

Minnesota Board of Water and Soil Resources. Minutes.

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August 20, 2018

BOARD OF WATER AND SOIL RESOURCES
CAMP RIPLEY TOWN HALL
15000 HIGHWAY 115
LITTLE FALLS, MINNESOTA 56345
THURSDAY, AUGUST 25, 2011

BOARD MEMBERS PRESENT:
Paul Brutlag, Bob Burandt, Christy Jo Fogarty, Quentin Fairbanks, Rebecca Flood, PCA; Todd Foster, Tom Landwehr, DNR; Paul Langseth, John Meyer, Keith Mykleseth, Brian Napstad, Rob Sip, MDA; Faye Sleeper, MES; Louise Smallidge, Gene Tiedemann, LuAnn Tolliver, Gerald Van Amburg

BOARD MEMBERS ABSENT:
Linda Bruemmer, MDH
Sandy Hooker
Tom Loveall

STAFF PRESENT:
Mary Jo Anderson, Julie Blackburn, John Jaschke, Dan Shaw, Ron Shelito, Dan Steward, Jason Weinerman, Dave Weirens

OTHERS PRESENT:
LeAnn Buck, MASWCD
Helen McLennan, Morrison SWCD
Jay Brezinka, Camp Ripley

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

PLEDGE OF ALLEGIANCE

Chair Napstad introduced Sgt. Major Dan Smith, Camp Ripley. Sgt. Major Smith welcomed everyone to Camp Ripley. He explained that the Camp Ripley meeting facilities are available to civilians, and not only utilized by the Department of Military Affairs, Minnesota National Guard. Many of the staff at Camp Ripley are state employees and are available to schedule civilian meetings/events at Camp Ripley. Sgt. Major Smith invited board members to attend the Open House at Camp Ripley on September 18. The Vietnam Vets will receive a 'welcome home' and be recognized for their efforts. Chair Napstad thanked Camp Ripley for their service to the country, the wonderful ACUB partnership, and appreciated the opportunity for the BWSR Board to meet at Camp Ripley.

INTRODUCTION OF NEW BOARD MEMBERS – Chair Napstad welcomed and introduced newly appointed Board Members:

- **Gerald Van Amburg,** citizen member, provided background information about himself. He stated that he looks forward to learning a lot from BWSR; it's a good organization and he looks forward to being here.

- **Todd Foster**, watershed district representative, provided background information about himself. He stated that he's excited to be here and looks forward to providing assistance and guidance to BWSR.

** 11-52 **ADOPTION OF AGENDA** – Moved by LuAnn Tollliver, seconded by Louise Smallidge, to approve the agenda as presented. Motion passed on a voice vote.

** 11-53 **MINUTES OF JUNE 22, 2011 MEETING** – Moved by Paul Langseth, seconded by Faye Sleeper, to approve the minutes of June 22, 2011 as circulated. Motion passed on a voice vote.

CONFLICT OF INTEREST DECLARATION – Chair reported that two agenda items today need the Conflict of Interest Declaration form submitted: the Proposed FY12 Natural Resources Block Grant and the Proposed FY12 SWCD Grant Allocations. 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. At 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. John stated that the Conflict of Interest Declaration form for the Cooperative Weed Management Area Competitive Grant is not needed at this time, as this agenda item is for approval of the staff proposal to proceed with an RFP not a grant award at this time. John explained BWSR's conflict of interest policy for grant authorizations and completing the form. The Conflict of Interest Declaration document will be filed for the grant decision items.

REPORTS

Chair's Report – Brian Napstad reported that the Administrative Advisory Committee did not meet this month. Chair Napstad attended the Grants Program & Policy Committee meeting. Chair Napstad reported that the Dispute Resolution Committee participated in a training session on August 18th in St. Paul. John Jaschke, Travis Germundson and the Attorney General's Office attended the DRC training session to provide legal information and guidance on the importance of the dispute resolution process. Paul Brutlag stated that decisions on appeals are set forth by statute and rules; he appreciated the excellent training session. Quentin Fairbanks suggested that other BWSR committees that hold hearings conduct training sessions to assist them in the decision-making process.

Chair Napstad attended the Northern Water Planning Committee meeting yesterday. He reported that an appeal in his area is going through the BWSR appeal process.

Executive Director's Report – John Jaschke reviewed information in board members' packets, "For Your Information". John also noted the press release regarding the tour yesterday, board members can contact Jon Fure directly if they are interested in sending out a press release locally.

John and Julie Blackburn presented the "BWSR Update". Julie briefly reported on the Special Session: budget, Legacy, and bonding bills. Julie reported on the General Fund appropriations; the Environment and Natural Resource Trust Fund appropriations; the Clean Water Fund appropriations; the Outdoor Heritage Funds; and Bond Funds.

Julie reported on the extra effort and ongoing process of getting the message out regarding the Clean Water Fund Request for Proposals (RFP) application process. There have been various press releases, announcements, and an outreach webinar to get the word out about available funding; the application deadline is September 20.

John briefly reported on the new statute and policy regarding the Environment Policy Bill, SF1115, Chapter 107. This bill was passed during the regular legislative session

and contains a number of environment and natural resource policy provisions, including aquatic invasive species (AIS) provisions, Wetland Conservation Act (WCA) changes, and changes and updates to the Clean Water Partnership Program.

Julie announced the RIM Reserve 25th Anniversary Celebration, September 21, at the Steele County Fairgrounds in Owatonna. Julie thanked MASWCD and NRCS for their tremendous assistance on the celebration.

John reported on the WCA–NRCS Agreement. BWSR, NRCS and about 30 SWCDs are nearing completion of an agreement to jointly implement national and state policy for wetland protection and assistance. Minnesota NRCS has not been automatically providing "certified" wetland determinations to farmers that are proposing to install drainage improvements. According to USDA policy, farmers are required to self certify their compliance with the wetland conservation provisions. This is done via use of USDA form AD-1026. In addition, all USDA program participants are required to disclose information concerning their drainage improvement plans on the AD-1026. NRCS is charged with evaluating drainage improvement plans by providing a "certified" wetland determination which contains a map locating wetland areas subject to protection. Instead of automatically issuing a "certified" wetland determination using a producer's request on the AD-1026 form, Minnesota NRCS has also been requiring farmers to submit a signed request for a certified wetland determination on form CPA-038. Simply stated, the change in Minnesota procedure is that the CPA-038 form will no longer be used. The extra work the determinations will generate is at the core of a large-scale services agreement being developed with NRCS. Contact Les Lemm for more information.

Chair Napstad and Rob Sip would like an upcoming Board Meeting to have an overview of the connections between WCA and federal programs at USDA and the CoE.

John reported on the Local Government Water Roundtable. The Counties, Watershed Districts, and the Soil and Water Conservation Districts have renewed their efforts to improve and coordinate local water management programs. A bill was introduced late in the legislative session, HF1596, that includes a few of the ideas that have emerged. There are expected to be others that will emerge before the end of the year, not all requiring legislation. Don Buckhout is facilitating the Roundtable meetings. Contact Steve Woods or Julie Blackburn with ideas or questions.

John reported on the Walk-in Access (WIA). The new WIA is a three-year pilot program funded by the USDA. BWSR, DNR, and SWCDs in 21 counties of southwestern Minnesota have the first year sign-ups concluded and now move into the payment, posting and publication phase. John reported that Marybeth Block, former SWCD employee and BWSR employee, is the coordinator of the new WIA Program. Tabor Hoek can provide more details if needed.

John reported that the BWSR Training Academy will be held October 25-27 at Breezy Point. Staff are working to make it a successful event for local government and other participants. Jason Weinerman stated that the registration period is now open and the agenda has been finalized.

John reported on BWSR Staffing. Plans for the legislatively mandated OET consolidation of IT staff is developing, with a goal of October 1st for finalization. The consequences to agency operations should unnoticeable for the foreseeable future and we are working to make sure the best interests of the State, the agency and the employees are factored in. The time allocations for OAS staff Roxie Serreyn in Marshall and Mary Jo Flemming in Duluth are being increased to address the workload associated with the WIA program and the WCA-NRCS agreement, respectively. Finally, BWSR welcomed Jesse Preston as a member of the Engineering and Technical Services team on August 23rd.

Chair Napstad stated that BWSR needs to get the message out regarding in-kind grant match options, including volunteer time, 25% match is not necessarily cash.

Tom Landwehr stated that the Clean Water Council (CWC) needs to grow its visibility as they assume transparency and get messages out to citizens, like the Outdoor Heritage Council does. Rebecca Flood stated that MPCA staff the CWC and can relay the message; currently CWC is on MPCA's website. Rob stated that a clearer mission may be forthcoming as the CWC has changed due to legislation.

Dispute Resolution Committee – Paul Brutlag thanked Chair Napstad for the DRC training opportunity. John Jaschke reported that a new appeal has been received; a restoration order in Itasca County. Chair Napstad reported that the AG's office discussed at the training session the importance of understanding documentation and the amount of records to review. John stated that board members are entitled to ask questions without having to understand every detail or each argument; ask legal counsel or the chair to get more information.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee has not met; the Committee will meet immediately following the October Board Meeting.

Grants Program & Policy Committee – Louise Smallidge reported that the Grants Program & Policy Committee met on August 3; the Committee recommendations are on the agenda later today. Louise complimented staff on their preparedness to allow things to move forward immediately after the government shutdown.

Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth reported that the Committee met in April and directed staff to formulate a Strategic Plan

update. The Public Relations, Outreach & Strategic Planning Committee meets in September and will involve the full Board in the strategic planning update.

RIM Reserve Planning Committee – Paul Brutlag reported that the RIM Reserve Planning Committee has not met. Paul stated that it was a pleasant outcome to receive bonding appropriations for RIM.

John Jaschke provided an update on the meeting with NRCS regarding the RIM Program. BWSR received a bonding appropriation and enough funding now so a decision on the leveraging of federal funding won't be needed until after the new federal fiscal year begins in October or November.

Drainage Work Group – John Jaschke reported that the Drainage Work Group met last week. The Minnesota Drainage Law Analysis and Evaluation final report authored by Louis Smith and Chuck Holtman, will be presented to the Board by Smith Partners at an upcoming meeting.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Bassett Creek WMO Plan Amendment – Bob Burandt reported that Metro Water Planning Committee met on August 8 to review the Bassett Creek WMO Plan amendment and recommends approval. Moved by Bob Burandt, seconded by Christy Jo Fogarty, to approve the Bassett Creek WMO Plan amendment. Motion passed on a voice vote.

** 11-54

Northern Water Planning Committee

Petition for Boundary Change; Sand Hill River Watershed District – Gene Tiedemann reported that the Northern Water Planning Committee met yesterday to review the Sand Hill River Watershed District petition for boundary change and recommends approval. Moved by Gene Tiedemann, seconded by Quentin Fairbanks, to order the boundaries of the Sand Hill River WD, the Red Lake WD, and the Wild Rice WD are changed per the Petition as depicted. The watershed districts plans should be amended within one year to include the boundary change. Discussion followed. Paul Brutlag stated that proper notice was given on this boundary change. Chair Napstad stated that the LIDAR technology allowed the hydrologic assessment of the boundaries, a great tool resulting in this boundary change. Paul Brutlag stated that there were no negative comments received on the changing tax assessment. Motion passed on a voice vote.

** 11-55

Chair Napstad called for a break in the meeting at 10:30 a.m. The meeting reconvened at 10:40 a.m.

John Jaschke reported that the Conflict of Interest Declaration forms have been received, all board members are eligible to vote on the Proposed FY12 Natural Resources Block Grant, and the Proposed FY12 SWCD Grants Allocations.

Grants Program & Policy Committee

Proposed FY12 Natural Resources Block Grant (NRBG) – Dave Weirens reported that the Grants Program & Policy Committee reviewed the proposed FY12 NRBG allocations and recommend approval. Dave stated that the amount of money for every county is slightly more than last year. The NRGB administered by the BWSR provides assistance to local governments to implement the state natural resources programs of Comprehensive Local Water Management, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and the MPCA Subsurface Sewage Treatment Systems.

Keith Mykleseth stated that he heard from the local SWCDs yesterday about deadlines, maybe the Board can look at the deadlines of the grants. Chair Napstad stated that BWSR will take into consideration comments received and discuss this.

** 11-56 Moved by Quentin Fairbanks, seconded by Christy Jo Fogarty, that the BWSR hereby authorizes staff to allocate appropriate individual grant amounts to counties meeting the NRBG Program requirements, as determined by the BWSR, MPCA, and DNR. The NRBG Grants for:

LWM: $1,139,156
WCA $1,906,472
DNR Shoreland $377,372
MPCA Feedlot Base $1,689,179
MPCA SSTS $1,628,926

And, for Local Water Management, Wetland Conservation Act, and DNR Shoreland Programs, local governmental units will have the flexibility to determine the allocation of these funds among these programs. Discussion followed. Motion passed on a voice vote.

Proposed FY12 SWCD Grant Allocations – Dave Weirens reported that the Grants Program & Policy Committee reviewed the FY12 SWCD grant allocations and recommends approval. The FY12 SWCD grant allocations administered by BWSR provide cost-share and conservation delivery grants allocations to SWCDs through its State Cost-Share Grants, Conservation Delivery Grants, Easement Delivery Grants, and Non-Point Engineering Assistance Grant Programs.

Helen McLennan asked how the workload is within the service areas. Dave stated that an equal level of engineering support is there, but not every workload is equal in the service areas as other funding contributes to their operations.

** 11-57 Moved by Louise Smallidge, seconded by Paul Langseth, that the Board authorizes staff to allocate grant funds to individual SWCDs up to the amounts presented:

State Cost Share Grants	$1,543,279
Conservation Delivery Grants	$1,764,033
Easement Delivery Grants	$ 290,996

Allocate the Non Point Engineering Assistance Grants to joint powers boards up to the $1,060,000, as listed below:

NPEA Area	Base Grant	Host/Fiscal Agent SWCD	Equipment	Total Grant
1	$120,000	$10,000	$20,000	**$150,000**
2	$120,000	$5,000	$0	**$125,000**
3	$120,000	$10,000	$0	**$130,000**
4	$120,000	$5,000	$0	**$125,000**
5	$120,000	$10,000	$0	**$130,000**
6	$120,000	$5,000	$20,000	**$145,000**
7	$120,000	$10,000	$0	**$130,000**
8	$120,000	$5,000	$0	**$125,000**

Authorize SWCDs, to use all or part of their allocation for technical assistance, when the following conditions exist:

i. Federal funds will be leveraged and they couldn't do the project otherwise; or,
ii. Funds are used on a project(s) that is State Cost Share Program or EQIP eligible and their 2010 Financial Report indicates less than an 18-month fund balance; and
iii. Board Conservationist approval.

Motion passed on a voice vote.

Cooperative Weed Management Area Competitive Grants – Dan Shaw reported that the Grants Program & Policy Committee reviewed the staff proposal on August 3, 2011, and recommend authorization of the FY12 Cooperative Weed Management Area Competitive Grant Program request for proposal. Dan reported that the Cooperative Weed Management Area Program was established in 2008 to promote the cooperative control of invasive species across geographic boundaries to manage and protect natural areas and conservation lands. Funds for this program were appropriated in 2007 and

2009 that provided financial support for start-up and implementation costs of these programs by soil and water conservation districts. However, no funds were appropriated in 2011, staff are proposing allocating up to $300,000 of Cost Share Roll-over funds to provide continued support for these programs.

John Jaschke clarified that this authorizes staff to finalize, distribute, and promote an RFP and receive applications from those interested, and does not approve grants at this time. Moved by Paul Langseth, seconded by Louise Smallidge, that the Board
** 11-58 authorize: 1) up to $300,000 of Cost Share Roll-Over Funds to be made available through this grant program; and 2) Staff to finalize, distribute and promote a request for proposals for the FY2012 Cooperative Weed Management Area Competitive Grants Program as recommended by the Grants Program and Policy Committee. Discussion followed.

Tom Landwher asked about future structure as an incentive to group proposals together rather than individual proposals, if it makes sense. Staff will look into this. John Jaschke stated that the resolution authorizes staff to review. Dave Weirens stated that the criteria and funding tier give direction to the areas. Chair Napstad stated that a balance is needed, the point of the program is to make the best effort. When sacrifices are made and funding is lost by joining together to keep the program going, that's a financial disincentive, we want efficiencies, that's the reason to merge. Motion passed on a voice vote.

NEW BUSINESS

Morrison SWCD Report – Helen McLennan, Morrison SWCD Manager, thanked BWSR for the opportunity to speak to the Board today. Helen stated that Dan Steward's presentation yesterday reflective of conservation opportunities is noted in Morrison County. Local officials now better understand the complexity of BWSR responsibilities. Helen appreciates the excellent BWSR staff and their prompt response. Helen presented information related to the Morrison County Water Plan. Helen reported that the Morrison SWCD now administers the water plan on behalf of Morrison County and described how the SWCD uses the water plan to meet the goals of the SWCD. Helen also explained the effective partnership between the SWCD and the County. Helen expressed the importance of local water plans to LGUs, they do not want duplication and had some issues with the Framework Report by the University of Minnesota. Faye Sleeper stated that she made note of Helen's comments regarding the framework and will assist where she can.

Helen stated that she has received calls regarding the available funding from the Clean Water Fund and that outreach efforts to get the message out are effective. Helen commented on Todd County's restructuring, staff moving to the county office, and potential concern for other SWCDs being absorbed into the county, who will be the governing board for the employees, and how will this play out. Helen stated that

Morrison SWCD is independent and respects the division of the county. She thanked BWSR for spending two days in Morrison County. Discussion followed. Paul Brutlag stated that Helen's comments are invaluable and wise regarding co-location.

Ron Shelito stated that BWSR depends upon LGUs. Todd and Morrison SWCDs have excellent district managers, Sandy Rohr and Helen McLennan, outstanding technical staff; great Boards with partnering; and they seek opportunities. They have implemented and have done so much over the years; and are two of the best SWCDs in the state and Ron thanked them for all their efforts. Chair Napstad thanked Helen for her very informative comments on the tour, he appreciates all that she has done, recognizes the value of true partnerships, and congratulated Helen on ACUB and the Award she received yesterday from Camp Ripley.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Rob Sip reported that regrettably Assistant Commissioner Matt Wohlman was unable to attend the tour. Rob stated that MDA would like to discuss the Farm Bill at a future board meeting. Rob stated that MDA has revamped their process on water plans and will be more involved. Rob stated that he is on both the Southern and Northern Water Planning Committees. John Jaschke stated that he attended Farm Fest and participated in two panel discussions, the event was well attended, including Governor Dayton, a great event to bring attention to agriculture.

Minnesota Department of Natural Resources (DNR) – Tom Landwehr reported on the legislative process involving the environmental cluster of DNR, PCA, BWSR, and Commerce. DNR received about a 50% General Fund cut across the board and are dealing with reductions. Private forest management capabilities have been cut; assistance that DNR used to provide to landowners will be going away. Commissioner Landwehr reported that DNR has new authority and funding for zebra mussels, one-time funding on aquatic invasive species. The Bonding Bill appropriated DNR $52M for flood damage reduction; $16M for the Coon River flooding. Commissioner Landwehr stated that DNR looks forward to good collaborative conservation work with BWSR on grassland areas on RIM easements and targeted acquisitions.

Commissioner Landwehr reported on some good news about Asian, black, and silver carp. DNR is not seeing the Asian carp in great numbers, and can hopefully get ahead of them with intensive netting. This is a high priority effort, proposals are in place to look at sonic bubbler barriers and natural barriers. A summit is planned to request federal assistance for this as well.

Commissioner Landwehr reported on another challenge for DNR, aquatic invasive species (AIS), and public access for boats. There are over 3,000 public boat accesses statewide with DNR owning half. DNR is looking at new ideas and pilot projects,

fundamentally the responsibility falls on individuals to clean their boats when going from one water body to another. DNR will do what they can to assist with this effort.

Minnesota Extension Service (MES) – Faye Sleeper reported that many MES employees are retiring, it's unclear what that means in hiring as MES continues to shrink. Faye reported that the Water Resources Center received LCCMR funding for LIDAR training. This training is focused for use at the local level. The Water Resources Conference this year is focused on water quality issues.

Minnesota Pollution Control Agency – Rebecca Flood reported that the Clean Water partnership statute changes provide for a more flexible tool. Rebecca reported that MPCA is assessing the impact of statute changes for feedlots, permitting, and winter pasturing. Rebecca reported that MPCA MS4 permit is out on public notice; (extended due to the government shutdown) comments are due at the end of this month. Rebecca reported that a conference call was held this week regarding a proposal for a third outlet at Tolna Coulee, Devils Lake, North Dakota. Environmental review on overflow, concern for volume of water and quality issues is ongoing. Discussion followed.

ADVISORY COMMENTS

Minnesota Association of Soil and Water Conservation Districts – LeAnn Buck thanked BWSR for the opportunity to attend the tour. LeAnn, on behalf of MASWCD, thanked and commended John Jaschke, Julie Blackburn, and Steve Woods for their efforts during the legislative session. MASWCD will continue to move forward with budget reductions, concern for federal funding as well. LeAnn commented on the Local Government Water Roundtable. She explained that the Roundtable is a forum to strengthen the local delivery system; one plan, understanding watershed scale; 103B Statutes, TMDLs; how to collectively work on authorities. They are looking at barriers and how to strategically share LGUs resources more efficiently. MASWCD resolutions appreciate flexibility, 10% match for CWF a future matter to discuss. Chair Napstad clarified that MASWCD wants one plan per watershed. LeAnn stated that the challenge is how to do this, not basin-wide, look at watershed level. Keith Mykleseth asked about the costs of evaluations in taking small steps.

UPCOMING MEETINGS

Paul Langseth reported that the Southern Water Planning Committee will meet via conference call on September 3. The Southern Water Planning Committee will meet on November 3. Paul stated that he appreciates the Department of Agriculture's involvement so a quorum is present to take action on the issues before the Committee.

RIM Reserve 25th Anniversary Celebration, September 21, at the Steele County Fairgrounds in Owatonna.

The next BWSR Board Meeting will be September 28, 2011 in St. Paul.

** 11-59 Moved by Quentin Fairbanks, seconded by Louise Smallidge, to adjourn the meeting at 12:20 p.m. Motion passed on a voice vote.

Respectfully submitted,

Brian Napstad
Chair

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JUNE 22, 2011

BOARD MEMBERS PRESENT:
Linda Bruemmer, MDH; Bob Burandt, Christy Jo Fogarty, Quentin Fairbanks, Sandy Hooker, Paul Langseth, Tom Loveall, Joe Martin, Keith Mykleseth, Brian Napstad, Dave Schad, DNR; Faye Sleeper, MES; Louise Smallidge, Gene Tiedemann, LuAnn Tolliver, Doug Wetzstein, MPCA; Matthew Wohlman, MDA

BOARD MEMBERS ABSENT:
Paul Brutlag
John Meyer

STAFF PRESENT:
Mary Jo Anderson, Julie Blackburn, Jon Fure, Travis Germundson, Jim Haertel, John Jaschke, Al Kean, Les Lemm, Melissa Lewis, Ron Shelito, Dave Weirens, Marcey Westrick, Steve Woods, Brad Wozney, Wayne Zellmer

OTHERS PRESENT:
Don Baloun, Tim Koehler, Paul Flynn, NRCS
Ray Bohn, MAWD
Chris Elvrum, Department of Health

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

PLEGE OF ALLEGIANCE

Chair Napstad welcomed everyone to the meeting today.

** 11-35 **ADOPTION OF AGENDA** – Moved by Keith Langseth, seconded by Paul Langseth, to adopt the agenda as presented. Motion passed on a voice vote.

** 11-36 **MINUTES OF APRIL 27, 2011 MEETING** – Moved by Louise Smallidge, seconded by Quentin Fairbanks, to approve the minutes of April 27, 2011, as circulated. Motion passed on a voice vote.

RECOGNITION OF SERVICE – Chair Napstad recognized Joe Martin for his time and efforts as a Board Member. John Jaschke, on behalf of BWSR, presented Joe Martin with a plaque acknowledging Joe's six years of service on the BWSR Board, 2005 – 2011, representing Minnesota Department of Agriculture, and as a recent citizen member. Joe's vacancy will be filled through the Governor's appointments process. Joe thanked John and the BWSR; he enjoyed his time serving the Board; BWSR is a good agency, and he wished the Board the best of luck in the future.

CONFLICT OF INTEREST DECLARATION – Chair Napstad reported that one agenda item today needs the Conflict of Interest Declaration form submitted. The agenda item is the Farm Bill Assistance Program Grant. 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. At 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. John explained BWSR's policy on grant authorization and completing the form. The Conflict of Interest Declaration document will be filed for the grant decision item.

REPORTS

Chair's Report – Brian Napstad reported that he attended two Environmental Quality Board (EQB) meetings, Travis Germundson and Dave Schad, DNR, also attended. EQB is made up of ten state agencies and five citizen members, all appointed by the Governor. EQB is part of the executive branch of government responsible for

coordination of environmental issues in the State of Minnesota. Chair Napstad stated that the first meeting was an introductory EQB meeting, at which time they scheduled a retreat to discuss the future role and responsibilities of the EQB. The next meeting was to determine what the Governor would like the EQB's role to be, looking for direction on big picture issues. Chair Napstad stated that this was a great opportunity for open discussions on the future of EQB. Dave Schad stated that the three-legged stool (economy/quality of life/environmental protection) was discussed and the right people were around the table to provide a balanced approach.

Chair Napstad reported that there is a wetland violation in his district; he's becoming involved to learn more about the process, which is important as this deals with private property.

Executive Director's Report – John Jaschke reported that there is no budget, no Legacy bill, no bonding bill, and only a few environmental policy items that passed. The Wetland Conservation Act (WCA) provisions did get passed, that is on the agenda later today.

John stated that the Lessard Outdoor Heritage Council and the Clean Water Council have been meeting. John did not attend the MAWD summer meeting and tour due to potential State government shutdown contingency planning. John attended the Red River Basin meeting; he stated that flooding in the northwest directly affects BWSR clientele. Flooding in North Dakota is much more severe.

John reported on the contingency planning for the potential State government shutdown on July 1, 2011. BWSR sent out messages to LGUs; future notices will be sent out consolidating messages that will be posted on the BWSR website as updates are received from Minnesota Management and Budget (MMB). Two main messages from BWSR: 1) grants and contracts are subject to a future court decision, a provisional decision by BWSR, grants with upfront money that do not require state requirement or intervention are able to go forward and carry out their work. 2) all other grants/contracts for projects will be suspended because they either do not receive dollars upfront, or some state verification is needed during the project. A set of Q & As will also be sent and posted on BWSR's website.

John reported that the WCA program continues and will carry on without state participation, WCA banking credits will be on hold, appeals to the state will be in abeyance.

John reported that all BWSR staff will be in lay-off status in the event of the State government shutdown; no one will be working. Staff are planning for contingencies.

Chair Napstad asked for agency comments on the potential State government shutdown.

Dave Schad, DNR, stated that 200 of 2600 DNR staff will be working. Conservation officers will be in force, state parks will be closed, no fishing licenses, projects suspended , grantees same as other agencies; water permits issued and potentially suspended, logging contracts/permits will also be suspended. Dave stated that there will be a potential economic hardship. LuAnn Tolliver asked if watershed districts that have received delegated authority for protected water permits, can continue. Dave will check into that.

Linda Bruemmer, MDH, stated that 37 of 300 MDH staff will be working as critical employees, water labs, some health inspections and infectious disease staff will be in place. Linda stated that laws remain on the books.

Doug Wetzstein, MPCA, stated that a small number of MPCA will be working, critical services emergency response, otherwise most MPCA staff will be in lay-off status. MPCA is attempting to coordinate responses with other agencies and FAQs are on MPCA's website.

Quentin Fairbanks asked if agencies are keeping track of the amount of time being spent on contingency planning. Yes, agencies have been directed to keep track of time being spent on contingency planning for the potential State government shutdown.

John Jaschke reviewed items in the Board Meeting packet today: "For Your Information" - BWSR Committees, Lori Dowling, DNR NW Regional Director, will represent DNR on the Northern Water Planning Committee. John reported on the "BWSR Snapshots" article regarding the dedication ceremony honoring Bob Jacobsen at the Janet Johnson Wildlife Management Area. John announced the "RIM 25th Anniversary" event on July 21st in Steele County, coordinated with NRCS. John reported on the BWSR Tour, August 24, 2011, the invitation and tour itinerary have been sent. Logistical details of the tour will be sent to board members at a later date.

Dispute Resolution Committee (DRC) – Travis Germundson reported that one new appeal has been filed, #11-6 is an appeal of a restoration order in Kittson County. Travis reported that File #11-5, an appeal has been granted and a pre-hearing conference is in the process of being scheduled. Travis reported that appeals in Waseca County, #11-3 and #11-2, have been combined and will be processed as one decision. Travis reported that the DRC has scheduled a refresher training session on August 18, to review the hearing prcoess. Joe Martin requested that Chair Napstad

appoint a citizen representative to the Dispute Resolution Committee. The DRC will receive electronic mailings.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee will meet in the near future in conjunction with a Board Meeting. Quentin Fairbanks asked if time is available for the Wetlands Committee to meet in August during board tour/meeting. Chair Napstad will look at the schedule and plan accordingly for efficiency.

Grants Program & Policy Committee – Louise Smallidge reported that the Grants Program & Policy Committee met on June 13th to review the proposed response to policy change related to the Legislative Auditor's findings; the Committee met again last night, reviewed the staff alternatives and has a recommendation on the agenda later today. Chair Napstad reported that he also attended the Grants Program & Policy Committee meeting last night.

Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth reported that the Public Relations, Outreach & Strategic Planning Committee met on April 27th, after the Board meeting. The Committee's survey results were summarized and has four priority topics for future discussion: 1) alignment of planning efforts; 2) Clean Water Legacy funds; 3) organized major watersheds; and 4) moving forward toward goals. The Committee also briefly discussed the Board Tour at the last meeting. The Public Relations, Outreach & Strategic Planning Committee's next scheduled meeting is July 27. Keith asked if that date would be effected by the potential state government shutdown. Chair Napstad stated that this will be discussed later on the agenda.

RIM Reserve Planning Committee – John Jaschke reported that the RIM Reserve Planning Committee has not met, there will likely be a meeting in late summer/early fall to establish payment rates and sign-up procedures.

Drainage Work Group – Tom Loveall reported that the Drainage Work Group met on January 6 and discussed the Smith Partners LCCMR project draft recommendations. Tom reported that three recommendations and five considerations were developed. Quentin Fairbanks asked if the Drainage Work Group discusses this with DNR? Tom stated that the Drainage Work Group does talk with DNR. Discussion followed regarding the ditch law, and the differences in northern Minnesota as compared to other areas of the state. Al Kean stated that Louis Smith and Chuck Holtman were the primary authors, potential to have report presented at a future board meeting. Chair Napstad would like Smith Partners to come before the Board to present the report.

Administrative Advisory Committee (AAC) – Brian Napstad reported that the Administrative Advisory Committee met this morning. The AAC discussed the potential State government shutdown; the July 27 Board Meeting; Board Member appointment status; and the Heron Lake Watershed District, on the agenda later today.

COMMITTEE RECOMMENDATIONS

Grants Program & Policy Committee

Grants Monitoring, Reconciliation, and Verification Policy – Dave Weirens reported that the Office of the Legislative Auditor found that BWSR was not in full compliance with the Office of Grants Management Policies 08-08 and 08-10, in its May 2010 report. A staff team, chaired by Ron Shelito, has been working to develop a policy and process to comply with these policies. Ron Shelito presented the policy purpose and background. The BWSR Grants Monitoring, Reconciliation, and Verification policy requires: that BWSR staff annually monitor all grants; that competitive conservation program grants be paid in three scheduled payments and; that financial verification of grant reconciliations will be performed on ten percent of all BWSR grants annually. This policy will be implemented beginning in FY 2012.

Ron reported that the Grants Program and Policy Committee met on June 13, 2011, and recommends approval of this policy. Keith Mykleseth commended staff on their efforts. Dave Weirens reported that the Board Resolution #10-64, rescinds previous requirements from last June, and revises the Cost-Share Grant Program close-out
** procedures. Moved by Quentin Fairbanks, seconded by Louise Smallidge, to approve
11-37 the Grants Monitoring, Reconciliation, and Verification Policy, and rescinds the Board Resolution #10-64. LuAnn Tolliver also commended staff on their work to incorporate this policy. LuAnn stated that the Office of the Legislative Auditor needs to get expectations in line with BWSR budget reductions, doing more with less. Chair Napstad agreed with LuAnn, there are more requirements with less. Motion passed on a voice vote.

Chair Napstad requested that board members submit the Conflict of Interest Declaration form.

Authorizing the FY12 Clean Water Fund Competitive Grants Program – Dave Weirens reported that the Grants Program & Policy Committee met on June 21, 2011; reviewed and recommends approval of the FY12 Clean Water Fund Competitive Grants Policy. Dave reported that BWSR does not have a budget; however, BWSR anticipates being appropriated Clean Water Funds to make grants to local governments to address water quality needs. In addition, the Minnesota Department of Health and Minnesota Department of Agriculture are expected to contribute funds to this grant program. All BWSR competitive grant programs are being combined into a single RFP that will allow

local governments to address needs identified in their local water management plan or to implement a TMDL.

Dave reviewed the Clean Water Fund Competitive Grants Policy appropriations as part of the enactment of the FY12-13 biennial budget. John Jaschke stated that a guidance manual is posted on BWSR's website: http://www.bwsr.state.mn.us/grants/manual/index.php#/Purpose%20&%20Sc

Dave also reviewed the Request for Proposals (RFP), the application deadline and timeline. Joe Martin stated that clarification and consistency is needed regarding the eligibility for the Ag BMP loan program. Dave will pursue improved language for the eligibility criteria. Dave reviewed the resolution.

** 11-38 Moved by Louise Smallidge, seconded by Paul Langseth, to authorize staff to finalize, distribute and promote a Request for Proposal (RFP) for the FY2012 Clean Water Fund and Competitive Grants Program consistent with the provisions of past Clean Water Fund appropriations and those expected to be enacted in 2011, Minn. Stat. 103B.3369 and this Board resolution; and adopts the FY2012 Clean Water Fund Competitive Grants Policy. Louise stated that staff have done a really good job on this document; each page has the policy stated on the RFP. Chair Napstad expressed appreciation for the coordinated efforts with agencies to make this an efficient grant process. Motion passed on a voice vote.

Chair Napstad stated that NRCS State Conservationist Don Baloun and staff are present, so the agenda item WCA-Swampbuster Coordination Opportunity, will be presented immediately after the break.

Chair Napstad called for a break in the meeting at 10:55 a.m. The meeting reconvened at 11:05 a.m.

WCA-Swampbuster Coordination Opportunity – Chair Napstad welcomed Don Baloun, State Conservationist, Natural Resources Conservation Service. Don Baloun thanked BWSR for the coordinated efforts of Les Lemm and Julie Blackburn working together with NRCS staff to implement a program, using the enhanced ability of relationships from working together. Don reported that in December of 2009, NRCS, BWSR, and MASWCD signed a Memorandum of Understanding regarding implementation of the Wetland Conservation Act and the Swampbuster provisions of the federal Farm Bill, leveraging opportunities with federal and state dollars. Don stated that BWSR staff has been providing training to SWCD staff, and working with NRCS staff, no better time than now to get things done in western Minnesota, the prairie pothole area. Don thanked BWSR for the continued relationship and great efforts to get things done quickly.

Les Lemm reiterated that this is a great opportunity to provide consistency with both WCA and Swampbuster programs. BWSR and NRCS have been exploring ways to partner with Soil and Water Conservation Districts or other local governments with WCA responsibilities for joint implementation of certain WCA and Swampbuster provisions through Contribution Agreements. This NRCS effort will benefit from a newly funded four-state USDA initiative in the Prairie Pothole Region aimed at reducing the backlog of certified wetland determinations. Under the "North Central Wetland Conservation Initiative," NRCS would develop agreements with individual local governments to perform technical work associated with certified wetland determinations and other related functions. The resulting products could be used for both USDA and WCA purposes, significantly improving program consistency. A similar process has been in place in Mower County for several years where it has worked well and serves as a working model for additional agreements.

Paul Flynn, NRCS, stated that this is unique to Minnesota, one-stop opportunities for landowners, federal/state using the same base guidelines for WCA and Swampbuster. Want to concentrate on farmer mitigation process in Minnesota; hopeful that this effort with NRCS, BWSR, and SWCDs will streamline the paperwork process. Don Baloun reported that new staff will not need to be hired for this effort as existing staff are working on this effort. Joe Martin suggested an outreach effort. Don stated that an extensive outreach effort will be done, the USDA NRCS Chief David White will announce this effort and then it will move forward. Paul Langseth stated that he's happy to see this effort, help is needed sooner than later. Bob Burandt asked about the wetland determinations, Paul Flynn stated that mapping procedures are being updated, WCA determinations and exemptions will determine eligibility. Les stated that consistency will be done. Don clarified that this is not a massive redo effort, this is a win/win for agriculture and wetlands, with third party involvement.

Don mentioned the RIM 25th Anniversary event, July 21, at the Straight River Marsh Wetland Restoration Project in Steele County. Don appreciated the hard work of Julie Blackburn and Tim Koehler on this celebration. Don reported that Chief White will attend. Don stated that leveraging WRP dollars does work. Chair Napstad thanked Don for his report.

John Jaschke reported that Conflict of Interest Declaration forms were received, all are board members are eligible to vote on the Farm Bill Assistance Program Grants.

Farm Bill Assistance Program Grant Awards – Dave Weirens reported that the Farm Bill Assistance Program provides funds to SWCDs to hire staff to accelerate implementation of the Farm Bill as well as other state and federal conservation projects that involve grasslands and wetlands. The FY12 Farm Bill Assistance Program is

expected to be funded from several revenue sources, including the Legislative-Citizens Commission on Minnesota Resources (LCCMR). The Grants Program and Policy Committee met on June 13, 2011, to review the proposed grants and recommends
** approval. Moved by Keith Mykleseth, seconded by Louise Smallidge, to authorize staff
11-39 to allocate up to $313,000 from appropriated ENRTF funds, $150,000 in funds transferred from the DNR, up to $100,000 of available FY2011 CWF funds, and any additional available program funds consistent with the program purpose. Motion passed on a voice vote.

Non-Point Engineering Assistance Program (NPEAP) Policy – Al Kean reported that BWSR has provided technical assistance and engineering funds to regional SWCD joint powers boards since 1995 for the implementation of soil and water conservation, water quality, and wildlife habitat practices and projects. The SWCDs technical assistance areas have been realigned and reduced from eleven to eight. BWSR staff have developed a program policy that documents program expectations and operating procedures and make updates to match current grant management policies, and is intended to be used beginning in FY12 to support implementation of this program.
** Moved by Paul Langseth, seconded by Louise Smallidge, to provide clear expectations
11-40 for the local administration of NPEAP grants in accordance with applicable Minnesota Statutes, Board policies, and other applicable laws, the Board hereby adopts the Non-Point Engineering Assistance Program Grant Administration Policy. Discussion followed. Paul Langseth stated that this has been a very beneficial program. Motion passed on a voice vote.

Metro Water Planning Committee

Wright County Local Water Management Plan Five-Year Amendment – Bob Burandt reported that the Metro Water Planning Committee met on May 31, 2011 to review the Wright County Local Water Management Plan five-year amendment and recommends approval. Brad Wozney reported that BWSR staff recommends approval of the plan amendment, which is consistent with the Priority Concerns Scoping
** Document. Moved by Bob Burandt, seconded by Christy Jo Fogarty, approves the
11-41 2011 five-year amendment of the Wright County Local Water Management Plan 2006-2015. Wright 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.

Northern Water Planning Committee

Clearwater River Watershed District Plan – Keith Mykleseth reported that the Northern Water Planning Committee met on June 15, 201, to review the Clearwater
** River Watershed District Plan and recommends approval. Moved by Keith Mykleseth,
11-42 seconded by Quentin Fairbanks, to approve the revised Watershed Management Plan for the Clearwater River Watershed District. Motion passed on a voice vote.

Cook County Water Plan Extension – Quentin Fairbanks reported that the Northern Water Planning Committee met on June 15, 2011, to review the Cook County Water
** Plan two-year extension, and recommends approval. Moved by Quentin Fairbanks,
11-43 seconded by Keith Mykleseth, to approve the extension of the Cook County Local Water Plan until October 26, 2014. Motion passed on a voice vote.

Middle-Snake-Tamarac Rivers Watershed District Revised Plan – Keith Mykleseth reported that a public hearing was held on the revised plan on June 9, 2011, no citizens attended. The Northern Water Planning Committee met on June 15, 2011, to review the Middle-Snake-Tamarac River Watershed District Revised Plan, and recommends approval. Keith has a compact disc with the ten-year plan if board members would like a
** copy contact Mary Jo Anderson. Moved by Keith Mykleseth, seconded by Quentin
11-44 Fairbanks, to approve the revised watershed management plan for the Middle-Snake-Tamarac Rivers Watershed District. Motion passed on a voice vote.

Faye Sleeper stated that a few months ago she requested staff to provide more information on plans, and she is now receiving a good amount of information.

North Fork Crow River Watershed District and Sauk River Watershed District Boundary Change – Gene Tiedemann reported that the Northern Water Planning Committee met on June 15, 2011, to review the North Fork Crow River Watershed District and Sauk River Watershed District boundary change and recommends approval. The change will better reflect the hydrology of the watersheds. The petition was reviewed by BWSR staff and found to be in accordance with the hydrology and the
** process followed by statute and policy. Moved by Gene Tiedemann, seconded by Keith
11-45 Mykelseth, that the BWSR Board hereby approves and orders that the boundaries of the Sauk River Watershed District and the North Fork Crow River Watershed District are changed per the Petition as presented. Motion passed on a voice vote.

Polk County Priority Concerns Scoping Document – Gene Tiedemann reported that the Northern Water Planning Committee met on June 15, 2011, to discuss with representatives of Polk County the Priority Concerns Scoping Document (PCSD), and recommend approval of the Polk County Priority Concerns Scoping Document. Gene reported that the priority concerns for Polk County are surface water quality, water quantity, management, enhancement and preservation of natural resources within the Glacial Lake Agassiz Beach Ridge area, exotic and invasive species management.
** Moved by Gene Tiedemann, seconded by Louise Smallidge, to approve the Polk
11-46 County Priority Concerns Scoping Document. Motion passed on a voice vote.

Establishment Hearing for the Upper Red Lower Otter Tail Watershed District – Quentin Fairbanks reported that the Northern Water Planning Committee met on June 15, 2011. A petition to establish the Upper Red Lower Otter Tail Watershed District was filed by Wilkin County with BWSR on January 18, 2011. Territory to be included in the proposed watershed district is an area that affects Wilkin and Otter Tail Counties approximately 430 square miles in size. The area is bordered on the south by the Bois de Sioux Watershed District, on the north by the Buffalo-Red River Watershed District and on the west by the State boundary/Red River. The petition was signed by Wilkin County Commissioners.

Travis Germundson reported that Minn. Stat. § 103D.205, Sub. 3, item 3. allows an establishment petition to be signed by counties having 50 percent or more of the area within the proposed watershed district. Wilkin County contains more than 50 percent of the area in the proposed watershed district, the petition has the required number of petitioner signatures. A petition that has the requisite number of petitioner signatures cannot be dismissed. Therefore, the Northern Water Planning Committee is recommending that BWSR proceed with an Establishment Hearing Order.

However, deficiencies where noted in the petition, most notable the lack of potential managers names residing in Otter Tail County. A petition that has the requisite number of petitioner signatures cannot be dismissed because of defects since the petitioners have the ability to amend a defective establishment petition at any time prior to the end of the establishment hearing.

Otter Tail County Commissioners have passed a resolution opposing the establishment of the Upper Red Lower Otter Tail Watershed District. DNR submitted the required preliminary report and watershed map, and supports the establishment of a watershed district within the Ottertail River system and has no objections to the proposed petition.

On April 18th, Wilkin County requested BWSR hold the establishment hearing in June or July. This will give Wilkin County additional time to solicit manager nominees who reside in Otter Tail County and avoid conflicts for those who are involved with farm activities. Keith Mykleseth stated that this area of the Red River Basin is the only area in the Red River Valley that does not have a watershed district.

** 11-47 Moved by Quentin Fairbanks, seconded by Keith Mykleseth, hereby orders a public hearing be held within 35 days of the date of this Order on the establishment Petition for the Upper Red Lower Otter Tail Watershed District presided over by the Northern Water Planning Committee on July 20, 2011 at 7:30 p.m., at the Rothsay High School.

Travis stated, on the legal advice of the Attorney General's office, if the State government is shutdown, the public hearing on the establishment petition will be cancelled and rescheduled to another business day. Motion passed on a voice vote.

Southern Water Planning Committee

Sibley County Priority Concerns Scoping Document – Paul Langseth reported that the Southern Water Planning Committee met on April 27, 2011, reviewed and recommends approval of the Sibley County Priority Concerns Scoping Document.

** 11-48 Moved by Paul Langseth, seconded by Sandy Hooker, to approve the Sibley County Priority Concerns Scoping Document. Motion passed on a voice vote.

NEW BUSINESS

Heron Lake Watershed District – Hearing for Revised Watershed Management Plan – Travis Germundson reported that on May 13, 2011, the Heron Lake Watershed District announced a 60-day review period of the District's draft revised watershed manage plan. Travis stated that pursuant to Minn. Stat. 1-3D.405, Subd. 5(a) the Board must give notice and hold a hearing on the proposed Plan within 45 days after receiving the Department of Natural Resources' recommendation on the revised plan unless the Board finds the plan noncontroversial. During the review it was discovered that the plan proposed to establish a water management district pursuant to Minn. Stat. 103D.729 for the purpose of collecting revenues and paying cost of projects; this option was incorporated into the plan late in the process. Travis reported that BWSR staff recommend a public hearing be held. The Administrative Advisory Committee met this

** 11-49 morning and recommends approval of a public hearing . Moved by Paul Langseth, seconded by LuAnn Tolliver, to hereby order a public hearing be held within 45 days after receiving the Department of Natural Resources' recommendation on the revised Plan for the Heron Lake Watershed District to be presided over by the Southern Water Planning Committee at a date, time, and location to be determined by the Executive Director. Motion passed on a voice vote.

2011 BWSR Board Meeting Schedule – John Jaschke explained that due to the potential State government shutdown, staff recommend cancelling the July 27, 2011, Board Meeting, while staff are working and able to cancel the meeting leaving the Chair

** 11-50 to call a special meeting if needed. Moved by LuAnn Tolliver, seconded by Louise Smallidge, to cancel the July 27, 2011, Board Meeting as recommended by staff. Motion passed on a voice vote.

Keith Mykleseth asked about the Public Relations, Outreach, and Strategic Planning Committee, scheduled to meet on July 27. Due to the potential State government shutdown, the Committee meeting on July 27th will be cancelled, as required in bylaws, and rescheduled as needed.

Wetland Conservation Act (WCA) Statute Changes – Les Lemm reported that several statute changes affecting the Wetland Conservation Act were approved by the 2011 Legislature. As part of SF1115, the changes were signed by the Governor on May 27, and take effect August 1, 2011. Les explained that BWSR worked with stakeholders for nearly two years to come to a general consensus about most of the changes contained in this bill. Les summarized the changes: establishing DNR as a local government unit (LGU) for the review and approval wetland banking projects used solely to mitigate mining impacts, and applying reduced fees for such banks; allowing for "electronic transmission" of statute-required LGU notices regarding applications and decisions; eliminating the current public-lands-only limitation on the allocation of replacement credits for wetland preservation; simplifying the siting critera for replacement wetlands while providing a technical basis for identifying appropriate replacement wetland siting opportunities; directing appeals of restoration orders to the BWSR Executive Director rather than the LGU; eliminating the requirement for a local appeal of LGU staff decisions; and allowing BWSR to set wetland banking fees below the otherwise required amounts for "single-user" or other dedicated accounts. LuAnn Tolliver asked if additional rule changes or policy changes are needed as she looks at upcoming work for the Wetland Committee. Les stated that additional information will be coming. Louise Smallidge stated that she appreciated the concise summary and likes the highlighted changes on the document. Chair Napstad thanked Les for his efforts.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Matthew Wohlman reported that the MDA budget was passed and signed by Governor Dayton. MDA staff have not received layoff notices; it appears MDA will be open for business; the Court will make the decision. Matt reported that Barbara Weismann will coordinate the MDA conservation piece of the Farm Bill; seek to have recommendations to the Governor in September or October. Barbara is meeting with BWSR staff on this effort.

Minnesota Department of Health (MDH) – Linda Bruemmer reported that she has been assigned as the MDH representative to BWSR. Linda introduced Chris Elvrum, newly hired staff at MDH. Linda stated that unfortunately, Chris received his lay-off notice on the first day of work!

Minnesota Department of Natural Resources (DNR) – Dave Schad reported that DNR recently hired Marybeth Block as coordinator of the new Walk-in Hunting Access Program. Dave reported that the Conference Committee report vetoed by Governor Dayton would have had severe governmental impacts; DNR is very concerned about potential impacts as negotiations move forward. The DNR hydrologists water management function impacts local governments. DNR is working with BWSR to prepare proposals on the Outdoor Heritage Fund. DNR is looking at specific proposals

for teams to provide funding to protect, restore, enhance habitat, the deadline for proposals is mid-July. Dave reported that there is a long and complicated history in northwestern Minnesota on drainage issues. Assistant Commissioner Mike Carroll is working with the Drainage Work Group. Dave and Commissioner Landwehr are planning a trip to northwestern Minnesota and look forward to working with Quentin and others on this issue.

Minnesota Extension Service (MES) – Faye Sleeper reported that the University of Minnesota is open. Faye stated that budget issues are not easy, layoffs at MES have been going on for a few years now; and they are also watching federal dollars disappear.

Minnesota Pollution Control Agency (MPCA) – Doug Wetzstein reported that the MPCA Water Program Directors are meeting in Chicago today. MPCA continues efforts with EPA on TMDLs, federal funding, they are working through it all. Doug stated that in the event of the potential State government in shutdown, MPCA would respond to environmental emergencies.

ADVISORY COMMENTS

Minnesota Association of Townships (MAT) – Sandy Hooker reported that MAT staff are conducting summer training around the state; she admired them for putting in lots of time on their efforts. John stated that MAT asked BWSR to assist with training on technical assistance for wetlands and roads.

Minnesota Association of Watershed Districts (MAWD) – Ray Bohn reported that MAWD held their summer tour last week, over 100 people in attendance. Red Lake Watershed District and Middle-Snake-Tamarac Rivers Watershed District were hosts. The tour included education and a good sample of work being done in the area. Ray appreciated the attendance of board members Paul Langseth, LuAnn Tolliver, and Gene Tiedemann. Ray stated that MAWD supports BWSR, DNR, PCA funding and how it effects MAWD. Local hydrologist are relied on by watershed district. If there's anything MAWD can do to assist during the potential shutdown, let them know.

Ray commended John Jaschke, Julie Blackburn, and Steve Woods, on their great efforts during the legislative session, they really do a good job, BWSR is always there, the hardest working crew at the Capitol!

Ray reported that the Local Government Water Roundtable staff met yesterday. Discussions included: agenda items for summer/fall. Ray stated that the Roundtable is looking at efficiencies and possible consolidations. Drainage Work Group -- very important, terrific working group. Ray stated that MAWD appreciated working with

BWSR on the BWSR Academy to develop training for watershed district staff. Angie Becker-Kudelka does a great job in working with watershed districts. MAWD is working on policy issues. Ray stated that he's proud to be involved in the RIM event, especially because of the ties to Governor Perpich who started it. He looks forward to celebrating a national model, the 25th Anniversary celebration on July 21.

LuAnn Tolliver stated that she enjoyed the great MAWD summer tour in Gene Tiedemann's host area; she learned about ditches, diversions and impoundments. Paul Langseth appreciated the educational MAWD tour.

UPCOMING MEETINGS
Board Tour & Meeting – August 24-25, 2011 in Little Falls

** 11-51 Moved by LuAnn Tolliver, seconded by Paul Langseth, to adjourn the meeting at 12:50 PM. Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder

Board of Water and Soil Resources
Grants Conflict of Interest Declaration

Meeting: FY '12 Natural Resources Block Grant **Date: August 25, 2011**

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

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

Meeting: FY '12 SWCD Grant Allocations **Date: August 25, 2011**

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.

August 25, 2011

To: BWSR Board

Fr: John Jaschke, Executive Director

Re: August 2011 Update

Clean Water Fund RFP: Extra effort to get the word out about the RFP will be the norm as expectations for access to these funds grow - as do the expectations for accountability and results - and we are tasked with balancing these two sometimes oppositional responsibilities. The outreach sessions were well attended and guidance is shared on the web site as it evolves. *Contact Dave Weirens or the Regional Clean Water Specialists for more information.*

WCA – NRCS Agreement: BWSR and NRCS (and 30 or so SWCDs) are nearing completion of an agreement to jointly implement national and state policy for wetland protection and assistance. Minnesota NRCS has not been automatically providing "certified" wetland determinations to farmers that are proposing to install drainage improvements. According to national USDA policy farmers are required to self certify their compliance with the wetland conservation provisions. This is done via use of USDA form AD-1026. In addition all USDA program participants are required to disclose information concerning their drainage improvement plans on the AD-1026. NRCS is charged with evaluating drainage improvement plans by providing a "certified" wetland determination which contains a map locating wetland areas subject to protection. Instead of automatically issuing a "certified" wetland determination using a producer's request on the AD-1026 form, Minnesota NRCS has also been requiring farmers to submit a signed request for a certified wetland determination on form CPA-038. Simply stated, the change in Minnesota procedure is that the CPA-038 form will no longer be used. The extra work the determinations will generate is at the core of a large-scale services agreement being developed with NRCS. *Contact Les Lemm for more information.*

Local Government Water Roundtable: The Counties, Watershed Districts, and Soil and Water Conservation Districts have renewed their efforts to improve and coordinate local water management programs. A bill was introduced late in the legislative session HF1596 that includes a few of the ideas that have emerged. There are expected to be others that will emerge before the end of the year, not all requiring legislation. Don Buckhout is facilitating. *Contact Steve Woods or Julie Blackburn with ideas or questions.*

Walk-in Access: The new Walk In Access (WIA) three-year pilot program funded by the U.S. Department of Agriculture is now launched. DNR, BWSR and SWCDs in the 21 counties in southwestern Minnesota have the first year sign-ups concluded and now move into the payment, posting and publication phases. See more at: http://www.dnr.state.mn.us/walkin/index.html. *Tabor Hoek can provide more details if needed.*

Academy: The BWSR Training Academy will be held October 25-27 at Breezy Point and many staff are working to make it a successful event for local government and other participants. See details at: http://www.bwsr.state.mn.us/academy.

Staffing: Plans for the legislatively mandated OET consolidation of IT staff is developing, with a goal of Oct 1st for finalization. The consequences to agency operations should be unnoticeable for the foreseeable future and we are working to make sure the best interests of the state, the agency and the employees are factored in. The time allocations for OAS staff Roxie Serreyn in Marshall and Mary Jo Fleming in Duluth are being increased to address the workload associated with the WIA program and the WCA-NRCS agreement, respectively. Finally, we welcomed Jesse Preston as a member of the Engineering and Technical Services team on Aug 23rd.

BWSR Update

July 21, 2011

Special Session: Budget, Legacy, and Bonding Bills

Legislators met for a Special Session on July 19 and 20 and the Environment and Natural Resources (ENR) Omnibus Bill and the Legacy Bill were among the budget bills approved by the legislature and signed by the Governor on July 20. Overall, BWSR's general fund appropriations are much improved over the bill that was vetoed by the Governor at the end of the regular session with the total reduction of 10.1% rather than 26%. BWSR appropriations in the Legacy Bill remained the same as the final bill of the regular session, which was never passed by the legislature. The Bonding Bill was finalized after the start of the special session and included $22.6M in appropriations to BWSR. Highlights to the bills are provided below.

General Fund Appropriations: BWSR worked with legislators and the Governor's staff to reduce impacts to the conservation delivery system including county environmental funding, SWCD funding, engineering and technical service area staff, and BWSR program operations. All these programs have sustained significant cuts over the last decade. By necessity and ingenuity, BWSR and our local government conservation partners have already implemented many cost-savings and efficiency measures during that time period. Several Wetland Conservation Act programs, including funds for required replacement wetland monitoring, were eliminated and there was a major cut to the SWCD cost share program. However, this was necessary in order to maintain critical capacity for delivering state and federal conservation programs such as those funded by the Legacy Amendment.

BWSR General Fund Budget *(all numbers in thousands)*	**Original Projection 2012-13**	**2012**	**2013**	**Total**	**% change from projected base**
Total Appropriations	27,960	12,562	12,562	25,124	-10.1%
Cost Share Grants	4,556	1,560	1,560	3,120	-31.5%
Conservation Delivery SWCD Grants	6,370	3,116	3,116	6,232	-2.2%
Red River Basin Commission	168	100	100	200	19.0%
Area II Joint Powers Board	240	120	120	240	0.0%
MN River Joint Powers Board	168	42	42	84	-50.0%
County Natural Resource Block Grants	7,052	3,423	3,423	6,846	-2.9%
WCA BWSR Operations	908	386	386	772	-15.0%
WCA Replacement Wetland Monitoring	120			0	-100.0%
WCA DNR Enforcement Pass through	200			0	-100.0%
WCA 11 County Metro Enforcement	200			0	-100.0%
Drainage Assist Operations	390	166	166	332	-14.9%
Admin/Operations/Board	7,558	3,649	3,649	7,298	-3.4%

Environment and Natural Resource Trust Fund (ENRTF) Appropriations: The ENRTF appropriations are from lottery fund proceeds and are recommended by the LCCMR to the legislature. BWSR has seven direct appropriations from this fund for a total of $3.7M:

- Completion of the Statewide Digital Soil Survey: $500K
- Measuring Conservation Practice Outcomes – verifying current/developing new pollution reduction estimators: $340K
- Conservation-Based Approach for Assessing Public Drainage Benefits: $150K
- Acceleration of Minnesota Conservation Assistance/Farm Bill Assistance in cooperation with SWCDs: $625K
- Northeast Minnesota White Cedar Plant Community Restoration: $250K
- Minnesota Conservation Apprentice Academy: $200K
- RIM/WRP – Special Projects: $1.645M

Clean Water Fund Appropriations: BWSRs total Clean Water Fund appropriation is $55.068M for the biennium. The majority of the first four funds listed below will be distributed to eligible local governments through an annual competitive process. The long term water quality protection programs (RIM) are implemented using a landowner sign-up. Please visit our website at www.bwsr.state.mn.us regularly for more information on grant and easement enrollment programs.

- **$27.5M for Clean Water Assistance Grants**. The funds are to protect, enhance, and restore water quality in lakes, rivers and streams and to protect groundwater and drinking water. Grants will be targeted toward priorities identified in local water plans, and local capacity for on-the-ground implementation will be increased through technical and engineering assistance. These funds will be used for keeping water on the land, protecting and restoring streams, groundwater, surface water, and upgrading feedlots and SSTS Imminent Health Threat systems.
- **$6M for Clean Water Accelerated Implementation Grants.** These grants are for non-structural practices and activities that will enhance local efforts to develop and implement, on a local or regional basis, water resource protection and management measures or initiatives that go beyond state minimum standards for water quality. GIS and related tools and models will be used to optimize project effectiveness based on multiple benefits analysis with a minimum of $3.0M for county SSTS program implementation.
- **$2.0M for Conservation Drainage Management and Assistance**. Funds are for pilot projects to retrofit existing drainage management systems with water quality improvement and retention practices, evaluate outcomes and provide outreach to landowners, public drainage authorities, drainage engineers, contractors and others.
- **$3M for Citizen and Community Participation Program**. These funds are to be used for community partners within a LGUs jurisdiction to implement structural and vegetative practices to reduce stormwater runoff and retain water on the land to reduce the movement of sediment, nutrients and pollutants. LGUs will be the primary applicant and provide sub-grants to community partners who are implementing practices to accomplish restoration, protection or enhancement of water quality.
- **$14.6M for Long-Term Water Quality Protection though the RIM Reserve Easement Program.**
    - $12.6 M for riparian buffers: purchase and restore permanent conservation easements on riparian buffers adjacent to public waters excluding wetlands. These easements will keep water on the land to reduce sediment, pollutant and nutrient transport, reduce hydrologic impacts to surface water and increase infiltration for groundwater recharge
    - $2.0 M for wellhead protection: for permanent conservation easements in wellhead protection areas on land with high or very high vulnerability of drinking water supply contamination.
- **$1.8M for Measures, Results and Accountability**. Quality assurance for CWF projects by providing oversight, assessment, assistance and reporting of outcomes using standardized, scientific evaluation of resource indicators (such as soil erosion and pollutant migration studies). A mentoring, training and certification program will be developed and implemented to build capacity for future conservation program results.
- **$84K for Restoration Evaluations** on projects as required by MS114.50

Outdoor Heritage Funds: These funds are appropriated on an annual basis rather than a biennial basis, as are most of the other funds. BWSRs total Outdoor Heritage Fund appropriation for 2012 is $17.14M. Please visit our website at www.bwsr.state.mn.us regularly for more information on opportunities to enroll in easement programs.

- **$2.25M for the Riparian Buffers:** this program will complement the Clean Water Fund riparian buffers by expanding buffer widths to enhance wildlife habitat. This program will be implemented in cooperation with Pheasants Forever.
- **$13.0M for Wetland Restoration:** this is Phase III of this program utilizing Outdoor Heritage Funds. Funding will be used to restore wetlands and associated upland for the purposes of enhancing and restoring habitat. The program is implemented through a partnership with the Natural Resources Conservation Service (NRCS) Wetland Restoration Program (WRP) which leverages approximately $1.6 in federal funding for every state dollar invested.
- **$1.89M for Wild Rice Shoreland Protection:** this is a Ducks Unlimited partnership project with a goal to permanently protect sensitive wild rice lake shoreland habitat in northern lakes.

Bond Funds: BWSR has three appropriations in the bonding bill for a total of $22.6M in funding, the majority of these ($20.0M) funds go the RIM Reserve program. Much of this appropriation will be used for flood mitigation as well as leveraging the NRCS Mississippi River Basin Initiative program funds, and allows implementation of other matching and leveraging opportunities. There has been a tremendous wellspring of support for this program, from legislators to stakeholder groups, for the last two years leading up to the 25th Anniversary of the program. The other bond funds include: 1) $1.0M for the MN River Area II Board to acquire, design and construct floodwater retention systems; and 2) $1.614M to complete the Grass Lake restoration in Kandiyohi County.

New Statute and Policy

Environment Policy Bill, SF1115, Chapter 107 (Chpt 107 PDF): This bill was passed during the regular legislative session and contains a number of environment and natural resource policy provisions, including aquatic invasive species (AIS) provisions, Wetland Conservation Act changes, and changes and updates to the Clean Water Partnership program.

Wetland Conservation Act changes include:

- Defining "electronic transmission" for the purpose of the Wetland Conservation Act (WCA).
- Allowing contractors to submit information electronically to a local government unit on draining or filling wetlands.
- Providing that wetland replacement ratios under a permit to mine will be based on the Great Lakes and Rainy River watersheds being considered as a single watershed.
- Clarifying and simplifying the siting requirements for wetlands and allows wetlands in the 50 to 80 percent of the presettlement wetlands area intact to be replaced in an area with less that 50 percent of the presettlement wetlands intact. Also directs applicants and local government units to rely on any comprehensive inventories when determining available wetland replacement opportunities.
- Providing for appeals of local government unit delegated staff decisions to go directly to BWSR and provides that boundary or type determinations are valid for five years.
- Allowing local government unit sequencing decisions to be appealed to BWSR.
- Allowing BWSR to establish wetland banking fees for single-user or other dedicated wetland banking accounts.
- Removing the requirement that a wetland subject to a conservation easement must be owned by the state or a local government unit. This section also provides that this section does not apply to wetlands subject to a conservation easement that was paid for with public money.

AIS provisions include for the broadening and increase in AIS control, inspection, and enforcement. Highlights include:

- Broadening AIS control requirements to all water-related equipment.
- Providing greater authorization for inspectors to inspect all water-related equipment, including requiring decontamination and prohibits launching of contaminated water-related equipment.
- Allowing conservation officers or licensed peace officers to inspect watercraft stopped at a water access site or at a check station.
- Training and appointing additional inspectors who are not licensed peace officers.
- Requiring a service provider permit for individuals who install or remove water-related equipment for hire.
- Requiring an AIS rule decal to be attached to all watercraft.

Clean Water Partnership (CWP) Program was changed and updated by the MPCA. Highlights include:

- Removing some specific purposes for the Clean Water Partnership (CWP) Program. The remaining purposes for the program are to control water pollution and to implement federal laws controlling nonpoint source pollution.
- Amending the definition of "project" to broaden the term for the purposes of the CWP program to include the identification of water pollution and its causes, and to protect and improve water quality.
- Increasing the cap on use of the state revolving fund for CWP loans to $50 million.
- Broadening the eligibility for the CWP program to include approved projects identified in total maximum daily load (TMDL) plans and watershed protection and restoration strategy implementation plans.
- Broadening the local involvement requirements for a proposal to include any local stakeholders and removes the requirement that the proposal is consistent with statewide water quality management plans.

Special Session ENR Policy: There were a number of policy changes that were included in the Omnibus ENR Finance Bill that was passed during the special session. A number of provisions to the Game and Fish bill were also included. Some water and conservation related highlights include:

- NPDES Feedlot permitting only as required by federal law.
- Definition of pasture expanded to include cropping areas used by livestock during the winter for grazing.
- MPCA coordination with Wisconsin on phosphorus standards for Lake Pepin.
- MPCA wild rice rulemaking and research.
- MPCA to evaluate water-related statutes, rules and governing structures in conjunction with other water agencies and the U of M to streamline, strengthen and improve sustainable water management.
- DNR to develop a report on recommended changes to the payment in lieu of taxes program (PILT).
- After consulting with the DNR Wildlife Division and BWSR, road authorities may implement a beaver control program, including implementing bounties, when beaver dams threaten to damage roads.
- BWSR authorities expanded to allow for increased opportunities to implement conservation and habitat programs, such as the Walk-In Access program.

Clean Water Fund Request for Proposals

The FY2012 Clean Water Fund Request for Proposals (RFP) that was scheduled to be announced on August 1 is pushed back to **August 8**. Applications will be accepted until **September 20**. An outreach webinar will be held on August 10. Additional webinars will be scheduled. Details on these webinars and the FY2012 Clean Water Fund Grants will be made available prior to August 8. Please visit our website at www.bwsr.state.mn.us regularly for more information on the Clean Water Fund RFP and outreach announcements.

FY 2012 County NRBG, SWCD Services, Cost Share, and NPEA Grants

These grants typically are approved annually at the June board meeting. The state government shutdown and lack of an approved budget has delayed all these grants. The recommended grant allocations and supporting resolutions will be presented to the BWSR Board at their August 25 board meeting. Upon approval, grant agreements will be sent out as soon as possible. We ask for your patience as there will be a back-log of grants to process.

RIM 25th Anniversary Celebration – Postponed

The celebration event which was scheduled for July 21 has been postponed due to the state government shutdown. A tentative date has been set for September 21 at the same location at the Steele County Fairgrounds in Owatonna. Please check the BWSR website at www.bwsr.state.mn.us for more updates.



In addition to celebrating past accomplishments with all our program partners, we will be looking ahead to future successes. The Special Session bonding bill included $20M for the RIM Reserve Program and the Outdoor Heritage Fund included $13M for the RIM/WRP partnership in 2012!

The Minnesota Board of Water & Soil Resources (BWSR) Reinvest in Minnesota (RIM) Reserve program is a critical component of the state's efforts to protect and restore wildlife habitat on private lands, protect and improve our state's water quality and address persistent flooding problems. Since 1986, the state has appropriated nearly $170 million for conservation easements and the BWSR, along with local SWCDs, has acquired over 6,400 easements totaling more than 230,000 acres. Since 1998, RIM Reserve has leveraged an additional $260 million from the United States Department of Agriculture through the Natural Resources Conservation Service Wetland Restoration program.

A BIG THANK YOU TO OUR 25th ANNIVERSARY CELEBRATION SPONSORS!

NRCS · Pheasants Forever · NWTF · MASWCD · Audubon Minnesota · Ducks Unlimited

For more information regarding this BWSR Update please contact:

John Jaschke, Executive Director
John.jaschke@state.mn.us
651-296-0878

Julie Blackburn, Assistant Director
julie.blackburn@state.mn.us
651-297-5617

www.bwsr.state.mn.us

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution Committee Report

Meeting Date: August 25, 2011

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: Paul Brutlag/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
August 12, 2011
By: Travis Germundson

There are presently **16** appeals pending. All of the appeals involve WCA except File 10-10. There have been no new appeals filed since the last report (June 22nd 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 11-6 (6-9-11) This is an appeal of a restoration order in Kittson County. The appeal regards the draining and filling of wetlands associated with a private access road and ditch project.~~ *The appeal has been denied.*

File 11-5 (4-13-11) This is an appeal of a forestry exemption decision in Carlton County. This involves the same location and similar issues as File 10-16. The LGU under a remand reversed their previous decision and denied the after-the-fact forestry exemption application for the construction of a forest logging road. Now that denial is being appealed by the Minnesota Timber Producers Association on behalf of the landowner. *A pre-hearing conference convened on July 26th and a verbal settlement agreement is being drafted.*

~~File 11-4 (2-13-11) This is an appeal of a restoration order in Aitkin County. The appeal regards the excavation, draining, and filling of wetlands resulting in over 2 acres of impact. Additional impacts from scope and effect of the new drainage ditch and lowering of culvert have not been calculated. The appeal has been placed in abeyance and the Restoration Order stayed for the submittal of supporting documentation and for the Technical Evaluation Panel to convene on site and develop written findings of fact.~~ *The appeal has been denied.*

File 11-3 (2-11-11) This is an appeal of a restoration order in Waseca County. The appeal regards the draining and filling of approximately 8.3 acres of a Type 2 wetland. This involves the same location and similar issues as File 11-2. The appeal has been placed in abeyance and the restoration order stayed until the there is a final decision on the appeal of the exemption and no loss determinations (File 11-2). The appeal has been combined with File 11-2 and will be processed as one decision. The briefing schedule has been set.

File 11-2 (1-24-11) This is an appeal of an exemption and no-loss determination in Waseca County. The appeal regards the denial of an exemption and no-loss application. A previous denial of the same exemption and no loss application had been appealed (File 8-4). The appeal was remanded for or further technical evaluation and a hearing, and now the current denial has been appealed. The appeal has been combined with File 11-3 and will be processed as one decision. The briefing schedule has been set.

File 11-1 (1-20-11) This is an appeal of a restoration order in Hennepin County. The appeal regards the filling of approximately 1.77 acres of wetland and 0.69 acres of excavation. The appeal has been placed in abeyance and the restoration order stayed until there is a final decision on an after-the-fact wetland application.

File 10-15 (11-29-10) This is an appeal of a restoration order in Mille Lacs County. The appeal regards the filling of approximately 5,800 square feet of wetland for lakeshore access and to create a larger recreational area. The appeal has been placed in abeyance for submittal of technical analyses of the onsite drainage modifications.

~~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.~~ *The appeal has been dismissed. A Certificate of Satisfactory Replacement/Restoration has been issued.*

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. A verbal settlement agreement has been reached by the parties. (at the December 2001 Board meeting, Managers voted 6 to 1 to move forward with Option D)

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. The appeal has been placed in abeyance by mutual agreement until there is a final decision by the Department of Agriculture National Appeals Division.

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. The appeal has been placed in abeyance by mutual agreement on determining the viability of a new wetland banking plan application.

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 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.

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 2010	Total for Calendar Year 2011
Order in favor of appellant	2	
Order not in favor of appellant	5	
Order Modified		
Order Remanded	1	
Order Place Appeal in Abeyance	5	3
Negotiated Settlement	1	
Withdrawn/Dismissed	3	

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Bassett Creek WMO Plan Amendment – Bob Burandt – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Bassett Creek WMO Plan Amendment

Meeting Date: August 25, 2011

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

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

☐ Other: _____

ACTION REQUESTED

Approval of Plan Amendment to the Bassett Creek Watershed Management Organization's Watershed Management Plan

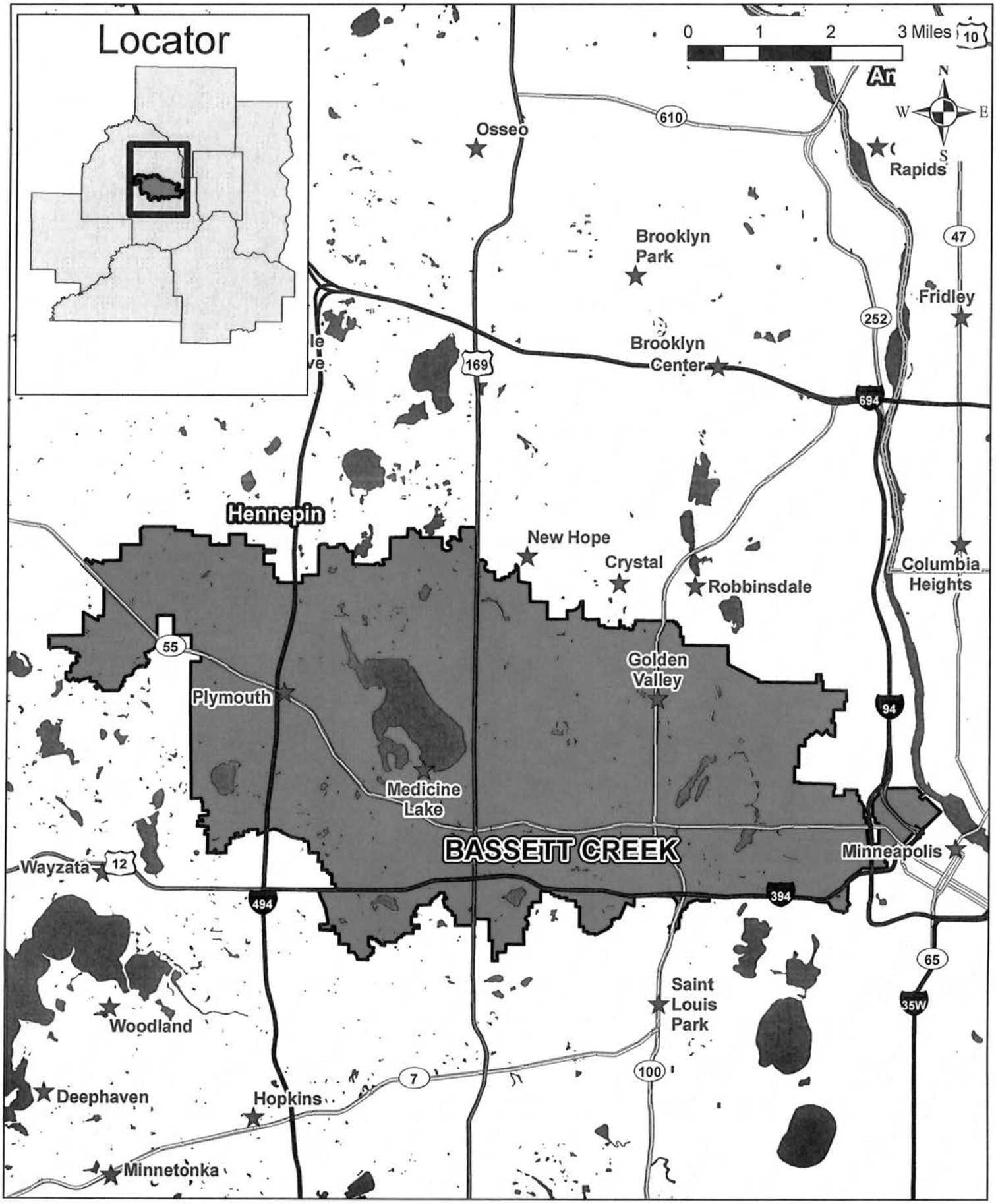
SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

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 2011 Amendment adds three new capital projects (one streambank and channel restoration, one lake outlet modification, and one water quality pond) to the Capital Improvement Program (Table 12-2) for a total cost of $1,232,000. No comments were received during the formal comment period or at the public hearing that resulted in changes to the amendment. The Metro Water Planning Committee met on August 8, 2011. After review of the information, BWSR staff was in favor of and the Committee unanimously voted to recommend approval of the Plan Amendment to the full Board 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 August 2011, 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 one major and three minor amendments between years 2005 and 2010.

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 March 1, 2011. The Amendment adds three capital projects to the Commission's Capital Improvement Program. The Commission held a public hearing on June 16, 2011. No new suggested changes were offered during the comment period or at the hearing. The final draft Amendment was submitted to the Board and plan review agencies on August 3, 2011, for final review and approval.

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, and received no comments.

11. **Board Review.** Board staff had no comments on the amendment and commended the Commission for maintaining a current capital improvement program.

12. **Highlights of the Plan Amendment.** The plan Amendment proposes to add three 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 August 8, 2011, 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. Geoff Nash, Administrator of the Bassett Creek WMO, attended and summarized the capital projects included in the Amendment. 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 August 2011 to the Bassett Creek Watershed Management Organization Watershed Management Plan.

Dated at Saint Paul, Minnesota this 25th day of August 2011.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Brian Napstad, Chair

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Petition for Boundary Change; Sand Hill River Watershed District – Brian Dwight - ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Sand Hill River WD Boundary Change Petition

Meeting Date: August 25, 2011

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

Item Type: ☐ Decision ☐ Discussion ☐ Information

Section/Region: North Region

Contact: Brian Dwight

Prepared by: Brian Dwight

Reviewed by: Northern Water Planning Committee 8/24 Committee(s)

Presented by: TBD at Aug. 24 Northern Planning Comm. Mtg.

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

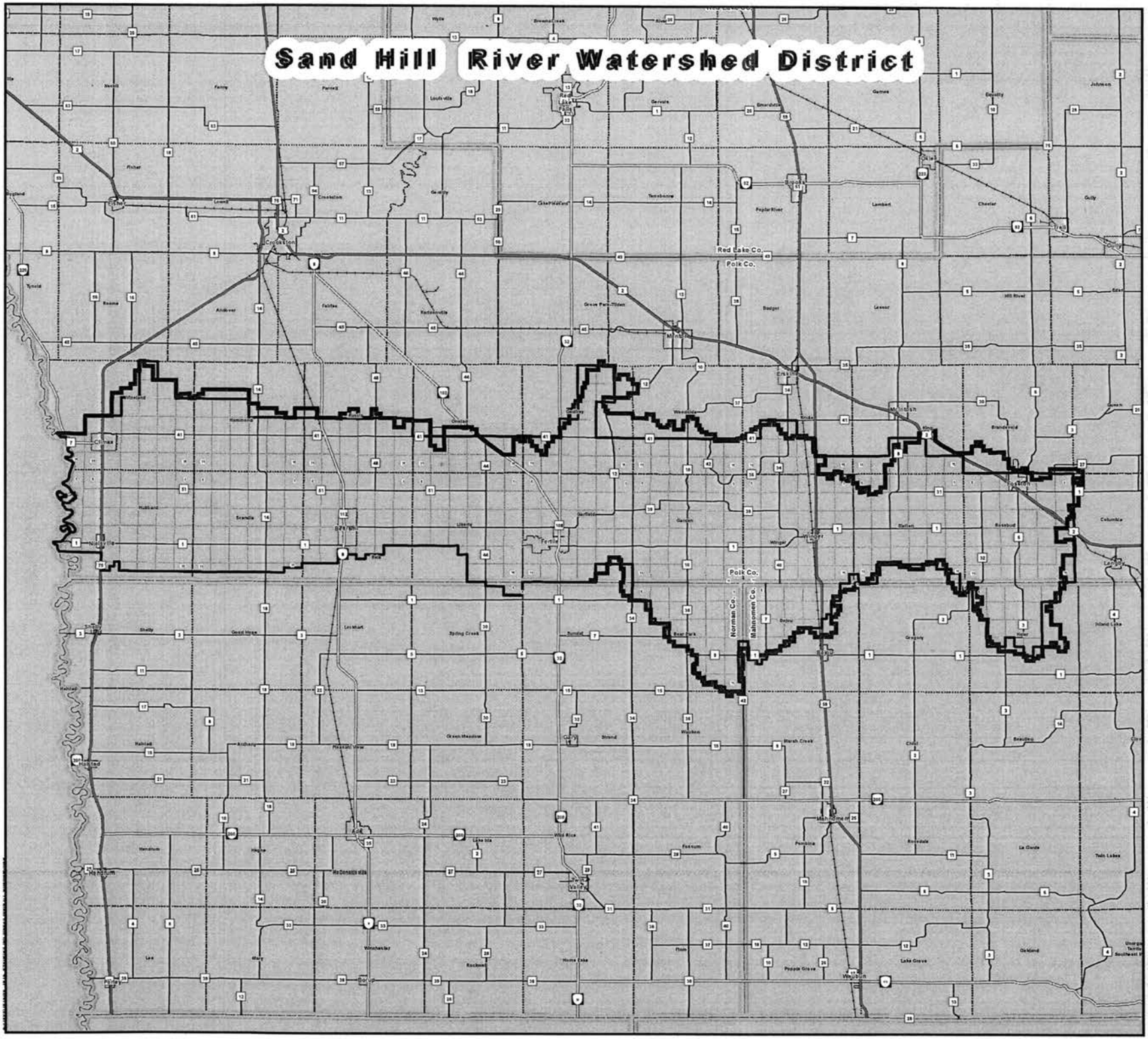
ACTION REQUESTED

Approval of Order for Boaundary Change

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

This petition is requesting to make boundary adjustments between three adjoining Watershed Districts, the Sand Hill River WD (SHR WD), the Red Lake WD (RL WD), and the Wild Rice WD (WR WD). It has been known for several years that the boundary between the SHR WD and RL WD was inaccurate but until the availability of LIDAR information it was next to impossible to (with any improved accuracy) make the overall needed corrections. With the use of LIDAR, representatives from the SHR WD and the RL WD where able to make these adjustments with a high level of confidence and agreement. The SHR WD proceeded to rectify its common boundary with the WR WD as well. Both the RL WD and WR WD have reviewed the proposed boundary changes and have submitted supporting resolutions with the SHR WD petition.

Sand Hill River Watershed District



Legend

- County Boundary
- Legal Boundary
- Cities
- Sections_Watershed
- Townships
- Proposed District Boundary
- SHRWD Political Boundary

Transportation

- US Highway
- State Highway
- County Highway
- County Road
- Legal Drainage Ditch
- Railroads

N
W E
S

Location Map



Data source: MN DNR Data Dell, USFW site

SHRWD Existing vs. Proposed Boundaries

Scale: AS SHOWN	Drawn by: ESM	Checked by:	Project No.: 1912-007	Date: 8/29/2011	Sheet:

701.237.5065

HoustonEngineering Inc.
1401 21st Avenue North Fargo ND 58102

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

In the Matter of the Boundary Change for the Sand Hill River Watershed District pursuant to Minnesota Statutes § 103D.251

ORDER
BOUNDARY CHANGE

Whereas, the Board of Managers of the Sand Hill River Watershed District (SHRWD) filed a Petition dated June 7, 2011 with the Board of Water and Soil Resources (Board) on June 9, 2011 to change the common boundaries between the SHRWD, the Red Lake Watershed District (RLWD), and the Wild Rice Watershed District (WRWD) pursuant to Minn. Stat. § 103D.251, and;

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

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

FINDINGS OF FACT

1. **Petition.** The Petition to change the common boundaries of the SHRWD, the RLWD, and the WRWD was filed by the SHRWD with the Board on June 9, 2011. The Petition was accompanied with maps and data tables indicating the areas and acres affected and supporting resolutions from the RLWD and WRWD.

2. **Property Description.** The territory included in the boundary change petition is located in multiple areas along the common boundaries of the SHRWD, the WRWD and the RLWD. The acres affected by this boundary change total 29,405. The Petitioned Area is depicted on maps and data tables attached to the petition.

3. **Reasons for Boundary Change.** With the use of Light Detection And Ranging (LIDAR) the SHRWD in consultation with the other watershed districts where able to determine the watershed boundary in question with a high level of accuracy. The proposed boundary change would achieve a more accurate alignment between the hydrologic and legal boundaries of the SHRWD, the RLWD and the WRWD.

4. **Board of Managers Resolution.** A Resolution authorizing the boundary change Petition was adopted by the Board of Managers of the SHRWD on June 7, 2011. Supporting resolutions to the petition from the RLWD and the WRWD were signed on May 26, 2011 and June 14, 2011 respectively.

5. **Notice of Filing.** Legal Notice of Filling of the proposed boundary change, pursuant to Minn. Stat. § 103D.105 Subd. 2., was published in the Crookston Daily Times on June 26, and July 5, 2011, and in the Norman County Index and The 13 Towns on June 28, and July 5, 2011, and in the Mahnomen Pioneer on June 30, and July 7, 2011. Further, a copy of the notice of filing and map was mailed to several addressees including, Polk, Norman, and Mahnomen County Auditors and Administrators, Soil and Water Conservation Districts, City of Fosston, and representatives for the Watershed Districts.

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

7. **Board Staff Review.** In review of the documentation provided and in consultation with the SHRWD, RLWD and the WRWD board staff recommended approval of the petitioned boundary changes. The requested boundary change is consistent with the purposes and requirements of Minn. Stat. § 103D.251.

8. **Northern Water Planning Committee.** The Northern Water Planning Committee met on August 24, 2011, based on staff review and not receiving oral or written comments concerning this matter with a unanimous vote recommended to the full Board that the SHRWD, RLWD, and the WRWD boundaries be changed as proposed in the Petition.

CONCLUSIONS

1. The Petition for boundary change of the SHRWD, RLWD, and WRWD is valid in accordance with Minn. Stat. §103D.251.

2. Proper notice was given and public hearing was not 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 requested boundary change is consistent with the purpose and the requirements of Minn. Stat. §103D.251.

6. The boundary change as proposed in the Petition would be for the public welfare and public interest and would advance the purpose of Minnesota Statutes Chapter 103D.

7. The boundaries of the SHRWD, RLWD and the WRWD as proposed in the Petition are more accurately based on the hydrology of the subject area than the present boundaries.

8. The proposed boundary change should be approved per the Petition.

ORDER

The Board hereby orders that the boundaries of the SHRWD, the RLWD, and the WRWD are changed per the Petition as depicted on the maps attached to this Order and made a part hereof including the data sets the maps were created from. The SHRWD, RLWD, and WRWD watershed district plans should be amended within one year to include the boundary changes.

Dated at Little Falls, Minnesota this 25 day of August, 2011.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____

Brian Napstad, Chair

COMMITTEE RECOMMENDATIONS

Grants Program & Policy Committee

1. Proposed FY 2012 Natural Resources Block Grant – Dave Weirens – ***DECISION ITEM***

2. Proposed FY12 SWCD Grant Allocations – Dave Weirens – ***DECISION ITEM***

3. Cooperative Weed Management Area Competitive Grants – Dan Shaw – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: FY '12 NATURAL RESOURCES BLOCK GRANT

Meeting Date: August 25, 2011

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: LAND & WATER

Contact: WAYNE

Prepared by: Wayne Zellmer

Reviewed by: GRANTS PROGRAM & POLICY Committee(s)

Presented by: Dave Weirens or Wayne Zellmer

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

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

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED
Approval of proposed '12 NRBG allocations.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The 2011 Legislature has appropriated funding for the '12 Natural Resources Block Grant (NRBG)to provide 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/BWSR Subsurface Sewage Treatment Systems. The Grants Program & Policy Committee forwards this recommendation.

PROPOSED FY 2012 NATURAL RESOURCES BLOCK GRANT

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/BWSR Subsurface Sewage Treatment Systems.

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

FUNDING

The 2011 Legislature in their 1st Special Session, Omnibus Environment Energy and Natural Resources Finance Bill, Article 1, Section 5:

20.3 $3,423,000 the first year and $3,423,000 the
20.4 second year are for natural resources block
20.5 grants to local governments.

$3.423 M (General Fund)

1. **Local Water Management** $1.139 M
2. **Wetland Conservation Act** $1.906 M
3. **DNR Shoreland** $.377 M

Appropriation Reduction: The 2011 Legislature reduced this FY 2012-13 biennial appropriation 2.9% from the FY 2010-11 base amount. There was also a legislative reduction during the FY 2010-11 biennium. However, *all* of that reduction was taken in FY 2011 because the FY 2010 grants had already gone out.

Since the current biennial reduction will be applied in both years of this biennium, Counties will actually receive a small proportional increase in these grants compared to FY 2011.

Local governmental units will have the flexibility of determining the amount of the total grant allocation of these three Programs, to allocate to each of their programs locally. The basis for determining match will not change.

4. **MPCA/BWSR Subsurface Sewage Treatment Systems** (SSTS) $1.629 M

MPCA, General Fund - $.129 M

The 2011 Legislature in their 1st Special Session, Omnibus Environment Energy and Natural Resources Finance Bill, Article 1, Section 3, Subd. 2:

4.19 $375,000 the first year and $375,000 the
4.20 second year are from the environmental
4.21 fund for subsurface sewage treatment system
4.22 (SSTS) administration and grants. Of this
4.23 amount, $80,000 each year is for assistance

4.24 to counties through grants for SSTS program
4.25 administration.
MPCA will also provide an additional $49,000 from another source.

BWSR, Clean Water Fund - $1.5 M

The 2011 Legislature in their 1st Special Session, Omnibus Legacy Bill, Article 2, Section 7 (b)
44.13 (b) $3,000,000 the first year and $3,000,000
44.14 the second year are for targeted local
44.15 resource protection and enhancement grants.
44.16 The board shall give priority consideration
44.17 to projects and practices that complement,
44.18 supplement, or exceed current state standards
44.19 for protection, enhancement, and restoration
44.20 of water quality in lakes, rivers, and streams
44.21 or that protect groundwater from degradation.
44.22 Of this amount, at least $1,500,000 each year
44.23 is for county SSTS implementation.

5. **MPCA County Feedlot Program** - $1.689 M

The 2011 Legislature in their 1st Special Session, Omnibus Environment Energy and Natural Resources Finance Bill, Article 1, Section 3, Subd. 2:
3.19 $1,959,000 the first year and $1,959,000
3.20 the second year are for grants to delegated
3.21 counties to administer the county feedlot
3.22 program under Minnesota Statutes, section
3.23 116.0711, subdivisions 2 and 3.

SELECTED PROGRAM HIGHLIGHTS

1. **Local Water Management** - $1,139,156

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

2. **Wetland Conservation Act** - $1,906,472

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

- Number of landowner contacts resulting in mitigation or replacement
- Number of cease and desist orders & restoration orders issued
- Change in population

- Amount of wetlands on non-public lands
- Amount of poorly drained soils on non-public lands
- Amount of shoreland on non-public lands

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

3. **DNR Shoreland** - $377,372

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

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

4. **MPCA County Feedlot Program** - $1,689,179

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

- Grants are based on the number of feedlots with 10 or more animal units (AU) in shoreland areas or 50 or more AUs in non-shoreland areas, and that are currently registered.
- The base grant funding rate for 2012 is approximately $89.05/feedlot. This rate is the same as FY '11.
- With several exceptions, January 1, 2010 Registration Update Data, as recorded on eLINK, has been used as the number of feedlots eligible for funding.
- In addition to the projected grant amounts shown, counties will be eligible to earn an incentive award. The incentive is based on the amount of work performed by the county during the program year. A minimum of ten percent of the legislative appropriation is reserved for performance credit awards. These awards are based on County Feedlot Program Performance, represented as Performance Credits. Performance Credits are determined from the County Feedlot Officer and Performance Credit Report.

5. **MPCA/BWSR County Subsurface Sewage Treatment Systems Program** - $1,628,926

All counties are required to pass ordinances regulating SSTS countywide. All counties that have enacted countywide ordinances and have a BWSR approved locally adopted comprehensive local water plan are eligible to receive this grant. No local match is required. Grant amount of $18,941 is determined by equal county allocations.

Recommendation

The Grants Program & Policy Committee recommends Board approval of the Proposed FY '12 Natural Resources Block Grant allocations as listed on the attached spreadsheet *PROPOSED FY '12 NATURAL RESOURCES BLOCK GRANTS.*

NOTE: Individual MPCA County Feedlot Base Grant amounts have not been determined by the Agency at this time. Determinations are anticipated in early September. The Board will be informed when determinations have been made.

H:12NRBG

PROPOSED FY'12 NATURAL RESOURCES BLOCK GRANTS

	PROPOSED FY '12				
	$1.139 M	$1.906 M	$.377 M	$1.629 M	$1.689 M
		$3.423 M			
COUNTY	CLWM BASE GRANT	WCA BASE GRANT	SHORELAND BASE GRANT	SSTS BASE GRANT	FEEDLOT BASE GRANT
AITKIN	$13,888	$33,241	$10,786	$18,941	TBD
ANOKA	$8,094	$63,192	$2,615	$18,941	TBD
BECKER	$13,071	$24,238	$10,739	$18,941	TBD
BELTRAMI	$13,688	$64,601	$5,505	$18,941	TBD
BENTON	$13,271	$31,599	$3,286	$18,941	TBD
BIG STONE	$15,711	$8,778	$2,690	$18,941	TBD
BLUE EARTH	$10,023	$18,178	$3,243	$18,941	TBD
BROWN	$13,633	$8,778	$2,675	$18,941	TBD
CARLTON	$13,349	$22,507	$3,927	$18,941	TBD
CARVER	$8,094	$31,599	$2,615	$18,941	TBD
CASS	$10,502	$44,766	$10,699	$18,941	TBD
CHIPPEWA	$14,881	$8,778	$2,625	$18,941	TBD
CHISAGO	$11,243	$27,700	$4,943	$18,941	TBD
CLAY	$12,673	$16,447	$2,944	$18,941	TBD
CLEARWATER	$15,256	$19,909	$3,163	$18,941	TBD
COOK	$14,832	$12,985	$4,196	$18,941	TBD
COTTONWOOD	$14,844	$8,778	$2,772	$18,941	TBD
CROW WING	$8,094	$38,088	$19,128	$18,941	TBD
DAKOTA	$8,094	$52,804	$2,615	$18,941	TBD
DODGE	$14,484	$16,444	$2,675	$18,941	TBD
DOUGLAS	$12,077	$21,641	$8,544	$18,941	TBD
FARIBAULT	$14,550	$8,778	$2,735	$18,941	TBD
FILLMORE	$14,278	$8,778	$2,692	$18,941	TBD
FREEBORN	$13,120	$8,778	$3,139	$18,941	TBD
GOODHUE	$9,433	$16,447	$2,772	$18,941	TBD
GRANT	$15,503	$13,850	$3,056	$18,941	TBD
HENNEPIN	$8,094	$57,133	$0	$18,941	TBD
HOUSTON	$14,699	$12,985	$2,725	$18,941	TBD
HUBBARD	$13,245	$25,103	$8,434	$18,941	TBD
ISANTI	$13,251	$25,103	$4,004	$18,941	TBD
ITASCA	$10,447	$44,148	$10,107	$18,941	TBD
JACKSON	$14,717	$8,778	$3,011	$18,941	TBD
KANABEC	$15,071	$25,103	$4,090	$18,941	TBD
KANDIYOHI	$12,023	$21,641	$6,753	$18,941	TBD
KITTSON	$15,279	$16,447	$2,647	$18,941	TBD
KOOCHICHING	$15,025	$28,913	$2,722	$18,941	TBD
LAC QUI PARLE	$15,453	$8,778	$2,629	$18,941	TBD
LAKE	$14,736	$16,447	$4,614	$18,941	TBD
LAKE OF THE WOODS	$15,809	$33,760	$3,492	$18,941	TBD
LE SUEUR	$13,501	$16,447	$4,918	$18,941	TBD
LINCOLN	$15,488	$8,778	$2,768	$18,941	TBD
LYON	$13,689	$8,778	$2,738	$18,941	TBD
MCLEOD	$12,642	$16,447	$2,988	$18,941	TBD
MAHNOMEN	$15,838	$12,985	$3,360	$18,941	TBD
MARSHALL	$14,993	$20,308	$2,615	$18,941	TBD
MARTIN	$13,697	$8,778	$3,024	$18,941	TBD
MEEKER	$13,990	$19,044	$4,735	$18,941	TBD
MILLE LACS	$14,361	$22,507	$4,808	$18,941	TBD
MORRISON	$13,609	$30,298	$3,945	$18,941	TBD
MOWER	$13,047	$12,985	$3,264	$18,941	TBD

PROPOSED FY'12 NATURAL RESOURCES BLOCK GRANTS

	PROPOSED FY '12				
	$1.139 M	$1.906 M	$.377 M	$1.629 M	$1.689 M
		$3.423 M			
COUNTY	CLWM BASE GRANT	WCA BASE GRANT	SHORELAND BASE GRANT	SSTS BASE GRANT	FEEDLOT BASE GRANT
MURRAY	$15,050	$8,778	$3,221	$18,941	TBD
NICOLLET	$13,156	$16,447	$2,682	$18,941	TBD
NOBLES	$14,402	$8,778	$2,661	$18,941	TBD
NORMAN	$15,541	$12,985	$2,624	$18,941	TBD
OLMSTED	$8,094	$25,103	$3,149	$18,941	TBD
OTTER TAIL	$9,824	$59,729	$17,747	$18,941	TBD
PENNINGTON	$15,341	$16,447	$2,833	$18,941	TBD
PINE	$13,855	$34,626	$5,899	$18,941	TBD
PIPESTONE	$15,247	$8,778	$2,615	$18,941	TBD
POLK	$13,468	$21,641	$3,457	$18,941	TBD
POPE	$15,095	$15,581	$4,250	$18,941	TBD
RAMSEY	$8,094	$16,677	$0	$0	TBD
RED LAKE	$15,857	$12,985	$2,873	$18,941	TBD
REDWOOD	$14,472	$10,387	$2,615	$18,941	TBD
RENVILLE	$14,047	$8,778	$2,662	$18,941	TBD
RICE	$10,457	$24,238	$4,189	$18,941	TBD
ROCK	$15,175	$8,778	$2,615	$18,941	TBD
ROSEAU	$15,131	$24,238	$2,697	$18,941	TBD
ST. LOUIS	$8,094	$75,657	$19,936	$18,941	TBD
SCOTT	$8,094	$41,551	$2,615	$18,941	TBD
SHERBURNE	$8,094	$31,599	$4,872	$18,941	TBD
SIBLEY	$14,615	$13,452	$2,700	$18,941	TBD
STEARNS	$8,094	$45,879	$9,003	$18,941	TBD
STEELE	$12,460	$12,118	$2,867	$18,941	TBD
STEVENS	$15,305	$8,778	$2,728	$18,941	TBD
SWIFT	$15,051	$12,118	$2,744	$18,941	TBD
TODD	$14,676	$21,641	$4,933	$18,941	TBD
TRAVERSE	$15,585	$8,778	$2,804	$18,941	TBD
WABASHA	$14,177	$12,118	$3,518	$18,941	TBD
WADENA	$15,390	$19,909	$3,084	$18,941	TBD
WASECA	$14,271	$12,118	$3,006	$18,941	TBD
WASHINGTON	$8,094	$41,551	$2,615	$18,941	TBD
WATONWAN	$15,108	$8,778	$2,733	$18,941	TBD
WILKIN	$15,232	$8,778	$2,632	$18,941	TBD
WINONA	$11,847	$12,118	$2,652	$18,941	TBD
WRIGHT	$8,094	$42,416	$9,339	$18,941	TBD
YELLOW MEDICINE	$15,175	$8,778	$2,629	$18,941	TBD
TOTALS	**$1,139,156**	**$1,906,472**	**$377,372**	**$1,628,926**	**$1,689,179**

H:12NRBG

Board Resolution # 11-56

FY '12 Natural Resources Block Grant Authorization

WHEREAS, the Natural Resources Block Grant (NRBG), administered by the Board of Water and Soil Resources (BWSR), provides assistance to local governments to implement the state natural resource programs of Comprehensive Local Water Management, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and the MPCA Subsurface Sewage Treatment Systems; and,

WHEREAS, Laws of Minnesota 2011, 1st Special Session, Chapter 2, Article 1, Section 5 (LWM, WCA, DNR Shoreland), and Section 3, Subd. 2 (MPCA-SSTS, MPCA-Feedlot) appropriated FY 2012 Natural Resources Block Grant funds to BWSR and MPCA; and,

WHEREAS, Laws of Minnesota 2011, 1st Special Session, Chapter 6, Article 2, Section 7 (b), appropriated Clean Water Funds to the Board for SSTS Base Grants; and,

WHEREAS, the Grants Program & Policy Committee reviewed the proposed NRBG allocations on August 3, 2011.

NOW THEREFORE BE IT RESOLVED, the BWSR hereby authorizes staff to allocate appropriate individual grant amounts to counties meeting the NRBG Program requirements, as determined by the BWSR, MPCA, and DNR, and indicated on the attached spreadsheet *PROPOSED FY'12 NATURAL RESOURCES BLOCK GRANTS;* totaling:

LWM	$1,139,156
WCA	$1,906,472
DNR Shoreland	$377,372
MPCA Feedlot Base	$1,689,179
MPCA SSTS	$1,628,926

AND, for Local Water Management, Wetland Conservation Act, and DNR Shoreland Programs, local governmental units will have the flexibility to determine the allocation of these funds among these programs.

Date: 8/25/11

Brian Napstad, Chair
Board of Water and Soil Resources

Attachment: *PROPOSED FY'12 NATURAL RESOURCES BLOCK GRANTS*

H:12NRBGBR

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: FY '12 SWCD GRANT ALLOCATIONS

Meeting Date: August 25, 2011

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: LAND & WATER
Contact: Wayne Zellmer
Prepared by: Wayne Zellmer
Reviewed by: GRANTS PROGRAM & POLICY Committee(s)
Presented by: Dave Weirens

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

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

Fiscal/Policy Impact

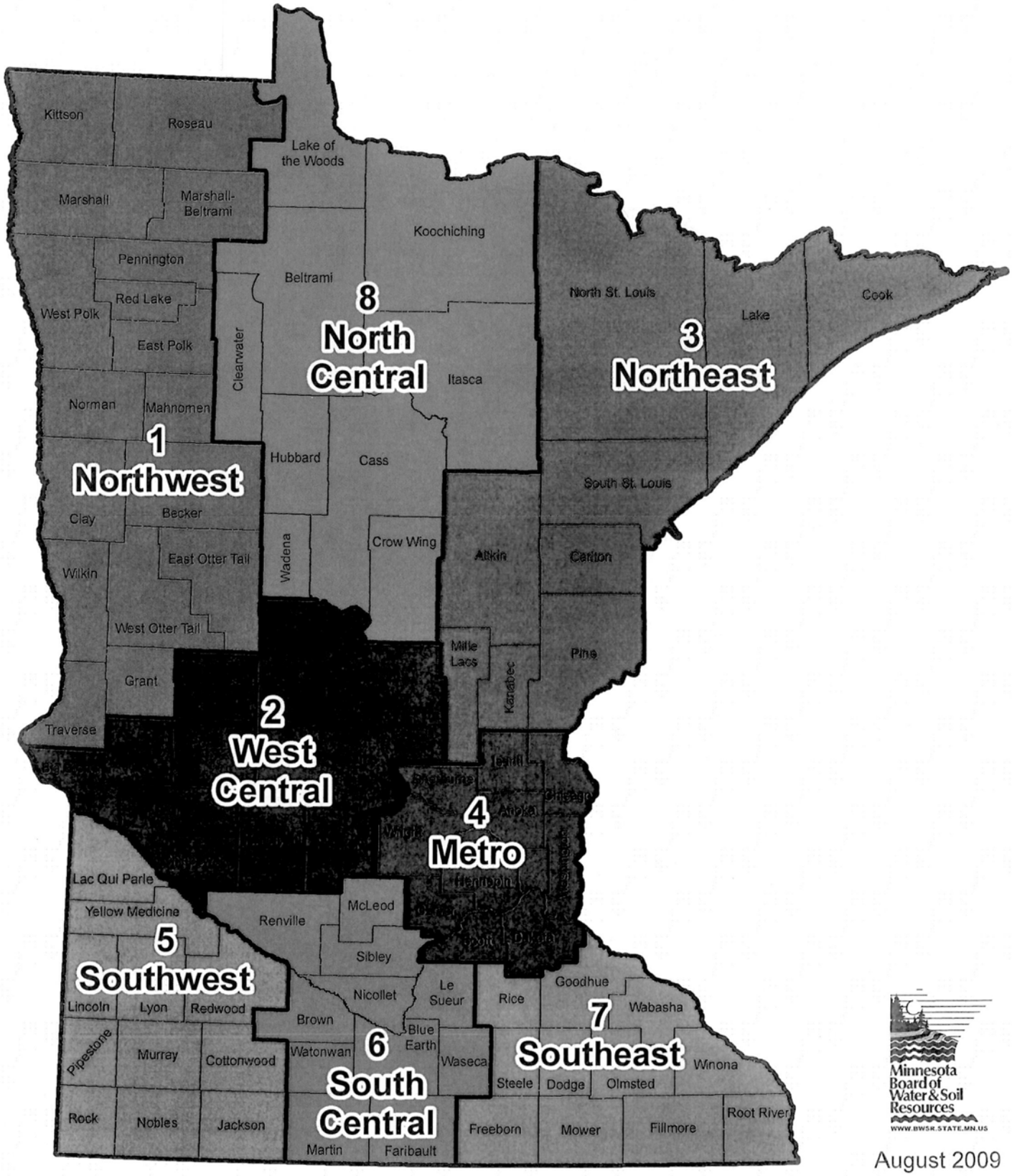
☐ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ Other:

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

ACTION REQUESTED
Approval of proposed FY '12 SWCD allocations .

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The 2011 Legislature has appropriated funding for the '12 SWCD Conservation Delivery Programs; Conservation Delivery, Easement Delivery, and Non Point Engineering Assistance, and Cost Share Program. The Grants Program & Policy Committee forwards recommendations for individual SWCD allocations.

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



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

August 2009

FY 2012 SOIL AND WATER CONSERVATION DISTRICT

GRANT ALLOCATIONS

PROPOSED FY '12 SWCD CONSERVATION DELIVERY GRANTS - $3.116 M

Conservation Delivery	$1.765 M
Easement Delivery	$.291 M
Non Point Engineering Assistance	$1.060 M

The 2011 Legislature in their 1st Special Session, Omnibus Environment Energy and Natural Resources Finance Bill, Article 1, Section 5:

20.18 $3,116,000 the first year and $3,116,000
20.19 the second year are for grants requested
20.20 by soil and water conservation districts for
20.21 general purposes, nonpoint engineering, and
20.22 implementation of the reinvest in Minnesota
20.23 reserve program.

Appropriation Reduction: The 2011 Legislature in their 1st Special Session reduced this FY 2012-13 biennial appropriation 2.2% from the FY 2010-11 base amount. There was also a legislative reduction during the FY 2010-11 biennium. However, *all* of that reduction was taken in FY'2011 because the FY 2010 grants had already gone out.

Since the current biennial reduction will be applied in both years of this biennium, SWCDs will actually receive a small increase in their grants compared to FY 2011.

Conservation Delivery Grants - $1,764,033
Conservation Delivery Grants provide each Soil and Water Conservation District with funds for the general administration and operation of the district. These administrative and operational costs include paying for the costs of: employing staff, office space, transportation, postage and utilities, and supervisors' compensation and expenses.

Grant amounts are determined by applying a proportional increase to FY '11 allocations, and are listed on the attachment *PROPOSED FY '12 SWCD GRANTS*.

Easement Delivery Grants - $290,996
This grant amount is to assist each SWCD with their site inspection costs and other miscellaneous management activities associated with the easements in their county. These activities include ownership changes, staking boundaries, conservation plan revisions, and assisting landowners with ongoing maintenance of installed conservation practices.

The BWSR currently holds 5,315 conservation easements on 203,384 acres throughout the state. SWCDs range from a low of 0 easements in 12 SWCDs, to a high of 405 easements in Renville SWCD. The grant amount for FY '12 is based on $54.75 per easement.

The attached spreadsheet lists individual SWCD grants proposed for each SWCD (# of easements in each SWCD x $54.75) – *FY12 Easement Delivery Grants.*

Non Point Engineering Assistance - $1,060,000
The Non Point Engineering Assistance (NPEA) Grants are allocated annually to the NPEA (TSA) Joint Powers Boards for the purpose of providing technical assistance to landowners to apply conservation practices.

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

The following policy from this Recommendation directs the FY '12 allocations as follows:

1. $70,000 per 1 FTE engineer (TSA staff or contracted)
2. $50,000 per 1 FTE technician (TSA staff or contracted)
3. Maximum annual grant amount for staff or contracted engineering services = $120,000 per TSA. If less than the maximum is requested by one or more TSAs, the difference is split equally among all TSAs.
4. Additional $5,000 per Host and/or Fiscal Agent SWCD (up to 2 Host SWCDs per TSA). The TSA decides how to distribute between Host and Fiscal Agent SWCD and Host-only SWCD.
5. 1 Fiscal Agent SWCD per TSA must be a Host SWCD, if the TSA has staff.
6. In order to help develop and maintain consistency across TSAs, the remaining state funding (estimate $40,000/year, depending on number of Host SWCDs statewide) is used for NPEA staff training, computer hardware, software, and survey equipment and associated costs. This is based on an annual plan developed by NPEA staff and BWSR and coordinated with TSAs prior to grant allocations for current fiscal year.
7. Minimum 10% cash local share, from other than NPEA grant $, for engineering assistance in the TSA.

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

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

- Gifts and donations

FY '12 NPEA Grants are proposed to be allocated according to the Board adopted policy as follows:

NPEA Area	Base Grant	Host/Fiscal Agent SWCD	Equipment	Total Grant
1	$120,000	$10,000	$20,000	**$150,000**
2	$120,000	$5,000	$0	**$125,000**
3	$120,000	$10,000	$0	**$130,000**
4	$120,000	$5,000	$0	**$125,000**
5	$120,000	$10,000	$0	**$130,000**
6	$120,000	$5,000	$20,000	**$145,000**
7	$120,000	$10,000	$0	**$130,000**
8	$120,000	$5,000	$0	**$125,000**
			TOTAL	**$1,060,000**

PROPOSED FY'12 SWCD STATE COST SHARE GRANTS - $1.56 M

The 2011 Legislature in their 1st Special Session, Omnibus Environment Energy and Natural Resources Finance Bill, Article 1, Section 5:

20.33 $1,560,000 the first year and $1,560,000
20.34 the second year are for grants to soil and
20.35 water conservation districts for cost-sharing
21.1 contracts for erosion control, water quality
21.2 management, feedlot water quality projects.

Appropriation Reduction: The 2011 Legislature in their 1st Special Session reduced this FY 2012-13 biennial appropriation 31.5% from the FY 2010-11 base amount. There was also a legislative reduction during the FY 2010-11 biennium. However, *all* of that reduction was taken in FY'2011 because the FY 2010 grants had already gone out.

Since the current biennial reduction will be applied in both years of this biennium, SWCDs will actually receive an increase in their grants compared to FY 2011.

The purpose of this program is to provide grants to SWCDs so they can help local landowners or land occupiers offset the costs of installing conservation practices that protect and improve water quality by controlling soil erosion and reducing sedimentation. As in the previous biennium, accompanying legislation,

21.27 Notwithstanding Minnesota Statutes, section
21.28 103C.501, the board may shift cost-share
21.29 funds in this section and may adjust the

21.30 technical and administrative assistance
21.31 portion of the grant funds to leverage
21.32 federal or other nonstate funds or to address
21.33 high-priority needs identified in local water
21.34 management plans.

also allows SWCDs, to use all or part of their allocation for technical assistance, when the following proposed conditions exist:

1. Federal funds will be leveraged and they couldn't do the project otherwise.
   Or,
2. Funds are used on a project(s) that is State Cost Share Program or EQIP eligible and their 2010 Financial Report indicates less than an 18-month fund balance.
   And,
3. Board Conservationist approval.

Grant amounts are determined by applying a proportional increase to FY '11 allocations, and are listed on the attachment *PROPOSED FY '12 SWCD GRANTS.*

Recommendation

The Grants Program & Policy Committee requests the Board to approve these FY '12 allocations for the:

Conservation Delivery Grants,
Easement Delivery Grants,
Non-Point Engineering Assistance Grants,
State Cost Share Grants,

and adopt the attached resolution FISCAL YEAR '12 SOIL AND WATER CONSERVATION DISTRICT GRANT ALLOCATIONS.

PROPOSED FY '12 SWCD GRANTS

	PROPOSED FY '12		
	$1.765 M	$.291 M	$1.56 M
SWCD	CONSERVATION DELIVERY	EASEMENT DELIVERY	COST SHARE
AITKIN	$20,212	$55	$5,384
ANOKA	$20,765	$0	$14,439
BECKER	$19,026	$657	$33,857
BELTRAMI	$26,376	$383	$13,158
BENTON	$19,224	$1,259	$14,520
BIG STONE	$18,037	$1,862	$8,516
BLUE EARTH	$18,868	$11,717	$22,501
BROWN	$18,947	$8,979	$19,185
CARLTON	$18,670	$0	$10,401
CARVER	$19,698	$2,628	$21,675
CASS	$18,275	$55	$10,852
CHIPPEWA	$18,947	$9,034	$14,577
CHISAGO	$19,737	$383	$11,497
CLAY	$19,263	$3,833	$21,409
CLEARWATER	$18,750	$164	$9,758
COOK	$18,196	$0	$13,184
COTTONWOOD	$18,947	$10,184	$18,318
CROW WING	$18,354	$0	$12,489
DAKOTA	$21,240	$274	$28,671
DODGE *	$18,376	$712	$12,881
DOUGLAS	$20,172	$5,530	$21,333
FARIBAULT	$19,343	$10,019	$16,446
FILLMORE	$20,133	$2,135	$31,576
FREEBORN	$19,145	$5,366	$21,427
GOODHUE	$20,054	$3,668	$33,612
GRANT	$19,026	$1,533	$14,732
HENNEPIN	$25,930	$1,424	$17,409
HUBBARD	$18,157	$55	$10,089
ISANTI	$20,172	$329	$7,864
ITASCA	$18,828	$0	$9,010
JACKSON	$18,314	$5,913	$15,300
KANABEC	$18,710	$383	$12,489
KANDIYOHI	$19,501	$7,775	$18,583
KITTSON	$19,184	$383	$12,489
KOOCHICHING	$18,472	$0	$13,184
LAC QUI PARLE	$18,750	$9,581	$26,677
LAKE	$18,314	$0	$13,184
LAKE OF THE WOODS	$18,037	$0	$13,184
LE SUEUR	$19,619	$4,873	$25,323
LINCOLN	$19,896	$5,585	$20,186
LYON	$19,224	$7,884	$18,383
MAHNOMEN	$18,117	$219	$14,039
MARSHALL	$29,596	$1,040	$12,338
MARTIN	$18,908	$11,060	$23,328
MC LEOD	$18,789	$3,668	$14,284
MEEKER	$18,552	$3,942	$19,470
MILLE LACS	$18,868	$657	$9,027
MORRISON	$20,252	$1,588	$29,650
MOWER	$20,805	$4,490	$14,064
MURRAY	$18,235	$6,351	$14,149
NICOLLET *	$19,224	$3,997	$0
NOBLES	$18,512	$1,369	$22,598

PROPOSED FY '12 SWCD GRANTS

SWCD	PROPOSED FY '12 $1.765 M CONSERVATION DELIVERY	$.291 M EASEMENT DELIVERY	$1.56 M COST SHARE
NORMAN	$18,986	$2,519	$12,487
OLMSTED	$21,754	$1,095	$39,835
OTTER TAIL EAST	$18,986	$602	$20,740
OTTER TAIL WEST	$18,986	$2,902	$27,211
PENNINGTON	$18,710	$219	$14,350
PINE	$18,986	$55	$16,959
PIPESTONE	$18,670	$1,259	$20,635
POLK EAST	$18,828	$164	$13,381
POLK WEST	$18,828	$274	$17,438
POPE	$18,592	$9,527	$25,905
RAMSEY	$19,343	$0	$13,212
RED LAKE	$18,077	$219	$7,321
REDWOOD	$19,343	$20,805	$17,649
RENVILLE	$19,501	$22,174	$13,598
RICE	$22,940	$3,285	$19,358
ROCK	$19,343	$1,205	$20,700
ROOT RIVER	$22,505	$3,395	$27,172
ROSEAU	$18,750	$55	$13,682
SCOTT	$19,935	$2,902	$23,876
SHERBURNE	$21,635	$0	$9,741
SIBLEY	$18,868	$5,201	$11,706
ST. LOUIS NORTH	$18,789	$0	$11,115
ST. LOUIS SOUTH	$18,789	$0	$9,255
STEARNS	$22,030	$931	$47,858
STEELE	$20,014	$2,628	$13,792
STEVENS	$19,184	$4,216	$19,901
SWIFT	$18,592	$9,198	$13,072
TODD	$20,054	$219	$21,573
TRAVERSE	$19,145	$1,369	$6,988
WABASHA	$19,619	$1,424	$20,021
WADENA	$18,710	$110	$13,184
WASECA	$18,986	$5,858	$13,717
WASHINGTON	$20,568	$110	$15,256
WATONWAN	$18,394	$5,530	$12,603
WILKIN	$19,263	$2,519	$17,455
WINONA	$20,963	$4,052	$15,118
WRIGHT	$21,358	$2,245	$20,536
YELLOW MEDICINE	$19,263	$9,746	$22,178
ALLOCATED TOTALS	**$1,764,033**	**$290,996**	**$1,543,279**

*** FY '12 ADJUSTMENTS:**

NICOLLET COST SHARE IS INCLUDED IN A SEPARATE SPECIAL PROJECT GRANT FROM MN DOT.

DODGE CONSERVATION DELIVERY GRANT REDUCED 5% FOR LATE FINANCIAL REPORT.

Board Resolution # 11-57

FISCAL YEAR '12 SOIL AND WATER CONSERVATION DISTRICT GRANT ALLOCATIONS

WHEREAS, Fiscal Year '12 Soil and Water Conservation District (SWCD) grants, administered by the Board of Water and Soil Resources (BWSR), provide cost share and conservation delivery grants allocations to SWCDs through its State Cost Share Grants, Conservation Delivery Grants, Easement Delivery Grants, and Non Point Engineering Assistance Grant Programs, and;

WHEREAS, Laws of Minnesota 2011, 1st Special Session, Chapter 2, Article 1, Section 5, appropriate cost share and conservation delivery grant funds to BWSR, and;

WHEREAS, as required by the appropriation, all SWCDs that have BWSR approved plans and reports are eligible to receive these grants, and;

WHEREAS, the Grants Program & Policy Committee reviewed the proposed SWCD grant allocations on August 3, 2011.

NOW THEREFORE BE IT RESOLVED, the Board authorizes:

1. Staff to allocate grant funds to individual SWCDs up to the amounts listed below and as provided on the attached allocation spreadsheet, *FY 2012 Soil and Water Conservation District Grant Allocations*:

State Cost Share Grants	$1,543,279
Conservation Delivery Grants	$1,764,033
Easement Delivery Grants	$290,996

2. Allocate the Non Point Engineering Assistance Grants to joint powers boards up to the $1,060,000, as listed below:

NPEA Area	Base Grant	Host/Fiscal Agent SWCD	Equipment	Total Grant
1	$120,000	$10,000	$20,000	**$150,000**
2	$120,000	$5,000	$0	**$125,000**
3	$120,000	$10,000	$0	**$130,000**
4	$120,000	$5,000	$0	**$125,000**
5	$120,000	$10,000	$0	**$130,000**
6	$120,000	$5,000	$20,000	**$145,000**
7	$120,000	$10,000	$0	**$130,000**
8	$120,000	$5,000	$0	**$125,000**

3. Authorize SWCDs, to use all or part of their allocation for technical assistance, when the following conditions exist:

i. Federal funds will be leveraged and they couldn't do the project otherwise; Or,

ii. Funds are used on a project(s) that is State Cost Share Program or EQIP eligible and their 2010 Financial Report indicates less than an 18-month fund balance; and

iii. Board Conservationist approval.

Date: 8/25/11

Brian Napstad, Chair
Board of Water and Soil Resources

Attachments: *FY 2012 Soil and Water Conservation District Grant Allocations*

H:12SWCDBR

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Cooperative Weed Management Area Competitive Grants**

Meeting Date: August 25, 2011

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region:

Contact: Dan Shaw

Prepared by: Dan Shaw

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

Presented by: Dan Shaw

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

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

Fiscal/Policy Impact

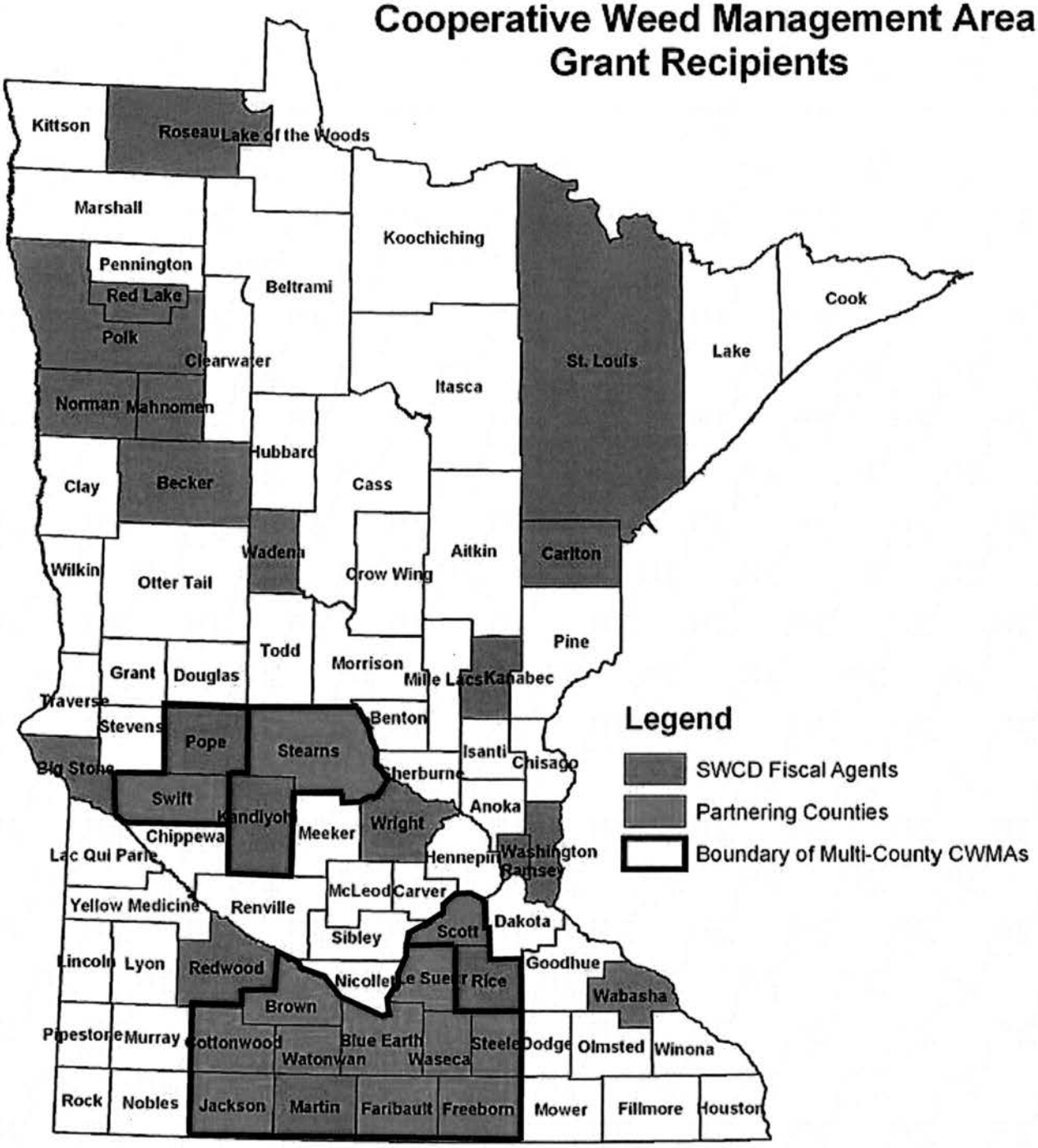
☐ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ Other:

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

ACTION REQUESTED

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
Approval of the 2012 Cooperative Weed Management Area (CWMA) Competitive Grant Program is being requested. $300,000 of cost-share roll-over funds will be made available to SWCDs that have previously received BWSR CWMA funding to continue their efforts. The Grants Program & Policy Committee recommends approval.

BWSR
Cooperative Weed Management Area Grant Recipients



Grant Recipients from 2008 and 2010 Allocations

CWMAs are groups that develop formal partnerships to manage invasive species across geographic boundaries, and prevent the spread of newly emerging weed threats.

Minnesota Board of Water & Soil Resources

FY 2012 Cooperative Weed Management Area Program
Request for Proposal (RFP)

The Cooperative Weed Management Area (CWMA) Program was developed in 2008 to promote the cooperative control of invasive species across geographic boundaries to manage and protect natural areas and conservation lands. $300,000 is available for FY2012 for existing Minnesota CWMAs through this request for proposal.

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RFP General Information

CWMA Program Goals

1. Develop and sustain strong partnerships between landowners, government units and other interested partners to manage invasive species across geographic boundaries.
2. Control emerging weed threats and manage invasive species that threaten natural areas and conservation lands.
3. Facilitate the removal of invasive plant species through an integrated pest management approach, and the restoration/reconstruction of native plant communities through an ecosystem approach.

What's New for 2012 BWSR Grants

1. Applicants, who have previously received a grant from BWSR, must be in compliance with BWSR requirements for grantee website and eLINK reporting before grant execution and payment.
2. The payment schedule has changed. Funds will be paid in three installments, with 50% of the funds paid upon execution of the grant agreement.
3. Match may be provided from any non-state source.
4. The grant period has been extended until December 31, 2014.
5. Minimum software requirements are established.
6. Documentation of Conflict of Interest procedures is required for awardees.

BWSR Assistance

BWSR Board Conservationists are available to help applicants with grant application development and questions. A map showing the Board Conservationist work areas is available at: http://www.bwsr.state.mn.us/contact/BC_areas.pdf. Questions can also be directed to Dan Shaw, Program Manager, at dan.shaw@state.mn.us, 651-296-0644.

Applicant Eligibility

- CWMAs that were previously established in whole or in part with BWSR funding are eligible applicants for this RFP.
- As the CWMA program is a State Cost-share Program SWCDs are the only eligible applicants. Other organizations may consider applying in partnership with SWCDs to help develop and run the Cooperative Weed Management Area project.

Project Period

The project period starts when the grant agreement is "executed," meaning all required signatures have been obtained. Work that occurs before this date is not eligible for reimbursement with grant funds, and cannot be used as match. All grants must be completed by December 31, 2014.

Payment Schedule
Grant payments will be distributed in three installments to the grantee. The first payment of 50% of the grant amount will be paid after execution of the grant agreement. However, initial grant payments will be retained until applicants are in compliance with all BWSR website and eLINK reporting requirements for previously awarded BWSR grants. The grantee will provide notification to BWSR when a minimum of 50% of the awarded grant funds have been expended. The second payment of 40% of the grant amount will be paid once the grantee has expended the first 50% of the grant and has provided BWSR with reconciliation of these expenditures. The last 10% will be paid after all final reporting requirements are met by the established reporting timelines and grantee has provided BWSR with reconciliation of these expenditures.

Native Vegetation
To the extent possible, applicable projects must have vegetation planted or seed sown only of ecotypes native to Minnesota, and preferably of the local ecotype, using a high diversity of species originating from as close to the project site as possible, and protect existing native prairies from genetic contamination. See guidance at:
http://www.bwsr.state.mn.us/native_vegetation/seeding_guidelines.pdf .

Application Deadline and Timeline for FY2012 CWMA Funding
No late submissions or incomplete applications will be considered for funding.

- September 22, 2011 — Application period begins
- **October 14, 2011** — **Application deadline at 11:59 PM***
- December 14, 2011 — BWSR Board authorizes grant awards (proposed)
- December 15, 2011 — Award notices sent out to applicants (proposed)
- January-February 2012 — BWSR grant agreements sent out to recipients
- March 30, 2012 — Work plan approval deadline
- April 30, 2012 — Grant execution deadline

*The application must be received by BWSR by 11:59 PM. Applications submitted by the applicant electronically before 11:59 PM and not electronically received by BWSR until after the deadline will not be considered.

Incomplete Applications:
Applications that do not comply with all application requirements will not be considered for funding, as provided below.

- Components of the application are incomplete, missing, or exceeds narrative page length requirements;
- Any required documentation is missing; and
- The match amount does not meet grant requirements.

CWMA Program Reporting Requirements

- All grant recipients are required to report on the outcomes, activities, and accomplishments of CWMA grants. The grant funds may be used for local grant management and reporting that are directly related to and necessary for implementing the activity.
- BWSR CWMA Funds will be administered via a standard grant agreement. 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.
- All BWSR funded projects will be required to develop a work plan including detail relating to the outcome(s) of the proposed project. All activities will be reported via the eLINK reporting system. For more information on eLINK go to: http://www.bwsr.state.mn.us/outreach/eLINK/index.html.
- Grant recipients must display on their website the previous calendar year's detailed information on the expenditure of grant funds and measurable outcomes as a result of the expenditure of funds according to the format specified by the BWSR, by March 15th of each year.

Grants and Public Information

Under Minnesota Statute 13.599, responses to an RFP are nonpublic until the application deadline is reached. At that time, the name and address of the grantee, and the amount requested becomes public. All other data is nonpublic until the negotiation of the grant agreement with the selected grantee is completed. After the application evaluation process is completed, all data (except trade secret data) becomes public. Data created during the evaluation process is nonpublic until the negotiation of the grant agreement with the selected grantee(s) is completed.

Prevailing Wage

It is the responsibility of the grant recipient or contractor to pay prevailing wages on construction projects to which state prevailing wage laws apply (Minn. Stat. 177.42 – 177.44). All laborers and mechanics employed by grant recipients and subcontractors funded in whole or in part with state funds included in this RFP shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality. Additional information on prevailing wage requirements is available on the Department of Labor and Industry (DOLI) website: http://www.dli.mn.gov/LS/PrevWage.asp. Questions about the application of prevailing wage rates should be directed to DOLI at 651-284-5091. The Grant recipient is solely responsible for payment of all required prevailing wage rates.

Conflict of Interest

State Grant Policy 08-01, (see http://www.admin.state.mn.us/ogm_policies_and_statute.html) Conflict of Interest for State Grant-Making, also applies to BWSR grantees. Grantees' conflicts of interest are generally considered organizational conflicts of interest. Organizational conflicts of interest occur when:

1) A grantee is unable or potentially unable to render impartial assistance or advice due to competing duties or loyalties,
2) A grantee's objectivity in carrying out the grant is or might be otherwise impaired due to competing duties or loyalties, or
3) A grantee or potential grantee has an unfair competitive advantage through being furnished unauthorized proprietary information or source selection information that is not available to all competitors.

Minimum Software Requirements

The applicant must use Microsoft (MS) Office 2007 or newer software in order to utilize the applications MS Excel and MS Word documents.

Questions

This RFP (http://www.bwsr.state.mn.us/grants/index.html) provides the framework for funding and administration of the 2012 CWMA Program. Questions regarding grant applications should be directed to your area Board Conservationist or Clean Water Specialist (http://www.bwsr.state.mn.us/contact/index.html) or the Program Manager, Dan Shaw.

Application Guidelines

- Proposals should demonstrate significant, measureable project outputs and outcomes[1]. As appropriate, outputs should include scientifically credible estimates of both short-term and long term benefits as well as other measures such as: acres of invasive species treated, increases in diversity levels, etc.
- Proposals must have plans for long-term maintenance and inspection monitoring for the duration of the project's effective life.
- Proposals should demonstrate that, when appropriate, a sufficient partnership exists to implement the project.
- $300,000 is available for the program for FY2012. Up to $15,000 can be requested by CWMAs that have previously received BWSR CWMA funding. Up to $20,000 can be requested by CWMAs that currently involve two or more counties, or CWMAs that plan to expand by adding one or more additional counties (not currently involved in a CWMA). Up to $25,000 can be requested by two existing CWMAs that plan to merge (or merge and add one or more additional counties). Applicants may receive partial funding.
- The CWMA program requires a minimum match of 25% (non-state) or in-kind cash value that can be directly attributed to project accomplishments. As this is a State Cost-share Program a maximum of 20% T/A can be used for the program.

[1] The term "outcome" means the result, effect or consequence that will occur from carrying out the environmental program or activity associated with the application. Outcomes may be environmental, behavioral, health related or programmatic in nature but must be quantitative. They may not necessarily be achievable within the grant agreement timeline.
The term "output" or "intermediate outcome" means an environmental activity, effort and/or associated work product related to an environmental goal and objective that will be produced or provided over a period of time or by a specified date. Outputs may be quantitative or qualitative but must be measurable during the grant agreement timeline.

Table 1: Cooperative Weed Management Area Program Ranking Criteria	
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 community involvement within the project area. Projects that include merging with another CWMA and/or expand the geographic area managed by the CWMA will receive priority consideration.	30
Anticipated Outcomes: The outcomes expected upon completion of the project initiatives are identified, including a description of the resulting primary and secondary public benefits such as managed future costs, human health, pollution reduction, ecosystem health etc.	30
Relationship to CWMA and Conservation Plans: The proposal and species of focus are based on priority actions listed in or derived from CWMA plans, and other local, state and federal conservation and invasive species plans.	20
Species Focus and Management Approach: An approach is defined to manage invasive species using integrated pest management and ecosystem restoration.	20
Total Points Available	**100**

Board Resolution # 11-58

FY2012 COOPERATIVE WEED MANAGEMENT AREA REQUEST FOR PROPOSALS

WHEREAS, the purpose of the Cooperative Weed Management Area Program is to promote the cooperative control of invasive species across geographic boundaries to manage and protect natural areas and conservation lands; and

WHEREAS, Laws of Minnesota 2007, Chapter 57, Article 1, Section 5 appropriated $600,000 in State General Funds to the Board of Water and Soil Resources to begin county cooperative weed programs; and

WHEREAS, 18 grants were made to finance start-up and operational expenses of local cooperative weed management area programs using funds appropriated in 2007; and

WHEREAS, Laws of Minnesota 2009, Chapter 37, Article 1, Section 5 appropriated $200,000 in State General Funds for county cooperative weed management programs; and

WHEREAS, 13 grants were made to finance start-up and operational expenses of local cooperative weed management area programs using funds appropriated in 2009; and

WHEREAS, no funds were appropriated during the 2011 Regular or Special Legislative Sessions to continue support for the Cooperative Weed Management Area Program; and

WHEREAS, staff are proposing to allocate up to $300,000 of Cost Share Roll-Over funds to provide grants to existing Cooperative Weed Management Areas (CWMA) through a competitive grant process; and

WHEREAS, applications submitted by existing CWMAs will be evaluated based on the following criteria:

Cooperative Weed Management Area Program Ranking Criteria	
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 community involvement within the project area. Projects that include merging with another CWMA and/or expand the geographic area managed by the CWMA will receive priority consideration.	30
Anticipated Outcomes: The outcomes expected upon completion of the project initiatives are identified, including a description of the resulting primary and secondary public benefits such as managed future costs, human health, pollution reduction, ecosystem health etc.	30

Relationship to CWMA and Conservation Plans: The proposal and species of focus are based on priority actions listed in or derived from CWMA plans, and other local, state and federal conservation and invasive species plans.	20
Species Focus and Management Approach: An approach is defined to manage invasive species using integrated pest management and ecosystem restoration.	20
Total Points Available	**100**

WHEREAS, the Grants program and Policy Committee reviewed the staff proposal on August 3, 2011 and are recommending the Board authorize the FY2012 Cooperative Weed Management Area Competitive Grant Program request for proposal.

NOW THEREFORE BE IT RESOLVED, the Board hereby authorizes:

1. Up to $300,000 of Cost Share Roll-Over Funds to be made available through this grant program; and
2. Staff to finalize, distribute and promote a request for proposals for the FY2012 Cooperative Weed Management Area Competitive Grants Program as recommended by the Grants Program and Policy Committee.

Brian Napstad, Chair
Board of Water and Soil Resources

8/25/11
Date

NEW BUSINESS

1. Morrison SWCD Report – Helen McLennan, Morrison SWCD Manager – ***INFORMATION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Morrison SWCD Report

Meeting Date: August 25, 2011

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

Item Type: ☐ Decision ☐ Discussion ☐ Information

Section/Region: North

Contact: Ron Shelito

Prepared by: Ron Shelito

Reviewed by: _____ Committee(s)

Presented by: Helen McLennan, Morrison SWCD

☐ **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

No action requested, this is an information item.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
Helen McLennan, Morrison SWCD Manager, will present information related to the Morrison County Water Plan. The SWCD now administers the water plan on behalf of the county and Helen will describe how the SWCD uses the water plan to meet the goals of the SWCD. She will also discuss the effective partnership between the SWCD and the County.

Minnesota Board of Water & Soil Resources

For Immediate Release

August 25, 2011

Contact: Jon Fure, 651-296-0884

(Board member name) attends conservation project tour in Central Minnesota

St. Paul – **(Name of board member)** attended an annual tour of conservation projects on August 24 in Morrison and Todd counties as part of her **(or his)** duties as a board member of the Minnesota Board of Water and Soil Resources (BWSR).

BWSR oversees state funds for on-the-ground projects that protect and restore water quality and natural habitat, and the tour included stops at several project sites to discuss how the project was completed and how it benefits water quality.

"Minnesota does not have a one-size-fits-all approach to conservation," said BWSR Executive Director John Jaschke. "By spending one day each year in a different part of the state, board members have the opportunity to see how priorities for conservation and clean water vary across Minnesota, and to see a wide variety of projects that are funded through BWSR."

(Name of board member) said the tour was an invaluable opportunity to get feedback from representatives of other local, state and federal agencies that work in partnership with BWSR.

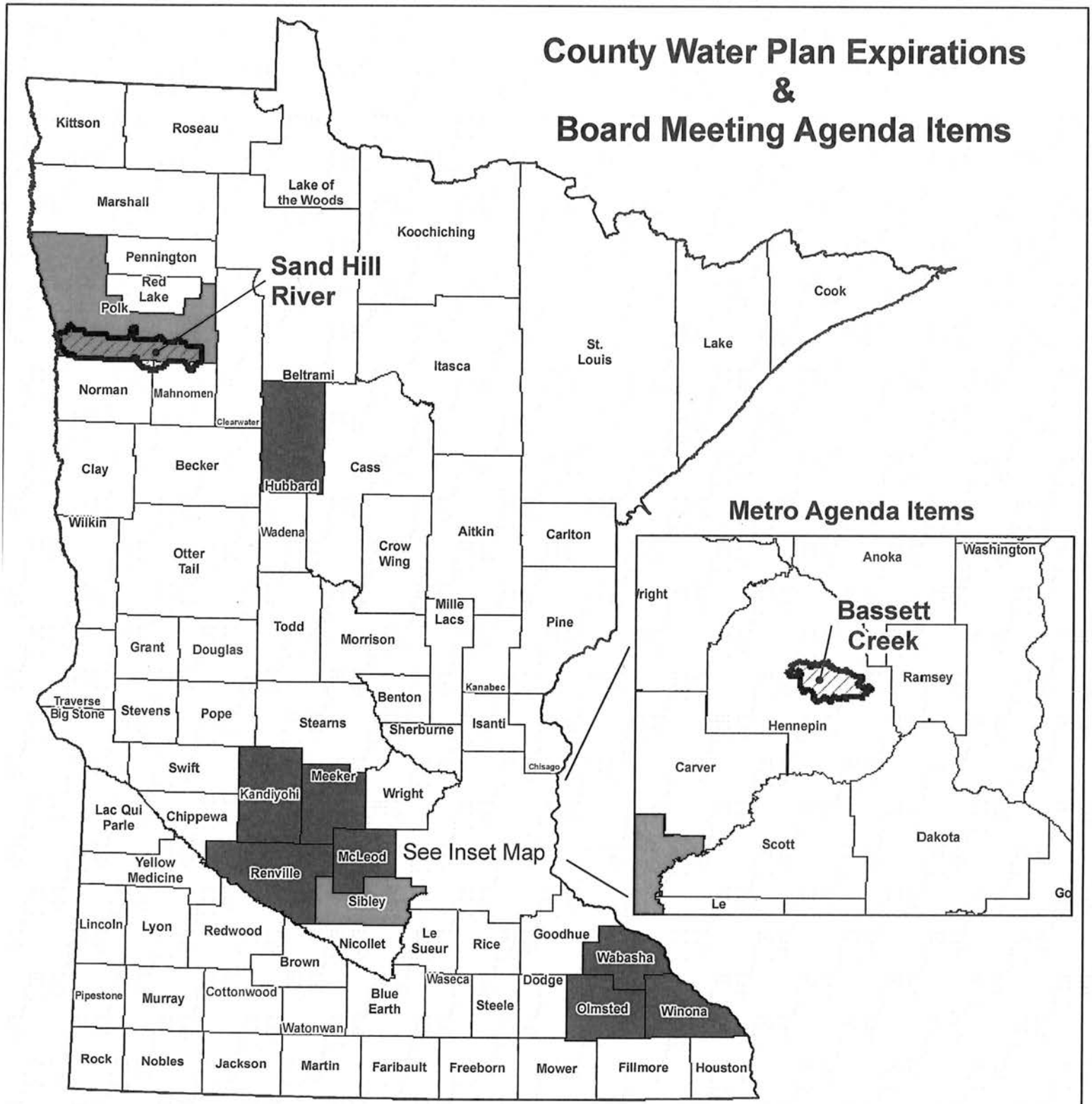
"An important role of the board is to develop state conservation policy while taking into account the diversity of landscapes in Minnesota," said **(Name of board member)**. "I enjoy the challenge of administering programs that are effective and efficient because we take the time to discuss how a policy that might work well in some parts of the state might not work as well in another."

