be equally effective as the Preferred Alternative, and would have positive environmental effects. The Corps ignored these studies, both in its overall alternatives screening process and in the DEIS discussion of alternatives, DEIS Section 3, including its comparison of alternatives, DEIS Section 3.7.

Among these studies is Technical Paper No. 11, dated May, 2004, by the Technical and Scientific Advisory Committee of the Flood Damage Reduction Work Group ("Technical Paper 11") online at http://www.rrwmb.org/files/FDRW/TP11.pdf, an executive summary of which is included in Appendix I hereto. Technical Paper 11 evaluates and recommends an array of alternatives, including upstream impoundments along with downstream urban measures, such as removal of channel and floodway obstructions, each contributing to flood prevention in its own way, in tandem with others. This paper ranks the Corps' diversion channel Preferred Alternative as medium to low in appropriateness for implementation in F-M Metro portion of the RR Basin. (Table 1, p. 36).

Similarly, the RRBC , a basin-wide planning organization in which the Corps participates, published in January 15, 2010 a "Progress Report to the Minnesota Legislature," executive summary included in Appendix 1 hereto, also available at http://www.redriverbasincommission.org/Long_Term_Flood_Solutions/2-3-2010_MN_Leg_Rpt.pdf ("RRBC Progress Report"). The RRBC Progress Report sets out a detailed flood damage reduction / project identification strategy calling for reduction in Red River and tributary flood flows by a target percentage (currently set at 20 percent), through a mix of RR Basin-wide approaches, including retention dams, wetland creation/ restoration, impoundment, etc.

Among the findings in the Progress Report is an estimate that a million acre-feet of storage would be sufficient to provide basin-wide protection from a flood similar to that of 1997. Using current costs of $1000 per acre-foot, a basin-length project would cost in the range of $1 billion. RR Basin Progress Report, Appendix 4.

The Corps Planning Guidance Notebook ER 1105-2-100, contains, in Appendix H, a "Project Study Issue Checklist" ("Corps Issue Checklist") that includes the following planning checklist item (No. 26): "Was the planning effort *conducted in a systems/ watershed context* and was this reflected in the presentation of the without-project conditions, problem and opportunity statements, and the plan formulation, evaluation and selection?" (Italics added.)

Failure of the DEIS to consider – or even mention – Technical Paper 11, the RR Basin Progress Report, or the substantial technical literature of which these important studies are a part, evidences the Corps' intent to arbitrarily limit consideration of alternatives, to an extent that not only renders the DEIS seriously inadequate under NEPA but also patently nonconforming with the Corps' own regulations and guidance.

3.5 *Failure to evaluate the Proposed Action and the Preferred Alternative in light of existing local / regional flood management policies*

CEQ Regulations require that an EIS "discuss any inconsistency of a proposed action with any approved State or local plan and laws (whether or not federally sanctioned). Where an inconsistency exists, the statement should describe the extent to which the agency would reconcile its proposed action with the plan or law." 40 CFR Section 1506.2.

The DEIS wholly fails to address local plans and policies, including the regional flood reduction policy of the Red River Watershed Management Board (RRWMB), a joint-powers agency comprised of Minnesota watershed districts within the RR Basin. This policy, called the "20% Reduction Policy," developed for the entire RR Basin by the RRBC, centers on the concept of flood flow reduction on the Red River main stem and its tributaries by altering the hydrology of the contributing watersheds on a basin-wide effort. It is described in detail in Appendix 4 to the RRBC Progress Report.

On June 14, 2010, the Board of Managers of the RRWMB formally adopted the 20% Reduction Policy. A copy of the minutes of this Board of Managers meeting is attached as Appendix II hereto. These minutes note, in their words, the Corps' "disagreement" on the benefits of such

policy. That the Corps might disagree with a local policy is not a sufficient reason to ignore the policy in the DEIS or to fail to study the alternatives on which the policy is based.

In this case, the 20% Reduction Policy has been developed by the RRBC and adopted by the RRWMB as a policy direction for itself and its constituent watershed districts. As noted throughout these comments, the Corps' planning approach to flood protection in the F-M Metro, as set forth in the DEIS, materially conflicts with the 20% Reduction Policy. The DEIS fails to squarely address and analyze the conflict of this policy with both the Proposed Action as well as with the Preferred Alternative itself. See also 40 CFR 1502.6(c) (need to discuss possible conflicts between the Preferred Alternative and objectives of Federal, regional, State and local land use plans, policies and controls).

Funding for development of the 20% Reduction Strategy has included $1 million in funding from the North Dakota and Minnesota legislatures ($500,000 from each); to the extent both states have encouraged, and funded this policy development and are receiving progress reports on it, including the RRBC Progress Report, the work of the RRBC and the 20 % Reduction Policy may also be considered policies of the States of Minnesota and North Dakota. Moreover, the State of Minnesota, through its Flood Damage Reduction program administered by the Department of Natural Resources, has invested heavily in storage projects in the Red River Basin. These projects are consistent with the 20% Reduction Strategy.

The Corps Issue Checklist requires response to the following checklist item (No. 28): "Did the planning effort collaborate with other Federal, state, Tribal, and local entities to develop ***solutions that integrate expertise, policies, programs, and projects across public entities***?" (Italics added.) Failure of the DEIS to consider, and either integrate or explicitly justify non-integration of the 20% Reduction Policy, or similar state or regional watershed policies, with the Proposed Action and the with the Preferred Alternative not only contravenes NEPA, as discussed above, but the Corps' own guidance as well.

3.6 *Mischaracterization of research findings on the "waffle" micro storage alternative*

The Screening Document also considers and summarily rejects the "waffle" storage alternative, Section 2.5.2. The Screening Document cites a December, 2007 paper by the Energy and Environmental Research Center (EERC) at the University of North Dakota, for the proposition that "flood stages in Fargo-Moorhead during the 1997 flood (nearly a 1-percent chance flood event) could have been reduced by 3.3 to 4.4 feet if the Waffle Project had been in place" and on this basis states that "this alternative would have a low level of effectiveness." The "waffle" discussion is thus screened out and never carried forward; it goes unmentioned in the DEIS itself.

Both the Screening Document and the DEIS omit mention entirely of a later EERC report, "Cost-Benefit Analysis of the Waffle: Initial Assessment," July, 2008 ("EERC Report), available online at http://ageconsearch.umn.edu/bitstream/42216/2/AAE603.pdf., summarized in an EERC newsletter included in Appendix I. In actuality, this report, and extensive, and long-term, EERC research overall, come to the entirely opposite conclusion.

The EERC Report estimates that had some form of "waffle" been in place upstream in 1997, it would have reduced the crest height at Fargo/ Moorhead by between 3.91 feet to as much as 6.17

feet, depending on the scale on which it were deployed. The EERC Report concludes that "[i]n the case of Fargo/Moorhead, the anticipated crest height reductions appear to be substantial." EERC Report, p. 40. Overall, the analysis concludes that "the Waffle appears to be capable of generating around $200 million to $600 million in net benefits over a 50-year period." EERC Report, p. 56.

Failure to accurately characterize and soundly analyze research studies and data on the "waffle" renders the DEIS' lack of consideration of this alternative incomplete, misleading and in violation of NEPA.

3.7 *Cost-benefit analysis ignores upstream benefits and is an improper means of comparing the merits of upstream storage to the Preferred Alternative*

Section 2.5.10 of the Screening Document states that only preliminary economic benefits of upstream storage were assessed for the F-M Metro and that these results showed that the "National Economic Development" benefits would equal less than one-third of the cost of an effective upstream storage project. Similarly, Section 3.3. of DEIS Appendix C, Economics, concludes that "there is not a practicable amount of upstream storage volume to adequately reduce flood damage at the F-M Metro in an economically feasible manner."

The Corps' limited assessment focused only on the benefits to the F-M Metro and fails to account for the benefits of upstream storage to persons or properties upstream of the F-M Metro. For example, benefit computations in the DEIS include no benefits to upstream farmers from flood water retention.

More importantly for EIS analysis, CEQ regulations, 40 CFR Section 1502.23, provide that "[f]or purposes of complying with [NEPA] the weighing of the merits and drawbacks of various alternatives need not be displayed in a monetary cost-benefit analysis and ***should not be when there are important qualitative considerations***." (emphasis added.) In the present instance, "important qualitative considerations" include the environmentally positive ***or negative*** effects of upstream flood retention, as to which, a purely numerical cost-benefit analysis is not, under the regulation cited, a substitute for comparative analysis of environmental impacts themselves under NEPA.

Stated otherwise, the environmental impacts – positive or negative -- of upstream flood retention may add to, or possibly detract from, the greater cost of installing or operating such retention systems. A decision-maker cannot tell, since no "weighing" of the relative environmental "merits and drawbacks" of upstream storage, in relation to the Preferred Alternative, is undertaken in the DEIS, as NEPA requires.

3.8 *The DEIS should evaluate an alternative comprising a mix of distributed storage and other flood control techniques*

Alternatives incorporating upstream storage as a large – possibly even principal – component of the Proposed Action should have been considered in the DEIS alongside the diversion channel alternatives. To do so is required by NEPA and, as noted above, is supported by considerable technical opinion, some of which is cited here. Without a detailed analysis in the Feasibility

Report and the DEIS of the upstream retention alternative, it is not possible to know whether, as the City believes, upstream retention might potentially eliminate or at minimum scale back the need for, and the size of, the Preferred Alternative and if so, what the environmental impacts, beneficial or detrimental, of such a combination of components might be.

3.9 *Final alternatives considered are only engineering design variations of the same project*

The final six alternative designs evaluated by the Corps in the DEIS are not true alternatives and do not constitute a reasonable range of alternatives within the spirit of NEPA. Rather, they are design iterations of a single engineering solution. While engineering variables like anticipated load or demand, projected capacity and ultimate location might define a normal range of design alternatives in, e.g., an EIS for an Interstate highway project, the region-wide and historical flooding of the Red River Basin demand a much broader and flexible approach to potential solutions and alternatives. The regional nature and greater complexity of the causes of basin-wide flooding require, under NEPA and the Corps own regulations, a correspondingly wider-gauge approach to alternatives analysis than that employed in the DEIS.

The Corps' failure to fully describe and seriously evaluate, as one of the DEIS alternatives, upstream retention measures to reduce flood volume and/ or beneficially alter flood timing in the F-M Metro, and to compare the environmental merits of such measures to the Preferred Alternative, renders the DEIS inadequate, unreasonable, arbitrary and capricious and requires that the Corps prepare a supplemental DEIS for public notice and comment and ultimate consideration by the Corps' decision makers.

4. Inadequate analysis of downstream impacts, including cumulative impacts

4.1 *Data and analysis on immediate downstream impacts is incomplete and too narrow in geographic scope.*

The DEIS expressly admits that analysis of downstream impacts is incomplete: *"[a]dditional analysis will be completed on the downstream impacts. * * * Updated downstream impact information will be fully quantified in the final feasibility report and environmental impact statement."* Section 3.7 and Section 5.2.1.4. [all italics in original]. Downstream impacts from the Preferred Alternative will likely have foreseeable significant adverse effects on the environment. This information is essential to a "reasoned choice among alternatives" and the cost of obtaining the information are not exorbitant. Pursuant to CEQ Regulations the Corps "shall include the information in the environmental impact statement." See Regulations, 40 CFR Section 1502.22(b). The Corps' failure to include the downstream impact information or to explain the basis for the incomplete information violates NEPA and renders the DEIS inadequate.

Equally serious as these "gaps" in its DEIS impacts analysis is the Corps' limitation of the study area downstream only as far as Halstad (approximately ten river miles downstream from the City). DEIS, Section 5.2.1.4. The DEIS indicates that the Corps modeled flood flows only as far upstream as Hickson, MN (river mile 485) and downstream to Halstad (river mile 375). Appendix B, Hydraulics, Section 8.1.1. Given the incomplete nature of the Corps' modeling, it

appears pointless for the City, through its engineering consultant, to attempt evaluation and meaningful comment on, e.g. the Downstream Water Quantity comparisons, Table 32. Therefore, the Corps should prepare a supplemental DEIS that contains all required alternatives and studies of adverse effects.

4.2 *New Corps modeling data released August 3, 2010 shows substantial downstream impacts, contrary to results anticipated in DEIS itself*

On Tuesday, August 03, 2010, the Corps released a document entitled ""Preliminary Downstream Impact Analysis" dated as of "July 2010," ("Preliminary Downstream Analysis") containing analysis of anticipated impacts downstream of the two "final" diversion alternatives considered in the DEIS, the North Dakota 35K and the Minnesota 35K. This information is substantial in nature, and includes, for example, specific information as to structures at risk downstream of the project area in 10 year, 50 and 100 year flood events, as well as flood stage information at a number of cities in this study area, from Georgetown, just downstream of the diversion, to other cities not previously included in the model. In essence, the Corps has extended its impact model further downstream from Halstad, practically to Grand Forks.

This 11th-hour information now shows, for the first time, that flood stages below Halstad, instead of diminishing, remain substantial, because of the shift in timing of flood flow increases from the F-M Metro and the diversion project. This is contrary to the expectation of the DEIS itself that flood stages would be reduced at downstream locations, DEIS Tables 32-34, pp. 147-150.

The study does not as yet extend to Grand Forks, but the Corps notes that it "will continue to analyze the impacts downstream of Thompson and will report these findings as they become available. The Corps will also complete economic and takings analyses for the area downstream of Halstad and eventually Thompson in the future."

This latest data further reinforces the position taken in these comments that both data on downstream flood flows and analysis of the impacts of such increased flows are incomplete and inadequate bases for an informed decision under NEPA and that the Corps should supplement the DEIS and resubmit the Supplemental DEIS for public comment.

4.3 *Mitigation discussion too limited in geographic and economic scope*

As with downstream impacts, the DEIS consideration of downstream mitigation measures is unduly limited in geographic and economic scope. The DEIS limits its consideration of such measures only as far downstream as "Economic Area 2," the Sheyenne River outlet at approximately river mile 427, DEIS, Figure 24, p. 60. No mitigation to areas below "Economic Area 2" is discussed, except for the cursory statement, in DEIS Section 5.2.3.2.1 that "[f]or landowners outside the project area that experience increased flood stages when compared to the current without project condition, further analysis will be undertaken to determine if there has been a taking. For any properties that are deemed to have incurred a taking, compensation would be required."

As a practical matter, "takings" claims (sometimes called "inverse condemnation" claims) initiated by private persons – as opposed to eminent domain proceedings brought by

governmental units – are slow, uncertain and expensive. The promise of the DEIS of an unspecified "analysis" of damage to downstream residents and communities rings hollow.

More broadly, however, mitigation comprises much more than payments for land deemed "taken" for a project. As further discussed under "cumulative impacts," below, the Corps' narrow treatment of downstream economic mitigation is wholly inadequate under NEPA standards.

4.4 *Inadequate treatment of environmental justice*

The DEIS considers environmental justice at Section 5.2.3.3. While it correctly notes that the Corps, as a federal agency, must comply with Title VI of the Civil Rights Act, 42 U.S.C., Sec. 2000 et seq., and Executive Order (EO) 12898, February 11, 1994, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," its consideration of environmental justice ("EJ") is entirely deficient.

CEQ's guidance "Environmental Justice Guidance under the National Environmental Policy Act," online at http://ceq.hss.doe.gov/nepa/regs/ej/justice.pdf ("CEQ NEPA Guidance") calls for environmental justice to be addressed in the EIS scoping phase. An agency "should preliminarily determine whether an area potentially affected by a proposed agency action may include low-income populations, minority populations, or Indian tribes, and seek input accordingly." When, as here, scoping is used, the agency should seek input from such populations "as early in the process as information becomes available." CEQ NEPA Guidance, pp. 10-11. The Scoping Document for the DEIS (September, 2009) includes no scoping of – nor indeed any mention of – EJ.

The DEIS confines its EJ analysis to the project area itself, i.e., portions of Cass County, ND, and Clay County, MN along the route of the Preferred Alternative. See Figures 83-86, DEIS, pp. 239-242. It evaluates previous environmental degradation as well as project-related impacts including residential and business displacement, changes in accessibility and mobility afforded by the project, and noise. DEIS, p. 243. It concludes that none of the proposed diversion channel alignments disproportionately impact only areas with minority or low-income populations in either State, and that "all communities in the project area are expected to experience the beneficial impact of a reduction in future flood events * * *," DEIS Section 5.2.3.3.8.

The Corps was required to scope and include in its DEIS EJ consideration potential project impacts to minority or low income persons and communities area-wide, including not only the F-M Metro but downstream. EJ analysis, under NEPA, must be conducted for the entire "affected environment." Agencies should first "identify a geographic scale for which they will obtain demographic information on the potential impact area," CEQ Guidance, p. 14, following which they should analyze how environmental effects "are distributed within the affected community." Id.

The DEIS assumes, without discussion, that the relevant geographic scale for EJ analysis is the project area. Yet it is clear from the DEIS itself that the Preferred Alternative generates significant benefits and burdens, over a wider geographic area than this Corps-defined project

area. Low income people, e.g., senior citizens, in small communities downstream of the F-M Metro may very likely be disproportionately affected by future flood effects from the Preferred Alternative. The potential for disproportionate impact is real. While median household income reported in the 2000 Census for Cass County, North Dakota and Clay County, Minnesota, cited in the DEIS, Table 42, is $38,147 and $37,889, median household income from the same source for Norman County, Minnesota, not mentioned in the DEIS, is only $32,535.

Since no effort has been made by the Corps to identify an appropriate geographic scale for EJ analysis, the issue has not been addressed in the way NEPA and the EO require. The DEIS must be supplemented to correct this deficiency.

4.5 *Incomplete analysis of cumulative impacts*

Cumulative impacts analysis is a central, and critical, component of NEPA, as recognized by the CEQ, in its guidance document "Considering Cumulative Effects" (January, 1997) ("CEQ CE Guidance"), online at http://ceq.hss.doe.gov/nepa/ccenepa/ccenepa.htm. Incomplete modeling of flood impacts downstream from the study area, for each of the final alternatives, and failure of the DEIS to consider anything beyond possible "taking" of real property, make a meaningful evaluation of cumulative effects on downstream communities impossible. Based on the incomplete information in the DEIS, there is no way for the City, or any other commenter for that matter, to evaluate the effect, over time, of an increased flood stage at or near Hendrum on, for example:

(a) Impacts to agricultural land.

(b) Damage to improvements, including residential and commercial properties.

(c) Additional economic and psychological burden to local residents from increased flood fighting efforts.

(d) Economic damage to residents, including reduced farm or business income.

(e) Increased flood insurance expense.

(f) Increased risk to persons and property resulting from flood-delayed response by law enforcement and other emergency responders, such as fire and ambulance.

(g) Damage to public infrastructure, such as roads, bridges, culverts, levees and utilities, and correspondingly higher fiscal burdens to residents for maintenance, repair or replacement of such infrastructure.

(h) Accelerated migration of rural residents, particularly younger people, to the safety of a Fargo Moorhead metropolitan area protected from floods, an island of privilege surrounded by smaller, unprotected communities. These communities, left with declining and aging populations, and vulnerable to flood, as much or more than they are today, may suffer irreversible decay. NEPA requires analysis of this socioeconomic degeneration. CEQ CE Guidance, Appendix A, Section 11,

"Social Impact Analysis." But the DEIS is silent on it and on this basis alone is inadequate and must be supplemented before it is presented to Corps' final decision maker.

As illustrations of this very real future, in plain language, see the Comments of the Mayors of the Cities of Perley and Hendrum, MN, in Appendix III

Cumulative effects are not limited to effects over time but also includes contemporaneous effects of other projects on the Preferred Alternative. CEQ CE Guidance, Section 2. Nowhere in its cumulative effects analysis, DEIS, Section 5.4, does the Corps consider the cumulative effects of the Preferred Alternative in conjunction with other recent or proposed diversion and levee projects in the RR Basin, whether of the Corps or other units of government. To illustrate: existing flood levees in the F-M Metro have the effect of raising the stage at Hendrum by "X" inches. The Preferred Alternative, as analyzed by the Corps, has, by itself, the effect of raising the stage at Hendrum by "Y" inches, and this "Y" figure is presented in the DEIS. But no data is provided for the cumulative effect of both the Preferred Alternative and the existing F-M Metro levees on flood stage at Hendrum, which would, in reality, equal "X" plus "Y."

Downstream communities, including the City, confront the same risks, and bear the same burdens, as are graphically (and pictorially) depicted for the F-M Metro. See Section 2.3.3 of the DEIS. These downstream communities and people are owed a detailed analysis and explanation of the impacts, including cumulative impacts listed above, under and each of the final alternatives. Without such analysis, the DEIS is inadequate and must be supplemented.

5. Conclusion

Red River flooding has, over the years, generated a wealth of information, project ideas and experience with functioning projects, including retention projects. This knowledge base is now shaping new policies and directions, focused to an increasing degree on flood flow reduction, through, among other solutions, various forms of upstream retention. The body of knowledge, critical to NEPA analysis of a project of this scale, is largely missing from the DEIS. The reader is offered instead a compendious display of technical data which masks the evident disinterest of the Corps in anything other than a diversion channel.

The absence of substantial and significant information regarding the environmental and other impacts of the Preferred Alternative likewise renders the DEIS inadequate on its face and requires that the Corps prepare an updated Supplemental DEIS to include all information on which the Corps based its decision to adopt the Preferred Alternative. The Corps' failure to include critical impact information in the DEIS violates NEPA and its own NEPA regulations, is arbitrary and capricious as well as unreasonable.

The last-minute publication by the Corps on August 3, 2010, six days before the comment deadline, of new flood information showing significantly higher downstream flood stages than anticipated in the DEIS itself, and unaccompanied by any updated interpretive analysis of impacts of such higher stages, requires that a reasonable extension of time be granted for review and comment on this supplemental information. Under the Corps NEPA regulations, 33 CFR Section 230.19(a), the District Commander will consider and act on requests for time extensions

based on, among other factors, the timeliness of distribution of material. We would request the extension of the comment period for 14 days from either (i) August 9, 2010; or (ii) such later date as the Corps considers submission of all information and analysis on downstream impacts to be complete.

The City reserves the right to provide additional comments at such time as any further "update" information is provided by the Corps to the public for comment.

Respectfully Submitted

LINDQUIST & VENNUM PLLP

Jonathan P. Scoll

Julie M. Duckstad

cc: The Hon. Curt Johannsen, Mayor, City of Hendrum, Minnesota
The Hon. Ann Manley, Mayor, City of Perley, Minnesota
Diane Ista, Manager, Wild Rice Watershed District

APPENDIX I

EXECUTIVE SUMMARIES OF TECHNICAL DOCUMENTS

1. Sandy Van Eck, "Waffle® Final Report Puts Benefits Near 800 Million," University of N. Dakota Energy & Environmental Research Center, "Edge", Newsletter, P. 1 (Jan.-Feb. 2009)

Waffle plan economic benefits for larger communities could exceed $800 million

The Energy & Environmental Research Center (EERC) has announced the release of the final results and conclusions for the Waffle® Flood Mitigation Project, a multiyear effort to evaluate the technical, social, and economic feasibility of a basinwide, distributed water storage strategy. Temporarily storing springtime runoff in existing "depressions" within the basin, primarily ditches and low-lying fields bound by roads, would create a distributed network of channels and control structures for the temporary storage and controlled release of the retained water to reduce peak flood crests.

The results of the project indicate that the Waffle concept is a viable means of preventing damage from large springtime floods.

"This approach is particularly effective as a means of intercepting, controlling, and reducing overland runoff and, as such, offers an excellent augment to conventional flood mitigation efforts," said Senior Research Manager Beth Kurz.

"If the Waffle concept would have been in place in 1997, this would have augmented the dikes in place, and we would not have had a flood," said EERC Director Gerald Groenewold, who worked diligently in 1997 to initiate the Waffle project. "There are two types of dikes: those that have been breached and those that will be. The only way to provide real, economically viable security against flooding in this region is by augmenting the current dike systems."

According to the 523-page report, the estimated flood mitigation benefits of the Waffle approach for large communities up and down the Red River Valley are on the order of hundreds of millions of dollars. Some scenarios show that Waffle implementation would save more than $800 million in flood damage over the next 50 years (this is a net benefit, meaning the costs of implementing the Waffle were already subtracted). The cost of flood-related damage from the 1997 flood, a modestly-sized flood compared to other historically documented floods, topped $2 billion throughout the Red River Valley.

The economic analysis was conducted by agronomists at North Dakota State University in Fargo. The economic evaluation included enrollment costs, landowner payments, infrastructure modifications and installations, maintenance, and administrative overhead for landowners who would participate in the Waffle.

Using hydrologic and hydraulic modeling, the study also shows that, if implemented, the Waffle would reduce peak flooding by as much as 6.2 feet along the Red River during a 1997-type event.

"These results are absolutely tremendous," said Groenewold. "Given the history of severe and very frequent flooding in the region, a basinwide flood mitigation approach like this must be implemented to provide long-term security from floods to safeguard the economic vitality of the

region. The results show that coordinated, basinwide water management is viable and the Waffle is an excellent example of an option available right now for implementation," he said.

The Waffle approach would also provide unquantified benefits to areas with limited or no flood protection measures, such as agricultural lands, farmsteads, smaller communities, and rural infrastructure. It would also reduce soil erosion and increase soil moisture and groundwater recharge during periods of draught.

"A key factor that makes the Waffle approach such an effective flood mitigation measure is its ability to reduce the overall volume of floods. During field trials of the concept, because of evaporation and infiltration into the soil, we saw an average water loss of about 38% of the total storage volume. Rather than allowing that water to rapidly drain and overwhelm nearby streams and rivers, we were able to slow it down and let a portion evaporate and infiltrate," Kurz said. "To achieve all of the benefits the Waffle has to offer, less than 5 percent of the total Red River Basin land area would have to be used for temporary water storage during the spring."

Article online at http://www.undeerc.org/news/pdfs/EERCNewsletter2009JanuaryFebruary.pdf

2. E.A. DeVuyst, D.A. Bangsund, and F.L. Leistritz, "An economic analysis of the Waffle," 64, Journal of Soil and Water Conservation, 7 (JAN/FEB 2009)

The Red River of the North has a long history of flooding. A host of physical characteristics and man-made factors contribute to widespread flooding in the basin. Attempts to mitigate flood damage in the basin have been limited to using dikes/levees and waterways/diversions. Other flood mitigation strategies are insufficient by themselves to make meaningful reductions in flood damages, and spring flooding continues to cause damage. Another option to mitigating flood damages in the Red River basin is the concept of using hundreds or thousands of 'micro-basin' storage areas, called the Waffle, comprised of roads and adjacent lands throughout the region. This study employs net present value analysis to evaluate the economic feasibility of using the Waffle to reduce flood damages in the basin. Net benefits are positive in 130 of the 132 scenarios evaluated. Eighty-five percent of the scenarios resulted in over $300 million in net benefits, and nearly 68% have net benefits in excess of $400 million. The large positive net benefits from the Waffle suggest that policy makers should compare the cost-effectiveness of Waffle-type and structural flood protections. There are likely flood-prone areas that nonstructural flood protection alone or in combination with structural measures will be economically preferred to structural measures alone.

3. Charles L. Anderson, P.E., "Application of the Flow Reduction Strategy in the Bois de Sioux Watershed," Bois de Sioux Watershed District/Red River Basin Commission (June 4, 2010)

The Red River basin is developing a strategy that would reduce flood damages throughout the basin by reducing the flood volume enough to reduce peak flows along the entire length of the River by 20%. This strategy is known as the "Flow Reduction Strategy." Flow would be reduced primarily by storing flood water within the contributing watersheds. The amount of flow reduction required was estimated by the Basin Commission using a Mike 11 hydrodynamic model of the 1997 spring flood. The goal of the study was to identify, if possible, storage sites within the Bois de Sioux Watershed with the cumulative capacity to provide the Bois de Sioux's allocated portion of the required Red River flow reduction.

Storage sites were identified and their impact to the Red River modeled. The identified storage sites, including storage sites in South Dakota, are essentially able to meet Bois de Sioux Watershed's allocated share of the RRBC Flow Reduction Strategy requirements. The most significant difference is related to White Rock Discharges. The RRBC Mike 11 modeling effort assumed a 20% peak flow reduction at White Rock and a 20% reduction in volume. The achieved results at White Rock were a 13% reduction in peak flow and a 16% reduction in volume. The difference in volume reduction is that a large part of the flow reduction, 27,622 ac ft or approximately 30% of the storage allocated to the Traverse Basin, was in breakout flows from the Mustinka to the Rabbit, that occur in the area along the Mustinka River where the river comes down out of the beach ridge and enters the lake plain. Therefore, storage in the Mustinka (Traverse) Basin reduces flows on the Rabbit River.

The hydrographs from HMS for White Rock and the Rabbit River were used as input to the Mike 11 model, to model the affects of the Bois de Sioux Watershed's flow reduction at Breckenridge, Fargo, Halstad, and Grand Forks. The model was run with just the Bois de Sioux reduction and with proposed reductions for each tributary. Bois de Sioux Basin reductions result in 20.8% and 9.3% peak flow reduction on the Red River at Wahpeton and Fargo, respectively, in the model of the 1997 flood. Including reductions in the Mike 11 model from the other Red River Tributaries, the peak flow reduction is 20.9% and 21.8%, respectively, which exceeds the 20% flow reduction goal.

4. Charles L. Anderson, P.E., "Appendix 4—MIKE 11 Mainstem Model: 20 Percent Flow Reductions" Red River Basin Commission Progress Report to the Minnesota Legislature (January 15, 2010)

Flood damage reduction efforts have often focused on individual communities or interests and taken the form of a protection strategy. Commonly implemented protection measures include levees and diversion channels. While these measures are effective, can be implemented in a relatively short time frame and provide a necessary degree of flood damage reduction protection for urban areas and farmsteads, they do little to reduce the overall flood problem. In fact, they simply move excess flood water from one area of the basin to another. This forces basin planners to allocate protection on some basis of need. Determining in essence whether it is ok to protect large communities at the expense of small communities; small communities at the expense of farmsteads; farmsteads at the expense of farmland; and farmland at the expense of natural land (or vice versa). A comprehensive approach that considers flood flow reduction as the primary protection strategy complimented with the levees, floodway improvements, and diversions should be the preferred strategy.

The flow reduction strategy reduces flows on the mainstem by altering the hydrology of the contributing watersheds as a basin wide effort. The benefits of reduced flooding would be distributed along the entire length of the Red River, not just to targeted communities. Equally important, the benefits would extend far upstream into the tributary watersheds to the benefit of agriculture, farmsteads, roads & bridges & other infrastructure, water quality, flow augmentation and the natural environment. Implementing this strategy requires allocating the necessary flow reductions to each contributing watershed.

To assist in the flow reduction allocation process, the Red River Basin Commission developed a Red River Mainstem model. The model was based on Mike 11 software developed by DHI Water and Environment Inc, Denmark. It has been calibrated to simulate the 1997 spring flood. Physical features of the Red River and its flood plain are represented in the model as cross-

section data. Hydrologic inputs are the measured flows from the main tributaries and derived flows from the ungaged tributary areas. This model can now be used to simulate the mainstem response to reduced flows from tributary areas.

As a preliminary exercise, the tributary flows were reduced in the model to meet a peak flow reduction goal of 20% along the entire length of the Red River Mainstem. A factor in selecting 20% reduction as an initial goal was the effect it would have had at Grand Forks in 1997. That amount would have reduced the flood to a level that the (then existing) levees would have been expected to withstand. A 20% peak flow reduction would also reduce 100 year flood peaks along the mainstem to those that now correspond to about a 50 year flood. The modeled results are shown on the attached figures. The flow reduction required from each subwatershed is illustrated as the difference between the existing and altered tributary hydrographs.

Tributary reduction strategies were based on timing, by targeting waters contributing the most to mainstem peaks. Other factors considered include tributary damage reduction and the practicality of achieving specific flow reductions. Tributary peak flow reductions ranged from 0 to 50%. Peak flow reductions on strategic tributaries were about 35%. The combined flow reduction on all tributaries upstream from Emerson totaled 885,000 acre-feet, which is about 13% of the total 1997 flood volume at Emerson. A 35% peak flow reduction on tributaries would roughly correspond to reducing 100 year flood flows to those currently associated with 25 year floods.

The amount of constructed storage required to achieve a 20% peak flow, reduction on the mainstem would likely be greater than 885,000 acre-feet depending on the quality (efficiency) of storage provided. Flow reduction can be achieved by implementing a wide variety of measures including on-channel or off-channel impoundments; culvert sizing or waffle storage; wetland restoration or land use change. Gate controlled flood storage impoundments are the most efficient measure to reduce flood flows. Strategically located and precisely operated, they may have close to 100% efficiency in meeting the flow reduction goal. That is, the amount of constructed storage required to meet the 20% peak flow reduction goal would not be much greater than 885,000 acre-feet. On the other hand, flood specific factors such as variability in runoff will likely leave some constructed storage underutilized. Other measures, such as culvert sizing, provide only short term storage. Short term storage, in the right location, can reduce peak flows, but in the wrong location, it can actually increase peak flows. A mix of measures may be the best approach. The combined efficiency of the mix in meeting the tributary flood flow reduction goal would have to be determined locally.

The modified tributary hydrographs from the 1997 flow reduction model will serve as a starting point for an allocation process. The allocation goal should be to distribute to each watershed a fair share of the responsibility to manage its flood flows and the local benefits that can be realized by doing so. Each watershed would determine, through the use of its own models, what would be required to modify its outflow hydrograph to approximate the flow reduction shown. They would be encouraged to do so in ways that also meet local flood control goals, so the resulting reduced outflow hydrographs may vary more or less from that originally allocated and thus result in more or less benefits on the mainstem. Some watershed areas may be unwilling or unable to meet their allocation goal. Their share may then be reallocated to another area. The model would be used to determine the most effective ways to reallocate tributary flow reductions to achieve the mainstem goal.

Implementing basin wide flood flow reduction will require significant investments over a relatively long time frame. The cost of gate controlled flood storage has recently been about

$1,000 per acre-foot. At that price, 1 million acre-feet of gate controlled storage would cost about $1 billion. The most cost effective projects tend to get constructed first, so it is probable that the costs of later projects will be higher. This, along with inflation, will likely increase the final cost of implementation. Flood flow reduction projects can present great opportunities for multipurpose benefits such as water supply, water quality and other water related natural resources. Including these benefits will add to the overall costs. Those additional costs should not be allocated to flood damage reduction, but they do need to be considered in estimating the total amount of public (local, regional, state & federal) investment and benefit that may be desired. Although the time frame for implementation is highly dependent on the availability of funding, it is also influenced by public acceptance and resolve. Historic construction rates of about 10,000 acre-feet per year have not been particularly difficult to maintain. At that rate it would take 100 years to construct 1,000,000 acre-feet. Given a very high priority of support, it could possibly be accomplished within 25 years.

Unlike localized quick fix strategies, flood flow reduction will provide a foundation for long term resolution of the persistent and widespread flooding problems that plague the entire Red River Basin.

5. Charles Anderson and Al Kean, "Red River Basin Flood Damage Reduction Framework," Technical Paper No. 11, Red River Basin Flood Damage Reduction Work Group Technical and Scientific Advisory Committee (May 2004)

Flooding is a major problem within much of the Red River Basin. This problem is primarily related to geology, topography, weather, and land use. The Flood Damage Reduction Work Group in Minnesota seeks to provide Project Teams, Watershed Districts and others with science-based and consensus-based tools to enable more effective flood damage reduction within the basin.

A fundamental premise of this technical paper is that flood damage reduction (FDR) along the main stem of the Red River and the lower reaches of its major tributaries (glacial lakebed region) is substantially dependent on the types and locations of FDR and related measures implemented upstream. Flooding in the glacial lakebed region of the basin is substantially affected by runoff timing and volume from upstream areas. Runoff timing and volume are, in turn, substantially affected by the topography, soils, precipitation and land use within different regions of the basin, as well as by the types and locations of FDR and natural resource enhancement (NRE) measures that may be implemented. A basin-wide FDR framework will better enable a coordinated approach to integrate various FDR and associated NRE measures that are most effective for achieving the overall goals envisioned by the Red River Basin Mediation Agreement adopted in December 1998.

The goal of this framework is to implement various types of FDR measures individually, or in concert, at locations for which they are best suited to achieve FDR benefits locally and in the watershed, while also contributing to reduction of main stem flooding risk. This framework includes FDR measures that are also NRE measures, and promotes multi-purpose projects.

This technical paper presents critical concepts about runoff timing and volume in relation to flood peaks on the main stem of the Red River, and facts about variations in topography, soils, precipitation and evaporation within the Minnesota portion of the basin, as foundations for defining the expected peak flow reduction effects of implementing various FDR measures within different areas of the basin. Available geologic, topographic, meteorologic and historical flood

data, as well as computed runoff travel times, are used to illustrate these concepts and to define "early", "middle", and "late" runoff areas within the basin relative to the downstream limit of the Red River Basin in Minnesota at the U.S./Canada border.

A wide array of alternative FDR measures are identified, categorized and discussed, including pros, cons, and general recommendations for the best areas in which to implement these measures to optimize overall FDR benefits. A summary table is presented for the identified array of FDR measures with ratings of potential for peak flow reduction on the main stem when these measures are implemented in early, middle, or late runoff areas relative to the main stem.

This technical paper stresses the importance of using multiple types of FDR measures in a strategic manner to achieve local, watershed, and main stem flood damage reduction. It presents a framework for creating policies and trends that will help to achieve basin-wide FDR goals, as well as NRE goals outlined in the Red River Basin Mediation Agreement.

This technical paper includes a multi-measure example of the Red River Basin, utilizing various types of flood volume reduction and temporary storage measures to reduce local, watershed and main stem flood peaks, and to provide NRE benefits. For this example, it is estimated that the collective effects could reduce the 100-year peak flood flow at the U.S./Canada border by approximately 20%.

A spreadsheet method is provided to assess and document the expected peak flow reductions on the Red River main stem at the U.S./Canada border of flood volume reduction and temporary storage measures implemented upstream. This method uses ratios of "implemented storage" (at a project location) to "ideal storage" (effect on main stem peak flood volume and flow) for different types of flood volume reduction and temporary storage measures located in early, middle and late areas relative to the main stem. These effectiveness ratios are based on flood routing and other experience of Technical and Scientific Advisory Committee (TSAC) members, including TSAC Technical Paper No. 10, "Basin Strategy Hydrologic Analysis," and other previous studies. This method could be used to track progress toward achieving long-term FDR and NRE goals.

It is intended that this technical paper be used in conjunction with other TSAC technical papers and the "User's Guide to Natural Resource Efforts in the Red River Basin," published in 2001, to give decision makers additional tools to assess and achieve basin-wide FDR and NRE goals.

APPENDIX II

MINUTES OF RED RIVER WATERSHED MANAGEMENT BOARD, JULY 14, 2010

Project Coordinator Report

***

R. Harnack reported that he attended the Long Term Flood Solutions (LTFS) Advisory Committee meeting of the RRBC. Discussions occurred on the storage allocation strategy. Concern regarding disagreement on the benefits of the proposed storage and the requirements to achieve the 20-30% mainstem reduction was addressed. An engineering firm retained by the RRBC has been advocating the U.S. Army Corps of Engineers (USACE) perspective on storage, and not necessarily the adopted policy of the RRBC. The RRWMB representatives on various RRBC committees agreed to monitor this issue during the upcoming months.

Following discussion, the Board of Managers adopted a policy to support efforts to achieve a 20% flow reduction on the mainstem of the Red River of the North. **Motion** by Manager Money to adopt the aforementioned policy to support efforts to achieve a 20% flow reduction on the mainstem of the Red River of the North, **Seconded** by Manager Miller, **Carried**.

APPENDIX III

COMMENTS OF MAYORS OF CITIES OF PERLEY AND HENDRUM, MINNESOTA

CITY OF PERLEY
PO BOX 437
PERLEY, MN 56574
PHONE 218-861-6170

July 23, 2010

Dear Concerned Citizens and Elected Officials

At the City of Perley Council meeting on July 13, 2020 the City fathers adopted the following Resolution to show our support against the F-M Diversion and the terrible impact that this proposal will have on the citizens of Perley and all surrounding communities. This is a small but sincere gesture that we all feel very strongly about. My colleagues feel that this process is futile but with the support of all of the Townships, Cities, and County Commissions I feel someone will have to listen to our cries for help.

Attached you will find a copy of our resolution and a letter of comment to the USACOE.

Sincerely

Ann Manley
Mayor of Perley

Ann Manley
409 Main Street
Perley, MN 56574
218-861-6731

City of Perley
Comment for EIS

I am the Mayor of a small town downstream of the proposed FM diversion. Perley is 23 miles north of Moorhead, located on HWY 75 and within one mile from the Red River of the North. Our community is approximately 100 people of which 50% of the population is retired. We have 17 children in our community. Our sign indicates that we have 124 but we have decreased in population steadily since 2000. Many of our residents where born here and plan to die here. It's the young that move away. The elderly don't want a buy-out, but they are so tired of fighting floods they can't imagine that the community of Fargo and Moorhead would delibertly cause us more problems. Their property values are decreasing and the chance of their children or grandchildren taking over their homes in the event of their death is never going to happen.

This is a farming community. Our whole community owns land or farms land in the Valley. Many work for or retired from the American Crystal Sugar Co. What will happen if the whole Valley becomes a greenway or if all are bought out and forced to leave? These residents are scared to death of the future. What will become of their church, our local businesses, schools, or their homes?

I have been the Mayor since 2004 and I have dealt with 3 major floods in this town that FEMA was a part of. I have seen 78 year old men sandbagging and manning pumps to protect our City. Women in their 80's cooking meals for the National Guard. Opening their homes so the Guard could clean up.
Our major well is located west of our town and took a hit from ice. We were without sufficiant water supply for over two months. We had students from over 100 miles away come to our assistance.
Our infrastructor is in poor shape. Just recently we began construction on our secondary lagoon. This is 1.3 million dollar project. Our community had to take out a loan of 366,000 for our share. This will run over a 40 year period. What happens if our community leaves or is bought out or worse, we just drown? Who will pay this loan off? We are already dropping in numbers.

I don't only worry about Perley, I worry about my sister communities of Hendrum, Georgetown, Kragnes, Halstad, Shelly, Gardner, Grandin, Argusville, Nielsville, Climax, Harwood, Oslo etc.

I know that I am very emotional about my community, It would be easier to just move, but my husband and I bought here to retire and die here. We joined the church and have our lots picked out to be buried on.

I know that we are scheduled for a Levee project. We appreciate the help but this doesn't even take into consideration the diversion impact on our community. We don't need more water to deal with.

I speak for my whole community when I say we are here to stay no matter what our outcome will be. I guess we are old and stubborn.

Respectfully submitted
Ann Manley
Mayor of Perley

City of Hendrum

A Small City with Big Dreams

PO Box 100
308 Main Street East
Hendrum, MN 56550-0100

Telephone: 218-861-6210
Fax: 218-861-6210
e-mail: hendrum@loretel.net

August 4, 2010

To Whom It May Concern:

The leaders of Fargo/Moorhead have asked the Army Core of Engineers to develop a plan for flood protection to alleviate the cities Fargo/Moorhead from flooding from the Red River. The Army Core of Engineers suggests that the best solution for flood control for the cities of Fargo/Moorhead is to construct a diversion channel around the cities. The 36 mile long and ½ mile wide channel will redirect floodwaters, from the Red River, around Fargo/Moorhead on the North Dakota side of the cities and redeposit the water downstream from the cities of Fargo/Moorhead. The proposed channel will carry water at a maximum of 35,000cfs. This is 6,000cfs faster then the water flowed through Fargo/Moorhead during the record flood of 2009, which flowed through the city at 29,000cfs. This increase in speed of the water will cause additional water levels downstream from Fargo/Moorhead during a flood event; therefore, resulting in much more severe flooding for everyone who lives downstream from the cities of Fargo/Moorhead. As a result, throughout the following narrative, I will explain why the construction of the Fargo/Moorhead Diversion will be devastating to all people downstream from the proposed diversion, and will destroy their way of life, communities, and homes, as they now know them.

When the idea of a diversion was first pitched to the Fargo/Moorhead, the Army Core of Engineers had not yet studied downstream impacts; in fact, it wasn't even brought up until downstream people asked about it. Their first response was that they did not expect any negative downstream impacts because when the water from the diversion enters back into the Red River it would spread out rapidly; therefore, not resulting in any major downstream impacts. Many downstream citizens did not believe this idea and pushed for the downstream impacts to be studied.

Once the Core started studying downstream impacts, they found that there would be additional water levels downstream from the diversion. At the time, they claimed that they only studied as far north as Halstad, MN. Their initial findings were that there would be additional water levels, during a flood event on the Red River, for the communities of Georgetown, Perley, Hendrum, and Halstad. Even though the water levels varied for each community, the first over all consensus was that there would be about 2-4 inches additional water during a 100yr flood event for these communities to deal with. Overtime, these reports of additional water went to 6-8 inches, 10 inches, and then 12-17

inches of additional water that these communities would have to deal with during a flood event. Please refer to the Environmental Impact Statement and Feasibility Study for the FM Diversion for the exact numbers.

After much pressure from downstream citizens, the Army Core of Engineers released on August 3rd their finding for downstream communities north of Halstad. They have found that there will be additional levels as far north as Thompson, maybe further north as well, but claim that they have only studied the models this far. Every community further north of Halstad will see higher water levels on the Red River during a flood event. One example is that Climax, MN will receive an additional 25 inches during a major flood event. Unfortunately, the final results still have not been released which is unfair to all people north of Halstad who will not have a chance to comment on the findings before the August 9th deadline.

What do these additional water levels during a flood event mean to the communities and people downstream from the Fargo/Moorhead diversion? To begin with, these communities downstream from Fargo/Moorhead have experienced the same severe, record setting flooding that the FM Metro area has experienced since 1997 and have had to fight just as hard to save their communities and homes as Fargo/Moorhead has had to do. With the difference being that these small communities do not have the resources to fight a major flood like the FM area does. Our populations are getting older and no longer can continue to do what is necessary to fight a flood. For the people living in the small communities downstream from Fargo/Moorhead, they don't have the choice whether or not to volunteer on a daily basis; instead, they must fight the flood everyday or lose their homes or maybe even their lives. People work all hours around the clock filling and throwing sandbags in the rain, snow, and freezing temperatures. Throughout the three week fight of the 2009 flood, as Mayor, I went many nights without receiving sleep, if I did get some sleep, it was only for a few hours. This was true for many people. Citizens have to take time off from work, which they might not get compensated for, school gets interrupted, and businesses lose thousands in dollars because they basically have to shut down during the flood event. Not to mention the clean up afterwards. A community looks like a war zone after fighting a flood and takes several months to get it cleaned up. These floods are not only very hard on people physically, but also emotionally. Many people report suffering from depression after a major flood event; in fact after the flood of 1997, Hendrum lost a resident due to suicide. It gets to a point where people can't handle anymore and move away; thus, resulting in declining populations that eventually will close our schools, churches, businesses, and turn our towns into ghost towns.

These same small communities also do not have the finances to fight a major flood like the Fargo/Moorhead does. The cost of fighting a flood often surpasses or consumes much of the yearly budget for a small town. For example, the record setting 2009 flood cost Hendrum around $200,000 and our yearly budget is only around $330,000. Fortunately, we were re-reimbursed from FEMA for all but a few thousand; however, if that did not happen, it would take us years to pay this off!

In addition, many small communities downstream from Fargo/Moorhead, including farmsteads, simply do not have high enough dikes or levee systems to protect them from these additional water levels. The record setting flood of 2009 came within a few inches

of overtopping Hendrum's ring dike as well as many area farmsteads' ring dikes. Over the last year, Hendrum has worked with the Wild Rice Watershed District to improve our levee system. We have been approved to receive funding from the State of Minnesota, with local contributions as well, to aid us in raising our dike to a 100yr level plus 3 feet of freeboard. However, this increased protection will NOT be enough protection to protect us from the increased water levels that the proposed FM Diversion will dump on us. Hendrum could not have afforded to raise our dike if it wasn't for the state's assistance. If we need to raise it again will we be able to receive assistance from the state again? Eventually, the state of Minnesota is going to get tired of shelling out money for ring dikes and then what will we and other small communities as well as farmers do?

The additional water will also isolate our communities. Many towns will be cut off from the rest of the world for long periods of time. This means no one in and no one out. When I refer to the City of Hendrum as a community, I not only take it to account who lives inside the city limits but also who lives in the rural areas. The people in the rural areas will be cut off from emergency services. If they have a house fire or need medical assistance, these people will be on their own.

The severe flooding events that we have been experiencing also is very hard on the environment and wildlife in the region, and the additional water from the diversion will only make this much worse. Floods cause severe erosion problems in the Red River Valley destroying what some believe to be the most productive farm ground in the world The additional water, along with its increase speed, will only make this much worse destroying our farmer's way of life. As the minerals from our soil wash downstream, they deposit in Lake Winnipeg resulting in a huge algae problem, which is destroying the lake and its fish. However, the Army Core of Engineers does not take damage to farm ground into consideration when determining negative downstream impacts. During a major flood event; wildlife along the Red River, including 1,000 of deer, get displaced and end up dying. Again, this will all be made much worse with the additional water levels that the Army Core of Engineers is proposing that we will receive from the development of a diversion around Fargo/Moorhead.

Residents downstream from Fargo/Moorhead are not against Fargo/Moorhead receiving flood protection; however, we all need flood protection in the Red River Valley. We all are tired of fighting floods! Why can't we work together and find a solution that will benefit the entire Red River Valley and not one localized area? It is not neighborly nor is morally right to protect one area and make flooding that much worse for others. It should not matter what your population is to determine if one receives flood protection. Leaders in Fargo/Moorhead have said that people in small communities should be willing to be "collateral damage" to protect the greater good. I disagree! We all have a right to live in the Red River Valley and succeed economically. Besides that, Fargo/Moorhead cannot survive without its neighbors. Many people who live downstream from the FM area work in the Metro as well as do business there. The businesses in Fargo/Moorhead need us to survive just as much as we need them.

So what is my alternative solution for flood protection for the Fargo/Moorhead area other than building a diversion? For the same amount of money that it will cost to fund the diversion, I believe that one can protect the entire Red River Valley, not just one

localized area, through the construction of a series of retention, detention, and gated storage projects. One example of this is the Mike 11 model developed by Charlie Anderson of JOR Engineering. It consists of building a series of dry or wet dams throughout the entire Red River Valley on the tributaries feeding into the Red River. By holding the water at its source and releasing it though timed intervals, it is believed that the flow on the Red River can be reduced by 20% during a flood event. It has been suggested that if the Mike 11 model were in place during the 1997 flood, the reduced in flow on the Red River would have kept Grand Forks from flooding.

In conclusion, if the Fargo/Moorhead diversion is built, it will negatively change the landscape of the Red River Valley, as we know it forever. A project, that could have such negative effects on the Valley and the people living either upstream or downstream from the diversion, needs to be fully studied carefully with no stone unturned. However, the Army Core of Engineers is rushing this project with unprecedented speed; therefore, not allowing enough time for proper modeling and for comments to be made on the results. A rushed project is a poor product!
Flooding of the Red River negatively affects everyone in the Red River Valley in so many ways; as a result, a solution needs to be found that will benefit everyone in the Valley and not just for one localized are. Especially, when the solution for the one localized area results in more severe flooding for others either upstream or downstream. This is not morally correct nor is it neighborly!

Comments submitted by,

Curt H. Johannsen
Hendrum Mayor

Board of Water and Soil Resources
Grants Conflict of Interest Declaration

Meeting: Board of Water & Soil Resources Meeting **Date: August 26, 2010**
Agenda Item: Area II Minnesota River Basins Project Inc. Grant

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

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

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

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

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

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

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

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

(c) A grant reviewer is an employee of a grant applicant or is a family member of anyone involved in the grantee or grant applicant's agency.
(d) A grant reviewer is in a position to devise benefit by directly influencing a grant-making process to favor an organization the grant reviewer has an interest in.

☒ Based on the descriptions above, I do not have a conflict of interest.

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

_____

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

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

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

Name: Gordon Behm

Signature: Gordon Behm

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

Board of Water and Soil Resources
Grants Conflict of Interest Declaration

Meeting: Board of Water & Soil Resources Meeting **Date:** August 26, 2010
Agenda Item: Area II Minnesota River Basins Project Inc. Grant

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

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

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

Name: PAUL W. LANGSETH

Signature: Paul W. Langseth

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

Board of Water and Soil Resources
Grants Conflict of Interest Declaration

Meeting: Board of Water & Soil Resources Meeting **Date: August 26, 2010**
Agenda Item: Area II Minnesota River Basins Project Inc. Grant

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

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

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Name: Gene Tiedemann

Signature: Gene Tiedemann

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Board of Water and Soil Resources
Grants Conflict of Interest Declaration

Meeting: Board of Water & Soil Resources Meeting **Date: August 26, 2010**
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Name: WAYNE EDGERTON

Signature: Wayne a Edgerton

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Grants Conflict of Interest Declaration

Meeting: Board of Water & Soil Resources Meeting **Date: August 26, 2010**
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Name: Keith McKlseath

Signature: Keith R. McKlseath

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Board of Water and Soil Resources
Grants Conflict of Interest Declaration

Meeting: Board of Water & Soil Resources Meeting **Date: August 26, 2010**
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Name: Robert Burandt

Signature: Robert Burandt

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Name: DANIEL WILSON

Signature: Daniel Wilson

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Name: Christy Jo Fogarty

Signature: Christy Jo Fogarty

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Name: Faye E Sleeper

Signature: Faye E. Sleeper

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Name: Robert L. Sip

Signature: Robert L. Sip

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Name: Brian Napstad

Signature: Brian Napstad

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

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

Name: Louise Smallidge

Signature: Louise Smallidge

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

Board of Water and Soil Resources
Grants Conflict of Interest Declaration

Meeting: Board of Water & Soil Resources Meeting **Date: August 26, 2010**
Agenda Item: Area II Minnesota River Basins Project Inc. Grant

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

Grant Making Meeting Procedure
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Name: QUENTIN G FAIRBANKS

Signature: Q Fairbanks

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Board of Water and Soil Resources
Grants Conflict of Interest Declaration

Meeting: Board of Water & Soil Resources Meeting **Date:** August 26, 2010
Agenda Item: Area II Minnesota River Basins Project Inc. Grant

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Name: Rebecca J. Flood - MPCA assistant commissioner

Signature: RJ Flood

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Board of Water and Soil Resources
Grants Conflict of Interest Declaration

Meeting: Board of Water & Soil Resources Meeting **Date:** August 26, 2010
Agenda Item: Area II Minnesota River Basins Project Inc. Grant

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Name: Randy Kramer

Signature: RJK

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Board of Water and Soil Resources
Grants Conflict of Interest Declaration

Meeting: Board of Water & Soil Resources Meeting **Date: August 26, 2010**
Agenda Item: Area II Minnesota River Basins Project Inc. Grant

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Name: LuAnn B. Tolliver

Signature: LuAnn B. Tolliver

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

Board of Water and Soil Resources
Grants Conflict of Interest Declaration

Meeting: Board of Water & Soil Resources Meeting **Date: August 26, 2010**
Agenda Item: Area II Minnesota River Basins Project Inc. Grant

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Name: PAUL BRUTLAG

Signature: Paul Brutlag

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

Board of Water and Soil Resources
Grants Conflict of Interest Declaration

Meeting: Board of Water & Soil Resources Meeting **Date:** August 26, 2010
Agenda Item: Minnesota River Board, Fiscal Year 2011 Work Plan and Grant

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

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Name: Gordon Behm

Signature: Gordon Behm

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

Board of Water and Soil Resources
Grants Conflict of Interest Declaration

Meeting: Board of Water & Soil Resources Meeting **Date: August 26, 2010**
Agenda Item: Minnesota River Board, Fiscal Year 2011 Work Plan and Grant

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Name: PAUL W. LANGSETH

Signature: _____

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Board of Water and Soil Resources
Grants Conflict of Interest Declaration

Meeting: Board of Water & Soil Resources Meeting **Date: August 26, 2010**
Agenda Item: Minnesota River Board, Fiscal Year 2011 Work Plan and Grant

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Name: WAYNE EDGERTON

Signature: Wayne Edgerton

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Board of Water and Soil Resources
Grants Conflict of Interest Declaration

Meeting: Board of Water & Soil Resources Meeting **Date:** August 26, 2010
Agenda Item: Minnesota River Board, Fiscal Year 2011 Work Plan and Grant

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Name: Keith R. Mykleseth

Signature: Keith R. Mykleseth

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

Board of Water and Soil Resources
Grants Conflict of Interest Declaration

Meeting: Board of Water & Soil Resources Meeting **Date:** August 26, 2010
Agenda Item: Minnesota River Board, Fiscal Year 2011 Work Plan and Grant

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

Grant Making Meeting Procedure
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Name: Robert Burandt

Signature: Robert Burandt

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Board of Water and Soil Resources
Grants Conflict of Interest Declaration

Meeting: Board of Water & Soil Resources Meeting **Date: August 26, 2010**
Agenda Item: Minnesota River Board, Fiscal Year 2011 Work Plan and Grant

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Name: DANIEL WILSON

Signature: Daniel Wilson

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Board of Water and Soil Resources
Grants Conflict of Interest Declaration

Meeting: Board of Water & Soil Resources Meeting **Date: August 26, 2010**
Agenda Item: Minnesota River Board, Fiscal Year 2011 Work Plan and Grant

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Name: Christy Jo Fogarty

Signature: Christy Jo Fogarty

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Board of Water and Soil Resources
Grants Conflict of Interest Declaration

Meeting: Board of Water & Soil Resources Meeting **Date: August 26, 2010**
Agenda Item: Minnesota River Board, Fiscal Year 2011 Work Plan and Grant

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Name: Faye E. Sleeper

Signature: Faye E. Sleeper

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Board of Water and Soil Resources
Grants Conflict of Interest Declaration

Meeting: Board of Water & Soil Resources Meeting **Date:** August 26, 2010
Agenda Item: Minnesota River Board, Fiscal Year 2011 Work Plan and Grant

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Name: ROBERT L. SIP

Signature: Robert L. Sip

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Board of Water and Soil Resources
Grants Conflict of Interest Declaration

Meeting: Board of Water & Soil Resources Meeting **Date: August 26, 2010**
Agenda Item: Minnesota River Board, Fiscal Year 2011 Work Plan and Grant

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Name: Brian Napstad

Signature: Brian Napstad

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Board of Water and Soil Resources
Grants Conflict of Interest Declaration

Meeting: Board of Water & Soil Resources Meeting **Date: August 26, 2010**
Agenda Item: Minnesota River Board, Fiscal Year 2011 Work Plan and Grant

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Name: Louise Smallidge

Signature: Louise Smallidge

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Board of Water and Soil Resources
Grants Conflict of Interest Declaration

Meeting: Board of Water & Soil Resources Meeting **Date: August 26, 2010**
Agenda Item: Minnesota River Board, Fiscal Year 2011 Work Plan and Grant

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Name: QUENTIN G. FAIRBANKS

Signature: Q Fairbanks

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Board of Water and Soil Resources
Grants Conflict of Interest Declaration

Meeting: Board of Water & Soil Resources Meeting **Date: August 26, 2010**
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(*continue below or on an attachment if needed*)

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Name: Rebecca J. Flood - MPCA assistant commissioner

Signature: RJ Flood

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

Board of Water and Soil Resources
Grants Conflict of Interest Declaration

Meeting: Board of Water & Soil Resources Meeting **Date: August 26, 2010**
Agenda Item: Minnesota River Board, Fiscal Year 2011 Work Plan and Grant

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

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

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Name: Randy Kramer

Signature: RJK

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Name: LuAnn B. Tolliver

Signature: LuAnn B. Tolliver

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Name: PAUL J. BRUTLAG

Signature: Paul J. Brutlag

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Meeting: Board of Water & Soil Resources Meeting **Date: August 26, 2010**
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Name: Gene Tiedemann

Signature: Gene Tiedemann

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CLEAN WATER & CLIMATE ADAPTATION SUMMIT 2010

Presented by the Minnesota Landscape Arboretum in collaboration with the Minnehaha Creek Watershed District and the MN Climate Change Adaptation Working Group

Thursday, September 16
Green Infrastructure for Clean Water

Friday, September 17
Adapting for an Uncertain Climate: Preparing for the Next 100 Years

Summit Objective

Join local officials, industry leaders, natural resource professionals, scientists and citizens to learn how climate trends might affect Minnesota and the region, how green infrastructure will be a key water-management strategy, and how to make informed decisions, and enhance the economic viability of your community.

SHELF CLOUD OVER PLYMOUTH, MN by Kurt Leuthold

Information and Registration: www.arboretum.umn.edu/symposiaandconferences.aspx

Minnesota Landscape
ARBORETUM

EDUCATION OFFICE
3675 Arboretum Drive
Chaska, MN 55318

Save the Date!

CLEAN WATER & CLIMATE ADAPTATION SUMMIT 2010

Thursday & Friday, September 16 & 17

8:30 a.m.-4:30 p.m.

Register today at

www.arboretum.umn.edu/symposiaandconferences.aspx

Raingardens on Pascal Street, Saint Paul. Photo by Adrian Danciu courtesy Capitol Region Watershed District.

SPECIAL MEETING
BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD
CONFERENCE ROOM 2B
ST. PAUL, MINNESOTA 55155
WEDNESDAY, AUGUST 4, 2010

BOARD MEMBERS PRESENT: ***roll call attendance***
Bob Burandt, Quentin Fairbanks, Rebecca Flood, MPCA; Larry Kramka, DNR; Brian Napstad, Faye Sleeper, MES; Louise Smallidge

VIA CONFERENCE CALL:
Gordy Behm, Randy Kramer, John Meyer, Keith Mykleseth, John Linc Stine, MDH; Gene Tiedemann, LuAnn Tolliver

BOARD MEMBERS ABSENT:
Paul Brutlag, Christy Jo Fogarty, Sandy Hooker, Paul Langseth, Tom Loveall, Joe Martin, MDA;

STAFF PRESENT:
Mary Jo Anderson, Julie Blackburn, Melissa Lewis, Dave Weirens, Brad Wozney

OTHERS PRESENT:
Ray Bohn, MAWD

Chair Kramer called the meeting to order at 11:02 a.m.

** 10-68 **ADOPTION OF AGENDA** – Moved by Brian Napstad, seconded by Louise Smallidge, to adopt the agenda as presented. Motion passed on a voice vote.

FY11 Clean Water Fund Policy – Julie Blackburn explained that the Board of Water and Soil Resources adopted the FY11 Clean Water Fund Competitive Grants Policy on June 23, 2010. The policy was posted on the BWSR website shortly afterward. Subsequent interpretation and application of the policy has been discussed at a number of meetings involving state and local government officials.

Quentin Fairbanks and Larry Kramka entered the meeting at 11:07 a.m.

Dave Weirens reported that the two specific parts of the policy have been the focus of discussions are: 1) the Policy limits the eligibility of projects that may be proposed by Municipal Separate Storm Sewer System (MS4) permit holders to projects occurring on private land; and 2) the Policy establishes ineligible activities to include regulated point source and water treatment facilities.

Dave presented the proposed adjustments: 1) Municipalities use a variety of legal arrangements and agreements to manage water on both public and private lands within their communities. The distinction between stormwater management to improve water quality occurring on public and private land is not practical or necessary and is therefore proposed to be deleted; and 2) Distinctions between point and non-point source pollution prevention are not interpreted the same between the regulatory MS4 program and water quality improvement grant programs. The adjustments proposed will remove specific references originally included to connect the regulatory and funding programs and instead rely on appropriation and constitutional language that will be noted in the RFP.

Dave explained the proposed changes to **4.0 Ineligible Activities:**

4a) the word "but" would be added, the statement would read, "Stormwater conveyances that collect and move runoff but do not provide meaningful water quality treatment";

4b) the word "Municipal" would be added; the statement would read, "Municipal wastewater treatment or drinking water supply facilities";

** Moved by Keith Mykleseth, seconded by Brian Napstad, to approve the resolution to the FY11 Clean Water Fund Competitive Grants Policy as presented, along with the two word changes to the attachment.

Discussion followed. Larry Kramka questioned using the word "meaningful" in 4a.

** 10-69 Moved by Larry Kramka, to amend the language in attachment 4a, to strike the word "meaningful". Seconded by Quentin Fairbanks. Discussion. The amendment passed on a voice vote.

Keith Mykleseth stated that the League of Minnesota Cities supports the proposed changes. LuAnn Tolliver stated that MAWD is also in favor of these changes. The 10-70 amended resolution with attachment passed on a voice vote.

** 10-71 Moved by Larry Kramka, seconded by Louise Smallidge, to adjourn the meeting at 11:22 a.m. Motion passed on a voice vote.

Respectfully submitted,

Randy Kramer
Chair

Minnesota Board of Water & Soil Resources

FY '11 Clean Water Fund Competitive Grants Policy

Proposed Revisions August 4, 2010

Purpose

The Clean Water Fund was established to implement part of Article XI, Section 15, of the Minnesota Constitution, with the purpose of protecting, enhancing, and restoring water quality in lakes, rivers, and streams in addition to protecting groundwater and drinking water sources from degradation. The purpose of this policy is to provide clear expectations for implementation of funds appropriated to BWSR associated with Clean Water Fund (CWF) grants. The appropriation language governing the use of these funds can be found in MN Session Laws 2009, Chapter 172 and MN Session Laws 2010, Chapter 361.

BWSR will use grant agreements as contracts for assurance of deliverables and compliance with appropriate statutes, rules and established policies. Willful or negligent disregard of relevant statutes, rules and policies may lead to imposition of financial penalties on the grant recipient.

1.0 Applicant Eligibility Criteria and Requirements

Local government units (LGUs) are eligible to receive grant funds if they are working under a current state approved and adopted local water management plan[1]. All activities must be consistent with an approved TMDL implementation plan or current watershed management plan, county comprehensive local water management plan, metropolitan local water plan, metropolitan groundwater plan, surface water intake plan or well head protection plan that has been state approved and locally adopted by November 1, 2010. The 2011 Clean Water Fund Request for Proposals will identify more specific requirements or eligibility restrictions when specified by statute or appropriation language.

2.0 Match Requirements

A local match equal to at least 25% of the amount of Clean Water Funds requested and/or received is required. Matching cash or in-kind cash value provided by the landowner, land occupier, local government or other local source may be used to match CWF grants.

3.0 Eligible Activities

The primary purpose of activities funded with grants associated with the Clean Water Fund is the control, reduction or prevention of chemical or nutrient runoff, soil erosion, sedimentation, runoff volume or materials that affect human or aquatic system health. Eligible activities can consist of structural practices, non-structural

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[1] For the purposes of this policy watershed management organizations and metro watershed districts are not eligible if the management plan is more than 10 years beyond the BWSR plan approval date unless the plan states a lesser period of time; non-metro state watershed districts are not eligible if the plan is more than 11 years 3 months beyond the BWSR approval date; and counties are not eligible if the management plan is more than 10 years beyond the BWSR approval date unless properly extended.

practices and measures, project support activities, and grant administration and reporting requirements. Technical and engineering assistance components necessary to implement these activities are considered essential and are to be included in the total project or practice cost.

3.1 Structural Practices and Projects:

Best Management Practices

a) Must be designed and maintained for a minimum effective life of ten years,

b) Operation and maintenance for the life of the practice shall be included with the design standards,

c) An inspection schedule and procedure shall be included as a component of maintaining the effectiveness of the practice, and

d) The local unit of government must provide assurances that the landowner or land occupier will keep the project in place for the expected lifespan of the project. Such assurances may include easements, enforceable contracts, and termination or performance penalties. BWSR may allow replacement of a practice that does not comply with expected lifespan requirements with a practice that provides equivalent water quality benefits.

Capital Improvement Projects

a) Must be designed and maintained for a minimum effective life of 25 years,

b) Operation and maintenance for the life of the project shall be included with the design standards,

c) An inspection schedule and procedure shall be included as a component of maintaining the effectiveness of the project, and

d) The local unit of government must provide assurances that the landowner or land occupier will keep the project in place for the expected lifespan of the project. Such assurances may include easements, enforceable contracts, and termination or performance penalties. BWSR may allow replacement of a practice that does not comply with expected lifespan requirements with a practice that provides equivalent water quality benefits.

3.2 Non-Structural Practices And Measures

Incentives may be used to encourage landowners to install or adopt land management practices that improve or protect water quality. Incentive payments and enhanced protection measures should be reasonable and justifiable, supported by LGU policy, consistent with prevailing local conditions, and must be accomplished using established standards.

3.3 Project Support Activities

Civic engagement, public outreach, and other activities which directly support or supplement the goals and outcomes expected with the implementation of items identified in 3.1 and 3.2 above.

3.4 Grant Administration and Reporting

All grant recipients are required to report on the outcomes, activities, and accomplishments of Clean Water Fund grants. Up to 5% of the grant funds may be used for local grant administration and reporting.

4.0 Ineligible activities

Projects or practices that address the following will not be considered:

a) Stormwater conveyances that collect and move runoff but do not provide water quality treatment;
b) Municipal wastewater treatment or drinking water supply facilities;
c) Meeting or implementing existing official controls that control the physical development of the whole or part of a local government unit; and
d) That have the primary purpose of water quality monitoring or assessment.

5.0 Structural Practice and Project Requirements

In order to insure long-term public benefit of structural practices and projects, the following requirements must be met by all grant recipients.

5.1 Technical and Engineering Components

Technical and/or engineering expertise is required to develop, install and inspect projects. Grant recipients will be required to submit documentation in their workplan outlining:

a) Who will provide technical assistance for each of the practices or projects to be implemented, their credentials for providing this assistance, or the method for selecting appropriate technical providers, and
b) Approved design, construction, operation and maintenance standards for the practices or projects to be implemented.

BWSR reserves the right to review the qualifications of all persons providing technical assistance.

5.2 Practice or Project Construction and Sign-Off

The LGU shall verify that the practice or project was properly installed and completed according to the plans and specifications, including technically approved modifications, prior to authorization for payment by the LGU.

5.3 Post Construction and Follow Up Activities

To ensure that a practice or project is functioning properly, an operation and maintenance plan tailored to fit the site shall be developed. The operation and maintenance plan should identify all of the maintenance activities that are needed and specify how they will be accomplished. The plan shall be reviewed with the land owner or occupier before installation of the practices or projects.

LGUs shall assure that the operation and maintenance plan is being followed and that the practices or projects are functioning as designed by conducting periodic site inspections.

6.0 Grantee Administration of Clean Water Fund Grants

LGUs have the responsibility to approve expenditure of funds within their organization. The LGU administering the grant must approve or deny expenditure of funds. The action taken must be documented in the LGU board's meeting minutes.

All LGU expenditure of funds providing financial assistance to landowners requires a contract with the landowner. The contract must adequately address all the lifespan and operation and maintenance requirements of the practice or project as provided by this policy. The contract must specify what LGU enforcement

provisions are, up to and including repayment of cost share funds at a rate up to 150% of the original landowner agreement. BWSR recommends all contracts be reviewed by the LGUs legal counsel.

Grant reporting, fiscal management, and administration requirements are the responsibility of the grant recipient.

7.0 BWSR Grant Closeout and Reporting Requirements

BWSR staff is authorized to develop grant agreements, including requirements and processes for fiscal closeouts, and project outcomes reporting.

7.1 BWSR Grant Closeout Procedures

a) BWSR staff will review grant recipient compliance with contractual requirements in a manner which is consistent with the policies established by the Office of Grants Management and adopted by the BWSR Board.

b) Elements described in the project workplan will be reviewed in the grant close-out.

c) Project files for CWF expenditures including landowner contact information, contracts, bills and invoices, inspection schedule, structural practice and project operation and maintenance information, design plans, and miscellaneous communication must be retained by the LGU pursuant to MS 138.17 and consistent with ongoing record retention schedules.

d) In the event there is a contract violation, BWSR will enforce the grant agreement including repayment of grant funds at a rate up to 150% of the grant agreement.

DRAFT

BOARD OF WATER AND SOIL RESOURCES
Attendance Roster

	Name	Affiliation	Phone #
1.	Ray Bohn	MAWD	651-452-8506
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Roll Call Attendance – Special Board Meeting, August 4, 2010

Gordy Behm

Paul Brutlag

Bob Burandt

Quentin Fairbanks

Rebecca Flood

Christy Jo Fogarty

Sandy Hooker

Larry Kramka/~~Wayne Edgerton~~

Paul Langseth

Tom Loveall

Joe Martin/Rob Sip

John Meyer

Keith Mykleseth

Brian Napstad

Faye Sleeper

Louise Smallidge

Gene Tiedemann

LuAnn Tolliver

John Linc Stine/Dan Wilson

Randy Kramer

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Proposed Revisions August 4, 2010

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practices and measures, project support activities, and grant administration and reporting requirements. Technical and engineering assistance components necessary to implement these activities are considered essential and are to be included in the total project or practice cost. ~~Proposals by Municipal Separate Storm Sewer Systems (MS4) permit holders for implementing non-point stormwater practices and projects on private land are eligible.~~

3.1 Structural Practices and Projects:

Best Management Practices

a) Must be designed and maintained for a minimum effective life of ten years,

b) Operation and maintenance for the life of the practice shall be included with the design standards,

c) An inspection schedule and procedure shall be included as a component of maintaining the effectiveness of the practice, and

d) The local unit of government must provide assurances that the landowner or land occupier will keep the project in place for the expected lifespan of the project. Such assurances may include easements, enforceable contracts, and termination or performance penalties. BWSR may allow replacement of a practice that does not comply with expected lifespan requirements with a practice that provides equivalent water quality benefits.

Capital Improvement Projects

a) Must be designed and maintained for a minimum effective life of 25 years,

b) Operation and maintenance for the life of the project shall be included with the design standards,

c) An inspection schedule and procedure shall be included as a component of maintaining the effectiveness of the project, and

d) The local unit of government must provide assurances that the landowner or land occupier will keep the project in place for the expected lifespan of the project. Such assurances may include easements, enforceable contracts, and termination or performance penalties. BWSR may allow replacement of a practice that does not comply with expected lifespan requirements with a practice that provides equivalent water quality benefits.

3.2 Non-Structural Practices And Measures

Incentives may be used to encourage landowners to install or adopt land management practices that improve or protect water quality. Incentive payments and enhanced protection measures should be reasonable and justifiable, supported by LGU policy, consistent with prevailing local conditions, and must be accomplished using established standards.

3.3 Project Support Activities

Civic engagement, public outreach, and other activities which directly support or supplement the goals and outcomes expected with the implementation of items identified in 3.1 and 3.2 above.

3.4 Grant Administration and Reporting

All grant recipients are required to report on the outcomes, activities, and accomplishments of Clean Water Fund grants. Up to 5% of the grant funds may be used for local grant administration and reporting.

4.0 Ineligible activities

~~Projects or practices to address regulated, point source activities and water treatment facilities will not be considered.[2] Proposals to meet or implement existing official controls as defined by Minnesota Statute 103F.711 are not eligible for funding. Proposals with the primary purpose of water quality monitoring or assessment will not be considered.~~

Projects or practices that address the following will not be considered:

a) Stormwater conveyances that collect and move runoff but do not provide water quality treatment;
b) Municipal wastewater treatment or drinking water supply facilities;
c) Meeting or implementing existing official controls that control the physical development of the whole or part of a local government unit; and
d) That have the primary purpose of water quality monitoring or assessment.

5.0 Structural Practice and Project Requirements

In order to insure long-term public benefit of structural practices and projects, the following requirements must be met by all grant recipients.

5.1 Technical and Engineering Components

Technical and/or engineering expertise is required to develop, install and inspect projects. Grant recipients will be required to submit documentation in their workplan outlining:

a) Who will provide technical assistance for each of the practices or projects to be implemented, their credentials for providing this assistance, or the method for selecting appropriate technical providers, and
b) Approved design, construction, operation and maintenance standards for the practices or projects to be implemented.

BWSR reserves the right to review the qualifications of all persons providing technical assistance.

5.2 Practice or Project Construction and Sign-Off

The LGU shall verify that the practice or project was properly installed and completed according to the plans and specifications, including technically approved modifications, prior to authorization for payment by the LGU.

5.3 Post Construction and Follow Up Activities

To ensure that a practice or project is functioning properly, an operation and maintenance plan tailored to fit the site shall be developed. The operation and maintenance plan should identify all of the maintenance activities that are needed and specify how they will be accomplished. The plan shall be reviewed with the land owner or occupier before installation of the practices or projects.

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[2] ~~Municipal stormwater conveyance and/or treatment capital infrastructure projects made necessary by a waste load allocation under an approved TMDL and water treatment facilities may be eligible for funding from the Minnesota Public Facilities Authority (PFA).~~

LGUs shall assure that the operation and maintenance plan is being followed and that the practices or projects are functioning as designed by conducting periodic site inspections.

6.0 Grantee Administration of Clean Water Fund Grants

LGUs have the responsibility to approve expenditure of funds within their organization. The LGU administering the grant must approve or deny expenditure of funds. The action taken must be documented in the LGU board's meeting minutes.

All LGU expenditure of funds providing financial assistance to landowners requires a contract with the landowner. The contract must adequately address all the lifespan and operation and maintenance requirements of the practice or project as provided by this policy. The contract must specify what LGU enforcement provisions are, up to and including repayment of cost share funds at a rate up to 150% of the original landowner agreement. BWSR recommends all contracts be reviewed by the LGUs legal counsel.

Grant reporting, fiscal management, and administration requirements are the responsibility of the grant recipient.

7.0 BWSR Grant Closeout and Reporting Requirements

BWSR staff is authorized to develop grant agreements, including requirements and processes for fiscal closeouts, and project outcomes reporting.

7.1 BWSR Grant Closeout Procedures

a) BWSR staff will review grant recipient compliance with contractual requirements in a manner which is consistent with the policies established by the Office of Grants Management and adopted by the BWSR Board.

b) Elements described in the project workplan will be reviewed in the grant close-out.

c) Project files for CWF expenditures including landowner contact information, contracts, bills and invoices, inspection schedule, structural practice and project operation and maintenance information, design plans, and miscellaneous communication must be retained by the LGU pursuant to MS 138.17 and consistent with ongoing record retention schedules.

d) In the event there is a contract violation, BWSR will enforce the grant agreement including repayment of grant funds at a rate up to 150% of the grant agreement.

DRAFT

Minnesota Board of Water & Soil Resources

FY '11 Clean Water Fund Competitive Grants Policy

Proposed Revisions August 4, 2010

Purpose

The Clean Water Fund was established to implement part of Article XI, Section 15, of the Minnesota Constitution, with the purpose of protecting, enhancing, and restoring water quality in lakes, rivers, and streams in addition to protecting groundwater and drinking water sources from degradation. The purpose of this policy is to provide clear expectations for implementation of funds appropriated to BWSR associated with Clean Water Fund (CWF) grants. The appropriation language governing the use of these funds can be found in MN Session Laws 2009, Chapter 172 and MN Session Laws 2010, Chapter 361.

BWSR will use grant agreements as contracts for assurance of deliverables and compliance with appropriate statutes, rules and established policies. Willful or negligent disregard of relevant statutes, rules and policies may lead to imposition of financial penalties on the grant recipient.

1.0 Applicant Eligibility Criteria and Requirements

Local government units (LGUs) are eligible to receive grant funds if they are working under a current state approved and adopted local water management plan[1]. All activities must be consistent with an approved TMDL implementation plan or current watershed management plan, county comprehensive local water management plan, metropolitan local water plan, metropolitan groundwater plan, surface water intake plan or well head protection plan that has been state approved and locally adopted by November 1, 2010. The 2011 Clean Water Fund Request for Proposals will identify more specific requirements or eligibility restrictions when specified by statute or appropriation language.

2.0 Match Requirements

A local match equal to at least 25% of the amount of Clean Water Funds requested and/or received is required. Matching cash or in-kind cash value provided by the landowner, land occupier, local government or other local source may be used to match CWF grants.

3.0 Eligible Activities

The primary purpose of activities funded with grants associated with the Clean Water Fund is the control, reduction or prevention of chemical or nutrient runoff, soil erosion, sedimentation, runoff volume or materials that affect human or aquatic system health. Eligible activities can consist of structural practices, non-structural

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[1] For the purposes of this policy watershed management organizations and metro watershed districts are not eligible if the management plan is more than 10 years beyond the BWSR plan approval date unless the plan states a lesser period of time; non-metro state watershed districts are not eligible if the plan is more than 11 years 3 months beyond the BWSR approval date; and counties are not eligible if the management plan is more than 10 years beyond the BWSR approval date unless properly extended.

practices and measures, project support activities, and grant administration and reporting requirements. Technical and engineering assistance components necessary to implement these activities are considered essential and are to be included in the total project or practice cost.

3.1 Structural Practices and Projects:

Best Management Practices

a) Must be designed and maintained for a minimum effective life of ten years,

b) Operation and maintenance for the life of the practice shall be included with the design standards,

c) An inspection schedule and procedure shall be included as a component of maintaining the effectiveness of the practice, and

d) The local unit of government must provide assurances that the landowner or land occupier will keep the project in place for the expected lifespan of the project. Such assurances may include easements, enforceable contracts, and termination or performance penalties. BWSR may allow replacement of a practice that does not comply with expected lifespan requirements with a practice that provides equivalent water quality benefits.

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Civic engagement, public outreach, and other activities which directly support or supplement the goals and outcomes expected with the implementation of items identified in 3.1 and 3.2 above.

3.4 Grant Administration and Reporting

All grant recipients are required to report on the outcomes, activities, and accomplishments of Clean Water Fund grants. Up to 5% of the grant funds may be used for local grant administration and reporting.

DRAFT

4.0 Ineligible activities

Projects or practices that address the following will not be considered:

a) Stormwater conveyances that collect and move runoff but do not provide water quality treatment;
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d) That have the primary purpose of water quality monitoring or assessment.

5.0 Structural Practice and Project Requirements

In order to insure long-term public benefit of structural practices and projects, the following requirements must be met by all grant recipients.

5.1 Technical and Engineering Components

Technical and/or engineering expertise is required to develop, install and inspect projects. Grant recipients will be required to submit documentation in their workplan outlining:

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provisions are, up to and including repayment of cost share funds at a rate up to 150% of the original landowner agreement. BWSR recommends all contracts be reviewed by the LGUs legal counsel.

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d) In the event there is a contract violation, BWSR will enforce the grant agreement including repayment of grant funds at a rate up to 150% of the grant agreement.

DRAFT

Board Resolution # 10-70

FY 2011 CLEAN WATER FUND AND COMPETIVE GRANTS PROGRAM: POLICY AND REQUEST FOR PROPOSALS

WHEREAS, on June 23, 2010 the Board of Water and Soil Resources (BWSR) adopted resolution #10-65 that included adoption of the FY2011 Clean Water Fund Competitive Grants Policy; and,

WHEREAS, the Policy was posted on the BWSR website on June 25, 2010 and has been discussed at a number of meetings with BWSR and local government staff since that time; and,

WHEREAS, local governments have expressed the concerns listed below:

- The Policy limits the eligibility of projects that may be proposed by Municipal Separate Storm Sewer System (MS4) permit holders to projects occurring on private land, and
- The Policy provides that ineligible activities include regulated point source and water treatment facilities; and,

WHEREAS, BWSR staff have evaluated these concerns and are recommending changes to the Policy in sections 3.0 Eligible Activities and 4.0 Ineligible Activities as identified in the attachment (FY'11 Clean Water Fund Competitive Grants Policy – Proposed Revisions July 29, 2010).

NOW THEREFORE BE IT RESOLVED, the Board hereby amends the FY'11 Clean Water Fund Competitive Grants Policy as provided in the attachment (FY'11 Clean Water Fund Competitive Grants Policy – Proposed Revisions July 29, 2010) and as modified at the August 4 Special Board meeting (see attachment - FY'11 Clean Water Fund Competitive Grants Policy – Proposed Revisions August 4, 2010).

Randy Kramer

Date: August 4, 2010

Randy Kramer, Chair
Board of Water and Soil Resources

Attachment:

FY'11 Clean Water Fund Competitive Grants Policy – Proposed Revisions July 29, 2010
FY'11 Clean Water Fund Competitive Grants Policy – Proposed Revisions August 4, 2010

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
ST. PAUL, MINNESOTA 55155
WEDNESDAY, SEPTEMBER 22, 2010

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

BOARD MEMBERS ABSENT:
Faye Sleeper, MES

STAFF PRESENT:
Mary Jo Anderson, Julie Blackburn, Jim Haertel, Tabor Hoek, John Jaschke, Al Kean, Melissa Lewis, Paul Senne

OTHERS PRESENT:
Sheila Vanney, MASWCD
Tim Koehler, NRCS
Ray Bohn, MAWD
Mike Mueller, DNR
Doug Wetzstein, MPCA
Matt Moore, South Washington Watershed District (SWWD)
Jack Levold, SWWD
Brian Johnson, SWWD
Ryan Schroeder, City of Cottage Grove
Bill Hargis, Mayor of Woodbury
Mary Stevens, Woodbury
Steve Kernik, Woodbury
Eric Witte, petitioner
Jim Keller, Denmark Township
Mike Schmidt, MN Center for Environmental Advocacy
Amanda Strommer, Washington County

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

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA – Paul Brutlag requested an addition to the agenda to include a resolution regarding the Board Chairperson be added to the agenda. Paul will
** distribute the resolution prior to discussion. Moved by Paul Langseth, seconded by
10-83 Rob Sip, to approve the agenda with the additional resolution. Motion passed on a voice vote.

** **MINUTES OF AUGUST 26, 2010** – Moved by Louise Smallidge, seconded by Tom Loveall,
10-84 to approve the minutes of August 26, 2010 as circulated. Motion passed on a voice vote.

Quentin Fairbanks requested that the audience members introduce themselves.

PUBLIC ACCESS FORUM (10-minute agenda time, two-minute limit/person)

- Bill Hargis, Mayor of Woodbury, requested wordage changes to the Resolution and the Order for the boundary change of South Washington and Valley Branch Watershed Districts. The "Now Therefore Be It Resolved" clause would change the word *supports* to *approves*. It would read, "Now Therefore Be It Resolved, that the Board hereby *approves* all terms of the Agreement and will be attentive to and facilitate the implementation of those terms." Mayor Bill Hargis thanked BWSR for consideration of this request.

- Ryan Schroeder, Administrator, City of Cottage Grove, agrees to the resolution of the boundary change issue. He agrees with the wordage *approves* rather than *supports*.

- Eric Witte, petitioner, stated that no one had received the opportunity to comment on the Resolution and Order that BWSR's staff had placed before the Board. He stated that § 103B.215 gave BWSR jurisdiction over only those matters that had been approved by local units of government, and for which BWSR had provided public notice. Because the Resolution and Order before the Board contradicted the petitions that had been the subject of the resolutions and public notices, BWSR lacked jurisdiction.

- Jim Keller, Denmark Township, is in support of the resolution. He stated that he honors the work put into this agreement. He stated that the open comment period was allowed at meetings; no comments were received.

Christy Jo Fogarty arrived at the meeting at 9:10 a.m.

REPORTS

Chair's Report – Randy Kramer reported that he attended the EQB meeting last week. Discussions included reassignment and responsibility for RGU; removal of Minnesota Falls by Granite Falls affirmed; numerous water plans. Chair Kramer reported that the University of Minnesota's Sustainability Framework will be presented on November 4 at the U of M.

Executive Director's Report – John Jaschke reviewed the information in board members' packets. John stated that the U.S. Army Corps of Engineers extended the deadline for taking comments on the proposed Fargo-Moorhead diversion project as they look at climatology records. John reported that the Lessard Sams Outdoor Heritage Council (LSOHC) has made their 2011 recommendations: RIM/WRP recommendation is $13M; Pheasants Forever partnered with BWSR on a water quality and wildlife habitat buffer proposal; and Ducks Unlimited is partnering on a new idea in central Minnesota to protect lakes with a high value wild rice area.

John reported that he attended a meeting on September 8th at the Root River SWCD discussing flood response and wrap-up; and a field tour in Houston County showing some of the accomplishments since the 2007 flood.

John reported that the BWSR Academy will be held October 26-28 at Breezy Point near Brainerd.

John reported that BWSR is moving forward on the implementation plan for responses to the 2010 Office of Legislative Auditor (OLA) (spreadsheet distributed for board members' information). BWSR is working to address two remaining policies of the Office of Grants Management (OGM).

Dispute Resolution Committee – Travis Germundson reported that 14 appeals are pending. Two new appeals were received; a restoration order in Benton County; and a restoration order in St. Louis County. Travis gave an update on an appeal in the Wild Rice Watershed District filed under Minn. Stat. 103D.535 regarding an order of the managers not to go forward with the Upper Becker Dam Enhancement Project as proposed. Appeals filed under 103D.535 require that the Board follow the Administrative Procedures Act. The Act requires that the hearing be conducted by an Administrative Law Judge through the Office of Administrative Hearings. Travis stated that there is still an opportunity for negotiated agreement.

John Jaschke provided an update on a WCA appeal in Lyon County. A settlement has been reached, the appeal was affirmed and the Restoration Order rescinded.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee has not met; she will confer with staff today to determine a future meeting date.

Drainage Work Group (DWG) – Tom Loveall reported that the Drainage Work Group met on September 9; he was not available to attend. Al Kean attended the meeting and provided a report on the DWG meeting. Discussion included the update for Smith Partners LCCMR Project: "MN Drainage Law Analysis and Evaluation"; the Redetermination of Benefits Survey in the Minnesota River Basin; and Section 103E.015 Considerations before drainage work is done.

Administrative Advisory Committee (AAC) – Chair Kramer reported that the Administrative Advisory Committee met this morning. The AAC had a closed session regarding settlement of the South Washington Watershed District boundary change; the open meeting included discussion on the Board chairperson transition; FY12-13 budget process; staff update; and audit response summary. Chair Kramer stated that the Chair's position has been posted on the Secretary of State's website; the vacancy is effective midnight tonight, September 23. The vacancy is open for a citizen member to serve on the BWSR Board.

John Jaschke stated that the Request for Proposal (RFP) on the clean water fund is closed. The RIM Committee will review steps for a future sign-up and establish payment rates.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Bassett Creek WMO Plan Amendment – Bob Burandt reported that the Metro Water Planning Committee met on September 7, 2010 to review the Bassett Creek WMO Plan
** Amendment and unanimously recommends approval. Moved by Bob Burandt, seconded by LuAnn Tolliver, to approve the Bassett Creek WMO Plan Amendment.
10-85 Motion passed on a voice vote.

South Washington Watershed District Boundary Change Petition – Jim Haertel explained that the South Washington Watershed District submitted a petition to the Board of Water and Soil Resources (Board) on May 27, 2010 pursuant to Minn. Stat. § 103B.215 to change the boundaries of the South Washington Watershed District and the Valley Branch Watershed District. The petition results from a mediated agreement. The Board has taken two previous actions in the past 16 months on this matter. The public noticed deadline to request a hearing or submit comments was September 15. No hearing was requested. The statutory time period for the Board to make a decision essentially requires the Board to make a decision at this meeting today. The Metro

Water Planning Committee met on September 21 and reviewed two companion items; a resolution and an Order.

Jim summarized the two previous decisions the Board made and the difference with the current petition that is filed under Minnesota Statutes Chapter 103B instead of 103D. Jim stated that there are nine conditions of the mediated agreement that are in the petition. Jim explained that BWSR has proper jurisdiction in the matter of ordering a watershed district boundary change, but does not have the statutory or enforcement authority to order the nine conditions. The companion resolution being brought before the Board addresses the nine conditions. Jim stated that the petition was noticed according to statute and staff disagrees with the contention that the public did not have an opportunity to comment. There was a comment period and only one comment was received.

** Chair Kramer stated that the Board can only act within its statutory powers. Moved by Louise Smallidge, seconded by Bob Burandt, to approve the resolution that the Board hereby supports all of the terms of the Agreement and will be attentive to and facilitate the implementation of those terms. Discussion followed.

Louise Smallidge commented on the wordage "supports" versus "approves". She stated that the Board is here to support; according to statute. Bob Burandt agrees with Louise Smallidge; the Board supports and will encourage. The Metro Water Planning Committee voted unanimously to approve the Resolution and Order as presented. John Jaschke stated that we have certain authorities that BWSR can use; mediation, oversight responsibilities, and authority to approve local government plan amendments or renewals. BWSR is doing everything we can to make the agreement with the parties doable. Jim stated the resolution contains a statement about the conclusion of the mediation which starts the time period for the statute of limitations for the mediated agreement. Discussion continued.

Paul Brutlag supports the Resolution, he stated that Jim Haertel has been working with the Attorney General's office, petitioner's input and the staff recommendation on the wordage of the Resolution and Order. LuAnn Tolliver supports the motion and applauded the communities in working together. She stated that proper notice was given to the public. Gene Tiedemann stated that common sense establishes a watershed district along hydrologic boundaries and he cannot support this. Jim Haertel stated that the current petition was filed under Statute 103B for the seven county metro for both WDs and joint powers WMOs. Statute 103D is specific to watershed districts and hydrologic boundaries. The Board does not have authority to set boundaries for joint powers watershed management organizations. The legislature decided a

mechanism was needed in the metro area for watershed districts to be contiguous with other organization boundaries that do not follow hydrologic boundaries as set forth in 103B. Brian Napstad is concerned with 103B and 103D. He sees the legislature moving in the direction of recognizing watershed boundaries; however the metro area is different. 103B gives local authority of joint powers agreements under statute. Brian supports the Resolution as presented. Christy Jo Fogarty stated that BWSR wants local communities to work together. With respect to local governmental units, she supports BWSR oversight but not authority to dictate specific parts of their plans. Paul Langseth supports the Resolution. He's concerned that citizens be heard but need to deal with this at the local level. Tom Loveall supports the Resolution as that is the authority BWSR has. LuAnn Tolliver stated that this petition came in under Statute103B, making this a different situation; as the two prior petitions were filed under Statute103D. Quentin Fairbanks stated that the locals know what is needed. John Jaschke clarified that the BWSR resolution is aimed at the consensus agreement and that the proposed Order is to address the petition. Jim Haertel stated that no public hearing was held.

10-86 Chair Kramer called for the vote. Motion passed on a voice vote.

