Minnesota Board of Water and Soil Resources. Minutes.

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Version 3
August 20, 2018

BOARD OF WATER AND SOIL RESOURCES
RAMADA INN
CHAPARRAL/FRONTIER CONFERENCE ROOM
1500 EAST COLLEGE DRIVE
MARSHALL, MINNESOTA
AUGUST 23, 2012

BOARD MEMBERS PRESENT:
Bob Burandt, Joe Collins, Jack Ditmore, Chis Elvrum, MDH; Rebecca Flood, MPCA; Christy Jo Fogarty, Sandy Hooker, Paul Langseth, Keith Mykleseth, Brian Napstad, Rob Sip, MDA; Steve Sunderland, Gene Tiedemann, Gerald Van Amburg

BOARD MEMBERS ABSENT:
Quentin Fairbanks
Todd Foster
Tom Landwehr, DNR
Tom Loveall
John Meyer
Faye Sleeper, MES

STAFF PRESENT:
Mary Jo Anderson, John Jaschke, Jen Maleitzke, Jeff Nielsen, Kane Radel, David Sill

OTHERS PRESENT:
Kathryn Kelly, MASWCD
Tom Kresko, DNR

Chair Napstad called the meeting to order at 9:05 a.m.

PLEDGE OF ALLEGIANCE

** 12-65 **ADOPT AGENDA** – Chair Napstad reported that an additional agenda item has been added under New Business - Wetland Conservation Act Alternative Emergency Standards. Moved by Paul Langseth, seconded by Sandy Hooker, to adopt the agenda with the additional agenda item. Jack Ditmore asked about the status of the Grants Monitoring Report that was tabled at the June Board meeting. John Jaschke stated that the Grants Monitoring Report will be expected on the agenda at the September Board meeting. Motion passed on a voice vote.

** 12-66 **MINUTES OF JUNE 27, 2012 BOARD MEETING** – Moved by Christy Jo Fogarty, seconded by Paul Langseth, to approve the minutes of June 27, 2012. Rebecca Flood would like an addition added to her report, on page 12, it should read, "Rebecca Flood reported that the Lake Pepin and Minnesota River sediment TMDL comment period for public input is nearing the end." Motion passed on a voice vote.

CONFLICT OF INTEREST DECLARATION
Chair Napstad stated that the declaration process is being used today; he explained that the upcoming agenda item "Preliminary 2012 Flood Response" needs the Conflict of Interest Declaration form submitted.

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

REPORTS
Chair's Report – Brian Napstad reported that he was absent from the June 27th BWSR Board Meeting due to flooding in his area; he thanked Gerry VanAmburg for chairing the meeting. Brian reported that the flooding in Aitkin County closed roads, and caused other problems. They will get through it with the support of others.

Chair Napstad reported that he attended the EQB Meeting on June 19-20. Chair Napstad has been attending all EQB Meetings to accomplish the Governor's Executive Order. Chair Napstad stated that once again BWSR staff have stepped up to the plate to carry out the Order. Brian Napstad has been appointed as Vice-Chair of the EQB.

Chair Napstad thanked Mary Jo Anderson for coordinating all of the logistics for the Board tour and meeting, and he thanked BWSR staff for their assistance with the excellent tour yesterday. He also thanked Kerry Netzke, Pauline VanOverbeke, and John Biren, for their leadership in planning the tour.

Administrative Advisory Committee (AAC) – Chair Napstad reported that the AAC met this morning to discuss the Flood Relief Cost Share Disaster Recovery Program Policy and Resolution; and the Wetland Conservation Act Alternative Emergency Standards. These items are on the agenda later today.

Executive Director's Report – John Jaschke thanked BWSR staff, Area II, Lincoln and Lyon SWCDs/Counties for planning the excellent tour yesterday.

John reviewed information in Board Members' packets.

John reported that a meeting has been scheduled for August 27, 2012 from 9:00 a.m. to 3:00 p.m. at the Stearns SWCD in St. Cloud to review the proposed Cost-Share and Reinvest in Minnesota Reserve Rules. The meeting invitation was extended to SWCD supervisors and managers, and other local government officials. This meeting is as an opportunity to meet as an outreach effort and go through the rule line by line for clarification and improvements.

Keith Mykleseth noted that the listing of BWSR Advisory Members needs to be updated. John stated that staff will update.

John introduced Jen Maleitzke, Communications Director. Jen's work was noted as an asset to the agency.

John provided a status report on the PRAP Assistance Grants as requested by the Board. John reported that under the new authorization for PRAP Assistance Grants, BWSR has issued a PRAP Assistance Grant to the McLeod SWCD. This grant will fund half of an interagency agreement with the Carver SWCD for assistance with accounting system set-up.

John presented the Drainage Work Group report on behalf of Tom Loveall.

John explained that the Governor's Executive Order 12-4: Supporting and Strengthening the Implementation of the State's Wetland Policy is a project being pursued after intense legislative debate over specific changes to the Wetland Conservation Act that were considered 2012, some of which were enacted. The time frame remaining is very limited and no budget resources were appropriated to complete this project. At the

same time there are a range of concurrent stakeholder processes that require time and energy from many of the key stakeholders. This effort will seek to achieve efficiency with targeted and focused stakeholder input opportunities. It is assumed that diverse voices from different sectors and regions of the state will help BWSR and cooperating agency staff frame and develop recommendations quickly. Meetings will be held statewide. Chair Napstad encouraged board members attendance at the meetings in their area.

John provided a staffing update. BWSR is going through the hiring process for the vacant assistant director position held by Julie Blackburn. The posting for the vacancy closed on August 20. Also, going through the hiring process for Kyle Skov's drainage engineering position; and two engineering technicians. The wetland specialist position in Rochester is vacant. The vacancy occurred due to Mary Kells, Board Conservationist in Rochester, moving to St. Paul to fill the vacant metro board conservationist position. Steve Lawler, wetland specialist in the Rochester office, took Mary Kells position.

Dispute Resolution Committee – Gerald Van Amburg reported that settlement discussions continue on appeal #09-13, an exemption decision in Ottertail County. John reported that the WCA appeal of a restoration order in Waseca County, filed with the Minnesota Court of Appeals will not move forward to the Supreme Court. BWSR concurred with the landowner, and the Appeals Court validated BWSR's decision.

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

Cottonwood County Local Water Management Plan Amendment – Paul Langseth reported that BWSR approved the Cottonwood County 2007 - 2017 Comprehensive Local Water Management Plan (Plan) on June 27, 2007. This Plan contains an implementation section with goals, objectives and actions to address the county's priority concerns. The Board Order required Cottonwood County to update the Plan's implementation section by July 1, 2012. Cottonwood County followed the amendment process guidelines established. The Southern Water Planning Committee met on August 21, 2012 to review the Cottonwood County Plan Addendum and recommends approval. Moved by Paul Langseth, seconded by Sandy Hooker, to approve the Cottonwood County 2012 - 2017 Local Water Management Plan Addendum. Motion passed on a voice vote.

** 12-67

Freeborn County Local Water Management Plan Amendment – Paul Langseth reported that the Board approved the Freeborn County 2006 - 2015 Comprehensive Water Management Plan on August 24, 2006. The Plan contains an implementation section with goals, objectives and actions to address the County's priority concerns. The Board Order required Freeborn County to update the Plan's implementation section

by December 31, 2011. Freeborn County followed the amendment process guidelines established. The Southern Water Planning Committee met on August 21, reviewed
** the Freeborn County Plan Addendum and recommends approval. Moved by Paul
12-68 Langseth, seconded by Sandy Hooker, to approve the Freeborn County 2011 - 2015 Local Water Management Plan Amendment. Discussion followed. Jack Ditmore asked for staff review of consistency in the dates on the Findings of Fact in the Plan Order. Motion passed on a voice vote.

Houston County CLWMP Five-Year Update Extension Request – Paul Langseth reported that Houston County currently has a Comprehensive Local Water Management Plan that will expire in December 2017. On March 21, 2012, Houston County approved and submitted a resolution requesting an extension of their required five-year update to the implementation section of their Plan. BWSR staff reviewed this request and recommends approval. The Southern Water Planning Committee reviewed the extension request at their August 21st meeting and recommends approval of the extension.
** Moved by Paul Langseth, seconded by Steve Sunderland, to approve the two-year
12-69 extension of the Houston County plan amendment. Discussion followed. Paul noted that there are different laws for watershed district plans, county plans, and metro Water Management Organizations plans are also different. Motion passed on a voice vote.

Murray County Local Water Management Plan Amendment – Paul Langseth reported that the Board approved the Murray County 2007 - 2017 Comprehensive Local Water Management Plan (Plan) on June 27, 2007. The Board Order required Murray County to update the Plan's implementation section by July 1, 2012. Murray County followed the amendment process guidelines established. The Southern Water Planning Committee met on August 21st, reviewed the Murray County Plan Addendum and recommends approval. Moved by Paul Langseth, seconded by Keith Mykleseth,
** to approve the Murray County 2012 - 2017 Local Water Management Plan Amendment.
12-70 Rebecca Flood noted that the Clean Water Act Section is actually Section 303, not Section 202 as listed. Motion passed on a voice vote.

Wabasha County CLWMP Extension Request – Paul Langseth reported that Wabasha County currently has a Comprehensive Local Water Management Plan that will expire in December 2012. On June 28, 2012, Wabasha County approved and submitted a resolution requesting an extension of their current Plan. BWSR staff has reviewed this request and recommends approval. This extension request was reviewed by the Southern Water Planning Committee on August 21st and recommends approval of the two-year extension of the Plan. Jeff Nielsen explained the disarray in Wabasha County. Keith
** Mykleseth suggested PRAP. Moved by Paul Langseth, seconded by Rob Sip, to approve
12-71 approve the Wabasha County Comprehensive Local Water Management Plan extension until December 31, 2014. Motion passed on a voice vote.

Chair Napstad called for a break in the meeting at 10:27 a.m. The meeting reconvened at 10:45 a.m.

NEW BUSINESS

Establishment of An Audit Committee – John Jaschke reported that the Board is authorized by Minnesota Statutes 103B.101 to "adopt an annual budget and work program that integrate the various functions and responsibilities assigned to it by law"; and to assess "board programs and recommendations for any program changes and board membership changes necessary to improve state and local efforts in water and soil resources management". John reported that Tim Dykstal, BWSR Internal Control Coordinator, developed the Audit Committee Charter. BWSR staff and the Administrative Advisory Committee recommend approval of the establishment of an Audit Committee. An Audit Committee would appraise the effectiveness of the agency's internal controls and risk assessment, provides an avenue of communication between BWSR's internal audit function and external auditors, management, and the Board, and receives reports on BWSR's fiscal compliance.

** 12-72 Moved by Jack Ditmore, seconded by Paul Langseth, to approve the establishment of an Audit Committee. Motion passed on a voice vote. Chair Napstad asked board members to contact him if interested in being a member of the Audit Committee.

The Conflict of Interest Declaration forms were submitted and will be filed for the grant decision item. Chair Napstad declared a potential or perceived conflict of interest due to the flood affecting his professional and personal matters even though he has no known conflict at this time. He will abstain from voting.

Preliminary 2012 Flood Response – John Jaschke reported that the Minnesota Legislature will convene on August 24, 2012, in a Special Session to consider appropriations for cost share and easement disaster recovery funding, and invoke M.S. 12A.05 which authorizes waivers of State Cost Share and Reinvest In Minnesota (RIM) Rules for both existing and future contracts.

John stated that the information distributed to board members today is contingent on the anticipated State's portion of funding appropriated at the Special Session tomorrow. John reviewed the proposed legislative bill that includes $1.5M for Reinvest in Minnesota

(RIM) Conservation Easements; and $11M for the Erosion, Sediment, and Water Quality Control Cost-Share Program.

John explained the "Flood recovery: recent appropriation summary" and BWSR's fifth preliminary damage estimates: June 2012 Flood.

A Presidential Declaration of a Major Disaster (DR-4069) includes Duluth and the northeast part of the state were hit by severe storms and flash floods June 19-21. The storms followed windstorms and floods in western and south-central counties. The President declared a major disaster for 15 counties and three tribal governments, qualifying them for Federal Emergency Management Agency (FEMA) Public Assistance funding. Individual Assistance funding was not authorized.

John review the 2012 Flood Relief Resolution – noting the correction needed to replace the word *Bank* to *Band*, regarding the Fond du Lac Band of Lake Superior Chippewa, and the Mille Lacs Band of Ojibewe.

John reviewed the BWSR 2012 Flood Relief Cost Share Disaster Recovery Program
** Policy. Moved by Keith Mykleseth, seconded by Gene Tiedemann, to approve the corrected 2012 Flood Relief Resolution (changing *Bank* to *Band*).

** Moved by Jack Ditmore, seconded by Paul Langseth, to add an amendment to the
12-73 Resolution – under II. Specific A, 5. would read, " SWCDs or LGUs are authorized to reimburse landowners for costs incurred to rehabilitate and repair existing projects and conservation practices that were damaged due to the DR-4069 event on or after June 14, 2012, *based on adequate and verifiable documentation*. Motion on the amendment to the Resolution passed on a voice vote. Discussion followed.

12-74 Chair Napstad abstained from the vote on the 2012 Flood Relief Resolution – Motion passed on a voice vote.

Wetland Conservation Act Alternative Emergency Standards – John Jaschke reviewed the WCA Alternative Emergency Standards Resolution. The word *Bank* will be changed to *Band* in the resolution, as noted in the previous resolution. This is contingent on the Legislative Special Session action on August 24. There is a correction on page 2, Section II. Wetland Delineation, C., second sentence will read, "Provided these areas no longer meet wetland criteria, they shall not be considered jurisdictional wetlands under the Wetland Conservation Act. Jack Ditmore recommends inclusion of, "for the DR-4069
** area." at the end of the resolution. Moved by Paul Langseth, seconded by Rob Sip, to
12-75 approve the resolution with said changes. Motion passed on a voice vote.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Rob Sip reported that meetings are moving forward on the Agriculture Water Quality Certification advisory committee. Rob reported that MDA has a new updated document on BMPs; this publication will be coming out soon. Rob distributed a flyer, "Program Overview Summer 2012 Discovery Farms Minnesota" for board members' information, and he also distributed a publication, "Tiling

and Conservation Drainage Field Tour and Workshop, August 28-29, 2012, Hankinson, ND. Rob encouraged interested board members to attend.

Minnesota Department of Health (MDH) - Chris Elvrum commented on the anticipated legislative funding to MDH for well sealing and clean-up of wells.

Minnesota Pollution Control Agency (MPCA) – Rebecca Flood reported that the comment period on Stormwater Management ended in July. Staff are now compiling and preparing responses; she will keep the BWSR Board apprised.

ADVISORY COMMENTS

Minnesota Association of Soil and Water Conservation Districts (MASWCD) – Kathryn Kelly, MASWCD President, stated that MASWCD appreciates BWSR's counsel and support to MASWCD. Kathryn reported that her term as President expires in December 2012. MASWCD's Leadership Session will be held in September in Alexandra. The MASWCD Resolution Committee meets next week. The MASWCD annual meeting will be held December 2-4, at the Double Tree Hotel in Bloomington. Kathryn reported that MASWCD and NRCS are looking at "Field Offices of the Future" working with governmental offices. Kathryn thanked BWSR for the invitation to attend the tour and meeting today.

Minnesota Association of Townships (MAT) – Sandy Hooker reported that Gary Pedersen is the new executive director of MAT. Chair Napstad commended townships for their local involvement and the importance of townships during the flood event. The township in his area went out their way for flood response, greatly appreciated their support. Sandy Hooker stated that she was impressed with the tour and she learned a lot.

John reported that Tim Koehler retires from NRCS this week and starts with BWSR next week.

Upcoming Meeting - Next BWSR Board Meeting is September 26, 2012 in St. Paul.

** 12-76 Moved by Christy Jo Fogarty, seconded by Paul Langseth, to adjourn the meeting at 12:10 p.m. Motion passed on a voice vote.

Respectfully submitted,

Brian Napstad
Chair

BOARD OF WATER AND SOIL RESOURCES
Attendance Roster

	Name	Affiliation	Phone #
1.	Dr. Kathryn K. Kelly	MASWCD	320-333-6002
2.	Kane Rachel	BWSR	507 537-7069
3.	David Sill	BWSR	507-537-6374
4.	Tom Kreske	MN DNR	507-831-2900
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BWSR Board Tour Itinerary

Wednesday August 22, 2012

Hosts: Area II Minnesota River Basin Project, Inc., Lincoln SWCD and Lyon SWCD

1. Marshall Flood Control Project (John Biren)
2. Lyons 3 Road Retention Project (Kerry Netzke)
3. Black Rush Lake Wetland Restoration/Wetland bank (John Biren)
4. Lynd 32 CREP (Scott Santjer)
5. **Lynd 32 Dam – (Kerry Netzke)**
6. Island Lake 26 Road Retention (Kerry Netzke)
7. Lake Stay Outlet Structure (Kerry Netzke)
8. **Coot WMA (Scott Santjer/Tabor Hoek/John Schueller/Randy Kraus)**
9. Walk In Access site – Lake Stay Township, Section 17 (Randy Kraus/Tabor Hoek)
10. Working Lands Initiative Wetland Restoration site – Ash Lake Township 19 (Randy Kraus)
11. 160 acre Walk In Access site – Ash Lake Township, Section 35 (Randy Kraus)
12. Wetland Restoration – Diamond Lake Township, Section 1 (Randy Kraus)
13. Lake Benton -- Curly Pond weed treatment (Robert Olson)
14. **Lunch -- Hole In The Mountain County Park Chalet**
    (Dennis Healy) Lincoln-Pipestone Rural Water System and Verdi Wellhead Protection Project
15. Medary Creek Protection Project -- Verdi Township, Section 5 (Ron Madsen)
16. **Drammen 15 Dam (Kerry Netzke)**
    Windtowers: (Mike DeVries, AES Wind Generation) Wetland Mitigation: (Kane Radel)
17. Scholten Wetland Restorations/CREP – Shaokatan Township, Section 15 (Dale Sterzinger/Randy Kraus)
18. E End of Lake Shaokatan – Administering the Wetland Conservation Act in Lincoln County (Dale Sterzinger)
19. Series of CRP and CREP sites along this 3 mile stretch (Randy Kraus)
20. Anderson Lake WMA (David Sill)
21. Jean Ray CRP/RIM/WLI (Randy Kraus/Scott Santjer/Tom Wensel)
22. View from Buffalo Ridge (Ron Madsen)
23. Series of Area II and partner Road Retention projects (Kerry Netzke)
24. **Stop at the Southwest Sportsman's Club – Presentation/discussion – (Tabor Hoek)**
25. City of Ghent FEMA/Floodplain Mitigation Planning (John Biren)

The five bolded sites are tour stops that we will be getting off of the bus. The remaining sites will be a brief stop or drive by with an explanation.

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JUNE 27, 2012

BOARD MEMBERS PRESENT:
Linda Bruemmer, MDH; Bob Burandt, Jack Ditmore, Quentin Fairbanks, Rebecca Flood, PCA; Christy Jo Fogarty, Sandy Hooker, Paul Langseth, Tom Loveall, Keith Mykleseth, Tom Landwehr, DNR; Faye Sleeper, MES; Steve Sunderland, Gene Tiedemann, Gerald VanAmburg, Matt Wohlman, MDA

BOARD MEMBERS ABSENT:
Joe Collins
Todd Foster
John Meyer
Brian Napstad

STAFF PRESENT:
Mary Jo Anderson, Angie Becker-Kudelka, Tim Dykstal, Travis Germundson, Jim Haertel, John Jaschke, Al Kean, Kevin Lines, Jen Maleitzke, Kathy Moore, Ken Powell, Dan Shaw, Ron Shelito, Kyle Skov, Dave Weirens, Brad Wozney

OTHERS PRESENT:
Cliff Aichinger, Ramsey-Washington Metro WD
Tim Koehler, NRCS

Change on pg 12
- Rebecca Flood

CALL MEETING TO ORDER at 9:05 a.m.

PLEDGE OF ALLEGIANCE

** 12-45 **ADOPTION OF AGENDA** – John Jaschke presented two potential agenda additions: 1) Under Committee Recommendations/Grants Program & Policy Committee: FY2012 Farm Bill Assistance Grants; and 2) Under New Business: Grants Monitoring Report. Moved by Quentin Fairbanks, seconded by Paul Langseth, to adopt the agenda as presented with two additional items. Motion passed on a voice vote.

** 12-46 **MINUTES OF MAY 23, 2012 BOARD MEETING** - Moved by Paul Langseth, seconded by Christy Jo Fogarty, to approve the minutes of May 23, 2012 as circulated. Motion passed on a voice vote.

CONFLICT OF INTEREST DECLARATION – presented later on agenda.

INTRODUCTION OF NEW BWSR STAFF

- Jen Maleitzke, Communications Coordinator
- Kathy Moore, Office Administrative Specialist
- Ken Powell, Wetland Banking Coordinator

REPORTS

Chair's Report – Gerald VanAmburg explained that Brian Napstad is dealing with difficult flooding problems in his area and unable to attend the Board meeting; Gerry is Acting Chair today.

Administrative Advisory Committee – John Jaschke stated that Brian Napstad's residence and business is on the flooded Big Sandy Lake Reservoir in Aitkin County; he is awaiting a potential disaster declaration. John referred to the map from the State Climatologist showing the total rainfall and precipitation from April – June 25, 2012.

Faye Sleeper, U of M/Extension, arrived at the meeting at 9:20 a.m.

John reported that the Administrative Advisory Committee (AAC) met this morning. Tim Dykstal, Fiscal Compliance Director, presented a proposal for an Audit Committee. The purpose of the Audit Committee is to oversee BWSR's fiscal compliance and internal audit function. It appraises the effectiveness of the agency's system of risk assessment and internal control and provides an avenue of communication between internal auditors, external auditors, management, and the Board. The AAC recommends approval of the Audit Committee, consisting of the chair, vice-chair; three board members at-large; and Tim as staff. The Committee will meet at least once a year, or at

the call of the chair or at the call of the majority of committee members. The proposal will be on the agenda at the August Board meeting.

John reported that he provided a staffing status report to the AAC. Julie Blackburn has resigned; and the process of hiring an assistant director has begun. Pete Fellend, engineering technician, resigned his position which will also be filled.

John briefed the AAC on the Board Tour/Meeting, August 22-23, at the Ramada Inn in Marshall. Logistics are underway, board members will receive information as details are finalized.

John informed the AAC of the two additional agenda items:
1) Grants Monitoring Report - the Board adopted the Grants Monitoring, Reconciliation, and Verification Policy on June 22, 2011, the implementation plan stated that an annual monitoring report would be presented at the June Board meeting. This was on the agenda for the May meeting of the Grants Program & Policy Committee, but the Committee did not get to it.
2) Farm Bill Assistance Grants - The Grants Program & Policy Committee considered the program allocations process in May and is recommending the Board adopt the draft resolution.

Executive Director's Report – John Jaschke reviewed information in the Board Member packets. Agency members commented on flooding issues in northeastern and southeastern Minnesota; additional burden on staff with the damage and flooding crisis. FEMA will provide 75% of the cost when a disaster declaration is declared; with 25% assistance by the state.

Dispute Resolution Committee – Travis Germundson reported that 16 appeals are pending; five new appeals filed since the May 23 Board Meeting. File 12-11 appeal of no-loss determination remanded for further technical assistance.

Wetlands Committee – Gerald Van Amburg reported that the Wetlands Committee has not met. John Jaschke stated that Governor Dayton issued Executive Order 12-04 supporting and strengthening implementation of the State's wetlands policy. John stated that this will be brought before the Wetlands Committee at a future date.

Grants Program & Policy Committee – Paul Langseth reported that the Grants Program & Policy Committee met on May 23; recommendations are on the agenda later today.

RIM Reserve Management Planning Committee – Gene Tiedemann reported that the Committee met May 22; recommendations are on the agenda later today.

Drainage Work Group – Tom Loveall reported that Drainage Work Group is meeting tomorrow.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Minnehaha Creek Watershed District Plan Amendment – Bob Burandt reported that the Metro Water Planning Committee met on May 9, the final draft Amendment to the Minnehaha Creek WD Watershed Management Plan was filed with the Board on May 16, 2012. The draft Order contains a summary of the changes and the reviewing agencies' comments. No comments were received during the public hearing that resulted in revisions to the draft Amendment. The Metro Water Planning Committee recommends approval of the Plan Amendment. Moved by Bob Burandt, seconded by Keith Mykleseth, to approve the Minnehaha Creek Watershed District Plan Amendment. Motion passed on a voice vote.

** 12-47

Scott WMO Plan Amendment – Bob Burandt reported that the final draft Amendment to the Scott WMO Watershed Management Plan was filed with the Board on May 22, 2012. The draft Order contains a summary of the changes and the reviewing agencies' comments. No comments were received during the public hearing that resulted in revisions to the draft Amendment. The Metro Water Planning Committee recommends approval of the Plan Amendment. Moved by Bob Burandt, seconded by Christy Jo Fogarty, to approve the Scott WMO Plan Amendment. Discussion followed. Motion passed on a voice vote.

** 12-48

Ramsey-Washington Metro Watershed District Enlargement – Jim Haertel reported that the Cities of Roseville and Shoreview submitted a petition to enlarge the Ramsey-Washington Metro Watershed District pursuant to Minn. Stat. § 103D.261. The petition was accompanied by resolutions of concurrence from the two affected cities. The proposed enlargement would expand the District into the area of the recently dissolved Grass Lake WMO. After holding a public hearing, the Metro Water Planning Committee recommends the watershed district enlargement. Moved by Bob Burandt, seconded by Faye Sleeper, to approve the Ramsey-Washington Metro Watershed District enlargement. Discussion followed. Cliff Aichinger, Administrator of the Ramsey-Washington Metro WD, commented on the capital improvements and the efficiency of enlarging the Watershed District. Motion passed on a voice vote.

** 12-49

CONFLICT OF INTEREST DECLARATION

John Jaschke explained that the upcoming agenda items today need the Conflict of Interest Declaration form submitted. Acting Chair VanAmburg stated that the declaration process is being used on the following decisions:

- Area II Minnesota River Basins Project Inc. FY 2012 & FY2013 Biennial Work Plan and Grant
- Minnesota River Board, Fiscal Year 2013 Work Plan and Grant
- Proposed FY'13 SWCD Programs and Operations Grants Allocations
- Proposed FY'13 Natural Resources Block Grant
- FY2013 Clean Water Fund and Competitive Grants Program: Policy and Request for Proposals
- Targeted Drainage Water Management Grants
- FY2013 Farm Bill Assistance Grants
- RIM-WRP Partnership Program FY13 Outdoor Heritage Fund Allocation
- RIM Reserve 2012 Bond Fund Allocation
- Clean Water Fund and Outdoor Heritage Funded Permanent RIM Reserve Riparian Buffer Conservation Easement Program: Revised Criteria, Enrollment Procedures and Policy

Acting Chair VanAmburg 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."

Acting Chair VanAmburg 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 documents will be filed for the grant decision items.

Southern Water Planning Committee
Area II Minnesota River Basins Project Inc. FY 2012 & FY2013 Biennial Work Plan and Grant – Paul Langseth reported that BWSR oversees the administrative funding related to the efforts of the Area II Minnesota River Basins Project Inc. (Area II). The 2011 Minnesota Legislature appropriated administrative funding for Area II Minnesota River Basins Project Inc., resulting in a fiscal year 2013 grant of $120,000. The overall budget objectives are included in the plan. Staff recommends approval of this plan and execution of the administrative grant agreement for FY 2013. The Board's Southern Water Planning Committee met on June 7, 2012 to review the Area II Work Plan and recommends approval of the plan and execution of the FY 2013 grant. Moved by Paul
** 12-50 Langseth, seconded by Steve Sunderland, to approve the Area II Minnesota River Basins Project Inc. FY 2012 & FY2013 Biennial Work Plan and Grant. Discussion followed. Steve Sunderland asked if it's important to have the number of staff identified in the work plan. John stated that Area II will be contacted to include the number of staff in future work plans. Motion passed on a voice vote.

Minnesota River Board, Fiscal Year 2013 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 2013 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 2013. Moved by Paul Langseth, seconded by Tom Landwehr, to approve the Minnesota River Board, Fiscal Year 2013 Work Plan and Grant. Motion passed on a voice vote.

** 12-51

Grants Program & Policy Committee

Proposed FY'13 SWCD Programs and Operations Grants Allocations – Wayne Zellmer reported that the Grants Program & Policy Committee reviewed the proposed SWCD grant allocations on May 23, and recommends approval of the FY'13 allocations for the Conservation Delivery, Easement Delivery, Non-Point Engineering Assistance, and Cost-Share Base Grant Programs. Moved by Paul Langseth, seconded by Keith Mykleseth, to approve the FY'13 SWCD Programs and Operations Grants Allocations as presented:

** 12-52

1. Staff to allocate grant funds to individual SWCDs up to the amounts listed below and as provided on the attached allocation spreadsheet, *Proposed FY '13 SWCD Programs and Operations Grants*:

State Cost Share Base Grants	$1,559,999
Conservation Delivery Grants	$1,765,000
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	$0	**$130,000**
2	$120,000	$5,000	$20,000	**$145,000**
3	$120,000	$10,000	$0	**$130,000**
4	$120,000	$5,000	$0	**$125,000**
5	$120,000	$10,000	$20,000	**$150,000**
6	$120,000	$5,000	$0	**$125,000**
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 2011 Financial Report indicates less than an 18-month fund balance; and
   iii. Board Conservationist approval.

Discussion followed. Motion passed on a voice vote.

Proposed FY'13 Natural Resources Block Grant – Wayne Zellmer reported that the Natural Resources Block Grant (NRBG) provides assistance to local governments to implement state natural resource programs. These programs are: Comprehensive Local Water Management, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and the MPCA/BWSR Subsurface Sewage Treatment Systems. The Grants Program & Policy Committee recommends Board approval of the Proposed FY'13 Natural Resources Block Grant allocations. Wayne reported the feedlot allocations are not listed, finalized numbers will be provided to BWSR soon. Moved by Quentin Fairbanks, seconded by Tom Landwehr, to approve the FY'13 Natural Resources Block Grant as presented:

** 12-53

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'13 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 of determining the amount of the total of these three BWSR Programs, to allocate to each of their programs locally.

Discussion followed. Motion passed on a voice vote.

FY2013 Clean Water Fund and Competitive Grants Program: Policy and Request for Proposals – Dave Weirens reported that BWSR has been appropriated Clean Water Funds for grants to local governments to address water quality needs. The Minnesota Department of Agriculture is contributing funds to this grant program. BWSR staff are proposing to package these funds into a single request for proposals that will allow local governments to apply for funds to address water quality priorities that are identified in their local water management plan. The Grants Program and Policy Committee reviewed this program on May 23, 2012 and recommends approval. Dave reviewed the competitive grant policy and request for proposals (RFP). Moved by Paul Langseth, seconded by Christy Jo Fogarty, to authorize staff to finalize, distribute and promote a Request for Proposals (RFP) for the FY2013 Clean Water Fund Competitive Grants Program consistent with the provisions of appropriations enacted in 2011 and 2012; and adopts the FY2013 Clean Water Fund Competitive Grants Policy. Discussion followed. Motion passed on a voice vote.

** 12-54

Al Kean presented a brief explanation of a drainage management initiative by NRCS, focused on targeted drainage water management grants. Al reported that this is tied cooperatively with NRCS standards, clarified multi-purpose management on drainage systems, and nutrient management systems. This will be an RFP, the Grants Program & Policy Committee will review, allocations of grants in December.

Linda Bruemmer left the meeting at 10:45 a.m.

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

Targeted Drainage Water Management Grants – Kyle Skov reported that the Grants Program and Policy Committee reviewed the targeted drainage water management grant allocations totaling $700,000 and recommends Board approval. Kyle presented a summary of the recommended grantees and the allocation. Moved by Rebecca Flood, seconded by Steve Sunderland, to approve the targeted drainage water management grants and associated grant allocations as indicated:

** 12-55

Bois de Souix Watershed District	$170,000.00
GBERBA (Greater Blue Earth River Basin Alliance)	$170,000.00
Mower SWCD, Cedar River Watershed District, Turtle Creek Watershed District Partnership	$100,000.00
RCRCA (Redwood Cottonwood River Control Area)	$100,000.00
Buffalo Red River Watershed District	$ 70,000.00
Lac qui Parle SWCD, Yellow Medicine SWCD Partnership	$ 60,000.00
Two Rivers Watershed District	$ 30,000.00
Total	$700,000.00

Discussion followed. In order to meet the current need and legislative intent, a targeted grant process was developed. John stated that this is a one-time allocation, in the future it will likely be rolled into drainage water management. Tom Landwehr requested a summary of the types of projects. Motion passed on a voice vote.

BWSR Native Vegetation Establishment and Enhancement Guidelines – Dan Shaw reported that ongoing collaboration with partners, new information and additional experience resulted in updating the BWSR Native Vegetation Establishment and Enhancement Guidelines, which was completed in May 2012. Dan explained that BWSR staff worked closely with NRCS and DNR to maintain consistency in efforts.

** 12-56 Moved by Paul Langseth, seconded by Sandy Hooker, to approve the BWSR Native Vegetation Establishment and Enhancement Guidelines, May 2012 as the replacement for all previous BWSR policy regarding invasive and non-native species, including previous versions of the BWSR Native Vegetation Establishment and Enhancement Guidelines, and authorizes staff to periodically update these guidelines. Discussion followed. Tom Landwehr stated that this is an extraordinary document. Gerald VanAmburg stated that this is very important to guide and shape high quality conservation. Motion passed on a voice vote.

FY2013 Farm Bill Assistance Grants – Dave Weirens reported that the Farm Bill Assistance Program is a cooperative effort among BWSR, DNR, Pheasants Forever, and local SWCDs to accelerate staff capacity to deliver programs that increase grassland and wetland program enrollment for both wildlife habitat and water quality. The FY13 Farm Bill Assistance Program will be funded from several revenue sources, chief among them, the Legislative-Citizens Commission on Minnesota Resources. Dave reported that the Grants Program and Policy Committee reviewed the allocations process in May and recommends approval to avoid delays in program activities by participating SWCDs, as well as potential staffing problems. Dave stated that this is a

** 12-57 reimbursement grant program. Moved by Bob Burandt, seconded by Steve Sunderland, to authorize staff to allocate up to $312,000 Environmental Natural Resources Trust Fund; $150,000 DNR; up to $100,000 of unused or returned FY2010 or FY2011 funding for which SWCDs are eligible, and any rollover or slippage from this program according to these policies. Motion passed on a voice vote.

NEW BUSINESS

RIM-WRP Partnership Program FY13 Outdoor Heritage Fund Allocation – Kevin Lines reported the RIM Reserve Management Planning Committee (RRMPC) met on May 22, 2012 and unanimously recommends the allocation of $13.810 million OHF

** 12-58 dollars to the RIM-WRP Partnership. Moved by Gene Tiedemann, seconded by Quentin Fairbanks, to authorize staff to: 1) allocate $13.81M in Outdoor Heritage Funds to the RIM-WRP Partnership; and 2) target expiring CRP contracts with critical wetland

restoration practices for enrollment into the RIM-WRP Partnership. Discussion followed. Motion passed on a voice vote.

Christy Jo Fogarty left the meeting at 11:50 a.m.

RIM Reserve 2012 Bond Fund Allocation – Kevin Lines reported that the RIM Reserve Management Planning Committee recommends allocation of $6 million in Capital Budget Bonds to the RIM Reserve Program; and authorize staff to target expiring Conservation Reserve Program (CRP) and Continuous CRP (CCRP) acres on the most vulnerable riparian buffers and wetlands as the priority for enrollment in the RIM Reserve Conservation Easement Program. Kevin stated that a new 11-core area of prairie strategic management plan is in this program. Moved by Rebecca Flood, seconded by Gene Tiedemann to authorize staff to: 1) Allocate up to $6 million of RIM Reserve Bond funds for targeting the enrollment of the most critical expiring CRP acres using RIM Reserve easements in concert with re-enrollment in CRP; and 2) Target expiring CRP and CCRP acres on the most vulnerable riparian buffers and wetlands as the priority for enrollment in the RIM Reserve Program. The DNR's *Long Range Duck Plan*, *Long Range Pheasant Plan*, and the newly crafted *Prairie Strategic Management Plan*, as well as the Lessard-Sams Outdoor Heritage Council's *Strategic Plan*, will be used to help identify targets. Discussion followed. Motion passed on a voice vote.

** 12-59

RIM Reserve Clean Water Fund Wellhead Protection Initiative Payment Rate Revision – Kevin Lines reported that the RRMPC considered input from the Minnesota Rural Waters Association and the Red Rock Rural Water District requesting the necessary change to non-cropland payment rates in certain instances. The RIM Reserve Management Planning Committee recommends the Conservation Easement Section Manager, in consultation with the Executive Director or Assistant Director, to offer the cropland rates on non-cropland acres for critical lands to be enrolled in RIM Clean Water Fund Wellhead Protection Initiative. This authorization applies only when all factors related to the easement project purpose and function have been evaluated and an increased rate is determined to be necessary to ensure the public's benefit and safety in completing the project. John stated that the area of the current example is an active gravel mining area.

** 12-60

Moved by Gene Tiedemann, seconded by Matt Wohlman, to authorize the Conservation Easement Section Manager, in consultation with the Executive Director or Assistant Director, to: 1) Evaluate and document relevant factors related to the RIM CWF WPI's function and purpose in protecting the public's benefit and safety of the area being enrolled in determining an increased rate is justified and necessary; and 2) Adjust the RIM CWF WPI payment rate up to the current cropland rate for non-cropland areas enrolled in the program. Motion passed on a voice vote.

Clean Water Fund and Outdoor Heritage Funded Permanent RIM Reserve Riparian Buffer Conservation Easement Program: Revised Criteria, Enrollment Procedures and Policy – Kevin Lines reported that the RIM Reserve Management Planning Committee recommends implementation of the FY12-13 CWF and OHF RIM Reserve Riparian Buffer Easement Initiative. Moved by Keith Mykleseth, seconded by Paul Langseth, to approve the recommendations of the RRMPC to authorize staff to:

** 12-61

1) Issue a new FY12-13 CWF/OHF RIM Reserve Riparian Buffer Easement Initiative Request for Proposal.
2) Review and approve RFPs for SWCD participation.
3) Develop a CWF buffer certification process to determine landowner eligibility.
4) Develop a continuous riparian buffer enrollment process, but cap individual SWCD applications at $1million. If necessary, a pending list will be maintained at the local SWCD for future funding.
5) Allow haying of CWF buffers only.

Discussion followed. Motion passed on a voice vote.

RIM Reserve Easement Alteration Request – Kevin Lines reported that the RIM Reserve Management Planning Committee recommends authorization of the Conservation Easement Section Manager to develop and finalize the alteration request, achieving the required 2:1 acre newly acquired/released ratio and meeting existing Board policy requirements. Kevin explained that BWSR is working with a very cooperative landowner. Tom Landwehr stated the need to be conscience of setting a precedence -- criteria, process, and more value for the public. Kevin suggested that the RIM Committee will review this in the future. Moved by Gene Tiedemann, seconded by Bob Burandt, to authorize the Conservation Easement Section Manager to:

** 12-62

1) Work with the WOT SWCD and Mr. and Mrs. Reutter to identify easement alterations that will achieve the 2:1 acre standard in current Board Policy; and
2) Develop a Memorandum to File documenting the estimated ecological and economic value benefits to the State; and
3) Complete the alteration request for RIM Easement #56-07-00-01-W as requested and modified to meet existing Board Policy.

Motion passed on a voice vote.

** 12-63 Moved by Keith Mykleseth, seconded by Faye Sleeper, to table the Grants Monitoring Report until the August Board Meeting. Motion passed on a voice vote.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – John Jaschke, reported on behalf of Matt Wohlman, that MDA announced members of the Agriculture Water Quality

Certification advisory committee; the membership listing will be distributed to BWSR Board Members.

Minnesota Department of Natural Resources (DNR) – Tom Landwehr reported that DNR, BWSR, The Nature Conservancy, Pheasants Forever, and others developed the Prairie Strategic Management Plan, a common vision for the State's grassland in the prairies, and a commitment to implement the program collaboratively. This document will be signed on July 31st and presented to the Outdoor Heritage Council on August 1st. Tom suggested that a summary of the document be presented at an upcoming Board meeting.

Minnesota Extension Service (MES) – Faye Sleeper reported that the Water Resources Council (WRC) is offering LIDAR courses, an LCCMR funded project targeted for LGUs and engineers. Faye encouraged attendance, details of the course are on the WRC website: http://wrc.umn.edu

Lake Pepin
+ MN River
Sediment

Minnesota Pollution Control Agency (MPCA) – Rebecca Flood reported that the TMDL comment period for public input is nearing the end.

ADVISORY COMMENTS

Minnesota Association of Townships (MAT) – Sandy Hooker reported that the MAT Summer Short Courses are being held June 25-28; good attendance and training. The MAT Board of Directors are meeting with ND, SD, and WI on Thursday and Friday.

Natural Resources Conservation Service (NRCS) – Tim Koehler distributed the membership list of the MDA Agriculture Water Quality Certification advisory committee. Tim also distributed copies of a letter to State Conservationist Don Baloun and Warren Formo, Subcommittee Co-Chair, MN Ag Water Resource Center, from MDA Commissioner Dave Frederickson, regarding the federal and state certification program efforts to build a program that enhances water quality and ensures farmer profitability. Tim stated that Don Baloun suggests this as an upcoming topic at a BWSR Board meeting.

Tim, on behalf of NRCS, expressed thanks to Polly Remick's unbelievable work on difficult easement closings; her persistence, mediation, and hard work is greatly appreciated. Tim also expressed thanks to Tom Wenzel for his assistance on training and engineering restoration.

Tim reported that NRCS received an additional $400,000 of technical assistance for WRP; and $50,000 for continued assistance with BWSR. Tim briefly commented on the Farm Bill work still underway in Congress.

UPCOMING MEETINGS

- BWSR Board Tour and Meeting – August 22-23, 2012, Ramada Inn in Marshall. Information will be provided as logistics are confirmed.

** 12-64 Moved by Quentin Fairbanks, seconded by Sandy Hooker, to adjourn the meeting at 12:50 p.m. Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder

County	Easement ID	Haying Acres	Grazing Acres
Sibley	72-13-01-01	10.0	
Redwood	64-18-00-01B	11.8	
Redwood	64-05-97-01	22.8	
Redwood	64-42-01-01	71.5	
Cottonwood	17-24-99-01	15.0	
Cottonwood	17-07-99-01		5.7
Jackson	32-03-91-01	20.2	
Renville	65-33-88-02	9.9	
Lac qui Parle	37-27-00-01	2.3	
Cottonwood	17-02-97-02	5.2	
Cottonwood	17-07-87-01	6.7	
Cottonwood	17-09-01-01	10.8	
Lyon	42-12-01-01		15.4
Swift	76-06-96-01	7.5	
Swift	76-03-97-01	26.5	
Sibley	72-03-97-01	15.0	
Clay	14-07-91-01	17.7	
Murray	51-03-90-01	5.0	
Murray	51-05-96-01	3.0	
Brown	08-04-93-02	8.0	
Rock	67-01-97-02-A	48.5	
Rock	67-01-95-01	26.5	
Kandiyohi	34-03-08-02-A	87.6	
Jackson	32-03-90-01	18.0	
Jackson	32-14-99-03	8.5	
Jackson	32-11-99-03	6.0	
Jackson	32-06-05-03	7.3	
Yellow Medicine	87-01-99-03	21.6	
Renville	65-05-96-01		25.8
Jackson	32-07-98-03	14.5	
Cottonwood	17-06-02-01	12.0	
Chippewa	12-12-00-01	1.0	
Jackson	32-01-94-01		5.0
Jackson	32-01-93-02	46.5	
Jackson	32-01-95-01	16.3	
Jackson	32-05-99-03	10.2	
Winona	85-01-06-01	14.1	
Lac qui Parle	37-04-02-01		0.4
Rock	67-02-93-02		8.5
Renville	65-09-88-01		4.5
TOTAL		607.0	65.0

Anderson, Mary Jo M (BWSR)

From: Buckhout, Donald (BWSR)
Sent: Wednesday, August 15, 2012 1:59 PM
To: Jaschke, John (BWSR)
Cc: Keith Mykleseth; Woods, Steve (BWSR)
Subject: PRAP Assistance Grants Status

John,
The following information is for you to include in your Executive Director's report at the August Board meeting, as per the Board's request.

Under the new authorization for PRAP Assistance Grants we have issued the second PRAP Assistance Grant to the McLeod SWCD as noted below. This grant will fund half of an interagency agreement with the Carver district for assistance with accounting system set-up.

PRAP ASSISTANCE GRANTS/CONTRACTS							
No.	Grantee	Purpose	Assmnt.	Tot. Amt. Requested	Grant Amt.	Start Date	End Date
12-02	McLeod SWCD	Accounting System Set-up; peer assistance from neighboring district	BWSR Staff assessment	500	250 50:50 CS	8/9/2012	

The first Assistance Grant (12-01) to the Root River SWCD is still active. A recent report from both the consultant and staff of the district indicate good progress to date.
Please contact me if you have additional questions.

Don Buckhout
PRAP Coordinator
Board of Water and Soil Resources
Don.Buckhout@state.mn.us
(651) 296-0768

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution Committee Report☐

Meeting Date: August 23, 2012

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: Gerald Van Amburg/Travis Germundson

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED
None

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

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

Dispute Resolution Report
August 23, 2012
By: Travis Germundson

There are presently **13** appeals pending. All of the appeals involve WCA except File 10-10. There have been **2** new appeals filed since the last report given at the June 27, 2012 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 12-13-12 (8-3-12) This is an appeal of a wetland banking credit deposit request in Stearns County. The appeal regards the approval of a wetland banking plan request to deposit credits. The Stearns County Wetland Appeal Panel reversed an earlier staff decision to deny the application. At issue are the eligibility requirements for wetland bank credits. No decision has been made on the appeal.

File 12-12 (7-16-12) This is an appeal of an exemption determination in Renville County. The appeal regards the denial of an agricultural drainage exemption associated with a 1.5 acre wetland. At issue is the wetland type determination. A pervious appeal (File 12-5) was remanded for further technical evaluation and administrative proceedings, and now the current approval is being appealed. The appeal has been granted and a copy of the LGU's record has been requested.

~~File 12-11 (6-14-12) This is an appeal of a no-loss determination in Hennepin County. The appeal regards the approval of a no-loss application contenting that the applicant provided no proof to show qualification for a No-Loss. The project proposes to restore the site to an open space/park condition within the Mississippi National river and Recreation Area. A pervious appeal (File 12-3) was remanded for further technical evaluation and administrative proceedings, and now the current approval is being appealed.~~ The appeal has been denied.

~~File 12-10 (6-11-12) This is an appeal of a restoration order in Stearns County. The appeal regards the draining of approximately 25,700 square feet of wetlands associated with the installation of agricultural drain tile and ditching. The appeal involves the same general area and related wetland alterations as File 12-09. No decision has been made on the appeal.~~ The appeal has been withdrawn.

~~File 12-09 (6-11-12) This is an appeal of a restoration order in Stearns County. The appeal regards the draining of approximately 108,028 square feet of wetland associated with the installation of agricultural drain tile and ditching.~~ The appeal has been dismissed.

~~File 12-08 (5-29-12) This is an appeal of a replacement order in Stearns County. The appeal regards the placement of approximately 36,808 square feet of fill in a Type 2/6 wetland. The appeal involves the same general area and related wetland alterations as File 12-07.~~ The appeal has been dismissed

~~File 12-07 (5-24-12) This is an appeal of a replacement order in Stearns County. The appeal regards the placement of approximately 52,143 square feet of fill in a Type 2/6 wetland associated with development of an industrial park.~~ The appeal has been denied.

~~File 12-05 (4-2-12) This is an appeal of an exemption determination in Renville County. The appeal regards the denial of an agricultural drainage exemption associated with a 1.5 acre wetland. At issue is the wetland type determination. The appeal has been remanded for completion of technical work and administrative proceedings.~~ New decision issued under remand (File 12-12).

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 and confirmation of required mitigation.

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. A mediated settlement agreement was reached with the condition that if the watershed district fails to carry out Option D the appeal shall go forward. The appeal has been placed in abeyance.

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. The landowner has committed to restoring the site and the TEP plans to conduct a site visit this fall to verify that restoration has occurred.

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 North Fork Crow River Watershed District recently constructed two rock riprap grade control structures within the ditch and the landowner has disabled and removed some of the tile. Stearns County is looking into if applicable exemption standards. The appellant has granted BWSR additional time to make a decision on the appeal. No decision has been made on the appeal.

File 09-13 (8-20-09) This is an appeal of an exemption decision in Otter Tail County. The appeal regards 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. A settlement agreement was reached with NRCS. Continuance of the pre-hearing conference reconvened on July 18, 2011. Settlement discussions are ongoing.

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 applicant is considering a different design, but nothing has been submitted.

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 2011	Total for Calendar Year 2012
Order in favor of appellant	2	1
Order not in favor of appellant	2	4
Order Modified	2	
Order Remanded		2
Order Place Appeal in Abeyance	4	1
Negotiated Settlement	1	
Withdrawn/Dismissed	2	4

This opinion will be unpublished and
may not be cited except as provided by
Minn. Stat. § 480A.08, subd. 3 (2010).

STATE OF MINNESOTA
IN COURT OF APPEALS
A11-2061
A11-2113

WCA Appeal of Exemption and No Loss Determinations Waseca County
WCA Appeal of Restoration Order Waseca County.

Filed July 30, 2012
Affirmed
Schellhas, Judge

Minnesota Board of Water and Soil Resources
File No. 11-2 and 11-3

Lori Swanson, Attorney General, Kimberly Middendorf, Assistant Attorney General, St. Paul, Minnesota (for relator Minnesota Department of Natural Resources)

Amy E. Mace, Christian R. Shafer, Ratwik, Roszak & Maloney, PA, Minneapolis, Minnesota (for relator Waseca County Soil and Water Conservation District)

Jill Schlick Nguyen, Assistant Attorney General, St. Paul, Minnesota (for respondent Minnesota Board of Water and Soil Resources)

Jack Y. Perry, Michael W. Kaphing, Briggs & Morgan, P.A., Minneapolis, Minnesota (for respondents Richard and Marie Borglum)

Considered and decided by Schellhas, Presiding Judge; Kalitowski, Judge; and Chutich, Judge.

UNPUBLISHED OPINION

SCHELLHAS, Judge

Relators Waseca County Soil and Water Conservation District (the district) and Minnesota Department of Natural Resources (DNR) appeal by certiorari a Minnesota

Board of Water and Soil Resources (the board) decision reversing the district's denial of respondent-landowners' approved-development-exemption application and requesting that DNR rescind its order that respondents restore or replace wetlands impacted by respondents. We affirm.

FACTS

The Minnesota Wetlands Conservation Act (WCA) generally prohibits draining wetlands unless the wetlands are replaced by wetlands of equal or greater public value. Minn. Stat. § 103G.221, subd. 1 (2010); *accord* Minn. R. 8420.0105, subp. 1 (2011).[1] But at the relevant time—June 1987 through April 2007—an approved-development exemption from this prohibition applied to property if it was subject to a development approval issued within five years before July 1, 1991, and satisfied several preconditions. Minn. Stat. § 103G.2241, subd. 8 (2006); Minn. R. 8420.0122, subp. 8 (2005).[2]

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[1] We apply the law as it exists today where it does not affect vested rights, result in manifest injustice, and is not contrary to the legislature's statutory direction or legislative history. *Interstate Power Co. v. Nobles Cnty. Bd. of Comm'rs*, 617 N.W.2d 566, 575 (Minn. 2000).

[2] We note that the legislature repealed the approved-development exemption on May 9, 2007, "the day following final enactment" of the bill. 2007 Minn. Laws. ch. 57, art. 1, § 170(b) at 415, 489 (noting that the governor signed the bill on May 8, 2007); *see* Minn. Stat. § 645.01, subd. 2 (2010) ("'Final enactment' or 'enacted finally' for a bill passed by the legislature and signed by the governor means the date and time of day the governor signed the bill."). But the district and the board applied the exemption to the Borglums' approved-development-exemption application because the Borglums submitted their initial application in April 2007. *Cf. Eagle Lake of Becker Cnty. Lake Ass'n v. Becker Cnty. Bd. of Comm'rs*, 738 N.W.2d 788, 790 (Minn. App. 2007) ("Because we conclude that the county has the authority to consider [conditional-use-permit] applications pursuant to the zoning ordinance existing at the time of the application and did not abuse its discretion in making its determination under that ordinance, we affirm that exercise of the county's authority."). On appeal, the parties do not dispute that decision.

Respondents Richard and Marie Borglum applied to the district for an approved-development exemption in April 2007 to comply with a cease-and-desist order issued by DNR requiring the application, basing their application on a 1987 conditional-use permit that they held on their 11-acre property (the property). This appeal centers on the Borglums' 1987 conditional-use permit and 2007 approved-development-exemption application.

In June 1987, the Waseca County Board of Commissioners issued to Mr. Borglum a conditional-use permit authorizing him to use the property for the following purposes: "Shop for land improvement business and storage of equipment and materials. Construction and excavation for a wildlife pond." In 1995, the district issued Ms. Borglum a "certificate of exemption" for "cleaning of existing drainage ditch" on the property pursuant to the approved-development exemption, based on the 1987 conditional-use permit. Also in 1995, the Waseca County Board of Commissioners issued a second conditional-use permit for the property to Ms. Borglum for the "[o]peration and sales of a concrete rock crushing business." In August 2010, the Waseca County Board of Commissioners passed a non-binding resolution that stated that it "supports the idea" that it granted the 1987 and 1995 conditional-use permits with "an implied consent" that the "storage" authorized by the permits included storage "outside of a building structure." Shortly afterwards, Mr. Borglum signed an affidavit in which he stated that "[d]uring the public hearing" for the 1987 conditional-use permit "[i]t was understood that use of the site for parking equipment and stockpiling material would require adding fill, grading or leveling the site, and tiling the property to prevent it from flooding."

In March 2007, Marla Watje of the district noted in an e-mail to Chris Hughes that she did not believe that Ms. Borglum could obtain a third conditional-use permit on the property for, among other purposes, "an armored vehicle recreational facility," "a driving course," and "an indoor and outdoor shooting range, including related retail sales." Watje wrote, "[M]y understanding [is] that . . . this does not fall under the original [conditional-use permit, and] the wetland is not exempt." In April 2007, Hughes noted in an e-mail to Watje that he believed, based on the minutes about the 1995 conditional-use permit, that neither the 1987 nor 1995 permits permitted the Borglums to "fill wetland." Hughes further noted: "If wetland has been filled since [October 1995] or will be filled WCA does apply and a [cease-and-desist order] should be issued so this gets figured out once and for all to protect the landowner and before any more wetland damage occurs."

On April 4, 2007, DNR issued a cease-and-desist order requiring the Borglums "immediately to cease and desist any activity draining, filling or excavating the wetland" on the property. The order further provided that, pursuant to Minn. R. 8420.0290, the Borglums may be required to restore any wetlands damage if they did not "immediately" apply for and obtain an exemption authorizing the wetland destruction.[3] The Borglums applied for an approved-development exemption in late April 2007, based on their 1987 conditional-use permit. On December 15, 2010, after a complex but immaterial procedural posture, the district's board of supervisors denied that application, and, on

[3] Minn. R. 8420.0290, subps. 2–3 (2005), authorized DNR to issue cease-and-desist orders requiring landowners to apply to the district for a wetlands exemption and required DNR to issue a restoration-or-replacement order if the district denied the application.

January 14, 2011, DNR ordered Ms. Borglum to replace or restore wetlands on the property.

The Borglums appealed the district's decision and DNR's order to the board. The board's Dispute Resolution Committee, consisting of five members,[4] unanimously recommended to the board's 15-member board that it reverse the district's decision. On October 26, 2011, the board[5] unanimously reversed the district's decision and "request[ed]" that DNR rescind its restoration order.

This consolidated certiorari appeal by the district and DNR follows.

DECISION

A board decision is subject to certiorari review by this court under Minn. Stat. §§ 14.63–.69 (2010). Minn. Stat. § 103G.2242, subd. 9(d) (2010); *In re Valley Branch Watershed Dist.*, 781 N.W.2d 417, 420 (Minn. App. 2010). We therefore review the record to determine whether the board's decision is in excess of its statutory authority or jurisdiction, the product of an unlawful procedure, affected by an error of law, unsupported by substantial evidence, or arbitrary or capricious. Minn. Stat. § 14.69 (2010). Agency decisions enjoy a "presumption of correctness." *In re Review of 2005 Annual Automatic Adjustment*, 768 N.W.2d 112, 119 (Minn. 2009). We will not disturb an agency's factual findings if the evidence substantially sustains them. Minn. Stat.

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[4] The five members of the dispute resolution committee were Paul Brutlag, Gerald Van Amburg, Louise Smallidge, LuAnn Tolliver, and Quentin Fairbanks.

[5] The board members were Paul Brutlag, Gerald Van Amburg, Louise Smallidge, LuAnn Tolliver, Brian Napstad, Chris Elvrum, Christy Jo Fogarty, Rebecca Flood, Todd Foster, Paul Langseth, Tom Loveall, Keith Mykleseth, David Schad, Rob Sip, and Gene Tiedemann.

§ 14.69(e) (2010); *see In re Denial of Eller Media Co.'s Applications*, 664 N.W.2d 1, 7 (Minn. 2003) ("We will not disturb an agency's decision as long as the agency's determination has adequate support in the record as required by the substantial evidence test."). We review de novo an agency's errors of law that arise from the meanings of words in statutes, *Greene v. Comm'r of Minn. Dep't of Human Servs.*, 755 N.W.2d 713, 721 (Minn. 2008), and give "no deference" to the agency's interpretation of a regulation that is clear and unambiguous, even if the regulation is the agency's own, *In re Alexandria Lake Area Sanitary Dist. NPDES/SDS Permit No. MN0040738*, 763 N.W.2d 303, 310 (Minn. 2009). But we defer to an agency's reasonable interpretations of unclear and ambiguous regulations when the agency promulgated the regulation being interpreted; the agency is legally required to enforce the regulation; and the regulation's subject matter is within the agency's technical training, education, and experience. *In re Cities of Annandale & Maple Lake NPDES/SDS Permit Issuance*, 731 N.W.2d 502, 516 (Minn. 2007); *Alexandria*, 763 N.W.2d at 312–13.

"Public waters wetlands may not be drained, and a permit authorizing drainage of public waters wetlands may not be issued, unless the public waters wetlands to be drained are replaced by wetlands that will have equal or greater public value." Minn. Stat. § 103G.221, subd. 1 (2010); *accord* Minn. R. 8420.0105, subp. 1 (2011) ("Wetlands must not be impacted unless replaced by restoring or creating wetland areas of at least equal public value."). The WCA authorized during the relevant time the following approved-development exemption:

> 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.

Minn. Stat. § 103G.2241, subd. 8 (2006). The Minnesota Rules incorporated those terms of the approved-development exemption verbatim and added to them:

> Subdividers who obtained preliminary plat approval in the specified time period, and other project developers with one of the listed approvals timely obtained, provided approval has not expired and the project remains active, may drain and fill wetlands, to the extent documented by the approval, without replacement. Those elements of the project that can be carried out without changing the approved plan and without draining or filling must be done in that manner. If wetlands can be avoided within the terms of the approved plan, they must be avoided.

Minn. R. 8420.0122, subp. 8 (2005).

On appeal, the district and DNR do not argue that the Borglums' 1987 conditional-use permit did not exist within the five-year window or that it expired before the Borglums' April 2007 application. Therefore, the issues on appeal are whether, consistent with our standard of review, the board erred by determining that (1) the conditional-use permit "remains active"; (2) the conditional-use permit "documented" wetlands impact; and (3) the Borglums' use of the property is within the scope of the conditional-use permit and cannot be carried out without impacting wetlands.

Whether Project Remained Active

The approved-development exemption does not apply unless "the project remains active." Minn. R. 8420.0122, subp. 8 (2005). The Borglums' 1987 conditional-use permit (CUP) authorized the Borglums to use the property for "Shop for land improvement business and storage of equipment and materials. Construction and excavation for a wildlife pond." The district's board of supervisors found, "The Borglums never constructed any structure authorized by the CUP on the parcel of land described in the CUP." The board agreed that the Borglums "did not build a shop" on the property but concluded that the district "incorrectly applied the law to the facts when it determined the project is no longer 'active,'" reasoning that the Borglums "use[d the property] for outside storage of materials, including materials used in their concrete recycling business . . . beg[inning] in 1987."

On appeal, the district argues that the board committed reversible error by failing to defer to the district's finding that the Borglums' project was inactive, thus violating the board's standard of review, which requires the board to affirm factual findings unless they are "clearly erroneous." The district further argues that whether the project remains active is "purely a fact question" because "either a project is active, or it is not." We agree that the board misstated the standard of review but disagree that this misstatement constitutes reversible error.

Agency decisions enjoy a "presumption of correctness." *2005 Annual Automatic Adjustment*, 768 N.W.2d at 119. We may reverse or modify an agency's decision "if the substantial rights of the petitioners may have been prejudiced because the administrative

finding, inferences, conclusion, or decisions are: . . . affected by other error of law." Minn. Stat. § 14.69(d) (2010). The board's standard of review requires it to "affirm . . . if [the district's] findings of fact are not clearly erroneous" but requires no deference when determining whether the district "correctly applied the law to the facts." Minn. R. 8420.0905, subp. 4(G) (2011). Whether "the project remains active" requires both a legal and factual inquiry. Determining what constitutes "the project" requires applying law to fact because Minn. R. 8420.0110, subp. 35 (2005), defines "project." But determining whether the project "remains active" is a purely factual inquiry because no relevant authority defines those terms. Because the board was required to apply clearly erroneous deference to the district's factual finding regarding whether the project "remains active," the board erroneously stated that the standard of review was whether the district properly "applied the law to the facts."

But we are not persuaded that the board's erroneous statement of the standard of review prejudiced the district's and DNR's substantial rights. *See* Minn. Stat. § 14.69 (2010) (noting that reversal depends not only on the existence of error but also on whether the error prejudiced substantial rights). "[W]e will consider the agency's expertise and special knowledge when reviewing an agency's application of a regulation when application of the regulation is primarily factual and necessarily requires application of the agency's technical knowledge and expertise to the facts presented." *Annandale & Maple Lake*, 731 N.W.2d at 515 n.9 (quotation omitted). The board determined that "[t]he record reflects" that "[t]he Borglums did . . . use the [property] for outside storage of materials . . . beg[inning] in 1987" and "continue to do so." Moreover,

Watje of the district admitted in a March 2007 e-mail that the Borglums had been "operating with a Conditional Use Permit (CUP) [on the property] since June of 1987 for . . . storage of equipment and materials."

We conclude that the board's misstatement of the standard of review does not warrant reversal.

Whether 1987 Conditional-Use Permit Documented Wetlands Impact

The approved-development exemption only permits a person to drain wetlands without replacement "to the extent documented by the approval." Minn. R. 8420.0122, subp. 8 (2005). The district's board of supervisors found that "the 1987 CUP does not document any approval by the County of the filling of wetlands." The board disagreed, concluding that the necessary documentation was implied in the 1987 conditional-use permit, express documentation is unnecessary because requiring express documentation would be "inconsistent with the purpose of the exemption," and the Borglums are "entitled to impact wetlands to the extent necessary to carry on the business approved in the 1987 CUP."

On appeal, the district argues that the board erred because the documentation provision clearly and unambiguously requires express documentation. We disagree.

We review de novo as a question of law "an agency's interpretation of its own regulations." *Annandale & Maple Lake*, 731 N.W.2d at 516. Determining whether to give deference to an agency's interpretation requires us to consider several factors. *Id.* "These factors include [(1)] whether the agency is legally required to enforce and administer the regulation under review and [(2)] whether the meaning of the words in the regulation is

clear and unambiguous or is unclear and susceptible to different reasonable interpretations—ambiguous." *Id.* If we conclude that the regulation is clear and unambiguous, we "need not defer to the agency's interpretation and may substitute [our] own judgment for that of the agency." *Id.* If we conclude that the regulation is unclear and ambiguous, "we will defer to the agency's expertise and special knowledge when the agency's interpretation . . . is reasonable under the circumstances of *this case*" if the regulation is the agency's "own regulation" and "the subject matter of the regulation is within the agency's technical training, education, and experience." *Alexandria*, 763 N.W.2d at 312–13 (quotations and citation omitted).

In this case, the documentation provision is part of the board's own regulation, which the board is legally required to enforce and administer. *See* Minn. Stat. § 103G.2242, subd. 1 (2010) (noting that "[the board], in consultation with the commissioner, shall adopt rules governing . . . public waters work permits affecting public waters wetlands under section 103G.245"); *Drum v. Minn. Bd. of Water & Soil Res.*, 574 N.W.2d 71, 74 (Minn. App. 1998) ("[The board] is charged with the ultimate responsibility for implementing the [WCA]. . . ." (citing Minn. Stat. § 103G.2242, subd. 9 (1996))); *see also Annandale & Maple Lake*, 731 N.W.2d at 512 ("[T]he agency decision-maker is presumed to have the expertise necessary to decide technical matters within the scope of the agency's authority, and judicial deference, rooted in the separation of powers doctrine, is extended to an agency decision-maker in the interpretation of statutes *that the agency is charged with administering and enforcing*." (quotation omitted)). We must therefore first determine whether the documentation

provision in the approved-development exemption is unclear and ambiguous and, if it is, second determine whether we should defer to the board's interpretation.

Unclear and Ambiguous

We first consider whether the documentation provision is clear and unambiguous, in light of "the apparent purpose of the regulation as a whole," or unclear and ambiguous due to it being "susceptible to more than one reasonable interpretation." *Alexandria*, 763 N.W.2d 303, 310–11 (quotations omitted) ("[O]ur determination of whether words or phrases are ambiguous does not depend on a reading of those words or phrases in isolation, but relies on the meaning assigned to the words or phrases in accordance with the apparent purpose of the regulation as a whole." (quotation omitted)). No binding authority defines the verb form of "document." *Black's Law Dictionary* defines it as "[t]o support with records, instruments, or other evidentiary authorities" and "[t]o record; to create a written record of <document a file>." *Black's Law Dictionary* 520 (8th ed. 2004). The Borglums argue that the board's interpretation that documentation is implied is reasonable, arguing that in 1987 they could not have documented the impact their activities would have on wetlands under the WCA because the WCA had not yet been enacted. *See* Minn. R. 8420.0100, subp. 3 (2011) ("The [Minnesota] Wetland Conservation Act became effective on January 1, 1992 . . . ."). The district counters that, although the WCA was not in force in 1987, the county did have zoning regulations in 1987 that regulated wetlands and required a person to obtain a conditional-use permit before "fill[ing] or reclaim[ing] . . . wetland," thereby rendering inclusion of express mention of wetlands in conditional-use permits reasonable. Both arguments have merit.

We conclude therefore that the documentation provision is susceptible to at least two different reasonable interpretations and is, consequently, ambiguous.

Deference

We second consider whether we should defer to the board's interpretation that documentation may be implied in this case. "[W]e will defer to the agency's expertise and special knowledge when the agency's interpretation . . . is reasonable under the circumstances of *this case*" if the regulation is the agency's "own regulation" and "the subject matter of the regulation is within the agency's technical training, education, and experience." *Alexandria*, 763 N.W.2d at 312–13 (quotations and citation omitted). It is undisputed that the regulation is the board's own regulation and that the approved-development exemption is within the board's technical training, education, and experience. *See Drum*, 574 N.W.2d at 74 (noting that the board "is charged with the ultimate responsibility for implementing the [WCA]"). The remaining inquiry is therefore whether the board's interpretation of the regulation is reasonable in *this case*. *See Alexandria*, 763 N.W.2d at 313.

Agency decisions enjoy a "presumption of correctness." *2005 Annual Automatic Adjustment*, 768 N.W.2d at 119. The board interpreted the documentation provision to permit implied documentation in this case to avoid being "inconsistent with the purpose of the exemption," reasoning that "[a]t the time the Borglums received their 1987 CUP, there were no wetlands regulated under [the] WCA." The board acknowledged that the county's 1987 zoning ordinance did define wetlands at the relevant time but discounted its impact on the board's outcome because, in this case, "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." We conclude therefore that the board's interpretation of "to the extent documented by the approval" to permit implied documentation was reasonable in this case and, consequently, defer to it.

Whether Wetlands are Avoidable within Scope of 1987 Conditional-Use Permit

The approved-development exemption provides: "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). The district's board of supervisors found that "Borglum can continue the use approved in the 1987 CUP without additional impacts to wetlands." The board disagreed, finding that "[r]equiring [the Borglums] 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'" because "the 1987 CUP allows the Borglums to use the entire 11 acre parcel for outside storage of materials."

Unclear and Ambiguous

We first consider whether the avoidance provision is unclear and ambiguous. The district argues that the board's decision is not entitled to deference because the avoidance provision "clearly requires developers to avoid wetlands, if possible, while carrying out the activities authorized by their official approval." The district's argument is unpersuasive. We agree that the avoidance provision clearly and unambiguously requires some level of wetland avoidance. But the avoidance provision is unclear and ambiguous

regarding the degree of avoidance required, conditioning that determination on evaluating the feasibility of carrying out the project's elements while avoiding wetlands "without changing the approved plan" and "within the terms of the approved plan." Minn. R. 8420.0122, subp. 8 (2005).

Deference

We second consider whether we should defer to the board's interpretation of the avoidance provision that the terms of the Borglums' 1987 conditional-use permit could permit them to not avoid wetlands on the property. Agency decisions enjoy a "presumption of correctness." *2005 Annual Automatic Adjustment*, 768 N.W.2d at 119. We may consider an agency's "expertise and special knowledge" when determining whether "an agency's interpretation of a regulation is reasonable." *Annandale & Maple Lake*, 731 N.W.2d at 505. In this case, the board promulgated and is required to enforce the avoidance provision. Understanding the feasibility of the project and the scope of its approval with respect to wetlands impacts are within the board's expertise. In light of the board's expertise, it was reasonable for the board to determine that a conditional-use permit authorizing outdoor storage of equipment and materials throughout the entire property required impacting the wetlands throughout the property. We therefore defer to the board's interpretation of the avoidance provision.

The district challenges the reasonableness of the board's interpretation on three grounds. First, the district argues that the board's interpretation "effectively reads the avoidance clause out of" the rule, but we disagree because the regulation conditions wetland avoidance on "the terms of the approved plan," signaling that the terms of an

approved plan could permit development without wetland avoidance. Second, the district argues that the Borglums' conduct shows that they can avoid the wetlands within the terms of the conditional-use permit because they did so "for the 20 years prior to the December 2007 hearing in this matter," but the district's argument is unpersuasive. Merely because the Borglums previously avoided the wetlands does not mean that they can continue to do so within the terms of the 1987 conditional-use permit. Third, the district argues that the board's interpretation is not reasonable because it "leads to the absurd result that any CUP issued in the relevant time frame permits all drainage and fill activities." We disagree. "[R]easonableness is necessarily determined using a case-by-case inquiry." *Id.* at 525. Simply because the board's interpretation of the avoidance provision in this case permits the Borglums to conduct their business on the property without avoiding wetlands does not mean that it would be reasonable to interpret another authorization's terms as broadly.

Because we defer to the board's determination that the Borglums satisfied the approved-development exemption, we do not reach the Borglums' arguments that the district should be equitably estopped from denying the board's approved-development exemption and arguments specifically contesting DNR's restoration-or-replacement order.

Affirmed.

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Cottonwood County Local Water Management Plan Amendment – Paul Langseth - ***DECISION ITEM***

2. Freeborn County Local Water Management Plan Amendment – Paul Langseth – ***DECISION ITEM***

3. Houston County CLWMP Five-Year Update Extension Request – Paul Langseth - ***DECISION ITEM***

4. Murray County Local Water Management Plan Amendment – Paul Langseth – ***DECISION ITEM***

5. Wabasha County CLWMP Extension Request – Paul Langseth – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Cottonwood 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 Cottonwood County 2007 - 2017 Comprehensive Local Water Management Plan (Plan) on June 27, 2007. This Plan contains an implementation section with goals, objectives and actions to address the county's priority concerns. The Board Order required Cottonwood County to update the Plan's implementation section by July 1, 2012.

On October 4, 2011, the Cottonwood 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 May 16, 2012, the BWSR regional staff received the required documentation and 2012 Amendment to the Cottonwood County Comprehensive Local Water Plan. The 2012 Amendment contains an Executive Summary and the new July 2012- July 2017 implementation section. The amendment has prioritized action items in the implementation section of the plan on a major watershed scale. The implementation section addresses the following priority concerns:

- Improve Surface Water Quality
- Protect Ground Water
- Feedlot & Sub-Surface Sewage Treatment Systems (SSTS)

BWSR has actively participated with and provided guidance and recommendations to Cottonwood County and the task force throughout this amendment process. The new five-year implementation section is in conformance with the requirements of Minnesota Statute 103B and guidance developed by BWSR. The Board's Southern Water Planning Committee (Committee) will meet on August 21, 2012 to review the Cottonwood County Plan Addendum. The Committee's recommendation of the Cottonwood County July 2012 - July 2017 Implementation Program Addendum will be presented to the full Board for review and action.

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 **Cottonwood County** (Minnesota Statutes, Section 103B.314, Subdivision 6)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, on June 27, 2007, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Cottonwood County 2007 – 2017 Comprehensive Local Water Plan Update (Plan), which contained a 2006 – 2012 five-year Implementation section; and

Whereas, this Board Order stipulated that Cottonwood County was required to update the implementation section by July 1, 2012; and

Whereas, the Cottonwood County Board of Commissioners submitted the Cottonwood County Plan 2012 Amendment to the Board on May 15, 2012; and

Whereas, this 2012 Amendment contains the updated five-year implementation section as ordered by the Board; and

Whereas, the Board has completed its review of the 2012 Amendment.

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

FINDINGS OF FACT

1. On October 4, 2011, Cottonwood County passed and submitted a resolution stating its intent to amend its current Plan by providing for the required update of the five-year implementation section, pursuant to M.S. Section 103B.314, Subd. 6.

2. On October 13, 2011, Board staff provided information on the amendment process to Cottonwood County.

3. On December 19, 2011, Cottonwood County provided proper notice to local units of government and state agencies of the County's intent to amend its five-year implementation section and invited all recipients to participate in the amendment process.

4. On January 5, 2012, Cottonwood County conducted an open house to initiate the five-year implementation section update. Cottonwood County convened its water plan task force to develop the five-year update through five meetings held January, February, and March 2012.

5. Cottonwood County received written comments from the Minnesota Department of Agriculture, 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 Pollution Control Agency attended the water plan task force meeting(s) and provided comments.

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

7. The final document developed by Cottonwood County, which includes the revised five-year implementation section July 2012 – July 2017 is entitled the Cottonwood County Comprehensive Local Water Management Plan 2007-2017 Amendment July 2012.

8. On April 24, 2012, after providing for proper public notice, Cottonwood County conducted a public hearing on the proposed 2012 Amendment. No additional comments were submitted at the hearing.

9. On May 16, 2012, the BWSR received the Cottonwood County 2012 Amendment, a record of the public hearing, and copies of all written comments pertaining to the 2012 Amendment, pursuant to M.S. Section 103B.314, Subd. 6.

10. On August 21, 2012, the Board's Southern Water Planning Committee (Committee) reviewed the Cottonwood County 2012 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 2012 Amendment will be in effect until **July 1, 2017.**

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Amendment of Cottonwood County pursuant to Minnesota Statutes, 103B.314, Subd. 6.

2. The Cottonwood County 2012 Amendment attached to this Order states goals, objectives, and actions the County will address in the five-year implementation section July 2012 – July 2017. The 2012 Amendment, as well as the previously approved Cottonwood County 2007 – 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 2012 Amendment of the Cottonwood County Water Management Plan for July 2012 – July 2017. Cottonwood County will be required to provide for a complete update of its Water Management Plan prior to July 1, 2017.

Dated at Marshall, Minnesota, this **23rd day of August 2012**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

DATE: July 26, 2012

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: Mark L. Hiles, BWSR Board Conservationist

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

On June 27, 2007, the Board of Water and Soil Resources (BWSR), by board order, approved the Cottonwood County June 27, 2007 – July 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 - 2012. The Board Order stipulated that Cottonwood County was required to revise / update this implementation section by July 1, 2012.

On October 4, 2011, the Cottonwood 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 May 16, 2012, the BWSR regional staff received the required documentation and 2012 Amendment to the Cottonwood County Comprehensive Local Water Plan. The 2012 Amendment contains an Executive Summary and the new July 2012- July 2017 implementation section. The amendment has prioritized action items in the implementation section of the plan on a major watershed scale. The implementation section addresses the following priority concerns:

- Improve Surface Water Quality
- Protect Ground Water
- Feedlot & Sub-Surface Sewage Treatment Systems (SSTS)

I have actively participated with and provided guidance and recommendations to Cottonwood 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 Cottonwood County July 2012 - July 2017 Implementation Program Amendment. Finally - I look forward to assisting Cottonwood County in the implementation of this revision of their Local Water Management Plan. Water Plan Coordinator Kay Clark should be commended for her leadership throughout the plan amendment process.

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A. Executive Summary

Cottonwood County is located in southwestern Minnesota, adjacent to Murray, Redwood, Brown, Watonwan, Jackson, and Nobles counties. The City of Windom is the county seat. Cottonwood County's population in the 2010 census was 11,687 and the City of Windom's population was 4,646.

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

A.1 Purpose & Introduction

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

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

This is the plan amendment for the third edition of the local water management plan for Cottonwood County, which was completed in March of 2007 by a Public Hearing before the Cottonwood County Board of Commissioners.

The County Board of Commissioners adopted a resolution on October 4, 2011 to update this plan, according to Minnesota Statutes now in effect.

Major accomplishments under Cottonwood County's previous water management plans included from 2007 - 2011:

- The Cottonwood County Commissioners entered into an 'Agreement for the Provision of Services' June of 2011 with the Cottonwood Soil and Water Conservation District. Programs to be administered include:
    - Local Water Management Coordinator
    - Management of the Natural Resources Block Grant Programs
    - Administrator of the Wetlands Conservation Act
    - Coordination of the Feedlot Program
    - Coordination of the SSTS Program

- In 2006, the Cottonwood Soil and Water Conservation District contracted with the Greater Blue Earth River Basin Alliance (GBERBA) to provide the Administrative and Technical Coordinators (equal to one FTE) for the Joint Powers Organization.
- Managed and provided funds for county residents to test well water for nitrates and bacteria.
- Promoted the sealing of abandoned wells, and provided cost-share to seal 136 wells.
- Promoted the replacement of non-compliant septic systems and assisted residents with the installation of systems for new construction: 146 installed during 2007-2011. Maintained files and data base with pertinent information.
- Secured funds for the Low Interest Loan Program through the MN Department of Agriculture to provide funding for installation of septic systems, agricultural waste systems and conservation tillage equipment continue to look for additional sources of this funding.
- Worked with MPCA as a Delegated County for the Feedlot Program, and maintained the feedlot data base.
- Worked with county livestock producers in registering their feedlots and completing their Manure Management Plans.
- Provided county livestock producers with funding for testing samples of manure.
- Provided technical assistance and guidance in developing Well Head Protection Plans for the Cities of Comfrey and Mountain Lake.
- Participated in the 13 County Water Planners organization.
- Administered the Wetland Conservation Act
- Administered the Shoreland and Flood Plain Management Program.
- Partnering with the HLWD, WFDMR Coordinator (and others) on the West Fork Des Moines River TMDL Implementation Plan, and the WFDMR TMDL Implementation Project to complete a Level III Feedlot Inventory in the Des Moines River Watershed.
- Partnering with RCRCA (and others) on the Cottonwood River Fecal Coliform Bacteria and Turbidity TMDL Implementation Plan.
- Updating of the Cottonwood County Subsurface Sewage Treatment System Ordinance #38 with approval in 2012.
- Applied for and received a Mississippi River Basin Initiative grant through the NRCS for the Little Cottonwood River Watershed.
- Received a BWSR Clean Water Fund grant for the hiring of a MRBI Technician to be shared with the Cottonwood and Brown SWCDs.
- Since 1998, Cottonwood County, along with Brown and Nicollet Counties, sponsor and help coordinate the annual Children's Water Festival held in the month of March for 4th grade students of the three counties. Approximately 900 students attend each year.
- Provided funding for 5th Grade Conservation Day, which is a joint activity between Jackson and Cottonwood SWCDs.
- Provided funding for the Southwest MASWCDE Environmental Fair attended by 6th grade classes of Cottonwood County since 1992.
- Continued support and assistance with the State of Minnesota Des Moines River Watershed Conservation Resource Enhancement Program, RIM Buffer Program and the RIM/WRP conservation programs.
- Provided funds to plant trees in shelterbelts and wildlife plantings.

- Assisted with the establishment and continuing effort of the Windom and Mountain Lake Tree Commissions.
- Provided funds for a weed-badger used in weeding the tree plantings.

The Cottonwood Soil and Water Conservation District (SWCD) administers the Local Water Management Program in Cottonwood County. Cottonwood County agreed to allow the Cottonwood SWCD to manage the Plan update process and convene the Cottonwood County Local Water Management Task Force.
Task Force membership currently includes:

2011-12 Local Water Management Plan Task Force Members

- Phyllis Bakken, County Planning Commission, Agriculture
- Karen Boysen, Natural Resources Conservation Service
- Dave Bucklin, Cottonwood Soil and Water Conservation District
- Kay Clark, Cottonwood Soil and Water Conservation District
- Andy Geiger, Cottonwood County Environmental Office, Planning & Zoning
- Renee Harnack, Cottonwood Soil & Water Conservation District
- Mike Haugen, City of Windom
- Kelly Heather Pfarr, Natural Resources Conservation Service
- Norm Holmen, Cottonwood County Commissioner
- Dominic Jones, Red Rock Rural Water System
- Lloyd Kalfs, Cottonwood Soil and Water Conservation District, Feedlots, SSTS
- Clark Lingbeek, Cottonwood Soil and Water Conservation District Supervisor, Township Official, Pheasants Forever

Other Participants

- Ryan Doorenbos, MN DNR Fisheries
- Curt Gode, Germantown Township Supervisor
- Doug Goodrich, Redwood-Cottonwood Rivers Control Area
- Mark Hiles, Board of Water and Soil Resources
- Brian Hoskins, MRBI Technician Little Cottonwood River Watershed
- Tom Kresko, MN DNR Area Hydrologist
- Scott MacLean, Minnesota Pollution Control Agency
- Tom Maher, Brown Soil & Water Conservation District
- Lauren Michelsen, West Fork Des Moines River Watershed Coordinator
- Margaret Peeters, Heron Lake Watershed District
- Katherine Pekarek-Scott, Minnesota Pollution Control Agency
- Hans Remmers, Southbrook Township Supervisor
- Jan Voit, Heron Lake Watershed District
- Mark Werner, Germantown Township Supervisor

A.1.a Public and Internal Forums

10-4-2011	Cottonwood County Board of Commissioners approve resolution of intent to revise and update the local water management plan.
11-16-2011	Meeting with Board of Water and Soil Resources reviewing the water plan update criteria. (Attendance: Kay Clark, Andy Geiger and Mark Hiles)
12-2-2011	Notice of 'Kick-Off' Meeting for the Water Plan Task Force and the beginning of the water plan revision process.

12-14-2011 Meeting with Water Plan Task Force to review the water plan amendment process. (Attendance 12)

12-19-2011 Notice of Decision to Revise and Update the Local Water Management Plan provided by email and/or postal service to local units of government, organizations and responsible agencies as suggested and required (70 notices mailed). Meeting Notice published in the Windom Citizen, Mountain Lake Observer and Cottonwood County Shopper.

1-5-2012 Cottonwood County Water Task Force 'Open' House Meeting held at the Cottonwood SWCD Office. (Attendance 9)

1-11-2012 Water Task Force Meeting – Focus - Cottonwood River Watershed. (Attendance 13)

1-18-2012 Water Task Force Meeting – Focus – Des Moines River Watershed. (Attendance 12)

2-1-2012 Water Task Force Meeting – Focus – Little Cottonwood River Watershed. (Attendance 10)

2-8-2012 Water Task Force Meeting – Focus – Watonwan and Blue Earth River Watersheds (Attendance 8)

3-21-2012 Water Task Force Meeting - Plan Amendment Review. (Attendance 6)

3-8-2012 Meeting notice published as legal ad in Cottonwood County Shopper.

3-10-2012 Meeting notice published as display ad in Cottonwood County Citizen. Ten days before the Public Hearing.

3-24-2012 Public Hearing on Local Water Management Plan Amendment before the County Board of Commissioners.

5-15-2012 Date revised plan sent to Board of Water and Soil Resources.

August 2012 Approval by the Board of Water and Soil Resources.

A.1.b Plan Adoption and Amendment

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

A.2 Description of Priority Concerns

The Priority Concerns listed below were selected by the Water Plan Task Force members by consensus during the 2006-2007 plan development and reviewed by the Water Task Force in 2011-2012. While the assessment of priority concerns utilized the best available data, this plan rests solidly on information and analysis contained in previous editions of the county's local water management plan.

Priority Concern 1. Improve Surface Water Quality.

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

Priority Concern 2. Protect Groundwater.

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

Priority Concern 3. Feedlots & SSTS (Sub-Surface Sewage Treatment Systems).

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

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

Goals and Actions were selected to address priority concerns on a watershed basis, with a focus on principles of sound hydrological management. A watershed based approach will help in prioritizing future funding opportunities for Cottonwood County.

Priority Concern 1. Improve Surface Water Quality.

This concern will be addressed to prevent further degradation of stream and lake water quality. Objectives include protecting soil from erosion and agricultural runoff, impacts of drainage management, wetland restoration and management, and addressing TMDL impaired waters with the promotion of conservation practices in the watersheds.

Implementation actions include promotion and education, providing technical assistance for conservation programs and best management practices; seeking financial assistance for conservation practices; develop a Drainage Management Plan for Cottonwood County and develop a GIS layer for all public drainage systems in the County; promote conservation drainage; and work with local, state and federal partners on measures to improve water quality and provide technical and administrative support for watershed work in TMDL impaired watersheds.

Projected total costs over the five years from the '*Implementation to Address Priority Concerns' – 'Goals and Objectives – Action'* section of the management plan amendment include approximately $1,694,850 for projects and financial

assistance, $1,814,950 for technical and administrative assistance and $40,500 for outreach and education. All dollar figures are estimates and recognize approximate costs (technical assistance calculated adding specific action items and twenty-five percent of the project costs). There will also be in-kind associated with each action item written.

Priority Concern 2. Protect Groundwater.

This concern will be addressed to assure long-term quality and quantity of groundwater supplies, with a priority for Drinking Water Supply Management Areas (DWSMA) and surficial aquifers. Objectives include supporting wellhead protection, preventing groundwater contamination, and protecting long-term supplies.

Implementation actions include providing technical assistance for conservation programs and best management practices; seeking financial assistance for landowners; outreach and education; maintenance of GIS layers; testing well water quality; providing assistance and funding to seal unused wells; and work with cities and water providers for to protect our long-term water supplies.

Projected total costs over the five years from the '*Implementation to Address Priority Concerns' – 'Goals and Objectives – Action'* section of the management plan amendment include approximately $527,812 for projects and financial assistance, $275,938 for technical and administrative assistance, and $13,000 for outreach and education. All dollar figures are estimates and recognize approximate costs (technical assistance calculated adding specific action items and twenty-five percent of the project costs). There will also be in-kind associated with each action item written.

Priority Concern 3. Feedlots & SSTS (Sub-Surface Sewage Treatment Systems).

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

Implementation actions include providing education and outreach, technical assistance with nutrient and manure plan development, maintenance of GIS layers, review ordinances, and providing financial, technical assistance to upgrade feedlots (with emphasis on the Level II Inventory results), and upgrading non-compliant septic systems.

Projected total costs over the five years from the '*Implementation to Address Priority Concerns' – 'Goals and Objectives – Action'* section of the management plan amendment include approximately $3,353,625 for projects and financial

assistance, $1,132,875 for technical and administrative assistance, and $24,000 for outreach and education. All dollar figures are estimates and recognize approximate costs (technical assistance calculated adding specific action items and twenty-five percent of the project costs). There will also be in-kind associated with each action item written.

A.4 Consistency with Local, State and Regional Plans

Cottonwood County Environmental Office administers the County's comprehensive land use plan and zoning ordinance. The Cottonwood SWCD and the Cottonwood County Environmental Office work closely together to ensure that environmental issues are handled consistently throughout Cottonwood County. The Cottonwood County 2005 Comprehensive Plan identifies issues, goals, objectives, policies and tasks that have been reviewed for consistency with the 2007 water management plan.

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

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

B. Priority Concerns

B.1 Identification of Priority Concerns

Priority Concerns for local water management were selected by the Cottonwood County Local Water Management Plan Task Force members after reviewing the concerns submitted by state and local agencies and other stakeholders during the 2005-2006 planning sessions.

For the amended document, concerns and comments were requested from:

- Minnesota Board of Water and Soil Resources
- Minnesota Department of Agriculture
- Minnesota Department of Health
- Minnesota Department of Natural Resources
- Minnesota Environmental Quality Board
- Minnesota Pollution Control Agency
- Cottonwood County Environmental Office
- Cottonwood Soil and Water Conservation District
- Natural Resources Conservation District, Windom Field Office

Local water management concerns and comments were received from:

- Minnesota Board of Water and Soil Resources
- Minnesota Pollution Control Agency
- Soil and Water Conservation District

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Freeborn 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: 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*)
By Board Order, the Board of Water and Soil Resources (Board) approved the Freeborn County 2006 - 2015 Comprehensive 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 Freeborn County to update the Plan's implementation section by December 31, 2011. Freeborn County followed the amendment process guidelines established by the Board and submitted their 2011 - 2015 Water Management Plan Addendum on March 8, 2012.

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 **Freeborn 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 Freeborn County 2006 – 2015 Comprehensive Local Water Plan Update (Plan), which contained a 2006 – 2011 five-year Implementation section; and

Whereas, this Board Order stipulated that Freeborn County was required to update the implementation section by December 31, 2011; and

Whereas, the Freeborn County Board of Commissioners submitted the Freeborn County Plan 2012 Amendment to the Board on March 8, 2012; and

Whereas, this 2012 Amendment contains the updated five-year implementation section as ordered by the Board; and

Whereas, the Board has completed its review of the 2012 Amendment.

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

FINDINGS OF FACT

1. On October 20, 2011, Freeborn County passed and submitted a resolution 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 April 27, 2011 and May 9, 2011, and May 17, 2011 Board staff provided information on the amendment process to Freeborn County.

3. On October 20, 2011 Freeborn 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. Freeborn County received written comments from the Minnesota Department of Agriculture, the Minnesota Pollution Control Agency, the Minnesota Department of Health, Mower County, City of Glenville, and Moscow Township.

5. No other state agency or local government unit provided written comments to Freeborn County.

6. The final document developed by Freeborn County, which includes the revised five-year implementation section, is entitled the Freeborn County 2011 Mid-Term Amendments Comprehensive Water Plan 2006-2015.

7. On February 7, 2012, after providing for proper public notice, Freeborn County conducted a public hearing on the proposed 2012 Amendment. No additional comments were submitted at the hearing.

8. On February 23, 2012, the BWSR received a record of the public hearing, and copies of all written comments pertaining to the 2012 Amendment, pursuant to M.S. Section 103B.314, Subd. 6.

9. On March 8, 2012 BWSR received the Freeborn County 2012 Amendment

10. On August 21, 2012, the Board's Southern Water Planning Committee (Committee) reviewed the Freeborn County 2012 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 2012 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 Freeborn County pursuant to Minnesota Statutes, 103B.314, Subd. 6.

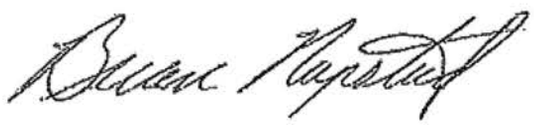
2. The Freeborn County 2012 Amendment attached to this Order states goals, objectives, and actions the County will address in the five-year implementation section 2011 – 2015. The 2012 Amendment, as well as the previously approved Freeborn County 2006 – 2015 Comprehensive Local Water Plan Update, is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached 2012 Amendment of the Freeborn County Water Management Plan for 2011 – 2015. Freeborn County will be required to provide for a complete update of its Water Management Plan prior to December 31, 2015.

Dated at Marshall, Minnesota, this **23rd day of August 2012**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



BY: Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

DATE: May 4, 2012

TO: Jeff Nielsen, BWSR Southern Regional Manager

FROM: Chris Hughes, BWSR Board Conservationist

SUBJECT: Freeborn County Local Water Management Plan Amendment – Final Review

On August 24, 2006, the Board of Water and Soil Resources (BWSR), by board order, approved the Freeborn County 2006–2015 ten-year Comprehensive Local Water Management Plan Update (Plan). The Plan contained an Implementation section with goals, objectives, and action steps covering a five-year period, 2006–2011. The Board stipulated that Freeborn County was required to revise/update this Implementation section by December 31, 2011.

On October 20, 2011, Freeborn County issued a Notice of Decision to Amend five-year Implementation section as directed by BWSR and requested comments for the plan amendment. The County followed the process for amending as described within the Local Water Management Guidance developed by BWSR.

On February 12, 2012 BWSR regional staff received the required documentation and the 2011 Amendment to the Freeborn County Plan. The 2011 Amendment contains an Introduction and a five-year Implementation section (goals, objectives, and actions) for January 2012–December 2015. The Implementation section addresses the following priority issues:

- Minimize flood damage
- Municipal stormwater treatment/discharge
- Individual sewage treatment systems
- Wetland preservation
- Protect water resources from feedlot/animal manure
- Protect and preserve existing shorelands

I have participated and provided guidance/comments/advice/recommendations to Freeborn County throughout this amendment process. I believe the new five-year Implementation section is in conformance with the requirements of Minnesota Statutes 103B and guidance developed by BWSR. I recommend approval of the Freeborn County January 2012–December 2015 Implementation Program Amendment. Finally – I look forward to assisting the County and SWCD in the implementation of this revision of their Plan. The Freeborn County water planning staff, the SWCD and task force should be commended for their efforts and leadership throughout the plan amendment process.

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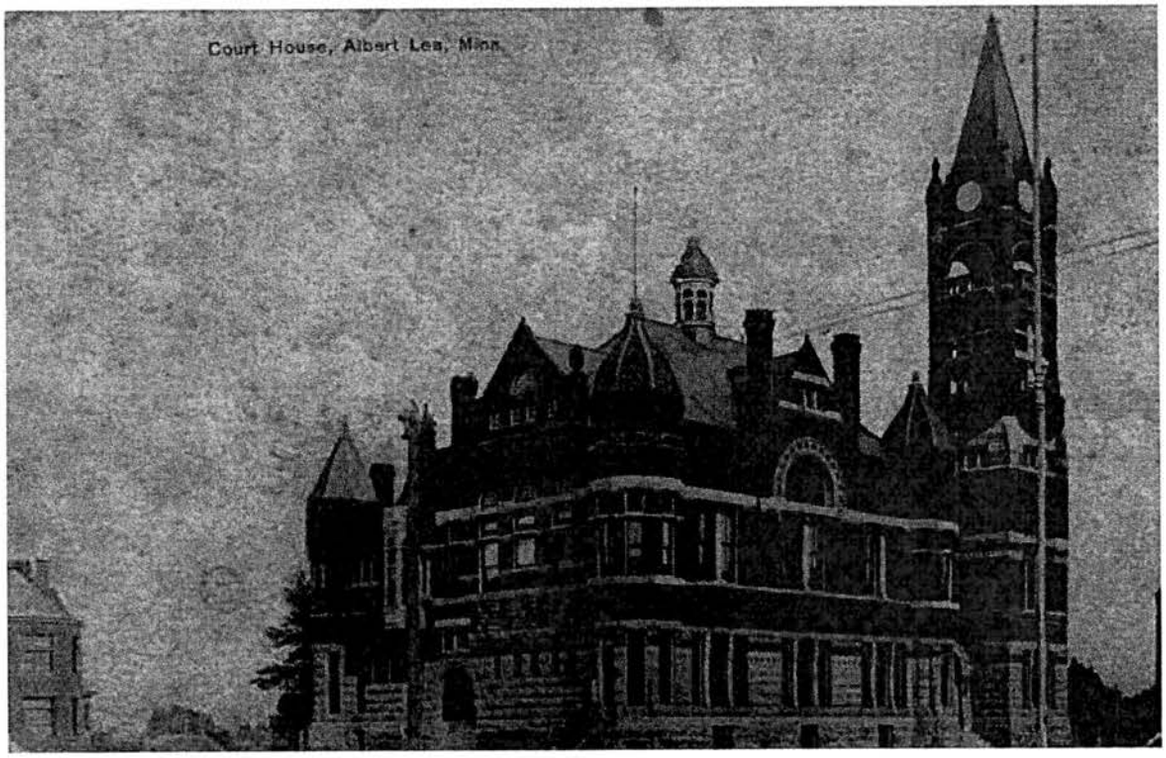
FREEBORN COUNTY



2011 Mid-Term Amendments Comprehensive Water Plan 2006 - 2015

INTRODUCTION

Summary

Freeborn County is a gateway into Southern Minnesota. Interstate Freeway 35 W and 90 intersect this area. We are bordered by the State of Iowa to the South, Faribault County to the West, Waseca County and Steele County to the North, and Mower County to the East. This County has a land area of 720 square miles, a 2010 population of 31,255, 14 incorporated cities, and 20 townships. The County Seat is the City of Albert Lea, which is located approximately 100 miles South of Minneapolis, MN. Some 81% of productive land in this County is farmed or used for rotational animal pastures.

Purpose

The purpose of this updated Local Water Management Plan for Freeborn County is:

1) To focus efforts on identified existing and potential priority concerns and/or opportunities for protection, management, and development of related water resources and land resources.

2) To continue to develop, update and implement this water plan of action to promote sound management of our resources through the use of Best Management Practices.

3) To intensify land use practices aimed at effective environmental protection.

4) To provide a guidance document for local decision makers.

5) To regulate land use practices for the development, management and protection of water and related land resources.

Freeborn County Comprehensive Water Plan 2006 – 2015 establishes priorities in actions related to water quality, water quantity, special land uses and conditions that influence land and water resources.

2011 Amendment

The 2011 Amendment to this Water Plan represents updates to the Goals and Objectives Sections of this plan at the mid-term of the 10 year plan. We have identified Storm Water Management as an additional priority item, due to significant flood events that have occurred.

Priority Concerns

This water plan process produced 13 priority concerns to focus water management efforts through December 31, 2015. The process through which these priority concerns were identified is detailed in Appendix A "Public Participation in the Freeborn County Water Planning Process" document.

Goals and Actions

The following is a summary of the Goals and Actions identified for 2006 – 2015 Priority Concerns:

1) Water Wells – protect aquifer from contamination by water wells.

2) Sewer Systems – protect surface water and groundwater from individual sewage treatment systems (ISTS) contamination.

3) Top Soil – protect and preserve topsoil.

4) Wetlands – preserve existing wetlands.

5) Feedlots – protect land and water resources from animal waste contamination.

6) Municipal Waste Water – protect water resources from municipal waste water contamination.

7) Mixed Solid Waste – protect land and water resources from mixed solid waste contamination.

8) Hazardous Waste – protect water resources from hazardous waste contamination.

9) Storm Water – Work to bring Freeborn County Lakes, ditches, rivers into compliance with TMDL requirements.

10) Watersheds – Manage land resource to reduce contamination into surface waters.

11) Flooding – control surface water run-off.

12) Shoreland – protect and preserve existing shorelands.

13) Public Waters – provide recreational opportunities.

Goals and Actions - 2011

1) Protect groundwater from depletion and degradation.

2) Enhance protection of surface and groundwater resources from sewage treatment systems.

3) Address impaired surface waters.

4) Management of animal manure for land applications.

5) Control soil erosion.

6) Storm water management.

7) Protect shoreland areas.

Plan Consistency

Freeborn County examined State Agency, other county, Turtle Creek Watershed District and Shell Rock River Watershed District to ensure consistency with their water resource management efforts.

This 2006 – 2015 Water Plan reflects Minnesota Pollution Control Agencies Lower Mississippi River Basin water quality efforts.

These 2011 amendments reflect additional five year water planning efforts in this ten year plan.

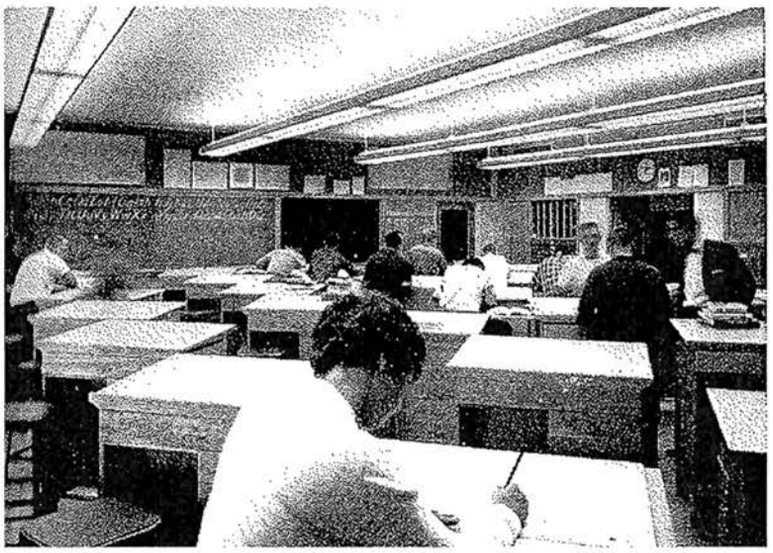
This plan incorporates some of Minnesota Department of Natural Resources Lake Management strategies. It contains targeted Best Management Practices from the Blue Earth River Basin total maximum daily load strategies. This Comprehensive Local Water Plan will incorporate Board of Water and Soil Resources study of flooding in Mower County, Steele County, and Freeborn County.

Recommended Amendments

Pursuant to the authority conferred by the State of Minnesota; Freeborn County adopts this 2006 – 2015 Water Plan and includes all provisions of the 1995 – 2005 Water Plan, to promote and protect the public health, safety and general welfare of all inhabitants.

Freeborn County does not see the need for any amendment to other plans and official controls.

Freeborn County adopts the 2011 amendments.



Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Houston County CLWM Plan Five-Year Update Extension**

Meeting Date: August 23, 2012

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Southern Region

Contact: Jeff Nielsen

Prepared by: Mary Kells

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 required five-year update of the implementation section of the Houston County Comprehensive Local Water Management Plan until December 31, 2014.

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

Houston County has submitted a request for an extension of the required five-year update of the implementation section of the Houston County Comprehensive Local Water Management Plan (Plan). The existing deadline for the update of the Plan implementation section is December 31, 2012. This extension is needed due to the retirement of the District Manager of the Root River Soil and Water Conservation District, delegated administrator of the Plan. The request for an extension is deemed acceptable. In conformance with Board policy, BWSR staff recommends a two-year extension, which would make the Implementation Plan update deadline December 31, 2014. The Southern Water Planning Committee will meet on August 21, 2012 and will make its recommendation to the full BWSR Board.

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 Houston County	ORDER EXTENDING WATER MANAGEMENT PLAN

Whereas, the Houston County Board of Commissioners has a state-approved Comprehensive Local Water Management Plan (Plan) that is effective until December 31, 2017 pursuant to Minnesota Statutes 103B.301; and

Whereas, the Board Order, dated December 19, 2007, required Houston County to update the implementation section (Goals, Objectives and Actions) of the Plan by December 31, 2012.

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

FINDINGS OF FACT

On December 19, 2007, the Board approved the Houston County Comprehensive Local Water Management Plan, and Houston County adopted this Plan via resolution on January 8, 2008. The approved Plan is effective for a ten-year period until December 31, 2017, with a required update to the implementation section (Goals, Objectives and Actions) by December 31, 2012.

On March 21, 2012, Houston County approved and submitted a resolution requesting an extension of their required update to the implementation section of their Plan. This extension is requested due to the retirement of the District Manager of the Root River Soil and Water Conservation District, delegated administrator for the water plan.

On July 6, 2012, Board staff reviewed and recommended approval of the extension request by Houston County.

On August 21, 2012, the Southern Region Water Planning Committee met in Marshall, Minnesota to discuss Houston County's request for extension. The Committee's decision was to present to the Board a recommendation of approval to extend Houston County's update to the implementation section of the Comprehensive Local Water Management Plan until December 31, 2014.

CONCLUSIONS

All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of extending the update to the implementation section of the Comprehensive Local Water Management Plan of Houston County.

ORDER

The Board hereby approves the extension of the required five-year update of the implementation section of the Houston County Comprehensive Local Water Management Plan until December 31, 2014. Houston County shall strive to complete the updating of their Comprehensive Local Water Management Plan in a timely manner.

Dated at Marshall, Minnesota, this 23rd day of August 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

July 6, 2012

TO: Jeff Nielsen, BWSR Southern Region Supervisor

FR: Mary Kells, BWSR Board Conservationist

RE: Extension Request – Houston County Comprehensive Local Water Management Plan

Houston County (County) has a Comprehensive Local Water Management Plan (Plan) that was approved by the Minnesota Board of Water and Soil Resources (Board) on December 19, 2007, and locally adopted by the County via a resolution dated January 8, 2008. The effective date (end date) of this Plan is December 31, 2017 with a required update to the implementation section (Goals, Objectives and Actions) by December 31, 2012.

On March 21, 2012, the Board received a written request from the Root River SWCD, delegated administrator for the water plan, and a County Board of Commissioners' Resolution from Houston County requesting a two-year extension to allow time to complete their implementation update. This extension is desired given the retirement of the district manager, the PRAP work that has been completed in Houston County and the transition period that has included contracting an outside consultant to assess workload needs and staffing.

I recommend approval of a two-year extension for the completion of the required update to the implementation section of the Houston County Plan. The County anticipates the update to the implementation section will be completed well before this. The expiration date of the approved 10-Year Plan remains in effect and a full Plan Update will be required prior to December 31, 2017.

MAR 23 2012

RESOLUTION NO. 12-17

WHEREAS, on January 8, 2008 the Houston County Board of Commissioners approved Resolution No. 08-7 thereby adopting the Houston County Comprehensive Local Water Management Plan; and

WHEREAS, the five year update to this plan is due on December 31, 2012; and

WHEREAS, on March 1, 2012 the Water Plan Committee approved requesting a two year extension of the plan; and

WHEREAS, on March 9, 2012 the SWCD Board of Directors also approved requesting a two year extension of said plan; and

NOW, THEREFORE BE IT RESOLVED, the Houston County Board Commissioners hereby requests that the Board of Water and Soil Resources (BWSR) approve a two year extension to the Houston County Comprehensive Local Water Management Plan to allow time to complete the five year update.

*****CERTIFICATION*****

STATE OF MINNESOTA

COUNTY OF HOUSTON

I, Charlene Meiners do hereby certify that the above is a true and correct copy of a resolution adopted by the Houston County Board of Commissioners at a special session dated March 20, 2012.

WITNESS my hand and the seal of my office this 20th day of March, 2012.

(SEAL)

Charlene Meiners

Charlene Meiners, County Auditor

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Murray 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 Murray County 2007 - 2017 Comprehensive Local Water Management Plan (Plan) on June 27, 2007. This Plan contains an implementation section with goals, objectives and actions to address the county's priority concerns. The Board Order required Murray County to update the Plan's implementation section by July 1, 2012.

On November 22, 2011, the Murray 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 June 7, 2012, the BWSR regional staff received the required documentation and 2012 Amendment to the Murray County Comprehensive Local Water Plan. The 2012 Amendment contains an Executive Summary and the new July 2012- July 2017 implementation section. The implementation section addresses the following priority concerns:

- Improve Surface Water Quality
- Protect Ground Water
- Stormwater Retention

BWSR has actively participated with and provided guidance and recommendations to Murray County and the task force throughout this amendment process. The new five-year implementation section is in conformance with the requirements of Minnesota Statute 103B and guidance developed by BWSR. The Board's Southern Water Planning Committee (Committee) will meet on August 21, 2012 to review the Murray County Plan Addendum. The Committee's recommendation of the Murray County July 2012 - July 2017 Implementation Program Addendum will be presented to the full Board for review and action.

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 **Murray County** (Minnesota Statutes, Section 103B.314, Subdivision 6)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, on June 27, 2007, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Murray County 2007 – 2017 Comprehensive Local Water Plan Update (Plan), which contained a 2007 – 2012 five-year Implementation section; and

Whereas, this Board Order stipulated that Murray County was required to update the implementation section by July 1, 2012; and

Whereas, the Murray County Board of Commissioners submitted the Murray County Plan 2012 Amendment to the Board on June 7, 2012; and

Whereas, this 2012 Amendment contains the updated five-year implementation section as ordered by the Board; and

Whereas, the Board has completed its review of the 2012 Amendment.

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

FINDINGS OF FACT

1. On November 22, 2011, Murray County passed and submitted a resolution 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 3, 2012, Board staff provided information on the amendment process to Murray County.

3. On January 5, 2012, Murray 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 February 8, 2012, March 7, 2012, and April 4, 2012, Murray County convened its water plan task force to develop the five-year implementation section update.

5. Murray County received written comments from the Minnesota Department of Agriculture, the Minnesota Pollution Control Agency and the Minnesota Board of Water and Soil Resources. The Minnesota Board of Water and Soil Resources attended the water plan task force meetings and provided comments.

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

7. The final document developed by Murray County, which includes the revised five-year implementation section July 2012 – July 2017 is entitled the Murray County Local Water Management Plan 2007-2017 Amendment July 2012.

8. On May 1, 2012, after providing for proper public notice, Murray County conducted a public hearing on the proposed 2012 Amendment. Additional public comments were submitted at the hearing.

9. On June 7, 2012, the BWSR received the Murray County 2012 Amendment, a record of the public hearing, and copies of all written comments pertaining to the 2012 Amendment, pursuant to M.S. Section 103B.314, Subd. 6.

10. On August 21, 2012, the Board's Southern Water Planning Committee (Committee) reviewed the Murray County 2012 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 2012 Amendment will be in effect until **July 1, 2017.**

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Amendment of Murray County pursuant to Minnesota Statutes, 103B.314, Subd. 6.

2. The Murray County 2012 Amendment attached to this Order states goals, objectives, and actions the County will address in the five-year implementation section July 2012 – July 2017. The 2012 Amendment, as well as the previously approved Murray County 2007 – 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 2012 Amendment of the Murray County Water Management Plan for July 2012 – July 2017. Murray County will be required to provide for a complete update of its Water Management Plan prior to July 1, 2017.

Dated at Marshall, Minnesota, this **23rd day of August 2012**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

DATE: July 26, 2012

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: Mark L. Hiles, BWSR Board Conservationist

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

On June 27, 2007, the Board of Water and Soil Resources (BWSR), by board order, approved the Murray County June 27, 2007 – July 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 - 2012. The Board Order stipulated that Murray County was required to revise / update this implementation section by July 1, 2012.

On November 22, 2011, the Murray 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 June 7, 2012, the BWSR regional staff received the required documentation and 2012 Amendment to the Murray County Comprehensive Local Water Plan. The 2012 Amendment contains an Executive Summary and the new July 2012- July 2017 implementation section. The implementation section addresses the following priority concerns:

- Improve Surface Water Quality
- Protect Ground Water
- Stormwater Retention

I have actively participated with and provided guidance and recommendations to Murray 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 Murray County July 2012 - July 2017 Implementation Program Amendment. Finally - I look forward to assisting Murray County in the implementation of this revision of their Local Water Management Plan. Water Plan Coordinator Chris Hansen should be commended for his leadership throughout the plan amendment process.

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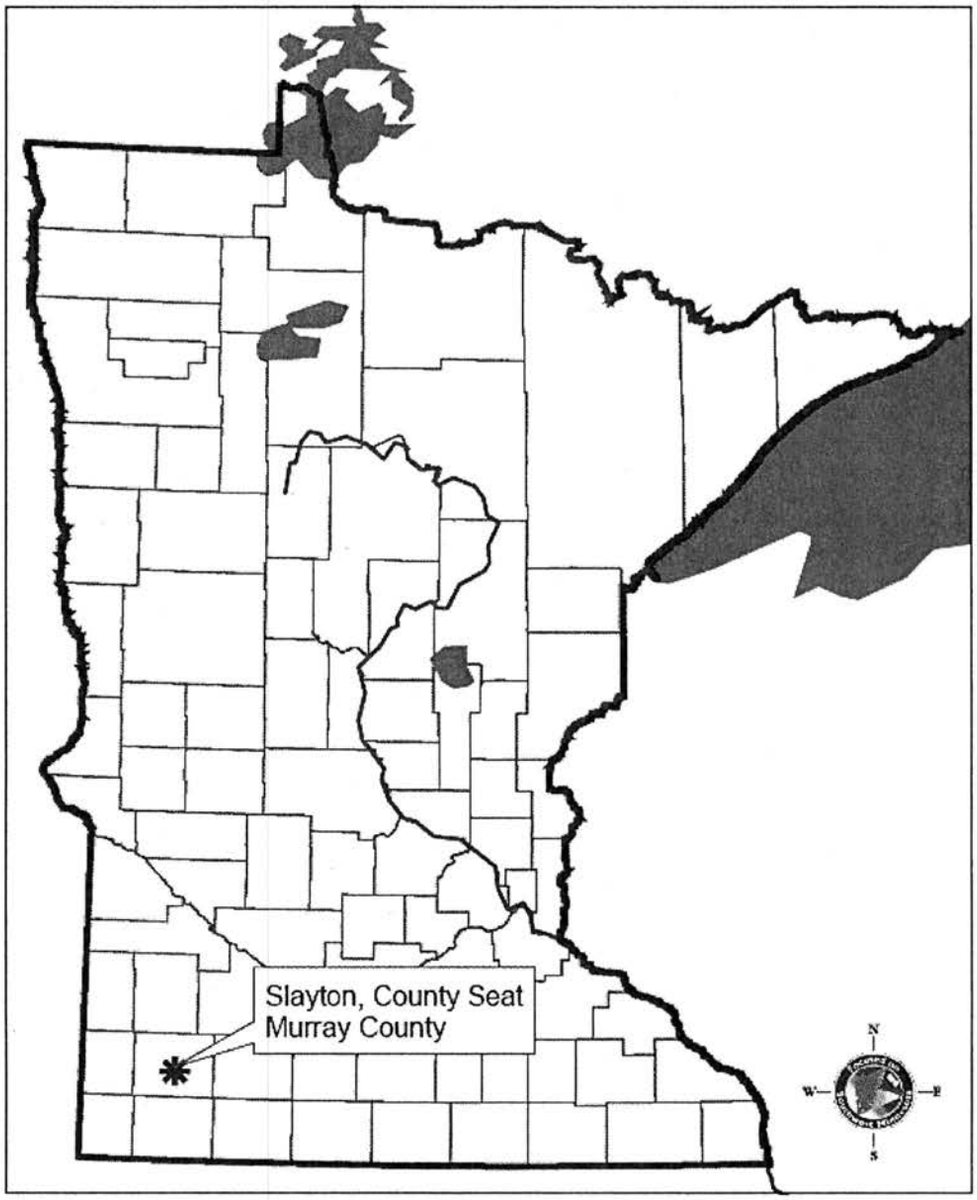
MURRAY COUNTY
LOCAL WATER MANAGEMENT PLAN
2007-2017

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

July 2012 Amendment

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



For additional information on water management in Murray County, Minnesota, contact:
Murray County Environmental Services Office
2500 – 28th St, PO Box 57
Slayton, MN 56172
(507) 836-1165

A. Executive Summary

Murray County is located in southwestern Minnesota, adjacent to Cottonwood, Redwood, Lyon, Pipestone, Rock, and Nobles counties. The City of Slayton is the county seat. Murray County's population in the 2010 census was 8,725 and the City of Slayton's population was 2,153.

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

A.1 Purpose & Introduction

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

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

This is the amended third edition of a local water management plan for Murray County. On October 10, 1987, the Murray County Board of Commissioners adopted a resolution to develop a Comprehensive Local Water Plan according to Minnesota Statutes in effect at that time. This plan, developed as a multi-county project under the direction of the Redwood-Cottonwood Rivers Control Area, was adopted by the Murray County Board of Commissioners on September 4, 1990. On December 17, 1995, the Murray County Board of Commissioners adopted a resolution to update and revise the Comprehensive Local Water Plan. The Murray County Board of Commissioners adopted a resolution on September 6, 2005 to revise the current plan, adopted on April 1, 1997, according to Minnesota Statutes now in effect. Lastly, the Murray County Board adopted a resolution on November 22, 2011 to update the plan that was adopted in 2007.

Here is a summary of the major yearly accomplishments of the Water Management Plan since it was updated in 2007:

- Funded the Ecology Bus to attend each of the two high schools in the County as well as the County Fair.
- Funded the 4-H Day Camp where children learn about wetlands and wildlife.
- Sponsored the Southwest Minnesota Environmental Fair.

- Tested well water throughout the County to maintain a database that was started in 1991.
- Tested pit tiles in hog confinement buildings to make sure they are not contaminating the groundwater.

Here is a summary of the other major accomplishments of the Water Management Plan since it was updated in 2007:

- Sealed 121 unused wells throughout the County.
- Provided $18,972.08 in funds for engineering of water retention structures within the Beaver Creek watershed.
- Received $83,064 in a CWF grant for the Jackson/Cottonwood/Murray West Fork Des Moines River BMP Project; this project was for four sediment reduction projects.
- Received $90,000 in a CWF grant for the Lime Creek SSTS Fix-up project; this is for the septic system upgrades to 10 hookups in the village of Lime Creek.
- Provided $4,000 for rip-rap work done along Beaver Creek.
- Provided $5,154.93 to small cities for upgrading their sewer treatment systems.
- Provided $600 to the Des Moines River TMDL Project.
- Provided $2,000 to the Rock River TMDL Project.

Below is a list of other accomplishments the Water Management Plan Board has accomplished in the last five years:

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

- Assisted with the construction of 368 acres of CRP buffer strips, 10 acres of wetland restorations, and 1 sediment control structure in the Beaver Creek watershed.
- Assisted in the update of the Comprehensive Land Use Plan in 2007.
- Gave speeches to Murray County Central School classes 3 times per year on water quality and recycling.
- Provided technical assistance to the Lake Maria restoration project.
- Assisted in the planting of 26.9 acres of farmstead shelterbelts.
- Assisted with the installation of 5 grassed waterways and 3 sediment control structures.
- Assisted with the installation of 3,600 feet of terraces.

Murray County Water Plan Accomplishments Ag BMP Loans						
	Feedlots	Dollars	Septics	Dollars	Conservation Tillage	Dollars
2000	2	$37,228	12	$58,025	13	$149,095
2001	4	$65,314	9	$45,349	25	$399,146
2002	0	$0	5	$31,514	12	$157,160
2003	0	$0	5	$27,515	13	$216,856
2004	7	$187,289	6	$36,042	23	$526,707
2005	3	$125,000	2	$14,031	16	$287,553
2006	6	$193,693	3	$16,186	19	$313,750
2007	4	$140,131	0	$0	15	$352,143
2008	3	$67,683	0	$0	5	$155,500
2009	8	$235,598	0	$0	6	$167,269
2010	2	$62,000	0	$0	9	$232,240
2011	7	$223,778	0	$0	8	$138,466
Total	**46**	**$1,337,714**	**42**	**$228,662**	**164**	**$3,095,885**
Source: Murray County Ag/Solid Waste Department						

Above is a summary of the Ag BMP loans the Murray County Ag/Solid Waste Department has issued since 2000.

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

- Conducted yearly meetings with the township officials to discuss Ag BMP's.
- Set up a booth at the County Fair to discuss feedlot registrations.
- Inspected 7% of all registered feedlots per year.
- Conducted yearly pit tile testing on all hog confinement units constructed since 1999.
- Provided technical assistance in distributing EQIP funds to 60 projects, and state cost share to 41 projects.
- Developed a GIS layer of feedlots on DELTA.
- Assisted 25 producers with registered feedlots to get manure management plans.

Objective A3: Address TMDL Impaired Waters.

- Sampled water in the Beaver Creek watershed in 2007 and 2008.
- Provided Technical Assistance with the Des Moines River and Rock River TMDL plans.

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

- Upgraded 193 septic systems since 2007.
- In 2010, Murray County received a $90,000 CWF grant for the Lime Creek SSTS Fix-up Project. This project encompasses nine homes and one elevator within the

village of Lime Creek. Of these ten systems, eight were suspected to be imminent health threats and one was suspected to be non compliant. In the summer of 2011, a large cluster/mound system was constructed to service all of the residents and the elevator. The entire project cost was $220,000.

- Updated the County septic regulations in 2008.
- Assisted the City of Hadley with updated their sanitary sewer.
- Provided assistance to the Shetek Area Water and Sewer District in getting sewer access to areas around the lakes without sewer availability.

Objective B1: Encourage Well Head Protection planning.

- Assisted the City of Chandler with their DWSMA plan.
- Conducted yearly free Nitrate Test Clinics at the Murray County Fair.
- Monitored 65 wells each year within the County for nutrient and bacteria levels.
- Work with Red Rock and Lincoln-Pipestone Rural Water.

Objective B3: Continue assistance to seal unused wells.

- Utilized the Water Resources fair booth to promote well sealing.
- Sealed 121 wells since 2007.
- Conducted site visits to 10 farmsites to remove all hazardous waste.

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

- Developed a GIS layer of all public drainage systems.
- Worked with Area II Representatives to find locations in the Beaver Creek watershed for water retention structures.
- Secured funding for the Steinman Retention Structure. Murray County has taken a proactive approach to slowing down surface water from entering the public waters. This project holds back storm water, allows sediment to settle out of the water, and allows the storm water to recharge the groundwater prior to being released. This project was completed in 2011 and has an estimated pollution reduction of 185.62 tons of sediment per year and 272.1 pounds of phosphorus reduction per year.
- Met with 28 landowners on proper lakeshore and streambank stabilization.

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

- Sent out a yearly brochure through the SWCD regarding EQIP, conservation tillage, and Ag BMP's.
- Provided incentives to enroll 368 acres of buffer strips in the Beaver Creek watershed.
- Enrolled 90 acres of marginal land into the CREP buffer strip program.

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

- Provided yearly technical assistance to the TEP panel by conducting 16 TEP meetings.
- Worked on reestablishing the wetlands in the Beaver Creek watershed (443.5 acres).

- Planted 169 acres of native grass filter strips around wetland basins in the Beaver Creek watershed.

The Murray County Environmental Services Office is responsible for local water management in Murray County, including facilitation of public input and convening the Murray County Local Water Management Plan Task Force. The Murray County Water Resources Department is facilitating the 2012 Update. Task Force membership currently includes:

2012 Local Water Management Plan Task Force Members

Paul Posthuma	Agriculture / SWCD
Duane Spartz	Private Business
Jon Hoyme	Shetek Area Water and Sewer Commission (SAWSC)
Larry Byers	Township Representative
Dave Kremer	Private Business
Justin Hoffmann	City of Slayton Representative/Parks Department
Jay Takle	State Park
Darrold Peck	Citizen
Howard Konkol	SWCD
Robert Koehler	Citizen
Amy Hoglin	County EDA
Jon Bloemendaal	Ag & Solid Waste Administrator
Mike Boersma	Extension Educator
Jean Christoffels	Murray County Zoning Administrator / Secretary
John Giese	County Commissioner
Robert Moline	County Commissioner
Bill Sauer	County Commissioner
Kevin Vickerman	County Commissioner
Gerald Magnus	County Commissioner
Chris Hansen	Water Resources Administrator / Water Plan Coordinator

A.1.b 2012 Public and Internal Forums

11/22/11	Resolution to Update Plan from County Board of Commissioners
01/05/12	Notice of Plan Update sent to townships and cities, adjacent counties, SWMN JPO, Heron Lake Watershed, BWSR, MPCA, DNR, EQB, MDH
02/08/12	Task Force met regarding update of plan and went over Agency comments
03/07/12	Task Force met regarding update of plan and review draft document.
04/04/12	Task Force met regarding update of plan and review draft document.
04/17/12	Reviewed plan with the Murray County Board of Commissioners.
05/01/12	Held a public hearing on the amended Water Plan.

A.1.c Plan Adoption and Amendment

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

A.2 TMDL Impaired Waters

The federal Clean Water Act requires states to adopt water quality standards. A water body is considered "impaired" or polluted if it fails to meet these standards. The Act requires the state to conduct a Total Maximum Daily Load (TMDL) study to identify point and non-point sources of each of these pollutants. MPCA and other agencies are working to reduce impairments in these waters. Statewide in 2006, there were 2,274 impairments listed on 1,304 waters. Please see the table below for the updated list of 2012 impaired waters within Murray County. Priorities will be placed on the Rock River and Des Moines River Watersheds for sampling over the next 5 years.

Clean Water Act Section ~~202~~ 303 [d] List (Draft 2012) of Impaired Waters in the County

Streams

Assessment Unit	ID	Impaired Use	Impairment Cause	Impairment Status
Beaver Creek: CD 20 to Des Moines R	07100001-503	AqRec	Fecal Colicorm	TMDL Approved
Beaver Creek: CD 20 to Des Moines R	07100001-503	AqLife	Turbidity	TMDL Approved
County Ditch 20: Headwaters to Beaver Creek	07100001-504	AqRec	Fecal Colicorm	TMDL Approved
Des Moines River: Beaver Creek to Lime Creek	07100001-546	AqRec	Fecal Colicorm	TMDL Approved
Des Moines River: Beaver Creek to Lime Creek	07100001-546	AqLife	Turbidity	TMDL Approved
Des Moines River: Lime Creek to Heron Lake Outlet	07100001-533	AqRec	Fecal Colicorm	TMDL Approved
Des Moines River: Lime Creek to Heron Lake Outlet	07100001-533	AqLife	Turbidity	TMDL Approved
Des Moines River: Lake Shetek to Beaver Creek	07100001-545	AqLife	Turbidity	TMDL Approved
Dutch Charlie Creek: Headwaters to Highwater Creek	07020008-518	AqLife	Fishes Bioassessments	TMDL Required
Dutch Charlie Creek: Headwaters to Highwater Creek	07020008-518	AqLife	Turbidity	TMDL Required
Jack Creek, North Branch: Headwaters to Jack Creek	07100001-505	AqLife	Turbidity	TMDL Approved
Lake Shetek Inlet: Headwaters to Lake Shetek	07100001-502	AqRec	Fecal Colicorm	TMDL Approved
Lime Creek: Lime Lake to Des Moines River	07100001-535	AqRec	Fecal Colicorm	TMDL Approved
Lime Creek: Lime Lake to Des Moines River	07100001-535	AqLife	Turbidity	TMDL Approved
Lower Lake Sarah Outlet: First Unnamed Creek on Lake Sarah Outlet Stream to Lake Shetek Inlet	07100001-508	AqRec	Fecal Colicorm	TMDL Approved
Pell Creek: Headwaters to T109 R38W S29, east line	07020008-535	AqLife	Turbidity	USEPA Review
Plum Creek (Judicial Ditch 20A): Headwaters to Cottonwood River	07020008-516	AqRec	Fecal Colicorm	TMDL Required
Plum Creek (Judicial Ditch 20A): Headwaters to Cottonwood River	07020008-516	AqLife	Turbidity	TMDL Required
Redwood River: Headwaters to Coon Creek	07020006-505	AqLife	Fishes Bioassessments	TMDL Required
Redwood River: Headwaters to Coon Creek	07020006-505	AqRec	Fecal Colicorm	TMDL Required
Redwood River: Headwaters to Coon Creek	07020006-505	AqCons	Mercury in Fish Tissue	TMDL Approved
Unnamed Creek: Unnamed Creek to Lake Shetek	07100001-519	AqRec	Fecal Colicorm	TMDL Approved
Unnamed Creek: Unnamed Creek to Unnamed Creek	07100001-517	AqRec	Fecal Colicorm	TMDL Approved
Upper Lake Sarah Outlet: Lake Sarah to Unnamed Creek	07100001-513	AqRec	Fecal Colicorm	TMDL Approved

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Clean Water Act Section 202 [d] List (Draft 2012) of Impaired Waters in the County, continued

Lakes

Assessment Unit	ID	Impaired Use	Impairment Cause	Impairment Status
Bloody	51-0040-00	AqRec	Nutrient/Eutrophication Biological Indicators	TMDL Required
Currant	51-0082-00	AqRec	Nutrient/Eutrophication Biological Indicators	TMDL Required
First Fulda	51-0021-00	AqRec	Nutrient/Eutrophication Biological Indicators	TMDL Required
Lime	51-0024-00	AqRec	Nutrient/Eutrophication Biological Indicators	TMDL Required
Sarah	51-0063-00	AqRec	Nutrient/Eutrophication Biological Indicators	TMDL Required
Shetek	51-0046-00	AqRec	Nutrient/Eutrophication Biological Indicators	TMDL Required
Talcot	17-0060-00	AqRec	Nutrient/Eutrophication Biological Indicators	Proposed Impairment Under USEPA Review

Wetlands

Assessment Unit	ID	Impaired Use	Impairment Cause	Impairment Status
Unnamed	51-0124-00	AqLife	Aquatic Macroinvertebrate Bioassessments	Proposed Impairment Under USEPA Review
Unnamed	51-0128-00	AqLife	Aquatic Macroinvertebrate Bioassessments	Proposed Impairment Under USEPA Review
Unnamed	51-0128-00	AqLife	Aquatic Plant Bioassessments	Proposed Impairment Under USEPA Review
Unnamed	51-0124-00	AqLife	Aquatic Plant Bioassessments	Proposed Impairment Under USEPA Review

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Wabasha County CLWM Plan Extension

Meeting Date: August 23, 2012

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Southern Region

Contact: Jeff Nielsen

Prepared by: Mary Kells

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 Wabasha County Comprehensive Local Water Management Plan until December 31, 2014.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
Wabasha County has submitted a request for an extension of the Wabasha County Comprehensive Local Water Management Plan (Plan). The existing Plan will expire on December 31, 2012. This extension is needed due to staff vacancies in the Water Planner and Feedlot Officer positions as well as pending retirement/change of SWCd/NRCS field office staff. BWSR staff and the Wabasha Water Planner have worked together to develop a workable schedule that will allow for the process to be completed in a timely manner. 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, 2014. The BWSR Southern Water Planning Committee will meet on August 21, 2012 and will make its recommendation to the full BWSR Board.

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 Wabasha County	ORDER EXTENDING WATER MANAGEMENT PLAN

Whereas, the Wabasha County Board of Commissioners has a state-approved Comprehensive Local Water Management Plan (Plan) that is effective until December 31, 2012 pursuant to Minnesota Statutes 103B.301; and

Whereas, the Minnesota Board of Water and Soil Resources (Board) has authorization to grant extensions pursuant to Minnesota Statutes 103B.311, Subdivision 4 (a) (5).

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

FINDINGS OF FACT

On December 19, 2007, the Board approved the Wabasha County Comprehensive Local Water Management Plan. The approved Plan is effective for a five-year period until December 31, 2012.

On June 28, 2012, Wabasha County approved and submitted a resolution requesting an extension of their Plan. This extension is needed due to the vacancy of the Water Planner position due to a promotion of the Water Planner into the District Manager position, which is covering duties of both position due to budgetary cuts; county transitions; and large workload.

On July 6, 2012, Board staff reviewed and recommended approval of the extension request by Wabasha County. Board policy provides for one two-year extension for local water management plan deadlines. In conformance with Board policy, Board staff recommended a two-year extension for the Wabasha Plan.

On August 21, 2012, the Southern Region Water Planning Committee met in Marshall, Minnesota to discuss Wabasha County's request for extension. The Committee's decision was to present to the Board a recommendation of approval to extend Wabasha County's Comprehensive Local Water Management Plan until December 31, 2014.

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 Wabasha County pursuant to Minnesota Statutes 103B.311, Subdivision 4 (a) (5).

ORDER

The Board hereby approves the extension of the Wabasha County Comprehensive Local Water Management Plan until December 31, 2014. Wabasha County shall strive to complete the updating of their Comprehensive Local Water Management Plan in a timely manner.

Dated at Marshall, Minnesota, this 23rd day of August 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

July 6, 2012

TO: Jeff Nielsen, BWSR Southern Region Supervisor

FR: Mary Kells, BWSR Board Conservationist

RE: Extension Request – Wabasha County Comprehensive Local Water Management Plan

Wabasha County (County) has a Comprehensive Local Water Management Plan (Plan) that was approved by the Minnesota Board of Water and Soil Resources (Board) on December 19, 2007, and locally adopted by the County via a resolution dated January 24, 2008. The effective date (end date) of this Plan is December 31, 2012.

On June 28, 2012, the Board received a written request from the Wabasha SWCD, delegated administrator for the water plan, and a County Board of Commissioners' Resolution from Wabasha County requesting a two-year extension to allow time to complete their Plan Update. This extension is desired given staff vacancies in Water Planner position, County Feedlot Officer position, and pending retirement/change of SWCD/NRCS field office staff.

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 completion of the required update to the Wabasha County Plan and that the expiration date of the approved 5-Year Plan be December 31, 2014.

WABASHA COUNTY BOARD OF COMMISSIONERS

RESOLUTION 2012-110

To Obtain Extension for SE MN BWSR for the Adoption of the County Water Plan Resolution

WHEREAS, January 8, 2008, Wabasha County Board of Commissioners approved Resolution No. 2008-012 thereby adopting the Wabasha County Comprehensive Local Water Management Plan; and

WHEREAS, the Wabasha update to this plan is due December 31, 2012 and the Wabasha County Commissioners approved Resolution No. 2012-062 on March 27th, 2012 to revise and update the current water plan; and

WHEREAS, due to the vacancy in the Water Planner Coordinator position due to a promotion of the Water Planner Coordinator into the District Manager, who is covering both positions due to budgetary cuts; and

WHEREAS, Wabasha Soil and Water Conservation District continues to support Wabasha County Planning and Zoning with the feedlot transition throughout the vacancy; and

WHEREAS, Wabasha SWCD District Manager/Water Planner Coordinator is conducting stream monitoring two days a week for Whitewater River Watershed Project, and Zumbro Watershed Partnership throughout the 2011-2012 seasons; and

WHEREAS, Wabasha SWCD has been conducting mining and development reviews under ordinance for Wabasha County Planning and Zoning; and

WHEREAS, recent staff transitions of SWCD staff due to pending retirement and NRCS staff due to the vacancy of the District Conservationist;

NOW, THEREFORE BE IT RESOLVED, the Wabasha County Board of Commissioners hereby requests that the Board of Water and Soil Resources (BWSR) approve a two year extension to the Wabasha County Comprehensive Local Water Management Plan to allow time to complete the Water Plan Update and revision.

Adopted this 25th day of June 2012by the Wabasha County Board of Commissioners.

By: _____
Board Chair

By: _____
Clerk to the Board

NEW BUSINESS

1. Establishment of an Audit Committee – John Jaschke – ***DECISION ITEM***

2. Preliminary 2012 Flood Response - John Jaschke - ***INFORMATION/DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Establishment of an Audit Committee☐

Meeting Date: August 23, 2012

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region:

Contact: Tim Dykstal

Prepared by: Tim Dykstal

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

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

☐ Other:

ACTION REQUESTED

BWSR's staff and the Administrative Advisory Committee recommend that the BWSR Board approve the attached Resolution establishing an Audit Committee.

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

An Audit Committee would appraise the effectiveness of the agency's internal controls and risk assessment, and provide an avenue of communication between BWSR's internal audit function and external auditors, management, and the Board. In addition, the Audit Committee would receive reports on BWSR's fiscal compliance. By defining a reporting relationship outside of the agency's operations, a BWSR Audit Committee would secure the independence of the internal audit function. It would also enhance the agency's accountability, increase its transparency, and align BWSR with the best practices of other executive state agencies.

Resolution # 12-72

Establishment of an Audit Committee

WHEREAS, the Board of Water and Soil Resources is authorized by Minnesota Statutes 103B.101 to "adopt an annual budget and work program that integrate the various functions and responsibilities assigned to it by law"; and to assess "board programs and recommendations for any program changes and board membership changes necessary to improve state and local efforts in water and soil resources management"; and

WHEREAS, the purpose of internal auditing is to supply an organization with "an independent, objective assurance and consulting activity" that can assess programs and recommend changes, as well as to appraise the effectiveness of the agency's internal controls and risk assessment; and

WHEREAS, Article II, Section 5 of BWSR's Bylaws allows the Board to "establish committees" consisting "of three or more members of the Board for the purpose of gathering information, presiding over public hearings, making findings and bringing recommendations to the Board"; and

WHEREAS, by defining a reporting relationship outside of the agency's operations, a BWSR Audit Committee would secure the independence of the internal audit function, and provide an avenue of communication between it and external auditors, management, and the Board; and

WHEREAS, in addition, an Audit Committee would receive reports on BWSR's fiscal compliance; and

WHEREAS, an Audit Committee would enhance the agency's accountability, increase its transparency, and align BWSR with the best practices of other executive state agencies; and

WHEREAS, the Administrative Advisory Committee of the Board recommended the establishment of an Audit Committee at its meeting on June 27, 2012;

NOW THEREFORE BE IT RESOLVED, the Board of Water and Soil Resources establishes an Audit Committee consisting of the Board's chair, vice-chair, and three at-large members, as described in the attached addition to BWSR's list of committees, dated June 27, 2012.

BE IT FURTHER RESOLVED, the purpose, authority, composition, and responsibilities of the Audit Committee be as defined in the attached Audit Committee Charter.

Brian Napstad, Chair

8/23/12
Date

Attachments:

- Audit Committee Charter
- Description of Audit Committee to appear in BWSR Committee List

Minnesota Board of Water & Soil Resources

Audit Committee Charter

Purpose

The Audit Committee appraises the effectiveness of the agency's internal controls and risk assessment, and provides an avenue of communication between BWSR's internal audit function and external auditors, management, and the Board. In addition, the AUD receives reports on BWSR's fiscal compliance.

Authority

The Audit Committee shall be established by a Resolution of the Board.

Composition of Committee

The Audit Committee shall be composed according to Article II, Section 5 of the BWSR Bylaws. The Audit Committee consists of the Board's chair, vice-chair, and three at-large members.

Meetings

The Audit Committee will meet at least once during the year or at the call of the chair. A majority of the members can also call a meeting.

Responsibilities

A. Internal Audit and Fiscal Compliance

The Audit Committee shall:

- Review with management and the Fiscal Compliance Director the charter, activities, staffing, and organizational structure of the internal audit function.
- Ensure that the internal audit function is organizationally independent from BWSR operations.
- Review and approve the annual internal audit plan.
- Review the results of internal audits and program evaluations and approve the accepted recommendations of the auditor.
- Receive reports from the Fiscal Compliance Director on BWSR's fiscal compliance.

B. External Audit

The Audit Committee shall:

- Review and discuss any significant risks reported in external audit findings and recommendations and assess the responsiveness and timeliness of management's follow-up activities pertaining to the same.

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

www.bwsr.state.mn.us TTY (800) 627-3529 An equal opportunity employer

- Meet with external auditors to discuss any significant issues that may have surfaced during the course of the audit.

C. Internal Controls and Risk Assessment

The Audit Committee shall:

- Review management's assessment of the effectiveness of BWSR's internal controls, and review the annual control environment self-assessment and certification.

D. Special Investigations

The Audit Committee shall:

- Ensure that BWSR has an appropriate confidential mechanism for individuals to report suspected instances of fraud, corruption, criminal activity, conflicts of interest, or breaches of internal control among BWSR or its affiliates.

E. Other Responsibilities of the Audit Committee

The Audit Committee shall:

- Present annually to the Board a written report of how it has discharged its duties and met its responsibilities as outlined in the charter.
- Review the committee's charter annually, reassess its adequacy, and recommend any proposed changes to the Board. The Audit Committee Charter will be updated as applicable laws, regulations, accounting, and auditing standards change.
- Obtain any information and training needed to enhance the committee members' understanding of the role of internal and external audits, risk assessment, and internal controls.

BOARD OF WATER AND SOIL RESOURCES
COMMITTEES
~~April 20, 2012~~June 27, 2012

ADMINISTRATIVE ADVISORY COMMITTEE (ACC)

Membership:	Brian Napstad, chair	county commissioner
	Gerald Van Amburg, vice-chair	citizen
	Paul Langseth	soil & water conservation district
	Gene Tiedemann	watershed district/WMO
	Keith Mykleseth	non-metro city
	John Jaschke	staff
	Mary Jo Anderson	staff

Responsibility:

The ACC consists of the Board's chair and vice-chair and the chairs of the Board's standing committees. The AAC will make evaluations and recommendations to the Board on various Board issues including ethics; expenses/per diem; bylaws; and legislation and budgets. The AAC will act as the personnel committee for personnel actions relating to the Board's executive director. The chairman may include additional members ad hoc to address special or unique topics or issues.

Meetings: *The committee will meet at the call of the chair.*

AUDIT COMMITTEE (AUD)

Membership:	Brian Napstad, chair	county commissioner
	Gerald Van Amburg, vice-chair	citizen
	Board member	at-large
	Board member	at-large
	Board member	at-large
	Tim Dykstal	staff

Responsibility:

The AUD consists of the Board's chair, vice-chair, and three at-large members. It appraises the effectiveness of the agency's internal controls and risk assessment, and provides an avenue of communication between BWSR's internal audit function and external auditors, management, and the Board. In addition, the AUD receives reports on BWSR's fiscal compliance.

Meetings:

The Audit Committee will meet at least once during the year or at the call of the chair. A majority of the members can also call a meeting.

DISPUTE RESOLUTION COMMITTEE (DRC)

Membership:		
	Gerald Van Amburg, chair	citizen
	Joe Collins	watershed district/WMO
	Quentin Fairbanks	county commissioner
	Steve Sunderland	soil & water conservation district
	Jack Ditmore	citizen
	Travis Germundson	staff lead

Responsibility: *The DRC is responsible for appeals relating to the Wetland Conservation Act decisions of local governments, watershed district rule and permit decision appeals, and, under MS103A.301, determinations of water law and policy. The authority of the DRC is established in statute and assigned to the DRC by the Board. Under current guidelines the DRC receives the appeals; hears the issues; and makes recommendations to the Board.*

Per M.S. 103B.101, Subd.10, the committee ~~consists of two of the three citizen members; one county commissioner member; one soil and water conservation district supervisor member; and one watershed district or watershed management organization representative member. The committee~~ is appointed by the board chair.

Meetings: *The Committee will meet as needed to process appeals that have been filed with the Board.*

GRANTS PROGRAM AND POLICY COMMITTEE (GP&PC)

Membership:		
	Paul Langseth, chair	soil & water conservation district
	Bob Burandt	soil & water conservation district
	Steve Sunderland	soil & water conservation district
	John Meyer	citizen
	Todd Foster	watershed district/WMO
	Gene Tiedemann	watershed district/WMO
	Christy Jo Fogarty	metro cities
	Keith Mykleseth	non-metro cities
	Rebecca Flood	Pollution Control Agency
	Faye Sleeper	University of Minnesota Extension
	Wayne Zellmer	staff lead
	Dave Weirens	SMT staff

Responsibility: *The GP&PC is responsible for reviewing cost-share, non-point engineering, clean water, natural resources block grants, local water management grants and related grant allocations, policies, and rules and making recommendations to the Board.*

Meetings: *The GP&PC will meet at least two times a year or as needed to review allocations or policies for base grants, competitive grants and special grants.*

PUBLIC RELATIONS, OUTREACH & STRATEGIC PLANNING COMMITTEE (PROSPC)

Membership:	Keith Mykleseth, chair	non-metro cities
	John Meyer	citizen
	Steve Sunderland	soil & water conservation district
	Joe Collins	watershed district/WMO
	Sandy Hooker	townships
	Christy Jo Fogarty	metro cities
	Chris Elvrum	Department of Health
	Faye Sleeper	University of Minnesota Extension
	Don Buckhout	staff lead
	Steve Woods	SMT staff

Responsibility: *The PROSPC is responsible for the development of strategic and outreach strategies and plans for the Board including identification of key outcomes, partnerships and opportunities. The PROSPC is also responsible for the Performance Review and Assistance Program (PRAP) oversight.*

Meetings: *Committee will meet twice a year or at the call of the chair.*

RIM RESERVE MANAGEMENT PLANNING COMMITTEE (RRMPC)

Membership:	Gene Tiedemann, chair	watershed district/WMO
	Gerald Van Amburg	citizen
	Tom Loveall	county commissioner
	Bob Burandt	soil & water conservation district
	Paul Langseth	soil & water conservation district
	Chris Elvrum	Department of Health
	Matthew Wohlman	Department of Agriculture
	Tom Landwehr	Department of Natural Resources
	Kevin Lines	SMT staff/staff lead

Responsibility: *The RRMPC is responsible for overseeing all aspects of the Reinvest in Minnesota (RIM) Reserve conservation easement program; for reviewing RIM Reserve Program statutes, rules, policies, guidelines, payment rates and projects; for developing strategic plans, operational partnerships, and opportunities to enhance the agency's conservation easements and related programs; and for making the resulting recommendations to the Board.*

Meetings: *The committee will meet, as called by the BWSR chair or the RRMPC chair in consultation with staff.*

WETLANDS COMMITTEE

Membership:	Gerald Van Amburg, chair	citizen
	Jack Ditmore	citizen
	Tom Loveall	county commissioner
	Brian Napstad	county commissioner
	Quentin Fairbanks	county commissioner
	Sandy Hooker	townships
	Tom Landwehr	Department of Natural Resources
	Matthew Wohlman	Department of Agriculture
	Rebecca Flood	Pollution Control Agency
	Les Lemm	staff lead
	Dave Weirens	SMT staff

Responsibility: *The Wetlands Committee is responsible for reviewing Wetland Conservation Act (WCA) and wetland banking rules, policies, guidelines and projects and making recommendations to the Board.*

Meetings: *The committee will meet twice during the year or at the call of the chair.*

REGIONAL PLAN REVIEW COMMITTEES:

Membership: *Chair

North
*Quentin Fairbanks – CC
Gerald Van Amburg – CIT
Brian Napstad - CC
Keith Mykleseth – NMC
Gene Tiedemann - WD
Matthew Wohlman – MDA
Lori Dowling - DNR
Ron Shelito, SMT staff

South
*Paul Langseth - SWCD
Tom Loveall – CC
John Meyer – CIT
Todd Foster - WD
Sandy Hooker - TWP
Matthew Wohlman – MDA
Chris Elvrum - MDH
Steve Sunderland - SWCD
Jeff Nielsen, SMT staff

Metro
*Bob Burandt – SWCD
Joe Collins - WD
Faye Sleeper – UM/Extension
Jack Ditmore - CIT
Christy Jo Fogarty - MC
Rebecca Flood - PCA
Jim Haertel, SMT staff

Responsibility: *Each committee has the responsibility to review county water plans, water management organization plans, watershed district plans, comprehensive wetland plans, and amendments to same and to advise the Board on the adequacy of the plans. The committees also hold hearings and make recommendations on establishment, dissolution, boundary changes and other specific local government plans and governance matters.*

Meetings: *The committee will meet as necessary to review the local plans and amendments and hold hearings as ordered by the Board. The BWSR northern, southern, and metro regional supervisors will coordinate meeting schedules with members.*

CC = county commissioner
CIT = citizen
SWCD = soil and water conservation district
WD = watershed district
WMO = watershed management organization
MC = metro cities
NMC = non-metro cities
TWP = townships

NOTE: *Committee membership and proceedings are included in the Board Bylaws.*

Board of Water and Soil Resources
Grants Conflict of Interest Declaration

Board Meeting Item: 2012 Flood Relief
Date: August 23, 2012

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: 2012 Flood Response - Preliminary☐

Meeting Date: August 23, 2012

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

Item Type: ☐ Decision ☐ Discussion ☒ Information

Section/Region: Statewide

Contact: John Jaschke/Wayne Zellmer/Al Kean/Ryan Hughes

Prepared by: John Jaschke

Reviewed by: None 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: Expected Future Fiscal Decsion

ACTION REQUESTED

Review 2012 Flood Reponse efforts in the Federal Disaster Declaration areas and be prepared (potentially) for a contingent decision to make some intitial expenditure authorizations if a Special Legislative Session results in appropriations to BWSR.

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

The process BWSR uses to identify problems and estimate needs for DR-4069 is the same for both categories - Erosion, Sediment, and Water Quality Control and Watershed Protection Projects (General Fund) and Reinvest in Minnesota (RIM) Conservation Easements (Bonding).

The Bonding funds are for land that is too damaged to repair too likely to be flooded again and is thus put into a conservation purpose via acquisition of a state conservation easement. No federal funding expected.

The General Funds are to repair streambanks, hillsides, stormwater conveyance and treatment systems and soil erosion problems via engineered or biologically designed standards to fix the infrastructure or natural resource so that future floods do not cause similar harm. A local government sponsor is needed for each project. Partial federal funding for a few of the largest projects is possible.

The Process: After the flooding event has passed and the time sensitive public safety aspects are in control, local governments (with Soil and Water Conservation Districts as the hub) are directed to respond to citizen inquires and outreach to them as well (see attachment #1). The flood damages inventories and assessments (see attached example from Lake County) are assimilated and used to make projections for the entire Disaster Declaration area (see attachment #3). We won't have lists of specific projects to fix the 2012 damages until applications are submitted to the MN Recovers Task Force. We won't know which projects are eligible and will be funded until the applications are prioritized and funding (from the ordered list of: insurance, federal, state, local/owner) is known.

BWSR Third Preliminary Damage Estimates: June 2012 Flood

(7/30/12)

Minnesota Board of Water & Soil Resources

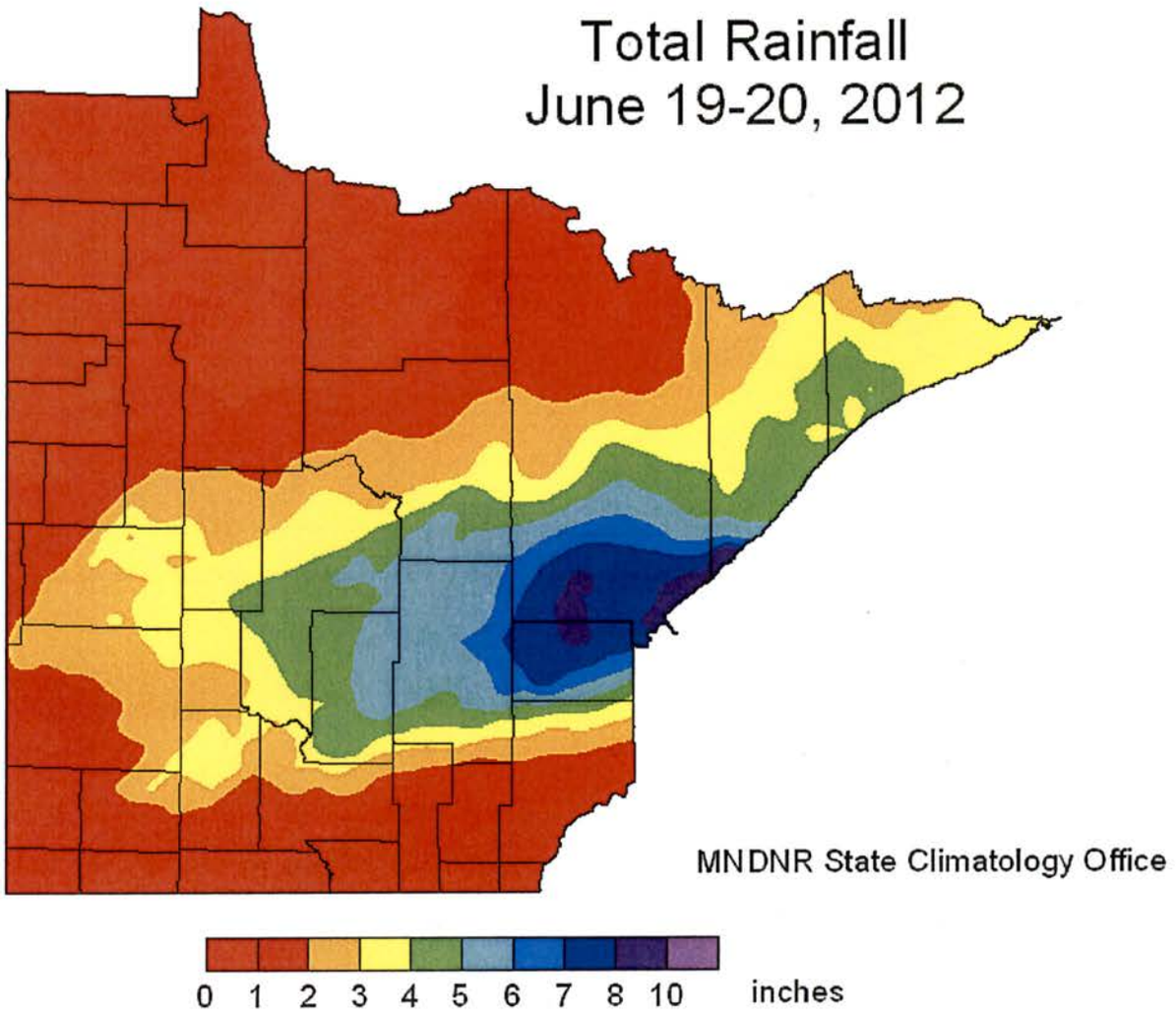
Local Government	Estimated erosion control needed so far:	*Rough total projection based on evaluated area (erosion control)*	Estimated riparian floodplain damage and RIM funds needed so far	*Rough total projection based on evaluated area (RIM funds)*	Percent (%) of flood damaged area assessed or covered that make up preliminary numbers
Aitkin SWCD	$130,000	*$866,667*	$200,000	*$2,000,000*	15%
Carlton SWCD	$280,000	*$700,000*	$0	*$0*	40%
Cass County	$180,000	*$180,000*	$0	*$0*	100%
Cook SWCD	$90,000	*$180,000*	$0	*$0*	50%
Dakota SWCD	$800,000	*$1,600,000*	$200,000	*$400,000*	50%
Goodhue SWCD	$400,000	*$1,600,000*	$50,000	*$200,000*	25%
Itasca SWCD	$1,091,000	*$1,454,667*	$200,000	*$266,667*	75%
Kanabec	$0	*$0*	$0	*$0*	0%
Lake SWCD	$425,000	*$500,000*	$0		85%
Mille Lacs SWCD	$0	*$0*	$0	*$0*	0%
Pine SWCD	$250,000	*$1,250,000*	$0	*$0*	20%
Rice SWCD	$230,000	*$460,000*	$54,000	*$108,000*	50%
N St. Louis SWCD	$0	*$0*	$0	*$0*	0%
S St. Louis SWCD	$3,240,000	*$21,600,000*	$0	*$0*	15%
Totals	**$7,116,000**	***$30,391,334***	**$704,000**	***$2,974,667***	

No damage to report

Recent Minnesota Flash Floods with Major Federal Disaster Declarations: 2012, 2010, 2007

(Minnesota Climatology Working Group, State Climatology Office - DNR Division of Ecological & Water Resources / University of Minnesota)

Duluth Area Flash Flood of June 19-20, 2012

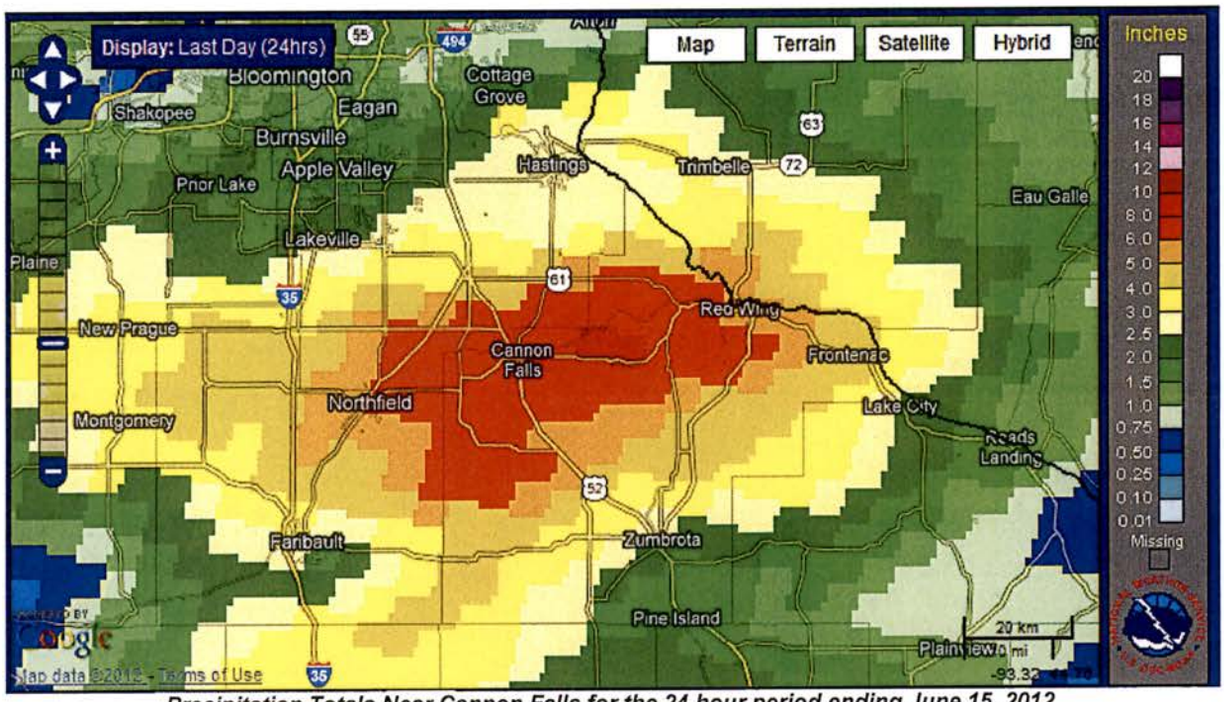


The most damaging flood in Duluth's history. The most damaging flood in Duluth's history began when heavy rains fell over already saturated ground, making the situation worse. The main event occurred from around noon on the 19th through about noon on the 20th. At the Duluth National Weather Service the rainfall total on June 19th was 4.14 inches, with the two day total of 7.24 inches. The record one day total rainfall for Duluth is 5.20 inches on July 21, 1909. The highest precipitation total found so far for the multi-day event is 10.10 inches from a NWS employee just northeast of Duluth. Two Harbors saw 9.93 inches of rain.

The focal point for the heavy rain was north of a slow moving warm front draped across central Minnesota. Waves of thunderstorms developed and affected areas from Brainerd to Duluth, with southern St. Louis County and Calrton County hit especially hard. Substantial flooding was reported in many areas around Duluth, including the Lake Superior Zoo. I-35 was closed for a time in Duluth. Highway 61 was still closed through June 21 between Duluth and Two Harbors. Road closures were commonplace in Itasca, Aitkin, Carlton, southern Lake, and southern St. Louis Counties.

The St. Louis River at Scanlon rose 11 feet and hit a record crest of 16.62 ft, breaking the old record of 15.8 feet that was set on May 9, 1950. Some evacuation of homes was necessary. This storm eclipsed a heavy rain event in August 1972 that caused serious damage in the Duluth area.

Cannon Falls Flash Flood of June 14, 2012



Precipitation Totals Near Cannon Falls for the 24 hour period ending June 15, 2012
Courtesy: Chanhassen National Weather Service

Torrential rains fall on Goodhue, Rice and Dakota County causing flooding. Torrential rains fell during the afternoon and evening of June 14 in Goodhue, Rice and Dakota Counties. Hardest hit was northern Goodhue County with reports of six to eight inches. The highest 24 hour total found so far is 8.83 inches from a National Weather Service Cooperative observer located in Cannon Falls. Another volunteer observer reported 8.40 inches in Stanton Township in northwestern Goodhue County. Another observer located in Northfield in Rice County recorded 7.13 inches.

The 8.83 inches measured at Cannon Falls is the largest 24-hour total June rainfall measured at a Minnesota National Weather Service Volunteer Cooperative station in the history of the program. The previous record was 8.67 inches measured on June 17, 1957 at Minnesota.

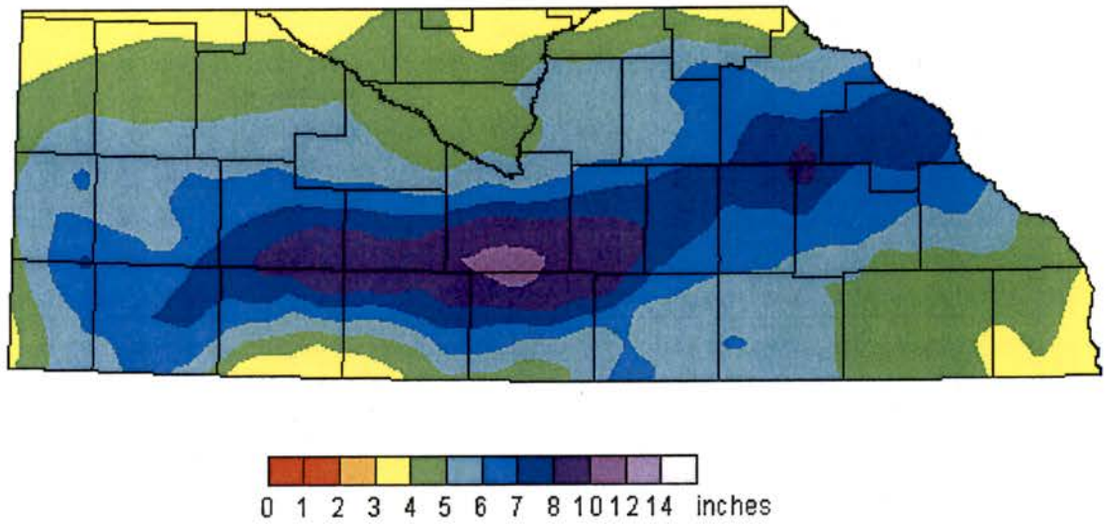
The focus for the heavy rain was a stalled warm front that was draped across southern Minnesota.

The heavy downpours caused flooding in basements in the hard hit areas, as well as rapidly rising rivers. The Little Cannon River near Cannon Falls rose twelve feet in about ten hours and set a new record crest. The Cannon River at Welch was near a record crest by 10am June 15. Numerous roads were closed in Goodhue County, including Highway 52 during the evening of the 14th. People were being asked to evacuate their homes in parts of Cannon Falls.

The Chanhassen National Weather Service has produced a summary about the June 14-15, 2012 flooding.

2010 Southern Minnesota

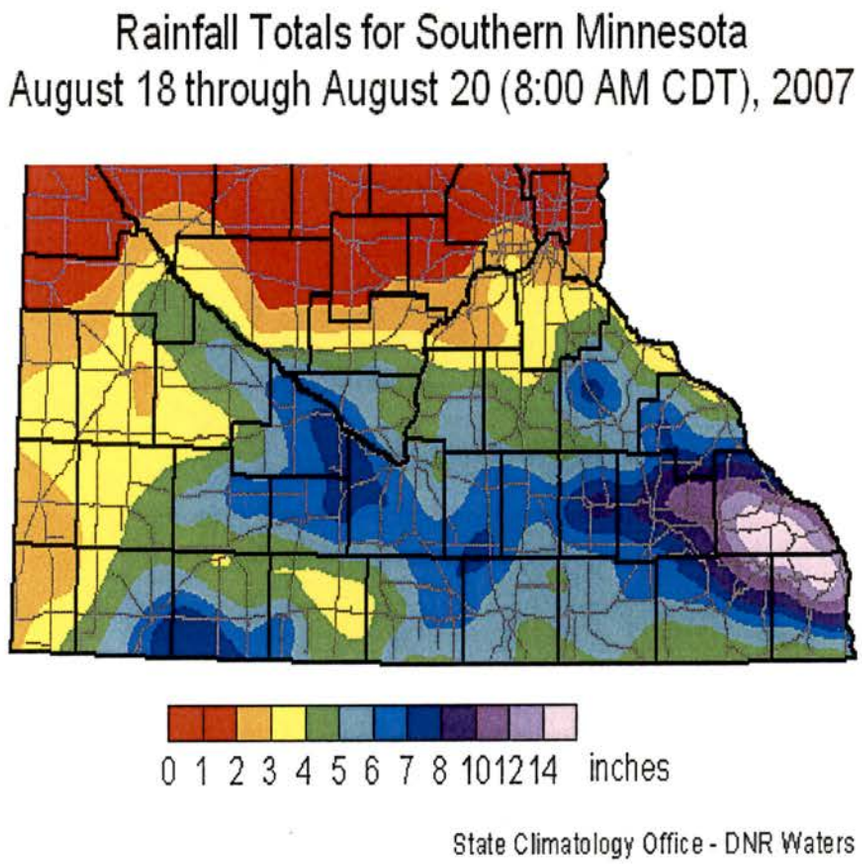
Total Rainfall
September 22-23, 2010



MNDNR State Climatology Office

There was one major flash flood of six or more inches in 24 hours in 2010 and that was the September 22-23, 2010 event over southern Minnesota. It was the largest flash flood event to hit the state since the August 18-20, 2007 flood. The National Weather Service observer in Amboy reported 10.68 inches in 24 hours and the highest two-day total from the MNGage network was 11.06 inches near Winnebago in Faribault County. Post-event Report: Floods of September 2010 in Southern Minnesota PDF(US Geological Survey)

2007 Southeast Minnesota



August 18-20, 2007: Southeast Minnesota

The most memorable singular event of 2007 is the southeast Minnesota flood of August 18-20, 2007. A series of thunderstorms moving along a stalled frontal boundary dropped extremely heavy rain on much of southern Minnesota beginning August 18. The most intense precipitation rates occurred during the afternoon and evening hours of Saturday, August 18, and the early morning hours of Sunday, August 19. Over the course of the event, all or portions of 28 counties received at least four inches of rain. Six-inch totals were common across the region, and portions of southeastern Minnesota reported astounding rainfall amounts ranging from 8 to 18 inches. The heaviest rainfall reports came from Winona, Fillmore, and Houston counties, where 36-hour totals exceeded 14 inches. The largest multi-day rainfall total reported was 18.17 inches observed west of La Crescent in northern Houston County. An official National Weather Service climate observer near Hokah in Houston County reported a storm total of 16.27 inches. Of the 16.27 inches, 15.10 inches fell within the observer's 24-hour observation cycle ending at 8:00 AM on Sunday, August 19. This is the largest 24-hour rainfall total ever recorded by an official National Weather Service reporting location in Minnesota. *The previous Minnesota record was 10.84 inches, measured at the city of Fort Ripley in Crow Wing County on July 22, 1972.*

The deluge produced flooding tied to seven fatalities. Major flood damage occurred in many southeastern Minnesota communities. Hundreds of homes and businesses were impacted. Reports of stream flooding, urban flooding, mud slides, and road closures were numerous throughout southern Minnesota. The combination of huge rainfall totals and a very large geographic extent, make this episode one of the most significant rainfall events in Minnesota's climate history. A six-inch rainfall total for a given location in this region over a 24-hour period is said to be a "100-year" (1% probability) storm. The area receiving six or more inches during a 24-hour period in the midst of this torrent encompassed thousands of square miles. Other heavy rainfall events during this decade of comparable magnitude and spatial coverage include extraordinary rainfalls in northwestern Minnesota on June 9-10, 2002 and in southern Minnesota on September 14-15, 2004.

Minnesota Board of Water & Soil Resources

Flood recovery: recent appropriation summary

Prepared Aug. 8, 2012

Land retirement via Reinvest in Minnesota (RIM) Conservation Easements

		Easements	
Flood event	**Appropriations**	**Number**	**Acres**
2007 Southeast	**$2.1M** $1.0M Special Session appropriation $1.1M transfer from bonding appropriation **$2.0M** Regular Session	44	1,335
2009 Red River	**$0.5M** Regular Session	5	223
2010 Southern	**$10M^** Special Session	94	4,997

^Leveraged approximately $15M of federal USDA-NRCS WRP funding

Erosion, sediment and water quality control and watershed restoration projects

Flood event	**Appropriations**	**Practices applied**
2007 Southeast	**$5.2M** '07 Special Session $3.0M '08 Regular Session $0.725M Transfer from DEED $1.89M (Jan. '10 budget reduction $0.4M)	637
2009 Red River	**$1.45M** '09 Regular Session $1M $0.25M transfer from DoR $0.20M transfer from DEED	40
2010 Southern	**$3M** Special Session	170*

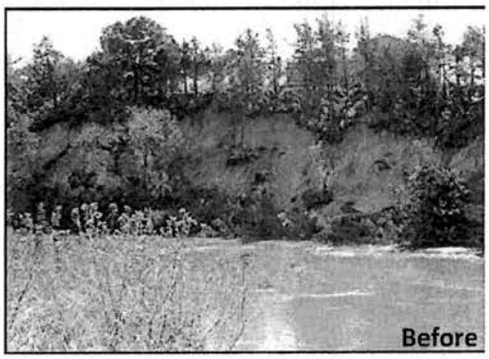
*Practices are still being applied ($380k balance)

BWSR flood response: recent examples

August 2012

Kellogg Streambank – 2010

Severe flooding during September 2010 resulted in streambank erosion along the south bank of the Zumbro River just east of Highway 61 in the City of Kellogg. The erosion resulted in a series of slope failures that threatened several homes located on the southern perimeter of the river bank. The project was designated as an eligible Emergency Watershed Protection (EWP) program site by the Natural Resources Conservation Service (NRCS), which provided cost-share funding through designated Minnesota Flood Relief funds.



	State and local investment	Federal leverage
Design / engineering	$60,000	$29,000
Construction	$120,000	$349,500
Total restoration costs	$180,000	$378,500
Total investment	**$558,500**	

Minnesota City – 2007

A streambank stabilization project on Garvin Brook in Minnesota City was completed less than three months after one of the most severe flooding events in Minnesota history. Southeast Minnesota received 8-20 inches of rain over three days, including more than 15 inches of rain in 24 hours in some areas. This is the largest total ever recorded by an official National Weather Service reporting location in Minnesota.

	State and local investment	Federal leverage
Design / engineering	--	$75,000
Construction	$173,763	$472,909
Total restoration costs	$173,763	$547,909
Total investment	**$721,672**	

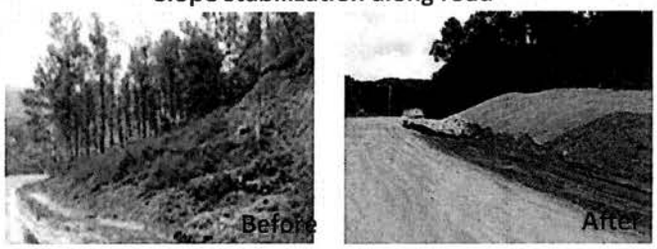
Other flood-relief conservation practices

- Sediment and debris removal
- Critical area seeding
- Heavy use area protection
- Pond clean out
- Erosion control structure repairs
- Terrace repairs
- Grass waterway repairs
- Well sealing

Spillway critical area stabilization

Houston County: State and landowner invested $3,620.

Slope stabilization along road



City of Hokah: State and city invested $23,731.

RIM conservation easements retire floodplain cropland

Watonwan County: Floodplain cropland damaged by September 2010 flood.

Nicollet County: Previously farmed Minnesota River floodplain, later retired using RIM and CRP.

BWSR Authority

Per executive order 11-03, the Minnesota Board of Water and Soil Resources (BWSR) is responsible for the following actions during natural emergencies and emergency preparedness events in the state:

- Direct local governments to include provisions for water and soil related property protection and hazard mitigation in state approved local water management plans.
- Serve as the lead state agency responsible for providing financial and technical assistance for water and soil control projects and practices, subject to the availability of funds. Also serve as the lead state agency to coordinate with federal disaster funding available from the United States Department of Agriculture Natural Resources Conservation Service and Farm Services Agency.
- Designate a point of contact and coordinator for emergency preparedness on the Emergency Preparedness and Response Committee (EPRC).
- Provide technical and financial assistance to seal abandoned private wells that are a threat to groundwater or drinking water supplies, subject to the availability of funds.
- Assign staff to the Minnesota Recovers Task Force when requested, assist the Division of Homeland Security and Emergency Management in implementing water and soil conservation provisions of the State All-Hazard Mitigation Plan and in updating the Plan, as it relates to programs administered by BWSR.
- Coordinate local government unit assistance to property owners applying for State and Federal water and soil related disaster relief funding.
- Provide information or coordinate the involvement of personnel or local government unit representatives at Disaster Recovery Centers (DRCs) or other venues to disseminate information to, and solicit information from, flood victims when requested.

From the bond proceeds fund for the purposes specified in Minnesota Statutes, section 12A.12, subdivision 1.

Subd. 3. **Flood Hazard Mitigation Grants** 10,000,000

For the purposes specified in Minnesota Statutes, section 12A.12, subdivision 2. Funds may be used to acquire or relocate structures damaged or threatened by the impacts resulting from the rain storm and are also available for the local share of acquisition and relocation flood mitigation projects. Of this appropriation, $9,000,000 is from the bond proceeds fund and $1,000,000 is from the general fund.

Subd. 4. **Debris Removal; Public Waters** 2,000,000

For expenditures and grants for the purposes of Minnesota Statutes, section 12A.12, subdivision 3. This includes removal of flood debris and sediment. This appropriation is from the general fund.

Subd. 5. **Grant Extension**

Any existing state grant agreement of the commissioner of natural resources in the disaster area may be extended for up to two years.

Sec. 10. **BOARD OF WATER AND SOIL RESOURCES**

Subdivision 1. **Total Appropriation** **$** **12,500,000**

To the Board of Water and Soil Resources for the purposes specified in Minnesota Statutes, section 12A.05. The appropriations in this section do not lapse, notwithstanding the provisions of Minnesota Statutes, section 16A.28. The amounts that may be spent for

each purpose are specified in the following subdivisions.

Subd. 2. **Reinvest in Minnesota (RIM) Conservation Easements** 1,500,000

From the bond proceeds fund for the purposes specified in Minnesota Statutes, section 12A.05, subdivision 1, in the area included in DR-4069. The duration of the easements shall be perpetual.

Subd. 3. **Erosion, Sediment, and Water Quality Control Cost-Share Program** 11,000,000

From the general fund for the purposes specified in Minnesota Statutes, section 12A.05, subdivision 2, in the area included in DR-4069. Priority use of these funds shall be to supplement or match federal funds whenever possible and practical.

Wetland conservation procedures. For projects funded in this section, the board may develop alternative standards and procedures for Minnesota Statutes, sections 103G.222 to 103G.2242, that may be used temporarily by local government units to address emergency situations or disaster recovery efforts in the area included in DR-4069.

Sec. 11. **AGRICULTURE** **$** **600,000**

To the commissioner of agriculture for the purposes specified in Minnesota Statutes, section 12A.04. This appropriation is from the general fund.

Sec. 12. **EDUCATION**

Subdivision 1. **Total Appropriation** **$** **761,000**

----- Original Message -----
From: Jean Wagenius [mailto:rep.jean.wagenius@house.mn]
Sent: Tuesday, August 21, 2012 09:51 PM
To: Rick Hansen <rep.rick.hansen@house.mn>; Jaschke, John (BWSR)
Cc: Andy Pomroy <Andy.Pomroy@house.mn>; Janelle Taylor <Janelle.Taylor@house.mn>; Campbell, Erin (GOV); Eide, Kris (DPS); Seuffert, Will (GOV)
Subject: Re: BWSR Special Session language

Session law. When we go into statute we should be more precise-based on hearings- because it has the potential to be used again and again.
>>> Rick Hansen 08/21/12 9:48 PM >>>
session law or statute with clause?

>>> Jean Wagenius 08/21/12 9:39 PM >>>
Thanks. A limited rider would work for the problem in front of us.
Jean
>>> "Jaschke, John (BWSR)" 08/21/12 5:45 PM >>>
Rep. Wagenius; you make good points, but I believe the language needs to be broader than just to the BWSR appropriations in the bill as there will be many sites where federal/FEMA funding supplemented by other state or local funding sources will provide the project funding. If the language is written to be applicable to the DR-4069 disaster event that would get us through for now and we could defer the how to make it work more broadly or quickly when the legislature takes up future MS 12A or Wetland Conservation Act policy adjustments.

My recommendation is: use the same language but add a clause so that it is limited to the DR-4069 event.

JJaschke
** Sent from John Jaschke's Blackberry **

----- Original Message -----
From: Jean Wagenius [mailto:rep.jean.wagenius@house.mn]
Sent: Tuesday, August 21, 2012 05:04 PM
To: Rick Hansen ; Jaschke, John (BWSR)
Cc: Andy Pomroy ; Campbell, Erin (GOV); Seuffert, Will (GOV)
Subject: Re: BWSR Special Session language

Thanks, John. I understand there there may be different circumstances for this flood event. A rider provision would then be appropriate for the money in question. However, your proposed statutory change is much much broader since it gives your Board authority to do whatever they want, not just with procedures, but with standards. A statutory change of this magnitude is not appropriate for a special session in general and especially in this case where there have not been opportunities for Minnesotans to weigh in.
Jean

>>> "Jaschke, John (BWSR)" 08/21/12 4:11 PM >>>

Rep. Wagenius; the reason for Subd 4 is many of the streams needing road crossing or streambank stabilization work flow through or adjacent to wetlands (NE MN has by far the most wetlands in the state) and the damages and repairs will affect wetlands in ways that were not envisioned under normal circumstances. In many cases the stream corridor has blown out or shifted the stream banks, flow patterns and adjacent wetlands completely. The stream/wetland corridors will be restored where prudent separate from or in conjunction with replacement of road crossings or other infrastructure. Biological and hydrological and fish habitat considerations will be paramount. The proposed language would hasten and streamline the wetland identification and replacement provisions for proposed for stream restoration and related public infrastructure projects in places where there are wetlands that have also been altered.