The tour included stops at the following sites:

- A dairy operation near Long Lake where an ag waste pit and several best management practices have been installed to control runoff to restore water quality in the lake.
- A shoreline project on Lake Charlotte where rock was installed and buffered with native plants to control erosion.
- The Little Nokassippi Wildlife Management Area, established through a partnership of BWSR, DNR, the Morrison SWCD, the Lessard-Sams Outdoor Heritage Council (LSOHC) and Camp Ripley. BWSR is providing the easement acquisition services on lands surrounding the Army National Guard's Camp Ripley for their Army Compatible Use Buffer (ACUB) program. Participating landowners voluntarily enroll in an easement and agree to keep the land in a natural state or in agricultural production, but not to subdivide it or convert it to other commercial or residential uses. The ACUB easements protect existing fish and wildlife habitat, protect water quality, and preserve open space needs for military operations. Camp Ripley's viability as a military training site and a statutory game refuge is dependent on the partnerships and cooperation with BWSR and the surrounding communities and landowners.

The Minnesota Board of Water and Soil Resources consists of 20 members, including local government representatives that deliver BWSR programs, state agencies, and citizens. The board sets a policy agenda designed to enhance service delivery though the use of local government. Board members, including the board chair, are appointed by the governor to four-year terms.

County Water Plan Expirations & Board Meeting Agenda Items



Metro Agenda Items

Plan Expires

- Overdue
- 2011
- 2012
- Beyond 2012

Metro Items	Outstate Items
BASSETT CREEK	SAND HILL RIVER

Minnesota Board of Water & Soil Resources
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August 2011

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
SEPTEMBER 28, 2011

BOARD MEMBERS PRESENT:
Paul Brutlag, Bob Burandt, Chris Elvrum, MDH; Christy Jo Fogarty, Quentin Fairbanks, Rebecca Flood, PCA; Sandy Hooker, Tom Landwehr, DNR; Paul Langseth, Tom Loveall, Keith Mykleseth, Brian Napstad, Rob Sip, MDA; Faye Sleeper, MES; Louise Smallidge, Gene Tiedemann, LuAnn Tolliver, Gerald Van Amburg

BOARD MEMBERS ABSENT:
Todd Foster
John Meyer

STAFF PRESENT:
Mary Jo Anderson, Julie Blackburn, Travis Germundson, Jim Haertel, John Jaschke, Al Kean, Ron Shelito, Dave Weirens, Tom Wenzel

OTHERS PRESENT:
Ray Bohn, MAWD
Louis Smith, Smith Partners
Wayne Anderson, MPCA
Tim Koehler, NRCS
Barbara Weisman, MDA

Chair Napstad called the meeting to order at 9:02 a.m.

PLEDGE OF ALLEGIANCE

** 11-60 **ADOPTION OF AGENDA** – Moved by Louise Smallidge, seconded by Bob Burandt, to approve the agenda as presented. Motion passed on a voice vote.

** 11-61 **MINUTES OF AUGUST 25, 2011 MEETING** – Moved by Paul Langseth, seconded by Quentin Fairbanks, to approve the minutes of August 25, 2011, as circulated. Motion passed on a voice vote.

INTRODUCTION OF NEW BWSR EMPLOYEE
Al Kean introduced newly hired Jesse Preston, Conservation Engineering Technician. Jesse will be located in both the St. Paul and Rochester BWSR offices. Jesse provided background information about himself. He stated that he's happy to be a part of BWSR. Chair Napstad welcomed Jesse to the BWSR Board.

CONFLICT OF INTEREST DECLARATION – Chair Napstad reported that two agenda items today need the Conflict of Interest Declaration form submitted: 1) Area II Minnesota River Basins Project Inc. FY 2012 & FY2013 Biennial Work Plan and Grant; and 2) the Area II Minnesota River Basins Project Inc. FY 2012 & FY2013 Bonding Work Plan and Grant. 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. At 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. John explained BWSR's conflict of interest policy for grant authorizations and completing the form. The Conflict of Interest Declaration document will be filed for the grant decision items.

REPORTS
Chair's Report – Brian Napstad reported that the past month has been busy. He attended a public hearing in Rothsay. He attended the EQB meeting; issues discussed included EAW change and authority; and the reinvention of EQB, an ongoing task. Chair Napstad stated that he has had discussions regarding possible Wetland Conservation Act modifications related to wetland replacement. The Wetlands

Committee will be addressing the policy ideas and present more information to the Board at a later date.

Administrative Advisory Committee – Chair Napstad reported that the Administrative Advisory Committee met this morning. Items discussed included: communications changes; public hearing/committee procedures and options; Board minutes; and 2012 legislative ideas: bonding/policy.

Executive Director's Report – John Jaschke reported that the Reinvest In Minnesota (RIM) 25th Anniversary Celebration was held September 21, 2011, in Owatonna. John recognized Kevin Lines for his efforts on the RIM Program and asked Kevin to provide an overview. Kevin acknowledged Julie Blackburn for coordinating the event. Kevin stated that a number of sponsors attended the event. He continues to believe that this is the most successful private lands conservation program in the nation. Kevin reported that the StarTrib/Outdoors Section has an article about the RIM 25th Anniversary event in the newspaper today. John Jaschke acknowledged that the MASWCD assisted in the celebration effort and played a major role in making the event successful. Julie Blackburn stated that the event was a successful day and it's great to be a part of the overall program. Tom Landwehr acknowledged the phenomenal success of the RIM Program; a program created from a good idea with strong and sustained leadership by BWSR. He stated that Tom Wenzel wrote the wetland manual which is one example of BWSR staff building an outstanding program over the years, it's truly laudable for one of the smallest agencies in the state to create and carry out a fabulous program such as RIM.

John Jaschke reviewed the information in board members' packets, "For Your Information". John stated that if board members' have questions regarding the 'WCA and Swampbuster Coordination' contribution agreement that is underway between NRCS and BWSR dated 9/21/11 they should contact John or Julie Blackburn.

John reported that the Red River Basin Commission (RRBC) received $500K from Minnesota and North Dakota to develop a Long-Term Flood Solutions (LTFS) report. John attended the RRBC meeting on September 22, 2011, in Fargo to review flooding reports and address changes. The RRBC will present their report at an upcoming BWSR Board meeting.

John reported that staff are drafting preliminary 2012 legislative statute/policy change ideas. John reviewed the response to the BWSR Clean Water Fund RFP, applications were submitted by the September 20th deadline.

John reported that Travis Germundson made a listing of public hearings that BWSR must hold. Staff will create standardized procedures for BWSR to conduct public hearings, the process will be reviewed by the Administrative Advisory Committee; and will be brought before the full Board at an upcoming meeting.

Bob Burandt stated that a number of birds are being killed by wind turbines; this could be harming migratory bird flight patterns. John will talk with DNR about this issue.

John reported that the Outdoor Heritage Council has made recommendations to the Legislature regarding the RIM-WRP program. BWSR is also planning to request $25M in bonding for RIM Reserve.

Dispute Resolution Committee (DRC) – Travis Germundson provided an overview of the number of appeals filed with BWSR. Travis reported that the DRC hearing scheduled for October 26 has a large volume record and supplemental information. The record will be provided for board members to review before, during and after Board meetings. Travis stated that DRC members have the hard copy of this information. The members of the DRC need to be familiar with the record; the full Board also needs to be familiar with the record to make a decision.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee will meet immediately following the October 26, 2011 Board Meeting. The Wetlands Committee will discuss WCA, the USDA/NRCS Agreement, northeast mitigation, and rule changes.

Grants Program & Policy Committee – Louise Smallidge reported that the Grants Program & Policy Committee will meet in the near future, the date to be determined.

Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth reported that the Public Relations, Outreach & Strategic Planning Committee meets today immediately following adjournment of the Board meeting.

RIM Reserve Management Planning Committee – Paul Brutlag reported that the RIM Reserve Management Planning Committee met on September 15; the Committee recommendations are on the agenda later today.

Drainage Work Group – Tom Loveall reported that the Drainage Work Group will meet on October 13.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Comfort Lake-Forest Lake Watershed District Watershed Management Plan – Jim Haertel reported that the Metro Water Planning Committee met on September 8, 2011, to review the Comfort Lake-Forest Lake Watershed District Watershed Management Plan and recommends approval. Moved by Bob Burandt, seconded by LuAnn Tolliver, to approve the Comfort Lake-Forest Lake Watershed District Watershed Management Plan as presented. Discussion followed. Motion passed on a voice vote.

** 11-62

Public Hearing for Coon Creek WD Enlargement Petition – Jim Haertel reported that the Cities of Blaine, Coon Rapids, Fridley and Spring Lake Park filed a petition to enlarge the Coon Creek Watershed District (CCWD). Jim stated that the petition before the Board today is identical to a petition filed a few months ago by the CCWD that was withdrawn by the CCWD after the Metro Water Planning Committee held a public hearing. The Metro Water Planning Committee recommends a public hearing be held within 35 days of the date of the Board's Order after proper notice has been given, that the Metro Water Planning Committee preside over the public hearing and bring recommendations on the Petition to the Board, and that the Executive Director set the date, time and location of the public hearing. Moved by Louise Smallidge, seconded by Sandy Hooker, that the Board orders a public hearing on October 27, 2011, at 7:30 PM at the Blaine City Hall. Motion passed on a voice vote.

** 11-63

Lower Mississippi River WMO Watershed Plan – Jim Haertel reported that this joint powers agreement is a success story of a third generation plan. The Metro Water Planning Committee reviewed the revised Lower Mississippi River WMO Watershed Plan and recommends approval. Moved by Bob Burandt, seconded by Rebecca Flood, to approve the Lower Mississippi River WMO Watershed Plan. Motion passed on a voice vote.

** 11-64

Northern Water Planning Committee

Hubbard County Priority Concerns Scoping Document – Paul Brutlag reported that the Northern Water Planning Committee met on September 14, 2011, to review the Hubbard County Priority Concerns Scoping Document and recommends approval. Moved by Paul Brutlag, seconded by Gene Tiedemann, to approve an extension/support for and send a letter from the Chair transmitting agency comments on the Hubbard County Priority Concerns Scoping Document. Discussion followed. Motion passed on a voice vote.

** 11-65

Upper Red Lower Otter Tail Watershed District Establishment Petition Status Report – Travis Germundson reported that a petition was filed by the Wilkin County Commissioners to establish the Upper Red Lower Otter Tail Watershed District. The required Establishment Hearing was held September 7, 2011. On September 13, 2011,

the Otter Tail County Commissioners submitted a resolution that they would join in a petition with Wilkin County to expand the Buffalo-Red River Watershed District. The Northern Water Planning Committee met on September 14, 2011, at that meeting Wilkin County expressed interest in expanding the Buffalo-Red River WD to include the proposed areas as an alternative. However, the County is not yet ready to move forward with a resolution, but asked that the Northern Water Planning Committee delay action on the establishment petition until the Buffalo-Red River WD expansion alternative is discussed. The Northern Water Planning Committee decided to hold off on making a recommendation on the petition at this time as the hearing record just closed, without time for a staff assessment or recommendation, and now there appears an alternative option is on the table. Gerald Van Amburg stated that the Buffalo-Red River WD is meeting this week to discuss what can be worked out amongst themselves. Gerald stated that there needs to be water management in that area. Chair Napstad clarified that if a decision is made to expand the Buffalo-Red River WD, then a new petition would need to be filed that voids the current establishment petition. Discussion followed.

Southern Water Planning Committee

John Jaschke reported that the Conflict of Interest Declaration forms have been received, all board members are eligible to vote on the Area II Minnesota River Basins Project Inc. FY 2012 & FY2013 Biennial Work Plan and Grant; and the Bonding Work Plan and Grant.

Area II Minnesota River Basins Project Inc. FY 2012 & FY2013 Biennial Work Plan and Grant – Paul Langseth reported that the Southern Water Planning Committee met on September 8, 2011; to review the Area II Work Plan and recommends approval of the plan and execution of the administrative grant agreement for FY 2012. John Jaschke reported that BWSR oversees the administrative funding related to the efforts of the Area II Minnesota River Basins Project Inc. The 2011 Minnesota Legislature appropriated administrative funding for Area II Minnesota River Basins Project Inc., resulting in a fiscal year 2012 grant of $120,000. Moved by Paul Langseth, seconded Tom Loveall, to approve the Area II Minnesota River Basins Project Inc. FY 2012 & FY2013 Biennial Work Plan and Grant. Discussion followed. Tom Landwehr suggested a possible future Board Tour in this area. Motion passed on a voice vote.

** 11-66

Area II Minnesota River Basins Project Inc. FY 2012 & FY2013 Bonding Work Plan and Grant – Paul Langseth reported that the Southern Water Planning Committee met on September 8, 2011, to review the Area II Bonding Work Plan and recommends approval of the plan and execution of the FY 2012 grant. John Jaschke reported that BWSR oversees the Bonding appropriation related to the efforts of the Area II Minnesota River Basins Project Inc. for construction of floodwater retarding and

retention structures. The 2011 Minnesota Legislature appropriated Bonding funding for Area II Minnesota River Basins Project Inc. resulting in a fiscal year 2012 grant of
** $1,000,000. Moved by Paul Langseth, seconded by Christy Jo Fogarty, to approve the
11-67 Area II Minnesota River Basins Project Inc. FY 2012 & FY2013 Bonding Work Plan and Grant. Discussion followed. Motion passed on a voice vote.

Chair Napstad called for a break in the meeting at 10:30 AM. The meeting reconvened at 10:40 AM.

NEW BUSINESS

Camp Ripley Army Compatible Use Buffer (ACUB) Cooperative Agreement and Riparian Payment Rates – Kevin Lines reported that ACUB is a national program. The RIM Reserve Management Planning Committee met on September 15, 2011; and recommends approval and authorization of staff to: 1) immediately implement the adjacent riparian lands payment rate of 69% of the most recently assessed market value of the land as determined by the county assessor of the county where the land is located; and 2) develop, finalize, and sign the next Camp Ripley ACUB Cooperative Agreement with the National Guard Bureau and Camp Ripley staff; and 3) continue the successful implementation of the Camp Ripley ACUB with an approved Cooperative Agreement consistent with the provisions of the resolution. Moved by Paul Brutlag,
** seconded by Keith Mykleseth, to continue the Camp Ripley ACUB Cooperative
11-68 Agreement and authorize staff to implement. Motion passed on a voice vote.

Clean Water Funded (CWF) and Outdoor Heritage Funded Permanent RIM Reserve Riparian Buffer Conservation Easement Program – Kevin Lines reported that the 2011 Minnesota State Legislature appropriated $6.0 million of CWF and $2.249M of Outdoor Heritage Funds to BWSR for FY12 to purchase and restore permanent conservation easements and riparian buffers. The RIM Reserve Management Planning Committee met on September 15, 2011, to review staff recommendations for an RFP, a ranking process, and conduct sign-up and selection process with a target implementation date of December 1, 2011; and recommends and authorizes staff to implement the RIM Reserve Riparian Buffer Conservation Easement Program.

** Moved by Tom Loveall, seconded by Sandy Hooker, to approve the RIM Reserve
11-69 Management Planning Committee's recommendation to authorize staff to implement the Permanent RIM Reserve Riparian Buffer Conservation Easement Program. Discussion followed. Tom Landwehr stated that we need to focus on the maximum amount of benefit; and he looks forward to a coordinated effort on the ranking process. John Jaschke stated that challenges exist as BWSR will need to assure integrity of the separate constitutional funds in this program. Motion passed on a voice vote.

Wellhead Protection Area Clean Water Funded (CWF) Permanent RIM Reserve Wellhead Protection Easement Program – Kevin Lines reported that the 2011 Minnesota State Legislature appropriated $2.6 million of CWF to the BWSR Board to purchase and restore permanent RIM Reserve conservation easements on wellhead protection areas. The RIM Reserve Management Planning Committee met on September 15, 2011, to review and recommends that staff are authorized to implement the acquisition of RIM Reserve Wellhead Protection easements in the targeted areas which have been identified by the Minnesota Department of Health (MDH) as high or very high vulnerability. Kevin stated that BWSR is working extensively with FSA on this
** program. Moved by Gene Tiedemann, seconded by Paul Brutlag, to approve the RIM
11-70 Reserve Management Planning Committee's recommendation authorizing staff to work with the appropriate SWCDs to implement the acquisition of RIM Reserve Wellhead Protection easements. Motion passed on a voice vote.

Minnesota Drainage Law Analysis and Evaluation Report – Al Kean reported that this study was conducted by Smith Partners, PLLP, and funded by an Environment and Natural Resources Trust Fund grant from the LCCMR. The final report, dated August 15, 2011, is on the BWSR website Drainage page under Technical Information and Resources. Al introduced Louis Smith. Mr. Smith presented an overview of the Minnesota Drainage Law Analysis and Evaluation Report for the Board's information. He reported that Smith Partners coordinated with the stakeholder Drainage Work Group (DWG) during the study, including DWG member participation on a study advisory committee and periodic presentations and discussion at DWG meetings. The report includes a number of recommendations and associated proposals for statute revisions in regard to drainage and the intersection of Comprehensive Wetland Protection and Management Plans and drainage systems. The report will also be available at the U of M Water Resources Conference; MAWD's annual meeting, MASWCD's annual meeting, and LCCMR. Smith Partners has drafted legislation; therefore, more discussion. Al Kean stated that the Drainage Work Group will discuss the recommendations and BWSR staff will review those recommendations. Discussion followed. Chair Napstad thanked Louis for his presentation.

Upcoming Federal Farm Bill Conservation Title - Minnesota Interagency Efforts - Barbara Weisman, MDA provided an overview of the draft guiding principles for the 2012 Farm Bill. Barbara distributed the draft Minnesota State Agency Recommendations on the 2012 Farm Bill Conservation Title priorities as of September 2011 and provided a brief overview. Barbara stated that this would be a consensus driven product. Discussion followed. Tom Landwehr stated that DNR would like to see WRP and CRP maintain funding levels and conservation compliance continued. John Jaschke stated that there is still time for input. Chair Napstad thanked Barbara for her report.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Rob Sip reported that MDA hosted the Root River/Discovery Farm Tour on September 9, 2011, in Goodhue and Mower Counties. John Jaschke attended the tour on behalf of BWSR; it was a good tour with interaction and discussion on nutrient and water management in rural areas.

Minnesota Department of Natural Resources (DNR) – Tom Landwehr reported that DNR had a very successful sign-up for the new Walk-in Program. Tom stated that Marybeth Block is the coordinator of the new program, all boundaries were posted on time for the hunting season with extraordinary work done by SWCDs in a record amount of time, accolades for those involved. Tom reported that BWSR and DNR submitted a joint application for a working lands initiative to the LSOHC. Although no additional funding received; he thanked John Jaschke and BWSR for the effort. Tom reported that it was a good duck hunting opener.

Minnesota Extension Service (MES) – Faye Sleeper reported that the inauguration of the new U of M President Eric Kaler was held on September 22. Faye reported that President Kaler is a civil engineer; he attended Farm Fest. Faye invited board members to attend the Water Resources Conference, October 18-19, 2011, at the River Centre in St. Paul. Don Baloun, NRCS, and State Representative Paul Torkelson will be speakers.

Minnesota Pollution Control Agency (MPCA) – Rebecca Flood reported that the federal government is faced with cuts that affect MPCA and local partners. Rebecca reported that MS4 municipal storm sewer permit was placed on public notice in June, established 45-day public comment period; due to the state government shutdown the date was extended through the end of August. Rebecca reported that MPCA staff are in process of compiling, categorizing, and will prepare a draft response, and provide stakeholder meetings. Rebecca stated that this will come before the MPCA Citizens Board in May.

ADVISORY COMMENTS

Minnesota Association of Townships (MAT) – Sandy Hooker reported that the National Association of Towns and Townships (NATaT) Annual Town Meeting was held in Washington, D.C., in September 6-8, 2011. Sandy reported that the MAT Annual Conference will be held November 17-19, 2011, at the Arrowwood Resort in Alexandria. Sandy stated that MAT appreciates BWSR's support at their meetings.

Minnesota Association of Watershed Districts (MAWD) – Ray Bohn congratulated BWSR staff on the successful RIM 25th Anniversary; Governor Perpich would have been thoroughly pleased. Ray reported that this is the 40th anniversary of MAWD. He

invited board members to attend the MAWD Annual Conference, December 1-3, 2011, in Alexandria. Ray reported that the Local Government Water Roundtable met several times this past summer, several state agencies attended their last meeting. Ray stated that MAWD would like to be involved in the Asian Carp issue. The Roundtable has been discussing the Hennepin County governance study. The Roundtable group encourages Hennepin County to not reinvent the wheel. Ray commended Al Kean for his efforts with the Drainage Work Group; MAWD hopes the study draws water drainage authorities and environmental groups back to the table. Ray stated that MAWD has been asked to participate in the Environmental Initiative Policy Forum. Chair Napstad thanked Ray for his comments.

Natural Resources Conservation Service (NRCS) – Tim Koehler congratulated BWSR and staff for 25 years of the RIM Program. Tim stated that WRP is celebrating 20 years; NRCS's WRP used RIM as a template. Tim reported that NRCS directed allocations to the Red River Basin Commission for flood mitigation projects for RIM/WRP Partnership; working with watershed districts and the RIM Reserve Management and Planning Committee. NRCS requested $40M allocation to match the RIM program and WRP partnership. Tim, on behalf of Don Baloun, thanked BWSR for contribution agreements for implementation efforts; NRCS received over $5M for technical assistance. Tim stated that lots of money creates more work but good partnerships and work efforts provide implementation. Chair Napstad thanked Tim for his comments.

UPCOMING MEETINGS

- Next Board Meeting – October 26, 2011 in St. Paul
- MAWD Annual Meeting – December 1-3, Alexandria
- MASWCD Annual Meeting – December 4-6, Bloomington
- AMC Annual Meeting – December 5-7, Minneapolis

** 11-71 Moved by Paul Brutlag, seconded by LuAnn Tolliver, to adjourn the meeting at 12:20 PM. Motion passed on a voice vote.

Respectfully submitted,

Brian Napstad
Chair

BOARD OF WATER AND SOIL RESOURCES
CAMP RIPLEY TOWN HALL
15000 HIGHWAY 115
LITTLE FALLS, MINNESOTA 56345
THURSDAY, AUGUST 25, 2011

BOARD MEMBERS PRESENT:
Paul Brutlag, Bob Burandt, Christy Jo Fogarty, Quentin Fairbanks, Rebecca Flood, PCA; Todd Foster, Tom Landwehr, DNR; Paul Langseth, John Meyer, Keith Mykleseth, Brian Napstad, Rob Sip, MDA; Faye Sleeper, MES; Louise Smallidge, Gene Tiedemann, LuAnn Tolliver, Gerald Van Amburg

BOARD MEMBERS ABSENT:
Linda Bruemmer, MDH
Sandy Hooker
Tom Loveall

STAFF PRESENT:
Mary Jo Anderson, Julie Blackburn, John Jaschke, Dan Shaw, Ron Shelito, Dan Steward, Jason Weinerman, Dave Weirens

OTHERS PRESENT:
LeAnn Buck, MASWCD
Helen McLennan, Morrison SWCD
Jay Brezinka, Camp Ripley

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

PLEDGE OF ALLEGIANCE

Chair Napstad introduced Sgt. Major Dan Smith, Camp Ripley. Sgt. Major Smith welcomed everyone to Camp Ripley. He explained that the Camp Ripley meeting facilities are available to civilians, and not only utilized by the Department of Military Affairs, Minnesota National Guard. Many of the staff at Camp Ripley are state employees and are available to schedule civilian meetings/events at Camp Ripley. Sgt. Major Smith invited board members to attend the Open House at Camp Ripley on September 18. The Vietnam Vets will receive a 'welcome home' and be recognized for their efforts. Chair Napstad thanked Camp Ripley for their service to the country, the wonderful ACUB partnership, and appreciated the opportunity for the BWSR Board to meet at Camp Ripley.

INTRODUCTION OF NEW BOARD MEMBERS – Chair Napstad welcomed and introduced newly appointed Board Members:

- **Gerald Van Amburg,** citizen member, provided background information about himself. He stated that he looks forward to learning a lot from BWSR; it's a good organization and he looks forward to being here.

- **Todd Foster**, watershed district representative, provided background information about himself. He stated that he's excited to be here and looks forward to providing assistance and guidance to BWSR.

** 11-52 **ADOPTION OF AGENDA** – Moved by LuAnn Tollliver, seconded by Louise Smallidge, to approve the agenda as presented. Motion passed on a voice vote.

** 11-53 **MINUTES OF JUNE 22, 2011 MEETING** – Moved by Paul Langseth, seconded by Faye Sleeper, to approve the minutes of June 22, 2011 as circulated. Motion passed on a voice vote.

CONFLICT OF INTEREST DECLARATION – Chair reported that two agenda items today need the Conflict of Interest Declaration form submitted: the Proposed FY12 Natural Resources Block Grant and the Proposed FY12 SWCD Grant Allocations. 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. At 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. John stated that the Conflict of Interest Declaration form for the Cooperative Weed Management Area Competitive Grant is not needed at this time, as this agenda item is for approval of the staff proposal to proceed with an RFP not a grant award at this time. John explained BWSR's conflict of interest policy for grant authorizations and completing the form. The Conflict of Interest Declaration document will be filed for the grant decision items.

REPORTS

Chair's Report – Brian Napstad reported that the Administrative Advisory Committee did not meet this month. Chair Napstad attended the Grants Program & Policy Committee meeting. Chair Napstad reported that the Dispute Resolution Committee participated in a training session on August 18th in St. Paul. John Jaschke, Travis Germundson and the Attorney General's Office attended the DRC training session to provide legal information and guidance on the importance of the dispute resolution process. Paul Brutlag stated that decisions on appeals are set forth by statute and rules; he appreciated the excellent training session. Quentin Fairbanks suggested that other BWSR committees that hold hearings conduct training sessions to assist them in the decision-making process.

Chair Napstad attended the Northern Water Planning Committee meeting yesterday. He reported that an appeal in his area is going through the BWSR appeal process.

Executive Director's Report – John Jaschke reviewed information in board members' packets, "For Your Information". John also noted the press release regarding the tour yesterday, board members can contact Jon Fure directly if they are interested in sending out a press release locally.

John and Julie Blackburn presented the "BWSR Update". Julie briefly reported on the Special Session: budget, Legacy, and bonding bills. Julie reported on the General Fund appropriations; the Environment and Natural Resource Trust Fund appropriations; the Clean Water Fund appropriations; the Outdoor Heritage Funds; and Bond Funds.

Julie reported on the extra effort and ongoing process of getting the message out regarding the Clean Water Fund Request for Proposals (RFP) application process. There have been various press releases, announcements, and an outreach webinar to get the word out about available funding; the application deadline is September 20.

John briefly reported on the new statute and policy regarding the Environment Policy Bill, SF1115, Chapter 107. This bill was passed during the regular legislative session

and contains a number of environment and natural resource policy provisions, including aquatic invasive species (AIS) provisions, Wetland Conservation Act (WCA) changes, and changes and updates to the Clean Water Partnership Program.

Julie announced the RIM Reserve 25th Anniversary Celebration, September 21, at the Steele County Fairgrounds in Owatonna. Julie thanked MASWCD and NRCS for their tremendous assistance on the celebration.

John reported on the WCA–NRCS Agreement. BWSR, NRCS and about 30 SWCDs are nearing completion of an agreement to jointly implement national and state policy for wetland protection and assistance. Minnesota NRCS has not been automatically providing "certified" wetland determinations to farmers that are proposing to install drainage improvements. According to USDA policy, farmers are required to self certify their compliance with the wetland conservation provisions. This is done via use of USDA form AD-1026. In addition, all USDA program participants are required to disclose information concerning their drainage improvement plans on the AD-1026. NRCS is charged with evaluating drainage improvement plans by providing a "certified" wetland determination which contains a map locating wetland areas subject to protection. Instead of automatically issuing a "certified" wetland determination using a producer's request on the AD-1026 form, Minnesota NRCS has also been requiring farmers to submit a signed request for a certified wetland determination on form CPA-038. Simply stated, the change in Minnesota procedure is that the CPA-038 form will no longer be used. The extra work the determinations will generate is at the core of a large-scale services agreement being developed with NRCS. Contact Les Lemm for more information.

Chair Napstad and Rob Sip would like an upcoming Board Meeting to have an overview of the connections between WCA and federal programs at USDA and the CoE.

John reported on the Local Government Water Roundtable. The Counties, Watershed Districts, and the Soil and Water Conservation Districts have renewed their efforts to improve and coordinate local water management programs. A bill was introduced late in the legislative session, HF1596, that includes a few of the ideas that have emerged. There are expected to be others that will emerge before the end of the year, not all requiring legislation. Don Buckhout is facilitating the Roundtable meetings. Contact Steve Woods or Julie Blackburn with ideas or questions.

John reported on the Walk-in Access (WIA). The new WIA is a three-year pilot program funded by the USDA. BWSR, DNR, and SWCDs in 21 counties of southwestern Minnesota have the first year sign-ups concluded and now move into the payment, posting and publication phase. John reported that Marybeth Block, former SWCD employee and BWSR employee, is the coordinator of the new WIA Program. Tabor Hoek can provide more details if needed.

John reported that the BWSR Training Academy will be held October 25-27 at Breezy Point. Staff are working to make it a successful event for local government and other participants. Jason Weinerman stated that the registration period is now open and the agenda has been finalized.

John reported on BWSR Staffing. Plans for the legislatively mandated OET consolidation of IT staff is developing, with a goal of October 1st for finalization. The consequences to agency operations should unnoticeable for the foreseeable future and we are working to make sure the best interests of the State, the agency and the employees are factored in. The time allocations for OAS staff Roxie Serreyn in Marshall and Mary Jo Flemming in Duluth are being increased to address the workload associated with the WIA program and the WCA-NRCS agreement, respectively. Finally, BWSR welcomed Jesse Preston as a member of the Engineering and Technical Services team on August 23rd.

Chair Napstad stated that BWSR needs to get the message out regarding in-kind grant match options, including volunteer time, 25% match is not necessarily cash.

Tom Landwehr stated that the Clean Water Council (CWC) needs to grow its visibility as they assume transparency and get messages out to citizens, like the Outdoor Heritage Council does. Rebecca Flood stated that MPCA staff the CWC and can relay the message; currently CWC is on MPCA's website. Rob stated that a clearer mission may be forthcoming as the CWC has changed due to legislation.

Dispute Resolution Committee – Paul Brutlag thanked Chair Napstad for the DRC training opportunity. John Jaschke reported that a new appeal has been received; a restoration order in Itasca County. Chair Napstad reported that the AG's office discussed at the training session the importance of understanding documentation and the amount of records to review. John stated that board members are entitled to ask questions without having to understand every detail or each argument; ask legal counsel or the chair to get more information.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee has not met; the Committee will meet immediately following the October Board Meeting.

Grants Program & Policy Committee – Louise Smallidge reported that the Grants Program & Policy Committee met on August 3; the Committee recommendations are on the agenda later today. Louise complimented staff on their preparedness to allow things to move forward immediately after the government shutdown.

Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth reported that the Committee met in April and directed staff to formulate a Strategic Plan

update. The Public Relations, Outreach & Strategic Planning Committee meets in September and will involve the full Board in the strategic planning update.

RIM Reserve Planning Committee – Paul Brutlag reported that the RIM Reserve Planning Committee has not met. Paul stated that it was a pleasant outcome to receive bonding appropriations for RIM.

John Jaschke provided an update on the meeting with NRCS regarding the RIM Program. BWSR received a bonding appropriation and enough funding now so a decision on the leveraging of federal funding won't be needed until after the new federal fiscal year begins in October or November.

Drainage Work Group – John Jaschke reported that the Drainage Work Group met last week. The Minnesota Drainage Law Analysis and Evaluation final report authored by Louis Smith and Chuck Holtman, will be presented to the Board by Smith Partners at an upcoming meeting.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Bassett Creek WMO Plan Amendment – Bob Burandt reported that Metro Water Planning Committee met on August 8 to review the Bassett Creek WMO Plan amendment and recommends approval. Moved by Bob Burandt, seconded by Christy Jo Fogarty, to approve the Bassett Creek WMO Plan amendment. Motion passed on a voice vote.

** 11-54

Northern Water Planning Committee

Petition for Boundary Change; Sand Hill River Watershed District – Gene Tiedemann reported that the Northern Water Planning Committee met yesterday to review the Sand Hill River Watershed District petition for boundary change and recommends approval. Moved by Gene Tiedemann, seconded by Quentin Fairbanks, to order the boundaries of the Sand Hill River WD, the Red Lake WD, and the Wild Rice WD are changed per the Petition as depicted. The watershed districts plans should be amended within one year to include the boundary change. Discussion followed. Paul Brutlag stated that proper notice was given on this boundary change. Chair Napstad stated that the LIDAR technology allowed the hydrologic assessment of the boundaries, a great tool resulting in this boundary change. Paul Brutlag stated that there were no negative comments received on the changing tax assessment. Motion passed on a voice vote.

** 11-55

Chair Napstad called for a break in the meeting at 10:30 a.m. The meeting reconvened at 10:40 a.m.

John Jaschke reported that the Conflict of Interest Declaration forms have been received, all board members are eligible to vote on the Proposed FY12 Natural Resources Block Grant, and the Proposed FY12 SWCD Grants Allocations.

Grants Program & Policy Committee

Proposed FY12 Natural Resources Block Grant (NRBG) – Dave Weirens reported that the Grants Program & Policy Committee reviewed the proposed FY12 NRBG allocations and recommend approval. Dave stated that the amount of money for every county is slightly more than last year. The NRGB administered by the BWSR provides assistance to local governments to implement the state natural resources programs of Comprehensive Local Water Management, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and the MPCA Subsurface Sewage Treatment Systems.

Keith Mykleseth stated that he heard from the local SWCDs yesterday about deadlines, maybe the Board can look at the deadlines of the grants. Chair Napstad stated that BWSR will take into consideration comments received and discuss this.

** 11-56 Moved by Quentin Fairbanks, seconded by Christy Jo Fogarty, that the BWSR hereby authorizes staff to allocate appropriate individual grant amounts to counties meeting the NRBG Program requirements, as determined by the BWSR, MPCA, and DNR. The NRBG Grants for:

LWM: $1,139,156
WCA $1,906,472
DNR Shoreland $377,372
MPCA Feedlot Base $1,689,179
MPCA SSTS $1,628,926

And, for Local Water Management, Wetland Conservation Act, and DNR Shoreland Programs, local governmental units will have the flexibility to determine the allocation of these funds among these programs. Discussion followed. Motion passed on a voice vote.

Proposed FY12 SWCD Grant Allocations – Dave Weirens reported that the Grants Program & Policy Committee reviewed the FY12 SWCD grant allocations and recommends approval. The FY12 SWCD grant allocations administered by BWSR provide cost-share and conservation delivery grants allocations to SWCDs through its State Cost-Share Grants, Conservation Delivery Grants, Easement Delivery Grants, and Non-Point Engineering Assistance Grant Programs.

Helen McLennan asked how the workload is within the service areas. Dave stated that an equal level of engineering support is there, but not every workload is equal in the service areas as other funding contributes to their operations.

** 11-57 Moved by Louise Smallidge, seconded by Paul Langseth, that the Board authorizes staff to allocate grant funds to individual SWCDs up to the amounts presented:

State Cost Share Grants	$1,543,279
Conservation Delivery Grants	$1,764,033
Easement Delivery Grants	$ 290,996

Allocate the Non Point Engineering Assistance Grants to joint powers boards up to the $1,060,000, as listed below:

NPEA Area	Base Grant	Host/Fiscal Agent SWCD	Equipment	Total Grant
1	$120,000	$10,000	$20,000	**$150,000**
2	$120,000	$5,000	$0	**$125,000**
3	$120,000	$10,000	$0	**$130,000**
4	$120,000	$5,000	$0	**$125,000**
5	$120,000	$10,000	$0	**$130,000**
6	$120,000	$5,000	$20,000	**$145,000**
7	$120,000	$10,000	$0	**$130,000**
8	$120,000	$5,000	$0	**$125,000**

Authorize SWCDs, to use all or part of their allocation for technical assistance, when the following conditions exist:

i. Federal funds will be leveraged and they couldn't do the project otherwise; or,
ii. Funds are used on a project(s) that is State Cost Share Program or EQIP eligible and their 2010 Financial Report indicates less than an 18-month fund balance; and
iii. Board Conservationist approval.

Motion passed on a voice vote.

Cooperative Weed Management Area Competitive Grants – Dan Shaw reported that the Grants Program & Policy Committee reviewed the staff proposal on August 3, 2011, and recommend authorization of the FY12 Cooperative Weed Management Area Competitive Grant Program request for proposal. Dan reported that the Cooperative Weed Management Area Program was established in 2008 to promote the cooperative control of invasive species across geographic boundaries to manage and protect natural areas and conservation lands. Funds for this program were appropriated in 2007 and

2009 that provided financial support for start-up and implementation costs of these programs by soil and water conservation districts. However, no funds were appropriated in 2011, staff are proposing allocating up to $300,000 of Cost Share Roll-over funds to provide continued support for these programs.

John Jaschke clarified that this authorizes staff to finalize, distribute, and promote an RFP and receive applications from those interested, and does not approve grants at this time. Moved by Paul Langseth, seconded by Louise Smallidge, that the Board
** 11-58 authorize: 1) up to $300,000 of Cost Share Roll-Over Funds to be made available through this grant program; and 2) Staff to finalize, distribute and promote a request for proposals for the FY2012 Cooperative Weed Management Area Competitive Grants Program as recommended by the Grants Program and Policy Committee. Discussion followed.

Tom Landwher asked about future structure as an incentive to group proposals together rather than individual proposals, if it makes sense. Staff will look into this. John Jaschke stated that the resolution authorizes staff to review. Dave Weirens stated that the criteria and funding tier give direction to the areas. Chair Napstad stated that a balance is needed, the point of the program is to make the best effort. When sacrifices are made and funding is lost by joining together to keep the program going, that's a financial disincentive, we want efficiencies, that's the reason to merge. Motion passed on a voice vote.

NEW BUSINESS

Morrison SWCD Report – Helen McLennan, Morrison SWCD Manager, thanked BWSR for the opportunity to speak to the Board today. Helen stated that Dan Steward's presentation yesterday reflective of conservation opportunities is noted in Morrison County. Local officials now better understand the complexity of BWSR responsibilities. Helen appreciates the excellent BWSR staff and their prompt response. Helen presented information related to the Morrison County Water Plan. Helen reported that the Morrison SWCD now administers the water plan on behalf of Morrison County and described how the SWCD uses the water plan to meet the goals of the SWCD. Helen also explained the effective partnership between the SWCD and the County. Helen expressed the importance of local water plans to LGUs, they do not want duplication and had some issues with the Framework Report by the University of Minnesota. Faye Sleeper stated that she made note of Helen's comments regarding the framework and will assist where she can.

Helen stated that she has received calls regarding the available funding from the Clean Water Fund and that outreach efforts to get the message out are effective. Helen commented on Todd County's restructuring, staff moving to the county office, and potential concern for other SWCDs being absorbed into the county, who will be the governing board for the employees, and how will this play out. Helen stated that

Morrison SWCD is independent and respects the division of the county. She thanked BWSR for spending two days in Morrison County. Discussion followed. Paul Brutlag stated that Helen's comments are invaluable and wise regarding co-location.

Ron Shelito stated that BWSR depends upon LGUs. Todd and Morrison SWCDs have excellent district managers, Sandy Rohr and Helen McLennan, outstanding technical staff; great Boards with partnering; and they seek opportunities. They have implemented and have done so much over the years; and are two of the best SWCDs in the state and Ron thanked them for all their efforts. Chair Napstad thanked Helen for her very informative comments on the tour, he appreciates all that she has done, recognizes the value of true partnerships, and congratulated Helen on ACUB and the Award she received yesterday from Camp Ripley.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Rob Sip reported that regrettably Assistant Commissioner Matt Wohlman was unable to attend the tour. Rob stated that MDA would like to discuss the Farm Bill at a future board meeting. Rob stated that MDA has revamped their process on water plans and will be more involved. Rob stated that he is on both the Southern and Northern Water Planning Committees. John Jaschke stated that he attended Farm Fest and participated in two panel discussions, the event was well attended, including Governor Dayton, a great event to bring attention to agriculture.

Minnesota Department of Natural Resources (DNR) – Tom Landwehr reported on the legislative process involving the environmental cluster of DNR, PCA, BWSR, and Commerce. DNR received about a 50% General Fund cut across the board and are dealing with reductions. Private forest management capabilities have been cut; assistance that DNR used to provide to landowners will be going away. Commissioner Landwehr reported that DNR has new authority and funding for zebra mussels, one-time funding on aquatic invasive species. The Bonding Bill appropriated DNR $52M for flood damage reduction; $16M for the Coon River flooding. Commissioner Landwehr stated that DNR looks forward to good collaborative conservation work with BWSR on grassland areas on RIM easements and targeted acquisitions.

Commissioner Landwehr reported on some good news about Asian, black, and silver carp. DNR is not seeing the Asian carp in great numbers, and can hopefully get ahead of them with intensive netting. This is a high priority effort, proposals are in place to look at sonic bubbler barriers and natural barriers. A summit is planned to request federal assistance for this as well.

Commissioner Landwehr reported on another challenge for DNR, aquatic invasive species (AIS), and public access for boats. There are over 3,000 public boat accesses statewide with DNR owning half. DNR is looking at new ideas and pilot projects,

fundamentally the responsibility falls on individuals to clean their boats when going from one water body to another. DNR will do what they can to assist with this effort.

Minnesota Extension Service (MES) – Faye Sleeper reported that many MES employees are retiring, it's unclear what that means in hiring as MES continues to shrink. Faye reported that the Water Resources Center received LCCMR funding for LIDAR training. This training is focused for use at the local level. The Water Resources Conference this year is focused on water quality issues.

Minnesota Pollution Control Agency – Rebecca Flood reported that the Clean Water partnership statute changes provide for a more flexible tool. Rebecca reported that MPCA is assessing the impact of statute changes for feedlots, permitting, and winter pasturing. Rebecca reported that MPCA MS4 permit is out on public notice; (extended due to the government shutdown) comments are due at the end of this month. Rebecca reported that a conference call was held this week regarding a proposal for a third outlet at Tolna Coulee, Devils Lake, North Dakota. Environmental review on overflow, concern for volume of water and quality issues is ongoing. Discussion followed.

ADVISORY COMMENTS

Minnesota Association of Soil and Water Conservation Districts – LeAnn Buck thanked BWSR for the opportunity to attend the tour. LeAnn, on behalf of MASWCD, thanked and commended John Jaschke, Julie Blackburn, and Steve Woods for their efforts during the legislative session. MASWCD will continue to move forward with budget reductions, concern for federal funding as well. LeAnn commented on the Local Government Water Roundtable. She explained that the Roundtable is a forum to strengthen the local delivery system; one plan, understanding watershed scale; 103B Statutes, TMDLs; how to collectively work on authorities. They are looking at barriers and how to strategically share LGUs resources more efficiently. MASWCD resolutions appreciate flexibility, 10% match for CWF a future matter to discuss. Chair Napstad clarified that MASWCD wants one plan per watershed. LeAnn stated that the challenge is how to do this, not basin-wide, look at watershed level. Keith Mykleseth asked about the costs of evaluations in taking small steps.

UPCOMING MEETINGS

Paul Langseth reported that the Southern Water Planning Committee will meet via conference call on September 3. The Southern Water Planning Committee will meet on November 3. Paul stated that he appreciates the Department of Agriculture's involvement so a quorum is present to take action on the issues before the Committee.

RIM Reserve 25th Anniversary Celebration, September 21, at the Steele County Fairgrounds in Owatonna.

The next BWSR Board Meeting will be September 28, 2011 in St. Paul.

** 11-59 Moved by Quentin Fairbanks, seconded by Louise Smallidge, to adjourn the meeting at 12:20 p.m. Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder

Board of Water and Soil Resources
Grants Conflict of Interest Declaration

Meeting: **Area II Minnesota River Basins Project, Inc.** **Date:** **September 28, 2011**
FY2012 & FY2013 Bonding 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.)*

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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: **Area II Minnesota River Basins Project, Inc. FY2012 & FY2013 Biennial Work Plan and Grant** **Date:** **September 28, 2011**

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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.

WCA and Swampbuster Coordination

9-21-11 Contribution Agreement between NRCS and BWSR

In December of 2009, BWSR and the USDA Natural Resources Conservation Service signed a Memorandum of Understanding regarding implementation of the Wetland Conservation Act (WCA) and the "Swampbuster" provisions of the federal farm bill. The USDA North Central Wetland Conservation Initiative, a newly funded 4-state initiative aimed at reducing the backlog of certified wetland determinations in the prairie pothole region, provides an opportunity for improved program coordination through joint implementation of certain WCA and Swampbuster provisions. NRCS is currently working with SWCDs in the prairie pothole region of Minnesota to develop contribution agreements for assistance with certain aspects of Swampbuster. A similar process has been in place in Mower County for several years where it has worked well and serves as a working model for additional agreements.

BWSR will also play an important role in the implementation of this program. On September 21, consistent with the 2009 MOU and the goals of both agencies, BWSR and NRCS finalized an agreement defining BWSR's responsibilities and work-products through the end of calendar year 2012. BWSR's responsibilities under the contribution agreement with NRCS are summarized below.

- Wetland Determinations. BWSR will assist NRCS by providing certified wetland documentation for producers. The documentation provided will include information regarding the eligibility for certain WCA exemptions. BWSR will also assist with appeals of certified determinations.

- Consistency. BWSR will be responsible for overall quality control and oversight of SWCD staff performing work for NRCS under separate contribution agreements. This will include the periodic review of SWCD work-products and establishing a process for resolving potential violations of both programs.

- Mitigation. BWSR will work with NRCS to develop an interagency MOU for jointly acceptable wetland replacement standards and the operation of a single-use wetland bank for agricultural mitigation.

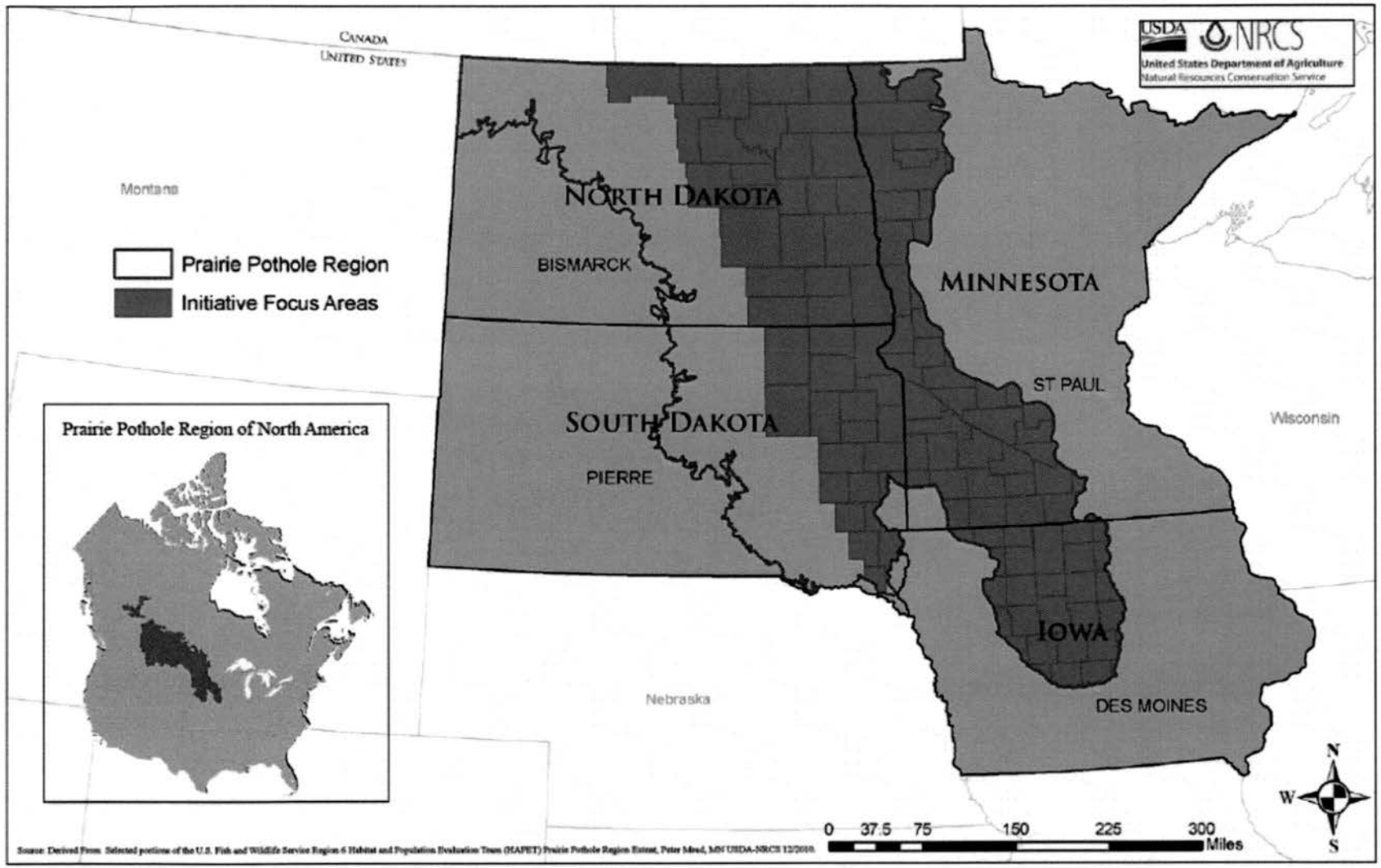
- Agricultural Wetland Banking. BWSR will manage the banking system and develop the appropriate forms, guidance, and procedures for joint use of the agricultural bank. Training and outreach will also be provided regarding banking procedures.

- Training. BWSR, through the Wetland Delineator Certification Program, will provide wetland delineation training for approximately 40 SWCD staff, including an opportunity for certification by WDCP. BWSR will also assist NRCS with other training sessions, drainage forums, and meetings relating to wetlands on agricultural lands.

- Technical Tools. BWSR will assist in the development of technical tools such as setback tables, wetland models, and the digital scanning of aerial imagery.

The total amount of funding provided by NRCS for this agreement is $455,495. BWSR will contribute a minimum of 25% of the time and costs of completing each identified work-product. Work under the agreement has already begun. Successfully implementing this agreement will significantly improve consistency between WCA and Swampbuster, increase program efficiency, and provide better service to landowners.
9-22-11

9-22-11



Source: Derived From Selected portions of the U.S. Fish and Wildlife Service Region 6 Habitat and Population Evaluation Team (HAPET) Prairie Pothole Region Extent, Peter Mead, MN USDA-NRCS 12/2010.

North Central Wetland Conservation Initiative

Prairie Pothole Region Focus Areas

Total Focus Area Acres: 55,200,823 Acres / 83,126 Square Miles

State	Acres	Sq Miles	% Focus Area
Iowa	7,842,676	12,254	15
Minnesota	16,524,703	25,820	31
North Dakota	19,079,480	29,812	36
South Dakota	9,753,963	15,241	18
Total	53,200,823	83,126	100

Response to the BWSR Clean Water Fund RFP - Sept 2011

Below is preliminary summary information regarding the response to the RFP which closed for applications at midnight, Tuesday, September 20. The amount available below does not include the $4.5M in AgBMP Loans, which are requested independently.

CWF Funding Pool	Amount Requested	Amount Available
Clean Water Assistance*	$39,599,708	$12,562,500
Accelerated Implementation	$5,295,822	$1,425,000
Conservation Drainage	$1,471,747	$950,000
Community Partners	$1,193,952	$1,425,000
MDH Well Sealing	$303,575	$250,000
Total	**$47,864,804**	**$16,612,500**

*includes livestock waste management request of $5,088,846 and SSTS abatement request of $2,006,615

BWSR Region	Applications	Dollars Requested
Metro	76	$ 15,496,952
Northern	92	$ 18,210,160
Southern	80	$ 14,157,692
Grand Total	**248**	**$ 47,864,804**

The RFP is at: http://www.bwsr.state.mn.us/grants/apply/FY12_RFP_FINAL.pdf

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution Committee Report

Meeting Date: September 28, 2011

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: Paul Brutlag/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 16, 2011
By: Travis Germundson

There are presently **17** appeals pending. All of the appeals involve WCA except File 10-10. There has been **1** new appeal filed since the last report (August 25th Board Meeting).

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 11-7 (8-19-11) This is an appeal of a restoration order in Itasca County. The appeal regards the unauthorized placement of approximately 2,275 sq. ft. of fill in a wetland area adjacent to Little Turtle Lake. No decision has been made on the appeal.

File 11-5 (4-13-11) This is an appeal of a forestry exemption decision in Carlton County. This involves the same location and similar issues as File 10-16. The LGU under a remand reversed their previous decision and denied the after-the-fact forestry exemption application for the construction of a forest logging road. Now that denial is being appealed by the Minnesota Timber Producers Association on behalf of the landowner. A pre-hearing conference convened on July 26th and settlement agreement has been drafted.

File 11-3 (2-11-11) This is an appeal of a restoration order in Waseca County. The appeal regards the draining and filling of approximately 8.3 acres of a Type 2 wetland. This involves the same location and similar issues as File 11-2. The appeal has been placed in abeyance and the restoration order stayed until the there is a final decision on the appeal of the exemption and no loss determinations (File 11-2). The appeal has been combined with File 11-2 and will be processed as one decision. Briefs have been filed and a DRC Hearing is scheduled for October 13, 2011.

File 11-2 (1-24-11) This is an appeal of an exemption and no-loss determination in Waseca County. The appeal regards the denial of an exemption and no-loss application. A previous denial of the same exemption and no loss application had been appealed (File 8-4). The appeal was remanded for or further technical evaluation and a hearing, and now the current denial has been appealed. The appeal has been combined with File 11-3 and will be processed as one decision. Briefs have been filed and a DRC Hearing is scheduled for October 13, 2011.

File 11-1 (1-20-11) This is an appeal of a restoration order in Hennepin County. The appeal regards the filling of approximately 1.77 acres of wetland and 0.69 acres of excavation. The appeal has been placed in abeyance and the restoration order stayed until there is a final decision on an after-the-fact wetland application.

File 10-15 (11-29-10) This is an appeal of a restoration order in Mille Lacs County. The appeal regards the filling of approximately 5,800 square feet of wetland for lakeshore

access and to create a larger recreational area. The appeal has been placed in abeyance for submittal of technical analyses of the onsite drainage modifications.

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. A verbal settlement agreement has been reached by the parties. (at the December 2001 Board meeting, Managers voted 6 to 1 to move forward with Option D)

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. The appeal has been placed in abeyance by mutual agreement until there is a final decision by the Department of Agriculture National Appeals Division.

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. The appeal has been placed in abeyance by mutual agreement on determining the viability of a new wetland banking plan application.

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 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.

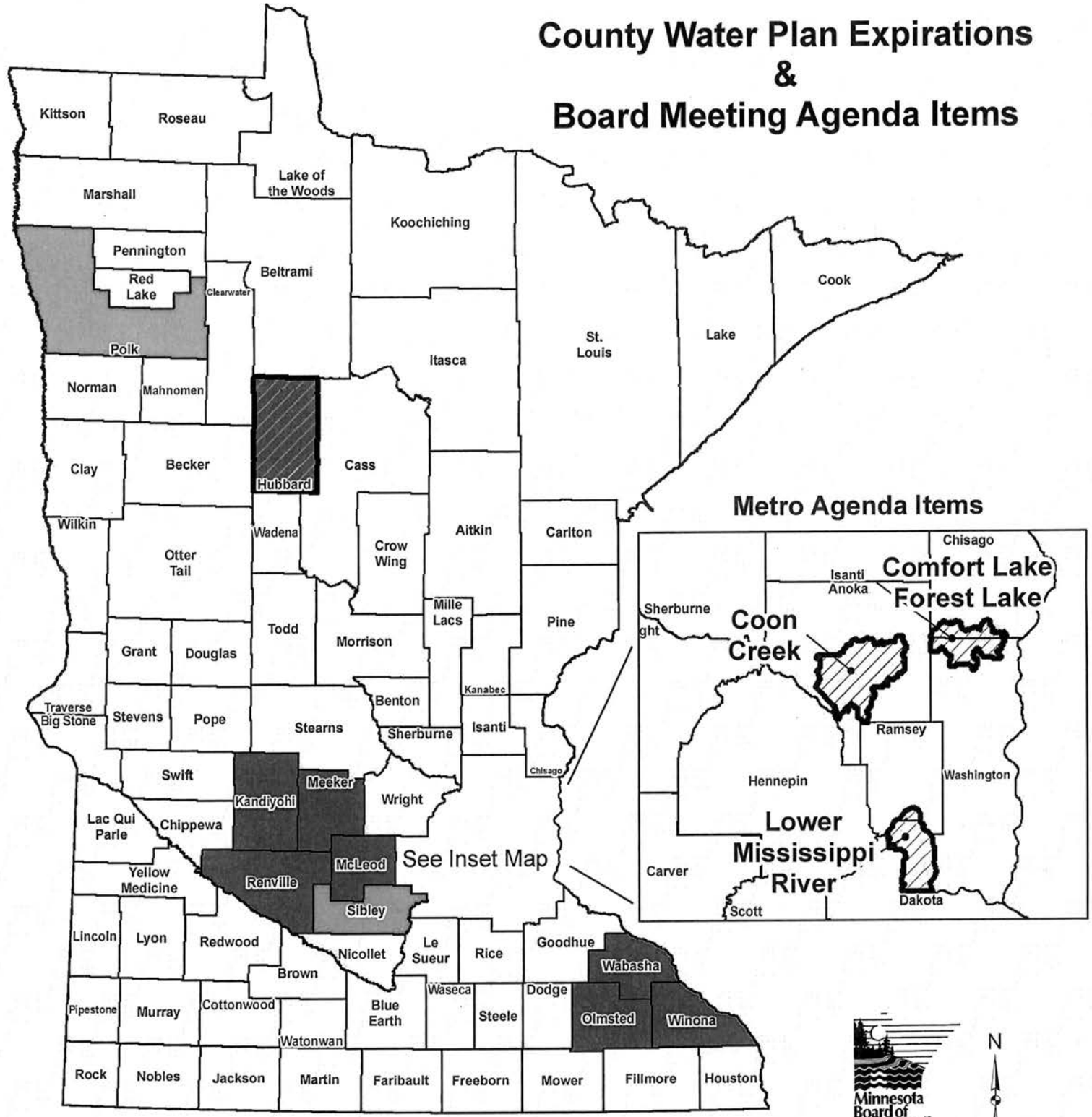
File 06-17. (05/27/06) This is an appeal of a replacement plan decision in the City of Montgomery in LeSueur County. The LGU denied an after-the-fact wetland replacement plan application based on a lack of sufficient reasons why the restoration could not be completed. The appeal was been remanded for 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 2010	Total for Calendar Year 2011
Order in favor of appellant	2	
Order not in favor of appellant	5	2
Order Modified		
Order Remanded	1	
Order Place Appeal in Abeyance	5	3
Negotiated Settlement	1	
Withdrawn/Dismissed	4	

County Water Plan Expirations & Board Meeting Agenda Items



Metro Agenda Items

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

N

August 2011

Plan Expires

- Overdue
- 2011
- 2012
- Beyond 2012

Metro Items

- Comfort Lake - Forest Lake WD
- Coon Creek WD
- Lower Mississippi WMO

Outstate Items

- Hubbard

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Comfort Lake-Forest Lake Watershed District Watershed Management Plan – Jim Haertel – ***DECISION ITEM***

2. Public Hearing for Coon Creek WD Enlargement Petition – Jim Haertel - ***DECISION ITEM***

3. Lower Mississippi WMO Watershed Plan – Jim Haertel – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: CLFLWD Watershed Management Plan

Meeting Date: August 24, 2011

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 Comfort Lake Forest Lake Watershed District Watershed Management Plan

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

The Comfort Lake-Forest Lake Watershed District (District) was established in 1999 under Minnesota Statutes Chapter 103D and achieved statutory designation under Minnesota Statutes Chapter 103B during the 2008 legislative session. The District is located in the northeast portion of the Metropolitan Area, approximately forty percent in Chisago County and sixty percent in Washington County. Portions of the Cities of Forest Lake, Scandia, and Wyoming, and the Towns of Chisago Lakes and Wyoming, are included in the District. The mission of the District is to protect and improve its water resources through adaptive management approaches and education of stakeholders.

The Plan provides for the protection and improvement of the water resources of the District, recognizing and building on the roles and actions of other stakeholders. The Plan emphasizes adaptive management principles supported by sound scientific technologies and methods to develop uniform, fiscally responsible, and integrated approaches to water management. The draft revised Plan was submitted to the Board, other state agencies, and local governments for the 60-day review on January 24, 2011. A public hearing was held on May 26, 2011 and there were no comments received. The final draft of the revised Plan was received by the Board on June 24, 2011.

The Plan identifies eight major issue areas: Floodplain, Lakes, Streams, Wetlands, Upland Resources, Groundwater, Public Education, and Interagency Communication with goals focusing on the adaptive management of water and upland resources through District projects and programs and through education and coordination.

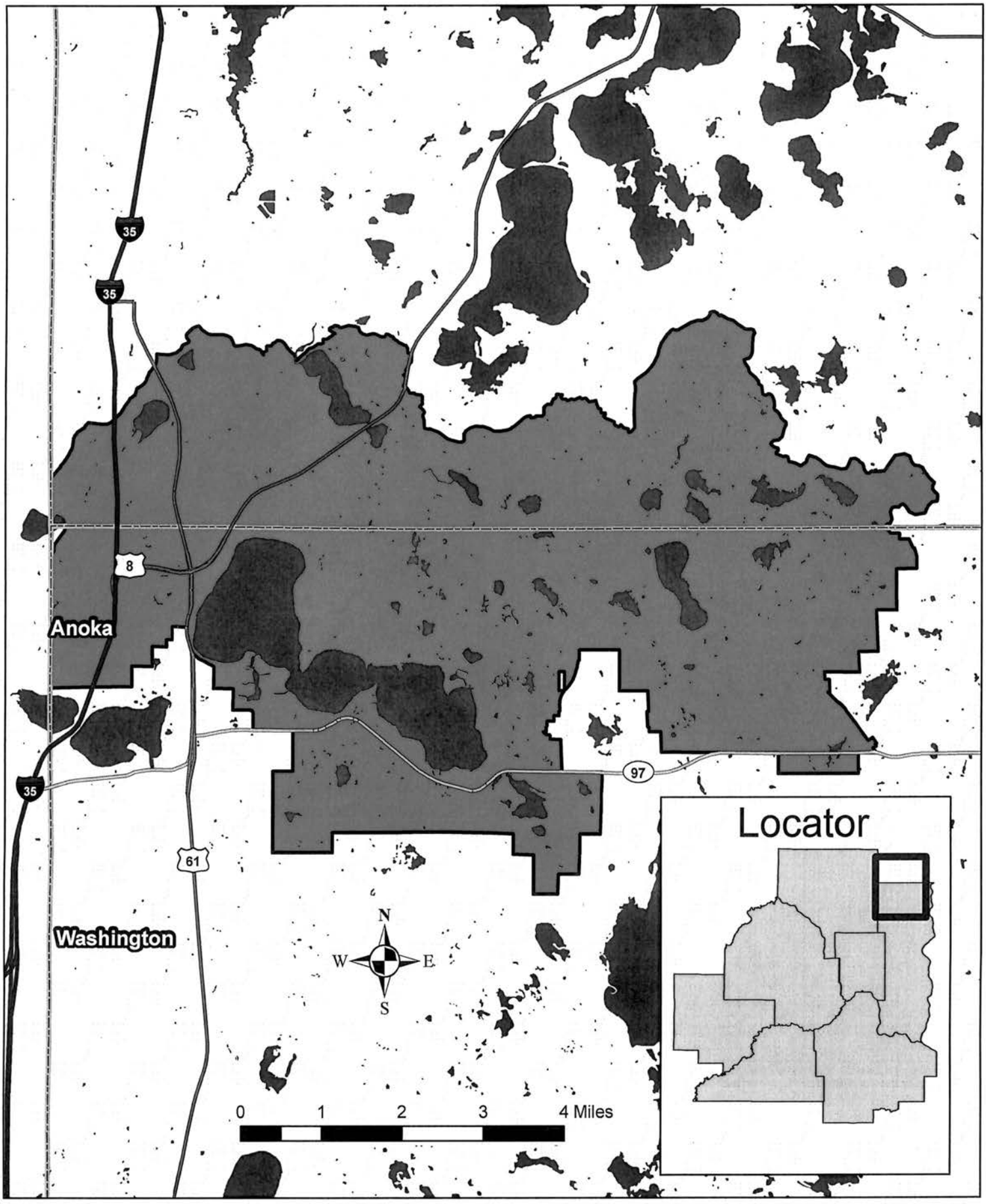
- Floodplain goals include conserving flood storage capacity and limiting flood damage.
- Lake goals include management to protect and improve water quality, to limit the spread and entry of invasive species, and the preservation of shoreline buffers.
- Stream goals are similar and focus on managing stream water quality and habitat, aquatic invasive species management education, and the preservation and establishment of stream buffers.

- Wetland goals address coordination with local governments to ensure no net loss, improving wetland habitat, research on phosphorus cycling in wetlands and the preservation and establishment of wetland buffers.
- Upland Resources goals include improving the beneficial use of upland areas for stormwater management, maintaining and restoring uplands, and promoting uplands conservation.
- Groundwater goals address the protection of groundwater quality and quantity and maintaining the function of groundwater-dependent natural resources.
- Public Education goals address providing education and outreach services to the public to increase knowledge of and appreciation for the resources of the District and increasing stewardship and participation in District programs.
- Interagency Communication goals focus on partnerships that ensure efficient and cost effective use of funds for water resource management and coordination of efforts toward managing water resources.

Overall, the Plan is well-written and comprehensive.

The Metro Water Planning Committee met on September 8, 2011. After review of the information, the Committee unanimously voted to recommend approval of the Revised Plan per the attached draft Order.

Comfort Lake-Forest Lake Watershed District



Minnesota Board of Water & Soil Resources

September 28, 2011

Board of Managers
Comfort Lake Forest Lake Watershed District
220 North Lake Street
Forest Lake, MN 55025

RE: Order, Comfort Lake Forest Lake Watershed District Revised Watershed Management Plan

Dear President and Managers:

I am pleased to forward the enclosed Order dated September 28, 2011, of the Board of Water and Soil Resources (Board) that approves the Watershed Management Plan for the Comfort Lake Forest Lake Watershed District. Please be advised that, in accordance with MN Rule part 8410.0140, Subpart 5, within 30 days of adoption the District must distribute copies of the Plan to all agencies and individuals who have received a copy of the draft Watershed Management Plan. BWSR looks forward to continuing to work with the District as you implement the Plan and document its outcomes.

Please feel free to contact Melissa Lewis, Board Conservationist at (651) 297-4735, or at the central office address, for further assistance in this matter.

Sincerely,

Brian Napstad
Chair

Enclosure

cc: Chisago County Board of Commissioners
Washington County Board of Commissioners
Nick Proulx, DNR (via email)
Rob Sip, MDA (via email)

Cc's continued on next page

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

Art Persons, MDH (via email)
William Moore, Metropolitan Council (via email)
Judy Sventek, Metropolitan Council (via email)
Nick Tiedeken, MNDOT (via email)
David L. Johnson, MPCA (via email)
Doug Thomas, District Administrator
Jim Haertel, BWSR (via email)
Melissa Lewis, BWSR (via email)
Mary Jo Anderson, BWSR (file copy)

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 **Comfort Lake Forest Lake Watershed District**, pursuant to Minnesota Statutes Section 103B.231, Subdivision 9.

ORDER APPROVING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Comfort Lake Forest Lake Watershed District (District) submitted a Watershed Management Plan (Plan) dated June 24, 2011, 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 Comfort Lake-Forest Lake Watershed District (District) was established in 1999 under Minnesota Statutes Chapter 103D and achieved statutory designation under Minnesota Statutes Chapter 103B during the 2008 legislative session. The District is located in the northeast portion of the Metropolitan Area, approximately forty percent in Chisago County and sixty percent in Washington County. Portions of the Cities of Forest Lake, Scandia, and Wyoming, and the Towns of Chisago Lakes and Wyoming, are included in the District. The mission of the District is to protect and improve its water resources through adaptive management approaches and education of stakeholders.

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 August 28, 2008. The watershed management plan may be revised according to Minnesota Statutes Section 103B.231, Subd. 9.

3. **Nature of the Watershed.** The District encompasses approximately 47 square miles in northern Washington County and southern Chisago County, bound by the Sunrise River Watershed

Management Organization to the west, the Rice Creek Watershed District to the south and west, the Carnelian-Marine-St. Croix Watershed District to the south and east, and no watershed management organizations to the north in Chisago County. The watershed outlets to the northwest to the Sunrise River, which flows northeast through Chisago County before discharging to the St. Croix River.

4. **Plan Development and Review.** The Plan provides for the protection and improvement of the water resources of the District, recognizing and building on the roles and actions of other stakeholders. The Plan emphasizes adaptive management principles supported by sound scientific technologies and methods to develop uniform, fiscally responsible, and integrated approaches to water management.

   The draft revised Plan was submitted to the Board, other state agencies, and local governments for the 60-day review on January 24, 2011. A public hearing was held on May 26, 2011 and there were no comments received. The final draft of the revised Plan was received by the Board on June 24, 2011.

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.

   City of Forest Lake. The city encouraged the District to be complimentary in the implementation of rules and to focus on educational efforts and implementation of TMDLs. The city noted the plan is ambitious. The city expressed concern with potential redundancy in a number of the issues and goals with existing regulations. The city suggested the District evaluate the potential of contaminates reaching groundwater supply and requested clarification between the planned operating costs and funding levels. The District addressed all comments.

   City of Wyoming. The city requested clarification of the term watershed in the financing section of the Plan and noted that the city expects to have their local surface water management plan completed prior to the deadline. The District addressed all comments.

   Washington County. The county commended the District for developing a planning framework to provide direction for managing water resources. The county suggested the local water management plan requirements should include addressing the county groundwater plan and noted minor errors in the plan. The District addressed all comments.

6. **Metropolitan Council Review.** The Council stated that the Plan is 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 well-written and adequate and commended the District for willingness to go beyond current nutrient water standards for selected lakes. The DNR noted minor concerns with the use of volunteers to collect quality data, with the District's progress evaluation metric, and with the potential use of riprap and concrete for stabilization. The DNR suggested targeting approaches for District grants, prioritization criteria for stream bank projects, and offered continued availability to work

with the District on in-lake management. The DNR recommended continued tracking of flowering rush on Forest Lake. The District addressed all comments.

10. **Pollution Control Agency Review.** The PCA stated support for the District's Municipal Stormwater Remediation Grant Program and suggested care with the volume banking program. The PCA recommended alum or in lake chemical treatments be considered only after watershed reductions have been achieved. The District addressed all comments.

11. **Department of Transportation Review**. The DOT requested the District consider abstraction rather than infiltration as a means to incorporate best management practices. All comments were addressed.

12. **Board Review.** Board staff found the Plan to be well written and comprehensive.

13. **Plan Summary and Highlights.** The Plan identifies eight major issue areas: Floodplain, Lakes, Streams, Wetlands, Upland Resources, Groundwater, Public Education, and Interagency Communication with goals focusing on the adaptive management of water and upland resources through District projects and programs and through education and coordination.
    - Floodplain goals include conserving flood storage capacity and limiting flood damage.
    - Lake goals include management to protect and improve water quality, to limit the spread and entry of invasive species, and the preservation of shoreline buffers.
    - Stream goals are similar and focus on managing stream water quality and habitat, aquatic invasive species management education, and the preservation and establishment of stream buffers.
    - Wetland goals address coordination with local governments to ensure no net loss, improving wetland habitat, research on phosphorus cycling in wetlands and the preservation and establishment of wetland buffers.
    - Upland Resources goals include improving the beneficial use of upland areas for stormwater management, maintaining and restoring uplands, and promoting uplands conservation.
    - Groundwater goals address the protection of groundwater quality and quantity and maintaining the function of groundwater-dependent natural resources.
    - Public Education goals address providing education and outreach services to the public to increase knowledge of and appreciation for the resources of the District and increasing stewardship and participation in District programs.
    - Interagency Communication goals focus on partnerships that ensure efficient and cost effective use of funds for water resource management and coordination of efforts toward managing water resources.

14. **Metro Water Planning Committee Meeting.** On September 8, 2011, the Board's Metro Water Planning Committee and staff met with representatives from the District in St. Paul to review and discuss the Plan. Those in attendance from the Board's Committee were Rebecca Flood, Christy Jo Fogarty, 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 member Tom Lynch and District staff Doug Thomas. Board staff recommended approval of the Plan. After

discussion, the Committee unanimously voted to recommend approval of the Plan to the full Board.

CONCLUSIONS

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

ORDER

The Board hereby approves the attached Plan, dated June 24, 2011, as the Comfort Lake Forest Lake Watershed District Watershed Management Plan.

Dated at St. Paul, Minnesota this 28th day of September, 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: Hearing - Coon Creek WD Enlargement Petition

Meeting Date: September 28, 2011

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

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED

Approval of Order for a public hearing

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

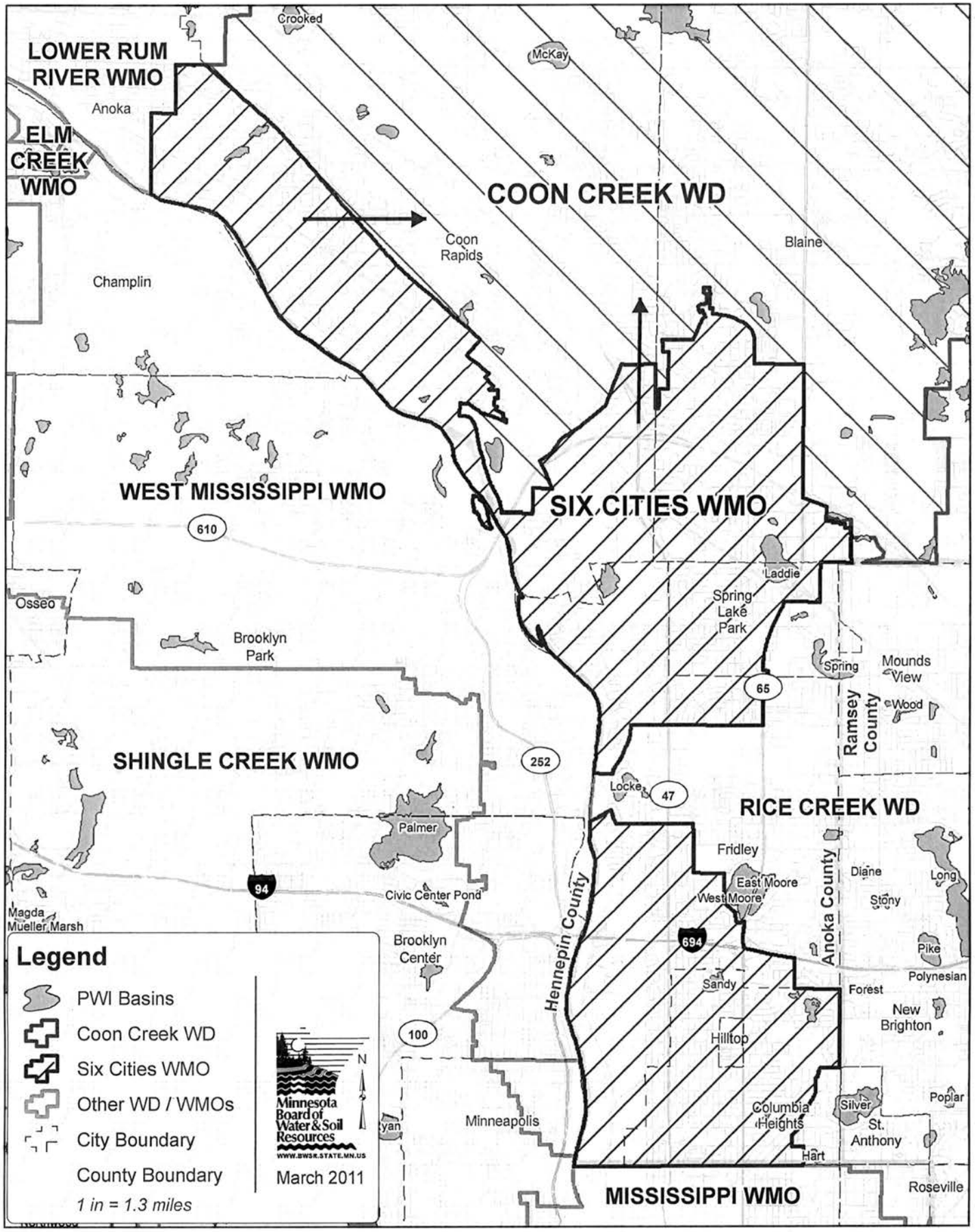
The Cities of Blaine, Coon Rapids, Fridley and Spring Lake Park filed a petition to enlarge the Coon Creek Watershed District (CCWD). The petition was accompanied by resolutions from the four cities. The petition proposes to enlarge the CCWD into areas of the former Six Cities Watershed Management Organization involving parts of the four cities.

The petition is very similar to a petition filed a few months ago by the CCWD that was subsequently withdrawn by the CCWD, except this petition was filed by the four cities under MS 103D instead of by the CCWD under MS 103B. Also similar procedurally is that BWSR could proceed with a Notice of Filing and possibly not hold a public hearing if the Board determined the petition was noncontroversial. However, BWSR staff recommended a public hearing be held because the CCWD withdrew their previous petition and in consideration of testimony at the public hearing on the previous petition.

The Metro Water Planning Committee met on September 8, 2011 and recommends a public hearing be held within 35 days of the date of the Board's Order after proper notice has been given, that the Metro Water Planning Committee preside over the public hearing and bring recommendations on the Petition to the Board, and that the Executive Director set the date, time and location of the public hearing after coordination with the appropriate parties per the attached draft Order.

Six Cities Watershed Management Organization

Proposed Changes



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

In the Matter of the Petition for Enlargement of the Coon Creek Watershed District in the Cities of Blaine, Coon Rapids, Fridley and Spring Lake Park, Anoka County, pursuant to Minnesota Statutes Section 103D.261.

ORDER
WATERSHED DISTRICT
ENLARGEMENT
PUBLIC HEARING

Whereas, a petition (Petition) for an enlargement of the Coon Creek Watershed District (CCWD) was filed by the CCWD Board of Managers with the Board on August 8, 2011, pursuant to Minn. Stat. § 103D.261, 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. On August 8, 2011 the Board received a Petition for a boundary change of the CCWD from the Cities of Blaine, Coon Rapids, Fridley and Spring Lake Park pursuant to Minn. Stat. §103D.261.

2. The proposed watershed district boundary change would enlarge the watershed district into areas of the former Six Cities Watershed Management Organization involving parts of the Cities of Blaine, Coon Rapids, Fridley and Spring Lake Park.

3. Written statements of concurrence from the governing bodies of each affected city accompanied the Petition.

4. A majority of the cities in the proposed area of enlargement has proper standing to file the Petition pursuant to Minn. Stat. § 103D.261.

5. Staff has determined that a valid Petition exists pursuant to Minn. Stat. § 103D.261.

6. Minn. Stat. § 103D.261, subdivision 2, subitem a requires a public hearing to be held before the Board makes a decision on the Petition.

7. The Board's Metro Water Planning Committee and staff met on September 8, 2011 in Saint Paul to review and discuss the Petition. Those in attendance from the Board's Committee were Rebecca Flood, Christy Jo Fogarty, Louise Smallidge, Faye Sleeper, LuAnn Tolliver and Robert Burandt as chair. Board staff in attendance were Metro Regional Supervisor Jim Haertel and Board Conservationist Melissa Lewis. Board staff recommended the Board order a public hearing be held within 35 days of the date of the Board's Order after proper legal notice has been given, that the Metro Water Planning Committee preside over the public hearing and bring recommendations on the Petition to the Board, and that the Executive Director set the date, time and location of the public hearing after coordination with the appropriate parties. After discussion, the Committee unanimously voted to recommend to the full Board that a public hearing be ordered to be held within 35 days of the date of the Board's Order after proper notice has been given, that the Metro Water Planning Committee preside over the public hearing and bring recommendations on the Petition to the Board, and that the Executive Director set the date, time and location of the public hearing after coordination with the appropriate parties.

CONCLUSIONS

1. The Petition for enlargement of the Coon Creek Watershed District is valid in accordance with Minn. Stat. § 103D.261.

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

3. The Board has proper jurisdiction in the matter of ordering a public hearing to determine whether the proposed enlargement should be approved in accordance with Minn. Stat. § 103D.261.

4. A public hearing should be held within thirty-five days of the date of this order after proper legal notice has been given.

5. The Board's Metro 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.

6. The Executive Director should set the date, time and location of the public hearing after coordination with the appropriate parties.

ORDER

The Board hereby orders a public hearing be held within 35 days of the date of this Order on the Petition for enlargement of the Coon Creek Watershed District to be presided over by the Board's Metro Water Planning Committee at a date, time and location set by the Executive Director, after proper legal notice of the public hearing has been given.

Dated at Saint Paul, Minnesota this 28th day of September, 2011.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Brian Napstad, Chair

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Lower Mississippi WMO Watershed Plan

Meeting Date: September 28, 2011

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 Planning Commitee 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 the Lower Mississippi River WMO Watershed Management Plan

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

The Lower Mississippi River Watershed Management Organization (LMRWMO) was established in 1985 and is located in the southeast part of the Twin Cities Metropolitan Area, in northern Dakota County and southern Ramsey County. It encompasses 55.5 square miles, abutting the south and west sides of the Mississippi River from the confluence of the Mississippi the Minnesota River to Rosemount. The WMO is composed of seven cities wholly or partially within the boundary including Inver Grove Heights, Lilydale, Mendota Heights, St. Paul, South St. Paul, Sunfish Lake, and West St. Paul. The vision of the WMO is to manage water resources and related ecosystems to sustain their long-term health and integrity through member city collaboration and partnerships with other with other water management organizations with member city citizen support and participation.

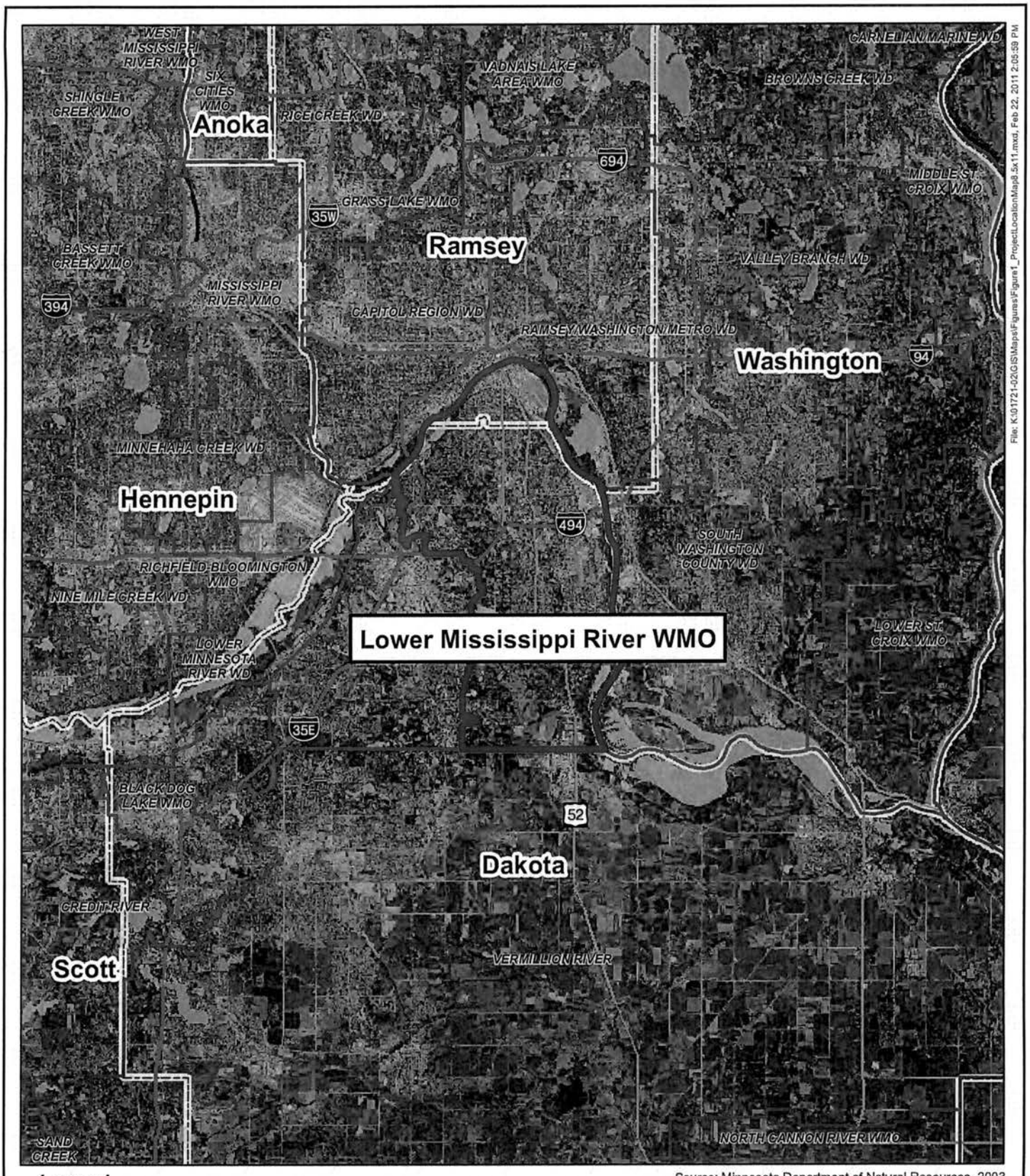
The Plan sets the vision and guidelines for managing surface water within the WMO and was prepared with citizen, technical, and community review and input. The plan outlines the regulations involved, assesses specific and watershed-wide issues, sets goals and policies for the WMO and its resources, lists implementation tasks to achieve the goals, and discusses the financial considerations of implementing the plan including alternate funding sources. The draft revised Plan was submitted to the Board, other state agencies, and local governments for the 60-day review on April 23, 2011. A public hearing was held on August 11, 2011 and no comments were received. The final draft of the revised Plan was received by the Board on August 30, 2011.

The highlights of the plan include the following purposes, with associated goals and actions to meet these purposes:

- Assist member communities in achieving current and future water quality and water quantity regulations collaboratively, equitably, and cost-effectively for all members within the watershed.
- Identify and effectively communicate member concerns to other government jurisdictions to better align their policies and activities with those of the WMO and its members.

- Educate citizens about the use, protection, and management of water resources and engage them in WMO water management programs and decision making.
- Consider potential impacts of MWO decisions on natural resources and habitat.
- Govern the WMO with a citizen led board and keep regulation at the local level – the WMO will not administer a permit program.
- Assist member communities with intercommunity runoff and water resource management issues.
- Assess the performance of the WMO and the member cities toward achieving the goals stated in the plan.
- Provide member cities with useful information about the WMO, its activities, and water resources management.

The Metro Water Planning Committee met on September 8, 2011. After review of the information, the Committee unanimously voted to recommend approval of the Revised Plan per the attached draft Order.



File: K:\01721-02\GIS\Maps\Figures\Figure1_ProjectLocationMap8.5x11.mxd, Feb 22, 2011 2:05:59 PM

Source: Minnesota Department of Natural Resources, 2003

Legend

- Lower Mississippi River WMO
- Watersheds
- Interstate Highways
- US Highways
- County Boundaries

0 4 8 Miles

Lower Mississippi River WMO
Watershed Management Plan

Location Map

Figure 1

N S

WSB & Associates, Inc.

Minnesota Board of Water & Soil Resources

September 28, 2011

Board of Managers
Lower Mississippi River Watershed Management Organization
c/o Dakota County Soil and Water Conservation District
4100 220th Street West, Suite 102
Farmington, MN 55024

RE: Order, Lower Mississippi Watershed Management Organization Revised Watershed Management Plan

Dear Chair and Managers:

I am pleased to forward the enclosed Order dated September 28, 2011, of the Board of Water and Soil Resources (Board) that approves the Watershed Management Plan for the Lower Mississippi River Watershed Management Organization (WMO). Please be advised that, in accordance with MN Rule part 8410.0140, Subpart 5, within 30 days of adoption the District must distribute copies of the Plan to all agencies and individuals who have received a copy of the draft Watershed Management Plan. BWSR looks forward to continuing to work with the WMO as you implement the Plan and document its outcomes.

Please feel free to contact Melissa Lewis, Board Conservationist at (651) 297-4735, or at the central office address, for further assistance in this matter.

Sincerely,

Brian Napstad
Chair

Enclosure

cc: Dakota County Board of Commissioners
Ramsey County Board of Commissioners
Nick Proulx, DNR (via email)
Dale Homuth, DNR (via email)

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

Cc's continued on next page

Robert Sip, MDA (via email)
Art Persons, MDH (via email)
William Moore, Metropolitan Council (via email)
Judy Sventek, Metropolitan Council (via email)
Beth Neuendorf, MNDOT (via email)
David L. Johnson, MPCA (via email)
Laura Jester, WMO Administrator
Jim Haertel, BWSR (via email)
Melissa Lewis, BWSR (via email)
Mary Jo Anderson, BWSR (file copy)

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 **Lower Mississippi River Watershed Management Organization**, pursuant to Minnesota Statutes Section 103B.231, Subdivision 9.

ORDER APPROVING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Lower Mississippi River Watershed Management Organization (WMO) submitted a Watershed Management Plan (Plan) dated August 30, 2011, to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

1. **Watershed Management Organization Establishment.** The WMO was established in 1985. The vision of the WMO is to manage water resources and related ecosystems to sustain their long-term health and integrity through member city collaboration and partnerships with other with other water management organizations with member city citizen support and participation.

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 WMO watershed management plan was approved by Board Order on October 4, 2001. The watershed management plan may be revised according to Minnesota Statutes Section 103B.231, Subd. 9.

3. **Nature of the Watershed.** The WMO is located in the southeast part of the Twin Cities Metropolitan Area, in northern Dakota County and southern Ramsey County. It encompasses 55.5 square miles, abutting the south and west sides of the Mississippi River from the confluence of the Mississippi and the Minnesota Rivers to Rosemount. The WMO is composed

of seven cities wholly or partially within the boundary including Inver Grove Heights, Lilydale, Mendota Heights, St. Paul, South St. Paul, Sunfish Lake, and West St. Paul.

4. **Plan Development and Review.** The Plan sets the vision and guidelines for managing surface water within the WMO and was prepared with citizen, technical, and community review and input. The plan outlines the regulations involved, assesses specific and watershed-wide issues, sets goals and policies for the WMO and its resources, lists implementation tasks to achieve the goals, and discusses the financial considerations of implementing the plan including alternate funding sources.

   The draft revised Plan was submitted to the Board, other state agencies, and local governments for the 60-day review on April 23, 2011. A public hearing was held on August 11, 2011 and no comments were received. The final draft of the revised Plan was received by the Board on August 30, 2011.

5. **Local Review.** The WMO distributed copies of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7. No comments were received.

6. **Metropolitan Council Review.** The Council found the plan to be consistent with the Council's *2030 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 requested inclusion of additional information in the Land and Water Resources Inventory section of the plan, additional information on the water monitoring program, and provided the DNR's draft river restoration guidelines. The DNR requested clarification of the connection identified in the plan of wetland banking impacts to fish and wildlife and of the policy for phosphorus removal from new development. The DNR suggested inclusion of more proactive strategies for protecting and enhancing fish and wildlife habitat and allocation of funds for implementing strategies to be identified in watershed management studies. The WMO addressed all comments.

10. **Pollution Control Agency Review.** The PCA did not comment on the Plan.

11. **Department of Transportation Review**. The DOT did not comment on the Plan.

12. **Board Review.** Board staff requested minor edits and an additional strategy for collaboration with the adjacent watershed management organization. Board staff also requested clarification in the implementation table as to the WMO's commitment to completing the implementation plan and to the procedures the WMO will use to appeal local projects. All comments were sufficiently addressed.

13. **Plan Summary and Highlights.** The highlights of the plan include the following purposes, with associated goals and actions to meet these purposes:

- Assist member communities in achieving current and future water quality and water quantity regulations collaboratively, equitably, and cost-effectively for all members within the watershed.
- Identify and effectively communicate member concerns to other government jurisdictions to better align their policies and activities with those of the WMO and its members.
- Educate citizens about the use, protection, and management of water resources and engage them in WMO water management programs and decision making.
- Consider potential impacts of MWO decisions on natural resources and habitat.
- Govern the WMO with a citizen led board and keep regulation at the local level – the WMO will not administer a permit program.
- Assist member communities with intercommunity runoff and water resource management issues.
- Assess the performance of the WMO and the member cities toward achieving the goals stated in the plan.
- Provide member cities with useful information about the WMO, its activities, and water resources management.

14. **Metro Water Planning Committee Meeting.** On September 8, 2011, the Board's Metro Water Planning Committee and staff met with representatives from the WMO 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, Christy Jo Fogerty, and Robert Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationist Melissa Lewis. The representatives from the WMO were WMO Board members Mary Lou Sabin and John Sacchi, WMO consultants Todd Hubmer and Jacob Newhall, and WMO administrator Laura Jester. 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 Lower Mississippi River Watershed Management Organization pursuant to Minnesota Statutes Section 103B.231, Subd. 9.

3. The Lower Mississippi River Watershed Management Organization 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 August 30, 2011, as the Lower Mississippi River Watershed Management Organization Watershed Management Plan.

Dated at St. Paul, Minnesota this 28th day of September, 2011.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brain Napstad, Chair

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Hubbard County Priority Concerns Scoping Document – Quentin Fairbanks - ***DECISION ITEM***

2. Upper Red Lower Otter Tail Watershed District Establishment Petition Status Report – Travis Germundson - ***INFORMATION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Hubbard County PCSD Review

Meeting Date: September 28, 2011

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Northern Region

Contact: Dan Steward

Prepared by: Dan Steward

Reviewed by: Northern Water Planning Committee(s)

Presented by: Quentin Fairbanks

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED

Approval of Hubbard County's Local Water Mangement Plan Priority Concerns Scoping Document

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

The Hubbard County Local Water Mangement Plan is due to expire on January 24, 2012. The County passed a resolution to begin the plan update process on March 16, 2011. The Priority Concerns Scoping Document was routed to the state review agencies on August 10, 2011. Comments were received and reviewed by BWSR.

The Northern Water Planning Committee met on September 14, 2011 to review the Priority Concerns Scoping Document. Mr. Fairbanks will bring the Committee's recommendation before the full board.

Minnesota Board of Water & Soil Resources

DATE: September 8, 2011

TO: BWSR Northern Plan Review Committee

FROM: Dan Steward, Board Conservationist

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

The original Hubbard County Local Water Management Plan (LWMP) was approved in 1990. The first update to the original plan was completed in 1995. Subsequent water plan updates occurred in 2000 and 2007. The current or water plan will expire on January 24, 2012.

Since the county began development of their original water plan in 1989, the county has delegated implementation of the LWMP to the Hubbard County Soil and Water Conservation District.

On March 16, 2011, the Hubbard County Board of Commissioners passed a resolution to update the LWMP.

On August 10, 2011, Hubbard County submitted their Priority Concerns Scoping Document (PCSD) to the Board of Water and Soil Resources for review. The attached Hubbard County PCSD identifies the following priority concerns, and proposes the update be focused on these three water management issues.

1. Surface Water Protection and Improvement
2. Ground Water Quality and Quantity Protection and Improvement
3. Education

Hubbard County used the following process to develop the PCSD:

- On March 25, 2011, the county sent out written notice to interested parties of the intent to update. Parties were also asked to return a priority concerns input survey form listing their priorities for local water management. The SWCD had a excellent response to the survey.

- The Hubbard County Water Plan Task Force met on July 28th, 2011 to discuss the input received from the public, and select the priority concerns.

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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The following priority concerns were submitted by the state review agencies:

- MPCA: Impaired waters, 1st Crow Wing, Upper Twin, 8th Crow Wing, Portage Lakes. Inventory of lakes significantly better than state standards.
- DNR: Groundwater Protection, Surface Water Protection, Education.
- MDH: Ground Water based drinking water, Sealing unused wells, Maintain local water quality database.
- MDA: Groundwater quality for pesticides and nitrates.
- BWSR: Protection of water quality during and after development, Erosion and sediment control, trend towards developing marginal lands, County lake water protection action plans.

On August 10, 2011 the PCSD was sent to the required state agencies for review. Agencies were asked to send comments to Ron Shelito by September 7, 2011; the following agency comments were received:

MPCA: The MPCA in its comments on the PCSD concurred with the priority concerns selected by the county. The MPCA offered one comment related to their Environmental Data Access System.

MDNR: The MDA in its comments on the PCSD strongly recommended but did not require the following revision: **Objective C: Shoreland and River Corridor Protection-** Should include an implementation goal of following the shoreland ordinance and minimizing impact to water quality in the issuance of variances from that ordinance. It would be appropriate here to show support for the alternate standards developed by the DNR that increase water quality protection.

The department noted that the process used to identify the priority concerns was commendable.

MDH: The MDH in its comments on the PCSD concurred with the priority concerns selected by the county. The MDH commended the county for the process used to identify concerns, and for recognizing the value of protection and preserving groundwater quality and quantity, specifically the initiatives that support the development and implementation of wellhead protection plans and the support for sealing unused, unsealed wells.

MDA: The MDA in its comments on the PCSD strongly recommended but did not require the following revision: "The citizen survey results appear to indicate elevated concerns over agricultural run-off and elevated nitrate levels in private and public wells. However, the plan priority concern related to groundwater includes only one general objective that covers both

quantity and quality of groundwater. It would be advantageous to provide additional focus on this issue in their water plan. The MDA comments went on to provide suggestions that may prove useful as funding opportunities come up through the Department.

Since we are still in the PCSD phase of plan development I can work to include language in the BWSR Chair's letter to the County asking the county to pay close attention to both issues when they prepare the final plan.

In addition, the Hubbard SWCD district manager and local water plan coordinator position is currently vacant, as the staff person who developed the PCSD has taken another position. With the time it will take to advertise the position, interview candidates, and bring them on board, the County will not be able to complete the Update by January 24, 2012 when the current Plan expires. As a result Hubbard County will be requesting an extension from BWSR. I will be working with the County to bring that request to the Northern Region Water Plan Review Committee.

After reviewing the PCSD submitted by Hubbard County along with the comments provided by the review agencies, I conclude that the guidance requirements have been met. I recommend the committee approve the PCSD for Morrison County, with the inclusion of the two issues brought forward by the agency reviewers.

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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Hubbard County Priority Concerns Scoping Document Summary

County Background

Hubbard County is located in North Central Minnesota and the county seat is in the City of Park Rapids. The county is rich with lakes, wetlands, and rivers along with huge tracts of publicly administered land. Population densities are quite low during the winter but the seasonal population makes the area feel much more inhabited from May through September. Population is centered around Park Rapids and the Highway 34 corridor but northern Hubbard County is seeing growth associated with the City of Bemidji.

The southern one third of the county is home to many of the area's largest and most popular lakes along with a great deal of irrigated agricultural land. The central one third is made up almost entirely of public land filled with pine, aspen, wetlands, and small lakes. The northern one third has a few large lakes but is largely made up of cattle grazing operations and rural residences. It is also home to several trout streams.

The local economy relies heavily on tourism and agriculture. Many people in Hubbard County are from families that have lived here since settlement and have never seen a reason to leave, others have come for the peaceful quality of life, yet many others come for the beautiful summers and escape each year before winter takes a grip on the region.

Hubbard County is split between three watersheds.

Mississippi River Watershed

This watershed lies north of the Itasca moraine with lakes and streams mostly bordered by forested swamps and other wetland types such as shrub swamps and sedge covered marshes. The topography is mostly gently rolling to rolling. Extreme slopes can be found around the LaSalle lakes and isolated areas around Beauty Lake. Approximately 40% of the land area is privately owned. There are about 10,000 acres of open water in this watershed. Agricultural use of land in this area is mainly limited to grazing and perennial hay crops.

Leech Lake Watershed

This watershed contains the steepest slopes in the county. These slopes are most evident in the western portion of the watershed known as the Gulch Lakes. These slopes are on the south slope of the Itasca moraine and are dominated by glacial till soils. The remainder of the watershed has gently rolling to rolling slopes with some bluffs and wetlands adjacent to lakes and streams. Land use is forested, public, private and lakeshore development with some grazing and perennial hay crops.

Crow Wing Watershed

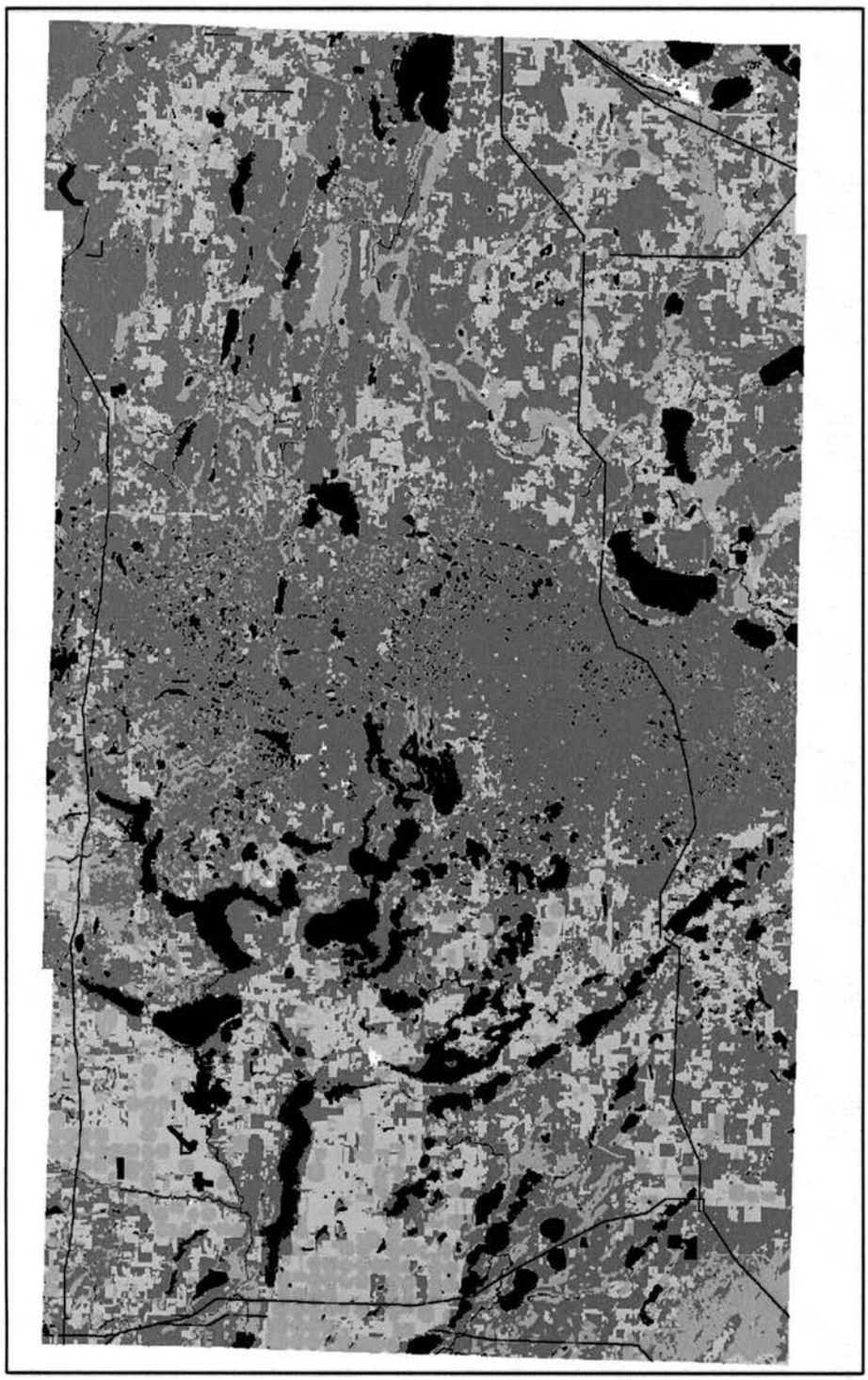
About 20% of the land in this watershed is cultivated with center pivot irrigation comprising most of that acreage. Crops grown under irrigation are predominantly potatoes, corn, dry edible beans and small areas of alfalfa. The soils in the watershed are mostly made of flat outwash sands on the south side of the Itasca moraine. This watershed encompasses the southern one- third of the county and contains the highest amount of recreational lakes and population. There is one large bog area in the southeast portion known as the Badoura area.

Population

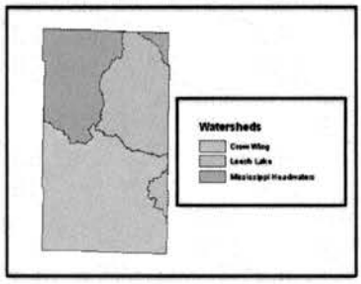
The population of Hubbard County according to the 2010 census is 20,428 an 11% increase over the population in 2000 of 18,371. The county population is estimated to increase by 15% by 2020 to 23,550.

Hubbard County Population 1920 to 2010									
1920	1930	1940	1950	1960	1970	1980	1990	2000	2010
10,136	9,596	11,085	11,085	9,962	10,583	14,098	14,939	18,371	20,428

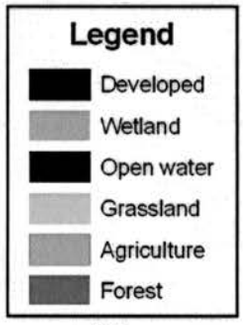
Hubbard County Land Cover



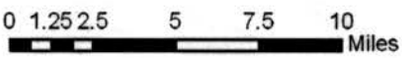




Cover Type	Acres	Percent
Developed	6,396	1.0%
Wetlands	67,159	10.5%
Open Water	51,808	8.1%
Grasslands	104,896	16.4%
Agricultural	26,864	4.2%
Forested	382,486	59.8%







Plan information

The Hubbard County Soil & Water Conservation District, with authority delegated by Hubbard County, is responsible to administer the local water management plan. The original local water plan date was 1990; the plan has been updated in 1995, 2000, 2007, and now in 2012. The expiration date of the current plan is January 2012. A Local Water Plan Task Force oversees the Hubbard County Local Water Plan. This task force is a diverse group of individuals from private and government sectors that establish the goals and objectives of the plan and oversee the implementation of local projects and plans.

List of Priority Concerns

The purpose of the Priority Concerns Scoping Document is to provide Hubbard County with direction for water planning over the next ten years. Several agencies provided feedback about water quality in the county, including the Hubbard County Local Water Plan Task Force, state agencies, and citizen groups. A citizen survey was conducted through the SWCD newsletter and online to give the general public a chance to voice their opinions. Common themes emerged from the public engagement process.

The Local Water Plan Task Force met on July 28, 2011 to develop the List of Priority Concerns for the 2012 Hubbard County Comprehensive Local Water Management Plan. The following are the Key Points of the Priority Concerns Scoping Document.

Priority Concern: <u>Surface Water Protection and Improvement</u>

Hubbard County is widely known as an "up-north" recreational destination. Seasonal visitors and retirees come from all over the country to enjoy the crystal clear waters found in Hubbard County's 313 lakes. This influx of "outside money" stimulates much of the local economy and over 60% of the county's property tax base comes from water influenced parcels.

<u>Objective A: Reduce Urban Stormwater Run-off</u>

Hubbard County has four incorporated cities; Park Rapids, Nevis, Akeley, and Laporte. All four of these cities dispose some if not all of their untreated urban stormwater run-off directly into surface waters. The City of Park Rapids discharges into Fish Hook Lake and the Fish Hook River, Nevis into Lake Belle Taine, Akeley into 11th Crow Wing Lake, and Laporte into Garfield Lake.

Implementation Goals:

- Work with City Managers/Councils to review, create, or update each city's stormwater management plan.

- Identify and prioritize potential locations for large stormwater retention areas and secure funding to install the most cost effective options.
- Work with each city to develop an on-site treatment plan working with individual landowners willing to treat stormwater before it leaves their own property.
- Achieve zero stormwater runoff in each city during a 1 inch rain event.

Objective B: Crow Wing Chain

The Crow Wing River Chain is one of Hubbard Counties most well known water features and attracts many canoeists and boaters each summer. The lake chain consists of 11 lakes connected by short sections of river. The Crow Wing River eventually flows into the Mississippi River just south of Brainerd, MN. Of the 11 lakes in the chain, two are listed by the Minnesota Pollution Control Agency as having impairments due to excess nutrients; 8th and 1st Crow Wing. The furthest upstream lake, 11th Crow Wing, was recently discovered to have curly leaf pondweed, an aquatic invasive species (AIS), which will likely have future implications for the rest of the downstream chain.

Implementation Goals:

- Work with 8th - 11th Crow Wing Lakes to implement activities identified in their current lake management plans.
- Assist 1st - 7th Crow Wing Lakes with participation in the Northwest Minnesota Foundation's Healthy Lakes and River Partnership which results in each lake developing a lake management plan.
- Assist the City of Akeley to plan and secure funding for stormwater and shoreline management, specifically shoreline management on the city campground which has 2,700 feet of shoreline on 11th Crow Wing.
- Work with the Minnesota Pollution Control Agency to develop the required Total Maximum Daily Load (TMDL) analyses for 1st and 8th Crow Wing Lakes. Work on projects identified in the resulting TMDL plan.
- Work with the MN DNR AIS Specialist and local AIS Task Force to protect the chain from further AIS infestations.

Objective C: Shoreland and River Corridor Protection

The riparian areas of Hubbard County lakes and rivers have become much more developed over the last two decades. Many large tracts of shoreline property have been subdivided, small environmental lakes and wetlands have become housing projects, many resorts have turned into planned unit developments, and seasonal cabins have become year round homes. These developments are good for the local economy and tax roles. They also cause more people to take a vested interest in local surface water quality. Unfortunately, the additional development also creates environmental concerns with increased run-off, habitat loss, and declines in water quality. This objective will seek to partner

development with conservation by protecting the most sensitive riparian areas while assisting landowners to make wise modifications to their development projects that will reduce environmental impacts while still serving their purpose.

Implementation Goals:

- Implement management recommendations from lake protection tools that have been by created for several area lakes and provide specific management recommendations for each lake based on trend lines found in water quality data, watershed land use, and several other environmental considerations. Lakes will be grouped into three categories: those having exceptional water quality, those with declining trends in water quality, and those with not enough data. The groupings will allow for several lakes with similar needs to work together on projects focused on meeting each group's needs.
- In partnership with the MN DNR, create a map that identifies areas of sensitive shoreline and shoreline with special ecological significance in order to prioritize a list of parcels to focus on for future projects and programs.
- Install BMP's (buffers, rain gardens, etc.) on residential riparian properties using a screening tool that takes existing vegetation, slope, run-off potential, soil type, and contiguous linear distance of protection into account to prioritize.
- Support a Reinvest in Minnesota (RIM) type easement program as a protection strategy for high value shoreline in northern Minnesota. Implement on high priority sites when a program becomes available.
- Work to include conservation implementation requirements into the shoreland zoning variance process and new subdivisions in the shoreland zone.
- Work with the County to develop a framework for a tax incentive program used to encourage exceptional shoreline management.

Objective D: Impaired Waters

Hubbard County currently has 4 lakes and one river on the Environmental Protection Agency's list of impaired waters. Portage, 1st Crow Wing, 8th Crow Wing, and Upper Twin Lakes are all listed as impaired due to nutrient/eutrophication biological indicators. The Mississippi River from the headwaters to the Schoolcraft River is impaired due to a lack of dissolved oxygen. No TMDL's have been developed to date.
The Crow Wing River Watershed along with the Leech Lake River watershed are currently going through the MPCA's Intensive Watershed Monitoring (IWM) program which assesses surface water for impairments on a watershed scale. Additional impairments may be found as a result of the study.

Implementation Goals:

- Assist MPCA with IWM's when they take place in Hubbard County.
- Participate in the TMDL writing and public input process.
- Implement recommendations from the completed TMDL's

Objective E: Water Quality Monitoring

Hubbard County SWCD and Hubbard COLA have been monitoring lake water quality (total phosphorus, chlorophyll-a, and transparency) for 15 years on most of the large lakes in Hubbard County. Hubbard COLA on its own samples 30 lakes per year.

Implementation Goals:

- Continue to collect water quality data.
- Assess water quality data.
- Base management decisions on data assessments utilizing tools such as the lake protection tool challenge grant.
- Continue to subsidize COLA monitoring program.
- Continue to submit water quality data to the state database.
- Provide training for and use of the SWCD hydrolab for lake associations wanting to collect dissolved oxygen and temperature data for their lake.
- Utilize the MPCA Surface Water Assessment Grant program when applicable.

Priority Concern: Ground Water Quality and Quantity Protection and Improvement

High nitrate levels are well documented in the groundwater across much of the southern one third of Hubbard County. The high levels are due in part to the coarse soil texture found in the region which allows for rapid infiltration of water applied to the surface. Irrigated land makes up a large part of the region and is closely correlated with the elevated levels. The city of Park Rapids has recently had to remove city wells from production due to nitrate levels that exceeded the state maximum set by the MN Department of Health.

Implementation Goals:

- Work with The Minnesota Department of Agriculture (MDA) to continue long term monitoring of groundwater nitrate levels.
- Develop long term solutions to the address areas of high nitrates.
- Work with the MDA and the Natural Resources Conservation Service to encourage and assist landowners to implement management steps that will reduce the amount of nitrates that leach into the groundwater. This

may be accomplished through studies, crop rotational changes, fertilizer application adjustments, irrigation water management, and /or land use changes.

- Seal unused wells to eliminate the potential for groundwater contamination.
- Focus protection efforts on defined wellhead protection areas.
- Continue to monitor ground water levels in partnership with the DNR to assure an adequate supply of groundwater for human uses and recharge of our surface waters, namely the Straight River.
- Seek funding to map groundwater and geology.
- Work to improve septic system efficiencies through education, inventories, and/or development of sewage districts for lakeshore property owners.

Priority Concern: <u>Education</u>

The Hubbard County Local Water Plan Task Force along with surveyed residents of Hubbard County felt that the educational component of the Local Water Plan has been well received in the county in the past, has produced positive results, and should continue to be a priority.

Implementation Goals:

- Continue to put on the annual Hubbard County Freshwater Festival
- Provide youth education within local schools when the opportunities arise.
- Provide adult education on the topics of groundwater contamination, shoreline BMP's, lake monitoring, and aquatic vegetation surveys.
- Partner with University of Minnesota Extension, the Hubbard Coalition of Lake Associations, the Northwest Minnesota Foundation, and other citizen groups to publicize and conduct educational events.

Priority Concern Identification

The Hubbard County Local Water Plan Task Force met on July 28th, 2011. Members present included: Kathy Grell (County Commissioner), Dan Steward (BWSR), Sally Shearer (U of MN Extension) Tim James (MPCA), Don Sells (SWCD), Dan Kittilson (COLA), Marvel Haynes (Real Estate), and Shane Foley (SWCD).

The agenda for the meeting included:

- Overview of the LWP update process, timelines, and motivation for the new plan.
- Reviewed previous water plan initiatives.
- Reviewed agency comments and recommendations and the results of the citizen survey.
- Selection of priority concerns.

Selection of Priority Concerns

After a thorough review of the citizen surveys and public agency recommendations the task force brainstormed priorities for the new plan while keeping public input in mind. All ideas were written on a flip chart and after a period of time the ideas were reviewed and considered. Discussion took place until a unanimous decision was reached on the list of priorities. The list of priorities was made and is as follows: Stormwater, Crow Wing River and Lake Chain, Education, Lake Quality, Ground and Surface Water.

Summary of Agency Input:

MPCA

Priority Concern #1

Impaired Waters, 1st Crow Wing, Upper Twin, 8th Crow Wing, Portage

List impaired waters and identify the priority the County places on addressing the impaired waters also include actions the county intends to take to reduce the pollutants

Priority Concern #2

Lakes

Include an inventory of lakes significantly better than the state standards, training for contractors and lakeshore residents

DNR

Priority Concern #1

Groundwater protection (Quality and Quantity)

Continue Well head protection, establish low flow recommendations for major tributaries, continue monitoring groundwater and come up with a long range plan for nitrate reductions

Area of concern: nitrate hot spots, dense lakeshore developments, Straight River

Priority Concern #2

Surface Water Protection (Shoreland and River corridor protection)

Point and non-point source run-off (municipal stormwater, developed shoreline), identify problem areas of discharge design treatment systems, assist lake associations to integrate water quality protection based on Lake Protection Challenge Grants, support lake testing, assist with erosion control projects

Area of concern: municipalities, lakes participating in lake protection grants, undeveloped large tracts of shoreline

Priority Concern #3

Education

Continue Freshwater Festival, Envirothon, and other youth education programs, education programs for local units of government, lake residents and developers on the importance of water resources

MDH

Priority Concern 1:

Ground water based drinking water

Work with public water suppliers, and cities working on wellhead protection plans.

Priority Concern 2:

Sealing unused wells

Priority Areas, wellhead protection areas.

Priority Concern 3:

Maintain local water quality database
Data could be used to show distribution of problems, characterize aquifers, and identify contributing factors

MDA
Priority Concern 1:
Groundwater Quality for pesticides and nitrates.
Include information on BMPs and invite ag groups to sit in on plan update process

SWCD
Priority Concern 1:
Nitrate well contamination.
Area of concern: southern Hubbard County
Priority Concern 2:
Surface Water Quality
Address stormwater run-off for municipalities and private land.
Area of Concern: cities
Priority Concern 3:
Habitat loss in lakes

BWSR
Priority Concern 1:
Protection of water quality during and after development
Map areas of sensitive areas, conservation easements, develop strong working relationship between the county and lake associations, and develop new voluntary and regulatory tools
Priority Concern 2:
Erosion and sediment control
Erosion on non-riparian area can easily travel to impact surface waters
Training for government and citizens
Priority Concern 3:
Trend towards developing marginal lands
Protect sensitive areas with conservation easements, use sensitive shoreline map as a tool in plat and development reviews. Get lake associations to develop conservation committees.
Priority Concern 4:
County Lake Water Protection Action Plans
Define a small subset of high priority lakes and form action plans for those lakes to access clean water funds

City of Park Rapids
Priority Concern 1:
Safe Clean Drinking Water
Identify ways to improve water quality and partner with actions identified in the wellhead protection plan
Priority Concern 2:
Stormwater management
Maintain and improve current stormwater facilities and extend services to other areas of town, P.R. recently enacted stormwater utility to handle stormwater management.

Summary of Citizen Survey

Local Water Plan Citizen Survey

The Local Water Plan is administered by the Hubbard County SWCD and is being re-written this year. The new plan will be in place for five years and will be used to guide local decisions about land use in Hubbard County. The plan will also be used to secure funding from state and federal sources to leverage our local dollars. Please complete the following survey and mail it to the Hubbard County SWCD at 212 ½ 2nd St W Park Rapids MN 56470, or email your responses to shane.foley@mn.nacdnet.net . Thank you for your input.

Rank the three local resources you value the most (1 was the highest)

Surface Water	___2___
Ground Water	___1___
Public recreation land	___5___
Wildlife	___3___
Agricultural land	___4___

Residency:

Seasonal	__20%____
Permanent	__80%____

Rank your top three resource concerns: (1 was highest)

Reduction of lake water quality	___1___
Increased nitrates in public wells	___5___
Agricultural run-off	___2___
Run-off from increased lakeshore development	___6___
Failing septic systems	___9___
Forestland habitat destruction	___4___
Increased nitrates in private wells	___3___
Destruction of aquatic habitat	___7___
Parcel Fragmentation	___8___

(Continued on back)

How do you feel resource issues could best be resolved? (1 was highest)

Increased enforcement of existing rules ___1___

Create new, more stringent rules ___5___

Education sponsored by government ___4___

Education sponsored by community groups ___2___

Incentive payments for sound management ___3___

Identify the top three categories you would like to see funded: (1 was highest)

Youth education ___4___

Adult education ___3___

Brochures/Information distribution ___5___

Shoreline protection projects ___2___

Improved agricultural practices ___1___

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Upper Red Lower Otter Tail Watershed District Establishment Petition - Status Report**

Meeting Date: September 28, 2011

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

Item Type: ☐ Decision ☐ Discussion ☒ Information

Section/Region: Northern

Contact: Pete Waller or Travis Germundson

Prepared by: Pete Waller

Reviewed by: Northern Water Planning Committee 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
No action requested - Informational Item Only

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
Wilkin County Commissioners submitted the Upper Red Lower Otter Tail Watershed District Establishment Petition. As per the June 22, 2011 Board Order the required public hearing was held September 7, 2011 and written comments where accepted until noon, Wednesday Septembter 14th. The Northern Water Planning Committee met September 14th after the close of the hearing's comment period. The Committee will review the status of this petition with the Board. Supporting materials will be available at the Board meeting on September 28th.

Upper Red Lower Otter Tail Watershed District Petition
Status Report - as of September 19, 2011

May 2008:
BWSR approves Wilkin Local Water Plan 2008 – 2017: Action item within the LWP Implementation Plan (page20): 'Investigate establishment of a water management structure/ordinance for the Lower Otter Tail and Red River Headwaters watershed areas of Wilkin County."

July 2008:
Wilkin County Commissioners invite Wilkin County Township supervisors to begin meeting regarding water management within the Lower Otter Tail and Red River Headwaters watershed areas of Wilkin County. A five member committee of township supervisors was appointed by Wilkin County Commissioners to research possible options.

July 2008 to November 2009:
The five member committee of township supervisors identified resource concerns and issues and discussed management structure alternatives.

November 2009:
Township Committee recommends to Wilkin County Commissioners a watershed district as the preferred water management structure and the proposed boundary as the preferred area to be included.

December 2009:
Wilkin County proposed the idea to Otter Tail County Commissioners. Counties agreed to hold joint public information meetings in Fergus Falls & Breckenridge (chaired by Commissioners Lyle Hovland, Wilkin County, and John Lindquist, Otter Tail County).

February 1, 2010:
Information meeting held in Breckenridge (60 to 80 people attended)

February 3, 2010:
Information meeting held in Fergus Falls (60 to 80 people attended). Outcome of the meetings: Commissioners asked lead local staff to investigate/develop alternative management structure options and determine if there are potential cost savings vs a watershed district.

March 10, 2010:
West Ottertail SWCD funded plane rides for local officials over the majority of the area within Otter Tail County, focusing on the JD 2 area.

April 13, 2010:
Otter Tail County sent a letter to Wilkin County stating their opposition to the WD and their intent to investigate establishing a Special Taxing District via 103B.

April 27, 2010:
Otter Tail County held the required hearing to establish a Special Taxing District (103B.245) for the majority of the area within Otter Tail County. The purpose of the Special Taxing District would be to deal with water quality issues. Two Wilkin County Commissioners attended.

June 2010:
Wilkin County drafted an establishment petition for the Upper Red Lower Otter Tail Watershed District. Also requested Otter Tail County provide names for potential managers.

June 25, 2010:
Otter Tail held a meeting with 6 to 8 Otter Tail residents. Meeting purpose was to educate residents about being a WD manager.

Upper Red Lower Otter Tail Watershed District Petition
Status Report - as of September 19, 2011

July 2010:
Full Board of Otter Tail County Commissioners met with Wilkin County Commissioners to express their opposition to establishing the Upper Red Lower Otter Tail WD.

September 1, 2010:
Wilkin County held WD manager education meeting at the Rothsay Community Center.

January 2011:
Upper Red Lower Otter Tail Watershed District Establishment petition was filed with BWSR.

January 18, 2011:
Otter Tail County Commissioners submitted a resolution in opposition to the petition for the establishment.

April 1, 2011:
DNR required report and preliminary map submitted. The DNR has completed its review, supports the establishment the establishment of a WD within the Otter Tail River system and has no objections to the proposed petition.

April 13, 2011:
BWSR North Region Local Water Management Committee recommends approval of draft order to hold a public hearing on the establishment.

May 24, 2011:
Otter Tail County held a hearing to establish a Special Taxing District (103B.245) for the majority of the proposed watershed area within Otter Tail County.

June 15, 2011:
The Wilkin County Board requested that the hearing be held following planting season. The BWSR North Region Local Water Management Committee recommended that the BWSR move forward with an establishment hearing for the Upper Red/Lower Otter Tail Watershed District and that the hearing be held on July 20 in Rothsay MN.

June 22, 2011:
BWSR Order for a public hearing to be held on the establishment petition.

June 28, 2011:
Otter Tail County passed a resolution establishing a Special Taxing District via 103B.

July 2011:
July 20th establishment hearing is postponed due to state government shutdown.

August 4, 2011:
John Jaschke, BWSR Executive Director, approves rescheduling of establishment hearing date of September 7, 2011.

September 7, 2011:
Establishment hearing was held and written comments accepted until noon Wednesday September 14, 2011.

September 13, 2011: the Otter Tail County Commissioners submitted a resolution they would join in a petition with Wilkin County to join the Buffalo-Red River Watershed District, and requested the petition to establish a new Watershed District be stayed.

September 14, 2011: North Region Local Water Management Committee passed a motion to continue the process as allowed in 103D statute.

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Area II Minnesota River Basins Project Inc. FY 2012 & FY2013 Biennial Work Plan and Grant – Paul Langseth – ***DECISION ITEM***

2. Area II Minnesota River Basins Project Inc. FY 2012 & FY2013 Bonding Work Plan and 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: September 28, 2011

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Southern Region

Contact: Jeff Nielsen

Prepared by: David Sill

Reviewed by: Southern Water Planning 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

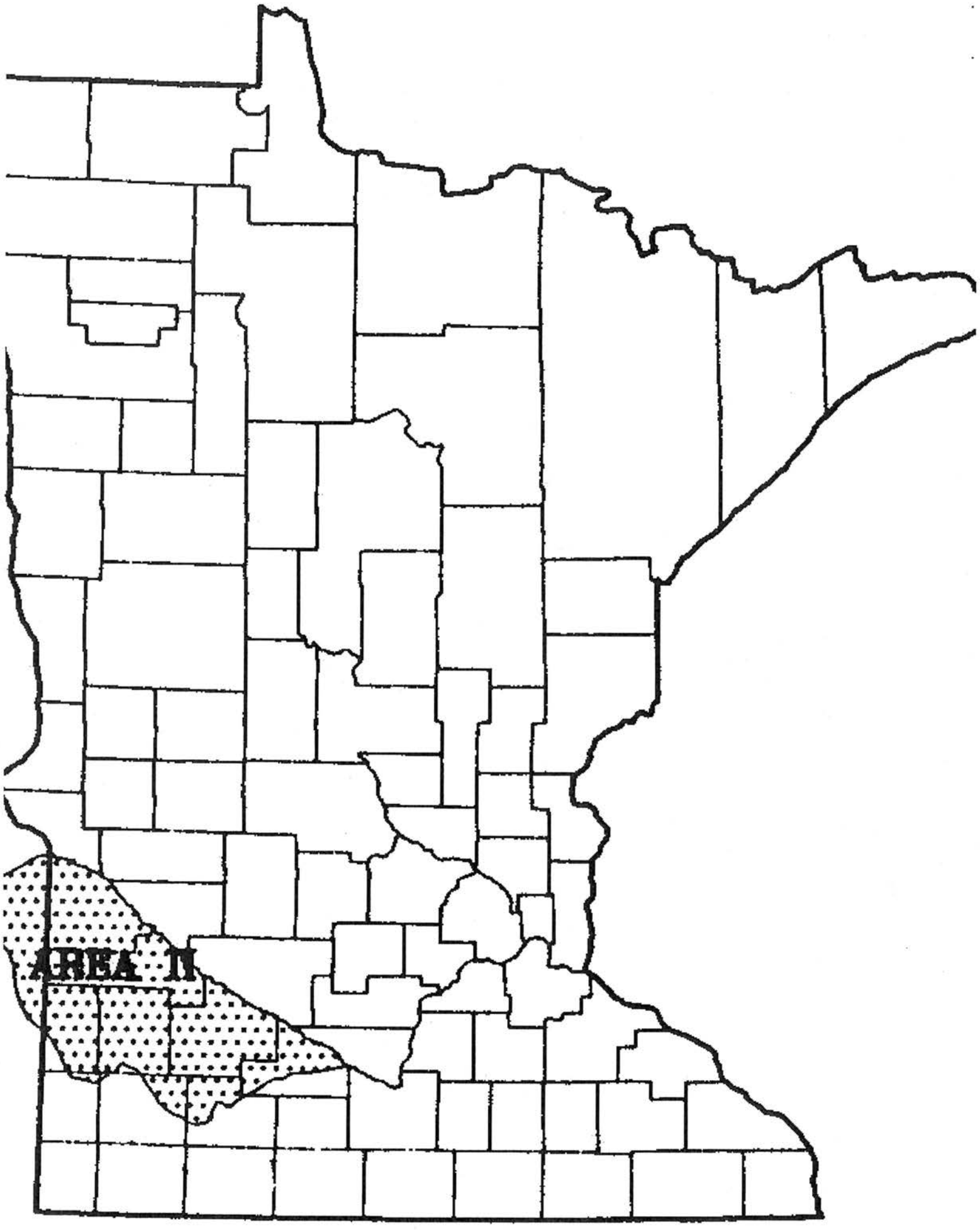
☐ Other: _____

ACTION REQUESTED

Approval and execution of fiscal year 2012 grant agreement

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

Legislative appropriation to Area II Minnesota River Basins Project Inc. 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 BWSR.


AREA II

Minnesota Board of Water & Soil Resources

DATE: September 7, 2011

TO: Jeff Nielsen, BWSR Southern Region Supervisor

FROM: David Sill, Board Conservationist, Marshall

RE: Area II MN River Basins Project Inc. Biennial Plan and Budget FY 2012 & 2013 and Bonding Work Plan FY 2012 & 2013

I have reviewed the Area II MN River Basins Project Inc. Biennial Plan and Budget. I find all information to be in order and recommend approval. The biennial plan provides direction for a two-year period, while the Technical Office Budget is for one fiscal year. By May 30, 2012, updates to the Biennial Plan as well as the Technical Office Budget for FY 2013 will be provided for BWSR staff review.

The funding provided to this Board in specific legislation is targeted at administration of this nine-county joint powers board. For fiscal year 2012 this amount is $120,000. This grant requires a 25% match.

I have also reviewed the Area II MN River Basin Projects, Inc. Bonding Work Plan for FY 2012 and 2013. I also find this information to be in order and recommend approval. The specific appropriation language for these funds is Minnesota Statutes 2011 First Special Session, Chapter 12, Section 7, Subdivision 3 ($1,000,000.) The intent is for grants to local governments in Area II of the Minnesota River Basin to acquire, design, and construct floodwater retention systems. A grant for a project is not available until the Area II Board determines that at least $1 has been committed to the project from non-state sources for every $3 of state grant.

Should you have questions, please contact me. Thank you.

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

Minnesota Board of Water & Soil Resources

Board Resolution # _____

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

WHEREAS, the Area II Minnesota River Basins Inc. (Area II) is eligible to receive a $120,000 FY 2012 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% local match requirement; and

WHEREAS, Area II has developed a Biennial Work Plan to cover activities for FY 2012 and 2013; and

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

THEREFORE BE IT RESOLVED, the BWSR hereby approves the Area II FY 2012 and 2013 Biennial Work Plan; and

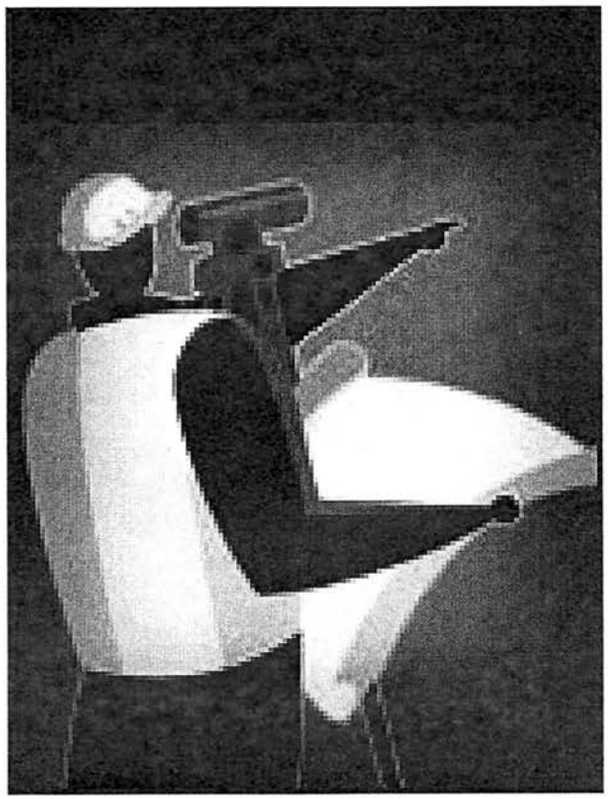
BE IT FURTHER RESOLVED, the Board of Water and Soil Resources enter into a grant agreement with the Area II Minnesota River Basins Project Inc. for these funds.

_____ Date: _____

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

BIENNIAL PLAN – FY 2012 & 2013

JULY 1, 2011 – JUNE 30, 2013





Member Counties

Brown • Cottonwood • Lac qui Parle
Lincoln • Lyon • Murray • Pipestone
Redwood • Yellow Medicine

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

1400 EAST LYON STREET ~ MARSHALL, MN 56258

WWW.AREA2.ORG



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POTENTIAL PROJECTS - PAGE 6

FY 2012 TECHNICAL OFFICE BUDGET - PAGE 7

ATTACHMENTS:

A – ***SUMMARY OF 2006 BONDING / FY11 COMPLETED PROJECTS / CLEAN WATER FUND***

B – ***FY 2010 ADMINISTRATIVE SERVICES GRANT REPORT***

C – ***FY2011 ADMINISTRATIVE SERVICES GRANT REPORT***



2011 BOARD OF DIRECTORS

BIENNIAL PLAN – FY 2012 & 2013

BROWN COUNTY
DENNIS POTTER/ ANDREW LOCHNER
ANDREW LOCHNER/ SCOTT WINDSCHITL (ALTERNATE)

COTTONWOOD COUNTY
NORMAN HOLMEN
JIM SCHMIDT (ALTERNATE)

LAC QUI PARLE COUNTY
HAROLD SOLEM
TODD PATZER (ALTERNATE)

LINCOLN COUNTY
*CURT BLUMEYER - **SECRETARY/TREASURER***
LARRY HANSEN (ALTERNATE)

LYON COUNTY
RODNEY STENSRUD
RICK ANDERSON (ALTERNATE)

MURRAY COUNTY
*ROBERT MOLINE – **CHAIR***
JOHN GIESE (ALTERNATE)

PIPESTONE COUNTY
MARGE DERUYTER
HAROLD MILLER (ALTERNATE)

REDWOOD COUNTY
*JOHN SCHUELLER – **VICE CHAIR***
ALLEN KOKESCH (ALTERNATE)

YELLOW MEDICINE COUNTY
LOUIS SHERLIN
RON ANTONY (ALTERNATE)



WORK PLAN NARRATIVE

BIENNIAL PLAN – FY 2012 & 2013

Area II, formed in 1978 as a non-profit organization, works to alleviate the recurrent flood problems which plague this area of southwestern Minnesota. This organization is recognized as a leader in flood damage reduction by the installation of dams/reservoirs and road retentions. Area II assists the member counties in the engineering design, hydrologic and hydraulic modeling, construction and inspection, and finance of flood damage reduction projects. Due the unique landforms of this region, particularly the Coteau de Prairies (the Buffalo Ridge), Area II receives a 75/25 cost-share rate for office administration and project implementation. Oversight of this grant-in-aid program is provided by the Minnesota Board of Water & Soil Resources.

This Biennial Plan provides direction for a 2-year period while the Technical Office Budget is for one fiscal year. By May 30, 2012, updates to the Biennial Plan as well as to the Technical Office Budget for FY2013 will be provided for BWSR staff review.

1) Initiative: FY 2012 – ADMINISTRATIVE SERVICES

Description: Provide administrative and coordination oversight for the AREA II Minnesota River Basin Projects, Inc. Board of Directors. Provide financial reports and records that meet State accounting and auditing standards, prepare budgets, provide supervision and management of staff, evaluate employee job performance, draft agenda and minutes of monthly board meetings. Conduct local government and citizen outreach and education.

Actions:

- Maintain a complete Board of Directors of 9 delegates and 9 alternates.
- Maintain adequate staffing to address the goals of AREA II. Evaluate job performance of all employees yearly.
- Conduct 10 monthly board meetings, 2 Executive Board teleconferences and 1 Annual Legislative Gathering.
- Utilize engineering consultant services to assist with engineering, hydrologic and planning/prioritization issues.
- Maintain policies and procedures. Review Operating Policies, Joint Powers Agreement and Articles of Incorporation annually.
- Maintain a public outreach and information program. Accomplish by maintaining the AREA II web site; conduct tours as necessary to highlight projects completed; prepare an annual report. Complete website reporting requirements by March 15 of each year.
- Strive for fiscal accountability. Accomplish by preparing and adopting an annual budget; reviewing monthly financial reports, conducting an annual audit of the financial records.
- Actively pursue new funding sources with local partners through Clean Water Fund and federal programs (EQIP, MRBI, WHIP).
- Continue administrative/operational efficiency discussions with RCRCA. Schedule board meetings for the same day and same location to lessen per diems and expenses paid to board members. Future discussions may include sharing technical resources.
- Meet and communicate with member county commissioners, engineers, water planners, watershed districts, SWCD/NRCS, watershed project staff regarding technical services and potential projects.
- Serve on technical committees (as requested) for watershed projects, TMDL project assessment and implementation efforts. Provide input to USDA Environmental Quality Incentive Program (EQIP) local work group committees.

2) Initiative: FY 2012 – ENGINEERING SERVICES

Description: Employ senior engineering technician and consultant registered engineer to provide engineering services which include planning, design, construction and inspection of flood damage reduction projects to member counties of AREA II. Provide engineering services for project funded through outside sources involving USDA Environmental Quality Incentive Program (EQIP), Mississippi River Basin Initiative (MRBI), Clean Water Funds acquired by SWCDs, RCRCA and counties. Future work may include Natural Resource Conservation Service wetland conservation partnerships.

Actions:

- Continue contracting professional engineering services through Bolton & Menk, Inc.
- Schedule and complete annual inspections and reports for 9 reservoirs.
- Ensure annual inspection of road retention projects by owners and file inspection reports. Follow up on noted concerns.
- Provide wetland monitoring and annual wetland reporting for mitigation sites associated with constructed project.
- Provide project management and coordination with local/state/federal permitting authorities.
- Process payment requests in a timely manner and provide as-built Plans and construction documentation.
- Assist in securing the local matching funds for projects which may include: owner(s), township, counties, watershed district, or special interest groups (Ducks Unlimited, Minnesota Waterfowl Association, and others).

3) Initiative: FY 2012 – OPERATIONAL & SUPPORT EXPENSES

Description: Use funding for operational and support expenses of AREA II Minnesota River Basin Projects Inc., for such things as: payroll, consultant engineering fees, field and office supplies, telephone / internet and computer services, training and certification, vehicle and equipment expenses, liability / business / auto insurance, and general business expenses.

4) Initiative: FY 2012 – PROJECT IMPLEMENTATION VIA ADMINISTRATIVE GRANT

Description: See Potential Project List for FY2012 & FY2013 – Page 6.

5) Initiative: 2011 BONDING APPROPRIATION

Description: Provide project management and engineering services to construct flood damage reduction structures to meet the 3:1 match requirement and provide the most floodwater storage as practicable. Highest priority will be given to Road Retention structures which lack other funding resources which dams and grade stabilizations can secure.

Actions:

- Administer the $1,000,000 appropriation and report project outcomes annually to BWSR Board.
- Complete fiscal expenditure report due at end of grant period listing total costs and cost-sharing by all partners.
- Facilitate wetland mitigation / creation if required proposed projects.
- Provide project management and coordination with local/state/federal permitting authorities.
- Process payment requests in a timely manner and provide as-built Plans and construction documentation.
- Assist in securing the local matching funds for projects which may include: owner(s), township, counties, watershed district, or special interest groups (Ducks Unlimited, Minnesota Waterfowl Association, and others).



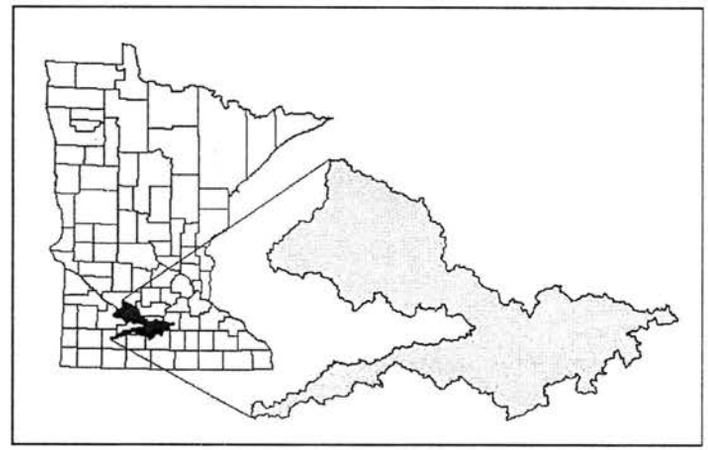
MISSISSIPPI RIVER BASIN HEALTHY WATERSHEDS INITIATIVE (MRBI)

NATIONALLY:
The Natural Resources Conservation Service (NRCS) will provide up to $43 million through existing conservation delivery programs to support more than 70 projects in 11 states.