Jim Haertel explained the Order:

A) The boundary of the South Washington Watershed District and the Valley Branch Watershed District be changed according to the Petition and the map dated May 14, 2010 attached herewith to this Order and fully incorporated herein including the dataset for the map.
B) Property within the existing SWWD remains liable for its proper share of any outstanding indebtedness of the watershed district applying to the property before the Board's Order, and levies and assessments for the indebtedness continue in force until the debt is fully paid.
C) The South Washington Watershed District and the Valley Branch Watershed District Watershed Management Plans be amended within one year of the date of this Order to include the boundary change.

** Moved by Louise Smallidge, seconded by Quentin Fairbanks, to approve the Order as
10-87 presented. Motion passed on a voice vote.

NEW BUSINESS

Recognition of Service – Randy Kramer – On behalf of the Board and staff, John Jaschke thanked Chair Kramer for his service which set high expectations and was demonstrated by his engagement and commitment to the position. John read a list of Randy's accomplishments under his tenure: Board committee structure; proactive audits; major revamping of rules; significant WRP partnership with NRCS; agreement on swampbuster with NRCS; first Legacy programs created and funded; Board expansion to

add city and townships; mandate to provide greater oversight to local governments through PRAP. On behalf of Governor Tim Pawlenty, John presented Chair Kramer with a certificate of commendation for seven years of state service. John, on behalf of BWSR, presented a Distinguished Service Award to Chair Kramer for board membership from 2003-2010. Congratulations to Randy! Brian Napstad stated that Chair Kramer also transitioned the new executive director.

Randy stated that he believed his leadership position was best served as a guide and facilitator. He thanked BWSR staff for their high level work and support. He commended board members for all their input and support. He thanked agency representatives for bringing good points to the table, their important vote; and good collaboration. On behalf of BWSR, Randy thanked partners LeAnn Buck, MASWCD; Ray Bohn, MAWD; Annalee Garletz, AMC; and Tim Koehler, NRCS.

Randy thanked John Jaschke for the regular and timely communications and stated that he appreciated and enjoyed working with him. Randy reminded board members that they are individuals representing a broader constituency. He stated that he enjoyed BWSR and will continue working on related efforts in different capacities.

Paul Brutlag, with honor, presented a resolution to Chair Kramer. "Now Therefore Be it Resolved, that the Board of Water and Soil Resources proudly recognizes Randy Kramer for his dedicated leadership to improve and protect Minnesota's water and soil resources by working in partnership with local organizations and private landowners". Moved by Paul Brutlag, seconded by Louise Smallidge, to approve the resolution as presented, signed by Paul Brutlag as Vice-Chair. Motion passed on a voice vote.

** 10-88

Chair Kramer called for a break in the meeting at 10:30 a.m. The meeting reconvened at 10:50 a.m.

Riparian Buffers Overview – John Jaschke introduced Tabor Hoek, Al Kean, Paul Senne, BWSR Staff; and Mike Mueller, DNR. Tabor Hoek provided a brief overview of the multiple benefits of riparian buffers. Paul Senne presented comparison data information; this report can be found on BWSR's website: www.bwsr.state.mn.us/easements. Al Kean presented public drainage system information and a review of standards. Mike Mueller, DNR, presented information on standards that are developed and applied via the State Shoreland Rule. Discussion followed. John Jaschke stated that DNR has expected support of conservation programs as a means to pursue 50-foot setback compliance. Chair Kramer thanked Tabor, Al, Paul, and Mike for the informative presentation.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Rob Sip reported that MDA released a new grazing document. Rob commented on a point of interest for a future meeting; the MDA Livestock Environmental Quality Assurance Program as it ties to BWSR's Cost-Share Program.

Minnesota Department of Health (MDH) – John Linc Stine reported that MHD received a grant to learn about exposure from contaminates in drinking water and fish as it relates to the native tribal population. MDH is gathering data from tribal nations.

Minnesota Department of Natural Resources (DNR) – Wayne Edgerton reported that DNR Commissioner Mark Holsten presented the "Commissioner's 4-H Youth Award" to Matt Sundquist, from the Hearty Homers 4-H Club in Washington County. Matt Sundquist earned the award for his work on a horse trail at Afton State Park. Wayne reported that the award presentation was held on September 4th during a ceremony at the Minnesota State Fair.

Wayne reported that DNR conducted private lands specialist meetings with Soil and Water Conservation Districts (SWCDs) to better partnership with SWCDs. Wayne reported that the rough grouse season started September 18th. Wayne stated that the pheasant numbers are about the same as last year.

Minnesota Pollution Control Agency (MPCA) – Rebecca Flood reported that she has been traveling around the state meeting with planning and zoning staff via listening sessions on the SSTS rule. Rebecca reported that MPCA conducted a survey at the local level regarding local capacity issues, communications, and program improvements. Rebecca reported that EPA Region 8 is meeting with EPA Region 5 regarding Devils Lake; looking at the possibility of changing sulfate standards in the Red River of the North.

ADVISORY COMMENTS

Minnesota Association of Soil and Water Conservation Districts (MASWCD) – Sheila Vanney, MASWCD Assistant Director, reported that MASWCD is planning their annual convention. The convention will be held December 5-7 at the Crowne Plaza in St. Paul. Sheila thanked BWSR staff for their help with the MASWCD annual business meeting and resolutions and appreciates Mary Jo Anderson's assistance with registration. Sheila reported that the MASWCD Board of Directors voted last week to support a Clean Water Act amendment to allow EPA to certify a State Wetland Law as adequate in Section 404 of the Act. Sheila reported that 190 SWCD supervisors are up for election in November; candidates are listed on the MASWCD website. An orientation session will be held in the spring for the newly elected supervisors. Sheila reported that Judy Erickson stepped down as legislative affairs specialist; Sheila has taken on those duties and looks forward to working with BWSR.

Minnesota Association of Townships (MAT) – Sandy Hooker reported that she attended the Association of Townships meeting in Washington, where she met with township officers nationwide. Sandy reported that MAT is planning their annual conference in Duluth, November 18-19; she invited board members to attend. Sandy stated that MAT appreciates John Jaschke and BWSR staff support.

Minnesota Association of Watershed Districts (MAWD) – Ray Bohn stated that he's sorry to see Randy Kramer leave BWSR; he's done a great job and he appreciated his service. Ray reported that the Minnesota Local Government Roundtable met and identified the need for an advisory committee. A 30-member advisory committee was appointed; ten from each association. Three subcommittees with chairs were appointed: 1) Basin and Watershed Management; 2) Comprehensive Water Plans; and 3) Funding for Water Plans. The Roundtable will review the recommendations of the Clean Water Council and have some ideas by January that have consensus.

Ray reported that the Drainage Work Group (DWG) met diligently over the summer. An issue the DWG is looking at is the redetermination of benefits as it relates to conservation practices on the ground. Ray reported that the MAWD annual meeting will be held December 2-4, in Alexandria; he invited everyone to attend. Ray stated that another issue coming to the forefront is aquatic invasive species. Chair Kramer thanked Ray for his report and stated that it's been a pleasure working with MAWD.

Natural Resources Conservation Service (NRCS) – Tim Koehler thanked Randy Kramer for his tenure, dedication and commitment to natural resources conservation. Tim stated that NRCS and BWSR has moved to a higher level of cooperation and coordination under his leadership and he appreciates the service Randy provided.

Tim commented on the potential Lessard Sams Outdoor Heritage Council (LSOHC) recommendation of $13M for RIM/WRP. Tim stated that NRCS is making good improvements and continues to work on processing easements. Tim reported that NRCS and BWSR are partnering on engineering assistance for WRP. Tim stated that there's almost half a million dollars of monitoring, technical, engineering easement work to put on the ground. Tim reported that NRCS received funding late in the year, $5M in proposals for the Mississippi River Basin Initiative (MRBI). $150,000 for implementation but SWCDs were not able to encumber; NRCS is working on that. Tim reported that State Conservationist Don Baloun hopes to expand MRBI in 2011in Minnesota with Clean Water funding. CRP completed sign-up, over 1,000 contracts funded; committed resources to SWCDs to write plans. Chair Kramer thanked Tim for his report; and stated that it's been a pleasure working with Tim and NRCS.

UPCOMING MEETINGS

- Next Board Meeting – October 27, 2010 in St. Paul.

John Jaschke reported that Paul Brutlag will serve as Acting Chair until a new chair is appointed by the Governor. An election of temporary vice-chair will be held at the next Board meeting if an appointment of Chair has not been made by the Governor.

Chair Kramer thanked Mary Jo Anderson for her assistance during his tenure.

LuAnn Tolliver reported that the Wetland Committee will meet before the December Board meeting; date to be determined.

** 10-89 Moved by Paul Brutlag, seconded by Louise Smallidge, to adjourn the meeting at 12:30 p.m. Motion passed on a voice vote.

Respectfully submitted,

Paul Brutlag
Acting Chair

BOARD OF WATER AND SOIL RESOURCES
Attendance Roster

	Name	Affiliation	Phone #
1.	STEVE KERNIK	WOODBURY	651-714-3536
2.	Eric Wilfe	prior petitioners	651-323-7438
3.	MATT MOORE	SWWD	651-714-3729
4.	JIM KELLER	DENMARK TWSP	651-604-3120
5.	Mike Schmidt	Mitchell Center for Env Advocacy	651-291-3866
6.	Ryan Schroeder	City of Cottage Grove	651-458-2802
7.	Jack Faurot	SWWD	651 455-9981
8.	Brian Johnson	SWWD	612-710-8585
9.	Mark Stephens	Woodlane	651-739-1242
10.	Doug Wetzstein	MPCA	651-757-2819
11.	Amanda Strommer	Washington Co.	651-430-6744
12.	Sheila Vanney	MASWCD	651 690 9028
13.			
14.			
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25.			

Public Access

Bill Hargis - City of Woodburn yes mayor

~~Jack Levold - maybe SWWD~~

Brian Schrueder maybe Cottage Grove

Eric Witte - yes citizen

Jim Keller mark yes Denmark Twp

South Washington Watershed District Boundary Change Petition – Jim Haertel explained that the South Washington Watershed District submitted a petition to the Board of Water and Soil Resources (Board) on May 27, 2010 pursuant to Minn. Stat. § 103B.215 to change the boundaries of the South Washington Watershed District and the Valley Branch Watershed District. The petition results from a mediated agreement. The Board has taken two previous actions in the past 16 months on this matter. The public noticed deadline to request a hearing or submit comments was September 15. No hearing was requested, no hearing was held and the Board is required by statute to make a decision today. The Metro Water Planning Committee met on September 21; and reviewed two companion itemspieces,; a resolution and an Order. ~~The Metro Water Planning Committee recommends that the Board supports the terms of the Agreement and will be attentive to and facilitate the implementation of those terms.~~

Jim summarized the two previous decisions the Board made and the difference with the current petition that is filed under Minnesota Statutes Chapter 103B instead of 103D. Jim stated that there are nine conditions of the mediated agreement that are in the ~~Order~~ petition. Jim explained that BWSR has proper jurisdiction in the matter of ordering a watershed district boundary change, but does not have the statutory ~~authority~~ or enforcement authority~~of local governments, merely oversight~~ to order the nine conditions. The companion resolution being brought before the Board addresses the nine conditions. Jim stated that the petition was noticed according to statute and ; staff disagrees with the contention ~~petitioner~~ that the public did not have an opportunity to comment ~~period~~. There was a comment period and only one~~, no~~ comments was~~ere~~ received.

** Chair Kramer stated that the Board can only ~~deal~~ act within its statutory powers. Moved by Louise Smallidge, seconded by Bob Burandt, to approve the resolution that the Board hereby supports all of the terms of the Agreement and will be attentive to and facilitate the implementation of those terms. Discussion followed.

Louise Smallidge commented on the wordage supports versus approves. She stated that the Board is here to support; according to statute. Bob Burandt agrees with Louise Smallidge; the Board supports and will encourage. The Metro Water Planning Committee voted unanimously to approve the Resolution and Order as presented. John Jaschke stated that we have certain authorities that BWSR can ~~operate in~~; mediation, ~~statutory authority of~~ oversight responsibilities, authority to approve local government plan amendments or renewals. BWSR is doing everything we can to make the agreement with the parties doable. Discussion continued.

Paul Brutlag supports the Resolution, he stated that Jim Haertel has been working with the Attorney General's office and the staff recommendation on the wordage of the Resolution and Order. LuAnn Tolliver supports the motion and applauded the communities in working together. She stated that proper notice was given to the public. ~~The Board can change bits and pieces but cannot always go back for general comment, due to the proper notice and time period given to the public~~. Gene Tiedemann stated that common sense establishes a watershed district along hydrologic boundaries and

he cannot support this. Jim Haertel stated that the petition was filed under Statute 103B. Statute 103D is ~~structured more for~~ watershed districts ~~outstate~~. The Board does not have authority to set boundaries for joint powers watershed management organization;. tThe legislature decided ~~needed~~ a mechanism was needed in the metro area for watershed districts to be contiguous with other organization boundaries that do not ~~follow for~~ hydrologic boundaries. Brian Napstad is concerned with ~~the~~ 103B and 103D;. Hhe sees the legislature moving in the direction of ~~dividing~~ boundaries; however the metro area ~~will find itself~~is differently. 103B gives local authority of joint powers agreements under statute.; Brian supports the Resolution as presented. Christy Jo Fogarty stated that BWSR ~~does~~ wants local communities to work together. W; ~~with~~ respect to local governmental units, she supports BWSR oversight but not authority ~~over them~~. Paul Langseth supports the Resolution. He's concerned that citizens be heard, need to deal with this ~~the~~ at the local level. Tom Loveall supports the Resolution as that is the authority BWSR has. LuAnn Tolliver stated that this petition came in under Statute103B, making this a different situation; as the two prior petitions were filed under Statute103D. Quentin Fairbanks stated that the locals know what is needed. John Jaschke clarified the BWSR resolution. Jim Haertel stated that no public hearing was held

10-86 ~~held.~~ Chair Kramer called for the vote. Motion passed on a voice vote.

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Jim Haertel explained the Order:

A) The boundary of the south Washington Watershed District and the Valley Branch Watershed District be changed according to the Petition and the map dated May 14, 2010 attached herewith to this Order and fully incorporated herein including the dataset for the map.
B) Property within the existing SWWD remains liable for its proper share of any outstanding indebtedness of the watershed district applying to the property before the Board's Order, and levies and assessments for the indebtedness continue in force until the debt is fully paid.
C) The South Washington Watershed District and the Valley Branch Watershed District Watershed Management Plans be amended within one year of the date of this Order to include the boundary change.

** 10-87 Moved by Louise Smallidge, seconded by Quentin Fairbanks, to approve the Order as presented. Motion passed on a voice vote.

BOARD OF WATER AND SOIL RESOURCES
COURTYARD BY MARRIOTT & CONFERENCE CENTER
1080 28TH AVENUE SOUTH
MOORHEAD, MN 56560
THURSDAY, AUGUST 26, 2010

BOARD MEMBERS PRESENT:
Gordy Behm, Paul Brutlag, Bob Burandt, Wayne Edgerton, DNR; Quentin Fairbanks, Rebecca Flood, MPCA; Christy Jo Fogarty, Randy Kramer, Paul Langseth, Keith Mykleseth, Brian Napstad, Rob Sip, MDA; Faye Sleeper, MES; Louise Smallidge, Gene Tiedemann, LuAnn Tolliver, Dan Wilson, MDH

BOARD MEMBERS ABSENT:
Sandy Hooker
Tom Loveall
John Meyer

STAFF PRESENT:
Mary Jo Anderson, Brian Dwight, Jim Haertel, Jeff Hrubes, Steve Hofstad, John Jaschke, Pete Waller

OTHERS PRESENT:
LeAnn Buck, Minnesota Association of Soil & Water Conservation Districts (MASWCD)
Brett Coleman, U.S. Army Corps of Engineers
Margaret Mangan, Minnesota Department of Agriculture
Lance Yohe, Red River Basin Commission (RRBC)

Chair Kramer called the meeting to order at 8:30 a.m.

PLEDGE OF ALLEGIANCE

Chair Kramer thanked everyone for coming to Moorhead. Chair Kramer thanked Bruce Albright, Buffalo-Red River Watershed District; Becker SWCD, Clay SWCD, and Wilkin SWCD and Wilkin County, for hosting the tour. Chair Kramer also thanked the Red River Basin Commission for their participation and sponsorship of the BWSR tour. Chair Kramer also thanked Pete Waller and Mary Jo Anderson for organizing and coordination of the tour logistics.

** 10-72 **ADOPTION OF AGENDA** – Moved by Louise Smallidge, seconded by Paul Brutlag, to adopt the agenda as presented. Motion passed on a voice vote.

MINUTES OF JUNE 23, 2010 – Wayne Edgerton reported that a correction is needed in his DNR report. It should state that "one wild deer was found last fall with bovine ** 10-73 tuberculosis". Moved by Quentin Fairbanks, seconded by Wayne Edgerton, to approve the minutes of June 23, 2010 as corrected. Motion passed on a voice vote.

** 10-74 **MINUTES OF SPECIAL MEETING ON AUGUST 4, 2010 –** Moved by Brian Napstad, seconded by Louise Smallidge, to approve the minutes of August 4, 2010 as circulated. Motion passed on a voice vote.

Chair Kramer reported that two agenda items today need a Conflict of Interest Declaration: 1) Area II Minnesota River Basin Project Inc., Grant; and 2) Minnesota River Board, Fiscal Year 2011 Work Plan and Grant. Chair Kramer read the statement: *"A conflict of interest whether actual or perceived occurs when someone in a position of trust has competing professional or personal interests and these competing interests make it difficult to fulfill professional duties impartially. At this time, members are requested to identify any potential conflicts of interest they may have regarding today's business."*

Chair Kramer introduced Rob Sip, newly appointed Board Member representing the Department of Agriculture, replacing Joe Martin. Rob stated that he looks forward to representing MDA on the BWSR Board.

REPORTS

Chair's Report – Chair Kramer reported that he attended the MAWD Summer tour on June 26; he attended the Local Government Water Management Summit on July 12 in St. Cloud; and he also attended the Stearns County SWCD summer tour and 60th anniversary celebration on July 13. Chair Kramer also attended the joint Outdoor Heritage Council/Clean Water Council/LCCMR meeting and tour in Renville County on July 21.

Executive Director's Report – John Jaschke announced that Joe Martin, formerly of the MDA, is getting married this weekend, taking a new job as owner of Rural Strategies, Inc, and moving soon to south central Minnesota. John reviewed the information in board members' packets.

John distributed a copy of his report. John reported on the following items:

The Clean Water Council/ LCCMR/Outdoor Heritage Council tour – MN River/Renville County: July 21st tour hosted by the Renville SWCD that included riparian buffers, wetland restorations, rock outcrop sites and a Minnesota River fishery presentation along after a canoe trip.

Wetland Banking: Embarking on a development of a joint state/federal system with Corps of Engineers that will upgrade current database and establish field and record-keeping protocols for credit establishment and debiting.

Road Authority Wetland Training: In cooperation with COE, DNR and MnDOT, several sessions were held in northern MN in early August to help local road authorities refine the steps needed to delineate wetlands, design road project upgrades to minimize adverse wetland impacts and report wetland losses to be replaced as specified in MS 103.222 and to meet Clean Water Act requirements.

Walk-in public hunting access: Working with DNR (as directed by Governor) and MASWCD to prepare MN grant application submitted Aug 23rd to USDA-FSA for pilot program funding to establish short-term contracts for access to conservation/habitat during hunting seasons.

Clean Water Fund RFP: FY2011 RFP soliciting Clean Water Fund Projects from local governments is open until September 15th (see: http://www.bwsr.state.mn.us/grants) supported by several regional training sessions and a couple of webinars.

Local Government Water Management Summit: nearly 400 board and staff members participated in session held July 12 in St. Cloud. Local government association staff will be leading process to refine input as posted at: http://www.mnlocalgovernmentroundtable.com

Rules development: Staff are developing drafts and informal stakeholder input opportunities: a) Cost-Share – draft to be presented to Grants Program and Policy Committee; b) RIM - draft to be presented to RIM Committee; c) Metro Water Management - draft to be presented to Metro Committee.

Dispute Resolution Committee – Randy Kramer reported that one new appeal has been received since the last report. John Jaschke reported that the Hawley appeal of

the Buffalo-Red River Watershed District and Plan was dismissed by the Court of Appeals. John reported that the St. Louis County WCA appeal which is tied to a zoning issue. John also reported on the appeal by the City of Hendrum which will move slower as agreed to by the City.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee has not met; the Committee will meet in September near the Board meeting date.

Drainage Work Group – John Jaschke reported that the Drainage Work Group (DWG) met on July 21, 2010. John distributed a summary report written by Al Kean; and provided an overview of the report. John reported that Joel Peterson, Drainage Management Engineer, has taken a new job as professor with the University of Wisconsin/River Falls, Joel's last day with BWSR was August 17. Recruitment efforts to seek replacement candidates have begun. John reported that the next meeting of the DWG is September 9th.

Chair Kramer reported that he has received concerns about the LCCMR proposal involving BWSR. Chair Kramer hopes that BWSR is acting as the facilitator of the DWG on this. John Jaschke stated that is the approach being taken as it is a sensitive topic.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Capitol Region Watershed District Watershed Management Plan – Jim Haertel reported that the Metro Water Planning Committee met on August 4, 2010; reviewed the Capitol Region Watershed District Watershed Management ten-year Plan and
** recommends approval. Moved by Bob Burandt, seconded by Louise Smallidge, to
10-75 approve the Capitol Region Watershed District Watershed Management Plan. Faye Sleeper reported that the University of Minnesota St. Paul Campus is located in the watershed and are involved and support the Plan. Motion passed on a voice vote.

Carnelian-Marine-St. Croix Watershed District Watershed Management Plan – Jim Haertel reported that the Metro Water Planning Committee reviewed the Carnelian-Marine-St. Croix Watershed District Watershed Management revised ten-year Plan and recommends approval of the Plan. Jim stated that this Plan is set up into sections for
** individual water resources. Moved by Bob Burandt, seconded by Louise Smallidge, to
10-76 approve the Carnelian-Marine-St. Croix Watershed District Watershed Management Plan. Motion passed on a voice vote.

Chisago County Comprehensive Local Water Management Plan Amendment and Extension – Jim Haertel reported that the Metro Water Planning Committee reviewed the Chisago County Comprehensive Local Water Management Plan Amendment and Extension and recommend approval. Jim explained that the primary reasons for

amending and extending the Chisago County Water Plan are to: expand the tasks identified in the Water Plan to reflect the increase in activity since 2006, better organize the existing Water Plan, better position Chisago County to be eligible for potential
** funding opportunities, and to extend the plan from 2006-2011 to 2006-2013. Moved by
10-77 Bob Burandt, seconded by Louise Smallidge, to approve the Chisago County Comprehensive Local Water Management Plan amendment and extension. Discussion followed. Motion passed on a voice vote.

Plan Amendment to the Shingle Creek and West Mississippi Watershed Management Organizations' Watershed Management Plan – Jim Haertel reported that the Metro Water Planning Committee reviewed the Shingle Creek and West Mississippi Watershed Management Organizations' Watershed Management Plan
** amendment and recommends approval. Moved by Bob Burandt, seconded by Louise
10-78 Smallidge, to approve the Shingle Creek and West Mississippi Watershed Management Organizations' Watershed Management Plan amendment. Motion passed on a voice vote.

Northern Water Planning Committee

St. Louis County Water Management Plan Update – Quentin Fairbanks reported that the Northern Water Planning Committee met on August 11, 2010, to review the St.
** Louis County Water Management Plan Update and recommends approval. Moved by
10-79 Quentin Fairbanks, seconded by Paul Brutlag, to approve the St. Louis County Water Management Plan Update. Motion passed on a voice vote.

Southern Water Planning Committee

Area II Minnesota River Basins Project Inc., Grant - Paul Langseth reported that the 2009 Minnesota Legislature appropriated administrative funding for Area II; the 2010 Minnesota Legislature reduced the Area II appropriation, resulting in a fiscal year 2011 grant of $120,000. The BWSR Board approved Area II's work plan for fiscal years 2010 and 2011 on September 23, 2009. The Southern Water Planning Committee recommends approval and execution of the Area II grant agreement for fiscal year
** 2011. Moved by Paul Langseth, seconded by Dan Wilson, to approve the Area II Minnesota River Basins Project, Inc., Grant agreement. John Jaschke stated that the Area II Biennial Plan FY2010-2011 is in Board members' packets today for additional information.

John Jaschke asked board members to submit their Conflict of Interest Declaration forms. John Jaschke reviewed the signed documents, there are no declared conflicts of
10-80 interest. Chair Kramer noted that all board members are eligible to vote. Motion passed on a voice vote.

NEW BUSINESS

Minnesota River Board, Fiscal Year 2011 Work Plan and Grant – Paul Langseth reported that BWSR has oversight of administrative funding related to the efforts of the Minnesota River Board (MRB), formerly known as the Minnesota River Basin Joint Powers Board. The 2009 Minnesota Legislature appropriated administrative funding for the MRB; the 2010 Minnesota Legislature reduced the MRB appropriation, resulting in a fiscal year 2011 State General Funds grant of $84,000. Paul stated that Jeff Nielsen is the lead staff on this and recommends approval of the work plan and execution of the
** administrative grant agreement for fiscal year 2011. Moved by Paul Langseth, seconded by Dan Wilson, to approve the Minnesota River Board, FY2011 Work Plan and Grant.

John Jaschke reviewed the signed Conflict of Interest Declaration forms; there are no
10-81 declared conflicts of interest; Chair Kramer noted that all board members are eligible to vote. Motion passed on a voice vote.

Red River Basin – Long Term Flood Solutions: Project Update Presentation – Chair Kramer thanked the Red River Basin Commission (RRBC) and their staff for participation and sponsorship of the Board tour. Lance Yohe, RRBC Executive Director, distributed the Red River Basin Natural Resources Framework Plan Executive Summary. Lance explained that the project has completed its information gathering phase leading to the development of a comprehensive plan to address flooding in the basin -- according to the charge of the 2009 Minnesota and North Dakota legislatures. Oversight is provided by the MN Board of Water and Soil Resources and the ND State Water Commission. Public flood forums concluded in January with 21 meetings in North Dakota, Minnesota and Manitoba with about 1,000 residents participating. An on-line public survey, has received over 500 responses to date. *Principles* and *Flood Protection Goals* have been adopted to focus and guide the work toward the final set of recommendations. The months ahead will involve completing data analysis, evaluating alternatives and getting broad input on proposed recommendations. Bob Burandt asked if the RRBC has worked with the National Weather Service and others to address the increasing precipitation. Lance explained that the RRBC is working on a 50-year plan to balance the issues involved in the Red River Basin. Discussion followed. Chair Kramer thanked Lance for his presentation.

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

Flood Risk Management for Urban Centers – Pete Waller introduced Brett Coleman, Project Manager, U.S. Army Corps of Engineers. Brett presented an overview of two completed risk management projects for the Cities of Wahpeton/Breckenridge, and Grand Forks/East Grand Forks; and the proposed structural solution locally preferred plan for Fargo/Moorhead. Brett explained that the involved partners have lead to

successful projects. Discussion followed. Brett will provide a copy of his presentation to board members. Chair Kramer thanked Brett for his presentation.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Rob Sip reported that MDA is interacting with BWSR on water plans; and has a meeting scheduled with Steve Woods. Rob reported that MDA started an electronic newsletter as a source of information on environmental issues. Rob reported that MDA is in the process of updating a nitrate management plan. Rob introduced Margaret Mangan, newly hired environmental outreach coordinator.

Minnesota Department of Health (MDH) – Dan Wilson reported that new well construction has decreased by 45% from the peak several years ago.

Minnesota Department of Natural Resources (DNR) – Wayne Edgerton reported that 450 deer tested this year for bovine tuberculosis were negative. In previous years a total of 27 were positive. Wayne reported that various hunting seasons start September 1, 2010. The deer population is good; the lottery deadline to apply for a doe permit is September 9th.

Minnesota Extension Service (MES) – Faye Sleeper distributed a flyer on an education opportunity, "Clean Water & Climate Adaptation Summit 2010" on September 16-17 at Minnesota Landscape Arboretum. The Summit is presented by the Minnesota Landscape Arboretum in collaboration with the Minnehaha Creek Watershed District and the MN Climate Change Adaptation Working Group. Faye invited Board members to attend. Faye stated that the Water Resources Conference will be held on October 19-20 at the River Center in St. Paul.

Minnesota Pollution Control Agency (MPCA) – Rebecca Flood reported that Section 401 certification was recently issued for the Oakport flood control project visited on the tour yesterday.

ADVISORY COMMENTS

Minnesota Association of Soil and Water Conservation Districts (MASWCD) – LeAnn Buck reported that MASWCD President Steve Sunderland thanked BWSR for the opportunity to be part of the tour yesterday; he is not able to attend the meeting today. LeAnn reported that MASWCD held a legislative policy meeting on August 23; working on policy resolutions. She thanked BWSR for support of past and current MASWCD policy issues. LeAnn commented on the Red River Basin surface water and groundwater issues; including those related to drainage and tiling, the local/state funding match, and the need for technical assistance with projects. LeAnn reported that the MASWCD, MAWD, AMC Roundtable meetings are looking at policy issues for the 2011 legislative session. LeAnn, on behalf of MASWCD, expressed appreciation of BWSR's support.

Chair Kramer announced his resignation, effective the day after the next BWSR Board meeting on September 22nd. Chair Kramer read his letter of resignation sent to Governor Tim Pawlenty, effective September 23, 2010. Chair Kramer stated that he has been asked to submit his name for consideration to fill an unexpired term on the Bird Island-Olivia-Lake Lillian (BOLD) school board and he has done so. Chair Kramer explained that due to time considerations with his business and family commitments made the decision that he would not be able to effectively serve in both positions simultaneously. The Open Appointments process through the Secretary of State's Office will commence to identify citizen candidates interested in filling the remainder of his term. Paul Brutlag, Board Vice-Chair, will serve as Acting Chair beginning on September 23rd until the Governor appoints a new chairperson.

UPCOMING MEETINGS

- Board Meeting – September 22, 2010 in St. Paul

** 10-82 Moved by Paul Brutlag, seconded by Louise Smallidge, to adjourn the meeting at 11:10 a.m. Motion passed on a voice vote.

***** Board Members requested that a picture be taken of the Board at the September meeting.**

Respectfully submitted,

Mary Jo Anderson
Recorder

Resolution 10- _____

Minnesota Board of Water and Soil Resources

WHEREAS, a Petition was filed with the Board on May 27, 2010 by the South Washington Watershed District (SWWD) to change the boundaries of the SWWD and the Valley Branch Watershed District (VBWD); and

WHEREAS, the Petition contained an Agreement resulting from a watershed boundary mediation process that was signed by Washington County, the SWWD, the VBWD, the City of Cottage Grove, Denmark Township and the City of Woodbury, last signed on May 19, 2010; and

WHEREAS, the mediation was concluded when the parties signed the Agreement, last signed on May 19, 2010; and

WHEREAS, the Agreement contains several obligations as described in item 4 of the Petition as follows:

a. The SWWD will amend its watershed management plan pursuant to Minn. Stat. §§ 103B.205 to 103B.255 to include the Lower St. Croix subwatershed areas within one year. The SWWD will initially adopt the Lower St. Croix Watershed Management Organization (LSCWMO) 2009 Watershed Management Plan as the plan for this subwatershed pursuant to Minn. Stat. §§ 103B.205 to 103B.255.

b. The SWWD will apply resource based water quality standards defined by the St. Croix River and the Mississippi River and based on discrete geographical locations defined by hydrologic boundaries.

c. The SWWD will implement the Central Draw Overflow Project as follows:

c.1. The SWWD will complete acquisition of lands necessary to control the outlet for the Central Draw Overflow Project to the Mississippi River by June 30, 2014.

c.2. As part of the Central Draw Overflow Project, the SWWD will construct improvements to the Cottage Grove Central Ravine by December 31, 2014 to accommodate interim watershed overflows.

c.3. The SWWD will complete construction of the Central Draw Overflow Project by January 1, 2020 unless otherwise agreed to by the City of Cottage Grove, City of Woodbury and SWWD.

no amendments

d. For the purposes of collecting revenues and paying the costs of projects in the former LSCWMO territory, the SWWD will establish a water management district pursuant to Minn. Stat. § 103D.729. The former LSCWMO territory will pay 100 percent of the costs

DRAFT

of any projects that are needed within the former LSCWMO territory and none of the costs will be charged to any of the territory of SWWD as it existed prior to May 27, 2009.

e. The cost of projects for the territory within the existing SWWD will be paid for by the territory within the existing SWWD and none of the costs will be charged to the former LSCWMO territory being added to the SWWD.

f. Funding should be determined on a project-by-project basis, based on project benefits, costs (including administrative costs of the financing options), and equity. The SWWD will finance projects on a subwatershed basis through revenue collected using a stormwater utility fee according to Minnesota Statutes Chapter 444.

g. Administrative services and related general services that are provided throughout the new areas of the watershed districts will be funded using a district wide ad valorem tax, collected by Washington County as a part of property tax collection. For the SWWD, the former LSCWMO territory will pay its costs of the annual administrative budget and proportional costs of annual SWWD operational programs based on the ad valorem tax rate.

h. Currently the SWWD consists of five managers. The SWWD is requesting the SWWD board of managers remain at five.

i. The appointment of managers in the SWWD will be consistent with Minn. Stat. § 103D.311, Subd. 3, item c which states that managers must be appointed to fairly represent the various hydrologic areas within the watershed district. The County will ensure that two managers on the SWWD board live in the City of Woodbury. The remaining three managers will be appointed to fairly represent the remaining hydrological areas with the SWWD. In accordance with Minn. Stat. § 103D.311, Subd. 3, item a, the County will appoint managers from a list of persons nominated by the townships and municipalities located within the watershed district. The list must contain at least three nominees for each manager position to be filled. The list must be submitted to the county at least 60 days before the managers' term of office expires. If a list of nominees is not received 60 days prior to the managers' term of office expiring or if a city or town fails to submit a list of nominees, the County may appoint any managers that they so choose.

NOW THEREFORE BE IT RESOLVED, that the Board hereby supports all of the terms of the Agreement and will be attentive to and facilitate the implementation of those terms.

September 22, 2010

Randy Kramer, Chair

DRAFT

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

In the Matter of the Petition for a Boundary Change of the South Washington Watershed District and the Valley Branch Watershed District, Washington County, pursuant to Minnesota Statutes Section 103B.215.

ORDER FOR BOUNDARY CHANGE OF SOUTH WASHINGTON AND VALLEY BRANCH WATERSHED DISTRICTS

Whereas, a petition (Petition) for a boundary change of the South Washington Watershed District (SWWD) and the Valley Branch Watershed District (VBWD) was filed by the SWWD with the Board on May 27, 2010, 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.** On May 27, 2010, the Board received a Petition for a boundary change of the South Washington Watershed District (SWWD) and the Valley Branch Watershed District (VBWD) from the SWWD pursuant to Minn. Stat. § 103B.215. The SWWD has proper standing to file the Petition pursuant to Minn. Stat. § 103B.215, Subd. 2, item a.

2. **Property Description.** The territory proposed to be added or transferred by the proposed boundary change, the Petitioned Area, is depicted in a map attached to the Petition as "Figure 1" dated May 14, 2010 and comprises an area located in Washington County entirely within the metropolitan area that is approximately 30.06 square miles currently within the VBWD, which includes land in the Cities of Afton and Cottage Grove, and the Town of Denmark.

   The proposed boundary change would transfer from the VBWD to the SWWD approximately 30.06 square miles, of which 4.19 square miles are located within the City of Afton, 2.02 square miles are located within the City of Cottage Grove, and 23.85 square miles are located within the Town of Denmark.

3. **Petition Service.** The Petition was served on the Board, the VBWD, Washington County and affected communities.

4. **Statements of Concurrence.** The Petition was accompanied by written statements of concurrence from each statutory or home rule charter city and town and each watershed management organization having jurisdiction over the Petitioned Area as required by Minn. Stat. § 103B.215, Subd. 2, item c, subitem 1. Additionally, the Petition was accompanied by statements of concurrence from all of the remaining cities in the SWWD and the Washington County Board of Commissioners. All of the statements of concurrence were in the form of resolutions adopted by the governing bodies of each entity.

5. **Mediated Agreement.** The Petition was accompanied by an Agreement resulting from a watershed boundary mediation process. The Agreement was signed by Washington County, the SWWD, the VBWD, the City of Cottage Grove, Denmark Township and the City of Woodbury. The Agreement states the following obligations:

a. Washington County agrees to appoint managers consistent with Minn. Stat. § 103D.311, Subd. 3, item c and will appoint two of the five managers of the SWWD Board from the City of Woodbury. The remainder of the managers will be appointed to fairly represent the hydrological subwatersheds within the SWWD.

b. Washington County agrees to appoint managers consistent with Minn. Stat. § 103D.311, Subd. 3, item a from a list of candidates submitted by the cities and townships.

c. Washington County agrees to coordinate an annual check-in mechanism to ensure this Agreement is upheld. The County will coordinate this as part of the annual watershed budget review by the County Board of Commissioners. The County will work with the SWWD and provide a memo to the parties by no later than December 1st of each year (starting in 2011). In the event the County determines a non-compliance with any of the terms and provisions hereof, it shall identify the same in its report. Should non-compliance of this Agreement be identified under an annual review, the County will reconvene the parties of this agreement to mediate a solution.

d. The SWWD will prepare a petition to the Board of Water and Soil Resources to reallocate the areas formerly covered by the Lower St. Croix Watershed Management Organization into both the VBWD and the SWWD as described in the petition.

e. The SWWD and Washington County will request a written statement of concurrence for the petition from the governing body of each statutory or home rule charter city and town and

each watershed management organization having jurisdiction over the territory proposed to be added or transferred and agree to support the boundary change petition, to be filed by the SWWD, before the Board of Water and Soil Resources.

f. The SWWD shall establish rules governing the hydrological land areas that are tributary to the St. Croix River and rules for the hydrological land area tributary to the Mississippi River, and the standards adopted for the areas tributary to the St. Croix River shall not be applied to the areas tributary to the Mississippi River.

g. Prior to the adoption of rules, the SWWD will follow the notice and hearing requirements of Minn. Stat. § 103D.341, and any other applicable statutorial rule requirements.

h. The SWWD agrees to finance capital projects on a subwatershed basis within management and taxing districts in accordance with Minn. Stat. § 103D.729, as defined by the SWWD plan.

i. The SWWD agrees to finance capital projects on a subwatershed basis through revenue collected using a storm water utility fee according to Minnesota Statutes Chapter 444.

j. The SWWD shall initially adopt the former Lower St. Croix Watershed Management Organization watershed management plan and rules as the plan and rules for the subwatershed pursuant to Minn. Stat. § 103B.231.

k. The SWWD agrees to implement the Central Draw Overflow Project as follows:

k.1. The SWWD shall complete acquisition of lands necessary to control the outlet for the Central Draw Overflow Project to the Mississippi River by June 30, 2014.

k.2. As part of the Central Draw Overflow Project, SWWD will construct improvements to the Cottage Grove Central Ravine by December 31, 2014 to accommodate interim watershed overflows.

k.3. SWWD shall complete construction of the Central Draw Overflow Project by January 1, 2020 unless otherwise agreed to by Cottage Grove, Woodbury and SWWD.

l. Cottage Grove and Woodbury agree to timely respond to requests for information from the SWWD and timely submit requested documents to the SWWD. Timely responses are necessary to enable the SWWD to undertake and complete studies and analysis reasonably necessary to timely perform the SWWD obligations under this Agreement.

m. The parties agree to take all reasonable steps necessary in order to stay the Court of Appeals proceedings on the Appeal of BWSR Order One until BWSR approves all elements of the petition. Based on the Court of Appeals' Order dismissing the appeal of BWSR Order Two, subject to a motion to reinstate within thirty (30) days of BWSR's final decision on the SWWD petition, if BWSR grants the petition, Cottage Grove and Denmark Township agree to not pursue the appeal further. If BWSR denies the petition, the parties may resume their appeals, and the parties will not oppose a motion by Cottage Grove and Denmark Township for reinstatement of the appeal of BWSR Order Two. In the event that BWSR denies the petition, this Agreement shall be null and void.

6. **Reasons for Change.** The Petition states the following are supporting reasons for the boundary change between the SWWD and the VBWD:

a. The proposed boundary change will be conducive to the public health and public welfare and for the purposes of Minnesota Statutes Chapter 103.

b. The proposed boundary change will provide long term protection for surface and groundwater resources.

c. The proposed boundary change will ensure efficiency and effectiveness of water resource management in this area.

d. The proposed boundary change is consistent with the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255.

e. Certain properties under the jurisdiction of the SWWD are subject to protection under Minn. Stat. § 103B.225. The boundary change, subject to conditions in the petition, is compliant with Minn. Stat. § 103B.225.

f. The petitioner has received a written statement of concurrence in the petition from the governing body of each statutory or home rule charter city and town and each watershed management organization having jurisdiction over the territory proposed to be added or transferred.

g. The boundary change will accomplish the objectives that were agreed upon through the watershed boundary mediation process which involved BWSR, Washington County, SWWD, VBWD, City of Cottage Grove, Denmark Township, and City of Woodbury.

7. **Conformance with Minn. Stat. § 103B.225.** The Petition states the following are conditions for changing the boundaries of the SWWD to be compliant with Minn. Stat. § 103B.225:

a. The SWWD will amend its watershed management plan pursuant to Minn. Stat. §§ 103B.205 to 103B.255 to include the Lower St. Croix subwatershed areas within one year. The SWWD will initially adopt the Lower St. Croix Watershed Management Organization (LSCWMO) 2009 Watershed Management Plan as the plan for this subwatershed pursuant to Minn. Stat. §§ 103B.205 to 103B.255.

b. The SWWD will apply resource based water quality standards defined by the St. Croix River and the Mississippi River and based on discrete geographical locations defined by hydrologic boundaries.

c. The SWWD will implement the Central Draw Overflow Project as follows:

c.1. The SWWD will complete acquisition of lands necessary to control the outlet for the Central Draw Overflow Project to the Mississippi River by June 30, 2014.

c.2. As part of the Central Draw Overflow Project, the SWWD will construct improvements to the Cottage Grove Central Ravine by December 31, 2014 to accommodate interim watershed overflows.

c.3. The SWWD will complete construction of the Central Draw Overflow Project by January 1, 2020 unless otherwise agreed to by the City of Cottage Grove, City of Woodbury and SWWD.

d. For the purposes of collecting revenues and paying the costs of projects in the former LSCWMO territory, the SWWD will establish a water management district pursuant to Minn. Stat. § 103D.729. The former LSCWMO territory will pay 100 percent of the costs of any projects that are needed within the former LSCWMO territory and none of the costs will be charged to any of the territory of SWWD as it existed prior to May 27, 2009.

e. The cost of projects for the territory within the existing SWWD will be paid for by the territory within the existing SWWD and none of the costs will be charged to the former LSCWMO territory being added to the SWWD.

f. Funding should be determined on a project-by-project basis, based on project benefits, costs (including administrative costs of the financing options), and equity. The SWWD will finance projects on a subwatershed basis through revenue collected using a stormwater utility fee according to Minnesota Statutes Chapter 444.

g. Administrative services and related general services that are provided throughout the new areas of the watershed districts will be funded using a district wide ad valorem tax, collected by Washington County as a part of property tax collection. For the SWWD, the former LSCWMO territory will pay its costs of the annual administrative budget and proportional costs of annual SWWD operational programs based on the ad valorem tax rate.

h. Currently the SWWD consists of five managers. The SWWD is requesting the SWWD board of managers remain at five.

i. The appointment of managers in the SWWD will be consistent with Minn. Stat. § 103D.311, Subd. 3, item c which states that managers must be appointed to fairly represent the various hydrologic areas within the watershed district. The County will ensure that two managers on the SWWD board live in the City of Woodbury. The remaining three managers will be appointed to fairly represent the remaining hydrological areas with the SWWD. In accordance with Minn. Stat. § 103D.311, Subd. 3, item a, the County will appoint managers from a list of persons nominated by the townships and municipalities located within the watershed district. The list must contain at least three nominees for each manager position to be filled. The list must be submitted to the county at least 60 days before the managers' term of office expires. If a list of nominees is not received 60 days prior to the managers' term of office expiring or if a city or town fails to submit a list of nominees, the County may appoint any managers that they so choose.

8. **Notice of Filing.** Legal notice of filing on the proposed watershed district boundary change, pursuant to Minn. Stat. § 103B.215, Subd. 3, was published on August 18 and 25, 2010 in the Oakdale/Lake Elmo Review, the Woodbury Bulletin, and the South Washington County Bulletin, and on August 19 and 26, 2010 in the Hastings Star Gazette. Further, a copy of the notice was mailed to several addressees including the Washington County Auditor, an Assistant Washington County Attorney, all of the cities and towns in the SWWD and VBWD, the SWWD, the VBWD, the SWCD, and the DNR.

9. **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 submitted to the Board before a hearing will be held. No request for hearing was submitted during the specified period of time and no public hearing was held.

10. **Comments in response to Notice of Filing.** One comment letter was received in response to the Notice of Filing. The comment letter was in opposition to the Petition for various

reasons, generally including:

a. The boundary change is contrary to the intent of water law and will create a watershed district that is tributary to the Mississippi and St. Croix Rivers. This is especially problematic because the St. Croix River is an Outstanding High Value Water.

b. The Petition resulted from closed mediation between the governmental units. No public input was taken. It is not clear that the mediated parties considered broader concerns outside of Washington County. This appears to be bad public policy.

c. Woodbury appealed the Board's first decision in this matter over concerns about "poison pill provisions". The current Petition has dramatically more of them. Many of them are not legally enforceable and may set unwanted precedents for watershed management.

d. The SWWD has yet to address flooding concerns in areas of Woodbury that it has regulated since 1997. If the Petition is approved and after approval of the watershed management plan, the Board will have very little leverage with the SWWD if lower St. Croix River water quality concerns are not appropriately addressed.

e. The SWWD does not issue permits for development. Rural areas such as Denmark Township will not have the capacity to properly evaluate development projects. The VBWD issues permits for development in rural areas.

f. Most of the arguments against the Board's second decision in this matter centered on economic concerns. There are concerns about the effects that this mindset will have when capital improvement projects are considered that would benefit the St. Croix River.

g. Several lakes in the SWWD have been placed on the impaired waters list during SWWD's watch. Meanwhile, the VBWD has been improving the water quality in their watershed. This is based on information from the two watershed district websites.

h. The St. Croix River does not belong to Woodbury, Cottage Grove, Denmark Township or Washington County. The broader public interest of Minnesota, Wisconsin and everyone who enjoys the St. Croix River is better served under the management of the VBWD.

11. **Board Staff Advisory Report.** A Board staff advisory report dated September 17, 2010 recommended approval of the Petition. To be in conformance with Minn. Stat. § 103B.225, the report advised that the Board Order require the SWWD to establish a water management district under Minn. Stat. § 103D.729 to finance projects on a subwatershed basis consistent with certain terms of the Petition.

12. **Metro Water Planning Committee.** The Metro Water Planning Committee met on September 21, 2010. Committee members in attendance were Christy Jo Fogarty, Rebecca Flood, LuAnn Tolliver, Louise Smallidge, and Robert Burandt as chair. Board staff in attendance were Melissa Lewis and Jim Haertel. Based on the entire record in this matter and after due consideration, the committee decided with a unanimous vote to recommend to the full Board that a Resolution be adopted that supports the Agreement. Further, the committee decided with a unanimous vote to recommend to the full Board that the SWWD and VBWD boundary be changed according to the Petition and that the draft Board Order include a reference to the Resolution.

The Board's standard of review in making a determination on the proposed boundary change in the Petition is set forth in Minn. Stat. § 103B.215, Subd. 4, item c, as follows:

> (c) After completing the procedures required by this subdivision, the board shall, by its findings and order, make the boundary change requested if the board determines that:
>
> (1) the governing body of each statutory or home rule charter city and town and each watershed management organization having jurisdiction over the territory proposed to be added or transferred concurs in the petition;
>
> (2) the change is consistent with the purposes and requirements of sections 103B.205 to 103B.255; and
>
> (3) the change can be accomplished in conformance with section 103B.225.

In arriving at their decisions, the Committee endorsed the findings and many of the recommendations in the Staff Advisory Report. The Committee found that the local communities and watershed districts concur in the boundary change in conformance with Minn. Stat. § 103B.215, Subd. 4, item c, subitem 1. The Committee noted the strong support for the boundary change among the local communities, watershed districts and Washington County. The Committee found that the boundary change would be consistent with the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255 in conformance with Minn. Stat. § 103B.215, Subd. 4, item c, subitem 2. The Committee noted that either watershed district is fully capable of adequately managing the water resources in the Petitioned Area. The Committee found that the boundary change could be accomplished in conformance with Minn. Stat. § 103B.225, as required by Minn. Stat. § 103B.215, Subd. 4, item c, subitem 3, by prescribing that property within the existing SWWD remains liable for its proper share of any outstanding indebtedness of the watershed district applying to the property before the Board's Order, and levies and assessments for the indebtedness continue in force until the debt is fully paid. The Committee endorsed a draft Resolution that supports the Agreement and recommended that the Board Order reference the Resolution. Additionally, the Committee noted that the SWWD and the VBWD have not amended their watershed management plans to include the boundary changes done during the past 16 months.

CONCLUSIONS

1. The Petition for the boundary change of the South Washington Watershed District and the Valley Branch Watershed District is valid in accordance with Minn. Stat. § 103B.215.

2. Proper notice of filing was given and no 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.

5. The boundary change of the South Washington Watershed District and the Valley Branch Watershed District as proposed in the Petition has been agreed to in statements of concurrence from the governing bodies of each statutory or home rule charter city and town and each watershed management organization having jurisdiction over the territory proposed to be added or transferred as required by Minn. Stat. § 103B.215, Subd. 2, item c, subitem 1. Additionally, the Petition was accompanied by statements of concurrence from all of the remaining cities in the South Washington Watershed District and the Washington County Board of Commissioners. All of the statements of concurrence were in the form of resolutions adopted by the governing bodies of each entity.

6. The boundary change is consistent with the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255 in conformance with Minn. Stat. § 103B.215, Subd. 4, item c, subitem 2. Either watershed district is fully capable of adequately managing the water resources in the Petitioned Area.

7. The boundary change can be accomplished in conformance with Minn. Stat. § 103B.225, as required by Minn. Stat. § 103B.215, Subd. 4, item c, subitem 3, by prescribing that property within the existing SWWD remains liable for its proper share of any outstanding indebtedness of the watershed district applying to the property before the Board's Order, and

levies and assessments for the indebtedness continue in force until the debt is fully paid..

8. The South Washington Watershed District and the Valley Branch Watershed District Watershed Management Plans should be amended within one year to include the boundary change.

9. This Order references Board Resolution 10-____ that supports all of the terms of the Agreement and that the Board will be attentive to and facilitate the implementation of those terms.

ORDER

The Board hereby orders:

A. The boundary of the South Washington Watershed District and the Valley Branch Watershed District be changed according to the Petition and the map dated May 14, 2010 attached herewith to this Order and fully incorporated herein including the dataset for the map.

B. Property within the existing SWWD remains liable for its proper share of any outstanding indebtedness of the watershed district applying to the property before the Board's Order, and levies and assessments for the indebtedness continue in force until the debt is fully paid.

C. The South Washington Watershed District and the Valley Branch Watershed District Watershed Management Plans be amended within one year of the date of this Order to include the boundary change.

Dated at Saint Paul, Minnesota this 22nd day of September, 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Randy Kramer, Chair

Minnesota Board of Water and Soil Resources
Implementation Plan for Responses to 2010 OLA Audit

Finding 1: **Prior finding not resolved: The Board of Water and Soil Resources did not design, implement, and monitor internal controls to ensure that the board fulfilled its financial management responsibilities.**

Recommendation:

- *The board should identify its financial risks, including the risk of noncompliance with finance related legal requirements, develop internal controls to mitigate those risks, and monitor the effectiveness of its internal controls on an on-going basis.*
- *The board should provide adequate training and oversight for its accounting personnel to ensure they adequately perform their financial management responsibilities.*

BWSR's response:
Financial Risks recommendation: We agree with the recommendation. While we implemented many of the internal control policies as they were established by Minnesota Management and Budget (MMB) over the last year and conducted the required training, we will go further to integrate these policies into all areas of financial management. We acknowledge the heightened attention for internal control and will consult with the newly established MMB Internal Control Unit as we move forward.
Training recommendation: We agree with the recommendation. We have conducted internal control training per the MMB schedule for both fiscal staff and senior management. However, regular training and refresher training for fiscal staff will be more targeted and frequent in the future.

Action	Responsible Party	Target Date	Status
Financial Risk			
Develop framework for EMT of what we want to accomplish. Determine how and where MMB Internal Control can contribute to process.	John Jaschke and EMT	Ongoing but with six-month out goal of Dec 2010 for majority of policy changes in place.	Met with MMB Internal Control and now working on risk assessment that is needed first.
Training			
Continue training that coincides with MMB Internal Control recommendations, but needs to be on a structured basis, and a regular component of SMT.	John Jaschke and Bill Eisele	Training will be ongoing, with the goal to have an identified schedule to coincide with December 2010 timeline stated above.	We continue to bring issues to SMT and will document a training schedule after risk assessment is completed.

Minnesota Board of Water and Soil Resources
Implementation Plan for Responses to 2010 OLA Audit

Finding 2: **The Board of Water and Soil Resources did not fully implement Office of Grants Management oversight policies.**

Recommendation:

- *The board should reconcile grant recipients' actual expenditures in a timely manner to ensure that the grantees use the funds in accordance with the grant agreements as required by state policies.*
- *The board should revise the due dates for the Cost Share Work Grant close out reports to comply with the deadline required by the board's policy.*
- *The board should formalize its grant oversight procedures, including the procedures used to conduct and document monitoring visits.*
- *The board should enhance its electronic reporting system so that it has sufficient detail about grant recipients' expenditures and has evidence of review or approval of the expenditures' reports.*

BWSR's response:
General Response: We agree with this finding; however we believe there is an inconsistency between the finding and the introduction to the described weaknesses. The finding is specific to the Board's compliance with the Office of Grants Management (OGM) policies, while the introduction speaks very broadly about the lack of adequate internal controls. We have program and organizational review mechanisms in place to assure and document that the grants for these programs are being used for the intended purposes and results. The Office of Grant Management (OGM) policies were adopted midway through the audit period and the Board has made significant investments in complying with them, and these efforts are continuing. Currently, the Board and its grant programs are in compliance with all policies except for portions of 08-08: Policy on Grant Payments and 08-10: Policy on Grant Monitoring. In response to enactment of these policies, a staff team will be developing proposed policies and procedures to comply with the monitoring and financial reconciliation requirements of these policies and to increase the efficiency of agency grant monitoring and oversight responsibilities.
Grant Expenditures: We agree with this recommendation to the extent it addresses our compliance status with OGM policies. The initial response above under Finding 2 discusses this issue and our approach to develop effective and compliant policies and procedures. However, more discussion over this recommendation is warranted. Board grant agreements are generally for two years, thus we are concerned over the inherent inefficiencies in conducting financial reconciliations before a grant agreement has expired. Grants are regularly monitored in that grantees are required to report on grant status twice annually. Board staff will discuss this policy further with the OGM.
Cost Share close out due dates: We do not agree with this recommendation and have never interpreted or applied this policy as described in the finding. The referenced Board policy was instituted following the prior audit and has been in effect for approximately 2 years.
Oversight procedures: We agree in part and disagree in part with this recommendation. The Board currently has a variety of grant oversight, monitoring, and closeout policies and procedures that comply with the OGM policy 08-10. However, these policies and procedures are not uniformly applied to all grant programs in a manner that is compliant with the OGM policy. We do agree with the value of formalizing grant oversight consistent with OGM policy 08-10 and the staff work team mentioned above will develop recommendations to accomplish that goal to the extent practical.
Electronic reporting: Response: We agree in part and disagree in part with this recommendation. The eLINK reporting system has the capability to document Board staff review and approval of project workplans and reports. This functionality will be applied to all appropriate staff responsibilities for grant oversight in this system. However, eLINK is primarily intended to be a system for grantees to provide data on the outcomes of state financed projects and activities. It has never been intended to be an accounting system with the level of detail described in the finding. Details on expenditures are reviewed as part of existing grant close-out procedures.

Action	Responsible Party	Target Date	Status
Grant Expenditures			
The Office of Grants Management will be contacted to review policies 08-08 and 08-10 and identify options for compliance. Additional implementation actions will follow these discussions.	Dave Weirens	Sept 2010	Initial discussions and compliance options will be identified by September 2010. Timeline for implementation of all necessary actions will go beyond this month possibly based on these discussions, as well as the anticipated completion of the efforts of the Grant Monitoring Work Group which will not occur until calendar year 2011. The goal of this work group is to implement new grant oversight requirements with the FY12 grants.

			August 6, 2010 – The Office of Grants Management has been contacted to discuss policies 08-08 and 08-10. An initial meeting to discuss the implementation options is expected within the next week.
Cost Share close out due dates			
The BWSR Board at its June meeting is being requested to adopt a new policy and procedures for Cost Share Grant Program Closeouts. This policy addresses SWCD reporting requirements, BWSR monitoring and BWSR Closeout procedures. In addition, the Grant Monitoring Work Group will be developing agency-wide policies and procedures that will apply to the Cost Share Grant Program.	Dave Weirens	June 2010 & May 2011	Cost Share Closeout Policy is on the June 23, 2010 Board agenda. The initial discussions and organizing of the Grant Monitoring Work Group have begun this month (June 2010). **August 6, 2010 – The Board adopted a revised Cost Share Monitoring and Closeout Policy at the June 23, 2010 meeting. In addition, the staff Grant Monitoring Work Group has met three times since it was established in June 2010. This Work Group is on target for developing monitoring and closeout procedures and policies that will be compliant with the Office of Grants Management Policies by the end of the year.**
Oversight procedures			
See discussion under "Grant Expenditures".	Dave Weirens	May 2011	See "Grant Expenditures". **August 6, 2010 – See discussion of staff Grant Monitoring Work Group under Cost share close out due dates.**
Electronic reporting			
The eLINK Team will begin to discuss this finding and recommendation this month, and, as has been discussed under an earlier recommendation, will also be addressed as part of the work of the Grant Monitoring Work Group.	Dave Weirens & Tim Ogg	Dec 2010 & May 2011	The eLINK Team meets on June 22 where this issue will be discussed, and the initial discussions and organizing of the Grant Monitoring Work Group have begun this month (June 2010). **August 6, 2010 – See discussion of staff Grant Monitoring Work Group under Cost share close out due dates.**

Minnesota Board of Water and Soil Resources
Implementation Plan for Responses to 2010 OLA Audit

Finding 3: **The Board of Water and Soil Resources did not have adequate controls to track the receipt of annual monitoring reports for wetland restorations added to the wetland bank.**

Recommendation:

- *The board should directly obtain and implement procedures to track the receipt of annual monitoring reports so that it can take appropriate enforcement action for those it does not receive.*

BWSR's response: We partially agree with the finding and agree with the recommendation. The audit has identified an issue regarding documentation of the direct receipt of wetland bank monitoring reports. As required by the Wetland Conservation Act 2002 permanent rule, and the 2007 exempt rule, BWSR received these reports as part of the wetland bank credit allocation process (membership on the technical evaluation panel). The permanent Wetland Conservation Act rule adopted in August 2009, establishes the need to document direct receipt of wetland bank monitoring reports as a copy is required to be sent to the BWSR wetland bank administrator. The existing database that manages the deposit and withdrawal of wetland credits has the capability to track the receipt of annual monitoring reports, along with other relevant information. This functionality of the aforementioned database will be employed to document receipt of wetland bank monitoring reports as required by rule. BWSR also has a systematic field verification and inspection program for wetland banks. This program advises the Board on bank account status.

Action	Responsible Party	Target Date	Status
A meeting will be convened in July 2010 to begin to implement the task discussed in the BWSR response. Dave Weirens will be the organizer and invite Les Lemm, Dan Girolamo, and Natasha DeVoe to implement the response to this recommendation.	Dave Weirens	Nov 2010	A meeting will be organized in July 2010 to begin working on this recommendation. **August 6, 2010 – Wetland banking staff will be meeting on August 12, 2010 to begin development of a response to the Audit finding and recommendation.**

Minnesota Board of Water and Soil Resources
Implementation Plan for Responses to 2010 OLA Audit

Finding 4: **The Board of Water and Soil Resources' accounting practices compromised the integrity of its financial information in the state's accounting system.**

Recommendation:

- *The board should properly record transactions in the state's accounting system to provide an accurate record of financial activity.*
- *The board should examine financial records not tested during our audit to identify and correct other inaccuracies.*
- *The board should monitor interagency receivables to ensure proper reporting of amounts due.*

BWSR's response:

Transaction recommendation: We agree with the recommendation. As a general follow up, we will consult with the internal control specialists in Minnesota Management and Budget (MMB) on processes they suggest to improve accuracy. Regarding the specific error types detailed in the audit: ***Revenue errors***: We have constructed a table of the standard BWSR revenue sources to use to cross check against all revenue items that come in. Incoming revenue will require a supervisor review of the proposed account coding. ***Expenditure errors***: Some trace to an error in the front-end on the receipt, which will be addressed with dual receipt review. During the audit we developed a new grant encumbrance authorization process that requires two people to approve coding of grant encumbrances to address potential incorrect coding of grant expenditures. ***Receipt errors***: See process described under "Revenue errors". However, there will always be some judgments as to which revenue source codes are the most appropriate. ***Returned grant funds***: A process was instituted in May 2008 under direction from Minnesota Management and Budget that corrected this exception. We do not agree that the audit report should have counted returned grant funds prior to that date. ***Expenditure codes*:** We do not agree with all of the exceptions as they were primarily in two areas of expenditure and thus training of staff is the best way to reinforce consistency with the preferred codes. We will develop a list of usual codes for BWSR and conduct staff training to review the types of transactions where each should be used.

Testing recommendation: We agree with the recommendation. In conjunction with the normal year-end review process, all funds and sub funds will be reconciled, including those that were not scrutinized during the audit. The year end process will include an additional review level (Assistant Director) to assure timely certification.

Interagency receivables recommendation: We agree with the recommendation. During the audit, the auditor-in-charge noted that the state accounting system has a report that can be used to monitor the amounts due. Use of this report was instituted at the beginning of May when the supervisor reviewed April expenditures. The accountant was instructed to include this report in the normal month end process going forward and this will be written in the receivables policy.

Action	Responsible Party	Target Date	Status
Proper recording of transactions			
We will use dual approval on receipt and revenue recording. A table of BWSR receipt codes will be used to cross check incoming revenues. We will make a change to the handling of receipts to further separate duties. We will have MMB Internal Controls review our process to assess risk potential and areas needing further improvement. We will review standard BWSR object code use and develop a table for when the typical codes are used and for what purpose.	Eisele	September 2010	Dual approval in place and coding table in place.
Examine and test records			
Same as noted in audit response above. We will seek MMB Internal Control assistance in review process.They are currently looking at our Payroll process and we will talk to them after that is completed.	Eisele	September 2010	We have met with MMB Internal Control and are now working on a risk assessment first.
Interagency receivables			
This regards three old receivable from 2005, 2006 and 2008. The funds were received but the receivable was not cancelled automatically. When this did not occur automatically, the receivable should have been cancelled manually by the Accounting Officer. Review of the monthly report available would have been reminder to follow up as necessary to clear.	Eisele	May 2010 Later in 2010	Clearing of old receivables: 5/28/10 status: 2 of 3 now cleared. MMB Accounting (Chris Johnson) says they haven't been able to cancel the 3rd one and are considering what to do next. 7/30/10: MMB has not been able to clear the final item and it may have to stay there until the conversion to SWIFT.

			Prevention of stale receivables: Partially In Place. The auditors pointed out to ATSD the Receivables Report that is available. This report was printed at the end of April and on May 3rd added to the usual items that the ATSD reviews from the prior month end. I will continue to include this report in my month end review in order to follow up on any outstanding receivables. We also need a "receivable management plan" in writing.

Minnesota Board of Water and Soil Resources
Implementation Plan for Responses to 2010 OLA Audit

Finding 5: **Prior finding partially resolved: The Board of Water and Soil Resources did not adequately safeguard or promptly deposit some receipts.**

Recommendation:

- *The board should adequately separate duties and follow state policies designed to safeguard receipts.*
- *The board should deposit receipts totaling $250 or more on a daily basis, as required by statute.*

BWSR's response:
Separation of duties: We agree with the recommendation. We had changed our deposit procedure significantly after the last audit, including adding a separation of duties. However a step will be added at the beginning of the process to include a manual log to document deposits. We will also develop a policy that covers all aspects of this function.
Deposits of receipts daily: We agree with the recommendation. There were two areas of BWSR that receive checks that were handled "outside" the normal deposit process. During the audit we changed the procedure so that checks for these two areas, appeals and banking, are treated like all others. The written policy noted under the first recommendation for this finding will specifically refer to those two areas and how their receipts should be handled.

Action	Responsible Party	Target Date	Status
Separation of Duties:			
Duties are already separated. This was accomplished in the last audit. The deficiency is that an initial paper log is not used that logs all checks before they enter the processing pipeline. The only step we need to add is to have the initial paper log that cannot be altered. This is the second policy area that we will have MMB Internal control review after Payroll Processing.	Eisele	May 2010	We have flow chart with current and new process. 7/30/10 update: A check log was institute during July and this provides the additional step of separation the auditors recommened.
Deposits on a daily basis			
This applies to Wetland Banking and appeals checks. During the audit the process was changed so that these checks are deposited immediately like all other checks.	Eisele	April 2010	In place

Minnesota Board of Water and Soil Resources
Implementation Plan for Responses to 2010 OLA Audit

Finding 6: **The Board of Water and Soil Resources did not obtain appropriate authorization for some expenditures.**

Recommendation:

- *The board should obtain and document appropriate authorization before hiring employees at an increased pay rate.*
- *The board should ensure that it fully executes all contracts, including authorization from the Department of Administration.*
- *The board should complete the necessary special expense documentation and only allow appropriate personnel to authorize special expenses.*

BWSR's response:
Contract Execution: We agree with the recommendation. An internal review has determined that utilizing an existing contract checklist available from the Department of Administration will remove exceptions related to missed signatures. We will document this in internal contract processing requirements. An agreement for a specific type of activity (computer maintenance) was developed as a service contract. In the future these activities will be treated as a professional technical contract.
Pay Rate authorization: We agree with the recommendation. As noted in the audit we did receive retroactive approval. We have now added a checklist to accompany the new hire process in order to remind the appropriate staff when the salary approval (or any other applicable approvals) is needed.
Special Expense documentation: We agree with the recommendation. We have provided the three regional supervisors formal authority to approve special expense requests for their staff via written delegation. Periodic refresher training with staff will address the instance of the one missing authorization.

Action	Responsible Party	Target Date	Status
Pay rate authorization			
This was an oversight. Normal process is for the pay rate to be approved by MMB Compensation. These were strictly oversights and as noted were corrected during audit. However in order to eliminate the likelihood of this oversight reoccurring, a checklist not previously used for new hires has been added. The checklist shows all elements that require approval during the new hire process, and use of this form will serve as a reminder of the steps that need to be completed. The checklist will stay with the new hire file.	Eisele	April 2010	In place. Also ATSD is receiving delegation from MMB which will reduce need for MMB approval on pay rate requests that this exception covered.
Contract execution			
One issue was obtaining the Dept of Admin signature after the contractor and BWSR have signed. The Dept of Admin has a "Contract Processing Checklist" which BWSR has not used. We have reviewed the checklist and determined it will provide good support for making sure elements of the contracting process are not missed. The Accounting Officer will initiate the form when a new contract is started. We just need to determine how to integrate ATSD review and approval into the process.	Eisele		In place. Accounting Officer reviews files with ATSD before processing.
Special Expense documentation			
Two of the exceptions related to regional supervisors not having delegation to sign Special Expense forms. Our opinion is that the duties in their position description make clear their authority to do this. The auditors do not agree. In order to clear the exception, all regional supervisors were given delegation to sign special expense requests for their staff only, and these were filed with the Secretary of State. The other exception was for lack of a Special Expense form. The initial checkpoint needs to be at the supervisor level when they are approving a purchase – in this case an event. The second checkpoint has to be the accounting staff who are reviewing the request and processing it.	Eisele and Senior Management Team	Authority issue: April 2010 Missing Spec Exp form issue: August 2010	Authority: In place Missing Spec Exp form: Need to write internal policy, distribute to applicable staff like OAS and SMT, and go over in a training.

Minnesota Board of Water and Soil Resources
Implementation Plan for Responses to 2010 OLA Audit

Finding 7: **Prior finding partially resolved: The Board of Water and Soil Resources did not sufficiently review a key report to ensure the accuracy of payroll transactions.**

Recommendation:

- *The board should follow up on time reporting exceptions on the self service time entry audit report.*
- *The board should periodically review and update its list of payroll backup approvers to ensure they are appropriate.*

BWSR's response:
Time Reporting: We agree with the recommendation but do not agree with the implication of the audit findings that supervisors are not reviewing time sheets in instances where they did not directly approve the timesheet in the electronic system or that the agency cannot ensure that the state pays for hours worked. When a supervisor is not physically available to do the electronic sign off of a timesheet of an employee they supervise, so that the sign off is done by a backup, it is the responsibility of the supervisor to go back and make sure they agree with the submitted hours. In order to eliminate the auditor's concerns, we are now requiring the supervisor to physically sign off on a report in permanent files that they did review the time sheet after the fact. This policy was instituted in April 2010. We have retrained supervisors to remind them of the need to limit the times where a back up approver is necessary. This will become part of an updated policy.
Backup approvers: We agree with the finding and believe the agency has and will continue to comply with this recommendation. We established a necessary level of back up approvers to ensure efficient processing of payroll and have pared that to reduce potential exceptions. Our updated policy will include an annual documented review by the Assistant Director.

Action	Responsible Party	Target Date	Status
Exceptions on time entry audit report			
We have instructed all approvers to use the comment field if they are acting as back up approver. We have also worked to reduce the number of back up approvals to further improve on the reductions we had made since the last audit. Finally, the Payroll Clerk (Account Clerk) and the ATSD review the time entry report on the day timesheets are done to look for any exceptions, plus these two staff review the audit report when it runs later in the payroll process.	Eisele	April 2010 for portion and July 2010 for remainder (MMB policy review; BWSR policy adoption)	In place. After meeting with the auditors during the pre-exit meeting, we immediately instituted the steps noted. We prepared a payroll policy and have been following it since the audit.
Review of back up approvers			
Reduce number of backup approvers and review at least annually	Eisele	April 2010	In place during audit.

Minnesota Board of Water and Soil Resources
Implementation Plan for Responses to 2010 OLA Audit

Finding 8: **The Board of Water and Soil Resources did not retain adequate documentation to support some of its transactions.**

Recommendation:

- *The board should maintain adequate and required documentation to support its transactions.*

BWSR's response: We agree with the recommendation. There were two specific areas cited, both of which related to approvals received from Minnesota Management and Budget (MMB) , one being the area of salary approval for new hires and the other the area of approval of appropriation transfers in the state accounting system. In both cases we received the necessary approvals and the processes were not in question, plus back up documentation was readily available from MMB. However we understand the recommendation to also have duplicate documentation in agency files, because that is what MMB policy requires. We have had two appropriation transfers processed since the audit and in both cases made a point to establish a full paper backup file. For the new hire salary approval, we had documentation of the missing approvals re-sent from MMB and put it in agency files. For future hires we have established a checklist (see Finding 6) that will note when duplicate records retention is needed.

Action	Responsible Party	Target Date	Status
Hiring documentation			
When a hiring rate is proposed that requires MMB Compensation approval, it is all processed electronically via email. The change in our procedure needs to be to print out that email and put it in file, or saving the email in an electronic folder that will not be subject to periodic purging by OET.	Eisele	May 2010	In place.
Fiscal documentation			
A transfer of appropriation must be approved by MMB. There are two components. The Anticipated Transfer is the first step. There is usually documentation kept that explains the transfer and we need to make sure that that documentation includes a copy of the Anticipated Transfer entry itself, even though the form itself is available in MAPS and can be printed off if necessary.	Eisele	May 2010	In place. Several transfers have been made since the audit and all have paper documentation in file.

Minnesota Board of Water and Soil Resources
Implementation Plan for Responses to 2010 OLA Audit

Finding 9: **Prior finding partially resolved: The Board of Water and Soil Resources lacked effective controls over fixed assets and sensitive items, as required by state guidelines.**

Recommendation:

- *The board should segregate record keeping and physical inventory functions.*
- *The board should design and implement controls to ensure:*
  - *Accuracy and completeness of all physical inventory counts.*
  - *Inclusion of required information on inventory records.*
  - *Adequate monitoring over inventory management.*
- *The board should ensure compliance with state guidelines by establishing internal policy for inventory management practices.*

BWSR's response:
Segregation of functions: We agree with the recommendation. We will develop a system that separates the inventory documentation from the physical inventory process. We have not yet decided how best to do this. Once determined, it will be documented in agency policy.
Inventory controls: We agree with the recommendation. When the policy is designed on how to improve inventory, we will update the existing inventory data base to include the missing fields. The annual process will be strengthened by following up on all exception items noted. We will include this in the agency policy documentation.
Internal policy: We agree with the recommendation. The agency will adopt its own policy consistent with Department of Administration policy and conduct training for parties involved.

Action	Responsible Party	Target Date	Status
Segregation of Functions			
Plan: First do a flow chart of what actually happens in all steps right now. Then devise alternative that separates duties. Accounting Officer's access to database has to be removed. She will only supply data to the "keeper". I am thinking it could be an OAS in the regions, such as Roxie. There is minimal activity for that person to maintain. Question of who will do the annual inventory also needs to be part of the mix. After the "correcting" inventory, we could have the OAS be responsible for the annual inventory. (or every two years allowed?) This will be the third process we have MMB Internal Control review, after Payroll Processing and Receipt of Funds processing.	Eisele	Nov 2010	Have segregated database so purchasers can no longer access to change (they can still read the database.)
Inventory Controls			
There were a few errors in the test the auditors did. That means we need a brand new inventory after the database is put into "new hands." We need to update the database by adding four data columns	Eisele	Nov 2010	Aug 2010 Central Office OAS is updating the data base, including adding data that auditors said needs to be added.
Internal policy			
The process under "Segregation of Function" is what will form the basis for the BWSR policy document. We have to take the state polices and use them to write up a BWSR policy. That policy will basically state the areas we will comply in to meet the state policy, plus have particulars on BWSR duties, including a flow chart of duties for example. Training?	Eisele	Nov 2010	Aug 2010: Once inventory is updated then we will put procedures in writing. New Statewide accounting system (2011) will allow for tighter controls so this needs to be written into any policy.

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution Committee Report

Meeting Date: September 22, 2010

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

Item Type: ☐ Decision ☐ Discussion ☒ Information

Section/Region: Land and Water Section

Contact: Travis Germundson

Prepared by: Travis Germundson

Reviewed by: _____ Committee(s)

Presented by: Travis Germundson

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED
None

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

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

Dispute Resolution Report
September 10, 2010,
By: Travis Germundson

There are presently **14** appeals pending. All of the appeals involve WCA except File 05-24 and File 10-10. There have been **2** new appeals filed since the last report dated August 26, 2010.

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

File 10-13 (8-30-10) This is an appeal of a restoration order in Benton County. The appeal regards the placement of approximately 5,663 square feet of earthen material/demolition debris in a Type 2/3 wetland. *No decision has been made on the appeal.*

File 10-12 (8-27-10) This is an appeal of a restoration order in St. Louis County. The appeal regards the excavation and filling of approximately 43,394 square feet of wetland and the construction of over 1,000 feet of drainage ditches. *No decision has been made on the appeal.*

~~File 10-11 (8-9-10) This is an appeal of a restoration order in St. Louis County. The appeal regards the excavation and filling of approximately 79,420 square feet in a Coniferous Bog (Type 8 Wetland). The petition request that the appeal be placed in abeyance and the restoration order stayed for submittal of an exemption/no loss determination from St. Louis County~~. *The appeal has been denied.*

File 10-10 (6-10-10) This is an appeal filed under Minn. Stat. 103D.535 regarding an order of the managers of the Wild Rice Watershed District not to go forward with the Upper Becker Dam Enhancement Project as proposed. Appeals filed under 103D.535 require that the Board follow the Administrative Procedures Act. The Act requires that the hearing be conducted by an Administrative Laws Judge through the Office of Administrative Hearings. No decision has been made on the appeal.

~~File 10-8 (3-19-10). This is an appeal of a restoration order in Lyon County. The appeal regards the installation of an agricultural drainage system resulting in approximately 3.25 acres of impact to a Type 2 wetland. The appellant has granted BWSR additional time to make a decision on the appeal.~~ *The appeal was affirmed and the Restoration Order rescinded.*

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

~~File 10-4 (1-29-10) This is an appeal of a wetland banking plan decision in Koochiching County. The appeal regards the approval of a 71.3 acre wetland banking plan application at 80 percent eligibility by the Koochiching County Board. This regards the same banking plan application appealed under File 09-18.~~ *The appeal is dismissed. The LGU issued a new decision rescinding the previous decision and issuing a new decision based in accordance with the draft settlement agreement.*

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

File 09-22 (10-02-09) This is an appeal of a restoration order in Carlton County. The appeal regards three separate investigation areas encompassing over 18 acres of wetland impacts from excavation, filling, and ditching. The replacement order has been stayed and the appeal has been placed in abeyance pending further technical work and for submittal of complete wetland replacement plan, exemption, or no-loss application.

File 09-13 (8-20-09) This is an appeal of an exemption decision in Otter Tail County. The appeal regard the denial of an exemption request for agricultural/drainage actives. A previous denial of the same exemption decision had been appealed (File 09-6). The appeal was remanded for further technical evaluation and a hearing, and now the current denial has been appealed. The appeal has been granted. A pre hearing conference convened on November 12, 2009. At which time parties agreed to hold off scheduling written briefs until March 2010.

File 09-10 (7-9-09) This is an appeal of a banking plan application in Aitkin County. The appeal regards the LGU's denial of a banking plan application to restore 427.5 acres of wetlands through the use of exceptional natural resource value. The appeal has been accepted and pre-hearing conferences convened on October 13 and 30, and December 14, 2009. Settlement discussions are ongoing.

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

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

File 08-4. (01/24/08) This is an appeal of no-loss and exemption decisions in Waseca County. In addition to the no-loss decision, at issue are denials of the agricultural exemption, approved development exemption, incidental wetland exemption, and claims of numerous procedural issues that were prejudicial to the applicants. The mandamus action regarding Minn. Stat. § 15.99 (60-day rule) is complete and the temporary injunction lifted. The timeline for the remand was extended a third time to October 15, 2010.

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

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

File 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 are 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 new wetland delineation and for submission on an updated, complete replacement plan application. On 12-9-09 the District made a new wetland delineation decision. The applicant has not yet submitted an updated replacement plan application.

Draft Summary Table

Type of Decision	Total for Calendar Year 2009	Total for Calendar Year 2010
Order in favor of appellant		1
Order not in favor of appellant	10	4
Order Modified	1	
Order Remanded	4	
Order Place Appeal in Abeyance	3	3
Negotiated Settlement		1
Withdrawn/Dismissed	9	1

Drainage Work Group
Report
for September 22, 2010 BWSR Board Meeting

The Drainage Work Group met on September 9, 2010. Following is a brief summary of agenda topics and discussions.

- **Advisory committee meeting and update for Smith Partners LCCMR Project: "MN Drainage Law Analysis and Evaluation" –** The project advisory committee, which includes a number of DWG members, met with Louis Smith and Chuck Holtman prior to the DWG meeting. A focus was on discussing potential drainage scenarios to be evaluated by the project, including hypothetical drainage system improvements in the Red River Basin and southern Minnesota involving different situations, as well as an urban scenario involving wetlands. A project update was provided at the full DWG meeting.
- **Redetermination of Benefits Survey in the Minnesota River Basin** – Shannon Fisher, Executive Director, Minnesota River Board provided a summary of a survey conducted to help define the status of redeterminations and impediments in the MN River Basin. The DWG discussed the differing motivations, impediments and attitudes of drainage authorities and landowners regarding systematic redeterminations of benefits. The basis for defining benefits was also discussed including the current highest and best use vs. runoff based and/or drainage focus vs. multipurpose focus.
- **Section 103E.015 Considerations before drainage work is done.** – The DWG resumed discussion about this section of drainage law, which includes 9 considerations involving land use, flooding characteristics, retention, water quality, fish and wildlife, and groundwater. Discussion issues included level of detail expectations of engineers' reports, information and education needs and opportunities, and funding mechanisms for multipurpose projects.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Bassett Creek WMO Plan Amendment – Bob Burandt – ***DECISION ITEM***

2. South Washington Watershed District Boundary Change Petition – Jim Haertel and Melissa Lewis – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Bassett Creek WMO Plan Amendment**

Meeting Date: September 22, 2010

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: Metro
Contact: Brad Wozney, Board Conservationist
Prepared by: Brad Wozney, Board Conservationist
Reviewed by: Metro Water Planning Committee(s)
Presented by: Bob Burandt

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

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

Fiscal/Policy Impact

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

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

ACTION REQUESTED

Approval of Plan Amendment to the Bassett Creek Watershed Management Organization's Watershed Management Plan

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

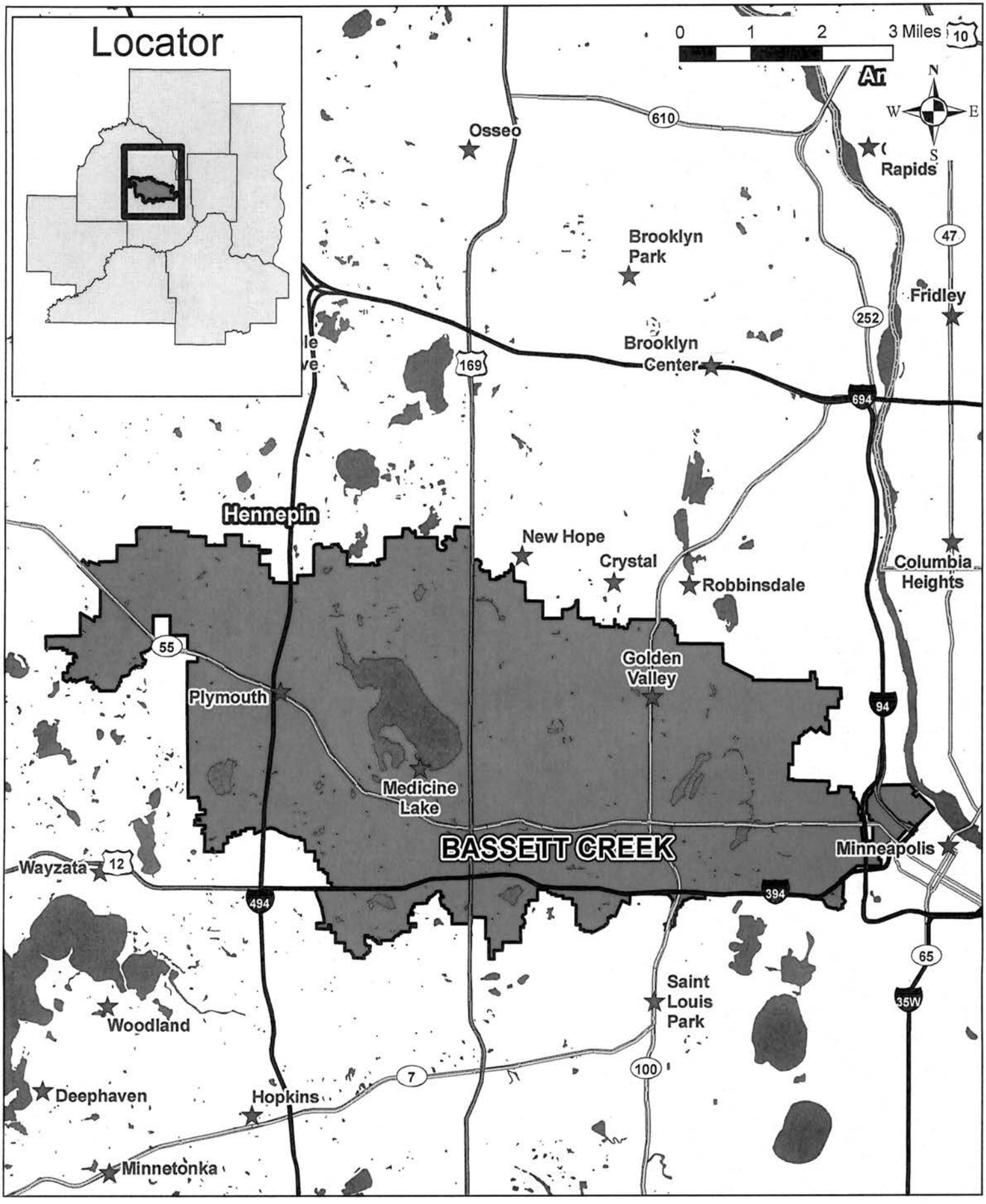
The Bassett Creek WMO (Commission) is located in the heart of Hennepin County. It is bound by the Mississippi River WMO to the east, on the south and west by the Minnehaha Creek Watershed District, on the northwest by the Elm Creek WMO, and on the north by the Shingle Creek WMO. The watershed encompasses all or part of the following nine cities: Plymouth, Medicine Lake, Golden Valley, Robbinsdale, Crystal, New Hope, Minnetonka, St. Louis Park, and Minneapolis. Bassett Creek discharges into the Mississippi River in downtown Minneapolis below St. Anthony Falls. The watershed contains five major lakes and three creek branches. The Bassett Creek watershed covers 39.6 square miles and is predominantly fully developed (>90%). Scattered areas of redevelopment throughout the watershed are proposed.

The Bassett Creek Flood Control Commission was formed in 1968 primarily to study flooding issues in the watershed and adopted a watershed management plan in 1972. In 1984, the Commission was created after revising the Flood Control Commission's joint powers agreement. The Commission prepared its first generation watershed management plan that BWSR approved in July 1989. The second generation plan was approved by BWSR in August 2004. Subsequently, the Commission completed three minor amendments between years 2005 and 2007.

The proposed 2010 Amendment adds two new channel restoration projects to the Capital Improvement Program (Table 12-2) for a total cost of $1,440,000. During the formal comment period, BWSR recommended more specificity for each project be included in the amendment, which the Commission addressed. No other comments were received during the formal comment period or at the public hearing regarding the amendment.

The Metro Water Planning Committee met on September 7, 2010. After review of the information, BWSR staff was in favor of and the Committee unanimously voted to recommend approval of the Plan Amendment per the attached draft Order.

Bassett Creek
Watershed 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 **Bassett Creek Watershed Management Organization**, pursuant to Minnesota Statutes Section 103B.231, Subdivision 11.

ORDER APPROVING AMENDMENT TO WATERSHED MANAGEMENT PLAN

Whereas, the Board of Commissioners of the Bassett Creek Watershed Management Organization (Commission) submitted a Watershed Management Plan Amendment (Amendment) dated April 2010, to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 11, and;

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

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

FINDINGS OF FACT

1. **WMO Establishment.** The Bassett Creek Flood Control Commission was formed in 1968 primarily to study flooding issues in the watershed and adopted a watershed management plan in 1972. In 1984, the Bassett Creek Watershed Management Commission (Commission) was created after revising the Flood Control Commission's joint powers agreement. The Commission prepared its first generation watershed management plan that the Board approved in July 1989. The second generation plan was approved by the Board in August 2004. Subsequently, the Commission completed three minor amendments from 2005-2007.

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 Commission is located in the heart of Hennepin County. It is bound by the Mississippi River WMO to the east, on the south and west by the Minnehaha Creek Watershed District, on the northwest by the Elm Creek WMO, and on the north by Shingle Creek WMO. The watershed encompasses all or part of the following nine cities: Plymouth, Medicine Lake, Golden Valley, Robbinsdale, Crystal, New Hope, Minnetonka, St. Louis Park, and Minneapolis. Bassett Creek discharges into the Mississippi River in downtown Minneapolis below St. Anthony Falls. The watershed contains five major lakes and three creek branches. The Bassett Creek watershed covers

39.6 square miles and is predominantly fully developed. Scattered areas of redevelopment throughout the watershed are proposed.

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 April 30, 2010. However the Commission voluntarily dictated a comment deadline of August 1, 2010 in order to comply with the revised Minnesota Statutes Section 103B.231. The Amendment adds two capital projects to the Commission's Capital Improvement Program. The Commission received a comment letter from only the Board. The Commission held a public hearing on August 19, 2010. No new suggested changes were offered during the meeting. The final draft Amendment was submitted to the Board and plan review agencies on September 1, 2010, for the required 90-day review and approval period.

5. **Metropolitan Council Review.** The Metropolitan Council was supportive of the amendment stating it is consistent with the Council's *Water Resources Management Policy Plan.*

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

7. **Department of Health Review.** The MDH did not comment on the Amendment.

8. **Department of Natural Resources Review.** The DNR did not comment on the Amendment.

9. **Pollution Control Agency Review.** The PCA did not comment on the Amendment.

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

11. **Board Review.** Board staff recommended more specificity for each project be included in the amendment, which the Commission addressed. Board staff commended the Commission for maintaining a current capital improvement program.

12. **Highlights of the Plan Amendment.** The plan Amendment proposes to add two capital improvement projects to the Watershed Management Plan. The Amendment reflects the Commission's willingness to regularly review their implementation program and to amend the Plan as project opportunities arise.

13. **Metro Water Planning Committee Meeting.** The Board's Metro Water Planning Committee met on September 7, 2010, to review and discuss the Amendment. Those in attendance from the Board's Committee were Rebecca Flood, Christy Jo Fogarty, Faye Sleeper, Louise Smallidge, LuAnn Tolliver, and Robert Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationist Brad Wozney. 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 Bassett Creek Watershed Management Organization pursuant to Minnesota Statutes Section 103B.231, Subd. 11.

3. The Bassett Creek Watershed Management Organization's Amendment attached to this Order defines the need and purpose of the Plan changes and the methods of financing.

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

ORDER

The Board hereby approves the attached Amendment dated April 2010 to the Bassett Creek Watershed Management Organization Watershed Management Plan.

Dated at Saint Paul, Minnesota this 22nd day of September 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Randy Kramer, Chair

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **So. Washington WD Boundary Change Petition**

Meeting Date: September 22, 2010

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Metro

Contact: Jim Haertel

Prepared by: Jim Haertel

Reviewed by: Metro Water Planning Committee(s)

Presented by: Jim Haertel and Melissa Lewis

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED
Decision on the South Washington Watershed District Petition to change the boundaries of the South Wasington Watershed District and the Valley Branch Watershed District

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
NOTE: The public noticed deadline to request a hearing or submit comments is September 15. If no hearing is requested, the Board is essentially required by statute to make a decision at the September 22nd Board meeting. The Metro Committee is scheduled to meet the day before the Board meeting to make a recommendation. A draft Board Order will be presented at the Board meeting if no hearing has been requested.

PETITION. The South Washington Watershed District submitted a Petition to the Board of Water and Soil Resources (Board) on May 27, 2010 pursuant to Minn. Stat. § 103B.215 to change the boundaries of the South Washington Watershed District and the Valley Branch Watershed District. The South Washington Watershed District has proper standing to file the Petition pursuant to Minn. Stat. § 103B.215, Subd. 2, item a. The Petition was accompanied by the statutorily required written statements of concurrence from each city, town and watershed management organization having jurisdiction over the territory proposed to be transferred. Additionally, the Petition was accompanied by statements of concurrence from all of the remaining cities in the South Washington Watershed District and the Washington County Board of Commissioners. All of the statements of concurrence were in the form of resolutions adopted by the governing bodies of each entity. The filing of the Petition was properly noticed as required by statute by publishing in area newspapers and by mailing.

MEDIATED AGREEMENT. The Petition results from a watershed boundary mediation process. The mediation process concluded with an Agreement signed by the governing bodies of all entities with lands affected by the proposed boundary change, namely Washington County, the South Washington Watershed District, the Valley Branch Watershed District, the City of Cottage Grove, the City of Woodbury and the Town of Denmark. The

Agreement and the Petition contain objectives and recommendations for key issues related to the proposed boundary change, including financing policies, implementation of watershed management plans, and board representation. The Agreement is structured to be in full force upon approval of the Petition.

AFFECTED AREA. The Petition proposes the transfer of land from the Valley Branch Watershed District to the South Washington Watershed District. The proposed boundary change encompasses approximately 30.06 square miles of land in the Cities of Afton and Cottage Grove and the Town of Denmark. The proposed boundary change would transfer 4.19 square miles in the City of Afton, 2.02 square miles in the City of Cottage Grove and 23.85 square miles in the Town of Denmark.

STANDARD OF REVIEW. The Board's standard of review in making a determination on the proposed boundary change in the Petition is set forth in Minn. Stat. § 103B.215, Subd. 4, item c, as follows:

> (c) After completing the procedures required by this subdivision, the board shall, by its findings and order, make the boundary change requested if the board determines that:
>
> (1) the governing body of each statutory or home rule charter city and town and each watershed management organization having jurisdiction over the territory proposed to be added or transferred concurs in the petition;
> (2) the change is consistent with the purposes and requirements of sections 103B.205 to 103B.255; and
> (3) the change can be accomplished in conformance with section 103B.225.

HISTORY. On March 24, 2009 Washington County submitted two petitions to the Board in response to the pending voluntary dissolution of the Lower St. Croix Watershed Management Organization. On May 27, 2009 the Board approved an Order (Board Order One) consistent with the petitions that enlarged the Valley Branch Watershed District, and enlarged and increased the number of managers of the South Washington Watershed District. The South Washington Watershed District was enlarged to include a majority of the lands from the Lower St. Croix Watershed Management Organization and the number of managers was increased from five to seven. The Valley Branch Watershed District was enlarged to include a small portion of the lands from the Lower St. Croix Watershed Management Organization. The resultant common boundary of the two watershed districts did not follow the major hydrologic boundary between the Mississippi River and the St. Croix River. The petitions were filed and the actions were taken under Minnesota Statutes Chapter 103D.