The provisions that would be temporarily flexed are wetland delineation methods, allowing wetland replacement after-the -fact where necessary and an exemption for debris removal. Notice would be required. I can get you more details of the procedures after I get to Marshall tonight. JJaschke
** Sent from John Jaschke's Blackberry **

----- Original Message -----
From: Jean Wagenius [mailto:rep.jean.wagenius@house.mn]
Sent: Tuesday, August 21, 2012 03:44 PM
To: Rick Hansen ; Jaschke, John (BWSR)
Cc: Seuffert, Will (GOV)
Subject: Re: BWSR Special Session language

John, it appears to me that if we adopt subdivision 4 then there is no limit to what BOWSER could do with the money. What specific procedures does the Board want to change? What specific standards does the Board want to change. Why are disaster recovery efforts being treated the same as emergency situations? Jean

>>> "Jaschke, John (BWSR)" 08/21/12 1:39 PM >>>
Rep. Wagenius/Rep. Hansen: Below is the suggested BWSR language and amounts as agreed to late yesterday. I will be out of the office to Marshall for the next two days so use email or my cell # if you have any questions. BTW by mutual agreement - this info and the rest of the special session draft language is still confidential.
John Jaschke BWSR Executive Director 612-202-3815 cell

ELNauman and JWalz
House Fiscal and Senate CRFA

Northeast Minnesota Flood & Summer Windstorm Relief

Appropriation Tracking, HF 1
2012 First Special Session

Line	Authorizing Statute	Bill Reference	Line Items	Approp Type/Fund	Gov FY 2013	Gov FY 2014-15	Agreement FY 2013	Agreement-Gov FY 2013
1			**Article 1 -- Flood Disaster Relief**					
2								
3			**Public Safety**					
4	12A.15	Sec. 3, Subd. 2	Public Assistance State & Local FEMA Match	GF	22,690	0	22,690	0
5	12A.15	Sec. 3, Subd. 2	Public Assistance State & Local FEMA Match	GO	3,310	0	2,285	(1,025)
6	12A.15	Sec. 3, Subd. 3	Debris Removal & Burial	GF	500	0	500	0
7	12A.15	Sec. 3, Subd. 4	Long-term Recovery	GF	500	0	500	0
8			Public Safety Subtotal, Article 1		27,000	0	25,975	(1,025)
9								
10			**Transportation**					
11	12A.16, s1	Sec. 4, subd. 2	Infrastructure Operations & Maintenance	THF/C	3,000	0	3,000	0
12	12A.16, s2	Sec. 4, subd. 3	Program Planning and Delivery	THF/C	11,000	0	11,000	0
13	12A.16, s2	Sec. 4, subd. 4	State Trunk Highways and Bridges	THF/B	38,000	0	35,000	(3,000)
14	12A.16, s3	Sec. 4, Subd. 5	Local Road and Bridge Reconstruction	STF	30,000	0	30,000	0
15			Debt Service -- THF Bonds	THF/C	0	5,196	0	0
16			Transportation Subtotal, Article 1		82,000	5,196	79,000	(3,000)
17								
18			**Employment & Economic Development**					
19	12A.07, s1	Sec. 5	Minnesota Investment Fund	GF	20,000	0	15,000	(5,000)
20			Empl & Econ Development Subtotal, Article 1		20,000	0	15,000	(5,000)
21								
22			**Public Facilities Authority**					
23			Debt Service Relief	GF	823	0	0	(823)
24	12A.14, s1	Sec. 6	Facilities Grants	GO	6,000	0	6,000	0
25			Public Facilities Authority Subtotal, Article 1		6,823	0	6,000	(823)
26								
27			**Housing Finance**					
28	12A.09, s1	Sec. 7, subd. 2	Economic Dev & Housing Challenge Program	GF	12,220	0	12,220	0
29	12A.09, s3	Sec. 7, subd. 3	Capacity Building Grants	GF	250	0	250	0
30	462A.204	Sec. 7, subd. 4	Family Homelessness Prevention & Assist.	GF	250	0	250	0
31			Housing Finance Subtotal, Article 1		12,720	0	12,720	0
32								
33			**Historical Society**					
34	12A.11	Sec. 8	Historic Structure Grants	GF	250	0	250	0
35			Historical Society Subtotal, Article 1		250	0	250	0
36								
37			**Natural Resources**					
38	12A.12, s1	Sec. 9, subd. 2	Facility/Natural Resource Damage	GO	10,030	0	6,855	(3,175)
39	12A.12, s2	Sec. 9, subd. 3	Flood Hazard Mitigation Grants	GF	1,000	0	1,000	0
40	12A.12, s2	Sec. 9, subd. 3	Flood Hazard Mitigation Grants	GO	9,000	0	9,000	0
41	12A.12, s4	Sec. 9, subd. 4	Debris Removal; Public Waters (incl. sediment)	GF	2,000	0	2,000	0
42			Natural Resources Subtotal, Article 1		22,030	0	18,855	(3,175)
43								
44			**Water & Soil Resources Board (BWSR)**					
45	12A.05, s1	Sec. 10, subd. 2	Reinvest in Minnesota (RIM) Conservation Easements	GO	2,000	0	1,500	(500)
46	12A.05, s1	Sec. 10, subd. 3	Erosion, Sediment & Water Quality	GF	15,000	0	11,000	(4,000)
47			BWSR Subtotal, Article 1		17,000	0	12,500	(4,500)
48								
49			**Agriculture**					
50	12A.04	Sec. 11	Farm Assistance	GF	600	0	600	0
51			Agriculture Subtotal, Article 1		600	0	600	0
52								
53			**Education**					
54	12A.06, s1	Sec. 12, subd. 2	Enrollment Impact Aid	GF	61	0	61	0
55	12A.06, s2	Sec. 12, subd. 3	Disaster Relief Facilities Grants	GF	700	0	700	0
56			Education Subtotal, Article 1		761	0	761	0
57								
58			**Health**					
59	12A.08	Sec. 13	Behavioral Health	GF	222	0	222	0
60	12A.08	Sec. 13	Water Systems	GF	302	0	302	0
61	12A.08	Sec. 13	Response	GF	41	0	41	0
62			Health Subtotal, Article 1		565	0	565	0
63								
64			**Pollution Control**					
65	12A.13	Sec. 14	Building Rehabilitation	Petro	100	0	0	(100)
66			Pollution Control Subtotal, Article 1		100	0	0	(100)
67								
68			**Management & Budget**					
69	16A.641	Sec. 15	Bond Sale Expenses	GO	31	0	61	30
70	16A.641	Sec. 15	Bond Sale Expenses	STF	30	0	0	(30)
71	16A.641	Sec. 15	Bond Sale Expenses	THF/B	40	0	40	0
72		Sec. 15	Debt Service	GF	0	6,267	0	0
73			Management & Budget Subtotal, Article 1		101	6,267	101	0
74								
75			**Revenue**					
76	273.1233		City Tax Base Replacement Aid	GF	0	80	0	0
77			Revenue Subtotal, Article 1		0	80	0	0
78								
79			**Transfers, Reductions & Cancellations Subtotal, Article 1**					
80		Sec. 28, para (a)	TXFR: Laws 2010, 2nd SS, Ch.1 (HFA)	GF	(450)	0	(450)	0
81		Sec. 28, para (b)	REDUC: Laws 2010, 2nd SS, Ch.1 (Emp&Econ Dev)	GF	(1,358)	0	(1,358)	0
82		Sec. 28, para (c)	REDUC: Laws 2010, 2nd SS, Ch.1, Enroll Grant (Educ)	GF	(30)	0	(30)	0
83		Sec. 28, para (d)	REDUC: Laws 2010, 2nd SS, Ch.1, Fac Grant (Educ)	GF	(392)	0	(392)	0
84		Sec. 28, para (e)	REDUC: Laws 2010, 2nd SS, Ch.1, Oper Grant (Educ)	GF	(2)	0	(2)	0
85		Sec. 28, para (f)	REDUC: Laws 2010, 2nd SS, A1, Ch.1, Pup Trans Aid (Educ)	GF	(5)	0	(5)	0
86		Sec. 28, para (g)	REDUC: Laws 2010, 2nd SS, Ch.1,A2 Pup Trans Aid (Educ)	GF	(271)	0	(271)	0
87		Sec. 28, para (h)	REDUC: Laws 2010, 2nd SS, Ch. 1, Ch.1, (Heath)	GF	(103)	0	(103)	0
88		Sec. 28, para (i)	CANC: Laws 2007, 1st SS, Ch. 2, (MnDOT)	THF/B	0	0	(1,428)	(1,428)
89		Sec. 28, para (j)	CANC: Laws 2007, 1st SS, Ch. 2, (MnDOT)	STF	0	0	(5,680)	(5,680)

ELNauman and JWalz
House Fiscal and Senate CRFA

Northeast Minnesota Flood & Summer Windstorm Relief

Appropriation Tracking, HF 1
2012 First Special Session

Line	Authorizing Statute	Bill Reference	Line Items	Approp Type/Fund	Gov FY 2013	Gov FY 2014-15	Agreement FY 2013	Agreement-Gov FY 2013
90		Sec. 28, para (k)	CANC: Laws 2010, 2nd SS, Ch.1, Ch.1 (MnDOT)	STF	0	0	(2,133)	(2,133)
91		Sec. 28, para (l)	CANC: Laws 2010, 2nd SS, Ch.1, Ch.1 (MnDOT)	THF/C	0	0	(819)	(819)
92			Transfers, Reductions & Cancellations Subtotal, Article 1		(2,611)	0	(12,671)	(10,060)
93								
94			Article 1 Subtotals					
95			General Fund (GF)		77,409	6,347	67,586	(9,823)
96			Bond Proceeds Fund (GO)		30,371	0	25,701	(4,670)
97			State Transortation Fund (STF)		30,030	0	30,000	(30)
98			Trunk Highway Fund Bonds (THF/B)		38,040	0	35,040	(3,000)
99			Trunk Highway Fund Cash (THF/C)		14,000	5,196	14,000	0
100			Petro Fund (Petro)		100	0	0	(100)
101			Transfers and Reductions		(2,611)	0	(12,671)	(10,060)
102			All Funds		187,339	11,543	159,656	(27,683)
103								
104								
105			Article 2 -- Windstorm Disaster Relief					
106								
107			**Public Safety**					
108	12A.15	Sec. 3	State and Local Assistance	GF	5,800	0	5,800	0
109			Public Safety Subtotal, Article 2		5,800	0	5,800	0
110								
111			**Natural Resources**					
112		Sec. 4, Subd. 2	Reforestation	GO	994	0	994	0
113		Sec. 4, Subd. 3	Lost Revenue & Salvage Timber Sales	GF	1,075		1,075	0
114			Natural Resources Subtotal, Article 2		2,069	0	2,069	0
115								
116			Article 2 Subtotals					
117			General Fund (GF)		6,875	0	6,875	0
118			Bond Proceeds Fund (GO)		994	0	994	0
119			State Transportation Fund (STF)		0	0	0	0
120			Trunk Highway Fund Bonds (THF/B)		0	0	0	0
121			Trunk Highway Fund Cash (THF/C)		0	0	0	0
122			Petro Fund (Petro)		0	0	0	0
123			All Funds		7,869	0	7,869	0
124								
125								
126			**TOTAL BILL SUMMARIES:**					
127								
128			**FUND SUMMARY**					
129			General Fund (GF)		84,284	6,347	74,461	(9,823)
130			Bond Proceeds Fund (GO)		31,365	0	26,695	(4,670)
131			State Transportation Fund Bonds (STF)		30,030	0	30,000	(30)
132			Trunk Highway Fund Bonds (THF/B)		38,040	0	35,040	(3,000)
133			Trunk Highway Fund Cash (THF/C)		14,000	5,196	14,000	0
134			Petro Fund (Petro)		100	0	0	(100)
135			Transfers and Reductions		(2,611)	0	(12,671)	(10,060)
136			**ALL FUNDS & PROGRAMS**		**195,208**	**11,543**	**167,525**	**(27,683)**
137								
138								
139			**AGENCY SUMMARY**					
140			Public Safety		32,800	0	31,775	(1,025)
141			Transportation		82,000	5,196	79,000	(3,000)
142			Employment & Economic Development		20,000	0	15,000	(5,000)
143			Public Facilities Authority		6,823	0	6,000	(823)
144			Housing Finance		12,720	0	12,720	0
145			Historical Society		250	0	250	0
146			Natural Resources		24,099	0	20,924	(3,175)
147			Water and Soil Resources Board		17,000	0	12,500	(4,500)
148			Agriculture		600	0	600	0
149			Education		761	0	761	0
150			Pollution Control		100	0	0	(100)
151			Health		565	0	565	0
152			Management and Budget		101	6,267	101	0
153			Revenue		0	80	0	0
154			Transfers and Reductions		(2,611)	0	(12,671)	(10,060)
155			**TOTAL ALL AGENCIES & PROGRAMS**		**195,208**	**11,543**	**167,525**	**(27,683)**
156								
157								
158			**General Fund Summary**					
159								
160			Revenues					
161			End-of-Session, General Fund Balance		26,468		26,468	0
162		Art 1., Sec 30	Cancellation from Budget Reserve		55,205	0	45,382	(9,823)
163			Subtotal: Total GF Revenues		81,673	0	71,850	(9,823)
164								
165			Expenditures					
166			Adjusted GF Expenditures in Disaster Bill*		81,673	6,347	71,850	(9,823)
167			Subtotal: Total GF Expenditures		81,673	6,347	71,850	(9,823)
168								
169								
170			**Net General Fund Change**		**0**	(6,347)	**0**	**0**
171								

*Adjusted total GF expenditures include $2.6M in GF reductions that are included in "Transfers, Reductions & Cancellations" summary section.

BWSR Fifth Preliminary Damage Estimates: June 2012 Flood

(8/20/12)

Minnesota Board of Water & Soil Resources

Local Government	Estimated erosion control needed so far:	*Rough total projection based on evaluated area (erosion control)*	Estimated riparian floodplain damage and RIM funds needed so far	*Rough total projection based on evaluated area (RIM funds)*	Percent (%) of flood damaged area assessed or covered that make up preliminary numbers
Aitkin SWCD	$130,000	*$433,333*	$200,000	*$666,666*	30%
Carlton SWCD	$280,000	*$700,000*	$0	*$0*	40%
Cass County	$180,000	*$180,000*	$0	*$0*	100%
Cook SWCD	$90,000	*$180,000*	$0	*$0*	50%
Dakota SWCD	$800,000	*$1,333,333*	$200,000	*$333,333*	60%
Goodhue SWCD	$400,000	*$1,600,000*	$50,000	*$200,000*	25%
Itasca SWCD	$1,091,000	*$1,454,667*	$200,000	*$266,667*	75%
Kanabec	$0	*$0*	$0	*$0*	0%
Lake SWCD	$425,000	*$500,000*	$0		85%
Mille Lacs SWCD	$0	*$0*	$0	*$0*	0%
Pine SWCD	$250,000	*$1,250,000*	$0	*$0*	20%
Rice SWCD	$230,000	*$460,000*	$54,000	*$108,000*	50%
N St. Louis SWCD	$0	*$0*	$0	*$0*	0%
S St. Louis SWCD	$3,240,000	*$6,480,000*	$0	*$0*	50%
Totals	**$7,116,000**	***$14,571,333***	**$704,000**	***$1,574,666***	

No damage to report

Minnesota Board of Water & Soil Resources

Flood recovery: recent appropriation summary

Prepared Aug. 8, 2012

Land retirement via Reinvest in Minnesota (RIM) Conservation Easements

		Easements	
Flood event	**Appropriations**	**Number**	**Acres**
2007 Southeast	**$2.1M** $1.0M Special Session appropriation $1.1M transfer from bonding appropriation **$2.0M** Regular Session	44	1,335
2009 Red River	**$0.5M** Regular Session	5	223
2010 Southern	**$10M^** Special Session	94	4,997

^Leveraged approximately $15M of federal USDA-NRCS WRP funding

Erosion, sediment and water quality control and watershed restoration projects

Flood event	**Appropriations**	**Practices applied**
2007 Southeast	**$5.2M** '07 Special Session $3.0M '08 Regular Session $0.725M Transfer from DEED $1.89M (Jan. '10 budget reduction $0.4M)	637
2009 Red River	**$1.45M** '09 Regular Session $1M $0.25M transfer from DoR $0.20M transfer from DEED	40
2010 Southern	**$3M** Special Session	170*

*Practices are still being applied ($380k balance)

8/23/12 **Board Resolution #12-74**

2012 FLOOD RELIEF

WHEREAS, a Presidential Major Disaster was declared (FEMA, DR-4069) on July 6, 2012, for the following counties and tribal lands: Aitkin, Carlton, Cass, Cook, Crow Wing, Dakota, Goodhue, Itasca, Kandiyohi, Lake, Meeker, Pine, Rice, Sibley, St. Louis, and the Fond du Lac Band of Lake Superior Chippewa, Grand Portage Band of Lake Superior Chippewa, and the Mille Lacs Band of Ojibwe, due to damage resulting from severe storms and flooding during the period of June 14-21, 2012; and,

WHEREAS, it is anticipated that the Minnesota Legislature will convene on August 24, 2012 in Special Session to consider appropriations for cost share and easement disaster recovery funding, and invoke M.S. 12A.05 which authorizes waivers of State Cost Share and Re-Invest in Minnesota (RIM) Rules for both existing and future contracts; and

WHEREAS, via the Minnesota Recovers Task Force coordination work, other agencies may have funding available to link or coordinate with BWSR appropriations, projects, or practices.

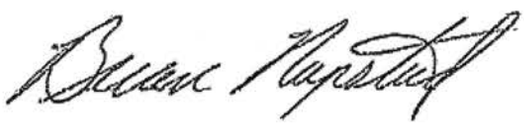
NOW, THEREFORE, BE IT RESOLVED, the Board authorizes 2012 Minnesota flood relief in the counties included in DR-4069 contingent on passage of related legislation with the following provisions:

I. General
   A. These funds shall be used to match or leverage federal funds where feasible, or used when federal funds are not available.
   B. State disaster assistance funds provided are intended to serve only as an advance of funds to enable the recipient to begin disaster recovery efforts. Soil and Water Conservation Districts (SWCDs), Local Government Units (LGUs), and landowners are expected to apply for all available non-State assistance and reimburse the state funds when Federal or other funds become available.
   C. Staff are authorized to develop additional program guidelines regarding eligibility, prioritization, payment rates, project specifications, agreement processing and record keeping, based on input from local governments and others to achieve consistency and accountability.
   D. The Executive Director may establish or adjust grant amounts for administration, engineering and other technical assistance that may be used for implementation by local government units, based on the project type and other sources of funding.
   E. Upon request, BWSR staff may extend existing grant agreements with LGUs up to two years to allow conservation practice implementation when technical assistance and construction contractors are available and field conditions are suitable.

II. Specific
   A. Relating to appropriations to BWSR for Erosion and Sediment Control, Water Quality and Watershed Protection, Cost-Share and Waiver of State Cost Share Program Rules.
      1. SWCDs or LGUs may cost share with landowners up to 100% of the cost of: (1) the rehabilitation or repair of conservation practices, (2) installing conservation practices to repair flood damaged areas, or (3) new conservation practices that will mitigate future flood damage.
      2. SWCDs or LGUs may extend the completion dates of conservation practices for existing grant or easement agreements to December 31, 2014 and extend the two-year construction completion date for FY2011, FY2012 and FY2013 contracts to three years to allow conservation practice implementation when technical assistance and construction contractors are available and field conditions are suitable.
      3. SWCDs or LGUs may modify the type of conservation practices on the State Cost-Share Program approved practice list to address critical erosion and sedimentation problems resulting from the flooding, subject to BWSR staff approval.
      4. State and federal contributions shall not exceed 100% of project costs.

5. SWCDs or LGUs are authorized to reimburse landowners for costs incurred to rehabilitate and repair existing projects and conservation practices that were damaged due to the DR-4069 event on or after June 14, 2012, based on adequate and verifiable documentation.
6. Project costs shall include technical and administrative costs.
7. Up to $250,000 each will be initially allocated to the following SWCDs: South St. Louis, Carlton, Lake, and Dakota.
8. Up to $50,000 each will be initially allocated to the other SWCDs in the DR-4069 area.
9. The remaining funds will be allocated by the Executive Director based on needs and priorities from field assessments and information and applications submitted through the Minnesota Recovers Task Force.
10. The BWSR 2012 Flood Relief Cost Share Disaster Recovery Program Policy that is attached to and incorporated as part of this resolution.

AND furthermore, the Board authorizes staff to enter into grant agreements, contracts, or easements, for projects and related work to accomplish the above general and specific provisions.



August 23, 2012

Date: _____

Brian Napstad, Chair
Board of Water and Soil Resources

Attachment: BWSR 2012 FLOOD RELIEF COST SHARE DISASTER RECOVERY PROGRAM POLICY

August 23, 2012

BWSR 2012 FLOOD RELIEF COST SHARE DISASTER RECOVERY PROGRAM POLICY

Pertaining to FEMA, DR-4069: Erosion, Sediment, Water Quality and Watershed Protection Projects

1. Projects are eligible for up to 100% state and federal cost share using existing State Cost Share or 2012 Flood Relief funds for practice repair or new construction on flood impacted sites. At the discretion of the SWCD Board of Supervisors or other applicable local government unit governing body, landowners may be required to contribute cost-share to help manage project costs and provide consistency for conservation program incentives.

2. All existing BWSR grant agreements in the disaster area may be extended for up to two years.

3. SWCDs or LGUs may extend the completion dates of conservation practices for existing grant or easement agreements to December 31, 2014 and extend the two-year construction completion date for FY2011, FY2012 and FY2013 contracts to three years to allow conservation practice implementation when technical assistance and construction contractors are available and field conditions are suitable.

4. For State Cost Share and Flood Relief funds, up to 20% of project costs may be used for technical and administrative costs, with request for exception for specific projects subject to delegated BWSR staff approval. The actual percentage will be approved by BWSR staff based on the amount and availability of non-state funds for the same purpose and the complexity of the authorized project.

5. At the discretion of the SWCD Board of Supervisors or local unit of government governing body, landowners may be reimbursed for practice costs incurred after June 14, 2012, based on adequate and verifiable documentation.

   The District or local unit of government should make a technical assessment with the available information; make a decision on what damage was a result of the June 2012 storm event(s), whether applicable standards and specifications were used, and whether the bills submitted are accurate and reasonable.

   For repair needs that have not been started, the District or local unit of government should conduct a site assessment, document repair needs, applicable design standards and estimated costs. Upon completion of the repair, a site visit should be conducted to document the satisfactory completion of the repair.

6. The State Cost Share Program approved practice list may be modified as needed and appropriate to respond to flood relief needs, with BWSR staff approval.

   The NRCS Field Office Technical Guide (FOTG) or other generally accepted standards and specifications are to be used for practice implementation when possible. Federal program policies and standards must be followed when state funds are used to match these federal funds, e.g. EWP, ECP and EQIP. Atypical practices and other flood damaged practices not originally installed with cost-share funds may be repaired to pre-flood conditions (or to modern specifications, with associated landowner share) at the discretion of the District Board or local unit of government's governing body.

7. As flood relief costs are expected to exceed available funds, the SWCD Board of Supervisors or local unit of government's governing body will determine local project funding priorities.

8. Funding Priorities:
   A. Landowners and LGUs must first pursue insurance funds, and federal program funding.
   B. State funds should be used when possible for federal funding match requirements including, but not limited to, the following programs:
      1. Emergency Watershed Program (NRCS)
      2. Emergency Conservation Program (FSA)
      3. Environmental Quality Incentives Program (NRCS)
      4. Wetland Reserve Program (NRCS)
      5. Conservation Reserve Program (FSA)
   C. 2012 Flood Relief
   D. Other state or local funds

Board Resolution # 12-75 **8/23/12**

WETLAND CONSERVATION ACT ALTERNATIVE EMERGENCY STANDARDS

WHEREAS, a Presidential Major Disaster was declared (FEMA, DR-4069) on July 6, 2012, for the following counties and tribal lands: Aitkin, Carlton, Cass, Cook, Crow Wing, Dakota, Goodhue, Itasca, Kandiyohi, Lake, Meeker, Pine, Rice, Sibley, St. Louis, and the Fond du Lac Band of Lake Superior Chippewa, Grand Portage Band of Lake Superior Chippewa, and the Mille Lacs Band of Ojibwe, due to damage resulting from severe storms and flooding during the period of June 14-21, 2012;

WHEREAS, the Wetland Conservation Act (WCA) is established in Minnesota Statutes, primarily Chapter 103G, and implemented via Minnesota Rule Chapter 8420;

WHEREAS, damage resulting from natural disasters can affect wetlands in ways not envisioned under normal circumstances, often requiring an immediate response to prevent further resource degradation and to protect public health, safety, and welfare;

WHEREAS, the standards and procedures required by WCA can delay necessary emergency response activities; and

WHEREAS, it is anticipated that the Minnesota Legislature, in an August 24, 2012 Special Session, will grant BWSR with the authority to establish alternative procedures during natural disasters via order of the Executive Director.

NOW, THEREFORE, BE IT RESOLVED, the Board adopts the following policy regarding emergency WCA procedures, contingent on the passage of related legislation:

I. Enactment

A. WCA Alternative Emergency Standards may be enacted by the Board's Executive Director in instances of natural disasters or other emergencies requiring immediate response. The standards will be effective upon posting of the Executive Director's order on the Board's website. The order will also be published in the State Register as soon as possible thereafter. The order will specify the duration and counties for which the standards are in effect.

II. Wetland Delineation

A. As necessary to complete emergency repair work, wetland boundaries and corresponding impacts may be identified after-the-fact in a timeframe sufficient to meet the appropriate submittal requirements identified below.

B. Flooding and other natural disasters can sometimes obscure wetland indicators, making wetland delineation difficult. In these circumstances, the best available information may be used to determine the wetland boundary, including both on-site and off-site methods as appropriate.

The Local Government Unit may extend the timeframe for submittal of the replacement plan with notice to the Technical Evaluation Panel.

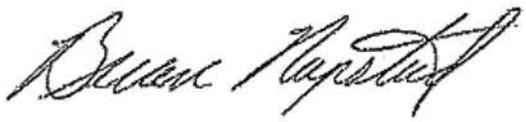
VI. Replacement for Public Transportation Projects

A. For individual public road projects that impact wetlands for the emergency repair of a currently serviceable existing state, city, county, or town public road, when the need for the repair is a result of the natural disaster, MN Rule 8420.0544, Item D(2)(c) does not apply provided that:

1) the information required under MN Rule 8420.0544, Item D(2) is submitted within 120 days of commencing the emergency repair work.

BWSR may extend the timeframe for submittal of project information with notice to the Technical Evaluation Panel.

AND furthermore, the Board authorizes the Executive Director to order enactment of the above general and specific standards in accordance with Section I above for the DR-4069 area.



August 23, 2012

_____ Date: _____

Brian Napstad, Chair
Board of Water and Soil Resources

Program Overview

Summer 2012

Discovery Farms Minnesota

Goals and Objectives

Discovery Farms Minnesota (DFM) is a farmer led effort to gather water quality information from different types of farming systems, in landscapes all across Minnesota. The mission of the program is to collect water quality information under real-world conditions and provide practical, credible, and site-specific information to support better farm management decisions. This program is designed to collect accurate measurements of sediment, nitrogen, and phosphorus movement over the soil surface and through sub-surface drainage tiles and generate a better understanding of the relationships between agricultural land management and water quality.

Discovery Farms Minnesota is committed to:

- Farmer leadership
- Collecting water quality information on privately owned and operated farms
- Providing an educational environment in which all participants will learn from each other
- Improving communication among farmers, consumers, researchers and policy-makers
- A proactive approach to environmental protection – providing opportunities for farmers to find solutions that work within their farming systems

The specific goals of DFM are to:

- Increase understanding of the relationships between agricultural practices and soil and water quality
- Better identify management practices that will improve farm profitability and environmental performance
- Provide science-based information on agricultural production and natural resource management

This program provides:

- Baseline data on the environmental performance of Minnesota farms
- Information on how farmers can adopt best management practices
- An educational environment where farmers learn from each other

Core Farms and Special Projects

Discovery Farms Minnesota has two main features:

Core Farms

Core Farms represent a farming system or setting that needs to be better understood and are selected to be representative of the farm enterprises in Minnesota. Core Farms are typically long-term studies that begin with baseline water quality monitoring (1-3 years) to assess current water quality conditions.

Currently, there are ten Core Farms. They are located in Blue Earth (2), Chisago, Dodge, Goodhue, Norman, Renville, Stearns, Wilkin and Wright counties. The DFM Steering Committee provides leadership in the selection of Core Farms.

It is anticipated that DFM will operate/conduct water monitoring on 10-12 Core Farms. Future Core Farms will be selected using a standardized application process, which is guided by the Steering Committee.

Special Projects

Special Projects are often shorter term projects that focus on a specific environmental concern that has already been identified. The data collected are focused on a specific problem or question. Anticipated length is 2-4 years.

Discovery Farms Minnesota is currently supporting a Special Project in Kandiyohi County. The project is designed to assess the nutrient and sediment loss from a corn-corn-soybean rotation where nitrogen and phosphorus are supplied from either turkey manure or commercial fertilizer. A control (no nutrients applied) is also included in the study. A University of Minnesota research team led by Dr. John Moncrief of the Department of Soil, Water, and Climate is in charge of the experimental procedure and data collection at this site. Sole funding for this special project is provided by the Minnesota Turkey, Corn and Soybean Research & Promotion Councils.

In the future, DFM will coordinate additional Special Projects with guidance from the Steering Committee. Special Projects may involve one farm or may investigate certain management practices across multiple farms.

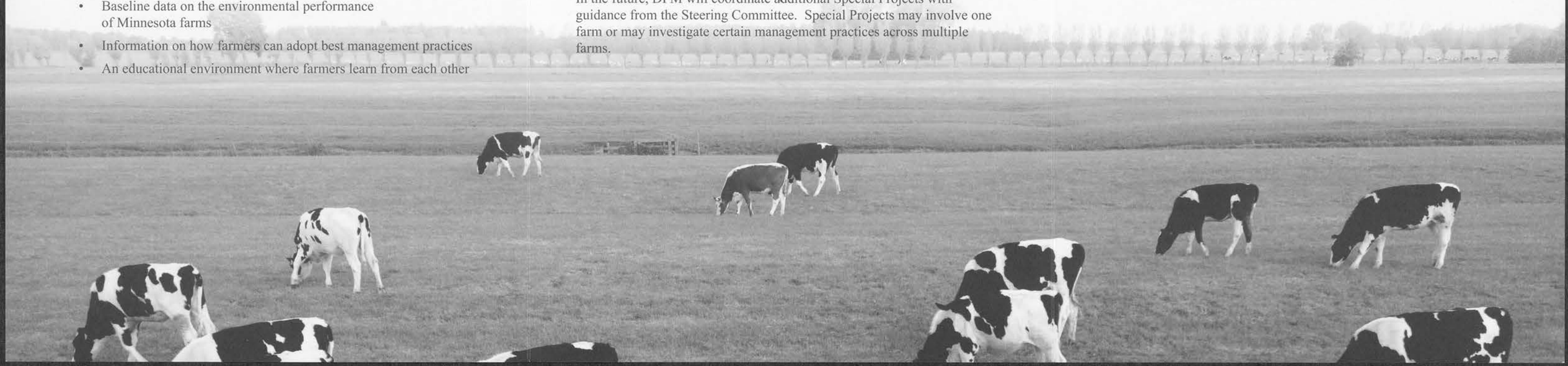
Program Organization

Steering Committee

Discovery Farms Minnesota emphasizes farmer input and direction. A steering committee comprised of representatives from Minnesota farm, agribusiness, and conservation organizations guides the overall direction of the program, assists in the identification of research priorities and helps in the selection of cooperators and projects. The Steering Committee also includes non-voting members representing various state agencies and academia.

The following organizations are currently represented on the DFM Steering Committee:

- Broiler and Egg Association of Minnesota
- Irrigators Association of Minnesota
- Minnesota Corn Growers Association
- Minnesota Department of Agriculture
- Minnesota Farm Bureau Federation
- Minnesota Farmers Union
- Minnesota Milk Producers Association
- Minnesota Pork Producers
- Minnesota Soybean Growers Association
- Minnesota State Cattleman's Association
- Minnesota Turkey Growers Association
- Natural Resources Conservation Service
- Stearns County SWCD
- The Nature Conservancy
- University of Minnesota



Farm Cooperators

Farm cooperators are critical to the success of this program. Knowledge and understanding of their farming system and local landscape is essential in connecting water quality data to farm management practices. Farmers participating in the DFM program work closely with key advisors to examine their existing farming system and explore and implement changes, if needed, to reduce or eliminate adverse environmental impacts. Participating farmers keep and provide detailed records on practices that occur in the monitored area.

Cooperating farmers are not involved with sample collection or troubleshooting of the monitoring equipment. All sample collection and equipment maintenance is the responsibility of MAWRC and MDA. MDA developed standard operating procedures (SOPs) for site maintenance, sample collection, processing and analysis and trained local partners using these guidance documents. The participating farm cooperators are responsible for providing farm management information, anecdotal information (unusual occurrences), and guidance for the project.

PARTNERS

There are multiple partners involved in the operation of the DFM program including research, data collection, outreach, and educational activities. The roles and responsibilities of the key partners will continue to evolve as the DFM program grows. The current roles and responsibilities are summarized below.

Minnesota Agricultural Water Resources Center (MAWRC)

- Organize data collection activities
- Lead educational and outreach activities
- Coordinate contracts and agreements with local partners and farm cooperators
- Collect and store farm management and site specific data
- Purchase monitoring equipment

Minnesota Department of Agriculture (MDA)

The primary responsibility of MDA is to assist with the establishment and operation of monitoring systems that will provide high-quality, water-quantity and -quality data from agricultural systems. More specifically MDA is a technical partner and responsible for the following activities:

- Providing staff support and purchasing monitoring equipment
- Identifying appropriate locations for monitoring equipment within a selected farm
- Developing procedures for site maintenance, sample collection, processing and analysis and training local partners
- Quantifying annual and event specific runoff volumes and losses of sediment, nutrients and other selected constituents and providing annual water quality reports to MAWRC staff

Local Partners

Goodhue SWCD, Chisago SWCD, Stearns County SWCD, Sauk River Watershed District, Hawk Creek Watershed Project, and Wright SWCD

- Provide routine sample collection as needed and maintenance at Core Farms
- Assist with local meetings (field days, etc.) and other outreach activities

FUNDING

Funding for the Discovery Farms program comes from a number of sources. MAWRC provides funding for the general operation of the Discovery Farms program through grants provided by the Minnesota Corn Research and Promotion Council, Minnesota Soybean Research and Promotion Council, and Minnesota Turkey Research and Promotion Council. MDA provides funding for monitoring equipment and staff utilizing the Clean Water Fund. The Natural Resources Conservation Service (NRCS) supports the Discovery Farms Minnesota program through a grant targeted toward drainage related research projects and through a Mississippi River Basin Initiative grant for the Stearns County location.

FOR MORE INFORMATION, PLEASE CONTACT

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Scott Matteson
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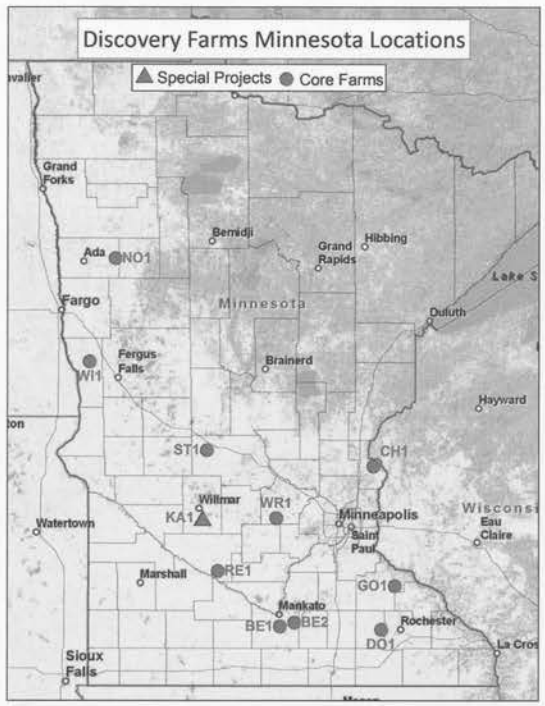
www.discoveryfarmsmn.org



MINNESOTA DEPARTMENT OF AGRICULTURE

MAWRC
MINNESOTA AGRICULTURAL WATER RESOURCE CENTER

CLEAN WATER LAND & LEGACY AMENDMENT

In accordance with the Americans With Disabilities Act, an alternative form of communication is available upon request. TDD: 1-800-627-3529. The MDA is an equal opportunity employer and provider.

Tiling and Conservation Drainage Field Tour and Workshop
August 28–29, 2012, Hankinson, ND

An investment in drainage lasts more than a lifetime. Let's do it right.

A new era of drainage

Weather patterns are changing, demand for agricultural productivity keeps rising, and people want flood protection and healthy water for future generations. In response, new approaches to agricultural drainage are being developed by counties, watershed districts, researchers, and landowners. These "conservation drainage" approaches can make farmland more productive, reduce flood risk, and reduce impacts on the environment such as excess nutrients. Here are some strategies for managing drainage:

- **Widespread storage for flood damage reduction:** goal for the Red River Valley is 1 mil ac.-ft of water storage.
- **Temporarily store water** to delay stormwater runoff to streams and increase evaporation and infiltration.
- **Design and manage tile systems** to allow control over how much water is drained from a field.
- **Use innovative ditch designs** that help slow down water and reduce nitrate levels.
- **Design outlets** to protect roads, streambanks and ditches from erosion by outlet water.
- **Maintain ditch buffers** to reduce maintenance costs and reduce the need for water storage.

These practices combined across the landscape, create effective agricultural drainage, reduced flood damage risk, reduced impacts on downstream neighbors, and improved water quality.

See it in action

Highlights of the August 29 field tour:

- On Brian Rinke's farm, see how he is using a tile system to manage the water table.
- Watch tile installation equipment in action.
- At the North Ottawa impoundment, see how water storage systems can provide an adequate outlet for agricultural drainage and provide flood damage reduction.
- At the Fairmount research site, see sub-surface irrigation, how to manage salts on drained land, and a comparison of yields on tiled and non-tiled land.

Presented by:

MINNESOTA DEPARTMENT OF AGRICULTURE

Bois de Sioux Watershed District

UNIVERSITY OF MINNESOTA
Driven to Discover℠

With support from:

Miles Tiling

NEW HORIZONS
CHS SERVICE CENTER

RED RIVER WATERSHED MANAGEMENT BOARD

Agri Drain CORPORATION

ADMC Agricultural Drainage Management Coalition

PRINSCO
ENGINEERED WITH INTEGRITY

Tiling and Conservation Drainage

Where?
Dakota Magic Casino, Hankinson, ND

Who should attend?
Anyone who is thinking about installing tile drainage, contractors, drainage authorities, local government employees, and consultants who implement drainage practices and policies.

Tuesday, August 28, 2012	
7:00 - 9:00 PM	Water Management in the Red River Basin • Potential hydrologic impacts of tile drainage – Gary Sands (University of Minnesota) • The Red River BTSAC Briefing Paper #2: Presentation and discussion of options for managing tile drainage - Chuck Fritz (International Water Institute) See the Briefing Paper at http//www.rrbdin.org/archives/649

Wednesday, August 29, 2012	
9:00 AM	Welcome – Jerome Deal (Red River Retention Authority)
9:20 AM	Conservation Drainage Plans for Landowners – Al Kean (Board of Water and Soil Resources) Sonia Jacobsen (Natural Resources Conservation Service)
10:00 AM	Board Buses
10:40 AM	Site 1: The Brian Rinke Farm – Making controlled drainage work
11:30 PM	Board Buses
11:50 AM	Site 2: Tile Installation Demonstration – Herman, MN
12:20 PM	Board Buses
12:40 PM	Lunch at North Ottawa Impoundment Solutions to Red River Basin Issues – Jon Roeschlein (Bois de Sioux Watershed District)
1:15 PM	Site 3: North Ottawa Impoundment Project – The value and logistics of large-scale water projects
2:00 PM	Board Buses
2:30 PM	Site 4: Fairmount Demonstration Site – Results from on-farm tile drainage research
3:30 PM	Board Buses
4:00 PM	Arrive back at Dakota Magic Casino

Registration Form (pre-registration required)

Register online: www.regonline.com/FieldTourHankinson Visa and Mastercard accepted.
Or return this form along with payment by August 21to:
University of Minnesota Extension Registration,130 Learning and Environmental Sciences, 1954 Buford Ave St. Paul MN 55108 Registration questions? Call 800-876-8636 or 612-624-4900.

Name: _____ Organization: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Email: _____

Names of additional attendees: _____

Sessions we are attending:
_____ August 28th BTSAC Briefing Paper discussion (includes appetizers)
_____ August 29th field day (includes breakfast, bus ride and lunch)

 # attending _____ **X $25.00 =** **Total amount due:** _____

Payment Options:

_____Check payable to University of Minnesota, enclosed

Visa__ Mastercard__Card number _____Expiration date_____

Name on card_____Phone number (if different from above)_____

Billing address (if different from above)_____

Lodging:
Dakato Magic Casino 16849 102nd St. SE Hankinson ND, 58041 1-800-325-6825 ext. 398

Bois de Sioux Watershed District
704 HWY 75 South
Wheaton, MN 56296

Thinking about improving drainage?

Know your options.

Minnesota Board of Water & Soil Resources

Bemidji Brainerd Duluth Fergus Falls Mankato Marshall New Ulm Rochester Saint Paul

BWSR Mission: Improve and protect Minnesota's water and soil resources by working with local organizations and citizens.

BWSR Board Summer Tour

SPONSORED BY:

- Area II MN River Basin Projects Inc.
- Lincoln Soil and Water Conservation District
- Lyon Soil and Water Conservation District

Wednesday, August 22, 2012

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

SWCD

GENERAL INFORMATION

1. Tour Notes
2. Acronyms
3. Area II
4. Lincoln County SWCD
5. Lyon Country SWCD
6. Yellow Medicine River Watershed
7. Lincoln-Pipestone Rural Water
8. City of Marshall Map

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Phone: (651) 296-3767
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BWSR TOUR NOTES

TOUR HOSTS:

- *Area II MN River Basin Projects, Inc.*
- *Lincoln Soil and Water Conservation District*
- *Lyon Soil and Water Conservation District*

August 22, 2012

APPROACH

Area II has proven through its 34 years of successful partnerships that structural flood control measures are a beneficial and widely accepted means of reducing flood damages, while reducing streambank erosion and the introduction of excess nutrients into our watercourses.

The Area II Minnesota River Basin Projects, Inc. Board of Directors and the 9-county membership firmly believe in taking a **proactive approach** to the recurrent, annual flooding rather than a reactive, emergency approach that relies much too heavily on state and federal governments.

Area II's approaches to flood damage reduction include:

- ☼ Large Dams
- ☼ Small Dams
- ☼ Dam Reinstallations (Repairs)
- ☼ Road Retentions
- ☼ Grade Stabilizations
- ☼ Stair-stepped Grade Stabilizations for gullies
- ☼ Wetland Restorations

Visit www.area2.org for more information.

AREA II BOARD OF DIRECTORS

(County Commissioners)

BROWN COUNTY
Mr. Dennis Potter (507) 723-6144
Mr. Andrew Lochner (507) 794-7740

COTTONWOOD COUNTY
Mr. Norman Holmen (507) 877-3243
Mr. Jim Schmidt (507) 274-6568

LAC QUI PARLE COUNTY
Mr. Harold Solem (320) 769-2063
Mr. Todd Patzer (320) 668-2626

LINCOLN COUNTY
Mr. Curt Blumeyer, Sec/Treas. (507) 223-7339
Mr. Don Evers (507) 368-4884

LYON COUNTY
Mr. Rodney Stensrud (507) 872-6858
Mr. Rick Anderson (507) 734-5194

MURRAY COUNTY
Mr. Robert Moline, Chair (507) 763-3702
Mr. John Giese (507) 836-8794

PIPESTONE COUNTY
Ms. Marge DeRuyter (507) 347-3246
Mr. Harold (Butch) Miller (507) 348-3167

REDWOOD COUNTY
Mr. John Schueller, Vice Chair (507) 342-5621
Mr. Al Kokesch (507) 697-6477

YELLOW MEDICINE COUNTY
Mr. Louis Sherlin (507) 223-5558
Mr. Ron Antony (507) 223-5529

AREA II
MINNESOTA RIVER BASIN PROJECTS, INC.

1400 East Lyon Street
Marshall, MN 56258

Telephone: (507) 537-6369
Fax: (507) 537-6368
E-mail: area2@starpoint.net
website: www.area2.org

AREA II
MINNESOTA RIVER BASIN PROJECTS, INC.
1400 East Lyon Street • P.O. Box 257 • Marshall, MN 56258 • 507-537-6369

ORGANIZATIONAL PURPOSE

Area II is a grant-in-aid program pursuant to MN Statutes 103F.173-103F.187 that administers the joint powers agreement signed by the nine counties of Brown, Cottonwood, Lac qui Parle, Lincoln, Lyon, Murray, Pipestone, Redwood, and Yellow Medicine.

The primary function is to provide technical and financial assistance to LGUs within Area II for the engineering, land rights acquisition, and construction costs for the installation of floodwater retarding/retention structures.

Area II is nine counties united, working in conjunction with one another since water does not stop at county boundaries, and neither do the benefits of flood damage reduction.

Area II currently receives an annual allocation of $120,000 from the State of Minnesota pursuant to statute. This has been gradually reduced from $189,000. The nine member counties must match this allocation at 25% ($46,667), however they collectively contribute $87,000.00 annually despite their own limited budgets.

HISTORY

Flooding damages are very severe within Area II as caused by the steep escarpment formed by the Coteau des Prairies *(Buffalo Ridge)*. This escarpment ranges from 4 to 6 miles in width with elevation ranging from 90 feet/mile [Yellow Bank Subbasin] to 50 feet/mile [Redwood Subbasin].

The Public Law 87-639 Study revealed total annual damages of $4,197,448* by flooding alone. These damages vary from $197,800* for the Redwood Subbasin to $2,847,960* for the Lac qui Parle Subbasin. ***Monetary figures are in 1989 dollars.***

Approximately 112,500 acres are flooded during 100-year storm events with 30,100 acres being recurrently flooded every two years. Flooding of croplands and pasturelands account for 80% of flood damages while road and bridge destruction comprise the rest.

*Cottonwood River * Lac qui Parle River*
*Little Cottonwood * Redwood River*
*Yellow Bank River * Yellow Medicine River*

PAST BONDING APPROPRIATIONS

Area II Minnesota River Basin Projects, Inc. received bonding appropriations during the 1996, 1998, 2005, 2006 and 2011 Legislative Sessions. Appropriated funds provided for construction and land acquisition while engineering and administration are provided through Area II's annual budget.

ML 1996, Chapter 463, Section 11, Subd. 2

Appropriation: $250,000
Local Match Provided: $195,426.47
1.3:1 match, 3:1 match required
Floodwater Storage Created: 2759 acre-feet

ML 1998, Chapter 404, Section 10, Subd. 6

Appropriation: $500,000
Local Match Provided: $328,586.84
1.5:1 match, 3:1 match required
Floodwater Storage Created: 1775 acre-feet

ML 2005, Chap. 20, Art. 2, Sec. 10, Subd. 4

Appropriation: $500,000
Local Match Provided: $413,206.81
1.2:1 final match, 3:1 match required
Floodwater Storage Created: 936 acre-feet

ML 2006, Chapter 258, Section 9, Subd. 4

Appropriation: $500,000
Local Match Provided: $233,451.51
2.14:1final match, 3:1 match required
Floodwater Storage Created: 650.8 acre-feet

Lyon Soil & Water Conservation District (SWCD)

We are working for you and our community. The SWCD is involved in environmental resource projects through:

- Coordinating federal, state and local programs and assistance to provide better services to Lyon County residents
- Promoting conservation through news-articles, newsletters, fact sheets, brochures, informational meetings and educational events.
- Funding for Rural and Urban Landowners
- Giving you the information you need to make informed decisions.
- Well trained staff to assist and advise you.
- Easy ~ landowner friendly ~office location

Allen Deutz, Gary Crowley, Mark Meulebroeck, Otto Nyquist, Steve Prairie, Rodney Stensrud (Lyon County Commissioner, advisory)

Lyon Soil & Water Conservation District (SWCD)

Lyon SWCD was established in 1945 to address the resource needs of land users in the area. Lyon SWCD assists rural and urban residents in the protection and enhancement of the natural resources.

Land Use in Lyon County:

Agricultural	*88%*
Urban Use	*2%*
Water/Wetlands	*2%*
Grass/Trees	*8%*

SWCD SOIL AND WATER CONSERVATION DISTRICTS...

"Helping bring YOU clean water"

Lyon Soil & Water Conservation District

Assisting you in protection of our water, soil & air resources

Programs & Services Urban & Rural

Get to Know Us!

Lyon Soil & Water Conservation District

1424 E College Drive—Suite 600
Marshall MN 56258

Phone (507) 537-0396 ext. # 3
FAX: (507) 532-7479
Web: http://www.lyonswcd.org

Lyon Soil & Water Conservation District

Supervisors elected by county residents during regular election process for a four year term:

Gary Crowley ~ Marshall, MN
Townships served:
Eidsvold, Westerheim, Nordland, Grandview

Allen Deutz ~ Marshall, Minnesota
Townships served:
Vallers, Lucas, Fairview, Stanley

Mark Meulebroeck ~ Lynd, Minnesota
Townships serviced:
Island Lake, Lynd, Lyons, Coon Creek

Otto Nyquist ~ Amiret Minnesota
Townships Served:
Lake Marshall, Clifton, Sodus, Amiret

Steve Prairie ~ Balaton Minnesota
Townships served:
Shelburne, Rock Lake, Custer, Monroe

Lyon SWCD staff
John Biren, Administrator
Jeanette Sharp, Admin. Assistant
Jordan Croatt, PF Farmbill
Wildlife Biologist

NRCS Staff
Jamie Thomazin, District Conservationist
Mike Timmerman, NRCS Technician
Shannon Ernst, Soil Conservationist

Lyon SWCD and NRCS prohibits discrimination in all its programs and activities on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientations, or marital or family status. (Not all prohibited bases apply to all programs).

No matter how you look at it ….. The FUTURE of our planet is in OUR HANDS!

We are: One of nearly 3,000 Conservation District nationwide ~

OUR MISSION:
The mission of the Lyon Soil & Water Conservation District (SWCD) is to provide high quality, professional assistance to the citizens and land users of our county to provide them tools and programs to utilize in the protection and enhancement of our resources.

We have:
- Trained technical staff to assist in project design and planning of conservation practices
- Funding to assist in the establishment of these practices
- Programs designed to give landowners the assistance needed to protect our environment as well as protect farm income and land value.
- Staff and Board are local people understanding local issues and your needs

We Provide:
- Cost Share funds and Technical Assistance for conservation and pollution prevention projects and buffers for water quality
- Knowledge of conservation programs that benefit your property
- Soils information for Lyon County
- Wetland information to keep you in compliance with State and Federal Laws
- Ag BMP Low interest loan funds to assist in tillage equipment, animal waste facilities and equipment, and conservation practices.
- Low interest loans for replacing existing nonconforming septic systems.
- Educational information and presentations for students, teachers, and groups
- Development of tree planting plans
- Feedlot Permitting
- Subsurface Sewage Treatment System Permitting
- Planning and Zoning activities including landuse regulations, shoreland regulations, and floodplain regulations.
- Assistance with feedlots including: maps, FLEVAL, & review
- Tile Intake Conversion Program: incentive payments to assist in conversion of above ground field tile intakes to subsurface intakes.

ACRONYMS

Ac-Ft	Acre-feet, volume of water 1 foot deep over 1 acre of land
Area II	Area II MN River Basin Projects, Inc.
BWSR	Board of Water and Soil Resources
CFS	Cubic Feet per Second
CREP	Conservation Reserve Enhancement Program
CRP	Conservation Reserve Program
DNR	Department of Natural Resources
EQIP	Environmental Quality Incentives Program
LCMR	Legislative Commission on Minnesota Resources (now LCCMR)
MNDOT	Minnesota Department of Transportation
MPCA	Minnesota Pollution Control Agency
MSL	Mean Sea Level
NRCS	Natural Resources Conservation Service
RIM	Reinvest in Minnesota
SWCD	Soil and Water Conservation District
WIA	Walk In Access
WLI	Working Lands Initiative
USDA	U.S. Department of Agriculture
USFWS	U.S. Fish and Wildlife Service
YMRWD	Yellow Medicine River Watershed District

The River of the Yellow Medicine Watershed District

The Yellow Medicine River is a tributary of the Minnesota River, at 107 miles long, it outlets into the Minnesota River and is in part, included in the Mississippi River drainage basin.

The Yellow Medicine River starts from Lake Shaokatan in western Lincoln County on the Coteau des Prairies, (a moraainic plateau) dividing the Mississippi and Missouri River Watersheds. It flows northeastwardly as an intermittent stream. It then flows off the Coteau dropping 250 feet in 5 miles. It continues to flow Northeast until reaching the Minnesota River approximately 8 miles southeast of Granite Falls.

The largest tributaries include the North Branch Yellow Medicine River (41 miles long) and the South Branch Yellow Medicine River (62 miles long). The North Branch joins the main river Northwest of Taunton while the South Branch joins in north of Minneota. Other tributaries include Spring Creek (46 miles long) which flows eastwardly along the northern portion of the watershed and enters the main river northwest of Hanley Falls. Mud Creek (31 miles long) flows eastwardly in western Yellow Medicine County and outlets in the main river north of Minneota.

The Minnesota Pollution Agency statistically combines the watersheds of the Yellow Medicine River and that of the Hawk Creek, which is located on the opposite side (north side) of the Minnesota River. The outlets points of these watersheds are approximately .3 miles apart, but on the opposite sides of the Minnesota River.

Approximately 80% of the land use is in these two watersheds is used for agriculture, with corn and soybeans being the predominant crops. Other crops grown include alfalfa, sugar beets, and wheat.

There is a US Geological Survey gauge set up along the Yellow Medicine river located approximately 6 miles upstream from the river's outlet point. The annual mean flow between 1931 and 2005 was 142 cubic feet/second. Information regarding the station data can be found at: Http://waterdata.usgs.gov/nwis/uv?cb_00060=on&format=html&period=7&site_no=05313500

Yellow Medicine River Watershed District

122 N. Johnson Street
PO Box 267
Minneota, MN 56264

Phone: 507-872-6720
Fax: 507-872-6958
Email: ymrw@centurytel.net

Yellow Medicine River Watershed District

Est. August 26, 1971

*****

District Size: 685 Sq. Miles across 3 Counties covering approximately 438,400 acres.

Major River: Yellow Medicine: 107 miles long

River Source: Lake Shaokatan (Lincoln Cty.)

Tributary Sources:
- **North Branch: 41 miles long**
- **South Branch: 62 miles long**
- **Spring Creek: 46 miles long**
- **Mud Creek: 31 miles long**

Elevations:
- **Highest: 1992 feet above Sea Level**
- **Lowest : 860 feet above Sea Level**

Yellow Medicine River near Granite Falls, MN

Watershed District

The Watershed was originally established to address the concerns of water quantity and flood prevention. We maintain that focus, but have expanded the focus to include water quality as well. The Watershed has established several projects in various locations across the watershed to address impaired water body concerns. Funding for the projects are met through grants and/or cost share program acquired from MPCA, BWSR, Area II, SWCD's from Lyon, Lincoln and Yellow Medicine Counties, and Minnesota River Board. We continue to identify potential project areas and work with the landowners to meet the goals set forth in the water plan.

South Branch -Yellow Medicine River

Watershed District Projects

In 2010, The Yellow Medicine River Watershed District was targeted for funding for a grant from the Minnesota Pollution Control Agency, in the amount of $29,555 for water sampling and testing for a SWAG (Surface Water Assessment Grant). Nine location were identified along a stretch from west of Taunton, going Northeast to a location along the Yellow Medicine River before it flows into the Minnesota River. The grant continued through 2011, with all data being sent to the MPCA, who did the biological survey of the sites, while the watershed staff completed the water quality chemical sampling of the sites, every two weeks, with grab samples and recording the depth of the water, pH, conductivity, dissolved oxygen, temperature, and turbidity.

Samples which were collected were sent to a certified testing lab for analysis of: TKN, TP, TSS, TSVS, nitrate-nitrate, ammonia nitrogen, sulfate, chloride, hardness, and E.Coli. Testing for the 2011 season focused mainly on the E.Coli levels. The data will be analyzed for locations of priority sites and determination of the need of future funding to continue to address the condition of the Yellow Medicine River and its restoration.

The Yellow Medicine Major Restoration and Protection Project contract was signed in May of 2012, as an agreement with the MPCA for a 10 year project of analysis the Yellow Medicine River and its tributaries. Extensive water quality monitoring has taken place, since 1993 when we received a Clean Water Partnership grant to sample the river, tributaries and 2 lakes. Working with the MPCA, SWCDs, DNR, NRCS, the district has successfully completed grants from CWP, 319 and SWAG. Current 303d EPA listing for the watershed impairments include; turbidity, Phosphorus and Fecal Coliform. It is the goal to develop implementation strategies to meet standards and improve the water quality.

Board of Managers

The Board of Managers are appointed by County Commissioners from each of their respective counties, to represent landowners in the entire watershed. Each serves a three year term; there are no term limits; only replaced if a suitable applicant applies for the position at the time of the term expiration. Contact your County Commissioner for an opportunity to serve on the Watershed Board.

Current Board Members:

John Boulton.....Lincoln County

Don Oerter.....Lincoln County

Jeff Hoffman.....Yellow Medicine Cty.

Corey Hoffman.....Yellow Medicine Cty.

Tim Buysse.....Lyon County

Office Staff:

Cindy Potz.....District Administrator

Mike Weckwerth.....District Technician

Yellow Medicine River Watershed District

122 N. Johnson Street
PO Box 267
Minneota, MN 56264

Phone: 507-872-6720
Fax: 507-872-6958
Email: ymrw@centurytel.net
Web Site: http://www.ymrwd.org

LINCOLN SOIL AND WATER CONSERVATION DISTRICT . . .

328 E George St
Ivanhoe, MN 56142
507.694.1630 x3
(Fax) 507.694.1666
www.lincolnswcd.net

Helping Bring YOU Clean Water

LINCOLN COUNTY, MINNESOTA

LINCOLN COUNTY FACTS

- Founded March 6, 1873
- Named for President Abraham Lincoln
- Cities: Arco, Hendricks, Ivanhoe (County Seat since 1904), Lake Benton and Tyler (Largest)
- Total Area: 548.44 square miles
  - 537.03 square miles of Land(97.92%)
  - 11.41 square miles of water (2.08%)
- Population-2011 (est.)-5,820; 2010-5,896, Density-10.75/sq mi; 2000-6,429; Highest (1920)-11,268

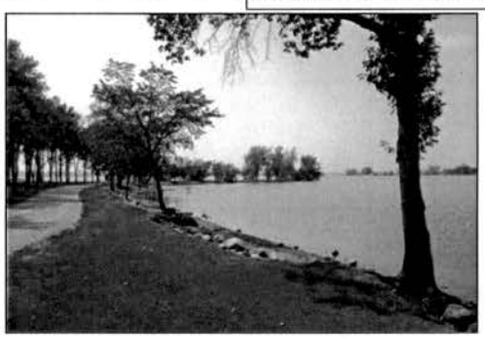
LAKES

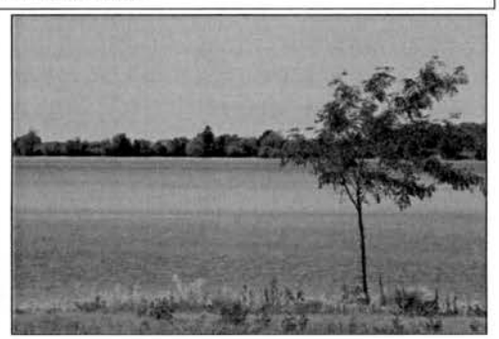
Major Lakes in Lincoln County (depths - 9 to 12 feet):

- Lake Benton - 2,699 acres
- Lake Hendricks - 1,522 acres; boarder lake
- Lake Shaokatan - 996 acres
- Dead Coon Lake - 569 acres

Other lakes (over 100 acres in size) include:
Hawks Nest, Perch, Stay, Steep Bank, Popowski, Curtis, Bohemian, Slough, South Ash, West Stay, and Oak

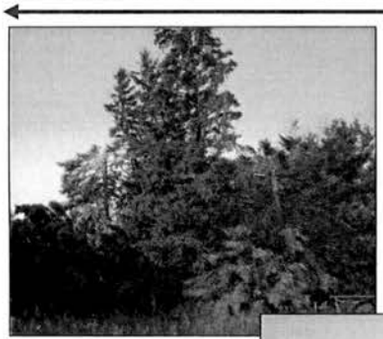
Pictured Below: Left: Lake Hendricks; Middle: Lake Benton Lake (Stoney Point); Right: Lake Shaokatan





WIND TURBINES

- 1993 saw the first wind farm clusters built around Lake Benton (73 towers) built by the Kennetech Corp
- Next cluster-built by Zond Energy Systems, CA; 143 of the Z-750 wind turbines stand 257' tall, weighs 196,000 lbs, 3-blades with a rotor diameter of 157.44' and can supply the annual electricity needs of 250 homes.
- 17 Owners; 379-total towers
- 858,301,163 kilowatt hours produced in 2011



TORNADO DAMAGE

Pictures from July 1, 2011 tornado (tree damage; tree cleanup; & wind turbine damage).

PARKS, CAMPGROUNDS, HISTORIC SITES

- Norwegian Creek County Park: shores of Lake Benton Lake, 91 campsites, 128 acres,
- Hole in the Mountain County Park: Lake Benton, 52 campsites
- Hole in the Mountain - Horse Camp Site: 30 sites
- Picnic Point County Park: Lake Shaokatan-7 mi SW of Ivanhoe, 30 campsites
- Lake Hendricks Park: 30 campsites
- Anderson Park: On Lake Stay, one mile east of Arco, 15 campsites
- Gilson Field Campground: Ballpark north end of Ivanhoe, 16 campsites
- Stoney Point Park: East end of Lake Benton Lake (2 mi west & 2 mi north of Tyler)
- Tyler City Park: Swimming Pool
- Ivanhoe City Park: Swimming Pool
- Lincoln County Pioneer Museum: located across from Lake Hendricks Park
- St John Cantius Catholic Church*: known as "the Cathedral on the Prairie" at Wilno
- County Courthouse*: located in Ivanhoe
- Lake Benton Opera House*: renowned center for performing arts

*Listed on the National Registry of Historic Buildings

CREATING "LINCOLN COUNTY"

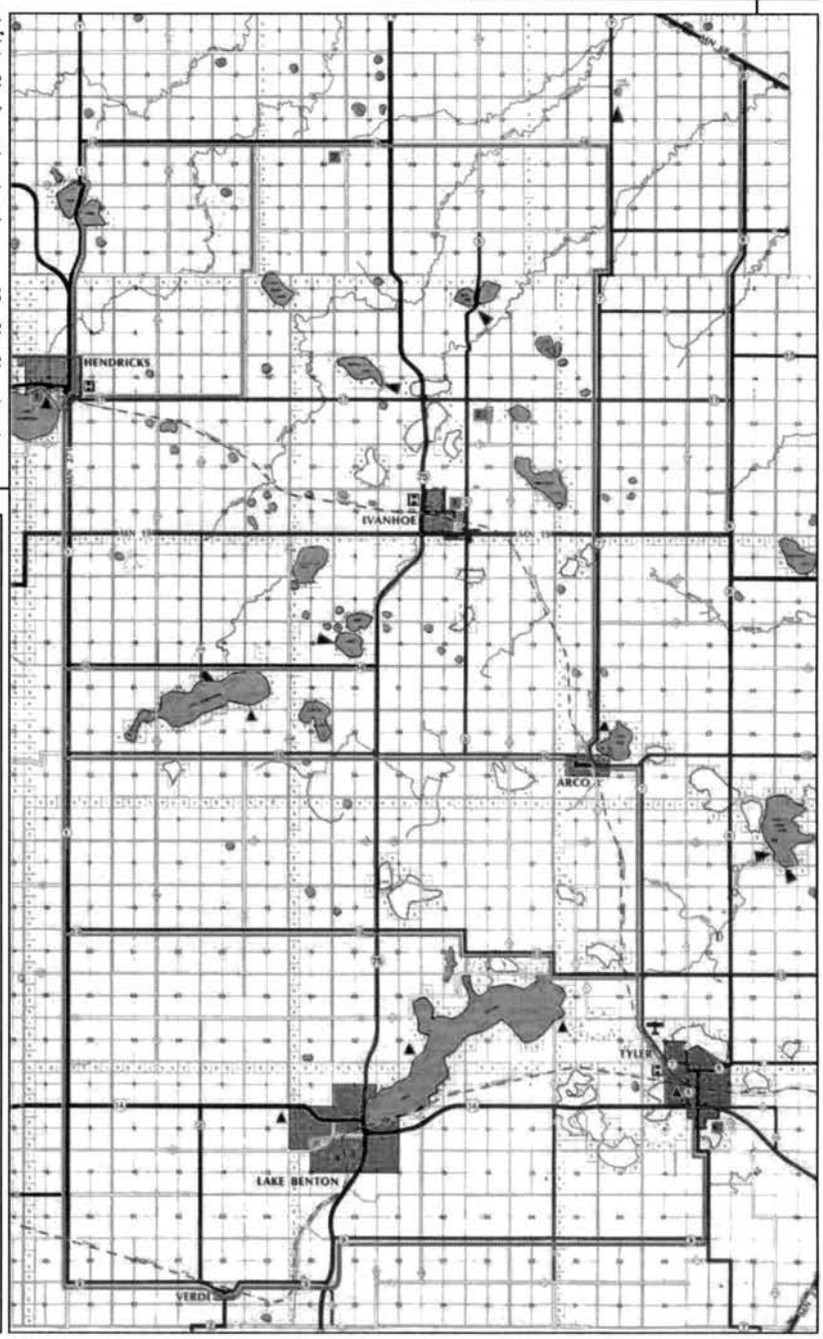
Lincoln County, named after Abraham Lincoln, was created by the Minnesota Legislature on March 6, 1873. But what we know today as Lincoln County was not Minnesota's first attempt to honor the assassinated president.

A patriotic Minnesota Legislature, desiring to honor Lincoln upon his assumption of the presidency in 1861, sought to give his name to a county established from the northeastern part of the present Renville County, with the addition of the two southernmost townships now in Meeker County. But this act failed to receive the necessary ratification by the people of the affected counties.

A second attempt to honor Lincoln came in March of 1866, when the State Legislature sought to change the name of Rock County to "Lincoln" County. This act was ignored by the people of Rock County.

A third unsuccessful attempt came on February 12, 1870, on the anniversary of Lincoln's birth. Another effort was made to remove part of eastern Renville County and establish Lincoln County, but not with the same borders as had been proposed in 1861. Once again, this failed to be ratified by the local people.

Finally, in 1873, Lincoln County was successfully created out of the of the western part of Lyon County, with the support of the voters. Counties have been named for Abraham Lincoln in fifteen other states.



MORE LINCOLN COUNTY FACTS:

- Consists of some of the highest land elevations in the state: Highest-1,994 (Drammen Twp); Lowest-1,167 (Alta Vista Twp); 827 feet of fall; 31.7 feet of fall per mile
- Consists of 15 townships
- Persons per square mile-11 (2010)
- Persons per household-2.29 (2010)
- Persons under 5 years-6% (2011)
- Persons under 18 years-22.1% (2011)
- Persons 65 years and over-24.6% (2011)
- Median household income (2000)-$38,605
- No stop light in Lincoln County
- CRP-15,363.8 acres (2011)
- Crops planted (2012 acres): Corn-120,005; Soybeans-92,139; Wheat-5,637; Oats-1,132; Alfalfa-7,228; Mixed Forage-3,151
- Two Clean Water Fund Grants: 2010-Yellow Medicine Major Watershed Project (includes 3-counties); 2011-Verdi Wellhead Protection Area Project

LINCOLN SOIL AND WATER CONSERVATION DISTRICT

SWCD SOIL AND WATER CONSERVATION DISTRICTS...

"Helping bring YOU clean water"

328 E GEORGE ST
IVANHOE, MN 56142
PHONE: 507/694-1630, EXT. 3
FAX: 507/694-1666
www.lincolnswcd.net

- 2011 Annual Report -

MISSION OF THE LINCOLN SWCD

The mission of the Lincoln SWCD is to protect and improve the quality of our water, soil, and natural resources by providing programs and services to the citizens and owners of Lincoln County to implement conservation practices.

LINCOLN SWCD MEETS WITH STATE LEGISLATORS

John Boulton, Supervisor; Conrad Schardin, Supervisor, Pauline VanOverbeke, District Manager; and Ron Madsen, Engineering Technician from the Lincoln Soil and Water Conservation District, met with State Legislators in March to discuss SWCDs programs and issues. SWCDs fill the crucial niche of providing land and water conservation services to owners of private lands.

Pictured left to right: John Boulton, SWCD Supervisor; Conrad Schardin, SWCD Supervisor; Senator Gary Kubly, Representative Andrew Falk; Pauline VanOverbeke, Lincoln SWCD Manager; and Ron Madsen, Lincoln SWCD Engineering Technician.

"A pessimist sees the difficulty in every opportunity; an optimist sees the opportunity in every difficulty."
Winston Churchill

New Mailing Address for the Lincoln SWCD/NRCS office:

328 E George St
Ivanhoe, MN 56142

The land is more than a livelihood - it's a legacy. It's a resource to be cared for, preserved, improved and passed to the next generation.

LINCOLN SWCD BOARD MEETINGS

Third Wednesday of each month:
-April to October: 7 a.m.
-November to March: 10 a.m.

ORGANIZATION

The Lincoln Soil and Water Conservation District (SWCD) is proud to present to you the 2011 Annual Report. The SWCD works in partnership with state, federal and local governments to administer and implement programs that will conserve and manage land and water resources across the county.

The Lincoln SWCD was organized July 3, 1944. SWCDs were organized during the "Dust Bowl" era, because of the intensive farming during a time of drought allowed high winds to erode the landscape and carry clouds of dust from the Great Plains all the way to Washington, D.C. SWCDs were subsequently developed to encourage landowners to alter their farming techniques in order to more wisely use our soil and water resources. Over the years, SWCDs expanded their focuses beyond agriculture to water, soil and natural resources. For more information about the Lincoln SWCD go to their website: www.lincolnswcd.net.

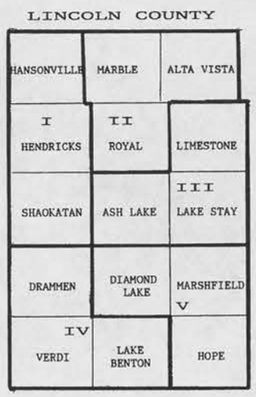
INTRODUCTION

We are very fortunate to work with county commissioners, legislators, land owners, operators and citizens of Lincoln County that care about the protection of our land and water resources. This report will give you the opportunity to see first hand some of the programs the Lincoln SWCD and their partners have accomplished this past year. A brief overview of the accomplishments in 2011 include:

- Implementing the 2010 Clean Water Fund Grant for the Yellow Medicine River Watershed-$90,125.
- Obtaining/implementing the 2011 Clean Water Fund Grant for the Verdi Wellhead Protection Area-$184,211.
- Implementing the Wetland Conservation Act (WCA) and the Water Management Plan for the County.
- Providing land and water conservation services to owners of private lands through:
  - ◊Technical assistance with design and layout of conservation practices.
  - ◊Increasing landowner participation in the conservation provisions of the Federal Farm Bill program, such as: Conservation Reserve Program (CRP); Continuous CRP, Working Lands Initiative (WLI), Wetland Reserve Program/Reinvest In Minnesota (WRP/RIM) and Walk-in-Access Program.
  - ◊Providing a tree program, seed program and a drill program.
  - ◊Providing owners/operators with conservation funding opportunities.

The 2011 Board members include: (l - r) John Boulton-District #II, PR&I, Joe Weber-District #V, Treasurer, Conrad Schardin-District #IV, Secretary, Daniel Christianson-District #I, Chair; Glen Sorensen-District #III, Vice Chair.

LINCOLN SWCD SUPERVISORS



ROLE OF A SUPERVISOR

The Lincoln SWCD is a political subdivision of the State and is governed by a five member-Board of Supervisors. Supervisors are elected by the voters of the County and serve four year staggered terms. SWCD Supervisors play a vital role in setting overall policy and long-term objectives for the district. They also oversee the districts budget, annual plans and work with the district staff to see that the policies and plans are implemented effectively and

"Alone we can do so little, together we can do so much."
Helen Keller

The Lincoln SWCD prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, martial status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individuals income is derived from any public assistance program.

LINCOLN SWCD AND NRCS STAFF

The Lincoln SWCD and Natural Resources Conservation Service Staff pictured-L to R, Dennis Johnson, NRCS; Randy Kraus, SWCD; Randy Sheik, NRCS; Ron Madsen, SWCD; Dale Sterzinger, SWCD; and Pauline VanOverbeke, SWCD.

STAFF RESPONSIBILITIES

Pauline VanOverbeke, District Manager-
- Management: Supervise, Finances, Administration, Planning
- Water Management Plan: Ag BMP Loans; Well Sealing
- Education Efforts; Environmental Fair, Women's Day Event; Newsletters; News Releases
- Administer Clean Water Fund Grants
- Web Page Design/updates and Grants

Ron Madsen, Engineering Technician-
- Planning/Application/Engineering of Erosion Control Practices
- Clean Water Fund - Technical Assistance
- Education Efforts: Rain Gauge Program
- Drill Program
- State Cost-Share Program
- Walk-in-Access Program

Dale Sterzinger, Conservation Technician/WCA Administrator-
- District Tree Program
- Shaokatan Sportsmen Club - Lake Cleanup Project
- Wetland Conservation Act (WCA)

Randy Kraus, Farm Bill Technician-
- Working Lands Initiative, Conservation Reserve Program (CRP), Continuous Conservation Reserve Program (CCRP), Wetlands Reserve Program (WRP) and Reinvest in Minnesota (RIM), Walk-in-Access Program
- Clean Water Funds - Technical Assistance

NATURAL RESOURCES CONSERVATION SERVICE (NRCS) STAFF

Dennis Johnson, District Conservationist
Randy Sheik, Soil Conservation Technician

NRCS Programs include: Environmental Quality Incentive Programs (EQIP), Status Reviews, Water Quality Incentive Program, Conservation Plans, Conservation Security Program (CSP), Nutrient Management, etc.

THANK-YOU

The Lincoln SWCD Board and Staff extend our sincere appreciation to the Lincoln County Board of Commissioners for their support and funding of $107,150 and to our conservation partners whom also support the SWCD. We would also like to thank the landowners/operators in Lincoln County for putting trust in us to provide assistance to you for your conservation needs. Thank you for making 2011 a great success!!!

LINCOLN SWCD PRIORITY CONCERNS

The Lincoln SWCD adopted the Lincoln County Water Management Plan as their Comprehensive Plan with the following priority concerns identified:

- Ground water protection for the Verdi Well Field.
- Surface Water Quality Deterioration focusing on MPCAs list of TMDLs and impaired waters.
- Erosion and Sediment Control on agricultural land primarily gully erosion and concentrated flow with several priority areas including TMDLs and impaired waters.
- Lake management improvement (water quality) and recreational opportunities targeting Lake Benton, Lake Shaokatan, and Lake Hendricks.
- Surface water runoff and drainage addressing runoff volume and water quality through drainage management.

The plan also addresses the following:

- Provide for an effective/efficient district operation and provide assistance to landowners/operators; and,
- Increase public awareness through educational, promotional, and informational activities.

District Programs

- Reinvest in Minnesota (RIM) Program	- Tree Program	- Riparian Buffers
- Tree Mat Program	- State Cost-Share Program	- Grant Writing
- Rain Gauge Program	- Newsletters/News Releases	- Drill Program
- Annual Plan/Year End Reporting	- LGU and Administer WCA	- DNR Well Monitoring
- Conservationist Award Program	- Process Water Permits	- County Fair Booth
- Alternative Tile Intake Program	- Animal Repellent Program	- District Web Site
- Clean Water Funds-Yellow Medicine Project	- Clean Water Funds-Verdi Proj.	- Working Lands Initiative
- Engineering Assistance-Conservation Practices	- Seed Sales Program	

Federal Programs (assisted by the Lincoln SWCD)

- Water Quality Incentive Program	- Conservation Plans	- Status Reviews
- Conservation Reserve Program (CRP)	- Environmental Quality Incentive Programs (EQIP)	

Administer the Water Management Plan

- Well Sealing Program	- Ag BMP Loan Program
- Conserving Use Acres Program	- Alternative Tile Intake Program

Work with other agencies

The SWCD provides representation and/or work throughout the year with other agencies, such as, but not limited to: other SWCDs, Lincoln County Commissioners and offices, Board of Water and Soil Resources, Natural Resources Conservation Service (NRCS), Farm Service Agency (FSA), Resource Conservation and Development (RC&D), Yellow Medicine Watershed, Lac qui Parle Watershed, Redwood Cottonwood Rivers Control Area (RCRCA), Southwest Prairies Technical Service Area (SWPTSA), Lincoln-Pipestone Rural Water, Department of Natural Resources, Minnesota Pollution Control Agency, Department of Health, US Fish and Wildlife Service (USFWS), MN Extension Service, MN Department of Transportation, Pheasants Forever, MN Rural Water Association, Shaokatan Sportsmen Club, Tyler Rod and Gun Club and Lincoln County Townships.

CO-SPONSORED EDUCATION PROGRAMS

Women's Day Programs: 1) "Water Quality, Under the Umbrella" was the topic for the conservation day for women landowners/operators, which featured information about water quality, ground water, and wetlands. Approximately 65 women attended the event. 2) "Blue Thumb Garden Party" was held in conjunction with the Lac qui Parle Watershed District, and the Lac qui Parle and Yellow Medicine SWCDs. The event covered rain barrels, rain gardens, backyard composting. Approximately 35 women attended this event.

Area V Environmental Fair– The environmental fair provided an opportunity for approximately 1,700-5th /6th grade students from an eleven (11)-county area in SW MN is to let students study natural resources in a setting that will give them the opportunity to see and touch and sometimes taste what they are learning about. This environmental education day consists of hands-on learning stations covering: watershed, water quality, wetlands, wind and water erosion, soils, trees, wildlife, native prairies restorations, food chain along with the Science Museum's Three Rivers and Water Quality presentations. The 2011 Environmental fair was held in Marshall, MN.

Above: Lake Benton Public School

Left: Lincoln HI Public School

DISTRICT TREE PROGRAM

TREES The Lincoln SWCD sells a variety of trees for installation of conservation practices, such as: Field Windbreaks, Farmstead Shelter Belts, Living Snow Fences, Wildlife Tree Plantings, and Riparian Buffer Plantings with cost-share available for projects depending on the practice installed. Trees planted over the last nine-years include:

-2003 - 54,000	-2005 - 124,000	-2007 - 52,000	-2009 - 35,000
-2004 - 100,400	-2006 - 85,000	-2008 - 62,000	-2010 - 17,500
			-2011 - 14,000

Practices installed in 2011:

Practice	2011	2003 - 2010
Farmstead shelter belts	42,851 ft (15.7 ac)	197.0 acres
Riparian buffer		1,436.4 acres
Wildlife tree plantings	12.2 ac	137.8 acres
Living Snow fences	900 ft (0.17 mi)	9.87 miles
Field windbreak plantings	8,270 ft (1.57 mi)	7.42 miles
Working Lands Initiative		8.3 acres

PLANTING The District is available to plant the trees they sell. The District also has available for rent a power tree auger and a tree planter, for trees purchased through the District.

MAINTENANCE OF TREES

- Tubex - Tree shelter that protects individual trees from wind, equipment, and animals.
- Plantskydd Tree Repellent - Animals avoid trees before they bite, not after. Plantskydd repels by emitting an odor (not unpleasant to applicators) browsing animals associate with predator activity.
- Matting Material - Material that is put down around the trees that suppresses weeds, moderates soil temperature and conserves moisture to create a favorable root development of the trees.

"Someone's sitting in the shade today because someone planted a tree a long time ago."

Warren Buffett

Above: Snow being removed off of Highway 19; Right: An established living snow fence on Highway 14.

Cost-Share assistance from 1998 - 2011 (Tree Practices)

'98-'07 DNR Wildlife Tree Plantings	$151,716	'08 State Cost-Share	$ 7,808
2005 Lake Benton Sportsmen Club	$ 3,000	'09 State Cost-Share	$ 14,199
MN DOT 2000 - 2006	$ 12,542	'10 State Cost-Share	$ 11,960
'05-'07 County Highway Dept.	$ 4,381	'10 CRP	$ 17,506
'05 Lake Stay Township	$ 200	'10 County Highway Dept.	$ 740
'06-'07 Pheasants Forever	$ 1,775	'10 Reinvest In Minnesota	$ 4,000
'08-'09 DNR Wildlife Tree Plantings	$ 21,461	'10 DNR	$ 8,000
'09 MN-DOT	$ 10,190	'10 EQIP	$ 2,236
'05 State Cost-Share	$ 9,893	'11 CRP	$ 27,998
'06 State Cost-Share	$ 12,471	'11 State Cost-Share	$ 12,032
'07 State Cost-Share	$ 21,522	'11 DNR	$ 9,774
		'11 EQIP	$ 7,545
State Cost-Share dollars are reflected in the total's under the State Cost-Share Program			$371,584

STATE COST-SHARE PROGRAM

The State Cost-Share Program provides landowners with financial assistance (up to 75% c-s) to offset the cost of installing conservation practices that protect and improve water quality by reducing sedimentation and controlling soil erosion. Some eligible practices include:

-Wastewater/Feedlot Runoff Control
- Water/Sediment Control Basins
- Farmstead Windbreaks
- Terraces/Diversions
- Field Windbreaks
- Grassed Waterways

SWCD Technical assistance available:

- Conduct a site investigation with the landowner/operator
- Work with landowner to determine the best management practice;
- Survey and design the project;
- Produce a rough cost-estimate;
- Assist with appropriate cost-share if applicable;
- Provide landowner with a design plan for submission of bids;
- Perform a pre-construction conference with the contractor and the landowner;
- Supervise construction; and certify completion of project.

Erosion in a road ditch.

An established Waterway.

Right: Gully Erosion before Water & Sediment Control Basins were installed (above).

"Soil erosion is second only to population growth as the biggest environmental problem the world faces. Yet, the problem, which is growing ever more critical, is being ignored because who gets excited about dirt?"

David Pimentel

State Cost-Share Dollars for Conservation Practices

1997	$ 14,479	2003	$ 21,863
1998	$ 11,584	2004	$ 22,062
1998-Rollover-Lake Hendricks Watershed	$ 51,200	2005	$ 23,062
1999	$ 14,479	2006	$ 24,062
2000	$ 20,062	2007	$ 25,062
2000-Special Project	$ 17,500	2008	$ 26,062
2000-MN River Basin-LHW*	$ 40,000	2008-Native Buffer	$ 3,835
2001-Special Project	$ 11,775	2009	$ 27,062
2001MN River Basin-LHW*	$ 40,000	2010	$ 14,883
2001-Feedlot Grant	$ 49,999	2011	$ 15,036
2001	$ 20,062	2012	$ 20,186
2002	$ 20,062	Total from 1997 to present	$534,377

*LHW=Lake Hendricks Watershed

"The nation that destroys its soil destroys itself."

Franklin D. Roosevelt

WETLAND CONSERVATION ACT (WCA)

The Lincoln SWCD is the local Governmental Unit for the Wetland Conservation Act (WCA) in Lincoln County. There are three main definitions that pertain to the State of MN Wetland Conservation Act on Agricultural and Non-Agricultural lands: *Fill, Drainage, and Excavation.*

- Fill means any solid material added to or re-deposited in a wetland that would alter its cross-section or hydrological characteristics, obstruct flow patterns, change the wetland boundary, or convert the wetland to a non-wetland.
- Drainage means any method for removing or diverting waters from wetlands. The methods shall include, but are not limited to, excavation of an open ditch, installation of subsurface drainage tile, filling, diking, or pumping. (This includes the use of the moldboard plow leaving a dead furrow to drain a wetland).
- Excavation means the displacement or removal of substrate, sediment of other materials by any method.

In 2011, the District provided wetland related technical assistance to 615 landowners and 332 in-field inspections. Other specifics include: 3-exemptions, 5-no-loss determinations, 1-cease and desist order, 14-wetland violations.

Three wetlands restored prior to entering Lake Shaokatan. The wetland closest to the lake is part of a WCA replacement plan.

Wetlands on Ag Land in Minnesota

U.S. and Minnesota laws were enacted a couple of decades ago to address the draining and filling of wetland areas. Both sets of laws rely on the knowledge and actions of landowners to assure compliance with their requirements. It is important for agricultural producers to be aware of these regulations in order to limit their risk. Landowners need to know that just because they are in compliance with the one program doesn't always mean they are in compliance with others.

Federal requirements (i.e. Swampbuster)? Since 1985, the Wetland Conservation provision of the federal farm bills (Swampbuster) requires all agricultural producers to protect the wetlands on the farms they own or operate in order to be eligible for USDA farm program benefits. Producers will not be eligible if they plant an agricultural commodity on a converted wetland that was converted by drainage, leveling, or any other means after December 23, 1985, or convert a wetland for the purpose of or to make agricultural commodity production possible after November 28, 1990.

State law (Wetland Conservation Act-WCA)? WCAThe Minnesota Wetland Conservation Act (WCA) is a state law that regulates activities that result in the draining, filling, or excavating of wetlands in Minnesota, including those on agricultural land. It is administered by local government units; in Lincoln County this is the Lincoln Soil and Water Conservation District (SWCD). The Lincoln SWCD also provides technical assistance to landowners.

What should agricultural landowners do before starting a project, including drainage and maintenance, that may impact a wetland? 1) Complete your "AD1026" form for your local USDA office, and 2) Bring a copy to the Lincoln SWCD and explain what you plan to do.

Contractors who conduct projects that will impact a wetland are required to notify the local government. The Contractor Responsibility and Landowner Statement Form is available at www.bwsr.state.mn.us/wetlands/forms (see "Replacement Plan Forms") and must be mailed to the local government prior to starting work.

To avoid unnecessary delays to your project, call the Lincoln SWCD/NRCS office in Ivanhoe well in advance of doing your tiling project.

Communication is the key! Compliance with USDA does not mean compliance with other wetland laws. A quick call or stop at the Lincoln SWCD prior to beginning your project will help you comply with the laws and save a project from potential additional costs and delays.

LINCOLN COUNTY WATER MANAGEMENT PLAN

Alternative Tile Intakes (Rock inlets) have been popular through the Water Management Plan cost-share assistance program. These inlets not only provide environmental benefits, such as reducing phosphorous and sedimentation loading, they are easier to farm around and maintain than conventional open surface inlets. Program funding/number of inlets installed from 2006-2011 include:

FY06 - 13- $4,000 FY09 - 13 -$4,400
FY07 - 16- $5,000 FY10 - 12- $4,336
FY08 - 20- $7,184 FY11 - N/A

Well Sealing Program was established to help owners seal their high priority abandoned wells. Wells sealed from 1992 through 2011 (figures shown are for the FY dollars/year):

-1992 - 1996	241 wells	$74,183	-FY2009	5 wells	$ 1,500
-1997 - 2003	245 wells	$64,755	-FY2010	18 wells	$ 6,252
-FY04 - 08	147 wells	$33,994	-FY2011	25 wells (to date)	$ 6,938
			Total wells sealed	681 Wells	$187,622

Conserving Use Acres Program is designed for operators to plant small grain in order to install conservation practices during the summer months. This program helps the technical staff survey and design the project for tiling and construction work to be completed before the busy fall season. Through this program the following practices were constructed:

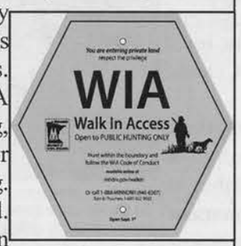
-2003-2005-18 landowners	45-WSCB's	-2009-7 landowners	13-WSCB's; 1,100 ft W'way
-2006-2007-12 landowners	39-WSCB's	-2010-6 landowners	6-WSCB's; 10.4 ac W'way
-2008 - 9 landowners	26 WSCB's' 1 W'way	-2011-1 landowner	8-WSCB's

Ag Best Management Practices (BMP) Low Interest Loan Program provides low interest financing to farmers, rural landowners, and ag supply businesses to encourage best management practices that reduce existing water quality problems caused by agricultural activities. Eligible practices include: feedlot improvements; spreading and incorporation equipment; WSCB's, conservation tillage equipment; and repair of individual sewage treatment systems. The maximum amount any one individual can borrow at a given time cannot exceed $100,000. In 2011, the following Ag BMP low interest loans were made:

# Loans	Practice	Acres	Amount
2	Conservation Tillage Equipment	2,775 - Ac.	$174,230
1	Ag Waste		$ 28,300
2	Conservation Practices (BMP's)-WSCB's	12 - Ea.	$ 15017
6	Septic System Upgrades	6 - Ea.	$ 48,800
11			$266,347

WALK-IN-ACCESS (WIA) PROGRAM

The Walk-In Access (WIA) program aims to provide new hunting opportunities on private land that is already enrolled in existing conservation programs or lands with high quality wildlife cover. Walk-In Access sites are open during any legal hunting season from Sept. 1 to May 31. Only walk-in hunting traffic is allowed on enrolled acres. Land enrolled in the WIA program is not open to trapping, trap shooting, dog training or activities other than hunting. No vehicle traffic is allowed. Parking is along roads or in designated parking areas. In Lincoln County, 19 landowners signed up for the Walk-In-Access Program for a total 21 sites with 1,874.3 acres.



Left: Working Lands Initiative Project.

Below: Newly established CRP Project.

FARM BILL PRORGRAMS

Provisions of the Federal Farm Bill increase the amount of native grasses and wetlands on the landscape to enhance water quality, reduce soil erosion and increase fish and wildlife habitat.

Reinvest in Minnesota (RIM) in 2011, paid $4,755.75 for a FY08 RIM Easement to complete a wetland restoration.

Conservation Reserve Program (CRP) acres enrolled in 2011 (calendar year January-December) include the following practices: trees, filter strips, wetland, general, CP38-SAFE, waterways and wellhead protection:

Year	CRP Contracts	Practice	Acres	Pollution Reductions Phos.#/Yr	Pollution Reductions Sed.Tons/Yr	Soil Saved Tons/Year
2011	16	Trees	27.6	61	70	138
	19	Filter Strips	192.7	845	598	576
	20	Wetland	498.3	1,594	997	748
	12	General	163.3	326	489	326
	1	CP38-SAFE	8.0	17	10	18
	7	Waterways	10.0	40	35	45
Totals	75		899.9	2,883	2,199	1,851

Total (CRP) Payments: issued in 2011 to producers in Lincoln County with the SAFE dollars being included in the total:

Year	Payment Type	Contracts	Acres	Dollars to Landowners
2011	CRP	1367	14,133.9	$2,586,483
2011	SAFE Program	65	1,229.9	N/A
2011	C-S Payments	144		$ 181,609
Totals			15,363.8	$2,768,092

"Erosion is a slow and insidious process. Yet, controlling soil erosion is really quite simple: The soil can be protected with cover crops when the land is not being used to grow crops."

David Pimentel

MINNESOTA "WORKING LANDS FOR WILDLIFE INITIATIVE"

The "Working Lands For Wildlife Initiative" (WLI) is a public/private partnership for wildlife development. Priority areas are those where a significant investment has already been made or major components of habitat are already in place. "Working Lands" can add the remaining management or restoration activity to complete the system, thereby maximizing wildlife benefits on minimal acres. Lincoln County has six targeted areas (see map). Working Lands consist of:

- Focus areas will concentrate on specific wetland/grassland complexes.
- Each complex should strive to include 40% total grassland acres (1/2 in permanent grassland) and 20% total wetland acres (1/2 in seasonal and temporary basins).

Funded projects include:

Year	Number	Incentive Bonus	Easement	Title Ins.	Seed/Restoration	Total
2007	2	$ 37,192.50	$ 30,405.50	$ 400.50		$ 67,998.50
2008	8	$173,173.31	$114,909.36	$ 728.00	$28,684.23	$317,494.90
2009	14	$373,665.00	$151,185.43	$1,242.00		$526,092.43
2010	12	$219,452.49			$12,349.00	$231,801.49
2011	3	$ 38,450.76				$ 38,450.76

In 2007, other funding sources were: 319 Funds-$9,750; YMRWD-$1,950; Shaokatan Sportsmen-$1,950.

DRILL/SEED PROGRAM

The District utilized two Haybuster Drills. In 2011, 43-operators used the drills for a total of 929-acres being planted. Practices include: Windbreaks (between rows)-3.3 Ac.; Pasture/Alfalfa inter-seeding-15 Ac.; Construction projects/roadsides-17.5 Ac.; CRP, Filter Strips, Native Buffers-893.2 Ac.; with the average acres per operator being-21.6 c. The District provides a seed program to owners/operators needing seed for CRP/CCRP and other conservation practices. In 2011, the District sold seed to 37 customers totaling 803 acres.

CONSERVATION PRACTICES

The following reflect conservation practices installed in Lincoln County in 2011.

Federal Programs: Due to Federal Data Privacy Policy, projects and funding for Federal Programs could not be shown: Conservation Stewardship Program (CSP); and Environmental Quality Incentive Program (EQIP).

Lincoln SWCD	5 -Ea.	Feedlot Assessments (assisted SWPTSA)
	33 -Ea.	Water and Sediment Control Basins-completed
	3.6 -Ac	Waterways
SWPTSA	5 -Ea.	Feedlots (all different stages)
RCRCA	1 -Ea.	Grade Stabilization w/Area II MN River Basin
	1 -Ea.	WSCB

State Cost-Share: Practices with the program and Fiscal Year shown. *Includes an Amendment.

Year	Number/ Contracts	Practice	Cost-Share Amount	Landowner Share	Units
2011	6	Farmstead	$ 7,355	$4,822.68	16,310 Ft
2011	1	Field Windbreak	$ 3,312	$1,707.75	8,200 Ft
Totals	7		$10,667	$6,530.43	24,510 Ft

South Branch TMDL-CWL2007-319 Project: Implemented one feedlot project (filter strip/sediment trap), incentive payment of $10,000. Pollution reductions: Phosphorus #/yr-5; Nitrogen #/yr-15; and Fecal Coliform - (cfu) 1.4E+13.

Yellow Medicine Watershed-2009 Clean Water Legacy Grant (administered through the Lyon SWCD) completed 2-contracts for 6-WSCB's; cost-share-$24,020; landowner share-$14,264.33. Pollution reductions: Phosphorus #/yr-26.42; Sediment tons/yr-22.97 and Soil Saved tons/yr-101.57.

2010-Clean Water Funds Grant shows the amount of funds spent and projects completed in 2011 (Lincoln County totals only). All funds have been encumbered.

Practice	Number/ Contracts	Units/ Amount	C-S Amount	Landowner Share	Pollution Reductions Phos.#/Yr	Pollution Reductions Sed.Tons/Yr	Soil Saved Tons/Yr
WSCB's	4	12-ea	$31,255	$14,174.47	218.76	190.22	213.8
Intakes	13	37-ea	$11,736	$ 4,666.47	55.5	37.0	
Farmable Wetland	1	38.5 ac	$ 9,387	$31,011.75	49.34	35.24	56.0
Totals	18		$52,378	$49,852.69	323.6	262.46	269.8

Federal 319 grant (2010-2014) "Redwood River Watershed Nonpoint Pollution Reduction Project" completed one contract for 1-WSCB, cost-share-$5,590 landowner share-$1,864. Pollution reductions: Phosphorus #/yr-15.8; Sediment tons/yr-15.8; soil saved tons/yr-15.8.

Federal 319 dollars (2010-2013) "Redwood and Cottonwood River Watershed Conservation and Nutrient Reduction Projects" completed 1-grade stabilization project, cost-share-$14,708.25; landowner share-$4,902.75. Pollution reductions: Phosphorus #/yr-760; Sediment tons/yr-760; Soil saved tons/yr-760.

Redwood CWP projects completed include: third and final payment for the 2007 CWL Strip Till Project and the third and final payment for the Nutrient Management Project.

Funding Source	Practice	Number/ Contracts	Units/ Amount	C-S Amount	Landowner Share	Pollution Reductions Phos.#/Yr	Pollution Reductions Sed.Tons/Yr	Soil Saved Tons/Year
-CWL	Intakes	1	9-Ea	$ 2,700	$ 900	13.5	9	
-CWL	Strip Till	1		$ 3,708		100	77	173
-CWL	Nutrient Mgt	1	250-Ac	$ 3,750	$			
		3		$10,158	$ 900	113.5	86	173

COST-SHARE ASSISTANCE/INCENTIVES

Cost-share dollars brought into Lincoln County for Conservation Practices since 1997. Various tree project dollars are located under the Tree Program section of the report. Federal dollars not reported in 2011 due to data privacy policy.

State Cost-Share Dollars (1997 - 2011)	$ 534,377
Federal Cost-Share Dollars	
1997 ECP-Flood	$ 138,402
1997-98 ACP-$297,581; and Interim EQIP-$132,000	$ 429,581
1997 EQIP	$ 43,000
1997-99 WQIP	$ 95,000
1998 EQIP-Norwegian Creek Watershed	$ 37,856
1998 EQIP-Lake Hendricks Watershed	$ 21,225
1998 & 2001-EQIP-Yellow Medicine Watershed	$ 478,775
1999 - 2001 EQIP-Verdi Well Field Area	$ 300,297
2001-EQIP-Lac qui Parle Watershed	$ 83,550
2003 - 2009-EQIP-Lincoln County Wide	$1,707,876
2010-EQIP-Lincoln County Wide	$ 212,510
'05, '09 & 2010 CSP: 14 5-yr contracts written for total payout over the life of the contracts	$1,534,683
Total Federal Dollar's from 1997 to 2010	$5,082,755
Redwood River Watershed	
RCRCA- 1994-2001; 2004; 2008	$ 462,279
RCRCA-Lincoln/Redwood Rest. CWP - 2005	$ 62,518
RCRCA-Phosphorus TMDL CWP - 2007	$ 40,516
RCRCA-All-Federal 319 (2009-2011 Projects)	$ 58,382
Redwood SWCD - 2007 - 2008 CWL/319 $'s (2008-2011 Projects)	$ 83,079
Total Redwood River Watershed dollars brought into Lincoln County	$ 706,774
Yellow Medicine River Watershed	
MPCA-319 Funds - 2000-2003	$ 155,035
Yellow Medicine River Watershed-CRP/WLI Enhancement Dollars	$ 14,160
CWP Cost-Share - 2002-2005	$ 63,373
GYMR II - 2004-2008	$ 117,484
South Branch CWL2007-319 TMDL Project (2008-2011 Projects)	$ 115,543
Shaokatan Sportsmen's Club C-S Projects (2009-2010 Projects)	$ 16,842
Lyon SWCD - 2009 Clean Water Legacy (2010-2011 Projects)	$ 38,045
Lincoln SWCD - 2010-Clean Water Fund (2010-2011 Projects)	$ 56,467
Total Yellow Medicine River Watershed dollars brought into Lincoln County	$ 576,949
Lac qui Parle-Yellow Bank River Watershed	
Lac qui Parle River Watershed District-FY08-CWL (2009 - 2010 Projects)	$ 44,870
Other Funding Sources	
CREP/RIM Payments through 2004	$ 989,983
CREP/RIM C-S Practices through 2006	$ 296,746
USFWS CREP Project - 2006/2007	$ 23,687
FY 2005 - CRP annual payments	$2,540,392
FY 2006 - CRP annual payments	$2,645,132
FY 2007 - CRP annual payments (1,466 Contracts)	$2,707,401
FY 2008 - CRP annual payments	$2,688,182
FY 2009 - CRP annual payments (1,301 contracts; 27,873 acres)	$2,223,913
FY 2010 - CRP annual payments (1,404 contracts; 28,897 acres; includes SAFE & C-S)	$2,532,744
FY 2011 - CRP annual payments (1,432 contracts; 15,363.8 acres; includes SAFE & C-S)	$2,768,092

"Conservation means the wise use of the earth and its resources for the lasting good of men."

Gifford Pinchot

CLEAN WATER FUNDS

The Clean Water Fund was established to implement part of the Minnesota Constitution, with the purpose of protecting, enhancing, and restoring water quality in lakes, rivers, and streams in addition to protecting groundwater and drinking water sources from degradation. The Lincoln SWCD has received two grants through the Clean Water Funds. 1) SWCD'S CWF 2010 - Yellow Medicine Major Watershed Project for $90,125 and 2) CWF 2011 - Verdi Wellhead Protection Area Project for $184,210.

FY2010-Clean Water Funds: Yellow Medicine Major Watershed Project

Water of Concern: Ground Water Protection: Yellow Medicine Watershed

CWF Grant Awarded: $90,125

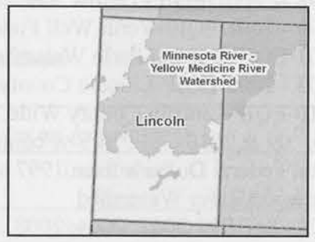
Leveraged Funds: $67,210

Grant Period: From: 1/1/2010 - 12/31/2013

CWF Expenditures by Category

Technical/Administrative Assistance Funds		
Item:	Total Grant Est.	Encumbered/ Spent
Administrative	$4,506	$4,506.00
Technical	$9,845	$9,845.00
Implementation Funds		
BMP's	$33,375	$33,375.00
Alternative Intakes	$23,625	$23,625.00
Farmable Wetland Incentive	$9,387	$9,387.00
Riparian Buffer Incentive	$9,387	$9,387.00
Leveraged Funds: Landowners	$67,210	$79,307.16
Total Imp. Funding	$142,984	$155,081.16
Total CWF Budget	$147,948	$169,432.16

PROJECT CONTACT:
Pauline VanOverbeke - Administration
Ronald Madsen - Engineering Technician
Randy Kraus - Farm Bill Technician
507.694.1630 x3 - www.lincolnswcd.net



Overall Project Description

Over the years, the landscape of the Yellow Medicine Watershed has changed through drainage and loss of wetland areas. 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, it is known the river is receiving an excessive loading of nutrients, phosphorus and suspended solids. These conditions have led to declining dissolved oxygen levels as a result. The Yellow Medicine Watershed District has maintained an extensive database and a long-term monitoring program that substantiates these findings.

Within the Yellow Medicine Watershed, we are targeting priority sub-watersheds, 1,000 feet from a body of water or directly out letting into a body of water.

Water clarity and the reduction of nutrients are the desired outcomes for the receiving waters. Installation of conservation practices consisting mainly of water and sediment control basins and farmed wetlands increase the amount of water being impounded and reduces the velocity flowing of water. This delay in runoff allows for better infiltration of water and nutrients as well as the ability for sediment to stabilize on the bottom of the pooling area. Alternative intakes and filter strips also reduce sediment and phosphorus loads and serve to improve the water quality in the river system.

Conservation Practices Planned

Practice	Total Cost-Share/ Incentive	Landowner Share	Estimated Pollution Red. Phos/Lbs/Yr	Estimated Pollution Red. Sed/Tons/Yr
BMPs-WSCBs	$30,000	$7,500	721	627
Alt. Intakes	$27,000	$9,000	135	90
Farmable Wetlands Inc.	$9,387	$51,603	88	60
Riparian Buffer Inc.	$9,387	$51,603	77	63

Actual Conservation Practices Implemented (Totals - to date)

County And Number of Contracts	Number and Practice	Total Cost	Total Cost-Share/ Incentive	Landowner Share	Actual Pollution Red. Phos/Lbs/Yr	Actual Pollution Red. Sed/Tons/Yr	Est. Savings of Soil Saved
Lincoln-4	12-WSCB's	$45,429	$31,255	$14,174	218.76	190.22	213.8
Lyon-1	1-WSCB	$2,827	$2,120	$707	1.64	1.42	6.3
Lincoln-18	55-Alt. Intakes	$23,665	$16,425	$7,240	82.5	55	N/A
Lyon-2	7-Alt. Intakes	$3,400	$2,100	$1,300	10.5	7	N/A
Lincoln-1	38.5 Ac. Farm. Wetlands	$40,399	$9,387	$31,012	49.34	35.24	56
Yellow Medicine-1	25.3 Ac-Filter Strip	$34,961	$9,387	$25,574	654.14	398.92	62.67
Totals		$150,681	$65,985	$79678	994.38	672.8	338.77

Pictures of Water and Sediment Control Basins - Before - During - After Construction

FY2011-Clean Water Funds: Verdi Wellhead Protection Area Project

CLEAN WATER LAND & LEGACY AMENDMENT

Water of Concern:
Ground Water Protection: Verdi Well Field

CWF Grant Awarded:
Verdi Well Field: $184,210

Leveraged Funds:
Lincoln-Pipestone Rural Water: $32,500
Landowners: $15,000

Grant Funds Remaining: $126,020.25

Grant Period: From: 1/1/2011-12/31/2013

CWF Expenditures by Category

Technical/Administrative Assistance Funds		
Item:	Total	Encubered/ Spent
Administrative	$9,210	$3,456.75
Leveraged Funds: LPRW	$32,500	$8,116.00
Implementation Funds		
Nutrient Mgmt Plan	$60,000	$17,304.00
Variable Rate Technology	$10,000	$1,296.00
Nitrogen Stabilizers	$60,000	$13,858.00
Filter Strips	$45,000	$22,275.00
Leveraged Funds: Landowners	$15,000	$49,973.22
Total Imp. Funding	$145,000	$54,733.00
Total CWF Budget	$231,710	$66,305.75

PROJECT CONTACTS:
Pauline VanOverbeke-Administration
Randy Kraus-Farm Bill Technician
Phone: 507-694-1630, Ext 3

Project Partners

-Lincoln-Pipestone Rural Water
-Natural Resources Conservation Service
-Department of Natural Resources
-Department of Health
-Rural Water Association
-Department of Agriculture

Overall Project Description

Project partners play a vital role in the implementation of the Verdi Wellhead Protection Plan and have made this water source a priority in lowering nitrate levels. The aquifer used by the wells in the Verdi Well Field consists of a sand and gravel horizon about 30' thick which overlies clay-rich till. The geological sensitivity in all five of the Verdi wells is classified as "high".

The Verdi Well Field supplies water to ten community water suppliers, 34 large rural users, and 1,126 rural hookups. Total population served by this water supply is about 7,500. It is the only water supply source Lincoln-Pipestone Rural Water has in Lincoln County and functions as a backup water source to both the Holland and Burr water sources.

Water quality monitoring indicates presence of nitrate nitrogen in the wells. The nitrate levels in the wells indicate that the wells pump groundwater that is under the influence of sources of nitrogen related to human activities.

Nutrients that are not effectively utilized by crops have potential to leach into groundwater or enter nearby surface waters via overland runoff or subsurface agricultural drainage systems. A major principle of crop nutrient management is to prevent the over-application of nutrients. These projects are designed to decrease surface runoff and filter sediment, nutrients, and pesticides before reaching surface and ground water. The goal of this project is to reduce nitrate levels in this water supply. This will be accomplished by providing landowners educational information and provide incentives to assist with the following: develop a nutrient management plan, utilize variable rate technology, utilize nitrogen stabilizers and nitrogen efficiency products and install filter strips.

Projects Completed:

In 2011: 12-landowners utilized nutrient management plans on 2,163 acres for a cost of $17,304; 9-landowners used nitrogen stabilizer products on 1,260 acres for a cost of $17,754; and 1-landowner used Variable Rate Technology on 108 acres for a cost of $1,296

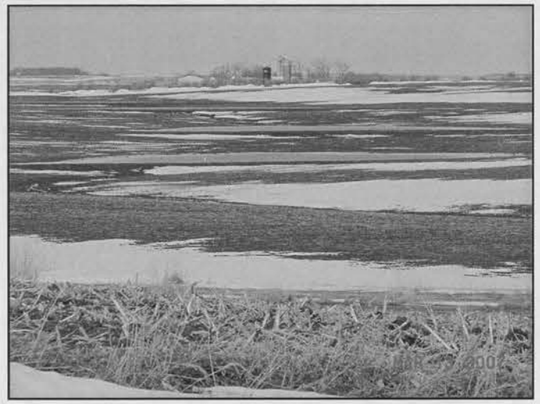
Fun Farm Facts

- Pork is the most widely eaten meat in the world.
- The average person consumes 584 pounds of dairy products a year.
- 160 degrees Fahrenheit is the correct cooking temperature to ensure safe and savory ground beef.
- Elevators in the Statue of Liberty use a soybean-based hydraulic fluid.
- The average dairy cow produces seven gallons of milk a day, 2,100 pounds of milk a month, and 46,000 glasses of milk a year.
- Agriculture employs more than 24 million American workers (17% of the total U.S. work force).
- Today's American farmer feeds about 155 people worldwide. In 1960, that number was 25.8.
- Raising beef cattle is the single largest segment of American agriculture.
- One pound of wool can make 10 miles of yarn. There are 150 yards (450 feet) of wool yarn in a baseball.
- Soybeans are an important ingredient for the production of crayons. In fact, one acre of soybeans can produce 82,368 crayons.
- Cows have four stomachs and can detect smells up to six miles away!
- There are 350 squirts in a gallon of milk.
- In a full grown rye plant, the total length of the roots may reach 613 kilometers (380 miles).
- Wheat is the world's most widely cultivated plant. It is grown on every continent except Antarctica.

Some of the "Fun Farm Facts" are from farmersfeedus.org.

Conservation Practices

Newly established Water and Sediment Control Basin.



Established Water and Sediment Control Basins.

"Conservation is a state of harmony between men and land."
Aldo Leopold

Established Living Snow Fence.

Established Waterway.

Lincoln SWCD 2011 Annual Report

Lincoln SWCD
328 E George St
Ivanhoe, MN 56142

Lincoln Pipestone Rural Water
East Highway 14, P.O. Box 188
Lake Benton, MN 56149-0188
1-800-462-0309

August 22, 2012

BACKGROUND INFORMATION:

The Lincoln Pipestone Rural Water System (LPRW) was established in 1979 pursuant to Minnesota Statute 116A through a joint powers agreement pursuant to Minnesota Statute 471.59 under the jurisdiction of the Fifth Judicial District.

The MISSION of LPRW is ***"To enhance the quality of life for the people in the southwest Minnesota area by acquiring and providing reliable, high quality, affordable water in an environmentally responsible manner through a publicly-owned system."***

LPRW provides service in Jackson, Lac qui Parle, Lincoln, Lyon, Murray, Nobles, Pipestone, Redwood, Rock and Yellow Medicine Counties. LPRW's customer base, as of January, 2012, consists of: a) 3,860 rural customers using less than one million gallons per year per customer; b) 227 rural customers using more than one million gallons per year per customer; c) 28 incorporated cities; d) 4 unincorporated community water systems; and e) supplemental water supplied to Red Rock Rural Water and Marshall Municipal Utilities.

WATER PRODUCTION AND USE:

Water is produced from well fields near Burr, Verdi and Holland, and supplemental water supplies are purchased from Osceolla (Iowa) Rural Water System and the City of Adrian. In 2011 an average of 3,408,000 gallons per day were provided across the system, serving an estimated population of over 20,800.

At the Burr well field and treatment plant, average daily production was 1,489,000 gallons per day provided to 1,636 customers and an estimated population of 7,942. Additional water resources are badly needed to meet the demand for water in this service area.

At the Verdi well field average daily production was 1,205,000 gallons provided to 1,181 customers and an estimated population of 7,987. The Verdi well field is the original LPRW water source, and water quality remains high enough so that treatment is not currently required. However, recent irrigation development around the well field threatens both the quality and quantity of water available from this source.

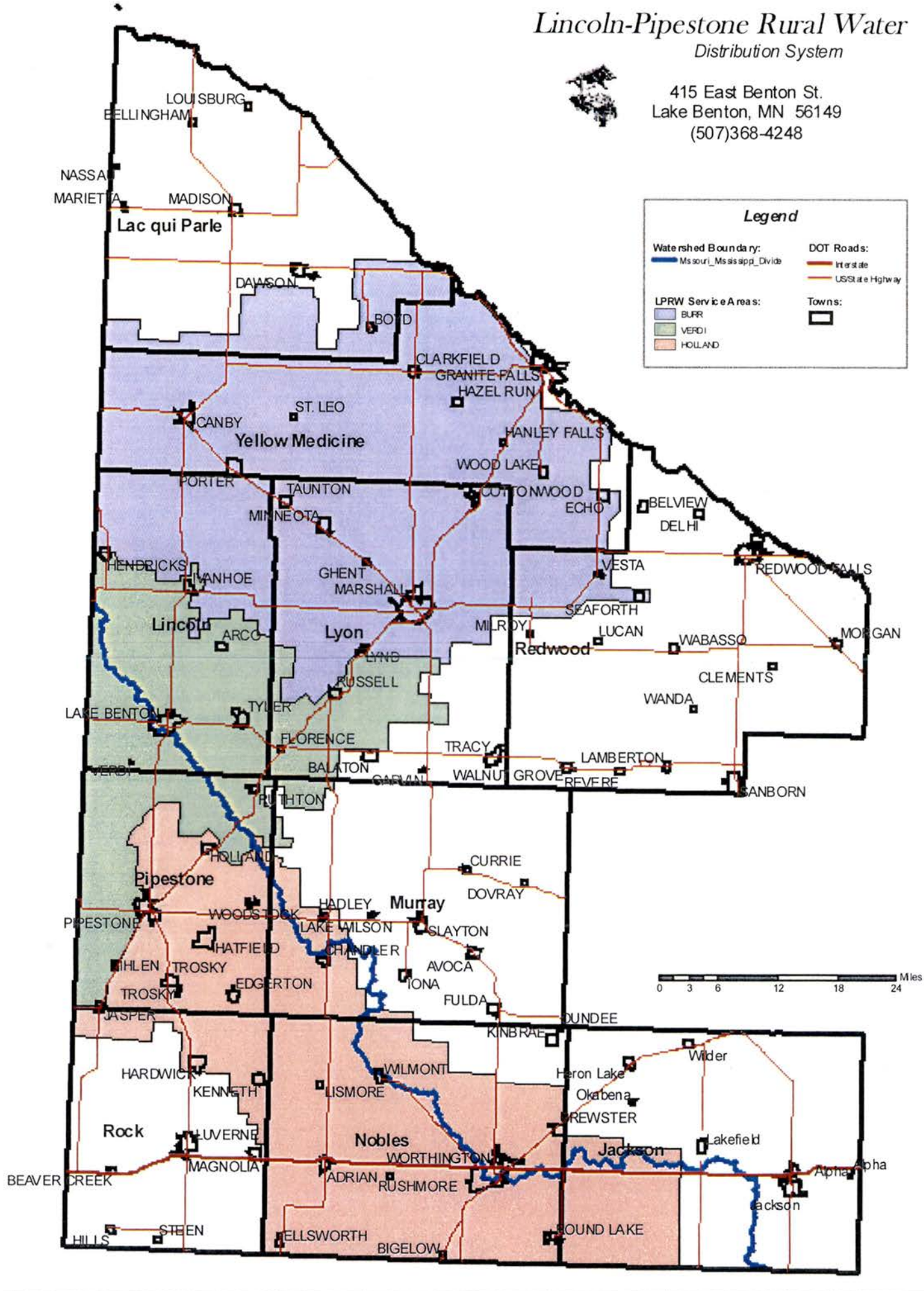
At the Holland well field and treatment plant, average daily production was 999,000 gallons plus an additional 424,000 gallons per day was purchased from the Osceolla RWS. This water was provided to 1,127 customers and an estimated population of 4,882. The Holland treatment plant and well field has been upgraded in 1999, but increasing irrigation demands and regulatory limits threaten to severely limit the Holland resource. Longer-term improvements such as the Lewis & Clark Regional Water System are needed to meet the needs for expanded service in this service area.

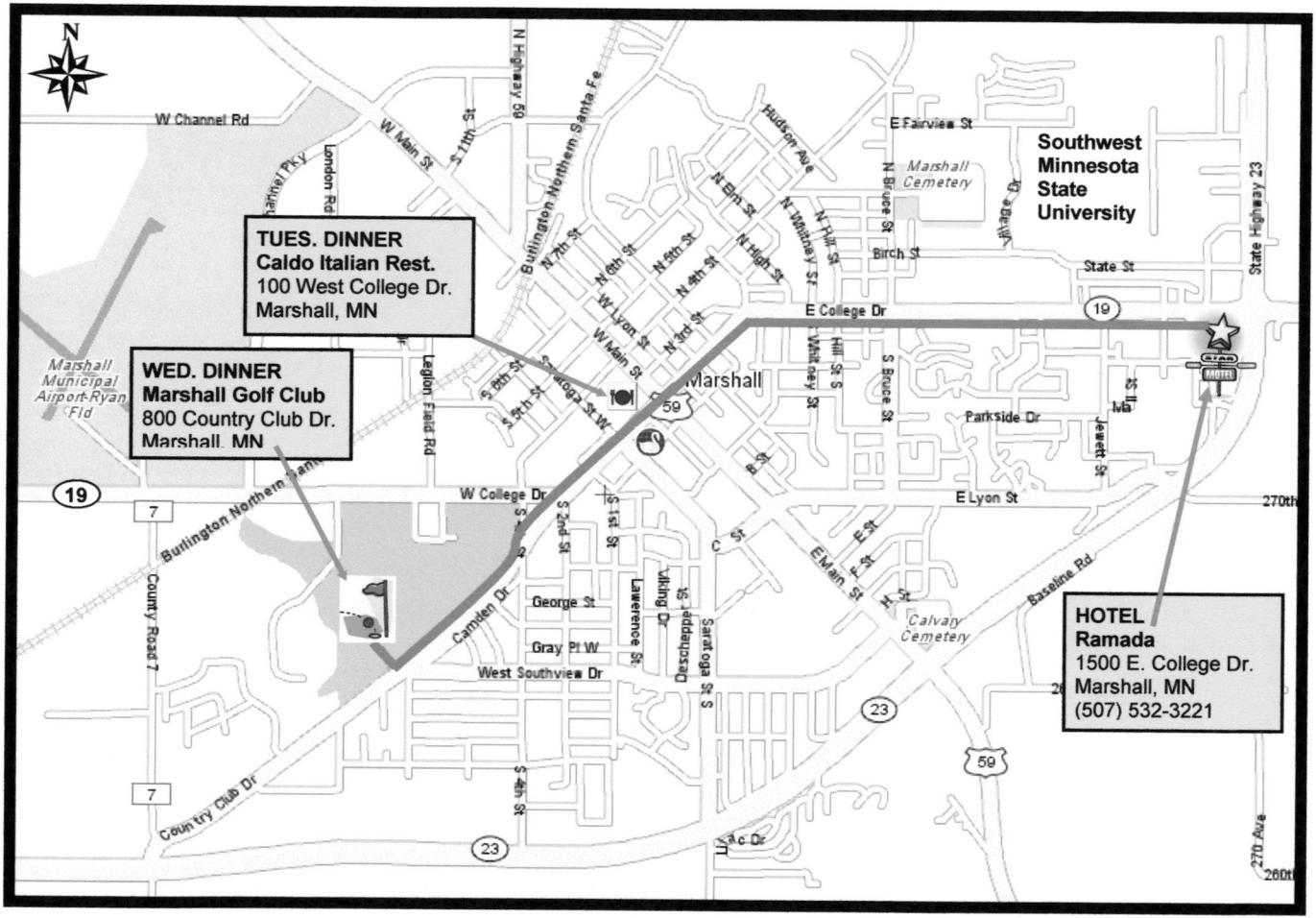
Protection and improvement of our water supplies is an on-going process, and a top LPRW priority. LPRW is working with both the Lincoln County SWCD and the Pipestone County SWCD to protect the vulnerable Verdi and Holland water sources for future generations. Recent projects include updates to the Verdi and Holland Well Protection Plans, Verdi Clean Water Fund Wellhead Protection Project, Source Water Protection Plan Implementation Project, and Water Exploration and Development Projects. Funding has been provided by BWSR and MDH for many of these activities, but the key to success in most cases has been the broad range of cooperation from local, state and federal agencies with support from local residents.

Lincoln-Pipestone Rural Water

Distribution System

415 East Benton St.
Lake Benton, MN 56149
(507)368-4248




N
TUES. DINNER
Caldo Italian Rest.
100 West College Dr.
Marshall, MN
WED. DINNER
Marshall Golf Club
800 Country Club Dr.
Marshall, MN
HOTEL
Ramada
1500 E. College Dr.
Marshall, MN
(507) 532-3221
Southwest
Minnesota
State
University
Marshall
W Channel Rd
W Main St
S 11th St
N Highway 59
Burlington Northern Santa Fe
Hudson Ave
E Fairview St
Marshall Cemetery
N Bruce St
Village Dr
N 8th St
N 7th St
N 6th St
N 5th St
N 4th St
N 3rd St
N High St
Birch St
State St
State Highway 23
E College Dr
19
W Lyon St
W Main St
Saratoga St W
S 8th St
S 5th St
Legion Field Rd
Marshall Municipal Airport-Ryan Fld
59
Hill St S
S Bruce St
Parkside Dr
Jewett St
E Lyon St
270th
W College Dr
S 1st St
S 2nd St
C St
E St
F St
H St
E Main St
Camden Dr
George St
Gray Pl W
West Southview Dr
Lawerence St
Viking Dr
Deschepper St
Saratoga St S
Calvary Cemetery
Baseline Rd
23
59
7
County Road 7
Country Club Dr
S 4th St
Lilac Dr
270 Ave
260th

TOUR DOCUMENTS

1. Map of Tour Route
2. Site Guide
3. Story of Coteau des Prairies
4. Black Rush Lake
5. WLI Wetland/Grassland Complex (Coot WMA Map)
6. Verdi Wellhead Protection Project
7. Medary Acres Protection Project
8. Anderson Lake WMA (Map)
9. Alta Vista 36 Road Retention

AES
Wind Generation

Lake Benton, MN

"AES Wind Generation"

Lake Benton, MN

In 1993, the Minnesota State Legislature voted to require Xcel Energy to provide 425 Megawatts of a renewable energy resource on their portfolio in exchange for 17 nuclear waste casts to be placed on the land. To obtain the MW required, Xcel contracted with developers.

There are approximately 1700 turbines on the Buffalo Ridge (8/15/12) from the South Dakota Border near Hendricks to Worthington, Minnesota. Several generations span the Buffalo Ridge producing electricity for Xcel Energy. For more information contact Lake Benton Convention & Visitors Bureau at 507-368-9577.

GENERATION 1

These towers were built in 1994, they were the largest wind towers in the world in 1994. They stand 125 feet tall and their blades reach 40 feet. They are known as 330, each produces an average of 330 KW of electricity. That amount produces enough electricity to provide 125 homes with their electrical needs.

The light gray tower and black blades were built in Denmark. Originally, the towers were put up by the company Kennetech. After filing bankruptcy they were sold to Louisiana Gas and Electric (LG&E), and later sold to NextEra Energy. Cost $330,000

GENERATION 2

These towers were built in 1997. They stand 223 feet tall and their blades reach 70-80 feet. They are known as Vestas 660, each produces an average of 660 KW of electricity. That amount produces enough electricity to provide 250 homes with their electrical needs.

GENERATION 3

These towers were built in 1998. They stand 175 feet tall and their blades reach 80 feet. They are known as Zond 750, each produces an average of 750 KW of electricity. That amount produces enough electricity to provide 250-275 homes with their electrical needs.

Zond component weights are:

Nacelle – 53,000 pounds, Blades – 8,000 pounds

Generator – 8,000 pounds, Blade length – 80'

Originally, the towers were put up by the company Enron. After filing bankruptcy they were sold to General Electric, and later sold to AES Wind Generation.

GENERATION 4

These towers were built in 2006. They stand over 250 feet tall and their blades reach over 120 feet. They are known as 1.5 MW towers, each produces an average of 1500 KW of electricity. That amount produces enough electricity to provide over 500 homes with their electrical needs annually. The blades are white with a white tower base. Cost $1,500,000.00

FUN FACTS

THE WIND:

- Windpower is a free, clean energy source that causes no pollution.
- Buffalo Ridge has an average wind speed between 12-15 mph.
- What makes for a good wind farm site? Tops of smooth hills, open plains, shorelines and mountain gaps.
- Why do you think this area was chosen?

THE TOWER:

- Base uses 250 yards of concrete that goes 20-30 feet down with 10 ton steel bolt cage.
- The Tower is a 1-1 ½ inch thick steel with a ladder system inside that you climb straight up.

THE POWER:

Who buys the power: Xcel Energy
www.xcelenergy.com

THE BLADES:

The Buffalo Ridge is the only place with black blades. It was believed that the black blades would absorb the sun's heat and release the ice build up. No difference between the white and the black has been found. Companies are returning to the white blade, because it blends into the sky and is easier on people's eyes. The blades are all made of fiberglass.

THE TRADE of WINDSMITH:

www.mnwest.mnsuc.edu/academics/technical/index-technical.html

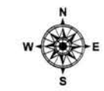
More Websites:

www.awea.org, http://www.windpower.org/en/kids/index/htm

BWSR Board Summer Tour Route
August 22, 2012

Tour Highlights

1. Marshall Flood Control Project
2. Lyons 3 Road Retention Project
3. Black Rush Lake Wetland Restoration / Wetland bank
4. Lynd 32 CREP Site
5. Lynd 32 Dam
6. Island Lake 26 Road Retention
7. Lake Stay Outlet Structure
8. Coot WMA Wetland Restorations /Working Lands Initiative
9. Walk In Access Site
10. WLI Wetland Restoration Site
11. Walk In Access Sites
12. CREP Wetland Restoration
13. Lake Benton
14. Lunch -- Hole In The Mountain County Park Chalet
15. Medary Creek Protection Project
16. Drammen 15 Dam
17. CREP Wetland Restoration
18. Lake Shaokatan
19. Series of CRP and CREP Sites
20. Anderson Lake WMA and Surrounding Projects
21. CRP/RIM/WLI Wetland Restoration
22. View from Buffalo Ridge
23. Series of Road Retention Projects
24. Southwest Sportsman's Club – Presentation/Discussion
25. City of Ghent FEMA / Floodplain Mitigation



Map created by the Lyon County GIS Department.

For reference use only.

2012 BWSR Board Tour Site Guide

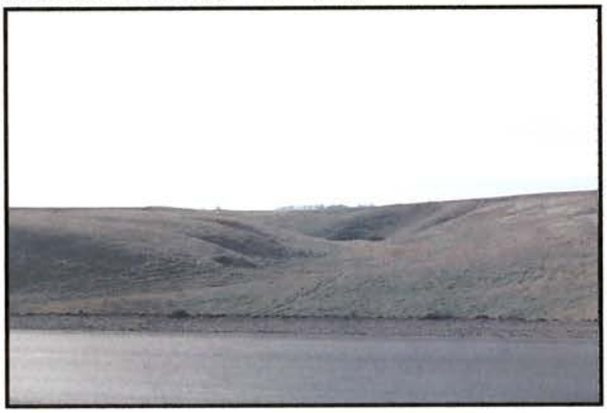
Wednesday August 22, 2012

1. Marshall Flood Control Project — Mean Sea Level Elevation = 1190

In the Fall of 2000, the highly disputed diversion project was completed by the U.S. Army Corps of Engineers. This location is a natural "crossover" point between the Redwood and Cottonwood River watersheds where floodwaters will jump from watershed to the next due to the topography. The Area II watershed has several of these crossover points making it very unique. To come to agreement on this project, a flow distribution agreement was signed by the interested parties to allow 5,500 cfs to flow down the Redwood River. Any flows higher than 5,500 cfs will be diverted under MN Highway 23, into Meadow Creek, a tributary to the Cottonwood River watershed.

2. Lyons 3 Road Retention Project — Mean Sea Level Elevation = 1378 (flowline)

Constructed in 1996, this project was jointly designed by Area II and Lyon County Highway Department. As part of a planned highway improvement, the 6' x 6' concrete box culvert was replaced with a 60" diameter round concrete culvert and 24" low flow pipe. The project reduces the 100-year storm flows from 727 cfs to 140 cfs, a 81% reduction! The 2.7 square mile watershed will impound 351.5 acre-feet of floodwaters with a 28.5 acre pool. Total cost of the project was $202,408.30 as provided by Lyon County (42%), State of MN Bonding (26%), BWSR Challenge Grant (21%), Area II local funds (5%), and BWSR Cost-Share through Area II (6%). Flood photo date: June 21, 2002.



3. Black Rush Lake Wetland Restoration / Wetland bank *see HANDOUT — MSL Elevation = 1431

This 357-acre restored wetland was dedicated on September 2, 1999 after being drained nearly 70 years before by tiles. Lyon County's share of the wetland is 11.3% (40.5 acres). A portion of the wetland credit sales have been used to purchase a new county park. Total cost of the restoration was $284,408 and was funded by MN DNR (37%), Lyon County (19%), Ducks Unlimited (18%), BWSR Cost-Share through Area II (18%), U.S. Fish & Wildlife Service (7.5%), and local sportsmen's clubs (0.5%). Area II's financial involvement secured up to a 1' bounce for floodwaters, or 357 acre-feet of floodwater storage. See enclosed project sheet for more information.

September 2, 1999 Dedication Ceremony

4. Lynd 32 CREP Site — MSL Elevation = 1500

This 107-acre CREP easement was acquired in 2005. Two wetland basins were restored by removing and blocking private drainage tile. Basin #1 (nearest the road) is 2.3 acres in size with a 25-acre drainage area; Basin #2 (directly N of Basin #1) is 5.9 acres in size with a 55-acre drainage area. Lyon SWCD assisted BWSR staff in this marriage of RIM and CRP.

5. Lynd 32 Dam (STOP #1) — MSL Elevation = 1420 (flowline)

Completed in 2007, this grade stabilization dam provides 10 acre-feet of floodwater storage and 84% reduction of 100-year flows over a flowage easement area of 2.61 acres. The 16' high earthen dam is controlled by a 48" diameter riser/manhole with a 12" diameter concrete pipe through the dam. Excavated clay from the pond was used to construct the embankment. The 100-acre drainage area exhibits an elevation difference of 1515 MSL to 1420 MSL (95' drop in ½ mile). The impoundment prevents further erosion of this tributary that enters the Redwood River in Camden State Park at 1310 MSL (110' drop in ¾ mile). Total project cost was $56,939.00 as funded by LCMR (75%), Area II local matching funds (12.5%), and the landowner (12.5%).

6. Island Lake 26 Small Dam — MSL Elevation = 1490

This is a very typical small dam structure that was originally constructed in the 1950's and 1960's with the purpose of watering livestock, and often times, incorporated a small amount of floodwater storage. Few cost-share funding sources exist to rehabilitate these structures by replacing the corrugated metal pipes with concrete pipes. Federal EQIP and State of MN Bonding provides funding to landowners wishing to rehabilitate the structures. If the structure is called a "grade stabilization reinstallation", Clean Water Funding may be utilized.

NOTE: The Lyon SWCD received grant funding in 1996 to conduct a county-wide inventory of the existing small dams. A physical inventory of the dams was completed with permission from those landowners wishing to participate. Most dams were evaluated and a priority listing of those in dangerous condition was made.

7. Lake Stay Outlet Structure — MSL Elevation = 1646.9 (weir)

Due to age and ice jams, the sloped concrete apron outlet, constructed in 1916, eroded to a point where the 370-acre natural lake was drawn down to dangerous levels for aquatic life. Lincoln County requested Area II to design options to replace the outlet. From the options presented, a vinyl sheet pile structure was selected to rehabilitate the outlet and to bring the lake back to normal levels in 2008. Total project cost was $25,000: Lincoln County provided $20,000 and the Yellow Medicine River Watershed District provided $5,000. Area II provided the Geotechnical Exploration ($3,000) and project engineering and inspection ($1,500).

8. Coot WMA Wetland Restorations / WLI (STOP #2) MSL Elev = 1665 (weir crest)

By the numbers, this large complex involves 3 contractors, 4 landowners, 4 funding mechanisms (RIM/WLI/USFWS/CRP), and 5 basin restorations. The 823-acre watershed area holds conservation easements totaling 241 acres. Two options are available for the last basin to be restored: Option 1 – dam, and Option 2 – straighten the township roadway and include a Road Retention to create the impoundment. We'll depart the bus for a short hayride to the location for refreshments (provided by Area II and Lincoln SWCD) and to hear more about the site and cooperating partners. *see HANDOUT

Design by Justin Beaver, P.E.

Design by Tom Wensel, P.E., BWSR Engineer

NOTE: *Due to Justin Beaver not being registered in the State of Minnesota, his design had to be relocated approximately 100' away to the new project location.*

9. Walk In Access Site – Section 17, Lake Stay Township MSL Elevation = 1623

This WIA site started as a 73.6-acre CREP easement established in 2001. It was planted with a native seed mix and included a small wildlife shrub and conifer planting.

10. WLI Wetland Restoration Site -- Section 19, Lake Stay Township MSL Elevation = 1660

This site was recently purchased by new landowners who have enrolled/re-enrolled the entire property into CRP under several different practices. They have improved the property for wildlife any way possible by planting native grasses and forbs, wildlife shrub and conifer plantings, wildlife food plots and wetland restorations. Funding sources: USDA, WLI (incentives and cost-share), DNR, and the landowners.

11. Walk In Access Sites – Section 35, Lake Stay Township MSL Elevation = 1720

This WIA site was established in 2011 as CRP CP-27 and CP-28 practices. The property was seeded with natives and included a $27,000.00 wetland restoration project. Funding sources: USDA, landowner, and Buffalo Ridge Chapter-Pheasants Forever. Across the road to the East in Ash Lake Township, Section 36 is a new 110-acre WIA made possible with WLI/CRP funding.

12. CREP Wetland Restoration – Section 1, Diamond Lake Township MSL Elevation = 1680

This site was initially signed up as two CREP contracts; 38.5 acres in 2001, and 13.8 acres in 2002. Later, the U.S. Fish and Wildlife Service purchased the property. The wetland restoration involved partial abandonment of a county drainage system as designed by BWSR Staff, Tom Wensel and Scott Santjer. The restoration was completed in 2006 at a cost $31,000.00. Uplands were planted with natives and small wildlife shrub and conifer plantings. Funding provided by: USDA, USFWS, BWSR, and the landowner.

13. Lake Benton MSL Elevation = 1745

In the late 1970's, Curly-Leaf Pondweed was identified in the 2,875-acre lake that stretches 7 miles long. Iron filings and plant harvesting were attempted to control the spread, however the attempts were not successful. By 2003, the entire lake was encompassed by the invasive plant. Two options were available: chemical treatment or complete draw down to freeze

13. Lake Benton (continued)

sediments. Lincoln County Commissioners, who stressed the importance of local control, created a Lake Improvement District in 2004 with taxing authority to collect approximately $40,000 per year to fund lake improvements. Starting in 2005, four consecutive, annual chemical treatments were made to the lake and have been successful in restoring its function and usage. Participating organizations include: Lincoln County, DNR, City of Lake Benton, City of Tyler, Lake Benton Township, and LIFE (Lake Improvements for Everyone).

14. LUNCH -- Hole In The Mountain County Park Chalet

Prepared by: Lincoln County Pork Producers and Irene's By Julie

Presentation by: Lincoln-Pipestone Rural Water Representative

Verdi Wellhead Protection Project, funded by the Clean Water Legacy Fund *see HANDOUT

15. Medary Creek Protection Project *see HANDOUT MSL Elevation = 1850

16. Drammen 15 Dam (STOP #3) MSL Elevation = 1916 (flowline)

Constructed in 2009, this earthen dam provides 57 ac-ft of floodwater storage and 80% reduction (229 cfs) of 100-year flows over a temporary pool area of 12.3 acres. The 18' high dam is controlled by a 48" diameter riser with a 24" diameter concrete pipe through the dam. Clay excavated from the 1.7-acre permanent pond was used to construct the embankment. Wetland credits of 0.70 acres were purchased from Lyon County as part of the wetland mitigation package along with 12.3 acres (4.2 acres required) of native prairie that was fenced and allowed to re-establish. Total project cost was $120,281 as funded by federal EQIP (38%), State of MN Bonding (37%), Area II local matching funds (17%), and the landowner (8%).

NOTE: Highest Elevation in Lincoln County is in Section 18, Drammen Township MSL Elevation = 1995

17. CREP Wetland Restoration – Section 15, Shaokatan Township MSL Elevation = 1800

This CREP site was established in 1999 and was seeded with natives and shrub plantings. The wetland restoration was completed in 2002 at a cost of $12,000 and involved a petition for abandonment of county drainage tile.

18. Lake Shaokatan MSL Elevation = 1778

The Yellow Medicine River Watershed District (YMRWD) has had an intensive interest in Lake Shaokatan beginning with a MPCA Clean Water Partnership in 1991. With that grant, a 3-year diagnostic study was successfully completed. Lincoln SWCD, NRCS, Shaokatan Lakeshore Association, DNR, Shaokatan Sportmans Club have all been key players and cost-share partners in this endeavor. Extensive research and water quality sampling was conducted and priority locations established. During the next 3-years with the implementation grant, projects were completed to address targeted pollution sources. From 1993 to 1996, the watershed district and its partners constructed a stream diversion channel to alter the course away from swine operation. A wetland was designed to absorb and control the excess nutrients before entry into the lake. A sealed containment pit on a dairy farm was installed. YMRWD worked cooperatively with Ducks Unlimited and U.S. Fish and

18. Lake Shaokatan (continued)

Wildlife Service to create additional wetlands and buffer strips around the perimeter of the lake. Shoreline septic system ordinances were established with help from the Lincoln County Commissioners and Environmental Office. Approximately $2,000,000 in grants and cost-share funds have been utilized in the effort to restore the quality of Lake Shaokatan.

19. Series of CRP and CREP Sites

This 19.5-acre RIM easement was funded through WLI, Lake Shaokatan Lake Association, and YMRWD and it helps protect a stream which flows into Lake Shaokatan. The newest WIA site was placed upon CRP. The 8.3-acre wetland restoration was completed in 2002 upon a 27.5-acre CREP easement.

20. Anderson Lake WMA and Surrounding Projects *see HANDOUT MSL Elevation = 1690

This shallow lake and surrounding landscape, while not a new project area, continues to provide outstanding multiple resource benefits and values. The Anderson Lake Wildlife Management Area consists of the 350-acre basin and 250 acres of upland. The lake's history is a rich story of many public and private organizations and landowners working together. Originally drained in 1920 by County Ditch 37, the shallow lake was restored in 1987 by installing a water control structure upon the ditch system. As much flood control was worked into the project as possible for larger flood events with strong support from the Yellow Medicine River Watershed District. Currently the shallow lake has been drawn down through a managed process to re-establish emergent and submergent vegetation. The hydrology will be restored this fall and next spring. NOTE: Recent RIM and RIM/WLI projects have emerged on neighboring lands adjacent to the WMA.

21. CRP/RIM/WLI Wetland Restoration – Section 5, Ash Lake Township MSL Elevation = 1700

The 2007 Rim easement consists of 66.8 acres and was signed up through the WLI. Native grasses and forbs were planted. The three wetland restorations involved MNDOT permits and totaled $33,000 in cost. Restorations were designed by BWSR Staff, Tom Wensel and Scott Santjer; assisted by Lincoln SWCD, NRCS, and DNR. Funding provided by WLI and USDA.

22. View from Buffalo Ridge MSL Elevation = 1323

This will speak for itself... the City of Canby lies directly to the northeast at Elevation 1220.

23. Series of Road Retention Projects

- Alta Vista 36 Road Retention (2006) *see HANDOUT MSL Elevation = 1248 (flowline)

- Limestone 1 Road Retention: (Under Construction) MSL Elevation = 1302.2 (flowline)

This multi-partnered project involves: 2 counties, 3 townships, 1 watershed district and Area II. The project consists of replacing the existing 48" diameter culvert with a 27" diameter culvert and raising the roadway 11'. This will create a temporary floodpool of 7 acres and reduces 100-year peak flows from 146 cfs to 61 cfs, a 58% reduction. A second part of the project involves removing the dangerously deficient bridge around the curve with a 27" culvert. Only the East/West roadway will impound water. Estimated project cost including flowage easements and right-of-way is $150,000. The 48" culvert will be salvaged and reused by the township as it was new in 1993 when the roadway was completed washed out by the notorious floods of that year. FEMA paid the damages at that time.

- Gorecki-Jeremiason Road Retention (1994) MSL Elevation = 1345 (flowline)

Also stemming from severe damages of the 1993 floods, this project involved replacing two 36" concrete culverts and a 96" x 120" metal culvert through two township roads with a single 42" diameter concrete culvert placed diagonally through the intersection of the two roadways. Additionally, the intersection was raised 16' to create the embankment. The project stores 120 acre-feet of water on 10.3 acres from the 1218-acre drainage area. 100-year flood flows are reduced from 427 cfs to 280 cfs, or 34%. Total project cost was $116,971.25 funded by Lyon County (32%), Limestone Township (21%), YMRWD (20.5%), Cost-share through Area II (18%), Area II local matching funds (6%), and Lincoln County Water Plan (2.5%).

23. Series of Road Retention Projects (continued)

• Nordland 7 Road Retention (1996) MSL Elevation = 1315 (flowline)

This project involved replacing a 84" diameter metal culvert with a 24" diameter concrete culvert with a 48" diameter riser structure. The roadway was raised 10' to create the embankment. The project holds 148 acre-feet of water on 15.8 acres from the 2.6 square mile drainage area. 100-year flood flows are reduced from 269 cfs to 175 cfs, or 35%. Total cost was $82,487.65 funded by Lyon County (32%), Cost-share through Area II (36%), and 1995 BWSR Challenge Grant (32%).

• Nordland 8 Road Retention (1990) MSL Elevation = 1250 (flowline)

This project involved replacing a deficient timber bridge, last remodeled in 1940, with a 10' x 10' box concrete culvert. The roadway was raised 9' to create the embankment. The project stores 98 acre-feet of water on 18.5 acres from the 4.8 square mile drainage area. 100-year flows are reduced 36%. Total cost was $37,343 funded by MNDOT Township Bridge Funds (88%), MNDOT Bridge Bonding (10%), and Nordland Township (2%).

Spring 2007

24. Southwest Sportsman's Club – Presentation/Discussion (STOP #4)

Tabor Hoek, BWSR Private Lands Coordinator, will facilitate a discussion led by Brad Carlson, University of MN Extension Educator of Crops, Water Quality and Drainage and Dean Champine, Lyon County Assessor. Discussion will focus on what it takes for landowners to adopt conservation practices in today's agricultural economics. Refreshments provided by the Schwan Food Company.

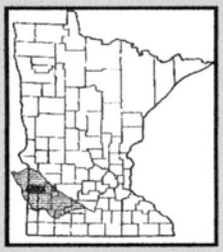
25. City of Ghent FEMA / Floodplain Mitigation MSL Elevation = 1164

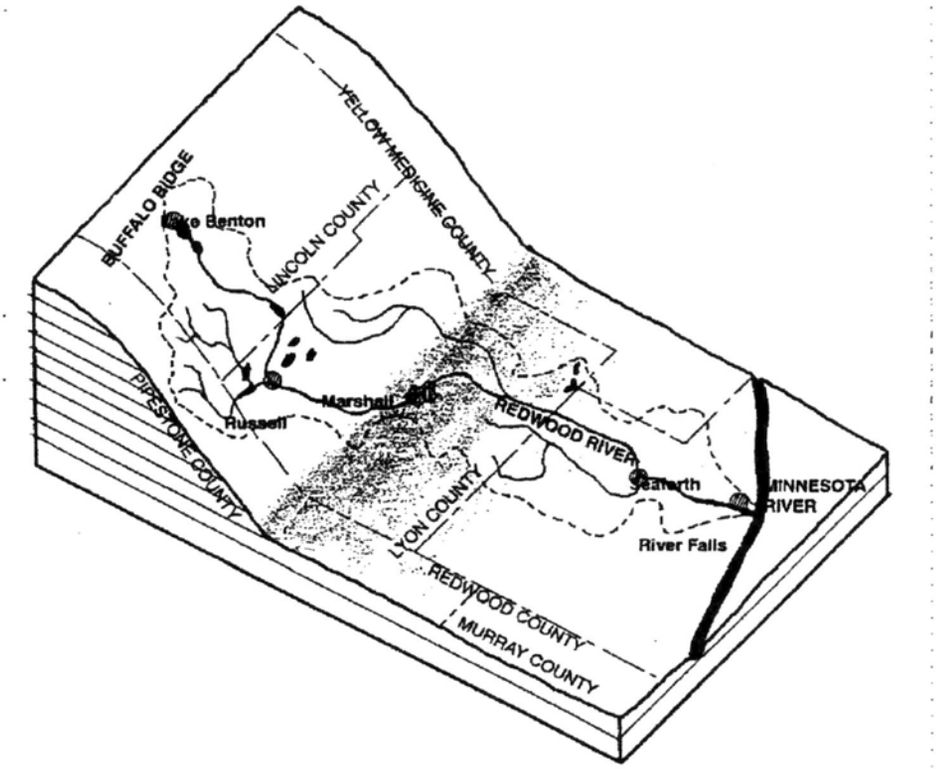
In November 2010, Lyon County adopted FEMA's updated Floodplain Maps. The newest subdivision of Ghent known as the Bluebird Addition is home to several recently built houses which were found to be in the floodplain according to FEMA's mapping. Aside from diking and other remedies, the City of Ghent is looking into upstream floodwater retention to reduce floodflows entering the City, primarily through the Bluebird Addition. Most recently, Area II is working with the City to locate and recommend the construction of retention sites with benefits to the City. A draft report is being compiled at this time. Of the three most feasible sites, flood elevations would be reduced 0.6' to 1.3' and flows reduced 169 cfs to 381 cfs by the individual projects.

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

1400 East Lyon Street
Marshall, MN 56258

Phone: 507-637-6369
Fax: 507-537-6368
Email: area2@starpoint.net
Website: www.area2.org





AREA II
MINNESOTA RIVER BASIN PROJECTS, INC.

The Story of the Coteau des Prairies

To understand the hydrology of the area, we must look back tens of thousands of years ago to the last glaciation. Carrying massive amounts of rock and debris, ice over a mile thick inched its way across Minnesota. On its melting retreat back to Canada, the glacier stopped in southwestern Minnesota and dropped debris over 600 feet thick. This geologic formation, a moraine called Buffalo Ridge, stretches NW to SE about 35 miles southwest of Marshall, MN. Glacial melt waters, flowing northeasterly, carved ravines and waterways. One of these streams, the Redwood River, falls 636 feet in its 40-mile trip from Pipestone County to Marshall. From Marshall to Redwood Falls, the river only falls 38 feet in the 38-mile distance. Marshall lies at the base of this ridge where the deposited soil creates a natural floodplain between the rushing slope waters and slower downstream segment. This explains the catastrophic flooding of this region as witnessed in 1927, 1957, 1969, and 1993.

The Coteau des Prairies is a glacial ridge running 200 miles in length and 100 miles wide from eastern South Dakota, through southwestern Minnesota, to northwestern Iowa.

Early French explorers from Quebec named the geologic feature: Coteau means "slope" in the French language. This flatiron shaped ridge (see photo at right) is over 900 feet thick in layers of glacial deposits.

The last glaciation formed the James River to the west side of the Coteau and the Minnesota River to the east side.

The portion of the Coteau in southwestern Minnesota is a distinct region known as "Buffalo Ridge," named for the great herds that once roamed the slopes .

At the tip of the Coteau lies Summit, SD at an elevation of 2014 MSL where drilled glacial deposits exceed 1,000 feet in thickness. The outlet of the Minnesota River is elevation 700 MSL, a 1314 foot difference. This difference is greater than the elevation of Minneapolis to the Gulf of Mexico.

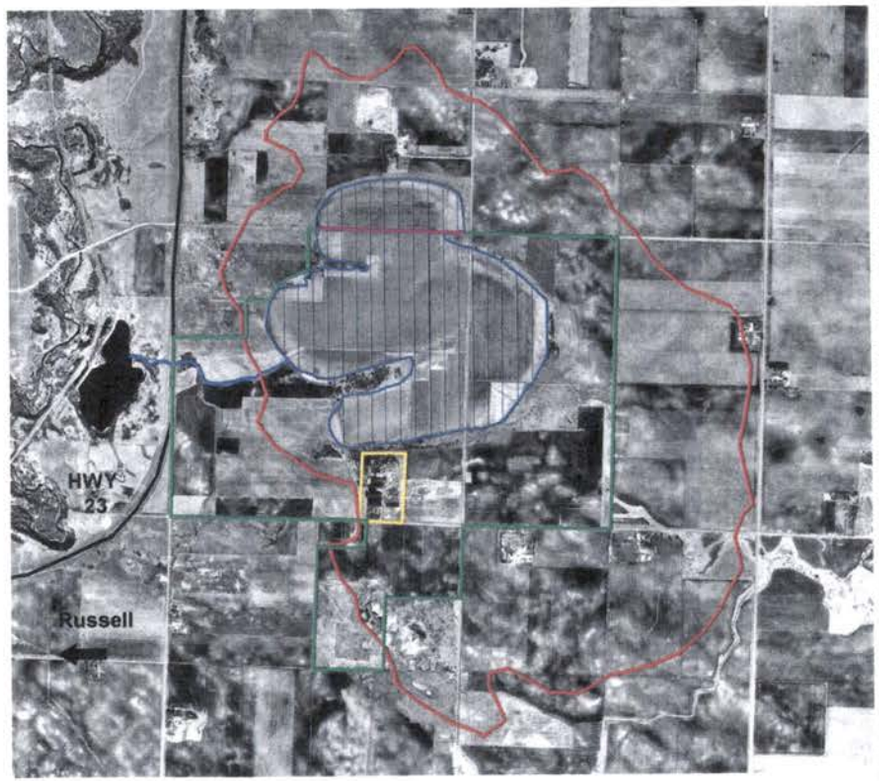
Due to this severe elevation difference, the Area II portion of the Minnesota River watershed suffers from "crossover" flooding whereby floodwaters from one watershed jump into the adjoining watershed lying below (in a southeasterly direction) in stair-step fashion. This makes flooding two-fold within Area II.

Black Rush Lake Project

Section 15,16,21
Lyons Township
Lyon County
Minnesota

0.5 0 0.5 Miles

County Road
FWS Boundary
Watershed Boundary
1751 ac.
Black Rush Lake
370 ac.
Outlet
Huck Bldg. Site
Hwy 23



The U.S. Fish and Wildlife Service acquired 990 acres to establish the Black Rush Lake Waterfowl Production Area (WPA) by using funds generated by the sale of Federal Duck Stamps. The area is located 8 miles south of Marshall and within one mile of the Redwood River.

The main feature of the project is restoration of Black Rush Lake, a drained 357-acre wetland. The control structure was constructed in November 1998 to manipulate water levels and restore vegetation. Fully restored, the basin will be 2-3' deep with a 50/50 mix of open water and emergent vegetation; ideal habitat for waterfowl. An additional 23 wetland basins were restored making a total of 413 wetland acres.

Approximately 350 acres of former surrounding cropland was planted with native grasses and flower seeds harvested from a rare piece of remnant native prairie in southwestern Minnesota. The remaining uplands were seeded with a mix of non-native grasses and will be converted to a native prairie plant community.

The project involves multiple benefits: floodwater retention, water quality improvement, environmental education, wildlife habitat, and recreation. The public can use the WPA for hiking, wildlife observation, photography, hunting, and trapping.

This project was made possible by the cooperative efforts of 15 organizations (listed below) working in partnership to provide the necessary funding and support for the acquisition and restoration of this site.

- Area II Minnesota River Basin Projects, Inc.
- Balaton Sportsmen's Club
- MN Board of Water and Soil Resources
- Cottonwood Sportsmen's Club
- Ducks Unlimited, Inc.
- Lyon County (Commissioners, Highway Dept, SWCD)
- MN DNR (Divisions of Wildlife, Trails & Waterways)
- North American Wetlands Conservation Council
- Pheasants Forever – Marshall Chapter
- Redwood River Sportsmen's Club
- Southwest Sportsmen's Club
- U.S. Fish and Wildlife Service

Partners

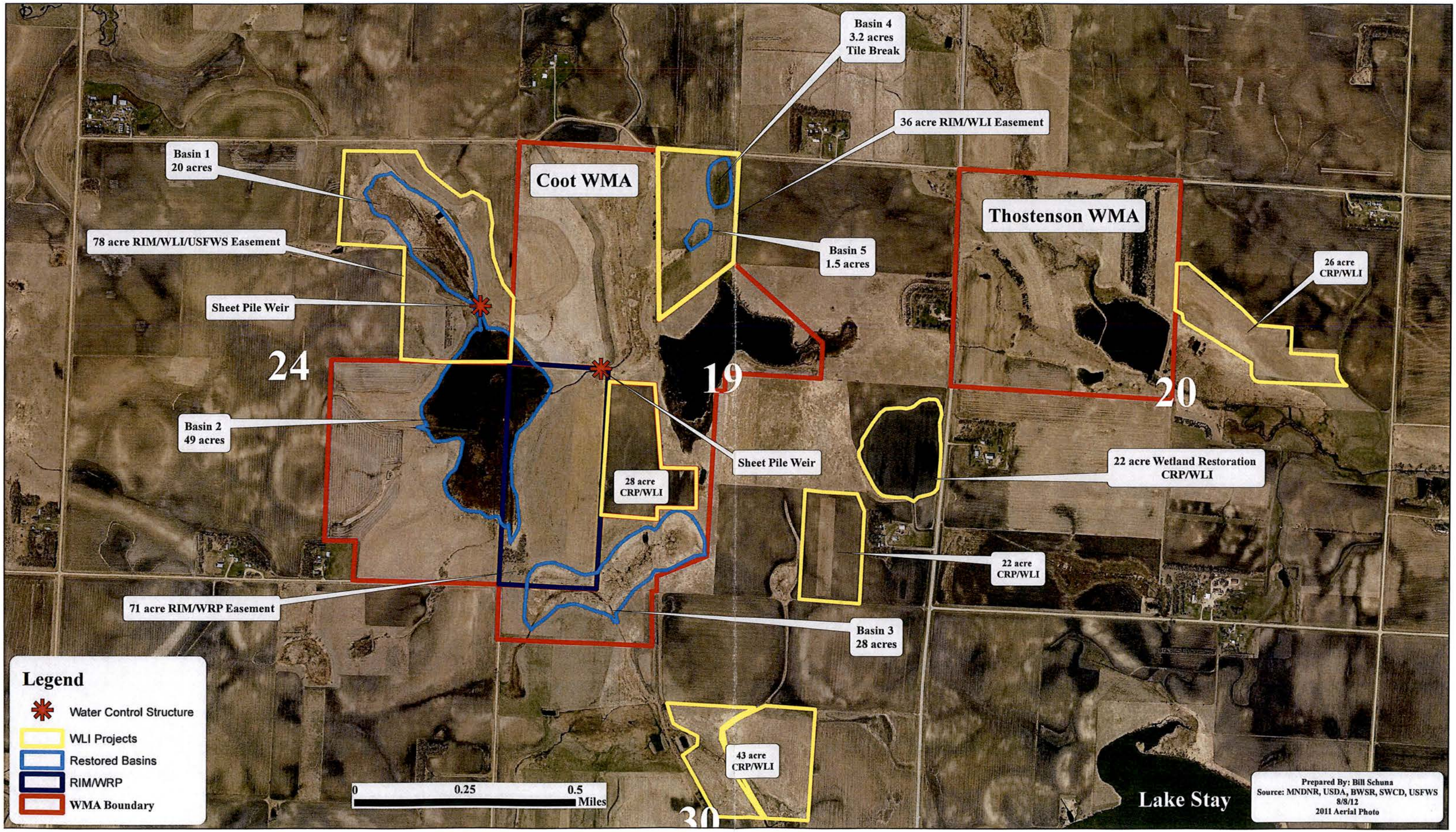
Lincoln SWCD | NRCS | FSA FARM SERVICE AGENCY | Local Landowners

Working Land Initiative Wetland/Grassland Complex

Arco Target Area - Lincoln County

Ash Lake TWP T111N R45W Part of E1/2 Section 24

Lake Stay TWP T111N R44W Parts of Sections 19, 20, 30



FY2011-Clean Water Funds:
Verdi Wellhead Protection Area Project

CLEAN WATER LAND & LEGACY AMENDMENT

Water of Concern:
Ground Water Protection: Verdi Well Field

CWF Grant Awarded:
Verdi Well Field: $184,210

Leveraged Funds:
Lincoln-Pipestone Rural Water: $32,500
Landowners: $15,000

Grant Funds Remaining: $126,020.25

Grant Period: From: 1/1/2011-12/31/2012

CWF Expenditures by Category

Technical/Administrative Assistance Funds (as of August, 2012)		
Item:	Total	Encumbered /Spent
Administrative	$9,210	$4,796.75
Leveraged Funds: LPRW	$32,500	$20,738
Implementation Funds		
Nutrient Mgmt Plan	$60,000	$33,040
Variable Rate Technology/Split N	$10,000	$2,566
Nitrogen Stabilizers	$60,000	$34,736
Filter Strips	$45,000	$57,600
Leveraged Funds: Landowners	$15,000	$73,124
Total Imp. Funding	$145,000	$127,942
Total CWF Budget	$231,710	$226,600.75

PROJECT CONTACTS:
Pauline VanOverbeke-Administration
Randy Kraus-Farm Bill Technician
Phone: 507-694-1630, Ext 3

Project Partners

-Lincoln-Pipestone Rural Water
-Natural Resources Conservation Service
-Department of Natural Resources
-Department of Health
-Rural Water Association
-Department of Agriculture

Overall Project Description

Project partners play a vital role in the implementation of the Verdi Wellhead Protection Plan and have made this water source a priority in lowering nitrate levels. The aquifer used by the wells in the Verdi Well Field consists of a sand and gravel horizon about 30' thick which overlies clay-rich till. The geological sensitivity in all five of the Verdi wells is classified as "high".

The Verdi Well Field supplies water to ten community water suppliers, 34 large rural users, and 1,126 rural hookups. Total population served by this water supply is about 7,500. It is the only water supply source Lincoln-Pipestone Rural Water has in Lincoln County and functions as a backup water source to both the Holland and Burr water sources.

Water quality monitoring indicates presence of nitrate nitrogen in the wells. The nitrate levels in the wells indicate that the wells pump groundwater that is under the influence of sources of nitrogen related to human activities.

Nutrients that are not effectively utilized by crops have potential to leach into groundwater or enter nearby surface waters via overland runoff or subsurface agricultural drainage systems. A major principle of crop nutrient management is to prevent the over-application of nutrients. These projects are designed to decrease surface runoff and filter sediment, nutrients, and pesticides before reaching surface and ground water. The goal of this project is to reduce nitrate levels in this water supply. This will be accomplished by providing landowners educational information and provide incentives to assist with the following: develop a nutrient management plan, utilize variable rate technology, utilize nitrogen stabilizers and nitrogen efficiency products and install filter strips.

Projects Completed:

2011: 12-landowners, nutrient management plans (NMPs)-2,163 acres, cost-$17,304; 9-landowners, nitrogen stabilizer products-1,260 acres, cost-$17,754; and 1-landowner, Variable Rate Technology-108 acres, cost-$1,296 As of August, 2012: 11-landowners, NMPs-1,967 acres, cost-$21,622; 10-landowners, nitrogen stabilizer products-1,770 acres, cost-$20,878; 1-landowner, Split-N Application-127 acres, cost-1,270; and 2-landowners, filter strips-51.2 acres, cost-$57,600.

MEDARY CREEK PROTECTION PROJECT

The Medary Creek Protection Project was funded through the Board of Water and Soil Resources Special Project Grant. The project is located in Section 5 of Verdi Township which flows into a tributary that goes into Medary Creek. Medary Creek flows south to the Big Sioux River, flowing into the Missouri River and then the Mississippi River. This project is also located within a mile and a half of the Drinking Water Supply Management Area for the Verdi Well Field.

Above: Severely eroded area at the property boundary on the upper reaches of the watershed. Right: Typical gully erosion that occurred throughout the project area.

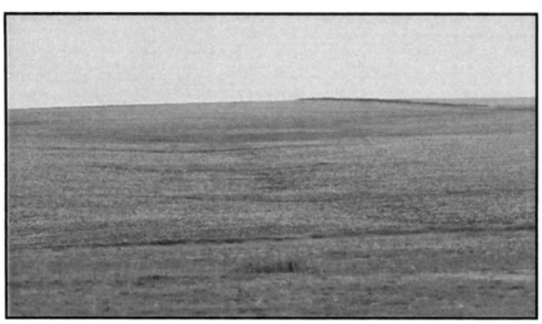
Above: Outlet of the gully that was empting into Medary Creek in the background. Below: Established Living Snow Fence with a Water and Sediment Control Basin along the side.

The Medary Creek Protection project consists of the following:

- Constructed in 1999 were six-Water and Sediment Control Basins and in 2001 were two- Water and Sediment Control Basins (638's). Underground outlet consisted of a total of 6,025 feet of tile installed. Tile consisted of: 700 feet-12"; 880 feet-10"; 1,120 feet 8"and 3,250 feet-6".
- Cost of this project consisted of: total cost-$19,470; cost-share-$14,602 and landowner share-$4,868. Through the LARS Program, the sediment and phosphorus reductions were 162.56 tons and 162.56 pounds consecutively per year.

Other conservation practices installed on this parcel include:

- Four additional Water and Sediment Control Basins were installed in 1999 on the southwest part of the field through the regular State Cost-Share Program. This project consisted of underground outlet consisting of 698 feet of 8" tile and 1,827 feet of 6" tile. Total cost of the project was $7,677; cost-share-5,743 and landowner share-$1,924.
- A living snow fence, consisting of 840-Honeysuckle on 2,2 acres along with tree matting was established in the spring of 1999, in cooperation with the Lincoln SWCD and MN-DOT. It was planted through the CRP and protects State Highway 14.



Left: Medary Creek Protection Project basins established after construction. Right: Picture taken in 2012 of the basins, still doing their job.

Lincoln SWCD

YMRWD

Ducks Unlimited

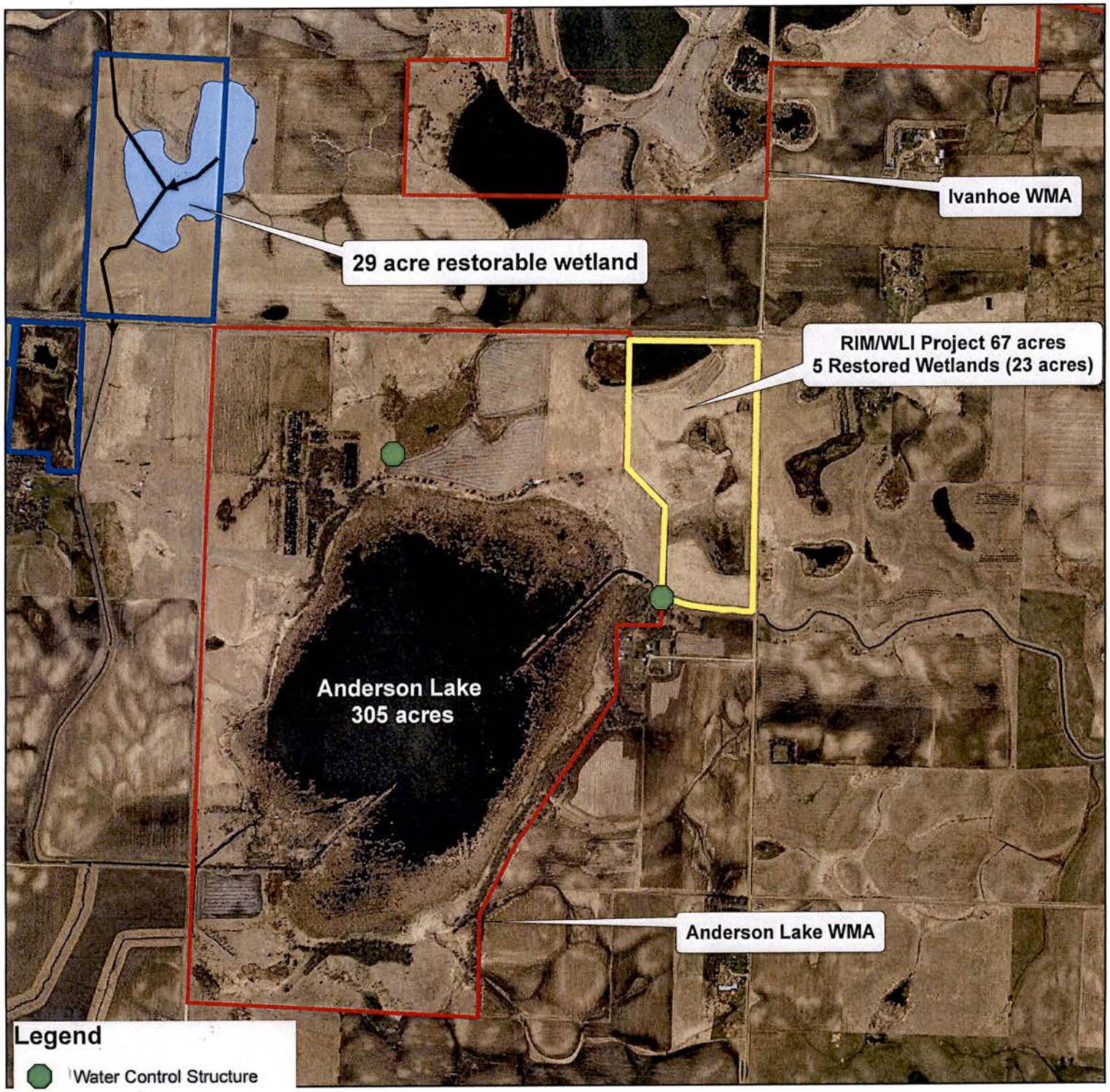
FSA Farm Service Agency

NRCS

Local Landowners

The Nature Conservancy — Protecting nature. Preserving life.™

Anderson Lake WMA and Surrounding Projects Lincoln County



Legend

- Water Control Structure
- WLI Projects
- Reinvest in Minnesota (RIM)
- CD 37
- Restorable Wetland
- WMA

0 0.5 1 Miles

Prepared By: Bill Schuna
Source: MNDNR, BWSR, USFWS, USDA
8/13/12
2011 Aerial Photo

BWSR Board Summer Tour

August 22, 2012

AREA II MN RIVER BASIN PROJECTS, INC.

Alta Vista 36 Road Retention

Successful Result for Jointly Sponsored Project

As identified by the PL 87-639 Study, a joint study by the Soil Conservation Service and U.S. Army Corps of Engineers, this site was a natural place to retain floodwaters. With the pool area serving as a pasture for dairy cattle, it was only reasonable to incorporate floodwater retention into the replacement of the bridge.

With the project located on the Lincoln and Lyon County line, both counties worked cooperatively, with assistance from the Yellow Medicine River Watershed District (YMRWD) and Area II MN River Basin Projects, Inc.

Photos at the right display the before and after construction conditions.

A sag curve on Lincoln County CSAH 18 and a crest curve on Lyon County CSAH 10 created a dangerous intersection with poor sight and stopping distances. By raising the roadways, this safety issue was remedied and earned special Safety Improvement funding from MNDOT.

The project was completed the Fall of 2006.

The 5,120 acre drainage area is now controlled by a 32' high embankment with a 60" diameter concrete culvert through the road, 30" diameter low flow inlet, 60" diameter riser structure. The roadway was raised 16'.

100-Year Flow Reductions:

1146 cfs inflow,

556 cfs outflow ,

(51.5% reduction)

Breakdown of Project Funding:

MNDOT Local Road Improvement Funds	$250,000
State of MN Bonding	$155,000
Lincoln County– MNDOT State Aid Funds	$73,104.66
Lincoln County–County Funds (in-kind)	$58,521.98
Yellow Medicine River Watershed District	$51,976.70
Lyon County–County Funds	$70,000
Total Project Cost	**$658,603.34**

Special acknowledgement :

- *Difficulty was encountered obtaining the DNR Dam Safety permit due to excessive outlet velocities.*
- *Barr Engineering was hired to assist with the redesign of the energy dissipater.*
- *The design provides safer outlet velocities to downstream structures and also improves fish passage through the structure.*

It Works!

Beginning in 2007, the project was put to the test with large rainfall events. With the record rainfall events of 2010, the project worked fabulously and often.

These photos are of a 10" rainfall — September 2010.

2 days later...

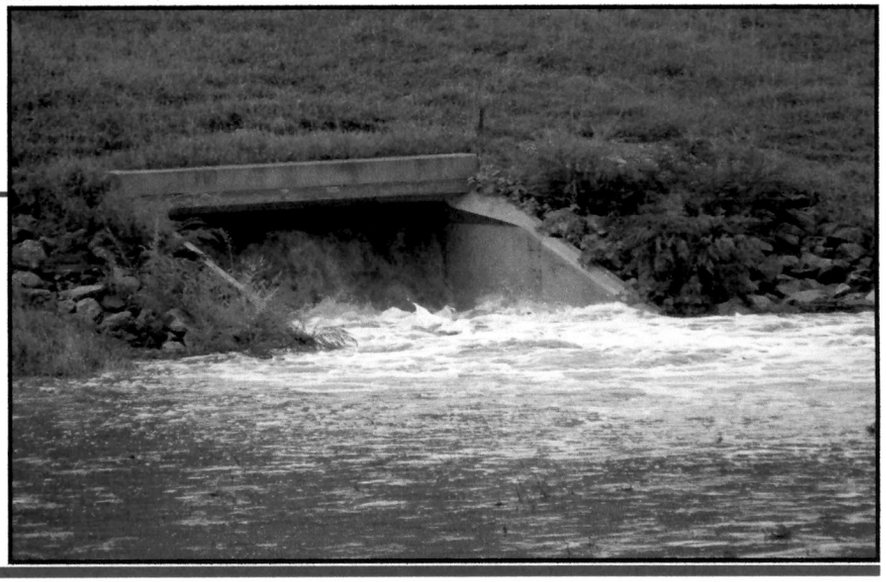
The volume of floodwaters held by the 100-year storm (5.8" of rainfall) is 562 acre-feet over an area of 44.8 acres.

At maximum capacity, the project will hold 652 acre-feet of volume over 48.56 acres.

The pool will drain in 75 hours.

Energy Dissipator at work

The purpose of the Energy Dissipator, also referred to as a Plunge Pool, is to take the energy out of the floodwaters as they exit the culvert. This reduces erosion to the receiving stream. This project required the use of baffle walls, or vertical concrete walls inside the pipe. Most other projects utilize a riprap-lined basin which is effective for lesser flows and velocities.



BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, SEPTEMBER 26, 2012

BOARD MEMBERS PRESENT:
Greg Buzicky, MDA; Joe Collins, Jack Ditmore, Quentin Fairbanks, Sandy Hooker, Tom Landwehr, DNR; Paul Langseth, Tom Loveall, Keith Mykleseth, Brian Napstad, Faye Sleeper, MES; Steve Sunderland, Gene Tiedemann, Gerald Van Amburg, Doug Wetzstein, MPCA

BOARD MEMBERS ABSENT:
Bob Burandt
Chris Elvrum, MDH
Christy Jo Fogarty
Todd Foster
John Meyer

STAFF PRESENT:
Mary Jo Anderson, Angie Becker-Kudelka,Tim Dykstal, Travis Germundson, Tim Gillette, Jim Haertel, John Jaschke, Al Kean, Melissa Lewis, Jen Maleitzke, Dennis Rodacker, Dave Weirens

OTHERS PRESENT:
Keith Hanson, Clean Water Council

Chair Napstad called the meeting to order at 9:05 a.m.

PLEDGE OF ALLEGIANCE

** 12-77 **ADOPT AGENDA** – Moved by Quentin Fairbanks, seconded by Paul Langseth, to adopt the agenda as presented. Motion passed on a voice vote.

** 12-78 **MINUTES OF AUGUST 23, 2012 BOARD MEETING** – Moved by Keith Mykleseth, seconded by Gerald Van Amburg, to approve the minutes of August 23, 2012 as circulated. Motion passed on a voice vote.

INTRODUCTION OF NEW BWSR STAFF

- Tim Gillette, Conservation Drainage Engineer
- Dennis Rodacker, Senior Wetland Specialist

REPORTS

Chair's Report – Brian Napstad reported that he attended the EQB meeting last week; discussion included the controversial topic of mining frac sands in southeast Minnesota. The industry perspective in support of mining frac sands was presented. EQB has provided an opportunity for all sides to present information as the assessment and evaluation continues.

Chair Napstad reported that the Governor's Executive Order directed EQB to host an Environmental Congress that will be held in February 2013; with citizen forums to be held statewide in November and December. State leaders will be engaging with Minnesotans about the present and future of our state's environmental and economic health, key points to review include the permitting process and efficiencies. Chair Napstad encouraged board members to attend. The EQB is scheduled to review improvements to environmental governance and coordination, with adoption of an environment and energy report card in November.

Chair Napstad reported that the Wetland Committee will be working on the Governor's Executive Order on wetlands.

Chair Napstad attended the Red River Watershed Management Board (RRWMB) meeting and tour last week in Thief River Falls; he expects further conservation and flood control efforts via the multi-agency mitigation agreement.

Administrative Advisory Committee (AAC) – Brian Napstad reported that the AAC did not meet this morning.

Executive Director's Report – John Jaschke reported that Kevin Lines announced his retirement this week. A recognition and celebration for Kevin will be held on October 4. BWSR will recruit to fill his position.

John reported that 11 candidates interviewed for the assistant director position, follow-up interviews are in progress.

John acknowledged the new BWSR banner in the shared Board room. John reviewed information in Board Members' packets.

Tom Landwehr reported that he had the pleasure of working with Kevin Lines at DNR and at BWSR. He would like BWSR to recognize the success of the RIM program under Kevin's leadership. Moved by Tom Landwehr, seconded by Sandy Hooker,
** 12-79 to establish a resolution to be presented to Kevin Lines recognizing him for tremendous accomplishments and achievements in conservation. Motion passed on a voice vote. Tom Landwehr will work with staff to develop a resolution to be presented to Kevin.

Steve Sunderlund stated there's interest in a meeting to be held in southwestern Minnesota on the WCA Executive Order. He stated that meetings are being held in other parts of the state but not in the southwest.

Chair Napstad thanked Steve Sunderlund, Jack Ditmore, Keith Mykleseth, and Gerald Van Amburg for their interest to serve on the new BWSR Audit Committee.

Dispute Resolution Committee (DRC) – Travis Germundson reported that there are currently 11 appeals pending; he provided a brief status report on the appeals. Travis reported that he is developing a training session for the DRC to be held in the near future.

Wetlands Committee – Gerald Van Amburg reported that the Wetlands Committee will meet today immediately following adjournment of the Board meeting. Stakeholder sector outreach meetings are being conducted statewide. Joe Collins asked about public comment if persons are unable to attend the statewide meetings; Gerald stated that written comments could be submitted.

Grants Program & Policy Committee – Paul Langseth reported that the Grants Program and Policy Committee will meet on November 28, 2012.

Public Relations, Outreach & Strategic Planning Committee (PROSPC) – Keith Mykleseth reported that the PROSPC will meet on October 23, 2012.

Drainage Work Group – Tom Loveall reported that the Drainage Work Group met on September 20, 2012; he presented information discussed at their meeting. The next Drainage Work Group meeting is October 11, 2012. Discussion followed.

COMMITTEE MEETINGS

Metro Water Planning Committee

Brown's Creek Watershed District Amendment to Watershed Management Plan – Melissa Lewis reported that the Brown's Creek Watershed District was established from the Brown's Creek Joint Powers Agreement Watershed Management Organization in October 1997. The entire watershed is approximately 29.4 square miles and contains portions of the cities of Grant, Hugo, Lake Elmo, Oak Park Heights, and Stillwater and the Towns of May and Stillwater. The Amendment incorporates specific capital improvements, best management practices, and management actions identified in lake management plans and Total Maximum Daily Load Implementation Plans completed since the current Plan was approved. The Metro Water Planning Committee met on September 5, 2012. After review of the information, the Committee unanimously voted to recommend approval of the Amendment. Moved by Keith Mykleseth, seconded by Joe Collins, to approve the Brown's Creek Watershed District Amendment to the Watershed Management Plan. Motion passed on a voice vote.

** 12-80

Black Dog Watershed Management Organization Revised Watershed Management Plan – Melissa Lewis reported that the Black Dog Watershed Management Organization (WMO) was established in 1985 through a joint powers agreement. The WMO encompasses approximately 26 square miles in northwestern Dakota County, covering parts of the cities of Apple Valley, Burnsville, Eagan, and Lakeville. The Plan sets the vision and guidelines for managing surface waters within the boundaries, provides data and other background information, outlines the applicable regulations, assesses watershed-wide and resource-specific issues, sets goals and policies for the WMO and its members, and lists implementation tasks to achieve the goals. The Metro Water Planning Committee reviewed the information on September 5, 2012, and unanimously voted to recommend approval of the revised watershed management plan. Moved by Faye Sleeper, seconded by Joe Collins, to approve the Black Dog Watershed Management Organization Revised Watershed Management Plan. Motion passed on a voice vote.

** 12-81

Chair Napstad suggested conducting a refresher session on water plans in the metro area and greater Minnesota at an upcoming Board meeting.

Northern Water Planning Committee

Cook County Priority Concerns Scoping Document – Quentin Fairbanks reported that the Cook County Board of Commissioners adopted a resolution March 22, 2011 to

revise and update their current comprehensive local water management plan. The County distributed their Priority Concerns Scoping Document to the required state agencies for review July 20, 2012. Comments were received from the Environmental Quality Board, Department of Health, Department of Agriculture, Department of Natural Resources and Pollution Control Agency. Agency comments will be incorporated into the final plan, as recommended by the Board Conservationist. The Northern Water Planning Committee met on September 12, 2012, reviewed the Cook County Priority
** Concerns Scoping Document and unanimously recommends approval. Moved by
12-82 Quentin Fairbank, seconded by Tom Loveall, to approve the Cook County Priority Concerns Scoping Document. Discussion followed. Motion passed on a voice vote.

Mille Lacs County Five Year Plan Amendment – Gerald Van Amburg reported that on August 24, 2007, the Board of Water and Soil Resources approved Mille Lacs County's Comprehensive Local Water Management Plan for a ten year period from 2006-2016 with a required amendment by 2011. On May 3, 2011, the County passed a resolution to begin the amendment process. The amended plan was submitted to the Board Conservationist on August 6, 2012. The Northern Water Planning Committee met on September 12, 2012, reviewed the plan amendment, suggested that Mille Lacs County add an implementation schedule dealing with invasive species in the Plan, and
** recommends approval of the update through December 2016. Moved by Gerald Van
12-83 Amburg, seconded by Quentin Fairbanks, to approve the Mille Lacs County five year Plan amendment. Keith Mykleseth reported that Molly McGregor quickly added the inclusion of the aquatic invasive species concerns to the Plan. Discussion followed. Joe Collins asked how we handle the costs involved and expense components for the Plan. Motion passed on a voice vote.

Jack Ditmore asked what BWSR does when the plan expires. John Jaschke explained that the plan is not required to update at five years; however, statute requires an update at ten years or the plan expires. Jack also asked where can he see the plan before the Board meetings. John explained that the plan is available on the County website or BWSR staff can provide a copy of the plan. Joe Collins requested that the web-link to the plan be made available to board members. Steve Sunderland asked about Robert Hoefert listed as an SWCD supervisor and county commissioner in the Mille Lacs County Plan– a conflict of interest or an error.

Sherburne County Five Year Plan Amendment – Keith Mykleseth reported that on August 24, 2007, the Board of Water and Soil Resources approved Sherburne County's Comprehensive Local Water Management Plan for a ten year period from 2007-2017 with a required amendment by 2012. On February 6, 2012, the County passed a resolution to begin the amendment process. The amended plan was submitted to the

Board Conservationist on July 31, 2012. The Northern Water Planning Committee met on September 12, 2012, reviewed the plan amendment and recommends approval of
** the update through December 2016. Moved by Keith Mykleseth, seconded by Quentin
12-84 Fairbanks, to approve the Sherburne County five year Plan amendment as recommended. Jack Ditmore asked if agency comments are addressed. John stated that comments are addressed unless noted. Chair Napstad stated that the board conservationist memo to the regional water planning committees vary from the northern and southern region. Chair Napstad suggested that a format/outline be used by board conservationists for consistency. Motion passed on a voice vote.

Chair Napstad called for a break in the meeting at 10:43 a.m. The meeting reconvened at 10:55 a.m.

Red River Basin Watershed District Plan Expiration Date Extension – Gene Tiedemann reported that the reason for extending the expiration date of these plans is to synchronize the Watershed District water management plan update schedule and process with the MPCA's water quality monitoring and assessment schedule for
** Minnesota's 81 major watersheds. Moved by Gene Tiedemann, seconded by Keith
12-85 Mykleseth, to approve the extension dates for the purpose of effectively synchronizing county comprehensive water management planning efforts; the BWSR will allow counties in the Red River Basin to petition BWSR to extend county local water management plan expiration dates to enable more effective coordination with partner watershed districts. Discussion followed.

John stated that the synchronized dates are important as the resolution is tied to a BWSR policy related to the LGU eligibility to apply for BWSR grants. BWSR Clean Water Fund policy states that eligible applicants include local governments or joint powers boards working under a current state approved and locally adopted local water management plan or SWCD comprehensive plan. The resolution would provide a more flexible approach to synchronizing county local water management planning with watershed district planning schedule.

Chair Napstad stated the importance of the synchronized dates; MPCA to recognize the effort needed to stay on schedule. Doug Wetzstein stated that MPCA is on board with this and is working on efficiencies. Keith Mykleseth and Gerald Van Amburg commented that MPCA does have good committed staff working on the plans. John thanked all the partners involved for efforts to get this done. Motion passed on a voice vote.

Wilkin County CLWM Five-Year Update Extension – Keith Mykleseth reported that Wilkin County requested an extension to the required five-year update of the implementation section of the Wilkin County Local Water Plan to December 31, 2014.

The extra time will enable the Wilkin County Local Water Plan and Buffalo Red River Watershed District Plan update to happen simultaneously. The Northern Water Planning Committee reviewed the request and recommend approval of the extension.

** 12-86 Moved by Keith Mykleseth, seconded by Paul Langseth, to approve the Wilkin County five year extension until December 31, 2014. Motion passed on a voice vote.

NEW BUSINESS

Clean Water Council (CWC) Budget Development Process – Keith Hanson, CWC Chairman, distributed the CWC FY14-15 Funding Priorities and provided background information. Keith explained that in November 2008, Minnesotans passed the Clean Water, Land and Legacy Amendment to the Minnesota Constitution to: protect drinking water sources; to protect, enhance, and restore wetlands, prairies, forests, and fish, game, and wildlife habitat; to preserve arts and cultural heritage; to support parks and trails; and to protect, enhance, and restore lakes, rivers, streams, and groundwater. Thirty-three percent of the sales tax revenue from the Legacy amendment is dedicated for the Clean Water Fund, and may only be spent to protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater from degradation. At least five percent of the Clean Water Fund must be spent to protect drinking water sources. 2011 Special Session law requires the Clean Water Council recommend to the governor and legislature the manner in which money from the Clean Water Fund monies be appropriated.