Minnesota will receive $8.8 million from MRBI – more than any other state – to help landowners voluntarily implement practices to prevent, control and trap nutrient runoff from agricultural lands.

Targeted Minnesota Watersheds:

- Sauk River
- Root River
- Upper Cedar River
- **Middle Minnesota** ⟶ ⟶



LOCALLY:
The Redwood Soil & Water Conservation District made application to receive MRBI funding for the Middle Minnesota watershed that lies within Redwood County. The awarded grant provides for a total of eight (8) grade stabilization or grade stabilization restoration projects over the 4-year project period. $80,000 is available the first year of the project and $56,000 the consecutive 3 years. Funds will be distributed by the Environmental Quality Incentives Program (EQIP).



POTENTIAL PROJECTS

BIENNIAL PLAN – FY 2012 & 2013

COTTONWOOD COUNTY

- Germantown 1 Grade Stabilization Repair
- Delton 19 Streambank Stabilization

LINCOLN COUNTY

- Limestone 1 Road Retention

LYON COUNTY

- Amiret 29 Grade Stabilization
- Amiret 32/33 Road Retention
- Lynd 33 Grade Stabilization Repair
- Lynd 35 Grade Stabilization Repair
- Lynd 17 Grade Stabilization
- Coon Creek 24 Grade Stabilization
- Nordland 15 Grade Stabilization
- Custer 15 Grade Stabilization

MURRAY COUNTY

- Holly 22 Road Retention
- Lake Sarah 31 Road Retention
- Holly 4 Dam Repair

PIPESTONE COUNTY

- Aetna 22/15 Road Retention
- Amiret 18/19 Road Retention
- Sodus 16 Grade Stabilization
- Lake Marshall 31 Grade Stabilization Repair
- Rock Lake 12 Grade Stabilization Repair
- Lynd 31/32 Road Retention
- Lynd 8 Grade Stabilization
- Nordland 24 Grade Stabilization

REDWOOD COUNTY

- Charlestown 28 Grade Stab. Repair
- Gales 18 Grade Stabilization
- Springdale 17 Grade Stabilization
- Springdale 28 Grade Stabilization
- North Hero 34 Road Retention
- Springdale 29 Grade Stab. Repair
- Lamberton 18 Grade Stabilization Repair
- Lamberton 19 Grade Stabilization
- Springdale 24 Grade Stabilization
- Springdale 21 Road Retention
- Sherman 8 Grade Stabilization Repair
- Sherman 15 Grade Stabilization Repair



FY 2012 TECHNICAL OFFICE BUDGET

BIENNIAL PLAN – FY 2012 & 2013

OFFICE OPERATIONS

PERSONAL SERVICES:

*Directors' Compensation	$ *5,580.00**
*Directors' FICA	*427.00**
Employees' Salaries	94,425.00
Employees' FICA	7,223.50
Employees' Medical Insurance	15,845.00
Employees' Retirement	6,850.00
Employee' FlexPlan	420.00
Total Personal Services	**$ 130,770.50**

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	2,200.00
Telephone	950.00
Postage	2,100.00
Vehicle Expense	3,500.00
*Director's Insurance	*1,565.00**
Other Insurance	10,104.46
Rent	9,511.68
Miscellaneous & Other Expenses	3,000.00
*Miscellaneous Expenses - Directors	*0.00**
Total Other Services and Costs	**$ 68,931.14**

TOTAL OFFICE OPERATIONS	$ 202,201.64
Total Ineligible for Cost-Share by the State	*11,822.00**
Total Eligible for Cost-Share by the State	$ 190,379.64

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

STATE SHARE OF ELIGIBLE OFFICE COSTS	**$ 120,000.00**
Local Share of Eligible Office Costs	$ 70,379.64

ATTACHMENTS

BIENNIAL PLAN – FY 2012 & 2013

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

ATTACHMENT A

SUMMARY OF 2006 BONDING PROJECTS

FLORIDA 22 DAM REPAIR – Yellow Medicine		$ 7,934.25
WEREGELAND 31 DAM REPAIR – Yellow Medicine		$ 13,823.75
HANSONVILLE 18 DAM – Lincoln County		$ 10,209.58
DRAMMEN 15 DAM – Lincoln County		$ 44,217.73
DRAMMEN 14 DAM REPAIR – Lincoln County		$ 1,102.50
AMIRET 18 ROAD RETENTION – Lyon County		$ 70,268.25
MONROE 4 DAM REPAIR – Lyon County		$ 2,373.74
MONROE 8 DAM – Lyon County		$152,442.15
AMIRET 29 DAM – Lyon County		$ 13,554.45
ISLAND LAKE 4 DAM – Lyon County		$ 95,700.25
SODUS 5 DAM – Lyon County		$ 38,946.90
AMIRET 35 DAM REPAIR – Lyon County		$ 2,841.76
LYND 8 DAM REPAIR - Lyon County		$ 16,431.98
LYND 35 DAM REPAIR - Lyon County		$ 25,032.08
GALES 18 DAM – Redwood County		$ 1,996.88
LAMBERTON 16SE DAM REPAIR – Redwood		$ 3,123.75
NOTE: Grant concluded June 30, 2011	**TOTAL**	$ 500,000.00

GRANT SUMMARY

Total Project Costs = $1,078,139.39

Local Match Provided = $ 273,396.15

Federal Funds Provided = $230,359.92

State/Local Cost-Share Ratio = 1.83 : 1

Acre-Feet of storage created= 549.5

Total Acre-Feet of storage = 700.0

FY11 COMPLETED PROJECTS

Lamberton 29 Dam - Redwood	**$ 55,112.85**
EQIP Federal Funds	$ 46,596.00
Landowner	$ 8,516.85

Lamberton 16 Dam Repair - Redwood	**$ 20,693.86**
2006 Bonding Funds	$ 3,123.75
Landowner	$ 4,132.21
Clean Water Fund	$ 12,396.65
Area II Counties	$ 1,041.25

Lynd 8 Dam Repair - Lyon	**$ 21,909.30**
2006 Bonding Funds	$ 16,431.98
Landowner	$ 4,954.82
Area II Counties	$ 522.50

Drammen 14 Dam Repair – Lincoln	**$ 33,678.68**
2006 Bonding Funds	$ 1,102.50
Landowner	$ 6,862.17
RCRCA Cost-Share	$ 23,586.51
Area II Counties	$ 2,127.50

Amiret 35 Dam Repair – Lyon	**$ 13,785.20**
2006 Bonding Funds	$ 2,841.76
Landowner	$ 3,281.30
Clean Water Fund	$ 7,497.14
Area II Counties	$ 165.00

SUMMARY OF FY11 COMPLETED PROJECTS

2006 Bonding Funds	$ 23,499.99
EQIP Federal Funds	$ 46,596.00
Clean Water Legacy	$ 19,893.79
RCRCA Cost-Share	$ 23,586.51
Area II Counties	$ 3,856.25
Landowners	$ 27,747.35
TOTAL	$145,179.89

CLEAN WATER FUND

REDWOOD & COTTONWOOD WATERSHEDS

A portion of the funding was earmarked to fund up to 10 small grade stabilization repairs (up to $15,000 each) within the two watersheds. Area II provided surveying, engineering design and construction inspection services. The following projects were completed with this grant:

Paxton 3, Lamberton 9, Lamberton 16E, Lamberton 22, North Hero 3, Redwood Falls 17, Springdale 30 – Redwood County; Amiret 35, Stanley 21 and Monroe 4 – Lyon County

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

AREA II
MINNESOTA RIVER BASIN PROJECTS, INC.

GRANT PERIOD:
(incl. extensions)
From: July 1, 2009
To: June 30, 2010

AREA II STATUTORY AUTHORITY:
MN Statutes, Sections 103F.171-103F.187

Administrative Services Grant Expenditures

NOTE: Totals from Audited Financial Report for Year Ended June 30, 2010 Richard W. Holmberg, Ltd.

Personal Services	$127,693.02
Other Services	$78,842.85
Supplies	$1,749.47
Investigation & Testing	$8,720.00
Capitol Outlay	$2,684.78
TOTAL EXPENDITURE	**$219,690.12**

PROJECT CONTACT:
Kerry Netzke, Executive Director
(507) 537-6369
area2@starpoint.net

ATTACHMENT B

Project Title: FY'10 ADMINISTRATIVE SERVICES GRANT AGREEMENT NO. 104-88 $130,000.00



Member Counties:
Brown
Cottonwood
Lac qui Parle
Lincoln
Lyon
Murray
Pipestone
Redwood
Yellow Medicine

Area II Minnesota River Basin Watershed Boundary

Overall Project Description

Minnesota Statutes establish a grant-in-aid program administered by BWSR for providing financial and technical assistance to local government units (counties, SWCDS, and watershed districts) located in Area II for project and construction costs of floodwater retarding and retention structures within a general plan for floodplain management.

Nine counties within Area II have entered into a Joint Powers Agreement since 1978 to coordinate the implementation of such floodwater retarding and retention projects, and for this purpose, established Area II Minnesota River Basin Projects, Inc.

Statute authorizes BWSR to supervise the program and provide individual project grants not to exceed 75% of total project costs where federal funds are not utilized, or 50% of the nonfederal costs where federal funds are utilized.

Area II has an established office which houses Area II personnel and equipment to provide the engineering and other technical services of projects cost-shared through this program.

Costs eligible for cost-sharing under this Grant Agreement include technical office costs and associated costs, but do not include Area II Directors' compensation, expenses, insurance and bonding costs. The combination of the nine member counties provide $85,156.74 to the Administrative Services Grant of $130,000. This is well beyond the required 25% local match.

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

GRANT PERIOD:
(incl. extensions)
From: July 1, 2010
To: June 30, 2011

AREA II STATUTORY AUTHORITY:
MN Statutes, Sections 103F.171-103F.187

Administrative Services Grant Expenditures

NOTE: Totals from Treasurer's Report for Month Ended March 31, 2011 (3 months of fiscal year remain)

Personal Services	$101,110.23
Other Services	$52,540.47
Supplies	$1,266.94
Investigation & Testing	$ -0-
Capitol Outlay	$ -0-
TOTAL EXPENDITURE ***year to date***	**$154,917.64**

PROJECT CONTACT:
Kerry Netzke, Executive Director
(507) 537-6369
area2@starpoint.net

ATTACHMENT C

Project Title: FY'11 ADMINISTRATIVE SERVICES GRANT AGREEMENT NO. 104-89 $120,000.00



Area II Minnesota River Basin Watershed Boundary

Member Counties:
Brown
Cottonwood
Lac qui Parle
Lincoln
Lyon
Murray
Pipestone
Redwood
Yellow Medicine

Overall Project Description

Minnesota Statutes establish a grant-in-aid program administered by BWSR for providing financial and technical assistance to local government units (counties, SWCDS, and watershed districts) located in Area II for project and construction costs of floodwater retarding and retention structures within a general plan for floodplain management.

Nine counties within Area II have entered into a Joint Powers Agreement since 1978 to coordinate the implementation of such floodwater retarding and retention projects, and for this purpose, established Area II Minnesota River Basin Projects, Inc.

Statute authorizes BWSR to supervise the program and provide individual project grants not to exceed 75% of total project costs where federal funds are not utilized, or 50% of the nonfederal costs where federal funds are utilized.

Area II has an established office which houses Area II personnel and equipment to provide the engineering and other technical services of projects cost-shared through this program.

Costs eligible for cost-sharing under this Grant Agreement include technical office costs and associated costs, but do not include Area II Directors' compensation, expenses, insurance and bonding costs. The combination of the nine member counties provide $85,156.74 to the Administrative Services Grant of $130,000. This is well beyond the required 25% local match.

Minnesota Board of Water & Soil Resources

Board Resolution # 11-66

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

WHEREAS, the Area II Minnesota River Basins Inc. (Area II) is eligible to receive a $120,000 FY 2012 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% local match requirement; and

WHEREAS, Area II has developed a Biennial Work Plan to cover activities for FY 2012 and 2013; and

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

THEREFORE BE IT RESOLVED, the BWSR hereby approves the Area II FY 2012 and 2013 Biennial 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.

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

Date: 9/28/11

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

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

Meeting Date: September 28, 2011

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Southern Region

Contact: Jeff Nielsen

Prepared by: David Sill

Reviewed by: Southern Water Planning 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: Bonding

ACTION REQUESTED

Approval and execution of fiscal year 2012 bonding grant agreement

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

Legislative appropriation (Bonding) to Area II Minnesota River Basins Project Inc. to assist its nine member counties flood control projects in southwestern Minnesota. A cost share rate of 75% state funding and 25% non-state sources is required for project implementation; oversight is provided by BWSR.

Minnesota Board of Water & Soil Resources

Board Resolution # _____

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

WHEREAS, via Statutory Authority (MS 103F.171 – 103F.187) and appropriation language (Minnesota Statutes 2011 First Special Session, Chapter 12, Section 7, Subdivision 3) Area II Minnesota River Basins Project Inc. (Area II) is eligible to receive a $1,000,000 FY 2012 grant from the Minnesota Board of Water and Soil Resources (BWSR). This grant is available for construction of floodwater retarding and retention structures within the nine county project area of Area II, and

WHEREAS, floodwater retarding and retention structures may include Road Retentions, Grade Stabilizations, Grade Stabilization Restorations and Wetland Restoration, and

WHEREAS, Area II has developed a Bonding Work Plan to cover activities for FY 2012 and 2013.

THEREFORE BE IT RESOLVED, the BWSR hereby approves the Area II FY 2012 and 2013 Bonding 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.

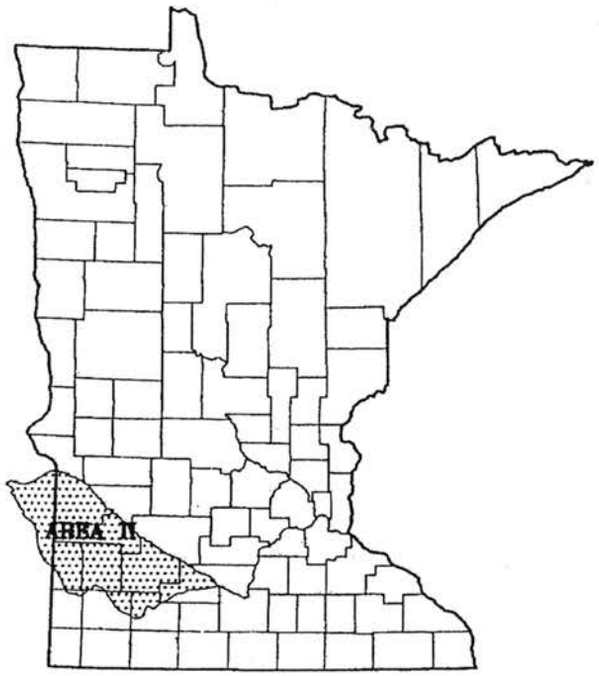
Date: _____

_____

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

BONDING WORKPLAN
FY 2012 & 2013

OCTOBER 1, 2011 – JUNE 30, 2013



Member Counties

Brown • Cottonwood • Lac qui Parle
Lincoln • Lyon • Murray • Pipestone
Redwood • Yellow Medicine

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.
1400 EAST LYON STREET ~ MARSHALL, MN 56258
WWW.AREA2.ORG

PROJECT CONSIDERATIONS

STATUTORY AUTHORITY

Minnesota Statutes 103F.171 – 103F.187

Summary: "Southern Minnesota Rivers Basin Area II" is the area within the watershed of rivers and streams that are tributaries of the Minnesota River from the south between the cities of Ortonville and Mankato. Area II is a State grant-in-aid program providing financial assistance to units of local government (counties, soil and water conservation districts, and watershed districts) for construction of floodwater retarding and retention structures within a general plan for floodplain management. Grants may not exceed 75% of the total project cost including site acquisition, engineering, and construction. If federal funds are utilized, the State contribution cannot exceed 50% of the remaining nonfederal costs.

APPROPRIATION LANGUAGE

Minnesota Statutes 2011 First Special Session, Chapter 12, Section 7, Subdivision 3

$1,000,000 For grants to local governments in Area II of the Minnesota River Basin to acquire, design, and construct floodwater retention systems. A grant for a project is not available until the board determines that at least $1 has been committed to the project from non-state sources for every $3 of state grant.

PRIORITY DETERMINATION

Floodwater retarding and retention structures may include the following:

- Road Retentions
- Dam / Grade Stabilization Restorations
- Dams / Grade Stabilizations
- Wetland Restorations

Priority of funding will be determined with the following provisions in mind:

- Road Retention projects will have highest priority as Bonding is the only source of funding for these structures beyond MNDOT Town Bridge or State-Aid. Many road retentions do not qualify for MNDOT funding due to culvert / bridge size or sufficiency rating of the bridge. The other project types (Dams / Grade Stabilizations, Dam / Grade Stabilization Restorations, and Wetland Restorations) have successfully been constructed through other funding means such as Clean Water Funds and USDA Environmental Quality Incentive Program (EQIP).
- Bonding will be utilized to stretch the State and Federal funding to achieve 75% maximum cost-share. Other funding sources, even combined sources, often provide less than 75%.
- Retarding and retention projects that are designed and awaiting funding will also be given first consideration. The 25% local match can often times be the limiting factor for construction. If the local match is available, higher priority consideration will be given.
- No watershed within the Area II watershed boundary will be given priority over another. As witnessed from the spring flooding of 2011, all watersheds have need for flood damage reduction.
- County Comprehensive Local Water Plans and watershed district Overall Plans will provide guidance for prioritization.

ESTIMATED EXPENDITURE OF FUNDS

October 1, 2011 – December 31, 2011	$ 300,000
January 1, 2012 – June 30, 2012	$ 300,000
July 1, 2012 – December 31, 2012	$ 300,000
January 1, 2013 – June 30, 2013	$ 100,000
	$1,000,000

POTENTIAL PROJECTS

PROJECTS IDENTIFIED AS ELIGIBLE FOR FUNDING
AS OF AUGUST 15, 2011

COTTONWOOD COUNTY
Delton 19 Streambank Stabilization

LINCOLN COUNTY
Limestone 1 Road Retention

LYON COUNTY
Amiret 18/19 Road Retention
Amiret 29 Grade Stabilization
Amiret 32/33 Road Retention
Coon Creek 24 Grade Stabilization
Custer 15 Grade Stabilization
Lake Marshall 31 Grade Stabilization Repair
Lynd 8 Grade Stabilization
Lynd 17 Grade Stabilization
Lynd 33 Grade Stabilization Repair
Lynd 35 Grade Stabilization Repair
Lynd 31/32 Road Retention
Nordland 15 Grade Stabilization
Nordland 24 Grade Stabilization
Rock Lake 12 Grade Stabilization Repair
Sodus 16 Grade Stabilization

MURRAY COUNTY
Holly 4 Dam Repair
Holly 22 Road Retention
Lake Sarah 31 Road Retention

REDWOOD COUNTY
Charlestown 28 Grade Stab. Repair
Gales 18 Grade Stabilization
Lamberton 18 Grade Stabilization Repair
Lamberton 19 Grade Stabilization
North Hero 34 Road Retention
Springdale 17 Grade Stabilization
Springdale 21 Road Retention
Springdale 24 Grade Stabilization
Springdale 28 Grade Stabilization
Springdale 29 Grade Stab. Repair

PIPESTONE COUNTY
Aetna 22/15 Road Retention

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

Minnesota Board of Water & Soil Resources

Board Resolution # 11-67

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

WHEREAS, via Statutory Authority (MS 103F.171 – 103F.187) and appropriation language (Minnesota Statutes 2011 First Special Session, Chapter 12, Section 7, Subdivision 3) Area II Minnesota River Basins Project Inc. (Area II) is eligible to receive a $1,000,000 FY 2012 grant from the Minnesota Board of Water and Soil Resources (BWSR). This grant is available for construction of floodwater retarding and retention structures within the nine county project area of Area II, and

WHEREAS, floodwater retarding and retention structures may include Road Retentions, Grade Stabilizations, Grade Stabilization Restorations and Wetland Restoration, and

WHEREAS, Area II has developed a Bonding Work Plan to cover activities for FY 2012 and 2013.

THEREFORE BE IT RESOLVED, the BWSR hereby approves the Area II FY 2012 and 2013 Bonding 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.

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

Date: 9/28/11

NEW BUSINESS

1. Camp Ripley Army Compatible Use Buffer (ACUB) Cooperative Agreement and Riparian Payment Rates – Kevin Lines – ***DECISION ITEM***

2. Clean Water Funded (CWF) and Outdoor Heritage Funded Permanent RIM Reserve Riparian Buffer Conservation Easement Program – Kevin Lines – ***DECISION ITEM***

3. Wellhead Protection Area Clean Water Funded (CWF) Permanent RIM Reserve Wellhead Protection Easement Program – Kevin Lines – ***DECISION ITEM***

4. Minnesota Drainage Law Analysis and Evaluation Report - Louis Smith, Smith Partners, PLLP – ***INFORMATION ITEM***

5. Upcoming Federal Farm Bill Conservation Title - Minnesota Interagency Efforts - Barbara Weisman, MDA, and interagency team – ***INFORMATION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Camp Ripley Army Compatible Use Buffer (ACUB) Cooperative Agreement and Riparian Rates**

Meeting Date: September 28, 2011

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Conservation Easement Section

Contact: Kevin Lines

Prepared by: Kevin Lines

Reviewed by: RIM Reserve Management Planning Committee(s) (RRMPC)

Presented by: Kevin Lines

☐ **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: Federal-Department of Defense-National Guard Bureau Funds

ACTION REQUESTED

The Board is requested to adopt the recommendation of RIM Reserve Management Planning Committee (RRMPC) which authorizes staff to establish adjacent riparian payment rates and develop, finalize, and sign the next Camp Ripley ACUB Cooperative Agreement with the National Guard Bureau and Camp Ripley staff, and continue the successful implementation of the Camp Ripley ACUB consistent with an approved Cooperative Agreement consistent with provisions of this resolution.

SUMMARY

The BWSR and the National Guard Bureau entered into a five-year Camp Ripley ACUB Cooperative Agreement June 2006, and it will expire September 30, 2011. This will allow staff to develop, finalize, and sign the next Camp Ripley ACUB Cooperative Agreement with the National Guard Bureau and Camp Ripley Staff and allow the continuation of the most successful ACUB program in the nation.

The RRMPC met on September 15th to review and unanimously recommends the following to successfully continue the Camp Ripley ACUB Program.

Board Resolution #_____

Camp Ripley Army Compatible Use Buffer (ACUB) Program: Cooperative Agreement Renewal and Adjacent Riparian Rates

WHEREAS the Board of Water and Soil Resources is authorized by Minnesota Statutes 103B.101, subdivision 9, authorizes the BWSR to accept grants, gifts, donations, or contributions in money, services, materials, or otherwise from the United States, a state agency, or other sources to achieve an authorized purpose. The Board may enter into a contract or agreement necessary or appropriate to accomplish the transfer. The Board may receive and expend money to acquire conservation easements, as defined in Chapter 84C, on behalf of the state and federal government consistent with Camp Ripley's Army Compatible Use Buffer Program (ACUB);

WHEREAS the state of Minnesota, acting through its Minnesota Board of Water and Soil Resources and the National Guard Bureau (NGB) entered into a five year cooperative agreement #W9133N-OG-2-3056 June 19, 2006;

WHEREAS the Camp Ripley ACUB cooperative agreement issued by the National Guard Bureau W9133N-OG-2-3056 expires on September 30th, 2011 and will need to be updated for the next five year agreement period beginning October 1, 2011;

WHEREAS the Camp Ripley ACUB and the State of Minnesota through its Department of Natural Resources and the Board of Water and Soil Resources has identified riparian properties located on the Mississippi and Crow Wing Rivers located in the Camp Ripley ACUB as its highest priority for enrollment in the ACUB program;

WHEREAS the Board has authorized staff to work with the National Guard Bureau, Camp Ripley staff, and the involved local Soil and Water Conservation District staff to develop the next Camp Ripley ACUB Cooperative Agreement;

WHEREAS Camp Ripley has identified that riparian lands adjacent to the Mississippi River and Crow Wing River in the 3-mile buffer areas have not been successfully enrolled into the Camp Ripley ACUB because existing ACUB payment rate for conservation easement are not sufficient to attract interest by landowners who own high-valued river frontage properties;

WHEREAS the Camp Ripley ACUB and their staff have been working with BWSR and the local Morrison SWCD to evaluate payment formula method alternative which would create a more equitable payment rate for these highly valued properties;

WHEREAS BWSR, Camp Ripley, and Morrison SWCD staff have recommended a ACUB payment rate for these identified river frontage properties of 60% of the most recent assessed market value of the land as determined by the county assessor of the county where the land is located;

WHEREAS the BWSR RIM Reserve Management Planning Committee met on Thursday, September 15th, 2011 and unanimously recommends the following to successfully continue the Camp Ripley ACUB Program;

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to:

1) Immediately implement the adjacent riparian lands payment rate of 60% of the most recently assessed market value of the land as determined by the county assessor of the county where the land is located, and

2) Develop and finalize and sign the next Camp Ripley ACUB Cooperative Agreement with the National Guard Bureau and Camp Ripley Staff, and

3) Continue the successful implementation of the Camp Ripley ACUB consistent with an approved Cooperative Agreement consistent with the provisions of this resolution.

Dated at Saint Paul, Minnesota this 28th day of September, 2011.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____

Brian Napstad, Chair

Board of Water and Soil Resources

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **CWF - OHF Permanent RIM Reserve Riparian Buffer Easement Program**

Meeting Date: September 28, 2011

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Conservation Easements

Contact: Kevin Lines

Prepared by: Kevin Lines

Reviewed by: RIM Reserve Management Planning (RRMPC) Committee(s)

Presented by: Kevin Lines

☐ **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

The Board is requested to approve the recommendation of the RRMPC to adopt the FY12 CWF and OHF Permanent RIM Reserve Riparian Buffer Conservation Easement Program which authorizes staff to:

1. Finalize, distribute, and promote a Request for Proposal (RFP) for the FY 2012 Clean Water Fund Buffer program and the FY2012 Lessard Sams Outdoor Heritage Council Wildlife Buffer Program.
2. Develop a detailed ranking process (to be reviewed by the Board).
3. Conduct the RIM Reserve Riparian Buffer Easement Program sign-up and selection process with a target implementation date of December 1, 2011.

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

The BWSR has received its second appropriation of $6.0M CWF for FY12 to purchase and restore permanent RIM Reserve conservation easements on riparian buffer areas. The BWSR also received its first appropriation of $2.249M in Outdoor Heritage Funds to acquire permanent wildlife buffers adjacent to existing CWF buffers.

The RRMPC met on September 15, 2011 to review and unanimously recommends the following to successfully implement the CWF-OHF Permanent RIM Reserve Riparian Buffer Easement Program.

Board Resolution # 11-68

Camp Ripley Army Compatible Use Buffer (ACUB) Program: Cooperative Agreement Renewal and Adjacent Riparian Rates

WHEREAS the Board of Water and Soil Resources is authorized by Minnesota Statutes 103B.101, subdivision 9, authorizes the BWSR to accept grants, gifts, donations, or contributions in money, services, materials, or otherwise from the United States, a state agency, or other sources to achieve an authorized purpose. The Board may enter into a contract or agreement necessary or appropriate to accomplish the transfer. The Board may receive and expend money to acquire conservation easements, as defined in Chapter 84C, on behalf of the state and federal government consistent with Camp Ripley's Army Compatible Use Buffer Program (ACUB);

WHEREAS the state of Minnesota, acting through its Minnesota Board of Water and Soil Resources and the National Guard Bureau (NGB) entered into a five year cooperative agreement #W9133N-OG-2-3056 June 19, 2006;

WHEREAS the Camp Ripley ACUB cooperative agreement issued by the National Guard Bureau W9133N-OG-2-3056 expires on September 30th, 2011 and will need to be updated for the next five year agreement period beginning October 1, 2011;

WHEREAS the Camp Ripley ACUB and the State of Minnesota through its Department of Natural Resources and the Board of Water and Soil Resources has identified riparian properties located on the Mississippi and Crow Wing Rivers located in the Camp Ripley ACUB as its highest priority for enrollment in the ACUB program;

WHEREAS the Board has authorized staff to work with the National Guard Bureau, Camp Ripley staff, and the involved local Soil and Water Conservation District staff to develop the next Camp Ripley ACUB Cooperative Agreement;

WHEREAS Camp Ripley has identified that riparian lands adjacent to the Mississippi River and Crow Wing River in the 3-mile buffer areas have not been successfully enrolled into the Camp Ripley ACUB because existing ACUB payment rate for conservation easement are not sufficient to attract interest by landowners who own high-valued river frontage properties;

WHEREAS the Camp Ripley ACUB and their staff have been working with BWSR and the local Morrison SWCD to evaluate payment formula method alternative which would create a more equitable payment rate for these highly valued properties;

WHEREAS BWSR, Camp Ripley, and Morrison SWCD staff have recommended a ACUB payment rate for these identified river frontage properties of 60% of the most recent assessed taxable market value of the land as determined by the county assessor of the county where the land is located;

WHEREAS the BWSR RIM Reserve Management Planning Committee met on Thursday, September 15th, 2011 and unanimously recommends the following to successfully continue the Camp Ripley ACUB Program;

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to:

1) Immediately implement the adjacent riparian lands payment rate of 60% of the most recently assessed taxable market value of the land as determined by the county assessor of the county where the land is located, and

2) Develop and finalize and sign the next Camp Ripley ACUB Cooperative Agreement with the National Guard Bureau and Camp Ripley Staff, and

3) Continue the successful implementation of the Camp Ripley ACUB consistent with an approved Cooperative Agreement consistent with the provisions of this resolution.

Dated at Saint Paul, Minnesota this 28th day of September, 2011.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: 

Brian Napstad, Chair

Board of Water and Soil Resources

Board Resolution # 11-69

Clean Water Fund and Outdoor Heritage Funded Permanent RIM Reserve Riparian Buffer Conservation Easement Program: Criteria and Enrollment Procedures

WHEREAS the Minnesota State Legislature appropriated $6.0 million of Clean Water Funds (CWF) for Fiscal Year 2012, to the Board of Water & Soil Resources (BWSR) in the 2011, 1st Special Session Law Chapter 6, Article 1, Section 7(e), to purchase and restore permanent RIM Reserve Conservation easements on riparian buffers areas under Minnesota Statutes, section 103F.515. This appropriation may be used for restoration of riparian buffers protected by easements purchased with this appropriation and for stream bank restorations when the riparian buffers have been restored;

WHEREAS the Minnesota State Legislature appropriated $2.249 million of Outdoor Heritage Fund (OHF) to the Board of Water and Soil Resources (BWSR) in the 2011 1st Special Session Law Chapter 6, Article 1, Section 2 (c) to acquire permanent conservation easements to enhance habitat by expanding riparian wildlife buffers on private land;

WHEREAS funds are available to purchase and restore permanent conservation easements on riparian buffers of at least 50 feet on average unless there is a natural impediment, road or other impediment beyond the control of the landowner but no more than 100 feet on average measured from the edge of a channel, bluff or shoreline;

WHEREAS the purpose of these CWFs is to purchase and restore permanent conservation easements on riparian buffers of up to an average of 100 feet adjacent to public waters, excluding wetlands, to keep water on the land in order to decrease sediment, pollutant and nutrient transport, reduce hydrologic impacts to surface waters and increase infiltration for groundwater recharge;

WHEREAS CWF buffers may be extended to a maximum average of 200 feet for wildlife enhancement purposes in the Prairie Planning Section of LSOHC using the OHF appropriation;

WHEREAS the Reinvest in Minnesota (RIM) Reserve conservation easement program is administered by the BWSR in cooperation with local Soil and Water Conservation Districts;

WHEREAS the SWCDs will be reimbursed for their services related to riparian buffer easement acquisitions and conservation plan development at the BWSR's current RIM services rate;

WHEREAS eligible riparian buffers are adjacent to public waters, streams, ditches and lakes (excluding wetlands). These are streams identified as solid lines, ditches identified as a dashed line and basins marked with a 'P' on the Department of Natural Resources (DNR) Public Waters Inventory map, and other public ditches are defined by MN Statute 103E and available from the county or watershed district drainage system authority;

WHEREAS a majority of the riparian buffer area enrolled must have a cropping history and a priority will be placed on enrolling existing or recently expired USDA Conservation Reserve Program (CRP) contracts into a RIM Reserve permanent conservation buffer easement;

WHEREAS the Board has established Permanent RIM Reserve easement payment rates;

WHEREAS the BWSR RIM Reserve Management Planning Committee met on September 15, 2011 to review and recommend the following provision to successfully implement the RIM Reserve Riparian Buffer Conservation Easement Program;

NOW, THEREFORE, BE IT RESOLVED, the Board hereby authorizes staff to:

1. Develop a ranking process for review by the Board; the ranking criteria may include the following: project description, anticipated outcomes, project readiness, and prioritization and relationship to plan;

2. Finalize, distribute, and promote a Request for Proposals (RFP) for the FY 2012 Clean Water Fund Buffer program and FY2012 Lessard Sams Outdoor Heritage Council wildlife buffer program;

3. Conduct the RIM Reserve Riparian Buffer Easement Program sign-up and selection process with a target implementation date of December 1, 2011.

Dated at Saint Paul, Minnesota this 28th day of September, 2011.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: 

Brian Napstad, Chair

Board of Water and Soil Resources

Board Resolution # 11-70

Clean Water Funded Permanent RIM Reserve Wellhead Protection Easement Program: Eligibility and Sign-up Procedures

WHEREAS the Minnesota State Legislature appropriated $2.6 million of Clean Water Funds (CWF) to the Board of Water & Soil Resources (BWSR) in the 2011, 1st Special Session Law Chapter 6, Article 1, Section 7(f) Board of Water and Soil Resources, to purchase and restore permanent RIM Reserve Conservation easements on wellhead protection areas under Minnesota Statutes, section 130F.515, subd.2, paragraph (d);

WHEREAS priority must be placed on land that is located where the vulnerability of the drinking water supply management area, as defined under Minnesota Rules, part 4720.5100, subpart 13, is designated as high or very high by the Commissioner of the Minnesota Department of Health (MDH);

WHEREAS the Reinvest in Minnesota (RIM) Reserve conservation easement program is administered by the Board of Water and Soil Resources (BWSR) in cooperation with local Soil and Water Conservation Districts (SWCD);

WHEREAS the SWCDs will be reimbursed for their services related to wellhead protection easement acquisition and conservation plan development at the BWSR's current RIM services rate;

WHEREAS enrollment into a Permanent RIM Reserve Wellhead Protection easement will be limited to Wellhead Protection Areas (WHPA) identified by the MDH and mapped as high or very high vulnerability. A majority of the easement must be within the WHPA;

WHEREAS a priority will be placed on extending new or existing USDA Conservation Reserve Program (CRP) contracts within the WPA and will be limited to areas with cropping history;

WHEREAS the MDH, in consultation with the Minnesota Department of Agriculture (MDA), has identified for BWSR the most highly vulnerable WPA's conducive to enrollment in the Permanent RIM Reserve Wellhead Protection Easement Program;

WHEREAS the Board has established Permanent RIM Reserve easement payment rates;

WHEREAS the BWSR RIM Reserve Management Planning Committee met on September 15, 2011 to review and recommend the following provision to successfully implement the RIM Reserve Wellhead Protection Conservation Easement Program;

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to work with the appropriate SWCDs to implement the acquisition of RIM Reserve Wellhead Protection easements in the targeted areas with high or very high vulnerability as provided to the BWSR by the MDH.

Dated at Saint Paul, Minnesota this 28th day of September, 2011.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____

Brian Napstad, Chair

Board of Water and Soil Resources

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: RIM Reserve Wellhead Protection Easements

Meeting Date: September 28, 2011

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Conservation Easement Section

Contact: Kevin Lines

Prepared by: Kevin Lines

Reviewed by: RIM Reserve Management Planning Committee(s)

Presented by: Kevin Lines

☐ **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

The Board is requested to approve the recommendation of the RIM Reserve Management Planning Committee (RRMPC) to authorize staff to successfully implement the CWF RIM Reserve Wellhead Protection Conservation Easement Program.

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

The BWSR has received $2.6M in Clean Water Funds for FY12 - FY13 to purchase and restore permanent RIM Reserve conservation easements on wellhead protection areas. No changes were recommended for the CWF RIM Reserve Wellhead Protection Easement Program.

The RRMPC met on September 15, 2011 to review and unanimously recommends the following to successfully continue the CWF RIM Resreve Wellhead Protection Easement Program.

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: MN Drainage Law Analysis and Evaluation

Meeting Date: September 28, 2011

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

Item Type: ☐ Decision ☐ Discussion ☒ Information

Section/Region: Technical Services Section

Contact: Al Kean

Prepared by: Al Kean

Reviewed by: _____ Committee(s)

Presented by: Louis Smith, Smith Partners, PLLP

☒ **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: Report includes proposed statute revisions, including BWSR authority recommendations

ACTION REQUESTED
None

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
In 2008, the Legislative-Citizen Commission on Minnnesota Resources (LCCMR) conducted two Requests for Proposals for the Environment and Natural Resources Trust Fund. The Phase 1 RFP priorities were continuations of major projects and the Phase 2 priorities were targeted issue areas defined by the LCCMR, including "Minnesota Drainage Law Analysis and Evaluation" under the Water Quality category. The objective stated by the LCCMR was to: "Conduct a legal analysis of Minnesota drainage laws (M.S. Chapter 103E and other applicable drainage law) to determine the economic costs and benefits and environmental impacts of the laws and consider alternative strategies that would best serve the collective needs of public waters and property owners alike." The Smith Partners proposal was selected by the LCCMR and funded by the Legislature in 2009.

Smith Partners coordinated with the stakeholder Drainage Work Group to identify a cross section of participants for a project advisory committee and to serve as a sounding board for draft products during the study. The final report, dated August 15, 2011 is available on the BWSR website on the Drainage page under Technical Information and Resources. The report includes draft legislation (i.e. proposed statute revisions) to implement the study recommendations. These proposed statute revisions will be the subject of further Drainage Work Group discussion and consensus recommendations, as well as BWSR staff discussion and recommendations.

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **DRAFT guiding principles for the 2012 Farm Bill**

Meeting Date: September 28, 2011

Agenda Category: ☐ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☐ Decision ☐ Discussion ☒ Information
Section/Region:
Contact: Al Kean
Prepared by: John Jaschke
Reviewed by: John Jaschke Committee(s)
Presented by: Barbara Weisman, MDA

☐ **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: Future USDA partnerships

ACTION REQUESTED

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
An interagency team from MDA, BWSR, DNR, and PCA has been working to develop principles and ideas for the Conservation Title in the next Federal Farm Bill for subsequent communications to Federal policy makers. Although the timing of the upcoming Farm Bill development and passage is still uncertain, MDA Commissioner Frederickson has chartered an effort to develop a Minnesota message to be ready later this year. The draft guiding principles and some general ideas will be presented and discussed.

For more information contact:

Dept of Agriculture (MDA) – Barbara Weisman, barbara.weisman@state.mn.us, 651-201-6631
Board of Water & Soil Resources (BWSR) – Al Kean, al.kean@state.mn.us, 651-297-2907
Dept of Natural Resources (DNR) – Mark Lindquist, mark.lindquist@state.mn.us, 507-359-6038
Pollution Control Agency (MPCA) – Wayne Anderson, wayne.p.anderson@state.mn.us, 651-757-2195

DRAFT guiding principles for the 2012 Farm Bill Conservation Title - 8/19/2011

Contacts:

MN Board of Water & Soil Resources (BWSR) – Al Kean, al.kean@state.mn.us, 651-297-2907

MN Dept of Agriculture (MDA) – Barbara Weisman, barbara.weisman@state.mn.us, 651-201-6631

MN Dept of Natural Resources (DNR) – Mark Lindquist, mark.lindquist@state.mn.us, 507-359-6038

MN Pollution Control Agency (MPCA) – Wayne Anderson, wayne.p.anderson@state.mn.us, 651-757-2195

This draft is part of an interagency effort to revisit State of Minnesota recommendations for the 2008 Farm Bill Conservation Title, which can be found at:
www.cwc.state.mn.us/documents/consev_policy_recommendations.pdf.

Principle 1 - The Conservation Title must work for those who work the land: it must be *practical*.

Principle 2 - The Conservation Title must work for the environment: it must be *effective*.

Principle 3 - The Conservation Title must work for conservation partnerships: it must be *collaborative*.



Principle 1 - The Conservation Title must work for those who work the land: it must be practical. *The success of farm bill conservation programs depends on the voluntary participation of end-users – the farmers and others who own, rent or manage agricultural and other rural lands, including non-industrial private forestland.*

- **Blending conservation & production**: Promote the idea that there is room for some conservation on every farm. Help producers incorporate conservation into business decision-making using environmental quality assurance or similar rapid assessment tools. Simultaneously pursue conservation goals and support agricultural production by emphasizing practical, economically feasible conservation practices and systems compatible with working farms and forests.
- **Investing in conservation**: Appropriately balance funding for conservation practices on sensitive lands with funding for conservation practices on working lands. Offer financial incentives to accelerate producers' private investments in establishing and maintaining conservation practices. Streamline the application process for all conservation programs and make sign-ups more predictable and convenient.
- **Leadership from the ground up**: Strengthen farmer-led initiatives and farmer-to-farmer learning opportunities to accelerate adoption of effective conservation practices. Help land owners/managers engage in locally led protection and restoration projects that connect field scale efforts to watershed or landscape scale results.
- **Economic valuation**: Provide a sound basis for new conservation-based economic opportunities by quantifying the economic value (on and off the farm) of the environmental benefits provided by conservation practices. Communicate to all the value of private and public investments in conservation.



Principle 2 - The Conservation Title must work for the environment: it must be effective. *To be effective, farm bill conservation programs must focus on the long-term resilience of the landscapes and watersheds we rely on for food, fuel, fiber, drinking water, wildlife and outdoor recreation.*

- **Precision conservation & other informed decisions**: Invest in the scientific support network necessary to establish conservation goals and expectations at multiple scales. Strategically target funding to high-impact practices in the best places to achieve conservation goals.
- **Measuring performance**: Quantify the environmental effectiveness of conservation practices and systems at multiple scales. Interpret measurement data at regular intervals to evaluate what's working and what's not.
- **Adaptive management**: Adjust and adapt practices based on research findings and analysis of performance measurement data. Accelerate practice standard development and updates to help farmers adopt successfully piloted practices.
- **Lasting benefits**: Build a conservation culture centered on long-term environmental stewardship. Help land owners and managers sustain annual or ongoing management practices and preserve or maintain enduring vegetative and structural practices.



Principle 3 - The Conservation Title must work for conservation partnerships: it must be collaborative. *Successful, efficient program delivery requires highly functional partnerships among federal, state, local and non-government agencies and organizations.*

- **Leveraging resources**: Work closely with states to coordinate and leverage funding in support of mutual conservation priorities. Partner fully with state and local agencies/organizations to reinvest in technical assistance and strengthen the local conservation delivery network. Overcome barriers to data-sharing that hinder strategic use of financial and technical assistance resources.
- **Locally led conservation**: Keep programs flexible enough to be tailored to state and local conservation priorities. Invest more resources in locally led projects, local conservation work groups and State Technical Committees, and share detailed data to facilitate informed decisions.
- **Transparent decisions**: Help local project leaders communicate the scientific basis for conservation goals and targets to project participants and communities.
- **Communicating results**: Collaborate with conservation partners to build a learning culture. Help disseminate research, demonstration and pilot project findings. Conduct persistent and consistent outreach and education to share what's working and what's not, especially at the local level.

**** DRAFT ****

Minnesota State Agency Recommendations on the 2012 Farm Bill

Conservation Title priorities as of September 2011

- **Investing in Conservation:** Ensure a strong, stably funded Conservation Title that continues 2008 Farm Bill authorized funding levels for critical private lands conservation programs. The long-term resilience of our land and water resources – along with a strong farm safety net – is essential for environmental and economic security.
- **Federal-State Partnerships**: Partner more fully with states, including more flexibility and autonomy in determining the best use of funds for individual farm bill conservation programs and regional landscape initiatives. This includes overcoming Farm Bill data-sharing barriers that hinder strategic collaboration and targeting of local, state and federal conservation funding and technical assistance.
- **Conservation Technical Assistance**: Provide adequate funding for "boots on the ground" at the local level, including the technical expertise necessary to apply conservation targeting tools, targeted outreach to attract voluntary program participation in high-priority areas, conservation practice planning, design and establishment, and farm and watershed scale monitoring and modeling to ensure that Farm Bill conservation efforts are effective.
- **Farmer-Led Water Quality Initiatives**: Facilitate farmer-led water quality assurance initiatives at the HUC-12, HUC-14 or township level. Accelerate efforts to scale NRCS Conservation Effects Assessment Program (CEAP) and related methods to the HUC-12 level to help establish scientifically sound benchmarks and goals. Facilitate technical teams to help analyze aggregated data from farmer-led initiatives together with the best available watershed-scale water quality data from other sources such as USGS and state agencies.
- **Integrated Reserve Program**: Consider integrating the Conservation Reserve Program (CRP), Grassland Reserve Program (GRP), and elements of the Biomass Crop Assistance Program (BCAP) into a seamless program offering landowners a range of conservation opportunities including targeted high-priority CRP water quality practices, targeted high-priority grassland and forest habitat, and native prairie preservation, with several contract length and easement options. Allow conservation-compatible land uses (under a conservation plan) including managed grazing, haying, forest management and harvesting of biomass for renewable energy production, with payment rates based on environmental benefits.
- **CRP Land Management Flexibility:** If CRP remains a stand-alone program, allow more flexible land use options, especially for managed grazing and haying.
- **Wetland Reserve Program (WRP)**: Keep the highly successful WRP as a stand-alone program and ensure its continued funding.
- **Working Lands Programs:** Maintain funding levels for conservation on lands in agricultural production and non-industrial privately owned forests with special attention to nutrient management and suites of related practices. Consider integrating key elements of the Conservation Stewardship Program (CSP) into the Environmental Quality Incentives Program (EQIP).

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, OCTOBER 26, 2011

BOARD MEMBERS PRESENT:
Paul Brutlag, Chris Elvrum, MDH; Christy Jo Fogarty, Rebecca Flood, PCA; Todd Foster, Paul Langseth, Tom Loveall, Keith Mykleseth, Brian Napstad, Dave Schad, DNR; Rob Sip, MDA; Louise Smallidge, Gene Tiedemann, LuAnn Tolliver, Gerald Van Amburg

BOARD MEMBERS ABSENT:
Bob Burandt
Quentin Fairbanks
Sandy Hooker
John Meyer
Faye Sleeper

STAFF PRESENT:
Mary Jo Anderson, Don Buckhout, Travis Germundson, Jim Haertel, Tabor Hoek, John Jaschke, Kevin Lines

OTHERS PRESENT:
Tim Koehler, NRCS
Jill Nyugen, Attorney General's Office
Doug Norris, DNR
Jack Perry, Briggs & Morgan Law Firm
Richard and Marie Borglum

Chair Napstad called the meeting to order at 9:00 a.m. Chair Napstad noted that a quorum is present.

PLEDGE OF ALLEGIANCE

** 11-72 **ADOPTION OF AGENDA** – Moved by LuAnn Tolliver, seconded by Louise Smallidge, to adopt the agenda as presented. Motion passed on a voice vote.

** 11-73 **MINUTES OF SEPTEMBER 28, 2011** – Moved by Louise Smallidge, seconded by Paul Langseth, to approve the minutes of September 28, 2011, as circulated. Motion passed on a voice vote.

PUBLIC ACCESS FORUM
Jack Perry, Briggs Morgan Law Firm, thanked the Board of Water and Soil Resources for the review of the WCA appeal of exemption.

CONFLICT OF INTEREST DECLARATION –
Chair Napstad reported that there are six agenda items today that need the Conflict of Interest Declaration form submitted. John Jaschke stated that the declaration process is being used on the following decisions:

- Minnesota River Board, Fiscal Year 2012 Work Plan and Grant
- RIM-WRP Payment Rates
- RIM-WRP Environment and Natural Resources Trust Fund Allocation
- RIM Red River Wetland Restoration Initiative
- RIM Partners in USDA NRCS Mississippi River Basin Initiative (MRBI) Wetlands Reserve Enhancement Program (WREP)
- RIM Reserve outdoor Heritage Fund (OHF) Shallow Lakes Shoreland Protection on Wild Rice Lakes Project

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. At 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. John explained BWSR's conflict of interest policy for grant authorizations. The Conflict of Interest Declaration document will be filed for the grant decision items.

REPORTS

Chair's Report – Brian Napstad reported that he attended a number of meetings, he met with legislators, and agency heads. He stated that various people have indicated that wetland issues are best driven by agencies; more information will be presented to the Wetland Committee at their meeting this afternoon.

Administrative Advisory Committee (AAC) – Chair Napstad stated that the AAC did not meeting this morning as there were no administrative issues that needed attention at this time.

Executive Director's Report – John Jaschke reviewed the information in board members' packets, "For Your Information". John reported that the 'BWSR Academy' (attended by over 300 LGU staff) is going on now at Breezy Point. John stated that board members' interested in attending upcoming annual meetings need to submit registration forms to Mary Jo Anderson by October 28th.

John attended the Water Resources Conference last week; the focus was on science and policy. John reported that the Heron Lake Watershed District watershed plan hearing process is being held in abeyance as requested by the Watershed District.

John reported that the Office of Legislative Auditor (OLA) postponed BWSR's meeting on October 24, 2011, audit of legacy funds. The OLA Report will likely be available by the December 14th Board Meeting.

Dispute Resolution Committee – Travis Germundson reported that there are 15 appeals pending; one new appeal received, a restoration order in Mille Lacs County. Travis reported that File #11-2 and File #11-3 appeals are on the agenda later today.

Wetland Committee – LuAnn Tolliver reported that the Wetland Committee will meet today immediately following adjournment of the BWSR Board meeting.

Grants Program & Policy Committee – Louise Smallidge reported that the Grants Program & Policy Committee will meet on November 17; a notice will be distributed regarding time and location.

Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth reported that the Public Relations, Outreach & Strategic Planning (PROSP) Committee met on September 28, 2011; and discussions continue on BWSR's Strategic Plan. Keith asked board members to review the revised draft Executive Summary of the BWSR 2007 Strategic Plan, in their Board meeting packet today. The PROSP

Committee plans to solicit input from state agencies. Don Buckhout reported that MAWD, MASWCD, and AMC will have an opportunity to comment on BWSR's Strategic Plan Update. Don reported that staff will begin distribution of the draft Strategic Plan and request input from EQB, partners, and advisory groups. Chair Napstad stated the role of EQB in coordinating environmental policy efforts, stakeholder awareness and agency input. Don reported that he, Steve Woods, John Jaschke and Chair Napstad will present the Strategic Plan to EQB on November 18. Don will then present the status of the Strategic Plan to the Board in December, with possible adoption in January.

RIM Reserve Management Planning Committee – Paul Brutlag reported that the RIM Reserve Management Planning Committee met on September 14; the Committee recommendations are on the agenda later today.

Drainage Work Group – Tom Loveall reported that the Drainage Work Group met; however, he was unable to attend due to his attendance at the Heron Lake Watershed District hearing. John Jaschke reported that the Drainage Work Group set up a schedule to digest more of the Smith Partners Report and also has some members advising on technical aspects of grant applications. The Smith Partners Report is on BWSR's website.

COMMITTEE RECOMMENDATIONS
Dispute Resolution Committee
Hearing on Wetland Conservation Act Appeal of Exemption and No-Loss Determinations/Restoration Order Waseca County, File #11-2 and File #11-3 – Paul Brutlag introduced Jill Nguyen, Attorney General's Office. Paul reported that the Dispute Resolution Committee held a hearing on October 13, 2011, after review of the record, written briefs, and oral arguments, unanimously voted to recommend that the
** decision be reversed and the Restoration Orders be rescinded. Moved by Paul Brutlag, seconded by LuAnn Tolliver, to approve the Dispute Resolution Committee's recommendation to:
1) Reverse the December 15, 2010, decision of the Waseca Soil and Water Conservation District. Richard and Marie Borglum's application is hereby granted with respect to the approved development exemption only.
2) Request the Commissioner of Natural Resources to rescind the Restoration Orders pursuant to Minn. R. 8420.0900, subp. A4(C).
3) Incorporate by reference the attached Memorandum as a part of the Order.

Paul Brutlag clarified the change in the draft Order on page three, item 2. The Board requests that the Commissioner of Natural Resources rescind the Restoration Orders pursuant to Minn. R. 8420.0900, subp. 4(C).

Chair Napstad stated that all board members have had the opportunity to review the
11-74 record and all documents; and called for the vote. Motion passed on a voice vote.

Paul Brutlag stated that he is proud of the DRC's professional approach to the analysis and procedure of this matter.

** Moved by Keith Mykleseth, seconded by Todd Foster, to authorize Chair Napstad to
11-75 sign the Order. Motion passed on a voice vote. Chair Napstad thanked the DRC for all their efforts on this issue; he thanked Jill Nguyen for her assistance, and thanked all board members for their time and review of this record.

John Jaschke reported that the Conflict of Interest Declaration forms have been received, all board members are eligible to vote on the upcoming decision items. Tom Loveall, Faribault County Commissioner, abstained from the vote on the Minnesota River Board, Fiscal Year 2012 Work Plan and Grant.

Southern Water Planning Committee

Minnesota River Board, Fiscal Year 2012 Work Plan and Grant – Paul Langseth reported that this work plan is for BWSR 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 2011 Minnesota Legislature appropriated administrative funding for the MRB, resulting in a fiscal year 2012 State General Funds grant of $42,000. The overall budget objectives are included in the work plan. Staff recommends approval of this work plan and execution of the administrative grant
** agreement for fiscal year 2012. Moved by Paul Langseth, seconded by Todd Foster,
11-76 that BWSR enter into a grant agreement with the Minnesota River Board for these funds. Motion passed on a voice vote.

Rock County Local Water Management Plan Amendment – Paul Langseth reported that the Southern Water Planning Committee met on October 13, 2011, to review the Rock County 2011 - 2017 Local Water Management Plan Amendment and recommends approval. This Plan contains an implementation section with goals, objectives and actions to address the county's priority concerns. The Board Order required Rock County to update the Plan's implementation section by January 1, 2012. Rock County followed the amendment process guidelines established by the Board and submitted their 2011 - 2017 Local Water Management Plan Amendment on September
** 22, 2011. Moved by Paul Langseth, seconded by Tom Loveall, to approve the 2011
11-77 Amendment of the Rock County Water Management Plan for October 2011 – January 2017. Rock County will be required to provide for a complete update of its Water Management Plan prior to January 1, 2017. Motion passed on a voice vote.

Winona County Local Water Management Plan Update – Paul Langseth reported that the Southern Water Planning Committee met on October 13, 2011, to review the Winona County Local Water Management Plan Update and recommends approval.

** 11-78 Moved by Paul Langseth, seconded by Keith Mykleseth, to approve the Winona County Local Water Management Plan Update 2011-2015. Chair Napstad stated that Winona County put together a very nice plan as seen on the Board Tour in 2009. Motion passed on a voice vote.

RIM Reserve Management Planning Committee

RIM-WRP Payment Rates – Kevin Lines reported that the RIM Reserve Management Planning Committee (RRMPC) met on October 14, 2011, to review and recommend authorization for staff to successfully implement the RIM Reserve and RIM-WRP Partnership payment rates consistent with other relevant Board policies.

Kevin reviewed the RIM Reserve 2011-2012 project funding timetable. John Jaschke reported that there are a large number of variations of RIM, it makes sense to extract payment rate decisions and put them into one resolution going forward; the payment rates to landowners are not changing at this time. John described the RIM Reserve and RIM-WRP Partnership payment rates proposal as follows:

1. Develop payment rates that best approximate 90% of land value for permanent easements on land with a cropping history and 60% of land value for permanent easements on lands without a cropping history. The basis shall be the TATLV as established by the county assessor and published on the Minnesota Land Economics website (excluding municipal areas).
    a. The RIM Reserve payment rate for eligible croplands being enrolled is not to exceed 100% of the TATLV and for non-cropland acres is not to exceed 60% of TATLV.
    b. The RIM Reserve portion of the payment rate for wetland restorations eligible for the RIM-WRP Partnership for cropland acres is not to exceed 50% of the TATLV and not to exceed 25% of the TATLV for non-cropland acres.
    c. The payment rate maximum in Hennepin and Ramsey Counties will not exceed the highest average township rate from any of the other surrounding seven metro area counties due to a limited number of tillable land acres, and values that are influenced by development potential.
    d. The payment rate maximum for the other five Twin Cities metro counties will not exceed the average Scott County rate to more accurately reflect tillable values.
2. Other targeted RIM Reserve easement payment rates are included in separate resolutions.

3. The payment rate components of Board Resolution #11-19 (attached) are hereby rescinded.

** 11-79 Moved by Paul Brutlag, seconded by Paul Langseth, to approve the RIM-WRP Payment Rates as presented. John clarified that as the payment rates change, and land values change, this resolution will also need to change and be modified by the Board. Kevin clarified that the established payment rate is what is used at the time of the application. Tim Koehler, NRCS, stated that the NRCS has adopted the same formula process as BWSR, the important message is that there is no competition, this is a partnership. Motion passed on a voice vote.

RIM-WRP Environment and Natural Resources Trust Fund Allocation – Kevin Lines reported that the RIM Reserve Management Planning Committee met on October 14, 2011, to review and recommend authorization of the $1.645M allocation of Environment and Natural Resources Trust Fund (ENRTF) to the RIM-WRP partnership to be used in the NRCS approved MRBI-WREP Crooked Lake multi-year project in Douglas County. Tim Koehler reported that NRCS has approved the MRBI RIM-WRP Partnership project

** 11-80 area in Douglas County. Moved by Gene Tiedemann, seconded by Dave Schad, that BWSR authorizes staff to work with Minnesota NRCS and Douglas SWCD to develop the RIM-WRP Partnership eligibility, selection criteria and sign-up procedures for the NRCS approved MRBI-WREP Crooked Lake project in Douglas County to successfully implement the RIM-WRP Partnership in recognition of, and consistent with, the findings noted. Discussion followed. Keith Mykleseth suggested that a periodic update of this particular project area be presented to the Board at a future meeting. Motion passed on a voice vote.

RIM Red River Wetland Restoration Initiative – Kevin Lines reported that the RIM Reserve Management Planning Committee met on October 14, 2011, to review and recommend authorization of the allocation of up to $5M in Capital Budget RIM Reserve Funds to the NRCS approved Wetland Conservation Initiative for the Red River of the North Watershed. Tim Koehler reported that NRCS approves the five-year

** 11-81 allocation of this project. Moved by Paul Brutlag, seconded by Louise Smallidge, that the Board authorize staff to: 1) Allocate up to $5M for the Wetland Restoration Conservation Initiative for the Red River of the North Watershed project and implement the project consistent with this and other relevant Board policies; and 2) Work with Minnesota NRCS and local project review teams and sponsors to develop the RIM-WRP Partnership eligibility, sign-up procedures, and project selection for the RIM-WRP Partnership to be used in the approved USDA-NRCS Wetland Restoration Conservation Initiative for the Red River of the North Watershed project areas. Discussion followed. Motion passed on a voice vote.

Chair Napstad called for a break in the meeting at 10:45 a.m. The meeting reconvened at 10:55 a.m.

RIM Partners in USDA NRCS Mississippi River Basin Initiative (MRBI) Wetlands Reserve Enhancement Program (WREP) – Kevin Lines reported that BWSR received $20M in capital investment bonds in 2011 for the RIM Reserve program. This authorizes the allocation of up to $5M to the RIM-WRP Partnership, and authorizes staff to successfully implement the RIM-WRP Partnership in the approved MRBI-WREP project areas. The RIM Reserve Management Planning Committee recommends approval of the allocation. Kevin reported that targeted allocations are: $2.5M for Sauk River; $.5M for Cedar River, and $2M for Root River.

** 11-82 Moved by Gene Tiedemann, seconded by Paul Brutlag, that the Board authorizes staff to allocate up to $5M for the three NRCS MRBI-WREP project areas and implement the projects consistent with this and other relevant Board policies. Motion passed on a voice vote.

RIM Reserve Outdoor Heritage Fund (OHF) Shallow Lakes Shoreland Protection on Wild Rice Lakes Project – Kevin Lines reported that the RIM Reserve Management Planning Committee met on October 14, 2011, to review and authorize implementation of the new RIM Reserve Shallow Lakes Shoreland Protection on Wild Rice Lakes Project in north central Minnesota and recommends the allocation of $1.891M in OHF.

** 11-83 Moved by Paul Langseth, seconded by Paul Brutlag, that the Board authorizes staff to: 1) develop eligibility, prioritization, sign-up and selection procedures, and; 2) establish payment rates for the Shallow Lakes Protection on Wild Rice Lakes Project at 60% of the most recently assessed taxable market value of the land as determined by the county assessor of the county where the land is located. Discussion followed. Kevin stated that project details will be identified, working with LGUs to prioritize. Motion passed on a voice vote.

OLD BUSINESS

Clean Water Fund/Outdoor Heritage Fund RIM Reserve Riparian Buffer – Kevin Lines reported that at the September 28, 2011, Board meeting, staff were authorized to develop a ranking process and time line for the CWF and OHF RIM Reserve Riparian Buffer Conservation Easement Sub-program. Tabor Hoek presented an overview of targeted dates, ranking criteria, and goals for the 2012 CWF & OHF RIM Proposal. Tabor stated that there is a huge need for buffers in the state. Kevin stated that significant improvements are being made from the previous program and will continue to evolve. John Jaschke stated that staff will ask for an inter-agency peer review. Chair Napstad commented on the applicability of the program in non-agricultural settings.

Kevin stated that the approach of RIM has been primarily agriculturally-focused and the legislature mandated the use of prairie landscape for the OHF portion.

Christy Jo Fogarty stated that the land use points in the riparian zones don't add up, and outcomes could be more explicit. John stated that a clean water requirement benefit is first, then wildlife; a separate two-part scoring and the Outdoor Heritage piece can only be used in the prairie part of the state. The inter-agency review process will help with this. Tabor stated that wildlife review involved Pheasants Forever, DNR, USFWS, and SWCDs. Kevin stated that the criteria also needs to meet the constitutional amendment language. Rob Sip stated that MDA would like to provide comment in a timely manner. Rebecca Flood stated that PCA would also like to review and comment. John stated that board members should submit comments to Tabor and Kevin and that it will next be used as a scoring document for the RFP.

Jerry Van Amburg asked about a listing of constitutional funding as described in an MPR story and getting that information out to the public. John stated that BWSR has Legacy funding listed on the BWSR website. Rob Sip stated that MDA will have all of their funding listed on their website next week. Rebecca stated that PCA has some items listed but work that is program driven is described different than projects. Kevin stated that the LSOHC has OHF funding listed on their website. The final score sheet will be developed by BWSR staff with input solicited from agencies; a draft from the executive director will be sent via e-mail to board members in the next couple weeks, with the final document available at the December Board meeting.

NEW BUSINESS

Ag Wetlands – WCA/Swampbuster BWSR/NRCS Implementation Agreement – John Jaschke reported that on September 21, 2011, BWSR and the USDA-Natural Resources Conservation Service (NRCS) signed an agreement to coordinate the implementation of the Wetland Conservation Act (WCA) and the "Swampbuster" provisions of the Federal Farm bill. Work under this agreement has already begun; including pursuing a separate ag wetland bank which is a work in progress. BWSR is providing technical expertise and SWCD oversight. Communication materials will be distributed. Successfully implementing this agreement will significantly improve consistency between WCA and Swampbuster, increase program efficiency, and provide better service to landowners. John stated that this will go before the Wetland Committee with more details; John will keep board members informed as this moves forward.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Rob Sip reported that MDA announced an ag water research RFP in the State Register; Rob will forward to board members.

Minnesota Department of Natural Resources (DNR) – Dave Schad reported on the successful sign-up of the Walk-In Access (WIA) Program, well received by landowners and hunters. Dave reported that he, DNR Commissioner Landwehr, and Governor Dayton drove by WIA posted boundaries during the Pheasant Opener near Montevideo. Dave stated that hunters are aware of the new program and making good use of it; hope to increase from 10,000 acres to 50,000 acres. DNR looks to state funding to continue this program in the future.

Minnesota Pollution Control Agency (MPCA) – Rebecca Flood reported that a 2009 court decision now requires a state issued pesticide general permit per federal EPA delegation responsibilities; MPCA expects it to be issued November 4. Rob Sip stated that MDA and DNR are working with MPCA on this permitting issue. Rebecca stated that a factsheet will soon be available on PCA's website.

UPCOMING MEETINGS – Chair Napstad stated that the BWSR Board does not meet in November; the next Board Meeting is December 14, 2011, in St. Paul. Upcoming meetings:

- LMC Annual Meeting – November 17, Eagan
- MAT Annual Meeting – November 17-19, Alexandria
- MAWD Annual Meeting – December 1-3, Alexandria
- MASWCD Annual Meeting – December 4-6, Bloomington
- AMC Annual Meeting – December 5-7, Minneapolis

** 11-84 Moved by Louise Smallidge, seconded by Christy Jo Fogarty, to adjourn the meeting at 12:23 p.m. Motion passed on a voice vote.

Respectfully submitted,

Brian Napstad
Chair

BOARD OF WATER AND SOIL RESOURCES
Attendance Roster

	Name	Affiliation	Phone #
1.	Jack Perry	Briggs & Morgan	612-977-8497
2.	Marii Borglum		(507) 835-5607
3.	Richard Borglum		
4.	DON BUCKHOUT	BWSR Staff.	
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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
SEPTEMBER 28, 2011

BOARD MEMBERS PRESENT:
Paul Brutlag, Bob Burandt, Chris Elvrum, MDH; Christy Jo Fogarty, Quentin Fairbanks, Rebecca Flood, PCA; Sandy Hooker, Tom Landwehr, DNR; Paul Langseth, Tom Loveall, Keith Mykleseth, Brian Napstad, Rob Sip, MDA; Faye Sleeper, MES; Louise Smallidge, Gene Tiedemann, LuAnn Tolliver, Gerald Van Amburg

BOARD MEMBERS ABSENT:
Todd Foster
John Meyer

STAFF PRESENT:
Mary Jo Anderson, Julie Blackburn, Travis Germundson, Jim Haertel, John Jaschke, Al Kean, Ron Shelito, Dave Weirens, Tom Wenzel

OTHERS PRESENT:
Ray Bohn, MAWD
Louis Smith, Smith Partners
Wayne Anderson, MPCA
Tim Koehler, NRCS
Barbara Weisman, MDA

Chair Napstad called the meeting to order at 9:02 a.m.

PLEDGE OF ALLEGIANCE

** 11-60 **ADOPTION OF AGENDA** – Moved by Louise Smallidge, seconded by Bob Burandt, to approve the agenda as presented. Motion passed on a voice vote.

** 11-61 **MINUTES OF AUGUST 25, 2011 MEETING** – Moved by Paul Langseth, seconded by Quentin Fairbanks, to approve the minutes of August 25, 2011, as circulated. Motion passed on a voice vote.

INTRODUCTION OF NEW BWSR EMPLOYEE

Al Kean introduced newly hired Jesse Preston, Conservation Engineering Technician. Jesse will be located in both the St. Paul and Rochester BWSR offices. Jesse provided background information about himself. He stated that he's happy to be a part of BWSR. Chair Napstad welcomed Jesse to the BWSR Board.

CONFLICT OF INTEREST DECLARATION – Chair Napstad reported that two agenda items today need the Conflict of Interest Declaration form submitted: 1) Area II Minnesota River Basins Project Inc. FY 2012 & FY2013 Biennial Work Plan and Grant; and 2) the Area II Minnesota River Basins Project Inc. FY 2012 & FY2013 Bonding Work Plan and Grant. 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. At 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. John explained BWSR's conflict of interest policy for grant authorizations and completing the form. The Conflict of Interest Declaration document will be filed for the grant decision items.

REPORTS

Chair's Report – Brian Napstad reported that the past month has been busy. He attended a public hearing in Rothsay. He attended the EQB meeting; issues discussed included EAW change and authority; and the reinvention of EQB, an ongoing task. Chair Napstad stated that he has had discussions regarding possible Wetland Conservation Act modifications related to wetland replacement. The Wetlands

Committee will be addressing the policy ideas and present more information to the Board at a later date.

Administrative Advisory Committee – Chair Napstad reported that the Administrative Advisory Committee met this morning. Items discussed included: communications changes; public hearing/committee procedures and options; Board minutes; and 2012 legislative ideas: bonding/policy.

Executive Director's Report – John Jaschke reported that the Reinvest In Minnesota (RIM) 25th Anniversary Celebration was held September 21, 2011, in Owatonna. John recognized Kevin Lines for his efforts on the RIM Program and asked Kevin to provide an overview. Kevin acknowledged Julie Blackburn for coordinating the event. Kevin stated that a number of sponsors attended the event. He continues to believe that this is the most successful private lands conservation program in the nation. Kevin reported that the StarTrib/Outdoors Section has an article about the RIM 25th Anniversary event in the newspaper today. John Jaschke acknowledged that the MASWCD assisted in the celebration effort and played a major role in making the event successful. Julie Blackburn stated that the event was a successful day and it's great to be a part of the overall program. Tom Landwehr acknowledged the phenomenal success of the RIM Program; a program created from a good idea with strong and sustained leadership by BWSR. He stated that Tom Wenzel wrote the wetland manual which is one example of BWSR staff building an outstanding program over the years, it's truly laudable for one of the smallest agencies in the state to create and carry out a fabulous program such as RIM.

John Jaschke reviewed the information in board members' packets, "For Your Information". John stated that if board members' have questions regarding the 'WCA and Swampbuster Coordination' contribution agreement that is underway between NRCS and BWSR dated 9/21/11 they should contact John or Julie Blackburn.

John reported that the Red River Basin Commission (RRBC) received $500K from Minnesota and North Dakota to develop a Long-Term Flood Solutions (LTFS) report. John attended the RRBC meeting on September 22, 2011, in Fargo to review flooding reports and address changes. The RRBC will present their report at an upcoming BWSR Board meeting.

John reported that staff are drafting preliminary 2012 legislative statute/policy change ideas. John reviewed the response to the BWSR Clean Water Fund RFP, applications were submitted by the September 20th deadline.

John reported that Travis Germundson made a listing of public hearings that BWSR must hold. Staff will create standardized procedures for BWSR to conduct public hearings, the process will be reviewed by the Administrative Advisory Committee; and will be brought before the full Board at an upcoming meeting.

Bob Burandt stated that a number of birds are being killed by wind turbines; this could be harming migratory bird flight patterns. John will talk with DNR about this issue.

John reported that the Outdoor Heritage Council has made recommendations to the Legislature regarding the RIM-WRP program. BWSR is also planning to request $25M in bonding for RIM Reserve.

Dispute Resolution Committee (DRC) – Travis Germundson provided an overview of the number of appeals filed with BWSR. Travis reported that the DRC hearing scheduled for October 26 has a large volume record and supplemental information. The record will be provided for board members to review before, during and after Board meetings. Travis stated that DRC members have the hard copy of this information. The members of the DRC need to be familiar with the record; the full Board also needs to be familiar with the record to make a decision.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee will meet immediately following the October 26, 2011 Board Meeting. The Wetlands Committee will discuss WCA, the USDA/NRCS Agreement, northeast mitigation, and rule changes.

Grants Program & Policy Committee – Louise Smallidge reported that the Grants Program & Policy Committee will meet in the near future, the date to be determined.

Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth reported that the Public Relations, Outreach & Strategic Planning Committee meets today immediately following adjournment of the Board meeting.

RIM Reserve Management Planning Committee – Paul Brutlag reported that the RIM Reserve Management Planning Committee met on September 15; the Committee recommendations are on the agenda later today.

Drainage Work Group – Tom Loveall reported that the Drainage Work Group will meet on October 13.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Comfort Lake-Forest Lake Watershed District Watershed Management Plan – Jim Haertel reported that the Metro Water Planning Committee met on September 8, 2011, to review the Comfort Lake-Forest Lake Watershed District Watershed Management Plan and recommends approval. Moved by Bob Burandt, seconded by LuAnn Tolliver, to approve the Comfort Lake-Forest Lake Watershed District Watershed Management Plan as presented. Discussion followed. Motion passed on a voice vote.

** 11-62

Public Hearing for Coon Creek WD Enlargement Petition – Jim Haertel reported that the Cities of Blaine, Coon Rapids, Fridley and Spring Lake Park filed a petition to enlarge the Coon Creek Watershed District (CCWD). Jim stated that the petition before the Board today is identical to a petition filed a few months ago by the CCWD that was withdrawn by the CCWD after the Metro Water Planning Committee held a public hearing. The Metro Water Planning Committee recommends a public hearing be held within 35 days of the date of the Board's Order after proper notice has been given, that the Metro Water Planning Committee preside over the public hearing and bring recommendations on the Petition to the Board, and that the Executive Director set the date, time and location of the public hearing. Moved by Louise Smallidge, seconded by Sandy Hooker, that the Board orders a public hearing on October 27, 2011, at 7:30 PM at the Blaine City Hall. Motion passed on a voice vote.

** 11-63

Lower Mississippi River WMO Watershed Plan – Jim Haertel reported that this joint powers agreement is a success story of a third generation plan. The Metro Water Planning Committee reviewed the revised Lower Mississippi River WMO Watershed Plan and recommends approval. Moved by Bob Burandt, seconded by Rebecca Flood, to approve the Lower Mississippi River WMO Watershed Plan. Motion passed on a voice vote.

** 11-64

Northern Water Planning Committee

Hubbard County Priority Concerns Scoping Document – Paul Brutlag reported that the Northern Water Planning Committee met on September 14, 2011, to review the Hubbard County Priority Concerns Scoping Document and recommends approval. Moved by Paul Brutlag, seconded by Gene Tiedemann, to approve an extension/support for and send a letter from the Chair transmitting agency comments on the Hubbard County Priority Concerns Scoping Document. Discussion followed. Motion passed on a voice vote.

** 11-65

Upper Red Lower Otter Tail Watershed District Establishment Petition Status Report – Travis Germundson reported that a petition was filed by the Wilkin County Commissioners to establish the Upper Red Lower Otter Tail Watershed District. The required Establishment Hearing was held September 7, 2011. On September 13, 2011,

the Otter Tail County Commissioners submitted a resolution that they would join in a petition with Wilkin County to expand the Buffalo-Red River Watershed District. The Northern Water Planning Committee met on September 14, 2011, at that meeting Wilkin County expressed interest in expanding the Buffalo-Red River WD to include the proposed areas as an alternative. However, the County is not yet ready to move forward with a resolution, but asked that the Northern Water Planning Committee delay action on the establishment petition until the Buffalo-Red River WD expansion alternative is discussed. The Northern Water Planning Committee decided to hold off on making a recommendation on the petition at this time as the hearing record just closed, without time for a staff assessment or recommendation, and now there appears an alternative option is on the table. Gerald Van Amburg stated that the Buffalo-Red River WD is meeting this week to discuss what can be worked out amongst themselves. Gerald stated that there needs to be water management in that area. Chair Napstad clarified that if a decision is made to expand the Buffalo-Red River WD, then a new petition would need to be filed that voids the current establishment petition. Discussion followed.

Southern Water Planning Committee
John Jaschke reported that the Conflict of Interest Declaration forms have been received, all board members are eligible to vote on the Area II Minnesota River Basins Project Inc. FY 2012 & FY2013 Biennial Work Plan and Grant; and the Bonding Work Plan and Grant.

Area II Minnesota River Basins Project Inc. FY 2012 & FY2013 Biennial Work Plan and Grant – Paul Langseth reported that the Southern Water Planning Committee met on September 8, 2011; to review the Area II Work Plan and recommends approval of the plan and execution of the administrative grant agreement for FY 2012. John Jaschke reported that BWSR oversees the administrative funding related to the efforts of the Area II Minnesota River Basins Project Inc. The 2011 Minnesota Legislature appropriated administrative funding for Area II Minnesota River Basins Project Inc., resulting in a fiscal year 2012 grant of $120,000. Moved by Paul Langseth, seconded
** 11-66 Tom Loveall, to approve the Area II Minnesota River Basins Project Inc. FY 2012 & FY2013 Biennial Work Plan and Grant. Discussion followed. Tom Landwehr suggested a possible future Board Tour in this area. Motion passed on a voice vote.

Area II Minnesota River Basins Project Inc. FY 2012 & FY2013 Bonding Work Plan and Grant – Paul Langseth reported that the Southern Water Planning Committee met on September 8, 2011, to review the Area II Bonding Work Plan and recommends approval of the plan and execution of the FY 2012 grant. John Jaschke reported that BWSR oversees the Bonding appropriation related to the efforts of the Area II Minnesota River Basins Project Inc. for construction of floodwater retarding and

retention structures. The 2011 Minnesota Legislature appropriated Bonding funding for Area II Minnesota River Basins Project Inc. resulting in a fiscal year 2012 grant of
** $1,000,000. Moved by Paul Langseth, seconded by Christy Jo Fogarty, to approve the
11-67 Area II Minnesota River Basins Project Inc. FY 2012 & FY2013 Bonding Work Plan and Grant. Discussion followed. Motion passed on a voice vote.

Chair Napstad called for a break in the meeting at 10:30 AM. The meeting reconvened at 10:40 AM.

NEW BUSINESS

Camp Ripley Army Compatible Use Buffer (ACUB) Cooperative Agreement and Riparian Payment Rates – Kevin Lines reported that ACUB is a national program. The RIM Reserve Management Planning Committee met on September 15, 2011; and recommends approval and authorization of staff to: 1) immediately implement the adjacent riparian lands payment rate of 69% of the most recently assessed market value of the land as determined by the county assessor of the county where the land is located; and 2) develop, finalize, and sign the next Camp Ripley ACUB Cooperative Agreement with the National Guard Bureau and Camp Ripley staff; and 3) continue the successful implementation of the Camp Ripley ACUB with an approved Cooperative Agreement consistent with the provisions of the resolution. Moved by Paul Brutlag,
** seconded by Keith Mykleseth, to continue the Camp Ripley ACUB Cooperative
11-68 Agreement and authorize staff to implement. Motion passed on a voice vote.

Clean Water Funded (CWF) and Outdoor Heritage Funded Permanent RIM Reserve Riparian Buffer Conservation Easement Program – Kevin Lines reported that the 2011 Minnesota State Legislature appropriated $6.0 million of CWF and $2.249M of Outdoor Heritage Funds to BWSR for FY12 to purchase and restore permanent conservation easements and riparian buffers. The RIM Reserve Management Planning Committee met on September 15, 2011, to review staff recommendations for an RFP, a ranking process, and conduct sign-up and selection process with a target implementation date of December 1, 2011; and recommends and authorizes staff to implement the RIM Reserve Riparian Buffer Conservation Easement Program.

** Moved by Tom Loveall, seconded by Sandy Hooker, to approve the RIM Reserve
11-69 Management Planning Committee's recommendation to authorize staff to implement the Permanent RIM Reserve Riparian Buffer Conservation Easement Program. Discussion followed. Tom Landwehr stated that we need to focus on the maximum amount of benefit; and he looks forward to a coordinated effort on the ranking process. John Jaschke stated that challenges exist as BWSR will need to assure integrity of the separate constitutional funds in this program. Motion passed on a voice vote.

Wellhead Protection Area Clean Water Funded (CWF) Permanent RIM Reserve Wellhead Protection Easement Program – Kevin Lines reported that the 2011 Minnesota State Legislature appropriated $2.6 million of CWF to the BWSR Board to purchase and restore permanent RIM Reserve conservation easements on wellhead protection areas. The RIM Reserve Management Planning Committee met on September 15, 2011, to review and recommends that staff are authorized to implement the acquisition of RIM Reserve Wellhead Protection easements in the targeted areas which have been identified by the Minnesota Department of Health (MDH) as high or very high vulnerability. Kevin stated that BWSR is working extensively with FSA on this program. Moved by Gene Tiedemann, seconded by Paul Brutlag, to approve the RIM Reserve Management Planning Committee's recommendation authorizing staff to work with the appropriate SWCDs to implement the acquisition of RIM Reserve Wellhead Protection easements. Motion passed on a voice vote.

** 11-70

Minnesota Drainage Law Analysis and Evaluation Report – Al Kean reported that this study was conducted by Smith Partners, PLLP, and funded by an Environment and Natural Resources Trust Fund grant from the LCCMR. The final report, dated August 15, 2011, is on the BWSR website Drainage page under Technical Information and Resources. Al introduced Louis Smith. Mr. Smith presented an overview of the Minnesota Drainage Law Analysis and Evaluation Report for the Board's information. He reported that Smith Partners coordinated with the stakeholder Drainage Work Group (DWG) during the study, including DWG member participation on a study advisory committee and periodic presentations and discussion at DWG meetings. The report includes a number of recommendations and associated proposals for statute revisions in regard to drainage and the intersection of Comprehensive Wetland Protection and Management Plans and drainage systems. The report will also be available at the U of M Water Resources Conference; MAWD's annual meeting, MASWCD's annual meeting, and LCCMR. Smith Partners has drafted legislation; therefore, more discussion. Al Kean stated that the Drainage Work Group will discuss the recommendations and BWSR staff will review those recommendations. Discussion followed. Chair Napstad thanked Louis for his presentation.

Upcoming Federal Farm Bill Conservation Title - Minnesota Interagency Efforts - Barbara Weisman, MDA provided an overview of the draft guiding principles for the 2012 Farm Bill. Barbara distributed the draft Minnesota State Agency Recommendations on the 2012 Farm Bill Conservation Title priorities as of September 2011 and provided a brief overview. Barbara stated that this would be a consensus driven product. Discussion followed. Tom Landwehr stated that DNR would like to see WRP and CRP maintain funding levels and conservation compliance continued. John Jaschke stated that there is still time for input. Chair Napstad thanked Barbara for her report.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Rob Sip reported that MDA hosted the Root River/Discovery Farm Tour on September 9, 2011, in Goodhue and Mower Counties. John Jaschke attended the tour on behalf of BWSR; it was a good tour with interaction and discussion on nutrient and water management in rural areas.

Minnesota Department of Natural Resources (DNR) – Tom Landwehr reported that DNR had a very successful sign-up for the new Walk-in Program. Tom stated that Marybeth Block is the coordinator of the new program, all boundaries were posted on time for the hunting season with extraordinary work done by SWCDs in a record amount of time, accolades for those involved. Tom reported that BWSR and DNR submitted a joint application for a working lands initiative to the LSOHC. Although no additional funding received; he thanked John Jaschke and BWSR for the effort. Tom reported that it was a good duck hunting opener.

Minnesota Extension Service (MES) – Faye Sleeper reported that the inauguration of the new U of M President Eric Kaler was held on September 22. Faye reported that President Kaler is a civil engineer; he attended Farm Fest. Faye invited board members to attend the Water Resources Conference, October 18-19, 2011, at the River Centre in St. Paul. Don Baloun, NRCS, and State Representative Paul Torkelson will be speakers.

Minnesota Pollution Control Agency (MPCA) – Rebecca Flood reported that the federal government is faced with cuts that affect MPCA and local partners. Rebecca reported that MS4 municipal storm sewer permit was placed on public notice in June, established 45-day public comment period; due to the state government shutdown the date was extended through the end of August. Rebecca reported that MPCA staff are in process of compiling, categorizing, and will prepare a draft response, and provide stakeholder meetings. Rebecca stated that this will come before the MPCA Citizens Board in May.

ADVISORY COMMENTS

Minnesota Association of Townships (MAT) – Sandy Hooker reported that the National Association of Towns and Townships (NATaT) Annual Town Meeting was held in Washington, D.C., in September 6-8, 2011. Sandy reported that the MAT Annual Conference will be held November 17-19, 2011, at the Arrowwood Resort in Alexandria. Sandy stated that MAT appreciates BWSR's support at their meetings.

Minnesota Association of Watershed Districts (MAWD) – Ray Bohn congratulated BWSR staff on the successful RIM 25th Anniversary; Governor Perpich would have been thoroughly pleased. Ray reported that this is the 40th anniversary of MAWD. He

invited board members to attend the MAWD Annual Conference, December 1-3, 2011, in Alexandria. Ray reported that the Local Government Water Roundtable met several times this past summer, several state agencies attended their last meeting. Ray stated that MAWD would like to be involved in the Asian Carp issue. The Roundtable has been discussing the Hennepin County governance study. The Roundtable group encourages Hennepin County to not reinvent the wheel. Ray commended Al Kean for his efforts with the Drainage Work Group; MAWD hopes the study draws water drainage authorities and environmental groups back to the table. Ray stated that MAWD has been asked to participate in the Environmental Initiative Policy Forum. Chair Napstad thanked Ray for his comments.

Natural Resources Conservation Service (NRCS) – Tim Koehler congratulated BWSR and staff for 25 years of the RIM Program. Tim stated that WRP is celebrating 20 years; NRCS's WRP used RIM as a template. Tim reported that NRCS directed allocations to the Red River Basin Commission for flood mitigation projects for RIM/WRP Partnership; working with watershed districts and the RIM Reserve Management and Planning Committee. NRCS requested $40M allocation to match the RIM program and WRP partnership. Tim, on behalf of Don Baloun, thanked BWSR for contribution agreements for implementation efforts; NRCS received over $5M for technical assistance. Tim stated that lots of money creates more work but good partnerships and work efforts provide implementation. Chair Napstad thanked Tim for his comments.

UPCOMING MEETINGS

- Next Board Meeting – October 26, 2011 in St. Paul
- MAWD Annual Meeting – December 1-3, Alexandria
- MASWCD Annual Meeting – December 4-6, Bloomington
- AMC Annual Meeting – December 5-7, Minneapolis

** 11-71 Moved by Paul Brutlag, seconded by LuAnn Tolliver, to adjourn the meeting at 12:20 PM. Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder

Board of Water and Soil Resources
Grants Conflict of Interest Declaration

Board Meeting Item: **Minnesota River Board, Fiscal Year 2012 Work Plan and Grant**
Date: **October 26, 2011**

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
Conflict of Interest Declaration

Board Meeting Item: **RIM Reserve Management Planning Committee Recommendations**
Date: **October 26, 2011**

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 for agenda item below.

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.

- ☐ 1. RIM-WRP Payment Rates
- ☐ 2. RIM-WRP Environment and Natural Resources Trust Fund Allocation
- ☐ 3. RIM Red River Wetland Restoration Initiative
- ☐ 4. RIM Partners in USDA NRCS Mississippi River Basin Initiative (MRBI) Wetlands Reserve Enhancement Program (WREP)
- ☐ 5. RIM Reserve Outdoor Heritage Fund (OHF) Shallow Lakes Shoreland Protection on Wild Rice Lakes Project

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution Committee Report

Meeting Date: October 26, 2011

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: Paul BrutlagTravis 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
October 14, 2011
By: Travis Germundson

There are presently **15** appeals pending. All of the appeals involve WCA except File 10-10. There has been **no** new appeals filed since the last report (September 28th 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 11-7 (8-19-11) This is an appeal of a restoration order in Itasca County. The appeal regards the unauthorized placement of approximately 2,275 sq. ft. of fill in a wetland area adjacent to Little Turtle Lake. No decision has been made on the appeal.

~~File 11-5 (4-13-11) This is an appeal of a forestry exemption decision in Carlton County. This involves the same location and similar issues as File 10-16. The LGU under a remand reversed their previous decision and denied the after-the-fact forestry exemption application for the construction of a forest logging road. Now that denial is being appealed by the Minnesota Timber Producers Association on behalf of the landowner.~~ The appeal has been settled by written agreement.

File 11-3 (2-11-11) This is an appeal of a restoration order in Waseca County. The appeal regards the draining and filling of approximately 8.3 acres of a Type 2 wetland. This involves the same location and similar issues as File 11-2. The appeal has been placed in abeyance and the restoration order stayed until the there is a final decision on the appeal of the exemption and no loss determinations (File 11-2). The appeal has been combined with File 11-2 and will be processed as one decision. The DRC held a hearing on October 13, 2011 and voted on a decision to recommend to the full Board.

File 11-2 (1-24-11) This is an appeal of an exemption and no-loss determination in Waseca County. The appeal regards the denial of an exemption and no-loss application. A previous denial of the same exemption and no loss application had been appealed (File 8-4). The appeal was remanded for or further technical evaluation and a hearing, and now the current denial has been appealed. The appeal has been combined with File 11-3 and will be processed as one decision. The DRC held a hearing on October 13, 2011 and voted on a decision to recommend to the full Board.

File 11-1 (1-20-11) This is an appeal of a restoration order in Hennepin County. The appeal regards the filling of approximately 1.77 acres of wetland and 0.69 acres of excavation. The appeal has been placed in abeyance and the restoration order stayed until there is a final decision on an after-the-fact wetland application.

~~File 10-15 (11-29-10) This is an appeal of a restoration order in Mille Lacs County. The appeal regards the filling of approximately 5,800 square feet of wetland for lakeshore access and to create a larger recreational area. The appeal has been placed in abeyance for submittal of technical analyses of the onsite drainage modifications.~~ 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. The appeal has been placed in abeyance pending settlement discussions. A verbal settlement agreement has been reached by the parties. (at the December 2010 Board meeting, Managers voted 6 to 1 to move forward with Option D)

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. The appeal has been placed in abeyance by mutual agreement until there is a final decision by the Department of Agriculture National Appeals Division.

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. The appeal has been placed in abeyance by mutual agreement on determining the viability of a new wetland banking plan application.

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 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.

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 2010	Total for Calendar Year 2011
Order in favor of appellant	2	
Order not in favor of appellant	6	2
Order Modified		
Order Remanded	1	
Order Place Appeal in Abeyance	5	3
Negotiated Settlement	1	1
Withdrawn/Dismissed	4	

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **WCA Appeal Exemption & No-loss Determination/Restoration Order, Waseca Co.**

Meeting Date: October 26, 2011

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Dispute Resolution Committee

Contact: Travis Germundson

Prepared by: Jill Nguyen with the Attorney Generals Office

Reviewed by: _____ Committee(s)

Presented by: Paul Brutlag and Jill Nguyen

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED

Approval of Order that reverses the Waseca County Soil and Water Conservation District's December 15, 2010 decision of an WCA exemption and no-loss determinations and rescinds the WCA Restoration Orders.

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

The appeals were brought before the BWSR by Richard and Marie Borglum and involve the same property and similar issues. BWSR File 11-2 is an appeal of an exemption and no-loss determination in Waseca County. The appeal regards the denial of an exemption and no-loss application. A previous denial of the same exemption and no loss application had been appealed (File 8-4). The appeal was remanded for or further technical evaluation and a hearing, and now the current denial has been appealed. BWSR File 11-3 is an appeal of a restoration order in Waseca County. The appeal regards the draining and filling of approximately 8.3 acres of a Type 2 wetland. The BWSR's Executive Director made the decision to combine the related appeals and process as one decision.

The Dispute Resolution Committee held a hearing on October 13, 2011. After review of the record, written briefs, and oral arguments, unanimously voted to recommend that decision be reversed and the Restoration Orders be rescinded per attached draft Order and Memorandum.

Additional details and basis for recommendation is included in the attached Memorandum.

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

WCA Appeal of Exemption and No Loss Determinations
Waseca County

BWSR File No. 11-2

WCA Appeal of Restoration Order
Waseca County

BWSR File No. 11-3

ORDER

This Order relates to two appeals. The first is an appeal of the Waseca Soil and Water Conservation District's ("SWCD's") denial of an application filed by Richard and Marie Borglum (the "Borglums") for exemption and no-loss determinations under the Wetland Conservation Act ("WCA"). The second is an appeal of Restoration Orders issued to the Borglums.

After the SWCD observed fill being placed on the Borglums' property in March 2007, the Department of Natural Resources ("DNR") issued a cease and desist order to the Borglums on April 4, 2007. Following the issuance of the cease and desist order, the Borglums filed an application for exemption and no-loss determinations with the SWCD. The Borglums initially filed their application on April 28, 2007, and filed an amended application on July 17, 2007.

Marla Watje, SWCD District Manager, denied the Borglums' application on September 5, 2007. The Borglums appealed to the SWCD Board. After holding public hearings on December 11 and December 19, 2007, the SWCD Board affirmed the decision made by SWCD staff.

The Borglums appealed to the Board of Water and Soil Resources ("BWSR"). BWSR remanded the matter to the SWCD on February 21, 2008, and required the SWCD to, among other things, convene a properly constituted technical evaluation panel ("TEP") that conducts an on-site meeting. BWSR extended the deadline in its remand order several times. The TEP inspected the site on May 19, 2010. The SWCD Board held another public hearing on December 15, 2010. The SWCD Board issued its decision denying the Borglums' application on December 15, 2010.

The DNR issued Restoration Orders to the Borglums on January 14, 2011.

The Borglums appealed both the denial of their Wetland Conservation Act application and the issuance of the Restoration Orders to BWSR. BWSR decided to consolidate the appeals.

On October 13, 2011, the Dispute Resolution Committee ("DRC") of BWSR heard oral arguments. Jack Perry and Michael Kaphing, Briggs and Morgan, P.A., 80 S. Eighth St., 2200

IDS Center, Minneapolis, MN 55402 appeared on behalf of the Borglums. Amy Mace and Christian Shafer, Ratwick, Roszak & Maloney, P.A., 730 Second Ave. S., Suite 300, Minneapolis, MN 55402 appeared on behalf of the SWCD. Kimberly Middendorf, Assistant Attorney General, 445 Minnesota St., Suite 900, St. Paul, MN 55101 appeared on behalf of the DNR.

The parties agreed that the record before the SWCD consisted of the following, as identified in the record provided by the SWCD:

Findings and Decision of the SWCD Board dated December 19, 2007, and December 15, 2010

Hearing transcripts

Supplemental record from the 2007 decision by the SWCD ("S")

Exhibits submitted by the Borglums at the December 11, 2007 hearing ("B")

Exhibits submitted by the Technical Evaluation Panel at the December 11, 2007 hearing ("T")

Technical Evaluation Panel Report, Recommendation and Exhibits dated June 16, 2010 ("TE")

Exhibits submitted by the SWCD during the December 15, 2010 hearing ("H")

Technical Evaluation Panel Memorandum and Exhibits dated December 9, 2010 ("G")

Prehearing Memorandum of Law and Exhibits submitted by the Borglums on December 10, 2010 ("F")

Exhibits submitted by the Borglums on August 6, 2010 ("D")

In addition, the DNR provided a supplemental record relating to the appeal of the Restoration Orders, and no party raised an objection with respect to this supplemental record.

Following oral arguments, the DRC, by a 5-0 vote, adopted a resolution recommending that the decision of the SWCD be reversed. The DRC, by a 5-0 vote, also adopted a resolution recommending that the Restoration Orders be rescinded.

At its meeting on October 26, 2011, BWSR adopted the recommendation of the DRC and authorized the Chair of BWSR to issue this Order.

Based upon the entire record of this proceeding, BWSR makes the following:

ORDER

1. The December 15, 2010 decision of the Waseca Soil and Water Conservation District is reversed. Richard and Marie Borglum's application is hereby granted with respect to the approved development exemption only.

2. The Board requests that the Commissioner of Natural Resources rescind the Restoration Orders pursuant to Minn. R. 8420.0900, subp. 4(C).

3. The attached Memorandum is incorporated by reference and made a part of this Order.

Dated: _____

Board of Water and Soil Resources

_____

Its Chair

AG: #2900637-v1

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

WCA Appeal of Exemption and No Loss Determinations
Waseca County

BWSR File No. 11-2

WCA Appeal of Restoration Order
Waseca County

BWSR File No. 11-3

ORDER

This Order relates to two appeals. The first is an appeal of the Waseca Soil and Water Conservation District's ("SWCD's") denial of an application filed by Richard and Marie Borglum (the "Borglums") for exemption and no-loss determinations under the Wetland Conservation Act ("WCA"). The second is an appeal of Restoration Orders issued to the Borglums.

After the SWCD observed fill being placed on the Borglums' property in March 2007, the Department of Natural Resources ("DNR") issued a cease and desist order to the Borglums on April 4, 2007. Following the issuance of the cease and desist order, the Borglums filed an application for exemption and no-loss determinations with the SWCD. The Borglums initially filed their application on April 28, 2007, and filed an amended application on July 17, 2007.

Marla Watje, SWCD District Manager, denied the Borglums' application on September 5, 2007. The Borglums appealed to the SWCD Board. After holding public hearings on December 11 and December 19, 2007, the SWCD Board affirmed the decision made by SWCD staff.

The Borglums appealed to the Board of Water and Soil Resources ("BWSR"). BWSR remanded the matter to the SWCD on February 21, 2008, and required the SWCD to, among other things, convene a properly constituted technical evaluation panel ("TEP") that conducts an on-site meeting. BWSR extended the deadline in its remand order several times. The TEP inspected the site on May 19, 2010. The SWCD Board held another public hearing on December 15, 2010. The SWCD Board issued its decision denying the Borglums' application on December 15, 2010.

The DNR issued Restoration Orders to the Borglums on January 14, 2011.

The Borglums appealed both the denial of their Wetland Conservation Act application and the issuance of the Restoration Orders to BWSR. BWSR decided to consolidate the appeals.

On October 13, 2011, the Dispute Resolution Committee ("DRC") of BWSR heard oral arguments. Jack Perry and Michael Kaphing, Briggs and Morgan, P.A., 80 S. Eighth St., 2200

IDS Center, Minneapolis, MN 55402 appeared on behalf of the Borglums. Amy Mace and Christian Shafer, Ratwick, Roszak & Maloney, P.A., 730 Second Ave. S., Suite 300, Minneapolis, MN 55402 appeared on behalf of the SWCD. Kimberly Middendorf, Assistant Attorney General, 445 Minnesota St., Suite 900, St. Paul, MN 55101 appeared on behalf of the DNR.

The parties agreed that the record before the SWCD consisted of the following, as identified in the record provided by the SWCD:

Findings and Decision of the SWCD Board dated December 19, 2007, and December 15, 2010

Hearing transcripts

Supplemental record from the 2007 decision by the SWCD ("S")

Exhibits submitted by the Borglums at the December 11, 2007 hearing ("B")

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Following oral arguments, the DRC, by a 5-0 vote, adopted a resolution recommending that the decision of the SWCD be reversed. The DRC, by a 5-0 vote, also adopted a resolution recommending that the Restoration Orders be rescinded.

At its meeting on October 26, 2011, BWSR adopted the recommendation of the DRC and authorized the Chair of BWSR to issue this Order.

Based upon the entire record of this proceeding, BWSR makes the following:

ORDER

1. The December 15, 2010 decision of the Waseca Soil and Water Conservation District is reversed. Richard and Marie Borglum's application is hereby granted with respect to the approved development exemption only.

2. The Board requests that the Commissioner of Natural Resources rescind the Restoration Orders pursuant to Minn. R. 8420.0900, subp. 4(C).

3. The attached Memorandum is incorporated by reference and made a part of this Order.

Dated: 10/26/11

Board of Water and Soil Resources

Its Chair

AG: #2900637-v1

MEMORANDUM

The standard of review for appeals to BWSR is established in Minn. R. 8420.0950, subp. 4(G) (2011). The Rule provides:

> The board shall affirm the local government unit's decision if the local government unit's findings of fact are not clearly erroneous; if the local government unit correctly applied the law to the facts, including this chapter; and if the local government unit made no procedural errors prejudicial to a party. Otherwise, the board shall reverse the decision, amend it, or remand it with instructions for further proceedings.

We find that SWCD incorrectly applied the law to the facts and therefore reverse the SWCD's decision on the Borglums' application for an approved development exemption.

The Borglums applied for an approved development exemption under Minn. R. 8420.0122, subp. 8 (2005) and Minn. Stat. § 103G.2241, subd. 8 (2006). This exemption has been repealed, but it was in effect when the Borglums filed their original application on April 28, 2007. Minnesota Rule 8420.0122 provides as follows:

> A replacement plan for wetlands is not required for development projects and ditch improvement projects in the state that have received preliminary or final plat approval or have infrastructure that has been installed or has local site plan approval, conditional use permits, or similar official approval by a governing body or government agency, within five years before July 1, 1991. . . .
>
> Subdividers who obtained preliminary plat approval in the specified time period, and other project developers with one of the listed approvals timely obtained, provided approval has not expired and the project remains active, may drain and fill wetlands, to the extent documented by the approval, without replacement. Those elements of the project that can be carried out without changing the approved plan and without draining or filling must be done in that manner. If the wetlands can be avoided within the terms of the approved plan, they must be avoided.

Minn. R. 8420.0122, subp. 8 (2005).

The Borglums were issued a conditional use permit ("CUP") on June 18, 1987, for the following purpose: "Shop for land improvement business and storage of equipment and materials. Construction and excavation for a wildlife pond." (TE 38.) WCA became effective on July 1, 1991.

The Borglums were issued an additional CUP for the same property allowing "operation and sales of a concrete rock crushing business" on October 19, 1995. On December 2, 2010, the Waseca County Board of Adjustment issued a resolution finding that "[t]he 1987 Conditional Use Permit was intended by both the applicant and the Board at the time to allow for outside storage of materials and equipment." (G 4)

The Borglums did not build a shop on the 11-acre parcel subject to the CUP but rather built the shop on a parcel of land to the north of the 11-acre parcel. (SWCD order dated 12/15/10, ¶ 28) The Borglums did, however, use the 11-acre parcel for outside storage of materials, including materials used in their concrete recycling business. (D 11, F 25) The record reflects that use of the 11-acre parcel for this purpose began in 1987. (F 25)

The Borglums' WCA application only covers a portion of the 11-acre parcel which is approximately six acres in size. The SWCD correctly found that the Borglums have never used this six acre area for either their land improvement or concrete recycling businesses. (SWCD order dated 12/15/10, ¶ 32)

The SWCD incorrectly applied the law to the facts, however, when it concluded that the Borglums did not provide sufficient evidence to show they qualified for the proposed development exemption. (SWCD order dated 12/15/10, ¶ 36) To the contrary, the Borglums did prove that they met the standard set forth in Minnesota Rule 8420.0122.

First, the Borglums were issued a CUP within five years before the effective date of WCA.

Second, the CUP has not "expired." Minn. R. 8420.0122, subp. 8. Though former Waseca County employee Angela Knish opined in a letter dated June 26, 2008, that the CUP had expired, she based that opinion on her view that the 1987 CUP did not allow for outside storage. (TE 42) The Waseca County Board of Adjustment has more recently adopted its resolution indicating that the 1987 CUP did allow for outdoor storage. (G 4)

Third, the SWCD incorrectly applied the law to the facts when it determined the project is no longer "active." (SWCD order dated 12/15/10, ¶ 33) Minn. R. 8420.0122, subp. 8. The Borglums began utilizing the 11-acre parcel which is subject to the CUP for outdoor storage in 1987 and continue to do so. (F 25)

Fourth, the SWCD incorrectly concluded that the 1987 CUP did not authorize the Borglums to fill or drain wetlands. (SWCD order dated 12/15/10, ¶ 30, 31 & 33) Rule 8420.0122 indicates that the applicant "may drain and fill wetlands, *to the extent documented by the approval*, without replacement." Minn. R. 8420.0122, subp. 8 (2005) (emphasis added). The SWCD concluded that the CUP must expressly document that wetlands will be impacted, but this conclusion is inconsistent with the purpose of the exemption. Subpart 8 exempts activities that were approved before WCA was adopted. At the time the Borglums received their 1987 CUP, there were no wetlands regulated under WCA. Public waters wetlands were regulated by the DNR prior to the adoption of WCA, *see, e.g.,* Minn. Stat. § 105.42 (1986), and the Waseca County Zoning Ordinance included a definition of wetlands, (SWCD order dated 12/15/10, ¶ 30). However, the Waseca County Office of Planning informed the Borglums on March 10, 1987, that the County did not consider the "low area" on their property to be a wetland under the Waseca County Ordinance, and the DNR told the Borglums there were no public waters wetlands on the property. (T 2) The SWCD erred by denying the Borglums an exemption on the basis that the 1987 CUP did not expressly allow filling of wetlands and that they failed to apply

for a CUP to fill wetlands, when the Borglums had been informed there were no wetlands on their property.

An approval to drain or fill those wetlands located on the Borglums' property is implied in the 1987 CUP because the 1987 CUP allowed outside storage of material throughout the property. The Borglums are entitled to impact wetlands to the extent necessary to carry on the business approved in the 1987 CUP.

Fifth, the SWCD also incorrectly applied the law to the facts when it concluded the Borglums can continue the use approved in the 1987 CUP without any additional impacts to wetlands. (SWCD order dated 12/15/10, ¶ 32) Minnesota Rule 8420.0122, subpart 8 requires: "If wetlands can be avoided within the terms of the approved plan, they must be avoided." The SWCD concluded that because the Borglums had not used the six acres included in their application in their business, they could continue to avoid these wetlands in the operation of their business. The Rule requires, however, that wetlands should be avoided where possible "within the terms of the approved plan." As indicated above, the 1987 CUP allows the Borglums to use the entire 11 acre parcel for outside storage of materials. Requiring them to avoid wetland impacts within the six acre portion of the parcel subject to their application is simply not consistent with the "terms of the approved plan."

The SWCD also incorrectly concluded that the Borglums were disqualified from claiming an exemption pursuant to Minnesota Rule 8420.0115. (SWCD order dated 12/15/10, ¶ 24) Rule 8420.0115 provides as follows:

> Wetlands may not be partially drained, excavated, or filled in order to claim an exemption or no-loss determination on the remainder. Therefore, no exemptions or no-loss determinations can be applied to the remaining wetland that would not have been applicable before the impact. Exemptions may not be combined on a wetland that is impacted by a project.

Minn. R. 8420.0115 (2005). BWSR concludes that this statutory provision is inapplicable because the drainage activities in which the Borglums engaged were exempt.

Finally, it is worth noting that the SWCD concluded in 1995 that the Borglums were entitled to an approved development exemption. (T 6) The SWCD granted the Borglums a certificate of exemption permitting them to clean out a drainage ditch on the basis of the approved development exemption. (*Id.*) The SWCD does not explain in the record the reason for its change in position.

For the above reasons, BWSR concludes that the Borglums are entitled to an approved development exemption and the SWCD's decision should be reversed. Further, because the Borglums are entitled to an exemption, the Restoration Orders should be rescinded. *See* Minn. R. 8420.0900, subp. 3 (2009).

As BWSR has reversed the decision of the SWCD on the above grounds, it is unnecessary to address the other issues raised by the parties, including whether the Borglums are entitled to an agricultural exemption, an incidental wetlands exemption, or a no-loss

determination, whether the SWCD is estopped from claiming the Borglums are not entitled to an exemption, or whether the DNR was barred from issuing the Restoration Orders by the statute of limitations, due process or laches.

AG: #2901184-v1

STATE OF MINNESOTA
WASECA COUNTY

SOIL & WATER CONSERVATION DISTRICT BOARD OF SUPERVISORS, LOCAL GOVERNMENT UNIT RESPONSIBLE FOR IMPLEMENTATION OF THE WETLAND CONSERVATION ACT

Regarding the Applications of Borglums for Exemption and No Loss Determinations

FINDINGS AND DECISION

Having considered the Applications and all of the evidence provided during this matter, the SWCD Board of Supervisors makes the following Findings:

1. On July 17, 2007, the Waseca County Soil & Water Conservation District received Applications from Richard Borglum for certain technical determinations under the Wetland Conservation Act ("WCA").

2. Specifically, Borglum requested that the SWCD find that a proposed activity to fill over six acres of his property "for business and other use" would either be exempt from the replacement requirements of the WCA according to the agricultural activities, incidental wetlands, or approved development exemptions or that the proposed fill activity would not result in a loss of wetlands, i.e. a no-loss determination.

3. On September 5, 2007, according to the delegation of authority given to her by the SWCD Board of Supervisors, Marla Watje, the SWCD's District Manager, denied the requests contained in the Applications, sending notices of the denials, along with a letter indicating the reasons for denials.

4. By letter dated September 25, 2007, through his attorney, and as allowed by the WCA, Borglum appealed the initial decision to the SWCD's Board of Supervisors ("Board").

5. The SWCD Board heard the appeal on December 11, 2007, receiving substantial documentary and testimonial evidence, as well as public comment.

6. The SWCD Board recessed the appeal hearing until December 19, 2007, and left the record open until December 14, 2007. On December 19, 2007, the Board affirmed the denial of Borglum's WCA applications.

7. On January 24, 2008, Borglum and Marie Borglum appealed the Board's decision to the Minnesota Board of Water and Soil Resources ("BWSR"). BWSR, after reviewing the Board's December 19 decision, issued an order dated February 21, 2008 ("remand order") remanding the issue to the SWCD Board for further consideration.

8. Among its other provisions, the BWSR remand order directed the SWCD to "convene a properly constituted Technical Evaluation Panel that meets on the site after sufficient notice and invitation to meet with the Technical Evaluation Panel has been provided to the Borglums and their consultant." The remand order also directed the Technical Evaluation Panel ("TEP") to "produce a revised written report."

9. The remand order directed the Board to conduct a public hearing on Borglum's WCA applications, develop an adequate record that considers the revised TEP report and includes written findings of fact that support the Board's decision and addresses any disagreement with the TEP report.

10. Initially, the BWSR remand order required the Board to complete all remand proceedings within 120 days of February 21, 2008. However, due to intervening litigation that prevented the Board from complying with the remand order, BWSR issued a letter dated March 30, 2010, which granted the SWCD until July 14, 2010 to complete the remand proceedings. At the request of the Borglums, the Parties subsequently agreed to an extension of the remand time period until August 13, 2010.

11. On August 6, 2010, the Borglums requested another extension until May of 2011 in order to continue conducting piezometer testing. The SWCD Board considered the Borglums' request on August 12, 2010 and ultimately granted the Borglums another extension. In response to the Borglums' request to conduct additional monitoring on their property, the SWCD Board and the Borglums agreed to a Monitoring Agreement which would allow the Borglums to gather additional data regarding the presence of wetlands on their property. The Monitoring Agreement required the Borglums to perform certain work, including disabling tiles, by November 15, 2010. The Borglums did not complete this work by November 15 and, therefore, breached the Monitoring Agreement. As a result of this breach, the SWCD Board rescheduled the public hearing in this matter to December 9, 2010. Upon the Borglums' request, the SWCD Board agreed to reschedule the hearing until December 15, 2010.

12. In accordance with the BWSR remand order, a properly constituted Technical Evaluation Panel was formed consisting of Ms. Watje, Jeremy Maul, and Todd Javens. Minnesota Rule 8420.0240 requires a TEP to consist of: (1) a "technical professional employee" of the SWCD; (2) a "technical professional employee" of

BWSR; and (3) a "technical professional" appointed by the local governing unit, in this case, the SWCD.

13. Ms. Watje is the SWCD's only "technical professional employee." Therefore, she is properly a TEP member. Mr. Maul is a "technical professional employee" of BWSR. He is a proper TEP member. Mr. Javens is a well respected "technical professional" who works for a private consulting company. His placement on the TEP is also proper.

14. Rule 8420.0240 also requires members of the TEP to be "knowledgeable and trained in applying" various methodologies and procedures related to wetlands and wetland delineation. The TEP members meet these criteria.

15. In accordance with the BWSR remand order, an on-site visit of the Borglum property was held on May 19, 2010. The Borglum's consultants, Mark Kjolhaug and Melissa Barrett, were present for that visit and met with the TEP before that visit. Chris Hughes, Steve Lawler, and Carol Stojny, who are BWSR employees, attended the site visit at the TEP's request. Hugh Valiant, Derek Anderson, Chris Howe, and Brent Ihnen, who are employees of the Department of Natural Resources ("DNR"), also attended the site visit at the TEP's request.

16. The TEP reviewed the Applications and supporting evidence, evaluated the proposed activity, analyzed the history of the site and activities on the site, conducted an on-site visit, and consulted with several outside experts regarding this matter, including Greg Larson and Megan Lennon, who are BWSR Soil Scientists, and Joel Peterson, who is a BWSR Water Resources Engineer.

17. After its investigation, the TEP determined that Borglum had not presented evidence sufficient to show that he qualified for a no-loss determination or any of the exemptions requested.

18. The SWCD accepts the following documents as the documentary record of its decision:

B = Borglum Exhibits Submitted at December 11, 2007 Hearing
T = Technical Evaluation Panel Exhibits Submitted at December 11, 2007 Hearing
S = Supplemental Record From 2007 Decision
TE = TEP Report and Recommendation dated June 16, 2010 and Exhibits
D = Borglum Exhibits Submitted on August 6, 2010
F = Borglums' Prehearing Memorandum of Law and Exhibits Submitted on December 10, 2010
G = TEP Memorandum dated December 9, 2010 and Exhibits
H = Exhibits submitted by SWCD during the December 15, 2010 hearing

T1, B60	Soil Conservation Service documents regarding Eugene Miller
T2, B4	Memo from Corrine Miller, Waseca County Planning & Zoning, dated March 12, 1987, with attached map.
T3, B2, F2	Application for conditional Use Permit by Richard Borglum dated May 21, 1987
T4, B6, F7, F75	Conservation Assistance Notes
T5, F17	Letter to Richard Borglum from Ben Wopat, Corps of Engineers, dated July 10, 1992
T6,B7,F9, F62, G5	Certificate of Exemption of Compliance or No Loss dated March 16, 1995 regarding Marie Borglum
T7, F63	Letter to Ben Wopat, Corps of Engineers, from John Hock, MPCA, dated September 14, 1995
T8, B10, F12, F68	Pages 5-7 of Planning Commission minutes dated October 19, 1995

T8, B10	Minutes from Waseca County Board of Commissioners dated November 7, 1995
T8	Affidavit of Publication
T8, B10	Waseca County Planning Commission Findings dated October 19, 1995
T8, F3, F66	Application for Conditional Use Permit dated September 19, 1995 by Marie Borglum
T10, B8, F18	Undated letter to Richard Borglum from Ben Wopat, Corps of Engineers with Permit Application Form
T11	Letter to Ben Wopat, Corps of Engineers from John Holck, MPCA dated September 14, 1995
T12, B12	Letter to Richard Borglum from Marla Watje, Waseca SWCD, dated December 7, 1995 and a copy of a map
T13, F26	Letter to Richard Borglum from Ralph Augustin, Corps of Engineers, dated January 29, 1999, and a photograph
T14, F27	Memorandum of call, fax to Tim Fell from Jim Jirik dated May 11, 1999
T15, F29	Letter to Richard and Marie Borglum from Char Hauger, Corps of Engineers dated July 14, 1999
T16	Letter to Richard Borglum from Chad Suprenant, I&S Engineer & Architects, Inc., dated November 12, 2001, with attached site map
T17	Letter to Marie Borglum from Angela Knish, Waseca County Planning and Zoning Office, dated August 8, 2002;
T17	Application for Variance dated April 5, 2002; and
T17	Waseca County Board of Adjustment Questionnaire completed by Marie Borglum
T18,B18,F32	Letter to Richard Borglum from Robert Whiting, Corps of Engineers, dated July 2, 2002.

T19, F13	WCA Site Inspection dated March 7, 2003
T20, B21	Memo to Planning commission Board from Marla Watje, Waseca SWCD, dated March 20, 2007, regarding the CUP for Marie Borglum along with the Summary of Previous and Current Activity and a letter to Richard and Marie Borglum from Marla Watje dated December 7, 1995.
T21	USDA map dated April 5, 2007, Soil Map Legend, and Hydric Soils document from MRCS
T22, B20	Email to Chris Hughes and Todd Kolander from Marla Watje dated Apri8l 2, 2007
T23, F16	Email from Marla Watje and reply from Chris Hughes dated April 3, 2007
T24, B22, F4, F70	Wetland Conservation Act Cease and Desist Order dated April 4, 2007
T25, B32	Aerial photograph
T25	Six photographs
T26,B23,F71	Wetland Conservation Act Application for Exemption or No-Loss Determination regarding Richard Borglum dated April 28, 2007
T27, B25	Letter to Richard Borglum from Marla Watje, Waseca SWCD, dated May 10, 2007, with attached acknowledgement
B28	Preliminary Unapproved Minutes dated May 10, 2007, of the Waseca County SWCD
T29	Aerial photograph of Borglum Site dated July 23, 2007, 1006 Air Photo of Borglum Site Showing 1991 Fill Section and 2006 Fill Section; and 1991 Air Photo of Borglum Site Showing 1991 Fill Section and 2006 Fill Section
T30, B28	Letter to Richard Borglum from Marla Watje dated May 24, 2007
T31	Letter to Richard Borglum from Robert Whiting, Corps of Engineers, dated May 25, 2007

T32, B27	Letter from Tom Davison dated May 29, 2007
T33	Letter to Marie Borglum from Leo Getsfried, DNR, dated June 6, 2007
T34	Letter to Angie Knish from Chris Hughes, BWSR, and Leo Getsfried, DNR, dated June 7, 2007
T35, B30	Letter to Wayne Cords, Waseca County SWCD, from Richard Borglum dated June 7, 2007, along with the letter to Richard Borglum from Marla Watje dated May 24, 2007
T36	Wetland Document Record, Remotely Sensed Data Summary along with multiple maps and photographs
T37, B31	Letter to Richard and Marie Borglum from Marla Watje, Waseca SWCD, dated June 25, 2007
T38	Application for Conditional Use Permit dated June 19, 2007 by Marie Borglum, Application for Conditional Use Permit dated June 21, 2007 by Marie Borglum, Application for Conditional Use Permit dated June 19, 2007 by Marie Borglum, Application for Conditional Use Permit dated June 19, 2007 by Marie Borglum, and Application for Conditional Use Permit dated June 19, 2007 by Marie Borglum
T39	Complaint dated June 28, 2007, to Waseca County Planning Board, Waseca County Commissioners, Waseca County Planning & Zoning, Paul Dressler, Cory Boeck and Jim Gergan, Joe Frear and Marla Watje regarding the Borglum property.
T40	Order of the County Board dated July 3, 2007
T41	Miscellaneous maps
T42, B34	Minnesota Local/State Federal Application form for Water/Wetland Projects completed by Richard Borglum dated July 17, 2007;
T42, B34	Supplement to Part I;
T42, B34	Drainage Study for Richard Borglum prepared by I&S Engineers & Architects, Inc. dated July 16, 2007;

T42, B34 Letter to Richard Borglum from Chad Surprenant, I&S Engineers & Architects, Inc., dated November 12, 2001;

T42, B34 Contract for Deed between Eugene Miller and Borglums recorded as Doc. No. 172731;

T42 B34 F53 Memo from Corrine Miller, Office of Planning & Zoning, dated march 12, 1987;

T42, B34 Map;

T42, B34 Application for Conditional Use Permit date dated May 21, 1987 by Richard Borglum;

T42, B34 Wetland Conservation Act Certificate of Exemption or Compliance or No Loss dated March 16, 1995, by Marie Borglum;

T42. B34 Application for Conditional Use Permit by Marie Borglum dated September 19, 1995;

T42, B34 Application for Utility Permit on Trunk Highway Right of Way by Richard Borglum dated May 21, 1996;

T42, B34 Field Drainage Spacing drawing;

T42, B34 Miscellaneous drawings;

T42, B34 Page 1 of a letter to Richard Borglum dated October 19, 1998;

T42, B34 Aerial photograph;

T42, B34 Wetland Investigation Report prepared by I&S Engineers & Architects, Inc.

T43, B56 Minnesota Wetland Conservation Act Technical Evaluation Panel Findings of Fact dated July 31, 2007 (TEP document signed by Watje and Hughes, Borglum document signed by Hughes only with Attachment 1)

T44 Letter to Richard Borglum from Robert Whiting, Corps of Engineers, dated August 3, 2007, along with a Wetland Delineation Map

T45 Resolution appointing a responsible authority for state or local boards or commissions

T46, B47 Notice of Wetland Conservation Act Decision dated September 5, 2007; Certificate of Mailing of Notice of Wetland Conservation Act Decision dated September 5, 12007; Letter to Richard and Marie Borglum from Marla Watje, Waseca SWCD, dated September 5, 2007

T47, B39 Letter to the Waseca Soil and Water Conservation District from Mark Thieroff dated September 25, 2007

T48 Letter to property owners from Marla Watje, Waseca SWCD, dated November 30, 2007

T49 Memo to newspapers from Waseca SWCD dated November 30, 2007

T50 Preliminary Unapproved Minutes dated April 12, 2007; Preliminary Unapproved Minutes dated June 14, 2007; Preliminary Unapproved Minutes dated September 13, 2007; Preliminary Unapproved Minutes dated November 8, 2007

T51, B5, F60 Letter to Richard and Marie Borglum from Corrine Miller, Waseca County Planning & Zoning, dated April 3, 1992

T52 Wetland Conservation Act Activity Record for LGUs

T53, F19, F64 Fax to Marla Watje dated September 22, 1995 from Ben Wopat, Corps of Engineers

T54, F38, F65 Letter to Lawrence Zdon, MPCA, from Marla Watje, SWCD, dated December 15, 1995

T55, F23 Letter to Richard Borglum from Ralph Augustin, Corps of Engineers, dated October 19, 1998 along with an aerial photograph

T56 Attachment 1, Waseca County Technical Evaluation Panel, Findings of Fact, Borglum Wetland

B1 Site Map

B3	MN Department of Transportation Application for Access Driveway Permit dated April 29, 1987
B11	Letter from the Department of Army to Borglums dated November 9, 1995
B13	Well and boring record dated February 10, 1998
B14	Letter from Richard Borglum to Department of the Army dated May 20, 1999
B15	Four photographs
B16	Map (Field drainage spacing at 71 feet, ½" coefficient)
B17	Note from Tim dated October 26, 2001
B19	Application for Conditional Use Permit dated March 8, 2007
B24	Email from Dan Girolamo to Marla Watje dated May 7, 2007
B26	Waseca SWCD Agenda dated May 10, 2007
B29	Waseca County TEP Findings of Fact, Borglum Wetland, dated May 15, 2007
B32	Map (shooting range, riving range, indoor range of retail sales)
B33	Letter from Angela Knish, Waseca County Planning and zoning, to Marie Borglum dated July 23, 2007
B35, F35	Waseca County TEP Findings of Fact, Borglum Wetland
B36	Letter from Marla Watje to Borglums dated August 7, 2007
B38	MN WCA TEP Findings of Fact
B40	Email from Dan Girolamo to Chris Hughes dated September 29, 2007
B41	Email from Marla Watje to Dan Girolamo, Chris Hughes and Jeremy Maul dated September 28, 2007

B42	Letter from Mark Thieroff to Marla Watje dated October 4, 2007
B43	Fax letter from Marla Watje to Mark Thieroff dated October 4, 2007
B44	Letter from Mark Thieroff to Marla Watje dated October 5, 2007
B45	Email from Marla Watje to Mark Thieroff dated October 26, 2007
B46	Letter from Paul M. Dressler to mark Thieroff dated October 4, 2007
B47	Letter from Marla Watje to Mark Thieroff dated October 5, 2007
B48	Letter from Paul M. Dressler to mark Thieroff dated October 15, 2007
B49	Letter from Mark Thieroff to Marla Watje dated October 16, 2007
B50	Letter from Mark Thieroff to Marla Watje dated October 22, 2007
B51	Letter from Mark Thieroff to Marla Watje dated October 23, 2007
B52	Letter from Mark Thieroff to Kurt Deter dated November 6, 2007
B53	Letter from Kurt Deter to Mark Thieroff dated November 7, 2007
B54	Letter from Kurt Deter to Mark Thieroff dated November 12, 2007 and Letter from Mark Thieroff to Kurt Deter dated November 16, 2007
B55	Letter fro Julie Fincher to Mark Thieroff dated December 5, 2007
B57	Email from Paul Dressler to Kurt Deter dated October 30, 2007
B58	Letter from Mark Thieroff to Marla Watje dated September 12, 2007
B59	TEP Meeting – Procedures and Timing
B60	U.S. Department of Agriculture Referral for Technical Determination; Record of Cooperator's Decision and Progress in Application; Soil Map; and Note
B61	Letter from Doug Losee, I&S Engineers, to Mark Thieroff dated December 11, 2007

S1	Letter to Greg Larson from Bill Stephens dated March 10, 1994, regarding the attached Resolution dated March 1, 1994
S2	Memo to the Waseca SECD Board from TEP Members Chris Hughes and Marla Watje dated December 14, 2007
S3	Memo to the Local Appeals board from Angela Knish dated December 14, 2007
S4	Comments from Lee Roy and Marlene Cain dated December 14, 2007
S5	Comment from Eugene Miller dated December 14, 2007
S6	Letter to Marla Watje from Todd Kolander (Department of Natural Resources) dated December 12, 2007
S7	SWCD Minutes dated October 26, 1993
S8	SWCD Minutes dated February 22, 1994
S9	Waseca County Resolution dated March 1, 1994
S10	Letter to Kurt Deter from Mark Thieroff dated December 12, 2007
S11	Applicant's Post-hearing Brief
TE0, F33	The TEP Report and Recommendation dated June 16, 2010
TE1	December 11, 2007 TEP Recommendation with Tabs 1-56
TE2	List of individuals at the Borglum TEP meeting on May 19, 2010
TE3	Field notes from the Borglum site visit on May 19. 2010
TE4	Weather data
TE5	Letter from Richard Borglum to I&S: Timeline of activities conducted on site- July 10, 2007

a. Documents attached to the letter include:

i. March 16, 1995 - #4 Waseca County exemption issued to clean perimeter ditch

ii. June 1, 1996 - #6 Bored under Highway 13

iii. Spring 2002 - #9 Installed tile per map –Field Drainage Spacing –

iv. Document #10 – Historic file photo – September 1989

TE6 Affidavit – Marie Borglum

TE7 Survey field notes and sketch from Borglum site visit, May 19, 2010

TE8 Memo to Jeremy Maul from Joel Peterson, BWSR – Lateral effect of tile – May 26, 2010

TE9 Letter to Jeremy Maul from Megan Lennon and Greg Larson – BWSR- Perspective about the peatland on the Borglum property – June 14, 2010

TE10 Photo of 8" drainage tile connected to the tile bored under highway 13 – May 19, 2010

TE11 Photo of nonfunctioning tile replaced by the new 8" drainage tile – May 19, 2010

TE12 Photo of an additional outlet installed: 8" tile inlet – May 19, 2010

TE13 1987 COE Manual – Sec. F. Atypical Situations; pages 73-76 and 808-82

TE14 Atypical situation (definition): COE 1987 Manual – Glossary

TE15 Affidavit – Chris Hughes

TE16 Letter from Todd Kolander, DNR – reference to the use of the atypical delineation method – 2007

TE17 Photo of sampling points on Borglum site and reference wetland site – May 19, 2010

TE18, F41	Memo from Mark Kjolhaug, Environmental Services re: Borglum property – May 26, 2010
TE19	Aerial photo of reference wetland site – Spring 2007
TE20, F20	Letter from Marla Watje – wetland determination – December 7, 1995
TE21	Variance Questionnaire completed by Marie Borglum: variance request because of wetlands – April 15, 2002
TE22	2003 aerial photo – wetland area – 9.2 acres
TE23	TEP Findings of Fact – June 14, 2010
TE24	Attachment 1 – Waseca County Technical Evaluation Panel Findings of Fact, Borglum property – 2007
TE25	Letter from Ben Wopart, COE – Richard Borglum requested information concerning activities in his wetland – September 13, 1995
TE26, F37	Letter from John Holck, MNCPA: proposed .5 acres of wetland does not comply with the water quality standards – September 14, 1995
TE27	Four photos taken on March 14, 2007 – Un-permitted fill in the wetland (initiated Cease and Desist Order)
TE28	1995 CUP permit – Conditional Requirements: material in wetland to be cleared up by December 31, 1995
TE29	Letter from Ben Wopart, COE – fill in wetland – 1992
TE30	Notes from Jim Jirik, received complaints about fill in a wetland on the Borglum site – 1992
TE31	Letter from Ralph Augustin, COE – concluded site is a Federal jurisdiction wetland – January 29, 1999 tile installed through the wetland in 1998 was a violation
TE32	Letter from Char Hauger, COE – Violations: discharged fill into the wetland, deepening of an existing ditch – July 14, 1999

TE33	Aerial photo of fill and vegetation disturbance – Spring 2007
TE34	1991 aerial photo of Borglum site showing 1991 fill section and 2006 fill section
TE35	2006 aerial photo of Borglum site showing 1991 fill section and 2006 fill section
TE36	I&S Wetland Delineation Map – July 2007
TE37	Comments from Jennifer Cavanaugh, NRCS Biologist – Type 2 wetland – February 14, 2008
TE38	1987 CUP permit – "Shop for land improvement business and storage of equipment and materials. Construction and excavation for a wildlife pond."
TE39, F56	Letter from Corrine Miller, Zoning Administrator, to Richard Borglum: 1987 CUP did not indicate any outside storage – October 22, 1991
TE40, F57	Letter from Corrine Miller, Zoning Administrator, to Richard Borglum: 1987 CUP did not state that concrete or cement could be hauled to your property and buried or stored – February 20, 1992
TE41	Letter from Mark Leiferman, Planning and Zoning Administrator, to Ms. Borglum: 1987 CUP granted for area south of the driveway – April 29, 2010
TE42	Letter from Angie Knish: 1987 CUP granted for the area south of the driveway – June 26, 2008
TE43	Waseca County Soils Map
TE44	NWI Map
TE45	Drained (definition): COE 1987 Manual – Glossary
D1	Aerial Photo Labeled 1987
D2	Aerial Photo Labeled 1988
D3	Aerial Photo Labeled 1989

D4	Aerial Photo Labeled 1990
D5	Aerial Photo Labeled 1991
D5	Aerial Photo Labeled 1992
D6	Aerial Photo Labeled 1993
D7	Aerial Photo Labeled 1994
D8	Aerial Photos From Historical Information Gatherers, Inc.
D9, F48	Printout From the Minnesota Reflections Website
D10	March 12, 1987 Letter from Waseca County Planning and Zoning
D11	Application for Conditional Use Permit Dated June 18, 1987
D12	1987 Conditional Use Permit
D13	Minutes of the Waseca County Board of Commissioners
D14	July 1987 Cleaned Perimeter Ditch
D15	Excerpt from the Bill Created the WCA dated January 1992
D16	April 3, 1992 Letter from Waseca County Planning and Zoning Administrator
D17	SWCD Exemption dated March 16, 1995
D18	Conditional Use Permit Dated March 16, 1995
D19	Minutes of the Waseca County Board of Commissioners
D20	Signed statement of former Waseca County Commissioners
D21	Waseca County Landfill Pictures
D22	Harguth Conditional Use Permit

D23, F45	1993 WRP Technical Note HY-IA-3.1 "Installing Monitoring Wells/Piezometers in Wetlands"
D24, F11	Joint Powers Agreement Approved March 1, 1994
D25, F45	Memorandum Dated August 6, 2010 From Joel Toso to Mark Kjolhaug
D26, F46	2007 Updated Monitoring Well Specifications for Organic Soils with Ditch Systems
D27, F47	June 2005 Wetlands Regulatory Assistance Program Technical Standard for Water-Table Monitoring of Potential Wetland Sites
D28, F36, F76	May 29, 2009 Letter from Army Corps of Engineers to Richard Borglum
D29	Aerial Photo Labeled Waseca_BG_19_79
D30	Aerial Photo Labeled Waseca_BG_19_80
D31	Aerial Photo Labeled Waseca_BG_19_1981
D32	Aerial Photo Labeled Waseca_BG_19_1982
D33	Aerial Photo Labeled Waseca_BG_19_1983
D34	Aerial Photo Labeled Waseca_BG_19_95
F1	Borglums' Prehearing Memorandum of Law dated December 9, 2010
F5, F73	Excerpt from July 29, 2008 deposition of Marla Watje
F8	December 9, 2010 Affidavit of Richard Borglum
F9	WCA Activity Record Log
F14	March 19, 2007 e-mail from Marla Watje
F15, F72	April 2, 2007 e-mail from Marla Watje

F21	March 25, 1996 Memorandum regarding Borglum site visit from Jan Schwalbe
F22	Report of Suspected Violation dated September 28, 1998
F24	Excerpt from undated memorandum from Tim Fell re: Borglum site (USACE pages 069-071)
F25	December 28, 1998 summary of aerial photographs of Borglum site by Tim Fell
F28	May 20, 1999 memorandum from Tim Fell
F30	Tim Fell Summary Notes dated May 1, 2002
F31	E-mail dated June 19, 2002 from Ralph Augustin
F34	Excerpts from June 18, 1987 Waseca County Planning and Zoning Commission meeting minutes
F39, F59, G4	December 2, 2010 Findings of Fact of Waseca County Board of Adjustment
F41	Aerial photographs labeled: 2009, 2003, 1992, 1971, 1964, 1956, 1951, and 1938
F44	June 17, 2010 Memorandum from Mark Kjolhaug
F49, G2	August 3, 2010 "Non-Binding Resolution of the Waseca County Board of Commissioners"
F50	Aerial photos dated 2008 labeled Marie Borglum
F51	Contract for deed between Eugene Miller and Richard and Marie Borglum labeled "south parcel"
F52	Contract for deed between Eugene Miller and Richard and Marie Borglum labeled "north parcel"
F53	May 21 1987 CUP application with accompanying resolution and minutes discussing application
F54	Aerial photo labeled "cleaned perimeter ditch – 1987"

F55	Series of conditional use permits issued for landfill activities
F58	March 24, 1992 letter from Corrine Miller to Richard and Marie Borglum
F61	Excerpts from Minnesota Rules including: 1992 interim rules, 1993 rules, 1995 rules, 1997 rules, 1999 rules, 2001 rules, 2003 rules, 2005 rules, and 2007 rules related to the approved development exemption
F67	October 10, 1995 letter from Corrine Miller to Marie Borglum
F69	October 31, 1995 letter from Marie Borglum to Waseca County Board of Commissioners with enclosures
F74	May 23, 2008 Affidavit of Marie Borglum with attachments
F77	July 2007 TEP Memorandum and attached exhibits as modified, commented upon, and added to by Borglum and/or Marie Borglum
G0	TEP Memorandum dated December 9, 2010
G1	Letter from former Waseca County Board members and Planning Commissioner
G3	Excerpts from November 4, 2010 Waseca County Board of Adjustment Hearing
G6	Excerpts from Waseca County Zoning Code in effect in 1987
G7	Transcript of Borglum Temporary Restraining Order Motion hearing
G8	Final BWSR Rules enacted 1993
H1	BWSR Administrative Guidelines: Interim Program of Wetlands Regulation dated 1991
H2	Excerpts from 1983 Waseca County Zoning Code

19. Additionally, a verbatim transcript of these proceedings has been preserved.

20. The law governing the SWCD Board's decision is found in Minnesota Statutes Chapter 103G and Administrative Rules Part 8420. Because Borglum's application was initially filed in July 2007, the Board's decision is governed by the laws in effect at that time. The SWCD Board's decision is based on the application of the law to the facts presented. The SWCD Board has no discretion in modifying the standards set forth in statute or rule.

21. Borglum's application for a determination of no loss is governed by Minnesota Rule 8420.0220 (2005).

22. A landowner may apply to the Local Government Unit ("LGU") for a determination of whether a proposed activity will impact a wetland. The LGU shall make a no loss determination if the landowner shows that the work will not impact a wetland. Minnesota Rule 8420.0115 (2005) states that wetlands cannot be partially drained, excavated, or filled in order to claim an exemption or no loss determination.

23. The SWCD Board adopts/does not adopt the TEP's technical findings in regard to Borglum's no-loss application. In particular, the SWCD Board adopts/does not adopt the TEP's technical finding that the area of Borglum's property proposed to be filled was historically wetland and that it was probable based on this information that, as of the site visit, the area had been drained as defined in the 1987 COE Manual. Borglum's unauthorized and non-permitted installation of the drainage tile and fill which effectively drained the wetlands disqualifies him/does not disqualify him from being able to claim a no loss determination pursuant to Minnesota Rule 8420.0115 (2005).

24. Borglum has also applied for three exemptions. In accordance with Minnesota Rule 8420.0115 (2005), Borglum's unauthorized and non-permitted installation of the drainage tile which effectively drained the wetlands disqualifies him/does not disqualify him from being able to claim an exemption.

25. Besides Minnesota Rule 8420.0115, Borglum's approved development exemption application was governed by Minnesota Statutes Section 103G.2241, subdivision 8, and Minnesota Rules 8420.0122, subpart 8 (2005) until those sections were repealed on July 1, 2007. Because the approved development exemption existed in law on the date of the original Application, the SWCD Board considers it for purposes of this hearing and concludes that the version of the Rule that was in effect when Borglum applied for the exemptions must control these proceedings.

26. In accordance with the approved development exemption, a replacement plan for wetlands is not required for development projects that have received preliminary or final plat approval, or have infrastructure that has been installed or has local site plan approval, conditional use permits, or other similar approval by a governing body or government agency, within five years before July 1, 1991. Minnesota Rule 8420.0122, subpart 8, provided, in relevant part, that project developers with one of the listed approvals timely obtained, provided approval has not expired and the project remains active, may drain and fill wetlands to the extent documented by the approval, without replacement. The Rule went on to provide that "those elements of the project that can be carried out without changing the approved plan and without draining or filling must be

done in that manner. If wetlands can be avoided within the terms of the approved plan, they must be avoided." Minn. R. 8420.0122, subp. 8 (2005).

27. Borglum bases his approved development exemption application on a conditional use permit ("CUP") issued by Waseca County in 1987. In 1987, the County issued Borglum a CUP for a proposed use of: "Shop for land improvement business and storage of equipment and materials. Construction and excavation for a wildlife pond."

28. The 1987 CUP was issued for the south portion of the Borglums' property. The Borglums never constructed any structure authorized by the CUP on the parcel of land described in that CUP. Instead, they constructed several structures on another parcel to the north of the property at issue. During the December 19, 2007 hearing in this matter, counsel for Borglum asserted that no business activities had been conducted on the land that is the subject of Borglum's application. Transcript of December 19, 2007 hearing at 46-50. According to Angela Knish, a former Waseca County Zoning Administrator, the 1987 CUP expired in 1988, one year after if it was issued and never acted upon by the Borglums.

29. On August 3, 2010, the Waseca County Board of Commissioners issued a "non-binding resolution" in support of the idea that the 1987 CUP, as well as a 1995 CUP, authorized outdoor storage. On December 2, 2010, the Waseca County Board of Adjustment issued findings that: "1) the 1987 Conditional Use Permit was intended both by the applicant and the Board at the time to allow for outside storage of materials and equipment; and 2) that the 1995 Conditional Use Permit was intended to protect the wetland along with the conditional use for the operation and sales of a concrete rock

crushing business, and that the protection of a wetland was implicit in the Conditional Use Permit because of the stated condition requiring: 'material in the wetland to be cleaned up by December 31, 1995."

30. The Waseca County Zoning Ordinance that was in effect in 1987 required property owners to obtain a CUP to authorize any filling of wetlands. The Zoning Ordinance specifically defined the term "wetlands" to include "those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas." Based on the evidence in the record, the Board concludes that the property subject to Borglum's application at issue met this definition of wetlands in 1987. Borglum did not apply for a CUP to fill wetlands, and the 1987 CUP does not authorize Borglum to fill any wetlands on the property.

31. Assuming that the 1987 CUP is still active for purposes of this proceeding, the 1987 CUP does not document any approval by the County of the filling of wetlands. The 1987 CUP does not document any wetland impacts associated with the use. The Waseca County Board of Commissioners' non-binding resolution did not change the wording of the 1987 CUP. The Board of Adjustment's decision does not include any authorization to fill or drain wetlands. In addition, the 1995 CUP that was issued to the Borglums for the "operation and sales of a concrete rock crushing business" was granted with the following condition: "Materials in wetland to be cleaned up by December 31, 1995." Even if the condition in the 1995 CUP is limited to demolition materials as

asserted by the Borglums, neither the 1987 CUP nor the 1995 CUP authorizes the filling or draining of wetlands. Therefore, the Board's decision would not change if it were determined that the 1995 CUP's reference to "materials" pertained to "demolition materials."

32. Borglum has carried on his land use business for more than twenty years on a different portion of his property. At the December 19, 2007 hearing in this matter, counsel for Borglum asserted that no business activities had been conducted on the land that is the subject of Borglum's application. Borglum can continue the use approved in the 1987 CUP without additional impacts to wetlands.

33. Even assuming that the interim version of WCA referred to by Borglum's counsel governs this matter, the SWCD Board concludes that Borglum is not entitled to an "approved development" exemption. A review of the Administrative Guidelines: Interim Program of Wetland Regulation demonstrates that in regard to the approved development exemption, the conditional use permit must not have expired, the project must remain active, and no additional wetland drainage or filling can occur. Even assuming that the 1987 CUP has not expired, the 1987 CUP did not authorize the filling or draining of wetlands. The Borglums did not have a CUP that authorized the filling or draining of wetlands as required by the Zoning Code. The project referred to in the CUP was not active on the land at issue when the interim version of WCA became effective. The Borglums' counsel stated that the Borglums had not conducted any business use on the area at issue as of the December 19, 2007 hearing. In accordance with the interim version of WCA, no wetland drainage or filling could occur.

34. The SWCD Board is not equitably estopped from finding that the 1987 CUP does not entitle Borglum to an approved development exemption. The 1995 exemption determination specifically related to a ditch cleaning project, which bears no relation to the fill activities that are the subject of Borglum's current application. Any alleged reliance on a determination related to a ditch as authority to fill six acres "for business and other use" was not reasonable. Any alleged reliance on that determination was also unreasonable as the 1995 CUP that was issued only a few months later directed the Borglums to remove materials from the wetlands.

35. The SWCD Board adopts/does not adopt the technical findings of the TEP in regard to Borglum's request for an approved development exemption.