On October 5, 2009 the Board received a citizen petition for a boundary change of the South Washington Watershed District and the Valley Branch Watershed District and for a reduction in the number of managers of the South Washington Watershed District. On December 16, 2009 the Board approved an Order (Board Order Two) consistent with the petition that changed the boundaries of the two watershed districts and reduced the number of managers of the South Washington Watershed District from seven to five. The resultant common boundary of the two watershed districts followed the major hydrologic boundary between the Mississippi River and the St. Croix River. The petition was filed and the actions were taken under Minnesota Statutes Chapter 103D.

Board Order One and Board Order Two were each appealed to the Minnesota Court of Appeals. Board Order One was affirmed by the Court. Because of the mediation process, Agreement and third petition forthcoming, the appeal of Board Order Two was, upon request, dismissed by the Court with the option available to reinstate the appeal after the Board makes a decision on the current Petition filed on May 27, 2010.

ISSUES. Currently the common boundary of the South Washington Watershed District and the Valley Branch Watershed District follows the major hydrologic boundary between the Mississippi River and the St. Croix River, as established by Board Order Two. The boundary of the two watershed districts proposed in the Petition would not follow the major hydrologic boundary between the Mississippi River and the St. Croix River. Approval of the Petition would return the common boundary to that approved by Board Order One. The proposed boundary would result in the South Washington Watershed District having land in two major watersheds units, namely the St. Croix River watershed and the Mississippi River watershed.

The Petition was filed under Minnesota Statutes Chapter 103B, not under Chapter 103D as the previous petitions were brought under. Chapter 103B contains a different standard of review than Chapter 103D. Subitem 1 of Minn. Stat. § 103B.215, Subd. 4, item c places a great amount of significance on the local communities and watershed districts agreeing on the proposed boundary, which is the case here. Although staff continue to advise that water resources are best managed on a watershed basis, under the standard of review deference should be given to the Agreement signed by the affected communities, watershed districts and the Washington County Board of Commissioners.

The file records in the previous two Board actions regarding this matter contain much information on the positives and negatives regarding the two different locations of the watershed district boundaries. Based on the file records, either watershed district is fully capable of adequately managing the water resources in the subject area. The Board may determine the boundary change would be consistent with the purposes and requirements of sections 103B.205 to 103B.255 as the standard of review requires under subitem 2 of Minn. Stat. § 103B.215, Subd. 4 item c.

The standard of review in subitem 3 of Minn. Stat. § 103B.215, Subd. 4, item c requires the boundary change be accomplished in conformance with section 103B.225. Generally, section 103B.225 requires that the boundary change not affect the benefits or damages for any improvement previously constructed by a watershed district and property must remain liable for its proper share of any outstanding indebtedness. The Board is authorized to prescribe conditions to satisfy the requirements of section 103B.225. In the Agreement, items 10 and 11 obligate the South Washington Watershed District to finance capital projects on a subwatershed basis within water management districts through revenue collected using a storm water utility fee. In the Petition, items 4d,4e and 4f pertain to financing of projects. Prescription of these five items in the Board's Order would attain compliance with section 103B.225.

RECEIVED
MAY 27 2010
Bd. of Water & Soil Resources
St. Paul

May 26, 2010

Mr. Jim Haertel, Metro Region Supervisor
Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, MN 55155

RE: South Washington Watershed District Petition for a Boundary Change.

Dear Mr. Haertel:

The South Washington Watershed District (SWWD) is submitting the enclosed petition for a boundary change (Exhibit A). The SWWD is submitting the petition according to Minnesota Statute 103B.215. The petition is requesting transfer of property from the Valley Branch Watershed District. The boundary change is requested as a result of mediation between Washington County, the Cities of Woodbury and Cottage Grove, Denmark Township, Valley Branch and South Washington Watershed Districts and assistance from the Board of Water and Soil Resources. The SWWD has also secured resolutions of concurrence from all Cities, Townships and the Valley Branch Watershed District (Exhibit 1-11). Resolutions of support for the petition have been provided by those parties participating in the mediation and that are signatory to the agreement (Exhibit B).

The petition includes conditions agreed to during meditation by all parties. The SWWD is requesting the Board of Water and Soil Resources prescribe these conditions as part of the order to comply with Minnesota Statute 103B.225. The SWWD has planned, purchased land, constructed or secured funding for the Central Draw Overflow Project. Future completion of this project by the SWWD will be paid for with revenue collected from the existing South Washington watershed management district. Properties included in the South Washington watershed management district also remain liable for indebtedness for the purchase of land. The East Mississippi watershed management district also has projects planned and funds allocated.

2302 Tower Drive • Woodbury, MN 55125 • 651-714-3729 • Fax 651-714-3721
www.swwdmn.org

Mr. Jim Haertel, Metro Region Supervisor
Minnesota Board of Water and Soil Resources
South Washington Watershed District Petition for a Boundary Change.
May 26, 2010

If you have any questions or need additional information, please call me at 651.714.3729 or mmoore@ci.woodbury.mn.us.

Sincerely,
South Washington Watershed District

Matt Moore
Administrator

c: See attached list of addressees

Enclosures:

1. SWWD Resolution #2010-104, Authorizing submittal of Petition for a Boundary Change
2. Exhibit A, SWWD Petition for a Boundary Change
3. Resolutions of support for the petition for a Boundary Change
4. Exhibit B, Agreement dated 5-13-2010
5. Exhibits 1-11, Resolutions of concurrence

EXHIBIT A

STATE OF MINNESOTA
BOARD OF WATER AND SOIL RESOURCES
520 Lafayette Road North
St. Paul, MN 55155

- -

In the Matter of the Petition of
the South Washington Watershed District
for Boundary Change

BOUNDARY CHANGE PETITION

- -

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

Petitioner, South Washington Watershed District, a body politic and corporate, pursuant to South Washington Watershed District Board Resolution No. 2010-104 does hereby petition the Minnesota Board of Water and Soil Resources (BWSR) to change the boundaries of the South Washington Watershed District (SWWD) and the Valley Branch Watershed District (VBWD) pursuant to Minnesota Statute 103B.215 for the following reasons:

1. Both the SWWD and VBWD are existing watershed districts located entirely within the metropolitan area, and Minnesota Statute 103B215, subd. 1 allows the boundaries of a watershed district wholly within the metropolitan area to be changed. The SWWD is requesting the transfer of territory currently within the jurisdiction of the VBWD to the SWWD. The areas being transferred are contiguous to the existing SWWD.
2. The boundary change proposed and the areas to be transferred are described on the map attached hereto as Figure 1.

The proposed 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 Denmark Township
2.71 square miles are located within Grey Cloud Island Township
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
26.25 square miles are located within the City of Woodbury

The proposed 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 Baytown Township
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 West Lakeland Township
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. The following are supporting reasons for the boundary change between the SWWD and the VBWD described in Figure 1.

   a. The boundary change will be conducive to the public health and public welfare and for the purposes of Minnesota Statutes Chapters 103.

   b. The boundary change will provide long term protection for surface and groundwater resources.

c. The boundary change will ensure efficiency and effectiveness of water resource management in this area.

d. The boundary change is consistent with the purposes and requirements of Minnesota Statute 103B.205 to 103B.255.

e. Certain properties under the jurisdiction of the SWWD are subject to protection under Minnesota Statute 103B.225. The boundary change, subject to conditions in the petition, is compliant with Minnesota Statute 103B.225.

f. The petitioner has received a written statement of concurrence in the petition from the governing body of each statutory or home rule charter city and town and each watershed management organization having jurisdiction over the territory proposed to be added or transferred (Exhibits 1-11).

g. The boundary change will accomplish the objectives that were agreed upon through the watershed boundary mediation process which involved BWSR, Washington County, SWWD, VBWD, City of Cottage Grove, Denmark Township, and City of Woodbury in accordance with the Agreement (Exhibit B) adopted by Washington County, SWWD, VBWD, City of Cottage Grove, Denmark Township, and City of Woodbury.

4. Representatives of the City of Cottage Grove, Denmark Township, City of Woodbury, SWWD, VBWD and Washington County have developed recommendations for key issues related to the proposed boundary change between

the SWWD and the VBWD; such as financing policies, implementation of water management plans, and board representation. The local governments have approved an Agreement (Exhibit B) to specifically address these key issues to be in full force upon approval of this petition. The following are the conditions for changing the boundaries of the SWWD to be compliant with Minnesota Statute 103B.225:

a. The SWWD will amend its watershed management plan pursuant to Minnesota Statute 103B.205-103B.255 to include the Lower St. Croix sub-watershed area within one year. The SWWD will initially adopt the Lower St. Croix Water Management Organization (LSCWMO) 2009 Water Management Plan as the plan for this sub-watershed pursuant to Minnesota Statute 103B.205-103B.255.

b. The SWWD will apply resource based water quality standards defined by the St. Croix River and the Mississippi River and based on discrete geographical locations defined by hydrologic boundaries.

c. The SWWD will implement the Central Draw Overflow Project as follows:

- The SWWD will complete acquisition of lands necessary to control the outlet for the Central Draw Overflow Project to the Mississippi River by June 30, 2014.

- As part of the Central Draw Overflow Project, the SWWD will

construct improvements to the Cottage Grove Central Ravine by December 31, 2014 to accommodate interim watershed overflows.

- The SWWD will complete construction of the Central Draw Overflow Project by January 1, 2020 unless otherwise agreed to by the City of Cottage Grove, City of Woodbury and SWWD.

d. For the purpose of collecting revenues and paying the costs of projects in the former LSCWMO territory, the SWWD will establish a water management district pursuant to Minnesota Statute 103D.729. The former LSCWMO territory will pay 100 percent of the costs of any projects that are needed within the former LSCWMO territory and none of the costs will be charged to any of the territory SWWD as it existed prior to the May 27, 2009 BWSR Order.

e. The cost of projects for the territory within the existing SWWD will be paid for by the territory within the existing SWWD and none of the costs will be charged to the former LSCWMO territory being added to the SWWD.

f. Funding should be determined on a project-by-project basis, based on project benefits, costs (including administrative costs of the financing options), and equity. The SWWD will finance projects on a sub-watershed basis through revenue collected using a stormwater utility fee according to Minnesota Rules Chapter 444.

g. Administrative services and related general services that are provided

throughout the new areas of the watershed districts will be funded using a district wide ad valorem tax, collected by Washington County as a part of property tax collection. For the SWWD, the former LSCWMO territory will pay its costs of the annual administrative budget and proportional costs of annual SWWD operational programs based on the ad valorem tax rate.

h. Currently the SWWD consists of five managers. The SWWD is requesting the SWWD board of managers remain at five.

i. The appointment of managers in the SWWD will be consistent with Minnesota Statute 103D.311, subd. 3(c) which states that managers must be appointed to fairly represent the various hydrologic areas within the watershed district. The county will ensure that two managers on the SWWD board live in the City of Woodbury. The remaining three managers will be appointed to fairly represent the remaining hydrological areas within the SWWD. In accordance with Minnesota Statute 103D.311, subd. 3(a) the county will appoint managers from a list of persons nominated by the townships and municipalities located within the watershed district. The list must contain at least three nominees for each managers position to be filled. The list must be submitted to the county at least 60 days before the managers term of office expires. If a list of

nominees is not received 60 days prior to the managers term of office expiring or if a city or town fails to submit a list of nominees, the county may appoint any managers that they so choose.

THEREFORE, the SWWD requests that the Minnesota Board of Water and Soil Resources, after giving notice as required by law, and for the public welfare and public interest and to further Minnesota Statute 103, the SWWD requests that the Minnesota Board of Water and Soil Resources issue its order granting the following relief:

1. That the boundaries of the SWWD be changed as set forth on the map attached hereto as Figure 1 pursuant to Minnesota Statute 103B.215.
2. That the area in each watershed district will be guided and managed consistent with the current management plan of the watershed management organizations in accordance with Minnesota Statute 103.
3. That the conditions stated in item 4 (a. – i.) of this petition be incorporated in the Board's order.

Dated the 11th day of May 2010.

By: _____

Jack Lavold, SWWD President

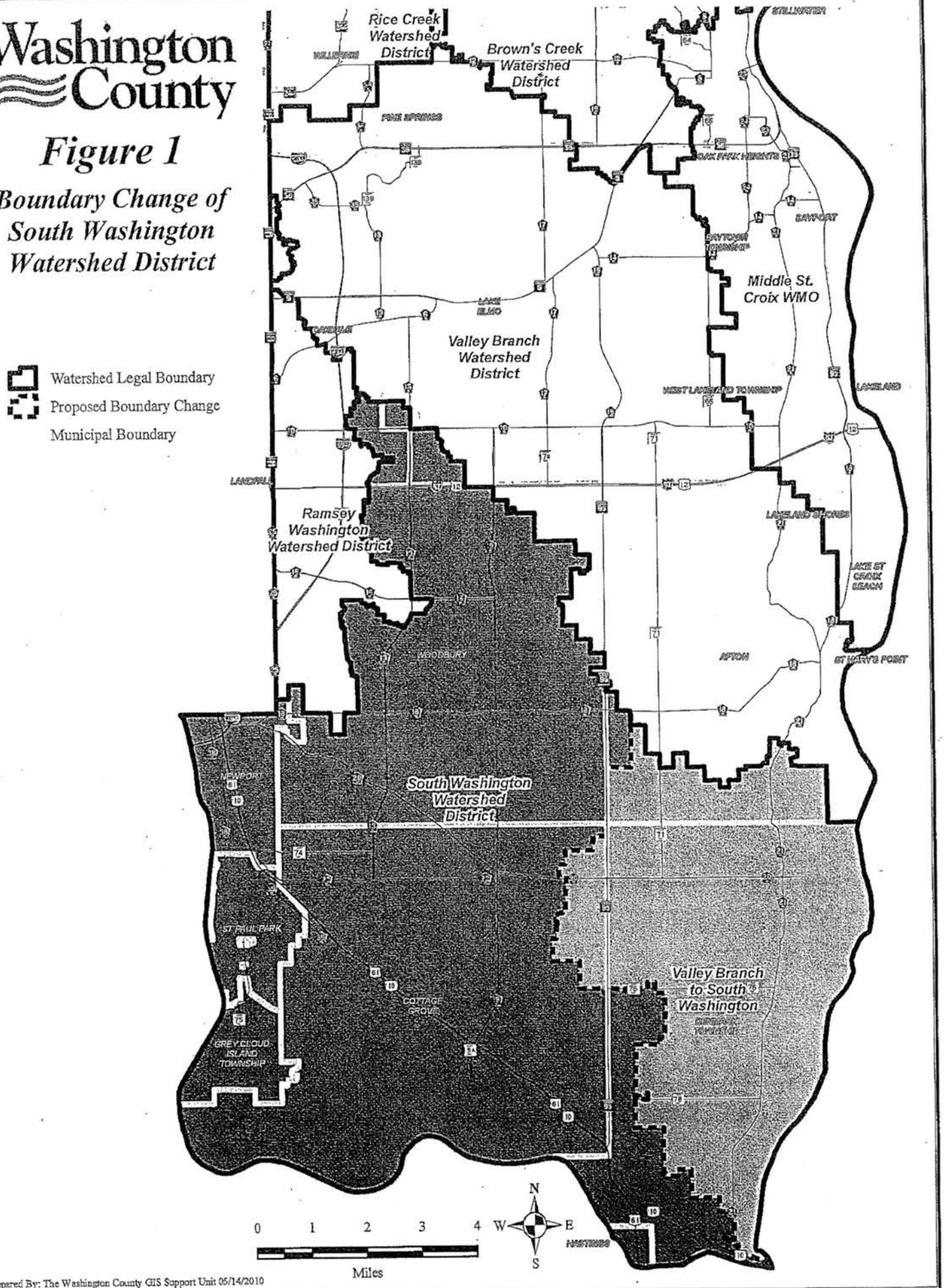
By: _____

Don Pereira, SWWD Secretary

Washington County

Figure 1

Boundary Change of South Washington Watershed District



Prepared By: The Washington County GIS Support Unit 05/14/2010

EXHIBIT B

AGREEMENT

This Agreement dated this **13th** day of May, 2010 by and between the City of Cottage Grove, Denmark Township, City of Woodbury, South Washington Watershed District (SWWD), Valley Branch Watershed District (VBWD), and Washington County (County) does state as follows:

Whereas, all parties desire effective and efficient management of water resources which provides for local control;

Whereas, Denmark Township, the Cities of Cottage Grove and Woodbury, Washington County, VBWD, and the SWWD with the assistance of the Board of Water and Soil Resources all mediated this agreement to accomplish the desired outcome;

Whereas, all parties desire the SWWD board of managers to remain at five (5) while also representing the geographic needs and interests of the areas located within the watershed;

Whereas, the appointment of managers in the SWWD would be consistent with Minnesota Statute 103D.311, subd. 3(c) which states that managers must be appointed to fairly represent the various hydrologic areas within the watershed district. The county will ensure that two managers on the SWWD board live in the City of Woodbury. The remaining three managers will be appointed to fairly represent the remaining hydrological subwatersheds within the SWWD. In accordance with Minnesota Statute 103D.311, subd. 3(a) the county will appoint managers from a list of persons nominated by the townships and municipalities located within the watershed district. The list must contain at least three nominees for each manager's position to be filled. The list must be submitted to the county at least 60 days before the manager's term of office expires. The county commissioners may appoint any managers from towns and municipalities that fail to submit a list of nominees or if the list is not received 60 days prior to the managers' term of office expiring.

Whereas, all parties desire to ensure financing of capital projects within the subwatersheds within the SWWD that are equitable and reasonable to property owners within the watershed and all parties desire the formal creation of the Lower St. Croix subwatershed taxing district by the SWWD to fund capital projects within the Lower St. Croix subwatershed taxing district.

Whereas, all parties desire the SWWD to adopt the watershed management plan and rules of the former Lower St. Croix Watershed Management Organization for hydrological and stormwater management needs within the Lower St. Croix subwatershed until the next SWWD Water Management Plan is completed.

Whereas, all parties desire to maintain separate standards for waters from land areas that drain to the St. Croix River, separate and distinct from land areas that drain to the Mississippi

River while not unduly burdening one watershed with the treatment requirements for the other watershed;

Whereas, Woodbury, Cottage Grove and SWWD desire to establish dates of completion of land acquisition and construction of the Central Draw Overflow project in the SWWD Watershed Management Plan.

Whereas, the SWWD 2007 watershed management plan identifies the Central Draw Overflow as a necessary element of the comprehensive solution for flood control in the watershed. All parties desire that the SWWD guarantee the dedicated funding for and continue to pursue individual elements of the Central Draw Overflow to ensure completion of the flood control project by January 1, 2020.

Whereas, the City of Woodbury filed an appeal, as Petitioner, and the Minnesota Board of Soil and Water Resources, Washington County, Valley Branch Watershed District and the South Washington Watershed District, as Respondents, concerning the BWSR Order dated May 27, 2009 concerning the boundary determination, Court File A09-1175 (hereinafter "Appeal of BWSR Order One"); and the City of Cottage Grove and Denmark Township filed an appeal concerning the BWSR Order dated December 16, 2009 regarding a boundary change of South Washington and Valley Branch Watershed Districts and the reduction in the number of managers of the South Washington Watershed District, Court File No. A10-72, and the Minnesota Board of Soil and Water Resources, the South Washington Watershed District, Valley Branch Watershed District, are Respondents (hereinafter "Appeal of BWSR Order Two")

Whereas, the parties agree that the Appeal of BWSR Order One will be dismissed upon approval by BWSR of all elements of the SWWD petition to reallocate the territory formerly covered by the Lower St. Croix Water Management Organization into both the Valley Branch and South Washington Watershed District as set forth by this Agreement.

Whereas, the Appeal of BWSR Order Two was dismissed without prejudice by the Court of Appeals on April 16, 2010, subject to a motion for reinstatement within thirty (30) days of BWSR's final decision on the Petition; if BWSR approves the South Washington Watershed District Petition to reallocate the areas formerly covered by the Lower St. Croix Water Management organization into both the Valley Branch and South Washington Watershed Districts, as set forth by this Agreement, Cottage Grove and Denmark Township will not move for reinstatement; if the BWSR Board does not approve the SWWD Petition, the parties will not oppose the motion by Cottage Grove and Denmark Township for reinstatement of the appeal, pursuant to the April 16, 2010 Order filed on April 19, 2010.

Whereas, all parties desire an annual check-in mechanism facilitated by the County to ensure this Agreement is upheld. The County proposes to coordinate this as part of the annual watershed budget review by the County Board of Commissioners. The county will work with the SWWD and provide a memo to the other parties by no later than December 1st of each year (starting in 2011). Should non-compliance of this agreement be identified under annual review, the County will reconvene the parties of the agreement to mediate a resolution;

Whereas, all parties agree that it is in their best interest to define their respective responsibilities and obligations;

Whereas, all parties to this Agreement desire the approval and implementation of these above actions to be completed in a cooperative manner, with public benefit to be gained by all parties; and

Whereas, all parties wish to enter into this Agreement to document the terms and obligations agreed upon.

THEREFORE, IT IS MUTUALLY UNDERSTOOD AND AGREED BETWEEN THE PARTIES HERETO AS FOLLOWS

1. The recitals contained above are true and correct, and are incorporated herein by reference.

2. The purpose of this Agreement is to secure the performance of the Agreement of the parties.

Washington County Obligations.

3. Washington County agrees to appoint managers consistent with Minn. Stat. 103D.311, subd. 3(c) and will appoint two of the five managers of the SWWD Board from the City of Woodbury The remainder of the managers will be appointed to fairly represent the hydrological sub-watersheds within the SWWD.

4. Washington County agrees to appoint managers consistent with Minn. Stat. 103D.311, subd. 3(a) from a list of candidates submitted by the cities and townships.

5. Washington County agrees to coordinate an annual check-in mechanism to ensure this Agreement is upheld. The County will coordinate this as part of the annual watershed budget review by the County Board of Commissioners. The county will work with the SWWD and provide a memo to the other parties by no later than December 1st of each year (starting in 2011). In the event the County determines a non-compliance with any of the terms and provisions hereof, it shall identify the same in its report. Should non-compliance of this agreement be identified under an annual review, the County will reconvene the parties of this agreement to mediate a solution.

South Washington Obligations

6. SWWD will prepare a petition to the Board of Water and Soil Resources to reallocate the areas formerly covered by the Lower St. Croix Water Management Organization into both the Valley Branch and South Washington Watershed District as described in Exhibit A.

7. The SWWD and Washington County will request a written statement of concurrence for the petition from the governing body of each statutory or home rule charter city and

town and each watershed management organization having jurisdiction over the territory proposed to be added or transferred and agree to support the boundary change petition, to be filed by SWWD, before the Board of Water and Soil Resources.

8. The SWWD shall establish rules governing the hydrological land areas that are tributary to the St. Croix River and rules for the hydrological land area tributary to the Mississippi River, and the standards adopted for the areas tributary to the St. Croix River shall not be applied to the areas tributary to the Mississippi River.

9. Prior to the adoption of rules, the SWWD will follow the notice and hearing requirements of Minn. Stat. 103D.341, and any other applicable statutorial rule requirements.

10. The SWWD agrees to finance capital projects on a subwatershed basis within management and taxing districts in accordance with Minn. Stat. 103D.729, as defined by the SWWD plan.

11. The SWWD agrees to finance capital projects on a subwatershed basis through revenue collected using a storm water utility fee according to Chapter 444 of Minnesota Statutes.

12. The SWWD shall initially adopt the former Lower St. Croix Water Management Organization (LSCWMO) water management plan and rules as the plan and rules for the subwatershed pursuant to Minnesota Statute 103B.231.

13. The SWWD agrees to implement the Central Draw Overflow Project as follows:

    13.1. SWWD shall complete acquisition of lands necessary to control the outlet for the Central Draw Overflow Project to the Mississippi River by June 30, 2014.

    13.2. As part of the Central Draw Overflow Project, SWWD will construct improvements to the Cottage Grove Central Ravine by December 31, 2014 to accommodate interim watershed overflows.

    13.3. SWWD shall complete construction of Central Draw Overflow Project by January 1, 2020 unless otherwise agreed to by Cottage Grove, Woodbury and SWWD.

Cottage Grove and Woodbury Obligations

14. Cottage Grove and Woodbury agree to timely respond to requests for information from the SWWD and timely submit requested documents to the SWWD. Timely responses are necessary to enable the SWWD to undertake and complete studies and analysis reasonably necessary to timely perform the SWWD obligations under this agreement.

15. The parties agree to take all reasonable steps necessary in order to stay the Court of Appeals proceedings on the Appeal of BWSR Order One until BWSR approves all elements of the petition. Based on the Court of Appeals' Order dismissing the appeal of BWSR Order Two, subject to a motion to reinstate within thirty (30) days of BWSR's final decision on the SWWD petition, if BWSR grants the petition, Cottage Grove and Denmark Township agree

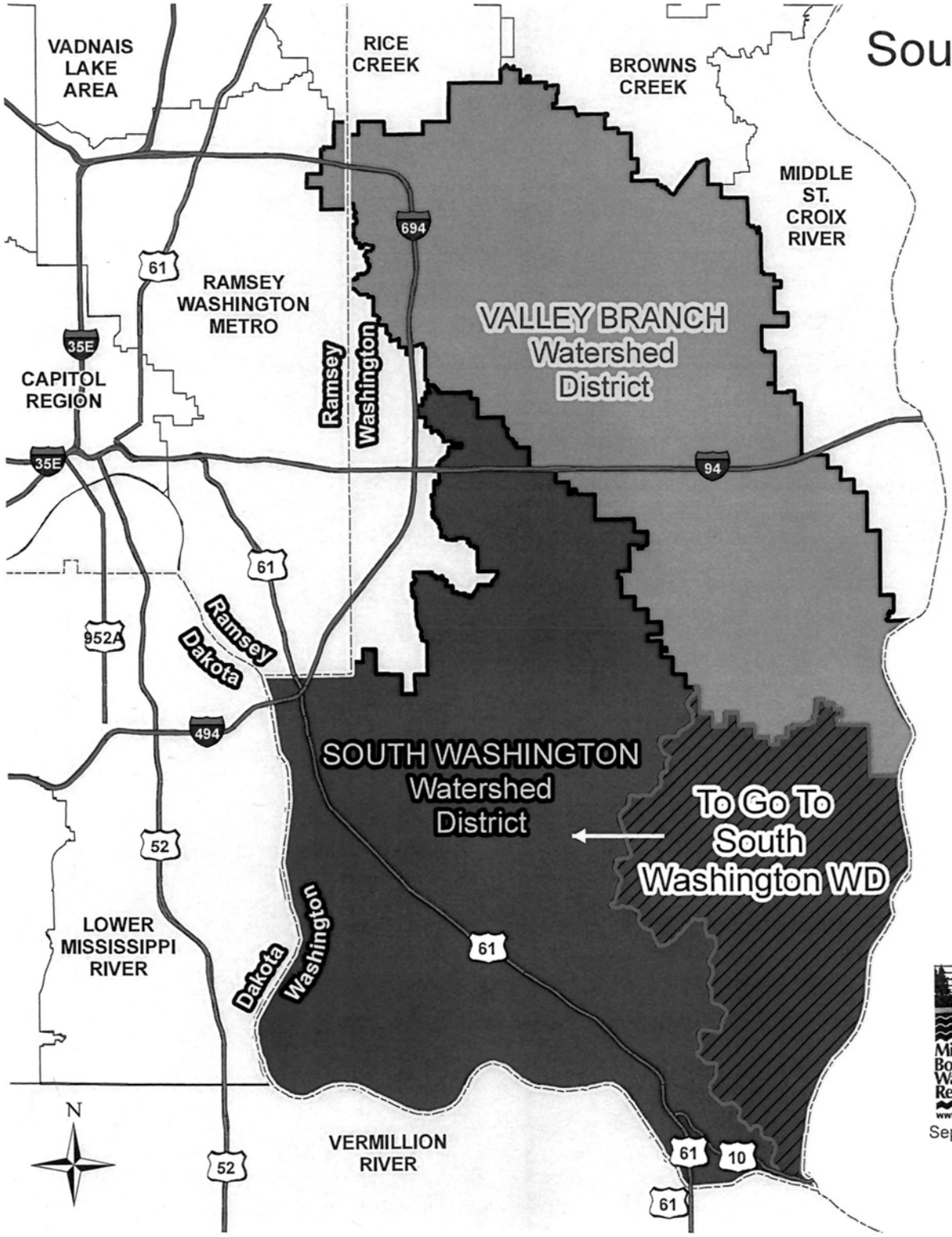
to not pursue the appeal further. If BWSR denies the petition, the parties may resume their appeals, and the parties will not oppose a motion by Cottage Grove and Denmark Township for reinstatement of the appeal of BWSR Order Two. In the event that BWSR denies the petition, this Agreement shall be null and void.

16. This Agreement may be modified by an agreement signed by all of the parties.

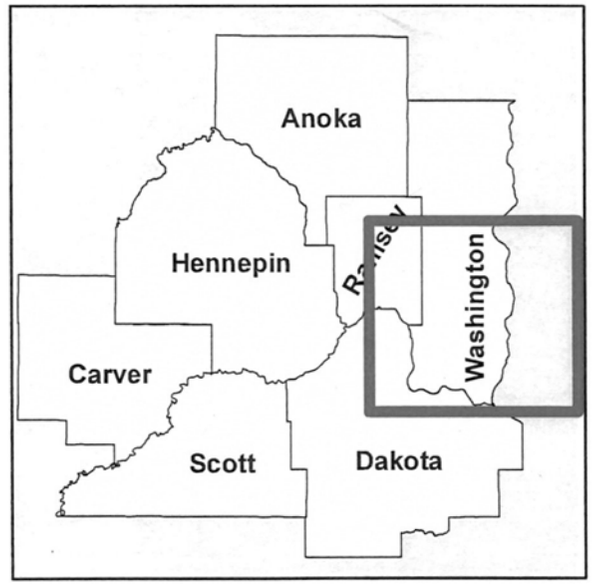
Signatures signify entity/agency agreement with this Agreement

Exhibit A – Petition to BWSR and Watershed Boundary Map (Figure 1)

South Washington & Valley Branch Watershed Districts Boundary Changes



- County Boundaries
- Proposed Boundary Change
- Current Watershed District Boundaries
- Surrounding Watershed Districts & WMOs



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

September 2010

Miles

0 1 2 3 4 5

Resolution 10-86

Minnesota Board of Water and Soil Resources

WHEREAS, a Petition was filed with the Board on May 27, 2010 by the South Washington Watershed District (SWWD) to change the boundaries of the SWWD and the Valley Branch Watershed District (VBWD); and

WHEREAS, the Petition contained an Agreement resulting from a watershed boundary mediation process that was signed by Washington County, the SWWD, the VBWD, the City of Cottage Grove, Denmark Township and the City of Woodbury, last signed on May 19, 2010; and

WHEREAS, the mediation was concluded when the parties signed the Agreement, last signed on May 19, 2010; and

WHEREAS, the Agreement contains several obligations as described in item 4 of the Petition as follows:

a. The SWWD will amend its watershed management plan pursuant to Minn. Stat. §§ 103B.205 to 103B.255 to include the Lower St. Croix subwatershed areas within one year. The SWWD will initially adopt the Lower St. Croix Watershed Management Organization (LSCWMO) 2009 Watershed Management Plan as the plan for this subwatershed pursuant to Minn. Stat. §§ 103B.205 to 103B.255.

b. The SWWD will apply resource based water quality standards defined by the St. Croix River and the Mississippi River and based on discrete geographical locations defined by hydrologic boundaries.

c. The SWWD will implement the Central Draw Overflow Project as follows:

c.1. The SWWD will complete acquisition of lands necessary to control the outlet for the Central Draw Overflow Project to the Mississippi River by June 30, 2014.

c.2. As part of the Central Draw Overflow Project, the SWWD will construct improvements to the Cottage Grove Central Ravine by December 31, 2014 to accommodate interim watershed overflows.

c.3. The SWWD will complete construction of the Central Draw Overflow Project by January 1, 2020 unless otherwise agreed to by the City of Cottage Grove, City of Woodbury and SWWD.

d. For the purposes of collecting revenues and paying the costs of projects in the former LSCWMO territory, the SWWD will establish a water management district pursuant to Minn. Stat. § 103D.729. The former LSCWMO territory will pay 100 percent of the costs

of any projects that are needed within the former LSCWMO territory and none of the costs will be charged to any of the territory of SWWD as it existed prior to May 27, 2009.

e. The cost of projects for the territory within the existing SWWD will be paid for by the territory within the existing SWWD and none of the costs will be charged to the former LSCWMO territory being added to the SWWD.

f. Funding should be determined on a project-by-project basis, based on project benefits, costs (including administrative costs of the financing options), and equity. The SWWD will finance projects on a subwatershed basis through revenue collected using a stormwater utility fee according to Minnesota Statutes Chapter 444.

g. Administrative services and related general services that are provided throughout the new areas of the watershed districts will be funded using a district wide ad valorem tax, collected by Washington County as a part of property tax collection. For the SWWD, the former LSCWMO territory will pay its costs of the annual administrative budget and proportional costs of annual SWWD operational programs based on the ad valorem tax rate.

h. Currently the SWWD consists of five managers. The SWWD is requesting the SWWD board of managers remain at five.

i. The appointment of managers in the SWWD will be consistent with Minn. Stat. § 103D.311, Subd. 3, item c which states that managers must be appointed to fairly represent the various hydrologic areas within the watershed district. The County will ensure that two managers on the SWWD board live in the City of Woodbury. The remaining three managers will be appointed to fairly represent the remaining hydrological areas with the SWWD. In accordance with Minn. Stat. § 103D.311, Subd. 3, item a, the County will appoint managers from a list of persons nominated by the townships and municipalities located within the watershed district. The list must contain at least three nominees for each manager position to be filled. The list must be submitted to the county at least 60 days before the managers' term of office expires. If a list of nominees is not received 60 days prior to the managers' term of office expiring or if a city or town fails to submit a list of nominees, the County may appoint any managers that they so choose.

NOW THEREFORE BE IT RESOLVED, that the Board hereby supports all of the terms of the Agreement and will be attentive to and facilitate the implementation of those terms.

September 22, 2010

Randy Kramer, Chair

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

In the Matter of the Petition for a Boundary Change of the South Washington Watershed District and the Valley Branch Watershed District, Washington County, pursuant to Minnesota Statutes Section 103B.215.

ORDER FOR BOUNDARY CHANGE OF SOUTH WASHINGTON AND VALLEY BRANCH WATERSHED DISTRICTS

Whereas, a petition (Petition) for a boundary change of the South Washington Watershed District (SWWD) and the Valley Branch Watershed District (VBWD) was filed by the SWWD with the Board on May 27, 2010, 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.** On May 27, 2010, the Board received a Petition for a boundary change of the South Washington Watershed District (SWWD) and the Valley Branch Watershed District (VBWD) from the SWWD pursuant to Minn. Stat. § 103B.215. The SWWD has proper standing to file the Petition pursuant to Minn. Stat. § 103B.215, Subd. 2, item a.

2. **Property Description.** The territory proposed to be added or transferred by the proposed boundary change, the Petitioned Area, is depicted in a map attached to the Petition as "Figure 1" dated May 14, 2010 and comprises an area located in Washington County entirely within the metropolitan area that is approximately 30.06 square miles currently within the VBWD, which includes land in the Cities of Afton and Cottage Grove, and the Town of Denmark.

   The proposed boundary change would transfer from the VBWD to the SWWD approximately 30.06 square miles, of which 4.19 square miles are located within the City of Afton, 2.02 square miles are located within the City of Cottage Grove, and 23.85 square miles are located within the Town of Denmark.

3. **Petition Service.** The Petition was served on the Board, the VBWD, Washington County and affected communities.

4. **Statements of Concurrence.** The Petition was accompanied by written statements of concurrence from each statutory or home rule charter city and town and each watershed management organization having jurisdiction over the Petitioned Area as required by Minn. Stat. § 103B.215, Subd. 2, item c, subitem 1. Additionally, the Petition was accompanied by statements of concurrence from all of the remaining cities in the SWWD and the Washington County Board of Commissioners. All of the statements of concurrence were in the form of resolutions adopted by the governing bodies of each entity.

5. **Mediated Agreement.** The Petition was accompanied by an Agreement resulting from a watershed boundary mediation process. The Agreement was signed by Washington County, the SWWD, the VBWD, the City of Cottage Grove, Denmark Township and the City of Woodbury. The Agreement states the following obligations:

a. Washington County agrees to appoint managers consistent with Minn. Stat. § 103D.311, Subd. 3, item c and will appoint two of the five managers of the SWWD Board from the City of Woodbury. The remainder of the managers will be appointed to fairly represent the hydrological subwatersheds within the SWWD.

b. Washington County agrees to appoint managers consistent with Minn. Stat. § 103D.311, Subd. 3, item a from a list of candidates submitted by the cities and townships.

c. Washington County agrees to coordinate an annual check-in mechanism to ensure this Agreement is upheld. The County will coordinate this as part of the annual watershed budget review by the County Board of Commissioners. The County will work with the SWWD and provide a memo to the parties by no later than December 1st of each year (starting in 2011). In the event the County determines a non-compliance with any of the terms and provisions hereof, it shall identify the same in its report. Should non-compliance of this Agreement be identified under an annual review, the County will reconvene the parties of this agreement to mediate a solution.

d. The SWWD will prepare a petition to the Board of Water and Soil Resources to reallocate the areas formerly covered by the Lower St. Croix Watershed Management Organization into both the VBWD and the SWWD as described in the petition.

e. The SWWD and Washington County will request a written statement of concurrence for the petition from the governing body of each statutory or home rule charter city and town and

each watershed management organization having jurisdiction over the territory proposed to be added or transferred and agree to support the boundary change petition, to be filed by the SWWD, before the Board of Water and Soil Resources.

f. The SWWD shall establish rules governing the hydrological land areas that are tributary to the St. Croix River and rules for the hydrological land area tributary to the Mississippi River, and the standards adopted for the areas tributary to the St. Croix River shall not be applied to the areas tributary to the Mississippi River.

g. Prior to the adoption of rules, the SWWD will follow the notice and hearing requirements of Minn. Stat. § 103D.341, and any other applicable statutorial rule requirements.

h. The SWWD agrees to finance capital projects on a subwatershed basis within management and taxing districts in accordance with Minn. Stat. § 103D.729, as defined by the SWWD plan.

i. The SWWD agrees to finance capital projects on a subwatershed basis through revenue collected using a storm water utility fee according to Minnesota Statutes Chapter 444.

j. The SWWD shall initially adopt the former Lower St. Croix Watershed Management Organization watershed management plan and rules as the plan and rules for the subwatershed pursuant to Minn. Stat. § 103B.231.

k. The SWWD agrees to implement the Central Draw Overflow Project as follows:

k.1. The SWWD shall complete acquisition of lands necessary to control the outlet for the Central Draw Overflow Project to the Mississippi River by June 30, 2014.

k.2. As part of the Central Draw Overflow Project, SWWD will construct improvements to the Cottage Grove Central Ravine by December 31, 2014 to accommodate interim watershed overflows.

k.3. SWWD shall complete construction of the Central Draw Overflow Project by January 1, 2020 unless otherwise agreed to by Cottage Grove, Woodbury and SWWD.

l. Cottage Grove and Woodbury agree to timely respond to requests for information from the SWWD and timely submit requested documents to the SWWD. Timely responses are necessary to enable the SWWD to undertake and complete studies and analysis reasonably necessary to timely perform the SWWD obligations under this Agreement.

m. The parties agree to take all reasonable steps necessary in order to stay the Court of Appeals proceedings on the Appeal of BWSR Order One until BWSR approves all elements of the petition. Based on the Court of Appeals' Order dismissing the appeal of BWSR Order Two, subject to a motion to reinstate within thirty (30) days of BWSR's final decision on the SWWD petition, if BWSR grants the petition, Cottage Grove and Denmark Township agree to not pursue the appeal further. If BWSR denies the petition, the parties may resume their appeals, and the parties will not oppose a motion by Cottage Grove and Denmark Township for reinstatement of the appeal of BWSR Order Two. In the event that BWSR denies the petition, this Agreement shall be null and void.

6. **Reasons for Change.** The Petition states the following are supporting reasons for the boundary change between the SWWD and the VBWD:

a. The proposed boundary change will be conducive to the public health and public welfare and for the purposes of Minnesota Statutes Chapter 103.

b. The proposed boundary change will provide long term protection for surface and groundwater resources.

c. The proposed boundary change will ensure efficiency and effectiveness of water resource management in this area.

d. The proposed boundary change is consistent with the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255.

e. Certain properties under the jurisdiction of the SWWD are subject to protection under Minn. Stat. § 103B.225. The boundary change, subject to conditions in the petition, is compliant with Minn. Stat. § 103B.225.

f. The petitioner has received a written statement of concurrence in the petition from the governing body of each statutory or home rule charter city and town and each watershed management organization having jurisdiction over the territory proposed to be added or transferred.

g. The boundary change will accomplish the objectives that were agreed upon through the watershed boundary mediation process which involved BWSR, Washington County, SWWD, VBWD, City of Cottage Grove, Denmark Township, and City of Woodbury.

7. **Conformance with Minn. Stat. § 103B.225.** The Petition states the following are conditions for changing the boundaries of the SWWD to be compliant with Minn. Stat. § 103B.225:

a. The SWWD will amend its watershed management plan pursuant to Minn. Stat. §§ 103B.205 to 103B.255 to include the Lower St. Croix subwatershed areas within one year. The SWWD will initially adopt the Lower St. Croix Watershed Management Organization (LSCWMO) 2009 Watershed Management Plan as the plan for this subwatershed pursuant to Minn. Stat. §§ 103B.205 to 103B.255.

b. The SWWD will apply resource based water quality standards defined by the St. Croix River and the Mississippi River and based on discrete geographical locations defined by hydrologic boundaries.

c. The SWWD will implement the Central Draw Overflow Project as follows:

c.1. The SWWD will complete acquisition of lands necessary to control the outlet for the Central Draw Overflow Project to the Mississippi River by June 30, 2014.

c.2. As part of the Central Draw Overflow Project, the SWWD will construct improvements to the Cottage Grove Central Ravine by December 31, 2014 to accommodate interim watershed overflows.

c.3. The SWWD will complete construction of the Central Draw Overflow Project by January 1, 2020 unless otherwise agreed to by the City of Cottage Grove, City of Woodbury and SWWD.

d. For the purposes of collecting revenues and paying the costs of projects in the former LSCWMO territory, the SWWD will establish a water management district pursuant to Minn. Stat. § 103D.729. The former LSCWMO territory will pay 100 percent of the costs of any projects that are needed within the former LSCWMO territory and none of the costs will be charged to any of the territory of SWWD as it existed prior to May 27, 2009.

e. The cost of projects for the territory within the existing SWWD will be paid for by the territory within the existing SWWD and none of the costs will be charged to the former LSCWMO territory being added to the SWWD.

f. Funding should be determined on a project-by-project basis, based on project benefits, costs (including administrative costs of the financing options), and equity. The SWWD will finance projects on a subwatershed basis through revenue collected using a stormwater utility fee according to Minnesota Statutes Chapter 444.

g. Administrative services and related general services that are provided throughout the new areas of the watershed districts will be funded using a district wide ad valorem tax, collected by Washington County as a part of property tax collection. For the SWWD, the former LSCWMO territory will pay its costs of the annual administrative budget and proportional costs of annual SWWD operational programs based on the ad valorem tax rate.

h. Currently the SWWD consists of five managers. The SWWD is requesting the SWWD board of managers remain at five.

i. The appointment of managers in the SWWD will be consistent with Minn. Stat. § 103D.311, Subd. 3, item c which states that managers must be appointed to fairly represent the various hydrologic areas within the watershed district. The County will ensure that two managers on the SWWD board live in the City of Woodbury. The remaining three managers will be appointed to fairly represent the remaining hydrological areas with the SWWD. In accordance with Minn. Stat. § 103D.311, Subd. 3, item a, the County will appoint managers from a list of persons nominated by the townships and municipalities located within the watershed district. The list must contain at least three nominees for each manager position to be filled. The list must be submitted to the county at least 60 days before the managers' term of office expires. If a list of nominees is not received 60 days prior to the managers' term of office expiring or if a city or town fails to submit a list of nominees, the County may appoint any managers that they so choose.

8. **Notice of Filing.** Legal notice of filing on the proposed watershed district boundary change, pursuant to Minn. Stat. § 103B.215, Subd. 3, was published on August 18 and 25, 2010 in the Oakdale/Lake Elmo Review, the Woodbury Bulletin, and the South Washington County Bulletin, and on August 19 and 26, 2010 in the Hastings Star Gazette. Further, a copy of the notice was mailed to several addressees including the Washington County Auditor, an Assistant Washington County Attorney, all of the cities and towns in the SWWD and VBWD, the SWWD, the VBWD, the SWCD, and the DNR.

9. **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 submitted to the Board before a hearing will be held. No request for hearing was submitted during the specified period of time and no public hearing was held.

10. **Comments in response to Notice of Filing.** One comment letter was received in response to the Notice of Filing. The comment letter was in opposition to the Petition for various

reasons, generally including:

a. The boundary change is contrary to the intent of water law and will create a watershed district that is tributary to the Mississippi and St. Croix Rivers. This is especially problematic because the St. Croix River is an Outstanding High Value Water.

b. The Petition resulted from closed mediation between the governmental units. No public input was taken. It is not clear that the mediated parties considered broader concerns outside of Washington County. This appears to be bad public policy.

c. Woodbury appealed the Board's first decision in this matter over concerns about "poison pill provisions". The current Petition has dramatically more of them. Many of them are not legally enforceable and may set unwanted precedents for watershed management.

d. The SWWD has yet to address flooding concerns in areas of Woodbury that it has regulated since 1997. If the Petition is approved and after approval of the watershed management plan, the Board will have very little leverage with the SWWD if lower St. Croix River water quality concerns are not appropriately addressed.

e. The SWWD does not issue permits for development. Rural areas such as Denmark Township will not have the capacity to properly evaluate development projects. The VBWD issues permits for development in rural areas.

f. Most of the arguments against the Board's second decision in this matter centered on economic concerns. There are concerns about the effects that this mindset will have when capital improvement projects are considered that would benefit the St. Croix River.

g. Several lakes in the SWWD have been placed on the impaired waters list during SWWD's watch. Meanwhile, the VBWD has been improving the water quality in their watershed. This is based on information from the two watershed district websites.

h. The St. Croix River does not belong to Woodbury, Cottage Grove, Denmark Township or Washington County. The broader public interest of Minnesota, Wisconsin and everyone who enjoys the St. Croix River is better served under the management of the VBWD.

11. **Board Staff Advisory Report.** A Board staff advisory report dated September 17, 2010 recommended approval of the Petition. To be in conformance with Minn. Stat. § 103B.225, the report advised that the Board Order require the SWWD to establish a water management district under Minn. Stat. § 103D.729 to finance projects on a subwatershed basis consistent with certain terms of the Petition.

12. **Metro Water Planning Committee.** The Metro Water Planning Committee met on September 21, 2010. Committee members in attendance were Christy Jo Fogarty, Rebecca Flood, LuAnn Tolliver, Louise Smallidge, and Robert Burandt as chair. Board staff in attendance were Melissa Lewis and Jim Haertel. Based on the entire record in this matter and after due consideration, the committee decided with a unanimous vote to recommend to the full Board that a Resolution be adopted that supports the Agreement. Further, the committee decided with a unanimous vote to recommend to the full Board that the SWWD and VBWD boundary be changed according to the Petition and that the draft Board Order include a reference to the Resolution.

The Board's standard of review in making a determination on the proposed boundary change in the Petition is set forth in Minn. Stat. § 103B.215, Subd. 4, item c, as follows:

> (c) After completing the procedures required by this subdivision, the board shall, by its findings and order, make the boundary change requested if the board determines that:
>
> (1) the governing body of each statutory or home rule charter city and town and each watershed management organization having jurisdiction over the territory proposed to be added or transferred concurs in the petition;
>
> (2) the change is consistent with the purposes and requirements of sections 103B.205 to 103B.255; and
>
> (3) the change can be accomplished in conformance with section 103B.225.

In arriving at their decisions, the Committee endorsed the findings and many of the recommendations in the Staff Advisory Report. The Committee found that the local communities and watershed districts concur in the boundary change in conformance with Minn. Stat. § 103B.215, Subd. 4, item c, subitem 1. The Committee noted the strong support for the boundary change among the local communities, watershed districts and Washington County. The Committee found that the boundary change would be consistent with the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255 in conformance with Minn. Stat. § 103B.215, Subd. 4, item c, subitem 2. The Committee noted that either watershed district is fully capable of adequately managing the water resources in the Petitioned Area. The Committee found that the boundary change could be accomplished in conformance with Minn. Stat. § 103B.225, as required by Minn. Stat. § 103B.215, Subd. 4, item c, subitem 3, by prescribing that property within the existing SWWD remains liable for its proper share of any outstanding indebtedness of the watershed district applying to the property before the Board's Order, and levies and assessments for the indebtedness continue in force until the debt is fully paid. The Committee endorsed a draft Resolution that supports the Agreement and recommended that the Board Order reference the Resolution. Additionally, the Committee noted that the SWWD and the VBWD have not amended their watershed management plans to include the boundary changes done during the past 16 months.

CONCLUSIONS

1. The Petition for the boundary change of the South Washington Watershed District and the Valley Branch Watershed District is valid in accordance with Minn. Stat. § 103B.215.

2. Proper notice of filing was given and no 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.

5. The boundary change of the South Washington Watershed District and the Valley Branch Watershed District as proposed in the Petition has been agreed to in statements of concurrence from the governing bodies of each statutory or home rule charter city and town and each watershed management organization having jurisdiction over the territory proposed to be added or transferred as required by Minn. Stat. § 103B.215, Subd. 2, item c, subitem 1. Additionally, the Petition was accompanied by statements of concurrence from all of the remaining cities in the South Washington Watershed District and the Washington County Board of Commissioners. All of the statements of concurrence were in the form of resolutions adopted by the governing bodies of each entity.

6. The boundary change is consistent with the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255 in conformance with Minn. Stat. § 103B.215, Subd. 4, item c, subitem 2. Either watershed district is fully capable of adequately managing the water resources in the Petitioned Area.

7. The boundary change can be accomplished in conformance with Minn. Stat. § 103B.225, as required by Minn. Stat. § 103B.215, Subd. 4, item c, subitem 3, by prescribing that property within the existing SWWD remains liable for its proper share of any outstanding indebtedness of the watershed district applying to the property before the Board's Order, and levies and assessments for the indebtedness continue in force until the debt is fully paid..

8. The South Washington Watershed District and the Valley Branch Watershed District Watershed Management Plans should be amended within one year to include the boundary change.

9. This Order references Board Resolution 10-86 that supports all of the terms of the Agreement and that the Board will be attentive to and facilitate the implementation of those terms.

ORDER

The Board hereby orders:

A. The boundary of the South Washington Watershed District and the Valley Branch Watershed District be changed according to the Petition and the map dated May 14, 2010 attached herewith to this Order and fully incorporated herein including the dataset for the map.

B. Property within the existing SWWD remains liable for its proper share of any outstanding indebtedness of the watershed district applying to the property before the Board's Order, and levies and assessments for the indebtedness continue in force until the debt is fully paid.

C. The South Washington Watershed District and the Valley Branch Watershed District Watershed Management Plans be amended within one year of the date of this Order to include the boundary change.

Dated at Saint Paul, Minnesota this 22nd day of September, 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

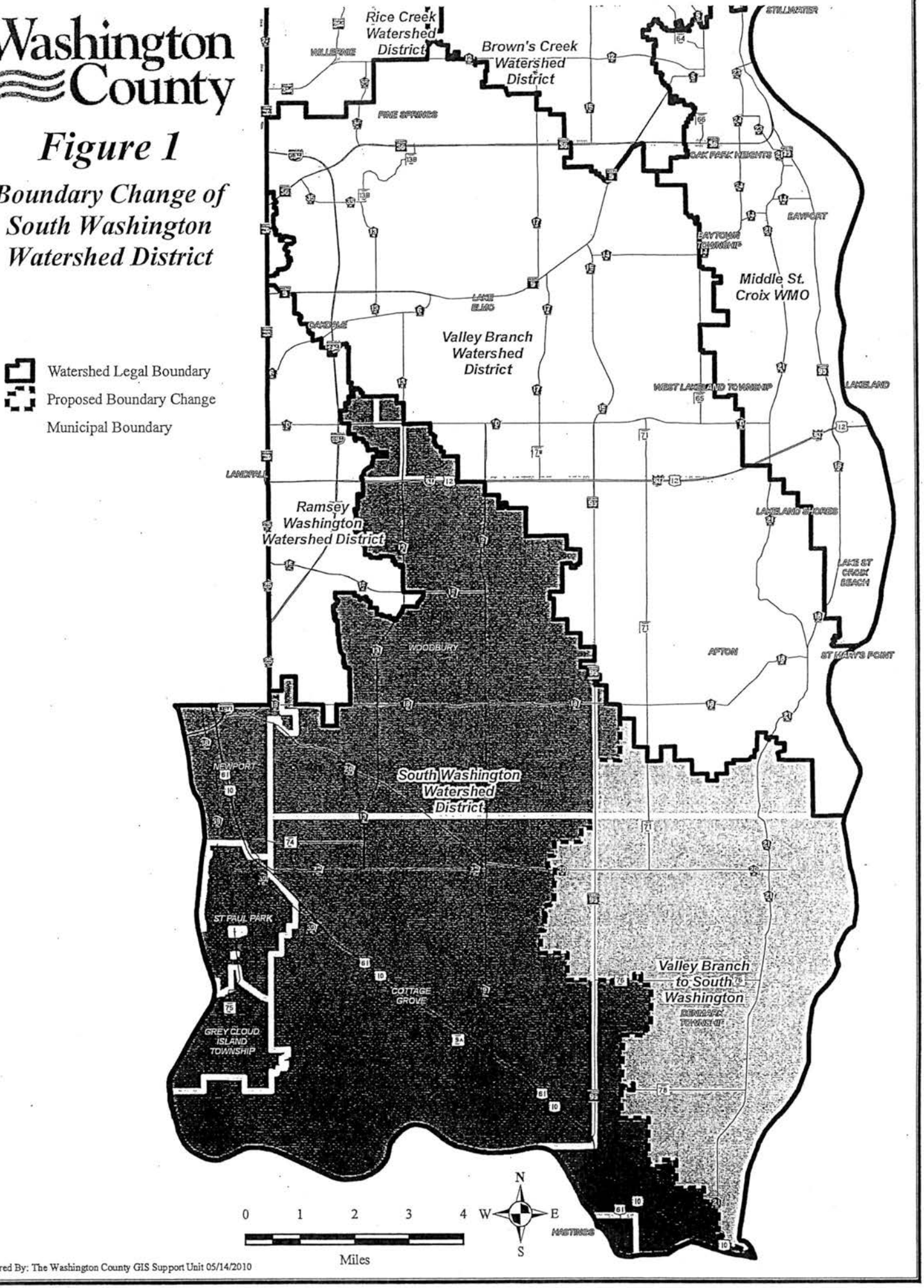
By:

Randy Kramer, Chair

Washington County

Figure 1

Boundary Change of South Washington Watershed District



Prepared By: The Washington County GIS Support Unit 05/14/2010

NEW BUSINESS

1. Recognition of Service – Randy Kramer – ***INFORMATION ITEM***

2. Riparian Buffers Overview – ***DISCUSSION ITEM***

Resolution 10-88
Minnesota Board of Water and Soil Resources

WHEREAS, Randy Kramer has served as a citizen member of the Board of Water and Soil Resources from July 8, 2003 – September 22, 2010; and

WHEREAS, Randy Kramer was appointed as Chair by the Governor, effective July 7, 2006 and has served in that role continuously, and with distinction, through today;

NOW THEREFORE, the Board of Water and Soil Resources acknowledges the following sample of accomplishments realized during Randy Kramer's tenure as Board Chair:

1. Major Wetland Conservation Act (WCA) statute and rule upgrades.
2. The Dispute Resolution Committee (DRC) refocused on purposeful and committed mediation rather than public hearings.
3. Expanded and enhanced the Board Committee structure.
4. Adoption and implementation of a Strategic Plan.
5. Proactive participation and response to two Program Audits and two Fiscal Audits.
6. Re-invest In Minnesota-Wetlands Reserve Program (RIM-WRP) Partnership Memorandum of Agreement (MOA).
7. Swampbuster-Wetland Conservation Act (WCA) Memorandum of Agreement (MOA).
8. Timely and successful responses to two flooding disaster declarations in southeast and northwest Minnesota.
9. The first Legacy Amendment Fund programs created and implemented.
10. The Performance Review and Assistance Program (PRAP) created and implemented.
11. Board membership expanded to add city and township representatives.

NOW THEREFORE BE IT RESOLVED, that the Board of Water and Soil Resources proudly recognizes Randy Kramer for his dedicated leadership to improve and protect Minnesota's water and soil resources by working in partnership with local organizations and private landowners.

Paul Brutlag, Vice-Chair

9-22-10
September 22, 2010

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Riparian Buffers Overview

Meeting Date: September 22, 2010

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

Item Type: ☐ Decision ☒ Discussion ☐ Information

Section/Region:

Contact: John Jaschke

Prepared by:

Reviewed by: John Jaschke Committee(s)

Presented by:

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

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

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other:

ACTION REQUESTED

Discussion item

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

Riparian buffers or filter strips consisting of perennial vegetation adjacent to streams, ditches, wetlands and lakes are one of the most effective water quality and habitat improvement practices. Efforts to achieve more of these areas have been largely through voluntary conservation programs but there are also existing curcumstances where buffer establishment is required.

The State Shoreland rules include a provision of a 50' buffer or an approved conservation plan. Very few, if any, plans specific to this purpose exist and ordinance enforcement has been spotty. Some counties (Dodge) have put more requirements or emphasis on buffers via their local ordinance and have promoted the voluntary programs as a means to achieve compliance. Furthermore, it is uncertain as to whether there was any "grandfather" element to the 1989 state rule that first established the ag shoreland buffer standard. These buffers can be any type of perennial vegetation and have no use restrictions.

Public drainage systems estabIlished via 103E have provisions for 16.5' (1 rod) buffers to be in place on new systems and those that have undergone a redetermination of benefits since 1977. These buffers can be any type of perennial vegetation and are used for maintenance access, spoil storage and bank stabilization. They are typically are covered by some type of access easement that is not easily identified on legally recorded documents. Until recently, there's been debate where this buffer measurement starts.

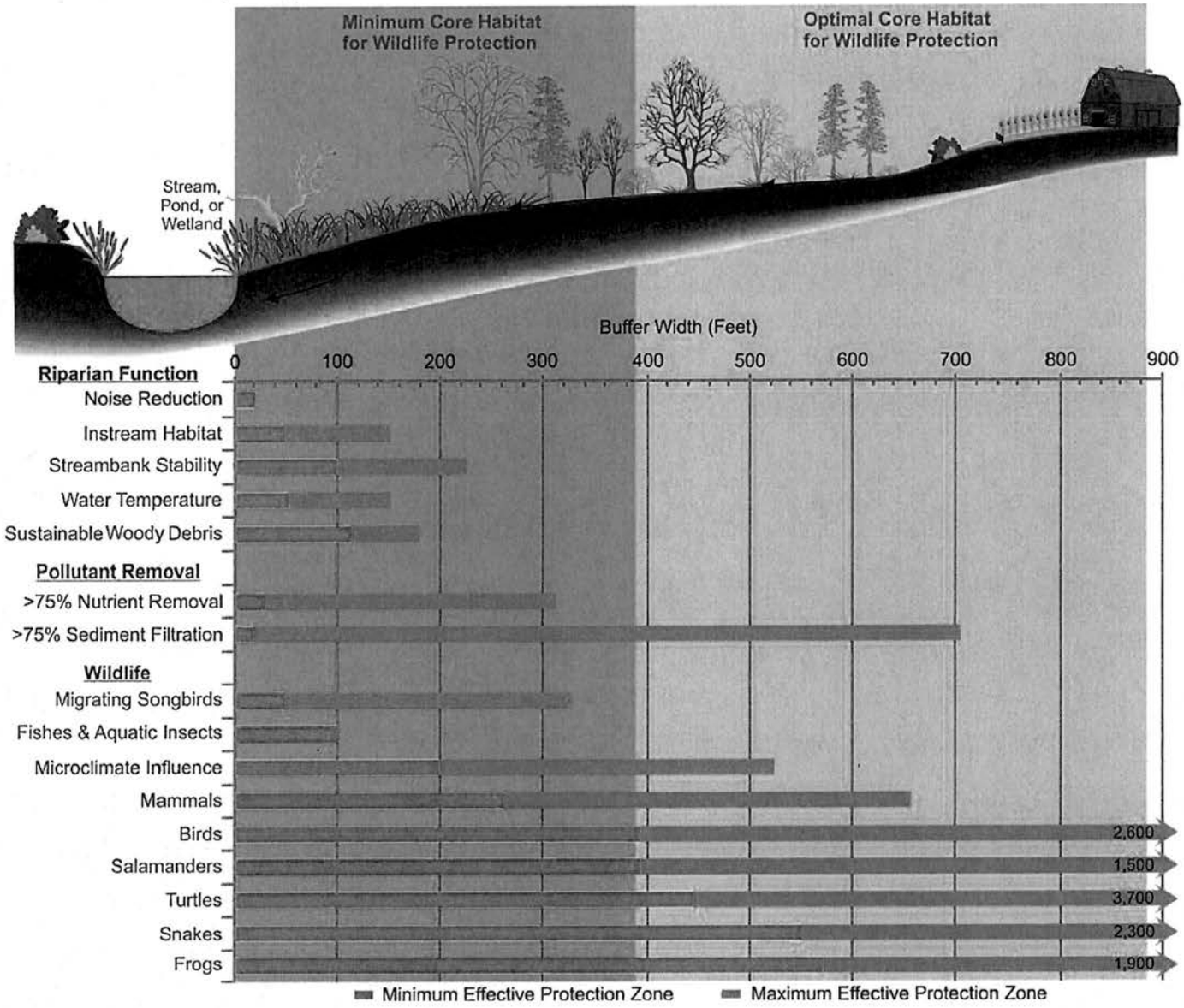
USDA-FSA has a policy that CRP excludes filter strip areas from the 10-15 year contract if they are otherwise required by law or are in violation of the law. The violation must be specific to the landowner and property and they rely on others to validate the regulatory status. Because of the longer term of the State programs, they do not view eligibility the same way but instead recognize the need to manage the native vegetation established

in the buffer as whole unit well beyond any "required' portion adjacent to the water which does not otherwise have a vegetative quality or diversity standard.

And, there is the issue of prioritization. Riparian buffers in headwater streams (i.e., those adjacent to first-, second-, and third-order systems) have much greater influences on overall water quality within a watershed than those buffers occurring in downstream reaches. However, factoring in wildlife or floodplain attenuation benefits may lead to other site prioritization.

Wider is Better for Wildlife

Why? Because buffer size is the engine that drives important natural functions like food availability and quality, access to water, habitat variety, protection from predators, reproductive or resting areas, corridors to safely move when necessary, and help in maintaining the health of species' gene pools to prevent isolation and perhaps extinction.



One riparian buffer size does not fit all conditions or needs. There are many riparian buffer functions and the ability to effectively fulfill those functions is largely dependent on width. Determining what buffer widths are needed should be based on what functions are desired as well as site conditions. For example, as shown above, water temperature protection generally does not require as wide a buffer as provision of habitat for wildlife. Based on the needs of wildlife species found in Wisconsin, the minimum core habitat buffer width is about 400 feet and the optimal width for sustaining the majority of wildlife species is about 900 feet. Hence, the value of large undisturbed parcels along waterways which are part of, and linked to, an environmental corridor system. The minimum effective buffer width distances are based on data reported in the scientific literature and the quality of available habitats within the context of those studies.

Minnesota Board of Water & Soil Resources

Board of Water and Soil Resources

Clean Water Fund Competitive Grants Application Review and Selection Process

FY2011

1. Initial Review.

Board Conservationists (BCs), with assistance from Clean Water Specialists (CWS), will review applications for completeness and eligibility. BCs will also assess the applications using the criteria shown below. This assessment will result in the separation of applications into regional high – medium – low groupings. The CWS will take these assessments, and generate statewide high – low groups. Additional review will be conducted by the Assistant Director for Policy and Programs and Land and Water Section Manager to screen applications for compliance with the FY11 CWF Competitive Grants Policy, appropriation language and statute.

Ranking Criteria	Maximum Points Possible
Project Description: The proposed project demonstrates a high potential of long-term success based on project organization and management structure, partner support and public involvement within the project area.	15
Anticipated Outcomes: The outcomes expected upon completion of the project initiatives on the water resources are identified, including a description of the resulting primary and secondary public benefits such as pollution reduction, or groundwater or drinking water protection, hydrologic restoration, or aquatic habitat improvement.	30
Project Readiness: The application has a set of specific initiatives that can be implemented soon after grant award.	15
Prioritization and Relationship to Plan: The proposal is based on priority protection or restoration actions listed in or derived from an approved Comprehensive Local Water Management Plan or approved TMDL Implementation plan.	30
Groundwater and Drinking Water Protection: Proposed activities have the goal of protecting groundwater or drinking water.	10
Total Points Available	**100**

Approved by BWSR Senior Management Team: September 14, 2010.

The SSTS Program Enhancement and Inventory Grants will be scored only by BWSR and MPCA staff. The Conservation Drainage Grants will be scored by the Interagency Drainage Management Team.

Timeline: September 16-October 15, 2010.

2. Technical Review and Agency Scoring.
The technical review will be conducted by representatives of state agencies to generate a funding recommendation that will be forwarded to the BWSR Senior Management Team (SMT). The purpose of the Agency Review Team review is to ensure that CWF implementation grants are coordinated among the implementing state agencies.

The Agency Review Team will consist of staff from BWSR (3 CWS and Grants Coordinator) and 2 each from the MPCA, DNR, MDA, and MDH. The agency scoring will be conducted on applications equal to all of the high ranking applications or twice the available funds, whichever results in the greatest number of applications. However, after these applications have been scored Agency Review Team members may request adding additional applications to the scoring list. Agency scoring will be conducted using a 1-9 scoring system using a touch pad electronic system to record composite scores.

Timeline: October 21-22, 2010.

3. BWSR SMT Review.
The BWSR SMT will consider the recommendations forwarded by the Agency Review Team, BWSR and MPCA staff for the SSTS Grants and the Interagency Drainage Management Team. In making a funding recommendation the SMT will consider these recommendations and the:

- CWF Ranking Criteria;
- FY11 CWF Competitive Grants Policy;
- Appropriation language and statute; and
- Other factors necessary to ensure that funds are used consistent with the State Constitution.

Timeline: November 9, 2010.

4. Board Grants Program and Policy Committee.
The Board Grants Program and Policy Committee will review the SMT recommendations and make a recommendation to the Board. This review will be based on consistency of the proposed grants to the Board resolution adopted on June 23, 2010, including the FY11 CWF Competitive Grants Policy.

Timeline: TBD – Week of November 15-19, 2010.

5. Board.
The Board will consider the recommendation of the Grants Program and Policy Committee.

Timeline: December 15, 2010.

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
ST. PAUL, MINNESOTA 55155
WEDNESDAY, OCTOBER 27, 2010

BOARD MEMBERS PRESENT:
Gordy Behm, Paul Brutlag, Bob Burandt, Larry Kramka, DNR; Quentin Fairbanks, Rebecca Flood, MPCA; Sandy Hooker, Paul Langseth, Tom Loveall, John Meyer, Keith Mykleseth, Brian Napstad, Rob Sip, MDA; Faye Sleeper, MES; Louis Smallidge, Gene Tiedemann, LuAnn Tolliver, Dan Wilson, MDH

BOARD MEMBERS ABSENT:
Christy Jo Fogarty

STAFF PRESENT:
Mary Jo Anderson, Julie Blackburn, Dan Girolamo, Jim Haertel, John Jaschke, Melissa Lewis, Sarma Straumanis, Dave Weirens

OTHERS:
Wayne Edgerton, DNR
Paul Moline, Carver County
LeAnn Buck, MASWCD
Ray Bohn, MAWD

Acting Chair Paul Brutlag called the meeting to order at 9:00 a.m.

PLEDGE OF ALLEGIANCE

Acting Chair Brutlag announced that Governor Pawlenty made appointments to the Board of Water and Soil Resources effective November 1, 2010. Brian Napstad has been appointed as Chair of BWSR, replacing Randy Kramer; and Joe Martin replaces Randy Kramer as a citizen member on the Board to complete a term that expires on January 3, 2011.

** 10-90 **ADOPTION OF AGENDA** – Moved by Louise Smallidge, seconded by Sandy Hooker, to approve the agenda as circulated. Motion passed on a voice vote.

MINUTES OF SEPTEMBER 22, 2010 – Rob Sip reported that a correction is needed on page eight, Minnesota Department of Agriculture; it should read, "Rob commented on a point of interest for a future meeting; the 'MDA Livestock Environmental Quality Assurance Program' as it ties to BWSR's Cost-Share Program". Dan Wilson reported that also on page eight, Minnesota Department of Health, the last sentence should read, "MDH is gathering data from ** 10-91 tribal nations". Moved by LuAnn Tolliver, seconded by Paul Langseth, to approve the minutes of September 22, 2010, as corrected. Motion passed on a voice vote.

CONFLICT OF INTEREST DECLARATION – Acting Chair Brutlag reported that the agenda item today "2010 (FY11) Southern Minnesota Flood Relief" needs a Conflict of Interest Declaration. Acting Chair Brutlag read the statement: *"A conflict of interest whether actual or perceived occurs when someone in a position of trust has competing professional or personal interests and these competing interests make it difficult to fulfill professional duties impartially. As this time, members are requested to identify any potential conflicts of interest they may have regarding today's business."*

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

REPORTS

Acting Chair's Report – Paul Brutlag stated that he has noticed the change without our past Chair Randy Kramer. Paul reported that Randy Kramer fell and broke his shoulder while working on his farm.

Executive Director's Report – John Jaschke reviewed information in board members' packets. John asked Board Members to submit registration information for attendance at the MAWD, MASWCD, and AMC annual meetings to Mary Jo Anderson by Friday. John attended the Special Legislative Session on October 18. John reported that he attended the "BWSR Academy" yesterday, this is currently underway, October 26-28, at

Breezy Point near Brainerd. BWSR staff and LGU staff, about 300 attendees. John attended the U of M Water Resources Conference on October 19.

Dispute Resolution Committee (DRC) – Travis Germundson reported that there are currently 13 appeals; no new appeals have been received since the September 22, 2010 DRC Report. Travis provided an update on the following appeals:

- Appeal #10-13, a restoration order in Benton County: BWSR affirmed the appeal and rescinded the restoration order.
- Appeal #10-10, an order of the managers of the Wild Rice Watershed District: both parties have requested BWSR to facilitate informal mediation prior to beginning an administrative contested case proceeding.
- Appeal #09-10, banking plan application in Aitkin County: appellant requested voluntary remand back to Aitkin County.
- Appeal #08-09, a replacement order in Pine County: The replacement order has been stayed and the appeal has been placed in abeyance pending disposition with the U.S. Department of Justice.

Acting Chair Brutlag thanked Travis for the report.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee will meet on December 14, at 5:30 p.m., at the Kelly Inn in St. Paul.

Grants Program & Policy Committee – Louise Smallidge reported that the Grants Program & Policy Committee will meet on November 17, 9:00 a.m. - noon.

RIM Reserve Planning Committee – Paul Brutlag reported that RIM Reserve Planning Committee met on October 18th; the Southern Minnesota Flood Disaster Response is on the agenda later today.

Drainage Work Group – Tom Loveall reported that the Drainage Work Group (DWG) met on October 14. Tom reported that the DWG discussions included the Smith Partners LCCMR Project, "MN Drainage Law Analysis and Evaluation" -- the report is expected in mid-2011. The DWG discussed drainage issues and priorities, 103D, 103E, and funding sources. The Drainage Work Group will meet again in early January 2011.

Administrative Advisory Committee (AAC) – Acting Chair Brutlag reported that the AAC met this morning and discussed: a letter from the Mayor of Woodbury; Board appointments; Southern Minnesota Flood Relief Cost-Share Funding Resolution and Policy; Technical Amendment for SWCD FY11 Cost-Share Resolution; and budget preparation update. Acting Chair Brutlag stated that some of these items are on the agenda later today.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Delegation of Authority – Bob Burandt reported that the Metro Water Planning Committee met on October 14. Jim Haertel reported that the proposed amendments to WMO watershed management plans in the seven county metropolitan area can follow the minor plan amendment process or the regular plan amendment process. Minor plan amendments do not come before the Board for approval, the regular plan amendments require Board approval. Currently, Minn. Rules part 8410.0140, subp. 2C allows the Board 45 days to make a decision on which amendment process must be followed. The time period allowed cannot always be met in consideration of the Board's meeting schedule. Delegation of authority to the Executive Director is desirable. Jim reported that the Metro Water Planning Committee unanimously recommends approval of the

** delegation of authority. Moved by Keith Mykleseth, seconded by Bob Burandt, that the
10-92 Executive Director is hereby delegated the authority to make decisions on the review process for WMO watershed management plan amendments proposed to be reviewed as minor amendments. Motion passed on a voice vote.

Carver County WMO (CCWMO) Revised Plan – Jim Haertel reported that the Metro Water Planning Committee met on October 14th and unanimously recommends approval of the Carver County WMO Revised Plan. Jim presented highlights of the Plan and explained that the CCWMO encompasses nearly the entire county at 320 square miles. Jim introduced Paul Moline, WMO Administrator. Mr. Moline stated that he's proud of the process and the product the Plan represents. Carver County has an efficient means of delivering water management through collaboration within county government; it works very well, and has been a significant savings in working together in prioritizing projects and

** implementation of the Plan. Moved by Louise Smallidge, seconded by LuAnn Tolliver,
10-93 to approve the Carver County WMO Revised Plan. Bob Burandt abstained from the vote. Motion passed on a voice vote.

Northern Water Planning Committee

Becker County Comprehensive Local Water Management Plan Amendment – Keith Mykleseth reported that the Northern Water Planning Committee met on October 13; reviewed the Becker County Comprehensive Local Water Management Plan amendment

** and recommends approval. Moved by Keith Mykleseth, seconded by Quentin Fairbanks,
10-94 to approve the Becker County Comprehensive Local Water Management Plan Amendment for November 1, 2010 – December 31, 2014. Motion passed on a voice vote.

Lake County Local Water Management Plan Amendment – Brian Napstad reported that the Northern Water Planning Committee met on October 13; reviewed the Lake County Local Water Management Plan Amendment and recommends approval.

** 10-95 Moved by Brian Napstad, seconded by Quentin Fairbanks, to approve the Lake County Local Water Management Plan Amendment in effect until October 26, 2015. Quentin stated that the five-year review of a plan is very important. Motion passed on a voice vote.

RIM Reserve Management Planning Committee

RIM Reserve Southern Minnesota Flood Disaster Response – Paul Langseth reported that the RIM Reserve Management Planning Committee met on October 18, reviewed the proposed Southern Minnesota Flood Disaster Response, and recommends approval. Kevin reported that Governor Pawlenty called a Special Session of the Legislature on October 18th. The Legislature appropriated $3M for cost-share; and $10M bond funds for the RIM Reserve Program to acquire permanent conservation easements on lands damaged by rain/flooding. Kevin Lines distributed an updated map showing the Federal Disaster Declaration, FEMA-1941-DR, reflecting additional counties. Kevin reported that BWSR staff is working closely with NRCS and FSA to leverage additional federal funds. Kevin presented the resolution, which establishes payment rates and authorizes staff to develop procedures and criteria for the 2010 RIM Reserve Special Session Flood Disaster Response, sign-up to begin November 1, 2010 and runs through January 31, 2011. Kevin reported that two public meetings will be held; the first meeting in Windom on November 3; and a second meeting on November 16 in Rochester. Moved by Paul Langseth,

** 10-96 seconded by Tom Loveall, to approve the resolution authorizing staff to implement the 2010 RIM Reserve Special Session Flood Disaster Response. Acting Chair Brutlag stated that John Jaschke attended the Special Legislative Session on October 18 and was not available to attend the RIM Reserve Management Planning Committee meeting. John reported that this resolution represents a targeted approach to deal with conservation easements on land either damaged by the rain/flood event or to help reduce the impacts of future flood damage. Discussion followed. Motion passed on a voice vote.

NEW BUSINESS

FY 2011 SWCD Grant Allocations – Cost Share Allocation, Amend Board Resolution #10-57- Acting Chair Brutlag reported that the Administrative Advisory Committee approved this resolution today. John Jaschke explained that the resolution amends the June 23, 2010 Resolution #10-57 to reflect the use of Cost-Share Program roll-over funds for the FY2011 State Cost-Share Base Grant allocation. Dave Weirens reported that the original appropriation was $1.1M; with $1.04M allocated and a difference of $60,525 unallocated. The Native Buffer Cost-Share roll-over allocation of

** 10-97 $60,525 is proposed for the FY11 State Cost-Share Base Grant Program. Moved by Louise Smallidge, seconded by Paul Langseth, to approve the amendment of Board Resolution #10-57, authorizing $60,525 of Native Buffer Cost-Share roll-over for FY2011 State Cost-Share Base Grants Program. Motion passed on a voice vote.

Minnesota Lake Superior Coastal Program Grant Application Resolution – John Jaschke explained that the Minnesota Lake Superior Coastal Program annually offers federal matching funds from the National Oceanic and Atmospheric Administration (NOAA) for projects that address coastal issues. A requirement of NOAA's grant application process is a resolution by BWSR. Staff is requesting approval of the required resolution to submit an application to obtain funding for State and local government staff to attend fluvial geomorphology training. The training will enhance local technical capacity to implement coastal water quality measures and coordination between State and local government staff in the Lake Superior basin. Moved by Brian Napstad, seconded by Quentin Fairbanks, that staff is authorized and directed to execute and file an application for the Minnesota Lake Superior Coastal Program, providing all information and documentation required to become eligible for possible funding assistance. Motion passed on a voice vote.

** 10-98

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

2010 (FY11) Southern Minnesota Flood Relief – Acting Chair Brutlag reported that the Administrative Advisory Committee made changes to the BWSR Southern Minnesota Cost-Share Flood Relief Policy; and recommends Board approval of the Policy as revised. John Jaschke explained that the federal disaster was declared in 29 counties of south central and southeast Minnesota due to flooding resulting from heavy rains. The Special Legislative Session on October 18 appropriated $10M for RIM and $3M for Cost-Share. John explained that the Policy revisions included adding "or local government unit" to #6, #7, and #8 of the Policy. Dave Weirens provided an overview of the Policy. Discussion. Dave presented the Resolution, "2010 Southern Minnesota Flood Relief". Dave reported that the Grants Program and Policy Committee has reviewed the Resolution and Policy. The revisions to the Policy will be made and distributed to Board Members.

SSTS Imminent Health Threat Abatement and Feedlot Water Quality Continuous Sign-up Grant Programs – Dave Weirens distributed the FY2011 SSTS Imminent Health Threat Abatement Continuous Sign-Up Grants Map. Dave reported that staff conducted continuous sign-ups or applications for SSTS Imminent Health Threat and Feedlot Water Quality Continuous Sign-up Grant Programs from July 1 to August 15, and a second round of sign-ups was held for the Feedlot Water Quality Grants. Based on Board Resolution #10-62 staff funded 54 SSTS applications and 18 feedlot applications. Keith Mykleseth asked how the funds are recommended. Dave stated that the applications are first come, first serve. Brian Napstad stated that there are going to be other governmental units looking at this; BWSR needs to give strong consideration to first come, first serve. Discussion. Acting Chair Brutlag stated that this needs to be reviewed by the Grants Program and Policy Committee, as more discussion is needed. Bob Burandt suggested setting deadlines as sign-up applications come in. Paul Langseth suggested that the allocation process set a

limit for regions to give other areas a chance to get things in as staff capacity is an issue. Discussion followed. John Jaschke stated the need to uniquely evaluate the imminent health threat issue as there are several variables that will be part of future policy discussion. Acting Chair Brutlag stated that this is an important topic to be addressed and appropriately scheduled for policy review by a BWSR committee.

Dave distributed the FY2011 Feedlot Water Quality Continuous Sign-Up Grants Map. This map represents all applications and funding.

John Jaschke distributed the revised version of the "BWSR Southern Minnesota Cost-Share Flood Relief Policy" and a copy of the Board Resolution. John reported that he received 18 signed Conflict of Declaration forms; he reviewed the signed documents, there are no declared conflicts of interest. Moved by Louise Smallidge, seconded by Paul Langseth, to authorize staff to enter into grant agreements, contracts, or easements, for projects and related work to accomplish the general and specific provisions of the Southern Minnesota Flood Relief Resolution and Policy. Discussion followed. Motion passed on a voice vote.

** 10-99

MNDOT-BWSR Wetland Replacement Program – Dave Weirens reported that BWSR and the Minnesota Department of Transportation (MNDOT) entered into an agreement in August 2005 to cooperatively manage wetland replacement responsibilities for wetland impacts as well as local and state public road projects. BWSR and MNDOT are entering into another five-year agreement to continue the successful partnership on the Wetland Replacement Program. Dave introduced Sarma Straumanis, Wetland Banking Specialist, and Dan Giralomo, Wetland Banking Administrator. Dave presented information on the accomplishments of this cooperative effort and where we plan on going in the next five years. John Jaschke stated that the U.S. Army Corps of Engineers (USACoE) adopted a national mitigation rule, and is now looking at a means for endorsement of this program under their new rule. A current two-year grace period allows BWSR to receive credit approval from USACoE. Acting Chair Brutlag thanked Dave for his report.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Rob Sip distributed a fact sheet on MDA 2010 Disaster Assistance.

Minnesota Department of Health (MDH) – Dan Wilson reported that MDH is in the recovery phase on flooded wells. MDH backs up the local responsibility in the recovery process on wells. Dan reported that free well testing is available until problems are cleaned up, which may be a number of months; the workload is manageable. Dan stated that the H1N1 pandemic is done; the recommendation is a flu vaccination.

Minnesota Department of Natural Resources (DNR) – Wayne Edgerton reported that DNR is working with BWSR on the Walk-in Hunting Program for hunter access in Minnesota. Wayne reported that $500,000 was appropriated to Minnesota to start the process in 18 counties. Larry Kramka reported that DNR has funding for flood buyouts, debris removal, technical assistance, and state parks public facility damage. Larry will attend a meeting on Friday to address the flood damage issues.

Minnesota Extension Service (MES) – Faye Sleeper reported on the successful Water Resources Conference. Faye explained that the conference formerly had two components; research and civil engineering. The conference is now combined into one very well attended conference, consulting and local government staff attending, providing a venue from research to implementation.

Minnesota Pollution Control Agency (MPCA) – Rebecca Flood reported that flood response is progressing well in the City of Faribault; the wastewater treatment plants are back on-line. Rebecca reported that stakeholder comments on MS4 general permit for cities, townships, and entities that have stormwater pipes have completed the involvement process, and are now responding on general permit on public notice. Rebecca reported that Doug Wetzstein has been named to replace Glenn Skuta as Rebecca's alternate on BWSR, representing MPCA.

ADVISORY COMMENTS

Minnesota Association of Soil and Water Conservation Districts (MASWCD) – LeAnn Buck invited board members to attend the MASWCD annual meeting December 5-7, at the Crowne Plaza in St. Paul. LeAnn stated that the Roundtable Session with AMC, MASWCD, and MAWD involved looking at policy issues. LeAnn stated that the National Association of Conservation Districts (NACD) is looking at early Farm Bill discussions, and the good infrastructure in Minnesota with SWCDs working on federal programs such as EQIP and WRP.

Minnesota Association of Townships (MAT) – Sandy Hooker invited board members to attend the MAT annual meeting, November 18-20, in Duluth at the DECC.

Minnesota Association of Watershed Districts (MAWD) – Ray Bohn invited board members to attend the MAWD annual meeting, December 2-4 in Alexandria. Ray stated that the local government Water Roundtable Session has been very useful; city involvement would be helpful. Ray stated that MAWD's legislative process is underway.

UPCOMING MEETINGS

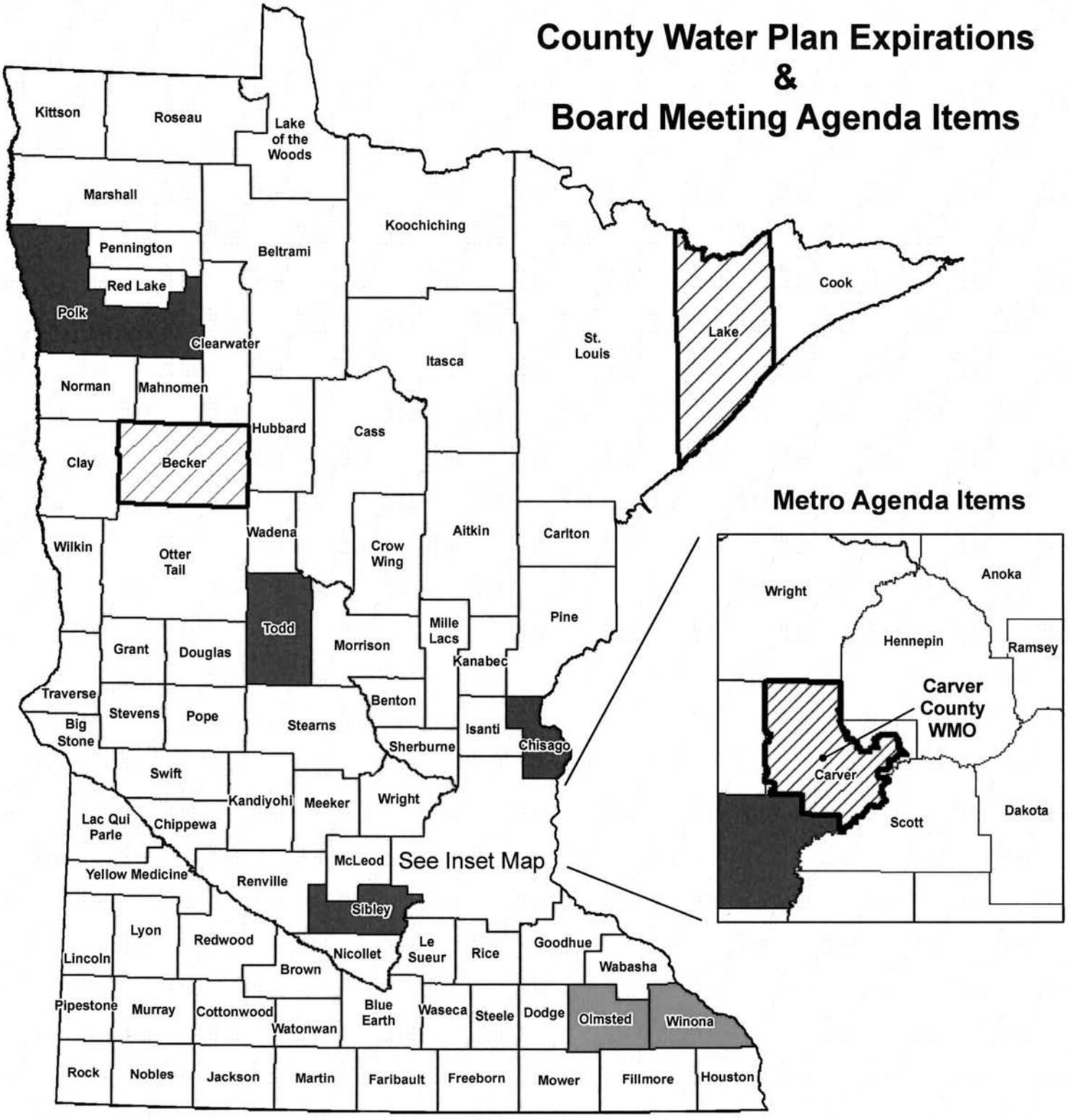
- MAWD Annual Meeting, December 2-4, Alexandria
- MASWCD Annual Meeting, December 5-7, St. Paul
- AMC Annual Meeting, December 6-8, St. Cloud
- Next BWSR Board Meeting – December 15, 2010 in St. Paul

** 10-100 Moved by Louise Smallidge, seconded by Gordy Behm, to adjourn the meeting at 11:50 a.m. Motion passed on a voice vote.

Respectfully submitted,

Brian Napstad
Chair

County Water Plan Expirations & Board Meeting Agenda Items



Metro Agenda Items

Plan Expires

- Overdue
- 2010
- 2011
- Beyond 2011

Items on October 2010 Agenda

- Becker
- Lake
- Carver County WMO

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October 2010

Board of Water and Soil Resources
Grants Conflict of Interest Declaration

Meeting: 2010 Southern Minnesota Flood Relief **Date: October 27, 2010**

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

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

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

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

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

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

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

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

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

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

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

  _____
  _____
  _____
  _____
  _____

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

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

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

Name:_____

Signature:_____

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

Media Center

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"Good Morning, Minnesota"

GOVERNOR PAWLENTY APPOINTS MARTIN TO WATER AND SOIL RESOURCES BOARD -- October 26, 2010

Saint Paul – Governor Tim Pawlenty today announced the appointment of Joe Martin to the Board of Water and Soil Resources (BWSR). Martin replaces Randy Kramer as a citizen member on the board, and is appointed to complete a four-year term that expires on January 3, 2011. In addition, the Governor announced that Brian Napstad will replace Kramer as chair of the board.

Martin, of St. Paul, owns Rural Strategies, LLC, an agricultural and rural public affairs management and consulting business, and serves as executive director of the Minnesota State Cattlemen's Association. Previously, he held positions as assistant commissioner of the Minnesota Department of Agriculture in St. Paul, director of congressional relations with the American Farm Bureau Federation in Washington, D.C., and associate director of public policy with the Minnesota Farm Bureau Federation. Martin earned his bachelor of arts degree from the University of Minnesota. He has served on numerous agriculture and environmental boards, including the Minnesota Clean Water Council, Mississippi River Parkway Commission, Upper Mississippi Waterway Association, Upper Mississippi River Basin Association, and USDA Conservation Effects Assessment Program Working Group.

Napstad, of McGregor, is the owner of Fisherman's Bay Restaurant on Big Sandy Lake, and has served as an elected member of the Aitkin County Board of Commissioners since 2005. Napstad has been a member of the BWSR since 2006, and was reappointed by Governor Pawlenty to another four-year term as a representative of county commissioners earlier this year.

The Board of Water and Soil Resources is the state's administrative agency for 91 soil and water conservation districts, 43 watershed districts, 27 metropolitan watersheds, and 80 county water management organizations. BWSR's purpose – working through local government – is to protect and enhance the state's irreplaceable soil and water resources by implementing the state's soil and water conservation policy, comprehensive local water management, and the Wetland Conservation Act as it relates to the 41.7 million acres of private land in Minnesota. The board consists of 20 members, including 15 appointed by the Governor.

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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
ST. PAUL, MINNESOTA 55155
WEDNESDAY, SEPTEMBER 22, 2010

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

BOARD MEMBERS ABSENT:
Faye Sleeper, MES

STAFF PRESENT:
Mary Jo Anderson, Julie Blackburn, Jim Haertel, Tabor Hoek, John Jaschke, Al Kean, Melissa Lewis, Paul Senne

OTHERS PRESENT:
Sheila Vanney, MASWCD
Tim Koehler, NRCS
Ray Bohn, MAWD
Mike Mueller, DNR
Doug Wetzstein, MPCA
Matt Moore, South Washington Watershed District (SWWD)
Jack Levold, SWWD
Brian Johnson, SWWD
Ryan Schroeder, City of Cottage Grove
Bill Hargis, Mayor of Woodbury
Mary Stevens, Woodbury
Steve Kernik, Woodbury
Eric Witte, petitioner
Jim Keller, Denmark Township
Mike Schmidt, MN Center for Environmental Advocacy
Amanda Strommer, Washington County

DRAFT

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

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA – Paul Brutlag requested an addition to the agenda to include a resolution regarding the Board Chairperson be added to the agenda. Paul will
** distribute the resolution prior to discussion. Moved by Paul Langseth, seconded by
10-83 Rob Sip, to approve the agenda with the additional resolution. Motion passed on a voice vote.

** **MINUTES OF AUGUST 26, 2010 –** Moved by Louise Smallidge, seconded by Tom Loveall,
10-84 to approve the minutes of August 26, 2010 as circulated. Motion passed on a voice vote.

Quentin Fairbanks requested that the audience members introduce themselves.

PUBLIC ACCESS FORUM (10-minute agenda time, two-minute limit/person)

- Bill Hargis, Mayor of Woodbury, requested wordage changes to the Resolution and the Order for the boundary change of South Washington and Valley Branch Watershed Districts. The "Now Therefore Be It Resolved" clause would change the word *supports* to *approves*. It would read, "Now Therefore Be It Resolved, that the Board hereby *approves* all terms of the Agreement and will be attentive to and facilitate the implementation of those terms." Mayor Bill Hargis thanked BWSR for consideration of this request.

- Ryan Schroeder, Administrator, City of Cottage Grove, agrees to the resolution of the boundary change issue. He agrees with the wordage *approves* rather than *supports*.

- Eric Witte, petitioner, stated that no one had received the opportunity to comment on the Resolution and Order that BWSR's staff had placed before the Board. He stated that § 103B.215 gave BWSR jurisdiction over only those matters that had been approved by local units of government, and for which BWSR had provided public notice. Because the Resolution and Order before the Board contradicted the petitions that had been the subject of the resolutions and public notices, BWSR lacked jurisdiction.

- Jim Keller, Denmark Township, is in support of the resolution. He stated that he honors the work put into this agreement. He stated that the open comment period was allowed at meetings; no comments were received.

Christy Jo Fogarty arrived at the meeting at 9:10 a.m.

DRAFT

REPORTS

Chair's Report – Randy Kramer reported that he attended the EQB meeting last week. Discussions included reassignment and responsibility for RGU; removal of Minnesota Falls by Granite Falls affirmed; numerous water plans. Chair Kramer reported that the University of Minnesota's Sustainability Framework will be presented on November 4 at the U of M.