Keith briefly commented on the Budget Outcomes Committee (BOC) proposed appropriation recommendations to BWSR. It was noted that funding guidance from Minnesota Statute 114D is nearly the same as the Minnesota Constitution language.

Keith Mykleseth strongly advocated the River Watch Program. Gerald Van Amburg stated that the educational aspect of the River Watch Program is for our youth and important. Gerald Van Amburg thanked Keith Hanson and the CWC for what they do. Keith stated that the CWC is looking to improve where the funding is appropriated; he looks to BWSR for their support. Chair Napstad thanked Keith for his presentation.

Grants Monitoring Report – Tim Dykstal reported that on June 22, 2011, BWSR adopted the Grants Monitoring, Reconciliation and Verification Policy, which provided that BWSR staff will annually monitor all grants; competitive conservation program grants will be paid in three scheduled payments; and financial verification of grant reconciliations will be performed on ten percent of all BWSR grants annually. The Grants Monitoring Report was tabled at the June 27, 2012 Board Meeting and requested to be on the agenda today. Tim reviewed the Conservation Program and Operations Grant Monitoring; Project Grants Payments Schedule; and Grant Verifications. Tim explained the next steps will be to continue to improve its grants

monitoring efforts in the coming year; and the report will come before the newly established BWSR Audit Committee. Keith Mykleseth commended staff on their adaption of what needs to be done and how effectively they do it. Greg Buzicky asked Tim about tracking his time for grants monitoring. John Jaschke explained the proportional and efficiency approach, to oversee grants; it's a balance between compliance and cooperation. Chair Napstad thanked Tim for his thorough report.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Greg Buzicky reported that the next meeting of the Minnesota Ag Water Quality Certification Program (MAWQCP) is October 29; the Advisory Committee will meet on November 13-14. Chair Napstad thanked Greg for attending the meeting today on behalf of Matt Wohlman.

Minnesota Department of Natural Resources (DNR) – Tom Landwehr attended the Red River Watershed Management Board meeting and tour last week in the Red River Valley. He stated that there are good outcomes from that meeting, and the importance of attaining more multi-benefit projects in the northwest. He is calling on DNR staff to actively support and use public funding to get projects implemented for natural resource enhancements.

Tom reported on an article in the *StarTribune* on September 23, 2012, regarding the loss of grasslands, native prairies and CRP – this is significant as it effects water quality, and wildlife depends upon grasslands. Agencies and other organizations are recognizing the effects; and are exploring new ideas such as a grazing incentive to keep grass on the landscape as an agricultural base. The Minnesota Prairie Plan outlines how to target protection and restoration in future years. Tom stated that BWSR has a big role in grassland restoration with the RIM Program, the need is there for BWSR's continued and expanded involvement.

Minnesota Extension Service (MES) – Faye Sleeper reported that the Water Resources Center is hosting a seminar by Otto Doering, "Looking Back to the Coming Farm Bill: The More Things Change the More They Stay the Same!" on October 4, at the University of Minnesota. Faye reported that the Annual Water Resources Conference will be held October 16-17, at St. Paul River Center. Faye encouraged board members attendance. If interested, information is available on the website: http://wrc.umn.edu/news/index.htm

Minnesota Pollution Control Agency (MPCA) – Doug Wetzstein reported that the Clean Water Act marks its 40th anniversary on October 18. Doug reported that MPCA Commissioner Stine will meet with Wisconsin officials on September 28 in the middle of the St. Croix River; an event to recognize the multi-state effort.

ADVISORY COMMENTS

Minnesota Association of Townships (MAT) – Sandy Hooker reported that MAT directors and staff will be meeting with school districts and cities to discuss issues of common interest to provide a united front before the legislature. Sandy reported that the MAT Annual Conference will be held November 15-17, at the River's Edge Conference Center in St. Cloud; board members were invited to attend. Sandy stated that she appreciated the great Board tour on August 22 in Lincoln and Lyon Counties.

UPCOMING MEETINGS

- BWSR Board Meeting – October 24, 2012
- Wetland Committee: immediately following September 26th Board Meeting
- PROSP Committee: Oct. 23
- MAWD Annual Meeting, November 29 – December 1, Alexandria
- MASWCD Annual Meeting, December 2-4, Bloomington
- AMC Annual Meeting, December 3-4, St. Cloud

** 12-87 Moved by Sandy Hooker, seconded by Paul Langseth, to adjourn the meeting at 12:15 p.m. Motion passed on voice vote.

Respectfully submitted,

Brian Napstad
Chair

BOARD OF WATER AND SOIL RESOURCES
RAMADA INN
CHAPARRAL/FRONTIER CONFERENCE ROOM
1500 EAST COLLEGE DRIVE
MARSHALL, MINNESOTA
AUGUST 23, 2012

BOARD MEMBERS PRESENT:
Bob Burandt, Joe Collins, Jack Ditmore, Chis Elvrum, MDH; Rebecca Flood, MPCA; Christy Jo Fogarty, Sandy Hooker, Paul Langseth, Keith Mykleseth, Brian Napstad, Rob Sip, MDA; Steve Sunderland, Gene Tiedemann, Gerald Van Amburg

BOARD MEMBERS ABSENT:
Quentin Fairbanks
Todd Foster
Tom Landwehr, DNR
Tom Loveall
John Meyer
Faye Sleeper, MES

STAFF PRESENT:
Mary Jo Anderson, John Jaschke, Jen Maleitzke, Jeff Nielsen, Kane Radel, David Sill

OTHERS PRESENT:
Kathryn Kelly, MASWCD
Tom Kresko, DNR

Chair Napstad called the meeting to order at 9:05 a.m.

PLEDGE OF ALLEGIANCE

** 12-65 **ADOPT AGENDA** – Chair Napstad reported that an additional agenda item has been added under New Business - Wetland Conservation Act Alternative Emergency Standards. Moved by Paul Langseth, seconded by Sandy Hooker, to adopt the agenda with the additional agenda item. Jack Ditmore asked about the status of the Grants Monitoring Report that was tabled at the June Board meeting. John Jaschke stated that the Grants Monitoring Report will be expected on the agenda at the September Board meeting. Motion passed on a voice vote.

** 12-66 **MINUTES OF JUNE 27, 2012 BOARD MEETING** – Moved by Christy Jo Fogarty, seconded by Paul Langseth, to approve the minutes of June 27, 2012. Rebecca Flood would like an addition added to her report, on page 12, it should read, "Rebecca Flood reported that the Lake Pepin and Minnesota River sediment TMDL comment period for public input is nearing the end." Motion passed on a voice vote.

CONFLICT OF INTEREST DECLARATION
Chair Napstad stated that the declaration process is being used today; he explained that the upcoming agenda item "Preliminary 2012 Flood Response" needs the Conflict of Interest Declaration form submitted.

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

REPORTS
Chair's Report – Brian Napstad reported that he was absent from the June 27th BWSR Board Meeting due to flooding in his area; he thanked Gerry VanAmburg for chairing the meeting. Brian reported that the flooding in Aitkin County closed roads, and caused other problems. They will get through it with the support of others.

Chair Napstad reported that he attended the EQB Meeting on June 19-20. Chair Napstad has been attending all EQB Meetings to accomplish the Governor's Executive Order. Chair Napstad stated that once again BWSR staff have stepped up to the plate to carry out the Order. Brian Napstad has been appointed as Vice-Chair of the EQB.

Chair Napstad thanked Mary Jo Anderson for coordinating all of the logistics for the Board tour and meeting, and he thanked BWSR staff for their assistance with the excellent tour yesterday. He also thanked Kerry Netzke, Pauline VanOverbeke, and John Biren, for their leadership in planning the tour.

Administrative Advisory Committee (AAC) – Chair Napstad reported that the AAC met this morning to discuss the Flood Relief Cost Share Disaster Recovery Program Policy and Resolution; and the Wetland Conservation Act Alternative Emergency Standards. These items are on the agenda later today.

Executive Director's Report – John Jaschke thanked BWSR staff, Area II, Lincoln and Lyon SWCDs/Counties for planning the excellent tour yesterday.

John reviewed information in Board Members' packets.

John reported that a meeting has been scheduled for August 27, 2012 from 9:00 a.m. to 3:00 p.m. at the Stearns SWCD in St. Cloud to review the proposed Cost-Share and Reinvest in Minnesota Reserve Rules. The meeting invitation was extended to SWCD supervisors and managers, and other local government officials. This meeting is as an opportunity to meet as an outreach effort and go through the rule line by line for clarification and improvements.

Keith Mykleseth noted that the listing of BWSR Advisory Members needs to be updated. John stated that staff will update.

John introduced Jen Maleitzke, Communications Director. Jen's work was noted as an asset to the agency.

John provided a status report on the PRAP Assistance Grants as requested by the Board. John reported that under the new authorization for PRAP Assistance Grants, BWSR has issued a PRAP Assistance Grant to the McLeod SWCD. This grant will fund half of an interagency agreement with the Carver SWCD for assistance with accounting system set-up.

John presented the Drainage Work Group report on behalf of Tom Loveall.

John explained that the Governor's Executive Order 12-4: Supporting and Strengthening the Implementation of the State's Wetland Policy is a project being pursued after intense legislative debate over specific changes to the Wetland Conservation Act that were considered 2012, some of which were enacted. The time frame remaining is very limited and no budget resources were appropriated to complete this project. At the

same time there are a range of concurrent stakeholder processes that require time and energy from many of the key stakeholders. This effort will seek to achieve efficiency with targeted and focused stakeholder input opportunities. It is assumed that diverse voices from different sectors and regions of the state will help BWSR and cooperating agency staff frame and develop recommendations quickly. Meetings will be held statewide. Chair Napstad encouraged board members attendance at the meetings in their area.

John provided a staffing update. BWSR is going through the hiring process for the vacant assistant director position held by Julie Blackburn. The posting for the vacancy closed on August 20. Also, going through the hiring process for Kyle Skov's drainage engineering position; and two engineering technicians. The wetland specialist position in Rochester is vacant. The vacancy occurred due to Mary Kells, Board Conservationist in Rochester, moving to St. Paul to fill the vacant metro board conservationist position. Steve Lawler, wetland specialist in the Rochester office, took Mary Kells position.

Dispute Resolution Committee – Gerald Van Amburg reported that settlement discussions continue on appeal #09-13, an exemption decision in Ottertail County. John reported that the WCA appeal of a restoration order in Waseca County, filed with the Minnesota Court of Appeals will not move forward to the Supreme Court. BWSR concurred with the landowner, and the Appeals Court validated BWSR's decision.

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

Cottonwood County Local Water Management Plan Amendment – Paul Langseth reported that BWSR approved the Cottonwood County 2007 - 2017 Comprehensive Local Water Management Plan (Plan) on June 27, 2007. This Plan contains an implementation section with goals, objectives and actions to address the county's priority concerns. The Board Order required Cottonwood County to update the Plan's implementation section by July 1, 2012. Cottonwood County followed the amendment process guidelines established. The Southern Water Planning Committee met on August 21, 2012 to review the Cottonwood County Plan Addendum and recommends approval. Moved by Paul Langseth, seconded by Sandy Hooker, to approve the Cottonwood County 2012 - 2017 Local Water Management Plan Addendum. Motion passed on a voice vote.

** 12-67

Freeborn County Local Water Management Plan Amendment – Paul Langseth reported that the Board approved the Freeborn County 2006 - 2015 Comprehensive Water Management Plan on August 24, 2006. The Plan contains an implementation section with goals, objectives and actions to address the County's priority concerns. The Board Order required Freeborn County to update the Plan's implementation section

by December 31, 2011. Freeborn County followed the amendment process guidelines established. The Southern Water Planning Committee met on August 21, reviewed
** the Freeborn County Plan Addendum and recommends approval. Moved by Paul
12-68 Langseth, seconded by Sandy Hooker, to approve the Freeborn County 2011 - 2015 Local Water Management Plan Amendment. Discussion followed. Jack Ditmore asked for staff review of consistency in the dates on the Findings of Fact in the Plan Order. Motion passed on a voice vote.

Houston County CLWMP Five-Year Update Extension Request – Paul Langseth reported that Houston County currently has a Comprehensive Local Water Management Plan that will expire in December 2017. On March 21, 2012, Houston County approved and submitted a resolution requesting an extension of their required five-year update to the implementation section of their Plan. BWSR staff reviewed this request and recommends approval. The Southern Water Planning Committee reviewed the extension request at their August 21st meeting and recommends approval of the extension.
** Moved by Paul Langseth, seconded by Steve Sunderland, to approve the two-year
12-69 extension of the Houston County plan amendment. Discussion followed. Paul noted that there are different laws for watershed district plans, county plans, and metro Water Management Organizations plans are also different. Motion passed on a voice vote.

Murray County Local Water Management Plan Amendment – Paul Langseth reported that the Board approved the Murray County 2007 - 2017 Comprehensive Local Water Management Plan (Plan) on June 27, 2007. The Board Order required Murray County to update the Plan's implementation section by July 1, 2012. Murray County followed the amendment process guidelines established. The Southern Water Planning Committee met on August 21st, reviewed the Murray County Plan Addendum and recommends approval. Moved by Paul Langseth, seconded by Keith Mykleseth,
** to approve the Murray County 2012 - 2017 Local Water Management Plan Amendment.
12-70 Rebecca Flood noted that the Clean Water Act Section is actually Section 303, not Section 202 as listed. Motion passed on a voice vote.

Wabasha County CLWMP Extension Request – Paul Langseth reported that Wabasha County currently has a Comprehensive Local Water Management Plan that will expire in December 2012. On June 28, 2012, Wabasha County approved and submitted a resolution requesting an extension of their current Plan. BWSR staff has reviewed this request and recommends approval. This extension request was reviewed by the Southern Water Planning Committee on August 21st and recommends approval of the two-year extension of the Plan. Jeff Nielsen explained the disarray in Wabasha County. Keith
** Mykleseth suggested PRAP. Moved by Paul Langseth, seconded by Rob Sip, to approve
12-71 approve the Wabasha County Comprehensive Local Water Management Plan extension until December 31, 2014. Motion passed on a voice vote.

Chair Napstad called for a break in the meeting at 10:27 a.m. The meeting reconvened at 10:45 a.m.

NEW BUSINESS

Establishment of An Audit Committee – John Jaschke reported that the Board is authorized by Minnesota Statutes 103B.101 to "adopt an annual budget and work program that integrate the various functions and responsibilities assigned to it by law"; and to assess "board programs and recommendations for any program changes and board membership changes necessary to improve state and local efforts in water and soil resources management". John reported that Tim Dykstal, BWSR Internal Control Coordinator, developed the Audit Committee Charter. BWSR staff and the Administrative Advisory Committee recommend approval of the establishment of an Audit Committee. An Audit Committee would appraise the effectiveness of the agency's internal controls and risk assessment, provides an avenue of communication between BWSR's internal audit function and external auditors, management, and the Board, and receives reports on BWSR's fiscal compliance.

** 12-72 Moved by Jack Ditmore, seconded by Paul Langseth, to approve the establishment of an Audit Committee. Motion passed on a voice vote. Chair Napstad asked board members to contact him if interested in being a member of the Audit Committee.

The Conflict of Interest Declaration forms were submitted and will be filed for the grant decision item. Chair Napstad declared a potential or perceived conflict of interest due to the flood affecting his professional and personal matters even though he has no known conflict at this time. He will abstain from voting.

Preliminary 2012 Flood Response – John Jaschke reported that the Minnesota Legislature will convene on August 24, 2012, in a Special Session to consider appropriations for cost share and easement disaster recovery funding, and invoke M.S. 12A.05 which authorizes waivers of State Cost Share and Reinvest In Minnesota (RIM) Rules for both existing and future contracts.

John stated that the information distributed to board members today is contingent on the anticipated State's portion of funding appropriated at the Special Session tomorrow. John reviewed the proposed legislative bill that includes $1.5M for Reinvest in Minnesota

(RIM) Conservation Easements; and $11M for the Erosion, Sediment, and Water Quality Control Cost-Share Program.

John explained the "Flood recovery: recent appropriation summary" and BWSR's fifth preliminary damage estimates: June 2012 Flood.

A Presidential Declaration of a Major Disaster (DR-4069) includes Duluth and the northeast part of the state were hit by severe storms and flash floods June 19-21. The storms followed windstorms and floods in western and south-central counties. The President declared a major disaster for 15 counties and three tribal governments, qualifying them for Federal Emergency Management Agency (FEMA) Public Assistance funding. Individual Assistance funding was not authorized.

John review the 2012 Flood Relief Resolution – noting the correction needed to replace the word *Bank* to *Band*, regarding the Fond du Lac Band of Lake Superior Chippewa, and the Mille Lacs Band of Ojibewe.

John reviewed the BWSR 2012 Flood Relief Cost Share Disaster Recovery Program
** Policy. Moved by Keith Mykleseth, seconded by Gene Tiedemann, to approve the corrected 2012 Flood Relief Resolution (changing *Bank* to *Band*).

** Moved by Jack Ditmore, seconded by Paul Langseth, to add an amendment to the
12-73 Resolution – under II. Specific A, 5. would read, " SWCDs or LGUs are authorized to reimburse landowners for costs incurred to rehabilitate and repair existing projects and conservation practices that were damaged due to the DR-4069 event on or after June 14, 2012, *based on adequate and verifiable documentation*. Motion on the amendment to the Resolution passed on a voice vote. Discussion followed.

12-74 Chair Napstad abstained from the vote on the 2012 Flood Relief Resolution – Motion passed on a voice vote.

Wetland Conservation Act Alternative Emergency Standards – John Jaschke reviewed the WCA Alternative Emergency Standards Resolution. The word *Bank* will be changed to *Band* in the resolution, as noted in the previous resolution. This is contingent on the Legislative Special Session action on August 24. There is a correction on page 2, Section II. Wetland Delineation, C., second sentence will read, "Provided these areas no longer meet wetland criteria, they shall not be considered jurisdictional wetlands under the Wetland Conservation Act. Jack Ditmore recommends inclusion of, "for the DR-4069
** area." at the end of the resolution. Moved by Paul Langseth, seconded by Rob Sip, to
12-75 approve the resolution with said changes. Motion passed on a voice vote.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Rob Sip reported that meetings are moving forward on the Agriculture Water Quality Certification advisory committee. Rob reported that MDA has a new updated document on BMPs; this publication will be coming out soon. Rob distributed a flyer, "Program Overview Summer 2012 Discovery Farms Minnesota" for board members' information, and he also distributed a publication, "Tiling

and Conservation Drainage Field Tour and Workshop, August 28-29, 2012, Hankinson, ND. Rob encouraged interested board members to attend.

Minnesota Department of Health (MDH) - Chris Elvrum commented on the anticipated legislative funding to MDH for well sealing and clean-up of wells.

Minnesota Pollution Control Agency (MPCA) – Rebecca Flood reported that the comment period on Stormwater Management ended in July. Staff are now compiling and preparing responses; she will keep the BWSR Board apprised.

ADVISORY COMMENTS

Minnesota Association of Soil and Water Conservation Districts (MASWCD) – Kathryn Kelly, MASWCD President, stated that MASWCD appreciates BWSR's counsel and support to MASWCD. Kathryn reported that her term as President expires in December 2012. MASWCD's Leadership Session will be held in September in Alexandra. The MASWCD Resolution Committee meets next week. The MASWCD annual meeting will be held December 2-4, at the Double Tree Hotel in Bloomington. Kathryn reported that MASWCD and NRCS are looking at "Field Offices of the Future" working with governmental offices. Kathryn thanked BWSR for the invitation to attend the tour and meeting today.

Minnesota Association of Townships (MAT) – Sandy Hooker reported that Gary Pedersen is the new executive director of MAT. Chair Napstad commended townships for their local involvement and the importance of townships during the flood event. The township in his area went out their way for flood response, greatly appreciated their support. Sandy Hooker stated that she was impressed with the tour and she learned a lot.

John reported that Tim Koehler retires from NRCS this week and starts with BWSR next week.

Upcoming Meeting - Next BWSR Board Meeting is September 26, 2012 in St. Paul.

** 12-76 Moved by Christy Jo Fogarty, seconded by Paul Langseth, to adjourn the meeting at 12:10 p.m. Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder

Letter to the editor

Minnesota Board of Water & Soil Resources

www.bwsr.state.mn.us ● Toll-free and TTY: 800-627-3529

Bemidji — Brainerd — Duluth — Fergus Falls — Mankato — Marshall — New Ulm — Rochester

Central Office: 520 Lafayette Road North, St. Paul, MN 55155

For release: Sept. 24, 2012 **Contact:** Jennifer Maleitzke, 651-215-9008 (office); 651-315-5082 (cell)

Renewing our commitment to the Red River Valley

In 1998, a multi-agency Mediation Agreement was signed to set goals for flood damage reduction and for natural resources enhancements in the Red River Valley.

Last week, a group of us from various federal and Minnesota state agencies toured the area to learn about the work underway through the agreement, and to chart the course for the future.

We visited the Middle-Snake-Tamarac Rivers Watershed District's Agassiz Valley Project, which is one of many projects needed to achieve long-term flood solutions for northwestern Minnesota and northeastern North Dakota. We talked about the flood water retention projects that have been successfully completed since the agreement was signed, and we noted the significance of flood protection for both urban and agricultural lands and to the economy of the region.

We recognized that through the leadership of the Red River Watershed Management Board (RRWMB), the coordination between our agencies has resulted in millions of state and federal project dollars directed to projects that reflect local needs and priorities.

Further, we discussed the importance of identifying and accelerating future projects while ensuring existing wetland habitat is protected and enhanced.

Though there have been many projects in the Red River Valley which have demonstrated great success, there's still much more work to be done.

Because of this need, we are renewing our commitment to the 1998 Mediation Agreement and pledge to:

- Continue coordination on additional projects to address flood damage reduction and ensure benefits for water quality and habitat are also included.
- Work together to more quickly identify and approve projects through our respective agencies.
- Grow our partnerships with the RRWMB, watershed districts and other local and regional organizations to carry out coordinated and comprehensive watershed planning based on the most relevant engineering and scientific information.

We look forward to continuing the history of successful projects into the next decade and beyond, and we are eager to see the additional land, property and environmental protections in place because of these efforts.

John Jaschke, Executive Director, Minnesota Board of Water and Soil Resources
Dave Frederickson, Commissioner, Minnesota Department of Agriculture
Tom Landwehr, Commissioner, Minnesota Department of Natural Resources
John Linc Stine, Commissioner, Minnesota Pollution Control Agency
Col. Michael Price, Commander, U.S. Army Corps of Engineers St. Paul District
Don Baloun, State Conservationist, Natural Resources Conservation Agency
Jim Leach, Refuge Supervisor, U.S. Fish and Wildlife Service

###

FY2013 Clean Water Fund application response

September 2012

The Minnesota Board of Water and Soil Resources (BWSR) held a competitive grant application process from Aug. 1-Sept. 14, 2012. Local governments were encouraged to apply for funds to protect and improve water quality in their communities. These funds are available as a result of the constitutional amendment passed by Minnesota voters in 2008, with the purpose of protecting, enhancing, and restoring water quality in lakes, rivers, and streams, and protecting ground water and drinking water sources from degradation. The information below summarizes the response to the application period for FY2013 [funding available from Mar. 1, 2013-Dec. 31, 2015].

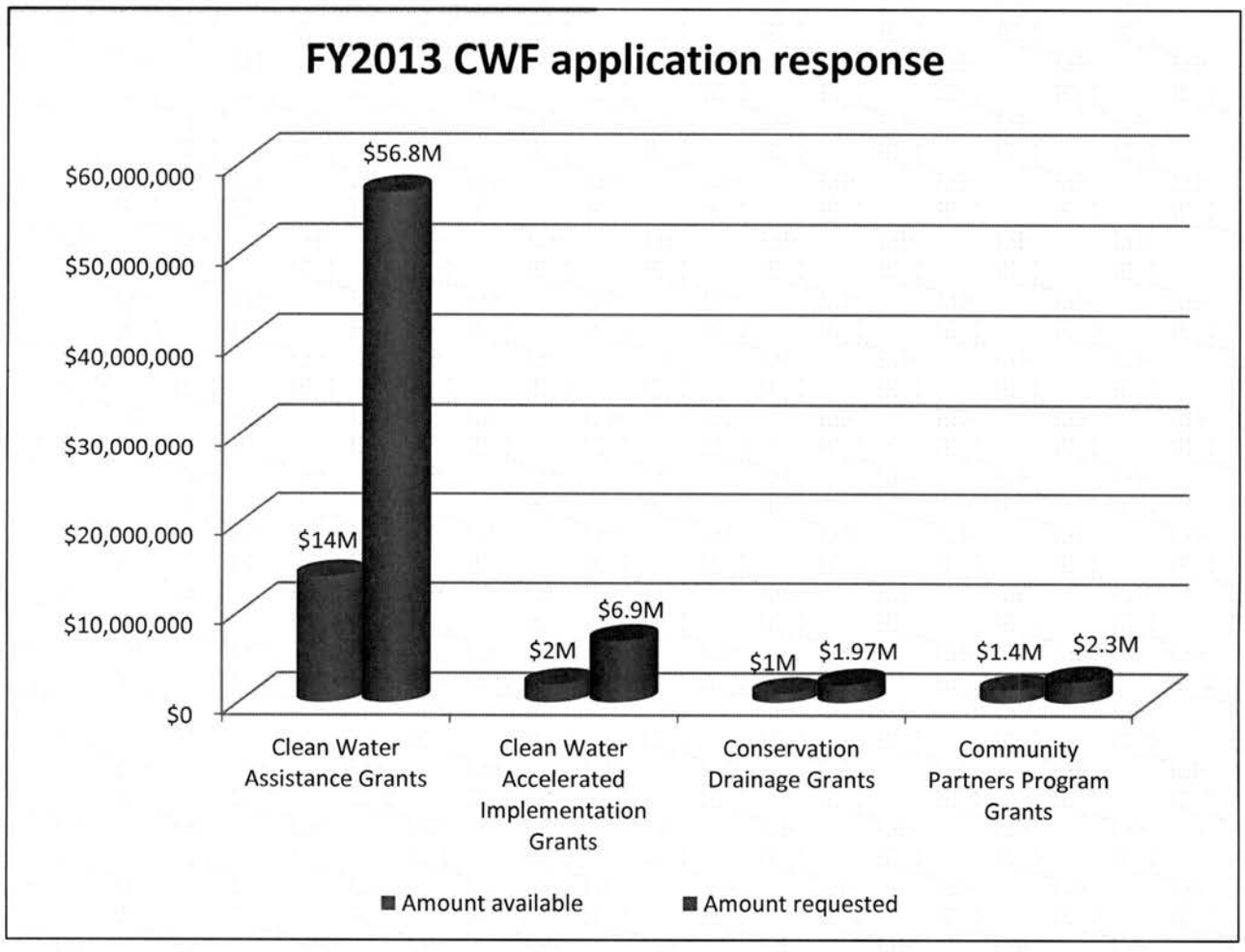
$67,974,634 requested / **$18,400,000** available

The amount of money requested continually exceeds the amount of money available. A recent BWSR survey found local units of government estimate they are ready to spend more than $270 million in the next two years to address conservation needs in their areas.

286 total submittals

160 total number of local governments that applied

-SWCDs: 64
-Counties: 24
-Cities: 26
-JPB: 13
-Watershed districts: 25
-WMOs: 8



FY2013 Clean Water Fund application response

FY2013 Competitive Clean Water Grant Funding Available				
Agency Fund	**FY2013 amount**	**Amount requested**	**Governmental units eligible**	**Required match**
BWSR Clean Water Assistance Grants: Funds used to protect, enhance and restore water quality in lakes, rivers and streams and to protect groundwater and drinking water. Activities include structural and vegetative practices to reduce runoff and retain water on the land, livestock water quality projects, Subsurface Sewage Treatment System (SSTS) abatement grants for low income individuals, and stream bank, stream channel and shoreline protection projects.	$14,000,000[1]	$56,839,357	SWCDs, Watershed Districts, WMOs, Counties, Cities[2], and JPBs of these organizations	25%[3]
BWSR Clean Water Accelerated Implementation Grants: Funds used to complement, supplement, or exceed current state standards for protection, enhancement, and restoration of water quality in lakes, rivers, streams and tributary Chapter 103E drainage systems or that protect groundwater from degradation.	$2,000,000[1]	$6,851,939	SWCDs, Watershed Districts, WMOs, Counties, Cities[2], and JPBs of these organizations	25%
BWSR Conservation Drainage Grants: Funds used to facilitate the installation of conservation practices on drainage systems through planning and project implementation to improve water quality and local hydrologic conditions.	$1,000,000[1]	$1,976,050	SWCDs, Watershed Districts, WMOs, Counties, and JPBs of these organizations	25%
BWSR Community Partners Conservation Program Grants: Funds used for community partners within a LGU's 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 are 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.	$1,400,000[1]	$2,307,288	SWCDs, Watershed Districts, WMOs, Counties, Cities[2], and JPBs of these organizations	25%
Total	**$18,400,000**	**$67,974,634**		

[1] Amounts shown are estimates, actual amounts will be determined prior to the end of the application period.
[2] Cities must have a state approved local water management plan. BWSR recognizes metropolitan area city water plans approved by a Watershed District or a Watershed Management Organization (WMO) as a State approved plan.
[3] Low Income SSTS Abatement Projects require a minimum 5% match.

Next steps in the process

Sept. 23-28, 2012: Internal review
Nov. 1-2, 2012: Interagency review and recommendation process
Nov. 2012: Grants Program and Policy Committee – TBD
Dec. 13, 2012 (proposed): BWSR Board authorizes grant awards
Jan. 2013: Grant agreements sent to recipients
Feb. 15, 2013: Work plan submittal deadline
Mar. 1, 2013: Grant execution deadline

Minnesota Board of Water & Soil Resources

25 years of accomplishments

Since its inception in 1987, the Minnesota Board of Water and Soil Resources (BWSR) has embraced a unique business model. We are a small agency of conservation professionals that partners with federal, state and local governments to deliver conservation on private lands. Our programs improve and protect the state's soil, water and wetlands and enhance fish and wildlife habitats.

15,000

Implementation practices have been installed

Cost-Share Program

Beginning in 1977, the state Cost-Share Program has provided funding to Soil and Water Conservation Districts (SWCDs) for the implementation of conservation practices that protect and improve water quality by controlling soil erosion and reducing sedimentation. Since the agency was established, staff members have worked through local partnerships to provide financial and technical assistance for implementation of BWSR-approved conservation practices. More than 3,000 grants have been awarded, totaling more than $60 million.

6,505

Total number of easements on 243,187 acres

Reinvest in Minnesota

Established in 1986, the Reinvest in Minnesota (RIM) Reserve Program strives to produce multiple benefits by encouraging landowners to retire environmentally sensitive land from agricultural production. As one of BWSR's most versatile programs, it has been used to leverage a number of federal opportunities, including Conservation Reserve Program (CRP), Conservation Reserve Enhancement Program (CREP), Wetland Reserve Program (WRP) and Clean Water Fund-Outdoor Heritage Fund buffers. More than 60 percent of the RIM acres in Minnesota have been secured in partnership with the United States Department of Agriculture (through NRCS and FSA), leveraging more than $300 million in federal funds.

515

Number of local water plans reviewed

Local Water Management and Planning

In greater Minnesota, counties develop and implement local water plans in concert with soil and water conservation districts. In the metropolitan area, watershed management organizations (WMOs) are responsible for surface water planning under the Metropolitan Surface Water Management Act. In some parts of Minnesota, watershed districts have been established with both planning and project responsibilities. BWSR staff members provide financial and technical assistance to support these local efforts by development, review and approval of the plans.

10,209

Approximate acres of wetland credit deposited into the bank since 1991

Wetland Conservation Act

In 1991, the Minnesota Legislature approved the Wetland Conservation Act, established to maintain and protect Minnesota's wetlands and the benefits they provide. Minnesota's Wetland Conservation Act is considered one of the most comprehensive wetland laws in the country because it provides an important backstop to augment federal protection programs subject to unpredictable swings in national policy. As part of the WCA, BWSR maintains a wetland banking program, which contains more wetlands than any other state in the country.

Rep. Rick Hanson, Rep. Dennis McNamara and BWSR Manager Kevin Lines gather to celebrate the 25th anniversary of the RIM program in September 2011.

A BWSR intern reviews the vegetation of a restored wetland. BWSR has monitored wetlands since 1987.

BWSR Executive Director Ron Harnack and Senator Paul Wellstone watch as Governor Arnie Carlson signs the Minnesota River CREP agreement in 1998.

243

Base level performance assessments completed each year since 2007

Performance, Review and Assistance Program

Since the agency's inception, BWSR has monitored the performance and activities of local water management entities. This effort began with the Strive Toward Excellence and Performance (STEP) program, and now continues through the Performance, Review and Assistance Program (PRAP). Through PRAP, BWSR systematically evaluates the performance of and, where necessary, provides assistance to local water management entities.

4

reporting system upgrades have been developed since 1986

eLINK

As early as 1986, BWSR has monitored reports from local units of government that indicate progress made in protecting the state's resources. The method to complete this reporting has changed, first from paper reports (1986-1996), to floppy disk submission (1997-2002) and finally to the online eLINK database (2003-2012). BWSR is now leading development of a new web-based system to track statewide conservation projects and activities, meant to improve efficiency, support partnerships and increase transparency for general public access. The new system, expected to debut in 2013, follows the spirit of reporting requirements of the past – to tell the story of conservation successes across Minnesota.

Moving into the future...

591

Clean Water Legacy and Clean Water Fund grants have been awarded in excess of $62 million

Clean Water, Land and Legacy Amendment implementation

Since the Clean Water Legacy Act passed in 2006 and the subsequent Clean Water, Land and Legacy Amendment was approved by Minnesota voters in 2008, the Clean Water Council and Lessard-Sams Outdoor Heritage Council have recognized BWSR as the agency responsible for implementing non-point pollution reduction activities. Working through Minnesota's local governments, BWSR is strategic in granting funds to meet targeted water quality goals within the larger scope of Minnesota's clean water efforts.

CLEAN WATER LAND & LEGACY AMENDMENT

Since initial funding began in 2007, BWSR has issued 591 grants, totaling more than $62 million. Those grants have leveraged additional funding in excess of $18 million. Additionally, 4,092 implementation practices have been installed throughout the state to protect, restore and enhance the state's natural resources.

As Clean Water and Outdoor Heritage funding will continue until 2034, BWSR will remain committed to its business model of a small agency of conservation professionals partnering with federal, state and local governments to deliver conservation on private lands. Through these partnerships, implementation practices will be installed to protect, enhance, and restore wetlands, prairies, forests, and fish, game, and wildlife habitat; and to protect, enhance, and restore lakes, rivers, streams, and groundwater.

Governor Jesse Ventura congratulates the Hiniker family on the 100,000 acre enrolled in CREP.

RIM is the premier wetland restoration program in the state.

The Dallenbach family was the first to enroll in the Minnesota River Watershed CREP program.

Anderson, Mary Jo M (BWSR)

From: Buckhout, Donald (BWSR)
Sent: Friday, September 21, 2012 2:26 PM
To: Jaschke, John (BWSR)
Cc: Woods, Steve (BWSR); Keith Mykleseth
Subject: PRAP Assistance Grants: Status (September)

John,
The following information is for you to include in your Executive Director's report at the September Board meeting, as per the Board's request.

Since the August BWSR Board meeting we have not awarded any new PRAP Assistance Grants. I am in discussion with the McLeod SWCD for an additional grant to address the significant financial management issues the district is facing. Work done under the initial grant agreement (#12-02) revealed that the district's finances need accounting work to bring the accounts up-to-date and in balance. Consequently, the objectives of the first grant agreement have not been able to be fully accomplished.

The first Assistance Grant (#12-01) to the Root River SWCD is still active. Discussions with the consultant and staff of the district indicate continued good progress to date.

The table shows the status of the two PRAP Assistance Grants awarded to date.

PRAP ASSISTANCE GRANTS/CONTRACTS							
No.	Grantee	Purpose	Assmnt.	Tot. Amt. Requested	Grant Amt.	Start Date	Completion/ Amt. Spent
12-01	Root River SWCD	Organizational development	PRAP Level 2 Report recommended	7500	2800	4/30/2012	continuing
12-02	McLeod SWCD	Accounting System Set-up; peer assistance from neighboring district	BWSR Staff assessment	500	250 50:50 CS	8/9/2012	8/31/2012 (invoice pending)

Please contact me if you have additional questions.

Don Buckhout
PRAP Coordinator
Board of Water and Soil Resources
Don.Buckhout@state.mn.us
(651) 296-0768

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution Committee Report

Meeting Date: September 26, 2012

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: Gerald Van Amburg/Travis Germundson

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED

None

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

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

Dispute Resolution Report
September 26, 2012
By: Travis Germundson

There are presently **14** appeals pending. All of the appeals involve WCA except File 10-10. There have been **2** new appeals filed since the last report given at the August 23rd 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 12-15 (9-6-12) This is an appeal of a wetland bank plan decision in Itasca County. The appeal regards the approval of a wetland banking plan requesting a total of 442.77 acres of credit. At issue is the allocation of 100 percent credit for the area of ditches within the proposed restoration area. No decision has been made on the appeal.

File 12-14 (8-9-12) This is an appeal of an amended restoration order in Rock County. The appeal regards the unauthorized draining of approximately 20 acres of wetlands through the installation of agricultural drain tile and ditching. A previous appeal of the restoration order (File 12-6) was denied. The restoration order was amended requiring additional tile removal and ditch channel stabilization, and now the amended restoration order is being appealed. No decision has been made on the appeal.

File 12-13(8-3-12) This is an appeal of a wetland banking credit deposit request in Stearns County. The appeal regards the approval of a wetland banking plan request to deposit credits. The Stearns County Wetland Appeal Panel reversed an earlier staff decision to deny the application. At issue are the eligibility requirements for wetland bank credits. The appeal has been remanded for the LGU to develop an adequate record.

File 12-12 (7-16-12) This is an appeal of an exemption determination in Renville County. The appeal regards the denial of an agricultural drainage exemption associated with a 1.5 acre wetland. At issue is the wetland type determination. A pervious appeal (File 12-5) was remanded for further technical evaluation and administrative proceedings, and now the current approval is being appealed. The appeal has been granted and a copy of the LGU's record has been requested.

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 and confirmation of required mitigation.

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. A mediated settlement agreement was reached with the condition that if the watershed district fails to carry out Option D the appeal shall go forward. The appeal has been placed in abeyance.

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. The landowner has committed to restoring the site and the TEP plans to conduct a site visit this fall to verify that restoration has occurred.

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 North Fork Crow River Watershed District recently constructed two rock riprap grade control structures within the ditch and the landowner has disabled and removed some of the tile. Stearns County is looking into if applicable exemption standards. The appellant has granted BWSR additional time to make a decision on the appeal.

File 09-13 (8-20-09) This is an appeal of an exemption decision in Otter Tail County. The appeal regards 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. A settlement agreement was reached with NRCS. Continuance of the pre-hearing conference reconvened on July 18, 2011. Settlement discussions are ongoing.

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.

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.~~ Wetland has been restored.

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 2011	Total for Calendar Year 2012
Order in favor of appellant	2	1
Order not in favor of appellant	2	4
Order Modified	2	
Order Remanded		2
Order Place Appeal in Abeyance	4	1
Negotiated Settlement	1	
Withdrawn/Dismissed	2	4

Drainage Work Group Report
for September 26, 2012 BWSR Board Meeting

by Al Kean, BWSR Chief Engineer and DWG Facilitator

The Drainage Work Group (DWG) met on Thursday, September 20, 2012 at the Minnesota Farm Bureau building in Eagan. Topics of discussion included:

1) Introduction of new BWSR Conservation Drainage Engineer, Mr. Tim Gillette.

2) Overview of Conservation Drainage Workshop and Field Day, Hankinson, ND, August 28-29
Mark Dittrich, MDA, provided handouts and a brief PowerPoint about this workshop and field day, which was attended by approximately 135. Conservation drainage demonstrations focused on controlled subsurface drainage (one gravity flow tile system with 2 stoplog structures controlling about 300 acres of cropland near Wheaton, MN, and one pumped tile drainage system with subirrigation controlling about 100 acres near Fairmount, ND). Also featured during the field day was the Bois de Sioux Watershed District's North Ottawa flood storage impoundment project, which includes substantial waterfowl and shorebird habitat.

3) Update regarding status of the Corps of Engineers proposed Regional General Permit RGP-002-MN
Al Kean indicated that although he hadn't been able to connect with Tim Smith, Corps of Engineers, he was aware the Corps received substantial comments from the USFWS and MCEA-NWF-MCF-FWLA before the comment period closed on August 18, 2012. It appears this Regional General Permit is not yet close to being final. The objective is to help address the Corps of Engineers workload in relation to ag drainage projects and associated streamlining of permitting.

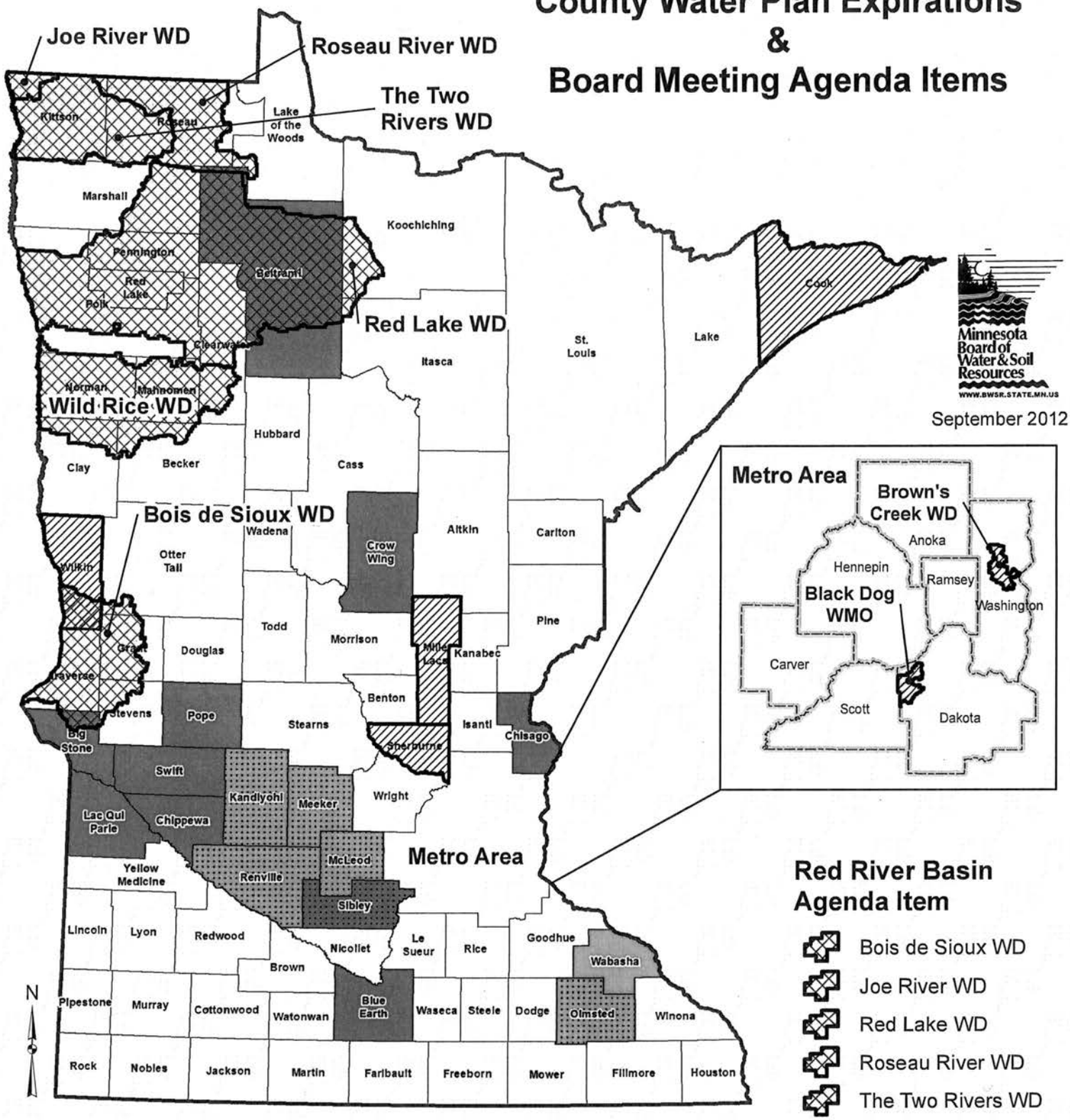
4) Discussion of revised draft statute revisions regarding Smith Partners Report recommendation 4.a.
Based on DWG discussion in August, Greg Knopff, Senate Analyst, and Al Kean had redrafted proposed additions to Chapter 103E.101 Drainage Proceeding and Construction Records to provide drainage authorities clearer authority and process to reestablish drainage system records that are lost, destroyed or otherwise incomplete. The Smith Partners report had recommended revision of Section 103E.801 Consolidation or Division of Drainage Systems. Much discussion and debate, with a consensus version of recommended statute revisions anticipated at the DWG meeting on October 11, 2012.

5) Discussion of draft statute revisions regarding Smith Partners Report recommendation 4.d.
The Smith Partners proposed changes to Section 103E.011, Drainage Authority Powers, Subd. 5 Use of External Sources of Funding, and alternative changes provided by Al Kean were discussed and debated. The consensus conclusion of those at the DWG meeting was that no changes to this subdivision are needed or recommended. It was recommended that use of 103E.011, Subd. 5 by drainage authorities should be promoted via information / education at drainage authority venues.

6) Define DWG priorities for addressing statute revisions for remaining Smith Partners recommendations.
Due to inadequate time, alternative methods to seek DWG input for these priorities were discussed. Al Kean will seek DWG prioritization input via email.

7) Next Meeting
The DWG plans to meet on October 11, 2012, 12:30 – 3:30 p.m. at the Minnesota Farm Bureau building.

County Water Plan Expirations & Board Meeting Agenda Items



Minnesota Board of Water & Soil Resources
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September 2012

Red River Basin Agenda Item

- Bois de Sioux WD
- Joe River WD
- Red Lake WD
- Roseau River WD
- The Two Rivers WD
- Wild Rice WD

Plan Expires

- Revision in Progress
- Overdue
- 2012
- 2013
- Beyond 2013

Other Agenda Items

- Black Dog WMO
- Brown's Creek WD
- Cook County
- Mille Lacs County
- Sherburne County
- Wilkin County

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Brown's Creek Watershed District Amendment to Watershed Management Plan – Melissa Lewis – ***DECISION ITEM***

2. Black Dog WMO Watershed Management Plan Revision – Melissa Lewis – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Brown's Creek WD Amendment to Watershed M

Meeting Date: September 26, 2012

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 Amendment to the Brown's Creek Watershed District Watershed Management Plan

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

The Brown's Creek Watershed District (District) was established from the Brown's Creek Joint Powers Agreement Watershed Management Organization in October 1997. The District is located exclusively in Washington County in the east-central portion of the Metropolitan Area. It is bound by the Valley Branch Watershed District to the south, the Middle St. Croix Watershed Management Organization to the southeast, the Carnelian Marine Watershed District to the northeast, and the Rice Creek Watershed District to the east. The entire watershed is approximately 29.4 square miles and contains portions of the cities of Grant, Hugo, Lake Elmo, Oak Park Heights, and Stillwater and the Towns of May and Stillwater. The watershed contains several land uses and is a developing watershed with a number of significant natural resources, including Brown's Creek which is a designated trout stream.

The Amendment incorporates specific capital improvements, best management practices, and management actions identified in lake management plans and Total Maximum Daily Load Implementation Plans completed since the current Plan was approved. Washington County and the Minnesota Department of Transportation (MNDOT) requested clarification of expected involvement for the County and MNDOT in the projects. The comments were addressed.

The Metro Water Planning Committee met on Sept. 5, 2012. After review of the information, the Committee unanimously voted to recommend approval of the Amendment per the attached draft Order.

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 **Brown's Creek Watershed District**, pursuant to Minnesota Statutes Section 103B.231, Subdivision 11.

ORDER APPROVING AMENDMENT TO WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Brown's Creek Watershed District (District) submitted an Amendment to the Watershed Management Plan (Plan) dated August 14, 2012, 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 from the Brown's Creek Watershed Management Organization in October 1997.

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 exclusively in Washington County in the east-central portion of the Metropolitan Area. It is bound by the Valley Branch Watershed District to the south, the Middle St. Croix Watershed Management Organization to the southeast, the Carnelian Marine Watershed District to the northeast, and the Rice Creek Watershed District to the east. The entire watershed is approximately 29.4 square miles and contains portions of the cities of Grant, Hugo, Lake Elmo, Oak Park Heights, and Stillwater and the Towns of May and Stillwater. The watershed contains several land uses and is a developing watershed with a number of significant natural resources.

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 June 4, 2012. A summary of comments received and the District's response was received on August 2, 2012. A public hearing was held on August 13, 2012. No comments were received. The final draft of the Amendment was received by the Board on August 16, 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.

   Washington County. The County noted the formal process for requesting projects be added to the County's Capital Improvement Plan, indicated the County may or may not be able to accommodate a request, and specified that a cooperative construction agreement and maintenance agreement would be needed. The District addressed all comments.

6. **Metropolitan Council Review.** The Council commended the District for their proactive management of water resources.

7. **Department of Agriculture Review.** The MDA did not comment on the Amendment.

8. **Department of Health Review.** The MDH did not comment on the Amendment.

9. **Department of Natural Resources Review.** The 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 requested clarification of the expected DOT involvement in the projects in relation to the total maximum daily load implementation for Brown's Creek. The District addressed all comments.

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 specific capital improvements, best management practices, and management actions identified in lake management plans and Total Maximum Daily Load Implementation Plans completed since the current Plan was approved.

14. **Metro Water Planning Committee Meeting.** On September 5, 2012, 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 Joe Collins, Jack Ditmore, Rebecca Flood, Faye Sleeper, and Robert Burandt as chair. Board staff in attendance was Metro Region Supervisor Jim Haertel. 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 Brown's Creek 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 August 14, 2012, to the Brown's Creek Watershed District Watershed Management Plan.

Dated at St. Paul, Minnesota this 26th day of September, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

V. Implementation Program

The implementation program of this Plan includes both structural (capital improvement) and programmatic elements. The implementation program identifies the specific projects, studies and other activities necessary to implement the BCWD's goals and policies. This implementation plan identifies the items summarized in the policy, goal, and implementation tables in Section IV and includes other activities such as:

- Annual Administrative Activities
- Annual Operations and Maintenance
- Annual Data Collection and Monitoring Activities
- Non-Annual Administrative Activities
- Non-Annual Data Collection and Monitoring Activities
- Non-Annual Studies
- Capital Projects

Inclusion of a structural or programmatic action in the implementation plan is not a decision to implement that action. Implementation rests on further Board decisions to budget for and fund the action, and in some cases may require further legal procedures and/or the approval or participation of other parties. Further, the Board engages in ongoing evaluation of water resource needs within the watershed and, as a result, priorities may shift during the 10-year term of the Plan.

In addition, while the implementation plan includes specific actions for review of BCWD official controls (rules and permitting requirements), the BCWD continuously assesses its official controls as they are applied to land use and development projects that come before it. The Board intends that the BCWD technical and citizens' advisory committees engage in a periodic (annual or biennial) review of its Rules and regulatory program. It reserves the prerogative of revising the controls, through required rulemaking proceedings, as the Board believes appropriate.

Similarly, over the period of ten years, as priorities evolve, new concerns emerge or new approaches are developed, the Board may choose to undertake an action not included in the implementation plan. The listing of actions in the implementation plan is not intended to exclude other actions consistent with the issues, goals and policies identified in Section IV. In some cases, undertaking an action not in the implementation plan may require first amending the Plan or other procedures.

V-1. Funding of District Activities

The BCWD obtains the majority of its revenues for water resource programs and projects from the taxing of real property within the watershed. Other sources of revenue include

grants or cost-share participation from other governmental bodies, expenditures by program/project partners, permit fees and contract payments.

Minnesota Statutes §103D.905 specifies the funds a watershed district in Minnesota may maintain, along with limits on the amount of tax a district may levy for that fund, how frequently it may levy, and other constraints.

The fund for basic operations is the general fund, for which a district may levy annually in an amount not to exceed 0.048 percent of taxable market value of real property in the watershed or $250,000 whichever is less (because the taxable market value of real property within the BCWD exceeds a certain level, in the case of the BCWD this means a $250,000 annual levy authorization). This fund is to be used "for general administrative expenses and for the construction or implementation and maintenance of projects of common benefit to the watershed district." The BCWD levies annually under this authority to fund the basic expenses to maintain administrative staff, consultant retainers, office space and equipment, insurance, manager per diems and similar basic administrative expenses.

Other funds authorized by §103D.905 include a start-up organizational expense fund, a bond fund, a construction fund, a repair and maintenance fund, a survey and data acquisition fund, and funds to maintain project monies obtained through grants and loans.

However, for the BCWD and other metropolitan watershed districts, tax levy and fund accounting procedures are greatly simplified. Under Minnesota Statutes §103B.241, a metropolitan district "may levy a tax to pay the increased costs of preparing a plan ... and for projects identified in an approved and adopted plan necessary to implement the purposes of [Chapter 103B]." This levy authority is unlimited in amount and funds may be accumulated to pay for projects and programs. Chapter 103B, at §103B.251, also authorizes a separate levy for maintenance of existing projects.

Each year, by September 15 the Board must approve a budget and certify to the Washington County Auditor the amount of the BCWD levy for the following year. This levy may be adjusted before December 28. The County then includes the BCWD levy in its tax statement, collects the levy and distributes the proceeds to the BCWD, half the following July and half the January thereafter. (See Washington County Financial and Budget Policy #2403.)

If the BCWD unexpectedly requires funds outside of the levy cycle, it may obtain loans from Washington County or a commercial lender on negotiated terms. County loans were instrumental in the first two years of the BCWD's existence, but were paid off before their due date and have not been required since.

This levy authority highlights the importance of the Plan for BCWD activities. The Plan defines the programs and projects for which the BCWD may exercise its taxing authority. The Minnesota Board of Water and Soil Resources, which oversees watershed district activity, has confirmed that the §103B.241 levy may be used broadly to fund the

preparation of the water resources plan and both the administrative and project costs of carrying out the implementation program in the plan. Accordingly, the BCWD, like most metropolitan watershed districts, levies each year under ~~just two authorities: the~~ general fund authority of §103D.905 and the management plan authority of §103B.241. Also like other metropolitan watershed districts, the BCWD may fund the construction of capital improvements projects by levying under the authority in § 103B.251; if the BCWD elects to fund a project or projects under this authority, it will provide notice as described in Washington County Financial and Budget Policy #2403.

The BCWD can exercise a levy on real property in three basic ways:

1. Watershed-wide ad valorem: An ad valorem levy is a levy on real property in which the amount of the levy corresponds to property value. The watershed-wide levy produces tax revenue from all taxable properties within the watershed.

2. Subwatershed ad valorem: An ad valorem levy can be certified to the County Auditor with the direction that it be applied to a specified set of land parcels that constitute just a part of the watershed. The watershed law allows this form of levy provided that the BCWD specifies in the Plan the properties constituting the taxing district, the purpose of the subwatershed tax, the amount of the charges, how they will be determined, and the duration of the levy. This levy may be appropriate, for example, where a BCWD expense relates predominantly to certain property within the watershed or the benefits of program or project will fall disproportionately on certain property.

3. Special assessment: For certain types of projects, the BCWD may assess costs to property owners without respect to property values and solely on the basis of benefits received. This form of taxation generally must follow very exacting legal procedures by the Board to authorize a project and determine damages and benefits to specific properties resulting from the project.

To date, of the three taxing methods the BCWD has used only a watershed-wide ad valorem levy. This has been based on the Board's judgment that the BCWD's programs and projects are directed toward watershed-wide goals in which all watershed residents have a stake and that over time, any localized benefits of specific BCWD actions will tend to distribute themselves roughly equally among watershed residents. This reasoning has allowed the BCWD to avoid the substantially greater costs to watershed taxpayers of administering a subwatershed levy or special assessment. Notwithstanding, the Board will continue to be mindful of equity issues in how BCWD programs and projects are funded, and will continue to consider methods other than the watershed-wide levy in the case where a significant BCWD expenditure would have a very localized benefit or where otherwise appropriate.

The BCWD also pursues funds through grants, donations, in-kind services and/or participation by other governmental units or agencies. The financial burden on watershed residents has been greatly moderated in recent years by, for example, the BCWD's

success in securing grant or cost-share funds from the Minnesota Board of Water and Soil Resources, the Minnesota Department of Natural Resources and the Metropolitan Council; shared project responsibility with the Cities of Stillwater and Oak Park Heights; and providing in-kind services to landowners in exchange for easements needed for capital projects.

Finally, §103D.345 of the watershed law authorizes watershed districts to recover permit processing, inspection and enforcement costs from those who apply for and perform work under a watershed permit. This has allowed the BCWD to recover a substantial portion of the cost to implement its permit program. On May 12, 2003 the BCWD adopted Resolution 03-03 establishing a permit fee schedule that is reviewed by the Board annually. The schedule is based on the expected BCWD cost to administer its permitting requirements for the type and scale of work proposed.

A permit fee is submitted at the time of application, held in escrow by the BCWD, and applied to the cost of permit review. On permit approval, the permittee must replenish the escrow deposit to the originally required amount before the permit will be issued, in order to cover actual costs the BCWD incurs to monitor the work and address any permit non-compliance. When the work has been completed, the escrow balance is returned to the permittee. If the BCWD has incurred costs exceeding the escrow deposit, the permittee is billed for the additional amount. Table V-1 identifies the estimated annual tax per residence in the District based upon incremental project costs.

Table V-1. Approximate Annual Tax Levy Per Residence [$][(a)]

Estimated Ad Valorem Levy	Residential Property Taxable Market Value				
	$75,000	$100,000	$150,000	$200,000	$250,000
$50,000	$2.62	$3.49	$5.24	$6.99	$8.74
$100,000	$5.24	$6.99	$10.48	$13.98	$17.47
$200,000	$10.48	$13.98	$20.96	$27.95	$34.94
$500,000	$26.21	$34.94	$52.41	$69.88	$87.35

[(a)] Based upon the 2006 Net Tax Capacity figures provided by Washington County.

V-2. Regulatory Controls and Enforcement

The BCWD has in force, and applies to land use and development activities, rules and permitting requirements. The BCWD Rules were adopted on October 29, 1999 and took effect on January 1, 2000. The Rules govern six categories of water resource impact: stormwater management (Rule 2.0), erosion control (Rule 3.0), Lake, stream and wetland buffers (Rule 4.0), shoreline and streambank alterations (Rule 5.0), stream and lake crossings (Rule 6.0) and floodplain and drainage alterations (Rule 7.0). Additional chapters specify procedural requirements such as permit processing, permit fees, surety requirements, variances and enforcement.

The authority of the BCWD to adopt and implement rules is contained in the watershed laws at Minnesota Statutes §103B.211, 103D.335, 103D.341 and 103D.345. Under these statutes, new rules or revisions to existing rules are adopted through a formal process that includes public distribution of a proposed rule, a public hearing and a 45-day opportunity for the Minnesota Board of Water and Soil Resources and transportation authorities to submit comments. Ordinarily, the BCWD expands the legally required process to include some or all of the following: involvement of citizens' advisory and/or technical advisory bodies in rule development and review; preparation of a Statement of Need and Reasonableness (SONAR) to accompany the proposed rule, explaining the proposed changes, the water resource need they are intended to address, and why the BCWD believes they are reasonable; a period for receipt of written public comments; and coordination with local units of government and relevant state agencies.

The BCWD has been engaged in a comprehensive review of all of its rules in parallel with development of this Plan. The intent of this review is to have the BCWD Rules reflect the goals, priorities, approaches and new information contained in the Plan. In particular, three subjects that will receive particular new attention are stormwater management requirements for landlocked basins, stormwater volume control, and protection of groundwater-dependent natural resources. The rulemaking process nears completion and therefore it is likely that the Board shortly will approve rule revisions that may be substantial in some respects.

Permit applications are submitted on standard forms available through the BCWD Administrator and processed in accordance with standard procedures set forth in BCWD Rule 1.0 and the BCWD permit processing guidelines adopted by Resolution 99-10 (October 28, 1999). Pursuant to Resolutions 02-04 (October 14, 2002) and 04-02 (January 12, 2004), the Board has delegated to the Administrator the authority to issue all Rule 3.0 (erosion control) permits and permits under Rules 4.0 (lake, stream and wetland buffer), 5.0 (shoreline and streambank alteration) and 7.0 (floodplain and drainage alterations) meeting certain criteria. All other applications must come before the Board, as must any request for a variance or any application that the Administrator finds raises a technical, policy or legal issue, or concerns public controversy, that warrants Board review. An application within the Administrator's approval authority that the Administrator finds should be denied may be brought before the Board on the applicant's request.

A permit may be approved with certain conditions that must be met before the permit will be issued. These may include things such as additional notations on erosion control plans or stormwater facility plan revisions as well as provision of sureties to guarantee permit compliance and recordation of perpetual landowner maintenance responsibilities for stormwater conveyances, stormwater management facilities and vegetated buffers.
The District engineer monitors ongoing work under BCWD permits. Permit noncompliance is subject to a formal compliance order from the Board, a civil order of the District Court, and/or criminal misdemeanor prosecution. If permit non-compliance occurs, typically the BCWD engineer or administrator will issue a written "Notice of Probable Violation" directing that the site be brought into compliance within a specified

time. If a violation is not willful, the BCWD will provide technical guidance to gain compliance and improve the performance of site protection measures. Typically noncompliance is resolved at this stage.

Failure to achieve compliance will result in a formal compliance hearing before the Board. In the case of extensive noncompliance or significant actual or threatened environmental harm, a hearing before the Board may be noticed immediately. In particularly severe cases, the BCWD may proceed directly to court for enforcement. In responding to permit violations, the BCWD also will cooperate with the local unit of government and state agencies with enforcement jurisdiction.

In all cases of noncompliance, BCWD costs will be borne by the permittee and the BCWD may use the project surety if needed to cover the costs of bringing the site into compliance.

Work performed without a required permit is in important respects a greater concern than is work that is not complying with a BCWD permit. In the latter case, the permittee is generally aware of site protection requirements and the site is under active BCWD oversight. In the former case, work may be occurring without knowledge of or concern about sound protection practices. Further, as the BCWD is not aware of the work, water resource impacts may occur for some time before action is taken.

The BCWD's implementation plan includes measures to increase awareness within the watershed of BCWD regulatory requirements and BCWD awareness of land use and development activity occurring in the watershed. Presently, cities and townships within the watershed are not systematically informing people who come for local permits or guidance about BCWD requirements. Local water plans submitted for review under this Plan must specify how the municipality will help reduce the incidence of unpermitted work by informing residents, developers, builders and other relevant parties about BCWD regulatory requirements.

This Plan has been developed pursuant to the requirements of the metropolitan watershed law, Minnesota Statutes §§103B.201 to 255. Under this law, metropolitan watershed districts identify the needs, priorities and standards for water resource management within the watershed in a comprehensive plan. Then, each city or township within the watershed is required to prepare a plan governing its own role in addressing the identified needs. The local plan must be consistent with the watershed plan and approved by the watershed district.

The watershed law requires that watershed districts adopt and implement official controls (rules and permitting requirements) to protect water resources from land use and development impacts. Cities and towns also typically regulate against water resource impacts directly or indirectly through zoning, subdivision and other development code requirements. Under the watershed law, a property owner or developer must obtain permits as necessary from both the municipality and the watershed district, and meet the requirements of each.

However, the metropolitan watershed law also provides that once a watershed district has approved a local water plan, the district, with limited exceptions, ceases to apply its official controls and defers entirely to the municipality to regulate land use and development, if the municipality so chooses. The BCWD encourages municipalities within the watershed that wish to assume sole permitting authority on BCWD approval of the local plan. For the BCWD to approve the local plan, however, it must:

- Include adopted ordinances providing for at least the same level of water resource protection as the BCWD's official controls, or draft ordinances and obligates the municipality to adopt them, without material change, within 180 days of BCWD plan approval.

- Recognize the municipality's obligation to amend its ordinances within 180 days of a substantial revision of the BCWD Rules.

- Demonstrate that the municipality is prepared to devote adequate technical and financial resources to its regulatory program.

- Include a procedure for the BCWD to be timely provided copies of development applications and access to plans for review and the opportunity to comment.

Because the BCWD considers its regulatory program to be evolving, it intends its Rules as incorporated into this Plan to include any amendments to the Rules while the Plan is in effect. When the BCWD reviews a local water plan for approval, it will compare local ordinances with BCWD Rules in effect at the time. This may include amendments to BCWD rules up until the time a local plan is approved, if the municipality was aware of the BCWD rulemaking process and it otherwise is reasonable to expect municipal conformance to the amended BCWD rule.

Where a municipality chooses to assume the sole regulatory role, this decision will be documented in a memorandum of understanding between the municipality and the BCWD. The memorandum will, among other things:

- Document the specific rules that the BCWD will no longer apply;

- State, consistent with the watershed law, that BCWD approval will be required where a development application requires a variance or amendment of the municipality's water resource ordinance;

- Provide for periodic reporting and/or meetings between the municipality and the BCWD to review permitting activity;

- State the circumstances under which the BCWD will reassume regulatory authority; and

- If the municipal ordinances have not yet been adopted or are not yet in effect, provide that the BCWD's withdrawal of its regulatory role will commence only when the ordinances take effect.

Some municipalities may prefer that the BCWD continue to apply its rules and permitting requirements within the municipality, either because they welcome the additional attention and resources for water resource protection, or because they choose not to amend their own ordinances to meet BCWD criteria. The BCWD finds this choice acceptable as well. In such situations, the BCWD will continue to implement its regulatory program but also will be open to exploring means of coordinating regulatory standards, permit review, surety requirements, inspections, enforcement and other regulatory program activities with the municipality.

V-3. Impacts on Local Units of Government

Minnesota Rules 8410.0110 requires that the Watershed Management Plan assess the financial and administrative impacts of the Plan on local units of government. The assessment is to include an analysis of the financial impact of implementation of the proposed regulatory controls and programs identified under part 8410.0100 of the rules. At a minimum, it is to consist of an estimate of the costs associated with the Plan's implementation and anticipated sources of revenue.

The regulatory controls and programs proposed in this Plan will not have a significant financial or other impact on local governments within the meaning of the indicated rule since they are voluntary. The local planning requirement of Minnesota Statutes §103B.235 will involve each local government in creating and implementing a water resource plan. The cost of this activity is mandated by the statute and is not a consequence of the Watershed Management Plan. Some municipalities may find that additional costs are associated with the implementation of the municipality's local water resource plan if local programs do not currently include stormwater facility maintenance, street sweeping, and other local activities specified in Minnesota Rule 8410.

The Watershed Management Plan includes a number of strategies and programs that the District may pursue in fulfilling its water resource mission. Many of these will involve local government participation. Examples include:

- Inventory of local stormwater control standards
- Review of local land use ordinances for water resource impacts
- Development of a landlocked basin regulation and a flood contingency plan
- Education and outreach programs
- Monitoring and data acquisition programs

The majority of the programs identified in the Plan, however, do not compel local government involvement. In pursuing a specific activity under the Plan, the District will

seek the voluntary cooperation of affected local governments. If an affected local government does not wish to participate, the District either will undertake the activity without the involvement of that body or will forego the activity.

This Plan requires, as a criterion of local plan approval, that the official controls of the local government, as adopted and enforced, be at least as protective of water resources as the District's rules. Local governments will incur costs in implementing official controls for water resource protection. However, the District permits a local government to meet the criterion of sufficiently protective controls simply by authorizing the District's continued application of its rules and permit requirements within the boundaries of the local government unit. While the District will cooperate with local governments that wish to assume sole responsibility for water resource permitting and enforcement, it also will retain and continue to exercise permitting authority where a local government so chooses or where the local government is not meeting the implementation requirements of the District. Accordingly, under this Plan, local governments are not compelled to expand their regulatory programs and therefore will incur no costs related to those programs unless they so choose. The status of local governmental official controls is summarized in Table V-2.

Table V-2. Status of Local Ordinances

Community	Erosion Control Ordinances	Stormwater Management Ordinances	Wetland Ordinances	Shoreland Ordinances
Grant	√ Source: City Ordinances	√ Source: City Ordinances	√ Source: City Ordinances	√ Source: City Ordinances
Hugo	√ Source: Municipal Code	√ Source: Municipal Code	√ Source: Municipal Code	√ Source: Municipal Code
Lake Elmo	√ Source: Municipal Code	√ Source: Municipal Code	√ Source: Municipal Code	√ Source: Municipal Code
May TWP	√ Source: County Ordinance	√ Source: County Ordinance	√ Source: County Ordinance	√ Source: County Ordinance
Oak Park Heights	√ Source: City Ordinances	√ Source: City Ordinances	√ Source: City Ordinances	√ Source: City Ordinances
Stillwater	√Source: City Code	√Source: City Code	√Source: City Code	√Source: City Code
Stillwater TWP	√ Source: County Ordinance	√ Source: County Ordinance	√ Source: County Ordinance	√ Source: County Ordinance

NA = Not Applicable

In developing this Plan, the District is required by Minnesota Rules 8410.0070 to solicit and consider the water management goals and policies of local governments within the District, the Metropolitan Council, Washington County, the Washington Soil and Water Conservation District, the Board of Water and Soil Resources, the Pollution Control Agency and the Departments of Natural Resources, Agriculture and Health, and to explain and justify any inconsistencies between those goals and policies and the goals and policies of the District as stated in the Plan. Under 8410.0110, the District also is to

solicit from Washington County and the local governments any concerns as to their administrative and financial capabilities to adopt and enforce the controls and programs required by the Plan.

Figure II-1 and the text accompanying it describe the process that has been used in developing the Plan. This process has included the substantial involvement of Washington County, the Washington Soil and Water Conservation District, the Metropolitan Council, the Board of Water and Soil Resources and the Department of Natural Resources.

In distributing this draft, the District specifically is asking each indicated governmental unit to respond to the District with respect to any of its water management goals or policies relevant to and not reflected in, or contradicted by, the Plan. Similarly, it is asking the County and the affected cities and towns to submit comments regarding their capabilities to implement the controls and programs required herein. As noted above, it is the District's assessment that the Plan will not impose burdens on the administrative or financial capabilities of local governments. If any affected governmental unit believes otherwise, it is asked to specifically advise the District of its views. Any comments received will be reviewed and considered in finalizing the Plan.

V-4. Implementation Plan Summary Tables

Table V-3 lists the costs and potential partners for high priority projects. The projects identified as high priority are those that the District plans to complete within the 10-year term of the Plan. Table V-4 lists the low priority projects. The low priority projects include all other potential implementation items. These items will be reviewed on an annual basis, reprioritized as appropriate, and completed as time and money allow. Table V-5 identifies all of the proposed Capital Improvement Projects as well as estimated costs, potential partners, and an estimated implementation year. The Board of Managers will review and update the implementation plan annually in July with the Citizen Advisory Committee (CAC) contributing to the review at the August CAC meeting. The Board will finalize the implementation program review in conjunction with budget planning.

V-5. Capital Improvement Projects – 2012 Amendment

Over the past five years the BCWD has implemented the water resources protection and improvement plan described in chapters IV and V of this Plan, completing in collaboration with other local governmental entities and citizen groups lake management plans for Lake McKusick, Woodpile Lake, Benz Lake, Long Lake and Masterman Lake, as well as a Total Maximum Daily Load (TMDL) study and implementation plan for Brown's Creek. (The Brown's Creek TMDL study and implementation plan were finalized and approved in December 2010.) As intended, the lake management plans and

TMDL implementation plan identified specific capital improvements – along with best management practices and other management actions – that could be implemented to achieve BCWD-established water-quality goals. The completion of these plans allowed the BCWD to add specificity to this Plan with regard to the schedule, cost and location of capital projects the BCWD will undertake or consider undertaking. For two lakes – McKusick Lake and Long Lake – BCWD undertook further resource assessment to develop specific projects and approaches beyond those identified in the associated management plans to achieve water quality improvement targets.[1] The specific projects that resulted from these processes are provided in Table V-6 – BCWD 2012 CIP. (Some of the specific projects listed in Table V-5 do not appear in Table V-6. The BCWD has determined not to develop these projects for possible implementation.)

The BCWD does not intend to complete all of the projects in Table V-6 in the next five years. Because the BCWD intends to continue to refine its plans for implementing capital projects to most cost-effectively address water-resource improvement goals in the watershed, the BCWD has identified criteria that will be weighed by the Board of Managers to determine which projects should be undertaken. The analysis of projects by the Board of Managers according to the criteria will allow the BCWD to determine projects for which feasibility studies will be conducted. The Board of Managers then will consider the findings of such studies, along with input from watershed cites, Washington County, state agencies and watershed citizens, when determining which projects will be ordered for construction. This process will allow the BCWD to undertake construction without the need for further amendment of this Plan. In some cases, consideration of a completed feasibility study and input from stakeholders in light of the criteria may lead to approval of a project from Table V-6 in modified, improved form, or may lead to reprioritization or rescheduling of the projects in the CIP. The criteria include:

- Availability of grant funding;

[1] The McKusick Lake Management Plan (Wenck 2007) identified target load reductions in the watersheds draining to McKusick Lake. A required reduction of 148 pounds of phosphorous was identified for the northwest annexed area which includes the McKusick Lake diversion drainage area. Three main tributaries converge at the McKusick Lake diversion structure, in which the highest estimated phosphorous loading is conveyed via the western branch. The Settler's Glen 5th Addition Iron-Enhanced Sand Filter, situated within the western branch catchment area, is projected to remove approximately 118 pounds of total phosphorus, achieving 80 percent of the target required reduction in this area. Monitoring has shown phosphorous loading from the contributing tributaries to the McKusick Lake diversion structure. BCWD is committed to reducing total phosphorous loading to meet the targeted reduction goal of 148 pounds of phosphorus from the entire annexed area watershed. To reduce an additional 30 pounds of phosphorous, reduction projects such as volume control (infiltration), source control or filtration will be implemented within the catchment area of the McKusick Lake Diversion Structure.

The North Marketplace Targeted Subwatershed Implementation Plan was developed as a followup to the Long Lake Management Plan of 2006. The intent of the North Marketplace plan was to build on the implementation portion of the Long Lake Plan by providing greater detail on the types and locations of specific water quality improvement projects. The Long Lake Management Plan had identified a phosphorus reduction goal for this subwatershed and the number and type of various BMP types that could be used to achieve the goal. The North Marketplace plan took that information a step further by finding specific locations where the various BMPs would be best suited. The resulting implementation plan is a detailed map showing potential small, residential boulevard raingarden locations, tree trenches and locations for larger, regional BMPs on City of Stillwater and private properties.

- Availability of funding assistance from regional, state and federal sources;
- Expressed interest in and capacity for partnership among local governmental entities, especially as makes property available for a CIP project;
- Expressed community and private entity support, especially as makes property available for a CIP project; and
- Technological and/or design advancements improving the expected performance and/or cost-effectiveness of a particular CIP project.

Ordering of CIP projects will be conducted in accordance with statutory processes for implementation of actions intended to achieve water resources goals described in this Plan:

- First, all proposed actions constituting capital projects will be ordered following the procedure specified in Minnesota Statutes § 103B.251. This section requires that a public hearing be held to consider the merits of the proposal, with prior published notice as well as written notice, with a copy of or the availability of project plans, to Washington County and cities and townships within the watershed. The Board of Managers will hear and consider all public comments and make funding decisions in open public meeting.
- Second, spending for project implementation is set annually through the BCWD's budgeting process. This is a public process that occurs in July and August each year. It includes a public hearing required by statute at which any interested person may address the Board of Managers on the proposed budget.
- Third, all proposed project activities will be presented to the District's citizens advisory committee. The Board of Managers carefully considers all committee review and input.

Table V-6 – BCWD 2012 CIP

Item Description by Plan:	BCWD and other Government Involvement	BCWD Watershed Management Plan Section - Policy #) Goal Letter - Item #	2012	2013	2014	2015	2016	2017 and beyond
Projects Identified in BCWD Third Generation Watershed Management Plan								
Long Lake Management Plan Implementation Activities	BCWD, City of Stillwater, WCD	4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8						
LL-14 Pond Improvements	BCWD, City of Stillwater, WCD	4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8				$101,250		
OPH-25 Pond Improvements	BCWD, City of Stillwater, WCD	4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8						$67,500
OPH-24 Pond Improvements	BCWD, City of Stillwater, WCD	4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8		$67,500				
Small to Medium Raingardens	BCWD, City of Stillwater, WCD	4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8		$10,000	$10,000	$10,000	$10,000	
Community Scale Raingardens	BCWD, City of Stillwater, WCD	4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8				$25,000	$25,000	$65,000
Community Scale Infiltration Trenches	BCWD, City of Stillwater, WCD	4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8			$10,000	$10,000	$10,000	$60,000
Infiltration Basins/Wet Ponds/Created Wetlands	BCWD, City of Stillwater, WCD	4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8			$10,000	$10,000	$10,000	$60,000
Lakeshore Buffer Creation	BCWD, City of Stillwater, WCD	4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8			$10,000			
Mendel Wetland Restoration	BCWD, WCD	3.3.a-2) A1						$100,000
SUB-TOTAL				**$77,500**	**$40,000**	**$156,250**	**$55,000**	**$352,500**
McKusick Lake Management Plan								
Settler's Glen 5th Addition Iron-Enhanced Sand Filter	BCWD, City of Stillwater, DNR	4.3.a-3) A1, 4.3.a-3) A2	$210,000					
McKusick Diversion Drainage Load Reduction Projects	BCWD, City of Stillwater, DNR	4.3.a-3) A1, 4.3.a-3) A2			$150,000			
SUB-TOTAL			**$210,000**	**$0**	**$150,000**	**$0**	**$0**	**$0**
Woodpile Lake Management Plan								
Vegetative Buffer; 83rd Street	BCWD, City of Grant, WCD	4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8				$25,000		
83rd Street Regrading	BCWD, City of Grant, WCD	4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8	$500					
Sediment Traps; Keats and 83rd Street	BCWD, City of Grant, WCD	4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8					$10,000	
Vegetative Buffer; South Shore	BCWD, City of Grant, WCD	4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8		$5,000				
SUB-TOTAL			**$500**	**$5,000**	**$0**	**$25,000**	**$10,000**	**$0**

* All costs in 2011 dollars

** The BCWD anticipates that the government entities identified in the Brown's Creek TMDL Implementation Plan will take the lead on implementation of these projects.

Table V-6 – BCWD 2012 CIP

Long Lake Management Plan/North Marketplace Subwatershed Assessment								
Raingardens	BCWD, City of Stillwater, WCD	4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8		$30,000	$30,000	$30,000	$30,000	
Community Thread BMPs	BCWD, City of Stillwater, WCD	4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8	$10,000					
Benson Park South Raingarden	BCWD, City of Stillwater, WCD	4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8				$12,500		
Oakridge Community Church Ponding	BCWD, City of Stillwater, WCD	4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8						$40,000
Benson Park North Raingarden	BCWD, City of Stillwater, WCD	4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8					$16,000	
Tree Trench	BCWD, City of Stillwater, WCD	4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8			$21,000			
SUB-TOTAL			$10,000	$30,000	$51,000	$42,500	$46,000	$40,000
Brown's Creek TMDL Implementation Plan								
PUBLIC PROJECTS:								
Stormwater BMPs - 96 and Oakhill Avenue N	Stillwater TWP**, BCWD, MnDOT	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5						$33,340**
Pond Retrofit - P1065	BCWD, City of Stillwater**	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5						$18,725**
Pond Retrofit - P1045	BCWD	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5						$44,650
Pond Retrofit - P1044	BCWD	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5						$38,275
Pond Retrofit - P1043	BCWD	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5						$8,425
Pond Retrofit - P1042	City of Stillwater**	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5						$128,888**
Pond Retrofit - P1184	BCWD	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5						$89,300
Pond Retrofit - P1217	City of Stillwater**	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5						$50,375**
Pond Retrofit - P1048	BCWD	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5						$23,225
Ravine & Bluff Stabilization Project	BCWD, MNDNR, Washington County, City of Stillwater, Stillwater TWP	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5	$34,000					
Catch Basin Retrofits: McKusick Road (4)	BCWD, Washington County, Stillwater TWP**	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5						$30,540**
Catch Basin Retrofits: Stonebridge Trail	BCWD, Washington County, MnDOT, City of Stillwater**	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5						$25,050**
McKusick Wetland Outlet Modification	BCWD, MNDNR, City of Stillwater	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5						$188,500
Neal Avenue Stormwater Area	BCWD, City of Stillwater**	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5						$278,990**
Stone Arch Bridge Streambank Stabilization	BCWD, Stillwater TWP	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5						$13,000
Brown's Creek Rehabilitation Project	BCWD, MNDNR, Washington County	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5	$20,000	$100,000				
McKusick Road Improvements	BCWD, Washington County**, City of Stillwater, Stillwater TWP	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5						$106,400**
Stream Geomorphology + Thermal Buffer Improvements:		5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5						

* All costs in 2011 dollars

** The BCWD anticipates that the government entities identified in the Brown's Creek TMDL Implementation Plan will take the lead on implementation of these projects.

Table V-6 – BCWD 2012 CIP

Reach 1	BCWD, MNDNR, MNDOT, City of Stillwater	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5	$5,833					
Reach 3	BCWD, Washington County, City of Stillwater	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5						$120,000
Reach 4	BCWD, Stillwater TWP	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5						$38,400
Reach 6	BCWD, MNDNR, City of Stillwater	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5	$10,833					
Reach 8	BCWD, City of Stillwater	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5	$8,833					
Reach 9	BCWD, City of Stillwater	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5					$12,200	
Reach 10	BCWD, City of Stillwater	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5						$25,600
Reach 11	BCWD, City of Stillwater	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5					$64,000	
Reach 12	BCWD, Stillwater TWP	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5					$109,000	
Reach 13	BCWD, Stillwater TWP	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5			$186,000			
Reach 14	BCWD, City of Grant	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5						$12,000
PRIVATE PROJECTS:								
Countryside Auto Repair BMP project	BCWD, MNDNR, Washington County, City of Stillwater	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5	$20,000	$80,000				
SUB-TOTAL			$99,499	$180,000	$186,000	$0	$185,200	$601,375
TOTAL			$319,999	$292,500	$427,000	$223,750	$296,200	$993,875

* All costs in 2011 dollars

** The BCWD anticipates that the government entities identified in the Brown's Creek TMDL Implementation Plan will take the lead on implementation of these projects.

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Black Dog WMO Watershed Management Plan Revision**

Meeting Date: September 26, 2012

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 the Black Dog WMO Watershed Management Plan

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Black Dog Watershed Management Organization (WMO) was established in 1985 through a joint powers agreement. The WMO encompasses approximately 26 square miles in northwestern Dakota County, covering parts of the cities of Apple Valley, Burnsville, Eagan, and Lakeville. The WMO is bound by Scott County to the west, the Lower Minnesota River Watershed District to the north, Gun Club WMO to the northeast, and the Vermillion River Joint Powers Organization to the southeast. The majority of the watershed is fully developed and outlets through the Lower Minnesota Watershed District to the Minnesota River, with a small portion of the watershed that outlets towards the Credit River.

The Plan sets the vision and guidelines for managing surface waters within the boundaries, provides data and other background information, outlines the applicable regulations, assesses watershed-wide and resource-specific issues, sets goals and policies for the Organization and its members, and lists implementation tasks to achieve the goals. The vision of the Organization is that water resources and related ecosystems are managed to sustain their long-term health and aesthetic beauty in order to contribute to the well-being of the citizens within the watershed.

The draft revised Plan was submitted to the Board, other state agencies, and local governments for the 60-day review on November 11, 2011. A public hearing was held on May 16, 2012 and there were no comments received. The final draft of the revised Plan was received by the Board on July 20, 2012.

The Metro Water Planning Committee met on Sept. 5, 2012. After review of the information, the Committee unanimously voted to recommend approval of the revised Plan per the attached draft Order.

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 **Black Dog Watershed Management Organization**, pursuant to Minnesota Statutes Section 103B.231, Subdivision 9.

ORDER APPROVING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Black Dog Watershed Management Organization (Organization) submitted a Watershed Management Plan (Plan) dated July 20, 2012, 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 Organization Establishment.** The Black Dog Watershed Management Organization (Organization) was established in 1985 through a joint powers agreement. The vision of the Organization is that water resources and related ecosystems are managed to sustain their long-term health and aesthetic beauty in order to contribute to the well-being of the citizens within the watershed.

2. **Authority to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The current Organization watershed management plan was approved by Board Order on January 23, 2002. The watershed management plan may be revised according to Minnesota Statutes Section 103B.231, Subd. 9.

3. **Nature of the Watershed.** The Organization encompasses approximately 26 square miles in northwestern Dakota County, covering parts of the cities of Apple Valley, Burnsville, Eagan, and Lakeville. The Organization is bound by Scott County to the west, the Lower Minnesota River Watershed District to the north, Gun Club Watershed Management Organization to the northeast, and the Vermillion River Joint Powers Organization to the southeast. The majority of the watershed is fully developed and outlets through the Lower Minnesota Watershed District to the Minnesota River, with a small portion of the watershed that outlets towards the Credit River.

4. **Plan Development and Review.** The Plan sets the vision and guidelines for managing surface waters within the boundaries, provides data and other background information, outlines the applicable regulations, assesses watershed-wide and resource-specific issues, sets goals and policies for the Organization and its members, and lists implementation tasks to achieve the goals.

   The draft revised Plan was submitted to the Board, other state agencies, and local governments for the 60-day review on November 11, 2011. A public hearing was held on May 16, 2012 and there were no comments received. The final draft of the revised Plan was received by the Board on July 20, 2012.

5. **Local Review.** The Organization 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 Burnsville. The city requested clarification of a number of terms and statements within the Plan and of the intent of the Organization in regards to the Ferric Chloride system. The city also noted concern with the variability in the stormwater standards and the long term impact of this variability in meeting water quality goals. The Organization addressed all comments.

   City of Lakeville. The city provided corrections to some tables and content, and indicated the goal of no net wetland loss may be difficult to obtain. The Organization addressed all comments.

   Dakota Soil and Water Conservation District (SWCD). The SWCD noted the passive language in the Plan, requested performance standards be strengthened with clear guidelines and detail, identified the conflict in the plan between the need for proactively retrofitting water quality practices in the fully developed watershed and the lack of a redevelopment performance standard, and noted the vagueness of the implementation plan. The Organization addressed all comments.

   Dakota County and Vermillion River Joint Powers Organization. The county requested acknowledgement that infiltration can sometimes have an adverse effect on groundwater and requested inclusion of a policy to assess the potential for groundwater impacts of stormwater infiltration. The Organization addressed all comments.

6. **Metropolitan Council Review.** The Council recognized the responsibilities of the member communities in implementation of the Plan, requested strengthening the goals and policies of the plan, clarified requirements for sewer service hook ups, requested the WMO set more proactive standards, and identified that the lack of specificity in implementation projects may result in multiple future plan amendments. 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 concurred with the comments provided by the Board and indicated additional land use and natural communities and rare species data that could be incorporated into the plan. The DNR suggested strengthening policies, supported

conducting in-lake treatments only after all external sources of nutrients are addressed, and provided techniques and guidelines for in-lake nutrient management. The DNR also suggested stream bank project prioritization criteria and indicated concern with highly engineered solutions for stream bank stabilization. The Organization addressed all comments.

10. **Pollution Control Agency Review.** The PCA provided updates to impairment references, the MS4 permit, and Total Maximum Daily Load Studies (TMDLs); and requested clarification of wetland categories, the organization's criteria for choosing strategic waterbodies, impairment status related to swimming support, and how the organization intends to work with the PCA on future TMDL projects. The PCA also noted the lack of consistent stormwater performance standards and the lack of funding detail for projects and recommended water monitoring data be submitted to the PCA water quality database. The Organization addressed all comments.

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

12. **Board Review.** Board staff recognized and supported the Organization's intent to minimize duplication of efforts and maximize the member city involvement in water resource management. Board staff identified lack of clarity on the goals and policies and a lack of information in the implementation program. Board staff requested clarifications and revisions to these goals, policies, and additional information in the implementation program; recommended incorporating monitoring of watershed outlets to the Minnesota River and Black Dog Fen; requested inclusion of a table identifying expected community costs, and requested revisions to a few procedures. The Organization addressed all comments.

13. **Plan Summary and Highlights.** The Plan recognizes the importance of a coordinated approach to identifying and resolving water resource management problems through the following guiding principles:
    - Keep regulation at the local level—the Organization will not administer a permit program.
    - Assist member communities with intercommunity floodplain and runoff planning and with mediation of water management disputes between communities.
    - Monitor, classify and manage strategic water resources to meet their intended use. Strategic resources are waterbodies that have broad watershed significance.
    - Monitor, evaluate and/or model stormwater runoff quality.
    - Improve the quality of the stormwater runoff reaching the Minnesota River.
    - Manage intercommunity stormwater runoff, flooding and other water quantity issues.
    - Develop policies to be implemented by the cities to protect the Organization's water resources.
    - Assess performance of the Organization and the member cities toward achieving the goals stated in this plan.
    - Provide member cities with useful information about the Organization, its activities, and water resource management.
    - Educate all watershed citizens and member cities in water resource issues and Organization activities.

- Assist member cities with funding water quality projects through grants and other funding available directly to watershed organizations.

The Plan identifies and discusses the status of problems and major issues within the watershed in the following topic areas: water quality; water quantity and flooding; erosion and sedimentation; wetlands and habitat; shoreland, habitat, and open space; groundwater protection; and implementation responsibility. Next, the Plan presents goals and the policies or strategies for achieving the stated goals and addressing the issues, including stormwater performance standards for member cities. Finally, the plan describes the implementation program, including projects, studies, programs, and official controls.

14. **Metro Water Planning Committee Meeting.** On September 5, 2012, the Board's Metro Water Planning Committee and staff met with representatives from the Organization in St. Paul to review and discuss the Plan. Those in attendance from the Board's Committee were Joe Collins, Jack Ditmore, Rebecca Flood, Faye Sleeper, and Robert Burandt as chair. Board staff in attendance was Metro Region Supervisor Jim Haertel. The representatives from the Organization were Organization Board Chair Roger Baldwin and Organization consultants Karen Chandler and Greg Williams. 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 Black Dog Watershed Management Organization pursuant to Minnesota Statutes Section 103B.231, Subd. 9.
3. The Black Dog Watershed Management Organization Watershed Management Plan attached to this Order defines water and water-related problems within the Organization's boundaries, possible solutions thereto, and an implementation program.
4. The attached Watershed Management Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Plan, dated July 20, 2012, as the Black Dog Watershed Management Organization Watershed Management Plan.

Dated at St. Paul, Minnesota this 26th day of September, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Executive Summary

The Black Dog Watershed Management Organization (BDWMO) *Watershed Management Plan* (WMP) sets the vision and guidelines for managing surface waters within the boundaries of the BDWMO. The WMP provides data and other background information, outlines the applicable regulations, assesses watershed-wide and resource-specific issues, sets goals and policies for the BDWMO and its members, and lists implementation tasks to achieve the goals. The WMP is organized into five major sections. The general content and highlights of each section follows:

Section 1 - Introduction

Section 1 provides background information on the BDWMO as well as the regulatory environment in which the BDWMO operates. Background content includes information on the location and history of the BDWMO as well as the vision, mission, and management structure of the organization. Regulatory information includes the regulatory authority of the BDWMO, and an overview of the major federal, state, and regional regulatory agencies with authority over water resources.

Section 2 - Physical Environment Inventory

This section provides technical information describing the surface and subsurface conditions of the Black Dog watershed. This data provides the context for understanding the issues and management challenges the BDWMO faces. Section 2 presents a watershed-wide inventory of land use, climate and precipitation, topography, soils, geology, groundwater, MDNR public waters, wetlands, natural communities and rare species, and a description of the major surface water bodies and drainage systems. Section 2 also includes information on water quality monitoring programs and studies within the BDWMO, local flooding issues and the water body classification system used for managing water bodies. This section also provides specific information on many of the BDWMO's water bodies including:

- Water body classification
- Amenities
- Impairment status
- Outlet information
- Land uses within the water body watershed
- Fisheries survey results

Section 3 - Assessment of Issues and Opportunities

This section identifies and discusses the status of problems and major issues within the watershed, in the following topic areas:

- Water quality
- Water quantity and flooding
- Erosion and sedimentation
- Wetlands and habitat
- Shoreland, habitat, and open space management
- Groundwater protection
- Implementation responsibility

Within each topic area, general issues are discussed first, followed by more specific issues. Issues are addressed through relevant policies (Section 4) and the implementation program (Section 5). The major unresolved or ongoing management issues discussed in Section 3 include:

Water Quality

Under this topic, the WMP discusses general stormwater runoff quality issues (e.g., nonpoint source runoff and phosphorus loadings), impaired waters, and TMDL issues. Information on the water quality and impairment status of significant BDWMO water bodies is also included in this section.

Water Quantity and Flooding

Under this subtopic, the plan discusses general issues (e.g. impacts of land development on stormwater rates and volumes, landlocked basin issues, flooding damages, and level of service/level of protection) and flooding concerns with respect to specific water bodies.

Section 4 - Goals and Policies

Section 4 presents the WMP's goals and the policies or strategies for achieving the stated goals. This section also includes stormwater performance standards for member cities. The policies and performance standards in this section are intended to address the problems and issues identified in Section 3. The plan's goals by each topic are:

Water Quality

- Maintain or restore the water quality of the BDWMO water resources to meet state water quality standards and allow for the continuation or enhancement of existing intended uses.

- Improve the quality of stormwater runoff reaching the Minnesota River by reducing nonpoint source pollution (including sediment) carried with stormwater runoff.

- Maintain or improve the quality of stormwater runoff reaching the calcareous fen (Black Dog fen) and the nearby trout streams.

Water Quantity and Flooding

- Manage intercommunity stormwater flows.
- Minimize flood damage to private and public property, and protect against increased flooding caused by development and redevelopment activities.

Erosion/Sedimentation

- Limit and/or decrease erosion and sedimentation through controls to protect water quality, habitat, and infrastructure.

Wetland and Habitat Management

- Preserve the ecological quality of wetlands for water retention, recharge, soil conservation, habitat, aesthetics, and natural enhancement of water quality.
- Achieve no net loss of wetlands in the BDWMO, while conforming to the Minnesota Wetland Conservation Act (WCA) and associated rules (Minnesota Rules 8420).

Shoreland, Habitat and Open Space Management

- Protect and enhance fish and wildlife habitat within the BDWMO.
- Maintain or improve shoreland integrity, preserving and enhancing the ecological quality of shoreland areas as it relates to wildlife habitat, aesthetics, soil conservation, and natural improvement of water quality.
- Preserve and enhance the quality of open spaces.
- Protect and increase recreation opportunities within the BDWMO.

Groundwater

- Protect the quality and quantity of groundwater resources.

Administration

- Promote local regulation of water resources by delegating day-to-day management of the BDWMO's water resources to the member cities.
- Provide administrative guidance to member cities through this plan and the review and approval of local water management plans.
- Provide periodic review of projects proposed to meet policies/goals for strategic waterbodies established in this plan.

- Minimize duplication of federal and state rules and standards.
- Supplement existing federal and state regulations with specific design standards and criteria that address unique needs of BDWMO resources described in this plan.

Education and Public Involvement

- Increase awareness and education level of residents, local officials, and city staff regarding water resources and stormwater management.
- Provide the public with data they need to protect water resources and to understand the impact of land use decisions on water resources.

Section 5 - Implementation Program

This section describes the significant components of the BDWMO's WMP implementation program. The program is shaped by the BDWMO's current authority and goals. The BDWMO is not a permitting authority and thus uses the following methods for implementing its program:

1. Ensuring that the member cities adopt and implement the policies and standards in the BDWMO Plan
2. Managing, and assisting member communities with, intercommunity runoff and water management issues
3. Assessing the performance of the BDWMO and the member cities and their progress toward achieving the goals stated in the BDWMO Plan

The implementation program is presented at the end of Section 5 in a table (Table 5-1) that lists the projects, studies, and the programs and official controls implemented by the BDWMO. The table shows the cost estimate, proposed year of implementation, and proposed financing method for each element of the implementation program. Table 5-2 summarizes the costs of Table 5-1 by member city. Potential future projects are described in Table 5-3, including projects described in the TMDL implementation plan for Crystal, Keller, and Lee Lakes (Barr, 2011). Minor plan amendments will be performed as necessary to move potential projects from Table 5-3 to Table 5-1. Another table (Table 5-5) lists the various implementation activities that have been completed since the development of the 2002 BDWMO Plan. This section also discusses the various funding approaches available to WMOs and the approaches used by the BDWMO.

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

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

2. Mille Lacs County Five Year Plan Amendment – Quentin Fairbanks – ***DECISION ITEM***

3. Sherburne County Five Year Plan Amendment – Quentin Fairbanks - ***DECISION ITEM***

4. Red River Basin Watershed District Plan Expiration Date Extension – Gene Tiedemann – ***DECISION ITEM***

5. Wilkin County CLWM Five-Year Update Extension – Rob Sip – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Cook County PCSD

Meeting Date: September 26, 2012

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: North

Contact: Ryan Hughes

Prepared by: Ryan Hughes

Reviewed by: North Region Water Plan Committee(s)

Presented by: TBD

☐ **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: _____

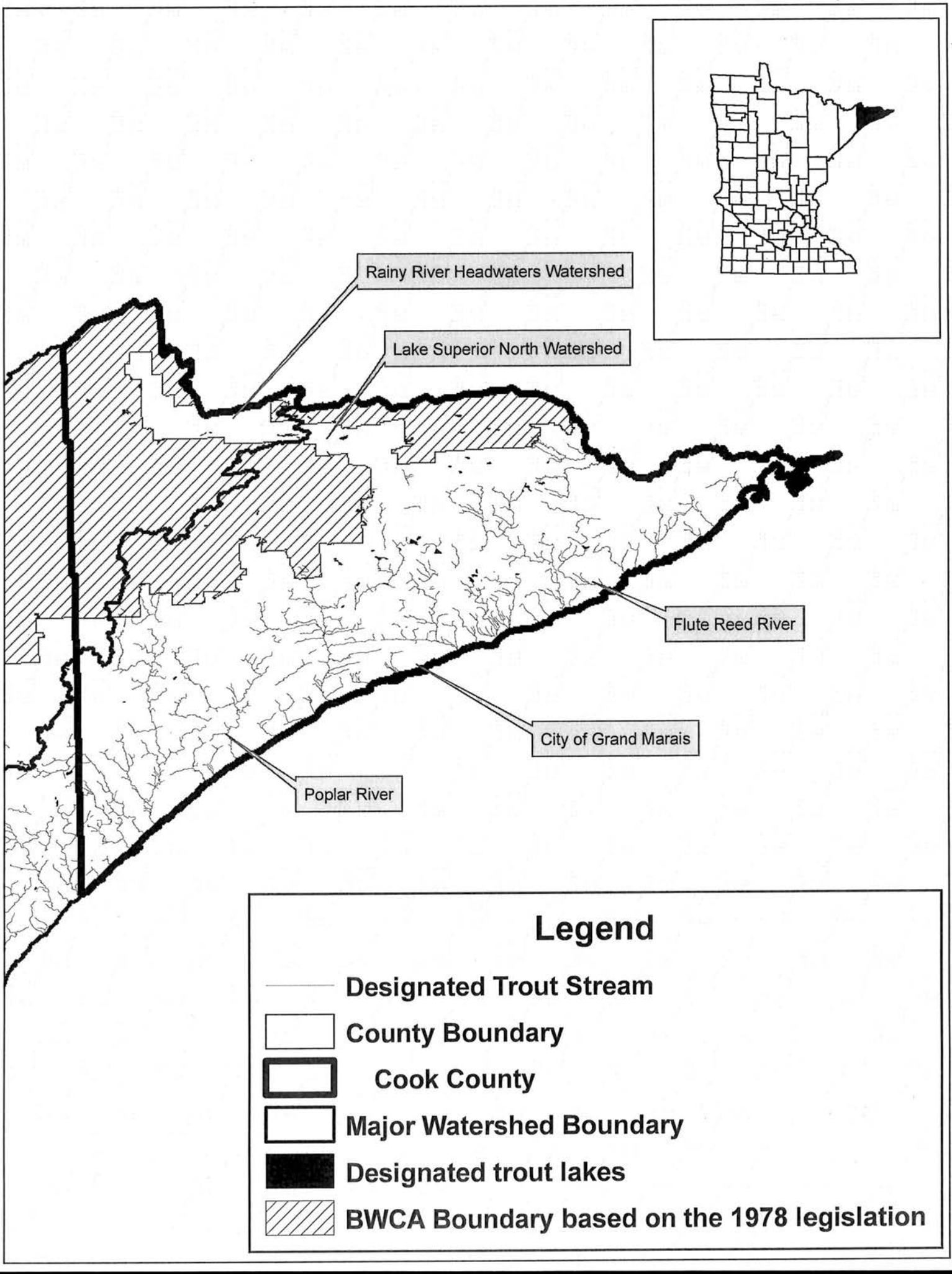
ACTION REQUESTED

Approve the Cook County Priority Concerns Scoping Document (PCSD) and the letter to the County regarding the Official Comments pertaining to the State Review of the Cook County PCSD.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
Cook County received approval for a two year extension of their current plan on June 22, 2011. The extended expiration date of the current plan is October 26, 2014. The extension was requested to allow new staff at the County and SWCD responsible for development of the update administration of the water plan time to become familiar with the local issues and processes to create a more effective, updated plan.

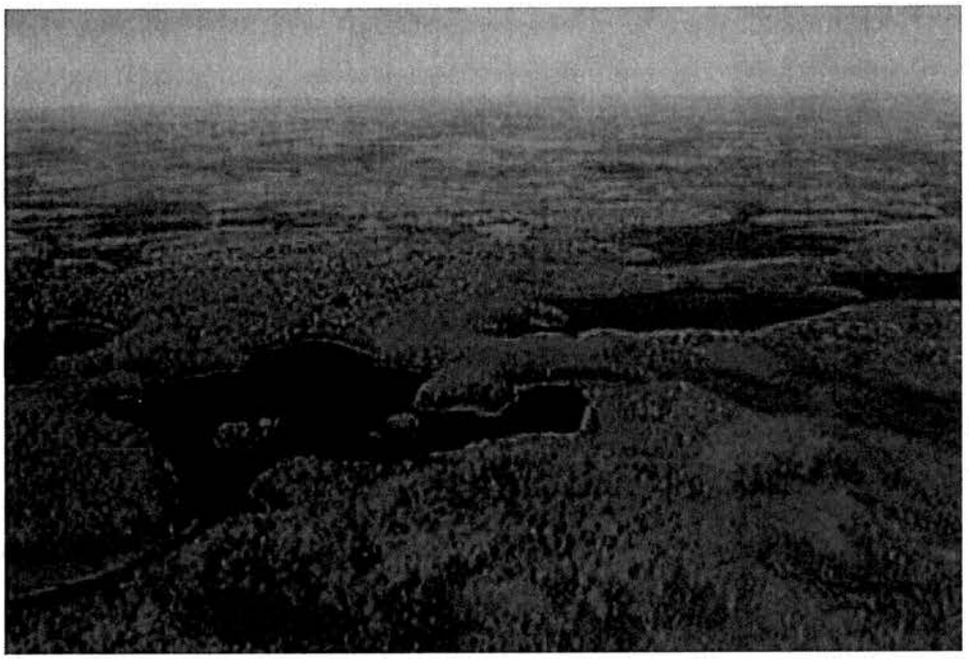
As required, the Cook County PCSD was distributed to State agencies for review. Comments were received from the Environmental Qaulity Board, Department of Health, Department of Agriculture, Department of Natural Resources and Pollution Control Agency. Agencies commended the process to identify the priority concerns and concurred with the selected priority concerns. As recommended by the Board Conservationist at the BWSR North Region Water Plan Committee, all agency comments will be incorporated into the final plan.

The BWSR North Region Water Plan Committee determined the Cook County PCSD satisfies the requirements of M.S. 103B.312 at their September 12, 2012 regular meeting and unanimously recommended full BWSR approval.


Rainy River Headwaters Watershed
Lake Superior North Watershed
Flute Reed River
City of Grand Marais
Poplar River
Legend
Designated Trout Stream
County Boundary
Cook County
Major Watershed Boundary
Designated trout lakes
BWCA Boundary based on the 1978 legislation

Cook County Local Water Management Plan 2013-2023Update

Priority Concerns Scoping Document



The mission of Cook County Soil & Water (SWCD) is to improve water quality in Cook County by fostering responsible land use and by controlling soil erosion and non-point source pollution. The Board will encourage local conservation efforts by providing educational, technical, and financial assistance for local land users.(adopted June 2000)

Prepared by:
Cook County SWCD
Cook County Court House
411 West 2nd Street
Grand Marais, MN 55604

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Cook County Priority Concerns Scoping Document

A. Introduction

The following Priority Concerns Scoping Document was developed in accordance with the changes to the Comprehensive Local Water Management Act; Statues 103B.304-103B.355. This scoping document lists the priority concerns that the Cook County Water Plan Advisory Committee has chosen along with a detailed account of how these concerns were identified and chosen.

County Primer

Population and Projected Trends

Cook County is located in northeastern Minnesota, sharing one boundary with Lake Superior, another with Canada and the other with Lake County. The county seat is located in the City of Grand Marais. Cook County is comprised of three townships (Schroeder, Tofte, Lutsen) and two cities (Grand Marais, Grand Portage). Grand Portage is located within tribal land on the Grand Portage Reservation.

The 2000 United States Census reported a county population of 5,168 people. The 2010 United States Census reported a county population of 5,176 people, a 0.2% increase in population over 10 years.

According to the United States Census Bureau the population trend for Cook County is as follows:

Area	*2000*	*2010*	*Change Actual*
East Cook UT	814	775	-39
West Cook UT	1671	1616	-55
Grand Portage	557	565	8
Grand Marais	1353	1351	- 2
Lutsen Twsp	360	415	55
Schroeder Twsp	187	205	18
Tofte Twsp	226	249	23
Total	*5168*	*5176*	*8*

Source: US Census –factfinder2.census.gov

The population of Cook County is not predicted to change much in the future. The long-term population projections for Cook County suggest stable to possibly slightly declining for year round residents and increases are predicted for seasonal or part-time residents.

Dominant Land Use/ Projected Trends

Cook County covers a total area of 3,339.72square miles; 1,450.60 square miles of the area is land and 1,889.12 square miles of the area is water. Cook County is part of the Lake Superior North basin and the Rainy River basin. The dominant land use is public forest management by federal, tribal or state management. Approximately 9% of land base is in private ownership.

Land use in Cook County:

Description	**Acres**	**Percent of Total**
Urban/Industrial	832.4	<0.1
Farmsteads and Rural Residences	338.0	<0.1
Other Rural Developments	2309.2	0.2
Cultivated Land	0.0	0.0
Grassland	2745.1	0.3

Shrubby Grassland	13871.7	1.3
Regeneration/Young Forest	86219.2	8.4
Mixed Forest	520700.8	50.7
Deciduous Forest	114543.3	11.1
Coniferous Forest	117114.5	11.4
Wetlands: Bogs	33582.2	3.3
Wetlands: Marsh and Ferns	24043.0	2.3
Water	110424.4	10.7
Gravel Pits and Open Mines	664.5	0.1
Bare Rock	190.5	0.0
Total	**1027578.8**	**100%**

Source: The Land Management Information Center (LMIC)1999

Plan Information

Cook County Soil and Water Conservation District is the local government unit responsible for the local water management plan in Cook County.

Cook County adopted a water management program on January 1, 1994, revised the plan in 1998 and adopted the revision on July 13, 1999. During 2004, the Local Water Plan Committee met to begin revision of the water plan. The plan expired on December 31, 2005. It was completed and the water plan was revised for 2006-2011. Due to staff turnover, an extension was granted to Cook SCWD on June 22, 2011 for a two year extension for the Water Plan update. The extension is granted until October 26, 2014.

B. List of the Priority Concerns

- Land use and Development Impact on Watersheds
- Sub-surface Sewer Treatment Systems
- Education and Engagement
- Groundwater
- Stormwater
- Wetlands
- Surface Water Quality Monitoring
- Impaired Waters Restoration

C. Priority Concerns Identification

Public and Internal Forums to gather information

- *Public comment -Citizen Surveys* – August 15, 2011 – December 22, 2011

Surveys were distributed in the summer in an attempt to reach seasonal residents while they are in the area. They were available to the public for an extended amount of time in an attempt to gather as many surveys as possible. Announcements of the update and calls for citizen concerns were in the form of a news article in the local paper and on the community website: boreal.org along with surveys readily available at different locations. Surveys were located at:

Grand Marais Public Library, Cook County Court House – SWCD office, Cook County Fair, Hovland Post Office, Clearview General Store (Lutsen), North Shore Market (Tofte), summer best management practices workshops and the Cook County SWCD website. Input is provided as Appendix I – Citizen Survey Summary.

- *Notification of Plan Update* – October 13, 2011 – November 30, 2011

Notice of intent to update the plan and a request to submit comments on priority concerns were sent out. Requests were sent to the Biology and Environment Department of the Grand Portage Band of Chippewa, Board of Adjustments, BWSR, Cook County CoLA, City of Grand Marais, Grand Portage Tribal Council, Township of Hovland, Township of Lutsen, Township of Schroeder, Township of Tofte, Cook County Visitors Bureau, Department of Natural Resources (fisheries), Environmental Quality Board, Cook County Extension Office, U.S.Forest Service (Grand Marais office), Gunflint Trail Association, Cook County Highway Department, Lake County SWCD, MN Department of Ag, MN Department of Health, MPCA, NRCS, Grand Marais Park and Recreation Board, Cook County Planning and Zoning, Cook County Planning Commission, Poplar River Management Board, Cook County SWCD board, Tofte-Schroeder Sewer and Sanitary District, and TSA 3.

Comments were returned from the Biology and Environment Department of the Grand Portage Band of Chippewa, BWSR, City of Grand Marais, Flute Reed Partnership, Cook County Highway Department, Minnesota Department of Health, Minnesota Pollution Control Agency, NRCS, Grand Marais Park and Recreation Board, Cook County Planning and Zoning, Poplar River Management Board, Cook County SWCD Advisory Board, Tofte-Schroeder Sewer and Sanitary District, and TSA 3.

- *Water Advisory Committee Meetings* – August 15,2011, September 21,2011, October 10, 2011, November 21,2011, January 17,2012, February 23,2012, March 28, 2012, April 25,2012, May 21, 2012, June 18, 2012, July 16, 2012.

The task force consisted of the seven members of the Water Plan Advisory Committee, the Cook County SWCD Water Planner, Cook County SWCD District Manager, one personnel from Cook County Planning and Zoning, one member from the MPCA and one local contractor.

The committee met throughout the process to decide on the citizen survey, organizations to include for input, review citizen surveys and agency input and then select priority concerns. A summary of all input is provided as Appendix II –Summary of Local Government Input.

D. Priority Concerns Selection

How priority concerns were chosen

The following priority concerns were selected upon evaluation of public input and discussion of the priority concerns by the Water Plan Advisory Committee task force at the following meetings: February 23, March 28, April 25, and May 21, 2012.

Land Use and Development Impact on Watersheds

Land use and development appears in a variety of forms in the County. Due to the limited amount of private land in the county, the task force felt that development is a continuing, if not an increasing concern in the area. It was also selected as a second priority concern by citizens in the County. Development occurring in the area is increasing around lakes and within the immediate sub-watersheds of inland lakes and Lake Superior. If it is not done properly, development could impact both surface and groundwater water quality. It can also impact natural habitat destruction, the third ranked concern of the citizens. The group shares the common understanding that what happens on the land will impact the water.

Increased development leads to additional clearing, and an increase in numbers of driveways and roads, eventually altering the natural flow of water through a watershed. Flow path changes can lead to increased water velocity, sediment load, and flooding. There will also be additional demand for drinking water.

Forestry is a common land use in the County. Forestry on public land follows specific regulations and does not need support provided in the water plan. Disturbance on land greater than 20 acres has support through various programs. Development and logging on private property, often less than 20 acres, has very little support for reforestation and re-vegetation. Assisting private landowners with acreage under 20 acres, forestry in riparian and shore land zones, and education are topics the task force would like to address in the water plan.

Sub-surface Sewer Treatment Systems

Citizen surveys ranked sub-surface sewer treatment systems (SSTS) as their number one concern for resources in the county. The Committee also feels this is a top priority as it is a situation that needs continued attention and support. Cook County has a shallow soil profile, high development around lakes, and a rolling landscape. Lakes with failing systems in their sub watersheds have shown an increase in nutrient levels.

Improvement of wastewater management is a priority in the county. The county accomplished improvements through an SSTS inventory and inspection program around prioritized lakes. The county has witnessed the benefits of this project. The inventory and inspection program has proven effective and the task force feels it would be beneficial to incorporate the program into the water plan. Incorporating the program will ensure more inspections are done systematically on prioritized lakes.

Education and Engagement

The Cook County task force and citizens feel education is a very necessary aspect of the Water Plan and could be improved. Thus Cook County decided to make education and engagement its

own priority concern. Education and engagement will be beneficial to the residents of the community if it has a more local and regional focus.

The task force will be incorporating education and engagement activities into the water plan which may include such topics as, impaired waters, TMDLs and best management practices, and lake water use by households. Other priority concerns within the water plan will be focused under this priority. The education and engagement priority is a valuable tool to successfully implement and maintain healthy watersheds.

Groundwater

Groundwater was not a top priority concern of the citizens or of other groups and agencies contacted. Upon discussion, the task force concluded that, in planning for the future of Cook County, this is a topic that needs more support in the water plan. Various issues have been brought into the forefront lately regarding the County's groundwater.

The Minnesota Department of Health has seen problems with contaminated ground water for drinking as a result of septic systems and the soil cover. The East end of the County, in particular, has problems with excessive groundwater mineralization due to local geology. The task force discussed procedures to incorporate into the water plan that might help address the problem: creating a geological atlas, well testing to determine yield and water quality and quantity, sealing unused wells and unsealed wells, and general education about groundwater.

Stormwater

The combination of steep slopes and thin soil cover makes stormwater a continual concern. Over the past few years, the area has received large rainfalls causing erosion, flooding, and increased sediment load entering rivers, inland lakes and Lake Superior. Some areas in the county are more prone to stormwater problems than others.

The task force feels that a few ways to address the stormwater concerns of the areas more prone to stormwater problems are through collaboration, hydrological modeling and assessment, and administration of subdivision ordinances. The development of a strategy/plan for a county -wide plan (county, townships, and city) is also a beneficial tool mitigating stormwater. Timely maintenance of culverts and retention ponds are also part of stormwater mitigation. Located in the county is a stormwater retention area, known as the village ditch; the committee would like to work towards having the county and the city of Grand Marais manage this area more efficiently and effectively.

Wetlands

The majority of the wetlands in the county are pristine and intact. Wetlands are a valuable part of clean water quality. Public lands in the county fall under the Wetland Conservation Act and have

their own wetland management plan. Items to be included in the revision are continuing the work of maintaining healthy wetlands, addressing education and collaboration, wetland banks, enforcement of maintaining wetland regulations and a wetland management plan.

Surface Water Quality Monitoring

The county has been monitoring the health of lake water through grants since 2008. This has been valuable in identifying issues, working with landowners to promote healthy waters, and creating a water quality baseline of lakes in the area for future reference. Monitoring both ground water and surface water are valuable for maintaining the viability of our lakes and for mitigating potential problems in our region. Also included in the monitoring is beach monitoring of e-coli levels. Additional monitoring could be done with non-point source pollution. Monitoring streams within watersheds will help locate areas of stream instability and sources of increased sedimentation.

Impaired Waters Restoration

Cook County has two impaired streams for sediment and several lakes impaired for mercury. As a more intensive study of the area takes place over the next several years with the MPCA more impaired waters may be discovered. The committee would like to focus this priority on restoring habitats and water quality of impaired waters. It will also be important to minimize stressors creating non-point source pollutants.

E. Priority Concerns not addressed by the Plan

The following priority concerns were not selected upon evaluation of public input and discussion of the priority concerns by the Water Plan Advisory Committee task force at the following meetings: February 23, March 28, April 25, and May 21, 2012.

Roads were not selected as a priority concern and instead will be addressed as action items within the plan. The task force felt this was a concern but many aspects are already working well such as permitting and collaboration between Planning and Zoning and the contractors. Areas that will be further explored into include private road design and construction, maintenance of roads and culverts, fish passage culverts, and education for county employees.

Environmental Impacts will not be addressed as they are already covered by the Cook County Planning and Zoning office in their ordinances.

Aquatic Invasive Species are adequately addressed by the Minnesota Department of Natural Resources and therefore will not be included on the revision.

Lake Classification is currently done by the Department of Natural Resources. Additional research and information about different classifications needs to be done but will not be included at this time in the plan.

Taconite Harbor is an area of concern regarding point source pollution. The MPCA is the governing body working with the Harbor and any pollution issues. Cook County has no responsibility here.

Appendix I – **Summary of citizen Concerns from the Citizen Survey**

Citizen Concerns:

Watersheds:

Lake Superior: 63 surveys

Rainy Lake: 2 surveys

Total: 67 surveys returned (not all surveys indicated the watershed)

Top Problems in Cook County:

Failing Septic Systems: 43
Development pressure/impacts: 31
Natural Habitat Destruction:25
Stormwater/ Drainage management: 22
Lack of Environmental Education: 17
Erosion: 17
Over-application of fertilizers: 17
Declining Water Clarity: 17
Other: 17 *(See Other Comments)*
Lack of Regulations: 15
(See Lack of Regulations)
Contaminated Runoff: 14
Groundwater Contamination: 11

Other Comments:

Impact of rental vacation home
No wake zones needed
Motorized Recreation Erosion Impacts
(5) Lack of Enforcement of Current Regulations
Inconsistent Enforcement
Inconsistent Interpretation
Lack of BMP's on Shoreland
(2) Impervious Surface and Prescribed Burning
(3)Prescribed Burns
Long Term Effects of Mining
Fluoride in city water
Why is this survey geared to making us choose the worst things? Surely you should be able to find some good examples in our area, such as, our Lake Superior has the cleanest, clearest water in the world!

Lack of Regulations Comments:

Enforcement of Clearing Buildings
Conformance to regs that are constantly changing

Most Threatened Resources:

1 -Lakes
2 -Streams/rivers
3- Wetlands
4 - Groundwater

Actual numbers:

Rating	*Groundwater*	*Wetlands*	*Lakes*	*Streams/Rivers*	*Other*
1	6	11	33	9	1
2	6	16	6	24	1
3	13	13	15	10	
4	26	14	1	9	
5	2				2

Other Concerns:
Native Plant Community
Watersheds Around Lakes
Undeveloped land Management
Forests

Additional Comments:
Septic Systems:

- When property is sold, septic should be inspected.
- Concerned that failed septic systems are not being replaced. No carrot? No stick? Unfortunate owners were not given deadline to replace. Were options explained to them, told 3% low interest loans available through Soil and Conservation? Ideal situation would be for State of MN to require all systems upgraded at time of sale (surely not everyone would go across the border to purchase a cabin).
- Get serious about point-of-sale septic inspections. Require realtors to include this requirement in closing statements.
- Hire contractors to do follow-up inspections of septic systems that have failed.
- Abuse of holding tanks. Some using them use gray water systems or dump waste water directly on the ground to avoid the high cost of pumping the tanks.
- There needs to be a mandated pumping schedule especially for those living here full time.
- Strong septic ordinances imperative with proper enforcement if systems fail.
- The county needs to pass and implement a strong septic system ordinance in order to protect the pristine lakes in Cook County and also protect our wetlands and groundwater.
- I checked failing septic systems because that is the ONLY area of concern that I have about the watershed. I am hesitant to even state that as I have concerns about government over-regulation regarding septics. The most helpful thing that the county can do in this is to continue to offer financial assistance. No one wants a failing septic, but the cost to repair is so high, people can't afford to do the right thing. Also, the county should offer assistance to people who want to get rid of outhouses & install septics - not just the repair of failing systems.

Invasive Species:

- Invasive Exotic Species: 1. Aquatic prevention 2. Terrestrial prevention and control

- Aquatic Invasive Species

Boating:

- We need to keep after speed boats-hard on water quality!
- No Wake zones are needed on lakes

Enforcement:

- More enforcement of existing regulations.
- Educate county commissioners regarding importance of existing regulations which require oversight.
- Actually all of the above need to be addressed. Regulations enforced regardless of wealth and/or business.

Ground Water

- I am extremely concerned about possible groundwater contamination in cook County due to present mining exploration.

Other:

- The poplar river system is getting too much emphasis and tax dollars-natural erosion has always existed!
- Poplar River over developed with condos, golf course, ski hill, selling off of upper river properties, removal of too much vegetation.
- West End- more resort owners.
- Fragmentation of sections of Cascade River
- Department of Transportation needs to be accountable for soils disturbance, land clearing and alteration, and seed (species) used for stabilization/re-vegetation.
- Would appreciate assistance and efforts on native landscaping especially at wetland areas.
- Thank you for taking the time to do this survey and work on public awareness.
- I am extremely concerned about connection between the economic meltdown occurring nationwide/globally and the ideas promoted by conservation politicians to do away with environmental regulations. That is absolutely the wrong path to take and we must be diligent in this county to preserve our natural resource treasures.
- Stopped prescribed burning
- Stop prescribed burning
- This survey is a bit skewed, as there is no option to enter "no problem."
- With only 9% of the land in our county available for any sort of development (existing or future), I don't think there are major watershed concerns. With all of the protected, natural lands, the little bit of developed area in our county is not going to harm the watershed. Even if all 9% was mismanaged (which it is not, previous generations have been mindful of caring for the earth), all of the protected areas more than mitigate any problems.
- I don't think more government oversight is needed. If anything, the government needs to give people more freedom to do what they want with their own land.

- Stop with the surveys & regulations, we are being regulated to death now! Don't you realize that our county is mostly Federal & State lands, that our privately owned lands are very limited. Our children aren't able to build without putting so much money out, due to the regulations on both the septic & wet lands controls now in effect, that they can't afford to stay in the county!! Can't even build an outhouse without having to get specs from the County and have to build it exactly, or get fined. Don't people realize too, that we as locals haven't destroyed our area, in the centuries our families have lived in and protected the area. We consider this our own "Part of God's Green Earth", to live in, work in, and, enjoy! We truly do want to see it survive for our descendants!
- What about fluoride in municipal water supplies in the Great Lakes watershed? It's a totally toxic chemical that is not meant to be ingested by humans. Who knows what it does to aquatic life? The Fluoride Action Network website has a lot of time to stop this crazy practice and perhaps pressure from your organization can help.

Appendix II – **Summary of Agency and Local Units of Government Input**

Draft Priority Concerns for Cook County

Development	1
Roads	3
Sub-surface Treatment Systems	6
Education	9
Groundwater	10
Forestry	11
Stormwater	12
Wetlands	15
Other considerations	17

Development

PRIORITY CONCERN: **Water Quality Management - General Land Use and Development**

Why is it important the plan focus on this concern (include or cite relevant data)?

What actions are needed? Continue to encourage and enhance enforcement of existing and future conditional land use permits to property owners as they affect ***overall*** water quality including surrounding properties affected by proposed changes.

What resources may be available to accomplish the actions?

What area(s) of the county is high priority?

PRIORITY CONCERN: **Landscape scale land management and land-use impacts to water quality and quantity.**

Why is it important the plan focus on this concern (include or cite relevant data)?

Sustaining or improving water quality and quantity in North Shore streams and Lake Superior is primarily dependent on the management and land-uses of the terrestrial environment. MPCA has already identified at least two streams (Poplar River, Flute Reed River) in which water quantity and/or quality is compromised in the lower reaches.

The lower reaches of many of the subwatersheds in Cook County's portion of the Lake Superior watershed are a mix of public and private ownership. Achieving desired water-related outcomes will require a collaborative approach at a variety of scales ranging from individual subwatershed to broad landscape scales.

MPCA expects to begin intensive monitoring of Lake Superior watershed in 2013. (For details see: http://www.pca.state.mn.us/index.php/water/water-types-and-programs/surface-water/watershed-approach/watershed-approach.hml

Developing relationships now among land management agencies, private landowners or landowner groups for collaborative planning, decision-making and implementation of management needs identified through the MPCA process will improve the likelihood, efficiency and success of implementing strategies to meet water quality standards. The cook County SWCD's role in water resources planning and focus on work with private landowners and local units of government make it an essential partner in working to address landscape scale land management issues collaboratively in order to meet water quality standards.

What actions are needed? Continue and improve working relationship with MPCA, NRCS, Broaden or establish working relationships with land managers, i.e. Superior National Forest, MNDNR and local watershed groups like the Flute Reed Partnership. One important avenue for this would be participation in the North Shore Forest Collaborative (NSFC).

What resources may be available to accomplish the actions?

For NSFC contact Rebecca Bartol at rbartol@fs.fed.us or 218-387-3207.

What area(s) of the county is high priority?
Areas with mixed public/private ownership.

PRIORITY CONCERN: **Development**
Why is it important the plan focus on this concern (include or cite relevant data)?
To keep up with development.

What actions are needed?
Need zoning to cover this. Education and Demonstration Projects

What resources may be available to accomplish the actions?
County Board, Soil and Water Office, BWSR

What area(s) of the county is high priority?
Lake Superior and Rivers

Roads

PRIORITY CONCERN: **Road/Design, Construction, and Long Term Impact**
Why is it important the plan focus on this concern (include or cite relevant data)?

What actions are needed? Provide assistance with older developments to improve water quality issues and fix problems with older roads.

What resources may be available to accomplish the actions?

What area(s) of the county is high priority?

PRIORITY CONCERN: **Ditch Erosion**
Why is it important the plan focus on this concern (include or cite relevant data)?
The erosion of ditches is important in that effects the hydraulic functionality of ditches. Additionally, erosion of soils can be deposited in culverts and thus reducing the capacity of the effected culverts.

What actions are needed? Continue to monitor ditches for erosion. Repair any damage to ditches and ensure that vegitative cover and/or other soil stablilization measures are utilized.

What resources may be available to accomplish the actions? General Highway Funds

What area(s) of the county is high priority? Areas of roadways near Lake Superior where roadway longitudinal grades can be excessive due to terrain.

PRIORITY CONCERN: **Water Quality Management – Roads/Design, Construction and Long Term Impacts (Priority Concern #3D in 2006-2012 Cook County Water Plan)**
Why is it important the plan focus on this concern (include or cite relevant data)?
Conventional culvert design focuses on the structure's ability to pass water without affecting road stability with little to no regard for long-term stream stability or the movement of aquatic organisms through the structure. Transport of sediment through the structure is also frequently neglected in design. The result, even when constructed as designed, is often an undersized structure that alters the overall combined water & sediment transport capacity of the stream, inhibits fish migration, and destabilizes the stream causing erosion and sedimentation.

What actions are needed? A commitment to fund the design of road crossings to include the critical functions of: 1) sediment transport, 2) aquatic organism movement, and 3) water passage. Road crossing structures that achieve all three of these functions will often be either bridges or culverts larger than would have been selected using historic design criteria, which may cost slightly to moderately more initially but typically carry less long-term maintenance and/or emergency repair costs.

For reference, Chapter 4 ("Cost Analysis and Comparison of MESBOAC and Other Alternative Culvert Designs") of the *Center for Transportation Studies Research Report* #2009-2020 sponsored by MNDOT and the University of Minnesota serves as an example of design methodology that can be used as an alternative to traditional culvert design. (http://www.cts.umn.edu/Publications/ResearchReports/reportdetail.html?id=1796)

What resources may be available to accomplish the actions? Cook SWCD, the MNDNR Two Harbors Area Hydrologist, MNDOT, the U.S. EPA's Great Lakes Restoration Initiative (http://www.epa.gov/glnpo/glri/), and various other local, state and federal agencies.

What area(s) of the county is high priority? Highest priority is on the designated trout streams and tributaries within the Lake Superior watershed, but all public waters stream crossings in Cook County are a priority.

PRIORITY CONCERN: **Sedimentation associated with construction and road maintenance.**

Why is it important the plan focus on this concern (include or cite relevant data)?

Where there has been some improvement, road construction and maintenance projects supervised or regulated by the County continue to lake effective erosion controls. Contractors often waste time and resources installing silt fence along the edges of projects in upland areas, while paying little attention to waters and wetlands. Flow down exposed ditches is often left unimpeded, or is only lightly addressed by a minimal number of erosion control structures. Ditch cleaning operations have been done with no erosion control at all. These operations sometimes have been so extensive that they result in actual drainage of wetlands along the ditches. Excavation of ditches on County Road 60 are an example. Ditch erosion is compounded by the tendency to use ditches to gather water and direct it to one culvert, when the flows involved should actually be channeled through several culverts to keep those flows on the landscape. An example would be the ditch along County Road 16.

What actions are needed? County employees and all contractors must be made aware of required erosion control practices, and must strive to make effective use of erosion control measures. Penalties for inadequate erosion controls should be written into construction contracts, and should be enforced. Excavation and clearing of ditches should be minimized. Where erosion or heavy vegetation are recurring problems, ditches should be armored with riprap, and structures should be placed to slow flows (as was done on County Road 4). All flowages should be culverted with properly sized and placed culverts - ditches should not be used to collect and concentrate flows.

What resources may be available to accomplish the actions? Inland lakes and streams with public and private access and Lake Superior.

What area(s) of the county is high priority? Lake Superior watershed, where there are many small, high-gradient streams and terrain (for roads and streams) is challenging.

PRIORITY CONCERN: **Fish Passage**

Why is it important the plan focus on this concern (include or cite relevant data)?

Many culverts currently in place on private and county roads are undersized and badly placed. These culverts block fish passage by creating drop barriers or high velocities. The use of flat-bottomed concrete culverts exacerbates the problem. Beyond fish passage concerns, these culverts also have an adverse effect on water quality, since they are prone to washing out, and often erode stream beds and banks downstream.

What actions are needed? In almost every case, old culverts, when due for replacement, should be replaced with larger units, sized and placed following MESBOA guidelines. The worst existing culverts (regardless of condition) should be scheduled for replacement based on potential improvements in fish passage. Culverts at crossings where stream gradients are high, or culverts that would have to be long to accommodate roadbed slopes, should be replaced with bridges.

What resources may be available to accomplish the actions?

In the Lake Superior watershed, several agencies provide funding for fish passage improvements. Cook County has worked with some of those agencies, and is familiar with their application processes. Funding may also be available for Legacy Amendement Outdoor Heritage Fund through the Lessard-Sams Council.

What area(s) of the county is high priority? Streams in the Lake Superior watershed, trout streams, and selected trout stream tributaries.

PRIORITY CONCERN: **Work with Cook County Highway Department**

Why is it important the plan focus on this concern (include or cite relevant data)?

A DNR study, early 2000: showed roads were biggest contributor to sediment in our rivers.

What actions are needed? To have SWCD help the Hwy Department understand how important they are for water quality. Encourage them to follow the Storm Water Ordinance and prioritize the use of erosion control blankets, etc.

What resources may be available to accomplish the actions?

What area(s) of the county is high priority?

PRIORITY CONCERN: Roads

Why is it important the plan focus on this concern (include or cite relevant data)? **Private** Roads and Water Flow, Erosion/sediment/pollution

What actions are needed? Need to update and educate owners

What resources may be available to accomplish the actions? Citizen Groups to review

What area(s) of the county is high priority? Inland Lakes and Tourist Industry

Sub-surface Treatment Systems

PRIORITY CONCERN: **In reference to your Item 3B, Water Quality Management - Septic Systems and Sewage Management**

Why is it important the plan focus on this concern (include or cite relevant data)?

What actions are needed?

- Continue to support a strong SSTS management plan in the county.
- Provide sewer system as-built specifications to new owners at the time of sale, and implement a written management plan that can be updated when the property is sold.
- Create an easily-accessed public record of as-built systems and track changes as above.
- Incorporate ***all*** subsurface septic treatment systems into the plan (not just private property).

What resources may be available to accomplish the actions?

What area(s) of the county is high priority?

PRIORITY CONCERN: **Nutrient loading from failed septic systems**

Why is it important the plan focus on this concern (include or cite relevant data)?

Lakes in Cook County tend to be low-productivity waters, with phosphorus a limiting factor. Many shallow lakes in the area are able to maintain game fish populations only because their productivity is so low. Many deeper lakes are able to maintain trout populations for the same reason. Increase nutrient flows from septic systems threaten those lakes by increasing the probability that shallow lake swill winterkill, and that deeper lakes will lose their hypolimnetic oxygen, essential to maintaining trout over the summer.

What actions are needed? Continue inspecting septic and other waste treatment systems, and require systems to be upgraded when no longer in compliance. Create a fund to help owners pay for the costs of upgrades. Maintain large lot sizes on developed lakes by denying re-zoning requests.

What resources may be available to accomplish the actions? Funding may be available from the Legacy Amendment Clean Water Fund.

What area(s) of the county is high priority? Target shallow lakes and trout lakes with significant shoreline development. Specific lakes include: Clara, Tait, Christine, Caribou (in Lutsen), Bigsby, Devil Track, Pike Hungry Jack, Deer Yard, Trout, Lost, Birch, Mayhew, Clearwater, Kemo, Pine (Trestle-Pine), West Twin, East Twin, Talus, Gust Mink, Gunflint, Greenwod, Sea Gull, Leo, Flour, East Bearskin, West Bearskin, Aspen, Road, and Squint.

PRIORITY CONCERN: **Septic systems**
Why is it important the plan focus on this concern (include or cite relevant data)?

What actions are needed? Monitor and test

What resources may be available to accomplish the actions? Planning and Zoning

What area(s) of the county is high priority?

PRIORITY CONCERN: **Subsurface Sewage Treatment Systems in Riparian and Shoreland Areas**
Why is it important the plan focus on this concern (include or cite relevant data)?
The Cook SWCD in cooperation with the County submitted a fiscal year 2012 Board of Water and Soil Resources Clean Water Fund application to address inspections and improvements to subsurface sewage treatment systems (SSTS) on lakes with increased development. Addressing SSTS issues, specifically failing systems, will reduce pollutants entering local rivers, streams, lakes and groundwater.

What actions are needed?
- Continued partnership between the Cook SWCD and the County to pursue funding to complete inspections and compliance efforts in riparian and shoreland areas.
- Prioritize lakes and riparian areas to complete inventory and compliance checks.
- Development of an SSTS inventory and compliance database.

What resources may be available to accomplish the actions?
- Clean Water, Land and Legacy Amendment Funds - Ryan Hughes 218-723-4923
- Minnesota Pollution Control Agency - 218-723-4660
- Cook County Planning and Zoning
(include contact names, funding sources, partnerships, citizen volunteers, etc.)

What area(s) of the county is high priority? Riparian and shoreland areas.

PRIORITY CONCERN AND ACTIONS:

Septic systems and sewage management, We have completed our initial listing of lakes identified for our Lakeshore Septic Compliance Program, and have tentatively identified a few additional lakes to continue on provided there is funding to do so. It is a concern of the P & Z and Environmental Health Department to make sure that all of the septic systems that had been determined to be failing as a result this inspection program are replaced or repaired in accordance with the Minnesota Rules. It is also a priority of the department to produce a more exhaustive listing of the next prioritization of lake areas for the continuation of the Lakeshore Septic Compliance Program. It is also another priority of the department to finish up and adopt a new septic management ordinance to ensure a clear understanding of the requirements for the property owners, septic contractors, realtors and other interested parties within the county. Lastly, it is a priority to monitor the success of the current Septage de-watering and composting process, and to have pre-planned alternatives should that process fail to success in the long run.

PRIORITY CONCERN: **In reference to your Item 3B, Water Quality Management - Septic Systems and Sewage Management**

Why is it important the plan focus on this concern (include or cite relevant data)?

What actions are needed?

- Continue to support a strong SSTS management plan in the county.
- Provide sewer system as-built specifications to new owners at the time of sale, and implement a written management plan that can be updated when the property is sold.
- Create an easily-accessed public record of as-built systems and track changes as above.
- Incorporate ***all*** subsurface septic treatment systems into the plan (not just private property).

What resources may be available to accomplish the actions?

What area(s) of the county is high priority?

Education

PRIORITY CONCERN: **Education**
Why is it important the plan focus on this concern (include or cite relevant data)?

What actions are needed? Images, BMPs, examples of good and bad practices, case studies, information to schools

What resources may be available to accomplish the actions? Grants

What area(s) of the county is high priority?

PRIORITY CONCERN: **Education**
Why is it important the plan focus on this concern (include or cite relevant data)?

What actions are needed? TSSSD believes strongly in continuing education initiatives and we encourage and will continue to support joint efforts among water management groups such as our co-sponsorship of the successful annual workshops on clean water issues.

What resources may be available to accomplish the actions?

What area(s) of the county is high priority?

Ground Water

PRIORITY CONCERN: **Protect ground water-based drinking water sources within Cook**

Why is it important the plan focus on this concern (include or cite relevant data)?

The remainder of Cook County's citizens depend on ground water for drinking water. Wellhead protection efforts will result in public water suppliers developing and implementing wellhead protection plans in the future. Pubic water suppliers within the county should be listed within the county management plan: Pine Mountain Mobile Home Court. Private wells also need protection from potential contaminant sources. This can be accomplished by maintaining proper setbacks to potential contaminant sources and related land use educational efforts.

What actions are needed? Acknowledgement and support of public water supply wellhead protection areas within the county. Consider wellhead protection areas when making land use decisions. Work with community and non-community public water suppliers in development and implementation of wellhead protection activities. When requested by a public water supplier, provide aid in efforts to locate wells for ground water modeling efforts undertaken in wellhead protection. Develop a water quality data base to track contaminants of concern in the ground water. The MDH may be able to offer technical assistance in this effort.

What resources may be available to accomplish the actions? State, County and other local units of government or public water supplier staff time to provide input into development and implementation of wellhead protection plans and county-wide land use planning.

What area(s) of the county is high priority? As community and non-community non-transient public water suppliers complete wellhead protection plans there will be designated "drinking water supply management areas". As these areas are approved by the MDH they are posted on the above listed website. All non-community transient public water suppliers have a 200-foot radius surrounding the well that is designated as the wellhead protection area.

Forestry

PRIORITY CONCERN: **Forested Land**

Why is it important the plan focus on this concern (include or cite relevant data)?

While it may be stable in total acres some of it especially along the shore is declining in health. The birch trees are dying and there really isn't a lot of understory present to replace them. A healthy forest will provide better water quality from reduced erosion as one example. There is also a greater chance for invasive species to grasp a foothold in these areas since the canopy is quite open. And let's not forget climate change.

What actions are needed?

What resources may be available to accomplish the actions?

NRCS (to eligible folks), the North Shore Forest Collaborative

What area(s) of the county is high priority?

PRIORITY CONCERN: **Forest Land Management for Landowners of Less than 20 Acres**

Why is it important the plan focus on this concern (include or cite relevant data)?

Forest land management has a direct influence on water quality. Forest land management can be connected to trout stream impairments (turbidity, temperature, nutrient loading), habitat degradation (land fragmentation) and soil loss (erosion control). In addition, forest species management can play a role in snow melt duration and retention of rain water on the land.

What actions are needed?

- Focus on assisting landowners with forest management practices.
- Develop an inventory of forested landowners owning less than 20 acres. As part of the inventory indicated if property is within a riparian or shoreland zone and if the property is in a watershed with an impaired waterbody. This inventory will assist in prioritizing and targeting landowners for participation in conservation.
- Public outreach to new landowners and landowners of less than 20 acres.
- Coordination between local, state and federal land holders.
- Continued participation on local special interest groups.

What resources may be available to accomplish the actions?

- Cook SWCD - Kerrie Fabius
- Clean Water, Land and Legacy Amendment Funds - Ryan Hughes 218-723-4923
- North Shore Forestry Collaborative - Cheryl Erickson cle329@gmail.com
- Minnesota Forestry Association - http://www.minnesotaforestry.org/
- Minnesota Forest Resources Council - Lindberg Ekola 320-256-8300

(include contact names, funding sources, partnerships, citizen volunteers, etc.)

What area(s) of the county is high priority?

Landowners of less than 20 acres, specifically on riparian and shoreland forested lands.

Stormwater

PRIORITY CONCERN: **Support and Demonstrate Rainwater harvesting systems for alternative water source, storm water control, non-point source pollution prevention, fire water source, and irrigation. There has been an expressed interest in using rainwater harvesting systems for the fire suppression systems put in place in areas without access to pump from a lake.**

Why is it important the plan focus on this concern (include or cite relevant data)?
To allow demonstration and actual on the ground projects.

What actions are needed? Pass an ordinance allowing rainwater collection for potable (with treatment) and non-potable uses. Support the department of labor and industry adoption of a statewide RWH rule and/or adoption of the universal plumbing code (WPC) and/or Iampolh.5 Regs

What resources may be available to accomplish the actions?

Dave Stark
arlsa.org
319 Grants
Promote RHS through
educational seminars
training

What area(s) of the county is high priority? All areas with non-point pollution or poor ground or surface water quality. Demonstrate a RHS with measurable results on storm water flows.

PRIORITY CONCERN: **Culverts that are undersized and poorly designed**

Why is it important the plan focus on this concern (include or cite relevant data)?
SWCD Coastal Grant Study

What actions are needed? Replace culverts and "do it right"

What resources may be available to accomplish the actions?

What area(s) of the county is high priority?

PRIORITY CONCERN: **Stormwater Management to Address Non-point Soil Erosion**

Why is it important the plan focus on this concern (include or cite relevant data)?
Recent historical weather trends indicate more frequent flooding and associated soil erosion. Cook County was included in federal disaster declarations for severe storms and flooding in 2009. This event had a significant impact on the City of Grand Marais and the surrounding area.

What actions are needed?
- Consider implementing design standards to address high rainfall events.

- Consider utilizing SWCD staff to assist in stormwater and erosion plan review and site inspections for temporary and permanent erosion control practices.
- Update the Cook County Property Owner's Resource Guide. Current version is dated 2007.

What resources may be available to accomplish the actions?
- Minnesota Lake Superior Coastal Program - http://www.dnr.state.mn.us/waters/lakesuperior/index.html
- Cook SWCD - Kerrie Fabius 218-387-3649
- Minnesota Department of Transportation - Todd Campbell 218-725-2744
- Board of Water and Soil Resources - Ryan Hughes 218-723-4923

(include contact names, funding sources, partnerships, citizen volunteers, etc.)

What area(s) of the county is high priority? County - wide.

PRIORITY CONCERN: **Continued Improvement in Storm Water Management and Erosion Control & Erosion and Sediment Control**

Why is it important the plan focus on this concern (include or cite relevant data)?

The preponderance of clay soils and bedrock make development with adequate Best Management Practices (BMP) a priority. Disturbed soils can quickly enter lakes and streams and create further negative impacts, even water quality impairments. Disturbed areas can also lead to larger problems like major land slumps that can threaten road networks and building foundations and other infrastructure.

What actions are needed? Recommended actions include continuing efforts to educate contractors in BMP designs that minimize/mitigate disturbance impacts, assessment of the effectiveness of the county ordinance and interaction with the state permit program to ensure full compliance for all development.

What resources may be available to accomplish the actions?

What area(s) of the county is high priority? High priority areas of the County are countywide.

PRIORITY CONCERN: **Storm Water Management**

Why is it important the plan focus on this concern (include or cite relevant data)?

The City Parks are on Lake Superior at the bottom of the watershed and have been effected in the past during storm events and flash flooding. The marina suffers from annual silt/sedimentation deposited directly from a 15" culvert terminating through the bulkhead. The park also maintains a large settling pond above the pool which flows out into a "dry creek" through the campground.

What actions are needed?

Inter-agency collaboration for planning and design of the city wide storm water system.
Progressive ideas and incentives for alternative means of ice control in the winter - phase out salt sanding.
Dedicated funding for implementation and maintenance of storm water treatment structures.

What resources may be available to accomplish the actions?

What area(s) of the county is high priority?

The City of Grand Marais

PRIORITY CONCERN: **Stormwater and Erosion Control**

Why is it important the plan focus on this concern (include or cite relevant data)?

What actions are needed?

Continue to monitor stormwater controls that will focus on maintenance of private property and subdivisions.

What resources may be available to accomplish the actions?

What area(s) of the county is high priority?

Wetlands

PRIORITY CONCERN: **Wetland Protection Wetlands are critical to the maintenance and protection of surface and groundwater.**

Why is it important the plan focus on this concern (include or cite relevant data)?

Wetlands serve as groundwater discharge and recharge areas, filter nutrients and sediment, sustain wildlife and aquatic organisms, and store water critical to the base flow of streams and health of watersheds. Threats to wetland integrity include inundation, excessive loading of nutrients and sediment, and physical disturbances.

Section 401 of the Clean Water Act provides the state with the authority to certify that issuance of federal licenses and permits do not lead to the degradation of public waters. This federal authority is also reinforced in Minn. R. chs. 7050 and 7052, which set standards for water bodies in the state, including wetlands. Similarly, wetland protection is reinforced in a number of policy documents like the lake Superior Basin and lake Superior lake-wide Management Plan.

What actions are needed? Recommended actions include identification of source water wetlands, development of incentives and policy that limit wetland losses and encourage wetland mitigation within the watershed/basin and development of trend monitoring to assess wetland acreage and quality.

What resources may be available to accomplish the actions?

What are(s) of the county is high priority? High priority areas of the County are; Lake Superior coastal area, headwaters of subwatersheds, subwatersheds that may be wetland poor per the National Wetland Inventory map coverage's.

PRIORITY CONCERN: **Wetland Management Plan**

Why is it important the plan focus on this concern (include or cite relevant data)?

Address a wetland mitigation bank. – It will id wetlands and the impact that is allowed on them. It will allow the County to make it's own rules, streamline and make more related to Cook County. It is a priority of the P & Z Department to pursue the drafting and adoption of a county-wide wetlands management plan to help in unique and challenging process of wetlands mitigation, restoration and banking within Cook County.

What actions are needed?

Inventory and identify wetlands; Create a wetland management plan; make it more localized

What resources may be available to accomplish the actions?

Joan Wait – Coastal Program; David Demmer; Wetland Team

What area(s) of the county is high priority?

Cook County wetlands

PRIORITY CONCERN: **Coastal Wetlands**

Why is it important the plan focus on this concern (include or cite relevant data)?

Areas of the Rec Park have been delineated and unique, coastal wetlands have been identified and mapped. The wetlands are vital to a healthy eco-system, as well as an attractive resource for visitors to experience. The Park Master Plan map depicts an interpretive wetlands trail on our coastline that would be an attraction for visitors.

What actions are needed? Maintain current, protective policies (rules) for wetlands.
Funding for the relocation of the City garages which sit adjacent to the wetlands.

What resources may be available to accomplish the actions?

What area(s) of the county is high priority? All coastal zones that include wetlands.

PRIORITY CONCERN: **Wetland Management**
Why is it important the plan focus on this concern (include or cite relevant data)?

What actions are needed? Create a local wetlands bank to help homeowners establish yards and driveways while preserving ***local*** wetlands.

What resources may be available to accomplish the actions?

What area(s) of the county is high priority?

Other Considerations

PRIORITY CONCERN, WHY, AND ACTION: Environmental impact review (to include erosion control & storm water run-off and project design evaluations) – This is not to be confused with the official types of environmental review such as the EAW and EIS, although they may be a part of this concern. Even though we have seen a decline in the number of development projects, we do wish to make sure that all of the projects going through the official county level types of review and approvals adequately address the evaluations necessary for proper erosion control and storm water run-off infrastructure. This may be in conjunction with a simple land use permit, or through a more complex planned unit development. We would also like to continue to seek out those project areas that would benefit from the utilization of the Alternative Urban Area-wide Review (AUAR) form of environmental review as we have seen the benefits of a more comprehensive review of project areas rather than the narrowly focused EAW's and EIS's.

Essentially we are looking for a continuation of the all the concerns and priorities that were listed in the previous adopted water plan, but at this time, and in consideration of the current economic circumstances we are focusing more on the continued improvements in failing septic systems throughout the county ahead of the declining number of development projects.

PRIORITY CONCERN: **Household Lake Water Use**
Why is it important the plan focus on this concern (include or cite relevant data)?
Possible health threats depending on how water is being treating.
Also possible septic issues if not disposing of the water properly.

What actions are needed? Create a work plan for household water uses for lakes.
Inventory the lakes and household water use for developed lakes.

What resources may be available to accomplish the actions? SWCD, Joseph Routh, BWSR Implementation Grant

What area(s) of the county is high priority? Developed lakes

PRIORITY CONCERN: **Water Quality Monitoring of Impaired Waters**
Why is it important the plan focus on this concern (include relevant data)?
In 2004 the MPCA listed the Poplar River as an impaired water for mercury and turbidity. This triggered accelerated monitoring and the development of a study to define the total Maximum Daily Load. The TMDL will be complete in 2012 for the Poplar River. Best Management Practices have been or are being implemented through efforts of the Poplar River Management Board (PRMB) formed in August 2005. Water Quality improvements have been documented. It is important that monitoring by Cook County, the State of Minnesota and the Federal Government continue to document improvements.

What actions are needed?Monitoring of impaired waters to track water quality improvements as best management practices (BMPs) are implemented so that delisting can be done as soon as standards are met.

What resources may be available to accomplish the actions?

The State and Federal Government and the University of Minnesota are funded to monitor water quality, manage the database and analyze the results. Priority is given to impaired waters. Local involvement by Cook County the Cook Soil and Water Conservation District, the University of Minnesota and the PRMB can reduce cost, improve quality and focus priorities of monitoring activities.

What area(s) of the county is high priority?
Impaired waters primarily located on the north shore of Lake Superior.

PRIORITY CONCERN: **Implement Best Management Practices**
Why is it important the plan focus on this concern (include relevant data)?
Considerable effort has been expended to identify priority areas for implementing corrective actions on the Poplar River. The reduction in sources of erosion and sedimentation has been significant. The remaining priority areas need to be implemented so that sediment reductions can be achieved and water quality standards met. Through December 31, 2011, large investments have been made by PRMB landowners and other stakeholders in implementing BMP's in the watershed. Landowner members of the PRMB have invested $582,388 in cash, and a large amount of in-kind labor. In addition, Grants secured through this date total $1,097,000. Thus a total of $1,679,388 in cash has been committed to date, plus in-kind labor by stakeholders.

What actions are needed?County needs to update the Local Water Plan so that coordination of local units of government, landowners and federal and state agencies is provided, funds are allocated to the priorities and the remaining sources are removed. Landowner contracts are the primary method of implementing BMPs. The county is most often the contract administrator for projects.

What resources may be available to accomplish the actions?
The County, SWCD, local units of government, the PRMB and others can focus available resources according to the Water Plan priorities. Funding opportunities are available from private and public sources to fund plans and projects if they are consistent with the local water plan.

What area(s) of the county is high priority?
Impaired waters and high value resource waters in the county should be the focus of BMP implementation.

PRIORITY CONCERN: **Water Quality Monitoring**
Why is it important the plan focus on this concern (include or cite relevant data)?
What actions are needed?
Continue to monitor and protect the ***entire*** Lake Superior Basin and all its tributaries as well as the inland lakes. We encourage you to continue monitoring and to create a better data management plan.

What resources may be available to accomplish the actions?
What area(s) of the county is high priority?
All inland lakes and Lake Superior

PRIORITY CONCERN: **Obtain Funding for Water Quality Monitoring and BMP Implementation**
Why is it important the plan focus on this concern (include relevant data)?
It is important that the Local Water Plan identify funding as a priority because the cost of implementing BMP's and monitoring progress is high. As noted above, $1,679,388 has been committed to date to the Poplar River

watershed, and we estimate that this represents about half the cost needed to complete all BMP's necessary to comply with water quality standards.

What actions are needed? Preparation of applications, administration and management of project funds is needed by the County and the SWCD. The County needs to prioritize its limited resources and allocate them to the most important cost effective projects. This allows the County to seek funding from other available sources. Monitoring coordination and management is an important function that is most cost effectively administered locally. Applications for funding for monitoring should be provided through the County.

What resources may be available to accomplish the actions? Cost share is required for most grants. The actions of the County, SWCD, PRMB and landowners are used for cost share. Efficient use of available resources are needed in order to complete projects and to improve, maintain and monitor water quality.

What area(s) of the county is high priority? Impaired waters and high value resource waters in the county should be the focus of resource allocations including grants and associated cost share.

PRIORITY CONCERN: **Aquatic Invasive Species**

Why is it important the plan focus on this concern (include or cite relevant data)?

Aquatic (and terrestrial) invasive species are a major cause of biological diversity loss throughout the world, and are considered "biological pollutants." Their populations can disrupt native aquatic plan communities and crowd out native species. By changing habitat, they can also affect species beyond those they may directly displace. They can cause problems for both recreational and industrial users of lakes and streams. Once established, invasive species rarely can be eliminated.

Introduction of invasive species into County aquatic systems can negatively impact water quality, composition, structure and function of aquatic ecosystems and recreational use of lakes and streams.

What actions are needed? Engage in educational activities to reinforce and locally tailor and expand MNDNR efforts to prevent introduction of aquatic invasives into area lakes and streams. Partner with/use established relationships with Cook County lake Associations to educate lakeshore owners and engage them in existing volunteer opportunities to prevent introduction of aquatic invasives into area lakes and streams. Establish AIS monitoring strategies to identify an AIS introduction quickly on individual lakes.

Educate and engage Cook County resort and outfitting businesses to prevent introduction of aquatic invasives into area lakes and streams.

With both of the above groups, develop applicable Best Practices protocols to prevent introduction of aquatic invasives into area lakes and streams and meet the legal requirements for use in their own activities and for promotion with their customers.

Consider establishing boat/equipment cleaning stations at various locations inland and on Lake Superior.

See http://www.dnr.state.mn.us/grants/aquatic_invasive/index.hml for grant opportunities.

What resources may be available to accomplish the actions? Inland lakes and streams with public and private access and Lake Superior.

What area(s) of the county is high priority?

PRIORITY CONCERN: **Re-evalute the inland lake classifications for the County.**
Why is it important the plan focus on this concern (include or cite relevant data)?
Many lakes in NE MN have been identified as eutorphic when in fact they are dystrophic. This affects how a lake is managed.

What actions are needed? The evaluator would need to understand both the marl to dystrophic sequence and the oligotrophic to eutrophic sequence. My guess is that Poplar Lake and some of the other highly stained lakes are dystrophic. What that means from a management perspective is that dystrophic lakes tend to have much higher concentrations of nitrogen and phosphorus without nasty algae blooms because light penetration doesn't allow for algae to bloom with the higher nutrients present. And, dystrophic lakes often have very nice vegetation growing in them which can be very pesky to lake shore homeowners. Wild rice waters are dystrophic. When lakes have aged from marl to dystrophic they have become nitrogen limited instead of phosphorus limited. In the earlier phase, marl, calcium concentrations are relatively high, nutrients are higher then oligotrophic lakes and staining is moderate. In part because of the calcium concentrations fen vegetation is often present.

What resources may be available to accomplish the actions? Parameters that help in this investigation are nutrients (total phosphorus, total nitrogen, chlorophyll-a, dissolved organic carbon or color). And, sechhi depths range from around a meter and a half to less than a meter.

What area(s) of the county is high priority?

PRIORITY CONCERN: **Continued Improvement in Wastewater Management Wastewater affects public health, and beneficial uses of surface water and groundwater.**
Why is it Important the plan focus on this concern (include or cite relevant data?):
Cook County continues to have some of the highest water quality in the state and phosphorus loads introduced from wastewater can have a devastating impact on the resource.

What actions are needed? Recommended actions are continuing efforts already begun including lake by lake assessments, inspections completed within the Tofte-Schroeder Sanitary Sewer District (TSSSD) boundaries and complete updating of the ordinance. Develop a process during subdivision reviews to better identify wastewater systems requiring state permits (this references specifically the state rule related to multiple systems within one-half mile of each other all managed or developed by a common developer). Community development plans should consider regional planning efforts for areas like Lutsen. Consider shared wastewater designs, small package plants, and water conservation measures.
What resources may be available to accomplish the actions? Resources that may be available include MPCA wastewater staff and the Public Financing Authority.

What area(s) of the county is high priority? High priority areas of the County are Lake Superior near shore areas, inland lakes with development, and areas of higher density or growth (Lutsen, Tofte).

PRIORITY CONCERN: **Development and Implementation of Watershed Protection Strategies Many of the watersheds and water bodies in northeast Minnesota are still of very high quality.**

Why is it important the plan focus on this concern (include or cite relevant data)?

As a consequence, it is incumbent upon the County and its municipalities to work collaboratively with state and federal partners and citizenry to safeguard the condition of these resources. Protection strategies differ from restoration approaches in that they are designed to head off expensive restoration and retrofitting efforts. They also protect property values and improve recreational opportunities for residents and visitors. While restoration and protection approaches share many of the same characteristics, they differ markedly in approach. Protection strategies emphasize innovative land use policies (e.g., low impact development, conservation design), watershed and lake association development, water resource education, civic engagement and the maintenance of physical and biological systems.

The lake Superior Basin Plan identified the protection of high quality watersheds as its top ranked priority. The emphasis on protection is also echoed by the Clean Water legacy Act and by ongoing efforts of state resource agencies to define a state-wide approach to watershed protection.

What actions are needed? Recommended actions include identifying high quality water bodies including identifying and ranking stressors and threats. Develop a range of strategies to protect these resources (e.g., innovative zoning techniques/ordinance updates, conservation easements, reforestation efforts, civic engagement and watershed education). Implement strategies and track success rates. Monitor and track watershed and water quality trends /development impacts to water resources.

What resources may be available to accomplish the actions? Resources that may be available include various state and federal grant opportunities, active participation in the MPCA major watershed restoration and protection process scheduled to start in 2013, MPCA/BWSR/EPA lake and Stream Management Plan guidance, MN Waters lake Management Plan guidance and MPCA watershed staff.

What area(s) of the county is high priority? High priority areas of the County are; wild rice lakes, trout streams and lakes, Outstanding Resource Value Waters, intact wetlands and flowages and lake Superior coastal area. Minn. R. 7081.0040 and Minn. Stat. 115.55 are required to be followed.

PRIORITY CONCERN: **Source Water Protection for the City of Grand Marais**

Why is it important the plan focus on this concern (include or cite relevant data)?

The public drinking water supply for Grand Marais is from Lake Superior and its adjacent watersheds. This surface water based drinking water system is highly susceptible to potential contaminants entering the public water supply at a level that may result in an adverse human health impact. Protecting the drinking water for many citizens of Cook County is a wise and relatively inexpensive investment in the community's future. Additional information regarding this city's drinking water supply can be found in the Source Water Assessment located at: www.health.state.mn.us/divs/eh/water/swp/swa/index.htm.

What actions are needed?

Development and implementation of a comprehensive source water protection plan as a component of a broader, county-wide water resource/land use management plan.

What resources may be available to accomplish the actions? The following agencies and local units of government provided assistance in assessing the source water: Cook County, Grand Marais water utility, City of Grand Marais, Minnesota Pollution Control Agency, Minnesota Board of Water and Soil Resources, University of Minnesota Water Resources Center/Sea Grant, Minnesota Department of Health, and the public. Over the past several years there have been diverse groups of interest discussing water quality issues within Lake Superior watersheds. There has been systematic surface water quality data collection and educational outreach programs. In addition, the Minnesota Department of Health recently established a grant program to assist public water suppliers with source water protection activities.

What area(s) of the county is high priority? The area identified as the Inner Emergency Response Area in the Source Water Assessment was considered to have the highest priority for protecting the water supply. In addition, the outer source water management area for Grand Marais which includes the inner emergency response area and the Devil Track River watershed, Fall River watershed, and un-named watershed that connects the Devil Track River and Fall River watersheds is important.

PRIORITY CONCERN: **Sealing unused, unsealed wells**

Why is it important the plan focus on this concern (include or cite relevant data)?

Proper well abandonment is an effective means of protecting ground water from potential contaminants that may be carried into an aquifer. Also, unused, unsealed wells can pose a safety hazard to children or animals and a potential liability to the well owner.

What actions are needed? Inventory where unused, unsealed wells may be located. Develop a cost share program to aid property owners in sealing unused, unsealed wells.

What resources may be available to accomplish the actions? Local units of government staff for inventory purposes. Consider county board action to establish and fund a well sealing program. Planning and zoning awareness to encourage well sealing where appropriate in land use decisions.

What area(s) of the county is high priority? Wellhead protection areas. Based upon the detail of inventory, unused, unsealed wells that reach or penetrate to the same aquifer used by a public water supply system should be sealed first.

PRIORITY CONCERN: **Impaired Waters/Total Maximum Daily Loads (TMDLs)**

Why is it important the plan focus on this concern (include or cite relevant data)?

The federal Clean Water Act requires states to adopt water quality standards to protect the nation's waters. These standards define how much of a pollutant can be in a surface and/or groundwater while still allowing it to meet its designated uses, such as for drinking water, fishing, swimming, irrigation or industrial purposes. Many of Minnesota's water resources cannot currently meet their designated uses because of pollution problems from a combination of point and nonpoint sources.

What actions are needed?

Addressing impaired waters in LWM plans is voluntary. However, the MPCA strongly encourages counties to consider how their LWM plans address impaired waters, as identified on the "Draft 2010 List of Impaired Waters" available below.

It is suggested the LWM plan:

- identify the priority the County places on addressing impaired waters, and how the County plans to participate in the development of TMDL pollutant allocations and implementation of TMDLs for impaired waters
- include a list of impaired waters and types of impairment(s) (see table below)
- identify the pollutant(s) causing the impairment (see MPCA website)
- address the commitment of the County to submit any data it collects to MPCA for use in identifying impaired waters, provide plans, if any, for monitoring as yet unmonitored waters for a more comprehensive assessment of waters in the County
- describe actions and timing the County intends to take to reduce the pollutant(s) causing the impairment, including those actions that are part of an approved implementation plan for TMDLs MPCA recommends counties address waters listed for pollutants/stressors other than mercury and polychlorinated biphenyls (PCB) in their LWM plans.

The Draft 2010 two-year list of impaired waters will be finalized or updated shortly upon approval from the EPA.

What resources may be available to accomplish the actions? The County should consider participating with other units of government in the watershed to develop and implement TMDL implementation plans once TMDL studies receive final approval by the EPA. Grant funding applications for implementation projects often request citations from local water plans identifying water bodies as County priorities. This documented commitment by the County may improve an application's ranking and ultimately the County's ability to secure implementation funding.

What area(s) of the county is high priority? Areas of the County that should be considered priority waters are the impaired water bodies and reaches of impaired water bodies on the Clean Water Act 303 fd] TMDL List. We believe the County should consider impaired waters as a top priority for discussion in the LWM plan.

MPCA Environmental Data Access System The water quality section of MPCA's Environmental Data Access system allows visitors to find and download data from surface water monitoring sites located throughout the state. Where available, conditions of lakes, rivers, or streams that have been assessed can be viewed. We encourage the County to visit this site for water quality monitoring data which may be useful with LWM planning efforts:
http://www.pca.state.mn.us!index.phP/datalenvironmental-data-access.html.

PRIORITY CONCERN: **Point Source Pollution- Tactonite Harbor**

Why is it important the plan focus on this concern (include or cite relevant data)?
Issues with ash and cold storage

What actions are needed?
County access to the data and reports

What resources may be available to accomplish the actions?

What area(s) of the county is high priority?

PRIORITY CONCERN: What are the finding in the monitoring wells?
Why is it important the plan focus on this concern (include or cite relevant data)? There are many monitoring wells around town, sometimes very close together. The public does not know what they are finding, how long they intend to monitor and what they expect to do about it. Is there any closure?

What actions are needed? Education of the public and land owners.

What resources may be available to accomplish the actions? MPCA, testing and lab results, corrective action plans- including closing cases and capping wells.

What area(s) of the county is high priority? Grand Marais

PRIORITY CONCERN: Why is the property owner closest to the lake responsible for stormwater mitigation of all the properties above them.

Why is it important the plan focus on this concern (include or cite relevant data)? There is a stormwater management issue in the recreation park where the city would like to create a community connection.

What actions are needed? Funding to help build a stormwater retention/settlement basin that fits with the community connection.

What resources may be available to accomplish the actions?

What area(s) of the county is high priority? Grand Marais Recreation Area

PRIORITY CONCERN: Large storm event verses average storm event
Why is it important the plan focus on this concern (include or cite relevant data)? At what point do we need to mitigate runoff from storms?

What actions are needed?

What resources may be available to accomplish the actions?

What area(s) of the county is high priority?

PRIORITY CONCERN LIST:

- On the rivers and streams the enter into lake superior an assessment of stream stability for rivers that are impaired for turbidity or sediment. This could consist of historical analysis of watershed impacts and disturbances. Assessment of stream channel in relation to whether they are connected to their floodplains and assessment of bank instability From this analysis an assessment of projects that could be completed to address stream stability issues. Some example watersheds could be Cascade River, Devil Track River, Kadunce, etc.

- Flooding and untreated stormwater in existing developed areas of the county, i.e. Tofte, Grand Marais, etc.
- Stream connectivity primarily through culverts that are improperly sized or perched at the outlet end.
- Ditch erosion on private and public roadways in the steep areas of the county, for example the ridge near Lake Superior and inland areas around the Gunflint Trail.
- Development on and near bluff areas causing unstable slopes to develop near Lake Superior or inland lakes and streams.

Minnesota Board of Water & Soil Resources

DATE: September 4, 2012

TO: BWSR North Region Water Plan Committee

FROM: Ryan Hughes, BWSR Board Conservationist RH

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

The expiration date of the current Cook County Local Water Plan (LWP) is October 26, 2014. Due to changes in staff and to allow completion of the BWSR Lake Protection Challenge Grant information so it could be included in the updated plan, the expiration date was extended on June 22, 2011

On March 22, 2011 the Cook County Board of Commissioners adopted a resolution to commit to revise and update the Cook County LWP. Cook County has actively sought input for their PCSD since August 15, 2011 through the Cook County Water Management Plan Advisory Committee, which is comprised of representatives from the SWCD, County Board, Hovland area, Poplar Lake Association, Caribou Lake Association, Road Lake Association and Tait Lake Association.

Significant Changes from Previous Plan

Cook County is currently operating under a BWSR two-year extension for a plan scheduled to expire October 26, 2012. The priority concerns identified in the current plan are the following

1. Water Quality Monitoring
2. Wetland Management
3. Water Quality Management
    A. General Land Use Management
    B. Septic Systems and Sewage Management
    C. Stormwater and Erosion Control
    D. Roads/Design, Construction, and Long-Term Impacts
4. Water Related Initiatives and New Resources

In my opinion the proposed priority concerns for the updated water plan are very similar to the current water plan, but prioritized in a different order. The proposed priority concerns have been prioritized to (1) address recent increased development in the area and the impacts to watersheds, (2) failing septic systems and (3) education on these priorities and other priority concerns.

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Interesting Data

The 2010 census reported a population of 5,176 people in the County, which is a 2% increase in 10 years. Cook County covers a total area of 3,339 square miles; 1,450 of which is land and 1,889 is water. Approximately 9% of the land in the county is in private ownership.

Priority Concerns Input Process

Cook County received responses from the following entities after requesting input for priority concerns:

- Grand Portage Band of Chippewa
- Flute Reed Partnership
- Poplar River Management Board
- Tofte-Schroeder Sewer and Sanitary District
- Cook County
- Cook County Soil and Water Conservation District (SWCD)
- City of Grand Marais
- Minnesota Board of Water and Soil Resources (BWSR)
- Minnesota Department of Health (MDH)
- Minnesota Pollution Control Association (MPCA)

Cook County also developed the following processes to receive public input related to water resources priority concerns:

- News articles in local papers and community website (www.boreal.org)
- Grand Marais Public Library
- Cook County Courthouse
- Cook County Fair
- Hovland Post Office
- Clearview General Store in Lutsen
- North Shore Market in Tofte

The responses to the public input processes are summarized in the PCSD.

Selected Priority Concerns

Based on the input received through the public input process, the Cook County Water Management Plan Advisory Committee selected the following priority concerns:

1. Land Use and Development Impact on Watersheds
2. Sub-surface Sewer Treatment Systems
3. Education and Engagement
4. Groundwater
5. Stormwater
6. Wetlands
7. Surface Water Quality Monitoring
8. Impaired Waters Restoration

On July 20, 2012 Cook County distributed the PCSD to the appropriate state agencies for review. The comments are summarized as follows:

EQB
The agency thanked the County for sending the documents but due to a reduced level of staff they may no longer support commenting on water plans.

MDH
The agency strongly recommends the "Groundwater" priority concern be amended to "Protect Ground Water-based Drinking Water Sources Within Cook" due to the 104 currently registered Public Water Suppliers, 21 appropriate surface water for their domestic drinking water needs. The agency felt the process to identify the priority concerns was commendable. Additional MDH comments included background information on the susceptibility of surface water-based drinking systems to contaminants as well as recommending the County develop and implement a comprehensive source water protection plan.

BC Response
Based on prior discussions with the County Water Planner and BWSR Clean Water Fund applications the County is aware of this concern. MDH recommendations will be incorporated into the final plan.

MDA
MDA did not have any specific comments but directed the County to an MDA developed website that discusses and illustrates MDA priority concerns and recommended courses of action for local county water plans. The website is available at
http://www.mda.state.mn.us/protecting/waterprotection/waterplanning.aspx
MDA did comment that they realize the County does not have high levels of traditional crop and livestock production compared to other parts of the State but the MDA website comments related to drainage and targeting BMPs may have some potential relevance.

BC Response
I concur with the MDA. The MDA website will be reviewed for relevant priorities to be included in the final plan.

DNR
The DNR concurs with the priority concerns identified and feels the process to identify the priority concerns was adequate. The DNR commented about inclusion of supporting information related to failing sub-surface sewer treatment systems; education on invasive species identification, impacts and management; erosion control measures for road construction.

BC Response
I concur with the DNR. The DNR comments will be required to be incorporated into the final plan.

MPCA

The MPCA concurs with the priority concerns identified and believes the process to identify priority concerns was commendable. The MPCA comments include addressing the MPCA watershed approach in the final plan, specifically which watersheds where work will begin and when, and provide access information for the Environmental Data Access System.

BC Response

Information pertaining to the MPCA watershed approach timeline and watersheds will be included in the final plan.

Board Conservationist's Recommendation

The Cook County PCSD satisfies the requirements of M.S. 103B.312, therefore I recommend the BWSR North Region Water Plan Committee approve the Cook County PCSD and forward this document to the full board for approval.

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Mille Lacs County CLWMP 5 Year Amendment**

Meeting Date: September 26, 2012

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Northern

Contact: Jason Weinerman

Prepared by: Jason Weinerman

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 the Five Year Amendment of the Mille Lacs County Comprehensive Local Water Management Plan

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

On January 24, 2007, the Board of Water and Soil Resources approved the Mille Lacs County Comprehensive Local Water Management Plan with a date range from 2006 to 2016. The Board required a five year update of the plan by 2011.

The County passed a resolution to amend the plan on May 31st, 2011 and submitted the updated plan to the Brainerd field office on August 6th, 2012. As part of the submission, the Mille Lacs County Water Planner included the recommended inclusions from the Department of Natural Resources, the Department of Health, the Department of Agriculture, and the Pollution Control Agency. In addition, the water planner included documentation of the required public hearing.

The five year plan update was presented to the northern water planning committee on September 12th, 2012. As the plan update met state statutes, was recommended for approval by state agency partners, and is non-controversial, the committee recommended forwarding the plan to the full board for approval.

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 **Mille Lacs County** (Minnesota Statutes , Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, the **Mille Lacs** County Board of Commissioners submitted a Local Water Management Plan Amendment (Plan Amendment) to the Board on **August 6, 2012** pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On **January 24, 2007**, the Board of Water and Soil Resources approved the Mille Lacs County Comprehensive Local Water Management Plan from 2006 to 2016 with a requirement for an update by 2011.

2) On **May 3, 2011,** the Mille Lacs County Commissioners passed a resolution to begin the Five Year Amendment of their Comprehensive Local Water Management Plan.

3) The priority concerns of the local water management plan remained the same and include:

   A) The Cumulative Effects of Development on Surface and Groundwater
   B) Development of TMDLs for Impaired Waters

4) On **August 6, 2012,** the BWSR received the **Mille Lacs** County Plan Amendment, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On **September 12, 2012,** the Northern Water Planning Committee of the board reviewed the recommendations of the state review agencies regarding the five year update of the **Mille Lacs** County Plan Amendment. The Northern Water Planning Committee forwarded the plan to board with a recommendation for approval with the following recommendations for additional action items:

   A) Under Priority Concern 1, Objective A, include a work plan item indicating the county will work with the Department of Natural Resources to monitor and control zebra mussels and other aquatic invasive species.

B) Under Priority Concern 1, Objective C, include a work plan item to identify groundwater contributions to surface water quality. Andrew Streitz of the MPCA should be able to provide good documentation.

6) This update 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 **Mille Lacs** County Local Water Management Plan pursuant to Minnesota Statutes , 103B.315, Subd. 5.

2. The **Mille Lacs** County Plan Amendment 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 Amendment is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached five year amendment of the **Mille Lacs County** Local Water Management Plan **January 1, 2006 to December 31, 2016.**

Dated at **St. Paul,** Minnesota, this **twenty sixth day of September, 2012.**

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

DATE: SEPTEMBER 5, 2012

TO: BWSR NORTHERN REGION WATER PLANNING COMMITTEE

FROM: JASON WEINERMAN

RE: REVIEW OF THE FIVE YEAR UPDATE FOR THE MILLE LACS COUNTY FINAL LOCAL WATER MANAGEMENT PLAN (LWMP)

On May 3, 2011, Mille Lacs County adopted a resolution to begin the five year update process for their Comprehensive Local Water Management Plan. The County submitted their Five Year Update for the Local Water Management Plan to the Brainerd office of the BWSR on August 6, 2012. From my observation of the update and review process, I find that the local water management plan five year update meets the guidelines established by BWSR, as well as the requirements of 103B.313-103B.314.

During the update process, the county maintained their existing Priority Concerns, which were:

1. The Cumulative Effects of Development on Surface and Groundwater

2. Development of TMDLs for Impaired Waters

In addition to reviewing their priority concerns and ensuring that they were still applicable for the remaining five years of the plan, the county water resources advisory committee reviewed the action items under each priority concern. These actions items were modified to indicate which ones were completed, which ones had different departmental supervision, and to add new ones to reflect current conditions in the county. The Water Resources Advisory Committee also reviewed the budget for each action item and modified the calendar to reflect updated scheduling for completion of tasks. Amended sections of the water plan are in red.

The Water Resources Advisory Committee held a public hearing before the Mille Lacs County Planning Commission on January 9, 2012 during the normally schedule Commission meeting. During this hearing, the water planner reviewed comments provided by other agencies and planning groups. There were no comments from the public.

The updated water plan was sent to the appropriate state agencies that provided the feedback below:

- DNR: The plan does not violate any statutory or rule requirements and recommend approving the entire plan as submitted.

- MN Dept of Health: The plan does not violate any statutory or rule requirements and recommend approving the entire plan as submitted. The Department of Health commends the county for activities that help protect local groundwater and drinking resources as well as assisting with well protection planning and implementation activities. The agency looks forward to continuing partnerships on groundwater and

Minnesota Board of Water & Soil Resources

drinking water protection issues.

- MPCA: The plan does not violate any statutory or rule requirements and recommend approving the entire plan as submitted. These comments were submitted over the telephone with formal documentation not having arrived by the time of the committee packet mailing deadline.

Based upon the comments from the public hearing and the state agencies, there is public support for the Five Year update of the Mille Lacs County Local Water Management Plan. The state agency comments were in support of the amendment and all recommended approval. During my review of the submitted update, I find that the plan is still consistent with state statute, rule, and BWSR policy. Therefore, I recommend that the Northern Region Water Planning committee forward the plan update to the full Board with a recommendation to approve the five year update.

Enclosures: Water Plan Update
Public Hearing Minutes
State Agency Comments

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Mille Lacs County Local Water Resource Management Plan

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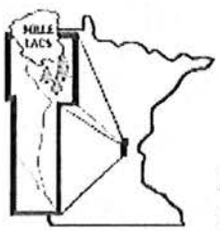
RESOURCES-BRAINERD

January 1, 2006 – December 31, 2016

2012 Amendments



Prepared by the Mille Lacs Soil and Water Conservation District
and the Mille Lacs County Local Water Planning Advisory Committee

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Janelle Schroeder	Mille Lacs County Community and Veterans Services
Susan Shaw	Mille Lacs SWCD - Water Plan Coordinator, Vice Chair
Ray Schultz	Mille Lacs SWCD Board Supervisor
Lynn Carter	Mille Lacs SWCD

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Teresa Bearce	Snake River Watershed Coordinator
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Roger Tellinghuisen	District 4
Frank Courteau	District 5

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Kurt Beckstrom	District 2
Ray Schultz	District 3
Barbara Eller	District 4
Robert Hoefert	District 5

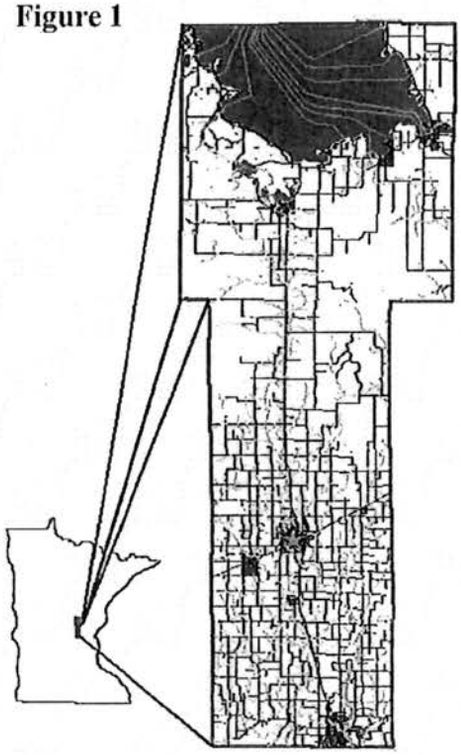
A. Executive Summary:

Introduction

Mille Lacs County is located in east central Minnesota 70 miles north of St. Paul, 115 miles southwest of Duluth and 29 miles east of St. Cloud. Sherburne to the south, Aitkin to the north, Benton and Morrison to the west, and Kanabec and Isanti counties on the east border it. Mille Lacs County has a total area of 574 sq miles (367,360 acres). **Figure 1** shows the location of Milaca, the County seat, and the geographic location of the County in Minnesota.

Mille Lacs County

Figure 1



Local Water Resource Management Plan Background

The Mille Lacs County water management planning process began in the fall of 1989 when the Mille Lacs County Board of Commissioners voted unanimously to begin the process of creating a Comprehensive Water Management Plan for the county.

This event was the first purposeful comprehensive planning, preparation and designing done for the protection for all types of water to all residents in Mille Lacs County.

From that time forward, the lakes, streams, rivers, public and private well water, all groundwater, wetlands, precipitation and even run-off were recognized for the significance and meaning they provided to the quality of life in the county.

The Mille Lacs Soil & Water Conservation District has been charged with development and implementation of the Local Water Management Plan with the assistance of other county departments since its inception.

By February of 1990, the Mille Lacs Comprehensive Water Management Task Force was established with 39 members representing townships, municipalities, industry, private sector, farming and single family home ownership. Federal, state and county employees were ad hoc members to the committee. An aggressive 24 month timeline from March, 1990 through March, 1992 was established to develop the county wide plan. The first update of the Comprehensive Water Management Plan was completed in 1995.

The 2006 update was the second update and the third Water Management Plan for Mille Lacs County. This plan continues the tradition of promoting good planning and management of shared resources and will serve as a guide for resource protection through the year 2016.

2012 Executive Summary Amendment

In 2011, the mid-point in this 10 year plan, the Mille Lacs County Local Water Management Advisory Committee reviewed the entire Water Management Plan to identify any issues that may have changed our priority concerns. The Advisory Committee determined that the priority concerns continue to be appropriate even given changes to the fiscal environment. Additional resource information applicable to

the Background and Assessments chapters of this plan has become available since 2006 and has been included as a January 2012 amendment summary following each discussion. Amendments to action steps within the Priority Concerns list and Implementation Schedule have been italicized within those sections.

Purpose

The Rum River Watershed and significant tributaries of the Snake River Watershed begin in Mille Lacs County. What occurs in these watersheds not only affects the water resources used by the citizens of Mille Lacs County, but also affects the water resources of other Minnesotans living downstream in the Mississippi and St. Croix River corridors.

Mille Lacs County recognizes that without a long term mechanism for managing water resources, the opportunity will be lost to make intelligent local choices that anticipate or prevent water resource problems before the costs escalate and options are limited.