36. Borglum has/has not provided evidence sufficient to show that his proposed activity falls within the legal guidelines for the approved development exemption.

37. Borglum's incidental wetlands exemption application is governed by Minnesota Statutes Section 103G.2241, subdivision 5, and Minnesota Rules 8420.0122, subpart 5 (2005).

38. The incidental wetlands exemption provides that a replacement plan for wetlands is not required for activities in wetland areas created solely as a result of actions by public or private entities that were taken for a purpose other than creating a wetland. Minn. R. 8420.0122, subp. 5.

39. The SWCD Board adopts/does not adopt the TEP's technical findings in regard to Borglum's application for an incidental wetlands exemption. Borglum has/has not presented evidence sufficient to show that the wetland area proposed to be filled was

Dated: 12-15-, 2010

Larry Hagen
Chairman, Board of Supervisors
Waseca County Soil & Water
Conservation District

created solely as a result of actions by public or private entities that were taken for purposes other than creating a wetland. As the TEP noted, the land at issue was historically wetlands.

40. Besides Minnesota Rule 8420.0115, Borglum's application for an agricultural activities exemption is governed by Minnesota Statutes Section 103G.2241, subdivision 1, and Minnesota Rule 8420.0122, subpart 1 (2005). Borglum is requesting an agricultural activities exemption pursuant to Minnesota Rule 8420.0122, subp. 1(D).

41. In accordance with Minnesota Rule 8420.0122, subp. 1(D), a replacement plan for wetlands is not required for activities in a type 1 wetland on agricultural land, except for bottomland hardwood type 1 wetlands, and activities in a type 2 or type 6 wetland that is less than two acres in size and located on agricultural land.

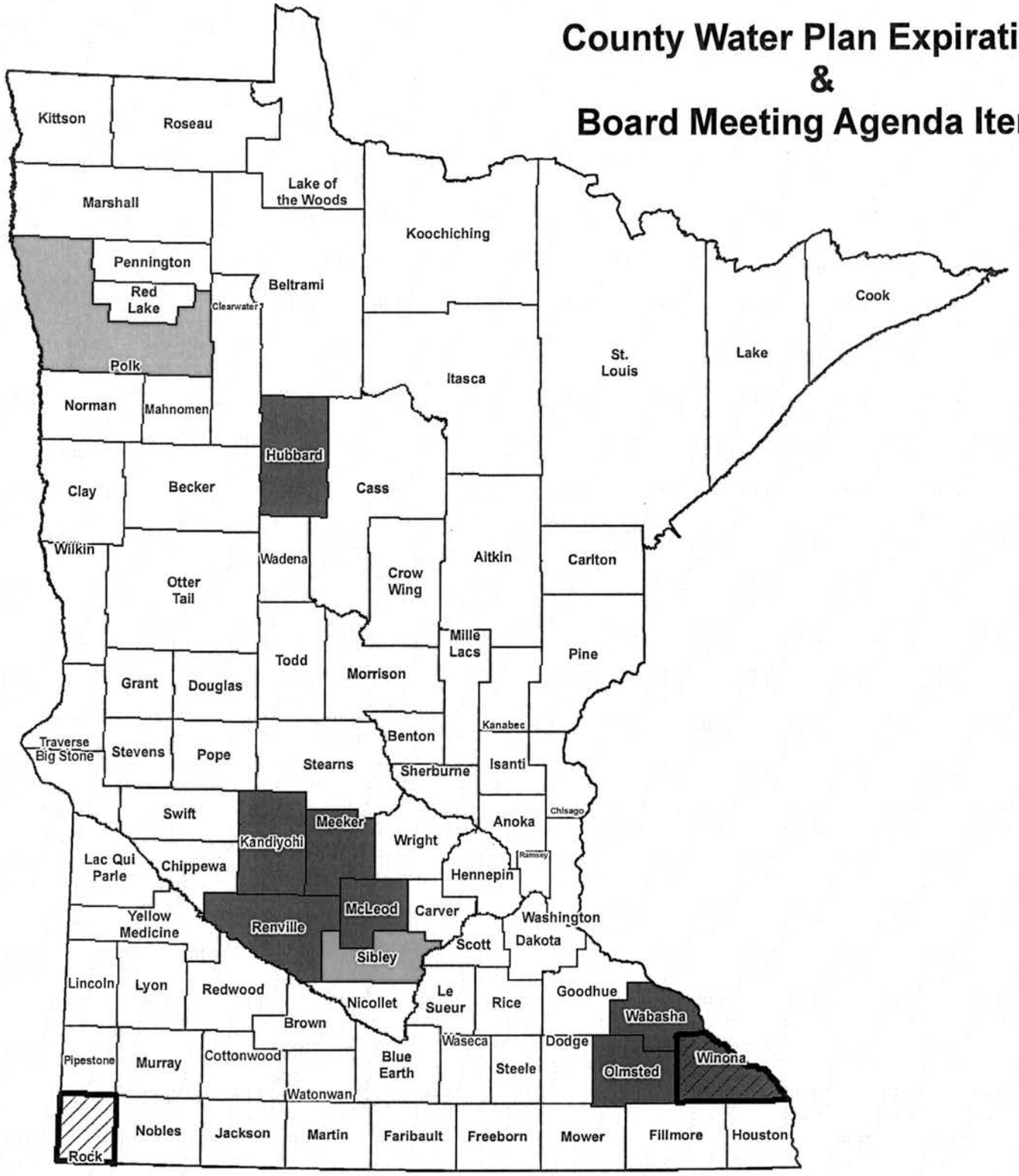
42. The SWCD Board adopts/does not adopt the TEP's technical findings in regard to Borglum's application for an agricultural activities exemption. The wetland at issue is a type 2 wetland. The area in question is greater than 2 acres in size.

43. Borglum has/has not presented evidence sufficient to show that he is entitled to an agricultural activities exemption.

THEREFORE, the Waseca County Soil and Water Conservation District Board of Supervisors decides that:

1. Borglum's Application for a no loss determination is/is not denied.
2. Borglum's Application for an approved development exemption is/is not denied.
3. Borglum's Application for an incidental wetlands exemption is/is not denied.
4. Borglum's Application for an agricultural activities exemption is/is not denied.

County Water Plan Expirations & Board Meeting Agenda Items



Plan Expires

- Overdue
- 2011
- 2012
- Beyond 2012

October 2011 Agenda Items

- Rock
- Winona

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October 2011

COMMITTEE RECOMMENDATION

Southern Water Planning Committee

1. Minnesota River Board, Fiscal Year 2012 Work Plan and Grant – Paul Langseth – ***DECISION ITEM***

2. Rock County Local Water Management Plan Amendment – Paul Langseth - ***DECISION ITEM***

3. Winona County Local Water Management Plan Update – Paul Langseth – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Minnesota River Board FY12 Work Plan & Grant**

Meeting Date: October 26, 2011

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 2012 work plan and execution of fiscal year 2012 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 Board of Water & Soil Resources

Board Resolution #_____

Minnesota River Board
Fiscal Year 2012 Work Plan and Grant

WHEREAS, the 2011 Minnesota Legislature appropriated administrative funding for the Minnesota River Board, formerly known as the Minnesota River Basin Joint Powers Board, resulting in a fiscal year 2012 State General Funds grant of $42,000;

WHEREAS, the Minnesota River Board developed a Plan of Work for fiscal year 2012, which they adopted on September 19, 2011;

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.

_____ _____

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

Date



Minnesota River Board

Progress Report Summary (FY11)
and
Plan of Work (FY12)

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

MRB Approved on 9-19-11
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.

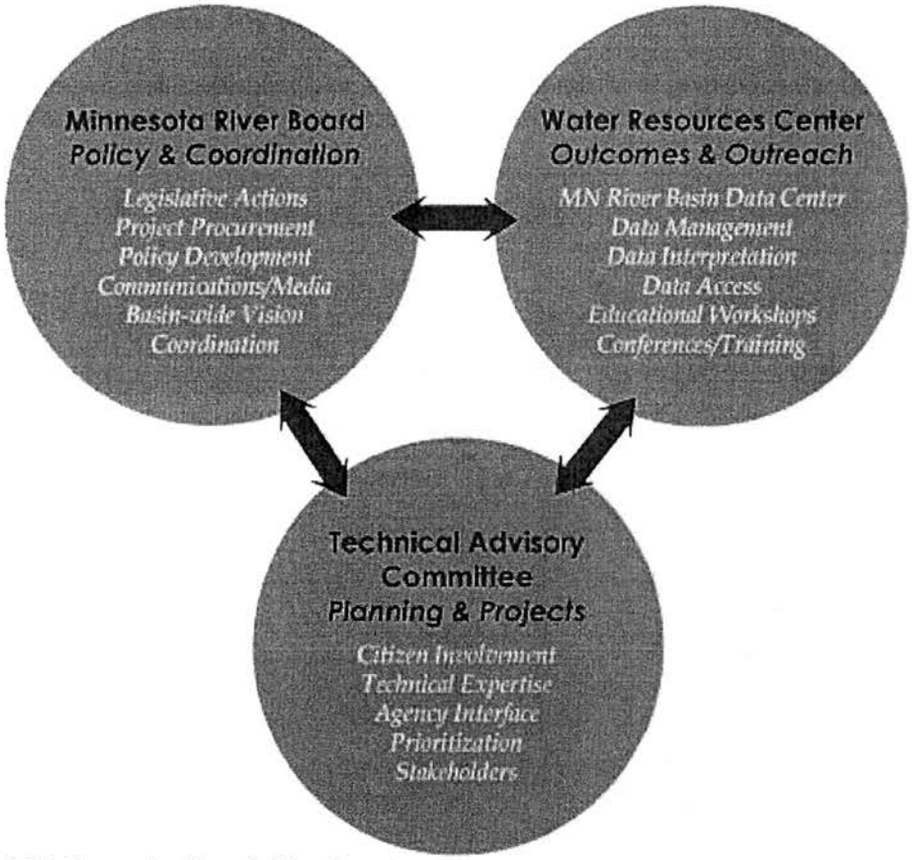


Figure 1. MRB Organizational Structure

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.

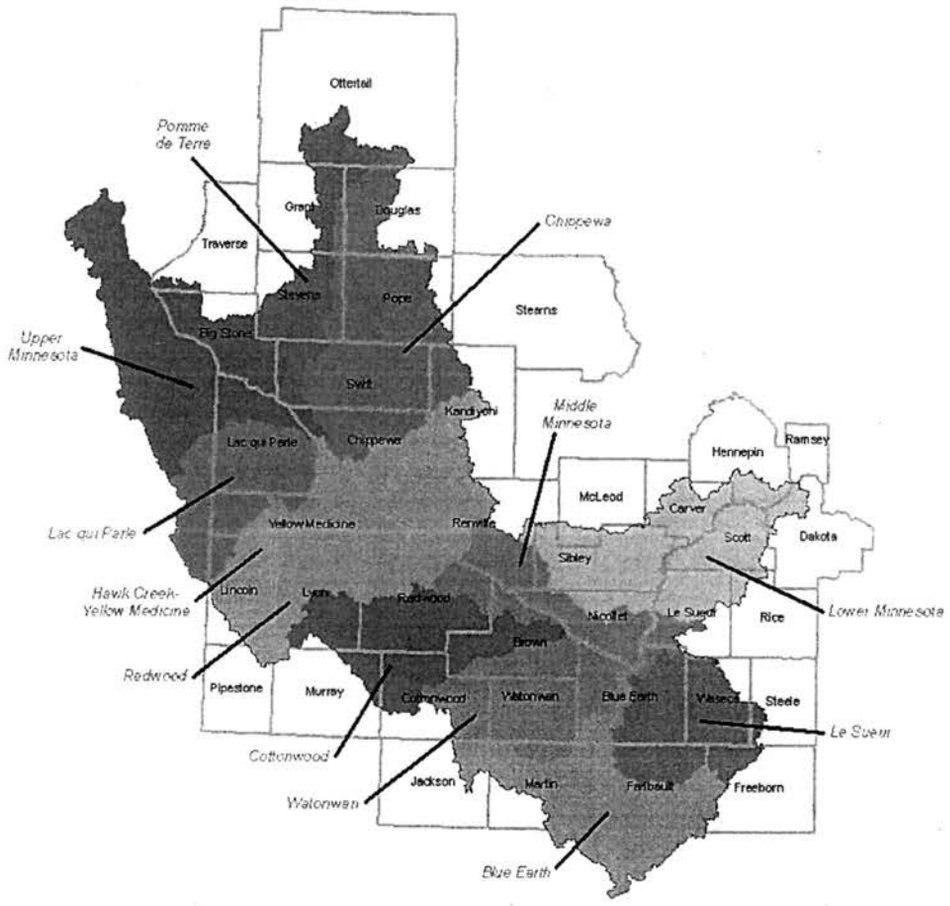


Figure 2. Figure denotes the Minnesota River basin made up of 12 major watersheds and 38 counties associated with the Minnesota River Basin Joint Powers Board.

FY11 Summary Report and FY12 Plan of Work Statement

During much of Fiscal Year 2011 (July 1, 2010 – June 30, 2011), Executive Director Fisher took a leave of absence to complete a reassignment within his faculty position at Minnesota State University, Mankato. An interim replacement was hired, but only lasted two weeks before resigning to pursue other interests. The remaining staff, along with time provided by the now reduced-time Executive Director still accomplished many tasks from the FY11 Work Plan. Over this past year, great focus has been afforded to the following areas:

1) Re-determination of Benefits,
2) Conservation Marketplace of Minnesota,
3) Fund Raising and Legislative Funding Issues,
4) Outreach and provision of outreach grants, and
5) Improving communications.

During Fiscal Year 2012 (July 1, 2011 to June 30, 2012), we will strive to finish up some initiatives that were delayed from FY11 and determine ways to move forward sustainably in light of a 50% reduction in state funding and the loss of revenue caused by the departure of additional counties. Given carry-forward funds from FY11, FY12 should be largely business as usual with at least some carry-forward money to buffer next year's shortfalls; however, FY13 income will be reduced and have a significant impact on staffing and what we can realistically accomplish. During this fiscal year, we will focus on several important deliverables that help us prepare for additional grant writing and changing work environments, including:

1) Development and completion of a new MRB strategic plan,
2) Development of comprehensive clean-up goals and our biennial progress report,
3) Outreach forums on contemporary basin issues and sediment management,
4) Alternative BMP implementation via Conservation Marketplace of Minnesota,
5) Implementation of new projects, such as the Nutrient Tracking Tool,
6) Grant writing for both internal and external partners,
7) Determining a pathway for restructuring, and
8) Finding a way to engage and bring to fruition a technical/citizen advisory team.

To better relate the various goals and tasks of the MRB to the duties laid out in the statute that created us, we have this year provided deliverables that specifically address each duty. This approach provides a much needed visual correlation between our work efforts and what we have been asked to do. We will continue to strive to engage our basin partners in working together to clean up the Minnesota River.

It is the Executive Director's goal that the upcoming year will bring a sense of great accomplishment for the MRB staff, delegates, and partners. The next year will also bring several significant planning and staffing dilemmas as we face shortfalls in FY13. The Conservation Marketplace of Minnesota grant will officially come to an end, but it is our sincere hope that the project will continue to move forward. New efforts, such as verifying the potential utility of a Nutrient Tracking Tool will also get underway. The Mount Simon effort will continue to remain as one of our projects, and we plan to develop a list of contemporary issues facing the basin. There will be no shortage of tasks to complete and we will work diligently to complete the deliverables and bring forward strategic goals that will make a difference in the basin – deliverables that will be of great value to our partners.

SECTION 1 - FY11 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 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)

The Conservation Marketplace of Minnesota (CMM) was again a major initiative for the Minnesota River Board in FY11. The staff collectively worked on this project and Goals 1A through 1E have all been fully met. We will continue with these items and meet final grant deliverables, including the completion of the monitoring plan, aggregation of project applications, and completion of the final report next spring (see CMM in FY12 Goals). Goal 1A has been completed to the satisfaction of the National Fish and Wildlife Foundation (federal grant manager). Multiple budget amendments and a no-cost grant extension have been submitted/approved, allowing all partners to better utilize the available funds and meet the grant deliverables. As part of Goal 1B, the National Advisory Team held two conference calls during the last fiscal cycle and met in Shakopee for the Annual CMM Meeting. The Annual Meeting was hosted by our CMM partner Rural Advantage in the Middle and Lower Minnesota Watershed work area and included a set of professional lectures, a tour, and some very good brainstorming discussion. Goal 1C was achieved and the CMM Policy Team met on three separate occasions to discuss and set forth guidance on CMM direction in the Minnesota River Basin, reviewing and approving the initial procedural guides, financial processes, and forms that will be utilized for project enrollment. Goal 1D was achieved by the staff as assigned, meeting more than 5 times to establish procedures, forms, and direction suggestions for consideration by the Policy team. Goal 1E involved significant time investment to work on outreach and marketing to promote the project and entice buyers to fund ecosystem services projects. In addition, several grant applications were submitted and funded application work plans and budgets were established. Additional grant information is listed in our report for Goal 2G below. During FY11, the CMM team received word that a MPCA Section 319 grant application entitled " Minnesota Pollution Reduction and Economic Test with Nutrient Trading Tool" was funded. Work immediately began on the development of the final work plan and budgets, with the project scheduled to begin in FY12. The Policy Team and staff invested considerable time this past year into a discussion regarding CMM's potential to sponsor an agricultural wetland bank. This bank would have provided an opportunity for producers to mitigate impaired wetlands in their crop fields with restored wetlands elsewhere; however, this program was moved by state leadership to a private organization in another part of the state and is no longer under consideration.

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.

During the past fiscal year, Executive Director Fisher accepted a partial reassignment to work on a special project in the Minnesota State Colleges and Universities Chancellor's Office. As such, he requested a leave of absence from his duties as Executive Director. To fill this vacancy, an interim Director was hired; however, after two weeks on the job, the individual resigned to pursue other ventures. Given the timing, it was decided not to refill the position and work with existing staff and some time the Director Fisher could provide. Given our situation, Goal 2A has only been partially achieved, as some aspects of the FY11 Work Plan (noted in their respective locations below) were not achieved, partially achieved, or delayed. As for Goal 2B, all required reporting has been completed and submitted to the best of my knowledge. As noted in Goal 2C, two executive committee planning sessions were completed, including a delayed second meeting that was postponed actually into early FY12, as we awaited final word from our legislation about funding. Goal 2D was also met, with an annual audit (FY10) completed September 1, 2010 with an audit report submitted and approved to the Board at our September meeting. Goal 2E was also completed. The Executive Committee completed the annual evaluation of the executive director and the executive direction completed the evaluations of the remaining staff. The executive director's evaluation is on file in our main office; however, staff evaluations are confidential. Goal 2F was fulfilled and we are now attempting to balance locations across the basin. Our annual meeting was held on 7/19/10 in New Ulm, with additional regular meetings being held in Montevideo (2), Gaylord (2), and Olivia. The New Ulm meeting was co-sponsored by the Coalition for a Clean Minnesota River and the Olivia meeting included partnership with Renville County Water Planning and their Soil and Water Conservation District. Goal 2G was fulfilled with grants being submitted that included:

- *MN Pollution Control Agency, "Linking Water Storage BMPs to Watershed Goals," $292,140 (funded)*
- *McKnight Foundation, "Strategic Planning to Engage Buyers in Ecosystem Markets in Minnesota," $25,000 (funded)*
- *MN Dept. of Health, "Source Water Protection Plan Implementation," $10,000 (in collaboration with City of Saint Peter, MN) (funded)*
- *NRCS Conservation Innovation Grant, "Using Ecosystem Markets to Provide Land Managers with a Variety of Conservation Funding Options," $824,815 (not funded)*

Goal 2H was not fully completed due to Executive Director Fisher's change in assignment. In addition, several counties indicated that they did not have time for us to visit. Therefore, we changed our approach and notified counties that were available if they would like to visit with us. We did visit with Scott and Dakota counties. Goal 2I was not completed due to lack of time and delegate involvement. We will attempt this again in FY12.

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 3 was solely the responsibility of the executive director. Given his change in work status during this past year, combined with continued challenges to launch an active advisory committee, limited progress was made on this goal. Because Goal 3A could not be achieved, Goal 3B was also not completed. Some progress was made, however, with a general agreement that dividing the basin into three advisory areas would be appropriate – including western, southern, and eastern sets of major watersheds. Additional discussion was held regarding the incorporation of the advisory team members directly into a limited delegate status on the Board. Goal 3C was partially accomplished with advisory board members serving as program grant reviewers and assisting in collection of input regarding MRB structure. Portions of Goal 3 will be included in the FY12 Work Plan.

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)

All of the tasks set forth in Goal 4 were achieved. By completing task 2B, we contracted with Scott Kudelka from the Water Resources Center. Mr. Kudelka provided assistance with communications/reporting that increased MRB visibility; including multiple press releases and the development of numerous MRB delegate and project spotlights (Goal 4A). In addition, the Executive Director arranged with assistance from Minnesota State University Students to complete a website revision – making our online calling card more appealing and easier to use. As part of Goal 4C, Susie Carlin attended Watershed Alliance meetings and continued to serve as a member of the Steering Committee. Ms. Carlin also participated in Watershed Alliance activities including organization of the Friendship Tours and the 2011 Paddler Patch Award Presentations. She also attended the biannual meetings of the MPCA Watershed Professionals Network and served on the planning committee for the Spring 2011 meeting.

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)

Given the challenges to establish an effective technical committee, Goal 5A was not formally achieved; however, informally, the staff gathered information from various participants and assisted with various programs that were needed across the basin. As a result, Goal 5C was achieved via our sponsorship and assistance to bring together a group of professionals for a Ravine Management Charette and we assisted in the development and implementation of two Friendship tours between Minnesota River and Lake Pepin residents. Our staff assisted in a wide range of other outreach ranging from Blue Thumb and watershed events, to lake association meetings and professional conferences. The Minnesota River Board also partnered on River Revival – a documentary that aired on KARE 11 this past summer. In addition, the Board co-sponsored a public viewing event for "River Revival" at which various speakers, including elected officials spoke.

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 6 efforts this past year were largely directed at one significant issue – funding. Goal 6A was not formally achieved, again due to the lack of an active advisory committee. The staff made every effort to let basin partners know that we were here as a resource should any needs come up. Therefore Goals 6B-6D were on an "as requested" basis. We provided grant assistance to the Friends of the Minnesota Valley and their partners attempting to secure funding as part of the application process to the Clean Water Fund. Very few other requests came forward. We did partner with the Water Resources Center and are now providing assistance to the City of Waseca and anticipate that we will be providing grant writing services there. We provided letters of support for Area II to remain funded, and also discussed a variety of other issues with area legislators. Most requests/outreach as a part of this goal came in the form of speaking engagements regarding Conservation Marketplace of Minnesota. Therefore, as part of Goal 6E, we provided the following presentations:

- *Hacker BM, Carlin, SDG. June 2011. Developing and Supporting Ecosystem Markets in Minnesota. Ecosystem Markets, Madison, WI.*
- *Carlin, SDG. Ecosystem Service Payments: Valuing Nature's Gifts. April 2011. National Park Service's Mississippi River Forum. Science Museum of Minnesota, Saint Paul, MN.*
- *Carlin SDG, Hacker BM, Raber C. February 2011. Conservation Marketplace of Minnesota. MN Pollution Control Agency: Nutrients in Our Environment. Rochester, MN. (poster)*
- *Carlin, SDG. December 2010. A Regional Approach to Ecosystem Service Markets. Minnesota. Association of Watershed Districts. Alexandria, MN.*
- *Fisher SJ, Carlin SDG. October 2010. Conservation Marketplace of Minnesota: Development and Testing of Ecosystem Services Markets. Minnesota Water Resources Conference, Saint Paul, MN. (poster)*
- *Carlin SDG, Klang J, Brandt B, Fisher SJ, Fuchs D, Green T, Hacker BM, Kavorik H, Meschke L, Raber C. July 2010. Building a Transferable Market Infrastructure for Ecosystem Services. Soil & Water Conservation Society, Saint Louis, MO.*

As part of Goal 6F, we continued to engage in discussion with partners from across the basin regarding basin-level management; however, due to higher priorities in the legislature, the basin bill was not heard this past session.

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)

The 2010 Progress Report was made available and several notices went out to constituents, including all of our basin legislators. As a result, Goal 7A was partially completed; however, the series of meetings we hoped to bring forth did not materialize – we will again attempt to set up these meetings in FY12. Goal 7B was met and the report was formally presented to the MRB delegates and partners. Goal 7C was not met due to lack of meetings as part of Goal 7A. We will again incorporate this into our FY12 work plan.

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 8 continues to be a strong area of performance for the staff. As part of Goal 8A, awards were presented to the following students:

- *Kara Schwenn, Hidden Valley Elementary School, Savage*
  - *Title: What Are the Problems with Water in My Community?*
- *William Tauer, Loyola Catholic School, Mankato*
  - *Title: Effect of Erosion on Different Types of Soil*
- *Thomas Whittenburg, Sioux Trail Elementary School, Burnsville*
  - *Title: Water You're Drinking*
- *Alexandra Sandquist, John Ireland School, Saint Peter*
  - *Title: The Big Flood…Again!*
- *Parker Breza, St. Hubert School, Chanhassen*
  - *Title: Fuel It Up With Algae*
- *Mark Broderius, Lincoln Junior High School, Glencoe*
  - *Title: What is the Water Quality of Buffalo Creek Before, During, and After it Passes by a Food Processing Plant and the City of Glencoe?*
- *Andrew Steffl, St. Mary's Senior High School, Sleepy Eye*
  - *Title: The Effects of Lanthanum (III) Chloride, Aluminum Potassium Sulfate, and Calcium Hydroxide on Phosphorous Runoff*
- *Rena Weis, New Prague High School, New Prague*
  - *Title: Reduction of Fertilizer Rates By Carbon Sequestration of Biochar*

Goal 8B was partially achieved via the provision of undergraduate scholarships that were awarded to Shreya Vaidya at Minnesota State University, Mankato and Jordan Austin at Southwest Minnesota State University. Undergraduate research awards were not issued due to a lack of qualified applicants. Our Goal 8C awards went to two long-time MRB supporters and conservationists at our Annual Meeting in New Ulm (July 2010) – Senator Dennis Frederickson and CCMR Founder Scott Sparlin. Substantial progress was made on Goal 8D, with delegate and MRB project spotlights, along with numerous press releases regarding our work were completed and set out to basin newspapers and included in communications from the MPCA and the Minnesota River Watershed Alliance.

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 9A was advanced via letters and informational packets that were sent out to previously identified SWCDs within the basin, advising them of the benefits of Blue Thumb enrollment and the open application period (December 2010). Dawn Pape, Blue Thumb Coordinator, attended the November 2011 MRB meeting to share with delegates the history, successes, and opportunities for statewide expansion of the program. To the best of our knowledge, none of our partners applied for the program, but several did show interest. As part of Goal 9B, we distributed Blue Thumb materials (while also promoting MRB & CMM) at the following public events: Paddle Patch Celebration (Mankato, 7/10); Minnesota State Fair (9/10); Living Green Expo (5/11). Also distributed the material at meetings of technical partners, including GBERBA Tech meetings, MPCA Watershed Professionals Network, and Watershed Alliance meetings. Although information was provided and we worked to promote Blue Thumb in the basis, no actual projects materialized, this Goal 9C was not achieved.

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)

Goal 10A was achieved via the delivery of a ditch redetermination presentation to the MRB delegates and our partners. In addition, results were presented to the Ditch Working Group sponsored by the Board of Water and Soil Resources. Goal 10B did not advance; however, we continue to work with 7 permit holders that utilize Mount Simon aquifer water and this will become a more substantial focus in FY12. Goal 10C was intended to follow the establishment of our technical advisory committee; however, given that group did not materialize; we failed to secure the appropriate information needed to fully complete the assessment. Some work has been completed and we will finish this effort in FY12. Goal 10D was partially achieved as we assisted in the completion of a biotic study in the Rush and High Island watersheds. Over the past year, however, our attentions were diverted to the biota report from MPCA that indicated limited improvements in the basin – and the backlash of reactions to the report. During this past year, the executive director launched an effort to secure graduate students to complete more research in this area. Goal 10D will be forwarded to FY12 for further consideration. Goal 10E was achieved through a partnership with Clean Up the River Environment (CURE) and the Minnesota Agricultural Water Resources Coalition. As a team, Upstream-Downstream Friendship Tours were completed in August/September 2010. Susie Carlin also assisted in the three follow-up events to strengthen ties with those participants. Following the success of the first exchange, the partners worked together to earn $25,000 for future efforts. The Bush Foundation launched the Incommons Collaboration Challenge in November 2010. More than 800 nonprofit organizations were invited to send in written descriptions of their unique collaborative projects to a new Web site created by the foundation. The Upstream-Downstream Friendship Tour was one of three finalists. Short 4-minute video explanations of the three finalist projects were made and then posted to the Internet where the public was invited to vote for their favorite collaboration over a 10-day period. During that time more than 3,000 online votes were cast, with the Friendship Tour winning the vote and receiving $25,000, to be managed by CURE. Although we attempted to bring in a hypoxia speaker as part of Goal 10F, we were unable to secure a speaker or make the arrangements. We will continue to look into this if demand re-emerges.

SECTION 2 – FY12 GOALS AND PROGRESS MEASURES

NOTE: *Based on input from local partners, the MRB Executive Committee, and agency and legislative leadership, the FY12 work plan has been organized to better demonstrate how our individual goals satisfy the duties outlined in Minnesota Statute 103F.378 (text included below). Therefore, for each subdivision and duty, at least one deliverable that helps us achieve the statutory requirement is listed. The Executive Director reserves the right to modify these work duties as needed and is responsible for completing and/or delegating duties to the staff to ensure satisfactory progress.*

103F.378 MINNESOTA RIVER BOARD.

Subdivision 1.**Duties.**

The Minnesota River Board, established under section 471.59 for the purpose of coordinating efforts to improve water quality in the Minnesota River Basin and achieving the goal of making the Minnesota River suitable for fishing and swimming by providing leadership, building partnerships, and supporting watershed programs in collaboration with the Water Resources Center at Minnesota State University, Mankato, has the following duties:

(1) compiling and submitting to the governor, the legislature, the Board of Water and Soil Resources, and all watershed partners:

(i) comprehensive water quality improvement and watershed management cleanup goals for the Minnesota River Basin, prepared by reviewing and summarizing the work plans of the 12 major watersheds, basin counties, state agencies, and other partners active in water quality programming;

(ii) a biennial report highlighting the results and progress of projects in the 12 major watersheds of the Minnesota River Basin; and

(iii) periodic basinwide water quality improvement plans;

Deliverable(s):

A) Development of a new Strategic Plan

- **a. Complete an exercise to gather input on elements of a new strategic plan**
- **b. Develop a limited number of strategic plan goals that aim to improve basinwide water quality.**

B) Report on Comprehensive Cleanup Goals for the Minnesota River Basin

- **a. Inventory all existing water/work plans from entities in the Basin,**
- **b. Complete a review and summary of identified water/work plans, and**
- **c. Identify and report commonalities among water/work plans, integrate plans to develop several basin-wide cleanup goals, and identify areas of assistance that the MRB can provide.**

C) 2012 Biennial Progress Report

- **a. Work with technical staff from all areas identified above with existing water plans to identify areas of progress and areas that remain challenging.**
- **b. Highlight progress measures and overview challenges in a 2012 Report.**

(2) advising on water quality and watershed management projects, including implementation and coordination of TMDLs under the Clean Water Legacy Act as provided in chapter 114D, and promotion of data incorporation into the planning processes associated with county water plans, watershed plans, and, as appropriate, planning and zoning decisions in the Minnesota River Basin;

Deliverable(s):

A) Provision of technical expertise to basin partners

- **a. Provide data, technical expertise, testimony, conflict resolution as requested.**

B) **Provision of TMDL comments**

a. **Contact the MPCA and other watershed partners and request to be added as a stakeholder on any ongoing TMDL projects, allowing the Board an opportunity to respond to results and participate in public meetings.**

(3) conducting public meetings of the board on at least a quarterly basis at locations within the Minnesota River Basin;

Deliverable(s):

A) **Completion of 6 Meetings of the Board**

a. **Five regular board meetings, each of which will include a business meeting and education component, to include speakers, tours, and/or other activities. At least one of these meetings shall include a significant partnership with a local stakeholder.**

b. **The sixth meeting shall represent the Board's annual meeting and conference – a typically ¾ day event that includes a registration fee, lunch, and program that explores local, regional, and national current issues.**

c. **Meetings will be divided into three work areas. Two in each of the following work areas: Western Basin, Central Basin, and Eastern Basin.**

(4) conducting an ongoing information and education program concerning the status of the Minnesota River Basin and sponsoring and coordinating continuing education opportunities in cooperation with watershed partners in the basin;

Deliverable(s):

A) **Water Professionals Conference**

a. **Convene a Water Professionals Conference to discuss contemporary issues in the basin. (similar forum completed in 2010)**

b. **Include a segment of use of biota in water management and prepare a presentation on how biotic indices and data can be used to assess results.**

B) **Educational Segments at MRB Meetings**

a. **As part of each MRB meeting, maintain an educational component in cooperation with local watershed partners and/or provision of basin-wide issues.**

C) **Scientific Research Forum**

a. **Convene at least one research forum on a topic of interest to basin partners, including water planners, SWCD staff, elected officials, agency staff, agricultural producers, and others. (Anticipated January 2012 conference on Near-Source Sediment Management)**

(5) providing periodic reports and budget requests to the governor's office, appropriate committees of the legislature, and the Board of Water and Soil Resources regarding progress on meeting river water quality management goals, future funding required for this effort, and biennial legislative requests to provide funding for the effort;

Deliverable(s):

A) **See Reports to be delivered under Subdivision 1.1.**

B) **Extended MRB Legislative Request**

a. **Work with MRB member counties to determine immediate and long-term water planning expenditure needs to meet basin-wide goals.**

(6) coordinating and promoting, in partnership with and on behalf of water quality and watershed management stakeholders, policy development and implementation of projects that affect multiple major watersheds and target reduction of pollutant inputs into the Minnesota River;

Deliverable(s):

A) Conservation Marketplace of Minnesota (CMM)

a. Complete the final year of the CMM project, including completion of final report and all budgeting requirements,

b. Ongoing development and marketing of potential market-based projects, and

c. Continued effort to secure long-term, stable funding options for CMM.

B) Nutrient Tracking Tool (NTT) Evaluation

a. Identify BMP sites to test, validate the Nutrient Tracking Tool (NTT), and development of curriculum.

b. Effectively manage contractual, financial, and research aspects of the project.

C) Water Storage Project

a. Develop work plan for this 319-approved grant in anticipation of start-up by the start of FY13.

b. Provide fact sheet about NTT and water storage projects to all basin staff.

(7) facilitating the identification of and application for water quality improvement implementation and research funding for projects that affect multiple major watersheds and benefit local watershed efforts and providing assistance to local project managers, partners, state agencies, the legislature, or the governor's office;

Deliverable(s):

A) Provision of grant-writing assistance

a. Provide assistance with grant applications to basin partners as requested

B) External Funding Applications

a. Prepare and submit grant application(s) requesting a collective minimum of at least $250,000 in assistance – with the MRB as a sponsor or collaborator.

(8) advocating to promote and advance basin issues identified by county and watershed partners at the legislature, among the state agencies, and with the governor;

Deliverable(s):

A) Basin Legislation

a. Continue to track and communicate with local partners and legislative sponsors of basin legislation, and other bills of interest.

B) Prepare a contemporary issues statement

a. Utilize the Water Professionals forum to gather input on areas of concern among partners in the basin, along with input from other networks.

b. Summarize the collective concerns and prepare a brief report to the legislature, agency leadership, and the governor's office about the issues of greatest concern to our basin.

(9) promoting cooperation among the numerous water quality and watershed management units in the basin;

Deliverable(s):

A) **Networking Involvement**

a. **Continue maintaining involvement with the Minnesota River Watershed Alliance and the MPCA Watershed Network, along with other participation that helps advance this duty.**

B) **Understanding water management jurisdictions**

a. **Prepare a layered product that shows all of the water-based management jurisdictions in the Minnesota River Basin to enhance partnership discussions among our delegates.**

(10) providing conflict resolution and meeting facilitation services as requested; and

Deliverable(s):

A) **Mount Simon Aquifer Facilitation**

a. **Continue serving as the liaison between the Minnesota Department of Natural Resources and 7 Mount Simon aquifer permit holders.**

b. **Facilitate ongoing work needed to collect data, provide reports, handle finances, and address concerns between/among the involved parties.**

(11) striving to advance basinwide water quality improvements while promoting both local projects and managing regional initiatives.

Deliverable(s):

A) **Local Outreach Grants**

a. **Provide a grant program to assist local government units to promote regional and basinwide priorities as funding allows.**

B) **Recognition and Advancement of Conservation Efforts**

a. **Continue annual recognition of people making a difference in the basin through "Confluence" and "Tributary" recognitions.**

b. **Continue providing recognitions for students working on water-based projects in the Regional Science Fairs.**

C) **Communications**

a. **This Duty will be approached via monthly communications and speaking engagements that cover basinwide and regional news, along with highlighting and promoting local projects, MRB delegates, and staff.**

Subd. 2. **Membership; advisory committee.**

(a) Upon acceptance of the joint powers agreement and payment of annual dues, each member county shall appoint one county commissioner as its delegate to the board and one county commissioner as an alternate. Delegates and alternates shall serve at the pleasure of the county board that appointed them. The delegates shall elect a chair and other officers as determined by the board.

Work Plan Task(s):

A) **Develop a set of committees to help the MRB staff complete the required tasks listed above and to assist the staff in managing Board operations.**

B) **Continue to assess a plan to restructure the MRB to be more inclusive of our basin partners, and prepare a recommendation for implementation by FY13.**

(b) An advisory committee, appointed by the chair of the Minnesota River Board, shall be established to provide input on policy development, technical advances, continuing education programs, and other areas of concern identified by the delegates to the board or the advisory committee. Members of the advisory committee shall serve three-year terms. Members shall serve until the end of their terms or until a successor has been appointed, whichever is later. The advisory committee may consist of representatives from county water planning entities, county planning and zoning, county environmental services, drainage authorities, soil and water conservation districts, watershed districts, watershed projects, watershed management organizations, municipalities, special interest groups, citizens, agricultural organizations, state agencies, sporting organizations, and other entities as identified by the advisory committee or the delegates. The advisory committee serves as a forum to raise concerns that the Minnesota River Board should address.

Work Plan Task(s):

A) **Prepare a formal procedural recommendation on a three-area technical advisory committee, including Eastern, Central, and Western basin work areas.**

B) **Once 'A' is completed and approved by the MRB, initiate invitations to attend the inaugural meeting and gather additional input to aid in areas listed above.**

C) **Provide a communication opportunity to fast-track technical and citizen concerns to the Board – and to gather input on legislative and funding issues that need attention.**

D) **Utilize advisory committee members to review and rank programming applications as needed.**

FY12 Budget

Line Items (details listed below budget)	Funding Source Used for Line Item Expense FY12				
	State of MN	County Funds*	External**	Totals	FY11 Difference
Income					
Funds Carried Forward	$18,444	$45,851	$13,890	$78,185	$63,805
State of Minnesota - BWSR Grant	$42,000			$42,000	($42,000)
County Dues Collection		$35,397		$35,397	($6,188)
MCIT Insurance Refund (estimated)		$2,398		$2,398	$1,143
Indirect Cost Recovery (estimated)		$23,671		$23,671	($5,959)
2008 CIG - Conservation Marketplace			$322,607	$322,607	($47,761)
NTT 319 Grant			$28,710	$28,710	$28,710
Conference Registrations		$6,690		$6,690	$6,690
Mt Simon Monitoring (estimated)			$4,670	$4,670	($4,207)
Totals	$60,444	$114,007	$369,877	$544,328	($5,767)
Expenses					
Staff Positions					
0.50 FTE Executive Director		$46,648	$9,097	$55,745	$13,539
0.49 FTE Office/Grants Manager		$5,655	$12,708	$18,363	($1,594)
0.8 FTE Program Director	$48,053	$1,887		$49,940	$8,099
1.0 FTE Ecosystem Serv. Spec.			$49,996	$49,996	$11,058
Student Worker(s)	$1,000	$1,000		$2,000	($2,000)
Fringe Benefits are now included above					($45,605)
MCIT Insurance		$3,729		$3,729	$794
MRB Meeting Expenses		$900		$900	($300)
Communications	$750	$500		$1,250	($12,783)
Travel	$1,716	$3,008	$1,206	$5,930	($7,070)
Printing	$1,180	$1,050		$2,230	($1,070)
Awards/Student Incentives Program		$500		$500	($1,075)
Supplies/Equipment/Maintenance		$500	$5,942	$6,442	$3,022
Misc CIG/CMM Expenses			$14,645	$14,645	$4,645
Legal Retainer		$1,200	$1,200	$2,400	$0
Technical Advisory Committee Expenses	$500	$500		$1,000	($1,000)
MSU Contract Indirect Costs (8%)	$4,245	$5,105	$5,840	$15,190	($2,077)
Outreach/Programming	$3,000	$9,000		$12,000	($1,623)
Subcontracts/contractual services			$257,723	$257,723	($15,072)
Reserve Funds		$32,825	$11,520	$44,345	Not applicable
Total Expenditures	$60,444	$114,007	$369,877	$544,328	($50,112)

See budget details on next two pages.

FY12 Income Details

- Funds carried forward as remaining balances from previous year.
- State of MN: the MN legislature approved a grant through BWSR of $42,000 to aid in the administration, outreach, and reporting progress in the Basin.
- County Income: Dues collected from member counties in 2011 for use during the FY12 fiscal year. Dues were held stable for FY12; however dues were lost from three withdrawn counties.
- MCIT Insurance Refund: The estimated value of our dividend check from MCIT Insurance.
- Indirect Cost Recovery – 8% cost recovery from the CIG grant, 319 NTT grant, and Mount Simon Project data collection and administration.
- CIG (CMM) Contract Allowance: Income to cover expenditures associated with the Conservation Marketplace of Minnesota project – both internal and external expenditures.
- Nutrient Trading Tool (NTT) 319 grant Contract Allowance: Income to cover expenditures associated with the 319 NTT project – both internal and external expenditures.
- Conference Registrations: Estimated income from registration fees collected at the MRB annual meeting ($690) and additional sponsored conferences or forums ($6,000)
- Mt. Simon Monitoring: Payment for services rendered and reimbursement for expenditures from Mt Simon Permit Holders and the MN Department of Natural Resources to facilitate, mediate, and provide data management to an aquifer monitoring initiative.

FY 12 Expenditure Details

- Executive Director: 50% of the Executive Director's annual salary and fringe benefits spread out based on where work will be completed.
- Administrative Assistant: Funds a 49% FTE Office Manager (wages+fringe) to facilitate the grants management needs, MRB meeting coordination, Mt. Simon project administration, and day-to-day administration of funds, grants, and accounting and meeting logistic needs.
- 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. Position proposed to be reduced from 0.94 to 0.80 (wages + fringe) beginning November 1, 2011. Covered approximately 50% from new BWSR grant and then increased coverage provided by carryover from FY11. Position now has communications duties previously covered under contractual communications.
- Ecosystem Services Specialist – a 1.0 FTE position (wages +fringe) fully funded by the CIG and NTT 319 grants contracted in association with the Greater Blue Earth River Basin Alliance.
- Student Worker(s): Funding for a partial summer intern or graduate student to assist with a variety of tasks.
- MCIT Insurance: Estimated Annual Insurance Payment

- MRB Meeting Expenses: Base expenses for 5 MRB business meetings and 2 executive committee planning sessions, including room rental and refreshments. Annual meeting expenses, tours, speaker fees, per diem and other travel costs, etc... are budgeted for in Programming and Travel below.

- Communications: Postage ($500) and MRB Office phones ($750)

- Travel: Vehicle Rental (estimated at 6 days per month at $42/day = $3,024), Staff and Guest Lodging, Travel, Registration fees, and per diem ($1,200); executive committee per diem ($500); Grant-based travel is also included ($1,206)

- Printing: Preparation of various reports, newsletters, stationary needs, in-house copy needs via printer lease at MSU ($2,230)

- Awards Program: "Tributary" and "Confluence" Awards ($50), Science Fair Awards ($450, 4 Sr/Jr awards at $50, 8 Elementary awards at $25, plus $50 for supplies)

- Supplies/Equipment/Maintenance: Various office supplies, software upgrades, chairs, etc... as needed, primarily in support of the CIG/CMM/319 projects, but also for general MRB office needs, including maintenance on computers and other equipment.

- Misc CIG/CMM 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 $189,875 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, 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 Sediment Management Forum and/or Minnesota River Research Forum ($3,000 reserved for internal use, $9,000 available as part of external grant outreach)

- Subcontracts/Contractual Services - Services as allowed in various grant and contract agreements for technical services, web site development, model evaluation, and technical planning provided by various partners.

- Reserve Funds – Balances of remaining funds that would be eligible to carry forward to the next Fiscal Year.

Minnesota Board of Water & Soil Resources

Board Resolution # 11-76

Minnesota River Board
Fiscal Year 2012 Work Plan and Grant

WHEREAS, the 2011 Minnesota Legislature appropriated administrative funding for the Minnesota River Board, formerly known as the Minnesota River Basin Joint Powers Board, resulting in a fiscal year 2012 State General Funds grant of $42,000;

WHEREAS, the Minnesota River Board developed a Plan of Work for fiscal year 2012, which they adopted on September 19, 2011;

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.

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

10/26/11
Date

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Rock County Local Water Management Plan Amendment**

Meeting Date:

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: Southern Region
Contact: Jeff Nielsen, Regional Supervisor
Prepared by: Mark Hiles, Board Conservationist
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
Decision

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 Rock County 2006 - 2017 Comprehensive Local Water Management Plan (Plan) on December 20, 2006. This Plan contains an implementation section with goals, objectives and actions to address the County's priority concerns. The Board Order required Rock County to update the Plan's implementation section by January 1, 2012. Rock County followed the amendment process guidelines established by the Board and submitted their 2011 - 2017 Local Water Management Plan Addendum on September 22, 2011.

Minnesota Board of Water & Soil Resources

DATE: September 27, 2011

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: Mark L. Hiles, BWSR Board Conservationist

SUBJECT: **Rock County Local Water Management Plan Amendment – Final Review**

On December 20, 2006, the Board of Water and Soil Resources (BWSR), by board order, approved the Rock County December 20, 2006 – January 1, 2017 ten-year Comprehensive Local Water Plan Update. The Plan contained an implementation section with goals, objectives, and action steps covering a five-year period of 2007 - 2011. The Board Order stipulated that Rock County was required to revise / update this implementation section by January 1, 2012.

On February 8, 2011, the Rock 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 22, 2011, the BWSR regional staff received the required documentation and 2011 Amendment to the Rock County Comprehensive Local Water Plan. The 2011 Amendment contains an Executive Summary and the new October 2011- January 2017 implementation section. The implementation section addresses the following priority concerns:

- Protect groundwater quality and supply
- Feedlot program management
- Non-conforming individual septic treatment systems
- Protect surface water quality

I have actively participated with and provided guidance and recommendations to Rock 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 Rock County October 2011 - January 2017 Implementation Program Amendment. Finally - I look forward to assisting Rock County in the implementation of this revision of their Local Water Management Plan. Water Plan Coordinator Doug Bos should be commended for his leadership throughout 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

Web: www.bwsr.state.mn.us TTY: (800) 627-3529 An equal opportunity employer Printed on recycled paper

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, on December 20, 2006, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Rock County 2006 – 2017 Comprehensive Local Water Plan Update (Plan), which contained a 2006 – 2011 five-year Implementation section; and

Whereas, this Board Order stipulated that Rock County was required to update the implementation section by January 1, 2012; and

Whereas, the Rock County Board of Commissioners submitted the Rock County Plan 2011 Amendment to the Board on September 22, 2011; and

Whereas, this 2011 Amendment contains the updated five-year implementation section as ordered by the Board; and

Whereas, the Board has completed its review of the 2011 Amendment.

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

FINDINGS OF FACT

1. On February 14, 2011, the Board received a resolution from Rock 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 February 15, 2011 and April 28, 2011, Board staff provided information on the amendment process to Rock County.

3. On March 7, 2011, Rock 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 7, 2011, Rock County convened its water plan task force to initiate the five-year implementation section update.

5. Rock County received written comments from the Minnesota Pollution Control Agency and the Minnesota Board of Water and Soil Resources. The Minnesota Board of Water and Soil Resources, Minnesota Department of Natural Resources, and Minnesota Department of Health attended the water plan task force meeting on April 7, 2011 and provided comments.

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

7. The final document developed by Rock County, which includes the revised five-year implementation section October 2011 – January 2017 is entitled the Rock County Water Plan updated 2011.

8. On August 2, 2011, after providing for proper public notice, Rock County conducted a public hearing on the proposed 2011 Amendment. No additional comments were submitted at the hearing.

9. On September 22, 2011, the BWSR received the Rock County 2011 Amendment, a record of the public hearing, and copies of all written comments pertaining to the 2011 Amendment, pursuant to M.S. Section 103B.314, Subd. 6.

10. On October 13, 2011, the Board's Southern Water Planning Committee (Committee) reviewed the Rock County 2011 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 2011 Amendment will be in effect until **January 1, 2017.**

CONCLUSIONS

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

2. The Rock County 2011 Amendment attached to this Order states goals, objectives, and actions the County will address in the five-year implementation section October 2011 – January 2017. The 2011 Amendment, as well as the previously approved Rock County December 2006 – January 2017 Comprehensive Local Water Plan Update, is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached 2011 Amendment of the Rock County Water Management Plan for October 2011 – January 2017. Rock County will be required to provide for a complete update of its Water Management Plan prior to January 1, 2017.

Dated at St. Paul, Minnesota, this **26th day of October 2011**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

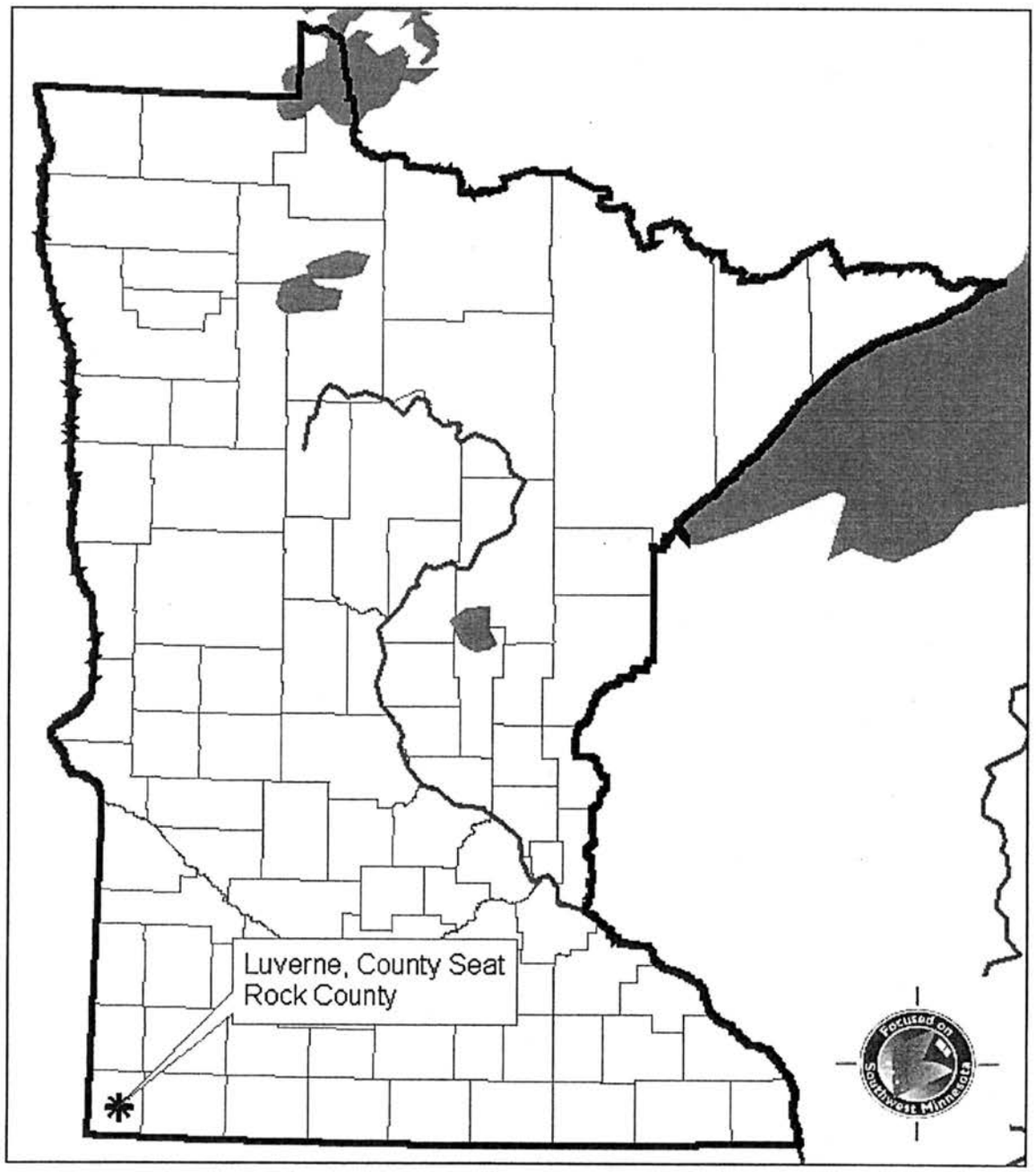
BY: Brian Napstad, Chair

ROCK COUNTY WATER PLAN

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

September 2006 Updated October 2011

Prepared for the Rock County Water Plan Task Force
By Rock County Land Management Office and
Southwest Regional Development Commission



ROCK COUNTY WATER PLAN
A 10-year water management plan with a 5-year implementation schedule.
September 2006 Updated September 2011

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For additional information on water management in Rock County, Minnesota, contact:
Rock County Land Management Office, 311 West Gabrielson Road, Ste 5
Luverne, MN 56156 507-293-8862 ext 3.

A. Executive Summary

Rock County, population 9,721, is located in the southwestern corner of Minnesota, adjacent to Pipestone, Murray, and Nobles counties, and the states of Iowa and South Dakota. The City of Luverne (pop 4,617) is the county seat. Rock County is a typical prairie environment, and unique to Minnesota in that it lies completely within the Missouri River basin. As part of the Big Sioux River Basin, the county is divided into two major watershed units **(see attached map)**. The Big Sioux watershed consists of approximately 130,800 acres, including the Split Rock Creek and Beaver Creek minor watershed. The Rock River watershed consists of about 175,800 acres, including the Kanaranzi-Little Rock minor watershed. The two major watersheds are similar geologically, with the same soil types, slopes and erosion areas.

A.1 Purpose & Introduction

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

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

This is the third edition of a local water management plan for Rock County. The Rock County Board of Commissioners appointed a Water Planning Advisory Committee, which first met on 12 January 1989. The original Rock County Comprehensive Local Water Plan was prepared by Don Briggs and Kris Rodman in April 1991. In December 1994, the Rock County Board of Commissioners adopted a resolution to update and revise the water plan. In December 1995 and August 1996, the Board of Water and Soil Resources granted Rock County one-year extensions for revisions to the local water plan, due to staff changes. The plan update was completed by Douglas Bos of the Land Management Office, with assistance from the Rock County Water Planning Advisory Committee, in December 1997. That plan was written to cover water management through December 2006.

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

- Completed a Level III Feedlot Inventory on all Rock County Feedlots.
- Provided technical assistance, cost share dollars and low interest money to correct water quality concerns for 100-plus feedlots.
- Provided technical assistance and guidance in developing Well Head Protection Plans for Rock County Rural Water and the City of Luverne.

- Sponsored 14 years of the Southwest MASWCDE Environmental Fair for 6th grade classes in the County.
- Promoted and provided technical assistance to install thousands of feet of terraces, hundreds of waterways, and numerous sediment basins.
- Provided cost share and technical assistance to plant hundreds of thousands of trees in shelter belts and wildlife plantings.
- Provided cost share to seal 71wells since 2001 and numerous wells prior to 2001.
- Promoted and provided cost share and low interest dollars to replace 146 failing individual septic systems since 1999 and many systems prior to 1999.
- Annually sampled and tested 13 surface water sites, 3 field tile outlets and 15 well water sites for water quality for 14 years.
- Developed a program to collect household hazardous waste, waste pesticide, and empty pesticide containers.

Major accomplishments since the development of the 2006 Water Plan

- Addressed runoff issues on 125 feedlots utilizing $498,675.00 of State Cost Share and $678,537.00 of USDA's Environmental Quality Incentive Program.
- Obtained funding to house an Engineer to assist in feedlot corrections, stream bank stabilization, rain gardens and other Best Management Practices.
- Facilitated a TMDL Assessment on the Rock River water quality impairments.
- Established a citizen Advisory Group and Technical Assistance group and developed a TMDL implementation plan addressing the impairments of the Rock River.
- Established a website to promote and educate landowners on the Rock River Watershed TMDL process and implementation efforts.
- Partnered with the City of Luverne to design and install 3 rain gardens.
- Obtained a Clean Water Legacy grant to assist six low income households with replacement of their failing septic systems.
- Applied for and received low interest funding from the Clean Water Partnership for replacing failing septic systems in the Rock River Watershed.
- Inspected and permitted installation of 129 septic systems to replace failing septic systems.
- Provided cost share for sealing 78 abandoned wells.
- Designed and installed 11 major stream bank stabilization projects with USFWS and Clean Water Legacy funding.
- Obtained a EPA 319 Grant from MPCA - $150,000 in funding for a Rock River Manure Management Grant.
    - $50,000 Incentives for utilizing liquid manure application meters
    - $27,500 Incentives for manure management planning
    - $5,000 Incentives for calibration of solid manure spreaders
- Received three Surface Water Assessment grants to sample various points on major streams in the county.
- Secured funding and facilitated removal of low head dam in City of Luverne.
- Applied for and received Clean Water Legacy dollars to partner with the City of Luverne in stabilizing stream banks adjacent to and also leveling and capping of

an old landfill site along the Rock River that contained high levels of heavy metals and other pollutants.

- Designed and established 3 Native Buffer Projects – removal of invasive species and seeded to native prairie plantings
- 2 RIM Easement projects were enhanced with biodiversity inclusion.
- 20 acres of Pheasant Habitat Improvement were established through MnDNR program on private lands.

Rock County Water Plan
Ag BMP Loans

	Feedlots	Dollars	Septics	Dollars	Conservation	Dollars
2000	14	$236,700	21	$70,700	8	$77,325
2001	18	$306,125	8	$30,700	7	$149,350
2002	17	$227,350	9	$29,217	3	$58,250
2003	8	$119,779	2	$9,500	1	$24,950
2004	15	$280,872	6	$22,453	1	$12,105
2005	21	$542,750	5	$22,900	4	$91,250

Source: Rock County Land Management Office

The Rock County Land Management Office is responsible for local water management in Rock County, including facilitation of public input and convening the Rock County Water Plan Task Force. On 16 August 2005, the Rock County Board of Commissioners passed a Resolution of Intent to update the Comprehensive Water Management Plan. In October 2005, Rock County retained the Southwest Regional Development Commission for assistance to write the update. A public meeting on priority concerns was held at Luverne on 13 December 2005. After Task Force consideration, the Rock County Board of Commissioners scheduled a Public Hearing on this Water Plan for 19 September 2006.

Task Force membership at the time of Plan development has included:

Peter Bakken	Township Supervisor	Kurt Elbers	Rock County Cattleman's Assn.
Richard Bakken	County Commissioner	Eric Hartman	Director, Rock County Land Management Office
Al Blank	Beaver Creek City Mayor		
Doug Bos	Water Plan Coordinator	Al Lais	City of Luverne Public Works
Ava Christians	Dairy Producer, Citizen	Don Reker	SWCD Supervisor
Dan Cook	Rock County Rural Water	Andy Steensma	Luverne City Mayor
		Leroy VanWyhe	Beaver Creek Sportsman's Club

Randy Creeger Friends of the Park, representing Blue Mound State Park & Touch the Sky Prairie

Input to the Rock County Water Plan Update process was provided by the Rock TMDL Advisory and Technical Committee Members along with the Rock SWCD Board.

Members of the TMDL Technical Committee are:

Doug Bos	Rock County SWCD/Land Mgt	Brent Hoffmann	Rock County Rural Water
Eric Hartman	Rock County SWCD/Land Mgt	Tom Kresko	DNR Hydrologist
Arlyn Gehrke	Rock County SWCD/Land Mgt	Kurt Halfmann	NRCS
Justin Decker	Rock County SWCD/Land Mgt	Matt Drewitz	BWSR
Kelli Daberkow	MPCA Hydrologist	Ed Lens	Nobles SWCD
Chris Hansen	Murray Co Planning & Zoning	Al Lais	City of Luverne
Kyle Krier	Pipestone Cty Cons. & Zoning	Scott Ralston	US Fish & Wildlife
Angie Raatz	Pipestone Cty Cons. & Zoning	Wayne Smith	Nobles Co Env. Office

Members of the TMDL Advisory Task Force are:

Grant Binford, farmer & Cattleman's Assn	George Shurr, resident & geology professor
Harold VerSteg, farmer & Corn/Soy Growers Assn	Kraig Rust, farmer & Township Association
Larry Bosch, farmer	Don Reker farmer & Rock SWCD Board
Mary Tilstra, resident & Master Gardner's Assn	Kevin Barnhart, resident & Pork Producers Assn
Bryce Stoltenberg resident	Andy Nesseth, ag consultant
Roger Talsma, farmer	Harlan Solma, resident & agronomist
Bill & Merri Post, farmer & Dairy Producers Assn.	Stan Williamson, farmer & County Commissioner

A.1.a Public Input Requests and Informational Meetings

8/16/05	County Board Mtg on Resolution to update plan- 8 att.
8/25/05	Sent requests of Local Units of Government, Agencies and Organizations requesting input of priority concerns.
8/25/05	E-mailed requests for input on priority concerns from State Agencies.
9/05	Article for the Rock County Ag News Cir. 900
9/14/05	Sent letters requesting input on priority concerns from State Agencies.
9/15/05	Notice of Decision to Revise and Update Water Plan – Rock County Star Herald cir. 3,000
9/29/05	Article for the Star Herald, on Water planning process. Cir. 3,000
10/05	Article in the Rock County Ag News requesting input on the water plan process. Cir 900
12/05	Article in the Rock County Ag News noticing Priority Concerns meeting and providing information on the Water planning process.Cir 900
12/6/05	Rock County Annual Township Meeting - 35 Twsp Officers
12/13/05	Task Force and Public Meeting on Priority Concerns - 16 att.
12/19/05	Rock SWCD Board Mtg- 10 att.
1/11/06	Task Force Meeting on Priority Concerns – 14 att.
2/22/06	Submitted Priority Concerns Scoping Document to State Agencies.
9/8/06	Task Force Meeting to review draft plan, Goals and Objectives, Implementation plan.
9/19/06	Public Hearing / Rock County Commissioners meeting on Draft Water Plan.

A.1.b Plan Adoption and Amendment

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

A.2. Plan Update Process

On February 8th, 2011The Rock County Board of Commissioners passed resolution number 04-11 to update the Rock County Water Plan. At the same time input was requested from State and local stakeholders including township and city officials, landowners, MN Department of Natural Resources, MN Department of Health, MN Department of Agriculture, and the MN Board of Water and Soil Resources.

On April 7th, 2011 a public input meeting was held in conjunction with the Rock River TMDL Advisory and Technical Committee meeting. The same group of State and local stakeholders were also noticed.

On August 2, 2011 a draft plan update was posted for review and a public meeting held to review a draft update of the Rock County Water Plan.

A.3 Description of Priority Concerns

The Priority Concerns listed below were selected by the Water Plan Task Force members by consensus, after carefully reviewing submitted concerns and comments.

Priority Concern 1. Protect ground water quality and supply.

Rock County's shallow aquifers demand vigilance in protecting groundwater quality and supply. Particular concerns include well head protection, abandoned wells, and future water supply.

Priority Concern 2. Feedlot Program management

Nutrient management plans are an important tool in preventing water quality issues. As well, controlling feedlot runoff can prevent problems before they happen.

Priority Concern 3. Non-conforming Individual Septic Treatment Systems

Rock County has many dispersed farm and non-farm residences in un-sewered areas. While the County has helped many property owners replace their older individual septic treatment systems, there is a great need and demand to continue upgrading systems.

Priority Concern 4. Protect surface water quality.

Soil erosion is a continual challenge for an agricultural community. TMDL standards, and Wetlands and Endangered Species, are newer regulatory challenges that none the less demand current action.

A.4 Summary of Goals, Actions, and Projected Costs

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

Priority Concern 1. Protect ground water quality and supply.

Goals include protecting public water supplies and underground aquifers from contamination, and to ensure adequate water supplies for future growth and development.

Implementation actions include providing technical assistance for Well Head Protection, using CREP technician and other avenues to educate the public and raise awareness of issues, reviewing ordinances for effectiveness, developing a list of abandoned wells, cost-share sealing 100 wells, and working with water suppliers on long-term goals.

UPDATES to implementation actions would include utilizing Best Management Practices such as basil stalk testing, infrared photography, variable rate nitrogen application and the use of nitrogen inhibitors as well as newer management tools as they become available.

Projected costs would include $25,000 annually for the CREP technician, one-time costs of $9,500 for public education, $500 for advertising, $500-$1,000 per well sealed, as well as annual in-kind services.

Priority Concern 2. Feedlot Program management

Goals include ensuring all feedlots meet standards for nutrient management plans and other state statutory requirements.

Implementation actions include verifying nutrient management plans, providing information on plan development, and providing assistance in correcting problems.

Updates to implementation activities would include improved oversight and education of Commercial Animal Waste Technicians

Projected costs would include $5,000-$100,000 per feedlot for technical and engineering assistance and cost-share for corrections, as well as annual in-kind services.

Priority Concern 3. Non-conforming Individual Septic Treatment Systems

Goals include bringing non-conforming ISTS systems into compliance.

Implementation actions include developing an ordinance to require upgrades at property transfer, developing an ISTS inventory in DWSMA and shoreland areas, and providing financial assistance to encourage replacement of systems..

Projected costs would include $7,000-$10,000 per septic replaced, $23,000 to develop an ISTS inventory, as well as annual in-kind services.

UPDATES would be cost increases for septic replacements. Systems installation costs have increased to $7,000 to $12,000 per septic replaced.

Priority Concern 4. Protect surface water quality.

Goals include preventing future contamination of surface waters, developing a plan to address TMDL limits, and addressing needs for wildlife habitat.

Updates to goals would include coordination and facilitation with the Rock River TMDL Implementation Plan developed with the input of an Advisory and Technical committee. The Rock River TMDL Assessment and Implementation Plan can be accessed at www.rockriverwatershed.org. Additional updates would include coordination and facilitation with MPCA's development of TMDL assessments and implementation plans for other impaired streams in the county and also addressing areas within the county with high erosion and sedimentation problems (see attached maps O and P).Implementation actions include providing technical assistance and using CREP technician to facilitate conservation participation and education, reviewing storm water permits and ordinances, providing public education and outreach, participating in TMDL planning, continuing yearly water samples, and coordinating wetland determinations

UPDATES to implementation actions would include promotion and funding of the implementation actions chosen in the Rock River TMDL Implementation Plan; grass buffers along all perennial and intermittent streams, stream bank stabilization projects, rain gardens, pasture management systems, mitigation systems to reverse the effects of tiling and ditching, submitting water sample results to the MPCA and other Best Management Practices to protect surface water quality.

Projected costs would include $30,000 annually for the CREP technician, as well as annual in-kind services.

A.5 Consistency with Local, State and Regional Plans

Rock County Land Management Office administers Rock County's land use and zoning plans and ordinances. This helps to maintain consistency between this plan and those documents. No other plans were received for review.

A.6 Summary of Recommended Amendments to Other Plans and Official Controls

No specific amendments are recommended at this time. It would be recommended to incorporate data from this plan into other local plans and controls when they are updated.

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Winona County Comprehensive Water Management Plan Update**

Meeting Date: October 26, 2011

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Southern Region

Contact: Jeff Nielsen

Prepared by: David 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
☐ Other: _____

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

ACTION REQUESTED

Decision

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
Winona County submitted their Local Water Management Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Update to the Board for final State review June 9, 2011. On October 13, 2011 the Board's Southern Water Planning Committee (Committee) reviewed the recommendation of the state review agencies regarding final approval of the Winona County Local Water Management Plan Update. The Committee recommends approval. The Findings of Fact, Conclusions and Order are drafted for the full Board to review and take action on.

Minnesota Board of Water & Soil Resources

DATE: August 2, 2011

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: David Peterson, BWSR Board Conservationist

SUBJECT: Winona County Local Water Management Plan– Final Review

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

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

I have completed my final review of the Winona County Plan and find that it does meet the requirements of Minnesota Statute 103B.314. The Plan:

- focuses on the priority concerns identified in the PCSD;
- assesses the priority concerns and sets forth appropriate goals and objectives;
- provides an implementation program with measurable actions, timeline and budget; and
- includes all required sections.

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

Lew Overhaug, county planning staff working on the plan has been excellent to work with and will be completing the final draft plan and supporting documents to be available for the Southern Water Planning Committee meeting in October.

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

Brainerd
217 S. 7th Street
Suite 202
Brainerd, MN 56401
phone (218) 828-2383
fax (218) 828-6036

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

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

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

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

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

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

Web: www.bwsr.state.mn.us TTY: (800) 627-3529 An equal opportunity employer Printed on recycled paper

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Winona County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on June 9, 2011 pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On January 22, 2010, the Board of Water and Soil Resources received a Priority Concerns Scoping Document from Winona County, pursuant to M.S. Section 103B.312.

2) On March 24, 2010 the Board of Water and Soil Resources approved official comments on the Winona County Priority Concerns Scoping Document, which were mailed to the county on March24, 2010.

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

   A) Water Quality
   B) Soil Erosion, Sediment Control and Stormwater Management
   C) Nutrient, Manure and Human Waste Management
   D) Watershed Management Approach

4) On December 15, 2010, the Board of Water and Soil Resources approved an extension of the deadline for revision of the Winona County Comprehensive Water Plan 2002-2010 to December 31, 2012 due to staff changes and County staff involvement in the revision of the County Zoning Ordinance.

5) On June 9, 2011 the BWSR received the Winona County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

6) On October 13, 2011 the Southern Region Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Winona County Plan Update. Recommendations of the state review agencies were:

A) Minnesota Department of Agriculture did not participate in the PCSD process, but provided extensive comments regarding the final plan draft and. MDA made no recommendation on approval of the plan. The comments were received after the comment period deadline. Winona County responded by email to the comments with thanks and indicated the County would consider the MDA comments as they worked on water plan actions related to the MDA comments.
B) Minnesota Department of Health recommends approval.
C) Minnesota Department of Natural Resources recommends approval.
D) Minnesota Pollution Control Agency recommends approval.
E) Minnesota Environmental Quality Board provided no comments.
F) Minnesota Board of Water and Soil Resources regional staff recommends approval.
G) Board Water Plan Review Committee Meeting recommends approval.

7) This update 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 Update of Winona County pursuant to Minnesota Statutes, 103B.315, Subd. 5.

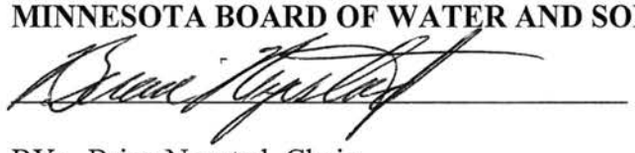
2. The Winona County Plan Update attached to this Order states water and water-related problems within the county; possible solutions; general goals, objectives, and actions of the county; and an implementation program. The attached Plan Update is in conformance with the requirements of M.S. Section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

ORDER

The Board hereby approves the attached update of the Winona County Local Water Management Plan 2011-2015.

Dated at St Paul, Minnesota, this October 26, 2011.

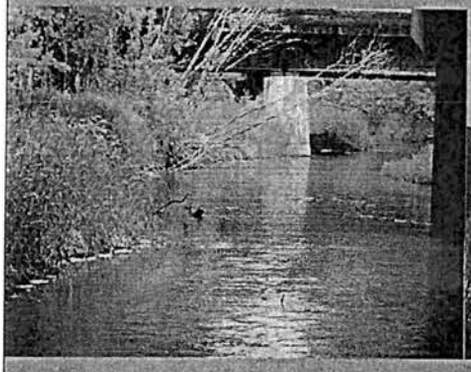
MINNESOTA BOARD OF WATER AND SOIL RESOURCES



BY: Brian Napstad, Chair



Comprehensive Local Water Management Plan
2011 - 2015





Winona County

Winona County Planning Department
www.co.winona.mn.us
177 Main Street
Winona, MN 55987
(507) 457-6335

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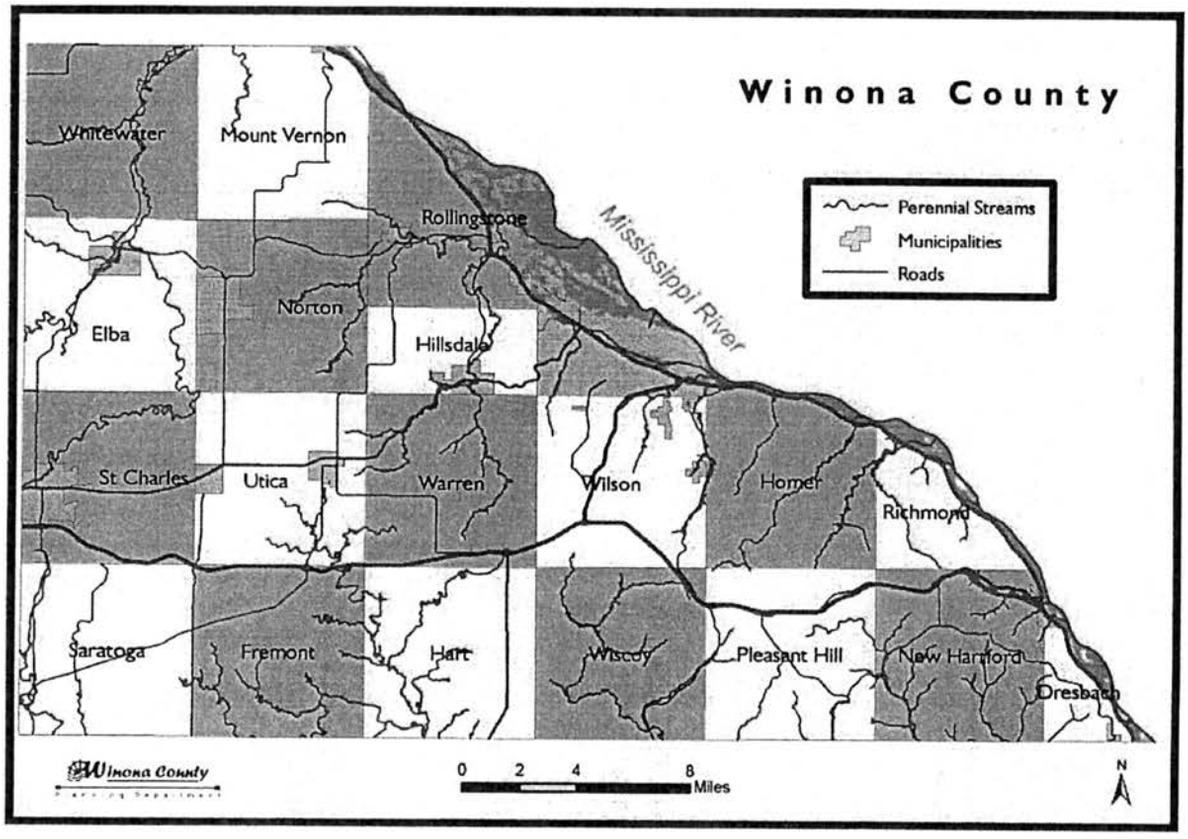
A.Executive Summary

1. Profile

Winona County is located in the Driftless Area of Southeast Minnesota. The Mississippi River borders Winona County along to the north and east, with Houston and Fillmore counties to the south, Olmsted and Wabasha counties to the west, and Wabasha to the north. The total land area of Winona County is approximately 642 square miles. There are thirteen cities and nineteen townships. The City of Winona is the county seat.

Winona County is located in a transitional area at the edge of the eastern hardwood forest and the prairies of the great plains to the west. Forested bluffs rise 600 ft. above the Mississippi River and its tributaries to relatively flat narrow ridges. The dominant land use in the county is cultivated land (43.7%) followed by deciduous forest (36.0%) and grasslands (13.6% including hay and pasture). Cultivated lands are located throughout the county but are the principal land use in the southwest and west central parts of the county. The forested lands tend to be located on steep slopes and bluffs. Forested lands are also a major cover type on public lands. The most notable public land is the Whitewater Wildlife Management Area that comprises almost 21,000 acres, most of which is located in Winona County.

Streams throughout the County arise in large part from coldwater springs and seeps. Minnesota DNR has designated 44 stream reaches as trout streams. The largest river in Winona County is the Whitewater River. The only inland lakes in Winona County are found within Winona and Goodview and were originally backwater wetlands of the Mississippi River or quarries. Well water is used by Winona County residents for everything from domestic to commercial, industrial, and agricultural uses. The water supply is drawn from bedrock aquifers.



2. Purpose of the Local Water Management Plan

The intent of this Water Management Plan is to establish goals and a related set of objectives and actions for the period from 2011 through 2015 to protect, enhance, and manage water resources within Winona County in cooperation with local, regional and state partners. The focus of the plan is a set of four priority concerns as outlined in the Priority Concerns Scoping Document.

Winona County received State of Minnesota formal comments relating to the priority concerns and the development process via a March 24, 2009 letter from the Chair of Minnesota Board of Water and Soil Resources. The letter indicated the priority concerns contained in Winona County's Water Management Plan appropriate and recommended no changes to the priority concerns.

The first water plan was approved by Minnesota Board of Soil and Water Resources (BWSR) on March 28th, 1990. The 2nd plan was approved by the BWSR on October 22, 2003. The existing Winona County Comprehensive Local Water Plan is effective until December 31, 2012 or until this plan is adopted.

The responsibility of administering the water plan is assigned to the Water Plan Coordinator located in the Planning Department. Guidance and review for implementing and updating the plan is provided by the Winona County Water Management Committee. The Winona County Water Management Committee is comprised of representatives from various County departments, a County Commissioner, the District Manager of the Winona County Soil and Water Conservation District, a member of the Stockton-Rollingstone-Minnesota City Watershed District, program coordinator of the Whitewater River Watershed Project, representatives of other state local and federal government and interested citizens.

3. Priority Concerns

1. Water Quality

The water quality concern involves protecting groundwater; addressing Clean Water Act impairments and protecting surface waters; and effectively managing those land areas at the water/land interface such as riparian lands, floodplains, and sensitive groundwater recharge areas in karst settings.

Objectives

* Assess the condition of groundwater and the interconnection of land use and associated pollution risks.
* Assist public water suppliers (PWS) in developing Wellhead Protection Plans and/or managing their 200-foot inner wellhead management zone.
* Assist private well users in protecting and/or improving their drinking water supplies.
* Provide educational opportunities to the public and schools on drinking water issues, land use planning, groundwater quality, and the significance of karst geology.
* Reduce fecal coliform impairments by further implementation of TMDL activities.
* The development of turbidity TMDL(s) for streams in the Garvin Brook, Whitewater River, and Root River Watersheds.
* The development of aquatic life assessments for all trout streams in the Buffalo-Whitewater and Root River Watersheds incorporating biological monitoring and biological criteria.
* Increase compliance with 50-foot buffer Shoreland Ordinance requirement in agricultural areas along protected waters.
* Promote buffers around sinkholes.

Cost: $101,204

2. Soil Erosion, Sediment Control and Stormwater Management

This concern addresses steep topography and extreme soil erosion potentials. Control of erosion and sediment is a concern on agricultural lands and for residential and urban development. Effective stormwater management includes water retention and infiltration that reduces soil erosion, improves hydrologic processes and reduces flooding.

Objectives

* Promote programs that encourage soil conservation.
* Install grass waterways and grade stabilization structures.
* Promote and Protect forest resources.
* Promote grass-based agriculture.
* All municipal areas meet the principles of the EPA Phase II Stormwater Requirements.

Cost: $204,000

3. Nutrient, Manure, and Human Waste Management

The concern with nutrient, manure, and human waste management is that wastes generated from feedlots and from septic systems are assumed to contribute to the Clean Water Act recreational impairments as measured by excess levels of fecal coliform in several County streams. Wastes from feedlots and septic systems as well as from commercial fertilizers can contribute to the high nitrate concentrations found in some wells and streams in the county.

Objectives

* Correct open lot runoff from noncompliant feedlots.
* Increase the usage of manure management plans among livestock producers.
* Promote pasture management throughout the County.
* Address Imminent Threats to Public Health from septic systems.
* Update septic system database and GIS to show all septic systems within Winona County.
* Initiate projects with small communities with significant wastewater needs.
* Provide operational and maintenance information to homeowners having septic systems.
* Provide financial assistance to individuals needing replacement systems.
* Provide alternative disposal options for hazardous waste and pharmaceuticals.

Cost: $374,500

4. Watershed Management Approach

The Water Management Plan has the responsibility to address the water resources across the entire Winona County. The Priority Concerns described in this Plan have various impacts on County watersheds. A watershed approach provides a context for integrating programs, and emphasizing and addressing the most significant concerns in any given watershed. For example, impacts of residential development are of greater significance in the watersheds that are in and around the City of Winona. In addition, this approach provides a context for collaboration with existing organizations including watershed organizations.

Objectives

* Promote and utilize a watershed planning approach in dealing with nonpoint source pollution, soil erosion and hydrologic problems.
* Educate residents and local units of government regarding watersheds and water resources.
* Promote GIS data sharing and modeling for assessing watersheds and water resource quality.

Cost: In-Kind

4. Plan Consistency With Other Local, State, and Regional Plans

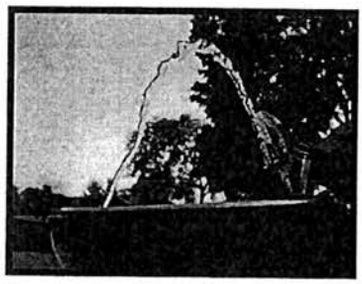
The process to update the Water Management Plan sought out and received input from a variety of local, state, and federal agencies and stakeholders. Furthermore, the Board of Water and Soil Resources reviewed the document throughout its evolution and provided comments as a means to ensure consistency with state policies.

To ensure consistency with adopted planning documents, the Plan authors reviewed the Winona County Comprehensive Land Use Plan, the Whitewater River Watershed District Plan, as well as several Water Plans of neighboring Counties. The Stockton – Rollingstone - Minnesota City Watershed Plan was composed over the same time period as this Water Management Plan.

5. Recommended amendments to other plans and official controls

Winona County adopted its Comprehensive Land Use Plan in 2001. The Comprehensive Plan has a time horizon of ten years. At this time, the Comprehensive Plan is eligible for a review and subsequent updating.

B. Assessment of Priority Concerns



1. Water Quality

a. Groundwater Protection

All drinking water in Winona County comes from groundwater. The majority of citizens surveyed during the Water Management Plan update process considered drinking water as the top water resource issue.

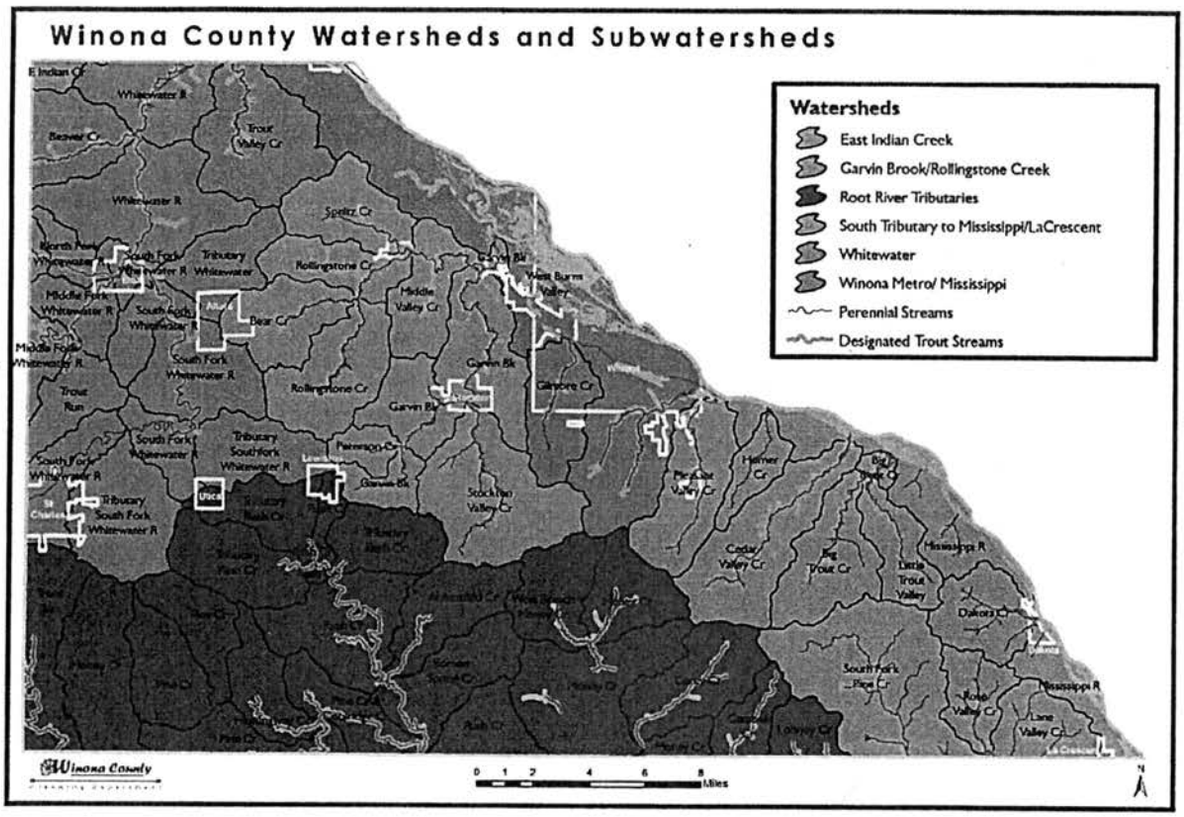
The Safe Drinking Water Act and MN Department of Health (MDH) regulate public water supplies. Community public water supplies serve at least 25 persons or 15 service connections year-round. There are 13 community water supplies in Winona County. There are also nine non-transient, non-community water supplies. These facilities are schools and businesses having their own wells. There are 78 other public water supplies considered transient non-community. These water suppliers are gas stations, campgrounds and restaurants having their own wells.

Based on Minnesota State Demographic 2008 census data estimates, and subtracting the approximate number of households served by community water systems, there are approximately 4,200 residents relying on private wells. These residents may have their own well or in some cases may be sharing a well with a neighbor(s).

The water quality of a well depends on the well's construction and the quality of the groundwater from which that well draws. The State of Minnesota established a Well Code in 1974 that assures the proper construction of new wells and borings, and the proper sealing of unused wells and borings. In Winona County, the Environmental Services Department has the authority and implements the Minnesota Well Code for private wells throughout the County.

The MDH Drinking Water Protection Program oversees the construction and regulation of the public water supplies. Wells that were constructed prior to the Well Code have more water quality problems because of the construction methods used and because they are more likely drawing from shallower aquifers that have been contaminated from pollutants from the land surface.

Report of Investigations #61 Hydrogeology of the Paleozoic Bedrock of Southeastern Minnesota (Runkel et al. 2003), describes an image of Winona County groundwater resources



Under the Clean Water Act the Minnesota Pollution Control Agency (MPCA) is responsible for assessing the quality or integrity of the States lakes, streams, and rivers. Water bodies that do not meet required standards, the MPCA places on a list. It is then required that total maximum daily load (TMDL) studies be conducted in order to determine what levels of pollutants are acceptable in order to maintain water quality for a given use which can then be used in setting pollution reduction goals.

Several surface waters have been monitored and in turn formally assessed to determine whether they support their beneficial uses which include recreation and aquatic life and in some cases drinking water. A list of all monitoring stations and their assessments is available from the MPCA Environmental Data Access tool (http://www.pca.state.mn.us/data/edaWater/index.cfm). The analyzed reaches and their corresponding assessments regarding whether the waterbody supports its designated uses can be found in the Appendix.

A formally assessed waterbody shown not to support one or more of its use(s) is considered impaired. The Minnesota Pollution Control Agency (MPCA) conducts these assessments every two years with the United States Environmental Protection Agency certifying the results. The 2010 impaired waters list for Winona County can be found in the Appendix. This list is often referred to as the Clean Water Act 303(d) List. It is notable that there are two reaches in the Whitewater River watershed listed on the draft 2010 Impaired Waters List. The impairment is for drinking water due to the presence of excessive levels of nitrates.

c. Recreation Impairments and Fecal Coliform TMDL

Fecal coliform is a bacteria that can be measured in water and is indicative of the existence of pathogens. Several sampled streams in southeast Minnesota including a few found in Winona County exceed the fecal coliform standard and are listed as impaired. These watercourses consist of the North Fork Whitewater River, Middle Fork Whitewater River, South Fork Whitewater River, Garvin Brook and Stockton Valley Creek in the Garvin Brook watershed, and the lower Money Creek in the Root River watershed. The

Minnesota SWCD's Technical Assistance Joint Powers Board, and the Hiawatha Resource Conservation and Development Council. The Southeast MN Water Resources Board is a ten county joint powers board aimed at protecting water resources from a regional perspective. The Hiawatha Resource Conservation and Development Council is a USDA program that encourages local citizens to find solutions to local problems and aims to improve social, economic, and environmental conditions of rural residents. The Southeast Minnesota SWCD's Technical Assistance Joint Powers Board offers technical assistance and leadership for the evaluation, design and construction of BMP's.

5. Goals and Objectives to Address Priority Concerns

The below listed goals are long-term targets for Winona County to achieve through the water planning process and related programs. The objectives are measurable steps to get to those goals.

1. WATER QUALITY

Goal: All Winona County residents have access to safe drinking water.

Objectives

- ✓ Assess the condition of groundwater and the interconnection of land use and associated pollution risks.
- ✓ Assist public water suppliers (PWS) in developing Wellhead Protection Plans and/or managing their 200 foot inner wellhead management zone.
- ✓ Assist private well users in protecting and/or improving their drinking water supplies.
- ✓ Provide educational opportunities to the public and schools on drinking water issues, land use planning, groundwater quality, and the significance of karst geology.

Goal: Winona County surface waters support their beneficial uses for recreation, aquatic life, and as sources of drinking water - where applicable.

Objectives

- ✓ Reduce fecal coliform impairments by further implementation of TMDL activities.
- ✓ The development of turbidity TMDL(s) for streams in the Garvin Brook, Whitewater River, and Root River Watersheds.
- ✓ The promotion and support of aquatic life assessments for all trout streams in the Buffalo-Whitewater and Root River Watersheds incorporating biological monitoring and biological criteria.

Goal: Buffer all sensitive water/land interfaces.

Objectives

- ✓ Increase compliance with 50 foot buffer Shoreland Ordinance requirement in agricultural areas along protected waters.
- ✓ Promote buffers around sinkholes.

2. SOIL EROSION, SEDIMENT CONTROL AND STORMWATER MANAGEMENT

Goal: Minimize the erosion of agricultural soils.

Objective

- ✓ Promote programs that encourage soil conservation.

Goal: Eliminate gully erosion.

Objective

- ✓ Install grass waterways and grade stabilization structures. **Goal: Maintain or increase the percentage of perennial vegetation.**

Objective

- ✓ Promote and Protect forest resources.
- ✓ Promote grass based agriculture.

Goal: Reduce stormwater runoff from impervious surfaces through site design principles.

Objective

- ✓ All municipal areas meet the principles of the EPA Phase II Stormwater Requirements.

3. NUTRIENT, MANURE, AND HUMAN WASTE MANAGEMENT

Goal: Treat manure wastes or manage wastes as fertilizer and / or energy source in order to prevent the contamination of ground and surface waters.

Objectives

- ✓ Correct open lot runoff from noncompliant feedlots.
- ✓ Increase the usage of manure management plans among livestock producers.
- ✓ Promote pasture management throughout the County.

Goal: Treat human waste to prevent the contamination of ground or surface waters.

Objectives

- ✓ Address Imminent Threats to Public Health from septic systems.
- ✓ Update septic system database and GIS to show all septic systems within Winona County.
- ✓ Initiate projects with small communities with significant wastewater needs.
- ✓ Provide operational and maintenance information to homeowners having septic systems.
- ✓ Provide financial assistance to individuals needing replacement systems.
- ✓ Provide alternative disposal options for hazardous waste and pharmaceuticals.

4. WATERSHED MANAGEMENT APPROACH

Goal: Compose watershed assessments and plans for all 68 minor watersheds.

Objectives

- ✓ Promote and utilize a watershed planning approach in dealing with nonpoint source pollution, soil erosion and hydrologic problems.
- ✓ Educate residents and local units of government regarding watersheds and water resources.
- ✓ Promote GIS data sharing and modeling for assessing watersheds and water resource quality.

C. Implementation Schedule - Priority Concerns Objectives and Actions

The implementation schedule describes how the priority concerns identified in the Water Management Plan will be addressed. Included are specific actions to achieve the stated goals and objectives of the plan. The actions give direction to local agencies and conservation groups by providing details on who is responsible, what the cost will be, how long it will take, and what the benefit will be to water resources within the County.

C.1 WATER QUALITY

Objective A - Assess the condition of groundwater with the interconnection of land uses and associated pollution risks.

Action C.1/A.1

Provide updated information to Minnesota Geological Survey and Minnesota Department of Health for Minnesota County Well Index (CWI) records where needed.

Time Line	Ongoing
Responsibility	Environmental Services
Financial and In-Kind	In-Kind / $3,150
Water Resource Benefit	**Track & update water resource records**

Action C.1/A.2

Utilize the ACCESS well water chemistry database for tracking private wells chemistry data.

Time Line	Ongoing
Responsibility	Environmental Services
Financial and In-Kind	In-Kind / $348
Water Resource Benefit	**Maintain history of water quality, trend analysis**

Action C.1/A.3

Participate as a sub-grantee for the continuation of the Southeast Minnesota Volunteer Nitrate Monitoring Network.

Time Line	Ongoing
Responsibility	Environmental Services
Financial and In-Kind	In-Kind / $9,100 Grant
Water Resource Benefit	**Provide trend data on nitrate levels in Winona County**

Action C.1/A.4

Participate as a sub-grantee for the Southeast Minnesota Volunteer Targeted Nitrate Monitoring Network.

Time Line	2010 - 2013
Responsibility	Environmental Services
Financial and In-Kind	In-Kind / $4,255 Grant
Water Resource Benefit	**Provide trend data on nitrate levels in Winona County. Investigate nitrate nitrogen concentrations in new water wells constructed in the tunnel city group/wonewoc sandstone.**

Objective B - Assist public water suppliers (PWS) in developing and implementing their Wellhead Protection Plans and/or managing their 200-foot inner wellhead management zone. Altura and St. Charles projected within next five years.

Action C.1/B.1

Provide representation on the Wellhead Protection Planning Committee for public water suppliers.

Time Line	Ongoing
Responsibility	Planning / Environmental Services / SWCD
Financial and In-Kind	$1,000 per yr.
Water Resource Benefit	**Water supply protection and education**

Action C.1/B.2

Provide information from County records on potential contaminant sources and GIS assistance in mapping and completing potential contaminant source inventory information for public water suppliers.

Time Line	Ongoing
Responsibility	Planning Department
Financial and In-Kind	In-Kind
Water Resource Benefit	**Provide support for wellhead protection efforts**

Action C.1/B.3

Provide land use and parcel maps to public water suppliers.

Time Line	Ongoing
Responsibility	Planning
Financial and In-Kind	In-Kind
Water Resource Benefit	**Provide support for wellhead protection efforts**

Action C.1/B.4

Provide support to the cities of Winona, Goodview, Lewiston, and Utica to carry out their Wellhead Protection Plans.

Time Line	Ongoing
Responsibility	Environmental Services
Financial and In-Kind	In-Kind / $540
Water Resource Benefit	**Groundwater protection**

Action C.1/B.5

Target pollution prevention programs in wellhead protection areas.

Time Line	Ongoing
Responsibility	Environmental Services / Health Human Services / SWCD / Planning
Financial and In-Kind	In-Kind / Cost Share / Land Retirement Incentives
Water Resource Benefit	**Groundwater protection**

Objective C - Assist private well users in protecting and/or improving their drinking water supplies.

Action C.1/C.1

Educate private well owners on the well code, the Water Quality Ordinance and proper well construction, maintenance and sealing, and well setbacks.

Time Line	Ongoing
Responsibility	Environmental Services
Financial and In-Kind	In-Kind / $42,000
Water Resource Benefit	**Groundwater protection**

Action C.1/C.2

Host two nitrate clinics a year.

Time Line	Ongoing
Responsibility	SWCD
Financial and In-Kind	In-Kind
Water Resource Benefit	**Ensure safe drinking water**

Action C.1/C.3

Provide information to health clinics and hospitals concerning the need to test private wells for common contaminants such as nitrates and coliform and the services of the Environmental Services Department regarding testing.

Time Line	Ongoing
Responsibility	Environmental Services
Financial and In-Kind	In-Kind / $1,700
Water Resource Benefit	**Protect infant's health**

Action C.1/C.4

Subsidize the cost of water test kits for low-income residents through programs such as the Women, Infants and Children program.

Time Line	Ongoing
Responsibility	Environmental Services / Community Services
Financial and In-Kind	In-Kind and $471 per yr.
Water Resource Benefit	**Protect infant's health**

Action C.1/C.5

Publish and distribute grant and loan program information for new well construction and well repair such as the USDA, Rural Development, Section 504 Loan and Grant Program, and the Ag Best Management Program.

Time Line	Ongoing
Responsibility	Environmental Services
Financial and In-Kind	In-Kind / $100 and grants
Water Resource Benefit	**Protect groundwater**

Action C.1/C.6

Provide private well owners with abandoned wells cost share money to properly seal their wells and pursue funding opportunities that will allow the development of a grant and/or County revolving loan program fund for well sealing and well replacement.

Time Line	Ongoing
Responsibility	Environmental Services / SWCD
Financial and In-Kind	In-Kind / $30,000
Water Resource Benefit	**Protect groundwater**

Objective D - Provide educational opportunities to the public and schools on drinking water issues, land use planning, groundwater quality, and the significance of karst geology.

Action C.1/D.1

Provide the public with groundwater educational materials in print and mixed media.

Time Line	Ongoing
Responsibility	Environmental Services / Planning / SWCD
Financial and In-Kind	$2,000
Water Resource Benefit	**Education and awareness of groudwater**

Objective E - Reduce fecal coliform impairments by further implementation of TMDL activities.

Action C.1/E.1

Continue efforts with Whitewater River Watershed Project in addressing TMDL fecal coliform impairments in the watershed through the Bacteria Reduction Project.

Time Line	Ongoing
Responsibility	Planning
Financial and In-Kind	In-Kind
Water Resource Benefit	**Reduce the amount of fecal coliform in surface water**

Action C.1/E.2

Host yearly meetings with the MPCA and the public to explain ongoing implementation activities in the Garvin Brook Watershed in addressing TMDL fecal coliform impairments.

Time Line	Ongoing
Responsibility	SRMC Watershed District
Financial and In-Kind	$500 per yr.
Water Resource Benefit	**Education and awareness of water quality**

Action C.1/E.3

Implement 10 rotational grazing plans.

Time Line	Three years
Responsibility	SWCD / NRCS
Financial and In-Kind	Cost share
Water Resource Benefit	**Improve surface water quality by reducing erosion and runoff**

Objective F - The development of turbidity TMDL(s) for streams in the Garvin Brook, Whitewater River, and Root River Watersheds.

Action C.1/F.1

Host yearly meetings with the MPCA and the public to explain ongoing implementation activities in the Garvin Brook Watershed in addressing TMDL turbidity impairments.

Time Line	Ongoing
Responsibility	SRMC Watershed District
Financial and In-Kind	$500
Water Resource Benefit	**Education and awareness of water quality**

Action C.1/F.2

Participate with the Whitewater River Watershed Project in hosting yearly meetings with the MPCA and the public to explain ongoing Turbidity TMDL activities in the Whitewater River watersheds.

Time Line	Ongoing
Responsibility	Planning / SWCD / NRCS
Financial and In-Kind	In-Kind / $500
Water Resource Benefit	**Education and awareness of water quality issues**

Action C.1/F.3

Participate in writing an Implementation Plan based on the TMDL study and assist in executing the plan.

Time Line	Ongoing
Responsibility	Planning / Whitewater River Watershed
Financial and In-Kind	In-Kind
Water Resource Benefit	**Water quality planning and implementation**

Action C.1/F.4

Participate in the Root River Turbidity TMDL by attending Technical Advisory Committee and Stakeholder meeting and providing information upon request.

Time Line	Ongoing
Responsibility	Planning / SWCD
Financial and In-Kind	In-Kind
Water Resource Benefit	**Water quality planning**

Objective G - The promotion and support of aquatic life assessments for all trout streams in the Buffalo-Whitewater and Root River Watersheds incorporating biological monitoring and biological criteria.

Action C.1/G.1

Host meetings for local government officials and the public regarding monitoring results and assessments from MPCA intensive watershed monitoring activities of 2008 and 2010.

Time Line	2012
Responsibility	Whitewater River Watershed
Financial and In-Kind	In-Kind / $500
Water Resource Benefit	**Education and awareness of water quality issues**

Objective H - Increase compliance with 50-foot buffer Shoreland Ordinance requirement in agricultural areas along protected waters.

Action C.1/H.1

Make presentations to the County Board and Township Officers Association regarding the general results of the Whitewater Watershed Project's Environment and Natural Resources Trust Fund project and discuss the importance of stream side buffers.

Time Line	Ongoing
Responsibility	Planning / Whitewater River Watershed
Financial and In-Kind	In-Kind
Water Resource Benefit	**Educate about benefits of a shoreland buffer program**

Action C.1/H.2

Field verify those areas where the GIS land cover information indicates that the 50-foot buffer is not present.

Time Line	Ongoing
Responsibility	Planning
Financial and In-Kind	$3,000
Water Resource Benefit	**Improve surface water quality by establishing buffers**

Action C.1/H.3

Contact those landowners out of compliance with the 50-foot buffer and explain the requirements.

Time Line	Ongoing
Responsibility	Planning
Financial and In-Kind	$1,000
Water Resource Benefit	**Improve surface water quality by establishing buffers**

Action C.1/H.4

Distribute educational materials regarding Shoreland buffer requirement and government programs that provide assistance to establish and maintain buffers.

Time Line	Ongoing
Responsibility	Planning / SWCD / NRCS
Financial and In-Kind	$2,000
Water Resource Benefit	**Improve surface water quality by establishing buffers**

Action C.1/H.5

Establish a hay-able buffer program.

Time Line	Ongoing
Responsibility	Planning
Financial and In-Kind	In-Kind
Water Resource Benefit	**Make establishing of buffers more appealing**

Objective I - Promote buffers around sinkholes.

Action C.1/I.1

Provide resource support to the Minnesota Geological Survey and the University of Minnesota Department of Geology and Geophysics for field assistance and verification in updating the Karst Feature database utilizing LiDAR.

Time Line	Ongoing
Responsibility	Planning
Financial and In-Kind	In-Kind
Water Resource Benefit	**Maintain information on potential contamination locations**

Action C.1/I.2

Inventory surrounding land use around sinkholes.

Time Line	Ongoing
Responsibility	Planning
Financial and In-Kind	$4,000
Water Resource Benefit	**Collect information to improve the management of water resources**

Action C.1/1.3

Inform landowners owning land with sinkholes of buffer options and setback requirements.

Time Line	Ongoing
Responsibility	Planning / SWCD / NRCS
Financial and In-Kind	$1,000
Water Resource Benefit	**Minimized the contamination of water resources through sinkholes**

Action C.1/1.4

Support the regional ENRTF MN DNR springshed mapping for trout stream management by identifying targeted landowners and making contacts to them regarding the project.

Time Line	Ongoing
Responsibility	Whitewater Watershed Project / Planning
Financial and In-Kind	In-Kind
Water Resource Benefit	**Assess impacts on springs which are source of cold water to trout streams**

C.2 SOIL EROSION, SEDIMENT CONTROL & STORMWATER MANAGEMENT

Objective A - Promote programs that encourage soil conservation.

Action C.2/A.1

Promote projects and activities that educate and encourage cropping practices that minimize soil erosion. Cover cropping, contour farming, crop rotation, conservation cropping systems (No-till, strip-till and ridge-till management)

Time Line	Ongoing
Responsibility	SWCD / NRCS
Financial and In-Kind	Cost share
Water Resource Benefit	**Reduce runoff and pollution of water**

Objective B - Install grass waterways and grade stabilization structures.

Action C.2/B.1

Identify hot spots for gullies and other sources of erosion. Contact landowners with options for cost share and technical assistance to address erosion concerns.

Time Line	Ongoing
Responsibility	SWCD / NRCS / Whitewater River Watershed
Financial and In-Kind	In-Kind
Water Resource Benefit	**Identify areas to concentrate conservation efforts**

Action C.2/B.2

Install 40 grade stabilization structures in high-prioritized areas.

Time Line	Ongoing
Responsibility	SWCD / NRCS
Financial and In-Kind	$116,000 per yr.
Water Resource Benefit	**Reduce erosion and improve water quality**

Action C.2/B.3

Install 5,000 feet of waterways and diversions per year in high-prioritized areas.

Time Line	Ongoing
Responsibility	SWCD / NRCS
Financial and In-Kind	$30,000 per yr.
Water Resource Benefit	**Control runoff and improve water quality**

Action C.2/B.4

Inspect, maintain, and oversee maintenance of conservation structures according to BWSR guidelines.

Time Line	Ongoing
Responsibility	SWCD / Whitewater River Watershed District
Financial and In-Kind	In-Kind
Water Resource Benefit	**Ensure structures continue to provide benefits they were designed for**

Objective C - Promote and Protect forest resources.

Action C.2/C.1

Maintain and assist with Forest Stewardship Plans.

Time Line	Ongoing
Responsibility	SWCD / NRCS
Financial and In-Kind	$16,000 per yr.
Water Resource Benefit	**Enhance ability of ofrests to provide water resource benefits**

Objective D - Promote grass-based agriculture

Actions C.2/D.1

Increase the adoption of rotational grazing by writing 25 grazing plans

Time Line	Ongoing
Responsibility	SWCD / NRCS
Financial and In-Kind	$35,000 per yr.
Water Resource Benefit	**Reduce erosion and runoff and improve water quality**

Objective E - All municipal areas meet the principles of the EPA Phase II Stormwater Requirements.

Action C.2/E.1

Assist small cities on stormwater retention/infiltration projects.

Time Line	Ongoing
Responsibility	Planning / SWCD
Financial and In-Kind	In-Kind
Water Resource Benefit	**Reduce stormwater runoff and improve water quality**

C.3 NUTRIENT, MANURE AND HUMAN WASTE MANAGEMENT

Objective A - Correct open lot runoff from noncompliant feedlots.

Action C.3/A.1

Provide technical assistance for design, installation and implementation of feedlot plans.

Time Line	Ongoing
Responsibility	Planning / SWCD / NRCS
Financial and In-Kind	319-Grants / Cost Share
Water Resource Benefit	**Minimize pollution to surface and ground water**

Action C.3/A.2

Provide maintenance suggestions and inspections of implemented feedlot projects in accordance with State Standards.

Time Line	Ongoing
Responsibility	SWCD
Financial and In-Kind	In-Kind
Water Resource Benefit	**Minimize pollution to surface and ground water**

Action C.3/A.3

Provide administrative and technical assistance for correcting manure runoff problems.

Time Line	Ongoing
Responsibility	Planning / SWCD / NRCS
Financial and In-Kind	In-Kind
Water Resource Benefit	**Minimize pollution to surface and ground water**

Action C.3/A.4

Implement a County Feedlot and Inspection Program

Time Line	Ongoing
Responsibility	Planning
Financial and In-Kind	In-Kind / $56,000 per yr.
Water Resource Benefit	**Minimize pollution to surface and ground water**

<u>Objective B</u> - Increase the usage of manure management plans among livestock producers.

Action C.3/B.1

Promote and educate landowners on the benefits of manure/nutrient management plans.

Time Line	Ongoing
Responsibility	SWCD / NRCS / Planning
Financial and In-Kind	In-Kind
Water Resource Benefit	**Educate landowners to actively manage manure and nutrients**

Action C.3/B.2

Make the AgBMP Loans available for landowners to purchase manure/nutrient management equipment to meet their manure management plans.

Time Line	Ongoing
Responsibility	SWCD
Financial and In-Kind	In-Kind
Water Resource Benefit	**Manage manure and nutriet loads and protect water quality**

Action C.3/B.3

Assist feedlot operators with development and implementation of Manure Management Plans.

Time Line	Ongoing
Responsibility	SWCD / NRCS / Whitewater Watershed Project / Planning
Financial and In-Kind	$45,000 per yr.
Water Resource Benefit	**Manage manure and nutrient loads and protect water quality**

Action C.3/B.4

Provide livestock producers maps of sensitive features.

Time Line	Ongoing
Responsibility Planning	Planning
Financial and In-Kind	In-Kind
Water Resource Benefit	**Provide education and information**

Objective C - Promote pasture management throughout the County.

Action C.3/C.1

Design, implement, and provide technical assistance for pasture management plans.

Time Line	Ongoing
Responsibility	NRCS / SWCD
Financial and In-Kind	In-Kind
Water Resource Benefit	**Reduce erosion and improve water quality**

Objective D - Address Imminent Threats to Public Health (ITPH) from septic systems.

Action C.3/D.1

Incorporate revisions to the SSTS Ordinance to identify and fix ITPH and systems failing to protect ground water.

Time Line	Ongoing
Responsibility	Planning
Financial and In-Kind	$5,000
Water Resource Benefit	**Identify and fix ITPH and systems failing to protect groundwater**

Action C.3/D.2

Follow up on all with ITPH to insure compliance is achieved in required time frames.

Time Line	Ongoing
Responsibilit	Planning
Financial and In-Kind	$2,500
Water Resource Benefit	**Protection of ground water and surface waters**

Objective E - Update septic system database and GIS to show all septic systems within Winona County.

Action C.3/E.1

Participate as a sub-grantee to develop a comprehensive SSTS database through the Southeast Minnesota Water Resources Board 2010 Clean Water Fund SSTS Program Enhancement Grant.

Time Line	Ongoing
Responsibility	Planning
Financial and In-Kind	$6,500
Water Resource Benefit	**Track SSTS information and facilitate data sharing**

Action C.3/E.2

Work with all SSTS professionals to insure that they utilize the electronic based system for submitting Compliance Inspection Reports and other information.

Time Line	Ongoing
Responsibility	Planning
Financial and In-Kind	$2,500
Water Resource Benefit	**Enhance tracking and compliance of septics**

Objective F - Initiate projects with small communities with significant wastewater needs.

Actions C.3/F.1

Based on updated septic system information, review and update the list of small communities with wastewater needs.

Time Line	Ongoing
Responsibility	Planning

Financial and In-Kind	In-Kind
Water Resource Benefit	**Find solutions for communities with wastewater problems**

Actions C.3/F.2

Make contact with two communities of greatest need and start task forces.

Time Line	Ongoing
Responsibility	Planning / Southeast Minnesota Wastewater Initiative
Financial and In-Kind	$3,000 per yr.
Water Resource Benefit	**Find solutions for communities with wastewater problems**

Objective G – Provide operational and maintenance information to homeowners having septic systems.

Action C.3/G.1

Host yearly Operation and Maintenance Workshop

Time Line	Ongoing
Responsibility	Planning
Financial and In-Kind	$500
Water Resource Benefit	**Educate public about septic systems**

Action C.3/G.2

Provide copies of Septic System Owners Guide to owners of newly installed systems or upon request.

Time Line	Ongoing
Responsibility	Planning
Financial and In-Kind	In-Kind
Water Resource Benefit	**Educate public about septic systems**

Objective H - Provide financial assistance to individuals needing replacement systems.

Action C.3/H.1

Participate as a lender of last resort in the MDA AgBMP program.

Time Line	Ongoing
Responsibility	Planning / SWCD
Financial and In-Kind	In-Kind / AgBMP loans
Water Resource Benefit	**Financial assistance to protect groundwater from failing septics**

Action C.3/H.2

Determine income eligibility of ITPH and noncompliant septic system owners and seek Clean Water Fund grant funds for these individuals.

Time Line	Ongoing
Responsibility	Planning
Financial and In-Kind	In-Kind
Water Resource Benefit	**Protection of ground water and surface water**

Objective I - Provide alternative disposal options for hazardous waste and pharmaceuticals.

Action C.3/I.1

Provide Household Hazardous Waste collection facility that accepts household hazardous waste and pharmaceuticals from residents.

Time Line	Ongoing
Responsibility	Environmental Services
Financial and In-Kind	In-Kind / $181,000

Water Resource Benefit	**Protects ground & surface waters from illegal disposal methods**

C.4 WATERSHED MANAGEMENT APPROACH

Objective A - Promote and utilize a watershed planning approach in dealing with nonpoint source pollution, soil erosion and hydrologic problems.

Action C.4/A.1

Promote the formation of community-based watershed groups and watershed planning activities in the watersheds of Big Trout, Gilmore Creek, Pleasant Valley Creek and Rush Pine.

Time Line	Ongoing
Responsibility	Planning
Financial and In-Kind	In-Kind
Water Resource Benefit	**Comprehensive grass roots approach to improving water quality**

Action C.4/A.2

Support and assist established watershed organizations, Whitewater Watershed Project and the Stockton-Rollingstone-Minnesota City Watershed District, in conducting outreach activities and using Winona County and SWCD programs to address watershed problems.

Time Line	Ongoing
Responsibility	Planning / SWCD / NRCS
Financial and In-Kind	In-Kind
Water Resource Benefit	**Coordinating resources to better deal with water issues**

Action C.4/A.3

Supply additional support for the Rush-Pine Creek Watershed

Time Line	Ongoing
Responsibility	SWCD / NRCS
Financial and In-Kind	In-Kind
Water Resource Benefit	**Facilitate conservation in the watershed**

Objective B - Educate residents and local units of government regarding watersheds and water resources.

Action C.4/B.1

Make routine presentation to the County Board and in other forums about County Water Management efforts and the condition of the water resources.

Time Line	Ongoing
Responsibility	Whitewater River Watershed
Financial and In-Kind	In-Kind
Water Resource Benefit	**Policy makers understand the importance of ground & surface water protection programs**

Action C.4/B.2

Increase school and citizen participation in the MPCA Citizen Stream Monitoring Program, MPCA Citizen Lake Monitoring Program, and macroinvertebrate community monitoring projects.

Time Line	Ongoing
Responsibility	Planning / Whitewater River Watershed
Financial and In-Kind	In-Kind
Water Resource Benefit	**Increase information gathered and data collected about water quality**

Objective C - Promote GIS data sharing and modeling for assessing watersheds and water resource quality.

Action C.4/C.1

Initiate a project to develop GIS data sharing capability among those groups that monitor water and land uses in Winona County and the region.

Time Line	Ongoing
Responsibility	Planning
Financial and In-Kind	In-Kind
Water Resource Benefit	**Facilitate data sharing to better assess water resource issues**

Action C.4/C.2

Evaluate and utilize existing GIS tools for determining the impact of proposed land use activities on watershed hydrology, soil erosion potential, nonpoint pollution runoff potential, and natural resource quality.

Time Line	Ongoing
Responsibility	Planning
Financial and In-Kind	In-Kind
Water Resource Benefit	**Assess impacts to water resources**

D. Implementation Schedule- Ongoing Activities

This section describes other activities and programs implemented and connected to the local water management program not described in the priority concerns.

Wetland Conservation Act (WCA)

The Wetland Conservation Act of 1991 was adopted by the MN State Legislature with the goal of "no net loss" to Minnesota's remaining wetlands. Wetlands that are drained, filled, or excavated must be replaced or restored to an amount equal or greater in size and quality. Winona County through its Planning Department is the Local Government Unit (LGU) that administers the WCA in Winona County except in the City of Winona.

Shoreland and Floodplain Management

The Department of Natural Resources develops the Shoreland and Floodplain programs before eventually delegating their administration to the LGUs. The Winona County Planning Department is the LGU for the unincorporated areas of the County. These programs are developed to preserve and enhance the quality of surface waters, preserve the economic and natural environmental values of shorelands and provide for the wise utilization of waters and related land resources as well as to minimize adverse affects relating to flood events.

Subsurface Sewage Treatment Systems (SSTS)

The Winona County Planning Department is authorized as the LGU to administer Minnesota Rules Chapter 7080 through 7083 SSTS Program. The Department provides technical assistance, education, plan review, and inspections to protect water quality, prevent and control water borne diseases, and prevent or eliminate public nuisance conditions.

Municipal Wastewater Treatment Facilities

The MPCA regulates and monitors activities related to municipal treatment facilities. The County has input if expansion or upgrading of a facility is proposed.

Solid Waste Management

The Winona County Environmental Services Department provides Solid Waste services and programs that protect both ground and surface water in Winona County. The Department strives to promote recycling, hazardous waste management, and sustainable use of resources by providing comprehensive

curbside and drop site recycling collection along with a household hazardous waste collection facility that is conveniently open Monday-Friday. Both household and very small quantity generator hazardous waste along with pharmaceuticals are accepted at the facility, thus reducing the toxicity of the waste stream generated in Winona County.

Furthermore, the Environmental Services Department organizes special events throughout the year to collect appliances, tires, and fluorescent bulbs. The department regulates the proper disposal of solid waste by licensing all waste haulers and waste management facilities throughout Winona County. A major focus of the department includes communicating with and educating the public on environmental issues, including waste reduction, proper disposal of solid waste, hazardous waste, and pharmaceuticals.

Wells

Winona County, through its Environmental Services Department, protects groundwater resources by administering the requirements of the Minnesota Wells and Borings code delegated to it by the Minnesota Department of Health. Under this program, the county enforces proper well construction and well sealing practices to ensure wells and borings in the county do not provide a pathway to introduce contamination into our groundwater aquifers.

Hazard Mitigation

The Office of Emergency Management and the Planning Department oversee the Hazard Mitigation Plan. The Plan provides information, resources, and direction for public and private entities to assist in the prevention of natural and man-made disasters through coordinated communication efforts. The Plan strives to protect life, property, and environment through natural resource management and land use planning.

Feedlots

Winona County adopted the Feedlot Program in 1996 to encourage the continued production of agricultural commodities, and to maintain a healthy agricultural community within the County while ensuring that farmers properly manage animal feedlots and animal wastes to protect the health of the public and the natural resources of Winona County. The Planning Department implements the Program that is based on MN Rules Chapter 7020 formulated by the Minnesota Pollution Control Agency. This program allows the County to administer the Winona County Feedlot Ordinance and review and issue permits for new and expanding feedlots up to 1,000 animal units. The Planning also has the authority to review and comment on State administered feedlots.

COMMITTEE RECOMMENDATION

RIM Reserve Management Planning Committee

1. RIM-WRP Payment Rates – Kevin Lines – ***DECISION ITEM***

2. RIM-WRP Environment and Natural Resources Trust Fund Allocation – Kevin Lines – ***DECISION ITEM***

3. RIM Red River Wetland Restoration Initiative – Kevin Lines – ***DECISION ITEM***

4. RIM Partners in USDA NRCS Mississippi River Basin Initiative (MRBI) Wetlands Reserve Enhancement Program (WREP) – Kevin Lines – ***DECISION ITEM***

5. RIM Reserve Outdoor Heritage Fund (OHF) Shallow Lakes Shoreland Protection on Wild Rice Lakes Project – Kevin Lines – ***DECISION ITEM***

RIM Reserve 2011-2012

October 2011

Subprogram Funding Source	Focus/Description	Eligibility/Criteria	State $ Other $'s	Payment Rates RIM WRP	Timeline
Outdoor Heritage Fund FY12-$16.349M					
OHF RIM-WRP Partnership	Restore drained wetlands and adjacent native grassland complexes	Statewide with focus on LSOHC prairie and forest prairie section.	$13.0 M $13.0M of $21M requires federal WRP leveraging	50%RIM 75%WRP Cropland 30 yr. ease. 25%RIM 45%WRP Non-Cropland 30 yr. ease.	Ongoing FY12 -LSOHC Recommended $13.8M FY13 Needs Legislative approval
OHF RIM Shallow Lake Protection: Wild Rice Lakes DU/DNR/BWSR Partnership	700 ac. on 117 priority shallow wild rice lakes weed permanent protection from future subdivision, development, and shoreline alteration.	8 North-Central counties, DNR's Wild Rice Working Group has identified critical tracts on 117 lakes for easement acquisitions.	$1.1M RIM 500 acres	ACUB-Like Formula to be developed a % of individual taxable market value will be offered as determined by County Assessor.	Need RRMPC recommendation and Board Approval. Dan Steward is Local Lead.
Clean Water Fund FY12-$7.3M					
OHF/CWF RIM Riparian Buffers	Permanent Riparian buffers must be adjacent to public water & defined as streams, ditches and lakes, excluding wetlands	Permanent Buffers 50'-100' max. ave. for clean water. Buffer extension to a max. of 200' may be granted for wildlife enhancement (Prairie Section Only) Majority of Riparian Buffer area enrolled must have a cropping history and a priority extending new or existing CRP contract into a permanent buffer easement.	$6.0M $2.249M CWF OHF	100% RIM Cropland 60% RIM Non-Cropland	Board authorized on Sept. 28, 2011 staff to develop a ranking process and ranking criteria; finalize, distribute, and promote RFP. Conduct sign-up and selection process with a target date of 12/1/2011.

Subprogram Funding Source	Focus/Description	Eligibility/Criteria	State $ Other $'s	Payment Rates RIM WRP	Timeline
RIM Reserve Permanent-CWF Wellhead Protection Easements	WHP easements are limited to WHPA identified by MD Health and mapped as high or very high vulnerability. Focus is on eligible land with a cropping history.	Continuous sign-up only. Land in existing or new CRP contracts that had a cropping history are eligible. A majority greater than 51% of the site must be within WHPA	$1.3M for each year of the biennium FY12 & 13	100% RIM Cropland 60% RIM Non-Cropland	Board Approved Sept. 28, 2011 Sign-up ongoing
Department of Defense Federal Funds-National Guard Bureau					
Camp Ripley-ACUB	In a three mile buffer around Camp Ripley we acquire permanent ACUB easements. A signed cooperative agreement with the National Guard Bureau & BWSR will be developed, funded and signed will be done shortly.	Camp Ripley staff and local SWCD's identified landowners who have expressed interest in enrolling in ACUB and submit applications to BWSR.	Expect $1-5M from Department of Defense in 2011-2012	For riparian lands in ACUB project area on Mississippi & Crow Wing River Frontage property. 60% of individual taxable market value issued as determined by county assessors. For non-riparian 50% RIM rate.	Board approved additional payment rate for riparian properties; and authorize staff to develop, finalize, & sign next cooperative agreement with NGB. Ongoing as we received funds from Dept. of Defense for Camp Ripley ACUB.
2010 Special Session Bonding-$10M					
RIM Reserve-Southern Flood Response Special Session Bonding (2010)	Southern MN Flood Disaster to acquire permanent ease.'s to restore Floodplains riparian buffers and wetland in DR-1941 on lands damaged by rains and flooding on Sept. 22, 2010	29 Southern Minnesota counties identified in DR-1941. Rim Reserve funds are intended for leveraging of federal funds when feasible.	$10M bonding leveraging up to $16M WRP funds.	50%RIM 75%WRP Cropland 25%RIM 45%WRP Non-Cropland	Ongoing we received over 200 applications requesting more than $42M we have funded 78 applications for 4600 acres obligate $8.6M & $13.0M WRP funds.

Subprogram Funding Source	Focus/Description	Eligibility/Criteria	State $ Other $'s	Payment Rates RIM WRP	Timeline
RIM-Reserve 2011 Bonding-$20M					
Water Quality Initiatives:					
USDA-NRCS Mississippi River Basin Initiatives (MRBI) and Wetland Reserve Enhancement Program (WREP) begin in 2010	USDA-NRCS in Minnesota has 3 multi-year MRBI-WREP's which are: -Lower Root River (Houston) -Cedar (Mower) -Sauk River Watershed, Crooked Lake (Douglas)	Must be eligible for WRP Program specific to the MRBI-WREP, which we can then leverage with RIM Reserve and use our RIM-WRP Partnership methodology.	$2.5M + $4M-WRP $0.5M + $1.5M-WRP $3.0M + $4M-WRP $6.0M $9.5M	RIM-WRP Partnership rate: 50%RIM 75%WRP Cropland 25% RIM 45%WRP Non-Cropland	Need RRMPC recommendation & Board Approval. Board meeting scheduled for October 26th.
Flood Damage Reduction & Retention Initiatives					
Red River Retention Initiatives	USDA NRCS has just begun a multi-year special wetlands initiative in the Red River Basin to reduce flooding, restore wetland, and enhance habitat through the WRP.	RIM funds will be used to leverage WRP through the RIM-WRP Partnership to meet the goals of this new initiative in the RR basin.	$14M WRP funds over the next 2 years have been identified. To fully leverage RIM-WRP Partnership would require approximately $9M in RIM.	RIM-WRP Partnership rates would be used.	Need RRMPC recommendation & Board Approval. Board meeting scheduled for October 26th.

Subprogram Funding Source	Focus/Description	Eligibility/Criteria	State $ Other $'s	Payment Rates RIM WRP	Timeline
Fund Additional Southern Minnesota Flood Response sign-ups from bonding	Southern Minnesota Flood Disaster to acquire permanent easements to restore Floodplains riparian buffers and wetland in DR-1941 on lands damaged by rains and flooding on September 22, 2010.	29 Southern Minnesota counties identified in DR-1941. Rim Reserve funds are intended for leveraging of federal funds when feasible.		50%RIM 75%WRP Cropland 25%RIM 45%WRP Non-Cropland	Need RRMPC recommendation & Board Approval. Board meeting scheduled for October 26th.
Wetland Restoration					
Fund additional RIM-WRP Partnership from Bond dollars. (Supplant issue)	Restore drained wetlands and adjacent native grassland complexes	Statewide with focus on LSOHC prairie and forest prairie section	Requires federal WRP leveraging	50%RIM 75%WRP Cropland 30 yr. ease. 25%RIM 45%WRP Non-Cropland 30 yr. ease.	Ongoing Need RRMPC recommendation & Board Approval. Board meeting scheduled for October 26th.
Environment and Natural Resources Trust Fund-$1.645M					
RIM-WRP Partnership ENRTF	Restore drained wetlands and adjacent native grassland complexes	Special project Have identified Crooked Lake (Douglas County) for this project.	$1.645M RIM Requires federal WRP leveraging.	50%RIM 75%WRP Cropland 30 yr. ease. 25%RIM 45%WRP Non-Cropland 30 yr. ease.	Need RRMPC recommendation & Board Approval. Board meeting scheduled for October 26th.

Outdoor Heritage Fund FY12-$16.349M					
OHF RIM Shallow Lake Protection: Wild Rice Lakes DU/DNR/BWSR Partnership	700 ac. on 117 priority shallow wild rice lakes weed permanent protection from future subdivision, development, and shoreline alteration.	8 North-Central counties, DNR's Wild Rice Working Group has identified critical tracts on 117 lakes for easement acquisitions.	$1.1M RIM 500 acres	ACUB-Like Formula to be developed a % of individual taxable market value will be offered as determined by County Assessor.	Need RRMPC recommendation and Board Approval. Dan Steward is Local Lead.

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **RIM RESERVE AND RIM-WRP PAYMENT RATES**

Meeting Date: October 26, 2011

Agenda Category: ☒ Committee Recommendation ☒ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: Conservation Easement
Contact: Kevin Lines
Prepared by: Kevin Lines
Reviewed by: RIM Reserve Management Planning Committee(s)
Presented by: Kevin Lines

☐ **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

The Board is requested to approve the recommendations of the RRMPC to authorize staff to establish payment rates for the RIM Reserve Conservation Easement Program (RIM Reserve) and the RIM-WRP Partnership based on statute and other relevant market factors. In addition, the Board is requested to authorize staff to develop alternative payment rates for other targeted RIM Reserve easement acquisitions to be included in separate resolutions.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The RRMPC met on October 14, 2011 to review and recommend authorization for staff to successfully implement the RIM Reserve and RIM-WRP Partnership payment rates consistent with other relevant Board policies.

This authorizes staff to establish payments rates for the RIM Reserve and RIM-WRP Partnership as described above.

Board Resolution # 11-79

RIM RESERVE AND
RIM RESERVE - WETLANDS RESERVE PROGRAM (RIM-WRP) PARTNERSHIP

PAYMENT RATES

WHEREAS M.S. 103F.515., Subd. 6 authorizes the Board to establish payment rates for conservation easements and related practices.

WHEREAS the same statute states that the Board shall consider market factors, including the township average equalized estimated market value of property as established by the Commissioner of Revenue at the time of easement application;

WHEREAS other relevant market factors include: land value sales trends, recent similar land sales, relevant appraisals, property tax valuations, agricultural commodity prices, environmental benefits, and the time between an easement offer and the completion of the acquisition process;

WHEREAS RIM Reserve Conservation Easement Program (RIM Reserve) funding may be directed or intended to leverage federal Wetlands Reserve Program (WRP) funds appropriated to the Natural Resources Conservation Service (NRCS);

WHEREAS the Board and NRCS staff, in consultation with the University of Minnesota Applied Economics Department, have determined that the most recent Township Average Tillable Land Value (TATLV) as established by the Minnesota Department of Revenue and posted at the Minnesota Land Economic Website: www.landeconomics.umn.edu is the most relevant, consistent and available land value data to use as the basis for easement payment rates;

WHEREAS the Board has authorized staff to work with Minnesota NRCS to develop RIM-WRP Partnership payment rates, eligibility, and sign-up procedures for the RIM-WRP Partnership;

WHEREAS the Minnesota NRCS has adopted Geographic Area Rate Caps (GARCs) for townships which correspond to the Township Average Tillable Land Value (TATLV) for their WRP permanent easement payment rates;

WHEREAS the Minnesota NRCS has adopted a 30-year WRP payment rate, specific to the RIM-WRP Partnership, for cropland acres and for non-cropland acres;

WHEREAS the BWSR RIM Reserve Management Planning Committee met on Wednesday, October 14, 2011 and unanimously recommends the following payment rate provisions to successfully implement the RIM-WRP Partnership and other RIM Reserve programs;

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to establish the RIM Reserve and RIM-WRP Partnership payment rates as follows:

1. Develop payment rates that best approximate 90% of land value for permanent easements on land with a cropping history and 60% of land value for permanent easements on lands without a cropping history. The basis shall be the TATLV as established by the county assessor and published on the Minnesota Land Economics website (excluding municipal areas).

    a. The RIM Reserve payment rate for eligible croplands being enrolled is not to exceed 100% of the TATLV and for non-cropland acres is not to exceed 60% of TATLV.

    b. The RIM Reserve portion of the payment rate for wetland restorations eligible for the RIM-WRP Partnership for cropland acres is not to exceed 50% of the TATLV and not to exceed 25% of the TATLV for non-cropland acres.

    c. The payment rate maximum in Hennepin and Ramsey Counties will not exceed the highest average township rate from any of the other surrounding seven metro area counties due to a limited number of tillable land acres, and values that are influenced by development potential.

    d. The payment rate maximum for the other five Twin Cities metro counties will not exceed the average Scott County rate to more accurately reflect tillable values.

2. Other targeted RIM Reserve easement payment rates are included in separate resolutions.

3. The payment rate components of Board Resolution #11-19 (attached) are hereby rescinded.

Dated at Saint Paul, Minnesota this 26th day of October, 2011.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: 

Brian Napstad, Chair

Board Resolution # 11-19

Reinvest in Minnesota (RIM) Reserve – Wetlands Reserve Program (RIM-WRP) Partnership: Payment Rates & 2011 Sign-up

WHEREAS anticipated 2011 RIM Reserve funding from the Outdoor Heritage Fund (OHF) is intended to leverage Federal Wetlands Reserve Program (WRP) funds appropriated to the Natural Resources Conservation Service (NRCS);

WHEREAS the RIM Reserve Conservation Easement Program is administered by BWSR in cooperation with local Soil and Water Conservation Districts (SWCDs);

WHEREAS SWCDs will be reimbursed for their services related to the RIM-WRP Partnership at the approved RIM service rate as established in Resolution #08-84;

WHEREAS the Board has authorized staff to work with Minnesota NRCS to develop RIM-WRP Partnership payment rates, eligibility, and sign-up procedures for the RIM-WRP Partnership;

WHEREAS the Board and NRCS staff in consultation with the University of Minnesota Applied Economics Department, have determined that the most recent Average Assessed Tillable Value (AATV) by township as established by the Minnesota Department of Revenue is the most relevant, consistent and available land value data to use as the basis for easement payment rates as posted at the Minnesota Land Economic Website: www.landeconomics.umn.edu;

WHEREAS the Minnesota NRCS has adopted Geographic Area Rate Caps (GARC's) for townships which correspond to the Average Assessed Tillable Value as determined by county assessors for their WRP permanent easement rate on cropland. For non-cropland WRP has established 60% of AATV as their easement rate;

WHEREAS the Minnesota NRCS has adopted a 30-year WRP payment rate, specific to the RIM-WRP Partnership, of 75% AATV for cropland acres and 45% of AATV for non-cropland acres;

WHEREAS a subcommittee may be appointed by the chair of the BWSR to review the applications and make project selections in coordination with Minnesota NRCS;

WHEREAS the BWSR RIM Reserve Management Planning Committee met on Wednesday, February 23rd, 2011 and unanimously recommends the following provisions to successfully implement the RIM-WRP Partnership Program;

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to develop and implement the RIM-WRP Partnership as follows:

1. Continuous enrollment period to begin no sooner than April 2011 for the RIM-WRP Partnership.

2. Staff is authorized to develop eligibility, prioritization, sign-up and selection procedures for the RIM-WRP Partnership.

3a. 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 and not to exceed 60% of AATV.

3b. 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.

3c. Rates are to be calculated using the most current township average tillable property value as established by the Minnesota Department of Revenue.

Dated at Saint Paul, Minnesota this 23rd day of March, 2011.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: 

Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: RIM-WRP ENRTF ALLOCATION

Meeting Date: October 26, 2011

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

Item Type: ☐ Decision ☐ Discussion ☐ Information

Section/Region: Conservation Easement

Contact: Kevin Lines

Prepared by: Kevin Lines

Reviewed by: RIM Reserve Management Planning Committee(s)

Presented by: Kevin Lines

☐ **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: Environment and Natural Resources Trust Fund

ACTION REQUESTED

The Board is requested to approve the recommendation of the RIM Reserve Management Planning Committee (RRMPC) to authorize the allocation of $1.645M in Environment and Natural Resources Trust Fund (ENRTF) to the RIM-WRP partnership to be used in the NRCS approved MRBI-WREP Crooked Lake project in Douglas County.

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

The RRMPC met on October 14, 2011 to review and recommend the following to successfully implement the RIM-WRP Partnership in the NRCS approved MRBI-WREP Crooked Lake project in Douglas County.

The Board received $1.645 ENRTF for the RIM-WRP Partnership. This authorizes designation of these funds to this project, and authorizes staff to successfully implement the RIM-WRP Partnership in the NRCS approved MRBI-WREP Crooked Lake project in Douglas County.

Board Resolution # 11-80

RIM RESERVE – WETLANDS RESERVE PROGRAM (RIM-WRP) PARTNERSHIP

2011 ENVIRONMENT NATURAL RESOURCES TRUST FUND (ENRTF) ALLOCATION

WHEREAS the Minnesota State Legislature appropriated $1.645 million of ENRTF dollars to the RIM Reserve Conservation Easement Program (RIM Reserve) in the 2011 Special Session, Chapter 2, Article 3, Section 2, Subd. 9 to acquire permanent conservation easements and restore wetlands and associated upland habitat in cooperation with the United States Department of Agriculture (USDA) Wetlands Reserve Program (WRP);

WHEREAS the RIM-WRP Partnership is possible through collaboration of many local, state and federal partners including Ducks Unlimited (DU), the Minnesota Waterfowl Association (MWA), Pheasants Forever (PF), the Minnesota Department of Natural Resources (MN DNR), and the United States Fish and Wildlife Service (USFWS);

WHEREAS the RIM-WRP Partnership permanently protects and restores previously drained wetland and adjacent native grasslands to achieve the greatest wetland functions and values, while optimizing wildlife habitat on private lands enrolled in the Partnership;

WHEREAS the Crooked Lake Restoration Project in Douglas County was identified by the aforementioned partners as a critical and unique opportunity to achieve habitat restoration and water quality and water storage benefits in the upper part of the Sauk River Watershed;

WHEREAS BWSR senior management staff solicited project suggestions for meeting the goals of the ENRTF appropriation and recommended the Crooked Lake Project in Douglas County for consideration;

WHEREAS the RIM Reserve is administered by the BWSR in cooperation with local Soil and Water Conservation Districts (SWCDs);

WHEREAS SWCDs will be reimbursed for their services using the most current RIM Reserve services rate;

WHEREAS RIM Reserve funding may be intended or directed to leverage federal WRP funds appropriated to the NRCS;

WHEREAS the Board has established the RIM-WRP Partnership payment rates and RIM Reserve payment rates;

WHEREAS the Board's RIM Reserve Management Planning Committee met on Friday, October 14, 2011 to review and recommends the allocation of $1.645M ENRTF to be used in the Crooked Lake MRBI-WREP Crooked Lake project in Douglas County;

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to work with Minnesota NRCS and Douglas SWCD to develop the RIM-WRP Partnership eligibility, selection criteria and sign-up procedures for the NRCS approved MRBI-WREP Crooked Lake project in Douglas County to successfully implement the RIM-WRP Partnership in recognition of, and consistent with, the findings noted above.

Dated at Saint Paul, Minnesota this 26th day of October, 2011.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____

Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: RIM Red River Wetland Restoration Initiative

Meeting Date: October 26, 2011

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

Item Type: ☐ Decision ☐ Discussion ☐ Information

Section/Region: Conservation Easement

Contact: Kevin Lines

Prepared by: Kevin Lines

Reviewed by: RIM Reserve Mgmt Planning Committee(s)

Presented by: Kevin Lines

☐ **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

The Board is requested to approve the recommendation of the RRMPC to authorize the allocation of up to $5M in Capital Budget RIM Reserve Funds to the NRCS approved Wetland Conservation Initiative for the Red River of the North Watershed.

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

The RRMPC met on October 14, 2011 to review and recommend the following to successfully implement the RIM-WRP Partnership in the Wetland Conservation Initiative for the Red River of the North Watershed project.

The BWSR received $20M in capital budget investment bonds in 2011 for the RIM Reserve Program. This authorizes the allocation of up to $5M to the RIM-WRP Partnership to be used in the NRCS approved Wetland Restoration Conservation Initiative in the Red River of the North Watershed, and authorizes staff to successfully implement the RIM-WRP Partnership for this initiative.

Board Resolution # 11-81

RIM RESERVE JOINT USDA NRCS WETLAND RESTORATION CONSERVATION INITIATIVE FOR THE RED RIVER OF THE NORTH WATERSHED

WHEREAS the Minnesota State Legislature appropriated $20 million of Capital Investment Bonds to the RIM Reserve Conservation Easement Program (RIM Reserve) in the 2011 Special Session, Chapter 12, Section 7, Subd. 2 to acquire conservation easements to preserve, restore, create, and enhance wetlands; restore and enhance rivers and streams, riparian lands, and associated uplands in order to protect soil and water quality; to support fish and wildlife habitat, reduce flood damage, and to provide other public benefits;

WHEREAS the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) established a multi-year *Wetland Restoration Conservation Initiative for the Red River of the North Watershed*, with input from many partners to utilize the Wetlands Reserve Program (WRP) to address concerns related to loss of wildlife habitat, water quality and water quantity concerns;

WHEREAS NRCS has been provided assistance from many partners including the Minnesota Board of Water and Soil Resources (BWSR), local Soil and Water Conservation Districts (SWCDs), watershed districts, water boards and the newly established Red River Retention Authority (RRRA);

WHEREAS the RRRA has served as a facilitating body for this project and other efforts in the Red River basin focused on natural resources concerns and inter-governmental cooperation. In this role, the RRRA has assisted NRCS with project guidelines, priorities and outreach;

WHEREAS the RRRA proposed and NRCS accepted the concept of the location of an easement relative to Red River peak flows;

WHEREAS Red River watershed districts have completed a complex and coordinated hydrologic modeling project which delineated very high to very low areas and their contributions to peak flows in the Red River basin;

WHEREAS this hydrologic modeling allows NRCS and local partners to focus easement acquisition in areas that have the highest potential to reduce peak flows to the Red River while providing wildlife habitat where the most cost-effective dollars spent can be realized;

WHEREAS future WRP easement applications will be brought forward by local partners as well as through the NRCS normal WRP application process;

WHEREAS partner applications are expected to maximize flood mitigation benefits while also providing wildlife and water quality benefits, and regular WRP applications funded will achieve the greatest wetland function and values while optimizing wildlife habitat on the lands enrolled in the easement;

WHEREAS the RIM-WRP Partnership, the premier private lands conservation easement program in the nation, is a local-state-federal partnership delivered locally by NRCS, the SWCDs and the BWSR;

WHEREAS the RIM Reserve is administered by the BWSR, in cooperation with local Soil and Water Conservation Districts (SWCDs);

WHEREAS SWCDs will be reimbursed for their services using the most current RIM Reserve services rate;

WHEREAS the RIM-WRP Partnership is possible through the collaboration of many local, state, and federal partners included but not limited to Ducks Unlimited (DU), Pheasants Forever (PF), Minnesota Waterfowl Association (MWA), the Nature Conservancy (TNC), the Minnesota Department of Natural Resources (MN DNR), United States Fish and Wildlife Service (USFWS), and watershed districts;

WHEREAS the Board has established the RIM-WRP Partnership payment rates and RIM Reserve payment rates;

WHEREAS a Minnesota Wetlands Restoration Evaluation worksheet and the hydrologic modeling will be used to score and rank applications for the RIM-WRP Partnership in the *Wetland Restoration Conservation Initiative for the Red River of the North Watershed* project areas;

WHEREAS of RIM Reserve bond funding was sought, in part, to leverage federal WRP funds appropriated by the NRCS for Minnesota's approved *Wetland Restoration Conservation Initiative for the Red River of the North Watershed* project;

WHEREAS a subcommittee may be appointed by the Chair of the BWSR to review the applications and make project selections in coordination with Minnesota NRCS;

WHEREAS the BWSR RIM Reserve Management Planning Committee met on Friday, October 14, 2011 to review and recommend the following provisions to successfully implement the RIM-WRP Partnership in the USDA-NRCS *Wetland Restoration Conservation Initiative for the Red River of the North Watershed* project areas in Minnesota in recognition of and consistent with the findings noted above;

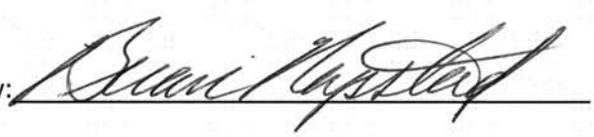
NOW, THEREFORE, BE IT RESOLVED, THAT, the Board authorizes staff to:

1. Allocate up to $5M for the Wetland Restoration Conservation Initiative for the Red River of the North Watershed project and implement the project consistent with this and other relevant Board policies, and

2. Work with Minnesota NRCS and local project review teams and sponsors to develop the RIM-WRP Partnership eligibility, sign-up procedures, and project selection for the RIM-WRP Partnership to be used in the approved USDA-NRCS *Wetland Restoration Conservation Initiative for the Red River of the North Watershed* project areas.

Dated at Saint Paul, Minnesota this 26th day of October, 2011.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: 

Brian Napstad, Chair

Board of Water and Soil Resources

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: RIM PARTNERS IN MRBI-WREP

Meeting Date: October 26, 2011

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

Item Type: ☐ Decision ☐ Discussion ☐ Information

Section/Region: Conservation Easements

Contact: Kevin Lines

Prepared by: Kevin Lines

Reviewed by: RIM Reserve Management Planning Committee(s)

Presented by: Kevin Lines

☐ **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

The Board is requested to approve the recommendation of the RRMPC to authorize the allocation of up to $5M in capital budget RIM Reserve funds to the NRCS approved Mississippi River Basin Initiative-Wetlands Reserve Enhancement Program (MRBI-WREP) in three approved project areas.

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

The RRMPC met on October 14, 2011 to review and recommend the following to successfully implement the RIM-WRP Partnership in the NRCS MRBI-WREP approved project areas.

The BWSR received $20M in capital investment bonds in 2011 for the RIM Reserve Program. This authorizes the allocation of up to $5M to the RIM-WRP Partnership, and authorizes staff to successfully implement the RIM-WRP Partnership in the approved MRBI-WREP project areas.

Board Resolution # 11-82

RIM RESERVE PARTNERS IN USDA NRCS MISSISSIPPI RIVER BASIN INITIATIVE (MRBI) WETLANDS RESERVE ENHANCEMENT PROGRAM (WREP)

WHEREAS the Minnesota State Legislature appropriated $20 million of Capital Investment Bonds to the RIM Reserve Conservation Easement Program (RIM Reserve) in the 2011 Special Session, Chapter 12, Section 7, Subd. 2 to acquire conservation easements to preserve, restore, create, and enhance wetlands; restore and enhance rivers and streams, riparian lands, and associated uplands in order to protect soil and water quality; to support fish and wildlife habitat, reduce flood damage, and to provide other public benefits;

WHEREAS the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) established the Mississippi River Basin Healthy Watersheds Initiative (MRBI) Wetland Reserve Enhancement Program (WREP) in 2010. Under MRBI-WREP, NRCS links with partners to help address conservation concerns and opportunities within the watershed of the Mississippi River Basin. In approved, MRBI-WREP project areas, funds are available through the Wetlands Reserve Program (WRP);

WHEREAS under MRBI-WREP, NRCS selected three focus watershed areas for funding in Minnesota in 2010. Their hydrologic unit codes (HUC) have been selected to improve water quality by reducing nitrogen and sediment levels in the watersheds of the Mississippi River Basin, as well as improve wildlife habitat and restore wetlands;

WHEREAS local partnerships in the following three approved NRCS MRBI-WREP project areas were approved for multi-year funding in Minnesota. They are the 1) Lower Root River located in Houston County, 2) the Cedar River in Mower county, and 3) Crooked Lake in Douglas County;

WHEREAS the RIM Reserve is administered by the BWSR, in cooperative with local Soil and Water Conservation Districts (SWCDs);

WHEREAS SWCDs will be reimbursed for their services using the most current RIM Reserve services rate;

WHEREAS RIM Reserve bond funding was sought, in part, to leverage federal WRP funds appropriated by the NRCS for Minnesota's approved MRBI-WREP projects;

WHEREAS the RIM-WRP Partnership, the premier private lands conservation easement program in the nation, is a local-state-federal partnership delivered locally by NRCS, the SWCDs and the BWSR;

WHEREAS the RIM-WRP Partnership is possible through the collaboration of many local, state, and federal partners included but not limited to Ducks Unlimited (DU), Pheasants Forever (PF), Minnesota Waterfowl Association (MWA), the Nature Conservancy (TNC), the Minnesota Department of Natural Resources (MNDNR), and the United States Fish and Wildlife Service (USFWS);

WHEREAS the Board has established the RIM-WRP Partnership payment rates and the RIM Reserve payment rates;

WHEREAS the Board authorized staff to work with Minnesota NRCS and project sponsors to develop the RIM-WRP Partnership eligibility, sign-up procedures, and project selection for the RIM-WRP Partnership to be used in the approved MRBI-WREP project areas;

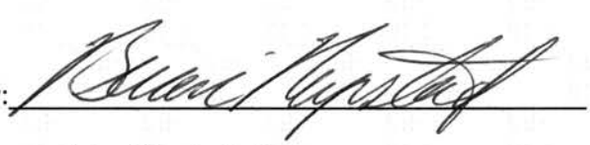
WHEREAS a subcommittee may be appointed by the Chair of the BWSR to review the applications and make project selections in coordination with Minnesota NRCS;

WHEREAS the BWSR RIM Reserve Management Planning Committee met on Friday, October 14, 2011 to review and recommend the following provisions to successfully implement the RIM-WRP Partnership in the NRCS approved MRBI-WREP project areas in Minnesota in recognition of and consistent with the findings noted above;

NOW, THEREFORE, BE IT RESOLVED, THAT, the Board authorizes staff to allocate up to $5M for the three NRCS MRBI-WREP project areas and implement the projects consistent with this and other relevant Board policies.

Dated at Saint Paul, Minnesota this 26th day of October, 2011.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: 

Brian Napstad, Chair

Board of Water and Soil Resources

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: RIM OUTDOOR HERITAGE FUND (OHF) SHALLOW LAKES SHORELANDS

Meeting Date: October 26, 2011

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

Item Type: ☐ Decision ☐ Discussion ☐ Information

Section/Region: Conservation Easement

Contact: Kevin Lines

Prepared by: Kevin Lines

Reviewed by: RIM Reserve Management Planning Committee(s)

Presented by: Kevin Lines

☐ **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

The Board is requested to approve the recommendations of the RRMPC to authorize the allocation of $1.891M in Outdoor Heritage Funds (OHF) to the RIM Reserve Shallow Lakes Shoreland Protection on Wild Rice Lakes Project. The Board is further requested to establish a payment rate for this project of 60% of the most recently assessed taxable market value of the land as determined by the county assessor of the county where the land is located.

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

The RRMPC met on October 14, 2011 to review and recommend the following to sucessfully implement a new RIM Reserve Shallow Lakes Shoreland Protection on Wild Rice Lakes Project in North Central MN. This project is funded with OHF dollars. This authorizes the allocation of $1.891M in Outdoor Heritage Funds (OHF) to the RIM Reserve Shallow Lakes Shoreland Protection on Wild Rice Lakes Project, authorizes the payment rate described above, and authorizes staff to develop eligibility, sign-up and selection procedures to be used in the RIM Reserve Shallow Lakes Shoreland Protection on Wild Rice Lakes Project.

Board Resolution # 11-83

RIM RESERVE OUTDOOR HERITAGE FUNDED (OHF)
SHALLOW LAKES SHORELAND PROTECTION ON WILD RICE LAKES PROJECT

FUND ALLOCATION, ELIGIBILITY, PAYMENT RATES AND SIGN-UP PROCEDURES

WHEREAS the Minnesota State Legislature appropriated $1.891M of Outdoor Heritage Funds (OHF) for fiscal year 2012, to the Board of Water and Soil Resources (BWSR) for an agreement with Ducks Unlimited (DU) to acquire wild rice lake shoreland habitat in fee or a permanent conservation easement interest as follows: $500,000 to the Department of Natural Resources (MN DNR); $1,100,000 to the BWSR and $291,000 to DU;

WHEREAS Minnesota has more acres of natural wild rice than any other state in the country, and wild rice is an important social and cultural component for Native American tribes and rural Minnesota communities;

WHEREAS The Lessard-Sams Outdoor Heritage Council's top priority action identified for the northern forest section of Minnesota is to "protect shoreland and restore and enhance critical habitat on wild rice lakes and shallow lakes;

WHEREAS BWSR and DU will work closely with the local SWCD to offer permanent shoreland conservation easements on shallow lakes through the RIM Reserve Conservation Easement Program (RIM Reserve) (500 acres) and DU's conservation easement program (50 acres). Additionally, the MN DNR will also secure fee-title acquisitions (50 acres) on key tracts when landowners prefer to sell fee-title rather than an easement interest, and has holdings in public land a key parcel adjacent to public land;

WHEREAS the RIM Reserve is administered by the BWSR in cooperation with local SWCDs;

WHEREAS the SWCDs will be reimbursed for their services using the most current RIM Reserve services rate;

WHEREAS the Board has authorized staff to work with DU, MN DNR, and the involved SWCDs to successfully develop and implement the *Shallow Lakes Shoreland Protection on Wild Rice Lakes Project* in eight counties, specifically Aitkin, Carlton, Cass, Crow Wing, Hubbard, Itasca, St. Louis, and Wadena counties in north central Minnesota, consistent with all statute and provisions;

WHEREAS BWSR, DU and involved SWCDs will target specific tracts identified based on the degree to which they will add to the base of land in permanent protection around the targeted 117 shallow wild rice lakes as identified by the Wild Rice Working Group;

WHEREAS BWSR, DU and the involved SWCDs have been evaluating payment formula method alternatives which would create an effective easement payment rate for the *Shallow Lakes Shoreland Protection on Wild Rice Lakes Project i*n north central Minnesota;

WHEREAS BWSR, DU and involved SWCD staff are recommending a payment rate for this project to be 60% of the most recent assessed taxable market value of the land as determined by the county assessor of the county where the land is located;

WHEREAS the BWSR RIM Reserve Management Planning Committee met on October 14, 2011 to review and recommend the following provisions to successfully implement the *Shallow Lakes Shoreland Protection on Wild Rice Lakes Project* through the RIM Reserve;

NOW, THEREFORE, BE IT RESOLVED THAT, the Board authorizes staff to:

1. develop eligibility, prioritization, sign-up and selection procedures, and;

2. establish payment rates for the *Shallow Lakes Shoreland Protection on Wild Rice Lakes Project* at 60% of the most recently assessed taxable market value of the land as determined by the county assessor of the county where the land is located.

Dated at Saint Paul, Minnesota this 26th day of October, 2011.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: 

Brian Napstad, Chair

OLD BUSINESS

1. Clean Water Fund/Outdoor Heritage Fund RIM Reserve Riparian Buffer – Kevin Lines – ***INFORMATION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: RIM CWF & OHF RIM RESERVE BUFFERS

Meeting Date: October 26, 2011

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

Item Type: ☐ Decision ☐ Discussion ☒ Information

Section/Region: Conservation Easement

Contact: Kevin Lines

Prepared by: Kevin Lines

Reviewed by: RIM Reserve Management Planning Committee(s)

Presented by: Tabor Hoek/Kevin Lines

☐ **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*)
The RRMPC met on October 14, 2011 to review and recommend the ranking process and timeline for the CWF and OHF RIM Reserve Riparian Buffer Conservation Easement Project.

At the September 28, 20011 Board meeting, staff were authorized to develop a ranking process which may include the following: project description, anticipated outcomes, project readiness, and prioritization and relationship to plan. In today's presentation, easement staff is outlining the ranking process and timelines for the Board's review. The proposed timeline is as follows:

Sept. 2011	BWSR Authorized CWF-OHF Funded RIM Riparian Buffer Program for FY 2012.
October 2011	BWSR Board review of program criteria.
November 2011	Complete ranking criteria. Specifically, Ecological Ranking Tool and RFP online worksheet.
December/January 2012	Conduct RFP with SWCD's to identify priority project areas for enrollment.
February 2012	Collect RFP; select SWCD's to conduct sign-up in project areas.
March/April 2012	Landowner application.
May 2012	Local prioritization and BWSR funding allocation.

2012 Clean Water Fund & Lessard-Sams Outdoor Heritage Council RIM Proposal





TARGET DATES	GOALS
September 2011	BWSR Board authorizes program
October 2011	BWSR Board reviews timeline and ranking criteria
November 2011	SWCD program training and RFP process to identify local priority project areas
January 2012	Select SWCD project areas where sign-up will be held
February – March 2012	Landowner sign-up period
April 2012	SWCD screening committee prioritize applications
May 2012	BWSR allocates funding to applications

BWSR CWF/LSOHC Buffer Review and Scoring Criteria

	#1	#2	#3

1 PROJECT AREAS 30 pts.

a&b) Is project area well defined and of manageable size-
<250ac.= 10 pt.s
251-500ac.=5pts.
>500 ac.=0pts.

c) Land use in riparian zone
% cropland x 10 pts.
% CRP x 10pts.

2 PLAN RELATIONSHIP 25 pts.

a) how well documented in plan 0-5pts.
b)is this important to the organization 0-5pts.
c) have inventory or evaluation been completed 0-5pts.
d)are local controls being implemented 0-10pts.

3 ANTICIPATED OUTCOMES 25 pts.

a) opportunity to achieve multiple projects together-lineal protection 0-5 pts.

b) Critical lands evaluation tool score 0-20pts. From tool map

4 WILLDLIFE OPPORTUNITY 20 pts.

a) is this within the LSOHC Prarie Planning Unit 0 or 5pts
b) are their documented opportunities to link buffers with existing protected habitats 0-15pts.

5 READINESS TO PROCEED 15 pts.

a)SWCD experience with processing easements 0=low5=high
b)Landonwers interested, staff time available and a priority to implement the resulting easements yes=10ptmaybe=5 no=0

6 PROJECT MAPPING 10 pts.

a) project area map is clear, includes CRP, adjacent habitats, landuse and will serve as
an excellent base to implement this project 0-10pts.

TOTAL SCORE (125MAX) PER PROJECT AREA

NEW BUSINESS

1. Ag Wetlands – WCA/Swampbuster BWSR/NRCS Implementation Agreement – John Jaschke and Julie Blackburn – ***INFORMATION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Ag Wetlands - WCA/Swampbuster BWSR/NRCS Implementation Agreement**

Meeting Date: _____

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: Julie Blackburn and John Jaschke

☐ **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*)
On September 21, 2011, the BWSR and the USDA-Natural Resources Conservation Service (NRCS) signed an agreement to coordinate the implementation of the Wetland Conservation Act (WCA) and the "Swampbuster" provisions of the Federal Farm bill. Work under this agreement has already begun. Successfully implementing this agreement will significantly improve consistency between WCA and Swampbuster, increase program efficiency, and provide better service to landowners. An overview will be provided as this endeavor is now being launched.

WCA and Swampbuster Coordination

9-21-11 Contribution Agreement between NRCS and BWSR

In December of 2009, BWSR and the USDA Natural Resources Conservation Service signed a Memorandum of Understanding regarding implementation of the Wetland Conservation Act (WCA) and the "Swampbuster" provisions of the federal farm bill. The USDA North Central Wetland Conservation Initiative, a newly funded 4-state initiative aimed at reducing the backlog of certified wetland determinations in the prairie pothole region, provides an opportunity for improved program coordination through joint implementation of certain WCA and Swampbuster provisions. NRCS is currently working with SWCDs in the prairie pothole region of Minnesota to develop contribution agreements for assistance with certain aspects of Swampbuster. A similar process has been in place in Mower County for several years where it has worked well and serves as a working model for additional agreements.

BWSR will also play an important role in the implementation of this program. On September 21, consistent with the 2009 MOU and the goals of both agencies, BWSR and NRCS finalized an agreement defining BWSR's responsibilities and work-products through the end of calendar year 2012. BWSR's responsibilities under the contribution agreement with NRCS are summarized below.

- Wetland Determinations. BWSR will assist NRCS by providing certified wetland documentation for producers. The documentation provided will include information regarding the eligibility for certain WCA exemptions. BWSR will also assist with appeals of certified determinations.

- Consistency. BWSR will be responsible for overall quality control and oversight of SWCD staff performing work for NRCS under separate contribution agreements. This will include the periodic review of SWCD work-products and establishing a process for resolving potential violations of both programs.

- Mitigation. BWSR will work with NRCS to develop an interagency MOU for jointly acceptable wetland replacement standards and the operation of a single-use wetland bank for agricultural mitigation.

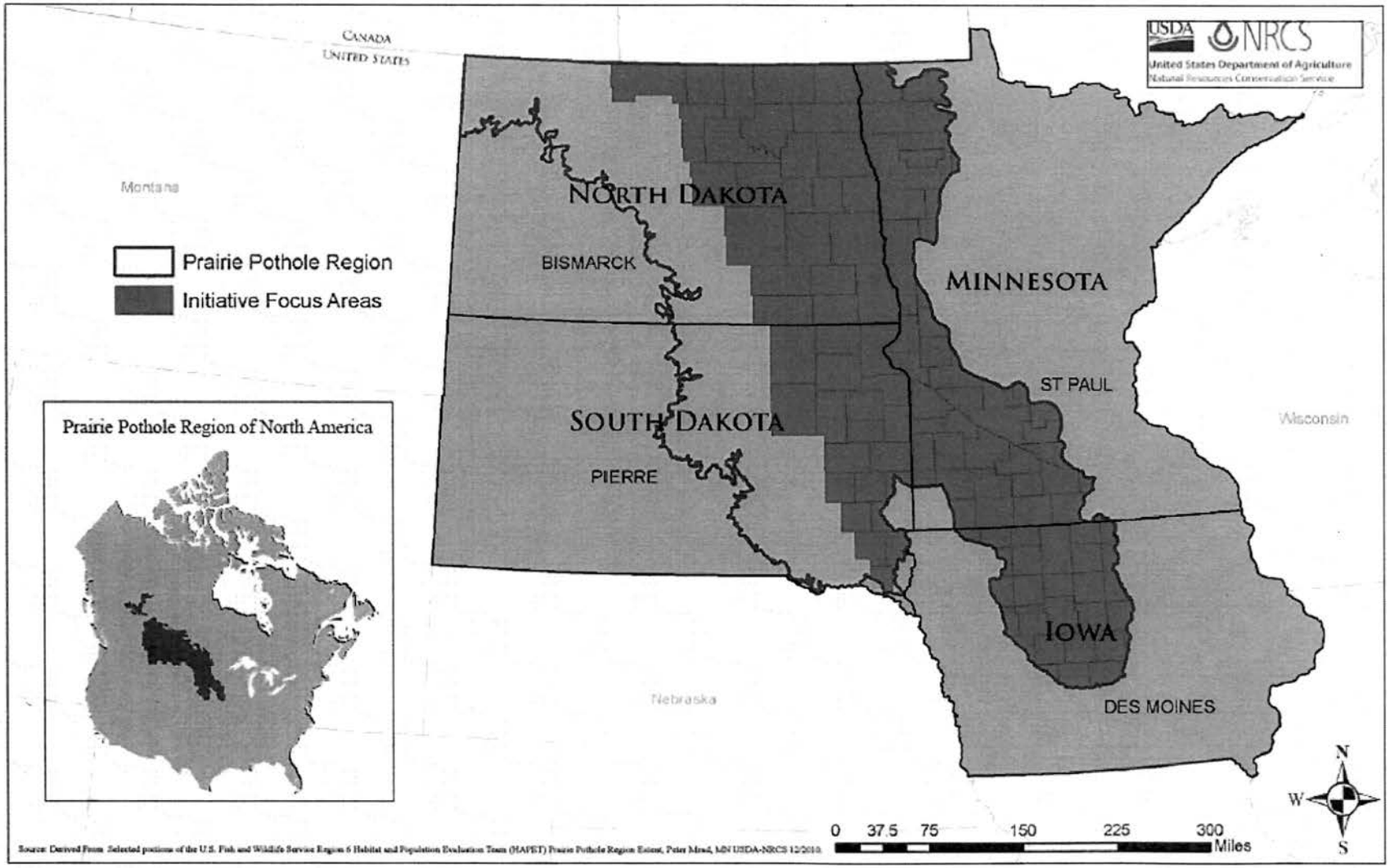
- Agricultural Wetland Banking. BWSR will manage the banking system and develop the appropriate forms, guidance, and procedures for joint use of the agricultural bank. Training and outreach will also be provided regarding banking procedures.

- Training. BWSR, through the Wetland Delineator Certification Program, will provide wetland delineation training for approximately 40 SWCD staff, including an opportunity for certification by WDCP. BWSR will also assist NRCS with other training sessions, drainage forums, and meetings relating to wetlands on agricultural lands.

- Technical Tools. BWSR will assist in the development of technical tools such as setback tables, wetland models, and the digital scanning of aerial imagery.

The total amount of funding provided by NRCS for this agreement is $455,495. BWSR will contribute a minimum of 25% of the time and costs of completing each identified work-product. Work under the agreement has already begun. Successfully implementing this agreement will significantly improve consistency between WCA and Swampbuster, increase program efficiency, and provide better service to landowners.
9-22-11

9-22-11



North Central Wetland Conservation Initiative

Prairie Pothole Region Focus Areas

Total Focus Area Acres: 55,200,823 Acres / 83,126 Square Miles

State	Acres	Sq Miles	% Focus Area
Iowa	7,842,676	12,254	15
Minnesota	16,524,703	25,820	31
North Dakota	19,079,480	29,812	36
South Dakota	9,753,963	15,241	18
Total	53,200,823	83,126	100

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, DECEMBER 14, 2011

BOARD MEMBERS PRESENT:
Chris Elvrum, MDH; Paul Brutlag, Quentin Fairbanks, Rebecca Flood, PCA; Sandy Hooker, Paul Langseth, Tom Loveall, Keith Mykleseth, Brian Napstad, Tom Landwehr, DNR; Faye Sleeper, MES; Louise Smallidge, Gene Tiedemann, LuAnn Tolliver, Gerald Van Amburg, Matt Wohlman, MDA

BOARD MEMBERS ABSENT:
Bob Burandt
Christy Jo Fogarty
Todd Foster
John Meyer

STAFF PRESENT:
Mary Jo Anderson, Julie Blackburn, Don Buckhout, Natasha DeVoe, Travis Germundson, Jim Haertel, John Jaschke, Al Kean, Melissa Lewis, Jeff Nielsen, Dave Weirens, Marcey Westrick, Steve Woods, Brad Wozney

OTHERS PRESENT:
Lance Yohe and Julie Goehring, RRBC
Kent Francis, President Lower MN River WD
Terry Schwalbe, District Administrator, Lower MN River WD
Della Young, Consultant, Lower MN River WD
LeAnn Buck, MASWCD
Tim Kelly and Harley Ogeta, Coon Creek WD

Chair Napstad called the meeting to order at 9:05 a.m.

PLEDGE OF ALLEGIANCE

** 11-85 **ADOPTION OF AGENDA** – Moved by Louise Smallidge, seconded by Paul Langseth, to adopt the agenda as presented. Motion passed on a voice vote.

** 11-86 **MINUTES OF OCTOBER 26, 2011** – Moved by Paul Langseth, seconded by LuAnn Tolliver, to approve the minutes of October 26, 2011, as circulated. Motion passed on a voice vote.

CONFLICT OF INTEREST DECLARATION -
Chair Napstad reported that there are three agenda items today that need the Conflict of Interest Declaration form submitted. Chair Napstad stated that the declaration process is being used on the following decisions:

- FY2012 Clean Water Fund Competitive Grant Awards
- FY2012 Cooperative Weed Management Area Grants
- FYs '12 and '13 Red River Basin Commission Administrative Grants

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. At 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. John explained BWSR's conflict of interest policy for grant authorizations. The Conflict of Interest Declaration document will be filed for the grant decision items.

REPORTS
Chair's Report – Brian Napstad reported that he attended the Environmental Quality Board (EQB) meeting in November. EQB meeting discussions included: a project turned over to MPCA; rulemaking by EQB regarding EAWs to comply with legislative modifications; John Jaschke presented BWSR's Strategic Plan Update. Chair Napstad stated that BWSR was the first agency to present their Strategic Plan and EQB appreciated John's presentation. Chair Napstad stated that EQB discussion also included Governor Dayton's recommendations for streamlining the environmental review programs; improvement of environmental permitting process; governance, and the energy report card.

Chair Napstad reported that he attended the AMC convention; ongoing discussions regarding timber sales, wetland mitigation, and NCLUCB topics. Chair Napstad reported that Al Kean attended the AMC convention and conducted a drainage workshop; and Julie Blackburn presented information regarding the Environmental and Natural Resources Policy Committee. Chair Napstad appreciated BWSR's involvement at AMC.

Administrative Advisory Committee (AAC) – Brian Napstad reported that the AAC met this morning. Items discussed included legislation/budget forecast; Legacy Audit reports, Disaster Audit in-process; Committee meetings; and succession planning. Four board members' terms expire in January 2012: LuAnn Tolliver, Paul Brutlag, Louise Smallidge, and Sandy Hooker. Chair Napstad will need to appoint new Committee chairs and assignments to Committees will be reviewed. Board members interested in serving on certain Committees should contact Chair Napstad.

Executive Director's Report – John Jaschke reviewed information in board members' packets, "For Your Information". John reported that the Office of the Legislative Auditor (OLA) completed two audits: 1) "Legacy Funds: Outdoor Heritage, Clean Water, and Parks and Trails" and 2) "The Legacy Amendment". The audit reports are now available on the OLA website, if board members would like a hard copy of the audits, copies will be provided.

DNR Commissioner Landwehr asked how agencies make sure we have the right roadmap to impact funding, as noted in the program audit of the Clean Water Council; accountability and transparency. John stated that BWSR will be hiring an auditor position in early 2012 to assist with auditing programs/grants. Keith Mykleseth stated that extra funding causes extra work, thus more staff needed.

John reported that the Outdoor Heritage Council has a list of $97M worth of projects; BWSR involved in some of those endeavors. John reported that wetland mitigation policy adjustments are beginning to move forward. John reported that BWSR has been in contact with USDA regarding a "Certainty MOU" providing an opportunity for private landowners and agriculture producers that have sufficient conservation to be recognized.

Dispute Resolution Committee – Paul Brutlag reported that BWSR's decision at the October 26, 2011, Board meeting regarding the Waseca SWCD matter has been appealed and sent to the Court of Appeals; however, the request for stays by Waseca SWCD and DNR have been withdrawn. The DRC meeting scheduled for today has been cancelled.

Travis Germundson reported that 13 appeals are pending; all involve WCA, and one new appeal has been received. Travis provided an update on the pending appeals.

Wetland Committee – LuAnn Tolliver reported that the Wetland Committee met in October, recommendations are on the agenda later today. The Wetland Committee will meet in January; date to be determined.

Grants Program & Policy Committee – Louise Smallidge reported that the Grants Program & Policy Committee met last month, the recommendations will be presented on the agenda later today. The Grants Program & Policy Committee will meet again in January. Louise stated that she needs to leave the Board Meeting today at 11:30 to attend the Washington Conservation District monthly meeting.

Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth reported that the Public Relations, Outreach & Strategic Planning Committee met in September and will meet again in January. Keith stated that Don Buckhout will provide an update on the BWSR Strategic Plan later today.

RIM Reserve Management Planning Committee – Paul Brutlag reported that the RIM Reserve Management Planning Committee will meet on January 4 to review the current process.

Drainage Work Group – Tom Loveall reported that Drainage Work Group met twice since the last Board meeting. Tom acknowledged the great work of Al Kean and his expertise on drainage issues. Tom reported that the Drainage Work Group discussed: 1) sharing information about recent and upcoming conferences and forums where drainage was or is on the agenda; 2) Smith Partners LCCMR report recommendations MN Drainage Law Analysis and Evaluation; and 3) Julie Blackburn provided an update regarding Swampbuster and WCA coordination associated with the contribution agreement between NRSC and BWSR. Al Kean reported that a drainage management engineer has been hired. Kyle Skov, will start in January and be located in the BWSR Rochester office. Chair Napstad thanked Al Kean for his presentation at the AMC annual meeting.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Valley Branch WD Watershed Management Plan Amendment – Melissa Lewis reported that the Metro Water Planning Committee met on November 29, 2011, reviewed the plan amendment that incorporates natural resource data, issues, and goals for approximately five square miles of the former Lower St. Croix Watershed Management Organization (LSCWMO) into the Plan. The information incorporated is

consistent with the former LSCWMO Watershed Management Plan. The Metro Water Planning Committee unanimously recommends approval of the Valley Branch WD
** Watershed Management Plan Amendment. Moved by Louise Smallidge, seconded by
11-87 Keith Mykleseth, to approve the Valley Branch Watershed District Watershed Management Plan amendment. Motion passed on a voice vote.

Lower Rum River WMO Revised Watershed Management Plan – Melissa Lewis reported that the Metro Water Planning Committee reviewed Lower Rum River WMO
** Revised Watershed Management Plan, and unanimously recommends approval.
11-88 Moved by Rebecca Flood, seconded by Louise Smallidge, to approve the Lower Rum River WMO Revised Watershed Management Plan. Motion passed on a voice vote.

Lower Minnesota River WD Revised Watershed Management Plan – Brad Wozney introduced representatives from the Lower Minnesota River WD (LMRWD): Kent Francis, President; Terry Schwalbe, District Administrator; and Della Young, Consultant. Brad reported that the LMRWD has taken a proactive leadership role in resource management. Brad reported that the Metro Water Planning Committee reviewed the revised plan and unanimously recommends approval of the Watershed Management Plan dated November 2011 for the Lower Minnesota River Watershed District. The Committee further recommends that the LMRWD amend the implementation program of the Watershed Management Plan and have it approved by the Board by the end of 2014 to incorporate the results of the "Strategic Resource Evaluation and Management
** Process" to be completed in 2012 and 2013. Moved by LuAnn Tolliver, seconded by
11-89 Matt Wohlman, to approve the Lower Minnesota River WD Revised Watershed Management Plan, as recommended by the Metro Water Planning Committee. LuAnn Tolliver acknowledged the diligence in working through the process. Terry Schwalbe stated that the LMRWD is committed to implementation of the Plan in a positive way. Motion passed on a voice vote.

Coon Creek Watershed District Enlargement Petition – Jim Haertel introduced Tim Kelly, Coon Creek WD Manager. Jim reported that the Cities of Blaine, Coon Rapids, Fridley and Spring Lake Park filed a petition to enlarge the Coon Creek Watershed District (CCWD). The petition follows the dissolution of the Six Cities WMO that the four cities had been members of. The Metro Water Planning Committee held a public hearing after proper notice had been given. No opposition is contained in the record. The Metro Water Planning Committee recommends approval of the Coon Creek WD enlargement petition. Moved by Louise Smallidge, seconded by Paul Brutlag, to approve the Coon Creek WD enlargement petition and orders the Coon Creek WD amend its watershed management plan within one year of the date of this Order to include the enlarged order. Motion passed on a voice vote.

Southern Water Planning Committee

Dodge County Comprehensive Local Water Management Plan Amendment – Paul Langseth reported that the Southern Water Planning Committee met on November 3, 2011, reviewed the plan amendment and recommends approval of the five-year plan.

** 11-90 Moved by Paul Langseth, seconded by Keith Mykleseth, to approve the Dodge County Comprehensive Local Water Management Plan Amendment for January 1, 2012 – December 31, 2016. Dodge County will be required to provide a complete update of its Water Management Plan prior to December 31, 2016. Discussion followed. Tom Landwehr asked for a one-page summary of the changes/amendments to the Plan. Paul Langseth stated that plan amendments will be requested to provide a summary of the change/amendment. Motion passed on a voice vote.

Faribault County Comprehensive Local Water Management Plan Amendment – Paul Langseth reported that Southern Water Planning Committee reviewed the Faribault County Comprehensive Local Water Management Plan Amendment and

** 11-91 recommends approval. Moved by Paul Langseth, seconded by Sandy Hooker, to approve the Faribault County Comprehensive Local Water Management Plan Amendment for January 1, 2012 – December 31, 2016. Faribault County will be required to provide a complete update of its Water Management Plan prior to December 31, 2016. Tom Loveall, Faribault County Commissioner, abstained from the vote. Motion passed on a voice vote.

Lyon County Comprehensive Local Water Management Plan Amendment – Paul Langseth reported that the Southern Water Planning Committee reviewed the Lyon County Comprehensive Local Water Management Plan Amendment and recommends

** 11-92 approval. Moved by Paul Langseth, seconded by Tom Loveall, to approve the Lyon County Comprehensive Local Water Management Plan Amendment for December 2011 – December 2015. Lyon County will again amend their Plan by December 2015 for the final three years through December 2018. Motion passed on a voice vote.

Martin County Comprehensive Local Water Management Plan Amendment – Paul Langseth reported that the Southern Water Planning Committee reviewed the Martin County Comprehensive Local Water Management Plan Amendment and recommends

** 11-93 approval. Moved by Paul Langseth, seconded by Louise Smallidge, to approve the Martin County Comprehensive Local Water Management Plan Amendment for January 1, 2012 – December 31, 2016. Martin County will be required to provide a complete update of its Water Management Plan prior to December 31, 2016. Motion passed on a voice vote.

Steele County Comprehensive Local Water Management Plan Amendment – Paul Langseth reported that the Southern Water Planning Committee reviewed the Steele County Comprehensive Local Water Management Plan Amendment and recommends approval. Moved by Paul Langseth, seconded by Sandy Hooker, to approve Steele County Comprehensive Local Water Management Plan Amendment for January 1, 2012 – December 31, 2016. Steele County will be required to provide a complete update of its Water Management Plan prior to December 31, 2016. Motion passed on a voice vote.

** 11-94

Sibley County Comprehensive Local Water Management Plan Extension – Paul Langseth reported that the Southern Water Planning Committee reviewed the Sibley County Comprehensive Local Water Management Plan request for a two-year extension (due to staffing and workload issues); deemed the request for extension acceptable, and recommends approval. Moved by Paul Langseth, seconded by Paul Brutlag, to approve the two-year extension of Sibley County Comprehensive Local Water Management Plan until December 31, 2013. Sibley County shall strive to complete the update of their Comprehensive Local Water Management Plan in a timely manner. Motion passed on a voice vote.

** 11-95

John Jaschke reported that the Conflict of Interest Declaration forms have been received, all board members are eligible to vote on the upcoming decision items.

Grants Program & Policy Committee

FY2012 Clean Water Fund Competitive Grant Awards – Dave Weirens reported that the Board authorized staff to proceed with a Request for Proposals for the FY2012 Clean Water Fund Competitive Grants on June 22, 2011. Applications were accepted from August 8, 2011 through September 20, 2011. A total of 248 applications were received requesting $48,464,872 across the seven grant program funds. BWSR staff conducted multiple processes to review and score the applications involving staff from other agencies. The Grants Program and Policy Committee reviewed the staff recommendations on November 17, 2011, and recommends approval. In addition, the Grants Program & Policy Committee recommendation includes shifting funds between funding categories.

Tom Landwehr asked if some of the projects are not worthy, as they cannot all be funded. John stated that the perception of the projects scoring process will be reviewed and ideas generated for subsequent years. John is very confident the projects recommended for funding are solid and will provide water quality benefits. Discussion followed. Dave provided an overview of the Grants Program and Policy Committee recommendations for the FY2012 Competitive Grants Program. The Clean Water Fund projects in seven different program categories include: Clean Water Assistance,

Livestock Waste Management, SSTS Abatement, Accelerated Implementation, Community Partners Conservation Program, Minnesota Department of Health Well Sealing, and Conservation Drainage. Rebecca Flood stated that the funding is targeted by criteria selection. Tom Landwehr asked if partial funding could cover the drainage component of the application, regardless of percentage. John Jaschke stated that the work plan criteria is in the grant agreement. Chair Napstad asked if we disqualify some applications, are we consistently treating the partially funded projects. Dave stated that the applicant will have to rework the application for partial funding; the funding component is consistent. Dave reviewed the resolution as follows:

1) Approves allocations to implement the FY 2012 CWF 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. Clean Water Assistance Grants	$9,498,484
B. Livestock Waste Management Grants	$2,000,000
C. SSTS Abatement Grants	$1,500,000
D. Accelerated Implementation Grants	$1,336,033
E. Conservation Drainage Grants:	$ 638,267
F. Community Partners Conservation Program Grants	$ 860,575
G. MDH Well Sealing Grants	$ 176,575

2) Shift funds as follows:
   A. Up to $557,441 of Community Partners Conservation Program Grant funds to fund Accelerated Implementation projects; and
   B. Up to $307,077 of Conservation Drainage Grant funds to fund Accelerated Implementation projects, and;

3) Authorizes staff to forward a recommendation to the MDA to allocate $600,068 of Agricultural BMP Loan Program funds to projects and activities proposed through BWSR-led competitive grant making processes, and

4) 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) or (2) that may become available, to unfunded projects, in rank order, if funded projects are withdrawn, do not receive workplan approval by March 31, 2012 unless extended for cause, or are modified to reduce the state funding needed to accomplish the project.

** 11-96 Moved by Louise Smallidge, seconded by Rebecca Flood, to approve the Grants Program and Policy Committee's recommendations as presented. Tom Landwehr asked for a friendly amendment to the resolution, adding "the attached scoring results and funding recommendations document" be included, and added as Attachment 8 – FY2012 Clean Water Fund: Scoring Results and Funding Recommendation. Tom Loveall, Faribault County Commissioner, abstained from the vote on the FY2012 Clean Water Fund Competitive Grant Awards. Motion on the amended resolution passed on a voice vote. Chair Napstad thanked the Grants Program and Policy Committee, Dave, and staff for their efforts on the grant funding recommendations.

Chair called for a break at 11:15 a.m. The meeting reconvened at 11:22 a.m. Matt Wohlman left the meeting at 11:22 a.m.

John Jaschke reported that the Conflict of Interest Declaration forms have been received, all board members are eligible to vote on the upcoming decision item.

FY2012 Cooperative Weed Management Area Grants – Dave Weirens distributed the FY2012 Cooperative Weed Management Grants map and Grant Recipient map. Dave reported that the Grants Program and Policy Committee recommends $232,470 of the Cost-Share Roll-Over Funds be awarded to 14 Cooperative Weed Management Area grant applicants. Moved by Louise Smallidge, seconded by Sandy Hooker, to authorize grants to the 14 Cooperative Weed Management Areas applicants as presented. Motion passed on a voice vote.

** 11-97

Louise Smallidge left the meeting at 11:25 a.m.

Public Relations, Outreach & Strategic Planning Committee

BWSR Strategic Plan Update: Status Report – Don Buckhout reported that the Strategic Plan status report was created by the Public Relations, Outreach, and Strategic Planning Committee as a means to communicate BWSR's progress in carrying out the 2007 Strategic Plan. Don provided an overview of the BWSR Strategic Plan Executive Summary 2012 Plan Update. Don reported that there has been an opportunity to present the BWSR Strategic Plan Update to various entities. The spreadsheet is for information; if board members have questions regarding the Strategic Plan, they should contact Don. Tom Landwehr strongly agrees with the Executive Summary 2012 Plan Update; he emphasized the challenges and appreciates the need to address these items. Chair Napstad stated that people have contacted him about letting others know of the Strategic Plan as it brings awareness to BWSR. Keith Mykleseth stated that we need to continually update the Strategic Plan. Gerald Van Amburg, as a new board member, appreciates this very informative Strategic Plan. Paul Langseth suggested that legislators receive a copy of the BWSR Strategic Plan.

John stated that a good time to present the Strategic Plan to the Legislature is during BWSR's biennial budget overview.

Wetland Committee

Wetland Bank Fee Policy: Update Calculated Values – LuAnn reported that the Wetland Committee is adopting the new information from the Department of Revenue on land values, no new policy changes. Dave reported that Statute requires BWSR to collect fees for the management of the wetland banking system. Some of the fees are based on the value of the wetland credits that have been deposited into the Bank. The Board annually updates calculated wetland credit values that account holders can use to pay the required fees. Moved by LuAnn Tolliver, seconded by Paul Brutlag, to adopt
** 11-98 the fee schedule - that BWSR update the wetland credit values by taking the 2011 tillable land values, rural/vacant land values when the ratio of tillable acres to rural/vacant acres is less than 20%, or the average of the before and after deferral green acres values, multiplied by the wetland credit value coefficient of 6.0, with a maximum increase of 75% over the values established in the fee schedule. Discussion followed. Motion passed on a voice vote.

NEW BUSINESS

Red River Basin Commission (RRBC) Long Term Flood Solutions (LTFS) Report – Lance Yohe, RRBC Executive Director, reported that the basin of the Red River of the North, historically subject to widespread chronic flooding, regularly sustains millions of dollars in economic damages for each flood event. The Red River Basin Commission (RRBC) received funding from the MN and ND legislatures to identify structural and nonstructural strategies needed for permanent flood solutions in the basin and recommendations for action for states (individually and collectively) and the federal government to consider as they fund and implement Long Term Flood Solutions (LTFS) for the Red River Basin in Minnesota and North Dakota. These recommendations are built around the basin-wide LTFS "Level of Protection Goals" adopted by the RRBC in 2010 together with related flood risk reduction needs. The recommendations aim to move basin leaders from the usual response of reacting to the most recent major flood experience to a proactive, long-term plan with appropriate protection levels basin wide. If implemented, the recommendations will significantly reduce the risk of flood damages, and minimize disruption and economic loss and thus facilitate and expedite recovery after spring and summer floods.

Lance reported that the Annual Red River Basin Land & Water International Summit Conference will be held January 24-26, 2012, in Winnipeg. Keith Mykleseth stated if numbers are inaccurate in protection levels, people need to know now what changes will be made with the RRBC recommendations. Keith stated that DNR has a great program in flood damage reduction. Tom Landwehr stated that the benefit to MN for the

proposed Corps of Engineers Fargo-Moorhead Diversion project is not the same in ND because of the limited benefit MN would receive in regards to the amount contributed. Discussion followed.

John Jaschke reported that the Conflict of Interest Declaration forms have been received, all board members are eligible to vote on the upcoming decision item.

FYs '12 and '13 Red River Basin Commission Administrative Grants – John Jaschke reported that since 2002 the State of Minnesota has been supporting the Red River Basin Commission (RRBC) to address land and water issues in the basin. The 2011 Legislature appropriated $200,000 to BWSR for RRBC administration in the FY '12 and '13 biennium. The RRBC requests approval of their 2012 and 2013 Workplan,
** 2012 Budget, and authorization of their FYs '12 and '13 allocations. Moved by Quentin
11-99 Fairbanks, seconded by Paul Brutlag, to authorize the FY'12 allocation of $100,000 to the RRBC, and authorize their FY'13 allocation of $100,000, pending RRBC adoption and Board staff approval fo the RRBC 2013 Budget, to be incorporated hereto by reference and located in the Board's office in St. Paul. Motion passed on a voice vote.

Proposed 2012 BWSR Board Meeting Dates – John Jaschke stated that the BWSR Board meets the fourth Wednesday of the month, unless noted. John presented the proposed 2012 meeting dates: January 25; no meeting in February; March 28; April 25; May 23; June 27; no meeting in July; August 22-23 tour and meeting; September 26;
** October 24; no meeting in November; and December 12. Moved by LuAnn Tolliver,
11-100 seconded by Paul Brutlag, to approve the 2012 BWSR Board Meeting dates as presented. Paul Brutlag abstained from voting. Motion passed on a voice vote.

AGENCY REPORTS

Minnesota Department of Health (MDH) – Chris Elvrum distributed promotional water bottles on behalf of MDH and highlighting the Clean Water Land & Legacy Amendment.

Minnesota Extension Service – Faye Sleeper reported that University of Wisconsin received a grant from NRCS for a federally funded project for CRP readiness nationally. Faye will be project-lead for one of the training team groups working in the upper Midwest. The project is happening very quickly, in a two-month time staff will be hired. Faye will bring more information to the January Board meeting; this will be of great interest to BWSR and other agencies.

Minnesota Department of Natural Resources (DNR) –Tom Landwehr reported on a conservation effort regarding a prairie strategic plan, focused on grassed land areas. DNR representatives at the field level, as well as BWSR, John Jaschke and Kevin Lines, are involved. Tom reported that participating agencies are working to develop a

memorandum of understanding. This overall prairie conservation effort brings about good collaboration, efficiency, and promotes economic use of conservation lands. Tom stated that DNR is considering signing-on to this strategic plan and requests that BWSR consider signing-on as well. John Jaschke stated that BWSR is reviewing this; it's a good faith agreement as it does not contractually bind participants. More information to come. Chair Napstad requested that a presentation be made to the Board again.

ADVISORY COMMENTS

Minnesota Association of Soil and Water Conservation Districts (MASWCD) – LeAnn Buck reported the MASWCD annual meeting was held December 4-6. Policy discussions included TMDL standards and established goals. Highlights of the MASWCD annual meeting included a wetland restoration presentation from John Jaschke, Don Baloun, USDA NRCS State Conservationist; and Tamara Cameron, U.S. Army Corps of Engineers Regulatory Branch Chief; on Swampbuster/Wetland Conservation Act coordination, Clean Water Act jurisdictional guidance/rules, agricultural wetland banking, and mitigation policies. LeAnn commends BWSR for the grant funding today; and for the work and support provided to MASWCD on the programmatic efforts. LeAnn, on behalf of MASWCD, thanked all agencies for their representation at the MASWCD convention.

Minnesota Association of Townships (MAT) – Sandy Hooker reported that there was good attendance at the MAT annual meeting; policy resolutions will go before the Legislature in 2012.

UPCOMING MEETINGS – Chair Napstad stated that the next BWSR Board Meeting is January 25, 2012. Chair Napstad wished everyone "Happy Holidays"!

** 11-101 Moved by Tom Loveall, seconded by Sandy Hooker, to adjourn the meeting at 12:38 pm. Motion passed on a voice vote.

Respectfully submitted,

Brian Napstad
Chair

BOARD OF WATER AND SOIL RESOURCES
Attendance Roster

	Name	Affiliation	Phone #
1.	Lance Yohe	RRBC	701-371-8246 cell
2.	Julie Goehring	RRBC	218-291-0422
3.	Gerald Van Amburg		
4.	Tim Kelly	CCWD	763-7550975
5.	Kent Francis	Lower MN	612 669 4479
6.	Jeff Nielsen	BWSR - staff	507-359-6075
7.	Terry Schwalbe	LMRWD	952 852 5880
8.	Brad Wozney	BWSR -	651 296 6068
9.	LuAnn Buck	MASWCD	651-690-9028
10.	Harley Ogata	RCWD	763-398-3070
11.	Della Young	HDR	763.591.5473
12.			
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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, OCTOBER 26, 2011

BOARD MEMBERS PRESENT:
Paul Brutlag, Chris Elvrum, MDH; Christy Jo Fogarty, Rebecca Flood, PCA; Todd Foster, Paul Langseth, Tom Loveall, Keith Mykleseth, Brian Napstad, Dave Schad, DNR; Rob Sip, MDA; Louise Smallidge, Gene Tiedemann, LuAnn Tolliver, Gerald Van Amburg

BOARD MEMBERS ABSENT:
Bob Burandt
Quentin Fairbanks
Sandy Hooker
John Meyer
Faye Sleeper

STAFF PRESENT:
Mary Jo Anderson, Don Buckhout, Travis Germundson, Jim Haertel, Tabor Hoek, John Jaschke, Kevin Lines

OTHERS PRESENT:
Tim Koehler, NRCS
Jill Nyugen, Attorney General's Office
Doug Norris, DNR
Jack Perry, Briggs & Morgan Law Firm
Richard and Marie Borglum

DRAFT

Chair Napstad called the meeting to order at 9:00 a.m. Chair Napstad noted that a quorum is present.

PLEDGE OF ALLEGIANCE

** 11-72 **ADOPTION OF AGENDA** – Moved by LuAnn Tolliver, seconded by Louise Smallidge, to adopt the agenda as presented. Motion passed on a voice vote.

** 11-73 **MINUTES OF SEPTEMBER 28, 2011** – Moved by Louise Smallidge, seconded by Paul Langseth, to approve the minutes of September 28, 2011, as circulated. Motion passed on a voice vote.

PUBLIC ACCESS FORUM
Jack Perry, Briggs Morgan Law Firm, thanked the Board of Water and Soil Resources for the review of the WCA appeal of exemption.

CONFLICT OF INTEREST DECLARATION –
Chair Napstad reported that there are six agenda items today that need the Conflict of Interest Declaration form submitted. John Jaschke stated that the declaration process is being used on the following decisions:

- Minnesota River Board, Fiscal Year 2012 Work Plan and Grant
- RIM-WRP Payment Rates
- RIM-WRP Environment and Natural Resources Trust Fund Allocation
- RIM Red River Wetland Restoration Initiative
- RIM Partners in USDA NRCS Mississippi River Basin Initiative (MRBI) Wetlands Reserve Enhancement Program (WREP)
- RIM Reserve outdoor Heritage Fund (OHF) Shallow Lakes Shoreland Protection on Wild Rice Lakes Project

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. At 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. John explained BWSR's conflict of interest policy for grant authorizations. The Conflict of Interest Declaration document will be filed for the grant decision items.

REPORTS

Chair's Report – Brian Napstad reported that he attended a number of meetings, he met with legislators, and agency heads. He stated that various people have indicated that wetland issues are best driven by agencies; more information will be presented to the Wetland Committee at their meeting this afternoon.

Administrative Advisory Committee (AAC) – Chair Napstad stated that the AAC did not meeting this morning as there were no administrative issues that needed attention at this time.

Executive Director's Report – John Jaschke reviewed the information in board members' packets, "For Your Information". John reported that the 'BWSR Academy' (attended by over 300 LGU staff) is going on now at Breezy Point. John stated that board members' interested in attending upcoming annual meetings need to submit registration forms to Mary Jo Anderson by October 28th.

John attended the Water Resources Conference last week; the focus was on science and policy. John reported that the Heron Lake Watershed District watershed plan hearing process is being held in abeyance as requested by the Watershed District.

John reported that the Office of Legislative Auditor (OLA) postponed BWSR's meeting on October 24, 2011, audit of legacy funds. The OLA Report will likely be available by the December 14th Board Meeting.

Dispute Resolution Committee – Travis Germundson reported that there are 15 appeals pending; one new appeal received, a restoration order in Mille Lacs County. Travis reported that File #11-2 and File #11-3 appeals are on the agenda later today.

Wetland Committee – LuAnn Tolliver reported that the Wetland Committee will meet today immediately following adjournment of the BWSR Board meeting.

Grants Program & Policy Committee – Louise Smallidge reported that the Grants Program & Policy Committee will meet on November 17; a notice will be distributed regarding time and location.

Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth reported that the Public Relations, Outreach & Strategic Planning (PROSP) Committee met on September 28, 2011; and discussions continue on BWSR's Strategic Plan. Keith asked board members to review the revised draft Executive Summary of the BWSR 2007 Strategic Plan, in their Board meeting packet today. The PROSP

Committee plans to solicit input from state agencies. Don Buckhout reported that MAWD, MASWCD, and AMC propose modifications to BWSR's Strategic Plan. Don reported that staff will begin distribution of the draft Strategic Plan and request input from EQB, partners, and advisory groups. Chair Napstad stated the role of EQB in coordinating environmental policy efforts, stakeholder awareness and agency input. Don reported that he, Steve Woods, John Jaschke and Chair Napstad will present the Strategic Plan to EQB on November 18. Don will then present the status of the Strategic Plan to the Board in December, with possible adoption in January.

RIM Reserve Management Planning Committee – Paul Brutlag reported that the RIM Reserve Management Planning Committee met on September 14; the Committee recommendations are on the agenda later today.

Drainage Work Group – Tom Loveall reported that the Drainage Work Group met; however, he was unable to attend due to his attendance at the Heron Lake Watershed District hearing. John Jaschke reported that the Drainage Work Group set up a schedule to digest more of the Smith Partners Report and also has some members advising on technical aspects of grant applications. The Smith Partners Report is on BWSR's website.

COMMITTEE RECOMMENDATIONS
Dispute Resolution Committee
Hearing on Wetland Conservation Act Appeal of Exemption and No-Loss Determinations/Restoration Order Waseca County, File #11-2 and File #11-3 – Paul Brutlag introduced Jill Nguyen, Attorney General's Office. Paul reported that the Dispute Resolution Committee held a hearing on October 13, 2011, after review of the record, written briefs, and oral arguments, unanimously voted to recommend that the
** decision be reversed and the Restoration Orders be rescinded. Moved by Paul Brutlag, seconded by LuAnn Tolliver, to approve the Dispute Resolution Committee's recommendation to:
1) Reverse the December 15, 2010, decision of the Waseca Soil and Water Conservation District. Richard and Marie Borglum's application is hereby granted with respect to the approved development exemption only.
2) Request the Commissioner of Natural Resources to rescind the Restoration Orders pursuant to Minn. R. 8420.0900, subp. A4(C).
3) Incorporate by reference the attached Memorandum as a part of the Order.

Paul Brutlag clarified the change in the draft Order on page three, item 2. The Board requests that the Commissioner of Natural Resources rescind the Restoration Orders pursuant to Minn. R. 8420.0900, subp. 4(C).

Chair Napstad stated that all board members have had the opportunity to review the
11-74 record and all documents; and called for the vote. Motion passed on a voice vote.

Paul Brutlag stated that he is proud of the DRC's professional approach to the analysis and procedure of this matter.

** Moved by Keith Mykleseth, seconded by Todd Foster, to authorize Chair Napstad to
11-75 sign the Order. Motion passed on a voice vote. Chair Napstad thanked the DRC for all their efforts on this issue; he thanked Jill Nguyen for her assistance, and thanked all board members for their time and review of this record.

John Jaschke reported that the Conflict of Interest Declaration forms have been received, all board members are eligible to vote on the upcoming decision items. Tom Loveall, Faribault County Commissioner, abstained from the vote on the Minnesota River Board, Fiscal Year 2012 Work Plan and Grant.

Southern Water Planning Committee

Minnesota River Board, Fiscal Year 2012 Work Plan and Grant – Paul Langseth reported that this work plan is for BWSR 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 2011 Minnesota Legislature appropriated administrative funding for the MRB, resulting in a fiscal year 2012 State General Funds grant of $42,000. The overall budget objectives are included in the work plan. Staff recommends approval of this work plan and execution of the administrative grant
** agreement for fiscal year 2012. Moved by Paul Langseth, seconded by Todd Foster,
11-76 that BWSR enter into a grant agreement with the Minnesota River Board for these funds. Motion passed on a voice vote.

Rock County Local Water Management Plan Amendment – Paul Langseth reported that the Southern Water Planning Committee met on October 13, 2011, to review the Rock County 2011 - 2017 Local Water Management Plan Amendment and recommends approval. This Plan contains an implementation section with goals, objectives and actions to address the county's priority concerns. The Board Order required Rock County to update the Plan's implementation section by January 1, 2012. Rock County followed the amendment process guidelines established by the Board and submitted their 2011 - 2017 Local Water Management Plan Amendment on September
** 22, 2011. Moved by Paul Langseth, seconded by Tom Loveall, to approve the 2011
11-77 Amendment of the Rock County Water Management Plan for October 2011 – January 2017. Rock County will be required to provide for a complete update of its Water Management Plan prior to January 1, 2017. Motion passed on a voice vote.

Winona County Local Water Management Plan Update – Paul Langseth reported that the Southern Water Planning Committee met on October 13, 2011, to review the Winona County Local Water Management Plan Update and recommends approval.

** 11-78 Moved by Paul Langseth, seconded by Keith Mykleseth, to approve the Winona County Local Water Management Plan Update 2011-2015. Chair Napstad stated that Winona County put together a very nice plan as seen on the Board Tour in 2009. Motion passed on a voice vote.

RIM Reserve Management Planning Committee

RIM-WRP Payment Rates – Kevin Lines reported that the RIM Reserve Management Planning Committee (RRMPC) met on October 14, 2011, to review and recommend authorization for staff to successfully implement the RIM Reserve and RIM-WRP Partnership payment rates consistent with other relevant Board policies.

Kevin reviewed the RIM Reserve 2011-2012 project funding timetable. John Jaschke reported that there are a large number of variations of RIM, it makes sense to extract payment rate decisions and put them into one resolution going forward; the payment rates to landowners are not changing at this time. John described the RIM Reserve and RIM-WRP Partnership payment rates proposal as follows:

1. Develop payment rates that best approximate 90% of land value for permanent easements on land with a cropping history and 60% of land value for permanent easements on lands without a cropping history. The basis shall be the TATLV as established by the county assessor and published on the Minnesota Land Economics website (excluding municipal areas).
    a. The RIM Reserve payment rate for eligible croplands being enrolled is not to exceed 100% of the TATLV and for non-cropland acres is not to exceed 60% of TATLV.
    b. The RIM Reserve portion of the payment rate for wetland restorations eligible for the RIM-WRP Partnership for cropland acres is not to exceed 50% of the TATLV and not to exceed 25% of the TATLV for non-cropland acres.
    c. The payment rate maximum in Hennepin and Ramsey Counties will not exceed the highest average township rate from any of the other surrounding seven metro area counties due to a limited number of tillable land acres, and values that are influenced by development potential.
    d. The payment rate maximum for the other five Twin Cities metro counties will not exceed the average Scott County rate to more accurately reflect tillable values.
2. Other targeted RIM Reserve easement payment rates are included in separate resolutions.

3. The payment rate components of Board Resolution #11-19 (attached) are hereby rescinded.

** 11-79 Moved by Paul Brutlag, seconded by Paul Langseth, to approve the RIM-WRP Payment Rates as presented. John clarified that as the payment rates change, and land values change, this resolution will also need to change and be modified by the Board. Kevin clarified that the established payment rate is what is used at the time of the application. Tim Koehler, NRCS, stated that the NRCS has adopted the same formula process as BWSR, the important message is that there is no competition, this is a partnership. Motion passed on a voice vote.

RIM-WRP Environment and Natural Resources Trust Fund Allocation – Kevin Lines reported that the RIM Reserve Management Planning Committee met on October 14, 2011, to review and recommend authorization of the $1.645M allocation of Environment and Natural Resources Trust Fund (ENRTF) to the RIM-WRP partnership to be used in the NRCS approved MRBI-WREP Crooked Lake multi-year project in Douglas County. Tim Koehler reported that NRCS has approved the MRBI RIM-WRP Partnership project area in Douglas County. Moved by Gene Tiedemann, seconded by Dave Schad, that BWSR authorizes staff to work with Minnesota NRCS and Douglas SWCD to develop the RIM-WRP Partnership eligibility, selection criteria and sign-up procedures for the NRCS approved MRBI-WREP Crooked Lake project in Douglas County to successfully implement the RIM-WRP Partnership in recognition of, and consistent with, the findings noted. Discussion followed. Keith Mykleseth suggested that a periodic update of this particular project area be presented to the Board at a future meeting. Motion passed on a voice vote.

** 11-80

RIM Red River Wetland Restoration Initiative – Kevin Lines reported that the RIM Reserve Management Planning Committee met on October 14, 2011, to review and recommend authorization of the allocation of up to $5M in Capital Budget RIM Reserve Funds to the NRCS approved Wetland Conservation Initiative for the Red River of the North Watershed. Tim Koehler reported that NRCS approves the five-year allocation of this project. Moved by Paul Brutlag, seconded by Louise Smallidge, that the Board authorize staff to: 1) Allocate up to $5M for the Wetland Restoration Conservation Initiative for the Red River of the North Watershed project and implement the project consistent with this and other relevant Board policies; and 2) Work with Minnesota NRCS and local project review teams and sponsors to develop the RIM-WRP Partnership eligibility, sign-up procedures, and project selection for the RIM-WRP Partnership to be used in the approved USDA-NRCS Wetland Restoration Conservation Initiative for the Red River of the North Watershed project areas. Discussion followed. Motion passed on a voice vote.

** 11-81

Chair Napstad called for a break in the meeting at 10:45 a.m. The meeting reconvened at 10:55 a.m.

RIM Partners in USDA NRCS Mississippi River Basin Initiative (MRBI) Wetlands Reserve Enhancement Program (WREP) – Kevin Lines reported that BWSR received $20M in capital investment bonds in 2011 for the RIM Reserve program. This authorizes the allocation of up to $5M to the RIM-WRP Partnership, and authorizes staff to successfully implement the RIM-WRP Partnership in the approved MRBI-WREP project areas. The RIM Reserve Management Planning Committee recommends approval of the allocation. Kevin reported that targeted allocations are: $2.5M for Sauk River; $.5M for Cedar River, and $2M for Root River.

** 11-82 Moved by Gene Tiedemann, seconded by Paul Brutlag, that the Board authorizes staff to allocate up to $5M for the three NRCS MRBI-WREP project areas and implement the projects consistent with this and other relevant Board policies. Motion passed on a voice vote.

RIM Reserve Outdoor Heritage Fund (OHF) Shallow Lakes Shoreland Protection on Wild Rice Lakes Project – Kevin Lines reported that the RIM Reserve Management Planning Committee met on October 14, 2011, to review and authorize implementation of the new RIM Reserve Shallow Lakes Shoreland Protection on Wild Rice Lakes Project in north central Minnesota and recommends the allocation of $1.891M in OHF.

** 11-83 Moved by Paul Langseth, seconded by Paul Brutlag, that the Board authorizes staff to: 1) develop eligibility, prioritization, sign-up and selection procedures, and; 2) establish payment rates for the Shallow Lakes Protection on Wild Rice Lakes Project at 60% of the most recently assessed taxable market value of the land as determined by the county assessor of the county where the land is located. Discussion followed. Kevin stated that project details will be identified, working with LGUs to prioritize. Motion passed on a voice vote.

OLD BUSINESS

Clean Water Fund/Outdoor Heritage Fund RIM Reserve Riparian Buffer – Kevin Lines reported that at the September 28, 2011, Board meeting, staff were authorized to develop a ranking process and time line for the CWF and OHF RIM Reserve Riparian Buffer Conservation Easement Sub-program. Tabor Hoek presented an overview of targeted dates, ranking criteria, and goals for the 2012 CWF & OHF RIM Proposal. Tabor stated that there is a huge need for buffers in the state. Kevin stated that significant improvements are being made from the previous program and will continue to evolve. John Jaschke stated that staff will ask for an inter-agency peer review. Chair Napstad commented on the applicability of the program in non-agricultural settings.

Kevin stated that the approach of RIM has been primarily agriculturally-focused and the legislature mandated the use of prairie landscape for the OHF portion.

Christy Jo Fogarty stated that the land use points in the riparian zones don't add up, and outcomes could be more explicit. John stated that a clean water requirement benefit is first, then wildlife; a separate two-part scoring and the Outdoor Heritage piece can only be used in the prairie part of the state. The inter-agency review process will help with this. Tabor stated that wildlife review involved Pheasants Forever, DNR, USFWS, and SWCDs. Kevin stated that the criteria also needs to meet the constitutional amendment language. Rob Sip stated that MDA would like to provide comment in a timely manner. Rebecca Flood stated that PCA would also like to review and comment. John stated that board members should submit comments to Tabor and Kevin and that it will next be used as a scoring document for the RFP.

Jerry Van Amburg asked about a listing of constitutional funding as described in an MPR story and getting that information out to the public. John stated that BWSR has Legacy funding listed on the BWSR website. Rob Sip stated that MDA will have all of their funding listed on their website next week. Rebecca stated that PCA has some items listed but work that is program driven is described different than projects. Kevin stated that the LSOHC has OHF funding listed on their website. The final score sheet will be developed by BWSR staff with input solicited from agencies; a draft from the executive director will be sent via e-mail to board members in the next couple weeks, with the final document available at the December Board meeting.

NEW BUSINESS

Ag Wetlands – WCA/Swampbuster BWSR/NRCS Implementation Agreement – John Jaschke reported that on September 21, 2011, BWSR and the USDA-Natural Resources Conservation Service (NRCS) signed an agreement to coordinate the implementation of the Wetland Conservation Act (WCA) and the "Swampbuster" provisions of the Federal Farm bill. Work under this agreement has already begun; including pursuing a separate ag wetland bank which is a work in progress. BWSR is providing technical expertise and SWCD oversight. Communication materials will be distributed. Successfully implementing this agreement will significantly improve consistency between WCA and Swampbuster, increase program efficiency, and provide better service to landowners. John stated that this will go before the Wetland Committee with more details; John will keep board members informed as this moves forward.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Rob Sip reported that MDA announced an ag water research RFP in the State Register; Rob will forward to board members.

Minnesota Department of Natural Resources (DNR) – Dave Schad reported on the successful sign-up of the Walk-In Access (WIA) Program, well received by landowners and hunters. Dave reported that he, DNR Commissioner Landwehr, and Governor Dayton drove by WIA posted boundaries during the Pheasant Opener near Montevideo. Dave stated that hunters are aware of the new program and making good use of it; hope to increase from 10,000 acres to 50,000 acres. DNR looks to state funding to continue this program in the future.

Minnesota Pollution Control Agency (MPCA) – Rebecca Flood reported that a 2009 court decision now requires a state issued pesticide general permit per federal EPA delegation responsibilities; MPCA expects it to be issued November 4. Rob Sip stated that MDA and DNR are working with MPCA on this permitting issue. Rebecca stated that a factsheet will soon be available on PCA's website.

UPCOMING MEETINGS – Chair Napstad stated that the BWSR Board does not meet in November; the next Board Meeting is December 14, 2011, in St. Paul. Upcoming meetings:

- LMC Annual Meeting – November 17, Eagan
- MAT Annual Meeting – November 17-19, Alexandria
- MAWD Annual Meeting – December 1-3, Alexandria
- MASWCD Annual Meeting – December 4-6, Bloomington
- AMC Annual Meeting – December 5-7, Minneapolis

** 11-84 Moved by Louise Smallidge, seconded by Christy Jo Fogarty, to adjourn the meeting at 12:23 p.m. Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder

Board of Water and Soil Resources
Grants Conflict of Interest Declaration

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

Board Meeting Item: **FY2012 Clean Water Fund Competitive Grants**
Date: **December 14, 2011**

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

Board Meeting Item: **FY2012 Cooperative Weed Management Grants**
Date: **December 14, 2011**

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."*

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

Board Meeting Item: **FYs '12 and '13 Red River Basin Commission Administrative Grants**
Date: **December 14, 2011**

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.

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution Committee Report

Meeting Date: December 14, 2011

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: Paul Brutlag & 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
November 28, 2011
By: Travis Germundson

There are presently **14** appeals pending. All of the appeals involve WCA except File 10-10. There has been **1** new appeal filed since the last report (October 26, 2011).

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 11-9 (10-27-11) This is an appeal of a restoration order in Stearns County. The appeal regards the filling of approximately 24,196 sq. ft. of wetland for the development of a residential property. A wetland replacement plan application has been submitted to the LGU for impacts identified in the restoration order. The appeal has been placed in abeyance and the restoration order stayed until there is a final decision on the application.

File 11-8 (10-18-11) This is an appeal of a restoration order in Mille Lacs County. The appeal regards the unauthorized placement of fill along both sides of an existing driveway entrance for parking, resulting in approximately 1,785 sq. ft. of wetland impact. No decision has been made on the appeal.

File 11-1 (1-20-11) This is an appeal of a restoration order in Hennepin County. The appeal regards the filling of approximately 1.77 acres of wetland and 0.69 acres of excavation. The appeal has been placed in abeyance and the restoration order stayed until there is a final decision on an after-the-fact wetland application.

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. A verbal settlement agreement has been reached by the parties. (at the December 2010 Board meeting, Managers voted 6 to 1 to move forward with Option D)

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. The appeal has been placed in abeyance by mutual agreement until there is a final decision by the Department of Agriculture National Appeals Division.

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. The appeal has been placed in abeyance by mutual agreement on determining the viability of a new wetland banking plan application.

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 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.

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.

Summary Table

Type of Decision	Total for Calendar Year 2010	Total for Calendar Year 2011
Order in favor of appellant	2	2
Order not in favor of appellant	6	2
Order Modified		1
Order Remanded	1	
Order Place Appeal in Abeyance	5	4
Negotiated Settlement	1	1
Withdrawn/Dismissed	4	

Drainage Work Group Report
for December 2011 BWSR Board Meeting

Since the October BWSR Board meeting, the Drainage Work Group (DWG) met on Monday, November 14, 2011 at the AMC building and on Monday, December 12, 2011 at the Minnesota Farm Bureau building. Attendance was very good at both of these meetings. Key topics of discussion included:

1) **Sharing information about recent and upcoming conferences and forums where drainage was or is on the agenda, including:**
   a) UMN Water Resources Conference (October 18-19, St. Paul, MN)
   b) Drainage Water Management Field Day (November 1, UMN Southern Research and Outreach Center, Waseca, MN)
   c) Iowa – Minnesota – South Dakota Drainage Research Forum (November 22, Okoboji, IA)
   d) MAWD Drainage Workshop and Annual Meeting (December 1-3, Alexandria, MN)
   e) AMC Annual Conference (December 5-7, Minneapolis, MN)
   f) Near-Channel Sediment Source Management Forum (January 4, 2012, North Mankato, MN)
   g) Rinke-Noonan Wetlands and Drainage Conference (February 23, 2012, St. Cloud, MN)

2) **Discussions about Smith Partners LCCMR report recommendations "MN Drainage Law Analysis and Evaluation" –** The Drainage Work Group is discussing each of the 4 primary recommendations and 19 sub-recommendations in the report regarding drainage. The strategy is to discuss each of the recommendations and associated issues before discussing the specific statutory language proposed by Smith Partners in the report. This is expected to require a significant number of meetings. Louis Smith and Chuck Holtman attended the December 12 DWG meeting to help answer DWG member questions about the report recommendations.

3) **Julie Blackburn, BWSR Assistant Director, provided an update regarding Swampbuster and WCA Coordination associated with the 9-21-11 contribution agreement between NRCS and BWSR.** There were a number of questions about the wetland determination methods and jurisdiction of Swampbuster and WCA in light of the current rapid increase in tiling and backlog of associated farmer requests for wetland determinations. It was noted that due to Farm Bill data security requirements, waivers are needed from farmers to enable BWSR and SWCDs to assist NRCS. Questions were also raised about Section 404 administered by the Corps of Engineers.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee – Bob Burandt

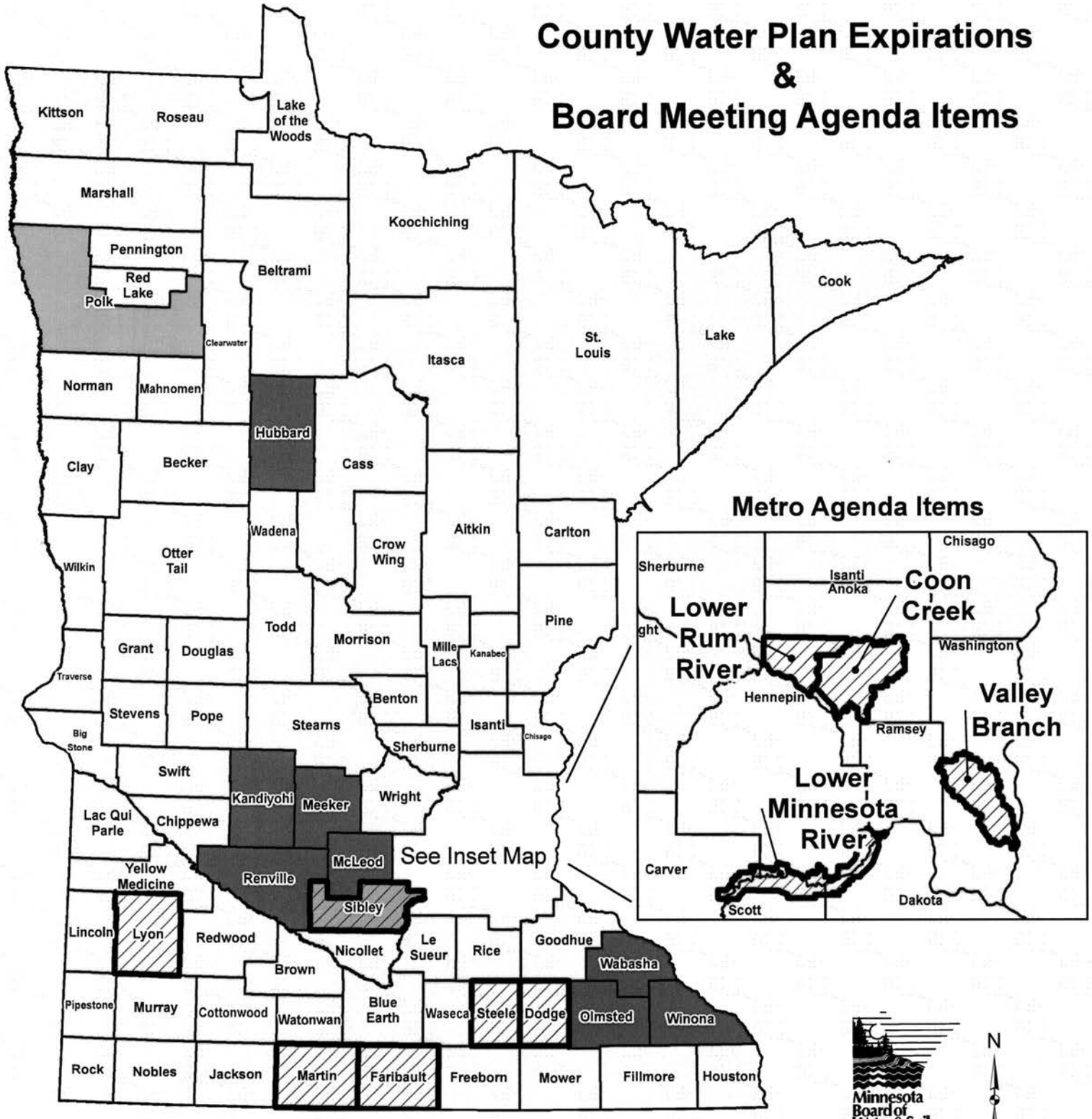
1. Valley Branch WD Watershed Management Plan Amendment – Melissa Lewis - ***DECISION ITEM***

2. Lower Rum River WMO Revised Watershed Management Plan – Melissa Lewis - ***DECISION ITEM***

3. Lower Minnesota River WD Revised Watershed Management Plan – Brad Wozney - ***DECISION ITEM***

4. Coon Creek WD Enlargement Petition –Jim Haertel - ***DECISION ITEM***

County Water Plan Expirations & Board Meeting Agenda Items



Metro Agenda Items

Minnesota Board of Water & Soil Resources
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N

December 2011

Plan Expires

- Overdue
- 2011
- 2012
- Beyond 2012

Metro Items

1. Valley Branch
2. Lower Rum River
3. Lower Minnesota River
4. Coon Creek

Outstate Items

1. Dodge County
2. Faribault County
3. Lyon County
4. Martin County
5. Steele County
6. Sibley County

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Valley Branch WD Watershed Plan Amendment

Meeting Date: December 14, 2011

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: 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

Approval of Valley Branch Watershed District Watershed Management Plan Amendment

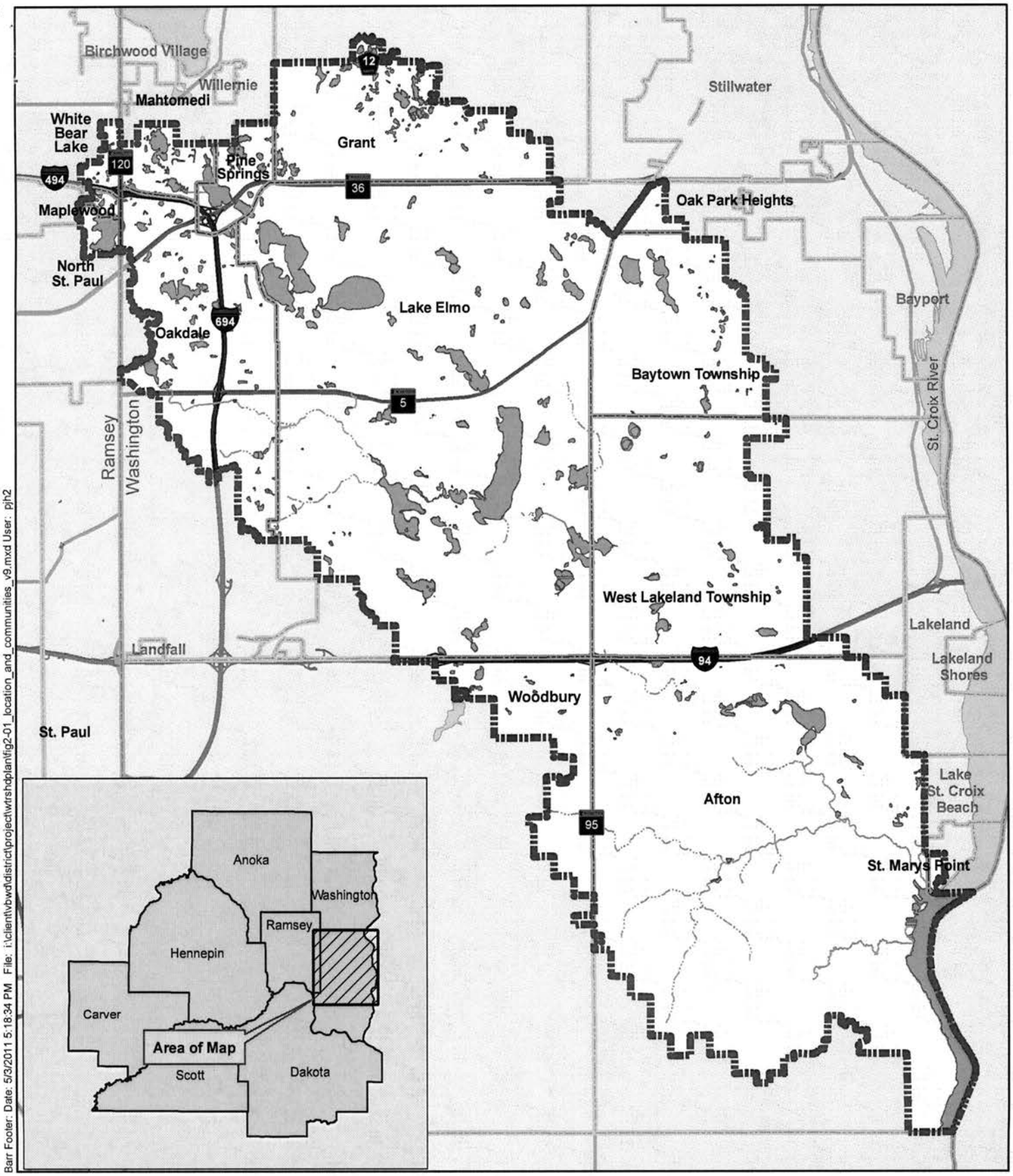
SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

The Valley Branch Watershed District (District) was established on November 14, 1968 in response to a citizen's petition to address existing flooding problems and prevent future flooding problems. The District was enlarged in 2009 to include portions of the area formerly within the Lower St. Croix Watershed Management Organization (LSCWMO) that are part of this amendment. The District is located in the eastern portion of the Metropolitan Area and includes portions of Baytown and West Lakeland Townships and the cities of Afton, Grant, Lake Elmo, Mahtomedi, Oak Park Heights, Oakdale, Pine Springs, St. Mary's Point, and Woodbury within Washington and Maplewood, North St. Paul, and White Bear Lake within Ramsey County. The District encompasses approximately 70 square miles.

The amendment addresses the requirement to amend the District Watershed Management Plan to include the area of the former LSCWMO. The Amendment incorporates natural resource data, issues, and goals for approximately five square miles of the former LSCWMO into the Plan. The information incorporated is consistent with the former LSCWMO Watershed Management Plan. The only comments on the amendment were from Minnesota Department of Agriculture and the City of Afton and all were fully addressed.

The District circulated a copy of the draft Amendment to the Board, other state agencies, Metropolitan Council, and local governments for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7 on May 20, 2011. A summary of comments received and the District's response was received on September 2, 2011. A public hearing was held on September 22, 2011. No comments were received. The final draft of the Amendment was received by the Board on September 26, 2011.

The Metro Water Planning Committee met on November 29, 2011. After review of the information, the Committee unanimously voted to recommend approval of the Plan Amendment per the attached draft Order.



Barr Footer: Date: 5/3/2011 5:18:34 PM File: i:\client\vbwd\district\project\wtrshdplan\fig2-01_location_and_communities_v9.mxd User: pjh2

Figure 2-1

LOCATION AND COMMUNITIES
Valley Branch 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 Amendment to the Watershed Management Plan for the **Valley Branch Watershed District**, pursuant to Minnesota Statutes Section 103B.231, Subdivision 11.

ORDER APPROVING AMENDMENT TO WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Valley Branch Watershed District (District) submitted an Amendment to the Watershed Management Plan (Plan) dated September 26, 2011, to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 11, and;

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

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

FINDINGS OF FACT

1. **Watershed District Establishment.** The District was established on November 14, 1968 in response to a citizen's petition to address existing flooding problems and prevent future flooding problems. The District was enlarged in 2009 to include portions of the area formerly within the Lower St. Croix Watershed Management Organization (LSCWMO) that are part of this amendment.

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 26, 2005. The watershed management plan may be amended according to Minnesota Statutes Section 103B.231, Subd. 11.

3. **Nature of the Watershed.** The District is located in the eastern portion of the Metropolitan Area and includes portions of Baytown and West Lakeland Townships and the cities of Afton, Grant, Lake Elmo, Mahtomedi, Oak Park Heights, Oakdale, Pine Springs, St. Mary's Point, and Woodbury within Washington and Maplewood, North St. Paul, and White Bear Lake within Ramsey County. The District encompasses approximately 70 square miles; bound by the Ramsey-Washington Metro Watershed District to the west, the Rice Creek and Brown's Creek

Watershed Districts to the north, the Middle St. Croix Watershed Management Organization and the St. Croix River to the east, and the South Washington Watershed District to the south. The District drains generally west to east towards the St. Croix River. The District contains many lakes, ponds, wetlands, two perennial streams, and one intermittent stream.

4. **Amendment Development and Review.** The District circulated a copy of the draft Amendment to the Board, other state agencies, Metropolitan Council, and local governments for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7 on May 20, 2011. A summary of comments received and the District's response was received on September 2, 2011. A public hearing was held on September 22, 2011. No comments were received. The final draft of the Amendment was received by the Board on September 26, 2011.

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.

   City of Afton. The city of Afton provided minor revisions and requested Kelle's Coulee be included in the District volunteer stream monitoring program. The District addressed all comments.

6. **Metropolitan Council Review.** The Council did not comment on the Amendment.

7. **Department of Agriculture Review.** The MDA provided comments on the role of the MDA. The District addressed the comments.

8. **Department of Health Review.** The MDH did not comment on the Amendment.

9. **Department of Natural Resources Review.** The DNR did not comment on the Amendment.

10. **Pollution Control Agency Review.** The PCA did not comment on the Amendment.

11. **Department of Transportation Review**. The DOT did not comment on the Amendment.

12. **Board Review.** Board staff found the amendment to be consistent with Minnesota Statute and Rule and did not request changes.

13. **Amendment Summary.** The Amendment incorporates natural resource data, issues, and goals for approximately five square miles of the former LSCWMO into the Plan. The information incorporated is consistent with the former LSCWMO Watershed Management Plan.

14. **Metro Water Planning Committee Meeting.** On October 4, 2011, the Board's Metro Water Planning Committee and staff met in St. Paul to review and discuss the Amendment. Those in attendance from the Board's Committee were Christy Jo Fogarty, Louise Smallidge, LuAnn Tolliver, Rebecca Flood, Faye Sleeper, and Robert Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationist Melissa Lewis. Board staff recommended approval of the Amendment. After discussion, the Committee unanimously voted to recommend approval of the Amendment to the full Board.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving an Amendment to the Watershed Management Plan for the Valley Branch Watershed District pursuant to Minnesota Statutes Section 103B.231, Subd. 11.
3. The attached Amendment is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Amendment, dated September 26, 2011, to the Valley Branch Watershed District Watershed Management Plan.

Dated at St. Paul, Minnesota this 14th day of December, 2011.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Lower Rum WMO Watershed Plan

Meeting Date: December 14, 2011

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: 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

Approval of Lower Rum River Watershed Management Organization Watershed Management Plan

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The WMO was established in 1985. The WMO encompasses approximately 56 square miles in the southwestern portion of Anoka County, bisected by the Rum River. It is bound by the Mississippi River to the south, Sherburne County to the west, the Upper Rum River Watershed Management Organization to the north and the Coon Creek Watershed District to the east. The WMO is composed of four cities wholly or partially within the boundary including Andover, Anoka, Coon Rapids, and Ramsey.

The intent of the Plan is to provide guidance to the member communities and the development community to insure the surface water resources within the boundaries of the organization are managed in a consistent, cost effective, and environmentally appropriate manner. The Plan includes a profile of the watershed's existing environmental conditions, discusses water resource management issues, identifies strategies for each issue, and defines the course of action the organization will follow to address each issue.The Implementation Program within the Plan commits to continuing water monitoring and permitting and expanding education programs.

The draft revised Plan was submitted to the Board, other state agencies, and local governments for the 60-day review on March 30, 2010. A public hearing was held on December 16, 2010. On December 15, 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 October 19, 2011.

The Metro Water Planning Committee met on November 29, 2011. After review of the information, the Committee unanimously voted to recommend approval of the Revised Plan per the attached draft Order.

I. Executive Summary

The Lower Rum River Watershed Management Organization (LRRWMO) has prepared this Comprehensive Watershed Management Plan (Plan) in accordance with Minnesota Rules Chapter 8410 and MS 103B(the Metropolitan Area Local Water Management), as administered by the Minnesota Board of Water and Soil Resources. This Plan is effective from 2011-2020. The plan will be updated after this 10-year period. The intent of the Plan is to provide guidance to the Member Cities and the development community to insure the surface water resources (lakes, streams, rivers, wetlands, and protected stormwater) within the boundaries of the organization are managed in a consistent, cost effective, and environmentally appropriate manner.

Meetings were held to review goals, policies, and to set priorities. A public meeting was held to obtain background information from municipal commissions and to hear their perspectives on water management issues in the area. The Anoka Conservation District (ACD) also provided background information and input into the goals and priorities for the watershed.

The LRRWMO was formed by a Joint Powers Agreement (JPA) (see Appendix A) entered into in the Summer of 1985 for the purpose of preparing a water management plan to meet the requirements of Minnesota Statutes Sections 473.875 to 473.883, the Metropolitan Water Management Act (MWMA). The JPA was revised in 1995 to include recent changes in state statute, 8410 Rules and the Wetland Conservation Act and cost sharing for Watershed Management Organization (WMO) projects and re-approval in 2007. A copy of the JPA and 2007 amendment is included in Appendix A. A copy of the legal description and boundary modifications is included in Appendix A.

The Lower Rum River Watershed lies wholly within Anoka County and is shown on Figure 1.

The Lower Rum River Watershed is located in the southwestern part of Anoka County adjacent to the Mississippi River and covers approximately 56 square miles (see Figure 1). The following is a list of the cities wholly or partially included within the legal boundary.

- Andover
- Anoka
- Coon Rapids
- Ramsey

Additionally, the watershed has been further divided into subwatersheds, each with its own outlet or outlets to the Rum and Mississippi Rivers.

A Board of Commissioners has been established as the governing body of the LRRWMO. The 4-member Board of Commissioners is comprised of appointed members from each of the member communities. The Board consists of a Chair, Vice Chair, Secretary, and Treasurer.

The duties of the LRRWMO, as enacted by the Board, are as follows:

- Prepare and adopt a watershed management plan meeting the requirements of Minnesota Rules Chapter 8410.
- Review and approve local water management plans as defined in Minnesota Rules Chapter 8410.
- Exercise the authority of a Watershed Management Organization under Minnesota Statutes Chapter 103B to regulate the development of land when:

    1. A local water management plan has not been approved and adopted.
    2. A local permit requires an amendment to or variance from the local water management plan.
    3. The Board has been authorized by the local government to require permits for land alteration.

As identified in the Joint Powers Agreement, the Board has the authority to employ persons as it deems necessary, conduct studies, fund improvements, and operate and maintain improvements constructed by the Board. Procedures have been established to finance capital improvement projects in such a manner that costs can be equitably distributed to benefited members for projects of benefit to more than one member. Where only one member community is benefited, that community will be responsible for the entire cost.

Under the Minnesota Rules Chapter 8410, requirements are outlined for preparing watershed management plans within the Twin Cities Metropolitan Area. Pursuant to the requirements of the law, the plan must focus on preserving and using natural water storage and retention systems to:

- Reduce, to the greatest practical extent, the public capital expenditures necessary to control excessive volumes and rate of run-off.
- Improve water quality.
- Prevent flooding and erosion from surface flows.

- Promote ground water recharge.
- Protect and enhance fish and wildlife habitat and water recreational facilities.
- Secure the other benefits associated with the proper management of surface water.

To insure that these goals are realized, the Metropolitan Surface Water Management Act further specified the basic contents of the watershed management plan. According to the law, this plan shall:

- Describe the existing and physical environment, land use and development in the watershed as well as the environment, land use and development proposed in existing local and metropolitan comprehensive plans.
- Present information on the hydrologic system and its components, including any drainage system previously constructed under Minnesota Statutes Chapter 103E, and existing and potential problems related thereto.
- State goals and policies, including management principles, alternatives and modifications, water quality, and protection of natural characteristics.
- Set forth a management plan, including the hydrologic and water quality conditions that will be sought and the significant opportunities for improvement.
- Describe the effect of the plan on existing drainage systems.
- Describe conflicts between the watershed plan and existing plans of local government units.
- Set forth an implementation program consistent with the management plan, which includes a capital improvement program and standards and schedules for amending the comprehensive plans and official controls of local government units in the watershed to bring about conformance with this watershed plan.

This watershed management plan is divided into the following major sections:

I. Executive Summary
II. Land and Water Resources Inventory
III. Problems and Corrective Actions
IV. Goals and Policies
V. Implementation Program/Priorities
VI. Impact on Member Communities
VII. Amendment Procedures

The Executive Summary (Section I) states the authority and composition of the LRRWMO, the purpose of the Surface Water Management Act, and the components of this watershed management plan.

The Land and Water Resources Inventory (Section II) includes a profile of the watershed's existing environmental conditions. This profile contains descriptions of the area's topography, soils, land use, and metropolitan systems. This section also contains the information necessary to model the hydrologic system. Information includes watershed and subwatershed boundaries, wetlands, water bodies, conveyance systems, and flood plains. Surface and ground water quality, ground water recharge areas, water use and water quality guidelines are also included.

Problems and Corrective Actions (Section III) discusses water resource management issues and identifies the strategies developed for each issue and defines the course of action the Organization will follow to address each issue. Implementation procedures explain how the strategies will be put into effect. Potential impacts associated with each identified alternative are evaluated.

The Goals and Policies Section (Section IV) describes the goals and policies of the Watershed Management Organization. The goals reflect the purposes set forth in the Surface Water Management Act. Policies developed by the LRRWMO define the goals and provide a framework in which to address the water management issues.

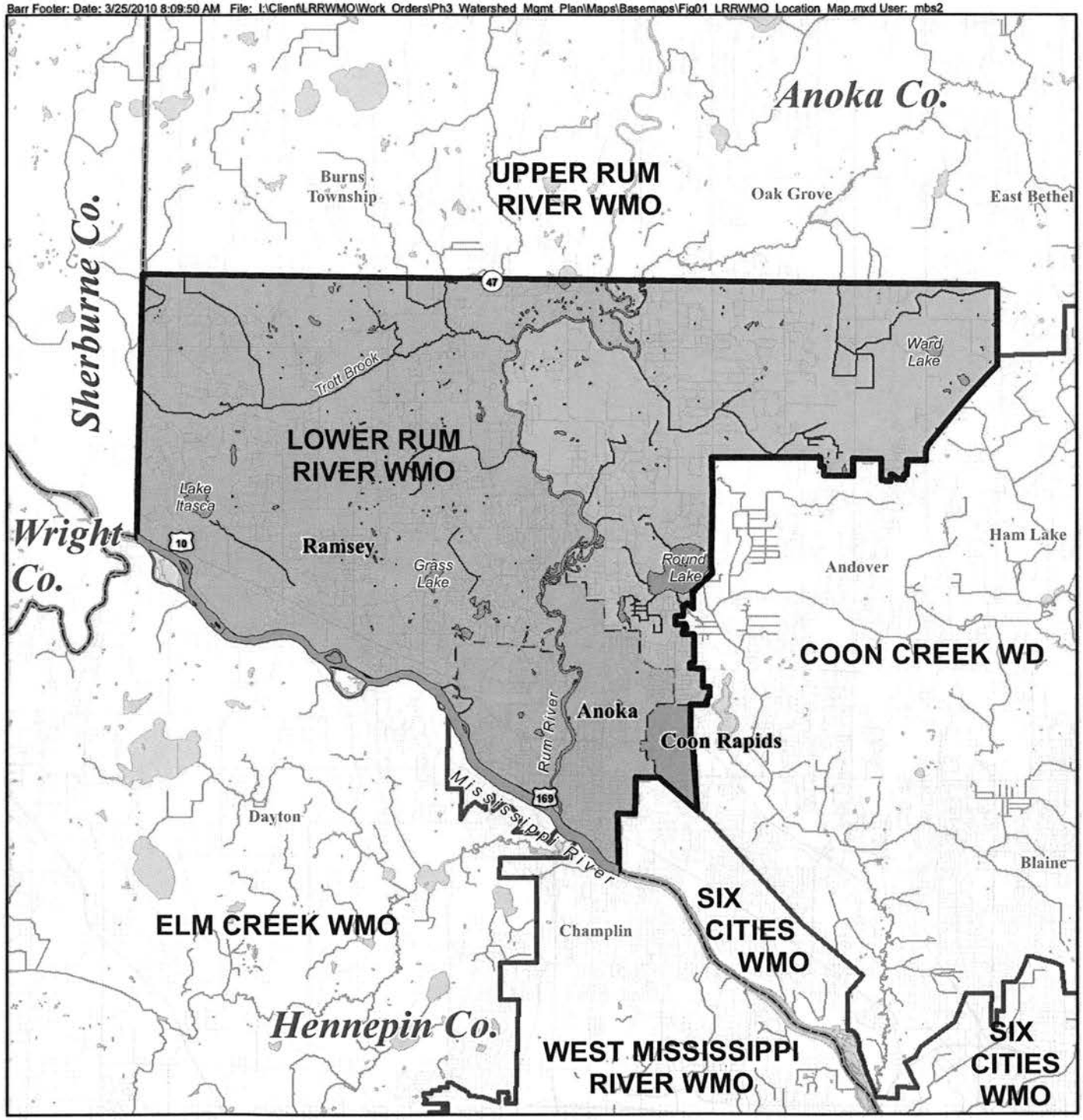
The Implementation Program/Priorities (Section V) consists of non-structural, structural, and programmatic solutions to the problems, issues, and goals identified in Section III and Section IV.

The Impact on Member Communities (Section VI) discusses the conformance of local governmental water resource management plans to this watershed management plan.

The Amendment Procedures (Section VII) discusses a procedure to be followed should it be necessary to amend this plan. This procedure would be invoked only for major changes that would directly affect water resource management within the member communities.

The Plan also contains various appendices with supporting documentation.

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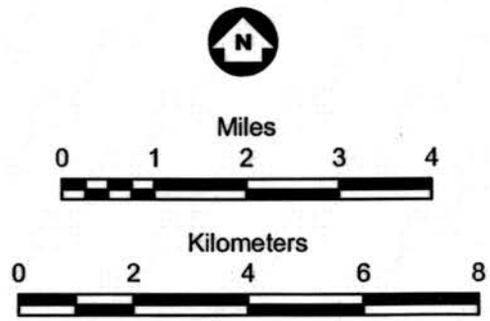


Figure 1

LOCATION MAP
Lower Rum River Watershed
Management Organization
Watershed Management Plan

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

In the Matter of the review of the Watershed Management Plan for the **Lower Rum River Watershed Management Organization**, pursuant to Minnesota Statutes Section 103B.231, Subdivision 9.

ORDER APPROVING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Lower Rum River Watershed Management Organization (WMO) submitted a Watershed Management Plan (Plan) dated October 2011, to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

1. **Watershed Management Organization Establishment.** The WMO was established in 1985. The intent of the Plan is to provide guidance to the member communities and the development community to insure the surface water resources within the boundaries of the organization are managed in a consistent, cost effective, and environmentally appropriate manner.

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 previous WMO plan was approved by Board Order on August 26, 1998. The plan may be revised according to Minnesota Statutes Section 103B.231, Subd. 9.

3. **Nature of the Watershed.** The WMO encompasses approximately 56 square miles in the southwestern portion of Anoka County, bisected by the Rum River. It is bound by the Mississippi River to the south, Sherburne County to the west, the Upper Rum River Watershed Management Organization to the north and the Coon Creek Watershed District to the east. The WMO is composed of four cities wholly or partially within the boundary including Andover, Anoka, Coon Rapids, and Ramsey.

4. **Plan Development and Review.** The Plan was prepared in accordance with Minnesota Rules Chapter 8410 and Minnesota Statutes, Section 103B. Meetings were held to review goals, policies, and to set priorities.

   The draft revised Plan was submitted to the Board, other state agencies, and local governments for the 60-day review on March 30, 2010. A public hearing was held on December 16, 2010. On December 15, 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 October 19, 2011.

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

   Anoka County. The County recommended WMO cooperation with the County Resources Work Group and requested membership on the WMO technical advisory committee. The county requested additional information be incorporated into the Land and Water Resources Inventory chapter of the plan and a discussion of surficial aquifers and wellhead protection plans be incorporated into the Problems and Corrective Actions section of the plan. All comments were addressed.

   Anoka Conservation District. The Conservation District provided recommendations and corrections to the water quality and stormwater standards, permit requirements and design criteria, and to the water monitoring plan. The District offered to assist in creating an annual reporting template and assisted with the technical advisory committee. All comments were addressed.

   City of Andover. The City requested changes to requirements for basin/manhole inspections for consistency and inclusion of WMO design criteria in one location within the plan. The city also requested clarification of the design criteria and methodology for runoff analysis. All comments were addressed.

   City of Ramsey. The City requested reference to 'wetland buffers' be replaced with 'wetland protection standards and/or best management practice.' The City also indicated opposition to any permit requirements and enforcement standards that exceed what is currently mandated by state law. The City expressed concern with potential redundancies with maintaining a permit threshold of one acre of disturbance. The city also requested the WMO take a proactive approach to evaluating and addressing long-term sustainability of water supply. All comments were addressed.

6. **Metropolitan Council Review.** The Council encouraged the WMO to use a technical advisory committee in the future to discuss the issues identified in the plan. The Council found the plan to be consistent with the Council's *Water Resources Management Policy Plan*. All comments were addressed.

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.** The PCA did not comment on the Plan.

11. **Department of Transportation Review.** The DOT requested membership on the WMO technical advisory committee in the development of infiltration, volume reduction, and wetland buffer standards. DOT also questioned if the WMO has locations of all private wells mapped with depths and requested the WMO consider a range of treatment beyond infiltration. All comments were addressed.

12. **Board Review.** Board staff requested additional ditch, wetland, flood, water quality, surficial aquifer, and water appropriation information in the land and water resources inventory. Board staff requested: additional details in the water monitoring plan; clarification on procedures for implementation of rate, volume control, and water quality policies and standards; details on the protocols for member community conformance with the plan; additional actions for issues identified through water monitoring; clarification as to jurisdiction of ditches transferred to the WMO; incorporation of additional standards identified by the technical advisory committee, and a budget that reflects all anticipated expenses for full transparency. All comments were addressed.

13. **Plan Summary and Highlights.** The Plan includes a profile of the watershed's existing environmental conditions, discusses water resource management issues, identifies strategies for each issue, and defines the course of action the organization will follow to address each issue. The Plan utilizes the goals set forth in the Surface Water Management Act and identifies four strategies with associated policies to achieve the goals. These strategies include:
    - Cooperation with other agencies;
    - Education for residents, business owners, member communities, and developers;
    - Regulations affecting the public, developers, member community staff and Councils within the WMO; and
    - Operations aimed at operation and maintenance activities associated with water resource management, targeted primarily at member communities.

    The Implementation Program within the Plan commits to continuing water monitoring and permitting and expanding education programs.

14. **Metro Water Planning Committee Meeting.** On November 29, 2011, the Board's Metro Water Planning Committee and staff met with a representative from the WMO 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, Christy Jo Fogerty, and Robert Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationist Melissa Lewis. The representatives from the WMO were WMO board chair Todd Haas and WMO engineer Bob Obermeyer. 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 Lower Rum River Watershed Management Organization pursuant to Minnesota Statutes Section 103B.231, Subd. 9.
3. The Lower Rum River Watershed Management Organization 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 October 2011, as the Lower Rum River Watershed Management Organization Watershed Management Plan.

Dated at St. Paul, Minnesota this 14th day of December, 2011.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Lower Minnesota River WD Revised Plan

Meeting Date: December 14, 2011

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Metro Region

Contact: Brad Wozney, Board Conservationist

Prepared by: Brad Wozney, Board Conservationist

Reviewed by: Metro Water Planning Committee(s)

Presented by: Brad Wozney, Board Conservationist

☐ **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 Lower Minnesota River Watershed District's Watershed Management Plan

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Lower Minnesota River Watershed District was originally petitioned for establishment in 1957 but was challenged and defeated in the courts. The District was later re-petitioned by the five counties of Carver, Dakota, Hennepin, Ramsey, and Scott and was established on March 23, 1960, by order of the Minnesota Water Resources Board under the authority of the Minnesota Watershed Act (Minnesota Statutes, Chapter 112). The District's original charter specified that it serve as the local sponsor to the U.S. Army Corps of Engineers for assisting in the maintenance of the Minnesota River nine-foot navigation channel. The first water resources management plan for the District was prepared and adopted in 1961. The second plan was then revised in accordance with the Metropolitan Surface Water Management Act of 1982 (M.S. 103B), and approved by the Board of Water and Soil Resources (Board) in September 1999.

The District is approximately 80 square miles in size and located in the five counties of Carver, Dakota, Hennepin, Ramsey, and Scott, which includes the bluffs on either side of the Minnesota River from Ft. Snelling at the confluence of the Minnesota and Mississippi Rivers, 32 miles upstream to the city of Carver. The land use in the watershed consists of a mix of single family residential, commercial, industrial, and agriculture. A large component in the central portion of this linear watershed is within the 100-year floodplain and the Minnesota Valley National Wildlife Refuge. Much of the MSP airport property is also located in the District. Development pressure within the watershed is projected to slightly increase in the municipalities south of the river through the life of this Plan. Water resources in the District include floodplain lakes, quarry lakes, creeks and streams including trout streams, springs, calcareous fens, and other wetlands. However, the headwaters to most of the water resources in the District originate outside of the District boundaries. The following municipalities lie partially within the District: Bloomington, Burnsville, Carver, Chanhassen, Chaska, Chaska Township, Eagan, Eden Prairie, Lilydale, Jackson Township, Louisville Township, Mendota, Mendota Heights, Savage, and Shakopee. The District is bound by four watersheds to the south: Prior Lake Spring Lake WD, Scott WMO, Black Dog WMO, and Gun Club WMO, and six watersheds to the north: Carver County WMO,

Riley Purgatory Bluff Creek WD, Nine Mile Creek WD, Minnehaha Creek Watershed District, Richfield Bloomington WMO, and Capitol Region WD.

The five member Board of Managers is comprised of two from Hennepin County and one each from Carver, Dakota, and Scott Counties. Ramsey County is no longer represented since only a small uninhabited area of the county is within the District.

BWSR staff have been extensively involved with the Plan process since 2008. Early in the planning process, BWSR attended numerous TAC meetings providing upfront input and plan expectations. All stakeholders and agencies were given opportunities to provide upfront input and preliminary draft plan comments. Meanwhile the CAC provided guidance on resource concerns and the education and outreach issue. The District received extensive comments from local partners, municipalities, and stakeholders. Board staff attended a special meeting to discuss our numerous comments on the first draft.

The final draft of the revised Plan was received by BWSR on October 5, 2011. Board staff provided additional verbal and written comments on the final draft that were fully addressed.

In general the Plan is well organized and a decent mix of structural, non-structural, and programmatic solutions. The broad issue areas of the Plan include: the unclear role of the District, outside influences, water quality, flooding and floodplain management, erosion and sediment control, groundwater, commercial and recreational navigation, public education and outreach, and potential problems.

The projected average annual budget is approximately $840,600 over the first five years of the Plan.

This Plan is a significant step from the current plan for a more proactive leadership role of the District in resource management, outside of their dredging responsibilities. Nevertheless, Board staff maintain that since the District decided to update the strategic resource assessments as an action item within this Plan within the first two years, the Plan must be amended immediately following completion of the assessments to incorporate the results. This will aid in clarifying District priorities, identify the best water quality improvements, and build a more defensible data set from which to make truly informed decisions. Further, a plan amendment will be necessary because the budget for years 2017-2020 of the plan is not broken down by year. Staff recommend approval of the third generation Lower MN River WD Revised Watershed Management Plan (2012-2020) with the addition of the amendment in year 2014.

Local and state comments received in regards to the revised Plan have been sufficiently addressed. The Metro Water Planning Committee met on November 29, 2011. BWSR staff recommended approval. After review of the information, the Committee unanimously voted to recommend approval of the Revised Plan per the attached draft Order.

EXECUTIVE SUMMARY

The Lower Minnesota River Watershed District (District) Watershed Management Plan (Plan) describes how the District will address water resources management over the next 10 years as required by M.S. 103B and 103D and Minnesota Rules (MN Rules) 8410. The purpose of this Plan is to protect, preserve, and manage the surface water resources (Minnesota River, lakes, streams, and wetlands) and groundwater within the District.

The District was organized by petition from Hennepin, Ramsey, Dakota, Scott, and Carver counties in 1960 in response to the Minnesota Watershed Act of 1955. The District's first Watershed Management Plan was prepared, approved, and adopted in 1961.

The Metropolitan Surface Water Management Program (M.S. 103B) and Watershed Act requires the District to review and update its Plan every ten years. The second generation plan was prepared and adopted in 1999 and expired in 2009. This current Plan represents a third generation plan and will be effective from 2011 to 2020. In addition to complying with the aforementioned laws, this Plan meets the requirements of MN Rules 8410, 8420, and 7050. The Plan includes management standards and procedures for addressing surface water, wetland, and groundwater issues; and issues related to navigation along the Minnesota River.

E1. PLAN ORGANIZATION

This Plan document is about the Lower Minnesota River Watershed and its management, and therefore, much of the information presented is technical. Background information regarding scientific terms and processes is provided where practical. An acronym list is also provided. Readers are encouraged to consult area professionals or professional references for more information.

The Plan contains the following sections as required by MN Rule 8410:

Executive Summary: Provides an overview of the plan.

Introduction: Summarizes State statutes, plan requirements, the organization and its history, and District accomplishments since the District's 1999 Second Generation Watershed Management Plan (Second Generation Plan).

Section 1.0: Land and Water Resource Inventory: Presents current and historic background and inventory information regarding the physical, hydrological, biological, and human environment of the watershed.

Section 2.0: Issues Identification/Assessment of Problems: Provides an overview of the issues identified during the planning process, assesses the adequacy of existing controls, and identifies potential management gaps.

Section 3.0: Goals, Policies, and Management Strategies: Presents the management framework (goals, policies, and strategies) adopted by the District Board of Managers (Managers) to address the priority issues and management gaps.

Section 4.0: Implementation Program: Describes the implementation elements of the Plan and its impact on local governments and residents. This section provides an implementation program table and preliminary annual budgets.

Section 5.0: Impact on Local Units of Government: Expresses the potential financial impact that the Plan changes will have on local government units (LGU).

Section 6.0: Amendment and Reporting: Describes the procedures for amending the Plan and addressing the annual reporting requirement.

E2. WATERSHED ISSUES

Watershed issues are problems or concerns identified by the Managers, by the Technical Advisory Committee (TAC), and the Citizen Advisory Committee (CAC). These issues need attention and, in some cases, resolution. The TAC and CAC held workshops and partnership work sessions to develop a list of watershed issues. Information generated at those sessions was presented to the Board and is addressed here. The following issues were identified, and are discussed in detail in Section 2.0 Issues and Problems Assessments.

1. Unclear role of the District
2. Outside influences
3. Water quality
4. Flooding and floodplain management
5. Erosion and sediment control
6. Groundwater
7. Commercial and recreational navigation
8. Public education and outreach
9. Potential problems

E3. WATERSHED MANAGEMENT FRAMEWORK

Section 3.0 presents the management framework of the Plan in terms of goals, policies, strategies, and standards. This framework is based on the issues identified by the TAC, CAC, and Manager, given their priority and the adequacy of existing controls. The mission and purpose of the District, presented below, were also taken into consideration when developing the framework.

E3.1. MISSION

The mission of the District is to manage and protect the Minnesota River, lakes, streams, wetlands, and groundwater, and to assist and facilitate in providing river navigation by:

- Promoting open communication, and partnering, with citizens, community organizations, and local, state, and federal agencies.
- Improving and protecting the quality of the Minnesota River and all water bodies in the watershed.
- Minimizing the negative effects of floods and droughts on the Minnesota River and all water bodies in the watershed.
- Collecting and distributing information regarding surface water and groundwater in the watershed to assist in establishing priorities and developing local plans to improve water resources in the watershed.
- Monitoring and understanding the effects of municipal groundwater appropriations and drought on groundwater levels.
- Working with LGUs to enforce the Wetland Conservation Act.
- Assisting and facilitating the efforts of state and federal agencies to maintain the navigation channel.
- Educating stakeholders about the impact they have on the water resources in the watershed and motivating them to change behaviors that have a negative impact.

E3.2. WATERSHED PURPOSE

The Metropolitan Surface Water Management Act states that the purposes of the District and other water management programs (quoted from M.S.103B.201) are as follows:

- Protect, preserve, and use natural surface and groundwater storage and retention systems.
- Minimize public capital expenditures needed to correct flooding and water quality problems.
- Identify and plan for means to effectively protect and improve surface and groundwater quality.
- Establish more uniform local policies and official controls for surface and groundwater management.
- Prevent erosion of soil into surface water systems.
- Promote groundwater recharge.
- Protect and enhance fish and wildlife habitat and water recreational facilities.
- Secure the other benefits associated with the proper management of surface and groundwater.

Unlike other water management programs in the state subject to M.S.103B, the District has an additional purpose, as noted in the District's mission, which is to assist and facilitate the efforts of state and federal agencies to maintain the Minnesota River 9-Foot navigation channel.

E3.3. GOALS

The following goals were established by the District. These goals are not presented in any particular order and do not reflect rank within the District.

- Goal 1: Organizational Management: – To manage the different roles of the District
- Goal 2: Surface Water Management – To protect, preserve, and restore surface water quality
- Goal 3: Groundwater Management – To protect and promote groundwater quantity and quality
- Goal 4: Unique Resources Management – To protect and manage unique resources
- Goal 5: Wetland Management – To protect and preserve wetlands
- Goal 6: Floodplain and Flood Management - To manage floodplains and mitigate flooding
- Goal 7: Erosion and Sediment Control – To manage erosion and control sediment discharge
- Goal 8: Commercial and Recreational Navigation – To maintain and improve navigation and recreational use of the Lower Minnesota River
- Goal 9: Public Education and Outreach – To increase public participation and awareness of unique natural resources and the Minnesota River

E3.4. PLAN IMPLEMENTATION

The three major elements of the implementation program described in Section 4 are highlighted below:

Administrative/Managerial Efforts: This includes staffing, day-to-day operations, and funding for audits, reporting, training, and contingency.

Studies and Programs: The Plan includes the following studies and programs.

- Governance study
- Monitoring and data collection
- Data analysis and assessment
- Cost share incentive program
- Water quality restoration program
- Conservation easement studies
- Resource inventory and assessment program
- Dredge material beneficial use plan
- Dredge material management plan execution
- Education and Outreach Program

Capital Improvements Projects: The Plan includes the projects listed below in Table E-1. Additional projects can be added during the annual meeting before the start of the budgeting process.

E3.4.1. LOCAL WATER PLANS

The required content of local water plans, as stipulated by MN 8410, is addressed in Section 4.2.1-4. In general, local water plans shall include

- Surface Water, Ground Water, Wetlands, Floodplain and Flood Management, Unique Natural Resources, and Erosion and Sediment Control Goals and Policies
- Watershed Management Standards
- Water Conservation Act (WCA) responsibilities and Wetland Inventories and Management Plans

Table E-1: Lower Minnesota River Watershed District – Capital Improvement Projects

Project Name	Project Partner	Estimated Cost	Estimated Timeline
Gully Erosion Projects	LGUs	$125,000	2012-2016
Mound Springs Gully Project	City of Bloomington	$250,000	2013-2014
Seminary Fen Restoration at Engler	City of Chaska	$35,500	2012
Ravine Stabilization at Seminary Fen	City of Chaska	$400,000	2012-2013
Heritage Hills Park and Gully Restoration Project	City of Bloomington	$100,000	2015-2016
Dean Lake Restoration Project	Scott County, City of Shakopee and Prior Lake Spring Lake WD	$200,000	2014-2015
Minnesota River Study Area 3 Bluff Stabilization	City of Eden Prairie	$250,000	2016

E3.5. MEASURABLE OUTCOMES

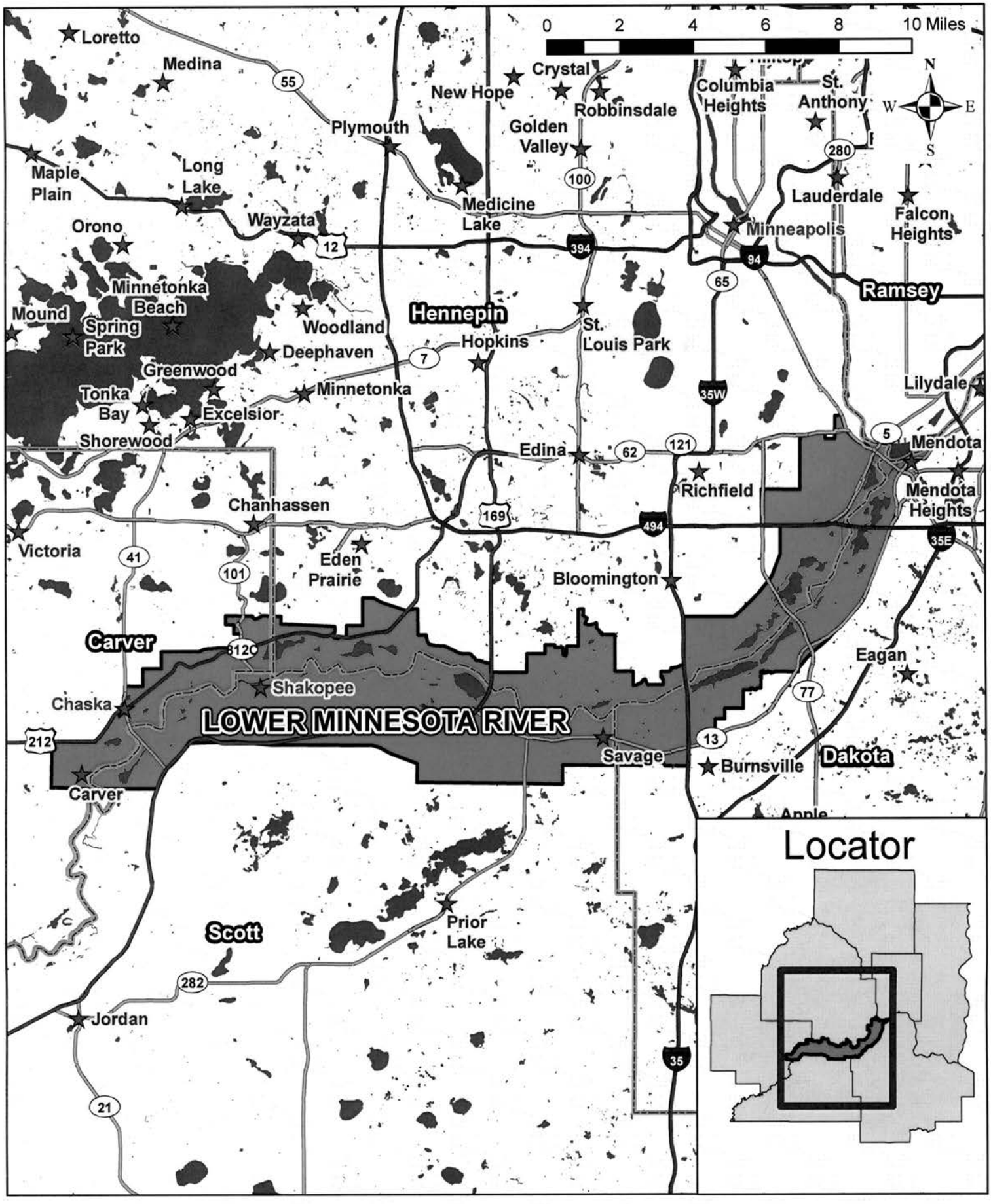
The success of this Plan will be measured by the successful implementation of policies and strategies set forth to attain the nine identified goals mentioned above. Recognizing that the best measure of success is more quantitative and less qualitative, the trends generated by the annual review and assessment of program short-term and long-term metrics will be used to determine success. The short-term and long-term metrics are provided below in Table E-2.

Table E-2: Lower Minnesota River Watershed District Short-term and Long-term Metrics

Goal	Short-term Metric	Long-term Metric
Goal 1: Organizations Management	Completion of scheduled activities Annual LGU Audits Amount of dollars leveraged for projects from other agencies and property owners	Formation of a Minnesota River Basin Commission

Goal	Short-term Metric	Long-term Metric
Goal 2: Surface Water Management	Number and types of projects completed as part of the Cost Share Incentive Program and Water Quality Restoration Programs Number of targeted studies and projects completed	Trends in water quality parameters identified for monitoring efforts
Goal 3: Groundwater Management	Number of targeted studies and projects completed	Trends in water quality parameters identified for monitoring efforts
Goal 4: Unique Natural Resources Management	Number of targeted studies and projects completed	Number and acreage of unique natural resources protected, restored or enhanced Acquisition of high valued easements
Goal 5: Wetland Management	Completion of scheduled activities	Number and acreage of wetlands protected, restored or enhanced
Goal 6: Floodplain and Flood Management	Completion of scheduled activities	Number of structures damaged and value of flood damages
Goal 7: Erosion and Sediment Control	Completion of scheduled activities	Trends in water quality
Goal 8: Commercial and Recreational Navigation	Completion of scheduled activities Number of targeted studies and projects completed	Secure regular congressional and state legislative funding for the 9-foot channel
Goal 9: Public Education and Outreach	Number and types of sponsored events Number of participants at events Number of articles, press releases and pamphlets developed Number of articles, press releases and pamphlets printed Number of volunteers	Same as short-term metrics

Lower Minnesota River Watershed District



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

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

ORDER APPROVING WATERSHED MANAGEMENT PLAN

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

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

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

FINDINGS OF FACT

1. **Watershed District Establishment.** The Lower Minnesota River Watershed District was originally petitioned for establishment in 1957 but was challenged and defeated in the courts. The District was later re-petitioned by the five counties of Carver, Dakota, Hennepin, Ramsey, and Scott and was established on March 23, 1960, by order of the Minnesota Water Resources Board under the authority of the Minnesota Watershed Act (Minnesota Statutes, Chapter 112). The District's original charter specified that it serve as the local sponsor to the U.S. Army Corps of Engineers for assisting in the maintenance of the Minnesota River nine-foot navigation channel. The first water resources management plan for the District was prepared and adopted in 1961. The second plan was then revised in accordance with the Metropolitan Surface Water Management Act of 1982 (Minnesota Statutes, Chapter 103B), and approved by the Board of Water and Soil Resources in September 1999.

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

3. **Nature of the Watershed.** The District is approximately 80 square miles in size and located in the five counties of Carver, Dakota, Hennepin, Ramsey, and Scott, which includes the bluffs on either side of the Minnesota River from Ft. Snelling at the confluence of the Minnesota and Mississippi Rivers, 32 miles upstream to the city of

Carver. The land use in the watershed consists of a mix of single family residential, commercial, industrial, and agriculture. A large component in the central portion of this linear watershed is within the 100-year floodplain and the Minnesota Valley National Wildlife Refuge. Much of the MSP airport property is also located in the District. Development pressure within the watershed is projected to slightly increase in the municipalities south of the river through the life of this Plan. Water resources in the District include floodplain lakes, quarry lakes, creeks and streams including trout streams, springs, calcareous fens, and other wetlands. However, the headwaters to most of those resources originate outside of the District boundary. The following municipalities lie partially within the District: Bloomington, Burnsville, Carver, Chanhassen, Chaska, Chaska Township, Eagan, Eden Prairie, Lilydale, Jackson Township, Louisville Township, Mendota, Mendota Heights, Savage, and Shakopee. The District is bound by four watersheds to the south: Prior Lake Spring Lake WD, Scott WMO, Black Dog WMO, and Gun Club WMO, and six watersheds to the north: Carver County WMO, Riley Purgatory Bluff Creek WD, Nine Mile Creek WD, Minnehaha Creek WD, Richfield Bloomington WMO, and Capitol Region WD.

4. **Plan Development and Review.** In 2009 the District began an extensive TAC involvement process to identify watershed problems, priority issues, goals, and solicit projects. The TAC process involved local and state agencies and stakeholders and allowed opportunities to provide upfront verbal and written input. Citizen input was sought via a CAC, website postings, newspaper articles, and open forums at regular and special Board meetings. A preliminary draft plan was released in February 2010 for stakeholders and state agencies to provide written comments. The draft revised Plan was submitted to the Board, other state agencies, and local governments for the 60-day review on September 20, 2010. Public hearings were held on June 15, 2011, and July 13, 2011. The final draft of the revised Plan was received by the Board on October 5, 2011.

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. The District received comments from the cities of Bloomington, Burnsville, Chanhassen, and Savage, Dakota County, Hennepin County Department of Environmental Services, Scott County, Carver County Soil and Water Conservation District, Dakota County Soil and Water Conservation District, the Metropolitan Airports Commission, the Upper Mississippi Waterway Association, and the U.S. Army Corps of Engineers. The District responded in writing to all entities that provided comments, addressing each concern.

6. **Metropolitan Council Review.** The Council recommended that the District establish a baseline for wetland management related to buffers, hydroperiod, and functions and values assessments. The District addressed the comment; however the Council would have preferred to see stronger language in the Plan related to these concerns.

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.** The PCA provided comments after the formal review period, requesting clarification on District water quality goals and level of participation in TMDL efforts. The District will be involved with coordination and water quality monitoring related to TMDLs and support LGUs in the development of implementation plans.

11. **Department of Transportation Review.** MNDOT requested clarification on water quality guidelines for road projects as a result of UAA reports and on the definition of post-construction activities, as well as recommended several wording changes. The District stated that the results of UAAs will be posted on the District website. All comments were addressed.

12. **Board Review.** Board staff provided extensive comments for the review periods. Board staff recommended adding the following to the Plan: a description of CAC and TAC roles in Plan implementation, a summary of water quality data including trends, results and maps from previous inventories, plans, and studies, revision or elimination of unmeasurable strategies, District water quality goals, intended roles for future TMDL development, more detailed descriptions of various capital projects in the implementation section, clarification of local water plan requirements, a better connection to costs of each strategy in the implementation table, more detail related to the Strategic Resource Evaluations process and how they will result in water quality improvement projects, a bolstered CIP through an amendment during year 3 of the Plan, more details about the cost share programs, more details outlining the water quality and quantity monitoring program, and revision of plan amendment language. The District addressed the comments resulting in substantial revisions to the Plan.

13. **Plan Summary and Highlights.** The Plan outlines a good framework for protecting the water resources of the District and is well organized. A self assessment document that lists accomplishments of the previous plan was incorporated into the Introduction Section of the revised Plan. The issues to be addressed in the plan are: the unclear role of the District, outside influences, water quality, flooding and floodplain management, erosion and sediment control, groundwater, commercial and recreational navigation, public education and outreach, and potential problems. The highlights of the revised Plan include:

- The District offered opportunities to provide upfront comments on the Plan prior to submitting the formal draft through an exemplary TAC involvement process and releasing a preliminary draft.
- A comprehensive monitoring program.
- Complete a governance study to assess options for the most effective resource management.

- Cost-share programs to take advantage of unplanned project opportunities.
- The application of short and long term metrics to regularly assess District performance with plan implementation. The District will review the implementation section and if necessary update the Plan through amendments every two years.

14. **Metro Water Planning Committee Meeting.** On November 29, 2011, the Board's Metro Water Planning Committee and staff met with representatives from the District in St. Paul to review and discuss the Plan. Those in attendance from the Board's Committee were 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 Conservationists Brad Wozney and Melissa Lewis. Representatives from the District included Manager Kent Francis, District Administrator Terry Schwalbe, and Consultant Della Young of HDR Engineering. Board staff recommended approval of the Plan.

After discussion, the Committee voted unanimously to recommend approval of the Plan to the full Board and that the District amend the implementation program of the Plan to be approved by the Board by the end of 2014 to incorporate the results of the "Strategic Resource Evaluation and Management Process" that is to be completed in 2012 and 2013.

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 Lower Minnesota River Watershed District pursuant to Minnesota Statutes Section 103B.231, Subd. 9.

3. The Lower Minnesota River 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 implementation program of the Watershed Management Plan must be amended and approved by the Board by the end of 2014 to incorporate the results of the "Strategic Resource Evaluation and Management Process" to be completed in 2012 and 2013.

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

ORDER

The Board hereby approves the attached Watershed Management Plan dated November 2011 as the Watershed Management Plan for the Lower Minnesota River Watershed District. The Board further orders that the District amend the implementation program of the Watershed Management Plan and have it approved by the Board by the end of 2014 to incorporate the results of the "Strategic Resource Evaluation and Management Process" to be completed in 2012 and 2013.

Dated at Saint Paul, Minnesota this 14th day of December, 2011.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



BY: Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Coon Creek WD Enlargement Petition□

Meeting Date: December 14, 2011

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

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED

Approval of Order for Enlargement of the Coon Creek Watershed District

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

The Cities of Blaine, Coon Rapids, Fridley and Spring Lake Park submitted a petition to enlarge the Coon Creek Watershed District pursuant to Minn. Stat. § 103D.261. The proposed enlargement would expand the District into areas of the former Six Cities Watershed Management Organization involving parts of the Cities of Blaine, Coon Rapids, Fridley and Spring Lake Park.

The petition was accompanied by resolutions of concurrence from the four affected cities. As required by Minn. Stat. § 103D.261, Subd. 1d, legal notice of the public hearing was published once per week for two consecutive weeks in a local newspaper. The legal notice was sent by mail to several addressees including the County, SWCD and affected units of government. A public hearing was held on October 27, 2011.

As stated in the petition, the proposed area of enlargement is within the hydrologic boundaries of the District and the proposed enlargement can be accomplished in conformance with Minn. Stat. § 103B.225 regarding benefits and damages. Staff find the proposed enlargement would be consistent with and would serve the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255 and Chapter 103D. There is no opposition to the petition in the record. Water planning is required in the area. Water planning is not being done because the Six Cities WMO dissolved.

Staff recommend the petition be approved and the District's plan be amended within one year to include the enlarged area.

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

In the Matter of the Enlargement of the Coon Creek Watershed District in Anoka County pursuant to Minnesota Statutes § 103D.261

ORDER
WATERSHED DISTRICT
ENLARGEMENT

Whereas, a petition (Petition) for an enlargement of the Coon Creek Watershed District (CCWD) was filed by the Cities of Blaine, Coon Rapids, Fridley and Spring Lake Parks with the Board on August 8, 2011, pursuant to Minn. Stat. § 103D.261, and;

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

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

FINDINGS OF FACT

1. **Petition.** The Petition to enlarge the CCWD to into areas of the former Six Cities Watershed Management Organization was filed by the Cities of Blaine, Coon Rapids, Fridley and Spring Lake Park with the Board on August 8, 2011.

2. **Property Description.** The territory included in the enlargement, the Petitioned Area, totals approximately 8,921 acres of land consisting of 2,330 acres located in Sections 19, 20, 29, 30, 31, 32 and 33 in the City of Blaine, 4,327 acres located in Sections 7, 8, 16, 17, 18, 21, 22, 23, 26, 27, 35 and 36 in the City of Coon Rapids, 1,374 acres located in Sections 2, 3, 10, 11 and 12 in the City of Fridley, and 890 acres located in Sections 1 and 2 in the City of Spring Lake Park, all in Anoka County entirely within the metropolitan area.

3. **Reasons for Enlargement.** The proposed enlargement results from the dissolution of the Six Cities Watershed Management Organization. The Cities of Blaine, Coon Rapids, Fridley and Spring Lake Park seek the CCWD to assume watershed

management responsibilities within the portions of their cities formerly managed by the Six Cities Watershed Management Organization. The proposed enlargement is within the watershed of the CCWD and is consistent with and would serve the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255 and Chapter 103D. The Petitioned Area is required to have a watershed management plan according to Minn. Stat. § 103B.231, subd. 1 and none has been in place since the dissolution of the Six Cities Watershed Management Organization.

4. **Statements of Concurrence.** Statements of concurrence from the Cities of Blaine, Coon Rapids, Fridley and Spring Lake Park were submitted with the Petition.

5. **Effect on Benefits and Damages.** The Petition states the proposed enlargement will not affect the benefits or damages for any improvements previously constructed by the CCWD, the Six Cities Watershed Management Organization or Anoka County.

6. **Notice of Public Hearing.** Legal Notice of the public hearing on the proposed enlargement, pursuant to Minn. Stat. § 103D.261, Subd. 1, subitem c, was published in the Anoka County Union on October 7 and 14, 2011. Further, a copy of the hearing notice was mailed to several addressees including the Anoka County Board of Commissioners, Anoka County Auditor, Anoka Conservation District, the CCWD, all of the cities affected by the proposed enlargement, and the Department of Natural Resources.

7. **Public Hearing.** A public hearing was held on the Petition on Thursday October 27, 2011 at 7:30 PM in the Cloverleaf Farm Room at the Blaine City Hall, 10801 Town Square Drive NE, Blaine, Minnesota. The hearing proceedings were tape recorded. The hearing panel was the Board's Metro Water Planning Committee which consisted of Christy Jo Fogarty, Faye Sleeper, and LuAnn Tolliver as chair.

   Travis Germundson, Board staff, entered Exhibits 1 through 4 into the record by reading a brief description of each exhibit.

   Exhibit 1. Enlargement petition packet for the Coon Creek Watershed District dated August 4, 2011, received August 8, 2011 consisting of Exhibits 1A-1P.

   Exhibit 1A. Letter dated August 4, 2011 from Clark Arneson, City of Blaine Manager, to John Jaschke, BWSR Executive Director, transmitting the petition packet.

   Exhibit 1B. Petition to enlarge the Coon Creek Watershed District, 14 pgs.

Exhibit 1C. City of Blaine Resolution # 10-95 requesting the Coon Creek Watershed District to expand the boundaries of the Coon Creek Watershed District to include a portion of the City of Blaine, dated August 19, 2010.

Exhibit 1D. City of Coon Rapids Resolution # 10-108 requesting the Coon Creek Watershed District to expand the boundaries of the Coon Creek Watershed District to include a portion of the City of Coon Rapids, dated December 7, 2010.

Exhibit 1E. City of Fridley Resolution # 2011-10 requesting the Coon Creek Watershed District to expand the boundaries of the Coon Creek Watershed District to include a portion of the City of Fridley, dated February 7, 2011.

Exhibit 1F. City of Spring Lake Park Resolution # 11-03 requesting the Coon Creek Watershed District to expand its boundaries to include the portion of the City of Spring Lake Park, dated March 7, 2011.

Exhibit 1G. Six Cities Watershed Management Organization Resolution requesting governing bodies to make a decision on termination of the Six Cities Watershed Management Organization, dated February 10, 2011.

Exhibit 1H. City of Blaine Resolution # 11-24 to terminate its membership in the Six Cities Watershed Management Organization, dated March 3, 2011.

Exhibit 1I. City of Coon Rapids Resolution # 11-42 to terminate membership in the Six Cities Watershed Management Organization, dated March 1, 2011.

Exhibit 1J. City of Fridley Resolution # 2011-15 terminating membership in the Six Cities Watershed Management Organization, dated March 14, 2011.

Exhibit 1K. City of Spring Lake Park Resolution #11-02 terminating membership in the Six Cities Watershed Management Organization, dated March 7, 2011.

Exhibit 1L. Letter dated June 14, 2011 from Michelle Ulich, Coon Creek Watershed District Attorney, to Jim Haertel, BWSR, withdrawing the District's Petition to change its boundaries.

Exhibit 1M. Certification dated June 24, 2011 from the City of Blaine approving and supporting the Petition.

Exhibit 1N. Certification from the City of Coon Rapids approving and supporting the Petition.

Exhibit 1O. Certification from the City of Fridley approving and supporting the Petition.

Exhibit 1P. Certification dated July 5, 2011 from the City of Spring Lake Park approving and supporting the Petition.

Exhibit 2. Order dated September 28, 2011 from Brain Napstad, Chair of the Board of Water and Soil Resources ordering a public hearing to be held on the Petition.

Exhibit 3. Letter dated September 28, 2011 from Jim Haertel with the Board of Water and Soil Resources to several addresses notifying them of the public hearing, including list of addressees, map and legal notice, 4 pgs.

Exhibit 4. Affidavit of Publication dated October 14, 2011, of Legal Notice of Public Hearing in the Anoka County Union on October 7 and 14, 2011.

After hearing oral testimony, the public hearing was closed.

8. **Metro Water Planning Committee Meeting.** On November 29, 2011 the Board's Metro Water Planning Committee and staff met to review and discuss the petition. Those in attendance from the Board's Committee were Christy Jo Fogarty, 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 Conservationist Melissa Lewis. Board staff recommended approval of the enlargement per the Petition. Board staff noted there was no opposition to the proposed enlargement contained in the record and the four affected cities concur in the Petition. Based on the oral and written record in this matter and after discussion, the Committee found the area of the proposed enlargement is within the watershed of the CCWD, the proposed enlargement is consistent with and would serve the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255 and Chapter 103D, the proposed enlargement is for the public welfare and public interest, and the proposed enlargement can be accomplished in conformance with Minn. Stat. § 103B.225 regarding benefits and damages. The Committee decided with a unanimous vote to recommend to the full Board that the enlargement be established as proposed in the Petition.

CONCLUSIONS

1. The Petition for enlargement of the CCWD is valid in accordance with Minn. Stat. § 103D.261.

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

3. The Board has proper jurisdiction in the matter of ordering a watershed district enlargement.

4. The territory included in the proposed enlargement is within the hydrologic boundaries of the CCWD.

5. The governing bodies of the Cities of Blaine, Coon Rapids, Fridley and Spring Lake Park concur in the proposed enlargement.

6. No opposition to the Petition is contained in the record.

7. The proposed enlargement is consistent with and would serve the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255 and Chapter 103D.

8. The proposed enlargement can be accomplished in conformance with Minn. Stat. § 103B.225 regarding benefits and damages.

9. The Petitioned Area is required to have a watershed management plan according to Minn. Stat. § 103B.231, subd. 1 and none has been in place since the dissolution of the Six Cities Watershed Management Organization.

10. The proposed enlargement should be approved per the Petition and the watershed management plan for the CCWD should be amended within one year to include the enlarged area.

ORDER

The Board hereby orders that the boundaries of the Coon Creek Watershed District are enlarged per the Petition as depicted on the three maps labeled Exhibit 1B-3, 1B-8 and 3, attached hereto and made a part of this Order hereof, including the data sets the maps were created from. The Board further orders that the Coon Creek Watershed District amend its watershed management plan within one year of the date of this Order to include the enlarged area.

Dated at Saint Paul, Minnesota this 14th day of December, 2011.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Brian Napstad, Chair

EXHIBIT
tabbies
1B-3

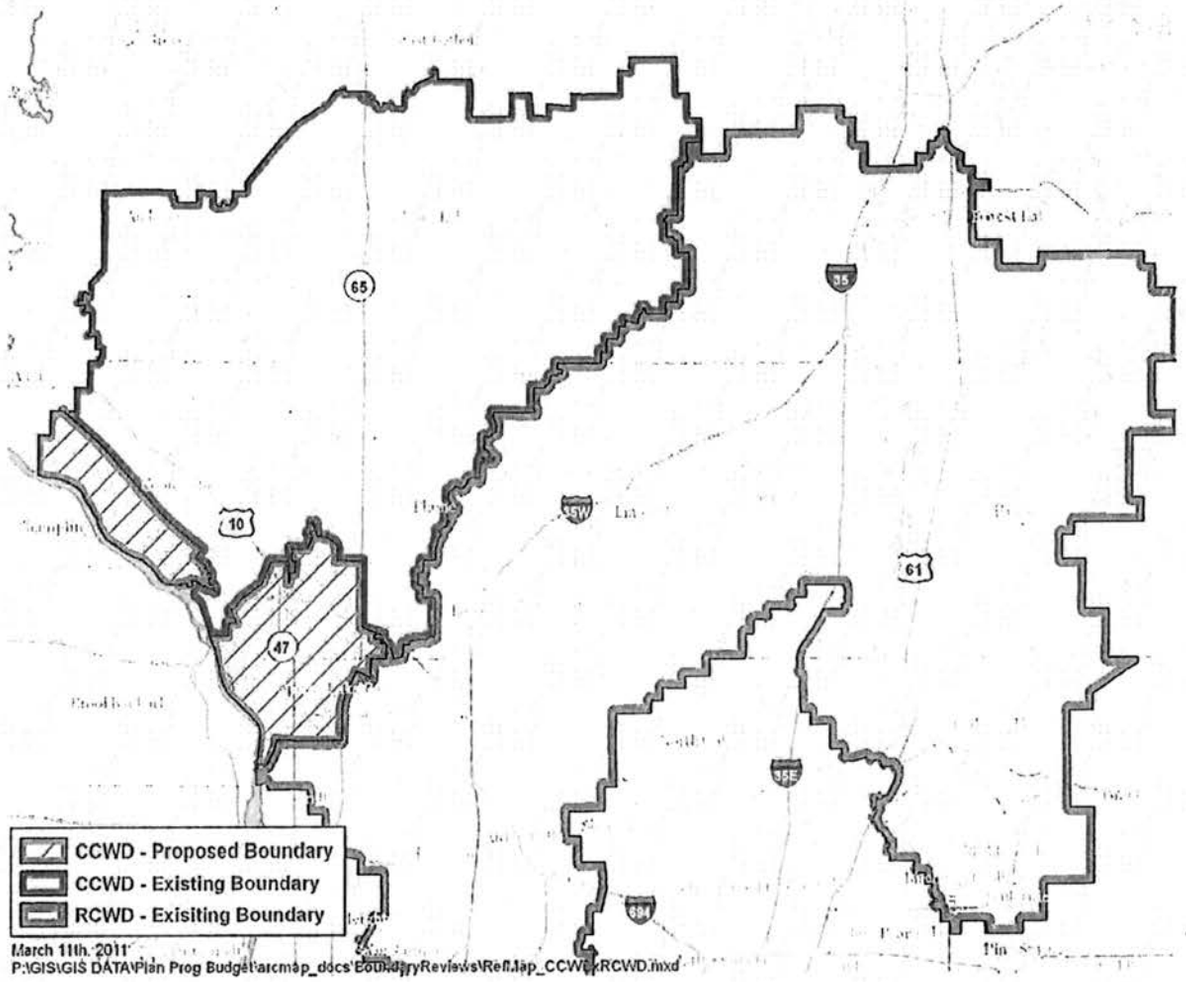
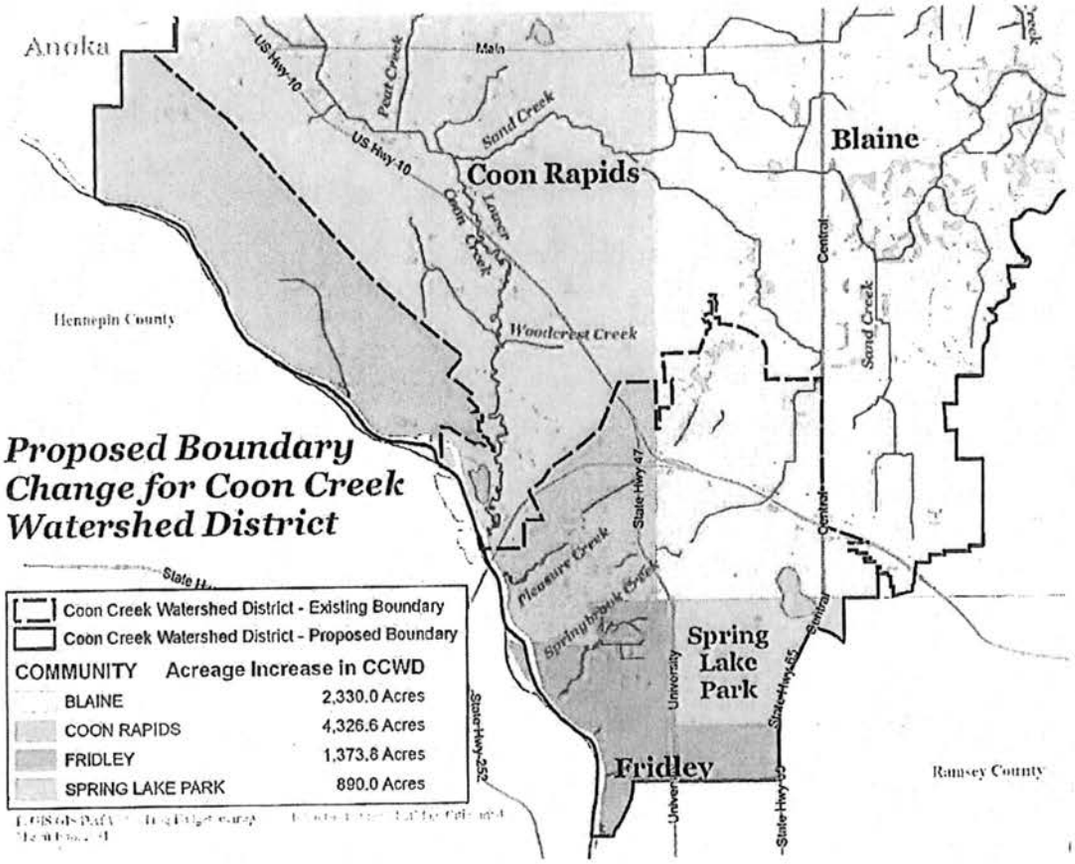


Figure 1.

EXHIBIT
tabbies
1B-8

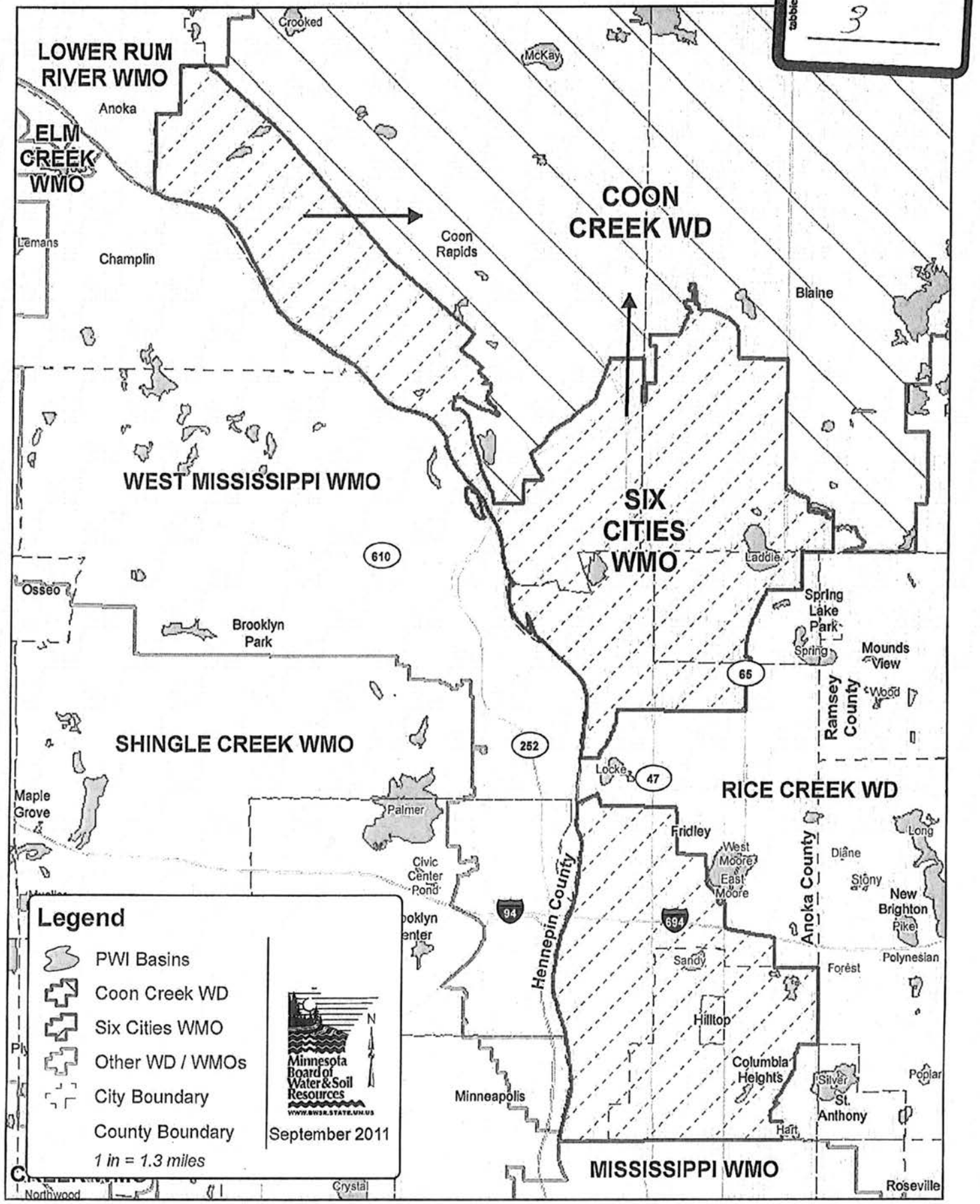
Description of the Requested Change in the Boundary	
Background	In 2010 and 2011 the Cities of Blaine, Coon Rapids, Fridley and Spring Lake Park requested that Coon Creek Watershed District assume watershed management responsibilities for the portions of those cities formerly within the Six Cities WMO and that lie north and west of the existing Rice Creek Watershed District.
Remedy	This will be accomplished by adding 8,920 acres currently within the Six Cities WMO to Coon Creek Watershed District
	The Six Cities WMO boundary within the Cities of Blaine, Coon Rapids, Fridley and Spring Lake Park is shown below. The map also shows the locations of the current Coon Creek WD boundary.



Coon Creek Watershed District Enlargement

Proposed Changes

EXHIBIT
tabbies
3



COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Dodge County Comprehensive Local Water Management Plan Amendment – Paul Langseth - ***DECISION ITEM***

2. Faribault County Comprehensive Local Water Management Plan Amendment – Paul Langseth - ***DECISION ITEM***

3. Lyon County Comprehensive Local Water Management Plan Amendment – Paul Langseth - ***DECISION ITEM***

4. Martin County Comprehensive Local Water Management Plan Amendment – Paul Langseth - ***DECISION ITEM***

5. Steele County Comprehensive Local Water Management Plan Amendment – Paul Langseth - ***DECISION ITEM***

6. Sibley County Comprehensive Local Water Management Plan Extension – Paul Langseth - ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Dodge County Local Water Management Plan Amendment**

Meeting Date: December 14, 2011

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Southern Region

Contact: Jeff Nielsen, Regional Supervisor

Prepared by: Mary Kells, Board Conservationist

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
Decision

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

The County of Dodge is the local government unit responsible for the Comprehensive Local Water Management Plan authorized by MN Statute, Section 103B. The County's Environmental Quality Department is responsible for the administration of the Water Management Plan. The County's original Water Management Plan was adopted in 1990. The Plan was updated and approved by BWSR.

A five-year amendment to the Executive Summary, Budget, and Implementation sections is required by December 31, 2011. The amendment process, initiated by Dodge County Board of Commissioners, involved obtaining input from meetings with the Dodge Technical Water Planning Committee, a group composed of state agency personnel from the Departments of Health, Agriculture, and Natural Resources, and representtives from the Natural Resource Conservation Service, Dodge SWCD, and Dodge County Environmental Services. The committee also included representatives from Dodge County municipalities and the public.

Executive Summary

Introduction

Dodge County is located in Southeast Minnesota. The county seat is Mantorville City located about 70 miles south of St. Paul. The population of the county in the year 2010 was 20,087. The projected population in the year 2020 is 22,250. The dominate land-use in the county is agriculture with about 83% of the total land area cultivated.

Local Water Management Plan

The County of Dodge is the local government unit responsible for the Comprehensive Local Water Management Plan authorized by MN Statute, Section 103B. The County's Environmental Quality Department is responsible for the administration of the Water Management Plan. The County's original Water Management Plan was adopted in 1990. The Plan was updated and approved by BWSR.

A 5-year amendment to the Executive Summary, Budget, and Implementation sections is required by 12-31-11. The amendment process, initiated by the Dodge County Board of Commissioners, (Resolution #2011-33, *Comprehensive Water Plan 5-Year Amendment*), involved obtaining input from meetings with the Dodge Technical Water Planning Committee, a group composed of state agency personnel from the Departments of Health, Agriculture, and Natural Resources, and representatives from the Natural Resource Conservation Service, Dodge Soil & Water Conservation District, and Dodge County Environmental Services. The Committee also included representatives from Dodge County municipalities, and the public.

Purpose of the Water Management Plan: Provide a framework and guideline for implementing actions that address priority concerns.

Priority Concerns Addressed in Plan (see Appendix A for Scoping Document):

1. Fertilizers and herbicides from agricultural fields seeping into drinking water
2. Nutrients and chemicals from animal feedlots flowing into rivers and streams
3. Nutrients and chemicals from animal feedlots seeping into drinking water
4. Soil, fertilizers and herbicides from agricultural fields flowing into rivers and streams
5. Loss of natural vegetation and habitat due to urban and rural development
6. Flash flooding or the quick rise and fall of water and stormwater management.
7. Inadequate individual septic systems, municipal sewers, and community systems that drain to field tile, wetlands, streams or rivers.

Water Management Goals: Safe drinking water in all aquifers and pollutant loads in protected waters below state and federal standards including Total Maximum Daily Limits.

Summary of Implementation Actions: *"Core Activities"* will be completed assuming that the current budget of *$290,000* is available annually with adjustments for inflation. Core activities include enforcement of wetland, feedlot, shoreland, septic system, waste management, and related zoning regulations. Core activities also

include on-going water testing programs designed to accurately judge conditions and trends in drinking water and rivers. A basic level of education, technical assistance, and financial assistance will be offered regularly. Core activities will be completed annually using existing staff.

"Accessory Activities" can be completed only if new sources of technical or financial assistance become available to the county. Examples of accessory activities include: purchase of aerial photographs, long-term groundwater and surface water monitoring stations, proactive education to promote agricultural best management practices, grants to restore wetlands, and implementation of South Zumbro Watershed Storm Water Capital Improvement Plan.

PRAP Evaluation: In October 2009, BWSR conducted a Level 2 Performance Review and Assistance Plan (PRAP) of Dodge County's Comprehensive Water Plan implementation. Following is an excerpt from their conclusions:

The Dodge County Environmental Services Department is making good progress in implementing the core activities of its local water management plan. Moreover, the county has been able to pursue and apply resources to make progress on a majority of the accessory activities in the plan.

The county staff has taken a leadership position in the delivery of water management and land conservation services in Dodge County. They can point to successes in their engagement with citizens and landowners in the water monitoring program, expansion of capacity in their feedlot program, in expanded zoning authority, and in general environmental education, The county has also demonstrated the ability to work collaboratively with other local government entities to accomplish planned objectives.

The Dodge County Environmental Services Office is commended for meeting these high performance operational standards.

- *Annual plan priorities based on water quality trend data*
- *Data are collected to track outcomes for priority concerns*
- *Water quality trends tracked for priority water bodies*
- *Obtained stakeholder input within last 5 years*
- *Partnerships with SWCDs/watershed district on projects*
- *Track outcomes for public education objectives*
- *Local water plan is linked on the county website*
- *Water management ordinances on the county website*

The complete PRAP report can be referenced in Appendix D.

Consistency with Other Plans: The Water Management Plan is consistent with other local, state, and regional plans and controls. Implementation actions include efforts to work with municipalities to maintain consistency with the County's plans and controls.

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, on August 24, 2006, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Dodge County 2006 – 2016 Comprehensive Local Water Plan Amendment (Plan Amendment), and

Whereas, this Board Order stipulated that Dodge County was required to update the implementation section by December 31, 2011; and

Whereas, the Dodge County Board of Commissioners submitted the Dodge County 2011 Plan Amendment to the Board on October 14, 2011 that contains the updated five-year implementation section as ordered by the Board; and

Whereas, the Board has completed its review of the 2011 Plan Amendment.

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

FINDINGS OF FACT

1. The 5-year implementation amendment was initiated by Dodge County in April of 2011 with assistance from BWSR staff. The official county resolution 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., was approved on August 9, 2011.
2. Dodge County convened its water plan task force, including citizens and agencies, to initiate the five-year implementation amendment on May 26, 2011 and again on July 28, 2011 to review recommended changes.
3. On August 24, 2011, Dodge 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 comments on the proposed changes until September 20, 2011.
4. Dodge County received written comments from the Minnesota Pollution Control Agency, Minnesota Department of Agriculture and Minnesota Department of Health. The County incorporated many of these comments and provided a written response to those agencies. The Minnesota Department of Natural Resources and Minnesota Board of Water and Soil Resources staff were actively involved in the amendment process by attending the technical committee meetings and providing feedback on draft plans.
5. On September 20, 2011, after providing for proper public notice, Dodge County conducted a public hearing on the proposed 2011 Plan Amendment. No additional comments were received from the public.
6. On October 14, 2011, the BWSR received the Dodge County 2011 Plan Amendment, a record of the public hearing, and copies of all written comments and responses pertaining to the 2011 Plan Amendment, pursuant to M.S. Section 103B.314, Subd. 6.

7. Board regional staff provided its recommendation of approval to the Committee on November 2, 2011.
8. On November 3, 2011, the Southern Water Planning Committee met to review Dodge County Water Plan Amendment and recommends that it be approved.
9. This 2011 Plan Amendment will be in effect until December 31, 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 Dodge County pursuant to Minnesota Statutes, 103B.314, Subd. 6.

2. The Dodge County 2011 Plan Amendment attached to this Order states goals, objectives, and actions the county will address. The 2011 Plan Amendment, as well as the previously approved Dodge 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 2011 Plan Amendment of the Dodge County Water Management Plan for January 1, 2012 – December 31, 2016. Dodge County will be required to provide for a complete update of its Water Management Plan prior to December 31, 2016.

Dated at St. Paul, Minnesota, this **14th day of December 2011**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Faribault County Local Water Management Plan Amendment**

Meeting Date: December 14, 2011

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Southern Region

Contact: Jeff Nielsen, Regional Supervisor

Prepared by: Chris Hughes, Board Conservationist

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

Decision

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

Since August of 1987, Faribault County has utilized the local water management process to protect and enhance the productive resources of the county including surface water, groundwater and related land resources. The first plan, adopted in 1990 provided goals, objectives and actions forming the foundation of subsequent plan updates and amendments. By Board Order, the Board of Water and Soil Resources (Board) approved the current Faribault County 2007 - 2016 Comprehensive Local Water Management Plan (Plan) on December 13, 2006. The Board Order required Faribault County to update (amend) the Plan's implementation section by December 31, 2011. Faribault County followed the amendment process guidelines established by the Board and submitted their 2012 - 2016 Local Water Management Plan Amendment on September 26, 2011.This Plan Amendment also contains an implementation section with goals, objectives and actions to address the county's priority concerns. Faribault SWCD provides county water plan coordination and implementation.

EXECUTIVE SUMMARY

Faribault County utilizes the local water management planning process to protect and enhance the productive resources of the county such as surface water, groundwater, and related land resources by developing and carrying out the goals, objectives and actions outlined in the Local Water Management Plan. Local water management planning also provides a means to link state goals and objectives with the goals and objectives set forth by Faribault County for managing water and related land resources throughout the county.

Faribault County is located on the Minnesota – Iowa border in south central Minnesota. It is surrounded by Blue Earth County to the north, Martin County to the west, and Freeborn County to the east. Faribault County is a primarily agricultural county with a total population of 14,553, according to the 2010 Census. This is a –10% change since 2000, and a –39% change from the county's all time high population of 23,941 in 1940. Based on these trends, it is anticipated that the county will continue to see a decline in population in the future.

Approximately 31% of the county's population resides in a rural setting. The largest town and county seat is the City of Blue Earth with a population of 3,353. Faribault County has a total area of 461,600 acres or approximately 720 square miles. There are approximately 415,000 acres of cultivated farmland to 45,000 acres of other land in the county. The ratio of farmland to other land is approximately 9:1, with corn and soybeans as the primary crops. Hogs are the primary livestock in the county. The native vegetation consists of tall and medium prairie grasses. Some wooded areas are along streams and lakes.

The southern and western portion of Faribault County lies within the Blue Earth River Watershed, which includes 305,000 acres. In the western part of the county, regional drainage is from south to north along the Blue Earth River system, while local drainage flows eastward through Elm, Center, South, and Badger Creeks. The East Fork of the Blue Earth River and Coon Creek together drain the southeastern part of the county and join the main system in the City of Blue Earth. The north central and northeastern portions of Faribault County lie within the Le Sueur River Watershed, which includes 156,200 acres. In this area, regional drainage is from south to north along Rice Creek, Maple River and Cobb River. They flow north and eventually join the Le Sueur River, which empties into the Blue Earth River near Mankato. The very southeastern corner of Faribault County lies within the Winnebago River Watershed, and includes 400 acres.

Faribault County officially began the local water management planning process in August of 1987, with the first plan adopted in 1990. The current ten year plan was approved on January 16, 2007 and is set to expire in December 31, 2016. A resolution to amend the plan was approved on March 15, 2011 to update the five year focus plan. The Faribault County Soil and Water Conservation District continues to coordinate the planning process for the county.

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 **Faribault 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 Faribault County 2007 – 2016 Comprehensive Local Water Plan Update (Plan), which contained a 2006 – 2011 five-year implementation section

Whereas, this Board Order stipulated that Faribault County was required to update the implementation section by December 31, 2011; and

Whereas, the Faribault County Board of Commissioners submitted the Faribault County 2011 Plan Amendment to the Board on September 26, 2011 that contains the updated five-year implementation section as ordered by the Board; and

Whereas, the Board has completed its review of the 2011 Plan Amendment.

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

FINDINGS OF FACT

1. The five-year implementation amendment was initiated by Faribault County in March of 2011 with assistance from BWSR staff. The official county resolution 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., was approved on March 15, 2011.
2. Faribault County convened its water plan task force, including citizens and agencies, to initiate the five-year implementation amendment on April 21, 2011 to review the current implementation section, discuss current issues, trends and needs, begin development of implementation section and review and develop executive summary.
3. On June 21, 2011, Faribault 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 comments on the proposed changes until August 15, 2011.
4. Faribault County received written comments from the Minnesota Pollution Control Agency, and Minnesota Department of Agriculture. The Minnesota Board of Water and Soil Resources staff was actively involved in the amendment process by attending the technical committee meeting and providing feedback on the draft plan.
5. On September 20, 2011, after providing for proper public notice, Faribault County conducted a public hearing on the proposed 2011 Plan Amendment. No additional comments were received from the public.
6. On September 26, 2011, the BWSR received the Faribault County 2011 Plan Amendment, a record of the public hearing, and copies of all written comments pertaining to the 2011 Plan Amendment, pursuant to M.S. Section 103B.314, Subd. 6.

7. Board regional staff provided its recommendation of approval to the Regional Supervisor on November 1, 2011.
8. On November 3, 2011, the Southern Water Planning Committee met to review Faribault County Water Plan Amendment and recommends that it be approved.
9. This 2011 Plan Amendment will be in effect until December 31, 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 Faribault County pursuant to Minnesota Statutes, 103B.314, Subd. 6.

2. The Faribault County 2011 Plan Amendment attached to this Order states goals, objectives, and actions the county will address. The 2011 Plan Amendment, as well as the previously approved Faribault 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 2011 Plan Amendment of the Faribault County Water Management Plan for January 1, 2012 – December 31, 2016. Faribault County will be required to provide for a complete update of its Water Management Plan prior to December 31, 2016.

Dated at St. Paul, Minnesota, this **14th day of December 2011**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



BY: Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Lyon County Local Water Management Plan Amendment**

Meeting Date: December 14, 2011

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Southern Region

Contact: Jeff Nielsen, Regional Supervisor

Prepared by: David Sill, Board Conservationist

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

Decision

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

The current Lyon County Comprehensive Local Water Management Plan (Plan) was approved by the Board in December of 2008. This amendment focuses on activities between 2012 and 2015. Another amendment will be done in 2015, which will cover activites through the expiration of the Plan in December of 2018. The Lyon County Environmental Office is in charge of administration of the Lyon County Plan.

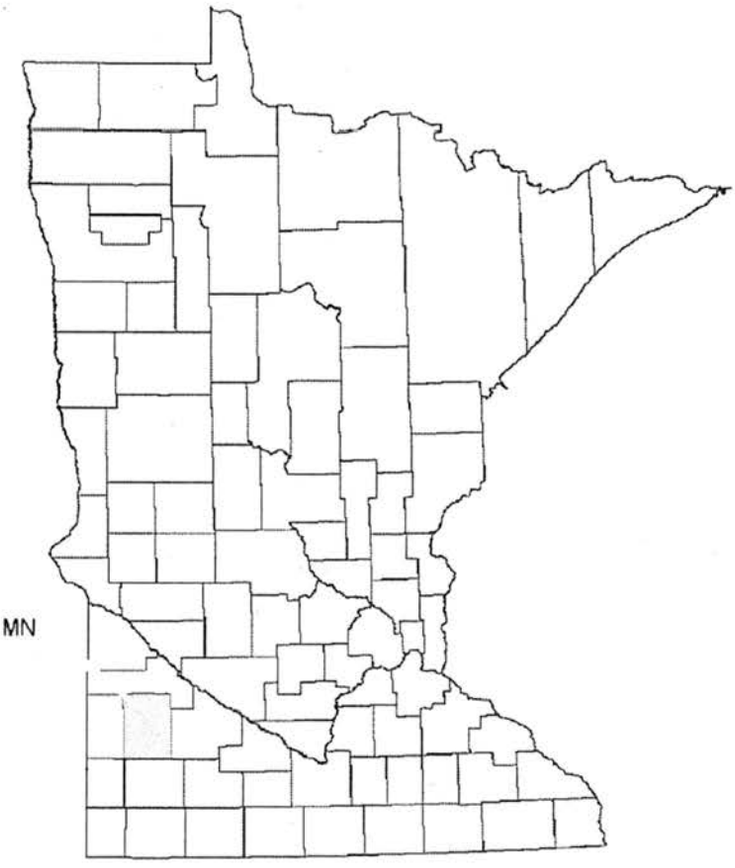
Lyon County Local Comprehensive Water Management Plan

2011 AMENDMENT: covers Calendar Years 2012-2015



This document represents the collaborative efforts, and expressed ideas and concerns from local residents, business owners, academics, and representatives from local, state, and federal water management professionals.

This document was prepared by Roger Schroeder, Lyon County Environmental Specialist.



Lyon County Water Plan Coordinator

Lyon County Environmental Office
504 Fairgrounds Road, Marshall, MN 56258
Phone: (507) 532-8210
email: rogerschroeder@co.lyon.mn.us

FINAL DRAFT VERSION SUBMITTED TO BWSR

Lyon County Local Comprehensive Water Management Plan

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Acknowledgements

Undertakings such as local water management planning involve more individuals and entities than can be adequately thanked in such a document. Local, State, and Federal water management professionals, elected officials, advisory committees, and public participants all contributed to shaping the content of this planning document. On behalf of the Lyon County Natural Resource & Recreation Board, our sincere thanks are offered. The Lyon County Natural Resource & Recreation Board is to be commended for their representative involvement in local water planning.

Special appreciation and thanks to David Sill (BWSR) for his patient guidance, and thoughtful suggestions, and to long-time water plan board members Harlan "Doc" Mangusson, Otto Nyquist, and Chauncey Muedeking for decades of dedication to local water management planning. Thank You Most Sincerely.

- Roger Schroeder, Lyon County

Section I—EXECUTIVE SUMMARY

OPPORTUNITY.

In a Word, "Opportunity" best describes the theme for this much-anticipated amendment to the Lyon County Water Management Plan.

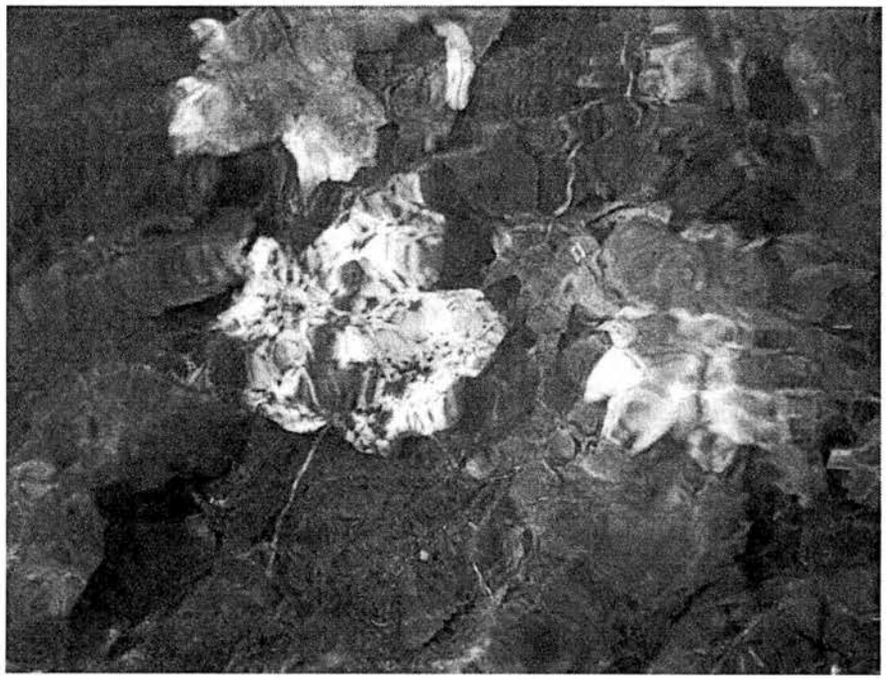
The expectation of BWSR was for Implementation Section (Section 3) of this water plan to be amended only once during the approved 10-year comprehensive plan.

At the time of the adoption of this version of the plan, however, several, much-anticipated changes were about to occur.

These changes included potential opportunities of potential benefit to local water management. One anticipated opportunity came in the form of Minnesota voters passing the "Legacy Act" Amendment in November 2008. This has allowed for the potential of additional revenue sources to be accessed for natural resource protection and benefit.

Another opportunity came in April 2009 when the Lyon County Board of Commissioners entered into a delegation agreement with the Minnesota Pollution Control Agency (MPCA) to administer the County Feedlot Program. Local administration of this program allows for the potential access of additional funding sources, and for increased

Continued on page 8



Amendment to the Lyon County Local Water Management Plan

This Special Amendment to the Lyon County Local Water Management Plan was planned to occur at the end of the third year of the approved 10-year water management plan, which was adopted by the Minnesota Board of Water and Soil Resources (BWSR) in December of 2008. Although the amendment (and the amendment planned for December 2015) exceeds the expectations of BWSR, the reasons for making this amendment now are quite valid, and are explained in the sidebar article on the front and back cover of this document.

As an amendment to the 2008 local water management plan, this document is not intended to supplant the 2008 version, rather, to update two sections of the 2008 document; namely, this Executive Summary, and Section 3—the Implementation Plan. Only these two documents will be revised. The changes to these document account for recent changes, accomplishments, opportunities, and further comments from State and Local entities with regards to water management issues in Lyon County, Minnesota.

The amendment to these two sections retains language, and content required by BWSR for local water management planning, and updates the focus, objectives, and methods for directing water planning activities in Lyon County.

Lyon County Local Water Management Plan

This is the first amendment to the 2008 Version Lyon County Water Management Plan. The 2008 plan is the third revision of the original water management plan adopted and enacted in 1988. This update to the water plan adapts

Water Management Plan Purpose

The Lyon County Comprehensive Local Water Plan has two purposes that focus on priority concerns as identified in coordination with other local governments and state agencies (2003 Statutory M.S. 103B.301), and an implementation plan that addresses the priority concerns:

1) To identify existing, and potential opportunities for the protection, management and development of water and related land resources.

2) To develop objectives and carry out a plan of action to promote sound hydrologic management of water and related land resource s and effective environmental protection.

to changes in involvement, expectations, and focus from previous plans, yet does not entirely supplant previous plans. Valuable information is contained especially in the most previous revision of the water plan; specifically **Section III**: *Description of Features Affecting Water Resources*, **Section IV:** *Description of Water Resources,* **Section V**: *Related Land Resources*, **Section VI**: *Special Land Uses and Conditions*, and the **Associated Maps**.

The current comprehensive local water plan document for Lyon County was accepted by the Minnesota Board of Water and Soil Resources in December 2008. This amendment is intended to be adopted December 31, 2011 to refresh implementation activities originally outlines in the 10 -year water management plan, which covers years 2009-2018.

In passing the Resolution to update the water plan, the Lyon County Board of Commissioners also voted unanimously to charge water plan administration to the Lyon County Environmental Office; which will continue to serve as the Local Governmental Unit (LGU) responsible for the local water management program as it has since the plan's inception. The County Board further supported a restructuring of the existing Water Plan Task Force for the purpose of this update process. The restructured Water Plan Board will provide oversight of water planning activities.

Summary of Priority Concerns

The process used to derive priority concerns for Lyon County water resources (outlined completely in the Priority Concerns Scoping Document—Section IV) resulted in four general concern areas that are detailed below.

1. **Impaired Waters:** Several specific surface waters in Lyon County have been analyzed to determine that impairments to aquatic life or human use exist. Total Maximum Daily Load (TMDL) analysis and recreation has identified several water bodies/reaches have been impaired as of the date of this document. [AMENDMENT NOTE: This listing changes frequently, therefore, the complete listing has been moved from this section to *APPENDIX E: CLEAN WATER ACT SECTION 303 (d) LIST.*

TMDL DEFINED

TMDL is a scientific measure of how much of a certain contaminant can be present in the water without negatively impacting the overall health or usability of that water for recreation or consumption.

With research completed on these waters we have solid direction for how to best support implementation activities to support recovery efforts of these surface waters. Not all surface waters in Lyon County have been thoroughly analyzed, and it is expected that during the span of this water plan update additions will be made to this list of impaired surface waters.

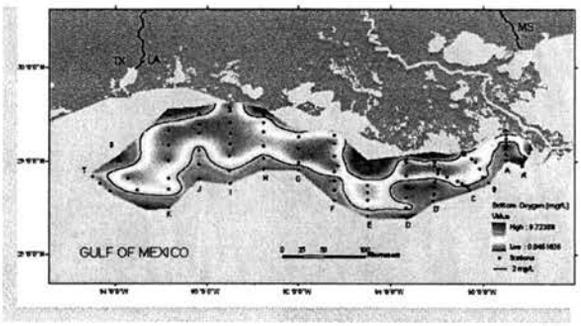
Section I—EXECUTIVE SUMMARY

GOALS, ACTION, AND PROJECTED COST

TMDL plans already in place are administered by entities other than Lyon County. however, the County Water Plan has two areas of focus:

1) Provide administrative support to approved TMDL plan implementation efforts.
2) Focus financial allocation toward activities in the County that provide county-wide benefits (e.g. abandoned well sealing), or that target water sources not currently covered by TMDL plans (e.g. the Twin Lakes sub-watershed).

"Till taught by pain, Men really know not what good water's worth"
- Lord Byron



2. **Hydrologic System Management**: The altered Southwest Minnesota landscape from its native, pre-settlement state has transformed the flow, retention, and replenishment of the hydrologic cycle. Pattern tiling, ditching, wetland removal, development, stormwater drainage, excessive groundwater use, etc. have resulted in the cumulative effect of rapidly transporting a greater amount of water to major rivers and streams, and away from groundwater recharge potential. Some impacts of this human-induced activity can already be seen, such as the impaired list of waters previously discussed.

Slowing this rapid export of water is in need of greater attention through comprehensive study and continual implementation of beneficial projects. Incorporating proven, practical measures—such as conservation drainage—would provide benefits to water quality without negatively impacting existing land management practices. Important to this issue is maintenance of existing infrastructure—e.g. flood retention structures—related to hydrologic systems.

Although a targeted approach to incorporating additional flood control measures would prudent, it is generally believed that any additional wetland acres, flood control measures, and bank stabilization efforts would provide lasting cumulative benefits.

GOALS, ACTION, AND PROJECTED COST

Water Plan Partners are committed to identifying, and prioritizing potential projects, and are looking for additional ways to improve water resource quality through hydrologic system management. In this amendment of the Lyon County Water Management Plan, additional effort will be directed toward securing funding for priority projects, supporting educational/ informational workshops on conservation drainage, and wetland reclamation, and securing funding for large-scale projects that would distribute great benefit to water resources.

Plan Adoption and Amendment Process

- The current Lyon County Local Comprehensive Water Plan will guide water management priority concerns through the year 2018.
- This amendment of the plan focuses on activities between 2012-2015.
- The next planned review and update of the Implementation plan will be conducted in 2015, and will continue through the 10-year plan expiration in December 2018.
- Annual activities are recommended by the Lyon County Natural Resource & Recreation Board, and the Lyon County Board of Commissioners.

Our Future through the Eyes of Our Past

Minnesota is in need of engaging in greater efforts to promote opportunities to establish deeper commitments to natural resource sustainability, and to better engage in land and water conservation and protection practices.

Excessive dollars have been spent to correct problems that were created by our haste to develop land for our own purposes. Make no mistake, I acknowledge the benefits received by the entire country from the efforts made in the areas of food production, rail expansion, and community settlement in Southwest Minnesota. And make no mistake, I acknowledge the level of insight we now have of looking at past actions through the lenses of hindsight. Yet here in Minnesota in 2012 we still paying for the haste of excessive drainage, a greed for production output, and selfish over-development from the last 50-100 years.

Have we learned from the outcomes of our recent past? To me, the resounding answer appears to be 'not quite'.

Even as we are in the process of paying for the haste of our predecessors (through taxpayer-supported conservation programs), Minnesota's governance, and its people continue to engage in hasty decisions, and live lifestyles that limit true sustainability.

In my opinion, this region of Min-

Continued next sidebar

3. **Nutrient Loading Reduction:** Nutrient loads into surface waters is a primary culprit for the degradation of water quality in Southwest Minnesota. Although some impaired waters have already been identified through TMDL studies, many surface waters have yet to be comprehensively evaluated to ascertain if impairments exist. For this reason, limiting excessive nutrients from reaching surface waters is of primary consideration. Buffers to ditches, rivers and lakes are of primary consideration to receive funding, and project support from the water plan.

GOALS, ACTION, AND PROJECTED COST

Nutrient Reduction priorities for this segment of the water plan center on water bodies that are currently not covered by a TMDL plan, and activities that have county-wide benefit (by targeting non-point source inputs). Replacing agricultural field tile intakes with "blind inlets" has been a prominent feature of local water planning, and will continue, as will subsurface sewage treatment system (SSTS) enforcement and improvements.

New activities to this amendment of the local water plan include efforts toward completion of a Level III Feddlot Inventory to assess pollution runoff potential. Anticipation completion date is December, 2011. After completion, Lyon County anticipates continuing with regular feedlot administration, and assistance—which allows for enforcement and funding of small dollar fixes to small feedlot operations—and conservation drainage incentives—whereby land managers are provided incentive to install controls and features to better manage agricultural land drainage.

4. **Public Drinking Water Supply Protection:** Extensive concern has been expressed with regards to drinking water quality, quantity, and availability. Wellhead protection through land use best management practices in well recharge areas has been specifically highlighted as a top priority; not only for existing well recharge areas, but also for developing future well sites.

   The availability of groundwater for future use is a concern for some industry professionals that has not receive adequate attention. Conducting research to assess the availability of water resources might provide many long-range planning benefits.

   There are not any scheduled wellhead protection plan developments during this phase of the local water plan, therefore, total cost, and project goals are reduced from previous years. However, technical and financial services will be made available when requested.

GOALS, ACTION, AND PROJECTED COST

These activities primarily include an education focus, especially focusing on water conservation, and wellhead protection. Activities across the County include abandon/unused well sealing, while targeted activities concentrate on wellhead protection, and land use controls—especially for those communities that do not currently have a wellhead protection plan.

5. Education: Education—especially youth education—has been a prominent feature of Lyon County local water planning for the last decade. Many collaborative efforts persist to provide ecological education opportunities for schools strapped by annual budget cuts. One-time education events focus on topics primarily for adults that focus on land use best management practices. Though educational components are already covered throughout each Priority Concern Area, educational efforts play such a significant role to Lyon County water planning, that additional emphasis is warranted.

GOALS, ACTION, AND PROJECTED COST

Water resources education opportunities will continue to be supported for school science programs—primarily reaching grades 5-8. Adult education efforts will increase during this amendment coverage period, with workshop and seminar opportunities reaching local communities in Lyon County. Most partners also engage in educational activities—the Lyon Soil & Water Conservation office engaging both youth and adults in many ways.

Closing Remarks

The environment (including water management concerns) does not always rate high on the minds of residents of this state when compared to transportation, education, employment, and safe communities. Local water management efforts—in a way—are trying to assure that water quality makes it to the top of the list of concerns for Minnesotans, for we know that if this does not happen, communities in this State would avoid numerous future problems.

As water management plan partners we need to continue to do good work to make certain that water quality, and water quantity never become urgent concerns. This process of good work is invigorated by updating water management plans in the manner in which we have proceeded. The challenge now is to maintain this momentum throughout the duration of this local water management plan.

Continued from previous

nesota is leaning slightly toward the exploitation of our groundwater resources, the exploitation of our crop producing land, and a general ambivalence toward concerns fro protecting surface water and groundwater resources.

The lack of attention to the breadth of opportunities for individuals to engage in energy conservation, inefficiency in the form of calories per acre food production, and the State's rapid trend toward investments into the Ethanol Industry are but a few examples of practices that do not lend themselves toward promoting sustainability, and ones in which—if continued—may require future generations to pay for current haste.

Conservation, in the form of changing our human behaviors, is the BEST solution for reducing our dependence on traditional energy sources, and will be the BEST effort we can make toward the establishing a sustainable way of life that will promote natural resource conservation, and preservation.

I acknowledge that this is a complicated situation, that we are in complicated times. Yet we were in such complicated times 50 and 100 years ago as well. Complication is no longer a suitable excuse, nor is it a justification to put off lifestyle changes that are necessary to truly protect and preserve a sustainable future in our region of the nation.

- Roger Schroeder



Summary of Accomplishments

As of this writing, water plan partners have accounted for significant accomplishment toward water plan goals addressing water resources in Lyon County. Total dollars spent on water resource protection, reclamation, and protection is very difficult to measure since numerous local, state, and federal entities have programs benefitting Lyon County. That being said, the following chart attempts to summarize dollars and activities spent by water plan partners on programs and projects identified as priorities in the Lyon County Local Water Management Plan. The following table summarizes water plan partner activities between January 1, 2009, and December 31, 2011

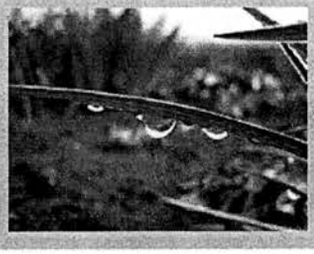


TABLE 1: Water Plan Partners Spending Summary

Priority Concern Activity	No.	Water Plan Dollars	Partner Dollars	Total Dollars
1. Impaired Waters				
Streambank Stabilization	6	$ 12,200.00	$ 272,625.00	$ 284,825.00
Municipal Storm Sewer Imp.	1	$ 3,000.00	$ 347,000.00	$ 350,000.00
River Cleanup	2	$ 128.44	$ 1,450.00	$ 1,578.44
Grassed Waterways	2.5	$ -	$ 34,600.00	$ 34,600.00
Fallen Tree Removal	3	$ 11,265.00	$ 4,200.00	$ 15,465.00
TOTALS	**14.5**			**$ 686,468.44**
2. Hydrologic System Mgmt.				
Research and Mapping	1	$ 1,500.00	$ 1,500.00	$ 3,000.00
Small Dam Repair	6	$ 7,000.00	$ 167,942.00	$ 174,942.00
Shoreland Administration	1	$ 9,357.00	$ 9,357.00	$ 18,714.00
WCA Administration	3	$ 30,000.00	$ 30,000.00	$ 60,000.00
TOTALS	**11**			**$ 256,656.00**
3. Nutrient Load Reduction				
Tile Intake	51	$ 3,219.69	$ 21,870.44	$ 25,090.13
Feedlot small fixes	2	$ 750.00	$ 3,150.00	$ 3,900.00
Rain Gardens	2	$ 1,125.00	$ 1,450.00	$ 2,575.00
Nutrient Management Plans	12	$ -	$ 37,943.00	$ 37,943.00
SSTS Program Enforcement	3	$ 29,862.00	$ -	$ 29,862.00
Sedimentation Control Basins	18	$ -	$ 64,850.00	$ 64,850.00
Conservation Use Incentive	2	$ 2,500.00	$ -	$ 2,500.00
Feedlot Administration	1	$ 36,300.00	$ -	$ 36,300.00
Ag Waste Facilities	3	$ -	$ 160,665.00	$ 160,665.00
TOTALS	**94**			**$ 363,685.13**
4. Groundwater Protection				
Education & Research Intern	1	$ 2,000.00	$ 2,000.00	$ 4,000.00
Well Sealing	38	$ 5,682.00	$ 12,045.50	$ 17,727.50
SSTS Loan Upgrades	27	$ 248,809.00	$ 2,250.00	$ 251,059.00
WHP Water Analysis	1	$ 2,688.00	$ 5,000.00	$ 7,688.00
TOTALS	**67**			**$ 280,474.50**
5. Education				
4-H Day Camps	6	$ 2,076.00	$ 500.00	$ 2,576.00
Environmental Fair	3	$ 1,250.00	$ 13,500.00	$ 14,750.00
SWCD Women's Ag. Day	1	$ 600.00	$ 4,760.00	$ 5,360.00
River Ecology Education	6	$ 5,052.00	$ 975.00	$ 6,027.00
TOTALS	**16**			**$ 28,713.00**

TABLE NOTES: *The column "No." is the number of projects completed. Partner Dollars refer to financial contributions to the projects from water plan partners. "Attending" is used to note participation numbers at events open to the public.*

Section I—EXECUTIVE SUMMARY

2011 Amendment Priority Rankings

Local water plan projects were ranked by members to help hone in on initiatives that will provide the greatest benefit in consideration of available dollars, partner skills, and project availability for the duration of this water plan amendment.

The method used assigned numerical qualifiers for each of three categories related to potential water plan projects: 1) Potential Beneficial Impact/Coverage, [Imp] 2) Project Availability, [*Aval*] and 3) Cost. The scales developed assigned values in which the highest value corresponds to the greatest benefit to local water planning with respect to each category. For example, a value of "5" for Potential Impact was used for projects with wide ranging benefits, or cumulative benefits, while a Cost Value of "5" was assigned to projects with the lowest cost. Both high values correspond to the best benefit to local water planning.

Categories were also weighted in accord with the overall importance to local water planning efforts. Potential Impact values were magnified 2 times their initial value, availability of the project was increased by 1.5 times the value, and project cost was kept at the original value. It is felt these factors best reflect Lyon County local water planning decision-making considerations.









TABLE 2: 2011 Amendment Priority Rankings

Rnk	Topic	Area	Imp	Aval	Cost	TOT
1	Youth Water Resource Education	Education	3	4	4	**16.0**
2	Water Use Conservation	Education	4	2	4	**15.0**
3	Nutrient Management plan assist.	Nutrient Reduction	3	3	3	**13.5**
4	Wetland Reclaimation	Hydrologic System	4	2	2	**13.0**
5	Shoreland Stewardship & BMPs	Nutrient Reduction	3	2	4	**13.0**
6	Adult Water Resource Education	Education	3	2	4	**13.0**
7	Well Sealing	Groundwater	2	4	3	**13.0**
8	Tree Removal	Impaired Waters	2	4	2	**12.0**
9	Assist with small feedlot fixes	Nutrient Reduction	3	3	1	**11.5**
10	Blind Tile Inlet	Nutrient Reduction	2	3	3	**11.5**
11	River Cleanup	Impaired Waters	1	3	5	**11.5**
12	Small Dam Repair	Hydrologic System	2	3	2	**10.5**
13	Streambank Stabilization	Impaired Waters	3	2	1	**10.0**
14	Flood Control structures	Hydrologic System	3	2	1	**10.0**
15	Twin Lakes watershed protection	Nutrient Reduction	2	3	1	**9.5**
16	Wellhead Protection	Groundwater	2	2	2	**9.0**
17	Buffer Systems	Nutrient Reduction	2	2	2	**9.0**
18	SSTS Upgrades	Groundwater	2	2	1	**8.0**
19	Rain Garden	Nutrient Reduction	1	1	3	**6.5**
20	Waterless fixture demonstration	Groundwater	1	1	3	**6.5**

CATEGORY VALUE DESCRIPTIONS

IMPACT: *5=Wide/ Cumulative, 4=Comprehensive, 3=Localized, but Acute, 2=Significant, 1=Marginal*

AVAILIBILITY: *5=Immediate/Regular, 4=On-going, 3=Likely, but dependent, 2=Available if Interested, 1=Unscheduled*

COST: *5=Low, 4=Moderate, 3=High, 2=Partners, 1=Grant*

Lyon County Water Plan Website

You can find this amendment of the Lyon County Water Management Plan on the Lyon County, Minnesota website. The main page is http://www.lyonco.org

Once there, click on the menu link for "Environmental". Next, on the new page view that appears, click on the menu link "Local Water Plan". Here, you will find links to all sections of the approved local water management plan.

For more information, or to ask questions about the plan, please contact the Environmental Office at Lyon County Public Works—(507) 532-8210.



Lyon County Natural Resource and Recreation Board

The Lyon County Water Plan Board is served by the Lyon County Natural Resource and Recreation Board. This Board is responsible to County Parks, and Trails, the local water management plan, and promoting recreation activities in Lyon County. Members currently include, County Commissioner Mark Goodenow, Lyon Soil & Water District Supervisor Otto Nyquist, Yellow Medicine Watershed District Board Member Tim Buysse, and the following Lyon County citizens: Chauncey Muedeking, Betsy Desy, Michelle Schultz, Kevin Henkel, Tom Meulebroeck, Denny Alexander, and Ron Prorock. Lyon County staff members include Roger Schroeder serving as the Water Plan Coordinator, and Suhail Kanwar, Lyon County Public Works Director.

Continued from page1

authority to facilitate improvements to existing structures and systems that may have negative impacts on natural (water) resources.

A third opportunity is the staffing, and financial commitment to the Des Moines River Watershed District. (DRWD). Though only a small portion of the Des Moines River watershed exists in Lyon County—about the size of 20 Sections of land area—this portion has been under-emphasized in areas of potential water management improvement. For example, low-interest loan options for septic system improvements were very limited to residents living in this watershed.

In addition to these opportunities, a few notable changes were also anticipated during the writing of this local water plan document. Most notably, the Redwood River Nonpoint Pollution Reduction Project plan was expected to be approved (and was finally approved) in 2010.

For these reason, the Lyon County Natural Resource and Recreation Board—the governing body of the Lyon County water planning process—agreed that to wait five years for an amendment to the Implementation Section would not capitalized on opportunities to better shape water planning efforts.

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, on December 17, 2008, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Lyon County 2008 – 2018 Comprehensive Local Water Plan Update (Plan), which contained a 2008 – 2011 three-year Implementation section; and

Whereas, this Board Order stipulated that Lyon County was required to update the implementation section by December 31, 2011, and December 31, 2015; and

Whereas, the Lyon County Board of Commissioners submitted the Lyon County Plan 2011 Amendment to the Board on October 12, 2011; and

Whereas, this 2011 Amendment contains the updated four-year implementation section as ordered by the Board; and

Whereas, the Board has completed its review of the 2011 Amendment.

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

FINDINGS OF FACT

1. On May 3, 2011, the Board received a resolution from Lyon County stating its intent to amend its current Plan by providing for the required update of the implementation section, pursuant to M.S. Section 103B.314, Subd. 6.

2. On April 20, 2011 and June 22, 2011, Board staff provided information on the amendment process to Lyon County.

3. On June 7, 2011, Lyon County provided proper notice to local units of government and state agencies of the County's intent to amend its implementation section and invited all recipients to participate in the amendment process.

4. Lyon County received written comments from the Minnesota Pollution Control Agency, Minnesota Department of Health, Minnesota Department of Agriculture, and the Minnesota Board of Water and Soil Resources.

5. No other state agency or local government unit provided written comments to Lyon County.

6. The final document developed by Lyon County, which includes the revised four-year implementation section December 2011 – December 2015 is entitled the Lyon County 2011 Amendment.

7. On October 4, 2011, after providing for proper public notice, Lyon County conducted a public hearing on the proposed 2011 Amendment. Prior to the hearing final comments were received from the Minnesota Department of Natural Resources, Lyon Soil and Water Conservation District, City of Marshall, and the Heron Lake Watershed District.

8. On October 12, 2011, the BWSR received the Lyon County 2011 Amendment, a record of the public hearing, and copies of all written comments pertaining to the 2011 Amendment, pursuant to M.S. Section 103B.314, Subd. 6.

9. On November 3, 2011, the Board's Southern Water Planning Committee (Committee) reviewed the Lyon County 2011 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 at its next scheduled meeting.

12. This 2011 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 Lyon County pursuant to Minnesota Statutes, 103B.314, Subd. 6.

2. The Lyon County 2011 Amendment attached to this Order states goals, objectives, and actions the County will address in the implementation section December 2011 – December 2015. The 2011 Amendment, as well as the previously approved Lyon County December 2008 – December 2018 Comprehensive Local Water Plan Update, is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached 2011 Amendment of the Lyon County Water Management Plan for December 2011 – December 2015. Lyon County will again amend their Plan by December 2015 for the final three years through December 2018.

Dated at St. Paul, Minnesota, this **14th day of December 2011**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



BY: Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Martin County Local Water Management Plan Amendment**

Meeting Date: December 14, 2011

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Southern Region

Contact: Jeff Nielsen, Regional Supervisor

Prepared by: Chris Hughes, Board Conservationist

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
Decision

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

The first edition of the Martin County Comprehensive Water Plan was adopted in 1989 and revised in 1995. Quality water resources are important to Martin County, and the County is blessed to have abundant water resources that is atypical for far southern Minnesota counties. The County has made it a priority to protect those resources to maintain and enhance the quality of life, productivity of agriculture, recreation and business climate it now enjoys. By Board Order, the Board of Water and Soil Resources (Board) approved the Martin County 2006 - 2016 Comprehensive Local Water Management Plan (Plan) on August 24, 2006. This Plan contains an implementation section with goals, objectives and actions to address the County's priority concerns. The Board Order required Martin County to update the Plan's implementation section by January 1, 2011. Martin County followed the amendment process guidelines established by the Board and submitted their 2012 - 2016 Plan Amendment on September 29, 2011.

Executive Summary

Purpose
Quality water resources are important to Martin County and the State of Minnesota. Martin County is blessed to have abundant water resources above what is typical for a southern Minnesota county. The County feels it is important, and has made it a priority, to protect those resources to maintain and enhance the quality of life, productivity of agriculture, recreation and business climate it now enjoys.

This is the third edition of the Martin County Water Plan. The first edition was adopted in 1989 and revised in 1995. This 2006 plan takes another step in advancing water resource protection in the county. Over the years there have been an extensive amount of accomplishments driven by the Water Plan. Richard Perrine, Water Plan Coordinator, has summarized the accomplishments of the 1995 plan on page 9 of this plan. This plan takes the next step in that progression.

The 2006 to 2016 Martin County Local Water Plan was developed in accordance with the Comprehensive Local Water Management Act: Minnesota Statute 103B.

2011 Mid-plan Update
The Water Plan Advisory Committee, Citizens and agency representatives have provided the input for the mid-plan revisions incorporated in this document. The Priority Concerns remain the same and most of the goals and objectives have been retained, but there have been some additions, deletions and changes in focus.

Best Management Practices strategically targeted across all watersheds has an even stronger focus. Precision Conservation applied across all watersheds, using agricultural practices on cropland and urban BMPs in residential and industrial settings will result in efficiency with the limited amount of funds available for plan implementation.

Monitoring needs to continue to track changes as practices are implemented. The focus remains strong on the Chain of Lakes Watershed as the City of Fairmont public water supply continues to rely on the quality of this critical resource. The Des Moines River Watershed has gained attention and priority as partnerships continue to be developed to address the concerns there.

Partnerships organized by watershed continue to be extremely important as we work efficiently to address issues across jurisdictional boundaries.

Solid Waste has been identified as a potential source of contamination to both surface and ground water.

Climate must be factored into efforts to address flooding, soil erosion and sediment delivery as well as in developing treatments for reducing the impacts of nitrate, phosphorus and other pollutants. Credit for carbon sequestration needs to be taken as each environmentally friendly practice is planned, designed and installed to address multiple issues and result in multiple benefits.

This plan will be challenged by the rapid change in the agricultural environment. The timing, volume and length of flows from expanded surface and tile drainage systems, added to already overloaded outlets will need to be mitigated.

In cooperation with the University of Minnesota and other partners, the Elm Creek Watershed can serve as a model, demonstration and study area, showcasing the effort to reduce flows, peak flows, TSS, phosphorus, nitrates and the other TMDL parameters.

Priority Concerns

During 2005, Martin County Local Water Management Committee developed a Priority Concern Scoping Document in accordance with the changes to the Comprehensive Local Water Management Act; Statutes 103B.304 – 103B.355. This scoping document identified and listed the priority water resource concerns that would be addressed in the next Martin County Comprehensive Local Water Plan document. A copy of the Priority Concern Scoping Document is in the Appendix of this document. The list of identified priority concerns, not in any priority order, include:

- Impaired Waters and Total Maximum Daily Loads [TMDL]
- Drainage System Management
- Promote the use of Best Management Practices [BMP's]
- Wetland Protection and Restoration
- Water Quality in Area Lakes
- Promote Low Impact Development
- Groundwater

Martin County Water Plan has had a focus on groundwater quality and quantity in the past. In the process of preparing the Scoping Document, Groundwater was not identified as a priority issue. This is probably due to local, state and national efforts focused on impaired [surface] waters. Because of this strong history, it was felt by the Water Plan Advisory Committee to include assessment, goals and objectives for groundwater as an additional priority concern and is included as part of this plan in order to maintain continuity and recognize the importance of this issue to the county.

Summary of Goals, Actions and Costs

This Martin County Water Plan is designed to address the water resource issues within the county. It is intended to be progressive and forward thinking in order to improve the quality of life for area residents. The County Commissioners have been supportive of the Water Plan and intend to continue their support. The implementation plan indicates an annual need of approximately twice what is currently being spent in the county for all water resource related work. The goals/ objectives outlined in this plan should be considered when shaping ordinances, programs and planning documents within the - county. The need to address agricultural nonpoint source pollution in order to meet TMDL goals will be the counties biggest challenge during this ten year plan.

The goals, objectives and actions identified in this plan address ongoing efforts by a variety of county and city departments and they include new goals that will require the county and cities to stretch and grow their current programming. All activities identified are voluntary. Some activities will require the county to acquire incentive funds to encourage landowner participation. The county has been successful in the past in securing a significant amount of incentive dollars and they need to continue to apply for additional funds and work with multiple partners as opportunities arise. Implementation dollars and in-kind contributions from all partners will be needed to accomplish plan objectives, goals and action items. Grant writing has become a necessity, as grants continue to provide funding for a larger portion of the specific projects needed to implement conservation needs. This plan was developed to give Martin County an advantage when applying for financial resources to benefit the county in the natural resources area.

As stated earlier, addressing agricultural nonpoint source pollution will be the biggest challenge facing the county during the next decade. Because the county has highly productive soils there is intense row crop and livestock farming with an extensive drainage infrastructure. Martin County has 98% of its tillable acres in annual row crops. The challenge is to adequately address the environmental concerns while retaining the integrity of production agriculture.

The authors have taken one step in this direction by putting definition to precision conservation. Precision conservation is a term that was adopted to mean higher level BMP's that are applied to strategically targeted environmentally sensitive areas. In Martin County it is estimated that this is 5 to 10% of the county. Within the BMP priority section these are further defined with the goal being 100% of these areas having precision conservation applied by the end of the plan. It will advance the county in meeting their water quality goals significantly, if it can be done.

Below is a summary of the anticipated annual cost to implement this water plan to its fullest. This assumes adequate staffing and funding to implement all of the action items.

Water Plan Implementation	Annual Need
Water Plan Coordination	$ 20,000
Priority Concern	Annual Need
Impaired Waters [TMDL's]	$ 129,100
Drainage System Management	$ 80,700
Promotion of BMP's	$ 593,345
Wetland Protection	$ 189,500
Water Quality in Area Lakes	$ 22,850
Low Impact Development	$ 10,850
Groundwater	$ 8,800
Total Annual Need	$ 1,055,145

Statement of Consistency

The 2006 – 2016 Martin County Local Water Plan is consistent with local, state and federal rules and regulations.

Summary of Recommendations to Other Plans

The Martin County Local Water Plan is a document that outlines voluntary participation in programs that are meant to maintain and better our water resources. The following items are suggested changes to other plans.

- Request the City of Fairmont to develop a Source Water Protection Plan by 2011.
- Expand the Martin County Conserving Acres Program to include riparian buffers.
- Develop and integrate policies on Low Impact Development into city and county ordinances.
- Develop a permit system for removal of any tree within 200 feet of surface water.
- Strengthen existing and encourage the organization of new lake associations for

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, on August 24, 2006, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Martin County 2006 – 2016 Comprehensive Local Water Plan Amendment (Plan Amendment), and

Whereas, this Board Order stipulated that Martin County was required to update the implementation section by January 1, 2011; and

Whereas, the Martin County Board of Commissioners submitted the Martin County 2011 Plan Amendment to the Board on September 29, 2011 that contains the updated five-year implementation section as ordered by the Board; and

Whereas, the Board has completed its review of the 2011 Plan Amendment.

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

FINDINGS OF FACT

1. The five-year implementation amendment was initiated by Martin County in December, 2010 with assistance from BWSR staff. The official county resolution 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., was approved on December 2, 2010.
2. Martin County convened its water plan task force, including citizens and agencies, to initiate the five-year implementation amendment on January 27, 2011 and again on March 29, 2011 to review recommended changes.
3. On December 27, 2010 Martin 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 comments on the proposed changes until January 21, 2011.
4. Martin County received comments from the Minnesota Pollution Control Agency, Minnesota Department of Health and Minnesota Department of Natural Resources. The Minnesota Board of Water and Soil Resources staff were actively involved in the amendment process by providing feedback on the draft plan amendment.
5. On May 17, 2011, after providing for proper public notice, Martin County conducted a public hearing on the proposed 2011 Plan Amendment. No additional comments were received from the public.
6. On September 29, 2011, the BWSR received the Martin County 2011 Plan Amendment, a record of the public hearing, and copies of all written comments and responses pertaining to the 2011 Plan Amendment, pursuant to M.S. Section 103B.314, Subd. 6.
7. Board regional staff provided its recommendation of approval to the Regional Supervisor on November 1, 2011.

8. On November 3, 2011, the Southern Water Planning Committee met to review Martin County Water Plan Amendment and recommends that it be approved.
9. This 2011 Plan Amendment will be in effect until December 31, 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 Martin County pursuant to Minnesota Statutes, 103B.314, Subd. 6.

2. The Martin County 2011 Plan Amendment attached to this Order states goals, objectives, and actions the county will address. The 2011 Plan Amendment, as well as the previously approved Martin 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 2011 Plan Amendment of the Martin County Water Management Plan for January 1, 2012 – December 31, 2016. Martin County will be required to provide for a complete update of its Water Management Plan prior to December 31, 2016.

Dated at St. Paul, Minnesota, this **14th day of December 2011**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Steele County Local Water Management Plan Amendment**

Meeting Date: December 14, 2011

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Southern Region

Contact: Jeff Nielsen, Regional Supervisor

Prepared by: Chris Hughes, Board Conservationist

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
Decision

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

Steele County officially began the comprehensive water planning process in August 1987. The plan provided goals, objectives and actions to address ground and surface water quality and quantity. The plan was updated in the mid 1990's and again in 2007. The plan also provides a basis for federal state and local funding. By Board Order, the Board of Water and Soil Resources (Board) approved the Steele County 2007 - 2016 Comprehensive Local Water Management Plan (Plan) on January 4, 2007. This Plan contains an implementation section with goals, objectives and actions to address the county's priority concerns. The Board Order required Steele County to update the Plan's implementation section by December 31, 2011. Steele County followed the amendment process guidelines established by the Board and submitted their 2012 - 2016 Plan Amendment on October 17, 2011.

Executive Summary

Steele County is located in southeastern Minnesota approximately 65 miles south of Minneapolis/St. Paul. It is bordered on the north by Rice County, Minnesota; on the east by Dodge County, Minnesota; on the west by Waseca County, Minnesota; and by Freeborn County, Minnesota on the south. It contains 276,480 acres or 432 square miles, which includes four cities and 13 townships. The county seat is the city of Owatonna, which contains the largest population settlement and is located in the north central section of the county at the intersection of two major transportation routes: State Highway 14 and Interstate 35. Two of the smaller cities, Blooming Prairie and Ellendale serve as trade centers for the rural population, while the city of Medford contains a large retail center along Interstate 35 that draws transient visitors.

Steele County contains a predominance of rich agricultural land with about 85% of the land area in cropland. In addition, there is a diversity of businesses and industries in the county.

Steele County contains portions of four major watersheds within its boundaries: Cannon River Watershed, LeSueur River Watershed, Zumbro River Watershed, and Cedar River Watershed. Approximately 84% of the land area in Steele County is in the Cannon River watershed, which includes the area drained by the Straight River and its tributaries: Turtle Creek, Maple Creek, Crane Creek, Medford Creek, and Rush Creek. The southeastern corner of the county lies within the Cedar River watershed. The eastern and northeastern edge of Steele County lies within the Zumbro River watershed and the southwestern part of the county lies within the LeSueur River watershed

.

Steele County officially began the comprehensive water planning process in August, 1987, when the County Board authorized the development of a County Comprehensive Water Resources Management Plan by resolution. The Steele

County Board of Commissioners formally adopted the original water plan on August 14, 1990. The original water plan was updated in the mid-1990's to serve the period from 1997-2006.

Purpose of the 2007-2016 Local Water Management Plan

The purpose of this updated Local Water Management (LWM) Plan for Steele County is:

1. To provide a framework and schedule for implementing activities that address priority water management concerns.
2. To qualify the county for water resource management project funding from federal, state, and other sources.

Description of Priority Concerns

Through the Water Plan update process, six priority concerns were identified to focus water management efforts on from 2007 through 2016: Soil Erosion, Fertilizer and Pesticides from Agricultural Fields into Surface Waters, Sewage from Rural Septic Systems into Surface Waters, Urban Stormwater Runoff, Animal Feedlot Manure into Surface Waters, and Clandestine Waste Dumps affecting Drinking Water. The process through which these priority concerns were identified is further detailed in the Priority Concerns Scoping Document contained in Appendix A.

Summary of Goals

Because soil erosion is, in effect, the transport mechanism for fertilizers and pesticides to flow into surface waters, these two priorities will be combined into one priority in the implementation plan. The following is a summary of goals that have been established for the identified priority concerns:

1) **Soil, Fertilizers, and Pesticides from Agricultural Fields Flowing into Surface Waters** – Protect surface waters from sedimentation and ag field pollutant runoff
2) **Sewage from Rural Septic Systems into Surface Waters** – Protect surface waters and groundwater from rural wastewater contamination
3) **Urban Stormwater Runoff** – Protect surface water and groundwater resources from pollutants in urban stormwater runoff
4) **Animal Feedlot Manure into Surface Waters** – Protect surface water resources from open lot runoff and surface applied manure from animal feedlots
5) **Clandestine Waste Dumps affecting Drinking Water** – Protect groundwater resources from clandestine dump site pollutants

2009 Amendment – Wetland Preservation Areas Program

During the 2006 water planning process the issues of *Wetland Restoration* and *Loss of Natural Vegetation and Habitat* ranked in the top ten priority concerns. Although the plan did not specifically address these concerns with goals and actions, Steele County has determined that all remaining presettlement wetlands or restored pre-settlement wetlands within Steele County should be designated as high priority wetland preservation areas for the purpose of making the county eligible to participate in the Wetland Preservation Areas (WPA) program. In addition to the requirements of Minnesota Rule 8420, the county will use the following guidelines when administering the WPA program:

1. Eligible wetlands will be greater than five acres in size
2. The wetland buffer area will be a minimum of 50 feet
3. Three priority areas in the county will be the Straight River Marsh area, the proposed Ripley Ditch Watershed area, and the floodplain/riparian wetland areas along the Straight River and Maple Creek

2011 Amendment

The 2011 amendment to the water plan represents the required update to the implementation section of the plan (i.e. priority concern objectives and actions) at

the mid-term of the 10-year plan. In addition to the update of the implementation section of the plan, the county has identified flooding as a major concern during the final five-year period of the plan. This concern has become a priority as a result of significant flood events that have occurred in the city of Owatonna and other parts of the county during 2007 and 2010. The focus of flood mitigation efforts will be in the Maple Creek watershed and other parts of the Straight River watershed.

Consistency of the Plan with Other Pertinent Local, State & Regional Plans

In the process of the LWM plan update, Steele County examined the plans and official controls of local government units, contiguous counties, and State Agencies to ensure consistency with other water resource management efforts. The Steele County LWM plan is consistent with other local, state, and regional plans and controls. Implementation actions include working with other local and state agencies and programs to accomplish water resource protection and improvement.

Recommended Amendments to Other Plans

Steele County does not see the need for any amendment to other plans and official controls.

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, on January 4, 2007, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Steele County 2006 – 2016 Comprehensive Local Water Plan Amendment (Plan Amendment), and

Whereas, this Board Order stipulated that Steele County was required to update the implementation section by December 31, 2011; and

Whereas, the Steele County Board of Commissioners submitted the Steele County 2011 Plan Amendment to the Board on October 17, 2011 that contains the updated five-year implementation section as ordered by the Board; and

Whereas, the Board has completed its review of the 2011 Plan Amendment.

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

FINDINGS OF FACT

1. The five-year implementation amendment was initiated by Steele County on March 17, 2011 with assistance from BWSR staff. The official county resolution 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., was approved on April 26, 2011.
2. On September 8, 2011 Steele 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 comments on the proposed changes until October 21, 2011.
3. Steele County received written comments from the Minnesota Pollution Control Agency and Minnesota Department of Agriculture. The Minnesota Board of Water and Soil Resources staff were actively involved in the amendment process by meeting with local staff and providing feedback on draft plans.
4. On September 8, 2011, The BWSR received the draft Steele County 2011 Plan Amendment.
5. On September 20, 2011 and October 19, 2011 BWSR received copies of all written comments and responses pertaining to the 2011 Plan Amendment, pursuant to M.S. Section 103B.314, Subd. 6.
6. On October 17, 2011, the BWSR received the revised draft Steele County 2011 Plan Amendment.
7. On October 25, 2011, after providing for proper public notice, Steele County conducted a public hearing on the proposed 2011 Plan Amendment. No additional comments were received from the public
8. On November 2, 2011, BWSR received a record of the public hearing
9. Board regional staff provided its recommendation of approval to the Regional Supervisor on November 3, 2011.

10. On November 3, 2011, the Southern Water Planning Committee met to review Steele County Water Plan Amendment and recommends that it be approved.
11. This 2011 Plan Amendment will be in effect until December 31, 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 Steele County pursuant to Minnesota Statutes, 103B.314, Subd. 6.

2. The Steele County 2011 Plan Amendment attached to this Order states goals, objectives, and actions the county will address. The 2011 Plan Amendment, as well as the previously approved Steele County 2007 – 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 2011 Plan Amendment of the Steele County Water Management Plan for January 1, 2012 – December 31, 2016. Steele County will be required to provide for a complete update of its Water Management Plan prior to December 31, 2016.

Dated at St. Paul, Minnesota, this **14th day of December 2011**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Sibley County CLWM Plan Extension☐

Meeting Date: December 14, 2011

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Southern Region

Contact: Jeff Nielsen

Prepared by: Tom Fischer

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 Sibley County Comprehensive Local Water Management Plan until December 31, 2013.

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

Sibley County has submitted a request for an extension of the Sibley County Comprehensive Local Water Management Plan (Plan). The existing Plan will expire on December 31, 2011. The BWSR Board approved the Sibley County Prioity Concerns Scoping Document on June 22, 2011. Sufficient progress has been made in the Plan updating effort; however, Sibley County was not able to complete the process in order to submit an updated Plan that would meet the state review timeline (submit by mid-September 2011) and in turn the BWSR Southern Region Water Planning Committee meeting timeline (met on November 3, 2011). In addition, the individual holding the position of Plan coordinator (half-time) is also the watershed technician (half-time) for two local watershed projects. The full-time coordinator for these two watershed projects will be leaving for other employment effective November 21, 2011. This will put additional work duties on the Plan coordinator until the new watersheds employee is hired. The request for an extension is deemed acceptable. In conformance with Board policy, BWSR staff recommends a two-year extension, which would make the Plan update deadline December 31, 2013. The BWSR Southern Region Water Planning Committee met on November 3, 2011 and will make its recommendation of approval to the full BWSR Board.

October 18, 2011

TO: Jeff Nielsen, BWSR Southern Region Supervisor

FR: Thomas Fischer, BWSR Board Conservationist

RE: Extension Request -- Sibley County Comprehensive Local Water Management Plan

Sibley County (County) has a Comprehensive Local Water Management Plan (Plan) that was approved by the Minnesota Board of Water and Soil Resources (Board) on January 23, 2002, and locally adopted by the County via a resolution dated February 12, 2002. The effective date (end date) of this Plan is December 31, 2011.

The Comprehensive Local Water Management Act, Minnesota Statutes 103B.301, gives the Board authority to grant extensions to counties for the purpose of extending the ending date of their water plans. These extensions must be requested in writing and cannot be for more than two years.

On October 13, 2011, the Board received a written request and a County Board of Commissioners' Resolution from Sibley County requesting a two-year extension of their Plan. There are two primary reasons for the County's request: state government shut down in July 2011, which took away all contact with the Board for assistance; the County did not have sufficient time to complete the revision (update) and meet the time frame for the state review and approval process before the Board's December 2011 meeting.

I offer the following background information:

- On January 21, 2010, I met with the County to provide Plan updating process information.
- On June 22, 2010, the County adopted and submitted a resolution to update the Plan.
- In July 2010, the Plan advisory task force met to begin the updating process, including the development of a local citizen survey. Survey was distributed and made available for several months in mid-to-late 2010.
- In July 2010, the County distributed notice of its intent to update the Plan and requested priority concerns input as required by Minnesota Statutes 103B.313.
- From November 2010 through March 2011, additional Plan task force meetings were conducted to review priority concerns input and citizen survey responses that were received, and provide recommendations for the priority concerns selected by the County.
- In March 2011, the Sibley County Priority Concerns Scoping Document (PCSD) was distributed for state agencies' review pursuant to Minnesota Statutes 103B.331.

- On April 27, 2011, the Board's southern region water planning review committee (Committee) met with the County to discuss the 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 its recommendation of approval of the Sibley County PCSD to the full Board.

- On June 22, 2011, the Committee presented its approval recommendation to the Board. The Board approved the priority concerns selected by the County and communicated that in a letter to the County signed by the Board chairperson.

- In July 2011 there was a twenty day state government shut down. BWSR was not available to offer any Plan updating assistance to the County.

- On August 15, 2011, I provided Plan review comments on what the County had written to date, and provided a timeline for submitting a completed Plan in order to meet the state agencies' review and approval timeline (Committee's scheduled November 2011 meeting). I also mentioned the option of requesting an extension.

- On September 13, 2011, I attended the Sibley SWCD board meeting. (The County water plan coordinator is housed at the SWCD office.) The extension request was discussed. The SWCD Board of Supervisors was in support of the County requesting an extension. The County water plan coordinator stated he would be meeting with the County Board of Commissioners to present the request for their consideration.

- On October 13, 2011, I received a written request and County Board resolution from the County requesting a two-year extension.

BWSR policy is to grant a one-time, two-year extension if requested and justified. I recommend approval of a two-year extension for the Sibley County Plan. Although the request is for two years, the County anticipates the Plan should be completed by the first quarter of 2012. I will continue to provide assistance and guidance as requested by Sibley County. In the Board Order approving the County extension request, the County should be directed to strive to complete the updating of their Plan in a timely manner.

SIBLEY SOIL AND WATER CONSERVATION DISTRICT
P O Box 161
111 6th St.
Gaylord, Minnesota 55334
Phone (507) 237 5435

MINNESOTA SOIL AND WATER CONSERVATION DISTRICTS

October11, 2011

Tom Fisher
MN BWSR
261 Highway 15 S
New Ulm, MN 56073

Dear Tom,

The current Sibley County Local Comprehensive Water Plan will expire on December 31 2011. Sibley County has been progressing towards revising the plan, but will not complete it in time. The following provides the status of the plan revision.

The Sibley County Board, by resolution, authorized the Sibley County Water Planner to begin updating the current Water Plan on June 22, 2010. The Priority Concerns Scoping Document was developed and then approved by the Water Resources Advisory Committee on January 20, 2011, then forwarded to BWSR for state review. On April 27, 2011 The BWSR Committee approved the Priority Concerns Scoping Document. I have been working on the plan revision since that time. The state government shut down in July 2011 slowed the process of writing as there was no one available at BWSR to ask questions. In the later part of August 2011 I learned that the plan needed to be into BWSR by September 23, 2011 to meet the deadlines for state review and approval by the end of the year, December 2011. I have 50-60% of the new plan finished and I anticipate that I will have the new water plan finished in the first quarter of 2012.

Therefore, I request an extension of the current plan.

Sincerely,

Ronald Otto

Ronald Otto
Sibley County Water Planner

SIBLEY COUNTY BOARD OF COMMISSIONERS
RESOLUTION # 2011-59
Request for Sibley County Comprehensive Water Plan Extension
October 11, 2011

Motion by Commissioner Pettis Seconded by Commissioner Cohrs

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

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

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

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

WHEREAS, Sibley County has determined that the revision and continued implementation of a local water management plan will help promote the health and welfare of the citizens of Sibley County, and

NOW, THEREFORE, BE IT RESOLVED, that the Sibley County Board of Commissioners request BWSR to approve a two (2) year extension of the current Sibley County Comprehensive Water Plan from December 31, 2011 to December 31, 2013.

	Yes	No	Abstain	Absent
Cohrs	X			
Nytes	X			
Pettis	X			
Pinske	X			
Swanson				X

STATE OF MINNESOTA

OFFICE OF COUNTY AUDITOR
COUNTY OF SIBLEY

I, Lisa Pfarr, Auditor of the County of Sibley, State of Minnesota, do hereby certify that I have compared the foregoing with the original proceedings filed in my office on the 11th day of October, 2011 and that the same is a true and correct copy of part thereof.

Witness my Hand and Seal of Office at Gaylord, Minnesota the 11th day of October 2011.

Lisa Pfarr

Lisa Pfarr, County Auditor

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

In the Matter of Extending the Comprehensive Local Water Management Plan for Sibley County	ORDER EXTENDING WATER MANAGEMENT PLAN

Whereas, the Sibley County Board of Commissioners has a state-approved Comprehensive Local Water Management Plan (Plan) that is effective until December 31, 2011 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 March 7, 2011, Sibley County's Priority Concerns Scoping Document (PCSD) was distributed for state agencies review pursuant to Minnesota Statutes 103B.313, Subdivision 4.

On April 27, 2011, the Board's Southern Region Water Planning Review Committee (Committee) met in St. Paul, Minnesota with representatives of Sibley 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 Sibley County PCSD.

On June 22, 2011, the Committee presented its recommendation of approval of the Sibley County PCSD to the Board. The Board adopted the Committee's recommendation.

On October 13, 2011, the Board received a resolution and written request from Sibley County requesting an extension of their Plan. Two primary reasons were stated for the extension request: the state government shut down in July 2011 took away all contact with Board staff for any needed assistance; Sibley County could not complete and submit an updated Plan to meet the time frame for state agencies review and approval process for the Committee's November 3, 2011 meeting.

On October 18, 2011, Board staff reviewed and recommended approval of the extension request by Sibley County. Board policy provides for one two-year extension for local water management plan deadline extensions. In conformance with Board policy, Board staff recommended a two-year extension for the Sibley Plan.

On November 3, 2011, the Committee met in New Ulm, Minnesota to discuss Sibley County's request for extension. The Committee's decision was to present to the Board a recommendation of approval to extend Sibley County's Comprehensive Local Water Management Plan until December 31, 2013.

CONCLUSIONS

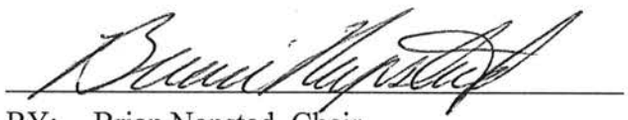
All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of extending the Comprehensive Local Water Management Plan of Sibley County pursuant to Minnesota Statutes 103B.311, Subdivision 4 (a) (5).

ORDER

The Board hereby approves the extension of the Sibley County Comprehensive Local Water Management Plan until December 31, 2013. Sibley County shall strive to complete the updating of their Comprehensive Local Water Management Plan in a timely manner.

Dated at St. Paul, Minnesota, this fourteenth day of December 2011.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



BY: Brian Napstad, Chair

COMMITTEE RECOMMENDATIONS

Grants Program & Policy Committee

1. FY2012 Clean Water Fund Competitive Grant Awards – Dave Weirens – ***DECISION ITEM***

2. FY2012 Cooperative Weed Management Area Grants – Dan Shaw – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: FY2012 Clean Water Fund Competitive Grants

Meeting Date: December 14, 2011

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: 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

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

☐ Other: _____

ACTION REQUESTED

Decision. The Board is requested to consider the recommendation of the Grants Program and Policy Committee to award Clean Water Grant Funds to local government applicants in the following program categories: Clean Water Assistance, Livestock Waste Management, SSTS Abatement, Accelerated Implementation, Community Partners Conservation Program, Minnesota Department of Health Well Sealing, and Conservation Drainage.

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

On June 22, 2011 the Board adopted resolution #11-38 which authorized staff to conduct an request for proposals from eligible local governments for Clean Water Fund projects in sevem different program categories: Clean Water Assistance, Livestock Waste Management, SSTS Abatement, Accelerated Implementation, Community Partners Conservation Program, Minnesota Department of Health Well Sealing, and Conservation Drainage.

Applications were accepted from August 8, 2011 until September 20, 2011. A total of 248 application were received that requested more than $48 million. Total available grant funds are $16,947,877. BWSR staff conducted multiple processes to review and score applications, all of them involving staff from other agencies.

In addition, the Committee recommendation also includes shifting funds between funding categories. Specifically, otherwise unallocated Community Partners Conservation Program and Conservation Drainage funds are proposed to be shifted to provide additional funds to Accelerated Implementation applications.

The attached recommendation overview, spreadsheets, and resolution contain detail on the applications and proposed funding awards.

Board Resolution # 11-96

FY 2012 COMPETIVE GRANTS PROGRAM FUNDING RECOMMENDATION

WHEREAS, Laws of Minnesota 2011, 1st Special Session, Chapter 6, Article 2, Section 7 appropriated Clean Water Fund (CWF) funds to the Board of Water and Soil Resources (BWSR); and,

WHEREAS, Laws of Minnesota 2011, 1st Special Session, Chapter 6, Article 2, Section 7(j) authorize the Board to shift funds to "leverage federal or other non-state funds or to address oversight responsibilities or high-priority needs identified in local water management plans", 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,

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 22, 2011 (Board Resolution # 11-38) the Board:

1. Authorized staff to finalize, distribute and promote a Request For Proposals (RFP) for the FY2012 Clean Water Fund and Competitive Grants Program consistent with the provisions of past Clean Water Fund appropriations and those expected to be enacted in 2011, Minn. Stat. 103B.3369 and this Board resolution; and,
2. Adopted the FY2012 Clean Water Fund Competitive Grants Policy; and,

WHEREAS, FY 2012 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 8 to September 20, 2011:

A. $16,697,877 from the CWF appropriated to BWSR, in the following categories:
    1. $12,998,484 for Clean Water Assistance Grants, including targets of $2.0 million for Livestock Waste Management Grants and $1.5 million for SSTS Abatement;
    2. $1,336,033 for Accelerated Implementation Grants;
    3. $945,344 for Conservation Drainage Grants;
    4. $1,418,016 for Community Partners Program Grants; and
B. $250,000, in CWF funds appropriated to the Minnesota Department of Health, that were transferred to BWSR for cost-share assistance to seal unused wells, and
C. Up to $4.5 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 August 8, 2011, August 24, 2011 and August 31, 2011 of the available CWF grant funds;
- outreach meetings were held on August 11, 10, 17, and 25, 2011 to review the grant programs; and
- a question and answer document were established on the BWSR website to provide an accessible information outlet; and,

WHEREAS, local governments throughout the state submitted 148 applications that requested $32,504,247 in state funds for Clean Water Assistance projects; and,

WHEREAS, the FY 2012 Clean Water Assistance project proposals were initially assessed by BWSR staff and then evaluated and 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:

1. Project Description: The proposed project demonstrates a high potential of long-term success based on project organization and management structure, partner support and community involvement within the project area,
2. Anticipated Outcomes: The outcomes expected upon completion of the project initiatives on the water resources are identified, including a description of the resulting primary and secondary public benefits such as pollution reduction, groundwater or drinking water protection, hydrologic restoration, or aquatic health improvement,
3. Project Readiness: The application has a set of specific initiatives that can be implemented soon after grant award, and
4. Prioritization and Relationship to Plan: The proposal is based on priority protection or restoration actions listed in or derived from an approved local water management plan or address pollutant load reductions prescribed in an approved TMDL, and;

WHEREAS, local governments throughout the state submitted applications that requested $5,088,846 in state funds for 66 Livestock Waste Management projects; and,

WHEREAS, the FY 2012 Clean Water Assistance-Livestock Waste Management Systems project proposals were initially assessed by BWSR staff and then evaluated and scored by BWSR staff with input by MPCA staff based on the following criteria:

1. MinnFARM Index,
2. MinnFARM Loading (Phosphorus, Nitrogen, Biological Oxygen Demand),
3. Prioritization and Relationship to Plan,
4. Located in Riparian Zone, and
5. Open Lot Agreement, and;

WHEREAS, local governments throughout the state submitted 21 applications that requested $1,650,156 in state funds for SSTS Inventory and Program Enhancement projects; and,

WHEREAS, the FY 2012 Clean Water Assistance-Subsurface Sewage Treatment System (SSTS) Abatement project proposals were initially assessed by BWSR staff and then evaluated and scored by BWSR staff with input by MPCA staff based on the following criteria:

1. Prioritization and Relationship to Plan,
2. SSTS Located in a Riparian Zone,
3. SSTS identified, and;

WHEREAS, local governments throughout the state submitted 44 applications that requested $5,295,822 in state funds for Clean Water Accelerated Implementation projects; and,

WHEREAS, the FY 2012 Clean Water Accelerated Implementation project proposals were initially assessed by BWSR staff and then evaluated and 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:

1. Clarity of project's goals, standards addressed and projected impact on land and water management and enhanced effectiveness of future implementation projects,
2. Prioritization and Relationship to Plan: The proposal is based on priority protection or restoration actions listed in or derived from an approved local water management plan or address pollutant load reductions prescribed in an approved TMDL,
3. Means and measures for assessing the program's impact and capacity to measure project outcomes, and
4. Timeline for implementation, and;

WHEREAS, local governments throughout the state submitted 13 applications that requested $1,471,747 in state funds for Conservation Drainage Projects; and,

WHEREAS, the Conservation Drainage project proposals were initially assessed by BWSR staff and then evaluated and scored by the Drainage Management Team, which consists 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:

1. Problem Identification & Relationship to Plan,
2. Consistency with Conservation Drainage Program Purposes,
3. Project Located on a Public Drainage System,

4. Project Evaluation Plan,
5. Public Outreach Plans, and
6. Overall Proposal Quality and Completeness, and;

WHEREAS, local governments throughout the state submitted 17 applications that requested $1,193,952 in state funds for Community Partners Conservation Program projects; and,

WHEREAS, the FY 2012 Community Partners Conservation Program project proposals were initially assessed by BWSR staff and then evaluated and 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:

1. Clarity of project goals, projected impact, and involvement with community partners,
2. Prioritization and Relationship to Plan: The proposal is based on priority protection or restoration actions listed in or derived from an approved local water management plan or address pollutant load reductions prescribed in an approved TMDL,
3. Plan for assessing the programs impact and capacity to measure project outcomes, and
4. LGU capacity to implement the local grant program processes and protocols, and;

WHEREAS, local governments throughout the state submitted 11 applications that requested $303,575 in state funds for MDH Well Sealing projects; and,

WHEREAS, the FY 2012 MDH Well Sealing project proposals were initially assessed by BWSR staff and then evaluated and 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:

1. Specific wells included in the application,
2. Prioritization and Relationship to Plan: The proposal is based on priority protection or restoration actions listed in or derived from an approved local water management plan,
3. Priority areas for well sealing identified, and
4. Overall proposal quality and completeness, and;

WHEREAS, the BWSR Senior Management Team reviewed the proposed FY 2012 CWF Competitive Grant allocations on November 8, 2011; and

WHEREAS, the Grants Program and Policy Committee reviewed FY2012 CWF Competitive Grants Program proposals developed by staff on November 17, 2011.

NOW THEREFORE BE IT RESOLVED, the Board hereby:

1) Approves allocations to implement the FY 2012 CWF Competitive Grant Program according to the attached funding recommendation spreadsheets and the attached scoring results and funding recommendations document for the following programs and recommended allocation amounts shown below:

Grant Program	Allocated Funds
A. Clean Water Assistance Grants	$9,498,484
B. Livestock Waste Management Grants	$2,000,000
C. SSTS Abatement Grants	$1,500,000
D. Accelerated Implementation Grants	$1,336,033
E. Conservation Drainage Grants:	$ 638,267
F. Community Partners Conservation Program Grants	$ 860,575
G. MDH Well Sealing Grants	$ 176,575

2) Shift funds as follows:
   A. Up to $557,441 of Community Partners Conservation Program Grant funds to fund Accelerated Implementation projects; and
   B. Up to $307,077 of Conservation Drainage Grant funds to fund Accelerated Implementation projects, and;

3) Authorizes staff to forward a recommendation to the MDA to allocate $600,068 of Agricultural BMP Loan Program funds to projects and activities proposed through BWSR-led competitive grant making processes, and

4) 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) or (2) that may become available, to unfunded projects, in rank order, if funded projects are withdrawn, do not receive workplan approval by March 31, 2012 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

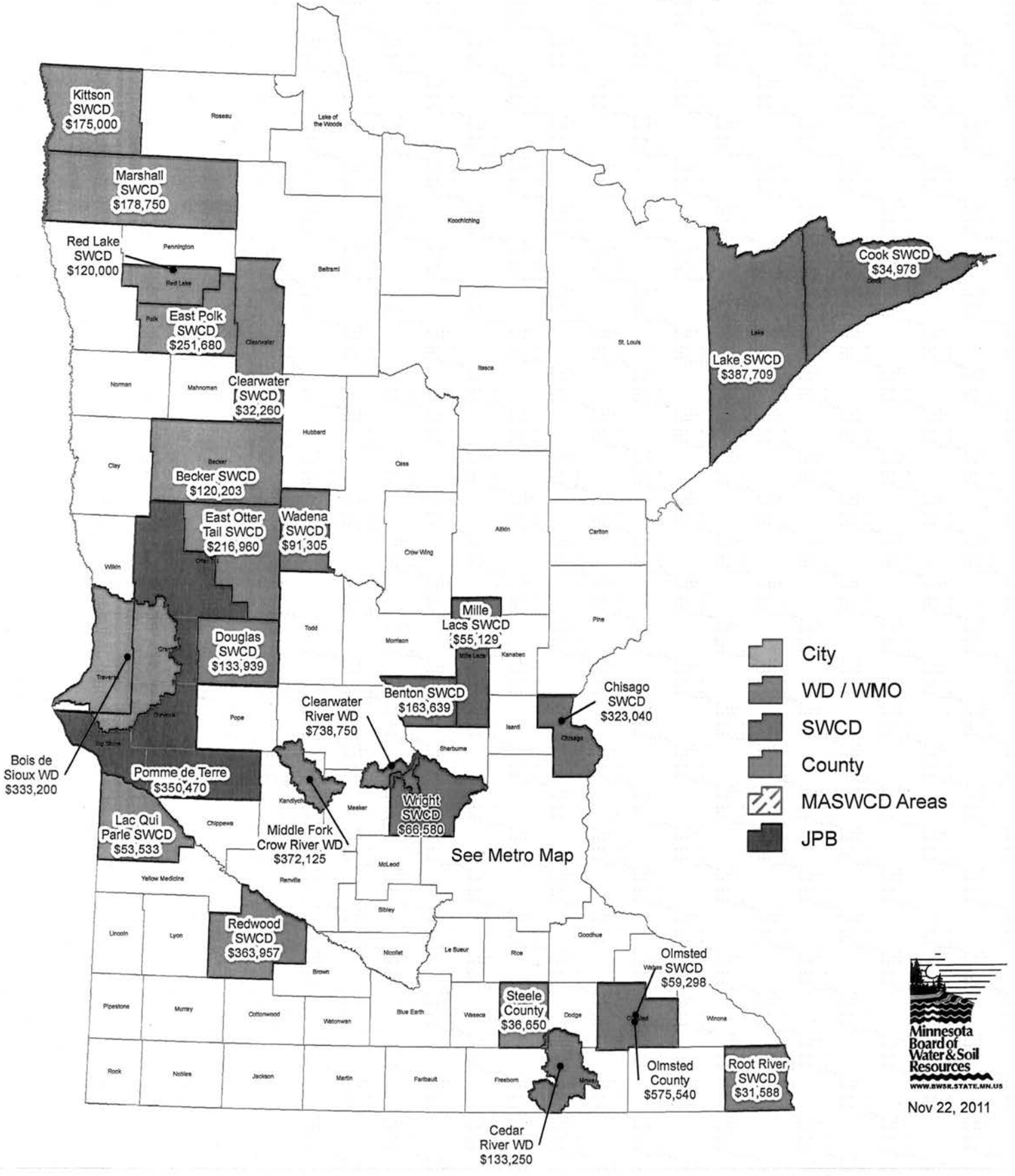
Date: 12/14/11

Attachments:
1. FY2012 Clean Water Assistance Grant Recommendations
2. FY2012 Livestock Waste Management Grant Recommendations
3. FY2012 SSTS Abatement Grant Recommendations
4. FY2012 Accelerated Implementation Grant Recommendations
5. FY2012 Community Partner Conservation Program Grant Recommendations
6. FY2012 MDH Well Sealing Grant Recommendations
7. FY2012 Conservation Drainage Grant Recommendations
8. FY2012 Clean Water Fund: Scoring Results and Funding Recommendations

2012 Clean Water Fund

Clean Water Assistance

Total Recommended Non-Metro Funding: $5,399,533
Total Statewide Recommended Funding: $9,498,485



Minnesota Board of Water & Soil Resources
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Nov 22, 2011

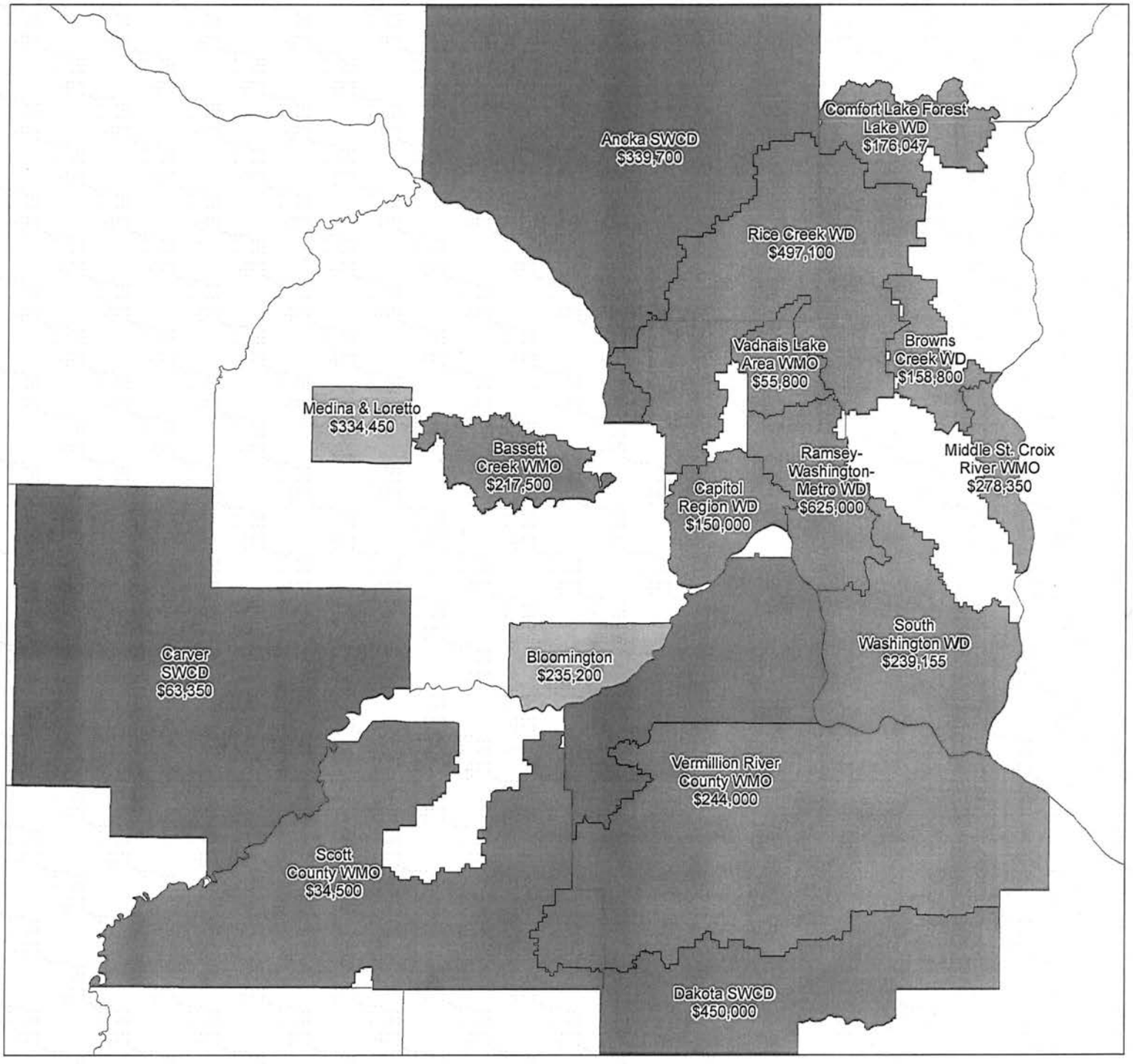
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2

2012 Clean Water Fund

Clean Water Assistance

Total Recommended Metro Funding: $4,098,952
Total Statewide Recommended Funding: $9,498,485



City
WD / WMO
SWCD
County
MASWCD Areas
JPB

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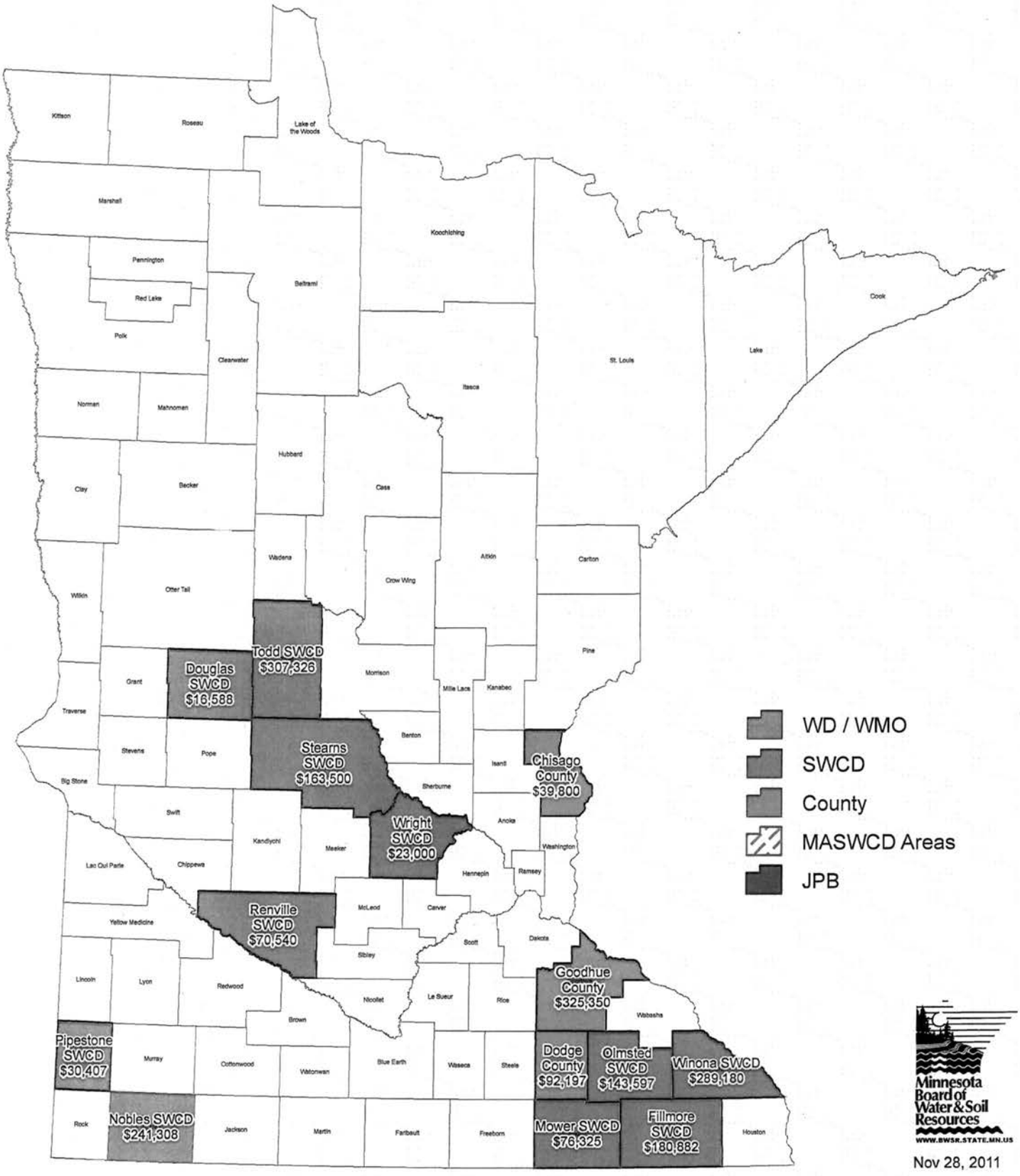
Dec 12, 2011

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2012 Clean Water Fund

Livestock

Total Recommended Funding: $2,000,000



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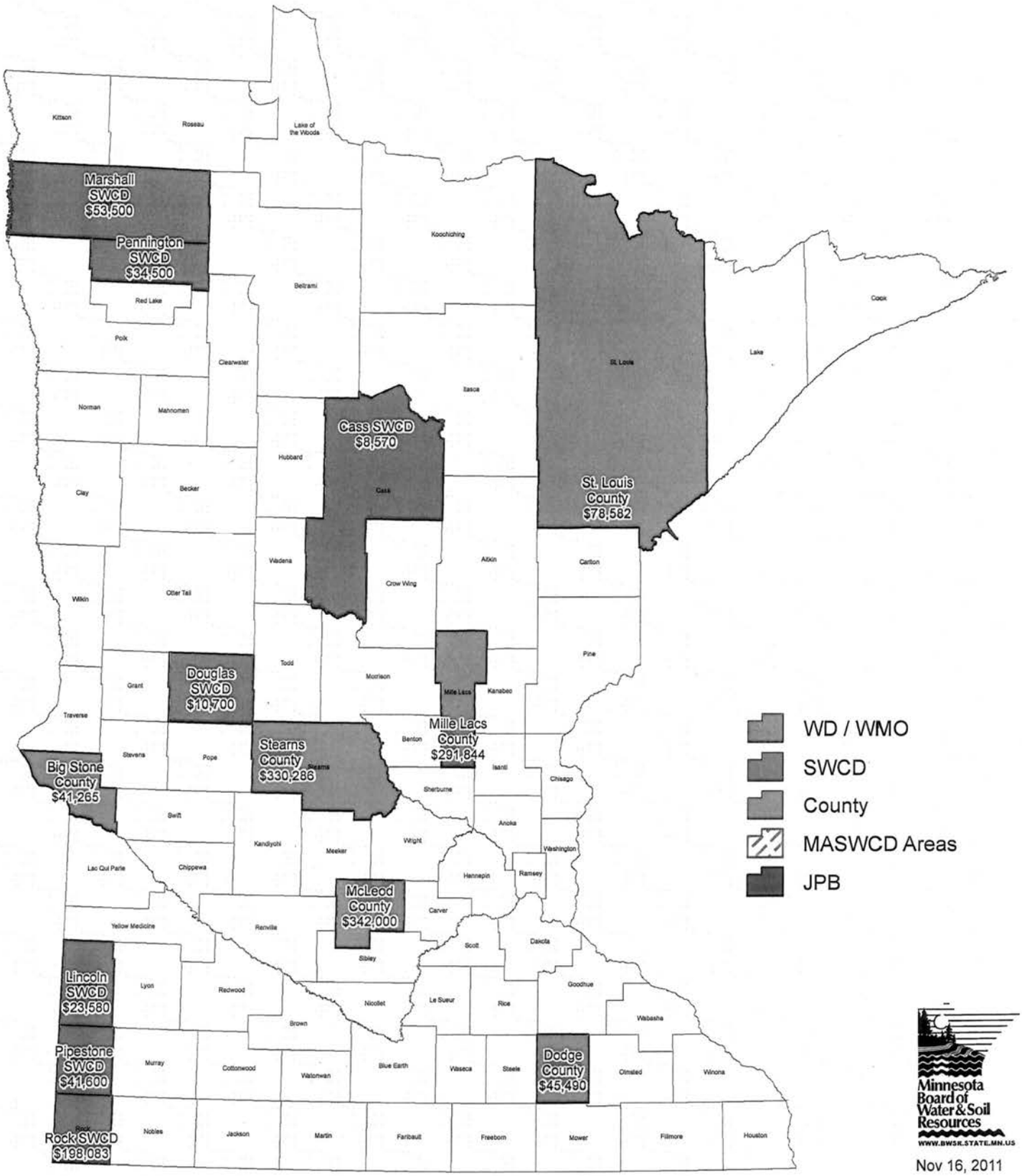
Nov 28, 2011

4

2012 Clean Water Fund

SSTS Abatement

Total Recommended Funding: $1,500,000



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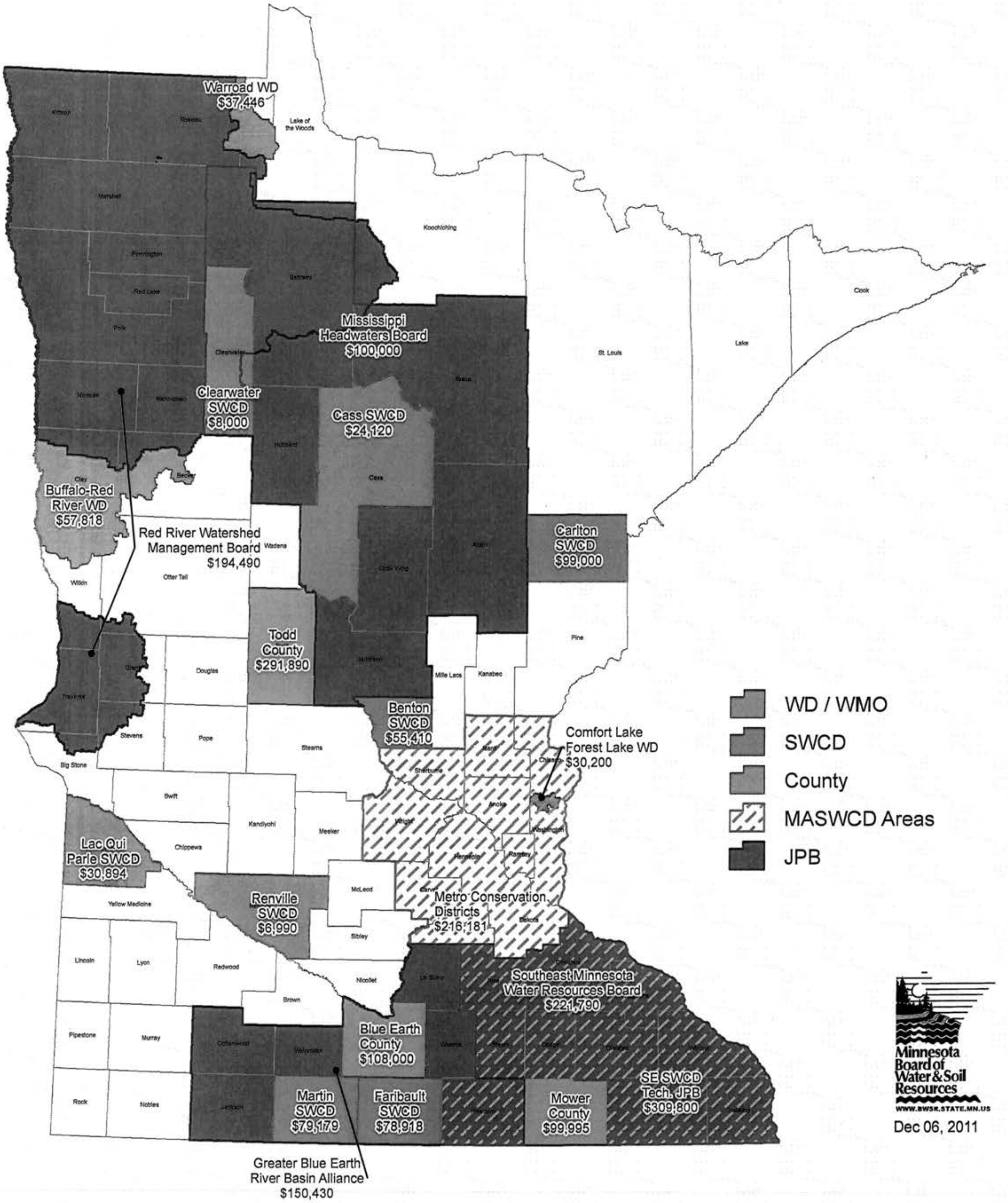
Nov 16, 2011

5

2012 Clean Water Fund

Accelerated Implementation

Total Recommended Funding: $2,200,551



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Dec 06, 2011

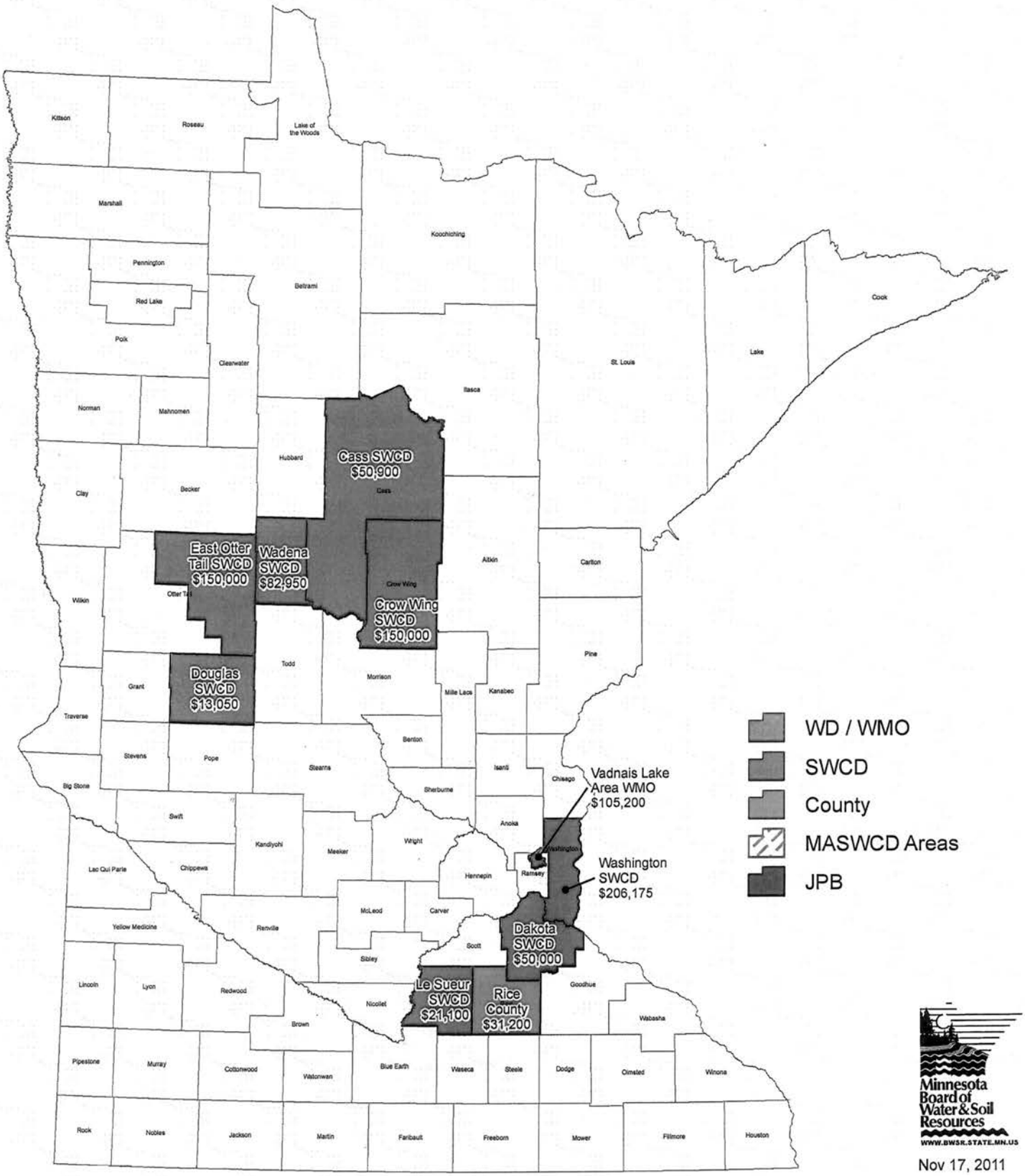
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2012 Clean Water Fund

Community Partners

Total Recommended Funding: $860,575



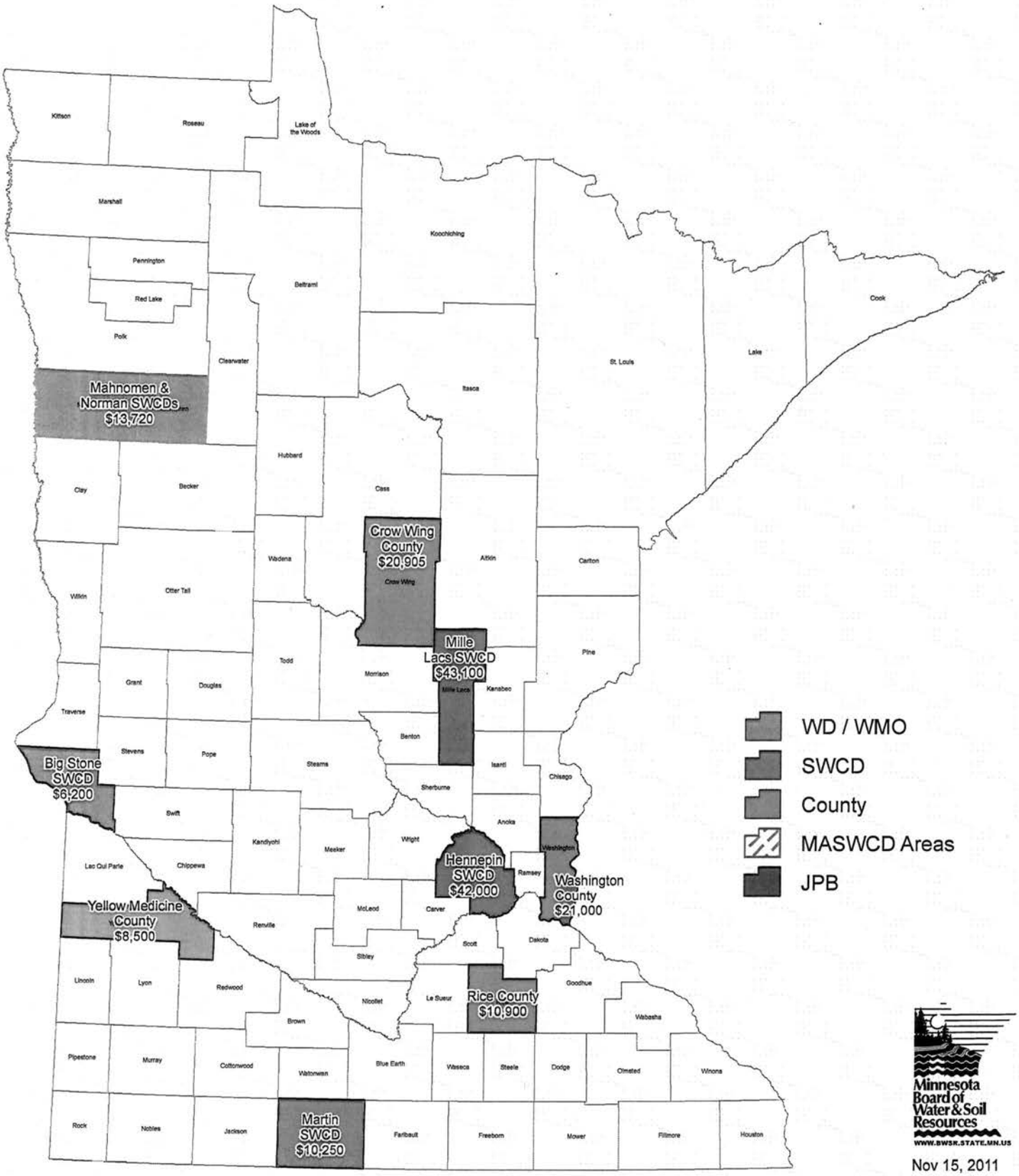
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Nov 17, 2011

2012 Clean Water Fund

MDH Well Sealing

Total Recommended Funding: $176,575



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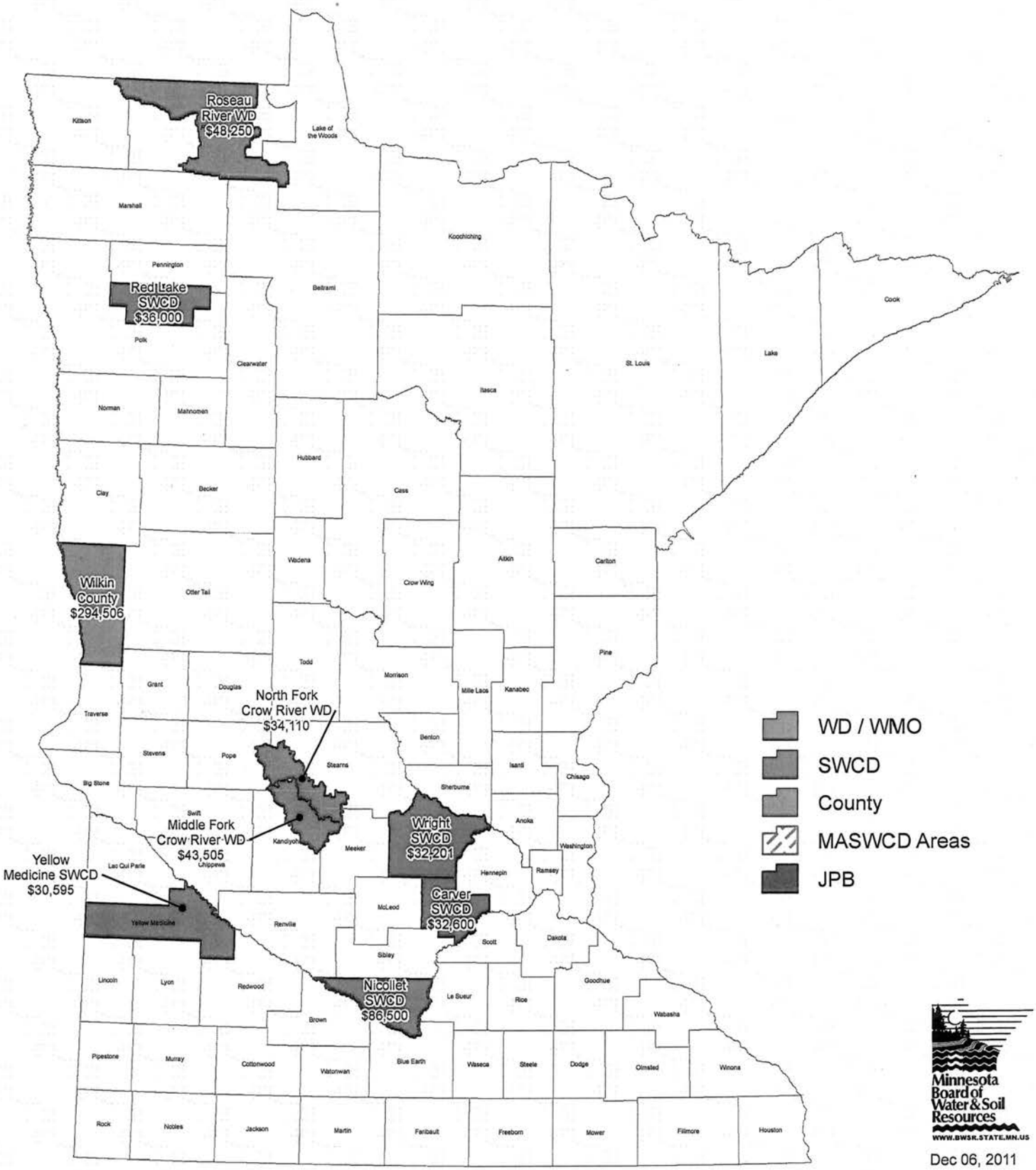
Nov 15, 2011

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2012 Clean Water Fund

Conservation Drainage

Total Recommended Funding: $638,267



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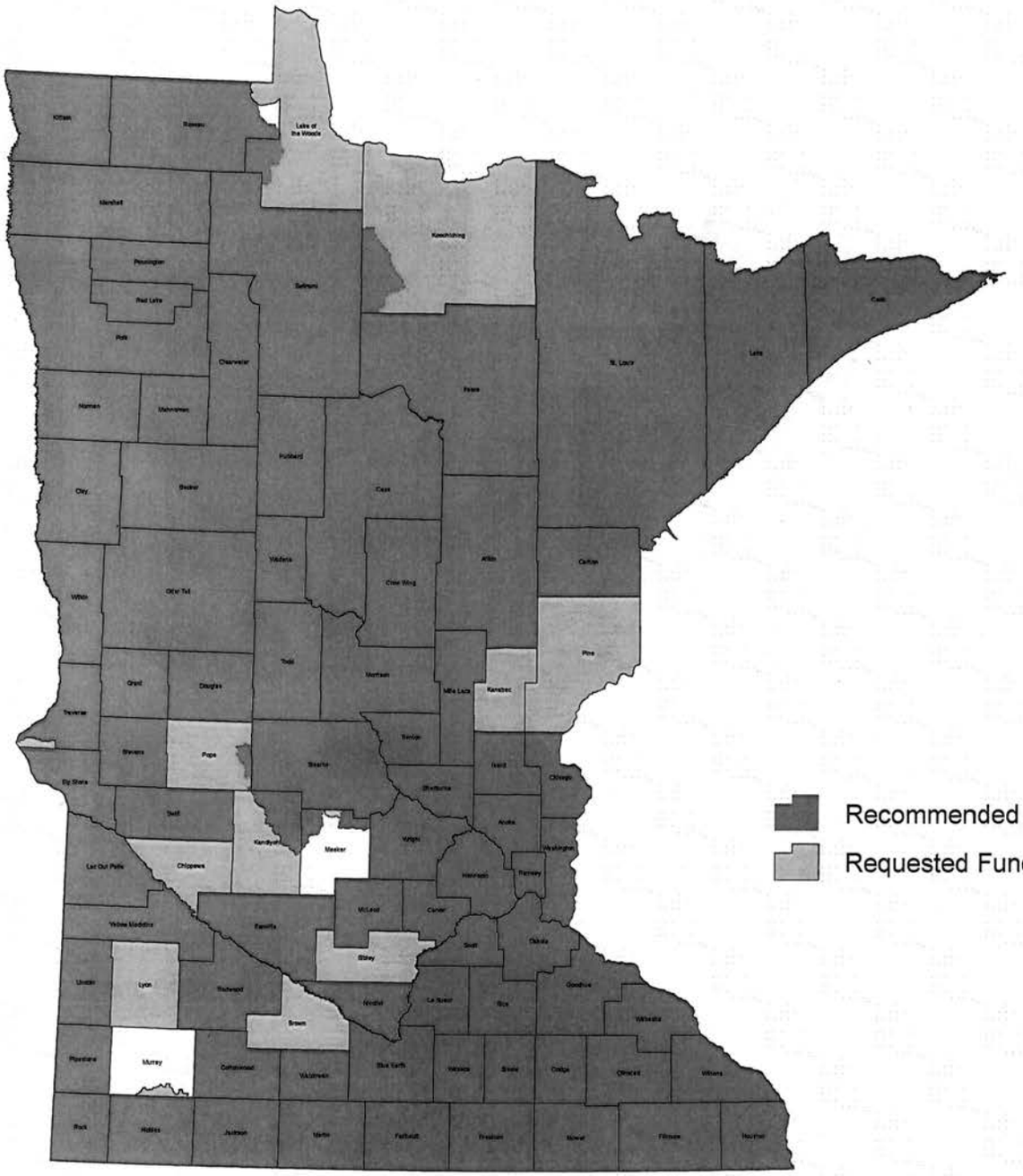
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2012 Clean Water Fund

Total Funding Requested and Recommended

Total Requested Funding: $47,728,463
Total Recommended Funding: $16,874,453



Fund	Total Request	High Ranked Requested	Recommended
Accelerated Implementation Grants	$5,295,822	$3,800,525	$2,200,551
Clean Water Assistance	$32,449,856	$22,368,721	$9,498,485
Community Partners	$1,172,752	$1,249,652	$860,575
Conservation Drainage	$1,410,997	$724,767	$638,267
Livestock	$5,088,846	$2,007,112	$2,000,000
MDH Well Sealing	$303,575	$176,575	$176,575
SSTS Abatement	$2,006,615	$1,650,156	$1,500,000
Total	$47,728,463	$31,977,508	$16,874,453

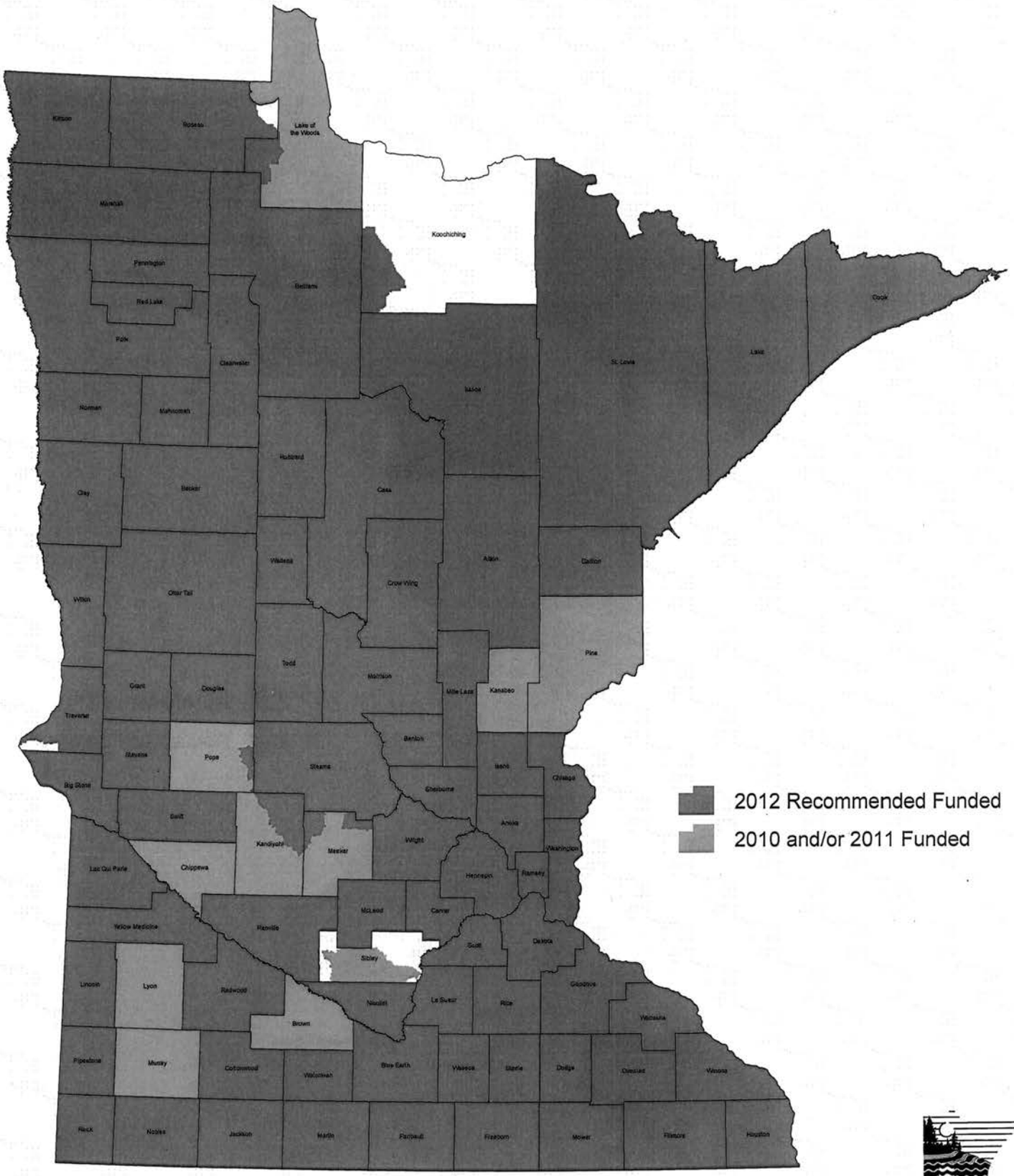
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Nov 28, 2011

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Clean Water Fund

Past and Present Funding



Minnesota Board of Water & Soil Resources
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Nov 23, 2011

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FY 2012 Clean Water Fund: Scoring Results and Funding Recommendations

Board of Water and Soil Resources
November 17, 2011

Overview: Applications for the FY2012 Clean Water Fund Competitive Grants were accepted from August 8 through September 20. Local governments submitted 248 applications requesting $48,464,872 in Clean Water Funds. For purposes of reviewing and scoring the applications, they were divided into the following categories:

- CWF Competitive Grants: Clean Water Assistance (except for Livestock Waste Management and SSTS Abatement); Accelerated Implementation; Community Partners; and MDH Well Sealing.
- CWF Clean Water Assistance Grants: Livestock Waste Management and SSTS Abatement.
- Conservation Drainage Grants.

From November 1st through November 4th, FY 2012 Clean Water Fund (CWF) applications were reviewed and scored. An interagency team consisting of BWSR, MPCA, DNR, MDH and MDA staff scored applications for the Clean Water Assistance, Accelerated Implementation, Community Partners, and MDH Well Sealing grants. The Drainage Management Team scored the Conservation Drainage applications. Lastly, BWSR Clean Water Specialists, with consultation with MPCA staff, scored the Livestock Waste Management and SSTS Abatement applications. These reviews and resulting recommendations were reviewed by the BWSR Senior Management Team (SMT) on November 8, 2011. The Grants Program and Policy Committee reviewed these recommendations on November 17, 2011.

Table 1: FY2012 Competitive Clean Water Grant Funding Programs	**Available Funds**	**Requested Funds**
Clean Water Assistance Grants (Targets of $2M for Livestock Waste Management and $1.5M for SSTS Abatement)	$12,998,484	$39,599,708
Clean Water Accelerated Implementation Grants	$1,336,033	$5,295,822
Conservation Drainage Grants	$945,344	$1,471,747
Community Partners Conservation Program Grants	$1,418,016	$1,193,952
MDA Ag BMP Loans	$4,500,000	$600,068
MDH Well Sealing Grants	$250,000	$303,575
Total	**$21,447,877**	**$48,464,872**

Grant Award Policies: Several issues should be discussed prior to review of proposed allocations.

1. Non-specified applications. Similar to prior years, applications that do not include specific projects are reduced by 50%. This will enable highly scored projects to begin, and apply for additional funds in future years as project locations are identified through implementation. For FY12, this applies to the following Clean Water Assistance applications: C12-170, Root River SWCD; C12-153, Marshall County SWCD; C12-32, Kittson SWCD; and C12-96, Kittson SWCD.

2. Coordination with Other Funding Sources: C12-95, Ramsey-Washington Metro WD is requesting $1,250,000 for the Maplewood Mall Stormwater Retrofit Phase 4. The WD has also applied for an identical amount of funds from the Public Facilities Authority (PFA). The Committee is recommending BWSR provide 50% of the requested amount with the other half being provided by the PFA.

Clean Water Assistance Grants:

Funds are to be used to protect, enhance and restore water quality in lakes, rivers and streams and to protect groundwater and drinking water. Eligible activities include structural and vegetative practices to reduce runoff and retain water on the land, feedlot water quality projects, SSTS abatement grants for low income individuals, and stream bank, stream channel and shoreline protection projects.

A total of 148 applications for Clean Water Assistance Grant Funds were received. Of this total, 111 applications were scored. Thirty-seven applications were not scored as they were assessed as low (29 applications) by BWSR staff or determined to be ineligible (8 applications). The criteria used in the BWSR assessments and interagency scoring are shown in Table 2.

Table 2: Clean Water Assistance Grant Ranking Criteria	
Ranking Criteria	**Maximum Points Possible**
1. Project Description: The proposed project demonstrates a high potential of long-term success based on project organization and management structure, partner support and community involvement within the project area.	20
2. Anticipated Outcomes: The outcomes expected upon completion of the project initiatives on the water resources are identified, including a description of the resulting primary and secondary public benefits such as pollution reduction, groundwater or drinking water protection, hydrologic restoration, or aquatic health improvement.	35
3. Project Readiness: The application has a set of specific initiatives that can be implemented soon after grant award.	20
4. Prioritization and Relationship to Plan: The proposal is based on priority protection or restoration actions listed in or derived from an approved local water management plan or address pollutant load reductions prescribed in an approved TMDL.	25
Total Points Available	**100**

Recommendation:

Option 1: Fully fund the highest ranking 47 projects and partially fund the 48th (C12-66-Vermillion River Watershed Joint Powers Organization), with the following exceptions:

- The following projects will be funded at the 50% level as they do not include specific project locations: C12-170, Root River SWCD (#19); C12-153, Marshall County SWCD (#28); C12-32, Kittson SWCD (#30); C12-96, Kittson SWCD (#35);
- C12-97, Anoka Conservation District (#39) is not recommended for funding as it will be funded through the DNR Conservation Partners Legacy Grant Program; and
- A bioreactor component of C12-41, Carver SWCD (#42) will be funded through the Conservation Drainage Grants.
-

Option 2: Provide 50% of the requested funding for C12-95, Ramsey-Washington Metro WD (#26) and full fund the highest ranking 53 projects and partially fund the 55th, with the following exceptions:

- The following projects will be funded at the 50% level as they do not include specific project locations: C12-170, Root River SWCD (#19); C12-153, Marshall County SWCD (#28); C12-32, Kittson SWCD (#30); C12-96, Kittson SWCD (#35);
- C12-97, Anoka Conservation District (#39) is not recommended for funding as it will be funded through the DNR Conservation Partners Legacy Grant Program;
- A bioreactor component of C12-41, Carver SWCD (#42) will be funded through the Conservation Drainage Grants; and
- C12-7, Chisago SWCD (#54) is not funded as the available partial funding is not adequate to complete the project.

Grants Program and Policy Committee Recommendation: The Committee recommends the Board award grant funds as provided in Option 2.

Clean Water Assistance-Livestock Waste Management Grants:

BWSR set a target of $2,000,000 of the Clean Water Assistance funds to be allocated toward livestock waste management projects in FY 2012. A total of 66 individual feedlots requesting $5,087,890 were determined to be eligible for funding and were scored by the BWSR Clean Water Specialists. The scoring criteria are shown in Table 3.

Table 3: Livestock Waste Management System Ranking Criteria

Ranking Criteria	Maximum Points Possible
1. MinnFARM Index	20
2. MinnFARM Loading (P, N, BOD)	20
3. Prioritization and Relationship to Plan	15
4. Located in Riparian Zone	25
5. Open Lot Agreement	20
Total Points Available	100

Recommendation: Fully fund the 28 highest ranking feedlot projects, and partially fund the 29th.

The majority of the highest ranked projects were located in a riparian zone and also had a signed open lot agreement, which are both priority criteria for FY2012 feedlot projects. In addition, high ranked projects had higher MinnFARM index ratings and greater connection of pollutant loadings to the water resource of concern.

Grants Program and Policy Committee Recommendation: The Committee recommends the Board award grant funds to the 29 highest ranked feedlot projects.

Clean Water Assistance-SSTS Abatement Grants:

BWSR set a target of $1,500,000 of the Clean Water Assistance funds to be allocated toward SSTS Abatement projects in FY 2012. A total of 21 applications from 13 different LGUs requesting $1,650,156 were scored by the Clean Water Specialists using the criteria shown in Table 4.

Table 4: SSTS Abatement Ranking Criteria

Ranking Criteria	Maximum Points Possible
1. Prioritization and Relationship to Plan	20
2. SSTS Located in a Riparian Zone	30
3. SSTS identified	50
Total Points Available	100

Of note, some LGUs sent in multiple applications because of the limitation of 15 SSTS that could be applied for at one time within the CWF application tool (ex. Mille Lacs County). Both individual SSTS and small community cluster systems are eligible for funding under the SSTS Abatement grant category. Only one community cluster system was scored and recommended for funding. This project was for the City of Biscay in McLeod County. BWSR staff consulted with MPCA staff to determine if this project met all the eligibility criteria in the FY 2012 policy and it was determined that this project did. One other small community wastewater project was applied for but was not scored by BWSR. This project was for the village of Lewisburg in Lac Qui Parle County. In consultation with MPCA, this project did not have the technical analysis required by the BWSR policy completed. Therefore, this project was determined to be ineligible for funding.

Recommendation: Fully fund 17 applications scored for a total allocation of $1,208,156. The remaining $291,844 would be allocated to Mille Lacs County that applied for a total of $442,000 in 4 applications (C12-240, C12-241, C12-243, and C12-242). Mille Lacs County would receive a reduced amount as the application discusses abating failing and noncompliant systems which are ineligible under program direction contained in the RFP.

Grants Program and Policy Committee Recommendation: The Committee recommends the Board fully fund 17 applications and partially fund the 4 applications submitted by Mille Lacs County.

Accelerated Implementation Grants:

These funds are for projects and activities (such as ordinances, organization capacity, and state of the art targeting tools) that complement, supplement, or exceed current state standards for protection, enhancement, and restoration of water quality in lakes, rivers, and streams or that protect groundwater from degradation.

A total of 44 applications for Accelerated Implementation Grant Funds were received. Of this total, 34 applications were scored. Ten applications were not scored as they were assessed as low by BWSR staff. The criteria used in the BWSR assessments and interagency scoring are shown in Table 5.

Table 5: Clean Water Accelerated Implementation Grants Ranking Criteria	
Ranking Criteria	**Maximum Points Possible**
1. Clarity of project's goals, standards addressed and projected impact on land and water management and enhanced effectiveness of future implementation projects.	40
2. Prioritization and Relationship to Plan: The proposal is based on priority protection or restoration actions listed in or derived from an approved local water management plan or address pollutant load reductions prescribed in an approved TMDL.	25
3. Means and measures for assessing the program's impact and capacity to measure project outcomes.	20
4. Timeline for implementation.	15
Total Points Available	**100**

Recommendation:

Option 1: Fund the highest ranked 13 applications. However, provide partial funding to C12-117, Warroad River WD (#2) as Task Number 2 is in conflict with the Board adopted FY2012 CWF Competitive Grants Policy.

Option 2: Partially fund C12-117, Warroad River WD (#2) as Task Number 2 is in conflict with the Board adopted FY2012 CWF Competitive Grants Policy. Shift the unallocated $557,441 in Community Partners Conservation Program Funds to Accelerated Implementation Grants to fully fund an additional 4 applications (C12-112, Carlton SWCD; C12-50, Faribault SWCD; C12-91, Mississippi Headwaters Board; C12-228, Mower County) and partially fund an additional 2 applications (C12-197, Greater Blue Earth River Basin Alliance; C12-254, Blue Earth County).

Option 3: Partially fund C12-117, Warroad River WD (#2) as Task Number 2 is in conflict with the Board adopted FY2012 CWF Competitive Grants Policy. Shift the unallocated $557,441 in Community Partners Conservation Grant Program Funds and $307,077 in unallocated Conservation Drainage Grant Program Funds to Accelerated Implementation Grants to fully fund an additional 6 applications (C12-112, Carlton SWCD; C12-50, Faribault SWCD; C12-91, Mississippi Headwaters

Board; C12-228, Mower County; C12-254, Blue Earth County; C12-213, Martin SWCD) and partially fund an additional 2 applications (C12-197, Greater Blue Earth River Basin Alliance; C12-143, Metro Conservation Districts).

Grants Program and Policy Committee Recommendation: The Committee recommends the Board award grant funds as provided in Option 3.

Community Partners Conservation Program Grants:

These funds are to be used for community partners within a LGUs jurisdiction to implement structural and vegetative practices to reduce stormwater runoff and retain water on the land to reduce the movement of sediment, nutrients and pollutants. LGUs will be the primary applicant and provide sub-grants to community partners who are implementing practices to accomplish restoration, protection or enhancement of water quality in lakes, rivers and streams and/or protection of groundwater and drinking water.

A total of 17 applications for Community Partners Conservation Program Grants Funds were received. Of this total, 15 applications were scored. One application was not scored as it was assessed as low by BWSR staff and one application was determined to be ineligible. The criteria used in the BWSR assessments and interagency scoring are shown in Table 6.

Table 6: Community Partners Conservation Program Grant Ranking Criteria

Ranking Criteria	Maximum Points Possible
1. Clarity of project goals, projected impact, and involvement with community partners.	40
2. Prioritization and Relationship to Plan: The proposal is based on priority protection or restoration actions listed in or derived from an approved local water management plan or address pollutant load reductions prescribed in an approved TMDL.	30
3. Plan for assessing the programs impact and capacity to measure project outcomes.	20
4. LGU capacity to implement the local grant program processes and protocols.	10
Total Points Available	**100**

Recommendation:

Option 1: Fully fund all 16 scored applications. This option would result in carrying forward $168,365 to FY2013.

Option 2: Fully fund the 11 applications that scored higher than 60. This option would result in carrying forward $557,441 to FY2013.

Option 3: Fully fund the 11 applications that scored higher than 60 and shift the unallocated $557,441 to the Accelerated Implementation Grants.

Grants Program and Policy Committee Recommendation: The Committee recommends the Board award grant funds as provided in Option 3.

MDH Well Sealing Grants:

These funds are to be used to provide assistance to well owners for the sealing of unused wells in accordance with Minnesota Rules 4725.

A total of 11 applications for Well Sealing Grant Funds were received. Of this total, 9 applications were scored. Two applications were determined to be ineligible. The criteria used in the BWSR assessments and interagency scoring are shown in Table 7.

Table 7: Minnesota Department of Health Well Sealing Grant Ranking Criteria

Ranking Criteria	Maximum Points Possible
1. Specific wells included in the application	25
2. Prioritization and Relationship to Plan: The proposal is based on priority protection or restoration actions listed in or derived from an approved local water management plan	40
3. Priority areas for well sealing identified	20
4. Overall proposal quality and completeness	15
Total Points Available	**100**

Recommendation: Fully fund the 9 applications that were scored. The MDH will be engaged to discuss how to manage the unallocated $73,425.

Grants Program and Policy Committee Recommendation: The Committee recommends the Board award grant funds to the 9 applications that were scored.

MDA AgBMP Loan Requests:

The AgBMP Loan Program provides low interest loans to farmers, rural landowners, and agriculture supply businesses to solve water quality problems. The program encourages implementation of Best Management Practices that prevent or reduce pollution problems, such as runoff from feedlots; erosion from farm fields and shoreline; and noncompliant septic systems and wells. For more information on program specifics, go to the MDA website at: http://www.mda.state.mn.us/agbmploans.

Conservation Drainage Grants:

These funds are for pilot projects to retrofit existing drainage systems with water quality improvement practices, evaluate outcomes and provide outreach to landowners, public drainage authorities, drainage engineers, contractors and others.

The Drainage Management Team (DMT) scored 9 applications requesting a total of $724,767, which is less than the $945,344 available for this grant program in FY 2012. Of these applications, 8 were applied directly through the Conservation Drainage application and 1 project was a Clean Water Assistance application from Carver SWCD (C12-41). The Carver application had 3 components and 1 of those components fit directly with Conservation Drainage program and was considered and scored by DMT. Projects were scored on the criteria shown in Table 8.

Table 8: Conservation Drainage Grant Ranking Criteria	
Ranking Criteria	**Maximum Points Possible**
1. Problem Identification and Relationship to Plan	20
2. Consistency with Conservation Drainage Program Purposes	20
3. Project Located on a Public Drainage System	10
4. Project Evaluation Plan	20
5. Public Outreach Plans	10
6. Overall Proposal Quality and Completeness	20
Total Points Available	100

Through the screening process, a number of conservation drainage applications were determined to be ineligible and were not scored by DMT. The specific issues related to ineligibility were: a) ineligible BMPs (ex. road culvert replacement), b) a new drainage system that was not a retrofit, and c) a stream bank restoration project with no direct connection to ag drainage and upland hydrology.

Recommendation:

Option 1: Fully fund all 9 projects that were scored and carry forward $220,577 for FY2013.

Option 2: Fully fund all 9 projects that were scored and shift the unallocated $220,577 to the Accelerated Implementation Grants.

Option 3: Fully fund the 8 highest scored projects, provide 50% funding to the 9th project (C12-52, Nicollet SWCD) and shift the unallocated $307,077 to the Accelerated Implementation Grants.

Grants Program and Policy Committee Recommendation: The Committee recommends the Board award grant funds as provided in Option 3.

Row	CWF ID	County	Applicant	Amount Requested ($)	Amount Recommended ($)	CWA Title	Project Description	Project Description Maximum 20 Points	Anticipated Outcomes Maximum 35 Points	Project Readiness Maximum 20 Points	Prioritization and Relationship to Plan Maximum 25 Points	Project Score
1	C12-166	Dakota	Dakota County Soil and Water Conservation District	$ 150,000	$ 150,000	Dakota County Agricultural Conservation Partnership	The SWCD, in cooperation with the Vermillion River Watershed Joint Powers Organization (VRWJPO) and the North Cannon River Watershed Organization (NCRWMO), will target, prioritize, and establish BMPs that reduce pollutants in subwatersheds with identified surface water impairments and poor ground water quality. BMPs like grassed waterways, sediment and water control structures, streambank stabilization projects, feedlot improvement projects and filter strips will be installed to reduce pollutants including bacteria, phosphorus, nitrogen, and sediment. Currently, 23 projects and willing landowners have been identified and are scheduled to be surveyed, designed, and ready for construction starting in the spring of 2012. Preliminary design estimates are that these projects will reduce phosphorus and sediment by a combined 561 pounds and 657 tons respectively.	17.5	26.6	18.9	20.9	83.9
2	C12-36	Lake	Lake County Soil & Water Conservation District	$ 282,634	$ 282,634	Knife River Watershed Protection Project - TMDL Turbidity Reduction	This project will restore the two most severely eroding streambank sites on the Knife River, a river that is listed as impaired for excess turbidity by the MPCA. Combined, the two sites are 1,000 feet in length with 50 to 70-foot high clay banks. Annually, the sites generate 697 pounds of phosphorus and contribute 606 tons of sediment to the TMDL turbidity impairment. With an average annual sediment delivery amount of 3,630 tons for the Knife River, stabilizing these sites will reduce the sediment load by approximately 17 percent.	17.0	28.2	18.0	18.8	82.0
3	C12-53	Lac qui Parle	Lac qui Parle Soil & Water Conservation District	$ 53,533	$ 53,533	Flood Plain Well Pit Retrofit and Groundwater Protection	This project would retrofit 35 well pits. All domestic water supplies in Lac qui Parle County are from groundwater sources. One estimate is that about 30% of older wells located in well pits can fill with surface water in the spring or during a flood event. Assisting residents to protect their water supply system, targeting floodplain areas first, is spelled out as an implementation activity in the County's Water Management Plan. Any type of well has the potential to allow contaminants a direct pathway to pollute groundwater, but these wells situated below ground level are especially hazardous.	16.5	27.2	16.8	21.5	82.0
4	C12-209	Washington	Brown's Creek Watershed District	$ 158,800	$ 158,800	Iron-enhanced Sand Filter - Settlers Glen 5th Addition, Stillwater	The Brown's Creek Watershed District has collaborated with the University of Minnesota St. Anthony Falls Laboratory, City of Stillwater and MN DNR Waters and Fisheries to design an iron-enhanced sand filter in an ideal setting to remove approximately 118 pounds of total phosphorous per year from an area of Stillwater that has been diverted away from Brown's Creek since 2002 to McKusick Lake and the St. Croix River, both impaired water bodies for excess phosphorous. The system is designed to harvest the "first flush" of a storm event and run event flows through the iron-enhanced sand filter for up to a 24-hour time period. The existing stormwater facility works well for retrofitting with an iron-enhanced sand filter, allowing for enough head and wet-dry cycling for oxidation of the iron, and receives 1,200 acres of contributing drainage. The site has an additional bonus in that it has good visibility and access as a demonstration site.	16.2	28.0	16.0	20.1	80.3
5	C12-72	Stearns	Clearwater River Watershed District	$ 738,750	$ 738,750	Clearwater Lake Chain TMDL Implementation: Kimball Stormwater Phase II	This project is Phase II of the CRWD's plan to reduce nutrient loading to sensitive and impaired downstream waters, and to protect high value recreational resources by managing stormwater from one of two urban areas within the watershed draining to the impaired waters. Formerly filed wetlands are restored to enhance the hydrology and habitat of the area, and some high land areas are converted to wetlands to provide retention, filtration and infiltration.	16.8	27.2	16.0	19.8	79.8
6	C12-24	Polk	East Polk SWCD	$ 251,680	$ 251,680	Phase II Sand Hill River Watershed Accelerated Erosion Area BMP's	The East Polk Soil and Water Conservation District will continue to implement erosion control/sediment reduction project in the Upper Sand Hill River Watershed. To date, 31 water and sediment basins have been installed with an additional 38 water and sediment basins shovel ready to be installed once engineering design plans and cost estimates are completed. Starting in 2006, an area of significant turbidity impairment has emerged on the Sand Hill River from Winger and downstream to an area SW of Winger. The activities of this project will be focused in this area.	15.8	26.8	16.4	17.7	76.6

Row	CWF ID	County	Applicant	Amount Requested ($)	Amount Recommended ($)	CWA Title	Project Description	Project Description Maximum 20 Points	Anticipated Outcomes Maximum 35 Points	Project Readiness Maximum 20 Points	Prioritization and Relationship to Plan Maximum 25 Points	Project Score
7	C12-151	Wadena	Wadena SWCD	$ 91,305	$ 91,305	Wadena County Sand Plains Nitrate Groundwater Protection Project	A large portion of Wadena County is ranked with a high or moderate probability of having elevated nitrate concentrations. With almost all of the residents in Wadena County using groundwater as the source of drinking water, this issue was a top priority identified in the Wadena County Local Water Management Plan. The adoption of low pressure irrigation can save approximately 3.7 lbs/acre of nitrates from being leached into the soils and an irrigation scheduling program can save an additional 7.4 lbs/acre of nitrates being leached due to over irrigation.	15.2	26.2	15.6	19.4	76.4
8	C12-204	Otter Tail	East Otter Tail SWCD	$ 130,650	$ 130,650	East Otter Tail County Nitrate Groundwater Protection Project	The conversion from a high or medium pressure irrigation system to a low pressure system improves the efficiency of water use through the system (decreased evaporation). This reduces the draw on the groundwater resource by an estimated 25% to 30%. The reduced pumping also reduces energy use by an estimated 10% - 35% depending on the type of system. The adoption of low pressure irrigation can save approximately 3.7 lbs/acre of nitrates from being leached into the soils and an irrigation scheduling program can save an additional 7.4 lbs/acre of nitrates being leached due to over irrigation.	15.7	25.3	17.1	18.2	76.2
9	C12-125	Multi-County	Pomme de Terre River Association	$ 350,470	$ 350,470	Pomme de Terre River Watershed BMP 2012 Initiative	The Pomme de Terre River is impaired for turbidity and from Muddy Creek to Marsh Lake, the river is impaired for fecal coliform. The six SWCD's partnering in this project have identified the following BMP's as conservation practices that will be instrumental in achieving these reductions; agricultural riparian buffer strips, wetland restorations, rain gardens, and shoreline restoration and stabilitization.	14.8	25.3	16.1	19.8	75.9
10	C12-26	Redwood	Redwood Soil & Water Conservation District	$ 363,957	$ 363,957	Revere, MN - Pell Creek Sub-Watershed 29053	Where Pell Creek enters the Cottonwood River, aquatic recreation, aquatic consumption and aquatic life are considered impaired due to turbidity and fecal coliform and mercury contamination. A reach upstream of the targeted sub-watershed is impaired due to turbidity, resulting in low oxygen levels. Using aerial imagery and LiDAR we will be able to identify areas that would be most appropriate for these various conservation practices. Through installation of grade stabilization and Water and Sediment Control Basins, water will be held on the land for short periods of time to reduce peak flows in the Pell Creek drainage system and, in turn, will reduce the impacts resulting from high, uncontrolled flows in the sub-watershed during peak run-off periods. Initial estimates are that over 200 tons of sediment and 200 lbs of phosphorus will be saved each year in additions to reductions in nitrogen and fecal coliform inputs to the Creek.	16.3	24.3	15.7	19.5	75.7
11	C12-173	Mille Lacs	Mille Lacs SWCD	$ 55,129	$ 55,129	Groundwater Protection of Highly Vulnerable Drinking Water - Feedlot Manure Management	This project will protect groundwater near the City of Princeton, MN from nutrient contamination associated with livestock manure storage. Well water tested throughout Mille Lacs County and specifically within the Anoka Sand Plain area of Princeton, routinely indicate the presence of nitrates above 10ppm in shallow drinking water wells. This livestock feedlot is located in an area where the water table is within six (6) inches of the surface and is within one half mile of the Drinking Water Safety Management Area for the City of Princeton.	15.7	24.6	17.3	18.1	75.7
12	C12-175	Traverse	Bois de Sioux Watershed District	$ 333,200	$ 333,200	Mustinka River TMDL Turbidity Reduction Project	This grant will provide staff time and resources for project development and promotion of 1,875 acres of buffers and 515 acres of wetland restorations. This grant will also provide one-on-one technical assistance to landowners for the enrollment of a total of 1,150 acres of Continuous CRP buffers and 445 acres of wetland restorations within the entire project area. Other specific conservation practices will include water and sediment control basins, repairing eroded gullies and streambank restorations.	15.8	25.2	15.3	19.3	75.5
13	C12-159	Olmsted	Olmsted County	$ 575,540	$ 575,540	Cascade Creek Turbidity Reduction Through Rural Retention and Stream Restoration	The purpose of this project is to design, construct, and maintain two retention structures and restore approximately 4,700 LF of failed stream bank to address nonpoint source turbidity pollution in rural areas, while also restoring aquatic health and providing flood protection. This project integrates the once-disparate objectives of Olmsted County, the Department of Natural Resources (DNR), and City of Rochester into a common project. The recommended approach is intended to deliver: reduced runoff flow volumes and velocities, improved water quality, stabilized stream and drainage systems, reduced sediment and stream bank erosion, enhanced wildlife habitats, protected groundwater recharge areas, lower transportation costs, increased hydrologic connectivity, and restored wetlands.	15.4	26.4	15.9	17.2	75.0

Row	CWF ID	County	Applicant	Amount Requested ($)	Amount Recommended ($)	CWA Title	Project Description	Project Description Maximum 20 Points	Anticipated Outcomes Maximum 35 Points	Project Readiness Maximum 20 Points	Prioritization and Relationship to Plan Maximum 25 Points	Project Score
14	C12-140	Ramsey	Rice Creek Watershed District	$ 497,100	$ 497,100	Bald Eagle Lake Watershed Stormwater Re-use/Phosphorus Reduction Project	This project will collect and store stormwater runoff from a 915 acre watershed upstream of Bald Eagle Lake and use it instead of well water to irrigate 116 acres within the Oneka Ridge Golf Course. After meeting irrigation needs, if additional runoff volume is available, it will be pumped into infiltration areas to be constructed within the golf course to further reduce runoff volumes. Based on the estimates for runoff volume reduction and monitored concentrations of phosphorus in this water, this project has the potential to annually reduce the phosphorus load directed to Bald Eagle Lake from the sub-watershed by between 75 and 225 pounds (90% reduction). A TMDL for Bald Eagle Lake has been completed and indicates a 38% reduction (809 pounds) in watershed loading is required to meet state water quality standards.	15.4	25.0	15.5	19.0	74.9
15	C12-88	Dakota	Dakota County Soil and Water Conservation District	$ 300,000	$ 300,000	Stormwater Retrofit Partnership in Dakota County	This project will retrofit stormwater BMPs on public lands or private land protected by easements to assist partnering LGUs in achieving water quality goals identified in local stormwater plans. The following LGUs support the continuation of this program and have initiated potential project development activities for approximately 36 projects: the cities of Apple Valley, Mendota Heights, Burnsville, Lakeville, Eagan, Rosemount, Farmington, South St. Paul, Hampton, West St. Paul, Hastings, and Inver Grove Heights; and Dakota County and Empire Township.	15.4	23.9	15.0	20.2	74.5
16	C12-14	Kandiyohi	Middle Fork Crow River Watershed District	$ 252,125	$ 252,125	Green Lake Stormwater Quality Improvement Project	The Green Lake Stormwater Quality Improvement Project will provide retrofitted solutions to the water volume and water quality issues threatening this priceless resource. Five initiatives will be implemented, including the day lighting of a newly developed riffle and pool lined channel, a raingarden/biofiltration program to accompany the channel, a parking lot retrofit designed to treat first flush pollutants, a biofiltration cell and hydrodynamic separator to enhance a previously installed BMP, and the stabilization of a heavily eroded channel due to stormwater influences. Green Lake is not an impaired water body; it is, however, a part of the MPCA's Major Watershed Restoration and Protection Program.	15.3	25.5	14.8	18.6	74.2
17	C12-33	Washington	Middle St. Croix Watershed Management Organization	$ 45,525	$ 45,525	Lily Lake Stormwater Retrofit Project, Phase II	This project will work to implement priority stormwater treatment projects that were identified in the recently completed Lily Lake Stormwater Retrofit Assessment. The project will also work to reduce TSS to Lily Lake by 5,794 lbs/yr, and provide a volume reduction of 7.3 acre-feet/year. The overall long-term goal for the lake is to reduce phosphorous loading by 145 lbs/yr in order for the Lake to meet state standards for nutrient contents. Lily Lake is currently impaired for excess nutrients. This project will work to install 2,450 cubic feet of live storage volume to capture runoff from City streets and filter it before it reaches Lily Lake. Installation of the infiltration features will result in a 8.7 lb/year reduction of phosphorous, according to WINSLAMM modeling data.	15.8	23.5	14.8	18.5	72.5
18	C12-38	Lake	Lake County SWCD	$ 105,075	$ 105,075	Stewart River Watershed Protection Project	This project will restore five severely eroding streambank sites along a 1.5 mile reach of the Stewart River. The sites generate over 446 tons of sediment and 480 pounds of phosphorus annually. The Stewart River is a state protected water and has been identified as one of five High Priority Watersheds during the 2020 update of the Lake County Water Management Plan. The Stewart river empties into Lake Superior and is classified as a Designated Trout Stream. Lake Superior is the public drinking water supply source for the City of Two Harbors which is located three miles southwest of the mouth of the Stewart River.	14.6	25.3	15.3	17.3	72.4
19	C12-170	Houston	Root River	$ 63,175	$ 31,588	Targeted Conservation Measures Utilizing Stream Power Index	Utilizing the Stream Power Index Terrain Analysis, Root River SWCD identifies high priority sites most likely to deliver sediment to trout streams within the Root River Watershed. To address these sites, the project establishes a tiered approach to cost-share, rewarding landowners who are willing to exceed traditional land treatment standards, with higher cost-share rates. To achieve maximum cost-share rate, landowners must include a conservation cropping system which includes hay or grass, residue management, gully erosion control, and upland treatment 25% below tolerable soil loss limits. The subwatersheds within the Root River targeted in this effort were identified for their biodiversity significance harboring rare species like Ozark minnow, American brook lamprey while supporting a coldwater trout fishery. This will have a cumulative benefit to hydrology, reducing peak flow in streams, thereby reducing in-stream erosion which is estimated to contribute approximately 60% of sediment delivered by these streams.	15.6	24.4	15.2	17.2	72.4

Row	CWF ID	County	Applicant	Amount Requested ($)	Amount Recommended ($)	CWA Title	Project Description	Project Description Maximum 20 Points	Anticipated Outcomes Maximum 35 Points	Project Readiness Maximum 20 Points	Prioritization and Relationship to Plan Maximum 25 Points	Project Score
20	C12-201	Otter Tail	East Otter Tail SWCD	$ 86,310	$ 86,310	Lake Seven Watershed Exceptional Resource Protection Project	This project will maintain ecoregion leading water quality in Lakes Six and Seven by reducing pollutant loading to the affected lakes. Lake Seven is a waterbody of statewide significance often leading the north central hardwoods forest ecoregion in water clarity. Through a lake management planning process Lake Six and Seven residents identified 15 locations to reduce the volume of stormwater runoff entering the lakes from shoreland properties.	15.9	25.3	14.0	16.6	71.8
21	C12-119	Washington	South Washington Watershed District	$ 156,645	$ 156,645	Colby Lake Neighborhood Retrofit	South Washington Watershed District (SWWD), in partnership with the Washington Conservation District (WCD) and City of Woodbury, will improve water quality in Colby Lake through implementation of 30 priority small-scale water quality Best Management Practices (BMPs) in the Colby Lake 1st Addition neighborhood. Projects may include bioretention, vegetated swales, and pond modifications. This project is expected to reduce phosphorus inputs to Colby Lake by 10.5 pounds/yr, Total Suspended Solids by 2.3 tons/yr, and sediment by 5.3 tons/yr.	15.1	23.7	13.5	19.4	71.7
22	C12-34	Washington	Middle St. Croix Watershed Management Organization	$ 37,925	$ 37,925	McKusick Lake Stormwater Retrofit Project, Phase I	This project will work to implement priority stormwater treatment projects that were identified in the recently completed McKusick Lake Stormwater Retrofit Assessment (2010 study). Project implementation will occur in one catchment named McKusick - 25, which drains to McKusick Lake in Stillwater, MN. The goal of the project will be to reduce phosphorous loading from the catchment by 20%, or 5.6 pounds/year. The project will also work to reduce TSS to McKusick by 4,108 lbs/yr, and provide a volume reduction of 4.3 acre-feet/year. McKusick Lake is currently impaired for excess nutrients, but is proposed for delisting.	15.3	23.2	14.4	18.6	71.5
23	C12-211	Wright	Wright Soil and Water Conservation District	$ 66,580	$ 66,580	Reducing Turbidity Using Natural Channel Management in the Crow River	This project will stabilize a severely eroded 800 foot section of streambank which is contributing large amounts of sediment to the Crow River, which enters the Mississippi River. The method proposed will mimic a stable natural stream channel and provide improved aquatic habitat that will include scour pools with course woody debris. The project focus is an 800 foot streambank of the Lower Crow River where localized land use issues and geomorphic processes are causing an increased rate of erosion. In addition to stabilizing the streambank, the stream channel will be improved to efficiently transport sediment which will reduce downstream impacts. Natural materials will be used to establish a floodplain bench to protect the toe of the streambank and provide habitat.	14.5	23.9	15.3	16.9	70.6
24	C12-193	Washington	Comfort Lake-Forest Lake Watershed District	$ 176,047	$ 176,047	Greening the Big Box and Greening Streets for Comfort Lake	The Greening the Big Box and Greening Streets for Comfort Lake project will install stormwater management controls in targeted areas where minimal or no stormwater controls currently exist. The project will install stormwater practices to filter and absorb runoff from areas that currently flow untreated to nearby wetlands, the Sunrise River, and Comfort Lake. The addition of stormwater practices will reduce the total phosphorus load to Comfort Lake by an estimated 11.2 pounds per year, or 8.9% of the annualized total maximum daily load. This proposed project supports the goals of the TMDL and implementation plan because it directly addresses loads from the most highly developed areas of the Comfort Lake drainage area.	14.9	23.1	13.0	19.5	70.5
25	C12-205	Hennepin	City of Medina and Loretto	$ 334,450	$ 334,450	Loretto Creek Phosphorus Removal Project: Cities of Medina & Loretto	A joint project between the Cities of Loretto and Medina will provide treatment for 490 acres of the Loretto Creek watershed that drains to Lake Sarah, a regionally significant lake that was listed as impaired for nutrients in 2006. A Total Maximum Daily Load (TMDL) study for Lake Sarah was completed in 2011 and determined that Loretto Creek carries approximately 269 pounds of sediment and nutrients, primarily phosphorus, to Lake Sarah each year. The project includes restoring a portion of Loretto Creek to a more natural design by meandering the channel, flattening the side slopes and creating native vegetated buffers. A sedimentation pond will be constructed to collect coarse sediment during low flow storm events and will slow down the velocity of the stream. Down stream of the sedimentation pond, a larger water quality pond will be constructed within the existing upland area of the northwest ball field complex. The stormwater modeling calculations estimate that 140 lbs of phosphorus will be removed per year with the current design.	14.3	23.6	14.5	18.2	70.5

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26	C12-95	Ramsey	Ramsey-Washington Metro Watershed District	$ 1,250,000	$ 625,000	Maplewood Mall Stormwater Retrofit Phase 4	The proposed project addresses aspects of the Kohlman Lake TMDL Implementation Plan through the construction of infiltration and filtration projects throughout 12 acres of Maplewood Mall's parking lot. These infiltration projects include: trees planted in rock trenches, porous pavement, and rainwater gardens/bioretention areas. Kohlman Lake is the first lake in the Phalen Chain of Lakes (Kohlman, Gervais, Keller and Phalen Lakes) which are an important recreational amenity in the east Metro area. This chain of lakes represents the District's premier water resources and is a major recreational resource to the residents of the Twin Cities Metro Area. This project will reduce the phosphorus load from the tributary parking lot area by 60 to 80%- a substantial improvement in runoff water quality from the site (currently, there is no treatment of stormwater on the 12 acre site.) The sediment load from the site will be reduced by approximately 90%.	15.3	22.3	14.8	17.9	70.3
27	C12-198	Clearwater	Clearwater Soil and Water Conservation District	$ 32,260	$ 32,260	Lost River Watershed Runoff Reduction Project	A primary element of this project involves providing conservation expertise and technical designs to an underserved population who requests no additional government funds for project installation. On this project over 2100 feet of the Lost river shoreland will be improved through installation of buffers, streambank restoration, and livestock exclusion. Other segments of this project will reduce erosion and nutrient concerns in cropland areas of the Lost River by installing side water inlets and shoreland restorations on Pine Lake, the major recreational lake in Clearwater County and a receiving water for the Lost River.	14.3	23.9	14.8	17.1	70.2
28	C12-153	Marshall	Marshall Soil and Water Conservation District	$ 357,500	$ 178,750	Accelerated Sediment Reduction Practice Installation along the Upper Thief River	The City of Thief River Falls obtains drinking water from the reservoir on the Thief River. The Thief River and its tributaries have water quality impairments, including low dissolved oxygen, turbidity, ammonia, and E. coli. Sediment plumes and deltas have formed at the inlets of pools in Agassiz National Wildlife Refuge (Agassiz Pool) and Thief Lake. Radioisotope soil fingerprinting analysis indicates that the dominant source of sediment in this watershed was erosion of uplands and fields. Targeted areas within the Thief River Watershed have been prioritized through analysis of sub-basin sediment yields generated by a SWAT model of the watershed. The goal is to establish 75 miles of grassed filter strips, 20 miles of field windbreaks, and install 50 grade stabilization structures where needed. These practices will reduce sediment delivery into the Thief River, Agassiz National Wildlife Refuge and Thief Lake Wildlife Management Area.	13.9	23.9	14.5	17.8	70.1
29	C12-70	Mower	Cedar River Watershed District	$ 133,250	$ 133,250	Upper Cedar Watershed Runoff Reduction Project	This project will install at least 10 water and sediment control basins in the targeted subwatershed with an estimated reduction of 25 tons of soil per year. Dobbins Creek and adjacent subwatersheds have had numerous modeling studies completed including SWMM, SWAT and Geisha. The SWMM model look at the hydrology of the area and the SWAT model looked at the pollutant loading in the streams. The results showed that portions of the Dobbins Creek Watershed were in violation of state standards for turbidity. These violations occurred in 5 of the 10 years which were studied as part of a SWAT model analysis. Flows were identified as a significant contributing factor to the high sediment loading.	14.3	23.3	14.8	17.8	70.1
30	C12-32	Kittson	Kittson Soil and Water Conservation District	$ 200,000	$ 100,000	Lake Bronson Watershed Runoff Reduction Project - Phase II	The project will reduce runoff and decrease movement of sediment, nutrients and bacteria by targeting, prioritizing and installing vegetative practices along with potentially installing Side Water Inlets (SWI) within the Lake Bronson and upland subwatersheds. Emphasis will be placed on the South Branch of Two Rivers, which feeds Lake Bronson, along with State Ditch 90, 91 and 95 which are subwatersheds within the Two Rivers Watershed District (TRWD). Lake Bronson was created by the Works Progress Administration in the late 1930's and was created by constructing a dam across the South Branch Two Rivers. Lake Bronson was originally constructed for the purpose of water supply for the City of Hallock and surrounding areas. The lake is managed and the dam operated by the Minnesota DNR in conjunction with Lake Bronson State Park. The lake is subject to sediment and nutrient loading from several upstream state and county ditches. A significant algae bloom during early July of each year occurs and is most likely due to the current inflow conditions.	15.2	22.9	14.9	16.8	69.8

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31	C12-114	Ramsey	Vadnais Lake Area Water Management Organization	$ 55,800	$ 55,800	Central Middle School Infiltration Swale and Education Project	Lambert Creek discharges into Vadnais Lake, which is the final impoundment reservoir containing the potable water supply for the city of St. Paul and 8 nearby suburbs. Monitoring data indicates high nutrient levels and the creek is listed on the State's Impaired Waters List for E. coli. A TMDL Work Plan is complete. With Central Middle School, there is an opportunity to modify an existing practice to maximize its efficiency. The swale currently does not infiltrate due to a layer of compacted soil and the incorrect slopes within the swale. There is also no pre-treatment currently occurring and therefore solids from the parking lots are entering the swale directly and moving into the storm drain located at the end of the swale with little to no infiltration. It is an area surrounded by parking lot and other impervious surfaces and since the swale already exists, it is an optimal location to do a cost effective BMP project. Project estimates are that with the reconstruction of the new wet swale and installation of the pre-treatment chambers, we will reduce TSS by 1,157 lbs/year (93% reduction), Total Phosphorus by 2.15 lbs/year (92% reduction) and volume of stormwater by 119,965 cu-ft/year (94% reduction).	14.3	22.8	15.2	17.5	69.7
32	C12-226	Hennepin	Bassett Creek Watershed Management Commission	$ 217,500	$ 217,500	Bassett Creek Golden Valley Road to Irving Avenue Restoration Project	This project will stabilize a total of 3,100 feet of streambanks at eight locations over a total reach length of approximately 15,000 feet, primarily within Theodore Wirth Park. This park is heavily used by area residents and stabilizing these locations will help preserve the stream by maintaining clear water and preventing sedimentation. Monitoring data from the Bassett Creek WOMP station in 2003 indicates an annual TP loading of 9,300 lbs and TSS loading of 2,140,000 lbs (1,070 tons). The BCWMC CIP includes stream restoration projects to address channel and bank erosion problems identified by member cities. The BCWMC feasibility study completed in 2011 found that stabilizing the project reach would reduce the TP loading by 60 lbs per year and the TSS loading by 105,000 lbs per year.	13.7	22.8	14.2	18.9	69.6
33	C12-179	Hennepin	City of Bloomington	$ 235,200	$ 235,200	Bloomington: Green Streets for Blue Waters	Green Streets for Blue Waters is a collaborative effort to install curb cut raingardens and other stormwater best management practices (BMP) within public right of way and private land in the City of Bloomington. The practices will reduce sediment, phosphorus, and stormwater volumes generated by the residential area adjacent to the Minnesota Valley National Wildlife Refuge (MVNWR), a critical habitat area in the heart of the Twin Cities. The project intends to disconnect 22 acres from the conventional storm sewer and reduce 14 lbs of phosphorus and 15.4 lbs of total suspended solids from entering the Minnesota River annually.	14.9	22.9	15.4	16.2	69.4
34	C12-54	Scott	Scott Watershed Management Organization	$ 34,500	$ 34,500	Native Grass Cost Share and Incentives For Runoff Reduction Continuation	The Scott WMO has a long-term strategy to reduce runoff in Sand Creek, and alternative grass crops have been identified as one of the practices to promote. This project is a continuation of a successful effort by the Scott WMO and the Scott SWCD to establish native grasses for runoff reduction that received funding from the Clean Water Fund in 2010. Sand Creek has been identified as a disproportionate source of sediment to the Minnesota River. This is a long-term approach designed to moderate flow while at the same time improving the creek corridor so that it can achieve a new dynamic equilibrium. Native grass plantings are being promoted as a means of both improving the corridor and moderating flow.	15.4	21.9	14.7	17.3	69.3
35	C12-96	Kittson	Kittson Soil and Water Conservation District	$ 150,000	$ 75,000	Red River of the North Watershed Runoff Reduction Project	The project will reduce runoff and decrease movement of sediment, nutrients and bacteria by targeting, prioritizing and installing vegetative practices along with potentially installing Side Water Inlets (SWI) within the Red River of the North which is impaired for turbidity and upland subwatersheds. Emphasis will also be placed on County Ditches 12 and 26 in the Two Rivers Watershed District and County Ditches 12, 28 and 29 in the Joe River Watershed District. These ditch systems and the Red River of the North are prone to major flooding and sediment overload due to current cropping practices.	14.3	23.2	14.6	16.9	68.9
36	C12-130	Anoka	Anoka Conservation District	$ 339,700	$ 339,700	Oak Glen Creek Corridor Stabilization	The Oak Glen Creek Corridor Stabilization project will stabilize a ¼ mile section of creek corridor that presently has 20-30 foot bare soil cliffs. The creek's watershed delivers 352 tons of sediment to the Mississippi River each year, 287 tons of which are generated in this section of the creek. The project offers an 81% reduction of sediment loading and improves habitat in a critical area adjacent to the Mississippi River. This greatly exceeds the goals outlined in the TMDL.	14.3	22.0	15.3	17.3	68.9

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37	C12-230	Washington	Middle St. Croix Watershed Management Organization	$ 194,900	$ 194,900	Lily Lake Stormwater Retrofit Project, Commercial Properties	This project will work to implement stormwater treatment projects that were identified in the recently completed Lily Lake Stormwater Retrofit Assessment. The project will work to reduce TSS loading to Lily Lake by 4,144 lbs/yr, phosphorus loading by 5 pounds/year and provide a stormwater volume reduction of 11.16 acre-feet/year. The project will maximize the benefits by proposing a number of projects including but not exclusively raingardens, pavement reductions, buffers, water recycling on site, pond use for irrigation and adjusting outlet elevation and weirs. Areas with the maximum resulting benefit will be selected, the benefit will be determined based on recommendations from the stormwater retrofit study, modeling efforts of individual BMP's and cost/benefit evaluation.	13.5	21.9	14.8	18.8	68.9
38	C12-1	Chisago	Chisago SWCD	$ 238,640	$ 238,640	Chain of Lakes Stormwater Retrofit Assessment Best Management Practices	Through a partnership with the Chisago Lakes Lake Improvement District (LID), the Chisago SWCD has completed the subwatershed assessments for the communities of Center City, Lindstrom and Chisago City, all within the Chisago Lakes Chain of Lakes watershed. In total, 178 catchments (small watersheds) were identified and modeled using P8 modeling as part of the subwatershed assessments process. Through this process it has been calculated that more than 500 lbs/year of total phosphorus, 150,000 lbs/year of total suspended solids and 450 ac-ft of water/year is entering the Chisago Lakes Chain of Lakes through untreated stormwater runoff. By installing all the BMPs associated with this application, the pollutant loading can be reduced by 30 pounds of phosphorus and 24,000 pounds of sediment per year. The volume and rate at which water reaches the lakes will be reduced by 16 acre-feet o per year.	14.3	22.3	14.9	17.3	68.8
39	C12-97	Anoka	Anoka Conservation District	$ 143,522	$ -	Typo and Martin Lakes Rough Fish Barriers	This project is aimed at addressing water quality impairments in Typo Lake, Martin Lake, the Sunrise River, and the St. Croix River by controlling carp with strategically placed barriers and commercial harvests. This project will improve water quality in Martin and Typo Lakes Recycling of phosphorus and increased turbidity from lake sediments disturbed by large populations of rough fish have been identified as a major source of water quality impairments in these headwaters lakes.	15.1	21.5	13.7	18.6	68.8
40	C12-224	Olmsted	Olmsted SWCD	$ 59,298	$ 59,298	Flow and Sediment Reduction using Targeted Conservation Practice Installation	The Whitewater and Zumbro Rivers are impaired for turbidity. The Whitewater river is a valuable cold-water trout fishery. These BMP's will be targeted to actively eroding gullies in the Zumbro and Whitewater River watersheds. Installation of these grade control, and water and sediment control basin projects will reduce sedimentation to these streams by an estimated 65 tons per year. Using LiDAR mapping and aerial photo interpretation these sites are identified looking at soils, slope and downstream protection of water resources.	13.9	22.7	14.7	17.3	68.6
41	C12-5	Chisago	Chisago SWCD	$ 84,400	$ 84,400	St. Croix River Escarpment Gully Stabilization Implementation Program	The St. Croix River is of state significance for its national designation as a Wild and Scenic Riverway. Lake St. Croix is impaired for nutrient enrichment and the draft TMDL has a 20% reduction in phosphorus loading as a goal. In 2011, the Chisago SWCD received CWF dollars to inventory the active gully erosion sites along the St. Croix River escarpment from the Wild River State Park entrance south to the County line. The goal of the inventory was to identify landowners with active gully erosion sites on their property and begin developing a plan to implement BMP's to correct the problem. This project is designed to implement restoration activities at those identified sites and capture and slow down runoff water to stabilize the sites and keep the soil on the land.	14.8	22.0	14.2	17.5	68.5
42	C12-41	Carver	Carver SWCD	$ 95,950	$ 63,350	Hydes Lake Nutrient Reduction Project	The purpose of this project is to reduce the nutrient loading into Hydes Lake in Carver County. A TMDL report and implementation plan were approved for Hydes Lake for excess nutrients with findings of these studies indicating that nearly 81% of the external nutrient loading is coming from the direct subwatershed and the Patterson Lake sub-watershed. This project will focus on installing soluble phosphorus treatment devices and completing shoreline restorations.	13.0	23.8	13.4	18.3	68.4

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43	C12-231	Douglas	Douglas SWCD	$ 133,939	$ 133,939	Upgrade of Existing Noncompliant Liquid Manure Storage Facility	A soils investigation conducted during the summer of 2010 confirmed the existing Liquid Manure Storage Area is a threat to groundwater because of the sandy soil and high water table and must be properly closed to be compliant with MN rules chapter 7020. In addition to potential groundwater contamination, the farm is within 1000 feet of Lake Miltona. There are also ten homes located on the shoreline across the road which use groundwater as their drinking water source. A new manure containment structure and reshaping of an adjacent lot will prevent manure contaminated water from entering the groundwater and improve waste management treatment on the site.	13.0	23.8	15.7	15.7	68.2
44	C12-19	Kandiyohi	Middle Fork Crow River Watershed District	$ 120,000	$ 120,000	MFCRWD Shoreland and Stream Bank Restoration/Stabilization Program	This Project contains several activities that continue the implementation of urgent, visible and effective BMPs on multiple water bodies, with a focus on reducing the erosional processes impacting bank stability. Three initiatives will be implemented, including the installation of four shoreland restoration/stabilization projects on two lakes, completion of two stream bank stabilization projects on the Middle Fork Crow River, and a rain barrel program coupled with an education program that provide outreach to lake and city residents throughout the Middle Fork Crow River Watershed about the issues and water quality effects associated with stormwater.	13.3	23.0	14.7	17.0	68.0
45	C12-27	Red Lake	Red Lake County SWCD	$ 120,000	$ 120,000	Accelerated Erosion Control Projects in the Red Lake River Watershed	Red Lake County SWCD conducted an Erosion Site Inventory during the winter of 2009. The results were prioritized and are being addressed in order of importance. Red Lake County SWCD would like to focus on this problem area in Gervais Township Section 7 & 8, from the list of 17 identified in the Red Lake River Watershed, because it is the highest sediment contributor. This project was given high priority because of the DNR sturgeon restoration project taking place in the Red Lake River, domestic supply use of the water source (City of East Grand Forks), the sediment/turbidity impairment, and its recreational use. Initial estimates are that this site contributes approximately 2,200 tons of sediment to the Red Lake River each year.	13.8	22.9	14.8	16.5	68.0
46	C12-68	Becker	Becker Soil & Water Conservation District	$ 42,160	$ 42,160	Buffalo-Red Watershed Sediment Reduction Project	The Buffalo-Red River Watershed District was selected as a pilot and is currently conducting a watershed wide TMDL plan. The Becker SWCD has been inventorying possible sites for installing water and sediment basins in the Buffalo-Red River Watershed for several years and compiled a site list. A Erosion and sedimentation have been identified as a high priority issue in the Buffalo-Red River Watershed District (BRRWD) through the Becker County Local Water Management and Plan and the BRRWD Management Plan. Agricultural is the dominant land use in the watershed which has been identified as a contributor to the erosion/sedimentation issues where farming practices could be improved. Installation of practices in this area are estimated to keep 975 tons of sediment and over 1,100 pounds of phosphorus out of the Buffalo River annually.	13.0	21.3	15.8	18.0	68.0
47	C12-86	Cook	Cook Soil and Water Conservation District	$ 34,978	$ 34,978	City of Grand Marais Stormwater Management Implementation Projects	Cook County SWCD is partnering with the City of Grand Marais to reduce the stormwater footprint on Lake Superior by proposing to construct 2 rain gardens with the help of Clean Water Funds. With the funding from a Minnesota Lake Superior Coastal Program (MLSCP) grant, Cook SWCD has rain garden designs shovel ready. Cook SWCD is working together with the City of Grand Marais to treat stormwater and reduce peak flows to Lake Superior to improve water quality. Cook SWCD's water plan states that the water quality and quantity concerns related to residential development include increased runoff from impervious areas (roads, parking areas, roofs, etc.).	14.6	21.4	15.5	16.5	68.0
48	C12-66	Dakota	Vermillion River Watershed Joint Powers Organization	$ 244,000	$ 244,000	Grade Control Structure and infiltration to Prevent Erosion to Mississippi River Gully	The Mississippi River and Spring Lake are both identified as high priority waters and are seen to be of significance for restoration and TSS/Turbidity reduction as identified in the South Metro Mississippi River TMDL (draft). Water from an area in and near the interchange of US Highway 52 and MN Highway 55spills onto a steep bluff face at the head of a ravine. This has accelerated the head cut and ravine development. A grade control structure would take the water from the top of the bluff and drop it to the bottom of the bluff, thereby eliminating further erosion of the bluff face and existing head cut. Infiltration will be increased by installing a weir structure on the upstream end of the culvert to retain water. Ponds will be installed to discourage scour at the bottom of the grade control structure, settle additional sediments, and promote additional water retention. This was determined to be the most effective and inexpensive solution to address the erosion and sediment issue and is estimated to reduce sediment by 82 tons/year.	14.3	21.9	15.4	15.9	67.6

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49	C12-46	Becker	Becker Soil & Water Conservation District	$ 61,648	$ 61,648	Bejou, Shoe and Dahlberg Lakes Sediment Reduction Project	In 2009, the Cormorant Lake Watershed District had an Environmental Assessment and Engineering Study completed for the West Side of Bejou Lake to address water quality issues that had been identified by Aerial Environmental Surveillance. It was determined that significant amounts of sediment was being deposited into Bejou Lake from the 84 acre adjacent watershed. Bejou, Shoe and Dahlberg lakes are located in the upper reaches of one of the most popular fisheries in the region, this being the Cormorant Lakes chain. Sediment and erosion control basins are an accepted practice that restricts water movement down a slope. Installation of these practices would reduce sediment and nutrient inputs to these headwaters lakes by 670 tons of sediment and 775 pounds of phosphorus each year.	13.6	22.7	15.0	15.6	66.8
50	C12-111	Ramsey	Capitol Region Watershed District	$ 150,000	$ 150,000	The Highland Ravine Stabilization and Restoration Project	The Highland Ravine is a large bluff area in central Saint Paul, MN that includes steep gullies and woodland areas that have become highly eroded due to hydrologic changes associated with urban development over time. During precipitation and snowmelt events, runoff and sediment is transported down slope from the North Gully and South Gully onto private residential properties causing significant flooding and sedimentation. Additionally, sediment-laden stormwater from the gullies is conveyed to the Saint Paul storm sewer system which discharges directly to the Mississippi River. Stabilizing and restoring Highland Ravine will prevent future flooding, erosion, and sedimentation to local properties and improve the quality of stormwater being conveyed to the Mississippi River by reducing sediment and total phosphorus loads from the Ravine. The 13-mile section of the Mississippi River located in CRWD is part of the National Park Service's Mississippi National River and Recreation Area and has other local parks on its banks. The Mississippi River is listed as impaired for nutrients, turbidity, bacteria, and other pollutants on EPA/State 303(d) list.	14.8	22.2	13.3	16.3	66.5
51	C12-178	Steele	Steele County	$ 36,650	$ 36,650	Owatonna Parks Rain Gardens	The City will install 4 rain gardens in City of Owatonna parks to provide water quality treatment for stormwater runoff. Rain gardens will incorporate under drainage as needed, biofiltration median and rain garden plantings. The rain gardens will be located on a City land and will provide runoff pretreatment and water quality volume of 11,100 CF that is designed to remove approximately 6.6 lbs. of TP and 2,265 lbs. of TSS annually.	14.1	22.6	14.7	15.1	66.4
52	C12-122	Washington	South Washington Watershed District	$ 82,510	$ 82,510	Trout Brook Watershed Restoration	The Trout Brook Watershed Restoration project will help restore and protect two unique resources in southern Washington County--Trout Brook and Lake St. Croix. Already completed work has identified the 100 sites in southern Washington County that contribute the most to the existing excess nutrient impairment of Lake St. Croix. Twenty two of those sites are in the Trout Brook watershed. This project will implement up to 10 of the identified BMPs through public-private partnerships. It is estimated that this project will reduce annual loading from the Trout Brook watershed by 29.1 pounds of phosphorus, 23.6 tons of suspended solids, and 52.2 tons of sediment.	14.7	23.6	11.5	16.6	66.3
53	C12-139	Benton	Benton SWCD	$ 163,639	$ 163,639	Little Rock Lake TMDL Phosphorus Reduction Project	Little Rock Lake, located in Benton County, is severely impaired for nutrients. This project kicks off the implementation strategies outlined in the TMDL implementation plan through a coordinated effort with Benton and Morrison SWCD's and NRCS, the Little Rock Lake Association, the poultry and livestock industry and other partners. Best Management Practices included in this watershed application include livestock exclusion, streambank stabilization, lakeshore restorations, nutrient management demonstrations and others.	14.3	20.5	13.5	18.0	66.3
54	C12-7	Chisago	Chisago Soil & Water Conservation District	$ 171,800	Partial funding of $16,395 not adequate to complete project.	Pleasant Hill Park Stormwater Retrofit (Lindstrom Stormwater Retrofit Catchment L20)	The City of Lindstrom has identified the subwatershed that includes Pleasant Hill Park as a high priority for stormwater Best Management Practices (BMPs) due to the high volume of untreated stormwater that discharges directly into South Lindstrom Lake. This 66 acre catchment receives runoff water from residential, commercial downtown and light industrial areas. An assessment was completed for the City of Lindstrom in 2010. P8 Urban Catchment Modeling was used to determine the pollution loads and associated reductions based on installed BMPs. A list of the "Top Catchments" was defined at the end of the Assessment.	14.0	21.3	14.3	16.7	66.3
55	C12-10	Becker	Becker Soil & Water Conservation District	$ 33,095	$ 16,395	Continuation of the Hay Creek/Stinking Lake Sediment Reduction Project	This project will continue the successful efforts of erosion and sediment reduction in the Hay Creek Watershed to improve the water quality of Stinking Lake through the installation of water and sediment control basins and buffer strips adjacent to Hay Creek and throughout the Hay Creek watershed. Three landowners have been identified to install 17 water and sediment control basins in 2012 with 11 of the basins being near the entrance of Hay Creek into Stinking Lake.	13.6	21.7	15.3	15.8	66.3

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56	C12-103	Dakota	City of Apple Valley	$ 40,180	$ -	2012 Long and Farquar Lakes Phosphorus Reduction Retrofit BMP's	The project proposes to design and install 10 site-specific bioretention retrofit BMP's to reduce phosphorus in the Long Lake Watershed. Bmp's will be installed on both private and public sites. Bioretention retrofits are a phosphorus reduction strategy listed in the Long and Farquar Lakes Nutrient TMDL Implementation Plan. The Implementation Plan recommends a 385 lb. phosphorus reduction annually from the Long Lake watershed. The predicted pre-design phosphorus reduction for this project is 5 lbs. annually.	14.3	20.3	14.1	17.2	65.8
57	C12-11	Becker	Becker Soil & Water Conservation District	$ 107,004	$ -	South Branch of the Wild Rice River Sedimentation Reduction Project	This project would reduce sedimentation into the South Branch of the Wild Rice River through the installation of water and sediment control basins and other Ag BMP practices, such as buffer strips, adjacent to and within one half mile of the South Branch of the Wild Rice River. In 2010 an inventory was conducted one half mile either side of the South Branch of the Wild Rice River to determine potential erosion control sites. Landowners will now be contacted on a site priority basis to address these erosion concerns. During the inventory process several landowner expressed interest in installing conservation measures should funding become available.	13.1	22.5	14.1	15.7	65.3
58	C12-234	Ramsey	Vadnais Lake Area Water Management Organization	$ 149,750	$ -	Gem Lake Water Quality Improvement Retrofit Project	Gem Lake located in the northeast Twin Cities suburb of Gem Lake, MN is one of four lakes identified in the Vadnais Lake Area Watershed Management Organization (VLAWMO) Total Maximum Daily Load (TMDL) study as being impaired with high levels of nutrients. In 2010, a retrofit study was completed to identify and model the most efficient and cost effective stormwater best management practices (BMPs) that could be implemented within the commercial and industrial sites to determine the capacity for capturing stormwater runoff to reduce the volume and pollutants entering the lake from these areas. It was estimated that the proposed BMPs in addition to current treatment could reduce TP by 10.83 lbs per year.	14.3	21.1	13.8	16.1	65.3
59	C12-150	Wright	Wright Soil and Water Conservation District	$ 57,196	$ -	Implementation of Pleasant Lake: Urban Subwatershed Stormwater Retrofit Assessment	The Wright Soil and Water Conservation District (SWCD), City of Annandale and Clearwater River Watershed District (CRWD) are partnering to protect the water quantity and quality on Pleasant Lake. The city will receive 10 raingardens surrounding Pleasant Lake, which were strategically selected from the Pleasant Lake: Urban Subwatershed Stormwater Retrofit Assessment.	13.2	21.3	15.2	15.4	65.1
60	C12-79	Koochiching	Koochiching County and Lake of the Woods County SWCDs	$ 50,525	$ -	Rainy River Collaborative Streambank Stabilization Project	The Rainy River is a national border water between Ontario and Minnesota and makes up 75% of the watershed to Lake of the Woods. Fluctuating water levels, high flows, and changes in land use have caused increased erosion on the Rainy River, bringing with it nutrient pollution and sediment. In order to decrease the amount of pollutants from this source, Lake of the Woods and Koochiching SWCDs are collaborating to utilize the State Cost-Share model to implement streambank erosion control projects and best management practices on public and private lands along the Rainy River in Lake of the Woods and Koochiching Counties.	12.6	21.6	15.3	15.6	65.0
61	C12-251	Nobles	Nobles Soil and Water Conservation District	$ 247,730	$ -	Lake Ocheda Water Quality Project	The Nobles SWCD in cooperation with Minnesota West Technical and Community College, Okabena Ocheda Watershed District, City of Worthington, Nobles County and the E.O. Olson Trust intend to construct a water quality pond in close proximity to Lake Okabena with the purpose of collecting and improving the quality of water entering Lake Okabena. This joint project will be constructed on Minnesota West Property and will expand a project currently being undertaken by the College.	13.5	22.3	14.7	14.5	64.9
62	C12-244	Scott	Prior Lake-Spring Lake Watershed District	$ 117,745	$ -	Five Hawks Elementary School LID Retrofits and Outdoor Learning Center Enhancements	The assessment completed for the Five Hawks Elementary School campus and the subsequent stormwater management BMPs to be implemented via this grant will be a model for future site assessments at the other five (5) school campuses within the watershed. In addition to helping reduce phosphorus loading to the impaired Upper Prior Lake, the BMPs implemented onsite will serve as additional educational elements for the school district's outdoor learning center curriculum, reaching and educating more than 450 students on an annual basis.	13.2	21.4	14.3	15.6	64.4
63	C12-158	Hennepin	Shingle Creek Watershed Management Commission	$ 200,000	$ -	Connections at Shingle Creek Stream Restoration	This project is the restoration of about 1,400 feet of Shingle Creek, an Impaired Water for low dissolved oxygen and impaired biota, in Brooklyn Center and Brooklyn Park. The Shingle Creek Impaired Biota and Dissolved Oxygen TMDL identified the need to increase stream reaeration, enhance and add in-stream and near-stream habitat, stabilize streambanks, and modify the streambed to provide for a low-flow channel to carry an ecological base flow. This project was also included in the Connections at Shingle Creek Study prepared by Hennepin Community Works in coordination with the two cities.	12.6	19.9	13.4	18.3	64.2

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64	C12-171	Blue Earth	Blue Earth Soil & Water Conservation District	$ 439,100	$ -	Mankato Streambank Stabilization to Reduce Turbidity and Protect Well Field	Clean Water Funds will be used to stabilize 1,100 feet of eroding stream bank on the Blue Earth River near the confluence of the Blue Earth and Minnesota Rivers. A combination of hard armor rip-rap and soft armor vegetation will be used to protect the bank from erosion, reduce runoff and increase infiltration. Stabilizing the stream bank will significantly reduce erosion, improve surface water quality in two water bodies impaired for turbidity and protect a public water supply well field.	13.5	20.8	14.3	15.3	64.0
65	C12-210	Nicollet	Nicollet Soil & Water Conservation District	$ 858,800	$ -	Seven Mile Creek Watershed Riparian Enhancements for Water Quality	Seven Mile Creek is a direct tributary to the Minnesota River in south-central Minnesota. It drains heavily tiled agricultural land in its upper watershed and meanders through a forested valley as a spring-fed trout stream within Nicollet County's premier park. Impaired by turbidity, conservation work will target: 1) ravine cuts as the principal source of sediment entering the stream and 2) forest management as a primary agent in protecting the stream. Proposed conservation practices will remove an estimated 134 tons of sediment from entering Seven Mile Creek and the Mississippi every year.	14.4	19.7	12.4	17.2	63.7
66	C12-227	Washington	Carnelian-Marine-St. Croix Watershed District	$ 84,459	$ -	St. Croix River Ravine Stabilization and Water Quality Improvements	This project targets three locations in the Carnelian-Marine-St. Croix Watershed District that are contributing sediment and nutrients to riparian wetlands and the St. Croix River. These practices are primarily targeting stormwater runoff causing erosion problems along the bluffs of the St. Croix River. Source water is primarily from roads and rural residential non crop lands. Pretreatment and biofiltration features will incorporated into the designs near the top of the bluff.	13.6	21.3	13.9	14.9	63.7
67	C12-82	Stearns	Sauk River Watershed District	$ 855,680	$ -	SRWD Watershed Wide Backyard BMP Project	As part of the SRWD's Watershed-Wide Backyard BMP Project, the SRWD will be working with 10 local communities to capture and filter stormwater runoff impacting the Sauk River, area lakes and groundwater through the SRWD's Stormwater and Rain Garden Initiatives. Bank sloughing and soil loss will be reduced through the District's Shoreland Restoration Initiative. The SRWD's Neighborhood Rain Garden Initiative will target urban areas that impact impaired water bodies.	13.5	21.8	12.2	16.2	63.7
68	C12-238	Waseca	Waseca Soil & Water Conservation District	$ 64,125	$ -	Clear Lake Urban Watershed Restoration Project	In cooperation with the city of Waseca, WLA, Minnesota State University Water Resource Center in Mankato, and the SWCD, two (2) sites have been identified to install a rain garden and restore the shoreline back to native vegetation. These urban projects will reduce overland flow and increase infiltration of surface water, reducing the nutrient loading into Clear Lake. A loading study reported that 507 lbs/yr. of phosphorus is entering Clear Lake through rain water. A remedy for the phosphorus loading is to restore the lakeshore and provide rain gardens for nutrient rich rain water to infiltrate or be treated prior to entering the lake.	13.1	19.9	14.5	15.9	63.4
69	C12-237	Douglas	Douglas Soil & Water Conservation District	$ 212,090	$ -	Douglas County Shoreline Stabilization, Bioretention, and Erosion Control Project	This project will address erosion issues on shorelines, in streambanks, and in agricultural fields. During the summer of 2011, Douglas County saw near record high lake levels (many above OHW) and multiple severe rain and wind storms. The sites identified for this project are located in the Long Prairie River Watershed and Chippewa River Watershed. The Long Prairie River Watershed is impaired for low dissolved oxygen and the approved TMDL implementation plan lists riparian buffers, streambank and shoreline stabilization, and rain gardens as important BMPs for reaching the load reduction goals. The Chippewa River Watershed is impaired for turbidity and fecal coliform.	13.2	19.9	14.8	15.5	63.3
70	C12-206	Clearwater	Clearwater Soil and Water Conservation District	$ 22,094	$ -	Clearwater River Watershed: Identifying and Addressing Critical Situations	Based on documented impairments (turbidity, DO, E. coli) and TMDL data, there is clear need for conservation practices in the Clearwater River Watershed. Soil and Water Assessment Tool (SWAT) modeling on this watershed further identified critical scenarios for conservation. These scenarios involve watershed sub-basins identified in the SWAT model, areas with Highly Erodible Soils, land use in riparian areas, and feedlots. Using these requirements as criteria, we will evaluate prospective sites and recruit participants. This process will involve Community-Based Social Marketing (CBSM). After scoring sites based on severity of problems, remediation potential, and interest level of the landowner, sites with the highest scores will be considered for these practices. A limited number of model projects will then be implemented on qualifying sites.	13.3	20.3	12.3	17.3	63.3
71	C12-106	Sibley	Sibley County	$ 47,640	$ -	Rush River Watershed Sediment Reduction Project	This particular project focuses on a 550 ft reach along the Rush River, in Henderson Township approximately 6/10 of a mile from the landowner's house. Instead of stabilizing and armoring the stream bank with rock, this simple project design takes advantage of local trees and root wads that may be a problem in the river somewhere else. This project will have a huge impact on sediment loss saving 254 tons of soil per year from entering this impaired reach.	12.8	20.9	14.4	14.8	62.8

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72	C12-69	Mahnomen & Norman	Mahnomen & Norman SWCDs	$ 203,045	$ -	Lower Wild Rice River (LWRR) Cost-Share Project	The project intent is to provide cost-share assistance for conservation practices that reduce erosion in upstream sub-watersheds, decreasing sediment loading at the LWRR, working towards restoring the LWRR and removing it from the state impaired waters list for excess turbidity. Grade stabilization structures, streambank protection projects and water & sediment control basins will reduce soil erosion, sedimentation and assist in controlling runoff.	13.0	19.4	13.4	16.9	62.8
73	C12-160	Scott	City of Savage	$ 205,773	$ -	City of Savage Dakota Avenue Ravine Stabilization	The ravine identified as the Dakota Avenue Ravine, carries a significant amount of stormwater before discharging to the Savage Fen. This ravine has been degraded with significant erosion due to long-term use. Due to the sensitivity of the Savage Fen and the potential for development in the area, this ravine has been identified as a high priority in the City's Stormwater Management System Maintenance Plan. By stabilizing the ravine and upgrading the pond at the bottom, the amount of pollution discharging into the Savage Fen will be reduced by 283 tons of sediment/year and 260 pounds of phosphorus/year.	14.2	21.2	13.8	13.5	62.7
74	C12-29	Sherburne	Sherburne Soil & Water Conservation District	$ 77,000	$ -	St. Cloud Rain Gardens/Shoreline/Slope Stabilization Projects	This grant is intended to expand storm water treatment in the City of St. Cloud by building on an existing partnership between the City, the Sherburne SWCD, and local home owners through the installation of rain gardens, a rain garden in Raymond Park on City property, a 7500 sq.ft. shoreline buffer strip, and slope stabilization beneath the University Drive bridge.	13.5	21.3	13.7	14.2	62.6
75	C12-23	Polk	East Polk SWCD	$ 410,932	$ -	Sand Hill Watershed - Channel Stabilization - Winger Township	The primary intention of the Channel Stabilization Project is to provide an ecologically sustainable natural coulee system immediately upstream of its confluence to the Sand Hill River. Other than maintaining the coulee to convey flows with minimal erosion, it is a primary objective of the project to prevent the coulee from acting as a significant sediment supply source to the Sand Hill River. Historically, the main coulee channel and laterals have shown consistent degradation, head cutting, and sediment deposition into the Sand Hill River. The proposed channel stabilization work will also significantly reduce the loss of upland areas from continued slope failure and loss resulting from the channel erosion and head cutting. Armored drop structures (i.e. riprap, reinforced mats, etc.), side water inlets, sedimentation ponds along laterals, and geosynthetic reinforced grassed swales will all be methods incorporated into this project to physically stabilize the channel section.	13.0	21.9	12.6	15.0	62.5
76	C12-116	Le Sueur	Le Sueur County	$ 193,530	$ -	Le Sueur County Lakes Shoreland BMPs Cost Share Project	The Le Sueur County Lakes Shoreland Best Management Practices (BMP) Cost Share project will install 38 shoreland improvement projects on 6 area lakes. Gorman and Sabre Lakes have the highest Total Phosphorus, well above 1000 ppb. The phosphorus levels in most lakes average around 300-500 ppb. These 38 completed projects will reduce sediment and nutrients from reaching the bodies of water by reducing runoff and reducing shoreline erosion.	12.9	21.3	12.8	15.3	62.3
77	C12-58	Dakota	Vermillion River Watershed Joint Powers Organization	$ 45,250	$ -	South Creek Subwatershed Riparian Management Restoration Projects	An assessment conducted by the Vermillion River Watershed Joint Powers Organization (VRWJPO), in cooperation with the City of Lakeville, provided recommendations on the need for riparian management (buffer improvement) in all or portions of numerous riparian parcels within the South Creek subwatershed, a tributary to the Vermillion River. The South Creek corridor is also a planned regional greenway that will incorporate features like habitat, water-quality improvement, wildlife, and recreation. South Creek and portions of its tributaries are DNR-designated trout stream and class 2A waters. The improvement of riparian buffers is needed in order to stabilize banks, reduce erosion and bank instability, improve stream shading, reduce runoff containing fecal coliform bacteria, provide better riparian habitat, and allow for infiltration near the stream to enhance a stale groundwater supply.	13.1	19.8	13.4	16.0	62.3
78	C12-129	Pine	Pine Soil & Water Conservation District	$ 112,375	$ -	City of Sandstone, Kettle River Phosphorus and Nutrient Reduction Project	This project will reduce the nutrient load and sediment delivery to the Kettle River from stormwater runoff at Robinson Park in Sandstone. According to the Lake St. Croix TMDL Draft Report, the Kettle River Watershed needs to reduce its phosphorus loading to the St. Croix River by 12,191 pounds per year or 15%. There are two areas of concern. The first issue is stormwater draining from a steep river access area which carries nutrients and sediment directly to the Kettle River. The second issue is runoff from the developed riparian area of the park directly outlets onto the steep river bank and has caused erosion at the top of the bank.	12.8	19.9	13.9	15.7	62.3

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79	C12-3	Chisago	Chisago Soil & Water Conservation District	$ 31,000	$ -	City of Harris Main Street Rain Gardens	The goal of the project is to treat stormwater runoff from streets, driveways, rooftops, and other impervious surfaces in downtown Harris. The town is bisected by County Road 30 and a railroad, with two other paved highways (CR 9 and CR 10) intersecting CR 30. While these are the only major paved roads in town with curb and gutter that are connected to a stormwater system, they collect a large amount of stormwater runoff, which discharges directly into Goose Creek, a small stream that flows through the town of Harris. By treating these roads and nearby buildings with multiple rain gardens, we can nearly reduce the amount of total phosphorus and total suspended solids entering Goose Creek via piped stormwater systems by 5.96 and 3,365 pounds per year, respectively.	13.3	19.9	13.2	15.8	62.2
80	C12-190	Hennepin	City of Chanhassen	$ 102,960	$ -	Chanhassen Ravine 2 Stabilization	Ravine 2 in the City of Chanhassen, which conveys runoff from a 14.1 acre drainage area to Bluff Creek, has experienced significant erosion due to increased stormwater runoff volumes and velocities. Segments of Ravine 2 are severely eroded, and this ongoing erosion has increased sedimentation in downstream Bluff Creek and increased turbidity in Bluff Creek and the Minnesota River. Both Bluff Creek and the Minnesota River are designated Impaired Waters due to high turbidity levels. In addition, Bluff Creek has been listed as Impaired due to a low Fish Index of Biotic Integrity, and a Stressor Identification assessment completed for that TMDL concluded that excess sedimentation was a likely stressor to the fish community.	12.8	19.9	13.3	16.2	62.1
81	C12-183	Hennepin	Shingle Creek Watershed Management Commission	$ 452,800	$ -	Twin Lake Bottineau Boulevard Infiltration Basins	This project is the installation of four infiltration basins to reduce runoff from Bottineau Boulevard (CSAH 81) in Brooklyn Park and to provide water quality treatment in an area that now receives minimal treatment. This area drains to Upper Twin Lake, an Impaired Water with an approved nutrient TMDL. The basins will be installed as part of a Hennepin County project to reconstruct Bottineau Boulevard from Bass Lake Road (CSAH 10) to 63rd Avenue North. The new basins, to be located at 63rd Avenue North, will be designed to provide infiltration and treatment for approximately 44.3 acres of the 51.5 acre project area. The remaining 7.2 acres will be directed to an existing treatment system.	12.8	18.8	14.5	15.8	61.8
82	C12-92	Carver	Carver County	$ 264,660	$ -	Burandt Lake Sunset Blvd Stormwater BMP	The project will provide treatment for 12.3 acres that currently enters Burandt Lake. The project will target two catchments in the Sunset Blvd area of Waconia for treatment. The first BMP will install stormwater treatment in the ROW of a cul-de-sac on Sunset Blvd and will treat 3.78 acres with a iron/sand filter (or similar BMP) prior to being release to the lake. The second BMP will provide treatment for 8.5 acres from the adjacent sub-watershed by installing a stormceptor/SAFL baffle combination in the cul-de-sac of First Street with an additional rock reservoir installed in the ROW providing additional treatment and storage.	13.6	19.9	11.5	16.8	61.8
83	C12-252	Nobles	Nobles Soil & Water Conservation District	$ 95,400	$ -	Larkin Township Feedlot Project	The Nobles SWCD is working with a feedlot operator in Larkin Township to replace a non-compliant manure storage facility into legal status. Project will replace storage facility in order to correct groundwater and surface water impacted due to non compliant system. The Professional Engineer consulting on the site can not determine a pollution value for the site due to the fact that if the facility were functioning properly there would be no pollution potential.	12.2	19.8	14.7	14.8	61.3
84	C12-98	Chisago	Chisago Soil & Water Conservation District	$ 51,000	$ -	North Branch of the Sunrise River TMDL Implementation Projects	In 2007, the TMDL study and implementation plan for the North Branch of the Sunrise River was completed and approved. A TMDL study and implementation plan have been completed for this project. As a result of the study and approved implementation plan, the Chisago SWCD has done extensive outreach to landowners in the watershed. This outreach has generated a list of landowners who are interested in implementing BMPs such as use exclusion, buffer strips, cross fencing, pasture plantings, prescribed grazing and nutrient management plans.	13.1	20.1	10.5	17.5	61.2
85	C12-215	Renville	Renville Soil & Water Conservation District	$ 11,040	$ -	Smith Stream Bank Stabilization Project	This project will reduce the sediment and nutrients attached to the sediment from entering the Minnesota River which is currently impaired for Turbidity. The bank stabilization project is located on Smith Creek, a tributary to the Minnesota River. The bank stabilization is within 3,000'of where the creek outlets into the Minnesota River depositing sediment during high flow and velocity. As volume and velocity of water into intermittent streams such as Smith Creek increase, their banks will become further destabilized due to cutting of the banks. This will result in additional sediment loading into the Minnesota River where these tributaries outlet unless these reaches of the banks are reinforced.	11.8	19.9	14.5	14.9	61.1

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86	C12-181	Rock	Rock County SWCD/Land Mgt	$ 92,318	$ -	Rock River and Beaver Creek Turbidity and Fecal Coliform Reduction	This project will be working with 4 separate landowners to reduce stream bank erosion on a total of 1900' of eroding stream bank by stabilizing the banks with J-hooks, back-sloping, and hydro-mulching. This will effectively address the impairment of turbidity on the EPA's 303d listed Rock River. The stream bank stabilization projects will address the current turbidity impairments of the Rock River by preventing delivery of sediment to the river. Requiring landowners to establish 300' grass buffers along these stream bank projects will help prevent more sediment delivery from above the projects.	11.4	19.4	14.9	15.0	60.8
87	C12-6	Chisago	Chisago Soil & Water Conservation District	$ 47,700	$ -	Implementation of Shoreline Best Management Practices in Chisago County	Chisago County has 91 lakes and a total of 18,866 acres of lakes, rivers, and streams, which creates quite a bit of shoreline. A majority of lakeshore property owners mow to the edge of their shoreline, which creates easy travel for runoff water filled with pollutants to enter the lake. Many landowners with property along streams and rivers also experience undercutting and erosion, which contribute large sediment loads to local waters. The Chisago SWCD has had contact with many landowners who would like to make their shoreline more stable and environmentally-friendly, but are unable to do so because of the cost. The goal of this project is to enable these landowners to implement their projects and achieve pollution and sediment reduction to streams, rivers, and lakes in Chisago County.	11.9	19.3	12.3	16.8	60.3
88	C12-168	Ramsey	Ramsey Conservation District	$ 172,680	$ -	Restoring Ramsey County's Shorelines	There are 759,000 lineal feet of shoreline on named lakes within Ramsey County and a majority of that is highly urbanized. Ramsey County is fortunate to have the partnership with the local watershed districts who all reference shoreline restoration as a key piece to meet their water quality goals. The restoration of 20 shorelines totaling 1,500 lineal feet will help remove an estimated 25lbs of TP and improve and protect water quality by stabilizing the shoreline with erosion control products and native vegetation.	12.6	18.7	13.2	15.7	60.2
89	C12-81	Lincoln	Lincoln Soil and Water Conservation District	$ 221,730	$ -	Yellow Medicine Sub-watersheds Implementation Project	Projects for this grant include Best Management Practices (BMPs), alternative intakes, and incentives for filter strips that would result in reductions of 3,160 tons of sediment and 4,147 pounds of phosphorus over the ten-year expected life of the projects. The Soil and Water Conservation Districts of Lincoln, Lyon and Yellow Medicine counties work cooperatively with the Yellow Medicine River Watershed District to oversee implementation of conservation practices in this watershed. Based on previous Clean Water Partnership diagnostic studies and TMDL plans, it is known that the river is receiving an excessive loading of nutrients, phosphorus and suspended solids.	11.9	20.8	10.8	16.3	59.8
90	C12-85	Cook	Cook County Soil & Water Conservation District	$ 56,947	$ -	Cook County Comprehensive Stormwater Treatment Implementation at County Lake Accesses	Cook County SWCD is partnering with the County and the Highway Department to implement BMP's on 4 county lake accesses. All 4 lake accesses are county owned and are entrance points to the Boundary Waters Canoe Area Wilderness (BWCA). Clearwater and Saganaga Lake are DNR designated trout lakes. The implementation of these BMP's will help ensure that access lakes to the BWCA remain pristine by reducing sediment and pollutants as well as and reducing the impacts of human use of a pristine system.	12.0	18.4	14.1	15.3	59.8
91	C12-22	Rice	Rice Soil and Water Conservation District	$ 33,890	$ -	Circle Lake Water Quality Improvement Project	Our goal is to reduce sediment and phosphorus delivery to Circle Lake as well as control soil erosion on agricultural uplands in the watershed surrounding Circle Lake by means of installing Best Management Practices on sensitive soils. We have a large project and landowner that is ready to install soil conservation practices that have a proven history of significantly controlling soil erosion. Among them are terraces, water and sediment control basins, and grade stabilization structures.	11.8	20.1	13.7	14.2	59.8
92	C12-9	Le Sueur	Le Sueur Soil & Water Conservation District	$ 130,350	$ -	Le Sueur SWCD Targeted Water and Sediment Control Basin's BMP's	This project would install 28 water and sediment control basins (WASCOB's) that would reduce farmland soil loss and provide short term upland storage during peak rain events. Le Sueur SWCD currently has a back log of 28 pending landowners for WASCOB's projects in both the Minnesota and Cannon Watersheds. Due to the 18 month period between the spring of 2010 into midsummer 2011 farmland has been inundated, new soil loss issues have evolved (through gullies and reformed waterways) and landowners have approached the district for more projects.	11.8	19.4	13.1	15.3	59.5

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93	C12-167	Washington	Washington Conservation District	$ 81,150	$ -	White Bear Lake Shoreline Protection Project	The Washington Conservation District (WCD), in collaboration with the Rice Creek Watershed District (RCWD), proposes to implement an extensive shoreline protection project on White Bear Lake in Dellwood, Minnesota. It is a highly valued water resource for its public recreational and aesthetic opportunities and currently exhibits good water quality. By stabilizing the existing eroding bank and adding a thick vegetated buffer of native shoreline plants, the proposed project will stop soil erosion, filter out pollutants, and provide excellent habitat for wildlife. The project will annually reduce total phosphorus loading by 6.8 pounds, total suspended solids by 7.4 tons, and soil loss by 8.8 tons.	12.1	16.8	14.2	15.7	58.8
94	C12-162	Lac qui Parle	Lac qui Parle-Yellow Bank Watershed District	$ 131,701	$ -	Sediment Reduction in Del Clark/Lac qui Parle River	This project will reduce sediment loading by reducing soil erosion in Del Clark Lake and a portion of the Lac qui Parle River. Three grade control structures will be constructed to sediment and nutrients from depositing into Del Clark Lake.	10.2	19.9	12.9	14.6	57.6
95	C12-105	Hennepin	City of Champlin	$ 507,425	$ -	Elm Creek Stream Bank Stabilization Upstream of Jo Nunn Park	The City of Champlin proposes to stabilize approximately 2,000 feet of stream bank along Elm Creek. The proposed stabilization is located upstream of Jo Nunn Park. The project will restore the creek's low-flow channel, reduce downstream sedimentation, and provide habitat enhancements. The cross section of the channel will be reestablished and critical areas will be armored to prevent future bank cutting. This project will reduce the amount of sediment transported in Elm Creek by up to 73 pounds, and the Total Suspended Solids load by 86 tons.	12.3	18.8	12.0	14.3	57.4
96	C12-28	Red Lake	Red Lake County Soil & Water Conservation District	$ 60,000	$ -	Accelerated Streambank & Shoreland Projects in the Clearwater River Watershed	After conducting a Erosion Site Inventory in the fall of 2009, Red Lake County SWCD identified this problem area as high priority area due to the large amount of sediment this problem area is contributing into the Clearwater River. The high sediment loading is effecting water quality, aquatic life, the water supply source, and recreational use of the Red Lake River.	12.1	19.0	11.2	15.1	57.3
97	C12-45	Morrison	Morrison Soil & Water Conservation District	$ 55,825	$ -	Lake Alexander shoreland restoration and pollution abatement.	Five landowners experienced extreme damage spring of 2011 from wind and wave action.(58 mile an hour winds) The plan is to restore all parcels at once under a cooperative application with the group of landowners. The area of damage will be reshaped and vegetated with native buffers. The buffers will be wider than the restored areas giving us a greater buffer than previously existed.	11.9	19.3	14.1	11.8	57.0
98	C12-124	Kanabec	Kanabec Soil & Water Conservation District	$ 141,645	$ -	"Four County - Shoreline Buffer Enhancement / Protection Project"	The Soil and Water Conservation Districts (SWCD's) of Aitkin, Kanabec, Mille Lacs and Pine Counties have landowners committed and ready to enhance their shorelines and riparian habitats to reduce runoff, provide greater water infiltration, stabilize soils and minimize pollutant runoff to the surface waters in the region. Preliminary site visits have been completed for the fifteen proposed projects.	11.6	18.3	11.8	15.3	56.9
99	C12-145	Stearns	Stearns County Soil & Water Conservation District	$ 937,850	$ -	Stearns County Accelerated Stormwater Management, Shoreland Restoration and Feedlot Projects	These projects will incorporate approximately 115 best management practices (BMPs) across Stearns County to reduce nutrients, sediment and bacteria from entering lakes, streams and wetlands. This includes 83 BMPs to address stormwater runoff by minimizing erosion and sedimentation, reducing the quantity of stormwater, improving the quality of stormwater, and enhancing stormwater infiltration. In addition, approximately 32 high priority shoreland restoration sites have been identified across the County to control soil erosion, improve aquatic and terrestrial habitat. Also, approximately 10 unpermitted livestock manure storage basins will be investigated.	13.1	12.9	12.9	17.6	56.5
100	C12-18	Multi-County	Heron Lake Watershed District	$ 193,344	$ -	WFDMR and Heron Lake TMDL Sediment Reduction Implementation Projects	The purpose of this project is to construct sediment reduction projects that include two J-hook stream restorations in Jackson County; one streambank stabilization project in Cottonwood County; one bio-retention basin; one grassed waterway for gully stabilization; and ten water and sediment control basins in Nobles County. These projects have the potential to reduce 381 tons of sediment, and 445 pounds of phosphorus per year.	11.9	18.3	12.7	13.2	56.0
101	C12-239	Hennepin	Minnehaha Creek Watershed District	$ 670,245	$ -	Lake Minnetonka/Halstead Bay Ravine Restoration	The Lake Minnetonka/Halstead Bay ravine project will restore a 3,200 foot long eroded ravine back into a vegetated woodland swale dominated by native plants. The restoration will include a system of storm water treatment practices (infiltration and sedimentation basins) and will eliminate erosion and reduce the amount of phosphorus and other pollutants entering Halstead Bay on Lake Minnetonka, which is a MPCA impaired water body. This restoration will eventually become part of a conservation easement within a remnant of the site's existing big woods and will be adjacent to a public trail that is linked to the Three River's Park District Regional trail system.	12.5	18.6	12.1	12.5	55.7

Row	CWF ID	County	Applicant	Amount Requested ($)	Amount Recommended ($)	CWA Title	Project Description	Project Description Maximum 20 Points	Anticipated Outcomes Maximum 35 Points	Project Readiness Maximum 20 Points	Prioritization and Relationship to Plan Maximum 25 Points	Project Score
102	C12-233	Douglas	Douglas Soil & Water Conservation District	$ 196,558	$ -	West Lake Victoria Sediment Reduction and Gully Stabilization Project	The west side of Lake Victoria has several areas where direct discharge of stormwater runoff to the lake is concentrated due to culverts under roadways and existing storm sewer outfalls. This project will utilize weirs, riffle and pools systems, and other gully stabilization techniques to address the erosion and sedimentation issues. In some cases, hard armor and other energy dissipation measures may be required. A subsurface stormwater chamber system will be used for sediment removal and infiltration at the final, highly developed location.	13.7	19.1	11.3	11.1	55.1
103	C12-152	Freeborn	Shell Rock River Watershed District	$ 46,830	$ -	Fairway Rain Garden Project.	The drainage area to the rain garden is approximately 16.5 acres. The proposal calls for a two basin rain garden. The first basin will be deeper and be constructed as a sediment forebay to the larger basin. A natural rip-rap channel, intended to mimic a freestone stream, will then be constructed between the two basins. The large basin will provide most of the water infiltration capacity. According to the Minnesota General Stormwater Permit, the water quality volume for impervious surface in a treatment pond should be equal to ½" of runoff from the impervious area. The proposed rain garden, located in Bayview Park, along the shoreline of Fountain Lake, will create approximately 11,838 C.F. of storage.	10.2	16.9	13.0	14.3	54.4
104	C12-121	St. Louis	South St. Louis Soil & Water Conservation District	$ 454,000	$ -	Knowlton Creek Watershed Sediment and Erosion Reduction Project	The Knowlton Creek Watershed Sediment and Erosion Reduction Project is a two year project that will reduce runoff and associated sediment loading from Spirit Mountain into Knowlton Creek. Knowlton Creek is a direct tributary of the St. Louis River, which was identified by the EPA as a top five Area of Concern (AOC) in the U.S. This project will prevent the discharge of an estimated 1852 tons/year of sediment to Knowlton Creek by constructing a series of check dams, swales, and pipes to collect the runoff before discharging to a storm water retention pond for treatment.	10.8	18.3	11.9	12.5	53.5
105	C12-131	Todd	Todd Soil & Water Conservation District	$ 112,361	$ -	Long Prairie River Legacy	Todd and Morrison SWCDs will be partnering to continue their efforts to remove the Long Prairie River from the Impaired Waters List. Low DO levels, due to high levels of ammonia are responsible for the impairment. The hard and soft armor materials will reduce the cutting of banks, preventing erosion and sediment from entering the river, which can carry pollutants. The planting of native vegetation will slow storm water run-off allowing excess nutrients to filter out before reaching surface waters. The rain garden storm water controls will capture storm water and let it naturally infiltrate, which will remove pollutants, instead of running directly into surface waters. The animal ag project output will be the development of projects for the 2012 grant cycle.	11.7	17.8	10.8	13.1	53.3
106	C12-87	Scott	Scott Watershed Management Organization	$ 67,200	$ -	Cedar Lake Curlyleaf Pondweed Treatment Pilot Project	Cedar Lake is impaired for excess nutrients. The lake is shallow and most of the existing load is from internal sources. The internal sources identified in the Cedar & McMahon Lake TMDL study were sediment, carp and curlyleaf pondweed. The goal of this project is to see if treating 100 acres of the east bay of Cedar Lake with herbicide, which is covered by curlyleaf during the growing season, will give the native plant community a chance to come back.	10.7	14.2	12.3	16.1	53.3
107	C12-67	Yellow Medicine	Yellow Medicine Soil & Water Conservation	$ 237,495	$ -	Erosion Control Project in Lac qui Parle River Sub-Watersheds	Installation of engineered Best Management Practices (BMPs) will reduce turbidity within the priority areas of the Lac qui Parle Watershed. Based on e-link calculator indicator it is estimated that phosphorus will be reduced by 3,605 lbs/year and sediment by 3,135 tons/year for the lifetime of the practices. The project area includes the following reaches of the Lac qui Parle River Watershed: Lac qui Parle River-Headwaters, Cobb Creek, Florida Creek, Lazarus Creek, and the Upper West Branch of the Lac qui Parle River.	10.5	16.3	11.3	14.2	52.3
108	C12-115	Sibley	Sibley Soil & Water Conservation District	$ 56,740	$ -	High Island Creek Bank Armoring	This project has two parts to it that are less than 1,000 feet apart. Both projects would reduce sedimentation entering High Island Creek and subsequently the Minnesota and Mississippi Rivers. Project #A would armor the bank to stop the creek from eroding into the field. Project #B would also armor the bank to keep the streambank from eroding into the township road right of way.	9.6	15.2	11.8	11.6	48.1
109	C12-157	St. Louis	South St. Louis Soil & Water Conservation District	$ 239,840	$ -	Restoring Riparian Corridors on Duluth's Coldwater Streams	Some 30 land owners from a pool of 162 participants in Duluth's Stream Corps program will be encouraged to give nature a second chance by restoring a small portion of their property at the water's edge. Duluth Stream Corps members will replant riparian corridors with native plants and shrubs, restore depressions and water holding areas and ask land owners to sign a pledge to protect this no mow zone indefinitely.	10.3	15.9	9.4	12.1	47.7

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110	C12-42	Carver	Carver County Watershed Management Organization	$ 110,370	$ -	Benton Lake Fish Biotic Restoration	Benton Lake is an impaired lake for excess nutrients with a Total Maximum Daily Load (TMDL) Study underway outlining different implementation projects to restore the lake. This project will focus on the reduction of the common carp in the lake to help reduce the amount of phosphorus cycling through the lake. This will be achieved through the installation of a fish barrier at the outlet of Benton Lake, and application of rotenone to remove fish from both Benton and Meuwissen Lake, an upstream lake directly connected to Benton Lake.	11.1	15.7	8.8	11.1	46.6
111	C12-126	37 County JPB	Minnesota River Board	$ 450,000	$ -	Community Clean-ups for Water Quality	The overall goal of this program is to demonstrate to citizens the connection between what we do on the land and water quality. We will reduce phosphorus and nitrogen loading in the Minnesota River Watershed through training, coordination and implementation of 140 organic waste Community Clean-ups on streets, parking lots and other impervious surfaces in the spring and the fall for fiscal year (2012-2015). We will focus upon areas where there is a low dissolved oxygen TMDL approved plan for the Lower Minnesota River, TMDLs underway for the entire Minnesota River Watershed, and waters impaired from excess nutrients with TMDL-approved plans in the Metro Region Watershed.	9.3	12.4	10.8	11.4	44.0
112	C12-229	Washington	Washington Conservation District	$ 178,200	$ -	West Washington County Green Churches Stormwater Retrofit Initiative	Moved to Community Partners Conservation Program Grant Category upon applicant request					

Row	CWF ID	PRODUCER	County	Registered Animal Units	Animal Species	MinnFARM INDEX Rating	Project Outcomes	BWSR Grant Request:	Grant Recommendation	MDA AgBMP Lo	MinnFARM Score 20	Loading Score 20	OLA Score 20	Riparian Score 25	WP Score 15	Total Score
1	C12-208	Burfeind Dairy Farm	Goodhue	297	Dairy	100	Construct a two stage animal waste facility to store manure for 9 months, will separate the solids from the liquids to better handle the solids, to better utilize manure nutrients and to reduce land application run-off. We will also be eliminating all open-lots with this cost-share and site will then be in full compliance with 7020 rules.	$198,800	$198,800	$100,000	20	20	20	25	15	**100**
2	C12-102	Brit Schriever	Fillmore	288	Dairy	94	manure storage, control of milk house waste and collection of silage leachate	$95,196	$95,196	$100,000	19	20	20	25	15	**99**
3	C12-199	Isaiah Tews	Winona	287	Dairy	86	6-month dual stage passive sand separator manure storage system and a 1-week manure storage system	$192,081	$192,081	$57,722	17	20	20	25	15	**97**
4	C12-221	Ronald Pagel	Olmsted	240	Dairy	76	This project will eliminate run off from this feedlot from entering a tributary of Mill Creek which a designated trout stream.	$143,597	$143,597	$0	15	20	20	25	15	**95**
5	C12-199	Richard Brown	Winona	254	Beef	68	Installation of a milkhouse waste system, manure storage stacking slab	$40,210	$40,210	$0	14	20	20	25	15	**94**
6	C12-199	Dale Mills	Winona	290	Dairy	53	Installation of Roof Structure to replace an open feedlot, 9-month manure storage system	$46,815	$46,815	$0	11	20	20	25	15	**91**
7	C12-145	Meyer Karl	Stearns	243	Dairy	32	eliminate feedlot runoff to wetland	$25,250	$25,250		6	20	20	25	15	**86**
8	C12-199	Chris Kopperud	Winona	129	Dairy	100	Installation of a milkhouse waste system	$10,074	$10,074	$0	20	20	0	25	15	**80**
9	C12-146	Tom Berning	Wright	112	Dairy	15	The preliminary plan is to construct a concrete settling basin at the lot edge to catch manure solids and outlet the dirty water onto a vegetated treatment area to be cleaned.	$9,700	$9,700	$0	3	10	20	25	15	**73**
10	C12-208	Mark Chamberlain	Goodhue	180	Dairy	13	Construct an animal waste facility to store manure 6 months, to better utilize manure nutrients and to reduce land application run-off.	$126,550	$126,550	$39,917	3	10	20	25	15	**73**
11	C12-145	Rosinger James	Stearns	148	Dairy	13	eliminate feedlot runoff to intermittent stream above Spunk Creek	$43,000	$43,000		3	10	20	25	15	**73**
12	C12-145	John Bosl	Stearns	135	Dairy	61	eliminate feedlot runoff to intermittent stream above Sauk River	$40,250	$40,250		12	20	0	25	15	**72**
13	C12-146	Wayne Rathje	Wright	168	Beef	49	This project will require a diversion around the lots to keep the clean water from entering and adding to the dirty water volume. A sediment catch area will be designed to catch manure solids, with the dirty water being piped to a vegetated treatment area.	$13,300	$13,300	$0	10	20	0	25	15	**70**
14	C12-21	Lynn Sathre	Mower	228	Dairy	46	6 month Storage facility - Dairy located along river with very little storage and no filter strip	$76,325	$76,325	$23,375	9	20	0	25	15	**69**
15	C12-102	Vern Ristau	Fillmore	264	Beef	70	open lot runoff control with solids catch area, picket fence and buffer for treatment	$85,686	$85,686	$100,000	14	20	20	0	15	**69**
16	C12-132	Tom Detloff	Todd	280	Beef	41	Filterstrip	$51,826	$51,826		8	20	0	25	15	**68**
17	C12-145	Bechtold Bros	Stearns	326	Dairy	38	eliminate feedlot runoff to South Fork Watab River	$25,500	$25,500		8	20	0	25	15	**68**
18	C12-145	Schwalbe Dairy	Stearns	71	Dairy	7	eliminate feedlot runoff to unnamed lake (73-121w)	$4,750	$4,750		1	5	20	25	15	**66**
19	C12-48	David Miner (180350400)	Dodge	44	Beef	5	Access Control (formerly Use Exclusion), Fence, Diversion	$3,574	$3,574		1	5	20	25	15	**66**

Row	CWF ID	PRODUCER	County	Registered Animal Units	Animal Species	MinnFARM INDEX Rating	Project Outcomes	BWSR Grant Request:	Grant Recommendation	MDA AgBMP Lo	MinnFARM Score 20	Loading Score 20	OLA Score 20	Riparian Score 25	WP Score 15	Total Score
20	C12-132	Mark Berscheit	Todd	127	Dairy	61	Ag Waste System and Filterstrip	$115,048	$115,048		12	10	0	25	15	**62**
21	C12-215	John Smith	Renville	151	Beef	56	Feedlot relocation and roof structure	$70,540	$70,540		11	10	0	25	15	**61**
22	C12-145	Dean Klaverkamp	Stearns	213	Dairy	50	eliminate feedlot runoff to Augusta Creek	$24,750	$24,750		10	10	0	25	15	**60**
23	C12-253	Andy Henning	Nobles	384	Dairy	39	Reduction of nutrient and bacterial loading to a tributary of the Kanaranzi Creek by containing feedlot runoff with a waste storage facility and closure of non compliant non-engineered earthen lagoon.	$241,308	$241,308		8	10	0	25	15	**58**
24	C12-132	Tom Keppers	Todd	151	Dairy	39	Ag Waste System and Filterstrip	$140,452	$140,452		8	10	0	25	15	**58**
25	C12-25	Chris Hulstein	Pipestone	140	Dairy	37	Manure off of open lots will be contained and help filter the nutrients onto a vegetated filter strip	$30,407	$30,407		7	10	0	25	15	**57**
26	C12-48	Gary Brannan (080281200)	Dodge	50	Beef	31	Vegetated Treatment Area, Fence, Access Control (formerly Use Exclusion)	$37,747	$37,747		6	10	0	25	15	**56**
27	C12-48	Lisa Heggedahl (160080800)	Dodge	100	Beef	25	Heavy Use Area Protection, Animal Trails and Walkways, Fence, Vegetated Treatment Area, Access Control (formerly Use Exclusion)	$50,876	$50,876		5	10	0	25	15	**55**
28	C12-4	Lindahl Farms, LLC	Chisago	222	Dairy	15	Addressing the water quality resource concern from manure runoff by constructing an ag waste system to contain manure and runoff	$39,800	$39,800	$0	3	10	0	25	15	**53**
29	C12-231	Waldvogel, David	Douglas	181	Dairy	14	Redirect milkhouse waste and manure sludge out of stream and into a compliant manure pit. An additional open lot fix will include relocating & shrinking.	$23,700	$16,588		3	10	0	25	15	**53**

Application Number	Applicant	Project	Funding Requested	Funding Recommended
C12-16 and C12-17	McLeod County	City of Biscay Wastewater Cluster System	$ 342,000	$ 342,000
C12-25	Pipestone soil & water	Pipestone Low Income SSTS 12	$ 41,600	$ 41,600
C12-35, 47, 62, 76	Stearns County Environmental Services	Abatement of ITPHS SSTS in North Fork Crow River Watershed	$ 330,286	$ 330,286
C12-48	Dodge County	2012 SSTS IHT Grant	$ 45,490	$ 45,490
C12-56	St. Louis County	St. Louis County Imminent Public Health Threat SSTS Abatement Program	$ 78,582	$ 78,582
C12-78	Cass County ESD	Immenent Health Threat SSTS upgrade in the Norway Lake Shoreland Zone	$ 8,570	$ 8,570
C12-99	Lincoln County Environmental Office	FY2012 Clean Water Fund SSTS Abatement Grant	$ 23,580	$ 23,580
C12-123	Big Stone County	Imminent Public Health Threat Sewer Abatements	$ 41,265	$ 41,265
C12-133	Marshall County Water and Land Office	Marshall County SSTS Imminent Health Threat Abatement Grant FY2012	$ 53,500	$ 53,500
C12-136	Pennington SWCD	Pennington County Failing SSTS Abatement	$ 34,500	$ 34,500
C12-181, 185	Rock County SWCD/Land Mgt	Low Income Individual Septic Treatment System (ISTS) Replacement	$ 198,083	$ 198,083
C12-237	Douglas SWCD	SSTS Abatement for Imminent Threat to Public Health Systems (ITPHS) in Douglas County	$ 10,700	$ 10,700
C12-240, 241, 242, 243	Mille Lacs County	SSTS Abatement Assistance - Low Income Residents	$ 442,000	$ 291,844

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1	C12-218	Multi-County	SE SWCD Technical Joint Powers Board	$309,800	$309,800	Nutrient Management in the Lower Mississippi River Basin in Minnesota	This project will reduce nitrogen, phosphorus, and fecal coliform runoff into surface and ground water in southeast Minnesota and the Mississippi River. Two nutrient management specialists will assist landowners in the eleven-county Southeast Minnesota Area with writing nutrient management plans and implementing BMP's for manure and fertilizer use.	33.8	19.8	16.3	11.6	81.5
2	C12-117	Roseau and Lake of the Woods	Warroad River Watershed District	$52,532	$37,446	Warroad River Sediment Source Assessment	The proposed project will investigate and quantify sources of sediment to the lower portion of the Warroad River near its confluence with Lake of the Woods (LOW) by performing a sediment balance for the study area and using GIS-based terrain analysis methods to identify and prioritize critical management areas.	32.1	19.8	15.2	12.4	79.5
3	C12-139	Benton	Benton Soil and Water Conservation District	$55,410	$55,410	Little Rock Lake Phosphorus Reduction Through Feed Management Initiative	This project will provide the needed staff to work with the corporate and private livestock industries on the animal feed component of the equation for the Little Rock Lake Phosphorus TMDL.	32.5	20.5	15.1	11.1	79.2
4	C12-13	Multi-County	Southeast Minnesota Water Resources Board	$221,790	$221,790	Southeast Minnesota Wastewater Initiative	Two staff to provide a wide range of technical assistance to 14 small communities follow the many steps needed to upgrade their sewage treatment systems.	30.8	20	14.9	12.5	78.2
5	C12-202	Multi-County	Red River Watershed Management Board	$194,490	$194,490	Red River Basin Water Quality Decision Support Application (WQDSA)	The WQDSA project will develop and refine LiDAR-derived data products to effectively target locations to reduce field erosion (e.g., stream power index - map areas of gully erosion and areas of concentrated flow based on terrain attributes) and reduce the magnitude and frequency of high flow events (e.g., landscape depression analysis - map areas for potential water storage tied to peak flows).	32.1	19.4	14.3	11.5	77.3
6	C12-164	Clay	Buffalo - Red River Watershed District	$57,818	$57,818	Buffalo - Red River Watershed District BMP Strategic Plan	This project would provide a means of prioritizing areas of the watershed for BMP implementation to reduce overland runoff contaminant loadings contributing to water quality impairments within the BRRWD by utilizing LiDAR and other state of the art technologies.	30.4	19.9	14.2	11.6	76.1
7	C12-78	Cass	Cass County ESD	$24,120	$24,120	"Lake Sweep" SSTS compliance Inspections on Boy and Swift Lakes	In cooperation with funding from the Boy/Swift Lake Association combined with matching funding from the Initiative Foundation Healthy Lakes and Rivers program, this project will result in SSTS compliance inspections on up to 290 properties on Boy Lake and 69 on Swift Lake and an inventory of all properties SSTS on the two lakes.	31.3	18.6	14.2	11.3	75.4
8	C12-206	Clearwater	Clearwater Soil and Water Conservation Distich	$8,000	$8,000	It's All in the Timing: Expanding Lake Protection Screening Reports	This grant will allow us to conduct Lake Protection Screening Reports on three lakes of special interest.	30.4	17.8	15.1	12	75.3
9	C12-138	Faribault	Faribault Soil and Water Conservation District	$41,344	$41,344	Faribault County Drainage System Online Management Tool	This project aims to create a web based tool which will provide an inventory of drainage maintenance needs, including repairs, which will reduce the sediment load to public open channels, and track through the entire process from request, to inspection, to final payment. Inspection reports will become web based, eliminating the need for marking "hot spots" on paper maps and increasing efficiency of tracking and addressing those hot spots.	27.5	18.5	16.3	12.8	75.1
10	C12-84	Lac qui Parle	Lac qui Parle Soil and Water Conservation District	$30,894	$30,894	Level 3 Feedlot Inventory for Lac qui Parle County	Lac qui Parle County recognizes the need for a Level 3 Feedlot Inventory to use as a tool for targeting outreach efforts and financial assistance that will improve and protect both impaired and unimpaired surface waters of the County. Funding is needed to hire a temporary part time staff person to complete a Level 3 Feedlot Inventory for Lac qui Parle County.	30.8	19.3	14.3	10.3	74.7
11	C12-215	Renville	Renville Soil and Water Conservation District	$6,990	$6,990	Renville County Middle Minnesota River Watershed LiDAR BMP Inventory	The project would involve a GIS analysis of the Middle Minnesota River Watershed in Renville County using the soon to be released LiDAR topographic data to inventory BMP project potential in this watershed, then target priority projects for future funding.	29.2	18.1	13.7	12.1	73.1

Minnesota Board of Water and Soil Resources

*Recommended shifting remaining Community Partners Conservation Program/**Conservation Drainage to fund

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12	C12-90	Chisago	Comfort Lake Forest Lake Watershed District	$30,200	$30,200	Tools to Target and Restore Drained Wetlands for Water Quality	This project will greatly enhance the District's ability to reduce phosphorous loading to six impaired lakes through the implementation of both wetland restorations and other upland BMP's. The project will include 1) the mapping of wetlands and land cover to MLCCS standards in the Chisago County portion of the District, 2) mapping and assessment of drained and partially drained wetlands District wide, and 3) the development of a web-based GIS system and tools to inventory, assess, target, and track the efficacy of land and water treatment projects	28.3	18.5	13.9	10	70.7
13	C12-255	Todd	Todd County	$291,890	$291,890	Todd County Systematic Septic System Inventory	This project will eliminate any seepage of untreated sewage into the county's surface waters by identifying and upgrading failing onsite sewage treatment systems around 8 lakes.	27.9	17.1	14	10.8	69.8
14	C12-112*	Carlton	Carlton Soil and Water Conservation District	$99,000	$99,000	Kettle River Watershed TMDL Phosphorous Reduction Project	This project will develop integrated watershed management tools to accelerate on the ground conservation projects. Specifically, GIS data for the watershed will be compiled, analyzed, and processed for use in an Environmental Benefits Index (EBI) tool, which will identify sites with high value for conservation practice implementation.	27.5	17.7	12.9	10.6	68.7
15	C12-50*	Faribault	Faribault Soil and Water Conservation District	$37,574	$37,574	East Branch Blue Earth River BMP Targeting Tools	This project will utilize LiDAR topographic data to determine areas of high importance for BMP implementation on a 117 square mile subwatershed of the East Branch Blue Earth River.	28.8	16.8	12.1	10.5	68.2
16	C12-91*	Multi-County	Mississippi Headwaters Board	$100,000	$100,000	Prioritizing Conservation Project Implementation in the 400- mile Mississippi Headwaters	This 400-mile Mississippi Headwaters project will develop a prioritization methodology that utilizes a GIS land analysis along with existing water quality data sets in order to determine river water quality trends that are increasing, decreasing, static or needing more information. Once this data is gathered and prioritized with recommended mitigation strategies it will be provided to the eight county Water Plan administrators such that a specific river chapter amendment can be developed in each individual county Water Plan.	27.5	17.1	13.6	9.7	67.9
17	C12-228*	Mower County	Mower County	$99,995	$99,995	Mower County Imminent Public Health Threat Inventory Phase III	Mower County is seeking to locate and require updating of all remaining un-inventoried septic systems which are classified as imminent public health threats (IPHTs). The purpose is to improve and protect surface and ground water.	27.9	16.1	14.1	9.8	67.9
18	C12-197*	Multi-County	Greater Blue Earth River Basin Alliance	$300,860	$150,430	Greater Blue Earth River Basin Clean Water Fund Positions	This project will reduce nutrients, sediment and bacteria within the Greater Blue Earth Basin. A Conservation Agronomist will work with landowners, local and agency partners, and the U of M to promote cropping systems other than corn and soybeans in addition to other BMPs that help reduce soil erosion, promote water quality benefits, and provide ecological benefits. The Cobb Technician will work with landowners to install BMPs in this sub-watershed of the Le Sueur River basin. The Cobb has a high potential for bank/bluff erosion and also water yield from tile drainage. A nutrient management specialist will work with feedlot operators within the entire greater Blue Earth basin to develop nutrient management plans and to provide training to farmers on keeping up those plans.	26.3	16.8	12.9	10.3	66.3
19	C12-254*/**	Blue Earth	Blue Earth County	$108,000	$ 108,000	Green printing for Wetland Restoration and Mining Reclamation	Blue Earth County and Watonwan County will be sharing information, ideas and resources for completing mining reclamation and wetland management plans for inclusion in their local water management plans and comprehensive land use plans. Master plans for mining reclamation and wetland management will be used as guidance for planning and zoning decisions and implementing water management priorities that will enhance protection and restoration efforts.	26.7	16.1	13.4	10.1	66.3
20	C12-213**	Martin	Martin Soil and Water Conservation District	$79,179	$79,179	Implement surface water runoff prevention and protection programs.	Martin County will revive 4 lake associations by working in partnership with the Martin SWCD, Minnesota Waters, Barr Engineering and U of MN Extension.	27.9	16.4	11	9.9	65.2

Minnesota Board of Water and Soil Resources
*Recommended shifting remaining Community Partners Conservation Program/**Conservation Drainage to fund

Row	CWF ID	County	Applicant	Amount Requested	Amount Recommended	Title	Project Description	Clarity of Project's Goals Maximum 40 Points	Prioritization and Relationship to Plan Maximum 25 Points	Means and Measures for Assessing the Program's Impact Maximum 20 Points	Timeline for Implementation Maximum 15 Points	Project Score
21	C12-143**	Multi-County	Metro Conservation Districts	$358,050	$ 216,181	Metro Wide Subwatershed Stormwater Retrofit Analysis	Through a long standing partnership of the eleven metro soil and water conservation districts (MCD) we will continue to implement a process to analyze an additional 33 subwatersheds that contribute to the degradation of locally identified high priority water resources. The analyses to be completed identify the location and estimated cost/benefit relationship for best management practices.	27.5	14.6	12.3	10.2	64.6
22	C12-216	Martin	Martin Soil and Water Conservation District	$88,750	$ -	Develop and Implement the Elm Creek Watershed Implementation Plan	The goal is to hire a qualified coordinator to provide leadership in developing and implementing the Elm Creek Implementation Plan.	25.8	16.5	11.8	10.1	64.2
23	C12-240	Mille Lacs	Mille Lacs County	$67,263	$ -	Permitting & Inspection Technology Upgrade	The project is proposed to revise and modify existing software permitting programs to better capture information that is required by the State's annual report. The project will also allow for the collection of more accurate field data relating to the inspection of SSTS.	26.7	15.3	10.8	10	62.8
24	C12-134	Todd	Todd Soil and Water Conservation District	$202,440	$ -	Todd-Morrison Engineer Technician	Todd and Morrison SWCDs, in a cooperative effort, intend on bringing on a shared Engineering Technician to help with projects in the two counties; this will result in a reduction of nitrogen, phosphorus, COD, BOD, fecal coliform, sediment and other pollutants. The reduction of pollutants will help in delisting the Long Prairie River which is impaired and improve water clarity and algal blooms.	24.2	14.6	12.8	9.7	61.3
25	C12-238	Waseca	Waseca Soil and Water Conservation District	$243,760	$ -	Watershed Technician	The Waseca SWCD is actively involved with the Cannon River Watershed Partnership and the Greater Blue Earth River Basin Alliance. To move forward, the Waseca SWCD needs a supporting technical position to address water quality concerns.	25	14.3	10.8	10.5	60.6
26	C12-44	Carver	Carver County Soil and Water Conservation District	$85,600	$ -	Carver County Stream Bank Restoration Ranking Process	Carver County has two years of LiDAR data that will be used to target stream bank erosion sites.	21.7	15.7	10.8	9	57.2
27	C12-219	Scott	City of Prior Lake	$124,656	$ -	Upper Prior Subwatershed Assessment, Rapid Assessment and Cost Optimization Tools.	The development of a toolkit that will provide municipal, watershed and conservation organizations the ability to 1) quickly scope and sort hundreds of potential clean water practices; 2) compare each in terms of capital and lifecycle cost and clean water benefit; and 3) plan and optimize a subset of those practices to develop more cost efficient clean water projects by "cost-sizing" to maximizing clean water outcome and minimizing public expense.	22.9	13.4	10	9.8	56.1
28	C12-73	Rice	Rice Soil and Water Conservation District	$41,895	$ -	Cannon River Watershed Project Prioritization	Cannon River Watershed Project Prioritization would use LiDAR data to quantify the potential erosive power of overland flow. Areas identified will then be field verified in targeted watersheds and conservation practices will be designed to correct erosion problems.	21.25	14	11	8.7	54.95
29	C12-245	Pope	Pope Soil & Water Conservation District	$48,250	$ -	Accelerated Conservation Project Identification and Development for Pope County	Two project sites have extensive erosion problems, but are difficult to access due to ground cover and soil conditions and accurate surveying and site remediation practices are expected to be difficult to design. This project would utilize LiDAR to generate project elevations, site plans and specifications for these two sites that will be ready for contractor bidding process.	21.3	12.6	9.6	8.6	52.1
30	C12-45	Morrison	Morrison Soil and Water Conservation District	$32,775	$ -	Septic Inventory on Fish Trap Lake and Lake Alexander	Conduct septic inventories with the watersheds of the 2 largest lakes in Morrison County.	22.1	11.7	8.7	8.4	50.9
31	C12-247	Hennepin	Riley-Purgatory-Bluff Creek Watershed District	$357,200	$ -	Stormwater Basin - Protocol & Prioritization	The objectives of this project are to 1) develop a rapid field assessment methodology to determine the "health" of stormwater basins and 2) develop a protocol to prioritize stormwater basins for improvement.	18.3	11.8	10.5	6.6	47.2

Row	CWF ID	Applicant	County	Amount Requested	Amount Recommended	CWA Title	Project Description	Clarity of Project's Goal Maximum 40 Points	Prioritization and Relationship to Plan Maximum 30 Points	Means and Measures for Assessing the Program's Impact Maximum 20 Points	LGU Capacity Maximum 10 Points	Project Score
1	C12-236	Crow Wing Soil and Water Conservation District	Crow Wing	$150,000	$150,000	Brainerd Lakes Community Centered Stormwater Reduction Mini grant Program	The Crow Wing SWCD will partner with the University of Minnesota Extension, MN DNR, Crow Wing County Environmental Services, nonprofits, and Lake Associations to develop a mini grant program. This program will provide cost-sharing and technical assistance on projects that will intercept, treat and infiltrate runoff which will reduce phosphorus and sediment loads to high priority lakes and streams in Crow Wing County.	33.6	24.6	16.6	8.1	82.9
2	C12-229	Washington Conservation District	Washington	$178,200	$150,000	Washington County Green Churches	The goal of this project is to offer grant funding to churches located within priority subwatershed of Washington County to install various Low Impact Development best management practices.	33.2	23.6	15.1	8.6	80.5
3	C12-196	Washington Conservation District	Washington	$56,175	$56,175	St. Croix "Green" Marinas	The goal of this project is to offer grant funding to boat marinas located in Washington County on the St. Croix River to complete water quality improvement projects.	30.9	21.7	15.3	8.5	76.5
4	C12-114	Vadnais Lake Area Water Management Organization	Ramsey	$105,200	$105,200	Community Blue: VLAWMO Partner Conservation Program	The "Community Blue" partnership program aims at completing 7-10 BMPs within the Lambert Creek subwatershed and Goose Lake drainage area. This will be a unique program with a focus on engaging VLAWMO citizens through the installation of exceptionally visible and community accessible raingardens, shoreline restorations, and tree trenches (BMPs). Significant, measurable outputs with development of long-term partnerships are primary objectives for this program.	30.4	22.8	14.2	7.9	75.3
5	C12-189	Rice County Environmental Services	Rice	$31,200	$31,200	Rice County Community Environmental Partnership Program	The purpose of this project is to increase awareness of environmental stewardship practices by providing six subgrants to local partners to engage the public, provide education on Best Management Practices, and create practices, including rain gardens, vegetative buffers, and wetland restorations.	28.6	22.9	14.6	7.5	73.7
6	C12-78	Cass County ESD	Cass	$50,900	$50,900	Cass County Partnerships for Clean Water Challenge Grant Partnership.	This project is a cooperative effort involving Cass County ESD, Cass SWCD, the Association of Cass County Lakes (ACCL), and registered Homeowner Associations throughout Cass County. This project would allow the numerous partners to address their own unique water quality issues by providing matching sub-grants to implement practices to reduce stormwater runoff and retain water on the land to reduce the movement of sediment and nutrients.	29.6	19.8	13.0	8.3	70.6
7	C12-201	East Otter Tail Soil and Water Conservation District	Otter Tail	$154,380	$150,000	Otter Tail County Community Conservation Sub-grant Program	The Otter Tail County Community Conservation Sub-grant Program enables community groups to go beyond planning and take action to protect their water resources. This grant program provides community groups with the means to make positive improvements now and a venue to grow community and identify further water quality opportunities.	28.2	20.3	14.2	7.8	70.5
8	C12-151	Wadena Soil and Water Conservation District	Wadena	$82,950	$82,950	Improving Water Quality with Stormwater Abatement Within the City of Wadena	In the rebuilding of Wadena after an EF4 tornado, it has become visible that more needs to be done to reduce runoff by retaining or diverting stormwater and educating the citizens on stormwater management. With this project we hope to filter the stormwater before it reaches Union Creek and the Leaf River.	26.8	19.5	12.3	6.5	65.1

Row	CWF ID	Applicant	County	Amount Requested	Amount Recommended	CWA Title	Project Description	Clarity of Project's Goal Maximum 40 Points	Prioritization and Relationship to Plan Maximum 30 Points	Means and Measures for Assessing the Program's Impact Maximum 20 Points	LGU Capacity Maximum 10 Points	Project Score
9	C12-89	Dakota County Soil and Water Conservation District	Dakota	$50,000	$50,000	Dakota County Community Partners in Conservation	This project will provide cost share funding to faith based organizations and home owner/lake associations to construct medium-sized water quality best management practices (BMPs) in Dakota County. Funding from the proposed project will go through the SWCD's existing Community Cost Share and Conservation Initiative Funding programs.	24.6	19.3	12.3	8.3	64.4
10	C12-116	Le Sueur County	Le Sueur	$21,100	$21,100	Gorman Lake Water Retention Basins	The Gorman Lake Water Retention Basins Project will install two tiered retention ponds to reduce peak flow in the drainage ditch and to reduce the amount of phosphorus enriched soil particles from reaching Gorman Lake. Project partners include three agricultural producers, the SWCD, NRCS and Gorman Lake Association.	25.5	19.4	11.3	6.6	62.7
11	C12-223	Douglas Soil and Water Conservation District	Douglas	$13,050	$13,050	Gully control at Smokey Timbers Youth Camp on Lake Miltona	The Smokey Timbers Foundation and Miltona Township are partnering on this project to solve an erosion problem from an exiting gully entering Lake Miltona. The proposed fix for the problem is to construct a diversion to direct some of the runoff into existing woods to treat the runoff.	26.8	17.6	11.2	6.2	61.8
12	C12-61	South Washington Watershed District	Washington	$75,000	$ -	Mississippi and St. Croix Rivers Bluffline Erosion Stabilization Program	The Mississippi and St. Croix Rivers Bluffline Stabilization program will provide $100,000 in sub-grants for the implementation of structural vegetative management practices that keep water on the land, repair active bluffline erosion, and reduce the amount of sediment and pollution reaching the Mississippi and St. Croix Rivers.	22.1	17.0	11.5	7.5	58.1
13	C12-102	Fillmore Soil and Water Conservation District	Fillmore	$41,362	$ -	Storm Water Management Education and Outreach in Fillmore County	The city of Rushford Village, Featherstone Farm, and Tri-County Electric Cooperative, are partners in a project to demonstrate and promote the use of rain garden and rain barrels.	21.3	16.7	9.8	7.3	55.0
14	C12-113	City of Independence	Hennepin	$50,060	$ -	City of Independence Community Partners Grant: Improving Our Waters	If grant money is awarded, the City will solicit proposals from organizations such as the Lake Independence Citizens Association (L.I.C.A.), the Lake Sarah Improvement Association (L.S.I.A) and other interested homeowner's associations with the necessary capacity. The City will consider projects that have a measurable reduction of Phosphorous and that include a strong public education component.	22.5	15.8	10.8	5.8	54.8
15	C12-15	Cottonwood Soil and Water Conservation District	Cottonwood	$68,400	$ -	Cottonwood SWCD Community Partnership Stormwater Mitigation Project	The Cottonwood Soil and Water Conservation District, with help and leadership from community partners, would like to improve the urban environment through stormwater runoff management in Cottonwood County. This will be accomplished through our partner organizations, Finding Windom, Cottonwood County Master Gardeners, Mountain Lake Lions Club, and the Jeffers Community Lions Club.	20.4	14.3	10.3	7.0	51.9
16	C12-43	Carver County Water Management Organization	Carver	$149,875	$ -	Carver County Cost Share Initiative	Over the past three years, Carver County has received numerous applications for projects implementing best management practices from local schools, non-profits, and conservation groups. Due to budget constraints, these projects have not been funded. Through this grant program, Carver County will be able to actively seek and fund these projects.	19.2	14.1	10.8	6.8	50.9

Row	CWF ID	Applicant	County	Amount Requested	Amount Recommended	CWA Title	Project Description	Prioritization and Relationship to Plan Maximum 25 Points	Specific Wells included in the Application Maximum 40 Points	Priority Areas for Well Sealing Identified Maximum 20 Points	Overall Proposal Quality and Completeness 15 Points	Project Scores
1	C12-118	Washington County	Washington	$ 21,000	$ 21,000	Prevent Drinking Water Contamination: Prioritize and Seal Abandoned Wells	Washington County residents rely on groundwater for 100% of their drinking water. To protect groundwater, the county proposes to seal abandoned wells that pose the greatest threat of contamination to a public drinking water supply by specifically targeting abandoned wells in DWSMA's or in areas of known contamination.	36.8	21.3	19.1	14.1	91.3
2	C12-173	Mille Lacs Soil and Water Conservation District	Mille Lacs	$ 43,100	$ 43,100	Groundwater Protection of Highly Vulnerable Drinking Water - Sealing Abandoned Wells	Mille Lacs County residents rely on groundwater for 100% of their drinking water. As part of an effort to target sources of nitrate contamination in local groundwater, assistance will be provided to seal abandoned wells if they are 1) located specifically within drinking Water Management Safety Areas (DWSMAs), or 2) within the same aquifer and within one mile of a municipal community public water supply well, or 3) are a large diameter well located within an area identified as highly vulnerable to groundwater contamination within the local water plan.	35.9	21.4	18.5	12.7	88.5
3	C12-189	Rice County Environmental Services	Rice	$ 10,900	$ 10,900	Targeted Cost-Share Well Sealing in Rice County DWSMAs	The purpose of this project is to provide cost-share well sealing funds to target sealing of unused wells located in highly vulnerable areas within both the City of Faribault, and the City of Northfield's DWSMAs, and other vulnerable areas of Rice County.	33.6	19.0	17.3	13.0	82.9
4	C12-184	Yellow Medicine County	Yellow Medicine	$ 8,500	$ 8,500	Yellow Medicine County Abandoned Well Sealing	Yellow Medicine County will offer cost share to landowners to seal abandoned wells in an effort to protect the groundwater and our drinking water supply.	34.1	18.2	15.4	11.0	78.6
5	C12-75	Crow Wing County	Crow Wing	$ 20,905	$ 20,905	Establishment of a Well Sealing Program in Crow Wing County	Crow Wing County, in cooperation with the municipalities within the County, plans to establish a well sealing program. Priority will be given to wells located within the existing wellhead protection areas / drinking water supply management areas (DWSMAs).	31.8	18.0	16.4	11.7	77.9
6	C12-69	Mahnomen & Norman Soil and Water Conservation Districts	Mahnomen & Norman	$ 13,720	$ 13,720	Norman and Mahnomen County Well Sealing Project	In Norman and Mahnomen Counties under normal circumstances the surface water will not naturally degrade our deep groundwater resources, based on the Lower Red River Regional Hydrologic Assessment. Abandoned wells are the only contamination conduit to our deep groundwater resources. Sealing abandoned wells through cost share with landowners, will protect our groundwater resources from surface contamination.	30.0	18.0	14.5	10.9	73.5
7	C12-220	Martin County	Martin	$ 10,250	$ 10,250	Protecting Groundwater with Well Sealing in Martin County	Landowners that are removing a farmstead will be the first eligible for this well sealing grant. Also, abandoned wells in the middle of farm fields that have not been properly sealed will be a high priority.	30.9	16.9	14.0	11.1	72.9
8	C12-194	Big Stone Soil and Water Conservation District	Big Stone	$ 6,200	$ 6,200	Well sealing and management goals for Big Stone County.	One of the priorities of Big Stone County is to protect and preserve the county's water resources by closing and sealing off all existing un used wells in the county. This goal will be accomplished by receiving funds through the Clean Water Act to help with cost-share reimbursement fees to land owners of un used wells making it more encouraging or customers to seal their well(s).	30.5	15.8	13.0	9.9	69.2
9	C12-104	Hennepin County Department of Environmental Services	Hennepin	$ 42,000	$ 42,000	Hennepin County Cost-Sharing Well Sealing Program	The Well Sealing Program helps well applicant/owners offset the expenses associated with permanently sealing their well/s. Wells are sealed to protect groundwater and reduce the potential threat to the health and safety of Hennepin County residents posed by contaminated groundwater.	28.2	13.5	13.4	6.9	62.0

								Conservation Drainage Grant Ranking Criteria						
Row	Application ID:	Grant Applicant	County	Project Title	Project Description	Amount Requested	Amount Recommended	Problem ID and Relationship to Plan (20 pts)	Consistency with Conservation Drainage Program (20 pts)	Located on a Public Drainage System (10 pts)	Program Evaluation Plan (20 pts)	Public Outreach Plan (10 pts)	Overall Proposal Quality (20 pts)	Score
1	C12-63	Wilkin SWCD	Wilkin	Connelly Ditch Retrofit to Improve Water Quality	This water quality improvement project involves the retrofit of county ditch #31(CD31). This consists of installing 50 side-inlet structures; 6.5 miles of water and sediment control structures; and 25 acres of buffer strips. Additionally, BMPs will be installed in the watershed to reduce erosion and sedimentation. These include 1000 acres of cover crop, 5 miles of windbreaks, 200 acres of buffer strips, and 700 acres of reduced tillage. Together all practices will reduce sediment loading by 335 tons/year and peak flows by 50 to 75 percent.	**$294,506**	**$294,506**	18	16	10	12.63	7.38	14.38	**78.39**
2	C12-65	Yellow Medicine SWCD	Yellow Medicine	Lower Yellow Medicine River Sub-watershed Water Quality Improvement through Drainage	This project will install 1 bioreactor, 12 water control structures, and 20 alternative tile intakes to reduce nitrate and phosphorus inputs to the Lower Yellow Medicine River sub-watershed.	**$30,595**	**$30,595**	18.25	19	0	13.63	8.88	17.75	**77.51**
3	C12-180	North Fork Crow River WD	Stearns	North Fork Crow River Watershed District Agriculture BMPs	This project will implement agricultural drainage BMPs including Rock Inlets, Controlled Outlets and Woodchip Bioreactors, to reduce the nutrients, sediment and volume of water being transported by field tile to the North Fork of the Crow River. Implementation of these practices and continued education of landowners will hopefully lead to acceptance from the agricultural community leading to landowner's installation of these BMP's improving water quality.	**$34,110**	**$34,110**	17.63	13.25	5.63	14.88	7.88	12.75	**72.02**
4	C12-12	Middle Fork Crow River WD	Kandiyohi	Drainage Water Quality Improvement in the Middle Fork Crow Watershed	This project will result in more than 500 linear feet of woodchip bioreactors and 5 rock inlets being installed within the Middle Fork of the Crow River Watershed.	**$43,505**	**$43,505**	15.88	14.13	0.63	13.38	8.25	15.75	**68.02**
5	C12-31	Red Lake SWCD	Red Lake	Red Lake Watershed District Ditch #3 Project (Phase II)	Red Lake County SWCD will continue to 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 15 additional side water inlet structures.	**$36,000**	**$36,000**	16.63	14.75	10	9.63	3.75	12.75	**67.51**
6	C12-41	Carver SWCD	Carver	Hyde Lake Nutrient Reduction Project	The project will result in the installation of a bioreactor and/or treatment cells to treat 60 acres of tilled agricultural fields currently draining directly to Hydes Lake via drain tile.	**$32,600**	**$32,600**	15.57	15.86	0	12.71	6.14	15	**65.28**
7	C12-191	Wright SWCD	Wright	Martha Lake Iron Enhanced Drainage System	This project will used an iron enhanced sand filter to effectively treat agricultural drainage and before enter Lake Martha. This filtration system will be utilized to reduce dissolved P levels in drainage water enter Lake Martha.	**$32,201**	**$32,201**	15.13	14.13	0.63	14	5.88	13.88	**63.65**
8	C12-137	Roseau River WD	Roseau	Roseau River Watershed WD #3, Laterals 2&3 Project	Roseau County SWCD will work cooperatively with the Roseau River Watershed District (RRWD) and the landowners involved to reduce erosion, provide temporary detention and eliminate sediment deposition along the Roseau River Watershed District Watershed Ditch # 3 system Laterals 2 and 3 by installing 29 side water inlet structures in Roseau County.	**$48,250**	**$48,250**	13.75	15.75	9.38	6.25	4.13	11.88	**61.14**
9	C12-52	Nicollet SWCD	Nicollet	Conservation Drainage Upland to Ravine Sedimentation and Rate Flow Reduction Project	This project will be targeting drain tile outfalls entering ravines in the upper portion of the Seven Mile Creek watershed by using mitigative measures to hold back water above the ravines and using innovative techniques to dissipate the energy of the drainage water flowing from top of ravine to the creek.	**$173,000**	**$86,500**	13.29	13.71	7.14	9.43	5	8.57	**57.14**

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **FY2012 Cooperative Weed Management Area Grants**

Meeting Date: December 14, 2011

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Land and Water Section

Contact: Dan Shaw

Prepared by: Dave Weirens

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

Presented by: Dan Shaw

☐ **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: Cost-Share Roll-Over Funds

ACTION REQUESTED

The Board is requested to adopt the recommendation of the Grants Program and Policy Committee to award grant funds to the 14 applications for Cooperative Weed Management Area Grants.

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

BWSR has provided funds for start up and projects costs for Cooperative Weed Management Areas in 2008 and 2010. With no funds appropriated for FY2012, BWSR staff proposed, and the Board concurred, that available Cost-share Roll-over funds should be used to provide continuing state support for this program. On August 25, 2011, the Board authorized staff to use these funds, finalize and conduct an RFP to solicit existing Cooperative Weed Management Areas for proposals.

Funding Recommendation for FY 2012 Cooperative Weed Management Area (CWMA) Program Applications

November 17, 2011

Available Funding: $300,000 (from Cost-Share roll-over)
(Funding history – 2008/9:$400,000; 2010/11:$200,000)

Requested Funding: $232,470

Number of Applicants: 14 (of 20 eligible CWMAs)

Review Process:

1) BWSR staff determined if applications met grant funding requirements defined in RFP.

2) CWMA Advisory Team (BWSR, Mn Department of Agriculture, Mn Department of Transportation, Department of Natural Resources, Nature Conservancy) reviewed applications to determine if they met program related RFP requirements

3) CWMA Advisory Team met on November 7 to review applications and make recommendations.

4) BWSR Senior Management Team reviewed the CWMA Advisory Team recommendations on November 8.

Summary of BWSR Review: Two applicants, East Polk SWCD and Wabasha SWCD had insufficient match and are considered "ineligible" based on the program RFP.

CWMA Advisory Team Recommendations:

1) If possible, fund all applications, including the two applicants with insufficient match
2) Allow some flexibility regarding the 20%TA requirement
3) Combine two fiscal years for future funding (to decrease grant writing and BWSR admin time)

BWSR Senior Management Team Recommendation:

Option 1: Fund 12 "eligible" applicants totaling $203,000.
Option 2: Fund all 14 applicants totaling $232,470 by allowing the two match ineligible projects to re-submit their application by providing the correct amount.

Option 2 is recommended for funding as all available funds are not proposed to be awarded, and the applicants applied the standard Cost-Share Program practice of calculating match only on the project cost and not the technical assistance costs.

Grants Program and Policy Committee Recommendation:

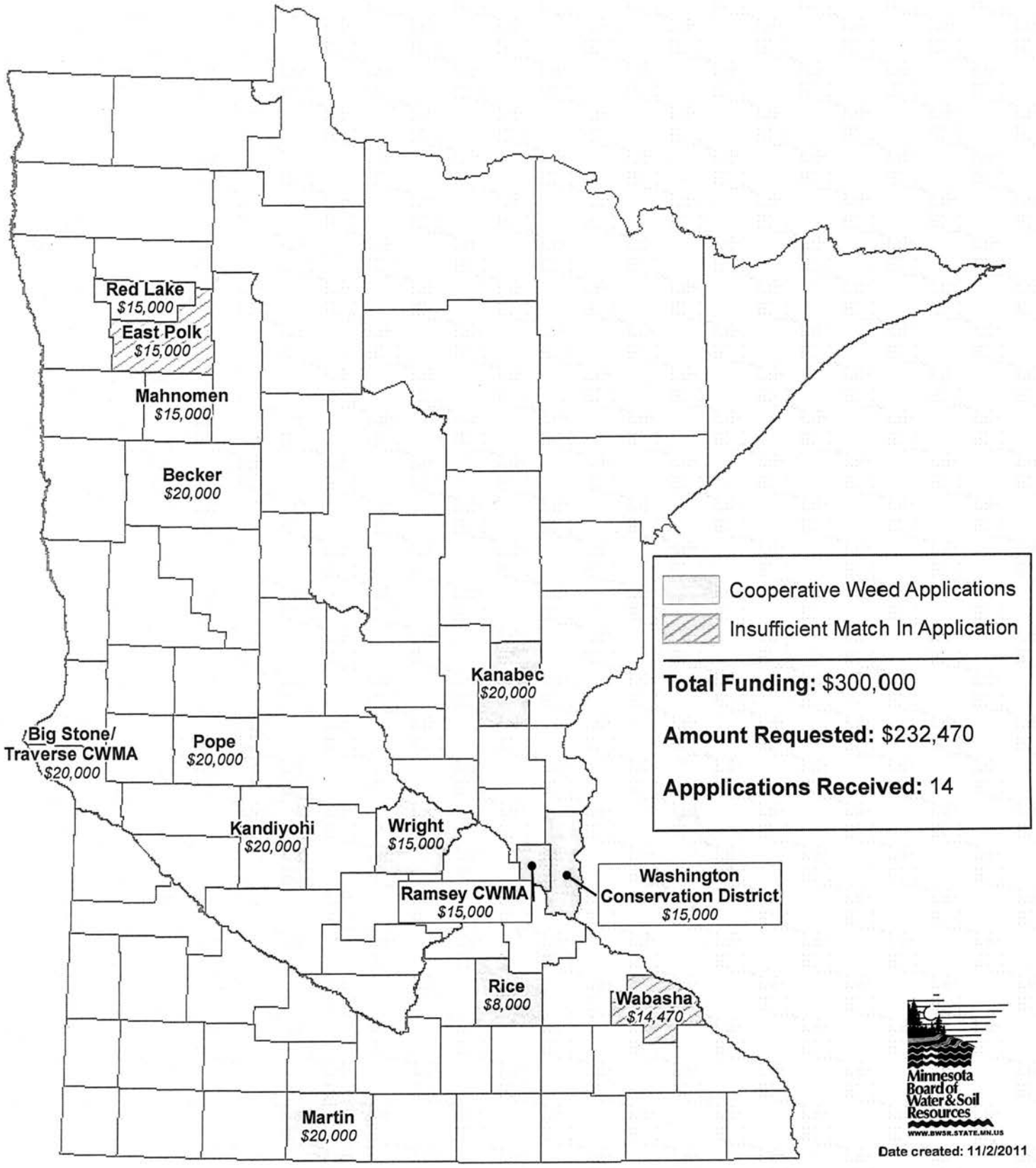
The Committee recommends the Board adopt Option 2.

Minnesota Board of Water & Soil Resources

FY 2012 Cooperative Weed Management
Competitive Applications
Total Available $300,000
Amount Requested $212,470

	Applicant	Fiscal Agent	Project Title	Day-to-Day Contact Person	Telephone Number	E-mail Address	Amount Requested	Match	Total Project Cost
C12-1A	Martin Soil and Water Conservation District	Martin Soil and Water Conservation District	Greater Blue Earth Cooperative Weed Management Area - Habitat Restoration Project	Kathy Smith	(507) 235-6680	kathy.smith@frontiernet.net	$ 20,000	$ 9,545	$ 29,545
C12-2A	Rice Soil and Water Conservation District	Rice Soil and Water Conservation District	Rice Cooperative Weed Management Area	Danielle Waldschmidt	507-332-5408	danielle.waldschmidt@mn.nacdnet.net	$ 8,000	$ 2,000	$ 10,000
C12-3A	Wabasha SWCD	Wabasha SWCD	Wabasha CWMA Participation and Help with Restoration of Natural Vegetation	Jennifer George	651-565-4673	jennifer.george@mn.nacdnet.net	$ 14,470	$ 2,868	$ 17,338
C12-4A	Kandiyohi	Kandiyohi Soil and Water Conservation District	Continuing the Central Minnesota Cooperative weed management program area.	Rick Reimer	320-235-3906	rick.reimer@mn.nacdnet.net	$ 20,000	$ 300,000	$ 320,200
C12-5A	Washington Conservation District	Washington Conservation District	Control of Grecian Foxglove in Washington County	Jyneen Thatcher	651-275-1136	jyneen.thatcher@mnwcd.org	$ 15,000	$ 6,000	$ 21,000
C12-6A	Pope Soil and Water Conservation District	Pope Soil and Water Conservation District	Pope Swift Cooperatie Weed Management Area	Luan M. Johnsrud	320-634-5327	Luan.Johnsrud@mn.nacdnet.net	$ 20,000	$ 102,342	$ 122,342
C12-7A	Mahnomen SWCD	Mahnomen SWCD	Mahnomen County Noxious Weed Control Cost-Share Project	Aaron Neubert	218-935-2987	aaron.neubert@mn.nacdnet.net	$ 15,000	$ 12,000	$ 27,000
C12-8A	East Polk Soil & Water Conservation Distirct	East Polk Soil & Water Conservation Distirct	East Polk County Weed Management Assistance for Townships	Gary A. Lee, District Manager	218-563-2777	gary.lee@mn.nacdnet.net	$ 15,000	$ 3,000	$ 18,000
C12-9A	Big Stone/ Traverse Cooperative Weed Management Area	Big Stone Soil and Water Conservation District	Big Stone/ Traverse Cooperative Weed Management Area	Tammy Neubauer	320-839-6149	Tammy.Neubauer@mn.nacdnet.net	$ 20,000	$ 133,818	$ 153,818
C12-10A	Ramsey Conservation District/Ramsey County Cooperative Weed Management Area	Ramsey Conservation District	Ramsey County assistance program for control of invasive plant species	Carole Gernes	651-792-7977	carole.gernes@rwmwd.org	$ 15,000	$ 19,400	$ 34,400
C12-11A	Kanabec Soil and Water Conservation District	Kanabec Soil and Water Conservation District	Kanabec and Pine County Weed Management Area Partnership (KPCWMAP)	Kelly Osterdyk	320 679-3781	kelly.osterdyk@mn.nacdnet.net	$ 20,000	$ 9,750	$ 29,750
C12-12A	Becker Soil & Water Conservation District	Becker Soil & Water Conservation District	Becker County Cooperative Weed Management Area	Brad Grant	218-846-7360	blgrant@co.becker.mn.us	$ 20,000	$ 29,000	$ 49,000
C12-13A	Wright Soil and Water Conservation District	Wright Soil and Water Conservation District	Wright Cooperative Weed Management Area (CWMA)	Brian Sanoski	(763) 682-1933	brian.sanoski@mn.nacdnet.net	$ 15,000	$ 15,000	$ 30,000
C12-14A	Red Lake County SWCD	Red Lake County SWCD	Red Lake County SWCD Cooperative Weed Management Project	Tanya Hanson	(218) 253-2593	tanya.hanson@mn.nacdnet.net	$ 15,000	$ 7,500	$ 22,500
							$ 232,470	**$ 652,223**	**$ 884,893**

FY 2012 Cooperative Weed Management Grants

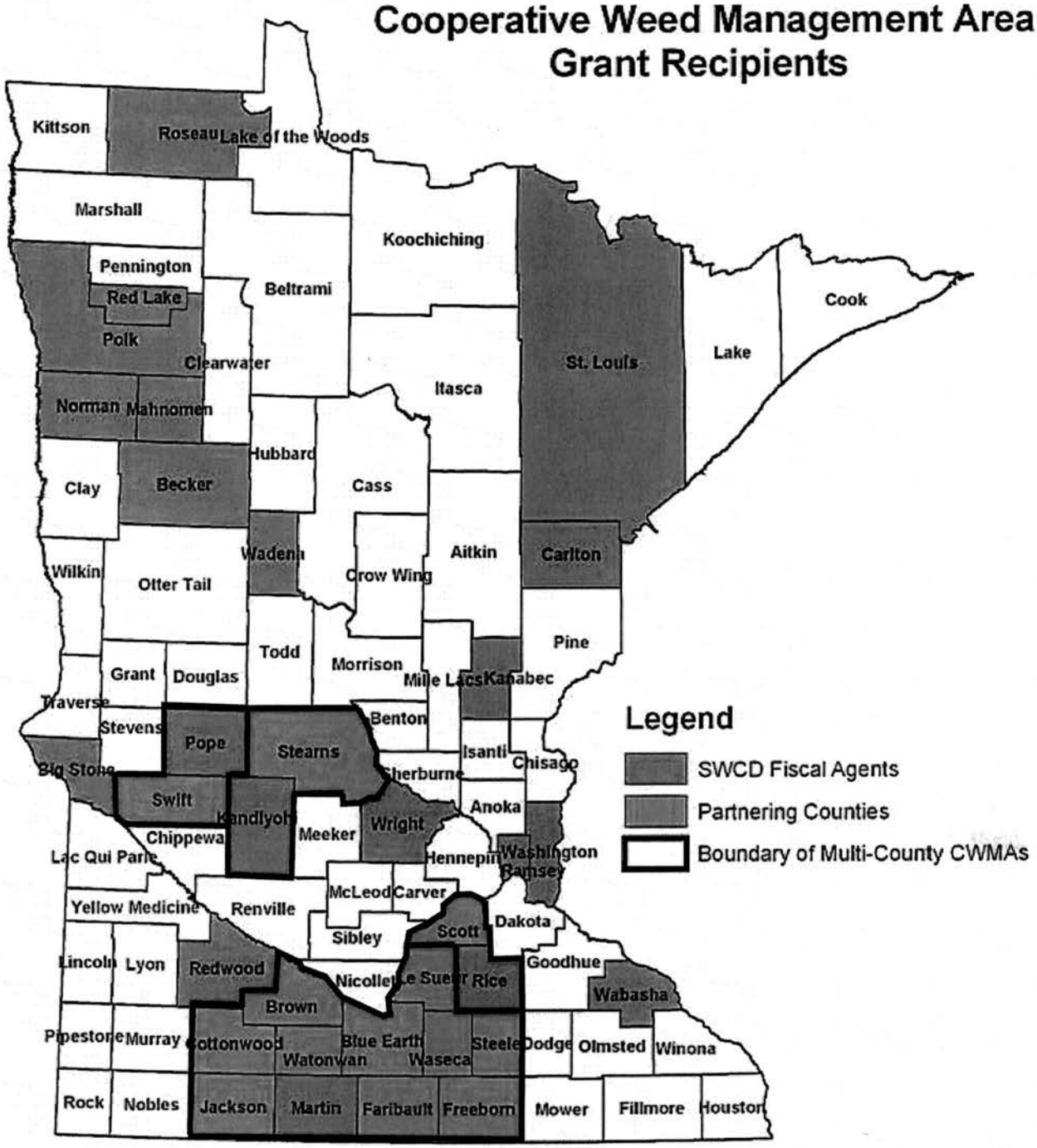


Minnesota Board of Water & Soil Resources
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Date created: 11/2/2011

Path: P:\PROJECTS\SECTION\Cooperative Weed\2012 Applicants.mxd

BWSR
Cooperative Weed Management Area
Grant Recipients



Grant Recipients from 2008 and 2010 Allocations

CWMAs are groups that develop formal partnerships to manage invasive species across geographic boundaries, and prevent the spread of newly emerging weed threats.

Board Resolution # 11-97

FY2012 COOPERATIVE WEED MANAGEMENT AREA GRANT AWARDS

WHEREAS, the purpose of the Cooperative Weed Management Area Program is to promote the cooperative control of invasive species across geographic boundaries to manage and protect natural areas and conservation lands; and

WHEREAS, Laws of Minnesota 2007, Chapter 57, Article 1, Section 5 appropriated $600,000 in State General Funds to the Board of Water and Soil Resources to begin county cooperative weed programs; and

WHEREAS, 18 grants were made to finance start-up and operational expenses of local cooperative weed management area programs using funds appropriated in 2007; and

WHEREAS, Laws of Minnesota 2009, Chapter 37, Article 1, Section 5 appropriated $200,000 in State General Funds for county cooperative weed management programs; and

WHEREAS, 13 grants were made to finance start-up and operational expenses of local cooperative weed management area programs using funds appropriated in 2009; and

WHEREAS, no funds were appropriated during the 2011 Regular or Special Legislative Sessions to continue support for the Cooperative Weed Management Area Program; and

WHEREAS, On August 25, 2011 (Board Resolution # 11-58) the Board authorized a $300,000 grant program for FY2012 using Cost Share Roll-Over funds to provide funds to existing Cooperative Weed Management Areas (CWMA) through a competitive grant process; and

WHEREAS, applications were accepted from September 22 through October 14, 2011 from existing CWMA's which were evaluated based on the following criteria:

Cooperative Weed Management Area Program Ranking Criteria	
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 community involvement within the project area. Projects that include merging with another CWMA and/or expand the geographic area managed by the CWMA will receive priority consideration.	30
Anticipated Outcomes: The outcomes expected upon completion of the project initiatives are identified, including a description of the resulting	30

primary and secondary public benefits such as managed future costs, human health, pollution reduction, ecosystem health etc.	
Relationship to CWMA and Conservation Plans: The proposal and species of focus are based on priority actions listed in or derived from CWMA plans, and other local, state and federal conservation and invasive species plans.	20
Species Focus and Management Approach: An approach is defined to manage invasive species using integrated pest management and ecosystem restoration.	20
Total Points Available	**100**

WHEREAS, the CWMA Advisory Team, reviewed the applications on November 7, 2011 and recommended that all applications be funded, and

WHEREAS, the BWSR Senior Management Team reviewed the CWMA Advisory team proposal and concurred with this recommendation, and;

WHEREAS, the Grants Program and Policy Committee reviewed the proposal grant award recommendations on November 17, 2011.

NOW THEREFORE BE IT RESOLVED, the Board hereby authorizes that grants be awarded to the 14 CWMA applications according to the attached spreadsheet.

Brian Napstad, Chair
Board of Water and Soil Resources

Date 12/14/11

Attachment:

FY2012 Cooperative Weed Management Competitive Applications

COMMITTEE RECOMMENDATIONS

Public Relations, Outreach & Strategic Planning Committee

1. BWSR Strategic Plan Update: Status Report – Keith Mykleseth and Don Buckhout – ***INFORMATION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **BWSR Strategic Plan Update: Status Report**

Meeting Date: December 14, 2011

Agenda Category: ☐ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☐ Decision ☐ Discussion ☒ Information
Section/Region: Admin..
Contact: Don Buckhout
Prepared by: Steve Woods, Don Buckhout
Reviewed by: Public Relations, Outreach, Strategic Planning Committee(s)
Presented by: Keith Mykleseth, Don Buckhout

☐ **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: Plan Items Receive Budget Priority

ACTION REQUESTED
None

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Board and PROSP Committee began the 2007 Strategic Plan Update process early in 2010 with issue identification, and then prioritized issues in April 2011 via a Board survey. These issues have already been incorporated into an updated Executive Summary, which has undergone a broad stakeholder review during November and early December.

One element in the Strategic Plan update process is a summary of progress to-date on the strategies in the 2007 plan. That status report and the remaining steps in the plan update process are the subjects for this Board information item. This will serve as background for adoption of the committee-recommended plan update by the Board in January.

Minnesota Board of Water & Soil Resources

DATE: December 14, 2011

TO: BWSR Board Members and Staff

FROM: Public Relations, Outreach and Strategic Planning Committee

SUBJECT: 2007 Strategic Plan Status Report

The Board of Water and Soil Resources (BWSR) worked throughout 2007 to produce a new mission and strategic plan. The Board used the planning process to identify upcoming challenges and opportunities affecting that mission. The result was the *2007 Strategic Plan* which highlighted three issues and 27 action-oriented strategies.

As with all strategic plans, the intent was not to comprehensively direct all the activities of BWSR and its partners, but to identify areas toward which the Board sought to devote additional attention.

The attached Strategic Plan Status Report was created by the Public Relations, Outreach, and Strategic Planning Committee as a means to communicate BWSR's progress in carrying out the 2007 plan. Each of the strategies is given a status rating of either completed, partially completed, or not addressed. The table also contains information about accomplishments and how each strategy may be tracked.

This Status Report is intended primarily for agency use. The report will be updated periodically and reviewed by the Committee. The Committee will then report its findings and recommendations to the Board.

Please direct any questions on the report to Don Buckhout, Performance Review and Assistance Coordinator at 651-296-0768.

Bemidji
4 West Building
403 Fourth St. NW, Suite 200
Bemidji, MN 56601
(218) 755-2600

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 Street
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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MN Board of Water and Soil Resources
2007 Strategic Plan Status Report

Strategic Plan Issues & Action Items		Status*	Indicators (currently tracking **bold** indicators)	Accomplishments
Issue 1. What do we do to create the effective local delivery system and partnerships to accomplish our mission?				
Defining Reality	Require an assessment of each LGU at least once every five years.	●	a. **Once in 5 year (usually mid-plan) progress on plan implementation** b. units of pollutants reduced per major watershed and jurisdiction	• Defined performance standards • Projects of the Month and Clean Water fund stories on website • PRAP Level I LGU performance on website • 8/48 PRAP Level II assessments per year • Created MAWD and AMC awards • RIM CWF promotional cards • LGU guidebooks for WDs & SWCDs • Increased WCA spot checks for LGU administrative compliance
	Create a formal recognition for LGU success stories.	★	**"Featured Project" element on website monthly**	
	Market the LGU "scorecard" broadly.	●	a. **Reasonably informed citizen can get information about the performance of their LGU.** b. Reasonably aware LGU can learn about what their peers are doing.	
Incentives for Change	Funding allocations reward LGU positive changes/competency.	●	a. All BWSR grants have rating component that addresses LGU competency b. Percent of locally-led watershed restoration and protection strategies c. Dollars spent per watershed and LGU on monitoring/assessment, planning, and implementation d. **CS grant productivity**	• Clean Water Fund and Cost Share grants acknowledge and reward LGU competency • Removed financial disincentives to help LGU realignment • SWCD Area meeting agenda building • Maintained funding allocation for SWCD NPEA program to promote shared engineering services
	Define expectation clearly and implement consequences for non-improvement.	●		
	Successful LGU Organizational Challenge Program awards grants to selected candidates that propose to create changes that move the LGU forward.	□		
Support for Change	Develop a web site that provides examples and ideas of organizational best practices.	●	a. Training hours for peer to peer mentoring b. **Percentage of LGUs represented at Academy by LGU type**	• Increased participation for MAWD annual meeting workshops • Launch of BWSR Academy • Hired full-time training coordinator • Compressed training to LGU annual meetings and the Academy • Consolidated County and SWCD PRAP reviews for shared plan LGUs • Used PRAP Level III Assistance with 3 LGUs
	Establish peer mentor program.	●		
	Establish and utilize the PRAP.	●		

MN Board of Water and Soil Resources
2007 Strategic Plan Status Report

Strategic Plan Issues & Action Items		Status*	Indicators (currently tracking **bold** indicators)	Accomplishments
Issue 2. How do we redevelop and deliver our conservation programs so we maximize their impact on the land and water resource?				
Review of Administrative Processes	Undertake an initiative to streamline external reporting/administrative procedures.	●	**% of annual activity and financial reports received on time**	• Formed Annual Work Plan, Cost Share Rule, TAA work groups • NRBG match verification Work Group and spot checks • New WCA rule and reporting • Methodology • Developed standard operating procedures for wetland banking and grant allocation • Held annual stakeholder listening sessions to assess LGU needs and issues
Program Integration	Review all programs to focus resources on top priority issues as identified in water plans and the impaired waters list.	●	**% of long-range plans that are current**	• Formed GAI Work Group • Local Water Planning Work Team linking TMDL and Exec Branch Agencies • Structured competitive grants scoring to target both priority issues and LGUs that deliver results
	Target available funding to top priority issues and LGUs that have a track record or clear potential to deliver results.	■ base ★ comp.	a. Non-state $ leveraged rate all state funds b. RIM easement cost/acre by program c. % of cost share prog dollars directed to SWCD priority areas d. % of RIM acreage demand met	
Monitoring/ Assessment/ Feedback Protocol	Create a monitoring and assessment protocol that measures the extent to which resources: 1. Are targeted to top priorities 2. Achieve real outcomes 3. Leverage outside resources.	●	a. Wetland bank cost/acre by BSA and statewide b. CS match exceeds 25% c. Units of pollutants reduced per major watershed and jurisdiction d. Conservation tillage rates e. Acres of wetland restored f. % of RIM enrollment goal achieved g. Positive balance of wetland credits by BSA h. Average $/unit of pollutant reduced i. **% of streambanks buffered** j. % of major watershed represented by participation in monitoring /assessment	• Grant monitoring protocol developed; wetland restoration monitoring tracks compliance with bank agreements • Next Step is to assess data being collected.

MN Board of Water and Soil Resources
2007 Strategic Plan Status Report

Strategic Plan Issues & Action Items		Status*	Indicators (currently tracking **bold** indicators)	Accomplishments
Issue 3. How do we make our accomplishments and the state's resource conservation needs well known among those having significant influence over our mission?				
Documentation of Resource Outcomes and Resource Needs	Require appropriate LGU documentation of outcomes as part of the monitoring of each program activity.	★	a. **% of content compliant SWCD websites** b. % of easements inspected to meet standards c. % of wetland bank sites that meet long-term maintenance requirements	• Created online portals for seeing RIM easements and CWF projects • Developed Featured Project on homepage • Created and maintain SWCD / WD guidebooks • Require predicted/planned resource outcomes in scoring system for CWF grants • Outcomes reported for CWF funded projects • Developed 2nd generation pollutant reduction estimators and provided user training • Developed increased involvement with LCCMR • Now make regular appearances at LSOHC • Active membership at Clean Water Council
	Create knowledge about LGU activities and effectiveness by sharing activity and effectiveness assessments.	●		
	Develop publications and websites to highlight premier projects.	★	# of hits to project of the month "more info" link	
	Develop a state "Water and Soil Resources Report Card" that offers compelling documentation of need.	●	a. Tillage and erosion transect trends b. # of acres of net-loss of wetlands c. % of land eroding at less than sustainable erosion limits (state, maj wtrshd, jurisd.)	
LGU/ County Relationship Building	Participate in at least one AMC District meeting and a statewide event yearly.	●	**Two meetings annually**	• Enhanced ability of LGUs to extract data/ accomplishments from eLINK • Published Local Staffing Collaboration paper regarding LGU services sharing • Provide support for MAWD/AMC/MASWCD Roundtable • Enhance multijurisdictional collaboration via Drainage WG
	Develop a system whereby other LGUs meet at least twice a year with Counties to provide an overview of activities.	●	a. **DWG meets at least 4X/yr.** b. **BWSR- AMC Committee Mtg. 2X/year**	
	Enhance eLINK operations so LGUs can easily access and customize data.	●		
	Meet regularly with AMC Natural Resource and Environment Committee.	●		
Other Partner-ship Building	Hold semi-annual "sounding board" meetings with key stakeholders.	★	**Two sounding board meetings annually**	• Coordinate with legislative issue committees of local government associations • Increased legislative liaisons with LG associations • Clarified legislative messages with context resulting in improved legislative understanding • Instituted regular executive level legislative updates to staff, partners and legislators
	Develop monthly "resource leadership quick-takes" that can be e-mailed out to a broad list of customers and partners.	☐		
	Develop both Executive and Legislative strategies to inform and influence the state's natural resource conservation agenda.	●		

*** Code for Status:** ★ = Completed/Priority Effort ● = Partially completed/Underway ☐ = Not Addressed

Executive Summary
BWSR 2007 Strategic Plan
2012 Plan Update

Overview to the 2007 Strategic Plan
BWSR's strategic planning effort resulted in a modified statement of mission and beliefs, an identification of the key issues and strategies to address each, and a set of approaches to spur effective implementation. Each of these is summarized here.

Overview to the 2012 Plan Update
In 2010-2011 the BWSR Board identified and prioritized strategic issues related to land and water conservation. This 2012 plan update includes NEW and REVISED strategies to address these issues.

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

Strategic Issues and Strategies

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

2. *How do we redevelop and deliver our conservation programs so we maximize their impact on the land and water resource?*
    - Review of Administrative Processes:
        - Undertake an initiative to streamline external reporting/administrative procedures.
    - Program Integration:
        - Review all programs to focus resources on top priority issues as identified in water plans and the impaired waters list.
        - Target available funding to top priority issues *and* LGUs that have a track record or clear potential to deliver results.
        - **NEW: facilitate discussions leading to Executive Branch and LGU concurrence on uniting water plans into better alignment substantially along major watershed boundaries.**
        - **NEW: raise expectations and reinforce objectives for targeting conservation and clean water plans, projects and practices.**
    - Monitoring/Assessment/Feedback Protocol:
        - Create a monitoring and assessment protocol that measures the extent to which resources are targeted to priorities, achieve outcomes, and leverage outside resources.

3. *How do we make our accomplishments and the state's resource conservation needs well known among those having significant influence over our mission?*
    - Documentation of Resource Outcomes and Resource Needs:
        - Require appropriate LGU documentation of outcomes as part of the monitoring of each program activity.
        - Create knowledge about LGU activities and effectiveness by sharing activity and effectiveness assessments.
        - Develop publications and websites to highlight premier projects.
        - Develop a state "Water and Soil Resources Report Card" that offers compelling documentation of need.
        - **NEW: Develop an internal report card to monitor annual progress on each strategic issue.**
    - LGU Relationship Building:
        - **REVISED: Facilitate and** participate in **Local Government Water Roundtable** meetings and events yearly.
        - **REVISED:** Develop a system whereby LGUs meet at least **once** a year with **each other** to **coordinate** activities.
        - Enhance eLINK operations so LGUs can easily access and customize data.
        - Meet regularly with the AMC Natural Resource and Environment Committee.
    - Other Partnership Building:
        - Hold semi-annual "sounding board" meetings with key stakeholders.
        - Develop monthly "resource leadership quick-takes" that can be e-mailed out to a broad list of customers and partners.
        - Develop both Executive and Legislative strategies to inform and influence the state's natural resource conservation agenda.

COMMITTEE RECOMMENDATIONS

Wetland Committee

1. Wetland Bank Fee Policy: Update Calculated Values – Natasha DeVoe – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Wetland Banking Fee Policy: Update Calculated**

Meeting Date: December 14, 2011

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Land and Water Section

Contact: Natasha Devoe

Prepared by: Dave Weirens

Reviewed by: Wetland Committee(s)

Presented by: Natasha Devoe

☐ **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

The Board is requested to adopt the recommendation of the Wetland Committee to amend the wetland banking fee policy by updating the calculated wetland credit values

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

Statute requires the Board to collect fees to support the administration of the wetland banking program. Fees are paid by wetland bank account holders when they establish an account, deposit and transfer credits, when credits are withdrawn, and annual to maintain the accounts. The fees for withdrawal of credits are basd on the value of the credits. Account holders have the option of using the actual sale value of the credits or the calculated values provided by the Board. The basis of these calculated values are land value data provided by the Department of Revenue, which are collected annually, and in turn used annually by BWSR staff to ensure these values are up to date.

Wetland Banking Fee Policy:
Update Calculated Wetland Credit Values

October 26, 2011

Background.
Minnesota Statutes 103G.2242, Subds. 14 and 15, require the Board of Water and Soil Resources to collect fees for administering the state wetland banking program.

The statute reads:

Subd. 14. Fees established. (a) Fees must be assessed for managing wetland bank accounts and transactions as follows:

(1) account maintenance annual fee: one percent of the value of credits not to exceed $500;

(2) account establishment, deposit, or transfer: 6.5 percent of the value of credits not to exceed $1,000 per establishment, deposit, or transfer; and

(3) withdrawal fee: 6.5 percent of the value of credits withdrawn.

(b) The board may establish fees at or below the amounts in paragraph (a) for single-user or other dedicated wetland banking accounts.

(c) Fees for single-user or other dedicated wetland banking accounts established pursuant to section 103G.005, subdivision 10e, clause (4), are limited to establishment of a wetland banking account and are assessed at the rate of 6.5 percent of the value of the credits not to exceed $1,000.

Subd. 15. **Fees paid to board.**
All fees established in subdivisions 9 and 14 must be paid to the Board of Water and Soil Resources and are annually appropriated to the board for the purpose of administration of the wetland bank and to process appeals under section 103G.2242, subdivision 9.

Description of Wetland Bank Fee Policy and determination and use of the Calculated Values.
(from the existing policy available on the BWSR website)

The fee structure and procedures described in Part III were implemented beginning Jan. 1, 2004, and are subject to regular evaluation and change.

III. Fee Structure and Procedures
- **A. Account Establishment and Deposit Fees.**
- **B. Account Maintenance Fee.**
- **C. Account Transfer Fee.**
- **D. Withdrawal Fee.**

The 2012 values will go into effect for wetland bank credit sales made after January 1, 2012. A signed / dated copy of the purchase agreement must accompany applications received after that date if the 2011 values are used to calculate fees. The policy provisions on determining the value of the credits are shown below.

E. Value of Credits. The value of wetland credits for the purpose of assessing fees will be determined as follows:

1. Credit Value ($/acre) = Avg. (a) tillable land values ($/acre), or (b) rural/vacant land values ($/acre) when the ratio of tillable acres to rural/vacant acres is less than 20% in the county where the bank is located, or (c) the average of the before and after deferral green acres values ($/acre), in the county where the bank is located x Wetland Credit Value Coefficient (currently 6.0).

The Wetland Credit Value Coefficient reflects the value added to the land by the wetland credits. It is determined by BWSR based on the average ratio of credit sale price to county land value for credits that BWSR has purchased from existing bank accounts statewide. The current coefficient is based on credit sales from 1999-2007. This coefficient will be updated by BWSR Board Policy to reflect recent wetland credit market values. For the purposes of the formula above, the 2011 tillable land values, 2011 rural/vacant land values when the ratio of tillable acres to rural/vacant acres is less than 20%, or the average of the 2011 before and after deferral green acres values, multiplied by the wetland credit value coefficient of 6.0. All land value data is provided by the Minnesota Department of Revenue. Increases are limited to 75% of the previous value.

2. For determining withdrawal or transfer fees, account holders may present other evidence to BWSR demonstrating the value of credits, such as actual sales values. When using actual sales data to determine credit values, account holders will be required to submit to BWSR actual bills of sale as documentation.

The Calculated Wetland Value spreadsheet (attached) uses the tillable land value, the rural/vacant land value, and green acres land value data from the Minnesota Department of Revenue. The preferred data for calculating these values are tillable land. However, for some counties the tillable land base is inadequate or nonexistent. For a number of northern counties, the rural/vacant land value is used. For Hennepin and Ramsey Counties, the average of the before and after deferral Green Acres values are used. The policy adopted in 2007 limits the increase to 75%. The attached listing includes only one county that exceeds this threshold: Ramsey County.

Proposed 2012 Calculated Values for Wetland Bank Fee Determination [1]

1	2	3	4	5	6	7	8	9	10	11
County Name	Tillable Acreage	Tillable $/acre	Rural/ Vacant Acreage	Rural/ Vacant $/acre	% Tillable vs Rural/ Vacant	2012 Calc value	2011 Value	% Change from 2011	75% over 2011	Fee cost per credit
Aitkin^	14,714	$1,076	357,578	$1,324	4%	$7,943	$8,109	-2%		$516
Anoka	30,439	$8,739	22,132	$2,934	138%	$52,431	$55,756	-6%		$3,408
Becker	247,925	$1,975	217,667	$1,474	114%	$11,852	$8,736	36%		$770
Beltrami	117,853	$832	227,859	$1,260	52%	$4,991	$5,278	-5%		$324
Benton	125,171	$2,639	51,128	$1,798	245%	$15,831	$17,514	-10%		$1,029
Big Stone	246,075	$2,706	25,765	$825	955%	$16,236	$16,235	0%		$1,055
Blue Earth	360,485	$4,786	38,471	$2,058	937%	$28,713	$26,275	9%		$1,866
Brown	312,132	$4,713	10,736	$792	2907%	$28,278	$25,337	12%		$1,838
Carlton^	124	$1,357	195,392	$1,125	0%	$6,752	$6,566	3%		$439
Carver	116,810	$6,410	8,571	$2,469	1363%	$38,461	$38,647	0%		$2,500
Cass^	53,278	$1,519	299,863	$1,979	18%	$11,875	$13,012	-9%		$772
Chippewa	302,986	$3,920	7,572	$1,152	4001%	$23,521	$21,770	8%		$1,529
Chisago	79,046	$2,761	27,814	$1,895	284%	$16,563	$21,732	-24%		$1,077
Clay	496,769	$2,388	35,998	$972	1380%	$14,326	$12,321	16%		$931
Clearwater	99,847	$830	93,687	$970	107%	$4,982	$4,962	0%		$324
Cook^	0		56,152	$3,741	0%	$22,444	$25,015	-10%		$1,459
Cottonwood	364,072	$4,317	7,395	$947	4923%	$25,900	$23,034	12%		$1,683
Crow Wing^	37,436	$2,141	265,764	$1,928	14%	$11,569	$12,699	-9%		$752
Dakota	161,279	$6,204	20,800	$4,842	775%	$37,224	$37,399	0%		$2,420
Dodge	229,222	$4,686	12,835	$2,579	1786%	$28,115	$25,473	10%		$1,827
Douglas	192,732	$2,120	80,798	$2,049	239%	$12,720	$12,715	0%		$827
Faribault	392,102	$4,760	16,271	$1,077	2410%	$28,561	$25,491	12%		$1,856
Fillmore	331,713	$3,754	52,607	$2,443	631%	$22,525	$20,800	8%		$1,464
Freeborn	370,613	$4,508	2,250	$2,408	16472%	$27,051	$25,853	5%		$1,758
Goodhue	314,080	$4,346	48,851	$1,265	643%	$26,077	$24,337	7%		$1,695
Grant	263,240	$2,648	12,397	$1,205	2123%	$15,889	$16,799	-5%		$1,033
Hennepin*	36,171	$24,019	12,998	$12,764	278%	$86,656	$96,602	-10%		$5,633
Houston	161,316	$3,039	127,519	$2,360	127%	$18,231	$16,108	13%		$1,185
Hubbard	54,909	$2,017	181,993	$1,643	30%	$12,100	$12,088	0%		$787
Isanti	102,749	$3,482	31,137	$1,846	330%	$20,893	$25,767	-19%		$1,358
Itasca^	28,097	$1,433	571,115	$1,418	5%	$8,510	$8,518	0%		$553
Jackson	375,275	$4,775	6,575	$1,030	5708%	$28,649	$26,047	10%		$1,862
Kanabec	67,560	$1,496	151,834	$1,286	44%	$8,976	$9,287	-3%		$583
Kandiyohi	350,660	$3,764	55,843	$1,499	628%	$22,584	$21,085	7%		$1,468
Kittson	463,162	$1,105	125,953	$423	368%	$6,631	$6,595	1%		$431
Koochiching^	5,796	$690	362,982	$621	2%	$3,725	$3,831	-3%		$242
Lac Qui Parle	381,643	$3,076	7,449	$998	5123%	$18,457	$18,456	0%		$1,200
Lake^	579	$1,768	191,153	$1,931	0%	$11,589	$11,744	-1%		$753
Lake/Woods	73,629	$635	133,782	$700	55%	$3,813	$3,770	1%		$248
Le Sueur	195,382	$4,844	31,222	$4,469	626%	$29,063	$29,060	0%		$1,889
Lincoln	272,389	$3,319	10,366	$1,096	2628%	$19,914	$17,346	15%		$1,294
Lyon	385,566	$4,140	17,487	$1,362	2205%	$24,843	$22,302	11%		$1,615
Mahnomen	161,396	$1,494	70,143	$668	230%	$8,965	$8,659	4%		$583
Marshall	810,216	$1,158	99,692	$549	813%	$6,949	$6,290	10%		$452
Martin	389,671	$4,966	0			$29,797	$27,937	7%		$1,937
McLeod	230,299	$4,639	23,949	$1,790	962%	$27,836	$27,833	0%		$1,809
Meeker	269,647	$3,582	42,488	$1,705	635%	$21,490	$19,779	9%		$1,397
Mille Lacs	70,060	$2,104	130,786	$1,232	54%	$12,622	$11,509	10%		$820
Morrison	215,314	$2,581	122,352	$1,293	176%	$15,488	$15,548	0%		$1,007
Mower	381,369	$4,361	12,498	$1,718	3051%	$26,167	$24,859	5%		$1,701
Murray	387,094	$4,003	20,202	$565	1916%	$24,015	$21,460	12%		$1,561

Proposed 2012 Calculated Values for Wetland Bank Fee Determination [1]

1	2	3	4	5	6	7	8	9	10	11
Nicollet	213,388	$5,252	10,495	$1,374	2033%	$31,512	$26,948	17%		$2,048
Nobles	399,153	$4,647	27,490	$834	1452%	$27,883	$23,801	17%		$1,812
Norman	460,944	$1,887	39,050	$542	1180%	$11,321	$10,812	5%		$736
Olmsted	230,704	$4,126	42,198	$3,365	547%	$24,758	$24,903	-1%		$1,609
Otter Tail	534,831	$1,818	349,906	$2,181	153%	$10,908	$10,913	0%		$709
Pennington	293,573	$852	55,126	$513	533%	$5,113	$5,113	0%		$332
Pine	109,256	$1,562	436,455	$1,157	25%	$9,374	$9,968	-6%		$609
Pipestone	233,022	$3,840	394	$1,352	59143%	$23,040	$20,940	10%		$1,498
Polk	948,427	$1,736	120,141	$741	789%	$10,414	$9,926	5%		$677
Pope	267,231	$2,417	84,218	$1,104	317%	$14,502	$14,685	-1%		$943
Ramsey*	160	$76,773	0			$238,310	$130,842	82%	$228,974	$14,883
Red Lake	218,943	$908	30,821	$643	710%	$5,447	$5,337	2%		$354
Redwood	472,711	$4,746	9,154	$965	5164%	$28,476	$24,535	16%		$1,851
Renville	531,272	$4,956	13,755	$1,004	3862%	$29,733	$27,025	10%		$1,933
Rice	195,953	$4,730	46,077	$2,812	425%	$28,378	$31,665	-10%		$1,845
Rock	248,564	$5,171	84	$3,520	295910%	$31,025	$27,943	11%		$2,017
Roseau	504,874	$593	156,930	$563	322%	$3,557	$3,536	1%		$231
Scott	81,346	$7,311	20,709	$5,559	393%	$43,866	$43,089	2%		$2,851
Sherburne	68,115	$4,352	44,856	$2,962	152%	$26,110	$27,187	-4%		$1,697
Sibley	296,894	$4,763	41,777	$1,307	711%	$28,581	$26,974	6%		$1,858
St Louis^	35,859	$978	1,097,347	$1,017	3%	$6,099	$6,339	-4%		$396
Stearns	488,610	$3,122	44,941	$2,819	1087%	$18,731	$18,788	0%		$1,218
Steele	211,571	$4,160	25,525	$1,078	829%	$24,961	$23,604	6%		$1,622
Stevens	307,776	$3,055	2,191	$2,685	14047%	$18,328	$17,044	8%		$1,191
Swift	389,531	$3,335	17,713	$822	2199%	$20,012	$18,126	10%		$1,301
Todd	247,041	$1,521	186,722	$1,361	132%	$9,128	$9,584	-5%		$593
Traverse	333,778	$2,992	10,424	$910	3202%	$17,951	$17,951	0%		$1,167
Wabasha	214,219	$3,554	77,730	$1,875	276%	$21,327	$20,172	6%		$1,386
Wadena	96,623	$1,399	163,092	$1,176	59%	$8,396	$8,448	-1%		$546
Waseca	235,367	$4,573	14,566	$1,077	1616%	$27,435	$26,106	5%		$1,783
Washington	53,904	$12,282	31,116	$8,505	173%	$73,689	$81,621	-10%		$4,790
Watonwan	242,725	$4,356	9,894	$619	2453%	$26,136	$24,858	5%		$1,699
Wilkin	426,470	$2,741	6,964	$756	6124%	$16,447	$16,037	3%		$1,069
Winona	172,309	$3,604	131,006	$2,483	132%	$21,623	$20,717	4%		$1,405
Wright	199,748	$5,150	62,730	$3,068	318%	$30,901	$34,367	-10%		$2,009
Yellow Medicine	394,249	$3,963	10,280	$1,020	3835%	$23,776	$21,834	9%		$1,545

	GREEN ACRE VALUES					
	$/acre before deferral	$/acre after deferral	Average before & after $/acre	Green Acre acreage	Calculated value (average *6)	75% over 2011
Hennepin	$24,585	$4,300	$14,443	23,605	$86,656	
Ramsey	$75,744	$3,692	$39,718	156	$238,310	$228,974

1 Land value and acreage data is provided by the Minnesota Dept. of Revenue

^ County calculated values that are based on Rural/Vacant land value when the ratio of Tillable acres is less than 20% of the Rural/Vacant acres.

* County calculated values based on Green Acres land values.

Board Resolution # 11-98

Wetland Banking Fee:
Update Calculated Wetland Credit Fee Schedule

WHEREAS, BWSR is directed pursuant to Minn. Stat. 103G.2242, Subd. 14 and 15 to collect fees for administering the state wetland bank program; and,

WHEREAS, BWSR Board action 03-93 established the Wetland Banking Fee Policy, which included use of the average agricultural land values (as provided by the Minnesota Department of Revenue) as the basis for determining credit values for purposes of assessing the fee; and,

WHEREAS, BWSR Board action 07-88 updated the previous policy by taking the 2006 tillable land value multiplied by the wetland credit value coefficient of 6.0, with a maximum increase of 75% over the values established in Board action #03-93; and,

WHEREAS, BWSR Board action 08-113 updated the wetland credit calculated values by taking the 2008 tillable land values, seasonal recreational land values, or green acres values, multiplied by the wetland credit value coefficient of 6.0, with a maximum increase of 75% over the values established in Board action #07-88; and,

WHEREAS, BWSR Board action 11-09 updated the wetland credit calculated values by taking the 2010 tillable land values, rural/vacant land values when the ratio of tillable acres to rural/vacant acres is less than 20%, or the average of the before and after deferral green acres values, multiplied by the wetland credit value coefficient of 6.0, with a maximum increase of 75% over the values established in Board action # 08-113; and,

WHEREAS, staff are proposing the current wetland credit calculated values be updated by applying the 2011 land values to the existing fee formula as established in Board Action 11-09; and,

WHEREAS, account holders have the option to reduce the fee by reporting actual sales value on a withdrawal application along with a signed purchase agreement or other proof of payment; and,

WHEREAS, the Wetland Committee reviewed the calculated values on October 26, 2011 and is recommending updating these values for purposes of calculating wetland banking fees and publishing a fee schedule.

NOW THEREFORE BE IT RESOLVED, that the BWSR update the wetland credit values by taking the 2011 tillable land values, rural/vacant land values when the ratio of tillable acres to rural/vacant acres is less than 20%, or the average of the before and after deferral green acres values, multiplied by the wetland credit value coefficient of 6.0, with a maximum increase of 75% over the values established in Board action 11-09 as indicated on the attached Fee Schedule.



Date: 12/14/11

Brian Napstad, Chair
Board of Water and Soil Resources

NEW BUSINESS

1. Red River Basin Commission (RRBC) Long Term Flood Solutions (LTFS) Report – Lance Yohe, RRBC Executive Director – ***INFORMATION ITEM***

2. FYs '12 and '13 Red River Basin Commission Administrative Grants – John Jaschke – ***DECISION ITEM***

3. Proposed 2012 BWSR Board Meeting Dates – John Jaschke - ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: 2012 BWSR Board Meeting Schedule

Meeting Date:

Agenda Category: ☐ Committee Recommendation ☒ New Business ☐ Old Business
Item Type: ☐ Decision ☐ Discussion ☐ Information
Section/Region:
Contact:
Prepared by: Mary Jo Anderson
Reviewed by: John Jaschke Committee(s)
Presented by: John Jaschke

☐ **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 the proposed 2012 BWSR Board Meeting dates.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The BWSR Board meets the fourth Wednesday of the month unless noted on the attached '2012 BWSR Board Meeting Schedule'.

Board Resolution #_____

2012 BWSR Board Meeting Schedule

(Fourth Wednesday of the month unless noted)

January 25

February – no meeting

March 28

April 25

May 23

June 27

July – no meeting

August 22-23 Tour and Meeting

September 26

October 24

November – no meeting

December 12

DRAFT

_____ Date 12/14/11

Brian Napstad, Chair
Minnesota Board of Water & Soil Resources

Board Resolution # 11-100

2012 BWSR Board Meeting Schedule

(Fourth Wednesday of the month unless noted)

January 25

February – no meeting

March 28

April 25

May 23

June 27

July – no meeting

August 22-23 Tour and Meeting

September 26

October 24

November – no meeting

December 12

Brian Napstad, Chair
Minnesota Board of Water & Soil Resources

Date 12/14/11

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: RRBC Long-Term Flood Solutions Report☐

Meeting Date:

Agenda Category: ☐ Committee Recommendation ☒ New Business ☐ Old Business
Item Type: ☐ Decision ☐ Discussion ☒ Information
Section/Region:
Contact: John Jaschke
Prepared by: John Jaschke
Reviewed by: John Jaschke Committee(s)
Presented by: Lance Yohe, RRBC Executive Director

☒ **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*)
Red River Basin Commission (RRBC) Long Term Flood Solutions (LTFS) Report – Lance Yohe, RRBC Executive Director

The basin of the Red River of the North, historically subject to widespread chronic flooding, regularly sustains millions of dollars in economic damages for each flood event. The Red River Basin Commission (RRBC) received funding from the MN and ND legislatures to identify structural and nonstructural strategies needed for permanent flood solutions in the basin and recommendations for action for states (individually and collectively) and the federal government to consider as they fund and implement Long Term Flood Solutions (LTFS) for the Red River Basin in Minnesota and North Dakota. These recommendations are built around the basin-wide LTFS "Level of Protection Goals" adopted by the RRBC in 2010 together with related flood risk reduction needs. The recommendations aim to move basin leaders from the usual response of reacting to the most recent major flood experience to a proactive, long-term plan with appropriate protection levels basin wide. If implemented, the recommendations will significantly reduce the risk of flood damages, and minimize disruption and economic loss and thus facilitate and expedite recovery after spring and summer floods.
More details are at: http://www.redriverbasincommission.org/Recommendations_11-02-11.pdf.

Conclusions and Recommendations for Action

11/07/11

The basin of the Red River of the North, historically subject to widespread chronic flooding, regularly sustains millions of dollars in economic damages for each flood event. The **Red River Basin Commission** (RRBC) identified the following conclusions on structural and nonstructural strategies needed for permanent flood solutions in the basin and recommendations for action for states (individually and collectively) and the federal government to consider as they fund and implement Long Term Flood Solutions (LTFS) for the Red River Basin in Minnesota and North Dakota. These recommendations are built around the basin-wide LTFS "Level of Protection Goals" adopted by the RRBC in 2010 together with related flood risk reduction needs. The recommendations aim to move basin leaders from the usual response of reacting to the most recent major flood experience to a proactive, long-term plan with appropriate protection levels basin wide. If implemented, these recommendations will significantly reduce the risk of flood damages, and minimize disruption and economic loss and thus facilitate and expedite recovery after spring and summer floods.

These recommendations cannot be successful without the dedicated local, state and federal participation in funding and commitment to implement.

1. Immediate Needs/Critical Risks: Fargo-Moorhead, Devils Lake

- Under current conditions, the Fargo-Moorhead metropolitan area could get, in a major 500-year level flood, **$9 to $10 billion or more in basin damages,** according to the USACE.
- **Current levels of protection for Fargo-Moorhead are inadequate**. Protection should be increased to enable a successful 500-year flood fight.
- Protection measures for Fargo-Moorhead should be **economically viable** and provide the **least level of adverse impacts** to others.
- A **diversion** of the Red River around Fargo-Moorhead would provide the protection needed to endure a successful 500-year flood fight if it were supplemented by retention and other available options to achieve the RRBC's proposed LTFS level of protection goals.
- **Retention** to achieve the potential 20 percent flow reduction on the main stem should be aggressively pursued upstream of Fargo-Moorhead to decrease the duration, scope, and level of floods in the Fargo-Moorhead area, downstream communities, and rural areas.

Recommendation for Action 1.1:

The **flood protection trajectory** that has increased protection in the Fargo-Moorhead metro area since the 2009 flood should continue. State and federal funds, with local government cost share, should continue supporting ongoing dike construction, property acquisitions, and flood infrastructure projects to be able to fight at least a 100-year flood , and upwards of a 500-year flood in the long term.

Recommendation for Action 1.2:

✓ Progress towards the proposed $1.77 billion **diversion should be continued** utilizing local, state, and federal funds so that, combined with current flood protection strategies,

this community will have the capacity within 10 years to wage a successful flood fight equal to or greater than the LTFS 500-year flood.

Recommendation for Action 1.3:

✓ **Retention upstream** of the Hickson stream gage for a flow reduction of 20 percent (minimum) should be advanced with shared funding by the F-M flood Diversion Authority working with local and joint water boards, using city, local, state, and federal funds.

Recommendation for Action 1.4:

✓ Leaders in state government in North Dakota and Minnesota, along with key local government officials and with input from the Diversion Authority and federal agencies, should convene by early 2012 to determine the **non-federal cost share formula for the Locally Preferred Plan ($1.77 billion) diversion**, and related $3.5 million operational estimates.

- **Rising levels of water in the Devils Lake** region have increased the potential for a natural overflow that could discharge approximately 14,000 cubic feet per second (cfs) of water into the Sheyenne River, triggering prolonged flooding and catastrophic downstream water quantity and quality problems in the Sheyenne and Red Rivers. This crisis should continue to be addressed with immediate local, state and federal action.

Recommendation for Action 1.5:

✓ The recommendations developed by **the Devils Lake Executive Committee** through the work of the Devils Lake Collaborative Working Group should be continue to be supported by the state of North Dakota, local authorities, and federal and tribal governments to guard against critical risks.

Recommendation for Action 1.6:

✓ The RRBC and IRRB should distribute information with downstream interests and jurisdictions providing **progress and timelines** on Devils Lake activities.

Recommendation for Action 1.7:

✓ A comprehensive model using real-time data to determine the effects of **releases of Devils Lake water** via the various outlet channels on the Sheyenne and Red Rivers should be examined by local leaders and state and federal agencies to determine needs and related costs. The examination should include the integration of various models already in use by the USGS, the NWS, the NDSWC, and the USACE and be facilitated by the RRBC.

2. Cornerstone Solutions: Floodplain Management

2A. Floodplain Management - Nonstructural Strategies

2B. Floodplain Management - Raising Levels of Protection

2C. Floodplain Management - Retention

2A. Floodplain Management – Nonstructural Strategies

- A majority of the basin population lives adjacent to the Red River main stem and its tributaries at the lowest geographic elevation subject to flooding with **no comprehensive, basin-wide approach to floodplain management** , nor is there a mechanism to align the variations in local, state, and federal rules, regulations, and approaches.
- **Nonstructural floodplain management strategies** should be an integral component of reducing flood damage risks in the basin.
- The most effective overall technique for living with floods is for basin citizens to take **personal responsibility for their own flood risk** and for the sustainability of our natural resources.
- Minnesota and North Dakota should fund and administer **flood mitigation policy** consistently throughout the Red River basin so that a flood event in excess of the 100-year becomes the benchmark for managing the risk of flooding, regulating development in the floodplain, and for developing flood risk reduction projects around existing and newly developed areas.

Recommendation for Action 2A.1:

✓ State floodplain regulations and local zoning ordinances should contain criteria for **new residential, commercial, industrial, and agri-business development** that requires the largest of the following protection standards:

- 100-year flood plus three feet
- 200-year flood plus one foot
- flood of record plus one foot

Recommendation for Action 2A.2:

✓ **Buildings located in at-risk areas** where structural measures cannot accomplish the recommended flood protection levels or are not economically feasible should be publicly

acquired and removed over the next three to five years.

Recommendation for Action 2A.3:

✓ Local governments in the basin should **update floodplain ordinances** in the next three years, **not permit new development in areas of high risk of flooding** immediately adjacent to the Red River and tributaries, **and minimize the use of variances**, unless protected by elevation or another acceptable FEMA strategy.

Recommendation for Action 2A.4:

✓ A review of basic **floodplain regulations and programs** should be undertaken by appropriate agencies and stakeholders of local, state and federal standards, to include:

2A.4.1 an evaluation of the appropriate **standards and regulations for development** throughout the basin, including the adequacy of the 100-year regulatory minimum standard (to include FIRMS) and the consideration of future standards to reduce losses;

2A.4.2 an analysis of community and state compliance with the **flood insurance** program, to include an analysis of proposed mandatory flood insurance for structures protected by dikes, identification of impediments to, and potential tools and resources for, participation in FEMA's community Rating System, determination of the feasibility of insurance development, and a strategy to prompt a basin-wide reduction in flood insurance rates;

2A.4.3 an analysis of the use of **variances by local governments**; the reasons for and consequences of using variances for individuals, communities, and state; and most effective way(s) to track and document the use of variances.

Recommendation for Action 2A.5:

✓ Every community and county in the basin should work toward joining or improving their rating through the national FEMA **Community Rating System** to achieve lower flood insurance premiums for their residents (40-45 percent discounts) by 2015 as part of their mitigation plan update.

Recommendation for Action 2A.6:

✓ A **Floodplain Bill of Rights**, to include a floodplain map and flooding history, should be developed by RRBC with local government, realtors, builders, developers, FEMA, and state agency participation (2012).

Recommendation for Action 2A.7:

✓ RRBC should develop **education materials** on the floodplain related to the floodplain, insurance, personal decisions, and the Floodplain Bill of Rights, to be distributed to the

public, realtors, lenders, and others (2012).

Recommendation for Action 2A.8:

✓ The USACE nonstructural assessment of rural structures completed for the F-M diversion project along the main stem in six counties deemed economically feasible for **nonstructural mitigation.**

2A.8.1 The USACE should **expand its assessment** along the entire main stem.

2A.8.2 A **local sponsor** should be identified to provide the non-federal cost share of 35 percent and implement the mitigation in the next three to five years.

2A.8.3 Congress should **authorize such a project and appropriate approximately $12 million** in funding for the 65 percent federal cost share to mitigate.

Recommendation for Action 2A.9:

✓ Minnesota and North Dakota should use their respective state Silver Jackets (Flood and Hazard Mitigation) teams to regularly communicate issues regarding flood mitigation efforts in the Red River Basin. Silver Jackets team members from Minnesota and North Dakota should contribute to a **collaborative interstate strategy for flood recovery and projects for mitigation efforts** for the Red River of the North basin, to be coordinated with the RRBC and others as deemed appropriate.

2B. Floodplain Management - Raising Levels of Protection

- Comprehensive and strategic level of protection goals are needed for the entire basin. To this point, existing levels of protection have been based most often on the most recent flood experience, political will, and funding availability.
- The Minnesota and North Dakota legislatures should use the RRBC *Level of Flood Protection Goals* as a guide to future basin flood risk reduction strategies. *(See Level of Flood Protection Goals" adopted by the RRBC Board (2010) in LTFS Report, Ch. 8. Analysis assumes required freeboard.*

Major Urban/Metropolitan Areas

- **Fargo-Moorhead** *(see Section 1. Biggest Risks).*
- **Grand Forks-East Grand Forks.** Over the next 20 to 25 years, Minnesota and North Dakota should support increasing protection to a **500-year flood level for Grand Forks-East Grand Forks** by improving the cities' current 200- to 250-year protection with upstream retention that achieves the potential minimum 20 percent flow reduction on the Red River main stem at Grand Forks.

- **Winnipeg** has elevated its level of protection to 700 years by recent expansion of their diversion following the 1997 flood. Since its construction and subsequent first use in 1969, the floodway has operated over 20 times and prevented more than $10 billion in flood damages. This model shows the importance of long range planning to realize the protection required from potential large floods.

Recommendation for Action 2B.1:

✓ Grand Forks and East Grand Forks should each request the **500-year or greater level of protection** through the appropriate state and federal legislative avenues. Planning should recognize the degree to which the strategy of retention can assist in achieving this level of protection for the two cities.

Recommendation for Action 2B.2:

✓ The RRBC shall facilitate an exchange between officials in **Winnipeg, Manitoba,** and Fargo-Moorhead local government officials, the F-M Diversion Authority, and the public for the purpose of **sharing Winnipeg's experiences and expertise on the development and expansion of that city's diversion**, including engineering, construction, and operation and maintenance of the Red River Floodway.

Critical Infrastructure:

- **Critical infrastructure needs to be protected from flooding to the greatest levels practical.** If adversely affected by flooding, infrastructure such as water and waste water facilities, airports, hospitals, transportation, regional communications facilities, or chemical storage sites can experience major disruptions, resulting in harm to the people, economy, and environment of the basin.

Recommendation for Action 2B.3:

✓ Over the next three to five years, state emergency management officers shall facilitate the identification and documentation of **at-risk critical basin infrastructure** and report to the state legislatures in the annual LTFS update.

Small Cities and Municipalities:

- By 2015, cities in Minnesota and North Dakota on the main stem, tributaries, and in other flood prone areas should achieve protection to the **three feet above the 100-year level or three feet above the largest flood in their area**, whichever is greater.
- Once cities have achieved this level of protection, additional protection should be

pursued towards achieving greater than **200-year flood protection** using upstream retention. Flood flow reduction from upstream retention can further complement the current levees and other strategies underway or contemplated.

Recommendation for Action 2B.4:

✓ **Community structural projects** in collaboration with the RRWMB and RRJWRD should be funded in the next state funding cycle for each respective state. *See attached funding timeline table D-31 and Level of Protection table D-22a with state, local and federal funding.*

Rural Residences and Farmsteads:

- Funding ring dikes or elevation of buildings for **rural residents and farmsteads** in flood prone areas should protect to three feet above the 100-year level or three feet above the largest flood in their area, whichever is greater.

Recommendation for Action 2B.5:

✓ Structural projects identified in collaboration with the RRWMB and RRJWRD for **rural areas, including ring dikes and rural property acquisitions**, should be funded beginning in the next state funding cycle through 2015 for each respective state. For those projects that become necessary only after future floods, funding shall become available in subsequent funding cycles. *See attached funding table D-31 and Level of Protection table D-22a.*

Agricultural Cropland:

- **Agriculture is an economic mainstay** of the basin, with basin farms experiencing composite net returns of $3 billion or more annually.
- **Adequate drainage**, whether surface or tile, is crucial to crop production in the basin.
- Studies such as the **timing analysis study** suggest that improvements to drainage systems in areas that contribute consistently to the rising side of the Red River flood hydrograph (early water) have the potential to help reduce Red River flood peaks if they can move runoff through the system ahead of flood peaks. *(Minnesota Flood Damage Reduction Workgroup Technical Paper No. 11)*
- At this time, no comprehensive, systematic approach exists to **coordinate the release of water in the current drainage system** based upon this timing analysis. Recent improvements in modeling, flow data, and elevation data can be utilized to better manage water to reduce flooding on the Red River.
- The **strategies that slow water** or hold it on the land slightly longer (while allowing for timely movement in the drainage system) are best implemented through land use and easement programs that take into account

landowner impacts, as well as benefits to the local area the main stem .

- Potential exists to appropriate **new federal funding for land management** to the basin through the next U.S. Farm Bill that will assist landowners in reducing runoff, reducing erosion, and improving water quality. This effort will come through programs administered by the Natural Resource Conservation Service or its designee.

Recommendation for Action 2B.6:

✓ The RRRA, RRWMB, and RRJWRD, with appropriate state agencies, local government, and commodity group participation and support, should **develop a multipurpose drainage strategy** for agricultural land that evaluates the following:

2.10.1 Designed and engineered for both private benefits and public water management objectives.

2.10.2 Temporary detention (slowing down of water) by land management practices and land use changes.

2.10.3 Side inlet controls for all ditches.

2.10.4 Use of drainage for peak flow reductions and erosion control.

2.10.5 Rate and volume of water related to field and drain capacity.

2.10.6 Timing and movement of water in an equitable manner.

2.10.7 Landowner incentives and needs.

2.10.8 Adding drainage components to hydrologic models.

2.10.9 Need for studies, strategies, moratoriums, and additional information.

Recommendation for Action 2B.7:

✓ **River channel maintenance** such as snagging and clearing of trees, including the removal of trees that have or are at risk of falling into rivers and waterways, should be continued as necessary to maintain open waterways systems. The two states should continue to fund this effort: under current policies, North Dakota at its level of about $1 to $2 million, and Minnesota to restore its historic level of $150,000 per year.

Recommendation for Action 2B.8:

✓ For purposes of achieving long-term flood retention and other benefits, Minnesota should provide state funding through bonding of $10 million a biennium for the Red River basin through the Board of Water and Soil Resources for **Reinvest In Minnesota** (RIM) easements to **match or supplement federal USDA conservation funding** such as the

Wetland Reserve Program, Conservation Reserve Program, EWP, and Environmental Quality Assurance Programs to achieve long term flood retention to leverage federal funding in the next five-year farm bill and for other benefits.

Recommendation for Action 2B.9:

✓ A basin **wetland bank** whereby farmers/landowners can purchase and exchange wetland credits should be developed by Minnesota, North Dakota, and South Dakota in partnership with NRCS and local and joint water resource districts.

Recommendation for Action 2B.10:

✓ The following **pilot projects, demonstrations, and studies** should be authorized and funded:

2B.10.1 Drainage as a Flood Reduction Tool Analysis: The RRRA, with appropriate state agency support, shall initiate an analysis of how to better utilize the **surface drainage system** to lower spring flood hydrographs by removing water on the rising side of the hydrograph consistent with the early, middle, and late zones.

2B.10.2 Culvert Inventory: An analysis outlining the advantages, disadvantages, benefits, and costs of a **basin-wide culvert inventory** gathered at the local water board level should be completed by RRBC and presented to the appropriate local and state entities with recommended funding from local, state, and federal sources (2012).

2B.10.3 Culvert Size Demonstration Project: A demonstration project in partnership with NRCS and affected local water boards should be implemented to analyze the flow reduction benefits of **small distributed and culvert-sizing retention.** The project, estimated to cost about $1.5 million, should be 75/25 percent federal/non-federal cost shared (2012).

2B.10.4 Ag Damage Report: The 1980 and 2002 basin **agriculture flood damage reports** should be updated and documented in a continuously updated data base, with federal funds provided through USDA to provide local project benefit/cost information to assist in local impoundment strategies at the local landowner and water board level.

2B.10.5 Wetland Water Level Management Pilot Project: Within the next two years, a pilot project should be funded by NRCS in cooperation with the RRRA and other appropriate state and federal agencies to **draw down wetlands in the autumn enabling spring storage** and determining benefits and impacts for habitat and retention.

2B.10.6 Multi-Purpose Pilot Project: A demonstration project with funding and participation from farm and commodity groups and other interested parties should be developed and implemented in 2012, with RRBC assistance, to gather data on the timing

and impacts on flooding from the following: **tile drainage, surface drainage, wetland restoration, early water ditch drainage, and culvert sizing.**

2B.10.7 Tile Drainage Study: A **tile drainage analysis** by the RRRA through the Basin Technical and Scientific Advisory Committee under the staff direction of the International Water Institute should be funded by the RRWMB and RRJWRD and completed in 2012.

2B.10.8 Buffer Strip: Buffer strips should be established and enforced for all natural, altered, and man- made waterways to enhance water quality and slow the flow of water into waterways at the local level. **Buffer strips** should be a minimum of 50 feet or greater based on local individual site conditions. CRP, CCRP, EWP, RIM Reserve (MN) should be used to incent landowner participation.

Recommendation for Action 2B.11:

✓ The **rural flood control systems** that protect agricultural productivity and the economy from spring and summer floods should continue to be implemented throughout the basin. The goal is to reduce crop loss and to reduce planting delays by moving water off of land by mid-May in the spring and maximize flood control designs for peak run off for a 24-hour summer rainfall event with a 10 year reoccurrence interval.

Critical Transportation System and Emergency Services:

- The **Red River basin** covers approximately 45,000 square miles or 28 million acres, a majority directly in active agricultural production, with an extensive system of highways, roads, and bridges that provide for the movement of goods and people to enhance the economic output of the region.
- The RRBC should facilitate discussions with regional organizations, state and federal departments of transportation, and EMOs, to identify a strategy **for critical transportation preservation** including potential road elevations during 100-, 200-, and 500-year flood levels compatible with the LTFS level of protection goals.
- **Critical transportation and emergency services** throughout the basin are inconsistent with each other and fail to operate effectively for a typical flood event.

Recommendation for Action 2B.16:

✓ Minnesota and North Dakota should each explore the issues surrounding **dedicating a portion of state aid for highway funding for culvert sizing and related road modifications** that benefit basin flood damage reduction strategies and introduce legislation to change state law if necessary. The RRBC shall assist with facilitation the

discussion and analysis, by the end of 2013.
Recommendation for Action 2B.17: ✓ An analysis of planned and proposed **road elevations** for 100-, 200-, and 500-year flood protection at township, county and state levels for emergency, population sustainability, and agricultural and economic production needs shall be developed. Engineering expertise funded and directed by the RRWMB, RRJWRD, and appropriate state agencies should identify needs by location and hydrologic impacts on flooding by change of flows, elevation of the flood stage, and other related impacts using the new LiDAR data.
Recommendation for Action 2B.18: ✓ Minnesota and North Dakota should develop through their Departments of Transportation, a state and local funding **strategy to assist in county and township flood-related road repairs** and implement additional flood mitigation efforts once the protection goals are achieved and federal emergency aid under a disaster declaration is less likely.
Recommendation for Action 2B.19: ✓ The RRBC should facilitate discussions with relevant regional organizations, state and federal departments of transportation, and emergency management offices to identify a **strategy for critical transportation preservation,** including potential road elevations during the 100, 200 and 500-year flood levels, and to identify state and federal funding needs.

2C. Floodplain Management - Retention

- No **comprehensive, basin-wide strategy** exists to implement the LTFS minimum 20 percent flow reduction goal for the main stem while achieving local tributary flood damage reduction.
- The impacts of retention are often dependant **on timing** and location. Not all sites are equally beneficial for local tributary and basin main stem flood damage reduction.
- Due to the variability of flood events, flow reduction through retention as demonstrated by **modeling** can reduce flows and stages on the Red River main stem as well as provide local benefits on tributaries. Retention must be used in conjunction with other structural and non-structural measures to achieve the LTFS goals that will result in basin-wide improved levels of protection.
- The minimum goal for flow reduction on the Red River main stem at the **international boundary** for a 100-year flood equates to around 1.5 million acre feet of storage upstream accounting for timing of flow and costing approximately $1.5 billion.

- Retention using the minimum **20 percent flow reduction goal basin-wide** is achievable over the next 20 years if local, state, and federal funds can be leveraged to provide comprehensive local, tributary and main stem benefits for residents, property, and the environment.
- **Retention** that will cumulatively achieve the basin minimum 20 percent flow reductions over the next 20 to 25 years should be managed to improve flood flow control, improve water quality, include natural resource enhancement opportunities, and provide potential water supply during extended droughts.
- Numerous small, aged PL 83-566 **flood control dams** throughout the basin could provide additional capacity for flood storage retention with minor refurbishment.

Recommendation for Action 2C.1:
✓ **Federal funding** should be provided for retention at $25 million per year or $500 million over the next 20 years, with Minnesota, North Dakota, and local governments providing cost share funding for retention to achieve a minimum 20 percent reduction in peak flows on the Red River.
Recommendation for Action 2C.2:
✓ **Cost for retention projects** should be shared among federal (50 to75 percent), states of Minnesota and North Dakota (25 to 35 percent), and the RRWMB, RRJWRD and local water boards (10 to 25 percent) over a period of 20 years staying within the current local joint board two mil levy.
Recommendation for Action 2C.3:
✓ A **review of federally operated reservoirs**, identifying the potential for increased storage during flood events, should be conducted by USACE and state agencies, and Wildlife Management Areas by the USFWS, reporting to relevant state agencies and the RRRA.
Recommendation for Action 2C.4:
✓ The newly formed RRRA should work with each water management board to **plan, design, and implement retention,** to achieve 25 percent of the retention goal every five years for their respective areas, with the goal of achieving the minimum 20 percent flow reduction for the Red River main stem over 20-25 years.
Recommendation for Action 2C.5:
✓ A **project prioritization methodology** for the use of federal funds reflecting local and main stem needs and benefits should be developed by the RRRA by 2012.
Recommendation for Action 2C.6:

- ✓ The **permitting process** for water retention projects should be coordinated by the RRRA and a federal agency liaison in the basin working with appropriate state and federal agencies to help streamline the process to decrease timelines for project implementation, allow a one-stop permitting process, and provide general permits for certain projects.

Recommendation for Action 2C.7:

- ✓ NRCS and/or the states of Minnesota and North Dakota should provide $400,000 to **expand the Project Planning and Permit Evaluation demonstration project** to the entire Red River basin through the International Water Institute as part of the USACE Basin Watershed Feasibility Study.

Recommendation for Action 2C.8:

- ✓ P**ublic outreach on retention programs** and a survey to determine landowner interest in storing water on their land should be completed in two years by the RRWMB and RRJWRD (or the RRRA) to assist in future planning for retention projects and determine achievable timelines and cost expectations that correspond to local participation.

Recommendation for Action 2C.9:

- ✓ Regarding the ongoing USACE Red River Basin-wide Feasibility Study:

  2C.9.1 The current ongoing **study shall be continued with federal funding at $1 million per year** and corresponding $1 million non-federal match.

  2C.9.2 The updating of HMS (hydrologic modeling system) of the remaining major watersheds should be completed by the end of 2012. This modeling will provide the tools necessary to **identify retention projects** on tributaries that provide local benefits and cumulatively benefit the basin.

  2C.9.3 Modeling of the remaining **main stem** Hydrologic Engineering Centers River Analysis System **HEC-RAS** reach to the Canadian border presently underway, including the work needed to tie all the main stem reaches together into one model from White Rock, South Dakota, to the Canadian border, should be completed by the end of 2012.

  2C.9.4 The HEC-RAS main stem model, in conjunction with the new watershed HMS models, should be finalized in such a way that they can be utilized to provide the basis for a RRRA "**Project Prioritization Process**" needed for evaluating proposed projects, their effectiveness, and downstream impacts in contributing to the RRBC's flow reduction goals on the major tributaries and Red River main stem.

Recommendation for Action 2C.10:

- ✓ NRCS, in conjunction the RRRA, shall **evaluate PL 83-566 and other dams that have**

flood control capacity in the basin to determine the feasibility of restoration for the purpose of adding potential flood water retention storage, including the identification of specific structures for rehabilitation, specific strategies and funding necessary, and proposed timelines. NRCS shall issue its findings to the RRRA by September 30, 2012. Federal funding of up to $6 million is needed for the evaluation and an additional estimated $10-$15 million for minimum refurbishment.

3. Information and Tools for Maximizing Efforts Going Forward

- The Red River Basin, a vast geographic area of three states and one Canadian province, **has great need for cooperation** across boundaries for uniform data and information gathering efforts, an understanding of our differences, and a shared vision of what needs to be accomplished.
- The current local, state, and federal partnership in comprehensive flood risk reduction strategies is **disjointed and operates in a piecemeal fashion**.
- **Each flood varies**, creating unique issues regarding preparation and protection needs.
- **Levels of protection** recommended by RRBC for the LTFS Report will provide the safety net needed and allow for variations in floods, weather, and forecasting.
- **Further improvements in flood forecasting** such as new data sets, modeling improvements, and real time information to account for variables related to precipitation and temperature are needed to build upon those instituted after the 1997 flood.
- **Additional efforts and information** are needed as a guide for the future as updated needs become evident.

Recommendation for Action 3.1:

✓ The RRBC shall, for the next 10 years, conduct an **annual evaluation of flood mitigation progress towards the implementation of the LTFS Report Recommendations.** This evaluation shall be submitted to Minnesota, North Dakota, South Dakota, and Manitoba.

Recommendation for Action 3.2:

✓ Jurisdictional Multi-Boundary Coordination should be implemented wherever possible through the RRBC.

3.2.1 The Minnesota, North Dakota, and South Dakota governors and the Manitoba Premier should meet at least once every two years, along with the relevant legislative committee chairs of the state and provincial governments, to receive an **update on progress towards the LTFS recommendations** on flood reduction strategies, water quality, water quantity, and other relevant natural resource issues.

3.2.2 With the assistance of RRBC, the **International Legislators Forum** among

Manitoba, Minnesota, North Dakota, and South Dakota legislators should be continued to discuss current topics, including flood risk reduction strategies.

3.2.3 Minnesota should coordinate through the Board of Water and Soil Resources and the state legislature the **inclusion of all subwatersheds** on the Minnesota side as Watershed Districts (Ottertail) and membership in the RRWMB (Ottertail and Buffalo-Red Watershed District).

3.2.4 Federal agencies should utilize their **regional structures in innovative new ways** to accommodate Red River basin hydrologic boundaries.

3.2.5 When necessary, RRBC shall coordinate a **jurisdictional meeting** of heads of state, legislative leaders, and key agency officials to prompt dialogue and development of unified action on such issues.

Recommendation for Action 3.3:

✓ LTFS should be expanded to include the entire Red River basin:

3.3.1 Manitoba should continue funding RRBC's efforts to model the 20 percent **flow reduction strategy in Manitoba** and also continue and accelerate the gathering of Light Detection and Ranging (LIDAR) data, at $70,000 through 2012.

3.3.2 **South Dakota** and local leadership should determine the feasibility of establishing watershed organizations in Roberts and Marshall counties through the International Legislators Forum within the next two years.

Recommendation for Action 3.4:

✓ RRBC should coordinate development of a basin-wide strategy and identification of funding sources for **improving flood forecasting** during 2012 among local, state, provincial, and federal agencies.

3.4.1 The generation of **relevant time appropriate data** (real time rain and snowmelt, soil moisture, frost depth information, and other information) and improved modeling through a volunteer network and the development of a real time network shall be addressed.

3.4.2 The feasibility of establishing an **on-site decision support service** to the region during spring and summer flood events by hosting a US National Weather Service hydrologist in the basin shall be considered, as well as identifying a funding source for such an effort.

Recommendation for Action 3.5:

✓ The USGS, RRWMB, RRJWRD, and their member water boards, NDSWC, MNDNR, and other key stakeholders, should **develop a stream gage strategy** by 2012 with associated costs and funders for the basin for the main stem Red River and its tributaries that will support the new hydrologic and hydraulic models that will provide a long term record for accurate, timely, and consistent flow data for model development, aid in flood reduction strategies, and include water quality modeling needs in the next two years.

Recommendation for Action 3.6:

✓ RRBC should **update the LTFS Report in 2021** with the inclusion of Manitoba and South Dakota and shared funding from the four jurisdictions.

4. Resources to Implement

- Minnesota and North Dakota, cost sharing with local, state, and federal funds, should implement actions consistent with the LTFS to maintain the basin's social, economic, and environmental welfare and protection from future large floods, as this investment over the next 10 years will significantly **reduce the risk of $11-13 billion in losses** from a large flood and protect the economic output of the basin.

Recommendations for Action 4.1:

✓ The states of Minnesota and North Dakota, cost sharing with local and federal partners, should make a **financial investment** of about $3.54 billion over the next 10 years to immediately address flooding in the basin with a structural approach.

4.1 **Funding in Minnesota** needed for the next 10 years is $270.9 million, from local and state sources.

4.2 **Funding in North Dakota** needed for the next 10 years is $536.4 million from local and state sources.

4.3 **Local funding** at the RRWMB and RRJWRD levels should be increased and maintained at a two mil levy.

See attached funding timeline table D-31 and Level of Protection table D-22a with state, local and federal funds.

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **FYs '12 and '13 RED RIVER BASIN COMMISSION ADMINISTRATIVE GRANTS**

Meeting Date: December 14, 2011

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Land & Water

Contact: Wayne Zellmer

Prepared by: Wayne Zellmer

Reviewed by: _____ Committee(s)

Presented by: John Jaschke

☒ **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*)

The Commission has requested allocation of their FY '12 legislative appropriation of $100,000. The Commission presents their 2012 and 2013 Workplan, and 2012 Budget, for Board approval; and approval of their FY '12 allocation. Their FY '13 allocation would be authorized also, pending RRBC adoption and Board staff approval of their 2013 Budget, anticipated in the fall of 2012.

FYs '12 and '13 RED RIVER BASIN COMMISSION ADMINISTRATIVE GRANTS

BACKGROUND

The Red River Basin Commission (RRBC) works across the political boundaries of Manitoba, Minnesota, North Dakota, and South Dakota in the United States and Canada to create a shared vision for action with regard to land and water issues.

The RRBC was formed in 2002 to initiate a grass roots effort to address land and water issues in a basin-wide context. The RRBC was formed as a result of a merger between The Red River Basin Board, The International Coalition, and the Red River Water Resources Council.

The RRBC is made up of a 41-member Board of Directors, comprised of mainly representatives of local government, including the cities, counties, rural municipalities, watershed boards, water resource districts, joint powers boards, as well as First Nations representatives, a water supply cooperative, a lake improvement association, environmental groups, and four at-large members. The Governors of North Dakota, Minnesota, and the Premier of the Province of Manitoba have also appointed members to the Board.

The RRBC has adopted a vision, a mission statement and a set of Guiding Principles, based on input provided by Basin residents, to guide its future activities. Although general in nature, these documents provided the foundation to develop reasonably specific goals and objectives for water management in the Basin. These goals and objectives, along with the mission statement and the Guiding Principles, will provide a framework for the Board to conduct business in the future.

Since its inception, the State of Minnesota has been supporting the RRBC with board member and committee participation as well as financial support.

APPROVAL

The 2011 Legislature in their 1st Special Session appropriated $200,000 to BWSR for RRBC administration in the FY '12 and '13 biennium:

> $100,000 the first year and $100,000 the second year are for a grant to the Red River Basin Commission for water quality and floodplain management, including administration of programs. If the appropriation in either year is insufficient, the appropriation in the other year is available for it.

The Board will review the RRBC's 2012 and 2013 Workplan, and 2012 Budget, thereby authorizing the FY '12 allocation of $100,000, and the FY '13 allocation of $100,000, pending RRBC adoption and Board staff approval of their 2013 Budget, anticipated in the fall of 2012.

Board Resolution #_____

FYs '12 and '13 RED RIVER BASIN COMMISSION ADMINISTRATIVE GRANTS

WHEREAS, the Laws of Minnesota 2011, 1st Special Session, Chapter 2, Article 1, Sec. 5, appropriate $200,000 for grants to the Red River Basin Commission (RRBC) for administration and management, of water quality and floodplain management programs; and,

WHEREAS, Minnesota Statutes Section 103B.101, subd. 9, authorizes the Board to coordinate the water and soil resources planning activities of "other local units of government" through its various authorities for approval of local plans, administration of state grants, and by other means as may be appropriate; and,

WHEREAS, the RRBC has submitted to the Board an approved 2012 and 2013 Workplan and 2012 Budget, which is incorporated hereto by reference and located in the Board's office in St. Paul; and,

WHEREAS, the RRBC will be requested to adopt their 2013 Budget in the fall of 2012.

NOW THEREFORE, for the FY '12 and FY '13 administration and management, of water quality and floodplain management programs, the Board hereby authorizes the FY '12 allocation of $100,000 to the RRBC,

AND, authorizes their FY '13 allocation of $100,000, pending RRBC adoption and Board staff approval of the RRBC 2013 Budget, to be incorporated hereto by reference and located in the Board's office in St. Paul.

_____ Date: _____

Brian Napstad, Chair
Board of Water and Soil Resources

H:12RRBCBR

Board Resolution # 11-99

FYs '12 and '13 RED RIVER BASIN COMMISSION ADMINISTRATIVE GRANTS

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AND, authorizes their FY '13 allocation of $100,000, pending RRBC adoption and Board staff approval of the RRBC 2013 Budget, to be incorporated hereto by reference and located in the Board's office in St. Paul.

Date: 12/14/11

Brian Napstad, Chair
Board of Water and Soil Resources

H:12RRBCBR


RED RIVER BASIN
COMMISSION

	2011 BUDGET - US	2012 BUDGET-US	2011 BUDGET - CN	2012 BUDGET-CN
2009 Carry Over General	$ 192,706.03	$ 395,267.00	$ 301,759.71	$ 313,542.81
2009 Carry Over Projects	$ 197,462.93	$ 265,330.10	$ 81,076.29	$ 120,742.55
2009 Carry Over Total	$ 390,168.96	$ 660,597.10	$ 382,836.00	$ 434,285.36
LTFS 2009 Carry Over				
Income				
4001 · Manitoba			$ 100,000.00	$ 100,000.00
4002 · Minnesota	$ 100,000.00	$ 100,000.00		
4003 · North Dakota	$ 100,000.00	$ 100,000.00		
4004 · South Dakota				
4005 · LGUs - Manitoba			$ 100,000.00	$ 100,000.00
4006 · LGUs - Minnesota	$ 100,000.00	$ 100,000.00		
4007 · LGUs - North Dakota	$ 100,000.00	$ 100,000.00		
4008 · LGUs - Sorth Dakota				
4011 · Refunds GST/PST			$ 2,000.00	$ 2,000.00
4012 · Interest Income		$ 2,000.00		$ 2,000.00
4013 · Joint Powers Bd	$ 4,000.00	$ 4,000.00		
4014 · Endowments				
4062 · Annual Summit Conference	$ 40,000.00	$ 55,000.00	$ 50,000.00	$ 35,000.00
PROJECT INCOME				
14000 · Watersheds - Goal # 1				
15000 · Integration - Goal # 2				
16000 · Data - Goal # 3				
17000 · Education/Communication - Goal # 4				
17009 · River Runs North	$ 10,000.00	$ 5,000.00		
18000 · Forecasting - Goal # 5				
19000 · FDR Mitigation - Goal # 6				
19103 · Run # 3 - MB 20%	$ 10,000.00		$ 60,000.00	
19403 · LTFS	$ 500,206.42			
19404 · Regional FDR Strategies	$ 9,185.00	$ 9,000.00		
20000 · Response/Recovery - Goal # 7				
21000 · Drainage - Goal # 8				
22000 · Water Quality - Goal # 9				
22001· Dredging/Sediment			$ 20,000.00	
23000 · Water Supply - Goal # 10				
23001· Drought J/C-SP	$ 20,000.00			
24000 · Conservation - Goal # 11				
25000 · Fish/Wildlife - Goal # 12				
26000 · Outdoor Recreation - Goal # 13				
4000 Total Income without Projects or Carry Over	$ 444,000.00	$ 461,000.00	$ 252,000.00	$ 239,000.00
Canadian Income Adjusted to US dollars	$ 252,000.00	$ 239,000.00	$ 252,000.00	$ 239,000.00
Combined Total Without Projects	$ 696,000.00	$ 700,000.00		
4000 Total US Income with All Income	$ 1,383,560.38	$ 1,135,597.10	$ 714,836.00	$ 673,285.36
Total CN with All Income Adjusted to US dollars	$ 714,836.00	$ 673,285.36	$ 714,836.00	$ 673,285.36
Total Combined with All Income	$ 2,098,396.38	$ 1,808,882.46		

Expense					
5000 · BOARD OF DIRECTORS					
Total 5000 · BOARD OF DIRECTORS	$ 30,100.00	$ 30,100.00	$ 13,850.00	$ 13,850.00	
5100 · ADMINISTRATION					
Total 5100 · ADMINISTRATION	$ (28,244.22)	$ 73,172.81	$ 12,543.00	$ 12,793.29	
5200 · BENEFITS					
Total 5200 · BENEFITS	$ 50,809.11	$ 75,809.11	$ 15,545.82	$ 15,545.82	
5300 Office					
Total 5300 · OFFICE	$ 59,034.91	$ 97,050.00	$ 62,550.00	$ 63,050.00	
5400 · FUNDING/FINANCE					
Total 5400 · FUNDING/FINANCE	$ 78,320.34	$ 93,173.34	$ 28,843.00	$ 38,502.29	
6000 · LEADERSHIP					
6000 · I Plan Management					
Total 6000 · Plan Management	$ 33,211.00	$ 10,723.12	$ 17,845.23	$ 17,845.23	
6100 Legislative					
Total 6100 · Legislative	$ 28,395.48	$ 17,720.35	$ 6,231.00	$ 6,314.43	
6200 Water Quality/Supply Division					
Total 7300 · WQ/S Division	$ 6,516.55	$ 6,653.55	$ 21,217.00	$ 16,072.15	
6300 · Con/FishWildOutRec Division					
6304 · North Basin Mngr/Cons 15%				$ 8,593.29	
Total 6300 · C/F/W/OR Division	$ 550.00	$ 550.00	$ 8,930.00	$ 8,365.40	
6400 · Hydro/FDR/Drainage Division					
Total 6400 · H/FDR/D Division	$ 12,825.51	$ 13,100.77	$ 5,812.00	$ 3,114.43	
6500 · Watershed/Fac/Med					
Total 6500 · I/L/F/M Division	$ 9,136.53	$ 9,373.12	$ 500.00	$ 500.00	
Total 6000-6500 · LEADERSHIP	$ 90,635.08	$ 58,120.92	$ 60,535.23	$ 52,211.64	
6600 · COMMUNICATIONS					
6600 · Conferencing					
Total 6600 · Conferencing	$ 89,114.15	$ 99,196.38	$ 53,000.00	$ 38,000.00	
6700 ·Education/Information					
Total 6600-6700 · Education/Information	$ 57,060.30	$ 53,105.37	$ 33,841.00	$ 33,986.23	
Total 6600-6700 · COMMUNICATIONS	$ 146,174.45	$ 152,301.74	$ 86,841.00	$ 71,986.23	
6800 · PARTNERSHIP					
Total 6800 · PARTNERSHIP	$ 48,810.53	$ 38,369.24	$ 19,831.00		
6900 · TECHNICAL RESOURCE					
Total 6900 · TECHNICAL RESOURCE	$ 9,636.53	$ 9,873.12	$ 2,781.00		
SUB-TOTAL US - CN OPERATIONAL wo PROJEC	$ 485,276.73	$ 627,970.28	$ 303,320.05	$ 267,939.27	
CN in US dollars			$ 303,320.05	$ 267,939.27	
Total US Operational wo Projects	$ 485,276.73	$ 627,970.28			
Total CN Operational wo Projects	$ 303,320.05	$ 267,939.27			
Total Combined Operational wo Projects	$ 788,596.78	$ 895,909.55			

PROJECTS						
34000 · Watersheds - Goal # 1						
34001 · Assiniboine Project						
Consultants						
RRBC	$ 3,309.17	**$ 3,309.17**	$ 9,505.26	**$ 9,505.26**		
Total 34001 ·Assinboine	$ 3,309.17	**$ 3,309.17**	$ 9,505.26	**$ 9,505.26**		
24002 · Winnipeg River Project						
Consultant			$ 7,435.95	**$ 7,435.95**		
Total 34002 ·Winnipeg River Project			$ 7,435.95	**$ 7,435.95**		
35000 · Integration - Goal # 2						
36000 · Data - Goal # 3						
36001 ·3-D Display						
Consultant	$ 12,500.00	**$ 12,500.00**	$ 12,500.00	**$ 12,500.00**		
Total 36001 ·3-D Display	$ 12,500.00	**$ 12,500.00**	$ 12,500.00	**$ 12,500.00**		
37000 · Education/Communication - Goal # 4						
37002 · All Upstream Conf						
RRBC			$ 6,860.44	**$ 4,451.21**		
Total 37002 ·All Upstream Conf			$ 6,860.44	**$ 4,451.21**		
37003 ·LSLW						
Consultants			$ 8,241.47	**$ 8,241.47**		
Other						
Total 37003 ·LSLW			$ 8,241.47	**$ 8,241.47**		
37005 ·Network Project						
Consultant	$ 4,362.61	**$ 4,362.61**				
Total 37005 ·Network Project	$ 4,362.61	**$ 4,362.61**				
27006 ·History Project-30 Yrs						
Consultant						
RRBC	$ 2,562.48	**$ 2,562.48**				
Total 27006 ·History Project- 30 Yrs	$ 2,562.48	**$ 2,562.48**				
37007 · MB River Centre						
Consultant			$ 9,711.89	**$ 4,949.56**		
Total 37007 ·MB River Centre			$ 9,711.89	**$ 4,949.56**		
37009 · River Runs North		**$ 6,891.10**				
Consultant						
Total 37009 ·River Runs North		**$ 6,891.10**				
38000 · Forecasting - Goal # 5						
39000 · FDR Mitigation - Goal # 6						
39004 · Cal IV						
Consultants	$ 7,264.70	**$ 7,264.70**	$ 10,500.00	**$ 10,500.00**		
Other						
Total 39004 · Cal IV	$ 7,264.70	**$ 7,264.70**	$ 10,500.00	**$ 10,500.00**		
39005 · Cal V	$ 3,977.41	**$ 3,977.41**	$ 6,821.28	**$ 6,821.28**		
Consultants						
Other						
Total 39005 · Cal V	$ 3,977.41	**$ 3,977.41**	$ 60,000.00	**$ 6,821.28**		
391021 ·MM Run # 2						
Consultants	$ 3,942.00	**$ 3,942.18**				
Other						
Total 39102 ·MM Run # 2	$ 3,942.00	**$ 3,942.18**				

39103 · MB 20% Run # 3						
	Consultants	$ 10,000.00	$ 6,007.05	$ 60,000.00	$	28,266.09
	Other					
Total 39103 · MB 20% Run # 3		$ 10,000.00	$ 6,007.05		$	28,266.09
39401 · Stream Gauging						
	Consultant	$ 1,272.20	$ 1,272.20			
Total 39401 · Stream Gauging		$ 1,272.20	$ 1,272.20			
39402 · Map Project						
	Consultants			$ 9,500.00	$	9,500.00
Total 39402 · Map Project				$ 9,500.00	$	9,500.00
39403 · LTFS Project						
Total 3903 · LTFS Project		$ 714,697.73	$ 181,226.42			
39404 · Regional FDR Strategies						
	RRBC	$ 9,184.00	$ 15,358.04			
Total 39404 · Regional FDR Strategies		$ 9,184.00	$ 15,358.04			
40000 · Response/Recovery - Goal # 7						
41000 · Drainage - Goal # 8						
42000 · Water Quality - Goal # 9						
42001 · Dredging/Sediment						
	Consultant			$ 18,571.73	$	10,000.00
	RRBC			$ 1,428.27	$	8,571.73
Total 42001 · Dcredging/Sediment Project				$ 20,000.00	$	18,571.73
43000 · Water Supply - Goal # 10						
43004 · Drought/J/C-SP						
	Consultant	$ 6,000.00	$ 5,000.00			
	RRBC	$ 14,000.00	$ 14,000.00			
Total 43004 · Drought/J/C-SP		$ 20,000.00	$ 19,000.00			
44000 · Conservation - Goal # 11						
44001 · AWEP						
	Consultant	$ 12,083.26	$ 11,656.53			
Total 44001 · AWEP		$ 12,083.26	$ 11,656.53			
45000 · Fish/Wildlife - Goal # 12						
46000 · Outdoor Recreation - Goal # 13						
Total 9200 · SUB-TOTAL US - CN PROJECTS		$ 805,155.56	$ 279,329.89	$ 154,255.01	$	120,742.55
	CN in US dollars			$ 154,255.01	$	120,742.55
	Total US Projects	$ 805,155.56	$ 279,329.89			
	Total CN Projects	$ 154,255.01	$ 120,742.55			
	Total Combined Projects	$ 959,410.57	$ 400,072.44			
	BUDGET SUMMARY: ALL IN US DOLLARS					
Total General Revenue wo Projects and Carryover		$ 696,000.00	$ 700,000.00			
Total General Expenses wo Projects and Carryover		$ 788,596.78	$ 895,909.55			
	Difference	$ (92,596.78)	$ (195,909.55)			
Total Revenue: General, New Projects, All Carry-Over		$ 2,098,396.38	$ 1,808,882.46			
Total Expenses: General, All Projects		$ 1,748,007.35	$ 1,295,981.99			
Total After All Income/Expenses		$ 350,389.03	$ 512,900.47			
	(Projected Carryover General & Projects)					

2012 RRBC WORK PLAN

RRBC ACTION	FTE's		TIMELINE
MT-Management Team: ly, jg, rg	lt-Leah	jr-Jacque 3/4	con-Consultant
ly-Lance	rg-Robin	ks-Kathy 1/2	Grant/Policy 1/2
jg-Julie	st-Sara	all-all staff	Mod Con-Jay
rg-Robin		mrd off-Claire 1/4	Grant Con-Barb 1/4
			Drought Con - HDR
ADMINISTRATION			
Board Meetings			
Board Meetings in 2012-Jan, Mar, Apr, Sept	256	mt, lt, st	Jan, Mar,Apr, Sept
1 Board Meeting & Tours -- June	142	mt, lt, st, be	June
Tour Only -- August	88	mt, lt, st	Aug
1 Board Meetin & Retreat--Nov	116	mt, lt, st, be	Nov
Executive Committee Meetings			
12 Executive Committee Meetings --3rd Thursday	120	mt	3rd Th -- Month
Executive Director Evaluation	16	ly	2/1/2012
Long Range Planning Committee	82	ly	Qrtly
Human Resource Committee Meetings	12	ly	as Needed
Legislative Committee-As Needed	80	mt	as Needed
General			
All Staff Evaluations,	68	ly, mt, all	Jan - Dec 2009
Documentation, Records	1005	ly, jk, ks, rg,st	ongoing
Work Plans--Annual	24	ly, mt	2013 by Nov 2012
Regular Staff Meetings	42	all	Monday
Face to Face Staff Meetings (2)--Retreat (2)	236	all	Friday 2x year 1-- 2 day ret.
Management Team Meetings (12)	234	mt	monthly phone
Update Governing Documents	72	rg, ly	as needed
FIANANCE - FUNDING			
Finance Committee Meetings-As Needed			
Monthly Finances	658	jr, rg, ly	monthly
Base Funding --Local, Provincial, State	636	mt, st, lt, jr, ks	ongoing
Base Funding -- Federal	120	mt, be	ongoing
Project Funding--Government	780	mt, be, bo	ongoing
Project Funding--foundations	575	mt, be, bo	ongoing
Project Funding--Business - Individuals	160	mt, be, bo	ongoing
Prepare 2013 Budget	96	ly, mt	2013 Budget by Nov 2012
2011 Audit	96	ly, rg, jr	by June
NRFP BASIN VISION LEADERSHIP			
NRFP Outreach	456	lt, st	ongoing
State of Basin--Snapshot Updates	288	jg, all ft staff	ongoing
WG # 1 - Watersheds--snapshot, conf	96	st	ongoing
RRBC Faciltiated/Support Linkages			
PRBAB-Meetings/Activities	232	st, rg, ly	4 mtg year
RRIW Meetings/Activities	232	st, rg, ly	4 mtg year
SVI Meetings/Activities	248	lt, jg, ly	4 mtg year
MN Joint Powers Board (JPB) Meetings	48	jg, lt	4 mtg year
MB North Chapter Meetings/Activities	152	rg, st	monthly
MB South Chapter Meetings/Activities	40	rg, st	4 mtg year
Assiniboine River Project	80	ly	ongoing
Winnipeg River Project	16	ly	ongoing
			ongoing
RRBC Participant/Support Linkages			
IRRB	32	ly	2 mtg year
IRRB-AEH Sub-Com	32	rg	2 mtg year/ongoing
IRRB-Nutrient Sub-Com	164	rg, ly	4 mtg year/ongoing
IRRB-Hydrology Sub-Com	32	ly	2 mtg year/ongoing
Univ of Winnpeg--Natl Source Water	8	rg	as needed
RRBC Connector Linkages			
Outreach SD, MB, MN, NDFirst Nation	36	lt, st, all ft staff	ongoing
Outreach Provincail, State, Federal	136	mt	ongoing
Regular Mtgs---NDJWRB, MNRRWMB, MBCDA, RRRA, Upper Shey, Dev Lake	256	all ft staff	monthly
Annual Mtgs- MBCDA, MBAMM, NDJWater, MAWD, NDAC, MNSWCD	284	jg, ly, rg, st	Nov, Dec
Facilitation			
Forum for Basin Issues	16	ly, jg	as Needed
LTFS Rec: Facilitate Jurisiditional Dialogue Meeting Gov/Prem	64	mt	1 year
LTFS Rec: Assist SD with Dialogue re Forming Watersheds	24	ly, jg	as Needed
WG # 2 Integration	96	lt	4 mtg year
Plan Implementation Committee	144	all ft staff	ongoing
WG # 3 - Data-Tools for Decision Making--snapshot, conf	96	rg	ongoing
MB Modeling--Modeling Tools	2144	js, rg, ly	by June
LWRC	16	rg	2 mtg year

	WG # 4- Education-Information--snapshot, conf	96	jg, lt	ongoing
	Communication Committee	32	jg	ongoing
	Ripple Effect - 24	200	jg, rg, lt, st	twice a month to newspapers
	Water Minutes- 2x mo	160	jg, rg, lt, st	2-4 a week--CN/US
	Web Site	108	jg	ongoing
	Consent Report	76	jg, ly, ks	monthly
	Annual Report	88	jg, ly	yearly
	Other Flyers/Information/PR materials --projects and activies	132	jg, all ft staff	as needed projects, conf, etc
	Press Releases	72	jg, all ft staff	as appropriate
	Power Point Presentations--conferences, speaking engagements, etc	128	all	conf, speak engag etc.
	LTFS Rec: Dist. Informaiton on Devil Lake	48	jg, lt, ly	by April then ongoing upates
	LTFS Rec: Floodplain Education Materials	40	rg, jg, ly	by April then ongoing upates
	LTFS Rec: Annual Report on LTFS Accomplishments	64	all	Dec-12
	LTFS Rec: Assist with International Leg Forum	16	ly	12-Jun
	Annual Summit Conference	1013	lt, all ft staff	Jan 2012 Fargo
	Speaker Contacts	676	lt, jg, ly	June-Dec 2012
	Sponsorship, ads, booths	576	lt, rg, st, jg, ks	ongoing
	Annual Summit Conference - Flyer, Brochure, Conf Booklet	400	lt, rg, st, jg, ks	by Dec 2012
	Success Stories related to NRFP	120	st, lt	ongoing
	WG # 5 - Flood Forecasting	96	rg	as Needed
	LTFS Rec: Assist with Development of Real Time Data	40	ly, rg	ongoing
	LTFS Rec: Assist with Stream Gauging long range plan network	40	ly, rg	ongoing
	WG # 6 - Flood Mitigation	96	rg, ly	ongoing
	Mainstem Modeling Calibration IV	16	ly	ongoing
	Mainstem Modeling Run # 2	24	ly	ongoing
	LTFS Rec: Diversion Dialogue Winnipeg/F-M	16	ly	as needed
	LTFS Rec: Culvert Inventory Report Advant/DisAdvant	304	ly, rg	ongoing
	LTFS Rec: Demo Project for FDR on water movement to Red River	64	ly, jg, be	ongoing
	USACE Mainstem Feasibility	40	ly, jg	4 a year
	WG # 7 - Flood Response & Recovery --- snapshot;obj, act ag; conf	96	rg	ongoing
	LTFS Rec: Floodplain Bill of Rights	120	rg, ly, jg, lt, be, st	ongoing
	WG # 8 - Drainage	96	rg, ly	ongoing
	LTFS Rec:Fac Meetings re Transportaion Funds for Culvert/Road Mods for FDR	80	ly, be	as Needed
	WG # 9 - Water Quality--snapshot;obj, act ag; conf	96	rg	ongoing
	Water Quality -Nutruient Management Report	152	rg, ly	in 2012
	Dredging Study II--fin and workshop roles	80	rg, ly, st	by June
	WG # 10 - Water Supply--snapshot; obj, act ag; conf	96	lt	ongoing
	Drought: Jurisdictional Process	200	lt, ly, Dr Cons	by Dec 2012
	Drought: Conservation/Soft Path	116	lt, ly, Dr Cons	by Dec 2012
	WG # 11 - Conservation--snapshot;obj, act ag; conf	96	rg	ongoing
	AWEP Project	20	ly, lt	as needed
	Ag Commodity Committee	76	rg, ly	as needed
	Riparian Project	16	lt	4 mtg year
	WG # 12 - Fish & Wildlife	104	rg	as Needed
	WG # 13 - Outdoor Recreation	104	rg	as Needed
	RiversWest	16	rg	as Needed

2013 RRBC WORK PLAN

RRBC ACTION	FTE's		TIMELINE
MT-Management Team: ly, jg, rg	lt-Leah	jr-Jacque 3/4	con-Consultant
ly-Lance	rg-Robin	ks-Kathy 1/2	Grant/Policy 1/2
jg-Julie	st-Sara	all-all staff	Mod Con-Jay
rg-Robin		mrd off-Claire 1/4	Grant Con-Barb 1/4
			Drought Con - HDR
ADMINISTRATION			
Board Meetings			
Board Meetings in 2013-Jan, Mar, Apr, Sept	368	mt, lt, st	Jan, Mar,Apr, Sept
1 Board Meeting & Tours -- June	174	mt, lt, st, be	June
Tour Only -- August	98	mt, lt, st	Aug
1 Board Meetin & Retreat--Nov	140	mt, lt, st, be	Nov
Executive Committee Meetings			
12 Executive Committee Meetings --3rd Thursday	136	mt	3rd Th -- Month
Executive Director Evaluation	16	ly	2/1/2012
Long Range Planning Committee	178	ly	Qrtly
Human Resource Committee Meetings	12	ly	as Needed
Legislative Committee-As Needed	96	mt	as Needed
General			
All Staff Evaluations,	71	ly, mt, all	Jan - Dec 2009
Documentation, Records	1021	ly, jk, ks, rg,st	ongoing
Work Plans--Annual	32	ly, mt	2013 by Nov 2012
Regular Staff Meetings	54	all	Monday
Face to Face Staff Meetings (2)--Retreat (2)	262	all	Friday 2x year 1-- 2 day ret.
Management Team Meetings (12)	270	mt	monthly phone
Update Governing Documents	24	rg, ly	as needed
FIANANCE - FUNDING			
Finance Committee Meetings-As Needed			
Monthly Finances	714	jr, rg, ly	monthly
Base Funding --Local, Provincial, State	716	mt, st, lt, jr, ks	ongoing
Base Funding -- Federal	120	mt, be	ongoing
Project Funding--Government	680	mt, be, bo	ongoing
Project Funding--foundations	607	mt, be, bo	ongoing
Project Funding--Business - Individuals	192	mt, be, bo	ongoing
Prepare 2014 Budget	96	ly, mt	2013 Budget by Nov 2012
2012 Audit	104	ly, rg, jr	by June
NRFP BASIN VISION LEADERSHIP			
NRFP Outreach	456	lt, st	ongoing
State of Basin--Snapshot Updates	272	jg, all ft staff	ongoing
WG # 1 - Watersheds--snapshot, conf	96	st	ongoing
RRBC Faciltiated/Support Linkages			
PRBAB-Meetings/Activities	248	st, rg, ly	4 mtg year
RRIW Meetings/Activities	248	st, rg, ly	4 mtg year
SVI Meetings/Activities	270	lt, jg, ly	4 mtg year
MN Joint Powers Board (JPB) Meetings	104	jg, lt	4 mtg year
MB North Chapter Meetings/Activities	152	rg, st	monthly
MB South Chapter Meetings/Activities	48	rg, st	4 mtg year
Assiniboine River Project	164	ly	ongoing
Winnipeg River Project	136	ly	ongoing
			ongoing
RRBC Participant/Support Linkages			
IRRB	64	ly	2 mtg year
IRRB-AEH Sub-Com	56	rg	2 mtg year/ongoing
IRRB-Nutrient Sub-Com	196	rg, ly	4 mtg year/ongoing
IRRB-Hydrology Sub-Com	64	ly	2 mtg year/ongoing
Univ of Winnpeg--Natl Source Water	8	rg	as needed
RRBC Connector Linkages			
Outreach SD, MB, MN, NDFirst Nation	52	lt, st, all ft staff	ongoing
Outreach Provincail, State, Federal	176	mt	ongoing
Regular Mtgs---NDJWRB, MNRRWMB, MBCDA, RRRA, Upper Shey, Dev Lake	480	all ft staff	monthly
Annual Mtgs- MBCDA, MBAMM, NDJWater, MAWD, NDAC, MNSWCD	392	jg, ly, rg, st	Nov, Dec
Facilitation			
Forum for Basin Issues	32	ly, jg	as Needed
LTFS Rec: Facilitate Jurisiditional Dialogue Meeting Gov/Prem	64	mt	1 year
LTFS Rec: Assist SD with Dialogue re Forming Watersheds	40	ly, jg	as Needed
WG # 2 Integration	96	lt	4 mtg year
Plan Implementation Committee	144	all ft staff	ongoing
WG # 3 - Data-Tools for Decision Making--snapshot, conf	96	rg	ongoing
MB Modeling--Modeling Tools	2252	js, rg, ly	by June
LWRC	24	rg	2 mtg year

WG # 4- Education-Information--snapshot, conf	96	jg, lt	ongoing
Communication Committee	96	jg	ongoing
Ripple Effect - 24	224	jg, rg, lt, st	twice a month to newspapers
Water Minutes- 2x mo	208	jg, rg, lt, st	2-4 a week--CN/US
Web Site	116	jg	ongoing
Consent Report	84	jg, ly, ks	monthly
Annual Report	116	jg, ly	yearly
Other Flyers/Information/PR materials --projects and activies	164	jg, all ft staff	as needed projects, conf, etc
Press Releases	80	jg, all ft staff	as appropriate
Power Point Presentations--conferences, speaking engagements, etc	160	all	conf, speak engag etc.
LTFS Rec: Dist. Informaiton on Devil Lake	28	jg, lt, ly	by April then ongoing upates
LTFS Rec: Floodplain Education Materials	56	rg, jg, ly	by April then ongoing upates
LTFS Rec: Annual Report on LTFS Accomplishments	80	all	Dec-12
LTFS Rec: Assist with International Leg Forum	16	ly	12-Jun
Annual Summit Conference	1021	lt, all ft staff	Jan 2012 Fargo
Speaker Contacts	708	lt, jg, ly	June-Dec 2012
Sponsorship, ads, booths	624	lt, rg, st, jg, ks	ongoing
Annual Summit Conference - Flyer, Brochure, Conf Booklet	408	lt, rg, st, jg, ks	by Dec 2012
Success Stories related to NRFP	136	st, lt	ongoing
WG # 5 - Flood Forecasting	96	rg	as Needed
LTFS Rec: Assist with Development of Real Time Data	120	ly, rg	ongoing
LTFS Rec: Assist with Stream Gauging long range plan network	88	ly, rg	ongoing
WG # 6 - Flood Mitigation	96	rg, ly	ongoing
Mainstem Modeling Calibration IV	0	ly	ongoing
Mainstem Modeling Run # 2	40	ly	ongoing
LTFS Rec: Diversion Dialogue Winnipeg/F-M	8	ly	as needed
LTFS Rec: Culvert Inventory Report Advant/DisAdvant	132	ly, rg	ongoing
LTFS Rec: Demo Project for FDR on water movement to Red River	72	ly, jg, be	ongoing
USACE Mainstem Feasibility	48	ly, jg	4 a year
WG # 7 - Flood Response & Recovery --- snapshot;obj, act ag; conf	96	rg	ongoing
LTFS Rec: Floodplain Bill of Rights	56	rg, ly, jg, lt, be, st	ongoing
WG # 8 - Drainage	96	rg, ly	ongoing
LTFS Rec:Fac Meetings re Transportaion Funds for Culvert/Road Mods for FDR	104	ly, be	as Needed
WG # 9 - Water Quality--snapshot;obj, act ag; conf	96	rg	ongoing
Water Quality -Nutruient Management Report	152	rg, ly	in 2012
Dredging Study II--fin and workshop roles	80	rg, ly, st	by June
WG # 10 - Water Supply--snapshot: obj, act ag; conf	96	lt	ongoing
Drought: Jurisdictional Process	208	lt, ly, Dr Cons	by Dec 2012
Drought: Conservation/Soft Path	248	lt, ly, Dr Cons	by Dec 2012
WG # 11 - Conservation--snapshot;obj, act ag; conf	96	rg	ongoing
AWEP Project	40	ly, lt	as needed
Ag Commodity Committee	76	rg, ly	as needed
Riparian Project	16	lt	4 mtg year
WG # 12 - Fish & Wildlife	112	rg	as Needed
WG # 13 - Outdoor Recreation	112	rg	as Needed
RiversWest	16	rg	as Needed
	19432		

Conclusions and Recommendations for Action

11/07/11

The basin of the Red River of the North, historically subject to widespread chronic flooding, regularly sustains millions of dollars in economic damages for each flood event. The **Red River Basin Commission** (RRBC) identified the following conclusions on structural and nonstructural strategies needed for permanent flood solutions in the basin and recommendations for action for states (individually and collectively) and the federal government to consider as they fund and implement Long Term Flood Solutions (LTFS) for the Red River Basin in Minnesota and North Dakota. These recommendations are built around the basin-wide LTFS "Level of Protection Goals" adopted by the RRBC in 2010 together with related flood risk reduction needs. The recommendations aim to move basin leaders from the usual response of reacting to the most recent major flood experience to a proactive, long-term plan with appropriate protection levels basin wide. If implemented, these recommendations will significantly reduce the risk of flood damages, and minimize disruption and economic loss and thus facilitate and expedite recovery after spring and summer floods.

These recommendations cannot be successful without the dedicated local, state and federal participation in funding and commitment to implement.

1. Immediate Needs/Critical Risks: Fargo-Moorhead, Devils Lake

- Under current conditions, the Fargo-Moorhead metropolitan area could get, in a major 500-year level flood, **$9 to $10 billion or more in basin damages,** according to the USACE.
- **Current levels of protection for Fargo-Moorhead are inadequate**. Protection should be increased to enable a successful 500-year flood fight.
- Protection measures for Fargo-Moorhead should be **economically viable** and provide the **least level of adverse impacts** to others.
- A **diversion** of the Red River around Fargo-Moorhead would provide the protection needed to endure a successful 500-year flood fight if it were supplemented by retention and other available options to achieve the RRBC's proposed LTFS level of protection goals.
- **Retention** to achieve the potential 20 percent flow reduction on the main stem should be aggressively pursued upstream of Fargo-Moorhead to decrease the duration, scope, and level of floods in the Fargo-Moorhead area, downstream communities, and rural areas.

Recommendation for Action 1.1:

The **flood protection trajectory** that has increased protection in the Fargo-Moorhead metro area since the 2009 flood should continue. State and federal funds, with local government cost share, should continue supporting ongoing dike construction, property acquisitions, and flood infrastructure projects to be able to fight at least a 100-year flood , and upwards of a 500-year flood in the long term.

Recommendation for Action 1.2:

✓ Progress towards the proposed $1.77 billion **diversion should be continued** utilizing local, state, and federal funds so that, combined with current flood protection strategies,

this community will have the capacity within 10 years to wage a successful flood fight equal to or greater than the LTFS 500-year flood.

Recommendation for Action 1.3:

✓ **Retention upstream** of the Hickson stream gage for a flow reduction of 20 percent (minimum) should be advanced with shared funding by the F-M flood Diversion Authority working with local and joint water boards, using city, local, state, and federal funds.

Recommendation for Action 1.4:

✓ Leaders in state government in North Dakota and Minnesota, along with key local government officials and with input from the Diversion Authority and federal agencies, should convene by early 2012 to determine the **non-federal cost share formula for the Locally Preferred Plan ($1.77 billion) diversion**, and related $3.5 million operational estimates.

- **Rising levels of water in the Devils Lake** region have increased the potential for a natural overflow that could discharge approximately 14,000 cubic feet per second (cfs) of water into the Sheyenne River, triggering prolonged flooding and catastrophic downstream water quantity and quality problems in the Sheyenne and Red Rivers. This crisis should continue to be addressed with immediate local, state and federal action.

Recommendation for Action 1.5:

✓ The recommendations developed by **the Devils Lake Executive Committee** through the work of the Devils Lake Collaborative Working Group should be continue to be supported by the state of North Dakota, local authorities, and federal and tribal governments to guard against critical risks.

Recommendation for Action 1.6**:**

✓ The RRBC and IRRB should distribute information with downstream interests and jurisdictions providing **progress and timelines** on Devils Lake activities.

Recommendation for Action 1.7:

✓ A comprehensive model using real-time data to determine the effects of **releases of Devils Lake water** via the various outlet channels on the Sheyenne and Red Rivers should be examined by local leaders and state and federal agencies to determine needs and related costs. The examination should include the integration of various models already in use by the USGS, the NWS, the NDSWC, and the USACE and be facilitated by the RRBC.

2. Cornerstone Solutions: Floodplain Management

2A. Floodplain Management - Nonstructural Strategies

2B. Floodplain Management - Raising Levels of Protection

2C. Floodplain Management - Retention

2A. Floodplain Management – Nonstructural Strategies

- A majority of the basin population lives adjacent to the Red River main stem and its tributaries at the lowest geographic elevation subject to flooding with **no comprehensive, basin-wide approach to floodplain management** , nor is there a mechanism to align the variations in local, state, and federal rules, regulations, and approaches.
- **Nonstructural floodplain management strategies** should be an integral component of reducing flood damage risks in the basin.
- The most effective overall technique for living with floods is for basin citizens to take **personal responsibility for their own flood risk** and for the sustainability of our natural resources.
- Minnesota and North Dakota should fund and administer **flood mitigation policy** consistently throughout the Red River basin so that a flood event in excess of the 100-year becomes the benchmark for managing the risk of flooding, regulating development in the floodplain, and for developing flood risk reduction projects around existing and newly developed areas.

Recommendation for Action 2A.1:

✓ State floodplain regulations and local zoning ordinances should contain criteria for **new residential, commercial, industrial, and agri-business development** that requires the largest of the following protection standards:

- 100-year flood plus three feet
- 200-year flood plus one foot
- flood of record plus one foot

Recommendation for Action 2A.2:

✓ **Buildings located in at-risk areas** where structural measures cannot accomplish the recommended flood protection levels or are not economically feasible should be publicly

acquired and removed over the next three to five years.

Recommendation for Action 2A.3:

✓ Local governments in the basin should **update floodplain ordinances** in the next three years, **not permit new development in areas of high risk of flooding** immediately adjacent to the Red River and tributaries, **and minimize the use of variances**, unless protected by elevation or another acceptable FEMA strategy.

Recommendation for Action 2A.4:

✓ A review of basic **floodplain regulations and programs** should be undertaken by appropriate agencies and stakeholders of local, state and federal standards, to include:

2A.4.1 an evaluation of the appropriate **standards and regulations for development** throughout the basin, including the adequacy of the 100-year regulatory minimum standard (to include FIRMS) and the consideration of future standards to reduce losses;

2A.4.2 an analysis of community and state compliance with the **flood insurance** program, to include an analysis of proposed mandatory flood insurance for structures protected by dikes, identification of impediments to, and potential tools and resources for, participation in FEMA's community Rating System, determination of the feasibility of insurance development, and a strategy to prompt a basin-wide reduction in flood insurance rates;

2A.4.3 an analysis of the use of **variances by local governments**; the reasons for and consequences of using variances for individuals, communities, and state; and most effective way(s) to track and document the use of variances.

Recommendation for Action 2A.5:

✓ Every community and county in the basin should work toward joining or improving their rating through the national FEMA **Community Rating System** to achieve lower flood insurance premiums for their residents (40-45 percent discounts) by 2015 as part of their mitigation plan update.

Recommendation for Action 2A.6:

✓ A **Floodplain Bill of Rights**, to include a floodplain map and flooding history, should be developed by RRBC with local government, realtors, builders, developers, FEMA, and state agency participation (2012).

Recommendation for Action 2A.7:

✓ RRBC should develop **education materials** on the floodplain related to the floodplain, insurance, personal decisions, and the Floodplain Bill of Rights, to be distributed to the

public, realtors, lenders, and others (2012).

Recommendation for Action 2A.8:

✓ The USACE nonstructural assessment of rural structures completed for the F-M diversion project along the main stem in six counties deemed economically feasible for **nonstructural mitigation.**

2A.8.1 The USACE should **expand its assessment** along the entire main stem.

2A.8.2 A **local sponsor** should be identified to provide the non-federal cost share of 35 percent and implement the mitigation in the next three to five years.

2A.8.3 Congress should **authorize such a project and appropriate approximately $12 million** in funding for the 65 percent federal cost share to mitigate.

Recommendation for Action 2A.9:

✓ Minnesota and North Dakota should use their respective state Silver Jackets (Flood and Hazard Mitigation) teams to regularly communicate issues regarding flood mitigation efforts in the Red River Basin. Silver Jackets team members from Minnesota and North Dakota should contribute to a **collaborative interstate strategy for flood recovery and projects for mitigation efforts** for the Red River of the North basin, to be coordinated with the RRBC and others as deemed appropriate.

2B. Floodplain Management - Raising Levels of Protection

- Comprehensive and strategic level of protection goals are needed for the entire basin. To this point, existing levels of protection have been based most often on the most recent flood experience, political will, and funding availability.
- The Minnesota and North Dakota legislatures should use the RRBC *Level of Flood Protection Goals* as a guide to future basin flood risk reduction strategies. *(See Level of Flood Protection Goals" adopted by the RRBC Board (2010) in LTFS Report, Ch. 8. Analysis assumes required freeboard.*

Major Urban/Metropolitan Areas

- **Fargo-Moorhead** *(see Section 1. Biggest Risks).*
- **Grand Forks-East Grand Forks.** Over the next 20 to 25 years, Minnesota and North Dakota should support increasing protection to a **500-year flood level for Grand Forks-East Grand Forks** by improving the cities' current 200- to 250-year protection with upstream retention that achieves the potential minimum 20 percent flow reduction on the Red River main stem at Grand Forks.

- **Winnipeg** has elevated its level of protection to 700 years by recent expansion of their diversion following the 1997 flood. Since its construction and subsequent first use in 1969, the floodway has operated over 20 times and prevented more than $10 billion in flood damages. This model shows the importance of long range planning to realize the protection required from potential large floods.

Recommendation for Action 2B.1:

✓ Grand Forks and East Grand Forks should each request the **500-year or greater level of protection** through the appropriate state and federal legislative avenues. Planning should recognize the degree to which the strategy of retention can assist in achieving this level of protection for the two cities.

Recommendation for Action 2B.2:

✓ The RRBC shall facilitate an exchange between officials in **Winnipeg, Manitoba,** and Fargo-Moorhead local government officials, the F-M Diversion Authority, and the public for the purpose of **sharing Winnipeg's experiences and expertise on the development and expansion of that city's diversion**, including engineering, construction, and operation and maintenance of the Red River Floodway.

Critical Infrastructure:

- **Critical infrastructure needs to be protected from flooding to the greatest levels practical.** If adversely affected by flooding, infrastructure such as water and waste water facilities, airports, hospitals, transportation, regional communications facilities, or chemical storage sites can experience major disruptions, resulting in harm to the people, economy, and environment of the basin.

Recommendation for Action 2B.3:

✓ Over the next three to five years, state emergency management officers shall facilitate the identification and documentation of **at-risk critical basin infrastructure** and report to the state legislatures in the annual LTFS update.

Small Cities and Municipalities:

- By 2015, cities in Minnesota and North Dakota on the main stem, tributaries, and in other flood prone areas should achieve protection to the **three feet above the 100-year level or three feet above the largest flood in their area**, whichever is greater.
- Once cities have achieved this level of protection, additional protection should be

pursued towards achieving greater than **200-year flood protection** using upstream retention. Flood flow reduction from upstream retention can further complement the current levees and other strategies underway or contemplated.

Recommendation for Action 2B.4:

- ✓ **Community structural projects** in collaboration with the RRWMB and RRJWRD should be funded in the next state funding cycle for each respective state. *See attached funding timeline table D-31 and Level of Protection table D-22a with state, local and federal funding.*

Rural Residences and Farmsteads:

- Funding ring dikes or elevation of buildings for **rural residents and farmsteads** in flood prone areas should protect to three feet above the 100-year level or three feet above the largest flood in their area, whichever is greater.

Recommendation for Action 2B.5:

- ✓ Structural projects identified in collaboration with the RRWMB and RRJWRD for **rural areas, including ring dikes and rural property acquisitions**, should be funded beginning in the next state funding cycle through 2015 for each respective state. For those projects that become necessary only after future floods, funding shall become available in subsequent funding cycles. *See attached funding table D-31 and Level of Protection table D-22a.*

Agricultural Cropland:

- **Agriculture is an economic mainstay** of the basin, with basin farms experiencing composite net returns of $3 billion or more annually.
- **Adequate drainage**, whether surface or tile, is crucial to crop production in the basin.
- Studies such as the **timing analysis study** suggest that improvements to drainage systems in areas that contribute consistently to the rising side of the Red River flood hydrograph (early water) have the potential to help reduce Red River flood peaks if they can move runoff through the system ahead of flood peaks. *(Minnesota Flood Damage Reduction Workgroup Technical Paper No. 11)*
- At this time, no comprehensive, systematic approach exists to **coordinate the release of water in the current drainage system** based upon this timing analysis. Recent improvements in modeling, flow data, and elevation data can be utilized to better manage water to reduce flooding on the Red River.
- The **strategies that slow water** or hold it on the land slightly longer (while allowing for timely movement in the drainage system) are best implemented through land use and easement programs that take into account

landowner impacts, as well as benefits to the local area the main stem .

- Potential exists to appropriate **new federal funding for land management** to the basin through the next U.S. Farm Bill that will assist landowners in reducing runoff, reducing erosion, and improving water quality. This effort will come through programs administered by the Natural Resource Conservation Service or its designee.

Recommendation for Action 2B.6:

✓ The RRRA, RRWMB, and RRJWRD, with appropriate state agencies, local government, and commodity group participation and support, should **develop a multipurpose drainage strategy** for agricultural land that evaluates the following:

2.10.1 Designed and engineered for both private benefits and public water management objectives.

2.10.2 Temporary detention (slowing down of water) by land management practices and land use changes.

2.10.3 Side inlet controls for all ditches.

2.10.4 Use of drainage for peak flow reductions and erosion control.

2.10.5 Rate and volume of water related to field and drain capacity.

2.10.6 Timing and movement of water in an equitable manner.

2.10.7 Landowner incentives and needs.

2.10.8 Adding drainage components to hydrologic models.

2.10.9 Need for studies, strategies, moratoriums, and additional information.

Recommendation for Action 2B.7:

✓ **River channel maintenance** such as snagging and clearing of trees, including the removal of trees that have or are at risk of falling into rivers and waterways, should be continued as necessary to maintain open waterways systems. The two states should continue to fund this effort: under current policies, North Dakota at its level of about $1 to $2 million, and Minnesota to restore its historic level of $150,000 per year.

Recommendation for Action 2B.8:

✓ For purposes of achieving long-term flood retention and other benefits, Minnesota should provide state funding through bonding of $10 million a biennium for the Red River basin through the Board of Water and Soil Resources for **Reinvest In Minnesota** (RIM) easements to **match or supplement federal USDA conservation funding** such as the

Wetland Reserve Program, Conservation Reserve Program, EWP, and Environmental Quality Assurance Programs to achieve long term flood retention to leverage federal funding in the next five-year farm bill and for other benefits.

Recommendation for Action 2B.9:

✓ A basin **wetland bank** whereby farmers/landowners can purchase and exchange wetland credits should be developed by Minnesota, North Dakota, and South Dakota in partnership with NRCS and local and joint water resource districts.

Recommendation for Action 2B.10:

✓ The following **pilot projects, demonstrations, and studies** should be authorized and funded:

2B.10.1 Drainage as a Flood Reduction Tool Analysis: The RRRA, with appropriate state agency support, shall initiate an analysis of how to better utilize the **surface drainage system** to lower spring flood hydrographs by removing water on the rising side of the hydrograph consistent with the early, middle, and late zones.

2B.10.2 Culvert Inventory: An analysis outlining the advantages, disadvantages, benefits, and costs of a **basin-wide culvert inventory** gathered at the local water board level should be completed by RRBC and presented to the appropriate local and state entities with recommended funding from local, state, and federal sources (2012).

2B.10.3 Culvert Size Demonstration Project: A demonstration project in partnership with NRCS and affected local water boards should be implemented to analyze the flow reduction benefits of **small distributed and culvert-sizing retention.** The project, estimated to cost about $1.5 million, should be 75/25 percent federal/non-federal cost shared (2012).

2B.10.4 Ag Damage Report: The 1980 and 2002 basin **agriculture flood damage reports** should be updated and documented in a continuously updated data base, with federal funds provided through USDA to provide local project benefit/cost information to assist in local impoundment strategies at the local landowner and water board level.

2B.10.5 Wetland Water Level Management Pilot Project: Within the next two years, a pilot project should be funded by NRCS in cooperation with the RRRA and other appropriate state and federal agencies to **draw down wetlands in the autumn enabling spring storage** and determining benefits and impacts for habitat and retention.

2B.10.6 Multi-Purpose Pilot Project: A demonstration project with funding and participation from farm and commodity groups and other interested parties should be developed and implemented in 2012, with RRBC assistance, to gather data on the timing

and impacts on flooding from the following: **tile drainage, surface drainage, wetland restoration, early water ditch drainage, and culvert sizing.**

2B.10.7 Tile Drainage Study: A **tile drainage analysis** by the RRRA through the Basin Technical and Scientific Advisory Committee under the staff direction of the International Water Institute should be funded by the RRWMB and RRJWRD and completed in 2012.

2B.10.8 Buffer Strip: Buffer strips should be established and enforced for all natural, altered, and man- made waterways to enhance water quality and slow the flow of water into waterways at the local level. **Buffer strips** should be a minimum of 50 feet or greater based on local individual site conditions. CRP, CCRP, EWP, RIM Reserve (MN) should be used to incent landowner participation.

Recommendation for Action 2B.11:

✓ The **rural flood control systems** that protect agricultural productivity and the economy from spring and summer floods should continue to be implemented throughout the basin. The goal is to reduce crop loss and to reduce planting delays by moving water off of land by mid-May in the spring and maximize flood control designs for peak run off for a 24-hour summer rainfall event with a 10 year reoccurrence interval.

Critical Transportation System and Emergency Services:

- The **Red River basin** covers approximately 45,000 square miles or 28 million acres, a majority directly in active agricultural production, with an extensive system of highways, roads, and bridges that provide for the movement of goods and people to enhance the economic output of the region.
- The RRBC should facilitate discussions with regional organizations, state and federal departments of transportation, and EMOs, to identify a strategy **for critical transportation preservation** including potential road elevations during 100-, 200-, and 500-year flood levels compatible with the LTFS level of protection goals.
- **Critical transportation and emergency services** throughout the basin are inconsistent with each other and fail to operate effectively for a typical flood event.

Recommendation for Action 2B.16:

✓ Minnesota and North Dakota should each explore the issues surrounding **dedicating a portion of state aid for highway funding for culvert sizing and related road modifications** that benefit basin flood damage reduction strategies and introduce legislation to change state law if necessary. The RRBC shall assist with facilitation the

discussion and analysis, by the end of 2013.
Recommendation for Action 2B.17: ✓ An analysis of planned and proposed **road elevations** for 100-, 200-, and 500-year flood protection at township, county and state levels for emergency, population sustainability, and agricultural and economic production needs shall be developed. Engineering expertise funded and directed by the RRWMB, RRJWRD, and appropriate state agencies should identify needs by location and hydrologic impacts on flooding by change of flows, elevation of the flood stage, and other related impacts using the new LiDAR data.
Recommendation for Action 2B.18: ✓ Minnesota and North Dakota should develop through their Departments of Transportation, a state and local funding **strategy to assist in county and township flood-related road repairs** and implement additional flood mitigation efforts once the protection goals are achieved and federal emergency aid under a disaster declaration is less likely.
Recommendation for Action 2B.19: ✓ The RRBC should facilitate discussions with relevant regional organizations, state and federal departments of transportation, and emergency management offices to identify a **strategy for critical transportation preservation,** including potential road elevations during the 100, 200 and 500-year flood levels, and to identify state and federal funding needs.

2C. Floodplain Management - Retention

- No **comprehensive, basin-wide strategy** exists to implement the LTFS minimum 20 percent flow reduction goal for the main stem while achieving local tributary flood damage reduction.
- The impacts of retention are often dependant **on timing** and location. Not all sites are equally beneficial for local tributary and basin main stem flood damage reduction.
- Due to the variability of flood events, flow reduction through retention as demonstrated by **modeling** can reduce flows and stages on the Red River main stem as well as provide local benefits on tributaries. Retention must be used in conjunction with other structural and non-structural measures to achieve the LTFS goals that will result in basin-wide improved levels of protection.
- The minimum goal for flow reduction on the Red River main stem at the **international boundary** for a 100-year flood equates to around 1.5 million acre feet of storage upstream accounting for timing of flow and costing approximately $1.5 billion.

- Retention using the minimum **20 percent flow reduction goal basin-wide** is achievable over the next 20 years if local, state, and federal funds can be leveraged to provide comprehensive local, tributary and main stem benefits for residents, property, and the environment.
- **Retention** that will cumulatively achieve the basin minimum 20 percent flow reductions over the next 20 to 25 years should be managed to improve flood flow control, improve water quality, include natural resource enhancement opportunities, and provide potential water supply during extended droughts.
- Numerous small, aged PL 83-566 **flood control dams** throughout the basin could provide additional capacity for flood storage retention with minor refurbishment.

Recommendation for Action 2C.1:
✓ **Federal funding** should be provided for retention at $25 million per year or $500 million over the next 20 years, with Minnesota, North Dakota, and local governments providing cost share funding for retention to achieve a minimum 20 percent reduction in peak flows on the Red River.
Recommendation for Action 2C.2:
✓ **Cost for retention projects** should be shared among federal (50 to75 percent), states of Minnesota and North Dakota (25 to 35 percent), and the RRWMB, RRJWRD and local water boards (10 to 25 percent) over a period of 20 years staying within the current local joint board two mil levy.
Recommendation for Action 2C.3:
✓ A **review of federally operated reservoirs**, identifying the potential for increased storage during flood events, should be conducted by USACE and state agencies, and Wildlife Management Areas by the USFWS, reporting to relevant state agencies and the RRRA.
Recommendation for Action 2C.4:
✓ The newly formed RRRA should work with each water management board to **plan, design, and implement retention,** to achieve 25 percent of the retention goal every five years for their respective areas, with the goal of achieving the minimum 20 percent flow reduction for the Red River main stem over 20-25 years.
Recommendation for Action 2C.5:
✓ A **project prioritization methodology** for the use of federal funds reflecting local and main stem needs and benefits should be developed by the RRRA by 2012.
Recommendation for Action 2C.6:

- ✓ The **permitting process** for water retention projects should be coordinated by the RRRA and a federal agency liaison in the basin working with appropriate state and federal agencies to help streamline the process to decrease timelines for project implementation, allow a one-stop permitting process, and provide general permits for certain projects.

Recommendation for Action 2C.7:

- ✓ NRCS and/or the states of Minnesota and North Dakota should provide $400,000 to **expand the Project Planning and Permit Evaluation demonstration project** to the entire Red River basin through the International Water Institute as part of the USACE Basin Watershed Feasibility Study.

Recommendation for Action 2C.8:

- ✓ **Public outreach on retention programs** and a survey to determine landowner interest in storing water on their land should be completed in two years by the RRWMB and RRJWRD (or the RRRA) to assist in future planning for retention projects and determine achievable timelines and cost expectations that correspond to local participation.

Recommendation for Action 2C.9:

- ✓ Regarding the ongoing USACE Red River Basin-wide Feasibility Study:

  2C.9.1 The current ongoing **study shall be continued with federal funding at $1 million per year** and corresponding $1 million non-federal match.

  2C.9.2 The updating of HMS (hydrologic modeling system) of the remaining major watersheds should be completed by the end of 2012. This modeling will provide the tools necessary to **identify retention projects** on tributaries that provide local benefits and cumulatively benefit the basin.

  2C.9.3 Modeling of the remaining **main stem** Hydrologic Engineering Centers River Analysis System **HEC-RAS** reach to the Canadian border presently underway, including the work needed to tie all the main stem reaches together into one model from White Rock, South Dakota, to the Canadian border, should be completed by the end of 2012.

  2C.9.4 The HEC-RAS main stem model, in conjunction with the new watershed HMS models, should be finalized in such a way that they can be utilized to provide the basis for a RRRA "**Project Prioritization Process**" needed for evaluating proposed projects, their effectiveness, and downstream impacts in contributing to the RRBC's flow reduction goals on the major tributaries and Red River main stem.

Recommendation for Action 2C.10:

- ✓ NRCS, in conjunction the RRRA, shall **evaluate PL 83-566 and other dams that have**

flood control capacity in the basin to determine the feasibility of restoration for the purpose of adding potential flood water retention storage, including the identification of specific structures for rehabilitation, specific strategies and funding necessary, and proposed timelines. NRCS shall issue its findings to the RRRA by September 30, 2012. Federal funding of up to $6 million is needed for the evaluation and an additional estimated $10-$15 million for minimum refurbishment.

3. Information and Tools for Maximizing Efforts Going Forward

- The Red River Basin, a vast geographic area of three states and one Canadian province, **has great need for cooperation** across boundaries for uniform data and information gathering efforts, an understanding of our differences, and a shared vision of what needs to be accomplished.
- The current local, state, and federal partnership in comprehensive flood risk reduction strategies is **disjointed and operates in a piecemeal fashion**.
- **Each flood varies**, creating unique issues regarding preparation and protection needs.
- **Levels of protection** recommended by RRBC for the LTFS Report will provide the safety net needed and allow for variations in floods, weather, and forecasting.
- **Further improvements in flood forecasting** such as new data sets, modeling improvements, and real time information to account for variables related to precipitation and temperature are needed to build upon those instituted after the 1997 flood.
- **Additional efforts and information** are needed as a guide for the future as updated needs become evident.

Recommendation for Action 3.1:

✓ The RRBC shall, for the next 10 years, conduct an **annual evaluation of flood mitigation progress towards the implementation of the LTFS Report Recommendations.** This evaluation shall be submitted to Minnesota, North Dakota, South Dakota, and Manitoba.

Recommendation for Action 3.2:

✓ Jurisdictional Multi-Boundary Coordination should be implemented wherever possible through the RRBC.

3.2.1 The Minnesota, North Dakota, and South Dakota governors and the Manitoba Premier should meet at least once every two years, along with the relevant legislative committee chairs of the state and provincial governments, to receive an **update on progress towards the LTFS recommendations** on flood reduction strategies, water quality, water quantity, and other relevant natural resource issues.

3.2.2 With the assistance of RRBC, the **International Legislators Forum** among

Manitoba, Minnesota, North Dakota, and South Dakota legislators should be continued to discuss current topics, including flood risk reduction strategies.

3.2.3 Minnesota should coordinate through the Board of Water and Soil Resources and the state legislature the **inclusion of all subwatersheds** on the Minnesota side as Watershed Districts (Ottertail) and membership in the RRWMB (Ottertail and Buffalo-Red Watershed District).

3.2.4 Federal agencies should utilize their **regional structures in innovative new ways** to accommodate Red River basin hydrologic boundaries.

3.2.5 When necessary, RRBC shall coordinate a **jurisdictional meeting** of heads of state, legislative leaders, and key agency officials to prompt dialogue and development of unified action on such issues.

Recommendation for Action 3.3:

✓ LTFS should be expanded to include the entire Red River basin:

3.3.1 Manitoba should continue funding RRBC's efforts to model the 20 percent **flow reduction strategy in Manitoba** and also continue and accelerate the gathering of Light Detection and Ranging (LIDAR) data, at $70,000 through 2012.

3.3.2 **South Dakota** and local leadership should determine the feasibility of establishing watershed organizations in Roberts and Marshall counties through the International Legislators Forum within the next two years.

Recommendation for Action 3.4:

✓ RRBC should coordinate development of a basin-wide strategy and identification of funding sources for **improving flood forecasting** during 2012 among local, state, provincial, and federal agencies.

3.4.1 The generation of **relevant time appropriate data** (real time rain and snowmelt, soil moisture, frost depth information, and other information) and improved modeling through a volunteer network and the development of a real time network shall be addressed.

3.4.2 The feasibility of establishing an **on-site decision support service** to the region during spring and summer flood events by hosting a US National Weather Service hydrologist in the basin shall be considered, as well as identifying a funding source for such an effort.

Recommendation for Action 3.5:

✓ The USGS, RRWMB, RRJWRD, and their member water boards, NDSWC, MNDNR, and other key stakeholders, should **develop a stream gage strategy** by 2012 with associated costs and funders for the basin for the main stem Red River and its tributaries that will support the new hydrologic and hydraulic models that will provide a long term record for accurate, timely, and consistent flow data for model development, aid in flood reduction strategies, and include water quality modeling needs in the next two years.

Recommendation for Action 3.6:

✓ RRBC should **update the LTFS Report in 2021** with the inclusion of Manitoba and South Dakota and shared funding from the four jurisdictions.

4. Resources to Implement

- Minnesota and North Dakota, cost sharing with local, state, and federal funds, should implement actions consistent with the LTFS to maintain the basin's social, economic, and environmental welfare and protection from future large floods, as this investment over the next 10 years will significantly **reduce the risk of $11-13 billion in losses** from a large flood and protect the economic output of the basin.

Recommendations for Action 4.1:

✓ The states of Minnesota and North Dakota, cost sharing with local and federal partners, should make a **financial investment** of about $3.54 billion over the next 10 years to immediately address flooding in the basin with a structural approach.

4.1 **Funding in Minnesota** needed for the next 10 years is $270.9 million, from local and state sources.

4.2 **Funding in North Dakota** needed for the next 10 years is $536.4 million from local and state sources.

4.3 **Local funding** at the RRWMB and RRJWRD levels should be increased and maintained at a two mil levy.

See attached funding timeline table D-31 and Level of Protection table D-22a with state, local and federal funds.

Table D-31 Funding Timeline for Project Implementation Costs along the Red River of the North and Tributaries[6][7]

All costs in millions and are estimated at 2011 price levels

			Total Project Cost	Remaining Project Costs 1st Ten Years (Starts 1 July 2011)					Remaining Funding for Future (After 2021)	Notes
				Total Funding	Federal Funding	Non-Federal Funding [1]	Non-Federal Funding in Minnesota	Non-Federal Funding in North Dakota		
Local Protection Projects										
Red River Main Stem										
	Red	Farmstead and Rural Residence Ring Dikes	$17.0	$17.0	$1.8		$0.4			
	Red	Minnesota Rural Area Buyouts	$12.0	$12.0			$12.0			
	Red	North Dakota Rural Area Buyouts	$7.0	$7.0	$3.6			$3.4	$0.0	
	Red	Stanley Township, Cass County, ND Levees	$4.0	$4.0				$4.0	$0.0	
	Red	Breckenridge, MN	$41.0	$0.7			$0.7		$0.0	
	Red	Oxbow, ND	$0.4						$0.0	
	Red	Fargo/Moorhead Diversion Project	$1,770.0	$1,770.0	$785.0	$985.0			$0.0	(1, 6)
	Red	Fargo, ND - Other Non-Diversion Projects	$200.0	$200.0				$200.0	$0.0	
	Red	Moorhead, MN - Other Non-Diversion Projects	$70.0	$25.0			$25.0		$0.0	
	Red	Oakport Twp, MN	$33.0	$8.7			$8.7		$0.0	
	Red/ Buffalo	Georgetown, MN	$3.2	$3.2			$3.2		$0.0	
	Red	Perley, MN	$2.7	$0.3			$0.3		$0.0	
	Red	Hendrum, MN	$2.5	$0.3			$0.3		$0.0	
	Red/ Marsh	Shelly, MN	$3.0	$2.0			$2.0		$0.0	
	Red	Nielsville, MN	$3.0	$1.8			$1.8		$0.0	
	Red/ Sand Hill	Climax, MN	$3.0	$2.3			$2.3		$0.0	
	Red	Oslo, MN	$9.0	$9.0			$9.0		$0.0	
	Red	Drayton, ND	n.a.							
	Red	Pembina, ND	$0.1						$0.0	
	Red	St. Vincent, MN	$2.9	$2.9			$2.9		$0.0	
Tributaries										
	Sheyenne/Maple/Rush Rivers (ND)									
	Sheyenne	Valley City, ND	$60.0	$60.0					$0.0	
	Sheyenne	Lisbon, ND	$10.0	$10.0					$0.0	
	Sheyenne	Kindred, ND	$3.0	$3.0					$0.0	
	Sheyenne	Horace, ND							$0.0	(2)
	Sheyenne	West Fargo, ND							$0.0	(2)
	Sheyenne	Reile's Acres, ND							$0.0	(2)
	Maple	Enderlin, ND	$0.3						$0.0	
	Maple	Mapleton, ND	$0.1						$0.0	
	Sheyenne	Harwood, ND							$0.0	(2)
	Sheyenne	Fort Ransom, ND	$0.1	$0.1		$0.1		$0.0	$0.0	(8)
	Sheyenne	Reed Township, Cass County, ND	$4.5	$4.5	$1.8			$2.7	$0.0	

Table D-31 Funding Timeline for Project Implementation Costs along the Red River of the North and Tributaries[6][7]

All costs in millions and are estimated at 2011 price levels

		Total Project Cost	Remaining Project Costs 1st Ten Years (Starts 1 July 2011)					Remaining Funding for Future (After 2021)	Notes
			Total Funding	Federal Funding	Non-Federal Funding [1]	Non-Federal Funding in Minnesota	Non-Federal Funding in North Dakota		
Wild Rice River (MN)									
Marsh	Ada, MN	$9.4	$6.0			$6.0		$0.0	
Felton Ditch	Felton, MN	$2.7	$2.7			$2.7		$0.0	
Wild Rice	Buyouts	$1.5	$0.3			$0.3		$0.0	
Red Lake River (MN)									
Cty Ditch 1	Thief River Falls, MN	$1.0						$0.0	
Red Lake	Crookston, MN	$40.0	$6.0			$6.0		$0.0	
Middle/Snake Rivers (MN)									
Snake	Alvarado, MN	$3.0	$3.0			$3.0		$0.0	
Middle	Argyle, MN	$0.8	$0.3			$0.3		$0.0	
Park River (ND)									
Park	Grafton, ND	$42.1	$41.0	$31.6			$9.4	$0.0	
Pembina River (ND)									
Pembina	Neche, ND	$3.0	$3.0	$1.9			$1.1	$0.0	
Roseau River (MN)									
Roseau	Roseau, MN	$40.0	$20.0	$14.0		$6.0		$0.0	
Devils Lake (ND)									
Devils Lake	Devils Lake, ND (City of)	$150.0						$0.0	
Devils Lake	Minnewaukan, ND	$10.5						$0.0	
Devils Lake	Fort Totten, ND	$120.0	$120.0	$120.0				$0.0	
Devils Lake	Tolna Coulee - Control Structure	$14.0	$13.4	$9.9			$3.5	$0.0	(3)
	West End Outlet							$0.0	(6)
	East End Outlet	$85.0	$85.0				$85.0	$0.0	
	Gravity Outlet	$17.0	$17.0				$17.0	$0.0	
	Buyouts							$0.0	
	Raise federal aid roads	$190.0	$190.0	$190.0				$0.0	
	Raise township roads							$0.0	
	Raise railroads	$97.0	$97.0	$64.7			$32.3	$0.0	(4)
	Increase Upper Basin Storage	$75.0	$75.0	$75.0				$0.0	
Subtotal - Local Protection - In United States		***$3,163.6***	***$2,823.5***	***$1,299.2***	***$985.1***	***$92.9***	***$358.5***	***$0.0***	

Table D-31 Funding Timeline for Project Implementation Costs along the Red River of the North and Tributaries[6][7]

All costs in millions and are estimated at 2011 price levels

		Total Project Cost	Remaining Project Costs 1st Ten Years (Starts 1 July 2011)					Remaining Funding for Future (After 2021)	Notes
			Total Funding	Federal Funding	Non-Federal Funding [1]	Non-Federal Funding in Minnesota	Non-Federal Funding in North Dakota		
Upstream Storage Projects									
	Potential Upstream Storage Projects	***$1,463.0***	***$700.0***	***$350.0***		***$175.0***	***$175.0***	***$763.0***	(5)
Other Flood Related Activities									
	Pilot Projects	$10.0	$5.0	$2.5		$1.3	$1.3	$5.0	
	Decision Support Network	$4.0	$4.0	$2.0		$1.0	$1.0	$0.15/yr	
	Forecasting	$2.0	$2.0	$1.0		$0.5	$0.5	$0.15/yr	
	FEMA Flood Plain Mapping with LiDAR data								
	Transportation Upgrades								
	404 Retention Permitting Coordination	$1.0	$1.0	$0.5		$0.3	$0.3	$1.0	
	Drainage								
	Conservation Program Funding								
Subtotal - Other Flood Related Activities		***$17.0***	***$12.0***	***$6.0***	***$0.0***	***$3.0***	***$3.0***	***$6.0***	
TOTAL FOR UNITED STATES IN RED RIVER BASIN		**$4,643.6**	**$3,535.5**	**$1,655.2**	**$985.1**	**$270.9**	**$536.5**	**$769.0**	

Notes:

(1) The estimated amounts of the Federal and non-Federal Fargo/Moorhead LPP Diversion project total costs are based on the Fargo-Moorhead Metropolitan Area Flood Risk Management project Supplemental Draft Feasibility Report and Environmental Impact Statement, April 2011. Final cost sharing amounts between the non-Federal partners have not yet been determined.

(2) Additional local protection included as a part of the Fargo-Moorhead LPP North Dakota diversion project cost listed under Fargo and Moorhead at the top of this table.

(3) Tolna Coulee cost includes $14 million for the control structure to prevent significant erosion in case of a natural overflow.

(4) Cost sharing for raising railroad embankment at Devils Lake estimated to be one-third cost shared by Burlington Northern Santa Fe Railway, one-third by Amtrak, and one-third by the North Dakota Department of Transportation through a US Department of Transportation grant.

(5) Federal participation in potential upstream storage projects is assumed to be available through future U.S. Farm Bill at approximately 50 percent cost sharing; however, actual Federal funding availability and cost sharing amounts is uncertain. Also, implementation of projects in each state is assumed to be at comparable levels, however this will depend on project implementation schedules by each state.

(6) Operation and maintainance (O&M) costs of projects are not included in this tabulation, eventhough in some cases the O&M costs may be substantial. O&M costs are typically a non-Federal or local responsibility and should also be considered in the implementation decision for a project.

(7) Information on specific projects at individual communities can be found on the City Assessment tables in Appendix C.

(8) 10/19/11 SWC request for city engineering feasibility study for diversion 50% state cost share

(9)

Table D-22 Summary of Current and Planned Level of Protection at Cities along the Red River of North and Select Tribut

City/Location	Level of Protection							
	RRBC Recommended Guideline	**Current Conditions**	Meets RRBC Recommended Guideline?	**Future Conditions including Planned Upgrades**	Meets RRBC Recommended Guideline?	**Future Conditions plus Planned Upgrades & Potential Upstream Flood Storage**	Meets RRBC Recommended Guideline?	Additional Measures Needed to Meet RRBC Recommended Guideline?
Red River Main Stem								
Wahpeton, ND	200 yr	100-125 yr	No	100-125 yr	No	< 200 yr	No	**Yes**
Breckenridge, MN	200 yr	100-125 yr	No	100-125 yr	No	< 200 yr	No	**Yes**
Fargo, ND	500 yr	< 100 yr	No	> 200 yr	No	> 200 yr	**Yes**[1]	**Yes**[1]
Moorhead, MN	500 yr	< 100 yr	No	> 200 yr	No	> 200 yr	**Yes**[1]	**Yes**[1]
Georgetown, MN	200 yr	< 100 yr	No	100 yr	No	> 200 yr	**Yes**	No
Perley, MN	200 yr	< 100 yr	No	100 yr	No	> 200 yr	**Yes**	No
Hendrum, MN	200 yr	< 100 yr	No	100 yr	No	> 200 yr	**Yes**	No
Halstad, MN	200 yr	250 yr	**Yes**	250 yr	**Yes**	> 250 yr	**Yes**	No
Shelly, MN	200 yr	< 100 yr	No	100 yr	No	> 200 yr	**Yes**	No
Nielsville, MN	200 yr	no permanent protection	No	100 yr	No	> 100 yr	No	**Yes**
Climax, MN	200 yr	no permanent protection	No	100 yr	No	> 100 yr	No	**Yes**
Grand Forks, ND	500 yr	250 yr	No	250 yr	No	> 500 yr	**Yes**	No
East Grand Forks, MN	500 yr	250 yr	No	250 yr	No	> 500 yr	**Yes**	No
Oslo, MN	200 yr	> 200 yr	**Yes**	> 200 yr	**Yes**	> 200 yr	**Yes**	No
Drayton, ND	200 yr	< 100 yr	No	< 100 yr	No	< 100 yr	No	**Yes**
Pembina, ND	200 yr	100 yr	No	100 yr	No	> 100 yr	No	**Yes**
St. Vincent, MN	200 yr	< 100 yr	No	>100 yr	No	200 yr	**Yes**	No
Noyes, MN	200 yr	100 yr	No	100 yr	No	> 100 yr	No	**Yes**

Table D-22 Summary of Current and Planned Level of Protection at Cities along the Red River of North and Select Tribut

	Level of Protection							
City/Location	RRBC Recommended Guideline	**Current Conditions**	Meets RRBC Recommended Guideline?	**Future Conditions including Planned Upgrades**	Meets RRBC Recommended Guideline?	**Future Conditions plus Planned Upgrades & Potential Upstream Flood Storage**	Meets RRBC Recommended Guideline?	Additional Measures Needed to Meet RRBC Recommended Guideline?
Minnesota Tributaries								
Crookston, MN	200 yr	< 100 yr	No	100 yr	No	> 200 yr	Yes	No
Argyle, MN	200 yr	100 yr	No	100 yr	No	> 200 yr	Yes	No
North Dakota Tributaries								
Horace, ND	200 yr	100 yr	No	> 200 yr	Yes	> 200 yr	Yes	No
West Fargo, ND	500 yr	500 yr	Yes	> 200 yr	Yes	> 200 yr	Yes	No
Reile's Acres, ND	200 yr	< 100 yr	No	> 200 yr	Yes	> 200 yr	Yes	No
Harwood, ND	200 yr	< 100 yr	No	> 200 yr	Yes	> 200 yr	Yes	No
Devils Lake, ND	200 yr	< 100 yr	No	> 200 yr	Yes	> 200 yr	Yes	No
Grafton, ND	200 yr	< 100 yr	No	100 yr	No	> 200 yr	Yes	No

Notes:

(1) Final evaluations have not yet been completed, but the stated goal of the Fargo-Moorhead Metropolitan Area Flood Risk Management study and the LTFS study are to include localized flood mitigation measures to achieve 500-year level of protection, but final design of the proposed actions have not yet been completed.

Registration Form

Name _____

Position/Title _____

Organization/Business _____

Address _____

City _____ State/Prov. _____ Zip/Postal Code _____

Phone _____

Fax _____

Email _____

Border Crossing Requirements
As of June 1, 2009, Canadian citizens traveling to the U.S. must present one of the following travel documents as proof of identity and citizenship: Canadian Passport, Enhanced Driver's License/Enhanced Identification Card, or Trusted Traveler Programs - NEXUS, FAST/Expres or SENTRI enrollment card (issued only to preapproved travelers).

Conference Registration:

- ☐ **Before Jan. 10, 2012** $225
- ☐ **After Jan. 10, 2012** $250
- ☐ Bill Me ☐ Check Enclosed
- ☐ Bus $50

- Registration includes entry to all conference sessions, exhibits, breakfasts, reception, lunches, banquet and refreshment breaks.
- Extra meals for guests are available for purchase at registration.
- Registrations not canceled by January 12 are required to pay the full conference fee.
- You may register on line at: **www.redriverbasincommission.org**
- Additional bus information can be found on the website above
- Credit card payments can be accepted for on-line registrations. We apologize, but we are unable to accept credit cards by phone or mail.

Mail or Fax to:

RRBC
119 S. 5th St. • PO Box 66
Moorhead, MN 56561-0066
Phone: 218-291-0422
Fax: 218-291-0438

RRBC
410-112 Market Avenue
Winnipeg, MB R3B 0P4
Phone: 204-982-7250
Fax: 204-982-7255

Red River Basin Commission
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29th Annual Red River Basin Land & Water International Summit Conference

January 24-26, 2012

The Fort Garry, Winnipeg, MB

Sponsored by: **Red River Basin Commission**

Tuesday, January 24

1:00 **Welcome & Introductions**
Jon Evert, RRBC Chair
Greetings From Host Community
Mayor Sam Katz (invited)

1:30 **Keynote Speaker: Gregory Gust,** National Weather Service, Grand Forks

2:30 **Break and Exhibits**

3:00 **Celebrating Successes in the Red River Basin Lightning Talks:**

The 2011 Lightning Talk session will offer an opportunity for those in the Basin to highlight specific success stories in a 5 minute lightning presentation. The topics will be presented as they relate to the 13 goal areas in the Red River Basin Commission's Natural Resource Framework Plan (NRFP).

NRFP Goals:

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

For more information on the NRFP, please visit our website at www.redriverbasincommission.org

5:00 **Social and Exhibits**

Wednesday, January 25

7:30 **Breakfast**

8:30 **2011 Manitoba Flood: Steve Topping,** MB Water Stewardship

9:15 **Break and Exhibits**

9:45 **Recommendations for a Basin Approach to Finding Flooding Solutions Together (LTFS) Long Term Flood Solutions:**

1) **Needs and Process: Lance Yohe,** Red River Basin Commission
2) **Identification of What We Didn't Know, Development of Technical Data for LTFS: Bill Spychalla,** Barr Engineering
3) **Outcomes and Recommendations: John Jaschke,** MN BWSR
4) **Retention as a Cornerstone Basin Flood Solution Strategy: Charlie Anderson,** Widseth Smith Nolting
5) **MB Flood Mitigation Strategy: Minister Christine Melnick,** MB Water Stewardship (invited)

11:30 **Lunch**

***Program Subject to Change**

Wednesday, January 25

12:45 Breakout Sessions

Session 1: Using Tools & Technology to Plan for the Future

1) **HMS Modeling: Chad Engels**, Moore Engineering
2) **2-Dimensional Modeling of the Pembina River Lower Floodplain: Simulations of Initial Scenarios: Thierry Faure,** National Research Council
3) **Use of Lidar Data and Hydrologic Modeling to Identify and Prioritize Water Retention Areas in the Red River Basin: Charles Fritz**, International Water Institute

Session 2: Taking Steps to Go Green

1) **Make Your Actions Count: Colleen Sklar,** Lake Friendly Initiative
2) **Minnesota Green Step Cities: Linda Kingery,** U of M Northwest Regional Sustainable Development Partnership

Session 3: Water Quality Planning

1) **Tools and Indicators for Watershed Planning: Jim Ziegler,** MN Pollution Control Agency
2) **Sediment Transport and Potential Geomorphologic Impacts, Fargo-Moorhead Metro Flood Risk Management Project, Feasibility Study: Barr Engineering**
3) **Finding Solutions for Netley-Libau Marsh**

Wednesday, January 25

2:00 Break and Exhibits

2:30 Devils Lake

1) **Infrastructure Protection: Jeff Frith,** Devils Lake Joint Water Resource Board
2) **Devils Lake Flood Challenges (downstream mitigation, state outlets and Tolna Coulee): Todd Sando,** North Dakota State Water Commission
3) **Devils Lake-Red River Basin Fish Parasite and Pathogen Project, Qualitative Risk Assessment**

4:00 Flooding on First Nations in Manitoba

4:30 Wednesday Presentations Conclude

5:30 Social and Exhibits

6:30 Banquet
- Awards
- Celebrate Successes
- Silent Auction

Long Term Flood Solutions

The 2009 spring flooding throughout the Red River Basin was the genesis of RRBC's LTFS Project. Record-level flooding, not only in the basin's second-largest metropolitan area of Fargo-Moorhead but also many other locations on the mainstem and tributary rivers, prompted the Minnesota and North Dakota Legislatures to action. Even before the flood clean-up was complete, those states charged RRBC with the responsibility of developing a basin-wide, comprehensive flood plan.

First, RRBC engaged the public throughout the basin by asking to hear first-hand what residents needed for protection through grass-roots forums, surveys and inventories from watershed and water resource districts. RRBC's Board, which includes water resource experts throughout the basin, then developed principles that could be agreed upon going forward, and levels of protection goals to chart plan's course.

The plan includes recommended actions and projects in the areas, modeling the basin to identify flow reduction goals and identifying potential for increased water retention, reducing impediments to progress, identifying the economic impact of the basin, identifying and developing ongoing sources of funding for projects, and initiatives for improved floodplain management.

The Long Term Flood Solutions project compiled and developed critical information which will provide basin managers with key tools to mitigate the effects of flooding and make the basin's communities more resilient. The recommendations and reported findings will be presented to the Minnesota and North Dakota legislatures.

Thursday, January 26

8:00 Breakfast/Annual Meeting
(Meeting begins promptly at 8:00)

8:30 Lake Winnipeg Session

1) **Provincial Response:** Manitoba Water Stewardship (invited)
2) **The Role of Flooding in Eutrophication of Lake Winnipeg: Greg McCullough, PhD,** Centre for Earth Observation Science, University of Manitoba
3) **The Lake Winnipeg Bio-Economy Project: Dr. Henry David (Hank) Venema,** IISD

10:00 Break and Exhibits

10:30 General Session

1) **Plains & Prairie Pothole Landscape Conservation Cooperative: Rick Nelson,** US Fish & Wildlife Service
2) **Assessment of the Fish Assemblages and Habitat Quality in the Red River of the North, 2010, U.S. Mainstem Portion: Wahpeton to Pembina, ND: Chris O. Yoder,** Midwest Biodiversity Institute
3) **Fargo-Moorhead Diversion - Moving Forward: Aaron Snyder,** US Army Corp of Engineers

12:00 Lunch-Conference Concludes

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Conference Lodging

The Fort Garry 204-942-8251

222 Broadway, Winnipeg, MB R3C 0R3

The rate is $119 per room. To receive this rate, please refer to **Group Code: 109FS**. The block will be held until **December 22**, or until it is full.

KEYNOTE SPEAKER

Gregory Gust, Warning Coordination Meteorologist

The Great Flood Conspiracy... *or is NeverLand, Never More?*



Long ago, my Father remarked to me that we were short-lived people with even shorter memories. This was in response to my asking him why he made notations about crop year information along a wooden beam in one of our hundred year old (plus) granaries. That wooden beam held a running history of the home quarter's annual production, as well as a history of crop prices... both were items that spoke volumes about historical weather patterns as well as global economics... provided one wanted to read between those lines.

Mr. Gust began his public life as a farmer, educator, and citizen-soldier. He then received a commission in the United States Air Force (1984) and served as a Staff Weather Officer in various locations world-wide. Since 1999, Greg has worked to coordinate internal and external emergency communications and disaster response issues at local, national, and international levels. More recently he has led facilitator teams at International Stakeholder Fora, Climate Data Requirements Workshops, and multi-lateral hydro-meteorological meetings. Meanwhile, his work on communicating local flood concerns and providing decision support service earned him the 2011 NOAA Administrator's Award. His experiences are already rich and varied having encountered many extremes in temperatures, severe storms, and flooding.