Executive Director's Report – John Jaschke reviewed the information in board members' packets. John stated that the U.S. Army Corps of Engineers extended the deadline for taking comments on the proposed Fargo-Moorhead diversion project as they look at climatology records. John reported that the Lessard Sams Outdoor Heritage Council (LSOHC) has made their 2011 recommendations: RIM/WRP recommendation is $13M; Pheasants Forever partnered with BWSR on a water quality and wildlife habitat buffer proposal; and Ducks Unlimited is partnering on a new idea in central Minnesota to protect lakes with a high value wild rice area.

John reported that he attended a meeting on September 8th at the Root River SWCD discussing flood response and wrap-up; and a field tour in Houston County showing some of the accomplishments since the 2007 flood.

John reported that the BWSR Academy will be held October 26-28 at Breezy Point near Brainerd.

John reported that BWSR is moving forward on the implementation plan for responses to the 2010 Office of Legislative Auditor (OLA) (spreadsheet distributed for board members' information). BWSR is working to address two remaining policies of the Office of Grants Management (OGM).

Dispute Resolution Committee – Travis Germundson reported that 14 appeals are pending. Two new appeals were received; a restoration order in Benton County; and a restoration order in St. Louis County. Travis gave an update on an appeal in the Wild Rice Watershed District filed under Minn. Stat. 103D.535 regarding an order of the managers not to go forward with the Upper Becker Dam Enhancement Project as proposed. Appeals filed under 103D.535 require that the Board follow the Administrative Procedures Act. The Act requires that the hearing be conducted by an Administrative Law Judge through the Office of Administrative Hearings. Travis stated that there is still an opportunity for negotiated agreement.

John Jaschke provided an update on a WCA appeal in Lyon County. A settlement has been reached, the appeal was affirmed and the Restoration Order rescinded.

DRAFT

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee has not met; she will confer with staff today to determine a future meeting date.

Drainage Work Group (DWG) – Tom Loveall reported that the Drainage Work Group met on September 9; he was not available to attend. Al Kean attended the meeting and provided a report on the DWG meeting. Discussion included the update for Smith Partners LCCMR Project: "MN Drainage Law Analysis and Evaluation"; the Redetermination of Benefits Survey in the Minnesota River Basin; and Section 103E.015 Considerations before drainage work is done.

Administrative Advisory Committee (AAC) – Chair Kramer reported that the Administrative Advisory Committee met this morning. The AAC had a closed session regarding settlement of the South Washington Watershed District boundary change; the open meeting included discussion on the Board chairperson transition; FY12-13 budget process; staff update; and audit response summary. Chair Kramer stated that the Chair's position has been posted on the Secretary of State's website; the vacancy is effective midnight tonight, September 23. The vacancy is open for a citizen member to serve on the BWSR Board.

John Jaschke stated that the Request for Proposal (RFP) on the clean water fund is closed. The RIM Committee will review steps for a future sign-up and establish payment rates.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Bassett Creek WMO Plan Amendment – Bob Burandt reported that the Metro Water Planning Committee met on September 7, 2010 to review the Bassett Creek WMO Plan
** Amendment and unanimously recommends approval. Moved by Bob Burandt, seconded by LuAnn Tolliver, to approve the Bassett Creek WMO Plan Amendment.
10-85 Motion passed on a voice vote.

South Washington Watershed District Boundary Change Petition – Jim Haertel explained that the South Washington Watershed District submitted a petition to the Board of Water and Soil Resources (Board) on May 27, 2010 pursuant to Minn. Stat. § 103B.215 to change the boundaries of the South Washington Watershed District and the Valley Branch Watershed District. The petition results from a mediated agreement. The Board has taken two previous actions in the past 16 months on this matter. The public noticed deadline to request a hearing or submit comments was September 15. No hearing was requested. The statutory time period for the Board to make a decision essentially requires the Board to make a decision at this meeting today. The Metro

DRAFT

Water Planning Committee met on September 21 and reviewed two companion items; a resolution and an Order.

Jim summarized the two previous decisions the Board made and the difference with the current petition that is filed under Minnesota Statutes Chapter 103B instead of 103D. Jim stated that there are nine conditions of the mediated agreement that are in the petition. Jim explained that BWSR has proper jurisdiction in the matter of ordering a watershed district boundary change, but does not have the statutory or enforcement authority to order the nine conditions. The companion resolution being brought before the Board addresses the nine conditions. Jim stated that the petition was noticed according to statute and staff disagrees with the contention that the public did not have an opportunity to comment. There was a comment period and only one comment was received.

** Chair Kramer stated that the Board can only act within its statutory powers. Moved by Louise Smallidge, seconded by Bob Burandt, to approve the resolution that the Board hereby supports all of the terms of the Agreement and will be attentive to and facilitate the implementation of those terms. Discussion followed.

Louise Smallidge commented on the wordage "supports" versus "approves". She stated that the Board is here to support; according to statute. Bob Burandt agrees with Louise Smallidge; the Board supports and will encourage. The Metro Water Planning Committee voted unanimously to approve the Resolution and Order as presented. John Jaschke stated that we have certain authorities that BWSR can use; mediation, oversight responsibilities, and authority to approve local government plan amendments or renewals. BWSR is doing everything we can to make the agreement with the parties doable. Jim stated the resolution contains a statement about the conclusion of the mediation which starts the time period for the statute of limitations for the mediated agreement. Discussion continued.

Paul Brutlag supports the Resolution, he stated that Jim Haertel has been working with the Attorney General's office, petitioner's input and the staff recommendation on the wordage of the Resolution and Order. LuAnn Tolliver supports the motion and applauded the communities in working together. She stated that proper notice was given to the public. Gene Tiedemann stated that common sense establishes a watershed district along hydrologic boundaries and he cannot support this. Jim Haertel stated that the current petition was filed under Statute 103B for the seven county metro for both WDs and joint powers WMOs. Statute 103D is specific to watershed districts and hydrologic boundaries. The Board does not have authority to set boundaries for joint powers watershed management organizations. The legislature decided a

mechanism was needed in the metro area for watershed districts to be contiguous with other organization boundaries that do not follow hydrologic boundaries as set forth in 103B. Brian Napstad is concerned with 103B and 103D. He sees the legislature moving in the direction of recognizing watershed boundaries; however the metro area is different. 103B gives local authority of joint powers agreements under statute. Brian supports the Resolution as presented. Christy Jo Fogarty stated that BWSR wants local communities to work together. With respect to local governmental units, she supports BWSR oversight but not authority to dictate specific parts of their plans. Paul Langseth supports the Resolution. He's concerned that citizens be heard but need to deal with this at the local level. Tom Loveall supports the Resolution as that is the authority BWSR has. LuAnn Tolliver stated that this petition came in under Statute103B, making this a different situation; as the two prior petitions were filed under Statute103D. Quentin Fairbanks stated that the locals know what is needed. John Jaschke clarified that the BWSR resolution is aimed at the consensus agreement and that the proposed Order is to address the petition. Jim Haertel stated that no public hearing was held.

10-86 Chair Kramer called for the vote. Motion passed on a voice vote.

Jim Haertel explained the Order:

A) The boundary of the South Washington Watershed District and the Valley Branch Watershed District be changed according to the Petition and the map dated May 14, 2010 attached herewith to this Order and fully incorporated herein including the dataset for the map.
B) Property within the existing SWWD remains liable for its proper share of any outstanding indebtedness of the watershed district applying to the property before the Board's Order, and levies and assessments for the indebtedness continue in force until the debt is fully paid.
C) The South Washington Watershed District and the Valley Branch Watershed District Watershed Management Plans be amended within one year of the date of this Order to include the boundary change.

** 10-87 Moved by Louise Smallidge, seconded by Quentin Fairbanks, to approve the Order as presented. Motion passed on a voice vote.

NEW BUSINESS

Recognition of Service – Randy Kramer – On behalf of the Board and staff, John Jaschke thanked Chair Kramer for his service which set high expectations and was demonstrated by his engagement and commitment to the position. John read a list of Randy's accomplishments under his tenure: Board committee structure; proactive audits; major revamping of rules; significant WRP partnership with NRCS; agreement on swampbuster with NRCS; first Legacy programs created and funded; Board expansion to

DRAFT

add city and townships; mandate to provide greater oversight to local governments through PRAP. On behalf of Governor Tim Pawlenty, John presented Chair Kramer with a certificate of commendation for seven years of state service. John, on behalf of BWSR, presented a Distinguished Service Award to Chair Kramer for board membership from 2003-2010. Congratulations to Randy! Brian Napstad stated that Chair Kramer also transitioned the new executive director.

Randy stated that he believed his leadership position was best served as a guide and facilitator. He thanked BWSR staff for their high level work and support. He commended board members for all their input and support. He thanked agency representatives for bringing good points to the table, their important vote; and good collaboration. On behalf of BWSR, Randy thanked partners LeAnn Buck, MASWCD; Ray Bohn, MAWD; Annalee Garletz, AMC; and Tim Koehler, NRCS.

Randy thanked John Jaschke for the regular and timely communications and stated that he appreciated and enjoyed working with him. Randy reminded board members that they are individuals representing a broader constituency. He stated that he enjoyed BWSR and will continue working on related efforts in different capacities.

Paul Brutlag, with honor, presented a resolution to Chair Kramer. "Now Therefore Be it Resolved, that the Board of Water and Soil Resources proudly recognizes Randy Kramer for his dedicated leadership to improve and protect Minnesota's water and soil resources by working in partnership with local organizations and private landowners". Moved by Paul
** 10-88 Brutlag, seconded by Louise Smallidge, to approve the resolution as presented, signed by Paul Brutlag as Vice-Chair. Motion passed on a voice vote.

Chair Kramer called for a break in the meeting at 10:30 a.m. The meeting reconvened at 10:50 a.m.

Riparian Buffers Overview – John Jaschke introduced Tabor Hoek, Al Kean, Paul Senne, BWSR Staff; and Mike Mueller, DNR. Tabor Hoek provided a brief overview of the multiple benefits of riparian buffers. Paul Senne presented comparison data information; this report can be found on BWSR's website: www.bwsr.state.mn.us/easements. Al Kean presented public drainage system information and a review of standards. Mike Mueller, DNR, presented information on standards that are developed and applied via the State Shoreland Rule. Discussion followed. John Jaschke stated that DNR has expected support of conservation programs as a means to pursue 50-foot setback compliance. Chair Kramer thanked Tabor, Al, Paul, and Mike for the informative presentation.

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AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Rob Sip reported that MDA released a new grazing document. Rob commented on a point of interest for a future meeting; the MDA Livestock Insurance Program as it ties to BWSR's Cost-Share Program.

Environmental Quality Assurance

Minnesota Department of Health (MDH) – John Linc Stine reported that MHD received a grant to learn about exposure from contaminates in drinking water and fish as it relates to the native tribal population. MDH is gathering data from tribal nations.

Minnesota Department of Natural Resources (DNR) – Wayne Edgerton reported that DNR Commissioner Mark Holsten presented the "Commissioner's 4-H Youth Award" to Matt Sundquist, from the Hearty Homers 4-H Club in Washington County. Matt Sundquist earned the award for his work on a horse trail at Afton State Park. Wayne reported that the award presentation was held on September 4th during a ceremony at the Minnesota State Fair.

Wayne reported that DNR conducted private lands specialist meetings with Soil and Water Conservation Districts (SWCDs) to better partnership with SWCDs. Wayne reported that the rough grouse season started September 18th. Wayne stated that the pheasant numbers are about the same as last year.

Minnesota Pollution Control Agency (MPCA) – Rebecca Flood reported that she has been traveling around the state meeting with planning and zoning staff via listening sessions on the SSTS rule. Rebecca reported that MPCA conducted a survey at the local level regarding local capacity issues, communications, and program improvements. Rebecca reported that EPA Region 8 is meeting with EPA Region 5 regarding Devils Lake; looking at the possibility of changing sulfate standards in the Red River of the North.

ADVISORY COMMENTS

Minnesota Association of Soil and Water Conservation Districts (MASWCD) – Sheila Vanney, MASWCD Assistant Director, reported that MASWCD is planning their annual convention. The convention will be held December 5-7 at the Crowne Plaza in St. Paul. Sheila thanked BWSR staff for their help with the MASWCD annual business meeting and resolutions and appreciates Mary Jo Anderson's assistance with registration. Sheila reported that the MASWCD Board of Directors voted last week to support a Clean Water Act amendment to allow EPA to certify a State Wetland Law as adequate in Section 404 of the Act. Sheila reported that 190 SWCD supervisors are up for election in November; candidates are listed on the MASWCD website. An orientation session will be held in the spring for the newly elected supervisors. Sheila reported that Judy Erickson stepped down as legislative affairs specialist; Sheila has taken on those duties and looks forward to working with BWSR.

Minnesota Association of Townships (MAT) – Sandy Hooker reported that she attended the Association of Townships meeting in Washington, where she met with township officers nationwide. Sandy reported that MAT is planning their annual conference in Duluth, November 18-19; she invited board members to attend. Sandy stated that MAT appreciates John Jaschke and BWSR staff support.

Minnesota Association of Watershed Districts (MAWD) – Ray Bohn stated that he's sorry to see Randy Kramer leave BWSR; he's done a great job and he appreciated his service. Ray reported that the Minnesota Local Government Roundtable met and identified the need for an advisory committee. A 30-member advisory committee was appointed; ten from each association. Three subcommittees with chairs were appointed: 1) Basin and Watershed Management; 2) Comprehensive Water Plans; and 3) Funding for Water Plans. The Roundtable will review the recommendations of the Clean Water Council and have some ideas by January that have consensus.

Ray reported that the Drainage Work Group (DWG) met diligently over the summer. An issue the DWG is looking at is the redetermination of benefits as it relates to conservation practices on the ground. Ray reported that the MAWD annual meeting will be held December 2-4, in Alexandria; he invited everyone to attend. Ray stated that another issue coming to the forefront is aquatic invasive species. Chair Kramer thanked Ray for his report and stated that it's been a pleasure working with MAWD.

Natural Resources Conservation Service (NRCS) – Tim Koehler thanked Randy Kramer for his tenure, dedication and commitment to natural resources conservation. Tim stated that NRCS and BWSR has moved to a higher level of cooperation and coordination under his leadership and he appreciates the service Randy provided.

Tim commented on the potential Lessard Sams Outdoor Heritage Council (LSOHC) recommendation of $13M for RIM/WRP. Tim stated that NRCS is making good improvements and continues to work on processing easements. Tim reported that NRCS and BWSR are partnering on engineering assistance for WRP. Tim stated that there's almost half a million dollars of monitoring, technical, engineering easement work to put on the ground. Tim reported that NRCS received funding late in the year, $5M in proposals for the Mississippi River Basin Initiative (MRBI). $150,000 for implementation but SWCDs were not able to encumber; NRCS is working on that. Tim reported that State Conservationist Don Baloun hopes to expand MRBI in 2011in Minnesota with Clean Water funding. CRP completed sign-up, over 1,000 contracts funded; committed resources to SWCDs to write plans. Chair Kramer thanked Tim for his report; and stated that it's been a pleasure working with Tim and NRCS.

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UPCOMING MEETINGS

- Next Board Meeting – October 27, 2010 in St. Paul.

John Jaschke reported that Paul Brutlag will serve as Acting Chair until a new chair is appointed by the Governor. An election of temporary vice-chair will be held at the next Board meeting if an appointment of Chair has not been made by the Governor.

Chair Kramer thanked Mary Jo Anderson for her assistance during his tenure.

LuAnn Tolliver reported that the Wetland Committee will meet before the December Board meeting; date to be determined.

** 10-89 Moved by Paul Brutlag, seconded by Louise Smallidge, to adjourn the meeting at 12:30 p.m. Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder

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Board of Water and Soil Resources
Grants Conflict of Interest Declaration

Meeting: 2010 Southern Minnesota Flood Relief **Date: October 27, 2010**

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

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

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

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

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

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

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

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

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

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

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

  _____
  _____
  _____
  _____
  _____

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

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

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

Name:_____

Signature:_____

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

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution Committee Report

Meeting Date: October 27, 2010

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

Item Type: ☐ Decision ☐ Discussion ☒ Information

Section/Region: Land and Water Section

Contact: Travis Germundson

Prepared by: Travis Germundson

Reviewed by: _____ Committee(s)

Presented by: Travis Germundson

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED
None

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

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

Dispute Resolution Report
October 15, 2010,
By: Travis Germundson

There are presently **14** appeals pending. All of the appeals involve WCA except File 10-10. There have been no new appeals filed since the last report dated September 22, 2010 (Board Meeting).

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

File 10-13 (8-30-10) This is an appeal of a restoration order in Benton County. The appeal regards the placement of approximately 5,663 square feet of earthen material/demolition debris in a Type 2/3 wetland. No decision has been made on the appeal. *The appellant has granted BWSR additional time to make a final decision.*

File 10-12 (8-27-10) This is an appeal of a restoration order in St. Louis County. The appeal regards the excavation and filling of approximately 43,394 square feet of wetland and the construction of over 1,000 feet of drainage ditches. The appeal has been placed in abeyance and the restoration order stayed to allow the LGU to respond to the data practices request and for the TEP to convene and develop written findings. *The appellant has recently applied for an after-the-fact wetland application to retain the open water areas on the site.*

File 10-10 (6-10-10) This is an appeal filed under Minn. Stat. 103D.535 regarding an order of the managers of the Wild Rice Watershed District not to go forward with the Upper Becker Dam Enhancement Project as proposed. Appeals filed under 103D.535 require that the Board follow the Administrative Procedures Act. The Act requires that the hearing be conducted by an Administrative Laws Judge through the Office of Administrative Hearings. No decision has been made on the appeal. *Both parties have requested BWSR to facilitate informal mediation prior to beginning an administrative contested case proceeding.*

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

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

File 09-22 (10-02-09) This is an appeal of a restoration order in Carlton County. The appeal regards three separate investigation areas encompassing over 18 acres of wetland impacts from excavation, filling, and ditching. The replacement order has been stayed and the appeal has been placed in abeyance pending further technical work and for submittal of complete wetland replacement plan, exemption, or no-loss application.

File 09-13 (8-20-09) This is an appeal of an exemption decision in Otter Tail County. The appeal regard the denial of an exemption request for agricultural/drainage actives. A previous denial of the same exemption decision had been appealed (File 09-6). The appeal was remanded for further technical evaluation and a hearing, and now the current denial has been appealed. The appeal has been granted. A pre hearing conference convened on November 12, 2009. At which time parties agreed to hold off scheduling written briefs until the petition before NRCS is concluded.

File 09-10 (7-9-09) This is an appeal of a banking plan application in Aitkin County. The appeal regards the LGU's denial of a banking plan application to restore 427.5 acres of wetlands through the use of exceptional natural resource value. The appeal has been accepted and pre-hearing conferences convened on October 13 and 30, and December 14, 2009. Settlement discussions are on hold while the appellant addresses permitting issues with the Corps of Engineers.

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. The three owners are also in the process of splitting up the property.

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 disposition with the U.S. Dept of Justice.

File 08-4. (01/24/08) This is an appeal of no-loss and exemption decisions in Waseca County. In addition to the no-loss decision, at issue are denials of the agricultural exemption, approved development exemption, incidental wetland exemption, and claims of numerous procedural issues that were prejudicial to the applicants. The mandamus action regarding Minn. Stat. § 15.99 (60-day rule) is complete and the temporary injunction lifted. The timeline for the remand has been extended several times and most recently for the duration of the September 9, 2010 Monitoring 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 was been remanded for further processing at the local level. The City of Montgomery has gradually been working on removing the debris and restoring the wetland in accordance with MPCA requirements.

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 are 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 new wetland delineation and for submission on an updated, complete replacement plan application. On 12-9-09 the District made a new wetland delineation decision. The applicant has not yet submitted an updated replacement plan application.

Draft Summary Table

Type of Decision	Total for Calendar Year 2009	Total for Calendar Year 2010
Order in favor of appellant		1
Order not in favor of appellant	10	4
Order Modified	1	
Order Remanded	4	
Order Place Appeal in Abeyance	3	4
Negotiated Settlement		1
Withdrawn/Dismissed	9	1

Drainage Work Group
Update
October 2010

The Drainage Work Group met on October 14, 2010. Following is a brief summary of agenda topics and discussions.

- **Smith Partners LCCMR Project: "MN Drainage Law Analysis and Evaluation"** – The advisory committee for the project, which involves a number of DWG members, met with Louis Smith and Chuck Holtman in the morning before the DWG meeting to discuss the project to date. The focus of discussions was on the 3 scenarios being developed to identify current issues relative to drainage law and intersections between drainage law and other water law (1 improvement in the Red River Basin, 1 improvement in southern MN involving storage, and 1 scenario in the Metro involving wetlands). These scenarios will help Smith Partners develop study recommendations. A key topic of discussion was authority and motivations for drainage authorities to evaluate and design drainage systems for multiple purposes.
- **Update of Drainage Work Group List of Discussion Topics** – DWG members had an in-depth discussion about topics for further discussion and for information to keep the DWG informed about work going on in the drainage arena. Discussion topics were added, modified or deleted. An addition included Section 103D.625, which involves transfer of drainage systems from counties to watershed district administration. In recent years, there have been several questions and concerns related to laterals, administration of whole drainage systems, and records retention for transferred drainage systems.
- **Section 103E.015 Considerations Before Drainage Work is Done** – The DWG continued discussion about the current ways that this section is used, including review of example engineer's reports from northwest MN and southern MN. Discussions included authority and motivations for multipurpose drainage system design.
- **Next Meeting** – It was decided to meet next in early January 2011.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Delegation of Authority – Jim Haertel – ***DECISION ITEM***

2. Carver County WMO (CCWMO) Revised Plan – Jim Haertel – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Delegation of Authority

Meeting Date: October 27, 2010

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Metro Region

Contact: Jim Haertel

Prepared by: Jim Haertel

Reviewed by: Metro Water Planning Committee(s)

Presented by: Jim Haertel

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED

Approval of Delegation of Authority to the Executive Director to make decisions on whether proposed WMO watershed management plan amendments would follow the minor plan amendment process or the regular plan amendment process.

SUMMARY

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

Proposed amendments to WMO watershed management plans in the seven county metropolitan area can follow the minor plan amendment process or the regular plan amendment process. Minor plan amendments do not come before the Board for approval whereas regular plan amendments require Board approval. Currently, Minn. Rules part 8410.0140, subp. 2C allows the Board 45 days to make a decision on which amendment process must be followed. The time period specified cannot always be met in consideration of the Board's meeting schedule. Further, the draft 8410 revision proposes to decrease the Board's response time to 20 days. The proposed rule change, coupled with the statutory revisions adopted by the Legislature last session to streamline the amendment process, are needed to allow plans to be amended more quickly to respond to emerging issues and grant opportunities. These types of decisions are not complicated because the rule prescribes that a watershed management plan must specify the amendment procedures to be followed for minor plan amendments. In consideration of these reasons, delegation of authority to the Executive Director is desirable. On October 14, 2010 the Metro Water Planning Committee met and unanimously recommends the attached draft resolution be approved by the full Board.

Minnesota Board of Water and Soil Resources Resolution No. _____

RESOLUTION DELEGATING AUTHORITY TO EXECUTIVE DIRECTOR TO MAKE CERTAIN DECISIONS REGARDING MINOR AMENDMENTS TO WATERSHED MANAGEMENT ORGANIZATION WATERSHED MANAGEMENT PLANS FILED PURSUANT TO MINN. STAT. § 103B.231, SUBD. 11 AND MINN. RULES CHAPTER 8410

WHEREAS, amendments to watershed management organization watershed management plans may be reviewed as minor amendments pursuant to Minn. Stat. § 103B.231, Subd. 11, Minn. Rules Chapter 8410, and as prescribed in watershed management plans, and;

WHEREAS, the Board is vested with the authority to make decisions on the review process to be followed for watershed management organization watershed management plan amendments proposed to be reviewed as minor amendments pursuant to Minn. Rules Chapter 8410 and as prescribed in watershed management plans, and;

WHEREAS, the watershed management plan amendment process can be delayed while the Board procedures conclude with a determination on the review process to be followed for an amendment proposed to be reviewed as minor, and;

WHEREAS, decisions on the review process for watershed management organization watershed management plan amendments proposed to be reviewed as minor amendments can be done more timely by the Board's Executive Director, and;

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

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

I. The Executive Director is hereby delegated the authority to make decisions on the review process for watershed management organization watershed management plan amendments proposed to be reviewed as minor amendments.

II. This delegation order does not:

A. Include making the final decision on watershed management organization watershed management plan amendments.

B. Preclude the Board from making decisions delegated in I above.

Dated at Saint Paul, Minnesota this _____ day of October, 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____

Paul Brutlag, Acting Chair

Minnesota Board of Water and Soil Resources Resolution No. 10-92

RESOLUTION DELEGATING AUTHORITY TO EXECUTIVE DIRECTOR TO MAKE CERTAIN DECISIONS REGARDING MINOR AMENDMENTS TO WATERSHED MANAGEMENT ORGANIZATION WATERSHED MANAGEMENT PLANS FILED PURSUANT TO MINN. STAT. § 103B.231, SUBD. 11 AND MINN. RULES CHAPTER 8410

WHEREAS, amendments to watershed management organization watershed management plans may be reviewed as minor amendments pursuant to Minn. Stat. § 103B.231, Subd. 11, Minn. Rules Chapter 8410, and as prescribed in watershed management plans, and;

WHEREAS, the Board is vested with the authority to make decisions on the review process to be followed for watershed management organization watershed management plan amendments proposed to be reviewed as minor amendments pursuant to Minn. Rules Chapter 8410 and as prescribed in watershed management plans, and;

WHEREAS, the watershed management plan amendment process can be delayed while the Board procedures conclude with a determination on the review process to be followed for an amendment proposed to be reviewed as minor, and;

WHEREAS, decisions on the review process for watershed management organization watershed management plan amendments proposed to be reviewed as minor amendments can be done more timely by the Board's Executive Director, and;

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

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

I. The Executive Director is hereby delegated the authority to make decisions on the review process for watershed management organization watershed management plan amendments proposed to be reviewed as minor amendments.

II. This delegation order does not:

A. Include making the final decision on watershed management organization watershed management plan amendments.

B. Preclude the Board from making decisions delegated in I above.

Dated at Saint Paul, Minnesota this 27 day of October, 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Paul Brutlag, Acting Chair

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Carver County WMO Revised Plan

Meeting Date: October 27, 2010

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Metropolitan Region

Contact: Brad Wozney, Board Conservationist

Prepared by: Brad Wozney, Board Conservationist

Reviewed by: Metro Water Planning Committee(s)

Presented by: Jim Haertel, Metro Region Supervisor

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED

Approval of the Carver County Watershed Management Organization's Watershed Management Plan

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

The CCWMO was established on October 30, 1996 upon dissolution of Bevens Creek, Carver Creek, Chaska Creek, Hazeltine Bavaria Creek, and South Fork Crow River Joint Powers Watershed Management Organizations. Consequently, Minnesota Statutes §103B required the County to assume all water management responsibilities for these watersheds. The remaining portions of Carver County are addressed by Minnehaha Creek, Riley Purgatory Bluff Creek, and Lower MN River Watershed Districts.

The CCWMO encompasses nearly the entire county at approximately 320 square miles in size. CCWMO is divided into six subwatersheds. The Crow River Subwatershed and the Pioneer Sarah Creek Subwatershed drain to the South Fork of the Crow River. More than half of the county drains to the Minnesota River including the following CCWMO subwatersheds: Bevens Creek, Carver Creek, and East and West Chaska Creeks. Land use is predominantly agricultural at 72%, whereas residential, commercial, and industrial land uses are clustered within the cities comprising approximately 3.8% of the land area. Development pressure and changes in land uses within the eastern half of the watershed will likely increase through the life of this Plan. There are a total of 64 lakes, 64 public water wetlands, 7 major streams and rivers, and 15 public ditch systems in the CCWMO.

The five member Carver County Board of Commissioners comprises the CCWMO "governing body". County staff provide the technical and administrative functions. The Water, Environment, and Natural Resources Committee (WENR), comprised of township and city representatives as well as appointed county residents, was established as a permanent advisory committee and recommendary body to the WMO Board and meets quarterly on average.

The Plan outlines a good framework for protecting the water resources of the District. In general the Plan is a decent mix of structural, non-structural, and programmatic solutions. Overall goals outlined in the Plan are to:
1. Protect, preserve, and manage natural surface and groundwater storage and retention systems;
2. Effectively and efficiently manage public capital expenditures needed to correct flooding and water quality problems;
3. Identify and plan for means to effectively protect and improve surface and groundwater quality;
4. Establish more uniform local policies and official controls for surface and groundwater management;
5. Prevent erosion of soil into surface water systems;
6. Promote groundwater recharge;
7. Protect and enhance fish and wildlife habitat and water recreational facilities; and
8. Secure the other benefits associated with the proper management of surface and ground water.

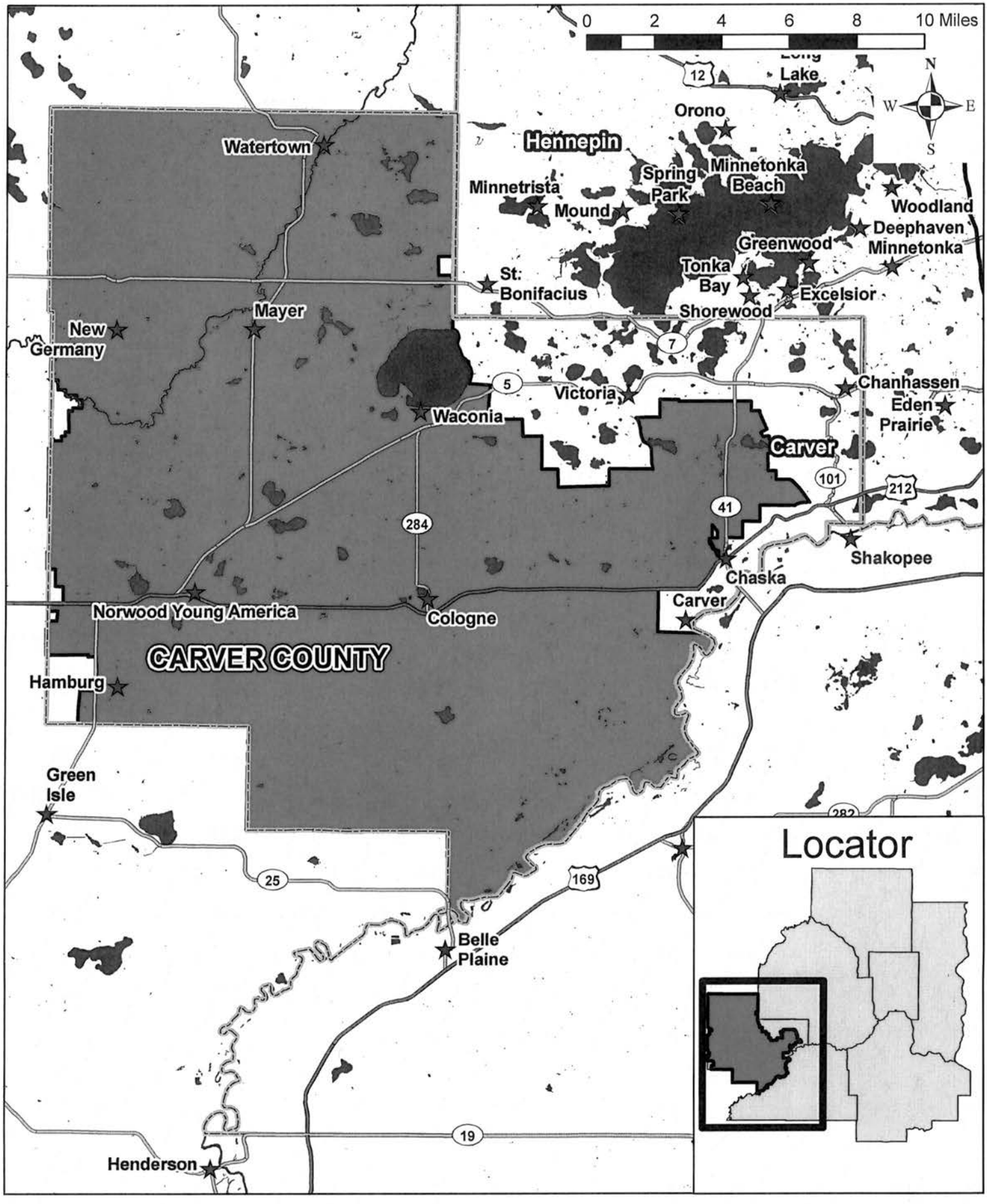
Issue specific goals in the Plan are:

- Maintain or improve the physical, chemical, biological, and aesthetic condition of surface water resources in the CCWMO, taking into account the watershed context of each resource.
- Receive EPA approval for TMDLs for all listed impaired waters within the CCWMO.
- Minimize and mitigate the impacts of urban stormwater runoff on water resources.
- Manage and restore wetlands in the County to protect and maximize the values of wetland functions.
- Manage feedlots so that the quality of surface water and groundwater is not impaired.
- Encourage public and private landowners to implement conservation practices on the land they are responsible for.
- Ensure, to the extent possible, that all SSTS are properly designed, installed, operated, maintained and/or replaced in order to eliminate health hazards and discharges to surface water or groundwater.
- Ensure that waste load reductions for WWTPs identified in TMDLs are incorporated into WWTP permits.
- Preserve and restore aquatic, wetland and associated upland habitats in a watershed context.
- Protect groundwater quality and groundwater supplies.
- Prevent contamination of groundwater and surface water through proper disposal or handling of solid and hazardous waste.
- To provide those living, working, and recreating in Carver County with the knowledge, skills, and motivation required to assure protection and improvement of the county's surface water and groundwater resources.
- To maintain a comprehensive, accurate assessment of surface and ground water quality trends over the long term and comply with all current and future TMDL's monitoring and assessment protocols. This data will used to compile trend analysis, assess BMP effectiveness, and complete TMDL studies.

Between January 2009 and February 2010 the CCWMO requested citizen, stakeholders and Technical Advisory Committee (TAC) input regarding Plan content and priorities. Five listening sessions were held with representatives from townships and cities. Three listening sessions and TAC meetings were held with state agency representatives. All were given opportunities to provide upfront written input and preliminary draft plan comments. Citizen input was sought via the WENR Committee, an open house, website, Water Management email listserv, and newspaper releases.

Local and state comments received in regards to the revised Plan have been sufficiently addressed. The Metro Water Planning Committee met on October 14, 2010. After review of the information, the Committee unanimously voted to recommend approval of the Revised Plan per the attached draft Order.

Carver County
Watershed 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 Watershed Management Plan for the **Carver County Watershed Management Organization**, pursuant to Minnesota Statutes Section 103B.231, Subdivision 9.	**ORDER APPROVING WATERSHED MANAGEMENT PLAN**

Whereas, the Board of Managers of the Carver County Watershed Management Organization (CCWMO) 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 Establishment.** The CCWMO was established on October 30, 1996 upon dissolution of Bevens Creek, Carver Creek, Chaska Creek, Hazeltine Bavaria Creek, and South Fork Crow River Joint Powers Watershed Management Organizations. Consequently, Minnesota Statutes Chapter 103B required the County to assume all water management responsibilities for these watersheds. CCWMO adopted its first watershed management plan in 2001.

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 § 103B.201 to 103B.251 and Minnesota Rules Chapter 8410. The current plan was approved by the Board in 2001. The watershed management plan may be revised according to Minnesota Statutes § 103B.231, Subd. 9.

3. **Nature of the Watershed.** The CCWMO encompasses nearly the entire county at approximately 320 square miles in size. CCWMO is divided into six subwatersheds. The Crow River Subwatershed and the Pioneer Sarah Creek Subwatershed drain to the South Fork of the Crow River. More than half of the county drains to the Minnesota River including the following CCWMO subwatersheds: Bevens Creek, Carver Creek, and East and West Chaska Creeks. Land use is predominantly agricultural at 72%, whereas residential, commercial, and industrial land uses are clustered within the cities comprising approximately 3.8% of the land area. Development pressure and changes in land uses within the eastern half of the watershed will likely increase through the life of

the Plan. There are a total of 64 lakes, 64 public water wetlands, 7 major streams and rivers, and 15 public ditch systems in the CCWMO. The following communities lie partially or entirely within the CCWMO: the cities of Carver, Chanhassen, Chaska, Cologne, Hamburg, Mayer, New Germany, Norwood-Young America, Waconia, and Watertown and 10 townships. The CCWMO is bound by the Lower Minnesota River Watershed District and Minnehaha Creek Watershed District to the east, the Minnesota River to the southeast, and the county boundary to the south, west, and north.

4. **Plan Development and Review.** Between January 2009 and February 2010 the CCWMO requested citizen, stakeholders and Technical Advisory Committee (TAC) input regarding Plan content and priorities. Five listening sessions were held with representatives from townships and cities. Three listening sessions and TAC meetings were held with state agency representatives. All were given opportunities to provide upfront written input and preliminary draft plan comments. Citizen input was sought via the Water, Environment, and Natural Resources Committee - a standing committee comprised of township and city representatives as well as appointed county residents - via an open house, website, Water Management email listserv, and newspaper releases. The draft revised Plan was submitted to the Board, other state agencies, and local governments for the 60-day review on April 23, 2010. CCWMO staff requested a meeting with Board staff to address various 60-day comments. A public hearing was held on July 17, 2010. On August, 1, 2010, the draft revised Plan was received by the state review agencies for the 45-day review period. The final draft of the revised Plan was received by the Board on September 27, 2010.

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

City of Carver. The City requested clarification on certain components of the water quality ponding, infiltration/filtration, and floodplain requirements. CCWMO provided clarification but noted that some of the approaches will change or be developed during the rules revision following adoption of the draft Plan. The City recommended flexibility in the two-year local water plan approval window, with the understanding that the CCWMO's rules revision process may not be completed in time for the city to make all local water plan amendments at once. CCWMO replied that they will consider alternative schedule requests while remaining compliant with statutory timeframes. The City requested, and CCWMO provided, explanation of the difference between a "wetland transition setback" and a "wetland buffer". The purpose of the transition setback is to protect the transitional area from impacts by structures, stormwater and certain activities. The CCWMO addressed the remaining comments emphasizing its appreciation for the city's willingness to partner.

City of Victoria. The city requested flexibility be provided for linear projects in meeting stormwater requirements. CCWMO stated that it will be considered during the rules revision process. The city recommended and the CCWMO agreed that the WMO should defer enforcement of shoreland standards to the cities.

Lower Minnesota River Watershed District. The Lower Minnesota River WD requested more detail be provided for one of the stream restoration projects in the Implementation

Table. The District commented on groundwater related issues and resources, to which the CCWMO stated that those comments may be considered for inclusion in the plan upon completion of the Carver County Geologic Atlas.

Written comments were also received from a consulting engineering firm and a citizen. Verbal comments were made by township officials and anonymous citizens at a township meeting on May 4, 2010, and at a "Water Plan Open House". All written and verbal comments were responded to by CCMWO.

6. **Metropolitan Council Review.** The Council stated the Plan appears to be consistent with their *Water Resources Management Policy Plan* and overall provides a good framework for water resource protection.

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

8. **Department of Health Review.** The MDH did not comment on the Plan.

9. **Department of Natural Resources Review.** The DNR did not comment on the Plan.

10. **Pollution Control Agency Review.** PCA recommended a table be provided listing all lakes and major streams in the CCWMO area and their general status. The CCWMO added this information to the TMDL goals and strategies section of the plan.

11. **Department of Transportation Review.** MNDOT asked that information sources be provided for all figures in the plan, consistent wetlands and waters classifications throughout the document, clarification on whether the buffer requirement applies to public ditch systems, asked to be listed as MS4 within the CCWMO area, an exemption for linear projects from the stream setbacks, the need for CCMWO to recognize in the plan that timely decisions on debris removal are necessary for public safety, all of which were addressed by the CCWMO resulting in plan changes. MNDOT asked if CCWMO will take the lead on all TMDLs. CCWMO does not intend to lead all TMDLs and indicated this in the plan. MNDOT requested they be listed as the Wetland Conservation Act Local Government Unit (LGU) for its projects within their right-of-way and the CCWMO responded by making the requested revision.

12. **Board Review.** Board staff had a number of comments for the first review period and many of them were addressed in the second draft. Board staff recommended adding the following to the Plan: a description of the WMO's overall implementation priorities in Plan implementation given their limited staff and financial resources, a periodic assessment of the agricultural incentive-based programs, a description of how the CCWMO will periodically measure and evaluate successful Plan implementation, a clear distinction of projects and other implementation actions that are dependent on grant funds to be completed, a maintenance program and budget for installed BMPs and other structures, a gaps analysis or inventory of LGU activities and standards to avoid duplication of efforts and determine if standards are adequate, clarification of several policies and implementation strategies to be more outcome based and measurable, a listing of target in-lake nutrient concentrations, an annual budget for the monitoring

program and a description of how the data will be made available to the public, and a schedule of future TMDLs that CCWMO will lead. The CCWMO addressed the comments resulting in changes to the Plan. In both comment letters Board staff provided comments related to the roles and responsibilities of the County Board versus the CCWMO and the budget implications. CCWMO provided additional detail in the plan and more clearly showed how the CCWMO is integrated into the county operations. Given the number of completed TMDLs, modeling efforts, and other inventories, Board staff recommended that the capital improvement program be more robust in addition to the Cost Share Programs. Board staff requested more details in the "cost share type programs" of implementation section and asked for documentation on the intended strategies to be employed to solicit and target CIPs and other BMPs. The CCWMO added a number of projects to the CIP and generally described strategies for soliciting projects. Board staff recommended and the CCWMO agreed to post on their website annually all cost share program administrative details and project ranking criteria. Board staff requested clarification on several items related to local water plan requirements and ensuring LGU compliance with those plans, including the deadline for local water plans to be adopted by LGUs. The CCWMO made the recommended changes to the plan. Board staff commented on wetland and WCA related language in the Plan, which the CCWMO changed accordingly. Board staff noted a couple of provisions in the "Amendment Section" of the Plan that were inconsistent with Minnesota Rules Chapter 8410. The CCWMO revised the Plan as noted.

13. **Plan Summary and Highlights.** The Plan outlines a good framework for protecting the water resources of the CCWMO. Overall the Plan is a decent mix of structural, non-structural, and programmatic solutions. A self assessment document that evaluated success of the previous plan and lists accomplishments was incorporated into the revised plan as Appendix E. The highlights of the revised Plan include:

- The CCWMO offered ample opportunities to provide upfront comments on the Plan prior to submitting the formal draft.
- Short and long term metrics to assess progress and performance. CCWMO will review the implementation section and if necessary update the Plan through amendments every two years.
- Collaboration and partnerships with Carver County SWCD and county departments to provide efficient plan implementation.
- The plan reduces the number of taxing districts from 6 to 1 to reduce administrative and accounting costs, equalize the tax rates across the watershed, allow greater flexibility in allocating funding, and allow the CCWMO to fund larger capital projects.
- A strong commitment to completing TMDL studies and incorporating components of TMDL Implementation Plans for impaired waters.
- An extensive education and outreach program, including NPDES requirements, that strives to reduce redundancy and duplicative efforts with LGUs in the county.
- Dedication to refining county ordinances to be progressive and provide flexibility on achieving stormwater standards. The Plan provides a solid foundation for the upcoming ordinance revision process.

14. **Metro Water Planning Committee Meeting.** On October 14, 2010, the Board's Metro Water Planning Committee and staff met with representatives from the CCWMO in St. Paul to review and discuss the Plan. Those in attendance from the Board's Committee were Christy Jo Fogarty, Faye Sleeper, Louise Smallidge, LuAnn Tolliver, and Robert Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationist Brad Wozney. Representatives from the CCWMO included Carver County Planning Director Paul Moline and Planning Technician Kristen Larson. Board staff recommended approval of the Plan. After discussion, the Committee voted unanimously to recommend approval of the Plan to the full Board.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the Carver County Watershed Management Organization pursuant to Minnesota Statutes §103B.231, Subd. 9.

3. The Carver County Watershed Management Organization Watershed Management Plan attached to this Order defines water and water-related problems within the CCWMO's boundaries, possible solutions thereto, and an implementation program.

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

ORDER

The Board hereby approves the attached Watershed Management Plan dated September 2010 as the Watershed Management Plan for the Carver County Watershed Management Organization.

Dated at Saint Paul, Minnesota this 27th day of October, 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Paul Brutlag, Acting Chair

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Dated at Saint Paul, Minnesota this 27th day of October, 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Paul Brutlag, Acting Chair

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Becker County Comprehensive Local Water Management Plan Amendment – Keith Mykleseth – ***DECISION ITEM***

2. Lake County Local Water Management Plan Amendment – Brian Napstad – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Becker County Amendment of CLWMP

Meeting Date: October 27, 2010

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: North

Contact: Chad Severts

Prepared by: Chad Severts

Reviewed by: Northern Water Planning Committee(s)

Presented by: Keith Mykleseth

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

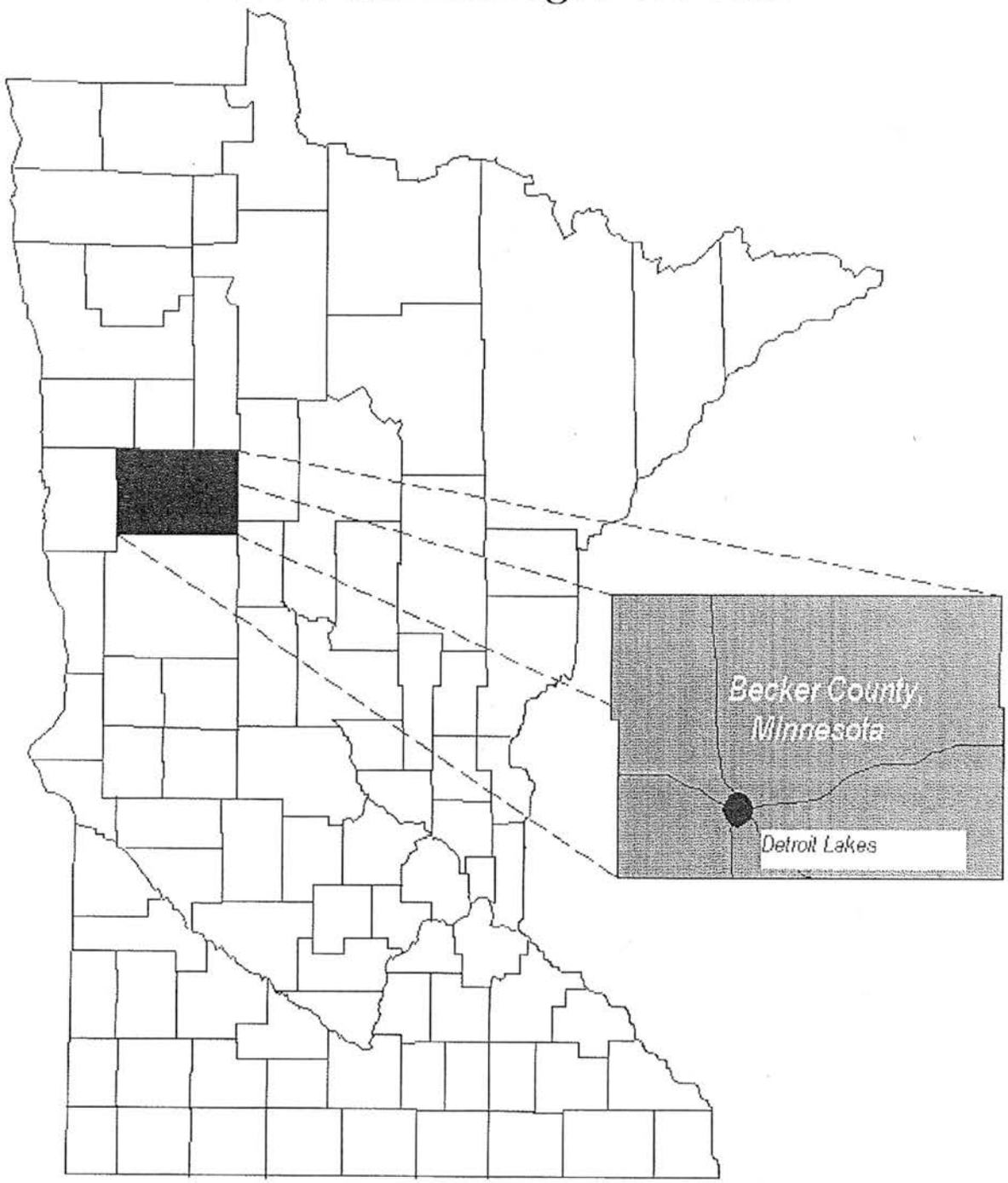
☐ Other: _____

ACTION REQUESTED

Approval of the 2010 Amendment to the Becker County Comprehensive Local Water Management Plan.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
Becker County Amendment of Local Water Management Plan - By Board Order, the Board of Water and Soil Resources (Board) approved the Becker County Comprehensive Local Water Management Plan (Plan) on March 23, 2005. This plan covers the ten year period of 2005-2014 and contained an 2005-2009 five year implementation section. The Board Order stipulated that the County was required to revise/update the implementation section for the period 2010-2014. Following the guidelines established by the Board, Becker County has completed the local water management plan amendment process and submitted their 2010 Amendment, which is for a five year period of 2010-2014. The Board's Northern Water Planning Committee (Committee) met on October 13, 2010 to review the Becker County Plan 2010 Amendment. The Committee recommends approval of the Plan Amendment with the suggestion that an objective be added pertaining to groundwater testing in the areas of the County with irrigated croplands. See attachments. DECISION ITEM

Becker County
Local Water Management Plan



January 1, 2005 – December 31, 2014

An amendment to the plan and implementation schedule will be completed Dec. 31, 2009

Prepared by the Becker Soil and Water Conservation District

Becker County Local Water Planning Task Force

5 Year Regularly Scheduled Update to the 10 Year
Becker County
Local Water Management Plan
Implementation Schedule

This addendum replaces pages 21-26 of the
2005-2014 Becker County Local Water Management Plan

Index Page

C. Goals, Objectives and Items: 21-27
- Action Item, Surface Water Quality 21
- Action Item, Stormwater Management 22
- Action Item, Groundwater Quality 22-23
- Action Item, Development Pressures 23
- Implementation Schedule 24-27
- Ongoing Activities 27
- List of Impaired Waters 28

C. Goals, Objectives and Action Item:

A goal's, objectives and implementation schedule has been developed for each priority concern area. Though primary responsibilities are listed they are not meant to be exclusive, as additional partners such as landowners, lake associations, townships, and others may become cooperators to accomplish various goals.

Priority Concern: Surface Water Quality

Objective A. Provide for protection of all surface waters in Becker County through enforcement of existing regulations, use of existing programs and development of new programs.

1. Install 150 acres of buffer strips adjacent to eligible surface waters over the next 5 years through the continuous Conservation Reserve Program, Native Buffer Cost-share Program or EQIP program.

2. Make landowners aware of forestation and reforestation programs, such as State and Federal cost-share programs such as WHIP, EQIP and the Sustainable Forestry Incentives Program.

3. Maintain existing legal drainage systems and inventory for buffering needs, side inlets or grade stabilization structures.

4. Work with individual landowners to establish buffer strips, side inlets or grade stabilization structures along drainage systems to reduce sedimentation impacts.

5. Control the distribution and spread of undesirable vegetation in county lakes through educational programs, news releases, workshops, and partnering with Becker COLA, Minn. DNR, MPCA and Becker County.

6. Encourage Lake Associations to develop Lake Based Plans utilizing programs such as the Healthy Lakes and Rivers Program through the Initiative Foundation or the MPCA Assessment Planning Process.

7. Continue to work with the Becker COLA on their lake monitoring program and seek funding through MPCA to maintain and expand the Water Quality database for Becker County.

8. Work with appropriate agencies to inventory and create a GIS layer showing emergent vegetation areas on Becker County lakes for the purpose of reducing impacts from development, and other shoreline disturbances.

9. Encourage that land management activities on all ownerships follow the Best Management Practices established for those activities in Minnesota.

Objective B. Targeting and Prioritizing Refined Assessment and Implementation of Prioritized Waters in Becker County.

1. Support MPCA and Pelican River Watershed District in conducting a TMDL study of St. Clair Lake watershed in western Becker County and others identified in the future.

2. Develop and implement the nutrient reduction plan for the Upper Pelican River Watershed Area to reduce nutrient loading to Detroit Lake by 50%.

3. Pursue funding for a Shoreland Specialist position in the Becker SWCD to provide technical expertise in Best Management Practices and lake management to lake associations and riparian landowners.

4. Establish a technical committee consisting of representatives from MPCA, COLA, SWCD, NRCS, and WD's review existing and newly acquired data to prioritize Becker county lakes.

5. Provide information and assist landowners and or lake associations with procuring cost-share assistance for water quality improvement projects through state or federal grant programs.

Priority Concern: Stormwater Management

Objective A. Improve stormwater runoff quality by increased utilization of stormwater management practices throughout the County.

1. Promote proper management of forestry lands to help prevent erosion and sedimentation due to logging operations.

2. Identify critical erosion areas in the Buffalo, Ottertail and Wild Rice Watersheds and promote the use of erosion control measures, such as sediment control basins, to reduce sediment entering our ditches and watercourses and attempt to moderate peak flows. Priority will be given to those areas within 1000 feet of rivers, lakes and major ditch systems.

3. Give high priority consideration for EQIP program participation and funding to install conservation tillage practices, water & sediment control basins and buffer strips in the Sand Lake Watershed, the Upper Pelican River/Campbell Creek/Pearl Lake Watersheds, and the South Branch Wild Rice River Watershed and the Buffalo-Red River Watershed.

4. Install 50 water & sediment control basins over the next 5 years through programs such as EQIP, State Cost-share, CWL Grants, and others.

5. Seek funding from other agencies, such as the Buffalo-Red, Wild Rice, and Pelican River Watershed Districts to compliment other cost-share programs to assist in the installation of erosion control measures.

6. Work with contractors on understanding and implementing the NPDES permitting program and its requirements for controlling stormwater runoff during construction causing land alterations.

Priority Concern: Ground Water Quality

Objective A. Protect and preserve the ground water quality in Becker County.

1. Make available well water testing opportunities to individuals in Becker County and provide free well water testing clinics in cooperation with Minnesota Department of Agriculture.

2. Educate landowners through news articles, brochures, etc. on the importance of properly sealing abandoned wells.

3. Assist landowners with the sealing of abandoned wells and provide cost-share assistance through existing programs.

4. Keep a record of locations of all abandoned wells sealed in Becker County with cost-share and other programs as the information becomes known.

5. Assist wellhead water protection teams with the development and implementation of their Wellhead Protection Plans.

6. Inventory to determine the number of abandoned animal waste storage facilities and assist landowners in the proper closure of waste facilities and inform them of funding assistance that may be available through the federal EQIP or State Cost-share program.

7. Continue to support solid waste programs and education efforts on the proper disposal of hazardous waste and recycling programs.

8. Increase the recycling rate in Becker County by changing the rural recycling program to make it easier for residents to use and to increase the capacity of the system.

9. Increase Special Waste disposal opportunities for areas of the county that currently have limited disposal opportunities.

Objective B: Work with Becker County Planning and Zoning to increase ISTS compliance.

1. Identify and ensure the upgrades of failing septic systems throughout Becker County.

2. Make low interest loans available for ISTS upgrades through the AgBMP Loan Program.

3. Inventory ISTS systems around Becker County lakes to insure compliance with ISTS rules and regulations.

4. Administer and coordinate the ISTS compliance program on selected lakes. Program requires ISTS recertification for compliance. If ISTS is noncompliant site evaluations and designs for upgrade must be submitted for approval and upgraded to compliant ISTS or use of approved alternative systems such as cluster systems or other new technology.

Priority Concern: Development Pressures

Objective A. Becker County will promote development patterns that protect agricultural land, forests, lakes and wetlands throughout the county.

1. Continue the Environmental Review Committee to meet with developers prior to plat preparation to discuss all environmental and zoning concerns on proposed development sites.

2. Continue to enforce existing ordinances. Request assistance from appropriate agencies for ordinance revisions and updates.

3. Assist in the development of technical changes to the Becker County P&Z Ordinances for clarification enforcement and understanding.

4. Assist the MPCA with the TMDL process for water bodies as they are determined and assist in solving the identified problems.

Objective B. Encourage development patterns and land use practices that protect, enhance, maintain or restore water quality.

1. Educate residents on restoring and preserving natural shoreline areas.

2. Encourage the Minnesota legislature to develop and fund conservation easement programs that protect existing marginal shoreland areas from development.

Amended Becker County Local Water Management Plan
Priority Concerns Implementation Schedule 2010-2014

Implementation Schedule						
Priority- Surface Water Quality						
Objective A: Provide for protection of all surface waters in Becker County.						
	Actions	**Lead/Supporting Agencies**	**Duration**	**Est. Cost**	**Potential Funding Sources**	**Priority Watershed**
1	Install 150 acres of buffer strips adjacent to eligible surface waters over the next 5 years through the continuous Conservation Reserve Program, Native Buffer Cost-share Program or EQIP program.	NRCS, SWCD	2010 - 14	$15,000	NRCS SWCD Grants	All
2	Make landowners aware of forestation and reforestation programs, such as State and Federal cost-share programs such as WHIP, EQIP and the Sustainable Forestry Incentives Program.	DNR, County NRM SWCD	Ongoing	Existing staff time	NRCS, SWCD	All
3	Maintain existing legal drainage systems and inventory for buffering needs, side inlets or grade stabilization structures.	WD's, SWCD	2010-14	Existing staff time	WD's, SWCD	All
4	Work with landowners to establish buffers, side inlets, grade stabilization along drainage systems to reduce sedimentation impacts.	SWCD, NRCS, WD's	2010-14	Existing staff time	NRCS SWCD	All
5	Control the distribution and spread of undesirable vegetation in county lakes through educational programs, news releases, workshops, and partnering with Becker COLA, Minn. DNR, MPCA and Becker Cty.	WD's, MPCA, COLA	2010-14	Existing staff time	MPCA COLA WD's	All
6	Encourage Lake Associations to develop Lake Based Plans utilizing programs such as the Healthy Lakes and Rivers Program through the Initiative Foundation or the MPCA Assessment Planning Process.	SWCD, WD's COLA	2010-14	Existing staff time	MPCA Grants COLA	All
7	Continue to work with the Becker COLA on their lake monitoring program and seek funding through MPCA to maintain and expand the Water Quality database for Becker County.	SWCD WD's COLA	2010-14	$5,000/yr	MPCA Grants	All
8	Work with appropriate agencies to inventory and create a GIS layer showing emergent vegetation areas on Becker County lakes for the purpose of reducing impacts from development, and other shoreline disturbances.	DNR, COLA, SWCD, P&Z WD's	2010-14	$10,000	DNR, COLA CWL, Grants	All
9	Encourage that land management activities on all ownerships follow the Best Management Practices established for those activities in Minnesota.	SWCD, NRCS, WD's, DNR	2010-14	Existing staff time	N/A	All
Objective B: Targeting and Prioritizing Refined Assessment and Implementation of Prioritized Waters in Becker County						
1	Support MPCA & PRWD in conducting a TMDL study of St. Clair Lake watershed and others identified in the future.	PRWD, SWCD, City of Detroit Lakes	2012-14	Unknown	MPCA	Pelican
2	Develop and implement the nutrient reduction plan for the Upper Pelican River Watershed Area to reduce nutrient loading to Detroit Lake by 50%.	PRWD, SWCD, NRCS, MPCA, City of Detroit Lakes	2010-14	2.5 M	MPCA, DNR, PRWD. NRCS, BWSR	Pelican
3	Pursue funding for a Shoreland Specialist position in the Becker SWCD to provide technical expertise in Best Management Practices and lake management to lake associations and riparian landowners.	SWCD, COLA, WDS	Dependent on Funding	$40,000 per yr.	Grants, SWCD County, WD's	All

Implementation Schedule - Surface Water Quality – Objective B, Con't.						
4	Establish a technical committee consisting of representatives from MPCA, COLA, SWCD, NRCS, and WD's review existing and newly acquired data to prioritize Becker county lakes.	SWCD, P&Z, DNR, COLA WD's	2011-12	Unknown	Existing staff time	All
5	Provide information and assist landowners and or lake associations with procuring cost-share assistance for water quality improvement projects through state or federal grant programs.	SWCD, NRCS, WD's	2010-14	Existing staff time	SWCD, NRCS, WD's BWSR	All

Priority – Stormwater Management						
Objective A: Improve stromwater runoff quality throughout the county.						
	Actions	**Lead/ Supporting Agencies**	**Duration**	**Est. Cost**	**Potential Funding Sources**	**Priority Watershed**
1	Promote proper management of forestry lands to help prevent erosion and sedimentation due to logging operations.	County NRM DNR	Ongoing	Existing staff time	N/A	All
2	Identify critical erosion areas in the Buffalo, Ottertail and Wild Rice Watersheds and promote the use of erosion control measures, such as sediment control basins, to reduce sediment entering our ditches and watercourses. Priority will be given to those areas within 1000 feet of rivers, lakes and major ditch systems.	SWCD, NRCS, WD's	Ongoing	Existing staff time	EQIP Grants SWCD WD's	All
3	Give high priority consideration for EQIP program participation and funding to install conservation tillage practices, water & sediment control basins and buffer strips in the Sand Lake Watershed, the Upper Pelican River/Campbell Creek Watershed, the South Branch Wild Rice River Watershed and the Buffalo-Red River Watershed.	NRCS, SWCD	2010-14	$70,000	Grants, BWSR, SWCD, Federal cost share programs	All
4	Install 50 water & sediment control basins over the next 5 years through programs such as EQIP, State Cost-share, CWL Grants, and others.	NRCS, SWCD	2010-14	$250.000	Grants, BBWSR EQIP	All
5	Seek funding from other agencies, such as the Buffalo-Red, Wild Rice, and Pelican River Watershed Districts to compliment other cost-share programs to assist in the installation of erosion control measures.	SWCD	Ongoing	$60,000	WD's	BRRWD PRWD WRRWD
6	Work with contractors on understanding and implementing the NPDES permitting program and its requirements for controlling stormwater runoff during construction causing land alterations.	MPCA, WD's, P&Z	Ongoing	Existing staff time	N/A	All

Implementation Schedule
Priority – Ground Water Quality

Objective A: Protect and Preserve the ground water quality in Becker County.

	Actions	Lead/Supporting Agencies	Duration	Est. Cost	Potential Funding Sources	Priority Watershed
1	Make available well water testing opportunities to individuals in Becker County and provide free well water testing clinics in cooperation with Minnesota Department of Agriculture.	SWCD	Ongoing	Existing staff time	N/A	All
2	Educate landowners through news articles, brochures, etc. on the importance of properly sealing abandoned wells.	SWCD	Ongoing	Existing staff time	N/A	All
3	Assist landowners with the sealing of abandoned wells and provide cost-share assistance through existing programs.	SWCD	Ongoing	$3,000 per year	BWSR State cost share Grants	All
4	Keep a record of locations of all abandoned wells sealed in Becker County with cost-share and other programs as the information becomes known.	SWCD	Ongoing	Existing staff time	N/A	All
5	Assist wellhead water protection teams with the development and implementation of their Wellhead Protection Plans.	SWCD	Ongoing	Existing staff time	Dept. of Health	All
6	Assist landowners in the proper closure of unused animal waste facilities and inform them of funding assistance that may be available through the federal EQIP program or the State Cost-share program.	NRCS, SWCD	2010-14	$10,000	EQIP	All
7	Continue to support solid waste programs and education efforts on the proper disposal of hazardous waste and recycling programs.	Becker County Environmental Services	Ongoing	N/A	Existing staff time	All
8	Increase the recycling rate in Becker County by changing the rural recycling program to make it easier for residents to use and to increase the capacity of the system.	Becker County Environmental Services	2010-12	$600,000	BC, Grants	All
9	Increase Special Waste disposal opportunities for areas of the county that currently have limited disposal opportunities.	Becker County Environmental Services	2010-11	$100,000	BC	All
Objective B: Work with Becker Count Planning and Zoning to increase ISTS Compliance.						
1	Identify and ensure the upgrades of failing septic systems throughout Becker County.	Cty. P&Z	Ongoing	N/A	Existing staff time	All
2	Make low interest loans available for ISTS upgrades through the AgBMP Loan Program.	SWCD, MnDA	2010-14	N/A	Existing staff time	All
3	Inventory ISTS systems around Becker County lakes to insure compliance with ISTS rules and regulations.	Cty. P&Z	2010-14	$40,000	Grants	All
4	Administer and coordinate the ISTS compliance program on selected lakes, Program requires IATA recertification for compliance. If ISTS is noncompliant site evaluations and designs for upgrade must be submitted for approval and upgraded to compliant ISTS or use of approved alternative systems such are cluster systems or other new technology.	Cty. P&Z	2010-12	$250,000	CWL Grant	Listed Lakes

Implementation Schedule Priority – Development Pressures						
Objective A: Promote development patterns that protect agricultural land, forests, lakes, and wetlands.						
	Actions	**Lead Supporting Agencies**	**Duration**	**Est. Cost**	**Potential Funding Sources**	**Priority Watershed**
1	Continue the Environmental Review Committee to meet with developers prior to plat preparation to discuss all environmental and zoning concerns on proposed development sites.	P&Z, Becker Cty.	2011	N/A	Local existing staff time.	All
2	Continue to enforce existing ordinances. Request assistance from appropriate agencies for ordinance revisions and updates.	P&Z	Ongoing	N/A	Local existing staff time	All
3	Assist in the development of technical changes to the Becker County P&Z Ordinances for clarification enforcement and understanding.	P&Z, PRWD, SWCD, Cty.	Ongoing	N/A	Existing staff time	All
4	Assist the MPCA with the TMDL process for water bodies as they are determined and assist in solving the identified problems.	MPCA, WD's, SWCD	Ongoing	N/A	Existing staff time	All
Objective B. Encourage development patterns and land use practices that protect, enhance, maintain or restore water quality.						
1	Educate residents on restoring and preserving natural shoreline areas.	P&z, SWCD, WD's	Ongoing	N/A	Existing staff time	All
2	Encourage the Minnesota legislature to develop and fund conservation easement programs that protect existing marginal shoreland areas from development.	WD's, SWCD, P&Z	Ongoing	N/A	Existing staff time	All

Ongoing Activities

Wet land Conservation Act: The 1992Wetland Conservation Act (WCA) was passed to maintain and protect Minnesota's wetlands and the benefits they provide. Local units of governments such as cities, counties, watershed management organizations, townships, soil and water conservation districts implement the act locally. The Becker SWCD administers the act in Becker County for all lands in the county and for all the cities.

Pelican River Watershed District Permitting Program: The Becker SWCD will continue to provide site visits and review as requested for the Pelican River Watershed Districts permitting program as it relates to stormwater control in the shore impact zone.

EQIP Program: Keep landowners informed of incentive programs such as EQIP that provide incentives for conducting conservation measures such as no-till farming, water & sediment basins, field windbreaks, residue and nutrient management, etc.

Educational Programs: Sponsor and carryout youth educational programs such as Ag-in-the-Classroom, Envirothon, 5th Grade Conservation Tour, and others that educate our youth on water management and other resource issues.

Conservation Stewardship Program: Inform landowners and operators in Becker County of the financial benefits available through the Conservation Stewardship Program for BMPs that they may be already carrying out on their lands

Well Monitoring: Continue to monitor 7 wells in the Pelican River Sand Plains area and 20 in the Pineland Sand Plains Area for static water levels and provide the information to the Minn. DNR Division of Waters.

Crop Residue Surveys: Conduct as requested the crop residue survey inventory to monitor trends on reduced tillage farm operations in Becker County.

The 2008 list of impaired waters in the County that are currently underway, or not started, is provided in the table below.

2008 Clean Water Act Section 303 [d] List of Impaired Waters in the County.

Reach	Assessment Unit ID #	Affected Use	Pollutants/Stressors
White Earth River White Earth Lake to Wild Rice River	09020108-505	Aquatic Life	Turbidity
Lake	**Lake ID**	**Affected Use**	**Pollutants/Stressors**
Straight	03-0010-00	Aquatic Consumption	Mercury in Fish Tissue
Two Inlets	03-0017-00	Aquatic Consumption	Mercury in Fish Tissue
Boot	03-0030-00	Aquatic Consumption	Mercury in Fish Tissue
Bad Medicine	03-0085-00	Aquatic Consumption	Mercury in Fish Tissue
Toad	03-0107-00	Aquatic Consumption	Mercury in Fish Tissue
Many Point	03-0158-00	Aquatic Consumption	Mercury in Fish Tissue
Elbow	03-0159-00	Aquatic Consumption	Mercury in Fish Tissue
Cotton	03-0286-00	Aquatic Consumption	Mercury in Fish Tissue
White Earth	03-0328-00	Aquatic Consumption	Mercury in Fish Tissue
Muskrat	03-0360-00	Aquatic Consumption	Mercury in Fish Tissue
Detroit	03-0381-00	Aquatic Consumption	Mercury in Fish Tissue
St. Clair	03-0382-00	Aquatic Recreation	Nutrient/Eutrophication Biological Indicators
Little Floyd	03-0386-00	Aquatic Consumption	Mercury in Fish Tissue
Mud	03-0387-01	Aquatic Consumption	Mercury in Fish Tissue
Floyd (South Bay)	03-0387-02	Aquatic Consumption	Mercury in Fish Tissue
Melissa	03-0475-00	Aquatic Consumption	Mercury in Fish Tissue
Big Cormorant	03-0576-00	Aquatic Consumption	Mercury in Fish Tissue
Ida	03-0582-00	Aquatic Consumption	Mercury in Fish Tissue
Talac	03-0619-00	Aquatic Recreation	Nutrient/Eutrophication Biological Indicators

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

In the Matter of Reviewing the Local Water Management Plan Amendment for Becker County (Minnesota Statutes , Section 103B.314, Subdivision 6)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, on March 23, 2005, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Becker County 2005 – 2014 Comprehensive Local Water Plan Update (Plan), which contained a 2005 – 2009 five-year implementation section; and

Whereas, this Board Order stipulated that Becker County was required to update the 2005 – 2009 five-year implementation section; and

Whereas, the Becker County Board of Commissioners submitted a Local Water Management Plan 2010 Amendment to the Board on August 30, 2010; and

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

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

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

FINDINGS OF FACT

1) On March 10, 2009, the Becker County passed a resolution to amend the five-year implementation portion of the LWMP and delegated the Becker SWCD the responsibility of amending the plan.

2) On May 30, 2009, the Board staff provided information on the amendment process to Becker County.

3) On January 19, 2010, Becker County provided proper notice to local units of government and state agencies on the county's intent to amend its five-year implementation section and invited all recipients to participate in the process.

4) Becker County received comments from the Minnesota Pollution Control Agency, the BWSR, Becker County Planning and Zoning, Cormorant Lakes Watershed District, Buffalo-Red River Watershed District, Pelican River Watershed District, Becker County Environmental Services and Lake Eunice, Osage, Spring Creek Spruce Grove, and Sugar Bush Townships.

5) On July 20, 2010, Becker County convened its water plan task force to review past accomplishments and review proposed changes to the Plan.

6) On August 24, 2010, after providing for proper public notice, Becker County conducted a public hearing on the proposed 2010 Amendment. No additional comments were submitted at the hearing.

7) On August 30, 2010, Becker County submitted the 2010 Amendment which includes the 2010 – 2014 five year implementation schedule for the required state agency review.

8) The Minnesota Department of Agriculture commended Becker County for the process used for the Amendment and concurs with the priority concerns selected. No other agencies provided comments.

9) On October 13, 2010, The Board's Northern Regional Water Planning Committee (Committee) reviewed the Becker County 2010 Plan Amendment, pursuant to 103B.301 and guidelines established by the Board.

10) Board regional staff provided its recommendation of approval to the Committee.

11) The Committee voted to recommend approval to the full Board, with the suggestion that an objective be added pertaining to groundwater testing in the areas of the County with irrigated croplands to the Ground Water Quality Priority Concern.

12) This 2010 Amendment will be in effect until December 31, 2014.

CONCLUSIONS

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

2. The Becker County 2010 Amendment attached to this Order states goals, objectives, and actions the county will address in the five-year implementation section through December 31, 2014. The 2010 Amendment, as well as the previously approved Becker County 2005 – 2014 Comprehensive Local Water Plan Update, is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached 2010 Amendment of the Becker County Local Water Management Plan for November 1, 2010 – December 31, 2014. Becker County will be required to provide for a complete update of its Local Water Management Plan prior to December 31, 2014.

Dated at St Paul, Minnesota, this 27th day of October, 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Paul Brutlag, Acting Chair

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

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4) Becker County received comments from the Minnesota Pollution Control Agency, the BWSR, Becker County Planning and Zoning, Cormorant Lakes Watershed District, Buffalo-Red River Watershed District, Pelican River Watershed District, Becker County Environmental Services and Lake Eunice, Osage, Spring Creek Spruce Grove, and Sugar Bush Townships.

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ORDER

The Board hereby approves the attached 2010 Amendment of the Becker County Local Water Management Plan for November 1, 2010 – December 31, 2014. Becker County will be required to provide for a complete update of its Local Water Management Plan prior to December 31, 2014.

Dated at St Paul, Minnesota, this 27th day of October, 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Paul Brutlag, Acting Chair

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Lake County Local Water Plan Amendment**

Meeting Date: October 27, 2010

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: North

Contact: Ryan Hughes

Prepared by: Ryan Hughes

Reviewed by: Northern Water Planning Committee(s)

Presented by: Brian Napstad

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

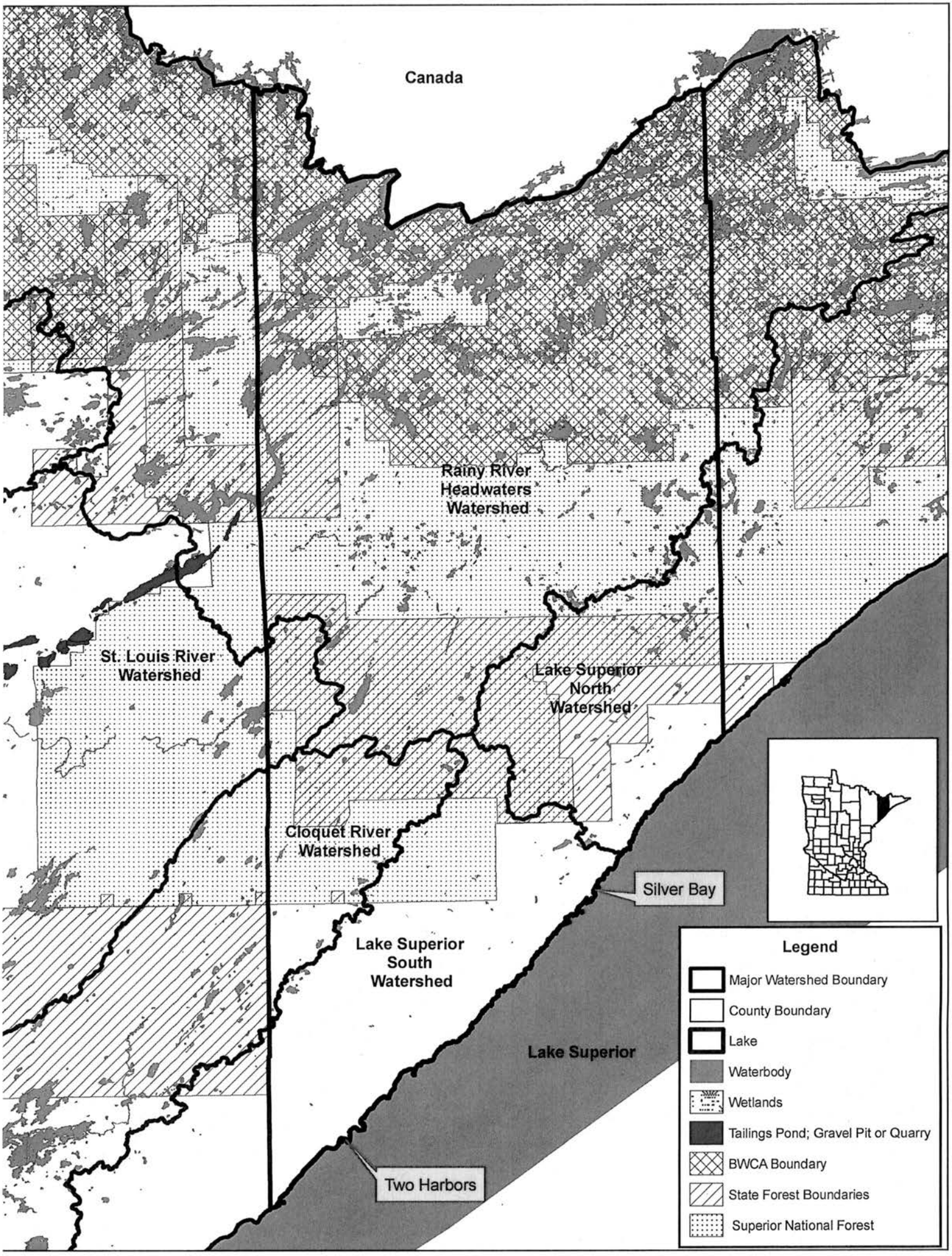
☐ Other: _____

ACTION REQUESTED

Consider approval of the Lake County Local Water Management Plan Amendment.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The current Lake County Local Water Management Plan expires October 26, 2015. The October 26, 2005 BWSR Order approving the 10-year plan required a review and update of the implementation plan in 5-years or by the end of year 2010. Lake County has completed the update in conformance with M.S. Section 103B.314 Subd. 6, relating to amendments of local water management plans. Lake County will be required to provide for a complete update of its local water management plan prior to October 26, 2015.

Attached for Acting Chair Brutlag's signature is the Order approving the Lake County Local Water Management Plan amendment.


Canada
Rainy River Headwaters Watershed
St. Louis River Watershed
Lake Superior North Watershed
Cloquet River Watershed
Lake Superior South Watershed
Lake Superior
Silver Bay
Two Harbors
Legend
Major Watershed Boundary
County Boundary
Lake
Waterbody
Wetlands
Tailings Pond; Gravel Pit or Quarry
BWCA Boundary
State Forest Boundaries
Superior National Forest

Minnesota Board of Water & Soil Resources

DATE: October 5, 2010

TO: BWSR Northern Region Planning Committee

FROM: Ryan Hughes, BWSR Board Conservationist

SUBJECT: Five-year Update to the Lake County Local Water Management Plan

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A BWSR Order issued on October 26, 2005, required Lake County to update the action (implementation) plan of their Local Water Management Plan within five-years (2010). Lake County has completed the update and has submitted the updated plan for BWSR approval.

The Lake SWCD administers the Local Water Management Plan for Lake County. The expiration date of the current plan is October 26, 2015.

Plan Update Timeline Summary

On February 9, 2010, the Lake County Board of Commissioners approved a resolution stating its intent to amend the current Local Water Management Plan.

On June 8, 2010, the Lake County convened its task force to review the Local Water Management Plan and initiate updates to the action plan.

On July 27, 2010, Lake County conducted a public hearing on its updated Local Water Management Plan.

On August 19, 2010, Lake County submitted their updated Local Water Management Plan and all other required information to the BWSR North Region Supervisor.

Plan Update Highlights

The update to the Lake County Local Water Management Plan was opportune due to the passing of the Clean Water, Land and Legacy Constitutional Amendment in 2008 and other conservation initiatives in the County since 2005.

The updated plan identifies specific high priority watersheds where technical and financial assistance will be targeted and prioritized. These watersheds are subject to increased development pressure, have more intensive land use and/or heavy red clay deposits that are highly erodible. The watersheds include Beaver River, Kawishiwi River, Knife River, Skunk Creek and Stewart River.

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

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Lake County and the SWCD serve as the Kawishiwi Watershed Protection Project sponsors and administrative support to the White Iron Chain of Lakes Association (WICOLA), which received a $225,000 grant. The County has included the support of this locally lead initiative in the Local Water Management Plan.

The County updated the implementation plan to include support via technical and financial assistance to implement erosion control and water quality improvements in identified high priority watersheds, listed impaired waters and TMDL implementation plans.

The updated plan discusses and supports the Lake County Storm Water Ordinance presently under review by the County Board.

State Agency Comments

Comments were received from the Minnesota Pollution Control Agency prior to the public hearing and from the Minnesota Department of Health and Minnesota Department of Agriculture during the BWSR State Agency review process.

Minnesota Pollution Control Agency – the written comments were received prior to the public hearing and discussed at the public hearing. The comments were taken into consideration and revisions to the plan were completed. Specific revisions included adding language to the plan for wastewater treatment for Stewart River and Silver Creek Township imminent health threat systems.

Minnesota Department of Health – recommended approval and commended the plan for its recognition of the importance of protecting groundwater quality.

Minnesota Department of Agriculture – recommended approval.

Board Conservationist Recommendations

As required by a BWSR Order issued October 26, 2005, Lake County has completed a five-year update to the Lake County Local Water Management Plan action (implementation) plan in conformance with M.S. Section 103B.314 Subd. 6. The Lake County Local Water Management Plan 2010 Amendment reviewed by the BWSR Northern Region Planning Committee is in conformance with the requirements of M.S. Section 103B.311, therefore, I recommend approval by the Committee and that the Plan be sent to the full Board for approval at the October 27, 2010 meeting

Lake County
Local Water Management
Plan Update

July 2005

Duration: 2006 – 2015

Amended: June 2010
Duration: 2011 - 2015

Prepared By:

Wayne Seidel, Lake County Water Plan Administrator

With Assistance From:

Lake County Water Plan Advisory Committee

Cliff Bentley – MN DNR Area Hydrologist
Tom Gelineau – Lake County SWCD Supervisor
Deborah Kosiak – Lake County Health Department
Jim Linscheid – Lake County Planning Commission
Rich Sve – Lake County Commissioner
Walt VanDenHeuvel – Lake County Land Use Specialist
Don Warner – Lake County SWCD Supervisor

Executive Summary

The Lake County Local Water Management Plan was amended in 2010 as agreed to per approval of the Lake County Water Plan Update on October 26, 2005 by the Minnesota Board of Water and Soil Resources. On February 9, 2010, the Lake County Board passed a resolution to begin the amendment process. Local units of governments and state agencies were notified in late February and the Lake County Water Plan Advisory Committee started the amendment process at their February 23, 2010 meeting. Briefly, the entire 2005 Lake County Water Plan Update was reviewed and changes were made in the following areas:

1. Priority Concerns – high priority watersheds were listed and defined.
2. Relevant Plans and Controls – updated and additional plans were added for reference purposes
3. Implementation Program (5 Year Work Plan: 2011- 2015) – updated and work plan was expanded.

Following approval by the Water Plan Advisory Committee, the amended plan was sent to local units of government and state agencies for formal review. After taking into consideration review comments, a public hearing was held in Lake County.

Previously, the Lake County Local Water Management Plan was updated by a ten-member Water Plan Advisory Committee that was led by Wayne Seidel, Lake County Water Plan Administrator. The update process was started in 2002, suspended in 2003 due to a state budget shortfall, resumed in 2004, and completed in 2005. The purpose of the planning process was to develop a plan of work that would protect and enhance surface water, ground water and related land resources within Lake County. The Advisory Committee developed a planning process designed to incorporate input from the general public, input from local units of government and state agencies, and to develop consistency with local, state and federal plans and controls.

Following meetings with township officials, completion of a water issues survey (230 respondents), and feedback from state agencies, the Advisory Committee identified seven *Priority Concerns*.

1. Increased Development Pressures – Erosion Control on Construction Sites, Road Management, Cumulative Impacts, Shoreline Erosion Control
2. Enforcement of Existing Land Use Laws and Use of Best Management Practices in Development Activities and Forest Management Activities
3. Storm Water Management
4. Wastewater Management - Non-Conforming Sewage Treatment Systems, Surface and Groundwater Contamination, Drinking Water Quality
5. Natural Resources Education on Water/Land Issues
6. Lake and Stream Water Quality, Water Quantity and Biological Integrity
7. Supportive of Total Maximum Daily Load (TMDL) research project efforts on north shore streams.

After assessing the seven *Priority Concerns* and additional ongoing water plan programs, the Advisory Committee endorsed the overall goal of the original Local Water Management Plan (1993) as still being relevant for Lake County. The overall goal states, "Maintain and improve both surface and groundwater quality and quantity through sound ecosystem management."

This overall goal encompasses three components that include: Education and Information; Natural Resources Planning and Practices; and Administration. The Advisory Committee combined this overall goal with six specific objectives, within the framework of a ten-year plan of work, to address the needs of the *Priority Concerns* and ongoing water plan programs.

The six objectives identified to achieve the overall goal include:

Objective 1: Promote and Implement Sound Land Use Practices

Objective 2: Promote Proper Use and Disposal of Household Hazardous Wastes

Objective 3: Improve the Management and Maintenance of Individual Sewage Treatment Systems

Objective 4: Coordinate Local Government Efforts to Address Surface and Ground Water Pollution Problems

Objective 5: Implement a Natural Resources Education Program that instills a Stewardship Ethic

Objective 6: Administer the Lake County Local Water Management Plan in an Efficient and Cost-Effective Manner

The ten-year plan of work concentrates on tasks that address priority concerns that are within current budgetary and staff time constraints. Presently, the Lake County Water Plan budget is approximately $23,000 per year and implementation has been delegated to the Lake County Soil and Water Conservation District. Examples of work plan items include:

a. Conduct an annual Erosion Control Workshop for Contractors.
b. Assist the Lake County Planning Commission on land use issues related to erosion control and storm water management.
c. Conduct a variety of natural resources education programs for students – Natural Resources Field Day, Area III ENVIROTHON Competition, Lake County Demonstration Forest, and Wastewater Treatment.
d. Provide educational opportunities on the proper maintenance of sewage treatment systems.
e. Provide a copy of the *Lake County Property Owner's Resource Guide* to all new property owners.

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

In the Matter of Reviewing the Local Water Management Plan Amendment for Lake County (Minnesota Statutes, Section 103B.314, Subdivision 6)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, on October 26, 2005, the the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Lake County Comprehensive Local Water Management Plan Update (Plan); and

Whereas, the Board Order stipulated Lake County was required to update the action plan in five-years (2010); and

Whereas, the Lake County Board of Commissioners submitted the Lake County Comprehensive Local Water Management Plan 2010 Amendment (Amendment) to the Board on August 19, 2010

Whereas, the Amendment contains the updated five-year action plan as ordered by the Board; and

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

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

FINDINGS OF FACT

1) On March 1, 2010, the Board received a February 9, 2010 resolution from Lake County stating its intent to amend its current Plan by providing for the required update of the five year action plan, pursuant to M.S. Section 103B.314, Subd. 6.

2) On March 3, 2010, Board staff provided information on the Amendment to Lake County.

3) On February 23, 2010, Lake County provided proper notice to local units of government and state agencies of the County's intent to amend its five-year action plan and invited all recipients to participate in the amendment process. Written comments were received from Board staff. No other state agency or local government unit provided written comments to Lake County.

4) On June 8, 2010, Lake County convened its water plan task force to review comments received and initiate the five-year action plan update.

5) On July 9, 2010, Lake County provided notice of a public hearing to state agencies and local government units.

6) On July 27, 2010, Lake County conducted a public hearing on the proposed Amendment. The Minnesota Pollution Control Agency provided written comments for the public hearing in a letter dated July 26, 2010. No additional comments were submitted at the hearing.

7) On August 19, 2010, the Board received the Amendment, a record of the public hearing, and copies of all written comments pertaining to the Amendment, pursuant to M.S. Section 103B.314, Subd. 6.

8) On October 13, 2010, the Board's Northern Water Planning Committee (Committee) reviewed the Amendment, pursuant to 103B.301 and guidelines established by the Board.

9) On October 13, 2010, Board regional staff provided its recommendation of approval of the Amendment to the Committee.

10) On October 13, 2010, the Committee voted to recommend approval of the Amendment to the full Board at its next scheduled meeting.

11) The Amendment will be in effect until October 26, 2015.

CONCLUSIONS

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

2. The Lake County Comprehensive Local Water Management Plan 2010 Amendment attached to this Order states goals, objectives, and actions the County will address in the five-year implementation section. The Lake County Comprehensive Local Water Management Plan 2010 Amendment is in conformance with the requirements of M.S. Section 103B.311.

ORDER

The Board hereby approves the attached Lake County Comprehensive Local Water Management Plan 2010 Amendment. Lake County will be required to provide for a complete update of its Comprehensive Water Management Plan prior to October 26, 2015.

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

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Paul Brutlag, Acting Chair

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

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ORDER

The Board hereby approves the attached Lake County Comprehensive Local Water Management Plan 2010 Amendment. Lake County will be required to provide for a complete update of its Comprehensive Water Management Plan prior to October 26, 2015.

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

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

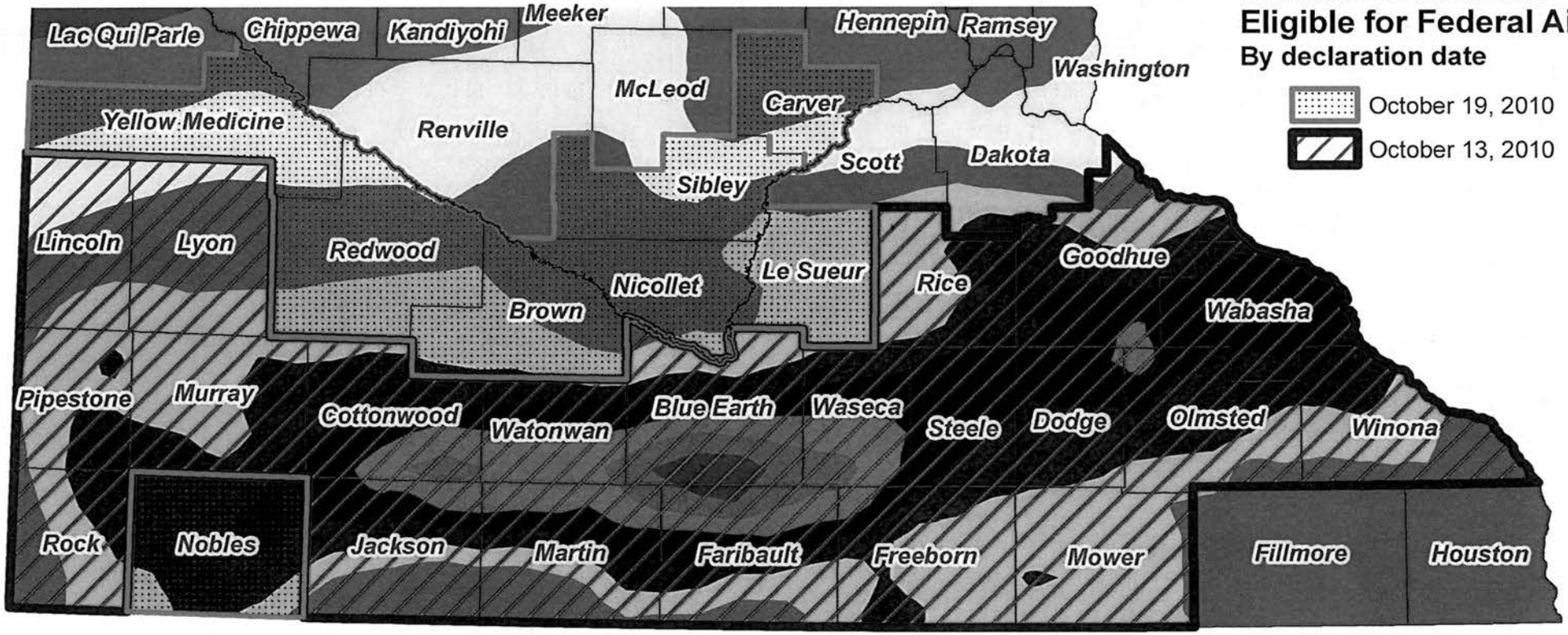
BY: Paul Brutlag, Acting Chair

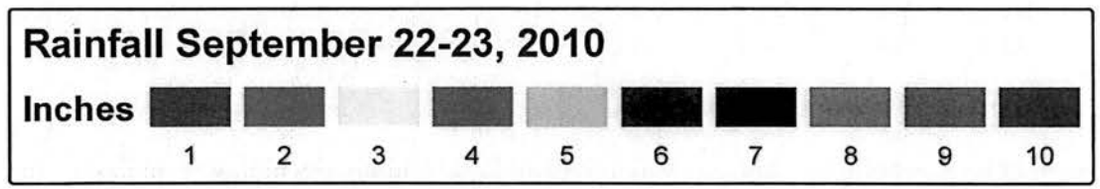
COMMITTEE RECOMMENDATIONS

RIM Reserve Management Planning Committee

1. RIM Reserve Southern Minnesota Flood Disaster Response – Kevin Lines
   DECISION ITEM

Federal Disaster Declaration
FEMA-1941-DR





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

October 2010

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **RIM Reserve Southern Minnesota Flood Disaster Response**

Meeting Date: October 27, 2010

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Presidential Declared Disaster Area (southern tier counties, to be identified)

Contact: Kevin Lines

Prepared by: Kevin Lines

Reviewed by: RIM Reserve Management Planning Committee (RRMPC) Committee(s)

Presented by: Kevin Lines, Conservation Easement Section Manager

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

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

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☒ New Policy Requested

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

☒ Other: 2010 Special Session Bonding for use by RIM Reserve

ACTION REQUESTED

Establish payment rates, eligibility, and sign-up procedures for RIM Reserve Program in conjunction with southern Minnesota Flood Disaster Response

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

Governor Tim Pawlenty called a special session of the Minnesota State Legislature on October 13, 2010 to address flooding in the following counties (other counties may be added):

> Blue Earth, Cottonwood, Dodge, Faribault, Freeborn, Goodhue, Jackson, Lincoln, Lyon, Martin, Mower, Murray, Olmsted, Pipestone, Rice, Rock, Steele, Wabasha, Waseca, Watonwan, and Winona

The Minnesota State Legislature appropriated bond funds for the RIM Reserve Program to acquire permanent conservation easements on land either damaged by the rain/flood event of September 22-23, 2010, or will help to reduce the impacts of future flood/rain events.