The Mille Lacs County Local Water Management Plan is a plan for the entire County and covers all municipalities within Mille Lacs County.

The Mille Lacs County Local Water Management Plan (LWMP) is developed and written under the legislative authority of the "Comprehensive Local Water Management Act" (M.S. 103B.301-103B.355) and is meant to function as a long term planning document. The plan seeks to identify existing and potential problems, opportunities for protection, management and development of water and related land resources in the County. Problems or opportunities identified through the planning process are prioritized and addressed within the context of watershed units and groundwater systems. Objectives and action steps to address identified priorities are based upon principles of sound hydrologic management of water, effective environmental protection, and efficient management of activities that impact these resources.

The Mille Lacs Soil & Water Conservation District's role in the development and implementation of the Local Water Management Plan is to act as the catalyst for the water management planning process, and the integration of local initiatives with funding sources. Through involvement with the Water Management Plan Advisory Committee, local citizens, representatives from local organizations, associations and agency staff, work together to achieve efficient management and local ownership of water management initiatives.

Accomplishments from the 1995 Water Management Plan

Since the adoption of the Mille Lacs County Local Water Management Plan many local resource projects have been implemented. The plan has sponsored annual private well water nitrate testing clinics, and many land and water treatment projects and educational activities.

One notable educational activity was a project partnering with Mille Lacs Academy students to rear Purple Loosestrife leaf eating beetles. Purple Loosestrife had been a major natural threat to wetlands in the county. An aggressive biological control program using the Purple Loosestrife leaf-eating beetles (*Galerucella* spp.) was very successful. The project was accomplished through cooperative efforts between the Minnesota Department of Natural Resources (DNR), Mille Lacs Band of Ojibwe, Mille Lacs County Agricultural Inspector, and volunteers. The Mille Lacs Band of Ojibwe began a biological control effort using the leaf-eating beetles provided by the Minnesota DNR. Once the loosestrife on Whitefish Lake was successfully controlled by the beetles they were harvested and shared with the Mille Lacs County Agricultural Inspector student volunteer group and released onto Purple Loosestrife infestations throughout Mille Lacs County.

Other successful educational programs sponsored through the water management plan have been the Area III Envirothon and 5th Grade Education Days. Both events provide an opportunity for students to participate in outdoor educational learning experiences.

Many local resource concerns have received attention following identification through the water planning process. A large water quality improvement project was undertaken with assistance from the Resource Conservation & Development to address the City of Bock's failing, 1930's era, wastewater treatment system. Discharge from that failing system was impacting Bogus Brook, a tributary of the Rum River. The improvement was completed in 2003 by piping waste water from the City of Bock to the City of Milaca's treatment facility.

Funding assistance was received through a Clean Water Partnership grant to do a three year water quality study of Mille Lacs Lake. Mille Lacs County has also partnered with the Snake River Watershed Management Board to implement land and water projects within that watershed. Additional information on the results of the Mille Lacs Lake water quality study and Snake River watershed activities are included in the surface water assessments.

Summary Description of Priority Concerns, Goals and Objectives

As Mille Lacs County began the process of updating the Local Water Management Plan, input was sought from the public. A public input survey was made available to citizens through the Mille Lacs SWCD website and advertised in the local papers to be returned to the SWCD. Three public input meetings were conducted during the Local Water Management Plan update process. They were held near Princeton, Milaca and Onamia, the three main geographic areas of Mille Lacs County. An example of surveys used and a summary of the responses received have been included in the Priority Concerns Scoping Document found in the **Appendix H**.

Priority Concern 1: The Cumulative Effects of Development on Surface and Groundwater

Mille Lacs County is experiencing increased development pressure on the County's lakes, rivers and agricultural resources. To respond to this development pressure, the County has established the following goals:

1) To seek the protection of surface and groundwater quality in Mille Lacs County, and
2) Enhance surface and groundwater quality where degradation has already occurred.

To achieve these goals, three objectives have been identified:

Objective A Encourage development patterns that protect, enhance, maintain or restore surface and groundwater quality.

Objective B Improve stormwater runoff quality throughout the county.

Objective C Maintain or improve groundwater quality throughout the county.

Priority Concern 2: Development of TMDLs for Impaired Waters

Total Maximum Daily Loads (TMDLs) determine if water resources can meet their designated uses. The goal of the water plan is to determine the status of TMDLs of the various water resources and protect those that currently support their designated uses, and where needed, improve those that do not.

To achieve this goal two objectives have been identified.

Objective A Assess the ability of water resources in Mille Lacs County to meet their designated uses.

Objective B Work with land managers, land owners and operators in Mille Lacs County, regardless of land use, to encourage best management practices.

Action steps identified to achieve these Objectives are found within this document under **Section B, Priority Concerns.**

Organizations and Associations

There are a number of organizations and associations in Mille Lacs County working to protect, preserve, repair or enhance water quality. Some of these entities and the assistance programs they provide include:

ORGANIZATION	CONTACT INFORMATION
DNR Wildlife Division Private Lands Program	Tim Pharis-Private Lands Specialist
▪ Wildlife habitat, native grassland development, wetland restoration	(763) 689-7110
U.S. Fish and Wildlife Service	Lori Wolff-Wildlife Biologist
▪ Wetland Restoration - Partners for Fish and Wildlife Program	(320) 253-4682
Friends of the Rum River	RumRiverWatershedNews-owner@yahoogroups.com
Lake Mille Lacs Association	www.mnlakes.org/SubAssociations
Mille Lacs Band of Ojibwe	www.millelacsojibwe.org
Mille Lacs County Zoning/Environmental Services	www.co.mille-lacs.mn.us
Mille Lacs County Public Health	(320) 983-8318
Mille Lacs Lake Watershed Management Group	www.millelacswatershed.com
Mille Lacs Soil & Water Conservation District (SWCD)	www.millelacsSWCD.org
▪ Erosion & water quality – State Cost Share Program	(320) 983-2160
▪ Low interest financing for water quality improvement – Agricultural Best Management Practices Loan Program (AgBMP)	
Natural Resources Conservation Service (NRCS)	(320) 983-2154
Soil & Water Quality Assistance for Agricultural Producers	
▪ Environmental Quality Incentive Program (EQIP)	
▪ Conservation Security Program (CSP)	
▪ Grassland Reserve Program (GRP)	
▪ Continuous Conservation Reserve Program (CCRP)	
Soil & Water Quality Assistance for Ag & Non-Ag Landowners	
▪ Wildlife Habitat Incentive Program (WHIP)	
Snake River Watershed Management Board	(320) 679-6310

Consistency with Other Plans

During development of the original comprehensive local water management plan, previous updates, and now the 2006 update, the most recent plans available from surrounding counties and watershed management organizations were examined to ensure consistency with their goals and objectives. Every attempt has been made to ensure that the plans were compatible with all existing local, state and regional plans and controls, and no conflicts or problems were identified.

Plans reviewed were the Mille Lacs County Comprehensive Plan of 1990, Rum River Management Plan of 1978, Wetland Guidance for the Anoka Sand Plain of September 2000, Snake River Watershed Annual Plan for 2002, Mille Lacs Lake Clean Water Partnership Report of 2003, Forest Resource Management Plan of 2005 and Water Management Plans from adjacent Counties.

Recommendations to Other Plans and Controls

Mille Lacs County is currently starting the process to revise several county ordinances and update its development code. Action items in this document encourage ordinance changes that would address issues of development impacts, stormwater management and sensitive ground and surface water concerns.

Improved protection of wetland resources could occur through a Local Comprehensive Wetland Management Plan. A community-based revision of the 1978 Rum River Management Plan which acknowledges current development pressures and patterns may improve the protection of the Rum River corridor while balancing the need for economic development in the County.

B. Priority Concerns

Mille Lacs County is experiencing increasing development, especially on lakes and rivers. Through the planning process, public, local government and state agency input received pointed toward two key priority concerns. These concerns were identified as the cumulative effects of development on surface and groundwater, and the development of total maximum daily load (TMDL) information to identify potential impairment of waters.

Areas of Priority Concern

Assessments of the vulnerability of water resources in Mille Lacs County led to the identification of the Rum River Watershed as an area of high priority, with specific concern in the Mille Lacs Lake sub-watershed, West Branch of the Rum River and Anoka Sand Plain areas.

The following is an outline of the Objectives and Action Steps identified to address the two priority concerns.

Priority Concern 1: The Cumulative Effects of Development on Surface and Groundwater

Mille Lacs County is experiencing increased development pressure on the County's lakes, rivers and agricultural resources. To respond to this development pressure, the County has established the following goals: 1) To seek the protection of surface and groundwater quality in Mille Lacs County, and
2) Enhance surface and groundwater quality where degradation has already occurred.

To achieve these goals, three objectives with action steps have been identified.
Objective A Encourage development patterns that protect, enhance, maintain or restore surface and groundwater quality.
Action steps to implement Objective A include:

1. Develop a process that provides a coordinated approach to resource management as it relates to development. The process would address natural resource issues that overlap the scope of individual efforts by planning & zoning entities, Wetland Conservation Act (WCA) technical evaluation panel (TEP), Soil & Water Conservation District (SWCD), and others. This process will provide decision makers and land use planners with the information they need to make informed land use decisions by providing technical expertise. Specifically, best management practices (BMPs), focusing in the areas of erosion, sedimentation, and stormwater control.
2. Educate residents on restoring and preserving natural shoreline areas.
3. Assist landowners with shoreland and riparian best management practices and provide cost-share assistance through existing programs.
4. Educate and provide developers and communities with guidance and incentives to incorporate the use of innovative waste treatment alternatives such as cluster septic systems where appropriate.
5. Encourage the use of buffers around wetlands to ensure that wetland function is somewhat protected from direct encroachment of development and human activity within this designated buffer area. This buffer area can provide space between which human activities such as recreation, lawns, parking, storage, agriculture, etc. and wetland functions like runoff filtration, wildlife habitat, etc can coexist.
6. Develop a Geographic Information System (GIS) to assist in mapping natural resources and development activities for improved analysis of impacts. GIS is a means of electronically mapping information at the County level. Utilizing a parcel map in electronic format, a variety of information can be "layered" for the purpose of analysis. For example, a map of tax forfeited

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Sherburne County CLWMP 5 Year Amendment

Meeting Date: September 26, 2012

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Northern

Contact: Jason Weinerman

Prepared by: Jason Weinerman

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 the Five Year Amendment of the Sherburne County Comprehensive Local Water Management Plan

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
On May 23, 2007, the Board of Water and Soil Resources approved the Sherburne County Comprehensive Local Water Management Plan with a date range from 2007 to 2017. The Board required a five year update of the plan by 2012.

The County passed a resolution to amend the plan on February 6, 2012 and submitted the updated plan to the Brainerd field office on July 31st, 2012. As part of the submission, the Sherburne County Water Planner included the recommended inclusions from the Department of Natural Resources, the Department of Health, the Department of Agriculture, and the Pollution Control Agency. In addition, the water planner included documentation of the required public hearing.

The five year plan update was presented to the Northern Water Planning Committee on September 12th, 2012. As the plan update met state statutes, was recommended for approval by state agency partners, and is non-controversial, the Committee recommends approval of the Plan amendment.

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, the **Sherburne** County Board of Commissioners submitted a Local Water Management Plan Amendment (Plan Amendment) to the Board on **July 31, 2012** pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On **May 23, 2007**, the Board of Water and Soil Resources approved the Sherburne County Comprehensive Local Water Management Plan from 2007 to 2017 with a requirement for an update by 2012.

2) On **February 6, 2012** the Sherburne County Commissioners passed a resolution to begin the Five Year Amendment of their Comprehensive Local Water Management Plan.

3) The priority concerns of the local water management plan remained the same and include:

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

4) On **July 31, 2012,** the BWSR received the **Sherburne** County Plan Amendment, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On **September 12, 2012,** the Northern Water Planning Committee of the board reviewed the recommendations of the state review agencies regarding the five year update of the **Sherburne** County Plan Amendment. The Northern Water Planning Committee forwarded the plan to board with a recommendation for approval. The committee would also like to commend the County for its proactive stance in seeking to manage the Mississippi River Corridor.

6) This update will be in effect until **January 31, 2017.**

CONCLUSIONS

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

2. The **Sherburne** County Plan Amendment 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 Amendment is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached five year amendment of the **Sherburne County** Local Water Management Plan **February 1, 2007 to January 31, 2017.**

Dated at **St. Paul,** Minnesota, this **twenty sixth day of September, 2012.**

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

DATE: SEPTEMBER 5, 2012

TO: BWSR NORTHERN REGION WATER PLANNING COMMITTEE

FROM: JASON WEINERMAN

RE: REVIEW OF THE FIVE YEAR AMENDMENT FOR THE SHERBURNE COUNTY FINAL LOCAL WATER MANAGEMENT PLAN (LWMP)

On November 8th, 2011, Sherburne County adopted a resolution to begin the five year amendment process for their Comprehensive Local Water Management Plan. The County submitted their Five Year Amendment for the Local Water Management Plan to the Brainerd office of the BWSR on July 31, 2012. From my observation of the update and review process, I find that the local water management plan five year amendment meets the guidelines established by BWSR, as well as the requirements of 103B.313-103B.314.

During the amendment process, the county maintained their existing Priority Concerns, which were:

1. Impaired and degraded lakes and streams in the Elk River Watershed

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

3. Quality and quantity of riparian and aquatic vegetation

In addition to reviewing their priority concerns and ensuring that they were still applicable for the remaining five years of the plan, the county water resources advisory committee reviewed the action items under each priority concern. These actions items were modified to indicate which ones were completed, which ones had different departmental supervision, and to add new ones to reflect current conditions in the county. The Water Resources Advisory Committee also reviewed the budget for each action item and modified the calendar to reflect updated scheduling for completion of tasks. Amended sections of the water plan are in red.

The Water Resources Advisory Committee held a public hearing on July 24, 2012 during the normally schedule Committee meeting. During this hearing, the water planner reviewed comments provided by other agencies and planning groups. There were no comments from the public.

The updated water plan was sent to the appropriate state agencies that provided the feedback below:

- DNR: The plan does not violate any statutory or rule requirements and recommend approving the entire plan as submitted. The DNR offered the following comments for consideration:

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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Minnesota Board of Water & Soil Resources

- Educate, implement and install conservation (managed) drainage systems to focus on slowing down drainage water carrying sediments and nutrients from agricultural fields and urban areas. As new agricultural drainage systems are install and old systems fail and are replaced, this would be an excellent opportunity to install these managed drainage systems to spread out run off events over a longer period of time and hold water at appropriate levels below crops to "irrigate" from below by managing local ground water levels. These same systems can be utilized in the fall after crops are harvested to hold water on fields in Type 1 wetlands for migratory waterfowl up until approximately 10 days before fields are worked up again in the spring to allow time to dry out soils for planting.

- Educate and implement the utilization of shallow lake wildlife management and designation to aide in the reestablishment of aquatic submergent and emergent vegetation in shallow lakes.

- Educate and utilize local ecotype wild rice as part of aquatic vegetation restoration efforts.

- Ensure that the City of Saint Cloud posts their test results of drinking water in their seasonal newsletter as they have done up to 2011, instead of just posting a link to a web page where the information can be seen like they did in 2012.

- Educate and utilize the new "Restorable Wetland Inventory" & LiDAR GIS layers available through the MN DNR Data Deli at http://deli.dnr.state.mn.us/ to aide in the restoration of wetlands in Sherburne County.

- Educate and utilize managed rotational grazing techniques to provide better grazing forage and wildlife habitat.

- Educate and strongly encourage the maintaining and installation of buffer and filter strips, as well as grass waterways in addition to upland grassland habitat to reduce soil erosion, sedimentation, and provide critical wildlife habitat.MN Dept of Health: The plan does not violate any statutory or rule requirements and recommend approving the entire plan as submitted. The Department of Health commends the county for activities that help protect local groundwater and drinking resources as well as assisting with well protection planning and implementation activities. The agency looks forward to continuing partnerships on groundwater and drinking water protection issues.

- MN Dept. of Health: The plan does not violate any statutory or rule requirements and recommend approving the entire plan as submitted. The Department commends the county for recognition and identification of activities that help protect groundwater and drinking water. The county continues to assist local communities with wellhead protection plans and the department looks forward to future partnerships.

Minnesota Board of Water & Soil Resources

- MPCA: The plan does not violate any statutory or rule requirements and recommend approving the entire plan as submitted. These comments were submitted over the telephone with formal documentation not having arrived by the time of the committee packet mailing deadline.

Based upon the comments from the public hearing and the state agencies, there is public support for the Five Year update of the Sherburne County Local Water Management Plan. The state agency comments were in support of the amendment and all recommended approval. During my review of the submitted update, I find that the plan is still consistent with state statute, rule, and BWSR policy. Therefore, I recommend that the Northern Region Water Planning committee forward the plan update to the full Board with a recommendation to approve the five year update.

Enclosures: Water Plan Update
Public Hearing Minutes
State Agency Comments

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
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Fergus Falls, MN 56537-2505
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Marshall
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Marshall, MN 56258
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Mankato
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Mankato, MN 56001-5358
(507) 389-1967

New Ulm
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New Ulm, MN 56073
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Rochester
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Central Office / Metro Office 520 Lafayette Road North Saint Paul, MN 55155 Phone: (651) 296-3767 Fax: (651) 297-5615

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Sherburne County

Local Water Management Plan

2007 through February, 2017
Amended July, 2012

DRAFT

Prepared by the Sherburne Soil and Water Conservation District
and the
Sherburne County Water Plan Advisory Committee

RECEIVED

JUL 31 2012

BD OF WATER & SOIL
RESOURCES-BRAINERD

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Appendices

Appendix A Sherburne County Local Water Management Plan 2007-2017

Appendix 1 Surface Water, Ground Water and Related Resources

Appendix 2 Tables

Appendix 3 Maps and Figures

DRAFT

Acronyms and Phrases

BMP .....Best Management Practice
BWSR .....Board of Soil and Water Resources
County.....Sherburne County
CRP .....Conservation Reserve Program
CWP .....Clean Water Partnership
DNR.....Minnesota Department of Natural Resources
EDA .....Environmental Data Access
ERWS .....Elk River Watershed.
ERWA.....Elk River Watershed Association Joint Powers Board
EPA.....U.S. Environmental Protection Agency
EQIP.....NRCS' Environmental Quality Incentive Program
FEMA .....Federal Emergency Management Agency
FSA .....Farm Service Agency of the U.S. Department of Agriculture
IBI .....Index of Biotic Integrity
LAP .....Lake Assessment Program
LCMR .....Legislative Commission on Minnesota Resources
LID.....Low Impact Development.
LGU .....Local Government Unit
MCD.....Metro Conservation District
MDA .....Minnesota Department of Agriculture
MDH .....Minnesota Department of Health
MGS.....Minnesota Geological Survey
mg/L.....Milligrams per liter (equals parts per million)
MNDOT.....Minnesota Department of Transportation
MPCA .....Minnesota Pollution Control Agency
MSC.....Mississippi River (St. Cloud) Watershed
MS4.....Municipal Separate Storm Sewer System
MWRPP.....Major Watershed Restoration and Protection Plan
NALMS.....North American Lake management Society
NEMO.....Non-Point Education for Municipal Officials
NPDES.....National Pollution Discharge Elimination System

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NRCS .....Natural Resources Conservation Service of the U.S. Department of Agriculture

NWR .....National Wildlife Refuge

OBWELL.....Observation Well

OHWM .....Ordinary High Water Mark

PPB .....Parts per billion (equals ug/L)

PPM.....Parts per million (equals mg/L)

PUD.....Planned Unit Development

RAL's .....Recommended Allowable Limits

RIM.....Reinvest in Minnesota

SNA.....Scientific and Natural Area

STORET .....The EPA's water quality data base (maintained in Minnesota by the MPCA)

SWCD.....Soil and Water Conservation District

SWPPP.....Stormwater Pollution Prevention Plan

TEP .....Technical Evaluation Panel

TMDL .....Total Maximum Daily Load

ug/L.....micrograms per liter (equals parts per billion)

USDA.....U.S. Department of Agriculture

USFWS .....U.S. Fish and Wildlife Service

USGS .....U.S. Geological Survey

VOC.....Volatile Organic Compounds

WCA.....Wetland Conservation Act

WHIP .....NRCS' Wildlife Habitat Incentive Program

WMA .....Wildlife Management Area

DRAFT

2007 County Water Plan Advisory Committee

Committee Members:	Board, Agency or City/Township of Residence
John Riebel	Sherburne County Board
Lee Schlosser	Sherburne SWCD
Bryan Adams	Livonia Township
Garry Anderson	East St. Cloud
Roger Nelson	Blue Hill Township
Nels Andersen	Livonia Township
C. Perry Schenk	Palmer Township
John Weicht	Elk River
Barbara Tucker	Clear Lake Township
Terry Polsfuss	Palmer Township (member through March, 2006)
Alternates:	
Tiffany Babich	Big Lake Township
John Barr	Becker Township
County and State Advisors:	
Mark Basiletti, Water Plan Coordinator	Sherburne SWCD
Gina Hugo, Secretary	Sherburne SWCD
Nicola Blake-Bradley	Sherburne County Zoning (member through January, 2006)
Jennifer Oknich	Sherburne County Zoning
Vonna Henry	Sherburne County Public Health
Tana Haugen-Brown	Sherburne County Extension
Margaret Leach	Minn. Pollution Control Agency
Jason Weinerman	Minn. Board of Water and Soil Resources

DRAFT

2012 Amendment Contributors:

Local Lead Agency

Tiffany Determan, Water Resource Specialist	Sherburne Soil and Water Conservation District

2012 County Water Plan Advisory Committee

Committee Members:	**Board, Agency or City/Township of Residence**
John Riebel	Sherburne County Board
David Berg	Sherburne SWCD
Nels Andersen	Livonia Township
Garry Anderson	East St. Cloud
John Barr	Becker Township
Tom Hammer	Clear Lake Township
C. Perry Schenk	Palmer Township
John Weicht	Elk River
Barbara Tucker	Clear Lake Township
Richard Dahlman	Elk River (Alternate)
Terrance Vander Eyk	Clear Lake Township (Alternate)
County and State Advisors	
Frances Gerde, District Aide	Sherburne SWCD
Bill Bronder, Interim District Manager	Sherburne SWCD
Francine Larson, Office Manager	Sherburne SWCD
Gina Hugo, Resource Specialist	Sherburne SWCD
Lynn Waytashek	Sherburne County Zoning
David Katzner	Sherburne County Zoning
Phil Votruba	Minn. Pollution Control Agency
Mary Monte	NRCS
Jason Weinerman	Minn. Board of Water and Soil Resources
Sherburne Soil & Water Conservation District Board Supervisors:	
Douglas Hipsag	District 1
David Berg	District 2
Larry Goenner	District 3
Jason Selvog	District 4
Roger Nelson	District 5
Sherburne County Commissioners:	
Larry Farber	District 1
Ewald Petersen	District 2
John Riebel	District 3
Felix Schmiesing	District 4
Rachel Leonard	District 5
Others Contributors: THANK YOU!	
Town of Big Lake	Board Supervisors
Livonia Township	Board Supervisors
Benton SWCD	Staff
Baldwin Township	Board Supervisors
MN Department of Health	Mark Wettlaufer
MN Department of Agriculture	Robert Sip

DRAFT

1.0 Executive Summary

This section is an amendment to the 2007 version of the Sherburne County Water Management Plan. In 2012, the mid-point in this 10 year plan, the Sherburne County Local Water Plan Advisory Committee reviewed the Water Management plan to identify any objective, goal or action item that required amendments. The Water Plan Advisory Committee was delegated the responsibility of overseeing the development of the amended Implementation Plan. The Water Plan Committee conducted two meetings during the planning process to review and update the goals, objectives and action addressed in the plan. The Water Plan Committee also requested input from public local government units (LGU) State and Federal Agencies via a public meeting, request for comment letters and numerous requests reported in local media,. The three Priority Concerns for the 10 year plan have not changed however goals, objectives and action items have changed. The items mentioned above were added, modified or deleted depending upon the current issues and concerns.

Those items that have been amended appear in red text.

This is the fourth version of the Sherburne County Local Water Management Plan (Water Plan). The first version was adopted by the County in 1992 and was revised in 1995 and in 2002. This version of the Water Plan is in effect through February 28, 2017. The Implementation Program outlined in Section 3 focuses on the first five years of the effective time frame of the plan. In 2012, the plan will be amended to update the Implementation Program for the final five years. The Sherburne Soil and Water Conservation District has been delegated the responsibility for developing and implementing the Local Water Management Plan.
Sherburne County is located in east central Minnesota. The County Seat is located in Elk River. Elk River is approximately 35 miles northwest of Minneapolis and 30 miles southeast of St. Cloud.

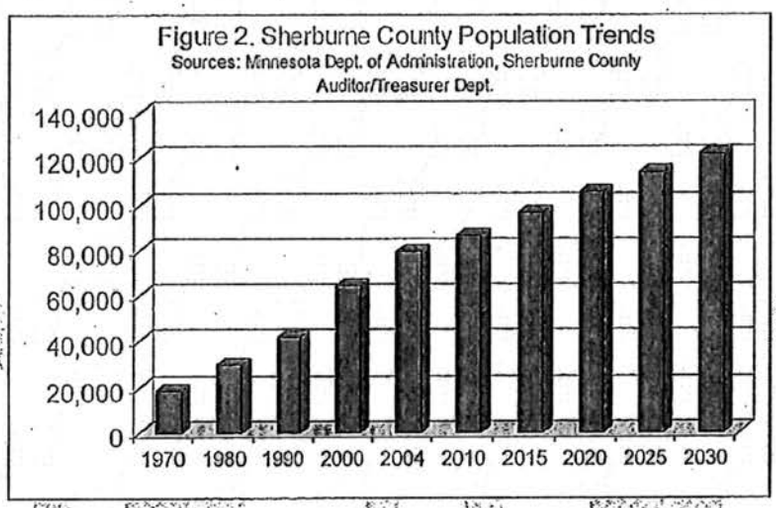
Figure 1. Location of Sherburne County

The estimated 2010 population of Sherburne County is 86,350 with 49,280 residing within incorporated areas. The County has experienced rapid population growth in recent decades and is one of the fastest growing Counties in Minnesota (Figure 2). Based on birth rate statistics provided by the Sherburne County Public Health Department, the projected population increase may be conservative.

The rapid population growth of Sherburne County is primarily due to its proximity to the Twin Cities metropolitan area and the St. Cloud urban area.

According to the U.S. Census, from 2000-2010, Sherburne County's population grew from 64,417 to 88,499 (37%). Six other counties in Minnesota experienced more overall growth. But when it comes for township population growth, Sherburne County's ten townships added 8,191 persons, more than twice as many as Beltrami (+3,408), Mille Lacs (+2,489), Scott (+2,309) and St. Louis (+2,083) counties.

Figure 2. Sherburne County Population Trends
Sources: Minnesota Dept. of Administration, Sherburne County Auditor/Treasurer Dept.



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1.1 Background on Local Water Management Planning

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

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

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

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

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

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

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

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

1.3 Surface Water, Ground Water and Related Resources

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

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

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1.4 Assessment of Surface Waters:

Impaired Waters and TMDLs:
The federal Clean Water Act (CWA) requires states to adopt water-quality standards to protect waters from pollution. These standards define how much of a pollutant can be in the water and still allow it to meet designated uses, such as drinking water, fishing and swimming. The standards are set on a wide range of pollutants, including bacteria, nutrients, turbidity and mercury. A water body is "impaired" if it fails to meet one or more water quality standard.

To identify and restore impaired waters, Section 303(d) of the Clean Water Act requires states to:
1) Assess all waters of the state to determine if they meet water-quality standards.
2) List waters that do not meet standards (also known as the 303d List) and update every even-numbered year.
3) Conduct TMDL studies in order to set pollutant reduction goals needed to restore waters.

MPCAs responsibilities include performing assessment activities, listing impaired waters, and conducting TMDLs in Minnesota. The agency also coordinates closely with other state and local agencies on restoration activities.

The Clean Water Legacy Act, passed in June 2006, allocates first-year funding to accelerate water monitoring, TMDL development and restoration activities throughout the state.

Impaired Waters:
Below is the MPCA 2010 Clean Water Act Section 303 (d) list of impaired waters in the county. The MPCA recommends counties address waters listed for pollutants/stressors other than mercury and Polychlorinated Biphenyls (PCB) in their amended LWM plans.

Stream Impairments

Reach Name	Reach Description	River ID #	Affected designated use	Pollutant or stressor	TMDL Status
Battle Brook	CD 18 to Elk Lk	07010203-535	Aquatic life	Aquatic macroinvertebrate bioassessments	Not Underway
Elk River	Elk Lk (71-0141-00) to St Francis R	07010203-579	Aquatic life	Aquatic macroinvertebrate bioassessments	Not Underway
Elk River	Elk Lk (71-0141-00) to St Francis R	07010203-579	Aquatic recreation	Fecal Coliform	Underway
Elk River	Elk Lk (71-0141-00) to St Francis R	07010203-579	Aquatic life	Turbidity	Underway
Mississippi River	Sauk R to CSAH 7 in St Cloud	07010203-574	Aquatic recreation	*Escherichia coli*	Underway
Mississippi River	Clearwater R to Elk R	07010203-510	Aquatic recreation	Fecal Coliform	Underway
Mississippi River	Clearwater R to Elk R	07010203-510	Aquatic life	Fish bioassessments	Not Underway
Mississippi River	Clearwater R to Elk R	07010203-510	Aquatic life	Mercury in Fish tissue	TMDL Approved
Mississippi River	Elk R to Crow R	07010203-503	Aquatic consumption	PCB in Fish Tissue	Not Underway
Mississippi River	Elk R to Crow R	07010203-503	Aquatic consumption	Mercury in Fish tissue	Completed
Mississippi River	Sauk R to University Dr S bridge in St. Cloud	07010203-574	Aquatic consumption	Escherichia coli	TMDL Underway
Mississippi River	Sauk R to University Dr S bridge in St. Cloud	07010203-574	Aquatic consumption	Mercury in Fish tissue	TMDL Approved
Mississippi River	University Dr S bridge in St. Cloud to St. Cloud Dam	07010203-575	Aquatic consumption	Mercury in Fish tissue	TMDL Approved
Rice Creek	Rice Lk to Elk R	07010203-512	Aquatic life	Oxygen, Dissolved	TMDL Underway
Rice Creek	Rice Lk to Elk R	07010203-512	Aquatic life	Turbidity	TMDL Underway

Lake Impairments

Reach Name	Reach Description	Lake or wetland ID# [County# + Lake#]	Affected designated use	Pollutant or stressor	TMDL Status
Big Elk	Lake or Reservoir	71-0141-00	Aquatic recreation	Nutrient/Eutrophication Biological Indicators	Underway
Birch	Lake or Reservoir	71-0057-00	Aquatic recreation	Nutrient/Eutrophication Biological Indicators	Not Underway
Briggs	Lake or Reservoir	71-0146-00	Aquatic recreation	Nutrient/Eutrophication Biological Indicators	Not Underway
Julia	Lake or Reservoir	71-0145-00	Aquatic recreation	Nutrient/Eutrophication Biological Indicators	Not Underway
Lower Orono	Lake or Reservoir	71-0013-02	Aquatic recreation	Nutrient/Eutrophication Biological Indicators	Not Underway
Upper Orono	Lake or Reservoir	71-0013-01	Aquatic recreation	Nutrient/Eutrophication Biological Indicators	Not Underway
Big	Lake or Reservoir	71-0082-	Aquatic consumption	Mercury Infish Tissue	TMDL Approved
Lower Orono	Lake or Reservoir	71-0013-02	Aquatic consumption	Mercury In Fish Tissue	TMDL Approved
Upper Orono	Lake or Reservoir	71-0013-01	Aquatic consumption	Mercury Infish Tissue	TMDL Approved
Mitchell	Lake or Reservoir	71-0081-00	Aquatic consumption	Mercury Infish Tissue	TMDL Approved

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Minnesota's Watershed Approach:

The 10 year watershed cycle for Intensive Watershed Monitoring (IWM) Phase I began in the spring of 2009 for the Mississippi River St. Cloud (8 digit HUC) watershed under a separate contract. Monitoring and field data collected during the Phase I assessment is in the process of being compiled. In 2010, work will begin to conduct a watershed wide assessment and monitoring effort that will result in the final deliverable of an implementation plan that will prescribe restoration and protection strategies for the surface water resources within the Mississippi River (St. Cloud) watershed. Ongoing Total Maximum Daily Load (TMDL) projects within the watershed (e.g. Elk River Watershed Association TMDL and the Upper Mississippi River Bacteria TMDL) will continue in accordance with their existing specific project work plan.

The major threats to this watershed include:
1. Loss of shoreline buffers and habitat due to development.
2. Introduction of large amounts of phosphorus, sediment, and bacteria from urban and rural sources to surface waters.
3. The combination of long, moderately steep slopes and easily erodible sandy loam soil that is inherently high in phosphorus.
4. Increased nutrient, contaminant and sedimentation loading from storm water run-off from development and other non-point sources.
5. Protecting drinking water supplies from bacteria impairments.
6. Loss of biodiversity due to competition from invasive species.
7. Relatively high percentage of agricultural and urban/residential land uses within the watershed.

1.5 Water Plan Priorities

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

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

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

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

1.6 The Implementation Plan

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

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

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

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

Major Projects-Completed and/or In Progress which may guide water planning action priorities:

- Mississippi River (St. Cloud) Major Watershed Restoration and Protection Project
- ERWA TMDLs (Approved June 2012)
- City of St. Cloud Landscape Retrofit Project
- City of Elk River Landscape Retrofit Project
- Sub-Watershed Analysis Projects
- Briggs Lake Chain Infrared Detection Fly-Over

The following list identifies the goals and actions as identified through the Water Planning Process (2007) as well as the amendment process (2012).

Priority Concern 1.
Goal 1. Reduce pollutant levels for impaired lakes and streams and maintain water quality where resources meet state standards. Actions focus on the implementation of the following objectives:

- Implement land use practices that reduce nutrient loading to surface water resources.

Goal 2. Work with MPCA as well as other federal, state and local watershed agencies to complete Major Watershed Restoration and Protection Plans (MWRPP) and associated Total Maximum Daily Loads (TMDLs). Actions focus on the implementation fo the following objectives:

- Collect and complete data supporting the MWRPP process.
- Maximize effectiveness of completed TMDLs and the MPCA's MWRPP implementation strategies.

Priority Concern 2.
Goal 3. Mitigate the quantitative and qualitative storm water impacts to surface water from urban and residential development. Actions focus on the implementation of the following objectives:

- Retrofit stormwater treatment for developed areas with no or inadequate treatment.
- Use local controls and ordinances to reduce impacts from stormwater runoff
- Identify innovative practices to reduce stormwater runoff

Priority Concern 3. Actions focus on the implementation of the following objectives:
Goal 4. Protect, improve and establish native riparian and aquatic vegetation

- Establish riparian buffers on agricultural land
- Preserve and establish buffers of native vegetation on lakes and streams in urban and rural - residential areas.
- Provide education to landowners and LUGs regarding quality and quantity of riparian and aquatic vegetation

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The total cost estimate for the implementation program is $1,274,065 for 2012 through 2017. This cost includes existing staff time, grant funds (some of which is currently in place) USDA – NRCS funding, LGU budgets, funding by private organizations, volunteer time, and contributions from landowners for installing land treatment projects.

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

1.7 Consistency with other Local, State and Regional Plans

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

Local Controls reviewed in the preparation of this plan:

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

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

Plans Considered during the 2012 Amendment Process:
In addition to those plans mentioned above, completed Total Maximum Daily Load Studies (TMDLs), and lake and management plans overlaying Sherburne County were been considered in the completion of this document. Additionally, plans from neighboring counties were reviewed to ensure consistency in the protection of regional water resources. There are no known conflicts between the Sherburne County Water Plan and other local plans regarding water resources.

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Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Red River Basin Watershed District Plan Expiration Date Extension**

Meeting Date: September 26, 2012

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: north region

Contact: Steve Woods/Ron Shelito

Prepared by: Brian Dwight

Reviewed by: Northern Water Planning Committee(s)

Presented by: Gene Tiedemann

☐ **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

Approve a resolution to extend the expiration dates of watershed district plans in the Red River Basin

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

The reason for extending the expiration date of these plans is to "synchronize" the Watershed District water management plan update schedule and process with the MPCA's water quality monitoring and assessment schedule for Minnesota's 81 major watersheds. By synchronizing the watershed district plans with the MPCA assessment work we accomplish a couple of things: The watershed districts will be provided with detailed water quality assessments which can be incorporated into their plans. Secondly, both the MPCA assessment and the watershed district plan update process will be used to engage the public and stakeholders in developing an implementation plan. By synchronizing these efforts it will allow for more efficiency of local planning efforts.

The need for a resolution is primarily to offset a BWSR policy related to the LGU eligibility to apply for BWSR grants. BWSR Clean Water Fund policy states: "Eligible applicants include local governments (counties, watershed districts, watershed management organizations, soil and water conservation districts, and cities) or local government joint power boards working under a current state approved and locally adopted local water management plan or soil and water conservation district (SWCD) comprehensive plan…" Without this resolution extending the watershed district water management plan expiration dates, the watershed districts would not be eligible Clean Water Fund applicants

The resolution also includes a more flexible approach to the synchronizing of county local water management planning with the WRAP/watershed district planning schedule. With many counties having portions of multiple major watersheds within their boundaries it is difficult to set an adjusted schedule. Allowing them to petition BWSR gives them the ability to make plan adjustments that best suits county circumstances.

Minnesota Board of Water & Soil Resources

Resolution #12-85

Red River Basin Watershed District Plan
Expiration Date Extension

WHEREAS, the Associations of Soil and Water Conservation Districts, Counties, and Watershed Districts put forth a joint proposal to the legislature in 2012 to advance policy supporting mechanisms for increasing the effectiveness of watershed based management and diminishing the administrative burden of excessive planning ; and

WHEREAS, The Legislative session of 2012 produced statute changes to allow the Board of Water and Soil Resources to develop an alternative local water planning structure to promote greater local coordination and the resulting multiple benefits in the development of comprehensive watershed management plans; and,

WHEREAS, Water management plans need to address water management from a comprehensive perspective including but not limited to ground water and surface water quality and quantity concerns, land use, water usage, recreational use, and fish and wildlife habitat; and

WHEREAS, Multiple local, state, and federal governmental agencies are authorized by statute to engage in watershed assessment and planning efforts, often in partnership with non-governmental organizations; and

WHEREAS, The Board of Water and Soil Resources (BWSR) is authorized by M.S. 103B, 103C, and 103D; to oversee and approve local governmental unit (LGU) plans and implementation efforts; and

WHEREAS, Watershed District plans as authorized by M.S. 103D.401 and M.S. 103D. 405 are comprehensive watershed based plans which address water management issues including water quality; and

WHEREAS, The Red River Basin has nearly complete coverage with watershed districts that have generally been coordinating water management on a major-watershed or larger basis; and

WHEREAS, The Minnesota Pollution Control Agency (MPCA) has initiated a water quality assessment program which has a 10 year cycle to assess major watersheds within Minnesota; and

WHEREAS, There are advantages to synchronize the 10 year MPCA monitoring and assessment schedule with the 10 year watershed district plan updates; and

WHEREAS, A schedule synchronizing watershed district plan updates in Red River Basin with the MPCA water quality assessment schedule has been prepared by BWSR and MPCA.

NOW THEREFORE BE IT RESOLVED, For the purpose of effectively synchronizing comprehensive watershed planning efforts; the BWSR will recognize the individual Watershed District plan expiration dates as follows:

Watershed District	Plan expiration date
Joe River Watershed District	April 2016
Bois de Sioux Watershed District	April 2017
Two River Watershed District	October 2017
Wild Rice Watershed District	October 2017
Red Lake Watershed District	October 2018
Roseau River Watershed District	April 2019

BE IT FURTHER RESOLVED: For the purpose of effectively synchronizing county comprehensive water management planning efforts; the BWSR will allow counties in the Red River Basin to petition BWSR to extend county local water management plan expiration dates to enable more effective coordination with partner watershed district(s).

Brian Napstad, Chair

September 26, 2012
Date

Minnesota Board of Water & Soil Resources

Resolution # 12-85

Red River Basin Watershed District Plan
Expiration Date Extension

WHEREAS, the Associations of Soil and Water Conservation Districts, Counties, and Watershed Districts put forth a joint proposal to the legislature in 2012 to advance policy supporting mechanisms for increasing the effectiveness of watershed based management and diminishing the administrative burden of excessive planning ; and

WHEREAS, The Legislative session of 2012 produced statute changes to allow the Board of Water and Soil Resources to develop an alternative local water planning structure to promote greater local coordination and the resulting multiple benefits in the development of comprehensive watershed management plans; and,

WHEREAS, Water management plans need to address water management from a comprehensive perspective including but not limited to ground water and surface water quality and quantity concerns, land use, water usage, recreational use, and fish and wildlife habitat; and

WHEREAS, Multiple local, state, and federal governmental agencies are authorized by statute to engage in watershed assessment and planning efforts, often in partnership with non-governmental organizations; and

WHEREAS, The Board of Water and Soil Resources (BWSR) is authorized by M.S. 103B, 103C, and 103D; to oversee and approve local governmental unit (LGU) plans and implementation efforts; and

WHEREAS, Watershed District plans as authorized by M.S. 103D.401 and M.S. 103D. 405 are comprehensive watershed based plans which address water management issues including water quality; and

WHEREAS, The Red River Basin has nearly complete coverage with watershed districts that have generally been coordinating water management on a major-watershed or larger basis; and

WHEREAS, The Minnesota Pollution Control Agency (MPCA) has initiated a water quality assessment program which has a 10 year cycle to assess major watersheds within Minnesota; and

WHEREAS, There are advantages to synchronize the 10 year MPCA monitoring and assessment schedule with the 10 year watershed district plan updates; and

WHEREAS, A schedule synchronizing watershed district plan updates in Red River Basin with the MPCA water quality assessment schedule has been prepared by BWSR and MPCA.

NOW THEREFORE BE IT RESOLVED, For the purpose of effectively synchronizing comprehensive watershed planning efforts; the BWSR will recognize the individual Watershed District plan expiration dates as follows:

Watershed District	Plan expiration date
Joe River Watershed District	April 2016
Bois de Sioux Watershed District	April 2017
Two River Watershed District	October 2017
Wild Rice Watershed District	October 2017
Red Lake Watershed District	October 2018
Roseau River Watershed District	April 2019

BE IT FURTHER RESOLVED: For the purpose of effectively synchronizing county comprehensive water management planning efforts; the BWSR will allow counties in the Red River Basin to petition BWSR to extend county local water management plan expiration dates to enable more effective coordination with partner watershed district(s).

Brian Napstad, Chair

9/26/12
Date

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Wilkin County CLWM Five-Year Update Extension**

Meeting Date: September 26, 2012

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Northern Region

Contact: Pete Waller

Prepared by: Pete Waller

Reviewed by: Northern Water Planning Committee(s)

Presented by: Rob Sip

☐ **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 required five-year update of the implementation section of the Wilkin County Local Water Management Plan until December 31, 2014.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
Wilkin County submitted a request for an extension of the required five-year update of the implementation section of the Wilkin County Local Water Management Plan (Plan). The existing deadline for the update of the Plan implementation section is December 31, 2012. This extension would enable the Wilkin Plan to coincide with the updating of the Buffalo-Red River Watershed District (BRRWD) Overall Plan, which is required by April 2014. Recall the required BRRWD Plan Update is included in the April 26, 2012, Order to enlargement the BRRWD which added about 320 square miles within Wilkin County to the BRRWD. The Wilkin County area now included in the BRRWD is 553 square miles. The rest of Wilkin County (184 sq miles) is within the Bois de Sioux Watershed District. The BDSWD Plan will be updated by April 2017.

BWSR staff deemed the extension request acceptable and recommended a two-year extension, which would make the Implementation Plan update deadline December 31, 2014. The Northern Water Planning Committee met September 12, 2012 and will recommend approval at the September 26, 2012 Board meeting.

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55107

In the Matter of Extending the Comprehensive Local Water Management Plan for Wilkin County

ORDER EXTENDING WATER MANAGEMENT PLAN

Whereas, the Wilkin County Board of Commissioners has a state-approved Comprehensive Local Water Management Plan that is in effect until December 31, 2017 pursuant to Minnesota Statutes 103B.301; and

Whereas, the Board Order, dated May 28, 2008, required Wilkin County to update the implementation section (Goals, Objectives and Actions) of the Plan by December 31, 2012.

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

FINDINGS OF FACT

On May 28, 2008, the Board approved the Wilkin County Comprehensive Local Water Management Plan, and Wilkin County adopted this Plan via resolution on June 9, 2008. The approved Plan is effective for a ten-year period until December 31, 2017, with a required update to the implementation section (Goals, Objectives and Actions) by December 31, 2012.

On June 19, 2012, Wilkin County approved and submitted a resolution requesting an extension of their required update to the implementation section of their Plan. This extension is requested to enable the Wilkin Plan to coincide with the Updating of the Buffalo-Red River Watershed District (BRRWD) Overall Plan.

On April 26, 2012, the Board approved the expansion of the BRRWD to include an additional 430 square miles, of which 320 square miles are within Wilkin County. The Order further required the BRRWD Overall Plan be amended or updated by April 25, 2014.

On September 5, 2012, Board staff reviewed and recommended approval of the extension request by Wilkin County.

On September 12, 2012, the North Region Water Planning Committee met in Brainerd, Minnesota to discuss Wilkin County's request for extension. The Committee's decision was to present to the Board a recommendation of approval to extend Wilkin County's update to the implementation section of the Comprehensive Local Water Management Plan until December 31, 2014.

CONCLUSIONS

All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of extending the update of the implementation section of the Comprehensive Local Water Management Plan Update of Wilkin County.

ORDER

The Board hereby approves the extension of the required five-year update of the implementation section of the Wilkin County Comprehensive Local Water Management Plan until December 31, 2014.

Dated at St Paul, Minnesota, this twenty-sixth eighth day of September 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

NEW BUSINESS

1. Clean Water Council Budget Development Process – Keith Hanson, Chairman, Clean Water Council - ***INFORMATION ITEM***

2. Grants Monitoring Report – Tim Dykstal – ***INFORMATION ITEM***

Clean Water Council

Advising the Legislature and the Governor on state programs to restore and protect Minnesota's waters.

Clean Water Council FY14-15 Funding Priorities
(July 2012)

Background

In November 2008, Minnesotans passed the Clean Water, Land and Legacy Amendment to the Minnesota Constitution to: protect drinking water sources; to protect, enhance, and restore wetlands, prairies, forests, and fish, game, and wildlife habitat; to preserve arts and cultural heritage; to support parks and trails; and to protect, enhance, and restore lakes, rivers, streams, and groundwater. Thirty-three percent of the sales tax revenue from the Legacy amendment is dedicated for the Clean Water Fund, and may only be spent to protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater from degradation. At least five percent of the Clean Water Fund must be spent to protect drinking water sources. The 2011 Special Session law requires that the Clean Water Council make recommendations to the Governor and Legislature on how Clean Water Fund monies be appropriated.

Fiscal years 2014-15 Clean Water Council funding priorities

The following are the Clean Water Council's priorities for FY 2014-15, assuming a $185 million biennial budget:

- Monitoring and assessment: *The Council endorsed the 10-year watershed approach framework to monitor and assess ongoing flow, chemical, and load data at 81 outlets of the watershed and to intensively monitor biological, chemical and physical data at strategic points throughout the watershed on a 10 year cycle. The Council will reassess this priority after the first 10-year cycle is completed in 2017. Until that time, the Council anticipates funding will remain steady. For the 2014-15 biennium, the Council recommends funding these activities in the range of 11-15% of total Clean Water Funds available.*

- Watershed restoration and protection strategies: On-the-ground activities are essential to a successful 10-year watershed approach. *These strategies will target the most serious water quality and groundwater issues. Once all 81 watershed strategies have been written, the Council will reassess this priority. Until that time, the Council anticipates funding will remain steady. For the 2014-15 biennium, the Council recommends funding these activities in the range of 11-14% of total Clean Water Funds available.*

- Groundwater/drinking water protection and implementation: *The Clean Water, Land and Legacy Amendment requires at least five percent of the Clean Water Fund must be spent to protect drinking water sources. The Council supports funding a variety of activities, including groundwater monitoring, implementing best management practices, modeling and aquifer protection activities. Funding for these activities has increased and the Council anticipates that it will continue to increase over time. For the 2014-15 biennium, the Council recommends funding these activities in the range of 7-9% of total Clean Water Funds available.*

wq-cwc4-75h

- Restoration and protection implementation: *The Council endorsed the 10-year watershed approach framework to include implementation activities and agrees with the public's desire to see successful on-the-ground activities. The Council recognizes there are vast needs for non point source protection, restoration and preservation activities, and sees a need for point source activities to improve infrastructure to meet wastewater and stormwater treatment requirements for preventing and restoring impaired waters. The Council recognizes Clean Water Fund dollars provide opportunities to leverage funding from other local and federal entities and anticipates that funding for on-the-ground implementation activities to target water quality issues will increase over time. For the 2014-15 biennium, the Council recommends funding these activities in the range of 57 – 60% of total Clean Water Funds available.*

- Education and civic engagement: *To have a successful education and civic engagement program, a framework must be established to actively engage local organizations, and strengthen rather than duplicate or displace local watershed and land use planning. Even though the Council's recommendation to include funding for these activities was not included in the FY12-13 biennial appropriation, the Council will continue to endorse education and civic engagement activities. These efforts focus on stakeholders whose behavior can have the most significant impact on improving water quality. The Council anticipates funding for these activities will increase over time. For the 2014-15 biennium, the Council recommends funding these activities up to 1-5% of total Clean Water Funds available. [Note: For FY14-15, funding for this activity will be allocated to existing clean water projects, rather than through a separate line item in the proposed Council budget.]*

- Applied research and tool development: The Council recommended funds in the FY 12-13 biennium to develop tools and applied research that will better target critical areas ensuring implementation efforts are effective. *The Council anticipates funding for these activities will remain steady over time. For the 2014-15 biennium, the Council recommends funding these activities in the range of 6-8% of total Clean Water Funds available.*

Funding guidance from MS 114D

114D.30 CLEAN WATER COUNCIL. (Clean Water Legacy Act)
Subd. 6. **Recommendations on appropriation of funds.**
(a) The Clean Water Council shall recommend to the governor and the legislature the manner in which money from the clean water fund should be appropriated for the purposes stated in article XI, section 15, of the Minnesota Constitution and section 114D.50.

(b) The council's recommendations must:

(1) be to protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater from degradation and ensure that at least five percent of the clean water fund is spent only to protect drinking water sources;

(2) be consistent with the purposes, policies, goals, and priorities in this chapter; and

(3) allocate adequate support and resources to identify degraded groundwater and impaired waters, develop TMDL's, implement restoration of groundwater and impaired waters, and provide assistance and incentives to prevent groundwater and surface waters from becoming degraded or impaired and improve the quality of surface waters which are listed as impaired but have no approved TMDL.

(c) The council must recommend methods of ensuring that awards of grants, loans, or other funds from the clean water fund specify the outcomes to be achieved as a result of the funding and specify standards to hold the recipient accountable for achieving the desired outcomes. Expenditures from the fund must be appropriated by law.

114D.50: Clean Water Fund

Subdivision 1. **Establishment.** The clean water fund is established in the Minnesota Constitution, article XI, section 15. All money earned by the fund must be credited to the fund.

Subd. 2. **Sustainable drinking water account.** The sustainable drinking water account is established as an account in the clean water fund.

Subd. 3. **Purpose.**

(a) The clean water fund may be spent only to protect, enhance, and restore water quality in lakes, rivers, and streams, to protect groundwater from degradation, and to protect drinking water sources by:

(1) providing grants, loans, and technical assistance to public agencies and others testing waters, identifying impaired waters, developing total maximum daily loads, implementing restoration plans for impaired waters, and evaluating the effectiveness of restoration;

(2) supporting measures to prevent surface waters from becoming impaired and to improve the quality of waters that are listed as impaired, but do not have an approved total maximum daily load addressing the impairment;

(3) providing grants and loans for wastewater and storm water treatment projects through the Public Facilities Authority;

(4) supporting measures to prevent the degradation of groundwater in accordance with the groundwater degradation prevention goal under section 103H.001; and

(5) providing funds to state agencies to carry out their responsibilities, including enhanced compliance and enforcement.

(b) Funds from the clean water fund must supplement traditional sources of funding for these purposes and may not be used as a substitute.

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Clean Water Council Budget Development Process**

Meeting Date: September 26, 2012

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

Item Type: ☐ Decision ☐ Discussion ☒ Information

Section/Region:

Contact: John Jaschke

Prepared by: John Jaschke

Reviewed by: Committee(s)

Presented by: Keith Hanson, Chair of Clean Water Council

☐ **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*)
The Clean Water Council is seeking comments on its proposed Clean Water Fund budget for the 2014-2015 biennium. The Council will make budget recommendations to the Governor and the Minnesota Legislature in December.

A public comment period began September 4 and continues through Sept. 28, 2012. The Council is asking the public to comment on questions that are to be found on the Clean Water Council's webpage at www.pca.state.mn.us/cleanwatercouncil.

The Clean Water Council needs to meet a $185 million target for fiscal years 2014-2015 and is seeking public input . The Council is also seeking comments on how to build the long-term capacity of local government agencies to improve their ability to implement water-quality practices.

Also, the agencies with roles and responsibilities for Clean Water Fund work recently sent a letter the Council suggesting a joint effort to shape a long term vision for the Clean Water Fund.

Minnesota Pollution Control Agency

Minnesota Department of Natural Resources

Minnesota Department of Agriculture

Minnesota Board of Water & Soil Resources

Minnesota MDH Department of Health

Metropolitan Council

PFA

September 13, 2012

Mr. Keith Hanson, Chair
Clean Water Council
520 Lafayette Road N.
St. Paul, MN 55155

Dear Mr. Hanson:

As agencies with responsibilities for implementing the Clean Water Fund (BWSR, DNR, MDA, MDH, PFA, Met Council and PCA), our staff have submitted preliminary suggestions for Clean Water funding to the Council for fiscal year 2014-15.

Collectively, we seek to address Minnesota's long term clean water needs in preparation for the upcoming biennial budget development. During our preliminary discussions it has become evident, as it presumably also has to the Clean Water Council (CWC) members, that we need to continue to look well beyond the upcoming two year budget in order to make the most of current and future efforts.

As you know, our waters are threatened or impaired in many areas of our state. In other areas, we need to protect the high quality assets of our lakes, rivers, wetlands and groundwater. We know that ongoing funding is needed to accomplish the initial monitoring and analysis to define problems and formulate solutions. Accelerated funding is needed to secure commitments from local governments, agencies, non-government organizations and landowners to carry out targeted, science-based action plans focused on getting projects and practices in place that provide clean water. All of this work must show progress – progress that builds the tomorrow's result on today's wise investments.

We are interested in meeting with the CWC to explore a partnership discussion to anticipate and coordinate plans for Clean Water Fund (CWF) looking at short-term, mid-term and 25 year goals; we believe a 5-year increment for these goals makes sense. If you and members of the Council are similarly interested, please let us know and we will direct the inter-agency CWF coordination team to begin making arrangements as soon as possible.

Sincerely,

John Linc Stine, Commissioner
Pollution Control Agency

Tom Landwehr, Commissioner
Department of Natural Resources

Dave Frederickson, Commissioner
Department of Agriculture

Dr. Ed Ehlinger, Commissioner
Department of Health

John Jaschke, Executive Director
Board of Water and Soil Resources

Susan Haigh, Chair
Met Council

Jeff Freeman, Executive Director
Public Facilities Authority

cc: Inter-Agency CWF Coordination Team Members

The Clean Water Council's proposed budget recommendations are in these categories:

- **Monitoring and assessment programs (11-15 percent of total budget): Continue steady funding levels to systematically determine the health of Minnesota's waters over 10 years, the first cycle of which ends in 2017.**

- **Watershed restoration and protection strategies (11-14 percent): Continue steady funding to determine the causes and solutions to pollution problems and threats until strategies have been completed in all the state's 81 watersheds.**

- **Groundwater/drinking water protection (7-9 percent): Increase funding over the minimum of 5 percent required by the constitutional amendment to protect groundwater and drinking water sources.**

- **Point and nonpoint source implementation activities (57-60 percent): Increase funding for on-the-ground activities that address runoff from fields and streets, as well as to improve infrastructure for sewage treatment and urban stormwater.**

- **Applied research and tool development (6-8 percent): Steady funding to better target and ensure that implementation efforts are successful.**

The Clean Water Council, created through the 2006 Clean Water Legacy Act, advises on the administration and implementation of Clean Water Fund dollars that are to protect, enhance and restore Minnesota's water resources. Approved by the voters in 2008, the Clean Water Fund is constitutionally dedicated funding that is appropriated every two years by the legislature. For more information, contact Celine Lyman (phone 651-757-2541, email celine.lyman@state.mn.us) or Jeff Risberg (phone 651-757-2670, email jeff.risberg@state.mn.us).

BOC worksheet for proposed FY14-15 budget development

Revised DRAFT 9-14-12

#	Agency	Clean Water Fund Activity	Approp. FY10-11	Approp. FY12-13	Agency Proposals FY14-15	% Funding Range recommendations for categories	BOC Proposals FY14-15	NOTES: * Activities where feedback is especially requested; ** BOC recommended reductions for consideration; 8/3/12 changes are in blue. 8/28 changes in green (for public comment draft). 9/14 identified activities that need more discussion with CWC.
1	**MPCA**	**Continue monitoring & assessment efforts to meet the 10-year cycle:** Statewide monitoring and assessment work is on track to meet the 10-year schedule, at a rate of about 10 percent of the watersheds each year. By the end of 2012, intensive watershed monitoring will be completed in 52 percent of the state's watersheds and 62 percent in 2013. Intensive watershed monitoring includes biological, chemical, and habitat monitoring at an average of about sixty sites per watershed to assess the water conditions. Assessments determine what waters are impaired and serve as a basis for further analysis of watershed problems and watershed planning efforts. The program goal of assessing data for each monitored watershed within one year of completion of intensive watershed monitoring is being met.	$15.000M	$14.800M	$ 15,000,000		$ 15,000,000	
2	MPCA	Red River Watch Program	$0.346M	$0.200M	$ -		$ -	
3	MPCA	St. Croix Watershed Monitoring	$0.500M	--	$ -		$ -	
4	MPCA	Wastewater Treatment Monitoring – EDCs	$0.896M	--	$ -		$ -	
5	MPCA	Wild Rice study	--	$1.500M	$ -		$ -	
6	**MDA**	**Monitoring for Pesticides in Surface Water and Groundwater**: Ongoing monitoring using clean water funded state-of-the-art laboratory instruments which provides increased capability and greater capacity.	$0.675M	$0.700M	$ 700,000		$ 700,000	
7	MDA	Root River Demonstration Project: Field evaluation of agricultural best management practices at multiple scales using a nested watershed approach.	$0.395M	--	$ -		$ -	
8	DNR	Water quality assessment	$3.7M		$ -		$ -	
9	**DNR**	**Stream Flow Monitoring** Collect stream flow information to calculate pollution loads for TMDL studies and pollution reduction plans, and to calibrate watershed models.		$3.65M	$ 4,250,000		$ 4,250,000	(revised CWF Activity description from DNR)
10	**DNR**	**Lake IBI Assessment** Develop an Index of Biotic Integrity for a more holistic assessment of lake health.		$2.3M	$ 2,900,000		$ 2,900,000	* (revised CWF Activity description from DNR)
11	**DNR**	**Fish Contamination Assessment**		$0.260M	$ 270,000		$ 270,000	
		Monitoring and assessment total	**$21.512M**	**$23.410M**	**$ 23,120,000**	**$20.35M-$27.75M (11-15%)**	**$ 23,120,000**	

BOC worksheet for proposed FY14-15 budget development

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12	**MPCA**	**TMDL development: Fund TMDL projects and staff:** Beginning in 2008, the MPCA launched a new "watershed approach" to systematically and comprehensively conduct the state's water-quality monitoring, and restoration and protection planning needs on a 10-year cycle (10 percent of the state's 81 major watersheds per year). As the assessment process is completed in each watershed, TMDLs will be developed for impaired waters and protection strategies for unimpaired waters. These projects are called Watershed Restoration and Protection Strategies (WRAPs), and will set the reduction goals, milestones and measures to guide state and local government in their implementation efforts. Anticipated WRAP strategies will be underway in 45 of 81 watersheds by FY13. MPCA's work includes technical assistance to local government, review and preliminary approval of TMDLs and overall WRAPs , contract management, stressor identification, coordination with EPA and other state and federal agencies.	$18.000M	$18.800M	$ 18,800,000		$ 18,800,000	* **9/14 BOC: more discussion needed with CWC**
13	**DNR**	**Watershed Restoration and Protection Strategies** Regional Technical Assistance and Statewide Coordination for Clean Water. Work with interagency teams to provide expertise data, analysis, and support for MPCA's major watershed studies. Provide information which is used in planning watershed assessments, identifying pollution types and sources, and developing watershed protection and restoration strategies that provide clean water and other ecological benefits. Coordinate statewide CWF work with DNR and external partners to ensure funds are spent in the most effective and efficient manner.	$2.100M	$3.460M	$ 3,935,000		$ 3,935,000	* (revised CWF Activity description from DNR)
	Watershed restoration / protection strategies total		**$20.100M**	**$22.260M**	**$ 22,735,000**	**$20.35M-$25.9M (11-14%)**	**$ 22,735,000**	
14	**MPCA**	**Groundwater assessment:** Continue to enhance ambient network, modeling to support TMDL stressor ID, continued effort to look for CECs in subset of monitoring wells.	$2.250M	$2.250M	$ 2,250,000		$ 2,250,000	*
15	MPCA	Groundwater protection: ($4M reapprop. to DNR)	$--	--	$ -		$ -	
16	MPCA	EQB I94 study (transfer)	--	$0.450M	$ -		$ -	
17	**MPCA**	**Enhanced county inspections / SSTS corrective actions:** In state fiscal years 2014-15, the MPCA will continue to provide $1,500 per year/per county for SSTS funding, and requests that the Clean Water Fund supplement the County SSTS program implementation at $2.5 million per year, in addition to funding two MPCA SSTS staff positions.	--	$1.570M	$ 5,400,000		$ 5,400,000	* **9/14 BOC: more discussion needed with CWC; concern with overall budget total for SSTS of $8.4M + (see #17, 40, 63)**

BOC worksheet for proposed FY14-15 budget development

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18	**MDA**	**Nitrates in Groundwater:** Actions to protect and restore groundwater from nitrates. Promote and evaluate regional and crop-specific nutrient Best Management Practices. Work directly with local communities dealing with identified nitrate problems. Facilitate planning by community public water suppliers, local farmers and fertilizer dealers. Design and implement low cost private well monitoring networks to evaluate nitrate trends in high risk areas and regionally	$1.125M	$1.700M	$ 4,000,000		$ 1,700,000	* * **9/14 BOC: more discussion needed with CWC**
19	**MDA**	**Irrigation Water Quality Protection:** Nitrogen contributions to groundwater under Irrigated agriculture can be significant in some parts of Minnesota. Funding will provide a regional irrigation water quality specialist via a contract with U of M extension. This position will develop irrigation water quality BMPs and provide supporting education and guidance.	--	--	$ 220,000		$ 220,000	
20	DNR	Drinking water planning and protection activities.	$1.125M		$ -		$ -	
21	**DNR**	**Aquifer Monitoring for Drinking Water Protection** Monitor Minnesota's observation well network to collect critical aquifer level data needed for drinking water protection.		$3.000M	$ 5,600,000		$ 1,000,000	**8/3 BOC: Reduced from $3M to $1M** (revised CWF Activity description from DNR) **9/14 BOC: more discussion needed with CWC**
22	DNR	Metropolitan groundwater monitoring and protection.	$4.000M	$1.000M	$ -		$ -	
23	**DNR**	**Water appropriation electronic permitting development:** An electronic permitting system will increase efficiency of tracking water appropriations and substantially reduce workload for staff that currently process individual "paper" permits. The system will screen permit applications, automatically issue permits as appropriate, and send permits that require additional review to hydrologists for processing.		$0.900M	$ 200,000		$ -	**
24	**BWSR**	**Permanent conservation easements: wellhead protection:** Permanent Conservation Easements on wellhead protection areas under MS 103F.515 Subd. 2, paragraph (d). Must be in drinking water supply management areas designated as high or very high by the Commissioner of Health.		$2.6M	$ 3,600,000		$ 2,600,000	**8/3 BOC: Reduced from $3.6M to $2.6M**

BOC worksheet for proposed FY14-15 budget development

Revised DRAFT 9-14-12

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25	MC	**Twin Cities metro water supply plan implementation:** Metropolitan Council's responsibility for implementing the Twin Cities Metropolitan Area Master Water Supply Plan ensures that local water supply development is coordinated and aligned with both regional and local growth and land use policies to achieve a sustainable water supply. In 2015/2016, all 186 communities in the seven-county metropolitan area will begin updating their local water supply and comprehensive plans. Water supplies in these communities support over half of Minnesota's population. Providing tools and information early in the planning process ensures a more coordinated and regionally sustainable approach to meeting half of the state's municipal water demand. Implementation of the Twin Cities Metropolitan Area Master Water Supply Plan will result in multiple projects that support protection, better management, and sustainable development of the region's water supplies. Project results will help guide land-use decisions and resource-monitoring strategies, prioritize management activities, and avoid adverse water resource impacts from projected land use changes.	$0.800M	$1.000M	$ 1,400,000		$ 800,000	** **9/14 BOC: more discussion needed with CWC**
26	MC	**Regional groundwater recharge areas – identification and classification:** The project will identify and rank regional recharge areas to protect and enhance the drinking water supply in the metropolitan area. This project will demonstrate how water supply planning can be aligned with regional development planning. Project results will be used to help: 1. Guide land use decisions, resource monitoring strategies, and to prioritize management activities that support the sustainable development and operation of our region's water supply systems. 2. Inform community plan development by providing local recharge area information, potential locations for artificial recharge and protection priorities to support local water supply management.			$ 166,000		$ 166,000	
27	MDH	**Contaminants of emerging concern program:** With tens of thousands of chemicals in use and guidance available for only a few hundred, it is important that the CEC program is sustained over the long-term. The program will continue to develop guidance for contaminants (which supports the work of other state agencies who monitor for these contaminants) to protect human health, advance the science of risk assessment through contracted research programs, and provide outreach and education materials to the public.	$1.335M	$2.040M	$ 2,500,000		$ 2,000,000	** **8/3 BOC: Increased from $1M to $2M** **9/14 BOC: more discussion needed with CWC**

BOC worksheet for proposed FY14-15 budget development

Revised DRAFT 9-14-12

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28	MDH	**Source water protection:** MDH has set a goal to have wellhead protection plans approved for all 935 community water suppliers that use groundwater by 2020, providing CWF funding continues. The Source Water Protection Grant Program which supports the efforts by public water suppliers to protect sources of public drinking water will likely continue throughout the extent of the Clean Water Land and Legacy Amendment.	$2.415M	$2.830M	$ 3,500,000		$ 3,500,000	
29	MDH	**County Well Index enhancement:** The County Well Index (CWI) is the principle statewide database of well construction and related information that is used by the public and private sectors to understand and manage Minnesota's groundwater resources. There has never been long-term funding available to maintain or update the CWI even though it is used extensively by a wide range of stakeholders (realtors, well contractors, counties, home owners, etc.). Among the improvements to CWI, this initiative will 1) link well data housed at other state agencies so it is available to users; 2) eliminate a backlog of 70,000 well records; 3) update and edit another 430,000 records to eliminate errors and reflect understanding of subsurface hydrogeological conditions; and 4) define CWI capabilities needed by internal and external users for well construction, subsurface geological and well water-quality data.	--	$0.668M	$ 1,000,000		$ 1,000,000	9/14 BOC: more discussion needed with CWC
30	MDH	**Well Sealing Cost Share:** There will be an ongoing need to fund well sealing into the foreseeable future. There are between 250,000 and 500,000 unused unsealed wells. Approximately 6000 wells are sealed per year. Funding from the Clean Water Fund supplements other efforts to properly seal these wells which protects public health and groundwater.	--	$0.500M	$ 1,000,000		$ 500,000	8/3 BOC: Reduced from $1M to $0.5M 9/14 BOC: more discussion needed with CWC
31	MDH	**Private Well Water Supply Protection**			$ 1,000,000		$ -	**

BOC worksheet for proposed FY14-15 budget development

Revised DRAFT 9-14-12

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32	MDH	**Lake Superior Beach Monitoring:** This program was funded through EPA last year. At this time there is no funding in the proposed EPA budget for the next year. If funds become available through EPA, no funds would be required from the Clean Water Fund. All 80 beaches will be initially characterized as to extent of recreational use, past monitoring results, potential risks and other factors. Based on this evaluation, 40 beaches will be selected and placed into two categories with different monitoring frequencies; once per week or twice per week. Changes in conditions may cause a beach to change categories. Monitoring results will be used to inform the public, find the sources of bacterial contamination and address polluted runoff from improper waste disposal.			$ 250,000		$ -	**
	Groundwater / drinking water total		**$13.050M**	**$17.908M**	**$ 32,086,000**	**$12.95M-$16.65M (7-9%)**	**$ 21,136,000**	
33	MPCA	**Great Lakes restoration project:** Great Lakes restoration projects in agreement with the U.S. Army Corps of Engineers, conducting sediment assessments. Requires at least a 65:35 non-state local match for every CWF dollar.	$0.950M	$1.500M	$ 1,500,000		$ 1,500,000	
34	MPCA	Wastewater Beneficial Reuse Grant	$4.669M	--	$ -		$ -	
35	MPCA	**Clean Water Partnership:** Provides grants to protect and improve the basins and watersheds of Minnesota; provides financial and technical assistance to study water bodies with non-point source pollution problems, develop action plans to address the problems, and plan implementation to fix the problems.	$2.500M	$2.000M	$ 2,000,000		$ 2,000,000	* Maintain funding level but coordinate with BWSR protection / restoration grants process or move program to BWSR **9/14 BOC: more discussion needed with CWC**
36	MDA	**AgBMP Loan Program:** Provides low interest loans throughout the state to farmers and rural landowners to help finance practices, structures and other improvements that reduce or eliminate water pollution. This loan program is administered by local governments, has very low transaction cost, and as loans are repaid, the repayments are used to fund additional projects.	$4.500M	$9.000M	$ 3,000,000		$ 3,000,000	

BOC worksheet for proposed FY14-15 budget development

Revised DRAFT 9-14-12

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37	MDA	**Technical Assistance:** Provide technical assistance on impaired waters issues in agricultural landscapes. Ensure that current and accurate technical information on agricultural practices is provided to farmers and other end users and to promote the adoption of BMPs. BMP implementation and effectiveness will be examined, tools will be developed to target conservation practices to critical areas of the landscape and more precise information on non-point contributions to impaired waters will be obtained. Pilot projects and demonstration sites will be implemented that empirically validate and demonstrate cropping BMPs and recommended drainage practices. Includes funding to support the new MN Agricultural Water Quality Certification Program.	$2.265M	$1.550M	$ 7,500,000		$ 2,000,000	** **9/14 BOC: more discussion needed with CWC**
38	DNR	**Nonpoint source restoration and protection activities** Provide expertise to help local communities restore and manage landscapes for clean water and long-term ecosystem health. Provide support with targeting conservation efforts, designing and implementing projects, and building community capacity to manage for healthy watersheds. **(8/28 DNR comment:** This portion of the former "shoreland stewardship" work needs to be re-categorized to the Nonpoint Source Restoration and Protection Category to accurately reflect the nature of the work.)	$0.500M		$ 2,000,000		$ 2,000,000	Change made 8/28: DNR recommends split funding: $2M for Nonpoint source restoration and protection activities (#38); $1.919M for Applied Research and Tools (#57).
39	DNR	Mississippi River Critical Area	$0.500M	--	$ -		$ -	
40	BWSR	**Surface and drinking water protection / restoration grants:** Grant and incentive funding for clean surface and source water best management practices and projects provided through grants and contract with local units of government (of this amount, $3M is for county SSTS implementation). • **BOC proposal is to allocate $2.5M for local capacity.**	$39.324M	$27.5M	$ 36,000,000		$ 36,000,000	**8/3 BOC: Use $2.5M for local capacity 9/14 BOC: more discussion needed with CWC; concern with overall budget total for SSTS of $8.4M + (see #17, 40, 63)**
41	BWSR	**Targeted local resource protection and enhancement grants:** Enhance local government efforts to develop and implement water resource protection and management measures that go beyond state minimum standards for wetlands, shorelands, stormwater, sewage treatment, etc. and undertake related projects to restore impaired waters and protect high quality resources.		$6.0M	$ 7,000,000		$ 7,000,000	
42	BWSR	**Measures, results and accountability:** Conservation quality assurance by providing oversight, assessment, assistance and reporting of local government performance and results.		$1.8M	$ 1,800,000		$ 1,800,000	

BOC worksheet for proposed FY14-15 budget development

Revised DRAFT 9-14-12

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43	BWSR	**Conservation drainage management and assistance:** For conservation drainage program in consultation with the Drainage Work Group to improve surface water management by providing grants for pilot projects to retrofit existing drainage management systems with water quality improvement and retention practices.		$2.0M	$ 3,400,000		$ 3,400,000	
44	BWSR	**Permanent conservation easements: riparian buffers:** Purchase and restore permanent conservation easements on riparian lands adjacent to public waters, except wetlands. Establish buffers of native vegetation that must be at least 50 feet where possible and no more than 100 feet.		$12.0M	$ 16,000,000		$ 16,000,000	**9/14 BOC: more discussion needed with CWC**
45	BWSR	**Technical evaluation:** Statutory mandate to annually evaluate a sample of up to 10 habitat restoration projects, beginning July 1, 2011. BWSR and DNR have been collaborating on implementing state statute (Laws of MN 2011, First Special Session, Ch. 6) that requires restoration evaluations to be conducted on habitat restoration projects completed with funds from the Clean Water Fund, Outdoor Heritage Fund and Parks and Trails Fund.		$168K	$ 168,000		$ 168,000	
46	BWSR	**Community Partners Clean Water Program:** Increasing citizen participation in implementing water quality projects and programs to increase long term sustainability of water resources. The efforts and resources of active and engaged community groups, such as lake associations, non-profits, and conservation groups, will be supported. This effort will be delivered through local collaboration using a new 'small grants partners' program.		$3.00M	$ 5,000,000		$ 5,000,000	
47	MDA	**Manure Applicator Education:** Funding to develop training manuals, for resource materials and for a contract specialist educator for training two levels of manure applicators (senior applicators and field hands). Manure application can be a significant source of nutrient losses and current efforts are not adequate.	--	--	$ 410,000		$ 200,000	** Moved to nonpoint source implementation category. **9/14 BOC: more discussion needed with CWC**
	Nonpoint source implementation total		**$54.708M**	**$69.118M**	**$ 85,368,000**	**Total implementation range (PS and NPS): $105.45M - $111M (57-60%)**	**$ 79,868,000**	
48	MPCA	Incorporate civic engagement into new and current Clean Water Fund watershed projects.	$0.250M	--				
	Education and civic engagement total (For FY14-15, funding for this activity will be allocated to existing clean water projects, rather than through a separate line item in the proposed Council budget.)		**$0.250M**	--	$ -		$ -	Eliminate category and embed civic engagement into existing projects

BOC worksheet for proposed FY14-15 budget development

Revised DRAFT 9-14-12

#	Agency	Clean Water Fund Activity	Approp. FY10-11	Approp. FY12-13	Agency Proposals FY14-15	% Funding Range recommendations for categories	BOC Proposals FY14-15	NOTES: * Activities where feedback is especially requested; ** BOC recommended reductions for consideration; 8/3/12 changes are in blue. 8/28 changes in green (for public comment draft). 9/14 identified activities that need more discussion with CWC.
49	MPCA	Coal tar stormwater research BMP	$0.500M	--	$ -		$ -	
50	MPCA	**TMDL research and database development:** Incrementally connect data management systems, and eventually develop a Watershed Portal that will interface with existing systems to provide staff with a central location for reporting, analysis, and data management of the watershed data.	$0.500M	$2.300M	$ 2,300,000		$ 2,300,000	*
51	MPCA	**Interagency water database and portal development:** The Watershed Data Integration Project (WDIP) continues to improve the accessibility to a breadth of water-related data from multiple MPCA water programs. WDIP will continue for the next 2 biennia (state fiscal years 2014-17), at a cost of $2 million/biennium (plus inflationary increases). After state fiscal year 2017, WDIP will cease to operate as a stand-alone IT project, and will become incorporated into the overall MPCA IT budget for on-going maintenance. An interagency team has begun developing a watershed data portal concept. The portal would allow a user to access data from multiple agencies from one webpage, versus having to search multiple agencies' websites. The project scope has been preliminarily narrowed to the ~30 highest priority data sources, but is still a very large undertaking. The creation of the portal is estimated at this time to be about $17 million over ten years. The initial request for state fiscal years 2014-15 would be $3 million of that total.			$ 3,000,000		$ -	** 8/3 BOC: Increase to $0.5M? $0.25M? Leave at $0M? 9/14 BOC: more discussion needed with CWC
52	MPCA	FY11 Legislative Priority: Nitrate-Nitrogen rule	$0.600M	--	$ -		$ -	
53	MPCA	**Application of Water Standards:** Proposed new effort to identify and pilot options for implementing standards, not to develop new standards. The proposed new funding would allow the MPCA to work with regulated parties to identify new or more efficient ways of meeting standards at wastewater treatment facilities (municipal and industrial). Examples include:1) Newly proposed, or soon-to-be-proposed standard (for example the anticipated standard for nonylphenol ethoxylates) or the standard development and rulemaking effort is already underway. The requested funding requested would be used to work with permittees to identify the best treatment or pollution prevention options. 2) Existing standard that is being newly applied to regulated facilities as a result of new data. Examples include chloride and sulfate, which are being identified as pollutants of concern for significantly more permitted facilities.			$ 1,500,000		$ -	**

BOC worksheet for proposed FY14-15 budget development

Revised DRAFT 9-14-12

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54	MPCA	**Stormwater research and guidance:** Minimal Impact Design Standards (MIDS) Project - MPCA's MIDS Project received clean water funding in FY10 11 and FY12-13. Through the MIDS Project the MPCA is creating a package of stormwater runoff performance goals, credits, easy-to-use calculator and ordinance goals for better stormwater quality and reduced runoff volumes by mimicking natural hydrology. To date, the MPCA developed a new development performance goal (treat the first 1.1 inches of runoff from impervious surfaces), beta calculator and foundational science for crediting best management practices (BMPs) for Minnesota conditions. MPCA expects to complete the MIDS Project by the end of FY2013.	$0.145M	$0.800M	$ 550,000		$ 2,350,000	**8/3 BOC: Increased from $0.55M to $2.35M 9/14 BOC: more discussion needed with CWC**
55	MDA	**Academic Research/Evaluation**: Projects focus on supporting the development of agricultural BMPs and quantifying agricultural contributions to impaired waters with a focus on gaining a better understanding of the processes that underlie these contributions. BMPs will be developed and evaluated to protect and restore water resources while maintaining productivity.	--	$2.100M	$ 2,100,000		$ 2,100,000	
56	MDA	**Research Inventory Database**: Funding to develop, populate and promote a database that contains existing water-related research. This user-friendly, searchable database will provide researchers, water planners, and the public with fast access to a centralized inventory of all types of research related to water in, or relevant to, Minnesota. Currently, many research findings are scattered across websites, reports, journals and other media and are not readily accessible to most people.	--	$0.350M	$ 250,000		$ 250,000	
57	DNR	**Applied research and tools** Provide hydrologic expertise to improve understanding of the implications of drainage on watershed health; maintain & update watershed boundaries, integrate LiDAR with watershed modeling; assess risks to forested watersheds; biomonitoring database.	--	$3.450M	$ 1,919,000		$ 1,919,000	** **8/3 BOC: Increased from $3.45M to $3.919M** Change made 8/28: DNR recommends split funding: $2M for Nonpoint source restoration and protection activities (#38); $1.919M for Applied Research and Tools (#57). (revised CWF Activity description from DNR)
58	DNR	High resolution elevation data	$5.600M	$2.700M	$ -		$ -	

BOC worksheet for proposed FY14-15 budget development

Revised DRAFT 9-14-12

#	Agency	Clean Water Fund Activity	Approp. FY10-11	Approp. FY12-13	Agency Proposals FY14-15	% Funding Range recommendations for categories	BOC Proposals FY14-15	NOTES: * Activities where feedback is especially requested; ** BOC recommended reductions for consideration; 8/3/12 changes are in blue. 8/28 changes in green (for public comment draft). 9/14 identified activities that need more discussion with CWC.
59	DNR	**County geologic atlases:** Work with the Minnesota Geological Survey to complete or update County Geologic Atlases that provide critical groundwater and geology information to local governments.	$1.000M	--	$ 850,000		$ 850,000	(revised CWF Activity description from DNR)
	Applied research and tool development total		**$9.755M**	**$11.700M**	**$ 12,469,000**	**$11.1M-$14.8M (6-8%)**	**$ 9,769,000**	
60	MPCA	**NPDES wastewater/stormwater TMDL implementation:** Staffing costs for implementation efforts.		$1.600M	$ 2,000,000		$ 2,000,000	
61	PFA	**TMDL grants (WWTP and stormwater):** Provides 50% grants up to $3 million to help municipalities implement wastewater and stormwater projects to comply with wasteload reductions required by TMDL implementation plans.	$21.650M	$22.370M	$ 28,000,000		$ 28,000,000	
62	PFA	Phosphorus reduction grants	$8.550M	$8.550M	$ -		$ -	
63	PFA	**Small Community Wastewater Treatment Program:** Provides loans and grants to assist small communities to replace non-complying septic systems with new individual and cluster subsurface sewage treatment systems (SSTS) that will be publicly owned and operated. Technical assistance grants up to $40,000 to contract with consultants and licensed SSTS professionals for feasibility studies and technical assistance. Construction financing up to $500,000 per year through 1% loans, with 50% grants if below average MHI.	$2.500M	$2.500M	$ 4,500,000		$ 4,500,000	**9/14 BOC: more discussion needed with CWC; concern with overall budget total for SSTS of $8.4M + (see #17, 40, 63)**
	Point source implementation total		**$32.700M**	**$35.020M**	**$ 34,500,000**	**Total implementation range (PS and NPS): $105.45M - $111M (57-60%)**	**$ 34,500,000**	
64	MPCA	**Clean Water Council budget**	-	-	$ -		**$ 350,000**	Continued administration by MPCA; line item added to increase transparency
	Total		**$151.200M**	**$179.429M**	**$ 210,278,000**	**FY14-15 Target: $185,000,000**	**$ 191,128,000**	

FY2012

Grants Monitoring, Reconciliation and Verification Report

September 26, 2012

Introduction

On June 22, 2011 the Board adopted the Grants Monitoring, Reconciliation and Verification Policy which provided that:

- BWSR staff will annually monitor all grants;
- Competitive conservation program grants will be paid in three scheduled payments; and,
- Financial verification of grant reconciliations will be performed on ten percent of all BWSR grants annually.

This policy was implemented beginning in FY2012. The implementation plan provided that the BWSR Grants Administrator will annually present a grants monitoring report at the June meeting of the Board.

Policy Implementation

BWSR staff have implemented the policy consistent with the Implementation Plan reviewed by the Board when the Policy was adopted.

1. Conservation Program and Operations Grant (CPOG) Monitoring. The Policy called for BWSR staff to review and approve all required annual reports consistent with the appropriate deadline, which is February 1 for grants activity that occurred in calendar year 2011 and July 31 for grants that expired on June 30, 2011. In January 2012, staff installed a grant monitoring journal in eLINK to further document informal conversation, emails, and other contact with grant recipients as part of the BWSR oversight and monitoring process.

Activity on FY2012 grants could occur in either 2011 or 2012. Data from eLINK indicate that, of 375 CPOG FY2012 grants, 153 had reported some activity—some funds spent—as of September 2012. Of those 153 grants, 83 had evidence in eLINK of having been monitored. Implementation of the new Biennial Budget Request (BBR) process coincided with this emphasis on recording grants monitoring activity. As a result, eLINK may not fully reflect all the monitoring that occurred on BWSR FY2012 grants.

2. Project Grants Payments Schedule. The FY2012 Clean Water Fund Competitive Grants that were approved by the Board on December 14, 2011 included the following grant payment schedule:

- An initial payment of 50% after the grant agreement is executed;
- A midterm payment of 40% after a midterm reconciliation has been approved by BWSR; and
- A final payment of 10% will be made upon final grant reconciliation.

Beginning with FY13, competitive project grants are being paid on this schedule.

3. Grant Verifications. In a grant verification, BWSR staff meet with staff from the selected grantee to review documentation that funds were expended consistent with the grant agreement. A variety of documents and information is provided by the grantee that includes: position descriptions, timesheets, payroll records, payment records, contracts, and technical project information.

Staff selected the following counties for the initial round of grant verifications: Aitkin, Carver, Freeborn, Goodhue, Mahnomen, Meeker, Nobles, Pope, and Stearns.

These first grant verifications were conducted on a pilot basis and used as a means to test and develop procedures and identify how and what information is necessary to document the expenditure of grant and match funds. No grantees were found to be out of compliance with BWSR grant requirements. However, in almost all verifications tracking of grantee staff time to grant activities was not adequately done. This is important when grant and match funds are being used to pay staff time.

Another concern identified during verifications is that grant funds by some grantees lost their "identity" by being deposited into a general fund. In all cases, grantees were able to demonstrate expenses that met or exceeded BWSR grant funds plus any required match, but it was not always possible to ensure that grant funds paid for grant related activities.

Next Steps. In early 2012, BWSR contracted with the DNR for an audit that would review BWSR's internal controls over compliance with applicable laws and policies pertaining to its grant functions. While the audit noted that "great strides have been made" in BWSR's grant process "towards the goal of constructing an effective and efficient control structure that addresses risks and maintains compliance," the audit also identified some discrepancies in BWSR's approved exceptions to Office of Grants Management (OGM) policies that will need to be addressed to bring BWSR into full compliance. Responding to the recommendations in the audit will be a part of our work in the coming year.

In addition, to continue to improve its grants monitoring efforts, in the coming year BWSR will:

- Supplement data of grants monitoring in eLINK with a survey of Board Conservationists about their monitoring activities on FY2012 grants,
- Refine electronic evidence of monitoring in the new eLINK,
- Explore possible additions to compliance staff,
- Map the competitive grants process, in preparation to fully assess the risks within it, and to assist in the development of internal controls, and
- Conduct early grant verifications (in September and October 2012), so that changes to the Grants Monitoring, Reconciliation and Verification Policy can be in place before 2013's regularly scheduled round of verifications.

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Grants Monitoring Report☐

Meeting Date:

Agenda Category: ☐ Committee Recommendation ☒ New Business ☐ Old Business
Item Type: ☐ Decision ☐ Discussion ☒ Information
Section/Region: Land and Water Section
Contact: Tim Dykstal
Prepared by: Tim Dykstal
Reviewed by: Committee(s)
Presented by: Tim Dykstal

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget
☐ Other:

ACTION REQUESTED

None. Information only.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
On June 22, 2011, the Board adopted the Grant Monitoring, Reconciliation, and Verification Policy. Staff will present the first report on these activities as provided in this Policy.

FY2012

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September 2012

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Implementation of the new Biennial Budget Request (BBR) process coincided with this emphasis on recording grants monitoring activity. As a result, eLINK may not fully reflect all the monitoring that occurred on BWSR 2011 grants. An update will be provided at the meeting.

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- Carver

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The addition of Tim Dykstal as the Fiscal Compliance Director offers BWSR additional skills to ensure the Policy is being implemented as effectively and efficiently as possible. Tim and an ad-hoc staff team mapped the competitive grants process in great detail this summer, in preparation to fully assess the risks within it, and to assist in the development of additional internal controls. The Grants Monitoring Team is also conducting three early grant verifications this September and October, so that changes to strengthen BWSR's Grants Monitoring, Reconciliation and Verification Policy can be in place before FY2013's regularly scheduled round of verifications.

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, OCTOBER 24, 2012

BOARD MEMBERS PRESENT:
Bob Burandt, Joe Collins, Jack Ditmore, Chris Elvrum, MDH; Rebecca Flood, MPCA; Christy Jo Fogarty, Tom Landwehr, DNR; Paul Langseth, Tom Loveall, Keith Mykleseth, Brian Napstad, Faye Sleeper, MES; Steve Sunderland, Gene Tiedemann, Matthew Wohlman, Gerald Van Amburg

BOARD MEMBERS ABSENT:
Quentin Fairbanks
Sandy Hooker
John Meyer

STAFF PRESENT:
Mary Jo Anderson, Angie Becker-Kudelka, Don Buckhout, Travis Germundson, Tabor Hoek, John Jaschke, Al Kean, Mary Kells, Tim Koehler, Melissa Lewis, Greg Larson, Jen Maleitzke, Ron Shelito, Dave Weirens, Brad Wozney

OTHERS PRESENT:
Kevin Lines
Krista Olson, NRCS

Chair Napstad called the meeting to order at 9:05 a.m.

PLEDGE OF ALLEGIANCE

** 12-88 **ADOPTION OF AGENDA** – Moved by Paul Langseth, seconded by Matt Wohlman, to adopt the agenda as presented. Motion passed on a voice vote.

** 12-89 **MINUTES OF SEPTEMBER 26, 2012 BOARD MEETING** – Moved by Gerald Van Amburg, seconded by Joe Collins, to approve the minutes of September 26, 2012 as circulated. Motion passed on a voice vote.

INTRODUCTION OF NEW BWSR STAFF

- Tim Koehler, Interim RIM Coordinator

Chair Napstad congratulated Tim on his retirement from NRCS; welcomed Tim to BWSR and looks forward to working with Tim at the state level.

RECOGNITION OF KEVIN LINES' RETIREMENT

On behalf of the BWSR, Chair Napstad acknowledged Kevin Lines' retirement on October 4. In appreciation of 37 years of outstanding service to the State of Minnesota, John Jaschke and Chair Napstad presented Kevin with a proclamation recognizing his achievements in conservation, and the 'Legacy-Minnesota' print by wildlife artist Scot Storm. Chair Napstad congratulated Kevin for successful restoration and protection of the lands in Minnesota and on his retirement and thanked him for his accomplishments.

REPORTS

Chair's Report – Brian Napstad reported that he attended the EQB meeting last week; items discussed included the Governor's Executive Orders on environmental review, the controversial issue of mining frac sands and the Environmental Congress.

Chair Napstad reported that he has been attending statewide meetings on the Governor's Executive Order 12-04, discussing recommendations and modifications to the Wetland Conservation Act and other wetland programs.

Administrative Advisory Committee (AAC) – Chair Napstad reported that the AAC met this morning; items discussed included the board member appointments process, committee updates, and preliminary legislative proposals for policy and budget items. Chair Napstad reported that Board member Todd Foster resigned from the Sauk River Watershed District; thus, a vacancy on the BWSR Board. John Jaschke stated that the open appointments vacancy and application process will be followed. John stated that slot on BWSR committees will remain vacant until a new appointment is made.

Executive Director's Report – John reported that newly hired Assistant Director Sarah Strommen will be introduced at the meeting later this morning. John reviewed information in Board Members' packets. John stated that Board Members interested in attending the MAWD, MASWCD, AMC annual meetings need to submit registration information to Mary Jo Anderson by October 26.

Dispute Resolution Committee (DRC) – Travis Germundson reported that there are currently eight pending appeals; he provided a brief status report on the appeals. Travis stated that he is working with the Attorney General's office to conduct a workshop for the DRC regarding statutory authority, management, roles and responsibilities. The workshop is tentatively scheduled for January. Chair Napstad thanked Travis for his report.

Wetlands Committee – Gerry Van Amburg reported that Wetlands Committee and staff have been attending statewide meetings regarding the Governor's Executive Order 12-04. Gerry thanked Dave Weirens and Les Lemm for their work as they compile comments from the meetings on the spirited discussions; the comments will be put into preliminary recommendations, the recommendations do not include all of the material received. Gerry stated that the information will be on the BWSR website soon. The Wetlands Committee meets on November 28; the Committee recommendations will come before the Board at the December 12 Board meeting. Chair Napstad appreciates the e-mails board members received from Gerry encouraging attendance at the meetings.

Grants Program & Policy Committee – Paul Langseth reported that the Grants Program & Policy Committee met last night; the recommendations are on the agenda later today. Paul stated that the Grants Program & Policy Committee is tentatively scheduled to meet on November 28.

Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth reported that the Public Relations, Outreach & Strategic Planning Committee met last night; discussion items included minor revisions to PRAP and the 2012 Strategic Plan Report Card. Keith stated that the Public Relations, Outreach & Strategic Planning Committee is tentatively scheduled to meet in January.

RIM Reserve Management Planning Committee – Gene Tiedemann reported that the RIM Reserve Management Planning Committee will meet in November, date to be determined.

Drainage Work Group – Tom Loveall reported that the Drainage Work Group met on October 11, 2012; he presented information discussed at their meeting. Al Kean

reported that MAWD has a drainage workshop at the start of their annual meeting on November 29. Gerry VanAmburg asked if there is a way to educate tiling applicators about conservation techniques. Al stated that BWSR and NRCS provide drainage water management using outreach opportunities through SWCDs, encouraging technical service providers (TSPs) to use more sediment control basins. Steve Sunderland stated that the SWCD and county in his area hold workshops for local contractors. Steve asked about drainage viewer qualifications. Al stated that the Minnesota Viewers Association provides training, recognizing the need to work with drainage viewers, MAWD provides thorough and consistent training. Tom stated that the lead viewer will be able to train other viewers. Al stated that the Drainage Work Group has tried to promote opportunities for training. Keith asked about groundwater recharge; Bob Burandt stated that controlled drainage would help. Matt Wohlman stated that MDA has co-sponsored statewide educational opportunities for farmers. Rebecca Flood asked about certification for viewers, clarification is needed on records authority for drainage systems. Discussion followed. Chair Napstad thanked Tom and Al for the update.

John Jaschke reported that a report is in board members' packets, providing a status update on PRAP Assistance Grants. John also reported that the BWSR Academy will be held October 29-31, near Brainerd.

COMMITTEE MEETINGS

Metro Water Planning Committee

Comfort Lake Forest Lake Watershed District Watershed Management Plan Amendment – Melissa Lewis reported that the Comfort Lake Forest Lake Watershed District Watershed Management plan amendment incorporates by reference the final Engineer's Report for the Sunrise River Water Quality & Flowage Project, which was initiated by petition from Chisago County in 2010. By incorporating the Engineer's Report the amendment recognizes the project as a water resource-based program encompassing a slate of capital project and program activities, provides more detailed descriptions of each component including refined estimated construction costs, provides for the project to be implemented over a period of time, and commits the district to a public process prior to ordering and implementing individual project components. The Metro Water Planning Committee met on October 1, 2012, reviewed the information, and unanimously recommends approval of the Amendment. Moved by Bob Burandt, seconded by Faye Sleeper, to approve the Comfort Lake Forest Lake Watershed District Watershed Management Plan Amendment. Motion passed on a voice vote.

** 12-90

Elm Creek WMO Plan Amendment – Brad Wozney reported that the final draft Amendment to the Elm Creek WMO Watershed Management Plan was filed with the Board on September 20, 2012. The amendment proposes to revise the implementation

section by re-prioritizing programs and studies and adding capital improvement projects, and other implementation activities, in addition to extending the plan expiration to October 2014, the maximum timeframe of ten years allowed under statute. No comments were received during the public hearing that resulted in revisions to the draft Amendment. The Metro Water Planning Committee met on October 1, 2012, reviewed
** the information, and unanimously recommends approval of the Amendment. Moved by
12-91 Bob Burandt, seconded by Rebecca Flood, to approve the Elm Creek WMO Plan Amendment. Motion passed on a voice vote.

Chisago County Priority Concerns Scoping Document (PCSD) – Mary Kells reported that BWSR received the Chisago County Priority Concerns Scoping Document (PCSD) on August 10, 2012. The state review agencies were notified and submitted their comments to BWSR. The BWSR Metro Water Planning Committee met on October 1, 2012, discussed the content of the PCSD, state review agency comments and recommendations for the content of the final Plan. All required components of the PCSD have been covered and the priority concerns to be addressed are deemed to be appropriate. The Committee
** unanimously recommends approval of the Chisago County PCSD. Moved by Bob
12-92 Burandt, seconded by Joe Collins, to approve the Chisago County Priority Concerns Scoping Document. Motion passed on a voice vote.

Chair Napstad called for a break in the meeting at 10:30 a.m. The meeting reconvened at 10:48 a.m.

John Jaschke introduced Sarah Strommen, newly hired assistant director. Sarah stated that she's excited to begin work at BWSR. Sarah's start date is November 19, 2012. Chair Napstad welcomed Sarah.

NEW BUSINESS

Adoption of Rule Amendments for the Erosion Control and Water Management and Reinvest in Minnesota Reserve programs (Rule Chapter 8400) – Paul Langseth reported that the Grants Program and Policy Committee met last night regarding the Erosion Control and Water Management Program and Reinvest in Minnesota Reserve Programs (Rule Chapter 8400). These rules have been under development for more than two years, and following recent discussions with soil and water conservation districts, is now ready to proceed to final adoption. Paul Langseth reported that changes were made at the Grants Program and Policy Committee meeting last evening; the changes were distributed to board members today. Paul stated that the Committee and staff have worked diligently to put this is place. Jack Ditmore had questions regarding appeal processes. Paul and Dave Weirens clarified the rulemaking and policy aspects. Jack would like the state board or executive director declaration of authority for processing the appeal to be determined in the rulemaking. John Jaschke stated that the

procedure for delegation authority could be included in the rule as clarification. Discussion followed.

** 12-93 Moved by Keith Mykleseth, seconded by Jack Ditmore, to amend the draft document on page 14, 8400.1800 APPEALS, include 'as delegated,' -- the sentence will state, "The state board or its executive director, as delegated, shall review and grant the petition unless it is deemed without sufficient merit within 30 days of the receipt of the petition." Motion passed on a voice vote.

Tom Landwehr questioned 8400.0300 APPROVED CONSERVATION PRACTICES, Subp.2.A. #10. Tom stated his concern for problems and possible misuse and would like to clarify #10. Discussion followed. Moved by Chris Elvrurn, seconded by Paul Langseth, to amend the draft document on page 6, retain #10, change the word alleviate to address. #10 would read, "~~alleviate~~ address water quantity problems due to altered hydrology." Motion passed on a voice vote. Paul clarified that projects are reviewed by staff and SWCDs, some problems can be addressed with more flexibility.

** 12-94

Paul reviewed the line-by-line changes on the draft document as recommended by the Grants Program & Policy Committee last night. Moved by Paul Langseth, seconded by Christy Jo Fogarty, to adopt the rule document as approved by the Committee, with amendments as voted on today. Tom Landwehr, as directed by statute103C.501, asked staff and the Grants Program & Policy Committee to review #10 and follow-up on the policy and clarification. Motion passed on a voice vote.

** 12-95

Adoption of the Proposed Erosion Control and Water Management Program Policy – Paul Langseth reported that statutory changes enacted in 2009 require the Board to adopt a policy for the Erosion Control and Water Management Program (commonly referred to as Cost-Share). The draft policy has been developed by staff concurrently with the Rule and the Grants Program & Policy Committee recommends approval. Moved by Paul Langseth, seconded by Steve Sunderland, to approve the Committee's recommendation, with rule amendments, the policy becomes effective July 1, 2013. The Committee will review and address issues at their next meeting, with the possibility that policy may change before it's implemented. Paul reported that the Grants Program & Policy Committee will meet in November. Motion passed on a voice vote.

** 12-96

** 12-97 Moved by Paul Langseth, seconded by Christy Jo Fogarty, to approve the Resolution, that BWSR hereby: (1) Adopts the Erosion Control and Water Management Program (commonly referred to as State Cost Share) and the RIM Reserve Program (Minn. Rule Chapter 8400), approves the State of Need and Reasonableness and authorizes staff to complete the processes necessary to adopt the Rule; (2) Adopts the Erosion Control

and Water Management Policy; and (3) Provides that the amended Rule and Erosion Control and Water Management Policy become effective July 1, 2013 for grants that will be made to soil and water conservation districts in State Fiscal Year 2014. Motion passed on a voice vote.

2013 Proposed BWSR Board Meeting Schedule – John Jaschke reported that the BWSR Board meets the fourth Wednesday of the month (unless noted). John presented the 2013 proposed Board meeting dates: January 23; March 27; April 24; May 22; June 26; August 28-29 (tour and meeting); September 25; October 23; December 18. The Board does not meet in February, July, November. Moved by Keith Mykleseth, seconded by Gerald Van Amburg, to approve the 2013 Board meeting dates as presented. Motion passed on a voice vote.

** 12-98

2012 Strategic Plan Report Card – Don Buckhout reported that the Public Relations, Outreach, and Strategic Planning (PROSP) Committee met last night and approved the Strategic Plan Report Card, an annual summary of accomplishments for each of the action items in the BWSR 2012 Strategic Plan Update. The final version of the Report Card was distributed to Board members. Chair Napstad thanked Don for his report.

BWSR 25th Anniversary – Jen Maleitzke acknowledged the Board of Water and Soil Resources' 25th anniversary, established in October 1987. BWSR history, milestones, accomplishments, and highlights were presented. Ron Shelito presented history of local water planning efforts over the years; Tabor Hoek presented accomplishments of the Conservation Reserve Enhance Program (CREP) and Greg Larson presented BWSR's role in the Wetland Conservation Act (WCA) during the past 25 years. Jack Ditmore stated that the Board and staff should be proud of the accomplishments over the last 25 years. Chair Napstad thanked staff for putting together the presentation.

AGENCY REPORTS

Minnesota Department of Natural Resources (DNR) – Tom Landwehr reported that it's hunting season: the pheasant opener was October 13; the rifle deer hunting season opens November 3; and the first wolf hunt season opens November 3. Tom reported that DNR is working through the budget process, including a joint agency effort to hone the outcomes of the Clean Water Funding; and addressing non-point needs as a high priority.

ADVISORY COMMENTS

Natural Resource Conservation Service (NRCS) – Krista Olson, acting program manager, distributed information on NRCS programs (WRP, GRP, FRPP) and provided a brief overview.

UPCOMING MEETINGS

- BWSR Academy, October 29-31, Brainerd
- BWSR Grants Program & Policy Committee Meeting, November 28
- BWSR Wetlands Committee Meeting, November 28
- Next BWSR Meeting, December 12
- MAWD Annual Meeting, November 29-December 1, Alexandria
- MASWCD Annual Meeting, December 2-4, Bloomington
- AMC Annual Meeting, December 3-4, St. Cloud

** 12-99 Moved by Tom Landwehr, seconded by Paul Langseth, to adjourn the meeting at 1:00 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, SEPTEMBER 26, 2012

BOARD MEMBERS PRESENT:
Greg Buzicky, MDA; Joe Collins, Jack Ditmore, Quentin Fairbanks, Sandy Hooker, Tom Landwehr, DNR; Paul Langseth, Tom Loveall, Keith Mykleseth, Brian Napstad, Faye Sleeper, MES; Steve Sunderland, Gene Tiedemann, Gerald Van Amburg, Doug Wetzstein, MPCA

BOARD MEMBERS ABSENT:
Bob Burandt
Chris Elvrum, MDH
Christy Jo Fogarty
Todd Foster
John Meyer

STAFF PRESENT:
Mary Jo Anderson, Angie Becker-Kudelka, Tim Dykstal, Travis Germundson, Tim Gillette, Jim Haertel, John Jaschke, Al Kean, Melissa Lewis, Jen Maleitzke, Dennis Rodacker, Dave Weirens

OTHERS PRESENT:
Keith Hanson, Clean Water Council

DRAFT

Chair Napstad called the meeting to order at 9:05 a.m.

PLEDGE OF ALLEGIANCE

** 12-77 **ADOPT AGENDA** – Moved by Quentin Fairbanks, seconded by Paul Langseth, to adopt the agenda as presented. Motion passed on a voice vote.

** 12-78 **MINUTES OF AUGUST 23, 2012 BOARD MEETING** – Moved by Keith Mykleseth, seconded by Gerald Van Amburg, to approve the minutes of August 23, 2012 as circulated. Motion passed on a voice vote.

INTRODUCTION OF NEW BWSR STAFF

- Tim Gillette, Conservation Drainage Engineer
- Dennis Rodacker, Senior Wetland Specialist

REPORTS

Chair's Report – Brian Napstad reported that he attended the EQB meeting last week; discussion included the controversial topic of mining frac sands in southeast Minnesota. The industry perspective in support of mining frac sands was presented. EQB has provided an opportunity for all sides to present information as the assessment and evaluation continues.

Chair Napstad reported that the Governor's Executive Order directed EQB to host an Environmental Congress that will be held in February 2013; with citizen forums to be held statewide in November and December. State leaders will be engaging with Minnesotans about the present and future of our state's environmental and economic health, key points to review include the permitting process and efficiencies. Chair Napstad encouraged board members to attend. The EQB is scheduled to review improvements to environmental governance and coordination, with adoption of an environment and energy report card in November.

Chair Napstad reported that the Wetland Committee will be working on the Governor's Executive Order on wetlands.

Chair Napstad attended the Red River Watershed Management Board (RRWMB) meeting and tour last week in Thief River Falls; he expects further conservation and flood control efforts via the multi-agency mitigation agreement.

Administrative Advisory Committee (AAC) – Brian Napstad reported that the AAC did not meet this morning.

Executive Director's Report – John Jaschke reported that Kevin Lines announced his retirement this week. A recognition and celebration for Kevin will be held on October 4. BWSR will recruit to fill his position.

John reported that 11 candidates interviewed for the assistant director position, follow-up interviews are in progress.

John acknowledged the new BWSR banner in the shared Board room. John reviewed information in Board Members' packets.

Tom Landwehr reported that he had the pleasure of working with Kevin Lines at DNR and at BWSR. He would like BWSR to recognize the success of the RIM program under Kevin's leadership. Moved by Tom Landwehr, seconded by Sandy Hooker, to establish a resolution to be presented to Kevin Lines recognizing him for tremendous accomplishments and achievements in conservation. Motion passed on a voice vote. Tom Landwehr will work with staff to develop a resolution to be presented to Kevin.

** 12-79

Steve Sunderlund stated there's interest in a meeting to be held in southwestern Minnesota on the WCA Executive Order. He stated that meetings are being held in other parts of the state but not in the southwest.

Chair Napstad thanked Steve Sunderlund, Jack Ditmore, Keith Mykleseth, and Gerald Van Amburg for their interest to serve on the new BWSR Audit Committee.

Dispute Resolution Committee (DRC) – Travis Germundson reported that there are currently 11 appeals pending; he provided a brief status report on the appeals. Travis reported that he is developing a training session for the DRC to be held in the near future.

Wetlands Committee – Gerald Van Amburg reported that the Wetlands Committee will meet today immediately following adjournment of the Board meeting. Stakeholder sector outreach meetings are being conducted statewide. Joe Collins asked about public comment if persons are unable to attend the statewide meetings; Gerald stated that written comments could be submitted.

Grants Program & Policy Committee – Paul Langseth reported that the Grants Program and Policy Committee will meet on November 28, 2012.

Public Relations, Outreach & Strategic Planning Committee (PROSPC) – Keith Mykleseth reported that the PROSPC will meet on October 23, 2012.

Drainage Work Group – Tom Loveall reported that the Drainage Work Group met on September 20, 2012; he presented information discussed at their meeting. The next Drainage Work Group meeting is October 11, 2012. Discussion followed.

COMMITTEE MEETINGS

Metro Water Planning Committee

Brown's Creek Watershed District Amendment to Watershed Management Plan – Melissa Lewis reported that the Brown's Creek Watershed District was established from the Brown's Creek Joint Powers Agreement Watershed Management Organization in October 1997. The entire watershed is approximately 29.4 square miles and contains portions of the cities of Grant, Hugo, Lake Elmo, Oak Park Heights, and Stillwater and the Towns of May and Stillwater. The Amendment incorporates specific capital improvements, best management practices, and management actions identified in lake management plans and Total Maximum Daily Load Implementation Plans completed since the current Plan was approved. The Metro Water Planning Committee met on September 5, 2012. After review of the information, the Committee unanimously voted to recommend approval of the Amendment. Moved by Keith Mykleseth, seconded by Joe Collins, to approve the Brown's Creek Watershed District Amendment to the Watershed Management Plan. Motion passed on a voice vote.

** 12-80

Black Dog Watershed Management Organization Revised Watershed Management Plan – Melissa Lewis reported that the Black Dog Watershed Management Organization (WMO) was established in 1985 through a joint powers agreement. The WMO encompasses approximately 26 square miles in northwestern Dakota County, covering parts of the cities of Apple Valley, Burnsville, Eagan, and Lakeville. The Plan sets the vision and guidelines for managing surface waters within the boundaries, provides data and other background information, outlines the applicable regulations, assesses watershed-wide and resource-specific issues, sets goals and policies for the WMO and its members, and lists implementation tasks to achieve the goals. The Metro Water Planning Committee reviewed the information on September 5, 2012, and unanimously voted to recommend approval of the revised watershed management plan. Moved by Faye Sleeper, seconded by Joe Collins, to approve the Black Dog Watershed Management Organization Revised Watershed Management Plan. Motion passed on a voice vote.

** 12-81

Chair Napstad suggested conducting a refresher session on water plans in the metro area and greater Minnesota at an upcoming Board meeting.

Northern Water Planning Committee

Cook County Priority Concerns Scoping Document – Quentin Fairbanks reported that the Cook County Board of Commissioners adopted a resolution March 22, 2011 to

revise and update their current comprehensive local water management plan. The County distributed their Priority Concerns Scoping Document to the required state agencies for review July 20, 2012. Comments were received from the Environmental Quality Board, Department of Health, Department of Agriculture, Department of Natural Resources and Pollution Control Agency. Agency comments will be incorporated into the final plan, as recommended by the Board Conservationist. The Northern Water Planning Committee met on September 12, 2012, reviewed the Cook County Priority
** Concerns Scoping Document and unanimously recommends approval. Moved by
12-82 Quentin Fairbank, seconded by Tom Loveall, to approve the Cook County Priority Concerns Scoping Document. Discussion followed. Motion passed on a voice vote.

Mille Lacs County Five Year Plan Amendment – Gerald Van Amburg reported that on August 24, 2007, the Board of Water and Soil Resources approved Mille Lacs County's Comprehensive Local Water Management Plan for a ten year period from 2006-2016 with a required amendment by 2011. On May 3, 2011, the County passed a resolution to begin the amendment process. The amended plan was submitted to the Board Conservationist on August 6, 2012. The Northern Water Planning Committee met on September 12, 2012, reviewed the plan amendment, suggested that Mille Lacs County add an implementation schedule dealing with invasive species in the Plan, and
** recommends approval of the update through December 2016. Moved by Gerald Van
12-83 Amburg, seconded by Quentin Fairbanks, to approve the Mille Lacs County five year Plan amendment. Keith Mykleseth reported that Molly McGregor quickly added the inclusion of the aquatic invasive species concerns to the Plan. Discussion followed. Joe Collins asked how we handle the costs involved and expense components for the Plan. Motion passed on a voice vote.

Jack Ditmore asked what BWSR does when the plan expires. John Jaschke explained that the plan is not required to update at five years; however, statute requires an update at ten years or the plan expires. Jack also asked where can he see the plan before the Board meetings. John explained that the plan is available on the County website or BWSR staff can provide a copy of the plan. Joe Collins requested that the web-link to the plan be made available to board members. Steve Sunderland asked about Robert Hoefert listed as an SWCD supervisor and county commissioner in the Mille Lacs County Plan– a conflict of interest or an error.

Sherburne County Five Year Plan Amendment – Keith Mykleseth reported that on August 24, 2007, the Board of Water and Soil Resources approved Sherburne County's Comprehensive Local Water Management Plan for a ten year period from 2007-2017 with a required amendment by 2012. On February 6, 2012, the County passed a resolution to begin the amendment process. The amended plan was submitted to the

Board Conservationist on July 31, 2012. The Northern Water Planning Committee met on September 12, 2012, reviewed the plan amendment and recommends approval of
** the update through December 2016. Moved by Keith Mykleseth, seconded by Quentin
12-84 Fairbanks, to approve the Sherburne County five year Plan amendment as recommended. Jack Ditmore asked if agency comments are addressed. John stated that comments are addressed unless noted. Chair Napstad stated that the board conservationist memo to the regional water planning committees vary from the northern and southern region. Chair Napstad suggested that a format/outline be used by board conservationists for consistency. Motion passed on a voice vote.

Chair Napstad called for a break in the meeting at 10:43 a.m. The meeting reconvened at 10:55 a.m.

Red River Basin Watershed District Plan Expiration Date Extension – Gene Tiedemann reported that the reason for extending the expiration date of these plans is to synchronize the Watershed District water management plan update schedule and process with the MPCA's water quality monitoring and assessment schedule for
** Minnesota's 81 major watersheds. Moved by Gene Tiedemann, seconded by Keith
12-85 Mykleseth, to approve the extension dates for the purpose of effectively synchronizing county comprehensive water management planning efforts; the BWSR will allow counties in the Red River Basin to petition BWSR to extend county local water management plan expiration dates to enable more effective coordination with partner watershed districts. Discussion followed.

John stated that the synchronized dates are important as the resolution is tied to a BWSR policy related to the LGU eligibility to apply for BWSR grants. BWSR Clean Water Fund policy states that eligible applicants include local governments or joint powers boards working under a current state approved and locally adopted local water management plan or SWCD comprehensive plan. The resolution would provide a more flexible approach to synchronizing county local water management planning with watershed district planning schedule.

Chair Napstad stated the importance of the synchronized dates; MPCA to recognize the effort needed to stay on schedule. Doug Wetzstein stated that MPCA is on board with this and is working on efficiencies. Keith Mykleseth and Gerald Van Amburg commented that MPCA does have good committed staff working on the plans. John thanked all the partners involved for efforts to get this done. Motion passed on a voice vote.

Wilkin County CLWM Five-Year Update Extension – Keith Mykleseth reported that Wilkin County requested an extension to the required five-year update of the implementation section of the Wilkin County Local Water Plan to December 31, 2014.

The extra time will enable the Wilkin County Local Water Plan and Buffalo Red River Watershed District Plan update to happen simultaneously. The Northern Water Planning Committee reviewed the request and recommend approval of the extension.

** 12-86 Moved by Keith Mykleseth, seconded by Paul Langseth, to approve the Wilkin County five year extension until December 31, 2014. Motion passed on a voice vote.

NEW BUSINESS

Clean Water Council (CWC) Budget Development Process – Keith Hanson, CWC Chairman, distributed the CWC FY14-15 Funding Priorities and provided background information. Keith explained that in November 2008, Minnesotans passed the Clean Water, Land and Legacy Amendment to the Minnesota Constitution to: protect drinking water sources; to protect, enhance, and restore wetlands, prairies, forests, and fish, game, and wildlife habitat; to preserve arts and cultural heritage; to support parks and trails; and to protect, enhance, and restore lakes, rivers, streams, and groundwater. Thirty-three percent of the sales tax revenue from the Legacy amendment is dedicated for the Clean Water Fund, and may only be spent to protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater from degradation. At least five percent of the Clean Water Fund must be spent to protect drinking water sources. 2011 Special Session law requires the Clean Water Council recommend to the governor and legislature the manner in which money from the Clean Water Fund monies be appropriated.

Keith briefly commented on the Budget Outcomes Committee (BOC) proposed appropriation recommendations to BWSR. It was noted that funding guidance from Minnesota Statute 114D is nearly the same as the Minnesota Constitution language.

Keith Mykleseth strongly advocated the River Watch Program. Gerald Van Amburg stated that the educational aspect of the River Watch Program is for our youth and important. Gerald Van Amburg thanked Keith Hanson and the CWC for what they do. Keith stated that the CWC is looking to improve where the funding is appropriated; he looks to BWSR for their support. Chair Napstad thanked Keith for his presentation.

Grants Monitoring Report – Tim Dykstal reported that on June 22, 2011, BWSR adopted the Grants Monitoring, Reconciliation and Verification Policy, which provided that BWSR staff will annually monitor all grants; competitive conservation program grants will be paid in three scheduled payments; and financial verification of grant reconciliations will be performed on ten percent of all BWSR grants annually. The Grants Monitoring Report was tabled at the June 27, 2012 Board Meeting and requested to be on the agenda today. Tim reviewed the Conservation Program and Operations Grant Monitoring; Project Grants Payments Schedule; and Grant Verifications. Tim explained the next steps will be to continue to improve its grants

monitoring efforts in the coming year; and the report will come before the newly established BWSR Audit Committee. Keith Mykleseth commended staff on their adaption of what needs to be done and how effectively they do it. Greg Buzicky asked Tim about tracking his time for grants monitoring. John Jaschke explained the proportional and efficiency approach, to oversee grants; it's a balance between compliance and cooperation. Chair Napstad thanked Tim for his thorough report.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Greg Buzicky reported that the next meeting of the Minnesota Ag Water Quality Certification Program (MAWQCP) is October 29; the Advisory Committee will meet on November 13-14. Chair Napstad thanked Greg for attending the meeting today on behalf of Matt Wohlman.

Minnesota Department of Natural Resources (DNR) – Tom Landwehr attended the Red River Watershed Management Board meeting and tour last week in the Red River Valley. He stated that there are good outcomes from that meeting, and the importance of attaining more multi-benefit projects in the northwest. He is calling on DNR staff to actively support and use public funding to get projects implemented for natural resource enhancements.

Tom reported on an article in the *StarTribune* on September 23, 2012, regarding the loss of grasslands, native prairies and CRP – this is significant as it effects water quality, and wildlife depends upon grasslands. Agencies and other organizations are recognizing the effects; and are exploring new ideas such as a grazing incentive to keep grass on the landscape as an agricultural base. The Minnesota Prairie Plan outlines how to target protection and restoration in future years. Tom stated that BWSR has a big role in grassland restoration with the RIM Program, the need is there for BWSR's continued and expanded involvement.

Minnesota Extension Service (MES) – Faye Sleeper reported that the Water Resources Center is hosting a seminar by Otto Doering, "Looking Back to the Coming Farm Bill: The More Things Change the More They Stay the Same!" on October 4, at the University of Minnesota. Faye reported that the Annual Water Resources Conference will be held October 16-17, at St. Paul River Center. Faye encouraged board members attendance. If interested, information is available on the website: http://wrc.umn.edu/news/index.htm

Minnesota Pollution Control Agency (MPCA) – Doug Wetzstein reported that the Clean Water Act marks its 40th anniversary on October 18. Doug reported that MPCA Commissioner Stine will meet with Wisconsin officials on September 28 in the middle of the St. Croix River; an event to recognize the multi-state effort.

ADVISORY COMMENTS

Minnesota Association of Townships (MAT) – Sandy Hooker reported that MAT directors and staff will be meeting with school districts and cities to discuss issues of common interest to provide a united front before the legislature. Sandy reported that the MAT Annual Conference will be held November 15-17, at the River's Edge Conference Center in St. Cloud; board members were invited to attend. Sandy stated that she appreciated the great Board tour on August 22 in Lincoln and Lyon Counties.

UPCOMING MEETINGS

- BWSR Board Meeting – October 24, 2012
- Wetland Committee: immediately following September 26th Board Meeting
- PROSP Committee: Oct. 23
- MAWD Annual Meeting, November 29 – December 1, Alexandria
- MASWCD Annual Meeting, December 2-4, Bloomington
- AMC Annual Meeting, December 3-4, St. Cloud

** Moved by Sandy Hooker, seconded by Paul Langseth, to adjourn the meeting at 12:15 p.m.
12-87 Motion passed on voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder

DRAFT

Minnesota Board of Water & Soil Resources

Resolution # 12 - 79

The Minnesota Board of Water and Soil Resources hereby recognizes

Kevin Lines for tremendous achievements in conservation!

In appreciation of 37 years of outstanding service to the State of Minnesota,

this Proclamation is hereby made and offered to Kevin Lines

in recognition of the success and triumphs for

restoration and protection of the lands of Minnesota.

Congratulations and best wishes on your retirement, and

thank you for all you have accomplished!

Dated this 24th day of October, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Brian Napstad

Brian Napstad, Chair

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution Committee Report

Meeting Date: October 24, 2012

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: Gerald Van Amburg/Travis Germundson

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED
None

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

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

Dispute Resolution Report
October 12, 2012
By: Travis Germundson

There are presently **9** appeals pending. All of the appeals involve WCA except File 10-10. There have been **no** new appeals filed since the last report given at the September 26th 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 12-13 (8-3-12) This is an appeal of a wetland banking credit deposit request in Stearns County. The appeal regards the approval of a wetland banking plan request to deposit credits. The Stearns County Wetland Appeal Panel reversed an earlier staff decision to deny the application. At issue are the eligibility requirements for wetland bank credits. The appeal has been remanded for the LGU to develop an adequate record.

File 12-12 (7-16-12) This is an appeal of an exemption determination in Renville County. The appeal regards the denial of an agricultural drainage exemption associated with a 1.5 acre wetland. At issue is the wetland type determination. A previous appeal (File 12-5) was remanded for further technical evaluation and administrative proceedings, and now the current approval is being appealed. The appeal has been granted and a Pre-Hearing Conference has been scheduled for October 22nd.

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 and confirmation of required mitigation.

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. A mediated settlement agreement was reached with the condition that if the watershed district fails to carry out Option D the appeal shall go forward. The appeal has been placed in abeyance.

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. The landowner has committed to restoring the site and the TEP plans to conduct a site visit this fall to verify that restoration has occurred.

~~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 North Fork Crow River Watershed District recently constructed two rock riprap grade control structures within the ditch and the landowner has disabled and removed some of the tile. Stearns County is looking into if applicable exemption standards. The appellant has granted BWSR additional time to make a decision on the appeal.~~ The appeal has been dismissed. Certificate of Satisfactory Restoration has been issued.

~~File 09-13 (8-20-09) This is an appeal of an exemption decision in Otter Tail County. The appeal regards 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. A settlement agreement was reached with NRCS. Continuance of the pre-hearing conference reconvened on July 18, 2011. Just received notice that a settlement agreement has been signed by the parties, however, I do not have a fully executed copy.~~ Settlement Agreement.

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 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 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 2011	Total for Calendar Year 2012
Order in favor of appellant	2	1
Order not in favor of appellant	2	4
Order Modified	2	
Order Remanded		2
Order Place Appeal in Abeyance	4	1
Negotiated Settlement	1	
Withdrawn/Dismissed	2	4

Drainage Work Group Report
for October 24, 2012 BWSR Board Meeting

by Al Kean, BWSR Chief Engineer and DWG Facilitator

The Drainage Work Group (DWG) met on Thursday, October 11, 2012 at the Minnesota Farm Bureau building in Eagan. Topics of discussion included:

1) Share information about upcoming drainage presentations and workshops.

UMN Water Resources Conference, Oct. 16-17; BWSR Academy, Oct. 29-31; MAWD Annual Drainage Workshop, Nov. 29

2) Minnesota River Board resolution regarding RFP for lead viewers for redeterminations of benefits and damages.

As more drainage authorities pursue systematic redeterminations of benefits and damages, lead viewers are in short supply. The DWG discussed the potential for the supply of lead viewers to increase as more demand is demonstrated, and/or the potential to help increase the supply of lead viewers through training. AMC, MAWD and the MN Viewers Association have particular interest in increasing lead viewer supply. A panel discussion about this issue is on the agenda for the MAWD Annual Drainage Workshop on November 29.

3) Further discussion of draft statute revisions for Smith Partners Report Recommendation 4.a.

Consensus was reached regarding recommended statute additions to enable drainage authorities to reestablish lost, destroyed, or incomplete drainage system records. The DWG also requested Al Kean to draft statute revisions to clarify what and where drainage system records are stored when drainage system authority is transferred from a county to a watershed district.

4) Discussion of draft statute revisions for Smith Partners Report Recommendation 4.b.

Draft language recommended by Smith Partners, with some edits proposed by Al Kean, were thoroughly discussed. There was consensus to support some of the draft statute revisions and to reject some of the proposed language that used subjective terminology. In regard to draft revisions proposed by Al Kean to enable ditch repair to include a 2-stage cross-section with the same hydraulic capacity as originally constructed and subsequently improved, the concept was supported, with several proposed revisions.

5) Define DWG priorities for addressing statute revisions for remaining Smith Partners recommendations.

Due to inadequate time and the DWG request for draft statute language to address records storage for transferred drainage systems, this task was again tabled to a future meeting.

6) Next Meeting

The DWG plans to meet on November 15, 2012, 12:30 – 3:30 p.m. at the Minnesota Farm Bureau building.

John,
The following information is for you to include in your Executive Director's report at the October Board meeting, as per the Board's request.

Since the September BWSR Board meeting we have awarded a new PRAP Assistance Grant to the McLeod SWCD and received a request from the Pope SWCD.

The additional grant for McLeod (#12-03) is to address the significant financial management issues the district is facing. Work done under the initial grant agreement (#12-02) revealed that the district's finances need accounting work to bring the accounts up-to-date and in balance. The district has hired a CPA to reconcile accounts with bank records and provide assistance in setting up new accounting system.

The request from the Pope SWCD is for strategic planning and organizational development, including staffing needs and realignment. The district is facing a significant expansion of duties as a result of staff changes in the county and the county board's request for the district to provide county services. The grant application is under review.

The first Assistance Grant (#12-01) to the Root River SWCD is still active. Discussions with the consultant and staff of the district indicate continued good progress to date.

The table shows the status of the three PRAP Assistance Grants awarded to date.

PRAP ASSISTANCE GRANTS/CONTRACTS							
No.	**Grantee**	**Purpose**	**Assmnt.**	**Tot. Amt. Requested**	**Grant Amt.**	**Start Date**	**Completion/ Amt. Spent**
12-01	Root River SWCD	Organizational development	PRAP Level 2 Report recommended	7500	2800	4/30/2012	Continuing/ $1520
12-02	McLeod SWCD	Accounting System Set-up; peer assistance from Carver SWCD via MoA	BWSR Staff assessment	500	250 50:50 CS	8/9/2012	8/31/2012 (invoice pending)
12-03	McLeod	Accounts reconciliation by CPA firm; accounting system set-up; assistance from Carver SWCD	BWSR staff assessment	5000	2500	10/4/2012	continuing

Please contact me if you have additional questions.

Don Buckhout
PRAP Coordinator
Board of Water and Soil Resources
Don.Buckhout@state.mn.us
(651) 296-0768

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Comfort Lake Forest Lake Watershed District Watershed Management Plan Amendment – Melissa Lewis – ***DECISION ITEM***

2. Elm Creek WMO Plan Amendment – Brad Wozney – ***DECISION ITEM***

3. Chisago County Priority Concerns Scoping Document (PCSD) – Mary Kells – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Comfort Lake Forest Lake WD Plan Amendment

Meeting Date: October 24, 2012

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
☐ Other:

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

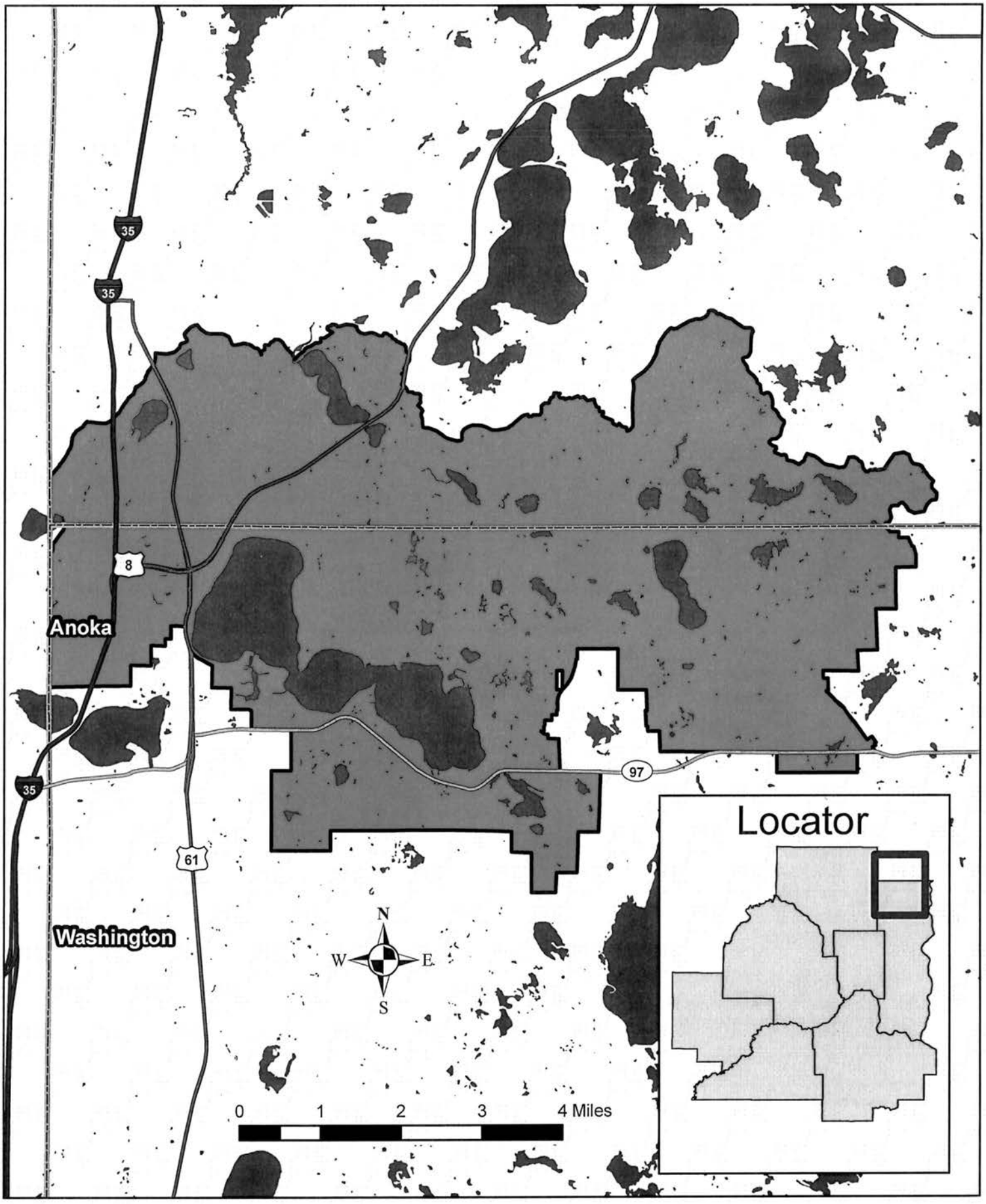
ACTION REQUESTED
Approval of Amendment to the Comfort Lake Forest Lake Watershed District Watershed Management Plan

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 encompasses approximately 47 square miles 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 watershed outlets to the northwest to the Sunrise River, which flows northeast through Chisago County before discharging to the St. Croix River.

The Amendment incorporates by reference the final Engineer's Report for the Sunrise River Water Quality & Flowage Project, which was initiated by petition from Chisago County in 2010. By incorporating the Engineer's Report the amendment recognizes the project is a water resource-based program encompassing a slate of capital project and program activities, provides more detailed descriptions of each component including refined estimated construction costs, provides for the project to be implemented over a period of time, and commits the district to a public process prior to ordering and implementing individual project components.

The Metro Water Planning Committee met on October 1, 2012. After review of the information, the Committee unanimously voted to recommend approval of the Amendment per the attached draft Order.

Comfort Lake-Forest Lake 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 **Comfort Lake Forest Lake 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 Comfort Lake Forest Lake Watershed District (District) submitted an Amendment to the Watershed Management Plan (Plan) dated April 26, 2012, 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 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.

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 September 28, 2011. The watershed management plan may be amended according to Minnesota Statutes Section 103B.231, Subd. 11.

3. **Nature of the Watershed.** The District encompasses approximately 47 square miles in the northeast portion of the Metropolitan Area, approximately forty percent in Chisago County and sixty percent in Washington County; and 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. Portions of the Cities of Forest

Lake, Scandia, and Wyoming, and the Towns of Chisago Lakes and Wyoming, are included in the District. The watershed outlets to the northwest to the Sunrise River, which flows northeast through Chisago County before discharging to the St. Croix River.

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 14, 2012. A summary of comments received and the District's response was received on July 17, 2012. A public hearing was held on August 23, 2012. No comments were received. The final draft of the Amendment was received by the Board on August 31, 2012.

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. No comments were received.

6. **Metropolitan Council Review.** The Council indicated the amendment was a comprehensive approach to improving the area's drainage system and did not request changes.

7. **Department of Agriculture Review.** The MDA did not comment on the Amendment.

8. **Department of Health Review.** The MDH did not comment on the Amendment.

9. **Department of Natural Resources Review.** The 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 by reference the final Engineer's Report for the Sunrise River Water Quality & Flowage Project, which was initiated by petition from Chisago County in 2010.

14. **Metro Water Planning Committee Meeting.** On October 1, 2012, 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 Rebecca Flood, Faye Sleeper, Joe Collins, 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 Comfort Lake Forest Lake 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 April 26, 2012, to the Comfort Lake Forest Lake Watershed District Watershed Management Plan.

Dated at St. Paul, Minnesota this 24th day of October, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Elm Creek WMO Plan Amendment

Meeting Date: October 24, 2012

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: Brad Wozney

☐ **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 Amendment to the Elm Creek Watershed Management Organization Watershed Management Plan

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

WMO Background

The Elm Creek WMO is located exclusively in Hennepin County in the west/northwest portion of the Minneapolis – St. Paul seven county metropolitan area. It is bound by the Mississippi and Crow Rivers to the north, on the east by the West Mississippi and Shingle Creek Watershed Management Organizations, on the south by Bassett Creek WMO and Minnehaha Creek Watershed District, and on the west by the Pioneer – Sarah Creek WMO. The Elm Creek watershed covers approximately 130.5 square miles. There are 21 lakes and four major streams in the Elm Creek watershed. The watershed predominantly drains directly to the Mississippi River with a small portion immediately tributary to the Crow River. The watershed continues to be heavily influenced by agriculture and rural residential development, with some high density housing, commercial, and townhouse developments in the cities of Maple Grove, Plymouth, and Rogers.

The Commission was formed on February 1, 1973, through a Joint Powers Agreement (JPA) with all or part of the following eight communities: Champlin, Corcoran, Dayton, Hassan Township, Maple Grove, Medina, Plymouth, and Rogers. The City of Rogers recently annexed Hassan Township. The Commission adopted their first Watershed Plan in 1983. Their current watershed management plan was approved in October 2004.

Amendment Summary

The Amendment proposes to revise the implementation program by adding details and re-prioritizing programs, studies, capital improvement projects, and other implementation activities in the Watershed Management Plan. In addition the Amendment clarifies the plan's amendment section by extending the plan expiration to October 2014, which is the maximum timeframe of ten years allowed under statute following the Board's original plan approval. The current plan was scheduled to be originally Board approved in 2003;

however, the Board required the joint powers agreement to be fully executed prior to plan approval and this did not occur until 2004.

The Metro Water Planning Committee met on October 1, 2012. After review of the information, BWSR staff was in favor of and the Committee unanimously voted to recommend approval of the Plan Amendment dated September 20, 2012, to the full Board per the attached draft Order.

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 **Elm 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 Elm Creek Watershed Management Organization (Commission) submitted a Watershed Management Plan Amendment dated September 2012 (Amendment), to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 11, and;

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

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

FINDINGS OF FACT

1. **WMO Establishment.** The Commission was formed on February 1, 1973, through a Joint Powers Agreement (JPA) with all or part of the following eight communities: Champlin, Corcoran, Dayton, Hassan Township, Maple Grove, Medina, Plymouth, and Rogers. The City of Rogers recently annexed Hassan Township. The Commission adopted their first Watershed Plan in 1983. Their current watershed management plan was approved in October 2004.

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 Elm Creek WMO is located exclusively in Hennepin County in the west/northwest portion of the Minneapolis – St. Paul seven county metropolitan area. It is bound by the Mississippi and Crow Rivers to the north, on the east by the West Mississippi and Shingle Creek Watershed Management Organizations, on the south by Bassett Creek WMO and Minnehaha Creek Watershed District, and on the west by the Pioneer – Sarah Creek WMO. The Elm Creek watershed covers approximately 130.5 square miles. There are 21 lakes and four major streams in the Elm Creek watershed. The watershed predominantly drains directly to the Mississippi River

with a small portion immediately tributary to the Crow River. The watershed continues to be heavily influenced by agriculture and rural residential development, with some high density housing, commercial, and townhouse developments in the cities of Maple Grove, Plymouth, and Rogers.

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 June 14, 2012. The Commission received a comment letter from the Metropolitan Council and the Board. The Commission held a public hearing on September 12, 2012 and no suggested changes were offered. The final draft Amendment was submitted to the Board and plan review agencies on September 20, 2012, for final review and approval.

5. **Metropolitan Council Review.** Met Council commended the Commission for proactive management of the water resources stating the Amendment 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. **Department of Transportation Review.** The DOT did not comment on the Amendment.

11. **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.

12. **Amendment Summary.** The Amendment proposes to revise the implementation program by adding details and re-prioritizing programs, studies, capital improvement projects, and other implementation activities in the Watershed Management Plan. In addition the Amendment clarifies the plan's amendment section by extending the plan expiration to October 2014, which is ten years beyond the Board's original approval of the plan.

13. **Board Review.** Board staff requested clarification on specific action items and reminded the Commission that annual activity reports must include a summary of the annual assessment of each member community's local water plan implementation. In addition BWSR staff strongly recommended that funds be set aside as a separate line item to continue to foster relationships and offer technical assistance to agricultural producers

and landowners. All comments were addressed. Board staff commended the Commissions for maintaining a current Plan.

14. **Metro Water Planning Committee Meeting.** The Board's Metro Water Planning Committee met on October 1, 2012, to review and discuss the Amendment. Those in attendance from the Board's Committee were Joe Collins, Rebecca Flood, Faye Sleeper, and Bob Burandt, chair. Board staff in attendance was 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 Elm Creek Watershed Management Organization pursuant to Minnesota Statutes Section 103B.231, Subd. 11.

3. The Elm 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

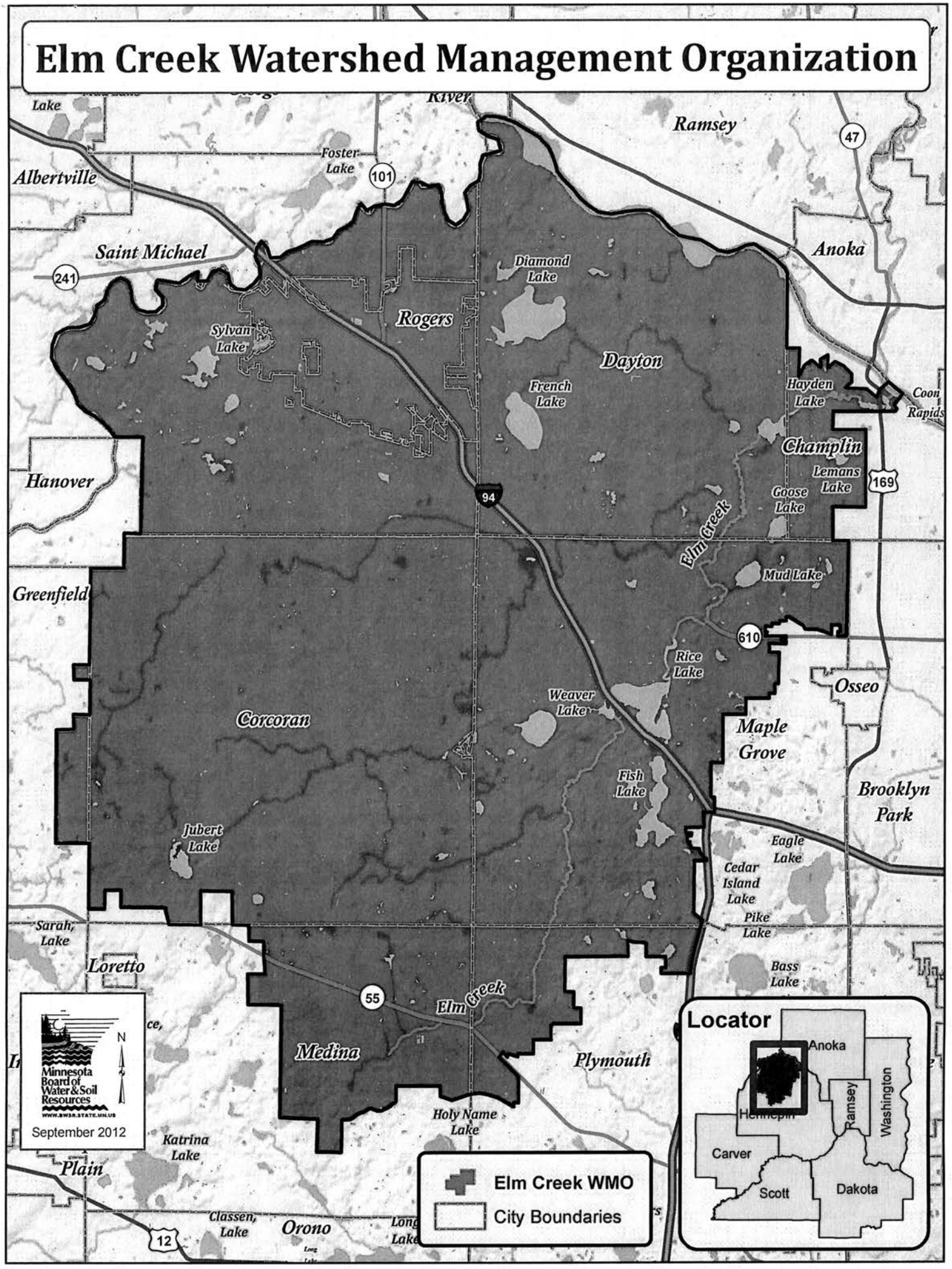
The Board hereby approves the attached Amendment dated September 2012 to the Elm Creek Watershed Management Organization's Watershed Management Plan.

Dated at Saint Paul, Minnesota this 24th day of October 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Elm Creek Watershed Management Organization



SECTION V

V. IMPLEMENTATION PROGRAM / PRIORITIES

Based on the information developed in **Sections II through IV**, the Commission has developed a water resource management program that reflects the needs and concerns of the Commission, its member communities, and the residents. In order to reasonably and responsibly identify and prioritize capital improvements, the Commission has established Capital Improvement Program Standards and Guidelines. A prioritized listing of the studies, programs, and capital improvements that have been identified as necessary to respond to the water resource needs within the ~~Commission~~ watershed is outlined on the following tables. The items in these tables were identified through extensive member and public input. This implementation program will be reviewed annually by the Commission.

Capital projects that have been identified for inclusion in the Commission's capital improvement program will be funded in accordance with the Commission's Capital Improvement Program Cost Share Policy. The studies and capital improvements identified in this section of the plan may be entirely or partially completed by the member community, the Commission, or a joint effort between the Commission and a member community. The Commission's schedule for implementing the studies, improvements, and programs is provided on the following tables. The cost identified within the tables reflects the amount of work anticipated to complete these items. ~~However, it is unlikely the Commission will be able to undertake these projects without securing grants or other outside funding within the timeline shown.~~

~~Due to the funding constraints of the Commission, rather than attempting to spread its resources over many projects, the Commission has determined it will primarily focus on a few projects at a time and consider doing other projects as funding becomes available. Therefore, the Commission intends to focus on working to stabilize Elm Creek (CIP-1).~~

In order to secure funding for ~~this~~ projects ~~and others~~, the Commission intends to undertake one or more of the following activities ~~to secure funding~~:

- Encourage member communities to provide funds to the Commission for a project, study, or program listed in this Plan by agreeing to make it a high priority project if funding is available.

- Actively work to find matching grants or low interest loans for the project, study, or program. Community money and secured grants/loans would then be used for projects, studies, or programs within the member city(ies) that provided the initial funding.

- Commission may contribute funds towards a project if deemed appropriate and reasonable by the Commission. All funding mechanisms will be in accordance with the provisions of the Joint Powers Agreement.

- Multiple communities can collaborate together to provide funds for a joint project that the Commission will then work towards finding available grants/loans.

~~If other projects, programs, or studies come up, the Commission will evaluate their priority and adjust the implementation accordingly. The projects, programs, and studies listed within the Commission's Plan in~~ **Tables V-1B, V-2, and V-3** ~~that are identified to be partially or completely the responsibility of the local community must be included in the local Stormwater Management Plan.~~

TABLE ~~V-1A~~ V-1

~~CURRENT~~ CAPITAL IMPROVEMENT PROJECTS

No.	Priority [1]	Project Description	Total Project Cost Estimate[2,3]	Estimated Cost to be Funded by Commission[2,3]	Potential Funding Sources[3]	Timeline	2011	2012	2013	2014	Comments
~~CIP-1~~	~~High~~	~~Undertake bank stabilization and erosion control project within Elm Creek based on study.~~	~~$250,000 to $2,000,000~~	~~$125,000 to $2,000,000~~	~~Grants, Three Rivers Park District, local communities, General Fund, ad valorem tax~~						~~Commission has determined this item to be highest priority and thus its implementation focus in the foreseeable future.~~ Individual projects are identified below.
CIP-1	High	Construct rate control/water quality pond to help reduce runoff into Elm Creek from Hamel Road/Tower Drive as part of road improvement project. Pond will reduce TP 12.19#/yr and TSS 3.88 tons/yr.	$275,000	$68,750	Medina					$68,750	
CIP-2	High	Undertake 1200-ft bank stabilization and erosion control project within Elm Creek Reach D. Increase channel area, lower hydraulic shear stress. Plant native vegetation to stabilize bank and buffer stream from adjacent turf management practices. Relocate or lower underground utilities to prevent channel obstruction.	$180,000	$45,000	Plymouth, Commission						Project identified in 2007 Channel Study, to be funded in 2015 and beyond
CIP-3	High	Undertake 600-ft bank stabilization and erosion control project within Elm Creek Reach K (2007 Channel Study). Increase channel area and lower hydraulic shear stress. Increase x-sectional area and meander width, plant disturbed areas with native floodplain forest vegetation to prevent erosion and increase habitat value.	$90,000	$22,500	Maple Grove, Three Rivers Park District (TRPD), Commission						Project identified in 2007 Channel Study, to be funded in 2015 and beyond
CIP-4	High	Develop channel protection volume storage, flood storage and associated water quality improvements within wetland complex (DNR#27043700) at Maple Grove/Corcoran boundary by providing extended detention within the storage basin.	$75,000	$18,750	Commission, Corcoran, Maple Grove						Project identified in 2007 Channel Study, to be funded in 2015 and beyond
CIP-5	High	Undertake 1000-ft bank stabilization and erosion control project within Rush Creek Reach M (2007 Channel Study). Widen stream along existing alignment, plant native vegetation to prevent erosion.	$150,000	$37,500	Maple Grove, Commission						Project identified in 2007 Channel Study, to be funded in 2015 and beyond
CIP-6	High	Undertake 1100-ft bank stabilization and erosion control project within Elm Creek Reach O (2007 Channel Study). Construct new channel alignment within floodplain, improve habitat in stream corridor.	$165,000	$41,250	TRPD, Commission						Project identified in 2007 Channel Study, to be funded in 2015 and beyond
CIP-7	High	Undertake 2000-ft bank stabilization and erosion control project within Elm Creek Reach R (2007 Channel Study). Remove fallen tress to increase channel capacity and reduce bank scour. Reduce channel bank side slopes at existing toe locations, stabilize with riprap and native floodplain forest vegetation to prevent erosion and increase habitat value.	$300,000	$75,000	TRPD						Project identified in 2007 Channel Study, to be funded in 2015 and beyond
CIP-8	High	Undertake bank stabilziation/erosion control project with a boulder toe, native plantings within Elm Creek Reach X from 0.25 miles upstream of Cartway Road. Riparian restoration of 2000 feet through Jo Nunn Park. Reduce TP 73#/yr; TSS 86tons/yr	$300,000	$75,000	Champlin, Commission				$75,000		
CIP-9	High	Creek Channelization and Stream Restoration - 3,000 feet from 0.5 mile upstream of Cartway Road to Hayden Lake including bank stabilziation and channelization, riprap to protect toe of stream bank and native vegetation.	$450,000	$112,500	Champlin, Commission						Possible project to be funded in 2015 and beyond
CIP-10	High	Reconstruct Mill Pond Dam incuding construction of bridge over spillway. Total project cost is $3,400,000. This phase would restore stream edge at dam outfall by stabilizing stream bank from toe to point 5-8 feet above normal flow. Repair plunge pool and improve spillway. Revegetate slopes above riprap section.	$250,000	$62,500	Champlin, Commission, West Miss WMO				$62,500		
CIP-11	High	Stone's Throw Wetland Restoration. Acquire easements and restore 135 acre wetland adjacent to Rush Creek.	$450,000	$112,500	TRPD, Rogers, Corcoran, Commission						Projected funding 2015 and beyond
CIP-12	High	Bass Lake Road South. Retrofit street stormsewers with hydrodynamic separators and SAFL baffles in existing storm sewer circuits where construction of ponds is not feasible, reducing TP loading (50-60%) and TSS loading (75-90%) to Edward Lake and Elm Creek.	$250,000	$62,500	Maple Grove, Commission					$62,500	
CIP-13	High	Cobblestone Hills. Retrofit street stormsewers with hydrodynamic separators and SAFL baffles in existing storm sewer circuits where construction of ponds is not feasible, reducing TP loading (50-60%) and TSS loading (75-90%) to Weaver Lake and Elm Creek.	$100,000	$25,000	Maple Grove, Commission				$25,000		

TABLE ~~V-1A~~ V-1

~~CURRENT~~ CAPITAL IMPROVEMENT PROJECTS

No.	Priority [1]	Project Description	Total Project Cost Estimate [2,3]	Estimated Cost to be Funded by Commission [2,3]	Potential Funding Sources [3]	Timeline	2011	2012	2013	2014	Comments
CIP-14	High	Stabilize and restore approx.11,000 feet of Rush Creek east of I-94 and west of Fernbrook Lane, significantly reducing potential for bank erosion and sediment transport to Elm Creek. Restore native vegetation to provide habitat for wildlife, creating natural area for city demonstration.	$1,650,000	$250,000	Maple Grove, Commission						Projected funding 2016
CIP-15	High	Restore hydrology and plant community of 55-acre wetland located between 101st-105th Streets, west of Ranchview Lane. Restore function of wetland including flood and stormwater attenuation, vegetative diversity and integrity, wildlife, amphibian and invertebrate habitat, aesthetic, recreation and educational values and groundwater recharge.	$200,000	$50,000	Maple Grove, Commission				$50,000		
CIP-16	High	Stabilize and restore approx. 4,500 feet of Rush Creek north of 101 Avenue, significantly reducing potential for bank erosion and sediment transportion to Elm Creek. Restore native vegetation to provide habitat for wildlife.	$675,000	$168,750	Maple Grove, Commission				$84,375	$84,375	
CIP-17	High	County Road 30. Retrofit street stormsewers with hydrodynamic separators and SAFL baffles in existing storm sewer circuits where construction of ponds is not feasible, reducing TP loading by 50-65%, TSS loading by 75-90% to Rice Lake and Elm Creek.	$200,000	$50,000	Maple Grove, Commission						Projected funding 2015
CIP-18	High	Stonebridge. Retrofit street stormsewers with hydrodynamic separators and SAFL baffles in existing storm sewer circuits where construction of ponds is not feasible, reducing TP loading by 50-60%, TSS loading by 75-90% to Rice Lake and Elm Creek.	$200,000	$50,000	Maple Grove, Commission						Projected funding 2016
CIP-19	High	Rice Lake Water Quality Improvements. Implement plans to restore the native aquatic plant community, elimnate rough fish and re-establish a healthy fish population that is beneficial to improved water quality.	$120,000	$30,000	Maple Grove, Commission					$30,000	
CIP-20	High	Fox Creek Streambank Stabilization - Segment 1 - Edison Court. Provide stabilization and protection along 200 feet of streambank, enhance/expand adjacent wetland, reduce sediment transport and provide habitat enhancement and wooded upland protection. Sediment load reduction = 6.4-12.8 tons/year; TP reduction = 6.4-12.8#/year	$48,750	$12,188	Rogers, Commission				$12,188		
CIP-21	High	Fox Creek Streambank Stabilization - Segment 2 - Creekview Drive. Provide stabilization and protection along 1000 feet of streambank, reducing sediment transport and providing habitat enhancement and wooded upland protection. Sediment load reduction = 21-42 tons/year; TP reduction = 21-42#/year	$150,000	$37,500	Rogers, Commission				$37,500		
CIP-22	High	Fox Creek Streambank Stabilization - Segment 3- I-94/Hyacinth Drive. Provide stabilization and protection along 3000 feet of streambank, reducing sediment transport and providing habitat enhancement and wooded upland protection. Sediment load reduction = 48-96 tons/year; TP reduction = 48-96#/year	$360,000	$90,000	Rogers, Commission					$90,000	
CIP-23	High	South Pointe Streambank Stabilization. Provide stabilization and protection along 600 feet of streambank tributary to Fox Creek at its headwaters, reducing sediment transport and providing habitat enhancement and wooded upland protection. Sediment load reduction = 12-24 tons/year; TP reduction = 12-24#/year	$90,000	$22,500	Rogers, Commission						Projected funding 2016
		TOTAL	~~$250,000 to~~ ~~$2,000,000~~ $6,728,750	~~$125,000 to~~ ~~$2,000,000~~ $1,519,688			0	0	346,563	335,625	

~~1. The Commission has determined that the highest priority is to focus on the stabilization of Elm Creek. While the Commission agrees that the other items shown on these tables are important, the Commission has limited resources and has determined that focusing on one area at a time will be more effective. The Commission will re-evaluate its priorities on an annual basis.~~

~~2. Estimated funding level is included here for planning purposes only. Actual costs may vary greatly from estimates provided. This amount is subject to change based on future adjustments to the Joint Powers Agreement, funding and grant availability, or changes in funding levels defined by the annual budget defined by the Commission.~~

~~3. Cost share from the member communities will be based on the Joint Powers Agreement. Subsequent feasibility studies that define the benefit of the project may change the fee/cost share.~~

TABLE V-1B

FUTURE CAPITAL IMPROVEMENT PROJECTS

No.	Priority	Project Description	Total Project Cost Estimate[1,2]	Estimated Cost to be Funded by Commission[1,2]	Potential Funding Sources	Timeline	Comments
CIP-2	High	Complete water quality improvements based on study for Fish Lake (Maple Grove)	$20,000 to $50,000	$0	Local community	Project to be undertaken at future date to be determined based on funding availability	Included in SMS-1, funded in 2015 and beyond
CIP-3	Medium	Undertake bank stabilization and erosion control project within Rush Creek based on study	$250,000 to $2,000,000	$125,000 to $2,000,000	Grants, local communities, general fund, ad valorem tax	Project to be undertaken at future date to be determined based on funding availability	Included in SMS-1, funded in 2015 and beyond
CIP-4	Medium	Undertake bank stabilization and erosion control project within North Fork Rush Creek	$250,000 to $2,000,000	$125,000 to $2,000,000	Grants, local communities, general fund, ad valorem tax,	Project to be undertaken at future date to be determined based on funding availability	Included in SMS-1, funded in 2015 and beyond
CIP-5	Medium	Undertake bank stabilization and erosion control project within Diamond Creek	$200,000 to $1,500,000	$100,000 to $1,500,000	Grants, Three Rivers Park District, local communities, General Fund, ad valorem tax	Project to be undertaken at future date to be determined based on funding availability	Included in SMS-1, funded in 2015 and beyond
CIP-6	Low	Complete water quality improvement project for Elm Creek based on study	$50,000 to $2,000,000	$25,000 to $2,000,000	Grants, Three Rivers Park District, local communities, General Fund	Project to be undertaken at future date to be determined based on funding availability	Included in SMS-1, funded in 2015 and beyond
CIP-7	Low	Complete water quality improvement project for Mill Pond based on study (Champlin)	$300,000 to $1,300,000	$50,000 to $650,000	Local community, grant, general fund	Project to be undertaken at future date to be determined based on funding availability	Included in SMS-1, funded in 2015 and beyond
CIP-8	Low	Complete water quality improvements based on study for Rice Lake, Mud Lake, and Weaver Lake (Maple Grove)	$80,000 to $200,000	$0	Local community,	Project to be undertaken at future date to be determined based on funding availability	Included in SMS-1, funded in 2015 and beyond
CIP-9	Low	Complete water quality improvements based on study for Mud Lake (Plymouth)	$20,000 to $50,000	$0	Local community,	Project to be undertaken at future date to be determined based on funding availability	Included in SMS-1, funded in 2015 and beyond
CIP-10	Low	Complete water quality improvements based on study for Hayden Lake and Diamond Lake (Dayton)	$40,000 to $100,000	$0	Local community,	Project to be undertaken at future date to be determined based on funding availability	Included in SMS-1, funded in 2015 and beyond
CIP-11	Low	Complete water quality improvements based on study for Lemans Lake (Champlin)	$20,000 to $50,000	$0	Local community,	Project to be undertaken at future date to be determined based on funding availability	Included in SMS-1, funded in 2015 and beyond
CIP-12	Low	Complete water quality improvements based on study for Sylvan Lake (Hassan Twp)	$20,000 to $50,000	$0	Local community,	Project to be undertaken at future date to be determined based on funding availability	Included in SMS-1, funded in 2015 and beyond
CIP-13	Low	Complete water quality improvement project for Goose Lake	$30,000 to $100,000	$15,000 to $100,000	Grants, Three Rivers Park District, local communities, General Fund,	Project to be undertaken at future date to be determined based on funding availability	Included in SMS-1, funded in 2015 and beyond
CIP-14	Low	Complete water quality improvement project for Crow River based on study	$30,000 to $100,000	$15,000 to $100,000	Grants, local communities, general fund,	Project to be undertaken at future date to be determined based on funding availability	Responsibility of others.
		TOTAL	*$1,540,000 to $11,450,000*	*$580,000 to $10,350,000*			

1. Estimated funding level is included here for planning purposes only. Actual costs may vary greatly from estimates provided. This amount is subject to change based on future adjustments to the Joint Powers Agreement, funding and grant availability, or changes in funding levels defined by the annual budget defined by the Commission.

2. Cost share from the member communities will be based on the Joint Powers Agreement. Subsequent feasibility studies that define the benefit of the project may change the fee/cost share.

Note to reviewing agencies: This Table is being removed in its entirety. All items are included in Table V-3, SMS-1, or are the responsibility of others.

TABLE V-2
STORMWATER MANAGEMENT PROGRAMS

No.	Priority [1]	Project Description	Total Cost Estimate [1,2]	Estimated Cost to be Funded by Commission [1,2]	Funding Sources	Timeline	2011	2012	2013	2014	Comments The following programs occur as part of the Commission's ongoing activities and are included as line items in the Commission's Operating Budget.
SMP-1	High	Undertake plan review for development projects for areas where Commission is local permitting authority	~~$10,000 to $20,000~~ $82,000 annually	~~$10,000 to $20,000~~ $82,000 annually	General fund	Program is ongoing	80,000	77,000	81,000	84,000	2012 budget, lines 11-15
~~SMP-2~~	~~High~~	~~Conduct periodic review and inspection of projects authorized by the permitting authority~~	~~$3,000 to $8,000 annually~~	~~$3,000 to $8,000 annually~~	~~General fund~~	~~Program is ongoing~~					included in SMP- 1
~~SMP-3~~	~~High~~	~~Undertake enforcement responsibilities when there is no local plan or community is not enforcing policies.~~	~~$0-$20,000 annually~~	~~$0-$20,000 annually~~	~~General fund~~	~~Program is ongoing~~					~~included in SMP-5~~
~~SMP-4~~	~~High~~	~~Annually review development plan review process with local communities~~	~~$5,000 to $10,000 annually~~	~~$5,000 to $10,000 annually~~	~~General fund~~	~~Program is ongoing~~					included in SMP- 1
~~SMP-5~~ SMP-2	High	Undertake LGU responsibility for the Wetland Conservation Act for those cities that choose to utilize this service	~~$4,000 to $10,000~~ $10,000 annually	~~$4,000 to $10,000~~ $10,000 annually	General fund	Program is ongoing	12,750	10,000	10,200	10,200	2012 budget, lines 17-21
~~SMP-6~~	~~High~~	~~Provide NPDES Phase II assistance for member communities, if requested~~	~~$10,000 to $80,000 annually~~	~~$0~~	~~Local community~~						included in SMP-4
~~SMP-7~~ SMP-3	High	Continue the water quality monitoring program for lakes and streams	~~$20,000 to $120,000~~ $40,000 annually	~~$20,000 to $120,000~~ $40,000 annually	~~Grant,~~ General fund ~~local community~~	Program is ongoing	39,700	39,758	40,798	41,125	2012 budget, lines 23-35
~~SMP-8~~	~~High~~	~~Implement water quantity monitoring program for lakes and streams~~	~~$10,000 to $50,000 annually~~	~~$10,000 to $50,000 annually~~	~~Grant, general fund, local community~~	~~Program is ongoing~~					included in SMP-3
~~SMP-9~~ SMP-4	High	Develop and implement a public education program in conformance with NPDES Phase II rules	~~$5,000 to $20,000~~ $14,000 annually	~~$5,000 to $20,000~~ $14,000 annually	General fund~~, grants,~~ local community	Program is ongoing	12,000	14,000	14,500	15,500	2012 budget, lines 37-49
~~SMP-10~~	~~High~~	~~Implement program to ensure stormwater ponds are maintained and adopt a stormwater system maintenance plan (local community).~~	~~$5,000 to $25,000 annually per community~~	~~$0~~	~~Local community~~						Local community responsibility
~~SMP-11~~	~~High~~	~~Sweep City-owned paved rural section streets once annually and urban section streets twice annually (local community).~~	~~$10,000 to $80,000 annually per community~~	~~$0~~	~~Local community~~						Local community responsibility
~~SMP-12~~	~~Medium~~	~~Review progress and policies relating to Total Maximum Daily Load (TMDL's) as they become available.~~	~~$0 to $10,000 annually~~	~~$0 to $10,000 annually~~	General fund~~, grants,~~ local community						included in SMS-1~~, SMS-8,~~ and SMP-5. ~~and SMP-8.~~
~~SMP-13~~	~~Medium~~	~~Pursue grant funding to assist public education efforts for local communities~~	~~$0 to $10,000 annually~~	~~$0~~	~~Local community~~						included in SMP-4
~~SMP-14~~	~~Medium~~	~~Provide conservation practice technical assistance to farmers who request this service~~	~~$0 to $50,000 annually~~	~~$0 to $50,000 annually~~	~~Grants, HCD, NRCS,~~						included in ~~SMP-1,SMP-8~~ SMP-5 and SMS-1
~~SMP-15~~	~~Medium~~	~~Identify and maintain an erosion and sedimentation problem area list for future projects by the Commission or local communities.~~	~~$500 - $5,000 annually~~	~~$500 - $5,000 annually~~	~~General fund, grants,~~						included in ~~SMS-8 and SMP-5~~ SMP-5 ~~and SMS-8~~
~~SMP-16~~	~~Medium~~	~~Act as mediator for deadfall removal issues as requested~~	~~$0 to $10,000 annually~~	~~$0 to $10,000 annually~~	~~General fund, local community~~						Local community responsibility
~~SMP-17~~	~~Medium~~	~~Cooperate with the Minnesota Department of Health to ensure abandoned and unsealed wells are properly sealed (local community).~~	~~$0 to $10,000 annually per community~~	~~$0~~	~~Local community~~						Local community responsibility
~~SMP-18~~	~~Low~~	~~Remove deadfall in creek that is no longer attached to the land (local community)~~	~~$0 to $30,000 annually per community~~	~~$0~~	~~Local community~~						Local community responsibility
~~SMS-10~~ ~~SMP-5~~	~~Medium - High~~	~~Review local stormwater management plans for conformance with Third Generation Elm Creek Watershed Plan~~	~~$8,000 to $40,000~~	~~$8,000 - $40,000~~	~~General fund~~	~~2005-2006~~					~~budgeted in 2015 and 2016~~
~~SMP-6~~ SMP-5	High	Assist member cities in developing BMP implementation programs to incentivize residents to install and maintain rain gardens and other best management practices and initiate/reinforce relationships with and offer technical assistance to agricultural producers and landowners to reduce phosphorus loading to local streams, lakes.	$25,000/year	$3,000/year	Commission education grant				$3,000	$3,000	2012 budget, lines 37-49
		TOTAL	$187,000	~~$575,000 to $3,330,000~~ $165,000			144,450	140,758	149,498	153,825	

~~1. Estimated funding level is included here for planning purposes only. Actual costs may vary greatly from estimates provided. This amount is subject to change based on future adjustments to the Joint Powers Agreement, funding and grant availability, or changes in funding levels defined by the annual budget.~~
~~2. Cost share from the member communities will be based on the Joint Powers Agreement. Subsequent feasibility studies that define the benefit of the project may change the fee/cost share.~~

TABLE V-3
STORMWATER MANAGEMENT STUDIES

No.	Priority	Project Description	Total Cost Estimate ~~1, 2~~	Estimated Cost to be Funded by Commission ~~1, 2~~	Funding Sources	Timeline	2011	2012	2013	2014	Comments
SMS-1	High	Undertake watershed-wide Total Maximum Daily Load (TMDL). Develop water quality and quantity goals for specific water bodies within the watershed to determine adequacy of water quality and quantity protection policies.	~~$10,000 to $40,000~~ $460,000	~~$10,000 to $40,000~~ $137,000	MPCA Grant, general fund, ~~local community,~~ Three Rivers Park District	~~Study to be undertaken at future date to be determined based on funding availability~~ 2010-2014	12,000	25,000	25,000	37,500	2012 budget, lines 65-71, 96
~~SMS-2~~	~~High~~	~~Complete Wetland Management Plan including an inventory and functions and values assessments of wetlands as funds become available (with local communities)~~	~~$320,000 to $800,000~~	~~$0 to $400,000~~	~~Grant, local community~~	~~Study to be undertaken at future date to be determined based on funding availability~~					responsibility of member cities, complete by 2014
~~SMS-3~~	~~High~~	~~Develop buffer width standards for wetlands, storm ponds, lakes, streams (local community).~~	~~$10,000 to $50,000~~	~~$0~~	~~Local community~~						included in ~~SMS-6~~ SMS-7
~~SMS-4~~	~~High~~	~~Develop criteria for prioritization of water bodies for water quality~~	~~$5,000 to $20,000~~	~~$5,000 to $20,000~~	~~General fund~~	~~Study to be undertaken at future date to be determined based on funding availability~~					included in ~~SMS-6~~ SMS-7
~~SMS-5~~	~~High~~	~~Develop criteria for prioritization of flooding problems~~	~~$5,000 to $20,000~~	~~$5,000 to $20,000~~	~~General fund~~	~~Study to be undertaken at future date to be determined based on funding availability~~					included in ~~SMS-6~~ SMS-7
~~SMS-6~~	~~High~~	~~Develop and adopt floodplain management ordinance in conformance with this Plan (local community).~~	~~$5,000 to $50,000~~	~~$0~~	~~Local community, grant~~						included in ~~SMS-6~~ SMS-7
~~SMS-7~~	~~High~~	~~Develop and adopt a shoreland management ordinance in conformance with this Plan (encouraged - local community).~~	~~$5,000 to $50,000~~	~~$0~~	~~Local community, grant~~						included in ~~SMS-6~~ SMS-7
~~SMS-8~~	~~High~~	~~Develop and adopt erosion and sediment control ordinance in conformance with this Plan (local community)~~	~~$5,000 to $50,000~~	~~$0~~	~~Local community, grant~~						included in ~~SMS-6~~ SMS-7
~~SMS-9~~	~~High~~	~~Compile a wellhead protection zone map as information becomes available from member communities~~	~~$5,000~~	~~$5,000~~	~~General fund~~	~~To be developed as information becomes available~~					Complete with general funds
~~SMS-10~~	~~Medium~~	~~Review local stormwater management plans for conformance with Elm Creek Watershed Plan~~	~~$8,000 to $40,000~~	~~$8,000 - $40,000~~	~~General fund~~	~~2005-2006~~					~~now SMP-5~~
~~SMS-11~~	~~Medium~~	~~Complete hydraulic/hydrologic modeling for watershed and/or locate funding for local communities to complete modeling~~	~~$25,000-$150,000~~	~~$0 to $25,000~~	~~General fund, local community~~	~~Study to be undertaken at future date to be determined based on funding availability~~					Completed as part of 2007 Channel Study
~~SMS-12~~	~~Medium~~	~~Update study on Elm Creek erosion problems~~	~~$10,000 to $200,000~~	~~$10,000 to $200,000~~	~~General fund, grants~~	~~Study to be undertaken at future date to be determined based on funding availability~~					Completed as part of 2007 Channel Study
~~SMS-13~~	~~Medium~~	~~Complete study on Rush Creek erosion problems~~	~~$10,000 to $200,000~~	~~$10,000 to $200,000~~	~~General fund, grants~~	~~Study to be undertaken at future date to be determined based on funding availability~~					Completed as part of 2007 Channel Study
~~SMS-14~~	~~Medium~~	~~Complete study on North Fork Rush Creek erosion problems~~	~~$10,000 to $200,000~~	~~$10,000 to $200,000~~	~~General fund, grants~~	~~Study to be undertaken at future date to be determined based on funding availability~~					Completed as part of 2007 Channel Study
~~SMS-15~~	~~Medium~~	~~Complete study on Diamond Creek erosion problems~~	~~$10,000 to $200,000~~	~~$10,000 to $200,000~~	~~General fund, grants~~	~~Study to be undertaken at future date to be determined based on funding availability~~					Completed as part of 2007 Channel Study
~~SMS-16~~	~~Medium~~	~~Complete water quality improvement study for Elm Creek~~	~~$10,000 to $50,000~~	~~$10,000 to $50,000~~	~~General fund, grants~~	~~Study to be undertaken at future date to be determined based on funding availability~~					included in SMS-1

TABLE V-3
STORMWATER MANAGEMENT STUDIES

No.	Priority	Project Description	Total Cost Estimate ~~1, 2~~	Estimated Cost to be Funded by Commission ~~1, 2~~	Funding Sources	Timeline	2011	2012	2013	2014	Comments
~~SMS-17~~	~~Medium~~	~~Complete water quality improvement study for Goose Lake~~	~~$10,000 to $50,000~~	~~$10,000 to $50,000~~	~~General fund, grants~~	~~Study to be undertaken at future date to be determined based on funding availability~~					included in SMS-1
~~SMS-18~~	~~Medium~~	~~Complete water quality improvement study for Crow River~~	~~$10,000 to $50,000~~	~~$10,000 to $50,000~~	~~General fund, grants,~~	~~Study to be undertaken at future date to be determined based on funding availability~~					Responsibility of others
~~SMS-19~~ SMS-2	~~Medium~~ High	Develop model ordinance and/or standards for manure management and livestock fencing and setback standards.	~~$5,000 - $15,000~~ $5,000	~~$5,000 - $15,000~~ $5,000	General fund, ~~grants~~	~~Study to be undertaken at future date to be determined based on funding availability~~				5,000	2012 budget, line 53
~~SMS-20~~	~~Medium~~	~~Complete water quality study for Rice Lake, Mud Lake, and Weaver Lake (Maple Grove)~~	~~$15,000 to $90,000~~	~~$0~~	~~Local community, grant~~						included in SMS-1
~~SMS-21~~	~~Medium~~	~~Complete water quality study for Mud Lake (Plymouth)~~	~~$5,000 to $30,000~~	~~$0~~	~~Local community, grant~~						included in SMS-1
~~SMS-22~~	~~Medium~~	~~Complete water quality study for Hayden Lake and Diamond Lake (Dayton)~~	~~$10,000 to $60,000~~	~~$0~~	~~Local community, grant~~						included in SMS-1
~~SMS-23~~	~~Medium~~	~~Update study on water quality improvements for Mill Pond and complete study for Lemans Lake (Champlin)~~	~~$10,000 to $60,000~~	~~$0~~	~~Local community, grant~~						included in SMS-1
~~SMS-24~~	~~Medium~~	~~Complete water quality study for Sylvan Lake (Hassan Twp)~~	~~$5,000 to $30,000~~	~~$0~~	~~Local community, grant~~						included in SMS-1
~~SMS-25~~ SMS-3	~~Medium~~ Low	Update flood studies within the watershed	~~$50,000 to $100,000~~ $0	~~$50,000 to $100,000~~ $0	Local communities, general fund	~~Study to be undertaken at future date to be determined based on funding availability~~					Will consider when FEMA update is published.
~~SMS-26~~	~~Low~~	~~Assist cities in obtaining 2-foot topography or locate funding to assist local communities in obtaining 2-foot topography for selected areas.~~	~~$40,000 to $300,000~~	~~$0~~	~~Local community~~						Being completed by State and County - LIDAR.
~~SMS-27~~ SMS-4	Low	~~Complete~~ Utilize the Minnesota Land Cover Classification System (MLCCS) as a planning tool as needed by the local community ~~(local community)~~ to set priority corridor areas in watershed.	~~$10,000 to $100,000~~	~~$0~~	Local community ~~(need to be determined by local community)~~						Currently used by Commission Staff. Will be included in SMS-7.
~~SMS-4~~ SMS-5	High	Undertake study to determine opportunity to develop channel protection volume storage within wetland complex at Maple Grove/Corcoran boundary.	$30,000	$15,000	Commission, Corcoran, Maple Grove				$7,500	$7,500	2012 budget, line 80
~~SMS-5~~ SMS-6	High	Undertake Elm Creek Channel and Hydraulic Study from Mill Pond to Hayden Lake to improve the hydraulic model of Elm Creek and review stream alignments, stream bank erosion and riparian buffers; prescribe channel design; and recommend design features including structural improvements.	$22,000	$11,000	Champlin, Commission						Funded in 2015 or beyond
~~SMS-6~~ SMS-7	High	Develop Third Generation Watershed Management Plan	$70,000	$70,000	General fund			$20,000	$25,000	$25,000	
TOTAL			~~$578,000 to $2,920,000~~ $735,500	~~$113,000 to $1,525,000~~ $296,250			12,000	45,000	57,500	75,000	

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~~2. Cost share from the member communities will be based on the Joint Powers Agreement. Subsequent feasibility studies that define the benefit of the project may change the fee/cost share.~~

VII. AMENDMENT PROCEDURES

It is the intention of the Elm Creek Watershed Management Commission to have this Watershed Management Plan reviewed and approved by the Board of Water and Soil Resources (BWSR). Once approved, no significant changes to this plan can be facilitated without the approval of the proposed revisions by the BWSR. Significant or major changes to the Commission's Plan shall be made known to the following parties:

1. The member communities' City Council or Township Board
2. The Metropolitan Council
3. The Elm Creek Watershed Commission Board
4. Hennepin County
5. Hennepin Conservation District
6. Minnesota Board of Water and Soil Resources and all review agencies as set forth in Minnesota Rules, Chapter 8410.
7. A public meeting must be held to explain the amendments and a legal notice of this public meeting must be published twice at least 7 days and 14 days prior to the date of the public meeting.

Following notification of the above parties, there will be 45 days to comment on the proposed revisions. Failure to respond within 45 days constitutes approval.

Minor changes to the plan shall be defined as the following:

- Recodification of the plan
- Revision of a procedure meant to streamline administration of the plan
- Clarification of the intent of a policy
- Inclusion of additional data not requiring interpretation
- Revisions to the standards outlined in **Appendix F**
- Any other action that will not adversely affect the member cities or diminish the Commission's ability to achieve the plan goals or implementation program.

Adjustment to subwatershed boundaries will be considered minor changes, provided that the change will have no significant impact on the rate or quality in which stormwater runoff is discharged from the Commission's boundaries. Minor changes to this plan can be made by the Commission Board with the above-noted public notification process. Any changes not listed here are considered a major revision and requires a ~~fill~~ full plan update per Minnesota Statute 103B.231. This plan will be in effect through ~~July 2013~~ October 2014 unless significant changes to the plan are deemed necessary prior to that date.

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Chisago Priority Concerns Scoping Document

Meeting Date: October 24, 2012

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

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other:

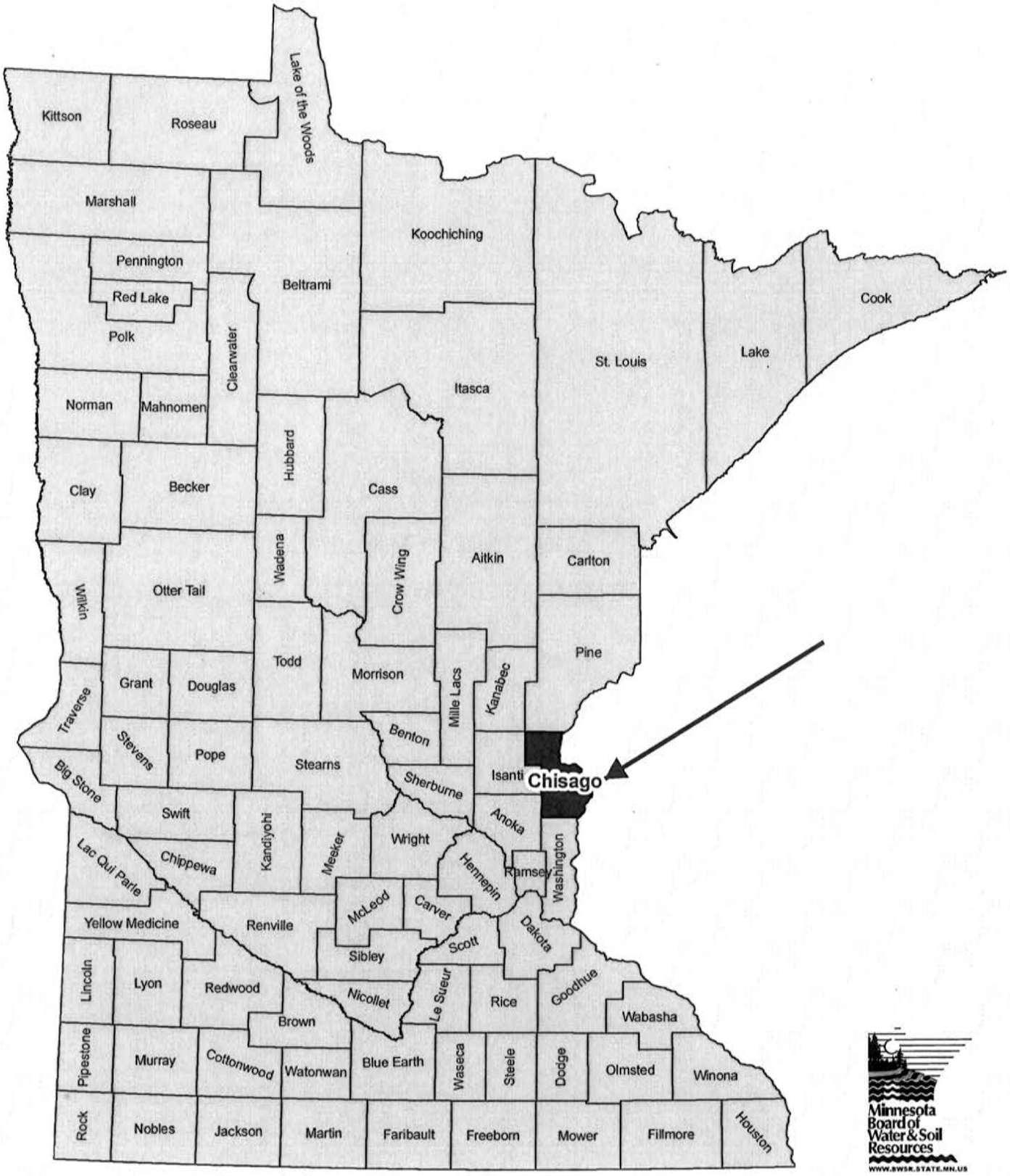
ACTION REQUESTED

Approval of Chisago County Priority Conerns Scoping Document (PCSD) pertaining to their third generation Water Plan Update (Plan)

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

BWSR received the Chisago County PCSD on August 10, 2012. The state review agencies were notified and submitted their comments to BWSR. The BWSR Metro Water Planning Committee (Committee) met on October 1, 2012, to discuss the content of the PCSD, state review agency comments and recommendations for the content of the final Plan. All required components of the PCSD have been covered and the priority concerns to be addressed are deemed to be appropriate. The Committee voted unanimously to recommend the draft official state comment letter pertaining to the review of the Chisago County PCSD be considered and sent to the county.