The RRMPC met on Monday, October 18, 2010 to review the following draft resolution, and recommends it for board approval on Wednesday, October 27, 2010. This resolution establishes payment rates and authorizes staff to develop procedures and criteria for the 2010 RIM Reserve Special Session Flood Disaster Response sign-up to begin November 1, 2010 and run through January 31, 2011.

Board Resolution #_____

Establish Rates, Eligibility, and Signup Procedures for the 2010 RIM Reserve Special Session Southern Minnesota Flood Disaster Response

WHEREAS, a Presidential disaster, number FEMA-1941-DR, was declared on October 13, 2010 in the following counties in Southern Minnesota due to damage resulting from severe rains and flooding on or after September 22, 2010; and

WHEREAS, the purpose of the 2010 RIM Reserve Special Session Southern Minnesota Flood Disaster Response is to acquire permanent conservation easements from willing landowners to restore floodplains, riparian buffers and wetlands on lands in the area included in DR-1941 that were damaged by the rains and flooding of September 22, to provide flood attenuation and to protect soil and water quality per provisions of Minnesota Statute Section 103F.515; and

WHEREAS, Minnesota Statute Chapter 12A.05 provides a framework and procedures for state agencies to assist communities to recover from a natural disaster for areas of Minnesota that are included in a presidential declaration of major disaster; and

WHEREAS, the Minnesota Legislature in their October 18, 2010 Special Session in H.F. No. 1, Article 1 Section 10 appropriated cost-share ($3M) and easement funding ($10M) and provided for the waiver of Minnesota Rules, Chapter 8400 for new and past appropriations; and

WHEREAS, the RIM Reserve Conservation Easement Program is administered by the BWSR, in cooperation with local Soil and Water Conservation Districts (SWCDs); and

WHEREAS, these RIM Reserve funds are intended to leverage federal funds when feasible or used when federal funds are not available; and

WHEREAS, SWCDs will be reimbursed for their services related to BWSR's current RIM Reserve service rate; and

WHEREAS, Board and Natural Resources Conservation Service (NRCS) staff, in consultation with the University of Minnesota Applied Economics Department, have determined that the most recent Average Assessed Tillable Value (AATV) by township as established by the Minnesota Department of Revenue is the most consistent and available land value data to use as the basis for easement payment rates and which is posted at the Minnesota Land Economic Website: www.landeconomics.umn.edu; and

WHEREAS a subcommittee shall be appointed by the chair of the BWSR that may review the applications and make project selections in coordination with Minnesota NRCS;

WHEREAS, the Board of Water and Soil Resources RIM Reserve Management Planning Committee met on Monday, October 18, 2010 to review and recommend the following provisions be adopted to successfully implement the 2010 RIM Reserve Special Session Flood Disaster Response;

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to implement the 2010 RIM Reserve Special Session Flood Disaster Response as follows:

1. Begin no sooner than November 1, 2010 and no later than January 31, 2011.

2a. The payment rate for eligible croplands enrolling in the **RIM Reserve Program** is not to exceed 100% of the AATV and for non-cropland acres not to exceed 60% of AATV.

2b. The payment rate for wetland restorations eligible for the **RIM-WRP Partnership** for cropland acres is not to exceed 125% of the Average Assessed Tillable Value (AATV) and for non-cropland acres not to exceed 70% of the AATV.

2c. Establish payment rates for special circumstances as identified and determined by the Executive Director that are greater than 2a above, but less than 2b above and deemed fair and prudent.

3. Staff are authorized to develop eligibility, prioritization, sign-up and selection procedures.

Rates are to be calculated using the township average tillable property value reported by county assessors for the 2011 tax year.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By:

Paul Brutlag, Acting Chair

1st mtg. Nov 3
Windom
2nd mtg 11/16
in Rochester

Board Resolution #10-96

Establish Rates, Eligibility, and Signup Procedures for the 2010 RIM Reserve Special Session Southern Minnesota Flood Disaster Response

WHEREAS, a Presidential disaster, number FEMA-1941-DR, was declared on October 13, 2010 in the following counties in Southern Minnesota due to damage resulting from severe rains and flooding on or after September 22, 2010; and

WHEREAS, the purpose of the 2010 RIM Reserve Special Session Southern Minnesota Flood Disaster Response is to acquire permanent conservation easements from willing landowners to restore floodplains, riparian buffers and wetlands on lands in the area included in DR-1941 that were damaged by the rains and flooding of September 22, to provide flood attenuation and to protect soil and water quality per provisions of Minnesota Statute Section 103F.515; and

WHEREAS, Minnesota Statute Chapter 12A.05 provides a framework and procedures for state agencies to assist communities to recover from a natural disaster for areas of Minnesota that are included in a presidential declaration of major disaster; and

WHEREAS, the Minnesota Legislature in their October 18, 2010 Special Session in H.F. No. 1 , Article 1, Section 10, appropriated cost-share ($3M) and easement funding ($10M), and provided for the waiver of Minnesota Rules, Chapter 8400 for new and past appropriations; and

WHEREAS, the RIM Reserve Conservation Easement Program is administered by the BWSR, in cooperation with local Soil and Water Conservation Districts (SWCDs); and

WHEREAS, these RIM Reserve funds are intended to leverage federal funds when feasible or used when federal funds are not available; and

WHEREAS, SWCDs will be reimbursed for their services related to BWSR's current RIM Reserve service rate; and

WHEREAS, Board and Natural Resources Conservation Service (NRCS) staff, in consultation with the University of Minnesota Applied Economics Department, have determined that the most recent Average Assessed Tillable Value (AATV) by township as established by the Minnesota Department of Revenue is the most consistent and available land value data to use as the basis for easement payment rates and which is posted at the Minnesota Land Economic Website: www.landeconomics.umn.edu; and

WHEREAS a subcommittee shall be appointed by the chair of the BWSR that may review the applications and make project selections in coordination with Minnesota NRCS;

WHEREAS, the Board of Water and Soil Resources RIM Reserve Management Planning Committee met on Monday, October 18, 2010 to review and recommend the following provisions be adopted to successfully implement the 2010 RIM Reserve Special Session Flood Disaster Response;

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to implement the 2010 RIM Reserve Special Session Flood Disaster Response as follows:

1. Begin no sooner than November 1, 2010 and no later than January 31, 2011.

2a. The payment rate for eligible croplands enrolling in the **RIM Reserve Program** is not to exceed 100% of the AATV and for non-cropland acres not to exceed 60% of AATV.

2b. The payment rate for wetland restorations eligible for the **RIM-WRP Partnership** for cropland acres is not to exceed 125% of the Average Assessed Tillable Value (AATV) and for non-cropland acres not to exceed 70% of the AATV.

2c. Establish payment rates for special circumstances as identified and determined by the Executive Director that are greater than 2a above, but less than 2b above and deemed fair and prudent.

3. Staff are authorized to develop eligibility, prioritization, sign-up and selection procedures.

Rates are to be calculated using the township average tillable property value reported by county assessors for the 2011 tax year.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By:

Paul Brutlag, Acting Chair

NEW BUSINESS

1. Minnesota Lake Superior Coastal Program Grant Application Resolution – Steve Woods – ***DECISION ITEM***

2. FY 2011 SWCD Grant Allocations – Cost Share Allocation, Amend Board Resolution #10-57- Dave Weirens – ***DECISION ITEM***

3. 2010 (FY11) Southern Minnesota Flood Relief – Dave Weirens – ***DECISION ITEM***

4. SSTS Imminent Health Threat Abatement and Feedlot Water Quality Continuous Sign-up Grant Programs – Dave Weirens – ***INFORMATION ITEM***

5. MNDOT-BWSR Cooperative Wetland Replacement Program – Dave Weirens - ***INFORMATION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **FY 2011 SWCD Grant Allocations – Cost Share Allocation, Correct Board Resolution #10-57**

Meeting Date:

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

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

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

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget
☒ Other: Allocation of existing Cost Share Roll-Over Funds

ACTION REQUESTED

Adopt the draft resolution to correct resolution #10-57 to reflect the use of Cost Share Roll-Over funds for the FY2011 State Cost Share Base Grants.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Board adopted resolution #10-57 that authorized staff to allocate grant funds to eligible soil and water conservation districts for the following grant programs:

FY2011 Native Buffer Cost Share Grant Program
State Cost Share Base Grants
General Services Grants
Easement Services Grants.

During the processing of these grants, it was determined that there was an error in available Native Buffer Cost Share Grant Funds. Cancelled funds amounting to $100,000 were not subtracted from total available funds prior to requting Board authorization.

Amendment to Board Resolution #10-57

FISCAL YEAR '11 SOIL AND WATER CONSERVATION DISTRICT GRANT ALLOCATIONS

WHEREAS, the Board adopted resolution #10-57 on June 23, 2010 that included allocations for the following grant programs:

- FY2011 Native Buffer Cost Share Grant Program
- State Cost Share Base Grants
- General Services Grants
- Easement Services Grants.

WHEREAS, $100,000 of the unallocated Fiscal Year '07 appropriation for Native Buffer Cost Share was unallotted for state budget management purposes that resulted in a $60,524 budget shortfall for the FY '11 State Cost Share Base Grants Program; and,

WHEREAS, $60,524 of Native Buffer Cost Share roll-over is available to offset this budget shortfall.

THEREFORE BE IT RESOLVED, The Board authorizes the allocation of $60,525 of Native Buffer Cost Share roll-over for the FY '11 State Cost Share Base Grants Program.

_____ Date: _____

Paul Brutlag, Acting Chair
Board of Water and Soil Resources

Amendment to Board Resolution #10-57

FISCAL YEAR '11 SOIL AND WATER CONSERVATION DISTRICT GRANT ALLOCATIONS

WHEREAS, the Board adopted resolution #10-57 on June 23, 2010 that included allocations for the following grant programs:

- FY2011 Native Buffer Cost Share Grant Program
- State Cost Share Base Grants
- General Services Grants
- Easement Services Grants.

WHEREAS, $100,000 of the unallocated Fiscal Year '07 appropriation for Native Buffer Cost Share was unallotted for state budget management purposes that resulted in a $60,524 budget shortfall for the FY '11 State Cost Share Base Grants Program; and,

WHEREAS, $60,524 of Native Buffer Cost Share roll-over is available to offset this budget shortfall.

THEREFORE BE IT RESOLVED, The Board authorizes the allocation of $60,525 of Native Buffer Cost Share roll-over for the FY '11 State Cost Share Base Grants Program.

Date: 10-27-2010

Paul Brutlag, Acting Chair
Board of Water and Soil Resources

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Lake Superior Coastal Program Grant Application**

Meeting Date: October 27, 2010

Agenda Category: ☐ Committee Recommendation ☒ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: North
Contact: Ryan Hughes
Prepared by: Ryan Hughes
Reviewed by: _____ Committee(s)
Presented by: Steve Woods or Ryan Hughes

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED

Consider approval of the Resolution of Authorization for Minneosota Lake Superior Coastal Program Grant Application

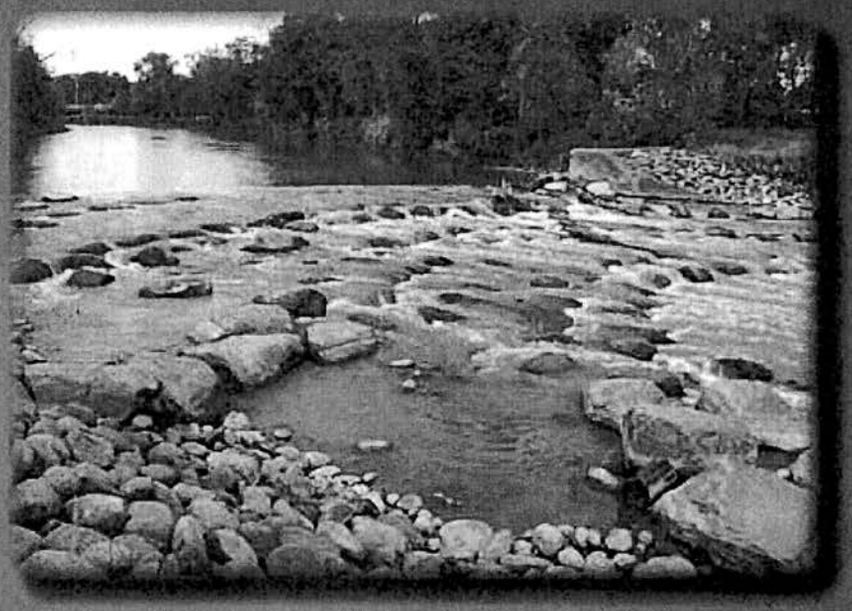
SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Minnesota Lake Superior Coastal Progam annually offers federal matching funds from the National Oceanic and Atmospheric Administration (NOAA) for the purpose of undertaking projects that address coastal issues. Approximately $500,000 is available for the next round of funding. Funds for non-construction activities, such as education, are available thru this program.

Staff requests approval via the required, attached resolution to prepare an application for funding from the Minneosta Lake Superior Coastal Program. If grant funds are received they will be used by local government units and State agency staff within the Lake Superior basin to participate in fluvial geomorphology training opportunities. Training opportunties are offered thru the Minneosota DNR Stream Health and Restoration Workshops and Wildland Hydrology, Inc. worshops (see attached flyers). (FYI - similar sessions were held in Fergus Falls last year. Wildland Hydrology is the technical trainer.

The application is in the process of being developed. The funding request is anticipated not to exceed $25,000. The 25% match will be achieved thru the use of local or State in-kind match, therefore there are no financial impacts. The deadline for submittal is November 19, 2010. Currently, commitments for letters of support have been received from Cook, Lake, North St. Louis, South St. Louis and Carlton County SWCDs.

Attached for Acting Chair Brutlag's signature is the Resolution of Authorization for Minneosota Lake Superior Coastal Program Grant Application.

Stream Health and Restoration Workshops
- 2010 -



Natural Channel Design in Dam Removal & Fish Passage

June 14-18
Fergus Falls, MN

Stream Restoration

August 16-20
Fergus Falls, MN

As rivers become more widely recognized and appreciated as valuable natural resources, the responsibility to better understand these systems takes on greater importance. The Minnesota Department of Natural Resources offers workshops that teach the basic functions and processes of rivers, the Rosgen method of stream classification, assessing and monitoring river health, and natural channel design river restoration. These workshops are designed for natural resource professionals whose work involves rivers directly or indirectly as well as those who are engaged in watershed-wide resource management issues. Workshops are hands on experiences and each one requires students to complete fieldwork, data analysis, and present their findings.

Minnesota Department of Natural Resources

Our Workshop Series

We offer a series of four stream-related workshops. The first course, *Fluvial Geomorphology and Stream Classification*, provides fundamental knowledge of river dynamics and classification and therefore is a prerequisite for the subsequent courses. This workshop is typically offered every summer. The *Stream Assessment and Monitoring* course is a prerequisite to the *Stream Restoration* course. These workshops are offered in alternating years. The *Natural Channel Design in Dam Removal and Fish Passage* workshop is a new course offered according to demand. All courses include both classroom lectures and field exercises, and all run from mid-day Monday through mid-day Friday.

Equipment Needed

Laptops, USB (jump) drives, and scientific calculators are required for all courses to facilitate data sharing, analysis and presentation preparation. Chest waders are required for fieldwork, but in some streams and weather conditions students find hip waders, wet suits or swim suits with a pair of wading shoes or sandals more comfortable. Mosquito repellent, rain gear, sunscreen, and water bottle are also recommended. All other necessary field gear to complete the course will be provided.

Stream Stability:
"Ability of a stream to transport the water & sediment of its watershed in such a manner as to maintain its dimension, pattern, and profile, over time, without either aggrading or degrading."
-Rosgen, 1994

Fluvial Geomorphology and Stream Classification

Rivers and streams have predictable dimensions, patterns, and profiles. This course discusses the fluvial geomorphological processes involved in creating and maintaining these parameters, as well as the fundamental hydrology and hydraulics of rivers. We also focus on the skills necessary to properly determine a stream segment's type, including the essential tools for classifying streams to Levels 1 and 2 using the Rosgen classification methodology. Upon completion of this course, students will have the skills necessary to classify a stream reach, greatly facilitating communications among river managers worldwide. Students will also have a firm knowledge of the functions and processes that are critical to a river's health.

This class will not be offered in 2010.

Stream Assessment and Monitoring

This workshop is designed to teach natural resource professionals to effectively determine a stream's health, or condition, and to monitor it over time. Concepts taught include monitoring design and evaluation, sediment transport, causes and rates of erosion, use of biological indicators, and understanding riparian vegetation. Techniques used include surveying, Pfankuch's Stability Rating, biological sampling, Bank Erosion Hazard Index, bank pins and bed chains, introduction to suspended and bedload sediment sampling methods, and reconnaissance and screening levels of the WARSSS riparian and channel monitoring techniques. Students completing this course will be able to quantitatively describe a river's condition in terms that other professionals can understand. These skills also enable a researcher to monitor a river's condition over time in a non-subjective manner.

This class will not be offered in 2010.

Stream Restoration

This workshop is designed to teach natural resource staff to plan and construct stream improvements and restorations using natural materials and designs, while working with the river's natural processes rather than against them. Project types discussed will include bank stabilization, dam removal, dam conversion to a rapids, culvert placement, restoration of meanders to straightened channels, and fish bypass channels around dams. In addition to classroom lectures and field observations, students will design and construct a restoration project on a laboratory stream model. After completing this course, students will be able to work with other professionals to design and implement stream improvement projects on the ground from beginning to end, using a natural stream approach.
This class will be held in Fergus Falls, Minnesota this year, 16-20 August.

Natural Channel Design in Dam Removal and Fish Passage

This course will cover the range of dam effects on river ecology, alternatives for restoration and design criteria for dam removals and natural channel based fish passage. Lecture topics will include: fish hydrodynamics, fluvial processes, culvert design, fishway design, river restoration following dam removal, permitting, construction, and monitoring. A bus tour will provide visits to a number of projects, as well as opportunities to actually snorkel within fishways and observe passing fish. Students will visit a dam and develop conceptual fish passage designs that will be tested in a physical model.
This class will be held in Fergus Falls, Minnesota this year, 14-18 June.

Instructors:

Dr. Luther Aadland *Luther is the Program Consultant for the Minnesota Dept. of Natural Resources' Stream Habitat Program. He earned his doctorate from the University of North Dakota in 1987. His work and research have included a wide variety of topics related to stream health, habitat, geomorphology, and ecology. He has developed designs for numerous channel restoration, fish habitat, fish passage, flood damage reduction, dam removal, and bank stabilization projects.*

Ian Chisholm *Ian is the Program Supervisor of the Minnesota Dept. of Natural Resources' Stream Habitat Program. He earned his masters degree in Fisheries Science from the University of Wyoming in 1985. Ian has worked extensively to incorporate science and ecological principles into freshwater management, at every level, from field data collection to policy and management philosophy.*

Neil Haugerud *Neil is a River Ecologist with the Minnesota Dept. of Natural Resources' Stream Habitat Program. He earned his masters degree in Wildlife and Fisheries Sciences from South Dakota State University in 2003. He is experienced in stream biological monitoring, macroinvertebrate identification, reference site selection, and evaluating water quality. Neil's work focuses on project monitoring, river restorations, and geomorphological data analysis and management.*

Dr. Sandy Verry *After retiring as the Chief Forest Hydrologist with the U.S. Forest Service North Central Research Station in Grand Rapids, MN, Sandy started the Ellen River Partners river restoration consulting firm. Sandy earned his masters degree from the University of Illinois and his doctorate from Colorado State University in 1983. He is an expert on watershed hydrology, riparian management, and nutrient cycling, with a focus on the peatlands and bogs of northern Minnesota. Sandy has also studied culvert placement extensively.*

Kevin Zytkovicz *Kevin has over 20 years of service with the Minnesota Dept. of Natural Resources in both the Bureau of Engineering and the Division of Ecological Resources. He has extensive training and experience in hydrography, traditional land surveying, and the technologies used in these industries (CADD, GIS, GPS). Specific experience includes all aspects of channel restoration, initial surveys of project and reference sites, channel design incorporating Rosgen techniques, construction site management, and post construction monitoring.*

Dr. Amy Childers *Amy is a River Ecologist and Outreach Specialist with the Minnesota Dept. of Natural Resources' Stream Habitat Program. She earned her masters degree and doctorate in Chemical Oceanography from the University of Alaska Fairbanks in 2001 and 2005. Her research focused on nutrient dynamics in the Gulf of Alaska. Her ambition is educating others about stream health.*

2010 Stream Workshop Registration Form

Registering for: **Price**

☐ **Natural Channel Design in Dam Removal & Fish Passage** $1,000
June 14-18, 2010 Fergus Falls, MN

☐ **Stream Restoration** $1,000
August 16-20, 2010 Fergus Falls, MN

Total: $_____

Registrants contact information:

_____
First & Last Name (as preferred on name badge)

_____
Title/Position

_____
Organization/Agency

_____
Street Address

_____
City, State, Zip

_____
Daytime phone

_____
E-mail address

_____
Dietary or special need

_____
Payment information

Mail or fax registration to:

MN DNR, Attn. Brenda Johnson
1509 First Avenue North
Fergus Falls, MN 56537
Phone (218) 739-7576 x260
Fax (218) 739-7601
Brenda.L.Johnson@state.mn.us

- Payment is due with registration.
- MN DNR staff or other state agencies can pay by purchase order. For all others, checks should be made out to 'MN DNR'. (*Sorry, but we can not accept credit cards.*)

☐ Check is enclosed (payable to MN DNR)
☐ Will provide purchase order (if state agency)
☐ If payment is not included explain when payment will be made.

- Registrations will be handled on a first come/ first served basis; class size will be limited to 40 students.
- Cancellations less than two weeks prior to the first day of class will result in a $100 penalty.
- Class cancellations due to low enrollment will be determined by **May 7th** for the **Natural Chanel Design** workshop and **July 9th** for the **Stream Restoration** workshop.

Hotel rooms are reserved under "MN DNR" in Fergus Falls, MN at the AmericInn (218) 739-3900 for $69.90 per person per night plus tax.

E-mails will be sent to confirm registration and to provide workshop information.

For payment or billing questions, contact:
Brenda Johnson (information above)

For questions about the workshops, contact:
Amy Childers
MN DNR - Ecological Resources
Stream Habitat Program
Phone: 218-739-7576 x233
Amy.R.Childers@state.mn.us

Short Course Schedule–2011

Wildland Hydrology is pleased to announce the availability of short courses for 2011. Please note that courses will be held in various locations. The course fee covers tuition and course materials **ONLY** (no meals or lodging) unless otherwise noted. Participants are responsible for making their own food and lodging arrangements **unless** otherwise noted.

Please note that all classes require **a knowledge of basic survey skills**. If you have no field experience or survey skills, we recommend the course BASIC SURVEY SKILLS. A good reference for this is the U.S. Forest Service manual "Stream Channel Reference Sites: An Illustrated Guide to Field Techniques". You can access this manual from our website (Click here). It will acquaint you with the skills required.

WILDLAND HYDROLOGY, INC.
11210 N. County Road 19
Fort Collins, CO 80524
Phone: 970-568-0002
Registration Office: 970-568-0003
Fax: 970-568-0014
E-mail: wildland@wildlandhydrology.com

We will continue to accept registrations for full classes in case of cancellations.

Basic Survey Skills **Instructors:** David Bidelspach and Brandon Rosgen **Prerequisite:** None	**Fee: $400** **Deposit: $150** **2 day course**
Dates:	**Registration links and information:**
• No class scheduled for 2011	
Level I. Applied Fluvial Geomorphology **Instructor:** Dave Rosgen, PhD **Prerequisite:** Must have knowledge of basic survey skills	**Fee: $1500** **Deposit: $500** **5 day course**
Dates:	**Registration links and information:**
• November 1–5, 2010 Austin, TX	Wildland Hydrology Registration FULL but still accepting registrations
• November 8–12, 2010 WCRC Fayetteville, AR	For registration call at 501-352-7294 or go to: http://www.watershedconservation.org/
• January 24–28, 2011 Georgia, Location TBD	Wildland Hydrology Registration
• February 7–11, 2011 Pilot View, Inc. Asheville, NC	For registration call 336-750-0522
• February 21–25, 2011 Pilot View, Inc. Asheville, NC	For registration call 336-750-0522 *Instructor: Dr. Richard Hey

• April 18–22, 2011 NCTC Shepherdstown, WV	Wildland Hydrology Registration
• June 20–24, 2011 Lubrecht Forest, MT	Wildland Hydrology Registration
• August 15–19, 2011 Calgary, Alberta CANADA	Wildland Hydrology Registration NOTE: Price $1950 Canadian
• August 29 –Sept 2, 2011 MN DNR – Location TBD	Wildland Hydrology Registration
• November 7–11, 2011 WCRC Fayetteville, AR	For registration call at 501-352-7294 or go to: http://www.watershedconservation.org/
Level II. River Morphology and Applications **Instructor:** Dave Rosgen, PhD **Prerequisites:** Applied Fluvial Geomorphology **OR** Fluvial Geomorphology for Engineers	**Fee: $1600** **Deposit: $500** **5 day course**
Dates:	**Registration links and information:**
• March 7–11, 2011 Pilot View, Inc. Asheville, NC	For registration call 336-750-0522
• May 2–6, 2011 NCTC Shepherdstown, WV	Wildland Hydrology Registration
• July 11–15, 2011 Bend, OR	Wildland Hydrology Registration
• October 3–7, 2011 Minnesota DNR, Minnesota Location TBD	Wildland Hydrology Registration
Level III. River Assessment and Monitoring **Instructor:** Dave Rosgen, PhD **Prerequisites:** Applied Fluvial Geomorphology **OR** Fluvial Geomorphology for Engineers **AND** River Morphology and Applications	**Fee: $2700** **Deposit: $700** **10 day course**
Dates:	**Registration link:**
• March 28–April 7, 2011 Pilot View, Inc. Dobson, NC	For registration call 336-750-0522
• May 16–26, 2011 NCTC Shepherdstown, WV	Wildland Hydrology Registration
Level IV. River Restoration and Natural Channel Design **Instructor:** Dave Rosgen, PhD **Prerequisites:** Applied Fluvial Geomorphology **OR** Fluvial	**Fee: $2700** **Deposit: $700** **10 day course**

Geomorphology for Engineers **AND** River Morphology and Applications, and River Assessment and Monitoring	
Dates:	**Registration link:**
• October 17–27, 2011 Pilot View, Inc. Dobson, NC	For registration call 336-750-0522

Level V. River Restoration Design Implementation **Instructors:** Dale Hockett and Dave Rosgen, PhD **Prerequisites:** Applied Fluvial Geomorphology **OR** Fluvial Geomorphology for Engineers **AND** River Morphology and Applications, River Assessment and Monitoring, River Restoration and Natural Channel Design	**Fee: $1600 per person** **Deposit: $500** **5 day course**
Dates:	**Registration link:**
• No class scheduled for 2011	

Level I(e). Fluvial Geomorphology for Engineers **Instructor:** Richard Hey, PhD **Prerequisite:** Basic Survey Skills **Note:** This class fills the Applied Fluvial Geomorphology prerequisite for River Morphology & Applications	**Fee: CALL** **5 day course**
Dates:	**Registration information:**
• No class scheduled for 2011	

Click here to register now.

E-mail: wildland@wildlandhydrology.com

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RESOLUTION OF AUTHORIZATION FOR MINNESOTA LAKE SUPERIOR COASTAL PROGRAM GRANT APPLICATION

RESOLUTION

WHEREAS, the Minnesota Board of Water and Soil Resources desires financial assistance under Minnesota's Lake Superior Coastal Program.

NOW, THEREFORE, be it resolved by the Minnesota Board of Water and Soil Resources as follows:

1. That the Minnesota Board of Water and Soil Resources approves filing a grant application to Minnesota's Lake Superior Coastal Program.

2. That Ryan Hughes is hereby authorized and directed to execute and file an application with the Minnesota Department of Natural Resources and provide all information and documentation required to become eligible for possible funding assistance.

3. That John Jaschke has signatory authority to enter into an agreement to accomplish the grant purposes.

4. That the Minnesota Board of Water and Soil Resources agrees to act as legal sponsor and to obligate the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms and conditions of the Minnesota Lake Superior Coastal Program.

CERTIFICATE OF RECORDING OFFICER

I, the undersigned, hereby certify, that the foregoing is a true and correct copy of the resolution adopted by the Minnesota Board of Water and Soil Resources regular meeting held on the twenty-seventh day of October 2010 and that I am duly authorized to execute this certificate.

_____

Paul Brutlag
Acting Chair
Minnesota Board of Water and Soil Resources

RESOLUTION OF AUTHORIZATION FOR MINNESOTA LAKE SUPERIOR COASTAL PROGRAM GRANT APPLICATION

RESOLUTION

WHEREAS, the Minnesota Board of Water and Soil Resources desires financial assistance under Minnesota's Lake Superior Coastal Program.

NOW, THEREFORE, be it resolved by the Minnesota Board of Water and Soil Resources as follows:

1. That the Minnesota Board of Water and Soil Resources approves filing and application to Minnesota's Lake Superior Coastal Program.

2. That Ryan Hughes is hereby authorized and directed to execute and file an application with the Minnesota Department of Natural Resources and provide all information and documentation required to become eligible for possible funding assistance.

3. That John Jaschke has signatory authority to enter into an agreement with the State of Minnesota.

4. That the Minnesota Board of Water and Soil Resources does agree to act as legal sponsor and to obligate the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms and conditions of the Minnesota Lake Superior Coastal Program.

CERTIFICATE OF RECORDING OFFICER

I, the undersigned, hereby certify, that the foregoing is a true and correct copy of the resolution adopted by the Minnesota Board of Water and Soil Resources regular meeting held on the twenty-seventh day of October 2010 and that I am duly authorized to execute this certificate

Paul Brutlag
Acting Chair
Minnesota Board of Water and Soil Resources

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: FY2010 Southern Minnesota Flood Relief

Meeting Date: October 27, 2010

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region:

Contact: Dave Weirens

Prepared by: Dave Weirens

Reviewed by: Grants Program and Policy Committee(s)

Presented by: Dave Weirens

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

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

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☒ New Policy Requested

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

☐ Other:

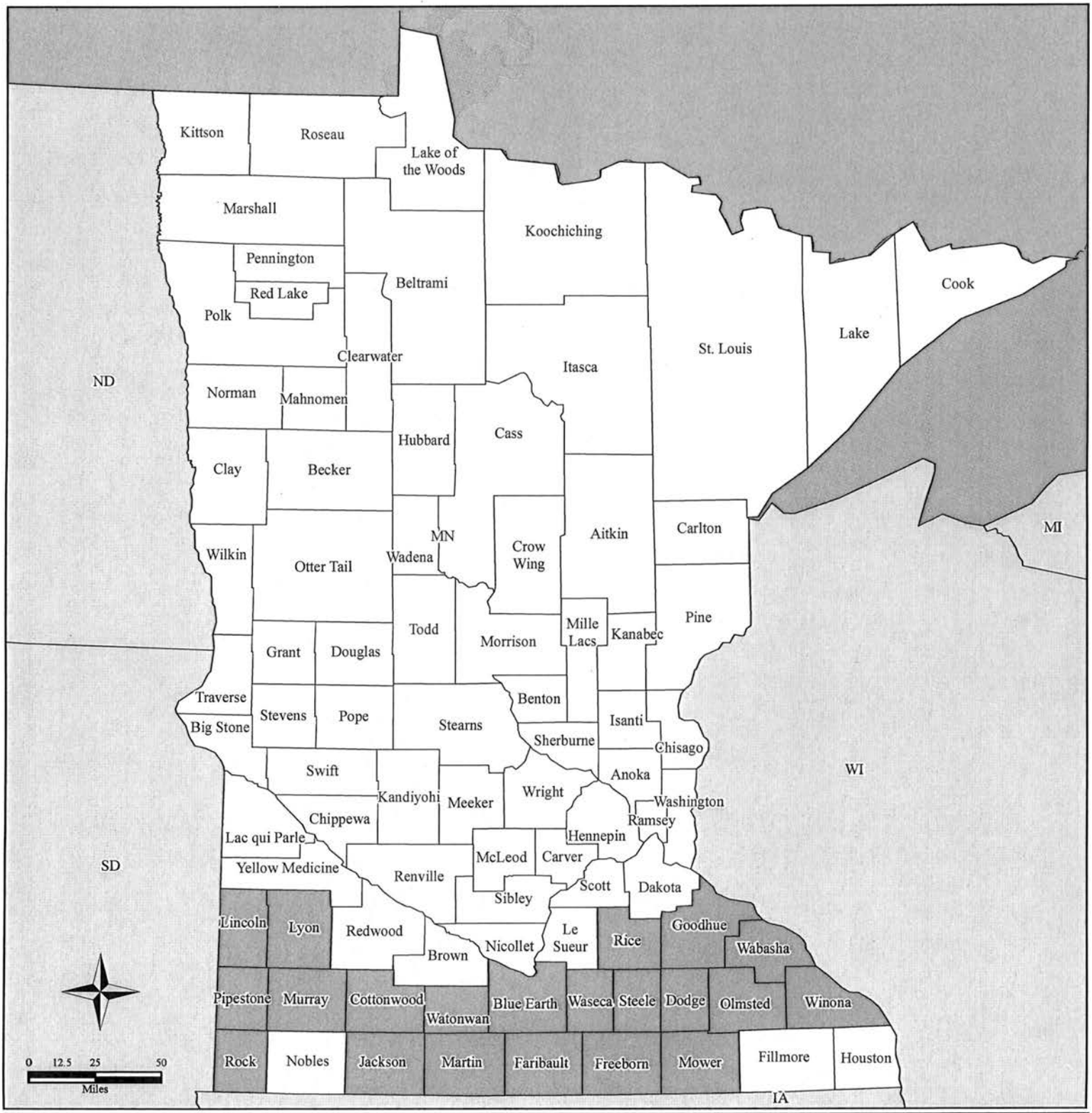
ACTION REQUESTED

Adopt resolution that authorizes implementing funds appropriated in the Special Legislative Session

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

A disaster was declared by the Federal Government in 21 counties in southcentral and southeast Minnesota on October 14, 2010 due to flooding resulting from heavy rains (additional counties may be added). A special session was held on October 18 where $10.0 million was appropriated for RIM and $3.0 million for Cost Share. The attached resolution and policy have been reviewed by the Grants Program and Policy Committee.

FEMA-1941-DR, Minnesota
Disaster Declaration as of 10/13/2010



Location Map

Legend

Designated Counties

Public Assistance

All counties are eligible for Hazard Mitigation

FEMA

ITS Mapping & Analysis Center
Washington, DC
10/14/10 -- 8:33 AM EDT

Source: Disaster Federal Registry Notice 10/13/2010

MapID 26281e357561014100823hqprod

October 27, 2010

BWSR SOUTHERN MN COST SHARE FLOOD RELIEF POLICY

Pertaining to FEMA, DR-1941: Erosion, Sediment, and Water Quality Cost Share Projects

1. Up to 100% state and federal cost share using existing State Cost Share or new Flood Relief funds for practice repair or new construction on flood related sites.

2. All FY '09, '10, and '11 State Cost Share grant agreements with SWCDs are extended until December 31, 2012.

3. Any new or existing FY '09, '10, or '11 local State Cost Share or previous Flood Relief contracts, may be extended or amended until December 31, 2012 to allow conservation practice implementation when technical assistance is available, field conditions are suitable, and construction contractors are available.

4. For State Cost Share funds, up to 20% of project costs may be used for technical and administrative costs. The actual percentage will be approved by BWSR staff.

5. Federal funding must receive first priority for practice or project costs.

6. At the SWCD Board of Supervisor's or local government board's discretion, landowners may be reimbursed for practice costs incurred after September 23, 2010.

7. The State Cost Share Program approved practice list may be modified as needed and appropriate to respond to flood relief needs, with BWSR staff approval.

8. The NRCS Field Office Technical Guide or other generally acceptable standards and specifications are to be used for practice implementation when possible.

9. As flood relief costs are expected to exceed available funds, the SWCD Board of Supervisors or local government boards will determine project-funding priorities.

10. Funding Pursuit Sequence.
    A. LGUs must pursue FEMA, SBA, and insurance funds. State funds provided to assist with FEMA Public Assistance Program-eligible projects are intended to serve only as an advance of funds to enable the entity involved to begin the recovery project.
    B. State funds should be used when possible for federal funding match requirements including, but not limited to the following programs:
        1. Emergency Watershed Program (NRCS)
        2. Emergency Conservation Program (FSA)
        3. Environmental Quality Incentives Program (NRCS)
        4. Wetland Reserve Program (NRCS)
        5. Conservation Reserve Program (FSA)
    C. State Cost Share and other state or local funds.

October 27, 2010

BWSR SOUTHERN MN COST SHARE FLOOD RELIEF POLICY

Pertaining to FEMA, DR-1941: Erosion, Sediment, and Water Quality Cost Share Projects

1. Projects are eligible for up to 100% state and federal cost share using existing State Cost Share or 2010 Flood Relief funds for repair or new construction on flood impacted sites.

2. All FY '09, '10, and '11 State Cost Share grant agreements with SWCDs are extended until December 31, 2012.

3. Any new or existing FY '09, '10, or '11 local State Cost Share or previous Flood Relief contracts, may be extended or amended until December 31, 2012 to allow conservation practice implementation when technical assistance is available, field conditions are suitable, and construction contractors are available.

4. For State Cost Share funds, up to 20% of project costs may be used for technical and administrative costs. The actual percentage will be approved by BWSR staff based on the amount and availability of non-state funds for the same purpose and the complexity of the authorized project.

5. Federal funding must receive first priority for practice or project costs.

6. At the SWCD Board of Supervisor's discretion, landowners may be reimbursed for practice costs incurred after September 23, 2010.
   The District should make a technical assessment with the available information, make a decision on what damage was a result of the September 2010 storm event, whether applicable standards and specifications were used, and whether the evidence for bills submitted is accurate and reasonable.

   For repair needs that have not been started, the District should conduct a site assessment, document repair needs and estimated costs. Upon completion of the repair, a site visit shall be conducted to document the satisfactory completion of the repair.

7. The State Cost Share Program approved practice list may be modified as needed and appropriate to respond to flood relief needs, with BWSR staff approval.

   The NRCS Field Office Technical Guide (FOTG) or other generally accepted standards and specifications are to be used for practice implementation when possible. EWP, ECP and EQIP program policies and standards must be followed when state funds are used to match these federal funds. Atypical practices and other flood damaged practices not originally installed with cost-share funds may be repaired to pre-flood conditions (or better, with associated landowner share) at the discretion of the District Board.

8. As flood relief costs are expected to exceed available funds, the SWCD Board of Supervisors will determine project-funding priorities.

9. Funding Pursuit Sequence.

A. LGUs must pursue FEMA, SBA, and insurance funds. State funds provided to assist with FEMA Public Assistance Program-eligible projects are intended to serve only as an advance of funds to enable the entity involved to begin the recovery project.

B. State funds should be used when possible for federal funding match requirements including, but not limited to the following programs:

    1. Emergency Watershed Program (NRCS)
    2. Emergency Conservation Program (FSA)
    3. Environmental Quality Incentives Program (NRCS)
    4. Wetland Reserve Program (NRCS)
    5. Conservation Reserve Program (FSA)

C. State Cost Share and other state or local funds.

Board Resolution #_____

2010 SOUTHERN MINNESOTA FLOOD RELIEF

WHEREAS, a Presidential Major Disaster was declared (FEMA, DR-1941) on October 13, 2010, for Blue Earth, Cottonwood, Dodge, Faribault, Freeborn, Goodhue, Jackson, Lincoln, Lyon, Martin, Mower, Murray, Olmsted, Pipestone, Rice, Rock, Steele, Wabasha, Waseca, Watonwan, and Winona Counties, due to damage resulting from severe storms that began on September 22 , 2010; and,

WHEREAS, the Minnesota Legislature in their October 18, 2010 Special Session in H.F. 1, appropriated cost share and easement funding, and invoked M.S. 12A.05 which authorizes waivers of State Cost Share and Re-Invest in Minnesota (RIM) Rules for both existing and future contracts; and

WHEREAS, the Minnesota Department of Agriculture may make funding available for low interest loans through the Agricultural Best Management Practices Loan program to link or coordinate with BWSR cost-share contracts for feedlot, subsurface sewage treatment system rehabilitation or repairs, private well sealing, or other eligible projects or practices.

NOW THEREFORE BE IT RESOLVED, the Board authorizes Southern Minnesota flood relief in the counties included in DR-1941, and counties that are added to the disaster declaration at a later time, with the following provisions:

I. General

A. These funds shall be used to match or leverage federal funds where feasible, or used when federal funds are not available.

B. State disaster assistance funds provided are intended to serve only as an advance of funds to enable the recipient to begin flood recovery efforts. Soil and Water Conservation Districts (SWCDs), Local Government Units LGUs), and landowners are expected to apply for all available non-State assistance and reimburse the state funds when Federal or other funds become available.

C. Staff are authorized to develop additional program guidelines regarding eligibility, payment rates, project specifications, agreement processing and record keeping based on input from local governments and others to achieve consistency and accountability.

D. The Executive Director may establish or adjust project costs for administration, technical assistance and engineering that may be used for implementation by local government units based on the project type and other sources of funding.

E. Upon request, BWSR staff may extend existing grant agreements with LGUs to December 31, 2013, to allow conservation practice implementation when technical assistance and construction contractors are available, and field conditions are suitable.

II. Specific

A. Relating to the $3.0 M to BWSR for Erosion, Sediment, and Water Quality Control Cost-Share and Waiver of State Cost Share Program Rules.

1. SWCDs or LGUs may cost share with landowners up to 100% of the cost of: (1) the rehabilitation or repair of conservation practices, (2) installing conservation practices to repair flood damaged areas, or (3) new conservation practices that will mitigate future flood damage.
2. SWCDs or LGUs may extend the completion dates of conservation practices for existing cost-share or easement contracts to December 31, 2012 and waive the two-year construction completion date for FY2010 and FY 2011 contracts as provided for in the Cost Share Program Rule to three years to allow conservation practice implementation when technical assistance and construction contractors are available and field conditions are suitable.

3. SWCDs or LGUs may modify the type of conservation practices on the State Cost-Share Program approved practice list to address critical erosion and sedimentation problems resulting from the flooding, subject to BWSR staff approval.
4. State and federal contributions on conservation practices shall not exceed 100% of project costs.
5. SWCDs or LGUs are authorized to reimburse landowners for costs incurred to rehabilitate and repair existing projects and conservation practices that were damaged due to this flood event on or after September 22, 2010 and prior to this resolution being adopted.
6. Up to 20% of project costs may be used for technical and administrative costs.
7. $50,000 will be initially allocated to the following SWCDs: Blue Earth, Cottonwood, Dodge, Faribault, Goodhue, Martin, Olmsted, Steele, Wabasha, Waseca, Watonwan, and Winona .
8. $25,000 will be initially allocated to the following SWCDs: Freeborn, Jackson, Lincoln, Lyon, Mower, Murray, Pipestone, Rice, and Rock .
9. The remaining funds will be allocated by the Executive Director based on needs and priorities from field assessments and information and generated through the Minnesota Recovers Task Force.
10. Is consistent with the BWSR Southern Minnesota Cost Share Flood Relief Policy that is attached to and incorporated as part of this resolution.

AND furthermore, the Board authorizes staff to enter into grant agreements, contracts, or easements, for projects and related work to accomplish the above general and specific provisions.

_____ Date: _____

Paul Brutlag, Acting Chair
Board of Water and Soil Resources

Attachment: **BWSR SOUTHERN MN COST SHARE FLOOD RELIEF POLICY**

H:SMFBR

October 27, 2010

BWSR SOUTHERN MN COST SHARE FLOOD RELIEF POLICY

Pertaining to FEMA, DR-1941: Erosion, Sediment, and Water Quality Cost Share Projects

1. Up to 100% state and federal cost share using existing State Cost Share or new Flood Relief funds for practice repair or new construction on flood related sites.

2. All FY '09, '10, and '11 State Cost Share grant agreements with SWCDs are extended until December 31, 2012.

3. Any new or existing FY '09, '10, or '11 local State Cost Share or previous Flood Relief contracts, may be extended or amended until December 31, 2012 to allow conservation practice implementation when technical assistance is available, field conditions are suitable, and construction contractors are available.

4. For State Cost Share funds, up to 20% of project costs may be used for technical and administrative costs. The actual percentage will be approved by BWSR staff.

5. Federal funding must receive first priority for practice or project costs.

6. At the SWCD Board of Supervisor's or local government board's discretion, landowners may be reimbursed for practice costs incurred after September 23, 2010.

7. The State Cost Share Program approved practice list may be modified as needed and appropriate to respond to flood relief needs, with BWSR staff approval.

8. The NRCS Field Office Technical Guide or other generally acceptable standards and specifications are to be used for practice implementation when possible.

9. As flood relief costs are expected to exceed available funds, the SWCD Board of Supervisors or local government boards will determine project-funding priorities.

10. Funding Pursuit Sequence.
    A. LGUs must pursue FEMA, SBA, and insurance funds. State funds provided to assist with FEMA Public Assistance Program-eligible projects are intended to serve only as an advance of funds to enable the entity involved to begin the recovery project.
    B. State funds should be used when possible for federal funding match requirements including, but not limited to the following programs:
        1. Emergency Watershed Program (NRCS)
        2. Emergency Conservation Program (FSA)
        3. Environmental Quality Incentives Program (NRCS)
        4. Wetland Reserve Program (NRCS)
        5. Conservation Reserve Program (FSA)
    C. State Cost Share and other state or local funds.

Board Resolution # 10-99

2010 SOUTHERN MINNESOTA FLOOD RELIEF

WHEREAS, a Presidential Major Disaster was declared (FEMA, DR-1941) on October 13, 2010, for Blue Earth, Cottonwood, Dodge, Faribault, Freeborn, Goodhue, Jackson, Lincoln, Lyon, Martin, Mower, Murray, Olmsted, Pipestone, Rice, Rock, Steele, Wabasha, Waseca, Watonwan, and Winona Counties, due to damage resulting from severe storms that began on September 22 , 2010; and,

WHEREAS, on October 19, 2010, the counties of Brown, Carver, Le Sueur, Nicollet, Nobles, Redwood, Sibley, and Yellow Medicine, were added to DR – 1941; and,

WHEREAS, the Minnesota Legislature in their October 18, 2010 Special Session in H.F. 1, appropriated cost share and easement funding, and invoked M.S. 12A.05 which authorizes waivers of State Cost Share and Re-Invest in Minnesota (RIM) Rules for both existing and future contracts; and

WHEREAS, the Minnesota Department of Agriculture may make funding available for low interest loans through the Agricultural Best Management Practices Loan program to link or coordinate with BWSR cost-share contracts for feedlot, subsurface sewage treatment system rehabilitation or repairs, private well sealing, or other eligible projects or practices.

NOW THEREFORE BE IT RESOLVED, the Board authorizes Southern Minnesota flood relief in the counties included in DR-1941, and counties that are added to the disaster declaration at a later time, with the following provisions:

I. General

A. These funds shall be used to match or leverage federal funds where feasible, or used when federal funds are not available.

B. State disaster assistance funds provided are intended to serve only as an advance of funds to enable the recipient to begin flood recovery efforts. Soil and Water Conservation Districts (SWCDs), Local Government Units LGUs), and landowners are expected to apply for all available non-State assistance and reimburse the state funds when Federal or other funds become available.

C. Staff are authorized to develop additional program guidelines regarding eligibility, payment rates, project specifications, agreement processing and record keeping based on input from local governments and others to achieve consistency and accountability.

D. The Executive Director may establish or adjust project costs for administration, technical assistance and engineering that may be used for implementation by local government units based on the project type and other sources of funding.

E. Upon request, BWSR staff may extend existing grant agreements with LGUs to December 31, 2013, to allow conservation practice implementation when technical assistance and construction contractors are available, and field conditions are suitable.

II. Specific

A. Relating to the $3.0 M to BWSR for Erosion, Sediment, and Water Quality Control Cost-Share and Waiver of State Cost Share Program Rules.

1. SWCDs or LGUs may cost share with landowners up to 100% of the cost of: (1) the rehabilitation or repair of conservation practices, (2) installing conservation practices to repair flood damaged areas, or (3) new conservation practices that will mitigate future flood damage.
2. SWCDs or LGUs may extend the completion dates of conservation practices for existing cost-share or easement contracts to December 31, 2012 and waive the two-year construction

completion date for FY2010 and FY 2011 contracts as provided for in the Cost Share Program Rule to three years to allow conservation practice implementation when technical assistance and construction contractors are available and field conditions are suitable.

3. SWCDs or LGUs may modify the type of conservation practices on the State Cost-Share Program approved practice list to address critical erosion and sedimentation problems resulting from the flooding, subject to BWSR staff approval.
4. State and federal contributions on conservation practices shall not exceed 100% of project costs.
5. SWCDs or LGUs are authorized to reimburse landowners for costs incurred to rehabilitate and repair existing projects and conservation practices that were damaged due to this flood event on or after September 22, 2010 and prior to this resolution being adopted.
6. Up to 20% of project costs may be used for technical and administrative costs.
7. $50,000 will be initially allocated to the following SWCDs: Blue Earth, Cottonwood, Dodge, Faribault, Goodhue, Martin, Nobles, Olmsted, Steele, Wabasha, Waseca, Watonwan, and Winona.
8. $25,000 will be initially allocated to the following SWCDs: Freeborn, Jackson, LeSueur, Mower, Murray, Pipestone, Rice, and Rock.
9. The remaining funds will be allocated by the Executive Director based on needs and priorities from field assessments and information and generated through the Minnesota Recovers Task Force.
10. Is consistent with the BWSR Southern Minnesota Cost Share Flood Relief Policy that is attached to and incorporated as part of this resolution.

AND furthermore, the Board authorizes staff to enter into grant agreements, contracts, or easements, for projects and related work to accomplish the above general and specific provisions.

Paul Brutlag, Acting Chair
Board of Water and Soil Resources

Date: 10-27-2010

Attachment: **BWSR SOUTHERN MN COST SHARE FLOOD RELIEF POLICY**

H:SMFBR

October 27, 2010

BWSR SOUTHERN MN COST SHARE FLOOD RELIEF POLICY

Pertaining to FEMA, DR-1941: Erosion, Sediment, and Water Quality Cost Share Projects

1. Projects are eligible for up to 100% state and federal cost share using existing State Cost Share or 2010 Flood Relief funds for repair or new construction on flood impacted sites.

2. All FY '09, '10, and '11 State Cost Share grant agreements with SWCDs are extended until December 31, 2012.

3. Any new or existing FY '09, '10, or '11 local State Cost Share or previous Flood Relief contracts, may be extended or amended until December 31, 2012 to allow conservation practice implementation when technical assistance is available, field conditions are suitable, and construction contractors are available.

4. For State Cost Share funds, up to 20% of project costs may be used for technical and administrative costs. The actual percentage will be approved by BWSR staff based on the amount and availability of non-state funds for the same purpose and the complexity of the authorized project.

5. Federal funding must receive first priority for practice or project costs.

6. At the discretion of the SWCD Board of Supervisor's or local unit of government's governing body, landowners may be reimbursed for practice costs incurred after September 23, 2010.

   The District or local unit of government should make a technical assessment with the available information; make a decision on what damage was a result of the September 2010 storm event, whether applicable standards and specifications were used, and whether the evidence for bills submitted is accurate and reasonable.

   For repair needs that have not been started, the District or local unit of government should conduct a site assessment, document repair needs and estimated costs. Upon completion of the repair, a site visit shall be conducted to document the satisfactory completion of the repair.

7. The State Cost Share Program approved practice list may be modified as needed and appropriate to respond to flood relief needs, with BWSR staff approval.

   The NRCS Field Office Technical Guide (FOTG) or other generally accepted standards and specifications are to be used for practice implementation when possible. EWP, ECP and EQIP program policies and standards must be followed when state funds are used to match these federal funds. Atypical practices and other flood damaged practices not originally installed with cost-share funds may be repaired to pre-flood conditions (or better, with associated landowner share) at the discretion of the District Board or local unit of government's governing body.

8. As flood relief costs are expected to exceed available funds, the SWCD Board of Supervisors or local unit of government's governing body will determine project-funding priorities.

9. Funding Pursuit Sequence.
   A. LGUs must pursue FEMA, SBA, and insurance funds. State funds provided to assist with FEMA Public Assistance Program-eligible projects are intended to serve only as an advance of funds to enable the entity involved to begin the recovery project.
   B. State funds should be used when possible for federal funding match requirements including, but not limited to the following programs:
      1. Emergency Watershed Program (NRCS)
      2. Emergency Conservation Program (FSA)
      3. Environmental Quality Incentives Program (NRCS)
      4. Wetland Reserve Program (NRCS)
      5. Conservation Reserve Program (FSA)
   C. State Cost Share and other state or local funds.

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    1. Emergency Watershed Program (NRCS)
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    4. Wetland Reserve Program (NRCS)
    5. Conservation Reserve Program (FSA)

C. State Cost Share and other state or local funds.

Board Resolution #_____

2010 SOUTHERN MINNESOTA FLOOD RELIEF

WHEREAS, a Presidential Major Disaster was declared (FEMA, DR-1941) on October 13, 2010, for Blue Earth, Cottonwood, Dodge, Faribault, Freeborn, Goodhue, Jackson, Lincoln, Lyon, Martin, Mower, Murray, Olmsted, Pipestone, Rice, Rock, Steele, Wabasha, Waseca, Watonwan, and Winona Counties, due to damage resulting from severe storms that began on September 22 , 2010; and,

WHEREAS, on October 19, 2010, the counties of Brown, Carver, Le Sueur, Nicollet, Nobles, Redwood, Sibley, and Yellow Medicine, were added to DR – 1941; and,

WHEREAS, the Minnesota Legislature in their October 18, 2010 Special Session in H.F. 1, appropriated cost share and easement funding, and invoked M.S. 12A.05 which authorizes waivers of State Cost Share and Re-Invest in Minnesota (RIM) Rules for both existing and future contracts; and

WHEREAS, the Minnesota Department of Agriculture may make funding available for low interest loans through the Agricultural Best Management Practices Loan program to link or coordinate with BWSR cost-share contracts for feedlot, subsurface sewage treatment system rehabilitation or repairs, private well sealing, or other eligible projects or practices.

NOW THEREFORE BE IT RESOLVED, the Board authorizes Southern Minnesota flood relief in the counties included in DR-1941, and counties that are added to the disaster declaration at a later time, with the following provisions:

I. General

A. These funds shall be used to match or leverage federal funds where feasible, or used when federal funds are not available.

B. State disaster assistance funds provided are intended to serve only as an advance of funds to enable the recipient to begin flood recovery efforts. Soil and Water Conservation Districts (SWCDs), Local Government Units LGUs), and landowners are expected to apply for all available non-State assistance and reimburse the state funds when Federal or other funds become available.

C. Staff are authorized to develop additional program guidelines regarding eligibility, payment rates, project specifications, agreement processing and record keeping based on input from local governments and others to achieve consistency and accountability.

D. The Executive Director may establish or adjust project costs for administration, technical assistance and engineering that may be used for implementation by local government units based on the project type and other sources of funding.

E. Upon request, BWSR staff may extend existing grant agreements with LGUs to December 31, 2013, to allow conservation practice implementation when technical assistance and construction contractors are available, and field conditions are suitable.

II. Specific

A. Relating to the $3.0 M to BWSR for Erosion, Sediment, and Water Quality Control Cost-Share and Waiver of State Cost Share Program Rules.

1. SWCDs or LGUs may cost share with landowners up to 100% of the cost of: (1) the rehabilitation or repair of conservation practices, (2) installing conservation practices to repair flood damaged areas, or (3) new conservation practices that will mitigate future flood damage.
2. SWCDs or LGUs may extend the completion dates of conservation practices for existing cost-share or easement contracts to December 31, 2012 and waive the two-year construction

completion date for FY2010 and FY 2011 contracts as provided for in the Cost Share Program Rule to three years to allow conservation practice implementation when technical assistance and construction contractors are available and field conditions are suitable.

3. SWCDs or LGUs may modify the type of conservation practices on the State Cost-Share Program approved practice list to address critical erosion and sedimentation problems resulting from the flooding, subject to BWSR staff approval.
4. State and federal contributions on conservation practices shall not exceed 100% of project costs.
5. SWCDs or LGUs are authorized to reimburse landowners for costs incurred to rehabilitate and repair existing projects and conservation practices that were damaged due to this flood event on or after September 22, 2010 and prior to this resolution being adopted.
6. Up to 20% of project costs may be used for technical and administrative costs.
7. $50,000 will be initially allocated to the following SWCDs: Blue Earth, Cottonwood, Dodge, Faribault, Goodhue, Martin, Nobles, Olmsted, Steele, Wabasha, Waseca, Watonwan, and Winona.
8. $25,000 will be initially allocated to the following SWCDs: Freeborn, Jackson, LeSueur, Mower, Murray, Pipestone, Rice, and Rock.
9. The remaining funds will be allocated by the Executive Director based on needs and priorities from field assessments and information and generated through the Minnesota Recovers Task Force.
10. Is consistent with the BWSR Southern Minnesota Cost Share Flood Relief Policy that is attached to and incorporated as part of this resolution.

AND furthermore, the Board authorizes staff to enter into grant agreements, contracts, or easements, for projects and related work to accomplish the above general and specific provisions.

_____ Date: _____

Paul Brutlag, Acting Chair
Board of Water and Soil Resources

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10. Funding Priority Sequence.
    A. LGUs must first pursue FEMA, SBA, and insurance funds. State funds provided to assist with FEMA Public Assistance Program-eligible projects are intended to serve only as an advance of funds to enable the entity involved to begin the recovery project.
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Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **SSTS Imminent Health Threat Abatement & Feedlot Water Quality Continuous Sign-up Grant Programs**

Meeting Date: October 27, 2010

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

Item Type: ☐ Decision ☐ Discussion ☒ Information

Section/Region:

Contact: Dave Weirens

Prepared by: Dave Weirens

Reviewed by: Committee(s)

Presented by: Dave Weirens

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

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

Fiscal/Policy Impact

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

ACTION REQUESTED

None. Information.

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

On June 23, 2010 the Board adopted resolution #10-62 which authorized staff to conduct two separate sign-ups by eligible grantees for grants in the categories of: SSTS Imminent Health Threat Abatement and Feedlot Water Quality. This authorization granted authority for staff to award these grants and then to inform the Board at a subsequent meeting of the awarding of these grants.

A total of 67 application were received for the SSTS Imminent Health Threat Abatement Grants requesting $2,059,529 to correct 245 imminent health threat SSTSs. Total available funds were $974,223. 54 applications were funded in total, one was partially funded, and two were determined to be ineligible. Another 10 applications were not funded due to inadequate funds. Only a single round of sign-ups were held due to the response in the first round.

A total of 20 applications were received for Feedlot Water Quality Grants requesting $3,621,212 to correct 48 feedlots with pollution problems that are either riparian or in a TMDL area. Total available funds were $3,191,650. 18 applications were funded.

The attached spreadsheets contain detail on the applications and funding awards made for these two programs.

FY2011 SSTS Imminent Health Threat Abatement Continuous Sign-up Grants, October 2010

Total Funds Available: $974,223

Total Funds Requested: $2,269,609

Application ID	Applicant	LGU Type	Number of Projects	Subtotal SSTS Installation Costs	Percent Admin.	Subtotal Grant Admin.	Total BWSR Grant Request	Status	Comments
SS11-01	Pipestone SWCD	SWCD	9	$45,000.00	5	$2,368.42	$47,368.42	Approved	
SS11-02	Martin County Planning & Zoning	County	33	$221,000.00	1	$2,210.00	$223,210.00	Approved	Originally requested $433,290, which has been reduced to reflect what the applicant could use within the grant agreement period.
SS11-03	City of Biscay	City	18	$540,000.00	1	$5,455.00	$545,455.00	Ineligible	This project is not eligible. The cost estimate is unclear as is the number of systems that are imminent health threats. systems.
SS11-04	Chippewa County Land & Resource Management	County	1	$7,795.00	0	$0.00	$7,795.00	Approved	
SS11-05	Stearns County Environmental Services	County	1	$2,475.00	0	$0.00	$2,475.00	Approved	
SS11-06	Stearns County Environmental Services	County	1	$7,600.00	0	$0.00	$7,600.00	Ineligible	Loan funds are already available for this project.
SS11-07	Stearns County Environmental Services	County	1	$8,079.00	0	$0.00	$8,079.00	Approved	
SS11-08	Stearns County Environmental Services	County	1	$8,250.00	0	$0.00	$8,250.00	Approved	
SS11-09	Stearns County Environmental Services	County	1	$10,175.00	0	$0.00	$10,175.00	Approved	
SS11-10	Stearns County Environmental Services	County	1	$8,179.00	0	$0.00	$8,179.00	Approved	
SS11-11	Stearns County Environmental Services	County	1	$7,331.00	0	$0.00	$7,331.00	Approved	
SS11-12	Stearns County Environmental Services	County	1	$8,850.00	0	$0.00	$8,850.00	Approved	
SS11-13	Stearns County Environmental Services	County	1	$11,600.00	0	$0.00	$11,600.00	Approved	
SS11-14	Stearns County Environmental Services	County	1	$12,900.00	0	$0.00	$12,900.00	Approved	
SS11-15	Stearns County Environmental Services	County	1	$9,200.00	0	$0.00	$9,200.00	Approved	
SS11-16	Stearns County Environmental Services	County	1	$8,550.00	0	$0.00	$8,550.00	Approved	
SS11-17	Stearns County Environmental Services	County	1	$7,406.00	0	$0.00	$7,406.00	Approved	
SS11-18	Scott County	County	2	$25,590.00	5	$1,346.84	$26,936.84	Approved	
SS11-19	Stearns County Environmental Services	County	1	$12,910.00	0	$0.00	$12,910.00	Approved	

SS11-20	Stearns County Environmental Services	County	1	$8,535.00	0	$0.00	$8,535.00	Approved
SS11-21	Big Stone County Environmental Services	County	3	$30,000.00	3	$927.84	$30,927.84	Approved
SS11-22	Stearns County Environmental Services	County	1	$8,692.00	0	$0.00	$8,692.00	Approved
SS11-23	Stearns County Environmental Services	County	1	$11,341.00	0	$0.00	$11,341.00	Approved
SS11-24	Stearns County Environmental Services	County	1	$6,937.00	0	$0.00	$6,937.00	Approved
SS11-25	Stearns County Environmental Services	County	1	$6,799.00	0	$0.00	$6,799.00	Approved
SS11-26	Stearns County Environmental Services	County	1	$8,050.00	0	$0.00	$8,050.00	Approved
SS11-27	Stearns County Environmental Services	County	1	$8,200.00	0	$0.00	$8,200.00	Approved
SS11-28	Stearns County Environmental Services	County	1	$8,200.00	0	$0.00	$8,200.00	Approved
SS11-29	Stearns County Environmental Services	County	1	$11,275.00	0	$0.00	$11,275.00	Approved
SS11-30	Stearns County Environmental Services	County	1	$16,892.00	0	$0.00	$16,892.00	Approved
SS11-31	Lincoln Co. Environmental Office	County	5	$20,000.00	5	$1,052.63	$21,052.63	Approved
SS11-32	Stearns County Environmental Services	County	1	$14,052.00	0	$0.00	$14,052.00	Approved
SS11-33	Rice County	County	5	$18,000.00	5	$947.37	$18,947.37	Approved
SS11-34	Stearns County Environmental Services	County	1	$7,406.00	0	$0.00	$7,406.00	Approved
SS11-35	Stearns County Environmental Services	County	1	$8,200.00	0	$0.00	$8,200.00	Approved
SS11-36	Stearns County Environmental Services	County	1	$10,000.00	0	$0.00	$10,000.00	Approved
SS11-37	Stearns County Environmental Services	County	1	$8,280.00	0	$0.00	$8,280.00	Approved
SS11-38	Stearns County Environmental Services	County	1	$11,000.00	0	$0.00	$11,000.00	Approved
SS11-39	Stearns County Environmental Services	County	1	$2,525.00	0	$0.00	$2,525.00	Approved
SS11-40	Dodge County Environmental Services	County	7	$43,237.00	5	$2,275.63	$45,512.63	Approved
SS11-41	Stearns County Environmental Services	County	1	$6,450.00	0	$0.00	$6,450.00	Approved

SS11-42	Stearns County Environmental Services	County	1	$12,050.00	0	$0.00	$12,050.00	**Approved**	
SS11-43	Pennington County	County	2	$15,000.00	5	$789.47	$15,789.47	**Approved**	

SS11-44	Stearns County Environmental Services	County	1	$4,400.00	0	$0.00	$4,400.00	Approved	
SS11-45	Stearns County Environmental Services	County	1	$9,568.00	0	$0.00	$9,568.00	Approved	
SS11-46	Stearns County Environmental Services	County	1	$8,353.00	0	$0.00	$8,353.00	Approved	
SS11-47	Mille Lacs County - Land Services Department	County	5	$47,000.00	2	$959.18	$47,959.18	Approved	
SS11-48	Stearns County Environmental Services	County	1	$10,175.00	0	$0.00	$10,175.00	Approved	
SS11-49	Stearns County Environmental Services	County	1	$7,000.00	0	$0.00	$7,000.00	Approved	
SS11-50	Stearns County Environmental Services	County	1	$8,200.00	0	$0.00	$8,200.00	Approved	
SS11-51	Meeker County	County	10	$54,344.00	2	$1,109.06	$55,453.06	Approved	
SS11-52	Stearns County Environmental Services	County	1	$12,278.00	0	$0.00	$12,278.00	Approved	
SS11-53	Beltrami County Environmental Services	County and SWCD	1	$6,400.00	0	$0.00	$6,400.00	Approved	
SS11-54	Stearns County Environmental Services	County	1	$10,000.00	0	$0.00	$10,000.00	Approved	
SS11-55	Stearns County Environmental Services	County	1	$7,112.00	0	$0.00	$7,112.00	Approved	
SS11-56	McLeod County Environmental Services	County	8	$46,000.00	0	$0.00	$46,000.00	Approved	
SS11-57	Stearns County Environmental Services	County	1	$10,000.00	0	$0.00	$10,000.00	Approved	
SS11-58	Stearns County Environmental Services	County	1	$10,000.00	0	$0.00	$10,000.00	On Hold	Funding depleted
SS11-59	Stearns County Environmental Services	County	1	$12,360.00	0	$0.00	$12,360.00	On Hold	Funding depleted
SS11-60	Stearns County Environmental Services	County	1	$9,500.00	0	$0.00	$9,500.00	On Hold	Funding depleted
SS11-61	Chisago County Environmental Services/Zoning	LGU	9	$45,000.00	5	$2,368.00	$47,368.00	On Hold	Funding depleted
SS11-62	Lake County	County	6	$84,000.00	0	$0.00	$84,000.00	On Hold	Funding depleted
SS11-63	Lake of the Woods County Land & Water Planning Office	County	15	$107,500.00	5	$5,657.89	$113,157.89	On Hold	Funding depleted
SS11-64	Stearns County Environmental Services	County	1	$10,550.00	0	$0.00	$10,550.00	On Hold	Funding depleted
SS11-65	Scott County	County	1	$12,500.00	5	$657.89	$13,157.89	On Hold	Funding depleted
SS11-66	City of Jackson	City	43	$191,250.00	2	$3,903.00	$195,153.00	On Hold	May not be eligible
SS11-67	Tofte-Schroeder Sanitary Sewer District	County	15	$40,000.00	0	$0.00	$40,000.00	On Hold	Funding depleted
							$2,059,529.22		
								Total for Funds Depleted	$535,246.78

FY 2011 Feedlot Water Quality Continuous Sign-up Grants, October 2010

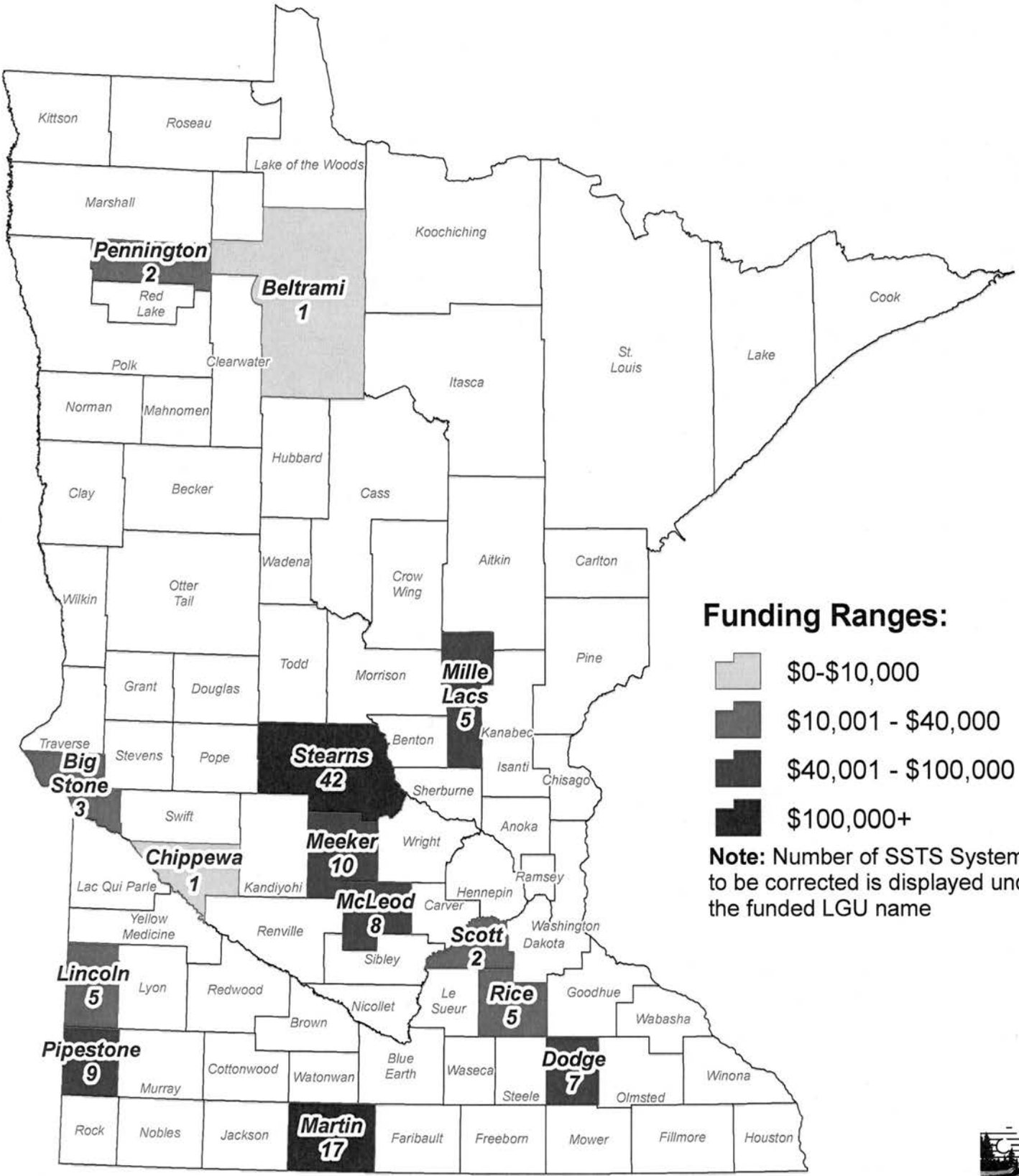
Total Project Costs = $6,528,660.51
Total BWSR Grant Request = $3,621,211.65

Application ID	Applicant	LGU Type	Number of Projects	Total Request (Not Including Admin)	MDA AgBMP Loan Request	Local Match	Leveraged Grant Funds	Total Project Costs	Total Match	Percent Admin	Subtotal Grant Admin	Total BWSR Grant Request
FL11-01	Wadena SWCD	SWCD	1	$27,145.00	$0.00	$9,120.00	$0.00	$36,265.00	$9,120.00	5	$1,428.68	$28,573.68
FL11-02	Anoka Conservation District	SWCD	2	$37,949.00	$19,275.00	$0.00	$29,478.00	$86,702.00	$19,275.00	5	$1,997.00	$39,946.00
FL11-03	Pipestone SWCD	SWCD	1	$201,005.00	$0.00	$59,119.00	$0.00	$260,124.00	$59,119.00	5	$10,579.21	$211,584.21
FL11-04	Goodhue County	SWCD	1	$136,382.00	$0.00	$42,127.00	$0.00	$178,510.00	$42,127.5*	5	$7,178.03	$143,560.53
FL11-05	Winona SWCD	SWCD	14	$681,650.00	$314,209.00	$13,149.00	$144,619.00	$1,153,627.00	$327,358*	5	$35,876.00	$717,527.00
FL11-06	Lyon SWCD	SWCD	1	$162,000.00	$100,000.00	$43,000.00	$0.00	$305,000.00	$143,000.00	5	$8,526.32	$170,526.32
FL11-07	Wright SWCD	SWCD	2	$44,000.00	$0.00	$11,550.00	$71,933.00	$127,483.00	$11,550.00	5	$2,315.79	$46,315.79
FL11-08	Brown County Planning and Zoning	County	1	$22,500.00	$0.00	$7,500.00	$0.00	$30,000.00	$7,500.00	0	$0.00	$22,500.00
FL11-09	Wabasha County Environmental Services	County	3	$192,500.00	$0.00	$148,000.00	$45,000.00	$385,500.00	$148,000*	2	$3,928.57	$196,428.57
FL11-10	Root River SWCD	SWCD	2	$92,971.00	$0.00	$27,744.00	$0.00	$120,715.00	$27,744*	5	$4,893.23	$97,864.53
FL11-11	Fillmore SWCD	SWCD	7	$590,750.00	$356,000.00	$172,859.00	$497,149.00	$1,616,758.00	$528,859*	5	$29,537.50	$620,287.50
FL11-12	Wabasha County Environmental Services	County	1	$38,900.00	$0.00	$17,000.00	$15,000.00	$70,900.00	$17,000*	2	$793.88	$39,693.88
FL11-13	Pipestone SWCD	SWCD	1	$10,149.00	$0.00	$23,073.00	$76,120.00	$109,342.00	$23,073.00	0	$0.00	$10,149.00
FL11-14	Brown County	County	2	$56,525.00	$43,025.00	$40,525.00	$62,550.00	$202,625.00	$83,550.00	0	$0.00	$56,525.00
FL11-15	Nobles SWCD	SWCD	1	$165,262.00	$48,607.00	$48,607.00	$0.00	$262,476.00	$97,214.00	5	$8,698.04	$173,960.74
FL11-16	Winona SWCD	SWCD	2	$335,335.26	$102,157.25	$0.00	$0.00	$437,492.51	$102,157*	5	$17,649.00	$352,984.00
FL11-17	Fillmore SWCD	SWCD	1	$501,000.00	$100,000.00	$314,000.00	$0.00	$915,000.00	$414,000.00	0	$0.00	$501,000.00
FL11-18	Pope SWCD	SWCD	1	$59,880.00	$0.00	$15,758.00	$0.00	$75,638.00	$15,758.00	5	$3,151.58	$63,031.58
FL11-19	Olmsted SWCD	SWCD	4	$122,315.00	$0.00	$32,188.00	$0.00	$154,503.00	$32,188*	5	$6,437.67	$128,753.32
FL11-20	SE MN Technical JPB	JPB	0	$183,000.00	$0.00				* Match will be drawn from these projects.	0	$0.00	$183,000.00

Funded Apps: 18 # of feedlots: 46 Total BWSR Funding: $3,097,787 Remaining Funds: $93,863

FY2011 SSTS Imminent Health Threat Abatement Continuous Sign-up Grants

October 2010



Funding Ranges:

- $0-$10,000
- $10,001 - $40,000
- $40,001 - $100,000
- $100,000+

Note: Number of SSTS Systems to be corrected is displayed under the funded LGU name

Ineligible Projects: 18 from City of Biscay (McLeod County), 1 from Stearns County.

Projects Not Funded Due to Insufficient Funds: 9 from Chisago County, 15 from Cook County, 6 from Lake County, 15 from Lake of the Woods County, 1 from Scott County, 4 from Stearns County, and 43 from City of Jackson -may also be ineligible

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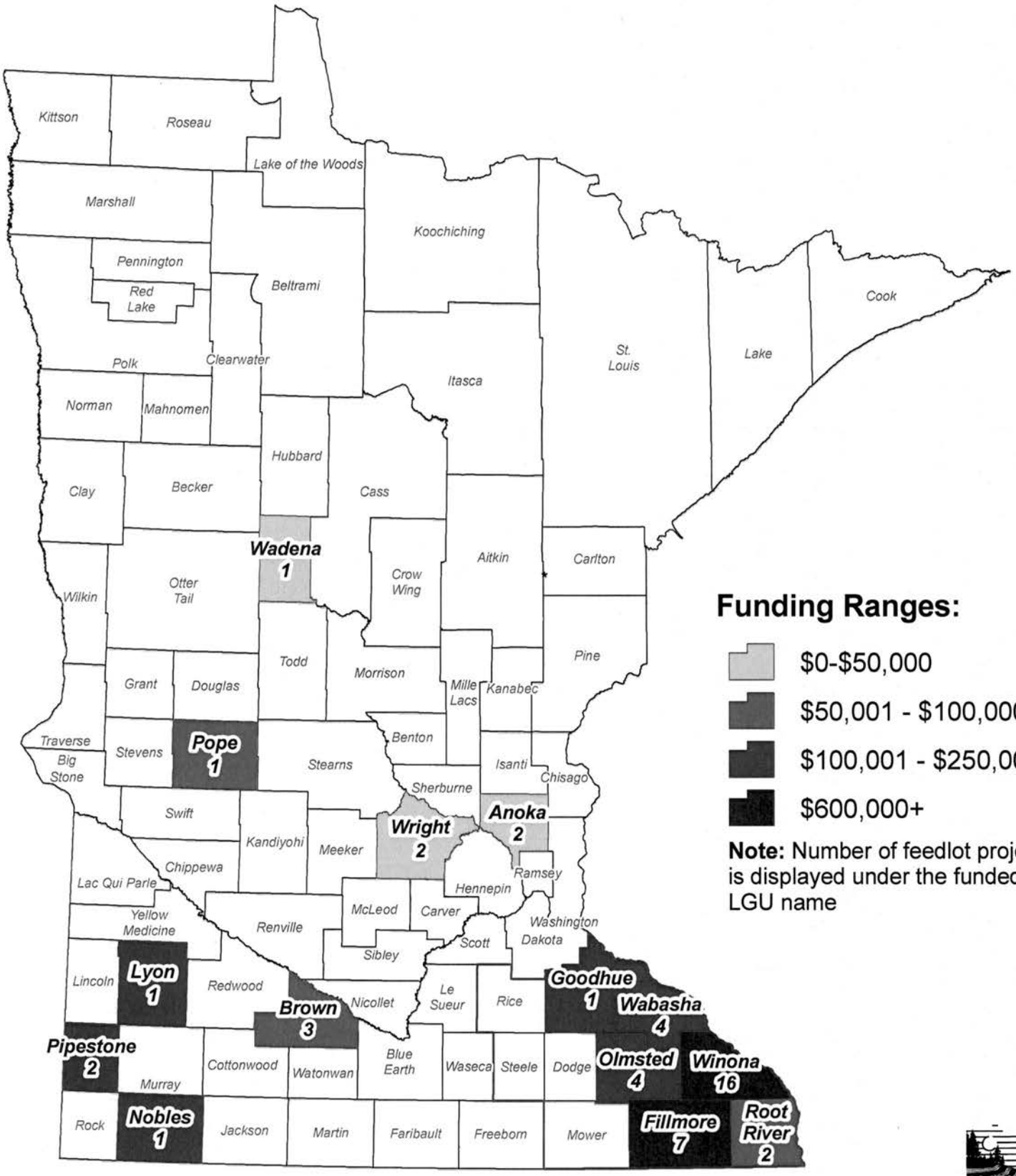
October 2010

FY2011 Feedlot Water Quality Continuous Sign-up Grants

October 2010



Funding Ranges:

- $0-$50,000
- $50,001 - $100,000
- $100,001 - $250,000
- $600,000+

Note: Number of feedlot projects is displayed under the funded LGU name

Note: $183,000 was awarded to the SE Minnesota Technical Services Joint Powers Board for technical assistance and engineering support for projects in the following counties or SWCDs: Fillmore, Goodhue, Olmsted, Root River, Wabasha, and Winona.

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October 2010

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **MnDOT/BWSR Cooperative Wetland Replacement Program**

Meeting Date: October 27, 2010

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

Item Type: ☐ Decision ☐ Discussion ☒ Information

Section/Region: Land and Water Section

Contact: Dave Weirens

Prepared by: Dave Weirens

Reviewed by: _____ Committee(s)

Presented by: Dave Weirens

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED

None.

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

BWSR and the Minnesota Department of Transportation entered into an agreement in August 2005 to cooperatively manage wetland replacement responsibilities for wetland impacts as a result of local and state public road projects. Our two agencies are entering into an agreement to continue this successful partnership for another 5 years. This presentation will provide information on the accomplishments of this cooperative effort and where we plan on going in the next 5 years.

MINNESOTA DEPARTMENT OF AGRICULTURE

MDA 2010 Disaster Assistance

For farmers in counties designated in FEMA Disaster Declaration #1941-DR, Minnesota, October 19, 2010

Direct Farmer Assistance

The Minnesota Farmer Assistance Network (MFAN) will serve as the main contact for MDA regarding natural disaster recovery for farmers. This network, which includes university extension, farm business management, farm advocates, and other groups, can provide technical financial planning assistance, direct support, and referral to behavioral health and legal experts.

1-877-898-6326 (metro area: 651-201-6326)

http://www.mda.state.mn.us/mfan

mfan.mda@state.mn.us

Kevin Plante, Coordinator

MDA Grant Assistance for Agricultural Producers

Farmers and ranchers within designated disaster counties may apply for financial assistance for losses incurred due to weather related events that have not been covered by insurance or other forms of assistance. Types of losses include, but are not limited to, feed and forages damaged, organic recertification, specialty crop losses, damage to buildings and other farm structures, fencing and other infrastructure repairs, added expense incurred to protect present farm operation, and cleanup costs associated with the weather events.

Rural Finance Authority (RFA) Disaster Loan Program

RFA participates with local lenders to provide low interest loans for clean-up and rebuilding after natural disaster. Interest rate for RFA's portion of the loan will be 0%. RFA participation is capped at 45% of the loan with a maximum principle amount of $50,000.

Other areas of assistance

Other RFA Loans

- *Agricultural Improvement Loan* – make capital improvements to farm operation
- *Livestock Expansion Loan*- for making capital improvements to livestock operation
- *Restructure II Loan* – improve cashflow by restructuring current debt

Ag Best Management Practices (AgBMP) loan program

Provide low interest loans for projects addressing water quality issues. Projects can include manure handling facilities and equipment, septic systems, shoreline restoration, and other projects related to protection and quality of Minnesota ground and surface waters.

625 Robert St. N., St. Paul, MN 55155-2538 ☎ 651-201-6000 or 1-800-967-2474 www.mda.state.mn.us

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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
ST. PAUL, MINNESOTA 55155
WEDNESDAY, DECEMBER 15, 2010

BOARD MEMBERS PRESENT:
Gordy Behm, Paul Brutlag, Larry Kramka, DNR; Quentin Fairbanks, Sandy Hooker, Paul Langseth, Tom Loveall, Joe Martin, Keith Mykleseth, Brian Napstad, Rob Sip, MDA; Faye Sleeper, MES; Gene Tiedemann, LuAnn Tolliver, Doug Wetzstein, MPCA; Dan Wilson, MDH

BOARD MEMBERS ABSENT:
Bob Burandt
Christy Jo Fogarty
John Meyer
Louise Smallidge

STAFF PRESENT:
Mary Jo Anderson, Matt Drewitz, Pete Felland, Jon Fure, Travis Germundson, Jim Haertel, Jeff Hrubes, Al Kean, John Jaschke, Ron Shelito, Dave Weirens, Tom Wenzel, Steve Woods

OTHERS PRESENT:
Wayne Edgerton, DNR
Keith Hanson, Clean Water Council
John Beckwith, NRCS

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

PLEDGE OF ALLEGIANCE

Chair Napstad reported that Louise Smallidge is out with pneumonia; Bob Burandt is on vacation; and John Meyer has snowstorm damage clean-up.

** 10-101 **ADOPTION OF AGENDA** – Moved by LuAnn Tolliver, seconded by Quentin Fairbanks, to adopt the agenda as presented. Motion passed on a voice vote.

** 10-102 **MINUTES OF OCTOBER 27, 2010** – Moved by Paul Langseth, seconded by Sandy Hooker, to approve the minutes of October 27, 2010, as circulated. Motion passed on a voice vote.

INTRODUCTION OF NEW BWSR MEMBER – Chair Napstad introduced Joe Martin, newly appointed board member representing citizens. Chair Napstad "welcomed back" Joe Martin, as Joe had previously been a board member representing the Minnesota Department of Agriculture (MDA). Joe Martin provided background information about himself, stating that he departed service with MDA in August, got married, bought a farm, and started his own business. Joe stated that it's good to be back working with BWSR. Chair Napstad welcomed Joe to the Board.

INTRODUCTION OF NEW BWSR EMPLOYEE – Al Kean introduced Pete Felland, newly hired Conservation Engineering Technician. Pete provided brief background information about himself. Chair Napstad welcomed Pete to the Board.

RECOGNITION OF SERVICE – John Jaschke recognized Gordy Behm on his efforts as a Board Member, representing watershed districts. Gordy's term expires in January 2011. Chair Napstad presented Gordy with a plaque and thanked him for his time with the BWSR Board. Gordy's vacancy will be filled through the Governor's appointments process.

John Jaschke recognized Wayne Edgerton, retiring after 31 years of state service. Wayne has represented the Minnesota Department of Natural Resources as an alternate member for many years. Chair Napstad presented Wayne with a plaque and thanked him for his years of state service and time with the BWSR Board.

CONFLICT OF INTEREST DECLARATION – Chair Napstad reported that three agenda items today need the Conflict of Interest Declaration form submitted. The agenda items are: FY2011 Clean Water Fund Competitive Grants; the FY2011 Clean Water Fund (CWF) Shifting Authorization; and the Lake Protection Water Plan Challenge Grant Program. Chair Napstad read the statement:

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

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

REPORTS

Chair's Report – Brian Napstad reported that he attended the Grants Program & Policy Committee meeting on November 17th. Following that meeting Chair Napstad met with John Jaschke and Julie Blackburn, as a primer to his role as chair. Chair Napstad reported that he attended the Environmental Quality Board (EQB) meeting on November 18th. The EQB discussed the greenhouse gases issue; the State Water Plan; and the University of Minnesota's Water Sustainability Report.

Chair Napstad reported that he attended the Association of Minnesota Counties (AMC) annual conference, December 6-8. BWSR was well-represented at the AMC conference; Julie Blackburn gave a thorough report to the Environment and Natural Resources Policy Committee and clearly explained the attachment of BWSR to LGUs. John Jaschke attended the AMC conference dinner and presented conservation awards.

Chair Napstad reported that the Administrative Advisory Committee (AAC) met this morning and discussed: Grant items on the agenda later today; Budget and Clean Water Council recommendations; BWSR Committees; and the audit response update. Chair Napstad reported that BWSR Committee revisions will be made after Governor Dayton makes his board member appointments.

Executive Director's Report – John Jaschke reviewed information in board members' packets. John reported that he attended the Minnesota Association of Townships (MAT) convention in Duluth; the Minnesota Association of Watershed Districts (MAWD) annual convention in Alexandria, the Minnesota Association of Soil and Water Conservation Districts (MASWCD) annual convention in St. Paul; and the Association of Minnesota Counties (AMC) annual conference in St.Cloud. John briefly commented on BWSR's audit response. John reported that due to the Special Legislative Session held in September, BWSR is working with the Minnesota Recovers Task Force regarding the southern Minnesota Flood Disaster Response. A challenge exists regarding a flood damage site in Kellogg and other ones being documented now. A sign-up will be underway soon for projects to enroll flood damaged lands in RIM.

Tom Lovell arrived at the meeting at 9:20 a.m.

Dispute Resolution Committee – Travis Germundson provided a brief update on the 14 pending appeals. Travis reported that there is a new appeal regarding a restoration order in Mille Lacs County. Travis reported that appeal #10-10 regarding an order of managers of the Wild Rice Watershed District has a verbal agreement from the City of Hendrum to withdraw their appeal via the BWSR-led mediation, a positive outcome.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee met last night at the Kelly Inn in St. Paul; unfortunately, there was not a quorum; although a lively discussion took place. LuAnn stated that an additional meeting is needed prior to the January Board meeting. A meeting date will be decided soon.

Grants Program & Policy Committee – John Jaschke reported that the competitive grant allocation agreements will be sent out in January; other grants will be allocated in June. John reported that the Grants Program & Policy Committee has grant recommendations on the agenda later today.

Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth reported that the Public Relations, Outreach & Strategic Planning Committee did not meet.

RIM Reserve Planning Committee – Paul Brutlag reported that the RIM Reserve Planning Committee will review the application phase and process for projects to enroll in RIM for flood damaged lands, and then the application process will start.

Drainage Work Group – Tom Loveall reported that the Drainage Work Group will meet on January 6, 2011.

COMMITTEE RECOMMENDATIONS
Metro Water Planning Committee
Public Hearing on Petition for Redistribution of Managers of the Lower Minnesota River Watershed District – Jim Haertel distributed a revised Order. Jim reported that staff recommends a public hearing be held because the petition does not meet the "noncontroversial" threshold set forth in Minn. Stat. § 103D.105. The Metro Water Planning Committee met on November 17, 2010, the Committee unanimously recommends that a public hearing be held and that the hearing be presided over by the Metro Water Planning Committee.

** 10-103 Moved by LuAnn Tolliver, seconded by Faye Sleeper, to order a public hearing be held on the Petition for redistribution of managers of the Lower Minnesota River Watershed District to be presided over by the Metro Water Planning Committee on Tuesday, January 25, 2011, starting at 7:00 p.m., at the County Board Room, Scott County

Government Center, 400 Fourth Street West, Shakopee, MN, after proper legal notice of the public hearing has been given. Discussion followed. Motion passed on a voice vote.

Southern Water Planning Committee

Fillmore County Local Water Management Plan Amendment – Paul Langseth reported that the Southern Water Planning Committee met on November 4; reviewed the Fillmore County Local Water Management Plan Amendment and recommends approval. Moved by Paul Langseth, seconded by Keith Mykleseth, to approve the amendment of the Fillmore County Local Water Management Plan, January 1, 2011 – December 31, 2015. Fillmore County will be required to provide for a complete update of its Water Management Plan prior to December 31, 2015. Motion passed on a voice vote.

** 10-104

Le Sueur County Local Water Management Plan Amendment – Paul Langseth reported that the Southern Water Planning Committee reviewed the Le Sueur County Local Water Management Plan Amendment and recommends approval. Moved by Paul Langseth, seconded by Larry Kramka, to approve the amendment of the Le Sueur County Local Water Management Plan, January 2011 – December 31, 2015. Le Sueur County will be required to provide for a complete update of its Water Management Plan prior to December 31, 2015. Discussion followed. Motion passed on a voice vote.

** 10-105

Redwood County Local Water Management Plan Amendment - Paul Langseth reported that the Southern Water Planning Committee reviewed the Redwood County Local Water Management Plan Amendment and recommends approval. Moved by Paul Langseth, seconded by Keith Mykleseth, to approve the amendment of the Redwood County Local Water Management Plan, January 2011 – January 2016. Redwood County will be required to provide for a complete update of its Water Management Plan prior to January 1, 2016. Motion passed on a voice vote.

** 10-106

Olmsted County Comprehensive Local Water Management Plan Extension – Paul Langseth reported that the Southern Water Planning Committee reviewed the Olmsted County Comprehensive Local Water Management Plan and recommends approval of the extension. Moved by Paul Langseth, seconded by Sandy Hooker, to approve extension of the Olmsted County Comprehensive Local Water Management Plan until December 31, 2012. Motion passed on a voice vote.

** 10-107

Winona County Comprehensive Local Water Management Plan Extension – Paul Langseth reported that the Southern Water Planning Committee reviewed the Winona County Comprehensive Local Water Management Plan request for a two-year extension, and recommends approval of the extension. Moved by Paul Langseth, seconded by Sandy

**

10-108 Hooker, to approve the extension of the Winona County Comprehensive Local Water Management Plan until December 31, 2012. Motion passed on a voice vote.

Chair Napstad called for a break in the meeting at 9:50 a.m. The meeting reconvened at 10:05 a.m.

Conflict of Interest Declaration forms were submitted to John Jaschke.

NEW BUSINESS

FY2011 Clean Water Fund Competitive Grants – Dave Weirens explained the FY2011 competitive grant review process. Dave stressed the importance of targeting and consistency with the grant process. Dave explained the Clean Water Fund (CWF) Competitive Grants; the Sub-surface Sewage Treatment System (SSTS) Inventory and Program Enhancement Grants; and the Conservation Drainage Grants. Dave reported that the Senior Management Team reviewed the grants and recommends approval. The Grants Program & Policy Committee met on November 17, 2010, reviewed the grants and recommends approval. Dave presented the Board Resolution.

** Moved by Keith Mykleseth, seconded by Quentin Fairbanks, that the Board hereby:
1) Approves allocations to implement the FY2011 Competitive Grant program according to the attached funding recommendation spreadsheets for the following programs and recommended allocation amounts shown below:

Grant Program		Allocated Funds
A.	BWSR Clean Water Fund	
i.	Runoff Reduction Grants	$3,147,800
ii.	Clean Water Assistance Grants	$2,650,000
iii.	Shoreland Improvement Grants	$1,325,417
iv.	Restoration Technical Assistance Grants	$1,318,887
v.	Conservation Drainage Grants	$ 313,500
B.	MPCA SSTS Inventory Grants	$ 422,655
C.	BWSR SSTS Program Enhancement Grants	$ 314,893

2) Authorizes staff to forward a recommendation to the MDA to allocate $883,500 of Agricultural BMP Loan Program to projects and activities proposed through BWSR-led competitive grant making processes, and

3) authorizes staff to:
A. approve project workplans,
B. enter into grant agreements consistent with this resolution and Legislative appropriations, and

C. assign funds, noted in (1) that may become available, to unfunded projects, in rank order, if funded projects are withdrawn, do not receive workplan approval by March 31, 2011, unless extended for cause, or are modified to reduce the state funding needed to accomplish the project.

Discussion followed. Keith Mykleseth commended staff on their work. Larry Kramka stated that item 3C is an outstanding process to get the dollars on the ground.

John Jaschke noted that Paul Langseth will not vote on this item as Paul declared a conflict of interest on this item.

10-109 Motion passed on a voice vote.

FY2011 Clean Water Fund (CWF) Shifting Authorization – Dave Weirens distributed revised information to board members. Dave reported that the Senior Management Team recommends approval of the shifting authorization. The Grants Program & Policy Committee reviewed the funding recommendation on November 17, 2010, and recommends approval. The shifting authorization is an administrative adjustment, with the last project on the list getting less. Dave presented the Resolution:

1) Authorizing shifting of up to $385,994 of BWSR SSTS Inventory and program Enhancement Grant Program funds to eligible applications received under the SSTS Imminent Health threat Abatement Continuous Sign-up Grants according to the spreadsheet and as provided by Laws of Minnesota 2009, Chapter 172, Section 6; and,
2) Authorizes shifting of up to $267,027 in CWF Feedlot Water Quality funds and up to $311,259 of BWSR CWF SSTS Program Enhancement funds to CWF competitive grant applications according to the spreadsheet and as provided by Laws of Minnesota 2009, Chapter 172, Section 6; and,
3) Authorizes staff to:
   A. approve project workplans,
   B. enter into grant agreements consistent with this resolution and Legislative appropriations, and
   C. assign funds, noted in (1) and (2) that may become available, to unfunded projects, in rank order, if funded projects are withdrawn, do not receive workplan approval by March 31, 2011 unless extended for cause, or are modified to reduce the state funding needed to accomplish the project.

** Moved by Faye Sleeper, seconded by Paul Langseth, that the Board hereby approve the resolution as presented. Discussion followed. Paul Langseth, speaks in favor of the motion, stating that the Grants Program & Policy Committee discussed the importance of timeliness. Joe Martin stated that he has concerns regarding shifting feedlot dollars. Dave

Weirens clarified that each eligible feedlot livestock project under the application process received 100% funding.

Gene Tiedemann declared a conflict of interest and abstains from voting on this item.

Joe Martin stated that with $267,000 not being expended, BWSR needs to let the Legislature know that they tie the hands of the agency to allocate feedlot funds to sites as they are identified. Rob Sip concurred.

** Moved by Joe Martin, seconded by Sandy Hooker, to amend the resolution, under 2) as follows:

2) Authorizes shifting ~~of up to $267,027 in CWF Feedlot Water Quality funds and~~ up to $311,259 of BWSR CWF SSTS Program Enhancement funds to CWF competitive grant applications according to the spreadsheet, as amended, and as provided by Laws of Minnesota 2009, Chapter 172, Section 6; and,

Discussion followed. Rob Sip stated, as a point of clarification, that agencies worked on a Feedlot Assessment Report a few years ago. Larry Kramka stated that this money is not lost, it's turned back into projects for this activity. Paul Langseth speaks against the amendment; stating that the Board can still go to the Legislature for future funding, funding clean water projects now that are ready to go is a better option at this point. Tom Loveall speaks against the amendment, we don't want to get caught up in bureaucratic process, the criteria needs to emphasize getting projects on the ground. Joe Martin speaks in favor of the amendment, stating this sends the wrong message when realities don't match up, he sees the shift potentially interpreted in a way that we don't need to put money into feedlot fixes. Larry Kramka speaks in favor of the amendment, stating that politics aside, the money is appropriated and is a small portion of Clean Water Funds, we still have time to think about it, and revisit this in the near future. Keith Mykleseth is strongly in favor of the original resolution, it's important to get projects on the ground.

Chair Napstad clarified the vote on the amendment – a yes vote is to amend the resolution; a no vote is to leave the resolution as presented. Chair Napstad called for the vote. The motion to amend the resolution failed. Discussion followed.

Rob Sip asked about tabling this for a month to get more information. Paul Brutlag asked about delaying the grants. John Jaschke stated that a delay for all the funding would be a setback for project sponsors.

10-110 Chair Napstad called for the vote on the original motion. Motion passed on a voice vote. Dave distributed a geographic map of the Clean Water Funds appropriated over two years, showing results of FY2011 & FY2011 Recommended Funding.

Chair Napstad thanked the Grants Program & Policy Committee, staff, and board members on this difficult decision.

Lake Protection Water Plan Challenge Grant Program – Dave Weirens introduced Jeff Hrubes, Northern Region Clean Water Specialist. Dave distributed a revised packet of information. Jeff Hrubes explained that the Senior Management Team reviewed the Lake Protection Challenge Grant Program proposal and recommends approval. The Grants Program & Policy Committee recommends the Board authorize staff to conduct a challenge grant program for lake protection using returned 2008 Clean Water Legacy funds.

** 10-111 Moved by Quentin Fairbanks, seconded by Gene Tiedemann, that the Board hereby authorizes staff to finalize, distribute and promote request for proposals for the Lake Protection Challenge Grant Program, and award funds consistent with this resolution and application appropriations and statutes. Paul Langseth stated that he approves the resolution and the Grants Program & Policy Committee fully endorses the resolution. Chair Napstad stated that Louise Smallidge concurs with this resolution. Motion passed on a voice vote.

Clean Water Council FY12-13 Budget Recommendations – Keith Hanson, Chair, Clean Water Council (CWC) Budget and Outcomes Committee, distributed the Biennial Report of the Clean Water Council. Mr. Hanson presented an overview of the CWC FY12-13 budget recommendations, the CWC budget process; CWC FY12-13 focus; intensive watershed monitoring; and funding recommendations to BWSR. Mr. Hanson will provide updated information to Mary Jo Anderson for distribution to the board members. Larry Kramka stated that there has been good collaboration with agencies to work on this. John Jaschke reported that the Legislative branch is working on a consolidated website for people to see the outcomes. Chair Napstad thanked Keith Hanson for his informative presentation. Chair Napstad stated that BWSR's mission is to get conservation on the ground.

Grass Lake Prairie Wetland Restoration: Kandiyohi County Grant Agreement – Tom Wenzel explained that Kandiyohi County continues to assist the state and other project partners with the ongoing implementation of the Grass Lake Prairie Wetland Restoration near Willmar. Board approval is being sought to amend prior BWSR Resolution #07-96 that limits grant funds to the county for this project to ten percent of the 2006 capital budget appropriation. It is proposed to waive the ten percent limitation and allow any remaining unencumbered funds from the appropriation to be granted to the county for limited use on approved project implementation activities including, but not limited to project coordination, contracts for project services, acquisition, and specific project implementation activities.

** Tom presented the resolution. Moved by Keith Mykleseth, seconded by Paul Langseth, to

10-112 approve the resolution as presented. The Board hereby amends the October 24, 2007, BWSR adopted resolution #07-96 to waive the ten percent limit on funds from the 2006 appropriation that can be granted to Kandiyohi County. Motion passed on a voice vote.

** 10-113 **BWSR Board Meetings in 2011** – Chair Napstad presented the proposed 2011 BWSR Board Meeting schedule. Moved by LuAnn Tolliver, seconded by Dan Wilson, to approve the proposed 2011 BWSR Board meeting schedule. Motion passed on a voice vote.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Rob Sip reported that a feedlot group will be formally organized and will tackle feedlot issues; more to come in the future.

Minnesota Department of Natural Resources (DNR) – Larry Kramka reported that in addition to Wayne Edgerton retiring, 120 DNR employees will retire next week. The DNR is going through an early-retirement phase that means changes in the future.

Minnesota Extension Service (MES) – Faye Sleeper reported that the University of Minnesota will be closed December 24 - January 2. The closure is due to salary savings and utility savings. This includes three furlough days for certain classes of employees, and over 1% pay reduction, heat reduction to 62 degrees. Faye reported that individual counties will decide if County Extension Offices will be closed. Faye stated that not only are state funds reduced, endowment funds are down nationwide.

Minnesota Pollution Control Agency (MPCA) – Doug Wetzstein, Rebecca Flood's alternate, reported that Commissioner Paul Eger's last day with MPCA will be January 3. Commissioner Eger has taken a position with the Minnesota Realtors Association. No word yet on who the new MPCA Commissioner will be.

ADVISORY COMMENTS

Natural Resources Conservation Services (NRCS) – John Beckwith, Assistant State Conservationist, introduced himself. He stated that he enjoys working with BWSR and continuing the strong partnership NRCS has with BWSR.

UPCOMING MEETINGS

- Next BWSR Board Meeting – January 26, 2011 in St. Paul

LuAnn Tolliver announced that the Wetlands Committee will meet January 12, via conference call. The meeting will be held immediately following adjournment of the Northern Water Planning Committee meeting. The Wetlands Committee will start at noon. LuAnn stated that one agency member (DNR, PCA, MDA) needs to be present

on sight at the Wetlands Committee meeting. Rob Sip and Larry Kramka stated that they will attend.

Wayne Edgerton sincerely thanked BWSR for their efforts and work. Chair Napstad wished Wayne well in his retirement and thanked Gordy again for his service on the Board.

LuAnn Tolliver distributed a calendar from the Nine Mile Creek Watershed District (NMCWD). LuAnn explained that the NMCWD held a photo contest and the winning photos make up the calendar.

** 10-114 Moved by Quentin Fairbanks, seconded by Doug Wetzstein, to adjourn the meeting at 12:10 p.m. Motion passed on a voice vote.

Respectfully submitted,

Brian Napstad
Chair

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
ST. PAUL, MINNESOTA 55155
WEDNESDAY, OCTOBER 27, 2010

BOARD MEMBERS PRESENT:
Gordy Behm, Paul Brutlag, Bob Burandt, Larry Kramka, DNR; Quentin Fairbanks, Rebecca Flood, MPCA; Sandy Hooker, Paul Langseth, Tom Loveall, John Meyer, Keith Mykleseth, Brian Napstad, Rob Sip, MDA; Faye Sleeper, MES; Louis Smallidge, Gene Tiedemann, LuAnn Tolliver, Dan Wilson, MDH

BOARD MEMBERS ABSENT:
Christy Jo Fogarty

STAFF PRESENT:
Mary Jo Anderson, Julie Blackburn, Dan Girolamo, Jim Haertel, John Jaschke, Melissa Lewis, Sarma Straumanis, Dave Weirens

OTHERS:
Wayne Edgerton, DNR
Paul Moline, Carver County
LeAnn Buck, MASWCD
Ray Bohn, MAWD

Acting Chair Paul Brutlag called the meeting to order at 9:00 a.m.

PLEDGE OF ALLEGIANCE

Acting Chair Brutlag announced that Governor Pawlenty made appointments to the Board of Water and Soil Resources effective November 1, 2010. Brian Napstad has been appointed as Chair of BWSR, replacing Randy Kramer; and Joe Martin replaces Randy Kramer as a citizen member on the Board to complete a term that expires on January 3, 2011.

** 10-90 **ADOPTION OF AGENDA** – Moved by Louise Smallidge, seconded by Sandy Hooker, to approve the agenda as circulated. Motion passed on a voice vote.

MINUTES OF SEPTEMBER 22, 2010 – Rob Sip reported that a correction is needed on page eight, Minnesota Department of Agriculture; it should read, "Rob commented on a point of interest for a future meeting; the 'MDA Livestock Environmental Quality Assurance Program' as it ties to BWSR's Cost-Share Program". Dan Wilson reported that also on page eight, Minnesota Department of Health, the last sentence should read, "MDH is gathering data from ** 10-91 tribal nations". Moved by LuAnn Tolliver, seconded by Paul Langseth, to approve the minutes of September 22, 2010, as corrected. Motion passed on a voice vote.

CONFLICT OF INTEREST DECLARATION – Acting Chair Brutlag reported that the agenda item today "2010 (FY11) Southern Minnesota Flood Relief" needs a Conflict of Interest Declaration. Acting Chair Brutlag read the statement: *"A conflict of interest whether actual or perceived occurs when someone in a position of trust has competing professional or personal interests and these competing interests make it difficult to fulfill professional duties impartially. As this time, members are requested to identify any potential conflicts of interest they may have regarding today's business."*

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

REPORTS

Acting Chair's Report – Paul Brutlag stated that he has noticed the change without our past Chair Randy Kramer. Paul reported that Randy Kramer fell and broke his shoulder while working on his farm.

Executive Director's Report – John Jaschke reviewed information in board members' packets. John asked Board Members to submit registration information for attendance at the MAWD, MASWCD, and AMC annual meetings to Mary Jo Anderson by Friday. John attended the Special Legislative Session on October 18. John reported that he attended the "BWSR Academy" yesterday, this is currently underway, October 26-28, at

Breezy Point near Brainerd. BWSR staff and LGU staff, about 300 attendees. John attended the U of M Water Resources Conference on October 19.

Dispute Resolution Committee (DRC) – Travis Germundson reported that there are currently 13 appeals; no new appeals have been received since the September 22, 2010 DRC Report. Travis provided an update on the following appeals:

- Appeal #10-13, a restoration order in Benton County: BWSR affirmed the appeal and rescinded the restoration order.
- Appeal #10-10, an order of the managers of the Wild Rice Watershed District: both parties have requested BWSR to facilitate informal mediation prior to beginning an administrative contested case proceeding.
- Appeal #09-10, banking plan application in Aitkin County: appellant requested voluntary remand back to Aitkin County.
- Appeal #08-09, a replacement order in Pine County: The replacement order has been stayed and the appeal has been placed in abeyance pending disposition with the U.S. Department of Justice.

Acting Chair Brutlag thanked Travis for the report.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee will meet on December 14, at 5:30 p.m., at the Kelly Inn in St. Paul.

Grants Program & Policy Committee – Louise Smallidge reported that the Grants Program & Policy Committee will meet on November 17, 9:00 a.m. - noon.

RIM Reserve Planning Committee – Paul Brutlag reported that RIM Reserve Planning Committee met on October 18th; the Southern Minnesota Flood Disaster Response is on the agenda later today.

Drainage Work Group – Tom Loveall reported that the Drainage Work Group (DWG) met on October 14. Tom reported that the DWG discussions included the Smith Partners LCCMR Project, "MN Drainage Law Analysis and Evaluation" -- the report is expected in mid-2011. The DWG discussed drainage issues and priorities, 103D, 103E, and funding sources. The Drainage Work Group will meet again in early January 2011.

Administrative Advisory Committee (AAC) – Acting Chair Brutlag reported that the AAC met this morning and discussed: a letter from the Mayor of Woodbury; Board appointments; Southern Minnesota Flood Relief Cost-Share Funding Resolution and Policy; Technical Amendment for SWCD FY11 Cost-Share Resolution; and budget preparation update. Acting Chair Brutlag stated that some of these items are on the agenda later today.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Delegation of Authority – Bob Burandt reported that the Metro Water Planning Committee met on October 14. Jim Haertel reported that the proposed amendments to WMO watershed management plans in the seven county metropolitan area can follow the minor plan amendment process or the regular plan amendment process. Minor plan amendments do not come before the Board for approval, the regular plan amendments require Board approval. Currently, Minn. Rules part 8410.0140, subp. 2C allows the Board 45 days to make a decision on which amendment process must be followed. The time period allowed cannot always be met in consideration of the Board's meeting schedule. Delegation of authority to the Executive Director is desirable. Jim reported that the Metro Water Planning Committee unanimously recommends approval of the
** delegation of authority. Moved by Keith Mykleseth, seconded by Bob Burandt, that the
10-92 Executive Director is hereby delegated the authority to make decisions on the review process for WMO watershed management plan amendments proposed to be reviewed as minor amendments. Motion passed on a voice vote.

Carver County WMO (CCWMO) Revised Plan – Jim Haertel reported that the Metro Water Planning Committee met on October 14th and unanimously recommends approval of the Carver County WMO Revised Plan. Jim presented highlights of the Plan and explained that the CCWMO encompasses nearly the entire county at 320 square miles. Jim introduced Paul Moline, WMO Administrator. Mr. Moline stated that he's proud of the process and the product the Plan represents. Carver County has an efficient means of delivering water management through collaboration within county government; it works very well, and has been a significant savings in working together in prioritizing projects and
** implementation of the Plan. Moved by Louise Smallidge, seconded by LuAnn Tolliver,
10-93 to approve the Carver County WMO Revised Plan. Bob Burandt abstained from the vote. Motion passed on a voice vote.

Northern Water Planning Committee

Becker County Comprehensive Local Water Management Plan Amendment – Keith Mykleseth reported that the Northern Water Planning Committee met on October 13; reviewed the Becker County Comprehensive Local Water Management Plan amendment
** and recommends approval. Moved by Keith Mykleseth, seconded by Quentin Fairbanks,
10-94 to approve the Becker County Comprehensive Local Water Management Plan Amendment for November 1, 2010 – December 31, 2014. Motion passed on a voice vote.

Lake County Local Water Management Plan Amendment – Brian Napstad reported that the Northern Water Planning Committee met on October 13; reviewed the Lake County Local Water Management Plan Amendment and recommends approval.

** 10-95 Moved by Brian Napstad, seconded by Quentin Fairbanks, to approve the Lake County Local Water Management Plan Amendment in effect until October 26, 2015. Quentin stated that the five-year review of a plan is very important. Motion passed on a voice vote.

RIM Reserve Management Planning Committee

RIM Reserve Southern Minnesota Flood Disaster Response – Paul Langseth reported that the RIM Reserve Management Planning Committee met on October 18, reviewed the proposed Southern Minnesota Flood Disaster Response, and recommends approval. Kevin reported that Governor Pawlenty called a Special Session of the Legislature on October 18th. The Legislature appropriated $3M for cost-share; and $10M bond funds for the RIM Reserve Program to acquire permanent conservation easements on lands damaged by rain/flooding. Kevin Lines distributed an updated map showing the Federal Disaster Declaration, FEMA-1941-DR, reflecting additional counties. Kevin reported that BWSR staff is working closely with NRCS and FSA to leverage additional federal funds. Kevin presented the resolution, which establishes payment rates and authorizes staff to develop procedures and criteria for the 2010 RIM Reserve Special Session Flood Disaster Response, sign-up to begin November 1, 2010 and runs through January 31, 2011. Kevin reported that two public meetings will be held; the first meeting in Windom on November 3;

** 10-96 and a second meeting on November 16 in Rochester. Moved by Paul Langseth, seconded by Tom Loveall, to approve the resolution authorizing staff to implement the 2010 RIM Reserve Special Session Flood Disaster Response. Acting Chair Brutlag stated that John Jaschke attended the Special Legislative Session on October 18 and was not available to attend the RIM Reserve Management Planning Committee meeting. John reported that this resolution represents a targeted approach to deal with conservation easements on land either damaged by the rain/flood event or to help reduce the impacts of future flood damage. Discussion followed. Motion passed on a voice vote.

NEW BUSINESS

FY 2011 SWCD Grant Allocations – Cost Share Allocation, Amend Board Resolution #10-57- Acting Chair Brutlag reported that the Administrative Advisory Committee approved this resolution today. John Jaschke explained that the resolution amends the June 23, 2010 Resolution #10-57 to reflect the use of Cost-Share Program roll-over funds for the FY2011 State Cost-Share Base Grant allocation. Dave Weirens reported that the original appropriation was $1.1M; with $1.04M allocated and a difference of $60,525 unallocated. The Native Buffer Cost-Share roll-over allocation of

** 10-97 $60,525 is proposed for the FY11 State Cost-Share Base Grant Program. Moved by Louise Smallidge, seconded by Paul Langseth, to approve the amendment of Board Resolution #10-57, authorizing $60,525 of Native Buffer Cost-Share roll-over for FY2011 State Cost-Share Base Grants Program. Motion passed on a voice vote.

Minnesota Lake Superior Coastal Program Grant Application Resolution – John Jaschke explained that the Minnesota Lake Superior Coastal Program annually offers federal matching funds from the National Oceanic and Atmospheric Administration (NOAA) for projects that address coastal issues. A requirement of NOAA's grant application process is a resolution by BWSR. Staff is requesting approval of the required resolution to submit an application to obtain funding for State and local government staff to attend fluvial geomorphology training. The training will enhance local technical capacity to implement coastal water quality measures and coordination between State and local government staff in the Lake Superior basin. Moved by Brian Napstad, seconded by Quentin Fairbanks, that staff is authorized and directed to execute and file an application for the Minnesota Lake Superior Coastal Program, providing all information and documentation required to become eligible for possible funding assistance. Motion passed on a voice vote.

** 10-98

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

2010 (FY11) Southern Minnesota Flood Relief – Acting Chair Brutlag reported that the Administrative Advisory Committee made changes to the BWSR Southern Minnesota Cost-Share Flood Relief Policy; and recommends Board approval of the Policy as revised. John Jaschke explained that the federal disaster was declared in 29 counties of south central and southeast Minnesota due to flooding resulting from heavy rains. The Special Legislative Session on October 18 appropriated $10M for RIM and $3M for Cost-Share. John explained that the Policy revisions included adding "or local government unit" to #6, #7, and #8 of the Policy. Dave Weirens provided an overview of the Policy. Discussion. Dave presented the Resolution, "2010 Southern Minnesota Flood Relief". Dave reported that the Grants Program and Policy Committee has reviewed the Resolution and Policy. The revisions to the Policy will be made and distributed to Board Members.

SSTS Imminent Health Threat Abatement and Feedlot Water Quality Continuous Sign-up Grant Programs – Dave Weirens distributed the FY2011 SSTS Imminent Health Threat Abatement Continuous Sign-Up Grants Map. Dave reported that staff conducted continuous sign-ups or applications for SSTS Imminent Health Threat and Feedlot Water Quality Continuous Sign-up Grant Programs from July 1 to August 15, and a second round of sign-ups was held for the Feedlot Water Quality Grants. Based on Board Resolution #10-62 staff funded 54 SSTS applications and 18 feedlot applications. Keith Mykleseth asked how the funds are recommended. Dave stated that the applications are first come, first serve. Brian Napstad stated that there are going to be other governmental units looking at this; BWSR needs to give strong consideration to first come, first serve. Discussion. Acting Chair Brutlag stated that this needs to be reviewed by the Grants Program and Policy Committee, as more discussion is needed. Bob Burandt suggested setting deadlines as sign-up applications come in. Paul Langseth suggested that the allocation process set a

limit for regions to give other areas a chance to get things in as staff capacity is an issue. Discussion followed. John Jaschke stated the need to uniquely evaluate the imminent health threat issue as there are several variables that will be part of future policy discussion. Acting Chair Brutlag stated that this is an important topic to be addressed and appropriately scheduled for policy review by a BWSR committee.

Dave distributed the FY2011 Feedlot Water Quality Continuous Sign-Up Grants Map. This map represents all applications and funding.

John Jaschke distributed the revised version of the "BWSR Southern Minnesota Cost-Share Flood Relief Policy" and a copy of the Board Resolution. John reported that he received 18 signed Conflict of Declaration forms; he reviewed the signed documents, there are no declared conflicts of interest. Moved by Louise Smallidge, seconded by Paul Langseth, to authorize staff to enter into grant agreements, contracts, or easements, for projects and related work to accomplish the general and specific provisions of the Southern Minnesota Flood Relief Resolution and Policy. Discussion followed. Motion passed on a voice vote.

** 10-99

MNDOT-BWSR Wetland Replacement Program – Dave Weirens reported that BWSR and the Minnesota Department of Transportation (MNDOT) entered into an agreement in August 2005 to cooperatively manage wetland replacement responsibilities for wetland impacts as well as local and state public road projects. BWSR and MNDOT are entering into another five-year agreement to continue the successful partnership on the Wetland Replacement Program. Dave introduced Sarma Straumanis, Wetland Banking Specialist, and Dan Giralomo, Wetland Banking Administrator. Dave presented information on the accomplishments of this cooperative effort and where we plan on going in the next five years. John Jaschke stated that the U.S. Army Corps of Engineers (USACoE) adopted a national mitigation rule, and is now looking at a means for endorsement of this program under their new rule. A current two-year grace period allows BWSR to receive credit approval from USACoE. Acting Chair Brutlag thanked Dave for his report.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Rob Sip distributed a fact sheet on MDA 2010 Disaster Assistance.

Minnesota Department of Health (MDH) – Dan Wilson reported that MDH is in the recovery phase on flooded wells. MDH backs up the local responsibility in the recovery process on wells. Dan reported that free well testing is available until problems are cleaned up, which may be a number of months; the workload is manageable. Dan stated that the H1N1 pandemic is done; the recommendation is a flu vaccination.

Minnesota Department of Natural Resources (DNR) – Wayne Edgerton reported that DNR is working with BWSR on the Walk-in Hunting Program for hunter access in Minnesota. Wayne reported that $500,000 was appropriated to Minnesota to start the process in 18 counties. Larry Kramka reported that DNR has funding for flood buyouts, debris removal, technical assistance, and state parks public facility damage. Larry will attend a meeting on Friday to address the flood damage issues.

Minnesota Extension Service (MES) – Faye Sleeper reported on the successful Water Resources Conference. Faye explained that the conference formerly had two components; research and civil engineering. The conference is now combined into one very well attended conference, consulting and local government staff attending, providing a venue from research to implementation.

Minnesota Pollution Control Agency (MPCA) – Rebecca Flood reported that flood response is progressing well in the City of Faribault; the wastewater treatment plants are back on-line. Rebecca reported that stakeholder comments on MS4 general permit for cities, townships, and entities that have stormwater pipes have completed the involvement process, and are now responding on general permit on public notice. Rebecca reported that Doug Wetzstein has been named to replace Glenn Skuta as Rebecca's alternate on BWSR, representing MPCA.

ADVISORY COMMENTS

Minnesota Association of Soil and Water Conservation Districts (MASWCD) – LeAnn Buck invited board members to attend the MASWCD annual meeting December 5-7, at the Crowne Plaza in St. Paul. LeAnn stated that the Roundtable Session with AMC, MASWCD, and MAWD involved looking at policy issues. LeAnn stated that the National Association of Conservation Districts (NACD) is looking at early Farm Bill discussions, and the good infrastructure in Minnesota with SWCDs working on federal programs such as EQIP and WRP.

Minnesota Association of Townships (MAT) – Sandy Hooker invited board members to attend the MAT annual meeting, November 18-20, in Duluth at the DECC.

Minnesota Association of Watershed Districts (MAWD) – Ray Bohn invited board members to attend the MAWD annual meeting, December 2-4 in Alexandria. Ray stated that the local government Water Roundtable Session has been very useful; city involvement would be helpful. Ray stated that MAWD's legislative process is underway.

UPCOMING MEETINGS

- MAWD Annual Meeting, December 2-4, Alexandria
- MASWCD Annual Meeting, December 5-7, St. Paul
- AMC Annual Meeting, December 6-8, St. Cloud
- Next BWSR Board Meeting – December 15, 2010 in St. Paul

** 10-100 Moved by Louise Smallidge, seconded by Gordy Behm, to adjourn the meeting at 11:50 a.m. Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder

Board of Water and Soil Resources
Grants Conflict of Interest Declaration

Meeting: FY2011 Clean Water Fund Competitive Grants **Date: December 15, 2010**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Name:_____

Signature:_____

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

Board of Water and Soil Resources
Grants Conflict of Interest Declaration

Meeting: FY2011 Clean Water Fund Shifting Authorization Date: December 15, 2010

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

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

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Name:_____

Signature:_____

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

Board of Water and Soil Resources
Grants Conflict of Interest Declaration

Meeting: Lake Protection Water Plan Challenge Grant Program **Date: December 15, 2010**

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

Grant Making Meeting Procedure
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  (*continue below or on an attachment if needed*)

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Name:_____

Signature:_____

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

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution Committee Report

Meeting Date: December 15, 2010

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

Item Type: ☐ Decision ☐ Discussion ☒ Information

Section/Region: Land and Water Section

Contact: Travis Germundson

Prepared by: Travis Germundson

Reviewed by: _____ Committee(s)

Presented by: Travis Germundson

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED

None

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

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

Dispute Resolution Report
November 24, 2010,
By: Travis Germundson

There are presently **13** appeals pending. All of the appeals involve WCA except File 10-10. There has been **1** new appeal filed since the last report dated October 27, 2010 (Board Meeting).

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

~~File 10-14 (11-08-10) This is an appeal of a restoration order in St. Louis County. The appeal regards the filling of approximately 49,155 square feet of wetland. The appeal has been denied because the request for appeal was not made within 30 days of receipt of the restoration order.~~

File 10-12 (8-27-10) This is an appeal of a restoration order in St. Louis County. The appeal regards the excavation and filling of approximately 43,394 square feet of wetland and the construction of over 1,000 feet of drainage ditches. The appeal has been placed in abeyance and the restoration order stayed to allow the LGU to respond to the data practices request and for the TEP to convene and develop written findings. *The appellant has recently applied for an after-the-fact wetland application to retain the open water areas on the site.*

File 10-10 (6-10-10) This is an appeal filed under Minn. Stat. 103D.535 regarding an order of the managers of the Wild Rice Watershed District not to go forward with the Upper Becker Dam Enhancement Project as proposed. Appeals filed under 103D.535 require that the Board follow the Administrative Procedures Act. The Act requires that the hearing be conducted by an Administrative Laws Judge through the Office of Administrative Hearings. *The appeal has been placed in abeyance pending settlement discussions.*

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

File 10-3 (2-1-10) This is an appeal of a restoration order in Stearns County. The appeal regards the placement of agricultural drain tile and the straightening and rerouting of a county ditch that resulted in over 12 acres of wetland impacts. The appellant has granted BWSR additional time to make a decision on the appeal. No decision has been made on the appeal.
File 09-22 (10-02-09) This is an appeal of a restoration order in Carlton County. The appeal regards three separate investigation areas encompassing over 18 acres of wetland

impacts from excavation, filling, and ditching. The replacement order has been stayed and the appeal has been placed in abeyance pending further technical work and for submittal of complete wetland replacement plan, exemption, or no-loss application.

File 09-13 (8-20-09) This is an appeal of an exemption decision in Otter Tail County. The appeal regard the denial of an exemption request for agricultural/drainage actives. A previous denial of the same exemption decision had been appealed (File 09-6). The appeal was remanded for further technical evaluation and a hearing, and now the current denial has been appealed. The appeal has been granted. A pre hearing conference convened on November 12, 2009. At which time parties agreed to hold off scheduling written briefs until the petition before NRCS is concluded.

File 09-10 (7-9-09) This is an appeal of a banking plan application in Aitkin County. The appeal regards the LGU's denial of a banking plan application to restore 427.5 acres of wetlands through the use of exceptional natural resource value. The appeal has been accepted and pre-hearing conferences convened on October 13 and 30, and December 14, 2009. Settlement discussions are on hold while the appellant addresses permitting issues with the Corps of Engineers.

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. The three owners are also in the process of splitting up the property.

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 disposition with the U.S. Dept of Justice.

File 08-4. (01/24/08) This is an appeal of no-loss and exemption decisions in Waseca County. In addition to the no-loss decision, at issue are denials of the agricultural exemption, approved development exemption, incidental wetland exemption, and claims of numerous procedural issues that were prejudicial to the applicants. The mandamus action regarding Minn. Stat. § 15.99 (60-day rule) is complete and the temporary injunction lifted. The timeline for the remand has been extended several times and most recently for the duration of the September 9, 2010 Monitoring 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.

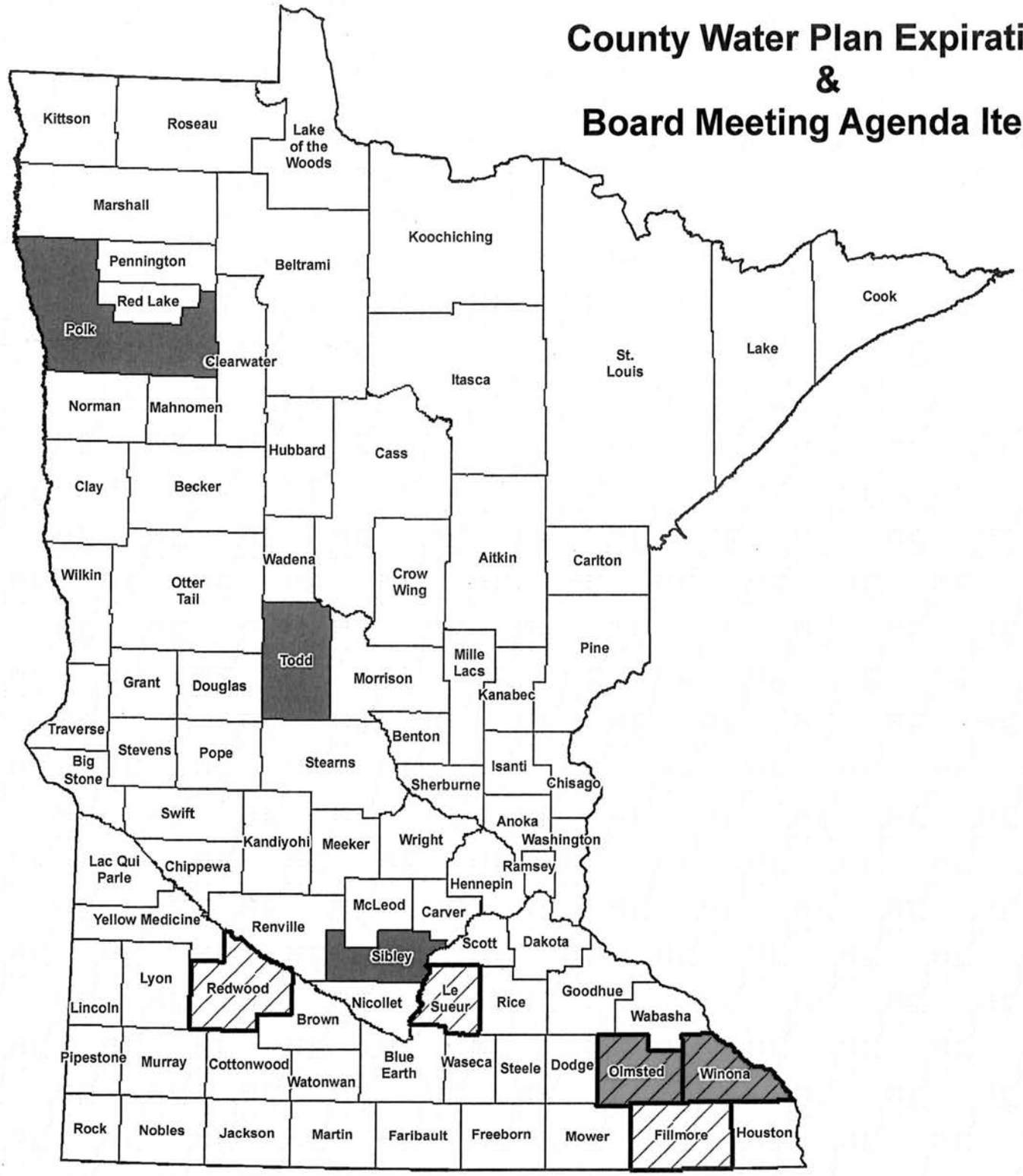
File 06-17. (05/27/06) This is an appeal of a replacement plan decision in the City of Montgomery in LeSueur County. The LGU denied an after-the-fact wetland replacement plan application based on a lack of sufficient reasons why the restoration could not be completed. The appeal was been remanded for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

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 are 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 new wetland delineation and for submission on an updated, complete replacement plan application. On 12-9-09 the District made a new wetland delineation decision. The applicant has not yet submitted an updated replacement plan application.

Draft Summary Table

Type of Decision	Total for Calendar Year 2009	Total for Calendar Year 2010
Order in favor of appellant		2
Order not in favor of appellant	10	5
Order Modified	1	
Order Remanded	4	
Order Place Appeal in Abeyance	3	4
Negotiated Settlement		1
Withdrawn/Dismissed	9	1

County Water Plan Expirations & Board Meeting Agenda Items



Plan Expires

- Overdue
- 2010
- 2011
- Beyond 2011

Items on December 2010 Agenda

- Fillmore
- Redwood
- Le Sueur
- Winona
- Olmsted

N

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December 2010

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Public Hearing on Petition for Redistribution of Managers of the Lower Minnesota River Watershed District – Jim Haertel - ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Lower MN River WD Redistribution of Managers**

Meeting Date: December 15, 2010

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

Item Type: ☐ Decision ☐ Discussion ☐ Information

Section/Region: Metro Region

Contact: Jim Haertel

Prepared by: Jim Haertel

Reviewed by: Metro Water Planning Committee(s)

Presented by: Jim Haertel

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED

Order public hearing to be presided over by the Metro Water Planning Committee on the Petition for Redistribution of Managers of the Lower MN River WD.

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

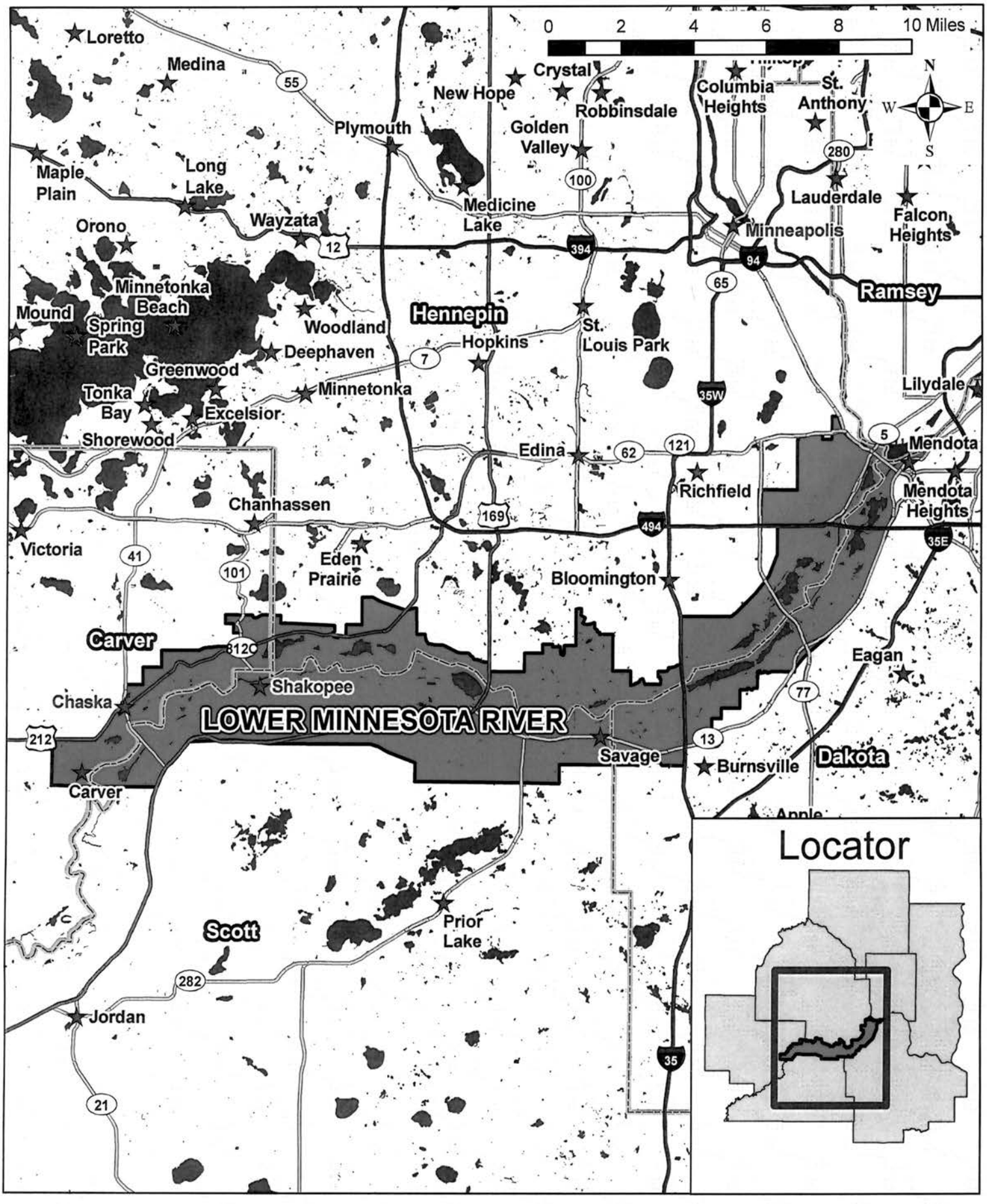
The Scott County Board of Commissioners submitted a petition to redistribute the managers of the Lower Minnesota River Watershed District. The petition was filed pursuant to Minn. Stat. § 103D.301. The Scott County Board of Commissioners has proper standing to file the petition under Minn. Stat. § 103D.301, subd. 3, item a. Minn. Stat. § 103D.301, subd. 3, item a requires the BWSR Board to hold a public hearing and, after a public hearing has been held, make a decision on the petition.

The Lower Minnesota River Watershed District is comprised of parts of four counties. The District has five managers currently distributed as follows: two managers from Hennepin County and one manager each from Carver, Dakota and Scott Counties. The petition requests the distribution be changed from one manager from Scott County to two managers from Scott County. No increase in the number of managers has been petitioned for.

Minn. Stat. § 103D.105 allows the Board to proceed without holding a public hearing on a petition such as this if the Board determines the petition is noncontroversial. Because no increase in the number of managers is being sought by Scott County, one or more of the remaining three counties will likely oppose any lose of manager representation.

Staff recommended a public hearing be held because the petition does not meet the "noncontroversial" threshold set forth in Minn. Stat. § 103D.105. At the Metro Water Planning Committee meeting held on November 17, 2010, the Committee unanimously decided to recommend to the full BWSR Board that a public hearing be held and that the hearing be presided over by the Metro Water Planning Committee per the attached draft Order.

Lower Minnesota River Watershed District



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

In the Matter of the Petition for Redistribution of Managers of the Lower Minnesota River Watershed District, pursuant to Minnesota Statutes Section 103D.301.

ORDER FOR WATERSHED DISTRICT REDISTRIBUTION OF MANAGERS PUBLIC HEARING

Whereas, the Scott County Board of Commissioners (Scott County) filed a petition (Petition) dated October 5, 2010 with the Board on October 12, 2010 to redistribute the managers of the Lower Minnesota River Watershed District (LMRWD), pursuant to Minn. Stat. § 103D.301, and;

Whereas, the Board has reviewed the Petition;

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

FINDINGS OF FACT

1. On October 12, 2010 the Board received a Petition from Scott County to redistribute the managers of the LMRWD pursuant to Minn. Stat. §103D.301.

2. Staff has determined that a valid Petition exists pursuant to Minn. Stat. § 103D.301, subd. 3.

3. Minn. Stat. § 103D.301, subd. 3, item a requires a public hearing to be held by the Board.

4. 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.

5. The affected counties and the LMRWD have been coordinated with such that the hearing should be held on Tuesday, January 25, 2011, starting at 7:00 PM at the County Board Room, Scott County Government Center, 400 Fourth Street West, Shakopee, Minnesota. The facility is handicap accessible.

6. The Board's Metro Water Planning Committee met on November 17, 2010, to review and discuss holding a public hearing on the Petition. Those in attendance from the Board's Committee were Christy Jo Fogarty, Faye Sleeper, Louise Smallidge, LuAnn Tolliver, Doug Wetzstein and Robert Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationist Brad Wozney. Board staff recommended

ordering a public hearing on the Petition to be presided over by the Metro Water Planning Committee. After discussion, the Committee unanimously voted to recommend to the full Board that a public hearing be held on the Petition and that the Metro Water Planning Committee preside over the public hearing.

CONCLUSIONS

1. The Petition for redistribution of managers of the Lower Minnesota River Watershed District is valid in accordance with Minn. Stat. § 103D.301.

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

3. The Board has proper jurisdiction in the matter of ordering a public hearing to determine whether the proposed redistribution of managers would be in accordance with the policy and purpose of Minnesota Statutes Chapter 103D.

4. The Board's Metropolitan Water Planning Committee should preside over the public hearing and bring recommendations on the Petition to the Board after the public hearing has been held.

5. The hearing should be held on Tuesday, January 25, 2011, starting at 7:00 PM at the County Board Room, Scott County Government Center, 400 Fourth Street West, Shakopee, Minnesota.

ORDER

The Board hereby orders a public hearing be held on the Petition for redistribution of managers of the Lower Minnesota River Watershed District to be presided over by the Board's Metropolitan Water Planning Committee on Tuesday, January 25, 2011, starting at 7:00 PM at the County Board Room, Scott County Government Center, 400 Fourth Street West, Shakopee, Minnesota after proper legal notice of the public hearing has been given.

Dated at Saint Paul, Minnesota this 15th day of December, 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Brian Napstad, Chair

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Fillmore County Local Water Management Plan Amendment – Paul Langseth – ***DECISION ITEM***

2. Le Sueur County Local Water Management Plan Amendment – Paul Langseth - ***DECISION ITEM***

3. Redwood County Local Water Management Plan Amendment - Paul Langseth - ***DECISION ITEM***

4. Olmsted County Comprehensive Local Water Management Plan Extension – Paul Langseth – ***DECISION ITEM***

5. Winona County Comprehensive Local Water Management Plan Extension – Paul Langseth – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Fillmore County CLWM Plan Amendment

Meeting Date: December 15, 2010

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Southern Region

Contact: Jeff Nielsen

Prepared by: Carla Swanson-Cullen

Reviewed by: Southern Water Planning Committee(s)

Presented by: Paul Langseth

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED

Approval of the 2010 Amendment to the Fillmore County Comprehensive Local Water Management Plan.

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

The December 14, 2005, Board Order approving the ten-year Fillmore County Comprehensive Local Water Management Plan (Plan) required a reivew and update of the implementation plan by the end of 2010. Fillmore County has completed the update following the guidelines established by the Board and is in conformance with M.S. Section 103B.314, Subl. 6, relating to amendments of local water management plans. Fillmore County will be required to provide for a complete update of its Plan prior to December 31, 2015.

Minnesota Board of Water & Soil Resources

DATE: October 21, 2010

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: David Peterson, BWSR Board Conservationist

SUBJECT: Fillmore County Local Water Management Plan Amendment – Final Review

On December 14, 2005, the Board of Water and Soil Resources (BWSR), by Board order, approved the Fillmore County 2006 – 2015 ten-year Comprehensive Local Water Plan Update. The Plan contained an implementation section with goals, objectives and action steps covering a five-year period, 2006-2010. The Board stipulated that Fillmore County was required to revise/update this implementation section by December 31, 2010.

On December 22, 2009, the Fillmore County Board of Commissioners resolved to amend its five-year implementation section as directed by BWSR. The county followed the process for amending as described within the Comprehensive Local Water Management guidance document developed by BWSR.

On July 30, 2010, the BWSR regional staff received the required documentation and 2010 Amendment to the Fillmore County Comprehensive Local Water Plan. The 2010 Amendment contains an Executive Summary and the new January 2011-December 2015 implementation section. The implementation section addresses the following priority concerns:

- Soil Erosion and Runoff
- Drinking Water and Source Water Protection
- Human Sewage Treatment
- Sinkholes and Karst
- Fertilizer and Pesticide Use
- Feedlots and Manure Management

BWSR staff members have actively participated with and provided guidance, comments, advice and recommendations to Fillmore County and the task force throughout this amendment process. I believe the new five-year implementation section is in conformance with the requirements of Minnesota Statute 103B and guidance developed by BWSR. I recommend approval of the Fillmore County January 2011-December 2015 Implementation Program Amendment. Finally, the staff of the BWSR looks forward to assisting the county in the implementation of this revision of their Local Water Management Plan. Water Plan Coordinator Joe Magee should be commended for his leadership in the plan amendment process.

Bemidji
3217 Bemidji Avenue N.
Bemidji, MN 56601
phone (218) 755-4235
fax (218) 755-4201

Brainerd
217 S. 7th Street
Suite 202
Brainerd, MN 56401
phone (218) 828-2383
fax (218) 828-6036

Duluth
394 S. Lake Avenue
Room 403
Duluth, MN 55802
phone (218) 723-4752
fax (218) 723-4794

Fergus Falls
1004 Frontier Drive
Fergus Falls, MN 56537
phone (218) 736-5445
fax (218) 736-7215

Marshall
1400 E. Lyon Street
Box 267
Marshall, MN 56258
phone (507) 537-6060
fax (507) 537-6368

New Ulm
261 Highway 15 S.
New Ulm, MN 56073
phone (507) 359-6074
fax (507) 359-6018

Rochester
2300 Silver Creek
Road N.E.
Rochester, MN 55906
phone (507) 280-2874
fax (507) 285-7144

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

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

In the Matter of Reviewing the Local Water Management Plan Amendment for **Fillmore County** (Minnesota Statutes, Section 103B.314, Subdivision 6)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, on December 14, 2005, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Fillmore County 2006 – 2015 Comprehensive Local Water Plan Update (Plan), which contained a 2006 – 2010 five-year implementation section; and

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

Whereas, the Fillmore County Board of Commissioners submitted the Fillmore County Plan 2010 Amendment to the Board on July 30, 2010; and

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

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

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

FINDINGS OF FACT

1. On December 22, 2009, the Board received a resolution from Fillmore County stating its intent to amend its current Plan by providing for the required update of the five-year implementation section, pursuant to M.S. Section 103B.314, Subd. 6.
2. On September 8, 2009, Board staff provided information on the amendment process to Fillmore County.
3. On October 27, 2009, Fillmore County convened its water plan task force to initiate the five-year implementation section update.
4. On December 22, 2009, Fillmore County provided proper notice to local units of government and state agencies of the county's intent to amend its five-year implementation section and invited all recipients to participate in the amendment process.
5. Fillmore County received written comments from the Minnesota Pollution Control Agency, Minnesota Department of Natural Resources, Minnesota Board of Water and Soil Resources, Root River Soil and Water Conservation District, Minnesota Department of Agriculture and Minnesota Department of Health.
6. No other state agency or local government unit provided written comments to Fillmore County.
7. The final document developed by Fillmore County, which includes the revised five-year implementation section January 2011 – December 2015 is entitled the Fillmore County Comprehensive Local Water Management Plan 2006-2015 (Amended 2010).

8. On March 4, 2010, the Southern Water Planning Committee approved the Fillmore County Water Plan Amendment contingent upon Fillmore County approval, holding a public hearing, and receiving BWSR staff approval.
9. On July 13, 2010, after providing for proper public notice, Fillmore County conducted a public hearing on the proposed 2010 Amendment. No comments were received from the public.
10. On July 20, 2010, the BWSR received the Fillmore County 2010 Amendment, a record of the public hearing, and copies of all written comments pertaining to the 2010 Amendment, pursuant to M.S. Section 103B.314, Subd. 6.
11. Board regional staff provided its recommendation of approval to the Committee.
12. This 2010 Amendment will be in effect until **December 31, 2015.**

CONCLUSIONS

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

2. The Fillmore County 2010 Amendment attached to this Order states goals, objectives, and actions the county will address in the five-year implementation section January 2011 – December 2015. The 2010 Amendment, as well as the previously approved Fillmore County 2006 – 2015 Comprehensive Local Water Plan Update, is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached 2010 Amendment of the Fillmore County Water Management Plan for January 1, 2011 – December 31, 2015. Fillmore County will be required to provide for a complete update of its Water Management Plan prior to December 31, 2015.

Dated at St. Paul, Minnesota, this **15th day of December 2010**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: LeSueur County CLWM Plan Amendment

Meeting Date: December 15, 2010

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Southern Region

Contact: Jeff Nielsen, Southern Regional Supervisor

Prepared by: Thomas Fischer, Board Conservationist

Reviewed by: Southern Water Planning Committee Committee(s)

Presented by: Paul Langseth

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED

Approval of the LeSueur County Comprehensive Local Water Management Plan Amendment.

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

By Board Order, the Board of Water and Soil Resources (Board) approved the Le Sueur County 2006 - 2015 Comprehensive Local Water Management Plan (Plan)on December 13, 2006. This Plan contains an implementation section with goals, objectives and actions to address the county's priority concerns. The Board Order required Le Sueur County to update the Plan's implementation section by December 31, 2010. Le Sueur County followed the amendment process guidelines established by the Board and submitted their 2011 - 2015 Local Water Management Plan Addendum on September 7, 2010. The Board's Southern Water Planning Review Committee (Committee) met on November 4, 2010 to review the Le Sueur County Plan Addendum. The Committee recommends approval of the Le Sueur County 2011 - 2015 Local Water Management Plan Addendum.

Minnesota Board of Water & Soil Resources

DATE: October 19, 2010

TO: Jeff Nielsen, Southern Regional Supervisor

FROM: Thomas Fischer, Board Conservationist TF

SUBJECT: Le Sueur County Local Water Management Plan Addendum – Final Review

On December 13, 2006, the Board of Water and Soil Resources (Board), by Board Order, approved the Le Sueur County (County) 2006 – 2015 Comprehensive Local Water Plan Update (Plan) with an end date of December 31, 2015. This Plan contains an implementation section with goals, objectives and actions to address the County's identified priority concerns. The Board Order requires the County to update the implementation section (goals, objectives and actions) by December 31, 2010.

On January 12, 2010, the Le Sueur County Board of Commissioners resolved to amend (update) its Plan's implementation section as required by the Board Order. This County resolution was submitted to and received by BWSR on January 25, 2010. County staff followed the process for amending as described within the Comprehensive Local Water Management guidance document developed by the Board.

On September 7, 2010, the Board received the Le Sueur County 2006 – 2015 Local Water Management Plan Addendum (Plan Addendum) as well as other required documentation. The Addendum contains: an Executive Summary (with information on the accomplishments achieved during 2006 – 2010, funding sources utilized, and brief discussion of ongoing programs); an implementation section with goals, objectives and actions addressing the priority concerns; and an estimated cost summary to implement the Plan Addendum. The priority concerns are:

- Impaired waters/total maximum daily loads
- Wastewater treatment
- Stormwater management
- Protection of undeveloped shoreline
- Drinking water protection
- Agricultural drainage management
- Minimize environmental risks of agricultural impacts to water resources

(continued)

Bemidji
701 Minnesota Avenue
Suite 234
Bemidji, MN 56601
phone (218) 755-4235
fax (218) 755-4201

Brainerd
1601 Minnesota Drive
Brainerd, MN 56401
phone (218) 828-2383
fax (218) 828-6036

Duluth
394 S. Lake Avenue
Room 403
Duluth, MN 55802
phone (218) 723-4752
fax (218) 723-4794

Fergus Falls
1004 Frontier Trail
Fergus Falls, MN 56537
phone (218) 736-5445
fax (218) 736-7215

Marshall
1400 E. Lyon Street
Box 267
Marshall, MN 56258
phone (507) 537-6060
fax (507) 537-6368

New Ulm
261 Highway 15 S.
New Ulm, MN 56073
phone (507) 359-6074
fax (507) 359-6018

Rochester
2300 Silver Creek
Road N.E.
Rochester, MN 55906
phone (507) 281-7797
fax (507) 285-7144

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

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I have participated with and provided guidance, comments, advice and recommendations to the County and its Water Management Advisory Taskforce throughout the amendment process.

I believe the Le Sueur County 2011 – 2015 Local Water Management Plan Addendum is in conformance with the requirements of Minnesota Statutes 103B and guidance developed by the Board.

I recommend approval of the Le Sueur County 2011 – 2015 Local Water Management Plan Addendum.

Le Sueur County water plan staff and the Water Management Planning Taskforce are to be commended for their efforts throughout the plan amendment process. I look forward to assisting Le Sueur County, Le Sueur Soil and Water Conservation District, and their various partners with implementation of the Plan Addendum.

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

In the Matter of Reviewing the Local Water Management Plan Amendment for **Le Sueur County** (Minnesota Statutes, Section 103B.314, Subdivision 6)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, on December 13, 2006, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Le Sueur County 2006 – 2015 Comprehensive Local Water Plan Update (Plan); and

Whereas, this Board Order stipulated that Le Sueur County was required to update the implementation section (Goals, Objectives and Actions) of the Plan by December 31, 2010; and

Whereas, the Le Sueur County Board of Commissioners submitted the Le Sueur County Plan 2010 Addendum (Amendment) to the Board on September 7, 2010; and

Whereas, this 2010 Addendum contains the updated five-year (2011 – 2015) implementation section as ordered by the Board; and

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

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

FINDINGS OF FACT

1. On December 12, 2009, Board staff met with Le Sueur County to discuss the amendment process.

2. On January 25, 2010, the Board received a resolution from Le Sueur County stating its intent to amend its current Plan by providing for the required update of the five-year implementation section, pursuant to M.S., Section 103B.314, Subd. 6.

3. On March 12, 2010, and March 17, 2010, Le Sueur County provided proper notice to local government units of the county's intent to amend its five-year implementation section and invited all recipients to participate in the amendment process.

4. On March 17, 2010, Le Sueur County provided proper notice to state agencies of the county's intent to amend its five-year implementation section and invited all recipients to participate in the amendment process.

5. From March through July of 2010, Le Sueur County received written comments from several local government units as well as members of the water plan task force.

6. On March 31, 2010, Board staff provided written information and guidance on the amendment process to Le Sueur County.

7. On April 9, 2010, Le Sueur County received written comments from the Minnesota Department of Natural Resources.

8. On April 13, 2010, Le Sueur County received written comments from the Minnesota Pollution Control Agency.

9. On April 14, 2010 and June 29, 2010, Le Sueur County convened water plan task force meetings to amend the five-year implementation section.

10. On July 14, 2010, Le Sueur County provided written notification to local government units and state agencies of the public hearing scheduled for July 27, 2010, and distributed a copy of the Plan Amendment inviting them to review and provide written comments.

11. On July 17, 2010, Le Sueur County provided written communication to local government units and state agencies informing them of the specific Internet web-address of the Plan Amendment.

12. On July 26, 2010, BWSR staff provided written comments to Le Sueur County regarding the proposed 2010 Amendment.

13. On July 27, 2010, after providing for proper public notice, Le Sueur County conducted a public hearing on the proposed 2010 Amendment. No additional comments were submitted at the hearing.

14. On July 27, 2010, Le Sueur County received written comments from a local government unit.

15. On July 30, 2010, Le Sueur County provided written communication to local government units and state agencies asking that any final comments be submitted by August 10, 2010.

16. On August 10, 2010, Le Sueur County received written comments from Minnesota Department of Health.

17. On August 10, 24 and 26 of 2010, Le Sueur County received written comments from the Minnesota Department of Natural Resources

18. On August 19, 2010, Le Sueur County convened a water plan task force meeting to review written comments and finalize the 2010 Addendum.

19. On September 7, 2010, the Board received the Le Sueur County 2010 Addendum, a record of the public hearing, and copies of all written comments pertaining to the 2010 Addendum, pursuant to M.S. Section 103B.314, Subd. 6.

20. On November 4, 2010, the Board's Southern Water Planning Committee (Committee) met with representatives of Le Sueur County to review the Le Sueur County 2010 Addendum, pursuant to 103B.301 and guidelines established by the Board. Board regional staff provided its recommendation of approval to the Committee. The Committee voted to recommend approval to the full Board at its next scheduled meeting.

21. With Board approval, the Le Sueur County 2010 Amendment will be in effect until **December 31, 2015.**

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Amendment of Le Sueur County pursuant to M. S., Section 103B.314, Subd. 6.

2. The Le Sueur County 2010 Addendum attached to this Order states implementation section goals, objectives, and actions the county will address in January 2011 – December 2015. The 2010 Addendum, as well as the previously approved Le Sueur County 2006 – 2015 Comprehensive Local Water Plan Update, is in conformance with the requirements of M.S., Section 103B.301.

ORDER

The Board hereby approves the attached 2010 Addendum of the Le Sueur County Water Management Plan for January 2006 – December 31, 2015. Le Sueur County will be required to provide for a complete update of its Water Management Plan prior to December 31, 2015.

Dated at St. Paul, Minnesota, this **15th day of December 2010**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Redwood County Water Plan Amendment

Meeting Date: December 15, 2010

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Southern Region

Contact: Jeff Nielsen

Prepared by: Mark Hiles

Reviewed by: Southern Water Planning Review Committee(s)

Presented by: Paul Langseth

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED

Decision

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

Redwood County Local Water Management Plan Amendment

By Board Order, the Board of Water and Soil Resources (Board) approved the Redwood County Comprehensive Local Water Plan (Plan) on December 14, 2005. This Plan covered a ten-year period of 2006–2016 and contained a 2006–2011 five-year implementation section. Board Order stipulated that the County was required to revise/update the implementation section by January 1, 2011. Following the guidelines established by the Board, Redwood County has completed the local water management plan amendment process and submitted their 2010 Plan Amendment. The Board's Southern Water Planning Committee met on November 4, 2010 to review the County's 2010 Amendment. This committee will provide its recommendation to the Board on December 15, 2010.

Minnesota Board of Water & Soil Resources

DATE: October 14, 2010

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: Mark L. Hiles, BWSR Board Conservationist

SUBJECT: Redwood County Local Water Management Plan Amendment – Final Review

On December 14, 2005, the Board of Water and Soil Resources (BWSR), by Board order, approved the Redwood County 2006 – 2016 ten-year Comprehensive Local Water Plan Update. The Plan contained an implementation section with goals, objectives and action steps covering a five-year period 2006 - 2011. The Board stipulated that Redwood County was required to revise / update this implementation section by January 1, 2011.

On March 16, 2010, the Redwood County Board of Commissioners resolved to amend its five-year implementation section as directed by BWSR. The county followed the process for amending as described within the Comprehensive Local Water Management guidance document developed by BWSR.

On September 16, 2010, the BWSR regional staff received the required documentation and 2010 Amendment to the Redwood County Comprehensive Local Water Plan. The 2010 Amendment contains an Executive Summary and the new January 2011- January 2016 implementation section. The implementation section addresses the following priority concerns:

- Groundwater Protection that will focus on wellhead protection for public water supply
- Drainage Management focusing on wetland restorations and floodwater retention opportunities
- Surface Water Quality addressing impaired waters by major watershed for priority pollutants
- Erosion and Sediment Control focusing on residue management county-wide, and gully concentrated flow areas in the southwest portion of Redwood County

I have actively participated with and provided guidance/comments/advice/recommendations to Redwood County and the task force throughout this amendment process. I believe the new five-year implementation section is in conformance with the requirements of Minnesota Statute 103B and guidance developed by BWSR. I recommend approval of the Redwood County January 2011-January 2016 Implementation Program Amendment. Finally, I look forward to assisting the county in the implementation of this revision of their Local Water Management Plan. Water Plan Coordinator Marilyn Bernhardson should be commended for her leadership throughout the plan amendment process.

Bemidji
217 Bemidji Avenue N.
Bemidji, MN 56601
phone (218) 755-4235
fax (218) 755-4201

Brainerd
217 S. 7th Street
Suite 202
Brainerd, MN 56401
phone (218) 828-2383
fax (218) 828-6036

Duluth
394 S. Lake Avenue
Room 403
Duluth, MN 55802
phone (218) 723-4752
fax (218) 723-4794

Fergus Falls
1004 Frontier Drive
Fergus Falls, MN 56537
phone (218) 736-5445
fax (218) 736-7215

Marshall
1400 E. Lyon Street
Box 267
Marshall, MN 56258
phone (507) 537-6060
fax (507) 537-6368

New Ulm
261 Highway 15 S.
New Ulm, MN 56073
phone (507) 359-6074
fax (507) 359-6018

Rochester
2300 Silver Creek
Road N.E.
Rochester, MN 55906
phone (507) 280-2874
fax (507) 285-7144

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

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

In the Matter of Reviewing the Local Water Management Plan Amendment for **Redwood County** (Minnesota Statutes, Section 103B.314, Subdivision 6)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, on December 14, 2005, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Redwood County 2006 – 2016 Comprehensive Local Water Plan Update (Plan), which contained a 2006 – 2011 five-year implementation section; and

Whereas, this Board Order stipulated that Redwood County was required to update the implementation section by January 1, 2011; and

Whereas, the Redwood County Board of Commissioners submitted the Redwood County Plan 2010 Amendment to the Board on September 16, 2010; and

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

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

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

FINDINGS OF FACT

1. On March 23, 2010, the Board received a resolution from Redwood County stating its intent to amend its current Plan by providing for the required update of the five-year implementation section, pursuant to M.S. Section 103B.314, Subd. 6.

2. On March 26, 2010 and June 30, 2010 Board staff provided information on the amendment process to Redwood County.

3. On March 31, 2010, Redwood County provided proper notice to local units of government and state agencies of the county's intent to amend its five-year implementation section and invited all recipients to participate in the amendment process.

4. On April 26, 2010, Redwood County convened its water plan task force to initiate the five-year implementation section update.

5. Redwood County received written comments from the Minnesota Department of Agriculture, the Minnesota Pollution Control Agency, the Minnesota Department of Natural Resources, Minnesota Department of Health and the Minnesota Board of Water and Soil Resources. Redwood County also received written comments from Area II.

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

7. The final document developed by Redwood County, which includes the revised five-year implementation section January 2011 – December 2015 is entitled the 2010 Amendment.

8. On September 7, 2010, after providing for proper public notice, Redwood County conducted a public hearing on the proposed 2010 Amendment. No additional comments were submitted at the hearing.

9. On September 16, 2010, the BWSR received the Redwood County 2010 Amendment, a record of the public hearing, and copies of all written comments pertaining to the 2010 Amendment, pursuant to M.S. Section 103B.314, Subd. 6.

10. On November 4, 2010, the Board's Southern Water Planning Committee (Committee) reviewed the Redwood County 2010 Amendment, pursuant to 103B.301 and guidelines established by the Board.

11. Board regional staff provided its recommendation of approval to the Committee.

12. The Committee voted to recommend approval to the full Board at its next scheduled meeting.

13. This 2010 Amendment will be in effect until **January 1, 2016.**

CONCLUSIONS

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

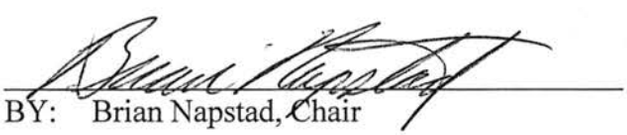
2. The Redwood County 2010 Amendment attached to this Order states goals, objectives, and actions the County will address in the five-year implementation section January 2011 – January 2016. The 2010 Amendment, as well as the previously approved Redwood County 2006 – 2016 Comprehensive Local Water Plan Update, is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached 2010 Amendment of the Redwood County Water Management Plan for January 1, 2011 – January 1, 2016. Redwood County will be required to provide for a complete update of its Water Management Plan prior to January 1, 2016.

Dated at St. Paul, Minnesota, this **15th day of December 2010**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



BY: Brian Napstad, Chair

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Olmsted County CLWM Plan Extension

Meeting Date: December 15, 2010

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: Southern Region
Contact: Jeff Nielsen
Prepared by: Dave Peterson
Reviewed by: Southern Water Planning Committee(s)
Presented by: Paul Langseth

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED

Approval to extend the Olmsted County Comprehensive Local Water Management Plan until December 31, 2012.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
Olmsted County has submitted a request for a one-year extension of the Olmsted County Comprehensive Local Water Management Plan (Plan). In conformance with Board policy, BWSR staff recommends a two-year extension, which would make the Plan update deadline December 31, 2012. The request to extend the plan to December 31, 2012 is acceptable due to the fact that it would allow for additional public input activities and to include information being developed through other relevant concurrent Olmsted County planning activities. Olmsted County accepts that under Minnesota Statutes 103B.311, Subdivision 4 (a) (5) no projects will be ordered or commenced during the extension period.

Minnesota Board of Water & Soil Resources

October 28, 2010

Jeff Nielsen, Southern Region Supervisor
Minnesota Board of Water and Soil Resources
261 Highway 15 South
New Ulm, MN 56073

Dear Jeff,

On October 26, 2010, Olmsted County submitted an official request for a one-year extension for the update deadline for the 2005-2010 Comprehensive Water Management Plan from December 30, 2010 to December 31, 2011. The reasons for the extension request are to allow for additional public input and to include information being developed through other relevant concurrent County planning activities. Board policy provides for one two-year extension for local water management plan deadlines. In conformance with Board policy, I recommended the extension for the Olmsted plan be for one two-year extension. This would make the deadline for the Olmsted plan update December 31, 2012.

Based on the progress already made in the updating process and to take advantage of the concurrent planning activities, I recommend the approval of the extension request by Olmsted County. I anticipate the draft will be completed and available for review by September of 2011.

Sincerely,

David Peterson
Board Conservationist, Rochester Office

Bemidji
01 Minnesota Avenue
Suite 234
Bemidji, MN 56601
phone (218) 755-4235
fax (218) 755-4201

Brainerd
1601 Minnesota Drive
Brainerd, MN 56401
phone (218) 828-2383
fax (218) 828-6036

Duluth
394 S. Lake Avenue
Room 403
Duluth, MN 55802
phone (218) 723-4752
fax (218) 723-4794

Fergus Falls
1004 Frontier Trail
Fergus Falls, MN 56537
phone (218) 736-5445
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Marshall
1400 E. Lyon Street
Box 267
Marshall, MN 56258
phone (507) 537-6060
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New Ulm
261 Highway 15 S
New Ulm, MN 56073
phone (507) 359-6074
fax (507) 359-6018

Rochester
2300 Silver Creek
Road N E.
Rochester, MN 55906
phone (507) 281-7797
fax (507) 285-7144

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

October 26,2010

Mary Kells
Board Conservationist
Minnesota Board of Water and Soil Resources 2300
Silver Creek Road NE
Rochester, Minnesota 55906

RE: Request to Extend the Ending Date of the Olmsted County Comprehensive Water Management Plan

Olmsted County requests that the Minnesota Board of Water and Soil Resources grant a one-year extension of the County's 2005-2010 Comprehensive Water Management Plan. The current Water Plan covers the period ending December 31, 2010. The County requests that the ending date of the plan be extended until December 31, 2011.

This additional time is needed to complete projects that were undertaken in implementing the County's current water plan and in preparing for the Water Plan update. Significant planning projects that are underway whose results will be integrated into the Water Plan update include the Lake Shady Stakeholder Group Report on the restoration of the Lake Shady, the Lake Zumbro Engineering Plan for the restoration of Lake Zumbro, the County Open Space Plan. Additional time is also needed to expand public participation in the Water Plan Update.

All of these projects will be completed by early 2011 and we anticipate that a preliminary draft of the Water Plan update will be completed and available for public review by September of 20 11.

Attached is a copy of the Olmsted County Board Resolution formally requesting and extension from the Board of Water and Soil Resources. As is noted, no projects using authorities under 103B.331 subdivisions 3 and 4 will be ordered or commenced during the extension period.

If you have any question regarding this request, please contact me.

Sincerely,

Terry Lee
Coordinator

OLMSTED COUNTY BOARD RESOLUTION #10

WHEREAS, the Olmsted County Board of Commissioners has adopted a Comprehensive Water Management Plan consistent with Minnesota Statute, Section 103B.301, and

WHEREAS, the Minnesota Board of Water and Soil Resources Board has the authority to grant extensions for a period not to exceed two years to counties for the purpose of extending the ending date of their local water plans,

WHEREAS, Olmsted County has initiated the update of the existing Water Plan but requires additional time beyond the expiration date of that plan, December 31, 2010, to complete the update, and

WHEREAS, Olmsted County seeks an extension from the Minnesota Board of Water and Soil Resources to keep the existing Comprehensive Water Management Plan valid for an two additional years or until the adoption of its revision.

NOW, BE IT THEREFORE RESOLVED, that Olmsted County Board of Commissioners requests an extension in accordance with the Southeast Minnesota Board of Water and Soil Resources Local Water Management Plan Update Guidance, for a period of two years.

Dated this 26th day of October, 2010 at Rochester, Minnesota.

OLMSTED COUNTY BOARD OF COMMISSIONERS

Judy Ohly, Chair

ATTEST:

Richard Devlin, Clerk! Administrator

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

In the Matter of Extending the Comprehensive Local Water Management Plan for Olmsted County

ORDER EXTENDING WATER MANAGEMENT PLAN

Whereas, the Olmsted County Board of Commissioners has a state-approved Comprehensive Local Water Management Plan (Plan) that is effective until December 31, 2010 pursuant to Minnesota Statutes 103B.301; and

Whereas, the Minnesota Board of Water and Soil Resources (Board) has authorization to grant extensions pursuant to Minnesota Statutes 103B.311, Subdivision 4 (a) (5).

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

FINDINGS OF FACT

On December 30, 2009, Olmsted County's Priority Concerns Scoping Document (PCSD) was distributed for state agencies review pursuant to Minnesota Statutes 103B.305, Subdivision 8a.

On March 4, 2010, the Board's Southern Water Planning Committee (Committee) met with representatives of Olmsted County to discuss the County's PCSD and review comments that were received. The priority concerns to be addressed in the new Plan were deemed appropriate by the Committee. The Committee's decision was to present to the Board a recommendation of approval of the Olmsted County PCSD. On March 24, 2010, the Committee presented its recommendation of approval of the Olmsted County PCSD to the Board. The Board adopted the Committee's recommendation.

On October 26, 2010, the Board received a resolution from Olmsted County requesting a one-year extension of their Plan. The primary reason stated for the extension request is to allow for additional public input and to include information being developed through other relevant concurrent County planning activities.

On October 26, 2010, Board staff reviewed and recommended approval of the extension request by Olmsted County. Board policy provides for one two-year extension for local water management plan deadline extensions. In conformance with Board policy, Board staff also recommended the extension for the Olmsted plan be for a two-year extension.

On November 4, 2010, the Board's Southern Water Planning Committee met in Owatonna to discuss Olmsted County's request for extension. The Committee's decision was to present to the Board a recommendation of approval to extend Olmsted County's Comprehensive Local Water Management Plan until December 31, 2012.

CONCLUSIONS

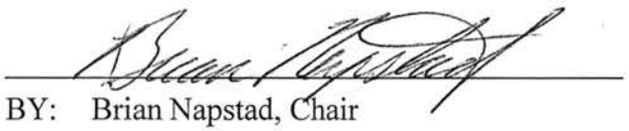
All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of extending the Comprehensive Local Water Management Plan of Olmsted County pursuant to Minnesota Statutes 103B.311, Subdivision 4 (a) (5).

ORDER

The Board hereby approves the extension of the Olmsted County Comprehensive Local Water Management Plan until December 31, 2012. Olmsted County shall strive to complete the updating of their Comprehensive Local Water Management Plan in a timely manner.

Dated at St. Paul, Minnesota, this fifteenth day of December 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



BY: Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Winona County CLWM Plan Extension

Meeting Date: December 15, 2010

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Southern Region

Contact: Jeff Nielsen

Prepared by: Dave Peterson

Reviewed by: Southern Water Planning Committee(s)

Presented by: Paul Langseth

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED

Approval to extend the Winona County Comprehensive Local Water Management Plan until December 31, 2012.

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

Winona County has submitted a request for a two-year extension of the Winona County Comprehensive Local Water Management Plan (Plan). The request to extend the plan to December 31, 2012 is acceptable due to the current vacancy in the County's water planning coordinator position and County staff's involvement in the Zoning Ordinance revision. Under Minnesota Statutes 103B.311, Subdivision 4 (a) (5), Winona County will not order or commence projects during the extension period. This extension will allow adequate time to complete and adopt the Winona County Comprehensive Local Water Management Plan revision.

Minnesota Board of Water & Soil Resources

October 28, 2010

Jeff Nielsen, Regional Supervisor
Board of Water and Soil Resources
261 Highway 15 South
New Ulm, MN 56073

Dear Jeff,

On October 12, 2010, Winona County submitted an official request to extend the update deadline for the 2004-2010 Comprehensive Water Plan from December 31, 2010 to December 31, 2012. The reasons for the extension request are the current vacancy in the Water Planning Coordinator position and County staff involvement in the revision of the County Zoning Ordinance.

Based on the progress already made in the updating process and in consideration of the staff vacancy and ordinance revision process, I recommend the approval of the extension request by Winona County. I anticipate the draft will be completed and available for review well within the two-year extension.

Sincerely,

David Peterson
Board Conservationist, Rochester Office

Bemidji
701 Minnesota Avenue
Suite 234
Bemidji, MN 56601
phone (218) 755-4235
fax (218) 755-4201

Brainerd
1601 Minnesota Drive
Brainerd, MN 56401
phone (218) 828-2383
fax (218) 828-6036

Duluth
394 S. Lake Avenue
Room 403
Duluth, MN 55802
phone (218) 723-4752
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Fergus Falls
1004 Frontier Trail
Fergus Falls, MN 56537
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Marshall
1400 E. Lyon Street
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Road N.E.
Rochester, MN 55906
phone (507) 281-7797
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Saint Paul
520 Lafayette Road N
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

To Obtain Extension from SE MN BWSR for the Adoption of the County Water Plan Resolution

WHEREAS, the Winona County Board of Commissioners has adopted a Comprehensive Management Plan consistent with the Minnesota Statutes Chapter 103B.301.

NOW, THEREFORE BE IT RESOLVED, the Winona County Board Commissioners approved on January 6, 2004 the Comprehensive Water Management Plan.

BE IT FURTHER RESOLVED, after the adoption of the Comprehensive Water Management Plan, the Winona County Board shall amend existing water and related land resources plans and official controls as necessary to conform them the applicable and approved Comprehensive Water Plan.

BE IT FURTHER RESOLVED, the adopted Comprehensive Water Management Plan is an update of the County's first Comprehensive Water Management Plan completed in 1990, and the existing Plan expires on December 31, 2010. The Minnesota Board of Water and Soil Resources has the authority to extend the ending date of local water plans for a period not to exceed two years.

BE IT FURTHER RESLOVED, the Winona County Planning Department has initiated a revision of the existing Comprehensive Water Management Plan as well as the companion Management Plan for the Stockton-Rollingstone-Minnesota City Watershed District. The revision expands upon the priority concerns described in the 2004 Comprehensive Water Management Plan.

BE IT FURTHER RESOLVED, due to the vacancy in the Water Plan Coordinator position, and the continued staff involvement with the Zoning Ordinance revision, the Planning Department is unable to complete the Comprehensive Water Plan before December 31st. Therefore, the Planning Department seeks an extension from SE MN BWSR keeping the existing Comprehensive Water Management Plan valid for two additional years or until the adoption of its revision. The SE MN BWSR needs to obtain a resolution from the Winona County Board requesting the extension before its November 6th Committee Meeting.

BE IT FURTHER RESOLVED, the Winona County Board requests an extension, in accordance with SE MN BWSR Local Water Management Plan Update Guidance, for a period of two years. This extension allows adequate time to enable the adoption of the revised Winona County Comprehensive Water Management Plan.

Adopted at Winona, Minnesota this 12th day of October, 2010.

WINONA COUNTY BOARD OF COMMISSIONERS

James G. Pomeroy, Chair

Attest:

Duane Hebert
Clerk/County Administrator

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

In the Matter of Extending the Comprehensive Local Water Management Plan for Winona County	ORDER EXTENDING WATER MANAGEMENT PLAN

Whereas, the Winona County Board of Commissioners has a state-approved Comprehensive Local Water Management Plan (Plan) that is effective until December 31, 2010 pursuant to Minnesota Statutes 103B.301; and

Whereas, the Minnesota Board of Water and Soil Resources (Board) has authorization to grant extensions pursuant to Minnesota Statutes 103B.311, Subdivision 4 (a) (5).

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

FINDINGS OF FACT

On January 22, 2010, Winona County's Priority Concerns Scoping Document (PCSD) was distributed for state agencies review pursuant to Minnesota Statutes 103B.305, Subdivision 8a.

On March 4, 2010, the Board's Southern Water Planning Committee (Committee) met with representatives of Winona County to discuss the County's PCSD and review comments that were received. The priority concerns to be addressed in the new Plan were deemed appropriate by the Committee. The Committee's decision was to present to the Board a recommendation of approval of the Winona County PCSD. On March 24, 2010 the Committee presented its recommendation of approval of the Winona County PCSD to the Board. The Board adopted the Committee's recommendation.

On October 12, 2010, the Board received a resolution from Winona County requesting a two-year extension of their Plan. The primary reason stated for the extension request is the current vacancy in the Water Planning Coordinator position and County staff involvement in the revision of the County Zoning Ordinance.

On October 19, 2010, Board staff reviewed and recommended approval of the extension request by Winona County.

On November 4, 2010, the Board's Southern Water Planning Committee met in Owatonna to discuss Winona County's request for extension. The Committee's decision was to present to the Board a recommendation of approval to extend Winona County's Comprehensive Local Water Management Plan until December 31, 2012.

CONCLUSIONS

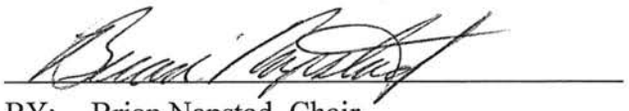
All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of extending the Comprehensive Local Water Management Plan of Winona County pursuant to Minnesota Statutes 103B.311, Subdivision 4 (a) (5).

ORDER

The Board hereby approves the extension of the Winona County Comprehensive Local Water Management Plan until December 31, 2012. Winona County shall strive to complete the updating of their Comprehensive Local Water Management Plan in a timely manner.

Dated at St. Paul, Minnesota, this fifteenth day of December 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



BY: Brian Napstad, Chair

NEW BUSINESS

1. FY2011 Clean Water Fund Competitive Grants – Dave Weirens – ***DECISION ITEM***

2. FY2011 Clean Water Fund (CWF) Shifting Authorization – Dave Weirens – ***DECISION ITEM***

3. Lake Protection Water Plan Challenge Grant Program – Dave Weirens and Jeff Hrubes – ***DECISION ITEM***

4. Clean Water Council FY12-13 Budget Recommendations – Keith Hanson, Chair, Clean Water Council Budget and Outcomes Committee - ***INFORMATION ITEM***

5. Grass Lake Prairie Wetland Restoration: Kandiyohi County Grant Agreement – Tom Wenzel – ***DECISION ITEM***

6. BWSR Board Meetings in 2011 – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

DATE: January 24, 2011

TO: Brian Napstad, Chair
Board of Water and Soil Resources

FROM: John Jaschke
Executive Director

SUBJECT: Board Resolution # 10-109: Correction

In the process of implementing the grants authorized under this Resolution, Grants staff have identified a typographic error in the above referenced Board Resolution. The Resolution, as adopted by the Board on December 15, 2010, incorporates four spreadsheets, as follows:

- FY2011 Clean Water Fund Competitive Grant Funding Recommendations;
- FY2011 SSTS Inventory and Program Enhancement Grants;
- BWSR 2011 CWF Conservation Drainage Application Summary; and
- FY2011 Feedlot Grant MDA AgBMP Loan Requests/FY2011 Clean Water Fund Competitive MDA AgBMP Loan Requests.

The amounts allocated under the FY2011 SSTS Inventory and Program Enhancement Grants spreadsheet, (which is incorporated into the Resolution) are not correctly entered in the Resolution under the "Now Therefore 1)B and 1)C on page 4. The incorrect amounts shown and the correct amounts are as follows:

1) B MPCA SSTS Inventory Grants
Amount Shown in #10-109: $422,655 Correct Amount: $366,975

1) C BWSR SSTS Program Enhancement Grants
Amount Shown in #10-109: $314,893 Correct Amount: $370,573

This memo notifies you of the correction of this typographic error and a copy will be placed in the Board meeting files and the correct amounts will be allocated under these grant programs.

CC: Bill Eisele
Dave Weirens
Wayne Zellmer

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

Central Office / Metro Office 520 Lafayette Road North Saint Paul, MN 55155 Phone: (651) 296-3767 Fax: (651) 297-5615

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Minnesota Board of Water & Soil Resources

DATE: January 24, 2011

TO: Brian Napstad, Chair
Board of Water and Soil Resources

FROM: John Jaschke
Executive Director

SUBJECT: Board Resolution # 10-110: Correction

In the process of implementing the grants authorized under this Resolution, Grants staff have identified a typographic error in the above referenced Board Resolution. The Resolution, as adopted by the Board on December 15, 2010, incorporates two spreadsheets, as follows:

- Not Funded SSTS Imminent Health Threat Abatement Continuous Sign-up Applications from the 1st Round; and
- FY2011 Clean Water Fund Competitive Grant Shifting Option.

The amount shifted from the BWSR CWF SSTS Program Enhancement funds to CWF competitive grant applications is not correctly entered in the Resolution under the "Now Therefore 2) on page 2. The incorrect amount shown is $366,939 and the correct amount is $311,259. The correct amount is reflected in documents that were distributed and discussed during the Board meeting and in the spreadsheet "FY2011 Clean Water Fund Competitive Grant Shifting Option" which is incorporated into Resolution #10-110.

This memo notifies you of the correction of this error and a copy will be placed in the Board meeting files and the correct amounts will be allocated under these grant programs.

CC: Bill Eisele
Dave Weirens
Wayne Zellmer

Bemidji 701 Minnesota Ave., Suite 234 Bemidji, MN 56601 (218) 333-8024

Brainerd 1601 Minnesota Drive Brainerd, MN 56401 (218) 828-2383

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Rochester 2300 Silver Creek Rd N.E. Rochester, MN 55906 (507) 206-2889

Central Office / Metro Office 520 Lafayette Road North Saint Paul, MN 55155 Phone: (651) 296-3767 Fax: (651) 297-5615

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Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **FY2011 Clean Water Fund Competitive Grants Authorization**

Meeting Date: December 15, 2010

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

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

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

Fiscal/Policy Impact

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

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

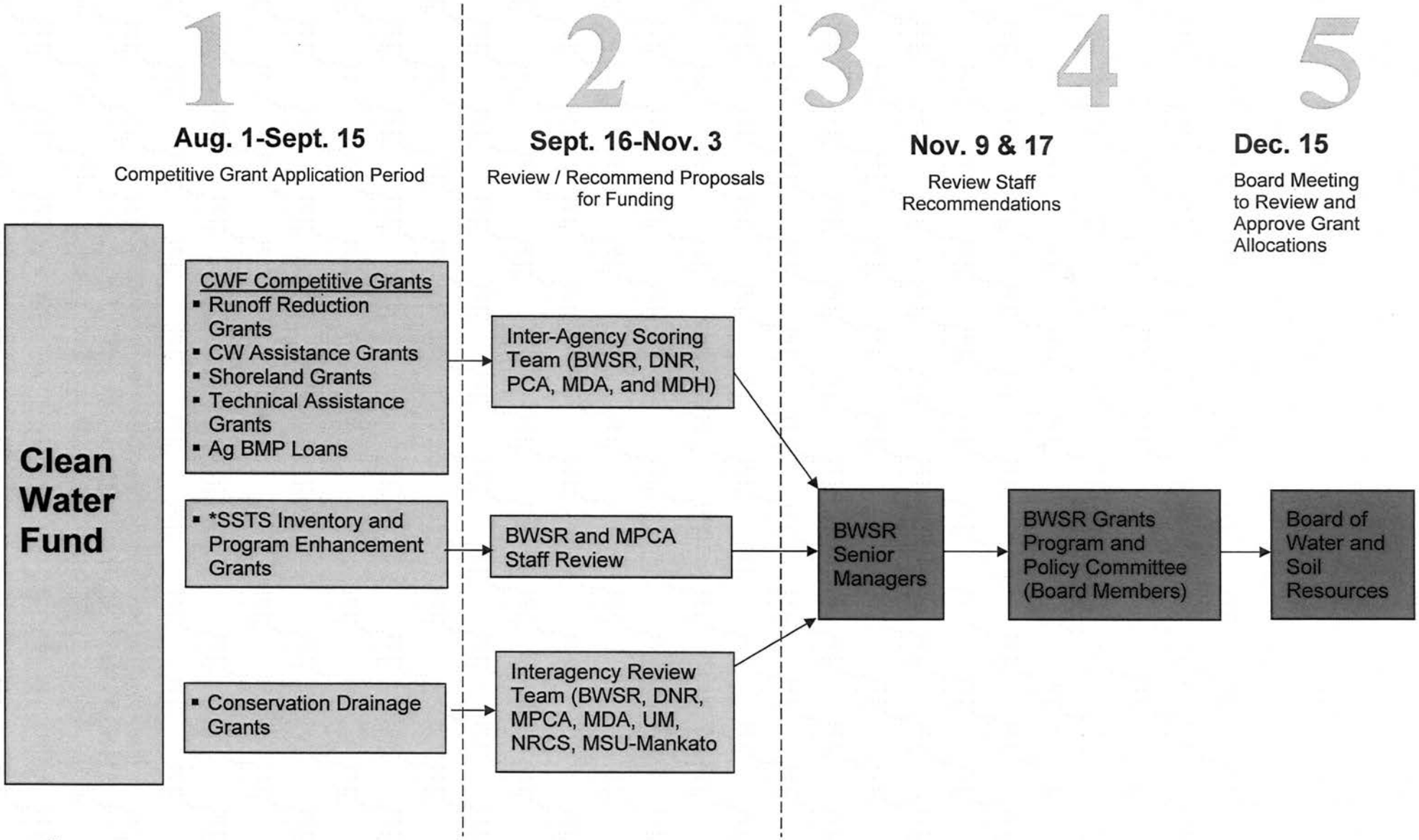
ACTION REQUESTED

The Board is requested to adopt the recommendation of the Grants Program and Policy Committee to:

1) Approve allocations to implement the FY 2011 Competitive Grants;
2) Forward a recommendation to the MDA to allocate Agricultural BMP Loan Program funds to projects and activities proposed through BWSR led competitive grant making processes; and
3) Authorize staff to implement this resolution consistent with BWSR grant making processes and practices.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
On June 23, 2010 the Board authorized the FY2011 Clean Water Fund Competitive Grants request for proposals (RFP) and Policy. Total available funds associated with this RFP was just over $12 million, including funds transferred from the MPCA and made available by the Minnesota Department of Agriculture. Staff publicized and held a number of outreach meetings with local governments prior to and during the August 4 - September 15 application period. 159 applications were received during this period requesting more than $28 million. BWSR staff initially reviewed and assessed the applications, which was then followed by reviews and scoring by interagency teams for grants in the following three categories: (1) Clean Water Fund Competitive Grants; (2) SSTS Inventory and Program Enhancement Grants; and (2) Conservation Drainage Grants. In all cases the applications were reviewed, assessed, and scored using the criteria contained in the RFPs.

Under the Clean Water Fund Competitive Grants, 56 applications are proposed for funding, for the SSTS Inventory and Program Enhancement Grants all 7 applications requesting these funds are proposed for funding, as are all 3 Conservation Drainage Grant applications. The interagency rankings and recommendations were reviewed by the Senior Management Team on November 9, 2010, and the Grants Program and Policy Committee on November 17, 2010.



Minnesota Board of Water & Soil Resources

FY 11 Competitive Grant Review Process

* These grants are a combination of Clean Water Fund and General Fund.

BOARD OF WATER AND SOIL RESOURCES

FY2011 Competitive Grants

November 17, 2010

Applications for the FY2011 Clean Water Fund Competitive Grants were accepted from August 4 through September 15. Local governments submitted 159 applications requesting more than $28 million in Clean Water Funds. For purposes of reviewing the applications, they were divided into the following categories:

- CWF Competitive Grants
- SSTS Inventory and Program Enhancement Grants
- Conservation Drainage Grants

A separate process was used to generate a recommendation for each category of grants that will be briefly discussed below.

CWF Competitive Grants.

The FY2011 CWF Competitive Grants consists of 8 separate funds, as shown below:

Agency Fund	FY11 Amount	Governmental Units Eligible for Funding
BWSR Runoff Reduction Grants	$3,147,800	Watershed Districts and Watershed Management Organizations (WMOs)
BWSR Clean Water Assistance Grants	$2,650,000	SWCDs, Watershed Districts, WMOs and Counties
BWSR Shoreland Improvement Grants	$1,325,417	SWCDs, Watershed Districts, WMOs, Counties, Cities, and JPBs of these organizations
BWSR Conservation Drainage Grants	$313,500	SWCDs, Watershed Districts, WMOs, Counties, and JPBs of these organizations
BWSR Restoration Technical Assistance Grants	$1,318,887	SWCDs, WDs, WMOs, Counties, Cities & JPBs of these organizations
MPCA SSTS Inventory Grants	$350,000*	Counties
BWSR SSTS Program Enhancement Grants	$1,067,826	Counties
MDA Clean Water Ag BMP	$2,200,000	Eligible AgBMP Loan authorities
Total	**$12,373,430**	

* Actual amount will include FY10 carry forward and returned funds.

A total of 149 applications requesting approximately $27 million were received during the application period. Applications requesting funds from Runoff Reduction, Clean Water Assistance, Shoreland Improvement, and Restoration Technical Assistance funds were initially assessed by BWSR staff and then scored by an interagency team consisting of staff from the MDA, the DNR, the MPCA, the MDH, and the BWSR based on the following criteria:

- Project Description: The proposed project demonstrates a high potential of long-term success based on project organization and management structure, partner support and public involvement within the project area. The maximum points available under this criterion are 15.
- Anticipated Outcomes: The outcomes expected upon completion of the project initiatives on the water resources are identified, including a description of the resulting primary and secondary public benefits such as pollution reduction, or groundwater or drinking water protection, hydrologic restoration, or aquatic habitat improvement. The maximum points available under this criterion are 30.
- Project Readiness: The application has a set of specific initiatives that can be implemented soon after grant award. The maximum points available under this criterion are 15.
- Prioritization and Relationship to Plan: The proposal is based on priority protection or restoration actions listed in or derived from an approved Comprehensive Local Water Management Plan or approved TMDL Implementation plan. The maximum points available under this criterion are 30.
- Groundwater and Drinking Water Protection: Proposed activities have the goal of protecting groundwater or drinking water. The maximum points available under this criterion are 10.

The proposed allocation of funds is shown on the attached spreadsheet (FY2011 Clean Water Fund Competitive Grant Funding Recommendation).

A number of recommended awards have been reduced from the amounts requested in the application, for the following reasons:

- Projects that were not targeted were reduced by 50%;
- Initiatives were removed from the recommended awards that were not discussed in the application narrative or had no connection to the central purpose of the application; and
- To address concerns over inappropriate requests for technical assistance/administration funding or lack of coordination with projects funded by other sources.