Chisago County



Minnesota Board of Water & Soil Resources
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Minnesota Board of Water & Soil Resources

October 24, 2012

Chisago County Commissioners
c/o Jerry Spetzman, Water Plan Coordinator
Department of Environmental Services/Zoning
313 North Main Street
Center City, Minnesota 55012

RE: Official State Comments Pertaining to the Review of Chisago County Priority Concerns Scoping Document (PCSD) for the Third Generation Water Management Plan Update

Dear Chisago County Commissioners:

Pursuant to MS Section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns that Chisago County has chosen to address in the update of their Comprehensive Local Water Management (LWM) Plan. The Board of Water and Soil Resources (BWSR) received the Chisago County PCSD on August 10, 2012. The State review agencies received notification on August 13, 2012, and submitted their comments to BWSR.

Chisago County has reviewed the identified concerns raised during the public input process and selected the following priority concerns for inclusion in the revision of the LWM Plan as listed below.

1. To protect the quality and quantity of ground water used for drinking water.
2. The introduction or spread of aquatic invasive species and the negative effect on water quality, navigation recreation and fisheries.
3. Septic systems which are failing, noncompliant or an imminent threat to public health.
4. The influence of agricultural, rural and urban land use practices on water quality.
5. That citizens and elected officials receive accurate, understandable information to make informed decision.
6. To obtain sufficient resources to achieve goals established in the Water Plan.

BWSR received comments from the MPCA, MDA, MDH and MDNR during the official review period. No agency comments were received from the Environmental Quality Board. The MPCA, MDA, and MDH concur with the priority concerns identified and felt the priority concern identification process was commendable. MPCA and MDNR offered additional comments to be considered when drafting the LWM Plan. MDNR noted that the PCSD does not violate any statutory or rule requirements administered by their agency. Agency staff have been engaged throughout the PCSD development process.

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The BWSR Metro Water Planning Committee (Committee) met on October 1, 2012, to discuss the content of the PCSD, state review agency comments and recommendations for the content of the final LWM Plan.

The Committee commends Chisago County for the process they used to select the concerns – including soliciting input from local government, citizens, and state agencies that involved surveys, public forums, and many one-on-one contacts with county partners – and incorporating that information into the six priority concern areas. The priority concerns to be addressed in the LWM Plan are deemed to be appropriate; the Subcommittee does not recommend or require any changes to the PCSD as drafted. We look forward to participating in the completion of your plan and its ultimate implementation.

Sincerely,

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

cc: Robert Sip, MDA
David L. Johnson, MPCA
Michele Hanson, MDNR
Art Persons, MDH
Jess Richards, MEQB
Jim Haertel, BWSR
Mary Kells, BWSR

Minnesota Board of Water & Soil Resources

October 4, 2012
To: BWSR Staff/Board/Stakeholders
From: John Jaschke
RE: BWSR's New Assistant Director

I am very pleased to announce our new Assistant Director for Programs and Policy Development, Sarah Strommen.

After a thorough and competitive hiring process, we are fortunate to welcome an outstanding leader to our organization. Sarah comes to BWSR with strong communications, managerial and technical skills. Most recently, Sarah has been the Associate Director of the Minnesota Land Trust, where she was responsible for developing conservation programs, easements and projects with landowners, local communities, and state agencies. Sarah coordinated the Metropolitan Conservation Corridors Partnership and has built strong relationships with local and state organizations.

Additionally, Sarah has negotiation and policy skills honed during her various legislative and related commission hearings. In 2006, Sarah was appointed as a charter member of the Clean Water Council (CWC) and was part of building the initial effort to address Minnesota's approach to watershed restoration and protection. She has considerable experience developing and managing state project grants funded by Legislative-Citizen Commission on Minnesota Resources (LCCMR) and Lessard-Sams Outdoor Heritage Council (LSOHC).

Sarah's public service extends to local government as well. Sarah has served on the Ramsey City Council and the Lower Rum River Water Management Organization and provided the local leadership to establish the city's first Environmental Policy board and wetland buffer ordinance.

Sarah also brings to BWSR a strong connection to the non-profit community. Prior to joining the Land Trust, Sarah served as the Policy Director for the Friends of the Boundary Waters Wilderness. She has also served on several boards, including The Forum of Women in the Environmental Field, and Friends of the Mississippi River.

She has a bachelor's degree in Biology from Grinnell College and a master's degree in Environmental Management from Duke University. Sarah also was a Fulbright Scholar in Costa Rica, where she investigated sustainable development and bird conservation.

Sarah will start at BWSR November 19th in time to helping us be ready for the upcoming legislative session that will follow shortly. She says that, "BWSR has a clear strength in connecting state conservation and clean water policies and programs to on-the-ground implementation. I am so pleased to be joining BWSR and I look forward to getting to know staff and how their work ties to BWSR's many partners." When you get an opportunity, please join me in welcoming Sarah to the BWSR team!

NEW BUSINESS

1A. Adoption of Rule Amendments for the Erosion Control and Water Management and Reinvest in Minnesota Reserve Programs (Rule Chapter 8400) – Dave Weirens – ***DECISION ITEM***

1B. Adoption of the Proposed Erosion Control and Water Management Program Policy – Dave Weirens – ***DECISION ITEM***

2. 2013 Proposed BWSR Board Meeting Schedule – John Jaschke – ***DECISION ITEM***

3. 2012 Strategic Plan Report Card – Don Buckhout – ***INFORMATION ITEM***

4. BWSR 25th Anniversary – Jen Maleitzke/John Jaschke – ***INFORMATION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Adoption of Rule Amendments for the Erosion Control and Water Management and Reinvest in Minnesota Reserve Programs (Rule Chapter 8400)**

Meeting Date: October 24, 2012

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Land and Water Section/Easement Section

Contact: Dave Weirens/Tim Koehler

Prepared by: Dave Weirens

Reviewed by: Grants Program and Policy Committee(s)

Presented by: Dave Weirens

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

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

Fiscal/Policy Impact

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

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

ACTION REQUESTED

The Grants Program and Policy Committee is meeting on October 23, 2012 to review and consider the:

1. Proposed Amendments to the Permanent Rules (Rules Chapter 8400) Relating to Land and Water Treatment Program (i.e. Erosion Control and Water Management Program (State Conservation Cost–Share) and Reinvest in Minnesota Reserve Programs); and
2. Proposed Erosion Control and Water Management Program Policy.

Staff are asking the Committee on October 23 to recommend the Board adopt these documents and authorize completion of the rulemaking process. The Board will be asked to consider the Committee's recommendation on October 24.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
Amendments to the statutes that govern the State Conservation Cost Share and Reinvest in MInnesota Reserve Programs were enacted in 2009. Amendments to these rules have been under development for more than two years, and a Notice of Intent to Adopt (the Rules) Without a Public Hearing was published in the State Register on May 7, 2012. This Notice established a comment period through June 6, 2012. This Notice was later amended to extend the comment period through June 11, 2012. 41 requests for a public hearing were received. The Administrative Procedures Act provides that a public hearing must be held if at least 25 requests are received during the public comment period.

Commenters raised several issues, chief among them was a proposed change that would allow BWSR to implement the RIM program through "authorized agents". To address the issues raised in the comments, a meeting was held on August 27 with the individuals that had requested a public hearing and representatives of the Mn Association of Soil and Water Conservation Districts. Several changes were made to the proposed rule and draft policy as a result of this meeting. Subsequently, 21 of the 41 requests for a public hearing were withdrawn. Staff are now proposing to continue the rulemaking process.

Resolution # 12-97

Cost Share and Reinvest in Minnesota (RIM) Reserve Programs:

- **Adopt Rule Amendments and Authorize Completion of the Rulemaking Process; and**
- **Adopt the Erosion Control and Water Management Policy.**

WHEREAS, the Board of Water and Soil Resources is authorized by Minnesota Statutes 103C.501 to adopt rules to implement the Erosion Control and Water Management Program (Cost Share), and Minnesota Statutes 103F.531 authorizes the Board to adopt rules governing the RIM Reserve Program; and

WHEREAS, a notice of request for comments on planned amendments to the rules governing the Erosion Control and Water Management Program (Cost Share) and the RIM Reserve Program was published in the State Register on June 21, 2010; and

WHEREAS, the BWSR Staff Cost Share Work Group has met beginning in March 2009 to:

- draft rule amendments,
- draft Erosion Control and Water Management Policy that accompanies the rule and is required to Minnesota Statutes 103C.501, and
- update the Statewide Program Manual that will guide program implementation by soil and water conservation districts; and

WHEREAS, soil and water conservation districts were notified of the proposed rule changes and proposed new Policy on June 21, 2010, November 2, 2010, August 31, 2011, May 4, 2012, June 20, 2012, July 13, 2012 and October 15, 2012; and,

WHEREAS, the proposed rule includes changes necessary to:

i) Incorporate statutory changes that have occurred in the RIM Reserve Law (103F.505 to 103F.531);
ii) Incorporate statutory amendments to the Cost-Share Program enacted in 2009, including a directive to adopt Program Policies (103C.501);
iii) Increase the administrative efficiencies for both SWCDs and BWSR;
iv) Respond to evolving resource management strategies by accommodating greater use of other Best Management Practices (BMPs); and
v) Improving the clarity of the permanent rule; and

WHEREAS, the Board's Grants Program and Policy Committee met on December 16, 2009, June 8, 2010, March 10, 2011, May 23, 2012 and October 23, 2012 to review the draft rule, review the draft policy, provide direction to staff, and develop a recommendation regarding adoption of the rule for the Board consideration; and

WHEREAS, the RIM Reserve Management Planning Committee met on February 23, 2011 to review the draft rule, provide direction to staff, and develop a recommendation regarding adoption of the rule for the Board consideration; and

WHEREAS, Notice of Intent to Adopt (the Rules) Without a Public Hearing was published in the State Register on May 7, 2012. This Notice established a comment period through June 6, 2012. This Notice was later amended to extend the comment period through June 11, 2012; and

WHEREAS, 41 requests for a public hearing were received during the public comment period; and

WHEREAS, the Administrative Procedures Act provides that a public hearing must be held if 25 requests are received during the public comment period; and

WHEREAS, a meeting was held on August 27, 2012 with the individuals that had requested a public hearing and representatives of the Mn Association of Soil and Water Conservation Districts to address the issues raised during the public comment period; and

WHEREAS, several changes were made to the proposed rule and draft policy as a result of this meeting and, subsequently, 21 of the 41 requests for a public hearing were withdrawn; and

WHEREAS, the Board's Grants Program and Policy Committee met on October 23, 2012 to review the draft rule, review the draft policy, provide direction to staff, and is recommending the Board adopt the Rule and the Erosion Control and Water Management Policy; and

NOW THEREFORE BE IT RESOLVED, the Board of Water and Soil Resources hereby:
(1) Adopts the Erosion Control and Water Management Program (commonly referred to as State Cost Share) and the RIM Reserve Program (Minn. Rule Chapter 8400), approves the Statement of Need and Reasonableness and authorizes staff to complete the processes necessary to adopt the Rule;
(2) Adopts the Erosion Control and Water Management Policy; and
(3) Provides that the amended Rule and Erosion Control and Water Management Policy become effective July 1, 2013 for grants that will be made to soil and water conservation districts in State Fiscal Year 2014.

Brian Napstad, Chair — Date 10/24/12

CHAPTER 8400

BOARD OF WATER AND SOIL RESOURCES

LAND AND WATER TREATMENT ~~COST-SHARE~~ PROGRAM

8400.0050 PURPOSE.

~~DEFINITIONS~~ EROSION CONTROL AND WATER MANAGEMENT PROGRAM
8400.XXXX AUTHORITY.
8400.0100 DEFINITIONS.
~~8400.0200 AUTHORITY.~~

STATE BOARD FUNCTIONS
8400.XXXX PROGRAM POLICY
8400.0300 APPROVED CONSERVATION PRACTICES.
8400.XXXX MINIMUM COST-SHARE AMOUNTS.
8400.0500 MAXIMUM COST-SHARE RATES.
8400.XXXX RECORDING CONSERVATION PRACTICES.
8400.0600 STATE BOARD ALLOCATION OF FUNDS TO ~~CONSERVATION~~ DISTRICTS.
~~8400.0700 PROGRAM REPORTING AND MONITORING.~~

DISTRICT FUNCTIONS
~~8400.0800 APPLICATION FOR FUNDS BY DISTRICTS.~~
8400.0900 ~~CONSERVATION~~ DISTRICT ADMINISTRATION OF PROGRAM FUNDS.
~~8400.1000 APPLICATION FOR FUNDS BY LAND OCCUPIERS.~~
~~8400.1100 GROUP PROJECT.~~
~~8400.1200 COOPERATIVE AND JOINT PROJECTS OF CONSERVATION DISTRICTS.~~
~~8400.1250 TECHNICAL ASSESSMENT AND COST ESTIMATE DETERMINATION.~~
~~8400.1300 CRITERIA FOR CONSERVATION DISTRICT BOARD REVIEW.~~
~~8400.1400 CONSERVATION DISTRICT APPROVAL.~~
~~8400.1405 PROJECT DEADLINES AND PARTIAL PAYMENT.~~
~~8400.1460 RETURN OF ALLOCATED FUNDS.~~
~~8400.1500 CONSERVATION DISTRICT RECORDS.~~
~~8400.1600 EXECUTING THE COST-SHARE CONTRACT~~.
8400.1650 RECORDING CONSERVATION PRACTICES.
8400.1700 MAINTENANCE.
8400.1750 PRACTICE SITE INSPECTIONS.
8400.1800 APPEALS.
8400.1900 REPORTS TO STATE BOARD.

~~COST-SHARE RATES~~ CONSERVATION EASEMENT PROGRAM
~~8400.2900 DISTRICT RATES.~~
8400.3000 AUTHORITY.
8400.3030 DEFINITIONS.
8400.3060 CRITERIA FOR ALLOCATION OF FUNDS.
8400.3110 DURATION OF CONSERVATION EASEMENTS.
8400.3130 LOCAL PRIORITY SETTING.
8400.3160 CRITERIA FOR ELIGIBLE LAND.

8400.3200 MAXIMUM ENROLLMENT.
8400.3210 DELEGATION OF PROGRAM TO ANOTHER DISTRICT.
8400.3230 APPLICATION BY LANDOWNERS.
8400.3260 LAND IN MORE THAN ONE DISTRICT.
8400.3300 CRITERIA FOR SCREENING COMMITTEE REVIEW OF APPLICATIONS.
8400.3330 CRITERIA FOR DISTRICT BOARD REVIEW.
8400.3360 DISTRICT ACTION ON APPLICATIONS.
8400.3390 EASEMENT ACQUISITION PROCEDURES.
8400.3400 CONSERVATION AGREEMENT FOR EASEMENT.
8400.3460 TITLE REQUIREMENTS.
8400.3500 EASEMENT CONVEYANCE.
8400.3530 EASEMENT PAYMENT RATES.
8400.3560 PAYMENT SCHEDULE.
8400.3600 RENEWAL AND EXTENSION OF CONSERVATION EASEMENTS.
8400.3610 ALTERATION, RELEASE, OR TERMINATION OF CONSERVATION EASEMENTS.
8400.3630 APPROVED PRACTICES.
8400.3700 COST-SHARED PRACTICES.
8400.3730 FAILURE OF APPROVED PRACTICES.
8400.3800 OPERATION AND MAINTENANCE.
8400.3830 VIOLATIONS AND ENFORCEMENT.
8400.3870 SUPPLEMENTAL PAYMENTS ON FEDERAL AND STATE PROGRAMS.
8400.3930 RECONSIDERATION AND APPEAL.

8400.0050 PURPOSE.

The ~~state cost-share~~ land and water treatment program is administered through ~~local conservation~~ districts to provide financial and technical assistance to land occupiers for the application of conservation practices that reduce erosion, control sedimentation, ~~or~~ improve and protect water quality, or address water quantity problems due to altered hydrology to ensure the sustainable use of Minnesota's natural resources.

Statutory Authority: *MS s 103C.501*
History: *20 SR 2185*
Posted: *October 4, 2001*

~~DEFINITIONS~~ EROSION CONTROL AND WATER MANAGEMENT PROGRAM

8400.XXXX AUTHORITY.

Minnesota Statutes, section 103C.501, authorizes the state board, in cooperation with the districts, to administer a program of cost-sharing with land occupiers for the installation of soil and water conservation practices. Parts 8400.0050 to 8400.1900 provide procedures and criteria to be followed by the state board in allocating cost-sharing funds to districts, and standards and guidelines that the district boards shall use in allocating funds to land occupiers.

8400.0100 DEFINITIONS.

Subpart 1. **Scope.** For purposes of parts 8400.0050 to 8400.~~1800~~1900, the definitions in this part, in addition to those in Minnesota Statutes, chapter 103C, apply.

Subp. 1a. [Repealed, 20 SR 2185]

Subp. 2. [Repealed, 20 SR 2185]

~~Subp. 2a. **Administrative Guidelines.** "Administrative Guidelines" means the Administrative Guidelines for the State Cost-Share Program, being the most current compilation of the approved practices, practice guidelines, administrative guidelines, and examples of administrative forms provided to conservation districts by the state board to assist in locally administering the state cost-share program. The publication is not subject to frequent change, is available at the State Law Library, and is incorporated by reference.~~

Subp. 3. **Annual work plan.** "Annual work plan" means a plan prepared by the ~~conservation~~ district pursuant to Minnesota Statutes, section 103C.331, subdivision 11, paragraph (~~e~~f), and according to the most recent policy ~~version of the Guidelines for Soil and Water Conservation District Comprehensive and Annual Plans~~ published by the state board. ~~That publication is not subject to frequent change, is available at the State Law Library, and is incorporated by reference.~~

~~Subp. 4. **Approved practice.** "Approved practice" means a conservation practice that qualifies for state cost-sharing and that has been approved by the state board.~~

Subp. 5. [Repealed, 20 SR 2185]

Subp. 5a. **Comprehensive local water plan.** "Comprehensive local water plan" means a local water plan authorized under Minnesota Statutes, section 103B.311; a watershed overall plan required under Minnesota Statutes, section 103D.401; a watershed management plan required under Minnesota Statutes, section 103B.231; or a county groundwater plan authorized under Minnesota Statutes, section 103B.255.

Subp. 6. [Repealed, 20 SR 2185]

Subp. 7. [Repealed, 9 SR 2439]

Subp. 7a. [Repealed, 20 SR 2185]

Subp. 8. **Comprehensive plan.** "Comprehensive plan" means a long-range plan adopted by the ~~conservation~~ district pursuant to Minnesota Statutes, section 103C.331, subdivision 11, and according to the most recent policy ~~version of the Guidelines for Soil and Water Conservation District Comprehensive and Annual Plans~~ published by the state board. ~~That publication is not subject to frequent change, is available in the State Law Library, and is incorporated by reference.~~

Subp. 8a. [Repealed, 20 SR 2185]

Subp. 9. **~~Conservation d~~District.** "~~Conservation d~~District" means a soil and water conservation district organized under Minnesota Statutes, chapter 103C.

Subp. 10. **~~Conservation d~~District board.** "~~Conservation d~~District board" means the board of supervisors of a soil and water conservation district as organized under Minnesota Statutes, chapter 103C.

~~Subp. 10a. **Conservation district technical representative.** "Conservation district technical representative" means a district employee assigned by the conservation district board or other designee who has expertise in the design and application of conservation practices.~~

Subp. 10b. **Conservation practices.** "Conservation practices" means practices applied to the land for the purpose of controlling or preventing soil erosion, sedimentation, nutrient runoff, or other water pollution to maintain the sustainable use of soil and water and other natural resources.

Subp. 11. [Repealed, 20 SR 2185]

Subp. 12. [Repealed, 20 SR 2185]

Subp. 13. [Repealed, 20 SR 2185]

Subp. 14. **Effective life**. "Effective life" means the time span for which a conservation practice effectively fulfills its intended purpose.

Subp. 14a. [Repealed, 20 SR 2185]

~~Subp. 14b. **Farm Service Agency**. "Farm Service Agency" means the Farm Service Agency, an agency of the United States Department of Agriculture.~~

~~Subp. 15. **Field Office Technical Guide**. "Field Office Technical Guide" means the document providing technical standards and specifications for conservation practices as provided by the Natural Resource Conservation Service and adopted by the conservation district board.~~

~~Subp. 16. **Group spokesperson**. "Group spokesperson" means a principal land occupier designated by the individuals involved in a group project who is authorized to speak for the entire group in negotiations with a conservation district for cost-share assistance.~~

~~Subp. 16a. **High priority erosion problems**. "High priority erosion problems" means areas where erosion from wind or water is occurring equal to, or in excess of , 2 x T tons per acre per year or is occurring on any area that exhibits active gully erosion or is identified as high priority in the comprehensive local water plan or the conservation district's comprehensive plan.~~

~~Subp. 16b. **High priority water quality problems**. "High priority water quality problems" means areas where sediment, nutrients, chemicals, or other pollutants discharge to Department of Natural Resources designated protected waters or to any high priority waters as identified in a comprehensive local water plan or the conservation district's comprehensive plan, or discharge to a sinkhole or groundwater. The pollutant delivery rate to the water source is in amounts that will impair the quality or usefulness of the water resource.~~

Subp. 17. [Repealed, 9 SR 2439]

Subp. 18. **Land occupier**. "Land occupier" means a person, corporation, or legal entity that holds title to or is in possession of land within a ~~conservation~~ district as an owner, lessee, tenant, or otherwise.

~~Subp. 18a. **Landowner**. "Landowner" means a person, corporation, or legal entity that holds title to a parcel of land.~~

~~Subp. 18b. **Natural Resource Conservation Service**. "Natural Resource Conservation Service" means the Natural Resource Conservation Service, an agency of the United States Department of Agriculture.~~

Subp. 19. [Repealed, 20 SR 2185]

~~Subp. 19a. **Other recognized technical practices**. "Other recognized technical practices" means any conservation practice or compilation of such practices not on the approved list of conservation practices that have been approved by the state board for cost-share assistance on a case-by-case basis.~~

Subp. 20. [Repealed, 20 SR 2185]

~~Subp. 20a. **Protected waters**. "Protected waters" means those waters of the state identified as public waters or wetlands under Minnesota Statutes, section 103G.005, subdivision 15, and inventoried under Minnesota Statutes, section 103G.201, and identified on a protected waters inventory map available in a county auditor's office.~~

~~Subp. 20b. **Registered professional engineer**. "Registered professional engineer" means a person who is duly registered to practice professional engineering according to Minnesota Statutes, sections 326.02 to 326.15.~~

Subp. 20c. [Repealed, 20 SR 2185]

~~Subp. 20d. **Sinkhole**. "Sinkhole" means a depression or hole in the earth's surface caused by dissolving of underlying limestone carbonate bedrock and subsequent settling or collapse of surficial soils.~~

Subp. 21. [Repealed, 20 SR 2185]

Subp. 22. [Repealed, 20 SR 2185]

~~Subp. 22a. **Special project**. "Special project" means a conservation project or program including but not limited to those projects or programs that accelerate implementation of innovative soil and water conservation activities.~~

Subp. 23. **State board**. "State board" means the state Board of Water and Soil Resources created in Minnesota Statutes, section 103B.101.

Subp. 24. [Repealed, 9 SR 2439]

~~Subp. 25. **T**. "T" means the soil loss tolerance that is the maximum average annual rate of soil loss from sheet and rill erosion or wind erosion, expressed in tons per acre per year, that is allowed yet still sustains the productive capacity of the soil to produce food and fiber over the long term.~~

~~Subp. 26. **2 x T**. "2 x T" means soil erosion at the rate of two times T.~~

~~Subp. 27. **Technical approval authority**. "Technical approval authority" means the authorization granted in accordance with the administrative guidelines for the state cost-share program to a conservation district technical representative to provide comprehensive technical assistance for individual conservation practices, including associated technical sign-off as the conservation district technical representative of record.~~

Statutory Authority: *MS s 40.036; 103C.501*
History: *9 SR 2439; L 1987 c 358 s 34; 20 SR 2185*
Posted: *October 4, 2001*

~~8400.0200 AUTHORITY.~~

~~Minnesota Statutes, section 103C.501, authorizes the state board, in cooperation with the conservation districts, to administer a program of cost-sharing with land occupiers for the installation of soil and water conservation practices. Parts 8400.0050 to 8400.1800 provide procedures and criteria to be followed by the state board in allocating cost-sharing funds to conservation districts, and standards and guidelines that the conservation district boards shall use in allocating funds to land occupiers.~~

Statutory Authority: *MS s 40.036; 103C.501*
History: *9 SR 2439; L 1987 c 358 s 34; 20 SR 2185*
Posted: *October 4, 2001*

STATE BOARD FUNCTIONS

8400.xxxx PROGRAM POLICY.

The State board shall adopt policies providing for administration and implementation of Parts 8400.0500 to 8400.1900.

8400.0300 APPROVED CONSERVATION PRACTICES.

~~Subpart 1. **Approved practices**. The state board, in consultation with the conservation districts, shall maintain a list of practices that are eligible for cost-share funds, along with guidelines pertaining to the components of the practices that are eligible or ineligible for cost-share funds. The list includes farmstead windbreaks and is contained in the Administrative Guidelines.~~

Subp. 2. **Criteria for approved conservation practices**. Practices ~~approved by the state board~~ eligible for cost-share funds must meet the criteria in items A to D.

A. ~~The primary purpose of all practices must be the control of soil erosion, sedimentation, or chemical or nutrient runoff or infiltration that impairs water quality. Farmstead windbreaks are exempt from this requirement.~~

The objectives of these approved conservation practices may include, but are not limited to, activities that:

(1.) control nutrient runoff;

(2.) control sedimentation;

(3.) divert runoff to protect and improve water quality;

(4.) reduce wind erosion;

(5.) control gully, rill, or sheet erosion;

(6.) protect shoreland from erosion;

(7.) control stormwater runoff;

(8.) protect or improve surface water and groundwater quality;

(9.) provide energy conservation and snow protection; or

address

(10.) alleviate water quantity problems due to altered hydrology. in combination w/ 1-9

B. ~~All practices cost-shared under this program must be designed and maintained for a minimum effective life of ten years. The beginning date for a practice's effective life is the same date the conservation district board approves the final payment and the project is considered complete.~~ Practices that restore, protect, or enhance ~~Restoration, protection or enhancement of~~ natural wildlife, aquatic or native plant habitat ~~practices~~ are eligible when used in combination with the practices listed in item A.

C. No cost-share funds shall be furnished for conservation practices designed primarily ~~only~~ to increase land productivity.

D. All conservation practices must be consistent with the district's comprehensive plan.

~~Subp. 3. Objectives of approved practices. The Administrative Guidelines contains a list of approved practices. The objectives of these approved practices may include, but are not limited to, activities that:~~

~~A. control nutrient runoff;~~

~~B. stabilize critical erosive areas;~~

~~C. divert runoff to protect and improve water quality;~~

~~D. reduce wind erosion;~~

~~E. control gully, rill, or sheet erosion;~~

~~F. protect shoreland from erosion;~~

~~G. control stormwater runoff; or~~

~~H. protect or improve surface water and groundwater quality;~~

~~Approved practices must meet the criteria listed in subpart 2.~~

Statutory Authority: *MS s 40.036; 103C.501; L 1999 c 231 s 203*
History: *9 SR 2439; 20 SR 2185; 24 SR 1240*
Posted: *October 4, 2001*

8400.0400 [Repealed, 20 SR 2185]
Posted: *October 4, 2001*

8400.0500 MAXIMUM COST-SHARE RATES.

The maximum cost-share rates established by the state board represent the maximum percent or amount of the total cost of a conservation practice that may be funded ~~by~~ using state cost-share funds. ~~Where state and federal funds are cost-shared on the same project, their combined amount shall not exceed the maximum cost-share rate.~~

Statutory Authority: *MS s 40.036*
Posted: *October 4, 2001*

8400.xxxx RECORDING CONSERVATION PRACTICES

The state board may determine that long-term maintenance of a conservation practice is desirable and may require that maintenance be made a covenant upon the land for the effective life of the practice. A covenant under this subdivision shall be construed in the same manner as a conservation restriction under 84.65.

8400.0600 STATE BOARD ALLOCATION OF FUNDS TO ~~CONSERVATION~~ DISTRICTS.

~~Subpart 1. **Comprehensive plan**. Before the state board can allocate cost-share funds to a conservation district it must approve the conservation district's comprehensive plan, including its most recent amendment and the annual work plan. that includes the application and justification for needed cost-share funds. The plans must be in a format required by Minnesota Statutes, section 103C.331, subdivision 11, and the state board.~~

Subp. 2. [Repealed, 9 SR 2439]

~~Subp. 3. Review criteria. The state board shall review all conservation district applications for cost-share funds based on the following criteria:~~

~~A. the extent of high priority erosion or water quality problems in the conservation district as outlined in the conservation district comprehensive and annual plans and comprehensive local water plan;~~

~~B. priorities for the control of soil erosion or water quality problems as established in the Administrative Guidelines of the state board;~~

~~C. historical success of the conservation district in applying soil and water conservation practices;~~

~~D. availability of cost-share funds from other sources; and~~

~~E. the ability of the conservation district to expend the funds in a timely manner.~~

Subp. 4. **Grants to ~~conservation~~ districts.** The state board ~~may~~ shall ~~annually~~ allocate cost-share funds to ~~conservation~~ district boards that have fully complied with Minnesota Statutes, section 103C.501, subdivision 3; all ~~state cost-share~~ erosion control and water management program rules; and program policies ~~and comprehensive and annual planning guidelines as prescribed by the state board. At least 70 percent of the cost-sharing funds available statewide will be allocated to conservation districts in the form of grants for conservation practices addressing high priority erosion, sedimentation, or water quality problems. The remaining cost-share funds may be allocated by the board to conservation districts for conservation practices for lower priority erosion, sedimentation, or water quality problems and for technical and administrative assistance or to carry out special projects or programs, except not more than 20 percent of the total funds may be allocated for technical and administrative services.~~

Subp. 5. **Other ~~state and federal~~ funds.** Other funds received by the state board may be allocated to ~~conservation~~ districts for the treatment of erosion, sedimentation, ~~or~~ water quality problems, or water quantity problems due to altered hydrology. These additional funds may be incorporated with existing ~~cost-share~~ erosion control and water management program funds and their use may be governed by the program policy ~~Administrative Guidelines~~ or may be subject to other ~~administrative~~ policies or guidelines required to fully implement the intent for which these additional funds were appropriated.

Statutory Authority: *MS s 40.036; 103C.501*
History: *9 SR 2439; 20 SR 2185*
Posted: *October 4, 2001*

~~8400.0700 PROGRAM REPORTING AND MONITORING.~~

~~For the purpose of reporting and monitoring the progress of the program and use of funds, each conservation district shall submit an annual report of the year's accomplishments according to the guidelines and requirements established by the state board. The state board shall require additional special reports, including, but not limited to, summaries of practice site inspections and special projects.~~

Statutory Authority: *MS s 40.036; 103C.501*
History: *9 SR 2439; 20 SR 2185*
Posted: *October 4, 2001*

DISTRICT FUNCTIONS

~~8400.0800 APPLICATION FOR FUNDS BY DISTRICTS.~~

~~Each district shall apply for funds as indicated in part 8400.0600.~~

Statutory Authority: *MS s 40.036*
Posted: *October 4, 2001*

8400.0900 ~~CONSERVATION~~ DISTRICT ADMINISTRATION OF PROGRAM FUNDS.

Subpart 1. **General**. Following receipt of grant funds from the state board, a ~~conservation~~ district is responsible for administration of the funds in accordance with Minnesota Statutes, chapter 103C, ~~the Administrative Guidelines, and all other applicable laws. The conservation district board shall make all decisions concerning use of these funds in accordance with~~ parts 8400.0050 to 8400.~~1800~~ 1900, ~~the Administrative Guidelines~~ program policies, and all other applicable laws. All funds allocated to ~~conservation~~ districts must be used for the purposes designated by the state board.

Subp. 2. **Maximum cost-share rate ~~percentage~~.** Prior to considering any applications from land occupiers for cost-share assistance, the ~~conservation~~ district board shall establish cost-share rates for conservation practices to be installed under the program, up to the maximum rates established by the state board. ~~The maximum percent of the total eligible cost of the practices installed using state cost-share funds must not exceed 75 percent. Other state or federal funds from any source, when used in combination with cost-share funds of this program, must not exceed the maximum payment rate of 75 percent of the total eligible costs. The conservation district board shall establish cost-share rates based on the following factors:~~

~~A. the extent of high priority erosion or water quality problems in the conservation district as outlined in the conservation district's comprehensive and annual plans;~~

~~B. advice of technical experts familiar with the conservation district;~~

~~C. cost-share rates currently in effect under the agricultural conservation program administered by the United States Farm Service Agency and other assistance programs;~~

~~D. conservation district priorities as established in the conservation district's comprehensive and annual plans and comprehensive local water plan;~~

~~E. cost-share funds available; and~~

~~F. the state board's Administrative Guidelines.~~

~~The maximum cost-share rates must be identified in the conservation district's annual plan and other documents containing the policies of the conservation district.~~

Subp. 3. ~~**Reencumbering funds**. Prior to the end of the grant period for which the state board has granted the cost-share funds, a conservation district board may reencumber all funds resulting from canceled projects or from those projects that did not use the full amount encumbered. For unencumbered funds remaining after the grant period, the conservation district board shall follow the procedures described in part 8400.1460.~~

Criteria for district board review. The district board shall use the following factors to determine practice eligibility and review of applications for conservation practice funding:

A. The application must be signed by the land occupier and the landowner, if different, indicating their agreement to:

(1) grant the district's representatives access to the parcel where the conservation practice will be located;

(2) obtain all permits required in conjunction with the installation and establishment of the practice prior to starting construction of the practice; and

(3) be responsible for operation and maintenance of conservation practices applied under this program according to an operation and maintenance plan prepared or approved by ~~the~~ a district technical representative or its delegate.

B. Costs to repair damage to conservation practices installed with state cost-share dollars are eligible if the damage was caused by reasons beyond the control of the land occupier.

C. If the practice has fully met or exceeded its designed effective life, the cost to reconstruct the practice is eligible for cost-share assistance.

D. Conservation practices where construction has begun prior to district approval are ineligible for financial assistance. The Board may waive this requirement for emergency needs.

Subp. 4. **Entering into a contract.** After review of practice eligibility, ~~completion of~~ the district board, or its delegate~~, review of practice eligibility, the district board, or its delegate,~~ shall either approve or deny the application.

Statutory Authority: *MS s 40.036; 103C.501*
History: *9 SR 2439; 20 SR 2185*
Posted: *October 4, 2001*

~~**8400.1000 APPLICATION FOR FUNDS BY LAND OCCUPIERS.**~~

~~Land occupiers seeking assistance under this program shall apply to the conservation districts on forms provided by the state board and available from the conservation district office. Each application must be filled out in its entirety and must be signed by the land occupier. If the land occupier is not the landowner, the application must also bear the landowner's signature.~~

Statutory Authority: *MS s 40.036; 103C.501*
History: *9 SR 2439; 20 SR 2185*
Posted: *October 4, 2001*

~~8400.1100 GROUP PROJECT.~~

~~Where the cooperation of several land occupiers is required to solve an erosion or water quality problem, the conservation district may share the cost of such a group project if all of the land occupiers are eligible as individuals and the practices satisfy the criteria of the program. The land occupiers must reach agreement on division of payments and designate a group spokesperson. The spokesperson must sign the application on behalf of the group and negotiate all project details with the conservation district. Payment for the conservation district's share of the practice shall be issued to the group spokesperson who will be responsible for executing the division of payment plan prepared by the group.~~

Statutory Authority: *MS s 40.036; 103C.501*
History: *9 SR 2439; 20 SR 2185*
Posted: *October 4, 2001*

~~8400.1200 COOPERATIVE AND JOINT PROJECTS OF CONSERVATION DISTRICTS.~~

~~Subpart1. **Land in more than one conservation district.** If a project involves land in more than one conservation district, application for the entire project must be made to the conservation district containing the majority of the project lands.~~

~~Subp. 2. **Pooling cost-share allocation for joint projects.** Conservation district boards may enter into an agreement to pool all or portions of their collective cost-share allocations to implement joint projects. Cooperative and joint projects may be undertaken to accomplish watershed-based resource management goals or other goals of mutual benefit as identified in the county's comprehensive local water plan or the district's comprehensive plan.~~

Statutory Authority: *MS s 40.036; 103C.501*
History: *9 SR 2439; 20 SR 2185*
Posted: *October 4, 2001*

~~8400.1250 TECHNICAL ASSESSMENT AND COST ESTIMATE DETERMINATION.~~

~~A determination of the effectiveness of a practice to address the erosion or water quality problem and a cost estimate must be made by the conservation district technical representative prior to the conservation district board's review of the application for cost-share funds. The assessment and cost estimate must be conducted by an individual with the appropriate level of technical approval authority or by a registered engineer with expertise in the design of the conservation practices.~~

Statutory Authority: *MS s 103C.501*
History: *20 SR 2185*
Posted: *October 4, 2001*

~~8400.1300 CRITERIA FOR CONSERVATION DISTRICT BOARD REVIEW.~~

~~Criteria for conservation district board review:~~

~~A. The practice needed to solve the problem must be on the list of approved practices presented in the Administrative Guidelines or must have received approval from the state board.~~

~~B. The primary purpose of the requested practice must be to treat a high priority erosion problem or high priority water quality problem, except for farmstead windbreaks.~~

~~C. The requested practice must be consistent with conservation district plans and priorities.~~

~~D. The application must be signed by the land occupier and the landowner, if different, indicating their agreement to:~~

~~(1) grant the soil and water conservation district's representatives access to the parcel where the conservation practice will be located;~~

~~(2) obtain all permits required in conjunction with the installation and establishment of the practice prior to starting construction of the practice; and~~

~~(3) be responsible for operation and maintenance of practices applied under this program according to an operation and maintenance plan prepared by the conservation district technical representative.~~

~~E. Costs to repair damage to conservation practices installed with state cost-share dollars are eligible if the damage was caused by reasons beyond the control of the land occupier.~~

~~F. If the practice has fully met or exceeded its designed effective life, the cost to reconstruct the practice is eligible for cost-share assistance.~~

Statutory Authority: *MS s 40.036; 103C.501; L 1999 c 231 s 203*
History: *9 SR 2439; 20 SR 2185; 24 SR 1240*
Posted: *October 4, 2001*

~~8400.1400 CONSERVATION DISTRICT APPROVAL.~~

~~Subpart . 1. **General.** After completion of the conservation district board review, the conservation district board shall either approve or deny the application. If it is approved, the conservation district board shall instruct the chair or acting chair to sign the application. Once it is signed, the application becomes the contract between the conservation district and land occupier and serves as the authorization to construct the practice according to the approved conservation practice plan. Practices where construction has begun prior to conservation district approval are ineligible for financial assistance. Changes in any provisions of the contract are subject to review and approval by the conservation district board pursuant to part 8400.1600, subpart 1.~~

~~If the application is denied, the conservation district board shall notify the land occupier in writing within 30 days after conservation district board action of the reason for denial.~~

~~Subp. 2. **Conservation practice plans.** The project plans for conservation practices must be prepared according to standards in the Field Office Technical Guide or other standards approved by the state board and must be approved by a conservation district technical representative with the appropriate level of technical approval authority. Plans prepared by a registered professional engineer must meet Field Office Technical Guide standards, meet other standards approved by the state board, or be certified as appropriate standards by the registered professional engineer. Upon completion and technical approval of the plan, one copy must be given to the land occupier and one copy retained with the project file located in the conservation district office.~~

Statutory Authority: *MS s 40.036; 103C.501*
History: *9 SR 2439; 17 SR 1279; 20 SR 2185*
Posted: *October 4, 2001*

~~8400.1405 PROJECT DEADLINES AND PARTIAL PAYMENT.~~

~~Subpart 1. Time limit and cancellation. Projects not started within 18 months after conservation district board approval must be canceled unless an amendment to the project contract has been approved by the conservation district board. Projects not completed by the end of the state's third fiscal year after initial conservation district board approval must be canceled unless prior written approval of the state board has been received.~~

~~Subp. 2. Partial payment. In cases where weather or other unanticipated circumstances beyond the control of the land occupier force postponement of certification of completion until the following construction season, the conservation district board may issue a partial payment for the work that has been completed. The conservation district board shall not consider issuing a partial payment unless:~~

~~A. the anticipated completion date complies with subpart 1;~~

~~B. the completed work meets the requirements of part 8400.1400, subpart 2; and~~

~~C. the conservation district technical representative has reviewed the work and has defined the total percent of construction that is complete.~~

~~Subp. 3. Partial payment conditions. If the conservation district issues a partial payment under subpart 2, the following conditions apply:~~

~~A. payment percentages must comply with part 8400.0900, subpart 2;~~

~~B. the balance of the project must be paid by the conservation district board upon the satisfactory completion of the total project;~~

~~C. all expenses incurred to correct damage caused by the land occupier's failure to expeditiously complete the conservation practice must be borne by the land occupier;~~

~~D. land occupiers receiving partial payments must complete the project with in a time deemed reasonable by the conservation district board; and~~

~~E. land occupiers not completing partially paid projects shall be considered as violating part 8400.1700 and shall be directed, unless otherwise authorized by the state board as provided elsewhere in part 8400.1700, to return the amount of financial assistance received.~~

~~Every request for partial payment will be considered by the conservation district board on its own merits.~~

~~Subp. 4. Denial. If theconservationdistrictboarddeniesarequestforpartialpaymentundersubpart 2, the board shall notify the land occupier within 30 days of the reasons for denial of the request.~~

Statutory Authority: *MS s 40.036; 103C.501*
History: *9 SR 2439; 20 SR 2185*
Posted: *October 4, 2001*

~~8400.1460 RETURN OF ALLOCATED FUNDS.~~

~~Cost-share funds unencumbered by the conservation district board after the grant period must be returned to the state board within 30 calendar days following the end of that grant period.~~

Statutory Authority: *MS s 103C.501*
History: *20 SR 2185*
Posted: *October 4, 2001*

~~8400.1500 CONSERVATION DISTRICT RECORDS.~~

~~The conservation district shall maintain a current ledger of all cost-share contracts on forms provided by the state board. The ledger must specify the land occupiers with whom the conservation district has contracted, the practices involved, the status of construction, and a total of funds encumbered. The conservation district shall also document efforts to identify and contact land occupiers with high priority erosion problems.~~

Statutory Authority: *MS s 40.036; 103C.501*
History: *9 SR 2439; 20 SR 2185*
Posted: *October 4, 2001*

~~8400.1600 EXECUTING THE COST-SHARE CONTRACT.~~

~~Subpart 1. **Amending cost-share contracts.** Because of extreme circumstances such as, but not limited to, weather and unforeseen geologic conditions, it may be desirable to amend the original cost-share contract. If changes to the original cost-share contract are needed, an amendment must be approved by the conservation district board. The conservation district board shall not approve amendments that increase the originally approved cost-share percentage, nor shall the conservation district board approve any amendments after the approval to issue final payment on the original contract has been made.~~

~~Subp. 2. **Construction of practice**. Construction of the practices must be monitored by the conservation district board to ensure compliance with part 8400.1400, subpart 2. Upon completion, the conservation district technical representative with appropriate technical approval authority or the registered engineer shall certify whether the practice has been satisfactorily constructed according to the approved conservation practice plans and meets the design criteria of the practice as specified in the Field Office Technical Guide or other standards certifiable by a registered professional engineer or other standards approved by the state board. No certification shall be made until all specifications have been satisfied. Exceptions for partial completion must be according to part 8400.1405, subpart 3. Upon certification of completion, the land occupier shall contact the conservation district for payment and shall present documentation of all costs incurred in the installation of the practice in the form of receipts or invoices.~~

~~Subp. 3. **In kind services and materials.** In kind services and materials provided by the land occupier such as, but not limited to, earth work, seedbed preparation, seeding, and permanent fencing materials may be credited toward the land occupier's share of the total cost of the practice. The conservation district board shall determine whether charges for in kind services and materials are practical and reasonable.~~

~~Subp. 4. **Actual cost different than estimated cost.** In cases where the actual cost of the practice exceeds the estimated cost, the conservation district may only share the approved percentage of the estimated cost, except when an amendment to increase the cost estimate listed on the cost-share contract has been approved by the conservation district board. Where the actual cost is less than the estimated cost, the conservation district shall only share the approved percentage of the actual cost of the practice.~~

~~Subp. 5. **Issuing cost-share payments**. The conservation district board shall review the receipts or invoices provided by the land occupier to determine the actual cost of the practice. When the conservation district determines that all claims are practical and reasonable, it shall authorize issuance of a check for the conservation district's share of the practice. If the conservation district board determines that certain claims are not justified, it shall notify the land occupier in writing of the unjustified claims within 30 days. The conservation district board shall then authorize the issuance of a check for the conservation district's share of the justified claims.~~

Statutory Authority: *MS s 40.036; 103C.501*
History: *9 SR 2439; 20 SR 2185*
Posted: *October 4, 2001*

8400.1650 RECORDING <u>CONSERVATION</u> PRACTICES.

<u>When a district board, or its delegate, determines that long-term maintenance of a conservation practice is desirable, the board, or its delegate, may require that maintenance be made a covenant upon the land for the effective life of the conservation practice. A covenant under this subdivision shall be construed in the same manner as a conservation restriction under 84.65.</u> ~~The size, location, and effective life of the soil and water conservation practices that have received cost-share payments under this program equal to or in excess of $50,000 shall be recorded by the conservation district on the property title. The conservation district board may require the recording of practices where cost-share payments are less than $50,000 where such action is considered appropriate by the conservation district board. Recording procedures, including the prescribed forms, are described in the administrative guidelines for the state cost-share program.~~

Statutory Authority: *MS s 103C.501*
History: *20 SR 2185*
Posted: *October 4, 2001*

8400.1700 MAINTENANCE.

Subpart 1. **Land occupier maintenance responsibilities**. The land occupier is responsible for operation and maintenance of conservation practices applied under this program to ensure that their conservation objective is met and the effective life~~, a minimum of ten years,~~ is achieved. Should the land occupier fail to maintain the conservation practices during their effective life, the land occupier is liable to the ~~state of Minnesota~~ district for up to one-hundred-fifty percent ~~the full amount~~ of financial assistance received to install and establish the conservation practice. The land occupier is not liable for cost-share assistance received if the failure was caused by reasons beyond the land occupier's control, or if ~~soil and water~~ conservation practices are applied at the land occupier's expense which provide equivalent protection of the soil and water resources.

Subp. 2. **Reapplication ~~or removal~~ of conservation practices.** In no case shall a ~~conservation~~ district provide cost-share assistance to a land occupier for the reapplication of conservation practices which were removed by the land occupier during their effective life or that failed due to improper maintenance. ~~The conservation district board may authorize the removal of a practice installed under this program provided the land occupier can show good cause for removal of the practice and the purpose of the original practice has been achieved.~~

Statutory Authority: *MS s 40.036; 103C.501*
History: *9 SR 2439; 20 SR 2185*
Posted: *October 4, 2001*

8400.1750 PRACTICE SITE INSPECTIONS.

~~As a condition to receive grant funds from the state board, the conservation district shall ensure compliance with the maintenance provisions of part 8400.1700 and Minnesota Statutes, chapter 103C, by monitoring all cost-share contracts made with land occupiers.~~ The ~~conservation~~ districts or its delegate shall conduct site inspections of conservation practices installed with cost-share funds to determine if the land occupier is in compliance with the operation and maintenance requirements under part 8400.1700 and the policy, guidelines, and requirements of the state board. ~~Site inspection procedures, including the prescribed forms and frequency, are described in the Administrative Guidelines for the State Cost-Share Program.~~

Statutory Authority: *MS s 103C.501*
History: *20 SR 2185*
Posted: *October 4, 2001*

8400.1800 APPEALS.

Land occupiers may appeal a ~~conservation~~ district's action within 60 days of receiving notice of the action by submitting a written request to the ~~conservation~~ district board asking the board to reconsider its decision. Should the land occupier and the ~~conservation~~ district board reach an impasse, the land occupier may petition to appeal the ~~conservation~~ district board's decision to the state board within 60 days of receiving notice of the district board's final decision. ~~If an informal hearing is granted, the state board or its appointed mediator shall hear all testimony offered, and shall accept written testimony for ten days after the hearing. The mediator, if one is used, shall report the findings and recommendation to the state board.~~ The state board or its executive director shall review and grant the petition unless it is deemed without sufficient merit within 30 days of the receipt of the petition. The state board shall make its decision on the appeal, if granted, within 60 days of ~~the~~ a hearing date ~~or 60 days after receiving the mediator's report~~. The state board's decision may uphold, remand, reverse or amend ~~upholding, reversing, or amending~~ the decision of the ~~conservation~~ district board.

Statutory Authority: *MS s 40.036; 103C.501*
History: *9 SR 2439; 17 SR 1279; 20 SR 2185*
Posted: *October 4, 2001*

8400.1900 REPORTS TO STATE BOARD.

For the purpose of reporting and monitoring the progress of the program and use of funds, each ~~conservation~~ district shall submit an ~~annual report of the year's~~ accomplishments report according to the guidelines and requirements established by the state board. ~~Each district shall submit to the state board the reports identified in part 8400.0700.~~

Statutory Authority: *MS s 40.036*
Posted: *October 4, 2001*

8400.1950 [Repealed, 20 SR 2185]

Posted: *October 4, 2001*

8400.2000 [Repealed, 20 SR 2185]

Posted: *October 4, 2001*

8400.2100 [Repealed, 20 SR 2185]

Posted: *October 4, 2001*

8400.2200 [Repealed, 20 SR 2185]

Posted: *October 4, 2001*

8400.2300 [Repealed, 20 SR 2185]

Posted: *October 4, 2001*

8400.2400 [Repealed, 20 SR 2185]

Posted: *October 4, 2001*

8400.2500 [Repealed, 20 SR 2185]

Posted: *October 4, 2001*

8400.2600 [Repealed, 20 SR 2185]

Posted: *October 4, 2001*

8400.2700 [Repealed, 20 SR 2185]

Posted: *October 4, 2001*

8400.2705 [Repealed, 20 SR 2185]

Posted: *October 4, 2001*

8400.2800 [Repealed, 20 SR 2185]

Posted: *October 4, 2001*

~~COST-SHARE RATES~~ EASEMENT PROGRAM

~~**8400.2900 DISTRICT RATES.**~~

DRAFT

~~Each district shall establish its cost-share rates as provided in part 8400.0900.~~

Statutory Authority: *MS s 40.036*
Posted: *October 4, 2001*

8400.3000 AUTHORITY.

Minnesota Statutes, sections 84.95, 103A.209, and 103F.501 to 103F.531, authorize the state board, in consultation with districts, private groups, and state and federal agencies, to implement a program to ~~(a)~~ acquire ~~permanent~~ easements on land ~~containing type 1, 2, 3, or 6 wetlands; (b)~~ to retire certain marginal agricultural land ~~from agricultural crop production or pasturing~~ and protect environmentally sensitive areas to enhance soil and water quality, minimize damage to flood-prone areas, sequester carbon, and support native plant, fish, and wildlife habitats and to reestablish perennial cover and restore wetlands on that land~~; and (c) to enhance and protect other private lands~~. Parts 8400.3000 to 8400.3930 provide procedures and criteria to be followed by the state board and district boards in implementing Minnesota Statutes, sections 103F.501 to 103F.531. The state board shall implement the RIM Reserve program with district boards whenever practical, but may also implement the program directly ~~or through its authorized agents~~.

Statutory Authority: *MS s ~~40.45;~~ 103F.531*
History: *13 SR 1055; 14 SR 1928; 19 SR 550*
Posted: *October 4, 2001*

8400.3030 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 8400.3000 to 8400.3930.

Subp. 2. **Agricultural crop production.** "Agricultural crop production" means an agricultural activity:

A. including but not limited to tillage, planting, or harvesting operations; and

B. devoted to the production of horticultural, row, close grown, introduced pasture, or introduced hayland crops.

Subp. 3. [Repealed, 14 SR 1928]

Subp. 3a. **Agricultural land.** "Agricultural land" means land devoted for use as pasture or hayland for domestic livestock or dairy animals, or to agricultural crop production, or to growing nursery stocks, or for use as animal feedlots, and may include contiguous land associated with these uses.

Subp. 4. **Annual plan.** "Annual plan" means a plan prepared by the district under Minnesota Statutes, section 103C.331, subdivision 11, and according to the most recent version of the Guidelines for Soil and Water Conservation District Comprehensive and Annual Plans published by the state board. That publication is subject to periodic change. The current version is available at the district office and state board office and is incorporated by reference.

Subp. 5. **Approved practice.** "Approved practice" means a soil and water conservation practice or wildlife habitat enhancement that may be established on an easement area and is described in the easement program practice specifications.

~~Subp. 6. **Authorized farm corporation.** "Authorized farm corporation" has the meaning given in Minnesota Statutes, section 500.24, subdivision 2.~~

~~Subp. 6a. **Authorized farm partnership.** "Authorized farm partnership" has the meaning given in Minnesota Statutes, section 500.24, subdivision 2.~~

Subp. 7. [Repealed, 14 SR 1928]

Subp. 8. [Repealed, 19 SR 550]

Subp. 9. **Conservation agreement.** "Conservation agreement" means a written contract stating the terms and conditions for conveying a conservation easement by the landowner to the state.

Subp. 10. **Conservation easement.** "Conservation easement" has the meaning given for "conservation easement" in Minnesota Statutes, section 84C.01, paragraph (1).

~~Subp. 10a. **Conservation easement handbook.** "Conservation easement handbook" means the current edition of the state board's publication containing detailed procedures and guidelines for implementing the conservation easement programs administered by the state board. This publication is subject to periodic change, is available at the state board office and at district offices, and is incorporated herein by reference.~~

Subp. 10b. **Conservation easement program.** "Conservation easement program" refers to both the RIM reserve program, as defined in subpart 42, and the permanent wetlands preserve program, as defined in subpart 36a.

Subp. 11. **Conservation plan.** "Conservation plan" means a written description and map of the approved practices that must be applied to or that already exist on the easement area.

Subp. 11a. **Cost-shared practice.** "Cost-shared practice" means an approved practice which qualifies for cost-sharing through a conservation easement program administered by the state board.

Subp. 12. [Repealed, 19 SR 550]

Subp. 13. [Repealed, 19 SR 550]

Subp. 14. **District.** "District" means a ~~local~~ soil and water conservation district organized under Minnesota Statutes, chapter 103C.

Subp. 15. **District board.** "District board" means the board of supervisors of a soil and water conservation district as organized under Minnesota Statutes, chapter 103C.

Subp. 16. [Repealed, 19 SR 550]

Subp. 17. **District technical representative.** "District technical representative" means a district employee or other designee assigned by the district who has expertise in the design and application of approved practices.

Subp. 17a. **Drained wetland.** "Drained wetland" means a former natural wetland that has been altered by draining, dredging, filling, leveling, or other manipulation sufficient to reduce its natural function ~~render the land suitable for agricultural crop production. The alteration must have occurred before December 23, 1985, and must be a legal alteration as determined by the commissioner of natural resources~~.

Subp. 17b. **Easement program practice specifications.** "Easement program practice specifications" means the detailed descriptions of the approved practices that are allowed on lands enrolled in the conservation easement programs. ~~This information is contained in the current edition of the conservation easement handbook, a publication of the state board that is defined in subpart 10a.~~

Subp. 18 [Repealed, 19 SR 550]

~~Subp. 19. **Family farm.** "Family farm" has the meaning given in Minnesota Statutes, section 500.24, subdivision 2.~~

~~Subp. 20. **Family farm corporation.** "Family farm corporation" has the meaning given in Minnesota Statutes, section 500.24, subdivision 2.~~

~~Subp. 20a. **Family farm partnership.** "Family farm partnership" has the meaning given in Minnesota Statutes, section 500.24, subdivision 2.~~

Subp. 20b. **Farmed wetland.** "Farmed wetland" means a wetland, as defined in subpart 48, that has been devoted to agricultural crop production, as defined in subpart 2, since December 23, 1985.

Subp. 21. [Repealed, 19 SR 550]

Subp. 22. [Repealed, 19 SR 550]

Subp. 23. **Food plot.** "Food plot" means an area established for the purpose of providing food for wildlife.

~~Subp. 24. **Highway windbreak.** "Highway windbreak" means a strip or belt of trees, shrubs, or grass barriers at least six rows deep and within 300 feet of the right-of-way of a highway.~~

~~Subp. 25. **Hydric soils.** "Hydric soils" means soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. A current list of hydric soils is available at the state board office and the district office, is subject to periodic change, and is incorporated herein by reference.~~

~~Subp. 26. **Hydrophytic vegetation.** "Hydrophytic vegetation" means macrophytic plant life growing in water, soil, or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.~~

Subp. 27. **Individual.** Individual" means a person or legal entity, whether or not a resident of Minnesota.

~~Subp. 28. **Inherently unproductive.** "Inherently unproductive" means that the soil properties of available water capacity, bulk density, and pH in the uppermost 100 centimeters (39 inches) of a soil are present so that an unfavorable rooting environment exists for agricultural crop production.~~

Subp. 29. **Introduced hayland.** "Introduced hayland" means an area devoted to the production of forage that has been cultivated in a rotation of row crops or small grains or interseeded with introduced or native species at least twice during the ten years prior to applying for enrollment in a conservation easement program. These areas must have been harvested by mechanical methods at least two years during the five years prior to applying for enrollment in a conservation easement program.

Subp. 30. **Introduced pasture.** "Introduced pasture" means an area devoted to the production of forage that has been cultivated in a rotation of row crops or small grains or interseeded with introduced or native species at least twice during the ten years prior to applying for enrollment in a conservation easement program. These areas must have been harvested by grazing at least two years during the five years prior to applying for enrollment in a conservation easement program.

Subp. 31. **Landowner.** "Landowner" means an individual~~, family farm, family farm partnership, authorized farm partnership, family farm corporation, authorized farm corporation, estate, or testamentary trust,~~ or entity that is not prohibited from owning agricultural land under MS 500.24 and who either owns eligible land or is purchasing eligible land under a contract for deed in Minnesota.

Subp. 31a. **Land with crop history.** "Land with crop history" means land that has produced horticultural, row, or close grown crops or that has been enrolled at a cropland rate in a federal or state conservation program at least two of the five years prior to applying for enrollment in a conservation easement program, or land that meets the definition of introduced hayland in subpart 29, or land that meets the definition of introduced pasture in subpart 30. For the purposes of parts 8400.3000 to 8400.3930, land with crop history includes acres devoted to "set aside" or "conserving use" for the United States Department of Agriculture programs.

~~Subp. 32. **Local emergency.** "Local emergency" means an emergency declared under Minnesota Statutes, section 12.29.~~

Subp. 33. **Marginal agricultural land.**

"Marginal agricultural land" means land that is:

(1) composed of class IIIe, IVe, V, VI, VII, or VIII land as identified in the land capability classification system of the United States Department of Agriculture; or

(2) similar to land described under clause (1) and identified under a land classification system selected by the board.

~~If the state selects a land classification system as provided by clause (2), the state board will provide districts with a list of soil mapping units indicative of marginal agricultural land. Districts, upon state board approval, may change the list as necessary to reflect local soil characteristics. A current list is available at the state board office and at district offices, is subject to periodic change, and is incorporated herein by reference.~~

Subp. 33a. **Pasture.** "Pasture" means land used for grazing by domestic livestock and land which is not considered land with crop history as defined in subpart 31a.

Subp. 33b. **Pastured hillside.** "Pastured hillside" means land on a hillside that is used for pasture as defined in subpart 33a or used for introduced pasture as defined in subpart 30.

Subp. 34. [Repealed, 19 SR 550]

Subp. 35. [Repealed, 19 SR 550]

Subp. 36. **Perennial cover.** "Perennial cover" means the water area created by restoring a drained wetland or the perennial vegetation established under a conservation easement program, or the perennial vegetation or the water or wetland areas that already exist on the easement area.

Subp. 36a. **Permanent wetlands preserve program.** "Permanent wetlands preserve program" means the program established under Minnesota Statutes, section 103F.516.

Subp. 37. [Repealed, 19 SR 550]

Subp. 38. [Repealed, 19 SR 550]

Subp. 39. [Repealed, 19 SR 550]

Subp. 39a. **Public waters.** "Public waters" means waters as defined in Minnesota Statutes, section 103G.005, subdivision 15, and inventoried under Minnesota Statutes, section 103G.201. A copy of the inventory is available in the district office.

Subp. 39b. **Public waters wetlands.** "Public waters wetlands" means wetlands as defined in Minnesota Statutes, section 103G.005, subdivision 15a.

~~Subp. 39c. **Replacement wetland.** "Replacement wetland" means a wetland that has been replaced under Minnesota Statutes, section 103G.2242.~~

~~Subp. 40. **Restorable drained wetland.** "Restorable drained wetland" means a drained wetland as defined in subpart 17a that is practical to restore and for which the state board is able to secure the necessary land rights of adjacent landowners.~~

Subp. 41. [Repealed, 19 SR 550]

Subp. 42. **RIM reserve program.** "RIM reserve program" means the program established in Minnesota Statutes, sections 103F.515 ~~and 103F.525~~.

Subp. 42a. **Riparian land.** "Riparian land" means land adjacent to public waters, drainage systems, wetlands, or locally designated priority waters ~~identified in a comprehensive local water plan, as defined in Minnesota Statutes, section 103B.3363, subdivision 3~~.

Subp. 43. **Screening committee.** "Screening committee" means a group established by the district board to assist in implementing the conservation easement programs. The screening committee is chaired by a district board member, or their delegate, and is composed of representatives of private, state, and local organizations or clubs, and local, state, and federal agencies with an interest in the conservation easement programs.

Subp. 43a. **Sensitive groundwater area.** "Sensitive groundwater area" means a geographic area defined by natural features where there is a significant risk of groundwater degradation from activities conducted at or near the land surface. These areas may be identified by mapping or other appropriate methods determined by the commissioner of natural resources and the state board. Wellhead protection areas and land that is adjacent and draining to a sinkhole may be designated as a sensitive groundwater area.

~~Subp. 44. **Significant potential environmental impact.** "Significant potential environmental impact" means that the use of agricultural land may result in surface water or groundwater quality degradation or~~

~~deposition of eroded sediments on property of adjacent landowners due to the soil properties of erosion potential, permeability, runoff potential, slope stability, or depth to water table.~~

Subp. 45. **Soil and water conservation practice.** "Soil and water conservation practice" means structural or vegetative practices applied to land for the purposes of controlling soil erosion, sediment, agricultural nutrients or waste, or other water pollutants.

~~Subp. 46. **Soil mapping unit.** "Soil mapping unit" means a unit or type of soil or combination of soils shown on a soil survey map.~~

Subp. 47. [Repealed, 14 SR 1928]

Subp. 47a. **State board.** "State board" means the Board of Water and Soil Resources.

Subp. 48. **Wetland.** "Wetland" means ~~land that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, or that periodically does support, a predominance of hydrophytic vegetation~~ wetlands as defined in Minnesota Statutes, section 103G.005, subd. 1a.

Statutory Authority: *MS s ~~40.45~~; 103F.531*
History: *13 SR 1055; 14 SR 1928; 19 SR 550; L 1996 c 462 s 43*
Posted: *October 4, 2001*

~~A. the need for soil erosion or sediment control, protection or improvement of water quality, or improvement of fish and wildlife habitat, within a specified geographical area as determined by the state board, or as identified in the annual plan of each district or in any comprehensive local water plans prepared pursuant to Minnesota Statutes, section 103B.231, 103B.255, 103B.311, 103D.401, or 103D.405;~~

~~B. the cumulative degree of soil erosion or sediment control, protection or improvement of water quality, or improvement of fish and wildlife habitat likely to be accomplished by the enrollment of selected easement areas; and~~

~~C. the expressed interest and readiness of each district board, as well as cooperating groups and agencies, to implement the conservation easement programs.~~

~~The allocated funds may be increased, decreased, or shifted by the state board as necessary to maximize the use of available funds among districts. In selecting land for enrollment in the RIM reserve program, highest priority must be given to permanent conservation easements pursuant to Minnesota Statutes, section 103F.515, subdivision 2, paragraph (f).~~

Statutory Authority: *MS s ~~40.45~~; 103F.531*
History: *13 SR 1055; 14 SR 1928; 19 SR 550*
Posted: *October 4, 2001*

8400.3100 [Repealed, 19 SR 550]

Posted: *October 4, 2001*

8400.3110 DURATION OF CONSERVATION EASEMENTS.

For purposes of the RIM reserve program, a conservation easement may be permanent or of limited duration. A conservation easement acquired on restorable drained wetlands, replacement wetlands, or land for highway windbreak purposes, must be of permanent duration. A conservation easement of limited duration may be acquired on other eligible land within a district if it is for a period not less than 20 years and only if the state board has approved enrollment of limited duration conservation easements in that district.

All permanent wetlands preserve program conservation easements must be of permanent duration.

Statutory Authority: *MS s ~~40.45~~; 103F.531*

History: *14 SR 1928; 19 SR 550*
Posted: *October 4, 2001*

8400.3130 [Repealed, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

Posted: *July 2, 2009*

8400.3160 [Repealed, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

Posted: *July 2, 2009*

8400.3200 [Repealed, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

Posted: *July 2, 2009*

8400.3210 DELEGATION OF PROGRAM TO ANOTHER DISTRICT.

A district board may enter into an agreement with other district boards as authorized by Minnesota Statutes, section 103C.231, to delegate to another district board the responsibility for administering any conservation easement program of the state board. Where such delegation has been mutually agreed upon, each district board must so notify all landowners in their respective district and each district must so notify the state board.

Statutory Authority: *MS s 103F.531*
History: *19 SR 550*
Posted: *October 4, 2001*

8400.3230 [Repealed, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

Posted: *July 2, 2009*

8400.3260 LAND IN MORE THAN ONE DISTRICT.

If an application involves land in more than one district, the participating districts may jointly delegate to one of the districts the responsibility for review and prioritization of that application. If that application

is accepted for enrollment, the affected districts may also jointly delegate to one of the districts the responsibility for completing all of the tasks necessary for conveyance of the conservation easement to the state board.

Statutory Authority: *MS s ~~40.45~~; 103F.531*
History: *13 SR 1055; 19 SR 550*
Posted: *October 4, 2001*

8400.3300 CRITERIA FOR SCREENING COMMITTEE REVIEW OF APPLICATIONS.

The state board may direct districts to utilize a local screening process or committee to prioritize local project areas or applications. The criteria for screening committee prioritization are as follows:

A. consistency with the purpose and policy of the respective conservation easement program;

~~B. the parcel's relationship to the priorities previously determined in part 8400.3130;~~

~~C~~B. the parcel's potential impact on reducing soil erosion and sedimentation, improving water quality, reducing flooding, and enhancing fish and wildlife habitat;

C. compatibility with established priorities of the organizations and agencies participating in the screening process; and

D. highest priority must be given to permanent easements pursuant to Minnesota Statutes, section 103F.515, subdivision 2, paragraph ~~(f)~~ (e).

Statutory Authority: *MS s ~~40.45~~; 103F.531*
History: *13 SR 1055; 19 SR 550*
Posted: *October 4, 2001*

8400.3330 [Repealed, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

Posted: *July 2, 2009*

8400.3360 [Repealed, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

Posted: *July 2, 2009*

8400.3390 [Repealed, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

Posted: *July 2, 2009*

8400.3400 CONSERVATION AGREEMENT FOR EASEMENT.

The district board shall direct its staff or the district technical representative to develop conservation agreements as prescribed by the state board and in a recordable form for all approved applications which

incorporate the minimum requirements stated in Minnesota Statutes, section 103F.515, subdivisions 4 and 5. In addition, each conservation agreement must require the landowner to:

A. pay, when due, all taxes and assessments that may be levied against the easement area;

B. remove any existing structures as required by the district board or the state board prior to the conveyance of the conservation easement with all associated costs being the responsibility of the landowner, and not place, erect, or construct any temporary or permanent structures on the easement area;

C. remove any existing hazardous and toxic substances or any pollutants and contaminants prior to the conveyance of the conservation easement with all associated costs being the responsibility of the landowner, and not place such substances, pollutants, or contaminants on the easement area;

D. properly seal all abandoned wells on the easement area prior to the conveyance of the conservation easement, with all associated costs being the responsibility of the landowner; and

E. allow the state board and its employees and agents to enter the easement area for the purposes of inspection and enforcement of the terms and conditions of the conservation easement.

Statutory Authority: *MS s ~~40.45~~; 103F.531*
History: *13 SR 1055; 14 SR 1928; 19 SR 550*
Posted: *October 4, 2001*

8400.3430 [Repealed, 19 SR 550]

Posted: *October 4, 2001*

8400.3460 TITLE REQUIREMENTS.

The landowner must have good and marketable title that is insurable under a title insurance policy. In addition, the title must not be subject to any prior liens or encumbrances determined to be objectionable by the Attorney General. Objectionable title defects, liens, or encumbrances must be promptly removed or corrected by the landowner prior to easement conveyance.

Statutory Authority: *MS s ~~40.45~~; 103F.531*
History: *13 SR 1055; 14 SR 1928; 19 SR 550*
Posted: *October 4, 2001*

8400.3500 [Repealed, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

Posted: *July 2, 2009*

8400.3530

Subpart 1. [Repealed, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

Subp. 2. [Repealed, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

Subp. 2a. [Repealed, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

Subp. 3. [Repealed, 19 SR 550, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

Subp. 4. [Repealed, 19 SR 550, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

Posted: *July 2, 2009*

8400.3560 [Repealed, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

Posted: *July 2, 2009*

8400.3600 RENEWAL AND EXTENSION OF CONSERVATION EASEMENTS.

A. When a conservation easement of limited duration expires, a new conservation agreement and conservation easement for an additional period of not less than 20 years may be acquired by agreement of the state board and the landowner under the rules in force at that time. The state board may adjust payment rates as a result of renewing a conservation agreement and conservation easement after examining the condition of the established cover, conservation practices, and land values.

B. The easement duration may be lengthened through mutual agreement of the current landowner with the state board, in consultation with the commissioners of agriculture and natural resources, if the state board determines that the changes are consistent with the purpose of the conservation easement program. When converting limited duration easements to permanent easements, the payment is the difference between the amount that would be paid per acre for the permanent easement as established for the most recent sign-up period and the amount already paid for the limited duration easement on the area.

Statutory Authority: *MS s ~~40.45~~; 103F.531*
History: *13 SR 1055; 14 SR 1928; 19 SR 550*
Posted: *October 4, 2001*

8400.3610 ALTERATION, RELEASE, OR TERMINATION OF CONSERVATION EASEMENTS.

The state board may alter, release, or terminate a conservation easement after consultation with the commissioners of agriculture and natural resources. The board may alter, release, or terminate an easement only if the state board determines that the public interests and general welfare are better served by the alteration, release, or termination.

The state board must be provided the following information at least 30 days prior to a state board meeting, before the state board will consider a request to alter, release, or terminate a conservation easement:

A. a copy of the letter from the landowner to the district board justifying the change and identifying how the public interest and general welfare will be better served;

B. a letter from the district board recommending either approval or disapproval of the proposed change;

C. a letter from the Department of Natural Resources ~~area wildlife manager~~ recommending either approval or disapproval of the proposed change; and

D. other supporting documents, including:

(1) an aerial photo identifying the requested change;

(2) a soil survey map of the area;

(3) cropping history information; and

(4) other pertinent documentation that will support the request.

The state board reserves the right to require special provisions to ensure at least equal resource value as a condition of approving the request. The state board must be compensated by the landowner for all damages and loss of benefits to the conservation easement and the state board may also require reimbursement for administrative expenses and costs incurred in the alteration, release, or termination of a conservation easement.

Statutory Authority: *MS s ~~40.45~~; 103F.531*
History: *14 SR 1928; 19 SR 550*
Posted: *October 4, 2001*

8400.3630 APPROVED PRACTICES.

Subpart 1. **Criteria.** Approved practices must have as their primary purpose the control of soil erosion or sedimentation, protection or improvement of water quality, reduction of flooding, or enhancement of fish and wildlife habitat. Approved practices ~~are~~ may be further specified in the easement program policies or practice specifications. Practices that do not qualify as approved practices include, but are not limited to, Christmas tree plantations and fruit orchards. Food plots are not eligible for conservation easement program cost-sharing, but are considered an approved practice and, therefore, are allowed on enrolled acres ~~if they are included~~ as specified in the easement conservation plan.

Subp. 2. **Establishment of approved practices.** A landowner is responsible for the establishment of all approved practices on the easement area in accordance with the easement program practice specifications. Establishment of approved practices must be monitored by the district board or its delegate to ensure compliance with the conservation plan and the conservation easement. Upon establishment or partial completion of an approved practice, a district technical representative shall certify whether or not the approved practice, in whole or part, has been satisfactorily performed.

Statutory Authority: *MS s ~~40.45~~; 103F.531*
History: *13 SR 1055; 14 SR 1928; 19 SR 550*
Posted: *October 4, 2001*

8400.3660 [Repealed, 19 SR 550]

Posted: *October 4, 2001*

8400.3700 COST-SHARED PRACTICES.

Subpart 1. **Approved practices eligible for cost-sharing.** The state board shall determine which approved practices are eligible for conservation easement program cost-sharing, consistent with the criteria as described in part 8400.3630, subpart 1, ~~and consistent with the payment limits in Minnesota Statutes, section 103F.515, subdivision 6, paragraph (a), clauses (1) and (2)~~.

Subp. 2. **Eligible costs for cost-shared practices.**

A. Upon satisfactory performance under part 8400.3630, subpart 2, the landowner shall present receipts or invoices to the district board, or their delegate, of the costs incurred in the installation of the cost-shared practice. The district board shall review the receipts or invoices to determine the costs eligible for conservation easement program payment. If the district board determines that the costs requested for reimbursement are reasonable and necessary, it shall recommend payment to the landowner by submitting certification of satisfactory performance and providing documentation of reimbursable practice costs to the state board on forms provided by the state board. If the district board determines that certain costs requested for reimbursement are not eligible or reasonable, it shall notify the landowner in writing of this determination. The landowner may request reconsideration of this determination by the district board within 30 days of receipt of the determination. If additional costs are determined to be eligible and reasonable, the district board shall then recommend payment for the approved amount. The state board reserves the right to approve whether costs requested for reimbursement are eligible and reasonable.

B. Eligible costs for approved practices are limited to those prescribed by the State Board as allowed in Minnesota Statutes, section 103F.515, subdivision 6, ~~paragraph (a), clauses (1) and (2), and to the total state funds encumbered for the cost-shared practices designated in the conservation plan. The amount of encumbered funds may be increased, within the statutory limits, after a landowner request, which has been properly executed on forms prescribed by the state board, has been approved by the state board.~~

C. The state board reserves the right to approve and provide funding for cost-shared practices directly ~~or through its authorized agents~~.

Subp. 3. **Payment for in-kind services.** In-kind services provided by the landowner including, but not limited to, earthwork, seedbed preparation, and seeding, may be credited to the landowner's share of the total cost of establishing the cost-shared practice. The district board shall credit only those costs it determines to be practical and reasonable and to approve receipts or invoices directly or through its ~~authorized agents~~ delegate.

Subp. 4. **Funds from other sources.** Conservation easement program cost-sharing funds may be augmented by funds from other agencies, organizations, or individuals. ~~Securing these funds is the responsibility of the landowner.~~

Statutory Authority: *MS s ~~40.45~~; 103F.531*
History: *13 SR 1055; 14 SR 1928; 19 SR 550*
Posted: *October 4, 2001*

8400.3730 FAILURE OF APPROVED PRACTICES.

Subpart 1. **Cost-shared practices.** A landowner is not in violation of the conservation easement if the failure, in whole or part, of a cost-shared practice was caused by reasons beyond the landowner's control such as extreme weather conditions. In these instances, the district board may recommend to the state board that conservation easement program cost-sharing funds be encumbered for reestablishment of the cost-shared practice. The encumbrance must comply with the limits ~~in Minnesota Statutes, section 103F.515, subdivision 6, paragraph (a), clauses (1) and (2)~~ prescribed by the State Board. In no case may a district board authorize conservation easement program financial assistance to a landowner for the reestablishment of cost-shared practices that were removed or altered by the landowner, or that have failed due to improper maintenance during the term of the conservation easement.

Subp. 2. **All other approved practices.** A landowner is not in violation of the conservation easement if the failure of approved practices was caused by reasons beyond the landowner's control.

Statutory Authority: *MS s ~~40.45~~; 103F.531*
History: *13 SR 1055; 14 SR 1928; 19 SR 550*
Posted: *October 4, 2001*

8400.3760 [Repealed, 14 SR 1928; 19 SR 550]

Posted: *October 4, 2001*

8400.3800 OPERATION AND MAINTENANCE.

A landowner is responsible for the operation and maintenance of approved practices designated in the conservation plan.

Statutory Authority: *MS s ~~40.45~~; 103F.531*
History: *13 SR 1055; 19 SR 550*
Posted: *October 4, 2001*

8400.3830 VIOLATIONS AND ENFORCEMENT.

Subpart 1. **District board action.** The district board may take such measures as are necessary to ensure landowner compliance with the conservation agreement, conservation easement, and conservation plan. If the district board is unsuccessful at obtaining landowner compliance, the district board shall notify the state board of the violation and may recommend appropriate measures to be taken to correct violations.

Subp. 2. **State board action.** Upon notification ~~by the district board~~ or discovery of a violation of a conservation agreement, conservation easement, or conservation plan, the state board shall take action to resolve the violation.

A landowner who violates the terms of a conservation agreement, conservation easement, or conservation plan under this chapter, or induces, assists, or allows another to do so, is liable to the state for treble damages if the violation is willful or double damages if the violation is not willful. The amount of damages is the amount needed to make the state whole or the amount the landowner has gained due to the violation, whichever is greater.

If the state board is not successful in resolving the violation, it may request the state attorney general to commence legal action to enforce the conservation agreement, conservation easement, or conservation plan.

Subp. 3. **Attorney general action.** Upon request by the state board, the attorney general may commence an action for specific performances, injunctive relief, damages, including attorney fees, and any other appropriate relief to enforce Minnesota Statutes, sections 103F.501 to 103F.531 in district court in the county where all or part of the violation is alleged to have been committed, or where the landowner resides or has a principal place of business.

Conservation easements remain in effect even if maintenance violations have occurred.

Statutory Authority: *MS s ~~40.45~~; 103F.531*
History: *13 SR 1055; 14 SR 1928; 19 SR 550*
Posted: *October 4, 2001*

8400.3860 [Repealed, 19 SR 550]

Posted: *October 4, 2001*

~~8400.3870 SUPPLEMENTAL PAYMENTS ON FEDERAL AND STATE PROGRAMS.~~

~~The state board may supplement payments made under federal or other state land retirement programs to the extent of available appropriations other than bond proceeds. The payments must be used to establish perennial cover on land or to supplement payments for land enrolled in land retirement programs approved by the state board.~~

Statutory Authority: *MS s 103F.531*
History: *19 SR 550*
Posted: *October 4, 2001*

8400.3900 [Repealed, 19 SR 550]

Posted: *October 4, 2001*

8400.3930 RECONSIDERATION AND APPEAL.

Subpart 1. **Reconsideration by district board.** An affected landowner may request the district board to reconsider its:

A. recommendation or determination regarding that landowner's application for enrollment in a conservation easement program;

B. recommendation or determination to cancel that landowner's conservation agreement;

C. determination regarding that landowner's eligible and allowable costs to be reimbursed by the state board;

D. request to that landowner to correct any alleged noncompliant conditions regarding that landowner's enrolled easement area; or

E. recommendation to disapprove that landowner's request to change an enrolled easement area.

Subp. 2. **Time for reconsideration by district board.** A landowner requesting reconsideration under subpart 1 shall mail a written request to the district board within 15 days of receipt of notice of the district board's determination or recommendation of the matters specified in subpart 1. The request for reconsideration shall include the specific reasons for the request and evidence to support the landowner's claims. The district board shall notify the landowner in writing of its final recommendation and the reasons for the recommendation within 60 days of receipt of the landowner's request for reconsideration.

Subp. 3. **Appeal to state board.** An affected landowner may appeal to the state board from a final recommendation made by the district board pursuant to subpart 2. The landowner shall mail a written appeal to the state board within 15 days after receipt of the district board's final recommendation. The appeal shall include the specific reasons for the request and evidence to support the landowner's claims. The state board shall notify in writing the landowner and the district board of its final decision and the reasons for the decision within 60 days of receipt of the landowner's appeal.

Subp. 4. [Repealed, 14 SR 1928]

Statutory Authority: *MS s ~~40.45~~; 103F.531*
History: *13 SR 1055; 14 SR 1928; 19 SR 550*
Posted: *October 4, 2001*

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STATE OF MINNESOTA
BOARD OF WATER AND SOIL RESOURCES

In the Matter of the Proposed Adoption of Amendments to Rules Governing the Cost-share Program and the Reinvest in Minnesota Reserve Program, Minnesota Rules Chapter 8400.0050 to 8400.3930.

STATEMENT OF NEED AND REASONABLENESS

October 9, 2012

PURPOSE

The principal purpose of this rulemaking is to conform the rule to statutory amendments made to Minnesota Statutes 103C and 103F in 2009. Additional goals are to position the Cost-share and RIM Reserve Programs for increased direction via Board of Water and Soil Resources (BWSR) Board policies and to reduce the administrative burden of these programs.

INTRODUCTION

Agency Background: BWSR is the state's administrative agency for 90 soil and water conservation districts (SWCD), 46 watershed districts, 18 metropolitan watershed management organizations, and 80 county water managers. The agency's purpose, working through local government, is to protect and enhance the state's soil and water resources by implementing the state's soil and water conservation policy, comprehensive local water management, and the Wetland Conservation Act as it relates to the 41.7 million acres of private lands in Minnesota. The BWSR Board consists of 20 members, including local government representatives that deliver BWSR programs, state agencies, and citizens.

Rulemaking Background: BWSR administers several natural resources conservation programs through SWCDs. The proposed amendments to this rule (8400.0050 to 8400.3930) govern the Erosion Control and Water Management (commonly referred to as the State Conservation Cost-Share Program) and Reinvest in Minnesota (RIM) Reserve Programs. Both of these programs are voluntary, non-regulatory programs. This Statement of Need and Reasonableness will discuss the proposed rules changes as they relate to each of these programs.

The Cost-share Program provides state funds to SWCDs so they can provide technical and financial assistance to land occupiers to install conservation practices that reduce erosion, control sedimentation, improve and protect water quality or address water quantity problems due to altered hydrology on the lands they own or manage. Under the RIM Reserve Program, BWSR provides funds to SWCDs so they can provide technical and financial assistance to land occupiers to acquire conservation easements on certain marginal agricultural lands and wetlands.

The scope of this rulemaking is to improve the application of these programs by:

1. Incorporating statutory changes that have occurred in the RIM Reserve Law (103F.505 to 103F.531);

2. Reflecting statutory amendments enacted in 2009, including a directive to adopt Cost-share Program Policies (103C.501);
3. Streamlining the administration to increase efficiencies for both SWCDs and BWSR;
4. Respond to evolving resource management strategies by accommodating greater use of other Best Management Practices (BMPs) ; and
5. Improving the clarity of the permanent rule.

The Cost-share rules were initially promulgated in 1977, with the most recent revision occurring in 2003. The proposed revisions make the rule consistent with the amended statute.

The RIM rules were initially promulgated in 1994. The proposed revisions make the rule consistent with the amended statute.

ALTERNATIVE FORMAT.

Upon request, this Statement of Need and Reasonableness can be made available in an alternative format, such as large print, Braille, or cassette tape. To make a request, contact:

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STATUTORY AUTHORITY.

Minnesota Statutes 103C.501 authorizes the BWSR, through districts, to enter into cost-share contracts with landowners for erosion control and water management. Minnesota Statutes 103C.501, Subd. 6 authorizes the board to adopt administrative rules for the Cost-share Program.

Minnesota Statutes 103F.501 to 103F.531 authorizes BWSR to implement a program to acquire conservation easements to restore certain marginal agricultural lands and protect environmentally sensitive areas to enhance soil and water quality, minimize damage to flood prone areas, sequester carbon, and support native plant, fish, and wildlife habitats. Minnesota Statutes 103F.531 authorizes the board to adopt administrative rules for the RIM Reserve Program.

In addition, the board has general rule making authority for carrying out all its programs pursuant to Minnesota Statutes, section 103B.101, subdivision 7.

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REGULATORY ANALYSIS

Determination of the Classes of Persons affected by the Proposed Rules.
No class of person is required to comply with either the Cost-share or RIM Programs, as they are not regulatory, but voluntary land and water conservation programs. The proposed rule will directly affect SWCDs who receive funds under and implement the Cost-share and RIM programs. The work of SWCDs under these programs entails significant interaction with landowners to market and implement conservation practices and/or conservation easements. In addition, landowners that choose to participate in either program will be affected. However, the changes are intended to implement statutory changes, reduce administrative costs and provide increased implementation flexibility.

These rule changes should result in result in increased efficiency and effectiveness in achieving program goals.

Determination of Alternative, Less Costly or Less Intrusive Methods for Achieving the Purpose of the Proposed Rules.
There is no known alterative to the proposed rule that is less costly or less intrusive. The current and proposed rule is necessary to implement statute. An alternative to the proposed rule would be to develop a rule that details all requirements for implementing these programs. However, this would run counter to legislative direction that requires BWSR to adopt policies to implement these programs. Furthermore, a detailed rule would reduce flexibility in program implementation that is possible through BWSR Board adopted policies.

Probable Costs of Complying with the Proposed Rules.
The rule as proposed will not increase the state's costs, costs borne by SWCDs, and costs borne by landowners. On the contrary, the rule is expected to reduce the costs of SWCDs and the state due to streamlined administrative processes. The rule should have no effect on landowners.

Probable Costs or Consequences of not Adopting the Proposed Rules.
The consequences of not adopting the proposed rule amendments would be a rule that does not comply with statute. These inconsistencies would increase costs and negatively affect conservation opportunities due to not implementing the flexibility as required by statute.

Assessment of Differences between the Proposed Rules and Existing Federal Regulations.
As stated previously, neither the Cost-share nor the RIM Programs are regulatory and have no direct connection to any federal regulatory program. However, both programs have corollary programs with those implemented by federal agencies (Environmental Quality Incentives Program and Wetland Reserve Program) and are often closely coordinated at the state and local government levels. Partnerships and coordinated implementation are key elements of the 2007 BWSR Board Strategic Plan. The proposed rule will allow increased reliance on BWSR Board adopted policy and this flexibility will help ensure these programs continue to be closely coordinated.

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Description of How the Agency Considered and Implemented the Policy to Adopt Rules that Emphasize Superior Achievement in Meeting the Agency's Regulatory Objectives and Maximum Flexibility for the Regulated Part and Agency in Meeting these Goals.

The proposed rule amendments have two objectives: (1) consistency with statute, and (2) implement the statutory directive to adopt policies and the programmatic flexibility that these policies will bring. This flexibility will assist BWSR in meeting objectives of a continued focus on a federal, state, and local conservation partnership, an improved ability to coordinate these programs with the dedicated Constitutional Clean Water and Outdoor Heritage funds, and the ability to adjust program priorities and administrative requirements to meet future needs.

ADDITIONAL NOTICE.

A. The Request for Comments was published on June 21, 2010 and was distributed by email to approximately 200 individuals with SWCDs and other local governments that have been engaged in these programs.

B. The rule development process was largely a product of BWSR staff. However, at several stages in this process, agency staff consulted with SWCDs to receive input on rule issues. In addition, the draft rule and statutorily required Board Cost-share Program Policy were posted on the BWSR website on November 5, 2010. Approximately 200 individuals were notified by email of the availability of these documents and were encouraged to provide comments.

Three comments were received in response to these two efforts to inform and encourage input on the proposed rule.

C. BWSR intends to send a copy of the Notice of Intent to Adopt Rules Without a Public Hearing to:

- All individuals who have registered with BWSR for the purpose of receiving notice of rule proceedings as required by Minn. Stat. 14.14, subd. 1a;
- All SWCDs, all watershed districts, all watershed management organizations, and all county water managers;
- All individuals and representatives of associations that BWSR has on file as interested and affected parties;
- Minn. Stat. 14.116 requires a copy of the notice, the rules, and SONAR be sent to the chairs and ranking minority members of the committees with jurisdiction over the subject matter of the proposed rules. This statute also states that if the mailing of the notice is within two years of the effective date of the law granting rulemaking authority that the agency must make reasonable efforts to send a copy of the notice and SONAR to all sitting legislators who were chief authors of the bill granting the rulemaking authority. Under this statutory directive, the following legislators will be sent the above referenced documents: the chairs and ranking minority members of (1) the House Environment, Natural Resources and Energy Policy and Finance Committee; (2) the Senate Environment and Natural Resources Committee; and (3) the chief authors of legislation amending the Cost-share and RIM statute, Representative David Dill and Senator Satveer Chaudhary.

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- In addition, a copy of the notice, proposed rule, and draft SONAR will be posted on the BWSR website.

Because of the limited impact of the proposed rule amendments and the broad distribution of the Request for Comments, the broad distribution of the Notice of Intent to Adopt Without a Public Hearing, and as copies of the proposed rule are available on the BWSR website, BWSR believes a thorough effort to reach significantly affected persons has been accomplished.

NOTIFICATION TO THE COMMISSIONER OF AGRICULTURE.

Minn. Stat. 14.111 requires that before an agency adopts or repeals rules that affect farming operations, the agency must provide a copy of the proposed rule to the Commissioner of Agriculture no later than 30 days prior to publication of the proposed rule in the State Register. Both the Cost-share and RIM Programs are often implemented on agricultural lands and thereby affect agricultural operations. However, these programs are voluntary so they will have a minimal impact on agriculture.

Based on this assessment, the Commissioner of Agriculture was sent a copy of the proposed rule on March 25, 2011. This notification, while required by statute, is in addition to the participation of the Department of Agriculture on the BWSR Board.

CONSULT WITH MINNESOTA MANAGEMENT AND BUDGET ON LOCAL GOVERNMENT IMPACT.

As required by Minn. Stat. 14.131, BWSR has consulted with the Commissioner of Minnesota Management and Budget to help evaluate the fiscal impact of the proposed rule. We did this on March 29, 2011 by sending to the Commissioner of Minnesota Management and Budget copies of the draft rule amendments and SONAR.

DETERMINATION ABOUT RULES REQUIRING LOCAL IMPLEMENTATION.

Minn. Stat., section 14.128 requires determining whether a local government will have to adopt or amend an ordinance or other regulation to comply with a proposed agency rule. As stated previously, the Cost-share and RIM Programs are not regulatory and local governments will not be required to adopt or amend an ordinance or other regulation as a result of the proposed rule amendments.

COST OF COMPLYING FOR SMALL BUSINESS OR CITY.

The Cost-share and RIM Programs are implemented by SWCDs based on voluntary participation by landowners. Cities are not affected by these programs and therefore will not incur any additional costs. Similarly, small businesses will not incur additional costs under these rules. Most projects under these programs are implemented through SWCDs contracting with small businesses. These contractual relationships will not be affected by the proposed rule amendments.

RULE BY RULE ANALYSIS

(citations based on the Proposed Rule as approved by the Revisor of Statutes)

Overview.

The rule amendments largely consist of non-substantive changes that are driven by the following:

- Improving the clarity of the rule by simplifying, updating and re-organizing the language;
- Presenting rule provisions based on local or state responsibility;
- Deleting definitions no longer used in the rule;
- Deleting provisions which will be addressed via statutorily required BWSR Board adopted policy; and
- Updating statutory and rule references.

The requirement for the Board to adopt a program policy warrants further discussion. The process by which policies are generated begins with staff developing a proposal, usually in consultation with affected interests, which is reviewed by a Board Committee, before going to the Board for consideration. Meetings of Board Committees and the Board are public meetings and notice is provided to numerous agencies, organizations, and interested individuals, including the Minnesota Association of Soil and Water Conservation Districts. Also, three Board members are SWCD supervisors.

An important goal of the Cost-share Program Policy will be to make this program consistent with other BWSR grant programs, most significantly the Clean Water Fund programs. Increased consistency and uniformity of requirements and procedures will enable these programs to work together and reduce SWCD and BWSR administrative costs.

The Cost-share Program Policy will be considered by the Board at the same meeting as the rule. The Policy includes the following:

- Purpose
- Eligible Activities
- Technical and Administrative Components
- Cost-share Rates
- Technical Expertise
- Expenditure of Funds on Practices and Contracts
- Practice Sign-off and Payment
- Post-Construction and Follow-Up Activities
- District Reporting Requirements
- BWSR Program Monitoring, Closeout, and Penalty Procedures
- Conservation Districts Cost-share Program Policy

The 2009 amendments to the RIM statute authorize but do not require the Board to adopt a program policy. BWSR will consider adopting a RIM policy in the future based on program needs.

8400.0050 PURPOSE.

Revisions to this part are intended to ensure the rule is consistent with statute and to change the title of the program to "Land and Water Treatment Program" which is a more accurate statement of the purposes of the program.

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8400.0060 AUTHORITY.

This part is moved from its current location of 8420.0200, with a minor rule reference change, as the statement of the statutory authority of the Board to develop the cost-share program should be one of the first provisions of the rule.

8400.0100 DEFINITIONS.

The following definitions are deleted as they are no longer used in the rule; some of which will be considered for use in implementing the required program policy:

Subp 2a. **Administrative Guidelines**;
Subp. 4. **Approved practice**;
Subp. 10a. **Conservation district technical representative**;
Subp. 14b. **Farm Service Agency**;
Subp. 15. **Field Office Technical Guide**;
Subp. 16. **Group spokeperson**;
Subp. 16a. **High priority erosion problems**;
Subp. 16b. **High priority erosion problems**;
Subp. 18a. **Landowner**;
Subp. 18b. **Natural Resource Conservation Service**;
Subp. 19a. **Other recognized technical practices**;
Subp. 20a. **Protected waters**;
Subp. 20b. **Registered professional engineer**;
Subp. 20d. **Sinkhole**;
Subp. 22a. **Special project**;
Subp. 25. **T**;
Subp. 26. **2 x T**; and
Subp. 27. **Technical approval authority**.

Subp. 3. **Annual work plan**. This definition is modified to: (1) delete references to obsolete documents, (2) rely on the development of a policy as required by statute, and (3) be consistent with the RIM Reserve portion of this chapter.

Subp. 8. **Comprehensive Plan**. This definition is modified to delete references to obsolete documents and for this definition rely on the development of a policy as required by statute.

Subp. 9. **Conservation district** and Subp. 10 **Conservation district board** have been modified to be consistent with the RIM Reserve portion of this chapter (8420.3030, Subps. 14 and 15).

Subp. 18. **Land occupier.** This definition has been modified to be consistent with the remainder of the proposed rule amendments.

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8400.0200 AUTHORITY.

This part is moved from its current location to immediately precede the definitions as the statement of the statutory authority of the Board to develop the Cost-share Program should be one of the first provisions of the rule.

8400.0250 PROGRAM POLICY.

This is a new part that implements the 2009 statutory amendment in Minn. Stat. 103C.501, subd. 6 that requires the Board to adopt policies.

8400.0300 APPROVED CONSERVATION PRACTICES.

The title of this part is revised to specify the kind of practices that are allowed under this program.

Subp. 1 **Approved practices**. This subpart is deleted as the Board will address approved practices in the required policy. Including a practice list or practice categories in policy will be a flexible approach to ensuring the Cost-share program meets the needs of SWCDs and maximizes conservation opportunities with Legislatively appropriated funding.

Subp. 2 **Criteria for approved conservation practices**. The revisions to this subpart are to delete redundant language, such as item A which is already addressed in 8400.0050. The objectives of approved practices are moved from subp. 3 to item A for a more logical rule organization. In addition, new objectives are added to the approved practice categories to cover the types of projects that should be eligible for the Cost-share Program and to ensure consistency with 8400.0050.

The deletion in item B allows the effective life of projects to be addressed in the Board policy. Moving this issue to policy will allow a more flexible approach to project effective life and enable different effective life terms based on the type of project. This is important as different project types have different water quality and soil erosion benefits, different costs, and different expected life spans.

The new language in item B addressing habitat practices recognizes that an important secondary benefit of conservation practices is wildlife habitat, and that the program needs to include habitat practices under the limited, specified conditions in the proposed rule.

Language revisions to items C and D are for clarity and consistency within the rule.

8400.0500 MAXIMUM COST-SHARE RATES.

The language revisions in this part are for clarity and consistency within the rule. The last sentence is deleted to remove a disincentive to seek federal funds to implement projects.

8400.0550 RECORDING CONSERVATION PRACTICES

This part operates in concert with 8400.1650.The revisions improve clarity and flexibility for the Board to require recording conservation practices on property titles when it is determined to be necessary to ensure maintenance of the conservation practice. As an enforceable provision it is necessary to be included in the rule.

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8400.0600 STATE BOARD ALLOCATION OF FUNDS TO CONSERVATION DISTRICTS

Subp. 1. **Comprehensive Plan**. This subpart is deleted as it is redundant with Minn. Stat. 103C.501, subd. 2.

Subp. 3. **Review criteria**. This subpart is deleted from rule and review criteria and will be addressed in the required program policy. As appropriated funds have been reduced by the Legislature, the advent of the Clean Water Fund, and changing conservation needs all point to an improved ability to meet locally identified needs of SWCDs through Board adopted policy.

Revisions to subparts 4 and 5 are to provide administrative flexibility in program administration and to improve clarity and ensure consistency with statute. The deleted language at the end of subpart 4 is identical to statute and is unnecessary in the rule. However, this language has been included in the proposed policy so that is combined with all requirements that govern how BWSR allocates funds to districts, including biennial appropriations that often provide directives that differ from those in 103C.501.

8400.0700 PROGRAM REPORTING AND MONITORING

This part is deleted as it is, in part, redundant with part 8400.1900 and may be included in the required program policy.

8400.0800 APPLICATION FOR FUNDS BY DISTRICTS

This part is deleted as it is redundant with part 8400.0600.

8400.0900 CONSERVATION DISTRICT ADMINISTRATION OF PROGRAM FUNDS

Subp. 1. **General**. Revisions to this subpart are for clarity, to ensure consistency with the statute, and delete rule requirements that will be addressed in the required program policy.

Subp. 2. **Maximum cost-share rate**. A portion of this subpart is deleted which portion will be addressed in the required program policy. The current rate of 75 percent is not in statute, and flexibility that is possible through policy will increase the ability to coordinate funding for important conservation practices with other state and federal programs. Other factors discussed in this subpart are either obsolete or are not intended elements of future program implementation.

Subp. 4. **Criteria for district board review**. This is a new subpart that largely consists of the current part 8400.1300 which is relocated to be in a more logical sequence of SWCD responsibility under the Cost-share Program. Language changes improve clarity and administrative flexibility for SWCDs.

Subp. 5. **Entering into a contract**. This a new subpart that consists of language relocated from the current part 8400.1400, sub. 1.

8400.1000 APPLICATION FOR FUNDS BY LAND OCCUPIERS

This part is deleted as it is redundant with 8400.0900, subp. 3.

8400.1100 GROUP PROJECTS

This part is deleted as it will be included in the required program policy.

8400.1200 COOPERATIVE AND JOINT PROJECTS BY DISTRICTS

This part is deleted as it will be included in the required program policy.

8400.1250 TECHNICAL ASSESSMENT AND COST ESTIMATE DETERMINATION

This part is deleted as it will be included in the required program policy.

8400.1300 CRITERIA FOR CONSERVATION DISTRICT BOARD REVIEW

This part has been largely moved to 8400.0900 to be in a more logical sequence of SWCD responsibility under the Cost-share Program. In addition, some parts are redundant with 8400.0300.

8400.1400 CONSERVATION DISTRICT APPROVAL

This part is deleted as portions have been relocated to 8400.0900, subp. 4 and other portions will be included in the required program policy.

8400.1405 PROJECT DEADLINES AND PARTIAL PAYMENT

This part is deleted as it will be included in the required program policy.

8400.1460 RETURN OF ALLOCATED FUNDS

This part is deleted as it will be included in the required program policy.

8400.1500 CONSERVATION DISTRICTS

This part is deleted as it will be included in the required program policy.

8400.1600 EXECUTING THE COST-SHARE CONTRACT

This part is deleted as it will be included in the required program policy.

8400.1650 RECORDING CONSERVATION PRACTICES

This part operates in concert with 8400.0550 (Recording Conservation Practices). The revisions improve clarity and flexibility for SWCDs to require recording conservation practices on property titles when it is determined to be necessary to ensure maintenance of the practice. As an enforceable provision it is necessary that this be included in the rule. In addition, the $50,000 threshold that is deleted in the rule is proposed to be included in the proposed policy. Including this threshold in policy will allow flexibility to address future situations.

8400.1700 MAINTENANCE

The revisions to this part improve clarity, and consistency with Minn. Stat. 103C.501, subd. 5(b).

8400.1750 PRACTICE SITE INSPECTIONS

The revisions to this part add administrative flexibility and deletes provisions that will be addressed under the required program policy.

8400.1800 APPEALS

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This part has been modified to be consistent with the RIM Reserve portion of this chapter. The changes eliminate portions of the appeals process that has never been used in this program, and adds new processes that are consistent with other conflict resolution processes administered by BWSR. These changes provide a clear and understandable process for addressing appeals made to BWSR under the Cost-share Program.

8400.1900 REPORTS TO THE STATE BOARD

The revisions to this part ensure consistency with changes made to 8400.0700 and the RIM Reserve portion of this chapter.

8400.2900 District Rates.

This part has been deleted as it is redundant with 8400.0900, subpart 2.

8400.3000 AUTHORITY

This subpart is revised to be consistent with Minn. Stat. 103F.505 which was amended in 2009. The last sentence in this part is added to provide BWSR with additional flexibility in administering the RIM program ~~and to address increased diversity of program funding and program partners that has occurred in recent years, and is expected to continue as the implementation of the Clean Water, Land and Legacy Constitutional Amendment~~ when a district either does not exist in a part of the state or a district board has opted to not implement the program.

8400.3030 DEFINITIONS

The following definitions are deleted as they are no longer used in the rule:

Subp. 6. **Authorized farm corporation.**
Subp. 6a. **Authorized farm partnership.**
Subp. 10a. **Conservation Easement Handbook.**
Subp. 19. **Family farm.**
Subp. 20. **Family farm corporation.**
Subp. 20a. **Family farm partnership.**
Subp. 24. **Highway windbreak.**
Subp. 25. **Hydric soils.**
Subp. 26. **Hydrophytic Vegetation.**
Subp. 28. **Inherently unproductive.**
Subp. 32. **Local emergency.**
Subp. 39c. **Replacement wetland.**
Subp. 40. **Restorable drained wetland.**
Subp. 44. **Significant potential environmental impact.**
Subp. 46. **Soil mapping unit.**

The following definitions are changed to be consistent with Minn. Stat. 103F.511:

Subp. 17a. **Drained wetland.**
Subp. 17b. **Easement program practice specifications.**
Subp. 31. **Landowner.**

Subp. 42. **RIM reserve program.**
Subp. 42a. **Riparian land.**
Subp. 43. **Screening committee.**

Subparts 14 **District** and 15 **District board** are modified to specify the statute under which soil and water conservation districts are organized.

Subp. 33. **Marginal agricultural land** is modified to delete language that allows the Board to adopt land capability systems that are different than those employed by the Unites States Department of Agriculture. This flexibility has not been used and will not be used in the future due to the close working relationship that exists between the Board and the United States Department of Agriculture.

Subp. 45. **Soil and water conservation practice** has been modified to acknowledge that the practices included in this definition are intended to address agricultural nutrients as well as agricultural waste.

The definition in Subpart 48 **Wetland** was changed to be consistent with Minn. Stat. 103G.005, subd. 19a. This change will ensure improved application consistent with other environmental management programs.

8400.3060 CRITERIA FOR ALLOCATION OF FUNDS
This part is proposed to be deleted as funds are not currently, nor are they expected to be generally available for annual allocation as currently described in this part. Funds are allocated to SWCDs for specific activities associated with inspecting existing easements and for assistance in acquiring and restoring new easements.

8400.3130 LOCAL PRIORITY SETTING
This part was repealed by Laws of Minnesota 2009, Chapter 172, Article 2, Section 32 and Laws of Minnesota 2009, Chapter 176, Article 1, Section 52.

8400.3160 CRITERIA FOR ELIGIBLE LAND
This part was repealed by Laws of Minnesota 2009, Chapter 172, Article 2, Section 32 and Laws of Minnesota 2009, Chapter 176, Article 1, Section 52.

8400.3200 MAXIMUM ENROLLMENT
This part was repealed by Laws of Minnesota 2009, Chapter 172, Article 2, Section 32 and Laws of Minnesota 2009, Chapter 176, Article 1, Section 52.

8400.3230 APPLICATION BY LANDOWNERS
This part was repealed by Laws of Minnesota 2009, Chapter 172, Article 2, Section 32 and Laws of Minnesota 2009, Chapter 176, Article 1, Section 52.

8400.3300 CRITERIA FOR SCREENING COMMITTEE REVIEW OF APPLICATIONS
This part has been revised to allow BWSR to utilize local district screening committees to help prioritize local project areas or applications to assist in making funding decisions. The new language makes the use of screening committees optional as some program sign-ups may have continuous, non-competitive sign-up periods where ranking of applications is unnecessary. The criteria have also been modified to add reduction of flooding consistent with statute.

Item B is deleted as it refers to section 8400.3130 which was repealed by Laws of Minnesota 2009, Chapter 172, Article 2, Section 32 and Laws of Minnesota 2009, Chapter 176, Article 1, Section 52. Item D is deleted as it is not a criterion, but reflects issues that would prevent the State from acquiring an easement.

8400.3330 CRITERIA FOR DISTRICT BOARD REVIEW
This part was repealed by Laws of Minnesota 2009, Chapter 172, Article 2, Section 32 and Laws of Minnesota 2009, Chapter 176, Article 1, Section 52.

8400.3360 DISTRICT ACTION ON APPLICATIONS
This part was repealed by Laws of Minnesota 2009, Chapter 172, Article 2, Section 32 and Laws of Minnesota 2009, Chapter 176, Article 1, Section 52.

8400.3390 EASEMENT ACQUISITION PROCEDURES
This part was repealed by Laws of Minnesota 2009, Chapter 172, Article 2, Section 32 and Laws of Minnesota 2009, Chapter 176, Article 1, Section 52.

8400.3500 EASEMENT CONVEYANCE
This part was repealed by Laws of Minnesota 2009, Chapter 172, Article 2, Section 32 and Laws of Minnesota 2009, Chapter 176, Article 1, Section 52.

8400.3530 EASEMENT PAYMENT RATES
This part was repealed by Laws of Minnesota 2009, Chapter 172, Article 2, Section 32 and Laws of Minnesota 2009, Chapter 176, Article 1, Section 52.

8400.3560 PAYMENT SCHEDULE
This part was repealed by Laws of Minnesota 2009, Chapter 172, Article 2, Section 32 and Laws of Minnesota 2009, Chapter 176, Article 1, Section 52.

8400.3610 ALTERATION, RELEASE, OR TERMINATION OF CONSERVATION EASEMENTS
The deletion in item C recognizes that a letter regarding a change to an easement as described in this part is still required from the Department of Natural Resources, but may not originate with the area wildlife manager.

8400.3630 APPROVED PRACTICES
This part has been modified to add reduction of flooding consistent with statute. Additional changes are for clarity, to provide districts with flexibility, and to address items for a potential future Board policy.

8400.3700 COST-SHARED PRACTICES
Subp. 1. **Approved practices eligible for cost-sharing**. This subpart is revised to be consistent with Minn. Stat. 103F.515, subd. 6. This statute was amended in 2009 to eliminate references to payment limits.

Subp. 2. **Eligible costs for cost-sharing practices**. This subpart is revised to be consistent with Minn. Stat. 103F.515, subd. 6 and to allow district boards to delegate review of receipts and invoices. In addition, the Board is authorized by Minn. Stat. 103F.531 to adopt policy to implement the RIM Reserve program, and this rule part refers the establishment of eligible costs for approved practices to a potential future Board policy.

Item C ~~and subpart 3 (**Payment for in-kind services)**~~ has been amended to provide BWSR with additional flexibility in administering the RIM program ~~and to address increased diversity of program funding and program partners that has occurred in recent years, and is expected to continue as the implementation of the Clean Water, Land and Legacy Constitutional Amendment~~ when a district either does not exist in a part of the state or a district board has opted to not implement the program.

Subp. 3 **Payment for in-kind services** has been amended to provide districts with additional flexibility in administering the RIM program.

Subp. 4. **Funds from other sources.** The last sentence is deleted as securing additional funds is often conducted by the SWCD as well as the SWCD, which is contrary to the language of this sentence.

8400.3730 FAILURE OF APPROVED PRACTICES

Subp. 1. **Cost-shared practices.** This subpart is revised to eliminate the reference to payment limits to be consistent with Minn. Stat. 103F.515 subd. 6, as this statute was amended in 2009. In addition, the Board is authorized by Minn. Stat. 103F.531 to adopt policy to implement the RIM Reserve program, and this rule part refers the establishment of encumbrances to a potential future Board policy.

8400.3830 VIOLATIONS AND ENFORCEMENT

Subp. 2. **State board action.** The proposed changes to this subpart are to reflect that BWSR may discover a landowner violation, and that action may be taken by BWSR accordingly.

8400.3870 SUPPLEMENTAL PAYMENTS ON FEDERAL AND STATE PROGRAMS

This rule provision is deleted as it unnecessarily addresses a discretionary authority of the Board.

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Erosion Control and Water Management Program Policy

(commonly known as the State Cost Share Program)

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1.0 Purpose

The Erosion Control and Water Management Program, commonly known as the State Cost Share Program, was created through Minnesota Statutes, §103C.501 to provide funds to Soil and Water Conservation Districts (Districts) to share the cost of conservation practices for erosion control, sedimentation control, or water quality improvements that are designed to protect and improve soil and water resources. The purpose of this policy is to provide clear expectations for the implementation of funds appropriated to BWSR associated with the Erosion Control and Water Management Program.

District board and staff are responsible for the administration and decisions concerning the local use of these funds in accordance with: Minnesota Statutes, chapter 103C.501; Minnesota Administrative Rules, chapter 8400; BWSR policies; and all other applicable laws. BWSR will use grant agreements as contracts for assurance of deliverables and compliance. Willful disregard of relevant statutes, rules, and policies may lead to imposition of financial penalties on the grant recipient.

Funds are allocated by BWSR based on the following minimum criteria to districts that have fully complied with all program rules and policies:

- Extent of high priority erosion or water quality problems in the district, as indicated in the district comprehensive and annual plans or their equivalent.
- Priorities for the control of soil erosion or water quality problems as established by the BWSR.
- Historic success of the district in applying conservation practices.

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- Ability of the district to expend the funds in a timely manner.
- Legislative appropriation.

BWSR will allocate at least 70 percent of the cost-sharing funds available to districts in the form of grants for conservation practices addressing high priority erosion, sedimentation, or water quality problems. The remaining cost-share funds may be allocated by the board to districts for conservation practices for lower priority erosion, sedimentation, or water quality problems and for technical and administrative assistance or to carry out special projects or programs, except not more than 20 percent of the total funds may be allocated for technical and administrative services. The limitation on the use of cost-sharing funds for administrative and administrative services may be modified as provided in ~~3.0~~ 3.1 of this policy.

2.0 Eligible Activities

The primary purpose of activities funded with Erosion Control and Water Management funds is to assist with structural or vegetative practices to correct existing problems. Specific preventative practices may also be allowed through policy or appropriation.

2.1 Practice Standards. All practices must be consistent with the NRCS Field Office Technical Guide (FOTG) or be professionally accepted engineering or ecological practices. Design standards for all practices must include specifications for operation and maintenance for the life of the given practice, including an inspection schedule and procedure. Practices where runoff or sediment from the contributing watershed prevents the practice from achieving the intended purpose with normal operation and maintenance are ineligible. Vegetative practices must follow the BWSR Native Vegetation Guidelines.

2.2 Effective Life. All ~~structural~~ practices must be designed and maintained for a minimum effective life of ten years. ~~Vegetative practices must be designed to achieve water quality improvements or erosion or sedimentation control and be maintained for a minimum effective life of fifteen years.~~ The beginning date for a practice's effective life is the same date final payment is approved and the project is considered complete.

2.3 Repair of Damaged Practices. Repair of damage to a conservation practice is eligible if the practice was installed using approved standards, damage was caused by reasons beyond the control of the land occupier, and damage or failure of the practice was not due to improper maintenance or removal of the practice within the effective life.

2.4 Ineligible Practices. Incentive payments for ongoing maintenance, writing of conservation plans, payments to adopt land management practices such as tillage or residue management, payments to cover crop damage during construction, payments to repair or install septic systems, payments for easements, and/or feedlot expansions are ***not allowable practices with these funds***. ~~These activities may be eligible for other grants available through BWSR.~~

3.0 Technical and Administrative Components

Erosion Control and Water Management funds may be used for technical and administrative expenses.

3.1 Technical and Administrative (TA) Expense. The BWSR Board has established the maximum amount allowed for TA expenses to be twenty percent (20%) of the total grant as provided in 1.0 of this policy. Remaining funds must be provided as cost share to achieve the purpose of these funds, unless otherwise indicated in specific appropriation language. Districts may use up to 100% of the

grant for TA ~~when~~ if a request for such use is approved by the Board Conservationist based on a) or b) below:

a) federal funds will be leveraged and ~~they~~ the district couldn't do the project otherwise, or
b) funds are used on a project that is State Cost Share Program or EQIP eligible and ~~their~~ the district's most recent Financial Report indicates less than an 18-month fund balance ~~; and~~
~~* approved by the Board Conservationist~~.

3.2 TA Activities. Activities eligible for TA include the following: grant administration, staff training to maintain appropriate technical approval authorities or licenses, site investigations and assessments, design and cost estimates, construction supervision, and inspections.

4.0 Cost Share Rates

Cost share rates represent the percent of the installation cost of a practice that may be provided to a land occupier for materials and labor necessary to install the practice. The BWSR Board establishes cost share rates through policy and implements these rates through grant agreements with Districts.

4.1 Maximum Rates. For the Erosion Control and Water Management Program, the BWSR Board has established the maximum cost share rate to a land occupier for installation of a practice at seventy-five percent (75%) of the installation cost, except for unused well sealing and practices installed for energy conservation and snow protection which are established at fifty percent (50%).

4.2 Match and In-Kind. A land occupier may provide the remainder of the installation cost through services, in-kind, or non-state or non-federal funds. The District board shall determine whether charges for in-kind services and materials are practical and reasonable. Standard rates for in-kind services should be identified in the conservation district's cost share program policy.

4.3 Local Rates. Prior to receiving any applications from land occupiers, conservation district boards may set different cost share rates up to the maximum identified in BWSR policy. These rates should be identified in the District's cost share program policy.

5.0 Technical Expertise

The District Board and staff have the responsibility to ensure that the designated technical staff have the appropriate technical expertise, skills and training for their assigned role(s). Appropriate expertise may include, but is not limited to, the following: conservation partnership Technical Approval Authority, professional licensure, reputable vendor with applicable expertise and liability coverage, or other applicable credentials, training and/or expertise.

5.1 Staff Skills. A description of staff skills, training, or credentials; or a description of other means the District will use to insure projects meet the requirements of this policy and are installed and maintained according to the standards and specifications of the practice(s) must be included in the District's cost-share program policy.

5.2 BWSR Review. BWSR reserves the right to review the licensure and credentials of all technical staff selected by the District where appropriate.

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6.0 Expenditure of Funds on Practices and Contracts

BWSR finds that the District Board of Supervisors has the authority and responsibility to approve expenditure of funds within their own organization.

6.1 Cost Share Contract. A contract between the District and land occupier(s) receiving state funds is required to provide a legal standing to insure practices are installed and maintained according to approved standards and specifications. The required contract can be found on the BWSR website. Land occupier means a person, corporation, or legal entity that holds title to or is in possession of land as an owner, lessee, tenant, or otherwise. If the land occupier is not the landowner, the application must also bear the landowner's signature.

a) **Contract Modifications.** Modifications to the contract may be made prior to execution and with prior approval from the District legal counsel and BWSR.

b) **Contract Amendments.** Changes to an executed contract are considered an amendment to the contract and subject to review and approval by the District Board. The required amendment form can be found on the BWSR website. Prior to approving an amendment, technical staff must attest that the amendment has merit. Amendments shall not be considered or approved after the end of the contract or after approval to issue final payment on the original contract has been made. Amendments are limited to changes in practice specifications, installation dates, land occupier information, practice components, or cost share rates and amounts.

c) **Group Projects.** Where the cooperation of several land occupiers is required for implementation of a project; and the land occupiers have agreed to the project, division of payments for the project, and signed a group project addendum to the cost-share contract; the District may enter into a contract with only the group spokesperson of the contract. A group project addendum form can be found on the BWSR website.

d) **Projects that Cross a District Boundary.** If a project involves land in more than one District, application for the entire project must be made to the District containing the majority of the project lands.

e) **Pooling cost-share allocation for joint projects.** District Boards may enter into an agreement to pool portions or all of their collective cost-share allocations to implement joint projects. Cooperative and joint projects may be undertaken to accomplish watershed-based resource management goals or other goals of mutual benefit as identified in the county's comprehensive local water plan or the District's comprehensive plan.

6.2 Contract Approval. District Boards must approve or deny the contract. The action taken must be documented in the District's meeting minutes. Approval of a contract is considered approval for expenditure of funds.

6.3 Projects where construction has begun prior to District Boards approval are ineligible for financial assistance.

6.4 Project Timeframe. District Boards have the authority to adopt timely starting and completion dates. Entering into a contract with a land ~~owner~~ occupier must occur within the grant period. Completion dates can be no longer than two years after approval of the District Board. Projects not completed within this timeframe must be cancelled unless prior written approval of the State board has been received.

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6.5 Canceled Projects. Funds from canceled projects or remaining from completed projects ~~that did not use the full amount encumbered~~ where the final cost was less than the estimated amount may be re-encumbered ~~for projects~~ to a new contract as long as District Board approval occurs prior to the end of the grant period.

6.6 Removal of Practices. District Boards may authorize the removal of a practice installed under this program provided the land occupier can show good cause for removal of the practice and the purpose of the original practice has been achieved.

6.7 Delegation. District Boards may delegate signing contracts and supporting program documents to District staff. This delegation must be identified in the District's cost share program policy.

6.8 Recording Practices. The size, location, and effective life of the soil and water conservation practices that have received cost-share payments under this program equal to or in excess of $50,000 shall be recorded by the conservation district on the property title. Instructions and forms for recording practices can be found on the BWSR website.

7.0 Practice Sign-off and Payment

Prior to payment, technical staff must attest that the practice was properly installed and completed according to the plans and specifications, including technically-approved modifications, and that vouchers and receipts are accurate. Project costs for the purposes of determining cost share amounts include the materials and labor necessary to complete the project.

7.1 Reimbursement. Land occupiers must incur all expenses for project implementation and provide vouchers and invoices or copies of paid receipts to verify all expenses prior to requesting reimbursement. A payment voucher form is available on the BWSR website.

a) **Partial Payments.** Partial payments are allowed. Prior to authorization for partial payment, technical staff must attest to the District Board that the request for partial payment has merit, the payment request is equal to or less than the percent of construction that is complete, and that the project will still be completed within the contract timeline. Land occupiers not completing partially paid projects shall be considered as violating MN Rule, part 8400.1700 and shall be directed, unless otherwise authorized by the state board as provided elsewhere in this part, to return ~~the~~ to the district up to one hundred fifty percent (150%) of the amount of financial assistance received. All expenses incurred to correct damage caused by the land occupier's failure to expeditiously complete the project must be borne by the land occupier.

b) **Service Charges.** District or Technical Service Area charges for services such as administration, field investigations, design, and monitoring to establish the practice shall not be included in calculating the project cost for purposes of determining cost-share payment amounts to the land occupier. Service charges such as tree planting or mechanical weed control are eligible to be included.

c) **Actual Cost Different Than Estimated Cost.** In cases where the actual cost of the practice exceeds the estimated cost, the district may only share the additional amount when an amendment to the cost share contract has been approved per policy 6.1. Where the actual cost is less than the estimated cost, the conservation district shall only share the approved percentage of the actual cost of the practice.

DRAFT

7.2 Project Review. After receiving a request for final reimbursement, technical staff must review for each project; the as-built plan, vouchers, and invoices or copies of paid receipts submitted by the land occupier for completion and technical approval.

7.3 Combining Funding Sources. Payment amounts from combined state and federal sources shall not exceed the maximum cost share rate set by the BWSR Board in Section 4.0 of this policy. Calculation of payment amounts does not include incentive payments.

7.4 Final Plans. One copy of the final approved plan must be given to the land occupier and one copy retained with the project file located in the conservation district office.

8.0 Post-Construction and Follow-Up Activities

Identifying operation and maintenance activities specific to the installed practices is critical to ongoing performance of installed practices as well as to planning and scheduling those activities. Scheduled site inspections by qualified staff are necessary to ensuring operation and maintenance has been taking place.

8.1 Operation and Maintenance Plan. Qualified technical staff must prepare an operation and maintenance plan specific to the practice and the site where it is located. The operation and maintenance plan must detail the maintenance activities that are likely to be needed for practice and contributing watershed, specify how and when to accomplish them, and identify the inspection schedule. The plan should be prepared and reviewed with the land occupier before installation of the conservation practices begins.

8.2 Inspections. Qualified technical staff shall ensure that the operation and maintenance plan is being followed and the practices have not been altered or removed by conducting periodic site inspections. Inspections are to:

a) Verify that all components of the practice remain in place and are in good repair, and/or
b) Identify repairs necessary in accordance with the operation and maintenance plan; and/or
c) Identify further assessment or action necessary if necessary repairs are beyond the scope of the operation and maintenance plan (need cross-reference to non-compliance policy).

8.3 Failure to Maintain Practices. Should the land occupier fail to maintain the practices during their effective life according to the operation and maintenance plan, the land occupier is liable to the ~~State of Minnesota~~ district for up to one hundred fifty percent (150%) of the financial assistance received to install and establish the practice as per MN Rule, part 8400.1700 as determined by the District board. Funds received by a district from a landowner who has failed to maintain a practice, must be used according to this policy and Minnesota Rules 8400.0050 to 8400.1900, less the administrative cost.

9.0 District Reporting Requirements

To ensure the continued success of the Erosion Control and Water Management Program, regular reporting of accomplishments and benefits is required. This reporting is accomplished through entries and documentation in eLINK. Guidance for reporting in eLINK is available on the BWSR website.

9.1 Annual Reporting. Districts must annually enter information on activities accomplished with the grant funding in eLINK. Reporting is required for grant fund expenditures from the prior calendar year and is to be completed by BWSR established reporting deadlines.

9.2 Grant Closeout Reporting. Within thirty (30) calendar days of the conclusion of each grant agreement or expenditure of all grant funds, whichever occurs first, Districts are required to provide the following to BWSR:

a) Entry of information on all projects completed with the grant funding in eLINK;
b) Signed Final Financial Report from eLINK;
c) Documentation of District Board approval of the Final Financial Report; and
d) Return any unspent or unencumbered funds, if applicable, as instructed on the Returned Check Form, found on the BWSR website.

9.3 Unencumbered Funds. Grant funds unencumbered by the District board after the grant period must be returned to the state board within thirty (30) calendar days ~~following the end of the grant period~~. Unencumbered funds are those funds remaining from cancelled projects or completed projects where the final cost was less than the estimated amount.

9.4 Records Retention. Project files must be retained by the District pursuant to Minnesota Statutes, §138.17 and consistent with ongoing records retention schedules.

9.5 Non-compliance with Reporting Requirements. Any District that does not complete these requirements will not be eligible to receive funds from this program until all past reporting has been completed. Financial penalties on the grant recipient may be applied.

10.0 BWSR Program Monitoring, Reconciliation, Verification and Penalty Procedures

10.1 Monitoring, Reconciliation, and Verification. BWSR will annually monitor all Districts reporting for compliance with reporting requirements of the Erosion Control and Water Management Program Policy above and will reconcile and verify all grants according to the ~~June 22, 2011~~ current Grants Monitoring, Reconciliation, and Verification policy.

10.2 Penalties. Grant penalties can be applied when it has been determined the conservation district is not in compliance with relevant statutes, rules, and state policies. Noncompliance is ranked by the degree of departure from recommended administrative procedures to violations of rules, statutes, or grant agreements. Penalties may include the district requiring a land occupier to return the cost-share funds received, the district repaying the State with non-state funds, and/or the district taking a yearly reduction in cost-share grant payments(s) until the violation amount is satisfied. Minnesota Statutes, §103C.401 establishes BWSR's obligation to assure program compliance.

a) All state base grants (State Cost Share, Easement Services, and General Services) for which funding is requested may be reduced by five percent if satisfactory comprehensive or annual plans are not received by the annual deadline, with an additional five percent reduction for each month late. No base grant funds will be allocated until a satisfactory plan is received.

b) If the state becomes aware of cases where a conservation district knowingly participates in accepting fraudulent receipts or invoices to calculate cost-share claims, the state may deny future cost-share funds for the conservation district.

11.0 District Cost Share Program Policies

The following items are recommended to be identified in local cost share program policies, either on a project-by-project or annual basis:

a) Identify or describe available staff skills, training, credentials, or other means the District will use to insure projects are installed and maintained according to standards and specifications (see policy 5.)
b) Set District cost share rates to be less than or equal to rates set by the State Board (see policy 4.)
c) Establish maximum flat rates for in-kind services and materials provided by land occupiers (see policy 4.)
d) Identify practice standards to be used for design, construction, operation, and maintenance (see policy 2.)
e) Set criteria for project selection, i.e. priority watershed or location, priority practices, recording practices, consideration of other activities in the area, etc. (see policy 6)
f) Establish a process and local policy for addressing cost-share contract noncompliance (see policy 6).
g) Other policies as necessary and applicable to the program.

For additional guidance see the BWSR Grants Manual at:
http://www.bwsr.state.mn.us/grants/manual/index.php#/Purpose%20&%20Scope/7/top

DRAFT

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: 2013 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

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

☐ Other: _____

ACTION REQUESTED

Approval of the proposed 2013 BWSR Board Meeting dates.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The BWSR Board meets the fourth Wednesday of each month unless noted on the attached '2013 BWSR Board Meeting Schedule'.

Minnesota Board of Water & Soil Resources

Board Resolution # _____

Proposed 2013 BWSR Board Meeting Schedule

(Fourth Wednesday of the month unless noted)

January 23

February - no meeting

March 27

April 24

May 22

June 26

July – no meeting

August 28-29 - Tour and Meeting

September 25

October 23

November – no meeting

December 18

_____ Date _____

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

Minnesota Board of Water & Soil Resources

Board Resolution # 12-98

Proposed 2013 BWSR Board Meeting Schedule

(Fourth Wednesday of the month unless noted)

January 23

February - no meeting

March 27

April 24

May 22

June 26

July – no meeting

August 28-29 - Tour and Meeting

September 25

October 23

November – no meeting

December 18

Date 10/24/12

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: 2012 STRATEGIC PLAN REPORT CARD[1]

Meeting Date: October 24, 2012

Agenda Category: ☐ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☐ Decision ☐ Discussion ☒ Information
Section/Region: Statewide
Contact: Don Buckhout
Prepared by: Steve Woods, Don Buckhout
Reviewed by: Public Relations, Outreach & Strategic Planning Committee(s)
Presented by: 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: _____

ACTION REQUESTED
Receive Report

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
In January 2012 BWSR approved an update of the 2007 strategic plan. While this plan does not address all the work and accomplishments of the agency, it identifies and focuses on issues needing particular attention. At the time the 2012 Update was approved, the Public Relations, Outreach and Strategic Planning Committee made a commitment to provide annual updates to the Board of progress on strategic issues.
This 2012 Strategic Plan Report Card identifies accomplishments to date on each of the action items in the plan.

The report card document will be distributed at the Board meeting.

MN Board of Water and Soil Resources

Strategic Plan Report Card

October 2012

Strategic Plan Issues & Action Items		Status*	Indicators (currently tracking **bold** indicators)	2012 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 **c."Featured Project" element on website monthly** **d. Reasonably informed citizen can get information about their LGU's performance.** e. Reasonably aware LGU can learn about what their peers are doing.	• Defined watershed performance standards. • Published monthly Clean Water project stories on website. • Updated featured project concept and refreshed home page. • Updated PRAP Level I performance for all LGUs on website. • Conducted 13 of 48 PRAP Level II assessments (4 reg + 9 watershed). • Supported MAWD, MASWCD and AMC awards.
	Create a formal recognition for LGU success stories.	DONE		
	Market the LGU "scorecard" broadly.	●		
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	• Clean Water Fund and Cost Share grants acknowledge and reward LGU competency. • Maintained funding allocation for SWCD NPEA program to promote shared engineering services.
	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.	●	a. Training hours for peer to peer mentoring **b. Percentage of LGUs represented at Academy by LGU type** **c. Training hours provided to LGUs** **d. TAA certifications (statewide)**	• Increased participation for MAWD annual meeting workshops. • BWSR Academy has become primary LGU staff training venue. • Partnered with NRCS to examine training needs and resources. • Technical Approval Authority Report provided baseline status of LGU proficiencies. • Conducted Watershed-based PRAP Pilot Project for 9 Sauk River watershed LGUs. • Board established PRAP assistance grant for LGU organizational development; awarded 3 grants.
	Establish peer mentor program.	●		
	Establish and utilize the PRAP.	★		
	Develop, in concert with state and federal partners, credentialing mechanisms for technical conservation proficiencies.	●		
	Institute and lead a cost-effective training program aimed at growing LGU capacity and performance.	★		

* **Code for Status:** ★ = Good Progress ● = Partial Progress □ = Not Yet Addressed

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.	●	**a. % of annual activity and financial reports received on time** **b. Financial Verification Audits for 10% of all grants**	• Continued RIM, Cost-Share and Metro Water Planning rule revision endeavors. • Started Financial Verification Audits of LGUs receiving BWSR grants. • Extended CWF grant duration from 2 to 3 years. • Hired Fiscal Compliance staffer. • 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.	●	**a. % of long-range plans that are current** b. Non-state $ leveraged rate for all state funds c. RIM easement cost/acre by program d. % of cost share program dollars directed to SWCD priority areas e. % of RIM acreage demand met **f. Number of LGUs sharing plans**	• Successfully launched Biennial Budget Review (BBR). • Continued effort with Local Water Planning work teams linking TMDL and Exec Branch Agencies. • Structured competitive grants scoring to target both priority issues and LGUs that deliver results. • Led group assessing wetland programs under Governor's Exec Order. • Supported Local Government Water Roundtable consensus legislation.
	Target available funding to top priority issues and LGUs that have a track record or clear potential to deliver results.	□ base ★ comp.		
	Facilitate discussions leading to Executive Branch and LGU concurrence on uniting water plans into better alignment substantially along major watershed boundaries.	●		
	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: 1. Are targeted to top priorities 2. Achieve real outcomes 3. Leverage outside resources.	●	a. Wetland bank cost/acre by BSA and statewide b. Units of pollutants reduced per major watershed and jurisdiction c. Conservation tillage rates d. Acres of wetland restored e. % of RIM enrollment goal achieved f. Positive balance of wetland credits by BSA g. Average $/unit of pollutant reduced h. **% of streambanks buffered** i. % of major watersheds monitored/assessed	• Developed grant monitoring protocol; wetland restoration monitoring tracks compliance with bank agreements. • Launched major eLINK update. • Continued restored wetland monitoring

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?				
Documenting 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 d. SWCD & WD Guidebooks updated biennially **e. PRAP Report sent annually to Legislature** f. BWSR Biennial Report to Legislature g. Hits to project of the month "more info" link h. Tillage and erosion transect trends i. # of acres of net-loss of wetlands j. % of land eroding at less than sustainable erosion limits (state, maj wtrshd, jurisdiction) **k. Annual report card for Board review**	• Maintained online portals for seeing RIM easements and CWF projects. • Launched major eLINK update. • Required predicted/planned resource outcomes in scoring system for CWF grants. • Reported outcomes for CWF funded projects. • Submitted multiple proposals to LSOHC and LCCMR. • Submitted FY08-09 and FY10-11 BWSR Biennial Reports. • Developed format and report for annual review of Strategic Plan progress. • Continued active participation at Clean Water Council. • Held RIM Buffer Media Event. • BWSR Board toured southwest MN.
	Create knowledge about LGU activities and effectiveness by sharing activity and effectiveness assessments.	★		
	Develop publications and websites to highlight premier projects.	DONE		
	Develop a state "Water and Soil Resources Report Card" that offers compelling documentation of need.	●		
	Develop an internal report card to monitor annual progress on each strategic issue.	DONE		
LGU/ County Relationship Building	**Facilitate and participate in Local Government Water Roundtable meetings and events yearly.**	★	**a. Two meetings annually** **b. DWG meets at least 4X/yr.** **c. BWSR- AMC Committee Mtg. 2X/year**	• Launched major eLINK update. • Assisted multiple inter-LGU governance discussions and negotiations. • Facilitated Local Government Water Roundtable. • Facilitated multijurisdictional collaboration via Drainage Work Group.
	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 AMC Natural Resource and Environment Committee.	●		
Other Partner-ship Building	Hold semi-annual "sounding board" meetings with key stakeholders.	★	**a. Two sounding board meetings annually** **b. External communication plan tracked**	• Coordinated with legislative issue committees of local government associations. • Used Biennial Budget Request data in 2013 budget process. • Instituted regular executive level legislative updates to staff, partners and legislators. • Communications Team started External Communication Plan development. • Interagency CWF teams coordinated agencies' strategies.
	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:** ★ = Good Progress ● = Partial Progress ☐ = Not Yet Addressed

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: BWSR 25th Anniversary

Meeting Date: October 24, 2012

Agenda Category: ☐ Committee Recommendation ☒ New Business ☐ Old Business
Item Type: ☐ Decision ☐ Discussion ☒ Information
Section/Region:
Contact:
Prepared by: Jen Maleitzke
Reviewed by: John Jaschke Committee(s)
Presented by: Jen Maleitzke

☒ **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

For your information, 25 years of BWSR

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

This brief presentation will highlight BWSR's history and will outline some of BWSR's accomplishments over the past 25 years, including BWSR's role in the Wetland Conservation Act, Conservation Reserve Enhancement Program and supporting LGUs through local water planning.

Minnesota Board of Water & Soil Resources

Celebrating 25 years of BWSR: 1987-2012

The Minnesota Board of Water and Soil Resources (BWSR) was created in 1987, when the Legislature combined the Soil and Water Conservation Board with two other organizations with local government and natural resource ties: the Water Resources Board and the Southern Minnesota Rivers Basin Council.

Legislation establishing the Board of Water and Soil Resources (reflected in Minnesota Statutes 103B.101) outlined its responsibilities to a variety of local governments. Upon inception, its membership included 17 members: three representing soil and water conservation districts; three representing watershed management organizations or watershed districts; three representing counties; three citizen members; and five agency members representing the University of Minnesota Extension Service, the Minnesota Department of Natural Resources, the Minnesota Department of Agriculture, the Minnesota Department of Health, and the Minnesota Pollution Control Agency. The board expanded in 2009 to include two representatives of cities (one in the Twin Cities Metro Area and one in Greater Minnesota) and one township representative.

BWSR's mission is to improve and protect Minnesota's water and soil resources by working in partnership with local organizations and private landowners.

1937

State Soil Conservation Committee established to organize soil and water conservation districts throughout the state, providing promotional, financial and administrative assistance.

1950

State Soil Conservation Committee became part of the University of Minnesota Soils Dept.

1955

Water Resources Board established.

1967

State Soil Conservation Committee name changed to Soil and Water Conservation Commission.

1971

Southern Minnesota Rivers Basin Council established.

Soil and Water Conservation Commission transferred from U of M to DNR.

1975

Soil and Water Conservation Commission name change to Soil and Water Conservation Board.

1982

Soil and Water Conservation Board transferred from DNR to MDA.

1987

Minnesota Board of Water and Soil Resources was created by combining the Soil and Water Conservation Board with the Water Resources Board and the Southern Minnesota Rivers Basin Council.

2012

BWSR administers programs that prevent sediment and nutrients from entering our lakes, rivers and streams, enhance fish and wildlife habitat and protect wetlands. The board sets a policy agenda designed to enhance service delivery through the use of local government, including 90 soil and water conservation districts, 46 watershed districts, 23 metropolitan watershed management organizations and 80 county water managers.

Wetlands Reserve Program

The Wetlands Reserve Program (WRP) has helped private landowners voluntarily restore, protect, and enhance wetlands and wildlife habitat on their lands since 1992. Through the WRP NRCS provides technical and financial support to landowners. Since 2008, NRCS through WRP has partnered with the Minnesota Board of Water and Soil Resources (BWSR) and Reinvest in Minnesota (RIM) Reserve Program to acquire and restore RIM-WRP Partnership easements. 2012 was another positive and successful year for this partnership effort.

The wetlands and associated uplands on these easement lands provide a variety of environmental benefits, including: migratory and resident wildlife habitat, water quality improvements, flood mitigation benefits, added economic value and carbon sequestration benefits.

71 Prior year funded WRP easements were closed in 2012. This included easements on 6,800 acres.

In 2012, $18.7 million was obligated with 107 participants on over 11,856 acres. The majority of these obligations included RIM funding. The RIM funding was supplied through both Capitol Investment (Bonding) appropriations and funding through the MN Sales Tax Amendment as recommended by the Lessard-Sams Outdoor Heritage Council.

Wetlands Reserve Program -Special Efforts:

Drought Response

NRCS allowed emergency haying and grazing on WRP lands through compatible use authorizations. 36 emergency haying and 1 emergency grazing compatible use authorizations were approved in Minnesota on WRP easement lands.

Wetland Restoration Conservation Initiative for the Red River Basin of MN, ND, and SD

This initiative utilizes WRP to provide wildlife habitat and flood mitigation benefits. In 2012, $3.2 million were obligated on over 5,097.30 acres.

Wetlands Reserve Enhancement Program (WREP)- Mississippi River Healthy Watershed Initiative (MRBI)

There are Three approved MRBI project areas (Cedar River, Root River, and Sauk River/Crooked Lake). In 2012, $238,800 were obligated on 304.1 acres.

WREP-Scott SWCD

This project is a nationally funded WREP focusing WRP in the Sand Creek Watershed in Scott, Le Sueur, and Rice Counties as well as the Prior Lake/ Spring Lake Watersheds in Scott County. This effort is focusing on wildlife habitat and waters quality as co-primary purposes. One easement was obligated on 14.6 acres.

WRP Acceleration

WRP funds were obligated to continue and accelerate all aspects of the program with Technical Service Providers (TSP's). Obligations included: $100,000 with Ducks Unlimited both for WRP application and implementation assistance. In addition, $250,000 was obligated with local SWCD's and BWSR for monitoring efforts.

Grassland Reserve Program

The Grassland Reserve Program (GRP) provides technical and financial assistance to landowners to manage and protect their grasslands. USDA NRCS and FSA jointly manage this program. Rental contracts or easement are options that landowners may voluntarily apply for utilizing GRP funding.

An expanded Grassland Reserve Program (GRP) effort was conducted in Minnesota in FY12 that included easements as an option. This involved extensive efforts with numerous partners, recommended by the Minnesota State Technical Committee and approved by both NRCS and FSA.

In the end three easement focus areas were designated, the Root River Watershed in SE MN, SW MN and the Prairie Chicken- Beach Ridges in WC/NW MN. Only one GRP easement was funded in 2012. Rental contracts (10 and 15 years in length) were also obligated by Farm Service Ageny

In both rental contracts and easements landowners are assisted by NRCS and develop a grassland management plan. Following the plan to manage the grassland resource according to NRCS technical standards is a requirement of the GRP.

Farm and Ranch Lands Protection Program

The Farm and Ranch Land Protection Program (FRPP) is administered by the NRCS and partners with eligible entities to secure easements on eligible agricultural land to maintain production capability. NRCS provide up to 50% of the easement compensation and partner entities along the landowner donation provide the remaining amount.

$1.12 million of USDA-NRCS FRPP funding was received in 2012. A competitive Request for Proposal process was utilized nationwide. Dakota County was selected to receive funding since they were the only and highest ranked applicant in Minnesota. Dakota County, the Dakota County Soil and Waters Conservation District and NRCS continue to partner on this effort working with 11 private landowners to protect 932 acres of farmland.

The FRPP funds will continue to support Dakota County's existing farmland protection efforts through the Dakota County Farmland and Natural Area Program (FNAP). Through this joint effort, FRPP funds will contribute up to one half of the cost of farmland protection easements and the county will pay for the other half as well as other associated costs to secure the easement and administer the program.

Six landowners had a Dakota County/ NRCS FRPP easement funded in 2012. This included a total of 700 acres. The easement protects these lands from being converted to non-agricultural land uses.

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, DECEMBER 12, 2012

BOARD MEMBERS PRESENT:
Linda Bruemmer, MDH; Bob Burandt, Joe Collins, Jack Ditmore, Quentin Fairbanks, Rebecca Flood, MPCA; Sandy Hooker, Tom Landwehr, DNR; Tom Loveall, Keith Mykleseth, Brian Napstad, Brad Redlin, MDA; Faye Sleeper, MES; Steve Sunderland, Gene Tiedemann, Gerald Van Amburg

BOARD MEMBERS ABSENT:
Paul Langseth
John Meyer
Christy Jo Fogarty

STAFF PRESENT:
Mary Jo Anderson, Travis Germundson, Tim Gillette, Jim Haertel, John Jaschke, Al Kean, Tim Koehler, Les Lemm, Melissa Lewis, Jeff Nielsen, Ken Powell, Ron Shelito, Amber Steele, Sarah Strommen, Dave Weirens, Steve Woods, Brad Wozney

OTHERS PRESENT:
LeAnn Buck and Sheila Vanney, MASWCD
John Linc Stine, MPCA Commissioner
Suzanne Rhees, MPCA/DNR
Tom Peterson, Hennepin Conservation District
Joel Settles and Rosemary Lavin, Hennepin County Environmental Services
Richard Strong, Hennepin CD Supervisor

Chair Napstad called the meeting to order 9:05 a.m.

PLEDGE OF ALLEGIANCE

** 12-100 **ADOPTION OF AGENDA** – Chair Napstad made an adjustment to the agenda: a Second Public Access Forum will be added before the Metro Water Planning Committee Recommendation. Also, MPCA Commissioner Stine's presentation on Water Governance Study Recommendations will be on the agenda at 10:00 a.m. Moved by Sandy Hooker, seconded by Tom Landwehr, to adopt the agenda as presented. Motion passed on a voice vote.

** 12-101 **MINUTES OF OCTOBER 24, 2012 BOARD MEETING** – Moved by Quentin Fairbanks, seconded by Gerald Van Amburg, to approve the minutes of October 24, 2012 as circulated. Motion passed on a voice vote.

CONFLICT OF INTEREST DECLARATION – Chair Napstad explained there are two items on the agenda today that need the Conflict of Interest Declaration form submitted. The declaration process is being used on the following decisions:

- FY2013 CWF Competitive Grants
- Reallocation of Targeted Drainage Water Management Grant

Chair Napstad read the statement:
"A conflict of interest whether actual, potential, 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 declare 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 documents will be filed for the grant decision items.

RECOGNITION OF QUENTIN FAIRBANKS – John Jaschke acknowledged Quentin Fairbank's state service as a state trooper, and as a BWSR board member for nine years. John and Chair Napstad presented Quentin with a Distinguished Service Award plaque for his dedicated service to Minnesota's water and soil resources. Chair Napstad thanked Quentin for his service and membership on the Board. Quentin stated that he traveled 600 miles a month to attend BWSR board meetings; he will miss BWSR and wished the best to everyone.

INTRODUCTION OF NEW BWSR STAFF

- Amber Steele, wetland specialist in Rochester was introduced by Jeff Nielsen. Chair Napstad, welcomed Amber to BWSR.

REPORTS

Chair's Report – Brian Napstad stated that it's a busy time of year! Chair Napstad reported that the EQB approved recommendations for improving environmental review, improving

governance and coordination. The MAWD, MASWCD, and AMC annual meetings were well represented by BWSR. Chair Napstad reported that he has been attending the Environmental Congress Citizens Forums, six sessions being held statewide for public input. The sessions have been very popular and well attended.

Administrative Advisory Committee (AAC) – Chair Napstad reported that the AAC met this morning, discussion included BWSR board member appointments process, Committee updates; and staffing plan.

Executive Director's Report – John Jaschke reported that he attended the MAWD, MASWCD, and AMC annual meetings; many excellent training sessions were available for participants. On behalf of BWSR, John presented the Outstanding Watershed District Employee Award to Anna Eleria, Capitol Region WD. The Outstanding SWCD Employee Award recipient is Greg Ostrowski, Todd SWCD.

John stated that BWSR has submitted legislative budget and policy proposals and await the Governor's budget recommendation in January.

John reviewed information in Board Members' packets and provided status of PRAP Assistance Grants.

John asked that Conflict of Interest Declaration forms be submitted.

Dispute Resolution Committee (DRC) – Travis Germundson reported that there are currently 10 appeals pending; he provided a brief status report on the appeals. Travis acknowledged Quentin's membership on the DRC, and appreciated his leadership. Travis stated that the DRC training session will be delayed until the appointment is made of Quentin's vacancy .

Wetlands Committee – Gerald Van Amburg reported that the Wetlands Committee has items on the agenda later today. Gerald commended staff for their work on Executive Order 12-04. Dave Weirens and Les Lemm; and Mark Lindquist, DNR, traveled the state taking stakeholders input on Executive Order 12-04: Supporting and Strengthening Implementation of the State's Wetland Policy.

Grants Program & Policy Committee – Chair Napstad stated that Paul Langseth is on vacation; the Grants Program & Policy Committee have recommendations on the agenda later today.

Chair Napstad introduced Brad Redlin, representing MDA today; Brad has voting rights.

Public Relations, Outreach & Strategic Planning (PROSP) Committee – Keith Mykleseth reported that the PROSP Committee will meet on January 22. Keith stated that Don Buckhout has a draft Annual Legislative Report available to board members, contact Don if interested in receiving a copy of the draft report.

RIM Reserve Management Planning Committee (RRMPC) – Gene Tiedemann reported that the RRMP Committee met on November 28. The Committee recommendation is on the agenda later today.

Drainage Work Group – Tom Loveall reported that Drainage Work Group met on November 15. Topics of discussion included: adding a provision in the drainage law transferring drainage systems records from a county to a watershed district; and draft statute revisions to enable multi-stage ditch repair.

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

Olmsted County Local Water Management Plan Update – Steve Sunderland reported that the Southern Water Planning Committee met on November 1, 2012; reviewed the recommendation of the state review agencies regarding final approval of the Olmsted County Local Water Management

** 12-102 Plan Update; the Committee recommends approval. Moved by Steve Sunderland, seconded by Bob Burandt, to approve the Olmsted County Local Water Management Plan Update, in effect until December 31, 2022. Motion passed on a voice vote.

Kandiyohi County Priority Concerns Scoping Document – Steve Sunderland reported that Kandiyohi County, as part of updating their Comprehensive Local Water Management Plan, submitted the Priority Concerns Scoping Document (PCSD) for state agency review and comment. The Southern Water Planning Committee, chaired by Paul Langseth, met with Kandiyohi County on November 1, 2012, to review the content of the PCSD, state agency review comments; and recommends approval. The state's expectations for the final plan must be sent to Kandiyohi

** 12-103 County. Moved by Steve Sunderland, seconded by Keith Mykleseth, to approve the Kandiyohi County Priority Concerns Scoping Document. Motion passed on a voice vote.

McLeod County Priority Concerns Scoping Document – Steve Sunderland reported that McLeod County, as part of updating their Comprehensive Local Water Management Plan, submitted the Priority Concerns Scoping Document (PCSD) for state agency review and comment. The Southern Water Planning Committee, chaired by Paul Langseth, met with McLeod County on November 1, 2012, to review the content of the PCSD, state agency review comments on the PCSD; and recommends approval. The state's expectations for the final plan must be sent to

** 12-104 McLeod County. Moved by Steve Sunderland, seconded by Tom Loveall, to approve the McLeod County Priority Concerns Scoping Document. Motion passed on a voice vote.

Meeker County Priority Concerns Scoping Document - Steve Sunderland reported that Meeker County, as part of updating their Comprehensive Local Water Management Plan, submitted the Priority Concerns Scoping Document (PCSD) for state agency review and comment. The Southern Water Planning Committee, chaired by Paul Langseth, met with Meeker County on November 1, 2012, to review the content of the PCSD, state agency review comments on the PCSD; and recommends approval. The state's expectations for the final plan must be sent to Meeker County.

** 12-105 Moved by Steve Sunderland, seconded by Sandy Hooker, to approve the Meeker County Priority Concerns Scoping Document. Motion passed on a voice vote.

Renville County Priority Concerns Scoping Document – Steve Sunderland reported that Renville County, as part of updating their Comprehensive Local Water Management Plan, submitted the Priority Concerns Scoping Document (PCSD) for state agency review and comment. The Southern Water Planning Committee, chaired by Paul Langseth, met with Renville County on November 1, 2012, to review the content of the PCSD, state agency review comments on the PCSD; and recommends approval. The state's expectations for the final plan must be sent to
** Renville County. Moved by Steve Sunderland, seconded by Bob Burandt, to approve the Renville
12-106 County Priority Concerns Scoping Document. Motion passed on a voice vote.

Kandiyohi County Comprehensive Local Water Management Plan Extension Request – Steve Sunderland reported that the Kandiyohi County Comprehensive Local Water Management Plan will expire December 31, 2012. On October 5, 2012, BWSR received a request for an extension of the Plan from Kandiyohi County. On November 1, 2012, the Southern Water Planning Committee, chaired by Paul Langseth, met with Kandiyohi County to discuss the extension request. The Committee recommends approval of the extension. The state's expectations for the extension
** request must be sent to Kandiyohi County. Moved by Steve Sunderland, seconded by
12-107 Joe Collins, to approve the Kandiyohi County Comprehensive Local Water Management Plan Extension until May 30, 2013. Motion passed on a voice vote.

McLeod County Comprehensive Local Water Management Plan Extension Request – Steve Sunderland reported that the McLeod County Comprehensive Local Water Management Plan will expire December 31, 2012. On September 24, 2012, BWSR received a request for an extension of the Plan from McLeod County. On November 1, 2012, the Southern Water Planning Committee, chaired by Paul Langseth, met with McLeod County to discuss the extension request, and recommends approval. The state's expectations for the extension request must be sent to McLeod
** County. Moved by Steve Sunderland, seconded by Sandy Hooker, to approve the McLeod County
12-108 Extension until May 30, 2013. Motion passed on a voice vote.

Meeker County Comprehensive Local Water Management Plan Extension Request – Steve Sunderland reported that the Meeker County Comprehensive Local Water Management Plan will expire December 31, 2012. On October 9, 2012, the BWSR received a request for an extension of the Plan from Meeker County. On November 1, 2012, the Southern Water Planning Committee, chaired by Paul Langseth, met with Meeker County to discuss the extension request, and recommends approval. The state's expectations for the extension request must be sent to Meeker
** County. Moved by Steve Sunderland, seconded by Tom Loveall, to approve the Meeker County
12-109 Comprehensive Local Water Management Plan Extension until May 30, 2013. Motion passed on a voice vote.

Renville County Comprehensive Local Water Management Plan Extension Request – Steve Sunderland reported that the Renville County Comprehensive Local Water Management Plan will expire December 31, 2012. On October 11, 2012, the BWSR received a request for an extension of the Plan from Renville County. On November 1, 2012, the Southern Water Planning Committee, chaired by Paul Langseth, met with Renville County to discuss the extension request, and recommends approval. The state's expectations for the extension request must be sent to

** 12-110 Renville County. Moved by Steve Sunderland, seconded by Keith Mykleseth, to approve the Renville County Comprehensive Local Water Management Plan Extension until May 30, 2013. Motion passed on a voice vote.

NEW BUSINESS

Water Governance Study Recommendations – John Linc Stine, MPCA Commissioner, introduced Suzanne Rhees, MPCA/DNR. Commissioner Stine presented the draft "Water Governance Evaluation, *recommendations to streamline, strengthen, and improve sustainable water management*". Commissioner Stine thanked the University of Minnesota for their assistance with the Water Governance Study. The statutory requirement for this report is found in Minnesota Session Laws, 1st Special Session, Chapter 2, Article 4, Section 33, which reads: EVALUATION REQUIRED (a) The Pollution Control Agency, in conjunction with other water agencies and the University of Minnesota, shall evaluate water-related statutes, rules, and governing structures to streamline, strengthen, and improve sustainable water management. (b) The Pollution Control Agency must submit the study results and make recommendations to agencies listed under paragraph (a) and to the chairs and ranking minority party members of the senate and house of representatives committees having primary jurisdiction over environment and natural resources policy and finance no later than January 15, 2013. Discussion followed. Commissioner Stine stated that this is a long-term work plan; this report is compatible to the Governor's Executive Order 12-04, regarding wetlands, which he appreciates BWSR's staff effort toward. Joe Collins commended the land-use and water management efforts. Chair Napstad asked how to get to watershed incentives utilizing a leadership role by the state in this effort. John Jaschke stated that BWSR will establish a framework and work with agencies to make this happen. Chair Napstad thanked Commissioner Stine for his presentation.

Chair Napstad called for a break in the meeting at 10:46 am. The meeting reconvened at 11:05 a.m.

Faye Sleeper left the meeting at 11:00 a.m.

SECOND PUBLIC ACCESS FORUM (10-minute agenda time, two-minute limit/person)

- Richard Strong, Hennepin Conservation District (HCD) Supervisor, commented on the uniqueness of the Hennepin Conservation District. Mr. Strong stated that HCD can look at other funding sources; HCD no longer has a district management deficit; looking for civic engagement; propose 18-month probationary period; delivery services of HCD will not be curtailed due to HCD no longer contracting with the Hennepin County Environmental Services; reformed the district so WCA is being delivered. Metro Conservation District supports HCD. Citizens of HCD have a right to have an elected Board. HCD is a coordinating board at the local level. HCD would like to have input. Chair Napstad thanked Mr. Strong for his comments.

- Rosemary Lavin, Hennepin County Environmental Services. Since 2003, Hennepin County Environmental Services has been providing services for the HCD. Hennepin County would like a different way to deliver services. HCD does not have the means to sustain its future, but Hennepin County does with their track record. Hennepin County

can deliver conservation services more efficiently without the HCD Board. Chair Napstad thanked her for her comments.

Metro Water Planning Committee
Delivery of Conservation Services in Hennepin County – Jim Haertel reported that the Metro Water Planning Committee met on November 16 to consider this matter. Jims message to the Board follows.

> The item is before you today because of the findings contained in the November 13th report included in your materials and because Hennepin County will be proposing legislation that would directly dissolve the Hennepin Conservation District through legislative action. This will be the third consecutive year that Hennepin County will be proposing the legislation. I have been informed by the Chair of the Hennepin County Board that they plan to aggressively pursue the legislation this next session.
>
> BWSR staff and County staff have outlined draft compromise legislative language that would allow Hennepin County to file a dissolution petition with BWSR and would have BWSR make a decision on the petition without a referendum. Under the compromise language, Chapter 103C, the section of statute pertaining to SWCDs, would not change. The legislation would be limited to Hennepin County and accomplished via a change to a section of statute dedicated solely to Hennepin County. The County would be responsible for carrying out the duties of a SWCD and there would be options for BWSR to take action to assure the duties are carried out, even re-establishing the SWCD if necessary. The compromise language would have the administrative process go through BWSR to dissolve the District and/or transfer the District's duties to the County, which is consistent with Chapter 103C.
>
> In your board packet is the staff report covering the delivery of conservation services in Hennepin County over the past ten years by the Hennepin Conservation District and the Hennepin County Department of Environmental Services. Attachment A of the report is the draft compromise language that staff have worked on. Also in your board packet are two draft resolutions. Version 1 is basically what was before the Metro Water Planning Committee. Version 1 mainly relies on the contents of the staff report. Version 1a has been modified based on the Committee meeting and Committee member comments. Version 1a adds some important basis to the WHEREAS findings and allows the resolution to stand apart from the report with a more complete understanding of the important limits and unique circumstances. Version 1a also adds the "transfer of duties" option to the "discontinuance" option. Please note in Version 1a there is one minor edit: in the last WHEREAS, first line, the word "Committee" should be added after "Metropolitan Water Planning" to read "Metropolitan Water Planning Committee".
>
> A Resolution from the Board is necessary to give the County an expectation of the direction of the Board if the legislation were enacted.

At the Metro Committee meeting, representatives of the Hennepin Conservation District, Hennepin County and the MN Association of Soil and Water Conservation Districts spoke and

responded to questions from Committee members. The Committee discussed the matter at length, did not make a decision on the draft Resolution, Version 1 and unanimously recommended the matter come before the full Board. Staff recommend Version 1a be adopted.

John Jaschke reported that he attended the MASWCD Board of Directors meeting on December 2, and addressed the issue, no decision or recommendation was made, he provided MASWCD with information.

John stated that the Resolution – Version 1a, directs BWSR staff to work with the County on legislation to meet the intent of the statute and when/if legislation is in place – there would be a two-step process; the resolution is intended to shape the process for BWSR to move forward. Chapter 383B specific to Hennepin County, is the section of statute to move this forward.

John stated that if the resolution is not passed, no change would be pursued by staff, the county would pursue legislation; BWSR would be reactive rather than proactive. Petition by citizens to dissolve HCD are not practical or desired.

Steve Sunderland asked if the County Board and HCD met to discuss this face-to-face? BWSR staff have done a lot. Steve stated that steps are in place in statute to dissolve an SWCD, he finds it hard to support new legislation when statute is in place and staff have findings in place.

John stated that proposed Version 1a would address this, after ten years of findings, this is what we have, the results are what we are looking at. Joe Collins made a point of clarification, the Metro Committee wanted the full BWSR Board's viewpoint. It's important to hear the out-state impact, without a recommendation made by the Metro Committee. John Jaschke stated the uniqueness of the HCD is addressed as the draft legislation is not applicable to anywhere else in the State other than Hennepin County.

Keith Mykleseth stated that this didn't happen overnight, it's been ten years. BWSR is taking steps – he supports the 1a resolution.

Bob Burandt doesn't think that HCD should be treated any different than others. Jack Ditmore stated that Hennepin County will force the two bodies to address this directly; there is some form of precedent. BWSR will need to provide the feasibility and achieve outcomes asked for in statute when this comes back to BWSR in the second step of the process.

Jim Haertel stated that the Version 2 of the Resolution referred to in the Board Action form has been replaced by Version 1a - allows for dissolution of HCD and for the transfer of duties.

** Moved by Jack Ditmore, seconded by Tom Landwehr, to approve the Resolution, Version 1a.

Steve Sunderland asked the question of setting precedent for legislation. John Jaschke stated that this is only for Hennepin County.

** Moved by Steve Sunderland, seconded by Keith Mykleseth, to amend Resolution, Version 1a, in the sixth WHEREAS, insert <u>BWSR Board staff</u> and Hennepin County staff – the WHEREAS

would read: "WHEREAS, BWSR Board staff and Hennepin County staff have outlined draft compromise legislative language that would allow Hennepin County to file a dissolution petition with the Board and would have the Board make a decision on the petition without a referendum; and,"

It was noted that the seventh WHEREAS, the word Committee was added to the Metropolitan
12-111 Water Planning Committee. The amendment to the Motion passed as amended.

Tom Loveall stated that BWSR can take care of this issue and he supports the Resolution, Version 1a.

Sandy Hooker stated that a referendum has been done by citizens, she does not support 1a.

Joe Collins stated that locally, citizens would call the county if they had a question.

Gerald Van Amburg stated that the average citizen doesn't know the details, this HCD issue has been happening for a long time and the county has been taking care of things He supports Version 1a.

Jack Ditmore clarified that the referendum was in 2002.

12-112 Chair Napstad called for the vote. Motion passed on a voice vote.

John Jaschke stated that SWCDs are alive and well statewide. We have SWCDs doing a lot of great work.

John Jaschke stated that the Conflict of Interest Declaration forms have been submitted; Tom Loveall stated he will abstain from voting on both grant items.

Grants Program and Policy Committee
FY2013 CWF Competitive Grants Program Funding Recommendation – Dave Weirens distributed the Grants Program & Policy Committee's recommendations for the FY2013 Clean Water Fund Competitive Grants. Dave provided a brief overview of each of the grants. Dave reported that the Board authorized staff to proceed with a Request for Proposals for the FY2013 Clean Water Fund Competitive Grants on June 27, 2012. Applications were accepted from August 1, 2012 through September 14, 2012. Total applications received were 286 requesting nearly $68 million across six grant programs. These applications were reviewed by BWSR staff and all were scored either by or with the input of staff from our partner State agencies.

The Grants Program & Policy Committee recommends approval of the following Grant Program and allocated funds:

Clean Water Assistance Grants	$10,500,000
Livestock Waste Management Grants	$ 2,000,000
SSTS Abatement Grants	$ 1,500,000
Accelerated Implementation Grants	$ 2,000,000
Conservation Drainage Grants	$ 942,362

Community Partners Conservation Programs Grants	$ 1,400,000
MDA Ag BMP Loans	$ 4,500,000

Steve Sunderland stated that he has received questions due to the rankings, asking how to write a better grant. Dave stated that many good applications were received without enough funding for all the good projects. Dave clarified that the loan funds need to be repaid; in many cases, that is the match. Tom Landwehr stated that he would like to see the Ag BMP funds used, not sitting in a pot unused. Tom would like John Jaschke, MDA Commissioner Dave Frederickson, and MPCA to meet to discuss the funding issue. Rebecca Flood will bring this up at the next meeting of CWF Coordination Team.

** Moved by Gerald Van Amburg, seconded by Quentin Fairbanks, to approve the allocations to implement the FY2013 CWF Competitive Grant Program, scoring results and funding recommendations by the Grants Program & Policy Committee. An agreed to amendment on page five, C., adding 'partially fund'. The sentence would read, "C. assign funds, noted in (1) that may become available, to partially funded then unfunded projects, in rank order, ..."
12-113 Motion passed on a voice vote. Chair thanked Dave and staff, and the Grants Program and Policy Committee for all the work on this effort.

Chair Napstad called for a lunch break at 12:20 PM. The meeting reconvened at 1:00 PM.

Reallocation of a Targeted Drainage Water Management Grant – Tim Gillette reported that the Board authorized seven Targeted Drainage Water Management Grants on June 27, 2012. Since that time the Bois de Sioux Watershed District has declined the grant. However, the two SWCDs in the area have agreed to accept the grant. The Grants Program & Policy Committee
** recommends reallocation of funds to Wilkin and Traverse SWCDs. Moved by Jack Ditmore,
12-114 seconded by Steve Sunderland, to approve amending the list of BWSR Targeted Drainage Water Management Grant recipients to remove the Bois de Sioux WD and include the Wilkin and Traverse SWCDs as indicated. Motion passed on a voice vote.

Wetlands Committee

Executive Order 12-04: Supporting and Strengthening Implementation of the State's Wetland Policy – Dave Weirens provided an overeview of the Governor Dayton issued Executive Order 12-04 on May 3, 2012. This Order directed BWSR, in cooperation with our partner State agencies and invited stakeholders, to evaluate a series of wetland policies. Staff implemented a process to receive input from stakeholders on the issues included in the Order, as well as other issues that were identified by stakeholders. BWSR staff, in consultation with our partner State agencies developed recommendations based on stakeholder derived input as requested by the Governor. The Wetland Committee reviewed the draft report on November 28 and again on December 11. Dave appreciated the assistance of Mark Lindquist at DNR to help with the process. This report must be delivered to the Governor by December 15, 2012.

Dave explained that the implementation of these recommendations will require a combination of interagency agreements between state and federal agencies, statutory, rule, policy, and guidance changes. This effort requires significant staff time by participating agencies. A first

step in the process to implement is to generate priorities based on the recommendation. Prioritization will be developed in consultation with the Governor's Office and agency leaders. John Jaschke stated that this is the Governor's Executive Order; BWSR controls a portion of this, but there is the need to persuade other partners when going forward, specifically with federal agencies.

** 12-115 Moved by Gerald Van Amburg, seconded by Quentin Fairbanks, to accept the draft report and authorize staff to forward it to Governor Dayton; and BWSR will work with partner agencies to prioritize the Report's recommendations and authorizes staff to pursue implementation strategies for the prioritized recommendations. Motion passed on a voice vote. Chair Napstad commended Dave, Les Lemm, and others for their good work on this. Chair Napstad thanked Gerry Van Amburg for his great leadership on the Wetland Committee.

Wetland Banking Fee Policy Update – Dave Weirens reported that BWSR collects fees for the management of the wetland banking program. Some of the fees are based on the value of the wetland credits that have been deposited into the Bank. The Board annually updates the calculated wetland values that account holders may use to pay the required fees. Dave reviewed the proposed 2013 Calculated Values for Wetland Bank Fee Determination. The Wetland Committee and staff recommend that BWSR update the wetland credit values by using:

- the 2012 tillable land values, or
- 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.

These values are multiplied by the wetland credit value coefficient of 6.0, with a maximum increase of 75% over the values established in Board action 11-98 as indicated on the fee schedule. Moved by Keith Mykleseth, seconded by Steve Sunderland, to approve the wetland banking fee policy update; the revised policy is effective on January 1, 2013 and applies to wetland bank credit sales made after this date. Motion passed on a voice vote.

** 12-116

2013 Local Road Wetland Replacement Program Project Selection Process — Ken Powell reported that the Wetlands Committee recommends directing BWSR staff to develop a project selection process for utilizing $6M in bonding money to generate wetland credits for the Local Road Wetland Replacement Program (LRWRP). BWSR is responsible for generating wetland replacement credits for use by local public transportation authorities to satisfy wetland replacement requirements of the Wetland Conservation Act (WCA) and Section 404 of the Clean Water Act. To generate wetland replacement credits, BWSR restores wetlands on private lands by obtaining easements and implementing projects as well by agreeing to purchase credits from projects conducted by private landowners through agreements with the state.

Ken reported that the Wetlands Committee recommends authorizing BWSR staff to:

1. Develop and implement an easement sign-up program and a request for proposal (RFP) process to obtain projects to generate needed wetland credits.

2. Establish an easement payment rate consistent with current Reinvest in Minnesota (RIM) rates with the flexibility to increase it by up to 25% on a case-by-case basis if it is justified based on the program's credit needs and criteria.
3. Establish project evaluation criteria including cost, credit yield, location, restoration feasibility, success potential, and functional benefit, and public value.
4. Establish a view team of BWSR staff and members of the wetland banking Interagency Review Team to evaluate and rank projects.

Keith Mykleseth recommends partnership conservation efforts. Ken stated that opportunities are there for credits. Moved by Gerald Van Amburg, seconded by Sandy Hooker, to approve
** 12-117 the Wetlands Committee recommendation authorizing staff to develop a project selection process to utilize the bonding money to meet the program purpose. Motion passed on a voice vote.

NEW BUSINESS

Clean Water Fund RIM Reserve Edge Area Eligibility and Sign-Up Procedures – Gene Tiedemann reported that the RIM Reserve Management Planning (RRMP) Committee met on November 28, 2012, and recommends authorization of staff to work with Goodhue, Olmsted, Wabasha, and Winona SWCDs to implement the acquisition of RIM Reserve Wellhead Protection and Edge Area easements in the targeted areas with highest priority being on Decorah Bedrock Edge Areas. Moved by Gene Tiedemann, seconded by Rebecca Flood, to
** 12-118 approve the RRMP Committee's recommendation authorizing staff to implement the additional $1M for the RIM Reserve Wellhead Protection Conservation Easement Program. Motion passed on a voice vote.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Brad Redlin reported that he is the new program manager for the Minnesota Ag Water Quality Certification Program (MAWQCP). Brad thanked John Jaschke and BWSR staff; DNR Commissioner Tom Landwehr; and Rebecca Flood, MPCA; for the tremendous value they add to the MAWQCP partnership effort. Chair Napstad thanked Brad for attending the Board meeting today.

Minnesota Department of Natural Resources (DNR) – Tom Landwehr distributed copies of the "Minnesota Environment and Energy Report Card" developed by the EQB, for board members' information. Tom briefly commented on water quality and groundwater issues in Worthington. DNR is currently involved in a lawsuit regarding White Bear Lake. Tom expressed the need for and importance of groundwater governance. Tom suggested DNR staff present information on this at an upcoming Board meeting.

Tom reported that he and John Jaschke attended the Cattleman's Association meeting; discussions included grassland conservation acres, a good opportunity for private grazing and a valuable public relations tool for local communities. DNR is trying to move forward in support of the grass fed beef industry; and the need for monitoring groundwater. Chair Napstad thanked Tom for his comments.

Minnesota Pollution Control Agency (MPCA) – Rebecca Flood reported that she and Matt Wohlman, MDA, are on a panel discussion tomorrow at the Humphrey Institute speaking about water quality threats to the Red River. Rebecca reported that MPCA is working on MS4 permitting; construction stormwater permit will be out for public comment soon, then before the MPCA Board in the spring, and in place by August. Chair Napstad thanked Rebecca for her comments.

ADVISORY COMMENTS

Minnesota Association of Soil & Water Conservation Districts (MASWCD) – LeAnn Buck briefly commented on the One Watershed One Plan (1w1p) role of state/local government; the Local Government Roundtable continues to meet and the need to move forward on finalizing a whitepaper. LeAnn thanked agencies for their attendance at the MASWCD annual meeting. LeAnn announced that Mark Zabel is the newly elected President of MASWCD. LeAnn stated that MASWCD appreciates BWSR's efforts on the HCD issue.

Minnesota Association of Townships (MAT) – Sandy Hooker reported that the MAT annual conference held in October was successful; and MAT appreciated BWSR's attendance.

UPCOMING MEETINGS

- Northern Water Planning Committee Meeting, January 9, 2013; Wadena
- Public Relations, Outreach & Strategic Planning Committee Meeting, January 22
- Next BWSR Board Meeting, January 23, 2013

** 12-119 Moved by Quentin Fairbanks, seconded by Sandy Hooker, to adjourn the meeting at 2:10 pm. Motion passed on a voice vote.

Respectfully submitted,

Brian Napstad
Chair

BOARD OF WATER AND SOIL RESOURCES
Attendance Roster

	Name	Affiliation	Phone #
1.	Tom Peterka	HCD	612-348-3973
2.	Amber Steele	BWSR	573-576-6405
3.	Jeff Nielsen	BWSR	
4.	Linda Bremmer	MDH	651-201-4739
5.	Joel C. Settle	HCDES	612 348-6157
6.	Bethany Levin	HennCo	612 348 6596
7.	Brad Redlin	MDA	651-201-6489
8.	RICH STRONG	HCD	612-266-5221
9.	Allen Buck	MASWCD	651-690-9025
10.	Suzanne Rhees	PCA/DNR	
11.	Sheila Vanney	MASWCD	651 690 9028
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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, OCTOBER 24, 2012

BOARD MEMBERS PRESENT:
Bob Burandt, Joe Collins, Jack Ditmore, Chris Elvrum, MDH; Rebecca Flood, MPCA; Christy Jo Fogarty, Tom Landwehr, DNR; Paul Langseth, Tom Loveall, Keith Mykleseth, Brian Napstad, Faye Sleeper, MES; Steve Sunderland, Gene Tiedemann, Matthew Wohlman, Gerald Van Amburg

BOARD MEMBERS ABSENT:
Quentin Fairbanks
Sandy Hooker
John Meyer

STAFF PRESENT:
Mary Jo Anderson, Angie Becker-Kudelka, Don Buckhout, Travis Germundson, Tabor Hoek, John Jaschke, Al Kean, Mary Kells, Tim Koehler, Melissa Lewis, Greg Larson, Jen Maleitzke, Ron Shelito, Dave Weirens, Brad Wozney

OTHERS PRESENT:
Kevin Lines
Krista Olson, NRCS

DRAFT

Chair Napstad called the meeting to order at 9:05 a.m.

PLEDGE OF ALLEGIANCE

** 12-88 **ADOPTION OF AGENDA** – Moved by Paul Langseth, seconded by Matt Wohlman, to adopt the agenda as presented. Motion passed on a voice vote.

** 12-89 **MINUTES OF SEPTEMBER 26, 2012 BOARD MEETING** – Moved by Gerald Van Amburg, seconded by Joe Collins, to approve the minutes of September 26, 2012 as circulated. Motion passed on a voice vote.

INTRODUCTION OF NEW BWSR STAFF

- Tim Koehler, Interim RIM Coordinator

Chair Napstad congratulated Tim on his retirement from NRCS; welcomed Tim to BWSR and looks forward to working with Tim at the state level.

RECOGNITION OF KEVIN LINES' RETIREMENT

On behalf of the BWSR, Chair Napstad acknowledged Kevin Lines' retirement on October 4. In appreciation of 37 years of outstanding service to the State of Minnesota, John Jaschke and Chair Napstad presented Kevin with a proclamation recognizing his achievements in conservation, and the 'Legacy-Minnesota' print by wildlife artist Scot Storm. Chair Napstad congratulated Kevin for successful restoration and protection of the lands in Minnesota and on his retirement and thanked him for his accomplishments.

REPORTS

Chair's Report – Brian Napstad reported that he attended the EQB meeting last week; items discussed included the Governor's Executive Orders on environmental review, the controversial issue of mining frac sands and the Environmental Congress.

Chair Napstad reported that he has been attending statewide meetings on the Governor's Executive Order 12-04, discussing recommendations and modifications to the Wetland Conservation Act and other wetland programs.

Administrative Advisory Committee (AAC) – Chair Napstad reported that the AAC met this morning; items discussed included the board member appointments process, committee updates, and preliminary legislative proposals for policy and budget items. Chair Napstad reported that Board member Todd Foster resigned from the Sauk River Watershed District; thus, a vacancy on the BWSR Board. John Jaschke stated that the open appointments vacancy and application process will be followed. John stated that slot on BWSR committees will remain vacant until a new appointment is made.

Executive Director's Report – John reported that newly hired Assistant Director Sarah Strommen will be introduced at the meeting later this morning. John reviewed information in Board Members' packets. John stated that Board Members interested in attending the MAWD, MASWCD, AMC annual meetings need to submit registration information to Mary Jo Anderson by October 26.

Dispute Resolution Committee (DRC) – Travis Germundson reported that there are currently eight pending appeals; he provided a brief status report on the appeals. Travis stated that he is working with the Attorney General's office to conduct a workshop for the DRC regarding statutory authority, management, roles and responsibilities. The workshop is tentatively scheduled for January. Chair Napstad thanked Travis for his report.

Wetlands Committee – Gerry Van Amburg reported that Wetlands Committee and staff have been attending statewide meetings regarding the Governor's Executive Order 12-04. Gerry thanked Dave Weirens and Les Lemm for their work as they compile comments from the meetings on the spirited discussions; the comments will be put into preliminary recommendations, the recommendations do not include all of the material received. Gerry stated that the information will be on the BWSR website soon. The Wetlands Committee meets on November 28; the Committee recommendations will come before the Board at the December 12 Board meeting. Chair Napstad appreciates the e-mails board members received from Gerry encouraging attendance at the meetings.

Grants Program & Policy Committee – Paul Langseth reported that the Grants Program & Policy Committee met last night; the recommendations are on the agenda later today. Paul stated that the Grants Program & Policy Committee is tentatively scheduled to meet on November 28.

Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth reported that the Public Relations, Outreach & Strategic Planning Committee met last night; discussion items included minor revisions to PRAP and the 2012 Strategic Plan Report Card. Keith stated that the Public Relations, Outreach & Strategic Planning Committee is tentatively scheduled to meet in January.

RIM Reserve Management Planning Committee – Gene Tiedemann reported that the RIM Reserve Management Planning Committee will meet in November, date to be determined.

Drainage Work Group – Tom Loveall reported that the Drainage Work Group met on October 11, 2012; he presented information discussed at their meeting. Al Kean

reported that MAWD has a drainage workshop at the start of their annual meeting on November 29. Gerry VanAmburg asked if there is a way to educate tiling applicators about conservation techniques. Al stated that BWSR and NRCS provide drainage water management using outreach opportunities through SWCDs, encouraging technical service providers (TSPs) to use more sediment control basins. Steve Sunderland stated that the SWCD and county in his area hold workshops for local contractors. Steve asked about drainage viewer qualifications. Al stated that the Minnesota Viewers Association provides training, recognizing the need to work with drainage viewers, MAWD provides thorough and consistent training. Tom stated that the lead viewer will be able to train other viewers. Al stated that the Drainage Work Group has tried to promote opportunities for training. Keith asked about groundwater recharge; Bob Burandt stated that controlled drainage would help. Matt Wohlman stated that MDA has co-sponsored statewide educational opportunities for farmers. Rebecca Flood asked about certification for viewers, clarification is needed on records authority for drainage systems. Discussion followed. Chair Napstad thanked Tom and Al for the update.

John Jaschke reported that a report is in board members' packets, providing a status update on PRAP Assistance Grants. John also reported that the BWSR Academy will be held October 29-31, near Brainerd.

COMMITTEE MEETINGS

Metro Water Planning Committee

Comfort Lake Forest Lake Watershed District Watershed Management Plan Amendment – Melissa Lewis reported that the Comfort Lake Forest Lake Watershed District Watershed Management plan amendment incorporates by reference the final Engineer's Report for the Sunrise River Water Quality & Flowage Project, which was initiated by petition from Chisago County in 2010. By incorporating the Engineer's Report the amendment recognizes the project as a water resource-based program encompassing a slate of capital project and program activities, provides more detailed descriptions of each component including refined estimated construction costs, provides for the project to be implemented over a period of time, and commits the district to a public process prior to ordering and implementing individual project components. The Metro Water Planning Committee met on October 1, 2012, reviewed the information, and unanimously recommends approval of the Amendment. Moved by Bob Burandt, seconded by Faye Sleeper, to approve the Comfort Lake Forest Lake Watershed District Watershed Management Plan Amendment. Motion passed on a voice vote.

** 12-90

Elm Creek WMO Plan Amendment – Brad Wozney reported that the final draft Amendment to the Elm Creek WMO Watershed Management Plan was filed with the Board on September 20, 2012. The amendment proposes to revise the implementation

section by re-prioritizing programs and studies and adding capital improvement projects, and other implementation activities, in addition to extending the plan expiration to October 2014, the maximum timeframe of ten years allowed under statute. No comments were received during the public hearing that resulted in revisions to the draft Amendment. The Metro Water Planning Committee met on October 1, 2012, reviewed
** the information, and unanimously recommends approval of the Amendment. Moved by
12-91 Bob Burandt, seconded by Rebecca Flood, to approve the Elm Creek WMO Plan Amendment. Motion passed on a voice vote.

Chisago County Priority Concerns Scoping Document (PCSD) – Mary Kells reported that BWSR received the Chisago County Priority Concerns Scoping Document (PCSD) on August 10, 2012. The state review agencies were notified and submitted their comments to BWSR. The BWSR Metro Water Planning Committee met on October 1, 2012, discussed the content of the PCSD, state review agency comments and recommendations for the content of the final Plan. All required components of the PCSD have been covered and the priority concerns to be addressed are deemed to be appropriate. The Committee
** unanimously recommends approval of the Chisago County PCSD. Moved by Bob
12-92 Burandt, seconded by Joe Collins, to approve the Chisago County Priority Concerns Scoping Document. Motion passed on a voice vote.

Chair Napstad called for a break in the meeting at 10:30 a.m. The meeting reconvened at 10:48 a.m.

John Jaschke introduced Sarah Strommen, newly hired assistant director. Sarah stated that she's excited to begin work at BWSR. Sarah's start date is November 19, 2012. Chair Napstad welcomed Sarah.

NEW BUSINESS

Adoption of Rule Amendments for the Erosion Control and Water Management and Reinvest in Minnesota Reserve programs (Rule Chapter 8400) – Paul Langseth reported that the Grants Program and Policy Committee met last night regarding the Erosion Control and Water Management Program and Reinvest in Minnesota Reserve Programs (Rule Chapter 8400). These rules have been under development for more than two years, and following recent discussions with soil and water conservation districts, is now ready to proceed to final adoption. Paul Langseth reported that changes were made at the Grants Program and Policy Committee meeting last evening; the changes were distributed to board members today. Paul stated that the Committee and staff have worked diligently to put this is place. Jack Ditmore had questions regarding appeal processes. Paul and Dave Weirens clarified the rulemaking and policy aspects. Jack would like the state board or executive director declaration of authority for processing the appeal to be determined in the rulemaking. John Jaschke stated that the

procedure for delegation authority could be included in the rule as clarification. Discussion followed.

** 12-93 Moved by Keith Mykleseth, seconded by Jack Ditmore, to amend the draft document on page 14, 8400.1800 APPEALS, include 'as delegated,' -- the sentence will state, "The state board or its executive director, as delegated, shall review and grant the petition unless it is deemed without sufficient merit within 30 days of the receipt of the petition." Motion passed on a voice vote.

Tom Landwehr questioned 8400.0300 APPROVED CONSERVATION PRACTICES, Subp.2.A. #10. Tom stated his concern for problems and possible misuse and ** 12-94 would like to clarify #10. Discussion followed. Moved by Chris Elvrurn, seconded by Paul Langseth, to amend the draft document on page 6, retain #10, change the word alleviate to address. #10 would read, "~~alleviate~~ address water quantity problems due to altered hydrology." Motion passed on a voice vote. Paul clarified that projects are reviewed by staff and SWCDs, some problems can be addressed with more flexibility.

Paul reviewed the line-by-line changes on the draft document as recommended by the ** 12-95 Grants Program & Policy Committee last night. Moved by Paul Langseth, seconded by Christy Jo Fogarty, to adopt the rule document as approved by the Committee, with amendments as voted on today. Tom Landwehr, as directed by statute103C.501, asked staff and the Grants Program & Policy Committee to review #10 and follow-up on the policy and clarification. Motion passed on a voice vote.

Adoption of the Proposed Erosion Control and Water Management Program Policy – Paul Langseth reported that statutory changes enacted in 2009 require the Board to adopt a policy for the Erosion Control and Water Management Program (commonly referred to as Cost-Share). The draft policy has been developed by staff concurrently with the Rule and the Grants Program & Policy Committee recommends ** 12-96 approval. Moved by Paul Langseth, seconded by Steve Sunderland, to approve the Committee's recommendation, with rule amendments, the policy becomes effective July 1, 2013. The Committee will review and address issues at their next meeting, with the possibility that policy may change before it's implemented. Paul reported that the Grants Program & Policy Committee will meet in November. Motion passed on a voice vote.

** 12-97 Moved by Paul Langseth, seconded by Christy Jo Fogarty, to approve the Resolution, that BWSR hereby: (1) Adopts the Erosion Control and Water Management Program (commonly referred to as State Cost Share) and the RIM Reserve Program (Minn. Rule Chapter 8400), approves the State of Need and Reasonableness and authorizes staff to complete the processes necessary to adopt the Rule; (2) Adopts the Erosion Control

and Water Management Policy; and (3) Provides that the amended Rule and Erosion Control and Water Management Policy become effective July 1, 2013 for grants that will be made to soil and water conservation districts in State Fiscal Year 2014. Motion passed on a voice vote.

2013 Proposed BWSR Board Meeting Schedule – John Jaschke reported that the BWSR Board meets the fourth Wednesday of the month (unless noted). John presented the 2013 proposed Board meeting dates: January 23; March 27; April 24; May 22; June 26; August 28-29 (tour and meeting); September 25; October 23; December 18. The Board does not meet in February, July, November. Moved by Keith Mykleseth, seconded by Gerald Van Amburg, to approve the 2013 Board meeting dates as presented. Motion passed on a voice vote.

** 12-98

2012 Strategic Plan Report Card – Don Buckhout reported that the Public Relations, Outreach, and Strategic Planning (PROSP) Committee met last night and approved the Strategic Plan Report Card, an annual summary of accomplishments for each of the action items in the BWSR 2012 Strategic Plan Update. The final version of the Report Card was distributed to Board members. Chair Napstad thanked Don for his report.

BWSR 25th Anniversary – Jen Maleitzke acknowledged the Board of Water and Soil Resources' 25th anniversary, established in October 1987. BWSR history, milestones, accomplishments, and highlights were presented. Ron Shelito presented history of local water planning efforts over the years; Tabor Hoek presented accomplishments of the Conservation Reserve Enhance Program (CREP) and Greg Larson presented BWSR's role in the Wetland Conservation Act (WCA) during the past 25 years. Jack Ditmore stated that the Board and staff should be proud of the accomplishments over the last 25 years. Chair Napstad thanked staff for putting together the presentation.

AGENCY REPORTS

Minnesota Department of Natural Resources (DNR) – Tom Landwehr reported that it's hunting season: the pheasant opener was October 13; the rifle deer hunting season opens November 3; and the first wolf hunt season opens November 3. Tom reported that DNR is working through the budget process, including a joint agency effort to hone the outcomes of the Clean Water Funding; and addressing non-point needs as a high priority.

ADVISORY COMMENTS

Natural Resource Conservation Service (NRCS) – Krista Olson, acting program manager, distributed information on NRCS programs (WRP, GRP, FRPP) and provided a brief overview.

UPCOMING MEETINGS

- BWSR Academy, October 29-31, Brainerd
- BWSR Grants Program & Policy Committee Meeting, November 28
- BWSR Wetlands Committee Meeting, November 28
- Next BWSR Meeting, December 12
- MAWD Annual Meeting, November 29-December 1, Alexandria
- MASWCD Annual Meeting, December 2-4, Bloomington
- AMC Annual Meeting, December 3-4, St. Cloud

** 12-99 Moved by Tom Landwehr, seconded by Paul Langseth, to adjourn the meeting at 1:00 p.m. Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder

DRAFT

Minnesota Board of Water & Soil Resources

Conflict of Interest Disclosure for Grant Application Reviewer

Grant Program: **FY2013 CWF Competitive Grants** **Date: December 12, 2012**

Name of Review Group: Grants Program and Policy Committee

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:

Chair Statement: *"A conflict of interest whether actual, potential, 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 declare conflicts of interest they may have regarding today's business."*

This form gives grant application reviewers an opportunity to disclose any actual, potential or perceived conflicts of interest that may exist during a grant review process. It is the grant reviewer's obligation to be familiar with the Office of Grants Management (OGM) Policy 08-01, Conflict of Interest Policy for State Grant-Making and to disclose any conflicts of interest accordingly.

All grant reviewers must complete and sign a conflict of interest disclosure form. The grant reviewer must identify any grant applicant with which they have an actual, potential or perceived conflict, but is not required to explain the reason for the conflict of interest on this disclosure form as this form is considered public data under Minn. Statute 13.599- Grants, but must discuss with appropriate agency or grant program personnel. **A disclosure does not automatically result in the grant application reviewer being removed from the review process.**

Please read the definition of conflict of interest below and mark the appropriate boxes that pertain to you and your status as a reviewer of applications for this Grant Program.

Description of actual, potential, and perceived conflicts of interest

Actual conflict of interest:
An actual conflict of interest shall be deemed to exist when a review of the situation by the grant reviewer or other agency personnel determines that a decision or action by the grant reviewer would compromise a duty to another party.

OGM Policy 08-01 determines that an actual conflict of interest exists when any one of the following conditions is present:

1. A state employee or 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.

2. A state employee or 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.

3. A state employee or a grant reviewer is an employee or board member of a grant applicant or grantee applicants or is a family member of anyone involved in the grantee or grant applicant's agency.

Potential Conflict of Interest:
A potential conflict of interest may exist if a grant application reviewer has a relationship, affiliation, or other interest that could create an inappropriate influence if the person is called on to make a decision or recommendation that would affect one or more of those relationships, affiliations, or interests. For example, a grant reviewer that serves in a volunteer capacity for an applicant organization has the potential to, but does not necessarily create a conflict of interest, depending on the nature of the relationship between the two parties.

A disclosed potential conflict of interest warrants additional discussion between the grant reviewer and appropriate agency or grant program personnel in order to identify the nature of the relationship, affiliation, or other interest and mitigate any potential conflicts.

Perceived Conflict of Interest:
Per OGM Policy 08-01, a perceived conflict of interest is any situation in which a reasonable third party would conclude that conflicting duties or loyalties exist.

A disclosed perceived conflict of interest warrants additional discussion between the grant reviewer and appropriate agency or grant program personnel in order to identify and mitigate any perceived conflicts.

As a grant reviewer, I certify that I have read and understand the description of conflict of interests explained above and in OGM Policy 08-01 and (check one of the three boxes below):

☐ I do not have any conflicts of interest relating to this program's grant applicants or proposed projects and I will participate in the review process.

☐ I have reviewed the list of applicants, and I have an ACTUAL, POTENTIAL, or PERCEIVED conflict of interest with the applicant(s) listed below. I will still participate in the review process and I will abstain from scoring, discussing and making decisions on any issues in relation to the applicant(s) listed below. *(The grant reviewer must state any and all applicants with which he/she has a conflict of interest and may describe the nature of the conflict in the space below, but a description is not required on this form since this form is considered public data.*

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

☐ After reviewing the Conflict of Interest Disclosure Form and OGM Policy 08-01, I am UNABLE or CHOOSE NOT to participate in this review process.

If at any time during the review process I discover a conflict of interest, I will stop reviewing any grant applications I may have received and disclose that conflict immediately to appropriate agency or grant program personnel.

Reviewer's printed name: _____

Reviewer's signature: _____

Date: _____

Reviewer's Organization/Agency: _____

Minnesota Board of Water & Soil Resources

Conflict of Interest Disclosure for Grant Application Reviewer

Grant Program: Reallocation of Targeted Drainage Water Management Grant
Date: December 12, 2012
Name of Review Group: Grants Program and Policy Committee

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:

Chair Statement: *"A conflict of interest whether actual, potential, 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 declare conflicts of interest they may have regarding today's business."*

This form gives grant application reviewers an opportunity to disclose any actual, potential or perceived conflicts of interest that may exist during a grant review process. It is the grant reviewer's obligation to be familiar with the Office of Grants Management (OGM) Policy 08-01, Conflict of Interest Policy for State Grant-Making and to disclose any conflicts of interest accordingly.

All grant reviewers must complete and sign a conflict of interest disclosure form. The grant reviewer must identify any grant applicant with which they have an actual, potential or perceived conflict, but is not required to explain the reason for the conflict of interest on this disclosure form as this form is considered public data under Minn. Statute 13.599- Grants, but must discuss with appropriate agency or grant program personnel. **A disclosure does not automatically result in the grant application reviewer being removed from the review process.**

Please read the definition of conflict of interest below and mark the appropriate boxes that pertain to you and your status as a reviewer of applications for this Grant Program.

Description of actual, potential, and perceived conflicts of interest

Actual conflict of interest:
An actual conflict of interest shall be deemed to exist when a review of the situation by the grant reviewer or other agency personnel determines that a decision or action by the grant reviewer would compromise a duty to another party.

OGM Policy 08-01 determines that an actual conflict of interest exists when any one of the following conditions is present:

1. A state employee or 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.

2. A state employee or 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.

3. A state employee or a grant reviewer is an employee or board member of a grant applicant or grantee applicants or is a family member of anyone involved in the grantee or grant applicant's agency.

Potential Conflict of Interest:
A potential conflict of interest may exist if a grant application reviewer has a relationship, affiliation, or other interest that could create an inappropriate influence if the person is called on to make a decision or recommendation that would affect one or more of those relationships, affiliations, or interests. For example, a grant reviewer that serves in a volunteer capacity for an applicant organization has the potential to, but does not necessarily create a conflict of interest, depending on the nature of the relationship between the two parties.

A disclosed potential conflict of interest warrants additional discussion between the grant reviewer and appropriate agency or grant program personnel in order to identify the nature of the relationship, affiliation, or other interest and mitigate any potential conflicts.

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A disclosed perceived conflict of interest warrants additional discussion between the grant reviewer and appropriate agency or grant program personnel in order to identify and mitigate any perceived conflicts.

As a grant reviewer, I certify that I have read and understand the description of conflict of interests explained above and in OGM Policy 08-01 and (check one of the three boxes below):

☐ I do not have any conflicts of interest relating to this program's grant applicants or proposed projects and I will participate in the review process.

☐ I have reviewed the list of applicants, and I have an ACTUAL, POTENTIAL, or PERCEIVED conflict of interest with the applicant(s) listed below. I will still participate in the review process and I will abstain from scoring, discussing and making decisions on any issues in relation to the applicant(s) listed below. *(The grant reviewer must state any and all applicants with which he/she has a conflict of interest and may describe the nature of the conflict in the space below, but a description is not required on this form since this form is considered public data.*

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

☐ After reviewing the Conflict of Interest Disclosure Form and OGM Policy 08-01, I am UNABLE or CHOOSE NOT to participate in this review process.

If at any time during the review process I discover a conflict of interest, I will stop reviewing any grant applications I may have received and disclose that conflict immediately to appropriate agency or grant program personnel.

Reviewer's printed name: _____

Reviewer's signature: _____

Date: _____

Reviewer's Organization/Agency: _____

From: Buckhout, Donald (BWSR)
Sent: Thursday, December 06, 2012 3:41 PM
To: Jaschke, John (BWSR)
Cc: Woods, Steve (BWSR); Keith Mykleseth (keith243@ymail.com)
Subject: Status of PRAP Assistance Grants: December 2012

John,
The following information is for you to include in your Executive Director's report at the December Board meeting, as per the Board's request.

There is one new Grant Agreement (#12-04) in process for a PRAP Assistance Grant to Pope SWCD. The grant will be matched with SWCD funds to hire an outside consultant to assist the district with strategic planning and a review of staff capacity and recommendations for staff development. I expect this grant agreement to be finalized by the end of the month.

The first Assistance Grant (#12-01) to the Root River SWCD is still active but will be completed by the end of December. The first McLeod SWCD grant (#12-02) has been terminated without any expenditures. The second McLeod grant agreement (#12-03) is still active. The accountant hired by the district is currently reviewing and reconciling the district's financial records. I expect the work under this agreement to be completed early next year.

I expect another application soon from the Traverse SWCD. I have been in discussions with the district manager regarding a contract for a staff capacity review in response to a recommendation we made in their Level II PRAP report.

The table shows the status of the four PRAP Assistance Grants.

PRAP ASSISTANCE GRANTS/CONTRACTS							
No.	**Grantee**	**Purpose**	**Assmnt.**	**Tot. Cost of Contract**	**Grant Amt.**	**Start Date**	**Completion/ Amt. Spent**
12-01	Root River SWCD	Organizational development	PRAP Level 2 Report recommended	7500	2800	4/30/2012	Continuing/ $1520
12-02	McLeod SWCD	Accounting System Set-up; peer assistance from Carver SWCD via MoA	BWSR Staff assessment	500	250 50:50 CS	8/9/2012	8/31/2012
12-03	McLeod	Accounts reconciliation by CPA firm; accounting system set-up; assistance from Carver SWCD	BWSR staff assessment	5000	2500 50:50 CS	10/4/2012	continuing
12-04	Pope SWCD	Organizational development; staff capacity review	Recommended in PRAP report; field staff assessment	2000	1000 50:50 CS	In process	

Don Buckhout
PRAP Coordinator
Board of Water and Soil Resources
Don.Buckhout@state.mn.us
(651) 296-0768

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution Committee Report

Meeting Date: December 12, 2012

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: Gerald Van Amburg/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
☐ Other: _____

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

ACTION REQUESTED
None

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

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

Dispute Resolution Report
November 26, 2012
By: Travis Germundson

There are presently **9** appeals pending. All of the appeals involve WCA except File 10-10. There has been **1** new appeals filed since the last report given at the October 24th 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 12-16 (11-16-12). This is an appeal of a wetland banking credit deposit request in Stearns County. The appeal regards the approval of a wetland banking plan request to deposit 9.9 acres of credit. A previous appeal (File 12-13) was remanded for the LGU to develop an adequate record, and now that new decision is being appealed. At issue are the eligibility requirements for banking credits. No decision has been made on the appeal.

File 12-12 (7-16-12) This is an appeal of an exemption determination in Renville County. The appeal regards the denial of an agricultural drainage exemption associated with a 1.5 acre wetland. At issue is the wetland type determination. A previous appeal (File 12-5) was remanded for further technical evaluation and administrative proceedings, and now the current approval is being appealed. A verbal settlement agreement has since been reached that includes submittal of a replacement plan application. The appeal is placed in abeyance by mutual agreement to determine the viability of a wetland replacement plan application.

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 and confirmation of required mitigation.

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. A mediated settlement agreement was reached with the condition that if the watershed district fails to carry out Option D the appeal shall go forward. The appeal has been placed in abeyance.

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. The landowner has committed to restoring the site and the TEP plans to conduct a site visit this fall to verify that restoration has occurred.

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 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 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 2011	Total for Calendar Year 2012
Order in favor of appellant	2	1
Order not in favor of appellant	2	4
Order Modified	2	
Order Remanded		2
Order Place Appeal in Abeyance	4	1
Negotiated Settlement	1	
Withdrawn/Dismissed	2	4

Drainage Work Group Report
for December 12, 2012 BWSR Board Meeting
by Al Kean, BWSR Chief Engineer and DWG Facilitator

The Drainage Work Group (DWG) met on Thursday, November 15, 2012 at the Minnesota Farm Bureau building in Eagan. Topics of discussion included:

1) Share information about upcoming drainage presentations and workshops.
MN-IA-SD Annual Drainage Research Forum, Nov. 20 at FarmAmerica near Waseca; MAWD Annual Drainage Workshop, Nov. 29 at Arrowwood near Alexandria; 30th Annual Red River Basin Land and Water Conference will be held on Jan. 22-24, 2013 at the Alerus Center in Grand Forks, ND

2) Discussion of DWG recommendation to add a provision in drainage law regarding transfer of drainage system records from a county to a watershed district.
The draft statute language provided by Al Kean was reviewed and discussed, and revisions to the text and formatting to improve clarity were agreed to.

3) Discussion of draft statute revisions for Smith Partners Report Recommendation 4.b. and DWG recommendation to enable multi-stage ditch repair and to clarify Section 103E.715
Consensus to adopt Smith Partners recommended text addition to 103E.227, Subd. 1. Petition. (a) regarding incorporating wetland or water quality enhancing elements as authorized in Section 103E.011, Subd. 5.

Regarding DWG recommended revisions to 103E.701 Repairs, Subd. 1. Definition, consensus was verified to replace "condition" with "hydraulic capacity" to enable a multi-stage ditch cross-section as a repair.

Consensus support for DWG recommendations regarding Section 103E.715 Procedure for repair by petition, Subd. 6. to enable a multi-stage ditch cross section. However, it was noted that the criteria in Subd. 6. (a)(3) does not seem to fit with regard to a drainage authority being required to appoint viewers to assess and report on damages and benefits. It was determined that Subd. 6. (a)(3) should probably be deleted, and it was requested that Greg Knopff, Senate Analyst, research the legislative history of 103E.715, Subd. 6 to help determine the evolution of this subdivision and legislative intent.

4) Next Meeting
The DWG plans to meet on December 13, 2012, 12:30 – 3:30 p.m. at the Minnesota Farm Bureau building. The DWG expects to finalize its current batch of consensus recommendations and seek chief authors for legislative bills.

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Olmsted County Local Water Management Plan Update – ***DECISION ITEM***
2. Kandiyohi County Priority Concerns Scoping Document – ***DECISION ITEM***
3. McLeod County Priority Concerns Scoping Document – ***DECISION ITEM***
4. Meeker County Priority Concerns Scoping Document – ***DECISION ITEM***
5. Renville County Priority Concerns Scoping Document – ***DECISION ITEM***
6. Kandiyohi County Comprehensive Local Water Management Plan Extension Request – ***DECISION ITEM***
7. McLeod County Comprehensive Local Water Management Plan Extension Request – ***DECISION ITEM***
8. Meeker County Comprehensive Local Water Management Plan Extension Request – ***DECISION ITEM***
9. Renville County Comprehensive Local Water Management Plan Extension Request – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Olmsted County Comprehensive Local Water Management Plan 2013-23 Approval**

Meeting Date: December 12, 2012

Agenda Category: ☒ Committee Recommendation ☒ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: South Region
Contact: Jeff Nielsen
Prepared by: Mary Kells
Reviewed by: Southern Water Planning Committee(s)
Presented by: Paul Langseth, chair

☐ **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 Omsted County Comprehensive Local Water Management (CLWM) Plan 2013-2023.

LINKS TO ADDITIONAL INFORMATION

Link to Olmsted County CLWM Plan:

http://www.co.olmsted.mn.us/environmentalresources/waterresourcemanagement/Pages/CountyWaterManagementPlan.aspx

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Board of Water and Soil Resources (BWSR) provided official comments pertaining to the State Review of the Olmsted County Priority Concerns Scoping Document (PCSD) on March 24, 2010.

On October 26, 2010, Olmsted County submitted a request to BWSR for a one-year extension to its existing Plan to complete the Plan update. The BWSR officially approved a two-year extension at its regular board meeting held on December 15, 2010. The extended end date of the current Plan is December 31, 2012.

Olmsted County submitted the final draft Plan to the BWSR on August 28, 2012 as required for final review by state agencies. I have completed my final review of the Olmsted 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:

- Minnesota Department of Agriculture (MDA) – recommends approval, no additional comments

- Minnesota Department of Health (MDH) – recommends approval, with the following comments: The MDH believes sources water protection for public and private consumption is an important component of local water resources management. We commend Olmsted County for recognizing the value of protecting and preserving groundwater quality and quantity, specifically the action items that support the implementation of wellhead protection plans.

- Minnesota Pollution Control Agency (MPCA). – recommends approval, with the following comments:

The County's LWM Plan is a very detailed and thorough document that addresses the concerns MPCA shares in this area. Reference is made multiple times to the benefit of regional cooperation being the key to the cusses of the goals laid out in the LWM Plan. The County staff is connected to the region through various work groups and, therefore, is already showing commitment to this ideal. Also, the acknowledgement that watershed based TMDL studies are an improvement over the previous TMDL structure is encouraging.

Comments on changes that should be made:

Page 15 "A turbidity TMDL study has been approved for the Zumbro River and an implementation plan is expected to be completed in 2013"

The Implementation Plan was approved in September, 2012.

Below is an encouraging statement that follows the previous comment about working relationships in this area. To have the link between TMDLs/implementation Plans and LWM Plans called out is encouraging.

Page 16. "As they are approved by the MPCA, the priorities indentified in TMDL Implementation Plans will be considered to be consistent with the priorities of the Olmsted County Local Water management Plan."

- Minnesota Department of Natural Resources (MDNR) – Noted that the Plan does not violate any statutory or rule requirement administered by our agency.

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Olmsted County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on August 28, 2012 pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1. On December 30, 2009, the Board of Water and Soil Resources received a Priority Concerns Scoping Document (PCSD) from Olmsted 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 Olmsted County PCSD, which were mailed to the county on March 24, 2010.

3. The priority concerns the PCSD and Plan Update addresses include:

   A) Drinking Water and Groundwater Protection
   B) Agricultural Erosion and Sediment Control, Nutrient Management, and Chemical Use
   C) Impaired Waters, TMDLS, and Watershed Management
   D) Urban/Suburban Storm Water Quality and Quantity
   E) Wetland Resources and Natural Corridors

4. On October 26, 2010, Olmsted County submitted a request to BWSR for a one-year extension to its existing Plan to complete the Plan Update. The BWSR officially approved a two-year extension at its regular board meeting held on December 15, 2010. The extended end date of the current Plan is December 31, 2012.

5. On August 28, 2012, the BWSR received the Olmsted 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 November 1, 2012, the Southern Water Planning Committee of the Board reviewed the following state agency comments, commendations and approval recommendations regarding the final approval of the Olmsted County Plan Update:

   A) Minnesota Department of Agriculture (MDA) recommends approval.
   B) Minnesota Department of Health (MDH) recommends approval.
   C) Minnesota Pollution Control Agency recommends approval.
   D) Minnesota Department of Natural Resources (MDNR) noted Plan Update does not violate any statutory or rule requirement administered by MDNR.
   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, 2022.

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 Olmsted County pursuant to Minnesota Statutes, 103B.315, Subd. 5.

2. The Olmsted 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 Olmsted County Local Water Management Plan 2013-2022 with a required update to the Implementation section (Goals, Objectives, and Action) by December 31, 2017.

Dated at St Paul, Minnesota this December 12, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Kandiyohi County Priority Concerns Scoping Document Approval**

Meeting Date: December 12, 2012

Agenda Category: ☒ Committee Recommendation ☒ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: South Region
Contact: Jeff Nielsen
Prepared by: Thomas Fischer
Reviewed by: Southern Water Planning Committee(s)
Presented by: Paul Langseth, chair

☐ **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 Kandiyohi County Comprehensive Local Water Management Plan Priority Concerns Scoping Document (PCSD).

LINKS TO ADDITIONAL INFORMATION

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The current Kandiyohi County Comprehensive Local Water Management Plan will expire on December 31, 2012. Kandiyohi County passed a resolution to begin the updating process on October 4, 2011. The Kandiyohi County Priority Concerns Scoping Document (PCSD) was distributed to state agencies for review on September 4, 2012. Comments were received from the Minnesota Department of Agriculture, Minnesota Department of Health, Minnesota Department of Natural Resources, and Minnesota Pollution Control Agency. These comments were reviewed by BWSR.

On November 1, 2012, the BWSR Southern Water Planning Committee met with Kandiyohi County to review the PCSD. All required components of the PCSD have been covered and the priority concerns selected are deemed appropriate. After review and discussion, the Committee decided with a unanimous vote to recommend approval of the Kandiyohi County PCSD and bring it forward to the full BWSR Board. BWSR's official state comment letter pertaining to the review of the Kandiyohi County PCSD will need to be sent to Kandiyohi County.

Minnesota Board of Water & Soil Resources

December 12, 2012

Kandiyohi County Commissioners
c/o Jeff Bredberg, Water Plan Coordinator
400 SW Benson Avenue
Willmar, MN 56201

Dear Kandiyohi County Commissioners:

RE: Official Comments Pertaining to the State Review of the Kandiyohi County Priority Concerns Scoping Document

Pursuant to Minnesota Statutes 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Kandiyohi County has chosen to address in the update of their Comprehensive Local Water Management Plan (CLWM Plan). The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the Kandiyohi County Priority Concerns Scoping Document (PCSD) on September 4, 2012. The PCSD shows that Kandiyohi County reviewed the identified concerns raised during the public input process and selected the following priority concerns for inclusion in the update of the CLWM Plan.

- Protect and Improve Surface Water Quality – Reduce Priority Pollutants
  - Soil Erosion and Sedimentation
  - Proactively work to get waters off the MPCA's 303(d) list of Impaired Waters (TMDLs)
  - Feedlots and Nutrient Management
  - Subsurface Sewage Treatment Systems (SSTS)
  - Aquatic Invasive Species and Lake Management
  - Land and Wastewater Management

- Surface Water Management
  - Agricultural Drainage
  - Stormwater Management
  - Wetlands and Water Storage/Retention

- Groundwater Quality & Quantity
  - Wellhead Protection Areas
  - Drinking Water Quality
  - Groundwater Monitoring

- Plan Administration and Coordination
  - Watershed Focus
  - Stakeholder Cooperation
  - Raising Public Awareness

The BWSR received comments from the Minnesota Department of Agriculture (MDA), Minnesota Department of Health (MDH), Minnesota Pollution Control Agency (MPCA), and the Minnesota Department of Natural Resources (DNR) on the Kandiyohi County PCSD during the official review period.

MDA concurred with the priority concerns identified; felt the priority concern identification process was commendable; encourages the county to consider development of a local drainage management and technical team to further inform local policy decisions regarding: technical drainage issues, permitting processes and procedures, drainage education and outreach initiatives and activities, and general drainage issues; and recommends consideration of developing a drainage management plan for the county.

MDH concurs with the priority concerns identified; felt the priority concern identification process was adequate; commends the county for recognizing the value of protection and preserving groundwater quality and quantity, specifically the initiatives that support development and implementation of wellhead protection plans and the support of sealing unused, unsealed wells.

MPCA concurs with the priority concerns identified; felt the priority concern identification process was adequate; strongly recommends, but does not require, the Watershed Approach be included as a priority issue; encourages the county to visit the MPCA's Environmental Data Access System (via MPCA website) for water quality monitoring data which may be useful with water planning efforts.

DNR concurs with the priority concerns identified; and felt the priority concern identification process was adequate. No other comments were provided.

The BWSR Southern Water Planning Committee (Committee) met with Kandiyohi County on November 1, 2012, to discuss the content of the PCSD, state review agency comments on the PCSD, and recommendations for the content of the final LWM Plan. The Committee's findings were presented to the BWSR board at its meeting on December 12, 2012.

The Committee commends Kandiyohi County for the process they used to select the priority concerns – including soliciting input from local government, citizens, and state agencies – and incorporating that information into the four priority concern areas. The priority concerns to be addressed in the LWM Plan are deemed to be appropriate; the BWSR does not recommend or require any changes to the PCSD as drafted. Please proceed with the development of your next LWM Plan.

Sincerely,

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

c: Rob Sip, MDA
Kate Frantz, EQB
Art Persons, MDH
Cathi Fouchi, DNR
David L. Johnson, MPCA
Kandiyohi Soil & Water Conservation District
Jeff Nielsen, BWSR Southern Region Supervisor
Thomas Fischer, Board Conservationist

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Mcleod County Priority Concerns Scoping Document Approval**

Meeting Date: December 12, 2012

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: South Region

Contact: Jeff Nielsen

Prepared by: Thomas Fischer

Reviewed by: Southern Water Planning Committee Committee(s)

Presented by: Paul Langseth, chair

☐ **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 McLeod County Comprehensive Local Water Management Plan Priority Concerns Scoping Document (PCSD).

LINKS TO ADDITIONAL INFORMATION

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The current McLeod County Comprehensive Local Water Management Plan will expire on December 31, 2012. McLeod County passed a resolution to begin the updating process on November 29, 2011. The McLeod County Priority Concerns Scoping Document (PCSD) was distributed to state agencies for review on August 20, 2012. Comments were received from the Minnesota Department of Agriculture, Minnesota Department of Health, Minnesota Department of Natural Resources, and Minnesota Pollution Control Agency. These comments were reviewed by BWSR.

On November 1, 2012, the BWSR Southern Water Planning Committee met with McLeod County to review the PCSD. All required components of the PCSD have been covered and the priority concerns selected are deemed appropriate. After review and discussion, the Committee decided with a unanimous vote to recommend approval of the McLeod County PCSD and bring it forward to the full BWSR Board. BWSR's official state comment letter pertaining to the review of the McLeod County PCSD will need to be sent to McLeod County.

Minnesota Board of Water & Soil Resources

December 12, 2012

McLeod County Commissioners
c/o Roger Berggren, Water Plan Coordinator
830 East 11th Street
Glencoe, MN 55336

Dear McLeod County Commissioners:

RE: Official Comments Pertaining to the State Review of the McLeod County Priority Concerns Scoping Document

Pursuant to Minnesota Statutes 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns McLeod County has chosen to address in the update of their Comprehensive Local Water Management Plan (CLWM Plan). The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the McLeod County Priority Concerns Scoping Document (PCSD) on August 20, 2012. The PCSD shows that McLeod County reviewed the identified concerns raised during the public input process and selected the following priority concerns for inclusion in the update of the CLWM Plan.

- Surface Water Quantity - Management
  - Agricultural Drainage
  - Stormwater Management
  - Wetland Restorations

- Surface Water Quality – Reducing Priority Pollutants
  - Erosion & Sediment Control
  - TMDL Implementation
  - Feedlot/Livestock Management
  - Subsurface Sewage Treatment Systems
  - Aquatic Invasive Species

- Groundwater Quality & Quantity
  - Wellhead Protection Areas
  - Drinking Water Quality

- Plan Administration and Coordination
  - Watershed Focus
  - Raising Public Awareness

The BWSR received comments from the Minnesota Department of Agriculture (MDA), Minnesota Department of Health (MDH), Minnesota Pollution Control Agency (MPCA), and the Minnesota Department of Natural Resources (DNR) on the McLeod County PCSD during the official review period.

MDA concurred with the priority concerns identified; felt the priority concern identification process was commendable; and encourages the county to consider development of a local drainage management and technical team to further inform local policy decisions regarding: technical drainage issues, permitting processes and procedures, drainage education and outreach initiatives and activities, and general drainage issues.

MDH concurs with the priority concerns identified; felt the priority concern identification process was adequate; commends the county 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 of sealing unused, unsealed wells, groundwater education efforts, and water quality testing.

MPCA concurs with the priority concerns identified; believes the priority concern identification process was commendable; encourages the county to visit the MPCA's Environmental Data Access System (via MPCA website) for water quality monitoring data which may be useful with water planning efforts.

DNR concurs with the priority concerns identified; and felt the priority concern identification process was adequate. No other comments were provided.

The BWSR Southern Water Planning Committee (Committee) met with McLeod County on November 1, 2012, to discuss the content of the PCSD, state review agency comments on the PCSD, and recommendations for the content of the final LWM Plan. The Committee presented its findings to the BWSR board at its meeting on December 12, 2012.

The Committee commends McLeod County for the process they used to select the priority concerns – including soliciting input from local government, citizens, and state agencies – and incorporating that information into the four priority concern areas. The priority concerns to be addressed in the LWM Plan are deemed to be appropriate; the BWSR does not recommend or require any changes to the PCSD as drafted. Please proceed with the development of your next LWM Plan.

Sincerely,

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

c: Rob Sip, MDA
Kate Frantz, EQB
Art Persons, MDH
Cathi Fouchi, DNR
David L. Johnson, MPCA
McLeod Soil & Water Conservation District
Jeff Nielsen, BWSR Southern Region Supervisor
Thomas Fischer, Board Conservationist

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Meeker County Priority Concerns Scoping Document Approval**

Meeting Date: December 12, 2012

Agenda Category: ☒ Committee Recommendation ☒ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: South Region
Contact: Jeff Nielsen
Prepared by: Thomas Fischer
Reviewed by: Southern Water Planning Committee(s)
Presented by: Paul Langseth, chair

☐ **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 Meeker County Comprehensive Local Water Management Plan Priority Concerns Scoping Document (PCSD).

LINKS TO ADDITIONAL INFORMATION

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The current Meeker County Comprehensive Local Water Management Plan will expire on December 31, 2012. Meeker County passed a resolution to begin the updating process on November 1, 2011. The Meeker County Priority Concerns Scoping Document (PCSD) was distributed to state agencies for review on September 10, 2012. Comments were received from the Minnesota Department of Agriculture, Minnesota Department of Health, Minnesota Department of Natural Resources, and Minnesota Pollution Control Agency. These comments were reviewed by BWSR.

On November 1, 2012, the BWSR Southern Water Planning Committee met with Meeker County to review the PCSD. All required components of the PCSD have been covered and the priority concerns selected are deemed appropriate. After review and discussion, the Committee decided with a unanimous vote to recommend approval of the Meeker County PCSD and bring it forward to the full BWSR Board. BWSR's official state comment letter pertaining to the review of the Meeker County PCSD will need to be sent to Meeker County.

Minnesota Board of Water & Soil Resources

December 12, 2012

Meeker County Commissioners
c/o Paul Virnig, Water Plan Coordinator
325 Sibley Avenue North
Litchfield, MN 55355

Dear Meeker County Commissioners:

RE: Official Comments Pertaining to the State Review of the Meeker County Priority Concerns Scoping Document

Pursuant to Minnesota Statutes 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Meeker County has chosen to address in the update of their Comprehensive Local Water Management Plan (CLWM Plan). The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the Meeker County Priority Concerns Scoping Document (PCSD) on September 10, 2012. The PCSD shows that Meeker County reviewed the identified concerns raised during the public input process and selected the following priority concerns for inclusion in the update of the CLWM Plan.

- Protect and Improve Surface Water Quality – Reducing Priority Pollutants
  - Proactively Work to Get Waters Off the MPCA's 303(d) list of Impaired Waters (TMDLs)
  - Feedlots and Nutrient Management
  - Subsurface Sewage Treatment Systems (SSTS) & Wastewater Management
  - Shoreland and Lake Management
  - Land Management
- Erosion and Sediment Control
- Surface Water Management
  - Agricultural Drainage
  - Stormwater Management
  - Wetlands and Water Storage/Retention
- Groundwater Quality & Quantity
  - Wellhead Protection Areas
  - Drinking Water Quality
  - Groundwater Monitoring
- Plan Administration and Coordination
  - Watershed Focus
  - Stakeholder Cooperation
  - Raising Public Awareness

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The BWSR received comments from the Minnesota Department of Agriculture (MDA), Minnesota Department of Health (MDH), Minnesota Pollution Control Agency (MPCA), and the Minnesota Department of Natural Resources (DNR) on the Meeker County PCSD during the official review period.

MDA concurred with the priority concerns identified; felt the priority concern identification process was commendable; and encourages the county to consider development of a local drainage management and technical team to further inform local policy decisions regarding: technical drainage issues, permitting processes and procedures, drainage education and outreach initiatives and activities, and general drainage issues; recommends that the county consider the development of a drainage management plan.

MDH concurs with the priority concerns identified; felt the priority concern identification process was adequate; commends the county 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, sealing unused, unsealed wells, groundwater education efforts, and water quality testing.

MPCA concurs with the priority concerns identified; believes the priority concern identification process was adequate; strongly recommends, but does not require, that the Watershed Approach should be included as a priority issue (provided MPCA website links for details); encourages the county to visit the MPCA's Environmental Data Access System (via MPCA website) for water quality monitoring data which may be useful with water planning efforts.

DNR concurs with the priority concerns identified; and felt the priority concern identification process was adequate. No other comments were provided.

The BWSR Southern Water Planning Committee (Committee) met with Meeker County on November 1, 2012, to discuss the content of the PCSD, state review agency comments on the PCSD, and recommendations for the content of the final LWM Plan. The Committee presented its findings to the BWSR board at its meeting on December 12, 2012.

The Committee commends Meeker County for the process they used to select the priority concerns – including soliciting input from local government, citizens, and state agencies – and incorporating that information into the five priority concern areas. The priority concerns to be addressed in the LWM Plan are deemed to be appropriate; the BWSR does not recommend or require any changes to the PCSD as drafted. Please proceed with the development of your next LWM Plan.

Sincerely,

Brian Napstad

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

c: Rob Sip, MDA
Kate Frantz, EQB
Art Persons, MDH
Cathi Fouchi, DNR
David L. Johnson, MPCA
Meeker Soil & Water Conservation District
Jeff Nielsen, BWSR Southern Region Supervisor
Thomas Fischer, Board Conservationist

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Renville County Priority Concerns Scoping Document Approval**

Meeting Date: December 12, 2012

Agenda Category: ☒ Committee Recommendation ☒ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: South Region
Contact: Jeff Nielsen
Prepared by: Thomas Fischer
Reviewed by: Southern Water Planning Committee(s)
Presented by: Paul Langseth, chair

☐ **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 Renville County Comprehensive Local Water Management Plan Priority Concerns Scoping Document (PCSD).

LINKS TO ADDITIONAL INFORMATION

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The current Renville County Comprehensive Local Water Management Plan will expire on December 31, 2012. Renville County passed a resolution to begin the updating process on October 25, 2011. The Renville County Priority Concerns Scoping Document (PCSD) was distributed to state agencies for review on August 30, 2012. Comments were received from the Minnesota Department of Agriculture, Minnesota Department of Health, Minnesota Department of Natural Resources, and Minnesota Pollution Control Agency. These comments were reviewed by BWSR.

On November 1, 2012, the BWSR Southern Water Planning Committee met with Renville County to review the PCSD. All required components of the PCSD have been covered and the priority concerns selected are deemed appropriate. After review and discussion, the Committee decided with a unanimous vote to recommend approval of the Renville County PCSD and bring it forward to the full BWSR Board. BWSR's official state comment letter pertaining to the review of the Renville County PCSD will need to be sent to Renville County.

Minnesota Board of Water & Soil Resources

December 12, 2012

Renville County Commissioners
c/o Diane Mitchell, Water Plan Coordinator
410 East DePue Avenue
Olivia, MN 56277

Dear Renville County Commissioners:

RE: Official Comments Pertaining to the State Review of the Renville County Priority Concerns Scoping Document

Pursuant to Minnesota Statutes 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Renville County has chosen to address in the update of their Comprehensive Local Water Management Plan (CLWM Plan). The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the Renville County Priority Concerns Scoping Document (PCSD) on August 30, 2012. The PCSD shows that Renville County reviewed the identified concerns raised during the public input process and selected the following priority concerns for inclusion in the update of the CLWM Plan.

- Reducing Priority Pollutants – Surface Water Quality
  - TMDL Implementation
  - Feedlots/Livestock Management
  - Subsurface Sewage Treatment Systems
  - Aquatic Invasive Species
- Erosion and Sediment Control
- Surface Water Management
  - Agricultural Drainage
  - Stormwater Management
  - Wetlands and Water Storage/Retention
  - Shoreland Management
- Groundwater Quality & Quantity
  - Wellhead Protection Areas
  - Drinking Water Quality
- Plan Administration and Coordination
  - Watershed Focus
  - Stakeholder Cooperation
  - Raising Public Awareness

The BWSR received comments from the Minnesota Department of Agriculture (MDA), Minnesota Department of Health (MDH), Minnesota Pollution Control Agency (MPCA), and the Minnesota Department of Natural Resources (DNR) on the Renville County PCSD during the official review period.

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MDA concurred with the priority concerns identified; felt the priority concern identification process was commendable; and encourages the county to consider development of a local drainage management and technical team to further inform local policy decisions regarding: technical drainage issues, permitting processes and procedures, drainage education and outreach initiatives and activities, and general drainage issues; recommends that the county consider the development of a drainage management plan.

MDH concurs with the priority concerns identified; felt the priority concern identification process was commendable; commends the county 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.

MPCA concurs with the priority concerns identified; believes the priority concern identification process was adequate; encourages the county to visit the MPCA's Environmental Data Access System (via MPCA website) for water quality monitoring data which may be useful with water planning efforts.

DNR concurs with the priority concerns identified; and felt the priority concern identification process was adequate. No other comments were provided.

The BWSR Southern Water Planning Committee (Committee) met with Renville County on November 1, 2012, to discuss the content of the PCSD, state review agency comments on the PCSD, and recommendations for the content of the final LWM Plan. The Committee presented its findings to the BWSR board at its meeting on December 12, 2012.

The Committee commends Renville County for the process they used to select the priority concerns – including soliciting input ~~from local~~ government, citizens, and state agencies – and incorporating that information into the five priority concern areas. The priority concerns to be addressed in the LWM Plan are deemed to be appropriate; the BWSR does not recommend or require any changes to the PCSD as drafted. Please proceed with the development of your next LWM Plan.

Sincerely,

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

c: Rob Sip, MDA
Kate Frantz, EQB
Art Persons, MDH
Cathi Fouchi, DNR
David L. Johnson, MPCA
Renville Soil & Water Conservation District
Jeff Nielsen, BWSR Southern Region Supervisor
Thomas Fischer, Board Conservationist

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Kandiyohi County Comprehensive Local Water Management Plan Extension Approval**

Meeting Date: December 12, 2012

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: South Region

Contact: Jeff Nielsen

Prepared by: Thomas Fischer

Reviewed by: Southern Water Planning Committee(s)

Presented by: Paul Langseth, chair

☐ **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 Kandiyohi County Comprehensive Local Water Management Plan extension request.

LINKS TO ADDITIONAL INFORMATION

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Kandiyohi County Comprehensive Local Water Management Plan (CLWMP) will expire on December 31, 2012. On October 5, 2012, the Board of Water and Soil Resources (BWSR) received a resolution from Kandiyohi County requesting an extension of their CLWMP. BWSR staff have reviewed and recommend approval of the request.

On November 1, 2012, the BWSR Southern Water Planning Committee met with Kandiyohi County to discuss the extension request. After discussion, the Committee decided with a unanimous vote to recommend approval of the Kandiyohi County extension request and bring this recommendation forward to the full BWSR Board for review and action. BWSR's official state comment letter pertaining to the extension will need to be sent to Kandiyohi County.

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 Kandiyohi County

ORDER
EXTENDING
WATER MANAGEMENT
PLAN

Whereas, the Kandiyohi County Board of Commissioners has a state-approved Comprehensive Local Water Management Plan (Plan) that is effective until December 31, 2012, pursuant to Minnesota Statutes 103B.301; and

Whereas, Kandiyohi County has submitted a resolution requesting an extension of its Plan; and

Whereas, the Minnesota Board of Water and Soil Resources (Board) has authorization to grant extensions with or without conditions pursuant to Minnesota Statutes 103B.3367.

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

FINDINGS OF FACT

On October 5, 2012, the Board received a resolution from Kandiyohi County requesting an extension of their Plan. The request is based on: the Priority Concerns Scoping Document (PCSD) has been submitted to the Board for state agency review; Kandiyohi County will meet with the Board on November 1, 2012 to review and discuss the PCSD; the draft Plan will be available for public review in November 2012; Kandiyohi County assures continued effort toward completion of the Plan update with an anticipated date for submission to the Board for final review by the end of 2012; extension of the effective date until May 31, 2013, in order to complete the update process.

On October 16, 2012, Board staff reviewed and recommended approval of the extension request made by Kandiyohi County. Board staff recommendation was for a five-month extension.

On November 1, 2012, the Board's southern region water planning committee (Committee) met with representatives of Kandiyohi County to discuss the extension request. The Committee deemed the extension request to be appropriate. The Committee's decision was to present to the Board a recommendation of approval of the Kandiyohi County extension; effective until May 30, 2013.

On December 12, 2012, the Committee presented its recommendation of approval of the Kandiyohi County extension request to the Board. The Board adopted the Committee's recommendation.

CONCLUSIONS

All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of extending the Comprehensive Local Water Management Plan of Kandiyohi County pursuant to Minnesota Statutes 103B.3367.

ORDER

The Board hereby approves the extension of the Kandiyohi County Comprehensive Local Water Management Plan until May 30, 2013. Kandiyohi County shall strive to complete the updating of their Comprehensive Local Water Management Plan in a timely manner.

Dated at St. Paul, Minnesota this 12th day of December 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

October 16, 2012

Jeff Nielsen
Board of Water and Soil Resources
261 Highway 15 South
New Ulm, MN 56073

Dear Jeff:

I received an official resolution from Kandiyohi County (County) requesting an extension of their current Local Water Management Plan (Plan). This current Plan is effective until December 31, 2012.

The Board of Water and Soil Resources (BWSR) does have the authority to grant extensions of up to one year for an existing Plan's effective date. To provide some background information when considering the County's extension request, I offer the following chronology of the County's Plan updating process.

- On August 5, 2011, I met with all four local water plan coordinators from Kandiyohi, McLeod, Meeker, and Renville counties to review the Plan updating process and provided each with guidance materials. (These four counties have worked together since the beginning of local water planning, utilizing a consultant to develop each generation's Plan.)

- On September 26, 2011, I met with the four counties local water plan coordinators and the four counties' joint powers board to briefly review the Plan updating process. The joint powers board also discussed the process for obtaining a consultant to lead the Plan updating process.

- On October 4, 2011, the County passed a resolution to update the Plan; received by the BWSR on October 5, 2011.

- On December 8, 2011, the joint powers board selected the consultant.

- On March 7, 2012, the County started the process for development of its Priority Concerns Scoping Document (PCSD).

- On September 3, 2012, the County submitted their completed PCSD to BWSR and other State agencies for review and comment.

- On October 2, 2012, the County board of commissioners passed a resolution requesting an extension of its Plan; received by the BWSR on October 5, 2012.

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Saint Paul
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Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

Initial discussions I had with the County and its consultant indicated that the extension request was going to be for just a few months beyond December 31, 2012. Because of the chronology I previously listed and the time it has taken the consultant to complete steps throughout the process, I encouraged the County to look at a date of May 30, 2012.

The extension request resolution submitted by the County includes the following:

- The County is currently updating its Plan.
- The County's PCSD has been submitted to BWSR and State agencies for official review.
- The County will meet with the BWSR on November 1, 2012 to discuss the PCSD.
- The draft County Plan will be available for public review in November 2012.
- The County anticipates submitting the Plan to the BWSR for final review by the end of 2012.
- The County is requesting an extension of the effective date of its current Plan until May 31, 2012.

I believe the County and its consultant have had adequate time to complete the Plan updating process; however, the consultant's working on four plans at the same time may have led to the need for the extension request. I do not recommend an extension of one year. I do recommend an extension of five months—new effective date of May 31, 2012.

If you have questions or need additional information, please feel free to contact me at 507-359-6091 or at Tom.D.Fischer@state.mn.us

Sincerely,

Thomas Fischer

Thomas Fischer
Board Conservationist

OCT 05 2012

Kandiyohi County
Board of Commissioners

Resolution
Request for Comprehensive Water Management Plan EXTENSION
October 2, 2012

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 current Kandiyohi County Comprehensive Local Water Management Plan is effective until December 31, 2012, and

WHEREAS, Kandiyohi County is currently updating the Local Water Management Plan in accordance with Minnesota Statutes Chapter 103 B.301, and

WHEREAS, Kandiyohi County has submitted its Priority Concerns Scoping document (PCSD) to the Minnesota Board of Water and Soil Resources (BWSR) and other State agencies for official review; and

WHEREAS, members of the Kandiyohi County Water Planning Task Force are expected to meet with BWSR on November `1, 2012, to review the PCSD; and

WHEREAS, the draft Kandiyohi County Water Plan will be available for public review in November 2012; and

WHEREAS, Kandiyohi County assures continued effort toward completion of the Comprehensive Local Water Management Plan update, with an anticipated date for submission to BWSR for final review by the end of 2012; and

WHEREAS, the Act gives the Minnesota Board of Water and Soil Resources the authority to extend the ending date for a period of one up to one year.

NOW, THEREFORE, BE IT RESOLVED, the Kandiyohi Board of Commissioners requests from the Minnesota Board of Water and Soil Resources an extension of the effective date of the current County Comprehensive Local Water Management Plan until May 31, 2013, in order to complete the update process in accordance with Minnesota Statutes Chapter 103B. 301.

CERTIFICATION

State of Minnesota
Office of Auditor/Treasurer
County of Kandiyohi

I do hereby certify that the foregoing resolution is a true and correct copy of a resolution presented to and adopted by the County of Kandiyohi at a duly authorized meeting thereof held on the 2nd day of October 2012.

Mark Thompson
(Print Name) MARK Thompson
(Print Title) Interim Auditor/Treasurer

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Mc Leod County Comprehensive Local Water Management Plan Extension Approval**

Meeting Date: December 12, 2012

Agenda Category: ☒ Committee Recommendation ☒ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: South Region
Contact: Jeff Nielsen
Prepared by: Thomas Fischer
Reviewed by: Southern Water Planning Committee(s)
Presented by: Paul Langseth, chair

☐ **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 McLeod County Comprehensive Local Water Management Plan extension request.

LINKS TO ADDITIONAL INFORMATION

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The McLeod County Comprehensive Local Water Management Plan (CLWMP) will expire on December 31, 2012. On September 24, 2012, the Board of Water and Soil Resources (BWSR) received a resolution from McLeod County requesting an extension of their CLWMP. BWSR staff have reviewed and recommend approval of the request.

On November 1, 2012, the BWSR Southern Water Planning Committee met with McLeod County to discuss the extension request. After discussion, the Committee decided with a unanimous vote to recommend approval of the McLeod County extension request and bring this recommendation forward to the full BWSR Board for review and action. BWSR's official state comment letter pertaining to the extension will need to be sent to McLeod County.

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 McLeod County

ORDER EXTENDING WATER MANAGEMENT PLAN

Whereas, the McLeod County Board of Commissioners has a state-approved Comprehensive Local Water Management Plan (Plan) that is effective until December 31, 2012, pursuant to Minnesota Statutes 103B.301; and

Whereas, McLeod County has submitted a resolution requesting an extension of its Plan; and

Whereas, the Minnesota Board of Water and Soil Resources (Board) has authorization to grant extensions with or without conditions pursuant to Minnesota Statutes 103B.3367.

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

FINDINGS OF FACT

On September 24, 2012, the Board received a written notification and resolution from McLeod County requesting an extension of their Plan. The resolution identifies what has been completed and what remains to be completed, and requests the extension to provide sufficient time to complete the Plan and submit to the Board for final state agency review. Furthermore, it states that McLeod County assures continued effort toward completion of the Plan update, and requests an extension of the effective date until May 30, 2013, in order to complete the update process.

On October 16, 2012, Board staff reviewed and recommended approval of the extension request made by McLeod County. Board staff recommendation was for a five-month extension.

On November 1, 2012, the Board's southern region water planning committee (Committee) met with representatives of McLeod County to discuss the extension request. The Committee deemed the extension request to be appropriate. The Committee's decision was to present to the Board a recommendation of approval of the McLeod County extension; effective until May 30, 2013.

On December 12, 2012, the Committee presented its recommendation of approval of the McLeod County extension request to the Board. The Board adopted the Committee's recommendation.

CONCLUSIONS

All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of extending the Comprehensive Local Water Management Plan of McLeod County pursuant to Minnesota Statutes 103B.3367.

ORDER

The Board hereby approves the extension of the McLeod County Comprehensive Local Water Management Plan until May 30, 2013. McLeod County shall strive to complete the updating of their Comprehensive Local Water Management Plan in a timely manner.

Dated at St. Paul, Minnesota, this 12th day of December 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

October 16, 2012

Jeff Nielsen
Board of Water and Soil Resources
261 Highway 15 South
New Ulm, MN 56073

Dear Jeff:

I received an official resolution from McLeod County (County) requesting an extension of their current Local Water Management Plan (Plan). This current Plan is effective until December 31, 2012.

The Board of Water and Soil Resources (BWSR) does have the authority to grant extensions of up to one year for an existing Plan's effective date. To provide some background information when considering the County's extension request, I offer the following chronology of the County's Plan updating process.

- On August 5, 2011, I met with all four local water plan coordinators from Kandiyohi, McLeod, Meeker, and Renville counties to review the Plan updating process and provided each with guidance materials. (These four counties have worked together since the beginning of local water planning, utilizing a consultant to develop each generation's Plan.)

- On September 26, 2011, I met with the four counties local water plan coordinators and the four counties' joint powers board to briefly review the Plan updating process. The joint powers board also discussed the process for obtaining a consultant to lead the Plan updating process.

- On November 29, 2011, the County passed a resolution to update the Plan; received by the BWSR on December 8, 2011.

- On December 8, 2011, the joint powers board selected the consultant.

- On February 24, 2012, the County started the process for development of its Priority Concerns Scoping Document (PCSD).

- On August 20, 2012, the County submitted their completed PCSD to BWSR and other State agencies for review and comment.

- On September 18, 2012, the County board of commissioners passed a resolution requesting an extension of its Plan; received by the BWSR on September 24, 2012.

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Initial discussions I had with the County and its consultant indicated that the extension request was going to be for just a few months beyond December 31, 2012. Because of the chronology I previously listed and the time it has taken the consultant to complete steps throughout the process, I encouraged the County to look at a date of May 30, 2012.

The extension request resolution submitted by the County includes the following:

- The County is currently updating its Plan.

- The County has completed the following items:
  - County resolution to update the Plan
  - notices sent to state and local groups to provide input
  - Priority Concerns Scoping Document (PCSD) developed and submitted to BWSR and State agencies for official review

- The County needs to complete:
  - BWSR southern region review committee meeting with the County to discuss the PCSD, and then make its recommendation to the full BWSR Board
  - develop the Plan based on inputs received from partners to address the priority concerns
  - conduct a public hearing to solicit final review comments
  - submit the Plan to the BWSR for State agency review and final approval

- The County is requesting an extension to:
  - provide for sufficient time to complete the Plan
  - provide sufficient time for all to review the final Plan
  - ensure the Plan meets the state's standards and the goals of the County

- The County is requesting an extension of the effective date of its current Plan until May 30, 2012.

I believe the County and its consultant have had adequate time to complete the Plan updating process; however, the consultant's working on four plans at the same time may have led to the need for the extension request. I do not recommend an extension of one year. I do recommend an extension of five months—new effective date of May 31, 2012.

If you have questions or need additional information, please feel free to contact me at 507-359-6091 or at Tom.D.Fischer@state.mn.us

Sincerely,

Thomas Fischer

Thomas Fischer
Board Conservationist

County of McLeod

830 11th Street East
Glencoe, Minnesota 55336
FAX (320) 864-3410

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COMMISSIONER BEV WANGERIN
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COUNTY ADMINISTRATOR
PATRICK T. MELVIN
Phone (320) 864-1363
830 11th Street East, Suite 110
Glencoe, MN 55336
Pat.Melvin@co.mcleod.mn.us

McLeod COUNTY BOARD OF COMMISSIONERS
RESOLUTION # 12-CB-30
Request for Comprehensive Water Management Plan EXTENSION
September 18, 2012

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 current McLeod County Comprehensive Local Water Management Plan is effective until December 31, 2012, **and**

WHEREAS, McLeod County is currently updating the Local Water Management Plan in accordance with Minnesota Statutes Chapter 103B.301, and

WHEREAS, McLeod County has completed the following items:

1) The county resolution to update the water plan, and
2) Notices sent to state and local groups inviting input on the plan update, and
3) The priority concerns scoping document has been developed and submitted to BWSR for the State Agency review, and

WHEREAS, McLeod County needs to complete the following:

1) The BWSR southern region review committee needs to schedule and meet with the county to review the priority concerns scoping document and then make its recommendation to the full BWSR Board, and
2) Develop the water plan based on inputs received from partners addressing priority concerns identified, and
3) Conduct a public hearing to solicit final review comments, make adjustments as necessary, and then submit the water plan to BWSR for State agency review and final approval by the BWSR Board, and

WHEREAS, McLeod County is hereby requesting an extension to:

1) Provide for sufficient time to complete the water plan, and
2) Provide for sufficient time for all to review the final water plan, and
3) Ensure that the updated water plan meets the states standards and the goals of the county, and

WHEREAS, McLeod County assures continued effort toward completion of the Comprehensive Local Water Management Plan update, and

WHEREAS, the Act gives the Minnesota Board of Water and Soil Resources the authority to extend the ending date of a current local water management plan for a period of up to one year.

NOW, THEREFORE, BE IT RESOLVED, the McLeod County Board of Commissioners requests from the Minnesota Board of Water and Soil Resources an extension of the effective date of the current County Comprehensive Local Water Management Plan until May 30, 2013, 2013, in order to complete the update process in accordance with Minnesota Statutes Chapter 103B.301.

CERTIFICATION

State of Minnesota
Office of (County Administrator or County Auditor)
County of McLeod

I do hereby certify that the foregoing resolution is a true and correct copy of a resolution presented to and adopted by the County of McLeod at a duly authorized meeting thereof held on the 18 day of September 2012.

McLeod County Board Chair

Patrick Melvin

McLeod County Administrator

SEP 24 2012

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Meeker County Comprehenisve Local Water Management Plan Extension Approval**

Meeting Date: December 12, 2012

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: South Region

Contact: Jeff Nielsen

Prepared by: Thomas Fischer

Reviewed by: Southern Water Planning Committee(s)

Presented by: Paul Langseth, chair

☐ **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 Meeker County Comprehensive Local Water Management Plan extension request.

LINKS TO ADDITIONAL INFORMATION

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Meeker County Comprehensive Local Water Management Plan (CLWMP) will expire on December 31, 2012. On October 9, 2012, the Board of Water and Soil Resources (BWSR) received a resolution from Meeker County requesting an extension of their CLWMP. BWSR staff have reviewed and recommend approval of the request.

On November 1, 2012, the BWSR Southern Water Planning Committee met with Meeker County to discuss the extension request. After discussion, the Committee decided with a unanimous vote to recommend approval of the Meeker County extension request and bring this recommendation forward to the full BWSR Board for review and action. BWSR's official state comment letter pertaining to the extension will need to be sent to Meeker County.

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 Meeker County

ORDER
EXTENDING
WATER MANAGEMENT
PLAN

Whereas, the Meeker County Board of Commissioners has a state-approved Comprehensive Local Water Management Plan (Plan) that is effective until December 31, 2012, pursuant to Minnesota Statutes 103B.301; and

Whereas, Meeker County has submitted a resolution requesting an extension of its Plan; and

Whereas, the Minnesota Board of Water and Soil Resources (Board) has authorization to grant extensions with or without conditions pursuant to Minnesota Statutes 103B.3367.

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

FINDINGS OF FACT

On October 9, 2012, the Board received a resolution from Meeker County requesting an extension of their Plan. The request is based on: the Priority Concerns Scoping Document (PCSD) has been submitted to the Board for state agency review; Meeker County will meet with the Board on November 1, 2012 to review and discuss the PCSD; the draft Plan will be available for public review in November 2012; Meeker County assures continued effort toward completion of the Plan update with an anticipated date for submission to the Board for final review by the end of 2012; extension of the effective date until May 31, 2013, in order to complete the update process.

On October 16, 2012, Board staff reviewed and recommended approval of the extension request made by Meeker County. Board staff recommendation was for a five-month extension.

On November 1, 2012, the Board's southern region water planning committee (Committee) met with representatives of Meeker County to discuss the extension request. The Committee deemed the extension request to be appropriate. The Committee's decision was to present to the Board a recommendation of approval of the Meeker County extension; effective until May 30, 2013.

On December 12, 2012, the Committee presented its recommendation of approval of the Meeker County extension request to the Board. The Board adopted the Committee's recommendation.

CONCLUSIONS

All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of extending the Comprehensive Local Water Management Plan of Meeker County pursuant to Minnesota Statutes 103B.3367.

ORDER

The Board hereby approves the extension of the Meeker County Comprehensive Local Water Management Plan until May 30, 2013. Meeker County shall strive to complete the updating of their Comprehensive Local Water Management Plan in a timely manner.

Dated at St. Paul, Minnesota this 12th day of December 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

October 16, 2012

Jeff Nielsen
Board of Water and Soil Resources
261 Highway 15 South
New Ulm, MN 56073

Dear Jeff:

I received an official resolution from Meeker County (County) requesting an extension of their current Local Water Management Plan (Plan). This current Plan is effective until December 31, 2012.

The Board of Water and Soil Resources (BWSR) does have the authority to grant extensions of up to one year for an existing Plan's effective date. To provide some background information when considering the County's extension request, I offer the following chronology of the County's Plan updating process.

- On August 5, 2011, I met with all four local water plan coordinators from Kandiyohi, McLeod, Meeker, and Renville counties to review the Plan updating process and provided each with guidance materials. (These four counties have worked together since the beginning of local water planning, utilizing a consultant to develop each generation's Plan.)

- On September 26, 2011, I met with the four counties local water plan coordinators and the four counties' joint powers board to briefly review the Plan updating process. The joint powers board also discussed the process for obtaining a consultant to lead the Plan updating process.

- On November 1, 2011, the County passed a resolution to update the Plan; received by the BWSR on November 2, 2011.

- On December 8, 2011, the joint powers board selected the consultant.

- On March23, 2012, the County started the process for development of its Priority Concerns Scoping Document (PCSD).

- On September 10, 2012, the County submitted their completed PCSD to BWSR and other State agencies for review and comment.

- On October 2, 2012, the County board of commissioners passed a resolution requesting an extension of its Plan; received by the BWSR on October 9, 2012.

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Initial discussions I had with the County and its consultant indicated that the extension request was going to be for just a few months beyond December 31, 2012. Because of the chronology I previously listed and the time it has taken the consultant to complete steps throughout the process, I encouraged the County to look at a date of May 30, 2012.

The extension request resolution submitted by the County includes the following:

- The County is currently updating its Plan.
- The County has submitted its PCSD to BWSR and State agencies for official review;
- The County will meet with the BWSR on November 1, 2012 to discuss the PCSD.
- The draft County Plan will be available for public review in November 2012.
- The County anticipates submitting the Plan to the BWSR for final review by the end of 2012.
- The County is requesting an extension of the effective date of its current Plan until May 30, 2012.

I believe the County and its consultant have had adequate time to complete the Plan updating process; however, the consultant's working on four plans at the same time may have led to the need for the extension request. I do not recommend an extension of one year. I do recommend an extension of five months—new effective date of May 31, 2012.

If you have questions or need additional information, please feel free to contact me at 507-359-6091 or at Tom.D.Fischer@state.mn.us

Sincerely,

Thomas Fischer

Thomas Fischer
Board Conservationist

MEEKER COUNTY BOARD OF COMMISSIONERS
REQUEST FOR COMPREHENSIVE WATER MANAGEMENT PLAN EXTENSION
RESOLUTION # 2012-16

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 current Meeker County Comprehensive Local Water Management Plan is effective until December 31, 2012; and

WHEREAS, Meeker County is currently updating the Local Water Management Plan in accordance with Minnesota Statutes Chapter 103B.301; and

WHEREAS, Meeker County has submitted its Priority Concerns Scoping Document (PCSD) to the Minnesota Board of Water and Soil Resources (BWSR) and other State agencies for official review; and

WHEREAS, members of the Meeker County Water Plan Task Force are expected to meet with BWSR on November 1, 2012, to review the PCSD; and

WHEREAS, the draft Meeker County Water Plan will be available for public review in November 2012; and

WHEREAS, Meeker County assures continued effort toward completion of the Comprehensive Local Water Management Plan update, with an anticipated date for submission to BWSR for final review by the end of 2012; and

WHEREAS, the Act gives the Minnesota Board of Water and Soil Resources the authority to extend the ending date of a current local water management plan for a period of up to one year.

NOW, THEREFORE, BE IT RESOLVED, the Meeker County Board of Commissioners requests from the Minnesota Board of Water and Soil Resources an extension of the effective date of the current County Comprehensive Local Water Management Plan until May 30, 2013, in order to complete the update process in accordance with Minnesota Statutes Chapter 103B.301.

Passed and Adopted by the Board of Commissioners of Meeker County, MN, on this 2nd day of October 2012.

By: James O Swanson
Meeker County Board Chair

Attest: Barbara Loch
Barbara Loch, County Auditor

STATE OF MINNESOTA

MEEKER COUNTY

I, Barbara Loch, do hereby certify that I am the custodian of the minutes of all proceedings had and held by the Board of Commissioners of said Meeker County, that I have compared the above resolution with the original passed and adopted by the Board of Commissioners of said Meeker County at a regular meeting thereof held on the 2nd day of October 2012 at 8:30 AM, that the above constitutes a true and correct copy thereof, that the same has not been amended or rescinded and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto placed my hand and signature this 2nd day of October 2012, and have hereunto affixed the seal of the County.

Barbara Loch
County Auditor/Board Clerk

(SEAL)

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Renville County Comprehensive Local Water Management Plan Extension Approval**

Meeting Date: December 12, 2012

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: South Region

Contact: Jeff Nielsen

Prepared by: Thomas Fischer

Reviewed by: Southern Water Planning Committee(s)

Presented by: Paul Langseth, chair

☐ **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 Renville County Comprehensive Local Water Management Plan extension request.

LINKS TO ADDITIONAL INFORMATION

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Renville County Comprehensive Local Water Management Plan (CLWMP) will expire on December 31, 2012. On October 11, 2012, the Board of Water and Soil Resources (BWSR) received a resolution from Renville County requesting an extension of their CLWMP. BWSR staff have reviewed and recommend approval of the request.

On November 1, 2012, the BWSR Southern Water Planning Committee met with Renville County to discuss the extension request. After discussion, the Committee decided with a unanimous vote to recommend approval of the Renville County extension request and bring this recommendation forward to the full BWSR Board for review and action. BWSR's official state comment letter pertaining to the extension will need to be sent to Renville County.

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 Renville County

ORDER
EXTENDING
WATER MANAGEMENT
PLAN

Whereas, the Renville County Board of Commissioners has a state-approved Comprehensive Local Water Management Plan (Plan) that is effective until December 31, 2012, pursuant to Minnesota Statutes 103B.301; and

Whereas, Renville County has submitted a resolution requesting an extension of its Plan; and

Whereas, the Minnesota Board of Water and Soil Resources (Board) has authorization to grant extensions with or without conditions pursuant to Minnesota Statutes 103B.3367.

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

FINDINGS OF FACT

On October 11, 2012, the Board received a resolution from Renville County requesting an extension of their Plan. The request is based on: the Priority Concerns Scoping Document (PCSD) has been submitted to the Board for state agency review; Renville County will meet with the Board on November 1, 2012 to review and discuss the PCSD; the draft Plan will be available for public review in November 2012; Renville County assures continued effort toward completion of the Plan update with an anticipated date for submission to the Board for final review by the end of 2012; extension of the effective date until May 30, 2013, in order to complete the update process.

On October 16, 2012, Board staff reviewed and recommended approval of the extension request made by Renville County. Board staff recommendation was for a five-month extension.

On November 1, 2012, the Board's southern region water planning committee (Committee) met with representatives of Renville County to discuss the extension request. The Committee deemed the extension request to be appropriate. The Committee's decision was to present to the Board a recommendation of approval of the Renville County extension; effective until May 30, 2013.

On December 12, 2012, the Committee presented its recommendation of approval of the Renville County extension request to the Board. The Board adopted the Committee's recommendation.

CONCLUSIONS

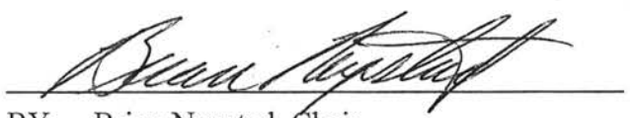
All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of extending the Comprehensive Local Water Management Plan of Renville County pursuant to Minnesota Statutes 103B.3367.

ORDER

The Board hereby approves the extension of the Renville County Comprehensive Local Water Management Plan until May 30, 2013. Renville County shall strive to complete the updating of their Comprehensive Local Water Management Plan in a timely manner.

Dated at St. Paul, Minnesota this 12th day of December 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



BY: Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

October 16, 2012

Jeff Nielsen
Board of Water and Soil Resources
261 Highway 15 South
New Ulm, MN 56073

Dear Jeff:

I received an official resolution from Renville County (County) requesting an extension of their current Local Water Management Plan (Plan). This current Plan is effective until December 31, 2012.

The Board of Water and Soil Resources (BWSR) does have the authority to grant extensions of up to one year for an existing Plan's effective date. To provide some background information when considering the County's extension request, I offer the following chronology of the County's Plan updating process.

- On August 5, 2011, I met with all four local water plan coordinators from Kandiyohi, McLeod, Meeker, and Renville counties to review the Plan updating process and provided each with guidance materials. (These four counties have worked together since the beginning of local water planning, utilizing a consultant to develop each generation's Plan.)

- On September 26, 2011, I met with the four counties local water plan coordinators and the four counties' joint powers board to briefly review the Plan updating process. The joint powers board also discussed the process for obtaining a consultant to lead the Plan updating process.

- On October 25, 2011, the County passed a resolution to update the Plan; received by the BWSR on November 9, 2011.

- On December 8, 2011, the joint powers board selected the consultant.

- On April 11, 2012, the County started the process for development of its Priority Concerns Scoping Document (PCSD).

- On August 30, 2012, the County submitted their completed PCSD to BWSR and other State agencies for review and comment.

- On October 9, 2012, the County board of commissioners passed a resolution requesting an extension of its Plan; received by the BWSR on October 11, 2012.

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The extension request resolution submitted by the County includes the following:

- The County is currently updating its Plan.
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If you have questions or need additional information, please feel free to contact me at 507-359-6091 or at Tom.D.Fischer@state.mn.us

Sincerely,

Thomas Fischer

Thomas Fischer
Board Conservationist

SERVICE • STEWARDSHIP • SHARED RESPONSIBILITY

RENVILLE COUNTY

Bob Fox, Chair
Renville County Board of Commissioners
Renville County Government Services Center
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105 South 5th Street
Olivia, MN 56277-1484

Phone: 320-523-3710
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Affirmative Action - Equal Opportunity Employer

RENVILLE COUNTY BOARD OF COMMISSIONERS
RESOLUTION # 49-12
Request for Comprehensive Water Management Plan Extension

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 current Renville County Comprehensive Local Water Management Plan is effective until December 31, 2012; and

WHEREAS, Renville County is currently updating the Local Water Management Plan in accordance with Minnesota Statutes Chapter 103B.301; and

WHEREAS, Renville County has submitted its Priority Concerns Scoping Document (PCSD) to the Minnesota Board of Water and Soil Resources (BWSR) and other State agencies for official review; and

WHEREAS, members of the Renville County Water Plan Task Force are expected to meet with BWSR on November 1, 2012, to review the PCSD; and

WHEREAS, the draft Renville County Water Plan will be available for public review in November 2012; and

WHEREAS, Renville County assures continued effort toward completion of the Comprehensive Local Water Management Plan update, with an anticipated date for submission to BWSR for final review by the end of 2012; and

WHEREAS, the Act gives the Minnesota Board of Water and Soil Resources the authority to extend the ending date of a current local water management plan for a period of up to one year.

NOW, THEREFORE, BE IT RESOLVED, the Renville County Board of Commissioners requests from the Minnesota Board of Water and Soil Resources an extension of the effective date of the current County Comprehensive Local Water Management Plan until May 30, 2013, in order to complete the update process in accordance with Minnesota Statutes Chapter 103B.301.

CERTIFICATION

State of Minnesota
Office of County Administration
County of Renville

I do hereby certify that the foregoing resolution is a true and correct copy of a resolution presented to and adopted by the County of Renville at a duly authorized meeting thereof held on the 9th day of October 2012.

Sara Folsted

Sara Folsted, Renville County Administrator

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Water Governance Evaluation Report

Meeting Date: December 12, 2012

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

Item Type: ☐ Decision ☐ Discussion ☒ Information

Section/Region:

Contact: John Jaschke

Prepared by: John Jaschke

Reviewed by: N/A Committee(s)

Presented by: John Linc Stine, MPCA Commissioner

☐ **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

LINKS TO ADDITIONAL INFORMATION

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

The statutory requirement for this report is found in Minnesota Session Laws, 1st Special Session, Chapter 2, Article 4, Section 33, which reads:
EVALUATION REQUIRED
(a) The Pollution Control Agency, in conjunction with other water agencies and the University of Minnesota, shall evaluate water-related statutes, rules, and governing structures to streamline, strengthen, and improve sustainable water management.
(b) The Pollution Control Agency must submit the study results and make recommendations to agencies listed under paragraph (a) and to the chairs and ranking minority party members of the senate and house of representatives committees having primary jurisdiction over environment and natural resources policy and finance no later than January 15, 2013.

Water Governance Evaluation

Recommendations to streamline, strengthen, and improve sustainable water management

2013 Report to the Legislature

Draft II – December 2012

Legislative Charge

The statutory requirement for this report is found in Minnesota Session Laws, 1st Special Session, Chapter 2, Article 4, Section 33, which reads:

EVALUATION REQUIRED

(a) The Pollution Control Agency, in conjunction with other water agencies and the University of Minnesota, shall evaluate water-related statutes, rules, and governing structures to streamline, strengthen, and improve sustainable water management.

(b) The Pollution Control Agency must submit the study results and make recommendations to agencies listed under paragraph (a) and to the chairs and ranking minority party members of the senate and house of representatives committees having primary jurisdiction over environment and natural resources policy and finance no later than January 15, 2013.

Authors

John Linc Stine, Commissioner, Minnesota Pollution Control Agency
Rebecca Flood, Assistant Commissioner, MPCA
Suzanne Rhees, AICP, Project Coordinator, MPCA

Contributors/Acknowledgements

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Jean Coleman, Esq., CR Planning, Inc.

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    Time Frame / Lead Agency / Partners

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Acronyms and Abbreviations

References

Survey and Public Input Summary

Literature Survey [separate report]

DRAFT

Summary of Recommendations

The Minnesota Pollution Control Agency, in cooperation with other state water management agencies, the Metropolitan Council, and the University of Minnesota, has developed recommendations for improving Minnesota's system of water governance.

The Water Governance Evaluation project was authorized by the Minnesota Legislature in 2011 (Laws 2011, 1st Special Session, Chapter 2, Article 4, Section 33). The legislation specifies that the MPCA, along with other water-related agencies and the University of Minnesota, "shall evaluate water-related statutes, rules, and governing structures to streamline, strengthen, and improve sustainable water management."

Progress and Challenges

In the 40 years since passage of the 1972 Clean Water Act (CWA), it is unarguable that tremendous progress has been made toward cleaning the nation's waters, and Minnesota's policies and programs have been particularly effective in treating sewage, industrial waste, and other pollutants that damage water resources. The CWA's focus on – and funding for – cleanup of point source pollution has resulted in dramatic reductions in certain pollutants. For example, the amount of phosphorus released annually into the Minnesota River declined by 52% between 2001 and 2011, falling below the 2015 minimum threshold established for phosphorus. It is estimated that water clarity is increasing in about a quarter of Minnesota's lakes, although it is declining in about 9%.

Despite success cleaning up point source pollution, it's well documented that too many of Minnesota's water resources remain impaired or are trending toward impairment. Non-point source pollution, drainage and over use of groundwater supplies continue to be major problems.

Minnesota's water governance structure includes six state agencies that are charged with distinct but interactive water management roles. These differing purposes (public health, natural resource conservation, pollution prevention, etc.) are considered an organizational strength within the system because of the diversity of responsibilities and professional skills that they provide. Some, however, view the system as uncoordinated, with multiple entry points and conflicting or overlapping policies and processes. The complexity of programs and permit requirements contributes to this confusion and frustration.

In recent years, the Clean Water Legacy Act of 2006 (M.S. 114D), which established the Clean Water Fund and the Clean Water Council, and the 2008 Clean Water, Land and Legacy Amendment have served as powerful incentives for state agencies to collaborate and improve the integration of their programs. Collaboration is yielding results in areas as diverse as flood control, wetlands management, and groundwater assessment. However, aspects of Minnesota's water management system still confuse or frustrate many local units of government and citizens, resulting in continued calls for reform.

This study represents an effort by the state water management agencies to turn the spotlight on ourselves and seek opportunities to improve our policies, processes

and requirements, in order to improve water quality and sustainable water supplies. Some of this report's recommendations will require legislative action to implement. Others are actions that can be initiated by state agencies themselves, including some reforms that are already underway.

Project Design

The project was organized and managed through the MPCA Commissioner's Office, with participation and assistance from the state agencies with primary responsibilities for water management. A work group composed of agency managers and senior staff held a series of meetings between June and October of 2012 to develop and test alternative governance models and problem-solving strategies. The University of Minnesota's Water Resources Center assisted with identification of relevant research and program models and with historical review. Project tasks included a literature review of the many previous water management and policy studies, development of a timeline of water-related state and federal legislation, rules and programs, a survey of water program customers and agency staff, and a series of interviews with lead agency staff and other experts.

Presentations were also made to the Clean Water Council, Board of Water and Soil Resources, and the Local Government Roundtable, which includes representatives of local governments, watershed districts and soil and water conservation districts. Project staff coordinated their research and issue analysis with that of related projects (see Section 3 below).

It is important to note that this report focuses on three levels of water governance: state, regional and local. We do not focus on federal programs and policies, except in cases where jurisdictions overlap, such as wetland regulation. Federal programs provide a backdrop to state activities and are significant sources of legislative authorization and support, but are not the primary focus of this report.

Recommendations

Recommendations are organized into two primary sections:

- Three strategies focusing on organization and delivery of water management services at the watershed, state and regional levels; and
- Four strategies organized around specific water resource topics.

A. Organizational Strategies

A.1. Implement Water Management at a Watershed Scale at All Levels of Governance

This strategy builds on the 2012 "one watershed – one plan" legislation to begin addressing the issues of multiple local units of government with overlapping and and "underlapping" responsibilities and differing levels of commitment to sustainable water management, as well as the scarcity of baseline funding for local water management.

Recommendations:

- Establish the 2012 "one watershed – one plan" legislation as the preferred option for local watershed management outside the Metropolitan Area. The major watershed scale (Hydrologic Unit Code 8) will generally be the appropriate scale at which to align with other data collection, monitoring, protection and restoration programs.

- Outside the metro area, complete the transition to a "one watershed" scale for future TMDLs as designed in M.S. 114D using the major watershed scale. TMDLs going forward will address impairments more comprehensively rather than pollutant-by-pollutant, and will in most cases be incorporated into locally developed Watershed Restoration and Protection Strategies (WRAPS). This approach will more effectively bridge the gap between local watershed plans and state-led planning efforts.

- Outside the metro area, establish a statutory goal/timeline for conversion from existing local water planning authority/timeline to a "one watershed – one plan" schedule. As discussed below under "Making the Water – Land Use Connection," this conversion calls for additional training and communication between water managers and land use planning and zoning managers, working across existing jurisdictional boundaries.

- Define essential watershed management services for defined watershed outcomes and ensure that the resources necessary for local governments to provide these services are available. This may include actions such as the following:

  - Create/modify limited local government authority to levy for water management purposes. . Local governments – potentially working together to share services across county boundaries – would thus have the resources necessary to take responsibility for water resources planning and implementation, giving them a match for state funding sources and additional "skin in the game." The scope of this levying authority would need to be determined. This base level of funding would be designated for implementation of watershed plans, not for permitting activities. This approach would be most effective where the land base and population are large enough to produce the desired funding level. Where this is not the case, consolidation of management entities or programs may be an option.

  - Expand delegation of some state regulatory authorities to those local governments or aggregated local units of government/regional entities with demonstrated capacity and interest. Criteria would have to be established to ensure that an LGU had sufficient capacity, commitment and performance. (One analogy is the delegation of public health responsibilities to Community Health Boards beginning in 1976).

    Programs or areas for potential delegation include wetland regulation (discussed under B.1 below) and construction-related erosion/sediment control regulation, an area where county, city, state, and watershed organizations may have overlapping and inconsistent roles for permitting.

  - Explore the ways that existing clean water funding can be "packaged" at the watershed or regional scale, as part of a shift from the "program"

DRAFT

approach to the "systems" or "watershed" approach. Explore performance-based standards for funding.

Funding will be a challenge associated with any further delegation of state authority. Absent additional funding, some existing programs that are implemented at the local level could benefit from exploring different models for delivery such as performance-based annual reporting by local government units rather than individual action reporting for shoreland, flood plain programs and wild and scenic rivers programs, for example.

A.2. State of Minnesota Responsibility: A Synchronized Approach to Water Management

This strategy addresses the long-standing issue of differences and inconsistencies among state water management agency rules, statutes and processes, dating back to the disparate origins and purposes of each agency. While the current system has its strong points, and while interagency collaboration and coordination have increased, a cooperative approach can't reconcile the underlying differences among agency authorities, missions and purposes.

Recommendation: Synchronize the state agencies' water management programs into a Water Management System, creating a more formal mechanism for lateral coordination among agencies and as a basis for continuing realignment and streamlining of water programs. This system would be designed to "virtually" organize and coordinate water programs, while retaining much of the current division of responsibilities among state agencies.

An effective Water Management System would be:

- Empowered to focus on and resolve conflicts, eliminate inconsistencies and set broad policy directives for all state agencies engaged in water management.
- Charged/empowered to develop initiatives to streamline, integrate, transfer or delegate related processes, programs and activities, as well as a system for coordinated delivery of state water management services, using continuous improvement processes and models.

Essential tasks for a Water Management System would include:

- Developing an overarching set of principles for water management.
- Assessing state programs as to whether they align with a watershed-based approach. Re-orienting state agency programs to a watershed focus, where feasible.
- Reporting to the legislature on a regular basis (at a minimum, every four years coinciding with gubernatorial terms) on the progress and next steps needed to further realign and streamline policies and programs, and on the initiatives that it intends to pursue.

Various organizational models for a Water Management System are feasible, but it will be critical to have a commitment from all state agencies and the Governor's office. One option could involve commissioners of the five water management agencies using a board of directors model, placing the board in charge of resolving issues or conflicts regarding a specific process or program that cannot be resolved at the staff level.

Other responsibilities of a Water Management System could include:

- Alignment of technical systems such as water monitoring data and other databases (as in the current water portal initiative)
- Interagency lateral teams that would work on priority issues as they emerge – for example, wetlands and groundwater policy have already been identified as issues in need of attention. A "problem formulation team" could determine the range of issues that should be addressed.
- Analysis and recommendations for resolving conflicting water statutes and rules through legislative changes.
- Assuming responsibility for the State Water Plan (currently an EQB responsibility under Minn. Stat. ch. 103B.151) The EQB is currently studying various options for refocusing its responsibilities (see above under 3. Related Projects and Activities), but initial findings suggest that the EQB's limited staffing could more effectively be focused on environmental review and on emerging issues as they arise (i.e., silica sand mining), rather than being assigned specific resource topics such as water planning.
- Defining, managing and implementing process redesign efforts (i.e., Continuous Improvement or LEAN Kaizen events) in areas such as wetland regulation, water appropriations and well drilling authorizations, erosion and sediment control, or water planning.

DRAFT

A.3. Improve Delivery of Water Management Services at the Regional Scale

This strategy addresses the service delivery gap that exists in exists in much of greater Minnesota between the state agencies dealing with water management and local governments. Some regional entities have filled this gap effectively, and state agencies can be more effective where regional structures exist. However, there is as yet no agreed upon model or vision for the most effective "scale" for delivering state water-related resources and services to local governments

Recommendations:

- Charge the Water Management System with exploring regional organizational models for existing state agency programs and staff to deliver state water management services in Greater Minnesota, considering both major watershed and larger basin-level possibilities, based on the nature of the water resource and other factors such as population and economic base. The following directions should be pursued:
    - Establish clear lateral points of contact between staff within the water management agencies so that communication and issue resolution can occur at the lowest staff level. Clarify roles and provide training for staff.
    - Explore co-location of state agencies in each region as a long-term goal. Where financial and structural barriers to co-location exist, explore models for "virtual" co-location, including regular regional meetings, regular and inclusive communication, and work-sharing among agencies.
    - Work with state agency staff to shift their focus toward watershed management, in tandem with local government units.

  - Assess the need for and work to develop new regional entities that can deliver water management services geared to regional needs. Each region will have differing options and potential organizational models, depending on the nature of their resources, economic drivers, and management issues.

- Define and establish a coordinated cycle of monitoring, planning and implementation, working with the MPCA's ten-year watershed water quality assessment cycle. The MPCA, DNR, BWSR and MDA are already working to develop this structure. Goals of this effort include meeting or exceeding federal (Clean Water Act) surface water requirements, using research, data, and analysis to better direct continuous implementation, integrating water quality efforts into comprehensive water management approaches, accelerating on-the-ground improvements, and empowering communities.

- This coordinated cycle/structure is still being refined, but as currently envisioned, the ten-year monitoring cycle would incorporate several phases, with the appropriate agency taking the lead, and each of the others contributing where appropriate. (Primary roles are shown below, but the other agencies participate as well):
  - Surface Water Monitoring and Assessment – MPCA lead, DNR, MDA
  - Watershed characterization and problem investigation – MPCA coordinates, LGUs as convener and contractor
  - Watershed restoration and protection strategies – MPCA initiates, LGUs as convener and contractor , BWSR expectations/guidance
  - Groundwater management – multi-agency effort, DNR lead
  - Comprehensive watershed management plan – LGUs lead and convene stakeholders; multi-agency participation; BWSR approves and coordinates
  - Ongoing implementation activities – include state regulation, TMDLs, technical and funding assistance from federal, state and local sources, and local land use controls

B. Resource-Based Strategies

B1. Public Waters and Wetlands: Improve Alignment of Statutes, Rules, and Regulatory Processes

Wetland regulation is widely recognized as one of Minnesota's most complex areas of water governance. Multiple and complex regulation of wetlands and other water bodies from federal, state, and local jurisdictions for varying authorities and purposes continue to baffle many local partners and applicants.

Recommendations

- Clarify the boundary between Public Waters and WCA wetlands, and streamline the permitting process. DNR's ability to waive its public waters work permit authority and reclassify certain wetlands as "WCA" wetlands offers a path towards streamlining. For example, if DNR were to reclassify to "WCA" wetlands all Public Waters wetlands except lacustrine or deepwater wetlands, or those

with state or federal title to some of the beds or shore, this would create a permanent delegation of regulatory authority from DNR to local government units. Finding an appropriate balance between streamlining without further weakening wetland protection has been elusive. This approach has been discussed in the past but not pursued because of inadequate capacity of some local units of government to effectively administer wetland regulations (see recommendation above under A.1). One option could be to link this delegation to some type of certification of local government capacity, or to assurance that an entity such as an SWCD is available to manage permitting.

Local units of government that accept delegation agreements may require significant financial and staff resources to implement the terms of the agreements to implement effective delegated programs. Current funding allocated to administer WCA at the local level varies widely, ranging from approximately $8,700 to $75,000 via the FY 2013 BWSR Natural Resources Block Grant (NRBG).

An alternative option would be to eliminate DNR's jurisdiction over palustrine wetlands; if this were done, the inventory of public waters would be altered, and significant changes in statutes would be needed. DNR's authority for surface water regulation could focus on entire basins and rivers that included associated floodplains areas both above and below the ordinary high water level of lakes, rivers and reservoirs. Doing so would result in a resource "systems" approach to management of entire basins and river corridors rather than the fragmented approach to jurisdictional boundaries and lines.

- Ensure consistent enforcement authority among state agencies – the DNR currently lacks authority to issue administrative penalty orders (APO), but can issue stop-work orders, unlike MPCA. Consistent authorities would reduce inconsistency and clarify permittees' expectations.
- Charge the Water Management System to work with U.S. Army Corps of Engineers (COE) to explore either assuming the Clean Water Act, Section 404 permitting authority at the state level or broadening use of federal general permits. COE has already developed a number of Minnesota General Permits that are essentially deferrals to the state – if one complies with state requirements, the federal permit is issued automatically. This approach warrants further study.
- Consider the findings and recommendations of an ongoing study of Water Permitting Processes For Transportation Projects, required by the 2012 legislative session and being developed by DNR, MPCA and MnDOT staff, as a pilot for a synthesized approach to wetland permitting.
- Build on the findings and recommendations of the BWSR report, "Supporting and Strengthening Implementation of the State's Wetlands Policy," required under Executive Order 12-04. The report's recommendations include alignment and management of many wetland regulatory processes at a watershed or basin scale, including alignment of pre-settlement zones, focusing of wetland mitigation efforts, and accounting for the goal of no net loss of wetlands.

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B2. Groundwater Management: an interagency consensus and usable withdrawal standards

Minnesota is perceived as a water abundant state, but many areas rely on groundwater and lack for adequate water supply seasonally or episodically. Groundwater doesn't fit neatly into a watershed management framework, since defining its extent and availability requires extensive subsurface research. Current permitting and review of groundwater withdrawals are not based on cumulative effects. Groundwater management authorities and technical expertise are widely dispersed among state agencies. Finally, costs of groundwater re-use are high.

Recommendations

- Complete and institutionalize an interagency framework for groundwater management that clearly articulates how groundwater resources are governed and managed to provide sustainable supplies of clean water, including mapping and defining groundwater provinces. (Work is already underway in this area.)
- Explore establishing water use thresholds or quantity-based standards for groundwater that are understandable and enforceable, and that also address the interchange between surface and groundwater. Manage groundwater withdrawals proactively at the system level (cumulatively) rather than the current approach of resolving "water use conflicts" reactively.
- Integrate water appropriations and well construction approvals and provide proactive approvals and assessments.
- Consider expanding MDH's Special Well Construction Areas program to identify areas of groundwater scarcity or potential health risks. A recent project by the Metropolitan Council assessing the vulnerability of regional aquifers suggests one possible approach.[1]
- Facilitate integrated technical groundwater expertise among agencies. The Water Management System could be charged with improving and optimizing the use and priority of this depth of technical expertise.
- Examine alternatives for wastewater and stormwater conservation/reuse, including:
    - Consistent policies promoting the reuse of water for appropriate purposes, to reduce the use of drinking water-quality water for non-potable purposes: better match the water source to the use.
    - Consistent policies promoting the infiltration of stormwater, particularly in drinking water supply management areas, to recharge aquifers while protecting groundwater quality for drinking water. Groundwater recharge should be considered a downstream use and should be considered when developing stormwater infiltration projects.
    - Explore management of aquifer systems as underground reservoirs, with surface water infiltration, similar to California's "conjunctive use" programs.

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[1] (See http://www.metrocouncil.org/environment/ WaterSupply/CWFActivities/)

- Explore options and implications of underground injection or infiltration of treated wastewater for recharge.
- Consider modifying statutory priority for groundwater use for industrial processes to promote use of available surface water or reused stormwater/wastewater.
- Consider means of managing re-use costs versus groundwater appropriations so that re-use might be more economically viable.

- Develop recommendations for increasing the focus on groundwater considerations as part of watershed management/assessment, restoration and protection plans.

B3. Re-Linking Land Use and Water Management

While the one watershed – one plan legislation envisions a synthesis of comprehensive plans, which are typically focused on land use, and water plans, it's important to recognize the challenges inherent in bridging this gap. The statutory authority for comprehensive planning and land use controls will remain with counties, cities and towns, even as water plans move towards a watershed-wide approach. Bridging the gap between water and land use plans will call for increased communication and collaboration between local government units and technical experts working in each field.

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Recommendations

- Strengthen the relationship between water authorities and land use authorities. Counties and cities will need to work together (or with watershed districts, where present) to synchronize water planning recommendations with the implementation activities that cities and counties are authorized to undertake, such as land use plans and ordinances.
- Strengthen incentives for local government units to combine and integrate water plans and land use plans. (Eligibility for funding has been used effectively to encourage water planning throughout the state, through BWSR's Natural Resources Block Grant program.)
- With support from local units of government, begin development of a comprehensive watershed management act that streamlines and enhances planning, implementation, targeting and, where appropriate, regulatory efforts for the non-metropolitan area of greater Minnesota. Select pilot watersheds and create the framework to accomplish comprehensive watershed management. Review and study current efforts in the Red River Valley to synchronize watershed district plans and comprehensive water management planning efforts. Consider consolidating existing authorities such as shoreland and floodplain with standards for land use management and nonpoint source pollution. An act of this type could also encourage, incentivize or require combined water/land use plans and integrate funding, as discussed above.
- Reconcile the timing and sequencing of Metro-area watershed and land use plans, (Currently, Minnesota Rules 8410 requires local governments to update their water plans within two years of completion of any update to a Watershed

District or Watershed Management Organization's water plan.) Options that have been discussed include synchronizing local plan updates by major watershed (i.e., Minnesota or Mississippi; dividing the Metro area into three planning /management areas for more effective management of local and watershed plan revisions and updates. ....

- Refine state water and related land use regulatory efforts (largely DNR's shoreland and floodplain programs) to increase the assessment of local government performance rather than focusing on individual land use applications.
- Authorize DNR to complete the revised Shoreland rule adoption and establish a timeline for local government implementation.

B4. Support and Strengthen Landowner and Land Occupier Efforts

While the quality of Minnesota's water resources has improved significantly over the decades since the federal Clean Water Act and related environmental legislation took effect, most of this improvement has come from control of point sources, while nonpoint sources largely go unregulated. Climate and land use changes are affecting water quality, quantity, and velocity. Additionally, loss of soil health through ongoing erosion is emerging as a significant issue.

Recommendations

- Some state agencies own and manage a significant amount of land. Agencies should evaluate or audit their implementation of best management practices Some examples include: various crop leases and agricultural plots within state forests and wildlife management areas; use of MIDS for stormwater runoff for construction of state-owned buildings; trails and public water access sites; or similar activities. Build on the results of the current study on streamlining water-related permitting for transportation projects (see under Section 3, Related Activities) and extend the findings to other state agencies.
- Explore additional opportunities to work with industries to voluntarily adopt best management practices, self-audits and performance criteria to lessen the need for additional regulatory tools.
- Support implementation of the voluntary Minnesota Agricultural Water Quality Certification Program (MAWQCP) under development by the MDA in consultation with the MPCA, DNR and BWSR. Monitor and audit the water quality results from the pilot areas that will be established under the program, ideally from a watershed perspective.
- Revitalize and strengthen the implementation of the existing statutes for soil loss and soil health. Updating the existing model ordinance, linking the existing statute to support incentives to encourage voluntary participation in the MAWQCP, and providing incentives and technical assistance for local governments that adopt soil loss ordinances are approaches to consider.

1. Introduction: Purpose and Need

The Water Governance Evaluation project was authorized by the Legislature during the 2011 special session. The statute specifies that the MPCA, along with other water-related agencies and the University of Minnesota, "shall evaluate water-related statutes, rules, and governing structures to streamline, strengthen, and improve sustainable water management."

In the 40 years since passage of the 1972 Clean Water Act (CWA), it is unarguable that tremendous progress has been made toward cleaning the nation's waters, and Minnesota's policies and programs have been particularly effective in treating sewage, industrial waste, and other pollutants that damage water resources. The CWA's focus on – and funding for – cleanup of point source pollution has resulted in dramatic reductions in certain pollutants. For example, the amount of phosphorus released annually into the Minnesota River declined by 52% between 2001 and 2011, falling below the 2015 minimum threshold established for phosphorus. Monitoring of the Minnesota River during the hot, dry summer of 2012 showed that dissolved oxygen levels were high enough to support fish and other aquatic life even during stressful environmental conditions like low flow and high temperatures. It is estimated that water clarity is increasing in about a quarter of Minnesota's lakes, although it is declining in about 9%.[1]

Despite success in cleaning up point source pollution, it's well documented that too many of Minnesota's water resources remain impaired or are trending toward impairment. Non-point source pollution, drainage and over-use of groundwater supplies continue to be major problems.

Minnesota's water governance structure includes six state agencies that are charged with distinct but interactive water management roles. These differing purposes (public health, natural resource conservation, pollution prevention, etc.) are considered an organizational strength within the system because of the diversity of responsibilities and professional skills that they provide. Some, however, view the system as uncoordinated, with multiple entry points and conflicting or overlapping policies and processes. The complexity of programs and permit requirements contributes to this confusion and frustration.

The system's complexity has resulted in numerous efforts to "streamline" water governance. Some of these efforts have resulted in consolidation or improved collaboration among state agencies and local units of government, while others have landed on the proverbial shelf.

In recent years, the 2006 Clean Water Legacy Act and the 2008 Clean Water, Land and Legacy Amendment, which established the Clean Water Fund, have served as

Laws 2011, 1st Special Session, Chapter 2, Article 4, Section 33. EVALUATION REQUIRED

(a) The Pollution Control Agency, in conjunction with other water agencies and the University of Minnesota, shall evaluate water-related statutes, rules, and governing structures to streamline, strengthen, and improve sustainable water management.

(b) The Pollution Control Agency must submit the study results and make recommendations to agencies listed under paragraph (a) and to the chairs and ranking minority party members of the senate and house of representatives committees having primary jurisdiction over environment and natural resources policy and finance no later than January 15, 2013.

"The water management function in Minnesota State government is fragmented among a number of separate agencies. None of them have the authority and the responsibility individually to prepare or administer a statewide plan of water and related land resources development."

State Planning Agency, 1970

The [water management] system meets the needs of various interest groups and gives them a voice in state government decision-making that they might not have with only one agency. Major decisions are made with full public scrutiny. Water resource issues are complex and far-reaching, and agencies dealing with agriculture, health, public safety, natural resource management and pollution control all have legitimate interests in them.

Minnesota Planning, Crosscurrents, 1996

powerful incentives for state agencies to collaborate and improve the integration of their programs. Collaboration is yielding results in areas as diverse as flood control, wetlands management, and groundwater assessment. However, aspects of Minnesota's water management system still confuse or frustrate many local units of government and citizens, resulting in continued calls for reform.

Despite these criticisms, it is important to recognize that many of Minnesota's environmental programs are well designed and managed, and some are considered among the best in the nation. It is not the intent of this report to suggest that all state water programs are failing or need to be restructured, but rather to seek opportunities for improvement while addressing identified issues.

This study represents an effort by the state water management agencies to turn the spotlight on ourselves and seek opportunities to improve our policies, processes and requirements, in order to improve water quality and sustainable water supplies. Some of this report's recommendations will require legislative action to implement. Others are actions that can be initiated by state agencies themselves, including some reforms that are already underway.

2. Project Design and Scope

The project was organized and managed through the MPCA Commissioner's Office, with participation and assistance from the state agencies with primary responsibilities for water management (see List of Contributors). A work group composed of agency managers and senior staff held a series of meetings between June and October of 2012 to develop and test alternative governance models and problem-solving strategies. The University of Minnesota's Water Resources Center assisted with identification of relevant research and program models and with historical review. Project tasks included a literature review of the many previous water management and policy studies, development of a timeline of water-related state and federal legislation, rules and programs, a survey of water program customers and agency staff, and a series of interviews with lead agency staff and other experts. Survey results are summarized in [Appendix].

Presentations were also made to the Clean Water Council, Board of Water and Soil Resources, and the Local Government Roundtable, which includes representatives of local governments, watershed districts and soil and water conservation districts. Project staff coordinated their research and issue analysis with that of related projects, described below.

It is important to note that this report focuses on three levels of water governance: state, regional and local. We do not focus on federal programs and policies, except in cases where jurisdictions overlap, such as wetland regulation. Federal programs provide a backdrop to state activities and are significant sources of legislative authorization and support, but are not the primary focus of this report.

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3. Related Projects and Activities

Several parallel evaluations or pilot programs related to water governance are being developed within the Executive Branch while this project is underway.

- Under Executive Order 11-32, the **Environmental Quality Board** (EQB) is directed to evaluate and make recommendations on how to improve environmental review, environmental governance and coordination. In addition, the EQB is charged with preparing an environmental and energy report card for the State, and organizing and hosting an environmental congress focused on the current state of Minnesota's environment. A series of citizen forums around the state will lead up to the environmental congress, scheduled for March 2013.

- Under Executive Order 12-04, the **Board of Water and Soil Resources** (BWSR) is directed to evaluate and develop recommendations to improve current wetland protection, restoration, and mitigation provisions, including opportunities to improve coordination of wetland regulatory efforts between state and federal agencies.

- The **Minnesota Agricultural Water Quality Certification Program** was initiated in 2012. The effort aims to accelerate voluntary adoption of on-farm conservation practices that enhance water quality. It is the product of a state-federal partnership that includes the Minnesota Department of Agriculture (MDA), the Minnesota Pollution Control Agency (MPCA), the Minnesota Board of Water and Soil Resources (BWSR), the Minnesota Department of Natural Resources (DNR), the U.S. Department of Agriculture's Natural Resource Conservation Service (NRCS), and the U.S. Environmental Protection Agency (EPA).

  Program details are being developed cooperatively, but the general concept is that farmers who implement and maintain approved conservation plans will be assured that their operations meet water quality goals and standards. So long as the participating farmers meet program obligations, they will not be required to implement additional water-quality practices for the duration of their certification. Conservation plans for participating farms would be developed by a qualified team of experts with consideration given to the unique characteristics of the farm, the farming practices, the surrounding watershed, and the region in which the farm is located.

- A legislatively required report on **streamlining water-related permitting for transportation projects** (Laws 2012, Chapter 287, Sec. 63) is being prepared by an interagency team that includes BWSR, DNR, MPCA and Minnesota Department of Transportation (MnDOT). The agencies are charged with making recommendations for creation of a single point of issuance system for water-related permits for transportation projects [DNR].

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- A **Legislative Rules Report** required by the legislature (Laws 2012, Chapter 238, Sec. 3) for BWSR, the EQB, DNR, MDA and MPCA will identify any rules recommended for repeal, describe the rationale for those rules the agency believes should remain in effect, and suggest changes that would improve the agency's ability to meet the regulatory objectives of the rules while reducing unnecessary burdens on regulated parties.

Water in the Landscape

Minnesota's location at the head of four continental-scale river basins means that over 99% of the state's water comes from rainfall on our own land. Water in all its forms is a dominant presence in Minnesota's landscape. Lakes, rivers and streams, wetlands, drainage ditches, seeps, springs and fens, water in pipes and culverts, and groundwater resources in hidden aquifers all affect the land's surface and its uses. The management of water and of related land uses has an unseen but profound impact on the visible landscape. Likewise, land use practices are among the primary determinants of water quantity and quality.

Minnesota's landscapes and water resources are highly diverse, encompassing agricultural, forested, urban and suburban environments. Water management programs operate across these landscapes in a variety of ways. The vignettes interspersed through the following pages illustrate some of the ways in which water management programs affect water and related land resources.

Case studies: these are sidebars or interspersed pages

- Metro-area lakes / rivers
- Red River Basin
- Agricultural landscape (southwest)
- Recreational lakes (north-central) TBA
- Northeast forest / mining TBA

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4. A Snapshot of Minnesota's Water Governance Structure

> *"Minnesota's system of water governance is fragmented, incoherent, and poorly coordinated to the extent that it is failing Minnesota on all five principles by which the Citizens League evaluated the system" [Principles are transparency, effectiveness, equity, accountability and appropriate scale.]*
>
> *Citizens League, 2009*

State Agencies

This section briefly summarizes the roles and responsibilities of the state agencies engaged in water management. Agency water-related statutory authorities and programs are also summarized in Table _. [TBA]

- The **Board of Water and Soil Resources (BWSR)** functions as the state soil and water conservation agency and is authorized to direct private land soil and water conservation programs through the action of SWCDs, counties, cities, townships, watershed districts, and water management organizations. The Board includes commissioners of the departments of Agriculture, Health, Natural Resources and the MPCA, local governments, and the University of Minnesota. BWSR is the primary source of guidance, oversight, and on-the-ground project funding for local governments, private landowners and other partners on local water plans, wetland protection efforts under the Wetland Conservation Act, and soil and water conservation programs.[2]

> *"Despite administrative complexity and the fragmentation and overlap that may occur among state water management agencies, Minnesota traditionally has supported a system of strong, competing agencies, each concerned with its own duties and specific goals. In political terms, an 'advocacy' system promotes competition and increases the public representation of each goal or interest and highlights political choices.*
>
> *Conflicts and tradeoffs in such a system are meant to be solved through the political rather than the administrative process."*
>
> *House Research Information Brief, 1986*

- The **Environmental Quality Board (EQB)** is charged with coordinating comprehensive long range water resources planning and policy through preparation of a Minnesota Water Plan every ten years (most recently in 2010). It also prepares a consolidated report on groundwater policy and water assessments every five years, consolidating reports by the MPCA, MDA, and DNR on assessment and analysis of: water quality and quantity; groundwater degradation trends; efforts to reduce, prevent, minimize and eliminate degradation of water; and surface and groundwater quantity. The EQB consists of nine state agency heads and five citizen members. Its structure and responsibilities are currently being studied as part of a larger environmental policy study under Executive Order 11-32 (see above under 3, Related Projects and Activities).

- The **Minnesota Department of Agriculture (MDA)** is statutorily responsible for the management of pesticides and fertilizer other than manure to protect water resources. The MDA implements a wide range of protection and regulatory activities to ensure that pesticides and fertilizer are stored, handled, applied and disposed of in a manner that will protect human health, water resources and the environment. The MDA works with the University of Minnesota to develop pesticide and fertilizer Best Management Practices (BMPs) to protect water resources, and with farmers, crop advisors, farm organizations, other agencies and many other groups to educate, promote, demonstrate and evaluate BMPs, to test and license applicators, and to enforce rules and statutes. The MDA has broad regulatory authority for pesticides and has authority to regulate the use of fertilizer to protect groundwater.

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- The **Minnesota Department of Health (MDH)** is responsible for protecting drinking water quality under the federal Safe Drinking Water Act. The MDH regulates well-drilling by examining and licensing well contractors and overseeing the installation, modification, repair and sealing of wells. The MDH performs source water assessments for public water supply systems (facilities that serve more than 25 people on a regular basis) and administers the state's Wellhead / Source Water Protection Program. The agency also establishes health risk limits for groundwater contaminants, working with MPCA and MDA.

- The **Minnesota Department of Natural Resources (DNR)** was Minnesota's first environmental agency, established in 1925 as the Department of Conservation. The DNR has primary responsibility for inventorying and managing the state's public waters, including public water wetlands, and for regulating any activities that obstruct or alter these waters, including dams, reservoirs and other structures. The DNR establishes permissible lake or stream levels (known as ordinary high water levels). The agency is also responsible for water allocation and use, including groundwater appropriations. Water appropriations permits are considered on a case-by-case basis, based on a statutorily defined order of priorities that gives the highest priority to domestic water supplies, followed by uses such as irrigation, power production and industrial use. The DNR may suspend withdrawals during periods of low water levels or other shortages. The DNR also oversees shoreland and floodplain management, wild and scenic rivers, and lake and stream hydrology.

- The **Minnesota Pollution Control Agency (MPCA)** has primary responsibility for water quality protection, as the agency responsible for implementing much of the federal Clean Water Act in Minnesota. As such, the MPCA is responsible for establishing state water quality standards for lakes, rivers, streams, and wetlands, assessing the quality of all waters in the state, identifying waters that fail to meet state water quality standards, and administrating the federal NPDES permitting program (under a cooperative agreement with the EPA). The agency is required to develop a total maximum daily load (TMDL) – essentially an allowable pollution budget – for each impaired water body segment, and a plan for achieving the TMDL goals. The MPCA monitors water quality in lakes, streams, watersheds, and groundwater. It issues and manages wastewater permits for municipal and industrial users, stormwater permits for municipal, construction and industrial activities, and works with local units of government to implement a statewide subsurface sewage treatment system (SSTS) program. The agency also regulates the collection, transportation, storage, processing and disposal of animal manure and other livestock operation wastes.

Several other state agencies are engaged in water management to a lesser but still significant degree.

- The **Minnesota Department of Transportation (MnDOT)** is involved with wetlands replacement, erosion and sedimentation control, and hydrology

studies as part of many of its road and transit projects. MnDOT is required to obtain permits from various other federal and state agencies and local governments, depending on the nature of its projects.

- The **Minnesota Geological Survey (MGS),** housed at the University of Minnesota, conducts research in partnership with DNR into groundwater in relation to geology, preparing county geologic atlases and hydrogeologic assessments. MGS partners with the Department of Health to maintain an index of county well data.

- The **Minnesota Public Facilities Authority (PFA)** is a multi-agency authority that provides municipal financing expertise and infrastructure financing programs. The PFA manages three revolving loan funds and several other financing programs to help local governments to upgrade and construct wastewater treatment and collection facilities, to upgrade and construct municipal stormwater infrastructure and drinking water treatment, distribution, and storage facilities, and to address transportation and other high-cost infrastructure needs.

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Regional Agencies, Boards and Commissions

A variety of regional agencies and other entities exist in Minnesota, most established by state statute, with a variety of specific authorities. Their geographic coverage is also variable – some parts of the state have multiple agencies in place, while others have none.

- The **Metropolitan Council** is the regional planning agency serving the Twin Cities seven-county metropolitan area and providing essential services to the region. The Council works with local communities to provide critical services, including wastewater collection and treatment, operation of the region's largest transit system, and planning for future growth. The Council develops, in cooperation with local communities, the *Regional Development Framework,* a set of policies to guide the efficient growth of the region and help maintain the region's economic competitiveness. The Council carries out the *Framework*, in part, through its plans for "regional systems" – transportation, regional parks and open space, and water resources.

  The Council is authorized to conduct water supply planning as well as to oversee and coordinate watershed management plans. The Council's regional system plans also guide comprehensive planning efforts by local governments. Comprehensive plans are required to be consistent with local water plans, and must be updated following or in conjunction with water plan updates.[3]

- **Regional Development Commissions (RDCs)** were established by statute in 1969 to provide technical assistance to the local units of government in their region. Nine RDCs in Minnesota cover 63 counties.[4] Most RDCs focus on economic development, transportation, employment and housing, social

services, recreation and the arts; relatively few focus on water management. However, RDCs often contract with local governments as service providers. In that capacity, a number of RDCs have assisted counties in preparing local water management plans and provided loans for subsurface sewage treatment system (SSTS) repair/replacement. The Arrowhead RDC provides staff capacity to the North Shore Management Board, a body that defines minimum shoreland zoning standards for the North Shore of Lake Superior, and assisted with development, updates, and administration of the North Shore Management Plan as mandated by Minnesota Statutes 103F.

A variety of **watershed or river basin-based boards and commissions** created in state or federal statute and funded in part with state resources, play a variety of roles in Minnesota and neighboring jurisdictions. They include, but are not limited to the following boards and commissions:

- The **Mississippi Headwaters Board (MHB)** is a joint powers board of Clearwater, Beltrami, Cass, Hubbard, Itasca, Aitkin, Crow Wing and Morrison Counties. Formed in 1980 as an alternative to designation of the river into the National Wild and Scenic River System, the MHB is mandated by Minnesota Statutes 103F.361-377 to enhance and protect the natural, cultural, historic, scientific and recreational values of the headwaters region: the first 400 miles of the Mississippi River in Minnesota. The statute directs the MHB to "prepare, adopt, and implement a comprehensive land use plan designed to protect and enhance the Mississippi River and related shoreland areas situated within the counties." The plan, last updated in 2009, establishes management objectives and land use standards, which essentially function as a shoreland ordinance, within specified distances from river segments and headwaters lakes.
- The **Red River Watershed Management Board (RRWMB),** known locally as the "Red Board," was established in 1976 to provide a basin-wide perspective on flooding problems in the Red River Basin. The RRWMB consists of eight watershed districts within the basin, under a joint powers agreement authorized by law (Minn. Stat. § 471.59). As described in the case study in this section [TBA], the RRWMB has worked to reduce flood damages by establishing impoundments for water storage in the upper reaches of the basin, and restoring stream channels and wetlands. The watershed districts are authorized to impose a tax levy, a portion of which is assigned to the RRWMB for projects that benefit the basin as a whole.

  Other boards and commissions, both international and interstate, have emerged in response to flooding in the Red River Basin. These include the International Red River Board (IRRB), a board of the International Joint Commission, which works to prevent and resolve trans-boundary disputes regarding the waters and aquatic ecosystem of the Red River and tributaries. The Red River Basin Commission (RRBC), a grassroots watershed-based nonprofit organization of flood management professionals from the United

States and Canada, is a research entity funded by North Dakota, Minnesota and Manitoba.

- The **Great Lakes Restoration Initiative (GLRI)** was established in 2009 as a partnership of the EPA and ten other federal agencies, in partnership with the states of the Great Lakes Basin, to provide funding and technical support to address five urgent issues:
    - Cleaning up toxics and areas of concern;
    - Combating invasive species;
    - Promoting nearshore health by protecting watersheds from polluted run-off;
    - Restoring wetlands and other habitats; and
    - Tracking progress and working with strategic partners.

  In Minnesota, much of the GLRI effort has focused on the St. Louis River Estuary, identified as one of 43 Great Lakes Areas of Concern due to its legacy of industrial and shipping contaminants.

- The **Minnesota River Board (MRB)** is a joint powers board comprised of delegates from the 38 counties within the Minnesota River Basin. The MRB was established by the legislature in 1996 with the mission of providing leadership, building partnerships, and supporting efforts to improve and protect water quality in the Minnesota River Basin. The MRB works with the Water Resources Center of Minnesota State University – Mankato and other partners on a variety of research and advocacy efforts. Recent funding reductions and withdrawal by some member counties are prompting a reexamination of the MRB's organization and functions.

- **Area II Minnesota River Basin Projects, Inc.** Area II was authorized by the legislature in 1978 as a non-profit organization with the ability to levy a tax for flood control, erosion control and water quality improvement to address recurrent flooding problems in southwestern Minnesota. Area II primarily assists its nine member counties in the engineering design, hydrologic and hydraulic modeling, construction, and finance of flood control and flood retention projects.

Local Water Management Entities

Numerous local governmental units are engaged in water management, with multiple relationships among them, including counties, cities, watershed districts, watershed management organizations and lake improvement districts. The Board of Water and Soil Resources (BWSR) is the primary state agency that provides oversight and assists local government units (known as LGUs) on water planning and management. LGUs are responsible for making decisions on applications that request changes to protected wetlands under the Wetlands Conservation Act.

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Outside the seven-county metropolitan area, the LGU may be a city, county, or soil and water conservation district, or watershed district. Within the metropolitan area, a city, town, watershed district, watershed management organization, or soil and water conservation district may be the LGU. In many cases, the LGU will designate a soil and water conservation district to assist in administration of the law.

- **Counties.** Counties have a wide variety of water management duties, including planning and zoning, including shoreland and floodplain zoning (with the exception of Hennepin and Ramsey counties in the metro area) and constructing and maintaining water and wastewater systems. Counties are authorized by Minnesota Statutes 103B.311 to develop water management plans to identify water problems and prioritize solutions. Counties are not required to produce water plans, but the plans are a prerequisite for eligibility for BWSR's Natural Resources Block Grant program, and all of the state's 87 counties (including the seven metropolitan counties) have plans in place. Counties apply to BWSR for base grants and competitive challenge grants for implementation of local water plan initiatives. SWCDs are often tasked with or involved in water plan development and implementation.

- **Soil and Water Conservation Districts.** Minnesota Statutes 103C.331 establishes SWCDs as political subdivisions of the state of Minnesota with certain powers and duties. Ninety soil and water conservation districts (SWCDs) operate on a county basis throughout the state (several counties have more than one SWCD) and are administered by an elected board of supervisors. The districts do not have taxing authority and receive much of their money from their affiliated counties and the state. SWCDs focus their resources on encouraging private landowners to carry out best management practices, as well as development and implementation of water plans and related projects.

- **Cities.** As of the 2010 U.S. Census there were 853 cities in Minnesota. City roles in water management vary across the state, but many are defined as LGUs under the Wetland Conservation Act, and most are involved in local water management planning. Cities, counties, and townships with shoreland must submit ordinances, rules, or regulations to DNR for review if they affect shoreland development and use. Similar provisions apply to floodplain management ordinances. Starting in the mid-1990s, municipal separate stormwater systems (known as MS4s) in about 235 of the largest cities, have been regulated by MPCA under the federal NPDES program. Community public water suppliers using groundwater are required to develop and implement wellhead protection plans.

- **Townships.** A number of Minnesota's 1,784 townships are engaged in water management. According to BWSR, 41 townships are listed as LGUs with Wetland Conservation Act authority. Townships that have adopted their own shoreland or floodplain regulations must also submit those regulations to the DNR for review.

- **Watershed Districts.** Watershed districts are special-purpose LGUs authorized to manage water resources within boundaries that follow those of a natural watershed. The Minnesota legislature authorized the creation of watershed districts through the Watershed Act in 1955. There are currently 46 watershed districts within the state, located mainly along the state's western boundary, the west central and southeast regions, and the metropolitan area, where 14 of the districts are located. Outside the metro area, most districts are organized within one or more of the 81 major watersheds, while within the metro area the scale is typically the subwatershed. Watershed districts have broad authorities, including the authority to adopt rules, regulate development, assess properties for benefits received, levy taxes to finance district administration, and acquire, construct and operate drainage systems and other water control structures. (See http://www.bwsr.state.mn.us/planning/WD-WMO_overview.html)

- **Watershed Management Organizations (WMOs).** The Metropolitan Area Surface Water Management Act of 1982 required LGUs in the seven-county Metro Area to prepare and implement comprehensive surface water management plans through membership in a WMO. WMOs are based on watershed boundaries, and can be organized as in three ways: as a joint powers agreement between cities and townships in the watershed; as a watershed district (see above) or as a function of county government. Non-watershed district WMOs differ from watershed districts in several respects: they are mandatory, not voluntary, deal only with surface water, not groundwater, generally lack individual taxing authority, and are governed by a board appointed by the member municipalities. There are currently 19 non-watershed-district WMOs established through joint powers agreements or by counties in the Metro Area.

- **Lake Improvement Districts (LIDs).** Lake improvement districts were authorized by the Minnesota legislature in 1973, and are administered by DNR. LIDs may be established by resolution of local government or by petition to local government by a majority of affected property owners. Initially most LIDs were formed to manage water quality by improving sewage treatment around the lake, or to manage water levels through establishment and maintenance of some form of outlet control structure. Since 2004, LIDs have been formed primarily to manage invasive aquatic vegetation. There are currently 38 active LIDs in Minnesota.

Advocacy Organizations

In addition to those organizations authorized by state statute, there are numerous nonprofit lake and river-focused organizations devoted to improved water quality, fisheries improvement, appropriate shoreland development, and protection of related land resources. Minnesota Waters (formerly the Minnesota Lakes Association and now a program of Conservation Minnesota) lists 435 such

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organizations, although this number is likely not definitive. Many statewide conservation organizations also focus on water resources in relation to their primary missions, including waterfowl hunting, fishing, forestry, agriculture, and environmental protection in general.

Federal Water Management Entities

The following agencies are those with the most direct involvement in state water governance. Many other federal agencies play more limited roles or work in related areas (for example, the Bureau of Indian Affairs, the National Park Service, the National Oceanic and Atmospheric Administration or the U.S. Geological Survey). The descriptions below focus only on the water management functions of each agency.

- **U.S. Environmental Protection Agency (EPA).** The EPA is the federal agency responsible for implementing the requirements of the Clean Water Act (CWA), a charge that is assigned to the MPCA. The MPCA executes this charge by setting standards, monitoring water quality, developing restoration and protection strategies, and finally, permitting implementation activities and carrying out prevention and assistance activities. The EPA oversees development of water quality standards that protect aquatic life and human health, and approves the list of impaired waters required under Section 303(d) of the CWA and developed by the MPCA.

  The EPA conducts national assessments of rivers and streams, lakes and wetlands every five years, with a focus on obtaining statistically significant national results; the MPCA assists in design and implementation of these surveys in Minnesota. The EPA also manages the Great Lakes Restoration Initiative, discussed above under "Regional Agencies, Boards and Commissions."

- **U.S. Army Corps of Engineers (COE).** The COE is the principal federal regulator of wetlands and work in many types of water bodies, as authorized by Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. Under Section 10, a COE permit is required to do any work in, over or under a Navigable Water of the U.S. (these are generally called the "Section 10 waters") or to do any work that affects the course, location or condition of the water body so as to impact its navigable capacity. Navigable waters include many of Minnesota's larger rivers and lakes, such as the Minnesota, St. Croix and Mississippi rivers.

  Under Section 404, a COE permit is required for the discharge of dredged or fill material into waters of the U.S., which include wetlands. Regulated discharges include filling wetlands for development, grading or pushing material around within a wetland, disturbing wetland soil during land clearing, etc. Some farming, forestry, maintenance and other projects are exempt, and other activities are covered by general permits. COE permits often overlap with the DNR and the Wetland Conservation Act (see discussion in Section __).

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- **U.S. Fish and Wildlife Service (FWS).** The U. S. Fish and Wildlife Service is the principal federal agency that provides information on the extent and status of the nation's wetlands, through development of the National Wetlands Inventory and the more recent Wetland Database and mapping standards, reporting on status and extent of wetlands. FWS also manages National Wildlife Refuges and hundreds of federally owned Waterfowl Productions Areas (WPAs) throughout Minnesota and the Upper Midwest.
- **Natural Resource Conservation Service (NRCS).** A division of the U.S. Department of Agriculture, the NRCS provides financial and technical assistance to landowners, communities, and local governments for many soil and water conservation activities.

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5. A Brief History of Water Governance in Minnesota

Minnesota's water law falls into what is known as a "regulated riparian" doctrine, where the traditional common law doctrine of riparian rights, in which the owner of the adjacent land and the groundwater beneath it has rights over the waters touching that land, has been modified through legislatively enacted regulations.[5]

Draining the Swamps

The first imperative as the state was settled was drainage of so-called "swamplands" for agricultural use. Under federal drainage laws, Minnesota was given control of five million "poorly drained" acres, approximately half of the total wetlands in the state.[6] State drainage laws were enacted to enable financing and construction of large-scale drainage systems, initially in the Red River Valley, using a system of petitions to establish drainage authorities and assessment of costs against the benefited properties.

Drainage reached a peak in the early 20th century, with over nine million acres of land being drained from 1900 to 1915."[7] Activity slowed after that, due to floods, persistent drought through the 1930s, tile failure, and increasing concerns regarding conservation, as Minnesota's identity as a premier hunting and fishing destination was threatened by the loss of fish and wildlife habitat through drainage. Creation of the Department of Conservation in 1925 and establishment of the public waters system in 1937 (Laws 1937 c 468) marked a new emphasis on water as a finite resource.[8] The legislation authorized the Department of Conservation to establish permit programs for surface and groundwater appropriations and for construction of dams, reservoirs and other waterway structures.

Drought and Loss of Water Supply - TBA

Cleaning the Waters: Federal Action, State Response

Pollution of surface waters, especially drinking water supplies, became an increasing concern throughout the early 20th century, leading to both state and federal actions. The Minnesota Water Pollution Control Commission was created in 1945 within the Department of Health. "The focus during those years was to encourage upstream users to treat sewage well enough that downstream users could disinfect the stream water for potable use."[9] The Minnesota Pollution Control Agency, established in 1967, grew out of this Commission and maintained a primary focus on wastewater treatment through the 1970s and 1980s.

During the late 1960s and 1970s, state responsibilities for managing water use and water quality expanded rapidly as a result of federal environmental legislation. The federal Water Resources Planning Act of 1965 provided funding for states to create framework plans for water and related land use. The National Wild and Scenic Rivers Act of 1968, the National Environmental Policy Act of 1970, the Clean Water

Act of 1972, and the Safe Drinking Water Act of 1974 all resulted in parallel statutes or programs in Minnesota. In some instances, Minnesota laws preceded or went beyond federal statutes, as in the enactment of shoreland conservation requirements in 1969 (Laws 1969, c 777).

Each water-related statute or program was created independently and assigned to one of several state agencies, with little recognition of its relationship to other policies and programs. It soon became obvious that water regulation was becoming increasingly complex. As early as 1967, the State Planning Agency activated an advisory Water Resources Coordinating Committee to prepare a statewide water and related land resources plan. "The creation of this Committee was necessary because the water management function in Minnesota State government is fragmented among a number of separate agencies. None of them have the authority and the responsibility individually to prepare or administer a statewide plan of water and related land resources development."[10]

Subsequent research efforts assessed various aspects of Minnesota's water resources and current and projected demands. One of the early studies, prepared by the University of Minnesota for the planning agency, included this cogent summary of water governance and law – one that remains relevant today:

"As questions of water use arose over the years, agencies were created to deal with specific areas. Reorganizations tended to shift specific duties to new agencies, rather than develop a mechanism that would handle all present and future problems associated with use and management of water resources... Minnesota's water law was developed in a similar manner. It is now composed of a series of statutes dealing with specific areas. Decisions made in other areas are based upon interpretations of the introductions to these laws; differences in interpretations are common, and outright contradictions have been found. There is no comprehensive water law in Minnesota."[11]

The promised "water and related land resources plan" would not appear until 1979, after severe flooding and drought in the late 1970s prompted the legislature to create a Water Planning Board and charge it with developing the plan. The framework plan, titled *Toward Efficient Allocation and Management: A Strategy to Preserve and Protect Water and Related Land Resources*, examined water withdrawals and consumption, localized supply and demand, water quality, and related land use decisions. It recommended creation of a water resource coordinating body and called for regional development commissions (established by state statute in 1969) to provide a link between state policy and local plans. The plan also called for watershed districts, or local governments where none were present, to take the lead in local water management planning.

Continuing Governance Studies, Consolidation, and Groundwater Action

Efforts to streamline and reorganize water programs and statutes have been fairly continuous since the 1970s. The Water Planning Board's 1981 *Special Study on Local*

Water Management examined the multiple roles and functions of counties, watershed districts, and soil and water conservation districts. It recommended that counties should be the fundamental decision-makers on local water plans, that plans and management should be based on hydrologic units, and that approval of local plans would trigger the delegation of state management responsibilities to these local government units.[12] The study and subsequent ones set the stage for the Comprehensive Local Water Management Act of 1985 and the local water governance structure that remains in place to this day, with counties, Soil and Water Conservation Districts, and watershed districts coordinating their efforts to greater or lesser degrees, and with cities often in the position of navigating multiple regulatory structures.

The functions of the Water Planning Board were merged in 1983 with those of the Environmental Quality Board (EQB), housed within the State Planning Agency. The EQB became the lead state water coordinating body, responsible for developing biennial recommendations for legislative action and preparing the state water plan.

Water governance reform efforts continued through the mid-1980s under the administration of Governor Rudy Perpich. A *Water Agency Merger Study* by the State Planning Agency in 1984-1985 stated that "the status quo is unacceptable," and that an integrated state approach to local government was needed.

A countervailing message was conveyed by a 1986 House Research Information Brief, *State Water Management: Reorganization and Consolidation*. The paper recapped the previous 15 years of water management studies and introduced the concept of an advocacy system: "strong, competing agencies, each concerned with its own duties and specific goals. In political terms, an 'advocacy' system promotes competition and increases the public representation of each goal or interest and highlights political choices. Conflicts and tradeoffs in such a system are meant to be solved through the political rather than the administrative process" (emphasis added).

One move towards streamlining was the creation of the Board of Water and Soil Resources (BWSR) in 1987, through consolidation of three separate boards, the Water Resources Board, Soil and Water Conservation Board, and Southern Minnesota Rivers Basin Council. With no direct regulatory authority at that time, BWSR was tasked with coordination of state and local soil and water management activities through establishment and oversight of watershed districts and by assisting local governments in developing water management plans. BWSR was also empowered by statute to coordinate the work of water management agencies and to address state agency questions of water policy.[13]

Through the 1980s the EQB worked to set priorities for water management, producing several plans and studies emphasizing the need for integrated water management, additional research and monitoring, and a focus on groundwater contamination and drinking water protection.

The increasing focus on groundwater supply, pollution and governance culminated in the bipartisan effort to enact the Groundwater Protection Act of 1989, widely regarded as a comprehensive and forward looking accomplishment.[14] Among the accomplishments stemming from the Act are stronger water conservation measures; new or increased water use fees to reflect the cost of managing the resource; greater monitoring and testing of pollutants in groundwater; comprehensive waste pesticide collection and well-sealing programs; and expanded monitoring of community water supplies; and additional support for local water management planning.[15] [MDA: In addition, MDA's statutes were comprehensively rewritten to greatly enhance the MDA's role in pesticide and fertilizer regulation, BMP development and promotion, waste pesticide collection, site remediation and water resource monitoring.]

The recodification of the bulk of Minnesota's water-related statutes in 1990 represents another effort towards simplification and consolidation. Chapters 103A through 103I now encompass most water-related statutes. As part of the recodification, most statements of purpose for the individual components were grouped in Chapter 103A. However, it can be argued that these objectives were "bundled" rather than integrated, leaving multiple inconsistencies and gaps among them.

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Metropolitan Land and Water Management

Water governance in the Twin Cities metropolitan area diverged from that of greater Minnesota with the passage of the Metropolitan Land Planning Act in 1967 creating the Metropolitan Council. The Council was created with two missions: 1) to plan for the orderly and economical development of the seven-county metro area; and 2) to coordinate the delivery of certain services that could not be effectively provided by any one city or county. In addition to its land planning responsibilities (see Section 4 above), the Council and the Metropolitan Waste Control Commission moved forward with development of a modern regional system for collection and treatment of sewage, a system now considered one of the region's great successes in water quality improvement.[16] The Waste Control Commission was merged with the Council in 1994. Water supply and water quality planning in the metro area are managed from a regional perspective as well, as discussed in Section 4 above.

The EQB and Sustainability

Many water management plans and research efforts during the 1990s were authored by the EQB in partnership with the State Planning Agency, by this time known as Minnesota Planning. The *Minnesota Water Plan* of 1991 (the successor to the 1979 framework plan) called for a "focus on the resource" rather than on specific programs. The plan emphasized the importance of integrating water management through local water plans and regional water planning efforts.

The next major review of water governance took place mid-decade, with the 1995 legislature's mandate for a reorganization study, namely the 1996 *Crosscurrents*

report (Minnesota Planning, 1996). The report reviewed previous water management studies (by now a 25-year history), identified improvements and remaining challenges, and essentially determined that the existing management structure, in all its complexity, was worth keeping. It reiterated the idea of an "advocacy system," echoing the 1986 House Research paper, stating that "agency missions demonstrate diversity and advocacy" – in other words, the current system gives local governments and citizens many options for advancing their diverse interests in water management.

In spite of this assessment, in 1999 the Ventura administration issued an executive order for a Water Management Unification Initiative: a planning process led by EQB that would develop "water-related goals, objectives, and measurable outcomes for the year 2010" for each major river basin in the state. The study became the basis for the next state water plan, "Watermarks," issued in 2000. The water plan carried out the executive order's directive to focus on major river basins, outlining issues and goals for each one, emphasizing the diverse nature of Minnesota's water resources. The focus was on the resource rather than its management.

The unification effort included a 2001 survey of state, county, local government employees, watershed districts, rural water providers, lake associations, consultants and others on water management issues. The questionnaire asked whether a clear and consistent vision for water resources management existed, whether a reorganization plan would improve on the existing "advocacy" approach, and whether there were areas of overlap, duplication, or good coordination among state water programs. Respondents identified many still-relevant issues.

The unification effort culminated in Minnesota Planning's 2002 report, "*Charting a Course for the Future: Report of the State Water Program Reorganization Project.*" The study included the usual findings of 'fragmentation' among state water programs, but also included specific recommendations: recreate the Legislative Water Commission, establish a cohesive policy on lakes, reform drainage law, integrate comprehensive land use and water planning, and consider authorizing penalty orders for all state agencies with regulatory programs. Although the reorganization effort did not yield sweeping changes, it resulted in administrative penalty authority for BWSR, establishment of a Drainage Work Group, and increased focus on integrated water planning.

Clean Water Funding and Accountability

The concept of sustainability as applied to water use was discussed in the EQB/DNR 2007 report, "*Use of Minnesota's Renewable Water Resources: Moving Toward Sustainability.* Sustainable water use was defined as "the use of water to provide for the needs of society, now and in the future, without unacceptable social, economic or environmental consequences." The report examined current and future water demand and quantity of water that could be removed on a long-term renewable basis, at the county scale. A subsequent study by the EQB in 2008

recommended the development of "water appropriation and use management areas."

The overriding imperative during 2000-2010 decade was the search for adequate, dedicated funding for clean water programs. The efforts of the "G-16" coalition of stakeholders, along with supporters at the legislature, resulted in passage of the Clean Water Legacy Act of 2006, which established the Clean Water Council. Subsequent efforts by a coalition of conservation groups and state agency representatives culminated in 2008 with voter approval of the Clean Water, Land and Legacy Amendment, increasing the sales tax by three-eighths of 1% to create dedicated funds for conservation purposes. One-third of the sales tax revenues are dedicated to water quality improvements via the Clean Water Fund.

The availability of Legacy Amendment funds led to further examination of water management programs. Several environmental organizations weighed in with recommendations for water governance improvements. The Freshwater Society, in a 2008 report, pointed to a "startling lack of consensus" as to whether current groundwater use is sustainable, and called for the DNR to change its approach of issuing water withdrawal permits on a case-by-case basis.

In 2009, the Environmental Initiative facilitated a study process, the Land and Water Policy Project, with a work group of lead agency staff and local, federal and nonprofit participants. The group recommended creating a shared vision for land and water resources through a multi-year process, developing a coordinated planning cycle to integrate water and land use planning , and designing a three-tiered "integrated community assistance structure" in order to streamline service to and obligations of local government.

The third "outside" study was the Citizens League's 2009 report, *To the Source: Moving Minnesota's Water Governance Upstream*. While the study committee commended Minnesota's strong public commitment to water resources, it found that the state's system of water governance is "*fragmented, incoherent, and poorly coordinated to the extent that it is failing Minnesota*" on five evaluative principles: transparency, effectiveness, equity, accountability and appropriate scale. The study recommended building a collaborative model of governance that promotes public ownership and responsibility, redesigning government roles and responsibilities, and creating a single online water resource information hub.

Meanwhile, several in-agency studies pointed to some related streamlining options. A Drainage Work Group established to advise BWSR on improvements to drainage law developed a number of consensus recommendations that were substantially adopted by the legislature in 2007, including clarifications that would better enable wetland restorations and other impoundments on drainage systems. A comprehensive analysis of drainage law for the LCCMR (Smith and Holtman, 2011) recommended major revisions to these 19th-century-based laws that would provide tools and incentives for integrating drainage, flood control, conservation and water quality goals.

A report prepared by Smith Partners/EOR for the Board of Water and Soil Resources in 2008 recommended integrating aspects of stormwater permitting into watershed planning, as well as a five-year planning cycle for local water plan revisions.

EQB, with the assistance of DNR, MDA, MPCA, BWSR, Metropolitan Council, and MDH, developed the 2010 *State Water Plan*, as required every ten years. The plan assessed progress and emerging trends since the 2000 plan, including the Clean Water Act and the Legacy Amendment, population growth, climate change, and TMDL efforts. Recommendations included an increased focus on building local capacity for water management, definition of water management units (i.e., major watersheds and groundwater management units), a targeted approach to protection and restoration, and a systematic approach to identifying and responding to emerging threats.

The *Minnesota Wetland Program Plan*, prepared in response to an EPA request in 2012, draws on the contributions of an Interagency Wetland Group. The plan identifies the four core elements of wetland protection: monitoring and assessment; regulatory activities, including 401 certification; voluntary restoration and protection; and water quality standards for wetlands.

The most comprehensive recent water resource and management study is the 2011 *Water Sustainability Framework*, directed by the legislature and produced by the University of Minnesota's Water Resources Center. The framework report, developed with the input of multiple issue teams, addresses many aspects of water sustainability, including drinking water, stormwater, agricultural and industrial use, surface and groundwater interactions, infrastructure needs, climate change, demographics and land use. The report's recommendations on water governance include re-establishing the Legislative Water Commission; combining the functions of watershed planning entities and Soil and Water Conservation Districts; integrating water planning into land use plans, and convening a one-time Minnesota Water Congress to review all current state statutes and rules for alignment with water sustainability goals.

7. Strategies and Recommendations

This section discusses the primary issues that this study has focused on, and identifies broad strategies and recommendations for addressing the issues. It is organized into two primary sections:

- Three strategies focusing on organization and delivery of water management services at the watershed, state and regional levels; and
- Four strategies organized around specific water resource topics.

A. Organizational Strategies

A.1. Implement Water Management at a Watershed Scale at All Levels of Governance

Background

Numerous local governmental units, including 87 counties, 90 SWCDs, 46 watershed districts, and 32 lake improvement districts, are currently engaged in water management. Within the Twin Cities Metropolitan Area, there are 19 water management organizations, as well as 14 of the state's watershed districts. In addition, numerous lake and river associations and other nonprofit entities work on various aspects of water management. Many of Minnesota's 853 cities and some of its 1,784 townships are engaged in water management as well. These over 2,700 local units of government intersect with 81 major watersheds, which are the basis for many state water management activities.

Issues

- *Multiple local units of government with over-lapping and "underlapping" responsibilities and differing levels of commitment to sustainable water management*
- *Declining local government funding diminishes local government capacity*
- *Inconsistent baseline funding for water management functions for local governments*
- *The "one-watershed – one plan" legislation may offer options to improve local water management.*

Local water plans, while optional, are a requirement for eligibility for the Natural Resource Block Grant program administered by BWSR for the 80 non-metropolitan area counties. This voluntary program requires counties to use local task forces to develop and implement water plans based on local priorities. The 2012 "one watershed – one plan" legislation may help reduce the number of required plans, but still leaves many government agencies and entities with overlapping responsibilities and authorities.

Different players have widely differing capacities and levels of dedicated resources and historic policy investment for managing water resources, depending on factors such as population, tax base, and competing priorities. Population of many rural counties may be too small to effectively support their water planning needs, or deal with multiple watersheds. Likewise, some watershed districts may have too small a population base to fund their operations and manage their resources. Declining local government assistance, especially in baseline funding that is not grant-related, has generally further diminished the capacity of many local governments, creating a landscape of "haves" and "have-nots."

The lack of consistent baseline funding for water management functions means that local government units often rely on "soft money" designated for particular programs or activities, making it difficult to sustain ongoing planning and management for water. Even within the Twin Cities metropolitan area, with its dense population, significant disparities exist among watershed districts and watershed management organizations. Statutory responsibilities for planning and implementation rely on local capacity for water management. Metropolitan cities have been burdened by the requirement to update their local water management plans each time one of the watershed districts within their jurisdiction completes a plan or plan amendment

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The scale of some previous state water planning efforts has contributed to confusion; for example, the MPCA's TMDL plans for turbidity in the South Metro Mississippi River and the Minnesota River cover such large areas that it is difficult to "scale them down" to the watershed, county or city level. However, current and future TMDLs will generally be framed at a major watershed scale.

Recommendations

- Establish the 2012 "one watershed – one plan" legislation as the preferred option for local watershed management outside the Metropolitan Area. The major watershed scale (Hydrologic Unit Code 8) will generally be the appropriate scale at which to align with other data collection, monitoring, protection and restoration programs.
- Outside the metro area, complete the transition to a "one watershed" scale for future TMDLs as designed in M.S. 114D using the major watershed scale. TMDLs going forward will address impairments more comprehensively rather than pollutant-by-pollutant, and will in most cases be incorporated into locally developed Watershed Restoration and Protection Strategies (WRAPS). This approach will more effectively bridge the gap between local watershed plans and state-led planning efforts.
- Outside the metro area, establish a statutory goal/timeline for conversion from existing local water planning authority/timeline to a "one watershed – one plan" schedule. As discussed below under "Making the Water – Land Use Connection," this conversion calls for additional training and communication between water managers and land use planning and zoning managers, working across existing jurisdictional boundaries.
- Define essential watershed management services for defined watershed outcomes and ensure that the resources necessary for local governments to provide these services are available. This may include actions such as the following:
    - Create/modify limited local government authority to levy for water management purposes. Local governments – potentially working together to share services across county boundaries – would thus have the resources necessary to take responsibility for water resources planning and implementation, giving them a match for state funding sources and additional "skin in the game." The scope of this levying authority would need to be determined. This base level of funding would be designated for implementation of watershed plans, not for permitting activities. This approach would be most effective where the land base and population are large enough to produce the desired funding level. Where this is not the case, consolidation of management entities or programs may be an option.

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- Expand delegation of some state regulatory authorities to those local governments or aggregated local units of government/regional entities with demonstrated capacity and interest. Criteria would have to be established to ensure that an LGU had sufficient capacity, commitment and continuing performance. (One analogy is the delegation of public health responsibilities to Community Health Boards (CHBs) that met certain requirements, a process that began in 1976 with legislation that streamlined a system of over 2,100 local boards of health. Today, 52 CHBs in Minnesota include 27 single-county boards, 21 multi-county boards encompassing 60 counties, and 4 metropolitan city boards).[17]

  Programs or areas for potential delegation include wetland regulation (discussed under B.1 below) and construction-related erosion/sediment control regulation, an area where county, city, state, and watershed organizations may have overlapping and inconsistent roles for permitting.

- Explore the ways that existing clean water funding can be "packaged" at the watershed or regional scale, as part of a shift from the "program" approach to the "systems" or "watershed"-based approach. Explore performance-based standards for funding.

Funding will be a challenge associated with any further delegation of state authority. Absent additional funding, some existing programs that are implemented at the local level could benefit from exploring different models for delivery, such as performance-based annual reporting by local government units rather than individual action reporting for shoreland, flood plain programs and wild and scenic rivers programs, for example.

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A.2. State of Minnesota Responsibility: A Synchronized Approach to Water Management

Background

Fragmentation among agency statutory purposes, missions, programs, and policies has been well-documented in a series of studies and reports beginning in the 1970s. Water management reorganization efforts have resulted in better coordination or consolidation of certain programs. However, underlying differences among agency missions remain, dating back to their disparate origins. Different water management problems, changing times and differing legislative mandates gave rise to inconsistent statutes, rules, and processes.

There are upsides and downsides to the current system. The upside is that state agencies can focus on their core missions and competencies, and build a closer relationship with stakeholders involved in particular aspects of water management. The downside is the confusion that can be created if enough attention isn't paid to coordination and communication, since the public understandably sees the state agencies as one entity – the State.

Issues

- *Varying agency statutory purposes, authorities, missions, programs, and policies.*
- *Different water management problems, changing times and differing legislative mandates gave rise to inconsistent statutes, rules, and processes.*
- *Water management reorganization and clarification efforts have resulted in better coordination or consolidation of certain programs.*
- *While availability of Legacy Amendment resources has improved interagency collaboration and accountability, a cooperative approach can't reconcile the underlying differences among agency authorities, missions and purposes.*

There is widespread agreement that the state agencies involved in water management collaborate and cooperate more effectively than they did in the past. Improved communications capability, strategic efforts at program coordination, and improved management theory and implementation have resulted in better state program coordination and less formal and more wide-ranging relationships among agency staff who work on similar issues. Another reason is the conscious crafting of laws such as the Clean Water Legacy Act (CWLA) that rely on interagency collaboration. The Clean Water, Land and Legacy Amendment sales tax provided additional resources through establishment of the Clean Water Fund and required greater accountability from the agencies as to how the funds were spent.

However, a cooperative approach can't reconcile the underlying differences among agency missions and purposes. Various alternatives have been discussed in the past, including combining water management functions into a single agency. However, the flaw in this approach lies in knowing where to stop. Water programs are so intertwined with other critical agency programs – for example, the DNR's habitat protection programs, the MPCA's cleanup programs, or MDA's pesticide and fertilizer monitoring program – that to remove water experts from these agencies would undermine broader agency structures and capabilities. In addition, recent research on water governance suggests that because of the complexity of these issues and the need for specialization, governance structures can tend to develop fragmentation between interests and that major changes in governance structures may result in disruptions of governance policy, structures and processes without any long term improvement of the underlying issue.[18] What is needed is a more formal mechanism for lateral coordination among agencies, as a basis for continuing realignment, possible consolidation, and streamlining of water programs.

Recommendations

Synchronize the state agencies' water management programs into a Water Management System, creating a more formal mechanism for lateral coordination among agencies and as a basis for continuing realignment and streamlining of water programs. This system would be designed to "virtually" organize and coordinate water programs, while retaining much of the current division of responsibilities among state agencies.

An effective Water Management System would be:

- Empowered to focus on and resolve conflicts, eliminate inconsistencies and set broad policy directives for all state agencies engaged in water management.
- Charged/empowered to develop initiatives to streamline, integrate, transfer or delegate related processes, programs and activities, as well as a system for coordinated delivery of state water management services, using continuous improvement processes and models.

Essential tasks for a Water Management System would include:

- Developing an overarching set of principles for water management.
- Assessing state programs as to whether they align with a watershed-based approach. Re-orienting state agency programs to a watershed focus, where feasible.
- Reporting to the legislature on a regular basis (at a minimum, every four years coinciding with gubernatorial terms) on the progress and next steps needed to further realign and streamline policies and programs, and on the initiatives that it intends to pursue.

Various organizational models for a Water Management System are feasible, but it will be critical to have a commitment from all state agencies and the Governor's office. One option could involve commissioners of the five water management agencies using a board of directors model, placing the board in charge of resolving issues or conflicts regarding a specific process or program that cannot be resolved at the staff level.

Other responsibilities of a Water Management System could include:

- Alignment of technical systems such as water monitoring data and other databases (as in the current water portal initiative)
- Interagency lateral teams that would work on priority issues as they emerge – for example, wetlands and groundwater policy have already been identified as issues in need of attention. A "problem formulation team" could determine the range of issues that should be addressed.
- Analysis and recommendations for resolving conflicting water statutes and rules through legislative changes.
- Assuming responsibility for the State Water Plan (currently an EQB responsibility under Minn. Stat. ch. 103B.151) The EQB is currently studying various options for refocusing its responsibilities (see above under 3. Related Projects and Activities), but initial findings suggest that the EQB's limited staffing could more effectively be focused on environmental review and on emerging issues as they arise (i.e., silica sand mining), rather than being assigned specific resource topics such as water planning.
- Defining, managing and implementing process redesign efforts (i.e., Continuous Improvement or LEAN Kaizen events) in areas such as wetland regulation, water appropriations and well drilling authorizations, erosion and sediment control, or water planning.

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A.3. Improve Delivery of Water Management Services at the Regional Scale

Background

State agencies continue to struggle to deliver water management support and services to local government at a scale and timeframe that is most effective for both the LGUs and the State. This challenge is understandable given that state agencies need to develop approaches that work across multiple types of local government, while the needs of each LGU can be very individualized. Some regions, such as the Red River Valley, have made major progress with a basin-wide approach that is supported with taxing authority. This can be seen in the numerous flood damage reduction impoundments that have been constructed since 1998, with stakeholder and agency cooperation and agreement. These projects incorporate natural resources enhancements to meet not only local and regional multipurpose goals and objectives but those of the state. Other regions, including the Metro area, are organized at the subwatershed scale. In still others, state agencies are working effectively to respond to the needs of particular water bodies, i.e., Lake Superior and the Saint Louis River estuary. However, there is no agreed-upon model or vision for the most effective "scale" for delivering state resources and services to local governments in a coordinated and effective way.

A related issue is that watersheds are fairly easy to visualize, but groundwater management units are hard to define – aquifers are three-dimensional and defining them spatially for the sake of management and governance is complex. Agencies are discussing the need for an appropriate local or regional scale for managing groundwater.

Issues

- *A service delivery gap exists in much of greater Minnesota between the state agencies dealing with water management and local governments.*
- *Some regional entities have filled this gap effectively, and state agencies can be more effective where regional structures exist.*
- *There is as yet no agreed upon model or vision for the most effective "scale" for delivering state water-related resources and services to local governments.*

Recommendations

- Charge the Water Management System with exploring regional organizational models for existing state agency programs and staff to deliver state water management services in Greater Minnesota, considering both major watershed and larger basin-level possibilities, based on the nature of the water resource and other factors such as population and economic base. The following directions should be pursued:
    - Establish clear lateral points of contact between staff within the water management agencies so that communication and issue resolution can occur at the lowest staff level. Clarify roles and provide training for staff.
    - Explore co-location of state agencies in each region as a long-term goal. Where financial and structural barriers to co-location exist, explore models for "virtual" co-location, including regular regional meetings, regular and inclusive communication, and work-sharing among agencies.
    - Work with state agency staff to shift their focus toward watershed management, in tandem with local government units.

- Assess the need for and work to develop new regional entities that can deliver water management services geared to regional needs. Each region will have differing options and potential organizational models, depending on the nature of their resources, economic drivers, and management issues.

- Define and establish a coordinated cycle of monitoring, planning and implementation, working with the MPCA's ten-year watershed water quality assessment cycle. The MPCA, DNR, BWSR and MDA are already working to develop this structure. Goals of this effort include meeting or exceeding federal (Clean Water Act) surface water requirements, using research, data, and analysis to better direct continuous implementation, integrating water quality efforts into comprehensive water management approaches, accelerating on-the-ground improvements, and empowering communities.

  This coordinated cycle/structure is still being refined, but as currently envisioned, the ten-year monitoring cycle would incorporate several phases, with the appropriate agency taking the lead, and each of the others contributing where appropriate. (Primary roles are shown below, but the other agencies participate as well):

  - Surface Water Monitoring and Assessment – MPCA lead, DNR, MDA
  - Watershed characterization and problem investigation – MPCA coordinates, LGUs as convener and contractor
  - Watershed restoration and protection strategies – MPCA initiates, LGUs as convener and contractor , BWSR expectations/guidance
  - Groundwater management – multi-agency effort, DNR lead
  - Comprehensive watershed management plan – LGUs lead and convene stakeholders; multi-agency participation; BWSR approves and coordinates
  - Ongoing implementation activities – include state regulation, TMDLs, technical and funding assistance from federal, state and local sources, and local land use controls

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B. Resource-Based Strategies

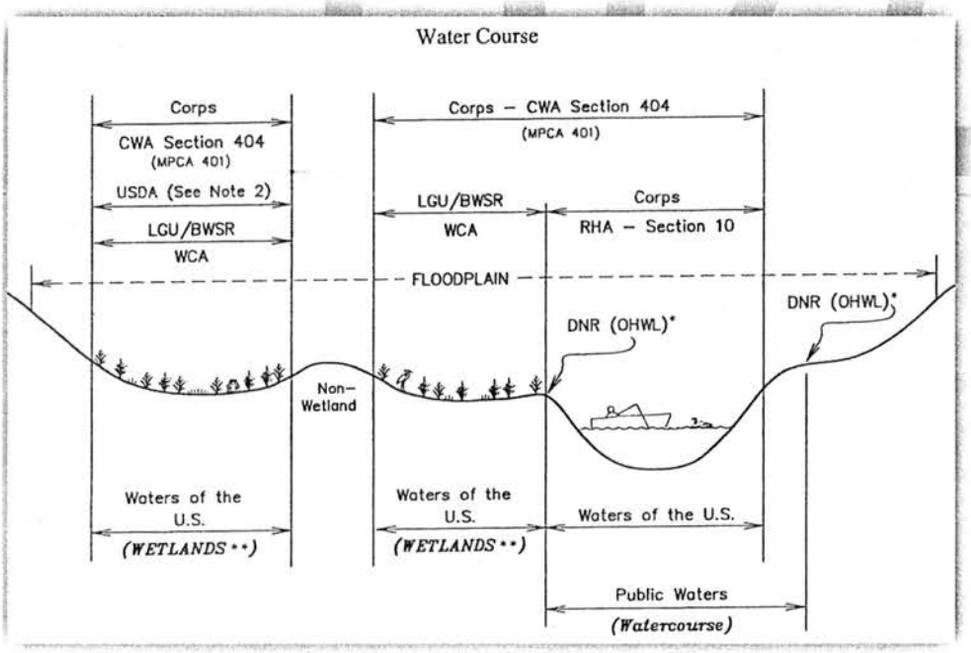
B1. Public Waters and Wetlands: Improve Alignment of Statutes, Rules, and Regulatory Processes

Issues

- *Multiple and complex regulation of wetlands and other water bodies from federal, state, and local jurisdictions for varying authorities and purposes.*
- *Wetland permitting systems do not fully address water quality issues, including groundwater recharge and biodiversity.*

Background

Wetland regulation is widely recognized as one of Minnesota's most complex areas of water governance. While the Wetland Conservation Act (WCA) has been effective in protecting most existing wetlands, permitting requirements are often cited as an example of regulatory overlap among multiple state and federal agencies. Overlapping jurisdictions for wetland regulation can be extremely difficult to determine, especially in areas also covered by shoreland regulations, as illustrated in the accompanying diagram. At its simplest, the system is divided into three parts. The DNR has authority over "public waters wetlands," as defined by state statute.[2] Local governments regulate all other wetlands under the authority of the WCA, with BWSR assistance. (DNR is authorized under Minnesota Statutes, section 103G.201 to reclassify public waters wetlands as public waters or as Wetland Conservation Act wetlands.) The third primary authority is that of the U.S. Army Corps of Engineers, which regulates most discharges of dredged or fill materials into "waters of the United States," including jurisdictional wetlands, under Section 404(a) of the Clean Water Act. In addition, the MPCA may certify (under Section 401 of the Clean Water Act) that Corps permits issued under Section 404 meet state water quality standards.[3]



Wetland jurisdictional example. BWSR

While applicants are directed to a combined application, different programs within state agencies use different regulatory definitions of

[2] Public waters wetlands are defined in Minn. Stat. § 103G.005, subd. 15a as "all types 3, 4, and 5 wetlands, as defined in United States Fish and Wildlife Service Circular No. 39 (1971 edition), not included within the definition of public waters, that are ten or more acres in size in unincorporated areas or 2-1/2 or more acres in incorporated areas."

[3] The MPCA reviews certain Section 404 Corps Individual Permit applications for projects that would have significant impacts on wetlands or impaired waters, and waives other permit reviews. See http://www.pca.state.mn.us/index.php/water/water-permits-and-rules/water-permits-and-forms/clean-water-act-section-401-water-quality-certifications.html

wetlands, and the overlaps and discontinuities between each permit program continue to baffle many local partners and applicants.

In addition to the system's multiple jurisdictional levels, state agency goals for wetland protection differ, and thus their policies and programs differ. For example, BWSR focuses on "no net loss" of wetlands, MPCA generally focuses on water quality and selective permit reviews under Section 401, and DNR on habitat protection, recreational use, and economic development. These differences impact what is required for mitigation when wetlands are developed.

The enactment of WCA has slowed the rate of wetland loss but not fully addressed water quality issues. Permitting systems do not fully consider wetlands' role in recharging groundwater and maintenance of biodiversity.

Recommendations

- Clarify the boundary between Public Waters and WCA wetlands, and streamline the permitting process. DNR's ability to waive its public waters work permit authority and reclassify certain wetlands as "WCA" wetlands offers a path towards streamlining. For example, if DNR were to reclassify to "WCA" wetlands all Public Waters wetlands except lacustrine or deepwater wetlands, or those with state or federal title to some of the beds or shore, this would create a permanent delegation of regulatory authority from DNR to local government units. Finding an appropriate balance between streamlining without further weakening wetland protection has been elusive. This approach has been discussed in the past but not pursued because of inadequate capacity of some local units of government to effectively administer wetland regulations (see recommendation above under A.1). One option could be to link this delegation to some type of certification of local government capacity, or to assurance that an entity such as an SWCD is available to manage permitting.

  Local units of government that accept delegation agreements may require significant financial and staff resources to implement the terms of the agreements to implement effective delegated programs. Current funding allocated to administer WCA at the local level varies widely, ranging from approximately $8,700 to $75,000 via the FY 2013 BWSR Natural Resources Block Grant (NRBG).

  An alternative option would be to eliminate DNR's jurisdiction over palustrine wetlands; if this were done, the inventory of public waters would be altered, and significant changes in statutes would be needed. DNR's authority for surface water regulation could focus on entire basins and rivers that included associated floodplains areas both above and below the ordinary high water level of lakes, rivers and reservoirs. Doing so would result in a resource "systems" approach to management of entire basins and river corridors rather than the fragmented approach to jurisdictional boundaries and lines.

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- Ensure consistent enforcement authority among state agencies – the DNR currently lacks authority to issue administrative penalty orders (APO), but can issue stop-work orders, unlike MPCA. Consistent authorities would reduce inconsistency and clarify permittees' expectations.
- Charge the Water Management System to work with U.S. Army Corps of Engineers (COE) to explore either assuming the Clean Water Act, Section 404 permitting authority at the state level or broadening use of federal general permits. COE has already developed a number of Minnesota General Permits that are essentially deferrals to the state – if one complies with state requirements, the federal permit is issued automatically. This approach warrants further study.
- Consider the findings and recommendations of an ongoing study of Water Permitting Processes For Transportation Projects, required by the 2012 legislative session and being developed by DNR, MPCA and MnDOT staff, as a pilot for a synthesized approach to wetland permitting.
- Build on the findings and recommendations of the BWSR report, "Supporting and Strengthening Implementation of the State's Wetlands Policy," required under Executive Order 12-04. The report's recommendations include alignment and management of many wetland regulatory processes at a watershed or basin scale, including alignment of pre-settlement zones, focusing of wetland mitigation efforts, and accounting for the goal of no net loss of wetlands.

Issues:

- *Groundwater doesn't fit neatly into a watershed management framework.*
- *Current permitting and review of groundwater withdrawals are not based on cumulative effects.*
- *Minnesota is perceived as a water abundant state, but areas lack for adequate water supply seasonally or episodically.*
- *Costs to re-use water are high.*
- *Management authorities and technical expertise on groundwater are widely dispersed among agencies.*

B2. Groundwater Management: an interagency consensus and usable withdrawal standards

Background

Groundwater doesn't fit neatly into a watershed management framework. Defining the extent and availability of groundwater requires extensive subsurface investigation to assess its flows, recharge rates, and quality. Aquifers are three-dimensional and are often multi-layered, making them challenging to map and model.

At a larger, more regional scale, previous mapping of aquifers and groundwater resources has documented that Minnesota groundwater resources can be mapped in regional "provinces" that generally align with the surface landscape in many parts of Minnesota (see http://www.dnr.state.mn.us/groundwater/provinces/index.html) Research efforts over time have defined and assessed groundwater, yet the ability to translate these data into policy has lagged. Laws requiring protection of groundwater resources and their conservation have long been on the books[19]; yet the determination of a means or approach to achieve sustainable use of groundwater has been elusive.

The 1989 Groundwater Protection Act created a system of groundwater governance that is distributed among numerous agencies: DNR handles issues related to supply, while well-drilling licensing and public drinking water supply protection are handled by the Minnesota Department of Health (MDH). Nonagricultural contamination and ambient groundwater quality are monitored by the MPCA, while impacts on groundwater related to agricultural practices are handled by MDA. Meanwhile, specific situations are emerging – accelerated groundwater use is negatively impacting streamflow and lake levels in some areas, and periodic droughts are straining groundwater supplies.

Minnesota is perceived as a water abundant state. There are areas of Minnesota that lack adequate water supply because of geologic conditions, climate, and seasonal fluctuations. Climate change will be a factor in this regard, and water reuse has been suggested as a means to improve water sustainability. State rules allow for wastewater and stormwater re-use but the cost of meeting public health, environmental and industry standards is high. As long as the price structure remains higher for necessary infrastructure and operation and maintenance to re-use water versus appropriation from groundwater aquifers to meet needs, we expect re-use of both wastewater and stormwater to be limited.

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Recommendations

- Complete and institutionalize an interagency framework for groundwater management that clearly articulates how groundwater resources are governed and managed to provide sustainable supplies of clean water, including mapping and defining groundwater provinces. (Work is already underway in this area.)
- Explore establishing water use thresholds or quantity-based standards for groundwater that are understandable and enforceable, and that also address the interchange between surface and groundwater. Manage groundwater withdrawals proactively at the system level (cumulatively) rather than the current approach of resolving "water use conflicts" reactively.
- Integrate water appropriations and well construction approvals and provide proactive approvals and assessments.
- Consider expanding MDH's Special Well Construction Areas program to identify areas of groundwater scarcity or potential health risks. A recent project by the Metropolitan Council assessing the vulnerability of regional aquifers suggests one possible approach.[4]
- Facilitate integrated technical groundwater expertise among agencies. The Water Management System could be charged with improving and optimizing the use and priority of this depth of technical expertise.

- [4] (See http://www.metrocouncil.org/environment/ WaterSupply/CWFActivities/)

- Examine alternatives for wastewater and stormwater conservation/reuse, including:
    - Consistent policies promoting the reuse of water for appropriate purposes, to reduce the use of drinking water-quality water for non-potable purposes: better match the water source to the use.
    - Consistent policies promoting the infiltration of stormwater, particularly in drinking water supply management areas, to recharge aquifers while protecting groundwater quality for drinking water. Groundwater recharge should be considered a downstream use and should be considered when developing stormwater infiltration projects.
    - Explore management of aquifer systems as underground reservoirs, with surface water infiltration, similar to California's "conjunctive use" programs.[20]
    - Explore options and implications of underground injection or infiltration of treated wastewater for recharge.
    - Consider modifying statutory priority for groundwater use for industrial processes to promote use of available surface water or reused stormwater/wastewater.
    - Consider means of managing re-use costs versus groundwater appropriations so that re-use might be more economically viable.
- Develop recommendations for increasing the focus on groundwater considerations as part of watershed management/assessment, restoration and protection plans.

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Issues:

- *Gaps exist between water planning and related land use plans.*
- *State land use statutes for Greater Minnesota lack any explicit connection to water plans.*
- *State agencies have specific and limited authority over local land use.*
- *Water quality and quantity are affected by land use within an entire watershed, which often crosses LGU boundaries, and land use is controlled largely by local zoning.*

B3. Re-Linking Land Use and Water Management

Background

The "one watershed – one plan" legislation of 2012 will encourage more coordinated planning for water management in Greater Minnesota, but the statutory requirements for both water plans and land use (comprehensive) plans do not address the sustainability of either set of resources, or the connections between them. State agencies have specific and limited authority over local land use; e.g. DNR shoreland (within 1,000 feet of lakeshore or 300 feet of rivers/streams) and floodplains. However, water quality and quantity are affected by land use within an entire watershed, and land use is controlled only by local zoning (city, county or township).

Water management in Minnesota has been framed in the past as studies of "water and related land resources." Opportunities to address water-land use connections

have waned in recent decades, with the loss of the State Planning Agency and de-emphasis of the state's role in advising on land use issues.

State land use statutes lack any explicit connection to water plans, and (outside the Metro area) include only general guidance for what should be included in a comprehensive plan or zoning ordinance. In fact, comprehensive planning and zoning are optional activities for non-metro cities and counties. However, it is clear that major goals of state water management statutory outcomes (water quality restoration or protection, lake improvement, flood damage reduction and drinking water protection, for example) can only succeed with land use management and control.

While the one watershed – one plan legislation envisions a synthesis of comprehensive plans, which are typically focused on land use, and water plans, it's important to recognize the challenges inherent in bridging this gap. The statutory authority for comprehensive planning and land use controls will remain with counties, cities and towns, even as water plans move towards a watershed-wide approach.

State agencies have different approaches and capabilities for conducting meaningful public participation or to influence local land use decisions related to water. DNR holds broad land use authority for shoreland areas, floodplains, wild and scenic rivers and the Mississippi River Critical Area. The ability of DNR staff to influence local land use decisions is limited. Certain shoreland ordinance provisions, such as buffer zones in agricultural areas, are inconsistently enforced among counties.

BWSR is considered by some to be among the most effective agencies in working with LGUs, but generally doesn't work with cities. MPCA is criticized by some for using an "academic" approach in outreach to the public, or failing to recognize local concerns. MDH's efforts to define and protect sensitive groundwater resources that are used for drinking water through wellhead protection plans are considered to be successful, but slow to be completed statewide.

Coordination between local governments, specifically cities and counties, sometimes falls short in protecting water resources. The differing capacities of large and small cities, counties, and some townships to plan for and manage both land use and water resources (discussed under A1 above) also creates gaps and inconsistencies.

Some local water and watershed plans tend to focus on engineering solutions, rather than land use-driven issues or trends. For example, a community's current zoning or future land use plan is typically accepted as a given in its water plan – i.e., "this site is zoned commercial so these are the best management practices that apply." The alternative might be to plan and zone sensitive land areas for less intensive development, such as conservation design that concentrates development on the most suitable portions of the site. Design solutions such as narrower street widths or more compact development should be considered along with stormwater

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engineering solutions. Engineering solutions tend to be "restoration" strategies, while land use planning and controls tend to be longer-term "protection" strategies.

Recommendations

- Strengthen the relationship between water authorities and land use authorities. Counties and cities will need to work together (or with watershed districts, where present) to synchronize water planning recommendations with the implementation activities that cities and counties are authorized to undertake, such as land use plans and ordinances.
- Strengthen incentives for local government units to combine and integrate water plans and land use plans. (Eligibility for funding has been used effectively to encourage water planning throughout the state, through BWSR's Natural Resources Block Grant program.)
- With support from local units of government, begin development of a comprehensive watershed management act that streamlines and enhances planning, implementation, targeting and, where appropriate, regulatory efforts for the non-metropolitan area of greater Minnesota. Select pilot watersheds and create the framework to accomplish comprehensive watershed management. Review and study current efforts in the Red River Valley to synchronize watershed district plans and comprehensive water management planning efforts. Consider consolidating existing authorities such as shoreland and floodplain with standards for land use management and nonpoint source pollution. An act of this type could also encourage, incentivize or require combined water/land use plans and integrate funding, as discussed above.
- Reconcile the timing and sequencing of Metro-area watershed and land use plans, (Currently, Minnesota Rules 8410 requires local governments to update their water plans within two years of completion of any update to a Watershed District or Watershed Management Organization's water plan.) Options that have been discussed include synchronizing local plan updates by major watershed (i.e., Minnesota or Mississippi; dividing the Metro area into three planning /management areas for more effective management of local and watershed plan revisions and updates.[21] ....
- Refine state water and related land use regulatory efforts (largely DNR's shoreland and floodplain programs) to increase the assessment of local government performance rather than focusing on individual land use applications.
- Authorize DNR to complete the revised Shoreland rule adoption and establish a timeline for local government implementation.

B4. Support and Strengthen Landowner and Land Occupier Efforts

In many respects, the quality of Minnesota's water resources has improved significantly over the decades since the federal Clean Water Act and related environmental legislation took effect. However, much of this improvement has come from control of point sources, while nonpoint sources largely go unregulated. The Clean Water Act exempts agricultural and forestry runoff from regulation as pollutants. From this underlying fact, many issues flow.

Issues:

- *Nonpoint source runoff from agricultural and development practices remains largely unregulated and will require focused efforts at a variety of scales.*
- *Climate and land use changes are affecting water quality, quantity and velocity.*
- *Loss of soil health through ongoing erosion is emerging as a significant issue.*

Substantial progress in water quality monitoring is being achieved through MPCA's watershed approach, a 10-year cycle of monitoring for all of Minnesota's 81 major watersheds. The minimal impact design standards (MIDS) being developed represent the next generation of stormwater management – greater flexibility, streamlined permitting and encouragement of innovative approaches. However, progress towards clean water remains challenging. Because of increased global demand for food and domestic needs, commodity prices have significantly increased in recent years. As a result, there is an increase in drainage activity to make land more productive to meet these needs. The expiration of many Conservation Reserve Program contracts will also likely result in increased cultivation and drainage activity.

Similarly, water quantity and velocity are affected by land use alterations, including urbanization, drainage activities and other unregulated nonpoint source runoff. Changing climate conditions are expected to exacerbate these effects. Hydrologists are documenting increased flood peaks, reduced groundwater recharge and reduced base flows in streams.

These nonpoint impacts accelerate runoff and increase nutrient and sediment loading to Minnesota's streams and lakes. Recognizing the need for focused efforts to address water quantity and quality impacts from agricultural practices, Governor Mark Dayton signed an agreement with the U.S. EPA Administrator and the U.S. Secretary of Agriculture to develop a Minnesota Agricultural Water Quality Certification Program (MAWQCP), a pilot project to accelerate voluntary adoption of on-farm conservation practices that enhance water quality (see above under 3. Related Projects and Activities).

Loss of soil health through ongoing erosion continues to threaten future agricultural production potential. The Natural Resources Conservation Service (NRCS) is launching a soil health awareness and education effort, with strong support from a diverse group of conservation and commodity groups.[22] According to the groups' letter, "achieving soil health is part of a systems approach to agriculture production that benefits the landscape, reduces nutrient loading and sediment runoff, increases efficiencies, and sustains wildlife habitat, while providing the potential for cost savings to producers."

In addition, Minnesota Statutes ch. 103F §§ 401-455 encourages local governments, with BWSR assistance and oversight, to adopt soil loss ordinances, based on soil loss

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tolerances for each soil series, as established by NRCS. A local ordinance can prohibit excessive soil loss, with the stipulation that no violation can be found if the land occupier is using the "best practicable conservation practices" for agricultural land. This section was enacted in 1990 and a model ordinance was developed, but these provisions have rarely if ever been used.

Recommendations

- Some state agencies own and manage a significant amount of land. Agencies should evaluate or audit their implementation of best management practices Some examples include: various crop leases and agricultural plots within state forests and wildlife management areas; use of MIDS for stormwater runoff for construction of state-owned buildings; trails and public water access sites; or similar activities. Build on the results of the current study on streamlining water-related permitting for transportation projects (see under Section 3, Related Activities) and extend the findings to other state agencies.
- Explore additional opportunities to work with industries to voluntarily adopt best management practices, self-audits and performance criteria to lessen the need for additional regulatory tools.
- Support implementation of the voluntary Minnesota Agricultural Water Quality Certification Program (MAWQCP) under development by the MDA in consultation with the MPCA, DNR and BWSR. Monitor and audit the water quality results from the pilot areas that will be established under the program, ideally from a watershed perspective.
- Revitalize and strengthen the implementation of the existing statutes for soil loss and soil health. Updating the existing model ordinance, linking the existing statute to support incentives to encourage voluntary participation in the MAWQCP, and providing incentives and technical assistance for local governments that adopt soil loss ordinances are approaches to consider.

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ENDNOTES

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[1] See http://www.pca.state.mn.us/index.php/about-mpca/mpca-overview/agency-strategy/dashboard-environment-and-performance-measures.html The 2015 TMDL limit for phosphorus in the Minnesota River is 44,211 kg/year.

[2] "About the Board of Soil and Water Resources," (agency website), http://www.bwsr.state.mn.us/aboutbwsr/index.html

[3] Minn. Stats. 473.175 and 474.859 Subd. 2(a)

[4] Minnesota Regional Development Commissions (website), http://www.mrdo.org/

[5] Bradley C. Karkkainen, "Minnesota Water Law: A Unique Hybrid," *in Water Policy in Minnesota: Issues, Incentives and Action* (2011).

[6] Janet Timmerman, "Draining the Great Oasis," in *Draining the Great Oasis: An Environmental History of Murray County, Minnesota*, 125-141 (2001).

[7] Mark J. Hanson, *Damming Agricultural Drainage: The Effect of Wetland Preservation and Federal Regulation on Agricultural Drainage in Minnesota,* 13 Wm. Mitch. L. Rev. 135, 139-40 (1987).

[8] *Policy Technical Work Team Report*, Minnesota Water Sustainability Framework, Appendix F, 3 (2011).

[9] Rob Johansson and Faye Sleeper, Implementing the Federal Water Pollution Control Act and Minnesota's Clean Water, Land, and Legacy Amendment, 53, *Water Policy in Minnesota: Issues, Incentives and Action* (2011).

[10] State Planning Agency, Water Resources Coordinating Committee. *Minnesota Water and Related Land Resources: First Assessment* (1970).

[11] University of Minnesota Center for Studies of the Physical Environment. *Environmental Decision-Making in Minnesota: An Overview, Applicability of Innovations in Other States to Minnesota, and Alternatives.* Report to the State Planning Agency (1973).

[12] Minnesota Water Planning Board, 1981. *Toward Efficient Allocation and Management: Special Study on Local Water Management.* A Report of the Minnesota Water Planning Board to the Legislative Commission on Minnesota Resources and Governor Albert H. Quie.

[13] Minn. Stats. 103A.301-341 and 103B.101, Subd. 9.

[14] Martha C. Brand and Joseph M. Finley, *Minnesota's Groundwater Protection Act: A Response to Federal Inaction,* 16 Wm. Mitch. L. Rev. 911-947 (1990).

[15] Minnesota House of Representatives Research Department. *A Survey of the Groundwater Act of 1989.* Prepared by John Helland, Legislative Analyst (2001).

[16] A Bold Experiment: The Metropolitan Council at 40. http://www.metrocouncil.org/about/metcouncilhistory.pdf

[17] See http://www.health.state.mn.us/divs/cfh/ophp/system/administration/history.html on the origins of this system in the Community Health Services Act of 1976.

[18] Geert R. Teisman and Jurian Edelenbos, Towards a Perspective of System Synchronization in Water Governance: A Synthesis of Empirical Lessons and

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Complexity Theories. International Review of Administrative Sciences, March 2011, vol. 77 no. 1, http://ras.sagepub.com/content/77/1/101

[19] Minn. Stats. 103H.001, Degradation prevention goal.

[20] During wet years, when more surface water is available, surface water is captured and stored underground by inducing recharge of aquifers with surplus surface water. "'Conjunctive use' means the temporary storage of water in a groundwater aquifer through intentional recharge and subsequent extraction for later use." California Water Code Section 79170-79183.

[21] Minnesota Environmental Initiative. *Land and Water Policy Project Report*, July 7, 2009.

[22] NRCS Soil Health information: http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/newsroom/?cid=STELPRDB1049251 and http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/soils/health

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COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Delivery of Conservation Services in Hennepin County – ***INFORMATION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Delivery Of Conservation Services In Hennepin County**

Meeting Date: December 12, 2012

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

Decision

LINKS TO ADDITIONAL INFORMATION

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

The attached BWSR staff report covers the history of the delivery of conservation services in Hennepin County over the past ten years by the Hennepin Conservation District and the Hennepin County Environmental Services Department. The report evaluates the results of a suvey, presents analysis and conclusions.

Hennepin County proposed legislation the previous two years to dissolve the Hennepin Conservation District. The proposed legislation would have bypassed the statutory requirements of having at least 500 resident owners sign a citizen petition, holding a referendum, and requiring the BWSR to make a decision on the petition. The proposed legislation was not enacted. Some Hennepin County Commissioners, including the Chair, have informed BWSR they will propose legislation again in the 2013 session and aggressively seek enactment.

BWSR staff have been working with County staff to develop compromise language that would have the BWSR Board make a decision without a referendum on a dissolution petition that the Hennnepin County Board could bring, while ensuring the continued delivery of conservation services in Hennepin County. The bill would be specific to Hennepin County. However, before undertaking the considerable effort to bring forth and support a compromise bill, Hennepin County wants a clear understanding of where the BWSR Board stands if compromise legislation is proposed and enacted.

BWSR staff support proposed compromise language by Hennepin County that would dissolve the Hennepin Conservation District through a decision of the BWSR Board without a referendum based on a petition filed by Hennepin County. The staff position is in consideration of the low functional capacity of the Hennepin Conservation District during the past ten years and the commitment of the County and its staff for delivering conservation services during that time. The County has determined it can deliver the conservation services more efficiently, more consistently, and at less cost than the District. A draft resolution, Version 1, is attached.

The Metro Water Planning Committee met on November 16. The meeting was attended by representatives of the Hennepin Conservation District, Hennepin County and MASWCD. Following a lengthy and robust discussion with many questions from the Committee members to the representatives, the Committee did not make a decision on the draft resolution and unanimously recommended the matter be on the BWSR Board meeting agenda.

At the meetig the MASWCD representative questioned whether the District would, in fact, be dissolved or if it would be a transfer of duties to the Hennepin County Board. An additional draft resolution, Version 2, is attached that includes an option for the transfer of duties from the Hennepin Conservation District to the Hennepin County Board instead of dissolving the District.

Minnesota Board of Water and Soil Resources Resolution No. 12-112

Delivery of Conservation Services in Hennepin County

WHEREAS, Hennepin County has indicated its intention to again propose legislation to dissolve the Hennepin Conservation District; and,

WHEREAS, the Hennepin County Environmental Services Department has been carrying out the delivery of conservation programs in Hennepin County for the past 10 years and the County has stated its commitment to continuing to do so should the Hennepin Conservation District be discontinued; and,

WHEREAS, the Hennepin Conservation District has not had, and continues to struggle to obtain, sufficient resources to support the District's statutory responsibilities; and,

WHEREAS, after several years of informal intervention and assessment, Board of Water and Soil Resources (BWSR) staff has prepared a report titled "Delivery of Conservation Services by the Hennepin Conservation District and the Hennepin County Environmental Services Department" dated November 13, 2012, summarizing the status and relevant history of Hennepin Conservation District operations; and,

WHEREAS, Minnesota Statutes, section 103C.225 provides for the dissolution of a district and the filing of an application to discontinue the district with the Secretary of State following either; (1) a resolution to discontinue the district adopted by the majority of the district board, or (2) a petition filed by a prescribed number of residents of the district, the conduct of a referendum at the next general election and a decision by the Board of Water and Soil Resources that the continued operation of the district is not administratively feasible; and,

WHEREAS, Board of Water and Soil Resources staff and Hennepin County staff have outlined draft compromise legislative language that would allow Hennepin County to file a dissolution petition with the Board and would have the Board make a decision on the petition without a referendum; and,

WHEREAS, the Board's Metropolitan Water Planning Committee considered the staff report and recommendation to direct Board staff to work with Hennepin County officials to pursue legislation consistent with the analysis and conclusions of the November 13, 2012 report at a meeting on November 16, 2012 and determined to bring the matter to the full Board for consideration without a recommendation of the Committee.

NOW, THEREFORE, BE IT RESOLVED, that, based on the unique history and circumstances of Hennepin County and the Hennepin Conservation District and staff conclusions in the staff report dated November 13, 2012, the Board directs Board staff to work with Hennepin County officials to pursue legislation specific to Hennepin County that is consistent with the following:

1. Allows the Hennepin County Board of Commissioners to directly petition the Board of Water and Soil Resources to transfer the duties and authorities of the Hennepin Conservation District to the Hennepin County Board of Commissioners, including the authorization for the County Board to assign the execution of these duties to an organizational unit of the County (e.g., the Hennepin County Department of Environmental Services). Such a provision will allow the County to petition BWSR with a decision to be made without the referendum required in Minnesota Statutes, section 103C.225.

2. Allows the Board of Water and Soil Resources to:

   a. Determine if sufficient mechanisms exist for progress toward achieving the goals in Minnesota Statutes, section 103C.005 and other responsibilities with a discontinuance of the Hennepin Conservation District.

   b. Review the implementation of soil and water conservation efforts in Hennepin County to determine if Hennepin County is sufficiently carrying out the duties of a soil and water conservation district and, if necessary, take action to assure the duties are carried out. These actions may include reducing, withholding, or redirecting grant funding or re-establishing the Hennepin Conservation District without a requirement for a referendum.

3. Permits Hennepin County to retain the same eligibility to receive state grant funds as the Hennepin Conservation District enjoyed.

Dated at St. Paul, Minnesota this 12th day of December, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Minnesota Board of Water and Soil Resources Resolution No. 12-____

Delivery of Conservation Services by the Hennepin Conservation District and the Hennepin County Environmental Services Department

WHEREAS, after several years of informal intervention and assessment, BWSR staff has prepared a report titled "Delivery of Conservation Services by the Hennepin Conservation District and the Hennepin County Environmental Services Department" dated November 13, 2012, summarizing the status and relevant history of Hennepin Conservation District operations; and,

WHEREAS, Hennepin County intends to again propose legislation to dissolve the Hennepin Conservation District; and,

WHEREAS, Hennepin County staff, in consultation with BWSR staff, have drafted legislative language that would allow Hennepin County to file a dissolution petition with BWSR and the Board making a decision on the petition without a referendum; and,

WHEREAS, the Hennepin Conservation District has not had and does not have sufficient resources to support their statutory responsibilities; and,

WHEREAS, the Hennepin County Environmental Services Department has been carrying out the delivery of conservation programs for the past ten years and is committed to continuing to do so in the absence of the Hennepin Conservation District; and,

WHEREAS, the Board's Metropolitan Water Planning Committee reviewed the staff report and discussed options directing Board staff to work with Hennepin County officials to pursue legislation consistent with the analysis and conclusions of the report.

NOW THEREFORE BE IT RESOLVED, that the Board endorses the staff report dated November 13, 2012 and directs Board staff to work with Hennepin County officials to pursue legislation consistent with the analysis and conclusions of the report.

Dated at St. Paul, Minnesota this 12th day of December, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Brian Napstad, Chair

Delivery of Conservation Services by the Hennepin Conservation District and the Hennepin County Environmental Services Department

Jim Haertel, Board of Water and Soil Resources
November 13, 2012

Introduction

Hennepin County proposed legislation the previous two years to dissolve the Hennepin Conservation District (HCD). The proposed legislation would have bypassed the statutory requirements of having at least 500 resident owners sign a citizen petition, holding a referendum, and requiring the Board of Water and Soil Resources (BWSR) to make a decision on the petition. The proposed legislation was not enacted. Some Hennepin County Commissioners, including the Chair, have informed BWSR they will propose legislation again in the 2013 session.

BWSR staff have been working with Hennepin County staff to develop compromise language (Attachment A) that would have the BWSR Board make a decision without a referendum on a dissolution petition that the Hennepin County Board could bring. The bill would be specific to Hennepin County. However, before undertaking the considerable effort to bring forth and support a compromise bill, Hennepin County wants a clear understanding of where the BWSR Board stands if compromise legislation is enacted.

History of HCD

HCD was largely defunded by the County in the winter of 2003. Because of internal turmoil within HCD, the Hennepin County Board withdrew all of its funding from the District in a vote on February 18, 2003. The County conducted a thorough and extensive assessment involving local government units and stakeholders that analyzed various service options and elected to assume most of the District's functions in a separate vote later that spring. Though the conservation district still exists, most of its previous functions are carried out by the Hennepin County Department of Environmental Services (HCES) through about a dozen staff. The District continues to function primarily through the grants it receives from BWSR, although the District has been subsidized by the County. The following table shows the various grants from BWSR to HCD, although the Natural Resources Block Grant to Hennepin County is not shown because the portion the County transfers to HCD requires a 1:1 match, thus there is no net gain in funds for HCD.

Hennepin Conservation District

	RIM Services	General Services	Cost Share	Metro WCA	Total
2005	$1,440	$33,071	$21,072		$55,583
2006	$2,359	$33,071	$22,072		$57,502
2007	$2,383	$33,071	$23,072		$58,526
2008	$2,423	$33,071	$23,072	$10,000	$68,566
2009	$2,364	$31,417	$23,072	$10,000	$66,853
2010	$2,180	$27,623	$12,040	$9,500	$51,343
2011	$1,459	$25,093	$12,968	$9,500	$49,020
2012	$1,423	$25,930	$17,409		$44,762
2013	$1,394	$25,930	$17,409		$44,733

The turn of events over the past ten years represents a departure from the District's previous successes. Many believe that the District as it once existed was one of the best in the state having a large number of staff with staff specialists such as a limnologist, hydrogeologist, and engineer. In addition to the standard SWCD role of working with local landowners, District employees used to provide extensive technical services to cities and Watershed Management Organizations (WMOs), especially in the less developed western portions of the County. The District was also a leader in groundwater modeling work and played an important role in environmental education efforts. One measure of the District's success was the response by other local entities when Hennepin County withdrew its funding. At least fourteen cities and townships, six WMOs, and five federal and state agencies contacted the County to urge it to provide replacement services.

By nearly all accounts, the District's problems came about as a result of infighting on the District's board. In November 2000, Hennepin County voters elected to the District board a former District employee who had been fired and who had subsequently engaged the District in a legal battle over her dismissal. This new board member challenged the legality of some District actions and the honesty of some of its employees. Board meetings became contentious. The other members of the board brought two lawsuits against the dissenting board member in July 2001, charging that she had publicly disparaged the District and inundated District staff with requests for records and files under the Data Practices Act. She countersued. The expense to the County of providing legal services by the County Attorney continued to increase.

As the turmoil on the board worsened, there were also concerns that the District would lose it capabilities through attrition of its experienced staff. The District's former manager personally initiated conversations with Hennepin County administrators and commissioners regarding the possibility of absorbing the District's functions. Meanwhile, Hennepin County and the District sought special legislation to make the District the only SWCD in the state with an appointed board. The proposed legislation failed.

In another development, a constituent dissatisfied with a District determination regarding wetlands on his property collected enough signatures to force a county-wide referendum on the District's dissolution. The referendum failed in the November 2002 election. However, in that same election, voters replaced two of the existing board members. Another two board members resigned shortly after the election, leaving the dissenting board member as the sole holdover from the previous board. In its first meeting with its new membership, the District's board fired its legal counsel and made the dissenting board member its (1) media and public affairs officer, and (2) representative on labor issues. The Hennepin County Board defunded the District shortly after this meeting and began a process of consultation with stakeholders to determine which of the District's functions the County should assume. All of the District's previous staff left the District in the wake of the defunding decision. Most of the previous staff took positions carrying out similar responsibilities with HCES. After the defunding vote, the dissenting board member resigned as well.

HCD's board was left with statutory authorities but without a budget and staff sufficient to carry them out. The District was able to draw upon cash reserves and BWSR base grant funding to hire a single staff person. However, the District sold or gave away many of its assets and retrenched to a very low level of activity. It distributed some cost-share conservation funds received through BWSR and worked on some wetlands issues. A review of the organization's minutes for 2003 and 2004 suggests that the vast majority of the board's time was devoted to internal administrative matters.

The organization muddled along until attrition and the November 2004 election produced another almost complete turnover of the board membership. The new chair, a leadership trainer who conducted workshops for SWCD board members around the state, led the new board in a series of discussions to examine its options. The board concluded that it could best serve the residents of the County by acting primarily as an advisory and advocacy committee. HCD approached Hennepin County to have County staff, who were essentially the District's pre-2003 personnel now under County auspices, carry out all of the functions of the District. A cooperative agreement was finalized in November 2006.

Board membership continued to turnover frequently. During the past five years, 13 different board members have rotated through the five positions and a board position has frequently been vacant. The past year is typical. A vacancy has existed on the board since February, one board member did not seek re-election, and one board member seeking re-election was unseated, thus 2013 will begin with three new board members. The other two members each have less than one year on the board. HCD has required more than its fair share of BWSR staff time without favorable results.

The November 2006 cooperative agreement had a term of four years with allowance for up to 3 one year amendments. The agreement was amended for 2011 and 2012. After 2013 the Hennepin County Board would need to take further action to continue the agreement. However, it is very unlikely an agreement would be continued after 2013 given the Hennepin County Board's actions to dissolve HCD. Hennepin County and HCD have yet to amend the agreement for 2013, although there appears to be an agreement in principle. The amended agreement would

no longer have County staff providing administrative services, instead HCD has hired a part time staff person for approximately $20,000 per year.

Although Hennepin County essentially defunded HCD ten years ago, the County has subsidized HCD by providing technical and administrative services. HCD does not have sufficient funds to cover the County contribution. In 2011 the County relieved HCD of repaying approximately $40,000 for services rendered to HCD by HCES staff. In 2011, County staff participated on 45 Technical Evaluation Panels, had 29 wetland violation cases in progress, prepared 6 restoration orders and imposed liens on property as a result of the landowner failing to comply with a restoration order. Similarly, from January 1 to September 30, 2012, services provided by HCES were approximately $58,000, however HCD had a total of approximately $46,000 in available funds. The gap will widen in the last quarter of 2012, especially since HCD has hired a part time staff person.

In 2013, under the proposed cooperative agreement amendment, the County will continue to provide technical services regarding the implementation of the Wetland Conservation Act (WCA) and Re-Invest in Minnesota (RIM) inspections at approximately $28,000 below the actual cost. The County believes these programs are important and is willing to provide the necessary staff resources without full reimbursement. The implementation of WCA and RIM inspection responsibilities do not require formal board action and are routinely provided by County staff under County supervision. HCD board action is required for the approval of cost-share projects and contracts. To maintain the HCD board takes two dollars in administrative services for every dollar of cost-share provided by HCES. It is continually difficult for the County to justify expenditures to HCD when administrative costs are so high relative to the funds provided.

Surveys

Twenty-six surveys (Attachments B, C, D) were recently sent to local governments in Hennepin County, HCD and HCES to assess the conservation services that HCD and HCES provide and to help gauge any decline in those services if HCD no longer existed. Eight responses were received. Except for the HCD response, all of the responses to the surveys indicate:

- The only service HCD provides is associated with Technical Evaluation Panels required by the Wetland Conservation Act.
- HCES staff could provide the Wetland Conservation Act services that HCD does.
- There would be no decline in services if HCD did not exist.
- In the absence of HCD, the lack of elected SWCD supervisors would be no disadvantage.

HCD responded:

> "HCD is invaluable to Hennepin County soil and water resources, residents and this is delineated (sic) in that HCD oversees the largest WCA workload in the State of Minnesota and the largest enforcement caseload in the State. Hennepin County had a referendum on the ballot in 2002, and the public voted to retain HCD (74% for, 25% against). Residents of Hennepin County defeating this referendum see clear value in having a citizen represented Soil and Water Conservation Board of Supervisors in Hennepin County.
>
> Several newly appointed HCD Supervisors are diligently working to develop new strategies for the function and purpose of HCD. These new strategies include seeking additional funding mechanisms through grants and new partnerships with Watershed Districts, Watershed Management Organizations, adjacent Soil and Water Conservation Districts and private businesses/citizens. The HCD Board of Supervisors is also cultivating an alliance with an outside consultant whom HCD expects to take over administrative duties from Hennepin Environmental Service staff in 2013, which will reduce government costs, streamline services and allow HCD to be more nimble and effective."

Analysis

It is clear that Hennepin County has greatly reduced funding to HCD over the past ten years. The reduction in funding has resulted in a crippled HCD that relies on base grant funding from BWSR and substitute services from Hennepin County. There has been excessive turnover on the board of supervisors and current staffing is less than one full time equivalent. For ten years HCES staff have been doing almost all of the work that HCD used to do. The County has found this option to be less costly, more efficient, more consistent and less problematic. It should be no surprise that Hennepin County no longer wants the burden of having to support an elected HCD board whose services can be, and are being, carried out in a well-managed way by HCES.

HCD cannot obtain other grants because they have no one to write the grant applications and they do not have the money to meet match requirements of 25% or more that is typically required for grants. There has been rapid turnover on the HCD board resulting in inexperienced board members. HCD has required more than its fair share of BWSR staff time without favorable results.

HCD contends BWSR has not fairly assessed their work and that the District will improve in the future as new strategies are pursued.

Conclusions

This report would not exist if it were not for the fact that Hennepin County is proposing legislation to dissolve HCD. BWSR has had a long history of promoting and partnering with SWCDs. In consideration of this partnership, it may be difficult to accept a recommendation to support the dissolution of a SWCD. BWSR staff support proposed Hennepin County legislation that would dissolve HCD through a decision of the BWSR Board without a referendum based on a petition filed by Hennepin County for the following reasons:

- Hennepin County is unique due to its population, tax base, full coverage by WMOs, and well-staffed and funded environmental services department.
- Frequent turnover of HCD board members has resulted in a lack of continuity and, coupled with a steep learning curve, a lack of historical perspective and education that hinders making informed decisions.
- HCD has required more than its fair share of BWSR staff time without favorable results.
- HCD has a disproportionate amount of administrative costs compared to project and program funding.
- It is important to keep the proposed legislation pertaining solely to Hennepin County and avoiding a precedent for the legislature getting involved in unique local issues directly. The BWSR Board is an appropriate venue for those decisions given the suite of other BWSR duties and authorities.
- Try not to make it easier for other counties to dissolve their SWCDs by allowing counties to petition BWSR directly for dissolution. There are some SWCDs in poor positions with their counties presently.
- It would be best not to open up legislative discussion regarding SWCDs and lowering the petitioner threshold. Keep the proposed legislation confined to Hennepin County.
- BWSR has been having issues with the administration of HCD, likely because it is not given a high priority under the cooperative agreement with Hennepin County.

Attachment A

DRAFT

11/6/12

relating to local government; discontinuing Hennepin Conservation District and transferring duties; proposing coding for new law in Minnesota Statutes, chapter 383B.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [383B.76] **DISCONTINUANCE OF HENNEPIN CONSERVATION DISTRICT; TRANSFER OF DUTIES.**

(a) Notwithstanding Chapter 103C.225, the Hennepin County Board of Commissioners may petition the Board of Water and Soil Resources to transfer the duties and authorities of the Hennepin Conservation District to the Hennepin County Board of Commissioners operating through the Hennepin County Department of Environmental Services or other organizational unit as assigned by the County board thereby discontinuing the District without a referendum which would otherwise be required under section 103C.225.

(b) If the Board of Water and Soil Resources determines that sufficient mechanisms exist for progress toward achieving the goals in section 103C.005 and other responsibilities with a discontinuance of the Hennepin Conservation District, then the Board of Water and Soil Resources may discontinue the District indefinitely without a referendum.

(c) Under a discontinuance of the Hennepin Conservation District, the Hennepin County Board of Commissioners operating through the Hennepin County Department of Environmental Services or other organizational unit as assigned by the County board has the duties and authorities of the District and retains the eligibility of the District for state grant funds .

(d) Upon a determination by the Board of Water and Soil Resources under (b) to discontinue the Hennepin Conservation District, all contracts entered into, to which the District or District board was a party, remain in force and effect for the period provided in the contracts. The Hennepin County Board of Commissioners operating through the Hennepin County Department of Environmental Services or other organizational unit as assigned by the County board shall be substituted for the District or District board as party to the contracts and succeed to the District's rights and duties. Any assets of the District on the date of discontinuance of the District are transferred to the Hennepin County Board of Commissioners for the purposes of implementing the transferred duties and responsibilities.

(e) If the Board of Water and Soil Resources finds that the Hennepin County Board of Commissioners operating through the Hennepin County Department of Environmental Services

or other organizational unit as assigned by the County board is not sufficiently carrying out the duties and responsibilities of a soil and water conservation District under chapter 103C, the Board of Water and Soil Resources may, in order:

(1) reduce, withhold, or redirect grants and other funding if deficiencies have not been corrected as prescribed in a notice from the Board of Water and Soil Resources within one year from the date of the notice; and

(2) reestablish the Hennepin Conservation District without a referendum after holding a public hearing and re-establish supervisor nomination Districts and appoint new supervisors to serve until supervisors are elected at the next general election.

Attachment B

Survey - Local Government Units

1. What water and land management programs and activities does Hennepin Conservation District provide for you or are you associated with?

2. What water and land management programs and activities does Hennepin County Environmental Services provide for you or are you associated with?

3. Which services currently provided by the Hennepin Conservation District could be covered by Hennepin County Environmental Services?

4. Which services currently provided by the Hennepin Conservation District would no longer be provided if the District did not exist?

5. What are the strengths and weaknesses of the Hennepin Conservation District?

6. What are the strengths and weaknesses of Hennepin County Environmental Services?

7. If Hennepin County Environmental Services did the work of the Hennepin Conservation District do you feel the lack of elected soil and water conservation District supervisors would be a disadvantage?

Attachment C

Survey – Hennepin County Environmental Services Department

1. What are the strengths and weaknesses of the Hennepin Conservation District?

2. What are the strengths and weaknesses of Hennepin County Environmental Services?

3. Which services currently provided by the Hennepin Conservation District could be covered by Hennepin County Environmental Services?

4. Which services currently provided by the Hennepin Conservation District would no longer be provided if the District did not exist?

5. If Hennepin County Environmental Services did the work of the Hennepin Conservation District how would the planning and prioritization of services be done in the absence of the SWCD Comprehensive Plan?

6. If Hennepin County Environmental Services did the work of the Hennepin Conservation District do you feel the lack of elected soil and water conservation District supervisors would be a disadvantage?

Attachment D

Survey – Hennepin Conservation District

1. Where has HCD made the most progress in implementing long range goals and objectives in the past five years?

2. Which goals and objectives has HCD had the most difficulty in making progress on? What are the most likely reasons for this lack of progress?

3. How often does the Board review progress?

4. What are the strengths and weaknesses of the Hennepin Conservation District?

5. What are the strengths and weaknesses of Hennepin County Environmental Services?

6. Which services currently provided by the Hennepin Conservation District could be covered by Hennepin County Environmental Services?

7. Which services currently provided by the Hennepin Conservation District would no longer be provided if the District did not exist?

8. If Hennepin County Environmental Services did the work of the Hennepin Conservation District do you feel the lack of elected soil and water conservation District supervisors would be a disadvantage?

Minnesota Board of Water and Soil Resources Resolution No. 12-112

Delivery of Conservation Services in Hennepin County

WHEREAS, Hennepin County has indicated its intention to again propose legislation to dissolve the Hennepin Conservation District; and,

WHEREAS, the Hennepin County Environmental Services Department has been carrying out the delivery of conservation programs in Hennepin County for the past 10 years and the County has stated its commitment to continuing to do so should the Hennepin Conservation District be discontinued; and,

WHEREAS, the Hennepin Conservation District has not had, and continues to struggle to obtain, sufficient resources to support the District's statutory responsibilities; and,

WHEREAS, after several years of informal intervention and assessment, Board of Water and Soil Resources (BWSR) staff has prepared a report titled "Delivery of Conservation Services by the Hennepin Conservation District and the Hennepin County Environmental Services Department" dated November 13, 2012, summarizing the status and relevant history of Hennepin Conservation District operations; and,

WHEREAS, Minnesota Statutes, section 103C.225 provides for the dissolution of a district and the filing of an application to discontinue the district with the Secretary of State following either; (1) a resolution to discontinue the district adopted by the majority of the district board, or (2) a petition filed by a prescribed number of residents of the district, the conduct of a referendum at the next general election and a decision by the Board of Water and Soil Resources that the continued operation of the district is not administratively feasible; and,

WHEREAS, Board of Water and Soil Resources staff and Hennepin County staff have outlined draft compromise legislative language that would allow Hennepin County to file a dissolution petition with the Board and would have the Board make a decision on the petition without a referendum; and,

WHEREAS, the Board's Metropolitan Water Planning Committee considered the staff report and recommendation to direct Board staff to work with Hennepin County officials to pursue legislation consistent with the analysis and conclusions of the November 13, 2012 report at a meeting on November 16, 2012 and determined to bring the matter to the full Board for consideration without a recommendation of the Committee.

NOW, THEREFORE, BE IT RESOLVED, that, based on the unique history and circumstances of Hennepin County and the Hennepin Conservation District and staff conclusions in the staff report dated November 13, 2012, the Board directs Board staff to work with Hennepin County officials to pursue legislation specific to Hennepin County that is consistent with the following:

1. Allows the Hennepin County Board of Commissioners to directly petition the Board of Water and Soil Resources to transfer the duties and authorities of the Hennepin Conservation District to the Hennepin County Board of Commissioners, including the authorization for the County Board to assign the execution of these duties to an organizational unit of the County (e.g., the Hennepin County Department of Environmental Services). Such a provision will allow the County to petition BWSR with a decision to be made without the referendum required in Minnesota Statutes, section 103C.225.

2. Allows the Board of Water and Soil Resources to:

   a. Determine if sufficient mechanisms exist for progress toward achieving the goals in Minnesota Statutes, section 103C.005 and other responsibilities with a discontinuance of the Hennepin Conservation District.

   b. Review the implementation of soil and water conservation efforts in Hennepin County to determine if Hennepin County is sufficiently carrying out the duties of a soil and water conservation district and, if necessary, take action to assure the duties are carried out. These actions may include reducing, withholding, or redirecting grant funding or re-establishing the Hennepin Conservation District without a requirement for a referendum.

3. Permits Hennepin County to retain the same eligibility to receive state grant funds as the Hennepin Conservation District enjoyed.

Dated at St. Paul, Minnesota this 12th day of December, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

DRAFT – Version 1a

Minnesota Board of Water and Soil Resources Resolution No. 12-__

Delivery of Conservation Services in Hennepin County

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WHEREAS, the Hennepin Conservation District has not had, and continues to struggle to obtain, sufficient resources to support the District's statutory responsibilities; and,

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WHEREAS, Minnesota Statutes, section 103C.225 provides for the dissolution of a district and the filing of an application to discontinue the district with the Secretary of State following either; (1) a resolution to discontinue the district adopted by the majority of the district board, or (2) a petition filed by a prescribed number of residents of the district, the conduct of a referendum at the next general election and a decision by the Board of Water and Soil Resources that the continued operation of the district is not administratively feasible; and,

BWSR staff

WHEREAS, Board and Hennepin County staff have outlined draft compromise legislative language that would allow Hennepin County to file a dissolution petition with the Board and would have the Board make a decision on the petition without a referendum; and,

WHEREAS, the Board's Metropolitan Water Planning Committee considered the staff report and recommendation to direct Board staff to work with Hennepin County officials to pursue legislation consistent with the analysis and conclusions of the November 13, 2012 report at a meeting on November 16, 2012 and determined to bring the matter to the full Board for consideration without a recommendation of the Committee.

NOW, THEREFORE, BE IT RESOLVED, that, based on the unique history and circumstances of Hennepin County and the Hennepin Conservation District and staff conclusions in the staff report dated November 13, 2012, the Board directs Board staff to work with Hennepin County officials to pursue legislation specific to Hennepin County that is consistent with the following:

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2. Allows the Board of Water and Soil Resources to:

   a. Determine if sufficient mechanisms exist for progress toward achieving the goals in Minnesota Statutes, section 103C.005 and other responsibilities with a discontinuance of the Hennepin Conservation District.

   b. Review the implementation of soil and water conservation efforts in Hennepin County to determine if Hennepin County is sufficiently carrying out the duties of a soil and water conservation district and, if necessary, take action to assure the duties are carried out. These actions may include reducing, withholding, or redirecting grant funding or re-establishing the Hennepin Conservation District without a requirement for a referendum.

3. Permits Hennepin County to retain the same eligibility to receive state grant funds as the Hennepin Conservation District enjoyed.

Dated at St. Paul, Minnesota this 12th day of December, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Brian Napstad, Chair

BWSR Meeting Date 12/12/12

Motion: Hennepin CD 1A

Moved by: Jack Ditmore

Seconded by: Tom Landwehr

	Affirmative	Opposed
~~Bob Burandt~~	___	___
~~Joe Collins~~	___	___
~~Jack Ditmore~~	___	___
~~Chris Elvrum~~/Linda Bruemmer	___ ?	___
~~Quentin Fairbanks~~	___	___
~~Rebecca Flood~~/~~Doug Wetzstein~~	___	___
~~Christy Jo Fogarty~~	___	___
~~Todd Foster~~	___	___
~~Sandy Hooker~~	___	___
~~Tom Landwehr~~/~~Dave Schad~~	___	___
~~Paul Langseth~~ — out	___	___
~~Tom Loveall~~	___	___
~~John Meyer~~	___	___
~~Keith Mykleseth~~	___	___
~~Faye Sleeper~~/~~Gary Sands~~	___	___
~~Steve Sunderland~~	___	___
~~Gene Tiedemann~~	___	___
~~Gerald Van Amburg~~	___	___
Brad Ruddy ~~Matthew Wohlman~~/~~Rob Sip~~	___	___
~~Brian Napstad~~	___	___

H: roll-call vote

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee

1. FY2013 CWF Competitive Grants Recommendation – Dave Weirens – ***DECISION ITEM***

2. Reallocation of a Targeted Drainage Water Management Grant – Tim Gillette – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

Conflict of Interest Disclosure for Grant Application Reviewer

Grant Program: **FY2013 CWF Competitive Grants** **Date: December 12, 2012**

Name of Review Group: Grants Program and Policy Committee

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:

Chair Statement: *"A conflict of interest whether actual, potential, 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 declare conflicts of interest they may have regarding today's business."*

This form gives grant application reviewers an opportunity to disclose any actual, potential or perceived conflicts of interest that may exist during a grant review process. It is the grant reviewer's obligation to be familiar with the Office of Grants Management (OGM) Policy 08-01, Conflict of Interest Policy for State Grant-Making and to disclose any conflicts of interest accordingly.

All grant reviewers must complete and sign a conflict of interest disclosure form. The grant reviewer must identify any grant applicant with which they have an actual, potential or perceived conflict, but is not required to explain the reason for the conflict of interest on this disclosure form as this form is considered public data under Minn. Statute 13.599- Grants, but must discuss with appropriate agency or grant program personnel. **A disclosure does not automatically result in the grant application reviewer being removed from the review process.**

Please read the definition of conflict of interest below and mark the appropriate boxes that pertain to you and your status as a reviewer of applications for this Grant Program.

Description of actual, potential, and perceived conflicts of interest

Actual conflict of interest:
An actual conflict of interest shall be deemed to exist when a review of the situation by the grant reviewer or other agency personnel determines that a decision or action by the grant reviewer would compromise a duty to another party.

OGM Policy 08-01 determines that an actual conflict of interest exists when any one of the following conditions is present:

1. A state employee or 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.

2. A state employee or 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.

3. A state employee or a grant reviewer is an employee or board member of a grant applicant or grantee applicants or is a family member of anyone involved in the grantee or grant applicant's agency.

Potential Conflict of Interest:
A potential conflict of interest may exist if a grant application reviewer has a relationship, affiliation, or other interest that could create an inappropriate influence if the person is called on to make a decision or recommendation that would affect one or more of those relationships, affiliations, or interests. For example, a grant reviewer that serves in a volunteer capacity for an applicant organization has the potential to, but does not necessarily create a conflict of interest, depending on the nature of the relationship between the two parties.

A disclosed potential conflict of interest warrants additional discussion between the grant reviewer and appropriate agency or grant program personnel in order to identify the nature of the relationship, affiliation, or other interest and mitigate any potential conflicts.

Perceived Conflict of Interest:
Per OGM Policy 08-01, a perceived conflict of interest is any situation in which a reasonable third party would conclude that conflicting duties or loyalties exist.

A disclosed perceived conflict of interest warrants additional discussion between the grant reviewer and appropriate agency or grant program personnel in order to identify and mitigate any perceived conflicts.

As a grant reviewer, I certify that I have read and understand the description of conflict of interests explained above and in OGM Policy 08-01 and (check one of the three boxes below):

☐ I do not have any conflicts of interest relating to this program's grant applicants or proposed projects and I will participate in the review process.

☐ I have reviewed the list of applicants, and I have an ACTUAL, POTENTIAL, or PERCEIVED conflict of interest with the applicant(s) listed below. I will still participate in the review process and I will abstain from scoring, discussing and making decisions on any issues in relation to the applicant(s) listed below. *(The grant reviewer must state any and all applicants with which he/she has a conflict of interest and may describe the nature of the conflict in the space below, but a description is not required on this form since this form is considered public data.*

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

☐ After reviewing the Conflict of Interest Disclosure Form and OGM Policy 08-01, I am UNABLE or CHOOSE NOT to participate in this review process.

If at any time during the review process I discover a conflict of interest, I will stop reviewing any grant applications I may have received and disclose that conflict immediately to appropriate agency or grant program personnel.

Reviewer's printed name: _____

Reviewer's signature: _____

Date: _____

Reviewer's Organization/Agency: _____

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Fy 2013 Competive Grants Program Funding Recommendation**

Meeting Date: December 12, 2012

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 and Clean Water Specialists

Reviewed by: Grants Program and Policy Committee(s)

Presented by:

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

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

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other:

ACTION REQUESTED

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, and Conservation Drainage.

LINKS TO ADDITIONAL INFORMATION

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
On June 27, 2012 the Board adopted resolution #12-54 which authorized staff to conduct an request for proposals from eligible local governments for Clean Water Fund projects in seven program categories: Clean Water Assistance, Livestock Waste Management, SSTS Abatement, Accelerated Implementation, Community Partners Conservation Program and Conservation Drainage.

Applications were accepted from August 1, 2012 until September 14, 2012. A total of 286 applications were received that requested nearly $68 million. Total available grant funds are $18,342,362. BWSR staff conducted multiple processes to review and score applications, all of them involving staff from other agencies.

The attached recommendation overview, spreadsheets, and resolution contain detail on the applications and proposed funding awards.

Minnesota Board of Water & Soil Resources

Board Resolution # 12- 123

FY 2013 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 includes 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 27, 2012 (Board Resolution # 12-54) the Board:

1. Authorized staff to finalize, distribute and promote a Request For Proposals (RFP) for the FY2013 Clean Water Fund and Competitive Grants Program consistent with the provisions of Clean Water Fund appropriations made in Laws of Minnesota 2011, 1st Special Session, Chapter 6, Article 2, Section 7, Minn. Stat. 103B.3369 and this Board resolution; and,
2. Adopted the FY2013 Clean Water Fund Competitive Grants Policy; and,

WHEREAS, FY 2013 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 1 to September 14, 2012:

A. $18,342,362 from the CWF appropriated to BWSR, in the following categories:
    1. $14,000,000 for Clean Water Assistance Grants, including targets of $2.0 million for Livestock Waste Management Grants and $1.5 million for SSTS Abatement;
    2. $2,000,000 for Accelerated Implementation Grants;
    3. $942,362 for Conservation Drainage Management Grants;
    4. $1,400,000 for Community Partners Conservation Program Grants; and
B. 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 July 13, 2012, July 30, 2012, and published in the State Register on July 30, 2012 of the available CWF grant funds;
- webinars were held on July 12, July 16, July 17, July 19, July 31, August 1 and August 7 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 211 applications that requested $48,355,552 in state funds for Clean Water Assistance projects; and,

WHEREAS, the FY 2013 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 $6,812,654 in state funds for 64 Livestock Waste Management projects; and,

WHEREAS, the FY 2013 Clean Water Assistance-Livestock Waste Management 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. Anticipated Outcomes,
2. Prioritization and Relationship to Plan,
3. Located in Riparian Zone, and;

WHEREAS, local governments throughout the state submitted 12 applications that requested $1,631,156 in state funds for SSTS Abatement Grants; and,

WHEREAS, the FY 2013 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 54 applications that requested $6,900,000 in state funds for Clean Water Accelerated Implementation projects; and,

WHEREAS, the FY 2013 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 26 applications that requested $2,300,000 in state funds for Community Partners Conservation Program projects; and,

WHEREAS, the FY 2013 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 13 applications that requested $1,970,000 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, the BWSR Senior Management Team reviewed the proposed FY 2013 CWF Competitive Grant allocations on November 13, 2012; and

WHEREAS, the Grants Program and Policy Committee reviewed FY2013 CWF Competitive Grants Program proposals developed by staff on November 28, 2012.

NOW THEREFORE BE IT RESOLVED, the Board hereby:

1) Approves allocations to implement the FY 2013 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	$10,700,007
B. Livestock Waste Management Grants	$1,668,199
C. SSTS Abatement Grants	$1,631,794
D. Accelerated Implementation Grants	$2,000,000
E. Conservation Drainage Grants:	$ 942,362
F. Community Partners Conservation Program Grants	$1,400,000

2) Authorizes staff to forward a recommendation to the MDA to allocate $262,638 of Agricultural BMP Loan Program funds to projects and activities proposed through BWSR-led competitive grant making processes, and

3) Authorizes staff to use the proportion of the amount leveraged or match as a tiebreaker for equal project scores to award available funds, and

4) Authorizes staff to:
   A. approve project workplans,
   B. enter into grant agreements consistent with this resolution and Legislative appropriations,

C. assign funds , noted in (1) that may become available, to partially funded then unfunded projects, in rank order, if funded projects are withdrawn, do not receive workplan approval by March 1, 2013 unless extended for cause, or are modified to reduce the state funding needed to accomplish the project, and

D. assign prior fiscal year CWF grant funds that were previously awarded and unallocated fiscal year 2013 funds in following priority order:

1. Fully funds projects that were partially funded in the following priority order:
   a. Accelerated Implementation Grant Program projects;
   b. Clean Water Assistance Grant Program projects; and
   c. Community Partners Conservation Program projects.
2. Unfunded Accelerated Implementation Grant Program projects in rank order; and
3. Clean Water Assistance Grant Program projects in rank order

Date: 12/12/12

Brian Napstad, Chair
Board of Water and Soil Resources

Attachments:

1. FY2013 Clean Water Assistance Grant Recommendations
2. FY2013 Livestock Waste Management Grant Recommendations
3. FY2013 SSTS Abatement Grant Recommendations
4. FY2013 Accelerated Implementation Grant Recommendations
5. FY2013 Community Partner Conservation Program Grant Recommendations
6. FY2013 Conservation Drainage management Program Grant Recommendations
7. FY2013 Clean Water Fund: Scoring Results and Funding Recommendations

BOARD OF WATER AND SOIL RESOURCES

FY2013 Clean Water Fund Competitive Grants
December 12, 2012

Applications for the FY2013 Clean Water Fund Competitive Grants were accepted from August 1 through September 14. Local governments submitted 286 applications requesting $67,974,634 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; and Community Partners Conservation Program.
- **CWF Clean Water Assistance Grants:** Livestock Waste Management and SSTS Abatement.
- **Conservation Drainage Management Grants.**

The Interagency Scoring Team consisting of staff from BWSR, DNR, MDA, MDH, and MPCA met on November 1 and 2 to score the CWF Competitive Grants. BWSR Clean Water Specialists met on October 16 to review and score the Livestock Waste Management and SSTS Grant applications. The Drainage Management Team met on November 8 to score the Conservation Drainage applications. The resulting funding recommendations were reviewed by the BWSR Senior Management Team on November 13.

CWF Competitive Grants.

The FY2013 CWF Competitive Grants consists of 5 separate funds, as shown below:

FY2013 Competitive CWF Competitive Grant Programs	FY13 Available Funds	Requested Funds
Clean Water Assistance Grants	$10,500,000	$48,355,552
Clean Water Assistance Grants: Livestock Waste Management	$2,000,000 (target)	$6,812,654
Clean Water Assistance Grants: SSTS Abatement	$1,500,000 (target)	$1,631,156
Clean Water Accelerated Implementation Grants	$2,000,000	$6,900,000
Community Partners Conservation Program Grants	$1,400,000	$2,300,000

Conservation Drainage Grants	$942,362	$1,970,000
MDA Ag BMP Loans	$4,500,000	$262,638
Total	**$22,900,000**	

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. Activities include structural and vegetative practices to reduce runoff and retain water on the land, livestock water quality projects, Subsurface Sewage Treatment System (SSTS) abatement grants for low income individuals, and stream bank, stream channel and shoreline protection projects.

A total of 211 applications for Clean Water Assistance Grant Funds were received. Of this total, 145 applications were scored. Seventy-two applications were not scored as they were assessed as low (53 applications) by BWSR staff or determined to be ineligible (13 applications). The criteria used in the BWSR assessments and interagency scoring are shown below.

Clean Water Assistance 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.	20
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
Project Readiness: The application has a set of specific initiatives that can be implemented soon after grant award.	20
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:

1. Fully fund the highest scoring 47 applications and partially fund the 48th (CWF13-16, Chisago SWCD) by using $200,007 in funds not proposed to be used to fund Livestock Waste Management projects.
2. CWF 13-96, Greater Blue Earth River Basin Alliance (#5) and CWF13-102, Renville County (#35) are recommended for 50% funding due to non-specific project locations.
3. CWF 13-150, Goodhue SWCD (#21) and CWF13-71, Aitkin SWCD (#104) are recommended to seek Flood Disaster Response Funds.

Clean Water Assistance – Livestock Waste Management Grants:

BWSR set a target of $2,000,000 of the Clean Water Assistance funds to be allocated towards livestock waste management projects in FY2013. A total of 64 individual feedlots requesting $6,812,654 were determined to be eligible for funding and were scored by the BWSR Clean Water Specialists using the scoring criteria shown below.

Livestock Waste Management Ranking Criteria	
Ranking Criteria	**Maximum Points Possible**
Anticipated Outcomes	45
Prioritization and Relationship to Plan	20
Located in Riparian Zone	35
Total Points Available	**100**

Recommendation:

1. Fully fund the highest scoring 11 livestock waste management applications that include 16 feedlots.
2. Re-allocate $128,794 to SSTS Abatement.
3. Re-allocate $203,007 to Clean Water Assistance.

Clean Water Assistance – SSTS Abatement Grants:

BWSR set a target of $1,500,000 of the Clean Water Assistance funds to be allocated towards SSTS Abatement projects in FY2013. A total of 12 applications requesting $1,631,794 were determined to be eligible for funding and were scored by the BWSR Clean Water Specialists using the scoring criteria shown below.

SSTS Abatement Ranking Criteria	
Ranking Criteria	**Maximum Points Possible**
Prioritization and Relationship to Plan	15
SSTS Located in a Riparian Zone	40
SSTS identified	45
Total Points Available	**100**

Recommendation:
Fully fund all identified low-income SSTSs including 4 community systems in cooperation with the Public Facilities Authority by using all of the $1,500,000 target plus $131,794 in funds not proposed to be used to fund Livestock Waste Management projects.

Accelerated Implementation Grants:

These funds are for projects and activities (such as ordinances, organizational capacity, and state of the art targeting tools and planning) that complement, supplement, or exceed current state standards for protection, enhancement, and restoration of water quality in lakes, rivers, streams and tributary Chapter 103E drainage systems or that protect groundwater from degradation.

A total of 54 applications for Accelerated Implementation Grant Funds were received. Of this total, 37 applications were scored. Seventeen applications were not scored as they were assessed as low (15 applications) by BWSR staff or determined to be ineligible (2 applications). The criteria used in the BWSR assessments and interagency scoring are shown below.

Clean Water Accelerated Implementation Grants Ranking Criteria	
Ranking Criteria	**Maximum Points Possible**
Clarity of project's goals, standards addressed and projected impact on land and water management and enhanced effectiveness of future implementation projects.	40
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
Means and measures for assessing the program's impact and capacity to measure project outcomes.	20
Timeline for implementation.	15
Total Points Available	**100**

Recommendation:
Fully fund the 13 highest scored applications, and partially fund Cook County SWCD (#14). In addition, application CWF13-124-South St. Louis SWCD (#24) is recommended to seek Flood Disaster Response Funds.

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 26 applications for Community Partners Conservation Program Grant Funds were received. Of this total, 21 applications were scored. Five applications were not scored as they were assessed as low (3 applications) by BWSR staff or determined to be ineligible (2 applications). The criteria used in the BWSR assessments and interagency scoring are shown below.

Community Partners Conservation Program Grant Ranking Criteria	
Ranking Criteria	**Maximum Points Possible**
Clarity of project goals, projected impact, and involvement with community partners.	40
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
Plan for assessing the programs impact and capacity to measure project outcomes.	20
LGU capacity to implement the local grant program processes and protocols.	10
Total Points Available	**100**

Recommendation:

Fully fund the 15 highest scoring applications and partially fund CWF13-186, Morrison SWCD (#17). Application #17 is recommended for funding and not CWF13-70, Carver WMO (#16) as a result of the tie breaker recommendation proposed by the Grants Program and Policy Committee. This tie breaker is to award funds to the application with the highest proportion of leverage or match. Application #17 has a match of 25.29%, and #16 has a match of 25.00%.

Conservation Drainage Management Grants

The purpose of these grants is to facilitate the installation of conservation practices on drainage systems through planning and project implementation to improve water quality and local hydrologic conditions.

A total of 13 applications for Conservation Drainage Management Grant Funds were received. Of this total, 6 applications were scored. Seven applications were not scored as they were assessed as low (4 applications) by BWSR staff or determined to be ineligible (3 applications). The criteria used in the BWSR assessments and interagency scoring are shown below.

Conservation Drainage Management Grant Ranking Criteria	
Ranking Criteria	**Maximum Points Possible**
Problem Identification and Relationship to Local Plan	20
Consistency with Conservation Drainage Management Program Purposes	30
Project Located on a Public Drainage System	10
Project Evaluation Plan	10
Outreach Plan	10
Overall Proposal Quality and Completeness	20
Total Points Available	**100**

Recommendation:

Fully fund the highest scoring 5 applications and partially fund the sixth (CWF12-254-Sauk River Watershed District).

Agriculture Best Management Practices Loan Funds.

A total of $262,638 in Agriculture BMP Loan Funds were requested, all in combination with the Clean Water Assistance - Livestock Waste Management Grants.

FY13 Clean Water Assistance Grant Allocation Recommendations

Row	CWF ID	Applicant	County	Amount Requested	Amount Recommended	Amount Leveraged	Title	Project Abstract	Project Description (20 pts)	Anticipated Outcomes (35 pts)	Project Readiness (20 pts)	Prioritization and Relationship (25 pts)	Average Score (100 pts)
1	CWF13-279	Rice County Environmental Services	Rice	$ 31,500	$31,500	$ 7,875	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.	17.2	28.8	17.0	21.5	84.5
2	CWF13-203	Blue Earth County	Blue Earth	$ 30,000	$30,000	$ 30,000	Blue Earth County Water Well Sealing Cost Share Project	The purpose of this project is to expand the County's long standing, locally-funded well sealing cost share program and allow for improved targeting efforts.	17.0	28.6	18.0	20.0	83.6
3	CWF13-201	Crow Wing Soil and Water Conservation District	Crow Wing	$ 329,750	$329,750	$ 85,000	Stormwater Retrofit as an Asset: Brainerd Community Mississippi Revitalization	The purpose of this project is to install raingardens, shoreline stabilizations, and bioretention areas within the Little Buffalo Creek subwatershed. The project goals and prioritization are from a recently completed Little Buffalo Creek Stormwater Best Management Practice Retrofit Analysis report.	17.2	24.7	16.1	20.8	78.8
4	CWF13-259	Nobles SWCD	Nobles	$ 285,508	$285,508	$ 81,992	Nobles County Erosion Control Practices	This purpose of this project is to install eighteen conservation practices throughout Nobles County to address the Turbidity impairments in streams within Nobles County.	15.7	25.0	16.8	18.8	76.3
5	CWF13-96	The Greater Blue Earth River Basin Alliance	Multi-County	$ 850,000	$425,000	$ 250,000	Targeting and Addressing Ravines in the Greater Blue Earth Basin	The purpose of this project is to install best management practices to address severe ravines and gullies in targeted specific locations with the Greater Blue Earth River Basin.	15.4	26.5	14.5	19.5	75.9
6	CWF13-121	Stearns County Soil and Water Conservation District	Stearns	$ 46,624	$46,624	$ 14,780	Thiel Creek Streambank and Watershed Stabilization for Phosphorus Reduction	The purpose of this project is to stabilize nine streambank failure sites utilizing bioengineering methods. There will also be two water and sediment basins installed to reduce the impact of overland flow.	15.1	25.6	16.2	19.1	75.9
7	CWF13-41	Dakota County Soil and Water Conservation District	Dakota	$ 300,000	$300,000	$ 80,000	Dakota County Clean Water Retrofit Partnership	The purpose of this project is to continue and build on the momentum developed through the successful Stormwater Retrofit Partnership that received Clean Water Funds in 2010 and 2012.The project will complete up to 20 additional stormwater retrofit projects.	15.5	22.3	15.8	20.3	74.0
8	CWF13-128	Two Rivers Watershed District	Multi-County	$ 200,000	$200,000	$ 50,000	Lake Bronson Watershed Runoff Reduction Project - Phase III	The purpose of this project is to reduce runoff and decrease movement of sediment, nutrients and bacteria by targeting, prioritizing and installing vegetative practices and installing Side Water Inlets within the Lake Bronson watersheds.	15.0	24.3	15.3	19.1	73.7
9	CWF13-81	Nicollet SWCD	Nicollet	$ 683,950	$683,950	$ 170,988	Seven Mile Creek Watershed Riparian Enhancements for Water Quality	The purpose of this project is to target conservation work to ravines as the principal source of sediment to Seven Mile Creek. This project will also include installation of grassland buffers, water and sediment control basins, and riparian restoration and revegetation.	14.4	24.3	15.3	19.5	73.5
10	CWF13-252	Clearwater SWCD	Clearwater	$ 119,089	$119,089	$ 36,581	Protecting the Clearwater River Watershed through Buffers and Other BMPs	The purpose of this project is to address turbidity and bacteria impairments in the Clearwater River watershed in cooperation with the Natural Resources Conservation Service and the Red Lake Watershed District. Livestock exclusion, buffer strips and bank stabilization practices will be installed along the Clearwater River and its tributaries.	15.0	24.6	15.8	17.9	73.3

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11	CWF13-207	Brown's Creek Watershed District	Washington	$ 72,500	$72,500	$ 27,000	Brown's Creek Restoration with Countryside Auto Repair and MNDNR Trails	The purpose of this project is to achieve significant thermal and sediment reductions in the biologically impaired Brown's Creek by installing one large scale rain garden with infiltration, one pretreatment chamber for sediment capture off of parking and drive lanes, and a two cell bio-filtration garden.	14.1	23.5	16.0	19.7	73.3
12	CWF13-165	Morrison Soil and Water Conservation District	Morrison	$ 18,575	$18,575	$ 10,000	Fletcher Creek and Mississippi River Shoreline Restoration and Runoff Abatement.	The purpose of this project is to stabilize a severely eroded section of streambank at the outlet of Fletcher Creek, which enters the Mississippi River. This site is contributing large amounts of sediment and is one of the worst erosion sites identified along the Mississippi River in Morrison County.	14.1	25.3	16.1	17.3	72.8
13	CWF13-220	Clearwater River Watershed District	Stearns	$ 277,900	$277,900	$ 276,300	Cedar Lake Watershed Protection and Improvement Project	The purpose of this project is to target nutrient reductions to the largest watershed sources of nutrient to Cedar and Swartout Lakes by installing iron sand filters to remove soluble phosphorus currently exported from degraded wetlands and lakes.	14.9	23.0	15.8	18.3	72.0
14	CWF13-163	City of Roseville	Ramsey	$ 359,100	$359,100	$ 90,000	Evergreen Park Drainage and Water Quality Improvements	The purpose of this project is to retain water on the land before entering a storm sewer connected to several significant regional water bodies. The proposed improvements will consist of an underground storage chamber and a storm water re-use system to irrigate ball fields. Above ground bioretention basins will also be constructed to provide additional improvement to water quality and volume reduction.	15.7	22.2	16.3	17.5	71.6
15	CWF13-44	Pine SWCD	Pine	$ 115,000	$115,000	$ 28,750	City of Sturgeon Lake Wellhead Protection Plan Implementation Project	The purpose of this project is to seal over 50% of the unused wells within the limits of the City of Sturgeon Lake. This project will seal between 75-100 unused wells, focusing on wells within the Drinking Water Supply Management Area.	14.5	24.2	15.0	17.5	71.2
16	CWF13-125	West Polk SWCD	Polk	$ 208,610	$208,610	$ 52,153	Burnham Creek Watershed Restoration Project, Phase I	The purpose of this project is the restoration of a 2-mile portion of Burnham Creek to address turbidity. The project will install eight rock weirs, and include channel stabilization, creatation of a natural diversion, creatation of pool habitat/cover, and improved fish passage.	14.8	23.1	15.6	17.6	71.0
17	CWF13-264	Bois de Sioux Watershed District	Traverse	$ 258,280	$258,280	$ 71,400	Mustinka River TMDL Advanced Turbidity Reduction Project	The purpose of this project is to reduce sediment and nutrients from entering the Mustinka River. Several high priority projects will be constructed including: three water and sediment control basins and four sediment basins. In addition, staff time and resources will be provided for project development, promotion, and technical assistance for an estimated 1,680 acres of buffers, 126 acres of wetland restorations.	15.2	22.3	15.0	17.8	70.3
18	CWF13-113	Redwood-Cottonwood Rivers Control Area (RCRCA)	Multi-County	$ 560,000	$560,000	$ 494,000	Redwood-Cottonwood River Watersheds JPB Sediment and Nutrient Reduction Project	The purpose of this project is to work with individual landowners within the Redwood and Cottonwood watersheds through planning, technical assistance activities and 50% cost-share funds associated with the implementation of 10 water and sediment control basins, 9560' of grassed waterways, 2550' of stream bank protection, and 6 grade stabilization projects.	14.4	23.6	14.2	18.0	70.2
19	CWF13-290	City of Chanhassen	Hennepin	$ 155,474	$155,474	$ 75,000	Ravine #2 Stabilization Project	The purpose of this project is to stabilize a ravine which is tributary to Bluff Creek and the Minnesota River.	13.9	23.3	14.8	17.8	69.7

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20	CWF13-261	Martin SWCD	Martin	$ 314,750	$314,750	$ 83,500	New Ways to Think About Streams and Floodplains	The purpose of this project is to manage streambanks and floodplains using site specific techniques and the Rosgen Geomorphic Channel Design along Elm Creek in Martin County in order to improve water quality and reduce erosion.	14.8	22.7	14.3	17.8	69.6
21	CWF13-150	Goodhue SWCD	Goodhue	$ 131,700	Flood Disaster $	$ 42,633	Cannon River Streambank Protection Project - Toewood	The purpose of this project is to install toewood protection along approximately 1,000 feet of eroding bank of the Cannon River in Welch, MN. In addition, two J-hooks will also be constructed.	14.6	23.3	14.4	17.3	69.5
22	CWF13-75	Ramsey Conservation District	Ramsey	$ 57,420	$57,420	$ 15,000	Lambert Creek Stream Bank and Buffer Restoration Project	The purpose of this project is to restore a severely eroded portion of streambank along Lambert Creek. A buffer will also be restored as part of this project.	14.4	21.0	15.4	18.5	69.3
23	CWF13-87	Sherburne Soil and Water Conservation District	Sherburne	$ 92,450	$92,450	$ 26,050	St. Cloud Stormwater Treatment Project	The purpose of this project is to target an older residential area that does not have permanent water quality treatment in St. Cloud. Rain gardens with pre-treatment devices will be strategically placed, as identified in the completed sub-watershed assessment, to maximize water quality benefits.	15.0	21.6	14.5	18.3	69.3
24	CWF13-112	North Fork Crow River Watershed District	Multi-County	$ 149,543	$149,543	$ 37,386	NFCRWD Water Retention/Wetland Restoration Projects	The purpose of this project is to restore wetlands at 3 locations. The project also involves two additional project sites to mitigate County Ditch drainage above Rice Lake.	14.3	23.6	12.6	18.8	69.3
25	CWF13-43	Scott Watershed Management Organization	Scott	$ 381,430	$381,430	$ 190,715	Blakeley Trail Ravines Stabilization, Scott County	The purpose of this project is to reduce sediment to the Minnesota River by implementing ravine stabilization techniques. Approximately eight check dams and 1 to 2 large Water and Sediment Control Basins were selected for implementation based on a Feasibility Study completed in early 2012.	13.7	23.2	14.7	17.7	69.2
26	CWF13-133	Pomme de Terre River Association	Multi-County	$ 480,228	$480,228	$ 149,617	Pomme de Terre River Watershed 2013 BMP Implementation Initiative	The purpose of this project is to implement best management practices including rain gardens, streambank and lakeshore restorations, buffers and wetland restorations utilizing CRP and WRP signups as well as other Federal programs. A total of 935 acres of buffers and wetlands will be protected and restored, 54 water and sediment control basins, 20 rain gardens, 1 streambank and lakeshore restoration, and 1 terrace project will be implemented.	14.3	23.6	13.0	18.2	69.0
27	CWF13-238	Buffalo-Red River Watershed District	Multi-County	$ 336,860	$336,860	$ 84,250	Upper South Branch BMP Strategic Implementation Plan - Part 2	The purpose of this project is to continue the strategic implementation of BMPs within the Upper South Branch of the Buffalo River watershed. In addition, this project will result in approximately 305 acres of new filter strips, 50 side inlet sediment control structures, and 8 sediment control basins being installed.	14.7	22.9	14.7	16.8	69.0
28	CWF13-223	Lower Minnesota River Watershed District	Multi-County	$ 220,800	$220,800	$ 75,000	Bluff Ravine Stabilization at Seminary Fen	The purpose of this project is for the design and implementation of a gully stabilization to protect the Seminary Fen from degradation.	15.0	22.3	15.3	16.3	68.9
29	CWF13-139	Lincoln SWCD	Lincoln	$ 197,473	$197,473	$ 166,875	Lake Shaokatan and Yellow Medicine Sub-Watersheds Implementation Project	The purpose of this project is to target best management practices in the watersheds of Lake Shaokatan, main stem and south branch of the Yellow Medicine River Watershed. Currently, 20 projects and willing landowners are identified and scheduled to be surveyed, designed and ready for construction starting in the spring of 2013.	13.0	22.2	14.6	17.8	67.6

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30	CWF13-153	City of Eden Prairie	Hennepin	$ 53,025	$53,025	$ 25,000	Iron-enhanced Filtration Bench - Stormwater Pond 22-13-B	The purpose of this project is to retrofit a water quality pond in the City of Eden Prairie, that drains to Staring Lake, with iron enhanced sand filtration.	13.9	21.7	14.1	17.8	67.5
31	CWF13-269	Wright Soil and Water Conservation District	Wright	$ 98,300	$98,300	$ 33,550	Crow River Gully Stabilization to Reduce Turbidity	The purpose of this project is to stabilize five of the most active gully erosion sites in the targeted DNR 11 digit HUC 07010204160 on the Crow River, as well as use the installed best management practices to help promote future conservation practices.	14.6	22.6	14.1	16.3	67.5
32	CWF13-161	Becker Soil & Water Conservation District	Becker	$ 398,800	$398,800	$ 99,700	Buffalo-Red River Watershed Shallow Lakes Restoration Project	The purpose of this project is the installation of 50 water and sediment control basins and 20 acres of vegetative buffer strips adjacent to nine impaired lakes.	13.6	23.3	13.3	17.2	67.4
33	CWF13-160	Scott Watershed Management Organization	Scott	$ 320,000	$320,000	$ 80,000	Cleary Lake Regional Park Water Quality Retrofits	The purpose of this project is to cost effectively incorporate stormwater improvements into the parking lot and access road at Cleary Lake Regional Park. There currently is no direct treatment of stormwater from the road and parking lot prior to discharge to Cleary Lake and installation of seven biofiltration facilities will bring the system up to current water quality standards.	14.3	21.0	14.4	17.6	67.3
34	CWF13-235	Mower Soil and Water Conservation District	Mower	$ 42,500	$42,500	$ 35,500	Upper Iowa River Upland Restoration Project	The purpose of this project is to treat overland flow by constructing grass waterways in the upper reaches of the watershed and treat that water all the way down to the streambank. Directly adjacent to the streambank, an earthen structure will be built, to trap, treat and release the water back into the Upper Iowa at a responsible rate.	13.9	22.7	15.3	15.2	67.0
35	CWF13-102	Renville County	Renville	$ 199,700	$99,850	$ 49,928	Hawk Creek Watershed Runoff and Sedimentation Reduction Project	The purpose of this project is to improve and protect water quality through implementation of small-scale Best Management Practices within the watershed to reduce runoff and decrease movement of sediment and nutrients. BMPs will be targeted in areas with waters that have been deemed impaired.	14.4	22.6	12.8	17.2	66.9
36	CWF13-233	Cormorant Lakes Watershed District	Becker	$ 142,900	$142,900	$ 35,725	Cormorant Lakes Prioritized Erosion and Sediment Reduction Project	The purpose of this project is to proactively implement erosion and sediment control best management practices using results from a LIDAR-based terrain analysis completed in 2010 and 2011.	14.5	21.7	13.8	16.9	66.9
37	CWF13-107	Sauk River Watershed District	Stearns	$ 538,575	$538,575	$ 145,000	SRWD Municipal Stormwater Management and Retrofit Project	The purpose of this project is to address stormwater runoff concerns within the communities of Sauk Centre, Cold Spring and St. Cloud by providing treatment through bioretention and infiltration. Located adjacent to the Sauk River, each city has stormwater outfalls that directly discharge to the river creating a negative impact on water quality.	14.1	22.3	13.1	17.3	66.8
38	CWF13-39	Red Lake County SWCD	Red Lake	$ 40,400	$40,400	$ 10,150	Stormwater Runoff Improvement Project along the Clearwater River	The purpose of this project is to install a bioswale and raingarden to address stormwater runoff from a large parking lot adjacent to the Clearwater River.	13.4	21.8	15.3	15.6	66.1
39	CWF13-84	City of Apple Valley	Dakota	$ 158,214	$158,214	$ 55,000	Phosphorus Reduction Enhancements to Public Water 19022500	The purpose of this project is the installation of an iron enhanced sand filter to the banks of an existing stormwater pond. In addition, a phased application of alum will be applied to the pond.	13.1	22.3	13.3	17.3	66.0

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40	CWF13-146	South Washington Watershed District	Washington	$ 566,500	$566,500	$ 169,950	SWWD Water Re-Use and Lake Restoration	The purpose of this project is to install two large scale water re-use systems. The water re-use systems at Eagle Valley and Prestwick Golf Courses will capture urban runoff and excess nutrients that would otherwise flow into Colby and Bailey Lakes and use it for irrigation.	12.4	22.7	14.5	16.3	65.9
41	CWF13-154	City of Plymouth	Hennepin	$ 363,750	$363,750	$ 100,000	The 400 Project	The purpose of this project is to reduce 80 acres of existing impervious surface within the City of Plymouth and increase infiltration through the implementation and use of porous pavement(s) and/or reinforced turf technology. The long term goal is to eliminate 400 acres of existing impervious surface within the next 15 years.	15.3	21.7	11.5	17.5	65.9
42	CWF13-224	Minnehaha Creek Watershed District	Hennepin	$ 321,945	$321,945	$ 186,900	Implementing Community Stormwater Management Projects using Master Water Stewards	The purpose of this program is to install pollution prevention projects on both residential and commercial properties and educate citizens in their neighborhoods to reduce urban runoff and nutrient loads. These projects will be led by community leaders who have been identified, educated and certified as Stewards.	15.2	20.0	14.0	16.8	65.9
43	CWF13-181	Middle St. Croix WMO	Washington	$ 75,670	$75,670	$ 25,000	Quixote Avenue Retrofit Project - Lakeland, MN	The purpose of this project is to implement previously identified and targeted water quality improvement projects on Quixote Avenue by building a number of stormwater treatment features including bioretention features and a stable armored outlet to convey treated runoff outletting from the stormwater treatment features, down the bluff to Lake St. Croix River.	14.7	20.8	13.4	16.9	65.8
44	CWF13-171	City of Chaska	Carver	$ 49,098	$49,098	$ 97,250	Birdie Lane East Ravine Improvements	The purpose of this project is to eliminate ravine erosion and provide water quality treatment for an 8.2-acre watershed to reduce Total Phosphorus reaching Lake Hazeltine.	13.6	22.0	13.6	16.5	65.7
45	CWF13-209	Brown's Creek Watershed District	Washington	$ 45,000	$45,000	$ 20,000	Brown's Creek Restoration - Retrofitting Neal Ave Neighborhood	The purpose of this project is to install 9-12 street side raingardens in a residential development in Stillwater that currently has no treatment and directly contributes stormwater to Brown's Creek, a DNR designated trout stream currently impaired for turbidity and lack of cold water assemblage. This project was identified as a high priority in the Brown's Creek TMDL Implementation Plan.	13.4	21.6	12.8	17.9	65.7
46	CWF13-246	Scott SWCD	Scott	$ 155,883	$155,883	$ 39,500	Native Grasses and Filter Strips for Runoff and Pollution Reduction	The purpose of this project is to continue the successful Scott SWCD/WMO Native Grass Program and Filter Strip Program. Designed to reduce runoff and moderate stream flows. The Scott WMO has a long-term strategy to reduce runoff volumes and targeted pollutants in priority areas, with native grass crops and filter strips identified as key practices. Being targeted are 50 and 20 acres of native grasses and filter strips, respectively.	13.5	21.3	13.1	17.8	65.7
47	CWF13-205	Valley Branch Watershed District	Washington	$ 453,300	$453,300	$ 115,000	Valley Creek Infiltration and Ravine Stabilization Projects	The purpose of this project is to minimize sediment erosion in the ravines adjacent to Valley Creek, protect trout stream habitat, and reduce sediment and phosphorus loads to Lake St. Croix. Overall, two ravines will be stabilized.	13.4	22.0	12.5	17.7	65.6

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48	CWF13-16	Chisago SWCD	Chisago	$ 115,000	$68,483	$ 50,000	Pleasant Hill Park Stormwater Retrofit	The purpose of this project is to create biofiltration features within Pleasant Hill Park located in Lindstrom, MN. This area was identified as a high priority due to the high volume of untreated stormwater that discharges directly into South Lindstrom Lake.	13.8	20.6	14.4	16.7	65.4
49	CWF13-24	Sand Hill River Watershed District	Polk	$ 326,000	$ -	$ 81,500	Carlson Channel Stabilization Project – Sand Hill River Watershed	The purpose of this project is to provide an ecologically sustainable natural outlet for 7,900 acres immediately upstream of the Carlson Coulee to the Sand Hill River. This sub-watershed project will reduce flow velocities and volumes entering the coulee with the installation of armored drop structures, side water inlets, sedimentation ponds along laterals, and geosynthetic reinforced grassed swales.	14.0	20.0	13.7	17.2	64.8
50	CWF13-247	Hubbard SWCD	Hubbard	$ 100,000	$ -	$ 25,000	The Hubbard County Long Lake Water Quality Improvement Project	The purpose of this project is to address sources of declining water clarity. Specific areas of concern will be identified and Best Management Practices such as shoreline stabilization and re-vegetation, storm water sediment basins, and rain gardens will be install within the Lakeshed of Long Lake.	14.3	20.7	13.1	16.8	64.8
51	CWF13-251	Scott SWCD	Scott	$ 269,266	$ -	$ 67,500	Targeted BMP's for Sediment and Nutrient Reduction – Lower Minnesota River	The purpose of this project is to implement at least 40 structural BMPs to reduce sediment and phosphorus to the Minnesota River and local tributaries by treating ravine head cut, streambank, ephemeral channel and cropland gully erosion, as well as open inlet drainage systems. Targeted BMPs include grade control structures, grassed/lined waterways, water-and-sediment-control basins, shoreline stabilization and closed-tile inlets.	12.7	21.6	13.5	17.1	64.8
52	CWF13-57	Heron Lake Watershed District	Multi-County	$ 35,410	$ -	$ 10,215	Heron Lake Pollution Reduction Projects	The purpose of this project is to construct one sediment basin in Jackson County and one shoreline restoration project in Murray County as a means to reduce the amount of sediment and phosphorus delivered to Heron Lake.	12.7	22.3	13.6	15.8	64.3
53	CWF13-89	Elk River Watershed Association JPB	Multi-County	$ 118,000	$ -	$ 35,250	Elk River Priority Parcel Bacteria Reduction Practices	The purpose of this project is to implement up to 30 bacteria reduction best management practices, focusing efforts on targeted parcels in the riparian zone as identified in the approved Elk River TMDL Implementation Plan.	13.8	21.2	11.8	17.4	64.3
54	CWF13-137	Stearns County Soil and Water Conservation District	Stearns	$ 189,365	$ -	$ 64,250	City of Paynesville Industrial Area Storm Water Treatment Improvements	The purpose of this project is to install a dual phase storm water treatment system consisting of a pretreatment detention basin followed by an infiltration/bioretention basin to treat runoff from the City's industrial area before entering the North Fork Crow River.	12.0	21.3	14.3	16.5	64.2
55	CWF13-130	Pope Soil and Water Conservation District	Pope	$ 118,600	$ -	$ 29,650	Pelican Lake and Lake Reno-Little Chippewa River Watershed Restoration	The purpose of this project is to complete 10 water and sediment control basins in the watersheds of 3 impaired lakes.	12.5	20.7	14.5	16.4	64.1
56	CWF13-151	Anoka Conservation District	Anoka	$ 158,586	$ -	$ 39,647	Golden Lake Iron Enhanced Sand Filter and Rain Garden Network	The purpose of this project is to treat stormwater directly discharging into the nutrient impaired Golden Lake. This project will retrofit an existing stormwater pond with an Iron Enhanced Sand Filter and install 10 curb-cut rain gardens in a neighborhood draining to the stormwater pond.	12.5	21.3	12.3	18.0	64.1

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57	CWF13-105	Carver SWCD	Carver	$ 70,000	$ -	$ 17,500	Installation of priority BMP's in impaired watersheds	The purpose of this project is to install best management practices already identified as high priority. Survey and design of BMP's for these areas is currently underway. The high priority BMP's include several large grade stabilization structures, water & sediment control basins, grassed water ways, and streambank stabilization.	12.7	21.6	13.3	16.4	64.0
58	CWF13-162	Washington Conservation District	Washington	$ 218,560	$ -	$ 100,000	Fixing the Top 50 Phosphorus Sources of Lake St. Croix (Top50P!)-Phase II	The purpose of this project is to continue to the implementation of highly ranked projects already identified by the Top 50 P assessment. Implementing these practices will work towards achieving phosphorus reduction to Lake St. Croix and the St. Croix River.	10.4	21.3	12.8	19.4	64.0
59	CWF13-293	Olmsted SWCD	Olmsted	$ 57,393	$ -	$ 14,814	Improving Water Quality With Conservation Best Management Practices(Ag BMP's)	The purpose of this project will be to install grassed waterways, terrace systems and Water and Sediment Control Basins in the upper reaches of the watershed. These best management practices help to reduce peak flows and slow run-off from cropland while minimizing soil erosion and pollutant delivery.	13.6	22.6	13.8	14.0	64.0
60	CWF13-258	Rock County SWCD/Land Mgt	Rock	$ 167,255	$ -	$ 256,841	Rock County Infra-structure Protection with Stream Bank Stabilization plus Technical Assistance	The purpose of this application is for steam bank restoration projects that have been prioritized by highest pollution reduction and protection of infrastructures such as roads, bridges, power lines and rural water lines. These projects also include installation of grass buffers along these reaches of the stream to further protect the project area and filter runoff.	13.1	21.0	13.8	16.1	63.9
61	CWF13-108	Stearns County Soil and Water Conservation District	Stearns	$ 79,170	$ -	$ 26,254	Hester Park Neighborhood Stormwater Treatment Project	The purpose of this project is to retrofit the Hester Park neighborhood with stormwater treatment practices to help protect the Saint Cloud surface water intake and invest in long-term water quality benefits that reduce the amount of phosphorus, sediment and stormwater volume reaching the Mississippi River.	13.3	21.0	13.8	15.8	63.8
62	CWF13-149	Otter Tail County SWCDs	Otter Tail	$ 292,040	$ -	$ 83,000	Otter Tail River Watershed BMP implementation Plan	The purpose of this project is to promote and implement various best management practices in a targeted area focused on a 2 mile radius of the Otter Tail River, impaired for turbidity immediately downstream from Otter Tail County, along with tributaries and a 1 mile radius around lakes connected to the river.	11.4	22.0	12.7	17.6	63.7
63	CWF13-249	Hubbard SWCD	Hubbard	$ 40,000	$ -	$ 10,000	The Hubbard County Palmer Lake Water Quality Improvement Project	The purpose of this project is to reverse a documented three-foot decline in water clarity on Palmer Lake. Specific areas of concern will be identified and cost share will be made available for the installation of best management practices such as shoreline stabilization and native vegetation restoration, storm water sediment basins and rain gardens, and low impact development design.	13.8	20.7	13.3	15.8	63.7
64	CWF13-106	Stearns County Soil and Water Conservation District	Stearns	$ 58,230	$ -	$ 19,410	St. Cloud 10th Avenue North Targeted Neighborhood Stormwater Treatment Project	The purpose of this project is to incorporate stormwater treatment within a neighborhood that currently has no treatment for stormwater in conjunction with a street and utility reconstruction project.	12.8	19.8	15.0	15.8	63.4

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65	CWF13-242	Faribault SWCD	Faribault	$ 26,000	$ -	$ 20,000	Faribault County BMP's for Sediment, Peak Flow & Pollutant Reduction	The purpose of this project is to install up to 9 structural and vegetative practices in partnership with EQIP for conservation projects that protect and improve soil and water quality. Identified practices approved for EQIP include two grade stabilization structures and two grassed waterways.	13.6	20.7	14.2	15.0	63.4
66	CWF13-212	Anoka Conservation District	Anoka	$ 210,352	$ -	$ 52,588	Rum Riverbank Stabilization at Anoka County Parkland	The purpose of this project is to stabilize nearly one-quarter mile of the Rum River in the Cedar Creek Conservation Area and Rum River Central Regional Park. Additionally, this project protects and compliments a 65-acre native prairie restoration that is being planted in 2012 immediately adjacent to this riverbank.	13.7	20.0	13.7	15.8	63.2
67	CWF13-145	South Washington Watershed District	Washington	$ 258,850	$ -	$ 66,000	Trout Brook and Lake St. Croix Restoration Phase II	The purpose of this project is to make improvements to the Afton Alps property that will benefit water quality to Trout Brook and Lake St. Croix. By using unique hybrid filter swales to intercept, filter, and cool runoff from ski slopes and by re-grading and replacing roadway surface material problematic sedimentation will be reduced.	11.8	21.6	13.8	15.9	63.0
68	CWF13-38	Red Lake County SWCD	Red Lake	$ 26,100	$ -	$ 6,600	Accelerated Grade Stabilization Project in the Red Lake River Watershed	The purpose of this project is to reduce the amount of sediment that is entering the Black River by installing a grade stabilization structure to stabilize an existing gully.	13.2	20.6	13.6	15.6	62.9
69	CWF13-219	Mahnomen County SWCD	Mahnomen	$ 186,490	$ -	$ 180,000	Lower Wild Rice River Turbidity Project- Marsh Creek Sub-Watershed	The purpose of this project is to continue to implement Phase 1 of the Lower Wild Rice River Turbidity TMDL Implementation Plan by installing erosion control practices such as water and sediment control basins and side inlet structures in the targeted Marsh Creek sub-watershed.	13.9	19.6	13.5	15.8	62.9
70	CWF13-83	Rice County Environmental Services	Rice	$ 94,980	$ -	$ 23,750	Cannon River Wilderness Area Ravine Stabilization Project	The purpose of this project is to restore a 350 foot ravine that has suffered significant slumping and channel erosion/gulling. The ravine, which is located 500 feet from the turbidity impaired Cannon River, contributes to the poor water quality.	13.7	20.0	13.3	15.7	62.7
71	CWF13-240	CITY OF CRYSTAL	Hennepin	$ 313,580	$ -	$ 78,395	Sunrise River Flowage Water Quality Restoration	The purpose of this project is the construction of the Bixby Park Water Quality Improvement Wetland, and acquisition of land rights within the Wyoming Wetland Enhancement, and/or a Shallow Pond Restoration project .	13.8	20.7	13.1	14.8	62.3
72	CWF13-31	Comfort Lake-Forest Lake Watershed District	Washington	$ 969,262	$ -	$ 316,000	Phosphorous and Sediment Reduction - Twin Lakes TMDL	The purpose of this project is to construct 80 rain gardens and six storm water sump manholes to reduce the nutrient loading to the impaired Twin Lakes.	12.5	20.2	11.7	17.9	62.3
73	CWF13-51	Benton SWCD	Benton	$ 152,736	$ -	$ 38,184	Protecting water clarity in the Mississippi River via urban BMPs	The purpose of this project is to reduce sediment and algae loading to the Mississippi River through the installation of urban and residential best management practices.	12.8	20.3	11.9	16.8	61.8
74	CWF13-92	Norman County SWCD	Norman	$ 93,000	$ -	$ 52,500	Wild Rice River Greenway Project	The purpose of this project is to identify and install 15 acres of riparian forest buffers in a long term effort to create a continuous greenway along the mainstem of the Wild Rice River.	13.3	20.1	11.8	16.4	61.7

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75	CWF13-135	Fillmore SWCD	Fillmore	$ 134,520	$ -	$ 33,863	Restoring Capacity of Conservation Ponds to Reduce Sediment Delivery	The purpose of this project is to clean out the sediment in existing sediment basin that are beyond their 20 year life span to restore their capacity for holding water and allowing particles to settle out. 30 cleanout projects will be targeted in trout stream watersheds over the next three years.	11.1	21.9	12.3	16.3	61.7
76	CWF13-292	Martin SWCD	Martin	$ 125,950	$ -	$ 31,525	East Fork Des Moines River: Streambank Restorations and Floodplain Stabilizations	The purpose of this project is to install critical area stabilizations along the East Fork of the Des Moines River and use the Rosgen Geomorphic Channel Design method to manage streambanks and floodplains.	13.3	20.6	13.1	14.7	61.7
77	CWF13-46	Pope Soil and Water Conservation District	Pope	$ 145,230	$ -	$ 36,310	Native Lakeshore Restoration	The purpose of this project is to continue outreach, technical assistance, and/or cost share to landowners who want to restore their degraded shoreline to a native vegetated shoreline. Landowners will be required to plant at least 25 feet of native buffer on 75% or more of their lakeshore.	13.7	18.8	13.9	14.8	61.2
78	CWF13-218	Anoka Conservation District	Anoka	$ 517,780	$ -	$ 267,000	Oak Glen Creek Stormwater Pond Expansion and IESF Retrofit	The purpose of this project is to expand and modify an existing stormwater pond with an iron-enhanced sand filter in an area that currently has very little stormwater infrastructure.	13.1	20.4	13.8	13.7	61.0
79	CWF13-110	Root River SWCD	Houston	$ 250,000	$ -	$ 64,000	Houston County Bacteria and Sediment Reduction Project	The purpose of this project is to implement 12 sediment reduction conservation practices and 3 waste management systems within known "hotspots" of the Root River Watershed.	12.6	20.6	12.3	15.4	60.9
80	CWF13-86	Stearns County Soil and Water Conservation District	Stearns	$ 196,586	$ -	$ 51,658	St. Cloud State University Q Parking Lot Pollution Reduction Project	The purpose of this project is to reduce the amount of untreated stormwater runoff entering the Mississippi River by capturing and treating the first 1" of rainfall in a series of bioretention infiltration basins from the 8-acre St. Cloud State University Q-Lot Parking lot.	12.3	19.5	14.6	14.3	60.7
81	CWF13-45	Ramsey-Washington Metro Watershed District	Ramsey	$ 198,705	$ -	$ 49,676	Casey Lake Neighborhood Stormwater Retrofit Project	The purpose of this project is to improve water quality in Casey Lake and ultimately Kohlman Lake through the installation of approximately 25 rain gardens on priority properties. Priority properties were identified as part of the Casey Lake Urban Stormwater Retrofit Assessment completed by Ramsey Conservation District in 2011.	12.5	18.3	12.8	16.9	60.6
82	CWF13-284	Rice County Environmental Services	Rice	$ 32,000	$ -	$ 8,000	Rice County Environmental Service SSTS Enhancement and Education Program	The purpose of this project is to enhance the Rice County SSTS program by providing additional activities to aid in upgrading systems that have been deemed an Imminent Threat to Public Health & Safety.	11.8	19.8	12.7	16.3	60.6
83	CWF13-134	Carnelian Marine St. Croix Watershed District	Washington	$ 80,963	$ -	$ 21,115	St. Croix National Scenic Riverway Ravine Repair & Stormwater BMPs	The purpose of this project is to repair three eroding gullies which are contributing nutrient and sediment directly to the St. Croix River.	9.8	20.7	12.7	17.1	60.3
84	CWF13-91	Shell Rock River Watershed District	Freeborn	$ 159,200	$ -	$ 39,800	Broadway Avenue Storm Water Treatment - Historic Downtown Albert Lea	The purpose of this project is to design and install rain gardens and sediment chambers during street reconstruction in historic downtown Albert Lea.	12.9	17.8	13.5	15.9	60.2
85	CWF13-222	Douglas Soil and Water Conservation District	Douglas	$ 11,910	$ -	$ 3,970	Indian Lake Gully	The purpose of this project is to repair an approximately 25 feet wide and 15 feet deep gully in the Indian Lake watershed.	12.4	19.3	14.9	13.5	60.2

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86	CWF13-185	Morrison Soil and Water Conservation District	Morrison	$ 18,575	$ -	$ 10,000	Severe Gully Erosion Abatement	The purpose of this project will continue the successful efforts of erosion and sediment reduction in the Rum River watershed to improve a sever gully that is eroding. 5 water and sediment control basins and one terrace will be installed to alleviate the sediment runoff to receiving waters of the Rum River.	11.5	20.8	12.9	14.9	60.1
87	CWF13-138	Aitkin County Soil & Water Conservation District	Aitkin	$ 80,155	$ -	$ 43,430	Protecting Mille Lacs Lake and Its Watershed	The purpose of this project is to protect Mille Lacs Lake by stabilize eroding shorelines, restoring native vegetation buffers, and managing stormwater runoff.	10.6	20.0	12.7	16.8	60.1
88	CWF13-65	Winona County SWCD	Winona	$ 232,250	$ -	$ 163,758	Winona County Gulley Grade Stabilization and Structure Rehabilitation/Cleanout Project	The purpose of this project is to repair and cleanout small ponds serving as grade stabilization structures in Winona County that have either filled with sediment over the last 20-50 years or the pipe outlets have rusted away. The repair and cleanout of these older structures will restore the sediment storage ability and help in the reduction of turbidity in the streams of Winona County.	12.2	20.3	11.5	15.9	59.8
89	CWF13-156	Stearns County Soil and Water Conservation District	Stearns	$ 218,623	$ -	$ 58,046	Stump and Sagatagan Lakes Sub-Watershed Stormwater Infiltration Projects	The purpose of this project is to retrofit sub-catchment drainage areas on St. John's University campus that drain untreated runoff directly into the Stump and Sagatagan Lakes. In all, 8 separate stormwater infiltration areas would be constructed to treat the areas of runoff from impervious parking lots, sidewalks and buildings.	10.1	20.0	13.6	15.8	59.4
90	CWF13-270	Bassett Creek Watershed Management Commission	Hennepin	$ 350,000	$ -	$ 119,000	Schaper Pond Improvement Project	The purpose of this project is to increasing the phosphorus removal performance of Schaper Pond as recommended in Sweeney Lake TMDL implementation plan.	11.5	20.4	11.4	16.1	59.4
91	CWF13-77	Le Sueur SWCD	Le Sueur	$ 130,750	$ -	$ 36,500	Le Sueur SWCD Shovel Ready Water and Sediment Control Basin's BMP's	The purpose of this project is to install 28 water and sediment control basins to reduce farmland soil loss and provide short term upland storage during rain events.	12.8	18.9	13.9	13.5	59.1
92	CWF13-14	Yellow Medicine Soil & Water Conservation District	Yellow Medicine	$ 95,406	$ -	$ 29,262	Erosion Control Project Florida Creek - LQP River Watershed	The purpose of this project is the installation of water and sediment control basins within the priority area of Florida Creek in the Lac qui Parle Watershed.	12.7	19.7	12.4	13.8	58.5
93	CWF13-37	Red Lake County SWCD	Red Lake	$ 48,800	$ -	$ 12,500	Accelerated Streambank & Shoreland Project in the Clearwater River Watershed	The purpose of this project is to stabilize a 300 feet erosion sight with banks ranging from 10-12 feet in height that is directly contributing sediment to the Clearwater River.	12.0	17.3	13.4	15.8	58.5
94	CWF13-136	Stearns County Soil and Water Conservation District	Stearns	$ 216,594	$ -	$ 72,348	Scenic Drive and Pine Cone Road Stormwater Pollution Reduction Project	The purpose of this project is to correct the flooding and streambank erosion issues by installing 10 raingardens into two neighborhoods located in Sartell, MN to capture and treat stormwater.	10.4	21.6	9.9	16.6	58.5
95	CWF13-100	Lac qui Parle Soil & Water Conservation District	Lac qui Parle	$ 266,490	$ -	$ 85,875	Erosion Control for Lac qui Parle River West Branch	The purpose of this project is to repair 2 severe erosion sights in sub-minor watersheds of the Lac qui Parle River through the installation of a complex of multiple water and sediment control basins or terraces.	12.0	18.7	13.2	14.6	58.4
96	CWF13-147	South St. Louis Soil & Water Conservation District	St. Louis	$ 454,000	$ -	$ 800,000	Knowlton Creek Sediment/Erosion Reduction and Trout Stream Restoration Project	The purpose of this project is the prevention of sediment to Knowlton Creek and the St. Louis River Estuary by constructing a series of check dams, swales, and conveyance systems to collect excess runoff for transport to a treatment pond.	12.6	20.2	11.8	13.7	58.3

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97	CWF13-268	Redwood SWCD	Redwood	$ 161,041	$ -	$ 44,715	Targeted Water Quality Conservation Implementation and Outreach	The purpose of this project is to concentrate conservation efforts that will reduce runoff and erosion in small sub-watersheds that feed into the Cottonwood River in efforts to intensify the water quality, water recreation, and wildlife habitat benefits.	12.6	19.3	10.2	15.9	58.0
98	CWF13-167	Becker Soil & Water Conservation District	Becker	$ 117,442	$ -	$ 29,360	Cormorant Lakes Area Water Quality Project	The purpose of this projects is the installation of best management practices in 5 lake watersheds which will include water and sediment control basins on agricultural land, rain gardens to control runoff from impervious surfaces near the lakeshore, and vegetative restoration of the immediate lakeshore.	10.7	20.3	11.9	14.9	57.8
99	CWF13-239	Wadena Soil and Water Conservation District	Wadena	$ 77,550	$ -	$ 26,250	Crow Wing River Implementation and Protection Project	The purpose of this project is to promote and implement BMP practices including shoreline restoration and stream bank stabilization, buffers, forestry practices, and rain gardens within a targeted area that is focused on a 1 mile radius of the Crow River and selected tributaries and a 1 mile radius around Blueberry, Stocking and Upper and Lower Twin Lakes.	13.0	19.7	11.3	13.8	57.8
100	CWF13-282	Blue Earth County SWCD	Blue Earth	$ 167,928	$ -	$ 41,982	Madison Lake Urban Storm Water Treatment	The purpose of this project is to retrofit the existing storm water conveyance system within the City of Madison Lake by constructing two low-flow control structures that will provide treatment to approximately 139 acres of urban runoff prior to discharge to Madison Lake.	11.9	18.3	13.1	14.2	57.5
101	CWF13-216	Shingle Creek Watershed Management Commission	Hennepin	$ 200,000	$ -	$ 175,000	Connections at Shingle Creek	The purpose of this project is the ecological restoration of 1,400 feet of Shingle Creek, an Impaired Water for low dissolved oxygen and impaired biota, in Brooklyn Center and Brooklyn Park.	11.4	17.8	12.1	15.9	57.2
102	CWF13-85	Snake River Watershed Management Board	Kanabec	$ 91,095	$ -	$ 22,840	Snake River Watershed Nutrient and Sediment Reduction Project	The purpose of this project is to implement 9 best management practices in priority areas within the Snake River Watershed that address the Total Maximum Daily Load impairments and will reduce nutrient and sediment loadings, and improve biotic conditions for fish and macroinvertebrates.	12.3	19.0	11.3	14.6	57.2
103	CWF13-99	Renville SWCD	Renville	$ 80,760	$ -	$ 20,250	Renville County Sediment Reduction Project	The purpose of this project is to install bank stabilization structures on Lake Allie to improve the water quality and improve fishing opportunities in this lake, as well as Buffalo Creek which the lake outlets into.	11.4	18.7	12.7	14.3	57.1
104	CWF13-71	Aitkin County Soil & Water Conservation District	Aitkin	$ 143,150	$ -	$ 41,970	Repairing Flood Damage in the Upper Mississippi River Watershed	The purpose of this project is to repair flood damage in the Big Sandy Lake Watershed and Mississippi River Watershed of Aitkin County. Best management practices include stabilizing eroding shorelines, restoring native vegetation buffers, and installing rain gardens to manage and control stormwater runoff.	11.6	18.0	12.3	14.8	56.7
105	CWF13-278	Beltrami Soil & Water Conservation District	Beltrami	$ 324,600	$ -	$ 86,500	Lake Bemidji Lakeshed Protection Project	The purpose of this project is to raise awareness of the sensitivity of Lake Bemidji as a precious resource that needs to be protected. There are three main components to this project including public education and awareness, stormwater management, and shoreline stabilization.	12.6	19.0	11.6	13.1	56.3

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106	CWF13-173	Pennington SWCD	Pennington	$ 34,346	$ -	$ 8,594	City of Thief River Falls Greenwood Street Bridge Streambank Stabilization	The purpose of this project is to stabilize 150 feet of the Red Lake River streambank to protect infrastructure plus improve water quality in an impaired water system.	11.9	19.2	11.3	13.8	56.2
107	CWF13-213	Le Sueur County	Le Sueur	$ 129,140	$ -	$ 57,691	Installing Shoreland BMPs on Nine Le Sueur County Lakes	The purpose of this project is to install 30 shoreland improvement projects on 9 area lakes.	11.9	18.0	11.8	14.5	56.2
108	CWF13-76	Ramsey Conservation District	Ramsey	$ 85,010	$ -	$ 125,000	East Vadnais Lake Stormwater Quality Improvement Project	The purpose of this project is to treat stormwater runoff from a 7.4 acre section of urban land that drains directly into East Vadnais Lake, a drinking water supply for numerous cities in Ramsey County.	11.3	17.6	11.8	15.4	56.1
109	CWF13-166	Becker Soil & Water Conservation District	Becker	$ 71,600	$ -	$ 17,900	Exceptional Water Resources Protection Project	The purpose of this project is to implement priority water quality improvements on 5 Becker County lakes that have been identified as having exceptional water quality. The management focus on all five lakes will be shoreline restoration, installation of rain gardens, and managing impervious surface runoff by using pervious materials.	10.7	19.3	10.7	15.1	55.7
110	CWF13-169	Middle St. Croix WMO	Washington	$ 32,425	$ -	$ 8,500	Lily Lake Stormwater Retrofit Project - Phase III	The purpose of this project is to implement priority stormwater treatment projects that were identified in the recently completed Lily Lake Stormwater Retrofit Assessment. This project will be the third phase of stormwater treatment implementation projects within the Lily Lake watershed.	8.8	19.3	11.3	16.2	55.7
111	CWF13-221	Shingle Creek Watershed Management Commission	Hennepin	$ 80,000	$ -	$ 80,000	Shingle Creek Public Art Reaeration Structures	The purpose of this project is the design, fabrication and installation of mechanical or passive stream reaeration structures for Shingle Creek that are artistic in design and appearance and practical in function. These structures will be installed in three locations in public parks.	11.3	16.6	13.3	14.4	55.7
112	CWF13-123	Upper Minnesota River Watershed District	Multi-County	$ 87,720	$ -	$ 23,000	Central Park Storm Water Erosion Control Project	The purpose of this project is to begin the second phase of a three-phase project to reduce the sediment and nutrient loading from the Central Park storm water system to Big Stone Lake.	10.9	17.3	13.5	13.8	55.6
113	CWF13-184	Morrison Soil and Water Conservation District	Morrison	$ 35,825	$ -	$ 10,000	Chippewa County: Dry Weather Creek and County Road 35 Project	The purpose of this project is to armor the bank of Dry Weather Creek with bio-engineering techniques such as tow mats, root wads and/or stream barbs to help move the channel back away from Chippewa County Road 35 in efforts to keep the stream from sloughing the road and, at the same time, reduce the amount of TSS, Turbidity and Phosphorus loading into the stream and subsequently the Chippewa River.	10.9	18.0	13.0	13.3	55.2
114	CWF13-35	Chippewa SWCD	Chippewa	$ 67,560	$ -	$ 16,890	Chippewa County: Dry Weather Creek and County Road 35 Project	The purpose of this project to stabilize a section of Dry Weather Creek by armoring the bank with bio-engineering techniques such as tow mats, root wads and/or stream barbs to help move the channel back away from a county road that is in jeopardy due to the excessive erosion.	12.0	17.0	12.8	13.3	55.2
115	CWF13-131	Kittson Soil and Water Conservation District	Kittson	$ 75,000	$ -	$ 18,750	Red River of the North Watershed Runoff Reduction Project – Phase II	The purpose of this project is to reduce runoff by targeting, prioritizing and installing vegetative practices along with potentially installing Side Water Inlets within the Red River of the North and upland subwatersheds.	11.3	19.0	11.3	13.5	55.1

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116	CWF13-300	Chippewa County	Chippewa	$ 311,700	$ -	$ 78,400	Chippewa River and Major Tributary Near Channel Erosion Control	The purpose of this project is to use bioengineering techniques to address near-channel and in-channel erosion issues along the Chippewa River and its major tributaries, East Branch Chippewa River, Little Chippewa River, and Dryweather Creek. These streams are listed as impaired turbidity.	11.8	19.3	10.4	13.3	54.7
117	CWF13-188	Washington Conservation District	Washington	$ 281,830	$ -	$ 72,000	Carnelian Marine St Croix Multi-Lakes TMDL Implementation -- 100 Pound Phosphorus Load Reduction by 2015	The purpose of this project is to implement watershed load reduction practices to restore three water bodies in the Carnelian Marine St.Croix Watershed District in northeast Washington County.	8.6	18.8	8.6	18.6	54.6
118	CWF13-288	Bassett Creek Watershed Management Commission	Hennepin	$ 304,000	$ -	$ 130,000	Four Seasons Mall Area Water Quality Improvement Project	The purpose of this project is to install a new pond with iron enhanced sand filtration that would treat 140 acres of watershed that currently receive no treatment and complete streambank stabilization of approximately 2,375 feet of a tributary to North Branch Bassett Creek.	11.5	18.6	10.8	13.0	53.8
119	CWF13-248	Minnehaha Creek Watershed District, City of Minnetrista	Hennepin	$ 670,245	$ -	$ 223,415	Lake Minnetonka/Halstead Bay Ravine Restoration	The purpose of this project is to restore a 3,200 foot long eroded ravine back into a vegetated woodland swale dominated by native plants and eliminate erosion and reduce the amount of phosphorus and other pollutants entering Halstead Bay on Lake Minnetonka.	11.3	17.0	11.8	12.6	52.8
120	CWF13-72	Vermillion River Watershed Joint Powers Organization	Scott	$ 76,250	$ -	$ 20,000	Sediment Load Reduction Projects in the Etter Creek Subwatershed	The purpose of this project is to work with landowners, provide technical assistance, and construct best management practices within the Etter Creek subwatershed to reduce the sediment load to the turbidity impaired lower Vermillion and South Metro Mississippi Rivers and Lake Pepin.	8.8	18.7	10.3	14.9	52.7
121	CWF13-17	Chisago SWCD	Chisago	$ 100,800	$ -	$ 50,000	St. Croix River Watershed Agricultural Best Management Practices	The purpose of this project is to install up to 10 agricultural BMPs within the Small Streams, Dry Creek, and Lawrence Creek subwatersheds identified in the Lake St. Croix TMDL study.	11.3	17.5	10.8	13.0	52.6
122	CWF13-115	Stearns County Soil and Water Conservation District	Stearns	$ 96,418	$ -	$ 32,147	Paynesville Stormwater Outfall Erosion Control Project	The purpose of this project is to modify four stormwater outfalls that are perched and continually eroding the stream bank of the North Fork of the Crow River.	9.3	16.9	12.8	13.3	52.3
123	CWF13-272	City of Champlin	Hennepin	$ 512,840	$ -	$ 130,000	Phase 2 Elm Creek Stream Bank Stabilization Project	The purpose of this project is to stabilize 2,000 feet of stream bank and install aeration structures on Elm Creek. Elm Creek is an impaired water for low dissolved oxygen.	11.5	15.8	11.4	13.3	52.1
124	CWF13-5	Upper Minnesota River Watershed District	Multi-County	$ 62,181	$ -	$ 15,545	Minnesota River Headwaters and Whetstone River Restoration Project	The purpose of this project is to restore the historic Whetstone River channel between Big Stone Lake and Minnesota River. The restoration will improve ecological integrity and water quality on Big Stone Lake, the headwaters of the Minnesota River.	11.4	17.0	10.5	13.1	52.0
125	CWF13-56	Southeast Minnesota Water Resources Board	Multi-County	$ 32,352	$ -	$ 8,500	Facilitating Proper Disposal of Pharmaceutical Waste in Southeast Minnesota	The purpose of this project is to educate local citizens about the importance of properly disposing of pharmaceutical wastes and inform citizens of the location of drop box facilities in the county.	12.2	15.4	12.6	11.8	52.0

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126	CWF13-289	Crow River Organization of Water	Multi-County	$ 58,600	$ -	$ 14,650	Reducing Erosion with Weir Structure on Big Swan Lake	The purpose of this project is to reduce bank failure on Big Swan Lake, while improving water quality and aquatic habitat using a weir structure. This project will stabilize and mitigate several severely slumping banks by placing a weir upstream of the lake outlet to restrict outflow during normal to low water conditions and ultimately reducing the lake bounce that ranges from two to ten feet.	10.8	17.5	10.5	12.8	51.5
127	CWF13-250	City of Hopkins	Hennepin	$ 389,700	$ -	$ 18,595,000	Cottageville Park Water Quality Protection and Habitat Enhancement Project	The purpose of this project is to implement a wide variety of stormwater BMP's including raingardens, wildflower plantings, biofiltration and infiltration areas, stormwater re-use systems, channel buffers and bank stabilization practices.	10.5	15.7	12.2	12.5	50.8
128	CWF13-23	East Polk Soil and Water Conservation District	Polk	$ 121,075	$ -	$ 30,269	Agassiz Environmental Learning Center Streambank Stabilization Project- Fertile, MN	The purpose of this project is to stabilize an approximate 1,000 feet segment of the Sand Hill River located in the Agassiz Environmental Learning Center.	10.6	14.5	12.4	12.8	50.3
129	CWF13-178	Murray Soil & Water Conservation District	Murray	$ 30,700	$ -	$ 7,675	Ed Lotterman's Sediment and Nutrient Reduction Project	The purpose of this project is to construct a water and sediment control basin within the Rock River watershed.	8.0	17.2	11.7	13.2	50.1
130	CWF13-95	Shell Rock River Watershed District	Freeborn		$ -	$ 41,500	Fountain Lake Urban Stormwater Treatment	The purpose of this project is to design and install four rain gardens to treat urban stormwater runoff prior to discharge into Fountain Lake in Albert Lea MN.	10.4	15.5	11.4	12.1	49.4
131	CWF13-273	Wright Soil and Water Conservation District	Wright	$ 140,775	$ -	$ 46,925	Ann Lake Carp Barriers	The purpose of this project is to improve water quality in Ann Lake by controlling carp with strategically placed barriers and increased commercial harvests.	9.9	15.3	11.0	13.1	49.3
132	CWF13-33	Comfort Lake-Forest Lake Watershed District	Washington	$ 311,300	$ -	$ 89,750	Hilo Lane - Urban Stormwater Management Retrofit Project	The purpose of this project is to implement a stormwater retrofit and shoreline stabilization project in the Hilo Lane development on the south shore of Forest Lake.	10.1	14.4	10.3	14.3	49.1
133	CWF13-280	Bassett Creek Watershed Management Commission	Hennepin	$ 143,000	$ -	$ 50,000	Lakeview Park Pond Construction Project	The purpose of this project is to construct a 0.7-acre stormwater pond in Lakeview Park. The Lakeview Park Pond would provide removal of suspended solids and phosphorus from stormwater before it reaches Medicine Lake.	9.2	14.6	11.5	12.8	48.0
134	CWF13-208	Washington Conservation District	Washington	$ 62,500	$ -	$ 15,625	White Bear Lake Shoreline Protection Project	The purpose of this project is to implement an extensive shoreline protection project along the entire shoreline of White Bear Yacht Club (WBYC) on White Bear Lake in Dellwood, Minnesota.	8.5	14.6	12.5	12.0	47.6
135	CWF13-276	Wright Soil and Water Conservation District	Wright	$ 873,200	$ -	$ 291,067	Wetland Restoration- City of Annandale	The purpose of this project is a wetland restoration project in the City of Annandale. The project includes restoring existing agricultural sod fields to shallow wetlands that will assist in eliminating pollutants to Clearwater Lake generated by the significant untreated drainage area from development prior to stormwater regulations.	10.3	15.2	9.7	11.8	46.8
136	CWF13-80	Pine Soil & Water Conservation District	Pine	$ 230,000	$ -	$ 105,500	Multi-County Shoreland Restoration Projects in the St. Croix River Watershed	The purpose of this project is to construct 25 native shoreline buffers within the Kettle and St. Croix River Watersheds.	9.8	13.3	9.8	12.5	45.4
137	CWF13-226	City of Eden Prairie	Hennepin	$ 108,800	$ -	$ 50,000	Riley Creek Bank Stabilization - Reach H	The purpose of this project is to stabilize high priority erosion sites located within Riley Creek.	9.8	13.6	9.8	10.5	43.7

Row	CWF ID	Applicant	County	Amount Requested	Amount Recommended	Amount Leveraged	Title	Project Abstract	Project Description (20 pts)	Anticipated Outcomes (35 pts)	Project Readiness (20 pts)	Prioritization and Relationship (25 pts)	Average Score (100 pts)
138	CWF13-30	Buffalo Creek Watershed District	Multi-County	$ 735,609	$ -	$ 183,902	Marsh Water Project - Water Quality BMPs	The purpose of this project is to construct two water quality Best Management Practices (BMPs). One is a rain garden which will receive and treat stormwater from a large industrial complex. The other is a stormwater wetland, placed in-line with the existing ditch to treat stormwater from agricultural, industrial, and residential land uses.	9.6	12.4	9.5	11.4	42.9
139	CWF13-93	Norman County SWCD	Norman	$ 45,700	$ -	$ -	County Road 1 Erosion Control Project	The purpose of this project is to excavate and reshape a very eroded ditch on County Road 1. This project will reduce sedimentation and also minimize levels of nitrogen and phosphorus.	9.6	12.8	10.3	9.0	41.7
140	CWF13-294	Itasca SWCD	Itasca	$ 195,561	$ -	$ 58,055	Rainwater retention gardens for stormwater treatment in Grand Rapids	The purpose of this project is to implement raingardens.	8.6	11.5	9.3	11.6	41.0
141	CWF13-25	Sand Hill River Watershed District	Polk	$ 162,630	$ -	$ 40,658	Fertile Airport Tight Tile Erosion Control	The purpose of this project is to stabilize approximately 13,000 lineal ft. of drainage channel which serves the Ferile Airport while discharging into Kittleson Creek.	8.2	12.4	9.8	10.1	40.5
142	CWF13-94	Norman County SWCD	Norman	$ 60,700	$ -	$ 15,200	County Road 181 Diversion Project	The purpose of this project is to divert water from an open channel in a county ditch prone to erosion because of it's location in the beach ridge of Lake Agassiz. Sedimentation will be eliminated by diverting water through an underground pipe to a stable outlet on Coon Creek, which is a tributary of the Wild Rice River, which flows into the Red River of the North.	7.3	9.5	8.6	12.1	37.4
143	CWF13-49	Carver County	Carver	$ 69,000	$ -	$ 17,500	Benton Lake Fish Biotic Restoration	The purpose of this project is to reduce the number of common carp in Benton Lake by installing a fish barrier at the outlet of Benton Lake and applying rotenone.	8.3	11.0	6.9	8.7	34.8

FY13 Livestock Waste Management Grant Allocation Recommendations

Row	CWF ID	Applicant	Landowner	Amount Requested	Amount Recommended	Amount Leveraged	Anticpated Outcomes (45 pts)	Prioritization and Relationship to Plan (20 pts)	Riparian (35 pts)	Average Score (100 pts)
1	CWF13-51	Benton Soil and Water Conservation District	CWF13-51 - #1	$ 100,000	$ 100,000	$ 308,563	45	20	35	100
2	CWF13-244	Kanabec Soil and Water Conservation District	CWF13-244 - #1	$ 30,000	$ 30,000	$ 7,500	40	20	35	95
3	CWF13-118	Todd Soil and Water Conservation District	CWF13-118 -#1	$ 97,360	$ 97,360	$ 24,340	40	20	35	95
4	CWF13-135	Fillmore Soil and Water Conservation District	CWF13-135 - #1	$ 175,043	$ 175,043	$ 154,801	35	20	35	90
5	CWF13-259	Nobles Soil and Water Conservation District	CWF13-259 - #1	$ 76,935	$ 76,935	$ 22,300	35	20	35	90
6	CWF13-259	Nobles Soil and Water Conservation District	CWF13-259 - #2	$ 99,998	$ 99,998	$ 31,588	35	20	35	90
7	CWF13-99	Renville Soil and Water Conservation District	CWF13-99 - #1	$ 21,200	$ 21,200	$ 8,000	35	20	35	90
8	CWF13-258	Rock County Soil and Water Conservation District	CWF13-258 - #1	$ 36,149	$ 36,149	$ 10,435	35	20	35	90
9	CWF13-59	Dodge County Environmental Services	CWF13-59 - #1	$ 8,935	$ 8,935	$ 2,234	30	20	35	85
10	CWF13-192	Morrison Soil and Water Conservation District	CWF13-192 - #1	$ 135,575	$ 135,575	$ 35,000	30	20	35	85
11	CWF13-118	Todd Soil and Water Conservation District	CWF13-118 - #2	$ 97,360	$ 97,360	$ 24,340	30	20	35	85
12	CWF13-265	Wabasha Soil and Water Conservation District	CWF13-265 - #1	$ 125,943	$ 125,943	$ 34,626	30	20	35	85
13	CWF13-51	Benton Soil and Water Conservation District	CWF13-51 - #2	$ 100,000	$ 100,000	$ 239,683	25	20	35	80
14	CWF13-120	Todd Soil and Water Conservation District	CWF13-120 - #1	$ 46,260	$ 46,260	$ 20,000	25	20	35	80
15	CWF13-265	Wabasha Soil and Water Conservation District	CWF13-265 - #2	$ 261,741	$ 261,741	$ 81,227	25	20	35	80
16	CWF13-52	Mower Soil and Water Conservation District	CWF13-52 -#1	$ 107,450	$ 107,450	$ 33,750	20	20	35	75
17	CWF13-225	Stearns County Soil and Water Conservation District	CWF13-225 - #1	$ 148,250	$ 148,250	$ 46,700	20	20	35	75
18	CWF13-222	Douglas Soil and Water Conservation District	CWF13-222 - #1	$ 52,650	$ -	$ 17,550	15	20	35	70
19	CWF13-110	Root River Soil and Water Conservation District	CWF13-110 - #1	$ 271,374	$ -	$ 67,844	15	20	35	70
20	CWF13-225	Stearns County Soil and Water Conservation District	CWF13-225 - #2	$ 20,500	$ -	$ 64,000	15	20	35	70

Row	CWF ID	Applicant	Landowner	Amount Requested	Amount Recommended	Amount Leveraged	Anticpated Outcomes (45 pts)	Prioritization and Relationship to Plan (20 pts)	Riparian (35 pts)	Average Score (100 pts)
21	CWF13-225	Stearns County Soil and Water Conservation District	CWF13-225 - #3	$ 103,250	$ -	$ 31,700	15	20	35	70
22	CWF13-225	Stearns County Soil and Water Conservation District	CWF13-225 - #4	$ 20,500	$ -	$ 21,000	15	20	35	70
23	CWF13-118	Todd Soil and Water Conservation District	CWF13-118 - #3	$ 8,680	$ -	$ 2,170	15	20	35	70
24	CWF13-59	Dodge County Environmental Services	CWF13-59 - #2	$ 165,940	$ -	$ 41,485	10	20	35	65
25	CWF13-135	Fillmore Soil and Water Conservation District	CWF13-135 - #2	$ 170,083	$ -	$ 367,211	45	20	0	65
26	CWF13-118	Todd Soil and Water Conservation District	CWF13-118 - #4	$ 8,680	$ -	$ 2,170	5	20	35	60
27	CWF13-118	Todd Soil and Water Conservation District	CWF13-118 - #5	$ 99,660	$ -	$ 29,790	40	20	0	60
28	CWF13-118	Todd Soil and Water Conservation District	CWF13-118 - #6	$ 92,360	$ -	$ 23,090	40	20	0	60
29	CWF13-118	Todd Soil and Water Conservation District	CWF13-118 - #7	$ 99,360	$ -	$ 31,840	35	20	0	55
30	CWF13-225	Stearns County Soil and Water Conservation District	CWF13-225 - #5	$ 87,750	$ -	$ 58,000	35	20	0	55
31	CWF13-51	Benton Soil and Water Conservation District	CWF13-51 - #3	$ 80,235	$ -	$ 26,742	30	20	0	50
32	CWF13-51	Benton Soil and Water Conservation District	CWF13-51 - #4	$ 100,000	$ -	$ 36,462	30	20	0	50
33	CWF13-51	Benton Soil and Water Conservation District	CWF13-51 - #5	$ 100,000	$ -	$ 146,216	30	20	0	50
34	CWF13-150	Goodhue Soil and Water Conservation District	CWF13-150 - #1	$ 295,402	$ -	$ 89,361	30	20	0	50
35	CWF13-265	Wabasha Soil and Water Conservation District	CWF13-265 - #3	$ 357,784	$ -	$ 109,355	30	20	0	50
36	CWF13-110	Root River Soil and Water Conservation District	CWF13-110 - #2	$ 19,689	$ -	$ 4,923	30	20	0	50
37	CWF13-192	Morrison Soil and Water Conservation District	CWF13-192 -#2	$ 99,930	$ -	$ 25,000	25	20	0	45
38	CWF13-225	Stearns County Soil and Water Conservation District	CWF13-225 - #6	$ 8,250	$ -	$ 2,100	25	20	0	45
39	CWF13-225	Stearns County Soil and Water Conservation District	CWF13-225 - #7	$ 25,500	$ -	$ 26,000	25	20	0	45
40	CWF13-65	Winona County Soil and Water Conservation District	CWF13-65 - #1	$ 70,883	$ -	$ 25,000	25	20	0	45

Row	CWF ID	Applicant	Landowner	Amount Requested	Amount Recommended	Amount Leveraged	Anticpated Outcomes (45 pts)	Prioritization and Relationship to Plan (20 pts)	Riparian (35 pts)	Average Score (100 pts)
41	CWF13-65	Winona County Soil and Water Conservation District	CWF13-65 - #2	$ 17,528	$ -	$ 3,438	25	20	0	45
42	CWF13-139	Lincoln Soil and Water Conservation District	CWF13-139 - #1	$ 45,397	$ -	$ 12,561	20	20	0	40
43	CWF13-182	Lyon Soil and Water Conservation District	CWF13-182 - #1	$ 59,752	$ -	$ 17,567	20	20	0	40
44	CWF13-118	Todd Soil and Water Conservation District	CWF13-118 - #8	$ 8,680	$ -	$ 2,170	20	20	0	40
45	CWF13-65	Winona County Soil and Water Conservation District	CWF13-65 - #3	$ 277,251	$ -	$ 80,312	20	20	0	40
46	CWF13-65	Winona County Soil and Water Conservation District	CWF13-65 - #4	$ 425,673	$ -	$ 110,000	20	20	0	40
47	CWF13-65	Winona County Soil and Water Conservation District	CWF13-65 - #5	$ 59,508	$ -	$ 31,829	20	20	0	40
48	CWF13-65	Winona County Soil and Water Conservation District	CWF13-65 - #6	$ 31,988	$ -	$ 6,100	20	20	0	40
49	CWF13-59	Dodge County Environmental Services	CWF13-59 - #3	$ 11,988	$ -	$ 2,997	15	20	0	35
50	CWF13-59	Dodge County Environmental Services	CWF13-59 - #4	$ 20,755	$ -	$ 5,189	15	20	0	35
51	CWF13-225	Stearns County Soil and Water Conservation District	CWF13-225 - #8	$ 53,250	$ -	$ 15,000	10	20	0	30
52	CWF13-225	Stearns County Soil and Water Conservation District	CWF13-225 - #9	$ 18,250	$ -	$ 29,000	10	20	0	30
53	CWF13-225	Stearns County Soil and Water Conservation District	CWF13-225 - #10	$ 68,250	$ -	$ 20,000	10	20	0	30
54	CWF13-118	Todd Soil and Water Conservation District	CWF13-118 - #9	$ 82,360	$ -	$ 20,590	10	20	0	30
55	CWF13-118	Todd Soil and Water Conservation District	CWF13-118 - #10	$ 8,680	$ -	$ 2,170	10	20	0	30
56	CWF13-265	Wabasha Soil and Water Conservation District	CWF13-265 - #4	$ 350,059	$ -	$ 109,831	10	20	0	30
57	CWF13-265	Wabasha Soil and Water Conservation District	CWF13-265 - #5	$ 92,088	$ -	$ 28,792	10	20	0	30
58	CWF13-59	Dodge County Environmental Services	CWF13-59 - #5	$ 493,209	$ -	$ 123,303	5	20	0	25
59	CWF13-59	Dodge County Environmental Services	CWF13-59 - #6	$ 50,011	$ -	$ 12,503	5	20	0	25
60	CWF13-150	Goodhue Soil and Water Conservation District	CWF13-150 - #2	$ 178,671	$ -	$ 47,383	5	20	0	25

Row	CWF ID	Applicant	Landowner	Amount Requested	Amount Recommended	Amount Leveraged	Anticpated Outcomes (45 pts)	Prioritization and Relationship to Plan (20 pts)	Riparian (35 pts)	Average Score (100 pts)
61	CWF13-110	Root River Soil and Water Conservation District	CWF13-110 - #3	$ 285,384	$ -	$ 2,527	0	20	0	20

FY13 SSTS Grant Allocation Recommendations

Row	CWF ID	Applicant	County	Amount Requested	Amount Recommended	Amount Leveraged	Title	Project Abstract	Prioritization and Relationship to Plan (15 pts)	Riparian (40 pts)	SSTS Identified (45 pts)	Average Score (100 pts)
1	CWF13-266	City of Afton	Washington	$ 259,700	$ 259,700	$ 13,060	SSTS Abatement to Eliminate Surface/Groundwater Contamination and Detrimental Health Impacts	The Old Village area of Afton is unsewered and wastewater needs are currently being met by subsurface sewage treatment systems (SSTS) located in the 100 year floodplain, which poses risks for contamination during flooding and high rain fall events.	15	40	45	100
2	CWF13-179	Pennington SWCD	Pennington	$ 26,450	$ 26,450	$ 1,323	Pennington County Failing SSTS Abatement Grant	The SSTS abatement grant money would be used fix two septic system that pose an imminent threat to health and public safety. These problems not only impact the individual landowners, but landowners adjacent to this property and within the watershed.	15	40	45	100
3	CWF13-29	Pope County	Pope	$ 158,900	$ 63,560	$ 3,200	Septic System Assistance for Low Income Households in Pope County	Our objective is to provide septic system assistance to four(4) low income homeowners whose systems are posing an imminent health threat to themselves, the community, or the environment.	15	40	45	100
4	CWF13-65	Winona County SWCD	Winona	$ 205,945	$ 178,815	$ 14,678	Winona County SWCD Imminent Public Health Threat SSTS Abatement Program	This project provides funding assistance to low income households in order to fix septic systems that pose an Imminent Threat to Public Health and Safety (ITPHS) within Winona County.	15	31	45	91
5	CWF13-168	Lake of the Woods County	Lake of the Woods	$ 35,000	$ 35,000	$ 1,750	Lake of the Woods County SSTS Abatement Project	Lake of the Woods County is striving to achieve an upgrade of all failing or imminent threat to public health and safety (IHTPHS) septic systems. This project will help in meeting that ultimate goal.	15	30	45	90
6	CWF13-19	Todd County	Todd	$ 68,870	$ 68,870	$ 18,500	Todd County Low Income Septic Cost Share	Todd County Planning and Zoning staff will implement a cost share program for low income landowners to upgrade 10 failing systems with compliant systems so as to reduce water quality impacts from these systems.	15	28	45	88
7	CWF13-287	Mille Lacs County	Mille Lacs	$ 140,000	$ 140,000	$ 8,400	Mille Lacs County SSTS Abatement Assistance - Low Income Residents	The SSTS Abatement Assistance project will replace 13 SSTS that are imminent public health threats (IPHT). Residents have voluntarily identified their systems as needing their SSTS fixed.	15	11	45	71
8	CWF13-69	Stearns County	Stearns	$ 153,925	$ 153,925	$ 7,810	Abatement of ITPHS SSTS Systems in Stearns County	Stearns County will provide funding to 14 landowners meeting low income standards to fix their imminent health threat septic systems.	15	0	45	60
9	CWF13-88	Chisago County	Chisago	$ 216,600	$ 216,600	$ 10,830	Amador Township-Almelund Subordinate Sewer District Wastewater Cluster System	This project is apart of the overall development of a community solution to solve waster water issues in Amador Township, Chisago County. This project will help fund 6 landowners that are apart of the overall solution.	15	0	45	60

Row	CWF ID	Applicant	County	Amount Requested	Amount Recommended	Amount Leveraged	Title	Project Abstract	Prioritization and Relationship to Plan (15 pts)	Riparian (40 pts)	SSTS Identified (45 pts)	Average Score (100 pts)
10	CWF13-274/277	Lac qui Parle County	Lac qui Parle	$ 292,840	$ 292,840	$ 14,639	City of Louisburg Action Plan to Bring Septic Systems into Compliance	This City of Louisburg is an unsewered community in north central Lac qui Parle County. This project will result in the development of a community system to treat 22 imminent health threat systems.	15	0	45	60
11	CWF13-58	McLeod County	McLeod	$ 95,000	$ 95,000	$ 4,750	City of Biscay Wastewater Cluster System	The City of Biscay in Mc Leod County will be installing a community cluster system and also some individual SSTS to address sewage that is currently discharging directly in the North Fork of the Crow River.	15	0	45	60
12	CWF13-101	St. Louis County	St. Louis County	$ 101,304	$ 101,034	$ 75,000	St. Louis County Imminent Public Health Threat SSTS Abatement Program	The St Louis County Imminent Public Health Threat SSTS Abatement Program will provide ten low income property owners in the St. Louis River and Rainy River Headwaters watersheds.	15	0	45	60

FY13 Accelerated Implementation Grant Allocation Recommendations

Row	CWF ID	Applicant	County	Amount Requested	Amount Recommended	Amount Leveraged	Title	Project Abstract	Clarity of Project (40pts)	Prioritization and Relationship to Plan (25 pts)	Means and Measures (20 pts)	Timeline for Implementation (15 pts)	Average Score (100 pts)
1	CWF13-239	Wadena Soil and Water Conservation District	Wadena	$ 145,000	$ 145,000	$ 40,000	Accelerated Ground Water Protection Through Irrigation Water Management	The purpose of this project is to establish a shared Irrigation Specialist through the Hubbard, Todd and Wadena SWCD's to work with irrigation producers. Most of the tri-county irrigated acreage consists of highly permeable, low water holding capacity, sandy textured soils overlying very susceptible aquifers.	35.0	21.5	17.3	12.9	86.8
2	CWF13-148	Cass County Environmental Services	Cass	$ 40,680	$ 40,680	$ 12,500	East and West Sylvan Township Septic Sweep Compliance Inspections	This purpose of this project is to conduct 500 compliance inspection of ISTS systems in East and West Sylvan Townships which lie in the extreme southern part of Cass County. The majority of systems are located within the Shoreland Zone and have been classified as having soils sensitive to nitrate contamination.	32.1	19.5	16.3	12.3	80.1
3	CWF13-104	Sauk River Watershed District	Stearns	$ 72,950	$ 72,950	$ 18,300	SRWD's Advance Watershed-wide BMP Implementation Strategy	The purpose of this project will address impaired water resources throughout the Sauk River Watershed District by providing the necessary tools for the SRWD and local agencies to work together to target priority areas, install the necessary BMPs, and track what has been completed to achieve reduction goals for each impaired waterbody.	32.5	20.3	13.7	13.2	79.7
4	CWF13-176	Mille Lacs SWCD	Mille Lacs	$ 257,120	$ 257,120	$ 110,000	Accelerated Outreach to Agricultural Producers to Advance BMP Implementation.	The purpose of this project is to provide an agricultural technician who will work directly with producers to answer questions, identify sensitive natural resource features and provide conservation plans that will result in the implementation of best management practices to protect local soil and water resources.	31.7	19.3	15.6	11.5	78.1
5	CWF13-141	East Otter Tail Soil and Water Conservation District	Otter Tail	$ 42,400	$ 42,400	$ 12,400	Otter Tail County Lake Assessments Phase II	The purpose of this project is to work in conjunction with RMB Labs to complete Individual Lake Assessments on the remaining 38 lakes in Otter Tail County that have enough data for an assessment. This information, along with the information from the first lake assessment project, will be incorporated into the Otter Tail County Comprehensive Water Management Plan.	30.4	18.8	15.3	11.8	76.3
6	CWF13-258	Rock County SWCD/Land Mgt	Rock	$ 69,510	$ 69,510	$ 17,378	Rock River Watershed BMP Targeting Tools	The purpose of this project is to utilize LiDAR topographic data to determine areas of high effectiveness for BMP implementation on the 570 square mile Rock River Watershed. This will be Phase I of a focused approach to address the areas of the watershed that will provide the best return on dollars spent for BMPs in each county.	32.1	18.8	15.0	9.6	75.4
7	CWF13-132	Lac qui Parle-Yellow Bank Watershed District	Multi-County	$ 66,572	$ 66,572	$ 16,643	Lac qui Parle Yellow Bank Watershed GIS Terrain Analysis	The purpose of this project is to contract with the Water Resource Center at the Minnesota State University in Mankato to complete terrain analysis for the watershed. It will concentrate on the impaired reaches of the Lac qui Parle and Yellow Bank Rivers and tributaries. This analysis will provide valuable data for future planning and prioritizing of projects.	28.8	18.3	15.9	12.0	74.9
8	CWF13-61	SE SWCD Technical Support JPB	Multi-County	$ 613,047	$ 613,047	$ 153,262	Accelerated NPEA Engineering Assistance in SE MN	The purpose of this project is to continue to fully fund 3 Non Point Engineering Assistance JPB positions in cooperation with the NPEA Base Funding anticipated at $130,000 per year. This will allow a 2nd Professional Engineer to be retained in addition to a Lead Engineer and Technician.	30.0	18.8	14.8	11.0	74.6
9	CWF13-51	Benton SWCD	Benton	$ 79,276	$ 79,276	$ 19,819	Mayhew Lake Nutrient Management, Feedlot and Pasture Assessments	The purpose of this project is to inventory, assess and design projects, focusing on feedlot runoff, for inclusion in future grant applications and federal funding opportunities. Efforts will be located in Benton County based on high priority work areas identified in TMDL plans.	30.4	18.6	15.2	10.2	74.3

Row	CWF ID	Applicant	County	Amount Requested	Amount Recommended	Amount Leveraged	Title	Project Abstract	Clarity of Project (40pts)	Prioritization and Relationship to Plan (25 pts)	Means and Measures (20 pts)	Timeline for Implementation (15 pts)	Average Score (100 pts)
10	CWF13-113	Redwood-Cottonwood Rivers Control Area (RCRCA)	Multi-County	$ 52,600	$ 52,600	$ 18,000	Redwood-Cottonwood River Watersheds LIDAR BMP Prioritization Targeting Tool	This purpose of this project is to accelerate conservation efforts to reduce overland runoff and bacteria, sediment and nutrient loadings through further refinement of already targeted sub-watersheds in the Redwood and Cottonwood rivers as outlined in TMDL studies. Activities through this project seek to create a suite of maps showing focus areas based on environmental sensitivity variables through GIS analysis using precision LIDAR DEM data.	30.4	17.8	13.5	11.7	73.3
11	CWF13-129	Pope Soil and Water Conservation District	Pope	$ 30,350	$ 30,350	$ 7,588	Ravine Inventory and Preliminary Design for Lake Minnewaska's South Shore	The purpose of this project is to do a full inventory of the ravines on the south shore of Lake Minnewaska. Lake Minnewaska is the largest body of water in Pope County and is a highly used recreational lake. The erosion in these ravines is causing large amounts of sediment and phosphorus to be dumped directly into Lake Minnewaska.	29.6	17.8	14.8	10.8	73.0
12	CWF13-189	Morrison Soil and Water Conservation District	Morrison	$ 71,250	$ 71,250	$ 18,000	Morrison County SSTS Compliance Ordinance Pilot Implementation - Fish Trap Lake	The purpose of this project is to implement a new SSTS compliance ordinance by piloting comprehensive septic inventory inspection on Fish Trap Lake with cooperation of the Fish Trap Lake Association.	28.3	17.3	14.4	11.3	71.4
13	CWF13-62	SE SWCD Technical Support JPB	Multi-County	$ 333,120	$ 333,120	$ 83,280	Accelerated Feedlot Technical Assistance in SE MN	The purpose of this project is to extend 2 feedlot technical positions initially created and funded by a FY2011 CWF Feedlot Water Quality Grant that assess and help fix animal waste runoff from small feedlots.	28.3	17.0	16.1	9.9	71.3
14	CWF13-200	Cook County Soil and Water Conservation District	Cook	$ 228,343	$ 126,125.00	$ 96,290	Targeting nutrient loading reduction from prioritized shoreline SSTS inspections	The purpose of this project is to conduct ISTS inspections on Tom Lake, Greenwood Lake, and McFarland Lake. Incorporated into the process will be development of a database system and GIS mapping to be implemented into future inspections. Upon successful completion of the project, new septic inspection protocols will be developed and amended into new septic ordinances.	27.9	18.1	13.8	11.2	70.9
15	CWF13-201	Crow Wing Soil and Water Conservation District	Crow Wing	$ 43,050	$ -	$ 11,000	Gull Lake Subwatershed Feedlot and Grazing Inventory	The purpose of this project is to investigate and quantify sources of a fecal coliform, phosphorus and sediment to Sibley and Mayo lakes by completing a feedlot and grazing inventory of Gull Lake Subwatershed.	28.8	17.3	11.8	10.8	68.6
16	CWF13-36	Scott Watershed Management Organization	Scott	$ 106,800	$ -	$ 26,700	Accelerated Implementation to Reduce Near Channel Sediment Sources, Scott County	The purpose of this project is reduce sediment into Sand Creek which has significant channel bank and bluff erosion by prioritizing near channel sediment source areas, and completing feasibility studies for prioritization and maturation of capitol improvement projects at a more accelerated rate than we can on our own.	27.1	16.6	14.2	10.3	68.2
16	CWF13-299	North Central MN Joint Powers Board	Multi-County	$ 249,000	$ -	$ 62,250	Protecting Some of Minnesota's Greatest Water Resources for Future Generations	The purpose of this project is to fund a Water Quality Project Targeting Specialist who is skilled in water quality and spatial data analysis and watershed modeling, stormwater management project design, and BMP project implementation for the North Central Area .	29.6	16.9	12.3	9.2	67.9
18	CWF13-268	Redwood SWCD	Redwood	$ 171,600	$ -	$ 171,600	Targeted Water Quality Conservation Implementation and Outreach	The purpose of this project is fund a person on-the-ground to directly contact landowners within 9 small subwatersheds with in Redwood County that poses major concerns for water quality for the Cottonwood River due to the erodibility of the soils, steep topography, and land use patterns.	27.1	17.3	12.8	10.4	67.7
19	CWF13-127	Cook County Soil and Water Conservation District	Cook	$ 40,550	$ -	$ 10,200	Stream Restoration Assessment of Woods Creek	The purpose of this project is to develop a prioritized list of restoration projects along Woods Creek which has suffered from significant erosion and stream destabilization at many locations, likely due to development, beaver dams, ponding, and stream re-channelization by landowners.	27.1	15.9	13.3	11.0	67.3
20	CWF13-118	Todd SWCD	Todd	$ 231,240	$ -	$ 57,810	Todd SWCD Engineering Technician	The purpose of this project is to fund an engineering technician for Todd SWCD to assist with the backlog of 15 projects in need of engineering assistance for various feedlot and shoreland best management practices.	27.9	16.3	12.8	9.6	66.6

Row	CWF ID	Applicant	County	Amount Requested	Amount Recommended	Amount Leveraged	Title	Project Abstract	Clarity of Project (40pts)	Prioritization and Relationship to Plan (25 pts)	Means and Measures (20 pts)	Timeline for Implementation (15 pts)	Average Score (100 pts)
21	CWF13-2	Becker County Planning and Zoning	Becker	$ 152,640	$ -	$ 38,160	Shoreland Individual on-site Sewage Treatment Compliance and Education Program	The purpose of this project is to assure that all individual sewage treatment systems (ISTS) within 267 feet of the lakeshore are in compliance with Minnesota Pollution Control standards of MN Chapter 7080.	25.8	16.5	14.0	10.1	66.4
22	CWF13-133	Pomme de Terre River Association	Multi-County	$ 81,372	$ -	$ 20,343	Pomme de Terre Accelerated Technological Capacity and BMP Targeting	The purpose of this project is to increase the technological capacity of the partners of the Pomme de Terre JPB, establish high level priority sites based on LiDAR derived data on a sub-watershed level, and establish a parcel map database in Grant County to complete parcel data collection in the watershed.	27.1	16.0	13.6	9.7	66.3
23	CWF13-222	Douglas Soil and Water Conservation District	Douglas	$ 33,795	$ -	$ 9,015	Douglas County Lakeshed Retrofit Analysis	The purpose of this project is perform subwatershed analysis to identify potential pollution reducing BMPs for each subwatershed of a number of targeted lakes This provides a priority basis to implement pollution reduction efforts around water bodies of concern without excessive investments in field work and data collection.	27.5	16.3	13.3	8.6	65.7
24	CWF13-124	South Louis	St. Louis	$ 91,520.0	$ -	$ 24,560	Accelerated Implementation of Bank Stabilization Projects on Flood-Damaged Duluth Streams	The purpose of this project is to provide salary and benefits for one engineering technician for 12 months in order to provide accelerated stream recovery assistance to riparian landowners ho reported damages from the 500-year rain event of June, 2012, when extreme peak flows tore away banks along almost every stream in Duluth.	27.5	16.5	13.3	8.3	65.6
25	CWF13-99	Renville Soil and Water Conservation District	Renville	$ 6,300	$ -	$ 1,600	Renville County Controlled Drainage Inventory	The purpose of this project is to use LiDAR topographic data and Renville County drainage maps to inventory potential sites for controlled drainage projects in the watershed which would allow the SWCD to then target priority wetland restoration and saturated buffer projects for future funding.	28.3	16.9	10.8	8.1	64.1
26	CWF13-267	City of Prior Lake	Scott	$ 34,300	$ -	$ 10,000	Arctic Lake Subwatershed Analysis and Targeted BMP Implementation Plan	The purpose of this project is to perform a sub-watershed assessment for the Arctic Lake watershed which will result in a prioritized list of Best Management Practice focus areas.	25.8	15.4	12.8	9.8	63.8
27	CWF13-120	Todd SWCD	Todd	$ 38,240	$ -	$ 9,560	BMP Prioritization Plan	The purpose of this project is to purchase GIS software, spatial analyst and 3D analyst to develop a model that will identify high priority areas based on soil K factor, slope, land use, land cover, proximity to sensitive features and elevation. Once all data is aggregated, minor watersheds will then be ranked and prioritized by vulnerability, which would then allow staff to prioritize their workflow to target sub-watersheds.	26.3	15.5	12.3	9.1	63.1
28	CWF13-264	Bois de Sioux Watershed District	Multi-County	$ 64,444	$ -	$ 16,112	Mustinka River Watershed BMP Implementation Planning Tools	The creation of a geospatial database in the form of parcel mapping will provide a streamlined means of identifying and contacting landowners whose property would benefit from the implementation of Best Management Practices for water quality improvement. The database will be incorporated into a web based geographic information system created for Traverse and Grant Counties, as well as the state-of-the-art GIS application BMP ranking tool developed by the International Water Institute allowing resource managers the ability to automatically produce maps, reports, and generate contact information.	25.8	14.8	11.8	8.8	61.3

Row	CWF ID	Applicant	County	Amount Requested	Amount Recommended	Amount Leveraged	Title	Project Abstract	Clarity of Project (40pts)	Prioritization and Relationship to Plan (25 pts)	Means and Measures (20 pts)	Timeline for Implementation (15 pts)	Average Score (100 pts)
29	CWF13-260	Red River Valley Conservation Service Area		$ 230,640	$ -	$ 57,660	Accelerated Application of Precision Conservation for Water Quality	The purpose of this project is to build off of the Water Quality Decision Support Application that was developed for the Red River Valley to effectively target locations to reduce field erosion. Specifically, this project will further analyze priority Lakesheds and sub-watersheds to effectively target sediment and nutrient sources. This information will be incorporated in the Local Water Management Plans and provide direction to resource managers and policy makers in the Red River Valley.	23.0	15.3	12.7	10.3	61.2
30	CWF13-263	Wright Soil and Water Conservation District	Wright	$ 60,000	$ -	$ 12,288	Wright County Healthy Lakes Project	The purpose of this project is to organize and increase the capacity of 16 key lakes associations in Wright County through the development of a relevant lake management plan.	24.2	14.8	11.8	9.0	59.8
31	CWF13-68	Carver County WMO	Carver	$ 37,570	$ -	$ 9,900	Carver County BMP Water Quality Targeting Tools	The purpose of this project is to develop detailed GIS-based hydrologic data and targeting tools to assist in the identification of areas with high potential for sediment and bacterial loading for approximately 200 square miles of Carver County. The data will be used to identify target areas for best management practices necessary for watershed restoration and protection efforts.	25.4	15.8	10.3	8.3	59.8
32	CWF13-63	Rice SWCD	Rice	$ 276,000	$ -	$ 72,000	Going Blue in the Cannon River Watershed	The purpose of this project is the creation of an "Urban Conservationist" position that would be shared among 4 MS4 cities within the Cannon River Watershed. Our goal would be to have at least 25 practices designed and installed by the end of the project in the cities that participate as well as laying firm ground for continuing this work into the future.	25.0	14.3	11.0	8.8	59.2
33	CWF13-15	Comfort Lake Forest Lake Watershed District	Washington	$ 35,964	$ -	$ 15,500	North Shore Trail Sub-Watershed Assessment	The purpose of this project is to conduct a sub-watershed assessment along the North Shore Trail which drains to Forest Lake which has shown a recent decline in water quality. The assessment will identify, evaluate, prepare concept plans and cost estimates for feasible projects, and then prioritize those projects based on cost and their water quality benefit to Forest Lake.	22.9	14.0	11.5	9.8	58.3
34	CWF13-281	City of Independence	Hennepin	$ 30,060	$ -	$ 7,515	Targeting Lake Independence and Lake Sarah Priority Water Quality Projects	The purpose of this project is to create a targeted list of projects for the City of Independency by utilizing the latest in remote sensing technology and stormwater quality modeling. These projects would reduce nutrients to Lake Independence and Lake Sarah.	21.7	13.7	8.8	9.0	53.2
35	CWF13-98	Shell Rock River Watershed District	Freeborn	$ 107,600	$ -	$ 26,900	Precision Conservation in Impaired Waters of the Shell Rock River	The purpose of this project is to expand on the GIS and modeling work initiated in Bancroft Creek subwatershed by identifying Critical Contributing Area as the basis for defining Priority Management Zones in the four subwatershed groups in the Shell Rock River Watershed. This will result in completing a comprehensive assessment of existing BMPs in priority management zones and implementing a minimum of 10 best management practices.	22.5	13.7	8.5	6.8	51.4
36	CWF13-287	Mille Lacs County	Mille Lacs	$ 100,000	$ -	$ 25,000	Mille Lacs County Ditch Records Modernization Project (DRMP)	The purpose of this project are to convert existing ditch records from paper to electronic, accurately map in the field ditch centerlines, inlets and outlets, and electronically identify benefitting parcels and drainage areas by integrating the modernized records with the County's GIS basemap which includes aerial photos and LiDAR data.	20.8	11.8	10.1	7.7	50.4

Row	CWF ID	Applicant	County	Amount Requested	Amount Recommended	Amount Leveraged	Title	Project Abstract	Clarity of Project (40pts)	Prioritization and Relationship to Plan (25 pts)	Means and Measures (20 pts)	Timeline for Implementation (15 pts)	Average Score (100 pts)
37	CWF13-297	Wright Soil and Water Conservation District	Wright	$ 25,190	$ -	$ 6,527	Targeted Fertilizer Application Reduction Project	The purpose of this project is to achieve a 10% reduction in phosphorus fertilizer application rates on 4,000 acres of targeted cropland within the Ditch 10 subwatershed while still realizing full yield goals. The Ann Lake Nutrient TMDL has identified Ditch 10 as a major contributor of the phosphorus load and this watershed is comprised of 79% agricultural land use.	19.2	10.8	9.1	7.2	46.2

FY13 Community Partners Grant Allocation Recommendations

Row	CWF ID	Applicant	County	Amount Requested	Amount Recommended	Amount Leveraged	Title	Project Abstract	Clarity of Project (40 pts)	Prioritization and Relationship to Plan (30 pts)	Plan for Assessing the Programs (20 pts)	LGU Capacity (10 pts)	Average Score (100 pts)
1	CWF13-34	Dakota County Soil and Water Conservation District	Dakota	$ 100,000	$ 100,000	$ 25,000	Dakota County Clean Water Community Initiative	The purpose of this project is to provide cost share funding to organizations and associations to construct medium-sized water quality best management practices in Dakota County.	33.8	22.2	15.8	8.8	80.4
2	CWF13-155	Ramsey Conservation District	Ramsey	$ 150,000	$ 150,000	$ 50,000	Ramsey County Community Partners	The purpose of this project is provide opportunities to community partners to install 6-12 stormwater best management projects that will help protect and improve water quality of county lakes. Properties within a subwatershed of a TMDL or completed subwatershed assessment will be targeted.	33.8	21.7	15.3	8.7	79.3
3	CWF13-148	Cass County Environmental Services	Cass	$ 59,800	$ 59,800	$ 14,950	Cost Effective Stormwater Control in Cass County	The purpose of this project is to engage local lake associations and other local non-profits to partner in community efforts to retrofit areas in their communities by installing curb cut raingardens at strategic locations.	33.8	22.3	14.4	7.8	78.3
4	CWF13-193	Washington Conservation District	Washington	$ 123,930	$ 123,930	$ 30,983	Large Turf Areas Conversion to Native Plantings	The purpose of this project is to engage community partners to reduce overall phosphorus contributions to Lake St. Croix by converting maintained turf grass areas to native plant cover. The goal of this project is to install 30 projects.	30.8	23.1	15.3	8.5	77.8
5	CWF13-141	East Otter Tail Soil and Water Conservation District	Otter Tail	$ 150,000	$ 150,000	$ 39,375	Otter Tail County Community Partners Conservation Sub-grant Program	The purpose of this project is to enable community groups to go beyond planning and take action to protect their water resources. Community groups that participate will emerge with an engaged and energized membership, a better understanding of how to positively influence their water quality, and well positioned to identify and implement future water quality protection projects.	32.5	21.3	15.1	8.3	77.1
6	CWF13-222	Douglas Soil and Water Conservation District	Douglas	$ 54,735	$ 54,735	$ 13,752	Partners for Clean Water-Douglas County Conservation Grant Program	The purpose of this project is to enable community groups to take action to improve their water resources. Engaging citizens directly in project development and installation efforts provides immediate water quality benefits and develops a community of active stewardship.	32.5	21.5	14.1	7.8	75.9
7	CWF13-249	Hubbard SWCD	Hubbard	$ 100,000	$ 100,000	$ 25,000	Hubbard County Community Partners Conservation Program	The purpose of this project is to give community groups the resources necessary to build interest in and awareness of the water quality challenges facing their lakes and empower them to make positive improvements in the form of reduced stormwater runoff. Additionally, this program will share the cost of implementing the structural and vegetative practices.	32.5	20.7	14.3	7.6	75.1
8	CWF13-126	Cook County Soil and Water Conservation District	Cook	$ 149,855	$ 149,855	$ 37,500	Lake Superior Basin Stormwater Management Implementation Projects	The purpose of the project is to provide sub-grant opportunities to community partners in the Lake Superior Basin who would like to implement rain gardens to reduce the stormwater footprint on Lake Superior. It is projected that 4 to 5 rain gardens could be completed providing stormwater treatment to approximately 18 to 30 acres in the Cook County.	32.5	21.3	13.8	7.3	74.9

Row	CWF ID	Applicant	County	Amount Requested	Amount Recommended	Amount Leveraged	Title	Project Abstract	Clarity of Project (40 pts)	Prioritization and Relationship to Plan (30 pts)	Plan for Assessing the Programs (20 pts)	LGU Capacity (10 pts)	Average Score (100 pts)
9	CWF13-135	Fillmore SWCD	Fillmore	$ 45,240	$ 45,240	$ 17,750	Fillmore County Community Partners Stormwater Mini-Grant Program	The purpose of this project is to provide an opportunity to work with non-profits and other groups in local communities to implement stormwater practices that improve infiltration, storage and treatment of stormwater before it discharges into streams and rivers.	31.7	21.2	14.3	7.6	74.8
10	CWF13-20	Aitkin County Soil & Water Conservation District	Aitkin	$ 35,475	$ 35,475	$ 8,900	Aitkin County Partnerships for Clean Water	The purpose of this project is to partner with the Aitkin County Lakes and Rivers Association, Lake Associations, as well as other eligible community partners to reduce the impacts of stormwater runoff and retain water on the land. A mini-grant program will be implemented to install rain gardens and native vegetation buffers along shorelines.	32.1	20.6	13.6	7.7	73.9
11	CWF13-175	Pine Soil and Water Conservation District	Pine	$ 35,000	$ 35,000	$ 14,100	St. Croix River Community Low Impact Development Implementation Projects	The purpose of this project is to improve water quality by reducing the sediment and phosphorus delivery to the Kettle and St. Croix River Watersheds	31.7	20.5	13.8	7.3	73.3
12	CWF13-45	Ramsey-Washington Metro Watershed District	Multi-County	$ 150,000	$ 150,000	$ 37,500	Targeting Faith Organizations for Water Quality Improvement	The purpose of this project is to collaborate with faith organizations in high priority areas to implement stormwater volume reduction retrofit projects. High priority areas are defined as areas with limited to no stormwater treatment before reaching a water body and/or areas that drain to an impaired water.	27.1	21.7	15.7	8.2	72.6
13	CWF13-191	Riley-Purgatory-Bluff Creek Watershed District	Hennepin	$ 150,000	$ 150,000	$ 37,500	Restoring our Waters through our Community	The purpose of this project is to implement medium sized Best Management Practices that would infiltrate and reduce pollutant loads to the waters in the Riley-Purgatory-Creek Watershed District . This will be accomplished by creating a mini grant program for area non-profits, community groups and lake associations.	28.8	21.7	13.8	7.8	72.1
14	CWF13-217	Faribault SWCD	Faribault	$ 37,500	$ 37,500	$ 10,000	Faribault County Stormwater Mini Grant Program	The purpose of this project is to develop a mini grant program that will allow us to partner with area non-profits, community groups and lake associations to implement stormwater management practices that will intercept, treat, filtrate and/or infiltrate runoff which will reduce phosphorus and sediment loads into high priority and TMDL impaired waters in Faribault County.	30.8	20.0	13.1	7.8	71.7
15	CWF13-83	Rice County Environmental Services	Rice	$ 31,500	$ 31,500	$ 7,875	Ensuring Stewardship: Rice County Community Environmental Partnership Program	The purpose of this project is to increase awareness of environmental stewardship practices by providing up to five 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.	30.8	20.4	12.8	7.4	71.5
16	CWF13-70	Carver County WMO	Carver	$ 149,990	$ -	$ 37,500	East Chaska Creek Area Community Partnership Initiative	The purpose of this project is to work with community partners in the East Chaska Creek Watersheds and specifically targeting the areas that surround the Lake Grace chain of lakes.	29.6	20.2	12.8	7.0	69.5
17	CWF13-186	Morrison Soil and Water Conservation District	Morrison	$ 47,450	$ -	$ 12,000	City of Royalton Rain Garden Initiative	The purpose of this project is to install up to 11 rain gardens in the City of Royalton.	30.0	19.0	12.9	7.6	69.5

Row	CWF ID	Applicant	County	Amount Requested	Amount Recommended	Amount Leveraged	Title	Project Abstract	Clarity of Project (40 pts)	Prioritization and Relationship to Plan (30 pts)	Plan for Assessing the Programs (20 pts)	LGU Capacity (10 pts)	Average Score (100 pts)
18	CWF13-18	Chisago SWCD	Chisago	$ 30,920	$ -	$ 7,800	Helping Chisago County Community Partners Implement Best Management Practices	The purpose of this project is to provide cost share funding for community partners in Chisago County to implement Best Management Practices on their property. Practices may include rain gardens, vegetated swales, pervious pavement, tree pits, and other practices that reduce stormwater runoff volume, velocity, and the resulting erosion.	28.8	18.4	11.6	7.3	66.0
19	CWF13-281	City of Independence	Hennepin	$ 50,060	$ -	$ 12,515	Lake Independence and Lake Sarah: Improving Our Waters Together	The purpose of this project is to solicit proposals from active organizations such as the Lake Independence Citizens Association, the Lake Sarah Improvement Association and other interested homeowner's associations that have the necessary capacity to implement projects that treat stormwater.	29.6	17.3	11.0	6.7	64.5
20	CWF13-213	Le Sueur County	Le Sueur	$ 149,950	$ -	$ 37,525	Community Partnerships for Le Sueur County Water Resources	The purpose of this project is to provide funding opportunities for local nonprofit and nongovernmental groups to implement projects that improve water quality and reduce pollutants from reaching surface waters in Le Sueur County.	26.3	17.9	11.8	6.8	62.8
21	CWF13-263	Wright Soil and Water Conservation District	Wright	$ 164,458	$ -	$ 41,115	Wright County Lake Priority Lake Grant	The purpose of this project is to provide a more comprehensive funding mechanism for lake associations within Wright County. O	25.4	15.2	10.9	6.8	58.3

FY13 Conservation Drainage Grant Allocation Recommendations

CWF ID	Applicant	County	Amount Requested	Amount Recommended	Amount Leveraged	Title	Project Abstract	Problem Identification and Relationship to Local Plan (20)	Consistency with Conservation Drainage Management Program Purposes (30)	Project Located on a Public Drainage System (10)	Project Evaluation Plan (10)	Outreach Plan (10)	Overall Proposal Quality and Completeness (20)	Average Score (100)
CWF13-112	North Fork Crow River Watershed District	Multi-County	$ 65,810	$ 65,810	$ 16,453	North Fork Crow River Watershed District Alternative Drainage Practices	The purpose of this project is to implementing 100 Alternative Inlets and 2 saturated buffer in efforts to reduce the nutrients, sediment and volume of water being transported by field tile.	17.9	27.2	9.6	8.8	8.1	17.0	88.6
CWF13-242	Faribault Soil and Water Conservation District	Faribault	$ 188,500	$ 188,500	$ 47,125	Drainage Management Planning for Faribault County's Future	The purpose of this project is to develop comprehensive Multipurpose Drainage Management Plans that protect landowner drainage needs, while focusing on applicable best management practices that will reduce on-field and in-channel peak flow and erosion.	18.1	25.2	9.9	8.7	7.8	16.7	86.3
CWF13-258	Rock County SWCD	Rock	$ 63,775	$ 63,775	$ 24,400	Rock River Conservation Drainage Water Management Demonstration Sites	The purpose of this project is to install, demonstrate and expand water drainage conservation within the Rock River Watershed. Up to four sites will be chosen based upon local selection criteria, installed and demonstrated to the public in 2013 and 2014.	17.5	26.7	0.5	8.5	8.7	17.8	79.8
CWF13-241	Buffalo-Red River Watershed District	Multi-County	$ 333,590	$ 333,590	$ 83,400	Clay County Ditches 9, 32, and 33 Water Quality Improvement	The purpose of this project is to retrofit Clay County Ditches 9, 32, and 33 just south of Moorhead, MN. The project involves the installation of an estimated 87 side inlet sediment controls and 35 acres of bufferstrips.	17.4	22.0	9.9	7.3	4.6	13.2	74.4
CWF13-227	Martin County Drainage Authority	Martin	$ 62,100	$ 62,100	$ 15,525	Martin County Conservation Drainage Methods Public Watershed Improvements Analysis	The purpose of this project is o examine four potential public drainage projects within the County and analyze the cost/benefit of using conservation practices within these public drainageshed areas.	12.6	22.7	9.5	6.2	6.7	11.9	69.6
CWF13-254	Sauk River Watershed District	Stearns	$ 270,500	$ 228,587	$ 68,000	Upland Drainage Conservation and Ravine Stabilization Project	The purpose of this project is to target three identified drainage systems contributing to one tributary outfall to Long Lake. Alternative intake structures to manage for nutrients and mitigative measures will be implemented to retain water on the upland properties. Intakes and outfalls will be enhanced with iron filtration to target reduction in soluble phosphorus.	14.7	19.1	9.2	7.1	6.3	11.3	67.7

Minnesota Board of Water & Soil Resources

Conflict of Interest Disclosure for Grant Application Reviewer

Grant Program: Reallocation of Targeted Drainage Water Management Grant
Date: December 12, 2012
Name of Review Group: Grants Program and Policy Committee

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:

Chair Statement: *"A conflict of interest whether actual, potential, 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 declare conflicts of interest they may have regarding today's business."*

This form gives grant application reviewers an opportunity to disclose any actual, potential or perceived conflicts of interest that may exist during a grant review process. It is the grant reviewer's obligation to be familiar with the Office of Grants Management (OGM) Policy 08-01, Conflict of Interest Policy for State Grant-Making and to disclose any conflicts of interest accordingly.

All grant reviewers must complete and sign a conflict of interest disclosure form. The grant reviewer must identify any grant applicant with which they have an actual, potential or perceived conflict, but is not required to explain the reason for the conflict of interest on this disclosure form as this form is considered public data under Minn. Statute 13.599- Grants, but must discuss with appropriate agency or grant program personnel. **A disclosure does not automatically result in the grant application reviewer being removed from the review process.**

Please read the definition of conflict of interest below and mark the appropriate boxes that pertain to you and your status as a reviewer of applications for this Grant Program.

Description of actual, potential, and perceived conflicts of interest

Actual conflict of interest:
An actual conflict of interest shall be deemed to exist when a review of the situation by the grant reviewer or other agency personnel determines that a decision or action by the grant reviewer would compromise a duty to another party.

OGM Policy 08-01 determines that an actual conflict of interest exists when any one of the following conditions is present:

1. A state employee or 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.

2. A state employee or 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.

3. A state employee or a grant reviewer is an employee or board member of a grant applicant or grantee applicants or is a family member of anyone involved in the grantee or grant applicant's agency.

Potential Conflict of Interest:
A potential conflict of interest may exist if a grant application reviewer has a relationship, affiliation, or other interest that could create an inappropriate influence if the person is called on to make a decision or recommendation that would affect one or more of those relationships, affiliations, or interests. For example, a grant reviewer that serves in a volunteer capacity for an applicant organization has the potential to, but does not necessarily create a conflict of interest, depending on the nature of the relationship between the two parties.

A disclosed potential conflict of interest warrants additional discussion between the grant reviewer and appropriate agency or grant program personnel in order to identify the nature of the relationship, affiliation, or other interest and mitigate any potential conflicts.

Perceived Conflict of Interest:
Per OGM Policy 08-01, a perceived conflict of interest is any situation in which a reasonable third party would conclude that conflicting duties or loyalties exist.

A disclosed perceived conflict of interest warrants additional discussion between the grant reviewer and appropriate agency or grant program personnel in order to identify and mitigate any perceived conflicts.

As a grant reviewer, I certify that I have read and understand the description of conflict of interests explained above and in OGM Policy 08-01 and (check one of the three boxes below):

☐ I do not have any conflicts of interest relating to this program's grant applicants or proposed projects and I will participate in the review process.

☐ I have reviewed the list of applicants, and I have an ACTUAL, POTENTIAL, or PERCEIVED conflict of interest with the applicant(s) listed below. I will still participate in the review process and I will abstain from scoring, discussing and making decisions on any issues in relation to the applicant(s) listed below. *(The grant reviewer must state any and all applicants with which he/she has a conflict of interest and may describe the nature of the conflict in the space below, but a description is not required on this form since this form is considered public data.*

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

☐ After reviewing the Conflict of Interest Disclosure Form and OGM Policy 08-01, I am UNABLE or CHOOSE NOT to participate in this review process.

If at any time during the review process I discover a conflict of interest, I will stop reviewing any grant applications I may have received and disclose that conflict immediately to appropriate agency or grant program personnel.

Reviewer's printed name: _____

Reviewer's signature: _____

Date: _____

Reviewer's Organization/Agency: _____

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Reallocation of a Targeted Drainage Water Management Grant**

Meeting Date: December 12, 2012

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region:
Contact: Tim Gillette
Prepared by: Tim Gillette
Reviewed by: Grants Program and Policy Committee(s)
Presented by: Tim Gillette

☐ **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: Amended resolution for grant allocation requested

ACTION REQUESTED

Amend BWSR Board resolution approved in June 2012 allocating Targeted Drainage Water Management grants to replace the Bois de Sioux Watershed District with a partnership of Wilkin and Traverse SWCDs.

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

The 2012 Legislature appropriated an additional $700,000 for the CWF Conservation Drainage Program for FY 2013, with a focus on drainage water management. The Board approved Targeted Drainage Water Management Grants to 7 local government units in June 2012. One of the grantees was the Bois de Sioux Watershed District, which was targeted to receive $170,000. By resolution of the Board of Managers, the Bois de Sioux WD has declined the grant, due to concerns about workload, ongoing conservation practice monitoring responsibilities and a perspective that SWCDs could implement this funding better than their WD, based on SWCD experience with conservation practice implementation and monitoring.

Because the Bois de Sioux WD has been very active with permitting of agricultural drainage projects and includes substantial applicable 0 - 2 % slope lands, it would be a great loss to the purpose and plan of the targeted DWM grant program if the applicable funding could not be used in that area of the state. Therefore, BWSR staff coordinated with the SWCDs in the area, resulting in Wilkin and Traverse SWCDs agreeing to form a partnership to implement this targeted grant, including coordination with the Bois de Sioux WD and its permitting program.

Minnesota Board of Water & Soil Resources

Board Resolution # 12-114

BWSR Targeted Drainage Water Management Grants

WHEREAS, the BWSR Board passed Resolution 12-55 on June 27, 2012 specifying the recipients of the FY 2013 BWSR Targeted Drainage Water Management (DWM) Grants; and

WHEREAS, One of the grantees was the Bois de Sioux Watershed District, which was targeted to receive $170,000; and

WHEREAS, By resolution of the Board of Managers, the Bois de Sioux WD has declined the grant, due to concerns about workload, ongoing conservation practice monitoring responsibilities and a perspective that SWCDs could implement this funding better than their WD, based on SWCD experience with conservation practice implementation and monitoring; and

WHEREAS, the Bois de Sioux WD has been very active with permitting of agricultural drainage projects and includes substantial applicable 0 - 2 % slope lands, it would be a great loss to the purpose and plan of the targeted DWM grant program if the applicable funding could not be used in that area of the state; and

WHEREAS, BWSR staff coordinated with the SWCDs in the area, resulting in Wilkin and Traverse SWCDs agreeing to form a partnership to implement this targeted grant of $170,000, including coordination with the Bois de Sioux WD and its permitting program.

NOW THEREFORE, the Board hereby resolves to amend the list of BWSR Targeted Drainage Water Management Grant recipients to remove the Bois de Sioux WD and include the Wilkin and Traverse SWCDs as indicated in the attached revised Background and Grant Allocation Information.

Brian Napstad, Chair
Board of Water and Soil Resources

Date: 12/12/12

Attachment:

A) BWSR Targeted Drainage Water Management Grants, Background and Grant Allocation Information

Preference was given to organizations containing multiple LGUs. Eligibility criteria for the FY13 Clean Water Fund grants apply.

Figure 1 is a map of the state showing areas with 0-1% slopes and 1-2% slopes and in agricultural crop production.

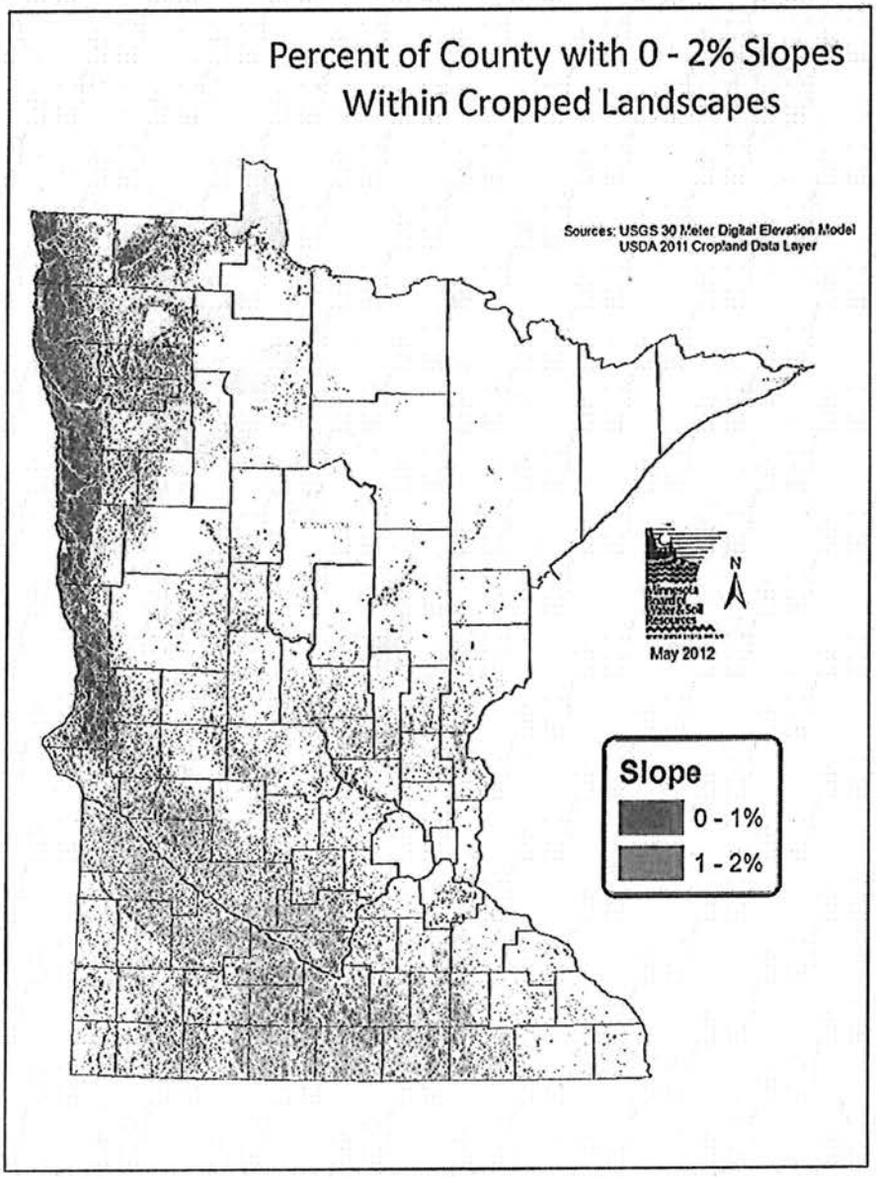

Figure 1

Further processing of the data resulted in the creation of Figure 2, showing a county by county percentage of agricultural land suitable for drainage water management.

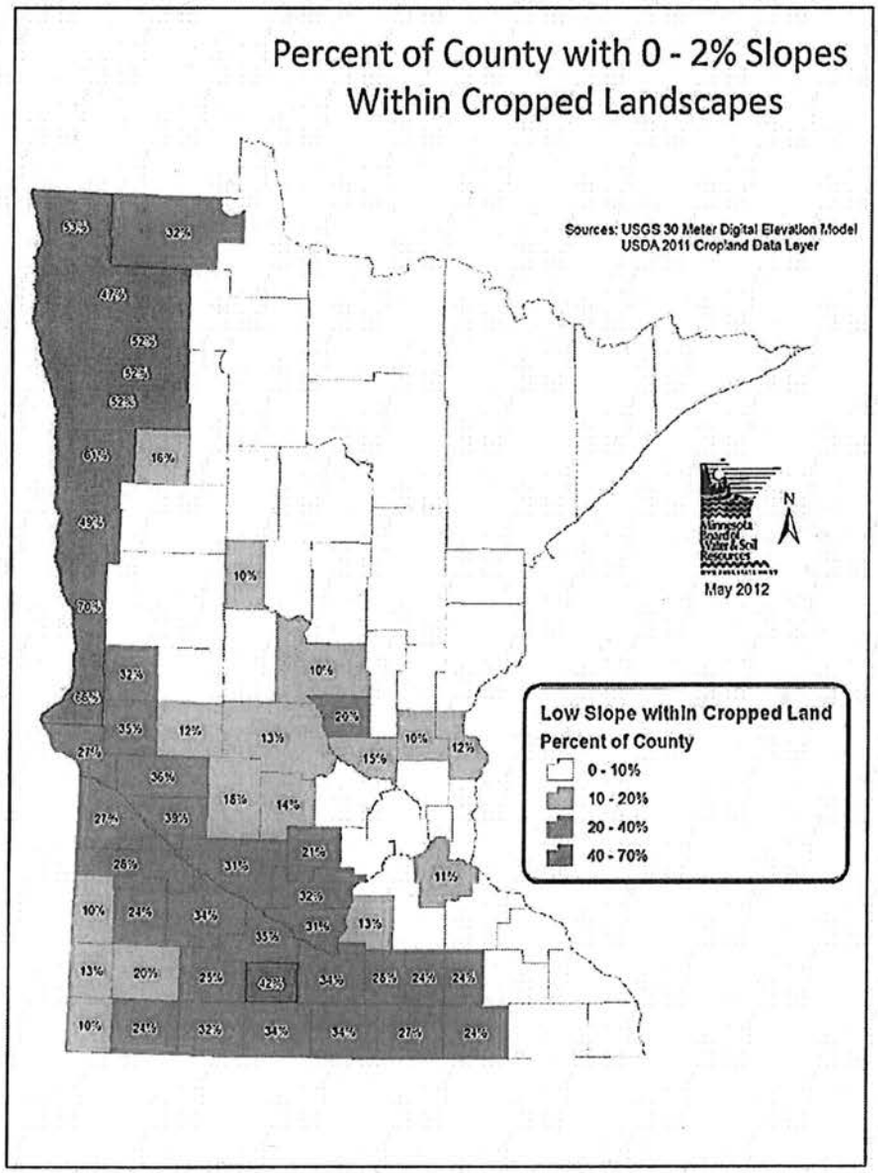

Figure 2

After establishing the likely areas of the state for DWM, Regional Supervisors, Board Conservationists and Clean Water Specialists working in the areas of the state suitable for DWM were consulted to determine which LGUs were good candidates for the targeted grants along with geographic distribution. From these discussions, a list of eight LGUs was developed. Initial telephone calls were made to the managers of the eight organizations to determine interest. One LGU being considered declined, with the other seven all very interested.

Once interest was determined, the LGUs were asked to estimate how much need they had in their area of work for DWM. The response was great, with most LGUs indicating they could use more funds than are available. BWSR staff then gauged the LGU's interest along with the amount of tiling activity, suitable land area within the LGU's boundary and proven

implementation ability to determine the funds allocation. Figure 3 was developed to show the percentage of agricultural land within each LGU's area suitable for DWM.

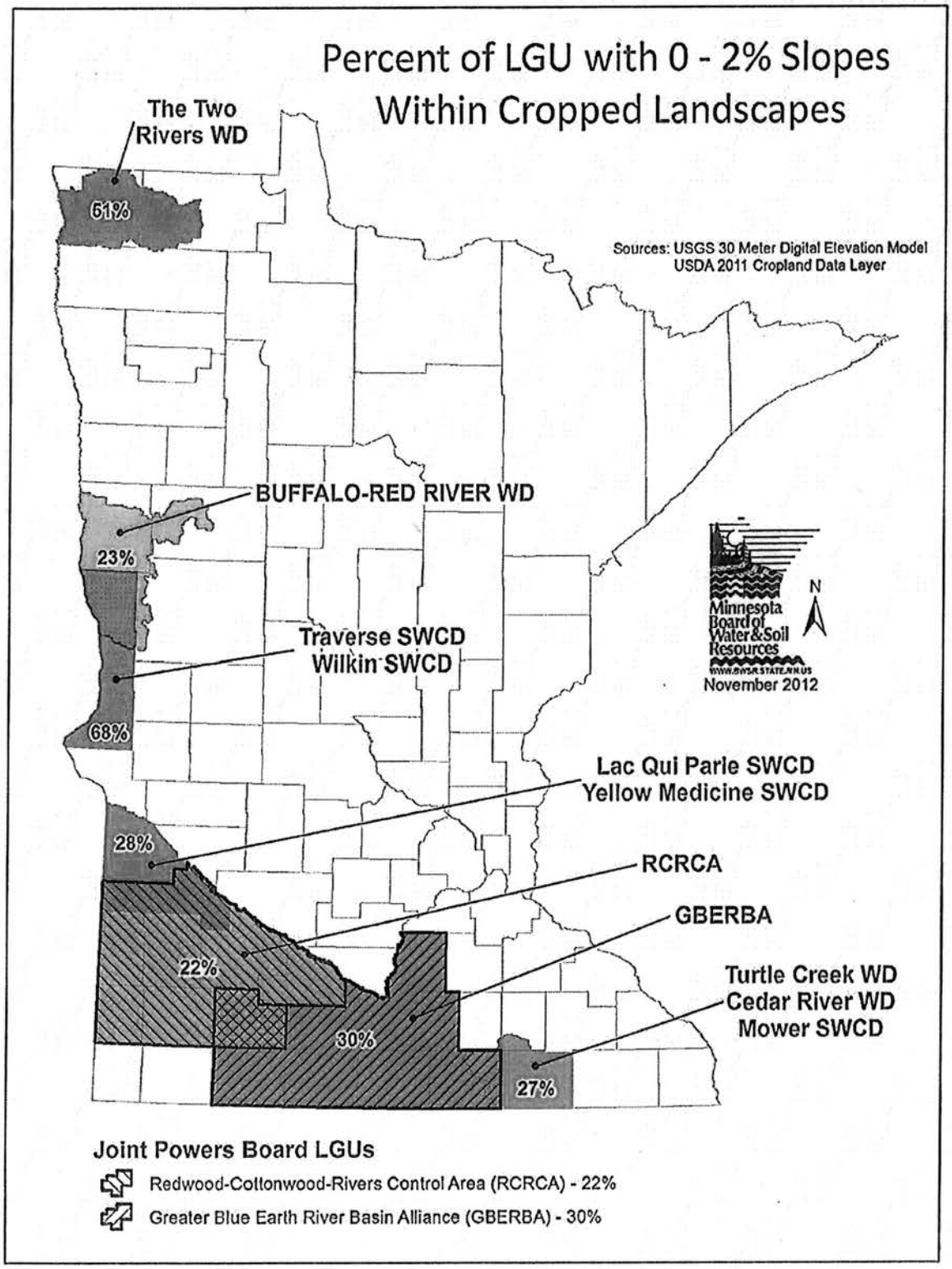

Figure 3

The following is a summary of the recommended grantees and a recommendation for allocation of funds:

Traverse SWCD, Wilkin SWCD Partnership	$170,000.00
GBERBA (Greater Blue Earth River Basin Alliance)	$170,000.00
Mower SWCD, Cedar River Watershed District, Turtle Creek Watershed District Partnership	$100,000.00
RCRCA (Redwood Cottonwood River Control Area)	$100,000.00
Buffalo Red River Watershed District	$70,000.00
Lac qui Parle SWCD, Yellow Medicine SWCD Partnership	$60,000.00
Two Rivers Watershed District	$30,000.00
Total	$700,000.00

COMMITTEE RECOMMENDATIONS

Wetlands Committee

1. Executive Order 12-04: Supporting and Strengthening Implementation of the State's Wetland Policy – Dave Weirens and Les Lemm – ***DECISION ITEM***

2. Wetland Banking Fee Policy Update – Dave Weirens – ***DECISION ITEM***

3. 2013 Local Road Wetland Replacement Program Project Selection Process – Ken Powell – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Executive Order 12-04: Supporting And Strengthening Implementation Of The State's Wetland Policy**

Meeting Date: December 12, 2012

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: Wetland Committee(s)

Presented by: Dave Weirens and Les Lemm

☐ **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 accept the Executive Order 12-04 Report and authorize staff to forward it to the Office of Governor Dayton.

LINKS TO ADDITIONAL INFORMATION

http://bwsr.state.mn.us/wetlands/executive_order_12-04/

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
Governor Mark Dayton issued Executive Order 12-04 on May 3, 2012 which directed BWSR to evaluate "how to maintain No Net Loss of Wetland as a State goal under the Wetland Conservation Act and to further advance the long-term protection and enhancement of Minnesota's wetland resources" in cooperation with the Departments of Agriculture, Natural Resources, Transportation and the Pollution Control Agency and with the invited participation of stakeholders by December 15, 2012.

A plan to implement the Order was developed that included a series of meetings designed to gather input from a variety of stakeholders and worked with a team of staff from the above state agencies. Staff evaluated the input provided by stakeholders and developed a series of wetland policy recommendations organized in seven categories that are included in the report "Executive Order 12-04: Supporting and Strengthening Implementation of the State's Wetland Policy, December 2012".

The Wetland Committee met on September 26, 2012 to review the Order and the process that will be used to comply with it. The Committee initially reviewed the draft report on November 28, 2012, and is scheduled to meet on December 11, 2012 to complete this review and make a recommendation to the Board. A final draft report will be provided at the December 12, 2012 Board meeting, however, the curret draft along with supporting materials are on the BWSR website: http://bwsr.state.mn.us/wetlands/executive_order_12-04/.

Board Resolution #_____

EXECUTIVE ORDER 12-04: SUPPORTING AND STRENGTHENING IMPLEMENTATION OF THE STATE'S WETLAND POLICY

Report

WHEREAS, Governor Mark Dayton issued Executive Order 12-04 on May 3, 2012; and

WHEREAS, by this Order BWSR was directed to evaluate "how to maintain No Net Loss of Wetland as a State goal under the Wetland Conservation Act and to further advance the long-term protection and enhancement of Minnesota's wetland resources" in cooperation with the Departments of Agriculture, Natural Resources, Transportation and the Pollution Control Agency and with the invited participation of stakeholders by December 15, 2012; and

WHEREAS, BWSR developed and implemented a plan to implement the Order that included a series of meetings designed to gather input from a variety of stakeholders and worked with a team of staff from the Departments of Agriculture, Natural Resources, Transportation and the Pollution Control Agency; and

WHEREAS, staff evaluated the input provided by stakeholders and developed a series of wetland policy recommendations organized in the following categories that are included in the report "Executive Order 12-04: Supporting and Strengthening Implementation of the State's Wetland Policy, December 2012":

- De minimis Exemption;
- Alignment of Pre-settlement Zones on Watershed Boundaries;
- Consistent Review, Approval and Implementation;
- Adequacy of Wetland Bank Program Funding;
- Costs and Benefits of Wetland Mitigation Targeted to Specific Watershed;
- Strategic Use of Funding Sources to Achieve Continued Restoration of Drained Wetlands; and
- Other Issues – No Net Loss and Agricultural Drainage; and

WHEREAS, the Wetland Committee reviewed the draft report on November 28, 2012 and December 11, 2012.

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources accepts the draft report and authorizes staff to forward it to Governor Dayton.

BE IT FURTHER RESOLVED THAT, the Minnesota Board of Water and Soil Resources will work with partner agencies to prioritize the Report's recommendations and authorizes staff to pursue implementation strategies for the prioritized recommendations.

_____ Date: _____

Brian Napstad, Chair
Board of Water and Soil Resources

Minnesota Board of Water & Soil Resources

Board Resolution # 12-115

EXECUTIVE ORDER 12-04: SUPPORTING AND STRENGTHENING IMPLEMENTATION OF THE STATE'S WETLAND POLICY

Report

WHEREAS, Governor Mark Dayton issued Executive Order 12-04 on May 3, 2012; and

WHEREAS, by this Order BWSR was directed to evaluate "how to maintain No Net Loss of Wetland as a State goal under the Wetland Conservation Act and to further advance the long-term protection and enhancement of Minnesota's wetland resources" in cooperation with the Departments of Agriculture, Natural Resources, Transportation and the Pollution Control Agency and with the invited participation of stakeholders by December 15, 2012; and

WHEREAS, BWSR developed and implemented a plan to implement the Order that included a series of meetings designed to gather input from a variety of stakeholders and worked with a team of staff from the Departments of Agriculture, Natural Resources, Transportation and the Pollution Control Agency; and

WHEREAS, staff evaluated the input provided by stakeholders and developed a series of wetland policy recommendations organized in the following categories that are included in the report "Executive Order 12-04: Supporting and Strengthening Implementation of the State's Wetland Policy, December 2012":

- De minimis Exemption;
- Alignment of Pre-settlement Zones on Watershed Boundaries;
- Consistent Review, Approval and Implementation;
- Adequacy of Wetland Bank Program Funding;
- Costs and Benefits of Wetland Mitigation Targeted to Specific Watershed;
- Strategic Use of Funding Sources to Achieve Continued Restoration of Drained Wetlands; and
- Other Issues – No Net Loss and Agricultural Drainage; and

WHEREAS, the Wetland Committee reviewed the draft report on November 28, 2012 and December 11, 2012.

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources accepts the draft report and authorizes staff to make formatting and editorial changes prior to forwarding it to Governor Dayton.

BE IT FURTHER RESOLVED THAT, the Minnesota Board of Water and Soil Resources will work with partner agencies to prioritize the Report's recommendations and authorizes staff to pursue implementation strategies for the prioritized recommendations.

Date: 12/12/12

Brian Napstad, Chair
Board of Water and Soil Resources

Executive Order 12-04:

Supporting and Strengthening Implementation of the State's Wetland Policy

Final Draft Report
December 12, 2012

Prepared by
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Executive Summary

Introduction and Process

The Board of Water and Soil Resources (BWSR) has developed recommendations at the direction of Governor Mark Dayton through *Executive Order 12-04 Supporting and Strengthening Implementation of the State's Wetlands Policy* (EO 12-04). After Legislative debate over some Wetland Conservation Act (WCA) provisions in 2012, the Governor called for recommendations to be developed based on a systematic evaluation of wetlands policy that incorporated input from stakeholder groups. Further, the Governor reaffirmed the public values of wetlands, the public interest in achieving no net loss of wetlands as well as the benefits of continued restoration of wetlands in Minnesota.

To those ends the Governor ordered BWSR, in cooperation with the Pollution Control Agency and the Departments of Natural Resources, Transportation and Agriculture, to address the following:

1. Assess potential changes to current policies that will improve wetland conservation in Minnesota in a manner that maintains and restores the integrity of Minnesota's wetlands, while recognizing that the ecology, distribution and type of wetland resources vary statewide.

2. Evaluate and develop recommendations to improve current wetland protection, restoration, and mitigation provisions regarding:
    a. de minimis exemption allowances and flexibility options allowable with Board-approved Comprehensive Wetland Management Plans according to Minnesota Statutes, section 103G.2243;
    b. alignment of pre-settlement wetland zones on watershed boundaries;
    c. consistent review, approval and implementation for projects subject to wetland replacement requirements;
    d. the adequacy of funding mechanisms to cover costs of inspections, monitoring and oversight of wetland bank sites; and
    e. the costs and benefits of wetland mitigation targeted to specific watersheds.

3. Develop recommendations to provide for the continued restoration of drained wetlands using various funding sources to achieve the multiple benefits that wetlands provide for strategic conservation purposes.

4. Identify opportunities to improve coordination of wetland regulatory efforts between state and federal agencies by improving the processes for landowners, permit applications, local governments, and regulators so that greater efficiency and cost-effectiveness are realized.

This report provides recommendations that should contribute to improved wetlands policy. The recommendations in each section are not listed in priority order. Improved wetlands policy can be measured by:

1. An increase in the quantity, quality and biological diversity of Minnesota's wetlands,
2. Improved timeliness and clarity of processes for Minnesota's regulated landowners, and
3. Improved efficiency and reduced costs for applicants, agencies and local governments involved in wetlands management.

The process to comply with the EO12-04 was designed to capture thoughtful input reflecting relatively broad and diverse perspectives from invited stakeholders. The process was not intended to be a general public input process with extensive outreach and a large volume of comments. Nor was the process intended to negotiate one or more specific proposals for consideration by the Legislature in 2013. BWSR sought to better understand a range of key perspectives and positions to define policy areas where there is potential to align interests to improve policies.

The process invited participation from 42 stakeholder organizations. Representatives of these organizations were invited to participate in eleven facilitated meetings. There were five cluster meetings, four regional meetings and two core stakeholder meetings. The set of meetings was structured to create different opportunities to provide input that could offer depth and nuance in the understanding of different interest's perspectives. Records of each meeting were prepared that documented the ideas, concerns and suggestions presented by stakeholders. Invitations to the process were targeted to the 42 identified stakeholder groups. However, project staff also encouraged any interested party seeking greater involvement in the process to share their perspectives in writing. Meeting notes and summaries of other input are available on the BWSR website: http://bwsr.state.mn.us/wetlands/executive_order_12-04/.

Project staff drew out issues and themes heard throughout the process. Then based on their experience with wetlands programs and policies, they identified potential policy solutions where there appears to be potential common ground to support further detailed policy development. Concepts have been vetted and refined with cooperating agencies and with additional input from stakeholders.

As project staff met with stakeholders some issues consistently rose to the top as a priority for discussion. Stakeholders did not suggest that the other issues identified in EO 12-04 were not significant, but in the time available for discussion they prioritized three to four issues. Priority discussion issues included:

- *Defining policy goals and measures of success;*
- *Consistency of policy and interagency cooperation;*
- *Targeting of Wetland Mitigation; and*
- *De minimis Exemption.*

Based on these discussions and further assessment and discussion with cooperating agencies, BWSR makes the following recommendations.

Recommendations

Issue #1: De minimis Exemption.

i. *Simplification.* The options listed below should be evaluated to simplify the De minimis Exemption while maintaining current overall levels of protection and enhancing compliance. Simplification options associated with geographic differences in the application of this Exemption are discussed in Issue #2: Alignment of Pre-Settlement Zones on Watershed Boundaries.
   a. Eliminate some or all of the wetland type criteria from the Exemption.
   b. Consider revising de minimis amounts in shoreland areas while improving coordination with other programs to ensure that riparian/water quality values are protected.
   c. Simplify the 5% cumulative impact provision.
   d. Reduce the cost to road authorities by establishing a process to estimate small impacts that would otherwise qualify for the de minimis exemption that are to be reported by the road authority to BWSR under the Local Government Road Wetlands Replacement Program.
   e. Consider an in-lieu fee alternative to cost-effectively accomplish replacement for small impacts.

ii. *Flexibility.*
   a. Amend Minn. Stat. 103G.2241, subd. 9 to allow local wetland plans and official controls to deviate (including being less restrictive) from state standards where the overall effect will be at least as protective of wetland functions and values; and
   b. Work with the State agencies and the US Army Corps of Engineers to develop and implement a local government wetland planning and local controls option that will be applicable under state and federal laws to provide flexibility to local governments in the application of a de minimis while protecting important wetland functions. This work would include the identification of necessary changes to statute, rule and policy that are required to place such a program into effect.

iii. *Resources*
   a. Increase State funding by $2.0 to $3.0 million to support local government capacity to effectively work with landowners via early project reviews to avoid and reduce wetland impacts while allowing desired development.

Issue #2: Alignment of Pre-Settlement Zones on Watershed Boundaries.

Evaluate, in cooperation with the US Army Corps of Engineers, simplifying the geography of WCA by eliminating or adjusting current pre-settlement wetland zones. A guidepost for these changes

is to ensure similar levels of regulation as under current law. The options that should be evaluated are:

i. Rectify bank service areas along county lines to a "nearest county boundary fit" and establish an 11-county metropolitan area (Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, Wright) wetland bank service area; or

ii. Eliminate the 50-80% zone, thereby creating a greater than 80% and a less that 80% zone and establish an 11-county metropolitan area wetland bank service area.

Issue #3: Consistent Review, Approval and Implementation.

i. Coordination should be improved between WCA and CWA Section 404. The following options should be explored to address the issues stated by stakeholders.
   a. BWSR should work with the St. Paul District of the U.S. Army Corps of Engineers to explore options to reduce regulatory redundancy and overlap. One option is to implement a new US Army Corps of Engineers programmatic general permit and the existing WCA Federal Approvals Exemption. Under this concept, WCA would regulate relatively small impacts, and the Corps would regulate relatively larger impacts, subject to program jurisdiction.
   b. BWSR should analyze assuming CWA Section 404. This evaluation should assess the costs and benefits of Assumption, as well as identify changes to state wetland and water regulatory programs that may be required.

ii. The MPCA CWA 401 certification process (and Minnesota Rule 7050-Water Quality Standards) improvements started in May 2012 should continue to be implemented to coordinate with existing wetland processes, reduce redundancy, improve timeliness and focus on larger projects with significant water quality concerns. Timeliness of MPCA 401 certifications was frequently commented on by stakeholders. The integration of the MPCA into the multi-agency joint notification processes shared by WCA, the US Army Corps of Engineers, and DNR Public Waters Programs should be continued and completed.

iii. BWSR and DNR should review the regulatory authority and procedures of the Public Waters Work Permit Program and WCA to identify opportunities to reduce overlap and improve consistency between these and related programs.

iv. BWSR should continue current cooperative efforts with the USDA Natural Resource Conservation Service (NRCS) to improve coordination of WCA and Swampbuster implementation activities at the local level, including improved communication of program requirements to agricultural producers. This cooperative effort should include exploring methods to improve data sharing on agricultural activities subject to Swampbuster. Development of the Agricultural Wetland Bank should continue. Areas of agreement should be documented in an interagency Memorandum of Understanding between BWSR and NRCS, including any items identified according to Minn. Stat. § 103G.2241, Subd. 1(7).

The implementation of this recommendation will be directly affected by the next Federal Farm Bill.

v. BWSR should conduct a review of the Local Government Road Wetland Replacement Program with its stakeholders to ensure the Program is structured and operated to address current local government road authority needs.

vi. BWSR should explore the possibility of establishing an in lieu fee wetland mitigation program consistent with Minn. Stat. § 103G.2242, Subd. 3. This effort should include assessing the economic costs and benefits of establishing such a program. The possibility of amending this statute to expand BWSR's authority statewide to all project types, including mining, should also be considered. On option that should be considered to address mining related issues is the Northeast Regional Wetland Mitigation Cooperative that was proposed in the Northeast Minnesota Wetland Mitigation Inventory and Assessment (January 2010).

vii. Improve input opportunities and processes related to off-site wetland replacement projects completed to replace wetland impacts occurring under a Permit to Mine. BWSR and DNR should work with the mining industry, interested LGUs, and other stakeholders to develop and implement actions to:

1) improve notification and input procedures and technical evaluation panel (TEP) involvement;

2) clarify appeal procedures and improve transparency of replacement credit accounting (project-specific vs. wetland banking); and

3) achieve high quality replacement that best meets state wetland goals, including location and quality.

a. By January 31, 2013, the DNR shall convene a group of stakeholders to develop specific recommendations to address items 1-3 above. The stakeholder group shall include representation from the DNR, BWSR, MPCA, local government, mining industry, U.S. Army Corps of Engineers, and one or more non-governmental organizations. The group shall pull in additional agency expertise or other stakeholders as needed.

viii. Increase State funding by $2.0 to $3.0 million to support local governments that implement WCA.

ix. Several other studies and evaluations are underway that address similar issues regarding environmental management and regulation. The implementation of recommendations of these other efforts should be integrated with those of this report. (see partial list in Issue #3: Consistent Review, Approval and Implementation).

Issue #4: Adequacy of Wetland Bank Program Funding.

i. BWSR should conduct an actuarial study to estimate future costs for wetland bank monitoring, maintenance and compliance and the associated public risk. This study should

also evaluate long-term costs and methods of finance associated with general administration, application review and processing, and credit management. An implementation plan should then be developed to ensure the long-term viability of the Wetland Banking Program.

ii. Another option to consider is combining monitoring and maintenance responsibilities of wetland banking with other similar monitoring efforts.

iii. BWSR should assess the potential for using alternative methods to monitor wetland bank sites, such as via aerial imagery. Such an assessment should highlight both the effectiveness of these methods and the cost savings to the State.

Issue #5: Costs and Benefits of Wetland Mitigation Targeted to Specific Watershed.

i. Continue to focus mitigation efforts on wetland banking and watershed based bank service areas as the basis for wetland mitigation under WCA.

ii. BWSR should leverage the work of an interagency group (BWSR, DNR, MPCA, and the US Army Corps of Engineers) that has already been established to address the issue of wetland mitigation, particularly for large wetland impacts in the northeast. The group is currently in the process of developing recommendations and expects to complete their work by spring 2013. However, some general initiatives have been identified. BWSR recommends pursuing these and other initiatives that are identified by the interagency group:

   a. Improve available information and options for the siting of wetland mitigation within the watershed of impact.
      1. Develop interagency guidance summarizing the State and Federal criteria for evaluating project proposals, particularly the adequacy of potential mitigation sites.
      2. Explore the potential for targeting broader, non-traditional options for mitigation (improving and protecting trout streams or adjacent upland habitat, etc.) within northeast watersheds.
      3. Review the requirements of other regulatory programs with relevance to wetland function and explore the potential for mitigating some wetland functions within the watershed (e.g. water quality), while allowing others to be replaced outside the watershed (wildlife habitat, floodwater retention, etc)
      4. Pursue funding to establish an electronic database to develop a running inventory of potential wetland mitigation sites that have been considered (by project proponents and regulatory agencies) in the northeast, including relevant information on each. This inventory will help applicants in their search for wetland mitigation sites and agencies in determining the availability of potential mitigation sites within specific watersheds.
   b. Develop recommendations for procedural/administrative mechanisms to target and bring about mitigation in priority watersheds when mitigation is not reasonably

available within the watershed of the wetland impact. The mechanism may include an in-lieu fee program or other options, as well as procedures for identifying priority watersheds.

Issue #6: Strategic Use of Funding Sources and Tools to Achieve Continued Restoration of Drained Wetlands.

i. Continue efforts, particularly collaborative efforts such as the Prairie Pothole Regional Integrated Landscape Conservation Strategy, to improve science and decision tools that refine the ability to target wetland restorations to their highest value locations.

ii. There are limited resources available to support wetland management on private lands, if those wetlands are not enrolled in a conservation program. Assess gaps in those programs and support funding initiatives to improve and maintain the quality of these wetlands.

iii. Evaluate and analyze current incentives and payment rates to determine if they are sufficient to attract landowner interest in participating in wetland restorations. Non-traditional incentives (e.g. tax incentives) should be analyzed as part of this effort. Such incentives are vital to maintaining and increasing the quantity, quality and biological diversity of wetlands. Of particular significance is the expected expiration of thousands of acres of Conservation Reserve Program contracts. Providing incentives can ensure that some of the wetland areas on these lands remain.

iv. Work with conservation partners to evaluate how voluntary efforts can be enhanced with wetland bank funding so that there is an opportunity to leverage mitigation funding while continuing to avoid subsidizing private mitigation with public dollars.

v. Support local government planning in the metropolitan area to support more strategic wetland management.

vi. Promote and support a comprehensive, local, watershed-based planning framework that provides for the identification and prioritization of wetland resources for protection, management, and restoration on public and private lands. Cumulatively, these watershed planning efforts can provide a basis for improved statewide decision-making regarding issues that affect wetland quantity, quality, and biological diversity, including the targeting of wetland restorations and mitigation.

vii. Targeted restoration of wetlands to achieve multiple benefits such as wildlife habitat restoration, water quality improvement and flood attenuation will require the use of many land management tools and funding sources, including: enhancement activities, cost-share contracts, and land acquisition by public entities via fee title or easements.

Other Issues - No Net Loss

i. Clarify the state policy goal of no net loss of wetland quantity, quality, and biological diversity applies to state wetland protection programs on a statewide basis for activities

subject to their regulations. These factors are a general surrogate for the public value of wetlands. Maintaining or increasing these factors on a statewide basis provides public value, which is in the public's interest and provides policy direction for state wetland regulatory and conservation programs.

a. The statewide no net loss goal should recognize that there are areas, such as northeast Minnesota, that may be able to tolerate some loss of wetlands without affecting watershed ecological integrity, while other areas of the state already face a significant deficit of wetland resources. Focusing wetland restoration efforts in areas of greatest need is consistent with the public interest in regards to biological diversity.

ii. Increase the availability of information relating to wetland quantity, quality and biological diversity in Minnesota.

a. Periodically make available reported data from WCA and other State wetland protection programs, including approved wetland impacts, mitigation, and exemptions. Also develop a simple, web-based tool to facilitate reporting.

b. Continue and support DNR efforts to update the National Wetland Inventory, which will provide significantly more accurate data on current wetland quantity.

c. Continue and support DNR/MPCA efforts to survey and track trends in wetland quantity and quality over time.

iii. Voluntary restoration activities are primarily intended to restore wetlands that will contribute to an increase in the quantity, quality, and biological diversity of Minnesota's wetlands. Voluntary restorations and conservation programs using public funds should not be used to offset regulated wetland impacts. With these statements in mind, the Legislature should clarify the no net loss goal to state that voluntary

Other Issues - Agricultural Drainage

i. Assess the extent to which wetlands on agricultural lands are being lost or degraded and that are not subject to compensation requirements under existing programs.

ii. Per Issue #3, item iv, improve coordination of WCA and 'Swampbuster' implementation activities at the local level. This will be especially relevant when the modified parameters of the next Federal Farm Bill are known pending Congressional action.

iii. BWSR should evaluate the following:

a. The potential for incentives and funding for landowners to install managed drainage systems that can maintain the benefits of temporary/seasonal wetlands and to install other BMPs to minimize impacts to adjacent wetlands and waterways.

b. The mechanisms for landowners and local drainage authorities to collaborate on drainage projects to improve water quality via the state drainage code.

I. Introduction and Process

The Board of Water and Soil Resources (BWSR) has developed recommendations at the direction of Governor Mark Dayton through *Executive Order 12-04 Supporting and Strengthening Implementation of the State's Wetlands Policy* (Appendix A). The Order follows legislative debate in 2012 on wetlands policy which focused primarily on Minnesota's Wetland Conservation Act (WCA). Several bills were independently introduced to address specific stakeholder concerns. These bills and the subsequent debate did not reflect a careful evaluation of WCA or wetlands policy as a whole. While several modest changes to WCA were adopted, the Governor called for recommendations to be developed based on a more systematic evaluation of wetlands policy.

EO 12-04 reaffirms the public values of wetlands, the public interest in achieving a no net loss of wetlands as well as the benefits of continued restoration of wetlands in Minnesota.

The Governor directed BWSR, in cooperation with the Pollution Control Agency and the Departments of Natural Resources, Transportation and Agriculture, to undertake the following steps regarding how to maintain No Net Loss of Wetlands as a State goal under the Wetland Conservation Act and to further advance the long-term protection and enhancement of Minnesota's wetland resources:

1. Assess potential changes to current policies that will improve wetland conservation in Minnesota in a manner that maintains and restores the integrity of Minnesota's wetlands, while recognizing that the ecology, distribution and type of wetland resources vary statewide.
2. Evaluate and develop recommendations to improve current wetland protection, restoration, and mitigation provisions regarding:
    a. de minimis exemption allowances and flexibility options allowable with Board-approved Comprehensive Wetland Management Plans according to Minnesota Statutes, section 103G.2243;
    b. alignment of pre-settlement wetland zones on watershed boundaries;
    c. consistent review, approval and implementation for projects subject to wetland replacement requirements;
    d. the adequacy of funding mechanisms to cover costs of inspections, monitoring and oversight of wetland bank sites; and
    e. the costs and benefits of wetland mitigation targeted to specific watersheds.
3. Develop recommendations to provide for the continued restoration of drained wetlands using various funding sources to achieve the multiple benefits that wetlands provide for strategic conservation purposes.

4. Identify opportunities to improve coordination of wetland regulatory efforts between state and federal agencies by improving the processes for landowners, permit applications, local governments, and regulators so that greater efficiency and cost-effectiveness are realized.

The Order further required these steps to be completed by December 15, 2012.

This report provides recommendations that should contribute to better wetlands policy. The recommendations in each section are not listed in priority order. Improved wetlands policy can be measured by:

1. An increase in the quantity, quality and biological diversity of Minnesota's wetlands,
2. Improved timeliness and clarity of permitting processes for Minnesota's regulated landowners, and
3. Improved efficiency and reduced costs for applicants, agencies and local governments involved in wetlands management.

Stakeholder Participation.

The EO 12-04 further charged BWSR to develop recommendations with "invited stakeholder participation." Wetland policy and protection programs have a wide range of stakeholders, including local governments, environmental and conservation organizations, agricultural organizations, regulated landowners and business interests as well as federal and state agency partners. The perspectives and concerns of these groups of stakeholders vary considerably across Minnesota. The process to comply with the Order was designed to capture thoughtful input reflecting relatively broad and diverse perspectives.

The stakeholder participation strategy was designed to ensure transparency and target discussions among the invited stakeholders to issues included in the Order. The process was not intended to be a general public input process with extensive outreach and a large volume of comments. Nor was the process intended to negotiate one or more specific proposals for consideration by the Legislature in 2013. BWSR sought to better understand a range of key perspectives and positions to define policy areas where there is potential to align interests to improve policies.

The process started with the identification of 42 stakeholder organizations, which were solicited for formal contacts (See Appendix B). The organizations were divided into six clusters of similar interests including: Agriculture, Business and Industry, Environment and Conservation, Local Governments, Other Organizations, and Federal Government. Three types of meetings were convened with stakeholders:

1. Cluster Meetings
2. Regional Meetings
3. Core-stakeholder Meetings

Each meeting type sought to achieve a different purpose. Cluster meetings were designed to allow a deeper and more nuanced discussion of the perspectives of those groups, which often

operate on a state-wide basis. Regional meetings were open to the widest range of stakeholders and were intended to drill down into differences and nuances of issues that relate to Minnesota's diverse geography. The Core-Stakeholder group meetings were intended to provide for a greater degree of interaction between interest groups active in legislative and policy development processes.

Project staff conducted eleven meetings, each about three hours in length (Appendix C). These meetings followed similar agendas; a brief overview of EO 12-04 and the input process followed by facilitated discussion of the issues laid out in the Executive Order. The discussions were set up to address the more specific charges (items 2 and 3 in the Order) anticipating that the stakeholders would discuss issues in a manner that would address the broader concerns (items 1 and 4 in the Order). At each meeting, the stakeholders would help determine which issues contained in the Order to focus on. Detailed notes were taken at each meeting by multiple staff. Records of each meeting were prepared that documented the ideas, concerns and suggestions presented by stakeholders. The meeting notes are available on the BWSR website: http://bwsr.state.mn.us/wetlands/executive_order_12-04/.

Invitations to the process were targeted to the 42 identified stakeholder groups. However, anyone that showed up at any meeting was welcomed to fully participate. Project staff also encouraged any interested party seeking greater involvement in the process to share their perspectives in writing. This additional input has also been summarized and documented and is available on the BWSR website at the above location.

Report Development.

Project staff began drawing out and summarizing different issues and themes heard after the first several meetings. Based on their experience with wetlands programs and policies they sought to identify potential policy solutions where there appears to be enough common ground between stakeholders to support further detailed policy development. Available resources and time allowed for development of only high level or directional policy recommendations. Detailed legislative proposals were not developed.

Preliminary recommendations were presented at the final Core-Stakeholder group meeting on October 23, 2012. Based on that feedback and further staff analysis, recommendations were further refined into a draft report. The draft report was then shared with the interagency team for further review and comment. Based on feedback from cooperating agency partners, the draft report was revised. This revised draft was forwarded to the BWSR Wetland Committee as well as shared with invited stakeholders. Based on Wetland Committee response and further stakeholder response a final draft was prepared for review by the BWSR board on December 12, 2012. Upon approval of the Board of Water and Soil Resources, the report was deemed complete and final.

II. Issues & Stakeholder Input

Introduction

As project staff met with stakeholders some issues consistently rose to the top as a priority for discussion. Priority discussion issues included:

- *Defining policy goals and measures of success:* In many of the meetings, stakeholders wanted more information about what no-net loss means, how it is measured and where the state stands in achieving no-net loss, this discussion often revolved around whether no net loss means local vs. statewide, and how do wetland functions and values fit in;
- *Consistency of policy and interagency cooperation:* While there are issues of consistency internally among single agencies, the broader concerns expressed by the stakeholders generally pointed to interagency coordination as the underlying concern about consistency, duplication and timeliness in the application of wetlands regulations. As the process moved forward, these issues have been consolidated into one issue and recommendations are presented in that manner;
- *Targeting of Wetland Mitigation:* Concerns were repeatedly stated that current wetland mitigation policies inhibit achieving desirable public benefits, and present a practical difficulty to wetland rich areas of the state in reasonably complying with regulations; and
- *De minimis Exemption:* This provision of WCA is a necessary safety valve for small impacts, but has gotten very complicated due to frequent amendments intended to address competing interests. Simplifying this exemption would increase landowner compliance and reduce local government costs.

Stakeholders did not suggest that the other issues identified in EO 12-04 were not significant, but in the time available for discussion they prioritized three to four issues. For a variety of reasons, the issues that resonated with participating stakeholders were those that pertained to the regulatory side of wetlands policy. Strategic investment in voluntary conservation was acknowledged as important but relatively few comments were offered and stakeholders did not sustain discussion around how funding is used or wetlands targeting is pursued. Often the discussion returned or connected back to the concept of targeting mitigation associated with regulatory programs.

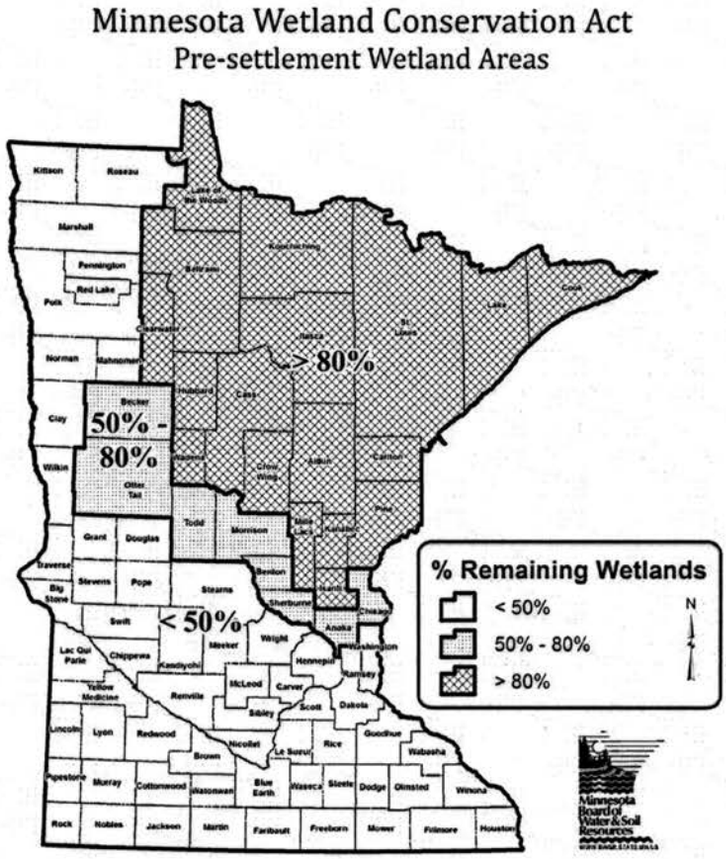
Alignment of pre-settlement wetland zones was often not considered a key issue by stakeholders, but as project staff improved their framing of the issues interest in the issue did increase. Finally, the long term funding of state liabilities associated with the wetland banking program received the least attention by stakeholders, but there was general consensus that long-term funding is important. They acknowledged that BWSR needs to pay attention to the issue, but indicated that it is a low priority for stakeholders.

Issue #1: De minimis Exemption.

A. Background.

WCA exempts small wetland impacts through a de minimis exemption (Minn. Stat. 103G.2241, subd. 9; Minn. Rule 8420.0420, subp. 8). This exemption provides regulatory relief for individuals completing small projects that would have a minimal impact. However, the De minimis Exemption is structurally complex. Different amounts of exempt wetland impacts are allowed depending on the presettlement wetland area (see figure 1), 11-county metro area, wetland type, and relationship to shoreland zones. Application is further complicated by restrictions on cumulative use of this exemption on an individual wetland (i.e. the 5% rule). This complexity has evolved over time to recognize the different extent of wetlands across the state. In addition, Minn. Rule 8420.0830, subp. 4. F. allows certain limited flexibility in the application of the exemptions under a Local Comprehensive Wetland Protection and Management Plan.

Figure 1:



Stakeholders were presented with the following questions to facilitate discussion:

- What is your impression on how de minimis impacts contribute to loss/net loss of wetlands?
- Should different de minimis amounts apply to different wetland types?
- Should different de minimis amounts apply to different geographic areas?
  - Pre-settlement wetland areas – (a) greater than 80%; (b) between 50 % and 80%; and (c) less than 50%. (see Figure 1)
  - 11-County Metropolitan Area.
  - Shoreland wetland protection zone and shoreland building setback zone
- Are the cumulative impact provisions still important and needed?
- Would a simpler de minimis enhance compliance?
- What kind of flexibility would make sense under a Local Comprehensive Wetland Protection and Management Plan?

B. What did we hear?

The discussion indicated that local governments have a wide variety of experience and concerns with the De minimis Exemption. The greatest concerns were expressed by counties in northeast Minnesota with extensive wetland resources. Landowners are generally able to use the exemption, but the law is complicated which confuses and frustrates many landowners. The greatest areas of concern were:

- The "5% rule" is difficult to understand and apply correctly;
- Landowners cannot determine wetland type and are uncertain as to what is allowed; and
- The extent to which the WCA de minimis aligns with other programs, such as DNR Public Waters.

Simplification of the law is generally understood to be a positive and would improve landowner understanding and compliance, and also reduce enforcement and local government costs. However, conservation organizations were concerned that simplification not be a means to make the WCA more permissive. Other discussion indicated that this exemption is not an issue for most business and industrial activities because either their impacts are so large as to make this provision irrelevant, or they have the expertise to incorporate the de minimis in the regulatory processes with local governments.

The Executive Order also required evaluating and addressing recommendations regarding "flexibility options allowable with Board-approved Comprehensive Wetland Management Plans according to Minnesota Statutes, section 103G.2243". Several stakeholders stated that a barrier to making effective use of current flexibility via these plans has been US Army Corps of Engineers acceptance of these plans.

Local government road authorities discussed the cost effectiveness of current BWSR policy to not apply the De minimis Exemption for road projects when BWSR provides the required wetland replacement. The issue is the expense they go through to identify, delineate and report de minimis eligible impacts to BWSR.

In addition, the issues outlined below were discussed.

- The current de minimis amounts are important to northern counties.
- The 5% cumulative impact provision is important, but can be difficult to implement in a fair manner.
- More flexibility would be useful, especially in shoreland areas, where small de minimis amounts eliminate opportunities to negotiate with landowners.
- Wetland type adds to complexity and confusion.
- The de minimis should be based on function and/or wetland quality, more emphasis on science, not just location.
- Streamlining to reduce the burden on local governments and reduce confusion by landowners.

- The cost (to local governments and landowners) of the replacement plan process for small impacts outweighs the benefit.
- The de minimis contradicts the goal of the Executive Order which is to "improve wetland conservation".
- Exemptions under Section 404 are activity based while under WCA they are type and location based.
- US Army Corps of Engineers is more flexible than WCA, the de minimis should be changed to match the existing general permit
- Exemption use should be reported and tracked to gather a better sense of the impact of this exemption, and provide a means to establish accountability.
- Leave WCA alone for a while to improve consistency.

C. What solutions were suggested?

i. Provide information on the De minimis Exemption geared towards landowners to enhance understanding.
ii. Local governments should advertise that they have staff available to assist landowners in compliance.
iii. Allow small impacts to be exempt from sequencing (avoidance, minimization, replacement) and go directly to in lieu fee replacement (make a payment to a third party to restore wetlands for mitigation).
iv. Simplify by setting a specific amount of wetland impact that applies in all cases, and then allow replacement via banking for impacts above this amount up to a threshold
v. Remove type from the exemption, and focus on location.
vi. Determine de minimis amounts and use based on project type or purpose.
vii. Increase funding to local governments to support implementation of WCA, including the De minimis Exemption.
viii. Establish an expedited process to estimate wetland impacts for road authorities to use for BWSR Road Program eligible projects.
ix. Work with the US Army Corps of Engineers to achieve state-federal acceptance of local wetland management plans.

D. Recommendations: See Executive Summary beginning on page ii.

Issue #2: Alignment of Pre-Settlement Zones on Watershed Boundaries.

A. Background.

Presettlement wetland areas were established along county boundaries in State law when WCA was enacted in 1991 in recognition of the varying extent and conditions of wetland resources across Minnesota. Presettlement wetland areas (see figure 1 on page 5) are used to determine:

1. Allowable wetland impacts under the De minimis Exemption;
2. Authority to use certain actions eligible for credit (i.e. preservation in only greater than 80% areas);
3. Replacement ratios;
4. The siting of replacement wetlands; and
5. How much flexibility is allowed under Comprehensive Wetland Protection and Management Plans.

Since the establishment of WCA, environmental and ecological management policies and programs have increasingly shifted to being based on watershed boundaries. In fact, the Wetland Bank Service Areas (Minn. Rule 8420.0522, subp. 7) that were established in 2007 were developed using watershed and major basin boundaries. The move towards watershed based management is in recognition that water resources can be most effectively managed as a whole system. However, these bank service areas do not follow the presettlement wetland area boundaries.

Stakeholders were presented with the following questions to facilitate discussion:

- What are the challenges with the existing 3 pre-settlement areas system?
- What if the state is divided into two regions (i.e. greater than 80% and less than 80%)?
- Is it important to have boundaries follow county lines?
- If boundaries were to follow bank service areas – which are largely major basins – will this cause undue operational difficulties?
- How should the St. Croix River Basin be addressed? It includes parts of the greater than 80%, 50 to 80% and less than 50% areas and is partially in the 11-county metropolitan area.
    - Should Chisago and Washington Counties become part of the less than 50% area?
    - Should the watershed be shifted to one presettlement area or another?
    - Should it be a universe unto itself (regulations that only apply here)?
- Will alignment changes (statewide and for the St. Croix) make implementation easier?
- How might alignment changes affect the Wetland Banking Program?
- Are there any outcomes that will cause this to be unfair to anyone?
    - Are there ways to mitigate those concerns?

B. What did we hear?

The discussion at the stakeholder meetings was limited on this issue. There was general agreement that implementing the program along major watershed boundaries would improve coordination between wetland and other environmental programs. Some went so far as to suggest it is imperative to make this change, to fit into the movement towards the "one watershed – one plan" concept. The issue raised is how the watershed approach would work in combination with a program that is administered on the basis of political boundaries.

A concern was raised at one meeting to not implement changes to the pre-settlement zones without guidance and a full understanding of the potential implications of such a change. There were also concerns regarding how this change would affect county implementation, and that there would be increased costs.

Similar to comments made when other issues were discussed, is that mitigation siting should be based on functions and values, not just location. The current system can result in practical hardships for landowners and wetland bankers by restricting their mitigation options.

This issue is closely related to Issue #5: Costs and Benefits of Wetland Mitigation Targeted to Specific Watershed, in that they both address requirements regarding where wetland mitigation can occur. These cross-cutting issues will be discussed in issue #5, as they are most relevant to that issue.

C. What solutions were suggested?

i. WCA should continue to be implemented based on county boundaries due to its implementation largely on this basis.
ii. Pre-settlement zones should follow bank service areas that are rectified along county lines to a "nearest county boundary fit".
iii. Create two presettlement zones – (1) greater than 80% and a (2) less than 80% .
iv. Do away with the pre-settlement zone concept altogether and use the watershed basin approach; this would provide greater consistency with the US Army Corps of Engineers.
v. Eliminate pre-settlement zones and apply standards (wetland replacement and de minimis) separately.
vi. An 11-county metro area bank service area should be considered in any proposal to address pre-settlement areas and watershed boundaries.
vii. Conduct another study to re-evaluate the pre-settlement areas because of improvements in technology and tools.

D. Recommendations: See Executive Summary beginning on page ii.

Issue #3: Consistent Review, Approval and Implementation.

A. Background.

Regulatory simplification and coordination has been an issue with water resources regulations before enactment of WCA, and it continues to be an issue today, as evidenced by the programs that may apply to activities in wetlands and waters: WCA (BWSR); Public Waters Program (DNR); Permit to Mine (DNR); Clean Water Act Section 401 Certifications (MPCA); Stormwater Management (MPCA); Clean Water Act Section 404 (US Army Corps of Engineers); and Swampbuster (USDA-Natural Resources Conservation Service) are among the more significant requirements and regulations.

There are currently several separate efforts that are looking to streamline existing regulatory processes (in addition to this one):

1) Executive Order 11-04 (Environmental Permitting Efficiency), MPCA and DNR;

2) Water Permit Streamlining for Transportation Projects (Laws of Minnesota 2012, Chapter 287, Article 3, Section 63), MnDOT; and
3) Water Governance Evaluation Project (Laws of Minnesota 2011, 1st Special Session, Chapter 2, Article 4, Section 33), MPCA.

Stakeholders were presented with the following questions to facilitate discussion:

- As discussed above, there are a number of programs that may apply to a given project or activity, where do these programs cause problems?
- Where are there opportunities to streamline regulatory oversight?
- What drives the inconsistencies between programs?
  - Regulatory jurisdiction, location, mitigation requirements, decision-making process, other?
- There is a tension between state-wide uniformity and tailoring programs and processes to account for regional variability and local situations.

B. What did we hear?

This issue generated significant discussion at all of the meetings. Questions were asked as to why there are so many government agencies at all levels involved in wetland and water regulatory decision making.

- BWSR should explore assumption of the Clean Water Act (CWA) Section 404 program.
- Consistency between and within federal, state and local governments.
- Unreasonable process requirements for projects to prove they are allowed under the law.
- The multiple processes need to be simultaneous, not sequential; coordinated, not uncoordinated.
- Wetlands policies should be consistently administered statewide, especially in relation to the 50-80% area.
- Processes and requirements (delineation, type, etc,) need to be clarified and simplified with fewer steps and reduced timelines.
- Different programs should all require the same or similar information to reduce the burden on the proposer.
- All agencies need to be at the table at the beginning of a project to minimize delays and coordination issues.
- It is not clear always which agency has the final say on a project that impacts a wetland, especially related to agriculture.
- Project proposers need to understand the regulatory processes and have reasonable expectations on how fast they can be completed.
- Wetland programs should be more user friendly, and apply common sense.
- Inconsistent interpretation and application of wetland program rules are perceived as a fairness issue by applicants.
- There is too much government watching government.

- There is a lack of trust with the federal, state and local governments.
- There is not enough consistency over time, rules change and people change.
- Concerns over the effect of wetland regulations and mitigation on the property tax base.
- Terminology (restore, create, replace, etc.) differences confuses people.
- Agricultural tiling and drainage need enhanced regulation.
- Inadequate funding to support the expected level of regulation under WCA.
- Wetland regulations need to be based on science.
- Mitigation may be required for projects that technically impact wetlands but provide an overall natural resource enhancement or provide a public benefit (i.e. flood control).
- Public value needs to be central to wetland regulations.
- Replacement ratios should be modified to take into account the actual benefit offered by a particular wetland rather than an arbitrary ratio.
- Seek legislative authority to require notification of all exemptions.
- Local wetland management plans should be a tool to streamline and align local and state wetland rules.
- Requiring replacing specific wetland functions should be avoided.

Issues specific to a given program came up frequently as well:

- Local governments implementing WCA are more restrictive than the State rule;
- Public safety and critical service projects (hospitals, airports, etc) are sometimes held up and/or compromised to protect wetlands (project eligibility under the Local Government Roads Wetland Replacement Program);
- BWSR administrative interpretation of the road program is overly narrow and should include other transportation modes, including pedestrian, bicycle, and transit;
- Conflicts between WCA and the Shoreland Management program places local governments in a difficult position with landowners;
- The US Army Corps of Engineers does not issue Section 404 permits in a timely fashion;
- The MPCA CWA Section 401 certifications are an additional layer of regulation that is not well coordinated or timely;
- Issuance of Permits to Mine should be separate from mitigation;
- DNR Permit to Mine authority is not implemented consistent with WCA wetland mitigation requirements; and
- Local governments should be involved in mitigation site selection related to Permits to Mine.

However, not everything was criticized, as the WCA technical evaluation panels (TEP) are highly regarded. It was also remarked that a majority of projects go smoothly, and that only a small percentage of projects, that tend to be complex, have process issues.

C. What solutions were suggested?

i. More local government training.
ii. Implement WCA more like the Shoreland Program, through local ordinances.
iii. The State should assume all or part of the CWA Section 404 Program.
iv. As an alternative to Assumption, the State and US Army Corps of Engineers should agree to a process where the US Army Corps of Engineers issues a general permit for impacts below a certain threshold, and BWSR implements the Federal Approvals Exemption for projects above this threshold.
v. Better integration of MPCA CWA Section 401 certifications into the process, and have it focus more on water and less on wetlands.
vi. Work with the Minnesota Congressional Delegation to influence the US Army Corps of Engineers and make Assumption easier and workable.
vii. Develop a better system to coordinate WCA and Swampbuster.
viii. Provide a direct role for local governments in the DNR Permit to Mine process.
ix. Reduce and streamline the wetland banking paperwork.

D. Recommendations. See Executive Summary beginning on page ii.

Issue #4: Adequacy of Wetland Bank Program Funding.

A. Background.
The Minnesota Wetland Banking Program is the largest wetland banking program in the country with 3,959 acres of wetland credits available in 202 banks. In addition to overall responsibility for the implementation of WCA, BWSR has several responsibilities regarding the wetland banking program. These include:

- Participating on local technical evaluation panels to consider wetland banking plans reviewing monitoring reports, and requests for deposit of credits;
- Developing and accepting easements on bank sites;
- Periodically inspecting wetland banks, including the easement conditions, after the required monitoring period associated with bank establishment, generally every five years;
- Managing wetland bank accounting, deposits, withdrawals, transfers, etc.;
- Collecting wetland banking fees; and
- Compliance/Enforcement.

These responsibilities are financially supported by State General Funds, wetland bank fee revenue, and agreements with other state and federal agencies. BWSR collects wetland bank fees at the time of wetland bank establishment and for subsequent transactions. This fee generally operates similar to the sales tax and generates approximately $230,000 in revenue annually that is used to support BWSR's wetland banking responsibilities.

Current funding is generally adequate to support current activities. There are two areas of concern, these are:

1. The costs of long-term monitoring, especially as the number of bank sites grows; and
2. Funding for necessary maintenance, management and compliance at bank sites.

Stakeholders were presented with the following questions to facilitate discussion:

- How should the State's costs for the wetland banking program be funded (i.e. fees, General Fund, Bond Funds, etc)?
- Statute changes in 2012 allow new forms of wetland banking, how should these be funded?
- Is this simply a General Fund function and the taxpayer should be on the hook or is this the responsibility of banking parties to provide as they secure enduring benefits?
- How can long-term maintenance be funded?
    - A wetland tax incentive to assist landowners in meeting maintenance costs?
    - Ecosystem trading?
- What happens if two or three landowners and decades down the road....nobody remembers the agreement and the benefits/credits are long spent or just assumed?
- When should (or if) monitoring stop and let nature run its course (i.e. when should a banked wetland be viewed the same as a natural wetland)?
- Should monitoring be administered the same as regulatory compliance after some number of years with less rigorous/frequent inspections?
    - What about wetland bank sites that utilize constructed facilities, such as water control structures, berms etc.?
    - What about invasive species and vegetative management?
    - Does wetland quality matter?
- Are there technologies that can automate or otherwise reduce the cost of monitoring and compliance?

B. What did we hear?

The discussion at the stakeholder meetings was very limited on this issue. This was considered to be an administrative issue that BWSR would need to define and directly lead. With this in mind, it was suggested that BWSR quantify the financial need and the State's potential risks.

Several comments stated that long-term maintenance should be the responsibility of the bank owner via an insurance or financial assurance mechanism. Fines and wetland banking fees were also identified as potential sources of funding. In addition, BWSR should consider how to utilize partnerships with non-governmental organizations to meet wetland banking responsibilities.

Wetland banking is considered to be the preferred method of mitigation in most circumstances, and BWSR needs the resources to continue to effectively manage this program. A concern expressed is that the longer this discussion is delayed, the more vulnerable the State is to spending taxpayer dollars to fix problems. A solution that was identified is to establish a dedicated fund, but the concern is that the Legislature would raid such a fund to address a future budget shortfall.

C. What solutions were suggested?

i. Establish a dedicated fund to support long term monitoring and other management costs.
ii. Require wetland bankers to provide necessary funds via an insurance mechanism.
iii. Use fine revenue to establish a dedicated fund.

D. Recommendations. See Executive Summary beginning on page ii.

Issue #5: Costs and Benefits of Wetland Mitigation Targeted to Specific Watershed.

A. Background.

WCA statute and rule requires wetland impacts to be replaced by a wetland replacement siting priority order that places an emphasis on replacing wetland impacts as close to the impact site as possible. The rule incents replacement close to the impact site by increasing the replacement ratio, as follows:

- For project-specific replacement, the replacement ratio increases when the replacement occurs outside of the major watershed where the impact occurs; and
- For replacement by wetland banking, the replacement ratio increases when the replacement occurs outside the bank service area where the impact occurs.

Figure 2:

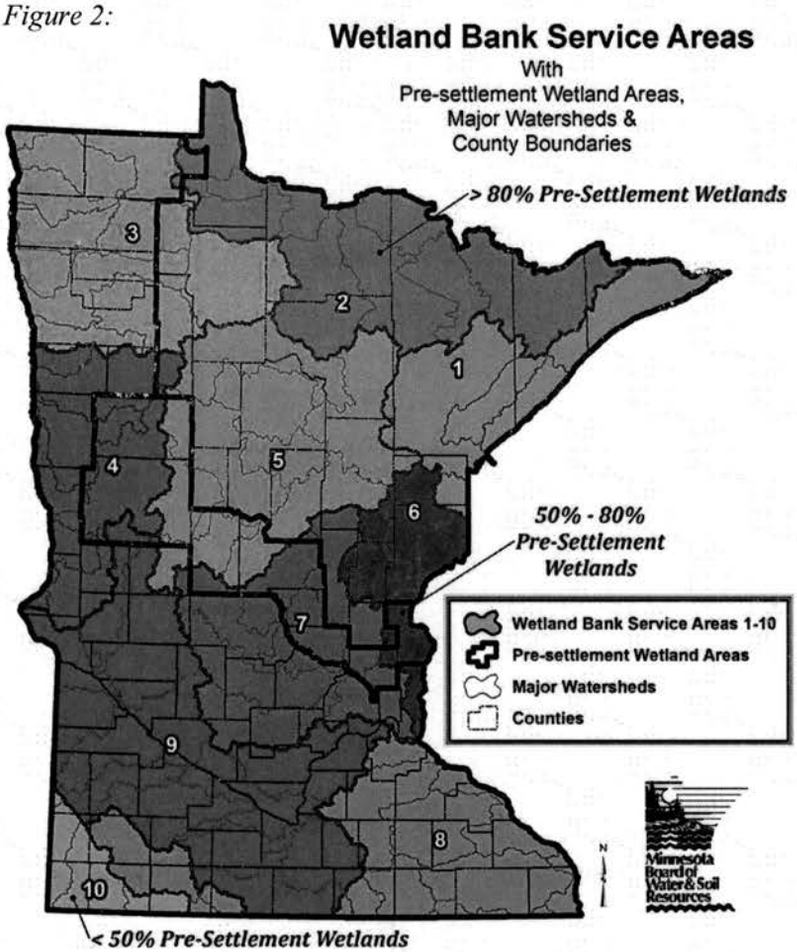


Figure 2 shows the complex geography of the WCA. Wetland bank services areas, pre-settlement wetland areas, major watersheds, and counties all can impact where mitigation is located.

Outside of the greater than 80% area, wetland replacement is generally readily available through either wetland banking within the bank service area or by restoring or creating a wetland on-site or within the major watershed. To address wetland replacement concerns in the greater than 80% area, BWSR contracted undertook a study in 2009 to identify potential wetland replacement opportunities in northeast Minnesota. This study identified a limited amount of potential wetland replacement and made several recommendations to continue

working on these issues. The concerns over wetland replacement in this area have grown as mining expansions have been moving forward.

In the past year a BWSR-DNR-MPCA-US Army Corps of Engineers staff team has begun working to address wetland regulations in Northeast Minnesota, with a focus on mining and other large projects. It is proposed that the work of this team will provide recommendations to address Executive Order Issue #5.

Stakeholders were presented with the following questions to facilitate discussion:

- A fundamental premise is to first look for credits/replacement in the same watershed - Is this valid?
- How much effort should be exerted to exhaust opportunities prior to moving further out?
- Should impacts in a less than 50% area be *allowed* to be replaced from the greater than 80% area?
- Should replacement for impacts that occur in the greater than 80% area be *encouraged* to seek replacement in the less than 50% area?
- If so, how could the objectives of allowing greater flexibility in the location of wetland replacement be achieved?
    - Regulatory requirement.
    - Use an incentive such as reducing the replacement ratio.
    - Narrow the cost differential.
        - Establish a flat fee for credits in the wetland banking program.
        - Subsidize credits in areas where they provide greater public value.
        - In Lieu Fee Programs.
- If moving replacement to a different presettlement wetland area is encouraged, should it be allowed anywhere or should it be directed to specific conservation priority areas as a condition of this regulatory flexibility (i.e. should replacement wetlands be "steered" to where they will provide the greatest benefit)
- How can the economic incentive to use the lowest cost land be addressed?
- How does wetland preservation fit into the geographic location of wetland mitigation?

B. What did we hear?

- Conceptually replacement of lost wetland functions and values as close to the impact makes sense.
- Wetland banking provides an efficient and effective way to ensure replacement of lost public values.
- Focus on public value and benefits associated with wetlands rather than simple acres would lead to a better mitigation program.
- Large impacts in NE Minnesota, primarily mining projects, are particularly complex.
    - Large projects compete with mitigation needed for general development projects in the region.

- On-site mitigation through reclamation is very difficult (case example is Hibtac, which is located in 3 bank service areas, where restoration opportunities are on-site, but are in a different bank service area.)
- The mitigation requirements exceed the potential for available mitigation within the impacted bank service area.
- There are degraded or negatively impacted watersheds that could benefit from mitigation activities.
- Economic incentives for the mining companies have led to large mitigation projects in Aitkin and Lake of the Woods (LOW) Counties. These mitigation sites do not ameliorate impacts locally nor do they necessarily provide significant public value. Aitkin and LOW are high wetland counties and mitigation comes at the expense of upland habitats and the limited local agricultural land base.
- Mitigation of these projects could provide greater public value by being targeted in areas where a majority of wetlands have been drained such as the Minnesota River Basin and the Red River Valley.
- Agricultural groups have expressed concerns that such a mitigation strategy not be done prior to getting an agricultural wetland mitigation banking program established.
- Some concerns were expressed about simple shifts of water quality impacts from one part of the state to another part of the state.

- A NIMBY (not in my backyard) problem could arise if too many wetlands are restored in a particular area.
- There should be flexibility in allowing wetland restorations to occur outside of the immediate watershed where the impact took place.
- Any flexibility in allowing replacement outside of the impact site watershed needs to ensure that local ecological functions and values are maintained.
- An in lieu fee program where you could replace impacts in areas with the greatest perceived benefit should be established.
- A barrier to replacing wetland impacts in a different bank service area is the need to verify that there are no available mitigation opportunities on-site, in the major watershed, and then the existing bank service area. Even if replacement is then allowed outside of the bank service area, a higher replacement ratio applies.
- There will be significant economic barriers to seeking mitigation in western and southern Minnesota because of higher land prices. This may require some kind of alternative mechanism or additional incentive.
- The State should identify priority areas for restoration and targeting of wetland replacement.
- Wetland banking prices are higher than they need to be because in many places there is not enough competition.

- Partnering with other projects (i.e. flood damage reduction) could provide additional flood damage reduction and wetland replacement benefits.
- Metro area mitigation is occurring in rural areas where land prices are lower. Mitigation should be focused in the metro area where wetland values are also needed.
- Watershed districts that cover larger areas with a more diverse land use can develop good wetland plans to target mitigation and allow development.
- Wetland mitigation in the greater than 80% area has an economic impact on cattle farming due to loss of hay and grazing land.
- May be able to get higher wetland function by consolidating several small wetlands into a larger one.
- Required wetland replacement should be coordinated with conservation programs.

C. What solutions were suggested?

i. Continue to focus on wetland banking.

ii. Create a state-wide banking program to facilitate greater competition and lower costs for mitigation credits.

iii. Allow impacts in wetland rich areas to be replaced in other areas (without a replacement ratio increase) when that replacement would provide a better public function and value.

iv. For large project (i.e. mining) mitigation in NE Minnesota:
    - Focus on state wide public benefits by enabling wetland mitigation from large projects in NE Minnesota to be accomplished in southern and western Minnesota (<50% areas).
    - Remove barriers and costs:
        - Eliminate the replacement ratio penalty for replacing impacts in other bank service areas.
        - Allow for mitigation of public values of degraded NE Minnesota resources (i.e. stream bank restoration projects)
        - Allow mitigation in other parts of the state based on public value. It was assumed that a prairie pothole in a heavily drained area would provide greater benefit than an equivalent area of wetland in a county with a lot of wetlands.
    - Create an in-lieu mitigation program for the state to find the best wetland mitigation opportunities on a state-wide basis. Payment rates could be based on:
        - Least cost mitigation opportunity currently available
        - An assessment methodology of impacted wetland values.
    - Establish regulatory standards that direct mitigation to higher value areas.

D. Recommendations: See Executive Summary beginning on page ii.

Issue #6: Strategic Use of Funding Sources to Achieve Continued Restoration of Drained Wetlands.

A. Background.

There are currently a wide-array of sources available to finance wetland restorations. With the enactment of the Clean Water, Land and Legacy Constitutional Amendment in 2008, State funding to support continued wetland restoration and associated land acquisition is expected to grow over the next 20 years. A considerable amount of coordination currently occurs among the entities that manage conservation funds, but are there additional opportunities to achieve maximum value and multiple benefits of these efforts?

Funding opportunities include the following:

- Federal
  - US Fish and Wildlife Service
  - Farm Bill Programs: Wetland Reserve Program/Conservation Reserve Program/Environmental Quality Incentives Program
  - US Army Corps of Engineers
  - US Environmental Protection Agency

- State
  - Game and Fish Fund.
  - Bonding.
  - Lessard-Sams Outdoor Heritage Committee.
  - Legislative-Citizens Commission on Minnesota Resources.
  - Clean Water Fund.
  - Parks and Trails Fund.
  - Mitigation funds from public wetland impacts.
  - Fines and judgments.

- Local Government
  - Watershed Restoration Management.
  - Parks and Recreation.

- Private Sources
  - Non-Governmental Organizations
  - Landowner Cash and In-Kind.
  - Corporate Sustainability Programs.
  - Mitigation required for private sector wetland impacts.

Stakeholders were presented with the following questions to facilitate discussion:

- What should be the goals of wetland restoration programs?
- Do we need additional plans, methods, or tools to further coordination and achieve multiple benefits?

- Examples of current plans - Wetland Restoration Strategy, Duck Plan, Prairie Plan, Mn Wetland Conservation Plan, Mn State Conservation Strategy, Comprehensive Wetland Plans, Local Water Management Plans, TMDL Implementation Plans, etc.
- Do we need to improve our capacity to monetize multiple benefits?
  - Water retention, water quality, habitat, etc.
- If we use water quality money – do we expect/tolerate different wetland management conditions. i.e. more bounce in restored wetlands?
- Are current funding levels adequate and sufficiently stable?
- Is funding being coordinated and targeted to maximize public benefits?
- Is the existing array of programs getting the desired results in regards to wetland restorations? If not, what are the impediments to strategic wetland restorations?

B. What did we hear?

The stakeholder input meetings reflected greater interest in addressing the regulatory side of wetlands policy, rather than voluntary conservation. Input on strategic restoration was relatively limited, and often the discussion became interwoven with the discussion on Issue #5: Costs and Benefits of Targeting Mitigation to a Specific Watershed.

- A number of stakeholders expressed considerable interest in the need for continued wetland restoration in western and southern Minnesota.
- BWSR and its partners should continue to work with farmers and landowners on strategic targeting of wetland restorations.
- There is the potential for competition between conservation and regulatory programs over restorable wetlands.
- Permitting delays which increase the costs of restoration projects.
- Township officials have expressed concerns about impacts on tax base, local economic opportunity and weed management on public lands.
- No additional public land acquisition.
- The State should give tax breaks or credits for the voluntary restoration of wetlands.
- Metro watershed districts have good planning processes in place to identify where wetland conservation and restoration is most appropriate and valuable.
- Overloaded wetlands can be a source of phosphorous, this negative water quality impact should be considered.
- Existing wetlands should be enhanced and better managed.
- Flood damage reduction projects can also be managed to achieve wetland function.

C. What solutions were suggested?

i. Develop a state wide wetlands vision, like the Prairie Plan.

ii. Conduct fiscal impact studies on public land and easement acquisition prior to completing those transactions.

iii. Limit county, township and watershed regulations and policies that inhibit landowners from working with conservation agencies to restore wetlands.

iv. Targeting should focus on areas in southwest Minnesota where there are old tile drainage systems that are not really adequate for agronomic purposes, but viewers reports have not indicated that there is a sufficient benefit to improving the public drainage system.

v. Evaluate where drainage law structure (viewing and benefits determination) negatively impacts the ability to restore wetlands.

vi. Create linkages between voluntary and regulatory programs to more effectively use mitigation funding.

vii. Support the Prairie Pothole Regional Integrated Landscape Conservation Strategy, a multi-stakeholder effort intended to help develop priorities and tools to optimize wetland restoration sites based on water quality, water retention and wildlife habitat.

D. Recommendations. See Executive Summary beginning on page ii.

Other Issues.

The discussion throughout these stakeholder processes was focused on the six specific issues included in the Executive Order. However, comment and discussion on any wetlands issue was welcome and accepted. Each of the meeting summaries includes a listing of issues that did not fit one of these six issue categories. The "other issues" received at one of the meetings, or submitted separately in writing have been organized (more information is available on the BWSR website) as listed below.

- Agriculture/Drainage
- Economic Impacts
- Enforcement and Violations
- Executive Order 12-04 Process Issues
- Geographic Differences
- Management of Conservation Lands
- Measuring Outcomes
- Miscellaneous Issues
- Program Consistency Over Time
- Program Funding
- Requirements and Standards
- Transportation
- Water Quality
- Wetland Data and No Net Loss
- Wetland Resources Needing More Consideration

Two issues warrant additional consideration: (1) Wetland Data and No Net Loss; and (2) Agricultural Drainage.

Issue: Wetland Data and No Net Loss.

This issue came up at virtually all of the meetings, and can be a barrier to gaining agreement on wetland issues. The questions range from the basic – What is no net loss? To the complex – No net loss should take into account functions and values, without getting caught up in the "acre to acre". Other questions include: Is no net loss measured statewide or locally? Is there a baseline year to measure no net loss? Do regulatory and conservation activities count toward no net loss?

Additional background on this topic will help improve clarity. The policy provision commonly referred to as "No-Net-Loss" is part of broader legislative findings regarding wetlands; that it is in the public interest to achieve no net loss in the quantity of Minnesota's existing wetlands, but also in quality and biological diversity. The same provision also includes an *increase* in quantity, quality and biological diversity; avoiding wetland impacts; and replacing wetland values (see MN Stat. § 103A.201, Subd. 2 for specific language). Recommendations on this topic are outlined below.

Recommendations: See Executive Summary beginning on page ii.

Issue: Agricultural Drainage.

Issues relating to agricultural drainage received limited attention during the stakeholder meetings. This has more to do with the structure of the Executive Order, than with the potential impacts that agriculture drainage may have on Minnesota wetland resources. This is evidenced by the comments were received that point to the need to direct attention to these issues.

Specifically, drainage improvements and installation of subsurface drain tile has increased significantly over the past several years. This activity includes new drain tile as well as replacement of old clay tiles. This activity does not necessarily result in the drainage of wetlands, but may affect wetlands.

Impacts to wetlands may include draining of seasonal and temporary wetlands, many of which are exempt under WCA. Unmanaged tile systems can broadly affect local hydrology which can diminish or eliminate wetlands, even if not installed directly in wetlands. In addition, agricultural drainage may affect wetlands through hydrologic fluctuations (diverting flow or bounce in downstream basins) and nutrient input. Recommendations to address these issues are provided below.

Recommendations: See Executive Summary beginning on page ii.

III. Next Steps

BWSR and cooperating State agencies will seek direction from and provide additional consultation to the Governor's Office following completion of the report. However, in anticipation of this further directive, BWSR and the cooperating state agencies will begin to develop implementation strategies soon after the report is complete.

The implementation of these recommendations will require a combination of interagency agreements between state and federal agencies, statutory, rule, policy, and guidance changes. The further development of these recommendations will require the participation of many, if not all, of the same federal and state agencies, local governments and stakeholders that participated in this Executive Order input process.

The effort to turn these recommendations into implementable actions will require a significant investment of staff time by the participating agencies. Further, it is expected that additional funding and staffing will be required to pursue most of the recommendations included in this report. In addition, several of the recommendations would likely require the expenditure of funds to properly evaluate identified options and generate specific implementation proposals.

An essential first step is to generate priorities based on the recommendations. This prioritization will be developed in consultation with the Governor's Office and agency leaders.

As this work progresses, stakeholders will be kept informed, and be asked to participate as appropriate.

Appendix A.

STATE OF MINNESOTA

EXECUTIVE DEPARTMENT

MARK DAYTON
GOVERNOR

Executive Order 12-04

Supporting and Strengthening Implementation of the State's Wetlands Policy

I, Mark Dayton, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

Whereas, Minnesota Statutes, section 103A.201, subdivision 2(b) states that wetlands of Minnesota provide public value by conserving surface waters, maintaining and improving water quality, preserving wildlife habitat, providing recreational opportunities, reducing runoff, providing for floodwater retention, reducing stream sedimentation, contributing to improved subsurface moisture, helping moderate climatic change, enhancing the natural beauty of the landscape, and are important to comprehensive water management; and

Whereas, the same law states that it is in the public interest to achieve no net loss in the quantity, quality, and biological diversity of Minnesota's existing wetlands; increase the quantity, quality, and biological diversity of Minnesota's wetlands by restoring or enhancing diminished or drained wetlands; avoid direct or indirect impacts from activities which destroy or diminish the quantity and biological diversity of wetlands; and replace wetland values where avoidance of activity is not feasible and prudent; and

Whereas, wetland conservation and protection responsibilities are shared between federal, state and local agencies and private sector organizations; and,

Whereas, wetlands types in Minnesota vary considerably and are distributed quite differently across the State; and,

1

Whereas, wetland protection and enhancement is an integral part of accomplishing the State's clean water and outdoor heritage goals envisioned by the 2008 Legacy Amendment as prescribed in Article XI, Section 15 of Minnesota's Constitution.

Now, Therefore, I hereby order the Board of Water and Soil Resources, in cooperation with the Department of Natural Resources, the Department of Transportation, the Minnesota Pollution Control Agency, the Minnesota Department of Agriculture, and with the invited participation of stakeholders, to undertake the following steps by December 15, 2012, regarding how to maintain No Net Loss of Wetland as a State goal under the Wetland Conservation Act and to further advance the long-term protection and enhancement of Minnesota's wetland resources:

1. Assess potential changes to current policies that will improve wetland conservation in Minnesota in a manner that maintains and restores the integrity Minnesota's wetlands, while recognizing that the ecology, distribution and type of wetland resources vary statewide.

2. Evaluate and develop recommendations to improve current wetland protection, restoration, and mitigation provisions regarding:

    a. de minimis exemption allowances and flexibility options allowable with Board-approved Comprehensive Wetland Management Plans according to Minnesota Statutes, section 103G.2243;
    b. alignment of pre-settlement wetland zones on watershed boundaries
    c. consistent review, approval, and implementation for projects subject to wetland replacement requirements;
    d. the adequacy of funding mechanisms to cover costs of inspection, monitoring and oversight of wetland bank sites; and
    e. the costs and benefits of wetland mitigation targeted to specific watershed.

3. Develop recommendations to provide for the continued restoration of drained wetlands using various funding sources to achieve the multiple benefits that wetlands provide for strategic conservation purposes.

4. Identify opportunities to improve coordination of wetland regulatory efforts between state and federal agencies by improving the processes for landowners, permit applicants, local governments and regulators so that greater efficiency and cost-effectiveness are realized.

Other state departments and agencies shall cooperate as requested with the agencies charged with the execution of this Order. The agencies charged with execution of this Order shall use existing information to the greatest extent practicable before generating any new data or analysis.

Under Minnesota Statutes, section 4.035, subdivision 2, this Executive Order is effective 15 days after publication in the State Register and filing with the Secretary of State and shall remain in effect until December 15, 2012.

In Testimony Whereof, I have set my hand on this 3rd day of May 2012.

Mark Dayton
Governor

Filed According to Law:

Mark Ritchie
Secretary of State

Appendix B.

List of Stakeholder Organizations

Agriculture

1) Minnesota Agricultural Water Resources Center
2) Minnesota Agri-Growth Council
3) Minnesota Association of Wheat Growers
4) Minnesota Corn Growers Association
5) Minnesota Farm Bureau Federation
6) Minnesota Farmers Union
7) Minnesota Soybean Growers Association

Business

8) Aggregate Ready-Mix Assoc. of Minnesota
9) Builders Association of Minnesota
10) Builders Association of the Twin Cities
11) Iron Mining Association of Minnesota
12) Minnesota Association of Realtors
13) Minnesota Chamber of Commerce
14) Minnesota Timber Producers Association/Minnesota Forest Industries
15) Utilities - Allete Minnesota Power

Environment/Conservation

16) Audubon Minnesota
17) Fish and Wildlife Legislative Alliance
18) Izaak Walton League - Minnesota Division
19) Minnesota Center for Environmental Advocacy
20) Minnesota Conservation Federation
21) Minnesota Ducks Unlimited
22) Minnesota Environmental Partnership
23) Minnesota Sierra Club - North Star Chapter
24) Minnesota Waterfowl Association
25) Pheasants Forever

Local Government

26) Association of Minnesota Counties
27) League of Minnesota Cities
28) Minnesota Inter-County Association
29) Minnesota Association of Conservation District Employees
30) Minnesota Association of Soil and Water Conservation Districts
31) Minnesota Association of County Planning and Zoning Administrators
32) Minnesota Association of Townships
33) Minnesota Association of Watershed Districts
34) Minnesota County Engineers Association
35) Minnesota Rural Counties Caucus

Other Organizations

36) Minnesota Association of Professional Soil Scientists
37) Minnesota Viewers Association
38) Wetland Professionals Association

Federal Government

39) U.S. Army Corps of Engineers
40) U.S. Fish and Wildlife Service
41) USDA Natural Resources Conservation Service
42) U.S. Environmental Protection Agency

Appendix C.

Meeting Schedule.

1. **Sector Outreach:** BWSR leveraged existing multi-organizational forums and umbrella groups that have a stake in wetlands policy. Targeted discussions that address the issues identified in EO 12-04 were tailored around those sector's perspectives and concerns.

    a. Agriculture - August 27, 2012
    MN Corn Growers Association, Shakopee, MN
    b. Agriculture - October 22, 2012
    Mn Farm Bureau, Eagan, Minnesota
    c. Environment and Conservation - October 15, 2012
    Mn Center for Environmental Advocacy, St. Paul, MN
    d. Business and Industry - September 24, 2012
    Mn Chamber of Commerce, St. Paul, MN
    e. Local Government - September 18, 2012
    Association of Minnesota Counties, St. Paul, MN

2. **Regional Outreach:** BWSR convened four regional meetings to invite input from stakeholders. These forums were tailored to draw out different regional perspectives on the issues identified in EO12-04 in the context of the regional economies, wetland resources, and related natural resource or environmental conditions. Forums were held in:

    a. September 27, 2012
    Blue Earth County Library, Mankato, Minnesota
    b. October 10, 2012
    Bemidji City Hall, Bemidji, Minnesota
    c. October 11, 2012
    Minnesota Discovery Center, Chisholm, Minnesota
    d. October 16, 2012
    Shoreview Community Center, Shoreview, Minnesota

3. **Core Stakeholder Meetings:** BWSR convened two meetings in the Twin Cities of the identified stakeholder groups to develop input and cross interest dialogue regarding wetlands policy in Minnesota.

    a. September 19, 2012
    Bunker Hills Regional Park, Activity Center' Andover, Minnesota
    b. October 23, 2012
    Shoreview Community Center, Shoreview, Minnesota

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Wetland Banking Fee: Update Calculated Wetland Credit Fee Schedule**

Meeting Date: December 12, 2012

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 and Natasha Devoe

Reviewed by: Wetland 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

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

LINKS TO ADDITIONAL INFORMATION

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 annually 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.

Minnesota Board of Water & Soil Resources

Board Resolution # 12- 116

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, BWSR Board action 11-98 updated the wetland credit calculated 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; and,

WHEREAS, staff are proposing the current wetland credit calculated values be updated by applying the 2012 land values to the existing fee formula as established in Board Action 11-98; 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 November 28, 2012 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 using:

- the 2012 tillable land values, or
- 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.

These values are multiplied by the wetland credit value coefficient of 6.0, with a maximum increase of 75% over the values established in Board action 11-98 as indicated on the attached Fee Schedule.

BE IT FURTHER RESOLVED, that this revised policy is effective on January 1, 2013 and applies to wetland bank credit sales made after this date.

Date: 12/12/12

Brian Napstad, Chair
Board of Water and Soil Resources

Attachments:

1. 2013 Calculated Values for Wetland Bank Fee Determination Spreadsheet
2. 2013 Wetland Credit Fee Schedule

Wetland Banking Fee Policy:
Update Calculated Wetland Credit Values

November 28, 2012

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 2013 values will go into effect for wetland bank credit sales made after January 1, 2013. A signed / dated copy of the purchase agreement must accompany applications received after that date if alternate 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 2012 tillable land values, 2012 rural/vacant land values when the ratio of tillable acres to rural/vacant acres is less than 20%, or the average of the 2012 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 2013 Calculated Values for Wetland Bank Fee Determination.

November 28, 2012

Table Legend.

The data in Columns 2, 3, 4, 5 was provided by the Department of Revenue based on county data.

Column 1: County Name.

Column 2: Tillable Acreage. Total number of acres of land classified as tillable in each county.

Column 3: Tillable $/acre. Average value of an acre of tillable land in each county.

Column 4: Rural/Vacant Acreage. Total number of acres of land classified as rural/vacant in each county.

Column 5: Rural/Vacant $. Average value of an acre of rural/vacant land in each county.

Column 6: % Tillable vs. Rural/Vacant. The percent of tillable land as compared to rural/vacant land. For counties that have a percentage of less than 20%, the rural/vacant average land value is used for determining the calculated value (numbers shaded in pink). Counties that are above 20% use the tillable average value.

Column 7: 2013 Calculated Value. The 2013 calculated value is determined by multiplying 6 (the Wetland Credit Value Coefficient) by either the tillable or vacant/rural value as provided in Column 6 (except for Hennepin and Ramsey Counties).

Column 8: 2012 Value. The 2012 Calculated Values as approved by the Board on December 14, 2011.

Column 9: % Change from 2012. This column presents the percent change in the calculated values from 2012 to 2013. In prior years the Board has capped increases at 75% above the previous year's values. No counties reached this threshold this year.

Column 10: Fee cost per credit. This column shows the fee cost per credit by multiplying the 2013 Calculated Values in column 7 by the fee amount (6.5%).

Proposed 2013 Calculated Values for Wetland Bank Fee Determination [1]

1	2	3	4	5	6	7	8	9	10
County Name	Tillable Acreage	Tillable $/Acre	Rural/ Vacant Acreage	Rural/ Vacant $/Acre	% Tillable vs Rural/ Vacant	2013 Calc Value	2012 Value	% Change from 2012	Fee Cost per Credit
Aitkin^	15,759	$1,075	359,433	$1,303	4%	$7,820	$7,943	-2%	$508
Anoka	30,248	$7,542	22,812	$2,559	133%	$45,253	$52,431	-14%	$2,941
Becker	250,771	$2,245	215,559	$1,388	116%	$13,467	$11,852	14%	$875
Beltrami	118,507	$846	224,296	$1,127	53%	$5,079	$4,991	2%	$330
Benton	125,482	$2,638	54,714	$1,728	229%	$15,829	$15,831	0%	$1,029
Big Stone	245,579	$3,282	26,250	$831	936%	$19,693	$16,236	21%	$1,280
Blue Earth	360,149	$5,665	38,510	$2,052	935%	$33,990	$28,713	18%	$2,209
Brown	311,973	$5,809	7,035	$860	4435%	$34,856	$28,278	23%	$2,266
Carlton^	124	$1,289	197,816	$1,066	0%	$6,399	$6,752	-5%	$416
Carver	116,368	$6,739	9,659	$3,417	1205%	$40,435	$38,461	5%	$2,628
Cass^	55,114	$1,519	293,289	$1,955	19%	$11,732	$11,875	-1%	$763
Chippewa	303,003	$5,043	7,653	$1,161	3959%	$30,256	$23,521	29%	$1,967
Chisago	79,376	$2,689	43,534	$1,688	182%	$16,131	$16,563	-3%	$1,049
Clay	496,216	$2,916	36,261	$969	1368%	$17,498	$14,326	22%	$1,137
Clearwater	100,032	$829	92,917	$970	108%	$4,976	$4,982	0%	$323
Cook^	0		56,035	$3,192	0%	$19,153	$22,444	-15%	$1,245
Cottonwood	363,875	$5,396	7,483	$951	4863%	$32,378	$25,900	25%	$2,105
Crow Wing^	38,508	$1,922	261,730	$1,752	15%	$10,509	$11,569	-9%	$683
Dakota	161,179	$6,440	18,828	$5,167	856%	$38,643	$37,224	4%	$2,512
Dodge	229,285	$5,607	12,095	$2,521	1896%	$33,644	$28,115	20%	$2,187
Douglas	192,348	$2,118	80,073	$2,076	240%	$12,709	$12,720	0%	$826
Faribault	391,975	$5,331	16,268	$1,085	2409%	$31,984	$28,561	12%	$2,079
Fillmore	332,559	$4,755	58,485	$2,199	569%	$28,530	$22,525	27%	$1,854
Freeborn	370,222	$5,233	1,600	$1,410	23139%	$31,397	$27,051	16%	$2,041
Goodhue	313,509	$4,874	49,484	$1,410	634%	$29,242	$26,077	12%	$1,901
Grant	263,194	$2,800	12,576	$1,172	2093%	$16,799	$15,889	6%	$1,092
Hennepin*	35,784	$21,458	12,722	$11,438	281%	$81,012	$86,656	-7%	$5,266
Houston	160,963	$3,533	143,158	$2,145	112%	$21,201	$18,231	16%	$1,378
Hubbard	56,640	$2,216	177,784	$1,618	32%	$13,295	$12,100	10%	$864
Isanti	97,975	$3,211	65,455	$1,615	150%	$19,267	$20,893	-8%	$1,252
Itasca^	28,166	$1,430	567,469	$1,325	5%	$7,949	$8,510	-7%	$517
Jackson	374,866	$5,969	6,828	$1,340	5490%	$35,817	$28,649	25%	$2,328
Kanabec	66,823	$1,447	153,014	$1,234	44%	$8,684	$8,976	-3%	$564
Kandiyohi	350,878	$4,618	51,587	$1,498	680%	$27,706	$22,584	23%	$1,801
Kittson	462,900	$1,312	128,592	$467	360%	$7,872	$6,631	19%	$512
Koochiching^	6,519	$691	362,295	$619	2%	$3,712	$3,725	0%	$241
Lac Qui Parle	381,679	$3,524	7,477	$998	5105%	$21,143	$18,457	15%	$1,374
Lake^	611	$1,502	192,304	$1,637	0%	$9,819	$11,589	-15%	$638
Lake/Woods	71,964	$638	130,264	$624	55%	$3,827	$3,813	0%	$249
Le Sueur	194,589	$5,709	25,358	$4,629	767%	$34,253	$29,063	18%	$2,226
Lincoln	272,635	$3,940	10,200	$558	2673%	$23,640	$19,914	19%	$1,537
Lyon	388,768	$5,059	12,682	$1,279	3066%	$30,356	$24,843	22%	$1,973
Mahnomen	161,982	$1,762	71,468	$612	227%	$10,572	$8,965	18%	$687
Marshall	809,990	$1,413	100,106	$553	809%	$8,476	$6,949	22%	$551
Martin	389,692	$6,217	104			$37,299	$29,797	25%	$2,424
McLeod	229,764	$5,087	22,857	$1,921	1005%	$30,523	$27,836	10%	$1,984
Meeker	269,505	$4,037	42,098	$1,631	640%	$24,224	$21,490	13%	$1,575
Mille Lacs	67,776	$2,211	130,764	$1,062	52%	$13,268	$12,622	5%	$862
Morrison	215,779	$2,634	130,567	$1,258	165%	$15,803	$15,488	2%	$1,027
Mower	381,985	$5,306	12,317	$1,743	3101%	$31,834	$26,167	22%	$2,069
Murray	386,574	$4,915	20,444	$567	1891%	$29,491	$24,015	23%	$1,917

Proposed 2013 Calculated Values for Wetland Bank Fee Determination [1]

1	2	3	4	5	6	7	8	9	10
Nicollet	213,172	$6,495	10,371	$1,707	2055%	$38,971	$31,512	24%	$2,533
Nobles	398,343	$5,880	27,395	$1,044	1454%	$35,279	$27,883	27%	$2,293
Norman	460,108	$2,386	36,365	$562	1265%	$14,318	$11,321	26%	$931
Olmsted	230,520	$4,594	43,224	$3,223	533%	$27,563	$24,758	11%	$1,792
Otter Tail	535,364	$1,858	345,379	$2,162	155%	$11,147	$10,908	2%	$725
Pennington	294,134	$1,064	54,574	$511	539%	$6,385	$5,113	25%	$415
Pine	108,987	$1,490	425,949	$1,000	26%	$8,938	$9,374	-5%	$581
Pipestone	232,819	$4,687	53	$2,712	439281%	$28,122	$23,040	22%	$1,828
Polk	950,091	$2,025	110,463	$729	860%	$12,149	$10,414	17%	$790
Pope	266,923	$2,743	84,554	$1,107	316%	$16,456	$14,502	13%	$1,070
Ramsey*	175	$62,974	0			$198,961	$238,310	-17%	$12,932
Red Lake	218,777	$1,016	30,795	$723	710%	$6,098	$5,447	12%	$396
Redwood	472,825	$5,845	8,899	$1,040	5313%	$35,072	$28,476	23%	$2,280
Renville	530,811	$6,180	13,595	$1,000	3904%	$37,083	$29,733	25%	$2,410
Rice	195,360	$5,406	46,186	$2,996	423%	$32,436	$28,378	14%	$2,108
Rock	248,597	$6,464	84	$2,338	295949%	$38,784	$31,025	25%	$2,521
Roseau	504,205	$721	157,399	$589	320%	$4,325	$3,557	22%	$281
Scott	81,514	$7,679	20,862	$5,364	391%	$46,074	$43,866	5%	$2,995
Sherburne	67,851	$4,259	43,417	$2,708	156%	$25,554	$26,110	-2%	$1,661
Sibley	296,638	$5,686	42,938	$1,238	691%	$34,117	$28,581	19%	$2,218
St Louis^	35,966	$913	1,099,615	$967	3%	$5,803	$6,099	-5%	$377
Stearns	488,312	$3,235	56,223	$2,641	869%	$19,408	$18,731	4%	$1,262
Steele	210,505	$5,022	26,729	$1,223	788%	$30,130	$24,961	21%	$1,958
Stevens	307,641	$3,671	2,158	$2,284	14256%	$22,023	$18,328	20%	$1,432
Swift	389,603	$3,876	17,748	$819	2195%	$23,256	$20,012	16%	$1,512
Todd	247,070	$1,534	184,769	$1,198	134%	$9,204	$9,128	1%	$598
Traverse	333,664	$3,603	10,418	$925	3203%	$21,618	$17,951	20%	$1,405
Wabasha	212,929	$4,142	78,227	$2,192	272%	$24,854	$21,327	17%	$1,615
Wadena	85,458	$1,596	160,183	$994	53%	$9,576	$8,396	14%	$622
Waseca	235,229	$5,179	9,852	$1,207	2388%	$31,074	$27,435	13%	$2,020
Washington	53,782	$11,716	31,652	$7,776	170%	$70,297	$73,689	-5%	$4,569
Watonwan	242,523	$5,445	10,066	$632	2409%	$32,671	$26,136	25%	$2,124
Wilkin	426,387	$2,937	6,995	$747	6096%	$17,623	$16,447	7%	$1,146
Winona	172,733	$3,992	124,380	$2,278	139%	$23,950	$21,623	11%	$1,557
Wright	199,432	$5,202	65,201	$2,991	306%	$31,212	$30,901	1%	$2,029
Yellow Medicine	394,235	$4,864	10,056	$1,018	3920%	$29,182	$23,776	23%	$1,897

GREEN ACRE VALUES

	$/acre before deferral	$/acre after deferral	Average before & after $/acre	Green Acre acreage	Calculated value (average *6)
Hennepin	$21,804	$5,200	$13,502	23,368	$81,012
Ramsey	$61,713	$4,607	$33,160	171	$198,961

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.

Wetland Credit Fee Schedule
2013

County Name	Fee cost per credit
Aitkin^	$508
Anoka	$2,941
Becker	$875
Beltrami	$330
Benton	$1,029
Big Stone	$1,280
Blue Earth	$2,209
Brown	$2,266
Carlton^	$416
Carver	$2,628
Cass^	$763
Chippewa	$1,967
Chisago	$1,049
Clay	$1,137
Clearwater	$323
Cook^	$1,245
Cottonwood	$2,105
Crow Wing^	$683
Dakota	$2,512
Dodge	$2,187
Douglas	$826
Faribault	$2,079
Fillmore	$1,854
Freeborn	$2,041
Goodhue	$1,901
Grant	$1,092
Hennepin*	$5,266
Houston	$1,378
Hubbard	$864
Isanti	$1,252
Itasca^	$517
Jackson	$2,328
Kanabec	$564
Kandiyohi	$1,801
Kittson	$512
Koochiching^	$241
Lac Qui Parle	$1,374
Lake^	$638
Lake/Woods	$249
Le Sueur	$2,226
Lincoln	$1,537
Lyon	$1,973
Mahnomen	$687
Marshall	$551

County Name	Fee cost per credit
Martin	$2,424
McLeod	$1,984
Meeker	$1,575
Mille Lacs	$862
Morrison	$1,027
Mower	$2,069
Murray	$1,917
Nicollet	$2,533
Nobles	$2,293
Norman	$931
Olmsted	$1,792
Otter Tail	$725
Pennington	$415
Pine	$581
Pipestone	$1,828
Polk	$790
Pope	$1,070
Ramsey*	$12,932
Red Lake	$396
Redwood	$2,280
Renville	$2,410
Rice	$2,108
Rock	$2,521
Roseau	$281
Scott	$2,995
Sherburne	$1,661
Sibley	$2,218
St Louis^	$377
Stearns	$1,262
Steele	$1,958
Stevens	$1,432
Swift	$1,512
Todd	$598
Traverse	$1,405
Wabasha	$1,615
Wadena	$622
Waseca	$2,020
Washington	$4,569
Watonwan	$2,124
Wilkin	$1,146
Winona	$1,557
Wright	$2,029
Yellow Medicine	$1,897

^ Values are based on Rural/Vacant land value when the ratio of Tillable acres is less than 20% of the Rural/Vacant acres.

* Values are based on Green Acres land values.

NOTE: The fees above are based on Department of Revenue data and estimated added value provided by enrollment in the wetland bank system. Fees may vary based on actual sale price if a transaction application is accompanied by a signed purchase agreement or other proof of payment.

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **2013 Local Road Wetland Replacement Program Project Selection Process**

Meeting Date: December 12, 2012

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Land & Water

Contact: Ken Powell, Wetland Bank Coordinator

Prepared by: Ken Powell

Reviewed by: Wetland Committee(s)

Presented by: Ken Powell

☐ **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: Bond Funds

ACTION REQUESTED

Adopt resolution authorizing staff to develop and implement the Local Road Wetland Replacement Program project selection process in 2013.

LINKS TO ADDITIONAL INFORMATION

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

BWSR has been charged by the Legislature to generate wetland replacement credits for use by local public transportation authorities to satisfy wetland replacement requirements of the Wetland Conservation Act (WCA) and Section 404 of the Clean Water Act. The local road wetland replacement program (LRWRP) provides wetland credits for local public transportation authorities that follow specified notification procedures and have qualifying projects. To generate wetland replacement credits, BWSR typically receives a bonding appropriation to restore wetlands and generate wetland replacement credits. Six million dollars in bonding money was allocated to BWSR in 2012 for the LRWRP. This resolution provides authorization for staff to develop a project selection process to utilize the bonding money to meet the program purpose.

Minnesota Board of Water & Soil Resources

Board Resolution # 12-117

Local Road Wetland Replacement Program
2013 Project Selection Process

WHEREAS the Legislature appropriated $6 million to the Board of Water and Soil Resources (BWSR) in 2012 for the local road wetland replacement program; and

WHEREAS the BWSR has been charged with generating wetland replacement credits for use by local public transportation authorities to satisfy wetland replacement requirements of the Wetland Conservation Act (WCA) under Minnesota Rules 8420.0544; and

WHEREAS BWSR strives to establish and maintain an adequate reserve of wetland credits in each bank service area over time; and

WHEREAS the BWSR has effectively utilized bonding money in the past to fund the program and produce sufficient credits to fulfill its statutory obligation; and

WHEREAS wetland banking projects have specific needs that limit the number of available projects because of wetland credit requirements under Minnesota Rules 8420; and

WHERAS the BWSR has used two approaches for generating credits for the road program in the past: an easement program sign-up and a request for proposals (RFP) process; and

WHEREAS these two approaches have been effective in generating credits in the past; and

WHEREAS the use of two different approaches to obtain credits balances the needs of efficient wetland credit acquisition, is compatible with current BWSR staff capabilities, enhances the ability to attract good projects, and facilitates the involvement of the private sector; and

WHEREAS Soil and Water Conservation Districts (SWCDs) have been effective partners in the easement program sign-up approach that involves identifying potential projects, assisting in easement acquisitions, and project implementation; and

WHEREAS the easement sign-up approach necessitates defining SWCD assistance payment rates to facilitate their necessary local participation in the program; and

WHEREAS the easement sign-up approach necessitates defining a reasonable payment rate to landowners that reflects land values while simultaneously attracting landowner interest in the program; and

WHEREAS current foreseeable wetland credit needs have been identified within bank service areas 4, 7, and 9/10 plus the 7-county metro area. This includes all or portions of the following counties: Scott,

Carver, Hennepin, Ramsey, Washington, Anoka, Isanti, Wright, Sherburne, McLeod, Meeker, Stearns, Morrison, Mille Lacs, Aitkin, Crow Wing, Kandiyohi, Douglas, Pope, Swift, Stevens, Grant, Otter Tail, Becker, Mahnomen, Crow Wing, Todd, Wilkin, Clearwater, Norman, Clay, Wilkin, Grant, Traverse, Big Stone, Lac Qui Parle, Yellow Medicine, Renville, Lincoln, Lyon, Pipestone, Murray, Cottonwood, Jackson, Martin, Faribault, Freeborn, Waseca, Blue Earth, Nicollet, Brown, Watonwan, Redwood, Sibley, Le Sueur, Dakota, Rock, Jackson, Nobles, and Rice; and

WHEREAS project selection will depend on a number of technical, economic, and public value-related criteria.

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to:

1. Develop and implement an easement sign-up program and a request for proposal (RFP) process to obtain projects to generate needed wetland credits.
2. Establish an easement payment rate consistent with current Reinvest in Minnesota (RIM) rates with the flexibility to increase it by up to 25% on a case-by-case basis if it is justified based on the program's credit needs and criteria.
3. Establish project evaluation criteria including cost, credit yield, location, restoration feasibility, success potential, and functional benefit, and public value.
4. Establish a review team of BWSR staff and members of the wetland banking Interagency Review Team to evaluate and rank projects.

Dated at Saint Paul, Minnesota this 12th day of December, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____

Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

Date: November 20, 2012

To: Minnesota Board of Water and Soil Resources (BWSR)

From: Ken Powell, BWSR Wetland Banking Coordinator

Re: Background information regarding proposed draft resolution for 2013 local road wetland replacement program (LRWRP) project selection.

BWSR has been charged by the legislature to generate wetland replacement credits for use by local public transportation authorities to satisfy wetland replacement requirements of the Wetland Conservation Act (WCA) and Section 404 of the Clean Water Act. The LRWRP provides wetland credits for local public transportation authorities that follow specified notification procedures and have qualifying projects. To generate wetland replacement credits, BWSR typically receives a bonding appropriation to restore wetlands and generate wetland replacement credits. These wetland restorations are primarily conducted on private lands with cooperating landowners. All restorations and associated credits are processed and entered into the State wetland banking system as "road replacement banks", and all are required to be protected by a permanent wetland conservation easement specific to wetland banks. Given the uncertainty and variability of wetland replacement needs associated with qualifying transportation projects, BWSR strives to keep a healthy surplus of wetland credits in each bank service area (see map). Having readily available wetland credits allows public road projects to move forward more quickly and reduces overall wetland replacement requirements due to increased replacement requirements when replacement is not provided ahead of or concurrent with wetland impacts. In addition, if enough surplus credits are available, BWSR can offer those credits to public road authorities for their non-qualifying road project impacts.

Six million dollars in bonding money was allocated to BWSR in 2012 for the LRWRP. Fifteen percent of this money ($900K) will be used for program expenses and the remaining $5.1M is available for specific wetland banking projects. An analysis of credit status and needs was conducted to identify areas to target for credits with this 2012 bonding money. The following table shows the results of the analysis.

BSA	Credits Required[1]	Credits Available[2]	Anticipated Credits[3]	Reserve/Deficit	Avg. Annual Credit Use	Supply (Yrs)
1 (Great Lakes)	7	10	144	147	10.9	13.5
2 (Rainy River)	20	222	0	202	7.9	25.6
3 (Red River North)	78	740	44	706	19.7	35.8
4 (Red River South)	12	13	0	1	10.6	0
5 (Upper Mississippi North)	38	50	131	173	24.1	7.2
6 (St Croix River)	27	243	79	295	14.9	19.8
7 (Upper Mississippi South)	91	0	146	55	48.7	1.1
8 (Lower Mississippi)	10	130	16	136	8.1	16.8
9 (Minnesota River) & 10 (Missouri River)	50	25	106	81	24.9	3.3
Seven-County Metro	68	0	41	-27	21.1	0

[1]Current credit needs based on pending applications
[2]Current credits available in the road bank
[3]Conservative estimate of pending credits from projects in progress

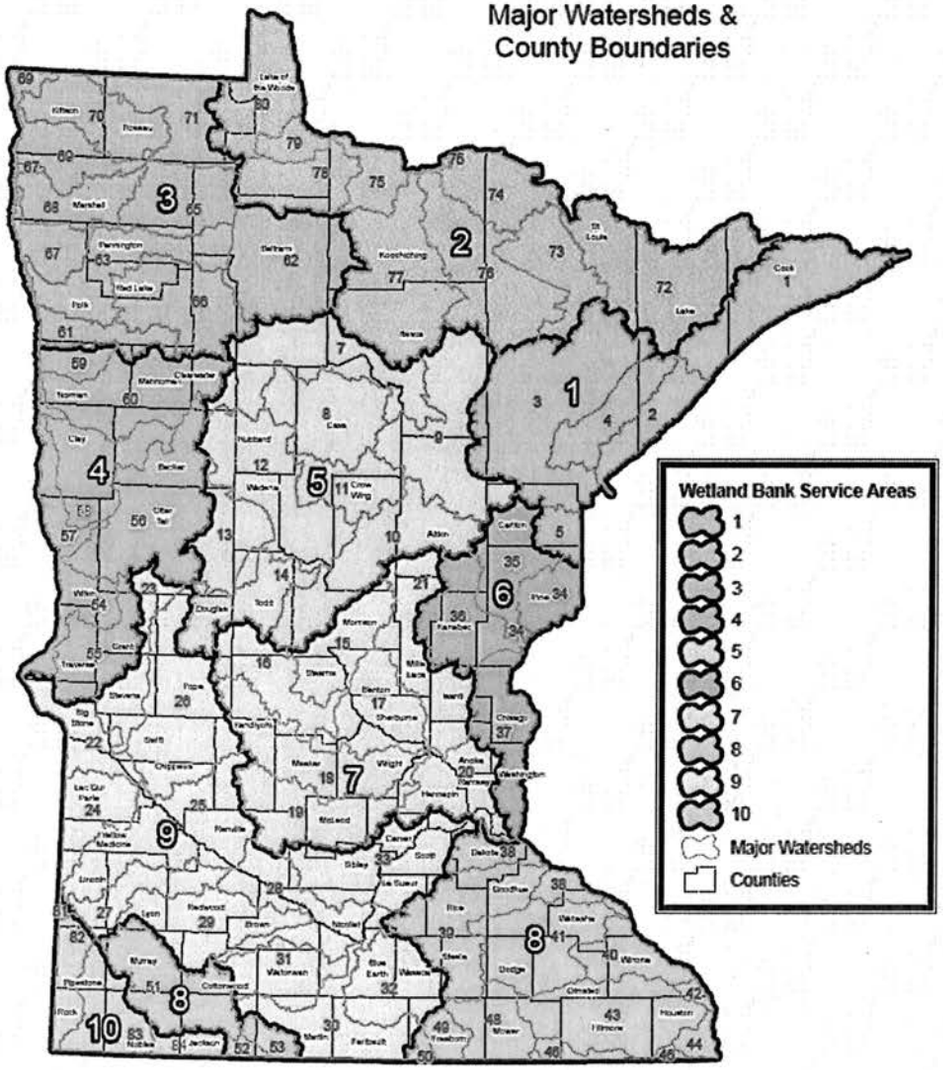
Minnesota Board of Water & Soil Resources

The following order of priority by BSA is based on the above table.

1. Seven County Metro
2. 4 (Red River South)
3. 7 (Upper Mississippi South)
4. 9 (Minnesota River) & 10 (Missouri River)
5. 8 (Lower Mississippi)
6. 1 (Great Lakes)
7. 5 (Upper Mississippi North)
8. 2 (Rainy River)
9. 6 (St Croix River)
10. 3 (Red River North)

Wetland Bank Service Areas

With
Major Watersheds &
County Boundaries



Minnesota Board of Water & Soil Resources

Since the inception of the LRWRP, BWSR has pursued different means to generate credits with bonding dollars. One method (Method 1) has been to purchase an easement from a landowner that allows for BWSR staff to design and implement a wetland restoration project. BWSR typically contracts with the local soil and water conservation district to assist, and contractors are hired by the landowner to implement the BWSR-developed plan. Contractor payments from the landowner are reimbursed by BWSR. The landowner is compensated for the cost of obtaining the easement. In some areas of the state, Method 1 tends to be the most efficient means (in terms of cost per credit) of producing wetland credit and credit generation is likely once the easement is purchased. However, this method involves a significant BWSR staff commitment and may not be an attractive option for landowners wishing to seek greater compensation for the value of the wetland credits generated on their land.

Another method (Method 2) is to send out a request for proposals (RFP) from landowners and/or other entities in partnership with landowners to submit proposed wetland restoration projects. The proposals include a cost per credit that the landowner would sell to BWSR. This method requires BWSR to enter into a contract with the landowner to purchase wetland credits at a specified price once they are generated by the landowner through project implementation. In some areas of the State this method can result in a higher cost per credit compared to Method 1. However, this method requires significantly less BWSR staff time and could potentially attract landowners willing to front the cost of project implementation in exchange for the higher payment for wetland credits as compared to the lower payment for wetland easement acres. Another advantage of this method is that it requires the involvement of consultants to design and implement projects, thereby providing an opportunity for the private sector to further develop expertise in wetland restoration design and implementation. Such expertise and experience in the private sector is needed for the successful functioning of private sector wetland banking.

The following table compares and contrasts the methods with the Reinvest in Minnesota (RIM) conservation program in terms of process and responsibilities:

Major Task/Step	Method 1 (Easement Purchase)	Method 2 (Request for Proposals)	RIM
Site identification	SWCD	Landowner/Applicant	SWCD
Site Data Collection	SWCD	Landowner/Applicant	SWCD
Existing wetland status and boundaries assessment	SWCD	Landowner/Applicant	N/A
Preliminary Credit Yield Assessment	SWCD	Landowner/Applicant	N/A
Site Selection	BWSR	BWSR	BWSR
Scoping Plan	BWSR/SWCD	Landowner/Applicant	N/A
Technical Evaluation Panel Scoping Assessment	BWSR/SWCD	Landowner/Applicant	N/A
Legal Boundary Survey	SWCD	Landowner/Applicant	N/A
Easement Acquisition (working with BWSR staff)	SWCD	Landowner/Applicant	SWCD
Concept Plan	BWSR	Landowner/Applicant	BWSR
Technical Evaluation Panel Concept Plan Assessment	BWSR/SWCD	Landowner/Applicant	N/A
Complete Application	BWSR	Landowner/Applicant	N/A
Implementation	BWSR/SWCD	Landowner/Applicant	BWSR/SWCD
Construction Certification	BWSR/SWCD	Landowner/Applicant	BWSR/SWCD
Monitoring and Credit Allocation	BWSR/SWCD	Landowner/Applicant	N/A
SWCD Services Payment	$3K/easement, $4K max for implementation[1]	N/A	$2K/easement, $3K max for implementation[2]
Easement Acquisition Payment Rate per Acre	RIM rate + 25%[1]	N/A	RIM rate

[1]Proposed
[2]Current

Minnesota Board of Water & Soil Resources

We are again proposing two methods for generating wetland credits for the LRWRP. The target for project funding between the two identified methods is to utilize 60% of available project funding ($3.06M) for purchasing conservation easements (Method 1) and 40% ($2.04M) for purchasing wetland credits (at a specified price through contracts) from landowners who generate those credits via approved wetland banking projects (Method 2). This arrangement balances the needs of efficient wetland credit acquisition, working within current BWSR staffing capabilities, enhanced ability to attract good projects, and involvement of the private sector. The process to identify and evaluate potential projects is described for each method as follows. If there are insufficient proposed projects of merit utilizing one of the methods, money will be shifted to project utilizing the other method.

Conservation Easement Sign-Up ($3.06M program funding target)

BWSR will conduct an easement application sign-up of potential wetland banking sites in BSAs 4, 7, and 9/10 plus the 7-county metro area . This sign-up will be facilitated through our local government partners, specifically Soil and Water Conservation Districts (SWCDs). SWCDs will utilize their local knowledge and expertise to identify potential wetland banking projects and willing landowner participants. SWCDs will gather site information and assist landowners in completing application materials. Payment rates ($ per acre) for easement acquisition are proposed to follow RIM rates up to an additional 25%. The higher easement payment is justified because:

- Wetland banking projects have specific needs (e.g. ability to generate wetland credit via State and Federal wetland regulatory rules) and geographic limitations (confined to bank service areas) that limit the number of available projects as compared to RIM projects. For example, banking projects are limited to an upland/wetland area ratio of 1:1 for crediting as compared to a maximum 4:1 for RIM. This serves to eliminate a number of potential projects from banking consideration as compared to RIM. Because of this, the road replacement program is competing with conservation programs for a limited number of project sites that meet the specific credit needs. Only by offering a higher payment rate can we attract the limited landowners with sites that meet are wetland credit needs.

- In general, sites that offer the most value for wetland banking in terms of credit yield potential are those that are the most altered (i.e. with the most effective drainage) and thus the most valuable in terms of economic value (agricultural uses). Therefore, a higher payment rate is justified for many banking project sites as compared to the relatively less altered (and of relatively less economic value) RIM project sites in the same geographic area.

- Conservation easements for wetland banking have a higher level of landowner liability due to the regulatory ties to the project (wetland impacts from multiple projects will be authorized on the basis of the project success and maintenance) and the additional ability of a Federal regulatory agency (Army Corps of Engineers) to enforce easement conditions. This extra scrutiny helps justify the higher payment rate.

The sign-up period (pending BWSR Board approval) will start in early 2013 and last for 2-3 months. Prior to the sign-up period SWCDs will be provided application information, instructions, and required submittal documents. The process and submittal information will be similar to the RIM-WRP partnership sign-up. SWCDs will be encouraged to work with local landowners in putting applications together. For each successfully funded easement, the SWCD will receive a fixed payment for their services in helping secure the easement. They will also have the opportunity to receive payment for additional services they provide in project implementation. Approximate payment rates to SWCDs for services associated with selected projects will be $3000 per easement acquired and $1000 to $4000 for project implementation services depending on project size and the scope of services provided. This is slightly higher

Minnesota Board of Water & Soil Resources

than the typical SWCD payment for projects under RIM/WRP ($7000 versus $5000). This higher SWCD payment is justified for the following reasons:

- Assistance with restoration projects associated with wetland banking is not strictly part of a conservation program, but is instead primarily a regulatory compliance program. Thus, the conservation mission of the SWCD is not tied to the banking program as it is to conservation grant programs like RIM. Therefore, compensation for services should better reflect the level of effort required for these banking projects to succeed.

- There are many tasks required of the SWCD to facilitate the development of wetland bank projects that are either unique to the banking program or require more effort in comparison to RIM. Some of these tasks are as follows:

    - Unlike RIM and other conservation programs, the SWCD will need to evaluate aspects of these sites such as the status of jurisdictional wetlands and potential wetland credit actions and associated credit allocation. This often involves extensive historical aerial photo review, drainage scope and effect calculations/determinations, and other technical methods.

    - Because legal surveys are required for all wetland banks, the SWCD will have increased involvement in facilitating a legal boundary survey of proposed easements.

    - In contrast to most conservation programs, establishment of a wetland bank involves a 3-step process of scoping, concept, and final plans. Each of these phases is reviewed by multiple agencies (including Army Corps of Engineers, DNR, USFWS, EPA, local government units). The SWCD will play a significant role in facilitating the development of these plans to meet multiple-agency requirements and expectations.

    - Because of the regulatory requirements of wetland banks, the SWCD will have more monitoring and documentation responsibilities to justify credit allocation.

To be eligible for selection, all applications will have to meet WCA replacement and construction standards in terms of ecological suitability, long-term sustainability, and being a true restoration. Applications will be reviewed in light of the following criteria:

1. Credit yield per easement acre

2. Functional benefit for the watershed (i.e. functional lift)

3. Wetland type in terms of rarity - extra consideration for projects that would restore wetlands that are particularly rare or rarely restored once impacted.

4. Restoration feasibility – local staff capacity to assist with implementation, vendor/contractor availability, etc.

5. Potential restoration cost – based on estimated cost of construction and materials.

Minnesota Board of Water & Soil Resources

In general, the review criteria will be qualitatively evaluated and placed into broad categories (high, medium, and low) based on the experience and knowledge of the review team members. An exact quantitative determination of review criteria is not possible or desirable when estimating proposed conditions.

Final project selection will weigh the rankings for each of the five review criteria and then consider those in terms of the geographic location priority list. For easement applications with similar rankings, efforts will be made to distribute selected projects evenly amongst priority areas.

Request for Proposals ($2.04M program funding available)

Simultaneous with the easement sign-up, BWSR will solicit a request for proposals (RFP) for wetland bank projects in BSAs 4, 7, and 9 plus the 7-county metro area. Applicants will have to provide certain site and project information to be specified in the RFP. In addition, applicants will need to propose a price per credit that they are willing to sell their credits to BWSR for the road program.

For consideration all project proposals will have to meet WCA replacement and construction standards in terms of ecological suitability, long-term sustainability, and being a true restoration. Projects will be reviewed in light of the following criteria:

1. Price per credit

2. Functional benefit for the watershed (i.e. functional lift)

3. Wetland type in terms of rarity - extra consideration for projects that would restore wetlands that are particularly rare or rarely restored once impacted.

4. Chance of success – includes such aspects as qualification of identified contractors/consultants, level of technical difficulty, potential for high cost fixes, ability to justify credit allocation amounts, etc.

In general, the review criteria will be qualitatively evaluated and placed into broad categories (high, medium, and low) based on the experience and knowledge of the review team members. An exact quantitative determination of review criteria is not possible or desirable when estimating proposed conditions.

Final project selection will weigh the rankings for each of the four review criteria and then consider those in terms of the geographic location priority list. For project applications with similar rankings, efforts will be made to distribute selected projects evenly amongst priority areas.

Review Team

Projects will be reviewed and ranked by BWSR staff (wetland specialists, wetland leadership team, engineering and technical services) and the wetland bank Interagency Review Team that includes representatives from our resource partners at the Department of Natural Resources, Pollution Control Agency, Environmental Protection Agency, U.S. Fish and Wildlife Service, and U.S. Army Corps of Engineers. Based on the results of the review, a list of recommended projects and alternates will be composed by the bank coordinator and presented to the Board for final approval.

Minnesota Board of Water & Soil Resources

Schedule (Anticipated)

Dec 2012 – BWSR Board approval of the process
January 2013 – Program sign-up and RFP
April/May 2013 – Project reviews
June/July 2013 – BWSR Board approval of projects

NEW BUSINESS

1. Water Governance Study Recommendations – John Linc Stine, MPCA – ***INFORMATION ITEM***

2. CWF RIM Reserve Edge Area Eligibility and Sign-Up Procedures – Gene Tiedemann and Tabor Hoek – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: RIM CWF Wellhead Additional $1M For Edge Areas

Meeting Date: December 12, 2012

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Conservation Easements

Contact: Tim Koehler

Prepared by: Tim Koehler

Reviewed by: RIM Reserve Management Planning Committee(s)

Presented by: Tabor Hoek

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

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

Fiscal/Policy Impact

☐ None
☒ Amended Policy Requested
☐ New Policy Requested

☐ Other: _____

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

ACTION REQUESTED

The Board is requested to approve the recommendation of the RRMPC to authorize staff to work with the SWCD's in Goodhue, Olmsted, Wabasha and Winona Counties to implement the acqusition of RIM Reserve Wellhead Protection and Edge Area easements in the targeted areas with the highest prioirty being on the Decorah Bedrock Edge Areas.

LINKS TO ADDITIONAL INFORMATION

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

The RRMPC met on November 28, 2012 to review and recommend that the Conservation Easement Section Manager work to successfully implement additions to the RIM Reserve CWF Wellhead Protection Inititiative. This new resolution addresses the $1 million of additional appropriation and the inclusion of Bedrock Edge areas in Goodhue, Olmsted, Wabasha and Winona Counties as eligible areas as a part of the CWF Wellhead Protection Initiative.

Minnesota Board of Water & Soil Resources

Board Resolution # 12-118

Establish Eligibility and Sign-up Procedures for Additional $1 Million Allocation of Clean Water Funded Permanent RIM Reserve Edge Areas Added to the Wellhead Protection Easement Program

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 2, 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 the Minnesota State Legislature appropriated an additional $1 million of CWF to the Board of Water and Soil Resources (BWSR) in Session Law 2012, Chapter 264, Sec. 3. that amended Session Laws 2011, First Special Session chapter 6, Article 2, Section 7(f) to the previously appropriated $2.6 million;

WHEREAS the Minnesota State Legislature in the second appropriation also allowed funds to be used in the Decorah and St. Lawrence Edge areas of Winona, Goodhue, Olmsted, and Wabasha counties after coordination with the United State Geological Survey (USGS), the commissioners of health and natural resources, and local communities;

WHEREAS by previous Board Resolution #11-19 the Permanent RIM Reserve easement payment rate for cropland and non-cropland has been established;

WHEREAS by previous Board Resolution #11-70 the Eligibility and Sign-up procedures for the original $2.6 million appropriation was established;

WHEREAS BWSR coordinated with USGS, the Minnesota Geological Survey, Minnesota Department of Health, Minnesota Department of Natural Resources, local counties and SWCD's to define eligibility criteria and identify priority areas in the four county area;

WHEREAS local SWCD's in the four counties have identified priority areas within their counties that will receive focused outreach assistance to secure applications for potential RIM Reserve easements;

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 and edge areas easement acquisition and conservation plan development at the BWSR's current RIM services rate;

WHEREAS a priority will be placed on extending new or existing USDA Conservation Reserve Program (CRP) contracts within the WPA or edge areas and will be limited to areas with the majority of the offer having cropping history; and

WHEREAS the BWSR RIM Reserve Management Planning Committee met on November 28, 2012 to review and recommend the following provision to successfully implement the additional $1 million for the RIM Reserve Wellhead Protection Conservation Easement Program including the inclusion of bedrock edge areas in the four designated counties as now being eligible;

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to work with the SWCD's in Goodhue, Olmsted, Wabasha and Winona to implement the acquisition of RIM Reserve Wellhead Protection and Edge Area easements in the targeted areas with the highest priority being on Decorah Bedrock Edge Areas.

Dated at Saint Paul, Minnesota this 12th day of December 2012

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By:

Brian Napstad, Chair

Board of Water and Soil Resources

RIM Reserve Clean Water Fund-
Decorah/St.Lawrence Edge
SWCD Program Guidance

DRAFT- 11/5/12

Introduction

Up to $2.3M available for FY2013 with Decorah Shale/St. Lawrence edge focus and ongoing Wellhead Protection Areas covered under separate guidance.

The intent of this guidance document is to outline the enrollment criteria and conditions that will govern the landowner application sign-up for this RIM Reserve conservation easement program on eligible Sensitive Groundwater areas in areas of Goodhue, Olmsted, Wabasha and Winona counties. This guidance should be considered additive to existing RIM policy and procedure.

Statute requirements / conditions:

1. Easements will be acquired via the RIM Reserve program (MS 103F.501).
2. Permanent easements only.
3. Enrollment must occur in the most vulnerable areas of Decorah Shale and St. Lawrence Edge that contribute to groundwater contamination.
4. Eligible land must have been owned by the landowner for 1 year prior to application.
5. Eligible landowners – any individual or entity that is not prohibited from owning ag land under MS 500.24 Corporate Farm Law. *Farm corporations need to be certified by the MN Dept. of Agriculture, contact 651-297-2200.*

Sign-up criteria:

1. Continuous sign-up until all available funds are encumbered. Contact BWSR Easement staff for prior approval of the project application. Applications do not need to be ranked or prioritized by the SWCD prior to submittal to BWSR.
2. Must be identified as Decorah or St. Lawrence formation as the uppermost bedrock identified by County Geologic Atlas. Due to lack of information on the St. Lawrence formation, priority will be place upon the Decorah edge.
3. Buffers at the focused groundwater discharge/recharge areas at the Decorah edge outcroppings are designed to interrupt, intercept and remove nitrogen and other pollutants from shallow groundwater flows and seep discharge.
4. Focus enrollment on areas with crop history or expiring CRP. Additional acres of non crop can be added to capture any non crop wetland recharge areas or to square off the boundary. Compensation limited to 50% of the eligible cropland acres.
5. Minimum adjacent buffer width of 100ft upslope and downslope. Maximum extent determined by onsite investigation of site to enroll sufficient upslope catchment area and downslope recharge zone.

6. May extend the end of contour to end of the field.
7. May include whole field where greater than 75% of the field is eligible or less than 1 acre remains.
8. Minimum acreage size 10ac. unless prior approval from easement staff.
9. Use easement numbering xx-xx-12-10.

Easement Payment rates

Annually the BWSR establishes payment rates for easement programs. See the most current rate table for this information. Cropland is defined as cropped to an annually planted crop 2 of the last 5 years. CRP with previous crop history is considered cropland for this sign-up. Payment rates will be provided to SWCDs.

Conservation Practice Payments

For land in existing CRP contracts, no changes in vegetative cover will be required unless agreed by all parties. These practice areas should be listed as RR1b Introduced Grasses already established or RR 2b Native Grasses already established on the Conservation Easement Practice Payment Worksheet (CEPPW) form. Any new or re-establishment seeding is eligible for up to 100% of practice costs not to exceed $300/ac. These new planting practice areas should be listed as RR 2a Native Grasses to be established on the CEPPW.

Forms and items needed to complete the RIM application materials

A complete application package containing all the items listed in the document titled *'RIM Reserve application materials to submit for CWL buffers and wellhead protection easements'* should be prepared and submitted directly to BWSR St. Paul RIM staff. DO NOT SEND TO YOUR BWSR Board Conservationist.

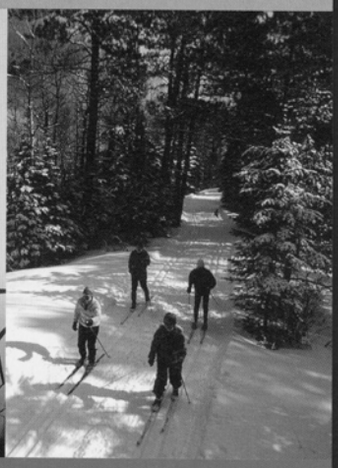
Minnesota Environment and Energy Report Card

WATER

LAND

AIR

ENERGY



CLIMATE

MINNESOTA ENVIRONMENTAL QUALITY BOARD

E·Q·B

Acknowledgements:

The Minnesota Environment and Energy Report Card relied on the effort of staff from several state agencies, including:

- The Minnesota Environmental Quality Board
- The Minnesota Department of Agriculture
- The Minnesota Board of Water and Soil Resources
- The Minnesota Department of Commerce
- The Minnesota Department of Employment and Economic Development
- The Minnesota Department of Health
- The Minnesota Department of Natural Resources
- The Minnesota Pollution Control Agency
- The Minnesota Department of Transportation

For more information, go to the Environmental Quality Board (EQB) website at: www.eqb.state.mn.us

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INTRODUCTION

If our environment is to be a true reflection of our values, we must regularly assess its quality, prioritize our efforts and measure our progress. This Environment and Energy Report Card is an important step in that direction.

As federal regulations and state standards and priorities evolve or shift, the Report Card will be useful in setting and evaluating new benchmarks for performance.

It also sets the stage for an upcoming series of citizen forums to gather public input on the environment statewide and leads up to an Environmental Congress to be held in 2013 involving citizens, public- and private-sector and nonprofit leaders. Together, the events encompass one of the most wide-ranging public discussions on the environment and energy in decades.

Progress and Challenges

It has been two decades since the last report of this kind, and much good has happened in that time. Just a few important highlights:

- Minnesotans took the unprecedented step of approving the Clean Water, Land and Legacy Amendment to the state constitution, increasing the state's sales tax to provide hundreds of millions of dollars in funding for environmental priorities ranging from protecting drinking water; to restoring prairies, forests and wetlands; to providing game and wildlife habitat; to cleaning up polluted lakes, streams, rivers and groundwater.
- Comprehensive monitoring of watersheds, lakes and streams is well underway.
- Reductions in air pollution emissions from coal-fired power plants and industry smokestacks have been dramatic.
- Improved community wastewater treatment has reduced phosphorus discharged into lakes, rivers and streams by more than 50 percent.

But other challenges persist or are growing worse. And new ones are emerging. Groundwater supply and management, impaired lakes and streams, increased air pollution from cars and trucks, and climate change are among the most pressing and difficult issues we face now and in the future.

Understanding the Indicators

Each section of this report contains several key indicators that illustrate important points about our water, land, air, energy use and climate. They are not the only important measures being tracked – far from it.

The science being conducted and the data gathered and analyzed is far more extensive than what is presented here in each topic area.

But in the same way that your doctor chooses only a handful of tests to assess your general health, these specific indicators have been chosen because they reflect fundamental elements of the state of our environment and our energy consumption.

Making the Connections

Any report on the environment must acknowledge the interconnection between climate change, the condition of our water, land and air, and the types and amounts of energy we consume.

Emissions from smokestacks and tailpipes pollute the air and surface water, and are the prime contributors to climate change. Climate change affects temperature, water quality, groundwater quantity, and weather patterns that are increasing the frequency of very heavy rains. Erosion from heavy rains, increased development, and poor land management practices can affect the amount of sediment and chemical pollutants that wash into lakes, streams and rivers. All of these factors affect the health and well-being of people, animals and plants and have the potential to disrupt or permanently alter entire natural systems.

Each of these problems contributes in some way to the others. The good news is an improvement in one area can lead to improvements in others.

Just the Beginning

It is fitting that this Report Card is issued on the 40th anniversary of the Clean Water Act and so near the 40th anniversaries of the Clean Air Act and the Safe Drinking Water Act. These landmark pieces of federal legislation have spurred innovations and energy efficiencies, creating entire clean-tech and water industries, and delivered environmental improvements in the process.

How will we improve upon and expand that legacy in the future? How will we meet the needs of our environment and our economy?

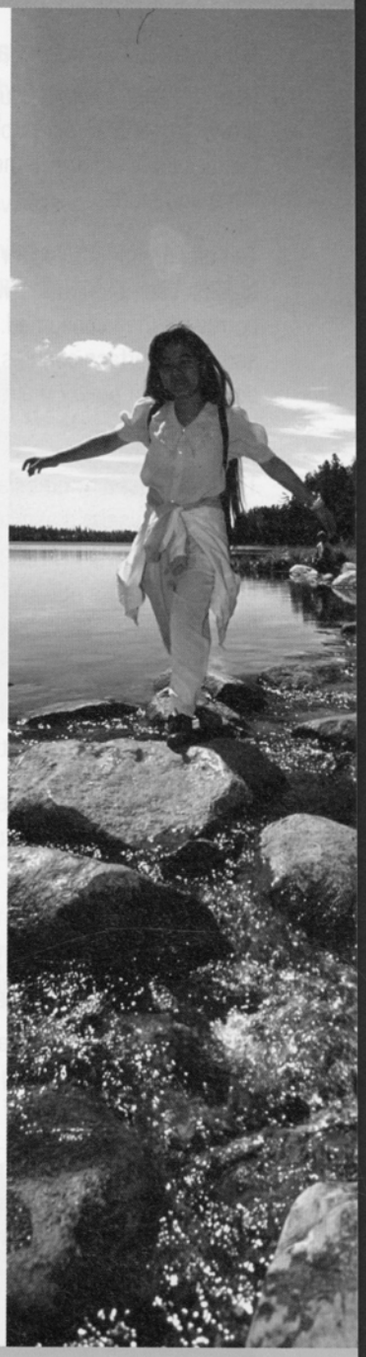
Each section of this report concludes with a series of such key questions. They illustrate the challenges and tough choices that citizens and lawmakers and advocates must confront now and in the future as we work together on environment and energy issues.

And there is one important question that each Minnesotan must ask – and answer: What is my role? Together, it is our shared responsibility to be good stewards of Minnesota's natural resources. The decisions we make as individuals, community, and as a state will have long-lasting implications for our children, grandchildren, and future generations.

WATER for drinking, fishing and swimming

As the Land of 10,000 Lakes, we are a state defined by our relationship with water. Even the name given to this place by the Dakota people – Minnesota – (meaning land of sky-tinted waters) reflects that intimate and enduring bond.

We monitor Minnesota's water bodies to protect water quality and the quantity of our water, to understand how we affect the entire system, and to conserve and preserve this precious and limited resource.



WATER for drinking, fishing, and swimming

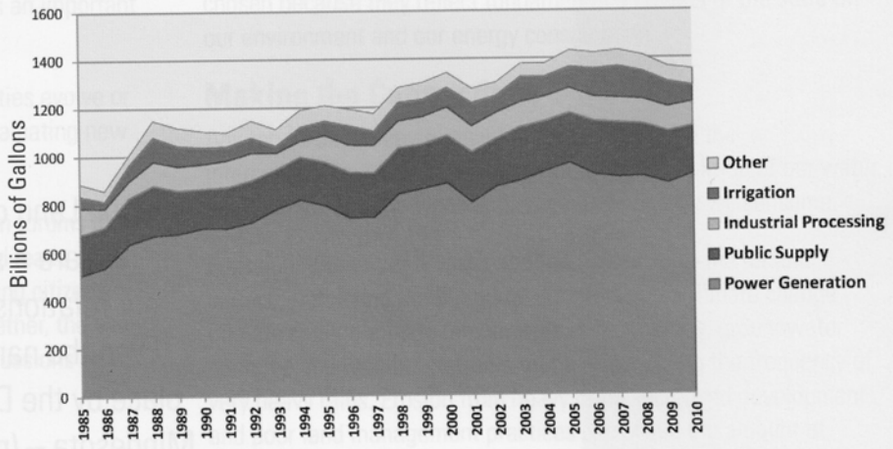
Growing Demand and Biggest Users

Over the past 25 years, our thirst for water has grown faster than our population. All sectors – businesses, industry, homes and farms – are using more and more.

The electric industry is far and away the state's biggest user, though the water is really more borrowed than consumed. Drawn from rivers and other surface sources, water is used to cool equipment at power plants and all but about 2 percent is returned to the stream.

The water used by cities and towns, mostly for drinking, household and commercial use ranks second on the list of consumers. Underground aquifers supply about 75 percent of Minnesota's drinking water, and management of groundwater supplies is an emerging issue. Water drawn from lakes and rivers makes up the rest of community use.

Minnesota Water Use by Category



Source: Department of Natural Resources.

Water-intensive industrial processing (everything from pulp and paper processing to ethanol plants and oil refineries) and crop irrigation rank a close third and fourth on the list of users.

Community Water Supplies Are Clean and Safe

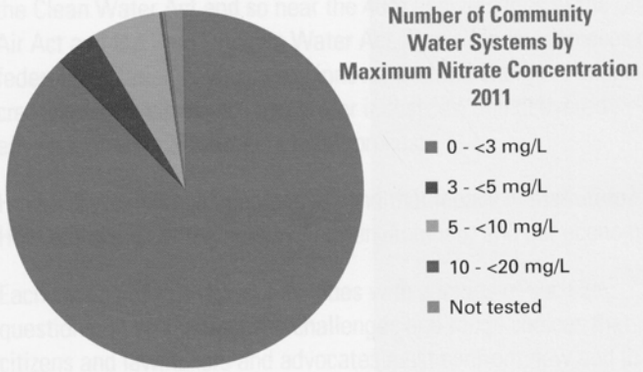
For most of us, concerns about water quality begin at the tap. For drinking, cooking, bathing and preserving our health, the purity of our household water is of utmost importance.

Once treated to remove impurities, Minnesota's communities have some of the highest quality drinking water in the nation, and all but a few meet federal drinking water standards. So, public drinking water supplies are safe and healthy.

Community water systems statewide are monitored for over 100 compounds, including nitrate. Nitrate is a contaminant that makes its way into ground and surface water, mostly as runoff from fertilizers, sewage, animal waste or manure. In too high a concentration, nitrate is a health hazard.

After treatment, the vast majority of community water systems fall well below the federal standard of 10 milligrams of nitrate per liter of water. Only four systems (0.4 percent) exceeded the standard in

Number of Community Water Systems by Maximum Nitrate Concentration 2011



Source: Minnesota Department of Health.

WATER for drinking, fishing, and swimming

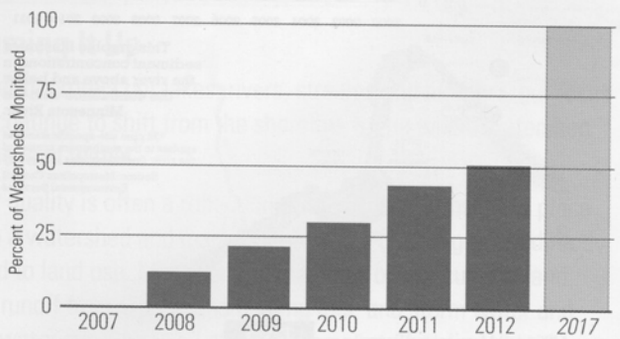
Surface Water Quality Varies

All of our water is contained within an immense and interdependent circulatory system made up of 81 major watersheds, 5,600 minor watersheds, nearly 12,000 lakes, 105,000 miles of rivers and streams, 10.6 million acres of wetlands, and trillions of gallons stored in 14 major aquifers beneath the ground. These veins and arteries of water refresh and recharge each other.

A watershed is really just a term for how water collects and flows over the contours of the land as gravity pulls it downhill.

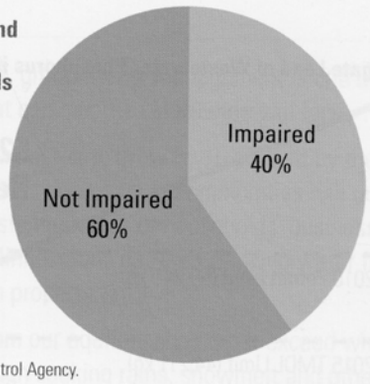
Monitoring our watersheds helps us evaluate whether surface water quality is suitable for recreational uses like fishing, swimming or boating, and whether it supports aquatic life. Monitoring includes field and lab testing of lake water and stream chemistry and biology, such as fish populations. To date, slightly more than half of the major watersheds have been comprehensively monitored.

Percent of watersheds monitored



Source: Minnesota Pollution Control Agency.

Percentage of lakes and streams meeting water quality standards



Source: Minnesota Pollution Control Agency.

In general, 60 percent of Minnesota lakes and streams meet federal standards for clean, fishable and swimmable waters. The remaining water bodies are considered impaired, meaning that they contain pollutants (sediments, nutrients, bacteria, among others) at levels too high to meet the standards.

By the year 2017, all of the state's major watersheds are expected be monitored. And the following year, the monitoring cycle begins again. The continued testing will help to assess whether the condition of impaired waters is improving or worsening, whether efforts to address problems are succeeding or if new measures may be necessary, whether clean waters are remaining so, and how human and natural changes may affect entire systems.

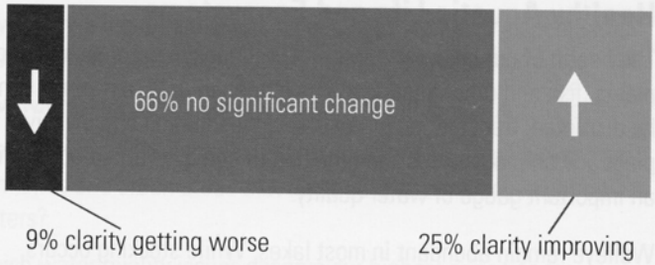
A Clear Picture of Lakes, Rivers and Streams

Scientists can learn a lot about water quality by testing clarity. Simple tests, taken by hundreds of volunteers statewide, tell how far down light can penetrate lakes, rivers and streams and provide a general sense of how much suspended solids are in the water.

Too little light can impede healthy plant growth. And in many cases, turbid water is a sign of sediment and nutrient runoff, algae and other underlying pollution problems.

Over the past decade, clarity has improved in about one-fourth of Minnesota's lakes. Most have experienced no significant change, and a small number show reduced water clarity.

Clarity changes in Minnesota lakes 2000-2010



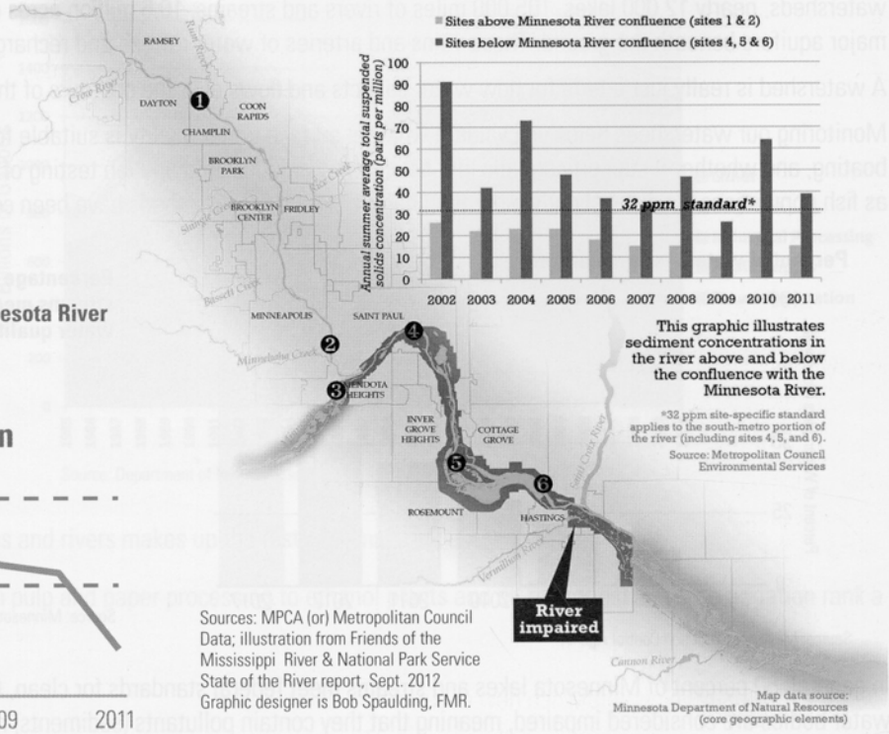
Source: Minnesota Pollution Control Agency and Citizen Lake Monitoring Program.

Washed from farm fields, lawns, streets and parking lots, and many other surfaces, sediment can also clog rivers and streams. A pollutant all by itself, sediment also carries phosphorus into the water. The combination can seriously harm plants, aquatic life and animals.

WATER for drinking, fishing, and swimming

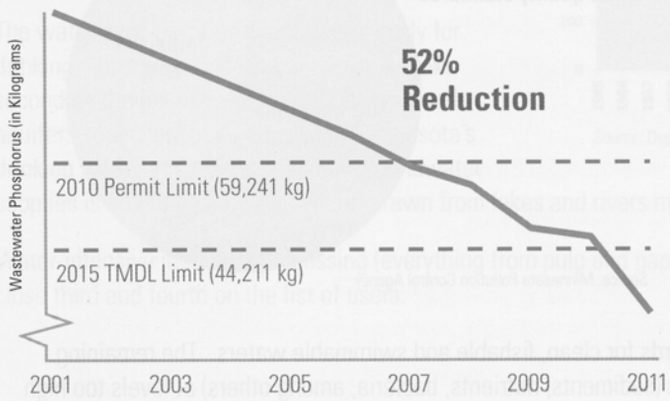
While a number of Minnesota rivers and streams are affected by sediment, nowhere is the problem more striking than at the confluence of the Minnesota and Mississippi rivers. Above the point where the rivers meet, sediment levels are well below federal standards. At the confluence, levels rise dramatically as the sediment laden Minnesota spills pollutants into the Mississippi and degrades water quality downstream, especially in Lake Pepin.

Sediment in the Mississippi



Sources: MPCA (or) Metropolitan Council Data; illustration from Friends of the Mississippi River & National Park Service State of the River report, Sept. 2012
Graphic designer is Bob Spaulding, FMR.

Aggregate Load of Wastewater Phosphorus in the Minnesota River



Source: Minnesota Pollution Control Agency.

The level of phosphorus in the Minnesota River has been greatly reduced, driven in large part by tighter permit limits and good compliance from community wastewater treatment plants. Phosphorus contained in sediment runoff from cropland is a persistent problem.

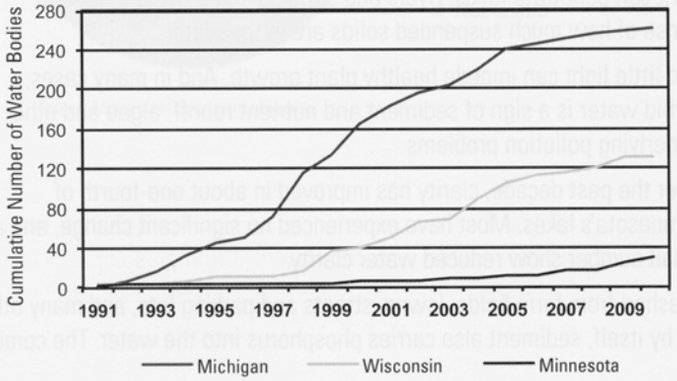
Healthy Aquatic Life and Ecosystems

The health of our lakes, streams and wetlands matters as much to plants, fish and other aquatic life as it does to us. Ecosystems can be disrupted, transformed or destroyed by pollution and invasive plant and animal species. And the health and quantity of our fish is an important gauge of water quality.

Walleye remain abundant in most lakes. While stocking occurs, most walleye caught in Minnesota are from natural reproduction in self-sustaining lakes. Cisco—an important food source for walleye, pike, and lake trout—have declined in inland lakes by 42 percent since 1975. Recent evidence suggests that declines are primarily due to climate change.

Invasive plant and animal species, such as Eurasian Milfoil, Asian Carp and Zebra mussels, continue to be found in new locations.

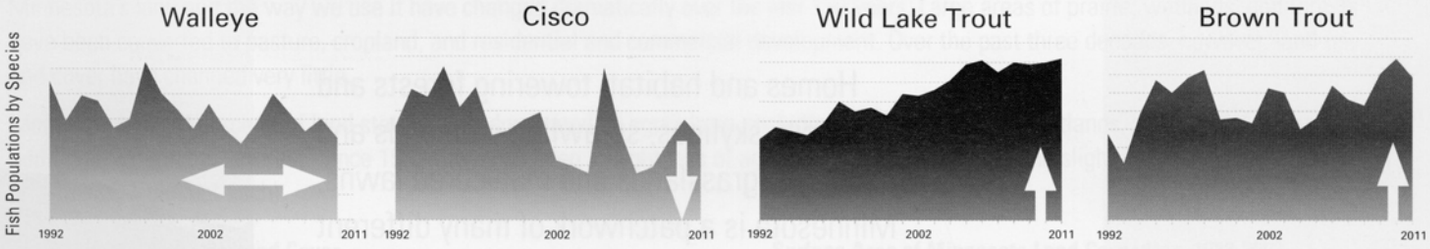
Rate of growth of water bodies infested with Zebra Mussels in the Upper Great lakes States



Source: Minnesota Department of Natural Resources.

WATER for drinking, fishing, and swimming

Population Levels of Select Fish Species



Minnesota Department of Natural Resources.

Summing It Up

In order to protect our lakes, rivers, streams and aquifers, our focus must continue to shift from the shoreline to the whole watershed and the land within.

Water quality is often a reflection of the activities that take place within a watershed and many water quality challenges are directly related to land use. Management practices on agricultural land, urban runoff from streets and parking lots, and storm water and wastewater discharges all affect the amount of sediment and chemicals that end up in our water.

Water is especially vulnerable when new development is underway. The land is far more prone to erosion during earth-moving and construction. How we plan our development projects to prevent runoff is increasingly important to water quality.

Minnesota's water quality efforts are tied to the federal Clean Water Act, which provides the regulatory framework to clean up and prevent water pollution, with a goal of ensuring that the state's waters are fishable and swimmable. Not long before the act became law, a fish survey of the Mississippi between Hastings and St. Paul showed just two fish.

We've made significant progress in cleaning up our waters since then, with dramatic reductions in pollutants from sewage wastewater, storm water and industrial waste.

Still, 40 percent are considered impaired by pollution. Chemical contaminants are a persistent concern. Despite dramatic reductions, mercury is still far commonly found in fish. And a slew of new chemicals (many unregulated) are believed to be affecting endocrine systems in fish and other aquatic life. These also may signal concerns for human health.

What do we do about these impaired waters? Our regulatory agencies are setting and enforcing limits on pollutants discharged into these water bodies, and working with federal, state and local partners and individuals to address unregulated sources of pollution. They're establishing and funding cleanup plans. A lot of work is underway, but the race is a marathon, not a sprint. Some waters can be restored sooner, while others may take many years.

Looking below the surface, groundwater management is one of the most important issues that communities statewide will face.

The state's population is expected to grow by 16 percent by the year 2030. Demand for water is rising and most communities will pump more groundwater to satisfy the needs of households, business and industry. And many Minnesotans get their drinking water from private wells on their own property.

Ideally, the draw down from our aquifers should not exceed what nature can replenish through soaking rains, snowmelt and other recharge. But in some parts of the state, the rate that water is drawn by communities from ground sources is not sustainable, a condition that may become more widespread as statewide population grows. And most groundwater withdrawn does not return to the aquifers after use, but ends up in rivers via sewers and drainage systems.

More frequent use of storm water retention ponds to hold water while it filters back down into aquifers may be one solution. Conservation is another piece of the puzzle. The future lies in developing new, more efficient ways to use or reuse groundwater.

Key Questions to Consider

How will we meet the increasing demands for water as population rises and water-intensive industry continues to develop?

How will we manage and use our precious groundwater supplies?

How will we address the nonpoint sources of water pollution from farmlands and urban areas that contribute to our many impaired waters?

Which water-quality issues deserve our highest priorities for research, funding and action?

As climate change increases the frequency and severity of heavy rains, how will farms and cities deal with the storm runoff?

How will we adapt to the challenges of warmer water temperatures and their effects on lakes, rivers and streams?

LAND for business, recreation and life

Homes and habitat, towering forests and city skylines, sprawling croplands and suburbs, grasslands and manicured lawns, Minnesota is a patchwork of many different types of land.

Because it provides the basics of life and forms the foundation of a very diverse state economy, understanding our land use and management is in the vital interest of all Minnesotans. The way we use land to live, foster business and industry, and build communities has an important and positive impact on the quality of our lives.

But there are trade-offs. Those land uses can also have lasting negative consequences that are felt at all levels of our environment. We monitor land use and management practices to understand how changes great and small can reduce pollution or make it worse.

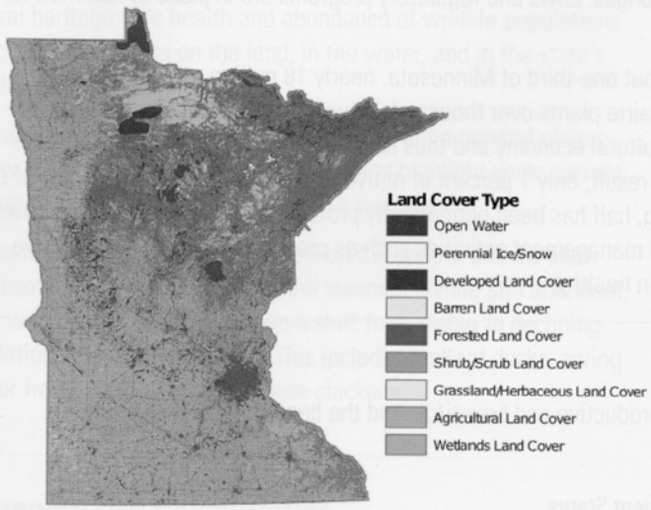
LAND for business, recreation and life

How We Use Our Land

Minnesota's land and the way we use it have changed dramatically over the last 150 years. Large areas of prairie, wetlands, and forests have been converted to pasture, cropland, and residential and commercial development. Over the past three decades, however, land-use and cover have changed very little.

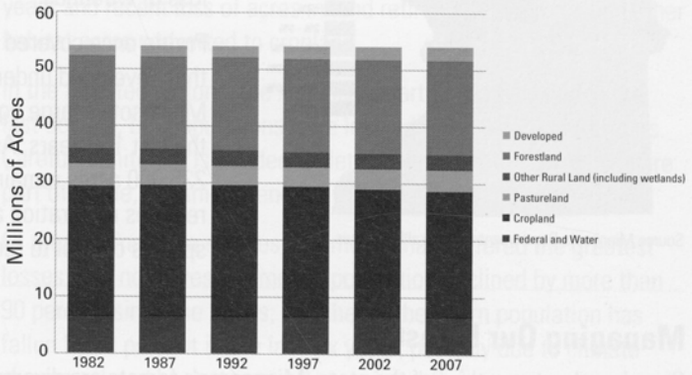
More than half (54 percent) of land statewide is dominated by agriculture, including cropland, pasture, wetlands, and other rural land. An additional 31 percent is forest. Since 1982 there has been a slight loss of agricultural land (2 percent) and slight increases in developed and forest land (1 percent each).

Current Minnesota Land Cover



Source: U.S. Forest Service/U.S. Geological Survey.

Surface Area of Minnesota Land Cover/Use, 1982-2007 (in millions of acres)



Source: 2007 National Resources Inventory, USDA/NRCS.
Note: Minnesota has 50.96 million acres of land area.

From a statewide vantage point these changes may seem small, but at local and regional levels the consequences can be significant, fueling public policy debates and disagreements about the loss of cropland, prairie and forest.

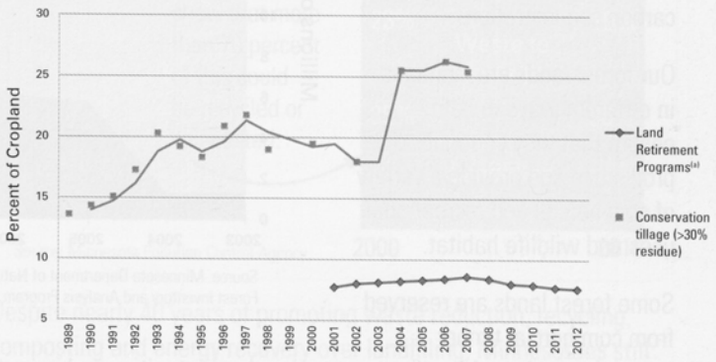
Managing Our Cropland

Conservation tillage and cropland retirement are two important measures that Minnesota's farmers use to protect valuable cropland.

Why is the way a farmer tills or plows the land so important? Cropland on steep slopes and next to waterways can be a source of sediment, nutrients and chemical pollutants that flow into our lakes, rivers and streams. Conservation tillage methods leave crop residue on the surface or immediate soil profile, which reduces runoff. Farmers have learned that leaving at least 30 percent of crop residue on the land after harvest reduces costs without sacrificing productivity.

In 2007 more than 25 percent of cropland was farmed with conservation tillage methods to reduce soil erosion.

Percent of MN Cropland[1] in Conservation



[1] Based on cropland of 23,071,285 acres
[a] Conservation Reserve Program (CRP, Continuous CRP, CREP), Reinvest in Minnesota, Wetland Reserve Program

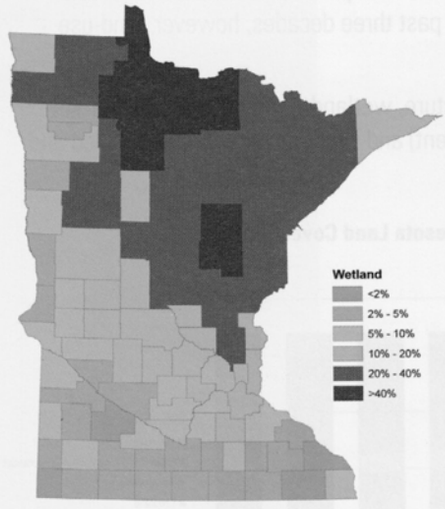
Source: Minnesota Board of Soil and Water Resources; Fisher and Moore (Water Resources Center 2008).

Cropland retirement programs provide financial incentives to landowners to take land out of agricultural production and establish perennial vegetation that slows soil erosion, improves water quality and restores wildlife habitat.

In 2012, nearly 1.75 million acres of cropland were taken out of production and enrolled in some type of land retirement conservation program, about 7.6 percent of the total reported cropland statewide.

LAND for business, recreation and life

Current Abundance of Wetlands in Minnesota



Source:Minnesota Department of Natural Resources.

Managing Our Wetlands and Native Prairies

Wetlands provide wildlife habitat, nutrient uptake, water retention and aquifer recharge. Although an exact number is not known, our best estimates put Minnesota's wetlands at more than 10.6 million acres covering about one-fifth of the state.

About 42 percent of pre-settlement wetlands have been converted to other land uses. Most losses have occurred in western and southern reaches of the state where prairie pothole wetlands were long ago converted to agricultural use.

Recent improvements in remote sensing techniques allow for a more accurate inventory and for monitoring future changes. Laws and regulatory programs are in place to minimize further loss of wetlands.

Prairie once covered about one-third of Minnesota, nearly 18 million acres. The soils that developed under prairie plants over thousands of years provided the foundation for Minnesota's large agricultural economy and thus have been converted to croplands over the last 150 years. As a result, only 1 percent of native prairie remains in Minnesota. Of the 235,000 acres remaining, half has been permanently protected. Conserving native prairies requires restoration and management activities such as prescribed burning and invasive species control to remain healthy.

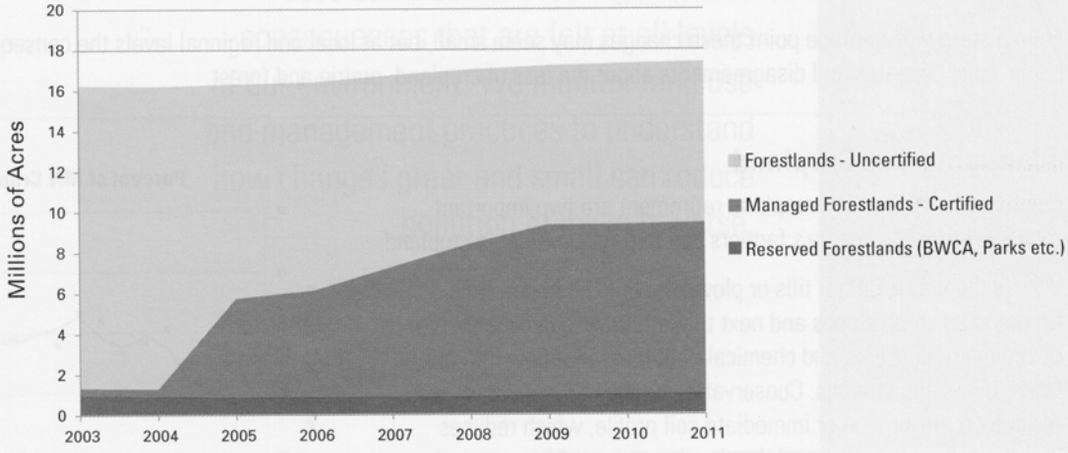
Managing Our Forests

Covering about one-third of the state, Minnesota's forests are diverse, productive and beautiful. And the benefits they deliver are wide-ranging.

They generate jobs in forest products manufacturing, stimulate outdoor recreation and tourism, provide crucial fish and wildlife habitat, and help renew the environment through water filtration, erosion control and carbon sequestration.

Our forest lands are managed in different ways to help ensure that they continue to be productive and provide a variety of commercial and recreational uses and wildlife habitat.

Acres of Forestland by Management Status



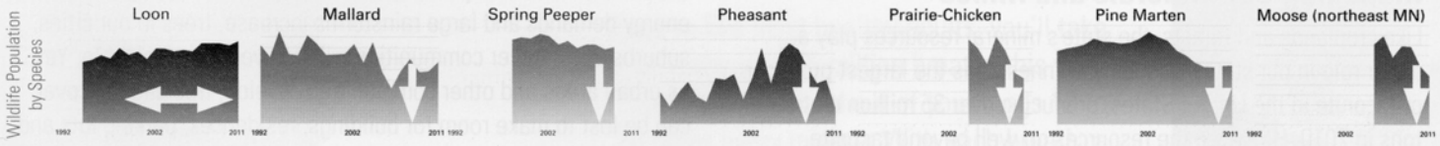
Source: Minnesota Department of Natural Resources and U.S. Forest Service, Forest Inventory and Analysis Program.

Some forest lands are reserved from commercial timber harvesting and provide unique recreational opportunities and important natural resource protection. These include the Boundary Waters Canoe Area Wilderness, Voyageurs National Park and many state parks. Reserved areas account for 6 percent of current forest acreage.

The most significant change in forest management is Minnesota's commitment to third-party forest certification programs. Since 2003, the area of private and public forest lands certified by external auditors as sustainably managed has increased dramatically. Today more than half (52 percent) of Minnesota's non-reserved forestlands are certified. Consumers can be confident that products displaying a forest certification logo were grown, harvested and produced in a sustainable manner.

LAND for business, recreation and life

Population Levels of Select Wildlife Species



Source: Minnesota Department of Natural Resources.

Managing Our Wildlife

Our diverse wildlife is an important part of the state's natural and cultural heritage. The health and abundance of wildlife populations reflects the conditions on the land, in the water, and in the state's weather and climate.

By examining a few selected species we can get a general picture of how some common species are doing and highlight some current and future resource management issues we face.

The loon, our state bird, is doing well on the central and northern Minnesota lakes where it spends the summer. While still abundant, other wildlife species have shown a shift from stable to declining populations in the past decade. This includes mallard ducks, spring peeper frogs, pheasants, and prairie chickens.

Pheasant numbers have increased since long-term land retirement conservation programs resumed in the 1980s, but have dropped over the last several years due to severe winter weather in some years and recent loss of acres in land retirement programs and other habitat acres converted to cropland.

In the forested regions, the American marten has declined in the last decade, but populations have leveled off in the last few years. Careful monitoring is needed to determine whether fluctuations are part of a true, declining trend for these species.

Of these Minnesota species, the moose has suffered the greatest losses. The northwestern moose population declined by more than 90 percent since the 1980s, and the northeastern population has fallen by 40 percent in the last six years, possibly due to climate change-related heat stress and associated factors.

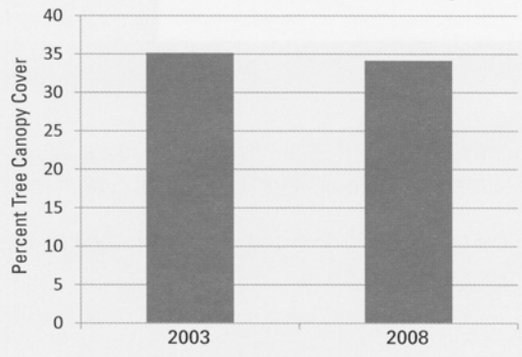
Managing Our Communities

The vast majority of Minnesotans live in cities and smaller communities. These areas occupy only about 5 percent of the state's land area.

Trees are an important part of the urban landscape. Besides their beauty, healthy trees help reduce air pollution and storm water runoff. They help reduce air temperatures and their shade is a source of energy conservation for buildings and houses.

In a recent national study of 20 urban areas, Minnesota's largest city, Minneapolis, had the fifth-highest tree canopy cover (35.1 percent). But like most other cities, that canopy is shrinking, declining more than 1 percent in just five years.

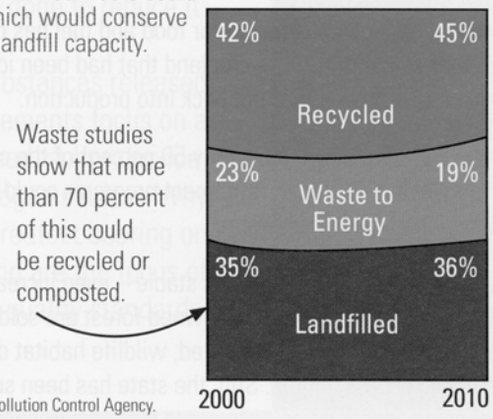
Percent of Urban Tree Cover in Minneapolis



Source: Nowak and Greenfield 2012; U.S. Forest Service.

How do we manage our solid waste?

Waste studies show that more than 70 percent of landfilled waste could be recycled, which would conserve resources and landfill capacity.



Source: Minnesota Pollution Control Agency.

Despite nearly 40 years of promoting waste reduction, recycling, composting and energy recovery over landfilling, Minnesotans still send 36 percent of their solid waste to landfills, a rate virtually unchanged in the past 10 years.

Studies show that more than 70 percent of waste going into landfills could be avoided by intercepting the recyclables and compostable material for recovery, which would conserve resources and preserve landfill capacity. Resource recovery and landfilling rates are tracked to measure progress in minimizing the amount of material buried in landfills.

LAND for business, recreation and life

Managing Our Minerals and Mines

Like croplands and forests, the state's mineral resources play a major role in our state's economy. Minnesota is the largest producer of taconite in the United States, producing over 35 million metric tons in 2010. However, the resources go well beyond taconite.

The Duluth Complex, which extends along the northern shore of Lake Superior, is a nationally and internationally significant reserve for copper-nickel and titanium resources, as well as other strategic minerals such as chromium and platinum.

It contains all of the known U.S. reserves of nickel, most of the cobalt reserves, and more than half of platinum reserves. With the recent, dramatic growth in world demand for metals—spurred mostly by growth in Asia and emerging markets—the Duluth Complex has drawn significant interest.

Summing It Up

Great gains have been made over the past 25 years in the preservation and restoration of wetlands, prairies and grasslands through federal, state, and local programs and partnerships. This work has become more focused and effective with funding from the state's Clean Water, Land and Legacy Amendment, as agencies and nonprofits have teamed up to provide leadership. Partners in the Prairie Region have collaborated to develop a 25-year strategy for conservation.

However, high global demand for food and fuel has begun to offset these gains as more cropland that had been idled through conservation programs is put back into production.

Within the next five years, nearly 50 percent of the cropland currently enrolled in land retirement programs could return to production as contracts expire.

The amount of our forest land is stable – even increasing slightly. But as large tracts of privately owned forest are sold or developed, the forest can become fragmented, wildlife habitat degraded and public access limited. Still, the state has been successful at purchasing conservation easements that ensure public access for hunting, trails and recreational uses, and keep the lands in private ownership.

Urban tree cover is important, too. As expected air temperature, energy demands and large rainstorms increase, trees in our cities, suburbs and smaller communities will be even more valuable. Yet, as urban areas and other communities develop, tree canopy cover can be lost to make room for buildings, residences, parking lots and other impervious cover that typically increases storm water runoff. In addition, urban and community trees are susceptible to invasive species such as the emerald ash borer.

With increased demand for electronics and other products, interest in extracting Minnesota's extensive reserves of non-ferrous metals has never been greater. If extraction is economically and environmentally viable with advances in processing technology and environmental impact mitigation, it may open new mining opportunities in Minnesota.

Key Questions to Consider

How should we offset the loss of conservation lands once in land retirement programs?

How can we protect and enhance tree cover in our cities and towns?

What avenues should we consider to increase Minnesota's recycling rate?

How should we be preparing to adapt to changes on our land brought about by climate change?

AIR for people, animals and plants

If you're like most healthy adults, you'll take as many as 10.5 million breaths this year, cycling air into and out of your lungs 12 to 20 times every minute. With each breath, a wide variety of pollutants can hitchhike on the current of air you take in. They're tiny airborne particles – solids and liquids one-tenth the diameter of a human hair – and gases known as air toxins.

Largely the result of combustion and chemical use, these fine particles and gases are air pollutants all by themselves. And some react together to form ground-level ozone, the main ingredient of smog. In too high a concentration, these pollutants can cause heart and lung diseases, brain and nervous-system disorders, even some types of cancer.

We monitor air quality to ensure it is healthy to breathe, to identify the primary types and sources of air pollution, and to better understand what must be done to reduce it.

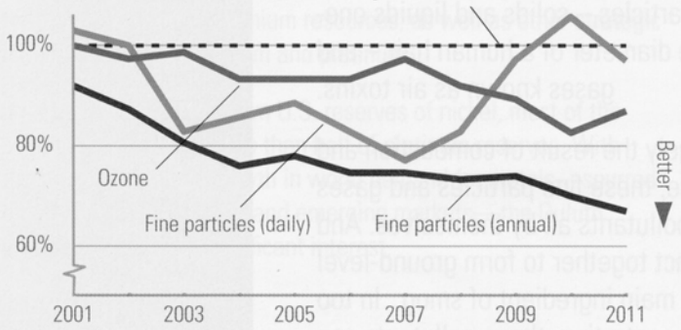
Of the thousands of substances released into the air, our measurements focus on a core few pollutants: lead, sulfur dioxide, particles, ozone and nitrogen oxides. Why these? They have the greatest bearing on the health of our air and are the focus of federal air quality standards.

AIR for people, animals and plants

Our Air is Healthy to Breathe

By many measures, Minnesota's air quality is good. Even in the Twin Cities Metropolitan area, which includes more than 3 million people, air quality historically meets federal standards. But there are areas of concern. Levels of ozone and fine particles are pushing nearer to federal limits.

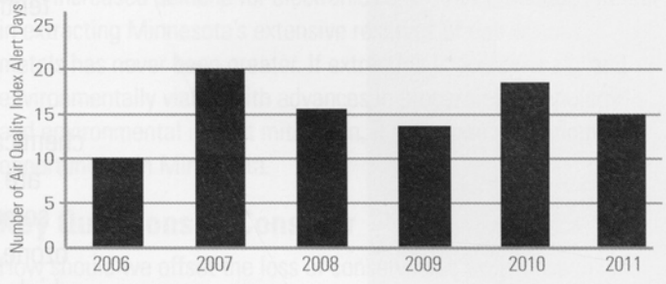
Percent of National Ambient Air Quality Standard



Source: Minnesota Pollution Control Agency.

And there are days when pollution exceeds safe levels, triggering air quality alerts that often cover large regions of the state. In the last few years, daily concentrations of ozone or fine particles were high enough to trigger air quality alerts 10-20 days annually throughout Minnesota. On these days, a large portion of Minnesota's population may breathe unhealthy air.

Annual Number of Air Quality Index Alert Days in Minnesota

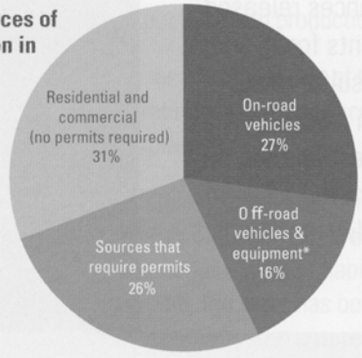


Source: Minnesota Pollution Control Agency.

Major Sources of Air Pollution

Most air pollution in Minnesota today comes from mobile sources, like cars and trucks, trains and buses, tractors and bulldozers, and from fuel combustion for things like home heating. Large, stationary sources of air pollution (such as factories and other industrial facilities, coal-fired power plants, chemical plants, and oil refineries) are known as point sources.

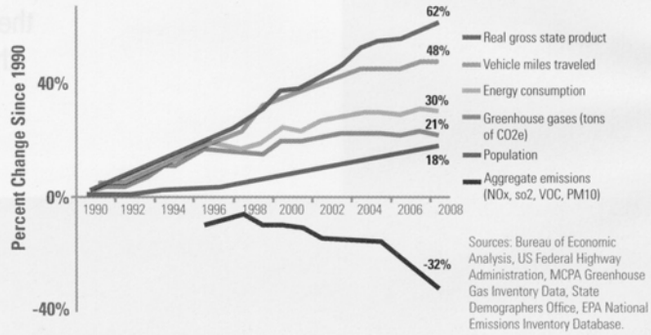
Major Sources of Air Pollution in Minnesota



Source: EPA's National Emissions Inventory Database, version 2.
*Note: Off-road vehicles indlude agricultural and construction equipment.

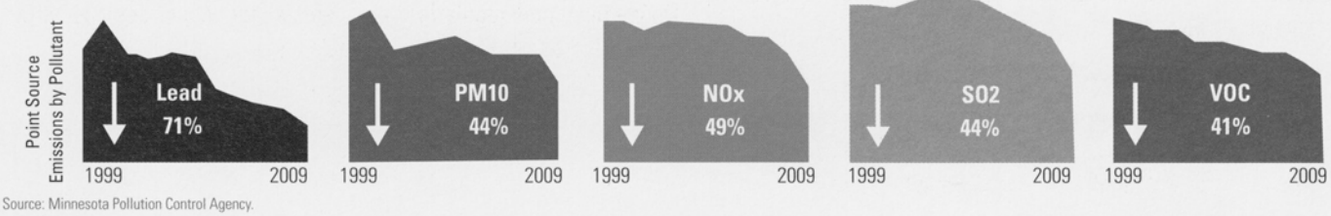
Once seen as the prime contributors to air pollution, they bear far less responsibility today. Over the past two decades, air pollution from point sources has decreased significantly, largely due to government and industry efforts to reduce smokestack emissions. And the positive impact those redutions have on the health of Minnesotans cannot be overstated. Lead, particulate matter (PM10), nitrogen oxide (NOx), and sulfur dioxide (SO2), volatile organic compounds (VOC), cause all kinds of health problems from neurological and respiratory disorders to cancer. Each pollutant has seen marked downturns from point sources.

State Economy, Energy Use, Population, Transportation and Air Pollution



Sources: Bureau of Economic Analysis, US Federal Highway Administration, MCPA Greenhouse Gas Inventory Data, State Demographers Office, EPA National Emissions Inventory Database.

Point Source Emissions Last Decade



Source: Minnesota Pollution Control Agency.

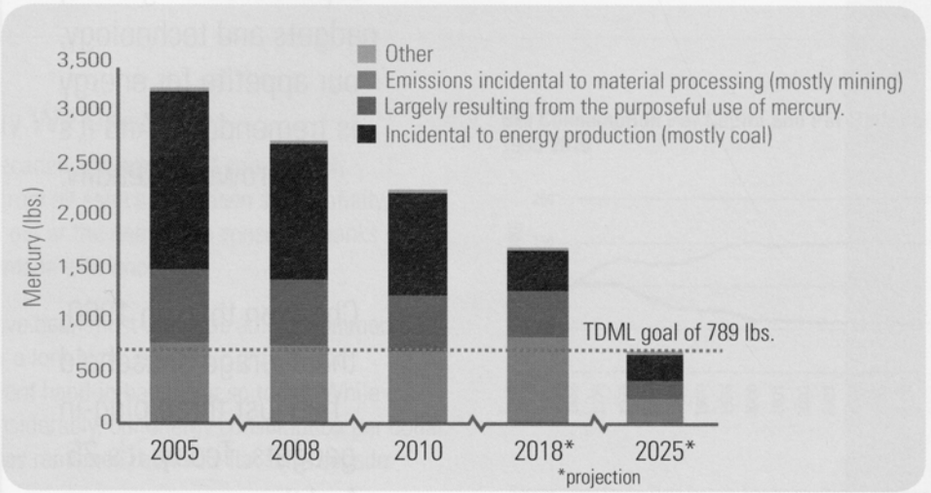
Mercury Levels Have Fallen

Mercury is a naturally occurring element found in the air, water and soil—and it can be highly toxic. Released into the air whenever we burn coal, improperly dispose of products that contain mercury, and mine and process Minnesota's iron resources, mercury makes its way into our surface water and then into the food chain, starting with fish and shellfish and moving on to animals and people.

Exposure to mercury can affect the human nervous system and harm the brain, heart, kidneys, lungs, and immune system.

Coal-fired power plants are the largest human-caused source of mercury emissions into the air in the United States, accounting for more than half of the total.

Dramatic reductions in mercury emissions from coal-fired power plants in Minnesota have reduced overall mercury levels considerably statewide. It's a very important development for our lakes, rivers, aquatic life, wildlife, and human health.



Source: Minnesota Pollution Control Agency.

Summing It Up

While Minnesota meets current federal air quality standards, tougher regulations are expected in the next few years. And meeting those future standards will be difficult, because the major sources of air pollution have changed.

On- and off-road vehicles and equipment have replaced industry as the heaviest polluters. And they are not as easily controlled under the traditional regulatory structures the state uses today.

Smokestack pollution from large, high-emission industries has been reduced greatly through tighter permitting requirements at state regulatory agencies. The state will continue to seek reductions from those industries.

But it will prove much more difficult to regulate emissions from mobile polluters like cars and trucks, trains and planes, lawnmowers and construction equipment.

The combined effects of more stringent federal standards, regional air masses drifting into Minnesota from other states and increasing temperatures may trigger future air quality violations and compel more air quality alerts and result in increased health impacts.

Continued reductions in mercury are necessary, including further reductions from the taconite mining industry. Meeting greenhouse gas reduction goals set by the state legislature seems unlikely.

Key Questions to Consider

How do we reduce air pollution from cars, buses, trucks and tractor trailers used for transportation?

What steps would be necessary to reduce pollution in moderately to densely populated areas where emissions come from a wide mix of activities, ranging from home heating to wood burning to the use of small engines like lawnmowers?

How do we sustain the progress made in reducing air pollution from industrial sources while achieving reductions from traditionally non-regulated activities?

Do we need new regulations or incentives for businesses, industries or households? What is the right balance?

ENERGY for our businesses, farms and homes

Whether to fuel our economy, our homes, our vehicles, or our dependence on gizmos, gadgets and technology, our appetite for energy is tremendous. And it's growing steadily.

Chew on this: In 1960, the average household had just three plug-in gadgets. Today, it's 25. And the energy we use in our homes accounts for only about one-fifth of our total consumption.

ENERGY for our businesses, farms and homes

Why We Monitor Energy Use

The link between our hunger for energy and the pollution of our air, water and land may be reason enough to monitor energy use. But the concerns aren't solely environmental. Energy use and our economic well-being are tied just as closely together.

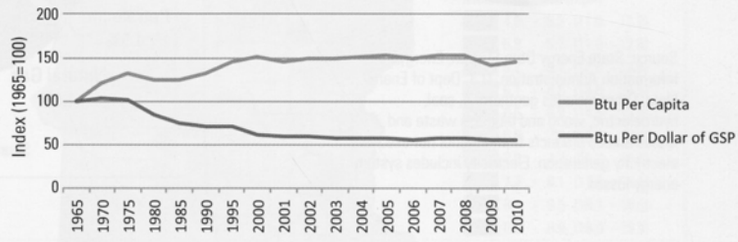
When we have a clear understanding of how much and what types of energy we're using, we're in a better position to reduce certain types of pollution and to identify areas where energy efficiency can be improved. Understanding our energy diet can also motivate us to diversify our energy sources, which can benefit the environment and the economy at the same time by reducing pollution while improving reliability and stabilizing prices.

How Much Energy We Use

Over the past several decades, the amount of energy each Minnesotan consumes from all sources has risen substantially, though we get far more out of the energy we consume thanks to tremendous improvements in efficiency.

Those improvements have been most dramatic among commercial and industrial users. For a long time, economic growth and increased energy use went hand-in-hand. Not so today. While our economy has grown considerably, our energy consumption per dollar of gross state product has remained relatively flat for a decade.

Btu Consumption Per Capita and Per Dollar of Gross State Product, 1965-2010



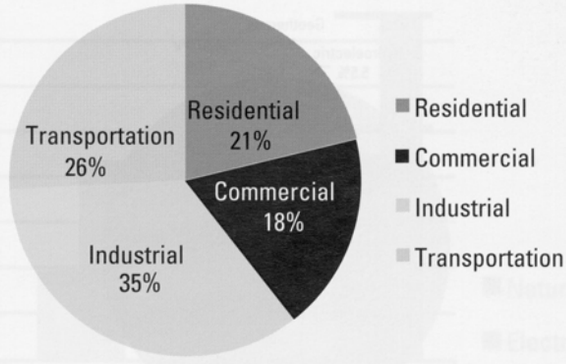
Source: State Energy Data System, Energy Information Administration, U.S. Dept. of Energy. U.S. Census Bureau, U.S. Bureau of Economic Analysis.

The Biggest Users

Here's the bottom line: We use most of our energy to earn a living. It's the power we need to extract raw materials; to grow, preserve and distribute food; to manufacture products and transport them to market; to offer and deliver services; to power machines (from smart phones to heavy equipment) that do work.

Industrial and commercial uses account for 53 percent of total energy consumption. And when you consider that much of our transportation consumption is actually business-related (whether it's the fuel we use to commute to and from work or to transport products), the energy we use to power our economy makes up the lion's share of our total energy consumption pie.

Energy Consumption by End Use Sector, 2010



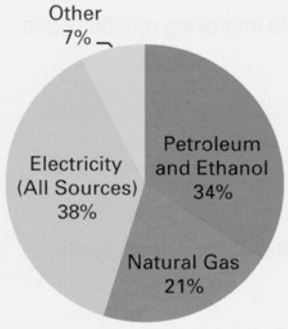
Source: State Energy Data System, Energy Information Administration, U.S. Dept of Energy.

ENERGY for our businesses, farms and homes

The Types of Energy We Use

All sources considered, Minnesota's biggest energy buzz comes from electricity, but it's followed closely by petroleum and ethanol, predominantly used as motor fuels. Slightly more than half of our electricity is generated by coal-fired power plants and nearly one-fourth by nuclear power plants.

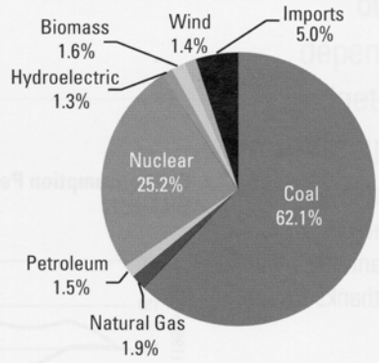
Energy Consumption by Energy Type, 2010



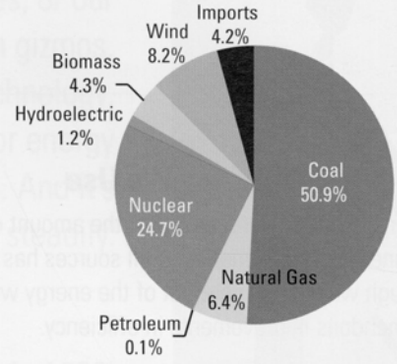
Source: State Energy Data System, Energy Information Administration, U.S. Dept of Energy.
Note: Other includes geothermal, coal, hydroelectric, wood and biomass waste and losses and co products from ethanol not used in electricity generation. Electricity includes system energy losses.

Energy Consumption by Source

Electricity Consumption by Source, 2000



Electricity Consumption by Source, 2010



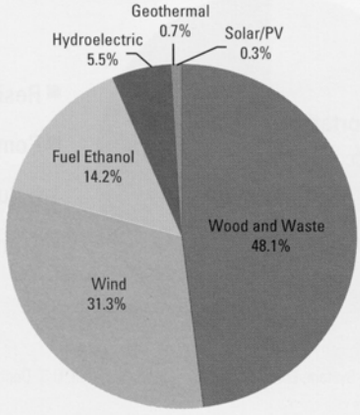
Source: State Energy Data System, Energy Information Administration, U.S. Dept of Energy.

A Focus on Renewables

Renewable energy sources like wind, solar power, hydropower, biomass, and alternative fuels like ethanol and biodiesel are an increasingly important part of our total energy diet.

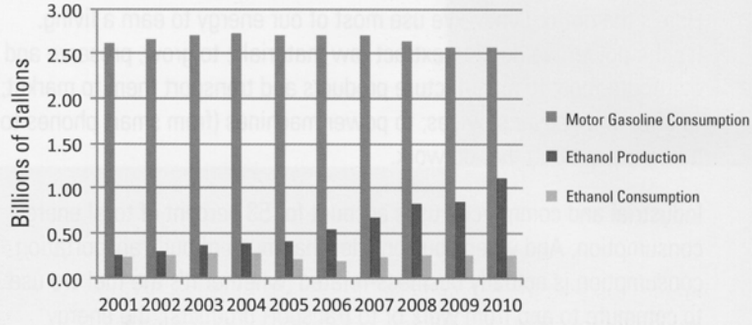
A driving force behind the heightened emphasis on renewables is Minnesota's Renewable Energy Standard, which requires utilities to provide 25 percent of their total electric generation from renewable sources by the year 2025. Xcel Energy will provide 30 percent by 2020.

Sources of Renewable Energy Consumption in Minnesota, 2010, by BTU



Source: State Energy Data System, Energy Information Administration, U.S. Dept of Energy.
Notes: Hydroelectric is based on Minnesota production.
Excludes losses and co-products from the production of fuel ethanol.

Motor Gasoline and Ethanol Consumption and Production, 2001-2010



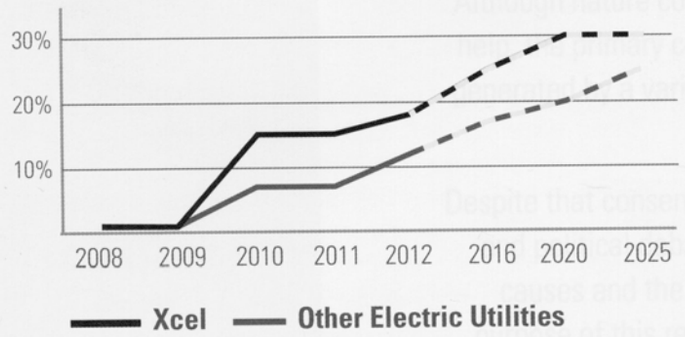
Source: Agricultural Marketing Services Division, Minnesota Department of Agriculture.
State Energy Data System, Energy Information Administration, U.S. Dept of Energy.

ENERGY for our businesses, farms and homes

Currently, Minnesota utilities are meeting – and in many cases exceeding – their renewable energy electricity standard milestones. And the economic and environmental benefits are compelling. The renewable energy standard:

- Shifts our focus toward local energy sources instead of imported energy
- Contributes to the growth of in-state businesses
- Provides a hedge against rising costs for electricity generated from fossil fuels
- Reduces emissions of mercury, ozone, carbon dioxide and other pollutants from coal-fired power plants.

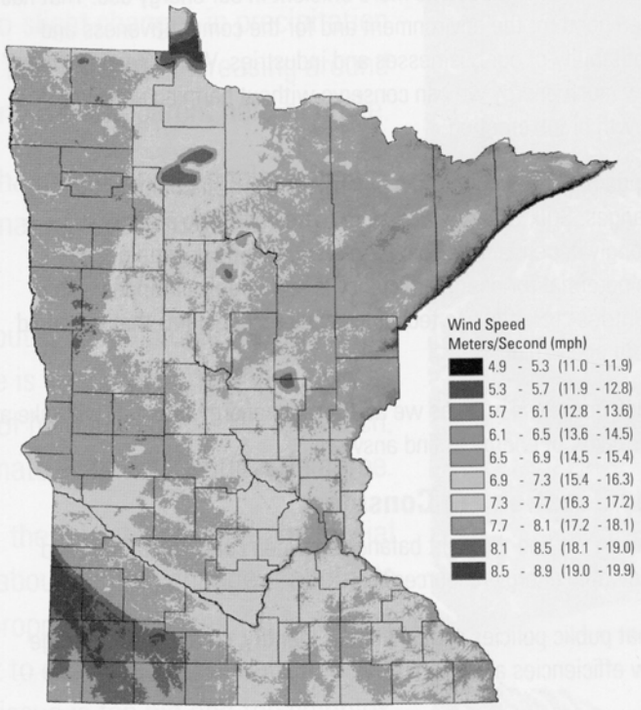
Portion of Minnesota Electric Generation from Renewable Sources



Source: Information reported by utilities to the Minnesota Department of Commerce as required by Minn. Stats. 216B.1691.
Note: Line beyond 2012 indicates trend required to meet Renewable Energy Standard.

The spinning turbines that dot the landscape statewide are testament to Minnesota's commitment to wind energy. The state ranks second nationwide in electricity produced from wind and has one of the nation's strongest and most reliable wind resources.

Minnesota's Wind Resource by Wind Speed at 80 Meters



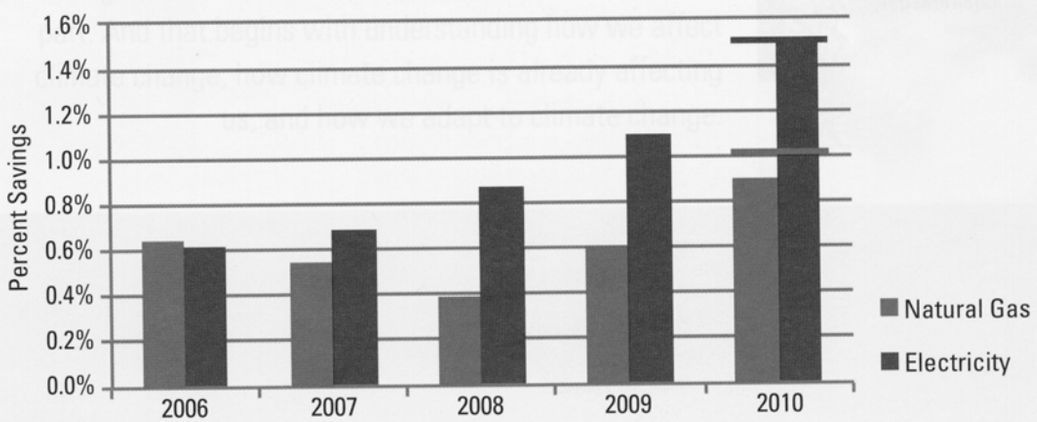
Sources: Minnesota Department of Commerce and WindLogics®

Conservation and Efficiency

Not that long ago, our consumption of electricity and natural gas was growing at a rate of 3 percent per year. State-mandated energy efficiency programs enacted by utilities have cut those growth rates in half.

More efficient heating, cooling and lighting systems for commercial and industrial users, as well as better appliances, furnaces and weatherization in homes have yielded tremendous energy savings. Through these efforts alone, the state has conserved enough energy to avoid building two new 1,000-magawatt power plants that would otherwise have been needed to meet electric demand. Needless to say, avoiding the extra air and water pollution that would result from two new power plants is just as compelling as the pocketbook benefits of conservation.

Savings From Energy Efficiency for Natural Gas and Electric Utilities



Source: Conservation Improvement Program, Minnesota Department of Commerce.

ENERGY for our businesses, farms and homes

Summing It Up

When it comes to our energy consumption, balancing the interests of our environment and our economy is never simple. But we must be good stewards of both.

Over time, we've become more efficient in our energy use. That has been good for the environment and for the competitiveness and profitability of our businesses and industries. We've seen firsthand how much energy we can conserve without harming economic growth or job creation.

Big gains have come from a patchwork of small but important changes. Still, there's much more to be done. The state is still strongly dependent on coal for electricity. And despite our gains, the potential for energy efficiency is still largely untapped. Other countries currently use techniques and technologies that we could adopt and exploit.

Many questions arise as we address our energy future. It will take a great deal of energy to find answers.

Key Questions to Consider

How do we find the right balance between coal, natural gas and renewable energy resources?

What public policies should help us identify, create, or encourage new efficiencies at all levels?

How do we capture more savings in the commercial and industrial sectors without undermining their success?

How do we best promote clean energy resources while maintaining baseload needs and reasonable prices for consumers and businesses?

CLIMATE long-term changes in Minnesota weather trends

In ways plain and subtle our climate is changing.

A slight increase in air temperature (1.4 degrees Fahrenheit in the past century) has been accompanied by not-so-slight changes in precipitation and extreme weather. The signs are increasing around the world and are becoming more apparent here at home.

And the risk those changes pose to people, animals, plants and the natural systems we all rely on is significant and wide-ranging.

Although nature contributes to the problem without our help, the primary cause is very likely greenhouse gases generated by a variety of human activity. On this much, climate scientists worldwide agree.

Despite that consensus, there is still considerable social and political debate about climate change – about its causes and the appropriate responses. It is not the purpose of this report to examine that debate in all its dimensions. The issue is too big and too complex.

But the enormity of the problem does not mean Minnesotans can shrink from the challenges of climate change. It is a shared responsibility and we must do our part. And that begins with understanding how we affect climate change, how climate change is already affecting us, and how we adapt to climate change.

CLIMATE long-term changes in Minnesota weather trends

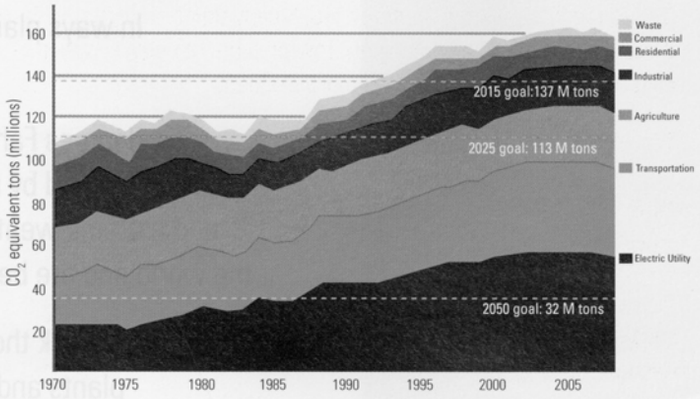
Greenhouse Gases

Greenhouse gases keep heat in our atmosphere. It's supposed to work that way. It's what keeps us warm and makes life on the planet possible. But like all good things, you can get too much.

Whenever we burn fossil fuels (coal, natural gas, oil, gasoline and diesel), whenever organic waste decays, or whenever we use certain industrial processes more greenhouse gases are emitted into the atmosphere, making our planet warmer. That vast majority is carbon dioxide, followed by much smaller amounts of methane, nitrous oxide and fluorinated gases.

The amount of carbon dioxide we produce in Minnesota each year exceeds 160 million tons. And our total emissions are increasing. Electric utilities (which burn coal and natural gas to generate power) are the single largest contributor; followed by cars, trucks, trains and other vehicles used in transportation; agriculture; and industry.

Greenhouse Gas Emissions from Minnesota by Economic Sector



Source: Environmental Analysis and Outcomes Division, Minnesota Pollution Control Agency.

Temperature on the Rise

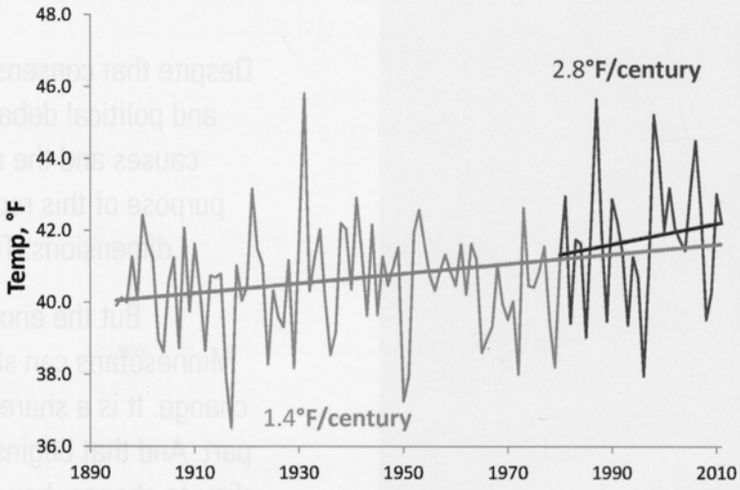
From 1895 to 2011, Minnesota's average annual temperature increased by 1.9 degrees Fahrenheit, or a rate of 1.4 degrees Fahrenheit per century. But over the past three decades or so, the pace of warming has picked up dramatically.

Since 1980, the rate of increase is 2.8 degrees Fahrenheit per century, indicating not only an upswing in average temperature but also an accelerating warming rate.

The daily high, low, and average temperatures all have risen across the northern, central, and southern regions of the state in little more than a century. The rise in daily low temperature has been most pronounced, especially in winter. Since 1980, the warming rate for winter lows is 8.1 degrees Fahrenheit per century. That's more than double the rate from 1895 to 2011.

Warming rates have been higher in the northern than in the southern reaches of the state, a pattern that has been consistent throughout the entire hemisphere, where warming rates are greater at higher latitudes.

Minnesota Average Annual Temperature



Source: Minnesota State Climatology Office.

CLIMATE long-term changes in Minnesota weather trends

Steamy and Stormy Weather

It's not the heat, it's the *humidity*. How many times have you uttered those words while mopping your brow on a hot, muggy, summer day? Chances are they've been more frequent.

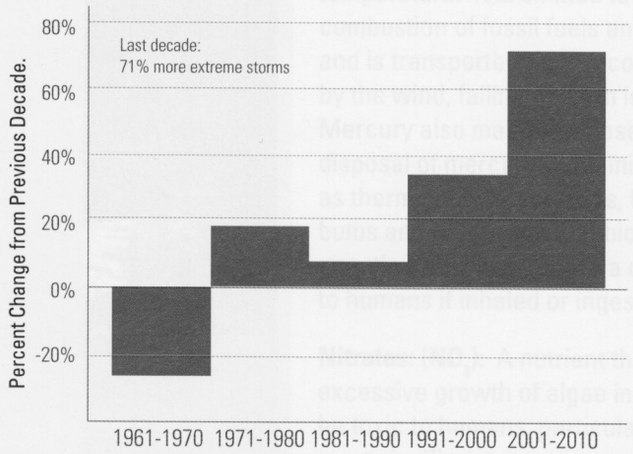
Warmer temperatures increase the amount of water vapor in the atmosphere. By measuring the dew point (the temperature at which air is so saturated that the vapor forms dew), we can tell how much moisture is in the air.

Dew point temperatures at or above 70 degrees Fahrenheit are considered tropical. And we're seeing spikes in those tropical days. Record-breaking and tying dew points (82 to 86 degrees) caused misery statewide during the summer of 2011.

An atmosphere saturated with water vapor also provides ideal conditions for more intense and frequent storms and rainfall. Heavy downpours in the Midwest are far more common than they were a century ago.

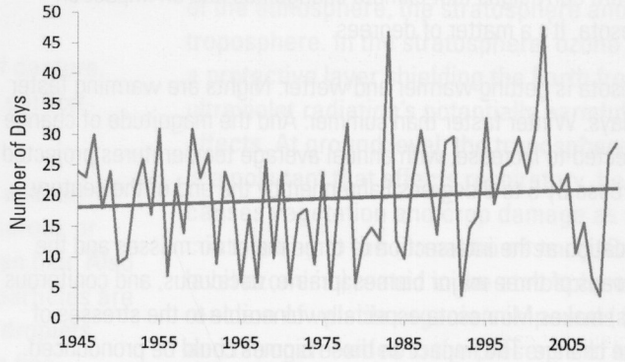
And the yearly frequency of the largest of storms – those with 3 inches or more of rainfall in a single day – has more than doubled in just more than 50 years. Over the past decade, such dramatic rains have increased by more than 70 percent.The runoff from heavy rains has implications for everything from farming to water pollution to flood control and storm water management.

Changes in Frequency of 3-Inches-Plus Storms in Minnesota



Source: Rocky Mountain Climate Organization and Natural Resources Defense Council, analysis of National Climate Data Center data.

Annual Number of Twin Cities Days With Dewpoint Temperatures At or Above 70°F

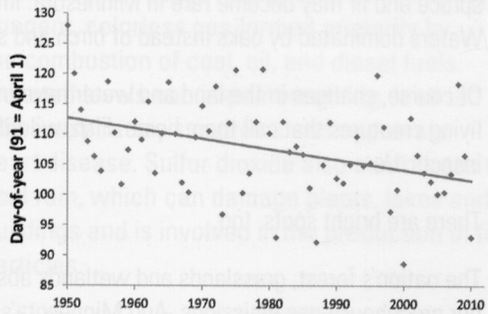


Source: Minnesota State Climatology Office.

Breaking the Ice

Winter on the frozen expanses of Minnesota's lakes is nothing short of a seasonal celebration. But ice is arriving to the party later and leaving earlier.

Minnesota Average Ice-Out Date



Source: Minnesota State Climatology Office.

Depending on whose definition you use, ice-out is official when the lake is completely free of ice, 90-percent free of ice, or the moment when navigation is possible. But no matter the measure, a trend is emerging: lakes are thawing sooner.

Between 1973 and 2010, ice cover on Lake Superior has declined dramatically (79 percent according to a recent study). And the earliest ice-out dates ever recorded have occurred on lakes in every region over the past decade, many of them thawing 20 to 30 days ahead of average.

The date of ice-in is occurring later, too. Between freezing later and thawing early, the total number of days that Minnesota lakes are covered with ice are fewer. Summer water temperatures are increasing too, and there are noticeable impacts. Warm-water fish like largemouth bass and bluegill are becoming more common in northern Minnesota lakes. And presence of cisco, a cold-water fish that is an important food source for walleye, pike, trout and other prized game fish, has declined by 42 percent since 1975.

CLIMATE long-term changes in Minnesota weather trends

Summing It Up

There are early signs that climate change has had an impact on Minnesota. It's a matter of degrees.

Minnesota is getting warmer and wetter. Nights are warming faster than days. Winter faster than summer. And the magnitude of change is expected to increase, with annual average temperatures projected to increase by 5 to 9 degrees Fahrenheit by the end of the century.

Our location at the intersection of three major air masses and the crossroads of three major biomes (prairie, deciduous, and coniferous forests) makes Minnesota especially vulnerable to the stresses of climate change. The impact on those biomes could be pronounced.

Wetlands and aquifers could shrink. Levels of lakes and streams could fall. Invasive species, insect pests, and tree diseases could flourish. Woods could give way to prairie. Already, 11 tree species such as aspen, paper birch and sugar maple are migrating north at rates approaching 6 miles per decade.

By the year 2069, some Minnesota regions will likely have climates that today are found much farther south. Imagine transplanting the Twin Cities climate to Duluth. Common northern tree species such as spruce and fir may become rare in Minnesota. Imagine the Boundary Waters dominated by oaks instead of birch and spruce.

Of course, changes in the land and water have implications for all living creatures that call them home. Fish, wildlife large and small, insects. Us.

There are bright spots, too.

The nation's forest, grasslands and wetlands absorb 40 percent of our greenhouse gas emissions. And Minnesota's 16 million acres of forestland, 6 million acres of peatlands, and grassland-wetland complexes store vast amounts of carbon. They could store more if managed to do so.

In addition, a broad range of public-sector, private-sector and nonprofit leaders recognize that the stakes are high and that the time for short-, mid- and long-term action is now.

With broad bipartisan support, state lawmakers set benchmarks to reduce greenhouse gas emissions statewide across all sectors, with an ultimate goal of reducing emissions to a level at least 80 percent below 2005 by the year 2050.

Many other efforts focus on renewable, cleaner-burning motor fuels; renewable electricity from wind, solar power and biomass; increased energy efficiency and conversion; and recycling.

Greater efforts, innovations, tough choices, and shared sacrifices will be necessary as we confront climate change now and in coming decades. Decisions about how we use energy – and how much we use – in our homes, cars, businesses and industries will affect us all in the near future and for years to come.

Key Questions to Consider

In which sectors will Minnesota find the most promising or dramatic reductions in greenhouse gases over the short-, mid- and long-term?

What kinds of policies, regulations, or incentives will be necessary to bring about those reductions?

Which of the negative effects of climate change should concern us most?

How do we anticipate, address, and adapt to the negative impacts of climate change?

What adaptation practices might be necessary to maintain agriculture, forests, physical infrastructure, and fish and wildlife populations in the face of climate change?

GLOSSARY of key terms

British Thermal Unit (Btu): The amount of heat required to raise the temperature of one pound of water by one degree Fahrenheit.

Carbon Sequestration: The process of capture and long-term storage of atmospheric carbon dioxide (CO_2).

Fine Particles: Tiny particulate matter with an aerodynamic diameter less than 2.5 microns or approximately 1/30 the width of a human hair. Also known as $PM_{2.5}$ and called soot. Fine particles are a complex mixture of very small liquid droplets or solid particles in the air. Exposure to fine particles is associated with adverse respiratory and heart effects and they significantly contribute to reduced visibility (haze). The primary source of fine particles is the combustion of fuels.

Impaired Waters: Lakes, streams and wetlands that fail to meet one or more water quality standards. These standards define how much of a pollutant (bacteria, nutrients, turbidity, mercury, etc.) can be in the water and still meet designated uses, such as drinking water, fishing, and swimming.

Mercury: A naturally occurring metal with the atomic symbol Hg, mercury is liquid at room temperature. It is emitted to the atmosphere from combustion of fossil fuels and mineral processing, and is transported across continents and oceans by the wind, falling to earth in rain, snow and dust. Mercury also may be released from improper disposal of mercury-containing products such as thermometers, switches, fluorescent light bulbs and thermostats. It bioaccumulates in the aquatic food chain, and is a developmental toxin to humans if inhaled or ingested.

Nitrates: (NO_3): A nutrient that can contribute to excessive growth of algae in water and that can be toxic to humans, particularly newborns. The most significant sources are fertilizers and human and animal wastes.

Nitrogen Oxides (NO_x): The collective term for nitrogen compounds such as NO and NO_2. Nitrogen oxides are an environmental and public health concern due to adverse respiratory health effects. NO and NO_2 are also involved in the production of ground-level ozone and fine particles. Nitrogen oxides form when fuel is burned at high temperatures.

Ozone: A colorless gas consisting of three atoms of oxygen O_3. Ozone is found in two layers of the atmosphere, the stratosphere and the troposphere. In the stratosphere, ozone provides a protective layer shielding the Earth from ultraviolet radiation's potentially harmful health effects. At ground level, the troposphere, ozone is a pollutant that affects respiratory health and causes vegetation and crop damage as well as contributing to the formation of smog. Ground-level ozone is created in the atmosphere from a reaction of volatile organic compounds (VOCs) and nitrogen oxides in the presence of heat and sunlight.

Phosphorus (P): A nutrient that can contribute to excessive growth of algae in water and in turn threaten aquatic animals. The most significant sources are agricultural runoff and municipal and industrial wastewater.

PPM: Parts per million.

Sulfur Dioxide (SO_2): Sulfur dioxide is a heavy, pungent, colorless gas formed primarily by the combustion of coal, oil, and diesel fuels. Elevated levels can impair breathing, lead to other respiratory symptoms and aggravate heart disease. Sulfur dioxide also contributes to acid rain, which can damage plants, lakes and buildings and is involved in the production of fine particles.

Total Maximum Daily Load (TMDL): A regulatory term in the U.S. Clean Water Act (CWA), describing the maximum amount of a pollutant that a body of water can receive while still meeting water quality standards.

Volatile Organic Compounds (VOC): Compounds containing the elements carbon and hydrogen that exist in the atmosphere primarily as gases because of their low vapor pressure. VOCs are defined in federal rules as chemicals that participate in forming ozone. Many VOCs are also air toxics (including chemicals like benzene, toluene, and styrene) and can have harmful effects on human health and the environment.

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11-2012