SSTS Inventory and Program Enhancement Grants

A total of 7 applications requesting $737,548 were received during the application period. FY 2011 CWF SSTS Inventory and Program Enhancement Grants project proposals were reviewed by BWSR and MPCA staff based on the following criteria:

- Project Description: The proposed project demonstrates a high potential of long-term success based on project organization and management structure, partner support and public involvement within the project area. The maximum points available under this criterion are 15.
- Anticipated Outcomes: The outcomes expected upon completion of the project initiatives on the water resources are identified, including a description of the resulting primary and secondary public benefits such as pollution reduction, or groundwater or drinking water protection, hydrologic restoration, or aquatic habitat improvement. The maximum points available under this criterion are 30.
- Project Readiness: The application has a set of specific initiatives that can be implemented soon after grant award. The maximum points available under this criterion are 15.

- Prioritization and Relationship to Plan: The proposal is based on priority protection or restoration actions listed in or derived from an approved Comprehensive Local Water Management Plan or approved TMDL Implementation plan. The maximum points available under this criterion are 30.
- Groundwater and Drinking Water Protection: Proposed activities have the goal of protecting groundwater or drinking water. The maximum points available under this criterion are 10.

The proposed allocation of funds is shown on the attached spreadsheet (FY2011 SSTS Inventory and Program Enhancement Grants).

Conservation Drainage Grants.

A total of 3 applications requesting $353,368 were received during the application period. Conservation Drainage Grants proposals were evaluated by an interagency team consisting of staff from the MDA, the DNR, the MPCA, University of Minnesota, USDA-Natural Resources Conservation Service, Minnesota State University-Mankato, and the BWSR based on the following criteria:

- Problem Identification & relationship to TMDL or local water management plan, total points available under this criterion is 20.
- Current monitoring activity, total points available under this criterion is 10.
- Fit to conservation drainage program objectives, total points available under this criterion is 20.
- Project evaluation plan, total points available under this criterion is 20.
- Public outreach plans, total points available under this criterion is 10.
- Overall proposal quality and completeness, total points available under this criterion is 20.

The proposed allocation of funds is shown on the attached spreadsheet (BWSR 2011 CWF Conservation Drainage Application Summary).

Row #	Score	Applicant	County	Project Title	Project Abstract	Total Grant Request	Total Grant Awarded
1	82.5	SE SWCD Technical Support Joint Powers Board	Multi-County	Nutrient Management in the Lower Mississippi River Watershed	Two nutrient management specialists will assist landowners in an eleven county area with writing nutrient management plans and implementing BMP's for manure and fertilizer use.	$161,616 (RTA)	$161,616 (RTA)
2	80.5	Ramsey Conservation District	Ramsey	Protecting Ramsey County's Drinking Water Supply Management Areas	This project will target the sealing of abandoned and unused wells within groundwater recharge zones of municipal water supply wells.	$188,947 (CWA)	$128,625 (CWA)
3	79.2	Greater Blue Earth River Basin Alliance	Multi-County	Blue Earth River Basin Clean Water Fund Positions	This project will help fund and support 4 positions assisting landowners and local units of government within the Greater Blue Earth River basin. The positions include: nutrient management specialist, conservation agronomist, urban outreach specialist, and a watershed technician for the Cobb River sub-watershed.	$242,075 (RTA)	$242,075 (RTA)
4	78.8	Red Lake Watershed District	Red Lake	Grade Stabilization for Reduction of Sedimentation in the Thief River	This project will result in the installation of six grade stabilization structures, side water inlets, and stream bank stabilization in the lower 2.5 miles of CD20.	$187,974 (RR/SL)	$187,974 (RR/SL)
5	78.6	Lincoln SWCD	Lincoln	Verdi Wellhead Protection Area Project - 2011	This project will reduce nitrate levels in the Verdi well field drinking water supply by providing landowners educational information and incentives by developing nutrient management plans, utilizing variable rate technology, utilizing nitrogen stabilizers/nitrogen efficiency products, and installing targeted filter strips.	$184,211 (CWA)	$184,211 (CWA)
6	74.9	Fillmore SWCD	Fillmore	Grazing Management Initiative for the Root, Whitewater and Adjacent Watersheds	A Grazing Management Specialist in the Root and Whitewater watersheds will provide technical assistance for developing prescribed grazing plans and implementing grazing practices through EQIP and other programs.	$126,316 (RTA)	$126,316 (RTA)
7	74.6	Rock County SWCD/Land Mgt	Rock	Rock River Turbidity and Fecal Coliform Reduction	This project will stabilize 1600' of eroding stream bank and also reduce storm water runoff with the installation of 3 rain gardens within the city of Luverne.	$46,598 (CWA)	$46,598 (CWA)
8	74.5	Red Lake County SWCD	Red Lake	Accelerated Erosion Control Projects in the Red Lake River Watershed	This project will reduce sediment from high priority sites by installing two grassed waterways, two grade stabilization structures and stabilizing, a stream bank.	$102,895 (CWA)	$102,895 (CWA)
9	74.5	Benton SWCD	Benton	Little Rock Impaired Waters Kickoff	This project will accelerate the adoption of high priority BMP's in the Little Rock Lake and Creek watersheds. Efforts will include a new watershed wide irrigation water management program that is intended to be funded by irrigators by the end of the grant program.	$103,745 (RTA/SL)	$84,211 (RTA)
10	74.1	Nobles SWCD	Nobles	Langseth Family (Lake Ocheda) Shoreline Improvement Project	This project will improve a 1600 foot lake shoreline resulting in improved water quality, fishery and upland habitat, historical preservation and improved drinking water supplies in Lake Ocheda.	$162,105 (SL)	$162,105 (SL)
11	74.0	Wilkin Soil and Water Conservation District	Wilkin	Lower Otter Tail River Sediment Reduction Project Phase IV	This project will install water control structures, side-inlets, and buffer strips into county ditch systems. Additionally, these practices will provide significant flood control benefits by storing water on the land.	$196,842 (CWA)	$196,842 (CWA)
12	73.7	Carver County	Carver	Carver County Fecal Coliform Implementation IV	Carver County has been targeting sub-watersheds of Carver, Bevens, and Silver Creeks and using direct marketing to promote BMP's, incentive programs, and stepped up enforcement of ordinances. This application will continue funding for staff and programs that are currently set to expire in June, 2011	$178,571 (RTA)	$178,571 (RTA)

RTA =Restoration Technical Assistance; RR=Runoff Reduction; CWA=Clean Water Assistance; SL = Shoreland

Row #	Score	Applicant	County	Project Title	Project Abstract	Total Grant Request	Total Grant Awarded
13	72.6	Winona County	Winona	Winona County Well Sealing Cost share Project	This project will be used for sealing wells in a targeted area in effort to prevent groundwater contamination.	$30,000 (CWA)	$30,000 (CWA)
14	72.6	Olmsted Soil and Water Conservation District	Olmsted	Protecting Groundwater by Assisting Oronoco Residents in Well Sealing	The City of Oronoco is nearing completion of its municipal water system. This project will provide cost-share to residents connecting to the Oronoco Water System that have unused or abandoned wells that need to be sealed to protect groundwater.	$128,866 (CWA)	$114,446 (CWA)
15	72.4	Cedar River Watershed District	Mower	Dobbins Creek Watershed Restoration	This project will implement activities in the 2009 Ag Watershed Restoration study funded by BWSR. Practices to be installed include: a wetland restoration and stream stabilizations that will trap sediments and stabilize stream banks in the Dobbins Creek Watershed.	$163,596 (RR/SL)	$163,596 (RR)
16	72.0	Bassett Creek Watershed Management Commission	Hennepin	Wirth Lake Outlet Modification Project	This project is the only project listed in the Wirth Lake TMDL implementation plan. By preventing backflow from Bassett Creek, the Wirth Lake outlet modification will reduce the TP load to the lake.	$75,000 (CWA)	$75,000 (RR)
17	71.4	Pomme De Terre River Association	Grant	Pomme de Terre River Watershed Best Management Practice (BMP) Initiative	This is a five SWCD/County cooperative project to accelerate the implementation of BMPs within the Pomme de Terre River Watershed. Our goal is to reduce sedimentation by 26,601 tons/yr and phosphorus loading by 26,621 lb/yr. Fecal coliform contamination will also be reduced in the Pomme de Terre River.	$502,684 (CWA)	$245,850 (RR/SL/RTA)
18	71.3	East Otter Tail Soil and Water Conservation District	Otter Tail	East Otter Tail Groundwater Protection Project	This project will provide incentives to encourage irrigation producers to convert high or medium pressure irrigation systems to low pressure systems, which will prevent potential nitrate-nitrogen and other potential groundwater contamination through leaching due to over irrigation	$174,742 (CWA)	$87,371 (CWA)
19	70.9	Sauk River Watershed District	Stearns	Sauk River Stormwater Runoff Reduction and Riparian Restoration Project	This project will install 29 urban stormwater/shore land projects on private property and 7 on city or school property.	$435,289 (RR/SL)	$435,289 (RR/SL)
20	70.7	Pennington SWCD	Pennington	Judicial Ditch #30 & #18 Buffer Initiative	This project will provide incentive payments for landowners to install 50' wide buffer strips and grade stabilization structures from field ditches along 24 mile ditch system.	$187,687 (CWA)	$93,844 (CWA)
21	70.4	South St. Louis Soil & Water Conservation District	St. Louis	Miller Creek Urban Trout Stream Restoration Projects	This project will restore 3,400 ft. of Miller Creek, a designated trout stream in Duluth.	$154,893 (CWA)	$154,893 (CWA)
22	69.9	Two Rivers Watershed District	Kittson	Lake Bronson Watershed Runoff Reduction Project	The project will reduce runoff and decrease movement of sediment, nutrients and bacteria by targeting, prioritizing and installing vegetative practices within Lake Bronson and upland subwatersheds. Emphasis will be placed on State Ditch 90, 91 and 95 which are subwatersheds within the Two Rivers Watershed District (TRWD).	$200,000 (CWA)	$100,000 (RR)
23	69.1	Brown's Creek Watershed District	Washington	Brown's Creek Thermal Load Reduction	Brown's Creek Watershed District and Oak Glen Golf Course will partner to achieve significant thermal and sediment reductions in biologically impaired Brown's Creek by installing 2.25 acres of buffer and restoring 1300 feet of stream bank.	$210,000 (SL)	$210,000 (SL)

RTA =Restoration Technical Assistance; RR=Runoff Reduction; CWA=Clean Water Assistance; SL = Shoreland

Row #	Score	Applicant	County	Project Title	Project Abstract	Total Grant Request	Total Grant Awarded
24	69.1	Lake of the Woods Soil and Water Conservation District	Lake of the Woods	Bostic and Zippel Watershed Stabilization and Water Retention Project	This project will reduce erosion, sedimentation, and nutrient transport within the Bostic and Zippel Watersheds by installing grade stabilization, side water inlets, and gully stabilization projects and developing a water retention plan.	$52,105 (CWA)	$52,105 (CWA)
25	68.7	Todd Soil & Water Conservation District	Todd	Swan River Headwaters Clean Water Fund	This project targets nineteen landowners within the Swan River Watershed . The practices installed will control pollutants and sediment from entering surface waters.	$203,158 (SL)	$144,358 (CWA)
26	68.7	City of St. Louis Park	Hennepin	Minnehaha Creek Stream Meander - St. Louis Park	This project aims to re-meander a section of Minnehaha Creek through a highly urbanized area of St. Louis Park. The project will include increased riparian buffers, stream bank stabilization, vegetative restoration, and construction of water quality treatment practices.	$300,000 (SL)	$300,000 (SL)
27	68.6	Rice Creek Watershed District	Anoka	Moore Lake Water Quality Enhancements	This project will construct three rain gardens to infiltrate stormwater runoff near the Fridley Middle School. The BMP's will improve water quality of West Moore Lake and provide opportunity to educate students and the public in responsible stormwater management.	$136,336 (RR)	
28	68.1	Elk River Watershed Association	Sherburne	Elk River Watershed Pollution Loading Reduction Project	Elk River Watershed Association (ERWSA) has commitments from cooperators to restore shore lands, treat stormwater, manage manure and create a wetland.	$149,104 (SL)	$149,104 (CWA)
29	66.7	Isanti County Zoning Department	Isanti	Isanti County Native Grass/ Stormwater BMP Demonstration Project	The project will reduce runoff and protect groundwater by establishing native plantings on at least 150 acres of private lands in priority areas and establish stormwater reduction and other BMP projects in county parks.	$145,484 (CWA)	$65,924 (CWA)
30	66.3	Red Lake County SWCD	Red Lake	Accelerated Streambank & Shoreland Projects in the Clearwater River Watershed.	This project will construct two streambank stabilizations identified in an Erosion Site Inventory conducted by Red Lake County SWCD.	$103,789 (CWA)	$48,421 (SL)
31	65.5	Prior Lake-Spring Lake Watershed District	Scott	Spring and Prior Lake Upper Watershed Stormwater Runoff Volume Reduction	This project will store an additional 186 ac-ft of stormwater per year in the upper watershed of Spring and Prior Lake through wetland reestablishment and restoring natural infiltration capacity of several topographic depressions.	$195,600 (RR)	$195,600 (RR)
32	65.4	Pennington SWCD	Pennington	The Ralph Engelstad Arena Raingarden Project	The Ralph Engelstad Arena covers about two city blocks and is covered by 85-90% impervious surface. This project will utilizing multiple raingardens to store water onsite and control stormwater runoff.	$88,681 (CWA)	$88,681 (CWA)
33	65.0	Aitkin County SWCD	Aitkin	Cedar and Farm Island Lakes, Reversing the Downward Trend	Cedar and Farm Island are large recreational lakes located in the Aitkin/Brainerd Lakes area. Both lakes are showing significant downward trends in water clarity. This project seeks to reverse that trend before these lakes degrade further and become impaired.	$108,011 (CWA/SL)	$108,011 (CWA)
34	64.7	Greater Blue Earth River Basin Alliance	Multi-County	The Greater Blue Earth River Basin Alliance Agricultural Shoreland Initiative	This project will identify DNR protected shoreland in GBERBA counties without a 50' buffer. Implementation of buffers and landowner Education will also be undertaken.	$267,368 (CWA)	$100,000 (CW/SL)
35	64.7	Sauk River Watershed District	Stearns	Technical Assistance for Sauk River Watershed - Mississippi River Basin Initiative	This project will provide technical assistance for the Upper Mississippi River Basin Initiative (MRBI) project in the Sauk River Watershed.	$231,579 (CWA)	$168,421 (RTA)
36	64.5	Buffalo-Red River Watershed District	Clay	Wolverton Creek Restoration and Sediment Reduction Project	This project aims to reduce erosion and sedimentation in Wolverton Creek by installing side inlets, bufferstrips, conservation tillage, and channel restoration design.	$306,837 (RTA)	$253,229 (RR)

RTA =Restoration Technical Assistance; RR=Runoff Reduction; CWA=Clean Water Assistance; SL = Shoreland

Row #	Score	Applicant	County	Project Title	Project Abstract	Total Grant Request	Total Grant Awarded
37	64.0	Chisago Soil and Water Conservation District	Chisago	Chain of Lakes Stormwater Retrofit Assessment Best Management Practices	The Chisago Lakes Chain of Lakes Stormwater Retrofit Assessment has assessed 54 small watersheds for the optimal locations for best management practices. A long list of BMPs has been identified and this project will take the next step is to design and install priority projects.	$230,526 (CWA)	$230,526 (CWA)
38	63.8	Prior Lake-Spring Lake Watershed District	Scott	Upper Prior Lake – Targeted Stormwater BMP Retrofits & Enhancements	This project will enhance 11 existing water quality ponds to include iron-sand enhanced filtration, hydro period modification and increased storage. In addition, 39 retrofit bioretention raingardens targeted in untreated subwatersheds and a 210 SF permeable pavement area will be constructed.	$189,511 (CWA)	$189,511 (RR)
39	63.4	Buffalo - Red River Watershed District	Clay	Upper South Branch BMP Strategic Implementation Plan	LiDAR terrain analysis will be used to determine BMP locations to reduce sediment loads and runoff contamination. BMPs will be implemented at these locations.	$135,364 (RTA)	$135,364 (RTA/RR)
40	62.9	Scott Watershed Management Organization	Scott	Sand Creek & Prior Lake/Spring Lake Watersheds Wetland Restoration Project	This proposal is to fund Early Adopter payments to promote participation in a regional watershed project having the goal of improving water quality and expanding wildlife habitat by permanently restoring and enhancing up to 500 acres of wetlands in the Sand Creek and Prior/Spring Lake Watersheds.	$80,000 (RR)	$80,000 (RR)
41	62.6	West Otter Tail SWCD	Otter Tail	Otter Tail and Pelican River BMP Implementation Project Plan	This project will help promote and design BMPs that are priorities in the Lower Otter Tail Watershed TMDL implementation plan.	$65,684 (RTA)	$65,684 (RTA)
42	62.5	Bois de Sioux Watershed District	Traverse	Mustinka River Turbidity TMDL Implementation Project	This project will work to complete goals outlined within the Mustinka River TMDL Implementation Plan. Implementing BMPs will annually reduce a total of 31,250 tons of sediment and 31,250 pounds of phosphorus loading into the Mustinka River.	$260,211 (RR)	$130,106 (RR)
43	62.0	Pennington SWCD	Pennington	Halvorson Streambank Restoration	Stabilize 300' of the Thief River streambank to protect a home plus improve water quality in an impaired water and a city drinking water supply.	$34,375 (SL)	$34,375 (SL)
44	61.8	Carlton SWCD	Carlton	Elim Creek Restoration Through Aging Sediment Retention Structure Removal	This project will remove three, 30 year old sediment control structures and restore 1/3 mile of Elim Creek. The project will correct 304 tons of soil loss and remove the threat of 956 tons of sediment transport to the North Fork of the Nemadji River that is impaired for turbidity.	$119,522 (CWA)	$119,522 (CWA)
45	61.6	Blue Earth County	Blue Earth	Blue Earth County Shoreland Buffer Initiative	Restoration technical assistance will be targeted in shoreland areas within impaired watersheds to establishment of riparian buffers and other practices.	$136,842 (RTA)	$136,842 (RTA)
46	60.8	Chisago Soil and Water Conservation District	Chisago	St. Croix River escarpment gully stabilization inventory and outreach program	This project will inventory the active gully erosion sites along the St. Croix River escarpment from the Wild River State Park entrance south to the County line. This inventory will be utilized to contact landowners and begin the process of developing a plan to implement BMP's.	$31,579 (RTA)	$31,579 (RTA)
47	60.8	Becker Soil & Water Conservation District	Becker	Campbell Creek Phosphorus and Sedimentation Reduction Project	Continue the successful efforts of erosion and sediment reduction in the Campbell Creek/Floyd chain of lakes area and the Buffalo River through the installation of sediment and erosion control basins and native buffers.	$57,653 (CWA)	$57,653 (SL)

RTA =Restoration Technical Assistance; RR=Runoff Reduction; CWA=Clean Water Assistance; SL = Shoreland

Row #	Score	Applicant	County	Project Title	Project Abstract	Total Grant Request	Total Grant Awarded
48	60.7	Ramsey Washington Metro Watershed District	Ramsey	North Saint Paul Living Street Project	The proposed 2-block street reconstruction project addresses aspects of the Kohlman Lake TMDL Implementation Plan through construction of infiltration rainwater gardens, urban trees and narrowed streets in a distributed fashion in a residential setting, achieving runoff volume reduction and pollutant reduction.	$566,000 (RR)	$566,000 (RR)
49	60.7	Middle St. Croix Watershed Management Organization	Washington	Lily Lake Stormwater Retrofit Project	This project will implement priority stormwater treatment projects identified in the Lily Lake Stormwater Retrofit Assessment Report. Implementation will reduce phosphorous inputs to Lily Lake by 9.5 lbs/yr, reduce TSS to Lily Lake by 8,566 lbs/yr and provide a volume reduction of 7.7 acre-feet/yr	$43,400 (RR)	$43,400 (RR)
50	60.5	Crow Wing Soils and Water Conservation District	Crow Wing	Catch, Clean, Circulate, Stormwater Management for Gull and Trout Lakesheds	This project will implement projects that will intercept, infiltrate, and treat runoff which will reduce phosphorus and sediment inputs into Gull and Trout Lakes.	$136,300 (CWA)	$136,300 (CWA)
51	60.5	East Polk Soil and Water Conservation District	Polk	Sand Hill River Watershed Accelerated Erosion Area BMP's	This project would assist in the installation of 29 sediment basins in the Upper Sand Hill River Watershed.	$281,053 (CWA)	$186,672 (CWA/SL)
52	60.3	Carver County WMO	Carver	Reitz Lake Restoration Project	Reitz Lake's water quality will improve by installing a water retention structure, enhancing/restoring a wetland and installing several raingardens/shoreland restorations.	$127,551 (RR/SL)	$127,551 (RR/SL)
53	60.0	City of Orono	Hennepin	Stubbs Bay Ravine Stabilization	This project will repair an eroding ravine that drains into Stubbs Bay on Lake Minnetonka. The proposed project is to regrade the ravine, install grade breaks, and stabilize it with native vegetation and shrubs.	$183,684 (SL)	$183,684 (SL)
54	59.9	Scott Watershed Management Organization	Scott	Cedar & O'Dowd Lake Shoreline Improvements	This project will reduce phosphorus input into Cedar and O'Dowd Lakes, create habitat to improve water quality by stabilizing shoreland in the Cedar Lake Farms Regional Park, and by restoring shoreland along O'Dowd Lake.	$30,000 (SL)	$15,000 (SL)
55	59.7	Washington Conservation District	Washington	Powers Lake Priority Subwatershed Retrofit Project	This project will implement 20 priority stormwater treatment projects within two target catchments identified in the Powers Lake Subwatershed Assessment.	$37,632 (CWA)	Clean Water Assistance Fund depleted
56	59.5	Buffalo-Red River Watershed District	Becker	Continuation of Hay Creek/Stinking Lake Sediment Reduction Project	Continue the successful efforts of erosion and sediment reduction in the Hay Creek/Stinking Lake Watershed through the installation 19 additional sediment and erosion control basins.	$105,408 (RR)	$105,408 (RR)
57	59.5	Chisago Soil and Water Conservation District	Chisago	Implementation of Water-Smart Best Management Practices at Schools and Libraries	This project will implement BMPs to treat stormwater runoff at public school and library facilities in Chisago County.	$37,895 (CWA)	Clean Water Assistance Fund depleted
58	59.4	Murray County	Murray	Jackson-Cottonwood-Murray West Fork Des Moines River BMP Project	Construct sediment reduction projects in the Des Moines River watershed that include a structure enhancement in Cottonwood County, a bio swale and sediment control structure in Jackson County, and a retention structure in Murray County.	$83,064 (CWA)	Clean Water Assistance Fund depleted
59	59.2	Red Lake Watershed District	Red Lake	Grand Marais Creek Cut Channel Stabilization Project	Stabilize the outlet of Grand Marais Creek to reduce the sediment carried to the Red River of the North by up to 700 tons per year.	$662,000 (RR/SL)	$585,552 (RR/SL)
60	59.1	Washington Conservation District	Washington	Armstrong Lake Restoration - Oakdale Library Water Quality Retrofit	Oakdale Library Water Quality Retrofit project will install a large parking lot bioretention facility and multiple rain gardens to reduce phosphorus loading and improve water quality in Armstrong Lake and Wilmes Lake.	$48,270 (CWA)	$ -

RTA =Restoration Technical Assistance; RR=Runoff Reduction; CWA=Clean Water Assistance; SL = Shoreland

Row #	Score	Applicant	County	Project Title	Project Abstract	Total Grant Request	Total Grant Awarded
61	58.5	Chisago Soil and Water Conservation District	Chisago	Stabilization of erosion concerns adjacent to public roads and rivers	This project will implement numerous BMPs to correct multiple erosion concerns occurring adjacent to two public roads (Kost Dam Trail and County Road 81), which are in close proximity to the Sunrise River.	$89,474 (CWA)	$ -
62	58.4	Chisago Soil and Water Conservation District	Chisago	Pleasant Hill Park Stormwater Retrofit	The City of Lindstrom has identified this subwatershed as a high priority subwatershed for potential stormwater best management practices due to the high volume of untreated stormwater that discharges directly into South Lindstrom Lake. Concept plans have been completed that include a series of sediment forebays and filtration basins.	$263,158 (CWA)	$ -
63	58.0	Cass Soil and Water Conservation District	Cass	Cass County Water Quality Enhancement and Shoreline Protection Project	This project consists of an erosion/sediment control project and two shoreline restoration and protection projects that will enhance and protect surface water quality in Cass County.	$193,553 (CWA/SL)	$ -
64	57.8	Le Sueur County	Le Sueur	Jefferson German Lakes Septic Inventory (JGLSI)	This project will install 46 shoreland projects that improve water quality on lakes in Le Sueur County.	$171,605 (CWA)	$ -
65	57.4	East Otter Tail Soil and Water Conservation District	Otter Tail	Engaging and Equipping Lake Based Communities for Exceptional Resource Protection	The installation of community identified water quality projects supported by lake specific citizen engagement efforts to leverage and foster proactive lake protection planning and implementation activities.	$100,263 (SL)	$ -
66	57.2	Lake of the Woods SWCD	Lake of the Woods	Rainy River Shoreline Stabilization Program	This project will install BMPs to reduce lakeshore and streambank erosion through project implementation and education.	$91,579 (CWA)	$ -
67	57.1	Minnesota River Board JPB	37 county JPB	Community Clean-Ups for Water Quality	This project will engage citizens, businesses and organizations to prevent over 20,040 pounds of nitrogen and phosphorus from being transported in stormwater runoff and contaminating the associated water bodies through training, coordination and implementation of 120 organic waste Community Clean-Ups.	$300,000 (CWA)	$ -
68	56.8	Lake SWCD	Lake	Stewart River Watershed Protection Project	This project will restore four severely eroding streambank sites along a 1.5 mile reach of the Stewart River.	$87,921 (SL)	$ -
69	56.5	Grass Lake WMO	Ramsey	Improving Lake Owasso's Water Quality through Bioinfiltration in two Communities	This project will install several bioinfiltration systems within two drainage areas that ultimately feed into Lake Owasso.	$211,579 (RR)	$ -
70	56.3	Washington SWCD	Washington	Lake Edith Shoreland Improvement Project	This shoreland project will improve water quality by stabilizing a large section of steep, highly erodible shoreline along Lake Edith, directly tributary to Valley Creek, a designated trout stream.	$73,684 (SL)	$ -
71	56.2	Black Dog WMO	Dakota	Whitney Pond Water Quality Improvement Project	The project involves constructing a 1.9 acre detention pond with an in-pipe grit chamber and upland native plant buffer, 25' wide, to reduce the annual total phosphorus load to Keller Lake by 53 lbs.	$475,000 (RR)	$ -
72	56.1	Buffalo Red River WD		Buffalo River Restoration and Floodplain Enhancement, Hawley, MN	This project will restore 5,600 feet of Buffalo River channel, add 34 acres of flood plain, and stabilize the river bank and rebuild dike protecting 56 homes.	$1,037,500 (CWA/RR/SL)	$ -
73	56.0	Chisago SWCD	Chisago	Chisago County Urban and Lakeshore Best Management Practices Implementation Project	This project will install urban BMPs, including rain gardens and lakeshore restorations, that are ready for implementation within Chisago County.	$86,737 (CWA/SL)	$ -

RTA =Restoration Technical Assistance; RR=Runoff Reduction; CWA=Clean Water Assistance; SL = Shoreland

Row #	Score	Applicant	County	Project Title	Project Abstract	Total Grant Request	Total Grant Awarded
74	56.0	Bassett Creek Watershed Management Commission	Hennepin	Bassett Creek Reach 1, Subreaches 1 and 3 Restoration Project	This project will stabilize the stream and the stream banks at 15 locations along Bassett Creek. The project will stabilize a total of 900 feet of stream bank over a total reach length of approximately 6,300 feet.	$174,000 (RR)	$ -
75	55.9	Coon Creek WD	Anoka	Clean Water at Schools - reducing pollution, increasing stewardship	This project will install BMPs to reduce degradation of Coon Creek while promoting stewardship for clean water at built-out school facilities. The pilot site is at the adjacent Coon Rapids Middle and High School campuses.	$224,576 (RR)	$ -
76	55.4	Blue Earth SWCD	Blue Earth	Blue Earth County Ravine and Stream Channel Stabilization Design Assistance	that will significantly reduce gully, ravine, stream bank and bluff erosion and sedimentation in the Blue Earth, Le Sueur, Watonwan	$57,895 (RTA)	$57,895 (RTA)
77	55.3	Mille Lacs SWCD	Mille Lacs	Mille Lacs SWCD Rum River Watershed Shoreline Restorations	approximately 100 linear feet of badly eroded shoreline in Mille Lacs County.	$52,293 (RR/SL)	$ -
78	54.4	Middle Fork Crow River WD	Kandiyohi	Green Lake Stormwater Improvement Project	This project is designed to reduce nutrients and sediment delivered to the lake via the implementation of stormwater BMPs.	$219,180 (RR/SL)	$ -
79	54.0	Washington Conservation District	Washington	Washington County Green Churches Stormwater Retrofit Initiative	This project will install BMP's that include raingardens, pervious pavements, and rainwater harvesting methods to capture and improve water quality to downstream water resources.	$67,750 (CWA)	$ -
80	53.9	Washington Conservation District	Washington	Highway 61 Commercial Stormwater Retrofit Flooding and Water Quality Improvement	This project will install multiple stormwater management practices on commercial site to reduce flooding and improve downstream water quality	$130,870 (CWA)	$ -
81	53.5	Kanabec SWCD	Kanabec	Shoreland native vegetative buffers and rain gardens infiltration project	The project will focus on providing technical assistance to lake associations, landowers and local government units within the Snake River Watershed to reduce runoff and nutrient loading through the implementation of BMP's such as rain gardens and shoreland buffers.	$31,390 (SL)	$ -
82	53.4	Morrison SWCD	Morrison	Sullivan/Platte Lakes Initiative and Platte/Skunk/Spunk Rivers Remedial Initiative	The Platte, Skunk, and Spunk creeks all are impaired tributaries to the Crane Meadows Wildlife Preserve. Affected by agriculture and erosion impacts, the goal would be to reduce the impacts in the headwaters prior to entering the wildlife refuge.	$159,579 (CWA)	$ -
83	52.7	Carlton SWCD	Carlton	Shoreline Re-vegetation in Carlton County on Priority Lakes	This proposal will fund shoreline buffers establishment on 332 linear feet (16,975 sq.ft.) of lake shore on 3 priority lakes (4 sites). A county wide waters conference for lakeshore owners will highlight these buffers.	$71,697 (SL)	$ -
84	51.6	Carver County	Carver	East Creek tributary urban stream stabilization	Use of proven stream restoration techniques and volume reduction BMPs will restore the tributary and reduce the amount of sediment and nutrients being transported to East Creek.	$124,490 (RR)	$ -
85	50.8	Chisago SWCD	Chisago	Rock Creek Streambank Erosion Stabilization Project	This project is proposed to stabilize a large erosion concern located on the bank of the Rock Creek, approximately 3/4 of a mile from the St. Croix River. The goal of the project is to stabilize 225 feet (horizontal) by 30 feet (vertical) of severely eroded shoreline along the Creek.	$31,579 (SL)	$ -
86	50.8	Bassett Creek Watershed Management Commission	Hennepin	North Branch Bassett Creek Restoration Project	This project will stabilize the stream and the stream banks at 20 locations within the North Branch of Bassett Creek.	$250,000 (RR)	$ -
87	50.7	South Washington WD	Washington	C-P6 Pond Improvements	The installation of improvements to pond C-P6, which include the excavation of three pre-treatment basins plus a linear infiltration swale.	$339,039 (RR)	$ -

RTA =Restoration Technical Assistance; RR=Runoff Reduction; CWA=Clean Water Assistance; SL = Shoreland

Row #	Score	Applicant	County	Project Title	Project Abstract	Total Grant Request	Total Grant Awarded
88	50.6	Upper Minnesota River WD	Big Stone	Minnesota River Headwaters and Whetstone River Restoration Project	The project will be a cooperative effort to restore the historic Whetstone River channel between Big Stone Lake and Minnesota River.	$61,684 (RTA)	$ -
89	50.4	South Washington WD	Washington	ED-P5 Pond Improvements	The proposed project will improve the quality of storm water runoff to downstream wetlands and the Mississippi River by retrofitting an existing dry stormwater basin with wet ponding cells and an infiltration cell.	$640,000 (RR)	$ -
90	50.2	Steele SWCD	Steele	Straight River/County Road #3 Sediment Reduction Project	The proposed erosion control structure addresses an active gully that extends from the Straight River up to Steele County Road #3 (a distance of 200'). The proposed erosion control structure will remove 9.6 tons and over 9# of phosphorus per year from the system	$30,000 (CWA)	$ -
91	46.1	Upper Minnesota River WD	Big Stone	Central Park Storm Water Erosion Control Project	This project represents the second phase of a three-phase project to reduce the sediment and nutrient loading from the Central Park storm water system to Big Stone Lake.	$80,000 (CWA)	$ -
92	45.8	SWCDs in Lac qui Parle WD	Yellow Medicine	SWCD CWF 2011 Project for the Lac qui Parle Watershed	This project will install BMPs within six impaired reaches of Lac qui Parle River by: replacing open tile intakes with alternative intakes; installing buffers on tile intakes and on ditches/streams; and implementing other structural BMPs.	$129,316 (CWA)	$ -
93	44.2	Heron Lake WD	Multi-County	Heron Lake Watershed District Okabena Creek J-hook Weir Installation	Through this project the Heron Lake Watershed District (HLWD) will work with a landowner in Jackson County to install five J-hook weirs.	$30,785 (CWA)	$ -
94	44.2	East Otter Tail SWCD	Otter Tail	Engaging Future Local Leaders Through Shoreland Stabilization and Bioretention Projects	Cultivate future local leaders by providing educational, financial, and technical assistance for shoreland stabilization projects in Otter Tail County, with priority given to projects on lakes with an increasing trophic state index (TSI) and a mean TSI of 51 or greater.	$141,432 (CWA)	$ -
95	38.9	Renville County	Renville	2011 Olivia Storm Water Improvements / Beaver Creek Protection Project	The City of Olivia desires to construct two wet sedimentation basins in order to improve water quality and mitigate urban flooding in a 400-acre watershed.	$1,040,000 (SL)	$ -
96	35.0	Olmsted SWCD	Olmsted	Byron Regional Stormwater Pond F	This project is for a regional stormwater detention pond near the City of Byron.	$136,842 (CWA)	$ -

RTA =Restoration Technical Assistance; RR=Runoff Reduction; CWA=Clean Water Assistance; SL = Shoreland

FY2011 SSTS Inventory and Program Enhancement Grants

	MPCA	BWSR
Returned FY10 Funds (Benton)	$12,000	
FY10 Funds Carry Forward	$28,315	
FY11 Available Funds	$382,340	$1,067,826
Total Funds Available	$422,655	$1,067,826

Project ID	LGU	MPCA SSTS Inventory Grant*	BWSR SSTS Program Enhancement Grant*	Match	Project Description	Budget Description	Notes
C11-14	Faribault County	$0	$67,895	$17,500	An accurate digital parcel database of residential land ownership would provide Faribault County a base to track SSTS permitting, compliance status and maintenance activities, and move permitting and compliance records from a paper file system to the web for 24/7 homeowner and public access.	BWSR (Database): 64,500 project, $3,395 admin	
C11-29	Cass County	$16,579	$13,053	$15,200	Lake inventories for septic compliance will be conducted on 236 parcels on Sylvan Lake and 284 parcels in the Lake Margaret Watershed in southwest Cass County in partnership with the municipalities of East Gull Lake and Lakeshore and townships of Fairview and Meadowbrook.	MPCA: $15,750 invt, $829 admin (Lake Margaret). BWSR: $12,400 invt., $653 admin (Lake Sylvan).	
C11-125	Rice County	$0	$80,000	$20,000	This project will enhance the Rice County SSTS program by providing additional maintenance activities, follow-up of over 350 IPHT systems identified through inventory activities, property transfers, CUPs, and variances. In addition, funds are being requested to offer a voluntary upgrade incentive program to aid in increased enforcement.	BWSR (Enf./Maint.): $76,000, admin $4,000	
C11-135	Le Sueur County	$350,396	$30,612	$409,000	This project will complete a septic system inventory of shoreland parcels on the Jefferson-German chain of lakes. A past survey showed that over 500 residents on the chain approved of having a septic inspection. There is a sewer district and a detailed septic inventory is needed.	MPCA: $343,600 invt, $7,012 admin. BWSR: $30,000 database, $612 admin.	Reduced grant amount by $216 to zero out MPCA funds
C11-136	Beltrami County	$0	$41,500	$35,000	Beltrami County will utilize Clean Water Funding to expand and enhance its SSTS program through landowner education, professional workshops, creating an electronic database, staff training, and assisting other LGU's.	BWSR (Enf./Maint./Data): $41,500, admin $0	
C11-154	Todd County	$0	$107,263	$56,000	Through a collaborative effort between the Todd County Board of Commissioners, county administration, Sauk River Watershed District, and lake associations, a systematic septic inventory program has begun. Four lakes with 1200 parcels total have been researched and groundtruthed for imminent health threats and will have compliance inspections completed by 2011.	BWSR: $92,900 invt., $9,000 database, $5,663 admin.	
	Anoka County	$0	$30,250	$7,961	Anoka County is submitting this application on behalf of and in partnership with the City of Columbus. The City of Columbus is applying for this grant to replace an outdated septic system pumping and monitoring computer software. The current software no longer has software support from its vendor for software changes or updates nor does it have the capability to be supported by future versions of a windows based operating system. This project will enable the city to continue the Columbus Septic System Pumping and Monitoring Program well into the future.	BWSR: $29,500 software, $750 admin.	
	Totals	**$366,975**	**$370,573**	**$560,661**	***Includes 5% admin maximum**		
	Funds Remaining	**$55,680**	**$697,253**				

BWSR 2011 CWF Conservation Drainage Application Summary

Conservation Drainage Total Requested = $353,368.42
Conservation Drainage Total Available = $313,500

Application ID	Applicant	LGU Type	Project Title	Project Abstract	Percent Admin	Total Grant Request	Recommended Grant	Total Match	Comments
C11-142	Cottonwood and Jackson SWCDs	SWCD	Fish Lake Outlet Mitigation Project	This project will eliminate nitrogen and fecal bacteria from all tile outlets entering Fish lake. We will use wood chip bio reactors to remove the nitrogen and a joint wastewater treatment system to remove the septic discharge. All landowners have been contacted and have agreed to proceed with the project.	0	$268,000.00	$255,900.00	$68,700.00	A septic project that was proposed to be used as match was removed because it had no connection to the bio reactors.
C11-68	Dodge County Environmental Services	County	Improving Woodchip Bioreactors for Agricultural Nitrate and Phosphorus Reduction	This project involves the installation of a woodchip bioreactor on a tile-drained agricultural field, which will feature improvements in design, and monitoring scope, as compared to a previous bioreactor constructed in Dodge County in 2007. This bioreactor should demonstrate a cost-effective way for agricultural producers to reduce the nitrate level of tile discharge water, and further the understanding of how these same units can aid in phosphorus management as well.	0	$30,000.00	$30,000.00	$7,500.00	
C11-03	Red Lake County SWCD	SWCD	Red Lake Watershed District Ditch 3 & Ditch 7 Project	Red Lake County SWCD will work cooperatively with the Red Lake Watershed District (RLWD) and the landowners involved to reduce erosion, provide temporary detention and eliminate sediment deposition along the Red Lake Watershed District Ditch #3 system by installing eight side water inlet structures and along the Red Lake Watershed District Ditch #7 system by installing eight side water inlet structures in Red Lake County.	5	$55,368.42	$27,600.00	$19,400.00	Initiative 1 not funded because it is for drainage records modernization

FY2011 Feedlot Grant MDA AgBMP Loan Requests

Application ID	Applicant	LGU Type	MDA AgBMP Loan Request
FL11-02	Anoka Conservation District	SWCD	$19,275
FL11-05 and FL11-16	Winona SWCD	SWCD	$416,366
FL11-06	Lyon SWCD	SWCD	$100,000
FL11-10	Root River SWCD	SWCD	$14,366
FL11-11	Fillmore SWCD	SWCD	$356,000
FL11-14	Brown County	County	$43,025
FL11-15	Nobles SWCD	SWCD	$48,607
			$997,639

FY2011 Clean Water Fund Competitive MDA AgBMP Loan Requests

Application ID	Applicant	LGU Type	MDA AgBMP Loan Request
C11-02	Yellow Medicine Soil & Water Conservation District	SWCD	$100,000
C11-32	Carver County	County	$300,000
C11-114	Houston County	County	$50,000
C11-125	Rice County Environmental Services	County	$100,000
C11-133	Douglas SWCD	SWCD	$133,500
C11-143	Cottonwood Soil and Water Conservation District	SWCD	$200,000
			$883,500

Board Resolution # 10-109

FY 2011 COMPETIVE GRANTS PROGRAM FUNDING RECOMMENDATION

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

WHEREAS, Laws of Minnesota 2009, Chapter 172, Section 6 appropriated CWF funds to the Board of Water and Soil Resources (BWSR); and,

WHEREAS, Laws of Minnesota 2010, Chapter 361, Article 2, Section 6 appropriated additional CWF funds to BWSR; and,

WHEREAS, BWSR has authority under Minn. Stat. 103B.3369 to make grants to cities, townships, counties, soil and water conservation districts, watershed districts, joint powers organizations and other special purpose districts and authorities with jurisdiction in water and related land resources management when a proposed project or activity implements a county water plan, watershed management plan or county groundwater plan; and,

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

WHEREAS, BWSR has previously endorsed an inter-agency granting strategy that included the MN Department of Agriculture (MDA), the Department of Natural Resources (DNR), the Minnesota Pollution Control Agency (MPCA), the Minnesota Department of Health (MDH), and BWSR with the goal of effectively coordinating water quality projects funded by the CWF and the State's General Fund; and,

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

WHEREAS, the CWF implementation strategy recognizes that funding decisions should be based on the best available scientific information and directed to where clean water protection, enhancement and restoration work is most needed and most effective; and,

WHEREAS, on June 23, 2010 (Board Resolution # 10-65) the Board:

1. Authorized staff to finalize, distribute and promote a request for proposals for the Clean Water Fund and Competitive Grants Program consistent with the provisions of Minn. Stat. 103B.3369 and this Board resolution;

2. Authorized staff to allocate technical assistance funds to the Clean Water Fund and Competitive Grants Program and other desirable initiatives;
3. Adopted the Clean Water Fund and Competitive Grants Program implementation schedule; and
4. Adopted the FY2011 Clean Water Fund Competitive Grants Policy.

WHEREAS, FY 2011 CWF competitive grant funds in the following amounts were made available to local governments through the RFP process that was open for applications from August 4 to September 15, 2010:

- $9,823,430 from the CWF appropriated to BWSR,
- $350,000, in addition to any funds that are carried over from FY2010, transferred to BWSR from the MPCA for subsurface sewage treatment system general fund grants, and
- Up to $2.2 million of Agricultural Best Management Practices Loan Program CWF Funds appropriated to the MDA; and,

WHEREAS, BWSR staff implemented a communication effort that included:

- email notification to eligible grantees on June 30, 2010, July 30, 2010 and August 4, 2010 of the application period;
- outreach meetings were held on July 26, 28, 29, 30 and August 3, 4, 5, 11, 17, 18, 2010 to review the grant programs; and
- a question and answer blog and question and answer document were established on the BWSR website to provide a accessible information outlet; and,

WHEREAS, on August 4, 2010 (Board Resolution # 10-70) the Board amended the FY2011 Clean Water Fund Competitive Grants Policy to address concerns regarding stormwater projects occurring on public versus private land, and distinctions between point and non-point source projects as presented in the policy adopted on June 23, 2010; and,

WHEREAS, local governments throughout the state submitted 159 applications that requested in excess of $28 million in state funds for CWF competitive projects; and,

WHEREAS, the FY 2011 CWF project proposals were initially assessed by BWSR staff and then scored an interagency team consisting of staff from the MDA, the DNR, the MPCA, the MDH, and the BWSR based on the following criteria:

- Project Description: The proposed project demonstrates a high potential of long-term success based on project organization and management structure, partner support and public involvement within the project area.
- Anticipated Outcomes: The outcomes expected upon completion of the project initiatives on the water resources are identified, including a description of the resulting primary and secondary public benefits such as pollution reduction, or groundwater or drinking water protection, hydrologic restoration, or aquatic habitat improvement.
- Project Readiness: The application has a set of specific initiatives that can be implemented soon after grant award.

- Prioritization and Relationship to Plan: The proposal is based on priority protection or restoration actions listed in or derived from an approved Comprehensive Local Water Management Plan or approved TMDL Implementation plan.
- Groundwater and Drinking Water Protection: Proposed activities have the goal of protecting groundwater or drinking water.

WHEREAS, local governments throughout the state submitted 7 applications that requested $737,548 in state funds for SSTS Inventory and Program Enhancement projects; and,

WHEREAS, the SSTS Inventory and Program Enhancement project proposals were reviewed by BWSR and MPCA staff based on the same criteria as used for the CWF proposals; and

WHEREAS, local governments throughout the state submitted 3 applications requesting $353,368 in state funds for Conservation Drainage projects; and,

WHEREAS, the Conservation Drainage Grants proposals were evaluated by an interagency team consisting of staff from the MDA, the DNR, the MPCA, University of Minnesota, USDA-Natural Resources Conservation Service, Minnesota State University-Mankato, and the BWSR based on the following criteria:

- Problem Identification & relationship to TMDL or local water management plan,
- Current monitoring activity,
- Fit to conservation drainage program objectives,
- Project evaluation plan, and
- Public outreach plans,
- Overall proposal quality and completeness; and,

WHEREAS, the BWSR Senior Management Team (SMT) reviewed the recommendations provided by the interagency and BWSR staff teams on November 9, 2010; and,

WHEREAS, the Grants Program and Policy Committee reviewed the funding recommendation provided by SMT on November 17, 2010.

NOW THEREFORE, the Board hereby:

1) Approves allocations to implement the FY 2011 Competitive Grant Program according to the attached Funding Recommendation spreadsheets for the following programs and recommended allocation amounts shown below:

Grant Program		Allocated Funds
A. BWSR Clean Water Fund		
i.	Runoff Reduction Grants	$3,147,800
ii.	Clean Water Assistance Grants	$2,650,000
iii.	Shoreland Improvement Grants	$1,325,417
iv.	Restoration Technical Assistance Grants	$1,318,887
v.	Conservation Drainage Grants:	$ 313,500

B. MPCA SSTS Inventory Grants $422,655
C. BWSR SSTS Program Enhancement Grants $314,893,

2) Authorizes staff to forward a recommendation to the MDA to allocate $883,500 of Agricultural BMP Loan Program to projects and activities proposed through BWSR-led competitive grant making processes, and

3) and, authorizes staff to:

A. approve project workplans,

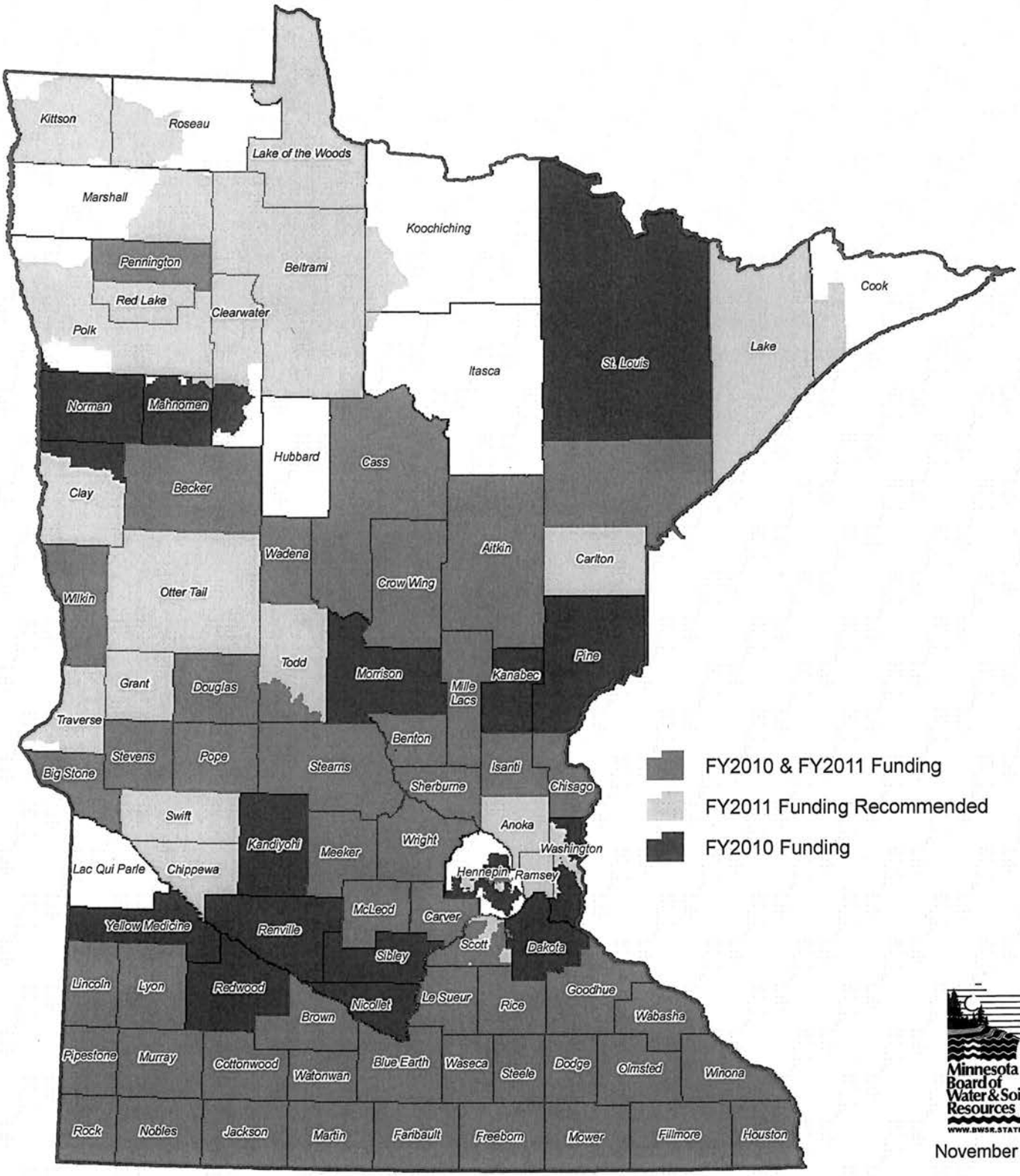
B. enter into grant agreements consistent with this resolution and Legislative appropriations, and

C. assign funds, noted in (1) that may become available, to unfunded projects, in rank order, if funded projects are withdrawn, do not receive workplan approval by March 31, 2011 unless extended for cause, or are modified to reduce the state funding needed to accomplish the project.

Date: 12/15/10

Brian Napstad, Chair
Board of Water and Soil Resources

Clean Water Fund:
*FY2010 & FY2011 Recommended Funding**



November 2010

***Includes:** Clean Water Assistance, Runoff Reduction, Shoreland Improvement, Restoration Technical Assistance, Conservation Drainage, Subsurface Sewage Treatment System (Competitive Inventory & Program Enhnacement and Continuous Imminent Health Threat Abatement) and Continuous Feedlot Water Quality

*Grantees include Counties, SWCDs, Watershed Districts, Water Management Organiztions, Joint Power Boards and Minor Civil Divisions (Cities & Townships)

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: FY2011 Clean Water Fund Shifting Authorizatior

Meeting Date:

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

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

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

Fiscal/Policy Impact

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

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

ACTION REQUESTED

The Board is requested to adopt the recommendation of the Grants Program and Policy Committee to:

1) Authorize shifting Sub-surface Sewage Treatment System (SSTS) Program Enhancement Grant Funds to fund applications received under the SSTS Imminent Health Threat Abatement Continuous Sign-up Grants;
2) Authorize shifting Sub-surface Sewage Treatment System (SSTS) Program Enhancement Grant Funds and CWF Feedlot Water Quality funds to otherwise unfunded CWF Competitive Grant applications; and
3) Authorize staff to implement this resolution consistent with BWSR grant making processes and practices.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
BWSR has authority under Laws of Minnesota 2009, Chapter 172, Section 6 to shift funds to "leverage federal or other nonstate funds or to address oversight responsibilities or high priority needs identified in local water management plans." Following the review and allocation, or recommendation, to fund projects under all FY2011 CWF grant programs, $267,027 of Feedlot Water Quality Continuous Sign-up Grant funds and $697,253 of SSTS Program Enhancement Grant funds remain unallocated.

Following recommendations provided by BWSR staff, the Grants Program and Policy Committee is recommending using these funds to implement projects that were proposed during the SSTS Imminent Health Threat Abatement Continuous Sign-up Grants and CWF Competitive Grant applications that are otherwise unfunded.

Board of Water and Soil Resources

Shifting FY2011 Competitive Grants
November 17, 2010

BWSR Authority.
The Clean Water Fund appropriations initially made during the 2009 Legislative session were amended during the 2010 Session to provide the Board with flexibility in utilizing Clean Water Funds for Constitutionally acceptable purposes. This flexibility authorizes the Board to shift or "repurpose" funds to: ". . . leverage federal or other nonstate funds or to address oversight responsibilities or high-priority needs identified in local water management plans. . . ".

Application periods were held to utilize funds as appropriated from October 15, 2009 to December 1, 2009, July 1, 2010 to August 15, 2010, August 16, 2010 to September 30, 2010, and August 1, 2010 to September 15, 2010. As is discussed below, funds remain unallocated or not recommended for allocation due to insufficient applications in two program areas.

Unallocated Feedlot Water Quality and SSTS Inventory and Program Enhancement Funds.
After two rounds of Feedlot Water Quality Continuous Sign-ups and the CWF Competitive RFP, there remain unallocated funds of $267,027 in CWF Feedlot Water Quality funds and $697,253 of SSTS Program Enhancement funds for a total remainder of $964,280.

BWSR Senior Management Team on November 9, 2010 and the Grants Program and Policy Committee on November 17, 2010 reviewed options for utilizing these funds and is recommending two separate shifts as outlined below.

Recommendation #1: SMT recommends that up to $385,994 of the SSTS Program Enhancement funds be shifted to fund the SSTS Imminent Health Threat Abatement applications received in the first round of the continuous sign-up program that ended on August 15. These applications were not funded due to insufficient funds. (see spreadsheet- Not Funded SSTS Imminent Health Threat Abatement Continuous Sign-up Applications from the 1st Sign-up Round)

Recommendation #2: Shift $267,027 in CWF Feedlot Water Quality funds and up to $311,259 of CWF SSTS Program Enhancement funds to the CWF competitive grants (Runoff Reduction, Clean Water Assistance, and Shoreland Improvement) and fund projects that ranked next highest on the interagency scoring list. (see spreadsheet – FY2011 Clean Water Fund Competitive Grant Shifting Option)

In making this recommendation, the Grants Program and Policy Committee considered two other options.

Option #1: Shift the $267,027 in CWF Feedlot Water Quality funds and up to $311,259 of CWF SSTS Program Enhancement funds to SSTS Imminent Health Threat Abatement Grants and re-open another application period.

Option #2: Do not shift any funds but re-open another application period for Feedlot Water Quality and SSTS Program Enhancement Projects, while also requesting SSTS Imminent Health Threat Abatement projects to anticipate the possibility of receiving inadequate requests for the SSTS Program Enhancement funds.

Factors to Consider.
In reviewing these options and making a recommendation for the Board's consideration, the Committee considered the following factors:

Relationship to original appropriation. BWSR has not previously implemented the "repurposing" authority available under Clean Water Fund appropriations; therefore the Board should consider the precedent setting nature of this first decision. The proposed repurpose or shift from SSTS Program Enhancement to SSTS Imminent Health Threat Abatement is in the same program area and therefore could be considered to be minor in nature. However, a shift from SSTS projects to other BMPs, while still allowed, moves further away from the base purpose of the funds, which, in this case, is to address SSTS Program needs.

Efficiency. Generally speaking, funding projects that have already been proposed is more efficient as no further effort is required to identify projects on the part of BWSR, nor is more effort required of local governments to propose new activities.

Applicant expectations. Local governments that have applied for funds have the expectation that they might receive funding. Local governments also expect that the State will support their implementation of state approved plans and in the implementation of state mandated regulatory programs. Which option best addresses these expectations?

Timeliness. A goal of BWSR grant-making is to get the funds into the hands of local governments as quickly as possible. A closely followed goal is for local governments to implement the proposed activities as quickly as possible following BWSR approval and receipt of funds. Which option will ensure the funds are timely distributed and utilized by grantees?

Relationship to local water management planning. Which option will most likely generate activities that are closely tied to priorities included in state approved, locally adopted water management plans? BWSR has a strong interest in supporting locally driven implementation of these plans.

Program Requirements. Is there a requirement for the landowner or local government to address the water quality issue that is the target of the application? Does it matter if the requirement is based on a regulatory requirement (SSTS or feedlot for example) or on the implementation of a TMDL implementation plan? Should timelines for action in the regulatory program influence BWSR funding decisions? How should BWSR utilize these funds to address these considerations?

Other considerations discussed by the Committee were a concern over losing funds if not used, and/or there would be negative impact on future appropriations if funds are not appropriated. A final issue discussed is the economic impact of utilizing these funds.

Not Funded SSTS Imminent Health Threat Abatement Continuous Sign-up Applications from the 1st Sign-up Round

Application ID	Applicant	Number of Projects	Subtotal SSTS Installation Costs	Percent Admin.	Subtotal Grant Admin.	Total BWSR Grant Request	Status	Comments
SS11-58	Stearns County Environmental Services	1	$10,000.00	0	$0.00	$10,000.00	**On Hold**	Funding depleted
SS11-59	Stearns County Environmental Services	1	$12,360.00	0	$0.00	$12,360.00	**On Hold**	Funding depleted
SS11-60	Stearns County Environmental Services	1	$9,500.00	0	$0.00	$9,500.00	**On Hold**	Funding depleted
SS11-61	Chisago County Environmental Services/Zoning	9	$45,000.00	5	$2,368.00	$47,368.00	**On Hold**	Funding depleted
SS11-62	Lake County	6	$84,000.00	0	$0.00	$84,000.00	**On Hold**	Funding depleted
SS11-63	Lake of the Woods County Land & Water Planning Office	15	$107,500.00	5	$5,657.89	$113,158	**On Hold**	Funding depleted
SS11-64	Stearns County Environmental Services	1	$10,550.00	0	$0.00	$10,550.00	**On Hold**	Funding depleted
SS11-65	Scott County	1	$12,500.00	5	$657.89	$13,158	**On Hold**	Funding depleted
SS11-66	Jackson County	6	$44,982	2	$918	$45,900	**On Hold**	Funding depleted
SS11-67	Tofte-Schroeder Sanitary Sewer District	15	$40,000.00	0	$0.00	$40,000.00	**On Hold**	Funding depleted

Unallocated SSTS Program Enhancement Funds	$697,253

Total for Depleted Funds	$385,994

Row #	Application #	Score	Applicant	County	Project Title	Project Abstract	Total Grant Request	Total Grant Awarded
1	C11-58	82.5	SE SWCD Technical Support Joint Powers Board	Multi-County	Nutrient Management in the Lower Mississippi River Watershed	Two nutrient management specialists will assist landowners in an eleven county area with writing nutrient management plans and implementing BMP's for manure and fertilizer use.	$161,616 (RTA)	$161,616 (RTA)
2	C11-18	80.5	Ramsey Conservation District	Ramsey	Protecting Ramsey County's Drinking Water Supply Management Areas	This project will target the sealing of abandoned and unused wells within groundwater recharge zones of municipal water supply wells.	$188,947 (CWA)	$128,625 (CWA)
3	C11-81	79.2	Greater Blue Earth River Basin Alliance	Multi-County	Blue Earth River Basin Clean Water Fund Positions	This project will help fund and support 4 positions assisting landowners and local units of government within the Greater Blue Earth River basin. The positions include: nutrient management specialist, conservation agronomist, urban outreach specialist, and a watershed technician for the Cobb River sub-watershed.	$242,075 (RTA)	$242,075 (RTA)
4	C11-129	78.8	Red Lake Watershed District	Red Lake	Grade Stabilization for Reduction of Sedimentation in the Thief River	This project will result in the installation of six grade stabilization structures, side water inlets, and stream bank stabilization in the lower 2.5 miles of CD20.	$187,974 (RR/SL)	$187,974 (RR/SL)
5	C11-43	78.6	Lincoln SWCD	Lincoln	Verdi Wellhead Protection Area Project - 2011	This project will reduce nitrate levels in the Verdi well field drinking water supply by providing landowners educational information and incentives by developing nutrient management plans, utilizing variable rate technology, utilizing nitrogen stabilizers/nitrogen efficiency products, and installing targeted filter strips.	$184,211 (CWA)	$184,211 (CWA)
6	C11-59	74.9	Fillmore SWCD	Fillmore	Grazing Management Initiative for the Root, Whitewater and Adjacent Watersheds	A Grazing Management Specialist in the Root and Whitewater watersheds will provide technical assistance for developing prescribed grazing plans and implementing grazing practices through EQIP and other programs.	$126,316 (RTA)	$126,316 (RTA)
7	C11-20	74.6	Rock County SWCD/Land Mgt	Rock	Rock River Turbidity and Fecal Coliform Reduction	This project will stabilize 1600' of eroding stream bank and also reduce storm water runoff with the installation of 3 rain gardens within the city of Luverne.	$46,598 (CWA)	$46,598 (CWA)
8	C11-156	74.5	Red Lake County SWCD	Red Lake	Accelerated Erosion Control Projects in the Red Lake River Watershed	This project will reduce sediment from high priority sites by installing two grassed waterways, two grade stabilization structures and stabilizing, a stream bank.	$102,895 (CWA)	$102,895 (CWA)
9	C11-50	74.5	Benton SWCD	Benton	Little Rock Impaired Waters Kickoff	This project will accelerate the adoption of high priority BMP's in the Little Rock Lake and Creek watersheds. Efforts will include a new watershed wide irrigation water management program that is intended to be funded by irrigators by the end of the grant program.	$103,745 (RTA/SL)	$84,211 (RTA)
10	C11-91	74.1	Nobles SWCD	Nobles	Langseth Family (Lake Ocheda) Shoreline Improvement Project	This project will improve a 1600 foot lake shoreline resulting in improved water quality, fishery and upland habitat, historical preservation and improved drinking water supplies in Lake Ocheda.	$162,105 (SL)	$162,105 (SL)
11	C11-22	74.0	Wilkin Soil and Water Conservation District	Wilkin	Lower Otter Tail River Sediment Reduction Project Phase IV	This project will install water control structures, side-inlets, and buffer strips into county ditch systems. Additionally, these practices will provide significant flood control benefits by storing water on the land.	$196,842 (CWA)	$196,842 (CWA)
12	C11-32	73.7	Carver County	Carver	Carver County Fecal Coliform Implementation IV	Carver County has been targeting sub-watersheds of Carver, Bevens, and Silver Creeks and using direct marketing to promote BMP's, incentive programs, and stepped up enforcement of ordinances. This application will continue funding for staff and programs that are currently set to expire in June, 2011	$178,571 (RTA)	$178,571 (RTA)
13	C11-67	72.6	Winona County	Winona	Winona County Well Sealing Cost share Project	This project will be used for sealing wells in a targeted area in effort to prevent groundwater contamination.	$30,000 (CWA)	$30,000 (CWA)

1 FY 2011 Clean Water Fund Competitive Grant Shifting Option

RTA =Restoration Technical Assistance; RR=Runoff Reduction; CWA=Clean Water Assistance; SL = Shoreland

Row #	Application #	Score	Applicant	County	Project Title	Project Abstract	Total Grant Request	Total Grant Awarded
14	C11-101	72.6	Olmsted Soil and Water Conservation District	Olmsted	Protecting Groundwater by Assisting Oronoco Residents in Well Sealing	The City of Oronoco is nearing completion of its municipal water system. This project will provide cost-share to residents connecting to the Oronoco Water System that have unused or abandoned wells that need to be sealed to protect groundwater.	$128,866 (CWA)	$114,446 (CWA)
15	C11-145	72.4	Cedar River Watershed District	Mower	Dobbins Creek Watershed Restoration	This project will implement activities in the 2009 Ag Watershed Restoration study funded by BWSR. Practices to be installed include: a wetland restoration and stream stabilizations that will trap sediments and stabilize stream banks in the Dobbins Creek Watershed.	$163,596 (RR/SL)	$163,596 (RR)
16	C11-124	72.0	Bassett Creek Watershed Management Commission	Hennepin	Wirth Lake Outlet Modification Project	This project is the only project listed in the Wirth Lake TMDL implementation plan. By preventing backflow from Bassett Creek, the Wirth Lake outlet modification will reduce the TP load to the lake.	$75,000 (CWA)	$75,000 (RR)
17	C11-78	71.4	Pomme De Terre River Association	Grant	Pomme de Terre River Watershed Best Management Practice (BMP) Initiative	This is a five SWCD/County cooperative project to accelerate the implementation of BMPs within the Pomme de Terre River Watershed. Our goal is to reduce sedimentation by 26,601 tons/yr and phosphorus loading by 26,621 lb/yr. Fecal coliform contamination will also be reduced in the Pomme de Terre River.	$502,684 (CWA)	$257,610 (RR/SL/RTA)
18	C11-38	71.3	East Otter Tail Soil and Water Conservation District	Otter Tail	East Otter Tail Groundwater Protection Project	This project will provide incentives to encourage irrigation producers to convert high or medium pressure irrigation systems to low pressure systems, which will prevent potential nitrate-nitrogen and other potential groundwater contamination through leaching due to over irrigation	$174,742 (CWA)	$87,371 (CWA)
19	C11-15	70.9	Sauk River Watershed District	Stearns	Sauk River Stormwater Runoff Reduction and Riparian Restoration Project	This project will install 29 urban stormwater/shore land projects on private property and 7 on city or school property.	$435,289 (RR/SL)	$435,289 (RR/SL)
20	C11-159	70.7	Pennington SWCD	Pennington	Judicial Ditch #30 & #18 Buffer Initiative	This project will provide incentive payments for landowners to install 50' wide buffer strips and grade stabilization structures from field ditches along 24 mile ditch system.	$187,687 (CWA)	$93,844 (CWA)
21	C11-96	70.4	South St. Louis Soil & Water Conservation District	St. Louis	Miller Creek Urban Trout Stream Restoration Projects	This project will restore 3,400 ft. of Miller Creek, a designated trout stream in Duluth.	$154,893 (CWA)	$154,893 (CWA)
22	C11-87	69.9	Two Rivers Watershed District	Kittson	Lake Bronson Watershed Runoff Reduction Project	The project will reduce runoff and decrease movement of sediment, nutrients and bacteria by targeting, prioritizing and installing vegetative practices within Lake Bronson and upland subwatersheds. Emphasis will be placed on State Ditch 90, 91 and 95 which are subwatersheds within the Two Rivers Watershed District (TRWD).	$200,000 (CWA)	$100,000 (RR)
23	C11-85	69.1	Brown's Creek Watershed District	Washington	Brown's Creek Thermal Load Reduction	Brown's Creek Watershed District and Oak Glen Golf Course will partner to achieve significant thermal and sediment reductions in biologically impaired Brown's Creek by installing 2.25 acres of buffer and restoring 1300 feet of stream bank.	$210,000 (SL)	$210,000 (SL)
24	C11-111	69.1	Lake of the Woods Soil and Water Conservation District	Lake of the Woods	Bostic and Zippel Watershed Stabilization and Water Retention Project	This project will reduce erosion, sedimentation, and nutrient transport within the Bostic and Zippel Watersheds by installing grade stabilization, side water inlets, and gully stabilization projects and developing a water retention plan.	$52,105 (CWA)	$52,105 (CWA)

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Row #	Application #	Score	Applicant	County	Project Title	Project Abstract	Total Grant Request	Total Grant Awarded
25	C11-30	68.7	Todd Soil & Water Conservation District	Todd	Swan River Headwaters Clean Water Fund	This project targets nineteen landowners within the Swan River Watershed . The practices installed will control pollutants and sediment from entering surface waters.	$203,158 (SL)	$203,158(CWA)
26	C11-151	68.7	City of St. Louis Park	Hennepin	Minnehaha Creek Stream Meander - St. Louis Park	This project aims to re-meander a section of Minnehaha Creek through a highly urbanized area of St. Louis Park. The project will include increased riparian buffers, stream bank stabilization, vegetative restoration, and construction of water quality treatment practices.	$300,000 (SL)	$300,000 (SL)
27	C11-05	68.6	Rice Creek Watershed District	Anoka	Moore Lake Water Quality Enhancements	This project will construct three rain gardens to infiltrate stormwater runoff near the Fridley Middle School. The BMP's will improve water quality of West Moore Lake and provide opportunity to educate students and the public in responsible stormwater management.	$136,336 (RR)	
28	C11-102	68.1	Elk River Watershed Association	Sherburne	Elk River Watershed Pollution Loading Reduction Project	Elk River Watershed Association (ERWSA) has commitments from cooperators to restore shore lands, treat stormwater, manage manure and create a wetland.	$149,104 (SL)	$149,104 (CWA)
29	C11-103	66.7	Isanti County Zoning Department	Isanti	Isanti County Native Grass/ Stormwater BMP Demonstration Project	The project will reduce runoff and protect groundwater by establishing native plantings on at least 150 acres of private lands in priority areas and establish stormwater reduction and other BMP projects in county parks.	$145,484 (CWA)	$65,924 (CWA)
30	C11-03	66.3	Red Lake County SWCD	Red Lake	Accelerated Streambank & Shoreland Projects in the Clearwater River Watershed.	This project will construct two streambank stabilizations identified in an Erosion Site Inventory conducted by Red Lake County SWCD.	$103,789 (CWA)	$48,421 (SL)
31	C11-126	65.5	Prior Lake-Spring Lake Watershed District	Scott	Spring and Prior Lake Upper Watershed Stormwater Runoff Volume Reduction	This project will store an additional 186 ac-ft of stormwater per year in the upper watershed of Spring and Prior Lake through wetland reestablishment and restoring natural infiltration capacity of several topographic depressions.	$195,600 (RR)	$195,600 (RR)
32	C11 -157	65.4	Pennington SWCD	Pennington	The Ralph Engelstad Arena Raingarden Project	The Ralph Engelstad Arena covers about two city blocks and is covered by 85-90% impervious surface. This project will utilizing multiple raingardens to store water onsite and control stormwater runoff.	$88,681 (CWA)	$88,681 (CWA)
33	C11-93	65.0	Aitkin County SWCD	Aitkin	Cedar and Farm Island Lakes, Reversing the Downward Trend	Cedar and Farm Island are large recreational lakes located in the Aitkin/Brainerd Lakes area. Both lakes are showing significant downward trends in water clarity. This project seeks to reverse that trend before these lakes degrade further and become impaired.	$108,011 (CWA/SL)	$108,011 (CWA)
34	C11-69	64.7	Greater Blue Earth River Basin Alliance	Multi-County	The Greater Blue Earth River Basin Alliance Agricultural Shoreland Initiative	This project will identify DNR protected shoreland in GBERBA counties without a 50' buffer. Implementation of buffers and landowner Education will also be undertaken.	$267,368 (CWA)	$100,000 (CW/SL)
35	C11-83	64.7	Sauk River Watershed District	Stearns	Technical Assistance for Sauk River Watershed - Mississippi River Basin Initiative	This project will provide technical assistance for the Upper Mississippi River Basin Initiative (MRBI) project in the Sauk River Watershed.	$231,579 (CWA)	$168,421 (RTA)
36	C11-71	64.5	Buffalo-Red River Watershed District	Clay	Wolverton Creek Restoration and Sediment Reduction Project	This project aims to reduce erosion and sedimentation in Wolverton Creek by installing side inlets, bufferstrips, conservation tillage, and channel restoration design.	$306,837 (RTA)	$253,229 (RR)
37	C11-07	64.0	Chisago Soil and Water Conservation District	Chisago	Chain of Lakes Stormwater Retrofit Assessment Best Management Practices	The Chisago Lakes Chain of Lakes Stormwater Retrofit Assessment has assessed 54 small watersheds for the optimal locations for best management practices. A long list of BMPs has been identified and this project will take the next step is to design and install priority projects.	$230,526 (CWA)	$230,526 (CWA)

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Row #	Application #	Score	Applicant	County	Project Title	Project Abstract	Total Grant Request	Total Grant Awarded
38	C11-149	63.8	Prior Lake-Spring Lake Watershed District	Scott	Upper Prior Lake – Targeted Stormwater BMP Retrofits & Enhancements	This project will enhance 11 existing water quality ponds to include iron-sand enhanced filtration, hydro period modification and increased storage. In addition, 39 retrofit bioretention raingardens targeted in untreated subwatersheds and a 210 SF permeable pavement area will be constructed.	$189,511 (CWA)	$189,511 (RR)
39	C11-60	63.4	Buffalo - Red River Watershed District	Clay	Upper South Branch BMP Strategic Implementation Plan	LiDAR terrain analysis will be used to determine BMP locations to reduce sediment loads and runoff contamination. BMPs will be implemented at these locations.	$135,364 (RTA)	$135,364 (RTA/RR)
40	C11-42	62.9	Scott Watershed Management Organization	Scott	Sand Creek & Prior Lake/Spring Lake Watersheds Wetland Restoration Project	This proposal is to fund Early Adopter payments to promote participation in a regional watershed project having the goal of improving water quality and expanding wildlife habitat by permanently restoring and enhancing up to 500 acres of wetlands in the Sand Creek and Prior/Spring Lake Watersheds.	$80,000 (RR)	$80,000 (RR)
41	C11-128	62.6	West Otter Tail SWCD	Otter Tail	Otter Tail and Pelican River BMP Implementation Project Plan	This project will help promote and design BMPs that are priorities in the Lower Otter Tail Watershed TMDL implementation plan.	$65,684 (RTA)	$65,684 (RTA)
42	C11-107	62.5	Bois de Sioux Watershed District	Traverse	Mustinka River Turbidity TMDL Implementation Project	This project will work to complete goals outlined within the Mustinka River TMDL Implementation Plan. Implementing BMPs will annually reduce a total of 31,250 tons of sediment and 31,250 pounds of phosphorus loading into the Mustinka River.	$260,211 (RR)	$130,106 (RR)
43	C11-148	62.0	Pennington SWCD	Pennington	Halvorson Streambank Restoration	Stabilize 300' of the Thief River streambank to protect a home plus improve water quality in an impaired water and a city drinking water supply.	$34,375 (SL)	$34,375 (SL)
44	C11-53	61.8	Carlton SWCD	Carlton	Elim Creek Restoration Through Aging Sediment Retention Structure Removal	This project will remove three, 30 year old sediment control structures and restore 1/3 mile of Elim Creek. The project will correct 304 tons of soil loss and remove the threat of 956 tons of sediment transport to the North Fork of the Nemadji River that is impaired for turbidity.	$119,522 (CWA)	$119,522 (CWA)
45	C11-104	61.6	Blue Earth County	Blue Earth	Blue Earth County Shoreland Buffer Initiative	Restoration technical assistance will be targeted in shoreland areas within impaired watersheds to establishment of riparian buffers and other practices.	$136,842 (RTA)	$136,842 (RTA)
46	C11-09	60.8	Chisago Soil and Water Conservation District	Chisago	St. Croix River escarpment gully stabilization inventory and outreach program	This project will inventory the active gully erosion sites along the St. Croix River escarpment from the Wild River State Park entrance south to the County line. This inventory will be utilized to contact landowners and begin the process of developing a plan to implement BMP's.	$31,579 (RTA)	$31,579 (RTA)
47	C11-90	60.8	Becker Soil & Water Conservation District	Becker	Campbell Creek Phosphorus and Sedimentation Reduction Project	Continue the successful efforts of erosion and sediment reduction in the Campbell Creek/Floyd chain of lakes area and the Buffalo River through the installation of sediment and erosion control basins and native buffers.	$57,653 (CWA)	$57,653 (SL)
48	C11-63	60.7	Ramsey Washington Metro Watershed District	Ramsey	North Saint Paul Living Street Project	The proposed 2-block street reconstruction project addresses aspects of the Kohlman Lake TMDL Implementation Plan through construction of infiltration rainwater gardens, urban trees and narrowed streets in a distributed fashion in a residential setting, achieving runoff volume reduction and pollutant reduction.	$566,000 (RR)	$566,000 (RR)

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Row #	Application #	Score	Applicant	County	Project Title	Project Abstract	Total Grant Request	Total Grant Awarded
49	C11-88	60.7	Middle St. Croix Watershed Management Organization	Washington	Lily Lake Stormwater Retrofit Project	This project will implement priority stormwater treatment projects identified in the Lily Lake Stormwater Retrofit Assessment Report. Implementation will reduce phosphorous inputs to Lily Lake by 9.5 lbs/yr, reduce TSS to Lily Lake by 8,566 lbs/yr and provide a volume reduction of 7.7 acre-feet/yr	$43,400 (RR)	$43,400 (RR)
50	C11-144	60.5	Crow Wing Soils and Water Conservation District	Crow Wing	Catch, Clean, Circulate, Stormwater Management for Gull and Trout Lakesheds	This project will implement projects that will intercept, infiltrate, and treat runoff which will reduce phosphorus and sediment inputs into Gull and Trout Lakes.	$136,300 (CWA)	$136,300 (CWA)
51	C11-04	60.5	East Polk Soil and Water Conservation District	Polk	Sand Hill River Watershed Accelerated Erosion Area BMP's	This project would assist in the installation of 29 sediment basins in the Upper Sand Hill River Watershed.	$281,053 (CWA)	$281,053 (CWA)
52	C11-33	60.3	Carver County WMO	Carver	Reitz Lake Restoration Project	Reitz Lake's water quality will improve by installing a water retention structure, enhancing/restoring a wetland and installing several raingardens/shoreland restorations.	$127,551 (RR/SL)	$127,551 (RR/SL)
53	C11-77	60.0	City of Orono	Hennepin	Stubbs Bay Ravine Stabilization	This project will repair an eroding ravine that drains into Stubbs Bay on Lake Minnetonka. The proposed project is to regrade the ravine, install grade breaks, and stabilize it with native vegetation and shrubs.	$183,684 (SL)	$183,684 (SL)
54	C11-105	59.9	Scott Watershed Management Organization	Scott	Cedar & O'Dowd Lake Shoreline Improvements	This project will reduce phosphorus input into Cedar and O'Dowd Lakes, create habitat to improve water quality by stabilizing shoreland in the Cedar Lake Farms Regional Park, and by restoring shoreland along O'Dowd Lake.	$30,000 (SL)	$15,000 (SL)
55	C11-146	59.7	Washington Conservation District	Washington	Powers Lake Priority Subwatershed Retrofit Project	This project will implement 20 priority stormwater treatment projects within two target catchments identified in the Powers Lake Subwatershed Assessment.	$37,632 (CWA)	$37,632 (CWA)
56	C11-89	59.5	Buffalo-Red River Watershed District	Becker	Continuation of Hay Creek/Stinking Lake Sediment Reduction Project	Continue the successful efforts of erosion and sediment reduction in the Hay Creek/Stinking Lake Watershed through the installation 19 additional sediment and erosion control basins.	$105,408 (RR)	$105,408 (RR)
57	C11-06	59.5	Chisago Soil and Water Conservation District	Chisago	Implementation of Water-Smart Best Management Practices at Schools and Libraries	This project will implement BMPs to treat stormwater runoff at public school and library facilities in Chisago County.	$37,895 (CWA)	$37,895 (CWA)
58	C11-48	59.4	Murray County	Murray	Jackson-Cottonwood-Murray West Fork Des Moines River BMP Project	Construct sediment reduction projects in the Des Moines River watershed that include a structure enhancement in Cottonwood County, a bio swale and sediment control structure in Jackson County, and a retention structure in Murray County.	$83,064 (CWA)	$83,064 (CWA)
59	C11-37	59.2	Red Lake Watershed District	Red Lake	Grand Marais Creek Cut Channel Stabilization Project	Stabilize the outlet of Grand Marais Creek to reduce the sediment carried to the Red River of the North by up to 700 tons per year.	$662,000 (RR/SL)	$662,000 (RR/SL)
60	C11-65	59.1	Washington Conservation District	Washington	Armstrong Lake Restoration - Oakdale Library Water Quality Retrofit	Oakdale Library Water Quality Retrofit project will install a large parking lot bioretention facility and multiple rain gardens to reduce phosphorus loading and improve water quality in Armstrong Lake and Wilmes Lake.	$48,270 (CWA)	$48,270 (CWA) (RR)
61	C11-11	58.5	Chisago Soil and Water Conservation District	Chisago	Stabilization of erosion concerns adjacent to public roads and rivers	This project will implement numerous BMPs to correct multiple erosion concerns occurring adjacent to two public roads (Kost Dam Trail and County Road 81), which are in close proximity to the Sunrise River.	$89,474 (CWA)	$89,474 (CWA)
62	C11-08	58.4	Chisago Soil and Water Conservation District	Chisago	Pleasant Hill Park Stormwater Retrofit	The City of Lindstrom has identified this subwatershed as a high priority subwatershed for potential stormwater best management practices due to the high volume of untreated stormwater that discharges directly into South Lindstrom Lake. Concept plans have been completed that include a series of sediment forebays and filtration basins.	$263,158 (CWA)	$ -

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63	C11-52	58.0	Cass Soil and Water Conservation District	Cass	Cass County Water Quality Enhancement and Shoreline Protection Project	This project consists of an erosion/sediment control project and two shoreline restoration and protection projects that will enhance and protect surface water quality in Cass County.	$193,553 (CWA/SL)	$77,862(CWA/SL)
64	C11-135	57.8	Le Sueur County	Le Sueur	Jefferson German Lakes Septic Inventory (JGLSI)	This project will install 46 shoreland projects that improve water quality on lakes in Le Sueur County.	$171,605 (CWA)	$ -
65	C11-40	57.4	East Otter Tail Soil and Water Conservation District	Otter Tail	Engaging and Equipping Lake Based Communities for Exceptional Resource Protection	The installation of community identified water quality projects supported by lake specific citizen engagement efforts to leverage and foster proactive lake protection planning and implementation activities.	$100,263 (SL)	
66		57.2	Lake of the Woods SWCD	Lake of the Woods	Rainy River Shoreline Stabilization Program	This project will install BMPs to reduce lakeshore and streambank erosion through project implementation and education.	$91,579 (CWA)	$ -
67	C11-56	57.1	Minnesota River Board JPB	37 county JPB	Community Clean-Ups for Water Quality	This project will engage citizens, businesses and organizations to prevent over 20,040 pounds of nitrogen and phosphorus from being transported in stormwater runoff and contaminating the associated water bodies through training, coordination and implementation of 120 organic waste Community Clean-Ups.	$300,000 (CWA)	$ -
68	C11-75	56.8	Lake SWCD	Lake	Stewart River Watershed Protection Project	This project will restore four severely eroding streambank sites along a 1.5 mile reach of the Stewart River.	$87,921 (SL)	$ -
69	C11-113	56.5	Grass Lake WMO	Ramsey	Improving Lake Owasso's Water Quality through Bioinfiltration in two Communities	This project will install several bioinfiltration systems within two drainage areas that ultimately feed into Lake Owasso.	$211,579 (RR)	$ -
70	C11-130	56.3	Washington SWCD	Washington	Lake Edith Shoreland Improvement Project	This shoreland project will improve water quality by stabilizing a large section of steep, highly erodible shoreline along Lake Edith, directly tributary to Valley Creek, a designated trout stream.	$73,684 (SL)	$ -
71	C11-34	56.2	Black Dog WMO	Dakota	Whitney Pond Water Quality Improvement Project	The project involves constructing a 1.9 acre detention pond with an in-pipe grit chamber and upland native plant buffer, 25' wide, to reduce the annual total phosphorus load to Keller Lake by 53 lbs.	$475,000 (RR)	$ -
72	C11-61	56.1	Buffalo Red River WD		Buffalo River Restoration and Floodplain Enhancement, Hawley, MN	This project will restore 5,600 feet of Buffalo River channel, add 34 acres of flood plain, and stabilize the river bank and rebuild dike protecting 56 homes.	$1,037,500 (CWA/RR/SL)	$ -
73	C11-12	56.0	Chisago SWCD	Chisago	Chisago County Urban and Lakeshore Best Management Practices Implementation Project	This project will install urban BMPs, including rain gardens and lakeshore restorations, that are ready for implementation within Chisago County.	$86,737 (CWA/SL)	$ -
74	C11-131	56.0	Bassett Creek Watershed Management Commission	Hennepin	Bassett Creek Reach 1, Subreaches 1 and 3 Restoration Project	This project will stabilize the stream and the stream banks at 15 locations along Bassett Creek. The project will stabilize a total of 900 feet of stream bank over a total reach length of approximately 6,300 feet.	$174,000 (RR)	$ -
75	C11-62	55.9	Coon Creek WD	Anoka	Clean Water at Schools - reducing pollution, increasing stewardship	This project will install BMPs to reduce degradation of Coon Creek while promoting stewardship for clean water at built-out school facilities. The pilot site is at the adjacent Coon Rapids Middle and High School campuses.	$224,576 (RR)	$ -
76	C11-132	55.4	Blue Earth SWCD	Blue Earth	Blue Earth County Ravine and Stream Channel Stabilization Design Assistance	that will significantly reduce gully, ravine, stream bank and bluff erosion and sedimentation in the Blue Earth, Le Sueur, Watonwan	$57,895 (RTA)	$57,895 (RTA)
77	C11-35	55.3	Mille Lacs SWCD	Mille Lacs	Mille Lacs SWCD Rum River Watershed Shoreline Restorations	This project will restore at least two separate areas of approximately 100 linear feet of badly eroded shoreline in Mille	$52,293 (RR/SL)	$ -
78	C11-80	54.4	Middle Fork Crow River WD	Kandiyohi	Green Lake Stormwater Improvement Project	This project is designed to reduce nutrients and sediment delivered to the lake via the implementation of stormwater BMPs.	$219,180 (RR/SL)	$ -

RTA =Restoration Technical Assistance; RR=Runoff Reduction; CWA=Clean Water Assistance; SL = Shoreland

Row #	Application #	Score	Applicant	County	Project Title	Project Abstract	Total Grant Request	Total Grant Awarded
79	C11-137	54.0	Washington Conservation District	Washington	Washington County Green Churches Stormwater Retrofit Initiative	This project will install BMP's that include raingardens, pervious pavements, and rainwater harvesting methods to capture and improve water quality to downstream water resources.	$67,750 (CWA)	$ -
80	C11-66	53.9	Washington Conservation District	Washington	Highway 61 Commercial Stormwater Retrofit Flooding and Water Quality Improvement	This project will install multiple stormwater management practices on commercial site to reduce flooding and improve downstream water quality	$130,870 (CWA)	$ -
81	C11-47	53.5	Kanabec SWCD	Kanabec	Shoreland native vegetative buffers and rain gardens infiltration project	The project will focus on providing technical assistance to lake associations, landowers and local government units within the Snake River Watershed to reduce runoff and nutrient loading through the implementation of BMP's such as rain gardens and shoreland buffers.	$31,390 (SL)	$ -
82	C11-45	53.4	Morrison SWCD	Morrison	Sullivan/Platte Lakes Initiative and Platte/Skunk/Spunk Rivers Remedial Initiative	The Platte, Skunk, and Spunk creeks all are impaired tributaries to the Crane Meadows Wildlife Preserve. Affected by agriculture and erosion impacts, the goal would be to reduce the impacts in the headwaters prior to entering the wildlife refuge.	$159,579 (CWA)	$ -
83	C11-49	52.7	Carlton SWCD	Carlton	Shoreline Re-vegetation in Carlton County on Priority Lakes	This proposal will fund shoreline buffers establishment on 332 linear feet (16,975 sq.ft.) of lake shore on 3 priority lakes (4 sites). A county wide waters conference for lakeshore owners will highlight these buffers.	$71,697 (SL)	$ -
84	C11-86	51.6	Carver County	Carver	East Creek tributary urban stream stabilization	Use of proven stream restoration techniques and volume reduction BMPs will restore the tributary and reduce the amount of sediment and nutrients being transported to East Creek.	$124,490 (RR)	$ -
85	C11-10	50.8	Chisago SWCD	Chisago	Rock Creek Streambank Erosion Stabilization Project	This project is proposed to stabilize a large erosion concern located on the bank of the Rock Creek, approximately 3/4 of a mile from the St. Croix River. The goal of the project is to stabilize 225 feet (horizontal) by 30 feet (vertical) of severely eroded shoreline along the Creek.	$31,579 (SL)	$ -
86	C11-127	50.8	Bassett Creek Watershed Management Commission	Hennepin	North Branch Bassett Creek Restoration Project	This project will stabilize the stream and the stream banks at 20 locations within the North Branch of Bassett Creek.	$250,000 (RR)	$ -
87	C11-23	50.7	South Washington WD	Washington	C-P6 Pond Improvements	The installation of improvements to pond C-P6, which include the excavation of three pre-treatment basins plus a linear infiltration swale.	$339,039 (RR)	$ -
88	C11-01	50.6	Upper Minnesota River WD	Big Stone	Minnesota River Headwaters and Whetstone River Restoration Project	The project will be a cooperative effort to restore the historic Whetstone River channel between Big Stone Lake and Minnesota River.	$61,684 (RTA)	$ -
89	C11-24	50.4	South Washington WD	Washington	ED-P5 Pond Improvements	The proposed project will improve the quality of storm water runoff to downstream wetlands and the Mississippi River by retrofitting an existing dry stormwater basin with wet ponding cells and an infiltration cell.	$640,000 (RR)	$ -
90	C11-54	50.2	Steele SWCD	Steele	Straight River/County Road #3 Sediment Reduction Project	The proposed erosion control structure addresses an active gully that extends from the Straight River up to Steele County Road #3 (a distance of 200'). The proposed erosion control structure will remove 9.6 tons and over 9# of phosphorus per year from the system	$30,000 (CWA)	$ -
91	C11-46	46.1	Upper Minnesota River WD	Big Stone	Central Park Storm Water Erosion Control Project	This project represents the second phase of a three-phase project to reduce the sediment and nutrient loading from the Central Park storm water system to Big Stone Lake.	$80,000 (CWA)	$ -

RTA =Restoration Technical Assistance; RR=Runoff Reduction; CWA=Clean Water Assistance; SL = Shoreland

Row #	Application #	Score	Applicant	County	Project Title	Project Abstract	Total Grant Request	Total Grant Awarded
92	C11-19	45.8	SWCDs in Lac qui Parle WD	Yellow Medicine	SWCD CWF 2011 Project for the Lac qui Parle Watershed	This project will install BMPs within six impaired reaches of Lac qui Parle River by: replacing open tile intakes with alternative intakes; installing buffers on tile intakes and on ditches/streams; and implementing other structural BMPs.	$129,316 (CWA)	$ -
93	C11-74	44.2	Heron Lake WD	Multi-County	Heron Lake Watershed District Okabena Creek J-hook Weir Installation	Through this project the Heron Lake Watershed District (HLWD) will work with a landowner in Jackson County to install five J-hook weirs.	$30,785 (CWA)	$ -
94	C11-110	44.2	East Otter Tail SWCD	Otter Tail	Engaging Future Local Leaders Through Shoreland Stabilization and Bioretention Projects	Cultivate future local leaders by providing educational, financial, and technical assistance for shoreland stabilization projects in Otter Tail County, with priority given to projects on lakes with an increasing trophic state index (TSI) and a mean TSI of 51 or greater.	$141,432 (CWA)	$ -
95	C11-120	38.9	Renville County	Renville	2011 Olivia Storm Water Improvements / Beaver Creek Protection Project	The City of Olivia desires to construct two wet sedimentation basins in order to improve water quality and mitigate urban flooding in a 400-acre watershed.	$1,040,000 (SL)	$ -
96	C11-109	35.0	Olmsted SWCD	Olmsted	Byron Regional Stormwater Pond F	This project is for a regional stormwater detention pond near the City of Byron.	$136,842 (CWA)	$ -

RTA =Restoration Technical Assistance; RR=Runoff Reduction; CWA=Clean Water Assistance; SL = Shoreland

Board Resolution # 10-

SHIFTING FY2011 CWF FUNDS

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

WHEREAS, Laws of Minnesota 2009, Chapter 172, Section 6 appropriated CWF funds to the Board of Water and Soil Resources (BWSR); and,

WHEREAS, BWSR has authority under Minn. Stat. 103B.3369 to make grants to cities, townships, counties, soil and water conservation districts, watershed districts, joint powers organizations and other special purpose districts and authorities with jurisdiction in water and related land resources management when a proposed project or activity implements a county water plan, watershed management plan or county groundwater plan; and,

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

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

WHEREAS, the CWF implementation strategy recognizes that funding decisions should be based on the best available scientific information and directed to where clean water protection, enhancement and restoration work is most needed and most effective; and,

WHEREAS, application periods were held for Feedlot Water Quality Grants and SSTS Imminent Health Threat Abatement Grants from October 15-December 1, 2009, and July 1-August 15, 2010 and for Feedlot Water Quality Grants from August 16-September 30, 2010; and,

WHEREAS, BWSR has authority under Laws of Minnesota 2009, Chapter 172, Section 6 to shift funds to "leverage federal or other nonstate funds or to address oversight responsibilities or high-priority needs identified in local water management plans"; and,

WHEREAS, after the application periods noted above, a total of $267,027 of FY2011 CWF Feedlot Water Quality funds are unallocated and $697,253 of FY2011 BWSR CWF SSTS Program Enhancement funds are unallocated; and,

WHEREAS, eligible applications requesting $385,994 were received under the SSTS Imminent Health Threat Abatement Continuous Sign-up Grants that are not previously funded due to insufficient funds; and,

WHEREAS, there are eligible applications received under the CWF competitive grants program that are not previously funded due to insufficient funds; and,

WHEREAS, the BWSR Senior Management Team (SMT) reviewed the recommendations provided by the BWSR staff on November 9, 2010 regarding the potential use of unallocated funds; and,

WHEREAS, the Grants Program and Policy Committee reviewed the funding recommendation provided by SMT on November 17, 2010.

NOW THEREFORE, the Board hereby:

amendment failed / original resolution remains

1) Authorizes shifting of up to $385,994 of BWSR SSTS Inventory and Program Enhancement Grant Program funds to eligible applications received under the SSTS Imminent Health Threat Abatement Continuous Sign-up Grants according to the attached spreadsheet and as provided by Laws of Minnesota 2009, Chapter 172, Section 6; and,

2) Authorizes shifting ~~of up to $267,027 in CWF Feedlot Water Quality funds and~~ up to $311,259 of BWSR CWF SSTS Program Enhancement funds to CWF competitive grant applications according to the attached spreadsheet and as provided by Laws of Minnesota 2009, Chapter 172, Section 6; and, ↑ as amended,

3) Authorizes staff to:

A. approve project workplans,

B. enter into grant agreements consistent with this resolution and Legislative appropriations, and

C. assign funds, noted in (1) and (2) that may become available, to unfunded projects, in rank order, if funded projects are withdrawn, do not receive workplan approval by March 31, 2011 unless extended for cause, or are modified to reduce the state funding needed to accomplish the project.

_____ Date: _____

Brian Napstad, Chair
Board of Water and Soil Resources

Board Resolution # 10- 110

SHIFTING FY2011 CWF FUNDS

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

WHEREAS, Laws of Minnesota 2009, Chapter 172, Section 6 appropriated CWF funds to the Board of Water and Soil Resources (BWSR); and,

WHEREAS, BWSR has authority under Minn. Stat. 103B.3369 to make grants to cities, townships, counties, soil and water conservation districts, watershed districts, joint powers organizations and other special purpose districts and authorities with jurisdiction in water and related land resources management when a proposed project or activity implements a county water plan, watershed management plan or county groundwater plan; and,

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

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

WHEREAS, the CWF implementation strategy recognizes that funding decisions should be based on the best available scientific information and directed to where clean water protection, enhancement and restoration work is most needed and most effective; and,

WHEREAS, application periods were held for Feedlot Water Quality Grants and SSTS Imminent Health Threat Abatement Grants from October 15-December 1, 2009, and July 1-August 15, 2010 and for Feedlot Water Quality Grants from August 16-September 30, 2010; and,

WHEREAS, BWSR has authority under Laws of Minnesota 2009, Chapter 172, Section 6 to shift funds to "leverage federal or other nonstate funds or to address oversight responsibilities or high-priority needs identified in local water management plans"; and,

WHEREAS, after the application periods noted above, a total of $267,027 of FY2011 CWF Feedlot Water Quality funds are unallocated and $752,933 of FY2011 BWSR CWF SSTS Program Enhancement funds are unallocated; and,

WHEREAS, eligible applications requesting $385,994 were received under the SSTS Imminent Health Threat Abatement Continuous Sign-up Grants that are not previously funded due to insufficient funds; and,

WHEREAS, there are eligible applications received under the CWF competitive grants program that are not previously funded due to insufficient funds; and,

WHEREAS, the BWSR Senior Management Team (SMT) reviewed the recommendations provided by the BWSR staff on November 9, 2010 regarding the potential use of unallocated funds; and,

WHEREAS, the Grants Program and Policy Committee reviewed the funding recommendation provided by SMT on November 17, 2010.

NOW THEREFORE, the Board hereby:

1) Authorizes shifting of up to $385,994 of BWSR SSTS Inventory and Program Enhancement Grant Program funds to eligible applications received under the SSTS Imminent Health Threat Abatement Continuous Sign-up Grants according to the attached spreadsheet and as provided by Laws of Minnesota 2009, Chapter 172, Section 6; and,

2) Authorizes shifting of up to $267,027 in CWF Feedlot Water Quality funds and up to $366,939 of BWSR CWF SSTS Program Enhancement funds to CWF competitive grant applications according to the attached spreadsheet and as provided by Laws of Minnesota 2009, Chapter 172, Section 6; and,

3) Authorizes staff to:
A. approve project workplans,
B. enter into grant agreements consistent with this resolution and Legislative appropriations, and
C. assign funds, noted in (1) and (2) that may become available, to unfunded projects, in rank order, if funded projects are withdrawn, do not receive workplan approval by March 31, 2011 unless extended for cause, or are modified to reduce the state funding needed to accomplish the project.

Brian Napstad, Chair
Board of Water and Soil Resources

Date: 12/15/10

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Lake Protection Water Plan Challenge Grants Pı

Meeting Date: December 15, 2010

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region:

Contact: Dave Weirens/Jeff Hrubes

Prepared by: Dave Weirens

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

Presented by: Dave Weirens/Jeff Hrubes

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

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

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☒ Other: 2008 Clean Water Legacy Returned Funds

ACTION REQUESTED

The Board is requested to adopt the recommendation of the Grants Program and Policy Committee to authorize staff to conduct a challenge grant program for lake protection using returned 2008 Clean Water Legacy Funds.

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

In 2008, a pilot project in Cass, Crow Wing and Aitkin Counties developed a template for presenting and assessing lake and land use information in a format useful to citizens and decision-makers. The pilot program successfully developed a template that assessed 45 lakes in the three counties and integrated the information into their water management plans and used it to successfully compete for Clean Water Land and Legacy funds. The availability of electronic datasets and efficient management of information allowed the individual lake oriented assessment reports to be completed for less than $1,500 each. These reports are one way to develop a quantifiable description of water quality protection. BWSR staff proposed, which was accepted by the Grants Program and Policy Committee, is to expand this pilot approach to additional counties using a small pool of returned grant funds.

Lake Protection Water Plan Challenge Grant Program

Background

With the passage of the Clean Water Legacy Act in 2007, the Minnesota Board of Water and Soil Resources (BWSR) recognized an opportunity to enhance comprehensive local water management planning by integrating available water quality data and land use information to develop strategic, quantified lake protection action plans incorporated into comprehensive local water plans. In 2008, a pilot project in Cass, Crow Wing and Aitkin Counties developed a template for presenting and assessing lake and land use information in a format useful to citizens and decision-makers.

The pilot program successfully developed a template that assessed 45 lakes in the three counties and integrated the information into their water management plans and used it to successfully compete for Clean Water Land and Legacy funds. The availability of electronic datasets and efficient management of information allowed the individual lake oriented assessment reports to be completed for less than $1,500 each. These reports are one way to develop a quantifiable description of water quality protection.

Program Proposal

The Minnesota Board of Water and Soil Resources (BWSR) will implement a program to use available Clean Water Legacy funds to focus strategic water quality protection implementation actions concentrated on lake and lake watersheds. Candidate lakes for this program must not be listed on the 2010 MPCA Impaired Waters (303(d)) List for parameters other than mercury.

The purpose of these grant funds is to:

- Assess available water quality data and watershed information to identify water quality trends.
- Develop quantifiable water quality goals and outcomes based on this information.
- Develop individual lake reports and a summary assessment that integrates watershed and water quality information, evaluates trends and recommends quantitative water quality protection measures.
- Integrate the water quality goals and quantifiable outcomes into local water management plan updates or amendments
- Demonstrate methods that can be expanded in the future to addition lakes in other areas.

Program Requirements

Available Funds: $104,000 of Clean Water Legacy funds.

Match: 50% Local Cash Match.

Eligible applicants: Local government units (LGU) or LGU joint powers organizations working under a current state approved, locally adopted water management plan. Partner organizations such as non-profits, watershed groups, school districts or lake associations must work in conjunction with these eligible applicants.

Project Selection: Projects will be selected on the basis of the following criteria:

- The cost per report based on criteria described above.
- Target lakes are approximately 500 acres or more
- The availability of water quality data for trend analysis
- Land parcel information
- Lakes identified as a priority in local water management plans

Additional screening factors will include:

- Deep lakes with cold-water fish species present or lakes with known species of concern or unique populations identified in a county biological survey or elsewhere.
- Lakes with watersheds that are less than approximately 25% developed, agricultural or open lands.
- The qualifications of the individual(s) doing the data analysis and presentation. Data collection, analysis and presentation should be conducted by technically sound, trained and knowledgeable personnel capable of providing data interpretation and analysis to resource professionals, citizens and decision-makers.

Proposed Timeline:		
	January 1, 2011	Application period opens
	February 15, 2011	Application period ends
	March 30, 2011	BWSR board awards grants (projected)

Grant recipients must conduct the following activities:

- Gather all available water quality data from local, state and federal sources.
- Evaluate water quality data and identify statistically usable data (confirm sample site locations, confirm data is from a certified laboratory) and identify data gaps and outliers.
- Present findings of water quality trends to comprehensive water plan task forces and lake association partners.
- Present findings of water quality trends to county commissioners, township and municipal officials adjacent to candidate lakes.
- Meet at least once with Lake association presidents and representatives at a water quality meeting that should include representatives from DNR, PCA, P&Z, BWSR and other relevant agencies and organizations to discuss the lake reports, trends and to develop a quantitative and qualitative implementation strategy with specific actions for each lake to be included in the next water management plan update or amendment.
- Available water quality data should be presented in narrative and graphical formats, and compared to ecoregion ranges and state water quality standards. Trend information for phosphorus, chlorophyll and transparency should be calculated and plotted when sufficient data exists. Data should be presented within the context of Carlson's Trophic Status Index using the mean value and data range.
- The land use and watershed data should be presented in a structure that includes information on the location within the Ecoregion, major basin, major watershed, minor watershed(s) and lakeshed.

Board Resolution # 10-

LAKE PROTECTION WATER PLAN CHALLENGE GRANTS PROGRAM AUTHORIZATION

WHEREAS, the Board of Water and Soil Resources (BWSR) was appropriated Clean Water Legacy Act funds in Laws of Minnesota 2007, Chapter 57, Article 1, Section 5; and,

WHEREAS, BWSR currently has up to $104,000 in available in returned FY2008 Clean Water Legacy grant funds; and,

WHEREAS, these funds are available to support local nonpoint source protection activities related to lake and river protection and management; and,

WHEREAS, in 2008 BWSR funded a pilot project in Cass, Crow Wing, and Aitkin Counties that developed a template for presenting and assessing lake and land use information in a format useful to citizens and decision-makers; and,

WHEREAS, BWSR staff have developed a Lake Protection Challenge Grant Program proposal to expand this pilot project utilizing available returned grant funds to:

- Assess available water quality data and watershed information to identify water quality trends,
- Develop quantifiable water quality goals and outcomes based on this information,
- Develop individual lake reports and a summary assessment that integrates watershed and water quality information, evaluates trends and recommends quantitative water quality protection measures,
- Integrate the water quality goals and quantifiable outcomes into local water management plan updates or amendments, and
- Demonstrate methods that can be expanded in the future to additional lakes in other areas; and,

WHEREAS, total available funds for this program are up to $104,000 of Clean Water Legacy funds, and;

WHEREAS, applications will be eligible if they meet the criteria listed below:

- A local government unit (LGU) or LGU joint powers organizations working under a current state approved locally adopted water management plan,
- Provide a 50% non-state cash or in-kind cash value match, and
- Lakes targeted are approximately 500 acres or more in size and are not impaired for pollutants other than mercury; and,

WHEREAS, proposals will be evaluated by BWSR staff, in consultation with DNR and MPCA, using the following factors:

- Readiness to complete the project and amend their local water management plan to incorporate the results of the project,
- Lakes identified as a priority in local water management plans,
- The availability of water quality data for trend analysis,
- Land parcel information, and
- The cost per report; and,

WHEREAS, the BWSR Senior Management Team (SMT) reviewed the Lake Protection Challenge Grant Program proposal on October 5, 2010; and,

WHEREAS, the Grants Program and Policy Committee reviewed the Lake Protection Challenge Grant Program proposal on November 17, 2010.

NOW THEREFORE, the Board hereby authorizes staff to finalize, distribute and promote request for proposals for the Lake Protection Challenge Grant Program, and award funds consistent with this resolution and applicable appropriations and statutes.

_____ Date: _____

Brian Napstad, Chair
Board of Water and Soil Resources

Board Resolution # 10- 111

LAKE PROTECTION WATER PLAN CHALLENGE GRANTS PROGRAM AUTHORIZATION

WHEREAS, the Board of Water and Soil Resources (BWSR) was appropriated Clean Water Legacy Act funds in Laws of Minnesota 2007, Chapter 57, Article 1, Section 5; and,

WHEREAS, BWSR currently has $61,000 in available returned FY2008 Clean Water Legacy grant funds; and,

WHEREAS, these funds are available to support local nonpoint source protection activities related to lake and river protection and management; and,

WHEREAS, in 2008 BWSR funded a pilot project in Cass, Crow Wing, and Aitkin Counties that developed a template for presenting and assessing lake and land use information in a format useful to citizens and decision-makers; and,

WHEREAS, BWSR staff have developed a Lake Protection Challenge Grant Program proposal to expand this pilot project utilizing available returned grant funds to:

- Assess available water quality data and watershed information to identify water quality trends,
- Develop quantifiable water quality goals and outcomes based on this information,
- Develop individual lake reports and a summary assessment that integrates watershed and water quality information, evaluates trends and recommends quantitative water quality protection measures,
- Integrate the water quality goals and quantifiable outcomes into local water management plan updates or amendments, and
- Demonstrate methods that can be expanded in the future to additional lakes in other areas; and,

WHEREAS, total available funds for this program are $61,000 of Clean Water Legacy funds, and;

WHEREAS, applications will be eligible if they meet the criteria listed below:

- A local government unit (LGU) or LGU joint powers organizations working under a current state approved locally adopted water management plan,
- Provide a 50% non-state cash or in-kind cash value match, and
- Lakes targeted are approximately 500 acres or more in size and are not impaired for pollutants other than mercury; and,

WHEREAS, proposals will be evaluated by BWSR staff, in consultation with DNR and MPCA, using the following factors:

- Readiness to complete the project and amend their local water management plan to incorporate the results of the project,
- Lakes identified as a priority in local water management plans,
- The availability of water quality data for trend analysis,
- Land parcel information, and
- The cost per report; and,

WHEREAS, the BWSR Senior Management Team (SMT) reviewed the Lake Protection Challenge Grant Program proposal on October 5, 2010; and,

WHEREAS, the Grants Program and Policy Committee reviewed the Lake Protection Challenge Grant Program proposal on November 17, 2010.

NOW THEREFORE, the Board hereby authorizes staff to finalize, distribute and promote request for proposals for the Lake Protection Challenge Grant Program, and award funds consistent with this resolution and applicable appropriations and statutes.

Brian Napstad, Chair
Board of Water and Soil Resources

Date: 12/15/10

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Clean Water Council FY12-13 Budget Recs.

Meeting Date: December 15, 2010

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

Item Type: ☐ Decision ☐ Discussion ☐ Information

Section/Region:

Contact:

Prepared by: John Jaschke

Reviewed by: Committee(s)

Presented by: Keith Hanson

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

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

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other:

ACTION REQUESTED

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
Established by the Clean Water Legacy Act in 2006, the Clean Water Council advises the Legislature and the Governor on state programs to restore and protect Minnesota's waters. The Council's statutory charge is to focus on existing restoration and protection programs, as well as to identify innovative approaches that may strengthen or complement those programs. Its diverse membership represents interests and organizations with a major role in achieving clean water, enabling consensus-building and coordination on a wide array of issues critical to the people of Minnesota.

The Clean Water Council consists of 23 members: 19 members appointed to represent key interests and organizations from around the state, plus a non-voting representative from each of the following four state agencies: Pollution Control Agency, Board of Water and Soil Resources, Department of Natural Resources, and Department of Agriculture. Steve Woods represents BWSR on the Council.

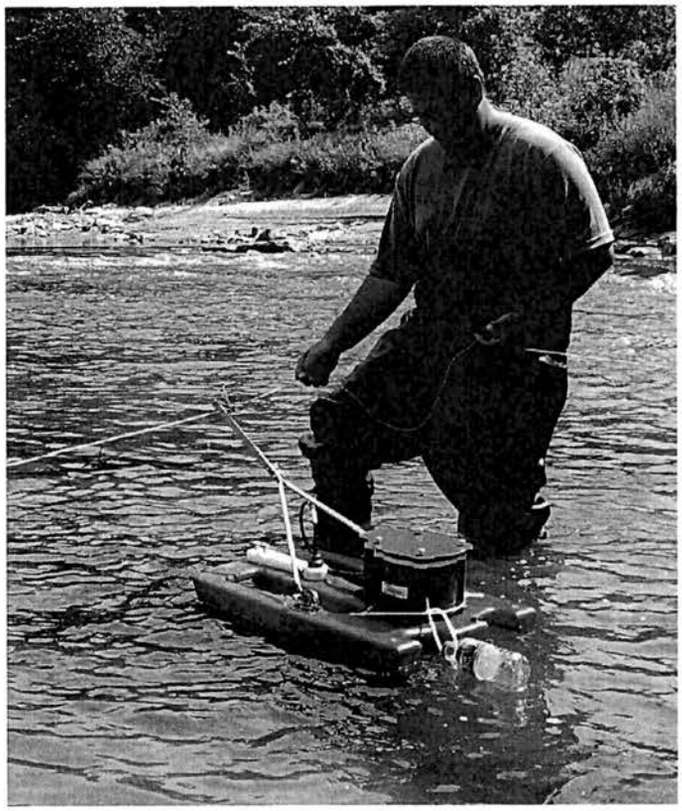
Keith Hanson, Chair of the Council's Clean Water Council Budget and Outcomes Committee will overview their FY12-13 budget recommendations. The Council's recently issued report containing the recommendations are found beginning on page 9 at: http://www.pca.state.mn.us/index.php/view-document.html?gid=14944

Clean Water Council FY12–13 recommendations

When the citizens of Minnesota voted on the Clean Water, Land and Legacy Amendment, protecting and restoring the state's waterbodies was a key factor in getting the initiative passed.

The Council strongly agrees with what they perceive as the public's desire to see successful implementation efforts. The Council also appreciates the importance of completing federally-required restoration and protection planning strategies prior to initiating implementation activities. These strategies will indicate critical areas in watersheds where implementation activities will effectively improve water quality and quantity.

Council members considered the needs of the various water management activities as proposed by state agencies because of the 25-year life span on the funding. The Council concluded that some activities will need long-term funding to continually produce necessary data, others may be decreased over time after studies have been completed, and yet other activities, like implementation of on-the-ground projects, will need to be ramped up to address the most serious water quality and quantity issues. The Council also concluded that building civic engagement and local capacity are integral components of a successful water management process.



Minnesota Department of Agriculture field staff doing a flow measurement on the Le Sueur River.

In its recommendations, the Council includes funding for the following seven agencies: the Minnesota Pollution Control Agency (MPCA), the Minnesota Department of Agriculture (MDA), the Public Facilities Authority (PFA), the Minnesota Department of Natural Resources (DNR), the Board of Water and Soil Resources (BWSR), the Minnesota Department of Health (MDH) and the Metropolitan Council. Additionally, the Council recommends continued funding to the Minnesota Legislative Coordinating Commission for its administrative oversight of the Clean Water Fund.

To achieve the Amendment's long-term goals, the Council recommends appropriating $176.485 million* for the FY12-13 biennium from the Clean Water Fund to the following activities.

Recommendation 1
Continue current funding levels for monitoring and assessment activities

The Council recommends funding monitoring and assessment at $20.96 million. This funding will support monitoring and assessment needs for the next biennium, as well as continue the 10-year intensive watershed monitoring schedule and statewide major watershed outlet pollutant load monitoring. Other activities included in this recommendation are: monitoring activities for pesticides, stream flow monitoring, lake IBI (Index of Biological Integrity) assessments and fish mercury assessment activities. Completing assessments is a Clean Water Act requirement. The Council anticipates that funding these activities will need to remain steady over time, first to complete the monitoring schedule, then to fund effectiveness and trend monitoring activities.

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* *As of June 17, 2010, the Minnesota Department of Management and Budget estimated the Clean Water Fund will have approximately $176.485M available in FY12-13. This Council used this budget estimate to guide its recommendations.*

Recommendation 2
Continue current funding levels for watershed restoration and protection planning strategies

The Council recommends funding for this activity at $22.71 million. This will enable development of watershed restoration and protection planning strategies and to provide technical assistance. These activities not only guide implementation efforts, but are required by the Clean Water Act. Additionally, protection strategies are needed to guard the state's high quality waters. The Council anticipates this funding may decrease after the first 10-year cycle for monitoring and preparing restoration/protection strategies for the 81 major watersheds are completed.

Recommendation 3
Increase funding for drinking water protection activities

The Council recommends funding at $14.22 million, exceeding the Amendment's requirement that at least five percent of the Clean Water Fund to be targeted to protect drinking water sources.

Activities included in this recommendation are:

- Groundwater assessment activities to enhance the ambient network, modeling to support groundwater and drinking water interactions and contaminants of emerging concern monitoring.
- Nitrate monitoring and promotion of nutrient BMPs.
- Water supply planning, aquifer protection and monitoring activities.
- Continued implementation to the Twin Cities metro water supply plan.
- Assessment, evaluation, and development of health-based guidance for emerging contaminants, and the acceleration of source water protection through plan development and grants to local governments.
- Increased cost share for sealing unused wells. This will help protect groundwater used for drinking water from contamination by assisting public and private well owners to seal unused wells by sharing up to 50 percent of the cost.

In addition, a new recommended activity includes $900,000 in funding for a water appropriation electronic permitting system. This will capture essential information about water quality appropriation use and users through an online application process to more effectively and efficiently manage water supplies.

The Council anticipates that funding for drinking water activities will increase over time.

Recommendation 4
Increase funding for nonpoint source implementation activities

The Council recommends funding for this activity at $69.7 million. Adequate funding for this activity is pivotal to implement watershed restoration and protection strategies and to invest in on-the- ground activities that target nonpoint source pollution.

In 2009, BWSR opened an interagency competitive request for proposal round from Clean Water Funding. Local government units submitted 210 applications, totaling more than $44 million. Only $12 million was available.

The Council recognizes that funding requests will always exceed the amount of money that is available, however, this recommendation includes an increase from FY10-11 funding levels to begin addressing the vast needs for nonpoint source protection, restoration and preservation activities. Many of these grant programs require local matches. The Clean Water Fund dollars provide opportunities to leverage funding from other local and federal entities.

This recommendation includes the following:

- Funding for surface and drinking water protection and restoration projects ($27.5M); targeted local resource protection and enhancement grants ($6M); measures, results and accountability ($1.8M); conservation drainage management and assistance ($2M); permanent land and water protection ($14M) and the Community Partners Clean Water Program ($3.0M). This funding also includes resources to help build local capacity for conservation targeting.
- Funding for the AgBMP Loan Program ($10M), supporting crop and livestock producers that implement agricultural BMPs and construct conservation and pollution abatement structures on the landscape.
- Funding for the Great Lakes restoration ($1.5M)—to be leveraged by federal grant funds, and Clean Water Partnership Program grants ($2.5M).

The Council anticipates that funding nonpoint source implementation activities will increase over time, as polluted waterbodies are targeted and as strategies are developed.

Recommendation 5
Increase funding for point source implementation activities

The Council recognizes that there is a need to improve infrastructure to meet wastewater and stormwater treatment requirements to both prevent and restore impaired waters. The Council recommends a total of $35.02 million for the following Clean Water Legacy programs:

- TMDL Grant Program ($22.37M);
- Phosphorus Reduction Grant Program ($8.55M); and
- Small Community Wastewater Treatment Grant and Loan Program ($2.5M).

Additionally, the Council recommends $1.6 million for wastewater and stormwater implementation activities. This appropriation, coupled with other bonding and federal dollars, will help to support needed upgrades to the state's infrastructure. The Council anticipates that funding for point source protection and restoration activities will need to be maintained or increased over time.

Recommendation 6
Increase funding for education and civic engagement

The Council recommends $900,000 for this activity in FY12-13. Point and nonpoint source implementation activities need adequate civic involvement, allowing citizens to identify water quality problems and implement solutions. The Council recommends funding $300,000 to develop products and services that will help local governments assess and improve civic engagement opportunities in Minnesota watersheds during restoration and protection strategy development. An additional $600,000 is recommended for resources that will enhance local capacity to engage the public during restoration, protection and implementation projects and activities. The Council supports building community capacity and developing targeted education programs based on community needs during implementation activities.

The Council anticipates a small increase in funding for these activities during the first 10 years of the Amendment when watershed strategies are being developed, then a steady level of funding for implementation activities in following years.

Recommendation 7
Increase funding for applied research and tool development

Tens of millions of dollars will be invested in water management activities over the life of the Amendment funding. To help ensure these dollars are spent to best serve the environment, the Council recommends $12.95 million to invest in tools that will target critical areas and develop applied research to ensure implementation efforts are effective. Funding the recommendations in this category will assist in the production of indicators of environmental outcomes.

Activities included in this recommendation include:

- Investing in applied research for agricultural and stormwater best management practices, and TMDLs.
- Developing decision support tools such as LiDAR, the Watershed Assessment Tool, and the Restore Your Shore Interactive Web Tool.
- Supporting interagency data management needs that will interface existing systems to provide a central location for reporting, analysis and data management of watershed data, and development of a biomonitoring database. In addition, the Council recommends development of a database to inventory and search for relevant water-related research.

The Council anticipates that funding for applied research and tool development activities will remain steady over time, as new pollutant sources and emerging contaminants are identified, and as new tools are needed.

Recommendation 8
Continue current funding levels for Legislative Coordinating Commission (LCC) oversight of Clean Water Fund administration

The Council recommends continued funding of $25,000 to the Legislative Coordinating Commission (LCC) for oversight of Clean Water Fund administration, and to maintain a public information Web site to inform Minnesota's citizens about water management activities. The Council recommends that funding for this oversight will remain steady over time.

Clean Water Council budget recommendations

As discussed in this report, the following table summarizes the Council's proposed budget recommendations for FY12-13.

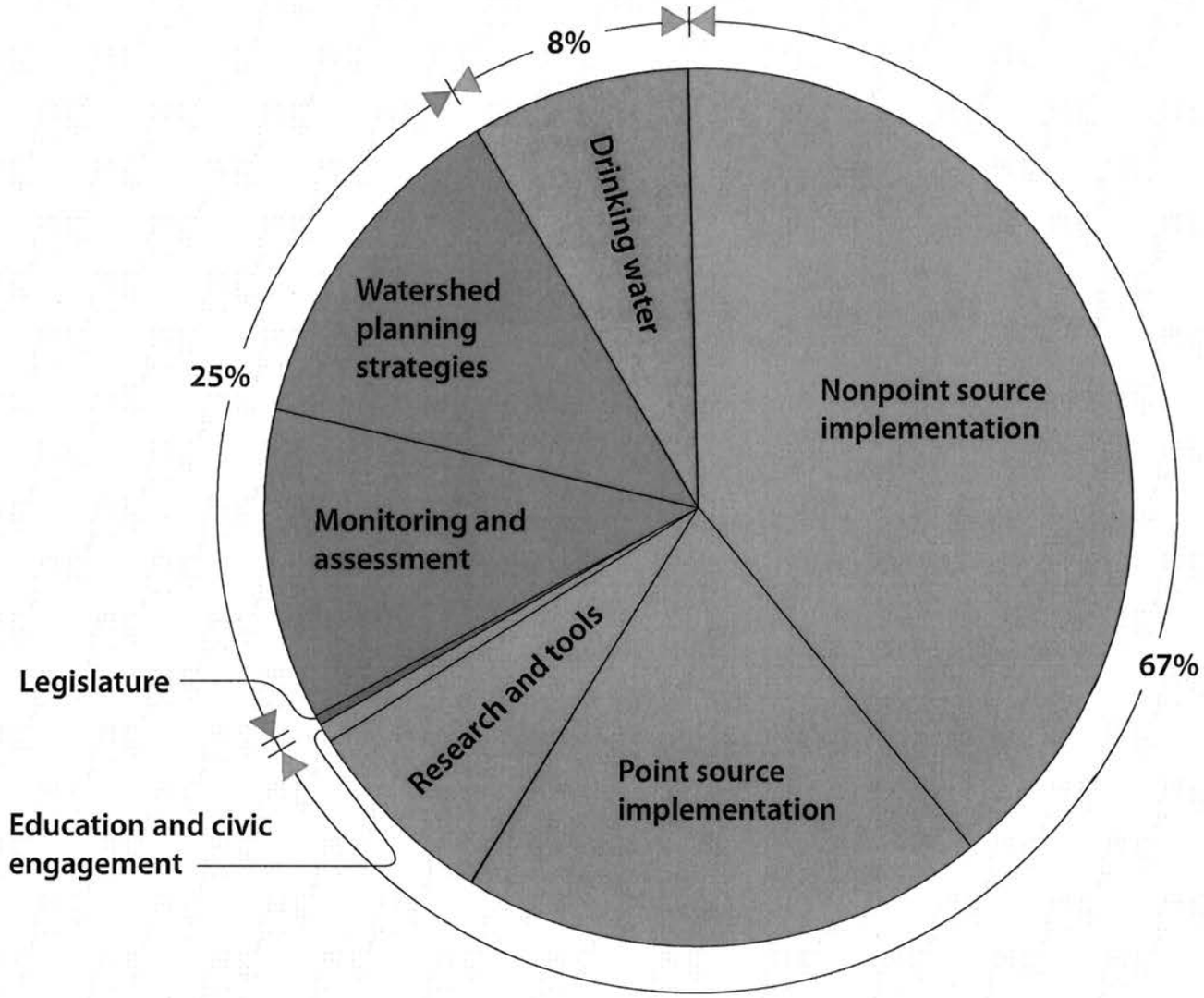
Clean Water Fund activity	Clean Water Council FY12–13 recommendations* (in millions)
Monitoring and assessment	**$20.960**
Continue monitoring and assessment efforts to meet the 10-year cycle.	$15.000
Pesticides monitoring in surface water and groundwater	$0.700
Stream flow monitoring	$2.700
IBI lake assessments	$2.300
Fish mercury assessments	$0.260
Watershed restoration and protection planning strategies	**$22.710**
Fund watershed restoration and protection strategies	$18.800
Ecological, hydrological and biological technical assistance for strategies	$3.910
Drinking water protection	**$14.220**
Ambient network groundwater assessment	$2.250
Monitoring and trend evaluation of nitrates; crop specific BMP promotion	$1.700
Water supply planning, aquifer protection and monitoring	$3.000
Water appropriation electronic permitting	$0.900
Continued implementation of Twin Cities metro water supply plan	$1.000
Development of health-based guidance contaminants of emerging concern	$2.040
Source water protection grants	$2.830
Well sealing cost share	$0.500
Nonpoint source implementation activities	**$69.700**
Great Lakes restoration	$1.500
Clean Water Partnership grants	$2.500
AgBMP Loan Program	$10.000
Technical Transfer, Pilot Projects and Demonstration Sites	$1.400
Surface and drinking water protection and restoration projects	$27.500
Targeted local resource protection and enhancement grants	$6.000
Oversight, assessment and reporting of local government performance and results	$1.800
Conservation drainage management and assistance	$2.000
Riparian buffer and wellhead protection easements	$14.000
Community partners clean water program	$3.000

* *As of June 17, 2010, the Minnesota Department of Management and Budget estimated the Clean Water Fund will have approximately $176.485M available in FY12-13. The Council used this budget estimate to guide its recommendations.*

Clean Water Fund activity	Clean Water Council FY12–13 recommendations* (in millions)
Point source implementation activities	**$35.020**
NPDES wastewater/stormwater TMDL implementation	$1.600
TMDL grants for WWTP and stormwater	$22.370
Phosphorus reduction grants	$8.550
Small community WWT grants and loans	$2.500
Education and civic engagement	**$0.900**
Civic engagement activities in local watershed projects	$0.300
Enhance local capacity for targeted education	$0.600
Applied research and tool development	**$12.950**
Stormwater research and guidance	$0.800
TMDL research and database development	$2.300
Research and evaluation of agricultural contributions to impaired waters	$2.100
Shoreland stewardship, implementation coordination and biomonitoring database development	$3.950
Complete LiDAR data collection	$2.700
Delivery of decision support tools (Watershed Assessment Tool, GSSHA Model, and Restore Your Shore interactive web tool)	$0.600
Research inventory database	$0.500
Legislature	**$0.025**
Legislative Coordinating Commission Web site and fund auditing	$0.025
Total	**$176.485**

* *As of June 17, 2010, the Minnesota Department of Management and Budget estimated the Clean Water Fund will have approximately $176.485M available in FY12-13. The Council used this budget estimate to guide its recommendations.*

FY12–13 CWF recommendations ($176.485M)



67% of the Clean Water Council's recommended biennial budget is for implementation-related activities.

25% of the budget is recommended for water quality monitoring and watershed planning.

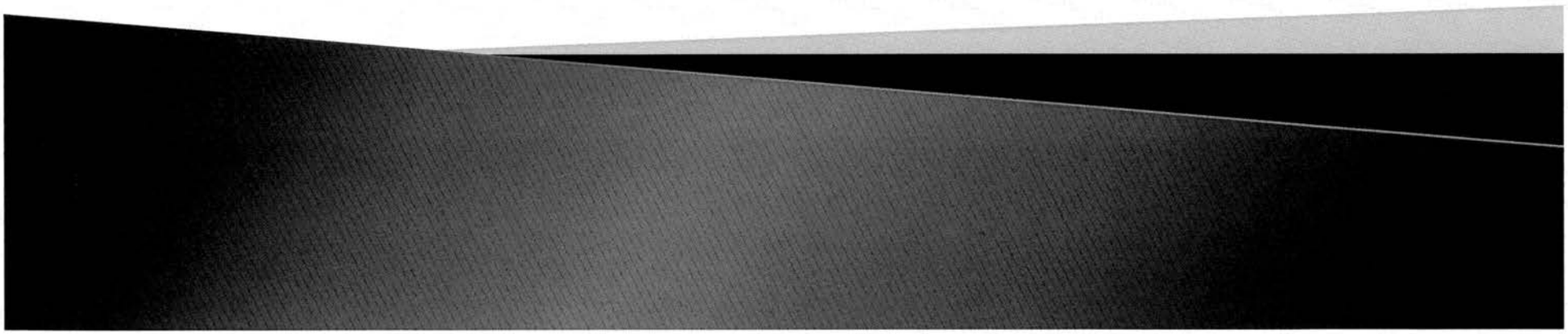
8% of the budget is recommended for drinking water activities.

The Clean Water Council acknowledges that funding recommendations for these activities will change over time. Some activities will need long-term funding, others may be decreased over time and yet other activities will need to be ramped up to address the most serious water quality and quantity issues. As the life of the Amendment progresses, the Council anticipates that it will recommend more funding for implementation projects that will protect and restore the state's waters for years to come.

Note: this graph shows how funds from the Clean Water Fund will be used, but does not include other major funding sources from federal, bonding, and other sources.

Clean Water Council Budget Recommendations FY12/13

Prepared for Board of Soil & Water Resources
December 15, 2010



Clean Water Council (CWC)

Charge:

- Provide advice to legislature and executive branches of government on the administration an implementation of the Clean Water Legacy Act (CWLA)
- Focus on existing restoration and programs
- Identify innovative approaches to strengthen or compliment existing programs

CWC Budget Process

- Agency's prepared draft budget recommendations for Budget & Outcomes Committee (BOC) consideration
- BOC met with each Agency to refine recommendations to the CWC
- Public review of draft budget recommendations
- Council approved budget recommendations

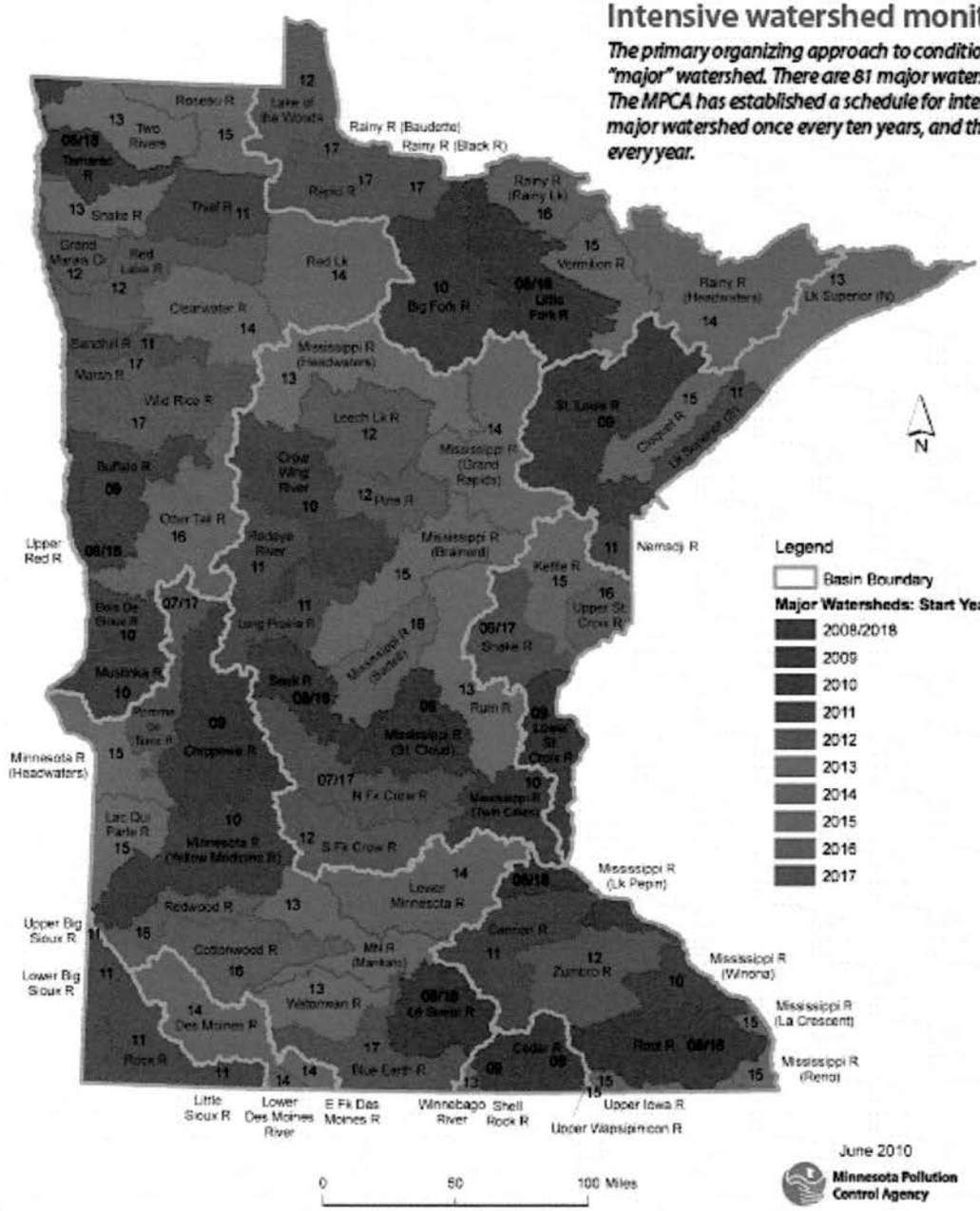
NOTE: The CWC used the June 17, 2010 revenue projection from the Minnesota Department of Management and Budget to guide its recommendations.

CWC FY12/13 Focus

- Programmatic Appproach
- Implementation activities
  - Nonpoint Source/Point Source
- Tool development
- Maintain 10 year watershed cycle

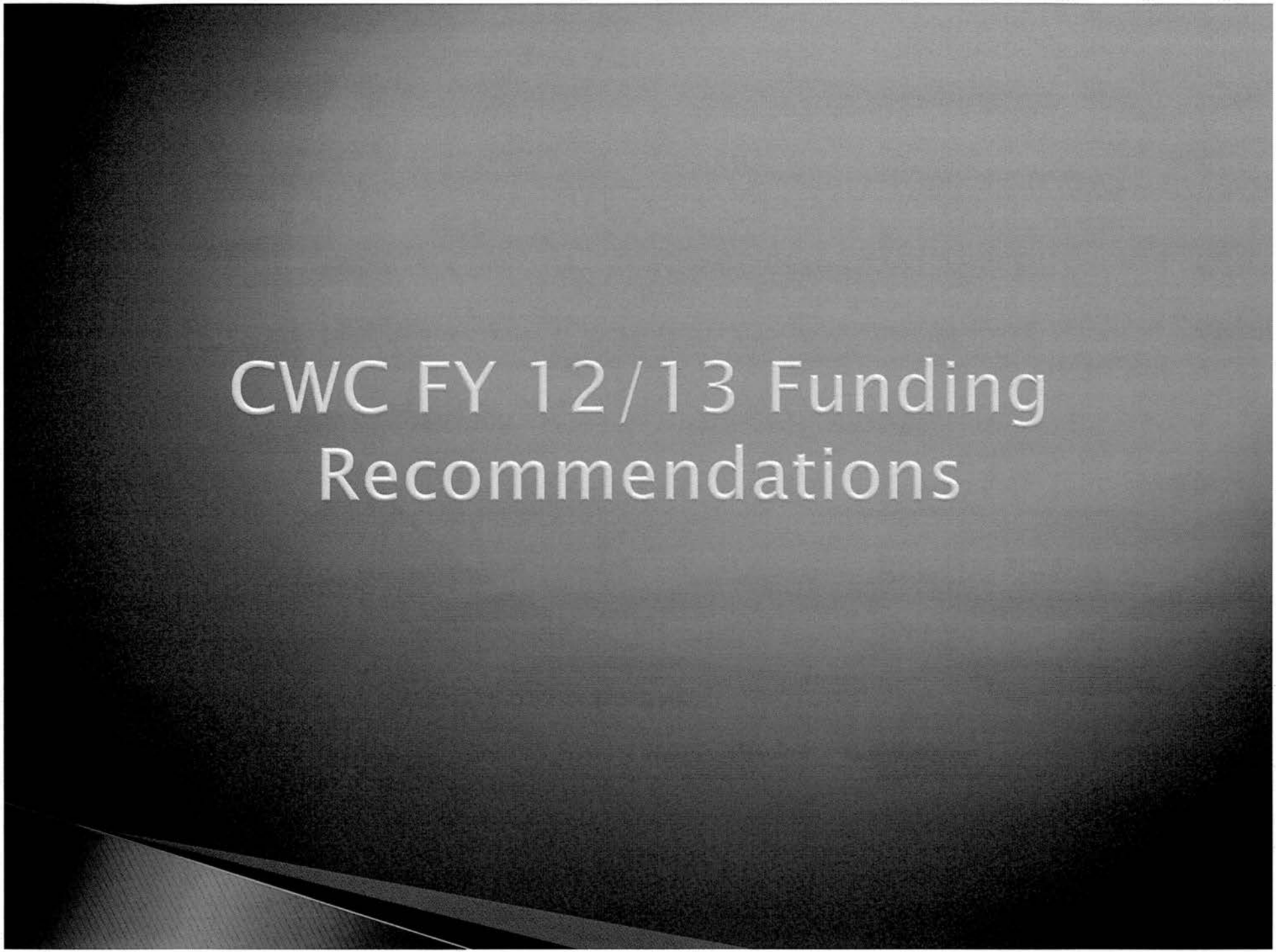
Intensive watershed monitoring

The primary organizing approach to condition monitoring is the "major" watershed. There are 81 major watersheds in Minnesota. The MPCA has established a schedule for intensively monitoring each major watershed once every ten years, and the watershed outlets every year.



June 2010

Minnesota Pollution Control Agency

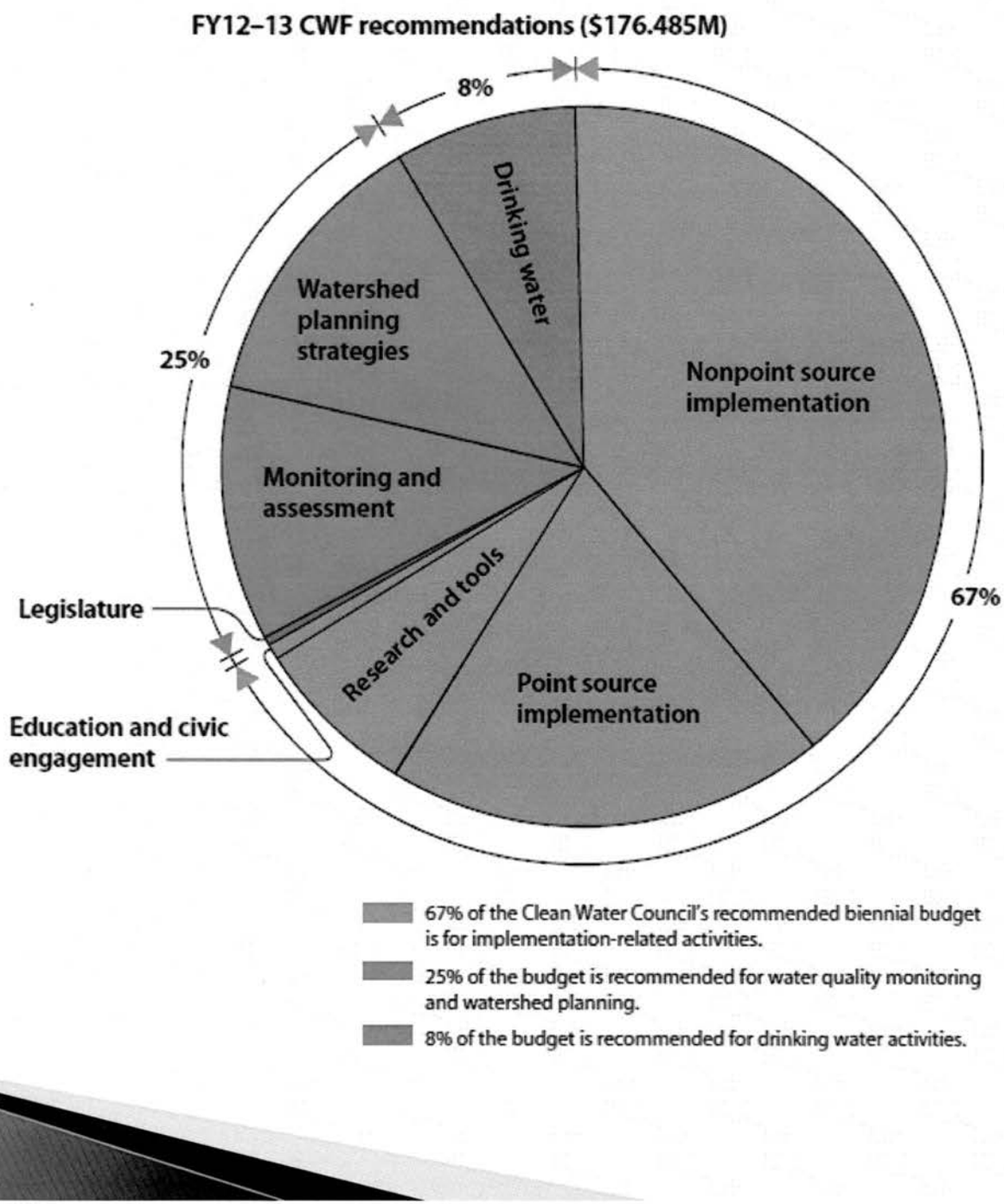

CWC FY 12/13 Funding
Recommendations

Activity	CWC FY 12/13 Agency Proposed (Millions)	FY 12/13 BOC Recommendations (Millions)
Monitoring/Assessment	$21.91	$20.96
Watershed Restoration & Protection Strategies	$25.00	$22.71
Drinking Water Protection	$16.767	$14.22
Non-point Source Implementation	$69.80	$69.70
Point Source Implementation	$40.118	$35.02
Education & Civic Engagement	$0.90	$0.90
Applied Research & Tool Development	$7.60	$12.95
Legislative Coordinating Commission	$0.00	$.025
TOTAL	$182.12	$176.485

Agency	Agency FY 12/13 Proposed (Millions)	CWC FY 12/13 Recommendation (Millions)
MPCA	$45.05	$45.05
MDA	$15.90	15.90
DNR	$20.31	$20.32
BWSR	$52.8	$54.30
PFA	$38.518	$33.42
Met Council	$1.00	$1.00
MDH	$7.917	$5.37
Legislature	-	$0.025
TBD	-	$1.10
TOTAL	**$181.495**	**$176.485**

CWC FY 12/13 Recommendations – BWSR

Activity	BWSR Proposed (Millions)	CWC Rec. (Millions)
Surface & Drinking Water Protection/Restoration Projects	$26.00	$27.50
Targeted Local Resource Protection & Enhancement Grants	$6.00	$6.00
Measures, Results & Accountability	$1.80	$1.80
Conservation Drainage Management & Assistance	$2.00	$2.00
Permanent Land & Water Protection	$14.00	$14.00
Community Partners Clean Water Program	$3.00	$3.00
TOTAL	**$52.80**	**$54.30**


FY12–13 CWF recommendations ($176.485M)
8%
Drinking water
Watershed planning strategies
25%
Nonpoint source implementation
Monitoring and assessment
Legislature
Research and tools
67%
Point source implementation
Education and civic engagement
67% of the Clean Water Council's recommended biennial budget is for implementation-related activities.
25% of the budget is recommended for water quality monitoring and watershed planning.
8% of the budget is recommended for drinking water activities.

Biennial Report of the

Clean Water Council

December 2010

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Biennial Report of the Clean Water Council

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This report fulfills Clean Water Legacy Act requirements for the Council to prepare the following:

- A biennial report to the Legislature on the activities for which money has been or will be spent for the current biennium, and the activities for which the money is recommended to be spent in the next biennium.
- An implementation plan that explains Minnesota's framework for identifying and cleaning up impaired waters, addressing general procedures and timeframes, and establishing priorities.

Contact: Marilyn Bernhardson
Chair, Clean Water Council
507-637-2427 ext. 3
marilyn.bernhardson@racgroup.net

Victoria Reinhardt
Vice Chair, Clean Water Council
651-266-8363
victoria.reinhardt@co.ramsey.mn.us

Keith Hanson
Chair, Clean Water Council Budget and Outcomes Committee
218-529-8222
khanson@barr.com

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Clean Water Council members (July 2010)

Left to right, back row: **Mike McKay** (Red Wing)—environmental organization, **Gary Pedersen** (Dover)—township officials, **Gene Merriam** (Coon Rapids)—environmental organization, **Deb Swackhamer** (Stillwater)—state higher education system, **Del Haag** (Buffalo)—cities, **Steve Woods**—Board of Water and Soil Resources, **Keith Hanson** (Duluth)—businesses, **Mark Knoff** (Mankato) —cities, **Dave Bennett** (Burnsville)—fishing organization, **Steve Pedersen** (Coon Rapids)—businesses, **Rob Sip**—Department of Agriculture.

Left to right, middle row: **Scott Hoese** (Mayer)—statewide farm organization, **Marilyn Bernhardson** (Redwood Falls)—soil and water conservation districts, **Gaylen Reetz**—Pollution Control Agency, **Paul Torkelson** (St. James)—statewide farm organization, **Todd Renville** (Minneapolis)—statewide hunting organizations, **Keith Buttleman** (St. Paul)—Metropolitan Council.

Left to right, front row: **Victoria Reinhardt** (White Bear Lake)—metro-area counties, **Pam Blixt** (Minneapolis)—watershed districts, **Earl Bukowski** (Sauk Rapids)—rural counties.

Not pictured: **Louis Smith** (Minneapolis)—lakes and streams nonprofit organization, **Larry Kramka**—Department of Natural Resources.

Thanks to our former members who previously served: **John Howe** (Red Wing)—cities, **Joe Martin**—Department of Agriculture, **William Moore**—Metropolitan Council, **Sarah Strommen** (Ramsey)—environmental organizations.

The Clean Water Council

Established by the Clean Water Legacy Act in 2006, the Clean Water Council advises the Legislature and the Governor on state programs to restore and protect Minnesota's waters. The Council's statutory charge is to focus on existing restoration and protection programs, as well as to identify innovative approaches that may strengthen or complement those programs. Its diverse membership represents interests and organizations with a major role in achieving clean water, enabling consensus-building and coordination on a wide array of issues critical to the people of Minnesota.

The Clean Water Council consists of 23 members: 19 members appointed to represent key interests and organizations from around the state, plus a non-voting representative from each of the following four state agencies: Pollution Control Agency, Board of Water and Soil Resources, Department of Natural Resources, and Department of Agriculture.

Executive summary

The voters of Minnesota expressed strong support for protecting and restoring the state's lakes, streams, and groundwater by approving the Clean Water, Land and Legacy Amendment in November 2008. The funds directed towards the Amendment's Clean Water Fund are earmarked *to protect, enhance, and restore water quality in lakes, rivers, streams, and groundwater with at least five percent of the fund spent to protect drinking water sources.*

Since passage of the Clean Water Legacy Act (CWLA) in 2006 and subsequent appropriations, progress was made in assessing Minnesota's waters and implementing water quality improvement projects. Through the Amendment, stable funding will enhance the state's ability to meet the Amendment's objectives over the next 23 years.

The Clean Water Council's (Council) charge is to provide advice to the legislative and executive branches of government on the administration and implementation of the CWLA. The Council prepared policy and funding recommendations for FY12–13 (see detailed budget summary on page 12). The Council recommends $176.5 million be appropriated from the Clean Water Fund for the following activities:

- **Continue current funding levels for monitoring and assessment activities.** The Council recommends funding monitoring and assessment activities at $20.96 million. This level of funding will support the continued implementation of the10-year watershed monitoring cycle. The Council anticipates that funding these activities will remain steady over the life of the Amendment.
- **Continue current funding levels for watershed restoration and protection planning strategies**. The Council recommends funding for this activity at $22.71 million. Restoration and protection planning strategies not only guide implementation efforts, but they are required by the Clean Water Act. As the life of the 25-year Amendment progresses, the Council anticipates that this funding may decrease once the watershed strategies are completed for all 81 major watersheds, while implementation funding recommendations will increase.
- **Increase funding for drinking water protection activities.** The Council recommends funding at $14.22 million, exceeding the Amendment's requirement of at least five percent of the Clean Water Fund to be targeted to protect drinking water sources. This funding will support a variety of activities, including enhanced groundwater monitoring and sealing of unused wells, nutrient best management practices, modeling and new health-based guidance for contaminants of emerging concern, and aquifer protection activities.
- **Increase funding for nonpoint source implementation activities.** The Council recommends funding at $69.7 million, which will leverage millions of dollars from other funding sources to protect and restore Minnesota's waters. Demand for this funding has far exceeded available dollars. For example, in the first round of Clean Water Fund competitive grants in 2010, local government units submitted 210 applications, totaling more than $44 million; only $12 million was available.
- **Increase funding for point source implementation activities.** The Council recommends funding at $35.02 million, which will leverage millions of dollars from other funding sources. This appropriation, coupled with other bonding and federal dollars, will support needed upgrades to the state's municipal wastewater and stormwater infrastructure. Municipalities requested $26 million from the Total Maximum Daily Load (TMDL) Grant program in FY11, but only $15 million was available. This recommendation will help meet some of that unmet need.
- **Increase funding for education and civic engagement.** The Council recommends funding at $0.9 million for this activity. The Councils education funding focuses on those individuals whose behavior can have the most important impact on improving water quality. Point and nonpoint source implementation activities will only be successful if communities and watersheds have adequate resources to help citizens work together to identify and address water quality problems.
- **Increase funding for applied research and tool development.** The Council recommends funding at $12.95 million to develop tools and applied research to better target critical areas and ensure implementation efforts are effective. This includes investments in several data management and interactive web tools to make watershed data more accessible and measurable, as well as in applied research for improving best management practices (BMP).
- **Continue current funding levels for Legislative Coordinating Commission (LCC) oversight of Clean Water Fund administration**. The LCC current funding is $25,000 annually to maintain a public information web site on Clean Water Fund activities. The Council recommends that funding for this function remain steady over time.

Introduction and purpose of this report

The report fulfills the requirements of the Clean Water Legacy Act for the Council to prepare:

- A biennial report to the Legislature on the activities for which money has been or will be spent for the current biennium, and the activities for which money is recommended to be spent in the next biennium.
- An implementation plan that explains Minnesota's framework for identifying and cleaning up impaired waters, addressing general procedures and timeframes, and establishing priorities.

The Council recognizes that statewide water management is a long-term process. The degradation of Minnesota's lakes and rivers occurred over many decades and restoring those same waters to meet standards will be a lengthy process. Protecting the state's waters to prevent degradation is just as important as restoration, as restoration efforts are far more costly than preventative measures.

The Council's recommendations, therefore, address three basic functions in developing a statewide management process: monitor and assess existing water quality, restore and protect surface water and drinking water, and guide implementation activities.

In addition, the Council believes building civic engagement and local capacity are critical to ensure restoration, protection and implementation strategies are successful. Landowners, in cooperation with resource professionals, must be engaged at the local level to implement BMPs on the critical source areas in watersheds. Education and civic engagement opportunities are important at the local level, helping stakeholders understand the importance of making land management changes, which directly impacts water quality.

The Council's recommendations in this report represent a water management system that informs citizens about the condition of the state's waters, targets critical areas where implementation activities need to occur, and engages local stakeholders to make the changes needed to restore and protect the state's waters. These activities take time to complete and environmental outcomes are not immediate. However, staying the course and allowing the system to work is necessary to maintain the integrity and purpose of the Constitutional Amendment.

Following this systematic approach will produce positive outcomes that address citizens concerns by supporting abundant fishing and wildlife, lakes and rivers that are safe for swimming and other recreational activities—all together keeping Minnesota a great place to live.

Clean Water Council activities and priorities

Activities

The Council has continued to increase its knowledge on statewide water issues since the last biennial report. The Council invited various speakers, including federal and state agency representatives, members of environmental organizations and educators to provide their perspectives on groundwater strategies, implementation and delivery mechanisms, regional/local capacity and funding, tools for creating targeted implementation needs, and funding priorities. The input received enabled the Council to determine appropriate funding levels, program priorities and efficiencies. See the Council's Web site for more information on all meeting topics at: www.pca.state.mn.us/index.php/about-mpca/mpca-overview/councils-and-forums/clean-water-council/clean-water-council.html

The Council also continued to provide input on CWLA programs, offering guidance to state agencies and other entities on the implementation of statewide water programs.

Priorities for 2011

The Council will continue to investigate significant issues relevant to protecting and restoring the state's waters. In 2011, the Council's priorities will pursue the following:

- **Funding Priorities.** The Council will continue to investigate funding priorities, and understand the public's funding expectations and opportunities for program efficiencies among state agencies.
- **Targeted Implementation.** The Council will seek to better understand what regulatory tools apply to nonpoint sources, and investigate how to address precision targeting in non-agricultural areas of the state, so that implementation dollars are effectively utilized for maximum water quality improvements and expectations are met for funding public and private projects.
- **Groundwater**. The Council will focus on understanding the connectivity between surface and groundwater, how groundwater fits into the watershed approach and what is known about the regional quality and quantity of the groundwater supply and drinking water. This information will pave the way for future recommendations on groundwater protection and implementation strategies.

Clean Water Council members join Lessard-Sams Outdoor Heritage Council and Legislative Citizen-Commission on Minnesota Resources members at a field excursion on the Minnesota River, July 21, 2010. Hosted by the Renville and Redwood County Soil and Water Conservation Districts, the groups learned how the river's water quality has changed and viewed agricultural and conservation practices.

- **Applied Research and Tool Development.** The Council intends to investigate processes to determine BMP cost effectiveness, BMP effectiveness, identifying geographic needs and research priorities.
- **Education and Civic Engagement.** The Council will discuss its role in the education process, understand the public's expectations and address education and civic engagement needs of watershed stakeholders to ensure implementation projects are meeting the water quality goals established by restoration and protection strategies.
- **Local Capacity.** The Council intends to explore capacity issues of local units of government to ensure adequate resources are available for implementation activities to achieve water quality improvements across the state.
- **Program Coordination.** The Council will continue to seek opportunities to interface with the Lessard-Sams Outdoor Heritage Council, the Legislative-Citizen Commission on Minnesota Resources (LCCMR) and other organizations to improve the effectiveness and efficiency of the state's natural resource programs.

Summary of Clean Water Fund progress and activities for FY10

Several water management activities are underway since the Legislature appropriated Clean Water funding in the 2009. The following are selected highlights of some of those activities from FY10. A complete summary of FY11 progress will be reported by the Council in its December, 2011 report. (In addition, each state agency maintains a comprehensive list of its activities and contact information can be found on the Council's web site—see inside front cover of this report for the web address).

It is important to note that these activities mark incremental progress toward outcomes; final success can take several years or even decades to achieve depending on the severity of the problem. As projects reach maturity, outcomes will be better understood. Additionally, the Clean Water Fund is an important portion of the water management funding picture in Minnesota, but it is also supported by other federal, state and local programs that fund ongoing efforts to preserve and restore Minnesota's water resources.

A long-term mix of local expertise and investment, combined with state and federal support is beginning to pay off. The MPCA reports that to date, there are 13 impairments (2 lakes and 11 river segments) that have been restored, and we anticipate ongoing success in the future as this work continues.

Monitoring and assessment

Required by the federal Clean Water Act, monitoring and assessment examines the current condition of the state's waters and determines whether they meet established water quality standards. With more than 11,800 lakes and 105,000 miles of streams and rivers in the state—the most in the lower 48 states—this is an enormous task. The state's "watershed approach" is a strategy to assess the condition of Minnesota's waters via a 10-year cycle relying on a combination of state agency monitoring; monitoring by other local, and federal agencies; citizen monitoring; and remote sensing. The outcome of this monitoring is the identification of waters that are impaired (i.e., do not meet standards and need restoration), and waters in need of further protection to prevent impairment.

Highlights

- At the conclusion of the 2010 field season, monitoring work on seven of the state's 81 major watersheds was completed. Overall work is on pace and nearly 30 percent of the state's major watersheds have been monitored or monitoring is underway. Following the state's watershed approach, 100 percent of the watersheds will be monitored by 2018 (see the map on next page).
- Pollutant load monitoring, which characterizes water quality in all watersheds, continued for the fourth year at the outlets of all of the state's major watersheds.
- To significantly supplement statewide monitoring, 27 Surface Water Assessment Grants totaling just over $1 million, were awarded to local government units and nonprofit organizations.
- To help provide detailed trend information on the concentration of pesticides in some of the most vulnerable aquifers in the state, more than 150 wells and springs are being monitored for a revised and more extensive list of current use pesticides. The majority of these wells are adjacent to farm fields, and were located and constructed specifically to evaluate groundwater impacts from the common use of pesticides.
- 187 stream flow gages were monitored to provide watershed information for the 81 major watersheds. Stream flow data are used to help establish TMDL limits and provide an understanding of how water flows off the landscape.
- Clean Water funds allow fish mercury assessments on 80 sites annually; General Fund revenues allow assessment of an additional 60 sites. With this information, the status of mercury-impaired waters and the outcomes of mercury reduction efforts can be tracked over time.

Watershed Restoration and Protection Process

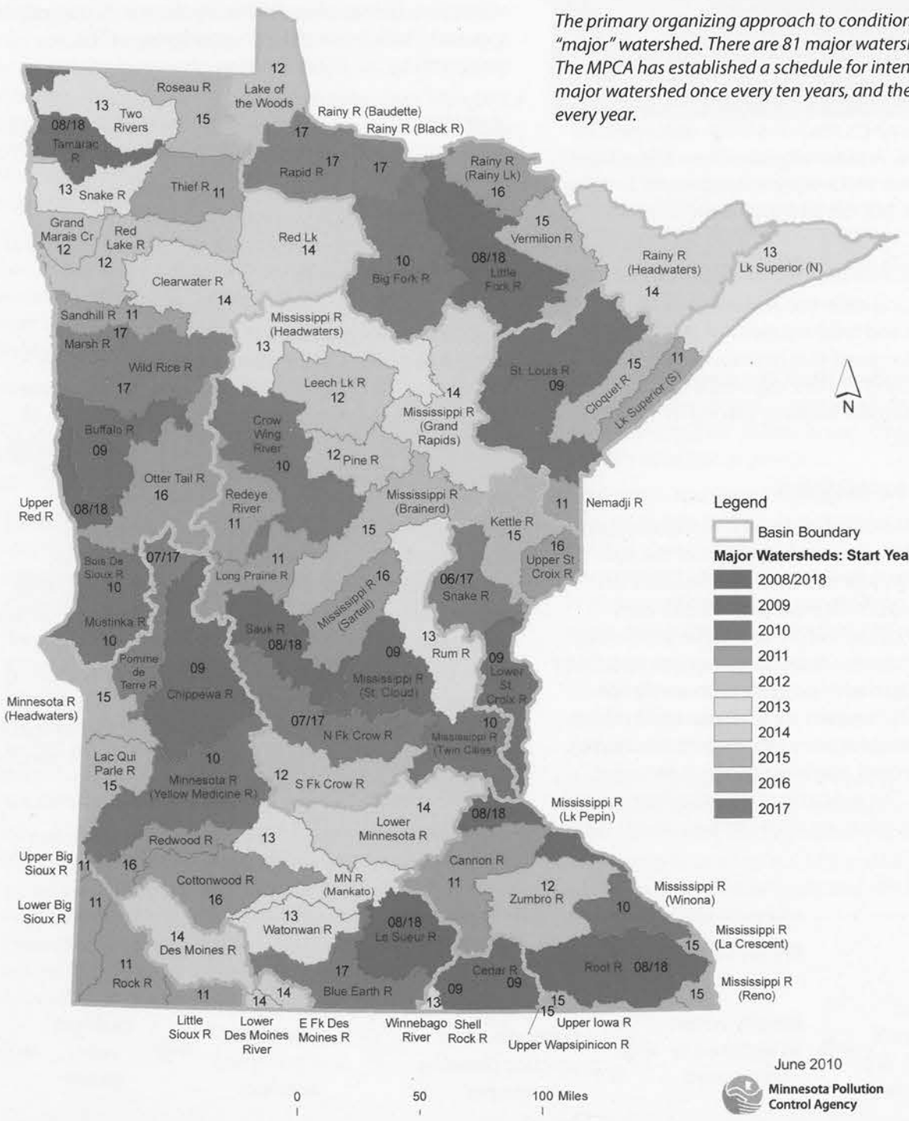
Monitor and assess the state's 81 watersheds on a 10-year cycle → Identify waters as impaired or unimpaired → Develop watershed restoration and protection planning strategies → Implement restoration and protection activities → Evaluate water quality →

Watershed restoration and protection planning strategies

Based on the results of watershed monitoring and assessment activities, a watershed planning strategy is developed. This includes: a federally required TMDL study to calculate needed pollutant reductions to restore impaired waters, and a protection strategy for maintaining and improving unimpaired waters. Existing local water plans and water body studies are incorporated into the planning process. An overall water quality framework which details restoration and protection strategies is developed for each watershed with input from interested parties.

Intensive watershed monitoring

The primary organizing approach to condition monitoring is the "major" watershed. There are 81 major watersheds in Minnesota. The MPCA has established a schedule for intensively monitoring each major watershed once every ten years, and the watershed outlets every year.



Highlights

- Watershed restoration and protection planning strategy development has started in all seven watersheds where intensive monitoring work has been completed. Strategy development is on pace to begin activities within 1-2 years following the completion of monitoring work in a watershed.
- Approximately 70 percent of all 2008 listed impairments have TMDL projects underway or or are in the implementation phase.
- Specialized sampling is being done on biologically-impaired waters to effectively target TMDL efforts, and on some rivers with turbidity impairments.

Drinking water protection activities

These programs and activities are designed to ensure safe and sufficient drinking water for all Minnesotans through a strategic series of safeguards from source to tap.

Highlights

- To date, 35 source water implementation grants were awarded, totaling nearly $284,000. These grants enable public water suppliers to protect drinking water sources by preventing or managing potential contamination.
- Technical assistance for developing source water protection plans was provided to 43 public water suppliers. This additional assistance accelerates progress towards the goal of a source water protection plan for every public water supply by the year 2020.
- Health-based drinking water guidance values for three contaminants of emerging concern* (metribuzin degradates; 1, 2, 3-tricholorpropane; and triclosan) were developed. This new program allows for staff to develop guidance for these contaminants in advance of detections in drinking water sources.
- Currently six projects are being developed at the local level to improve nitrogen fertilizer use or irrigation efficiency, and quantify BMP effectiveness in groundwater sensitive areas of the state that have row crop agriculture. Local partners are typically soil and water conservation districts (SWCD) and environmental offices with expected participation from 15-20 counties.
- An ambient groundwater quality monitoring network is monitoring for an extensive suite of non-agricultural contaminants in urban and undeveloped parts of the State. The network serves as an early warning system for contamination to groundwater, with 110 wells monitored in FY10–11 and 170 wells expected to be monitored in FY11–12. Forty of the network's monitoring wells were sampled to determine concentrations of more than 120 contaminants of emerging concern*.
- The 11-county metropolitan groundwater level monitoring network plan was developed to improve understanding of water supply quantity and quality problems. This network will provide essential data on how water moves through aquifers, and helps local and state water managers make decisions to protect the future sustainability of drinking water supplies.
- Surface waters across the entire metropolitan area were assessed for their vulnerability to impacts from groundwater withdrawals.

Volunteers learned how to monitor water quality at Swan Lake for a Surface Water Assessment Grant given to the Todd Soil and Water Conservation District. The project was a joint effort between the Todd SWCD, lake associations and landowners. Ten trained volunteers, partnering with professional local and state staff, found that Long Lake is not impaired and that protection projects should be implemented. Big Swan Lake, however, was determined to be impaired and will be listed on Minnesota's 2010 impaired waters list.

* *Contaminants of emerging concern are defined as substances that have been released to or detected in Minnesota waters or have the potential to migrate to Minnesota waters and that are characterized by a perceived or real threat to public health; Minnesota drinking water health-based standards that currently do not exist or need to be updated to reflect new toxicity or occurrence information; insufficient or limited toxicological information or toxicity information that is evolving or being re-evaluated; or, significant new source, pathway, or detection limit information. (Minnesota Department of Health definition)*

Nonpoint source implementation activities

Nonpoint source implementation includes programs and actions directed at preventing polluted runoff from fields, streets, lawns, roofs and other similar sources. Partnerships with state agencies and various local units of government, including watershed districts, municipalities, and SWCDs, are critical to implement these water quality activities.

Highlights

- $12 million in competitive state grants were awarded to local governments (watershed management organizations, SWCDs, counties, etc.) for implementation projects. Local match and leveraged federal funds increased the project dollars available by an additional $7.5 million .
- $1.69 million in loans were awarded to local governments, supporting more than 40 water quality projects through the AgBMP Loan Program.

Point source implementation activities

The focus of point source implementation activities is to improve municipal wastewater and stormwater treatment to meet pollution reductions called for by TMDLs, upgrade aging infrastructure, and to help small communities invest in new infrastructure.

Highlights

- 15 implementation TMDL grants were awarded, totaling $9.4 million. This leveraged more than $66 million in other project funding.
- Eight phosphorus reduction grants were awarded, totaling $3.3 million. This leveraged more than $100 million in other project funding.
- Six small community technical assistance grants were awarded totaling $146,500, and 13 more projects are preparing for construction in 2011.

Education and civic engagement

The goal of this activity is to enhance education about Minnesota's water needs and increase civic engagement to ensure long-term protection and restoration of Minnesota's waters. The CWLA charged the Council with developing strategies for educating and encouraging the participation of citizens, stakeholders and others to identify, restore and protect Minnesota's waters.

Highlights

- As charged by the Legislature in 2009, the University of Minnesota's Water Resources Center created a comprehensive, 25-year framework for the sustainable management of Minnesota's water resources and the Clean Water Fund. The plan, titled *Minnesota Water Sustainability Framework*, will be presented for recommendation to the Legislature in January of 2011.
- A task group is providing advice and assistance to the contaminants of emerging concern program to develop a process for selecting and prioritizing chemicals for future assessment based on potential risks to people. This cutting edge collaboration between MDH scientists, industry, academics and environmental advocacy groups will allow MDH to select chemicals that are of highest priority within a unique Minnesota context.
- Developed curriculum and held training for technicians performing on-farm assessments at livestock operations as part of the Livestock Environmental Quality Assurance (LEQA) program. Assessments were conducted at livestock operations located within impaired watersheds, and in addition to the training, meetings were conducted with stakeholder groups to answer questions and discuss environmental benefits of the LEQA program.
- Digital Terrain Analysis with LiDAR workshops were held, training more than 70 professionals to use digital elevation data to identify critical areas of the landscape.

Clean Water Council FY12–13 recommendations

When the citizens of Minnesota voted on the Clean Water, Land and Legacy Amendment, protecting and restoring the state's waterbodies was a key factor in getting the initiative passed.

The Council strongly agrees with what they perceive as the public's desire to see successful implementation efforts. The Council also appreciates the importance of completing federally-required restoration and protection planning strategies prior to initiating implementation activities. These strategies will indicate critical areas in watersheds where implementation activities will effectively improve water quality and quantity.

Council members considered the needs of the various water management activities as proposed by state agencies because of the 25-year life span on the funding. The Council concluded that some activities will need long-term funding to continually produce necessary data, others may be decreased over time after studies have been completed, and yet other activities, like implementation of on-the-ground projects, will need to be ramped up to address the most serious water quality and quantity issues. The Council also concluded that building civic engagement and local capacity are integral components of a successful water management process.

Minnesota Department of Agriculture field staff doing a flow measurement on the Le Sueur River.

In its recommendations, the Council includes funding for the following seven agencies: the Minnesota Pollution Control Agency (MPCA), the Minnesota Department of Agriculture (MDA), the Public Facilities Authority (PFA), the Minnesota Department of Natural Resources (DNR), the Board of Water and Soil Resources (BWSR), the Minnesota Department of Health (MDH) and the Metropolitan Council. Additionally, the Council recommends continued funding to the Minnesota Legislative Coordinating Commission for its administrative oversight of the Clean Water Fund.

To achieve the Amendment's long-term goals, the Council recommends appropriating $176.485 million* for the FY12-13 biennium from the Clean Water Fund to the following activities.

Recommendation 1
Continue current funding levels for monitoring and assessment activities

The Council recommends funding monitoring and assessment at $20.96 million. This funding will support monitoring and assessment needs for the next biennium, as well as continue the 10-year intensive watershed monitoring schedule and statewide major watershed outlet pollutant load monitoring. Other activities included in this recommendation are: monitoring activities for pesticides, stream flow monitoring, lake IBI (Index of Biological Integrity) assessments and fish mercury assessment activities. Completing assessments is a Clean Water Act requirement. The Council anticipates that funding these activities will need to remain steady over time, first to complete the monitoring schedule, then to fund effectiveness and trend monitoring activities.

* *As of June 17, 2010, the Minnesota Department of Management and Budget estimated the Clean Water Fund will have approximately $176.485M available in FY12-13. This Council used this budget estimate to guide its recommendations.*

Recommendation 2
Continue current funding levels for watershed restoration and protection planning strategies

The Council recommends funding for this activity at $22.71 million. This will enable development of watershed restoration and protection planning strategies and to provide technical assistance. These activities not only guide implementation efforts, but are required by the Clean Water Act. Additionally, protection strategies are needed to guard the state's high quality waters. The Council anticipates this funding may decrease after the first 10-year cycle for monitoring and preparing restoration/protection strategies for the 81 major watersheds are completed.

Recommendation 3
Increase funding for drinking water protection activities

The Council recommends funding at $14.22 million, exceeding the Amendment's requirement that at least five percent of the Clean Water Fund to be targeted to protect drinking water sources.

Activities included in this recommendation are:

- Groundwater assessment activities to enhance the ambient network, modeling to support groundwater and drinking water interactions and contaminants of emerging concern monitoring.
- Nitrate monitoring and promotion of nutrient BMPs.
- Water supply planning, aquifer protection and monitoring activities.
- Continued implementation to the Twin Cities metro water supply plan.
- Assessment, evaluation, and development of health-based guidance for emerging contaminants, and the acceleration of source water protection through plan development and grants to local governments.
- Increased cost share for sealing unused wells. This will help protect groundwater used for drinking water from contamination by assisting public and private well owners to seal unused wells by sharing up to 50 percent of the cost.

In addition, a new recommended activity includes $900,000 in funding for a water appropriation electronic permitting system. This will capture essential information about water quality appropriation use and users through an online application process to more effectively and efficiently manage water supplies.

The Council anticipates that funding for drinking water activities will increase over time.

Recommendation 4
Increase funding for nonpoint source implementation activities

The Council recommends funding for this activity at $69.7 million. Adequate funding for this activity is pivotal to implement watershed restoration and protection strategies and to invest in on-the- ground activities that target nonpoint source pollution.

In 2009, BWSR opened an interagency competitive request for proposal round from Clean Water Funding. Local government units submitted 210 applications, totaling more than $44 million. Only $12 million was available.

The Council recognizes that funding requests will always exceed the amount of money that is available, however, this recommendation includes an increase from FY10-11 funding levels to begin addressing the vast needs for nonpoint source protection, restoration and preservation activities. Many of these grant programs require local matches. The Clean Water Fund dollars provide opportunities to leverage funding from other local and federal entities.

This recommendation includes the following:

- Funding for surface and drinking water protection and restoration projects ($27.5M); targeted local resource protection and enhancement grants ($6M); measures, results and accountability ($1.8M); conservation drainage management and assistance ($2M); permanent land and water protection ($14M) and the Community Partners Clean Water Program ($3.0M). This funding also includes resources to help build local capacity for conservation targeting.
- Funding for the AgBMP Loan Program ($10M), supporting crop and livestock producers that implement agricultural BMPs and construct conservation and pollution abatement structures on the landscape.
- Funding for the Great Lakes restoration ($1.5M)—to be leveraged by federal grant funds, and Clean Water Partnership Program grants ($2.5M).

The Council anticipates that funding nonpoint source implementation activities will increase over time, as polluted waterbodies are targeted and as strategies are developed.

Recommendation 5
Increase funding for point source implementation activities

The Council recognizes that there is a need to improve infrastructure to meet wastewater and stormwater treatment requirements to both prevent and restore impaired waters. The Council recommends a total of $35.02 million for the following Clean Water Legacy programs:

- TMDL Grant Program ($22.37M);
- Phosphorus Reduction Grant Program ($8.55M); and
- Small Community Wastewater Treatment Grant and Loan Program ($2.5M).

Additionally, the Council recommends $1.6 million for wastewater and stormwater implementation activities. This appropriation, coupled with other bonding and federal dollars, will help to support needed upgrades to the state's infrastructure. The Council anticipates that funding for point source protection and restoration activities will need to be maintained or increased over time.

Recommendation 6
Increase funding for education and civic engagement

The Council recommends $900,000 for this activity in FY12-13. Point and nonpoint source implementation activities need adequate civic involvement, allowing citizens to identify water quality problems and implement solutions. The Council recommends funding $300,000 to develop products and services that will help local governments assess and improve civic engagement opportunities in Minnesota watersheds during restoration and protection strategy development. An additional $600,000 is recommended for resources that will enhance local capacity to engage the public during restoration, protection and implementation projects and activities. The Council supports building community capacity and developing targeted education programs based on community needs during implementation activities.

The Council anticipates a small increase in funding for these activities during the first 10 years of the Amendment when watershed strategies are being developed, then a steady level of funding for implementation activities in following years.

Recommendation 7
Increase funding for applied research and tool development

Tens of millions of dollars will be invested in water management activities over the life of the Amendment funding. To help ensure these dollars are spent to best serve the environment, the Council recommends $12.95 million to invest in tools that will target critical areas and develop applied research to ensure implementation efforts are effective. Funding the recommendations in this category will assist in the production of indicators of environmental outcomes.

Activities included in this recommendation include:

- Investing in applied research for agricultural and stormwater best management practices, and TMDLs.
- Developing decision support tools such as LiDAR, the Watershed Assessment Tool, and the Restore Your Shore Interactive Web Tool.
- Supporting interagency data management needs that will interface existing systems to provide a central location for reporting, analysis and data management of watershed data, and development of a biomonitoring database. In addition, the Council recommends development of a database to inventory and search for relevant water-related research.

The Council anticipates that funding for applied research and tool development activities will remain steady over time, as new pollutant sources and emerging contaminants are identified, and as new tools are needed.

Recommendation 8
Continue current funding levels for Legislative Coordinating Commission (LCC) oversight of Clean Water Fund administration

The Council recommends continued funding of $25,000 to the Legislative Coordinating Commission (LCC) for oversight of Clean Water Fund administration, and to maintain a public information Web site to inform Minnesota's citizens about water management activities. The Council recommends that funding for this oversight will remain steady over time.

Clean Water Council budget recommendations

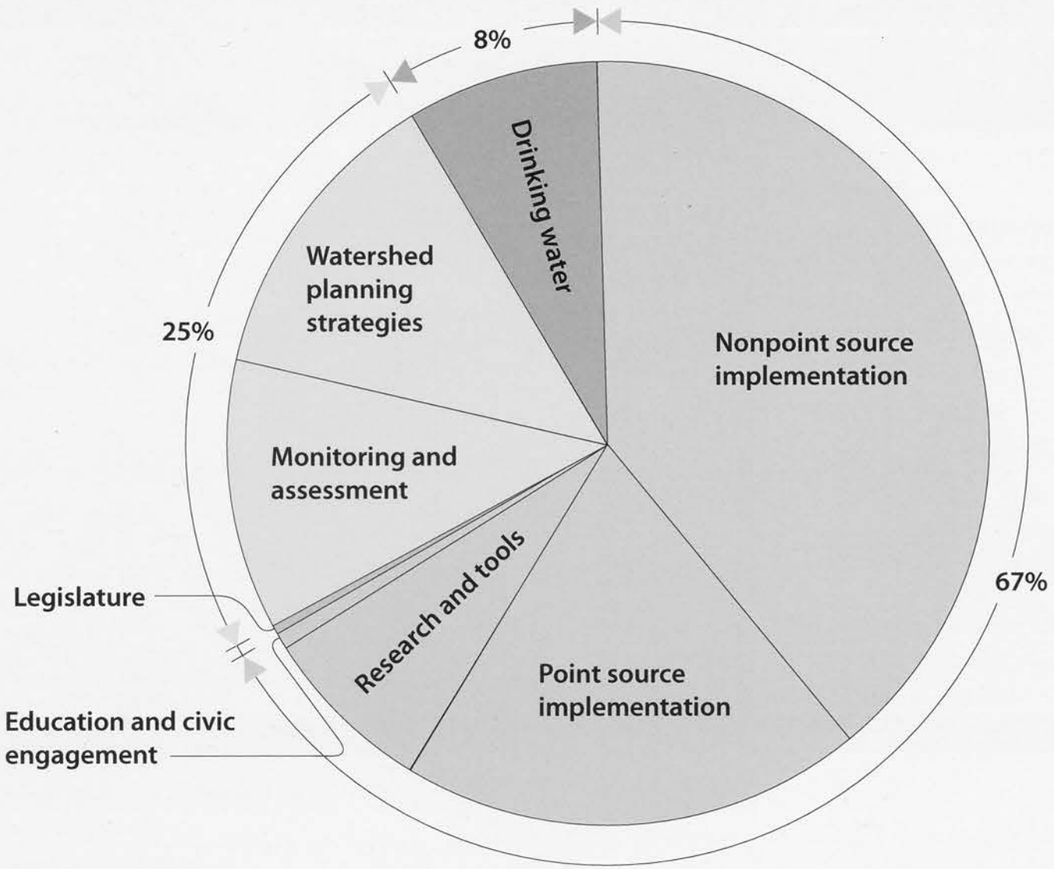
As discussed in this report, the following table summarizes the Council's proposed budget recommendations for FY12-13.

Clean Water Fund activity	Clean Water Council FY12–13 recommendations* (in millions)
Monitoring and assessment	**$20.960**
Continue monitoring and assessment efforts to meet the 10-year cycle.	$15.000
Pesticides monitoring in surface water and groundwater	$0.700
Stream flow monitoring	$2.700
IBI lake assessments	$2.300
Fish mercury assessments	$0.260
Watershed restoration and protection planning strategies	**$22.710**
Fund watershed restoration and protection strategies	$18.800
Ecological, hydrological and biological technical assistance for strategies	$3.910
Drinking water protection	**$14.220**
Ambient network groundwater assessment	$2.250
Monitoring and trend evaluation of nitrates; crop specific BMP promotion	$1.700
Water supply planning, aquifer protection and monitoring	$3.000
Water appropriation electronic permitting	$0.900
Continued implementation of Twin Cities metro water supply plan	$1.000
Development of health-based guidance contaminants of emerging concern	$2.040
Source water protection grants	$2.830
Well sealing cost share	$0.500
Nonpoint source implementation activities	**$69.700**
Great Lakes restoration	$1.500
Clean Water Partnership grants	$2.500
AgBMP Loan Program	$10.000
Technical Transfer, Pilot Projects and Demonstration Sites	$1.400
Surface and drinking water protection and restoration projects	$27.500
Targeted local resource protection and enhancement grants	$6.000
Oversight, assessment and reporting of local government performance and results	$1.800
Conservation drainage management and assistance	$2.000
Riparian buffer and wellhead protection easements	$14.000
Community partners clean water program	$3.000
Point source implementation activities	**$35.020**
NPDES wastewater/stormwater TMDL implementation	$1.600
TMDL grants for WWTP and stormwater	$22.370
Phosphorus reduction grants	$8.550
Small community WWT grants and loans	$2.500
Education and civic engagement	**$0.900**
Civic engagement activities in local watershed projects	$0.300
Enhance local capacity for targeted education	$0.600
Applied research and tool development	**$12.950**
Stormwater research and guidance	$0.800
TMDL research and database development	$2.300
Research and evaluation of agricultural contributions to impaired waters	$2.100
Shoreland stewardship, implementation coordination and biomonitoring database development	$3.950
Complete LiDAR data collection	$2.700
Delivery of decision support tools (Watershed Assessment Tool, GSSHA Model, and Restore Your Shore interactive web tool)	$0.600
Research inventory database	$0.500
Legislature	**$0.025**
Legislative Coordinating Commission Web site and fund auditing	$0.025
Total	**$176.485**

* *As of June 17, 2010, the Minnesota Department of Management and Budget estimated the Clean Water Fund will have approximately $176.485M available in FY12-13. The Council used this budget estimate to guide its recommendations.*

* *As of June 17, 2010, the Minnesota Department of Management and Budget estimated the Clean Water Fund will have approximately $176.485M available in FY12-13. The Council used this budget estimate to guide its recommendations.*

FY12–13 CWF recommendations ($176.485M)



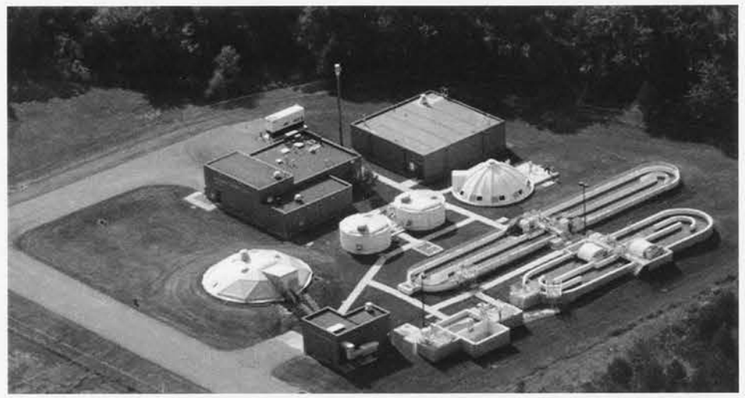
67% of the Clean Water Council's recommended biennial budget is for implementation-related activities.

25% of the budget is recommended for water quality monitoring and watershed planning.

8% of the budget is recommended for drinking water activities.

The Clean Water Council acknowledges that funding recommendations for these activities will change over time. Some activities will need long-term funding, others may be decreased over time and yet other activities will need to be ramped up to address the most serious water quality and quantity issues. As the life of the Amendment progresses, the Council anticipates that it will recommend more funding for implementation projects that will protect and restore the state's waters for years to come.

Note: this graph shows how funds from the Clean Water Fund will be used, but does not include other major funding sources from federal, bonding, and other sources.



The city of Lester Prairie was awarded $404,000 in Clean Water Funds from the Phosphorus Reduction Grant program to upgrade the city's wastewater treatment plant. The project will help the city meet new permit requirements to reduce phosphorus discharged to the South Fork of the Crow River by over 1,000 pounds each year.

Volunteers assisted with the construction of rain gardens and swales as part of a $233,000 Clean Water Fund grant through the Board of Water and Soil Resources to the Crow Wing Soil and Water Conservation District (SWCD). Partners with the SWCD included the City of Fifty Lakes, Fifty Lakes Property Owner Association, Minnesota Conservation Corps, Master Gardeners, and Boy Scouts.

Approximately $4.5 million in Clean Water Funds will be awarded to farmers, rural landowners, and farm supply businesses via the AgBMP Loan Program. These loans can be used for projects ranging from feedlot improvements to septic system upgrades. One example of an eligible project is the construction of a manure storage basin (lower right portion of photo), which protects water quality by keeping manure contained and out of waterways.

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Grass Lake Project Grant Funds to County

Meeting Date: December 15, 2010

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

Item Type: ☐ Decision ☐ Discussion ☐ Information

Section/Region:

Contact:

Prepared by: Tom Wenzel

Reviewed by: Committee(s)

Presented by: Tom Wenzel

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

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

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other:

ACTION REQUESTED

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

Board action is needed to amend prior Board Resolution #07-96 as it relates to the Grass Lake Prairie Wetland Restoration Project in Kandiyohi County. Board Resolution #07-96 limits the amount of funds that can be granted to Kandiyohi County to not exceed ten percent (10%) of the 2006 capital budget appropriation for this project. The proposal is to waive the ten percent grant fund limit for the 2006 appropriation so as to better enable completion of certain project related tasks.

Board Resolution # 07-96

Authorize the use of Grants to Assist with the Implementation of the Grass Lake Prairie Wetland Restoration Project

WHEREAS the Board of Water and Soil Resources (Board) is involved with the restoration of the 1,200-acre Grass Lake Prairie Wetland located in Kandiyohi County;

WHEREAS the Board received $2.2 million from state's 2006 capital budget appropriation specific to this project to acquire conservation easements and conduct the necessary implementation activities to restore this drained wetland;

WHEREAS the Board is in partnership with the city of Willmar, Kandiyohi County, the Kandiyohi Soil and Water Conservation District, and other project partners as efforts continue to restore this critical water resource;

WHEREAS Kandiyohi County has agreed to manage and oversee some of the required project implementation activities.

NOW, THEREFORE BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to use funding appropriated for the Grass Lake Project in an amount not to exceed ten percent (10%) of the total appropriation and to grant those funds, as necessary, to Kandiyohi County for use on approved project implementation activities, including but not limited to, contracts for project services.

Randy Kramer, Chair
Minnesota Board of Water and Soil Resources

10/24/07
Date

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Board Resolution # 10 - _____

Authorization for the Use of Grants to Assist with Implementation of the Grass Lake Prairie Wetland Restoration Project

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WHEREAS, in 2006, the Board of Water and Soil Resources (BWSR) received a capital budget appropriation of $2,200,000 to acquire conservation easements and implement the restoration of the Grass Lake Prairie Wetland in Kandiyohi County; and,

WHEREAS, on October 24, 2007 BWSR adopted resolution #07-96 that authorized staff to use funding appropriated for the Grass Lake Project in an amount not to exceed ten percent (10%) of the 2006 appropriation for grants, as necessary, to Kandiyohi County for use on approved project implementation activities, including but not limited to, contracts for project services; and,

WHEREAS, on November 11, 2008 BWSR entered into a grant with Kandiyohi County that allows expenditures for up to $167,150 for certain project implementation activities; and

WHEREAS, BWSR currently has encumbered and will spend $418,840 of the 2006 appropriation on the acquisition of two pending conservation easements; and,

WHEREAS, additional project related activities associated with the implementation of the Grass Lake Prairie Wetland have been identified that will be best completed by Kandiyohi County which include, but may not be limited to project coordination, contracts for project services, acquisition, and specific project implementation activities.

NOW THEREFORE BE IT RESOLVED, the BWSR Board hereby amends the October 24, 2007 BWSR adopted resolution #07-96 to waive the ten percent (10%) limit on funds from the 2006 appropriation that can be granted to Kandiyohi County.

_____ _____

Brian Napstad, Chair Date
Minnesota Board of Water and Soil Resources

Attachment

Board Resolution # 10 - 112

Authorization for the use of Grants to Assist with Implementation of the Grass Lake Prairie Wetland Restoration Project

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WHEREAS, in 2006, the Board of Water and Soil Resources (BWSR) received a capital budget appropriation of $2,200,000 to acquire conservation easements and implement the restoration of the Grass Lake Prairie Wetland in Kandiyohi County; and,

WHEREAS, on October 24, 2007 BWSR adopted resolution #07-96 that authorized staff to use funding appropriated for the Grass Lake Project in an amount not to exceed ten percent (10%) of the 2006 appropriation for grants, as necessary, to Kandiyohi County for use on approved project implementation activities, including but not limited to, contracts for project services; and,

WHEREAS, on November 11, 2008 BWSR entered into a grant with Kandiyohi County that allows expenditures for up to $167,150 for certain project implementation activities; and

WHEREAS, BWSR currently has encumbered and will spend $418,840 of the 2006 appropriation on the acquisition of two pending conservation easements; and,

WHEREAS, additional project related activities associated with the implementation of the Grass Lake Prairie Wetland have been identified that will be best completed by Kandiyohi County which include, but may not be limited to project coordination, contracts for project services, acquisition, and specific project implementation activities.

NOW THEREFORE BE IT RESOLVED, the BWSR Board hereby amends the October 24, 2007 BWSR adopted resolution #07-96 and waives the ten percent (10%) limit on amount of funds from the 2006 appropriation that can be granted to Kandiyohi County.

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

12/15/10
Date

Attachment

Board Resolution # 10-113

Proposed 2011 BWSR Board Meeting Schedule

(Fourth Wednesday of the month unless noted)

January 26

February - no meeting

March 23

April 27

May 25

June 22

July – no meeting

August 24-25 - Tour and Meeting

September 28

October 26

November – no meeting

December 14

Date 12/15/10

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources