

Minnesota Board of Water and Soil Resources. Minutes.

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Version 3
August 20, 2018

Minnesota Board of Water & Soil Resources

DATE: January 17, 2012

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

FROM: John Jaschke, Executive Director

SUBJECT: BWSR Board Meeting Notice – January 25, 2012

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, January 25, 2012, beginning at 9:00 a.m. The meeting will be held in the lower level Board Room at 520 Lafayette Road N., St. Paul. Parking is available in the lot directly in front of the building (see hooded parking area).

The following information pertains to agenda items:

NOMINATION OF VICE-CHAIR – The BWSR Bylaws state: "The Vice-Chair shall be elected to a two-year term from the regular membership of the BWSR. The Vice-Chair shall be elected by majority vote at the first regularly scheduled meeting of every EVEN calendar year." ***DECISION ITEM***

COMMITTEE MEETINGS

Metro Water Planning Committee

1. **Pioneer-Sarah Creek WMO Plan Amendment -** An Amendment to the Pioneer-Sarah Creek WMO Watershed Management Plan was filed with the Board on November 28, 2011. 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 per the attached draft Order. ***DECISION ITEM***

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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Northern Water Planning Committee

1. **Benton County Five Year Plan Update** - On August 28th, 2008, the Board of Water and Soil Resources approved Benton County's Comprehensive Local Water Management Plan for a ten year period from 2008-2018 with a required amendment by August 2013. On April 15th, 2011, the County passed a resolution to begin the amendment process. The amended plan was submitted the Brainerd field office on October 27th, 2011. The Northern Water Planning Committee will be meeting on January 19th to review the plan amendment and recommend approval of the update through July 31st, 2018. ***DECISION ITEM***

2. **Hubbard County Water Management Plan Extension** - Hubbard County submitted a resolution requesting a two year extension of their county water plan on October 13, 2011. The Hubbard County Local Water Management Plan would expire on January 24, 2012. The Northern Water Planning Committee will meet on January 19th to review the Hubbard County extension request and present the recommendation to the Board at the January 25th Board Meeting. ***DECISION ITEM***

3. **City of Sauk Rapids Comprehensive Wetland Protection and Management Plan** - On July 27, 2009, the Sauk Rapids City Council moved to develop a Comprehensive Wetland Protection and Management Plan (CWPMP). The draft CWPMP was submitted to the BWSR, other state agencies and local governmental units on March 10, 2011. The agency comments were addressed in writing on July 1, 2011. A public hearing was held on July 11, 2011. On October 6, 2011, a final draft plan, ordinance and all required documentation was submitted to the Board. On November 23, 2011, an extension was granted until February 29, 2012, to accommodate the Army Corps of Engineers public notification process. Based on the comments received, several changes were made to the plan and ordinance by the City of Sauk Rapids. On January 19, 2012, The Board's North Region Water Plan Committee met with City representatives and BWSR staff. Based upon review and a recommendation of approval, by BWSR staff, the Committee voted to recommend approval of the Plan to the full Board. ***DECISION ITEM***

Southern Water Planning Committee

Grants Program & Policy Committee

Public Relations, Outreach & Strategic Planning Committee

Wetland Committee

NEW BUSINESS

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. The Board meeting will adjourn about noon. I look forward to seeing you on January 25th!

P.S. The Grants Program & Policy Committee will meet immediately following adjournment of the Board Meeting.

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JANUARY 25, 2012

PRELIMINARY AGENDA

9:00 AM **CALL MEETING TO ORDER**

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF DECEMBER 14, 2011 BOARD MEETING

PUBLIC ACCESS FORUM (10-minute agenda time, two-minute limit/person)

CONFLICT OF INTEREST DECLARATION

INTRODUCTION OF NEW BWSR STAFF
- Dave Rickert, easement
- Kyle Skov, engineer

RECOGNITION OF BWSR MEMBERS
- Paul Brutlag *Term 2004 - 2011*
- Louise Smallidge *Term 2004 - 2011*
- LuAnn Tolliver *Term 2004 - 2011*

NOMINATION OF VICE-CHAIR

REPORTS
- Chair – Brian Napstad
- Administrative Advisory Committee – Brian Napstad
- Executive Director – John Jaschke
- Dispute Resolution Committee – Paul Brutlag
- Wetlands Committee – LuAnn Tolliver
- Grants Program & Policy Committee – Louise Smallidge
- Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth
- RIM Reserve Management Planning Committee – Paul Brutlag
- Drainage Work Group – Tom Loveall

COMMITTEE RECOMMENDATIONS
Metro Water Planning Committee
1. Pioneer-Sarah Creek WMO Plan Amendment Sarah – Bob Burandt and Brad Wozney – ***DECISION ITEM***

2.

Northern Water Planning Committee

1. Benton County Comprehensive Local Water Management Plan Update – Quentin Fairbanks – ***DECISIONITEM***

2. Hubbard County Local Water Planning Extension Request – Quentin Fairbanks – ***DECISION ITEM***

3. City of Sauk Rapids Comprehensive Wetland Protection and Management Plan – Dale Krystosek and Keith Grow – ***DECISION ITEM***

Southern Water Planning Committee

Grants Program & Policy Committee

Public Relations, Outreach & Strategic Planning Committee

1. BWSR Strategic Plan Recommendation – Keith Mykleseth and Don Buckhout – ***INFORMATION ITEM***

NEW BUSINESS

1. Overview of Minnesota Conservation Corp (MCC) Apprentice Program – Len Price – ***INFORMATION ITEM***

2. Water Study Update – John Linc Stine, MPCA – ***INFORMATION ITEM***

3. PCA/BWSR Red River –

4. CWF Measures – Rebecca Flood – ***INFORMATION ITEM***

AGENCY REPORTS

- Minnesota Department of Agriculture – Matthew Wohlman
- Minnesota Department of Health – Linda Bruemmer
- Minnesota Department of Natural Resources –Tom Landwehr
- Minnesota Extension Service – Faye Sleeper
- Minnesota Pollution Control Agency – Rebecca Flood

ADVISORY COMMENTS

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

UPCOMING MEETINGS

- Next Board Meeting – March 28, 2012

Noon **ADJOURN**

Board of Water and Soil Resources
Grants Conflict of Interest Declaration

Board Meeting Item: _____
Date: **January 25, 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.

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, DECEMBER 14, 2011

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

BOARD MEMBERS ABSENT:
Bob Burandt
Christy Jo Fogarty
Todd Foster
John Meyer

STAFF PRESENT:
Mary Jo Anderson, Julie Blackburn, Don Buckhout, Natasha DeVoe, Travis Germundson, Jim Haertel, John Jaschke, Al Kean, Melissa Lewis, Jeff Nielsen, Dave Weirens, Marcey Westrick, Steve Woods, Brad Wozney

OTHERS PRESENT:
Lance Yohe and Julie Goehring, RRBC
Kent Francis, President Lower MN River WD
Terry Schwalbe, District Administrator, Lower MN River WD
Della Young, Consultant, Lower MN River WD
LeAnn Buck, MASWCD
Tim Kelly and Harley Ogeta, Coon Creek WD

DRAFT

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

PLEDGE OF ALLEGIANCE

** 11-85 **ADOPTION OF AGENDA** – Moved by Louise Smallidge, seconded by Paul Langseth, to adopt the agenda as presented. Motion passed on a voice vote.

** 11-86 **MINUTES OF OCTOBER 26, 2011** – Moved by Paul Langseth, seconded by LuAnn Tolliver, to approve the minutes of October 26, 2011, as circulated. Motion passed on a voice vote.

CONFLICT OF INTEREST DECLARATION -
Chair Napstad reported that there are three agenda items today that need the Conflict of Interest Declaration form submitted. Chair Napstad stated that the declaration process is being used on the following decisions:

- FY2012 Clean Water Fund Competitive Grant Awards
- FY2012 Cooperative Weed Management Area Grants
- FYs '12 and '13 Red River Basin Commission Administrative Grants

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

Chair Napstad asked board members to submit their completed Conflict of Interest Declaration forms to John Jaschke. John explained BWSR's conflict of interest policy for grant authorizations. The Conflict of Interest Declaration document will be filed for the grant decision items.

REPORTS
Chair's Report – Brian Napstad reported that he attended the Environmental Quality Board (EQB) meeting in November. EQB meeting discussions included: a project turned over to MPCA; rulemaking by EQB regarding EAWs to comply with legislative modifications; John Jaschke presented BWSR's Strategic Plan Update. Chair Napstad stated that BWSR was the first agency to present their Strategic Plan and EQB appreciated John's presentation. Chair Napstad stated that EQB discussion also included Governor Dayton's recommendations for streamlining the environmental review programs; improvement of environmental permitting process; governance, and the energy report card.

DRAFT

Chair Napstad reported that he attended the AMC convention; ongoing discussions regarding timber sales, wetland mitigation, and NCLUCB topics. Chair Napstad reported that Al Kean attended the AMC convention and conducted a drainage workshop; and Julie Blackburn presented information regarding the Environmental and Natural Resources Policy Committee. Chair Napstad appreciated BWSR's involvement at AMC.

Administrative Advisory Committee (AAC) – Brian Napstad reported that the AAC met this morning. Items discussed included legislation/budget forecast; Legacy Audit reports, Disaster Audit in-process; Committee meetings; and succession planning. Four board members' terms expire in January 2012: LuAnn Tolliver, Paul Brutlag, Louise Smallidge, and Sandy Hooker. Chair Napstad will need to appoint new Committee chairs and assignments to Committees will be reviewed. Board members interested in serving on certain Committees should contact Chair Napstad.

Executive Director's Report – John Jaschke reviewed information in board members' packets, "For Your Information". John reported that the Office of the Legislative Auditor (OLA) completed two audits: 1) "Legacy Funds: Outdoor Heritage, Clean Water, and Parks and Trails" and 2) "The Legacy Amendment". The audit reports are now available on the OLA website, if board members would like a hard copy of the audits, copies will be provided.

DNR Commissioner Landwehr asked how agencies make sure we have the right roadmap to impact funding, as noted in the program audit of the Clean Water Council; accountability and transparency. John stated that BWSR will be hiring an auditor position in early 2012 to assist with auditing programs/grants. Keith Mykleseth stated that extra funding causes extra work, thus more staff needed.

John reported that the Outdoor Heritage Council has a list of $97M worth of projects; BWSR involved in some of those endeavors. John reported that wetland mitigation policy adjustments are beginning to move forward. John reported that BWSR has been in contact with USDA regarding a "Certainty MOU" providing an opportunity for private landowners and agriculture producers that have sufficient conservation to be recognized.

Dispute Resolution Committee – Paul Brutlag reported that BWSR's decision at the October 26, 2011, Board meeting regarding the Waseca SWCD matter has been appealed and sent to the Court of Appeals; however, the request for stays by Waseca SWCD and DNR have been withdrawn. The DRC meeting scheduled for today has been cancelled.

Travis Germundson reported that 13 appeals are pending; all involve WCA, and one new appeal has been received. Travis provided an update on the pending appeals.

Wetland Committee – LuAnn Tolliver reported that the Wetland Committee met in October, recommendations are on the agenda later today. The Wetland Committee will meet in January; date to be determined.

Grants Program & Policy Committee – Louise Smallidge reported that the Grants Program & Policy Committee met last month, the recommendations will be presented on the agenda later today. The Grants Program & Policy Committee will meet again in January. Louise stated that she needs to leave the Board Meeting today at 11:30 to attend the Washington Conservation District monthly meeting.

Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth reported that the Public Relations, Outreach & Strategic Planning Committee met in September and will meet again in January. Keith stated that Don Buckhout will provide an update on the BWSR Strategic Plan later today.

RIM Reserve Management Planning Committee – Paul Brutlag reported that the RIM Reserve Management Planning Committee will meet on January 4 to review the current process.

Drainage Work Group – Tom Loveall reported that Drainage Work Group met twice since the last Board meeting. Tom acknowledged the great work of Al Kean and his expertise on drainage issues. Tom reported that the Drainage Work Group discussed: 1) sharing information about recent and upcoming conferences and forums where drainage was or is on the agenda; 2) Smith Partners LCCMR report recommendations MN Drainage Law Analysis and Evaluation; and 3) Julie Blackburn provided an update regarding Swampbuster and WCA coordination associated with the contribution agreement between NRSC and BWSR. Al Kean reported that a drainage management engineer has been hired. Kyle Skov, will start in January and be located in the BWSR Rochester office. Chair Napstad thanked Al Kean for his presentation at the AMC annual meeting.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Valley Branch WD Watershed Management Plan Amendment – Melissa Lewis reported that the Metro Water Planning Committee met on November 29, 2011, reviewed the plan amendment that incorporates natural resource data, issues, and goals for approximately five square miles of the former Lower St. Croix Watershed Management Organization (LSCWMO) into the Plan. The information incorporated is

consistent with the former LSCWMO Watershed Management Plan. The Metro Water Planning Committee unanimously recommends approval of the Valley Branch WD
** Watershed Management Plan Amendment. Moved by Louise Smallidge, seconded by
11-87 Keith Mykleseth, to approve the Valley Branch Watershed District Watershed Management Plan amendment. Motion passed on a voice vote.

Lower Rum River WMO Revised Watershed Management Plan – Melissa Lewis reported that the Metro Water Planning Committee reviewed Lower Rum River WMO
** Revised Watershed Management Plan, and unanimously recommends approval.
11-88 Moved by Rebecca Flood, seconded by Louise Smallidge, to approve the Lower Rum River WMO Revised Watershed Management Plan. Motion passed on a voice vote.

Lower Minnesota River WD Revised Watershed Management Plan – Brad Wozney introduced representatives from the Lower Minnesota River WD (LMRWD): Kent Francis, President; Terry Schwalbe, District Administrator; and Della Young, Consultant. Brad reported that the LMRWD has taken a proactive leadership role in resource management. Brad reported that the Metro Water Planning Committee reviewed the revised plan and unanimously recommends approval of the Watershed Management Plan dated November 2011 for the Lower Minnesota River Watershed District. The Committee further recommends that the LMRWD amend the implementation program of the Watershed Management Plan and have it approved by the Board by the end of 2014 to incorporate the results of the "Strategic Resource Evaluation and Management
** Process" to be completed in 2012 and 2013. Moved by LuAnn Tolliver, seconded by
11-89 Matt Wohlman, to approve the Lower Minnesota River WD Revised Watershed Management Plan, as recommended by the Metro Water Planning Committee. LuAnn Tolliver acknowledged the diligence in working through the process. Terry Schwalbe stated that the LMRWD is committed to implementation of the Plan in a positive way. Motion passed on a voice vote.

Coon Creek Watershed District Enlargement Petition – Jim Haertel introduced Tim Kelly, Coon Creek WD Manager. Jim reported that the Cities of Blaine, Coon Rapids, Fridley and Spring Lake Park filed a petition to enlarge the Coon Creek Watershed District (CCWD). The petition follows the dissolution of the Six Cities WMO that the four cities had been members of. The Metro Water Planning Committee held a public hearing after proper notice had been given. No opposition is contained in the record. The Metro Water Planning Committee recommends approval of the Coon Creek WD enlargement petition. Moved by Louise Smallidge, seconded by Paul Brutlag, to approve the Coon Creek WD enlargement petition and orders the Coon Creek WD amend its watershed management plan within one year of the date of this Order to include the enlarged order. Motion passed on a voice vote.

Southern Water Planning Committee

Dodge County Comprehensive Local Water Management Plan Amendment – Paul Langseth reported that the Southern Water Planning Committee met on November 3, 2011, reviewed the plan amendment and recommends approval of the five-year plan.

** 11-90 Moved by Paul Langseth, seconded by Keith Mykleseth, to approve the Dodge County Comprehensive Local Water Management Plan Amendment for January 1, 2012 – December 31, 2016. Dodge County will be required to provide a complete update of its Water Management Plan prior to December 31, 2016. Discussion followed. Tom Landwehr asked for a one-page summary of the changes/amendments to the Plan. Paul Langseth stated that plan amendments will be requested to provide a summary of the change/amendment. Motion passed on a voice vote.

Faribault County Comprehensive Local Water Management Plan Amendment – Paul Langseth reported that Southern Water Planning Committee reviewed the Faribault County Comprehensive Local Water Management Plan Amendment and

** 11-91 recommends approval. Moved by Paul Langseth, seconded by Sandy Hooker, to approve the Faribault County Comprehensive Local Water Management Plan Amendment for January 1, 2012 – December 31, 2016. Faribault County will be required to provide a complete update of its Water Management Plan prior to December 31, 2016. Tom Loveall, Faribault County Commissioner, abstained from the vote. Motion passed on a voice vote.

Lyon County Comprehensive Local Water Management Plan Amendment – Paul Langseth reported that the Southern Water Planning Committee reviewed the Lyon County Comprehensive Local Water Management Plan Amendment and recommends

** 11-92 approval. Moved by Paul Langseth, seconded by Tom Loveall, to approve the Lyon County Comprehensive Local Water Management Plan Amendment for December 2011 – December 2015. Lyon County will again amend their Plan by December 2015 for the final three years through December 2018. Motion passed on a voice vote.

Martin County Comprehensive Local Water Management Plan Amendment – Paul Langseth reported that the Southern Water Planning Committee reviewed the Martin County Comprehensive Local Water Management Plan Amendment and recommends

** 11-93 approval. Moved by Paul Langseth, seconded by Louise Smallidge, to approve the Martin County Comprehensive Local Water Management Plan Amendment for January 1, 2012 – December 31, 2016. Martin County will be required to provide a complete update of its Water Management Plan prior to December 31, 2016. Motion passed on a voice vote.

DRAFT

Steele County Comprehensive Local Water Management Plan Amendment – Paul Langseth reported that the Southern Water Planning Committee reviewed the Steele County Comprehensive Local Water Management Plan Amendment and recommends
** approval. Moved by Paul Langseth, seconded by Sandy Hooker, to approve Steele
11-94 County Comprehensive Local Water Management Plan Amendment for January 1, 2012 – December 31, 2016. Steele County will be required to provide a complete update of its Water Management Plan prior to December 31, 2016. Motion passed on a voice vote.

Sibley County Comprehensive Local Water Management Plan Extension – Paul Langseth reported that the Southern Water Planning Committee reviewed the Sibley County Comprehensive Local Water Management Plan request for a two-year extension (due to staffing and workload issues); deemed the request for extension
** acceptable, and recommends approval. Moved by Paul Langseth, seconded by Paul
11-95 Brutlag, to approve the two-year extension of Sibley County Comprehensive Local Water Management Plan until December 31, 2013. Sibley County shall strive to complete the update of their Comprehensive Local Water Management Plan in a timely manner. Motion passed on a voice vote.

John Jaschke reported that the Conflict of Interest Declaration forms have been received, all board members are eligible to vote on the upcoming decision items.

Grants Program & Policy Committee

FY2012 Clean Water Fund Competitive Grant Awards – Dave Weirens reported that the Board authorized staff to proceed with a Request for Proposals for the FY2012 Clean Water Fund Competitive Grants on June 22, 2011. Applications were accepted from August 8, 2011 through September 20, 2011. A total of 248 applications were received requesting $48,464,872 across the seven grant program funds. BWSR staff conducted multiple processes to review and score the applications involving staff from other agencies. The Grants Program and Policy Committee reviewed the staff recommendations on November 17, 2011, and recommends approval. In addition, the Grants Program & Policy Committee recommendation includes shifting funds between funding categories.

Tom Landwehr asked if some of the projects are not worthy, as they cannot all be funded. John stated that the perception of the projects scoring process will be reviewed and ideas generated for subsequent years. John is very confident the projects recommended for funding are solid and will provide water quality benefits. Discussion followed. Dave provided an overview of the Grants Program and Policy Committee recommendations for the FY2012 Competitive Grants Program. The Clean Water Fund projects in seven different program categories include: Clean Water Assistance,

Livestock Waste Management, SSTS Abatement, Accelerated Implementation, Community Partners Conservation Program, Minnesota Department of Health Well Sealing, and Conservation Drainage. Rebecca Flood stated that the funding is targeted by criteria selection. Tom Landwehr asked if partial funding could cover the drainage component of the application, regardless of percentage. John Jaschke stated that the work plan criteria is in the grant agreement. Chair Napstad asked if we disqualify some applications, are we consistently treating the partially funded projects. Dave stated that the applicant will have to rework the application for partial funding; the funding component is consistent. Dave reviewed the resolution as follows:

1) Approves allocations to implement the FY 2012 CWF Competitive Grant Program according to the attached funding recommendation spreadsheets for the following programs and recommended allocation amounts shown below:

Grant Program	Allocated Funds
A. Clean Water Assistance Grants	$9,498,484
B. Livestock Waste Management Grants	$2,000,000
C. SSTS Abatement Grants	$1,500,000
D. Accelerated Implementation Grants	$1,336,033
E. Conservation Drainage Grants:	$ 638,267
F. Community Partners Conservation Program Grants	$ 860,575
G. MDH Well Sealing Grants	$ 176,575

2) Shift funds as follows:
   A. Up to $557,441 of Community Partners Conservation Program Grant funds to fund Accelerated Implementation projects; and
   B. Up to $307,077 of Conservation Drainage Grant funds to fund Accelerated Implementation projects, and;

3) Authorizes staff to forward a recommendation to the MDA to allocate $600,068 of Agricultural BMP Loan Program funds to projects and activities proposed through BWSR-led competitive grant making processes, and

4) Authorizes staff to:
   A. approve project workplans,
   B. enter into grant agreements consistent with this resolution and Legislative appropriations, and
   C. assign funds, noted in (1) or (2) that may become available, to unfunded projects, in rank order, if funded projects are withdrawn, do not receive workplan approval by March 31, 2012 unless extended for cause, or are modified to reduce the state funding needed to accomplish the project.

DRAFT

** 11-96 Moved by Louise Smallidge, seconded by Rebecca Flood, to approve the Grants Program and Policy Committee's recommendations as presented. Tom Landwehr asked for a friendly amendment to the resolution, adding "the attached scoring results and funding recommendations document" be included, and added as Attachment 8 – FY2012 Clean Water Fund: Scoring Results and Funding Recommendation. Tom Loveall, Faribault County Commissioner, abstained from the vote on the FY2012 Clean Water Fund Competitive Grant Awards. Motion on the amended resolution passed on a voice vote. Chair Napstad thanked the Grants Program and Policy Committee, Dave, and staff for their efforts on the grant funding recommendations.

Chair called for a break at 11:15 a.m. The meeting reconvened at 11:22 a.m. Matt Wohlman left the meeting at 11:22 a.m.

John Jaschke reported that the Conflict of Interest Declaration forms have been received, all board members are eligible to vote on the upcoming decision item.

FY2012 Cooperative Weed Management Area Grants – Dave Weirens distributed the FY2012 Cooperative Weed Management Grants map and Grant Recipient map. Dave reported that the Grants Program and Policy Committee recommends $232,470 of the Cost-Share Roll-Over Funds be awarded to 14 Cooperative Weed Management Area grant applicants. Moved by Louise Smallidge, seconded by Sandy Hooker, to authorize grants to the 14 Cooperative Weed Management Areas applicants as presented. Motion passed on a voice vote.

** 11-97

Louise Smallidge left the meeting at 11:25 a.m.

Public Relations, Outreach & Strategic Planning Committee

BWSR Strategic Plan Update: Status Report – Don Buckhout reported that the Strategic Plan status report was created by the Public Relations, Outreach, and Strategic Planning Committee as a means to communicate BWSR's progress in carrying out the 2007 Strategic Plan. Don provided an overview of the BWSR Strategic Plan Executive Summary 2012 Plan Update. Don reported that there has been an opportunity to present the BWSR Strategic Plan Update to various entities. The spreadsheet is for information; if board members have questions regarding the Strategic Plan, they should contact Don. Tom Landwehr strongly agrees with the Executive Summary 2012 Plan Update; he emphasized the challenges and appreciates the need to address these items. Chair Napstad stated that people have contacted him about letting others know of the Strategic Plan as it brings awareness to BWSR. Keith Mykleseth stated that we need to continually update the Strategic Plan. Gerald Van Amburg, as a new board member, appreciates this very informative Strategic Plan. Paul Langseth suggested that legislators receive a copy of the BWSR Strategic Plan.

DRAFT

John stated that a good time to present the Strategic Plan to the Legislature is during BWSR's biennial budget overview.

Wetland Committee

Wetland Bank Fee Policy: Update Calculated Values – LuAnn reported that the Wetland Committee is adopting the new information from the Department of Revenue on land values, no new policy changes. Dave reported that Statute requires BWSR to collect fees for the management of the wetland banking system. Some of the fees are based on the value of the wetland credits that have been deposited into the Bank. The Board annually updates calculated wetland credit values that account holders can use to pay the required fees. Moved by LuAnn Tolliver, seconded by Paul Brutlag, to adopt
** 11-98 the fee schedule - that BWSR update the wetland credit values by taking the 2011 tillable land values, rural/vacant land values when the ratio of tillable acres to rural/vacant acres is less than 20%, or the average of the before and after deferral green acres values, multiplied by the wetland credit value coefficient of 6.0, with a maximum increase of 75% over the values established in the fee schedule. Discussion followed. Motion passed on a voice vote.

NEW BUSINESS

Red River Basin Commission (RRBC) Long Term Flood Solutions (LTFS) Report – Lance Yohe, RRBC Executive Director, reported that the basin of the Red River of the North, historically subject to widespread chronic flooding, regularly sustains millions of dollars in economic damages for each flood event. The Red River Basin Commission (RRBC) received funding from the MN and ND legislatures to identify structural and nonstructural strategies needed for permanent flood solutions in the basin and recommendations for action for states (individually and collectively) and the federal government to consider as they fund and implement Long Term Flood Solutions (LTFS) for the Red River Basin in Minnesota and North Dakota. These recommendations are built around the basin-wide LTFS "Level of Protection Goals" adopted by the RRBC in 2010 together with related flood risk reduction needs. The recommendations aim to move basin leaders from the usual response of reacting to the most recent major flood experience to a proactive, long-term plan with appropriate protection levels basin wide. If implemented, the recommendations will significantly reduce the risk of flood damages, and minimize disruption and economic loss and thus facilitate and expedite recovery after spring and summer floods.

Lance reported that the Annual Red River Basin Land & Water International Summit Conference will be held January 24-26, 2012, in Winnipeg. Keith Mykleseth stated if numbers are inaccurate in protection levels, people need to know now what changes will be made with the RRBC recommendations. Keith stated that DNR has a great program in flood damage reduction. Tom Landwehr stated that the benefit to MN for the

proposed Corps of Engineers Fargo-Moorhead Diversion project is not the same in ND because of the limited benefit MN would receive in regards to the amount contributed. Discussion followed.

John Jaschke reported that the Conflict of Interest Declaration forms have been received, all board members are eligible to vote on the upcoming decision item.

FYs '12 and '13 Red River Basin Commission Administrative Grants – John Jaschke reported that since 2002 the State of Minnesota has been supporting the Red River Basin Commission (RRBC) to address land and water issues in the basin. The 2011 Legislature appropriated $200,000 to BWSR for RRBC administration in the FY '12 and '13 biennium. The RRBC requests approval of their 2012 and 2013 Workplan,
** 2012 Budget, and authorization of their FYs '12 and '13 allocations. Moved by Quentin
11-99 Fairbanks, seconded by Paul Brutlag, to authorize the FY'12 allocation of $100,000 to the RRBC, and authorize their FY'13 allocation of $100,000, pending RRBC adoption and Board staff approval fo the RRBC 2013 Budget, to be incorporated hereto by reference and located in the Board's office in St. Paul. Motion passed on a voice vote.

Proposed 2012 BWSR Board Meeting Dates – John Jaschke stated that the BWSR Board meets the fourth Wednesday of the month, unless noted. John presented the proposed 2012 meeting dates: January 25; no meeting in February; March 28; April 25; May 23; June 27; no meeting in July; August 22-23 tour and meeting; September 26;
** October 24; no meeting in November; and December 12. Moved by LuAnn Tolliver,
11-100 seconded by Paul Brutlag, to approve the 2012 BWSR Board Meeting dates as presented. Paul Brutlag abstained from voting. Motion passed on a voice vote.

AGENCY REPORTS

Minnesota Department of Health (MDH) – Chris Elvrum distributed promotional water bottles on behalf of MDH and highlighting the Clean Water Land & Legacy Amendment.

Minnesota Extension Service – Faye Sleeper reported that University of Wisconsin received a grant from NRCS for a federally funded project for CRP readiness nationally. Faye will be project-lead for one of the training team groups working in the upper Midwest. The project is happening very quickly, in a two-month time staff will be hired. Faye will bring more information to the January Board meeting; this will be of great interest to BWSR and other agencies.

Minnesota Department of Natural Resources (DNR) –Tom Landwehr reported on a conservation effort regarding a prairie strategic plan, focused on grassed land areas. DNR representatives at the field level, as well as BWSR, John Jaschke and Kevin Lines, are involved. Tom reported that participating agencies are working to develop a

memorandum of understanding. This overall prairie conservation effort brings about good collaboration, efficiency, and promotes economic use of conservation lands. Tom stated that DNR is considering signing-on to this strategic plan and requests that BWSR consider signing-on as well. John Jaschke stated that BWSR is reviewing this; it's a good faith agreement as it does not contractually bind participants. More information to come. Chair Napstad requested that a presentation be made to the Board again.

ADVISORY COMMENTS

Minnesota Association of Soil and Water Conservation Districts (MASWCD) – LeAnn Buck reported the MASWCD annual meeting was held December 4-6. Policy discussions included TMDL standards and established goals. Highlights of the MASWCD annual meeting included a wetland restoration presentation from John Jaschke, Don Baloun, USDA NRCS State Conservationist; and Tamara Cameron, U.S. Army Corps of Engineers Regulatory Branch Chief; on Swampbuster/Wetland Conservation Act coordination, Clean Water Act jurisdictional guidance/rules, agricultural wetland banking, and mitigation policies. LeAnn commends BWSR for the grant funding today; and for the work and support provided to MASWCD on the programmatic efforts. LeAnn, on behalf of MASWCD, thanked all agencies for their representation at the MASWCD convention.

Minnesota Association of Townships (MAT) – Sandy Hooker reported that there was good attendance at the MAT annual meeting; policy resolutions will go before the Legislature in 2012.

UPCOMING MEETINGS – Chair Napstad stated that the next BWSR Board Meeting is January 25, 2012. Chair Napstad wished everyone "Happy Holidays"!

** 11-101 Moved by Tom Loveall, seconded by Sandy Hooker, to adjourn the meeting at 12:38 pm. Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder

DRAFT

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Pioneer-Sarah Creek WMO Plan Amendment☐

Meeting Date: January 25, 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: Bob Burandt and 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 Plan Amendment to the Pioneer-Sarah Creek Watershed Management Organization's Watershed Management Plan

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Pioneer - Sarah Creek Watershed Management Commission (Commission) is located exclusively in Hennepin County in the western portion of the Minneapolis – St. Paul seven county metropolitan area. It is bound by the Crow River to the north, on the northeast by the Elm Creek Watershed Management Organization, on the south and southeast by Minnehaha Creek Watershed District, and on the west by Wright and Carver Counties. The Commission includes all or parts of the following six municipalities: Greenfield, Independence, Loretto, Maple Plain, Medina, and Minnetrista. The Pioneer - Sarah Creek watershed covers approximately 70.5 square miles. There are seventeen lakes in the Pioneer - Sarah Creek watershed and six major streams. 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 Greenfield, Loretto and Maple Plain.

The cities of Independence, Minnetrista, Medina and the Hennepin Conservation District created the Pioneer Creek Watershed Management Commission on January 13, 1978. On June 7, 1983, the City of Greenfield offered a resolution to the Pioneer Creek Commission requesting a merger of the Sarah Creek and Pioneer Creek Watersheds. This merger combined administrative services and avoided the creation of numerous small watershed organizations. In December 1984, the Pioneer-Sarah Creek Watershed Management Commission was formally established through a Joint Powers Agreement. Since that time, Watertown Township in Carver County and the city of Corcoran elected to leave the Commission, becoming members of adjacent WMOs. The current plan was approved by the Board in October 2004.

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 process and extends the plan

expiration to October 27, 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 2002; however, the Board required the joint powers agreement to be fully executed prior to plan approval and this did not occur until 2004. All comments on the amendment were fully addressed.

The Metro Water Planning Committee met on January 4, 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 November 2011 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 **Pioneer-Sarah 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 Pioneer-Sarah Creek Watershed Management Organization (Commission) submitted an Amendment to the Watershed Management Plan (Amendment) dated November 2011 to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 11, and;

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

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

FINDINGS OF FACT

1. **Watershed Management Organization Establishment.** The cities of Independence, Minnetrista, Medina and the Hennepin Conservation District created the Pioneer Creek Watershed Management Commission on January 13, 1978. On June 7, 1983, the City of Greenfield offered a resolution to the Pioneer Creek Commission requesting a merger of the Sarah Creek and Pioneer Creek Watersheds. This merger combined administrative services and avoided the creation of numerous small watershed organizations. In December 1984, the Pioneer-Sarah Creek Watershed Management Commission was formally established through a Joint Powers Agreement. Since that time, Watertown Township in Carver County and the city of Corcoran elected to leave the Commission, becoming members of adjacent WMOs. The current plan was approved by the Board 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 Pioneer - Sarah Creek Watershed Management Commission (Commission) is located exclusively in Hennepin County in the western portion of the Minneapolis – St. Paul seven county metropolitan area. It is bound by the

Crow River to the north, on the northeast by the Elm Creek Watershed Management Organization, on the south and southeast by Minnehaha Creek Watershed District, and on the west by Wright and Carver Counties. The Commission includes all or parts of the following six municipalities: Greenfield, Independence, Loretto, Maple Plain, Medina, and Minnetrista. The Pioneer - Sarah Creek watershed covers approximately 70.5 square miles. There are seventeen lakes in the Pioneer - Sarah Creek watershed and six major streams. 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 Greenfield, Loretto and Maple Plain.

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 August 25, 2011. The Amendment proposes to utilize a newly adopted process and guidelines for identifying and prioritizing capital improvement projects. The Commission held a public hearing on November 17, 2011. No revisions to the Amendment were made as a result of comments received at the hearing. The final draft Amendment was submitted to the Board and plan review agencies on November 28, 2011, for final review and approval.

5. **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.

6. **Metropolitan Council Review.** The Metropolitan Council was supportive of the amendment stating it is consistent with the Council's *Water Resources Management Policy Plan*.

7. **Department of Agriculture Review.** The MDA did not comment on the Amendment.

8. **Department of Health Review.** The MDH did not comment on the Amendment.

9. **Department of Natural Resources Review.** The DNR did not comment on the Amendment.

10. **Pollution Control Agency Review.** The PCA provided comments regarding the implementation budget and timing of certain projects in the two priority lakesheds. All comments were addressed.

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

12. **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.

13. **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 process and extends the plan expiration to October 27, 2014, which is ten years beyond the Board's original approval of the plan.

14. **Metro Water Planning Committee Meeting.** On January 4, 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, Louise Smallidge, LuAnn Tolliver, 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 Pioneer-Sarah Creek Watershed Management Organization 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

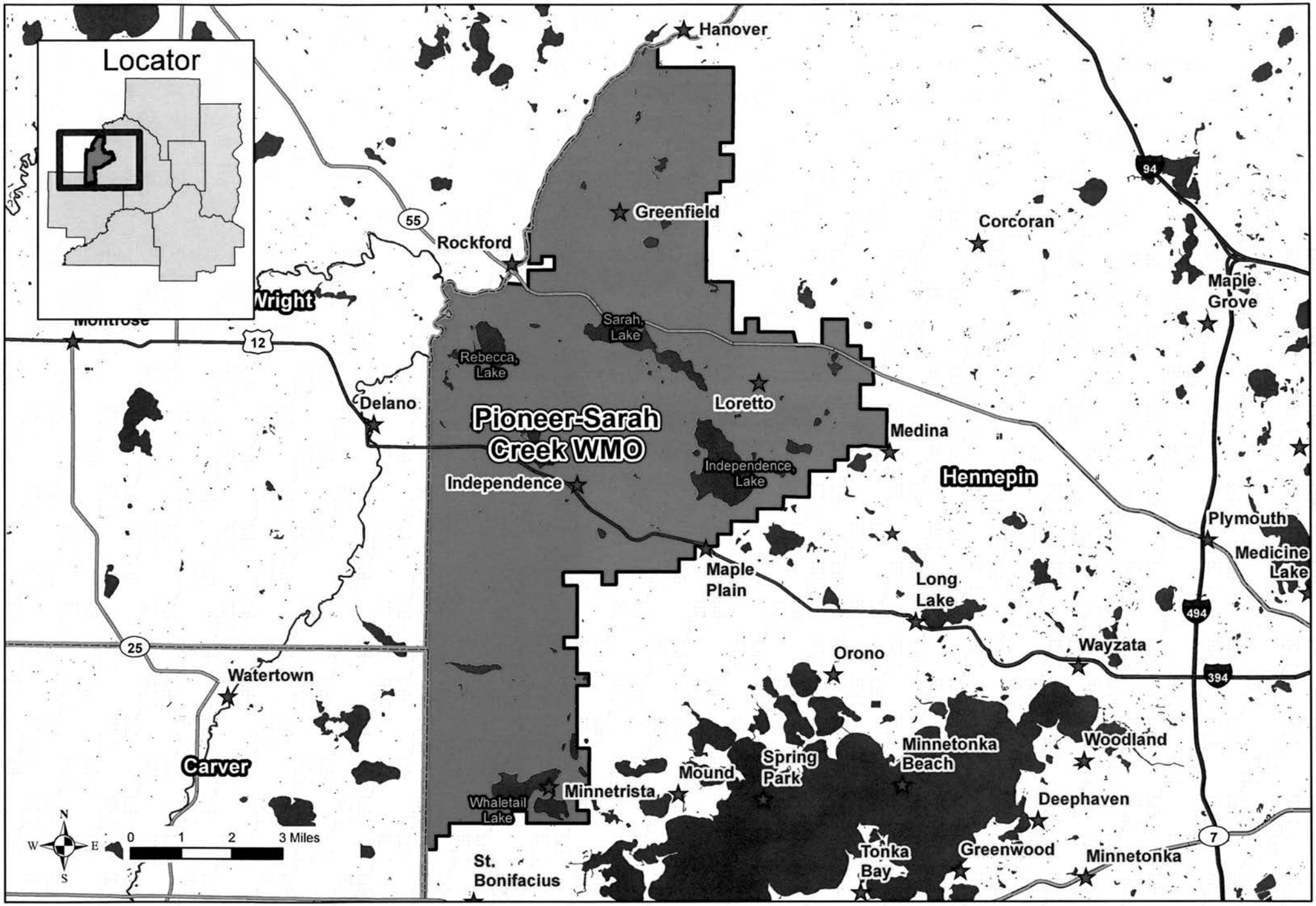
The Board hereby approves the attached Amendment dated November 2011 to the Pioneer-Sarah Creek Watershed Management Organization Watershed Management Plan.

Dated at Saint Paul, Minnesota this 25th day of January 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Pioneer - Sarah Creek
Watershed Management Organization



SECTION V

TABLE V-1 - CAPITAL IMPROVEMENT PROJECTS

Capital Improvements						Proposed Expenses for Year											
No.	Priority	Project Description	Total Cost Estimate[1]	Estimated Cost to be Funded by Commission[1]	Potential Funding Sources[2]	2003	2004	2005	2006	2007	2008 – 2012	2011	2012	2013	2014	Comments	(For Comm. Ref.) Budget Line
~~CIP-1~~	~~High~~	~~Implement water quality project for Lake Independence based on study completed in 2002. **Possible Responsible Parties: Independence, Medina, Three Rivers Park District, Commission, Lake Association**~~	~~$600,000~~	~~$40,000~~	~~Grants, Independence, Medina, general fund, Three Rivers Park District, Lake Association~~			~~$5,000~~	~~$15,000~~	~~$20,000~~						Lake Independence TMDL completed in 2007. Projects identified in TMDL Implementation Plan are shown in CIPs -6, 7, 8, 9 and 10.	
~~CIP-2~~	~~High~~	~~Implement Lake Sarah water quality improvement projects based on Lake Sarah Project report (1997). **Possible Responsible Parties: Greenfield, Independence, Commission, Lake Association**~~	~~$750,000~~	~~$63,700~~	~~Grants, Greenfield, Independence, general fund, Lake Sarah Improvement Association~~	~~$6,000~~	~~$3,100~~	~~$4,600~~	~~$25,000~~	~~$25,000~~						Lake Sarah TMDL completed in 2011. Projects identified in Implementation Plan are shown in CIPs -2, 3, and 4.	
~~CIP-3~~	~~High~~	~~Complete Little Long Lake protection projects. **Possible Responsible Parties: Minnetrista, HCD, Commission**~~	$14,000	$1,500	~~Minnetrista, DNR, general fund, HCD, AMSWCD~~	~~$600~~	~~$900~~									Projects will be identified in Little Long Lake Protection Plan (SMS-8) and scheduled in 2015 or beyond.	
~~CIP-4~~ CIP-1	Very High	Implement ~~water control~~ channel clean-out project for Lake Sarah. Remove vegetative debris, prevent material from entering channel, to moderate high water levels that have created flooding conditions for riparian properties, using heavy equipment to remove and dispose of material. **Possible Responsible Parties: Greenfield, Independence, Three Rivers Park District, Lake Association, Commission, DNR, property owners**	~~$150,000 to $200,000~~ $40,000	~~10000~~ $4,000	~~Grants, m~~Member cities, Lake Sarah ~~Homeowners~~ Improvement Association, Three Rivers Park District, Commission		~~$5,000~~	~~$5,000~~						$4,000		~~Commission's role is to facilitate between stakeholders.~~ As identified in Feasibility Study (SMS-11).	147
~~CIP-5~~	~~Medium~~	~~Complete water quality improvements based on study to be completed for Lake Rebecca (Greenfield, Independence). **Possible Responsible Parties: Greenfield, Independence, Three Rivers Park District, Commission**~~	~~Unknown until studies are undertaken, if needed~~	~~Unknown until studies are undertaken, if needed~~	~~Local community, general fund,~~ Three Rivers Park District											~~Commission's role is to facilitate between stakeholders.~~ Improvements are being undertaken by Three Rivers Park District.	
~~CIP-6~~	~~Medium~~	~~Complete water quality improvements based on study to be completed for Spurzem Lake (Medina). **Possible Responsible Parties: Medina, Three Rivers Park District**~~	~~Unknown until studies are undertaken, if needed~~	~~$0~~	~~Local community, Three Rivers Parks~~											Projects will be identified in Feasibility Study (SMS-12).	
~~CIP-7~~	~~Medium~~	~~Complete water quality improvements based on study to be completed for Half Moon Lake (Medina). **Possible Responsible Parties: Medina, Three Rivers Park District**~~	~~Unknown until studies are undertaken, if needed~~	~~$0~~	~~Local community, Three Rivers Parks~~											Projects will be identified in Watershed-wide TMDL (SMS-9) Implementation Plan and scheduled in 2015 and beyond.	
~~CIP-8~~	~~Medium~~	~~Complete water quality improvements based on study to be completed for Whaletail (Minnetrista). **Possible Responsible Parties: Minnetrista**~~	~~Unknown until studies are undertaken, if needed~~	~~$0~~	~~Local community~~											Projects will be identified in Watershed-wide TMDL (SMS-9) Implementation Plan and scheduled in 2015 and beyond.	
~~CIP-9~~	~~Medium~~	~~Complete water quality and quantity improvements based on study to be completed for Haughey Lake (Independence). **Possible Responsible Parties: Independence**~~	~~Unknown until studies are undertaken, if needed~~	~~$0~~	~~Local community~~											Projects will be identified in Watershed-wide TMDL (SMS-9) Implementation Plan and scheduled in 2015 and beyond.	

SECTION V

TABLE V-1 - CAPITAL IMPROVEMENT PROJECTS

Capital Improvements						Proposed Expenses for Year											
No.	Priority	Project Description	Total Cost Estimate[1]	Estimated Cost to be Funded by Com-mission[1]	Potential Funding Sources[2]	~~2003~~	~~2004~~	~~2005~~	~~2006~~	~~2007~~	~~2008 – 2012~~	2011	2012	2013	2014	Comments	(For Comm. Ref.) Budget Line
~~CIP-10~~	~~Medium~~	~~Implement results of Loretto WWTF study. Costs will be based on study to be completed. **Possible Responsible Parties: Loretto, Commission**~~	~~$50,000 – $300,000~~	~~$5,000~~	~~City of Loretto, general fund~~						~~$5,000~~					~~Commission's role is to facilitate between stakeholders.~~ City's responsibility. May work cooperatively with City of Medina.	
~~CIP-11~~	~~Low~~	~~Implement recommendations outlined in the report "Physical and Ecological Classification of Pioneer and Sarah Creek and their Tributaries". **Possible Responsible Parties: Commission**~~	~~$250,000 - $2,000,000~~	~~$125,000 to $1,000,000~~	~~Grants, general fund~~						~~$125,000 to $1,000,000~~					~~Also to be implemented though plan review and policy implementation.~~ Projects will be identified in Watershed-wide TMDL (SMS-9) Implementation Plan, scheduled in 2015 and beyond.	
~~CIP-12~~	~~Low~~	~~Future maintenance of stormwater basins on Loretto Creek for Lake Sarah. **Possible Responsible Parties: Landowners, additional responsibility to be addressed as maintenance needs arise.**~~	~~Costs not expected until 2015~~	~~Costs not expected until 2015~~	~~To be determined~~											~~No easements over these basins exist. Additional responsibility to be addressed as maintenance needs arise.~~ Cities' responsibility.	
CIP-2	High	Reduce internal phosphorus loading contributing to impairment of Lake Sarah by completing 5-year curly pondleaf control program using herbicidal treatment applications. Includes DNR permit and follow-up monitoring. **Possible Responsible Parties: Greenfield, Independence, DNR, TRPD, Commission, Lake Association, Railroad**	$250,000 ($60,000 first two years, declining $$ in successor years)	$25,000	Local communities, Lake Assn, riparian owners, Commission, DNR, TRPD, Railroad									$6,000	$6,000	Project identified in Implementation Plan developed as part of Lake Sarah TMDL completed in 2011 and per approved Lake Vegetation Management Plan. Project will be completed in 2015 and beyond.	148
CIP-3	Very High	Reduce external phosphorus loading contributing to impairment of Lake Sarah by completing Loretto Ballfield Stormwater Treatment Wetland project to restore approx. 700 lineal feet of ditched stream, undertaking existing pond enhancement and installing stormwater treatment wetland. **Responsible parties: Loretto, Medina, Corcoran, Commission**	$400,000	$40,000	Loretto, Medina, Corcoran, Commission									$17,500	$17,500	Project identified in Implementation Plan developed as part of Lake Sarah TMDL completed in 2011. Project will be completed in 2015 and beyond.	149
CIP-4	High	Reduce internal phosphorus loading contributing to impairment of Lake Sarah by enlarging/constructing detention pond(s) on Dance Hall Creek. Project may include restoring adjacent wetland. **Responsible parties: DNR, MnDOT, Commission, lakeshed cities**	2,000,000 plus cost of easements	$20,000	Commission, Corcoran, Greenfield, Independence, Loretto, Medina, MnDOT, DNR											Project identified in Implementation Plan developed as part of Lake Sarah TMDL completed in 2011 and feasibility assessment (SMS-13). Project will be completed in 2015 and beyond.	150
CIP-5	Very High	Restore to stable conditions banks of Maple Plain tributary to Pioneer Creek along 1800-foot reach destablized by flash flows by restorating/stabilizing/protecting w/native vegetation, hard armoring and geotechnical techniques. **Possible Responsible Parties: Maple Plain, Commission**	$200,000	$20,000	Maple Plain, Commission								$3,000	$5,000	$12,000		151
CIP-6	Very High	Restore/construct control structure at Lake Independence outlet on Independence Road per recommendations of feasibility study. Prolonged high water levels have caused flooding and destablization. **Responsible parties: Independence, Medina, Loretto, Commission, LICA**	500,000 plus cost of easements	$50,000	Independence, Medina, Loretto, Commission, LICA									$25,000	$25,000	Project identified in Implementation Plan developed as part of Lake Independence TMDL completed in 2007. Specific projects will be identified in Feasibility Study (SMS-14).	152

SECTION V

TABLE V-1 - CAPITAL IMPROVEMENT PROJECTS

Capital Improvements						Proposed Expenses for Year											
No.	Priority	Project Description	Total Cost Estimate[1]	Estimated Cost to be Funded by Com-mission[1]	Potential Funding Sources[2]	~~2003~~	~~2004~~	~~2005~~	~~2006~~	~~2007~~	~~2008 – 2012~~	2011	2012	2013	2014	Comments	(For Comm. Ref.) Budget Line
CIP-7	High	Construct retention pond on west side of Independence Road intersection w/Lindgren Lane to impound surface water by means of a dike or excavation to reduce external phosphorus loading contributing to impairment of Lake Independence. **Responsible parties: Independence, LICA, Commission**	100,000 plus cost of easements	$10,000	Independence, Commission, LICA											Project identified in Implementation Plan developed as part of Lake Independence TMDL completed in 2007. Specific project will be identified in Feasibility Study (SMS-18) and completed in 2015 and beyond.	153
CIP-8	Low	Construct retention ponds at Koch's Creek and Mill's Creek inlets to Lake Independence to impound surface water by means of a dike or excavation to reduce external phosphorus loading contributing to impairment of the lake. **Responsible parties: Independence, LICA, Commission**	200,000 plus cost of easements	$20,000	Independence, Commission, LICA											Project identified in Implementation Plan developed as part of Lake Independence TMDL completed in 2007. Specific project will be identified in Feasibility Study (SMS-18) and completed in 2015 and beyond.	154
CIP-9	Medium	Reduce external phosphorus loading contributing to impairment of Lake Independence by designing and developing alum treatment and iron enhanced filter system for Tomahawk Trail wetland prior to inlet to Half Moon Lake. Project may include wetland restoration. **Responsible parties: Loretto, Medina, TRPD, Commission**	$150,000-$250,000	$15,000	Loretto, Medina, TRPD, Commission											Project identified in Implementation Plan developed as part of Lake Independence TMDL completed in 2007. Project will be completed in 2015 and beyond, contingent on outcome of Lake Spurzem Feasibility Study (SMS-12). Additional feasibility-level work may be required.	155
CIP-10	High	Undertake Lake Independence watershed cost-share manure management improvement projects per 2006 Cooperative Agreement with Three Rivers Park District. Projects will reduce external loading to lake due to livestock activities and will be evaluated and prioritized using criteria set forth in the Commission's Cost Share Policy, adopted July 2011. **Responsible parties: Commission, TRPD, Lake Associations, land owners**	$15,000	$15,000	Commission, TRPD, Lake Associations, land owners							$5,000	$5,000	$5,000		Project identified in Implementation Plan developed as part of Lake Independence TMDL completed in 2007.	76
CIP-11	High	Undertake watershed-wide cost-share manure management improvement projects. Projects will reduce external loading to watershed lakes and streams due to livestock activities and and will be evaluated and prioritized using criteria set forth in the Commission's Cost Share Policy, adopted July 2011. **Responsible parties: Commission, TRPD, Lake Associations, land owners**	$250,000	$25,000	Commission, cities, TRPD, Lake Associations, land owners									$2,500	$2,500	Projects identified in Implementation Plan developed as part of Lake Independence TMDL completed in 2007, Lake Sarah TMDL completed in 2011 and Watershed-wide TMDL (SMS-9). Funding will extend through 2017.	156
		Totals	**$4,105,000 to $4,205,000**	**~~$245,200 to $1,120,200~~ $244,000**	**TOTAL**	**~~$6,600~~**	**~~$9,000~~**	**~~$14,600~~**	**~~$40,000~~**	**~~$45,000~~**	**~~$130,000 to $1,005,000~~**	**$5,000**	**$8,000**	**$65,000**	**$63,000**		

~~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.~~

TABLE V-2 - ~~STORMWATER MANAGEMENT~~ WATER RESOURCE PROGRAMS

Water Resources Programs						Proposed Expenses for Year											
No.	Priority	Project Description	Total Cost Estimate[1]	Estimated Cost to be Funded by Commission[1]	Potential Funding Sources[2]	~~2003~~	~~2004~~	~~2005~~	~~2006~~	~~2007~~	~~2008 - 2012~~	2011	2012	2013	2014	Comments	(For Comm. Ref.) Budget Line
SMP-1	High	Undertake plan review for development projects in conformance with Commission's policies and standards. **Possible Responsible Parties: Commission**	$6,000 to $20,000 annually	$6,000 to $20,000 annually	~~General fund,~~ Commission, fees	~~$6,000~~	~~$10,000~~	~~$17,000~~	~~$19,000~~	~~$20,000~~	~~$120,000~~	$6,000	$10,000	$11,500	$12,500	This is an ongoing activity of the Commission.	50-51
SMP-2	High	Undertake enforcement responsibilities when there is no local plan or community is not enforcing policies. **Possible Responsible Parties: Commission**	~~$0 to $20,000~~	~~$0 to $20,000~~	Member communities	~~$0 to $20,000~~	~~$0 to $20,000~~	~~$0 to $20,000~~	~~$0 to $20,000~~	~~$0 to $20,000~~	~~$0 to $50,000~~	$0	$0	$0	$0	Included in SMP-1.	
SMP-3	High	Undertake LGU responsibility for the Wetland Conservation Act for the cities of Greenfield, Loretto and Maple Plain. **Possible Responsible Parties: Commission**	~~$7,000 to $33,000~~ $3,000 to $5,000 annually	~~$7,000 to $33,000~~ $3,000 to $5,000 annually	~~General fund,~~ Commission, fees	~~$7,000~~	~~$12,000~~	~~$15,000~~	~~$18,000~~	~~$21,000~~	~~$150,000~~	$2,000	$3,000	$4,000	$4,000	This is an ongoing activity of the Commission.	58-61
SMP-4	High	Continue the water quality monitoring program for lakes. **Possible Responsible Parties: Commission, ~~HCD~~HCDES**	~~$3,000 to $4,000~~ $5,000 to $8,000 annually	~~$3,000 to $4,000~~ $5,000 to $8,000 annually	~~General fund,~~ Commission	~~$3,000~~	~~$3,000~~	~~$3,250~~	~~$3,500~~	~~$3,750~~	~~$20,000~~	$5,590	$5,850	$6,950	$6,950	This is an ongoing activity of the Commission.	28-29
SMP-5	High	Develop and implement an education program for key audiences. **Possible Responsible Parties: Commission**	~~$1,000 to $2,000~~ $5,000 to $10,000 annually	~~$1,000 to $2,000~~ $5,000 to $10,000 annually	~~Grant, general fund, member communities,~~ Commission, fees	~~$2,000~~	~~$1,000~~	~~$1,000~~	~~$1,000~~	~~$1,000~~	~~$5,000~~	$7,250	$5,000	$9,000	$10,500	This is an ongoing activity of the Commission.	39-45
SMP-6	High	Develop and maintain a wetland inventory. **Possible Responsible Parties: Commission, ~~HCD~~HCDES**	Completed	Completed												Included in SMS-4.	
SMP-7	High	Implement water quantity and quality monitoring program for streams. **Possible Responsible Parties: Commission, ~~HCD~~HCDES**	~~$5,200 to~~ $8,000 to $10,000 annually	~~$0 (grant)~~ $8,000 to $10,000 annually	~~Grant —~~ Commission	~~$5,200~~	~~$5,500~~	~~$6,000~~	~~$7,000~~	~~$7,500~~	~~$40,000~~	$8,300	$6,000	$8,300	$8,300	This is an ongoing activity of the Commission.	30,32
~~SMP-8~~	~~Medium~~	~~Implement recommendations outlined in the report "Physical and Ecological Classification of Pioneer and Sarah Creek and their Tributaries". Possible Responsible Parties: Commission, member communities~~	~~$500~~	~~$500~~	~~General fund~~			~~$500~~								~~To be accomplished through policy development with member communities.~~ This item duplicates former CIP-11.	
~~SMP-9~~ SMP-8	Medium	Provide NPDES Phase II assistance for communities, if requested. **Possible Responsible Parties: Commission**	~~$100 to $1,000 annually~~	~~$100 to $1,000 annually~~	~~Member communities~~ Commission		~~$1,000~~	~~$100~~	~~$100~~	~~$100~~	~~$500~~					Included in SMP-5.	
~~SMP-10~~ SMP-9	High	Provide erosion control technical assistance and implementation cost-share to farmers and rural landowners in the Lake Independence watershed who request this service. **Possible Responsible Parties: Commission, ~~HCD~~HCDES**	~~$50,000 to $100,000~~ $16,993	~~$0 (grant)~~ $16,993	~~Grants, HCD, NRCS~~ Commission, cities, TRPD							$10,000	$6,993				77
~~SMP-11~~ SMP-10	Low	Maintain erosion and sedimentation problem area list. **Possible Responsible Parties: Commission, ~~HCD~~HCDES**	~~$100 to $500 annually~~	~~$100 to $500 annually~~	~~General fund~~ Commission	~~$500~~	~~$100~~	~~$100~~	~~$100~~	~~$100~~	~~$500~~					Included in SMP-1 and SMS-9.	
SMP-11	High	Conduct annual plant inventory for Lake Sarah per approved Lake Vegetation Management Plan. **Possible Responsible Parties: Commission, TRPD, Lake Association, property owners**	$1,500/year	$150/year	Commission, TRPD, Lake Association, property owners									$150	$150		31
			$45,493 to $71,493	~~$537,400 to $687,400~~ $44,143 to $70,143	**TOTAL**	~~$23,700 to $43,700~~	~~$32,600 to $52,600~~	~~$42,950 to $62,950~~	~~$48,700 to $68,700~~	~~$53,450 to $73,450~~	~~$336,000 to $386,000~~	$39,140	$36,843	$39,900	$42,400		

~~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.~~

TABLE V-3

~~STORMWATER MANAGEMENT~~ WATER RESOURCE STUDIES

Water Resources Studies						Proposed Expenses for Year											(For Comm. Ref.) Budget Line
No.	Priority	Project Description	Total Cost Estimate[1]	Estimated Cost to be Funded by Commission[1]	Potential Funding Sources[2]	~~2003~~	~~2004~~	~~2005~~	~~2006~~	~~2007~~	~~2008 – 2012~~	2011	2012	2013	2014	Comments	
~~SMS-1~~	~~High~~	~~Develop water quality goals for specific water bodies within the watershed and prioritize. Possible Responsible Parties: Commission, HCD~~	~~$6,000~~	~~$6,000~~	~~General fund~~	~~$2,000~~	~~$4,000~~									Included in Lake Independence TMDL completed in 2007, Lake Sarah TMDL completed in 2011 and Watershed-wide TMDL (SMS-9).	
~~SMS-2~~	~~High~~	~~Develop "Developer's Guidelines" handout for developers within the watershed. Possible Responsible Parties: Commission, HCD~~	~~$200~~	~~$200~~	~~General fund~~	~~$200~~										Will not be undertaken by the Commission. Refer individuals to State of Minnesota Stormwater Manual and Commission's Watershed Management Plan.	
~~SMS-3~~ SMS-1	High	Develop wetland, lake, and stream buffer standards in Lake Independence watershed. **Possible Responsible Parties: Commission, local communities, TRPD HCD**	~~5000~~ $6,000	~~$2,500 – $5000~~ $6,000	~~General Fund,~~ Commission, TRPD, local communities		~~$2,500~~					$2,000	$2,000	$2,000			74
~~SMS-4~~ SMS-2	Very High	Establish ~~setback, fencing, and other~~ standards for livestock operations located on or near wetlands, lakes, or streams in Lake Independence watershed. **Possible Responsible Parties: Commission, HCD, Task Force, TRPD**	~~2000~~ 5,000	~~2000~~ 5,000	~~General Fund,~~ Commission, TRPD ~~local communities~~		~~$2,000~~					$3,000				Also see SMS-6.	75
~~SMS-5~~	~~High~~	~~Complete study on high water elevations on Lake Sarah. Possible Responsible Parties: Greenfield, Independence, Commission~~	~~$3,000~~	~~$0~~	~~Grants, Lake Sarah Improvement Assoc., member communities~~											Study completed in 2005.	
~~SMS-6~~	~~High~~	~~Complete rate and volume control study of culverts at railroad and County Line Road between Independence and Delano. Possible Responsible Parties: Independence, Delano. Commission to facilitate~~	~~$10,000 $20,000~~	~~$5,000~~	~~Grant, local communities~~			~~$5,000~~								Study is complete. Responsibility of cities to implement findings of study.	
~~SMS-7~~ SMS-3	~~High~~ Medium	Develop wellhead protection zone map based on local wellhead protection plans. **Possible Responsible Parties: Commission**	~~$500~~	~~$500~~	~~General fund~~ Commission			~~$500~~								Complete as part of Third Generation Watershed Management Plan (SMS-10).	
~~SMS-8~~	~~Medium~~	~~Develop Lake Management Plans. Possible Responsible Parties: Commission, HCD, Lake Associations, Three Rivers Park District~~	~~$30,000 per lake~~	~~$40,000~~	~~General fund, Lake Association, Community, grants~~			~~$10,000~~	~~$10,000~~	~~$10,000~~	~~$10,000~~					Included in Lake Independence TMDL completed in 2007 and Lake Sarah TMDL completed in 2011. Will be included in Watershed-wide TMDL (SMS-9).	
~~SMS-9~~	~~Medium~~	~~Review local stormwater management plans for conformance w/ Watershed Plan. Possible Responsible Parties: Commission~~	~~$1,000 to $3,000 per community~~	~~$6,000~~	~~General fund, communities~~			~~$3,000~~	~~$3,000~~							Completed in 2010. Review process will begin again two years following adoption of Commission's Third Generation Watershed Management Plan (SMS-10).	
~~SMS-10~~	~~Medium~~	~~Complete study on causes and solutions to address Loretto WWTF water quality/quantity impacts. Possible Responsible Parties: Loretto, Commission~~	~~$10,000 $30,000~~	~~$5,000~~	~~Loretto, General Fund~~					~~$5,000~~						~~for phosphorus monitoring~~ Study has been completed. Responsibility of cities to implement findings of study.	

TABLE V-3

~~STORMWATER MANAGEMENT~~ WATER RESOURCE STUDIES

Water Resources Studies						Proposed Expenses for Year											(For Comm. Ref.) Budget Line
No.	Priority	Project Description	Total Cost Estimate[1]	Estimated Cost to be Funded by Commission[1]	Potential Funding Sources[2]	~~2003~~	~~2004~~	~~2005~~	~~2006~~	~~2007~~	~~2008 – 2012~~	2011	2012	2013	2014	Comments	
~~SMS-11~~ SMS-4	Medium	Consider completing a functions and values assessment of the wetlands within the watershed if ~~directed to do so~~ requested by member communities (Commission may or may not undertake this activity). **Possible Responsible Parties: Commission and/or local community**	~~$240,000 (estimates $40,000 per city)~~	~~$60,000 (estimates Commission will fund 1/4 of cost)~~	~~Grant, local communities, general fund~~ Commission, local community				~~$30,000~~	~~$30,000~~						Consider as a goal of the Third Generation Watershed Management Plan (SMS-10).	
~~SMS-12~~ SMS-5	Medium	Update flood studies within the watershed. **Possible Responsible Parties: Commission, local communities**	~~$50,000 to $100,000~~	~~$50,000 to $100,000~~	Local communities, ~~general fund~~ Commission						~~$50,000 to $100,000~~					Commission will update per most current FEMA study, incorporate into Third Generation Management Plan (SMS-10).	
~~SMS-13~~ SMS-6	~~Medium~~ High	Develop model ordinance to address erosion caused by agricultural activities. **Possible Responsible Parties: Commission, local communities ~~HCD~~**	$5,000	$5,000	~~General fund~~ Commission, local communities			~~$5,000~~				$2,000				Also see SMS-2.	75
~~SMS-14~~ SMS-7	~~Low~~ Medium	Conduct infiltration study within watershed to determine feasibility and effectiveness of infiltration practices. **Possible Responsible Parties: Commission**	~~$10,000-$40,000~~	~~$10,000 to $40,000~~	~~Grant, general fund~~ Commission						~~$10,000 to $40,000~~					Consider as a goal of the Third Generation Watershed Management Plan (SMS-10).	
SMS-8	High	Complete Little Long Lake protection ~~project~~ plan. **Possible Responsible Parties: Minnetrista, ~~HCD~~, Commission, HCDES**	~~14000~~ $30,000	~~1500~~ $3,000	Minnetrista, DNR, ~~general fund, HCD, AMSWCD,~~ Commission, HCDES	~~$600~~	~~$900~~									Specific projects will be identified in Implementation Plan developed as a part of Watershed-wide TMDL (SMS-9) and scheduled in 2015 and beyond.	109
SMS-9	High	Undertake Watershed-wide TMDL study. Complete Implementation Plan. **Possible Responsible Parties: Commission, MPCA grant, TRPD in-kind**	$500,650	$316,400	Commission, MPCA grant, TRPD in-kind							$22,000	$88,500	$98,500	$107,400	Anticipated to begin in 2012-13. $22,000 encumbered in 2010.	101-103
SMS-10	High	Develop and adopt Third Generation Watershed Management Plan. **Possible Responsible Parties: Commission**	$77,500	$77,500	Commission							$15,000	$15,000	$7,500	$10,000	Development process will begin in 2012. $22,500 encumbered in 2009-2010.	119, 131
SMS-11	High	Conduct Feasibility Study to identify corrective actions at outlet of Lake Sarah. **Possible Responsible Parties: Greenfield, Independence, TRPD, Commission**	$10,000	$1,000	Greenfield, Independence, TRPD, Commission, DNR									$1,000			137
SMS-12	Medium	Conduct Feasibility Study to identify water quality improvements for Spurzem Lake. **Responsible Party: Three Rivers Park District**	$10,000	$0	Three Rivers Park District											Study will be undertaken by TRPD in 2012.	
SMS-13	High	Complete feasibility assessment to identify improvement strategies for Dance Hall Creek. **Responsible parties: Commission, lakeshed cities**	$15,000-20,000	$1,500/2,000	Commission, Corcoran, Loretto, Greenfield, Independence, Medina, MnDOT, DNR									$1,750			138

TABLE V-3

~~STORMWATER MANAGEMENT~~ WATER RESOURCE STUDIES

Water Resources Studies						Proposed Expenses for Year											(For Comm. Ref.) Budget Line
No.	Priority	Project Description	Total Cost Estimate[1]	Estimated Cost to be Funded by Commission[1]	Potential Funding Sources[2]	~~2003~~	~~2004~~	~~2005~~	~~2006~~	~~2007~~	~~2008 – 2012~~	2011	2012	2013	2014	Comments	
SMS-14	Very High	Undertake feasibility study to identify project(s) to restore/create control structure at Lake Independence outlet on Independence Road. **Responsible parties: Independence, Medina, Loretto, Commission , LICA**	$20,000	$2,000	Independence, Medina, Loretto, Commission, LICA								$2,000				146
SMS-15	High	In cooperation with the City of Independence, undertake a detailed assessment of livestock within the Lake Independence watershed in order to more effectively direct efforts in its Manure Management Cost Share Program. **Responsible parties: all lakeshed cities, LICA**	$10,000 annually	$1,000 annually	Independence, lakeshed cities, Commission, LICA										$1,000	Identified in Lake Independence TMDL Implementation Plan completed in 2007.	158
SMS-16	Medium	Conduct core sampling to determine status of bottom sediments and appropriate alum dosage to maintain long-term control level in Lake Sarah in order to reduce internal phosphorus load impairment. **Responsible parties: Commission, TRPD, Lake Associations, land owners**	$10,000	$1,000	Commission, TRPD, Lake Associations, land owners											Identified in Lake Sarah TMDL Implementation Plan completed in 2011. Will be conducted in 2015.	140
SMS-17	Very High	Conduct Lake Sarah lakeshed-wide assessment to identify highest priority areas for improvement, development of site-specific remedies and development of project-specific benefits and costs. Projects selected would reduce internal / external phosphorus loading to lake. **Responsible parties: lakeshed communities, TRPD, LSIA**	$12,000-15,000	$1,200-$1,500	Greenfield, Independence, Commission, LSIA, TRPD									$1,500		Identified in Lake Sarah TMDL Implementation Plan completed in 2011.	139
SMS-18	High	Conduct Feasibility Study to consider retention ponds on west side of Independence Road at Lindgren Lane and at the main creek inlets to Lake Independence at Koch's Creek and Mill's Creek. **Responsible parties: Independence, Commission, LICA**	$25,000	$2,500	Independence, Commission, LICA										$2,500	Identified in Lake Sarah TMDL Implementation Plan completed in 2011.	157
			~~385000~~ $736,150 to $744,150	~~$192,200 to $272,200~~ $423,100 to $423,900	~~TOTAL~~	~~$2,800~~	~~$9,400~~	~~$23,500~~	~~$43,000~~	~~$45,000~~	~~$70,000 to $150,000~~	$44,000	$107,500	$112,250	$120,900		

~~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.~~

TABLE V-4													
SUMMARY													
			Proposed Expenses for Year										
Improvements, Programs, and Studies	Totals[1]	Comm Share	2003	2004	2005	2006	2007	2008-2012	2011	2012	2013	2014	Comments
Totals for Capital Improvements:	~~$245,200 to $1,120,200~~ $4,105,000 to $4,205,000	~~$245,200 to $1,120,200~~ $244,000	~~$6,600~~	~~$9,000~~	~~$14,600~~	~~$40,000~~	~~$45,000~~	~~$130,000 to $1,005,000~~	$5,000	$8,000	$65,000	$63,000	
Totals for ~~Management~~ Water Resource Programs:	~~$537,400 to $687,400~~ $45,493 to $71,493	~~$537,400 to $687,400~~ $44,143 to $70,143	~~$23,700 to $43,700~~	~~$32,600 to $52,600~~	~~$42,950 to $62,950~~	~~$48,700 to $68,700~~	~~$53,450 to $73,450~~	~~$336,000 to $386,000~~	$39,140	$36,843	$39,900	$42,400	
Totals for ~~Management~~ Water Resource Studies:	~~385900~~ $736,150 to $744,150	~~$192,200 to $272,200~~ $423,100 to $423,900	~~$2,800~~	~~$9,400~~	~~$23,500~~	~~$43,000~~	~~$45,000~~	~~$70,000 to $150,000~~	$44,000	$107,500	$112,250	$120,900	
Grand Totals:	~~$974,800 to $2,079,800~~ $4,886,643 to $5,020,643	~~$974,800 to $2,079,800~~ $711,243 to $738,043	~~$32,500 to $52,500~~	~~$50,100 to $70,100~~	~~$81,050 to $101,050~~	~~$131,700 to $151,700~~	~~$143,450 to $163,450~~	~~$536,000 to $1,541,000~~	$88,140	$152,343	$217,150	$226,300	

~~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.~~

COMMITTEE RECOMMENDATIONS
Northern Water Planning Committee

1. Benton County Comprehensive Local Water Management Plan Update – ***DECISIONITEM***

2. Hubbard County Local Water Planning Extension Request – ***DECISION ITEM***

3. City of Sauk Rapids Comprehensive Wetland Protection and Management Plan – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Benton County CLWMP 5 Year Update

Meeting Date: January 25, 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 Update of the Benton County Comprehensive Local Water Management Plan

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
On August 28th, 2008, the Board of Water and Soil Resources approved the Benton County Comprehensive Local Water Management Plan with a date range from 2008 to 2018. The Board required a five year update of the plan by 2013.

The County passed a resolution to amend the plan on April 5th, 2011 and submitted the updated plan to the Brainerd field office on October 27th, 2011. As part of the submission, the Benton 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 will be presented to the Northern Water Planning Committee on January 19th, 2012. As the plan update met state statutes and is non-controversial, the Committee is expected to recommend forwarding the plan to the full board for approval.

This item a draft item that is contingent upon the Committee's final recommendation.

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the **Benton** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on **October 27, 2011** pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On **August 28, 2008**, the Board of Water and Soil Resources approved the Benton County Comprehensive Local Water Management Plan from 2008 to 2018 with a requirement for an update by 2013.

2) On **April 5, 2011,** the Benton County Commissioners passed a resolution to begin the Five Year Update of their Comprehensive Local Water Management Plan.

3) The priority concerns of the local water management plan remained the same and include:

   A) Feedlot and Nutrient Management
   B) Development
   C) Groundwater Quality and Quantity

4) On **October 27, 2011,** the BWSR received the **Benton** County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On **January 19, 2012,** the Northern Water Planning Committee of the board reviewed the recommendations of the state review agencies regarding the five year update of the **Benton** County Plan Update .

6) This update will be in effect until **August, 2018.**

CONCLUSIONS

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

2. The **Benton** 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 five year amendment of the **Benton** Local Water Management Plan **August 1, 2008 to July 31, 2018.**

Dated at **St. Paul,** Minnesota, this **twenty fifth day of January, 2012.**

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Brian Napstad, Chair

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Hubbard County Water Plan Extension □

Meeting Date: January 25, 2012

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region:
Contact:
Prepared by: Dan Steward
Reviewed by: Northern Water Planning Committee(s)
Presented by: Quentin Fairbanks

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

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

Fiscal/Policy Impact

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

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

ACTION REQUESTED
Decision

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
On January 24, 2007 the Minnesota Board of Water and Soil Resources (Board) approved the Hubbard County Comprehensive Local Water Management Plan (Plan). The Plan expires on January 24, 2012. Hubbard SWCD's local water plan coordinator position was vacant this fall. The county is requesting a two year extension while the county completes the update. The Northern Water Planning Committee will meet and review the request on January 19, 2012.

Minnesota Board of Water and Soil Resources

St. Paul, Minnesota 55155

In the Matter of Extending the Comprehensive Local Water Plan For Hubbard County (1995 Minnesota Session Law, Chapter 184, Section 24, authorizing BWSR to grant extensions).

Whereas Hubbard County has a state approved Comprehensive Local Water Plan that is effective until January 24, 2012, pursuant to Minnesota Statute 1990, Section 103B.301, and

Whereas, the Hubbard County Board of Commissioners passed a resolution requesting an extension for the Comprehensive Local Water Plan to the Board of Water and Soil Resources (BWSR) on October 5, 2011, pursuant to Minnesota Session Law 1995, Chapter 184, and

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

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

FINDINGS OF FACT

1. On October 13, 2011 the Board of Water and Soil Resources received a resolution from Hubbard County requesting a two-year extension of their Comprehensive Local Water Plan to January 24, 2014.

2. On December 8, 2011, Board of Water and Soil Resources staff reviewed and recommended approval of the extension request by Hubbard County.

3. On January 19, 2012, the Northern Water Planning Committee met and reviewed the Hubbard County request for an extension. The Committee recommended approval of the request.

CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board of Water and Soil Resources has proper jurisdiction in the matter of extending the Comprehensive Local Water Plan of Hubbard County pursuant to Minnesota Session Law 1995, Chapter 184, Section 24.

ORDER

The Board of Water and Soil Resources hereby approves the two-year extension of the Hubbard County Comprehensive Water Plan until January 24, 2014. Dated at St. Paul, Minnesota, this 25th day of January, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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Brian Napstad, Chair
January 25, 2012

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **City of Sauk Rapids Comprehensive Wetland Management Plan**

Meeting Date: January 25, 2012
Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: Metro Region
Contact: Dale Krystosek or Keith Grow
Prepared by: Dale Krystosek and Keith Grow
Reviewed by: North Region Water Plan Committee(s)
Presented by: Dale Krystosek & Keith Grow

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 Comprehensive Wetland Protection and Management Plan for the City of Sauk Rapids.

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

The Comprehensive Wetland Protection and Management Plan (CWPMP) for the City of Sauk Rapids has been developed to provide the City with additional information regarding its wetland resources and to develop policies related to wetland management. The CWPMP was created to complement and be used in conjunction with the City's Natural Resource Inventory(NRI) and to provide guidance and support to the City's Comprehensive Land Use Plan. The plan was also created to provide flexibility and control over wetland management and protection, identifing potential wetland restoration areas, regional wetland mitigation sites and providing management strategies for different types of wetlands. The approach taken addresses landuse management in the context of wetland functions and values. It will provide for an ecological balanced between wetland protection/management and the future growth and development within the City, by providing a framework of guiding where wetland impacts, replacement, and restoration may occur.

On January 19, 2012, the Northern Water Planning Committee will meet with representatives from the City of Sauk Rapids and BWSR staff to discuss the merits of the plan. The draft Order of the Plan is attached.

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

In the Matter of the review of the Comprehensive Wetland Management Plan for the **City of Sauk Rapids,** pursuant to Minnesota Statues Section 103G.2242, Subdivision 1 (c)

ORDER APPROVING COMPREHENSIVE WETLAND PROTECTION AND MANAGEMENT PLAN

Whereas, the City of Sauk Rapids submitted a Comprehensive Wetland Protection and Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103G.2242, Subd. 1 (c), and;

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

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

FINDINGS OF FACT

1. **Authority to Plan.** Minnesota Statutes Section 103G.2242, Subd. 1 (c), 103G.2243 and Minnesota Rules Chapter 8420.0830 allow the Board to approve a Comprehensive Wetland Protection and Management Plan developed by a local government unit, provided it is implemented through the local government unit's official controls.

   The purpose of the Comprehensive Wetland Protection and Management Plan (CWPMP) is to provide the City of Sauk Rapids with additional information in regard to its wetland resources and to develop policies related to wetland management using a watershed approach. The CWPMP was created to complement and be used with the City's Natural Resource Inventory (NRI), to provide guidance and support to the City's Comprehensive Land Use Plan. This watershed approach to land use planning will provide for the protection and management of wetlands within the City and concurrently support the growth and development that the City continues to experience. The CWPMP provides flexibility and control over wetland management and protection, identifies potential wetland restoration areas, identifies regional wetland mitigation sites and provides management strategies for different types of wetlands. This framework will integrate wetland management and protection with growth and development within the city.

   Wetland values have proven to be important to the local community as such, public involvement was incorporated into the development of the CWPWP through as series of open meetings and a public hearing. In addition to the regulatory agencies, these meetings offered the community an opportunity to provide input to the process and share local insight into the function and values that wetlands provide within the City as well as the surrounding Townships.

2. **Nature of the Plan Area.**

The City of Sauk Rapids is approximately 4000 acres in size. It is located in Benton County and is uniquely situated on long the east bank of the Mississippi River. Its neighbors to the south and west, across the river, are the cities of St. Cloud and Sartell. The Sauk Rapids plan area contains a series of lakes, rivers, ditches and adjacent wetlands. Surface and groundwater flow is to the south eventually working its way through the Anoka Sand plain to the Mississippi River. Based on the existing land use maps the core of the city is comprised primarily of residential, commercial, industrial and public land uses with increasing residential development patterns and vacant/agricultural lands being located in the growth areas. The recently completed wetland inventory encompassing a 14,151 acre project area indicated there are 160 wetlands totaling 2550 acres.

3. **Plan Review.** In accordance with 8420.0830, Subp.6, A-C, the plan was developed, reviewed, and revised in consultation with the U.S. Army Corps of Engineers, the Department of Natural Resources, the Pollution Control Agency, the Board of Water and Soil Resources, the technical evaluation panel (TEP), which includes representation from Benton County, Benton Soil and Water Conservation District, the Department of Natural Resources and the Board of Water and Soil Resources. Local citizens and other Local Government Units were also invited to participate. The plan development process included numerous drafts and opportunities for comment. A draft copy was sent to the Department of Agriculture. They chose not comment. The Plan has provided an attached Ordinance that will be officially adopted by the City of Sauk Rapids to implement the Plan.

4. **Highlights of the Plan.** The critical elements of the Plan include:

The plan assessed the 160 wetlands within the defined project area utilizing the Minnesota Routine Assessment Methodology (MnRAM). This method incorporates objective and categorical information collected on wetlands to evaluate overall wetland health, vulnerability and social value. The MnRAM assessment also identified wetlands that have the potential for hydrologic restoration. These wetlands are generally characterized as being effectively or partially drained through artificial hydrologic modifications. Potential wetland mitigation areas were identified based on landscape characteristics, adjacent land use, proximity to wetlands and source of hydrology. Based on the results of MnRAM wetland function and values four different management categories and corresponding replacement ratios were established. These categories in descending order of priority included Preserve, Manage 1, Manage 2, and Manage 3. The assigned ratios of replacement vary from 6:1 in the Preserve category to 1:1 in those areas designated as Manage 3.

5. **Plan review and approval**

The draft plan was submitted to the BWSR, other state agencies and local governments on March 10, 2011. The agency comments were addressed in writing on July 1, 2011. A public hearing was held on July 11, 2011. On October 6, 2011, a final draft, ordinance and all required documentation was submitted to the Board. On November 23, 2011, an extension for review and approval was granted to the BWSR, by the City of Sauk Rapid until February 29, 2012, to accommodate the Army Corps of Engineers public notification process. Based on the comments received, several changes were made to the plan and ordinance by the City of Sauk Rapids. Both the final plan and ordinance were recommended for approval on January 19, 2012, to be approved by the BWSR on January 25, 2012.

North Region Water Plan Committee Meeting.

The Board's North Region Water Plan Committee met on January 19, 2012 with City representative Todd Schultz, Community Development Director and Jed Chesnut, Wetland/Natural Resource Specialist, WSB & Associates to review and discuss the Plan. Those in attendance from the Board's Committee were Chair Quentin Fairbanks, Paul Brutlag, Lori Dowling, Keith Mykleseth, Brian Napstad, Rob Sip, Gene Tiedemann. The Board staff in attendance was North Region Supervisor Ron Shelito, Senior Wetland Specialist, Dale Krystosek and Wetland Specialist, Keith Grow. Staff recommended approval of the Plan. After discussion, the Committee unanimously voted to recommend approval of the Plan to the full Board.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving a Comprehensive Wetland Protection and Management Plan and Ordinance for the City of Sauk Rapids pursuant to Minnesota Statutes Section 103G.2242, Subd. 1(c).

3. The City of Sauk Rapids' Comprehensive Wetland Protection and Management Plan and Ordinance is attached to this Order provides a functional assessment framework for all wetlands within the City of Sauk Rapids, management strategies based on this assessment, and an implementation program.

4. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103G.221 to 103G.2373 and Minnesota Rules Chapter 8420.

ORDER

The Board hereby approves the attached Comprehensive Wetland Protection and Management Plan, dated October 6, 2011, for the City of Sauk Rapids, Benton County, Minnesota.

Dated at Saint Paul, Minnesota this 25th day of January, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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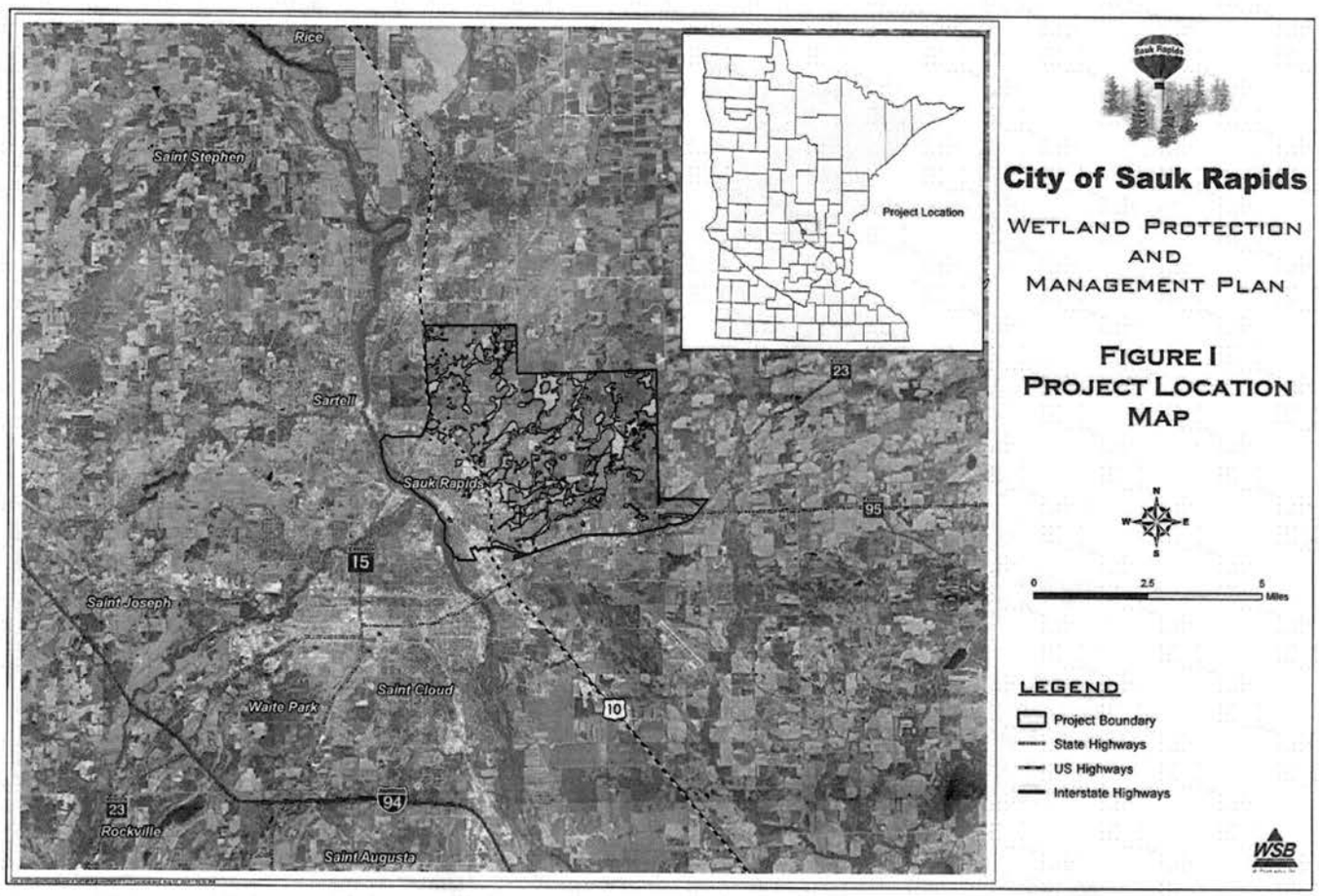
BY: Brian Napstad, Chair

Minnesota Board of Water and Soil Resources
January 19, 2012 Northern Water Planning Committee Meeting

CITY OF SAUK RAPIDS COMPREHENSIVE WETLAND PROTECTION AND MANAGEMENT PLAN OVERVIEW

Purpose

Minnesota Statutes Section 103G.2242, Subd. 1c and Minnesota Rules Chapter 8420.0830 allow the Board to approve a Comprehensive Wetland Protection and Management Plan (CWPMP) developed by a local government unit, provided it is implemented by a local government unit, provided it is implemented through the local government unit's official controls. The CWPMP identifies the importance of wetlands through a functional assessment and the role they play in the community. The plan also provides a management strategy to assist the city in their city-wide planning efforts as they seek to balance wetland protection and management with future growth and development.

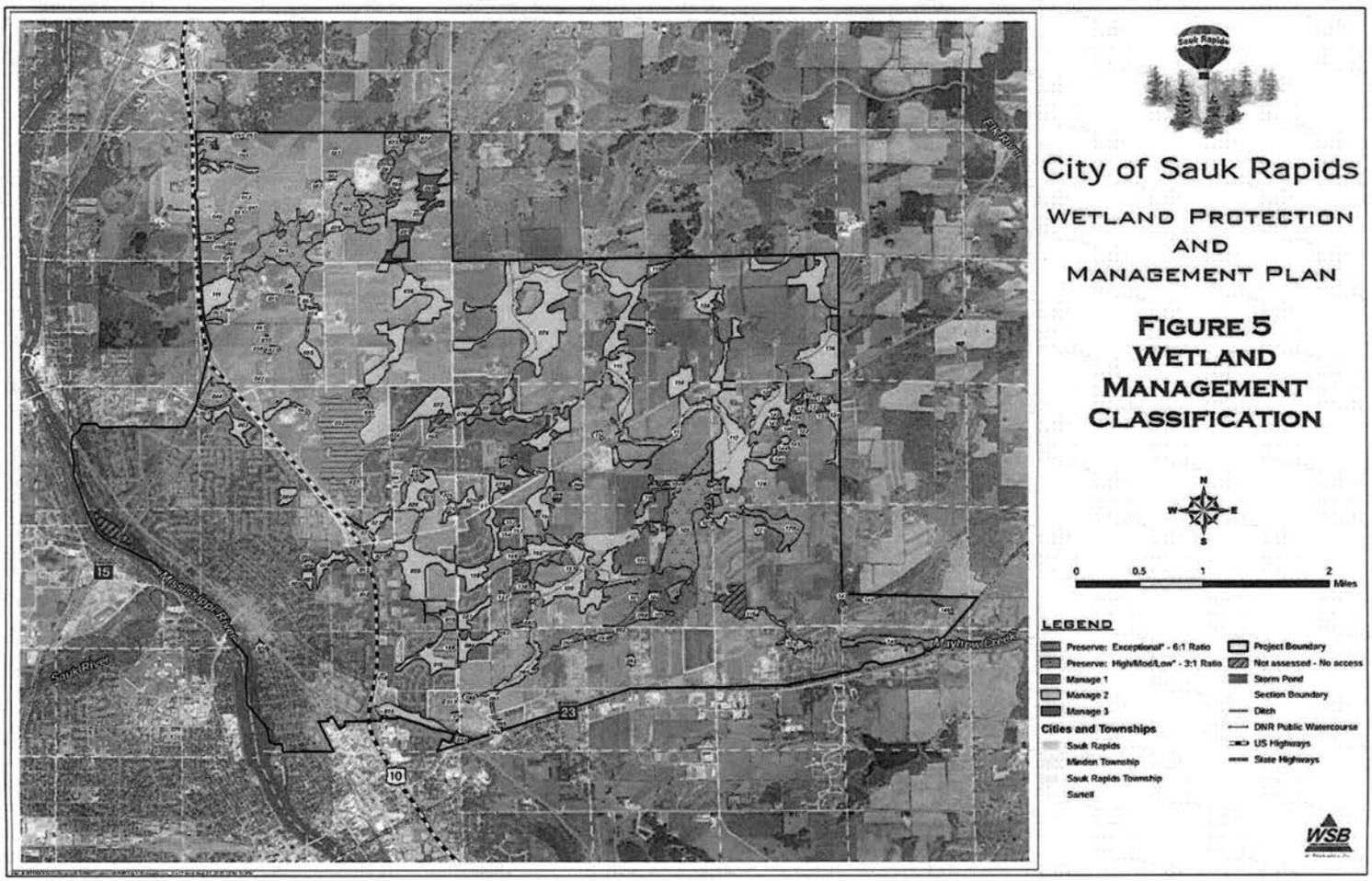


The stated objectives and allowable flexibility of the CWPMP will allow the City to:

- Identify, evaluate, classify and create an inventory of wetlands within the City.
- Identify wetland functions and resources important to the City.
- Identify existing storm water ponds.
- Identify potential wetland restoration and mitigation sites.
- Establish wetland replacement ratios based on management categories and strategies.
- Manage wetland resources.
- Develop and integrate a long-term wetland management strategy with future development and other land use activities.

- Provide technical information and baseline data regarding the functions and values of wetland within the City.
- Incorporate the existing Natural Resource Inventory (NRI) in the classification and assessment of the wetlands.
- Provide advance information for developers and the City about the quality of wetlands within the site.
- Achieve no net loss in the quantity and quality of Sauk Rapids' wetlands
- Enact policies that will encourage preservation and enhancement of high quality wetlands while streamlining utilization of lower quality wetlands
- Create a detailed GIS database about the wetlands that can be used by City Staff and residents.
- Manage wetland resources through the prioritization of existing wetland for restoration and the strategic selection of replacement sites;
- Reduce flooding and flood damage;
- Improve downstream water quality by maintaining or reducing nutrient and sediment loads downstream;
- Enhance wildlife habitat and ecological integrity.

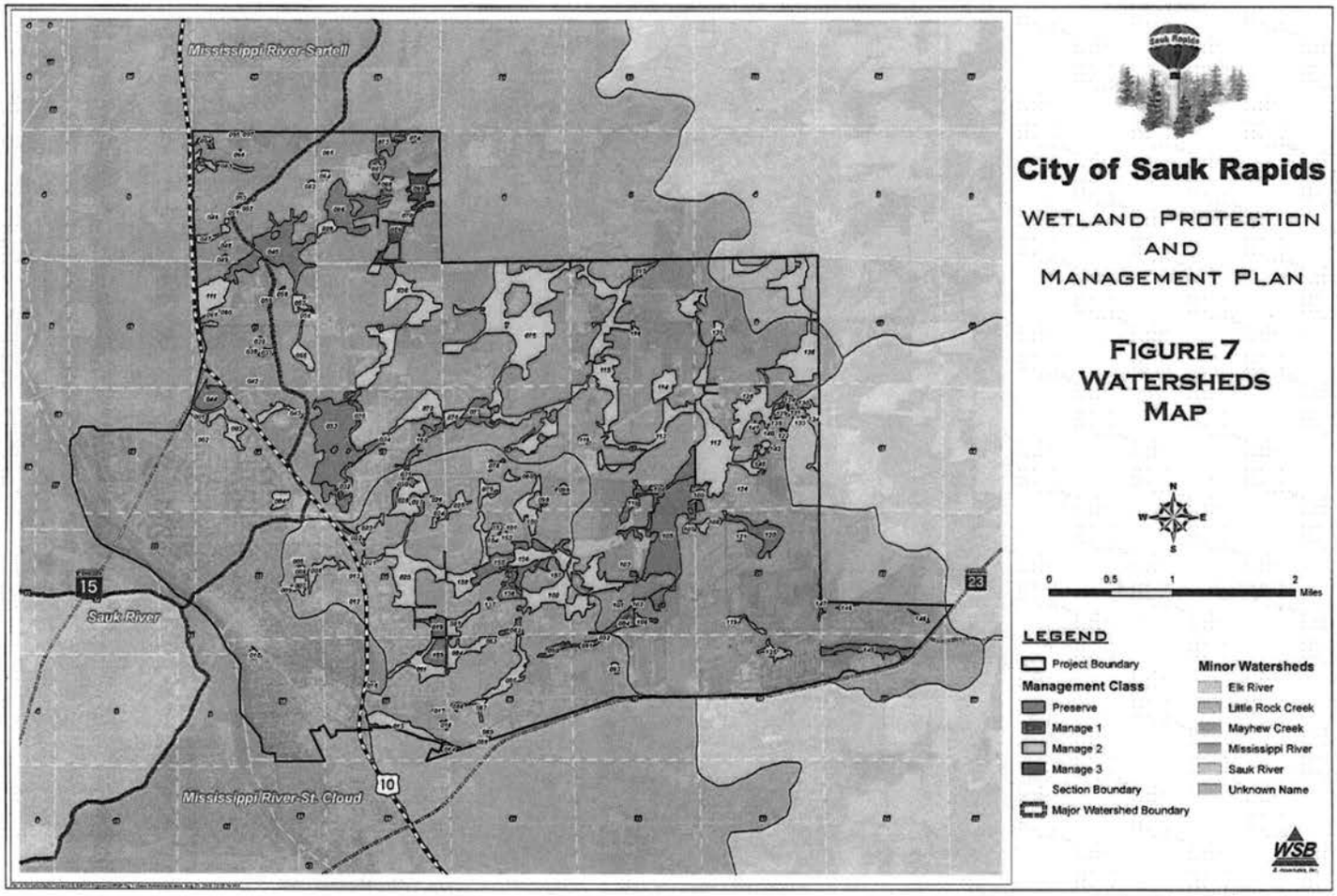
This plan was prepared to integrate the concepts of wetland management and protection with the needs and goals of the City of Sauk Rapids as it relates to the current development and land use trends within the region.



Nature of the Landscape

The City of Sauk Rapids is approximately 4,000 acres in size. It is located in Benton County and is uniquely situated on along the east bank of the Mississippi River. Its neighbors to the south and west, across the river, are the City of St. Cloud and the City of Sartell. The Sauk Rapids plan area contains a series of lakes, rivers, ditches

and adjacent wetlands. The surface and groundwater flow is to the south eventually working its way through the Anoka Sand Plain to the Mississippi River. Based on the existing land use maps the core of the city is comprised primarily of residential, commercial, industrial and public land uses with increasing residential development patterns and vacant/agricultural being located in the growth areas. A recently completed inventory indicated there are 160 wetlands totaling 2550 acres over the 14,151 acre project area.



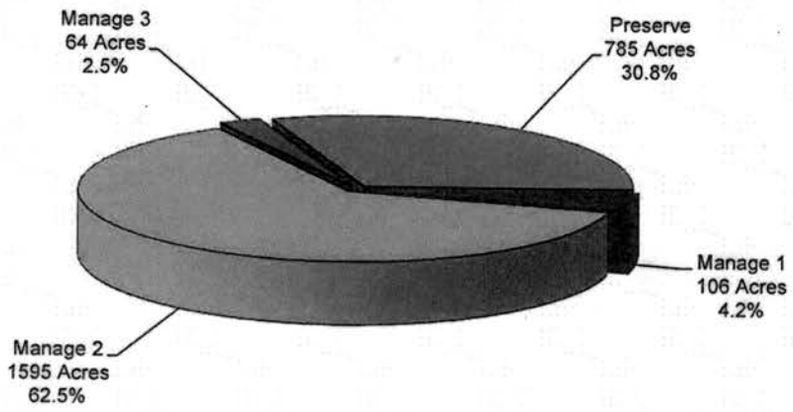
Plan Review

In accordance with 8420.0830, Subp.6, A-C, the plan was developed, reviewed and revised in consultation with the U.S. Army Corps of Engineers, Department of Natural Resources, The Pollution Control Agency, The Board of Water and Soil Resources, the Technical Evaluation Panel (TEP), which includes representation from Benton County, the Benton Soil and Water Conservation District and the Board of Water and Soil Resources – Bemidji/Brainerd). Local citizens and surrounding local units of government were also asked to participate. The plan development process included numerous drafts and opportunities for comment. As required in rule a draft was submitted to the Minnesota Department of Agriculture. They chose not to comment. The plan has an attached Ordinance that will be officially adopted by the City of Sauk Rapids in order to implement the plan.

The Status of Wetlands & Key elements of the plan

This CWPMP assessed the 160 wetlands within the project area utilizing the Minnesota Routine Assessment Methodology (MnRAM). This methodology incorporates objective and categorical information collected on wetlands to evaluate overall wetland health, vulnerability and social value. The technical analyses associated with the CWPMP show that wetland quality within the Plan area varies considerably, ranging from pockets of high quality, non-degraded wetland, to degraded wetlands that have been bisected by various private and public drainage systems, development and agriculture. Land available for development is limited and wetland management polices and rules which consider this are of great value to the City of Sauk Rapids.

Graph 1 - MnRAM Results



The MnRAM assessment also identified wetlands that have the potential for hydrologic restoration. These wetlands are generally characterized as being effectively or partially drained through artificial hydrologic modifications. Potential wetland mitigation areas were identified based on landscape characteristics, adjacent land use, proximity to wetlands and source of hydrology. Based on the results of MnRAM wetland functions and values and the rule requirement to meet the no-net loss of wetlands four different management categories were developed. These categories are as follows:

- **Preservation:** Wetland placed in this category generally provided high functions for vegetative diversity with some functions for water quality protection and flood attenuation. There are approximately 785 acres in this category as reflected in the MnRAM study.
    - ***The replacement ratio for wetland impacts occurring in these areas:***
        - ***a. Exceptional – (6:1)***
        - ***b. High/Moderate/Low (3:1)***

- **Manage 1:** Wetlands placed in this category generally provided high functions for vegetative diversity with some functions for water quality protection and flood attenuation. There are approximately 106 acres in this category.
    - ***The replacement ratio for wetland impacts occurring in these areas: 2.5:1***

- **Manage 2:** Wetlands placed in this category generally provided some functions for vegetative diversity with high function for water quality protection and flood attenuation. There are approximately 1595 acres in this category.
    - ***The replacement ratio for wetland impacts occurring in these areas: 2:1.***

- **Manage 3:** Wetlands placed in this category generally provided the highest functions for water quality protection and flood attenuation. Many of these wetlands serve storm water storage and treatment functions. There are approximately 67 acres in this category.
    - ***The replacement ratio for wetland impacts occurring in these areas: 1:1***

Under this CWPMP, the City may allow in-lieu fees for the increase replacement ratios beyond the 2:1 required replacement. These fees will be held in City Escrow accounts and will be used for projects that enhance or protect the natural resources within the City. This option will be exercised at the City's discretion.

Table V-1 summarizes the wetland management strategies for each management category.

Classification	Mitigation Requirements	Sequencing	Management Strategy
Preserve	Replacement ratios vary as described above: Exceptional* = 6:1 High/Mod/Low* = 3:1	Impacts allowed only under extreme hardship. Sequencing in conformance with WCA.	Actively protect and preserve functions and values of wetlands to the maximum extent feasible. Avoid impacts and changes to hydrology to greatest extent feasible.
Manage 1	Replacement at a 2.5:1 ratio	Sequencing in conformance with WCA.	Maintain existing functions and values.
Manage 2	Replacement at a 2:1 ratio	Sequencing in conformance with WCA.	Maintain existing functions and values, restore where applicable.
Manage 3	Replacement at a 1:1 ratio	Sequencing flexibility may be applied to proposed impacts to Manage 3 wetlands. Sequencing information is outlined in **Appendix E.**	Use for stormwater management, restore where applicable.

* Weighted average wetland rating for vegetative diversity/integrity as calculated by the MnRAM analysis

Plan Review and Approval

The draft Plan was submitted to BWSR, other state agencies, and local governments on March 10, 2011. The agency comments were addressed in writing on July 1, 2011. A public hearing was held on July 11, 2011. On October 6, 2011, a final draft, ordinance and all required documentation was submitted to the BWSR. On November 23, 2011, an extension for review and approval was granted to the BWSR by the City of Sauk Rapids until February 29, 2012, to accommodate the Army Corps of Engineers public notification process. Based on the comments received several changes were made to the plan and ordinance by the City of Sauk Rapids. Both final plan and ordinance were recommended for approval on 19, 2012, to be approved by the BWSR on January 25, 2012.

Agency Comments and Response

The City of Sauk Rapids received and responded in writing to Thirty-five comments. The following are a representation of those comments:

BWSR Comments

1. **The plan should be coordinated with the U.S. Army Corps of Engineers to ensure that the plan is consistent with Section 404 of the Clean Water Act.**

Response:

a. The Corps has been invited to attend all agency meetings and has been sent all correspondence in concluding a Draft Plan as per Minnesota Rule 8420.0830, Subp. 6, D.

b. The Corps has indicated in email correspondence that the final draft will be reviewed and posted for a 30 day public comment period. No public comments were received.

2. **Assuming the role of a Local Unit of Government (LGU) – Each LGU must send written acknowledgement, including a copy of the adopting resolution to the Board of Water and Soil Resources (BWSR, as per 8420.0200, Subp. 2, Item A).**

Response:

a. Written acknowledgement including a copy of the adopting resolution will be sent by the City of Sauk Rapids to the BWSR upon official adoption of the Plan and Ordinance by the Sauk Rapids City Council.

3. **The plan should specify how the City of Sauk Rapids will comply with Minnesota Rules 8420.0220, Subp. 2, B., which states," A local government unit must provide knowledgeable and trained staff with expertise in water resource management to manage the program or secure a qualified delegate.**

Response:

a. The City will meet this requirement by providing its own trained and knowledgeable staff, or retaining a trained and knowledgeable wetland consultant.

4. **The plan should further detail the role of the Technical Evaluation Panel (TEP), including the utilization of additional expertise as needed.**

Response:

a. The TEP's role under this Plan will follow the procedures outlined in Minnesota Rule 8420.0240, as amended. In such instances where additional expertise is required by the City of Sauk Rapids or the TEP, either the City or the TEP may seek advice and assistance from others with the require knowledge and expertise to provide guidance and recommendations.

5. **8420.0117, Subp. I, classifies, Benton County as a county which has 50% to 80% of its pre-settlement wetlands remaining. A 2:1 replacement ratio is required. If the scheduled three-year review shows a ratio deficit, how will the City make up the loss in wetlands?**

Response:

a. If, upon review at the 3-year internal review, the City's net quantity of wetlands is less than the 2:1 ratio, the City will implement a strategy whereby the reduced mitigation ratio will be changed to account for the deficit. The 1st 3-year internal review will be in consultation with the TEP and in consideration of the TEP's recommendation. Language has been added to the plan to address this comment.

Department of Natural Resources comments:

1. **The Sauk Rapids Conservation Overlay District data set should be considered along with MnRAM in the classifications of wetlands. The overlay district represents not only wetland characteristics but community and natural resource values.**

Response:

a. The city considers the Conservation Overlay District on a case by case basis when reviewing land-use applications. Therefore it wasn't directly applied to the Plan project area during the MnRAM analysis. Additionally, the MnRAM does not specifically address overlay districts when performing the functional assessment.

2. **Section V, B., Page 13, 1. Wetland Mitigation and Sequencing Preserve. Add language that will define "extreme hardship". Add language that protects the watershed of Preservation wetlands to minimize off site impacts to water delivery that would impact the functions and values of the wetland basin.**

Response:

a. Applications will be reviewed and decided upon on a case by case basis. Extreme hardship will be determined by the City which will rely on its variance standards as defined in Section 10 of the City

Code to determine extreme hardship. Language was added to the Plan and Ordinance t incorporate this approach.

b. The Plan has been designated to meet the requirements of the WCA on a watershed level. Additional restrictions to offsite areas and related impacts are beyond the intent of the City's plan.

Minnesota Pollution Control Agency

1. **I reviewed the document and I do not have any specific comments. I do however have some general comments. I am pleased to see that the City of Sauk Rapids is taking a proactive approach in managing their wetland resources. It looks like this plan was well thought out. This effort to manage these wetland resources will compliment the State's water quality programs as well. We are currently involved in a Major Watershed Restoration and Protection Project for the Mississippi River-St. Cloud watershed project, which includes the City of Sauk Rapids. There will be future opportunities for the City to participate.**

U.S. Army Corps of Engineers comments – St. Paul Staff

1. **Section 404 Consistency of the CWPMP**
   a. **The CWPMP includes a wetland inventory and preliminary assessment of aquatic resources in the study area, to aid in watershed-based management.**
   b. **The CWPMP identifies, on a landscape level, a network of waterways, wetlands and adjacent uplands for preservation, restoration and/or establishment.**
   c. **The CWPMP includes compensatory wetland mitigation guidelines based upon wetland impact type, location and the degree of wetland resources degradation that are applicable to projects permitted within the study area. Mitigation as outlined in the Plan will be maintained at a 2:1 compensation ratio.**
   d. **A site review and a wetland delineation in conformance with the U.S. Army Corps of Engineers Wetland Delineation Manual (January 1987) and applicable Supplements, as amended and updated will be required as part of the application for any potential wetland impact or development activity.**

Benton County comments

1. **Subp. 8 Item (A) Enforcement, suggest adding additional verbiage discussing that in the instance where this ordinance if more restrictive than WCA then city enforcement procedures shall be followed.(Reason my understanding is that Wetland Enforcement Officers and Conservation Officers cannot enforce local wetland ordinances where they are more restrictive than WCA.**

Response:

a. City enforcement procedures shall be followed where the Plan is more restrictive than the WCA. Language has been added to the ordinance to clarify this.

2. ***Page 13 – Allow cash payment in lieu of replacement above 1:1 at city discretion. I would suggest adding with TEP concurrence.***

Response:

a. The cast payment in lieu of replacement is for the increased ratio above the required 2:1. The City maintains this option at its discretion. No changes were made to the plan.

b. Under this CWPMP, the city may allow in-lieu fees for the increase replacement ratios beyond the 2:1 required replacement. These fees will be held in City Escrow accounts and will be used for project that enhance or protect the natural resources within the City. This option will be exercised at the City's discretion.

Staff Recommendation

BWSR Senior Wetland Specialist Dale Krystosek and Wetland Specialist Keith Grow recommend approval of the City of Sauk Rapids Comprehensive Wetland Protection and Management Plan.

Minnesota Board of Water & Soil Resources

DATE: January 17, 2012

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

FROM: John Jaschke, Executive Director

SUBJECT: BWSR Board Meeting Notice – January 25, 2012

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, January 25, 2012, beginning at 9:00 a.m. The meeting will be held in the lower level Board Room at 520 Lafayette Road N., St. Paul. Parking is available in the lot directly in front of the building (see hooded parking area).

The following information pertains to agenda items:

COMMITTEE MEETINGS

Metro Water Planning Committee

1. **Pioneer-Sarah Creek WMO Plan Amendment -** An Amendment to the Pioneer-Sarah Creek WMO Watershed Management Plan was filed with the Board on November 28, 2011. 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 per the attached draft Order. ***DECISION ITEM***

2. **Rice Creek Watershed District Watershed Plan Amendment** - The Rice Creek Watershed District (District), located in the northeast portion of the Metropolitan Area, was established in 1972 by the Minnesota Water Resources Board. The District Board consists of two representatives each from Anoka and Ramsey counties and one representative from Washington County. The mission of the District is to prevent flooding and enhance water quality in harmony with development for the common good. The Plan Amendment establishes watershed management districts for drainage systems ACD 10-22-32, ACD 31/46, and ACD 53-62. These water management districts provide the framework for an equitable method to generate revenues for funding a portion of the repair projects from the properties benefiting from or contributing to the need for repair projects. The Metro Water Planning Committee recommends approval of the plan amendment per the attached draft Order. ***DECISION ITEM***

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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Northern Water Planning Committee

1. **Benton County Five Year Plan Update** - On August 28th, 2008, the Board of Water and Soil Resources approved Benton County's Comprehensive Local Water Management Plan for a ten year period from 2008-2018 with a required amendment by August 2013. On April 15th, 2011, the County passed a resolution to begin the amendment process. The amended plan was submitted to the Brainerd field office on October 27th, 2011. The Northern Water Planning Committee will be meeting on January 19th to review the plan amendment and make a recommendation on the update through July 31st, 2018. ***DECISION ITEM***

2. **Hubbard County Water Management Plan Extension** - Hubbard County submitted a resolution requesting a two year extension of their county water plan on October 13, 2011. The Hubbard County Local Water Management Plan would expire on January 24, 2012. The Northern Water Planning Committee will meet on January 19th to review the Hubbard County extension request and make a recommendation to the full Board on January 25th. ***DECISION ITEM***

3. **City of Sauk Rapids Comprehensive Wetland Protection and Management Plan** - On July 27, 2009, the Sauk Rapids City Council moved to develop a Comprehensive Wetland Protection and Management Plan (CWPMP). The draft CWPMP was submitted to the BWSR, other state agencies and local governmental units on March 10, 2011. The agency comments were addressed in writing on July 1, 2011. A public hearing was held on July 11, 2011. On October 6, 2011, a final draft plan, ordinance and all required documentation was submitted to the Board. On November 23, 2011, an extension was granted until February 29, 2012, to accommodate the Army Corps of Engineers public notification process. Based on the comments received, several changes were made to the plan and ordinance by the City of Sauk Rapids. On January 19, 2012, The Board's Northern Water Planning Committee meets with City representatives and BWSR staff. Based upon review and a recommendation of approval by BWSR staff, the Committee will present their recommendation of the Plan to the full Board. ***DECISION ITEM***

4. **Sand Hill River Watershed District Water Management Plan** - Pending recommendation of the Northern Water Planning Committee (Committee) after the January 19th committee meeting, the Sand Hill River Watershed District is seeking approval of the District's revised Water Management Plan. The Plan identifies quantifiable desired future conditions related to flood damage reduction and natural resource enhancement for the four planning region of the District, establishes these planning regions as Water Management Districts, and identifies by planning region the actions needed to accomplish the District's goals. The Plan meets the requirements of 103D.405, follows the guidelines provided by the Board of Water and Soil Resources, and upholds the intent of the "Red River Basin Flood Damage Reduction Work Group Agreement of December 9, 1998". ***DECISION ITEM***

5. **Marshall County Amendment of Local Water Management Plan** - By Board Order, the Board of Water and Soil Resources (Board) approved the Marshall County Comprehensive Local Water Management Plan (Plan) on December 20, 2006. This plan covers the ten-year period of 2007-2015 and contained a 2007-2011 five-year implementation section. The Board Order stipulated that the County was required to revise/update the implementation section for the period 2012-2015. Following the guidelines established by the Board, Marshall County has completed the local water management plan amendment process and submitted their 2012 Amendment, which is for a four-year period of 2012-2015. The Board's Northern Water Planning Committee (Committee) will meet on January19, 2012 to review

the Marshall County Plan 2012 Amendment. The Committee's recommendation will be presented at the January 25th Board meeting. ***DECISION ITEM***

6. **Red Lake Watershed District Territory Withdrawal** - Beltrami County has submitted a petition "Withdrawal of Certain Territories within The Red Lake Watershed District" which petitions the withdrawal of approximately 2,200 acres in Beltrami and Itasca counties from the Red Lake Watershed District. Reasoning is that this territory actually drains into the Mississippi River Basin not the Red River of the North via the Red Lake River of the North which is in the jurisdictional boundary of the Red Lake Watershed District. ***DECISION ITEM***

7. **Cormorant Lakes Watershed District (District) Watershed Management Plan** – The District was established on August 22, 1966 by the Water Resources Board. The last plan was adopted in 1999 and this is a required ten year revision of the plan. The mission of the CLWD is to protect and enhance the quality of waters within its jurisdiction; to ensure that appropriate decisions are made concerning the management of streams, wetlands, lakes, groundwater, and related land resources which impact these waters; and to accomplish the purposes for which a watershed district is established. The Plan identifies eight major goals that relate to: Maintain or Improve Surface Water Quality, Groundwater Resources, Erosion and Sedimentation, Prevention and Management of Aquatic Invasive Species, Damage from High Water, Maintain Channels and Water Flow, Habitat Improvement and Education. The Northern Water Planning Committee's recommendation will be presented to the full Board on January 25th. ***DECISION ITEM***

8. **Buffalo Red River Watershed District Enlargement and Increase in Number of District Managers Order for Hearing** - On January 4, 2012, BWSR received a joint petition from the Buffalo Red River Watershed District (BRRWD), Otter Tail County and Wilkin County to enlarge the Buffalo Red River Watershed District and increase the number of watershed district managers by two. This is the same area Wilkin County petitioned to establish the Upper Red Lower Otter Tail Watershed District. At the September 7, 2011 establishment hearing Otter Tail County suggested enlarging the BRRWD as an alternative to establishing a new watershed district. Wilkin County agreed to have their establishment petition held in abeyance to allow time for Wilkin and Otter Tail Counties and the BRRWD to further explore Otter Tail County's suggestion. The Northern Water Planning Committee meets January 19th to review and determine recommendation. ***DECISION ITEM***

Public Relations, Outreach & Strategic Planning Committee

1. **2012 PRAP Report to the Legislature** - The annual PRAP Report to the Legislature is required by statute as a summary of local government performance in water management. This is the 5th such report. Each year at the January meeting the Board is given the opportunity to approve this report before it is sent to the legislature by the February 1 deadline. This year the PROSP Committee has primary responsibility for the report and will be meeting on the evening before the board meeting to act on a recommendation to the full board regarding this report and resolution. ***DECISION ITEM***

2. **BWSR 2012 Strategic Plan Update** - The Public Relations, Outreach and Strategic Planning Committee of the Board has been working on updating the BWSR 2007 Strategic Plan for two years. This 2012 Update of the Plan is the culmination of that work. Preliminary steps to this Board action have been the identification of additional strategies for inclusion in the plan, revision of the plan's executive summary and the review of that document by other state agencies and key stakeholder groups, and review by the

board of a status report of accomplishments for each of the strategies in the 2007 Plan. The Committee will be meeting on Tuesday, January 24 to vote on a recommendation for Board action on the Strategic Plan Update. ***DECISION ITEM***

RIM Reserve Management Planning Committee

1. **RIM-WRP Partnership: Bond Fund Allocations** – The RIM Reserve Management Planning Committee met on January 13, 2012, to review and recommend bond fund allocations to implement the RIM-WRP Partnership in Minnesota. ***DECISION ITEM***

NEW BUSINESS

1. **CWF Measures – *INFORMATION ITEM***
   Minnesotans want to know if our water is getting cleaner and how Clean Water Funds are being spent. These questions and many others are being addressed by a multi-agency team whose goal is to develop a clean water tracking framework that will help clarify the connections between funds invested, actions taken, and clean water outcomes achieved. The heart of the Framework is a suite of 36 quantifiable performance measures that tell a cohesive, meaningful story about Minnesota's water bodies, watershed and groundwater health and the actions of agencies and partners working to restore and protect Minnesota's waters. This presentation will describe the Framework and the related "Clean Water Performance Report," to be released in February 2012.

2. **Evaluation of Water Related Programs – *INFORMATION ITEM***
   Legislation was passed in Special Session 2011 that directs the Pollution Control Agency to accomplish an evaluation of water related programs in conjunction with other water agencies and the University of Minnesota. The legislation began as a rule moratorium but that aspect of the legislation was set aside. MPCA Deputy Commissioner John Stine will overview the plans developed thus far for the $75,000 study and provide some perspective on how the Board and local governments may be best able to contribute.

3. **Ag Water Quality Certification – *INFORMATION ITEM***
   On January 17th, Minnesota Governor Mark Dayton , U.S. Agriculture Secretary Tom Vilsack and U.S. Environmental Protection Agency Administrator Lisa Jackson signed a memorandum of understanding (MOU) committing the state and federal government to develop a new program that will enhance Minnesota's water quality by accelerating farmers' voluntary adoption of on-farm conservation practices. The MOU is the first step toward implementation of the Minnesota Ag Water Quality Certification Program. The initiative will be designed to accelerate progress toward water quality goals while also giving Minnesota farmers greater regulatory and cost stability.

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. The Board meeting will adjourn about noon. I look forward to seeing you on January 25th!

P.S. The Grants Program & Policy Committee will meet immediately following adjournment of the Board Meeting.

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JANUARY 25, 2012

PRELIMINARY AGENDA

9:00 AM **CALL MEETING TO ORDER**

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF DECEMBER 14, 2011 BOARD MEETING

PUBLIC ACCESS FORUM (10-minute agenda time, two-minute limit/person)

CONFLICT OF INTEREST DECLARATION

INTRODUCTION OF NEW BWSR STAFF
- Dave Rickert, Easement Acquisition Specialist
- Kyle Skov, Conservation Drainage Engineer

RECOGNITION OF BWSR MEMBERS
- Paul Brutlag *Term 2004 - 2011*
- Louise Smallidge *Term 2004 - 2011*
- LuAnn Tolliver *Term 2004 - 2011*

NOMINATION OF VICE-CHAIR

REPORTS
- Chair – Brian Napstad
- Administrative Advisory Committee – Brian Napstad
- Executive Director – John Jaschke
- Dispute Resolution Committee – Paul Brutlag
- Wetlands Committee – LuAnn Tolliver
- Grants Program & Policy Committee – Louise Smallidge
- Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth
- RIM Reserve Management Planning Committee – Paul Brutlag
- Drainage Work Group – Tom Loveall

COMMITTEE RECOMMENDATIONS
Metro Water Planning Committee
1. Pioneer-Sarah Creek WMO Plan Amendment – Bob Burandt and Brad Wozney – ***DECISION ITEM***

2. Rice Creek Watershed District Watershed Plan Amendment – Melissa Lewis – ***DECISION ITEM***

Northern Water Planning Committee – Quentin Fairbanks

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

2. Hubbard County Local Water Planning Extension Request – ***DECISION ITEM***

3. City of Sauk Rapids Comprehensive Wetland Protection and Management Plan – Dale Krystosek and Keith Grow – ***DECISION ITEM***

4. Sand Hill River Watershed District Water Management Plan – ***DECISION ITEM***

5. Marshall County Comprehensive Local Water Management Plan Amendment – ***DECISION ITEM***

6. Red Lake Watershed District Territory Withdrawal – ***DECISION ITEM***

7. Cormorant Lakes Watershed District (District) Watershed Management Plan – ***DECISION ITEM***

8. Buffalo Red River Watershed District Enlargement and Increase in Number of District Managers Order for Hearing – ***DECISION ITEM***

Public Relations, Outreach & Strategic Planning Committee

1. 2012 PRAP Report to the Legislature – Don Buckhout – ***DECISION ITEM***

2. BWSR Strategic Plan Recommendation – Keith Mykleseth and Don Buckhout – ***DECISION ITEM***

RIM Reserve Management Planning Committee

1. RIM-WRP Partnership: Bond Fund Allocations - Kevin Lines – ***DECISION ITEM***

NEW BUSINESS

1. CWF Measures – Marcey Westrick, BWSR; Suzanne Hanson, MPCA; and Andy Holdsworth, DNR – ***INFORMATION ITEM***

2. Evaluation of Water Related Programs – John Linc Stine, MPCA – ***INFORMATION ITEM***

3. Ag Water Quality Certification – John Jaschke; Matt Wohlman, MDA; and Rebecca Flood, MPCA – ***INFORMATION ITEM***

AGENCY REPORTS

- Minnesota Department of Agriculture – Matthew Wohlman
- Minnesota Department of Health – Chris Elvrum
- Minnesota Department of Natural Resources – Tom Landwehr
- Minnesota Extension Service – Faye Sleeper
- Minnesota Pollution Control Agency – Rebecca Flood

ADVISORY COMMENTS

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

UPCOMING MEETINGS

- Next Board Meeting – March 28, 2012

Noon **ADJOURN**

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, DECEMBER 14, 2011

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

BOARD MEMBERS ABSENT:
Bob Burandt
Christy Jo Fogarty
Todd Foster
John Meyer

STAFF PRESENT:
Mary Jo Anderson, Julie Blackburn, Don Buckhout, Natasha DeVoe, Travis Germundson, Jim Haertel, John Jaschke, Al Kean, Melissa Lewis, Jeff Nielsen, Dave Weirens, Marcey Westrick, Steve Woods, Brad Wozney

OTHERS PRESENT:
Lance Yohe and Julie Goehring, RRBC
Kent Francis, President Lower MN River WD
Terry Schwalbe, District Administrator, Lower MN River WD
Della Young, Consultant, Lower MN River WD
LeAnn Buck, MASWCD
Tim Kelly and Harley Ogeta, Coon Creek WD

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

PLEDGE OF ALLEGIANCE

** 11-85 **ADOPTION OF AGENDA** – Moved by Louise Smallidge, seconded by Paul Langseth, to adopt the agenda as presented. Motion passed on a voice vote.

** 11-86 **MINUTES OF OCTOBER 26, 2011** – Moved by Paul Langseth, seconded by LuAnn Tolliver, to approve the minutes of October 26, 2011, as circulated. Motion passed on a voice vote.

CONFLICT OF INTEREST DECLARATION -
Chair Napstad reported that there are three agenda items today that need the Conflict of Interest Declaration form submitted. Chair Napstad stated that the declaration process is being used on the following decisions:

- FY2012 Clean Water Fund Competitive Grant Awards
- FY2012 Cooperative Weed Management Area Grants
- FYs '12 and '13 Red River Basin Commission Administrative Grants

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

Chair Napstad asked board members to submit their completed Conflict of Interest Declaration forms to John Jaschke. John explained BWSR's conflict of interest policy for grant authorizations. The Conflict of Interest Declaration document will be filed for the grant decision items.

REPORTS
Chair's Report – Brian Napstad reported that he attended the Environmental Quality Board (EQB) meeting in November. EQB meeting discussions included: a project turned over to MPCA; rulemaking by EQB regarding EAWs to comply with legislative modifications; John Jaschke presented BWSR's Strategic Plan Update. Chair Napstad stated that BWSR was the first agency to present their Strategic Plan and EQB appreciated John's presentation. Chair Napstad stated that EQB discussion also included Governor Dayton's recommendations for streamlining the environmental review programs; improvement of environmental permitting process; governance, and the energy report card.

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Chair Napstad reported that he attended the AMC convention; ongoing discussions regarding timber sales, wetland mitigation, and NCLUCB topics. Chair Napstad reported that Al Kean attended the AMC convention and conducted a drainage workshop; and Julie Blackburn presented information regarding the Environmental and Natural Resources Policy Committee. Chair Napstad appreciated BWSR's involvement at AMC.

Administrative Advisory Committee (AAC) – Brian Napstad reported that the AAC met this morning. Items discussed included legislation/budget forecast; Legacy Audit reports, Disaster Audit in-process; Committee meetings; and succession planning. Four board members' terms expire in January 2012: LuAnn Tolliver, Paul Brutlag, Louise Smallidge, and Sandy Hooker. Chair Napstad will need to appoint new Committee chairs and assignments to Committees will be reviewed. Board members interested in serving on certain Committees should contact Chair Napstad.

Executive Director's Report – John Jaschke reviewed information in board members' packets, "For Your Information". John reported that the Office of the Legislative Auditor (OLA) completed two audits: 1) "Legacy Funds: Outdoor Heritage, Clean Water, and Parks and Trails" and 2) "The Legacy Amendment". The audit reports are now available on the OLA website, if board members would like a hard copy of the audits, copies will be provided.

DNR Commissioner Landwehr asked how agencies make sure we have the right roadmap to impact funding, as noted in the program audit of the Clean Water Council; accountability and transparency. John stated that BWSR will be hiring an auditor position in early 2012 to assist with auditing programs/grants. Keith Mykleseth stated that extra funding causes extra work, thus more staff needed.

John reported that the Outdoor Heritage Council has a list of $97M worth of projects; BWSR involved in some of those endeavors. John reported that wetland mitigation policy adjustments are beginning to move forward. John reported that BWSR has been in contact with USDA regarding a "Certainty MOU" providing an opportunity for private landowners and agriculture producers that have sufficient conservation to be recognized.

Dispute Resolution Committee – Paul Brutlag reported that BWSR's decision at the October 26, 2011, Board meeting regarding the Waseca SWCD matter has been appealed and sent to the Court of Appeals; however, the request for stays by Waseca SWCD and DNR have been withdrawn. The DRC meeting scheduled for today has been cancelled.

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Travis Germundson reported that 13 appeals are pending; all involve WCA, and one new appeal has been received. Travis provided an update on the pending appeals.

Wetland Committee – LuAnn Tolliver reported that the Wetland Committee met in October, recommendations are on the agenda later today. The Wetland Committee will meet in January; date to be determined.

Grants Program & Policy Committee – Louise Smallidge reported that the Grants Program & Policy Committee met last month, the recommendations will be presented on the agenda later today. The Grants Program & Policy Committee will meet again in January. Louise stated that she needs to leave the Board Meeting today at 11:30 to attend the Washington Conservation District monthly meeting.

Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth reported that the Public Relations, Outreach & Strategic Planning Committee met in September and will meet again in January. Keith stated that Don Buckhout will provide an update on the BWSR Strategic Plan later today.

RIM Reserve Management Planning Committee – Paul Brutlag reported that the RIM Reserve Management Planning Committee will meet on January 4 to review the current process.

Drainage Work Group – Tom Loveall reported that Drainage Work Group met twice since the last Board meeting. Tom acknowledged the great work of Al Kean and his expertise on drainage issues. Tom reported that the Drainage Work Group discussed: 1) sharing information about recent and upcoming conferences and forums where drainage was or is on the agenda; 2) Smith Partners LCCMR report recommendations MN Drainage Law Analysis and Evaluation; and 3) Julie Blackburn provided an update regarding Swampbuster and WCA coordination associated with the contribution agreement between NRSC and BWSR. Al Kean reported that a drainage management engineer has been hired. Kyle Skov, will start in January and be located in the BWSR Rochester office. Chair Napstad thanked Al Kean for his presentation at the AMC annual meeting.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Valley Branch WD Watershed Management Plan Amendment – Melissa Lewis reported that the Metro Water Planning Committee met on November 29, 2011, reviewed the plan amendment that incorporates natural resource data, issues, and goals for approximately five square miles of the former Lower St. Croix Watershed Management Organization (LSCWMO) into the Plan. The information incorporated is

consistent with the former LSCWMO Watershed Management Plan. The Metro Water Planning Committee unanimously recommends approval of the Valley Branch WD
** Watershed Management Plan Amendment. Moved by Louise Smallidge, seconded by
11-87 Keith Mykleseth, to approve the Valley Branch Watershed District Watershed Management Plan amendment. Motion passed on a voice vote.

Lower Rum River WMO Revised Watershed Management Plan – Melissa Lewis reported that the Metro Water Planning Committee reviewed Lower Rum River WMO
** Revised Watershed Management Plan, and unanimously recommends approval.
11-88 Moved by Rebecca Flood, seconded by Louise Smallidge, to approve the Lower Rum River WMO Revised Watershed Management Plan. Motion passed on a voice vote.

Lower Minnesota River WD Revised Watershed Management Plan – Brad Wozney introduced representatives from the Lower Minnesota River WD (LMRWD): Kent Francis, President; Terry Schwalbe, District Administrator; and Della Young, Consultant. Brad reported that the LMRWD has taken a proactive leadership role in resource management. Brad reported that the Metro Water Planning Committee reviewed the revised plan and unanimously recommends approval of the Watershed Management Plan dated November 2011 for the Lower Minnesota River Watershed District. The Committee further recommends that the LMRWD amend the implementation program of the Watershed Management Plan and have it approved by the Board by the end of 2014 to incorporate the results of the "Strategic Resource Evaluation and Management
** Process" to be completed in 2012 and 2013. Moved by LuAnn Tolliver, seconded by
11-89 Matt Wohlman, to approve the Lower Minnesota River WD Revised Watershed Management Plan, as recommended by the Metro Water Planning Committee. LuAnn Tolliver acknowledged the diligence in working through the process. Terry Schwalbe stated that the LMRWD is committed to implementation of the Plan in a positive way. Motion passed on a voice vote.

Coon Creek Watershed District Enlargement Petition – Jim Haertel introduced Tim Kelly, Coon Creek WD Manager. Jim reported that the Cities of Blaine, Coon Rapids, Fridley and Spring Lake Park filed a petition to enlarge the Coon Creek Watershed District (CCWD). The petition follows the dissolution of the Six Cities WMO that the four cities had been members of. The Metro Water Planning Committee held a public hearing after proper notice had been given. No opposition is contained in the record. The Metro Water Planning Committee recommends approval of the Coon Creek WD enlargement petition. Moved by Louise Smallidge, seconded by Paul Brutlag, to approve the Coon Creek WD enlargement petition and orders the Coon Creek WD amend its watershed management plan within one year of the date of this Order to include the enlarged order. Motion passed on a voice vote.

Southern Water Planning Committee

Dodge County Comprehensive Local Water Management Plan Amendment – Paul Langseth reported that the Southern Water Planning Committee met on November 3, 2011, reviewed the plan amendment and recommends approval of the five-year plan.

** 11-90 Moved by Paul Langseth, seconded by Keith Mykleseth, to approve the Dodge County Comprehensive Local Water Management Plan Amendment for January 1, 2012 – December 31, 2016. Dodge County will be required to provide a complete update of its Water Management Plan prior to December 31, 2016. Discussion followed. Tom Landwehr asked for a one-page summary of the changes/amendments to the Plan. Paul Langseth stated that plan amendments will be requested to provide a summary of the change/amendment. Motion passed on a voice vote.

Faribault County Comprehensive Local Water Management Plan Amendment – Paul Langseth reported that Southern Water Planning Committee reviewed the Faribault County Comprehensive Local Water Management Plan Amendment and

** 11-91 recommends approval. Moved by Paul Langseth, seconded by Sandy Hooker, to approve the Faribault County Comprehensive Local Water Management Plan Amendment for January 1, 2012 – December 31, 2016. Faribault County will be required to provide a complete update of its Water Management Plan prior to December 31, 2016. Tom Loveall, Faribault County Commissioner, abstained from the vote. Motion passed on a voice vote.

Lyon County Comprehensive Local Water Management Plan Amendment – Paul Langseth reported that the Southern Water Planning Committee reviewed the Lyon County Comprehensive Local Water Management Plan Amendment and recommends

** 11-92 approval. Moved by Paul Langseth, seconded by Tom Loveall, to approve the Lyon County Comprehensive Local Water Management Plan Amendment for December 2011 – December 2015. Lyon County will again amend their Plan by December 2015 for the final three years through December 2018. Motion passed on a voice vote.

Martin County Comprehensive Local Water Management Plan Amendment – Paul Langseth reported that the Southern Water Planning Committee reviewed the Martin County Comprehensive Local Water Management Plan Amendment and recommends

** 11-93 approval. Moved by Paul Langseth, seconded by Louise Smallidge, to approve the Martin County Comprehensive Local Water Management Plan Amendment for January 1, 2012 – December 31, 2016. Martin County will be required to provide a complete update of its Water Management Plan prior to December 31, 2016. Motion passed on a voice vote.

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Steele County Comprehensive Local Water Management Plan Amendment – Paul Langseth reported that the Southern Water Planning Committee reviewed the Steele County Comprehensive Local Water Management Plan Amendment and recommends approval. Moved by Paul Langseth, seconded by Sandy Hooker, to approve Steele County Comprehensive Local Water Management Plan Amendment for January 1, 2012 – December 31, 2016. Steele County will be required to provide a complete update of its Water Management Plan prior to December 31, 2016. Motion passed on a voice vote.

** 11-94

Sibley County Comprehensive Local Water Management Plan Extension – Paul Langseth reported that the Southern Water Planning Committee reviewed the Sibley County Comprehensive Local Water Management Plan request for a two-year extension (due to staffing and workload issues); deemed the request for extension acceptable, and recommends approval. Moved by Paul Langseth, seconded by Paul Brutlag, to approve the two-year extension of Sibley County Comprehensive Local Water Management Plan until December 31, 2013. Sibley County shall strive to complete the update of their Comprehensive Local Water Management Plan in a timely manner. Motion passed on a voice vote.

** 11-95

John Jaschke reported that the Conflict of Interest Declaration forms have been received, all board members are eligible to vote on the upcoming decision items.

Grants Program & Policy Committee

FY2012 Clean Water Fund Competitive Grant Awards – Dave Weirens reported that the Board authorized staff to proceed with a Request for Proposals for the FY2012 Clean Water Fund Competitive Grants on June 22, 2011. Applications were accepted from August 8, 2011 through September 20, 2011. A total of 248 applications were received requesting $48,464,872 across the seven grant program funds. BWSR staff conducted multiple processes to review and score the applications involving staff from other agencies. The Grants Program and Policy Committee reviewed the staff recommendations on November 17, 2011, and recommends approval. In addition, the Grants Program & Policy Committee recommendation includes shifting funds between funding categories.

Tom Landwehr asked if some of the projects are not worthy, as they cannot all be funded. John stated that the perception of the projects scoring process will be reviewed and ideas generated for subsequent years. John is very confident the projects recommended for funding are solid and will provide water quality benefits. Discussion followed. Dave provided an overview of the Grants Program and Policy Committee recommendations for the FY2012 Competitive Grants Program. The Clean Water Fund projects in seven different program categories include: Clean Water Assistance,

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Livestock Waste Management, SSTS Abatement, Accelerated Implementation, Community Partners Conservation Program, Minnesota Department of Health Well Sealing, and Conservation Drainage. Rebecca Flood stated that the funding is targeted by criteria selection. Tom Landwehr asked if partial funding could cover the drainage component of the application, regardless of percentage. John Jaschke stated that the work plan criteria is in the grant agreement. Chair Napstad asked if we disqualify some applications, are we consistently treating the partially funded projects. Dave stated that the applicant will have to rework the application for partial funding; the funding component is consistent. Dave reviewed the resolution as follows:

1) Approves allocations to implement the FY 2012 CWF Competitive Grant Program according to the attached funding recommendation spreadsheets for the following programs and recommended allocation amounts shown below:

Grant Program	Allocated Funds
A. Clean Water Assistance Grants	$9,498,484
B. Livestock Waste Management Grants	$2,000,000
C. SSTS Abatement Grants	$1,500,000
D. Accelerated Implementation Grants	$1,336,033
E. Conservation Drainage Grants:	$ 638,267
F. Community Partners Conservation Program Grants	$ 860,575
G. MDH Well Sealing Grants	$ 176,575

2) Shift funds as follows:
   A. Up to $557,441 of Community Partners Conservation Program Grant funds to fund Accelerated Implementation projects; and
   B. Up to $307,077 of Conservation Drainage Grant funds to fund Accelerated Implementation projects, and;

3) Authorizes staff to forward a recommendation to the MDA to allocate $600,068 of Agricultural BMP Loan Program funds to projects and activities proposed through BWSR-led competitive grant making processes, and

4) Authorizes staff to:
   A. approve project workplans,
   B. enter into grant agreements consistent with this resolution and Legislative appropriations, and
   C. assign funds, noted in (1) or (2) that may become available, to unfunded projects, in rank order, if funded projects are withdrawn, do not receive workplan approval by March 31, 2012 unless extended for cause, or are modified to reduce the state funding needed to accomplish the project.

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** 11-96 Moved by Louise Smallidge, seconded by Rebecca Flood, to approve the Grants Program and Policy Committee's recommendations as presented. Tom Landwehr asked for a friendly amendment to the resolution, adding "the attached scoring results and funding recommendations document" be included, and added as Attachment 8 – FY2012 Clean Water Fund: Scoring Results and Funding Recommendation. Tom Loveall, Faribault County Commissioner, abstained from the vote on the FY2012 Clean Water Fund Competitive Grant Awards. Motion on the amended resolution passed on a voice vote. Chair Napstad thanked the Grants Program and Policy Committee, Dave, and staff for their efforts on the grant funding recommendations.

Chair called for a break at 11:15 a.m. The meeting reconvened at 11:22 a.m. Matt Wohlman left the meeting at 11:22 a.m.

John Jaschke reported that the Conflict of Interest Declaration forms have been received, all board members are eligible to vote on the upcoming decision item.

FY2012 Cooperative Weed Management Area Grants – Dave Weirens distributed the FY2012 Cooperative Weed Management Grants map and Grant Recipient map. Dave reported that the Grants Program and Policy Committee recommends $232,470 of the Cost-Share Roll-Over Funds be awarded to 14 Cooperative Weed Management Area grant applicants. Moved by Louise Smallidge, seconded by Sandy Hooker, to authorize grants to the 14 Cooperative Weed Management Areas applicants as presented. Motion passed on a voice vote.

** 11-97

Louise Smallidge left the meeting at 11:25 a.m.

Public Relations, Outreach & Strategic Planning Committee

BWSR Strategic Plan Update: Status Report – Don Buckhout reported that the Strategic Plan status report was created by the Public Relations, Outreach, and Strategic Planning Committee as a means to communicate BWSR's progress in carrying out the 2007 Strategic Plan. Don provided an overview of the BWSR Strategic Plan Executive Summary 2012 Plan Update. Don reported that there has been an opportunity to present the BWSR Strategic Plan Update to various entities. The spreadsheet is for information; if board members have questions regarding the Strategic Plan, they should contact Don. Tom Landwehr strongly agrees with the Executive Summary 2012 Plan Update; he emphasized the challenges and appreciates the need to address these items. Chair Napstad stated that people have contacted him about letting others know of the Strategic Plan as it brings awareness to BWSR. Keith Mykleseth stated that we need to continually update the Strategic Plan. Gerald Van Amburg, as a new board member, appreciates this very informative Strategic Plan. Paul Langseth suggested that legislators receive a copy of the BWSR Strategic Plan.

John stated that a good time to present the Strategic Plan to the Legislature is during BWSR's biennial budget overview.

Wetland Committee

Wetland Bank Fee Policy: Update Calculated Values – LuAnn reported that the Wetland Committee is adopting the new information from the Department of Revenue on land values, no new policy changes. Dave reported that Statute requires BWSR to collect fees for the management of the wetland banking system. Some of the fees are based on the value of the wetland credits that have been deposited into the Bank. The Board annually updates calculated wetland credit values that account holders can use to pay the required fees. Moved by LuAnn Tolliver, seconded by Paul Brutlag, to adopt
** 11-98 the fee schedule - that BWSR update the wetland credit values by taking the 2011 tillable land values, rural/vacant land values when the ratio of tillable acres to rural/vacant acres is less than 20%, or the average of the before and after deferral green acres values, multiplied by the wetland credit value coefficient of 6.0, with a maximum increase of 75% over the values established in the fee schedule. Discussion followed. Motion passed on a voice vote.

NEW BUSINESS

Red River Basin Commission (RRBC) Long Term Flood Solutions (LTFS) Report – Lance Yohe, RRBC Executive Director, reported that the basin of the Red River of the North, historically subject to widespread chronic flooding, regularly sustains millions of dollars in economic damages for each flood event. The Red River Basin Commission (RRBC) received funding from the MN and ND legislatures to identify structural and nonstructural strategies needed for permanent flood solutions in the basin and recommendations for action for states (individually and collectively) and the federal government to consider as they fund and implement Long Term Flood Solutions (LTFS) for the Red River Basin in Minnesota and North Dakota. These recommendations are built around the basin-wide LTFS "Level of Protection Goals" adopted by the RRBC in 2010 together with related flood risk reduction needs. The recommendations aim to move basin leaders from the usual response of reacting to the most recent major flood experience to a proactive, long-term plan with appropriate protection levels basin wide. If implemented, the recommendations will significantly reduce the risk of flood damages, and minimize disruption and economic loss and thus facilitate and expedite recovery after spring and summer floods.

Lance reported that the Annual Red River Basin Land & Water International Summit Conference will be held January 24-26, 2012, in Winnipeg. Keith Mykleseth stated if numbers are inaccurate in protection levels, people need to know now what changes will be made with the RRBC recommendations. Keith stated that DNR has a great program in flood damage reduction. Tom Landwehr stated that the benefit to MN for the

proposed Corps of Engineers Fargo-Moorhead Diversion project is not the same in ND because of the limited benefit MN would receive in regards to the amount contributed. Discussion followed.

John Jaschke reported that the Conflict of Interest Declaration forms have been received, all board members are eligible to vote on the upcoming decision item.

FYs '12 and '13 Red River Basin Commission Administrative Grants – John Jaschke reported that since 2002 the State of Minnesota has been supporting the Red River Basin Commission (RRBC) to address land and water issues in the basin. The 2011 Legislature appropriated $200,000 to BWSR for RRBC administration in the FY '12 and '13 biennium. The RRBC requests approval of their 2012 and 2013 Workplan,
** 2012 Budget, and authorization of their FYs '12 and '13 allocations. Moved by Quentin
11-99 Fairbanks, seconded by Paul Brutlag, to authorize the FY'12 allocation of $100,000 to the RRBC, and authorize their FY'13 allocation of $100,000, pending RRBC adoption and Board staff approval fo the RRBC 2013 Budget, to be incorporated hereto by reference and located in the Board's office in St. Paul. Motion passed on a voice vote.

Proposed 2012 BWSR Board Meeting Dates – John Jaschke stated that the BWSR Board meets the fourth Wednesday of the month, unless noted. John presented the proposed 2012 meeting dates: January 25; no meeting in February; March 28; April 25; May 23; June 27; no meeting in July; August 22-23 tour and meeting; September 26;
** October 24; no meeting in November; and December 12. Moved by LuAnn Tolliver,
11-100 seconded by Paul Brutlag, to approve the 2012 BWSR Board Meeting dates as presented. Paul Brutlag abstained from voting. Motion passed on a voice vote.

AGENCY REPORTS

Minnesota Department of Health (MDH) – Chris Elvrum distributed promotional water bottles on behalf of MDH and highlighting the Clean Water Land & Legacy Amendment.

Minnesota Extension Service – Faye Sleeper reported that University of Wisconsin received a grant from NRCS for a federally funded project for CRP readiness nationally. Faye will be project-lead for one of the training team groups working in the upper Midwest. The project is happening very quickly, in a two-month time staff will be hired. Faye will bring more information to the January Board meeting; this will be of great interest to BWSR and other agencies.

Minnesota Department of Natural Resources (DNR) –Tom Landwehr reported on a conservation effort regarding a prairie strategic plan, focused on grassed land areas. DNR representatives at the field level, as well as BWSR, John Jaschke and Kevin Lines, are involved. Tom reported that participating agencies are working to develop a

memorandum of understanding. This overall prairie conservation effort brings about good collaboration, efficiency, and promotes economic use of conservation lands. Tom stated that DNR is considering signing-on to this strategic plan and requests that BWSR consider signing-on as well. John Jaschke stated that BWSR is reviewing this; it's a good faith agreement as it does not contractually bind participants. More information to come. Chair Napstad requested that a presentation be made to the Board again.

ADVISORY COMMENTS

Minnesota Association of Soil and Water Conservation Districts (MASWCD) – LeAnn Buck reported the MASWCD annual meeting was held December 4-6. Policy discussions included TMDL standards and established goals. Highlights of the MASWCD annual meeting included a wetland restoration presentation from John Jaschke, Don Baloun, USDA NRCS State Conservationist; and Tamara Cameron, U.S. Army Corps of Engineers Regulatory Branch Chief; on Swampbuster/Wetland Conservation Act coordination, Clean Water Act jurisdictional guidance/rules, agricultural wetland banking, and mitigation policies. LeAnn commends BWSR for the grant funding today; and for the work and support provided to MASWCD on the programmatic efforts. LeAnn, on behalf of MASWCD, thanked all agencies for their representation at the MASWCD convention.

Minnesota Association of Townships (MAT) – Sandy Hooker reported that there was good attendance at the MAT annual meeting; policy resolutions will go before the Legislature in 2012.

UPCOMING MEETINGS – Chair Napstad stated that the next BWSR Board Meeting is January 25, 2012. Chair Napstad wished everyone "Happy Holidays"!

** 11-101 Moved by Tom Loveall, seconded by Sandy Hooker, to adjourn the meeting at 12:38 pm. Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder

DRAFT

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution Committee Report

Meeting Date: January 25, 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: Travis Germundson/Paul Brutlag

☐ **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
January 12, 2012
By: Travis Germundson

There are presently **15** appeals pending. All of the appeals involve WCA except File 10-10. There has been **2** new appeal filed since the last report (December 14th 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 12-01 (1-5-12) This is an appeal of a restoration order in Rice County. The appeal regards the installation 2000 linear feet of drain tile through a Type 2 wetland for agricultural purposes. No decision has been made on the appeal.

File 11-10 (12-19-11) This is an appeal of a restoration order in Redwood County. The appeal appeal regards the filling, draining, and excavation of a Type 2 wetland associated with the development of a residential property. No decision has been made on the appeal.

File 11-9 (10-27-11) This is an appeal of a restoration order in Stearns County. The appeal regards the filling of approximately 24,196 sq. ft. of wetland for the development of a residential property. A wetland replacement plan application has been submitted to the LGU for impacts identified in the restoration order. The appeal has been placed in abeyance and the restoration order stayed until there is a final decision on the application.

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

File 10-10 (6-10-10) This is an appeal filed under Minn. Stat. 103D.535 regarding an order of the managers of the Wild Rice Watershed District not to go forward with the Upper Becker Dam Enhancement Project as proposed. Appeals filed under 103D.535 require that the Board follow the Administrative Procedures Act. The Act requires that the hearing be conducted by an Administrative Laws Judge through the Office of Administrative Hearings. The appeal has been placed in abeyance pending settlement discussions. A verbal settlement agreement has been reached by the parties. (at the December 2010 Board meeting, Managers voted 6 to 1 to move forward with Option D)

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

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

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

File 09-13 (8-20-09) This is an appeal of an exemption decision in Otter Tail County. The appeal regard the denial of an exemption request for agricultural/drainage actives. A previous denial of the same exemption decision had been appealed (File 09-6). The appeal was remanded for further technical evaluation and a hearing, and now the current denial has been appealed. The appeal has been granted. A pre hearing conference convened on November 12, 2009. At which time parties agreed to hold off scheduling written briefs until the petition before NRCS is concluded. The appeal has been placed in abeyance by mutual agreement until there is a final decision by the Department of Agriculture National Appeals Division.

File 09-10 (7-9-09) This is an appeal of a banking plan application in Aitkin County. The appeal regards the LGU's denial of a banking plan application to restore 427.5 acres of wetlands through the use of exceptional natural resource value. The appeal has been accepted and pre-hearing conferences convened on October 13 and 30, and December 14, 2009. Settlement discussions are on hold while the appellant addresses permitting issues with the Corps of Engineers. The appeal has been placed in abeyance by mutual agreement on determining the viability of a new wetland banking plan application.

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

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

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

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

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

Summary Table

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

COMMITTEE RECOMMENDATIONS
Metro Water Planning Committee

1. Pioneer-Sarah Creek WMO Plan Amendment – Bob Burandt and Brad Wozney – ***DECISION ITEM***

2. Rice Creek Watershed District Watershed Plan Amendment – Melissa Lewis – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Pioneer-Sarah Creek WMO Plan Amendment**

Meeting Date: January 25, 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: Bob Burandt and 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
☐ Other:

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

ACTION REQUESTED

Approval of Plan Amendment to the Pioneer-Sarah Creek Watershed Management Organization's Watershed Management Plan

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Pioneer - Sarah Creek Watershed Management Commission (Commission) is located exclusively in Hennepin County in the western portion of the Minneapolis – St. Paul seven county metropolitan area. It is bound by the Crow River to the north, on the northeast by the Elm Creek Watershed Management Organization, on the south and southeast by Minnehaha Creek Watershed District, and on the west by Wright and Carver Counties. The Commission includes all or parts of the following six municipalities: Greenfield, Independence, Loretto, Maple Plain, Medina, and Minnetrista. The Pioneer - Sarah Creek watershed covers approximately 70.5 square miles. There are seventeen lakes in the Pioneer - Sarah Creek watershed and six major streams. 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 Greenfield, Loretto and Maple Plain.

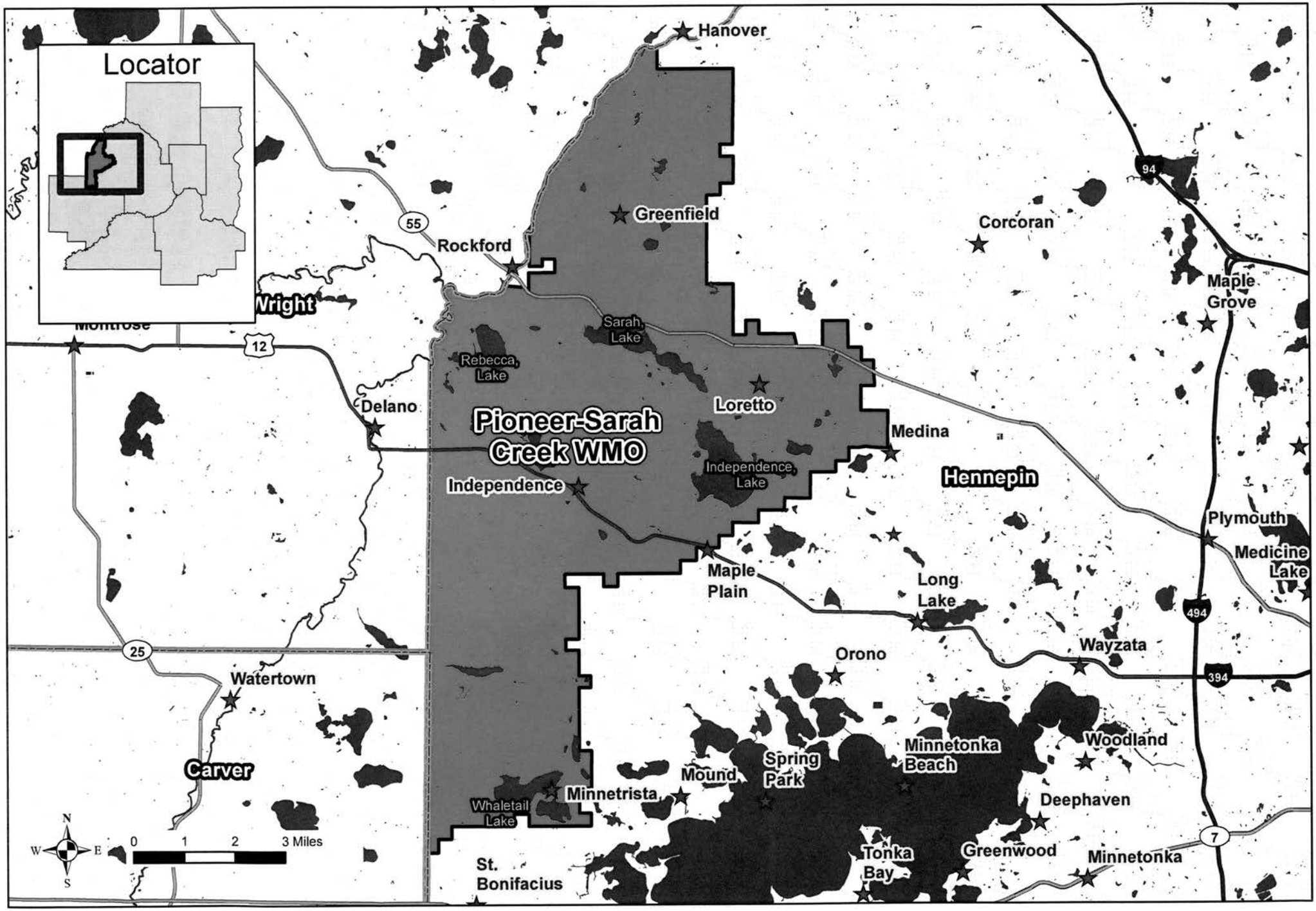
The cities of Independence, Minnetrista, Medina and the Hennepin Conservation District created the Pioneer Creek Watershed Management Commission on January 13, 1978. On June 7, 1983, the City of Greenfield offered a resolution to the Pioneer Creek Commission requesting a merger of the Sarah Creek and Pioneer Creek Watersheds. This merger combined administrative services and avoided the creation of numerous small watershed organizations. In December 1984, the Pioneer-Sarah Creek Watershed Management Commission was formally established through a Joint Powers Agreement. Since that time, Watertown Township in Carver County and the city of Corcoran elected to leave the Commission, becoming members of adjacent WMOs. The current plan was approved by the Board in October 2004.

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 process and extends the plan

expiration to October 27, 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 2002; however, the Board required the joint powers agreement to be fully executed prior to plan approval and this did not occur until 2004. All comments on the amendment were fully addressed.

The Metro Water Planning Committee met on January 4, 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 November 2011 to the full Board per the attached draft Order.

Pioneer - Sarah Creek
Watershed Management Organization



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

In the Matter of the review of the Amendment to the Watershed Management Plan for the **Pioneer-Sarah 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 Pioneer-Sarah Creek Watershed Management Organization (Commission) submitted an Amendment to the Watershed Management Plan (Amendment) dated November 2011 to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 11, and;

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

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

FINDINGS OF FACT

1. **Watershed Management Organization Establishment.** The cities of Independence, Minnetrista, Medina and the Hennepin Conservation District created the Pioneer Creek Watershed Management Commission on January 13, 1978. On June 7, 1983, the City of Greenfield offered a resolution to the Pioneer Creek Commission requesting a merger of the Sarah Creek and Pioneer Creek Watersheds. This merger combined administrative services and avoided the creation of numerous small watershed organizations. In December 1984, the Pioneer-Sarah Creek Watershed Management Commission was formally established through a Joint Powers Agreement. Since that time, Watertown Township in Carver County and the city of Corcoran elected to leave the Commission, becoming members of adjacent WMOs. The current plan was approved by the Board 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 Pioneer - Sarah Creek Watershed Management Commission (Commission) is located exclusively in Hennepin County in the western portion of the Minneapolis – St. Paul seven county metropolitan area. It is bound by the

Crow River to the north, on the northeast by the Elm Creek Watershed Management Organization, on the south and southeast by Minnehaha Creek Watershed District, and on the west by Wright and Carver Counties. The Commission includes all or parts of the following six municipalities: Greenfield, Independence, Loretto, Maple Plain, Medina, and Minnetrista. The Pioneer - Sarah Creek watershed covers approximately 70.5 square miles. There are seventeen lakes in the Pioneer - Sarah Creek watershed and six major streams. 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 Greenfield, Loretto and Maple Plain.

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 August 25, 2011. The Amendment proposes to utilize a newly adopted process and guidelines for identifying and prioritizing capital improvement projects. The Commission held a public hearing on November 17, 2011. No revisions to the Amendment were made as a result of comments received at the hearing. The final draft Amendment was submitted to the Board and plan review agencies on November 28, 2011, for final review and approval.

5. **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.

6. **Metropolitan Council Review.** The Metropolitan Council was supportive of the amendment stating it is consistent with the Council's *Water Resources Management Policy Plan*.

7. **Department of Agriculture Review.** The MDA did not comment on the Amendment.

8. **Department of Health Review.** The MDH did not comment on the Amendment.

9. **Department of Natural Resources Review.** The DNR did not comment on the Amendment.

10. **Pollution Control Agency Review.** The PCA provided comments regarding the implementation budget and timing of certain projects in the two priority lakesheds. All comments were addressed.

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

12. **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.

13. **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 process and extends the plan expiration to October 27, 2014, which is ten years beyond the Board's original approval of the plan.

14. **Metro Water Planning Committee Meeting.** On January 4, 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, Louise Smallidge, LuAnn Tolliver, 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 Pioneer-Sarah Creek Watershed Management Organization 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 November 2011 to the Pioneer-Sarah Creek Watershed Management Organization Watershed Management Plan.

Dated at Saint Paul, Minnesota this 25th day of January 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

TABLE V-1 - CAPITAL IMPROVEMENT PROJECTS

Capital Improvements						Proposed Expenses for Year											
No.	Priority	Project Description	Total Cost Estimate[1]	Estimated Cost to be Funded by Com-mission[1]	Potential Funding Sources[2]	~~2003~~	~~2004~~	~~2005~~	~~2006~~	~~2007~~	~~2008 – 2012~~	2011	2012	2013	2014	Comments	(For Comm. Ref.) Budget Line
~~CIP-1~~	~~High~~	~~Implement water quality project for Lake Independence based on study completed in 2002.~~ **~~Possible Responsible Parties: Independence, Medina, Three Rivers Park District, Commission, Lake Association~~**	~~$600,000~~	~~$40,000~~	~~Grants, Independence, Medina, general fund, Three Rivers Park District, Lake Association~~			~~$5,000~~	~~$15,000~~	~~$20,000~~						Lake Independence TMDL completed in 2007. Projects identified in TMDL Implementation Plan are shown in CIPs -6, 7, 8, 9 and 10.	
~~CIP-2~~	~~High~~	~~Implement Lake Sarah water quality improvement projects based on Lake Sarah Project report (1997).~~ **~~Possible Responsible Parties: Greenfield, Independence, Commission, Lake Association~~**	~~$750,000~~	~~$63,700~~	~~Grants, Greenfield, Independence, general fund, Lake Sarah Improvement Association~~	~~$6,000~~	~~$3,100~~	~~$4,600~~	~~$25,000~~	~~$25,000~~						Lake Sarah TMDL completed in 2011. Projects identified in Implementation Plan are shown in CIPs -2, 3, and 4.	
~~CIP-3~~	~~High~~	~~Complete Little Long Lake protection projects.~~ **~~Possible Responsible Parties: Minnetrista, HCD, Commission~~**	~~$14,000~~	~~$1,500~~	~~Minnetrista, DNR, general fund, HCD, AMSWCD~~	~~$600~~	~~$900~~									Projects will be identified in Little Long Lake Protection Plan (SMS-8) and scheduled in 2015 or beyond.	
~~CIP-4~~ CIP-1	Very High	Implement ~~water control~~ channel clean-out project for Lake Sarah. Remove vegetative debris, prevent material from entering channel, to moderate high water levels that have created flooding conditions for riparian properties, using heavy equipment to remove and dispose of material. **Possible Responsible Parties: Greenfield, Independence, Three Rivers Park District, Lake Association, Commission, DNR, property owners**	~~$150,000 to $200,000~~ $40,000	~~10000~~ $4,000	~~Grants, m~~Member cities, Lake Sarah ~~Homeowners~~ Improvement Association, Three Rivers Park District, Commission		~~$5,000~~	~~$5,000~~					$4,000		~~Commission's role is to facilitate between stakeholders.~~ As identified in Feasibility Study (SMS-11).	147
~~CIP-5~~	~~Medium~~	~~Complete water quality improvements based on study to be completed for Lake Rebecca (Greenfield, Independence).~~ **~~Possible Responsible Parties: Greenfield, Independence, Three Rivers Park District, Commission~~**	~~Unknown until studies are undertaken, if needed~~	~~Unknown until studies are undertaken, if needed~~	~~Local community, general fund,~~ Three Rivers Park District											~~Commission's role is to facilitate between stakeholders.~~ Improvements are being undertaken by Three Rivers Park District.	
~~CIP-6~~	~~Medium~~	~~Complete water quality improvements based on study to be completed for Spurzem Lake (Medina).~~ **~~Possible Responsible Parties: Medina, Three Rivers Park District~~**	~~Unknown until studies are undertaken, if needed~~	~~$0~~	~~Local community, Three Rivers Parks~~											Projects will be identified in Feasibility Study (SMS-12).	
~~CIP-7~~	~~Medium~~	~~Complete water quality improvements based on study to be completed for Half Moon Lake (Medina).~~ **~~Possible Responsible Parties: Medina, Three Rivers Park District~~**	~~Unknown until studies are undertaken, if needed~~	~~$0~~	~~Local community, Three Rivers Parks~~											Projects will be identified in Watershed-wide TMDL (SMS-9) Implementation Plan and scheduled in 2015 and beyond.	
~~CIP-8~~	~~Medium~~	~~Complete water quality improvements based on study to be completed for Whaletail (Minnetrista).~~ **~~Possible Responsible Parties: Minnetrista~~**	~~Unknown until studies are undertaken, if needed~~	~~$0~~	~~Local community~~											Projects will be identified in Watershed-wide TMDL (SMS-9) Implementation Plan and scheduled in 2015 and beyond.	
~~CIP-9~~	~~Medium~~	~~Complete water quality and quantity improvements based on study to be completed for Haughey Lake (Independence).~~ **~~Possible Responsible Parties: Independence~~**	~~Unknown until studies are undertaken, if needed~~	~~$0~~	~~Local community~~											Projects will be identified in Watershed-wide TMDL (SMS-9) Implementation Plan and scheduled in 2015 and beyond.	

TABLE V-1 - CAPITAL IMPROVEMENT PROJECTS

Capital Improvements						Proposed Expenses for Year											
No.	Priority	Project Description	Total Cost Estimate[1]	Estimated Cost to be Funded by Commission[1]	Potential Funding Sources[2]	~~2003~~	~~2004~~	~~2005~~	~~2006~~	~~2007~~	~~2008 – 2012~~	2011	2012	2013	2014	Comments	(For Comm. Ref.) Budget Line
~~CIP-10~~	~~Medium~~	~~Implement results of Loretto WWTF study. Costs will be based on study to be completed.~~ **~~Possible Responsible Parties: Loretto, Commission~~**	~~$50,000 – $300,000~~	~~$5,000~~	~~City of Loretto, general fund~~						~~$5,000~~					~~Commission's role is to facilitate between stakeholders.~~ City's responsibility. May work cooperatively with City of Medina.	
~~CIP-11~~	~~Low~~	~~Implement recommendations outlined in the report "Physical and Ecological Classification of Pioneer and Sarah Creek and their Tributaries".~~ **~~Possible Responsible Parties: Commission~~**	~~$250,000 - $2,000,000~~	~~$125,000 to $1,000,000~~	~~Grants, general fund~~						~~$125,000 to $1,000,000~~					~~Also to be implemented though plan review and policy implementation.~~ Projects will be identified in Watershed-wide TMDL (SMS-9) Implementation Plan, scheduled in 2015 and beyond.	
~~CIP-12~~	~~Low~~	~~Future maintenance of stormwater basins on Loretto Creek for Lake Sarah.~~ **~~Possible Responsible Parties: Landowners, additional responsibility to be addressed as maintenance needs arise.~~**	~~Costs not expected until 2015~~	~~Costs not expected until 2015~~	~~To be determined~~											~~No easements over these basins exist. Additional responsibility to be addressed as maintenance needs arise.~~ Cities' responsibility.	
CIP-2	High	Reduce internal phosphorus loading contributing to impairment of Lake Sarah by completing 5-year curly pondleaf control program using herbicidal treatment applications. Includes DNR permit and follow-up monitoring. **Possible Responsible Parties: Greenfield, Independence, DNR, TRPD, Commission, Lake Association, Railroad**	$250,000 ($60,000 first two years, declining $$ in successor years)	$25,000	Local communities, Lake Assn, riparian owners, Commission, DNR, TRPD, Railroad									$6,000	$6,000	Project identified in Implementation Plan developed as part of Lake Sarah TMDL completed in 2011 and per approved Lake Vegetation Management Plan. Project will be completed in 2015 and beyond.	148
CIP-3	Very High	Reduce external phosphorus loading contributing to impairment of Lake Sarah by completing Loretto Ballfield Stormwater Treatment Wetland project to restore approx. 700 lineal feet of ditched stream, undertaking existing pond enhancement and installing stormwater treatment wetland. **Responsible parties: Loretto, Medina, Corcoran, Commission**	$400,000	$40,000	Loretto, Medina, Corcoran, Commission									$17,500	$17,500	Project identified in Implementation Plan developed as part of Lake Sarah TMDL completed in 2011. Project will be completed in 2015 and beyond.	149
CIP-4	High	Reduce internal phosphorus loading contributing to impairment of Lake Sarah by enlarging/constructing detention pond(s) on Dance Hall Creek. Project may include restoring adjacent wetland. **Responsible parties: DNR, MnDOT, Commission, lakeshed cities**	2,000,000 plus cost of easements	$20,000	Commission, Corcoran, Greenfield, Independence, Loretto, Medina, MnDOT, DNR											Project identified in Implementation Plan developed as part of Lake Sarah TMDL completed in 2011 and feasibility assessment (SMS-13). Project will be completed in 2015 and beyond.	150
CIP-5	Very High	Restore to stable conditions banks of Maple Plain tributary to Pioneer Creek along 1800-foot reach destablized by flash flows by restorating/stabilizing/protecting w/native vegetation, hard armoring and geotechnical techniques. **Possible Responsible Parties: Maple Plain, Commission**	$200,000	$20,000	Maple Plain, Commission								$3,000	$5,000	$12,000		151
CIP-6	Very High	Restore/construct control structure at Lake Independence outlet on Independence Road per recommendations of feasibility study. Prolonged high water levels have caused flooding and destablization. **Responsible parties: Independence, Medina, Loretto, Commission, LICA**	500,000 plus cost of easements	$50,000	Independence, Medina, Loretto, Commission, LICA									$25,000	$25,000	Project identified in Implementation Plan developed as part of Lake Independence TMDL completed in 2007. Specific projects will be identified in Feasibility Study (SMS-14).	152

TABLE V-1 - CAPITAL IMPROVEMENT PROJECTS

Capital Improvements						Proposed Expenses for Year											
No.	Priority	Project Description	Total Cost Estimate[1]	Estimated Cost to be Funded by Com-mission[1]	Potential Funding Sources[2]	~~2003~~	~~2004~~	~~2005~~	~~2006~~	~~2007~~	~~2008 – 2012~~	2011	2012	2013	2014	Comments	(For Comm. Ref.) Budget Line
CIP-7	High	Construct retention pond on west side of Independence Road intersection w/Lindgren Lane to impound surface water by means of a dike or excavation to reduce external phosphorus loading contributing to impairment of Lake Independence. **Responsible parties: Independence, LICA, Commission**	100,000 plus cost of easements	$10,000	Independence, Commission, LICA											Project identified in Implementation Plan developed as part of Lake Independence TMDL completed in 2007. Specific project will be identified in Feasibility Study (SMS-18) and completed in 2015 and beyond.	153
CIP-8	Low	Construct retention ponds at Koch's Creek and Mill's Creek inlets to Lake Independence to impound surface water by means of a dike or excavation to reduce external phosphorus loading contributing to impairment of the lake. **Responsible parties: Independence, LICA, Commission**	200,000 plus cost of easements	$20,000	Independence, Commission, LICA											Project identified in Implementation Plan developed as part of Lake Independence TMDL completed in 2007. Specific project will be identified in Feasibility Study (SMS-18) and completed in 2015 and beyond.	154
CIP-9	Medium	Reduce external phosphorus loading contributing to impairment of Lake Independence by designing and developing alum treatment and iron enhanced filter system for Tomahawk Trail wetland prior to inlet to Half Moon Lake. Project may include wetland restoration. **Responsible parties: Loretto, Medina, TRPD, Commission**	$150,000-$250,000	$15,000	Loretto, Medina, TRPD, Commission											Project identified in Implementation Plan developed as part of Lake Independence TMDL completed in 2007. Project will be completed in 2015 and beyond, contingent on outcome of Lake Spurzem Feasibility Study (SMS-12). Additional feasibility-level work may be required.	155
CIP-10	High	Undertake Lake Independence watershed cost-share manure management improvement projects per 2006 Cooperative Agreement with Three Rivers Park District. Projects will reduce external loading to lake due to livestock activities and will be evaluated and prioritized using criteria set forth in the Commission's Cost Share Policy, adopted July 2011. **Responsible parties: Commission, TRPD, Lake Associations, land owners**	$15,000	$15,000	Commission, TRPD, Lake Associations, land owners							$5,000	$5,000	$5,000		Project identified in Implementation Plan developed as part of Lake Independence TMDL completed in 2007.	76
CIP-11	High	Undertake watershed-wide cost-share manure management improvement projects. Projects will reduce external loading to watershed lakes and streams due to livestock activities and and will be evaluated and prioritized using criteria set forth in the Commission's Cost Share Policy, adopted July 2011. **Responsible parties: Commission, TRPD, Lake Associations, land owners**	$250,000	$25,000	Commission, cities, TRPD, Lake Associations, land owners									$2,500	$2,500	Projects identified in Implementation Plan developed as part of Lake Independence TMDL completed in 2007, Lake Sarah TMDL completed in 2011 and Watershed-wide TMDL (SMS-9). Funding will extend through 2017.	156
		Totals	**$4,105,000 to $4,205,000**	**~~$245,200 to $1,120,200~~ $244,000**	**TOTAL**	**~~$6,600~~**	**~~$9,000~~**	**~~$14,600~~**	**~~$40,000~~**	**~~$45,000~~**	**~~$130,000 to $1,005,000~~**	**$5,000**	**$8,000**	**$65,000**	**$63,000**		

~~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.~~

TABLE V-2 - ~~STORMWATER MANAGEMENT~~ WATER RESOURCE PROGRAMS

Water Resources Programs						Proposed Expenses for Year											
No.	Priority	Project Description	Total Cost Estimate[1]	Estimated Cost to be Funded by Commission[1]	Potential Funding Sources[2]	~~2003~~	~~2004~~	~~2005~~	~~2006~~	~~2007~~	~~2008 - 2012~~	2011	2012	2013	2014	Comments	(For Comm. Ref.) Budget Line
SMP-1	High	Undertake plan review for development projects in conformance with Commission's policies and standards. **Possible Responsible Parties: Commission**	$6,000 to $20,000 annually	$6,000 to $20,000 annually	~~General fund,~~ Commission, fees	~~$6,000~~	~~$10,000~~	~~$17,000~~	~~$19,000~~	~~$20,000~~	~~$120,000~~	$6,000	$10,000	$11,500	$12,500	This is an ongoing activity of the Commission.	50-51
SMP-2	High	Undertake enforcement responsibilities when there is no local plan or community is not enforcing policies. **Possible Responsible Parties: Commission**	~~$0 to $20,000~~	~~$0 to $20,000~~	Member communities	~~$0 to $20,000~~	~~$0 to $20,000~~	~~$0 to $20,000~~	~~$0 to $20,000~~	~~$0 to $20,000~~	~~$0 to $50,000~~	$0	$0	$0	$0	Included in SMP-1.	
SMP-3	High	Undertake LGU responsibility for the Wetland Conservation Act for the cities of Greenfield, Loretto and Maple Plain. **Possible Responsible Parties: Commission**	~~$7,000 to $33,000~~ $3,000 to $5,000 annually	~~$7,000 to $33,000~~ $3,000 to $5,000 annually	~~General fund,~~ Commission, fees	~~$7,000~~	~~$12,000~~	~~$15,000~~	~~$18,000~~	~~$21,000~~	~~$150,000~~	$2,000	$3,000	$4,000	$4,000	This is an ongoing activity of the Commission.	58-61
SMP-4	High	Continue the water quality monitoring program for lakes. **Possible Responsible Parties: Commission, ~~HCD~~HCDES**	~~$3,000 to $4,000~~ $5,000 to $8,000 annually	~~$3,000 to $4,000~~ $5,000 to $8,000 annually	~~General fund,~~ Commission	~~$3,000~~	~~$3,000~~	~~$3,250~~	~~$3,500~~	~~$3,750~~	~~$20,000~~	$5,590	$5,850	$6,950	$6,950	This is an ongoing activity of the Commission.	28-29
SMP-5	High	Develop and implement an education program for key audiences. **Possible Responsible Parties: Commission**	~~$1,000 to $2,000~~ $5,000 to $10,000 annually	~~$1,000 to $2,000~~ $5,000 to $10,000 annually	~~Grant, general fund, member communities,~~ Commission, fees	~~$2,000~~	~~$1,000~~	~~$1,000~~	~~$1,000~~	~~$1,000~~	~~$5,000~~	$7,250	$5,000	$9,000	$10,500	This is an ongoing activity of the Commission.	39-45
SMP-6	High	Develop and maintain a wetland inventory. **Possible Responsible Parties: Commission, ~~HCD~~HCDES**	Completed	Completed												Included in SMS-4.	
SMP-7	High	Implement water quantity and quality monitoring program for streams. **Possible Responsible Parties: Commission, ~~HCD~~HCDES**	~~$5,200 to $~~8,000 to $10,000 annually	~~$0 (grant) $~~8,000 to $10,000 annually	~~Grant —~~ Commission	~~$5,200~~	~~$5,500~~	~~$6,000~~	~~$7,000~~	~~$7,500~~	~~$40,000~~	$8,300	$6,000	$8,300	$8,300	This is an ongoing activity of the Commission.	30,32
~~SMP-8~~	~~Medium~~	~~Implement recommendations outlined in the report "Physical and Ecological Classification of Pioneer and Sarah Creek and their Tributaries". Possible Responsible Parties: Commission, member communities~~	~~$500~~	~~$500~~	~~General fund~~			~~$500~~								~~To be accomplished through policy development with member communities.~~ This item duplicates former CIP-11.	
~~SMP-9~~ SMP-8	Medium	Provide NPDES Phase II assistance for communities, if requested. **Possible Responsible Parties: Commission**	~~$100 to $1,000 annually~~	~~$100 to $1,000 annually~~	~~Member communities~~ Commission		~~$1,000~~	~~$100~~	~~$100~~	~~$100~~	~~$500~~					Included in SMP-5.	
~~SMP-10~~ SMP-9	High	Provide erosion control technical assistance and implementation cost-share to farmers and rural landowners in the Lake Independence watershed who request this service. **Possible Responsible Parties: Commission, ~~HCD~~HCDES**	~~$50,000 to $100,000~~ $16,993	~~$0 (grant)~~ $16,993	~~Grants, HCD, NRCS~~ Commission, cities, TRPD							$10,000	$6,993				77
~~SMP-11~~ SMP-10	Low	Maintain erosion and sedimentation problem area list. **Possible Responsible Parties: Commission, ~~HCD~~HCDES**	~~$100 to $500 annually~~	~~$100 to $500 annually~~	~~General fund~~ Commission	~~$500~~	~~$100~~	~~$100~~	~~$100~~	~~$100~~	~~$500~~					Included in SMP-1 and SMS-9.	
SMP-11	High	Conduct annual plant inventory for Lake Sarah per approved Lake Vegetation Management Plan. **Possible Responsible Parties: Commission, TRPD, Lake Association, property owners**	$1,500/year	$150/year	Commission, TRPD, Lake Association, property owners									$150	$150		31
			$45,493 to $71,493	~~$537,400 to $687,400~~ $44,143 to $70,143	**TOTAL**	~~$23,700 to $43,700~~	~~$32,600 to $52,600~~	~~$42,950 to $62,950~~	~~$48,700 to $68,700~~	~~$53,450 to $73,450~~	~~$336,000 to $386,000~~	$39,140	$36,843	$39,900	$42,400		

~~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.~~

TABLE V-3

~~STORMWATER MANAGEMENT~~ WATER RESOURCE STUDIES

Water Resources Studies						Proposed Expenses for Year											(For Comm. Ref.) Budget Line
No.	Priority	Project Description	Total Cost Estimate[1]	Estimated Cost to be Funded by Commission[1]	Potential Funding Sources[2]	~~2003~~	~~2004~~	~~2005~~	~~2006~~	~~2007~~	~~2008 - 2012~~	2011	2012	2013	2014	Comments	
~~SMS-1~~	~~High~~	~~Develop water quality goals for specific water bodies within the watershed and prioritize. **Possible Responsible Parties: Commission, HCD**~~	~~$6,000~~	~~$6,000~~	~~General fund~~	~~$2,000~~	~~$4,000~~									Included in Lake Independence TMDL completed in 2007, Lake Sarah TMDL completed in 2011 and Watershed-wide TMDL (SMS-9).	
~~SMS-2~~	~~High~~	~~Develop "Developer's Guidelines" handout for developers within the watershed. **Possible Responsible Parties: Commission, HCD**~~	~~$200~~	~~$200~~	~~General fund~~	~~$200~~										Will not be undertaken by the Commission. Refer individuals to State of Minnesota Stormwater Manual and Commission's Watershed Management Plan.	
~~SMS-3~~ SMS-1	High	Develop wetland, lake, and stream buffer standards in Lake Independence watershed. **Possible Responsible Parties: Commission, local communities, TRPD ~~HCD~~**	~~5000~~ $6,000	~~$2,500 - $5000 -~~ $6,000	~~General Fund,~~ Commission, TRPD, local communities		~~$2,500~~					$2,000	$2,000	$2,000			74
~~SMS-4~~ SMS-2	Very High	Establish ~~setback, fencing, and other~~ standards for livestock operations located on or near wetlands, lakes, or streams in Lake Independence watershed. **Possible Responsible Parties: Commission, ~~HCD~~, Task Force, TRPD**	~~2000 -~~5,000	~~2000 -~~5,000	~~General Fund,~~ Commission, TRPD ~~local communities~~		~~$2,000~~					$3,000				Also see SMS-6.	75
~~SMS-5~~	~~High~~	~~Complete study on high water elevations on Lake Sarah. **Possible Responsible Parties: Greenfield, Independence, Commission**~~	~~$3,000~~	~~$0~~	~~Grants, Lake Sarah Improvement Assoc., member communities~~											Study completed in 2005.	
~~SMS-6~~	~~High~~	~~Complete rate and volume control study of culverts at railroad and County Line Road between Independence and Delano. **Possible Responsible Parties: Independence, Delano. Commission to facilitate**~~	~~$10,000 $20,000~~	~~$5,000~~	~~Grant, local communities~~			~~$5,000~~								Study is complete. Responsibility of cities to implement findings of study.	
~~SMS-7~~ SMS-3	~~High~~ Medium	Develop wellhead protection zone map based on local wellhead protection plans. **Possible Responsible Parties: Commission**	~~$500~~	~~$500~~	~~General fund~~ Commission			~~$500~~								Complete as part of Third Generation Watershed Management Plan (SMS-10).	
~~SMS-8~~	~~Medium~~	~~Develop Lake Management Plans. **Possible Responsible Parties: Commission, HCD, Lake Associations, Three Rivers Park District**~~	~~$30,000 per lake~~	~~$40,000~~	~~General fund, Lake Association, Community, grants~~			~~$10,000~~	~~$10,000~~	~~$10,000~~	~~$10,000~~					Included in Lake Independence TMDL completed in 2007 and Lake Sarah TMDL completed in 2011. Will be included in Watershed-wide TMDL (SMS-9).	
~~SMS-9~~	~~Medium~~	~~Review local stormwater management plans for conformance w/ Watershed Plan. **Possible Responsible Parties: Commission**~~	~~$1,000 to $3,000 per community~~	~~$6,000~~	~~General fund, communities~~			~~$3,000~~	~~$3,000~~							Completed in 2010. Review process will begin again two years following adoption of Commission's Third Generation Watershed Management Plan (SMS-10).	
~~SMS-10~~	~~Medium~~	~~Complete study on causes and solutions to address Loretto WWTF water quality/quantity impacts. Possible **Responsible Parties: Loretto, Commission**~~	~~$10,000 $30,000~~	~~$5,000~~	~~Loretto, General Fund~~					~~$5,000~~						~~for phosphorus monitoring~~ Study has been completed. Responsibility of cities to implement findings of study.	

TABLE V-3

~~STORMWATER MANAGEMENT~~ WATER RESOURCE STUDIES

Water Resources Studies						Proposed Expenses for Year											(For Comm. Ref.) Budget Line
No.	Priority	Project Description	Total Cost Estimate[4]	Estimated Cost to be Funded by Commission[1]	Potential Funding Sources[2]	~~2003~~	~~2004~~	~~2005~~	~~2006~~	~~2007~~	~~2008 – 2012~~	2011	2012	2013	2014	Comments	
~~SMS-11~~ SMS-4	Medium	Consider completing a functions and values assessment of the wetlands within the watershed if ~~directed to do so~~ requested by member communities (Commission may or may not undertake this activity). **Possible Responsible Parties: Commission and/or local community**	~~$240,000 (estimates $40,000 per city)~~	~~$60,000 (estimates Commission will fund 1/4 of cost)~~	~~Grant, local communities, general fund~~ Commission, local community				~~$30,000~~	~~$30,000~~						Consider as a goal of the Third Generation Watershed Management Plan (SMS-10).	
~~SMS-12~~ SMS-5	Medium	Update flood studies within the watershed. **Possible Responsible Parties: Commission, local communities**	~~$50,000 to $100,000~~	~~$50,000 to $100,000~~	Local communities, ~~general fund~~ Commission						~~$50,000 to $100,000~~					Commission will update per most current FEMA study, incorporate into Third Generation Management Plan (SMS-10).	
~~SMS-13~~ SMS-6	~~Medium~~ High	Develop model ordinance to address erosion caused by agricultural activities. **Possible Responsible Parties: Commission, local communities ~~HCD~~**	$5,000	$5,000	~~General fund~~ Commission, local communities			~~$5,000~~				$2,000				Also see SMS-2.	75
~~SMS-14~~ SMS-7	~~Low~~ Medium	Conduct infiltration study within watershed to determine feasibility and effectiveness of infiltration practices. **Possible Responsible Parties: Commission**	~~$10,000 $40,000~~	~~$10,000 to $40,000~~	~~Grant, general fund~~ Commission						~~$10,000 to $40,000~~					Consider as a goal of the Third Generation Watershed Management Plan (SMS-10).	
SMS-8	High	Complete Little Long Lake protection ~~project~~ plan. **Possible Responsible Parties: Minnetrista, ~~HCD~~, Commission, HCDES**	~~14000~~ $30,000	~~1500~~ $3,000	Minnetrista, DNR, ~~general fund, HCD, AMSWCD,~~ Commission, HCDES	~~$600~~	~~$900~~									Specific projects will be identified in Implementation Plan developed as a part of Watershed-wide TMDL (SMS-9) and scheduled in 2015 and beyond.	109
SMS-9	High	Undertake Watershed-wide TMDL study. Complete Implementation Plan. **Possible Responsible Parties: Commission, MPCA grant, TRPD in-kind**	$500,650	$316,400	Commission, MPCA grant, TRPD in-kind							$22,000	$88,500	$98,500	$107,400	Anticipated to begin in 2012-13. $22,000 encumbered in 2010.	101-103
SMS-10	High	Develop and adopt Third Generation Watershed Management Plan. **Possible Responsible Parties: Commission**	$77,500	$77,500	Commission							$15,000	$15,000	$7,500	$10,000	Development process will begin in 2012. $22,500 encumbered in 2009-2010.	119, 131
SMS-11	High	Conduct Feasibility Study to identify corrective actions at outlet of Lake Sarah. **Possible Responsible Parties: Greenfield, Independence, TRPD, Commission**	$10,000	$1,000	Greenfield, Independence, TRPD, Commission, DNR									$1,000			137
SMS-12	Medium	Conduct Feasibility Study to identify water quality improvements for Spurzem Lake. **Responsible Party: Three Rivers Park District**	$10,000	$0	Three Rivers Park District											Study will be undertaken by TRPD in 2012.	
SMS-13	High	Complete feasibility assessment to identify improvement strategies for Dance Hall Creek. **Responsible parties: Commission, lakeshed cities**	$15,000-20,000	$1,500/2,000	Commission, Corcoran, Loretto, Greenfield, Independence, Medina, MnDOT, DNR									$1,750			138

TABLE V-3

~~STORMWATER MANAGEMENT~~ WATER RESOURCE STUDIES

Water Resources Studies						Proposed Expenses for Year											(For Comm. Ref.) Budget Line
No.	Priority	Project Description	Total Cost Estimate[1]	Estimated Cost to be Funded by Commission[1]	Potential Funding Sources[2]	~~2003~~	~~2004~~	~~2005~~	~~2006~~	~~2007~~	~~2008 - 2012~~	2011	2012	2013	2014	Comments	
SMS-14	Very High	Undertake feasibility study to identify project(s) to restore/create control structure at Lake Independence outlet on Independence Road. **Responsible parties: Independence, Medina, Loretto, Commission , LICA**	$20,000	$2,000	Independence, Medina, Loretto, Commission, LICA								$2,000				146
SMS-15	High	In cooperation with the City of Independence, undertake a detailed assessment of livestock within the Lake Independence watershed in order to more effectively direct efforts in its Manure Management Cost Share Program. **Responsible parties: all lakeshed cities, LICA**	$10,000 annually	$1,000 annually	Independence, lakeshed cities, Commission, LICA										$1,000	Identified in Lake Independence TMDL Implementation Plan completed in 2007.	158
SMS-16	Medium	Conduct core sampling to determine status of bottom sediments and appropriate alum dosage to maintain long-term control level in Lake Sarah in order to reduce internal phosphorus load impairment. **Responsible parties: Commission, TRPD, Lake Associations, land owners**	$10,000	$1,000	Commission, TRPD, Lake Associations, land owners											Identified in Lake Sarah TMDL Implementation Plan completed in 2011. Will be conducted in 2015.	140
SMS-17	Very High	Conduct Lake Sarah lakeshed-wide assessment to identify highest priority areas for improvement, development of site-specific remedies and development of project-specific benefits and costs. Projects selected would reduce internal / external phosphorus loading to lake. **Responsible parties: lakeshed communities, TRPD, LSIA**	$12,000-15,000	$1,200-$1,500	Greenfield, Independence, Commission, LSIA, TRPD									$1,500		Identified in Lake Sarah TMDL Implementation Plan completed in 2011.	139
SMS-18	High	Conduct Feasibility Study to consider retention ponds on west side of Independence Road at Lindgren Lane and at the main creek inlets to Lake Independence at Koch's Creek and Mill's Creek. **Responsible parties: Independence, Commission, LICA**	$25,000	$2,500	Independence, Commission, LICA										$2,500	Identified in Lake Sarah TMDL Implementation Plan completed in 2011.	157
			~~385900~~ $736,150 to $744,150	~~$192,200 to $272,200~~ $423,100 to $423,900	~~TOTAL~~	~~$2,800~~	~~$9,400~~	~~$23,500~~	~~$43,000~~	~~$45,000~~	~~$70,000 to $150,000~~	$44,000	$107,500	$112,250	$120,900		

~~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.~~

TABLE V-4

SUMMARY

Improvements, Programs, and Studies	Totals[1]	Comm Share	Proposed Expenses for Year 2003	2004	2005	2006	2007	2008-2012	2011	2012	2013	2014	Comments
Totals for Capital Improvements:	~~$245,200 to $1,120,200~~ $4,105,000 to $4,205,000	~~$245,200 to $1,120,200~~ $244,000	~~$6,600~~	~~$9,000~~	~~$14,600~~	~~$40,000~~	~~$45,000~~	~~$130,000 to $1,005,000~~	$5,000	$8,000	$65,000	$63,000	
Totals for ~~Management~~ Water Resource Programs:	~~$537,400 to $687,400~~ $45,493 to $71,493	~~$537,400 to $687,400~~ $44,143 to $70,143	~~$23,700 to $43,700~~	~~$32,600 to $52,600~~	~~$42,950 to $62,950~~	~~$48,700 to $68,700~~	~~$53,450 to $73,450~~	~~$336,000 to $386,000~~	$39,140	$36,843	$39,900	$42,400	
Totals for ~~Management~~ Water Resource Studies:	~~385900~~ $736,150 to $744,150	~~$192,200 to $272,200~~ $423,100 to $423,900	~~$2,800~~	~~$9,400~~	~~$23,500~~	~~$43,000~~	~~$45,000~~	~~$70,000 to $150,000~~	$44,000	$107,500	$112,250	$120,900	
Grand Totals:	~~$974,800 to $2,079,800~~ $4,886,643 to $5,020,643	~~$974,800 to $2,079,800~~ $711,243 to $738,043	~~$32,500 to $52,500~~	~~$50,100 to $70,100~~	~~$81,050 to $101,050~~	~~$131,700 to $151,700~~	~~$143,450 to $163,450~~	~~$536,000 to $1,541,000~~	$88,140	$152,343	$217,150	$226,300	

~~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.~~

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Rice Creek WD Watershed Plan Amendment

Meeting Date: January 25, 2011

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

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

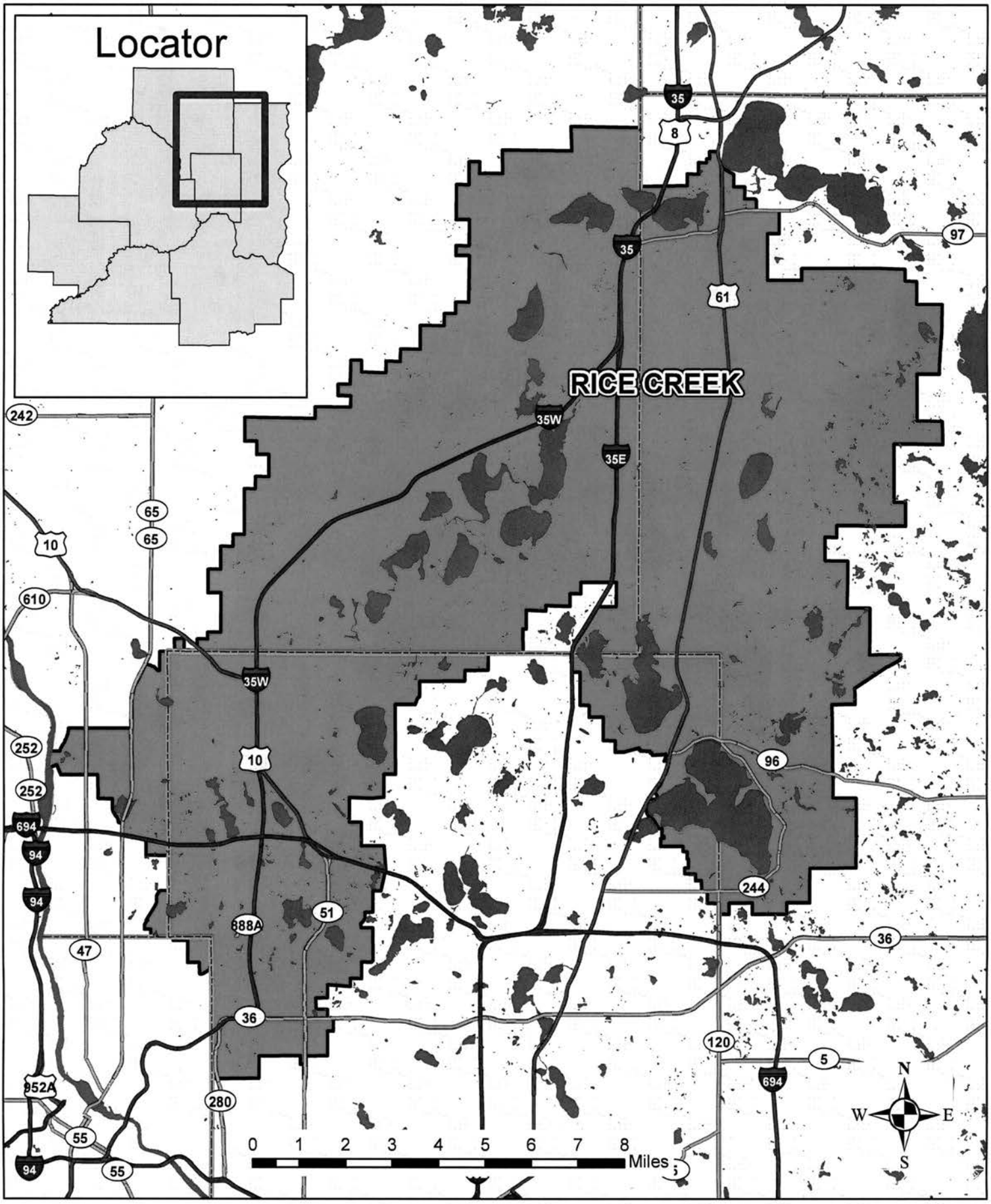
ACTION REQUESTED
Approval of Rice Creek Watershed District Watershed Management Plan Amendment

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Rice Creek Watershed District (District), located in the northeast portion of the Metropolitan Area, was established in 1972 by the Minnesota Water Resources Board. The District Board consists of two representatives each from Anoka and Ramsey counties and one representative from Washington County. The mission of the District is to prevent flooding and enhance water quality in harmony with development for the common good. The Amendment establishes watershed management districts for drainage systems ACD 10-22-32, ACD 31/46, and ACD 53-62. These water management districts provide the framework for an equitable method to generate revenues for a portion of repair projects from the properties benefiting from or contributing to the need for repair projects. The Metro Water Planning Committee recommends approval of the plan amendment per the attached draft Order.

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 August 30, 2011. A summary of comments received and the District's response was received on November 17, 2011. A public hearing was held on December 7, 2011. All comments were addressed. The final draft of the Amendment was received by the Board on December 13, 2011.

The Metro Water Planning Committee met on January 4, 2012. After review of the information, the Committee unanimously voted to recommend approval of the Plan Amendment per the attached draft Order.

Rice Creek 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 **Rice 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 Rice Creek Watershed District (District) submitted an Amendment to the Watershed Management Plan (Amendment) dated December 12, 2011, to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 11, and;

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

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

FINDINGS OF FACT

1. **Watershed District Establishment.** The District was established in 1972 by the Minnesota Water Resources Board. The District is located in the northeast portion of the Metropolitan Area and includes parts of Anoka, Ramsey, and Washington Counties with a small portion of Hennepin County. The District Board consists of two representatives each from Anoka and Ramsey counties and one representative from Washington County. The mission of the District is to prevent flooding and enhance water quality in harmony with development for the common good.

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 January 4, 2010. 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 186 square miles of urban and rural land in Anoka, Hennepin, Ramsey and Washington counties in Minnesota. Portions of the district can be found in the following municipalities: Arden Hills, Birchwood Village, Blaine, Centerville, Circle Pines, Columbia Heights, Columbus, Dellwood, Falcon Heights, Forest Lake,

Fridley, Grant, Hugo, Lauderdale, Lexington, Lino Lakes, Mahtomedi, May Township, Mounds View, New Brighton, Roseville, Scandia, Shoreview, Spring Lake Park, Saint Anthony, White Bear Lake, White Bear Township, and Willernie. Land in the District is relatively flat, particularly in the north-central portion where the Rice Creek Chain of Lakes is the dominant feature. The southern portion of the watershed is primarily urban in nature. Rice Creek is the principal stream of the watershed.

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 August 30, 2011. A summary of comments received and the District's response was received on November 17, 2011. A public hearing was held on December 7, 2011. All comments were addressed. The final draft of the Amendment was received by the Board on December 13, 2011.

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

   City of Blaine. The city requested clarification of and context for the term benefit, and clarifications of calculations for and implementation of the watershed management district. The District addressed all comments.

   City of Saint Anthony Village. The city requested changes to the District Rule and requested include measures to address flooding concerns within the city. The District addressed all comments.

6. **Metropolitan Council Review.** The Council found the Amendment to be consistent with the Council's Water Resources Management Policy Plan.

7. **Department of Agriculture Review.** The MDA did not comment on the Amendment..

8. **Department of Health Review.** The MDH did not comment on the Amendment.

9. **Department of Natural Resources Review.** The 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 a well-reasoned approach to sound watershed management and funding public ditches in urbanized areas. The Board did not request changes.

13. **Amendment Summary.** The Amendment establishes watershed management districts for drainage systems ACD 10-22-32, ACD 31/46, and ACD 53-62. These water management districts provide the framework for an equitable method to generate revenues for funding a portion of the repair projects from the properties benefiting from or contributing to the need for repair projects.

14. **Metro Water Planning Committee Meeting.** On January 4, 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, Louise Smallidge, LuAnn Tolliver, 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 Rice 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 December 12, 2011, to the Rice Creek Watershed District Watershed Management Plan.

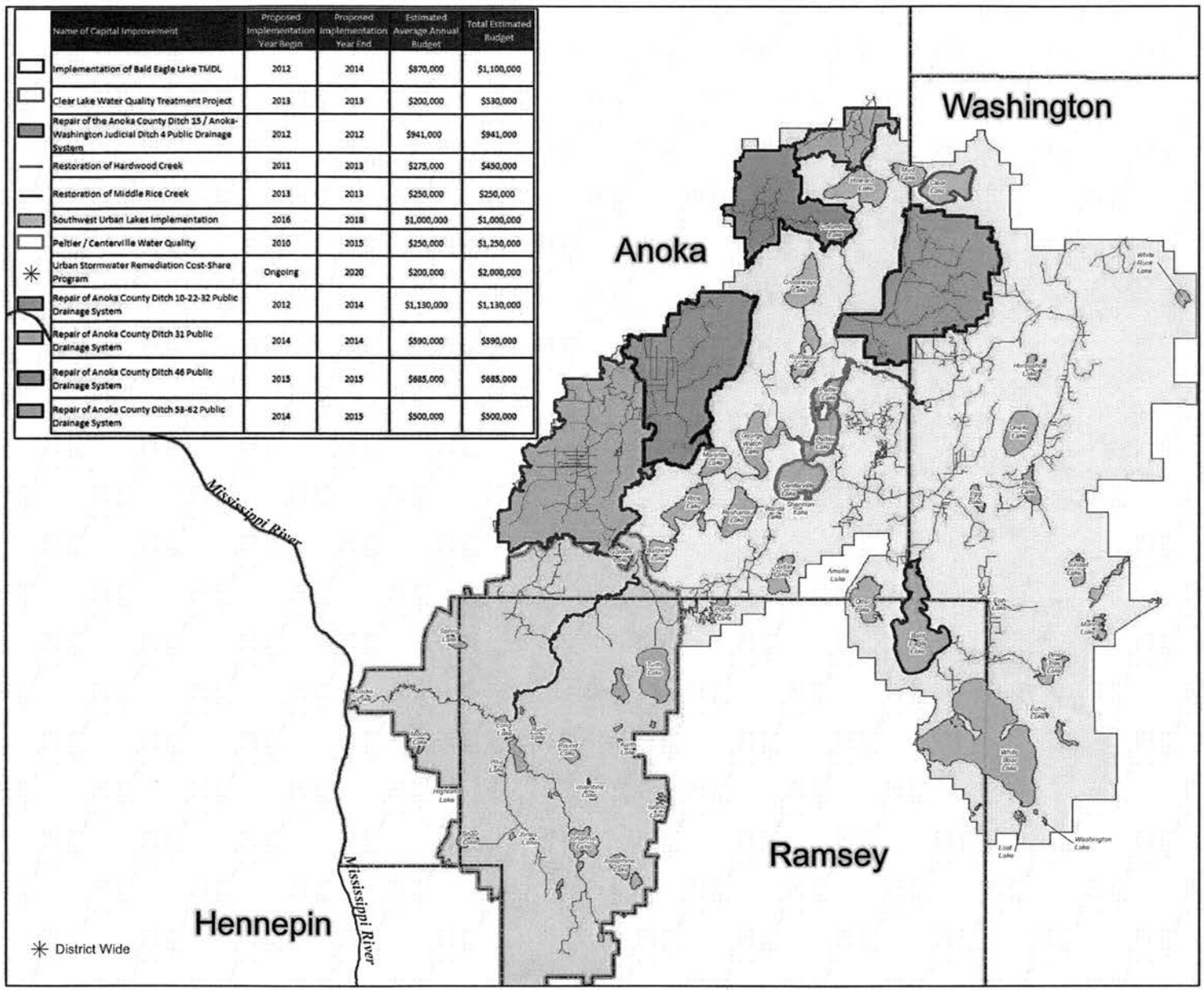
Dated at St. Paul, Minnesota this 25th day of January, 2012.

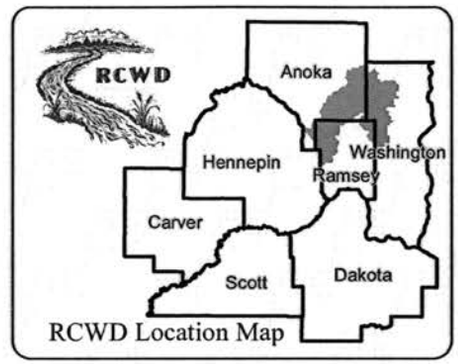
MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Rice Creek Watershed District Watershed Management Plan

Name of Capital Improvement	Proposed Implementation Year Begin	Proposed Implementation Year End	Estimated Average Annual Budget	Total Estimated Budget
Implementation of Bald Eagle Lake TMDL	2012	2014	$870,000	$1,100,000
Clear Lake Water Quality Treatment Project	2013	2013	$200,000	$530,000
Repair of the Anoka County Ditch 15 / Anoka-Washington Judicial Ditch 4 Public Drainage System	2012	2012	$941,000	$941,000
Restoration of Hardwood Creek	2011	2013	$275,000	$450,000
Restoration of Middle Rice Creek	2013	2013	$250,000	$250,000
Southwest Urban Lakes Implementation	2016	2018	$1,000,000	$1,000,000
Peltier / Centerville Water Quality	2010	2015	$250,000	$1,250,000
Urban Stormwater Remediation Cost-Share Program	Ongoing	2020	$200,000	$2,000,000
Repair of Anoka County Ditch 10-22-32 Public Drainage System	2012	2014	$1,130,000	$1,130,000
Repair of Anoka County Ditch 31 Public Drainage System	2014	2014	$590,000	$590,000
Repair of Anoka County Ditch 46 Public Drainage System	2015	2015	$685,000	$685,000
Repair of Anoka County Ditch 53-62 Public Drainage System	2014	2015	$500,000	$500,000





RCWD Location Map

N
W
E
S

0 1.25 2.5 5 Miles

Data Sources: Rice Creek Watershed District, MN DNR Data Deli

Figure 6-4: Possible Capital Improvement Projects

Scale:	Drawn by:	Checked by:	Project No.:	Date:	Sheet:
AS SHOWN	KZS	MRD	5555-035.01	07/15/09	

Houston Engineering Inc.
Maple Grove
P: 763.493.4522
F: 763.493.5572

6.3.3.2 Clear Lake Water Quality Treatment Project

Clear Lake, located in the City of Forest Lake, is the headwaters of Rice Creek. The purpose of this capital improvement project is to correct existing stormwater runoff and erosion and sediment problems which are contributing excess nutrients to Clear Lake and causing physical damage to public rights of way in the project area. A Feasibility Report was completed in 2009 and outlines a plan of action to divert and treat approximately 65 acres of residential and roadway area to remove sediment and nutrients from entering the lake along with the construction/reconstruction of approximately 1,000 feet of storm sewer.

Table 6-6 Proposed Capital Improvement Projects for the RCWD

Name of Capital Improvement	Proposed Implementation Year Begin	Proposed Implementation Year End	Estimated Average Annual Budget	Total Estimated Budget
Implementation of Bald Eagle Lake TMDL	2012	2014	$870,000	$1,100,000
Clear Lake Water Quality Treatment Project	2013	2013	$530,000	$530,000
**Repair of the Anoka County Ditch 15 / Anoka-Washington Judicial Ditch 4 Public Drainage System	2011	2012	$1,500,000	$1,500,000
Restoration of Hardwood Creek	2011	2013	$275,000	$450,000
Restoration of Middle Rice Creek	2015	2015	$1,400,000	$1,400,000
Southwest Urban Lakes Implementation	2016	2018	$1,000,000	$1,000,000
Peltier / Centerville Water Quality	2010	2015	$250,000	$1,250,000
Urban Stormwater Remediation Cost-Share Program	Ongoing	2020	$200,000	$2,000,000
Repair of Anoka County Ditch 10-22-32 Public Drainage System	2012	2014	$1,130,000	$1,130,000
Repair of Anoka County Ditch 31 Public Drainage System	2014	2014	$590,000	$590,000
Repair of Anoka County Ditch 46 Public Drainage System	2015	2015	$685,000	$685,000
Repair of Anoka County Ditch 53-62 Public Drainage System	2014	2015	$500,000	$500,000

** Excludes installation of Branch 3 storm sewer and the realignment of ACD 15 when future development occur.

6.3.3.3 Urban Stormwater Remediation Cost Share Program

The need to manage excess runoff as a result of an urbanizing landscape and the effects of excess runoff, including the potential to cause flooding and degrade water quality, is the purpose of this capital improvement. The Urban Stormwater Remediation Cost Share Program is a grant program (see **Appendix G**), which funds capital improvements, constructed by counties, cities, villages, townships, school districts, libraries, and other entities, to enhance water quality or alleviate flooding issues. The program is focused primarily on urbanized areas, where the opportunities to improve water quality or alleviate flooding issues is limited because of a lack of space and a fully urbanized landscape. The intent of the program is to cost share structural solutions that result in the control of stormwater runoff beyond what is required by District rules, especially when opportunities are associated with redevelopment, linear projects like road and street improvements, and storm sewer improvement projects. Grants dollars are available only for Best Management Practices not being implemented to comply with District rules, (i.e. projects that either do not require a permit, or BMPs that are in addition to permit requirements). The grant will cover a maximum of 50% of estimated project or bid cost, whichever is lower, not to exceed $50,000 per project.

6.3.3.4 Repair of Anoka County Ditch 15 / Washington County Judicial Ditch 4

The issue addressed by this capital improvement is the disrepair of the Anoka County Ditch 15 / Washington County Judicial Ditch 4 legal drainage system, the need to manage stormwater when the area develops and to develop and implement a plan to manage natural resources and water quality associated with the legal drainage system. This capital improvement project is identified within *Anoka County Ditch 15 Washington County Judicial Ditch 4 Repair Report*[4] dated January 15, 2009. One of the legal drainage systems managed by the RCWD is Anoka County Ditch 15 / Washington County Ditch Judicial Ditch 4 (ACD 15 / JD 4) located within the northeastern portion of the RCWD. The Repair Report included the evaluation of seven alternatives. The alternatives were intended to represent a reasonable range of options for providing some "level of service" for the drainage of agricultural land currently in "active" agricultural production and to predictably manage and convey surface water runoff resulting from future growth and development. The Board of Managers ordered a project intended to restore the agricultural drainage benefits to those lands in agricultural product, to plan for the future management of stormwater when the area develops, to restore wetland and to manage floodplains.

6.3.3.5 Restoration of Hardwood Creek

The issue addressed by this capital improvement is the degraded condition of a portion of the Trunk System Hardwood Creek, which is a stream that serves as a stormwater trunk and has been considerably modified as a result of urbanization and a changing landscape. This capital improvement project is identified within *Hardwood Creek / Washington County JD2 Stable Stream Rehabilitation* (October 15, 2004), *Rehabilitation / Engineer's Report for Hardwood Creek / Washington County JD2* (January 2004) and *Hardwood Creek Basis for Design Report* (August 2008). In 2006 and 2007 the RCWD implemented a number of stream restoration projects on the lower end of Hardwood Creek with grant funding provided to the District by the BWSR. The first project areas were Hardwood Creek between I-35E and 80th Street in Lino Lakes and near the bend south and north of 165th Street in Hugo. The 35E to 80th Street reach was funded by a BWSR grant and was completed using contractors with a design, bid build project delivery. The reach near 165th was completed with the District acting as the general contractor. Both project areas were constructed in 2006 using boulders, trees, gravel and vegetation in rock vanes, root wads, brush bundles and live stakes to mimic that

[4] The documents reference in this section can generally be found on the District's website http://ricecreek.org/.

natural environment and provide the physical and vegetative improvements to meet the project goals. In 2007 the District extended the project to include a design for the remaining properties between 80th Street and 165th Street. Using the same design philosophy as was done in 2006 the project team prepared design drawings showing bioengineering actions for each of the properties within this reach as well as a cost estimate. This reach is on a natural channel and has no easements and the construction work is presently on hold until temporary and permanent site access issues can be resolved. In 2008, Hardwood Creek was listed by the MPCA as impaired for dissolved oxygen (first in 2004 from the Headwaters to Peltier Lake), aquatic life (fish bioassessments) and turbidity (first in 2003 from Highway 61 to Peltier Lake). Completion of the TMDL is expected in 2009. To address the impairments and continue the effort along Hardwood Creek, the District identified additional opportunities within the report *Rehabilitation / Engineer's Report for Hardwood Creek / Washington County JD2* (January 2004) and *Hardwood Creek Basis for Design Report* (August 2008). This capital improvement project implements those recommendations.

6.3.3.6 Restoration of Middle Rice Creek

The issue addressed by this capital improvement is the degraded condition of a portion of the Trunk System, Rice Creek, which is a stream that serves as a stormwater trunk and has been considerably modified as a result of urbanization and a changing landscape. This capital improvement project is identified within *Middle Rice Creek Assessment and Stabilization Feasibility Study* dated June 13, 2008. The restoration or re-meandering of more than 16,000 feet of Rice Creek as it traverses 17.5 miles through Anoka and Ramsey Counties from Howard Lake to the Mississippi River for is envisioned. Another component of the improvements is providing access to Rice Creek at six locations, using a context sensitive design approach which incorporates information kiosks, to provide recreational opportunities including canoeing and kayaking. Implementation is a joint effort between the RCWD, Anoka County, Ramsey County, the National Park Service, and the Friends of the Mississippi River. The project will increase the recreational use of Rice Creek as a regional water trail as physical barriers that prevented access across land owned by the U.S. Army (Twin Cities Ammunitions Arsenal) were removed in 2008.

The restoration and re-meander of Rice Creek is intended to reverse the consequences of past efforts to reduce flooding and "control" Rice Creek through channelization. Channelization is believed to have resulted in an increase in sedimentation downstream within Long Lake, the loss of fish and wildlife habitat, and an increased in downstream flood flows.

Goals for the project include:1) restoring the shoreline and riparian habitats of Middle Rice Creek thereby enhancing the quality and diversity of fish and wildlife habitat in the creek and adjoining floodplain; 2) restoring the water quality and stream biota; 3) providing environmental education via the re-introduction of people to this part of Rice Creek.

6.3.3.7 Southwest Urban Lakes Implementation

The issue addressed by this capital improvement is the degraded water quality of lakes located within the southwest portion of the District. This capital improvement project is generally identified within the Lake Management Plans contained within the report titled *Southwest Urban Lakes Study* dated April 2009. The RCWD has received numerous inquiries for assistance with improving the water quality of degraded urban lakes in the southwest portion of the watershed. These requests came from lake homeowners and lake associations on lakes that have experienced decades of concentrated urban runoff and are now showing the effects. The Southwest Urban Lakes Study assessed the water quality of 24 lakes in the southwest portion of the RCWD, particularly in relation to state water quality standards, and resulted in the development of management action plans for each lake. The intent of each management action plans is to give the District a prioritized list of projects for further investigation. For most projects further feasibility assessments is needed before the District proceeds with a particular project. Over 200 potential retrofit BMPs are identified in the management action plans. The improvement project is intended to implement these BMP retrofits.

6.3.3.8 Peltier / Centerville Water Quality

The issue addressed in this capital improvement is degraded water quality in Peltier and Centerville Lakes. These lakes are located in the cities of Lino Lakes and Centerville in Anoka County. A TMDL to address excess nutrients in both lakes was initiated in 2007 and will be completed in 2009. The TMDL document, along with the Implementation Plan, has identified a number of possible improvement projects for each lake. One component of the Implementation Plan identifies the need for a one-way valve (or similar device) for installation between Peltier and Centerville Lakes. The current configuration allows exchange of water between the two lakes, allowing very poor quality water from Peltier into Centerville. Another component of the Implementation Plan suggests the need for a water-level drawdown on Peltier to consolidate lake sediments and control invasive curly-leaf pondweed. Upon completion of the Implementation Plan, the RCWD will work with partners to better prioritize implementation actions identified in the Implementation Plan.

6.3.3.9 Repair of Anoka County Ditch 10-22-32

The issue addressed by this capital improvement is the poor condition and functioning of the Anoka County Ditch 10-22-32 Public Drainage System. This public drainage system provides drainage to lands currently in agricultural production, serves as the stormwater outlet for currently developed lands, and will serve as the stormwater outlet once the area fully develops, within portions of the City of Blaine and Columbus. A portion of the public drainage system also is used store water for the irrigation of agricultural land. The District has received municipal concurrence to exercise alternative authority for repair of the drainage systems as provided in statutes section 103D.621, subdivision 4. Pursuant to its alternative authority, the District will initiate repair of the drainage system under statutes sections 103B.231 and/or 103D.605.

This capital improvement project is described within a September 1, 2010 Repair Report subsequently modified by an Addendum to the Repair Report on February 15, 2011. The project envisions that a repair, similar to the Functional Repair Profile Alternative #2 as described in the Repair Report, is initially constructed to serve active agricultural operations by the drainage system with the following modifications: 1) repair only select portions of the system to the Functional Repair condition to provide the level of service necessary for active agricultural operations (i.e., repair where farming is occurring); and 2) maintain other locations within the system that are not adjacent to or serving active agricultural lands to the existing profile via spot cleaning, removal of vegetative obstructions and replacement of non- or low-functioning culverts to minimize potential adverse impacts to wetlands.

6.3.3.10 Repair of Anoka County Ditch 31

The issue addressed by this capital improvement is the poor condition and functioning of the Anoka County Ditch 31 Public Drainage System. This public drainage system provides drainage to lands currently in agricultural production, serves as the stormwater outlet for currently developed lands, and will serve as the stormwater outlet once the area fully develops, within the City of Columbus. The District has received municipal concurrence to exercise alternative authority for repair of the drainage systems as provided in statutes section 103D.621, subdivision 4. Pursuant to its alternative authority, the District will initiate repair of the drainage system under statutes sections 103B.231 and/or 103D.605.

This capital improvement project is described within a February 17, 2010 Repair Report. The project envisions that a repair, similar to the Resource Management Plan Alternative (RMPA – Alternative #4) as described in the Repair Report, is constructed to serve active agricultural operations, currently developed lands and future lands needing a conveyance system, by the drainage system. Wetland impacts are avoided and minimized by this alternative to maximum extent practicable, while still providing the basic drainage function necessary level of service. The project is intended to be self-mitigating with regards to wetland impacts and includes the construction of potential wetland restoration sites, should the locations prove to be technically feasible. This alternative is consistent with the Columbus Wetland Protection and Management Plan as implemented through Rule RMP-4.

6.3.3.11 Repair of Anoka County Ditch 46

The issue addressed by this capital improvement is the poor condition and functioning of the Anoka County Ditch 31 Public Drainage System. This public drainage system provides drainage to lands currently in agricultural production, serves as the stormwater outlet for currently developed lands, and will serve as the stormwater outlet once the area fully develops, within the City of Columbus. The District has received municipal concurrence to exercise alternative authority for repair of the drainage systems as provided in statutes section 103D.621, subdivision 4. Pursuant to its alternative authority, the District will initiate repair of the drainage system under statutes sections 103B.231 and/or 103D.605.

This capital improvement project is described within a January 22, 2010 Repair Report. The project envisions that a repair, similar to the Resource Management Plan Alternative (RMPA – Alternative #4) as described in the Repair Report, is constructed to serve active agricultural operations, currently developed lands and future lands needing a conveyance system, by the drainage system. Wetland impacts are avoided and minimized by this alternative to maximum extent practicable, while still providing the basic drainage function necessary level of service. The project is intended to be self-mitigating with regards to wetland impacts and includes the construction of potential wetland restoration sites, should the locations prove to be technically feasible, including the restoration of Columbus Lake. This alternative is consistent with the Columbus Wetland Protection and Management Plan as implemented through Rule RMP-4.

6.3.3.12 Repair of Anoka County Ditch 53-62

The issue addressed by this capital improvement is the poor condition and functioning of the Anoka County Ditch 53-62 Public Drainage System. This public drainage system provides drainage to lands currently in agricultural production, serves as the stormwater outlet for currently developed lands, and will serve as the stormwater outlet once the area fully develops, within the Cities of Blaine and Circle Pines. The District has received municipal concurrence to exercise alternative authority for repair of the drainage systems as provided in statutes section 103D.621, subdivision 4. Pursuant to its alternative authority, the District will initiate repair of the drainage system under statutes sections 103B.231 and/or 103D.605.

This capital improvement project is identified within a September 2006 Repair Report titled "Resource Management Plan Alternative for the Repair of Anoka County Ditch 53-62 and subsequent documents. The project envisions that the repair will consist of:

- Removing obstructions;
- Providing adequate flood relief;
- Maintaining the hydraulic efficiency of the system;
- Use self-sustaining designs for the drainage system; and
- Recognizing the effect of future development.

The use of these concepts is coined the "Resource Management Plan." This alternative is consistent with the Wetland Protection and Management Plans as implemented through Rule M and RMP-1.

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

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

2. Hubbard County Local Water Planning Extension Request – ***DECISION ITEM***

3. City of Sauk Rapids Comprehensive Wetland Protection and Management Plan – ***DECISION ITEM***

4. Sand Hill River Watershed District Water Management Plan – ***DECISION ITEM***

5. Marshall County Comprehensive Local Water Management Plan Amendment – ***DECISION ITEM***

6. Red Lake Watershed District Territory Withdrawal – ***DECISION ITEM***

7. Cormorant Lakes Watershed District (District) Watershed Management Plan – ***DECISION ITEM***

8. Buffalo Red River Watershed District Enlargement and Increase in Number of District Managers Order for Hearing – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Benton County CLWMP 5 Year Update

Meeting Date: January 25, 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 Update of the Benton County Comprehensive Local Water Management Plan

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
On August 28th, 2008, the Board of Water and Soil Resources approved the Benton County Comprehensive Local Water Management Plan with a date range from 2008 to 2018. The Board required a five year update of the plan by 2013.

The County passed a resolution to amend the plan on April 5th, 2011 and submitted the updated plan to the Brainerd field office on October 27th, 2011. As part of the submission, the Benton 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 will be presented to the Northern Water Planning Committee on January 19th, 2012. As the plan update met state statutes and is non-controversial, the Committee is expected to recommend forwarding the plan to the full board for approval.

This item a draft item that is contingent upon the Committee's final recommendation.

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the **Benton** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on **October 27, 2011** pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On **August 28, 2008**, the Board of Water and Soil Resources approved the Benton County Comprehensive Local Water Management Plan from 2008 to 2018 with a requirement for an update by 2013.

2) On **April 5, 2011,** the Benton County Commissioners passed a resolution to begin the Five Year Update of their Comprehensive Local Water Management Plan.

3) The priority concerns of the local water management plan remained the same and include:

   A) Feedlot and Nutrient Management
   B) Development
   C) Groundwater Quality and Quantity

4) On **October 27, 2011,** the BWSR received the **Benton** County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On **January 19, 2012,** the Northern Water Planning Committee of the board reviewed the recommendations of the state review agencies regarding the five year update of the **Benton** County Plan Update .

6) This update will be in effect until **August, 2018.**

CONCLUSIONS

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

2. The **Benton** 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 five year amendment of the **Benton** Local Water Management Plan **August 1, 2008 to July 31, 2018.**

Dated at **St. Paul,** Minnesota, this **twenty fifth day of January, 2012.**

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Brian Napstad, Chair

I. Executive Summary

Purpose of Local Water Management Plan

The purpose of the Benton County Comprehensive Local Water Management Plan is to:
• Identify and address existing and potential issues for the protection, management, and development of water resources and related resources in the County
• Identify priority concerns to be addressed during the effective time frame of the plan
• Develop goals and implement actions that improve water quality and quantity and related resource management and planning in the County

In 2008 Benton County updated the Local Water Management Plan (LWMP) in accordance with Minnesota Statues 103B. The LWMP remains in effect for a period of ten years (expiring December 31, 2018, Appendix A).

This Amendment contains an updated Implementation Plan. The Water Resource Advisory Committee (WRAC) was delegated the responsibility of overseeing the development of the new Implementation Plan. The WRAC conducted two meetings during the planning process to review and update the goals, objectives and actions addressed in the plan, as well as solicit input from the public, local government units (LGU), State and Federal Agencies. The three Priority Concerns for the 10 year plan have not changed however, goals, objectives and actions items have changed. Some were added, modified or deleted depending upon the current issues and concerns.

Description of Priority Concerns

During the 2008 update the Benton County Water Resources Advisory Committee analyzed information collected through public meetings and surveys and selected three priority concerns that are addressed in the implementation plan. A more detailed description of the process used to identify the Priority Concerns is laid out in Scoping Document in Appendix B. Education and outreach will be a component of each priority concern, and therefore was not selected as a separate priority concern.

The three priority concerns selected were:
(Descriptions are taken directly from the Comprehensive Local Water Management Plan 2008 – 2018)

1.) **Feedlot and Nutrient Management**
Even though Benton County is experiencing development pressures, agriculture still dominates the landscape. There is concern that livestock operations and the by-products they produce are degrading surface water quality. There is a need for a focused effort to pro-actively approach livestock producers and offer cost share and technical assistance to design and install low cost best management practices that improve water quality.

Previous Estimated Cost ---------- $1,484,000
Updated Estimated Cost---------- $2,081,000

2.) Development

Benton County population is expected to increase 23% by 2015. The western part of the county is already developing rapidly around the cities of St. Cloud, Sauk Rapids, and Sartell. We need to strategically plan for how growth should be managed and where it should occur in order to preserve and protect our water quality and quantity while promoting economic progress.

Previous Estimated Cost ----------$1,205,000
Updated Estimated Cost----------$1,437,000

3.) Groundwater Quantity and Quality

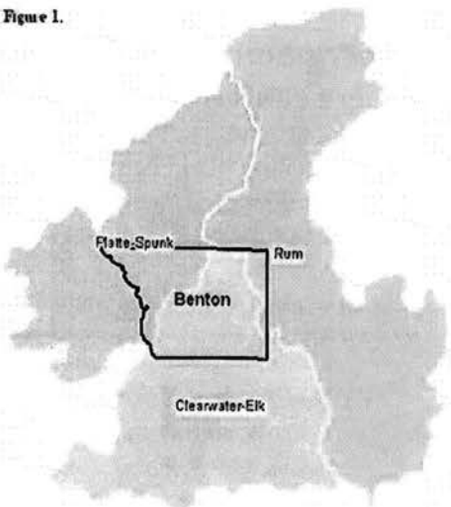
There are concerns regarding groundwater over-pumping in the last few years. There is a need to locate and map groundwater resources within the county in order to plan for and promote sustainable use of the resource. Because of the increasing population, there is also a need to protect drinking water from contamination.

Previous Estimated Cost ----------$1,088,900
Updated Estimated Cost----------$1,358,900

Summary of Benton County Impaired Water Resources and Activities

Benton County is made up of three major watersheds: Platte-Spunk, Clearwater-Elk, and Rum (Figure 1). Table 1 gives more detailed information about each watershed.

Figure 1.



USGS Name	CLEARWATER-ELK	PLATTE-SPUNK	RUM
USGS HUC-8	7010203	7010201	7010207
DNR Major #	17	15	21
Minnesota Name	Mississippi River - St. Cloud	Mississippi River - Sartell	Rum River
Total Acres	716,247	647,507	994,280
Acres in Benton Co.	171,264	69,120	20,096
% Benton County	66	26	8

Clearwater-Elk is the largest watershed in Benton County. The Benton County portion alone is comprised of five major sub-watersheds, including Mayhew Creek, Mayhew Lake, Stony Brook, St. Francis and Elk River.

The Platte-Spunk Watershed is the second largest watershed in Benton County. It is comprised of three minor watersheds, including: the Mississippi River, Lower Platte River and Little Rock Creek.

The Rum River Watershed is the smallest watershed in Benton County. There are two major sub-watersheds within the Rum, including: the Estes Brook and the West Branch of the Rum River.

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Hubbard County Water Plan Extension ☐

Meeting Date: January 25, 2012

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region:
Contact:
Prepared by: Dan Steward
Reviewed by: Northern Water Planning Committee(s)
Presented by: Quentin Fairbanks

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

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

Fiscal/Policy Impact

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

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

ACTION REQUESTED

Decision

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
On January 24, 2007 the Minnesota Board of Water and Soil Resources (Board) approved the Hubbard County Comprehensive Local Water Management Plan (Plan). The Plan expires on January 24, 2012. Hubbard SWCD's local water plan coordinator position was vacant this fall. The county is requesting a two year extension while the county completes the update. The Northern Water Planning Committee will meet and review the request on January 19, 2012.

Minnesota Board of Water and Soil Resources

St. Paul, Minnesota 55155

In the Matter of Extending the Comprehensive Local Water Plan For Hubbard County (1995 Minnesota Session Law, Chapter 184, Section 24, authorizing BWSR to grant extensions).

Whereas Hubbard County has a state approved Comprehensive Local Water Plan that is effective until January 24, 2012, pursuant to Minnesota Statute 1990, Section 103B.301, and

Whereas, the Hubbard County Board of Commissioners passed a resolution requesting an extension for the Comprehensive Local Water Plan to the Board of Water and Soil Resources (BWSR) on October 5, 2011, pursuant to Minnesota Session Law 1995, Chapter 184, and

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

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

FINDINGS OF FACT

1. On October 13, 2011 the Board of Water and Soil Resources received a resolution from Hubbard County requesting a two-year extension of their Comprehensive Local Water Plan to January 24, 2014.

2. On December 8, 2011, Board of Water and Soil Resources staff reviewed and recommended approval of the extension request by Hubbard County.

3. On January 19, 2012, the Northern Water Planning Committee met and reviewed the Hubbard County request for an extension. The Committee recommended approval of the request.

CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board of Water and Soil Resources has proper jurisdiction in the matter of extending the Comprehensive Local Water Plan of Hubbard County pursuant to Minnesota Session Law 1995, Chapter 184, Section 24.

ORDER

The Board of Water and Soil Resources hereby approves the two-year extension of the Hubbard County Comprehensive Water Plan until January 24, 2014. Dated at St. Paul, Minnesota, this 25th day of January, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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Brian Napstad, Chair
January 25, 2012

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **City of Sauk Rapids Comprehensive Wetland Management Plan**

Meeting Date: January 25, 2012
Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: Metro Region
Contact: Dale Krystosek or Keith Grow
Prepared by: Dale Krystosek and Keith Grow
Reviewed by: North Region Water Plan Committee(s)
Presented by: Dale Krystosek & Keith Grow

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 Comprehensive Wetland Protection and Management Plan for the City of Sauk Rapids.

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

The Comprehensive Wetland Protection and Management Plan (CWPMP) for the City of Sauk Rapids has been developed to provide the City with additional information regarding its wetland resources and to develop policies related to wetland management. The CWPMP was created to complement and be used in conjunction with the City's Natural Resource Inventory(NRI) and to provide guidance and support to the City's Comprehensive Land Use Plan. The plan was also created to provide flexibility and control over wetland management and protection, identifing potential wetland restoration areas, regional wetland mitigation sites and providing management strategies for different types of wetlands. The approach taken addresses landuse management in the context of wetland functions and values. It will provide for an ecological balanced between wetland protection/management and the future growth and development within the City, by providing a framework of guiding where wetland impacts, replacement, and restoration may occur.

On January 19, 2012, the Northern Water Planning Committee will meet with representatives from the City of Sauk Rapids and BWSR staff to discuss the merits of the plan. The draft Order of the Plan is attached.

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

In the Matter of the review of the Comprehensive Wetland Management Plan for the **City of Sauk Rapids,** pursuant to Minnesota Statues Section 103G.2242, Subdivision 1 (c)

ORDER APPROVING COMPREHENSIVE WETLAND PROTECTION AND MANAGEMENT PLAN

Whereas, the City of Sauk Rapids submitted a Comprehensive Wetland Protection and Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103G.2242, Subd. 1 (c), and;

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

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

FINDINGS OF FACT

1. **Authority to Plan.** Minnesota Statutes Section 103G.2242, Subd. 1 (c), 103G.2243 and Minnesota Rules Chapter 8420.0830 allow the Board to approve a Comprehensive Wetland Protection and Management Plan developed by a local government unit, provided it is implemented through the local government unit's official controls.

   The purpose of the Comprehensive Wetland Protection and Management Plan (CWPMP) is to provide the City of Sauk Rapids with additional information in regard to its wetland resources and to develop policies related to wetland management using a watershed approach. The CWPMP was created to complement and be used with the City's Natural Resource Inventory (NRI), to provide guidance and support to the City's Comprehensive Land Use Plan. This watershed approach to land use planning will provide for the protection and management of wetlands within the City and concurrently support the growth and development that the City continues to experience. The CWPMP provides flexibility and control over wetland management and protection, identifies potential wetland restoration areas, identifies regional wetland mitigation sites and provides management strategies for different types of wetlands. This framework will integrate wetland management and protection with growth and development within the city.

   Wetland values have proven to be important to the local community as such, public involvement was incorporated into the development of the CWPWP through as series of open meetings and a public hearing. In addition to the regulatory agencies, these meetings offered the community an opportunity to provide input to the process and share local insight into the function and values that wetlands provide within the City as well as the surrounding Townships.

2. **Nature of the Plan Area.**

The City of Sauk Rapids is approximately 4000 acres in size. It is located in Benton County and is uniquely situated on long the east bank of the Mississippi River. Its neighbors to the south and west, across the river, are the cities of St. Cloud and Sartell. The Sauk Rapids plan area contains a series of lakes, rivers, ditches and adjacent wetlands. Surface and groundwater flow is to the south eventually working its way through the Anoka Sand plain to the Mississippi River. Based on the existing land use maps the core of the city is comprised primarily of residential, commercial, industrial and public land uses with increasing residential development patterns and vacant/agricultural lands being located in the growth areas. The recently completed wetland inventory encompassing a 14,151 acre project area indicated there are 160 wetlands totaling 2550 acres.

3. **Plan Review.** In accordance with 8420.0830, Subp.6, A-C, the plan was developed, reviewed, and revised in consultation with the U.S. Army Corps of Engineers, the Department of Natural Resources, the Pollution Control Agency, the Board of Water and Soil Resources, the technical evaluation panel (TEP), which includes representation from Benton County, Benton Soil and Water Conservation District, the Department of Natural Resources and the Board of Water and Soil Resources. Local citizens and other Local Government Units were also invited to participate. The plan development process included numerous drafts and opportunities for comment. A draft copy was sent to the Department of Agriculture. They chose not comment. The Plan has provided an attached Ordinance that will be officially adopted by the City of Sauk Rapids to implement the Plan.

4. **Highlights of the Plan.** The critical elements of the Plan include:

The plan assessed the 160 wetlands within the defined project area utilizing the Minnesota Routine Assessment Methodology (MnRAM). This method incorporates objective and categorical information collected on wetlands to evaluate overall wetland health, vulnerability and social value. The MnRAM assessment also identified wetlands that have the potential for hydrologic restoration. These wetlands are generally characterized as being effectively or partially drained through artificial hydrologic modifications. Potential wetland mitigation areas were identified based on landscape characteristics, adjacent land use, proximity to wetlands and source of hydrology. Based on the results of MnRAM wetland function and values four different management categories and corresponding replacement ratios were established. These categories in descending order of priority included Preserve, Manage 1, Manage 2, and Manage 3. The assigned ratios of replacement vary from 6:1 in the Preserve category to 1:1 in those areas designated as Manage 3.

5. **Plan review and approval**

The draft plan was submitted to the BWSR, other state agencies and local governments on March 10, 2011. The agency comments were addressed in writing on July 1, 2011. A public hearing was held on July 11, 2011. On October 6, 2011, a final draft, ordinance and all required documentation was submitted to the Board. On November 23, 2011, an extension for review and approval was granted to the BWSR, by the City of Sauk Rapid until February 29, 2012, to accommodate the Army Corps of Engineers public notification process. Based on the comments received, several changes were made to the plan and ordinance by the City of Sauk Rapids. Both the final plan and ordinance were recommended for approval on January 19, 2012, to be approved by the BWSR on January 25, 2012.

North Region Water Plan Committee Meeting.

The Board's North Region Water Plan Committee met on January 19, 2012 with City representative Todd Schultz, Community Development Director and Jed Chesnut, Wetland/Natural Resource Specialist, WSB & Associates to review and discuss the Plan. Those in attendance from the Board's Committee were Chair Quentin Fairbanks, Paul Brutlag, Lori Dowling, Keith Mykleseth, Brian Napstad, Rob Sip, Gene Tiedemann. The Board staff in attendance was North Region Supervisor Ron Shelito, Senior Wetland Specialist, Dale Krystosek and Wetland Specialist, Keith Grow. Staff recommended approval of the Plan. After discussion, the Committee unanimously voted to recommend approval of the Plan to the full Board.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving a Comprehensive Wetland Protection and Management Plan and Ordinance for the City of Sauk Rapids pursuant to Minnesota Statutes Section 103G.2242, Subd. 1(c).

3. The City of Sauk Rapids' Comprehensive Wetland Protection and Management Plan and Ordinance is attached to this Order provides a functional assessment framework for all wetlands within the City of Sauk Rapids, management strategies based on this assessment, and an implementation program.

4. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103G.221 to 103G.2373 and Minnesota Rules Chapter 8420.

ORDER

The Board hereby approves the attached Comprehensive Wetland Protection and Management Plan, dated October 6, 2011, for the City of Sauk Rapids, Benton County, Minnesota.

Dated at Saint Paul, Minnesota this 25th day of January, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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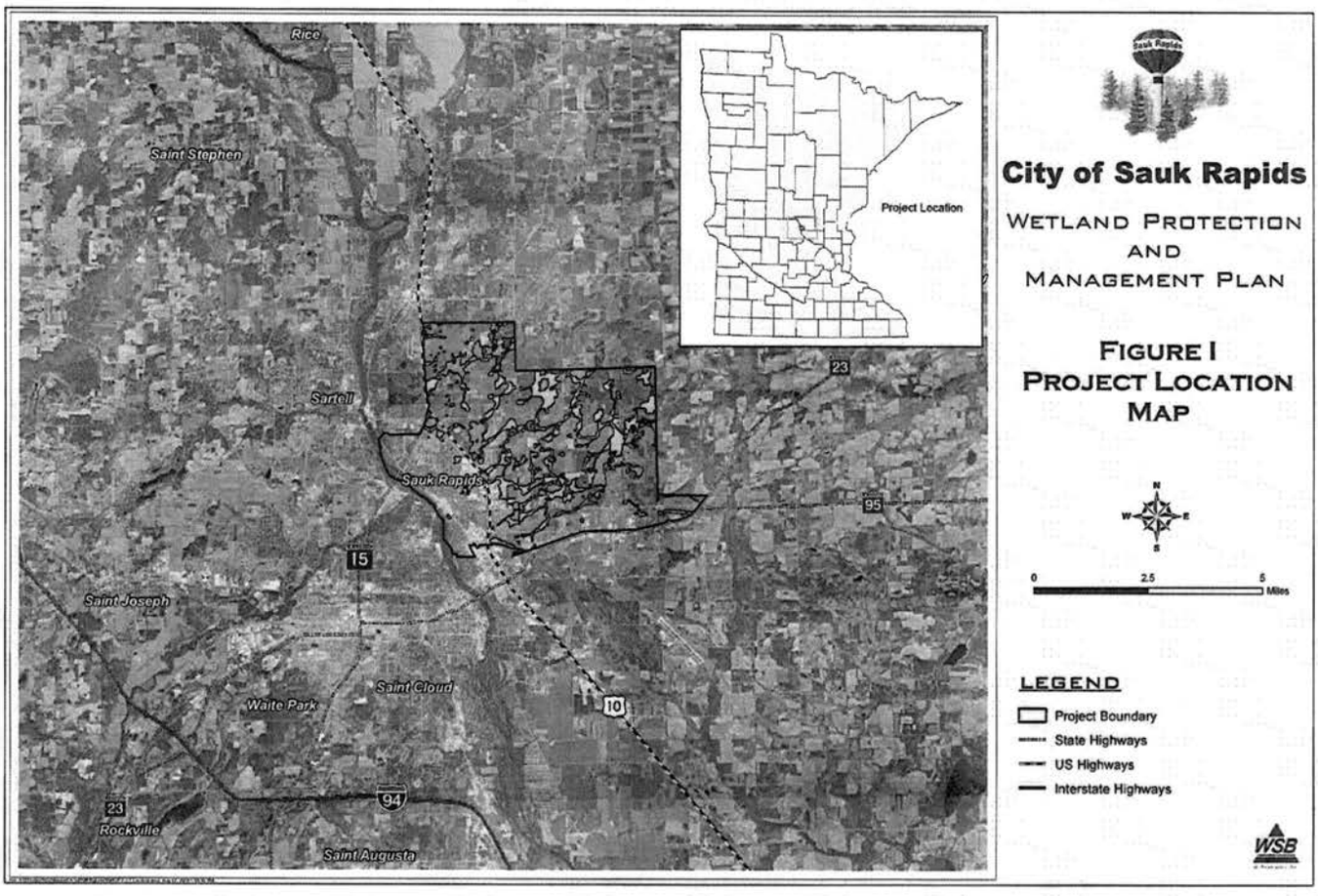
BY: Brian Napstad, Chair

Minnesota Board of Water and Soil Resources
January 19, 2012 Northern Water Planning Committee Meeting

CITY OF SAUK RAPIDS COMPREHENSIVE WETLAND PROTECTION AND MANAGEMENT PLAN OVERVIEW

Purpose

Minnesota Statutes Section 103G.2242, Subd. 1c and Minnesota Rules Chapter 8420.0830 allow the Board to approve a Comprehensive Wetland Protection and Management Plan (CWPMP) developed by a local government unit, provided it is implemented by a local government unit, provided it is implemented through the local government unit's official controls. The CWPMP identifies the importance of wetlands through a functional assessment and the role they play in the community. The plan also provides a management strategy to assist the city in their city-wide planning efforts as they seek to balance wetland protection and management with future growth and development.

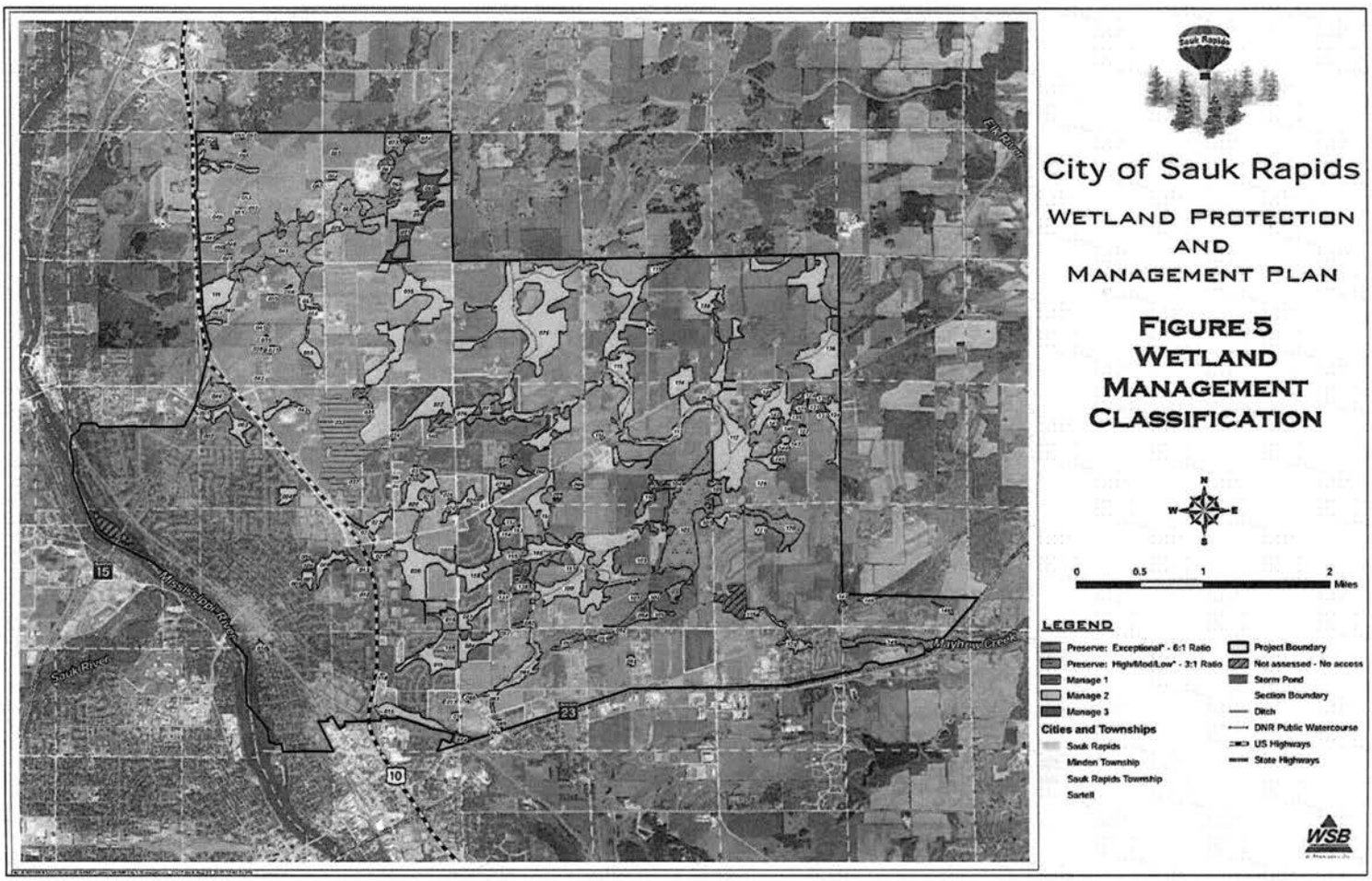


The stated objectives and allowable flexibility of the CWPMP will allow the City to:

- Identify, evaluate, classify and create an inventory of wetlands within the City.
- Identify wetland functions and resources important to the City.
- Identify existing storm water ponds.
- Identify potential wetland restoration and mitigation sites.
- Establish wetland replacement ratios based on management categories and strategies.
- Manage wetland resources.
- Develop and integrate a long-term wetland management strategy with future development and other land use activities.

- Provide technical information and baseline data regarding the functions and values of wetland within the City.
- Incorporate the existing Natural Resource Inventory (NRI) in the classification and assessment of the wetlands.
- Provide advance information for developers and the City about the quality of wetlands within the site.
- Achieve no net loss in the quantity and quality of Sauk Rapids' wetlands
- Enact policies that will encourage preservation and enhancement of high quality wetlands while streamlining utilization of lower quality wetlands
- Create a detailed GIS database about the wetlands that can be used by City Staff and residents.
- Manage wetland resources through the prioritization of existing wetland for restoration and the strategic selection of replacement sites;
- Reduce flooding and flood damage;
- Improve downstream water quality by maintaining or reducing nutrient and sediment loads downstream;
- Enhance wildlife habitat and ecological integrity.

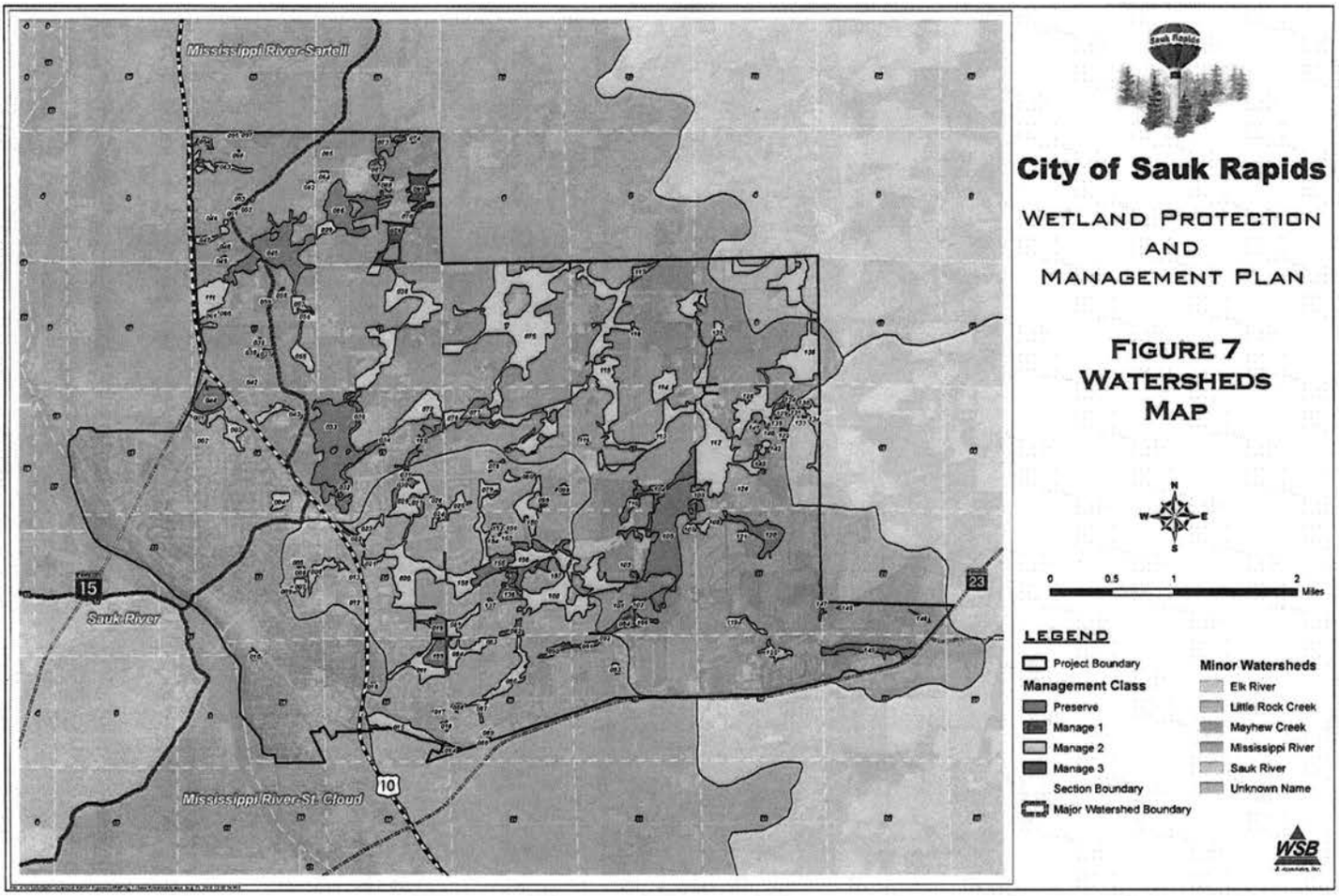
This plan was prepared to integrate the concepts of wetland management and protection with the needs and goals of the City of Sauk Rapids as it relates to the current development and land use trends within the region.



Nature of the Landscape

The City of Sauk Rapids is approximately 4,000 acres in size. It is located in Benton County and is uniquely situated on along the east bank of the Mississippi River. Its neighbors to the south and west, across the river, are the City of St. Cloud and the City of Sartell. The Sauk Rapids plan area contains a series of lakes, rivers, ditches

and adjacent wetlands. The surface and groundwater flow is to the south eventually working its way through the Anoka Sand Plain to the Mississippi River. Based on the existing land use maps the core of the city is comprised primarily of residential, commercial, industrial and public land uses with increasing residential development patterns and vacant/agricultural being located in the growth areas. A recently completed inventory indicated there are 160 wetlands totaling 2550 acres over the 14,151 acre project area.



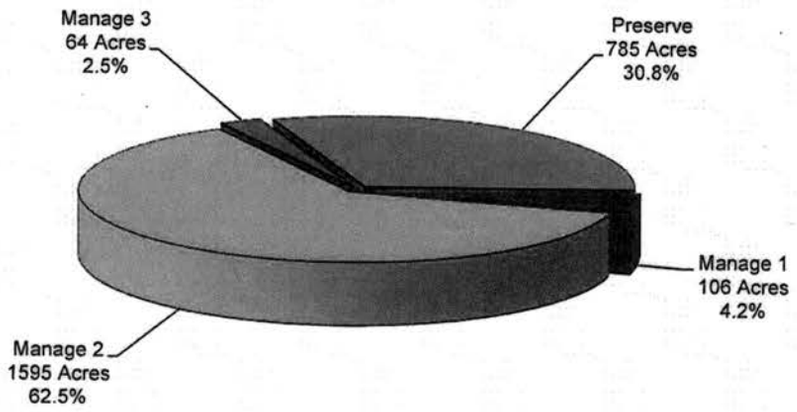
Plan Review

In accordance with 8420.0830, Subp.6, A-C, the plan was developed, reviewed and revised in consultation with the U.S. Army Corps of Engineers, Department of Natural Resources, The Pollution Control Agency, The Board of Water and Soil Resources, the Technical Evaluation Panel (TEP), which includes representation from Benton County, the Benton Soil and Water Conservation District and the Board of Water and Soil Resources – Bemidji/Brainerd). Local citizens and surrounding local units of government were also asked to participate. The plan development process included numerous drafts and opportunities for comment. As required in rule a draft was submitted to the Minnesota Department of Agriculture. They chose not to comment. The plan has an attached Ordinance that will be officially adopted by the City of Sauk Rapids in order to implement the plan.

The Status of Wetlands & Key elements of the plan

This CWPMP assessed the 160 wetlands within the project area utilizing the Minnesota Routine Assessment Methodology (MnRAM). This methodology incorporates objective and categorical information collected on wetlands to evaluate overall wetland health, vulnerability and social value. The technical analyses associated with the CWPMP show that wetland quality within the Plan area varies considerably, ranging from pockets of high quality, non-degraded wetland, to degraded wetlands that have been bisected by various private and public drainage systems, development and agriculture. Land available for development is limited and wetland management polices and rules which consider this are of great value to the City of Sauk Rapids.

Graph 1 - MnRAM Results



The MnRAM assessment also identified wetlands that have the potential for hydrologic restoration. These wetlands are generally characterized as being effectively or partially drained through artificial hydrologic modifications. Potential wetland mitigation areas were identified based on landscape characteristics, adjacent land use, proximity to wetlands and source of hydrology. Based on the results of MnRAM wetland functions and values and the rule requirement to meet the no-net loss of wetlands four different management categories were developed. These categories are as follows:

- **Preservation:** Wetland placed in this category generally provided high functions for vegetative diversity with some functions for water quality protection and flood attenuation. There are approximately 785 acres in this category as reflected in the MnRAM study.
    - ***The replacement ratio for wetland impacts occurring in these areas:***
        - ***a. Exceptional – (6:1)***
        - ***b. High/Moderate/Low (3:1)***

- **Manage 1:** Wetlands placed in this category generally provided high functions for vegetative diversity with some functions for water quality protection and flood attenuation. There are approximately 106 acres in this category.
    - ***The replacement ratio for wetland impacts occurring in these areas: 2.5:1***

- **Manage 2:** Wetlands placed in this category generally provided some functions for vegetative diversity with high function for water quality protection and flood attenuation. There are approximately 1595 acres in this category.
    - ***The replacement ratio for wetland impacts occurring in these areas: 2:1.***

- **Manage 3:** Wetlands placed in this category generally provided the highest functions for water quality protection and flood attenuation. Many of these wetlands serve storm water storage and treatment functions. There are approximately 67 acres in this category.
    - ***The replacement ratio for wetland impacts occurring in these areas: 1:1***

Under this CWPMP, the City may allow in-lieu fees for the increase replacement ratios beyond the 2:1 required replacement. These fees will be held in City Escrow accounts and will be used for projects that enhance or protect the natural resources within the City. This option will be exercised at the City's discretion.

Table V-1 summarizes the wetland management strategies for each management category.

Classification	Mitigation Requirements	Sequencing	Management Strategy
Preserve	Replacement ratios vary as described above: Exceptional* = 6:1 High/Mod/Low* = 3:1	Impacts allowed only under extreme hardship. Sequencing in conformance with WCA.	Actively protect and preserve functions and values of wetlands to the maximum extent feasible. Avoid impacts and changes to hydrology to greatest extent feasible.
Manage 1	Replacement at a 2.5:1 ratio	Sequencing in conformance with WCA.	Maintain existing functions and values.
Manage 2	Replacement at a 2:1 ratio	Sequencing in conformance with WCA.	Maintain existing functions and values, restore where applicable.
Manage 3	Replacement at a 1:1 ratio	Sequencing flexibility may be applied to proposed impacts to Manage 3 wetlands. Sequencing information is outlined in **Appendix E.**	Use for stormwater management, restore where applicable.

* Weighted average wetland rating for vegetative diversity/integrity as calculated by the MnRAM analysis

Plan Review and Approval

The draft Plan was submitted to BWSR, other state agencies, and local governments on March 10, 2011. The agency comments were addressed in writing on July 1, 2011. A public hearing was held on July 11, 2011. On October 6, 2011, a final draft, ordinance and all required documentation was submitted to the BWSR. On November 23, 2011, an extension for review and approval was granted to the BWSR by the City of Sauk Rapids until February 29, 2012, to accommodate the Army Corps of Engineers public notification process. Based on the comments received several changes were made to the plan and ordinance by the City of Sauk Rapids. Both final plan and ordinance were recommended for approval on 19, 2012, to be approved by the BWSR on January 25, 2012.

Agency Comments and Response

The City of Sauk Rapids received and responded in writing to Thirty-five comments. The following are a representation of those comments:

BWSR Comments

1. **The plan should be coordinated with the U.S. Army Corps of Engineers to ensure that the plan is consistent with Section 404 of the Clean Water Act.**

Response:

a. The Corps has been invited to attend all agency meetings and has been sent all correspondence in concluding a Draft Plan as per Minnesota Rule 8420.0830, Subp. 6, D.

b. The Corps has indicated in email correspondence that the final draft will be reviewed and posted for a 30 day public comment period. No public comments were received.

2. **Assuming the role of a Local Unit of Government (LGU) – Each LGU must send written acknowledgement, including a copy of the adopting resolution to the Board of Water and Soil Resources (BWSR, as per 8420.0200, Subp. 2, Item A).**

Response:

a. Written acknowledgement including a copy of the adopting resolution will be sent by the City of Sauk Rapids to the BWSR upon official adoption of the Plan and Ordinance by the Sauk Rapids City Council.

3. **The plan should specify how the City of Sauk Rapids will comply with Minnesota Rules 8420.0220, Subp. 2, B., which states," A local government unit must provide knowledgeable and trained staff with expertise in water resource management to manage the program or secure a qualified delegate.**

Response:

a. The City will meet this requirement by providing its own trained and knowledgeable staff, or retaining a trained and knowledgeable wetland consultant.

4. **The plan should further detail the role of the Technical Evaluation Panel (TEP), including the utilization of additional expertise as needed.**

Response:

a. The TEP's role under this Plan will follow the procedures outlined in Minnesota Rule 8420.0240, as amended. In such instances where additional expertise is required by the City of Sauk Rapids or the TEP, either the City or the TEP may seek advice and assistance from others with the require knowledge and expertise to provide guidance and recommendations.

5. **8420.0117, Subp. I, classifies, Benton County as a county which has 50% to 80% of its pre-settlement wetlands remaining. A 2:1 replacement ratio is required. If the scheduled three-year review shows a ratio deficit, how will the City make up the loss in wetlands?**

Response:

a. If, upon review at the 3-year internal review, the City's net quantity of wetlands is less than the 2:1 ratio, the City will implement a strategy whereby the reduced mitigation ratio will be changed to account for the deficit. The 1st 3-year internal review will be in consultation with the TEP and in consideration of the TEP's recommendation. Language has been added to the plan to address this comment.

Department of Natural Resources comments:

1. **The Sauk Rapids Conservation Overlay District data set should be considered along with MnRAM in the classifications of wetlands. The overlay district represents not only wetland characteristics but community and natural resource values.**

Response:

a. The city considers the Conservation Overlay District on a case by case basis when reviewing land-use applications. Therefore it wasn't directly applied to the Plan project area during the MnRAM analysis. Additionally, the MnRAM does not specifically address overlay districts when performing the functional assessment.

2. **Section V, B., Page 13, 1. Wetland Mitigation and Sequencing Preserve. Add language that will define "extreme hardship". Add language that protects the watershed of Preservation wetlands to minimize off site impacts to water delivery that would impact the functions and values of the wetland basin.**

Response:

a. Applications will be reviewed and decided upon on a case by case basis. Extreme hardship will be determined by the City which will rely on its variance standards as defined in Section 10 of the City

Code to determine extreme hardship. Language was added to the Plan and Ordinance t incorporate this approach.

b. The Plan has been designated to meet the requirements of the WCA on a watershed level. Additional restrictions to offsite areas and related impacts are beyond the intent of the City's plan.

Minnesota Pollution Control Agency

1. **I reviewed the document and I do not have any specific comments. I do however have some general comments. I am pleased to see that the City of Sauk Rapids is taking a proactive approach in managing their wetland resources. It looks like this plan was well thought out. This effort to manage these wetland resources will compliment the State's water quality programs as well. We are currently involved in a Major Watershed Restoration and Protection Project for the Mississippi River-St. Cloud watershed project, which includes the City of Sauk Rapids. There will be future opportunities for the City to participate.**

U.S. Army Corps of Engineers comments – St. Paul Staff

1. **Section 404 Consistency of the CWPMP**
   a. **The CWPMP includes a wetland inventory and preliminary assessment of aquatic resources in the study area, to aid in watershed-based management.**
   b. **The CWPMP identifies, on a landscape level, a network of waterways, wetlands and adjacent uplands for preservation, restoration and/or establishment.**
   c. **The CWPMP includes compensatory wetland mitigation guidelines based upon wetland impact type, location and the degree of wetland resources degradation that are applicable to projects permitted within the study area. Mitigation as outlined in the Plan will be maintained at a 2:1 compensation ratio.**
   d. **A site review and a wetland delineation in conformance with the U.S. Army Corps of Engineers Wetland Delineation Manual (January 1987) and applicable Supplements, as amended and updated will be required as part of the application for any potential wetland impact or development activity.**

Benton County comments

1. **Subp. 8 Item (A) Enforcement, suggest adding additional verbiage discussing that in the instance where this ordinance if more restrictive than WCA then city enforcement procedures shall be followed.(Reason my understanding is that Wetland Enforcement Officers and Conservation Officers cannot enforce local wetland ordinances where they are more restrictive than WCA.**

Response:

a. City enforcement procedures shall be followed where the Plan is more restrictive than the WCA. Language has been added to the ordinance to clarify this.

2. ***Page 13 – Allow cash payment in lieu of replacement above 1:1 at city discretion. I would suggest adding with TEP concurrence.***

Response:

a. The cast payment in lieu of replacement is for the increased ratio above the required 2:1. The City maintains this option at its discretion. No changes were made to the plan.

b. Under this CWPMP, the city may allow in-lieu fees for the increase replacement ratios beyond the 2:1 required replacement. These fees will be held in City Escrow accounts and will be used for project that enhance or protect the natural resources within the City. This option will be exercised at the City's discretion.

Staff Recommendation

BWSR Senior Wetland Specialist Dale Krystosek and Wetland Specialist Keith Grow recommend approval of the City of Sauk Rapids Comprehensive Wetland Protection and Management Plan.

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Sand Hill River WD Revised Plan ☐

Meeting Date: January 25, 2012

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: Northern Region
Contact: Brian Dwight
Prepared by: Brian Dwight
Reviewed by: Northern Water Planning Committee(s)
Presented by: (?) TBD at Jan. 19th NPRC mtg.

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED

Approval of the Sand Hill River Watershed District Water Management Plan pending Northern Plan Review Committees recommendation at their January 19, 2012 meeting.

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

The District was established on May 21, 1975 from the Sand Hill River Drainage and Conservancy District. The District is located in the northwest portion of Minnesota and includes parts of, Mahnomen, Polk, and Norman Counties. The general purpose of the District include: Flood Damage Reduction, Surface and Groundwater Quality, Erosion and Sediment Control, Natural Resources Enhancement, and Education.

A watershed district is required to revise their watershed management plan at least once every ten years pursuant to Minnesota Statutes Section 103D.405, Subd. 1 (a). The latest Water Management Plan of the District was prescribed by the Board in April of 1998. The revised Plan includes an inventory of the District's physical features, water and natural resources, describes water-related problems and possible solutions, describes activities and projects that the District has completed, and states goals, objectives and related actions for current and future water and natural resources management.

The SHR WD Revised Water Management Plan is a very comprehensive plan. The Plan indentifies quantifiable Natural Resource Enhancement and Water Management Desired Future Conditions for four individual planning regions.The Plan establishes a watershed wide monitoring system which will be used to evaluate progress in the area of stream flow reductions, water quality and overall stream health (this has been labeled the RALs concept, Regional Assessment Locations), refines the Army Corp of Engineers project review process for projects needing Clean Water Act Section 404 authorization, referred to as the "Points of Concurrence" process, and to assist in the funding of projects the SHR WD establishes four Water Management Districts which cover the entire SHR WD.

The Plan development process provided much opportunity for public input, comment, and review. BWSR staff has assisted the SHR WD and their consultant through this planning process. In the final draft, we provided many comments concerned with the needed specificity in the Plan section in which the WMDs were established. The SHR WD has provided the needed changes. It is the opinion of BWSR staff that the Plan now meets statutory requirements of 103D.729 Water Management Districts, the intent of the Flood Damage Reduction Work Group Mediation Agreement of December 1998 as well as 103D.405 Revised Watershed Management Plan.

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

In the Matter of prescribing a Revised Watershed Management Plan that establishes Water Management Districts for the **Sand Hill River Watershed District** pursuant to Minn. Stat. § 103D.405 and 103D.729	**ORDER PRESCRIBING WATERSHED MANAGEMENT PLAN**

Whereas, the Board of Managers of the Sand Hill River Watershed District (SHR WD) filed a proposed Revised Watershed Management (Plan) dated May 13, 2011 with the Board of Water and Soil Resources (Board) on May 16, 2011 and a revised draft dated December 19, 2011 pursuant to Minn. Stat. § 103D.405, and;

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

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

FINDINGS OF FACT

1. **District Establishment.** The District was established on May 21, 1975 from the Sand Hill River Drainage and Conservancy District. The District is located in the northwest portion of Minnesota and includes parts of, Mahnomen, Polk, and Norman Counties. The general purpose of the District include: Flood Damage Reduction, Surface and Groundwater Quality, Erosion and Sediment Control, Natural Resources Enhancement, and Education.

2. **Requirement to Plan.** A watershed district is required to revise their watershed management plan at least once every ten years pursuant to Minnesota Statutes Section 103D.405, Subd. 1 (a). The latest Water Management Plan of the District was prescribed by the Board in April of 1998. The Plan includes an inventory of the District's physical features, water and natural resources, describes water-related problems and possible solutions, describes activities and projects that the District has completed, and states objectives for current and future water and natural resources management. The plan also proposes to establish water management districts for four planning regions pursuant to Minn. Stat. § 103D.729 for the purpose of collecting revenues and pay costs for projects initiated under Minn. Stat. §§ 103D.601, 103D.605, 103D.611 or 103D.730.

3. **Territory.** The SHR WD is approximately 495 square miles in size and is located in northwestern Minnesota. Lands within the District are distributed in the following counties: Polk (88.3%), Mahnomen (6.7%), and Norman (5.0%).

4. **Nature of the Watershed.** The Sand Hill River is relatively unbranched as it traverses the district. One notable exception is Kittleson Creek. Kittleson Creek is located in the north-central part of the district and joins the Sand Hill River between the cities of Fertile and Beltrami. These watercourses consist of a intermingling of natural streams and public and private drainage systems. Most of the land traversed by the Sand Hill River is characterized by low relief and is in agricultural production. The Sand Hill River flows west from Sand Hill Lake south of Fosston towards Winger, Fertile, Beltrami and Nielsville, Minnesota to the confluence with the Red River of the North near Climax Minnesota. There are many small lakes within the east-central portion of the SHRWD between Fertile and Winger. Most of these lakes tend to be closed basins or have poorly developed outlets. Union and Sara Lakes are the largest and most heavily developed in the District. The SHRWD is comprised of portions of Polk, Mahnomen and Norman Counties. Municipalities within the SHRWD include: Fosston, Winger, Fertile, Beltrami, Nielsville and Climax

5. **Water Management Districts.** BWSR guidelines dated December 2010 states that for water management districts established in perpetuity, Watershed Districts must establish a local appeal process and evaluate the water management district in each ten-year plan revision. The SHR WD has included a local appeals process and the SHR WD will evaluate the use and effectiveness of the Water management District every 10 years.

6. **Local Review.** The SHR WD sent a copy of the draft Plan to local units of government for their review pursuant to Minn. Stat. § 103D.405. The SHR WD also provided copies to additional local, state, and federal agencies, citizens' advisory committee, technical advisory committee, and provided access to copies for the general public at the District office and website.

7. **Department of Natural Resources Review.** The DNR is in support of the plans goals and polices and states that the revised plan appears to conform to adopted watershed management plan guidelines and complies with the general requirements of MN. Stat. § 103D.405, Subd. 1, item B.

8. **Department of Agriculture Review.** Not required by law to review, however the MDA provided comments that support multi-purpose approaches to managing water quality and quantity on an agricultural landscape. "The MDA applauds the efforts of the SHR WD to work with landowners in a proactive manner and to develop innovative and creative initiatives to implement positive changes on the landscape".

9. **Department of Health Review**. Not required by law to review. No comments received

10. **Pollution Control Agency Review**. Not required by law to review. No comments received

11. **Other review comments.** No other comments received

12. **Highlights of the Plan**. The SHR WD Revised Water Management Plan is a very comprehensive plan, which sets quantifiable flood damage reduction and natural resource enhancement goals for four individual planning regions covering the entire watershed district. The Plan establishes a watershed wide monitoring system which will be used to evaluate progress in the area of stream flow reductions, water quality and overall stream health (this has been labeled the RALs concept, Regional Assessment Locations), and refines the Army Corp of Engineers project review process for projects needing Clean Water Act Section 404 authorization, referred to as the "Points of Concurrence" process. To assist in the funding of projects the SHR WD establishes four Water Management Districts which cover the entire SHR WD.

13. **Hearing Notice.** The Legal Notice of Filing on the Plan, pursuant to Minn. Stat. § 103D.105 Subd. 2, was published in the Crookston Daily Times on August 15 and 22, 2011, in the Norman County Index and The Thirteen Towns on August 16 and 23, 2011, and in the Mahnomen Pioneer on August 18 and 25, 2011. Further, a copy of the notice of filing was mailed to several addresses notifying them of the legal notice of filing, including the Mahnomen, Norman, and Polk County Auditors, Administrators, and Soil and Water Conservation Districts; all of the cities within the watershed district; DNR, and a representative for the Watershed District.

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

15. **Board Staff Report.** The Plan development process provided much opportunity for public input, comment, and review. The Plan indentifies quantifiable Natural Resource Enhancement and Water Management goals, objects, and actions for the Sand Hill River Watershed. The Plan meets the requirements of 103D.405, follows the guidelines provided by Board of Water and Soil Resources, and upholds the intent of the "Red River Basin Flood Damage Reduction Work Group Agreement of December 9, 1998".

16. **North Region Water Plan Review Committee.** The committee met on January19, 2012 those in attendance from the Board's Committee were *(add committee members)*. Board staff

in attendance were Ron Shelito and Brian Dwight. Board staff recommend approval of the plan?. After discussion, the subcommittee unanimously voted to recommend approval of the Plan?
(Insert recommendation following Committee Meeting)

CONCLUSIONS

1. The proposed revised Plan including the establishment of water management districts are valid in accordance with Minn. Stat. § 103D.405 and 103D.729.

2. Proper notice of filing was given in accordance with applicable laws.

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

4. The Board has proper jurisdiction in the matter of approving a Plan for the SHRWD pursuant to Minn. Stat. § 103D.405.

5. The attached Plan is in conformance with the requirements of Minn. Stat. Chapter 103D, Board guidelines for Watershed District Plan content and Water Management Districts, and is consistent with the affected counties' comprehensive water plans.

6. Four water management districts established in perpetuity. The SHR WD did establish a local appeal process for land owners who feel their fee/charges deserve adjustment due to land treatment/use changes.

7. Watershed Districts must include an evaluation of the use and effectiveness of the water management district and make needed adjustments in each ten-year plan revision.

ORDER

The Board hereby prescribes the attached Plan dated December 19, 2011 as the Revised Watershed Management Plan for the Sand Hill River Watershed District to establish water management districts. The Sand Hill River Watershed District must include an evaluation of the use and effectiveness of the water management district in each ten-year plan revision.

Dated at Saint Paul, Minnesota this 25th day of January, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Brian Napstad, Chair

SAND HILL RIVER WATERSHED DISTRICT

WATERSHED

MANAGEMENT PLAN

DRAFT NO. 3

DECEMBER 19, 2011

Prepared by:
Houston Engineering, Inc.
1401 21st Avenue North
Fargo, ND 58102

1. Introduction

1.1 District Overview

The mission of the Sand Hill River Watershed District (SHRWD) is to serve the residents of the District by wisely and judiciously managing water resources in a manner which sustains and enhances the social, economic and natural resources of the District.

The Sand Hill River Watershed District (SHRWD), located in northwest Minnesota, comprises an area of 440 square miles. The Sand Hill River is relatively unbranched as it traverses the district. One notable exception is Kittleson Creek. Kittleson Creek is located in the north-central part of the district and joins the Sand Hill River between Fertile and Beltrami. These watercourses consist of a intermingling of natural streams and public and private drainage systems. Most of the land traversed by the Sand Hill River is characterized by low relief and is in agricultural production. The Sand Hill River flows generally to the west from Sand Hill Lake south of Fosston towards Winger, Fertile, Beltrami and Nielsville, Minnesota to the confluence with the Red River of the North near Climax, Minnesota.

There are many small lakes within the east-central portion of the SHRWD between Fertile and Winger. Most of these lakes tend to be closed basins or have poorly developed outlets. Union and Sara Lakes are the largest and most heavily developed in the District.

The SHRWD is comprised of portions of Polk, Mahnomen and Norman Counties (**Table 1.1**). Municipalities within the SHRWD inlcude: Fosston, Winger, Fertile, Beltrami, Nielsville and Climax (**Figure 1.1**). The SHRWD office is located in Fertile and is responsible for resource management within the District boundary.

The Board of Managers (**Table** 1.1), responsible for guiding the direction of the SHRWD is appointed by the County Commissioners. Five Managers are appointed by the Polk County Board of Commissioners from within the District's legal boundary. Citizens who reside within the District in Norman and Mahnomen Counties may also be appointed as Managers by the Polk County Board of Commissioners.

Table 1.1. Composition of the Sand Hill River Watershed Distr. Board of Managers.

Name	Position	County
Harold Vig	Chairman	Polk
Roger Hanson	Vice Chairman	Polk
Stuart Christian	Treasurer	Polk
Scott Bolstad	Secretary	Polk
Robert Brekke, Jr.	Manager	Polk

Table 1.2. Counties Comprising the Sand Hill River Watershed District.

County	Square Miles (Acreage)	Percent Of District Area
Polk	437 (279,680)	88.3
Norman	25 (16,000)	5.0
Mahnomen	33 (21,120)	6.7

Plan Structure and Function

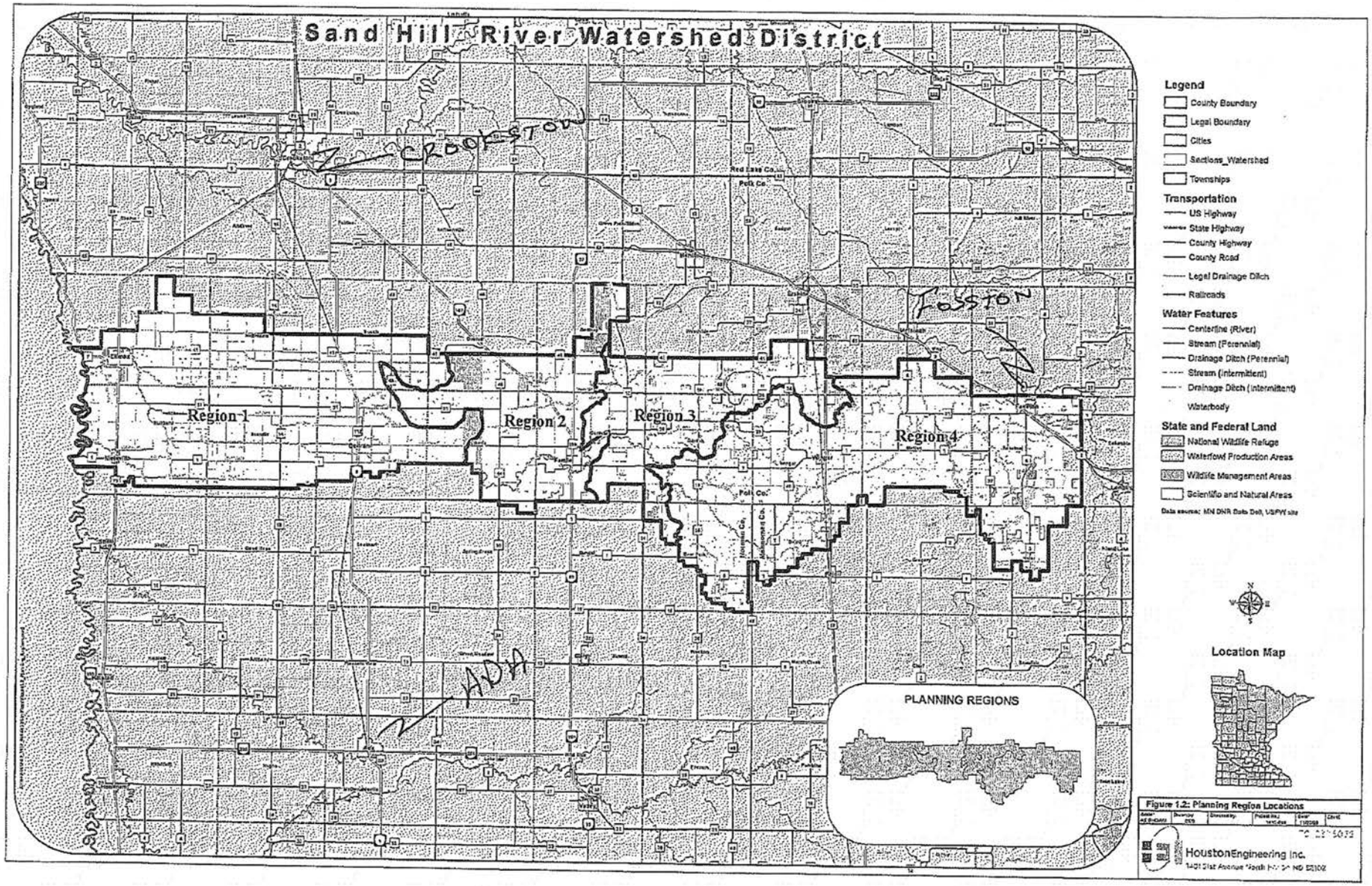
The watershed management plan for the SHRWD is organized according to the required contents described in the Watershed Management Plan Guidelines published by the Minnesota Board of Water and Soil Resources per Minnesota Statutes 103D.405.

The area covered by the SHRWD has been divided into four planning regions **(Figure 1.2)**. These planning regions have been established in recognition of and in relation to the unique issues pertinent to specific areas of the District. It must be recognized that there are also resource problems that are common to the entire SHRWD. The structure of this Watershed Management Plan (WMP) has also, in kind, been subdivided on a planning region basis. Detail information for each of the four planning regions is presented as Appendices A through D to this WMP. Much of the detailed information from the planning region discussions has been used to create the main body of the WMP. The WMP organizational framework will act as a springboard where the various issues related to each specific planning region can be presented, and the goals and policies that are relevant to those issues can be discussed in a focused way.

Unlike previous plans, great effort has been made in this plan to quantify the goals of the SHRWD for both water quantity and quality, as well as natural resource enhancement. Some of these goals are broken down by planning region. In some cases the quantitative goals are yet to be established by ongoing studies that will not necessarily be completed by the closure of the WMP revision. Placeholders for this information will be left in the WMP with the quantitative goals being adopted as they are developed.

A new concept of regional assessment locations (RALs) is utilized in this WMP. Many of the District goals are broken down based on the location of the RAL. The RALs identified by the SHRWD provide the backbone of the monitoring plan for the District. A minimum of one RAL is located within each planning region. Some planning regions have multiple RALs to help to provide more detailed information. The intention of the RALs is to provide an analysis point to document trends in water quality, quantity, and natural resource enhancements. The RAL information will also document overall effects as a result of the combination of the water management activities of the District and others within the various sub-watersheds and planning regions of the SHRWD.

It is anticipated that these new efforts will help to enhance the District's ability to manage the water resources of the SHRWD.


Sand Hill River Watershed District
CROOKSTON
FOSSTON
ADA
Region 1
Region 2
Region 3
Region 4
PLANNING REGIONS
Legend
County Boundary
Legal Boundary
Cities
Sections_Watershed
Townships
Transportation
US Highway
State Highway
County Highway
County Road
Legal Drainage Ditch
Railroads
Water Features
Centerline (River)
Stream (Perennial)
Drainage Ditch (Perennial)
Stream (Intermittent)
Drainage Ditch (Intermittent)
Waterbody
State and Federal Land
National Wildlife Refuge
Waterfowl Production Areas
Wildlife Management Areas
Scientific and Natural Areas
Location Map
Figure 1.2: Planning Region Locations
HoustonEngineering Inc.

5.2 Existing and Desired Future Conditions

Some description of the existing landscape resource condition is necessary in order to establish a baseline for assessing trends and as a basis for evaluating "progress." Existing conditions as well as the goals reflecting the Desired Future Conditions (DFC) can be described either through the use of actual measured data collected through monitoring efforts, models used to forecast resource condition, or a combination of monitoring information and modeling. Although many local, state, and federal agencies have been active within the SHRWD, the amount and quality of information available to describe existing conditions depends upon the type of resource. For example, less information is available within the SHRWD to describe existing conditions for the geomorphic stability of streams, than for the peak rate of discharge that leads to flooding. Expectations are that as the SHRWD along with other local, state and federal agencies complete additional technical information, the quality of information and means and methods used to describe existing conditions (and the Desired Future Condition) may change.

Recognizing that the resource condition, therefore the existing conditions, and the goals used to describe the DFC are interdependent is critical. For example, a goal to stabilize a portion of stream is dependent upon the goal to alter the peak rate or volume of runoff. Altering the amount of wetlands within an area, can affect the amount of sediment moving downstream and hydrology. As solutions are recommended and as project complexity increases, it may be of value to evaluate this interdependence at the RALs.

The existing conditions and DFC at the Regional Assessment Locations are defined in terms of water quality, water quantity, stream geomorphology, and upstream natural resource conditions affecting water resources. The existing conditions of a number of parameters may not be known in great detail at this time but hopefully over time, greater detail may be provided as data become more readily available.

The goals corresponding to the DFC at the RALs are also important. Improving resources within the SHRWD requires establishing quantifiable (measurable) goals for flood damage reduction and enhancing natural resources in the future. This SHRWD is developing goals with the intent of providing a vision for the future (i.e., "Desired Future Conditions") within the SHRWD. The Desired Future Conditions generally reflects resource conditions, such as the:

- Distribution of wetlands by Planning Region;
- The quantity and locations of native prairie blocks within the District;
- Maximum rate of discharge or runoff volume at key locations;

- The contribution of the SHRWD to the peak discharge on the main stem of the Red River;
- Water quality and attainment of standard; and
- General locations for establishing buffer strips.

The basis for these goals comes from multiple sources and certainly not the SHRWD alone. For example, the wetland and prairie restoration goals come from U.S. Fish and Wildlife Service planning documents. The SHRWD incorporated these goals based on input requested and received during the planning process, as recognition of their importance. Therefore, the goals are subject to change as more information becomes available.

The SHRWD also intends to use the DFCs and goals within this WMP, as means to focus funding and other requests for assistance, from a variety of sources. The SHRWD anticipates greater priority for expenditures in those areas that contribute progress toward a DFC.

The quantifiable, measurable goals corresponding to the DFCs, should not be construed as having any regulatory or legal meaning. The purpose is simply to establish targets for the future for various resources within the District. The goals correspond to a DFC and are expected to be used to assess the potential adverse and beneficial effects of projects and programs as well as other purposes. It is not possible to set a specific time limit to achieve these goals, as it may take a significant amount to time to achieve the DFC.

The existing and DFC for a variety of resources by planning region or location within the SHRWD are presented in **this section and Appendices A through D.** These tables are subject to revision based on additional studies and experiences gained by the District.

5.2.1 Hydrology

Flood damage reduction in the SHRWD is a major focus of District activities. In order to reduce flood damages, the SHRWD must have an understanding of existing hydrology. When addressing the hydrology of the SHRWD, both runoff volume and peak discharges were considered. Goals for flow volume reductions were established based on modeling. The runoff volume reduction goals were set, based on modeling, to achieve the desired peak discharge goals. Peak discharge goals have been set for the RALs.

Goals have been set for flow volume reductions on various streams within the SHRWD on a planning region and major sub-watershed basis. Meeting these goals will require a strategic plan for runoff volume reduction. Runoff volume reduction can be accomplished in various ways including conversion of agricultural lands to grasslands, floodwater impoundment projects, wetland restorations, etc. Based on the hydrologic and hydraulic modeling completed for the District, goals have been set for the 10-year and 100-year flood.

It is the goal of the Sand Hill River Watershed District to provide 10-year protection to agricultural lands within the District per the goals of the Mediation Agreement. Since the establishment of the SHRWD in the mid 1970s, the District has had a policy of designing all ditch establishments and improvements to at least a 10-year level of protection for agricultural lands as defined in the Mediation Agreement.

The Sand Hill River Watershed District has adopted a goal to reduce the existing 100-year discharge on the Sand Hill River to be consistent with the flood reduction goals of the Red River Basin Commission (RRBC). A recently completed hydrologic modeling investigation by RRBC has offered the first quantifiable estimates of target flow reductions for the Red River tributaries that would result in a 20 percent reduction on the Red River main stem. The Sand Hill River target peak flow reduction, due to its strategically central location within the Red River basin, was determined to be 35 percent by RRBC. This would require a peak discharge reduction of about 35 percent of the 100-year Sand Hill River peak flows at the confluence of the Sand Hill River with the Red River of the North.

In accordance with Red River Basin Flood Damage Reduction Strategy, Table 1 of TSAC Technical Paper No. 11 outlines several flood damage reduction measures (FDRM) which would benefit peak flow reductions on the Red River Main Stem. The four general categories of measures and their effect for SHRWD are:

1. Reduce Flood Volume – Rated as substantially positive
2. Increase Conveyance Capacity – Rated as mostly negative
3. Increase Temporary Flood Storage – Rated as substantially positive for gated impoundments and setback levees, and positive for un-gated impoundments, wetland, drainage and culvert sizing
4. Protection/Avoidance: Rated as negative or neutral.

Based on the above ratings, the SHRWD FDR strategy should focus mainly on FDRM categories 1 and 3, as having the most potential for positive impact on the Red River for peak flow reductions.

Table 5.3 Runoff Volume Reduction Goals

Planning Region/Major Sub-basin	Runoff Volume Reduction (Acre-feet)			Drainage Area (Acres)	Runoff Volume Reduction (Inches)
Planning Region 1	890	-	4,430	106,411	0.1-0.5
Planning Region 2	1,910	-	3,820	45,872	0.5-1.0
Planning Region 3	3,590	-	5,380	43,045	1.0-1.5
Planning Region 4	23,500	-	28,100	112,628	2.5 – 3.0

Note: Runoff Volume Reduction based on 100-year flood event.

The amount of runoff volume reduction (or storage) required within the SHRWD is highly dependent on the type, design, and location of future projects. Therefore, an estimate of required runoff reduction (or storage) is speculative and based on assumptions of what will be possible, practical, and acceptable. Based on engineering judgment, a preliminary runoff volume reduction (or storage) goal of 50,000 to 60,000 acre-feet has been adopted by the SHRWD Board of Managers. Runoff reduction goals should be updated with each new revised watershed management plan revision to reflect additional data and knowledge acquired since the previous management plan update. The runoff reduction goals proposed in this WMP are supportive of the goals set forth by the RRBC Basin Wide Flood Flow Reduction Strategy. The RRBC report contains a goal of 22,161 acre-feet for runoff volume reduction for the Sand Hill River at Climax. The goals in **Table 5.3** exceed the RRBC's Flood Flow Reduction goals.

Peak Discharge rates for the existing and DFC was established for 10-year and 100-year discharge rates for 24-hour and 10-day rainfall events and is listed in **Table 5.4**

Table 5.4 Existing and Desired Future Conditions Peak Discharges

RAL ID	Indicator	Units	Rainfall Event			
			10-yr, 24-hr	100-yr, 24-hr	10-yr, 10-day	100-yr, 10-day
SHR-1	event peak discharge (cfs)	Existing	931	2509	866	2280
		DFC	605	1631	563	1482
SHR-2	event peak discharge (cfs)	Existing	279	873	325	1021
		DFC	181	567	211	664
KC-1	event peak discharge (cfs)	Existing	152	451	104	333
		DFC	100	293	68	216
SHR-3	event peak discharge (cfs)	Existing	283	834	324	959
		DFC	184	542	211	623
SHR-4	event peak discharge (cfs)	Existing	285	837	325	962
		DFC	185	544	211	625
SHR-5	event peak discharge (cfs)	Existing	284	821	321	937
		DFC	185	534	209	609
SHR-6	event peak discharge (cfs)	Existing	233	619	211	564
		DFC	151	402	137	367

Quantitative peak discharge rate reduction goals on the Red River have not been set. The SHRWD proposes to maintain or reduce their contribution to peak discharges on the Red River. The SHRWD has approximately 20 square miles of drainage area that contributes directly to the Red River. The remaining 220 square miles of the District enters the Red River via the Sand Hill River. The District is supportive of the goals set forth by the Red River Basin Commission and the goals for the Red River and its tributaries as listed in the RRBC's Basin Wide Flood Flow Reduction Strategy.

5.2.2 Water Quality

The SHRWD focus relative to water quality includes the waterway systems of the District, the priority lakes (**Found in Section 4.2.9**), the quality of the fish populations, and biotic integrity at the RALs, and the sediment loads at the RALs. This focus is somewhat fluid because of the ongoing Total Maximum Daily Load (TMDL) efforts within the District and the District's role in

the completion and implementation of these TMDLs. When the ongoing TMDL is completed, the District plans to adopt the recommendations and goals from that study. The TMDL study and implementation plan for the Sand Hill River is anticipated to be complete in the next 4 to 6 years.

Within this WMP, the District identifies priority lakes for management and restoration efforts. Establishing priority lakes is not intended to reflect a lack of concern for the other lakes within the District, but to bring attention to those lake resources with the greatest recreational use and to prioritize the District's lake management efforts. **Section 4.2.9** describes the existing conditions within District lakes. The DFCs for lakes are largely governed by water quality standards established by the MPCA. Although state water quality standards consist of narrative, non-degradation and numeric components, the numeric component is adopted as the goals and DFCs for the purposes of this WMP. The MPCA has established water quality standards for lakes, which vary by ecoregion, by lake class (which is indicative of the protected use) and also depend on whether a lake is defined as shallow or deep. **Table 5.5** shows the eutrophication water quality standards (and DFCs) for Class 2b lakes in the North Central Hardwood Forest Ecoregion, which includes the eastern portion of the SHRWD (**https://www.revisor.mn.gov/rules/?id=7050.0222**). The western portion of the SHRWD lies within the Lake Agassiz Plain ecoregion, which does not have lake water quality standards explicitly defined. Lakes within this ecoregion are to be assessed on a case-by-case basis, using water quality standards within neighboring ecoregions as a guide to assessment impairment. In the case of lakes within the SHRWD, this assessment will occur as part of the ongoing TMDL effort.

State standards may be challenging to achieve in practice depending on the specifics of watershed and lake conditions at a given site. Therefore, in some circumstances, the District may consider establishing alternative goals for its own management purposes. For example, the District may consider establishing stringent goals where a lake shows exceptional water quality and meets the state standard. The District may also choose to make goals based on expected values for water quality based on analyses similar to those performed by Halvorson (2011).

Table 5.5 Water Quality Standards for Lakes

Ecoregion / *Waterbody Type* / Parameter	**State Standard**
North Central Hardwood Forest Ecoregion	
Lakes and Reservoirs	
Phosporus, Total	40 ug/L
Chlorophyll-a	14 ug/L
Secchi Disk Tranparency	Not less than 1.4 meters
Shallow Lakes	
Phosporus, Total	60 ug/L
Chlorophyll-a	20 ug/L
Secchi Disk Tranparency	Not less than 1.0 meters

The goals and DFCs at stream and river locations in the District include the numeric standards established by the MPCA (**https://www.revisor.mn.gov/rules/?id=7050.0220**). At the present time, the MPCA is in the process of considering water quality standards based on ecoregion or major river basin. If that change is made, the goals in this plan will change to reflect those new standards, as necessary. Numeric standards vary depending on the category class of the surface water. Many of the streams and rivers in the SHRWD are classified as either 2B or 2C waters. Standards for some parameters for Class 2B and 2C waters are listed in **Table 5.6**

Results of the Sand Hill River Watershed TMDL study, recently started by the District and anticipated to extend through 2015, will also likely result in changes to the water quality goals of this section. As a result, the water quality goals influencing decisions made by the SHRWD Board of Managers may change before the next plan update. As better information regarding water quality is developed, the District intends to use it.

Table 5.6 State Standards for Class 2B and 2C Waters

Parameter	State Standard
Turbidity	25 NTU
E. coli[#]	126 CFU per 100mL
pH	6.5 (minimum)/9.0 (maximum)
Dissolved Oxygen*	5.0 mg/L as daily minimum

[#]Note: *Escherichia (E.) coli* bacteria shall not exceed 126 organisms per 100 milliliters as a geometric mean of not less than five samples representative of conditions within any calendar month, nor shall more than ten percent of all samples taken during any calendar month individually exceed 1,260 organisms per 100 milliliters. The standard applies only between April 1 and October 31.

*Note: The dissolved oxygen standard may be modified on a site-specific basis according to MN Rules part 7050.0220, subpart 7, except that no site-specific standard shall be less than 5 mg/L as a daily average and 4 mg/L as a daily minimum. Compliance with this standard is required 50 percent of the days at which the flow of the receiving water is equal to the $7Q_{10}$. This standard applies to all Class 2B waters

Total suspended solids and sediment loads and yields are the final parameters used by the SHRWD to describe existing water quality conditions and establish the DFCs within this WMP. Only select RALs are used for this criteria. As part of a planned TMDL Study, the SHRWD is planning to conduct a modeling study to establish existing loads and yields at select RALs (as well as loads and yields throughout the District).

5.2.3 Stream Stability and Geomorphology

The existing condition of streams, rivers, drainage systems, lakes and wetlands is affected by the amount of sediment leaving fields and entering the watercourses. Although the SHRWD Board of Managers is aware of the impact of sediment loads entering the District's streams, rivers, drainage systems, lakes and wetlands, the magnitude has yet to be quantified. Efforts under the ongoing TMDL study will result in a quantification of the amount of sediment entering the District's waterways; the ability to determine whether those sediments originate from fields or from within the stream, however, is currently limited due to a lack of data. The District is planning to commence a sediment transport / yield modeling study in conjunction with the TMDL study started in late 2011. After this effort is complete, it will be possible to make a comparison of alternative BMP scenarios with existing conditions. At that time, DFCs can be determined for sediment yields resulting in "stable" conditions.

5.2.4 Wetland, Forest, and Prairie

Permanent cover, including wetland, forest, and prairie restoration potential, were established by planning region as part of the Natural Resource Assessment conducted for the Sand Hill River Watershed District by the Minnesota Center for Environmental Advocacy. This document with it findings is included as **Appendix H** to this Water Management Plan. Preliminary DFCs have been established, and are shown in **Table 5.7.**

Table 5.7 Existing Condition and Desired Future Condition for Permanent Land Cover Sand Hill River Watershed District

Cover Type	Existing Condition (acres)	Existing Condition (percent)	Desired Future Condition (acres)	Desired Future Condition (percent)	Change (acres)
Cultivated Land	225,046	71.04	227,096	71.69	2,050
Transitional Agricultural Land	16,921	5.34	12,321	3.89	-4,600
Wetlands, Lakes, and Rivers	34,152	10.78	35,552	11.22	1400
Grasslands	6,092	1.92	6,792	2.14	700
Forest	18,193	5.74	18,593	5.87	400
Developed	16,394	5.18	16,444	5.19	50
Total	316,798	100	316,798	100	0

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Marshall County Amendment of CLWMP

Meeting Date: January 25, 2012

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: North

Contact: Chad Severts

Prepared by: Chad Severts

Reviewed by: Northern Water Planning Committee(s)

Presented by: Keith Mykleseth

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED

Approval of the 2012 Amendment to the Marshall County Comprehensive Local Water Management Plan.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
Marshall County Amendment of Local Water Management Plan - By Board Order, the Board of Water and Soil Resources (Board) approved the Marshall County Comprehensive Local Water Management Plan (Plan) on December 20, 2006. This plan covers the ten-year period of 2007-2015 and contained a 2007-2011 five-year implementation section. The Board Order stipulated that the County was required to revise/update the implementation section for the period 2012-2015. Following the guidelines established by the Board, Marshall County has completed the local water management plan amendment process and submitted their 2012 Amendment, which is for a four-year period of 2012-2015. The Board's Northern Water Planning Committee (Committee) met on January19, 2012 to review the Marshall County Plan 2012 Amendment. The Committee's recommendation will be brought forward at the meeting of the full Board. See attachments. DECISION ITEM

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, on December 20, 2006, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Marshall County 2007-2015 Comprehensive Local Water Plan Update (Plan), which contained a 2007-2011 five-year implementation section; and

Whereas, this Board Order stipulated that Marshall County was required to update the 2007-2011 five-year implementation section; and

Whereas, the Marshall County Board of Commissioners submitted a Local Water Management Plan 2012 Amendment to the Board on December 14, 2011; and

Whereas, the 2012 Amendment contains the updated four-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 June 21, 2011, the Marshall County passed a resolution to amend the five-year implementation portion of the LWMP and delegated the Marshall Water and Land Office the responsibility of amending the plan.

2) On August 11, 2011, Marshall County provided notice to local units of government and state agencies on the County's intent to amend its five-year implementation section and invited all recipients to participate in the process.

3) On October 12, 2011, Marshall County convened its Water Resources Advisory Committee (WRAC) to review past accomplishments and review proposed changes to the Goals, Objectives and Action Items.

4) On October 28, Marshall County Water and Land Office sent the proposed plan amendment to the required state agencies and local government units asking written comments to be submitted by November 15, 2011.

5) On November 1, 2011, after providing for proper public notice, Marshall County conducted a public hearing on the proposed 2012 Amendment.

6) On November 2, 2011, Marshall County convened its WRAC Committee to review the written comments provided, comments for the public hearing and any additional input from the members for the plan amendment.

7) On December 14, 2011, Marshall County submitted the 2012 Amendment which includes the 2012-2015 four-year implementation schedule, a record of the public hearing, and copies of all written comments pertaining to the plan amendment.

8) On January 19, 2011, The Board's Northern Regional Water Planning Committee (Committee) reviewed the Marshall County 2012 Plan Amendment, pursuant to 103B.314, subd. 6, and guidelines established by the Board.

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

10) The Committee voted to recommend approval to the full Board.

11) 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 Local Water Management Plan Update of Marshall County pursuant to Minnesota Statutes, 103B.314, Subd. 6.

2. The Marshall County 2012 Amendment attached to this Order states goals, objectives, and actions the county will address in the four-year implementation section through December 31, 2015. The 2012 Amendment, as well as the previously approved Marshall County 2007-2015 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 Marshall County Local Water Management Plan for February 1, 2012-December 31, 2015. Marshall County will be required to provide a complete update of its Local Water Management Plan prior to December 31, 2015.

Dated at St Paul, Minnesota, this 25th day of January, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Brian Napstad, Chair

IV. 2012-2015 Implementation Schedule

(For details, reference Section II. Assessment of Priority Concerns in 2006-2015 plan and Goals, Objectives and Actions in 2012-2015 amendments)

Priority 1: Soil Erosion Causing Water Quality Impairments to Surface Waters of the County					
Actions	Lead/Supporting Agencies	Costs 4 years	Potential Funding Sources	Duration	Priority Watersheds
Goal 1: Address High Volume of Sediment Affecting Water Quality in the Tamarac, Middle and Snake River Watersheds					
Objective A: To understand sources of sediment and nutrients being deposited into the Tamarac, Middle and Snake River Watersheds					
1. Participate in MWRPP Processes to identify key erosion areas in conjunction with SWAT models.	County, WD, SWCD, MPCA, BWSR, IWI	Staff Time	All agencies in group.	2012-2015	Lower Red and Snake Major
2. Conduct Stressor ID with Field verifications of waterways &ditches that display priority erosion areas.	County, WD, SWCD, State, Federal	Staff Time	All agencies staff funding.	2012-2015	Tamarac, Snake
3. Water quality monitoring to expand water quality data base in cooperation with TMDL process.	County, SWCD, IWI	$15,000 per year	MPCA	2012-2015	Lower Red, and Snake Major
4. Continue lake monitoring to determine trends.	County	$4,000 per year	MPCA	2012-2015	Tamarac
5. Submit WQ data to EquIS data base to aid TMDL process.	County, IWI	$1,600 per year	County, MPCA	2012-2015	Lower Red, Snake Major
6. Evaluate SWAT model and identify high priority sub watersheds for BMP implementation.	County, WD, SWCD, MPCA, IWI	Staff Time	All agencies, MPCA	2011-2013	Lower Red, Snake Major
Objective B: To reduce the sediment and nutrient loads into the Tamarac, Middle and Snake River Watersheds					
1. Serve on TMDL Implementation Teams for development of implementation projects and civic engagement processes.	County, SWCD, NRCS, WD, MPCA	Staff Time	NRBG, MPCA grants, Local Staff Funds	2012-2015	Lower Red, Snake Major
2. Participate in Technical Advisory Committees to set goals and implement projects to install 100 miles of buffers, SWI and wetland restoration adjacent to surface waters.	County, SWCD, NRCS, WD, BWSR, MPCA	$106,700	Local Staff Funds, CCRP, RIM, EQIP, State grants	2012-2015	Lower Red, Snake Major

3. Implement cost-share projects (2 miles buffers, 4 SWI, 1 grade stabilization) along drainage systems.	SWCD, WD, County, NRCS	$127,162	State, Federal prog & grants, CCRP, EQIP	2012-2015	Lower Red, Snake Major
4. Participate in Technical Advisory Committees to review, plan and implement projects along CD45 and SD3.	WD, SWCD, County, NRCS	$1.5 Mil	State, Federal, Prog & grants, CCRP, EQIP	2012-2015	Tamarac, Middle
5. Continue Land Alterations Permits issued for riparian areas.	County	$2000 per year	DNR, Staff funds	2012-2015	All watersheds
5. Produce education programs and workshops for landowners for restoration of riparian areas along streams.	County, SWCD, various agencies	$4400	DNR, Clean water grants, Staff funds	2012-2015	All watersheds
6. Introduce new Weed Management Program to control invasive and detrimental species.	SWCD	$25,000	Federal grant	2012-2014	Tamarac, Snake, Middle
Goal 2: Protect Marshall County's Long-Term Valuable Soil Resource From Wind Erosion.					
Objective A: Seek funding sources to implement Best Management Projects.					
1. Install/renovate 10 shelter belts & 5 miles of wind break plantings.	NRCS, SWCD	$28,000 per year	Federal, State	2012-2015	All
2. Offer programs with incentives for practices that stop soil erosion.	SWCD, NRCS	unknown	State, grants, staff funds, CCRP, EQIP	2012-2015	All
3. Seek funds to hire program Specialist to work with landowners to coordinate a package of conservation programs to protect soils.	SWCD	$35,000 per year	Clean Water Grant, Staff funds	2012-2013	All
4. Develop program to offer incentives to producers who delay or minimize after-harvest tillage.	SWCD, NRCS	Staff Time	Staff Funds	2012-2015	All
5. Provide education for landowners and developers on erosion control plans.	County, SWCD	Staff Time	NRBG, Staff Funds	2012-2015	All
6. Promote Ag BMP Loans for Conservation Tillage Equipment to implement BMPs.	County, SWCD	Staff Time	NRBG, MDA, Staff Funds	2012-2015	All
7. Recommend to highway dept. locations for living snow fence plantings.	SWCD	Staff Time	Staff Funds	2012-2015	All
Goal 3: To Address the High Volume of Sedimentation affecting water quality in the Thief River Watershed.					
Objective A: To understand sources of sediment being deposited into the Thief River Watershed.					
1. Participate in MWRPP process of Thief River Watershed with assistance on implementation plan and civic engagement process.	County, WD, SWCD, MPCA, BWSR, DNR, USFWS	Staff Time	All agencies in group.	2012-2013	Thief

2. Utilize SWAT and HSPF Model results to determine priority areas of high sediment and nutrient amounts.	WD, County, SWCD, NRCS, USFWS, DNR	Staff Time	All agencies staff funds, MPCA	2012-2015	Thief
3. Continue technical assistance with water quality monitoring as part of the MWRPP process.	RLWD, County, SWCD	$19,000	MPCA	2012	Thief
4. Conduct stressor identification through field verifications of waterways and ditches that display priority erosion areas.	RLWD, County, SWCD, NRCS, USFWS, DNR	Staff Time	Staff funds	2012-2015	Thief
Objective B: Reduce sediment loads into the Thief River Watershed.					
1. Thief River Watershed Buffer Initiative (75 miles filter strips, 20 miles field windbreaks, 50 SWI) will be implemented to target areas of erosion.	SWCD, NRCS	$350,000	Clean Water Grant, Staff funds, CCRP, EQIP	2 years	Thief
2. Continue to utilize Cost-share programs with landowners to install 2 miles of buffer, 4 SWI and 1 grade stabilization each year along drainage systems.	SWCD, NRCS	$127,162	State, Federal Prog & grants, CCRP, EQIP, Staff funds	2012-2015	Thief
3. Plan and implement projects that are identified during MWRPP process.	County, SWCD, NRCS, WD, State, Federal	unknown	State, Federal, Staff funds	2012-2015	Thief
4. Continue Land Alteration Permits issued for riparian areas.	County	$2,000 per year	DNR, Staff funds	2012-2015	Thief
5. Produce educational program and workshop for landowners for restoration of riparian areas along streams.	County, SWCD, various agencies	$4,400	DNR, Clean Water Grant, Staff funds	2012-2015	Thief
6. Implement Weed Management Program to control invasive and detrimental species.	SWCD	$50,000	Federal, County	2 years	Thief

Priority 2: Protect Groundwater-based Drinking Water Sources					
Goal 1: Protect Groundwater-based Drinking Water Sources through Education and Monitoring Programs.					
Objective A: Develop education programs on groundwater supplies					
1. Provide technical data for Wellhead Protection Plans for City of Argyle and Marshall-Polk Rural Water System.	County, SWCD	$160	NRBG, Staff funds	2012	Lower Red, Snake Major

Objective A: Provide education on ditch management and maintenance processes					
1. Coordinate ditch management workshop.	County, WRAC, WD	$2,000	Staff funds, NRBG, Registration, grants	2013	All
2. Education to public on ditch maintenance with brochures.	County, SWCD, WD	$2,000	Staff funds, various grants	2012-2015	All
3. Improve regular maintenance by communicating special issues relating to projects.	County, SWCD, WD, State, Federal agencies, citizens	$640 per year	Staff funds	2012-2015	All
4. Identify priority repair areas within ditch systems for project funding.	County, SWCD, WD, citizens	Staff Time	Staff Funds	2012-2015	All
Goal 2: Promote Flood Damage Reduction.					
Objective A: Assist Landowners with flood damage control projects.					
1. Removal of beaver dams and issuance of beaver bounties.	County, WD	$35,000 per year	County, WD, Staff funds	2012-2015	All
2. Increase efforts to enroll land into wetland restoration practices	SWCD, NRCS	unknown	NRBG, CCRP, WRP, Staff funds.	2012-2015	All
3. Install 7 rain gardens & 1 bio retention basin. Purchase 300 rain barrels for sale to public.	SWCD	$62,700	Clean Water Grant, cities, landowners	2 years	All
4. Culvert inventory with specification list.	County, WD, SWCD	unknown	Grants, County, WD	2012-2015	All
Objective B: Prevent property damage from flooding.					
1. Administer Floodplain Ordinance	County	Staff Time	DNR, Staff funds	2012-2015	All
2. Technical assistance to building in floodplain	County, WD, TSA1	Staff Time	DNR, Staff funds, landowner	2012-2015	All
3. Review preliminary Flood maps and studies, hold public hearing, revise floodplain ordinance.	County, WD	Staff Time	DNR, Staff funds	2012	All
Goal 3: Improve Communication Between Watershed Districts and County on Flood Reduction Projects.					
Objective A: Report on status of flood control projects.					
1. Representation on Project Work Teams	County, various agencies	Staff Time	Staff	2012-2015	All
2. Information exchange between Watershed Districts and County.	WD, County	Staff Time	Staff, County, WD	2012-2015	All
3. Educational Speaker on watershed management	County, WD	$4,000	State Grant, staff funds	2013 or 2014	All

2. Educate the public on DWSMA and produce map of DWSMA areas.	County, MDH	$400	MDH, NRBG, Staff funds	2012-2015	All
3. Educate WRAC and citizens on groundwater in the County through use of speakers and written materials.	County, MDH, USGS	$4,000	MDH, NRBG, Staff funds	2012-2015	All
Objective B: Monitor ground water quality.					
3. Conduct Well Screen Clinics for nitrates and ecoli.	County, MDA	Staff Time	MDA, NRBG, Staff funds	1 per year	All
4. Maintain well logs for land use planning. Provide searches for domestic wells.	County	Staff Time	NRBG, Staff funds	2012-2015	All
Objective C: Monitor groundwater levels.					
1. Pursue 2-3 additional observation wells for eastern Marshall County.	County, SWCD, DNR	Staff Time	State, NRBG, Staff funds	2012	Thief
Goal 2: Reduce Risk of Groundwater Contamination Through Implementation of Various Mitigation Programs.					
Objective A: Continue Well Sealing Program under LWMP					
1. Administer Well Sealing Program and provide well sealing demonstration.	County	$3,000	NRBG, Staff funds	2012-2015	All
Objective B: Update, assist with and support other mitigation programs.					
1. Assist landowners with nutrient management and proper closure of unused animal waste facilities.	County, MPCA, Feedlot Officer	$10,000	EQIP, NRBG, Staff funds	2012-2015	All
2. Promote livestock watering systems and prescribed grazing plans.	SWCD, County, NRCS, Feedlot Officer	$10,000	Federal, State, Staff funds	2012-2015	All
3. Continue Dead Livestock Program.	County, Feedlot Officer	$500 per year	MPCA, NRBG, Staff funds	2012-2015	All
4. Seek funding to identify and replace septic systems that are an imminent health threat to the public.	County	$50,000 per year	Clean Water Grant, Ag BMP Loan, MPCA	2012-2015	All
Objective C: Promote use of Ag BMP low interest loan program for groundwater protection projects.					
1. Initiate funding for feedlot run-off, well sealing and failing septic systems.	County, SWCD, Feedlot Officer	Staff Time	Ag. BMP Loans, Staff funds	2012-2015	All

Priority 3: Promote Flood Damage Reduction to Preserve Agricultural Land and Prevent Damage to Property
Goal 1: Address Function of Ditch Systems for Adequacy of Meeting Drainage Needs.

V. 2012-2015 Implementation Schedule - Ongoing

County-Wide Activities					
Actions	Primary Responsibility	Costs 4 years	Potential Funding Sources	Duration	Watershed
1. Water Quality Monitoring	County, WD, IWI, SWCD	unknown	MPCA grants, Local staff	ongoing	All
2. Water Quality Presentations	County, WD	Staff time	NRBG, WD, County	ongoing	All
3. Rainfall monitoring	SWCD, Citizens	Staff Time	SWCD, volunteers	ongoing	All
4. TMDL Process	County, all agencies, citizens	Staff Time	All agencies	ongoing	All
5. BMP support	County, SWCD, WD	Staff Time	State, Federal, Local	ongoing	All
6. Public Info on natural resources	County, SWCD	Staff Time	State, Federal, Local	ongoing	All
7. Education Programs	County, SWCD, WRAC	Staff Time	NRBG, Local	ongoing	All
8. Partners for Fish/Wildlife	USFWS	Staff Time	Grants, USFWS	ongoing	All
9. Flood Damage Reduction	WD, County	unknown	State, Federal, Local	ongoing	All
10. Maintain Drainage Systems	County, WD, Twp, DNR	unknown	County, WD, Twp, State	ongoing	All
11. Solid/Hazardous Waste Programs	County Solid Waste Dept.	unknown	MPCA, Local	ongoing	All
12. Feedlot Program	County/UM Extension Staff	$14,000 yr	MPCA,UM Extension	ongoing	All
13. WCA Program	County/SWCD	$40,000 yr	BWSR, County, SWCD	ongoing	All
14. Floodplain Ordinance	County	$10,000 yr	NRBG, County	ongoing	All
15. Shoreland Ordinance	County	$18,000 yr	DNR, County	ongoing	All
16. Sewage Treatment Ordinance	County	$19,000 yr	MPCA, County	ongoing	All

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Red Lake WD Territory Withdrawal☐

Meeting Date: January 25, 2012

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

Item Type: ☐ Decision ☐ Discussion ☐ Information

Section/Region: North Region

Contact: Brian Dwight

Prepared by: Brian Dwight

Reviewed by: Northern Water Planning Committee Committee(s)

Presented by: TBD @ Jan. 19 NWPC

☐ **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 an Order regarding a Withdrawal of Territory petition submitted by Beltrami County requesting the withdrawal of approximatley 2,200 acres located in Beltrami and Itasca Counties from the Red Lake Watershed District.

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

BWSR has received a petition from Beltrami County requesting a withdrawal of 2,198.21 acres from the Red Lake Watershed District. The majority of the acres are in Beltrami County with only about 160 acres in Itasca County. The withdrawal process is as follows:

103D.255 WITHDRAWAL OF TERRITORY. Subdivision 1.Petition. (a) Proceedings to withdraw territory from an existing watershed district must be initiated by a petition filed with the board.
(b) The required signatures on a petition for withdrawal are the same as prescribed for an establishment petition, but the percentages must be calculated only with reference to the territory that is proposed to be withdrawn from the watershed district.
103D.205 ESTABLISHMENT PETITION. Subd. 3.Signatures.
The establishment petition must be signed by one or more of the following groups:
(1) one-half or more of the counties within the proposed watershed district;
(2) counties having 50 percent or more of the area within the proposed watershed district;
(3) a majority of the cities within the proposed watershed district; or
(4) 50 or more resident owners residing in the proposed watershed district, excluding resident owners within the corporate limits of a city if the city has signed the petition.

Reasons given for this withdrawal is that the territory in question actually drains into the Mississsippi River drainage and not the Red River of the North via the Red Lake River which is within the jurisdictional boundaries of the Red Lake Watershed District.

The Petition received from Beltrami County clearly meets the signature requirements. There has been no opposition to this petition by the landowners, the Red Lake Watershed District or Itasca County. A Notice of Filing was appropriately published with no request of a hearing or other comments received.
BWSR staff finds that the RL WD can function for which it was established with this Withdrawal of Territory and there is no need for a redistribution of managers based on this withdrawal and all other requirements/critera identiifed in M.S.103D.255 have been met.

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

In the Matter of the petition for Withdrawal of Territory from the Red Lake Watershed District pursuant to Minnesota Statutes § 103D.255

ORDER WITHDRAWAL OF TERRITORY

Whereas, a Petition was filed with the Board of Water and Soil Resources (Board) on July 20, 2011 by the Beltrami County Board of Commissioners, to withdraw territory from the Red Lake Watershed District (RL WD) pursuant to Minn. Stat. § 103D.255, and;

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

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

FINDINGS OF FACT

1. **Petition.** The Petition to withdraw territory of the RL WD dated July 5, 2011 was filed by the Beltrami County Board of Commissioners, with the Board on July 20, 2011.

2. **Property Description.** The lands included in the withdraw of territory, the Petitioned Area, are located in parts of Sections 10, 11, 12, 13, 14, and 15, T.149N, R.30W, Summit Township, Beltrami County and in parts of Section 18, T.149N, R.29W, Moose Park Township, Itasca County totaling approximately 2,198.21 acres of land. The Petitioned Areas are depicted on a map attached to the Petition.

3. **Reasons for Withdrawal of Territory.** The proposed withdraw of territory would achieve a more accurate alignment to more closely conform to the actual watershed drainage divide between the Mississippi watershed and the RL WD. The requested withdrawal of territory is consistent with the purposes and requirements of Minn. Stat. § 103D.255.

4. **District Review.** On August 25, 2011 the RL WD Board of Managers discussed the petition at a regularly scheduled board meeting and passed a resolution of support for the withdrawal of certain territories from within the RLWD.

5. **Indebtedness.** The properties included in the withdrawal of territory have not received or will not receive any benefits from the RL WD or from previously constructed RL WD projects

6. **Performance.** The RL WD can perform the functions for which it was established without the inclusion of the territory.

7. **Territory.** The territory being petitioned for withdrawal is not, in fact, a part of the Red Lake River Watershed which is within the jurisdictional boundary of the R L WD.

8. **Managers.** As a result of this withdrawal of territory there is no need for a redistribution of managers.

9. **Notice of Filing.** Legal Notice of Filling of the proposed withdrawal of territory, pursuant to Minn. Stat. § 103D.105, Subd. 2, was published in the Bemidji Pioneer, on September 16 and 23, 2011, and in the Blackduck American, on September 18 and 25, 2011. Further, a copy of the notice of filing was mailed to several addressees including Beltrami and Itasca County Auditors, Administrators, and Soil and Water Conservation Districts; Summit and Moose Park Townships; and the RLWD.

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

11. **Board Staff Report.** In review of the Petition to withdrawal territory from the RLWD pursuant to Minn. Stat. §103D.255. Staff has determined that all Minn. Stat. §103D.255 requirements of have been met. There has been no opposition to this petition by the landowners, The RL WD, or Itasca County. A Notice of Filing was appropriately published with no request of a hearing or other comments received.

12. **Northern Region Committee.** On January 19, 2012 the Board's Northern Water Planning Committee and staff met to review and discus the Petition. Those in attendance from the Board's Committee where ***(list committee members).*** Board staff in attendance was Ron Shelito and Brian Dwight Board staff recommended approval? of the Petition. After discussion, the Committee unanimously? voted to recommend approval of the Petition 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 the withdrawal of territory Petition for the RLWD pursuant to Minn. Stat. §103D.255.

3. The areas included in the requested withdrawal of territory is not part of the watershed because it is outside the hydrological boundary.

4. The RLWD Board of Managers supports the petition presented by the Beltrami County Board of Commissioners and proposes to move forward with the process to release the land from the District.

5. The RLWD can perform the functions for which it was established without the inclusion of the territory.

13. The proposed withdrawal of territory should be approved per the Petition for the RLWD.

ORDER

The Board hereby orders that the boundary of the Red Lake Watershed District is changed per the Petition withdrawing parts of Sections 10, 11, 12, 13, 14, and 15, T. 149N, R. 30W, Summit Township, Beltrami County and in parts of Section 18, T. 149N, R. 29W, Moose Park Township, Itasca County, as identified in the map attached to this Order and the territory is released.

Dated at Saint Paul, Minnesota this 25th day of January, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Brian Napstad, Chair



RECEIVED
JUL 25 2011
Bd. of Water & Soil Resources
St. Paul

Kay L. Mack
BELTRAMI COUNTY
AUDITOR-TREASURER
701 Minnesota Ave NW, STE 220
Bemidji, MN 56601-3178
Telephone: 218-333-4175
FAX: 218-333-4246

July 20, 2011

Travis Germundson
Water Management Specialist
Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, MN 55155

Myron Jesme
Red Lake Watershed District Administrator
1000 Pennington Ave S
Thief River Falls, MN 56701

Dear Travis and Myron:

On July 5, 2011 the Beltrami County Board acted on a resolution regarding lands that have heretofore been considered within the boundaries of the Red Lake Watershed District and that are apparently outside the actual watershed. The resolution, and the corresponding petition, are enclosed for your consideration.

After your consideration and approval, we look forward to receiving formal notification so that our property tax system can be adjusted. Please note that, while some of the affected lands lie within Itasca County, this action was taken by Beltrami County only. This action as the county of the majority of land was done upon your recommendation. Consequently, we have not communicated with Itasca County. It is my assumption that once you adopt new borders, you will notify Itasca County of any changes affecting lands within their boundaries.

If you have any questions, please feel free to contact me.

Respectfully,

Kay L. Mack

Kay L. Mack, Auditor
Beltrami County

RESOLUTION FOR THE WITHDRAWAL OF CERTAIN TERRITORIES FROM WITHIN THE RED LAKE WATERSHED DISTRICT

WHEREAS, There is a need for correction in the boundary line between the Red Lake Watershed and the Mississippi Watershed to make the common boundary between the two watersheds, more closely conform to the actual watershed drainage divide, and

WHEREAS, Approximately 2,198 acres extend into the Red Lake Watershed District in Beltrami and Itasca Counties, and

WHEREAS, The following described lands approximately 2,198.21 acres located in the counties of Beltrami and Itasca are presently within the boundaries of the Red Lake Watershed District:

A. Beltrami County

1. The following real property, all in T149N, R30W (Summit Township)

Description	Section
SE1/4 SW1/4	10
S1/2 SE1/4	10
SW1/4	11
W1/2 SE1/4	11
SE1/4 SE1/4	11
S1/2 SW1/4	12
NE1/4	13
NW1/4	13
SW1/4	13
SE1/4	13
NE1/4	14
NW1/4	14
SW1/4	14
SE1/4	14
E1/2 SE1/4	15
NE1/4	15
NE1/4 NW1/4	15

B. Itasca County

1. The following real property, all in T149N, R29W (Moose Park Township)

Description	Section
NW1/4	18

WHEREAS, Said lands and the affected common boundary line between the watershed district and counties is shown on the map and Exhibit "A" attached hereto and incorporated herein by reference, and

WHEREAS, The affected lands are proposed to be withdrawn from the Red Lake Watershed District and included within the Mississippi watershed within the Counties of Beltrami and Itasca, thereby changing the boundary line between the Mississippi watershed within the Counties of Beltrami and Itasca and the Red Lake Watershed District, and the withdrawal of said territories and the proposed boundary line change would be conducive to the public health and welfare, and

WHEREAS, That the territories described above have not received or will not receive any benefits from the operation of the Red Lake Watershed District, and

WHEREAS, That the Red Lake Watershed District can perform the functions for which it was established without the inclusion of the above described territories, and

WHEREAS, That the above described territories are not, in fact, a part of the Red Lake Watershed District, and

NOW THEREFORE BE IT RESOLVED that the Beltrami County Board of Commissioners submit a petition for withdrawal of approximately 2,198 acres of land from part of Beltrami County in the township of Summit and from part of Itasca County in the township of Moose Park. Subject land is properly part of the Mississippi Watershed and should not be part of the Red Lake Watershed.

Adopted by the Beltrami County Board of Commissioners this 5 th day of July, 2011.

By: Joe Vene.
Beltrami County Board of Commissioners

Its: Chairperson

IN THE MATTER OF THE WITHDRAWAL OF CERTAIN TERRITORIES FROM WITHIN THE RED LAKE WATERSHED DISTRICT

PETITION

TO: STATE OF MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Pursuant to the resolutions of the Beltrami County Board of Commissioners, copies of which are attached hereto and the provisions of M.S.A. 103D.255 the Commissioners of said County, hereby submit this Petition for withdrawal of the following described territories within the Red Lake Watershed District and represent and state:

I.

The following described lands approximately 2,198.21 acres located in the counties of Beltrami and Itasca are presently within the boundaries of the Red Lake Watershed District:

A. Beltrami County

1. The following real property, all in T149N, R30W (Summit Township)

Description	Section
SE1/4 SW1/4	10
S1/2 SE1/4	10
SW1/4	11
W1/2 SE1/4	11
SE1/4 SE1/4	11
S1/2 SW1/4	12
NE1/4	13
NW1/4	13
SW1/4	13
SE1/4	13
NE1/4	14
NW1/4	14
SW1/4	14
SE1/4	14
E1/2 SE1/4	15
NE1/4	15
NE1/4 NW1/4	15

B. Itasca County

1. The following real property, all in T149N, R29W (Moose Park Township)

Description	Section
NW1/4	18

II.

Said lands and the affected common boundary line between the watershed district and counties is shown on the map and Exhibit "A" attached hereto and incorporated herein by reference.

III.

The affected lands are proposed to be withdrawn from the Red Lake Watershed District and included within the Mississippi watershed within the Counties of Beltrami and Itasca, thereby changing the boundary line between the Mississippi watershed within the Counties of Beltrami and Itasca and the Red Lake Watershed District, and the withdrawal of said territories and the proposed boundary line change would be conducive to the public health and welfare.

That the territories described above have not received or will not receive any benefits from the operation of the Red Lake Watershed District;

That the Red Lake Watershed District can perform the functions for which it was established without the inclusion of the above described territories;

That the above described territories are not, in fact, a part of the Red Lake Watershed District;

WHEREFORE, the undersigned Commissioners of Beltrami County respectfully request the Board of Water and Soil Resources:

1. Give proper notice that this Petition is proper and adequate and has been filed as provided for by law, and/or hold a public hearing thereon as required by Minnesota Statute 103D.255.

2. After hearing, issue an order changing the common boundary line of the the Red Lake Watershed District in conformance with this Petition.

3. For such other and further orders as may be necessary.

Dated this 5th day of July, 2011.

BELTRAMI COUNTY
BOARD OF COMMISSIONERS

By: _____
Its: Chairperson

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Cormorant Lakes WD Revised Plan** ☐

Meeting Date: January 25, 2012

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Northern Region

Contact: Chad Severts

Prepared by: Chad Severts

Reviewed by: Northern Water Planning Committee(s)

Presented by: TBD at Jan. 19th Northern Water Planning Committee meeting.

☐ **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 Cormorant Lakes Management Plan pending Northern Water Planning Committee's recommendation at their January 19, 2012 meeting.

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

The Cormorant Lakes Watershed District (CLWD) was formed and approved by the State of Minnesota Water Resources Board on August 22, 1966. The CLWD lies near the southwest corner of Becker County and covers approximately 20,320 acres of land, small lakes, and sloughs and approximately 7,922 acres of open water.

The original watershed management plan of the CLWD dated March 7, 1968, established a number of goals with the overall objective of resource conservation. The Management plan was last updated in 1999. Some of the original goals have been met, such as operating a controlled outlet, improvement of stream channels via new culverts, regulating riparian changes by landowners through permits, maintaining lake level records, and educating the watershed residents. Other goals are still in progress such as inventorying and evaluating subwatersheds, reducing erosion and maintaining and improving water quality. The CLWDs new goals are as follows:

1. Maintain or improve water quality of surface waters through various nondegradation programs and stewardship practices.
2. Promote awareness of groundwater resources and necessary steps to protect it.
3. Manage or minimize erosion and sedimentation.
4. Work to prevent the spread of aquatic invasive species and manage those that are present in District lakes.
5. Alleviate damage (including property damage and shoreline damage) by high water whenever possible.
6. Maintain channels and water flow according to established levels.
7. Prevent unnecessary destruction and maintain or improve habitat for fish and wildlife on water quality and water quantity projects.
8. Inform and help educate about watershed policies and programs.

The planning process included a number of meetings between the Advisory Committee and the Board which began on November 11, 2010 and also included a public meeting to engage the District land owners on July 16, 2011. The plan was submitted to those required in 103D.405 for the 60-day review period which ended December 5, 2011. The document was also available on the District's website for review. The only comments received were from the MnDNR, which provided additional information and clarification to the plan. The CLWD incorporated the comments into the final plan.

Due to the non-controversial nature of the plan, a Notice of Filing was used and the legal notice was published in the local papers on December 11 and 18. At this time, no written requests for a hearing have been received and the Committee will be given an update at the January 19 meeting. If there are no requests for a hearing, I would concur that the Management Plan does meet the requirements of the guidance material provided by the BWSR and that of M.S. 103D.405 and recommend the Committee approve the CLWD Management Plan 2012-2022 at their January 19 meeting. The Committee's recommendation will be brought forward at the full Board meeting.

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

In the Matter of prescribing a Revised Watershed Management Plan for the Cormorant Lakes Watershed District pursuant to Minnesota Statutes Sections 103D.405	**ORDER PRESCRIBING WATERSHED MANAGEMENT PLAN**

Whereas, the Board of Managers of the Cormorant Lakes Watershed District (CLWD) filed a proposed Revised Watershed Management (Plan) dated October 4, 2011 with the Board of Water and Soil Resources (Board) on October 14, 2011 pursuant to Minn. Stat. § 103D.405, and;

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

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

FINDINGS OF FACT

1. **District Establishment.** The District was established on August 22, 1966 by the Minnesota Water Resources Board and is located in the Northwestern Minnesota. Lands within the District are distributed in the Southwest corner of Becker County. The general purpose of the District include: Management of Water Levels, Maintain and Improve Surface Water Quality, Treatment and Prevention of Aquatic Invasive Species, and Public Outreach and Education.

2. **Requirement to Plan.** A watershed district is required to revise their watershed management plan at least once every ten years pursuant to Minnesota Statutes Section 103D.405, Subd. 1 (a). The latest Water Management Plan of the District was prescribed by the Board in July of 1999. The Plan includes an inventory of the District's physical features and water resources, describes water-related problems and possible solutions, describes activities and projects that the District has completed, and states objectives for current and future water resource management.

3. **Nature of the Watershed.** The Cormorant Lakes Watershed lies near the southwest corner of Becker County. The CLWD is located within the Otter Tail River Major Watershed which is part of the Red River Basin. The majority of the lakes in the Red River Basin are found in the Otter Tail River watershed. Within the CLWD there are many small to medium sized farms, as well as many small lots and home sites located around the various

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lakeshores. The public, through Federal, State, County and Township governments own a few small tracts, mainly as accesses to the lakes and wildlife areas.

4. **Territory.** The CLWD is approximately 1,920 square miles in size consisting of 20,320 acres of land and 7,922 acres of water within the Otter Tail River Major Watershed. Located in Southwest corner of Becker County (100%).

5. **Local Review.** The CLWD sent a copy of the draft Plan to local units of government for their review pursuant to Minn. Stat. § 103D.405.

6. **Department of Natural Resources Review.** Comments received from DNR provided sources where further detailed information can be found along with some suggested changes. Those recommendations have been incorporated into the revised plan as per the District's 12-13, 2011 response letter.

7. **Department of Agriculture Review.** Not required by law to review.

8. **Department of Health Review**. Not required by law to review.

9. **Pollution Control Agency Review**. Not required by law to review.

10. **Other review comments.** None

11. **Highlights of the Plan**. The plan focuses on eight major goal which were as follows:
    - Maintain or improve water quality of surface waters through various nondegradation programs and stewardship practices.
    - Promote awareness of groundwater resources and necessary steps to protect it.
    - Manage or minimize erosion and sedimentation.
    - Work to prevent the spread of aquatic invasive species and manage those that are present in District lakes.
    - Alleviate damage (including property damage and shoreline damage) by high water whenever possible.
    - Maintain channels and water flow according to established levels.
    - Prevent unnecessary destruction and maintain or improve habitat for fish and wildlife on water quality and water quantity projects.
    - Inform and help educate about watershed policies and programs.

12. **Hearing Notice.** The Legal Notice of Filing on the Plan, pursuant to Minn. Stat. § 103D.105 Subd. 2, was published in the Detroit Lakes Tribune & Becker County Record on December 11 and 18, 2011. Further, a copy of the notice of filing was mailed to several addresses notifying them of the legal notice of filing, including the Becker County Auditor,

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Administrator, and Soil and Water Conservation District; and a representative for the Watershed District.

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

14. **Board Staff Report.** The Plan development process provided much opportunity for public input, comment and review. The Plan is well written and comprehensive and meets the requirements of 103D.405 and the guidelines provided by the Board of Water and Soil Resources.

15. **North Region Water Plan Review Committee.** The committee met on January 19, 2012 those in attendance from the Board's Committee were *(will add after meeting)*. Board staff in attendance were Ron Shelito and Chad Severts. Board staff recommended approval of the plan. After discussion, (the recommendation will be inserted following Committee Meeting)

CONCLUSIONS

1. The proposed Revised Plan is valid in accordance with Minn. Stat. § 103D.405.

2. Proper notice of filing was given in accordance with applicable laws.

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

4. The Board has proper jurisdiction in the matter of approving a Revised Plan for the CLWD pursuant to Minn. Stat. § 103D.405.

5. The attached Revised Plan of the CLWD dated October 2011 would be for the public welfare and public interest and purpose of Minn. Stat. Chapter 103D would be served.

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ORDER

The Board hereby prescribes the attached Plan dated October, 2011 as the Revised Watershed Management Plan for the Cormorant Lakes Watershed District.

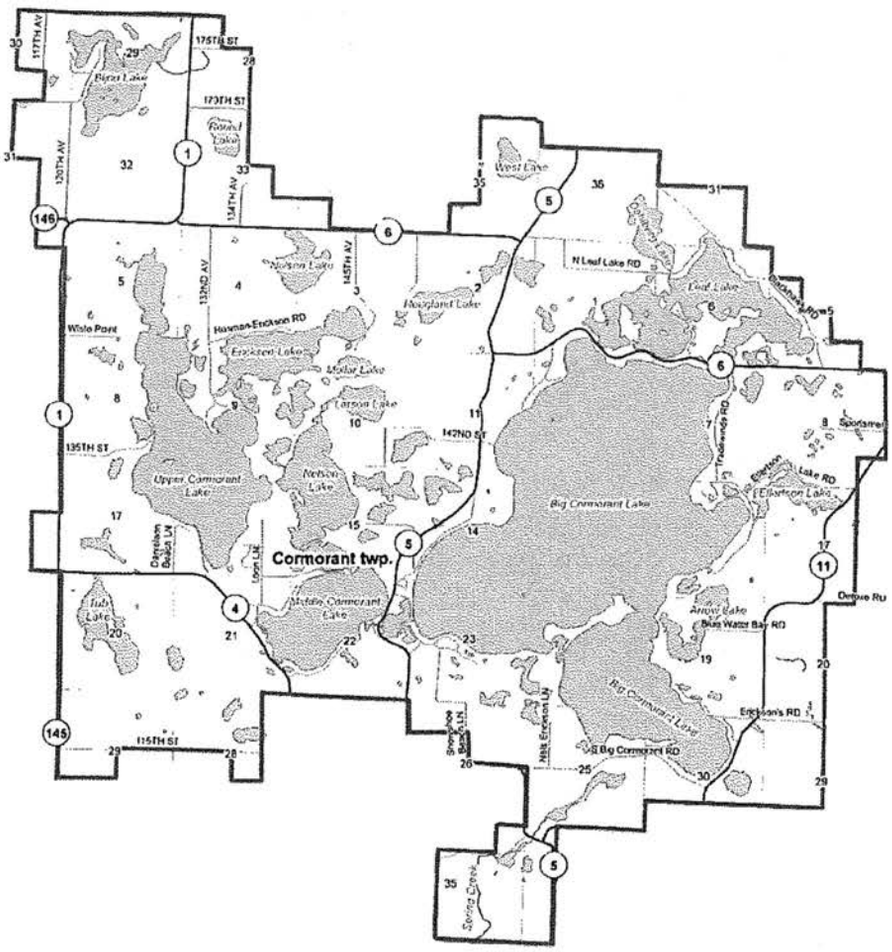
Dated at Saint Paul, Minnesota this 25th day of January, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Brian Napstad, Chair

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Cormorant Lakes Watershed District



Draft Watershed Management Plan

Revised

2012-2022

ACKNOWLEDGEMENTS

The Cormorant Lakes Watershed District would like to recognize the members of the Advisory Committee who were appointed to guide the development of the Watershed Management Plan. The CLWD looks forward to cooperatively working with all of its stakeholders in the implementation of this Plan.

BOARD OF MANAGERS

Ellis Peterson
Jeff Moritz
Jody Beaudine
Gene Olson
Orvis Olson

OTHERS WHO WORK WITH THE DISTRICT

Duane Henrickson ~ Adminstration Advisor
Sherwood Olson ~ Administrator
Sheldon Struble ~ Inspector
Duane Erickson ~ Inspector
Erik Jones ~ Engineer
Rick St-Germain - Engineer
Terry Karkela ~ Attorney
Moriya Rufer ~ Water Quality Consultant

WATERSHED MANAGEMENT PLAN ADVISORY COMMITTEE

Member	*Representing*
Benneth Braseth	Upper Cormorant Lake
Jay Carlson	Big Cormorant Lake
Tim Erickson	Cormorant Township
Sean Felker	Audubon Township
Brad Grant	Becker Soil and Water Conservation District
Lyle Hansen	Big Cormorant Lake – Wermager Beach
Joe Herbst	Bijou Lake
Jim Kaiser	Watershed Advisory Board
Tim James	Minnesota Pollution Control Agency
Lloyd Kohler	Big Cormorant Lake – Blue Water Bay
Joe Lightowler	Lake Eunice Township, Big Cormorant Lake Assoc.
Brad Lindstrom	Lake Park Township
George Minerich	Minnesota Department of Health
Maggie Metcalf	Watershed Advisory Board, Middle Cormorant
Barry Nelson	Becker County
Duane Olson	Watershed Advisory Board, Nelson Lake, Larson Lake
Chad Severts	Minnesota Board of Soil & Water Resources
Jim Wolters	Minnesota Department of Natural Resources
Merle Zimmerman	Big Cormorant Lake Board

Cormorant Lakes Watershed District
Watershed Management Plan

TABLE OF CONTENTS

Chapter 1: Introduction

A. Introduction to the CLWD 1
B. Original Purpose and Goals 1
C. Watershed Rules 3
D. CLWD Evolution 3
E. District's Mission 3
F. Minnesota Statutory Authority 3

Chapter 2: Description of the CLWD

A. Watershed Setting 5
- Location and size 5
- Water flowage 6
- Political units within the CLWD 6
- Population characteristics 8
- The economy 8

B. Physical Features 8
- Climate 8
- Topography 10
- Geology 11
- Soils 11
- Land use 12
- Public & private land ownership 14

C. Water Resources 15
- Sub-watersheds 15
- Rivers and natural streams 15
- Lakes 15
- Wetlands 16
- Artificial drainage systems 17
- Water management structures 17

D. Existing Programs 17
- Local 17
- State 18
- Federal 19
- Private 19

Chapter 3: Assessment of Resources

A. Water Resources 21
- Lake water quality 21
- Ecoregion comparisons 23
- Impaired waters 25

MPCA watershed assessment schedule 25
Fisheries assessments 26
B. Shoreline Development 29
Shoreline inventory 29
Building pressure 30
Land use changes 31
Subsurface sewage treatment 33
C. Watershed Assessment 33
Erosion risk 33
D. Aquatic Invasive Species 35
Species present in CLWD 35
Infestation risks 35
E. Watershed Hydrology 36
Water levels 36
Tree loss 37
F. Habitat Assessment 37
High quality habitat 37
Potential areas for protection 37

Chapter4: Priority Issues

A. Public Meeting 39
B. Discussion of Issues 39

Chapter 5: Implementation Plan

A. Goals, Objectives, and Initiatives Defined 41
B. Implementation Plan 42

Chapter 6: Administration

A. Plan Schedule 51
B. Plan Coordination 51
C. Intergovernmental Conflict Resolution 51
D. Available Funding Mechanisms 51
Ad valorem tax levies 51
Watershed Management Districts 51
Special Assessment Districts 51
Grants 51
E. Plan Amendment Procedure 52
F. Plan Evaluation 53
G. District Policies 53

Appendices
A. Watershed Rules and Regulations 55
B. Public Informational Meeting Comments 69
C. 60-day Review Period Comments and District Responses 73

Chapter 2: Description of the CLWD

A. WATERSHED SETTING

Location and Size

The CLWD is located in the Otter Tail River Major Watershed. The Otter Tail River Watershed represents an area of about 1,920 square miles, including areas of substantial portions of Otter Tail, Becker and Wilkin counties, and very small portions of Clay and Clearwater counties (Figure 1).

The watershed is a drainage basin of the Red River and the major tributaries of the watershed are the Ottertail and Pelican Rivers. Where the Otter Tail River joins the Bois de Sioux River is considered to be the headwaters of the Red River. The majority of the lakes in the Red River Basin are found in the Otter Tail River watershed.

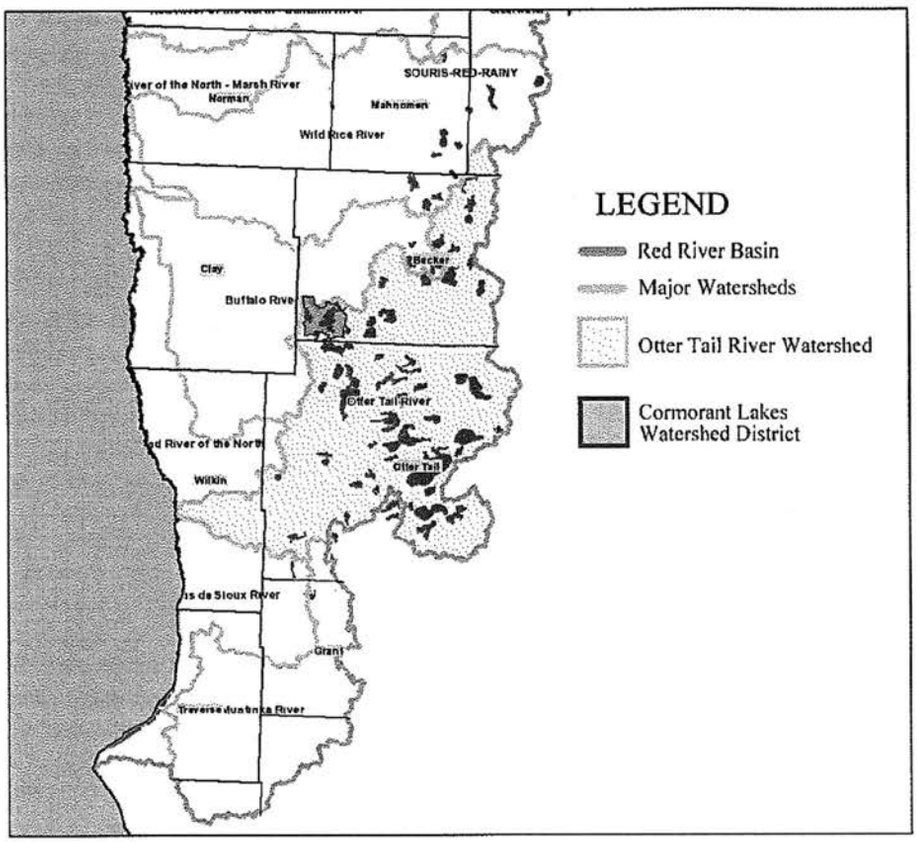


Figure 1. Watershed location of CLWD.

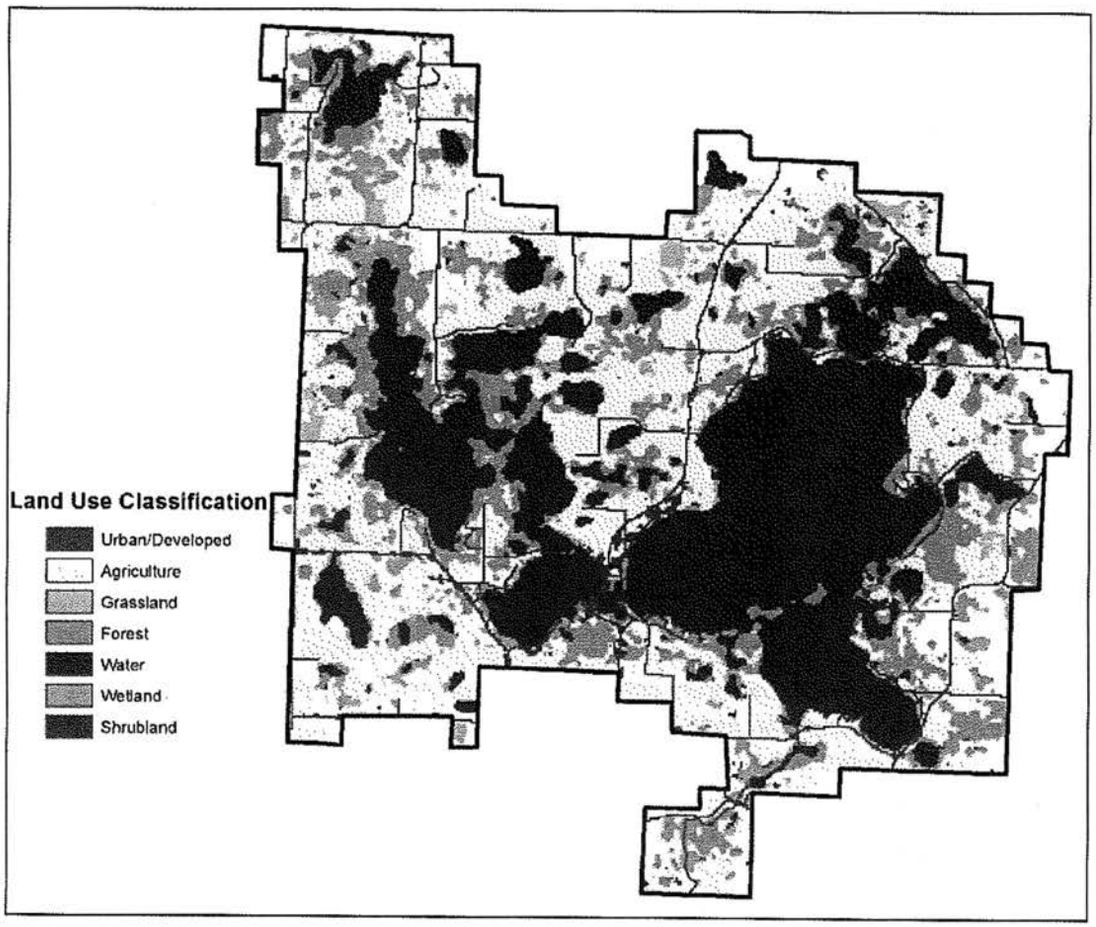


Figure 9. Land use classification in the Cormorant Lakes Watershed District.

Table 1. Land use area in the Cormorant Lakes Watershed District.

Land Use	District Area (acres)	Percent of District Area (%)
Urban/Developed	1,250	5.3
Agriculture	10,054	42.6
Grassland	284	1.2
Forest	3,321	14.1
Water	7,641	32.4
Wetland	1,026	4.3
Shrubland	20	0.1
Total	**23,596**	**100**

Chapter 3: Assessment of Resources

A. WATER RESOURCES

A complete assessment of water quality in Big Cormorant, Upper Cormorant and Middle Cormorant Lakes is scheduled to be completed by RMB Environmental Laboratories in the winter of 2011. The results from these reports will be added as a future appendix to this plan, and will help guide the CLWD in future projects.

Lake Water Quality

Trophic State Index (TSI) is a standard measure or means for calculating the trophic status, or productivity, of a lake. More specifically, it is the total weight of living biological material (*biomass*) in a waterbody at a specific location and time.

Phosphorus (nutrients), chlorophyll *a* (algae concentration) and Secchi depth (transparency) are related. As phosphorus increases, there is more food available for algae, resulting in increased algal concentrations. When algal concentrations increase, the water becomes less transparent and the Secchi depth decreases.

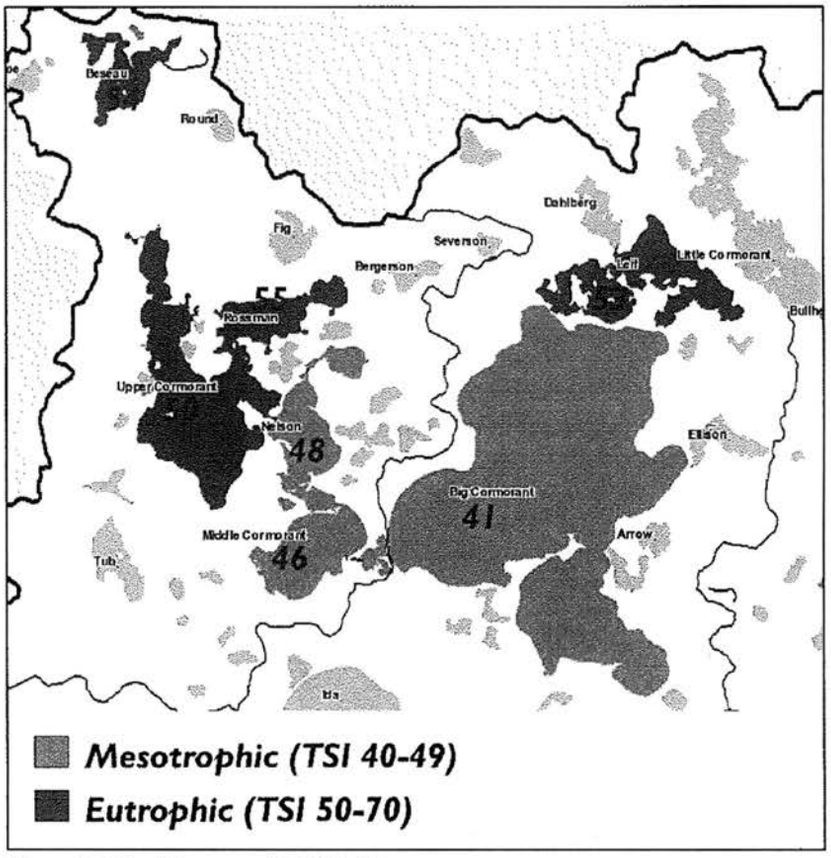


Figure 15. Trophic states of CLWD lakes.

Trophic states are defined divisions of a continuum in water quality. The continuum is total phosphorus concentration, chlorophyll a concentration and Secchi depth. Scientists define certain ranges in the above lake measures as different trophic states so they can be easily referred to.

The CLWD lakes fall into the mesotrophic and eutrophic categories (Table 3, Figure 15). See the next page for a description of each category.

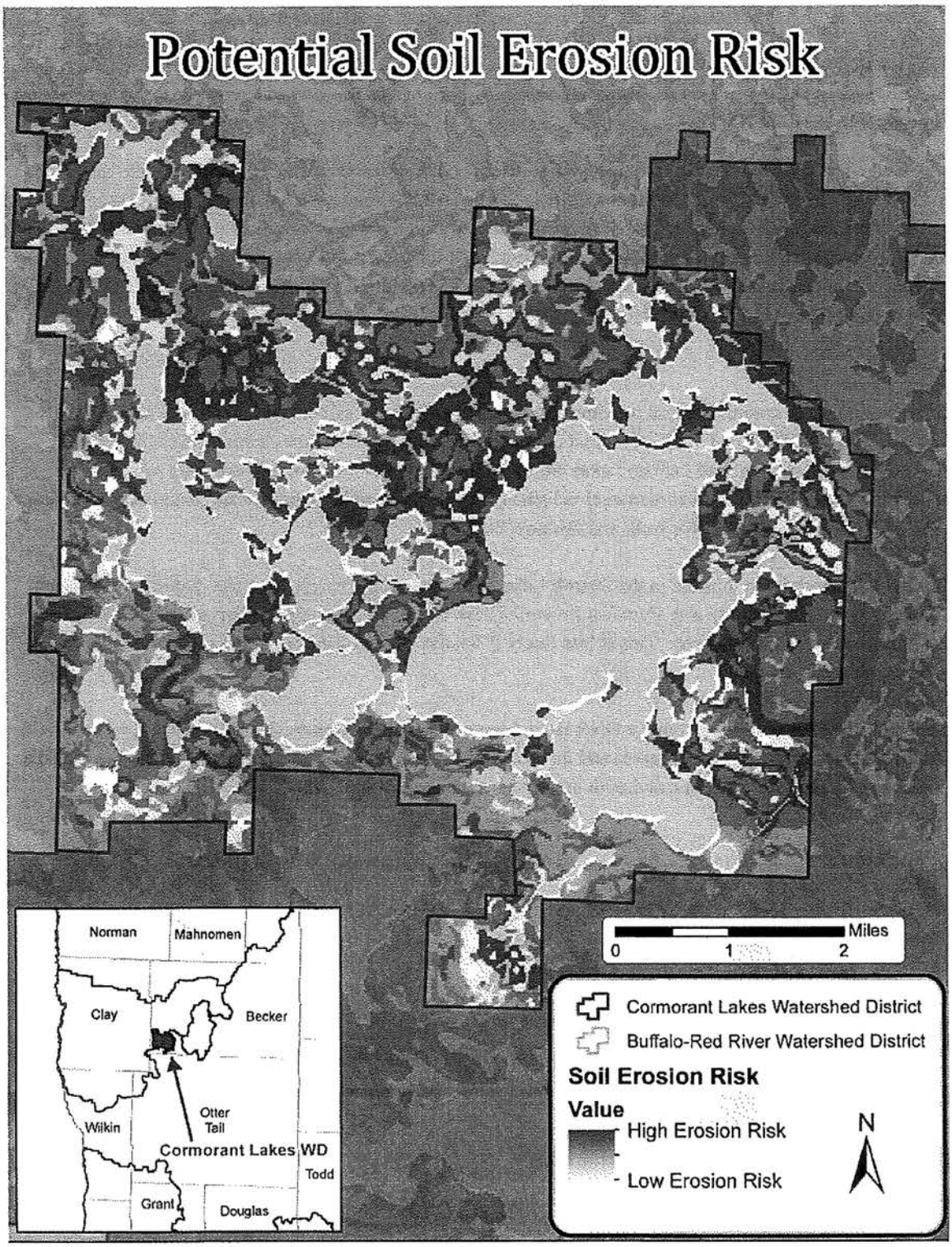


Figure 18. Potential erosion risk in areas in CLWD.

D. AQUATIC INVASIVE SPECIES

Species present in the CLWD

Currently, Curly-leaf pondweed is the only invasive species present in the CLWD (Figure 19). Curly-leaf pondweed was discovered in Upper Cormorant Lake in 2006. In 2008, the Upper Cormorant Lake Association partnered with the CLWD to apply for a DNR grant that assists with the cost of chemically treating the curly-leaf pondweed. This program has been a success; Upper Cormorant Lake has been treated from 2009-2011 and the density of curly-leaf pondweed has decreased significantly. This program is expected to be ongoing as it is nearly impossible to completely eradicate invasive species from a lake.

Infestation risks

There are many invasive species in close proximity to the CLWD including Zebra mussels and Eurasian flowering rush (Figure 19). The CLWD feels that currently the largest threat is the Zebra mussels in Pelican Lake. Because Big Cormorant and Pelican Lakes are only a couple miles apart, many boats and sail boats go back and forth between the lakes. Zebra mussel veligers (larvae) can be unknowingly transported between lakes in water at the bottom of a boat, a live well, and minnow buckets.

Eurasian flowering rush is established in the Detroit Lake chain including Detroit, Muskrat, Sallie, Melissa and Mill Lakes (Figure 19). The only way Eurasian flowering rush could spread to the Cormorant lakes would be if someone transported a plant fragment. This is less likely if boaters inspect their boats and trailers for plant fragments after leaving lakes.

Big Cormorant Lake has participated in the DNR Boat Access Inspection Program from 2010-2011, where DNR interns have been posted at the lake accesses and inspected and interviewed boaters entering and leaving the lake. This program will help with education and with invasive species prevention.

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Enlargement and Increase the Number of Buffalo Red River Watershed District Managers**

Hearing Order ☐

Meeting Date: January 25, 2012

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: Northern Region
Contact: Travis Germundson or Pete Waller
Prepared by: Tarvis Germundson & Pete Waller
Reviewed by: Northern Water Planning Committee(s)
Presented by: Quentin Fairbanks or 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

Contingent on North Water Planning Committee recommendaton, Board authorization is needed to schedule and hold a public hearing regarding the enlargement and increasing the number of of managers for the Buffalo Red River Watershed. The hearing must be held within 35 days of the Order's date.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
January 4, 2012, BWSR received a joint petition from the Buffalo Red River Watershed District, Otter Tail County and Wilkin County regarding the enlargement and increasing the number of managers petition for the Buffalo Red River Watershed District.

The territory proposed to be added to the BRRWD is approximately 430 square miles that affects Wilkin and Otter Tail Counties. This is the same area Wilkin County petitioned to establish the Upper Red Lower Otter Tail Watershed District. At the September 7,2011 establishment hearing Otter Tail County suggested enlarging the BRRWD as an alternative to establishing a new watershed district. Wilkin County agreed to have their establishment petition held in abeyance to allow time for Wilkin and Otter Tail Counties and the BRRWD to further explore Otter Tail County's suggestion. See attached Status Report Upper Red Lower Otter Tail Watershed District as of September 19, 2011 for background information.

January 19th the Northern Water Planning Committee will review the petition and make a recommend to the full Board if it is valid and to act on an Enlargement and Increasing the Number of Managers Hearing Order.


Current Buffalo Red River WD
Area to be Added to Buffalo Red River WD
Bois de Sioux WD
Moorhead
EL. 910
Dilworth
Georgetown
Felton
Hitterdal
Kragnes
Averill
Hawley
Ulen
Ogema
Callaway
Lake Park
Audubon
Westbury
Dalo
Detroit Lakes
EL. 1300
Frazee
Vergas
Perham
Dent
Richville
Ottertall
Pelican Rapids
Erhard
Rothsay
Wolverton
Barnesville
Comstock
Sabin
Downer
Rustad
Hickson
Lawndale
Kent
Abercrombie
McCauleyville
Dwight
Wahpeton
Breckenridge
EL. 965
Brushvale
Everdell
Foxhome
Doran
Elizabeth
Fergus Falls
EL. 1194
Underwood
Battle Lake
Clitherall
Vining
Dalton
Urbank
Parkers Prairie
Evergreen
Shoreham
Lake Center
Upper Cormorant
Cormorant
Dunvilla
Pelican
Lida
Maplewood
Dead
Rush L.
Buchanan
Helnola
Amor
Otter Tail L.
Pickerel
Edwards
Jewett
Weggeland
Phelps
Glencalough
Bianchi
Gourd
Inspiration Peak
Spitzer
Sewell
Swan
Orwell
Rabbit
Ten Mile
Stalker
Eagle
Clitherall
Battle
Turtle
Deer
Fish
Anna
Wall
Rose
Franklin
Crystal
Lizzie
Leon
Spill
Little McDonald
Mud
Head
Long
Star
Marion
Edna
Bear
Little Pine
Big Pine
Rochert
Pickerel
Floyd
Height of Land
Toad
Little Toad
Melissa
Maud
Sallie
Shell
Rice
Buffalo River
Whisky
Silver
Three
Tilde
Rustad
Sinking
Lee
Baker
Rolfag WILDLIFE AREA
BARNESVILLE
ROTHSAY WILDLIFE AREA
ORWELL WILDLIFE AREA
RESERVATION
TAMARAC NATIONAL WILDLIFE REFUGE
BECKER
CLAY
WILKIN
OTTER TAIL
DRAINAGE
Travel Information Center
B.N.S.F.
G.T.V.R.
R.R.V.W.
C.P.R.
RIVER
BAY
Many Point
Round
Juggler
Elbow
Big Rat L.
Strawberry
White Earth
Richwood
Rochert
Snellman
STATE
FORES
Ponsford
Shell
Island
Height of Land
Toad
Hungry
Dead
Pelican
Rose
Leek L.
Franklin
Crystal
Lizzie
Leon
Spill
Little McDonald
Long
Little Pine
Big Pine
Edna
Bear
Mud
Head
Rush L.
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Hungry
Dead

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

In the Matter of petition for Enlargement, and Increase in the Number of Managers for the Buffalo Red River Watershed District pursuant to Minnesota Statutes §§ 103D.261 and 103D.305	**ORDER ENLARGMENT AND INCREASE THE NUMBER OF MANAGERS HEARING**

Whereas, a Petition was filed with the Board of Water and Soil Resources (Board) on January 4, 2012 by Wilkin County, Otter Tail County, and Buffalo Red River Watershed District (BRRWD) to enlarge the territory and increase the number of managers of the BRRWD, pursuant to Minn. Stat. §§ 103D.261, and 103D.305, and;

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

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

FINDINGS OF FACT

1. **Petition Signatures.** The enlargement and increase in the number of mangers petition dated December 27, 2011 was filed with the Board on January 4, 2011 by BRRWD. Wilkin and Otter Tail Counties, along with BRRWD signed the petition in accordance to signature requirements of Minn. Stat. §§ 103D.261, Sub. 1 and 103D.305 Sub.2 which allows the petition to be signed by one-half or more of the counties within the district.

2. **Property Description.** The territory to be included in the enlargement proceedings is depicted in map attached with the Petition and includes lands contemplated to be included in the establishment petition for the Upper Red Lower Otter Tail Watershed District. The area affects Wilkin and Otter Tail Counties, bordered on the south by the Bois de Sioux Watershed District and is contiguous to BRRWD, approximately 430 square miles in size, which includes land in the Cities of Breckenridge, Kent, Rothsay, and Foxhome.

3. **Necessity for Watershed District Enlargement.** The Petition states the additional territory is necessary for the following reasons:

    1. Control or alleviation of damage by flood waters
    2. Improve of stream channels for drainage, navigation, and other public purpose
    3. Reclaiming or filling wet and overflowed lands
    4. Providing water supply for irrigation
    5. Regulating the flow of streams and conserving the waters thereof
    6. Diverting or changing watercourses in whole or part
    7. Providing and conserving water supply for domestic, industrial, agricultural, or other public use
    8. Providing for sanitation and public health and regulation the use of streams, ditches, or watercourse for the purpose of disposing of waste
    9. Repair, improve, relocate, modify, consolidate, and abandon, in whole or in part, drainage systems within a watershed district
    10. Imposition of preventive or remedial measures for the control or alleviation of land and soil erosion and siltation of watercourses or bodies of water affected thereby
    11. Regulation improvements by riparian landowners of the beds, banks, and shores of lakes, streams, and marshes by permit or otherwise in order to preserve the same for beneficial use
    12. Protecting or enhancing the quality of water in watercourses or bodies of water
    13. Providing for the protection or groundwater and regulation groundwater use to preserve groundwater for beneficial use
    14. Would prevent damage to farm buildings and farm yards, public roads and farmlands due to flooding
    15. Would remove county boundaries from determining an overall and comprehensive use of the water and natural resources
    16. Would control and regulate private ditching, obstruction of natural waterways and the antagonism amongst neighboring land owners regardless of the county in which they were located
    17. A re-evaluation of drainage, ditches, affected areas and proper assessment districts including a re-determination of benefits derived from drainage as is currently assessed which assessment could be made that territory affected regardless of county boundaries
    18. A comprehensive plan for water use and natural resources within the area

4. **District Name.** The Petition states the name of the proposed district will continue to be the Buffalo Red River Watershed District.

5. **Number of Managers.** The Petition specifies that the proposed number of managers shall be increased to seven (7) from the present number of five (5). The additional managers would

provide added representation from the District for the proposed territory.

6. **Filing.** The Petition was filed with the Wilkin County Attorney, Otter Tail County Attorney, Buffalo Red River Watershed District, and the Board.

7. **Staff Recommendation.** Staff has determined that petition is valid pursuant to Minn. Stat. §§ 103D.261, and 103D.305.

8. **Hearing Panel.** Board members of the Northern Water Planning Committee should preside over the hearing and bring a recommendation to the Board.

9. **Hearing Time.** The Executive Director should determine the date of the hearing after coordinating with the appropriate parties.

10. **Hearing Location.** The public hearing should be held at (insert location). If scheduling conflicts arise the Executive Director should choose another suitable location.

CONCLUSIONS

1. The petition for enlargement and increase in the number of managers of the Buffalo Red River Watershed District is valid in accordance with Minn. Stat. §§ 103D.261 and 103D.305.

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

3. The Board has proper jurisdiction in the matter of ordering a watershed district enlargement and increase in the number of managers hearing.

4. The hearing on the Petition for enlargement and increase in the number of managers of the Buffalo Red River Watershed District should be presided over by the Northern Water Planning Committee.

5. The Executive Director shall make a decision on the date of the public hearing after coordinating with the appropriate parties.

6. The public hearing shall be held at the (location).

7. If scheduling conflicts arise the Executive Director shall choose another suitable location.

ORDER

The Board hereby orders a public hearing be held within 35 days of the date of this Order on the enlargement and increase in the number of managers Petition for the Buffalo Red River Watershed District presided over by the Northern Water Planning Committee at a date and location to be determined by the Executive Director.

Dated at Saint Paul, Minnesota this 25th day of January, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Brian Napstad, Chair

Status Report
Upper Red Lower Otter Tail Watershed District

Wilkin Water LWP 2008 – 2017; Action item within the LWP Implementation Plan (page 20): 'Investigate establishment of a water management structure/ordinance for the Lower Otter Tail and Red River Headwaters watershed areas of Wilkin County."

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

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

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

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

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

February 3, 2010; Information meeting held in Fergus Falls (60 to 80 people attended)

Outcome of the meetings: Commissioners asked lead local staff to investigate/develop alternative management structure options and determine if there are potential cost savings vs a watershed district.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COMMITTEE RECOMMENDATIONS
Public Relations, Outreach & Strategic Planning Committee

1. 2012 PRAP Report to the Legislature – Don Buckhout – ***DECISION ITEM***

2. BWSR Strategic Plan Recommendation – Keith Mykleseth and Don Buckhout – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: 2012 PRAP Report to the Legislature

Meeting Date: January 25, 2012

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Regional Operations-PRAP

Contact: Don Buckhout

Prepared by: 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

Approval of report for transmittal to legislative policy committees.

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

DRAFT 2012 Performance Review and Assistance Program (PRAP) Legislative Report-

The fifth annual PRAP Report to the Legislature contains a summary of BWSR's review of LGU performance during the past year. The report presents the 2011 program accomplishments compared to objectives set in last year's report. It highlights results from a basic review (Level I) of all 244 LGUs' performance and contains summaries of the in-depth reviews (Level II) of seven LGUs. There is a list of program objectives for 2012. A draft of this report has been reviewed by the Board's Public Relations, Outreach and Strategic Planning Committee. The recommendation for Board approval comes from that Committee and is timed to meet a February 1 due date for report submittal to legislative environmental resource committees in both the house and senate, as required by M.S. 103B.102, subd. 3.

Board Resolution # _____

Performance Review and Assistance Program
2012 Report to the Minnesota State Legislature

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

WHEREAS, a program for reviewing performance, offering assistance, and reporting results, now called the Performance Review and Assistance Program (PRAP) was developed in consultation with stakeholders, and

WHEREAS, the program has been implemented to the extent of current resources and capabilities, and

WHEREAS, according to Minnesota Statutes Chapter 103B.102, Subdivision 3, beginning February 1, 2008, and annually thereafter, the Board shall provide an analysis of local water management entity performance to the chairs of the House and Senate committees having jurisdiction over environment and natural resources policy, and

WHEREAS, the fifth annual PRAP report to the legislature contains a summary of the results of local water management entity performance review conducted by BWSR staff in 2011 and a summary of findings regarding the performance of local water management entities, and

WHEREAS, the fifth annual PRAP report to the legislature was reviewed by the Public Relations, Outreach and Strategic Planning Committee in December 2011 and was recommended for Board approval by that committee on January 24, 2012.

NOW THEREFORE BE IT RESOLVED, that the Board of Water and Soil Resources hereby adopts the attached Performance Review and Assistance Program Report to the Minnesota Legislature dated February 2012, with allowance for any minor editing modifications necessary for publication, for transmittal to the Legislature and release to the general public.

_____ Date: _____

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

BOARD REVIEW DRAFT

2012 PRAP REPORT

Board of Water and Soil Resources

Don Buckhout, PRAP Program Coordinator

Version 3.0

About this Report

This report has been prepared for the Minnesota State Legislature by the Minnesota Board of Water and Soil Resources (BWSR) in partial fulfillment of the requirements of Minnesota Statutes Chapter 103B.102, subdivision 3. This statute requires BWSR to provide designated legislative committees with "an analysis of local water management entity performance" each year. This report covers the activities of the Performance Review and Assistance Program (PRAP) during the 2011 calendar year. This is the fifth annual report prepared by BWSR for this program.

Table of Contents

PROGRAM SUMMARY 2011 1

PRAP BACKGROUND 2

PERFORMANCE REVIEW OF PRAP 4

LGU PERFORMANCE REVIEW RESULTS 5

ASSISTANCE SERVICES TO LOCAL GOVERNMENTS 7

REPORTING 8

PROGRAM CONCLUSIONS AND FUTURE DIRECTION 10

APPENDICES 11

- **A. PRAP Authorizing Legislation (Minn. Statutes Chapter 103B.102}**
- **B. PRAP Advisory Team Members**
- **C. Level I: 2011 Long-range Plans Status**
- **D. Level I: Status of Annual Reports for 2010**
- **E. Level I: Status of Audits and Financial Reports for 2010**
- **F. Level II: Summaries of 2011 Level II Performance Review Reports**
- **G. 2011 LGU Performance Awards and Recognition**

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Program Summary 2011

PRAP—Year 4

After four years of implementation, the Board of Water and Soil Resources' (BWSR) Performance Review and Assistance Program (PRAP) is well-established as a tool for monitoring and enhancing the effectiveness of Minnesota's local government system of conservation services delivery

Level I Performance Review

BWSR reviews compliance with plan and report requirements for 244 local governmental units each year.

LGUs Meeting All Level I Performance Standards in 2011

84%

Level II Performance Reviews

BWSR conducted reviews of 7 LGUs' plan implementation performance and operational effectiveness.

2011 Level II Results

Part 1 Plan Implementation

(% of plan action items addressed)

High	Low	Average
100	**52**	**82**

Part 2 Performance Standards

(% of standards met)

Basic Standards

High	Low	Average
100	**69**	**89**

High Performance Standards

High	Low	Average
73	**8**	**56**

Level III & IV Review

- No Level III or IV performance reviews were conducted in 2011.

Assistance Services to LGUs

- Training courses at BWSR Academy addressed LGU requests identified during PRAP reviews in 2010.

2011 PRAP Assistance to LGUs

- Advised Heron Lake WD regarding their management plan update.
- Consulted with MN Assn. of Soil and Water Conservation Districts on new district capacity evaluation and coordination with MCIT on assistance options and resources.
- Offered facilitation services to Le Sueur County LGUs for local water plan collaboration.

Reporting

No. of Website Hits to PRAP Level I Performance Database

(by calendar year)

2010- 1437 (1st year)
2011- 186

www.bwsr.state.mn.us/PRAP/reporting/index.php

BWSR maintains a user-accessible database of LGU compliance with routine planning and reporting requirements.

PRAP Program Accountability

BWSR met its own performance objectives for PRAP in 2011. However, the state shutdown in July precluded the testing of a new approach to PRAP that will assess the joint performance of water management LGUs with jurisdiction in the same major watershed. This initiative will be implemented on a pilot basis in 2012.

PRAP Background

Supporting Local Delivery of Conservation Services

PRAP focuses on the local governmental units (LGUs) that deliver BWSR's water and land conservation programs, and in particular, how well they are implementing their long-range plans. Those LGUs are soil and water conservation districts (SWCDs), watershed districts (WDs), water management organizations (WMOs), and the water management function of counties—a total of 244 distinct organizations. PRAP, authorized by the state legislature in 2007 (see Appendix A), is coordinated by one BWSR central office staff member. He receives assistance from BWSR's 13 Board Conservationists, who routinely work with LGUs across the state.

With limited program funding BWSR was able to track several performance indicators for all LGUs statewide, but could conduct only 7 of the needed 49 in-depth reviews.

Multi-level Process

PRAP has three operational components:

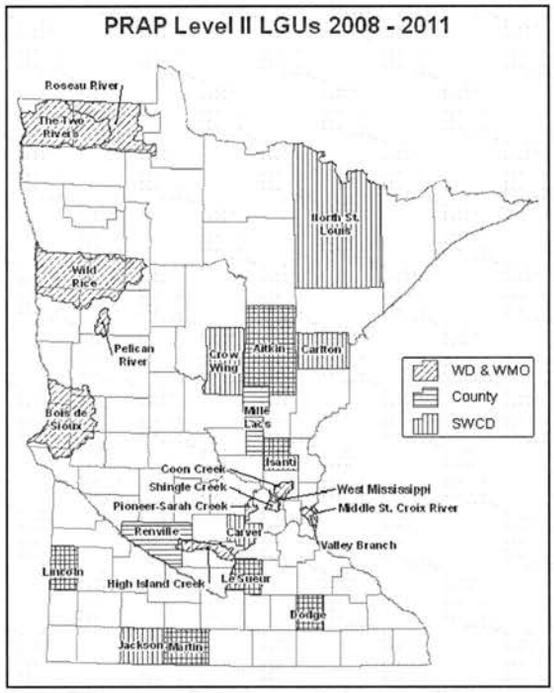
- **performance review**
- **assistance**
- **reporting.**

The **performance review** component is applied at four levels.

Level I is a tabulation of required LGU plans and reports with website posting of the results. Level I is accomplished with current program funding and does not require additional effort by LGUs.

Level II is a routine, interactive review originally envisioned to cover up to 49 LGUs per year to evaluate operational effectiveness and plan implementation progress. Program funding so far has allowed an average of only 8 Level II reviews per year.

BWSR's Level I and II performance standards for each type of LGU can be viewed at www.bwsr.state.mn.us/PRAP/index.html.



Level III is an in-depth assessment of an LGU's performance problems and issues initiated by BWSR or the LGU and usually involving targeted assistance to address specific performance needs. BWSR has conducted Level III review and assistance for several LGUs and regularly monitors all LGUs for additional opportunities.

Level IV is for those LGUs that have significant performance deficiencies, requiring extensive assessment, monitoring and possible penalties as authorized by statute. So far there have not been any Level IV cases.

Assistance varies with the needs of the LGU. Level I assistance is largely routine

training for LGUs. BWSR presents this type of training primarily through the annual BWSR Academy and board member training sessions. At Levels II-IV assistance is targeted to the specific needs of the LGUs and can be provided by BWSR staff or consultants, depending on availability and the skills needed. A small portion of the PRAP budget is available to LGUs to both incentivize and support specialized assistance recommended by the program.

Reporting makes information about LGU performance accessible to the LGU's stakeholders and constituents. The various venues include the PRAP page on BWSR's website, and the LGUs' own websites and annual activity reports.

Accountability: From Measuring Effort to Tracking Results

Administration of government programs demands and deserves a high degree of accountability. PRAP was developed, in part, to deliver on that demand by providing systematic local government performance review and then reporting publically accessible results. The challenge in reporting results is to move from measuring effort (e.g., how much money was spent on buffers?) to detecting effects of those efforts on targeted resources (e.g., have buffers improved downstream habitat and water quality?). PRAP addresses LGUs' functions of administration, program execution, communication, and collaboration that all contribute to successful resource outcomes.

At the program's start in 2007 the BWSR board adopted principles (see box) that still guide the implementation of this oversight function. Those principles are reflected in the program's goal of providing both performance analysis and recommendations in a way that encourages LGUs to act in their own best interests.

Guiding Principles

PRAP operates on the following principles adopted by the BWSR Board in 2007:

- **Pre-emptive**
- **Systematic**
- **Constructive**
- **Includes consequences**
- **Transparent**
- **Retains local ownership and autonomy**
- **Maintains proportionate expectations**
- **Preserves the state/local partnership**
- **Results in "more/better" on-the-ground conservation**

Performance Review of PRAP

BWSR's Accountability

BWSR continues to hold itself accountable for the accomplishments of the PRAP program. In consideration of that commitment, this section matches program objectives from last year's PRAP legislative report with corresponding program activities during 2011.

BWSR's PERFORMANCE REVIEW ACTIVITIES	
What We Proposed	**What We Did**
Track Level I performance of all LGUs.	BWSR tracked the required plan and report status of 244 LGUs.
Develop performance thresholds for selected Level II performance standards.	BWSR dropped, added, or modified 21 performance standards for 2011, including adding a threshold to funds leveraging standard.
Conduct 7-8 Level II routine performance reviews.	BWSR conducted 7 Level II performance reviews.

BWSR's ASSISTANCE to LGUs	
What We Proposed	**What We Did**
Continue Level III assistance.	BWSR assisted one WD with their management plan revision and the SWCD state association with district capacity assessment and assistance planning.
Continue monitoring of LGUs experiencing change for assistance opportunities.	BWSR managers periodically monitored LGUs experiencing change in staffing and board membership, finances, organization, etc.
In collaboration with the BWSR Training Team provide LGUs with guidance for basic board and staff skill sets.	The 2011 BWSR Academy included 5 training sessions that addressed training-related assistance requested by LGUs during 2010 Level II reviews.

BWSR's PRAP REPORTING	
What We Proposed	**What We Did**
Report Level I performance of all LGUs.	BWSR website includes a searchable database of compliance with Level I performance standards for SWCDs, WDs, counties, and WMOs. Appendices C, D and E summarize the Level I results.

PRAP Advisory Team

The purpose of the Advisory Team is to advise BWSR on program implementation and help BWSR maintain a balance between the need for accountability and the need to minimize the program's administrative burden on LGUs. The Team did not meet in 2011. However, BWSR provided the members with an annual program update. In the future BWSR will consult with the team only in the event of substantial program modifications.

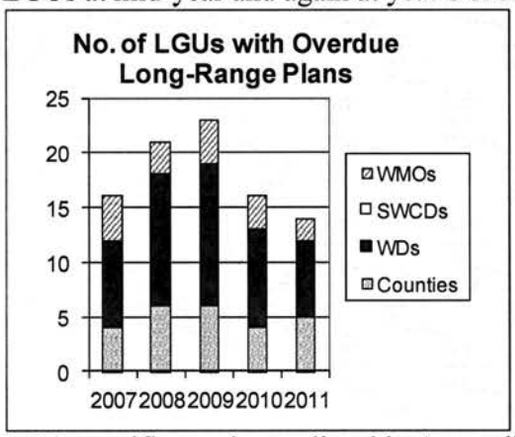
LGU Performance Review Results

2011 Objectives

The 2011 objectives for the PRAP performance review component were to continue the Level I compliance tracking for all LGUs, to conduct the same number of routine Level II reviews as in 2010, and to monitor the activities of LGUs undergoing significant change for opportunities to initiate Level III review or assistance.

Level I Results

Level I performance review consisted of monitoring and tabulating the plan revisions due and the routine annual activity and financial reports that LGUs are required to submit to BWSR. In April, BWSR posted those requirements on the website (www.bwsr.state.mn.us/PRAP/ index.html), and then followed up with non-compliant LGUs at mid-year and again at year's end.



LGU-specific results are listed in Appendices C (long-range plans), D (annual activity reports), and E (annual financial reports) and are searchable through the BWSR website.

The improvement in the number of overdue WD and WMO plan revisions is continuing, meaning more plans are up-to-date and addressing current resource issues. With PRAP's emphasis on evaluating plan implementation, having a current plan is essential. The plans overdue graphic now includes both metro county groundwater plans and statewide local water management plans in the county plan category for all years. In the 2010 PRAP report groundwater plans were only included in the 2010 graph bar. BWSR field staff continue to work with LGUs on plan updates.

LGUs Meeting All Level I Performance Standards in 2011

All LGUs 84%
SWCDs 99%
Counties 93%
WDs 53%
WMOs 50%

The Level I information indicates which LGUs submitted late reports in addition to listing those whose reports were not submitted at all. LGU reports are an important means of providing citizens with timely information about LGU plans and performance.

On a statewide basis, the 2011 Level I performance review shows the SWCDs and county local water management offices doing a good job of meeting basic program accountability requirements. WDs in greater Minnesota continue to have difficulty complying with the annual activity report requirement. Local drainage authorities improved their compliance with the ditch buffer strip reporting requirement. Only one LGU failed to submit a report in 2011 compared with 9 in 2010.

Level II Results

BWSR conducted seven Level II reviews in 2011: SWCD districts in **Le**

Sueur, **Carlton** and **Carver** counties, the **Pelican River** and **Wild Rice River** watershed districts, **Le Sueur County** local water management, and the **Middle St. Croix WMO**.

The Level II review process examines the LGU's progress in implementing their plan's goals and objectives (Part 1), compliance with BWSR's checklist of Level II performance standards (Part 2), and LGU board members' or water plan task force members' discussion of factors affecting plan implementation (part 3) to present a picture of overall performance. The BWSR PRAP coordinator and a Board Conservationist serve as the primary reviewers for each LGU.

2011 Level II Results

Part 1 Plan Implementation
(% of plan action items addressed)

High	Low	Average
100	**52**	**82**

Part 2 Performance Standards
(% of standards met)

Basic Standards

High	Low	Average
100	**69**	**89**

High Performance Standards

High	Low	Average
73	**8**	**56**

Appendix F contains summaries of each 2011 Level II performance review.

In 2011 BWSR intended to expand the annual Level II coverage through a program initiative that assesses the performance of all LGUs working in the same watershed. However, the state shutdown in July precluded the testing of this new method. This approach will be implemented on a pilot basis in 2012.

Level III Results

There were no formal Level III performance reviews in 2011. BWSR staff provided assistance to the Heron Lake Watershed District with their watershed plan revision process, at their request. This assistance did not include an overall performance assessment, however.

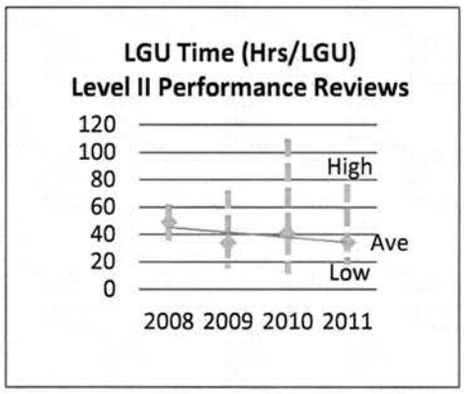
BWSR managers continue to regularly monitor the performance of LGUs experiencing change in order to assess the need for Level III review. LGUs can request these services and PRAP has money for small grants to support LGU organizational development tied to Level III assessments.

Level IV Results

No Level IV actions were needed in 2011.

PRAP Program Costs

BWSR tracks the time spent by LGUs in a Level II review as a substitute for actual program costs. Factors affecting an LGU's time include the number of action items in their long-range plan, the number of staff persons who help with data collection, and the ready availability of performance data.



BWSR staff spent approximately 330 hours conducting Level II reviews with the seven LGUs in 2011, an average of 47 hours per LGU. This compares with averages of 41 hours in 2010 and 46 hours in 2009.

Assistance Services to Local Governments

Focus on Assistance

The term "assistance" is in the PRAP program title in part because it is listed as an activity in the authorizing legislation and also because it is a logical next step after performance review. Prior to PRAP, BWSR field staff regularly provided LGUs with assistance to support and enhance their operational effectiveness. While that essential service continues, PRAP has expanded BWSR's capability to assist LGUs.

2011 PRAP Assistance to LGUs

- Advised Heron Lake WD during public review of their management plan update.
- Consulted with MN Assn. of Soil and Water Conservation Districts on new district capacity evaluation and coordination with Mn Counties Insurance Trust on assistance options and resources.
- As a result of 2011 Level II reviews offered Le Sueur County and SWCD facilitation services to enhance collaboration on local water plan implementation.

Assessing the Needs

PRAP provides an opportunity for LGUs to identify the types of assistance they think would be most helpful. Each Level II performance review includes an opportunity for LGU board members and staff to list assistance needs in the context of their perceived barriers to program and project implementation. In 2011 the seven LGUs requested assistance with:

- obtaining stability and flexibility in funding,
- increasing traditional funding sources (e.g., cost-share and NRBG),
- writing grant applications for new funding sources (e.g., Clean Water Fund),
- continuing board and staff training,
- enhancing communication among greater MN WDs, and
- revising a long-range watershed management plan.

Each year LGUs request training related to various operational needs, as was the case this year. BWSR held its fourth annual Training Academy for LGU staff in October. BWSR's Training Program Coordinator ensured that the 2011 Academy offerings covered the training needs identified during the 2010 performance reviews. This kind of program coordination is on-going and will be enhanced in 2012.

Future of Assistance

As funds allow, LGUs are able to apply for small matching grants from PRAP to help with some assistance needs. There were no applications for organizational assistance grants in 2011. BWSR staff assistance to LGUs will be closely coordinated with the needs assessment and programs developed by the BWSR Training Program Coordinator. PRAP will continue to serve as one of the pathways for BWSR's delivery of targeted training and assistance.

Reporting

Purpose of Reporting

The purposes of reporting about LGU performance are:

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

Report Types

PRAP either relies on or generates different types of reports to achieve the purposes listed above.

LGU-Generated

These include information posted on the LGU websites and the required or voluntary reports submitted to BWSR, other units of government, and the public about fiscal status, plans, programs and activities. These all serve as a means of communicating what each LGU is achieving and allow stakeholders to make their own evaluations of LGU performance. PRAP tracks submittal of required, self-generated LGU reports in Level I.

BWSR Website

The BWSR website contains a webpage devoted to PRAP information. The site gives users access to a searchable database of basic Level I performance information that BWSR has collected for each LGU.

No. of Website Hits to PRAP Level I Performance Database
(by calendar year)

2010- 1437
2011- 186

www.bwsr.state.mn.us/PRAP/reporting/index.php

The number of user visits to that database has dropped significantly since 2010, the year the database came on-line. The BWSR website also includes regularly updated maps of long-range plan status by LGU type.

Visitors to the PRAP webpage can find general program information, tables of current performance standards by LGU type, summaries of Level II performance review reports, and copies of annual legislative reports.

Level II Performance Review Reports

BWSR prepares a report containing findings, conclusions, and recommendations for each LGU that is the subject of a Level II performance review. The LGU lead staff and board or task force members receive a draft of the report to which they are invited to submit comments or corrections. BWSR then prepares both a final report that is sent to the LGU and a one-page summary that is included in this legislative report (see Appendix F) and on the PRAP webpage.

Annual Legislative Report

As required by statute, BWSR prepares an annual report for the legislature containing the results of the previous year's program activities and a general assessment of the performance of the local delivery system for land and water conservation services

and programs. These reports are reviewed and approved by the BWSR board and then sent to the chairpersons of the senate and house environmental policy committees, as well as LGU statewide associations and the office of the legislative auditor. This document is the fifth such report that BWSR has prepared.

Rewards and Recognition

BWSR seeks to ensure that PRAP pays as much attention to exemplary performance as it does to performance improvement. Each year the PRAP legislative report highlights those LGUs that are recognized by their peers or other organizations for their contribution to Minnesota's resource management and protection, as well as service to their local clientele. (See Appendix G.)

The BWSR website also features some of these award recipients.

In addition, for those LGUs that receive a routine Level II performance review, their report highlights compliance with each high performance standard with a "commendation" for practices over and above basic requirements. All 2011 Level II LGUs received commendations, which are the starred items listed in the report summaries in Appendix F.

Each year BWSR staff encourages LGUs that receive findings of exemplary performance during a Level II review to use the report results with local media outlets. In 2011 the Middle St. Croix WMO issued a press release about their performance review that was reported in the local newspaper. (See sidebar.)



Stillwater Gazette • Wednesday, November 16, 2011 • *Daily Updates Online at www.StillwaterGazette.com* • PAGE 13

WASHINGTON COUNTY

Middle St. Croix WMO earns praise for watershed work

BY ANGIE HONG
Featured Writer

The Middle St. Croix Watershed Management Organization (MSCWMO) effort to protect and improve the St. Croix River and local lakes and streams was praised by the Minnesota Board of Water and Soil Resources (BWSR) during a recent performance review.

The MSCWMO has gone "over-and-above" the goals laid out in their 10-year plan with an expanded education program, completion of regional

Mary's Point and Afton. MSCWMO has established rules to guide development in the area, implements natural resource improvement projects, and works with its partner communities and private landowners within the management area to install practices that reduce stormwater runoff pollution.

The MSCWMO's 10-year plan, approved in 2006, established goals for reducing stormwater runoff, controlling erosion and sediment loss, protecting wetlands and providing

organizations.

The MSCWMO is also one of 17 members in the East Metro Water Resource Education Program, which educates residents living in the metro area about water quality related topics. The MSCWMO also works with the Washington Conservation District (WCD) to monitor the water quality of several lakes and streams within the watershed including Stillwater's Lily Lake and McKusick Lake and Bayport's Perro Creek. The MSCWMO also works closely with WCD to

raingardens, shoreline plantings and neighborhood clean-ups.

In addition to recognizing important accomplishments, BWSR recommended that the MSCWMO consider updating its 10-year plan early and develop a more active citizen advisory committee. Although the watershed's plan does have to be renewed until 2014, MSCWMO has already achieved many goals outlined in the plan and has secured enough grant funding to make additional projects possible

The Middle St. Croix WMO used the results of their 2011 Level II PRAP review in a press release.

Program Conclusions and Future Direction

Conclusions

Based on four years of PRAP implementation, including Level II reviews of 31 LGUs throughout the state, BWSR finds:.

- A steadily increasing percentage of long-range management plans are up-to-date.
- SWCDs in particular have a high rate of compliance with basic operational performance standards.
- LGUs with strong lead staff and strong board leadership are the most successful at obtaining funding and implementing projects and programs effectively.
- LGUs are struggling with the shift to more competitive funding sources, particularly in the allocation of staff.
- Most LGUs are aggressively pursuing the objectives in their long-range plans.
- Some LGUs will need assistance with identifying and targeting to address priority resource problems.
- SWCDs and WDs with overlapping jurisdictions underuse opportunities for collaboration with each other.

PRAP in 2012

During 2012 BWSR will add some program elements, modify some, and continue others.

NEW PRAP Elements

- Begin performance reviews of multiple LGUs that share a common watershed or other geographic boundary.

MODIFIED PRAP Elements

- Change "high performance" standards to "benchmarks" based on LGU organizational best management practices.
- Notify Level II LGUs of BWSR Academy training classes that address their expressed needs.
- BWSR Public Relations, Outreach and Strategic Planning Committee will review PRAP Guiding Principles.

CONTINUED PRAP Elements

- Conduct 7-8 Level II routine performance reviews.
- Continue monitoring of LGUs experiencing change for assistance opportunities.
- Monitor and report Level I performance of all 244 LGUs.

Challenges Long-Term

Performance measurement is a young and evolving field for entities delivering local government conservation services. Improvements will require successfully addressing several issues.

- How to find the best indicators and the appropriate scale for measuring the performance of the local government conservation services delivery system.
- Measure real changes in resource *quality*, not just *effort* in program delivery.
- Use PRAP to incentivize collaboration in locally based resource management.

Appendices

A. PRAP Authorizing Legislation (Minn. Statutes Chapter 103B.102)

B. PRAP Advisory Team Members

C. Level I: 2011 Long-range Plan Status

D. Level I: Status of Annual Reports for 2010

E. Level I: Status of Audits and Financial Reports for 2010

F. Level II: Summaries of 2011 LGU Performance Review Reports

G. 2011 LGU Performance Awards and Recognition

Appendix A

PRAP AUTHORIZING LEGISLATION

103B.102, Minnesota Statutes 2007

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103B.102 LOCAL WATER MANAGEMENT ACCOUNTABILITY AND OVERSIGHT.

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

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

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

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

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

History: *2007 c 57 art 1 s 104*

Appendix B

PERFORMANCE REVIEW AND ASSISTANCE PROGRAM ADVISORY TEAM MEMBERS

NAME	ORGANIZATION	REPRESENTING
Kevin Bigalke	Nine-Mile Creek WD	Metro WDs
Ray Bohn	MN Assoc. of Watershed Districts	WD statewide association
Brian Dwight	BWSR	BWSR-No. Region
Vacant		Greater MN WD managers
Annalee Garletz	Assoc. of Minnesota Counties	County government
Barbara Haake	Rice Creek WD	Metro area WD managers
Todd Olson	Assoc. of Metropolitan Municipalities	Watershed Management Organizations
Kathryn Kelly	Renville SWCD	SWCD supervisors
Tim Koehler	USDA-Natural Resource Conservation Service	Federal partner
Kevin Ostermann	MACDE / Nicollet SWCD	MN Assoc. of Conservation District Employees
Sheila Vanney	MN Assoc. of Soil &Water Cons. Districts	SWCD statewide association
Steve Woods	BWSR-St. Paul	BWSR management

Appendix C

Level I: 2011 LGU Long-Range Plan Status

Soil and Water Conservation Districts

(Districts have a choice of option A or B)

A. Current Resolution Adopting County Local Water Management Plan

All resolutions are current.

B. Current District Comprehensive Plan

All comprehensive plans are current.

Counties

Local Water Management Plan Revision Overdue

Polk

Metro County Groundwater Plan Revision Overdue

Carver
Dakota
Ramsey
Scott

(Anoka and Hennepin Counties have chosen not to participate in this optional program.)

Watershed Districts

10-Year Watershed Management Plan Revision Overdue:
No Action

Crooked Creek

Plan Revision in Progress

Bear Valley
Belle Creek
Coon Creek
Cormorant Lakes
Sand Hill River
Stockton-Rollingstone-Minnesota City

Watershed Management Organizations

Management Plan Revision Overdue: Plan Revision in Progress

Grass Lake
Pioneer-Sarah Creek

Appendix D

Level I: Status of Annual Reports for 2010
as of December 31, 2011

Soil and Water Conservation Districts

eLINK Reports of Grant Expenditures
All districts comply.

Website Content: Compliance with 10 Content Elements
All districts comply.

Counties

Drainage Authority Buffer Strip Report: Not Submitted
St. Louis

eLINK Reports of Grant Expenditures
All reports submitted.

Watershed Districts

Drainage Authority Buffer Strip Report Not Submitted
All reports submitted.

Annual Activity Reports Not Submitted
Belle Creek
Buffalo-Red River
Joe River
Sand Hill River
Upper Minnesota River
Warroad

Annual Activity Reports Submitted Late
Bear Valley
Clearwater River
Comfort Lake-Forest Lake
Crooked Creek
Kanarazi-Little Rock
Lac Qui Parle-Yellow Bank
Sauk River
Yellow Medicine River

Metro Watershed Management Organizations

Annual Activity Reports Not Submitted
Carver
Mississippi River

Annual Activity Reports Submitted Late
Black Dog

Appendix E

Level I: Status of Audits and Financial Reports for 2010
as of December 31, 2011

Soil and Water Conservation Districts

Annual Financial Reports (all 90 Districts): Submitted Late
Dodge

Annual Audits (50 required)
All required audits submitted on-time.

Watershed Districts

Annual Audits Not Completed:
Belle Creek
Joe River
Stockton-Rollingstone-MN City
Warroad
Wild Rice River

Annual Audits Submitted Late:
Brown's Creek
Carnelian-Marine
Minnehaha Creek

Metro Watershed Management Organizations

Annual Audits Not Submitted:
Carver
Grass Lake
Lower Rum River
Sunrise River
Upper Rum River

Annual Audits Submitted Late:
Black Dog
Middle St. Croix
Mississippi River
Scott

Appendix F

LEVEL II FINAL REPORT SUMMARY

PRAP

Performance Review and Assistance Program

2011 Level II Review:

Carlton SWCD *(Carlton County)*

Why BWSR did this review

BWSR conducts Level II performance reviews to help local government water management entities to be the best they can be in plan implementation and overall operational effectiveness. In 2011 BWSR is conducting Level II performance reviews of seven different local water management entities.

BWSR has conducted a routine Level II performance review of the Carlton SWCD because they are near the midpoint in implementing their 5-year comprehensive plan.

This document includes findings and recommendations to enhance the overall operation and effectiveness of the district. The board of supervisors is responsible for taking any actions they deem necessary in response to the findings and recommendations in this report.

Carlton Soil and Water Conservation District Summary of Performance Review Results

What BWSR Found



Carlton SWCD is on the verge of becoming among the highest functioning SWCDs in northeastern Minnesota. The district has set ambitious goals and, so far, has been particularly successful in accomplishing them in the Nemadji River watershed. Expansion of this kind of success into other areas of the district is what will move the organization to the next level. They have taken a step in that direction with the submittal of a collaborative grant application for the Kettle River watershed. That project could provide the experience that will set the district up for even more effective land and water conservation.

The district is a willing partner with many other conservation organizations and could increasingly find itself in a leadership position, if present trends continue.

Currently, the district is well served by strong, positive and engaged leadership from the Board of Supervisors. The supervisors value their staff as a factor that has contributed to their effectiveness. From BWSR's perspective the district would benefit from a thorough evaluation of staff capacity, which includes workload analysis, reviewing position descriptions, and defining skills training needs.

Action Item

- Operating fund reserve increase

Commendations (show exemplary performance)

★ Operational guidelines exist and current
★ Board and staff training: orientation & cont. ed.
★ State $ leverage at least 1.5 times in non-state $
★ Outcome trends monitored and reported for key resources

★ Website contains additional content beyond minimum required
★ Obtain stakeholder input: within last 5 yrs
★ Partnerships:
★ Coordination with County Board by supervisors or staff

Recommendations are to address the action item and conduct a staff capacity review.

.

Appendix F

LEVEL II FINAL REPORT SUMMARY

PRAP
Performance Review and Assistance Program
2011 Level II Review:
Carver SWCD *(Carver County)*

Why BWSR did this review
BWSR conducts Level II performance reviews to help local government water management entities to be the best they can be in plan implementation and overall operational effectiveness. In 2011 BWSR is conducting Level II performance reviews of seven different local water management entities.

BWSR has conducted a routine Level II performance review of the Carver Soil and Water Conservation District because they are near the midpoint in implementing their comprehensive plan.

This document includes findings and recommendations to enhance the overall operation and effectiveness of the district. The board of supervisors is responsible for taking any actions they deem necessary in response to the findings and recommendations in this report.

Carver Soil and Water Conservation District Summary of Performance Review Results

What BWSR Found



The Carver SWCD is a well-managed, well-supervised local conservation organization that is aggressively and effectively implementing a variety of traditional and innovative resource conservation measures. successfully transitioned from an exclusively rural agricultural focus to establish expertise in addressing the complex water management issues of expanding urbanization. Moreover, their close working relationship with county officials has served to benefit both agencies as well as the people of their district. They have proven adept at competing for project and program dollars above and beyond traditional funding sources. Administratively, the district shows consistent and competent results from its attention to detail in program management and routine reporting.

Action Items (need immediate attention)
There are no action items for the district to address.

Commendations (show exemplary performance)
- ★ Operational guidelines exist and current
- ★ Staff training: orientation and cont. ed. plan and record for each staff member
- ★ Comp and Annual Plans arrange objectives by major watersheds
- ★ State $ leverage at least 1.5 times in non-state $
- ★ Website contains additional content beyond minimum required
- ★ Obtain stakeholder input: within last 5 yrs
- ★ Partnerships: cooperative projects/tasks done with neighboring districts, counties, watershed districts, non-governmental organizations
- ★ Coordination with County Board by supervisors or staff

BWSR's recommendations are really options for the district to enhance their already high level of performance in service delivery. These include marketing their expertise to cities and watershed districts, including other local governments in their annual strategic planning, conduct a staff workload analysis, and revisit their 2003 "360 review."

Appendix F

LEVEL II FINAL REPORT SUMMARY

PRAP

Performance Review and Assistance Program

2011 Level II Review:

Le Sueur County Local Water Management *(Le Sueur County)*

Why BWSR did this review

BWSR conducts Level II performance reviews to help local government water management entities to be the best they can be in plan implementation and overall operational effectiveness. In 2011 BWSR is conducting Level II performance reviews of seven different local water management entities.

BWSR has conducted a routine Level II performance review of the Le Sueur County Local Water Management program because they are at the midpoint in implementing their plan and have recently completed a plan update.

This document includes findings and recommendations to enhance the overall operation and effectiveness of the county's local water management. The county commissioners and staff are responsible for taking any actions they deem necessary in response to the findings and recommendations in this report.

Le Sueur County Local Water Management Summary of Performance Review Results

What BWSR Found

The Le Sueur County local water management program is both ambitious in the planned objectives and successful in a wide range of accomplishments related to that plan. The county has many of the pieces in place to become a trend setter in this challenging arena. The county local water plan tackles a wide range of water management issues in a county that has a diverse mix of lake, stream and groundwater management demands. This review confirmed that, while more could be done with more resources in staff and funding, the county is making progress in implementing broad-spectrum, local water management.

The county program meets all of BWSR's basic performance standards and a majority of the high performance standards, which reflect statewide organizational best management practices. This reflects a well-balanced application of local water management administration and project implementation.

The county is well-served by a diverse membership on its water plan task force and a competent, water plan administrator.

Action Items (need immediate attention)

There are no action items.

Commendations (show exemplary performance)

The Le Sueur County local water management program is commended for meeting these high performance standards.

- ★ LWM implementation plan completed within 5 yrs of plan adoption
- ★ Annual plan priorities based on water quality trend data for key water resources
- ★ Data collected to track outcomes for each priority concern
- ★ Water quality trends tracked for priority water bodies
- ★ Obtain stakeholder input: within last 5 yrs
- ★ Partnerships: liaison with SWCDs/WDs and cooperative projects/tasks done
- ★ County local water plan on county website
- ★ Water management ordinances on county website.

There are four recommendations for the county's consideration.

Appendix F

LEVEL II FINAL REPORT SUMMARY

PRAP

Performance Review and Assistance Program

2011 Level II Review:

Le Sueur Soil and Water Conservation District

(Le Sueur County)

Why BWSR did this review

BWSR conducts Level II performance reviews to help local government water management entities to be the best they can be in plan implementation and overall operational effectiveness. In 2011 BWSR is conducting Level II performance reviews of seven different local water management entities.

BWSR has conducted a routine Level II performance review of the Le Sueur SWCD in the context of their transition from their own comprehensive plan to adopting the county water management plan.

This document includes findings and recommendations to enhance the overall operation and effectiveness of the district. The supervisors are responsible for taking any actions they deem necessary in response to the findings and recommendations in this report.

Le Sueur Soil and Water Conservation District Summary of Performance Review Results



What BWSR Found

The Le Sueur SWCD does an adequate job at what they choose to work at, but their overall approach to conservation needs some updating and diversification. Some recent actions indicate that the board is moving in that direction: selection of an experienced district technician; recent Clean Water Fund grant application; and adoption of the Le Sueur County local water plan as the district comprehensive plan. But the pace of change could be accelerated.

While the district has some cooperative work with the county environmental services office through Natural Resources Block Grant (NRBG) programs, more could be done. County staff would like the district to expand their role with NRBG programs and provide more technical support. The Cannon River Watershed Project has expressed a similar desire to BWSR regarding the need for greater cooperation by the district.

The SWCD owns the building in which they and the USDA entities are located. BWSR is concerned that the issues related to building management are a significant distraction from the district's conservation work.

Overall, the SWCD still has room for improvement, and because of its geographic location in the critical Minnesota River sediment source area, is in a relatively favorable position to fund those improvements.

Action Item (needs immediate attention)

■ Data practices policy: consistent with MN Data Practices Act.

Commendation (shows exemplary performance)

★ Website contains additional content beyond the minimum required.

In addition to the need to address the one Action Item, BWSR recommends that the Le Sueur SWCD conduct a staff workload analysis, reassess its mission and responsibilities based on their new long-range plan, expand cooperative partnerships, seek competitive funding, and assess building management alternatives.

Appendix F

LEVEL II FINAL REPORT SUMMARY

PRAP

Performance Review and Assistance Program

2011 Level II Review:
Middle St. Croix WMO
(Washington County)

Why BWSR did this review
BWSR conducts Level II performance reviews to help local government water management entities to be the best they can be in plan implementation and overall operational effectiveness. In 2011 BWSR is conducting Level II performance reviews of seven different local water management entities.

BWSR has conducted a routine Level II performance review of the Middle St. Croix Watershed Management Organization because they are near the midpoint in implementing their 10-year watershed management plan.

This document includes findings and recommendations to enhance the overall operation and effectiveness of the organization. The board members are responsible for taking any actions they deem necessary in response to those findings and recommendations.

Middle St. Croix Watershed Management Org. Summary of Performance Review Results



What BWSR Found
The MSCWMO has demonstrated good progress in implementing the action items from their watershed management plan. They have gone beyond items in their plan to tackle and benefit from additional programs, such as an expanded education program and regional resource assessments under the metro-wide Landscape Restoration Project. The WMO meets many of BWSR's high performance standards, further indication of the organization's potential. In fact, this over-and-above functioning indicates that their current plan may no longer be ambitious enough to challenge the full capabilities of the organization.

The WMO has clearly benefitted from local partnerships with neighboring resource management entities, such as the Washington Conservation District. With strong staff support for the ten very active and knowledgeable board members, they are an effective local water management entity in this area.

Action Items (need immediate attention)
- Functioning advisory committee: recommendations on projects, reports; 2-way communication with Board
- Consultant RFP: within 2 yrs for professional services

Commendations (show exemplary performance)
- ★ Operating guidelines exist and current
- ★ Plan goals and objectives guide annual budgeting
- ★ Water quality trends tracked for priority water bodies
- ★ Website contains meeting notices, agendas, minutes and is updated
- ★ Track progress for I&E objectives in Plan
- ★ Partnerships and cooperative projects with neighboring districts and organizations, counties, cities, non-governmental organizations, and
- ★ Coordination with county/city/township by board members or staff.

BWSR recommends that the board accelerate their plan revision schedule and address their two action items.

Appendix F

LEVEL II FINAL REPORT SUMMARY

PRAP

Performance Review and Assistance Program

2011 Level II Review:

Pelican River Watershed District *(Becker and Otter Tail Counties)*

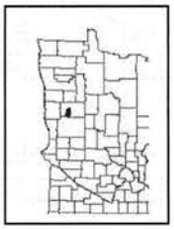
Why BWSR did this review

BWSR conducts Level II performance reviews to help local government water management entities to be the best they can be in plan implementation and overall operational effectiveness. In 2011 BWSR conducted Level II performance reviews of seven different local water management entities.

BWSR has conducted a routine Level II performance review of the Pelican River Watershed District because they have just passed the midpoint of their current 10-year watershed management plan implementation cycle.

This document includes findings and recommendations to enhance the overall operation and effectiveness of the watershed district. The board of managers is responsible for taking any actions they deem necessary in response to the recommendations in this report.

Pelican River Watershed District
Summary of Performance Review Results



What BWSR Found

The PRWD combines all the major elements of good watershed management in one organization: a set of bold, measurable goals for the district's lakes, aggressive implementation, consistent monitoring and readjusting of process, and effective synergy between a committed board of managers and skilled staff members.

A good example of their commitment to action in promoting lake water quality is the district's substantial investment of resources on the Rice Lake restoration. This project has required complex land rights/use arrangements. They have persisted and are well on the way to construction next year.

The PRWD has led several high-quality, high caliber research components for controlling flowering rush, an invasive species in the Detroit Lakes area. Traditional methods might have led them to continued control and management, but they have sought better answers. They are innovative and not timid about taking on the big issues in the district.

There is a continuing strong relationship with the Becker SWCD and they have recently improved their working relationship with the City of Detroit Lakes. Recently, they have experienced some difficulty working with the DNR on aquatic nuisance control.

Action Items (need immediate attention)

- Maintain a functioning advisory committee.

Commendations (show exemplary performance)

★ Administrator on staff
★ Operational guidelines exist and current
★ Public drainage records: meet modernization guidelines
★ Implementation and/or strategic review every 2-3 yrs
★ Local water plans reviewed
★ Plan goals and objectives guide annual budgeting
★ Water quality trends tracked for priority water bodies
★ Watershed hydrologic trends monitored / reported
★ Website: contains additional information
★ Coordination with County Board and City/Twp officials
★ Partnerships: cooperative projects/tasks done with neighboring districts, counties, soil and water districts, non-governmental organizations.

Appendix F

LEVEL II FINAL REPORT SUMMARY

PRAP

Performance Review and Assistance Program

2011 Level II Review:

Wild Rice WD *(Mahnomen, Clay, Norman, Becker Clearwater, Polk Counties)*

Why BWSR did this review

BWSR conducts Level II performance reviews to help local government water management entities to be the best they can be in plan implementation and overall operational effectiveness. In 2011 BWSR is conducting Level II performance reviews of seven different local water management entities.

BWSR has conducted a routine Level II performance review of the Wild Rice WD because they are approaching the time to update their 10-year watershed management plan.

This document includes findings and recommendations to enhance the overall operation and effectiveness of the district. The board of managers is responsible for taking any actions they deem necessary in response to the findings and recommendations in this report.

Wild Rice Watershed District
Summary of Performance Review Results



What BWSR Found

The WRWD finds itself in the position of having managers and an administrator who were all appointed to their positions after the current watershed management plan was developed. Consequently, the managers are not unanimous in their support of the plan goals and objectives. This lack of consensus on the priorities of the watershed district is a factor that may be affecting the board's expressed difficulty in implementing flood damage reduction projects.

It is not uncommon for other watershed districts to face such issues in their project development/implementation, but in the Wild Rice it seems this lack of a common agenda about how best to manage the district's resources is a particular liability. Most of the successes in project implementation that the staff identified are the result of efforts by former managers.

The managers do a good job of pursuing options, investigating alternatives on projects, and taking advantage of their experienced district engineer. Also, the district provides good financial support for and works well with the soil and water conservation districts in their watershed, particularly the Norman SWCD.

Action Items (need short-term attention)

- Annual report: submitted by mid-year
- Rules: date of last revision or review
- Website: content compliant
- Communication piece: sent within last 12 months

Commendations (show exemplary performance)

★ Administrator on staff
★ Staff training: orientation & cont. ed. plan
★ Public drainage records: meet modernization guidelines
★ Implementation and/or strategic review every 2-3 yrs
★ Website: contains additional content
★ Obtain stakeholder input: within last 5 yrs
★ Coordination with County Board and City/Twp officials
★ Partnerships: cooperative projects/tasks done with neighboring LGUs.

Four recommendations offered.

Appendix G

2011 Local Government Performance Awards and Recognition

(Awarding agency listed in parentheses.)

County Conservation Award
(Association of Minnesota Counties and Board of Water and Soil Resources)
Crow Wing County

Outstanding SWCD Employee
(Board of Water and Soil Resources)
Pete Fryer, Southeast Technical Service Area 7 Engineer

Outstanding Supervisor Award
(Minnesota Association of Soil and Water Conservation Districts)
Steve Flohrs, Martin SWCD

Living Snow Fence Achievement Award
(MN Assoc. of Soil and Water Conservation Districts and Dept. of Transportation)
West Otter Tail SWCD

Appreciation Award
(Department of Natural Resources)
Todd SWCD

Outstanding WD Employee
(Board of Water and Soil Resources)
James Wisker, Minnehaha Creek WD

Watershed District of the Year
(Department of Natural Resources)
Middle Fork Crow River WD

Program of the Year
(Minnesota Association of Watershed Districts)
Fighting Salt Pollution with Education, **Nine Mile Creek WD**

Project of the Year
Minnesota Association of Watershed Districts
Riceland Restoration Project, **Turtle Creek WD**

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: BWSR 2012 Strategic Plan Update

Meeting Date: January 25, 2012

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Board

Contact: Steve Woods

Prepared by: 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: Signals Board intentions to steakholders & staff

ACTION REQUESTED

Plan Approval

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Board and Public Relations Outreach & Strategic Planning (PROSP) Committee began the process to update the 2007 Strategic Plan early in 2010 with issue identification, and then prioritized issues in April 2011 via a Board survey. These issues were incorporated into an updated Executive Summary, which has undergone a broad stakeholder review during November and early December.

Now the full 2007 Strategic Plan has been revised by staff with updated information indicated by text boxes. The PROSP Committee reviewed the updated Strategic Plan earlier this month and is recommending its approval as a guidance document for Board and staff activities during the next several years. The Committee will regularly monitor progress and outcomes resulting from implementation of strategies in this plan.

Board Resolution # _____

Minnesota Board of Water and Soil Resources
Strategic Plan 2012 Update

WHEREAS, the Board of Water and Soil Resources adopted a new Strategic Plan on January 23, 2008, titled "2007 Strategic Plan," which was a complete rewrite of the 1997 strategic plan, and

WHEREAS, in 2011 the Public Relations, Outreach and Strategic Planning Committee (hereinafter Committee) determined that the 2007 Strategic Plan needed to be updated, and

WHEREAS, the Committee undertook a survey of Board members to identify and prioritize pertinent strategic issues to be incorporated in the Strategic Plan update, and

WHEREAS, the Committee elected to make minor modifications rather than a substantial re-write of the Strategic Plan update, and

WHEREAS, the Committee directed staff to conduct a broad review among key client associations and other state agencies of the draft plan concepts via a revised Executive Summary, which occurred during the period of November 18 – December 12, 2011, and

WHEREAS, the Committee has reviewed the draft 2012 Strategic Plan Update and has recommended it for Board approval on January 24, 2012.

NOW THEREFORE BE IT RESOLVED, that the Board of Water and Soil Resources hereby adopts the attached 2012 Update of the BWSR 2007 Strategic Plan.

_____ Date: _____

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

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



2007 Strategic Plan 2012 Update

Executive Summary
BWSR Strategic Planning

CREDITS

Plan Development

Public Relations, Outreach and Strategic Planning Committee

2007 Plan

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

2012 Update

Keith Mykleseth, Chair
Linda Bruemmer
Christy Jo Fogarty
Sandy Hooker
John Meyer
Faye Sleeper
Louise Smallidge
LuAnn Tolliver

Staff Support

2007 Plan

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

2012 Update

John Jaschke, Executive Director
Steve Woods, Assistant Director
Don Buckhout, Committee Staff

DRAFT

Executive Summary
BWSR 2007 Strategic Plan
2012 Plan Update

Overview to the 2007 Strategic Plan
BWSR's strategic planning effort resulted in a modified statement of mission and beliefs, an identification of the key issues and strategies to address each, and a set of approaches to spur effective implementation. Each of these is summarized here.

Overview to the 2012 Plan Update
In 2010-2011 the BWSR Board identified and prioritized strategic issues related to land and water conservation. This 2012 plan update includes NEW and REVISED strategies to address these issues. Updates are enclosed in text boxes throughout the document.

BWSR Mission

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

Strategic Issues and Strategies

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

DRAFT

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

- Review of Administrative Processes:
  - Undertake an initiative to streamline external reporting/administrative procedures.
- Program Integration:
  - Review all programs to focus resources on top priority issues as identified in water plans and the impaired waters list.
  - Target available funding to top priority issues *and* LGUs that have a track record or clear potential to deliver results.
  - **NEW: Facilitate discussions leading to Executive Branch and LGU concurrence on uniting water plans into better alignment substantially along major watershed boundaries.**
  - **NEW: Raise expectations and reinforce objectives for targeting conservation and clean water plans, projects and practices.**
- Monitoring/Assessment/Feedback Protocol:
  - Create a monitoring and assessment protocol that measures the extent to which resources are targeted to top priorities, achieve real outcomes, and leverage outside resources.

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

- Documentation of Resource Outcomes and Resource Needs:
  - Require appropriate LGU documentation of outcomes as part of the monitoring of each program activity.
  - Create knowledge about LGU activities and effectiveness by sharing activity and effectiveness assessments.
  - Develop publications and websites to highlight premier projects.
  - Develop a state "Water and Soil Resources Report Card" that offers compelling documentation of need.
  - **NEW: Develop an internal report card to monitor annual progress on each strategic issue.**
- LGU Relationship Building:
  - **REVISED: Facilitate and** participate in **Local Government Water Roundtable** meetings and events yearly.
  - **REVISED:** Develop a system whereby LGUs meet at least **once** a year with **each other** to **coordinate** activities.
  - Enhance eLINK operations so LGUs can easily access and customize data.
  - Meet regularly with the AMC Natural Resource and Environment Committee.
- Other Partnership Building:
  - Hold semi-annual "sounding board" meetings with key stakeholders.
  - Develop monthly "resource leadership quick-takes" that can be e-mailed out to a broad list of customers and partners.
  - Develop both Executive and Legislative strategies to inform and influence the state's natural resource conservation agenda.

Draft

2012 Updates are indicated by text boxes throughout the plan.

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

Purpose

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

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

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

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

2012 Update

The strategic plan addresses only those issues the Board has determined need emphasis in order to meet challenges and opportunities, not all the activities carried out under BWSR's mission and mandates. However, both Board and staff will work on accomplishing the strategies identified in this plan.

The 2012 Update is based in part on emerging issues identified by the Board in the Spring of 2011. The Public Relations, Outreach and Strategic Planning Committee has translated those issues into new or revised strategies that will guide Board and staff actions during the next several years.

The revised mission statement reads as follows:

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

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

Mission and Beliefs

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

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

2012 Update
The BWSR board affirms the following ***Mission*** and ***Beliefs.*** They will continue to guide our decisions about priorities and programs.

BWSR Mission

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

What We Believe In:

- **Real-World Effectiveness.** Our mission is focused on water resources and soil conservation. The success of BWSR

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

should be measured by our effectiveness at enhancing both.

- **Local Planning and Implementation.** Working at the local level is the approach best positioned to produce lasting success.

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

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

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

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

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

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

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

Strategic Issues

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

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

2012 Update
Fiscal constraints on the local delivery system have increased pressures to seek efficiencies in service delivery without compromising the effectiveness of program outcomes.

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

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

Some of this funding is distributed on a need basis using formulas that account for population, land area, tax capacity and quantity of activity. However, BWSR has

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

flexibility in how it distributes a large and growing portion of the funding.

2012 Update
BWSR's funding structure has changed significantly since the passage of the 2008 Clean Water, Land & Legacy constitutional amendment. Pass-through allocations from General Fund and Clean Water Fund now comprise 86% of the budget with the remaining 14% devoted to BWSR program, technical and administrative activities. Additional sources of funds include Clean Water Fund easement programs, Outdoor Heritage Fund, Capital Bonding, LCCMR grants, and federal funds.

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

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

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

2012 Update
New legislative and constituent mandates for accountability in funding and program outcomes reinforce the critical importance of this strategic issue for BWSR and individual local partners.

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

Issue Assessment: Strategies

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

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

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

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

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

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

- *The lead staff in the LGU is not necessarily an outstanding leader.* Lead staff are critical, but a combination of forces results in the lead staff not having the capacity that is needed. The chronic under-funding of SWCDs, which do not have taxing authority, is one contributing factor.
- *Resources for the LGU are sometimes in short supply.* While resources are not sufficient to create a quality organization, they are necessary. Few SWCDs and counties have been able to develop a business model that provides an adequate revenue stream for outstanding success.

Possible Leverage Points

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

Strategy Development. The approach to improving LGUs should support and preserve those LGUs that are capable of doing a good or excellent job, while

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

challenging other LGUs to enhance their operations. This approach will encourage local development of strategies best suited to each unique circumstance. BWSR will act as a catalyst for these efforts by instituting enhanced and expanded performance review and assistance mechanisms. By improving the operations of a number of LGUs, it is anticipated that system effectiveness will reach a threshold that provides momentum for change for the remaining LGUs.

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

Defining Reality

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

Incentives for Change

- ***Funding allocations reward LGU positive changes/competency.*** This strategy is about aligning strategy and resources. If rewards are not targeted to the measured success, then the measurements are meaningless.
- ***Define expectations clearly and implement consequences for non-improvement.*** This is the stick part of a carrot and stick approach. LGUs must learn from peers and from the state. BWSR will work with LGU and professional associations to make peer-to-peer mentoring more robust.
- ***Create a Successful LGU Organizational Challenge Program***

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

which awards grants to selected candidates that propose to create changes that move the LGU forward. This program is focused on those LGUs that are committed to change, but need an increase in resources to accomplish it. It should be designed with recognition that different strategies are needed in different places. Access to cooperative funds or future appropriations would be supported by additional recognition as well.

Support for Change

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

2012 Update

- ***Develop, in concert with state and federal partners, credentialing mechanisms for technical conservation proficiencies.*** Enhancement of LGU technical staff skills increases the capacity of LGUs to implement effective conservation on the ground.
- ***Institute and lead a cost-effective training program aimed at growing LGU capacity and performance.*** BWSR is optimally positioned to deliver federal and state training initiatives that are tailored to the needs of local partners.

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

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

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

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

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

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

Possible Leverage Points

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

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

Review of Administrative Processes

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

Program Integration

- ***Review all programs to better focus resources on top priority issues as identified in water plans and the impaired waters list.*** Strategy alignment maximizes use of available resources.
- ***Target available funding to top priority issues and LGUs that have a track***

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

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

record of delivering results. Impact on the resource comes not only from the targeting of priority problems; it comes from working with organizations that get things done. BWSR has done this already with cost-share, CREP/WREP, the Department of Defense, and the Working Lands Initiative among others. The case for performance-based funding was best made by one survey respondent, "Make districts earn what they get, don't just split it up. Competition makes us all better."

2012 Update

- ***Facilitate discussions leading to Executive Branch and LGU concurrence on uniting water plans into better alignment substantially along major watershed boundaries***. A priority issue for the BWSR Board beginning in 2011 and also recommended by leadership among the LGU associations.
- ***Raise expectations and reinforce objectives for targeting conservation and clean water plans, projects and practices.*** Strategic application of limited resources is more important than ever. Local partners need encouragement to direct financial resources and staff expertise where they will produce the most progress toward priority objectives.

Monitoring/Assessment/Feedback Protocol

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

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

Assessment overview:

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

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

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

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

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

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

Possible Leverage Points

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

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

Documentation of Resource Outcomes and Resource Needs

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

the Legislature also needs to know that there is still much to be done.

2012 Update

- ***Develop an internal report card to monitor annual progress on each strategic issue.*** The BWSR Board and managers need to be able to track progress on these strategies and adjust where necessary.

LGU Relationship Building

2012 Update

- **Revised from 2007**: ***Facilitate and participate in Local Government Water Roundtable meetings and events yearly.*** The state associations for counties, watershed districts and SWCDs are actively addressing issues of common interest.
- **Revised from 2007**: ***Develop a system whereby LGUs meet at least once a year with each other to coordinate activities.*** LGU collaboration begins with regular, intentional communication about common interests and strategies for working with non-governmental partners.

Relationship-building is key to gaining understanding and support for BWSR's mission.

- ***Enhance eLINK operations so LGUs can easily access and customize data.*** eLINK is a tool that has great promise, but one that has not yet fulfilled that promise.
- ***Meet regularly with AMC's Environment and Natural Resources Policy Committee.*** This committee sets the Association of Minnesota Counties' legislative priorities.

Here is what one person said about the County/SWCD relationship: "We will be successful when we finally talk about each other in terms of 'we' instead of 'they'."

Other Partnership Building

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

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

Next Steps

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

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

Following are more formalized recommendations for the next steps:

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

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

Each strategy needs more detail. Specific actions need to be identified, resource needs need to be considered, and timelines need development. Measurement requires measurability – this detail will provide that.

- *Charge some person or group with measuring progress and results.* Responsibility to oversee the evaluation is critical.
- *Assure that citizen perspectives are considered.* Program evaluation and alignment shall include assessment of technical, procedural, and administrative components from a citizen perspective.

2012 Update

- *Ensure that newly developed indicators for strategies are monitored, tracked and reported.* The PROSP Committee is committed to regular tracking of progress on these strategies.
- *Foster communication and coordination of strategic efforts among BWSR member agencies to realize measureable progress toward effective land and water resource stewardship.* BWSR is uniquely positioned among state-level agencies as a coordinating body focused on delivering federal, state, and local conservation and clean water funds and programs in the most effective and efficient manner possible.

2012 Update

Board Roster (as of January 2012)

Brian Napstad, Chair, County
Paul Brutlag, Citizen
Robert Burandt, SWCD
Quentin Fairbanks, County
Christy Jo Fogarty, Metro City
Todd Foster, Watershed
Sandra Hooker, Townships
Paul Langseth, SWCD
Tom Loveall, County
John Meyer, Citizen
Keith Mykleseth, Non-metro City
Louise Smallidge, SWCD
Gene Tiedemann, Watershed
LuAnn Tolliver, Watershed
Gerald Van Amburg, Citizen
Matt Wohlman, Dept. of Agriculture
Linda Bruemmer, Dept. of Health
Tom Landwehr, Dept. of Natural Resources
Faye Sleeper, U of M/Water Resources Center
Rebecca Flood, Pollution Control Agency

The 2012 Strategic Plan Update was adopted by the Board at its January 25, 2012 meeting.

Appendix

Strategic Plan Development and Adoption

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

Board Roster (as of January 2008)

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

The 2007 Strategic Plan was adopted by the Board at its January 23, 2008 meeting.

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COMMITTEE RECOMMENDATIONS

RIM Reserve Management Planning Committee

1. RIM-WRP Partnership: Bond Fund Allocations - Kevin Lines – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: RIM-WRP Partnership: Bond Fund Allocations

Meeting Date: January 25, 2012

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Conservation Easement

Contact: Kevin Lines

Prepared by: Kevin Lines

Reviewed by: RIM Reserve Management Planning Committee(s)

Presented by: Kevin Lines

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

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

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☒ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED

The Board is requested to approve the recommendations of the RRMPC to authorize the allocation of up to $2.8 million in Capital Budget RIM Reserve funds to the Southern Minnesota Floodplain (Disaster Declaration Area xx-xxx) sign-up to fund eligible applications which scored ≥65; allocate up to $5.2 million in Capital Budget RIM Reserve funds to the RIM-WRP Partnership for wetland restorations to restore habitat and to provide water retention and treatment; and, work with Minnesota NRCS to develop RIM-WRP Partnership eligibility and sign-up procedures for the RIM-WRP Partnership.

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

The RRMPC met on Friday, January 13, 2012 to review and recommend the following to successfully implement the RIM-WRP Partnership in Minnesota.

The BWSR received $20 million in Capital Budget RIM Reserve funds in 2011 for the RIM Reserve Program. This authorizes the allocation of the remaining $8 million bond funds to the RIM-WRP Partnership to be used in the 29 southern Minnesota flood disaster counties and in the state-wide RIM-WRP Partnership effort, and authorizes staff to successfully implement the RIM-WRP Partnership.

Board Resolution #_____

Reinvest in Minnesota (RIM) Reserve - Wetlands Reserve Program (RIM-WRP) Partnership Program: 2011 Bond Fund Allocations – Phase 2

WHEREAS the RIM-WRP Partnership, the premier private lands wetland restoration program in the nation, is a local-state-federal partnership delivered locally by the Natural Resources Conservation Service (NRCS), Soil and Water Conservation Districts (SWCDs), and the Board of Water and Soil Resources (BWSR);

WHEREAS the RIM-WRP Partnership is possible through the collaboration of many local, state, and federal partners including Ducks Unlimited (DU), the Minnesota Waterfowl Association (MWA), Pheasants Forever (PF), the Minnesota Department of Natural Resources (MN DNR), and the United States Fish and Wildlife Service (USFWS);

WHERAS the RIM-WRP Partnership permanently protects and restores previously drained wetland and adjacent native grasslands to achieve the greatest wetland functions and values;

WHEREAS the RIM Reserve Conservation Easement Program is administered by the BWSR in cooperation with local Soil and Water Conservation Districts (SWCDs);

WHEREAS SWCDs will be reimbursed for their services using the most current RIM Reserve services rate;

WHEREAS the RIM Reserve Program receives appropriations from state bonding sources, the Outdoor Heritage Fund (OHF), the Clean Water Fund (CWF), and the Minnesota Environment and Natural Resources Trust Fund;

WHEREAS RIM Reserve funding is intended to leverage federal WRP funds appropriated to the NRCS whenever feasible;

WHEREAS NRCS National Headquarters has provided Minnesota NRCS with an initial FY2012 WRP acreage cap of 11,856 acres for enrollment in WRP in Minnesota;

WHEREAS the Board has established the RIM-WRP Partnership payment rates and RIM Reserve payment rates;

WHEREAS a Minnesota Wetlands Restoration Evaluation Worksheet will be used to score and rank applications for the RIM-WRP Partnership;

WHEREAS the RIM-WRP Partnership will establish scoring periods in which eligible RIM-WRP applications that have been scored ≥ 80 will be approved for selection for immediate funding by NRCS-WRP;

WHEREAS other applications will be considered during the current scoring period prior to the NRCS obligation deadline;

WHEREAS a subcommittee may be appointed by the chair of the BWSR to review the applications and make project selections in coordination with Minnesota NRCS;

WHEREAS the Board of Water and Soil Resources RIM Reserve Management Planning Committee met on Friday, January 13, 2012 to review and recommend the following provisions to successfully implement the RIM-WRP Partnership in Minnesota in recognition of an consistent with funding noted above;

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to:

1. Allocate up to $2.8 million of RIM Reserve Bond funds for the Southern Minnesota Floodplain (Disaster Declaration Area XX-XXX) sign-up to fund eligible applications which scored ≥65. Any unused funds will be re-allocated to the future RIM-WRP sign-ups, and
2. Allocate up to $5.2 million of RIM bond funds to the RIM-WRP Partnership to be used for wetland restorations to restore habitat and to provide water retention and treatment, and
3. Work with Minnesota NRCS to develop RIM-WRP Partnership eligibility and sign-up procedures for the RIM-WRP Partnership.

Dated at Saint Paul, Minnesota this 25th day of January, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____

Brian Napstad, Chair

NEW BUSINESS

1. **CWF Measures – *INFORMATION ITEM***
   Minnesotans want to know if our water is getting cleaner and how Clean Water Funds are being spent. These questions and many others are being addressed by a multi-agency team whose goal is to develop a clean water tracking framework that will help clarify the connections between funds invested, actions taken, and clean water outcomes achieved. The heart of the Framework is a suite of 36 quantifiable performance measures that tell a cohesive, meaningful story about Minnesota's water bodies, watershed and groundwater health and the actions of agencies and partners working to restore and protect Minnesota's waters. This presentation will describe the Framework and the related "Clean Water Performance Report," to be released in February 2012.

2. **Evaluation of Water Related Programs – *INFORMATION ITEM***
   Legislation was passed in Special Session 2011 that directs the Pollution Control Agency to accomplish an evaluation of water related programs in conjunction with other water agencies and the University of Minnesota. The legislation began as a rule moratorium but that aspect of the legislation was set aside. MPCA Deputy Commissioner John Stine will overview the plans developed thus far for the $75,000 study and provide some perspective on how the Board and local governments may be best able to contribute.

3. **Ag Water Quality Certification – *INFORMATION ITEM***
   On January 17th, Minnesota Governor Mark Dayton , U.S. Agriculture Secretary Tom Vilsack and U.S. Environmental Protection Agency Administrator Lisa Jackson signed a memorandum of understanding (MOU) committing the state and federal government to develop a new program that will enhance Minnesota's water quality by accelerating farmers' voluntary adoption of on-farm conservation practices. The MOU is the first step toward implementation of the Minnesota Ag Water Quality Certification Program. The initiative will be designed to accelerate progress toward water quality goals while also giving Minnesota farmers greater regulatory and cost stability.

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: CWF Measures ⊥

Meeting Date: January 25, 2012

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

Item Type: ☐ Decision ☐ Discussion ☒ Information

Section/Region: Land and Water

Contact: Marcey Westrick

Prepared by: Marcey Westrick

Reviewed by: _____ Committee(s)

Presented by: Suzanne Hanson and Andy Holdsworth

☒ **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

Minnesotans want to know if our water is getting cleaner and how Clean Water Funds are being spent. These questions and many others are being addressed by a multi-agency team whose goal is to develop a clean water tracking framework that will help clarify the connections between funds invested, actions taken, and clean water outcomes achieved. The heart of the Framework is a suite of 36 quantifiable performance measures that tell a cohesive, meaningful story about Minnesota's water bodies, watershed and groundwater health and the actions of agencies and partners working to restore and protect Minnesota's waters. This presentation will describe the Framework and the related "Clean Water Performance Report," to be released in February 2012.

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Evaluation of Water Related Programs

Meeting Date: January 25, 2012

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

Item Type: ☐ Decision ☐ Discussion ☒ Information

Section/Region:

Contact:

Prepared by: John Jaschke

Reviewed by: John Jaschke Committee(s)

Presented by: John Stine, MPCA Deputy 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

None

SUMMARY

Legislation was passed in Special Session 2011 that directs the Pollution Control Agency to accomplish an evaluation of water related programs in conjunction with other water agencies and the University of Minnesota. The legislation began as a rule moratorium but that aspect of the legislation was set aside. MPCA Deputy Commissioner John Stine will overview the plans developed thus far for the $75,000 study and provide some perspective on how the Board and local governments may be best able to contribute.

> Minn. Laws 2011 1Sp, Chapter 2, Article 4, Sec. 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

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Ag Water Quality Certification

Meeting Date: January 25, 2012

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

Item Type: ☐ Decision ☐ Discussion ☒ Information

Section/Region:

Contact:

Prepared by: John Jaschke

Reviewed by: John Jaschke Committee(s)

Presented by: Matt Wohlman, MDA and Rebecca Flood, MPCA

☐ **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

On January 17th, Minnesota Governor Mark Dayton , U.S. Agriculture Secretary Tom Vilsack and U.S. Environmental Protection Agency Administrator Lisa Jackson signed a memorandum of understanding (MOU) committing the state and federal government to develop a new program that will enhance Minnesota's water quality by accelerating farmers' voluntary adoption of on-farm conservation practices. The MOU is the first step toward implementation of the Minnesota Ag Water Quality Certification Program. The initiative will be designed to accelerate progress toward water quality goals while also giving Minnesota farmers greater regulatory and cost stability.

It is important to note that the MOU is the endorsement and starting point for development of an Ag Water Quality Certification Program. The 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 expected or required to implement additional water-quality practices for the duration of their agreements. The program details, including requirements for conservation plans and standards for enrolling in the certification, will be developed cooperatively in the months ahead.

Partners listed in the MOU as the developers of the program are the U.S. Department of Agriculture's Natural Resource Conservation Service, the Minnesota Department of Agriculture, Minnesota Pollution Control Agency, Minnesota Board of Water and Soil Resources, and the Minnesota Department of Natural Resources. Stakeholder involvement will be critical to the development of program criteria, goals, and requirements.

Minnesota Ag Water Quality Certification Program Frequently Asked Questions

January 2012

1: What benefits will the Minnesota Ag Water Quality Certification Program provide to participating farmers?

In exchange for Minnesota farmers' voluntary implementation and maintenance of approved conservation plans, Minnesota's Ag Water Quality Certification Program will provide assurance that the farmers' operations meet water quality goals and standards for a specified time. This confirmation will give farmers greater certainty about conservation goals and regulatory standards, and will give them assurance that the agencies participating in the program will not require them to implement additional water quality practices for the period of their certification.

2: How will Minnesota's environment benefit from the Minnesota Ag Water Quality Certification Program?

The program goal is to enhance Minnesota's water quality by accelerating the adoption of on-farm conservation practices. These practices will have a range of water quality benefits, including reduced sediment loads and nutrient runoff.

3: How many years will participating farmers be covered under the certification?

Details of the program will need to be worked out through agency and stakeholder discussions, but the initial concept anticipates a certification period of 10 years if practices are maintained.

4: Has this type of program been tried in other states?

To our knowledge, this is the first program of its kind in the U.S. Other states have discussed similar concepts, but Minnesota is the first to have a formal agreement between state and federal agencies to move forward with an Ag Water Quality Certification Program.

5: What type of funding will be used to support this program?

The program will use both federal and state resources – including funding and technical support. Initial funding for this program will likely come from established programs while additional federal funding may be available in the future. We also anticipate some level of investment by participating farmers.

6: What other industries have quality assurance/certification programs?

Quality assurance programs can be found in many industries, from food safety to forestry to dry cleaning. A few examples of programs in Minnesota include Forest Certification from the Minnesota Department of Natural Resources (DNR), organic agriculture certification, the Minnesota Milk Producers Association's Environmental Quality Assurance Program, the Livestock Environmental Quality Assurance Program (LEQA) and Pork Quality Assurance.

In these programs, quality assurance refers to the monitoring and evaluation of the various aspects of an operation to verify that standards of quality are being attained.

7: How many farms will qualify for certification?

The goal of the program is to accelerate voluntary implementation of on-farm conservation practices, not merely provide validation of existing practices. Some farms may have already implemented extensive conservation practices that may fully satisfy certification requirements for their area. Other farms may need to implement additional conservation practices to become certified. Any farm willing to implement and maintain an agreed-upon conservation plan could be eligible to participate.

8: How rigorous will the on-farm assessment be?

We expect to see a rigorous program that sets the bar high, but the program details will be worked out in the months to come.

9: Can livestock producers participate in this program as well as crop producers?

The certification program is expected to focus initially on practices related to management of soil, fertilizer, pesticides and manure that are not currently regulated. Beyond that, planners will need to further develop program details. Our expectation at this point is that the program will not address areas of agricultural operations that are currently regulated.

10: Will producers still need to comply with regulations regarding pesticide applications? What other regulations, if any, will remain in place?

All existing regulations will remain in place for farmers participating in the program. This program is not about eliminating requirements, but rather about setting a high standard for water quality and conservation practices for farmers and then leaving those high standards in place for the period of certification.

11: How will the program decide upon a set of approved conservation practices?

Practices funded through the Federal Farm Bill and state programs have a set of standards that we anticipate will form the foundation of the certification process. In addition, program planners will explore how to incorporate additional conservation practices as needed into the certification process.

12: How long do you expect it will take to implement this program in Minnesota?

Details of the schedule for scoping and implementation will be resolved by the technical advisory committee.

13: How will stakeholders (farmers, conservation groups, local government partners and others) be involved in the program planning and development?

Stakeholder input will be essential to ensure that the program works well. The MDA and other agency partners will form a technical advisory committee that will include stakeholders from outside the partner agencies. This group will meet early in the process and help develop the program.

14: How is this related to the impaired waters TMDL process?

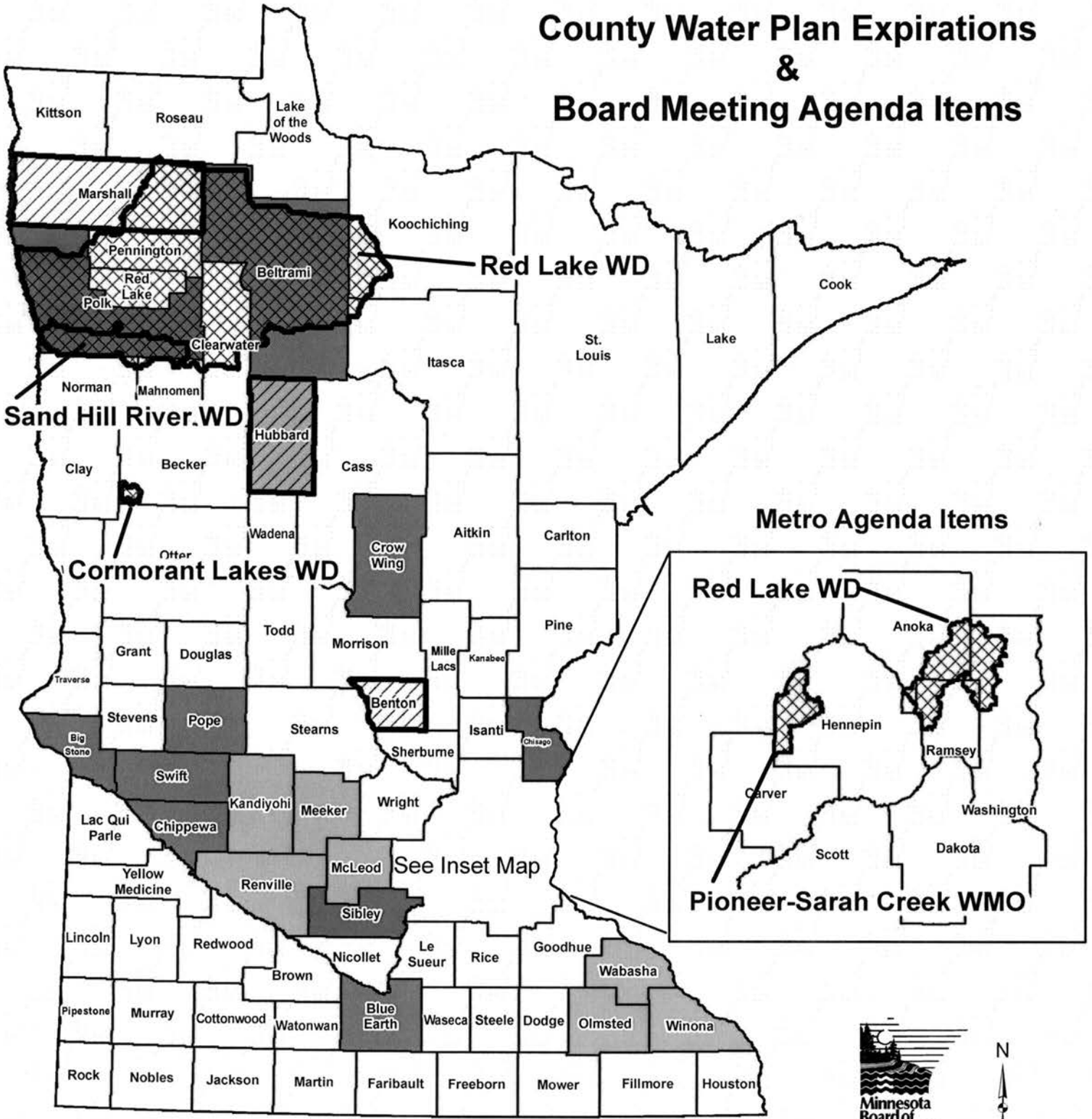
Total Maximum Daily Load (TMDL) is a process of identifying pollutants in specific bodies of water to be reduced to achieve water quality improvement. The Ag Water Quality Certification Program does not relate directly to TMDLs. Farmers qualifying for certification should already be meeting the expectations of any TMDL.

FOR YOUR INFORMATION

January 25, 2012

- County Water Plan Expirations Map
- Updated BWSR Staff Listing
- BWSR Snapshots
- Minnesota Ag Water Quality Certification Program (powerpoint presentation)
- Letter from Governor of Minnesota, Secretary of USDA, and Administrator of USEPA in supporet of Minnesota Ag Water Quality Certification Program
- Updated Northern Water Planning Committee Cover Page (now showing presenters)
- Updated City of Sauk Rapids Order Approving Comprehensive Wetland Protection and Management Plan
- Updated Sand Hill River Watershed District Order Prescribing Watershed Management Plan
- Updated Red Lake Watershed District Order Withdrawal of Territory (2 attachments)
- Updated Cormorant Lakes Watershed District Order Prescribing Watershed Management Plan
- Updated Buffalo Red River Watershed District Order Enlargement and Increase the Number of Managers Hearing

County Water Plan Expirations & Board Meeting Agenda Items



Metro Agenda Items

Plan Expires

- Overdue
- 2012
- 2013
- Beyond 2013

Metro Items

- Pioneer-Sarah Creek WMO
- Rice Creek WD

Outstate Items

- Marshall County
- Hubbard
- Benton
- Cormorant Lakes WD
- Red Lake WD
- Sand Hill River WD

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January 2012

PHONE NUMBERS FOR BWSR STAFF

Main Line: 651-296-3767 – FAX: 651-297-5615 – BWSR Conf. Room: 651-297-8025

Central Office

Anderson, Mary Jo	297-4290
Blackburn, Julie	297-5617
Cell (651) 308-8647	
Bonde, Karen	297-3998
Buckhout, Don	296-0768
Cabak, Mitchell	296-1243
DeVoe, Natasha	205-4664
Donnelly, Conor	282-3815
Cell (612) 568-4677	
Engineers Cell Phone	485-8466
Eisele, Bill	282-2929
Fellend, Pete	296-3037
Fredbo, Tim	296-0880
Germundson, Travis	297-4958
Girolamo, Dan	215-1703
Cell (507) 390-4005	
Hubbell, Dianne	296-0873
Jaschke, John	296-0878
Cell (612) 202-3815	
Johnson, Sherri	296-3767
Kean, Al	297-2907
Cell (651) 245-6531	
Keating, Kari	297-8029
Larson, Greg	297-7029
Cell (612) 751-3060	
Lemm, Les	296-6057
Cell (651) 341-4208	
Lennon, Megan	296-1285
Lewis, Michelle	296-2428
Lines, Kevin	297-1894
Luniewski, Jim	297-2622
Mack, Kristie	215-9420
Mohring, Eric	297-7360
Cell (612) 309-1173	
Ogg, Tim	297-8024
Cell (651) 295-5737	
Remick, Polly	297-4365
Rickert, Dave	296-0884
Senne, Paul	296-1278
Shaw, Dan	296-0644
Cell (612) 236-6291	
Sokatch, Char	297-4016
Spence, Aaron	296-0660
Straumanis, Sarma	297-7965
Strojny, Carol	297-1893
Cell (612) 518-5545	
Swenson, Karli	(612) 807-0445
Weeks, Seth	296-1466
Weirens, Dave	297-3432
Cell (763) 229-4308	
Wenzel, Tom	296-0883
Cell (612) 720-1412	
Woods, Steve	297-7748
Cell (651) 402-6997	
Zellmer, Wayne	297-7361

Metro Office

Haertel, Jim	297-2906
Lewis, Melissa	297-4735
Peterson, Lynda	(612) 201-9806
Powell, Ken	296-0874
Westrick, Marcey	284-4153
Cell (651) 276-5976	
Wozney Brad	296-6068
Cell (651) 233-6673	

Northern Regional Offices

Bemidji

Main	(218) 755-2600
Fax #	(218) 755-2672
Dwight, Brian	(218) 755-2679
Cell (218) 820-2335	
Krystosek, Dale	(218) 755-2603
Cell (218) 820-9381	
Severts, Chad	(218) 755-2671
Cell (218) 368-0736)	

Brainerd

Fax #	(218) 828-6036
Conference Room	(218) 833-8607
Caughey, Donna	(218) 828-2383
Grow, Keith	(218) 828-6035
Cell (218) 820-3655	
Hrubes, Jeff	(218) 833-8608
Cell (218) 368-7683	
Overland, John	(218) 825-6807
Shelito, Ron	(218) 828-2604
Cell (218) 820-3794	
Steward, Dan	(218) 828-2598
Cell (218) 820-1679	
Weinerman, Jason	(218) 828-6045
Cell (218) 330-2527	

Duluth

Fax #	(218) 723-4794
Flemming, Mary Jo	(218) 723-4752
Hughes, Ryan	(218) 723-4923
Cell (218) 940-9303	
Weyandt, Joan	(218) 723-4607
Cell (218) 349-1834)	

Fergus Falls

Fax #	(218) 736-7215
Hofstad, Steve	(218) 736-5445
Cell (218) 770-2767	ext 119
Waller, Pete	(218) 736-5445
Cell (218) 770-3802	ext 104

Detroit Lakes

Wilken, Bruce	(218) 329-0774

Southern Regional Offices

Mankato

Fax #	(507) 345-6036
Hughes, Chris	(507) 389-6784
Cell (507) 381-5040	
Maul, Jeremy	(507) 389-1967
Cell (507) 272-5061	

Marshall

Cell Phone	(507) 829-3520
Fax #	(507) 537-6368
Hoek, Tabor	(507) 537-7260
Radel, Kane	(507) 537-7069
Cell (507) 430-6211	
Santjer, Scott	(507) 537-6097
Cell (612) 723-0298	
Serreyn, Roxie	(507) 537-6060
Sill, David	(507) 537-6374

New Ulm

Cell Phone	(507) 276-5386
Fax #	(507) 359-6018
Becker Kudelka, Angie	(507) 359-6078
Cell (612) 616-5112	
Drewitz, Matt	(507) 359-6076
Cell (507) 766-5020	
Fischer, Tom	(507) 359-6091
Hedtke, Jeff	(507) 359-6092
Cell (651) 485-8470	
Hiles, Mark	(507) 359-6077
Nielsen, Jeff	(507) 359-6075
Swanson-Cullen, Carla	(507) 359-6074

Rochester

Fax #	(507) 285-7144
Erickson, Dorothy	(507) 206-2889
Kells, Mary	(507) 206-2890
Lawler, Stephan	(507) 206-2891
Cell (507) 696-3617	
Peterson, Dave	(507) 206-2892
Cell (218) 556-4686	
Preston, Jesse	(507) 206-2893
Cell (507) 273-4678	
Ragan, Terry	(507) 206-2892
Cell (507) 450-3644	
Skov, Kyle	(507) 206-2894
Cell	(507) 491-6804

Updated 1/20/11

Minnesota Board of Water & Soil Resources

BWSR Snapshots

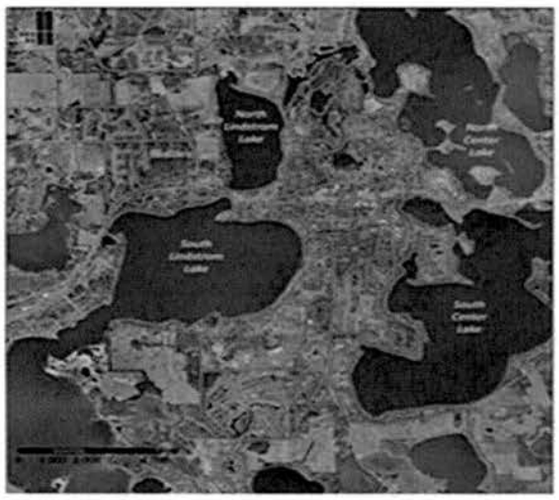
January 2012

Chisago Soil and Water Conservation District Partnerships and Projects

By Melissa Lewis, Board Conservationist

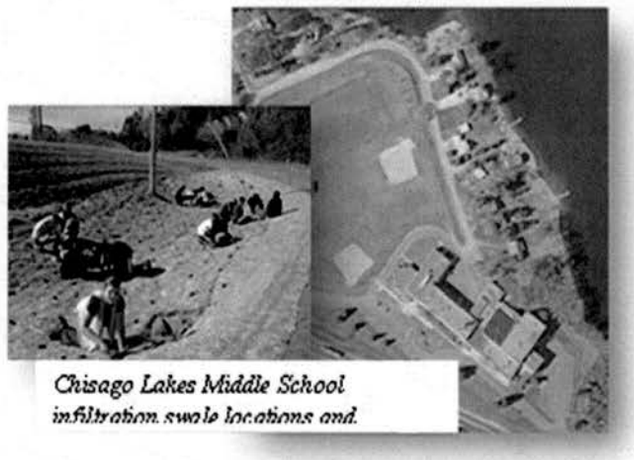
The Chisago Soil and Water Conservation District (district) has been very busy implementing projects and practices to protect and improve water quality.

In 2011, the district collaborated with the Metro Conservation District's Landscape Restoration Program to complete a Retrofit Assessment of 54 small watersheds of South Center, North Center, North Lindstrom and South Lindstrom Lakes. This assessment identified the optimal locations for best management practices for reducing phosphorus and sediment to these lakes. After completing the assessment, the district partnered with the cities of Lindstrom, Chisago City, and Center City to begin installing best management practices in high priority areas with a goal of reducing pollutant loading by 27.5 pounds of phosphorus and 10 tons of sediment per year. Installation of these best management practices will help maintain the current water quality levels and possibly begin to move the water quality trends toward meeting state standards. Funding for the assessment and implementation is from the Clean Water Fund and the Chisago Lakes Lake Improvement District. Work will continue into 2012 and beyond.



Chisago Chain of Lakes Retrofit Assessment location and priority areas.

The district also partnered with the Wyoming Library, the Chisago Lakes Middle School, and the Rush City High School in 2011 to install multiple infiltration basins and swales to capture runoff from highly impervious areas around these public buildings with funding from the Clean Water Fund and the Chisago Lakes Lake Improvement District. Not only will these practices infiltrate water, reducing phosphorus by 4.8 pounds per year and total suspended solids by 2,400 pounds per year from reaching important water resources, but the installation of these practices also provides ongoing educational opportunities for students.



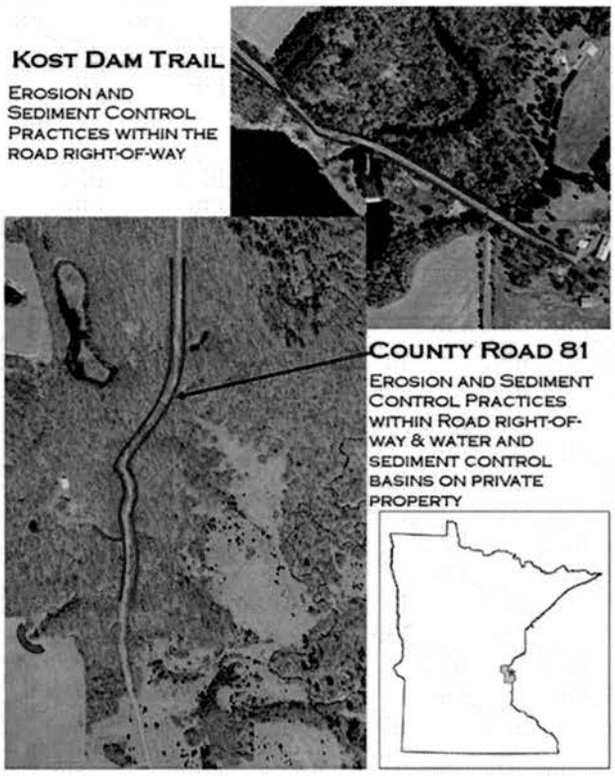
Chisago Lakes Middle School infiltration swale locations and

The district also received a Clean Water Fund Restoration Technical Assistance grant in 2011 to complete an inventory of active gully erosion sites along the St. Croix River escarpment from the entrance to Wild River State Park near Almelund, and south to the Chisago County line. This inventory has allowed the district to more accurately identify, ground-truth, and prioritize the most active gullies in the area as well as document the current conditions of the inventoried gullies and surrounding resources. The district has received additional 2012 Clean Water Assistance Funds to begin implementing stabilization projects in the most active gullies with interested landowners. The goal is to reduce erosion and phosphorus loading to the St. Croix River by hundreds of pounds per year.



Active gully in the St. Croix River Escarpment

In 2011 and 2012, the district is working with private landowners, Chisago County, and Sunrise Township to correct erosion concerns occurring adjacent to Kost Dam Trail and County Road 81; two public roads in Chisago County. Both areas have continued erosion depositing large amounts of sediment (carrying phosphorus) on the roads, into the Sunrise River, and eventually into the St. Croix River. The partnership with Sunrise Township will ensure best management practices such as water and sediment control basins, ditch checks, vegetative swales, and infiltration are included in the bridge replacement over the Sunrise River along Kost Dam Trail. The County Road 81 project is a collaboration with the County Public Works department installing the best management practices within a road project and the district assisting with stabilizing a gully on adjacent private property. Both projects are anticipated to be completed in 2012 with Clean Water Funds.



Tischer Creek Restoration and Protection State Cost-Share Program Project
By Ryan Hughes, Duluth Board Conservationist

Tischer Creek is a designated trout stream located within the urban part of the City of Duluth. In 2010 the South St. Louis SWCD, with the assistance of the Area 3 NPEA/TSA engineer, utilized the State Cost-Share Program to implement a streambank stabilization project to reduce further erosion and sedimentation to the creek from a failing log retaining wall. The project was designed and engineered utilizing knowledge and skills obtained from fluvial geomorphology training to both reduce sedimentation and enhance fish passage and habitat.

The project included removal of the failing log retaining wall, construction of two rock cross vanes and vegetation with willow live stakes and seeding. The failing retaining walls were originally installed to prevent erosion but due to deterioration sedimentation to the creek was imminent. The cross vanes that replaced the failing log infrastructure directed the water towards the center of the channel to reduce erosion on the streambank at the bend and created pools to retain and slow the water, which is also more favorable habitat for the native brook trout in the creek. In addition, spaces between the individual rocks in the rock cross vanes allowed for fish passage.



View upstream from downstream rock cross vane.

In addition to the removal of the failing log retaining wall the Conservation Corps provided assistance in establishing vegetation along the streambank. The Conservation Corps crew salvaged lengths of a fallen willow tree and installed willow live stakes along the streambank and seed to establish vegetation. The vegetation, especially the willow live stakes, reduce the scouring power of the creek during periods of snow melt and extreme rainfall events. The assistance of the Conservation Corps was able to reduce the overall cost

of the project, which reduced the cash or in-kind match requirement to the landowner.



Side view of the downstream rock cross vane.

The South St. Louis SWCD has utilized the project as a public relations piece on both their website, Facebook page and Youtube. The SWCD has included videos of the rock cross vanes at work during a rainfall event on Youtube, which can be accessed from their website. The adjacent landowner, a religious organization, has since utilized the area to congregate by a fire pit, which adds value to the project by educating people on the value of conservation implementation projects to restore and protect the areas water resources.



Conservation Corps crew members assisting in the removal of the failing log retaining wall.

BWSR Involvement in Drainage Issues
By Al Kean, Chief Engineer

Drainage has been an increasingly important topic in recent years, along with the increasing focus on water quality. BWSR's involvement in drainage is based in our mission to protect and improve Minnesota's water and soil resources. Associated BWSR statute and appropriation language roles include:

- oversight of county, Metro and watershed district planning for water and related resource management;
- administration of state conservation cost-share and recent Clean Water Fund programs, including the Conservation Drainage Program;
- acquiring conservation easements, including for wetland restorations involving public and private drainage systems;
- administering the Wetland Conservation Act as it applies to drainage;
- advisory review of watershed district engineer reports, including drainage projects;
- developing information and education to increase awareness of water and soil resource problems, and opportunities for solutions;
- collection and summarizing of required annual drainage ditch buffer strip reporting by M.S. Chapter 103E drainage authorities; and
- drainage stakeholder coordination including facilitation of the Drainage Work Group (DWG), as well as the interagency Drainage Management Team (DMT).

Related statewide water management goals involving BWSR include erosion control for agricultural sustainability and water quality, flood damage reduction, and natural resource enhancement for wildlife habitat and biodiversity.

Drainage is necessary for roads, production on much of Minnesota's agricultural lands, as well as for towns and cities. There is extensive drainage infrastructure across Minnesota. Management of this drainage infrastructure for multiple purposes ("multipurpose drainage") is a key for achieving water quality, flood damage reduction and other water management goals. Many traditional and newer conservation practices can contribute to multipurpose drainage management from the field and farm scale to the watershed scale.

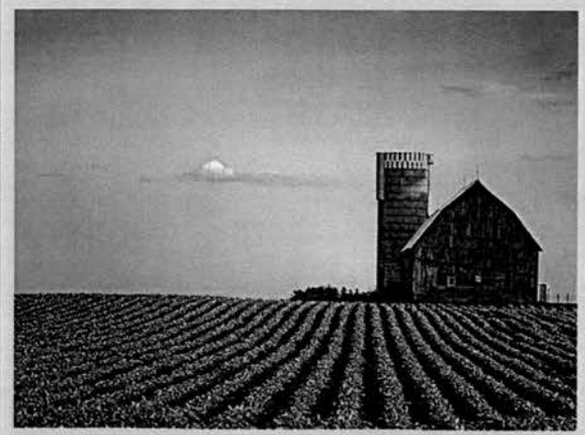


Drainage is one of the many variables involved in the movement of water through diverse Minnesota landscapes. Because of the many variables involved, there are also many perspectives on the effects of agricultural drainage on peak flows, flooding, streambank erosion and water quality, as well as the best ways to move forward. In the Red River Basin, the Basin Technical and Scientific Advisory Committee (BTSAC), on which I serve as a BWSR representative, is working to define the effects of increasing tile drainage on flood peaks. Much research continues to be done by universities and other entities in many states regarding drainage and drainage water management practices.

BWSR recently hired Kyle Skov to serve as our Conservation Drainage Engineer, who will facilitate the Drainage Management Team, serve as project manager for EPA Section 319 and LCCMR grant projects regarding drainage and, together with Al Kean and other BWSR staff, implement other BWSR roles and responsibilities identified above involving drainage.

Minnesota Ag Water Quality Certification Program

Partnering to ensure a strong agricultural economy and protect our resources...







AGENDA

- Certainty Framework
- MOU signing
- Mn Ag Water Quality Certification Program

How the MOU Came together

- "Certainty" Framework Developed by EPA/USDA in July 2011
- MDA Develops "Certification" Framework (October, 2011)
- State and Federal Agencies begin negotiations on Ag Water Certification Program (mid-November, 2011)
- MOU signed on January 17, 2012
  - Governor Dayton
  - USDA Secretary Vilsack
  - EPA Administrator Jackson

Why are we doing this?

"Water and food are two of society's essential resources…we are taking a bold step for a program, which keeps agriculture a cornerstone of our economy and also protects the health of our rivers, lakes and streams. It is vital that we have both."

-Governor Mark Dayton

What is the Minnesota Ag Water Quality Certification Program?

- **Statewide, voluntary certification program** designed to *accelerate on-farm adoption* of best-management practices (BMPs).
- The Certification program will be administered by the Minnesota Department of Agriculture.
  - Other participating agencies include:
    - State: Pollution Control Agency, Board of Water and Soil Resources, and Department of Natural Resources
    - Federal: U.S. Department of Agriculture – Natural Resources Conservation Service (NRCS) and U.S. Environmental Protection Agency

Accelerated BMP Adoption

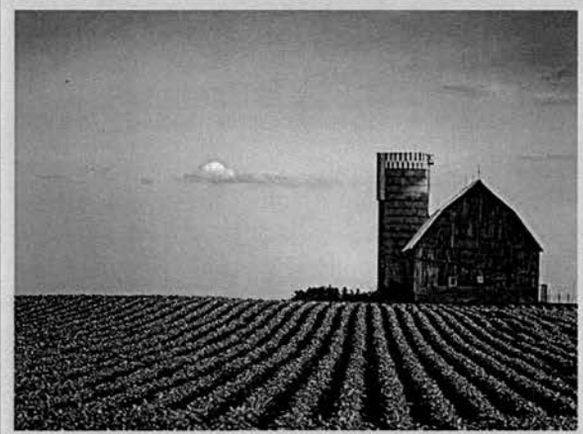
- Farms are evaluated by third-party certifiers.
- Using a suite of BMP's farmers develop a conservation plan.
- Farmers who attain and maintain the criteria for the program are certified as meeting State Water Quality Standards.
- Certification applicants are **prioritized for federal and state technical assistance and implementation funding**.
- **Technical Advisory Committee** to develop and implement, in consultation with stakeholders, a certification program that will support state and federal water quality standards and goals.

Providing Certainty

- Producers are concerned with uncertainty -- the potential for changing requirements from multiple state and federal agencies.
- Certainty will be provided to producers that their attainment and maintenance of certification will meet water quality goals and standards of the State and where applicable maintain consistency with federal water quality goals.
- At this point, a 10 year timeframe of certainty appears achievable.

Minnesota Ag Water Quality Certification Program

Questions and Discussion







STATE OF MINNESOTA
U.S. DEPARTMENT OF AGRICULTURE
U.S. ENVIRONMENTAL PROTECTION AGENCY

ENGAGING IN A STATE AND FEDERAL PARTNERSHIP IN SUPPORT OF THE MINNESOTA AGRICULTURAL WATER QUALITY CERTIFICATION PROGRAM

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We, Mark Dayton, Governor of the State of Minnesota; Thomas J. Vilsack, Secretary of the U.S. Department of Agriculture; and Lisa Jackson, Administrator of the U.S. Environmental Protection Agency, by virtue of the powers vested in us, do hereby issue this Memorandum of Understanding:

WHEREAS, the State of Minnesota and the Federal government value the health of our agricultural economy and the protection of our natural resources; and

WHEREAS, Minnesota farmers and ranchers are providing food, feed, and fiber for the Nation and the world; and

WHEREAS, agriculture is a cornerstone of the State's economy and a major employer; and

WHEREAS, Minnesotans value the health of our rivers, lakes, streams, wetlands, and ground water, and

WHEREAS, our natural resources contribute to our shared quality of life and future economic progress; and

WHEREAS, we must protect the environment while supporting economic development in this State; and

WHEREAS, Minnesota is a headwaters state, and

WHEREAS, we affirm that it is the role of the state through its delegated and other authorities to develop and implement water quality standards; and

WHEREAS, we seek to accelerate voluntary adoption of on-farm recommended management practices to protect and improve water quality across the State; and

WHEREAS, we seek to remove barriers and expand opportunities for investment in water quality practices; and
~~~~~~~~~~~~

WHEREAS, we seek to synchronize and harmonize State and Federal water quality recommended practices; and

WHEREAS, we seek to recognize the environmental stewardship of farmers and ranchers who implement and maintain recommended practices; and

WHEREAS, we desire to collaboratively work together to enhance our agricultural sector and protect our natural resources.

NOW THEREFORE, we do hereby agree to:

1.) Support a Minnesota Agricultural Water Quality Certification Program to accelerate on-farm adoption of recommended management practices on agricultural lands in Minnesota, and

2.) Establish a Technical Advisory Committee to work to develop and implement, in consultation with stakeholders, a certification program that will support state water quality standards and goals, and

3.) Work to initiate development of a program designed to provide certainty to producers that their attainment and maintenance of certification meets water quality goals and standards of the State and where applicable maintains consistency with Federal water quality goals, and

4.) Coordinate and prioritize state and federal resources and funding, to the extent state and federal appropriations are available, to support the development and implementation of the certification program, including technical assistance and cost share to program participants for on-farm recommended management practices.

IN TESTIMONY WHEREOF, we set our hands to this document on this 17th day of January, 2012.

Mark Dayton
Governor
State of Minnesota

Thomas J. Vilsack
Secretary
U.S. Department of Agriculture

Lisa Jackson
Administrator
U.S. Environmental Protection Agency

Legal Disclaimers: We recognize that this MOU does not, in and of itself, obligate the State of Minnesota, U.S. Department of Agriculture or the U.S. Environmental Protection Agency to expend funds, enter into any contract or assistance agreement, or incur any other financial obligation. All financial transactions in furtherance of this MOU shall be undertaken in accordance with applicable laws, regulations, and procedures, and shall be subject to separate agreements and be contingent upon the availability of appropriated funds. Such activities must be independently authorized by appropriate statutory authority. This MOU does not provide such authority. Negotiation, execution, and administration of each such agreement must comply with all applicable statutes and regulations.

This MOU is not intended to and does not create any right, benefit or trust responsibility, substantive or procedural, enforceable by law or equity, by a party against the State or the United States, its agencies, its officers or employees, or any other person. The U.S. Department of Agriculture, the U.S. Environmental Protection Agency and the State of Minnesota and their respective agencies and offices will handle their own activities and utilize their own resources, including the expenditure of their own funds, in pursuing these objectives. Each party will carry out its separate activities in a coordinated and mutually beneficial manner.

This MOU takes effect upon the signature of the U.S. Department of Agriculture, the U.S. Environmental Protection Agency and the State of Minnesota and shall remain in effect for ten years from the date of execution. The U.S. Department of Agriculture, the U.S. Environmental Protection Agency or the State of Minnesota may terminate this MOU with a 60-day written notice to the others.

Northern Water Planning Committee

1. Benton County Comprehensive Local Water Management Plan Update – Keith Mykleseth – ***DECISION ITEM***

2. Hubbard County Local Water Planning Extension Request – Paul Brutlag – ***DECISION ITEM***

3. City of Sauk Rapids Comprehensive Wetland Protection and Management Plan – Paul Brutlag – ***DECISION ITEM***

4. Sand Hill River Watershed District Water Management Plan – Keith Mykleseth – ***DECISION ITEM***

5. Marshall County Comprehensive Local Water Management Plan Amendment – Keith Mykleseth – ***DECISION ITEM***

6. Red Lake Watershed District Territory Withdrawal – Gene Tiedemann – ***DECISION ITEM***

7. Cormorant Lakes Watershed District (District) Watershed Management Plan – Quentin Fairbanks – ***DECISION ITEM***

8. Buffalo Red River Watershed District Enlargement and Increase in Number of District Managers Order for Hearing – Gene Tiedemann – ***DECISION ITEM***

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

In the Matter of the review of the Comprehensive Wetland Management Plan for the **City of Sauk Rapids,** pursuant to Minnesota Statues Section 103G.2242, Subdivision 1 (c)

ORDER APPROVING COMPREHENSIVE WETLAND PROTECTION AND MANAGEMENT PLAN

Whereas, the City of Sauk Rapids submitted a Comprehensive Wetland Protection and Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103G.2242, Subd. 1 (c), and;

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

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

FINDINGS OF FACT

1. **Authority to Plan.** Minnesota Statutes Section 103G.2242, Subd. 1 (c), 103G.2243 and Minnesota Rules Chapter 8420.0830 allow the Board to approve a Comprehensive Wetland Protection and Management Plan developed by a local government unit, provided it is implemented through the local government unit's official controls.

   The purpose of the Comprehensive Wetland Protection and Management Plan (CWPMP) is to provide the City of Sauk Rapids with additional information in regard to its wetland resources and to develop policies related to wetland management using a watershed approach. The CWPMP was created to complement and be used with the City's Natural Resource Inventory (NRI), to provide guidance and support to the City's Comprehensive Land Use Plan. This watershed approach to land use planning will provide for the protection and management of wetlands within the City and concurrently support the growth and development that the City continues to experience. The CWPMP provides flexibility and control over wetland management and protection, identifies potential wetland restoration areas, identifies regional wetland mitigation sites and provides management strategies for different types of wetlands. This framework will integrate wetland management and protection with growth and development within the city.

   Wetland values have proven to be important to the local community as such, public involvement was incorporated into the development of the CWPWP through as series of open meetings and a public hearing. In addition to the regulatory agencies, these meetings offered the community an opportunity to provide input to the process and share local insight into the function and values that wetlands provide within the City as well as the surrounding Townships.

2. **Nature of the Plan Area.**

The City of Sauk Rapids is approximately 4000 acres in size. It is located in Benton County and is uniquely situated on long the east bank of the Mississippi River. Its neighbors to the south and west, across the river, are the cities of St. Cloud and Sartell. The Sauk Rapids plan area contains a series of lakes, rivers, ditches and adjacent wetlands. Surface and groundwater flow is to the south eventually working its way through the Anoka Sand plain to the Mississippi River. Based on the existing land use maps the core of the city is comprised primarily of residential, commercial, industrial and public land uses with increasing residential development patterns and vacant/agricultural lands being located in the growth areas. The recently completed wetland inventory encompassing a 14,151 acre project area indicated there are 160 wetlands totaling 2550 acres.

3. **Plan Review.** In accordance with 8420.0830, Subp.6, A-C, the plan was developed, reviewed, and revised in consultation with the U.S. Army Corps of Engineers, the Department of Natural Resources, the Pollution Control Agency, the Board of Water and Soil Resources, the technical evaluation panel (TEP), which includes representation from Benton County, Benton Soil and Water Conservation District, the Department of Natural Resources and the Board of Water and Soil Resources. Local citizens and other Local Government Units were also invited to participate. The plan development process included numerous drafts and opportunities for comment. A draft copy was sent to the Department of Agriculture. They chose not comment. The Plan has provided an attached Ordinance that will be officially adopted by the City of Sauk Rapids to implement the Plan.

4. **Highlights of the Plan.** The critical elements of the Plan include:

The plan assessed the 160 wetlands within the defined project area utilizing the Minnesota Routine Assessment Methodology (MnRAM). This method incorporates objective and categorical information collected on wetlands to evaluate overall wetland health, vulnerability and social value. The MnRAM assessment also identified wetlands that have the potential for hydrologic restoration. These wetlands are generally characterized as being effectively or partially drained through artificial hydrologic modifications. Potential wetland mitigation areas were identified based on landscape characteristics, adjacent land use, proximity to wetlands and source of hydrology. Based on the results of MnRAM wetland function and values four different management categories and corresponding replacement ratios were established. These categories in descending order of priority included Preserve, Manage 1, Manage 2, and Manage 3. The assigned ratios of replacement vary from 6:1 in the Preserve category to 1:1 in those areas designated as Manage 3.

5. **Plan review and approval**

   The draft plan was submitted to the BWSR, other state agencies and local governments on March 10, 2011. The agency comments were addressed in writing on July 1, 2011. A public hearing was held on July 11, 2011. On October 6, 2011, a final draft, ordinance and all required documentation was submitted to the Board. On November 23, 2011, an extension for review and approval was granted to the BWSR, by the City of Sauk Rapids until February 29, 2012, to accommodate the Army Corps of Engineers public notification process. Based on the comments received, several changes were made to the plan and ordinance by the City of Sauk Rapids. Both the final plan and ordinance were recommended for approval on January 19, 2012, to be approved by the BWSR on January 25, 2012.

North Region Water Plan Committee Meeting.

The Board's North Region Water Plan Committee met on January 19, 2012 with City representative Todd Schultz, Community Development Director and Jed Chesnut, Wetland/Natural Resource Specialist, WSB & Associates to review and discuss the Plan. Those in attendance from the Board's Committee were Chair Quentin Fairbanks, Paul Brutlag, Lori Dowling, Keith Mykleseth, Brian Napstad, Gene Tiedemann. The Board staff in attendance was North Region Supervisor Ron Shelito, Senior Wetland Specialist, Dale Krystosek and Wetland Specialist, Keith Grow. Staff recommended approval of the Plan. After discussion, the Committee unanimously voted to recommend approval of the Plan to the full Board.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving a Comprehensive Wetland Protection and Management Plan and Ordinance for the City of Sauk Rapids and the orderly annexation areas of Minden Township and Sauk Rapids Township, pursuant to Minnesota Statutes Section 103G.2242, Subd. 1(c).

3. The City of Sauk Rapids' Comprehensive Wetland Protection and Management Plan and Ordinance is attached to this Order provides a functional assessment framework for all wetlands within the City of Sauk Rapids and the orderly annexation areas of Minden Township and Sauk Rapids Township, inclusive of management strategies based on this assessment, and an implementation program.

4. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103G.221 to 103G.2373 and Minnesota Rules Chapter 8420.

5. This plan shall be effective and in compliance with 8420.0830, Subpart 8 - Effective date and amendments, item A. The Comprehensive Wetland and Protection Management Plan is effective after approval by the board as provided in subpart 7 and after adoption of the plan into official controls of the Local Government Unit.

6. The area of the plan within the orderly annexation area of Minden Township and Sauk Rapids Township will become effective upon the date of annexation by the City of Sauk Rapids, or the adoption of an ordinance by that area's Local Unit of Government.

ORDER

The Board hereby approves for a period of 10 years, the attached Comprehensive Wetland Protection and Management Plan, dated October 6, 2011, for the City of Sauk Rapids, Benton County, Minnesota.

Dated at Saint Paul, Minnesota this 25th day of January, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Brian Napstad, Chair

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

In the Matter of prescribing a Revised Watershed Management Plan that establishes Water Management Districts for the **Sand Hill River Watershed District** pursuant to Minn. Stat. § 103D.405 and 103D.729

ORDER PRESCRIBING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Sand Hill River Watershed District (SHR WD) filed a proposed Revised Watershed Management (Plan) dated May 13, 2011 with the Board of Water and Soil Resources (Board) on May 16, 2011 and a revised draft dated December 19, 2011 pursuant to Minn. Stat. § 103D.405, and;

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

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

FINDINGS OF FACT

1. **District Establishment.** The District was established on May 21, 1975 from the Sand Hill River Drainage and Conservancy District. The District is located in the northwest portion of Minnesota and includes parts of, Mahnomen, Polk, and Norman Counties. The general purpose of the District include: Flood Damage Reduction, Surface and Groundwater Quality, Erosion and Sediment Control, Natural Resources Enhancement, and Education.

2. **Requirement to Plan.** A watershed district is required to revise their watershed management plan at least once every ten years pursuant to Minnesota Statutes Section 103D.405, Subd. 1 (a). The latest Water Management Plan of the District was prescribed by the Board in April of 1998. The Plan includes an inventory of the District's physical features, water and natural resources, describes water-related problems and possible solutions, describes activities and projects that the District has completed, and states objectives for current and future water and natural resources management. The plan also proposes to establish water management districts for four planning regions pursuant to Minn. Stat. § 103D.729 for the purpose of collecting revenues and pay costs for projects initiated under Minn. Stat. §§ 103D.601, 103D.605, 103D.611 or 103D.730.

3. **Territory.** The SHR WD is approximately 495 square miles in size and is located in northwestern Minnesota. Lands within the District are distributed in the following counties: Polk (88.3%), Mahnomen (6.7%), and Norman (5.0%).

4. **Nature of the Watershed.** The Sand Hill River is relatively unbranched as it traverses the district. One notable exception is Kittleson Creek. Kittleson Creek is located in the north-central part of the district and joins the Sand Hill River between the cities of Fertile and Beltrami. These watercourses consist of a intermingling of natural streams and public and private drainage systems. Most of the land traversed by the Sand Hill River is characterized by low relief and is in agricultural production. The Sand Hill River flows west from Sand Hill Lake south of Fosston towards Winger, Fertile, Beltrami and Nielsville, Minnesota to the confluence with the Red River of the North near Climax Minnesota. There are many small lakes within the east-central portion of the SHR WD between Fertile and Winger. Most of these lakes tend to be closed basins or have poorly developed outlets. Union and Sara Lakes are the largest and most heavily developed in the District. The SHR WD is comprised of portions of Polk, Mahnomen and Norman Counties. Municipalities within the SHR WD include: Fosston, Winger, Fertile, Beltrami, Nielsville and Climax

5. **Water Management Districts.** BWSR guidelines dated December 2010 states that for water management districts established in perpetuity, Watershed Districts must establish a local appeal process and evaluate the water management district in each ten-year plan revision. The SHR WD has included a local appeals process and the SHR WD will evaluate the use and effectiveness of the Water management District every 10 years.

6. **Local Review.** On May 15, 2011 the SHR WD sent a copy of the draft Plan to local units of government for their review pursuant to Minn. Stat. § 103D.405. The SHR WD also provided copies to additional local, state, and federal agencies, citizens' advisory committee, technical advisory committee, and provided access to copies for the general public at the District office and website.

7. **Department of Natural Resources Review.** The DNR is in support of the plans goals and polices and states that the revised plan appears to conform to adopted watershed management plan guidelines and complies with the general requirements of MN. Stat. § 103D.405, Subd. 1, item B.

8. **Department of Agriculture Review.** Not required by law to review, however the MDA provided comments that support multi-purpose approaches to managing water quality and quantity on an agricultural landscape. "The MDA applauds the efforts of the SHR WD to work with landowners in a proactive manner and to develop innovative and creative initiatives to implement positive changes on the landscape".

9. **Highlights of the Plan**. The SHR WD Revised Water Management Plan is a very comprehensive plan, which sets quantifiable flood damage reduction and natural resource enhancement goals for four individual planning regions covering the entire watershed district. The Plan establishes a watershed wide monitoring system which will be used to evaluate progress in the area of stream flow reductions, water quality and overall stream health (this has been labeled the RALs concept, Regional Assessment Locations), and refines the Army Corp of Engineers project review process for projects needing Clean Water Act Section 404 authorization, referred to as the "Points of Concurrence" process. To assist in the funding of projects the SHR WD establishes four Water Management Districts which cover the entire SHR WD.

10. **Hearing Notice.** The Legal Notice of Filing on the Plan, pursuant to Minn. Stat. § 103D.105 Subd. 2, was published in the Crookston Daily Times on August 15 and 22, 2011, in the Norman County Index and The Thirteen Towns on August 16 and 23, 2011, and in the Mahnomen Pioneer on August 18 and 25, 2011. Further, a copy of the notice of filing was mailed to several addresses notifying them of the legal notice of filing, including the Mahnomen, Norman, and Polk County Auditors, Administrators, and Soil and Water Conservation Districts; all of the cities within the watershed district; DNR, and a representative for the Watershed District.

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

12. **Board Staff Report.** The Plan development process provided much opportunity for public input, comment, and review. The Plan indentifies quantifiable Natural Resource Enhancement and Water Management goals, objects, and actions for the Sand Hill River Watershed. The Plan meets the requirements of 103D.405 Revised Watershed Management Plan, 103D.729 Water Managements District, follows the guidelines provided by Board of Water and Soil Resources, and upholds the intent of the "Red River Basin Flood Damage Reduction Work Group Agreement of December 9, 1998".

13. **North Region Water Plan Review Committee.** The committee met on January19, 2012 in Wadena MN. Those in attendance from the Board's Committee were Lori Dowling, Keith Mykleseth, Quentin Fairbanks, Gene Tiedemann, Paul Brutlag, and Brian Napstad. Board staff in attendance was Ron Shelito and Brian Dwight. SHR WD staff reviewed the plan with the committee. After discussion, Board staff recommended approval of the plan. The Board's subcommittee unanimously voted to recommend approval of the Plan.

CONCLUSIONS

1. The proposed revised Plan including the establishment of water management districts are valid in accordance with Minn. Stat. § 103D.405 and 103D.729.

2. Proper notice of filing was given in accordance with applicable laws.

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

4. The Board has proper jurisdiction in the matter of approving a Plan for the SHR WD pursuant to Minn. Stat. § 103D.405.

5. The attached Plan is in conformance with the requirements of Minn. Stat. Chapter 103D, Board guidelines for Watershed District Plan content and Water Management Districts, and is consistent with the affected counties' comprehensive water plans.

6. Four water management districts established in perpetuity. The SHR WD did establish a local appeal process for land owners who feel their fee/charges deserve adjustment due to land treatment/use changes.

7. Watershed Districts must include an evaluation of the use and effectiveness of the water management district and make needed adjustments in each ten-year plan revision.

ORDER

The Board hereby prescribes the attached Plan dated December 19, 2011 as the Revised Watershed Management Plan for the Sand Hill River Watershed District to establish water management districts. The Sand Hill River Watershed District must include an evaluation of the use and effectiveness of the water management district in each ten-year plan revision.

Dated at Saint Paul, Minnesota this 25th day of January, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Brian Napstad, Chair

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

In the Matter of the petition for Withdrawal of Territory from the Red Lake Watershed District pursuant to Minnesota Statutes § 103D.255

ORDER WITHDRAWAL OF TERRITORY

Whereas, a Petition was filed with the Board of Water and Soil Resources (Board) on July 20, 2011 by the Beltrami County Board of Commissioners, to withdraw territory from the Red Lake Watershed District (RL WD) pursuant to Minn. Stat. § 103D.255, and;

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

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

FINDINGS OF FACT

1. **Petition.** The Petition to withdraw territory of the RL WD dated July 5, 2011 was filed by the Beltrami County Board of Commissioners, with the Board on July 20, 2011.

2. **Property Description.** The lands included in the withdrawal of territory, the Petitioned Area, are located in parts of Sections 10, 11, 12, 13, 14, and 15, T.149N, R.30W, Summit Township, Beltrami County and in parts of Section 18, T.149N, R.29W, Moose Park Township, Itasca County totaling approximately 2,198.21 acres of land. The Petitioned Areas are depicted on a map attached to the Petition.

3. **Reasons for Withdrawal of Territory.** The proposed withdraw of territory would achieve a more accurate alignment to more closely conform to the actual watershed drainage divide between the Mississippi watershed and the RL WD. The requested withdrawal of territory is consistent with the purposes and requirements of Minn. Stat. § 103D.255.

4. **District Review.** On August 25, 2011 the RL WD Board of Managers discussed the petition at a regularly scheduled board meeting and passed a resolution of support for the withdrawal of certain territories from within the RLWD.

5. **Indebtedness.** The properties included in the withdrawal of territory have not received or will not receive any benefits from the RL WD or from previously constructed RL WD projects

6. **Performance.** The RL WD can perform the functions for which it was established without the inclusion of the territory.

7. **Territory.** The territory being petitioned for withdrawal is not, in fact, a part of the Red Lake River Watershed which is within the jurisdictional boundary of the R L WD.

8. **Managers.** As a result of this withdrawal of territory there is no need for a redistribution of managers.

9. **Notice of Filing.** Legal Notice of Filling of the proposed withdrawal of territory, pursuant to Minn. Stat. § 103D.105, Subd. 2, was published in the Bemidji Pioneer, on September 16 and 23, 2011, and in the Blackduck American, on September 18 and 25, 2011. Further, a copy of the notice of filing was mailed to several addressees including Beltrami and Itasca County Auditors, Administrators, and Soil and Water Conservation Districts; Summit and Moose Park Townships; and the RLWD.

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

11. **Board Staff Report.** In review of the Petition to withdrawal territory from the RLWD pursuant to Minn. Stat. §103D.255. Staff has determined that all Minn. Stat. §103D.255 requirements of have been met. There has been no opposition to this petition by the landowners, The RL WD, or Itasca County. A Notice of Filing was appropriately published with no request of a hearing or other comments received.

12. **Northern Region Committee.** On January 19, 2012 the Board's Northern Water Planning Committee and staff met to review and discuss the Petition. Those in attendance from the Board's Committee where Lori Dowling, Keith Mykleseth, Quentin Fairbanks, Gene Tiedemann, Paul Brutlag, and Brian Napstad. Board staff in attendance was Ron Shelito and Brian Dwight. After discussion Board staff recommended approval of the Petition. The Committee unanimously voted to recommend approval of the Petition to the full Board provided that a statement of hydrology verification is provided prior to signing of this order.

13. **Hydrology verification.** On January 20, 2012 The Administrator of the R L WD provided hydrology verification by e-mail attached to this order.

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 the withdrawal of territory Petition for the RLWD pursuant to Minn. Stat. §103D.255.

3. The areas included in the requested withdrawal of territory is not part of the watershed because it is outside the hydrological boundary.

4. The RLWD Board of Managers supports the petition presented by the Beltrami County Board of Commissioners and proposes to move forward with the process to release the land from the District.

5. The RLWD can perform the functions for which it was established without the inclusion of the territory.

14. The proposed withdrawal of territory should be approved per the Petition for the RLWD.

ORDER

The Board hereby orders that the boundary of the Red Lake Watershed District is changed per the Petition withdrawing parts of Sections 10, 11, 12, 13, 14, and 15, T. 149N, R. 30W, Summit Township, Beltrami County and in parts of Section 18, T. 149N, R. 29W, Moose Park Township, Itasca County, as identified in the map attached to this Order and the territory is released.

Dated at Saint Paul, Minnesota this 25th day of January, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Brian Napstad, Chair

Dwight, Brian (BWSR)

From: Myron Jesme [jesme@wiktel.com]
Sent: Friday, January 20, 2012 4:25 PM
To: Dwight, Brian (BWSR)
Cc: Loren Sanderson
Subject: Withdrawal of Territory Beltrami County

Brian,

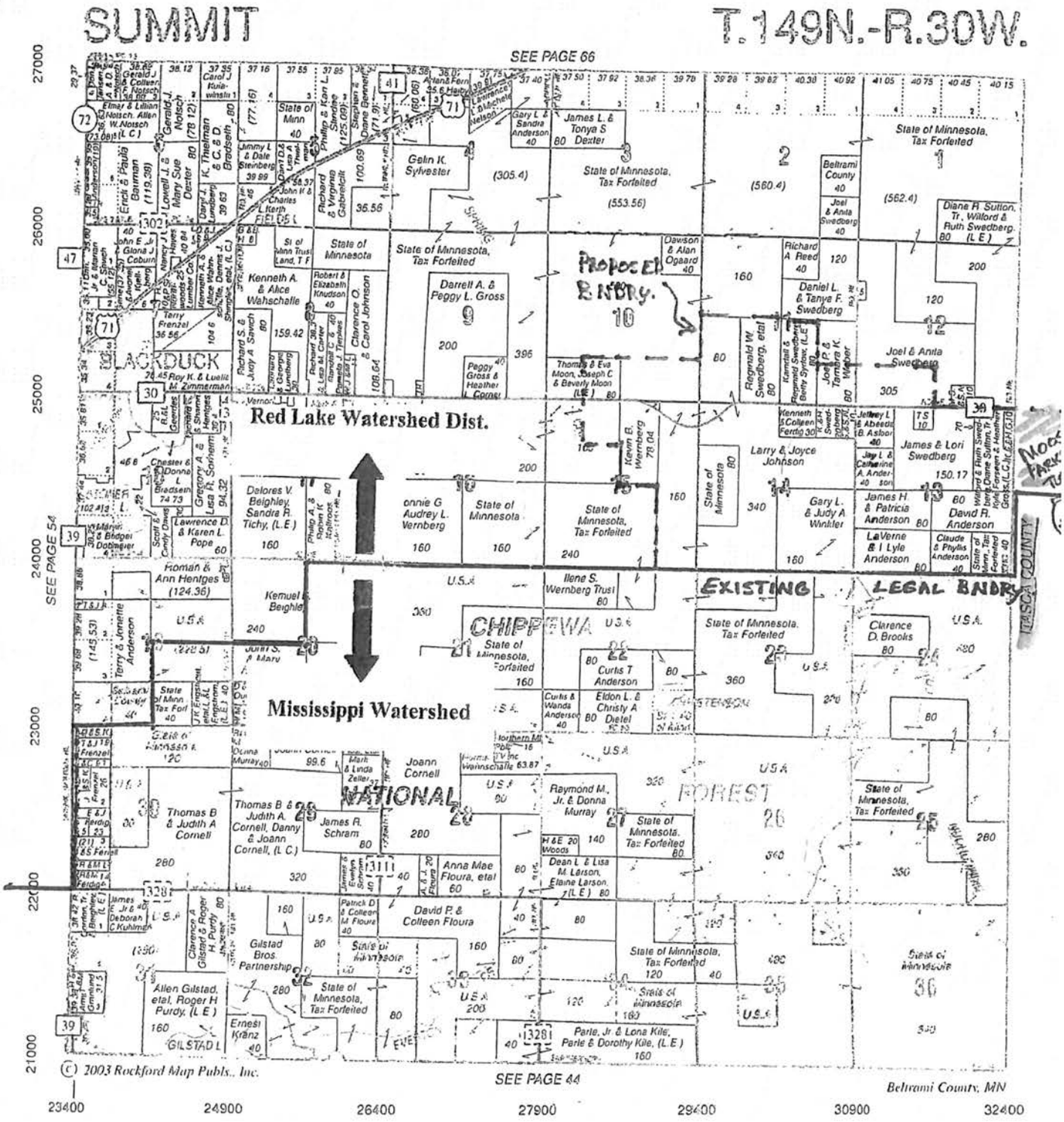
When assisting Beltrami County in determining what properties should be included in the petition requesting the "Withdrawal of Territory", a detailed field inspection of the area was completed by the Red Lake Watershed District staff (Loren Sanderson) and a local landowner who initially questioned the original boundary. Tools that were used to assist in defining the hydrological boundaries and determining existing flow patterns included a field inspection of culvert locations and use of topographic maps published by the US Geological survey and aerial photos. Although some of this area is remote and very difficult to travel, we felt we used all resources available to make an accurate determination.

Since the request for withdrawal was submitted, a review of LiDAR was completed by Red Lake Watershed District staff Loren Sanderson and Myron Jesme. Although we have found that there may be an argument made for minor adjustments in the proposed boundary change, the Red Lake Watershed District feels that the boundary submitted to the BWSR is generally accurate and that any deviations from the petition would be would be minor and not recommended.

I hope this information will assist you and your staff in making a final determination.

Sincerely,

Myron Jesme
Red Lake Watershed District/Administrator
1000 Pennington Avenue South
Thief River Falls, MN. 56701
Work (218) 681-5800
Cell (218) 686-9692
jesme@wiktel.com



Approx. acres to be removed from Red Lk. WD – 2,198 ac.

Beltrami Co. - Summit twp. – 2,038 ac.

Itasca Co. Moose Park Twp. - 160 ac.

Boundary delineated by Red Lk. WD

/ L. Sanderson

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

In the Matter of prescribing a Revised Watershed Management Plan for the Cormorant Lakes Watershed District pursuant to Minnesota Statutes Sections 103D.405	**ORDER PRESCRIBING WATERSHED MANAGEMENT PLAN**

Whereas, the Board of Managers of the Cormorant Lakes Watershed District (CLWD) filed a proposed Revised Watershed Management (Plan) dated October 4, 2011 with the Board of Water and Soil Resources (Board) on October 14, 2011 pursuant to Minn. Stat. § 103D.405, and;

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

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

FINDINGS OF FACT

1. **District Establishment.** The District was established on August 22, 1966 by the Minnesota Water Resources Board and is located in the Northwestern Minnesota. Lands within the District are distributed in the Southwest corner of Becker County. The general purpose of the District include: Management of Water Levels, Maintain and Improve Surface Water Quality, Treatment and Prevention of Aquatic Invasive Species, and Public Outreach and Education.

2. **Requirement to Plan.** A watershed district is required to revise their watershed management plan at least once every ten years pursuant to Minnesota Statutes Section 103D.405, Subd. 1 (a). The latest Water Management Plan of the District was prescribed by the Board in July of 1999. The Plan includes an inventory of the District's physical features and water resources, describes water-related problems and possible solutions, describes activities and projects that the District has completed, and states objectives for current and future water resource management.

3. **Nature of the Watershed.** The Cormorant Lakes Watershed lies near the southwest corner of Becker County. The CLWD is located within the Otter Tail River Major Watershed which is part of the Red River Basin. The majority of the lakes in the Red River Basin are found in the Otter Tail River watershed. Within the CLWD there are many small to medium sized farms, as well as many small lots and home sites located around the various

lakeshores. The public, through Federal, State, County and Township governments own a few small tracts, mainly as accesses to the lakes and wildlife areas.

4. **Territory.** The CLWD is approximately 1,920 square miles in size consisting of 20,320 acres of land and 7,922 acres of water within the Otter Tail River Major Watershed. Located in Southwest corner of Becker County (100%).

5. **Local Review.** The CLWD sent a copy of the draft Plan to local units of government for their review pursuant to Minn. Stat. § 103D.405.

6. **Department of Natural Resources Review.** Comments received from DNR provided sources where further detailed information can be found along with some suggested changes. Those recommendations have been incorporated into the revised plan as per the District's 12-13, 2011 response letter.

7. **Department of Agriculture Review.** Not required by law to review.

8. **Department of Health Review**. Not required by law to review.

9. **Pollution Control Agency Review**. Not required by law to review.

10. **Other review comments.** None

11. **Highlights of the Plan**. The plan focuses on eight major goal which were as follows:
    - Maintain or improve water quality of surface waters through various nondegradation programs and stewardship practices.
    - Promote awareness of groundwater resources and necessary steps to protect it.
    - Manage or minimize erosion and sedimentation.
    - Work to prevent the spread of aquatic invasive species and manage those that are present in District lakes.
    - Alleviate damage (including property damage and shoreline damage) by high water whenever possible.
    - Maintain channels and water flow according to established levels.
    - Prevent unnecessary destruction and maintain or improve habitat for fish and wildlife on water quality and water quantity projects.
    - Inform and help educate about watershed policies and programs.

12. **Hearing Notice.** The Legal Notice of Filing on the Plan, pursuant to Minn. Stat. § 103D.105 Subd. 2, was published in the Detroit Lakes Tribune & Becker County Record on December 11 and 18, 2011. Further, a copy of the notice of filing was mailed to several addresses notifying them of the legal notice of filing, including the Becker County Auditor,

Administrator, and Soil and Water Conservation District; and a representative for the Watershed District.

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

14. **Board Staff Report.** The Plan development process provided much opportunity for public input, comment and review. The Plan is well written and comprehensive and meets the requirements of 103D.405 and the guidelines provided by the Board of Water and Soil Resources.

15. **North Region Water Plan Review Committee.** The committee met on January 19, 2012 those in attendance from the Board's Committee were Fairbanks, Napstad, Dowling, Tiedemann, Mykleseth and Brutlag. Board staff in attendance were Ron Shelito and Chad Severts. 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. The proposed Revised Plan is valid in accordance with Minn. Stat. § 103D.405.

2. Proper notice of filing was given in accordance with applicable laws.

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

4. The Board has proper jurisdiction in the matter of approving a Revised Plan for the CLWD pursuant to Minn. Stat. § 103D.405.

5. The attached Revised Plan of the CLWD dated October 2011 would be for the public welfare and public interest and purpose of Minn. Stat. Chapter 103D would be served.

ORDER

The Board hereby prescribes the attached Plan dated October, 2011 as the Revised

Watershed Management Plan for the Cormorant Lakes Watershed District.

Dated at Saint Paul, Minnesota this 25th day of January, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Brian Napstad, Chair

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Enlargement and Increase the Number of Buffalo Red River Watershed District Managers Hearing Order**[1]

Meeting Date: January 25, 2012

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: Northern Region
Contact: Travis Germundson or Pete Waller
Prepared by: Tarvis Germundson & Pete Waller
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

The North Water Planning Committee recommends Board authorization to schedule and hold a public hearing regarding the enlargement and increasing the number of of managers for the Buffalo Red River Watershed. The hearing must be held within 35 days of the Order's date.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
January 4, 2012, BWSR received a joint petition from the Buffalo Red River Watershed District, Otter Tail County and Wilkin County regarding the enlargement and increasing the number of managers petition for the Buffalo Red River Watershed District.

The territory proposed to be added to the BRRWD is approximately 430 square miles that affects Wilkin and Otter Tail Counties. This is the same area Wilkin County petitioned to establish the Upper Red Lower Otter Tail Watershed District. At the September 7,2011 establishment hearing Otter Tail County suggested enlarging the BRRWD as an alternative to establishing a new watershed district. Wilkin County agreed to have their establishment petition held in abeyance to allow time for Wilkin and Otter Tail Counties and the BRRWD to further explore Otter Tail County's suggestion. See attached Status Report Upper Red Lower Otter Tail Watershed District as of September 19, 2011 for background information.

January 19th the Northern Region Water Plan Committee reviewed the petition and recommends the full Board to act on an Enlargement and Increasing the Number of Managers Hearing Order.

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

In the Matter of petition for Enlargement, and Increase in the Number of Managers for the Buffalo Red River Watershed District pursuant to Minnesota Statutes §§ 103D.261 and 103D.305

ORDER ENLARGMENT AND INCREASE THE NUMBER OF MANAGERS HEARING

Whereas, a Petition was filed with the Board of Water and Soil Resources (Board) on January 4, 2012 by Wilkin County, Otter Tail County, and Buffalo Red River Watershed District (BRRWD) to enlarge the territory and increase the number of managers of the BRRWD, pursuant to Minn. Stat. §§ 103D.261, and 103D.305, and;

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

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

FINDINGS OF FACT

1. **Petition Signatures.** The enlargement and increase in the number of mangers petition dated December 27, 2011 was filed with the Board on January 4, 2011 by BRRWD. Wilkin and Otter Tail Counties, along with BRRWD signed the petition in accordance to signature requirements of Minn. Stat. §§ 103D.261, Subd. 1 and 103D.305 Subd.2 which allows the petition to be signed by one-half or more of the counties within the district.

2. **Property Description.** The territory to be included in the enlargement proceedings is depicted in map attached with the Petition and includes lands contemplated to be included in the establishment petition for the Upper Red Lower Otter Tail Watershed District. The area affects Wilkin and Otter Tail Counties, bordered on the south by the Bois de Sioux Watershed District and is contiguous to BRRWD, approximately 430 square miles in size, which includes land in the Cities of Breckenridge, Kent, Rothsay, and Foxhome.

3. **Necessity for Watershed District Enlargement.** The Petition states the additional territory is necessary for the following reasons:

    1. Control or alleviation of damage by flood waters
    2. Improve of stream channels for drainage, navigation, and other public purpose
    3. Reclaiming or filling wet and overflowed lands
    4. Providing water supply for irrigation
    5. Regulating the flow of streams and conserving the waters thereof
    6. Diverting or changing watercourses in whole or part
    7. Providing and conserving water supply for domestic, industrial, agricultural, or other public use
    8. Providing for sanitation and public health and regulation the use of streams, ditches, or watercourse for the purpose of disposing of waste
    9. Repair, improve, relocate, modify, consolidate, and abandon, in whole or in part, drainage systems within a watershed district
    10. Imposition of preventive or remedial measures for the control or alleviation of land and soil erosion and siltation of watercourses or bodies of water affected thereby
    11. Regulation improvements by riparian landowners of the beds, banks, and shores of lakes, streams, and marshes by permit or otherwise in order to preserve the same for beneficial use
    12. Protecting or enhancing the quality of water in watercourses or bodies of water
    13. Providing for the protection or groundwater and regulation groundwater use to preserve groundwater for beneficial use
    14. Would prevent damage to farm buildings and farm yards, public roads and farmlands due to flooding
    15. Would remove county boundaries from determining an overall and comprehensive use of the water and natural resources
    16. Would control and regulate private ditching, obstruction of natural waterways and the antagonism amongst neighboring land owners regardless of the county in which they were located
    17. A re-evaluation of drainage, ditches, affected areas and proper assessment districts including a re-determination of benefits derived from drainage as is currently assessed which assessment could be made that territory affected regardless of county boundaries
    18. A comprehensive plan for water use and natural resources within the area

4. **District Name.** The Petition states the name of the proposed district will continue to be the Buffalo Red River Watershed District.

5. **Number of Managers.** The Petition specifies that the proposed number of managers shall be increased to seven (7) from the present number of five (5). The additional managers would provide added representation from the District for the proposed territory.

6. **Filing.** The Petition was filed with the Wilkin County Attorney, Otter Tail County Attorney, Buffalo Red River Watershed District, and the Board.

7. **Staff Recommendation.** Staff has determined that petition is valid pursuant to Minn. Stat. §§ 103D.261, and 103D.305.

8. **Hearing Panel.** Board members of the Northern Water Planning Committee should preside over the hearing and bring a recommendation to the Board.

9. **Hearing Time.** The public hearing should be held on Thursday February 23, 2012, beginning at 6:30 PM and adjourning no sooner than 7:30 PM. If scheduling conflicts arise the Executive Director should choose another suitable time.

10. **Hearing Location.** The public hearing should be held at Hildebrand Hall, Assumption Catholic Church. 307 Front Street North, Barnesville, MN. If scheduling conflicts arise the Executive Director should choose another suitable location.

CONCLUSIONS

1. The petition for enlargement and increase in the number of managers of the Buffalo Red River Watershed District is valid in accordance with Minn. Stat. §§ 103D.261 and 103D.305.

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

3. The Board has proper jurisdiction in the matter of ordering a watershed district enlargement and increase in the number of managers hearing.

4. The hearing on the Petition for enlargement and increase in the number of managers of the Buffalo Red River Watershed District should be presided over by the Northern Water Planning Committee.

5. The public hearing shall be held on Thursday February 23, 2012, beginning at 6:30 PM and adjourning no sooner than 7:30 PM, at the Hildebrand Hall, Assumption Catholic Church. 307 Front Street North, Barnesville, MN.

6. If scheduling conflicts arise the Executive Director shall choose another suitable date time and location.

ORDER

The Board hereby orders a public hearing be held within 35 days of the date of this Order on the enlargement and increase in the number of managers Petition for the Buffalo Red River Watershed District presided over by the Northern Water Planning Committee on Thursday February 23, 2012, beginning at 6:30 PM and adjourning no sooner than 7:30 PM, at the Hildebrand Hall, Assumption Catholic Church. 307 Front Street North, Barnesville, MN.

Dated at Saint Paul, Minnesota this 25th day of January, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Brian Napstad, Chair

January 4, 2012, BWSR received a joint petition from the Buffalo Red River Watershed District, Otter Tail County and Wilkin County to enlarge the Buffalo Red River Watershed District and increase the number of watershed district managers by two.

This is the same area Wilkin County petitioned to establish the Upper Red Lower Otter Tail Watershed District. At the September 7, 2011 establishment hearing Otter Tail County suggested enlarging the BRRWD as an alternative to establishing a new watershed district. Wilkin County agreed to have their establishment petition held in abeyance to allow time for Wilkin and Otter Tail Counties and the BRRWD to further explore Otter Tail County's suggestion.

The Northern Water Plan Committee met January 19th to review and determine recommendation. The Committee found the petition to be valid and will recommend the Board favorably act on an Order to hold the hearing regarding the Enlargement of the Buffalo Red River Watershed District and Increase the number of Managers.

Minnesota Board of Water & Soil Resources

DATE: March 19, 2012

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

FROM: John Jaschke, Executive Director

SUBJECT: BWSR Board Meeting Notice – March 28, 2012

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, March 28, 2012, beginning at 9:00 a.m. The meeting will be held in the lower level Board Room at 520 Lafayette Road N., St. Paul. Parking is available in the lot directly in front of the building (see hooded parking area).

The following information pertains to agenda items:

COMMITTEE MEETINGS

Metro Water Planning Committee

1. **Begin Rulemaking for Metropolitan Area Local Water Management Rule Revision** - The Metropolitan Area Local Water Management Rule Revision, Minnesota Rules Chapter 8410, is at a point where the formal rulemaking process can begin. The Rule Advisory Committee has completed its work and a draft revised rule has been developed. The next step would be to publish and mail the Request for Comments. In August, or later, the draft revised rule and SONAR would come before the Board for a decision. At this point the only item before the Board is to begin the formal rulemaking process. The Metro Water Planning Committee met on March 8, 2012. After review of the information, the Committee unanimously voted to recommend beginning the rulemaking process for Chapter 8410 per the attached draft Resolution. ***DECISION ITEM***

Public Relations, Outreach & Strategic Planning Committee

1. **PRAP and Training Assistance Grants to LGUs** - The Board is requested to authorize the use some of the cost share rollover dollars that currently fund the PRAP program to be used for grants or contracts to local government units with organizational development, training or critical assistance needs. In most cases the money will buy professional consultant services or training to help LGUs address operational needs or issues identified by BWSR staff during a PRAP or other assessment. The individual grants or contracts under this authorization will be awarded by the Executive Director and will not require further Board action. ***DECISION ITEM***

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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Southern Water Planning Committee

1. **Belle Creek Watershed District (BCWD) Watershed Management Plan** - BCWD was established by BWSR Board Order on November 14, 1968. Minnesota Statutes 103D.401 states that a board of watershed district managers must adopt a plan for any or all reasons for which the district may be established. The BCWD has completed the planning process for its proposed ten-year plan through December 31, 2021. The BCWD distributed its draft Watershed Management Plan as required for final review and comment. Comments received were considered by the BCWD, the plan was revised as needed, and submitted to BWSR for approval. BWSR provided proper Notice of Filing for the plan. This notice provided an invitation to submit written comments or a written request for a hearing if opposed to the plan. One written comment was received by BWSR but there was not a request for hearing submitted. The Southern Water Planning Committee (Committee) met with representatives of the BCWD on February 9, 2012, after the state and local review period had ended. The Committee unanimously voted to recommend approval of the Plan. ***DECISION ITEM***

2. **Bear Valley Watershed District (BVWD) Watershed Management Plan** - BVWD was established by BWSR Board Order on April 27, 1961. Minnesota Statutes 103D.401 states that a board of watershed district managers must adopt a plan for any or all reasons for which the district may be established. The BVWD has completed the planning process for its proposed ten-year plan through December 31, 2021. The BVWD distributed its draft Watershed Management Plan as required for final review and comment. Comments received were considered by the BVWD, the plan was revised as needed, and submitted to BWSR for approval. BWSR provided proper Notice of Filing for the plan. This notice provided an invitation to submit written comments or a written request for a hearing if opposed to the plan. No written comment or request was received by BWSR. The Southern Water Planning Committee (Committee) met with representatives of the BVWD on February 9, 2012, after the state and local review period had ended. The Committee unanimously voted to recommend approval of the Plan to the full Board. ***DECISION ITEM***

3. **Heron Lake Watershed District (HLWD) Watershed Management Plan** - The Commissioners in Nobles, Jackson, Murray, and Cottonwood Counties submitted a petition requesting the establishment of the Middle Des Moines Watershed District on April 2, 1969. The petition was approved on February 25, 1970. In October of 1995, the name of the district was changed to the Heron Lake Watershed District. Minnesota Statutes 103D.401 states that a board of watershed district managers must adopt a plan for any or all reasons for which the district may be established. The HLWD has completed the planning process for its proposed ten-year plan through December 31, 2021. The HLWD distributed its draft Watershed Management Plan as required for final review and comment. Comments received were considered by the HLWD, the plan was revised as needed, and submitted to BWSR for approval. BWSR provided proper Notice of Filing for the plan. This notice provided an invitation to submit written comments or a written request for a hearing if opposed to the plan. Written comments and a request for hearing were received by BWSR. On October 13, 2011 the Southern Water Planning Committee held a public hearing and received comments in opposition to the Plan and the creation of a Water Management District from Jackson County and watershed residents. The Committee met on Thursday, November 3, 2011 and took no action, based on HLWD request to postpone any action on the Plan until the public had been provided the necessary information. On November 28, 2011, HLWD conducted an Open House on the Plan. A plan revision was drafted to impose a maximum per parcel charge of $24. The Committee met again on Thursday, February 9, 2012. Clarification was provided that 103D.729 requires that projects are initiated and

ordered to be implemented through a formal hearing and adoption process. Although comments in opposition were received, the defined need for projects is evident through impaired waters in the watershed and flooding concerns that still need to be addressed. After discussion and based on the entire record, the Southern Water Planning Committee made a motion recommending approval of the revised Heron Lake Watershed District Water Management Plan. ***DECISION ITEM***

4. **Stockton-Rollingstone-Minnesota City Watershed District (SRMCWD) Watershed Management Plan** - SRMCWD was established by BWSR Board Order on December 26, 1958. Minnesota Statutes 103D.401 states that a board of watershed district managers must adopt a plan for any or all reasons for which the district may be established. The SRMCWD has completed the planning process for its proposed ten-year plan through December 31, 2021. The SRMCWD distributed its draft Watershed Management Plan as required for final review and comment. Comments received were considered by the SRMCWD, the plan was revised as needed, and submitted to BWSR for approval. BWSR provided proper Notice of Filing for the plan. This notice provided an invitation to submit written comments or a written request for a hearing if opposed to the plan. One written comment was received by BWSR but there was not a request for hearing submitted. The Southern Water Planning Committee (Committee) met with representatives of the SRMCWD on February 9, 2012, after the state and local review period had ended. The Committee unanimously voted to recommend approval of the Plan. ***DECISION ITEM***
   [Note: See 3/19/12 memorandum from John Jaschke regarding a discussion of an alternative resolution.]

5. **Winona County Soil and Water Conservation District (SWCD) Nomination Districts Resolution -** The Winona County SWCD approved a Nomination Districts Resolution on July 13 2011, which proposed to change nomination districts for the Winona County SWCD supervisor seats. The proposed Nomination Districts will provide consistent and equal distribution of township representation in the County. The Southern Water Planning Committee met on February 9, 2012, discussed said Resolution, and unanimously voted to recommend approval of the Winona County SWCD Nomination Districts Resolution. ***DECISION ITEM***

NEW BUSINESS

1. **Amending Board Resolution #11-96: FY 2012 Competitive Grants Program Funding Recommendation** – The Board is requested to amend Resolution #11-96 to address a fund calculation discrepancy and a request by the manager of a funded project. ***DECISION ITEM***

2. **Evaluation of Water Related Programs –** Legislation was passed in Special Session 2011 that directs the Pollution Control Agency to accomplish an evaluation of water related programs in conjunction with other water agencies and the University of Minnesota. The legislation began as a rule moratorium but that aspect of the legislation was set aside. MPCA Deputy Commissioner John Stine will overview the plans developed thus far for the $75,000 study and provide some perspective on how the Board and local governments may be best able to contribute. ***INFORMATION ITEM***

3. **Agassiz National Wildlife Refuge (NWR) Water Quality Study** – Jim Leach, Refuge Supervisor; Josh Eash, Regional Hydrologist; and Gregg Knutsen, Wildlife Biologist, with the U.S. Fish & Wildlife Service, will present information regarding the Agassiz NWR Refuge sedimentation study. ***INFORMATION ITEM***

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. The Board meeting will adjourn about noon. I look forward to seeing you on March 28th!

P.S. The Grants Program & Policy Committee will meet immediately following adjournment of the Board Meeting.

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MARCH 28, 2012

PRELIMINARY AGENDA

9:00 AM **CALL MEETING TO ORDER**

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF JANUARY 25, 2012 BOARD MEETING

PUBLIC ACCESS FORUM (10-minute agenda time, two-minute limit/person)

CONFLICT OF INTEREST DECLARATION

REPORTS

- Chair – Brian Napstad
- Administrative Advisory Committee – Brian Napstad
- Executive Director – John Jaschke
- Dispute Resolution Committee – Gerald Van Amburg
- Wetlands Committee – Gerald Van Amburg
- Grants Program & Policy Committee – Paul Langseth
- Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth
- RIM Reserve Management Planning Committee – Gene Tiedemann
- Drainage Work Group – Tom Loveall

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Begin Rulemaking for Metropolitan Area Local Water Management Rule Revision – Jim Haertel – ***DECISION ITEM***

Public Relations, Outreach & Strategic Planning Committee

1. PRAP and Training Assistance Grants to LGUs – Don Buckhout – ***DECISION ITEM***

Southern Water Planning Committee

1. Belle Creek Watershed District (BCWD) Watershed Management Plan – Paul Langseth – ***DECISION ITEM***

2. Bear Valley Watershed District (BVWD) Watershed Management Plan – Paul Langseth – ***DECISION ITEM***

3. Heron Lake Watershed District (HLWD) Watershed Management Plan – Jeff Nielsen – ***DECISION ITEM***

4. Stockton-Rollingstone-Minnesota City Watershed District (SRMCWD) Watershed Management Plan – Paul Langseth – ***DECISION ITEM***

5. Winona County Soil and Water Conservation District (SWCD) Nomination Districts Resolution – Paul Langseth – ***DECISION ITEM***

NEW BUSINESS

1. Amending Board Resolution #11-96: FY 2012 Competitive Grants Program Funding Recommendation – Dave Weirens – ***DECISION ITEM***

2. Evaluation of Water Related Programs – John Linc Stine, MPCA – ***INFORMATION ITEM***

3. Agassiz National Wildlife Refuge (NWR) Water Quality Study – U.S. Fish & Wildlife Service Jim Leach, Refuge Supervisor; Josh Eash, Regional Hydrologist; and Gregg Knutsen, Wildlife Biologist – ***INFORMATION ITEM***

AGENCY REPORTS

- Minnesota Department of Agriculture – Matthew Wohlman
- Minnesota Department of Health – Chris Elvrum
- Minnesota Department of Natural Resources – Tom Landwehr
- Minnesota Extension Service – Faye Sleeper
- Minnesota Pollution Control Agency – Rebecca Flood

ADVISORY COMMENTS

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

UPCOMING MEETINGS

- Next Board Meeting – April 25, 2012

Noon **ADJOURN**

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JANUARY 25, 2012

BOARD MEMBERS PRESENT:
Chris Elvrum, MDH; Paul Brutlag, Bob Burandt, Quentin Fairbanks, Rebecca Flood, PCA; Christy Jo Fogarty, Todd Foster, Sandy Hooker, Paul Langseth, Tom Loveall, Keith Mykleseth, Brian Napstad, Tom Landwehr, DNR; John Meyer, Louise Smallidge, Gene Tiedemann, LuAnn Tolliver, Gerald Van Amburg, Matt Wohlman, MDA

BOARD MEMBERS ABSENT:
Faye Sleeper

STAFF PRESENT:
Don Buckhout, Matt Drewitz, Travis Germundson, Jim Haertel, Jeff Hrubes, John Jaschke, Sherri Johnson, Al Kean, Kari Keating, Melissa Lewis, Kevin Lines, Dave Rickert, Ron Shelito, Kyle Skov, Dave Weirens, Marcey Westrick, Steve Woods, Brad Wozney

OTHERS PRESENT:
Suzanne Hanson, MPCA
Andy Holdsworth, DNR

DRAFT

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

PLEDGE OF ALLEGIANCE

** 12-01 **ADOPTION OF AGENDA** – Moved by Quentin Fairbanks, seconded by John Meyer, to adopt the agenda as amended. Motion passed on a voice vote.

** 12-02 **MINUTES OF DECEMBER 14, 2011** – Moved by Louise Smallidge, seconded by LuAnn Tolliver, to approve the minutes of December 14, 2011, as circulated. Motion passed on a voice vote.

NEW BUSINESS

Ag Water Quality Certification – Matt Wohlman, MDA; and Rebecca Flood, MPCA; presented an overview of the Ag Water Quality Certification Program initiative. On January 17th, Minnesota Governor Mark Dayton, U.S. Agriculture Secretary Tom Vilsack and U.S. Environmental Protection Agency Administrator Lisa Jackson signed a memorandum of understanding (MOU) committing the state and federal government to develop a new program that will enhance Minnesota's water quality by accelerating farmers' voluntary adoption of on-farm conservation practices. The MOU is the first step toward implementation of the Minnesota Ag Water Quality Certification Program. The initiative will be designed to accelerate progress toward water quality goals while also giving Minnesota farmers greater regulatory and cost stability. A technical advisory committee will be established to develop the specifics of the program.

INTRODUCTION OF NEW BWSR STAFF

- Dave Rickert, Easement Acquisition Specialist
- Kyle Skov, Conservation Drainage Engineer

RECOGNITION OF BWSR MEMBERS

- Paul Brutlag *Term 2004 - 2011*
- Louise Smallidge *Term 2004 - 2011*
- LuAnn Tolliver *Term 2004 - 2011*

NOMINATION OF VICE-CHAIR

Brian Napstad reported that the Governor will be making appointments for new board members in the near future, and that BWSR will need to elect a vice-chair to replace ** 12-03 outgoing vice-chair Paul Brutlag. Paul Brutlag nominated Gerald Van Amburg. Motion by Quentin Fairbanks, seconded by LuAnn Tolliver, to close nominations. Motion passed on a voice vote.

REPORTS

Chair's Report – Brian Napstad reported DNR, BWSR, and Corps staff met to pursue flexibility to maximize wetland mitigations in the State of Minnesota. This project doesn't have a name yet, but the group is being gathered together to develop the

program. Chair Napstad also reported on the EQB's efforts to begin the assessments that are prompted by the recent Governor's Executive Order.

Administrative Advisory Committee (AAC) – Brian Napstad reported that he will be working with the committees and appointing new members and chairs. He expects to be making appointments sometime in February based on the Governor's appointments. Chair Napstad also reported that it is time for the Executive Director's review. The evaluation form will come to board members in the mail. BWSR has been invited to the southwest of Minnesota for this year's Board tour. The tour will be held the 4th Wednesday and Thursday of August.

Executive Director's Report – John Jaschke reported on the status of the legislative process including bonding, reform initiatives and the likely path for the Local Water Roundtable bill (HF1596).

Dispute Resolution Committee – Travis Germundson reported that there are 15 pending appeals and only one new appeal since the last board meeting.

Wetlands Committee – LuAnn Tolliver reported that the committee has not met in the last month with a possible April meeting. She thanked board and staff for their help with the wetland committee.

Grants Program & Policy Committee – Louise Smallidge reported that the committee has not met in the last month. The committee will be meeting immediately following the board meeting.

Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth reported that the committee met yesterday and looked at PRAP and the strategic plan. The resolution has had some small adjustments.

RIM Reserve Management Planning Committee – Paul Brutlag reported that the committee met and there will be a RIM/WRP item coming up later in the meeting.

Drainage Work Group – Tom Loveall and Al Kean reported that the group met on January 9, 2012.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Pioneer-Sarah Creek WMO Plan Amendment –Brad Wozney reported that an Amendment to the Pioneer-Sarah Creek WMO Watershed Management Plan was filed with the Board on November 28, 2011. 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

** 12-04 Planning Committee recommends approval of the Plan Amendment. Motion by Bob Burandt, seconded by Sandy Hooker, to approve the Plan Amendment as presented. Motion passed on a voice vote.

Rice Creek Watershed District Watershed Plan Amendment – Melissa Lewis reported on an amendment to the Rice Creek Watershed District (District), located in the northeast portion of the Metropolitan Area, was established in 1972 by the Minnesota Water Resources Board. The District Board consists of two representatives each from Anoka and Ramsey counties and one representative from Washington County. The mission of the District is to prevent flooding and enhance water quality in harmony with development for the common good. The Plan Amendment establishes watershed management districts for drainage systems ACD 10-22-32, ACD 31/46, and ACD 53-62. These water management districts provide the framework for an equitable method to generate revenues for funding a portion of the repair projects from the properties benefiting from or contributing to the need for repair projects. The Metro

** 12-05 Water Planning Committee recommends approval of the plan amendment. Motion by Bob Burandt, seconded by Louise Smallidge, to approve the Rice Creek Watershed District Plan amendment. Motion passed on a voice vote.

Northern Water Planning Committee

Benton County Five Year Plan Update – Keith Mykleseth reported that on August 28th, 2008, the Board of Water and Soil Resources approved Benton County's Comprehensive Local Water Management Plan for a ten year period from 2008-2018 with a required amendment by August 2013. On April 15th, 2011, the County passed a resolution to begin the amendment process. The amended plan was submitted to the Brainerd field office on October 27th, 2011. The Northern Water Planning Committee met on January 19th to review the plan amendment and recommends approval on the update through July

** 12-06 31st, 2018. Motion by Keith Mykleseth, seconded by Paul Brutlag, to approve the Benton County five year plan amendment. Motion passed on a voice vote.

Hubbard County Water Management Plan Extension – Paul Brutlag reported that Hubbard County submitted a resolution requesting a two year extension of their county water plan on October 13, 2011. The Hubbard County Local Water Management Plan would expire on January 24, 2012. The Northern Water Planning Committee met on January 19th to review the Hubbard County extension request and recommends

** 12-07 approval of the plan extension. Motion by Paul Brutlag, seconded by Sandy Hooker, to approve the Hubbard County Water Management Plan two year extension. Motion passed on a voice vote.

City of Sauk Rapids Comprehensive Wetland Protection and Management Plan – Paul Brutlag reported that on July 27, 2009, the Sauk Rapids City Council moved to develop a Comprehensive Wetland Protection and Management Plan (CWPMP). The draft CWPMP was submitted to the BWSR, other state agencies and local governmental units on March 10, 2011. The agency comments were addressed in

writing on July 1, 2011. A public hearing was held on July 11, 2011. On October 6, 2011, a final draft plan, ordinance and all required documentation was submitted to the Board. On November 23, 2011, an extension was granted until February 29, 2012, to accommodate the Army Corps of Engineers public notification process. Based on the comments received, several changes were made to the plan and ordinance by the City of Sauk Rapids. On January 19, 2012, The Board's Northern Water Planning Committee met with City representatives and BWSR staff, and recommends approval of
** the ten year Comprehensive Wetland Protection and Management Plan. Motion by
12-08 Paul Brutlag, seconded by Quentin Fairbanks, to approve the City of Sauk Rapids Comprehensive Wetland Protection and Management Plan. Motion passed on a voice vote.

Sand Hill River Watershed District Water Management Plan – Keith Mykleseth reported that the Sand Hill River Watershed District is seeking approval of the District's revised Water Management Plan. The Plan identifies quantifiable desired future conditions related to flood damage reduction and natural resource enhancement for the four planning region of the District, establishes these planning regions as Water Management Districts, and identifies by planning region the actions needed to accomplish the District's goals. The Plan meets the requirements of 103D.405, follows the guidelines provided by the Board of Water and Soil Resources, and upholds the intent of the "Red River Basin Flood Damage Reduction Work Group Agreement of
** December 9, 1998". Motion by Keith Mykleseth, seconded by Gerald Van Amburg, to
12-09 adopt the Northern Water Planning Committee recommendation to approve the Sand Hill River Watershed District revised Water Management Plan. Motion passed on a voice vote.

Marshall County Amendment of Local Water Management Plan – Keith Mykleseth reported that by Board Order, the Board of Water and Soil Resources (Board) approved the Marshall County Comprehensive Local Water Management Plan (Plan) on December 20, 2006. This plan covers the ten-year period of 2007-2015 and contained a 2007-2011 five-year implementation section. The Board Order stipulated that the County was required to revise/update the implementation section for the period 2012-2015. Following the guidelines established by the Board, Marshall County has completed the local water management plan amendment process and submitted their 2012 Amendment, which is for a four-year period of 2012-2015. The Board's Northern Water Planning Committee (Committee) met on January19, 2012 to review the Marshall
** County Plan 2012 Amendment and recommends approval. Motion by Keith Mykleseth,
12-10 seconded by Paul Brutlag, to adopt the Northern Water Planning Committee recommendation to approve the Marshall County amendment of the Local Water Management Plan. Motion passed on a voice vote.

Red Lake Watershed District Territory Withdrawal – Gene Tiedemann reported that Beltrami County has submitted a petition "Withdrawal of Certain Territories within The Red Lake Watershed District" which petitions the withdrawal of approximately 2,200

acres in Beltrami and Itasca counties from the Red Lake Watershed District. Reasoning is that this territory actually drains into the Mississippi River Basin not the Red River of the North via the Red Lake River of the North which is in the jurisdictional boundary of the Red Lake Watershed District. Motion by Gene Tiedemann, seconded by Quentin Fairbanks, to approve the Northern Water Planning Committee recommendation of the withdrawal of territory from the Red Lake Watershed District. Motion passed on a voice vote.

** 12-11

Cormorant Lakes Watershed District (District) Watershed Management Plan – Quentin Fairbanks reported that the Cormorant Lakes Watershed District was established on August 22, 1966 by the Water Resources Board. The last plan was adopted in 1999 and this is a required ten year revision of the plan. The mission of the CLWD is to protect and enhance the quality of waters within its jurisdiction; to ensure that appropriate decisions are made concerning the management of streams, wetlands, lakes, groundwater, and related land resources which impact these waters; and to accomplish the purposes for which a watershed district is established. The Plan identifies eight major goals that relate to: Maintain or Improve Surface Water Quality, Groundwater Resources, Erosion and Sedimentation, Prevention and Management of Aquatic Invasive Species, Damage from High Water, Maintain Channels and Water Flow, Habitat Improvement and Education. Motion by Quentin Fairbanks, seconded by Louise Smallidge, to adopt the Northern Water Planning Committee recommendation to approve the Cormorant Lakes Watershed District Watershed Management Plan revision. Motion passed on a voice vote.

** 12-12

Buffalo Red River Watershed District Enlargement and Increase in Number of District Managers Order for Hearing – Gene Tiedemann reported that on January 4, 2012, BWSR received a joint petition from the Buffalo Red River Watershed District (BRRWD), Otter Tail County and Wilkin County to enlarge the Buffalo Red River Watershed District and increase the number of watershed district managers by two. This is the same area Wilkin County petitioned to establish the Upper Red Lower Otter Tail Watershed District. At the September 7, 2011 establishment hearing Otter Tail County suggested enlarging the BRRWD as an alternative to establishing a new watershed district. Wilkin County agreed to have their establishment petition held in abeyance to allow time for Wilkin and Otter Tail Counties and the BRRWD to further explore Otter Tail County's suggestion. Motion by Keith Mykleseth, seconded by Gene Tiedemann, to proceed with a hearing for the enlargement and increased number of district managers for the Buffalo Red River Watershed District. Motion passed on a voice vote.

** 12-13

Public Relations, Outreach & Strategic Planning (PROSP) Committee

2012 PRAP Report to the Legislature – Keith Mykleseth and Don Buckhout reported that the annual PRAP Report to the Legislature is required by statute as a summary of local government performance in water management. The report is prepared to monitor the local delivery system. Each year at the January meeting the Board is given the

opportunity to approve this report before it is sent to the legislature by the February 1 deadline. This year the PROSP Committee has primary responsibility for the report and met on the evening before the board meeting to act on a recommendation to the full board regarding this report and resolution. Per the Committee's request a new
** summary was provided. Motion by LuAnn Tolliver, seconded by Sandy Hooker, to
12-14 approve the PROSP Committee recommendation of the 2012 PRAP Report to the Legislature. Motion passed on a voice vote.

BWSR 2012 Strategic Plan Recommendation – Keith Mykleseth and Don Buckhout reported that the Public Relations, Outreach and Strategic Planning Committee of the Board has been working on updating the BWSR 2007 Strategic Plan for two years. This 2012 Update of the Plan is the culmination of that work. Preliminary steps to this Board action have been the identification of additional strategies for inclusion in the plan, revision of the plan's executive summary and the review of that document by other state agencies and key stakeholder groups, and review by the board of a status report of
** accomplishments for each of the strategies in the 2007 Plan. Motion by Keith
12-15 Mykleseth, seconded by Louise Smallidge, to approved the PROSP Committee recommendation of the BWSR 2012 Strategic Plan update. Motion passed on a voice vote.

RIM Reserve Management Planning Committee

RIM-WRP Partnership: Bond Fund Allocations – Kevin Lines reported that the RIM Reserve Management Planning Committee met on January 13, 2012, to review and recommend bond fund allocations to implement the RIM-WRP Partnership in
** Minnesota. Motion by Paul Brutlag, seconded by Tom Landwehr, to approve the RIM
12-16 Reserve Management Planning Committee recommendation of the remaining 2011 bond fund allocations. Motion passed on a voice vote.

NEW BUSINESS

Clean Water Funds (CWF) Measures - Marcey Westrick, BWSR; Suzanne Hanson, MPCA; and Andy Holdsworth, DNR; presented on the effectiveness of Clean Water Funds. Minnesotans want to know if our water is getting cleaner and how Clean Water Funds are being spent. These questions and many others are being addressed by a multi-agency team whose goal is to develop a clean water tracking framework that will help clarify the connections between funds invested, actions taken, and clean water outcomes achieved. The heart of the Framework is a suite of 36 quantifiable performance measures that tell a cohesive, meaningful story about Minnesota's water bodies, watershed and groundwater health and the actions of agencies and partners working to restore and protect Minnesota's waters. This presentation described the Framework and the related "Clean Water Performance Report," to be released in February 2012.

Evaluation of Water Related Programs – John Linc Stine, MPCA, presentation was postponed until the March board meeting.

AGENCY REPORTS

Minnesota Department of Agriculture – Rob Sip reported that the 6th annual nutrition and management conference is coming up.

Minnesota Department of Health – Chris Elvrum had no items to report. Chris has been named the MDH representative to the BWSR Board by Commissioner Ehlinger.

Minnesota Department of Natural Resources – Chair Napstad reported that the gray wolf will be coming off of the endangered species list on Friday. Information should be on the DNR website.

ADVISORY COMMENTS

Minnesota Association of Townships – Sandy Hooker gave a short status report on township legislative items.

UPCOMING MEETINGS – Chair Napstad stated that the next BWSR Board Meeting is March 28, 2012.

** 12-17 Moved by LuAnn Tolliver, seconded by Paul Brutlag and Louise Smallidge, to adjourn the meeting at 12:31 pm. Motion passed on a voice vote.

Respectfully submitted,

Kari Keating
Recorder

DRAFT

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution Committee Report

Meeting Date: March 28, 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: 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
March 9, 2012
By: Travis Germundson

There are presently **14** appeals pending. All of the appeals involve WCA except File 10-10. There has been **1** new appeal filed since the last report dated January 25, 2012.

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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 12-03 (2-21-12) This is an appeal of a no-loss determination in Hennepin County. The site is within the boundaries of the Mississippi National River and Recreation Area. The appeal regards the approval of a no-loss application contenting that the applicant provided no proof to show qualification. The project proposes to restore the site to an open space/park condition. *The appeal has been remanded for the TEP to produce a written report and administrative proceedings.*

File 12-02 (1-18-12) This is an appeal of a restoration order in Aitkin County. The appeal regards the excavation and filling of approximately 30,200 sq. ft. of a Type 7 wetland association with the construction of private road/trail. *The appeal has been placed in abeyance and the restoration order stayed for proper service of the restoration order and for submittal of additional information in support of the appeal.*

~~File 12-01 (1-5-12) This is an appeal of a restoration order in Rice County. The appeal regards the installation 2000 linear feet of drain tile through a Type 2 wetland for agricultural purposes. No decision has been made on the appeal.~~ *The appeal has been denied.*

~~File 11-10 (12-19-11) This is an appeal of a restoration order in Redwood County. The appeal regards the filling, draining, and excavation of a Type 2 wetland associated with the development of a residential property. No decision has been made on the appeal~~. The appeal was denied in part and the restoration affirmed in part and modified to reduce the wetland replacement ration from 4:1 to 2:1.

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

File 10-10 (6-10-10) This is an appeal filed under Minn. Stat. 103D.535 regarding an order of the managers of the Wild Rice Watershed District not to go forward with the Upper Becker Dam Enhancement Project as proposed. Appeals filed under 103D.535 require that the Board follow the Administrative Procedures Act. The Act requires that the hearing be conducted by an Administrative Laws Judge through the Office of Administrative Hearings. The appeal has been placed in abeyance pending settlement discussions. A verbal settlement agreement has been reached by the parties. (at the December 2010 Board meeting, Managers voted 6 to 1 to move forward with Option D)

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

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

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

File 09-13 (8-20-09) This is an appeal of an exemption decision in Otter Tail County. The appeal regard the denial of an exemption request for agricultural/drainage actives. A previous denial of the same exemption decision had been appealed (File 09-6). The appeal was remanded for further technical evaluation and a hearing, and now the current denial has been appealed. The appeal has been granted. A pre hearing conference convened on November 12, 2009. At which time parties agreed to hold off scheduling written briefs until the petition before NRCS is concluded. The appeal has been placed in abeyance by mutual agreement until there is a final decision by the Department of Agriculture National Appeals Division.

File 09-10 (7-9-09) This is an appeal of a banking plan application in Aitkin County. The appeal regards the LGU's denial of a banking plan application to restore 427.5 acres of wetlands through the use of exceptional natural resource value. The appeal has been accepted and pre-hearing conferences convened on October 13 and 30, and December 14, 2009. Settlement discussions are on hold while the appellant addresses permitting issues with the Corps of Engineers. The appeal has been placed in abeyance by mutual agreement on determining the viability of a new wetland banking plan application.

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

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

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

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

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

Summary Table

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

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Begin Rulemaking for Metropolitan Area Local Water Management Rule Revision – Jim Haertel – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Begin Rulemaking for Metropolitan Area Local Water Management Rule Revision**

Meeting Date: March 28, 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
☐ Other: _____

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

ACTION REQUESTED

Approval to Begin Rulemaking for Revising the Metropolitan Area Local Water Management Rules, Chapter 8410

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Metropolitan Area Local Water Management Rule Revision, Minnesota Rules Chapter 8410, is at a point where the formal rulemaking process can begin. The current rule dates to 1992. Obviously many changes have occurred in watershed management over the last 20 years that necessitate a rule revision. An advisory committee convened several times over many years and developed a draft revised rule.

The goal of the rule revision is to build on BWSR's experience implementing the Metropolitan Water Management program by moving away from an overly prescriptive, one-size-fits-all approach to a more result-oriented framework. In essence, future watershed management plans would consist of periodically updated inventories and goals, and frequently updated implementation and capital improvement plan sections.

Please see the attached March 1st document "Metropolitan Area Local Water Management Rule Revision" that describes the history of the rule revision including the Rule Advisory Committee and the guiding principles for the rule revision. Also attached are a list of the advisory committee members, a schedule for the rule to be promulgated and a summary of changes from the current rule to the draft revised rule. The draft revised rule is available on the BWSR website under "Resource Management and Planning".

After the Board approves the rulemaking to begin, the next step would be to publish and mail the Request for Comments. In August, or later, the draft revised rule and SONAR would come before the Board for action. At this point the only item before the Board is to begin the formal rulemaking process.

The Metro Water Planning Committee met on March 8, 2012. After review of the information, the Committee unanimously voted to recommend beginning the rulemaking process for Chapter 8410 per the attached draft Resolution.

Minnesota Board of Water and Soil Resources Resolution No. 12-____

Authorization for Rulemaking in the Proposed Revision of Metropolitan Area Local Water Management Rules, Minnesota Rules, Chapter 8410

WHEREAS, the Board of Water and Soil Resources (Board) is authorized under Minn. Stat. §§ 103B.201 through 103B.255 to establish rules to govern implementation of the Metropolitan Surface Water Management Program; and,

WHEREAS, the Board adopted rules on May 27, 1992 in Minnesota Rules Chapter 8410 to address the Metropolitan Surface Water Management Program; and,

WHEREAS, there have been many changes in surface water management since 1992 that necessitate a rule revision, including development of new Best Management Practices (BMPs), storm water treatment systems, targeting systems using GIS and LIDAR, more data, Clean Water Funding, identification of impaired waters and preparation of plans to address impaired waters; and,

WHEREAS, Board staff have worked with a rule advisory committee to develop a draft revised rule; and,

WHEREAS, the Board's Metropolitan Water Planning Committee reviewed the need to revise Minnesota Rules Chapter 8410, acknowledged the need for revised rules, and unanimously recommended the Board authorize the initiation of rulemaking.

NOW THEREFORE BE IT RESOLVED, that the Board adopts the recommendation of the Metropolitan Water Planning Committee to authorize the initiation of the rulemaking process for the revision of Minnesota Rules Chapter 8410.

Dated at St. Paul, Minnesota this 28th day of March, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Brian Napstad, Chair

Metropolitan Area Local Water Management Rule Revision, March 15, 2012

The goal of the Metropolitan Area Local Water Management Rule revision, Minnesota Rules Chapter 8410 (Rules) is to build on BWSR's experience implementing the Metropolitan Water Management program by moving away from an overly prescriptive, one-size-fits-all approach to a more result-oriented framework. In essence, future watershed plans would consist of periodically updated inventories and goals, and frequently updated implementation and capital improvement plan sections.

In a nine month period from Fall 2001 to Summer 2002, the Metro Water Planning Rules Advisory Committee (Committee) met five times to complete a rough draft of the revised Rules. This process was temporarily delayed when BWSR intended to propose legislation to amend Minnesota Statutes §§ 103B.201 - 103B.255. The relevant statutes have not been amended.

The Committee defined their recommended changes in four categories: 1) Plan Content, 2) Plan Development Process, 3) Intergovernmental Coordination, and 4) Organizational Capacity. In their last meeting in June, 2002, the Committee agreed on the majority of specific rule changes needed to assemble a complete initial draft Rules document in accordance with the list below. The Committee identified a few issues that remain, however the remaining issues cannot be addressed in the Rules revision without statutory changes. The following is a brief summary, by category, of the Committee's recommended changes and any remaining unresolved issues:

1) Plan Content – "Efficient Implementation"

- Focusing plans on priority issues.
- Accountable administration and targeted capital improvement programs.
- Incorporating new data, analysis and inventories.
- Frequently updated implementation and capital improvement plans.
- Mechanisms for addressing impaired waters.

2) Plan Development Process – "Engagement and Involvement to Prioritize"

- Tailoring programs to meet multiple objectives.
- Early announcement of "priority issues" through intensive citizen and agency involvement.
- Better annual reporting to evaluate if implementation achieves local goals.
- More attractive amendment and review procedures.

B. Remaining Issues:

- Streamlining and shortening the plan review process (statute changed)

3) Intergovernmental Coordination – "Connection with Local Land use and State Regulations"

A. Rule Change Recommendations:

- Better link between local comprehensive land use plans and metro water management plans.
- Procedures if local preferences conflict with state standards.

B. Remaining Issues:

- Improving groundwater /surface water interactions (statute change would be necessary).

4) Organizational Capacity – "Accountability for a Consistent Level of Implementation Metro-Wide"

A. Rule Change Recommendations:

- Increase self-evaluation through development of report card.
- Develop guidelines for determination of non-implementation.
- Allow for alternative reporting methods such as "eLINK".

B. Remaining Issues:

- No Issues Identified

A New Committee, consisting of many of the previous Committee members, met four times from February to June, 2009. The draft rule revision was extensively modified based on the New Committee's recommendations. The New Committee reconvened from January to June, 2011 to finish work on the draft rule revision. Some statute revisions are being proposed in the 2012 legislative session. It is anticipated the formal rulemaking process will begin in May.

Questions or comments should be directed to Jim Haertel at jim.haertel@state.mn.us or 651-297-2906.

Minnesota Rules Chapter 8410
Metropolitan Area Local Water Management
Rule Amendment Schedule

Board of Water and Soil Resources
March 5, 2012

March 8, 2012	Board Metro Water Planning Committee reviews workplan and recommends proceeding with Rulemaking
March 28, 2012	Board authorizes proceeding with Rulemaking
April 2, 2012	Submit preliminary proposal form to Governor's office
April 5, 2012	Submit Additional Notice Plan to OAH
April 16, 2012	Receive administrative rule tracking number from Governor's office
April 29, 2012	Post draft Rule clean version, strikeout/underline version, and SONAR on BWSR website Send draft rule to Revisor's Office
April 30, 2012	Publish Request for Comments in the State Register Mail Request for Comments to BWSR's Rulemaking Mailing List, other affected parties, select legislators and legislative committees per Additional Notice Plan approved by OAH
June 15, 2012	Comment period closes
July 23, 2012	Metro Water Planning Committee reviews draft revised Rule, SONAR, and the additional notice plan Submit draft Rule to Revisor's Office for certification of form of Rule Send letter to MN Management and Budget to evaluate fiscal impact and benefit of proposed Rules on local governments [if it is determined that the proposed rule affects farming operations then the proposed rule and SONAR must be provided to MDA at least 30 days before publishing in the State Register]

August 23, 2012	BWSR Board approves final draft Rule and SONAR and delegates signature authority to Executive Director Submit Board-approved draft Rule, SONAR and Form to Governor's office for approval
October 1, 2012	After approval by Governor's office, Executive Director signs Notice of Intent to Adopt Rules [with/without/dual] a public hearing Post proposed Rule, strikeout/underline version and SONAR on BWSR website
October 22, 2012	Publish Notice of Intent to Adopt Rule in State Register Mail Notice to same list as Request for Comments plus any additional that commented Send a copy of the SONAR to the Legislative Reference Library
December 25, 2012	If no hearing requested, submit Final Review Form to Governor's office
January 8, 2012	Metro Water Planning Committee reviews final Rule
January 23, 2013	BWSR Board adopts Final Rule, Board chair signs Resolution and Order Adopting Rule Request official copy of Rule as adopted from Revisor's Office
February 2013	Submittal to OAH
March 2013	Revised Rule published in the State Register

Summary of Changes - Draft Minn. Rules Chapter 8410

3/1/12

Highlights of the currently proposed revisions to the rule are provided below, organized by part within the proposed revised rule. Many of the revisions are a reorganization of content and subsequent rewording of text with a goal towards a more clear and concise rule. In general, the proposed revisions are already being met by the higher performing organizations.

METROPOLITAN AREA LOCAL WATER MANAGEMENT

Scope

- Significantly new to the scope is that watershed plans can also be considered TMDL Implementation Plans if stated as an objective in a plan and reviewed and approved accordingly
- Revised rule would be applicable to plans and amendments one year after promulgation of the revised rule

Definitions

- Definitions no longer applicable due to changes in the rule removed, and a few new definitions added

Joint Powers Agreements

- Essentially unchanged except to allow map based on parcels rather than legal description.
- JPAs compliant with existing rule will not need to be amended to be compliant with new rule

Removal of Organization Representatives

- Essentially unchanged except removed BWSR from appeal process regarding decisions of appointing authorities

WATERSHED MANAGEMENT ORGANIZATION PLANS

Issue Identification and Assessment

- Combined multiple areas of the former rule
- Emphasizes the identification and assessment of issues up front prior to development of a plan in order to streamline the planning process. Includes advisory committee, resource assessments from plan review agencies, and review of local issues and controls.
- Requires an initial plan "kickoff" meeting
- Focuses an organization on developing a plan based on priority issues in consideration of water management problems and prevention, funding, and the regional/county/state/federal priorities identified

Executive Summary

- Reorganized but essentially unchanged

Land and Water Resources

- Reorganized and abridged data requirements
- Increased flexibility by allowing references to resource data rather than including the actual data – recognizes increased availability of data on the web and reduces volume of a plan

Establishment of Goals

- Goals required for priority issues identified as well as water quantity, water quality, public drainage systems, groundwater and wetlands
- Requires goals to be measurable, and establishment of procedures for evaluating progress towards goals at a minimum of every two years

Implementation Actions

- Requires establishment of procedures for evaluating progress towards implementation at a minimum of every two years
- Broad implementation program categories are essentially the same; however, the details within have changed to be more concise and incorporate reorganized parts of the existing rule
- Requires implementation programs within this part be included in the plan unless justification is provided for not including a particular program

Amendments

- Requires plan amendment if evaluation of progress on the implementation actions warrants
- Defines changes not requiring amendments
- Broadens minor amendment requirements so general amendments are needed less frequently

Annual Reporting and Evaluation Requirements

- Ties annual report to the calendar year and audit to the organization's fiscal year. Also gives additional time for the audit to be completed (6 months instead of 4 months)
- Increased emphasis on evaluation of progress towards goals and implementation
- Requires reporting on trends of water monitoring data rather than the data
- Requires a website with meeting agendas, minutes, contact information, activity report, etc. Majority of organizations already have websites though some may need to post additional information.

Determinations of Failure to Implement

- Clarifies considerations in determining failure to implement and includes failure to submit annual reports or audits to be considered just cause to begin failure to implement process

LOCAL PLANS

Plan Structure

- Requires local plans to be included in local comprehensive plans
- Removes requirement to outline the purposes of the water management programs contained in Minn. Statutes
- Removes requirement for analysis of financial impact to implement local plan

Metropolitan Watershed Management Rules Advisory Committee
Minn. Rules Chapter 8410
June 29, 2011

The Committee met four times from February to June, 2009. A draft revised rule was developed based on Committee recommendations. The Committee reconvened to review the draft from January to June, 2011. The draft rule revision will be reviewed with several stakeholder groups before the formal rulemaking process is started. Minutes of the meetings, background information, and documents are posted on the BWSR website under "Resource Management and Planning". The Committee members are as follows:

Karen Chandler, Barr Engineering
Eric Evenson, Minnehaha Creek Watershed District
Dale Homuth, MN Department of Natural Resources
Anna Kerr, MN Pollution Control Agency
Barb Peichel, MN Pollution Control Agency
Charles LeFevere, Kennedy & Graven
Matt Moore, South Washington Watershed District
Paul Nelson, Scott County
Randy Neprash, League of Minnesota Cities Stormwater Coalition
Art Persons, MN Department of Health
Judy Sventek, Metropolitan Council
Brian Watson, Dakota Soil and Water Conservation District

Jim Haertel, MN Board of Water and Soil Resources

Questions or comments should be directed to Jim Haertel at jim.haertel@state.mn.us or 651-297-2906.

COMMITTEE RECOMMENDATIONS

Public Relations, Outreach & Strategic Planning Committee

1. PRAP and Training Assistance Grants to LGUs – Don Buckhout – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: PRAP and Training Assistance Grants to LGUs

Meeting Date: March 28, 2012

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region:
Contact: DON BUCKHOUT
Prepared by: DON BUCKHOUT
Reviewed by: PUBLIC RELATIONS & ADMINISTRATIVE ADV. 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
☐ Other:

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

ACTION REQUESTED

Approve resolution

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The 2012 Strategic Plan Update and Performance Review and Assistance Program (PRAP) authorizing legislation contain mandates to enhance the performance of BWSR's local government delivery system. At times the remedy to an identified performance problem requires specialized assistance beyond that provided by BWSR's board conservationists. The services of a skilled mediator, advisor or trainer may be needed, which often come at a price that causes a struggling LGU to either ignore the problem or to seek a less costly, and usually less effective, option. Through this funding source BWSR will provide funds via grant or contract to help LGUs address their performance issues. The maximum available funds per year is $50,000, capped at $10,000 per LGU. Based on past experience, most of these amounts will be much less than the cap. This grant or contract will be based on a staff analysis of the LGU's needs and, in most cases, will be awarded on a cost-share basis, with the percent of LGU share determined by BWSR staff. Because of the need for rapid response to developing problems, the authority to award assistance funds will be delegated to the BWSR Executive Director.

Board Resolution # _____

Minnesota Board of Water and Soil Resources
Board Authorization for PRAP and Training Assistance Grants to LGUs

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WHEREAS the Board of Water and Soil Resources (BWSR) has a mandate under Minnesota Statutes Chap 103B.102 to regularly review the performance of local government water management entities in the state and provide assistance for "underperforming entities," and

WHEREAS BWSR routinely monitors the performance of Minnesota's local government water and land management entities, has conducted detailed performance reviews of more than 30 of those entities, and during the course of those reviews has identified the need for specialized assistance to improve their operational performance, and

WHEREAS BWSR receives requests for specialized assistance that may not be available from BWSR staff to address particularly difficult operational or performance problems, and

WHEREAS the legislature has specifically authorized use of cost share rollover funds for local government assistance, such as mediation, training, or consultation, to address these specialized assistance needs.

NOW THEREFORE BE IT RESOLVED THAT the BWSR Board authorizes the Executive Director to expend up to $10,000 per grant or contract for specialized assistance to local government water management entities to address operational or service delivery problems identified through PRAP activities, and

BE IT FURTHER RESOLVED THAT the BWSR Board requires that all such funds awarded be cost shared by the grantee at a percentage dependent on the size of the grant and determined by the Executive Director, and

BE IT FURTHER RESOLVED THAT the aggregate amount of expenditures for the PRAP program and awards are consistent with any appropriation conditions set by the legislature.

_____ **Date:** _____

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Belle Creek Watershed District (BCWD) Watershed Management Plan – Paul Langseth – ***DECISION ITEM***

2. Bear Valley Watershed District (BVWD) Watershed Management Plan – Paul Langseth – ***DECISION ITEM***

3. Heron Lake Watershed District (HLWD) Watershed Management Plan – Jeff Nielsen – ***DECISION ITEM***

4. Stockton-Rollingstone-Minnesota City Watershed District (SRMCWD) Watershed Management Plan – Paul Langseth – ***DECISION ITEM***

5. Winona County Soil and Water Conservation District (SWCD) Nomination Districts Resolution – Paul Langseth – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Belle Creek WD Watershed Management Plan**

Meeting Date: March 28, 2012

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Southern

Contact: Jeff Nielsen

Prepared by: Jeff Nielsen

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

Board approval decision on update of 2011-2021 Belle Creek Watershed District Watershed Management Plan.

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

The Belle Creek Watershed District (District) 2011-2021 Watershed Management Plan (Plan) is a clear, concise update of the District's December 1991 Plan. The revised Plan maintains the District's commitment of building on past successes and identifies best management practices and related implementation activities to address future concerns. The revision is in conformance with the requirements of Minnesota Statute 103D and guidance developed by BWSR. On February 9, 2012, the BWSR Southern Water Planning Committee (Committee) met with representatives of the District to discuss the draft Plan. After discussion, the Committee voted to recommend approval of the Belle Creek Watershed District 2011-2021 Watershed Management Plan to the full Board.

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

In the Matter of Prescribing a Proposed Watershed Management Plan for the Belle Creek Watershed District pursuant to Minnesota Statutes 103D.405

ORDER PRESCRIBING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Belle Creek Watershed District (BCWD) filed a Draft Watershed Management Plan (Plan) dated September 13, 2011, with the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. 103D.401, and;

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

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

FINDINGS OF FACT

1. **District Establishment.** The Minnesota Water Resources Board, by order, established the BCWD on November 14, 1968.

2. **Requirement to Plan.** A watershed district is required to adopt a plan as a basis for watershed district regulations and funding authority pursuant to Minnesota Statutes 103D.401, Subd. 1(a). The Plan includes a background of the watershed, including the physical setting and overall objectives and purpose of the district, assessment of agency relationships, accomplishments, issues, goals, objectives and actions, implementation program and references, tables and figures. The major issues addressed by the Plan are flooding and water quality in the watershed.

3. **Nature of the Watershed.** The BCWD covers 82 square miles or 52,790 acres entirely within Goodhue County. Predominant land use includes cultivated crops, making up approximately 65% the of the watershed's total land area, with the remainder a mix of pasture, forest and open lands. The watershed varies in elevation from 1,250 to 700 feet above sea level. Steep gradients resulting in rapid storm water runoff concentrations resulting in flash floods and serious soil erosion from unprotected land or uncontrolled runoff.

4. **Local Review.** The BCWD sent a copy of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103D.401.

5. **Department of Natural Resources Review.** In September 2011 the DNR commented positively on the document. Specific comments related to the difficulty in implementing establishing perennial vegetation cover under the current economics of agriculture.

6. **Board of Water and Soil Resources.** Written comments were provided by BWSR staff recommending approval of the Plan. Staff has provided information and assistance as needed throughout the planning process through meeting attendance and informal discussion. Staff has reviewed agency and local government comments. BCWD responses were not provided due to the supportive comments and a lack of suggested changes or negative comments.

7. **Publish Notice of Filing.** Legal Notice of Filing was published in the Red Wing Republic Eagle on January 11 and 18, 2012. The Legal Notice of Filing was also mailed in a letter from Board staff Travis Germundson dated January 9, 2012, to several addressees, including the Goodhue County Auditor and County Administrator and the Goodhue County Soil and Water Conservation District. There are no organized municipalities in the BCWD.

8. **Public Hearing.** The Legal Notice of Filing was published pursuant to Minnesota Statutes Section 103D.105, Subd. 2 and 103D.401, Subd. 4 which require within 30 days of the last date of publication of the Notice of Filing of the Plan that at least one request for hearing be received by the Board before a hearing will be held. No request for a hearing and one comment letter was received during the specified period of time and no hearing was held.

9. **Southern Water Planning Committee Meeting.** On February 9, 2012, the BWSR Southern Water Planning Committee (Committee) met with representatives of BCWD to discuss the draft Plan. After discussion, the Committee voted to recommend approval of the Belle Creek Watershed District 2011-2021 Watershed Management Plan to the full Board.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the Belle Creek Watershed District pursuant to Minnesota Statutes 103D.401.

3. The Belle Creek Watershed District Watershed Management Plan attached to this Order defines water-related problems within the BCWD boundaries, possible solutions thereto, and an implementation program.

4. The attached Plan is in conformance with the requirements of Minnesota Statutes 103D, BWSR guidelines for Watershed District Plan content, and is consistent with the affected county comprehensive water plan.

ORDER

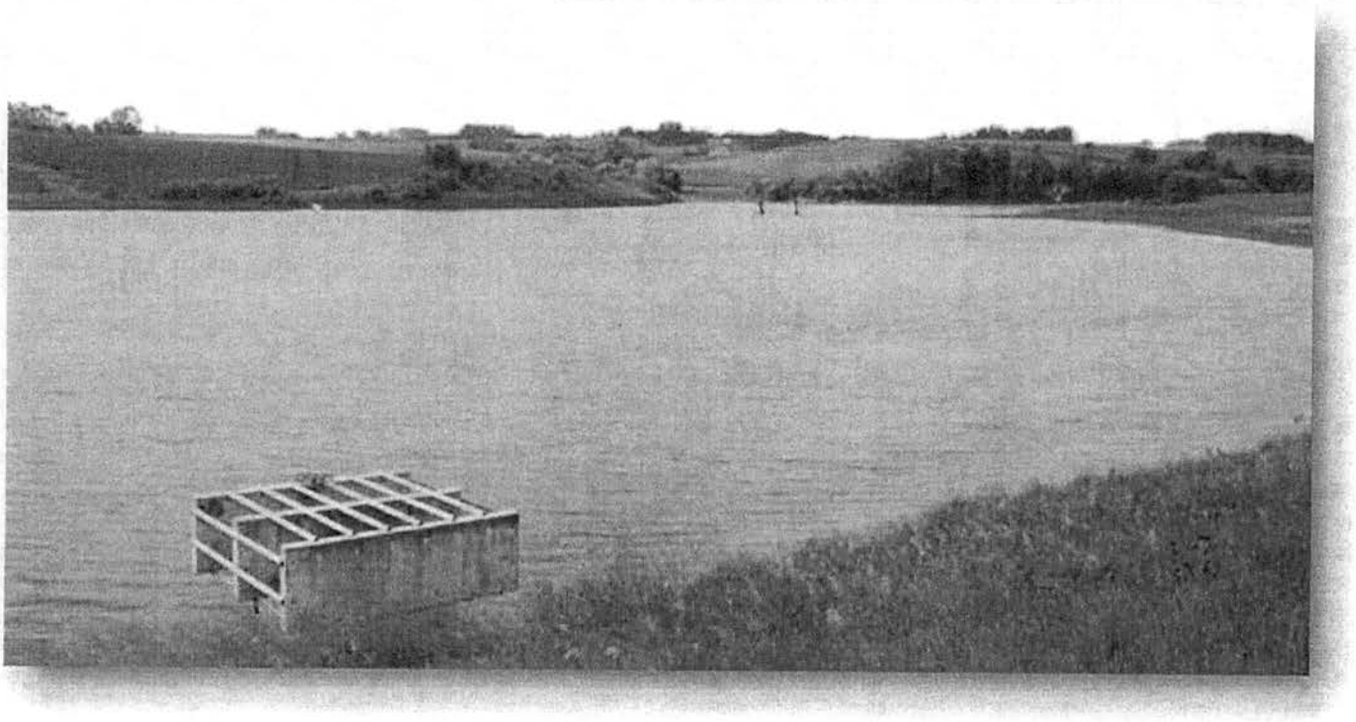
The Board hereby prescribes the attached Plan as the Management Plan for the Belle Creek Watershed District.

Dated at St. Paul, Minnesota this 28th day of March 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Brian Napstad, Chair



Belle Creek Watershed District

Belle Creek Township, Goodhue County, MN

2011 Watershed Management Plan Revision

September 2011

Prepared by:

Goodhue County Soil and Water Conservation District

104 E 3rd Ave

PO Box 335

Goodhue MN 55027

651-923-5286

State of Minnesota Watershed Locator Map



This 2011Belle Creek Watershed District Plan Revision will examine past district management activities as well as layout the goals and objectives for the watershed over the next 10 years. Due to the fact that land use, priority concerns, goals and objectives have not significantly changed since the Districts' conception, it is the intent of this plan revision to be brief and pointed. The key issues within the watershed will be expanded upon in the Ongoing Issues and Concerns section of this plan. After discussion with the BCWD Board and BCWD Citizen Advisory Committee, it is evident that future land use changes, water quality/quantity concerns and resource management programs are expected to remain fairly constant for the 10 year. However, it is the goal of this plan to satisfy the framework

requirements of Minnesota State Statute Chapter 103D which encompasses all land within the Belle Creek Watershed boundary. The **"BCWD 5 Year Activities Approach"** document, located in the appendix of this plan, lays out how the District plans to implement this plan revision. This document aids in clarifying the yearly operations of the District and funding that may be associated with the levy and proposed projects.

Watershed Background and Overall Plan

The Belle Creek Watershed District is 52,790 acres in size and covers portions of Cannon Falls, Vasa, Belle Creek, Minneola, Leon, Wanamingo, and Featherstone townships. From the upper portions of the Watershed near Hader the Belle Creek flows north to the confluence with the Cannon River just east of Welch Village. The watershed is approximately 15 miles long and averages about 5 miles wide. From the upper portions of the watershed to the mouth at the Cannon River there is an elevation change of 550'. This watershed has gentling rolling hills in the upland portions to extremely steep forested bluffs near around Vasa and north.

Overall Plan

In the spring and fall of 1961 numerous damaging flood events took place in the Belle Creek Watershed. The Goodhue County SWCD, County Board, and local citizens took it upon themselves to investigate possible solutions to these devastating floods. The Watershed Protection and Flood Prevention Act (PL-566) was authorized in 1954 by the federal government to help protect and improve water resources and land management in watersheds below 250,000 acres in size. In 1963 the Goodhue County SWCD and the County Board of Commissioners filed a joint application for these PL-566 funds. The Belle Creek Watershed District (BCWD) was formed in1968 following federal guidance stating that a local government unit is preferred to assist with the project. The BCWD was formed to see construction of the flood prevention structures through and be able to conduct maintenance on them in the future. In 1970 the appointed BCWD members adopted an Overall Plan which focused on the issues of flooding and water resources. The mission statement of the BCWD is "*to maintain the productivity of the soil by conservancy and restoring soil fertility through the practical application of erosion control and land use practices so as to promote the general welfare and security of the families within the district.*" The original objectives of the watershed were:

1. Reduction of Floodwater Damage
2. Reduction of Sediment Damage

3. Reduction of Gully Erosion
4. Reduction of Streambank Erosion
5. Change in Land Use of Bottomland
6. Improvement of Habitat for Fish and Wildlife
7. Reforestation and Forest Management
8. Possibility of Recreational Development
9. Provide Clean Water

These overall objectives remain in place today however the main focus of the BCWD is to protect the infrastructure in place while continuing to improve the water quality and quantity within the Belle Creek Watershed District. Over the past 40+ years, 2 plan revisions have taken place. As per state statute M.S. Chapter 103D, a plan revision was last completed in 1991 by consultant Erling Weiberg

Land use

Land use within the watershed is predominately row crop agricultural making up approximately 65% of the land surface. The majority of row crop agriculture is located in the southern townships of the watershed where the slopes are moderate. Please see "Belle Creek Land Use Map" in the appendix. The soil types in the upper portion of the watershed are wind-blown in nature and consist mainly of a silt-loam matrix. Soil types near the mouth of the Belle Creek become more alluvial within the floodplain areas, loess soils on ridge tops and rock out-croppings. These soil types are conducive to producing moderate to above average yields for corn and soy bean crops. See "Belle Creek Soils Map" in the appendix for further information.

Crop trends within the Belle Creek Watershed generally mimic the trends that are seen across Goodhue County. Hay, corn and small grains made up majority of the landscape prior to the 1950's and 1960's. Major advances in planting, tillage and harvesting equipment, the loss of small scale dairy farms and high corn/soybean commodity prices, paved the way for what we see today in the watershed. We see a corn and soybean dominated landscape that has minimal hay in rotation and moderate tillage conservation practices.

Other plans within Belle Creek Watershed

Goodhue County Water Plan lists the Belle Creek Watershed District as a partner in continued conservation practice implementation within the Belle Creek Watershed. The Goodhue County Water Plan identifies water resources concerns across the county. Many of the concerns that are listed apply to the BCWD. Below is a list of resource concerns that the citizens of Goodhue County as well as the Water Plan Advisory Committee selected as priorities for protection and restoration. The concerns were split between Urban and Agricultural settings.

Urban/Residential Water Quality Management	Rural/Agricultural Water Quality Management
-Erosion and Sediment control	-Erosion and Sediment Control
-Septic System Compliance	-Feedlot Water Quality Improvement
-Impaired Waters	-Nutrient Management
-TMDL involvement on listed waters w/in cities	-Impaired Waters
-Groundwater Protection	-TMDL involvement as non-point source

It is the goal of the County Water Plan and Water Plan Coordinator to implement projects/programs which help restore and protect the above listed concerns.

TMDL (Total Maximum Daily Load) The Belle Creek is currently listed under Section 303(d) Clean Water Act list of impaired waters for E.coli and Turbidity impairments. This means that often enough the level of sediment and bacteria in the water are so high that it limits the recreational use of the stream as well as the aquatic life within the Belle Creek. A TMDL Implementation Plan for the Lower Cannon River Watershed was completed in 2009 for the turbidity impairment. As per the Cannon River Watershed Summary of the Lower Lobe: "*The water quality goal is Total Suspended Solids (TSS) values of 44 mg/L or less. The reduction scenarios in the TMDL are based on a load duration curve from low flow to high flow. The most dramatic reductions are required during high flow conditions: 82% at the confluence reach and 49% at the Pine to Belle reach. Mid range flows require a 39% reduction at the confluence reach and an 8% reduction at the Pine to Belle reach. Under low flow conditions no reductions are needed.*"

The Cannon River Watershed Partnership is currently undertaking a **Cannon River Water Management Strategy.** This document is a compilation of other local and state plans, public input as well as other pertinent information regarding the overall health of the Cannon River

Watershed. The Belle Creek Watershed falls under the "Lower Cannon River Lobe Management and Monitoring" heading. http://www.crwp.net/cannon-river-strategy/

Within this document, information on past monitoring locations and water quality results has been complied. Short term goals were also set for this portion of the watershed. Here is a list of said goals;

1. Riparian Channel Assessment and Inventory to identify sediment source spots.
2. Use GIS and ground truthing to identify gullies and ravines.
3. Use GIS, SWAT modeling, and ground truthing to identify locations for rate and volume control BMPs.
4. Form groups of landowners, called Watershed Councils, 1-3.
5. Develop list and begin to carry out stream stabilization projects.

For further information on water quality data within the BCWD, visit the Environmental Database Access site on the MPCA home page at:
(http://www.pca.state.mn.us/data/eda/index.cfm)

Relationship between BCWD and SWCD

The Goodhue County SWCD will assist the Belle Creek Watershed District with the BCWD plan development and administration procedures when necessary. The intent of this relationship is to utilize the Goodhue SWCD staff's knowledge in assistance with: grant writing, implementing BCWD Plan, generating reports, as well as executing conservation projects throughout the watershed. These services will be provided on a fee for service basis as agreed upon by the BCWD Board and Goodhue SWCD Board via a Memorandum of Understanding every 3 years.

Relationship between BCWD and Goodhue County

The Goodhue County Board of Commissioners appoints the BCWD Board members. Currently Richard Samuelson (or his District 2 successor) selects 3 board members to manage BCWD duties and coordinate receiving and spending of the local levy. BCWD local levy is typically around $9,000.00 from the tax payers within the watershed. Below is a summary breakdown of the past 5 years of income and expenditures.

	Deposits		Expenditures	
Year	County Levy	State Aid	Insurance	Other Bills
2010	$9,459	$1,135	$7,621	$5,703
2009	$9,250	$384	$7,434	$1,994
2008	$9,018	$381	$7,398	$1,680
2007	$9,170	$0	$7,851	$852
2006	$10,661	$0	$6,981	$5,336

In the past, Board duties have included; receiving hosting regular board meetings, paying insurance on structures,

conducting limited maintenance on structures, providing financials to Goodhue County Auditor. These appointed commissions are 3 year terms. Below is the list of 2011 BCWD Board members. Once a term expires, the Commissioner from the 2nd District will fill the position at the last County board meeting in December of each year. The selected Board member must live within the BCWD.

Les Kyllo	Chairman	14414 Cty 50 Blvd. Goodhue 55027	Term expiring 12/31/2013
James Hedeen	Treasurer	15478 Norelius Road, Welch, MN	Term expiring 12/31/2012
Francis McNamara	Secretary	35780 165th Ave Goodhue, 55027	Term expiring 12/31/2011

Public Access to Belle Creek Watershed Structures

Public access to the BCWD structures has always been prohibited to the general public. The BCWD does have maintenance easements designated for appropriate Local/State/Federal agencies for access to the Belle Creek Watershed District property for inspections and repairs only. Public access is granted ONLY at the will of the landowners surround the impoundments.

Ongoing Issues and Concerns

Flood Control This section of the plan revision is intended to give additional background information on the structures the BCWD helped install and currently maintains. Each structure has its own ID and is labeled on the 'Belle Creek Watershed' project map. The BCWD main goal is to protect and to preserve the past investments made to help reduce the flooding impacts of the Belle Creek. The BWCD has and will continue to conduct efforts to maintain and improve this hydrologic system within the watershed.

No permits were reviewed or issued during since the past plan revision. BCWD does not choose to have permit authority on land use changes in the watershed.

Implementation of the Plan

1. Continue to Control Flood Waters

1. A) Maintaining Existing Structures – The goal of this objective is to implement various land use practices that will help extend the life and function of the structures that Belle Creek Watershed District maintain.

1. Restore existing water and sediment control structures (638/410) and other impoundment structures that are failing and/or sediment laden to assist with volume control.
2. Provide Cost Share incentives to landowners involved in implementing and improving rate control conservation practices.
3. Assess the amount of sediment in BC structures and seek funding for removal when/if needed.
   (a) Funding sources such as the Clean Water Fund, NRCS and/or federal special funding opportunities, Watershed Management Organization funding possibilities and levy possibilities.

1. B) Grazing Management on/adjacent/above BCWD structures.

1 Implement managed rotational grazing plans on impoundment structures that have adjacent pasture land.

2 Utilize grazing to control woody vegetation on structures and emergency spillways.

3 Provide incentive payment for landowners interested in conducting rotational grazing on/near structures.

4 Implement routine inspection of grazing sites to assure a healthy and sustainable stand of vegetation.

1. C) Mechanical and Chemical removal of woody vegetation

1 Utilize mechanical and chemical methods of woody vegetation removal when necessary.

1.D) Install and implement additional flood reduction practices within the Belle Creek Watershed - The goal of this objective is to create additional upland storage by doing such things as increasing perennial vegetation and installing conservation practices along field edges, head cuts, eroded gullies, and sizing of culverts.

1 Utilize relevant elevation data and mapping software to assist with locating conservation sites
2 Promote the perennial vegetation throughout the watershed to encourage infiltration.
    a. Seek out marginal cropland on steep slopes and adjacent to streams for hay and/or grazing promotion.
    b. Market CRP and other set-a-side programs on marginal agricultural lands.

2. Erosion Control

2.A) Reduce erosion rates on agricultural fields by implementing conservation practices and reducing surface runoff volume.

1 Promote with education efforts & incentives 2nd and 3rd crop practices that leave fields green over winter.
2 Market contour buffer strips on slopes 6- 12%
3 Promote existing and new conservation tillage practices
    a. Eliminate fall tillage of soybeans
    b. Market farming on the contour.
    c. Increase residue to 30% or greater on agriculture grounds within the watershed.
    d. Promote conservation practices that reduce erosion and sedimentation
    e. Maintain existing terraces/sed basins/dams by providing incentives for cleanouts and structural fixes on failing practices.
    f. Provide incentives for landowners within the watershed that implement conservation practices that help control runoff and reduce overland flow.

2.B) Managing streambank erosion on the Belle Creek and tributaries.

1 Controlled grazing within stream riparian corridor.

a. Supply landowners with the technical assistance needed to effectively carryout managed grazing plans in, and adjacent to, riparian areas.

2 Continue to remove sediment and debris from drainage system as needed

3 Implement grassed buffer strips adjacent to the Belle Creek and its tributaries.

4 Seek funding sources and provide local technical assistance to restore eroding streambanks

5 Utilize rip rap where necessary, but focus on bioengineering practices to help reduce erosion rates on cutbanks and eroding bluffs

3. Water Quality Improvement

3.A) Improve the quality of surface and ground water within the Belle Creek Watershed by informing and educating BCWD residence on the proper disposal of sanitary waste.

1 Cooperate with state and local government agencies to help achieve septic compliance throughout the watershed.

2 Provide cost-share programs and low interest loan opportunities to landowners who strive for septic system compliance.

3 Improve water quality within the BCWD through oversight of land applied chemicals

a. Partner with local and state agencies to help promote the proper use of herbicides and pesticides from agricultural activities.

b. Promote and market no fall application of anhydrous ammonia (without Nitrogen Stabilizer) in an effort to reduce the amount of nitrogen within the Belle Creek Watershed hydrologic system.

4. Outreach

4.A) Provide the general public with pertinent information related to the history and workings of the Belle Creek Watershed District

1 Partner with the Goodhue SWCD and Goodhue County, and other state/federal agencies, to generate educational materials for Belle Creek Watershed landowners

2 Partner with the Goodhue SWCD for posting information related to the BCWD on the Goodhue SWCD website. www.goodhueswcd.org

3 With assistance from Goodhue SWCD generate a yearly newsletter to all landowners within the BCWD.

Belle Creek Watershed District Five Year Activity Approach

This five year approach is intended to be a guidance document for the Belle Creek Watershed District as well as local/state/federal governing agencies. These items are to be used as reference as the 2011 Belle Creek Watershed District Plan Revision is implemented.

2011

- Develop 2011 Watershed Plan Revision assisted by Goodhue County SWCD
- Utilize the Citizen's Advisory Committee (CAC), SWCD and BWSR for guiding the plan revision
- Call on the Goodhue County Auditor's Office for developing various BWCD levy increase scenarios.
- Review BCWD financials and the plan revision with CAC, SWCD and the general public in the Belle Creek Watershed and discus the Auditor's levy scenarios.
- Select item(s) from Implementation Plan to accomplish in 2012 based on local and BWCD Board interest.
- Set BCWD levy for 2012
- BWSR Approval of BCWD Plan Revision

2012

- Spring-Host open house to explain plan update, future projects and discuss a levy increase.
- Select item(s) from Implementation Plan to accomplish in 2013
- Conduct Watershed tour with local/state/federal agency for structure inspection and maintenance needs.
- Discuss Rule development for 2013.
- August -Set BCWD levy for 2013

2013

- Spring-Host open house-Discuss past year's project accomplishments and discuss prioritization of objectives for the coming year.
- Fund a project that is in the implementation plan and that was set as a priority during the spring meeting.
- Conduct Watershed tour with local/state/federal agency for structure inspection and maintenance needs.
- Select item(s) from Implementation Plan to accomplish in 2014 with funds available
- Set Rule(s) for District.
- August -Set BCWD levy for 2014

2014

- Spring-Host open house-Discuss past year's project accomplishments and discuss prioritization of objectives for the coming year.
- Fund a project that is in the implementation plan and that was set as a priority during the spring meeting
- Conduct Watershed tour with local/state/federal agency for structure inspection and maintenance needs.
- Select item(s) from Implementation Plan to accomplish in 2015 with funds available
- August-Set BCWD levy for 2015

2015

- Spring-Host open house-Discuss past year's project accomplishments and discuss prioritization of objectives for the coming year.
- Conduct Watershed tour with local/state/federal agency for structure inspection and maintenance needs.
- Fund a project that is in the implementation plan and that was set as a priority during the spring meeting
- Select item(s) from Implementation Plan to accomplish in 2016 with funds available
- August-Set BCWD levy for 2016

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Bear Valley WD Watershed Management Plan

Meeting Date: March 28, 2012

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Southern

Contact: Jeff Nielsen

Prepared by: Jeff Nielsen

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

Board approval decision on update of 2012-2021 Bear Valley Watershed District Watershed Management Plan.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Bear Valley Watershed District's previous plan adopted in 1998 was developed to wisely manage and conserve the waters and natural resources of the District. Flood control was the highest priority. The 2012-2021watershed management plan emphasizes three main areas of action with the following goals:

- Erosion and flood control through soil conservation practices, structural practices, and watershed district rule implementation
- Fishery habitat improvement in Cold Water Creek
- Control of groundwater pollution through support of county programs by watershed district policy and rule implementation for abandoned wells, sinkholes, livestock production, household wastes and well testing

The Bear Valley Watershed District 2012-2021 watershed management plan is a clear, concise update of the district's 1998 plan. The revised plan maintains the District's commitment of building on past successes and identifies best management practices and related implementation activities to address future concerns. The managers rely heavily on intergovernmental cooperation in implementing goals of the plan, particularly through close coordination with the Wabasha and Goodhue Soil and Water Conservation Districts. The revision is in conformance with the requirements of Minnesota Statute 103D and guidance developed by BWSR.

On February 9, 2012, the BWSR Southern Water Planning Committee (Committee) met with representatives of BVWD to discuss the draft Plan. After discussion, the Committee voted to recommend approval of the Bear Valley Watershed District 2012-2021 Watershed Management Plan to the full Board.

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

In the Matter of prescribing a Revised Watershed Management Plan for the Bear Valley Watershed District pursuant to Minnesota Statutes Sections 103D.405	**ORDER PRESCRIBING WATERSHED MANAGEMENT PLAN**

Whereas, the Board of Managers of the Bear Valley Watershed District (BVWD) filed a proposed Revised Watershed Management (Plan) dated January 2012 with the Board of Water and Soil Resources (Board) on January 26, 2012, pursuant to Minn. Stat. § 103D.405, and;

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

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

FINDINGS OF FACT

1. **District Establishment.** The District was established on April 27, 1961, by the Minnesota Water Resources Board and is located in southeastern Minnesota. Lands within the District are distributed in Wabasha and Goodhue counties. The general purpose of the District includes erosion, sediment and flood control, fishery habitat improvement and control of groundwater pollution.

2. **Requirement to Plan.** A watershed district is required to revise their watershed management plan at least once every ten years pursuant to Minnesota Statutes Section 103D.405, Subd. 1 (a). The latest Water Management Plan of the District was prescribed by the Board in December 1988. The Plan includes an inventory of the District's physical features and water resources, describes water-related problems and possible solutions, describes activities and projects that the District has completed, and states objectives for current and future water resource management.

3. **Nature of the Watershed** The watershed is roughly triangular in shape, gradually widening from a point at its outlet on the south to its greatest width at the north. The greatest width is 8 miles and the extreme distance from north to south is about 9 miles. The watershed is bounded on the east by the watershed of Spring Creek, tributary to the Zumbro River near Theilman, and by a small watershed tributary to the Zumbro River at Zumbro Falls. It is bounded on the south and west by the watersheds of small direct tributaries of the Zumbro River. It is bounded on the north by the watershed of Wells Creek, which is tributary to the Mississippi River near the City of Frontenac. The watershed is predominately agricultural. Bellechester, the only city in the watershed, is located in its upper reaches of the watershed.

4. **Territory.** The BVWD covers 45.8 square miles or 29,326 acres. Seventy-one percent or 20,821 acres is in Wabasha County and twenty-one percent or 8,505 acres are in Goodhue County.

5. **Local Review.** The BVWD sent a copy of the draft Plan to local units of government for their review pursuant to Minn. Stat. § 103D.405. The BVWD received comments.

6. **Department of Natural Resources (DNR) Review.** The DNR provided editorial comments and information on the fishery resources in Cold Creek.

7. **Other review comments.** No comments from other entities required to receive the Plan for comment.

8. **Highlights of the Plan**. The Bear Valley Watershed District's previous plan adopted in December 1988 was developed to wisely manage and conserve the waters and natural resources of the watershed. The 2012 Plan continues those objectives and emphasizes four main areas of action with the following goals:
    - Erosion and flood control through soil conservation practices, structural practices and watershed district rule implementation.
    - Fishery habitat improvement in Cold Water Creek.
    - Control of groundwater pollution through support of county programs by watershed district policy and rule implementation for abandoned wells, sinkholes, livestock production, household wastes and well testing.

    The Bear Valley Watershed District 2012-2021 Watershed Management Plan is a clear, concise update of the District's 1988 plan. The revised plan maintains the District's commitment of building on past successes and identifies best management practices intergovernmental cooperation in implementing goals of the plan, particularly through close coordination with the Wabasha and Goodhue soil and water conservation districts. The plan appendix includes a copy of the District's rules and a statement regarding the administration of the rules.

9. **Hearing Notice.** The Legal Notice of Filing on the Plan, pursuant to Minn. Stat. § 103D.105 Subd. 2, was published in the Wabasha County Herald and the Red Wing Republican Eagle. Further, a copy of the notice of filing was mailed to several addresses notifying them of the legal notice of filing, including the Goodhue County and Wabasha County Auditors, Administrators, and both soil and water conservation districts; and a representative for the watershed district.

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

11. **Board Staff Report.** Written comments were provided by BWSR staff recommending approval of the plan. Staff has provided information and assistance as needed throughout the planning process through meeting attendance and informal discussion. Staff has reviewed agency and local government comments. BVWD responses were not provided due to the supportive comments and a lack of suggested changes or negative comments.

12. **South Region Water Planning Committee.** The committee met on February 9, 2012, those in attendance from the Board's Committee were Paul Langseth - chair, Tom Loveall, Rob Sip and Chris Elvrum. Board staff in attendance were Jeff Nielsen and Dave Peterson. Representing the BVWD were Warren Majerus and Paul Huneke, WD managers. After discussion, the committee unanimously voted to recommend approval of the Plan.

CONCLUSIONS

1. The proposed Revised Plan is valid in accordance with Minn. Stat. § 103D.405.

2. Proper notice of filing was given in accordance with applicable laws.

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

4. The Board has proper jurisdiction in the matter of approving a Revised Plan for the BVWD pursuant to Minn. Stat. § 103D.405.

5. The attached revised Plan of the BVWD dated January 2012 would be for the public welfare and public interest and purpose of Minn. Stat. Chapter 103D would be served.

ORDER

The Board hereby prescribes the attached Plan dated January 2012 as the Revised Watershed Management Plan for the Bear Valley Watershed District.

Dated at Saint Paul, Minnesota this 28th day of March 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Brian Napstad, Chair

2012 OVERALL PLAN

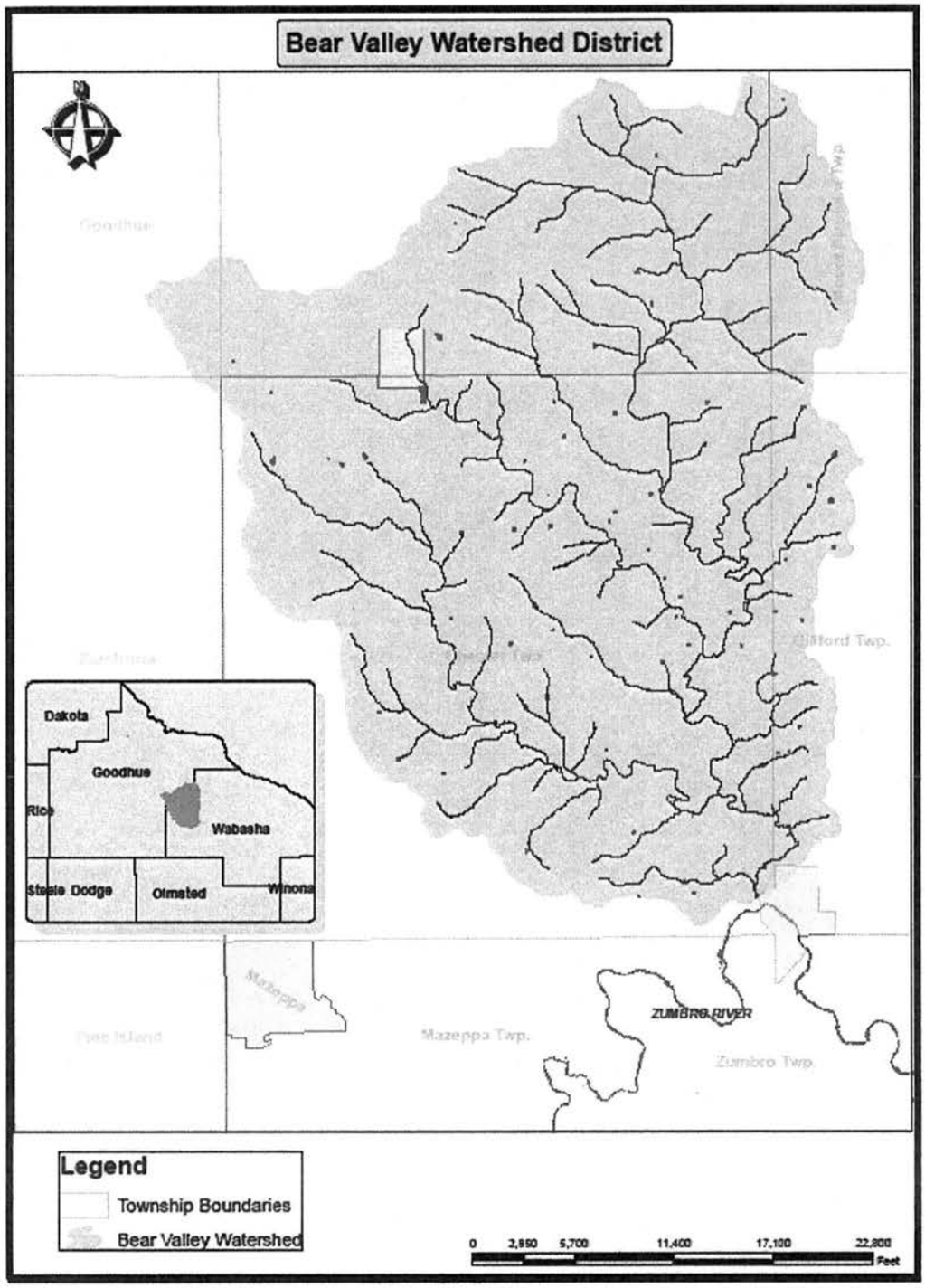
BEAR VALLEY WATERSHED

Overview of the Plan: This Watershed Management Plan is prepared for the management of the water resources in the Bear Valley Watershed District in Minnesota. It has been assembled by the Board of Managers with the assistance of the Board's advisory committee and other persons who helped delineate the Districts problems and suggest possible solutions.

General Objectives: The Bear Valley Watershed District was established with a number of objectives in mind; the attainment of which would be of benefit to the community and individual property owners. Among these were:

1. The control or reduction of damage to soil by sheet erosion and by deposits of sediments on the land and in watercourses;
2. The control or reduction of the damage to soil caused by gully advancement;
3. The reduction of damage to land and public and private improvements caused by flood waters;
4. The improvement of waterways and stream channels for drainage and other purposes;
5. The improvement of habitat and other natural conditions that could benefit wildlife;
6. Providing for sanitation and public health and regulating the use of streams, ditches, or watercourses for the purpose of disposing of waste;
7. Imposition of preventative or remedial measures for the control or alleviation of land and soil erosion and siltation of watercourses or bodies of water affected thereby, and to reduce and prevent soil losses in excess of established soil loss tolerances;
8. Regulating improvements by riparian landowners of the beds, banks, and shores of lakes, streams and marshes by permit or otherwise in order to preserve the same for beneficial use, such as recreation;
9. Protecting or enhancing the quality of water in watercourses or bodies of water;
10. Providing for public health by protecting the quality of groundwater, and to reduce the level of nitrogen entering the groundwater;
11. Care for the land surface in order that the portion of surface water recharging the groundwater directly carries a reduced load of pollutants.

Map 1 – Legal Boundary of the Bear Valley Watershed District



D. Drainage

Some upland waterways are poorly drained and need to have tile installed. Generally this problem can be taken care of on individual farms.

E. Wildlife and Recreation

Intensive farming has limited wildlife habitat within the watershed. Cover is limited to the relatively small acreage of woodland, roadside brush, and some cover along stream banks. Lack of winter cover and food restricts populations of squirrels, rabbits, pheasants, raccoons, deer, and small mammals.

Cold Creek is rated potentially as the best trout stream in Wabasha County. It is currently provides a cold stable environment for brown and brook trout.

Recreation facilities are limited within the watershed. There are no parks or lakes. There is a small parking area adjacent to Cold Creek at the junction of County Road 68 and State Highway 60, established by the Minnesota DNR.

VI. What is Planned?

A. Erosion Control

1. Land Treatment

It is expected that the proper treatment of privately owned land to reduce the problems of excessive runoff and erosion will be taken care of primarily through the programs of the Goodhue and Wabasha County Soil and Water Conservation District. This consists of assisting landowners and operators with development of resource management systems in the form of farm conservation plans and establishment of the land treatment practices. Permanency of practices is desired and important to the managers.

The measures and practices to be applied include proper land use, recommended crop rotations, contour strip cropping, terraces, diversions, grass waterways, farm ponds, and some "on farm" stabilizing structures. Good management of land used for pasture will be important.

Woodland practices should be used on the remaining timber land. This would include the planting of trees, their protection, and wise harvesting.

Proper treatment measures would improve conditions for wildlife. Increases in wildlife populations will require special treatment of some areas for wildlife purposes. Land treatment practices installed from 1999 to 2011 are shown in Table 14.

Table 14

Land Treatment Within Bear Valley Watershed District		
Years 1999 to 2011		
Practice	Unit	Number Installed
Animal Mortality Facility	#	2
Contour Buffer Strips	#	9
Contour Farming	ac	1308
Strip Cropping	ac	400
Grassed Waterways	#	12
Prescribed Grazing	#	13
Water and Sediment Control Basins	#	2
Restoration of Declining Habitats	#	7
Grade Stablization Structures	#	4
Buffer Strips	ac	12
Tree Planting	#	1
Conservation Cover/CRP	ac	555.1
	(2011 NRCS Generated Report)	

The trend among land owners is the increased use of conservation tillage and traditional erosion control structures. Farm ownership stability has remained stable in the District. Consequently, past land treatment measures remain in place and continue to function. Farm ponds continue to be an important part of water management. Overall interest in soil conservation remains strong.

2. Structural Measures

Problems that cannot be controlled by land treatment alone shall have the additional protection of specially designed structures. This will include structures to control further advance of gullies and establishment of major grassed waterways.

If suitable sites are available for storage of floodwaters, retarding structures will be installed. Should these be of sufficient capacity, they will be considered for recreational and wildlife development. The Bear Valley Watershed Managers will continue to monitor structures and work on clean-up and repair of existing ponds. They also intend to watch for indicators of sinkholes and work with landowners to repair those.

3. Intergovernmental Cooperation

The managers believe the proper use, care, and protection of the soil resources of the Bear Valley Watershed District are important to current land occupiers and even more important to future generations. The Watershed seeks the cooperation and assistance of the two soil and water conservation district boards of supervisors and their employees in maintaining and accelerating their programs of assistance to land occupiers. Assistance is also received through the Counties of Goodhue and Wabasha, through their Local Water Plan by supporting conservation practices that control erosion upland. The managers will support land treatment, installation of structures, and a project to reduce stream bank erosion along

Cold Creek. They will also support the Zumbro Valley Watershed in plans to reduce sedimentation and pollutants entering the Zumbro River.

4. Adoption of Rules

The managers have adopted rules to protect soil and water of the District to assist current and new land operators in their management of soil and water so that downstream watercourses are not overloaded with runoff or sediment, within or outside the District.

B. Fishery Habitat Improvement

Habitat improvements were completed during the 1980's and in 1990 in the lower reaches of Cold Creek by fishery managers. Projects included brushing, bank sloping, riprapping and seeding banks, adding cover and deflectors, removing log jams and repairing flood damage of habitat improvement structures. Habitat improvements that were completed in 1985 were evaluated again in 1991. Fall biomass of brown trout increased after habitat improvements and brook trout biomass did not change significantly.

Currently, the Department of Natural Resources (DNR), does not stock the stream and would assess Cold Creek to provide a cold stable environment for both brown and brook trout.

The Hiawatha chapter of Trout Unlimited is currently working with the DNR on planning a habitat improvement project in Cold Creek. They plan to clear and grub non-native species and remove debris left from flooding, restore and reshape the slope of the bank to create pooling places, and work to reduce sedimentation.

It is the position of the managers to cooperate with the area fisheries managers in maintaining and improving trout fisheries in Cold Creek.

C. Control of Groundwater Pollution

1. Abandoned Wells

The managers believe there are some abandoned wells in the District. The proper code procedures for abandonment will be followed. The County Health Department of Goodhue and Wabasha County is responsible for proper sealing of wells.

2. Sinkholes

There are active sinkholes in the District. The managers, working with NRCS, have repaired sinkholes in and near district structures. Other sinkholes in the district have not been repaired. Some small sinkholes have developed in agricultural fields. Immediate filling with soil has been effective in stabilizing them. The managers desire to cooperate with landowners and agencies to properly manage sinkholes to minimize potential groundwater contamination.

3. Livestock Production

There has been a reduction in unconfined livestock operations. Both dairy and hog confinement operations have increased in the District. Wabasha County and Goodhue County have adopted the Feedlot Program. The District wishes to work with the county feedlot officer and MPCA to enforce the rules of the district.

4. Household Wastes

Over a year's time, each rural household generates considerable quantities of waste. Rural residences are served by individual sewage treatment systems. Septic tanks must be maintained and periodically cleaned out. Malfunctioning treatment systems need to be repaired immediately. The managers will not allow running a pipe to a ditch or watercourse to solve the problem of a plugged system. The Health Department of Goodhue and

Wabasha County is responsible to see that these systems are properly maintained.

5. Well Testing

All wells should to be tested once a year for bacteria and nitrate contents. At this time, well testing is done on a voluntary basis.

VII. Policies of the District

A. Land Treatment

It will be the policy of the Board of Managers to encourage the installation of sound land treatment practices throughout the District to aid in the reduction of runoff and control of soil loss.

While the land above flood retarding structures receives no direct benefit from their installation, proper land treatment in the drainage areas above these structures is critical to their proper functioning and will be a high priority of the District.

Proper land treatment will mean management of cropland, pasture, and woodland. The managers will expect the Goodhue County and Wabasha County Soil and Water Conservation Districts to continue to furnish their assistance to landowners with the planning, application, and maintenance of sound land treatment practices.

B. Group Jobs

Flood conditions may be caused by obstruction of stream flow due to poorly designed private and public works. The managers will exercise control over any stream improvement, stream bank structure, or other works affecting the flow of surface waters.

Bear Valley Watershed District Water Management Plan – Summary:

This is a summary to be used as a quick reference to continue to implement and maintain the 2012 Bear Valley Watershed District Water Management Plan on a yearly basis. This will serve as a reminder to return to the 2012 Bear Valley Watershed District Water Management Plan as a working document for the next five years.

2012 –

- January – Annual Meeting
- February – Attend Regional Water Planning Committee Meeting for
- March – Quarterly meeting
- May – Annual Inspection of federal structures
- August – Budget hearing
- Prioritize any upcoming projects and help with funding as appropriate and needed

2013 –

- January – Annual Meeting
- March – Quarterly meeting
- May – Annual Inspection of federal structures
- August – Budget hearing
- Prioritize any upcoming projects and help with funding as appropriate and needed

2014 –

- January – Annual Meeting
- March – Quarterly meeting
- May – Annual Inspection of federal structures
- August – Budget hearing
- Prioritize any upcoming projects and help with funding as appropriate and needed

2015 –

- January – Annual Meeting
- March – Quarterly meeting
- May – Annual Inspection of federal structures
- August – Budget hearing
- Prioritize any upcoming projects and help with funding as appropriate and needed

2016 –

- January – Annual Meeting
- March – Quarterly meeting
- May – Annual Inspection of federal structures
- August – Budget hearing
- Prioritize any upcoming projects and help with funding as appropriate and needed

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Heron Lake WD Watershed Management Plan

Meeting Date: March 28, 2012

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: South

Contact: Jeff Nielsen

Prepared by: Mark Hiles

Reviewed by: Southern Water Planning Committee(s)

Presented by: Jeff Nielsen

☐ **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 Heron Lake Watershed District Watershed Management Plan

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Heron Lake Watershed District was established on February 25, 1970 and encompasses a total of approximately 472 square miles. Lands within the District are distributed in the following counties: Nobles, Jackson, Murray, and Cottonwood. In October of 1995, the name of the district was changed from the Middle Des Moines Watershed District to the Heron Lake Watershed District (HLWD). The 2011 – 2021 Plan emphasizes seven main areas through the identification of the following goals:

- Water quality objectives include assess and monitor pollutant impairments, promote use and construction of agriculture and urban Best Management Practices (BMP's), develop attainable targets, and lead and participate in TMDL completion and implementation;
- Water quantity and flooding objectives include identifying and assessing flood prone areas, regulating the placement of structures within the floodplain, and foster and encourage agriculture BMP's to reduce the rate and volume of runoff;
- Drainage systems and natural waterways objectives include incorporate BMP's to reduce the peak rate of discharge and decrease sediment yield, minimize and address channel instability within natural waterways;
- Biotic habitat objective includes minimizing aquatic habitat loss to ensure healthy, self-sustaining fish populations;
- Wetlands objectives include manage and establish wetland management goal, restore wetlands and provide incentive to minimize and avoid wetland impact;
- Education objectives include developing and disseminating education materials and programs for targeted audiences, including local governments, citizens, and educators, to encourage improved water quality, reduced runoff and enhance ecological systems, and develop and deploy an information management system for BMP information; and

- Funding objectives include use ad valorme levy to provide stable base funding, evaluate and implement measures to supplement ad valorme funds, and reduce expenditures to diminish the dependence on grant funds.

The HLWD 2011 – 2021 Watershed Management Plan (WMP) includes an updated inventory of the District's physical features and water resources, describes water related problems and possible solutions, describes past activities and projects the District has completed, and states objectives for current and future water resource management within the District. The plan also proposes to establish a Water Management District (WMD) pursuant to MN Stat. 103D.729 for the purpose of collecting revenues and paying cost of projects. Murray and Nobles Counties submitted resolutions in support of the HLWD WMP. Jackson County provided a letter declining to support the plan and expressed opposition to the WMP and in particular the establishment of the WMD.

Several comments and correspondence letters were received during and after the October 13, 2011 public hearing expressing concerns regarding the establishment of a WMD and its financial implications. In an effort to provide the public with an opportunity to receive more detailed information on the WMP and proposed WMD the HLWD Board of Managers submitted a letter to the Board of Water and Soil Resources on October 20, 2011, requesting to postpone action on the HLWD WMP until a public information meeting is held. HLWD hosted a public open house information meeting on November 28, 2011. On January 7, 2012, HLWD submitted the revised plan, dated December 20, 2011, which included a maximum annual per parcel charge for the WMD of $24.

The Southern Water Planning Committee met on February 9, 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
Saint Paul, MN 55155

In the Matter of prescribing a Revised Watershed Management Plan that establishes a Water Management District for the **Heron Lake Watershed District** pursuant to Minnesota Statutes Sections 103D.405and 103D.729	ORDER PRESCRIBING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Heron Lake Watershed District (HLWD) filed a proposed Revised Watershed Management (Plan) dated May 12, 2011 with the Board of Water and Soil Resources (Board) on May 13, 2011 and subsequent revisions, and Final Draft Revision dated December 20, 2011, received on January 7, 2012, pursuant to Minn. Stat. §§ 103D.405, and 103D.729, and;

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

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

FINDINGS OF FACT

1. **District Establishment.** The Commissioners in Nobles, Jackson, Murray, and Cottonwood counties submitted a petition requesting the establishment of the Middle Des Moines Watershed District on April 2, 1969. The petition was approved on February 25, 1970. In October of 1995, the name of the district was changed to the Heron Lake Watershed District. The District is located in portions of Nobles, Jackson, Murray, and Cottonwood counties. The mission of the District is to protect and improve the water resources within its boundaries by supporting watershed residents through the use of education and financial programs.

2. **Requirement to Plan.** A watershed district is required to revise their watershed management plan at least once every ten years pursuant to Minnesota Statutes Section 103D.405, Subd. 1 (a). The latest Water Management Plan of the District was prescribed by the Board on September 26, 2001. The Plan includes an inventory of the District's water and land resources, describes water and natural resources in the HLWD and an assessment of the resources and their current status, and states objectives for current and future water resource management. The plan also establishes a water management district pursuant to Minn. Stat. § 103D.729 for the purpose of collection revenues and paying cost for projects initiated under Minn. Stat. §§ 103D.601, 103D.605, 103D.611 or 103D.730.

3. **Nature of the Watershed.** The Heron Lake Watershed District (HLWD) is approximately 472 square miles in size and includes part of Nobles, Jackson, Murray, and Cottonwood counties in southwestern Minnesota. The HLWD has three major lake systems, including Fulda, East/West Graham, and Heron lakes. These three major lake systems have high levels of phosphorus and total suspended solids and are subject to periodic flooding.

4. **Territory.** The HLWD is approximately 472 square miles in size and is located in southwestern Minnesota in the Heron Lake Basin. Lands within the District are distributed in the following counties: Nobles (47%), Jackson (42%), Murray (9%), and Cottonwood (2%).

5. **Local Review.** The HLWD sent a copy of the draft Plan to local units of government for their review pursuant to Minn. Stat. § 103D.405.

6. **Department of Natural Resources (DNR) Review.** The DNR is in support of the plan, provided some minor quantitative suggestions, and looks forward to working with the HLWD in the future (Exhibit 10).

7. **Department of Agriculture (MDA) Review.** Although not required by law to review, MDA commented that the Plan should provide additional discussion in the Plan and coordination of agricultural water management issues and conservation drainage at the local level to manage water quality and quantity on agricultural lands. It was also recommended that HLWD target placement of conservation structures and BMPs on the landscape (Exhibit 5).

8. **Pollution Control Agency (MPCA) Review**. Although not required by law to review, MPCA commented that the HLWD should address impaired waters as a priority in the Plan, along with providing a list of impaired waters identified in the District (Exhibit 9). MPCA also commented that "The HLWD did a nice job on identifying actions that line up well with MPCA's watershed approach" (Exhibit 22).

9. **Other review comments.** In addition to the state agency review comments, HLWD and BWSR received comments from numerous citizens, primarily within Jackson County, opposed to the Plan and expressing concerns regarding the establishment of Water Management District and its financial implications (see Exhibit list). Murray and Nobles counties submitted resolutions in support of the HLWD Plan (Exhibits 6, 7, and 23). Jackson County declined to provide a letter of support and expressed opposition to the Plan, in particular the establishment of a Water Management District, stating that "HLWD is a nonessential unit of water management and our county Soil and Water Conservation District (SWCD), Planning and Environmental Services (PES) and Minnesota Extension Service could administer, educated and implement all programs currently being offered by the HLWD" (Exhibit 21).

10. **Highlights of the Plan**. Heron Lake and its watershed encompass many of the same problems seen in other rural, agricultural areas in Minnesota. Point and non-point source pollution, intensive tillage, noncompliant septic systems, feedlots, and urban storm water runoff are all problems that must be addressed. The HLWD implements a watershed approach for education and implementation efforts that is invaluable for determining environmental and economic stability. The plan has identified seven goals to address including: Water Quality, Water Quantity and Flooding, Drainage Systems and Natural Waterways, Biotic Habitat, Wetlands, Education, and Funding. This WMP provides a detailed approach for the HLWD to create water management districts (WMDs) as a means to limit dependence upon funds generated through means external to the HLWD, such as grants, thereby ensuring sufficient revenue for on-the-ground projects. It is anticipated that this new effort will help to enhance the HLWD's ability to the manage water resources.

11. **Hearing Notice.** Legal notice of the public hearing on the Plan, pursuant to Minn. Stat. § 103D.405 Subd. 5, was published in the *Cottonwood County Citizen* on August 31 and September 7, 2011 (Exhibit 13), in the *Daily Globe* on September 1 and 8, 2011 (Exhibit 14), in the *Murray County Wheel-Herald* on September 5 and 12, 2011 (Exhibit 15), in the *Jackson County Pilot* on September 8 and 15, 2011 (Exhibit 16) and in the *Fulda Free Press* on August 31 and September 7, 2011 (Exhibit 42). Further, a copy of the hearing notice and map was mailed to several addresses notifying them of the public hearing, including the Nobles, Jackson, Murray, and Cottonwood County Auditors, Administrators, and Soil and Water Conservation Districts; all of the cities within the watershed district; DNR; and representative for the Watershed District (Exhibit 12).

12. **Public Hearing**. A public hearing was held on the Plan on October 13, 2011, at Heron Lake Community Center, 312 10th Street, Heron Lake, Minnesota. The proceedings were recorded. The hearing panel consisted of Southern Water Planning Committee Board members Tom Loveall, Todd Foster, Sandy Hooker, and Paul Langseth as chair. Board staff in attendance were Jeff Nielsen, Mark Hiles, and Travis Germundson. Travis Germundson, Board staff, entered Exhibit 1 through Exhibit 21 into the record by reading a brief description of each exhibit.

The following list of exhibits comprise the hearing record.

Exhibit 1. Draft Revised Watershed Management Plan for the Heron Lake Watershed District, dated May 12, 2011, received May 13, 2011.

Exhibit 2. Memorandum dated June 20, 2011, from Travis Germundson, Board of Water and Soil Resources, to members of the Board's Administrative Advisory Committee, including a draft order for a hearing on the revised plan.

Exhibit 3. Board Order for a public hearing to be held on the revised watershed management plan for the Heron Lake Watershed District, dated June 22, 2011.

Exhibit 3A. Letter dated June 22, 2011, from John Jaschke, Board of Water and Soil Resources, to Jan Voit with Heron Lake Watershed District, transmitted with Exhibit 3.

Exhibit 4. Letter dated June 29, 2011, from Mark Hiles, Board of Water and Soil Resources, to Jan Voit with Heron Lake Watershed District, providing comments on the Plan.

Exhibit 5. Letter dated July 13, 2011, from Robert Sip, Minnesota Department of Agriculture, to Jan Voit with Heron Lake Watershed District, providing comments on the Plan.

Exhibit 6. Murray County Resolution, dated July 19, 2011, in support of the Heron Lake Watershed District Watershed Management Plan.

Exhibit 7. Nobles County Resolution, dated July 21, 2011, in support of the Heron Lake Watershed District Watershed Management Plan.

Exhibit 8. Letter dated July 21, 2011, from Jan Voit, Heron Lake Watershed District, to Jackson County Commissioners on submittal of a resolution in support of the Heron Lake Watershed District Watershed Management Plan.

Exhibit 9. Letter dated July 25, 2011, from Rebecca Flood, Minnesota Pollution Control Agency, to Jan Voit with Heron Lake Watershed District, providing comments on the plan.

Exhibit 10. Letter dated August 25, 2011, from Tom Kresko, Department of Natural Resources, to Jan Voit with Heron Lake Watershed District, providing comments on the plan.

Exhibit 11. Email correspondence dated August 29, 2011, from John Jaschke, Board of Water and Soil Resources, approving the hearing date and location.

Exhibit 12. Memorandum dated August 29, 2011, from Travis Germundson, Board of Water and Soil Resources, to list of addressees, providing notice of the public hearing.

Exhibit 13. Affidavit of Publication dated September 7, 2011, of Legal Notice in the *Cottonwood County Citizen* on August 31, and September 7, 2011.

Exhibit 14. Affidavit of Publication dated September 8, 2011, of Legal Notice in the *Daily Globe* on September 1 and 8, 2011.

Exhibit 15. Affidavit of Publication dated September 13, 2011, of Legal Notice in the *Murray County Wheel-Herald* on September 5 and 12, 2011.

Exhibit 16. Affidavit of Publication dated September 15, 2011, of Legal Notice in the *Jackson County Pilot* on September 8 and 15, 2011.

Exhibit 17. Letter dated September 11, 2011, from Mark Bartosh to Travis Germundson with the Board of Water and Soil Resources, requesting that the October 13, 2011 hearing be delayed.

Exhibit 18. Letter dated September 21, 2011, from Travis Germundson, Board of Water and Soil Resources, to Mark Bartosh, stating that the Board of Soil Resources will proceed with the October 13, 2011 hearing as scheduled.

Exhibit 19. Compact Disk of Updated Draft Revised Watershed Management Plan for the Heron Lake Watershed District, dated September 29, 2011.

Exhibit 20. Memorandum, dated September 29, 2011, from Jan Voit, Heron Lake Watershed District, to residents in the district notifying them of the proposed water management district and the Board's hearing on the Plan.

Exhibit 21. Letter dated July 14, 2011, from David Henkels, Jackson County Board of Commissioners, to Jan Voit, Heron Lake Watershed District, declining to provide a letter of support on the proposed Watershed Management Plan, received October 11, 2011.

The following Exhibits where received during the October 13, 2011 public hearing

Exhibit 22. Letter dated October 13, 2011, from Kelli Nerem, Minnesota Pollution Control Agency, stating that the District has done a nice job identifying actions that line up with MPCA's Watershed Approach.

Exhibit 23. Letter from Wayne Smith, Nobles County Environmental Services Director, transmitting a Resolution in support of the Heron Lake Watershed Management Plan from Nobles County Planning and Zoning Commission, dated October 12, 2011.

Exhibit 24. List of questions regarding Water Management District from Eric Hartman, resident of the district.

Exhibit 25. Compact Disk of audio recording from the October 13, 2011 hearing.

After all people present at the public hearing were given an opportunity to speak and enter written comments, the hearing record was left open until 4:30 PM on October 24, 2011 for receipt of written comments. The following Exhibits were received while the hearing record was open.

Exhibit 26. Email dated October 14, 2011, from Stan Sievert, resident of the district, to Travis Germundson with the Board of Water and Soil Resources in opposition to the revised water management plan.

Exhibit 27. Email dated October 14, from Brad Sievert, resident of the district, to Travis Germundson with the Board of Water and Soil Resources in opposition to the revised water management plan.

Exhibit 28. Email dated October 14, 2011, from Mark Hassebroek, Heron Lake Watershed Restoration Association, to Travis Germundson with the Board of Water and Soil Resources in opposition to the revised water management plan.

Exhibit 29. Email dated October 17, 2011, from Pat Sontag, resident of the district, to Travis Germundson with the Board of Water and Soil Resources in opposition to the revised water management plan.

Exhibit 30. Letter dated October 17, 2011, from Dennis Haberman, resident of the district, to Travis Germundson with the Board of Water and Soil Resources requesting that a financial assessment of the district be performed.

Exhibit 31. Email dated October 18, 2011 from Jan Voit, Heron Lake Watershed District notifying BWSR that Heron Lake Watershed District passed a motion to schedule a public information meeting at the end of November.

Exhibit 32. Letter dated October 18, 2011, from Jeff Nielsen, Board of Water and Soil Resources, to the Board's Regional Water Planning Committee regarding the November 3, 2011, meeting agenda.

Exhibit 33. Email dated October 20, 2011, from Dave Luethe, Department of Natural Resources, to Travis Germundson with the Board of Water and Soil Resources on establishment of a water management district.

Exhibit 34. Letter dated October 20, 2011, from Jan Voit, Heron Lake Watershed District, to Jeff Nielsen and Mark Hiles with Board of Water and Soil Resources, requesting that the Board of Water and Soil Resources postpone action on the revised water management plan.

Exhibit 35. Email dated October 21, 2011, from Sandra Hartman, resident of the district, to Travis Germundson with the Board of Water and Soil Resources in opposition of increase in district revenue.

Exhibit 36. Letter dated October 19, 2011, from Robert and Judy Pekel, residents of the district to Travis Germundson with the Board of Water and Soil Resources in opposition to establishing a water management district.

Exhibit 37. Letter dated October 24, 2011, from Jan Voit, Heron Lake Watershed District to Travis Germundson with the Board of Water and Soil Resources in response to the editorial comments by the Jackson County Commissioners and LeRoy Peterson.

Exhibit 38. Compact Disk of watershed district annual reports transmitted with Exhibit 37.

Exhibit 39. Email dated October 24, 2011, from Nancy Ackermann, resident of the district, to Travis Germundson with the Board of Water and Soil Resources in support of the Heron Lake Watershed District.

Exhibit 40. Email dated October 24, with attached letter dated October 21, 2011, from Eric Hartman to Travis Germundson with the Board of Water and Soil Resources of questions and comments pertaining to the revised water management plan.

Exhibit 41. Letter dated October 21, 2011, was received on October 24, 2011, from Robert Dieter, resident of the district, to Travis Germundson with the Board of Water and Soil Resources in opposition to the revised watershed management plan.

Exhibit 42. Affidavit of Publication dated January 9, 2012, of Legal Notice in the *Fulda Free Press* on August 31 and September 7, 2011.

13. **Board Staff Report.** On January 23, 2012, Mark Hiles, board conservationist, submitted a memo to Southern Water Planning Committee in regard to the Heron Lake Watershed District Water Management Plan Final Review. The letter summarized the watershed district history, setting, and planning process. Although through the hearing process the Board of Water and Soil Resources and HLWD received comments in opposition to the Plan and in particular the creation of a Water Management District (WMD), effort was made by HLWD to address the concerns, including an additional public information hearing and a plan revision imposing an annual maximum per parcel charge of $24 for the WMD. Staff believes the revision is in conformance with the requirements of Minnesota Statute 103D and guidance developed by BWSR, and recommend approval of the 2011 – 2021 Heron Lake Watershed District Watershed Management Plan.

14. **Southern Water Planning Committee.** On October 13, 2011 the Southern Water Planning Committee held a public hearing and received comments in opposition to the Plan and the creation of a Water Management District from Jackson County and watershed residents. The Committee met on Thursday, November 3, 2011 and took no action, based on HLWD request (Exhibit 34) to postpone any action on the Plan until the public had been provided the necessary information. On November 28, 2011, HLWD conducted an Open House on the Plan. A plan revision was drafted to impose a maximum per parcel charge of $24. The committee met again on Thursday, February 9, 2012. Clarification was provided that 103D.729 requires that projects are initiated and ordered to be implemented through a formal hearing and adoption process. Although comments in opposition were received, the defined need for projects is evident through impaired waters in the watershed and flooding concerns that still need to be addressed. Impaired waters identified were Elk Creek, Okabena Creek, Jack Creek, North and South Heron Lake. After discussion and based on the entire record, the Southern Water Planning Committee made a motion recommending approval of the revised Heron Lake Watershed District Water Management Plan.

CONCLUSIONS

1. The proposed Revised Plan including the establishment of water management district is valid in accordance with Minn. Stat. §§ 103D.405, and 103D.729.

2. Proper notice of hearing was given and one public hearing was held in accordance with applicable laws.

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

4. The Board has proper jurisdiction in the matter of approving a Revised Plan that establishes a water management district for the HLWD.

5. The attached Revised Plan to establish a water management district of the HLWD as proposed in the Revised Plan and subsequent revisions dated December 20, 2011, received January 7, 2012, would be for the public welfare and public interest and the purpose of Minn. Stat. Chapter 103D would be served.

ORDER

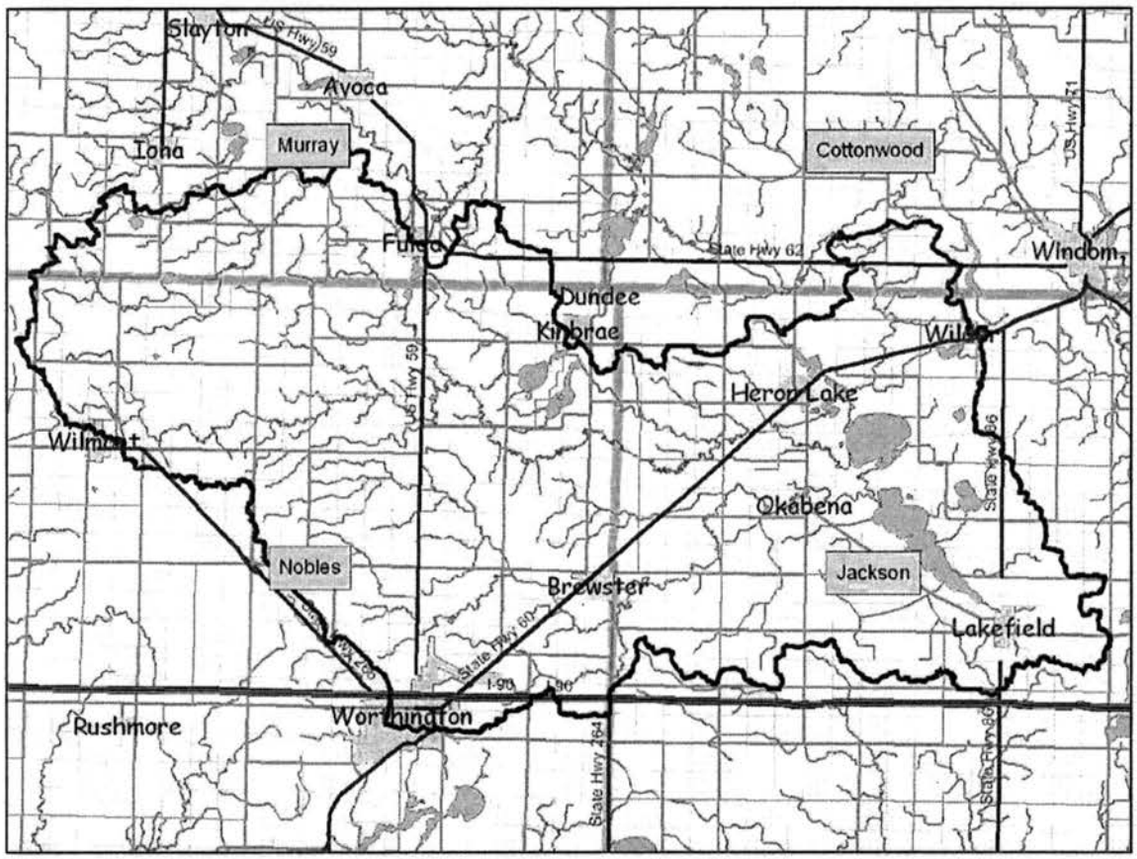
The Board hereby prescribes the attached Plan dated December 20, 2011, received January 7, 2012, as the Revised Watershed Management Plan for the Heron Lake Watershed District to establish a water management district. The Heron Lake Watershed District must include an evaluation of the use and effectiveness of the water management district in the next ten year plan revision.

Dated at Saint Paul, Minnesota this 28th day of March 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Brian Napstad, Chair

Heron Lake Watershed District
10-Year Watershed Management Plan



December 20, 2011

Executive Summary

Heron Lake and its watershed encompass many of the same problems seen in other rural, agricultural areas in Minnesota. Point and non-point source pollution, intensive tillage, non-compliant septic systems, feedlots, and urban storm water runoff are all problems that must be addressed. The Heron Lake Watershed District (HLWD) implements a watershed approach for education and implementation efforts that is invaluable for determining environmental and economic stability. The approach is described in the Watershed Management Plan (WMP), a requirement of Minnesota Statutes 103D.405, which is overseen by the Board of Water and Soil Resources (BWSR). Statute also requires that the WMP be revised on a 10-year basis. The major goal for the WMP revision process is to develop and implement a WMP which protects and improves the water and natural resources within the HLWD boundary by supporting watershed residents' conservation efforts through the use of education and financial programs.

The WMP is organized in a manner that will allow the HLWD to concentrate its endeavors on the practical use of land and water resources. It provides a detailed description of the water and natural resources in the HLWD; assessments of the resources and their current status; a detailed framework for the goals, objectives, and action items identified to attain desired outcomes; specifically addresses identified issues; describes statutory authorities, as well as funding and financing options for identified actions; and provides detailed information about WMP coordination, implementation, roles and responsibilities, and evaluation.

This WMP is implementation oriented. It establishes a relationship between resource issues, the goals and policies of the HLWD, and specific actions, programs, and projects intended to address or resolve issues or to conclude that a resource issue is best addressed by another organization. The WMP includes a procedure for developing and implementing long-range and short-range work plans. It also includes a self-evaluation process which will be used as a tool to evaluate and monitor the success of WMP implementation.

Unlike previous planning efforts, this WMP describes how the HLWD provides both monetary and technical assistance to other organizations to help conserve and protect water and natural resources. The programs, the operational aspects of these programs, and various projects are summarized within the WMP. The staffing needed to operate the programs is funded by an ad valorem levy through the HLWD's general fund. This WMP provides a detailed approach for the HLWD to create water management districts (WMDs) as a means to limit dependence upon funds generated through means external to the HLWD, such as grants, thereby ensuring sufficient revenue for on-the-ground projects. It is anticipated that these new efforts will help to enhance the HLWD's ability to the manage water resources.

5. Goals, Objectives, and Actions

The HLWD goals, objectives, and action items presented in this chapter address the requirements set forth in Minnesota Rule 8410.0080. They are intended to address the priority resource issues outlined in Chapter 4 – Assessment of Existing Water and Water-Related Issues. The goals, objectives, and action items establish the direction HLWD will take and provide an indication of how problems and issues will be approached and resolved. The action items are the basis for the implementation plan.

The HLWD's goals are organized by management category. Policies and actions support the goals for the management category. Management categories are defined by this WMP as:

- A specific resource the HLWD will manage;
- Broad areas encompassing the actions and efforts of the HLWD related to its day to day operations and long-range goals for managing water and land related resources;
- A means to communicate HLWD efforts and activities to the cities and citizens; and
- An organizational framework to guide yearly implementation activities and the expenditure of HLWD financial resources.

The management categories are:

- Water Quality;
- Water Quantity and Flooding;
- Drainage Systems and Natural Waterways;
- Biotic Habitat;
- Wetlands;
- Education; and
- Funding.

As used within this WMP the terms goal, policies and actions are defined as follows:

Goal: Statement of intended accomplishment for the planning period within a management category. A goal is strategic because it describes a district-wide initiative. Goals are meant to be simply stated, achievable, and measurable. A single goal characterizes each management category.

Objective: A narrative description of the anticipated approach used to achieve the goal. Policies set focused objectives and form the basis for specific actions to be implemented by the HLWD. Policies within a management category are numbered for clarity only, rather than to imply importance. Several policies are often related to a single goal.

Actions: Specific, tactical activities that when accomplished are effective in implementing a policy and ultimately result in achieving the identified goal. Several actions are often related to a single policy. Actions tend to form the basis for portions of the implementation program.

Goals, objectives, and actions, are expected to be consistent with the mission statement of the HLWD. The HLWD mission statement is:

The mission of the HLWD is to protect and improve the water resources within its boundaries by supporting watershed residents through the use of education and financial programs.

5.1. Water Quality

Goal: Manage aquatic systems (lakes, rivers and wetlands) to maintain, improve and protect water quality consistent with user expectations and technically achievable goals, while recognizing their ecological and community value.

Objective 5.1-1 Assess, monitor, and document water quality pollutant impairments within streams and lakes.

Action 5.1-1a Continue the monitoring component of the surface Water Quality Improvement Program (WQIP) to assess resource condition, evaluate water quality trends, and assess the extent of water quality improvement.

Action 5.1-1b Identify and document the areas suspected as being the source of contaminants (*e.g.*, sediment, phosphorus, etc.) affecting the water quality of the watershed to determine priority areas for implementation.

Action 5.1-1c Prepare a water quality monitoring program plan as the tool to guide surface water quality monitoring, with identified goals and technical objectives.

Action 5.1-1d Provide financial incentives or technical assistance to residents interested in participating in volunteer water quality monitoring programs.

Action 5.1-1e Complete monitoring to support state-lead TMDL and water quality assessment initiatives when financially supported by the State.

Action 5.1-1f Identify locations within the HLWD that regionally represent resource condition (i.e., Regional Assessment Locations) including water quality, as an organizing framework for water quality monitoring, modeling and assessing trends.

Action 5.1-1g Use biotic indices in addition to chemical data to assess the conditions of waters.

Objective 5.1-2 Promote the use and construction of BMPs in agricultural and urban settings to maintain and improve water quality.

Action 5.1-2a Continue the BMP implementation component of the WQIP.

Action 5.1-2b Use education to describe the many benefits of and promote the construction of BMPs.

Action 5.1-2c Encourage and assist citizens to upgrade waste systems, including septic systems, manure storage facilities and similar activities.

Action 5.1-2d Develop a BMP selection process to assist landowners in choosing proper BMPs to align with the HLWD's water quality goals and objectives.

Action 5.1-2e Use the Regulatory Program and permit process to reasonably ensure the implementation of water quality BMP.

Action 5.1-2f Develop a joint plan with the Drainage Authority to implement creative solutions for reducing erosion, improving channel stability, reducing sediment loads, and improving downstream water quality.

Objective 5.1-3 Develop attainable water quality targets, while recognizing water quality standards developed by the State of Minnesota and natural year-to-year variability in water quality.

Action 5.1-3a Develop a schedule for the implementation of lake management plans placing priority on those lakes currently meeting designated uses for protection.

Action 5.1-3b Determine lakes and streams worthy of protection prior to becoming impaired, and establish non-degradation water quality targets.

Objective 5.1-4 Serve as the local governmental agency lead and actively participate in the completion and implementation of TMDLs and water quality protection strategies and projects, consistent with the availability of external funds.

Action 5.1-4a Utilize the WFDMR and Heron Lake TMDL Implementation Plan and future implementation plans to identify and implement projects to achieve water quality goals.

Action 5.1-4b Assess and manage waters using a "one watershed" or "watershed-wide" approach.

Action 5.1-4c Request the acceleration of the MPCA lead water quality modeling for the HLWD to identify priority source areas causing water quality issues.

Action 5.1-4d Use watershed-wide models developed by the MPCA to establish maximum allowable loads to surface waters.

5.2. Water Quantity and Flooding

Goal: Minimize the potential damage to public and private infrastructure, private property, the land, and other important water related natural resources caused by excess runoff and flooding.

Objective 5.2-1 Minimize, avoid, and reduce flood damages by identifying and assessing flood prone areas, characterizing flood damages, and regulating the placement of structures within the floodplain.

Action 5.2-1a Develop a map showing flood prone areas, the frequency and the severity of flooding, and to serve as a tool to identify potential upstream priority storage areas.

Action 5.2-1b Confirm potential project priority flood storage locations as identified within past studies by the HLWD, for the protection of agricultural lands up to the 10-year flood event and for urban areas exceeding the 50-year flood event.

Action 5.2-1c As part of the Flood Damage Reduction Program, successively complete engineering feasibility reports to develop concept designs, evaluate technical feasibility, assess permit requirements, determine the probable flood damage reduction benefits, and develop Opinion of Probable Construction Costs for capital improvement flood damage reduction projects.

Action 5.2-1d Utilize the DNR Flood Damage Reduction Program and other suitable programs to construct those capital improvement flood damage reduction projects deemed as beneficial to the residents of the HLWD.

Action 5.2-1e Use existing tools including the USFWS restorable wetlands map, high resolution topographic data from the state-wide LiDAR collect, and other appropriate sources, to identify priority areas to create storage through restoring wetlands.

Action 5.2-1f Develop criteria to prioritize restorable wetlands according to the values of HLWD, including storage to reduce flooding.

Action 5.2-1g Engage public agency and nongovernmental organization partners and use existing programs and funding opportunities to restore priority wetland.

Action 5.2-1h Engage MPCA staff to ensure watershed models developed for water quality purposes by the agency as part of the TMDL program are suitable for use in estimating the hydrologic effects of projects and land use changes.

Action 5.2-1i Provide technical assistance to the drainage authority as requested, to credibly assess the adequacy of drainage system outlets and the downstream effects of public drainage system repairs and improvement projects.

Action 5.2-1j Coordinate with agencies to address water levels controlled by Heron Lake and consider modification or removal of the control structure to achieve management objectives for the lake.

Action 5.2-1k Participate in monitoring, evaluating and updating County All-Hazard Mitigation Plan to reduce flood-related impacts.

Objective 5.2-2 Foster and encourage the use of agricultural conservation practices, management practices, and the implementation of BMPs to reduce the rate and volume of runoff.

Action 5.2-2a Work cooperatively with the SWCDs to identify lands which may benefit from soil and water conservation planning and implementation of BMPs to control erosion and runoff.

Action 5.2-2b Provide watershed citizens with information and support regarding new and existing BMP technologies to reduce runoff rates and volumes.

Action 5.2-2c Identify technology-based and conservation BMPs that may best be implemented within the HLWD to reduce erosion and runoff.

5.3. Drainage Systems and Natural Waterways

Goal: Be a resource to the drainage authority on issues affecting public drainage systems and utilize waterways in a manner which recognizes the origin of the system (e.g., constructed vs. natural channel), the interconnectedness of resources, and present and future conveyance needs, while considering legally established drainage rights and the regulatory environment.

Objective 5.3-1 Use methods, procedures, standards, and criteria for the maintenance, repair, restoration, rehabilitation, and improvement of drainage systems and waterways, while acknowledging that traditional drainage repairs to the as-constructed and subsequently improved condition are a right of the benefitting lands.

Action 5.3-1a Develop or use an existing classification system for drainage systems, rivers and streams, which recognizes the origin of the system (*i.e.,* natural or man-made) and influence of human activities (*e.g.,* a constructed waterway, an altered natural waterway or an unaltered natural waterway).

Action 5.3-1b Identify and map existing private drainage systems within the HLWD when convenient, as a component of drainage system related activities.

Action 5.3-1c Encourage the use of standards and criteria for channel stability for all types of waterways including public drainage systems, based on stability, sediment transport and geomorphic considerations consistent with the waterway

classification system, to reduce future maintenance and repair. Consider the most appropriate method for implementing these standards if necessary.

Action 5.3-1d Assist the drainage authority with establishing criteria for evaluating the adequacy of the outlet and the potential for downstream flooding, when the public drainage system discharges to an area identified as flood prone by the HLWD.

Action 5.3-1e Use the resources and programs of the HLWD, working cooperatively with the drainage authority, to objectively evaluate the feasibility of implementing two-stage channel designs, natural resource enhancements and water quality improvements to public drainage systems, especially for those systems discharging to impaired waters.

Action 5.3-1f Pursue grant funding working with and on behalf of the drainage authority from the BWSR to modernize the public drainage system records.

Objective 5.3-2 Incorporate BMPs for mitigating water quality concerns, reducing the peak rate of discharge, and decreasing sediment yield within public drainage system projects where feasible and acceptable to the drainage authority.

Action 5.3-2a Identify priority public and private drainage systems for targeting water quality and peak flow reduction BMP implementation (especially buffers) consistent with the WQIP.

Action 5.3-2b Seek funding external to the benefitted area to implement feasible modifications, designs, and resource enhancements to the public drainage system, especially when costs are in excess of traditional repair and improvement costs.

Action 5.3-2c Survey private drainage system owners to gain an understanding of the level of interest for installing BMPs, including buffer strips.

Action 5.3-2d Work with the drainage authority to encourage greater enforcement of drainage law especially as it pertains to buffer requirements.

Action 5.3-2e Meet with the drainage authority and landowners to provide educational information regarding the benefits of buffers, grassed waterways, and similar BMPs.

Action 5.3-2f Evaluate locations where field-edge and intake buffers are lacking and where implementation can improve water quality.

Action 5.3-2g Lead efforts to evaluate water quality issues associated with public drainage systems in the watershed.

Objective 5.3-3 Minimize and address channel instability within natural waterways as a result of additional runoff due to land use changes and promote ecological value as appropriate for the type of open channel.

Action 5.3-3a Identify priority reaches for stream stabilization and rehabilitation.

Action 5.3-3b Conduct feasibility studies to define ways to address channel instability, bank erosion and promote ecological value.

Action 5.3-3c Implement projects to repair erosion and restore stream reaches using sustainable techniques.

Action 5.3-3d Provide information, resources, and examples to encourage citizens on how to improve stream bank stability by using BMPs (*e.g.,* streambank buffers, two-stage ditches, cedar revetments, J-hook weirs, and similar practices).

5.4. Biotic Habitat

Goal: Maintain, improve and restore habitat for fish, wildlife and biota, which also provides aesthetic, recreational and related benefits including water quality improvement to the residents of the District.

Objective 5.4-1 Minimize aquatic habitat loss in streams and lakes to ensure healthy, self-sustaining fish populations.

Action 5.4-1a Encourage efforts to increase water storage in the watershed including wetland restorations to more closely mimic natural water regimes.

Action 5.4-1b Reduce sediment reaching the water bodies by implementing sediment reducing BMPs in the upper watersheds and consider creating sedimentation ponds to increase water retention time and settle out sediment before reaching streams and/or lakes.

Action 5.4-1c Monitor and remove sediment build-up in settling ponds to ensure proper functioning of sediment basins.

Action 5.4-1d Encourage the maintenance and enhancement of habitat important for fish and wildlife populations.

5.5. Wetlands

Goal: Manage wetlands in a manner which improves diversity and ecological integrity on a district-wide basis, consistent with the Wetland Conservation Act and local opportunities for preservation, enhancement, and restoration, while balancing multiple resource issues.

Objective 5.5-1 Manage wetlands and establish wetland management goals based on benchmark or reference and ecological condition.

Action 5.5-1a Develop information to establish reference conditions for each wetland type for the purposes of defining high wetland quality, wetland restoration goals, and establishing replacement and credit ratios.

Action 5.5-1b Use reference wetlands to evaluate, modify and improve methods currently used to characterize wetland functions and values.

Action 5.5-1c Evaluate the need for a bio-monitoring program for high quality and other wetlands to better quantify existing conditions and assess the benefits of water quantity control.

Action 5.5-1d Evaluate monitoring reference wetlands to determine hydrologic regimes and use data to refine wetland management efforts.

Objective 5.5-2 Provide incentives to private landowners to avoid wetland impact, minimize wetland impact, and restore wetlands, while acknowledging that wetland management and the monetary value of wetlands can be based upon differing value systems.

Action 5.5-2a Develop maps and other tools which identify the locations of degraded wetlands and therefore opportunities for restoration.

Action 5.5-2b Encourage landowners to restore wetlands for beneficial values associated with wetlands.

Action 5.5-2c Quantify values for the change in runoff volume, nutrient loads, and the reduction in sedimentation for wetland restoration and enhancement, which in

turn may be used as a financial incentive to landowners to manage wetland systems.

Action 5.5-2d Evaluate alternatives for establishing inclusive management boundaries along waterways that can provide multiple benefits including wetland functions and values, floodplain management, natural resource restoration, and open space.

Action 5.5-2e Sponsor and conduct workshops for local governments and landowners to communicate the opportunity for wetland restoration, clarify the process for wetland restoration, and understand the potential financial implications of restoration.

Action 5.5-2f Cooperate with others to assist with controlling the spread of exotic plant species within public and private wetlands.

5.6. Education

Goal: Use education and outreach tools as an integral element within the many aspects of the operation of the District to credibly convey data and information, thereby increasing knowledge, awareness and the capacity for decision-making among the constituents of the District.

Objective 5.6-1 Develop educational materials and programs for targeted audiences including local governments, citizens, educators and other interested parties.

Action 5.6-1a Offer schools service learning opportunities through restoration projects.

Action 5.6-1b Conduct educational tours of BMPs and other water conservation practices being utilized within the watershed or nearby watersheds.

Action 5.6-1c Utilize the CAC to engage private citizens and inform them about resource management issues and the activities.

Action 5.6-1d Utilize a CAC to engage local government and state and federal agencies and inform them about resource management issues, the activities of the HLWD and opportunities to partner.

Action 5.6-1e Develop, conduct, and sponsor workshops, participate in speaking engagements, and prepare press releases.

Action 5.6-1f Obtain and organize testimonials from citizens implementing BMPs within the watershed to encourage other citizens to implement similar BMPs.

Action 5.6-1g Consider a district-wide signage campaign for streams or other similar resources.

Action 5.6-1h Continue distributing information through several channels, including keeping an up-to-date website and periodic newsletters, to keep citizens informed in a timely manner.

Objective 5.6-2 Encourage landowners and cities to improve water quality, reduce runoff volume, and enhance ecological systems through the use of cost-share programs.

Action 5.6-2a Encourage communities to improve water quality using a targeted education program and BMP implementation cost-sharing.

Action 5.6-2b Encourage individuals to implement water quality improvement practices at their homes and businesses, using education and cost-sharing for the implementation of BMPs. Support and utilize SWCD cost-sharing programs to

encourage citizens to install BMPs for the purpose of improving water quality and reducing the volume of runoff.

Action 5.6-2c Evaluate the need for additional cost-share programs to provide incentives to landowners and others responsible for resource management.

Objective 5.6-3 Develop and deploy an information management system which identifies, describes, and conveys information about BMPs.

Action 5.6-3a Seek funding to develop and deploy a BMP database, which includes information about the type of project, pollutant removal efficiency, and cost.

Action 5.6-3b Evaluate deploying the BMP database through the web.

Action 5.6-3c Use the database as a tool to communicate the benefits of BMPs implemented.

5.7. Funding

Goal: Establish a stable and sustainable funding base for implementing the goals, objectives, and actions through the programs and projects identified in this Watershed Management Plan and establish a minimum funding level for grant cost-share matching dollars to capitalize on the use of external funds.

Objective 5.7-1 Use the ad valorem levy to provide stable base funding for the most critical programs and staffing needs.

Action 5.7-1a Prioritize the most important programs and confirm the base funding labels identified within this WMP.

Action 5.7-1b Define the minimum staff requirements and compliment needed to maintain and operate the priority programs.

Action 5.7-1c Adjust the ad valorem level (if possible by statute) to provide stable funding for the priority programs or request a legislative increase in the ad valorem levy.

Objective 5.7-2 Evaluate and implement measures to become less dependent on the ad valorem levy.

Action 5.7-2a Explore the options and effort needed to create a WMD or other alternative means of financing to collect revenues and pay the costs of initiated projects.

Action 5.7-2b Increase the fees charged (*e.g.*, permitting fees, inspection fees, etc.) to be consistent with the level of service provided.

Action 5.7-2c Initiate assessment levies on improvements that benefit local properties as a means to pay for capital improvement and other projects.

Action 5.7-2d Apply for an increasing number of local, state, and federal grants and loans.

Objective 5.7-3 Evaluate and implement measures to reduce expenditures to diminish the dependence on grant money.

Action 5.7-3a Create and maintain working partnerships with non-governmental organizations such as Pheasants Forever, Ducks Unlimited, etc.

Action 5.7-3b Periodically assess internal operations and analyze areas where funding and efforts could be reduced or eliminated when progress toward the goal is not being achieved.

Action 5.7-3c Calculate the minimum operating budget through which the HLWD can successfully operate and the budget needs from grants versus tax collections.

Action 5.7-3d Assess all funded projects and determine if funding should be transferred to higher priority projects.

6. Implementation Program

6.1. Overview

This WMP is implementation oriented. It establishes a relationship between resource issues, the goals and policies of the HLWD, and specific actions, programs, and projects intended to address, resolve, or conclude that a resource issue is best addressed by some other entity or left unresolved. The issues, goals, objectives, policies, and actions are placed within one of several management categories, although there is some interdependence between these categories. Section 6.4 contains a self-evaluation process which is an important component of this WMP. The evaluation process can be used as a tool to evaluate and monitor the success of WMP implementation. Information from the evaluation process can also be used to assist with responding to BWSR's review of HLWD performance as a component of the Performance Review and Assistance Program (PRAP).

The activities related to the operations, management programs, and anticipated projects of the HLWD are embodied with the Long-Range Work Plan (LRWP). The LRWP is intended to be an organization tool for use by the HLWD which is inclusive of reasonably foreseeable capital improvement projects and actions related to the operation and programs. The LRWP is intended to include the content of the HLWD's Implementation Program and will be used periodically to update the implementation plan, including the list of proposed capital improvement projects and modifications to the various programs.

Expectations are that the LRWP will be used to identify, prioritize, plan, and implement specific actions, programs, and capital improvement projects to address the resource issues. The HLWD will periodically prioritize the actions contained within the LRWP, reassess and revise the priorities for implementation, and update the probable costs. The content within the LRWP can then be used to assist with establishing the annual work plan (AWP) and budget for the upcoming year. Unforeseen items originally not included in the LRWP, but consistent with the goals and policies of the District, will be added to the LRWP on an annual basis. Similarly, priorities may be modified and some action items eliminated.

The LRWP can also be used to establish priorities for three-year periods and form the basis for a Short Range Work Plan (SRWP). The SRWP can serve as a tool for planning and communicating the anticipated direction of the HLWD for a duration similar to a manager's appointment to the board by a county.

7. District Authorities, Funding, and Financing

7.1. Minnesota Statute 103D Authorities

7.1.1. Ad valorem tax levies

"Ad valorem" means a tax collected over an entire taxing district (*e.g.*, a subwatershed or the entire District) based on property value "in proportion to the value" rather than the anticipated benefits received. An advantage of an ad valorem tax is that the HLWD does not need to appoint viewers/appraisers to determine benefits and divide the costs in proportion to benefits. The ad valorem tax rate is expressed as a percentage of the total value of real property. Several "funds" may be established by the HLWD and supported financially through an ad valorem tax.

- Organizational Expense Fund (MS 103D.905 Subd. 2) – When a watershed district is first established, or later enlarged, it may levy for an Organizational Expense Fund. The fund is to pay for organizational expenses and preparation of the WMP. Unspent funds remaining after organization and completion of the WMP may be transferred to the General Fund. The watershed district may levy only ONCE upon creation or expansion for this fund. (The HLWD may levy each time it expands, but only in the newly included area.) The amount cannot exceed 0.01596 percent of taxable market value or $60,000, whichever is less.
- General Fund (MS 103D.905 Subd. 3) - The purpose of this fund is to pay for general administrative expenses and for the construction, or implementation, and maintenance of projects that are of common benefit. A watershed district may levy annually for a General Fund. The ad valorem tax levy may not exceed 0.048 percent of taxable market value or $250,000, whichever is less. The amount of the annual levy for the fund must be determined and justified through the watershed district's annual budget process (M.S. 103D.911).

  The managers may annually levy to pay for the cost of basic water management features of projects initiated by petition of a political subdivision within the HLWD or by petition of at least 50 resident owners whose property is within the watershed district. The annual levy cannot exceed 0.00798 percent of taxable market value for more than 15 consecutive years. Political subdivision means a county, city, township, SWCD, school district, or other political subdivision of the state, but not a watershed district.

  The HLWD is permitted to levy outside of the administrative levy for liability insurance. Minnesota Statute 466.06 "Liability Insurance" gives watershed districts the same authority that cities and counties have to levy in excess of their local tax rate limitation for the purchase of liability insurance. In order to exercise this authority, the HLWD must identify the liability insurance premium as a separate line in its levy certification to the county and indicate that the premium amount is being levied under MS Chapter 466.06.
- Survey and Data Acquisition Fund (MS 103D.905 Subd. 8) - The Survey and Data Acquisition Fund is designed to pay for making necessary surveys and acquiring data. This fund is to be established only if other funds are not available to the watershed

district. The Survey and Data Acquisition Fund is established by an ad valorem tax levy. The levy may only be collected once every five years. The maximum levy is 0.02418 percent of taxable market value of real property within the HLWD or $50,000, whichever is less. The fund balance cannot exceed $50,000. At the end of a five (5) year period, any balance remaining in the fund should be accounted for in the new levy in order to keep the fund balance below $50,000. For future projects where a survey has been paid for from this fund, the cost of the survey, as determined by the board of managers, will be included as part of the project work and the sum repaid to the Survey and Data Acquisition Fund.

- Emergency Projects of Common Benefit (MS 103D.615, Subd. 3) - The purpose of this levy is to pay the costs of projects that protect the interest of the watershed district when associated with a declaration of an emergency. If the work is found to be of common benefit to the watershed district, funding may be raised by an ad valorem tax levy upon all taxable property within the watershed if the cost is not more than 25 percent of the most recent general ad valorem levy of the HLWD. This ad valorem authority may be combined with assessments against benefited property in order to pay costs associated with emergency work performed without a contract.

7.1.2. Assessment Levies

An assessment levy is a special tax levied on a property to pay for a local public improvement that will benefit that property. The amount of benefit is normally determined by appraisers (often called "viewers"). It is the responsibility of the viewers, not the engineer, to determine the benefits and damages to the property. The engineer is responsible for providing the technical data needed by the viewers to complete their analysis. The technical basis for the benefits may be items that include the extent to which water levels are lowered, the change in the frequency of flooding, or the anticipated increase in property value. Damages typically include the loss of crops associated with constructing a project or the acquisition of land or right-of-way. Assessment may not be levied against property or corporations in excess of the amount of benefits received.

The assessments of benefits must be based upon the benefits to the property due to the project and must include:

- all property receiving direct benefits, including property owned by the state or a political subdivision;
- all property that is contributing water to the project (*i.e.*, within the hydrologic boundary);
- all property for which the project provides improved drainage;
- all property that contributes waters that are stored, handled, or controlled by the project;
- benefits to the state by reason of improvement of lakes, streams, or other bodies of water; and
- situations identified by MS 103D.725.

- Preliminary Fund (MS 103D.905 Subd. 6) - This fund is used for preliminary work on proposed projects of the watershed district. The fund must be established by District Court. The fund can be established both for projects that are petitioned and for

projects the managers initiate. Further, the fund can be established both for projects that are to be paid for by assessment and for projects that are to be paid for by a combination of assessment and ad valorem, such as basic water management features of a project. When a project is ordered, the fund must be repaid by assessment. If a project is not ordered, repayment could be made from ad valorem.

- Construction Fund (MS 103D.905 Subd. 5) - The purpose of the Construction Fund is to establish an account that consists of:
  - the proceeds of watershed district bonds or notes or of the sale of county bonds;
  - construction or implementation loans from the MPCA under MS 103F.701-103F.761 or from any agency of the federal government;
  - funds from special assessments, stormwater charges, loan repayments, and ad valorem tax levies levied or to be levied to supply funds for the construction or implementation of projects.

  This fund is the primary repository for the construction of projects.

- Repair and Maintenance Fund (M.S. 103D.905, Subd. 7 and 103D.631) - The purpose of this fund is to provide money for maintaining the projects of a watershed district. The cost of normal or routine maintenance of the projects and the cost of removing obstructions/foreign substances from a drainage system may be paid from the maintenance fund. Managers may assess all the parcels of property and municipal corporations previously assessed for benefits at the time of construction. The assessment must be made pro rata according to benefits determined at the time of project establishment. The collection (or levy) resulting from an assessment may be made annually. However, the fund may not exceed 20 percent of the original cost of construction of the project. Before ordering the levy, the Board of Managers may give notice of a hearing on making the assessment and establishing the maintenance fund.

- Emergency Projects for Benefited Property Fund (MD 103D.615, Subd3) – The purpose of this fund is essentially identical to the fund Emergency Projects of Common Benefit, with the exception that the benefiting properties are assessed.

7.1.3. Bond Sales

A watershed district may establish a Bond Fund consisting of the proceeds of special assessments, storm water charges, loan repayments, and ad valorem tax levies pledged by the watershed district for the payment of bonds or notes issued by the watershed district. The fund is to be used for the payment of the principal, premium, or administrative surcharge and the interest on the bonds and notes issued by the watershed district and for payments required to be made to the federal government.

7.1.4. Funds Derived from Collection of Charges

This provision allows a watershed district, through the amendment of its WMP or during an update to the WMP, the authority to establish one or more WMDs for the purpose of collecting revenues and paying the costs of projects initiated under sections 103D.601, 103D.605, 103D.611, or 103D.730.

7.1.5. Funds Derived from Collection of Fees

Watershed districts are allowed by law to establish fees and charges for services provided. Fees cannot be charged to the federal government, state, or a political subdivision. These fees include:

- Permit Fees: application fees for processing applications for a permit to do work in the HLWD.
- Inspection Fees: fees charged for inspection of permitted work in the HLWD. The fee is established by the hourly rate of the individual doing the inspection.
- Engineer Review Fees: fees charged for the review work done by the Watershed Technician at the hourly rate.
- Wetland Delineation Fee: a fee for determining the type and boundary of a wetland. The fee suggested in statute is $75. Some watershed districts have determined staff costs on an hourly rate and bill private individuals according to time involved in the delineation.

Permit fee records should be maintained in an organized manner.

The HLWD can also collect a permit performance escrow to ensure performance of permit requirements. Escrow is generally set up so that it can be calculated by a number of different variables, depending upon which are the most appropriate to the characteristics of the watershed district. Some watershed districts have set up wetland escrow accounts to cover the costs of wetland mitigation, including land acquisition, and attorney's fees.

7.2. Water Management Districts

The HLWD plans on using WMDs as one of several funding mechanisms for the implementation of activities to solve local and regional problems and issues. The provision for collection of charges (MS 103D.729 and 444.075) allows a watershed district, through the amendment of its plan or during an update to the WMP, the authority to establish one or more WMDs for the purpose of collecting revenues and paying the costs of projects initiated under MS 103B.231, 103D.601, 103D.605, 103D.611, or 103D.730.

To establish a WMD, the WMP update or WMP amendment must describe the area to be included, the amount of the necessary charges, the methods used to determine the charges, and the length of time the WMD will remain in effect. After adoption, the amendment or WMP must be filed with the county auditor and county recorder of each county affected by the WMD. The WMD may be dissolved by the same procedures as prescribed for the establishment of the WMD.

A distinguishing element of the WMD over an assessment, or ad valorem tax is that the watershed district assumes the authority similar to that of a municipality - the ability to establish a system of charges based a prescribed method, such as a property's contribution of storm water and/or pollutants to a receiving body of water. Thus, funds generated by a WMD can be proportional to a problem rather than the value of the property. Ultimately the WMD provides a supplemental financing tool for the HLWD and is especially useful in situations when constituents express a desire for a mechanism of localized charges.

7.2.1. Heron Lake Subwatershed Water Management District (HLSWMD)

Establishment Purpose: To address long-term water quality goals for improving the water quality within Heron Lake through implementation of the WFDMR and Heron Lake TMDL Implementation Plan, to fund the Best Management Practice Implementation component of the WQIP, and to construct capital improvement projects through the Flood Damage Reduction Program that reduce sediment and phosphorus loads within the area contributing runoff to Heron Lake.

The Heron Lake watershed is approximately 472-square miles in portions of Nobles, Jackson, Murray, and Cottonwood Counties. The estimated size of the watershed at the outlet of Heron Lake is 444-square miles. Heron Lake has been the subject of the WFDMR and Heron Lake TMDL Study approved in 2008. The WFDMR and Heron Lake TMDL Implementation Plan identifies water quality issues that impact the lake and watershed, in-lake factors contributing to those issues, and sources contributing to the issues. The implementation plan set forth by the TMDL provides potential projects to improve the water quality and to reach the goals of the HLWD. The numeric goals for water quality for Heron Lake include total phosphorus concentrations less than or equal to 90 parts per billion, chlorophyll-A concentrations less than or equal to 32 parts per billion, and water transparency equal to or greater than 2.3 feet.

The HLSWMD includes the 444-square mile area to the outlet of Heron Lake. The portion of the HLWD downstream from the outlet in Cottonwood County is excluded. The revenue generated by the HLSWMD will be used specifically for the purpose of implementing water quality BMPs, including water storage to reduce sedimentation, within the contributing drainage area to North and South Heron Lake. The HLWD will pursue matching grant dollars from the MPCA, DNR, BWSR and other agencies, for implementation in an effort to reduce the amount of funds generated by the HLSWMD.

Projects: The WFDMR and Heron Lake TMDL Implementation Plan identifies a variety of projects required to manage and improve water quality within the WFDMR and Heron Lakes. The revenue generated through the WMD will be used to implement those projects which are the responsibility of the HLWD, through existing programs. Specifically, the revenue will be used for two "projects" which are:

- Best Management Practice Implementation – WQIP; and
- Capital projects through the Flood Damage Reduction Program.

The Best Management Practice Implementation – Water Quality Improvement Program is being initiated and implemented under MS 103D.730, Stormwater Management Facilities. Various practices will be considered eligible for funding. Cost-share and incentive programs for specific practices or "BMPs" will be funded by the HLWD using funds generated through the WMD charge, grant funds, and the general operating levy. The following types of practices are eligible for funding using the revenue collected through this WMD:

- Filter strips
- Terraces
- Grassed waterways
- Wetland restorations
- Septic system incentives
- Alternative tile intakes

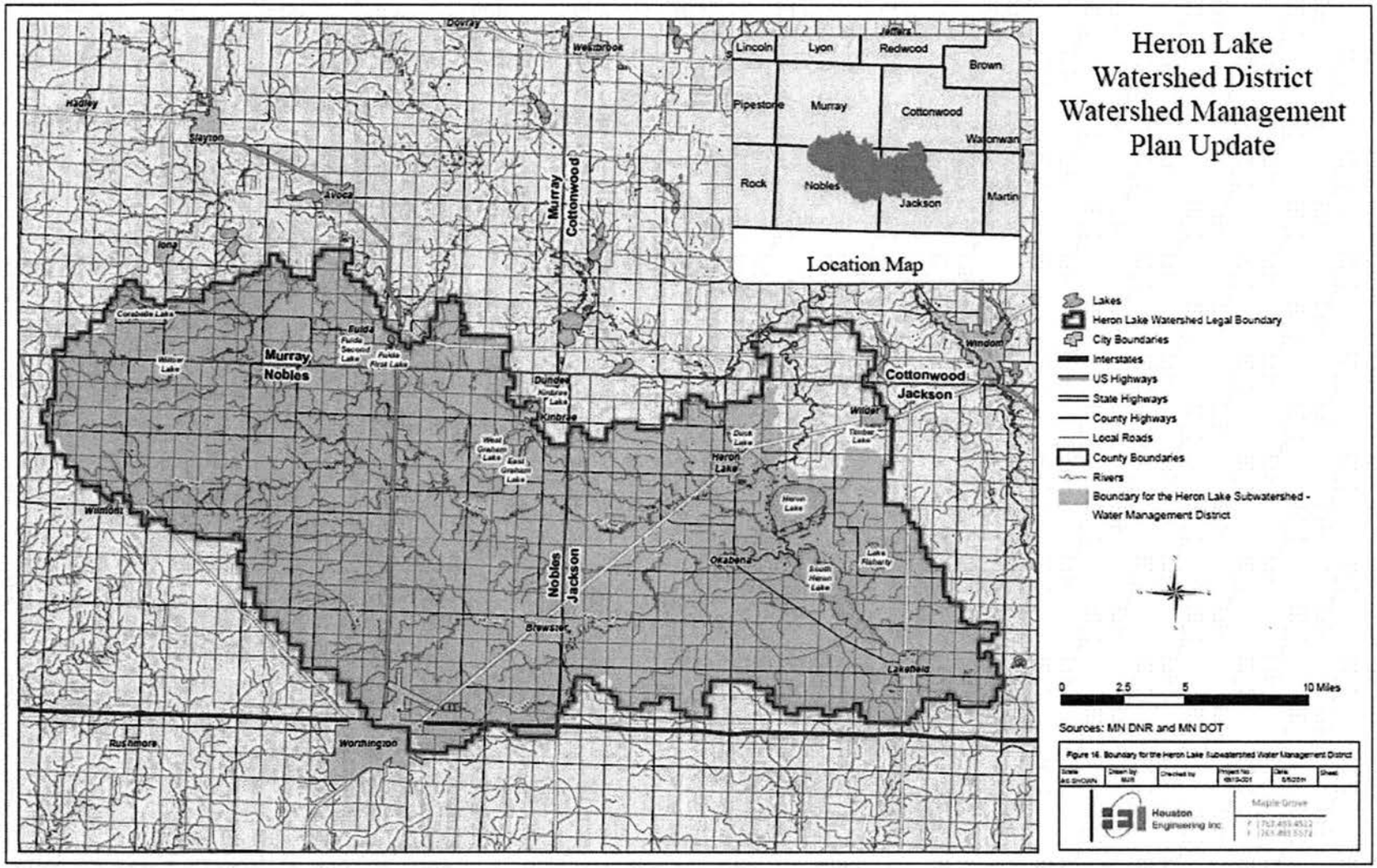
- Field borders on highly erodible land
- Created wetland/flood storage/sediment basins
- Shoreline restorations
- Streambank stabilization
- Two-stage ditches
- Conservation tillage practices
- Rain gardens
- Wood chip bioreactors

The revenue from the WMD will also be used to fund feasibility studies and construct capital projects with the specific purpose of reducing flooding within the priority areas in the Heron Lake Watershed District as shown in **Figure 12,** through the Flood Damage Reduction Program. The Flood Damage Reduction Program is being initiated and implemented under MS 103D.730, Stormwater Management Facilities. Feasibility studies only will be funded with WMD funds if the Board of Managers has first adopted an order for a potential project that includes a feasibility study and the use of WMD revenue. Following the completion of a feasibility study approved by the Board of Managers, specific capital improvement projects will be established in accordance with MS 103D.601, MS 103D.605, or MS 103D.611.

Estimated Costs: Based on the historic and anticipated number of projects the maximum revenue generated for projects is $200,000 per year for a long- range (10-year) budget maximum of $2,000,000. Less revenue may be collected at the discretion of the Board of Managers if funds are successfully secured through grant funds from MPCA, DNR, BWSR, or other agencies.

Area for Inclusion: The area to be included in the HLSWMD is land contributing runoff to North and South Heron Lake, but not downstream of these lakes (**Figure 9.18**), an area of 444-square miles.

Figure 16. Area encompassed by the Heron Lake Subwatershed Water Management District (HLSWMD)



Methods for Determining Charges: The charge will be in proportion to the amount of runoff and sediment generated by a parcel relative to the total runoff volume and sediment load, respectively within the HLSWMD. The method to determine the charge per parcel will be based on the amount of runoff generated by a parcel as an indicator of the contribution to the downstream conveyance system, as well as the relative sediment and phosphorus yield. The calculations will be based upon the type of land cover and soils for each parcel. The process of estimating the amount of runoff volume and sediment yield contributed by a parcel will consist of:

- Use of curve numbers and the annual average precipitation depth to compute the annual runoff volume for each parcel;
- Use of the sum of the annual average runoff volumes for all parcels within the HLSWMD to determine the total annual runoff volume;
- Compute the annual average sediment load from each parcel using the annual average runoff volume multiplied by an average annual sediment concentration;
- Use of the sum of the annual sediment loads for all contributing parcels within the HLSWMD to determine the total annual sediment load;
- Use of the sum of the annual sediment load and runoff volume for each parcel. By dividing the sum by the total annual sediment load and runoff volume for all parcels within the HLSWMD, a "charge ratio" can be derived.
- The charge ratio will then be applied to the total amount of revenue needed for the HLSWMD to carry out the projects, programs and activities of the HLWD within the HLSWMD. This charge will allow for a credit for water quality and volume control BMPs if requested by the landowner.
- **A maximum annual per parcel charge of up to $24.00 will be imposed.**
- If the annual budget exceeds the funds derived from charges, the excess will be made from other funding mechanisms or a reduction in the number of implementation projects planned
- Lands in good permanent cover where it can be documented by the landowner that the amount of runoff and sediment load is at background levels within the HLS-WMD may be considered exempt from the stormwater charge on a case-by-case basis.

Duration: The HLSWMD will be effective for a 10-year period. No later than two years prior to the termination of the 10-year period, the HLWD will determine the necessity to maintain the HLSWMD. If the HLSWMD is desired beyond the 10-year period, the HLSWMD will be addressed in a subsequent WMP.

Minnesota Board of Water & Soil Resources

DATE: March 19, 2012

To: Board Members

From: John Jaschke, Executive Director

Re: Attached alternative resolution and order for Stockton-Rollingstone-MN City WD plan

The Southern Water Planning Committee considered and forwarded for recommendation the referenced WD plan on February 9, 2012. BWSR staff had recommended approval of the plan even though they had doubts as to the ability of the plan to financially undertake and accomplish the activities described within it.

The shortcomings of the plan are evident and in the time since the Committee acted, I have instructed staff to look for ways to improve the situation and discuss the possibilities with Committee Chair Langseth. Attached to this memorandum is an alternative resolution and order that represents the results of these efforts. The alternative version has NOT been presented or discussed by the Committee. The Administrative Advisory Committee is expected to discuss it briefly on March 28th.

The alternative resolution and order would provide a conditional approval that through 2015. This would allow the WD to continue their discussions of the role and financing of the WD operation for two years and then overtly consider embedding the WD plan within the Winona County Water Plan which will be updated around the same time. This is an example of the opportunities the Local Government Water Roundtable participants (AMC, MAWD, MASWCD with BWSR facilitation) hoped to capitalize on.

We will be drafting some criteria and considerations for plan review and approval and it is my hope that the Board would be receptive to a discussion in later this year about plan expectations, statutory requirements, and review and approval processes. The expected breadth and depth of watershed district and other local water plans is increasing, and not all of it comes from state statute. The outcome would be options and expectations guidance - which is needed most urgently now for a few of smaller WDs that have limited capacity.

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

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

In the Matter of Prescribing a Proposed Watershed Management Plan for the Stockton-Rollingstone-Minnesota City Watershed District Pursuant to Minnesota Statutes 103D.405

ORDER PRESCRIBING WATERSHED MANAGEMENT PLAN

ALTERNATIVE RESOLUTION

Whereas, the Stockston-Rollingstone-Minnesota City Watershed District Watershed Management Plan has not been updated since the original plan in 1959, and;

Whereas, new Watershed District Managers have recently been appointed to serve on the watershed board by the Winona County commissioners, and;

Whereas, the Board of Managers of the Stockston-Rollingstone-Minnesota City Watershed District (SRMCWD) filed a Draft Watershed Management Plan (Plan) dated October 25, 2011, with the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. 103D.401, and;

Whereas, major flooding of recent years occurred within the watershed, causing damage to its communities, and;

Whereas, local, state, and federal flood recovery funds were spent in the watershed triggering intergovernmental discussions that began identifying the critical need for more community flood protection, and;

Whereas, the SRMCWD has expressed an interest in seeing the discussions continue in order to optimize intergovernmental coordination while reducing the public expenditures necessary to manage water, and;

Whereas, the SRMCWD coordinated and conversed with the Winona County Soil and Water Conservation District and the Winona County Water Plan Coordinator regarding implementation activities in the Plan, and;

Whereas, the SRMCWD Plan was developed with and dependent on assistance from the Winona County Water Plan Coordinator, and;

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

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

FINDINGS OF FACT

1. **District Establishment.** The Minnesota Water Resources Board, by order, established the SRMCWD on December 26, 1958. The petition that created the Stockton-Rollingstone-Minnesota City Watershed District outlined the following purposes:
   A. For the control or alleviation of damage by floodwaters;
   B. For the improvement of stream channels for drainage and for wildlife purposes;
   C. For reclaiming wet and overflowed lands;
   D. For regulating stream flow and conserving stream water;
   E. For providing and conserving water supply for domestic, agricultural, industrial, recreational and other public uses; and
   F. Providing for sanitation and public health and regulating the use of streams, ditches, or watercourses for the purpose of disposing of waste.

2. **Requirement to Plan.** A watershed district is required to adopt a plan as a basis for watershed district regulations and funding authority pursuant to Minnesota Statutes 103D.401, Subd. 1(a). The Plan includes a background of the watershed, including the physical setting and overall objectives and purpose of the district, assessment of agency relationships, accomplishments, issues, goals, objectives and actions, implementation program and references, tables and figures. The major issues addressed by the SRMCWD Plan are similar to the Winona County Water Plan: flooding, water quality, and control of erosion and sediment in the watershed.

3. **Nature of the Watershed.** The SRMCWD covers about 98 square miles or 62,800 acres entirely within Winona County. The three small cities of Stockton, Rollingstone, and Minnesota City are in the watershed. Predominant land uses include cultivated crops and a mix of pasture, forest and open lands. There is a trend in converting non-cultivated lands to cropland. State forest land and city and county park lands are also part of the watershed. The watershed varies in elevation from 1,200 to 660 feet above sea level. Steep gradients result in rapid storm water runoff concentrations resulting in flash floods and serious soil erosion from unprotected land or uncontrolled runoff.

4. **Local Review.** The SRMCWD sent a copy of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103D.401.

5. **Department of Natural Resources Review.** Comments dated December 12, 2011, from DNR Fishery staff recommended changes to stream assessment and fishery management statements in the Plan for stream reaches in the watershed. The Plan was revised to include those comments. No other comments were received from DNR staff.

6. **Board of Water and Soil Resources.** Written comments dated November 29, 2011, were provided by Board staff recommending approval of the Plan with concerns regarding the lack of financial resources to support implementation of the Plan. Staff has provided information and assistance as needed throughout the planning process through meeting attendance and informal discussion. Staff has reviewed agency and local government comments. SRMCWD responses were not required due to the nature of the agency comments.

ALTERNATIVE RESOLUTION

7. **Publish Notice of Filing.** Legal Notice of Filing was published in the Winona Daily News on January 24 and 31, 2012. The Legal Notice of Filing was also mailed in a letter from Board staff Travis Germundson dated January 23, 2012, to several addressees including the Winona County Auditor and County Administrator; the Winona County Soil and Water Conservation District; and the municipalities of Stockton, Rollingstone, and Minnesota City.

8. **Public Hearing.** The Legal Notice of Filing was published pursuant to Minnesota Statutes Section 103D.105, Subd. 2 and 103D.401, Subd. 4 which require within 30 days of the last date of publication of the Notice of Filing of the Plan that at least one request for hearing be received by the Board before a hearing will be held. The Board received one comment letter; however, there was not a request for public hearing submitted. Therefore, a public hearing was not held.

9. **Southern Water Planning Committee Meeting.** On February 9, 2012, the Board's Southern Water Planning Committee (Committee) met with representatives of SRMCWD to discuss the draft Plan. After discussion, the Committee voted to recommend approval of the Stockston-Rollingstone-Minnesota City Watershed District 2011-2021 Watershed Management Plan to the full Board.

CONCLUSIONS

1. The procedural requirements of law have been fulfilled.

2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the Stockston-Rollingstone-Minnesota City Watershed District pursuant to Minnesota Statutes 103D.401.

3. The Stockston-Rollingstone-Minnesota City Watershed District Watershed Management Plan attached to this Order defines water-related problems within the SRMCWD boundaries, possible solutions thereto, and a minimal implementation program.

4. The attached Plan is in conformance with the requirements of Minnesota Statutes 103D, Board guidelines for Watershed District Plan content, and is consistent with the affected county comprehensive water plan.

5. The Board staff expressed concerns regarding the lack of financial resources to support meaningful implementation of the Plan.

6. The Board staff recommends conditional approval with the understanding that the SRMCWD will provide a report to the Board of Water and Soil Resources on January 31, 2015 to gauge the progress in implementing the Plan and the results of the continuing community flood prevention discussions concurrent with the updating of the Winona County Water Plan.

ALTERNATIVE RESOLUTION

ORDER

The Board hereby prescribes the attached Plan as the Management Plan for the Stockton-Rollingstone-Minnesota City Watershed District with an expiration date of December 31, 2015.

Dated at St. Paul, Minnesota this 28th day of March 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Brian Napstad, Chair

ALTERNATIVE RESOLUTION

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Stockton-Rollingston-Minnesota City WD Watershed Management Plan**

Meeting Date: March 28, 2012

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Southern Region

Contact: Jeff Nielsen

Prepared by: Jeff Nielsen

Reviewed by: Southern Water Planning Committee(s)

Presented by: Paul Langseth

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED

Approval of Stockton-Rollingstone-Minnesota City Watershed District Watershed Management Plan

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Stockton-Rollingstone-Minnesota City Watershed District (SRMCWD) previously submitted a revised plan in 1986 which was not prescribed by BWSR due to inadequacies. The SRMCWD does not have a current prescribed plan. The 2011-2021 Watershed Management Plan emphasizes four areas of action with the following goals:

- Flood mitigation particularly in Stockton and downstream to Minnesota City
- Addressing water quality impairments for fecal coliform and turbidity
- Soil erosion prevention and sediment control
- Improve district operations and interagency cooperation

The Stockton-Rollingstone-Minnesota City Watershed District 2011-2021 Watershed Management Plan is clear and concise. It replaces a long outdated plan and should provide a basis for greater activity by the board of managers to address resource problems in the district. The plan identifies best management practices and related implementation activities to address concerns identified in public meetings and a citizen survey.

The citizen survey of watershed concerns and district support showed forty percent of respondents in favor of increasing the district levy, forty percent for maintaining the current levy, and twenty percent in favor of disbanding the district. The current levy is seriously inadequate to support the activities identified in the plan. There is a significant base of citizens in favor of increased activity and resources to fund the district. The revision conforms to the requirements of Minnesota Statute 103D and guidance developed by BWSR.

On February 9, 2012, the BWSR Southern Water Planning Committee (Committee) met with representatives of SRMCWD to discuss the Watershed Management Plan. After discussion, the Committee voted to recommend approval of the Stockton-Rollingstone-Minnesota City Watershed District 2011-2021 Watershed Management Plan to the full Board.

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

In the Matter of Prescribing a Proposed Watershed Management Plan for the Stockton-Rollingstone-Minnesota City Watershed District Pursuant to Minnesota Statutes 103D.405

ORDER PRESCRIBING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Stockton-Rollingstone-Minnesota City Watershed District (SRMCWD) filed a Draft Watershed Management Plan (Plan) dated October 25, 2011, with the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. 103D.401, and;

Whereas, the SRMCWD coordinated and conversed with the Winona County Soil and Water Conservation District and the Winona County Water Plan Coordinator regarding implementation activities in the Plan, and;

Whereas, the SRMCWD Plan was developed with assistance from the Winona County Water Plan Coordinator, and;

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

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

FINDINGS OF FACT

1. **District Establishment.** The Minnesota Water Resources Board, by order, established the SRMCWD on December 26, 1958. The petition that created the Stockton-Rollingstone-Minnesota City Watershed District outlined the following purposes:
   A. For the control or alleviation of damage by floodwaters;
   B. For the improvement of stream channels for drainage and for wildlife purposes;
   C. For reclaiming wet and overflowed lands;
   D. For regulating stream flow and conserving stream water;
   E. For providing and conserving water supply for domestic, agricultural, industrial, recreational and other public uses; and
   F. Providing for sanitation and public health and regulating the use of streams, ditches, or watercourses for the purpose of disposing of waste.

2. **Requirement to Plan.** A watershed district is required to adopt a plan as a basis for watershed district regulations and funding authority pursuant to Minnesota Statutes 103D.401, Subd. 1(a). The Plan includes a background of the watershed, including the physical setting and overall objectives and purpose of the district, assessment of agency relationships, accomplishments, issues, goals, objectives and actions, implementation

program and references, tables and figures. The major issues addressed by the SRMCWD Plan are flooding, water quality, and control of erosion and sediment in the watershed.

3. **Nature of the Watershed.** The SRMCWD covers about 98 square miles or 62,800 acres entirely within Winona County. The three small cities of Stockton, Rollingstone, and Minnesota City are in the watershed. Predominant land uses include cultivated crops and a mix of pasture, forest, and open lands. There is a trend in converting non-cultivated lands to cropland. State forest land and city and county park lands are also part of the watershed. The watershed varies in elevation from 1,200 to 660 feet above sea level. Steep gradients result in rapid storm water runoff concentrations, resulting in flash floods and serious soil erosion from unprotected land or uncontrolled runoff.

4. **Local Review.** The SRMCWD sent a copy of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103D.401.

5. **Department of Natural Resources Review.** Comments dated December 12, 2011, from DNR Fishery staff recommended changes to stream assessment and fishery management statements in the Plan for stream reaches in the watershed. The Plan was revised to include those comments. No other comments were received from DNR staff.

6. **Board of Water and Soil Resources.** Written comments dated November 29, 2011, were provided by BWSR staff recommending approval of the Plan with concerns regarding the lack of financial resources to support implementation of the Plan. Staff has provided information and assistance as needed throughout the planning process through meeting attendance and informal discussion. Staff has reviewed agency and local government comments. SRMCWD responses were not required due to the nature of the agency comments.

7. **Publish Notice of Filing.** Legal Notice of Filing was published in the Winona Daily News on January 24 and 31, 2012. The Legal Notice of Filing was also mailed in a letter from Board staff Travis Germundson dated January 23, 2012, to several addressees, including the Winona County Auditor and County Administrator; the Winona County Soil and Water Conservation District; and the municipalities of Stockton, Rollingstone, and Minnesota City.

8. **Public Hearing.** The Legal Notice of Filing was published pursuant to Minnesota Statutes Section 103D.105, Subd. 2 and 103D.401, Subd. 4 which require within 30 days of the last date of publication of the Notice of Filing of the Plan that at least one request for hearing be received by the Board before a hearing will be held. The Board received one comment letter; however, there was not a request for public hearing submitted. Therefore, a public hearing was not held.

9. **Southern Water Planning Committee Meeting.** On February 9, 2012, the BWSR Southern Water Planning Committee (Committee) met with representatives of SRMCWD to discuss the Watershed Management Plan. After discussion, the Committee voted to recommend approval of the Stockton-Rollingstone-Minnesota City Watershed District 2011-2021 Watershed Management Plan to the full Board.

CONCLUSIONS

1. The procedural requirements of the law have been fulfilled.

2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the Stockton-Rollingstone-Minnesota City Watershed District pursuant to Minnesota Statutes 103D.401.

3. The Stockton-Rollingstone-Minnesota City Watershed District Watershed Management Plan attached to this Order defines water-related problems within the SRMCWD boundaries, possible solutions thereto, and an implementation program.

4. The attached Plan is in conformance with the requirements of Minnesota Statutes 103D, BWSR guidelines for Watershed District Plan content, and is consistent with the affected county comprehensive water plan.

ORDER

The Board hereby prescribes the attached Plan as the Management Plan for the Stockton-Rollingstone-Minnesota City Watershed District.

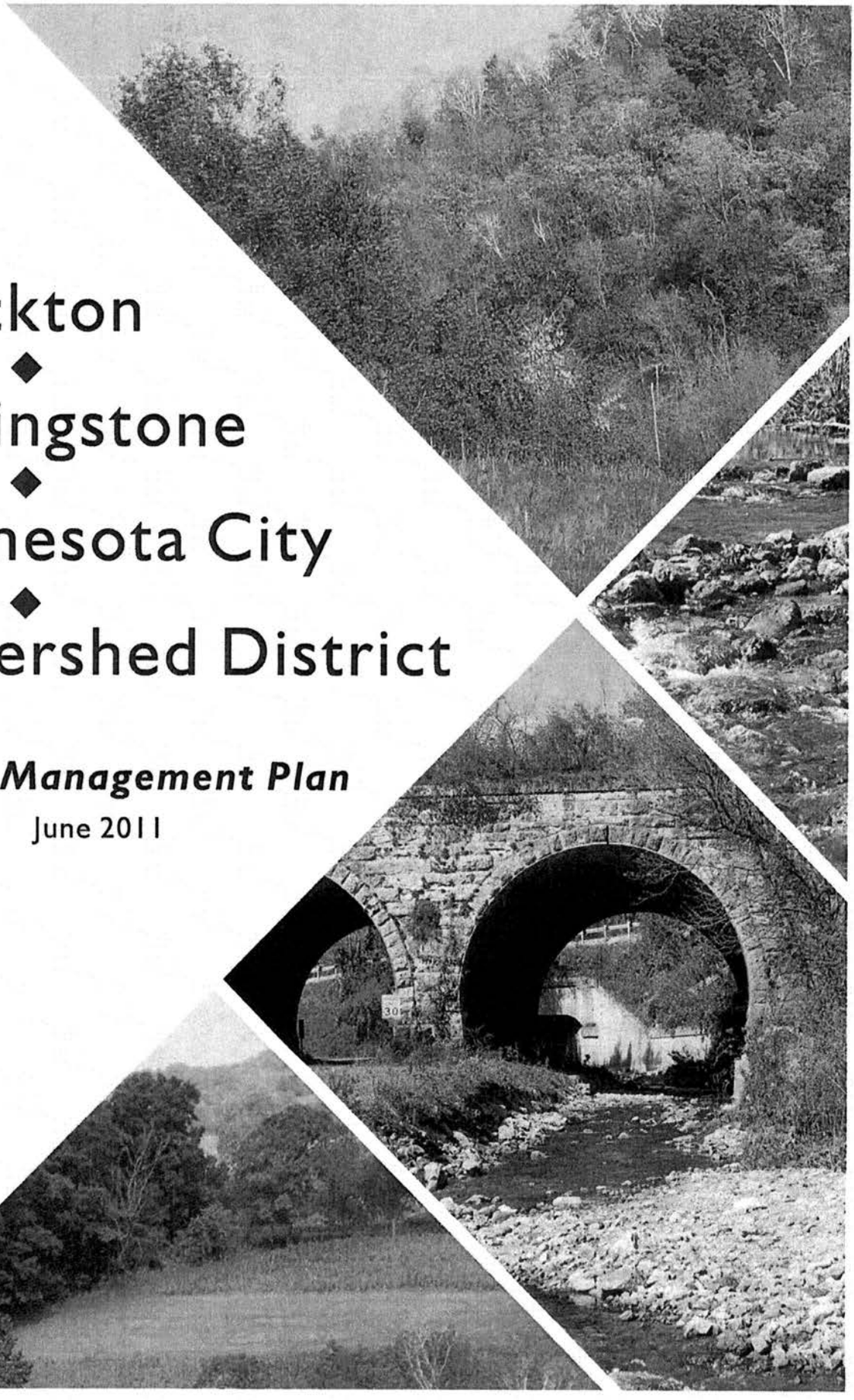
Dated at St. Paul, Minnesota this 28th day of March 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Brian Napstad, Chair

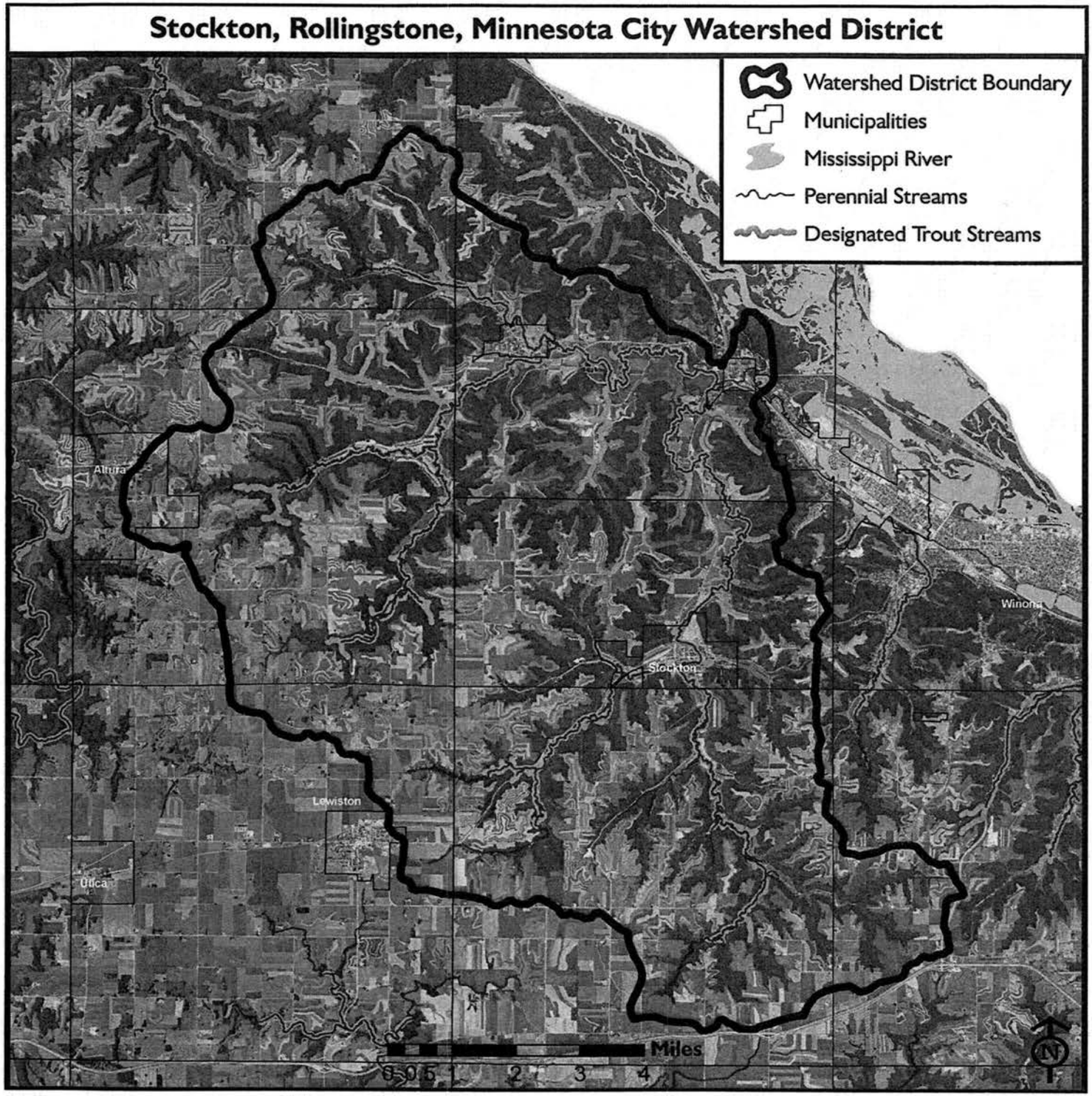
JAN 11, 2012



Stockton
◆
Rollingstone
◆
Minnesota City
◆
Watershed District

Water Management Plan

June 2011


Stockton, Rollingstone, Minnesota City Watershed District
Watershed District Boundary
Municipalities
Mississippi River
Perennial Streams
Designated Trout Streams
Altura
Winona
Stockton
Lewiston
Utica
0 0.5 1 2 3 4
Miles
N

Executive Summary

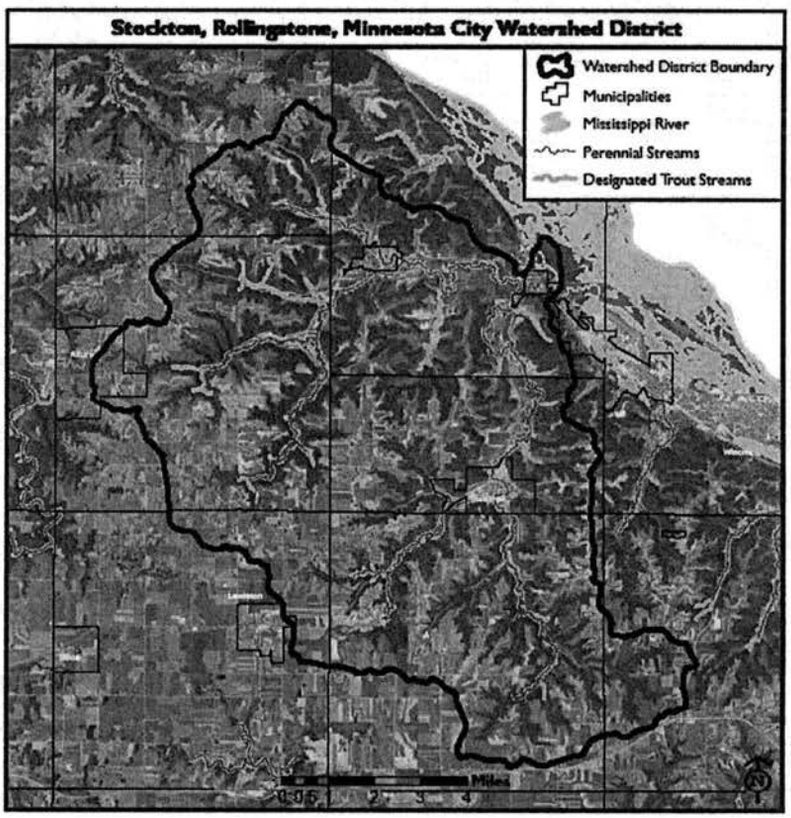
Watersheds

A watershed is a region or area where water drains into a river, creek, lake, wetland or some other recognized basin. Watersheds have the distinction of being nested landforms since as watersheds encompass greater areas, the greater the number of smaller watersheds it contains. In Minnesota, there are eight major basins (very large watersheds) encompassing 81 major watersheds which eventually drain into either the Gulf of Mexico or the Atlantic Ocean.

Watershed Districts

Watershed Districts are special government entities having the responsibilities to monitor and regulate various aspects of water management. State legislation enacted in 1955 authorized the existence of watershed districts as a reaction to the federal Watershed Protection and Flood Prevention Act of 1954. This Act provided federal dollars for the state and local governments to carry out projects designed to protect soil resources and minimize flood damages. Other efforts provided for in the Act included the conservation, development, utilization and disposal of water resources, and the promotion of sound land management practices.

Minnesota Statutes Chapter 103D governs the administration of Watershed Districts with each district having a board of managers appointed by the county commissioners in which the district lies. As described in Chapter 103D, the general purpose of watershed districts is to conserve the natural resources of the state by land use planning, flood control, and other conservation projects by using sound scientific principles for the protection of the public health and welfare and the provident use of natural resources.



In 2009, there were 46 Watershed Districts in Minnesota.

History

The Stockton-Rollingstone-Minnesota City Watershed District has a history of recurrent episodes of floods. This flood history prompted local citizens through their units of government to apply for federal money under the Watershed Protection and Flood Prevention Act, commonly referred to as PL-566. The Soil Conservation Service (SCS) (now named the Natural Resource Conservation Service) responded to this request by visiting the area in 1957 and 1958. Based on these visits, the SCS personnel devised a project to ease the flooding threat.

The establishment of the Stockton-Rollingstone-Minnesota City Watershed District occurred to provide the local authority to finance and carry out the project. On September 12, 1958, the Winona County Board of Commissioners filed a petition with the Minnesota Water Resources Board to form the Watershed District. The District's commencement started on December 26, 1958 with Minnesota City as its place of business.

The original flood mitigation project and its alternative projects were considered many times between 1958 and 1967 when the SCS ended all planning efforts. The Natural Resource Conservation Service (NRCS) issued a 2008 assessment report on Garvin Brook which includes a nice summary of the watershed district and early efforts to establish flood control structures in the watershed.

Purpose

The Stockton Rollingstone Minnesota City Watershed District Watershed Management Plan describes how the District will approach water resource management over the next ten years. The first Watershed Management Plan occurred in 1959 and was subsequently revised in 1984. However, the Minnesota Water Resources Board never officially adopted the 1984 revision. This plan is then a required and necessary revision of the Watershed Management Plan. It incorporates the items listed in 103D.405 and follows guidance of the Minnesota Board of Water and Soil Resources.

The petition that created the Stockton-Rollingstone-Minnesota City Watershed District outlined the following purposes:

A. For the control or alleviation of damage by floodwaters;
B. For the improvement of stream channels for drainage and for wildlife purposes;
C. For reclaiming wet and overflowed lands;
D. For regulating stream flow and conserving stream water;
E. For providing and conserving water supply for domestic, agricultural, industrial, recreational and other public uses; and
F. Providing for sanitation and public health and regulating the use of streams, ditches, or watercourses for the purpose of disposing of waste.
    1. To monitor livestock feedlots for satisfactory operations;
    2. To monitor release of effluent from community waste treatment plants;
    3. To monitor the operation of individual waste treatment facilities.

The un-adopted 1984 revision also contained these Objectives:

A. Providing water supply for irrigation;
B. Diverting or changing watercourses in whole or part;
C. Repair, improve, relocate, modify consolidate, and abandon, in whole or part, drainage systems within a watershed district;
D. Imposition of preventive or remedial measures for the control or alleviation of land and soil erosion and siltation of watercourses or bodies of water affected thereby;
    1. To reduce the amount of soil particles and sediment entering the watercourses;
    2. To reduce and prevent soil losses in excess of established soil loss tolerance;

E. Regulating improvements by riparian landowners of the beds, banks, and shores of lakes, streams, and marshes by permit or otherwise in order to preserve the same for beneficial use;
F. Providing for the generation of hydroelectric power;
G. Protecting or enhancing the quality of water in watercourses or bodies of water;
    1. To reduce the amount of phosphorus and nitrogen entering the watercourses;
H. Providing for public health by protecting the quality of ground water in the karst formation, by permit or otherwise, in order to present the same for beneficial uses.

At the time of the District's inception, many of the present day regulatory programs were not in place to address environmental problems. As federal, state, and local programs expanded, the focus of the Watershed District has narrowed. Recent years have seen the Watershed District concentrating its efforts along stream corridors. Because of the 2007 flood, the Watershed District has taken a renewed interest in implementing effective strategies to reduce flood damage within the District.

Watershed Management Plan Revision Process

The process to revise the Watershed Management Plan included:

1. Gathering input from citizens and resource specialists regarding land and water problems and priority issues;
2. Reviewing the statutory authority of the Watershed District and other government units and determining the types of future projects that the Watershed District should undertake alone or in cooperation with other agencies based on resource capacity of the district; and
3. Developing realistic objectives and actions for the next five years to achieve the purposes of the Watershed District and the priority issues.

The Watershed District managers started meeting with staff from the Board of Water and Soil Resources (BWSR), Winona County Soil and Water Conservation District (SWCD), and Winona County Planning Department in the summer of 2007 to discuss revising the Watershed Management Plan. In August 2007, a disastrous flood hit the area and resulted in the decision to delay the revision in order to address the immediate flood response within the Watershed.

The process started nearly a year later when an appointed advisory committee met on July 1, 2008. The advisory committee reviewed a draft action plan and staged a public open house in December of 2008 to gather input from citizens. The committee sent meeting notices to all known property owners within the District. Furthermore, the committee composed a survey as a means to encourage public participation and input. (see Appendix for a summary of survey results). Comments were also solicited from local agencies as well as the Garvin Brook Watershed Alliance (a citizens group that was formed in the wake of the August 2007 flood) in order to obtain information on their understanding of problems and priorities within the Watershed.

Summary of studies on active or planned projects

Presently there are no completed studies on active or planned projects. A proposed stream crossing for cattle over the Middle Valley Creek had surveys completed but the project is in suspension. (A list of recently completed projects is contained in the appendix).

In response to the 2007 flood, the SRMC Watershed District along with Winona County and the Winona County SWCD requested the NRCS undertake an assessment of flood control options in the Garvin Brooke Watershed. The resulting May 2008 assessment report analyzed a previously completed study by the US Army Corps of Engineers (USACE) that was completed in 1994 on flood control in the City of Stockton. NRCS recommends that the USACE plan be studied further for economic costs and benefits, hydrology, engineering, and environmental impacts. The NRCS assessment also offers a number of alternatives to the USACE flood control plan. Each alternative is briefly analyzed and includes an estimated cost benefit ratio. The 2008 NRCS assessment report and recommendations have not been acted on primarily because of lack of federal funding for the project. No further studies of the USACE plan or NRCS alternatives have been commissioned and the watershed district continues to seek partners and funding for additional studies.

The City of Stockton contracted with Zenk-Read-Trystad & Associates to identify options of flood control measures and provide cost estimates. The consultant recommended to city officials that they consider reconstruction of the existing channel as the most feasible option. The consultant also recommended the City of Stockton collaborates with the Watershed District to explore funding options for the project.

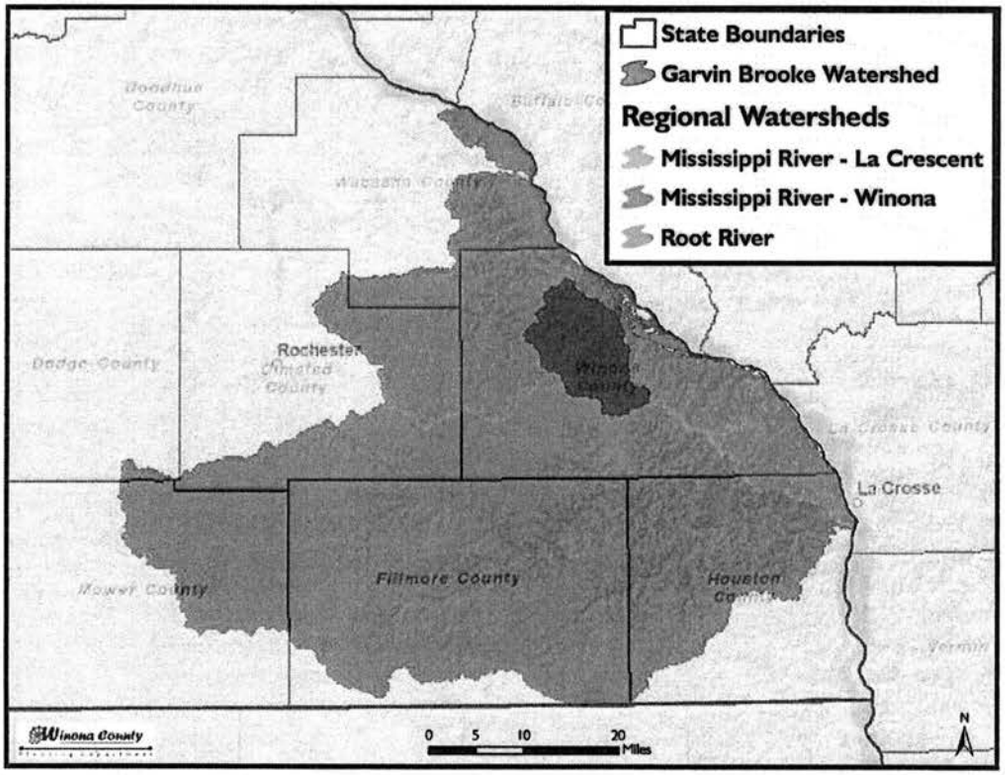
Rules

The Watershed District records show that prior to 1990, the District had rules associated with a permitting program. Recently, the District has rules for funding recipients but, no systematic permitting program. The District managers recognized a major initiative over the next five years consists of the development of rules and a permitting program.

DESCRIPTION

Location and Size

The Stockton-Rollingstone-Minnesota City Watershed District lies within the Mississippi - Winona Watershed and is part of the Lower Mississippi River Basin. The District corresponds to the geographical extent of the Garvin Brook Watershed and lies entirely within Winona County. The Garvin Brook Watershed comprises approximately 15.4-percent of the County or roughly 100 square miles. The SRMC Watershed District consists of all or parts of Hillsdale, Mount Vernon, Norton, Rollingstone, Warren, Wilson, and Utica Townships. The Cities of Minnesota City, Rollingstone, and Stockton lie completely within the District as well. The easternmost portions of the Cities of Altura and Lewiston are in the District, and with the recent annexation of the Gunderson Addition, Goodview now has land within the District.



The Stockton-Rollingstone-Minnesota City Watershed District itself consists of eleven minor watersheds. The major streams within the District are Garvin Brook, Stockton Valley Creek, and Rollingstone Creek. Stockton Valley Creek flows into Garvin Brooke just above Stockton. Garvin Brooke continues downstream until it converges with Rollingstone Creek above Minnesota City, before dis-

Implementation Plan Summary

Objective - Effectively operate the Watershed District organization according to MN Statutes 103D		
Action	**Contact**	**Timeline**
Provide training and resources to managers and staff.	SRMCD	Ongoing
Review and revise Watershed District Rules.	SRMCWD	2012
Develop a permit program.	SRMCWD	2012
Complete annual report.	SRMCWD	Annually
Maintain an active advisory committee.	SRMCWD	Ongoing

Objective - Coordinate activities with other organizations to provide efficient natural resource protection and management for the lands and waters within the Garvin Brook Watershed.		
Action	**Contact**	**Timeline**
Collaborate with Winona County to explore ways of improving services and becoming more efficient.	SRMCWD, Winona County	Ongoing
Partner with Winona County SWCD on projects of mutual interest.	SRMCWD, SWCD	Ongoing
Partner with Winona County to develop a web based location for the watershed district to post information.	SRMCWD, Winona County	2012
Attend the Winona County SWCD Board meeting on a quarterly basis.	SRMCWD, SWCD	Ongoing
Represent the watershed district at Garvin Brook Alliance meetings.	SRMCWD	Ongoing
Collaborate with partners to provide nontax funding sources.		Ongoing

Objective - Focus Watershed District resources in order to provide the greatest beneficial results for the time, energy and money invested.		
Action	**Contact**	**Timeline**
Hire a consultant to conduct detailed study.	SRMCWD	2013
Focus resources using a watershed approach.	SRMCWD	Ongoing

Objective - Improve flood management in Garvin Brook Watershed		
Action	**Contact**	**Timeline**
Provide input for the Winona County Hazard Mitigation Plan	SRMCWD, Winona County	Ongoing
Examine options for flood mitigation by structural means.	SRMCWD	Ongoing
Examine flood damage reduction through enhanced floodplain / shoreland management.	SRMCWD	Ongoing
Provide support for conservation practices that result in water retention.	SRMCWD	Ongoing

Objective -Address water quality impairments in the watershed.		
Action	**Contact**	**Timeline**
Host meetings with MPCA and public to update on TMDL activities.	SRMCWD	Annually
Host meetings with Winona County and public regarding MPCA intensive watershed monitoring results.	SRMCWD, Winona County	2012
Promote benefits of livestock grazing and pasture management systems.	SRMCWD	Ongoing

Objective -Prevent Soil Erosion and Control Sediment		
Action	**Contact**	**Timeline**
Promote and educate about cover cropping, contour plowing, crop rotation and conservation cropping systems.	SRMCWD	Ongoing
Assess gully erosion.	SRMCWD	Ongoing
Implement a pond cleanout program.	SRMCWD	2011-
Assist with funding of grade stabilization structures.	SRMCWD	Ongoing
Assist with funding grassed waterways and diversions.	SRMCWD	Ongoing

Five Year Activity Plan

This five year plan is intended to be used as a guidance document for the watershed district managers as well as a reference document for local citizens and local/state/federal agencies.

2011

* Develop the watershed management plan with assistance from Winona County for BWSR review.
* Create a web based location for information relating to the watershed district.
* Establish a pond cleanout program to help restore storage capacity to erosion control structures that have filled with sediment.
* Set SRMCWD levy for 2012.

2012

* Assemble and maintain an active Citizens Advisory Committee (CAC).
* Review watershed District Rules for adoption in 2013.
* Collaborate with Winona County and SWCD to find efficiencies and areas of collaboration.
* Review financial options for accomplishing the Watershed District's goals.
* Continue the pond cleanout program through the spring of 2012.
* Set SRMCWD levy for 2013.

2013

* Adopt new SRMCWD Rules.
* Hire a consultant to analyze where the watershed district should focus its resources to provide the greatest benefit utilizing a watershed approach at the minor watershed level.
* Select an item from the implementation plan to accomplish with available funds in 2014 utilizing the consultants' recommendations.
* Promote farm practices in cooperation with SWCD that accomplish the water quality and soil erosion goals of the watershed district.
* Set SRMCWD levy for 2014.

2014

* Fund a project that was selected for completion the previous year.
* Select an item from the implementation plan to accomplish with available funds in 2015.
* Set SRMCWD levy for 2015.

2015

* Host an educational event highlighting the watershed districts work and promoting conservation within the watershed.
* Fund a project that was selected for completion the previous year.
* Select an item from the implementation plan to accomplish with available funds in 2016.
* Set SRMCWD levy for 2016.

Funding Mechanisms

The Watershed District has a number of different taxing authorities available to fund their implementation program. These mechanisms are summarized below and include ad valorem tax levies and assessment levies. Other funding options include, funds generated through bonds, funds generated through collection of charges and grants, as well as donations and in-kind contributions. Often the first funding options that must be exhausted are the levying capabilities. The funds that are often established are included under the corresponding levy. The following information was gathered from the Minnesota Association of Watershed Districts, Watershed District Handbook.

Ad Valorem Tax Levies

"Ad valorem" taxes are based on the value of real estate or personal property. Ad valorem taxes are collected over the entire taxing district and are based on property value. Funds commonly established by watershed districts and funded by ad valorem tax levies include Organizational Expense Fund (M.S. Chapter 103D.905, Subd. 2); General (Administrative) Fund (M.S. Chapter 103D.905, Subd. 3); Survey and Data Acquisition Fund (M.S. Chapter 103D.905, Subd. 8); Emergency Projects of Common Benefit Fund (M.S. Chapter103D.615, Subd. 3); Planning and Implementation Fund (metro only) (M.S. Chapter 103B.241, 103B.231 and 103B. 235) and Maintenance of Capital Improvements Fund (metro only) (M.S. Chapter 103B.251, Subd. 9).

Assessment Levies

An assessment levy is a special tax charged to a property to pay for a local public improvement that will benefit that property or group of properties specifically. The most common assessment levies are for

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Winona County SWCD Nomination Districts**

Meeting Date: March 28, 2012

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: Southern Region
Contact: Jeff Nielsen
Prepared by: Jeff Nielsen
Reviewed by: Southern Water Planning Committee(s)
Presented by: Paul Langseth

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

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

Fiscal/Policy Impact

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

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

ACTION REQUESTED
Decision on Winona SWCD Nomination Districts Changes

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Winona County Soil and Water Conservation District (SWCD) approved a Nomination Districts Resolution on July 13, 2011. The reason for this resolution is to address confusion casued by current Nomination District boundaries in Winona County. Currently, the Nomination Districts for District 2 and District 3 follow County Road 23; the rest of the Nomination Districts in the County follow township lines. This inconsistency creates confusion for landowners deciding whether they are eligible for open SWCD supervisor seats. The propsed Nomination Districts will be more consistent and provide equal distribution of township represenation in the County.

NOMINATION DISTRICTS RESOLUTION

Be it resolved by the **Winona County Soil and Water Conservation District Supervisors** that pursuant to M.S. 103C.311, the district be divided into five areas for nominating candidates for the positions of Soil and Water Conservation District Supervisors to be elected at large as follows:

District	Description of Boundaries
I	The townships of Whitewater, Mount Vernon, Elba and St. Charles
II	The townships of Norton, Hillsdale, Utica and Warren
III	The townships of Rollingstone, Winona and Wilson
IV	The townships of Saratoga, Fremont, Hart and Wiscoy
V	The townships of Homer, Richmond, Pleasant Hill, New Hartford and Dresbach

I, Arlene Nelson, Secretary of the Winona County Soil and Water Conservation District, do hereby certify that the above resolution relating to the division of the Winona County Soil and Water Conservation District into five nominating areas was adopted by the said District Supervisors at a regular meeting held on July 13, 2011, that I have compared the above copy with the original resolution as set forth in the minutes of said meeting, and it is a true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of the Board was duly called and held, that a quorum of members of said Board was present thereat, and that said resolution was duly adopted thereat by a vote of 4 to 0 of the members present.

Signed: Arlene Nelson
Secretary

Winona County Soil and Water Conservation District

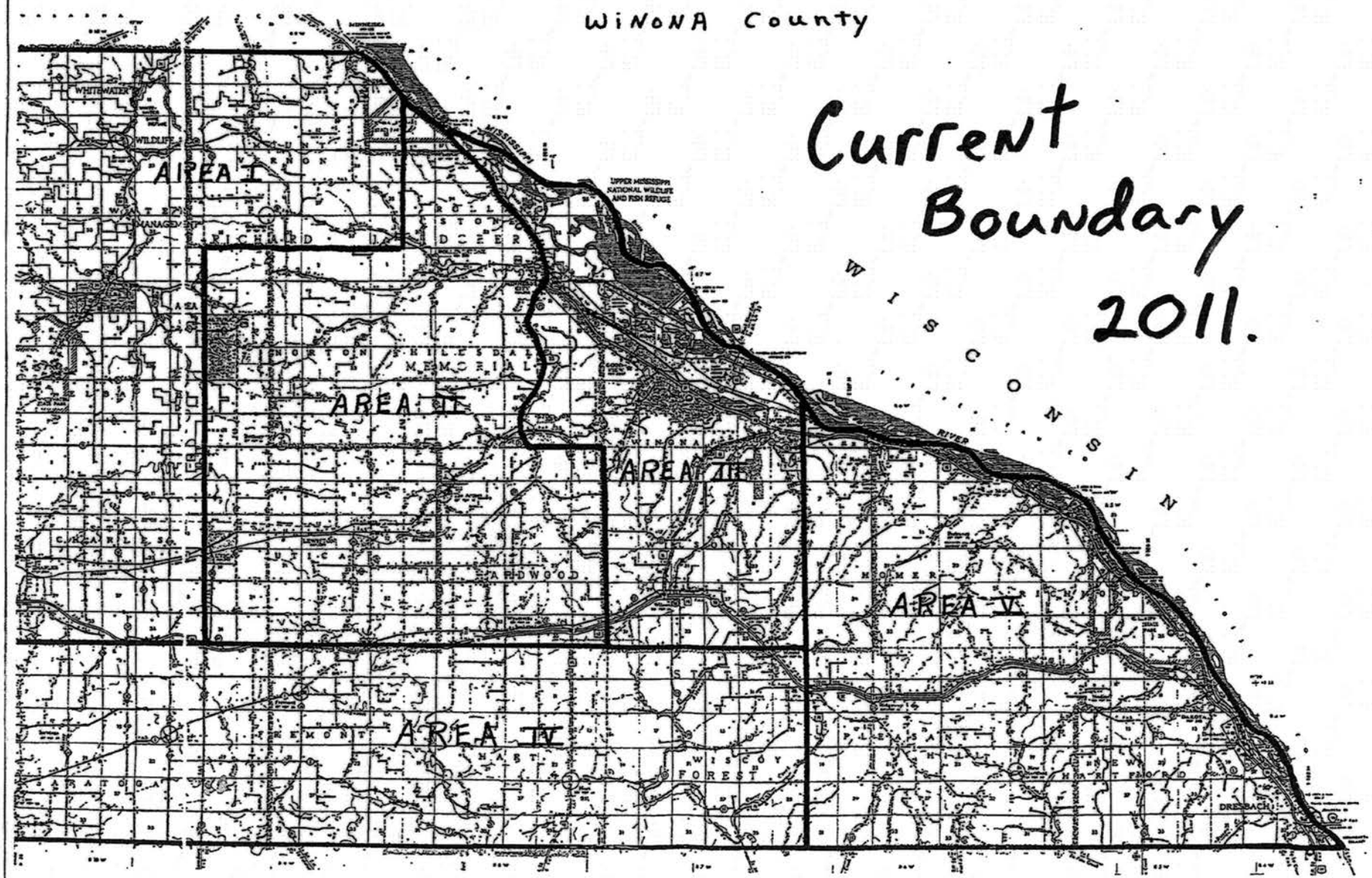
Be it resolved by the Board of Water and Soil Resources that the division of the Winona County Soil and Water Conservation District into five nominating areas as set forth in the above resolution adopted by the supervisors of said district on _____, 20____, is hereby approved.

I, _____, Executive Director of the Board of Water and Soil Resources, do hereby certify that I have compared the above copy of resolution relating to the division of the Winona County Soil and Water Conservation District into five nominating areas adopted by said Board at a regular meeting held on _____, 20____, with the original as set forth in the minutes of said meeting, and that said copy is a true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of said Board was duly called and held, that a quorum of members of said Board was present thereat, and that said resolution was duly adopted thereat by a vote of _____ to _____ of the members present.

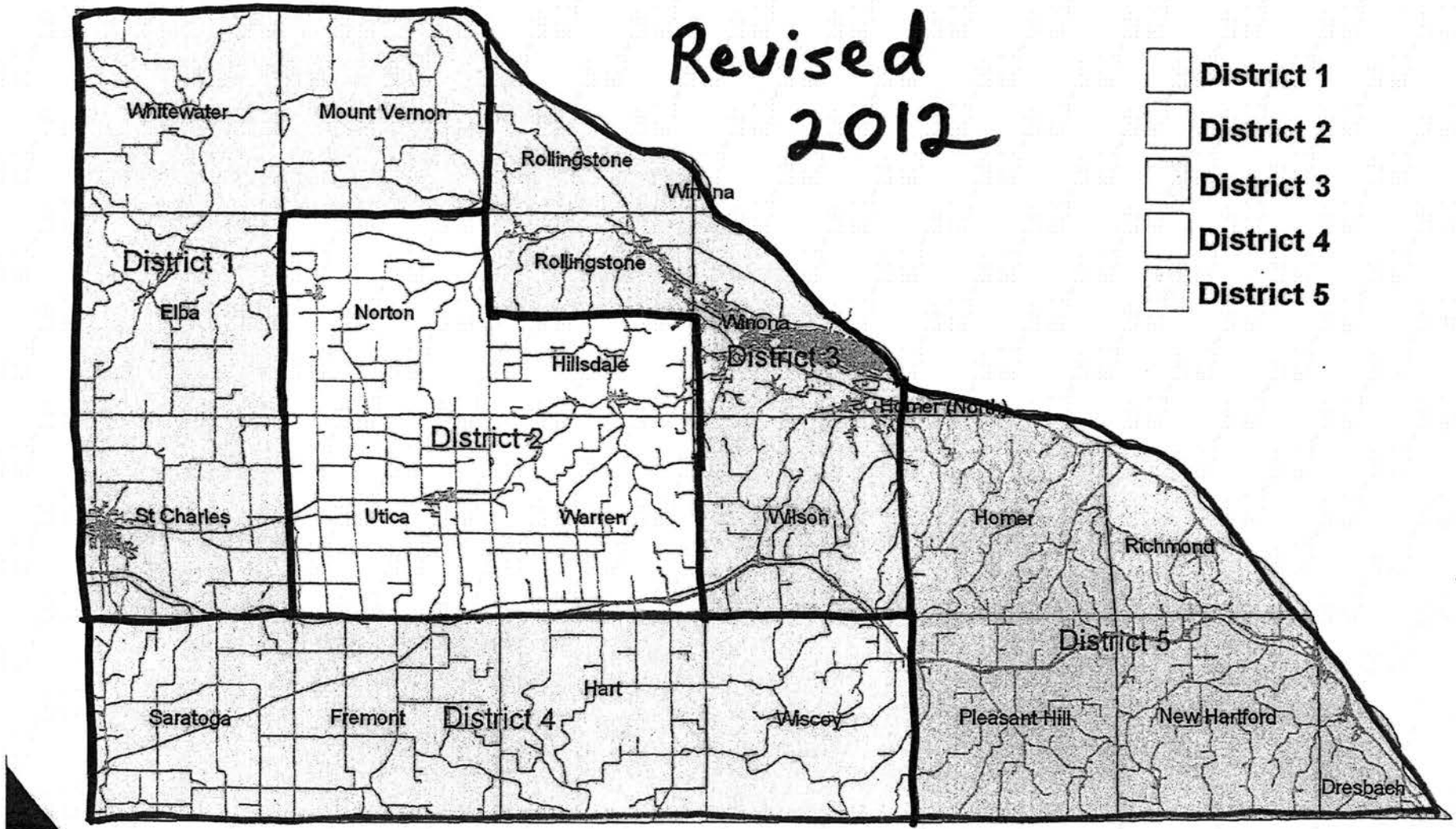
Signed: _____
Executive Director
Board of Water and Soil Resources

Filed _____ day of _____, 20____.

Signed: _____
County Auditor
Winona County


WINONA County
Current Boundary 2011.
AREA I
AREA II
AREA III
AREA IV
AREA V
WISCONSIN
MISSISSIPPI
WHITEWATER
UPPER MISSISSIPPI NATIONAL WILDLIFE AND FISH REFUGE
RIVER

Winona County SWCD Board of Supervisors
Nominating Districts



NEW BUSINESS

1. Amending Board Resolution #11-96: FY 2012 Competitive Grants Program Funding Recommendation – Dave Weirens – ***DECISION ITEM***

2. Evaluation of Water Related Programs – John Linc Stine, MPCA – ***INFORMATION ITEM***

3. Agassiz National Wildlife Refuge (NWR) Water Quality Study – U.S. Fish & Wildlife Service Jim Leach, Refuge Supervisor; Josh Eash, Regional Hydrologist; and Gregg Knutsen, Wildlife Biologist – ***INFORMATION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Amending Resolution #11-96, FY2012 Competitive Grant Program Allocations**

Meeting Date: March 28, 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: _____ 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 amend Resolution #11-96 to remove project C12-159 from the list of projects funded with FY2012 Clean Water Funds, and instead to fund this project with FY2013 Clean Water Funds.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
On December 14, 2011, the Board adopted Resolution #11-96 which allocated funds to projects under the FY2012 Competitive Grants Program. During processing of these grants, a discrepancy was discovered whereby a $500,000 obligation ot the Conservation Corps of Minnesota and Iowa was not factored into these grant allocations.

While the grants were being processed, regional staff learned that Olmsted County project C12-159, would be delayed due to a pending land sale and that the County would welcome a delay in the start of the project and an extension to the duration of the grant agreement.

The requested action will resolve both of these issues, in that, the delay in the initiation of project C12-159 will enable currently available FY2012 grant funds to cover all other projects approved in Resolution #11-96 and meet the revised project timeline as requested by Olmsted County.

Board Resolution # 12-

AMENDING BOARD RESOLUTION #11-96: FY 2012 COMPETITIVE GRANTS PROGRAM FUNDING RECOMMENDATION

WHEREAS, the Board adopted Resolution #11-96 on December 14, 2011 in which FY 2012 Competitive Grants Program funds were allocated; and

WHEREAS, a discrepancy in fund calculation occurred due to an obligation to the Conservation Corps of Minnesota and Iowa that was not factored into the grant allocation which resulted in Resolution #11-96 allocating $500,000 more in FY2012 Clean Water Assistance funds than were available; and

WHEREAS, in Resolution #11-96 $575,000 was awarded to Olmsted County for Project C12-159, titled "Cascade Creek Turbidity Reduction Through Rural Retention and Stream Restoration" and

WHEREAS, BWSR staff have been in contact with Olmsted County and have learned that implementation of project C12-159 is being delayed due to the sale of property where work is scheduled to occur and that a delay in receiving funds and an extension in the grant agreement is desirable; and

WHEREAS, delaying Project C12-159 and funding it with FY2013 Clean Water Funds will allow all projects approved for funding in Resolution #11-96 to be implemented as proposed.

NOW THEREFORE BE IT RESOLVED, that the Board amends Resolution #11-96 to remove Project C12-159 from the list of projects funded with FY2012 Clean Water Funds and to instead fund this project with FY2013 Clean Water Funds.

_____ Date: _____

Brain Napstad, Chair
Board of Water and Soil Resources

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Evaluation of Water Related Programs

Meeting Date: March 28, 2012

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

Item Type: ☐ Decision ☐ Discussion ☒ Information

Section/Region:

Contact:

Prepared by: John Jaschke

Reviewed by: John Jaschke Committee(s)

Presented by: John Stine, MPCA Deputy 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
None

SUMMARY
Legislation was passed in Special Session 2011 that directs the Pollution Control Agency to accomplish an evaluation of water related programs in conjunction with other water agencies and the University of Minnesota. The legislation began as a rule moratorium but that aspect of the legislation was set aside. MPCA Deputy Commissioner John Stine will overview the plans developed thus far for the $75,000 study and provide some perspective on how the Board and local governments may be best able to contribute.

> Minn. Laws 2011 1Sp, Chapter 2, Article 4, Sec. 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

Water Governance Evaluation

Streamline, strengthen and improve sustainable water management

John Linc Stine
Deputy Commissioner
MPCA

January 25, 2012

2011 Special Session

91.10 Sec. 33. EVALUATION REQUIRED.

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(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.

2011 Special Session

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Water-Related Statutory Purposes

- Public Waters Regulation
- Water Use and Appropriation
- Flooding
- Pollution Prevention and Control
- Water Quality
- Shoreland Management
- Groundwater Protection
- Wetland Conservation
- Drinking Water
- Public Health Risk Assessment
- Drainage
- Water Well Construction

Water Governance Project

Project Managers – John Linc Stine and Rebecca Flood, MPCA

Project Staff – undecided

Project Input – Interagency Leadership Team, Clean Water Council, Local Government Roundtable

Project Timeline:

August – February 2012	Organize and Plan
February – September 2012	Interagency Work and Evaluation
October – December 2012	Report Drafting
January 2013	Final Report

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Agassiz National Wildlife Refuge (NWR) Water Quality Study** ☐

Meeting Date: _____

Agenda Category: ☐ Committee Recommendation ☒ New Business ☐ Old Business
Item Type: ☐ Decision ☐ Discussion ☒ Information
Section/Region: _____
Contact: John Jaschke
Prepared by: _____
Reviewed by: John Jaschke Committee(s)
Presented by: Jim Leach, U.S. Fish & Wildlife Service

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED

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

Jim Leach, Refuge Supervisor; Josh Eash, Regional Hydrologist; and Gregg Knutsen, Wildlife Biologist, with the U.S. Fish & Wildlife Service, will present information regarding the Agassiz National Wildlife Refuge (NWR) Water Quality Study.

FOR YOUR INFORMATION
March 28, 2012

- ☐ Updated BWSR Board Member Listing
- ☐ Updated BWSR Board Member Map
- ☐ BWSR Committees, dated March 14, 2012
- ☐ BWSR "Snapshots"
- ☐ "Conservation Priorities for the 2012 Farm Bill" by Minnesota State Agencies
- ☐ "RIM Reserve 2011-2012" Updated Subprogram Funding Source
- ☐ Office of Legislative Auditor (OLA) Background Paper for "Conservation Easements" and "Environmental Regulation through Administrative Rules"
- ☐ Performance Review and Assistance Program (PRAP) 2012 Report to the Minnesota Legislature

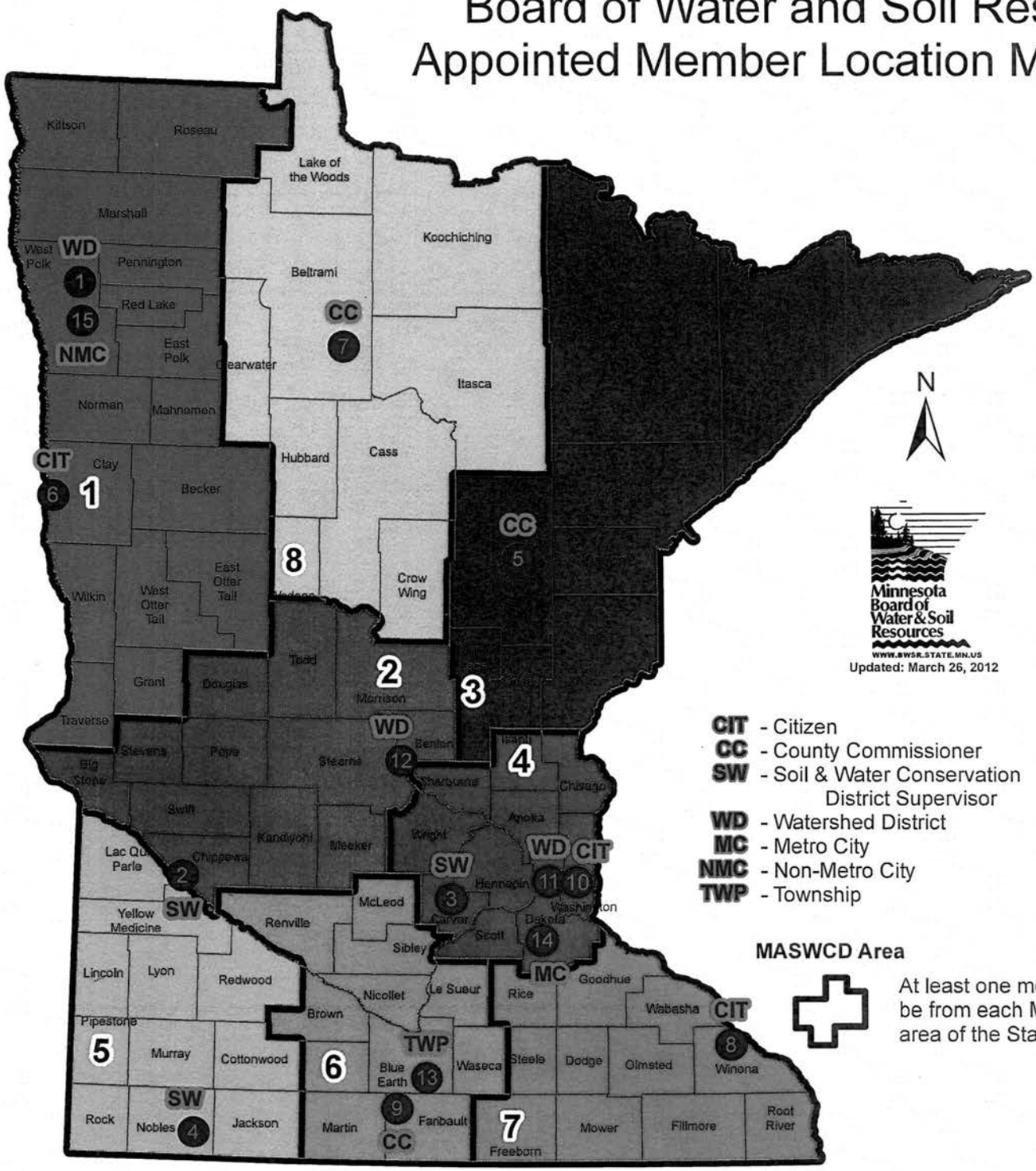
MINNESOTA BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
ST. PAUL, MINNESOTA 55155
Phone: 651-296-3767 Fax: 651-297-5615

Appointed Members	*Appointment Designation*	*Term*	*Telephone/Fax/Cell*	
Brian Napstad, Chair 51227 Long Point Place, McGregor, MN 55760	**County Commissioner** bnapstad@yahoo.com	**2/03/10 - 1/06/14**	218-426-3008 218-426-4662	*Home* *Office*
Quentin Fairbanks 16374N Blackduck Road NE, Hines, MN 56647	**Co. Commissioner** quentin@paulbunyan.net	**6/30/11 - 1/05/15**	218-835-4184 218-553-0433	*Home* *Cell*
Tom Loveall 39290 200th St., Winnebago, MN 56098	**Co. Commissioner** Tomcat56098@yahoo.com	**5/11/09 - 1/07/13**	507-854-3572 507-854-3300	*Home* *Office*
Jack Ditmore 61 Flandrau Place, St. Paul, MN 55106	**Citizen** ditjc9999@msn.com	**3/29/12 – 1/04/16**	651-774-7239 651-334-1478	*Home* *Cell*
Gerald Van Amburg 4518 5th Street S., Moorhead, MN 56560	**Citizen** vanambur@cord.edu	**6/30/11 - 1/05/15**	218-236-7659 218-790-2502	*Home* *Cell*
John Meyer 18689 Highway 248, Rollingstone, MN 55969	**Citizen** john@qhdairy.com	**5/11/09 - 1/07/13**	507-689-2612 507-689-2457	*Home* *Office*
Robert Burandt 1340 Waconia Pkwy. S., Waconia, MN 55387	**SWCD** rlburandt@gmail.com	**5/11/09 - 1/07/13**	952-442-4216	*Home*
Paul Langseth 35505 280th St., Worthington, MN 56187	**SWCD** paul.langseth@gmail.com	**2/03/10 - 1/06/14**	507-360-5844 507-376-5686	*Office* *Home*
Steve Sunderland 2030 20th Ave., SE, Montevideo, MN 56265	**SWCD** sunderland@mvtvwireless.com	**3/29/12 – 1/04/16**	320-226-3550	*Home*
Todd Foster 1020 Co. Rd. 134, St. Cloud, MN 56303	**Watershed** iliketheoutdoors@gmail.com	**6/30/11 - 1/05/15**	320-241-6041	*Home*
Gene Tiedemann 13099 310th Ave., SW, Euclid, MN 56722	**Watershed** gtiedemann@rrv.net	**2/03/11 - 1/06/14**	218-289-3511 218-281-6723 218-289-1348	*Office* *Home* *Cell*
Joseph Collins 534 West Orange Ave., St. Paul, MN 55117	**Watershed** joe.collins@ci.stpaul.mn.us	**3/29/12 – 1/04/16**	651-266-6020	*Home*
Sandra Hooker 14418 618th Avenue, Mapleton, MN 56065	**Townships** sandy.hooker@mntownships.org	**3/29/12 – 1/04/16**	507-869-3114	*Home*
Christy Jo Fogarty 18946 Excalibur Trail, Farmington, MN 55024	**Metro City** cfogarty@charter.net	**9/21/09 - 1/07/13**	651-460-8057 612-867-8875	*Home* *Office*
Keith Mykleseth 532 Summit Avenue, Crookston, MN 56716	**Non-Metro City** kmykleseth@tnc.org	**9/21/09 - 1/05/15**	218-281-1801 218-521-0565	*Home* *Cell*

State Agency Members:

Matthew Wohlman Freeman Office Bldg., 625 Robert St. N., St. Paul, MN 55155 Matthew.Wohlman@state.mn.us	**Department of Agriculture**	651-201-6551 651-201-6120	*Office* *Fax*
Chris Elvrum P.O. Box 64975, St. Paul, MN 55164-0975 chris.elvrum@state.mn.us	**Department of Health**	651-201-4598 651-201-4986	*Office* *Fax*
Tom Landwehr 500 Lafayette Road, St. Paul, MN 55155 Tom.Landwehr@state.mn.us	**Department of Natural Resources**	651-259-5555 651-296-4799	*Office* *Fax*
Faye Sleeper Room 173 McNeal Hall, 1985 Buford Avenue, St. Paul, MN 55108 fsleeper@umn.edu	**U of M/Water Resources Center**	612-624-3738 612-625-1263	*Office* *Fax*
Rebecca Flood 520 Lafayette Road, St. Paul, MN 55155 Rebecca.Flood@state.mn.us	**Pollution Control Agency**	651-757-2022 651-296-7923	*Office* *Fax*

Board of Water and Soil Resources
Appointed Member Location Map (2012)



N

Minnesota Board of Water & Soil Resources
WWW.BWSR.STATE.MN.US
Updated: March 26, 2012

CIT - Citizen
CC - County Commissioner
SW - Soil & Water Conservation District Supervisor
WD - Watershed District
MC - Metro City
NMC - Non-Metro City
TWP - Township

MASWCD Area

At least one member must be from each MASWCD area of the State

Board Members

ID, Member, Yr. Appt. Ends

- 1, Gene Tiedmann, 2014
- 2, Steve Sunderland, 2016
- 3, Robert Burandt, 2013
- 4, Paul Langseth, 2014
- 5, Brian Napstad, Chair, 2014
- 6, Gerald Van Amburg, Vice Chair, 2015
- 7, Quentin Fairbanks, 2015
- 8, John Meyer, 2013
- 9, Tom Loveall, 2013
- 10, Jack Ditmore, 2016
- 11, Joseph Collins, 2016
- 12,Todd Foster, 2015
- 13, Sandra Hooker, 2016
- 14, Christy Jo Fogarty, 2013
- 15, Keith Mykleseth, 2015

Agency Seats

16, Matthew Wohlman, MDA
17, Chris Elvrum, MDH
18, Tom Landwehr, DNR
19, Faye Sleeper, UME
20, Rebecca Flood, MPCA

BOARD OF WATER AND SOIL RESOURCES
COMMITTEES
March 14, 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.*

DISPUTE RESOLUTION COMMITTEE (DRC)

Membership:	Gerald Van Amburg, chair	citizen
	LuAnn Tolliver	watershed district/WMO
	Quentin Fairbanks	county commissioner
	Louise Smallidge	soil & water conservation district
	Travis Germundson	staff lead

Responsibility:

The DRC is responsible for appeals relating to the Wetland Conservation Act 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
	Louise Smallidge	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 AND STRATEGIC PLANNING COMMITTEE (PROSPC)

Membership:	Keith Mykleseth, chair	non-metro cities
	John Meyer	citizen
	Louise Smallidge	soil & water conservation district
	LuAnn Tolliver	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
	LuAnn Tolliver	watershed district/WMO
	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:

North
*Quentin Fairbanks – CC
VACANT – 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
Jeff Nielsen, SMT staff

Metro
*Bob Burandt – SWCD
Louise Smallidge – SWCD
LuAnn Tolliver – WD
Faye Sleeper – UM/Extension
Christy Jo Fogarty - MC
Rebecca Flood - PCA
Jim Haertel, SMT staff

*Chairs

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.

Minnesota Board of Water & Soil Resources

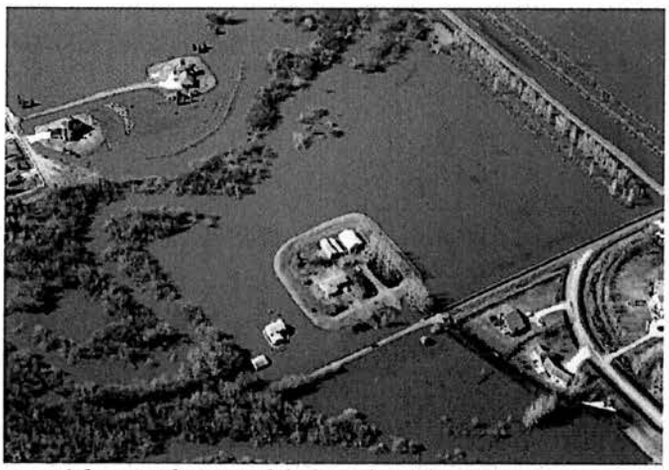
BWSR Snapshots

March 2012

Twenty-Two Ring Dikes Built in Northwest Minnesota

By Pete Waller, Board Conservationist, Fergus Falls

Hundreds of farmsteads are impacted from large Red River floods. Flooding of farmsteads have water quality, economic and social impacts.



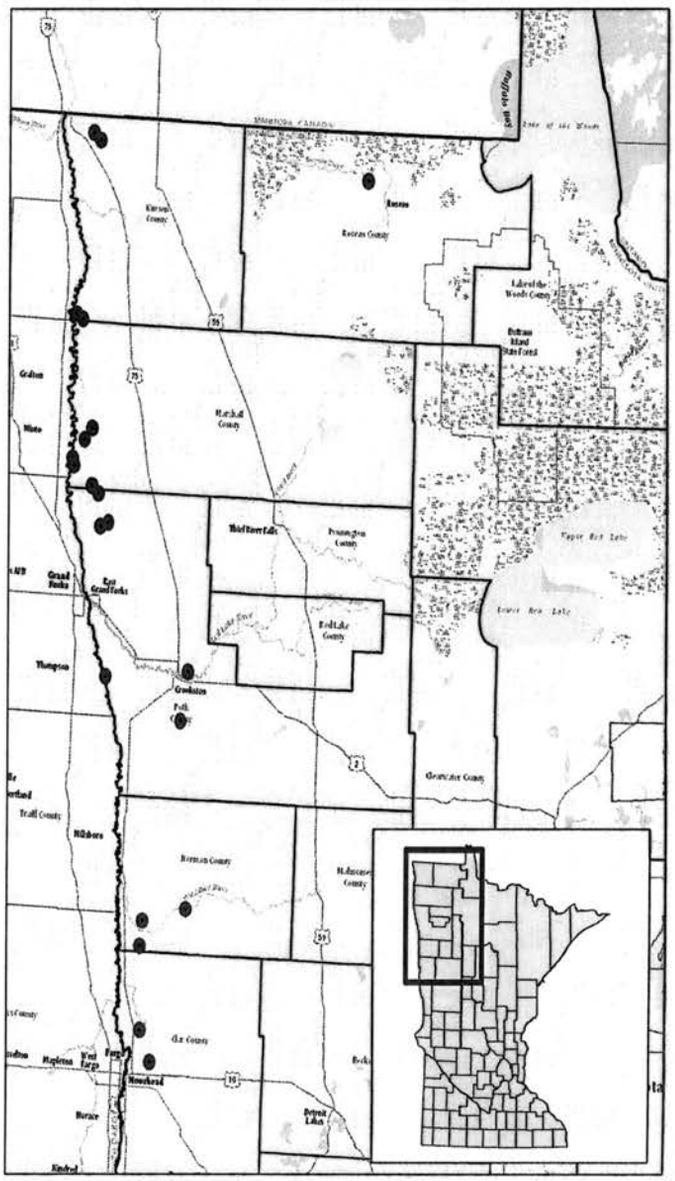
A farmstead protected during a large flood by a ring dike

On September 2009, the Red River Watershed Management Board (RRWMB) received a $250,000 Flood Recovery Grant from BWSR. The RRWMB distributed the funds to individual Watershed Districts within the Red River Valley. In turn, the individual Watershed Districts worked with the area landowners to build twenty-two ring dikes. The ring dikes protect one church; eight non-farm rural residences; and eleven farmsteads, which include protection of eleven grain storage facilities, nine operation/maintenance facilities, and two livestock facilities from flooding.



One of the 22 ring dikes built utilizing these grant funds.

The state funds leveraged more than $900,000 funds from the following sources: Federal EQIP, RRWMB, individual Watershed Districts, other state funds (non-match) and contributions from the landowners.



Ring Dike Locations

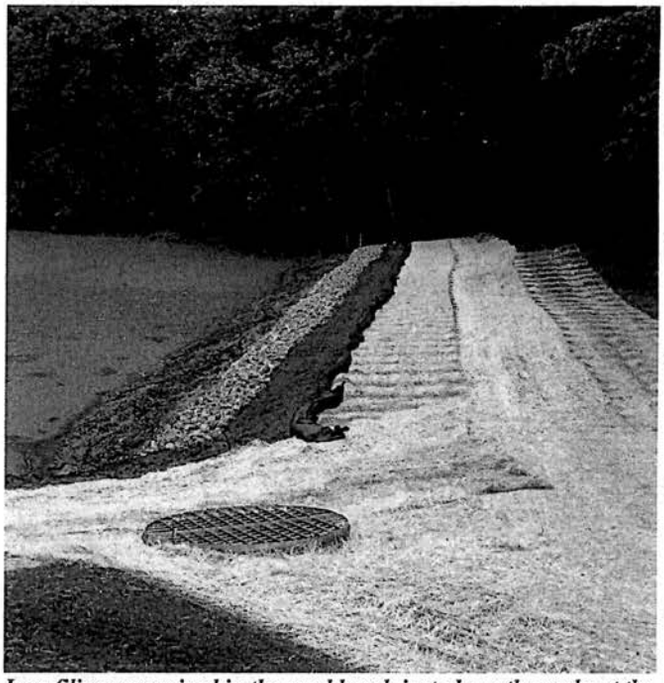
The Minnesota Filter
By Marcey Westrick,
Metro Region Clean Water Specialist

The Brown's Creek Watershed District was one of the 2012 Clean Water Fund awardees. They will work with the University of Minnesota to retrofit an existing stormwater pond with a special sand filter to remove dissolved phosphorus from the McKusick Lake area, ultimately benefiting the St. Croix River. Dissolved phosphorus is important. It is the form of phosphorus most readily available to algae and it makes up approximately 45% of the total phosphorus concentration in stormwater runoff. While it is difficult to control the amount of particulate phosphorus reaching our lakes and streams, it is especially challenging to remove dissolved phosphorus from stormwater using traditional best management practices.

One solution is an innovative sand filter to trap both particulate and the dissolved phosphorus called the Minnesota Filter. This relatively new management technique is treating runoff in ways that stormwater ponds and other traditional stormwater management approaches do not. While sand filters have been used for years in water management to remove solids and larger particulate pollutants from storm water, sand alone does not effectively remove dissolved pollutants. However, the University of Minnesota's Saint Anthony Falls Laboratory has demonstrated that adding iron to sand removes dissolved phosphorus very efficiently and cost-effectively.

As phosphorus-laden water flows through the filter and the iron shavings rust, dissolved phosphorus binds to the iron by a chemical process. In this way, the dissolved phosphorus that would normally end up in a lake or stream gets stuck to the iron particles which are themselves trapped in the sand filter. Monitoring results have shown that 80% to 90% of incoming dissolved phosphorus is captured by the enhanced filter. Because the additional material is relatively inexpensive, installing the design costs little more than any filtration practice.

Similar to the Brown's Creek Watershed District, several other metro area watershed districts and cities are using the Minnesota Filter in efforts to meet water quality goals. Working with the Prior Lake Spring Lake Watershed District and the Scott Watershed Management Organization, the City of Prior Lake installed Minnesota Filter trenches along the perimeter of wet detention basins to improve the water quality of Prior Lake. The Ramsey Washington Metro Watershed District installed an enhanced sand filter in Maplewood in an effort to help restore Kohlman Lake. Capitol Region Watershed District has installed two iron-enhanced sand filtration benches in Roseville to help restore Lake McCarrons and the Minnehaha Creek Watershed District has recently begun construction in Minnetrista on a filter system to improve water quality in Dutch Lake.



Iron filings are mixed in the sand beach just above the rocks at the William Street Pond in Roseville



The Ramsey Washington Metro Watershed District constructed a large iron enhanced sand filter in Maplewood

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Wetland Restoration Monitoring

By Carol Strojny, Monitoring Coordinator

BWSR wetland monitoring staff are gearing up for another busy field season! We are conducting monitoring activities for multiple programs and purposes. As with all BWSR programs, our monitoring accomplishments are enhanced by our partnerships. BWSR has been a leader in developing monitoring protocols and coordinating monitoring efforts through partnerships with the Natural Resource Conservation Service (Wetlands Reserve Program) and the US Army Corps of Engineers (Wetland Mitigation Program). Protocols that we developed have been used to evaluate nearly 1,000 wetland restoration sites statewide to date.

Why is this monitoring activity going on in the state? Monitoring is an important investment that provides information to direct enforcement, maintenance, design and implementation activities to achieve program goals, including adaptive management techniques. Our observations not only provide guidance for management of a site, but contribute to our knowledge base of "What's Working".

There can be a number of purposes and levels of monitoring, including:

- Easement compliance – We monitor boundaries and land use for compliance to ensure that the State's investment is not lost through activities that reduce the size or function of the site.

- General condition and vegetation success – We evaluate water control structures and vegetative establishment to provide information on future actions that may be needed to maintain the infrastructure and functions of restoration projects. Vegetative composition (including native vegetation and invasive species cover) is described because vegetation is closely related to project goals such as biodiversity, wildlife habitat and water quality.

- Hydrologic restoration success – Hydrologic restoration is a key focus for the Local Government Roads Wetland Replacement Program. Repeated measurements through the growing season document the progress toward restoring wetland hydrology during the development period. This monitoring effort involves installing monitoring wells and staff gauges, and measuring water levels using data loggers or through agreements with our SWCD partners.



Data loggers are a useful tool to track hydrologic restoration of wetlands.

Most of our efforts thus far have been focused on monitoring State Wetland Bank sites and NRCS Wetlands Reserve Program easements through contribution agreements. In the future, we anticipate a greater role in working with the USACE to monitor project specific replacement wetlands. As resources are available, we will evaluate restoration success and evolution of Reinvest in Minnesota Reserve easements to supplement the compliance monitoring done by SWCD staff. We anticipate expanding our protocols to include more evaluations of functions and values provided by a restoration, with the goal of learning more about maximizing function on a site through project design and implementation.

Throughout all of these monitoring operations, a continuous feedback loop is maintained through communications with our stakeholders: landowners, applicants, local government units, and other partner agencies, leading to higher achievement of project and program goals.



Monitoring specialists meeting with a BWSR wetland specialist to evaluate a bank site.

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Conservation Priorities for the 2012 Farm Bill

By Minnesota State Agencies

Minnesota has a major stake in the Conservation Title. Farm Bill conservation programs are the biggest single source of funding for conservation on privately owned lands, and Minnesota is among the top recipients. State and local conservation delivery partners leverage this funding in conjunction with Minnesota's Clean Water Land and Legacy Amendment objectives and funding.

The four Minnesota agencies actively involved in agricultural conservation, Department of Agriculture, Department of Natural Resources, Pollution Control Agency and Board of Water & Soil Resources, have identified guiding principles for the Conservation Title:

- **It must work for those who work the land.**
- **It must work for the environment.**
- **It must work for conservation delivery partners.**



The agencies have also compiled the priority recommendations bulleted below.

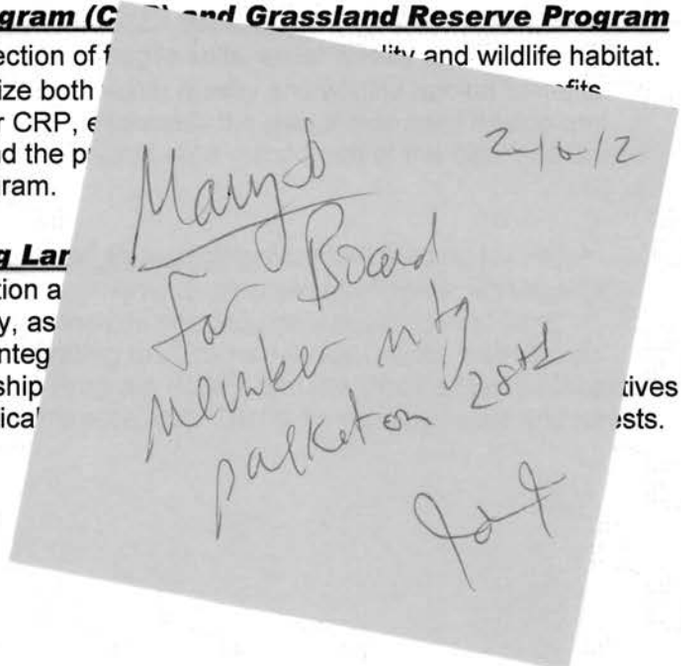
- ***Invest in Conservation:*** Ensure a strong, stably-funded Conservation Title for critical private lands conservation programs. The long-term resilience of our land and water resources, along with a strong farm safety net, is essential for environmental and economic security.

- ***Maintain Conservation Compliance:*** Some Minnesota agencies are concerned that commodity prices and changes to the farm safety net will render the existing conservation compliance provisions ineffective. Maintain conservation gains attributable to the Swampbuster, Sodbuster and Highly Erodible Land provisions.

- ***Keep Wetlands Reserve Program (WRP) as a stand-alone program:*** Ensure continued funding of WRP at a level sufficient to enroll 250,000 acres per year nationwide. Minnesota has built a successful partnership that has leveraged $90 million in state funds to realize the multiple benefits of water quality, flood retention and habitat restoration.

- ***Continue Conservation Reserve Program (C[illegible]) and Grassland Reserve Program (GRP):*** CRP and GRP provide critical protection of f[illegible]lity and wildlife habitat. Continue sharpening the targeting to maximize both [illegible]fits. Increase the flexibility of land use options for CRP, e[illegible] grazing. Consider integrating CRP, GRP and the p[illegible] Assistance Program into one seamless program.

- ***Maintain Funding Levels for Working Lar[illegible]*** conservation on lands in agricultural production a[illegible] attention to nutrient management, soil quality, as[illegible] management and wildlife habitat. Consider integ[illegible] Program (EQIP), the Conservation Stewardship [illegible]tives Programs (WHIP). These resources are critica[illegible]sts.



Conservation Priorities for the 2012 Farm Bill

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- ***Continue Conservation Reserve Program (CRP) and Grassland Reserve Program (GRP):*** CRP and GRP provide critical protection of fragile soils, water quality and wildlife habitat. Continue sharpening the targeting to maximize both water quality and wildlife habitat benefits. Increase the flexibility of land use options for CRP, especially the use of managed haying and grazing. Consider integrating CRP, GRP and the project area component of the Biomass Crop Assistance Program into one seamless program.

- ***Maintain Funding Levels for Working Land Programs:*** Maintain funding levels for conservation on lands in agricultural production and non-industrial private forests, with special attention to nutrient management, soil quality, as well as non-industrial private forest land management and wildlife habitat. Consider integrating the Environmental Quality Incentives Program (EQIP), the Conservation Stewardship Program (CSP), and the Wildlife Habitat Incentives Programs (WHIP). These resources are critical to accelerate BMPs on working farms and forests.

- ***Fund Conservation Technical Assistance:*** Local "boots on the ground" technical expertise is necessary to apply conservation targeting tools; target outreach to attract voluntary program participation in high-priority areas; plan, design and establish conservation practices; and monitor and model farm and watershed-scale to ensure that efforts are effective. USDA field offices, conservation districts, Technical Service Providers and other conservation delivery partners are vital to this process.

- ***Enhance Federal-State Partnerships:*** Partner more fully with states. Include greater flexibility and autonomy in determining the best use of funds for Farm Bill conservation programs and regional landscape initiatives. Establish a pilot block grant program for integrated program resources. Block grants will provide administrative flexibility in return for accountability for outcomes. Reform Section 1619 to allow data sharing with state partner agencies to achieve effective and efficient partnerships, while maintaining producer privacy. Restore pass-through funding to State Foresters to provide financial assistance for forestry practices.

- ***Streamline Conservation Delivery:*** Simplify the menu of conservation programs along the lines suggested in several of the preceding recommendations. Reduce administrative burdens, realize long-term cost savings, and improve program effectiveness by accelerating the Natural Resources Conservation Service (NRCS) Conservation Delivery Streamlining Initiative. Consult with state and local conservation partners as the initiative is rolled out.

- ***Continue funding for Voluntary Public Access and Habitat Incentive Program (VPAHIP):*** In 2011, Minnesota enrolled nearly 10,000 acres of high quality habitat in a pilot "Walk-In-Access" (WIA) program with funding from VPAHIP. WIA leverages existing public and private conservation investments to maximize the public benefits from conservation programs.

- ***Support Farmer Leadership in Water Quality:*** Invest in voluntary quality assurance initiatives such as the one being developed in Minnesota to support and facilitate leadership from the agricultural sector in addressing water quality challenges. . Accelerate efforts to scale NRCS Conservation Effects Assessment Program (CEAP) methods to the minor watershed level to help assess conservation progress and establish implementation benchmarks and goals at this scale. Facilitate technical teams to help analyze aggregated data from farmer-led initiatives together with the best available watershed-scale water quality data collected by others.



- ***Build Healthy Watersheds and Landscapes:*** Conservation practices are necessarily implemented at the farm scale, but conservation objectives are now understood in the context of a larger scale. Continue the approach taken with NRCS Landscape Initiatives to help landowners and managers link individual conservation efforts to multiple benefits at the watershed or landscape scale.

Minnesota Board of Water & Soil Resources

MINNESOTA DEPARTMENT OF AGRICULTURE

Minnesota DEPARTMENT OF NATURAL RESOURCES

Minnesota Pollution Control Agency

Dated March 14, 2012

RIM Reserve 2011-2012					March 2012
Subprogram Funding Source	**Focus/Description**	**Eligibility/Criteria**	**State $ Other $'s**	**Payment Rates RIM WRP**	**Timeline**
Outdoor Heritage Fund FY12-$16.349M					
OHF RIM-WRP Partnership	Restore drained wetlands and adjacent native grassland complexes	Statewide with focus on LSOHC prairie and forest prairie section.	$13.0 M $13.0M of $21M requires federal WRP leveraging	50%RIM 75%WRP Cropland 30 yr. ease. 25%RIM 45%WRP Non-Cropland 30 yr. ease.	Ongoing FY12 -LSOHC Recommended $13.8M FY13 Needs Legislative approval
OHF RIM Shallow Lake Protection: Wild Rice Lakes DU/DNR/BWSR Partnership	700 ac. on 117 priority shallow wild rice lakes weed permanent protection from future subdivision, development, and shoreline alteration.	8 North-Central counties, DNR's Wild Rice Working Group has identified critical tracts on 117 lakes for easement acquisitions.	$1.1M RIM 500 acres	ACUB-Like Formula to develop at 60% of individual taxable market value will be offered as determined by County Assessor.	Board Approved Oct. 26, 2011 Dan Steward is Local Lead. 8 SWCD's soliciting landowner app.'s.
Clean Water Fund FY12-$7.3M					
OHF/CWF RIM Riparian Buffers	Permanent Riparian buffers must be adjacent to public water & defined as streams, ditches and lakes, excluding wetlands	Permanent Buffers 50'-100' max. ave. for clean water. Buffer extension to a max. of 200' may be granted for wildlife enhancement (Prairie Section Only) Majority of Riparian Buffer area enrolled must have a cropping history and a priority extending new or existing CRP contract into a permanent buffer easement.	$6.0M $2.249M CWF OHF	100% RIM Cropland 60% RIM Non-Cropland	Sept. 28, 2011 Board authorized staff to develop a ranking process and criteria; finalize, distribute, & promote RFP. -BWSR selects 24 SWCD project areas. -Landowner sign-up Feb 1 - Mar 30, 2012. -Apr. 15th SWCD screening committee prioritizes applicants. -May 2012 BWSR allocates funding to applications.

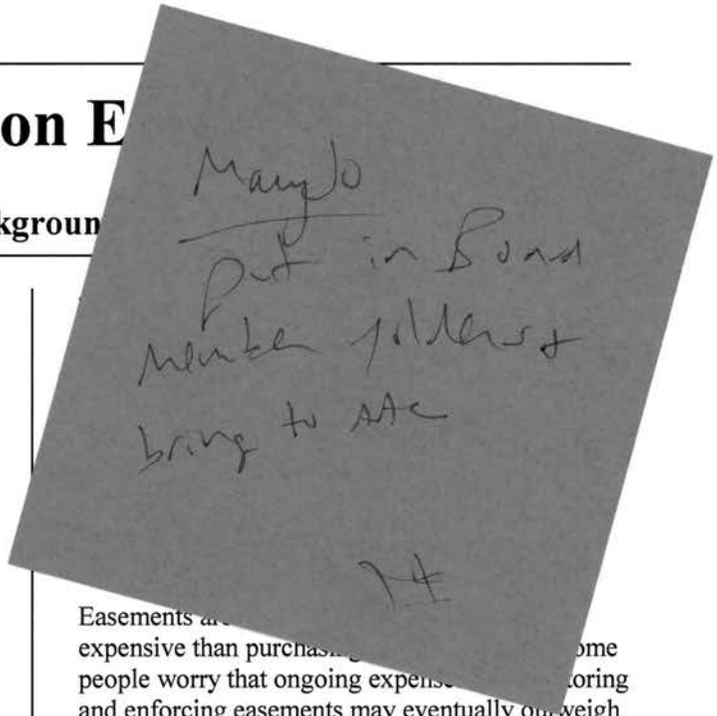
Subprogram Funding Source	Focus/Description	Eligibility/Criteria	State $ Other $'s	Payment Rates RIM WRP	Timeline
RIM Reserve Permanent-CWF *Wellhead Protection Easements*	WHP easements are limited to WHPA identified by MD Health and mapped as high or very high vulnerability. Focus is on eligible land with a cropping history.	Continuous sign-up only. Land in existing or new CRP contracts that had a cropping history are eligible. A majority greater than 51% of the site must be within WHPA	$1.3M for each year of the biennium FY12 & 13	100% RIM Cropland 60% RIM Non-Cropland	Board Approved Sept. 28, 2011 Sign-up ongoing
Department of Defense Federal Funds-National Guard Bureau					
Camp Ripley-ACUB	In a three mile buffer around Camp Ripley we acquire permanent ACUB easements. A signed cooperative agreement with the National Guard Bureau & BWSR will be developed, funded and signed will be done shortly.	Camp Ripley staff and local SWCD's identified landowners who have expressed interest in enrolling in ACUB and submit applications to BWSR.	Expect $1-5M from Department of Defense in 2011-2012	For riparian lands in ACUB project area on Mississippi & Crow Wing River Frontage property. 60% of individual taxable market value issued as determined by county assessors. For non-riparian 50% RIM rate.	Board approved additional payment rate for riparian properties; and authorize staff to develop, finalize, & sign next cooperative agreement with NGB. Ongoing as we received funds from Dept. of Defense for Camp Ripley ACUB.
2010 Special Session Bonding-$10M					
RIM Reserve-Southern Flood Response Special Session Bonding (2010)	Southern MN Flood Disaster to acquire permanent ease.'s to restore Floodplains riparian buffers and wetland in DR-1941 on lands damaged by rains and flooding on Sept. 22, 2010	29 Southern Minnesota counties identified in DR-1941. Rim Reserve funds are intended for leveraging of federal funds when feasible.	$10M bonding leveraging up to $16M WRP funds.	50%RIM 75%WRP Cropland 25%RIM 45%WRP Non-Cropland	Ongoing we received over 200 applications requesting more than $42M we have funded 78 applications for 4600 acres obligate $8.6M & $13.0M WRP funds.

Subprogram Funding Source	Focus/Description	Eligibility/Criteria	State $ Other $'s	Payment Rates RIM WRP	Timeline
RIM-Reserve 2011 Bonding-$20M					
USDA-NRCS Mississippi River Basin Initiatives (MRBI) and Wetland Reserve Enhancement Program (WREP) begin in 2010	USDA-NRCS in Minnesota has 3 multi-year MRBI-WREP's which are: -Lower Root River (Houston) -Cedar (Mower) -Sauk River Watershed, Crooked Lake (Douglas)	Must be eligible for WRP Program specific to the MRBI-WREP, which we can then leverage with RIM Reserve and use our RIM-WRP Partnership methodology.	Up to $5M RIM will leverage $8M WRP.	RIM-WRP Partnership rate: 50%RIM 75%WRP Cropland 25% RIM 45%WRP Non-Cropland	Board approval received Oct. 26, 2011 On-going landowner sign-up in 3 approved project areas.
Red River Retention Initiatives	USDA NRCS has just begun a multi-year special wetlands initiative in the Red River Basin to reduce flooding, restore wetland, and enhance habitat through the WRP.	RIM funds will be used to leverage WRP through the RIM-WRP Partnership to meet the goals of this new initiative in the RR basin.	$14M WRP funds over the next 2 years have been identified. To fully leverage RIM-WRP Partnership would require approximately $9M in RIM.	RIM-WRP Partnership rates would be used.	Board approval received Oct. 26, 2011 On-going landowner sign-up in 3 approved project areas.

Subprogram Funding Source	Focus/Description	Eligibility/Criteria	State $ Other $'s	Payment Rates RIM WRP	Timeline
Additional Southern Minnesota Flood Response	Southern Minnesota Flood Disaster to acquire permanent easements to restore Floodplains riparian buffers and wetland in DR-1941 on lands damaged by rains and flooding on September 22, 2010.	29 Southern Minnesota counties identified in DR-1941. Rim Reserve funds are intended for leveraging of federal funds when feasible.	Up to $2.8M RIM to leverage WRP	50%RIM 75%WRP Cropland 25%RIM 45%WRP Non-Cropland	Board approved January 2012. On going
Additional RIM-WRP Partnership	Restore drained wetlands and adjacent native grassland complexes	Statewide with focus on LSOHC prairie and forest prairie section	Requires federal WRP leveraging	50%RIM 75%WRP Cropland 30 yr. ease. 25%RIM 45%WRP Non-Cropland 30 yr. ease.	Ongoing Board approved January 2012. Sign-up ongoing
Environment and Natural Resources Trust Fund-$1.645M					
RIM-WRP Partnership *Crooked Lake Restoration* - Douglas County	Restore drained wetlands and adjacent native grassland complexes	Special project Have identified Crooked Lake (Douglas County) for this project.	$1.645M RIM Requires federal WRP leveraging.	50%RIM 75%WRP Cropland 30 yr. ease. 25%RIM 45%WRP Non-Cropland 30 yr. ease.	Board approved Oct. 2011. Ongoing sign-up.

OLA Conservation E

Topic Selection Backgroun



BACKGROUND

State law authorizes conservation easements, which are voluntary contracts between a landowner and either a unit of government or nonprofit organization.[1] Easements protect land's natural, scenic, historical, cultural, or other values by preventing its development or restricting how it may be used. Landowners typically receive compensation for giving up development rights.

In Minnesota, both state agencies and private, nonprofit organizations have acquired conservation easements using public dollars. One funding source has been the Outdoor Heritage Fund, which was established following passage of the 2008 Legacy Amendment to the state's Constitution. Since 2009, the Outdoor Heritage Fund has funded $145 million of conservation easement projects, of which about $31.7 million (22 percent) involved nonprofit organizations.

A second funding source is the Environment and Natural Resources Trust Fund, which comes largely from state lottery proceeds. From this fund, the Legislature makes appropriations to proposals after the Legislative-Citizen Commission on Minnesota Resources (LCCMR) reviews them. Since 1999, $26.5 million has been appropriated for conservation easements, $7.9 million (about 30 percent) of which was for easements administered by nonprofit organizations. The bulk of the remaining appropriations for conservation easements went to the Department of Natural Resources (DNR) and Board of Water and Soil Resources (BWSR), with smaller shares to a few local governments and the U.S. Department of Agriculture. DNR and BWSR have also acquired easements through additional funding sources.

POSSIBLE EVALUATION ISSUES

1. How is land selected for conservation easements, and how is the value determined?

Easements a
expensive than purcha
people worry that ongoing expe
and enforcing easements may eventually outweigh what it would have cost to acquire the land. Some have questioned buying easements from owners who are likely to maintain the land free of development even in the absence of easements.

Concerns have been raised about the adequacy of public oversight of conservation easements administered by nonprofit organizations. Although staff from both the Outdoor Heritage Council and the LCCMR review proposed easement projects, neither group claims to have expertise to fully vet easement documents.

Another concern is lack of transparency. Nonprofit organizations use public dollars to purchase easements, but no public entity is involved in either appraising the land or overseeing enforcement of land-use restrictions.

There is no overall state plan for nonprofits' easements or how they fit with state agencies' conservation easements. A 2010 OLA evaluation, *Natural Resource Land*, recommended improving DNR's management practices for easements. OLA has not previously evaluated easements administered by nonprofit organizations.

An evaluation of publicly funded conservation easements could compare those administered by nonprofit organizations with those by state agencies. The amount of state oversight for easements is up to legislative discretion. An evaluation by OLA is feasible and, given expectations that conservation easements will continue to increase, also timely.

[1] *Minnesota Statutes* 2011, 84C.02.

OLA Conservation Easements

Topic Selection Background Paper **March 2012**

BACKGROUND

State law authorizes conservation easements, which are voluntary contracts between a landowner and either a unit of government or nonprofit organization.[1] Easements protect land's natural, scenic, historical, cultural, or other values by preventing its development or restricting how it may be used. Landowners typically receive compensation for giving up development rights.

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POSSIBLE EVALUATION ISSUES

1. How is land selected for conservation easements, and how is the value determined?
2. What benefits accrue to landowners holding conservation easements, and how do they balance against the public's interest?
3. How well do nonprofit organizations and state agencies monitor and enforce easement requirements?

DISCUSSION

Easements are commonly thought to be less expensive than purchasing land outright, but some people worry that ongoing expenses for monitoring and enforcing easements may eventually outweigh what it would have cost to acquire the land. Some have questioned buying easements from owners who are likely to maintain the land free of development even in the absence of easements.

Concerns have been raised about the adequacy of public oversight of conservation easements administered by nonprofit organizations. Although staff from both the Outdoor Heritage Council and the LCCMR review proposed easement projects, neither group claims to have expertise to fully vet easement documents.

Another concern is lack of transparency. Nonprofit organizations use public dollars to purchase easements, but no public entity is involved in either appraising the land or overseeing enforcement of land-use restrictions.

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An evaluation of publicly funded conservation easements could compare those administered by nonprofit organizations with those by state agencies. The amount of state oversight for easements is up to legislative discretion. An evaluation by OLA is feasible and, given expectations that conservation easements will continue to increase, also timely.

[1] *Minnesota Statutes* 2011, 84C.02.

OLA Environmental Regulation through Administrative Rules

Topic Selection Background Paper **March 2012**

BACKGROUND

Administrative rules are adopted by state agencies "to implement or make specific the law enforced or administered by that agency or to govern its organization or procedure."[1] The process agencies must follow and the standards they must meet to establish administrative rules are contained in the state's Administrative Procedures Act.

The Minnesota Administrative Procedures Act establishes a wide range of due process, notice, and reporting requirements to help ensure that agencies stay within their legal authority and provide affected parties, as well as the general public, opportunities to participate in the rulemaking process. Of particular note, the law requires agencies to justify proposed rules in a "statement of need and reasonableness" (called a SONAR).

Several state agencies promulgate administrative rules to regulate activities that affect the environment. They include the Board of Water and Soil Resources, Environmental Quality Board, Minnesota Pollution Control Agency, and the Minnesota departments of Agriculture, Health, and Natural Resources.

In recent years, concerns have been raised about the administrative rules promulgated by these agencies. In particular, there is concern that these agencies do not adequately coordinate their rulemaking and do not systematically assess the cumulative impacts of state—as well as federal and local—rules on affected businesses and individuals. There is also concern that the Legislature does not have adequate mechanisms to ensure sufficient oversight of administrative rules and the state's rulemaking process.

POSSIBLE EVALUATION ISSUES

1. To what extent do state agencies with responsibility for environmental regulations coordinate their administrative rulemaking?
2. Does the rulemaking process provide adequate consideration of the cumulative impacts of state, federal, and local rules on affected individuals and businesses? Should rulemaking be changed to ensure these impacts are considered more fully?
3. What additional review mechanisms could the state consider to address concerns about coordination among state agencies and the cumulative impact of environmental regulations? What additional legislative oversight is needed? How do other states address these issues?

DISCUSSION

Several bills have been introduced in recent legislative sessions to address rulemaking concerns. For example, proposed legislation would add an assessment of cumulative impacts to the SONAR that agencies are required to prepare.[2]

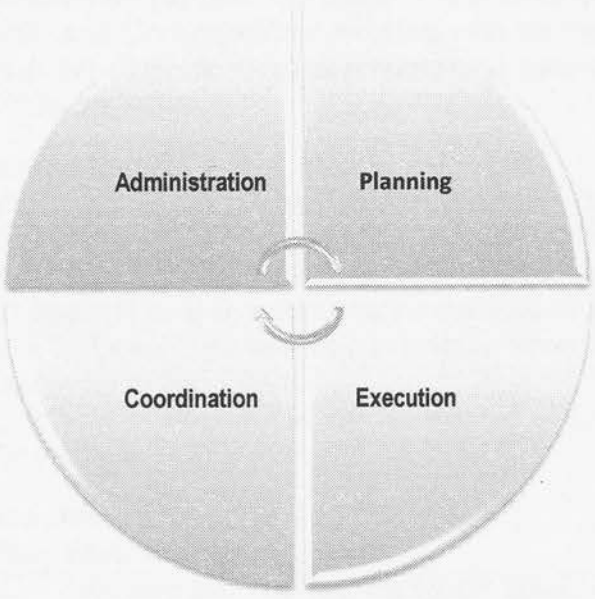
This evaluation would focus on the state's Administrative Procedures Act and rulemaking process. It would provide an informative update to OLA's 1993 evaluation on this topic, while focusing on environmental regulation. Interviews with agency staff and stakeholders and a review of a sample of rulemaking efforts would identify how coordination and cumulative impacts are currently considered, if at all. However, OLA would not attempt to calculate cumulative impacts. OLA would also evaluate existing mechanisms for legislative and executive branch review of proposed rules.

An evaluation could identify areas needing improvement or effective practices already in place. Focusing on environmental regulation could be challenging because environmental regulation and governance continue to be the subject of evaluation and reform. Finally, if proposed legislation becomes law, an evaluation may not be timely.

[1] *Minnesota Statutes* 2011, 14.02.

[2] H.F. 2169 and S.F. 1922, 2012 Leg., 87th Sess. (MN).

Performance Review and Assistance Program (PRAP)



Minnesota Board of Water & Soil Resources

2012 Report to the Minnesota Legislature

For more information contact: Don Buckhout PRAP Coordinator
(Don.Buckhout@state.mn.us, 651-296-0786)
Board of Water and Soil Resources
520 Lafayette Road
St. Paul, Minnesota 55155

www.bwsr.state.mn.us/PRAP/index.html

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MINNESOTA BOARD OF WATER AND SOIL RESOURCES
Performance Review and Assistance Program (PRAP)
Fact Sheet

Since 2007, BWSR's PRAP has been methodically assessing the performance of the local units of government that constitute Minnesota's delivery system for conservation of water and soil resources. The goal of this program is to help these local government partners to be the best they can be in their management of these critical resources.

PRAP focuses on four aspects of Local Governmental Unit performance in the delivery of conservation services:

- Administration--reporting and accountability
- Planning—keeping plans current and relevant
- Execution—implementing planned objectives and tracking progress
- Communication and Coordination—working with partners and stakeholders.

The four Levels (I-IV) of performance review and assistance are described on the back of this page.

2011 Program Accomplishments

- Tracked report and plan compliance (Level I) for 244 counties, soil and water conservation districts, watershed districts and watershed management organizations.
- Conducted in-depth (Level II) performance reviews of seven LGUs. BWSR has conducted 31 Level II performance reviews since 2008.
- Provided assistance to two LGUs.
- Maintained and updated the publically accessible LGU performance database on the BWSR website.

2011 LGU Performance Review

Management Plan Status:

40% reduction in overdue plan revisions since 2009.

- SWCDs: All plans or resolutions are current.
- Counties: 5 updates are overdue.
- Watershed Districts: 7 revisions are overdue.
- Watershed Management Organizations: 2 revisions are overdue.

Statewide LGU Performance: compliance with Level I standards (12/31/11)

- SWCDs: 99% compliance.
- County Water Management: 93% compliance.
- Watershed Districts: 53% compliance.
- Watershed Management Organizations 50% compliance.

2012 PRAP Objectives

- Level II performance reviews of 7-8 LGUs.
- Pilot of a watershed based performance review of overlapping LGUs.
- Expand Level I database and web reporting.
- Monitor LGUs experiencing change for assistance grant opportunities.
- Develop performance standard benchmarks for each LGU type.

Minnesota Board of Water and Soil Resources
Performance Review and Assistance Program Overview

PRAP Program Level	Frequency	Performance Review	Assistance	Reporting	BWSR BC Role	Prog Coordinator Role
Level I Routine Monitoring and Tabulation	Annual	Tabulation of required reports, plans, audits, etc.	Voluntary, may join training or programs set up for others	Report required submittals by LGU (WS and LR)[1]	Review check of tabluated results	Ensure reporting compliance; report results of tabulation
Level II Routine performance review and targeted assistance	Once every 5yrs./LGU 50 LGUs/yr (limited by funding)	Interview using performance standard checklist; review progress toward plan goals/objectives	Set performance goals in an PIA[2], if needed; group training targeted to needs; limited coaching	List LGUs that receive Lvl II review (WS and LR)[1]	Conduct LGU performance reviews; establish performance goals where needed; conduct training or provide coaching	Monitor and schedule performance review; coordinate assistance and training; review, modify, improve assessment & assistance tools; report results
Level III Prescriptive assistance & grants available	As needed	Monitor progress toward PIA[2] goals	Various: 360° Feedback; self-assessment; Benchmarking; Mediation; Mentoring	List LGUs that receive Lvl III review (WS and LR)[1]	Regular meetings with LGU; provide assistance as appropriate;	Arrange for/contract and manage assistance; report performance; lead self-assessment team; report results
Level IV Penalties	As needed	Monitor progress toward PIA[2] goals	Continue Level III Assistance; Notice of Deficiencies; Restriction of funds	List LGUs that receive NoDs/restriction of funds (WS and LR)[1]	Recommend action to Program Administrator; monitor compliance with perf goals	Present recommended action to BWSR Board; communicate with LGUs; report results

[1]WS=BWSR website, LR=annual legislative report
[2]PIA=Interim Performance Improvement Agreement

About this Report

This report has been prepared for the Minnesota State Legislature by the Minnesota Board of Water and Soil Resources (BWSR) in partial fulfillment of the requirements of Minnesota Statutes Chapter 103B.102, subdivision 3. This statute requires BWSR to provide designated legislative committees with "an analysis of local water management entity performance" each year. This report covers the activities of the Performance Review and Assistance Program (PRAP) during the 2011 calendar year. This is the fifth annual report prepared by BWSR for this program.

Table of Contents

PROGRAM SUMMARY 2011 1

PRAP BACKGROUND 2

PERFORMANCE REVIEW OF PRAP 4

LGU PERFORMANCE REVIEW RESULTS 5

ASSISTANCE SERVICES TO LOCAL GOVERNMENTS 7

REPORTING 8

PROGRAM CONCLUSIONS AND FUTURE DIRECTION 10

APPENDICES 11

- A. PRAP Authorizing Legislation (Minn. Statutes Chapter 103B.102}
- B. PRAP Advisory Team Members
- C. Level I: 2011 Long-range Plans Status
- D. Level I: Status of Annual Reports for 2010
- E. Level I: Status of Audits and Financial Reports for 2010
- F. Level II: Summaries of 2011 Level II Performance Review Reports
- G. 2011 LGU Performance Awards and Recognition

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Program Summary 2011

PRAP—Year 4

After four years of implementation, the Board of Water and Soil Resources' (BWSR) Performance Review and Assistance Program (PRAP) is well-established as a tool for monitoring and enhancing the effectiveness of Minnesota's local government system of conservation services delivery

Level I Performance Review

BWSR reviews compliance with plan and report requirements for 244 local governmental units each year.

LGUs Meeting All Level I Performance Standards in 2011

84%

Level II Performance Reviews

BWSR conducted reviews of 7 LGUs' plan implementation performance and operational effectiveness.

2011 Level II Results

Part 1 Plan Implementation
(% of plan action items addressed)

High	Low	Average
100	52	82

Part 2 Performance Standards
(% of standards met)

Basic Standards

High	Low	Average
100	69	89

High Performance Standards

High	Low	Average
73	8	56

Level III & IV Review

- No Level III or IV performance reviews were conducted in 2011.

Assistance Services to LGUs

- Training courses at BWSR Academy addressed LGU requests identified during PRAP reviews in 2010.

2011 PRAP Assistance to LGUs

- Advised Heron Lake WD regarding their management plan update.
- Consulted with MN Assn. of Soil and Water Conservation Districts on new district capacity evaluation and coordination with MCIT on assistance options and resources.
- Offered facilitation services to Le Sueur County LGUs for local water plan collaboration.

Reporting

No. of Website Hits to PRAP Level I Performance Database
(by calendar year)

2010- 1437 (1st year)
2011- 186

www.bwsr.state.mn.us/PRAP/reporting/index.php

BWSR maintains a user-accessible database of LGU compliance with routine planning and reporting requirements.

PRAP Program Accountability

BWSR met its own performance objectives for PRAP in 2011. However, the state shutdown in July precluded the testing of a new approach to PRAP that will assess the joint performance of water management LGUs with jurisdiction in the same major watershed. This initiative will be implemented on a pilot basis in 2012.

PRAP Background

Supporting Local Delivery of Conservation Services

PRAP focuses on the local governmental units (LGUs) that deliver BWSR's water and land conservation programs, and in particular, how well they are implementing their long-range plans. Those LGUs are soil and water conservation districts (SWCDs), watershed districts (WDs), water management organizations (WMOs), and the water management function of counties—a total of 244 distinct organizations. PRAP, authorized by the state legislature in 2007 (see Appendix A), is coordinated by one BWSR central office staff member. He receives assistance from BWSR's 13 Board Conservationists, who routinely work with LGUs across the state.

With limited program funding BWSR was able to track several performance indicators for all LGUs statewide, but could conduct only 7 of the needed 49 in-depth reviews.

Multi-level Process

PRAP has three operational components:

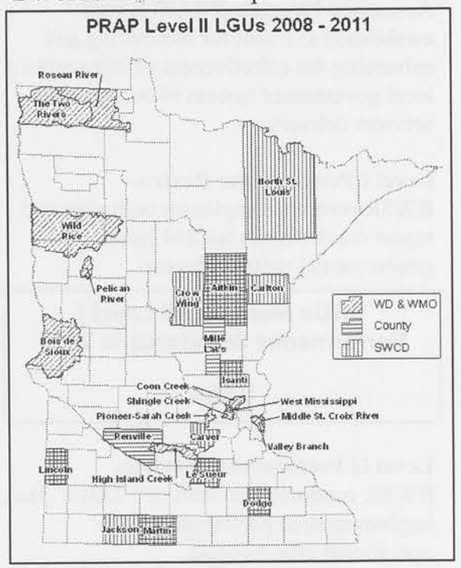
- **performance review**
- **assistance**
- **reporting.**

The **performance review** component is applied at four levels.

Level I is a tabulation of required LGU plans and reports with website posting of the results. Level I is accomplished with current program funding and does not require additional effort by LGUs.

Level II is a routine, interactive review originally envisioned to cover up to 49 LGUs per year to evaluate operational effectiveness and plan implementation progress. Program funding so far has allowed an average of only 8 Level II reviews per year.

BWSR's Level I and II performance



standards for each type of LGU can be viewed at www.bwsr.state.mn.us/PRAP/index.html.

Level III is an in-depth assessment of an LGU's performance problems and issues initiated by BWSR or the LGU and usually involving targeted assistance to address specific performance needs. BWSR has conducted Level III review and assistance for several LGUs and regularly monitors all LGUs for additional opportunities.

Level IV is for those LGUs that have significant performance deficiencies, requiring extensive assessment, monitoring and possible penalties as authorized by statute. So far there have not been any Level IV cases.

Assistance varies with the needs of the LGU. Level I assistance is largely routine training for LGUs. BWSR presents this type of training primarily through the annual BWSR Academy and board member training sessions. At Levels II-IV assistance is targeted to the specific needs of the LGUs and can be provided by BWSR staff or consultants, depending on availability and the skills needed. A small portion of the PRAP budget is available to LGUs to both incentivize and support specialized assistance recommended by the program.

Reporting makes information about LGU performance accessible to the LGU's stakeholders and constituents. The various venues include the PRAP page on BWSR's website, and the LGUs' own websites and annual activity reports.

Accountability: From Measuring Effort to Tracking Results

Administration of government programs demands and deserves a high degree of accountability. PRAP was developed, in part, to deliver on that demand by providing systematic local government performance review and then reporting publically accessible results. The challenge in reporting results is to move from measuring effort (e.g., how much money was spent on buffers?) to detecting effects of those efforts on targeted resources (e.g., have buffers improved downstream habitat and water quality?). PRAP addresses LGUs' functions of administration, program execution, communication, and collaboration that all contribute to successful resource outcomes.

At the program's start in 2007 the BWSR board adopted principles (see box) that still guide the implementation of this oversight function. Those principles are reflected in the program's goal of providing both performance analysis and recommendations in a way that encourages LGUs to act in their own best interests.

Guiding Principles

PRAP operates on the following principles adopted by the BWSR Board in 2007:

- **Pre-emptive**
- **Systematic**
- **Constructive**
- **Includes consequences**
- **Transparent**
- **Retains local ownership and autonomy**
- **Maintains proportionate expectations**
- **Preserves the state/local partnership**
- **Results in "more/better" on-the-ground conservation**

Performance Review of PRAP

BWSR's Accountability

BWSR continues to hold itself accountable for the accomplishments of the PRAP program. In consideration of that commitment, this section matches program objectives from last year's PRAP legislative report with corresponding program activities during 2011.

BWSR's PERFORMANCE REVIEW ACTIVITIES	
What We Proposed	**What We Did**
Track Level I performance of all LGUs.	BWSR tracked the required plan and report status of 244 LGUs.
Develop performance thresholds for selected Level II performance standards.	BWSR dropped, added, or modified 21 performance standards for 2011, including adding a threshold to funds leveraging standard.
Conduct 7-8 Level II routine performance reviews.	BWSR conducted 7 Level II performance reviews.

BWSR's ASSISTANCE to LGUs	
What We Proposed	**What We Did**
Continue Level III assistance.	BWSR assisted one WD with their management plan revision and the SWCD state association with district capacity assessment and assistance planning.
Continue monitoring of LGUs experiencing change for assistance opportunities.	BWSR managers periodically monitored LGUs experiencing change in staffing and board membership, finances, organization, etc.
In collaboration with the BWSR Training Team provide LGUs with guidance for basic board and staff skill sets.	The 2011 BWSR Academy included 5 training sessions that addressed training-related assistance requested by LGUs during 2010 Level II reviews.

BWSR's PRAP REPORTING	
What We Proposed	**What We Did**
Report Level I performance of all LGUs.	BWSR website includes a searchable database of compliance with Level I performance standards for SWCDs, WDs, counties, and WMOs. Appendices C, D and E summarize the Level I results.

PRAP Advisory Team

The purpose of the Advisory Team is to advise BWSR on program implementation and help BWSR maintain a balance between the need for accountability and the need to minimize the program's administrative burden on LGUs. The Team did not meet in 2011. However, BWSR provided the members with an annual program update. In the future BWSR will consult with the team only in the event of substantial program modifications.

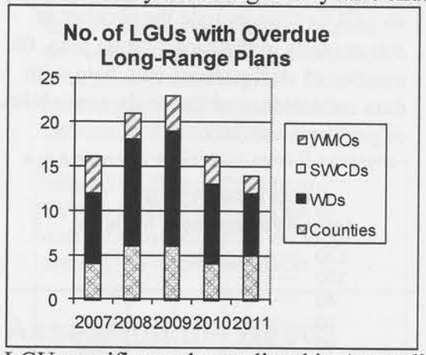
LGU Performance Review Results

2011 Objectives

The 2011 objectives for the PRAP performance review component were to continue the Level I compliance tracking for all LGUs, to conduct the same number of routine Level II reviews as in 2010, and to monitor the activities of LGUs undergoing significant change for opportunities to initiate Level III review or assistance.

Level I Results

Level I performance review consisted of monitoring and tabulating the plan revisions due and the routine annual activity and financial reports that LGUs are required to submit to BWSR. In April, BWSR posted those requirements on the website (www.bwsr.state.mn.us/PRAP/ index.html), and then followed up with non-compliant LGUs at mid-year and again at year's end.



LGU-specific results are listed in Appendices C (long-range plans), D (annual activity reports), and E (annual financial reports) and are searchable through the BWSR website.

The improvement in the number of overdue WD and WMO plan revisions is continuing, meaning more plans are up-to-date and addressing current resource issues. With PRAP's emphasis on evaluating plan implementation, having a current plan is essential. The plans overdue graphic now includes both metro county groundwater plans and statewide local water management plans in the county plan category for all years. In the 2010 PRAP report groundwater plans were only included in the 2010 graph bar. BWSR field staff continue to work with LGUs on plan updates.

LGUs Meeting All Level I Performance Standards in 2011

All LGUs 84%
SWCDs 99%
Counties 93%
WDs 53%
WMOs 50%

The Level I information indicates which LGUs submitted late reports in addition to listing those whose reports were not submitted at all. LGU reports are an important means of providing citizens with timely information about LGU plans and performance.

On a statewide basis, the 2011 Level I performance review shows the SWCDs and county local water management offices doing a good job of meeting basic program accountability requirements. WDs in greater Minnesota continue to have difficulty complying with the annual activity report requirement. Local drainage authorities improved their compliance with the ditch buffer strip reporting requirement. Only one LGU failed to submit a report in 2011 compared with 9 in 2010.

Level II Results

BWSR conducted seven Level II reviews in 2011: SWCD districts in **Le**

Sueur, **Carlton** and **Carver** counties, the **Pelican River** and **Wild Rice River** watershed districts, **Le Sueur County** local water management, and the **Middle St. Croix WMO**.

The Level II review process examines the LGU's progress in implementing their plan's goals and objectives (Part 1), compliance with BWSR's checklist of Level II performance standards (Part 2), and LGU board members' or water plan task force members' discussion of factors affecting plan implementation (part 3) to present a picture of overall performance. The BWSR PRAP coordinator and a Board Conservationist serve as the primary reviewers for each LGU.

2011 Level II Results

Part 1 Plan Implementation
(% of plan action items addressed)

High	Low	Average
100	**52**	**82**

Part 2 Performance Standards
(% of standards met)

Basic Standards

High	Low	Average
100	**69**	**89**

High Performance Standards

High	Low	Average
73	**8**	**56**

Appendix F contains summaries of each 2011 Level II performance review.

In 2011 BWSR intended to expand the annual Level II coverage through a program initiative that assesses the performance of all LGUs working in the same watershed. However, the state shutdown in July precluded the testing of this new method. This approach will be implemented on a pilot basis in 2012.

Level III Results

There were no formal Level III performance reviews in 2011. BWSR staff provided assistance to the Heron Lake Watershed District with their watershed plan revision process, at their request. This assistance did not include an overall performance assessment, however.

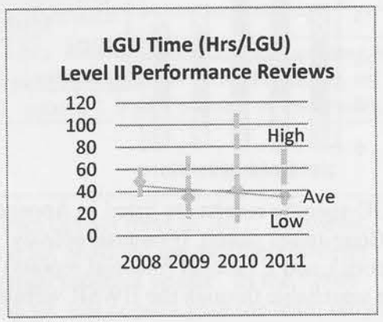
BWSR managers continue to regularly monitor the performance of LGUs experiencing change in order to assess the need for Level III review. LGUs can request these services and PRAP has money for small grants to support LGU organizational development tied to Level III assessments.

Level IV Results

No Level IV actions were needed in 2011.

PRAP Program Costs

BWSR tracks the time spent by LGUs in a Level II review as a substitute for actual program costs. Factors affecting an LGU's time include the number of action items in their long-range plan, the number of staff persons who help with data collection, and the ready availability of performance data.



BWSR staff spent approximately 330 hours conducting Level II reviews with the seven LGUs in 2011, an average of 47 hours per LGU. This compares with averages of 41 hours in 2010 and 46 hours in 2009.

Assistance Services to Local Governments

Focus on Assistance

The term "assistance" is in the PRAP program title in part because it is listed as an activity in the authorizing legislation and also because it is a logical next step after performance review. Prior to PRAP, BWSR field staff regularly provided LGUs with assistance to support and enhance their operational effectiveness. While that essential service continues, PRAP has expanded BWSR's capability to assist LGUs.

2011 PRAP Assistance to LGUs

- Advised Heron Lake WD during public review of their management plan update.
- Consulted with MN Assn. of Soil and Water Conservation Districts on new district capacity evaluation and coordination with Mn Counties Insurance Trust on assistance options and resources.
- As a result of 2011 Level II reviews offered Le Sueur County and SWCD facilitation services to enhance collaboration on local water plan implementation.

Assessing the Needs

PRAP provides an opportunity for LGUs to identify the types of assistance they think would be most helpful. Each Level II performance review includes an opportunity for LGU board members and staff to list assistance needs in the context of their perceived barriers to program and project implementation. In 2011 the seven LGUs requested assistance with:

- obtaining stability and flexibility in funding,
- increasing traditional funding sources (e.g., cost-share and NRBG),
- writing grant applications for new funding sources (e.g., Clean Water Fund),
- continuing board and staff training,
- enhancing communication among greater MN WDs, and
- revising a long-range watershed management plan.

Each year LGUs request training related to various operational needs, as was the case this year. BWSR held its fourth annual Training Academy for LGU staff in October. BWSR's Training Program Coordinator ensured that the 2011 Academy offerings covered the training needs identified during the 2010 performance reviews. This kind of program coordination is on-going and will be enhanced in 2012.

Future of Assistance

As funds allow, LGUs are able to apply for small matching grants from PRAP to help with some assistance needs. There were no applications for organizational assistance grants in 2011. BWSR staff assistance to LGUs will be closely coordinated with the needs assessment and programs developed by the BWSR Training Program Coordinator. PRAP will continue to serve as one of the pathways for BWSR's delivery of targeted training and assistance.

Reporting

Purpose of Reporting

The purposes of reporting about LGU performance are:

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

Report Types

PRAP either relies on or generates different types of reports to achieve the purposes listed above.

LGU-Generated

These include information posted on the LGU websites and the required or voluntary reports submitted to BWSR, other units of government, and the public about fiscal status, plans, programs and activities. These all serve as a means of communicating what each LGU is achieving and allow stakeholders to make their own evaluations of LGU performance. PRAP tracks submittal of required, self-generated LGU reports in Level I.

BWSR Website

The BWSR website contains a webpage devoted to PRAP information. The site gives users access to a searchable database of basic Level I performance information that BWSR has collected for each LGU.

No. of Website Hits to PRAP Level I Performance Database
(by calendar year)

2010- 1437
2011- 186

www.bwsr.state.mn.us/PRAP/reporting/index.php

The number of user visits to that database has dropped significantly since 2010, the year the database came on-line. The BWSR website also includes regularly updated maps of long-range plan status by LGU type.

Visitors to the PRAP webpage can find general program information, tables of current performance standards by LGU type, summaries of Level II performance review reports, and copies of annual legislative reports.

Level II Performance Review Reports

BWSR prepares a report containing findings, conclusions, and recommendations for each LGU that is the subject of a Level II performance review. The LGU lead staff and board or task force members receive a draft of the report to which they are invited to submit comments or corrections. BWSR then prepares both a final report that is sent to the LGU and a one-page summary that is included in this legislative report (see Appendix F) and on the PRAP webpage.

Annual Legislative Report

As required by statute, BWSR prepares an annual report for the legislature containing the results of the previous year's program activities and a general assessment of the performance of the local delivery system for land and water conservation services

and programs. These reports are reviewed and approved by the BWSR board and then sent to the chairpersons of the senate and house environmental policy committees, as well as LGU statewide associations and the office of the legislative auditor. This document is the fifth such report that BWSR has prepared.

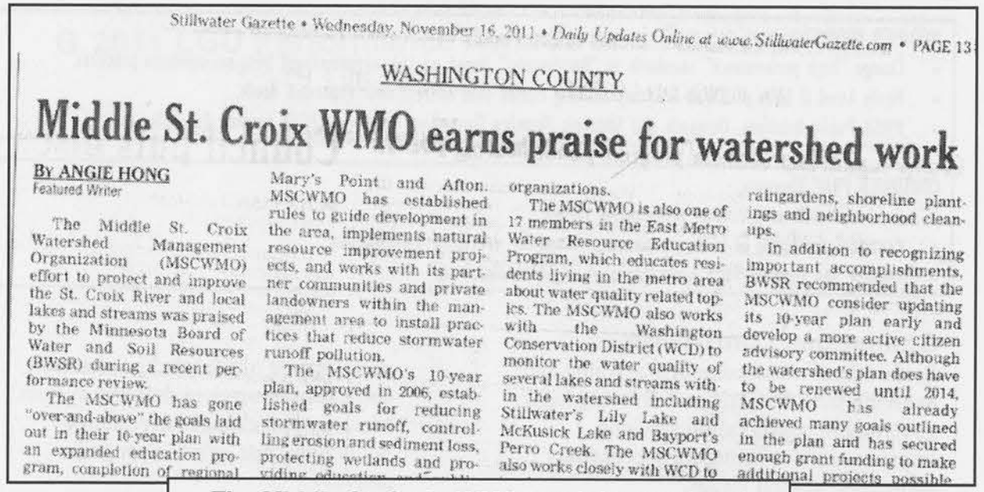
Rewards and Recognition

BWSR seeks to ensure that PRAP pays as much attention to exemplary performance as it does to performance improvement. Each year the PRAP legislative report highlights those LGUs that are recognized by their peers or other organizations for their contribution to Minnesota's resource management and protection, as well as service to their local clientele. (See Appendix G.)

The BWSR website also features some of these award recipients.

In addition, for those LGUs that receive a routine Level II performance review, their report highlights compliance with each high performance standard with a "commendation" for practices over and above basic requirements. All 2011 Level II LGUs received commendations, which are the starred items listed in the report summaries in Appendix F.

Each year BWSR staff encourages LGUs that receive findings of exemplary performance during a Level II review to use the report results with local media outlets. In 2011 the Middle St. Croix WMO issued a press release about their performance review that was reported in the local newspaper. (See sidebar.)



Stillwater Gazette • Wednesday, November 16, 2011 • *Daily Updates Online at www.StillwaterGazette.com* • PAGE 13

WASHINGTON COUNTY

Middle St. Croix WMO earns praise for watershed work

BY ANGIE HONG
Featured Writer

The Middle St. Croix Watershed Management Organization (MSCWMO) effort to protect and improve the St. Croix River and local lakes and streams was praised by the Minnesota Board of Water and Soil Resources (BWSR) during a recent performance review.

The MSCWMO has gone "over-and-above" the goals laid out in their 10-year plan with an expanded education program, completion of regional

Mary's Point and Afton. MSCWMO has established rules to guide development in the area, implements natural resource improvement projects, and works with its partner communities and private landowners within the management area to install practices that reduce stormwater runoff pollution.

The MSCWMO's 10-year plan, approved in 2006, established goals for reducing stormwater runoff, controlling erosion and sediment loss, protecting wetlands and providing education and

organizations.

The MSCWMO is also one of 17 members in the East Metro Water Resource Education Program, which educates residents living in the metro area about water quality related topics. The MSCWMO also works with the Washington Conservation District (WCD) to monitor the water quality of several lakes and streams within the watershed including Stillwater's Lily Lake and McKusick Lake and Bayport's Perro Creek. The MSCWMO also works closely with WCD to

raingardens, shoreline plantings and neighborhood cleanups.

In addition to recognizing important accomplishments, BWSR recommended that the MSCWMO consider updating its 10-year plan early and develop a more active citizen advisory committee. Although the watershed's plan does have to be renewed until 2014, MSCWMO has already achieved many goals outlined in the plan and has secured enough grant funding to make additional projects possible.

The Middle St. Croix WMO used the results of their 2011 Level II PRAP review in a press release.

Program Conclusions and Future Direction

Conclusions

Based on four years of PRAP implementation, including Level II reviews of 31 LGUs throughout the state, BWSR finds:.

- A steadily increasing percentage of long-range management plans are up-to-date.
- SWCDs in particular have a high rate of compliance with basic operational performance standards.
- LGUs with strong lead staff and strong board leadership are the most successful at obtaining funding and implementing projects and programs effectively.
- LGUs are struggling with the shift to more competitive funding sources, particularly in the allocation of staff.
- Most LGUs are aggressively pursuing the objectives in their long-range plans.
- Some LGUs will need assistance with identifying and targeting to address priority resource problems.
- SWCDs and WDs with overlapping jurisdictions underuse opportunities for collaboration with each other.

PRAP in 2012

During 2012 BWSR will add some program elements, modify some, and continue others.

NEW PRAP Elements

- Begin performance reviews of multiple LGUs that share a common watershed or other geographic boundary.

MODIFIED PRAP Elements

- Change "high performance" standards to "benchmarks" based on LGU organizational best management practices.
- Notify Level II LGUs of BWSR Academy training classes that address their expressed needs.
- BWSR Public Relations, Outreach and Strategic Planning Committee will review PRAP Guiding Principles.

CONTINUED PRAP Elements

- Conduct 7-8 Level II routine performance reviews.
- Continue monitoring of LGUs experiencing change for assistance opportunities.
- Monitor and report Level I performance of all 244 LGUs.

Challenges Long-Term

Performance measurement is a young and evolving field for entities delivering local government conservation services. Improvements will require successfully addressing several issues.

- How to find the best indicators and the appropriate scale for measuring the performance of the local government conservation services delivery system.
- Measure real changes in resource *quality*, not just *effort* in program delivery.
- Use PRAP to incentivize collaboration in locally based resource management.

Appendices

A. PRAP Authorizing Legislation (Minn. Statutes Chapter 103B.102)

B. PRAP Advisory Team Members

C. Level I: 2011 Long-range Plan Status

D. Level I: Status of Annual Reports for 2010

E. Level I: Status of Audits and Financial Reports for 2010

F. Level II: Summaries of 2011 LGU Performance Review Reports

G. 2011 LGU Performance Awards and Recognition

Appendix A

PRAP AUTHORIZING LEGISLATION

103B.102, Minnesota Statutes 2007

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103B.102 LOCAL WATER MANAGEMENT ACCOUNTABILITY AND OVERSIGHT.

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

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

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

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

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

History: *2007 c 57 art 1 s 104*

Appendix B

PERFORMANCE REVIEW AND ASSISTANCE PROGRAM ADVISORY TEAM MEMBERS

NAME	ORGANIZATION	REPRESENTING
Kevin Bigalke	Nine-Mile Creek WD	Metro WDs
Ray Bohn	MN Assoc. of Watershed Districts	WD statewide association
Brian Dwight	BWSR	BWSR-No. Region
Vacant		Greater MN WD managers
Annalee Garletz	Assoc. of Minnesota Counties	County government
Barbara Haake	Rice Creek WD	Metro area WD managers
Todd Olson	Assoc. of Metropolitan Municipalities	Watershed Management Organizations
Kathryn Kelly	Renville SWCD	SWCD supervisors
Tim Koehler	USDA-Natural Resource Conservation Service	Federal partner
Kevin Ostermann	MACDE / Nicollet SWCD	MN Assoc. of Conservation District Employees
Sheila Vanney	MN Assoc. of Soil &Water Cons. Districts	SWCD statewide association
Steve Woods	BWSR-St. Paul	BWSR management

Appendix C

Level I: 2011 LGU Long-Range Plan Status

Soil and Water Conservation Districts

(Districts have a choice of option A or B)

A. Current Resolution Adopting County Local Water Management Plan
All resolutions are current.

B. Current District Comprehensive Plan
All comprehensive plans are current.

Counties

Local Water Management Plan Revision Overdue
Polk

Metro County Groundwater Plan Revision Overdue
Carver
Dakota
Ramsey
Scott
(Anoka and Hennepin Counties have chosen not to participate in this optional program.)

Watershed Districts

10-Year Watershed Management Plan Revision Overdue: No Action
Crooked Creek

Plan Revision in Progress
Bear Valley
Belle Creek
Coon Creek
Cormorant Lakes
Sand Hill River
Stockton-Rollingstone-Minnesota City

Watershed Management Organizations

Management Plan Revision Overdue: Plan Revision in Progress
Grass Lake
Pioneer-Sarah Creek

Appendix D

Level I: Status of Annual Reports for 2010
as of December 31, 2011

Soil and Water Conservation Districts

eLINK Reports of Grant Expenditures
All districts comply.

Website Content: Compliance with 10 Content Elements
All districts comply.

Counties

Drainage Authority Buffer Strip Report: Not Submitted
St. Louis

eLINK Reports of Grant Expenditures
All reports submitted.

Watershed Districts

Drainage Authority Buffer Strip Report Not Submitted
All reports submitted.

Annual Activity Reports Not Submitted
Belle Creek
Buffalo-Red River
Joe River
Sand Hill River
Upper Minnesota River
Warroad

Annual Activity Reports Submitted Late
Bear Valley
Clearwater River
Comfort Lake-Forest Lake
Crooked Creek
Kanarazi-Little Rock
Lac Qui Parle-Yellow Bank
Sauk River
Yellow Medicine River

Metro Watershed Management Organizations

Annual Activity Reports Not Submitted
Carver
Mississippi River

Annual Activity Reports Submitted Late
Black Dog

Appendix E

Level I: Status of Audits and Financial Reports for 2010
as of December 31, 2011

Soil and Water Conservation Districts
Annual Financial Reports (all 90 Districts): Submitted Late
Dodge

Annual Audits (50 required)
All required audits submitted on-time.

Watershed Districts
Annual Audits Not Completed:
Belle Creek
Joe River
Stockton-Rollingstone-MN City
Warroad
Wild Rice River

Annual Audits Submitted Late:
Brown's Creek
Carnelian-Marine
Minnehaha Creek

Metro Watershed Management Organizations
Annual Audits Not Submitted:
Carver
Grass Lake
Lower Rum River
Sunrise River
Upper Rum River

Annual Audits Submitted Late:
Black Dog
Middle St. Croix
Mississippi River
Scott

Appendix F

LEVEL II FINAL REPORT SUMMARY

PRAP
Performance Review and Assistance Program
2011 Level II Review:
Carlton SWCD *(Carlton County)*

Why BWSR did this review
BWSR conducts Level II performance reviews to help local government water management entities to be the best they can be in plan implementation and overall operational effectiveness. In 2011 BWSR is conducting Level II performance reviews of seven different local water management entities.

BWSR has conducted a routine Level II performance review of the Carlton SWCD because they are near the midpoint in implementing their 5-year comprehensive plan.

This document includes findings and recommendations to enhance the overall operation and effectiveness of the district. The board of supervisors is responsible for taking any actions they deem necessary in response to the findings and recommendations in this report.

Carlton Soil and Water Conservation District
Summary of Performance Review Results



What BWSR Found
Carlton SWCD is on the verge of becoming among the highest functioning SWCDs in northeastern Minnesota. The district has set ambitious goals and, so far, has been particularly successful in accomplishing them in the Nemadji River watershed. Expansion of this kind of success into other areas of the district is what will move the organization to the next level. They have taken a step in that direction with the submittal of a collaborative grant application for the Kettle River watershed. That project could provide the experience that will set the district up for even more effective land and water conservation.

The district is a willing partner with many other conservation organizations and could increasingly find itself in a leadership position, if present trends continue.

Currently, the district is well served by strong, positive and engaged leadership from the Board of Supervisors. The supervisors value their staff as a factor that has contributed to their effectiveness. From BWSR's perspective the district would benefit from a thorough evaluation of staff capacity, which includes workload analysis, reviewing position descriptions, and defining skills training needs.

Action Item
- Operating fund reserve increase

Commendations (show exemplary performance)
★ Operational guidelines exist and current
★ Board and staff training: orientation & cont. ed.
★ State $ leverage at least 1.5 times in non-state $
★ Outcome trends monitored and reported for key resources

★ Website contains additional content beyond minimum required
★ Obtain stakeholder input: within last 5 yrs
★ Partnerships:
★ Coordination with County Board by supervisors or staff

Recommendations are to address the action item and conduct a staff capacity review.

.

LEVEL II FINAL REPORT SUMMARY

PRAP
Performance Review and Assistance Program
2011 Level II Review:
Carver SWCD *(Carver County)*

Why BWSR did this review
BWSR conducts Level II performance reviews to help local government water management entities to be the best they can be in plan implementation and overall operational effectiveness. In 2011 BWSR is conducting Level II performance reviews of seven different local water management entities.

BWSR has conducted a routine Level II performance review of the Carver Soil and Water Conservation District because they are near the midpoint in implementing their comprehensive plan.

This document includes findings and recommendations to enhance the overall operation and effectiveness of the district. The board of supervisors is responsible for taking any actions they deem necessary in response to the findings and recommendations in this report.

Carver Soil and Water Conservation District Summary of Performance Review Results



What BWSR Found
The Carver SWCD is a well-managed, well-supervised local conservation organization that is aggressively and effectively implementing a variety of traditional and innovative resource conservation measures. successfully transitioned from an exclusively rural agricultural focus to establish expertise in addressing the complex water management issues of expanding urbanization. Moreover, their close working relationship with county officials has served to benefit both agencies as well as the people of their district. They have proven adept at competing for project and program dollars above and beyond traditional funding sources. Administratively, the district shows consistent and competent results from its attention to detail in program management and routine reporting.

Action Items (need immediate attention)
There are no action items for the district to address.

Commendations (show exemplary performance)
- ★ Operational guidelines exist and current
- ★ Staff training: orientation and cont. ed. plan and record for each staff member
- ★ Comp and Annual Plans arrange objectives by major watersheds
- ★ State $ leverage at least 1.5 times in non-state $
- ★ Website contains additional content beyond minimum required
- ★ Obtain stakeholder input: within last 5 yrs
- ★ Partnerships: cooperative projects/tasks done with neighboring districts, counties, watershed districts, non-governmental organizations
- ★ Coordination with County Board by supervisors or staff

BWSR's recommendations are really options for the district to enhance their already high level of performance in service delivery. These include marketing their expertise to cities and watershed districts, including other local governments in their annual strategic planning, conduct a staff workload analysis, and revisit their 2003 "360 review."

LEVEL II FINAL REPORT SUMMARY

PRAP
Performance Review and Assistance Program
2011 Level II Review:
Le Sueur County Local Water Management *(Le Sueur County)*

Why BWSR did this review
BWSR conducts Level II performance reviews to help local government water management entities to be the best they can be in plan implementation and overall operational effectiveness. In 2011 BWSR is conducting Level II performance reviews of seven different local water management entities.

BWSR has conducted a routine Level II performance review of the Le Sueur County Local Water Management program because they are at the midpoint in implementing their plan and have recently completed a plan update.

This document includes findings and recommendations to enhance the overall operation and effectiveness of the county's local water management. The county commissioners and staff are responsible for taking any actions they deem necessary in response to the findings and recommendations in this report.

Le Sueur County Local Water Management Summary of Performance Review Results

What BWSR Found
The Le Sueur County local water management program is both ambitious in the planned objectives and successful in a wide range of accomplishments related to that plan. The county has many of the pieces in place to become a trend setter in this challenging arena. The county local water plan tackles a wide range of water management issues in a county that has a diverse mix of lake, stream and groundwater management demands. This review confirmed that, while more could be done with more resources in staff and funding, the county is making progress in implementing broad-spectrum, local water management.

The county program meets all of BWSR's basic performance standards and a majority of the high performance standards, which reflect statewide organizational best management practices. This reflects a well-balanced application of local water management administration and project implementation.

The county is well-served by a diverse membership on its water plan task force and a competent, water plan administrator.

Action Items (need immediate attention)
There are no action items.

Commendations (show exemplary performance)
The Le Sueur County local water management program is commended for meeting these high performance standards.
- ★ LWM implementation plan completed within 5 yrs of plan adoption
- ★ Annual plan priorities based on water quality trend data for key water resources
- ★ Data collected to track outcomes for each priority concern
- ★ Water quality trends tracked for priority water bodies
- ★ Obtain stakeholder input: within last 5 yrs
- ★ Partnerships: liaison with SWCDs/WDs and cooperative projects/tasks done
- ★ County local water plan on county website
- ★ Water management ordinances on county website.

There are four recommendations for the county's consideration.

LEVEL II FINAL REPORT SUMMARY

PRAP
Performance Review and Assistance Program
2011 Level II Review:
Le Sueur Soil and Water Conservation District
(Le Sueur County)

Why BWSR did this review
BWSR conducts Level II performance reviews to help local government water management entities to be the best they can be in plan implementation and overall operational effectiveness. In 2011 BWSR is conducting Level II performance reviews of seven different local water management entities.

BWSR has conducted a routine Level II performance review of the Le Sueur SWCD in the context of their transition from their own comprehensive plan to adopting the county water management plan.

This document includes findings and recommendations to enhance the overall operation and effectiveness of the district. The supervisors are responsible for taking any actions they deem necessary in response to the findings and recommendations in this report.

Le Sueur Soil and Water Conservation District Summary of Performance Review Results



What BWSR Found
The Le Sueur SWCD does an adequate job at what they choose to work at, but their overall approach to conservation needs some updating and diversification. Some recent actions indicate that the board is moving in that direction: selection of an experienced district technician; recent Clean Water Fund grant application; and adoption of the Le Sueur County local water plan as the district comprehensive plan. But the pace of change could be accelerated.

While the district has some cooperative work with the county environmental services office through Natural Resources Block Grant (NRBG) programs, more could be done. County staff would like the district to expand their role with NRBG programs and provide more technical support. The Cannon River Watershed Project has expressed a similar desire to BWSR regarding the need for greater cooperation by the district.

The SWCD owns the building in which they and the USDA entities are located. BWSR is concerned that the issues related to building management are a significant distraction from the district's conservation work.

Overall, the SWCD still has room for improvement, and because of its geographic location in the critical Minnesota River sediment source area, is in a relatively favorable position to fund those improvements.

Action Item (needs immediate attention)
■ Data practices policy: consistent with MN Data Practices Act.

Commendation (shows exemplary performance)
★ Website contains additional content beyond the minimum required.

In addition to the need to address the one Action Item, BWSR recommends that the Le Sueur SWCD conduct a staff workload analysis, reassess its mission and responsibilities based on their new long-range plan, expand cooperative partnerships, seek competitive funding, and assess building management alternatives.

LEVEL II FINAL REPORT SUMMARY

PRAP
Performance Review and Assistance Program
2011 Level II Review:
Middle St. Croix WMO
(Washington County)

Why BWSR did this review
BWSR conducts Level II performance reviews to help local government water management entities to be the best they can be in plan implementation and overall operational effectiveness. In 2011 BWSR is conducting Level II performance reviews of seven different local water management entities.

BWSR has conducted a routine Level II performance review of the Middle St. Croix Watershed Management Organization because they are near the midpoint in implementing their 10-year watershed management plan.

This document includes findings and recommendations to enhance the overall operation and effectiveness of the organization. The board members are responsible for taking any actions they deem necessary in response to those findings and recommendations.

Middle St. Croix Watershed Management Org. Summary of Performance Review Results



What BWSR Found
The MSCWMO has demonstrated good progress in implementing the action items from their watershed management plan. They have gone beyond items in their plan to tackle and benefit from additional programs, such as an expanded education program and regional resource assessments under the metro-wide Landscape Restoration Project. The WMO meets many of BWSR's high performance standards, further indication of the organization's potential. In fact, this over-and-above functioning indicates that their current plan may no longer be ambitious enough to challenge the full capabilities of the organization.

The WMO has clearly benefitted from local partnerships with neighboring resource management entities, such as the Washington Conservation District. With strong staff support for the ten very active and knowledgeable board members, they are an effective local water management entity in this area.

Action Items (need immediate attention)
- Functioning advisory committee: recommendations on projects, reports; 2-way communication with Board
- Consultant RFP: within 2 yrs for professional services

Commendations (show exemplary performance)
★ Operating guidelines exist and current
★ Plan goals and objectives guide annual budgeting
★ Water quality trends tracked for priority water bodies
★ Website contains meeting notices, agendas, minutes and is updated
★ Track progress for I&E objectives in Plan
★ Partnerships and cooperative projects with neighboring districts and organizations, counties, cities, non-governmental organizations, and
★ Coordination with county/city/township by board members or staff.

BWSR recommends that the board accelerate their plan revision schedule and address their two action items.

LEVEL II FINAL REPORT SUMMARY

PRAP
Performance Review and Assistance Program
2011 Level II Review:
Pelican River Watershed District *(Becker and Otter Tail Counties)*

Why BWSR did this review
BWSR conducts Level II performance reviews to help local government water management entities to be the best they can be in plan implementation and overall operational effectiveness. In 2011 BWSR conducted Level II performance reviews of seven different local water management entities.

BWSR has conducted a routine Level II performance review of the Pelican River Watershed District because they have just passed the midpoint of their current 10-year watershed management plan implementation cycle.

This document includes findings and recommendations to enhance the overall operation and effectiveness of the watershed district. The board of managers is responsible for taking any actions they deem necessary in response to the recommendations in this report.

Pelican River Watershed District
Summary of Performance Review Results



What BWSR Found
The PRWD combines all the major elements of good watershed management in one organization: a set of bold, measurable goals for the district's lakes, aggressive implementation, consistent monitoring and readjusting of process, and effective synergy between a committed board of managers and skilled staff members.

A good example of their commitment to action in promoting lake water quality is the district's substantial investment of resources on the Rice Lake restoration. This project has required complex land rights/use arrangements. They have persisted and are well on the way to construction next year.

The PRWD has led several high-quality, high caliber research components for controlling flowering rush, an invasive species in the Detroit Lakes area. Traditional methods might have led them to continued control and management, but they have sought better answers. They are innovative and not timid about taking on the big issues in the district.

There is a continuing strong relationship with the Becker SWCD and they have recently improved their working relationship with the City of Detroit Lakes. Recently, they have experienced some difficulty working with the DNR on aquatic nuisance control.

Action Items (need immediate attention)
- Maintain a functioning advisory committee.

Commendations (show exemplary performance)
★ Administrator on staff
★ Operational guidelines exist and current
★ Public drainage records: meet modernization guidelines
★ Implementation and/or strategic review every 2-3 yrs
★ Local water plans reviewed
★ Plan goals and objectives guide annual budgeting
★ Water quality trends tracked for priority water bodies
★ Watershed hydrologic trends monitored / reported
★ Website: contains additional information
★ Coordination with County Board and City/Twp officials
★ Partnerships: cooperative projects/tasks done with neighboring districts, counties, soil and water districts, non-governmental organizations.

LEVEL II FINAL REPORT SUMMARY

PRAP
Performance Review and Assistance Program
2011 Level II Review:
Wild Rice WD *(Mahnomen, Clay, Norman, Becker Clearwater, Polk Counties)*

Why BWSR did this review
BWSR conducts Level II performance reviews to help local government water management entities to be the best they can be in plan implementation and overall operational effectiveness. In 2011 BWSR is conducting Level II performance reviews of seven different local water management entities.

BWSR has conducted a routine Level II performance review of the Wild Rice WD because they are approaching the time to update their 10-year watershed management plan.

This document includes findings and recommendations to enhance the overall operation and effectiveness of the district. The board of managers is responsible for taking any actions they deem necessary in response to the findings and recommendations in this report.

Wild Rice Watershed District
Summary of Performance Review Results



What BWSR Found
The WRWD finds itself in the position of having managers and an administrator who were all appointed to their positions after the current watershed management plan was developed. Consequently, the managers are not unanimous in their support of the plan goals and objectives. This lack of consensus on the priorities of the watershed district is a factor that may be affecting the board's expressed difficulty in implementing flood damage reduction projects.

It is not uncommon for other watershed districts to face such issues in their project development/implementation, but in the Wild Rice it seems this lack of a common agenda about how best to manage the district's resources is a particular liability. Most of the successes in project implementation that the staff identified are the result of efforts by former managers.

The managers do a good job of pursuing options, investigating alternatives on projects, and taking advantage of their experienced district engineer. Also, the district provides good financial support for and works well with the soil and water conservation districts in their watershed, particularly the Norman SWCD.

Action Items (need short-term attention)
- Annual report: submitted by mid-year
- Rules: date of last revision or review
- Website: content compliant
- Communication piece: sent within last 12 months

Commendations (show exemplary performance)
★ Administrator on staff
★ Staff training: orientation & cont. ed. plan
★ Public drainage records: meet modernization guidelines
★ Implementation and/or strategic review every 2-3 yrs
★ Website: contains additional content
★ Obtain stakeholder input: within last 5 yrs
★ Coordination with County Board and City/Twp officials
★ Partnerships: cooperative projects/tasks done with neighboring LGUs.

Four recommendations offered.

Appendix G

2011 Local Government Performance Awards and Recognition

(Awarding agency listed in parentheses.)

County Conservation Award
(Association of Minnesota Counties and Board of Water and Soil Resources)
Crow Wing County

Outstanding SWCD Employee
(Board of Water and Soil Resources)
Pete Fryer, Southeast Technical Service Area 7 Engineer

Outstanding Supervisor Award
(Minnesota Association of Soil and Water Conservation Districts)
Steve Flohrs, Martin SWCD

Living Snow Fence Achievement Award
(MN Assoc. of Soil and Water Conservation Districts and Dept. of Transportation)
West Otter Tail SWCD

Appreciation Award
(Department of Natural Resources)
Todd SWCD

Outstanding WD Employee
(Board of Water and Soil Resources)
James Wisker, Minnehaha Creek WD

Watershed District of the Year
(Department of Natural Resources)
Middle Fork Crow River WD

Program of the Year
(Minnesota Association of Watershed Districts)
Fighting Salt Pollution with Education, **Nine Mile Creek WD**

Project of the Year
(Minnesota Association of Watershed Districts)
Riceland Restoration Project, **Turtle Creek WD**

Minnesota Board of Water & Soil Resources

DATE: April 16, 2012

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

FROM: John Jaschke, Executive Director

SUBJECT: BWSR Board Meeting Notice – April 25, 2012

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, April 25, 2012, beginning at 9:00 a.m. The meeting will be held in the lower level Board Room at 520 Lafayette Road N., St. Paul. Parking is available in the lot directly in front of the building (see hooded parking area).

The following information pertains to agenda items:

COMMITTEE MEETINGS

Grants Program & Policy Committee

1. **Biennial Budget Request** – The Board is requested to approve the Biennial Budget Request policy and authorize staff to implement this new approach to agency grant programs. ***DECISION ITEM***

Metro Water Planning Committee

1. **Mississippi WMO Plan Amendment -** The final draft Amendment to the Mississippi WMO Watershed Management Plan was filed with the Board on March 20, 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 per the attached draft Order. ***DECISION ITEM***

2. **Ramsey-Washington Metro WD Enlargement Public Hearing -** 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 soon to be dissolved Grass Lake WMO. Minn. Stat. § 103D.261, subdivision 2, subitem A, requires a public hearing be held before the Board makes a decision on the Petition. The Metro Water Planning Committee recommends a public hearing be held within 35 days of the date of the Board's Order after proper notice has been given, that the Committee preside over the public hearing and bring recommendations on the Petition to the Board, and that the Executive Director set the date, time and location of the public hearing after coordination with the appropriate parties per the attached draft Order. ***DECISION ITEM***

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

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3. **Wright SWCD Nomination Districts** - The Wright SWCD currently has nomination districts for supervisors. The attached Nomination Districts Resolution does not change the current nomination districts, rather it clarifies them. The Wright County Auditor requested clarification due to the expansion of rural cities over the years. The resolution clarifies that the nomination districts remain along township lines regardless of city boundaries. The Wright SWCD Board of Supervisors unanimously adopted the resolution. The Metro Water Planning Committee based on a unanimous vote recommends the Board approve the Nomination Districts Resolution per the one sentence resolution immediately under the signature of the Wright SWCD Secretary. ***DECISION ITEM***

Northern Water Planning Committee

1. **Buffalo Red Watershed District Enlargement and Increase of Managers Petition** - The Enlargement and Increase in Number of Managers of the Buffalo Red River Watershed District (BRRWD) was held February 23rd as a result of the January 4, 2012 petition from the Buffalo Red River Watershed District, Otter Tail County and Wilkin County. This is the same area Wilkin County petitioned to establish the Upper Red Lower Otter Tail Watershed District. At the September 7, 2011 establishment hearing, Otter Tail County suggested enlarging the BRRWD as an alternative to establishing a new watershed district. Wilkin County agreed to have their establishment petition held in abeyance to allow time for Wilkin and Otter Tail Counties and the BRRWD to further explore Otter Tail County's suggestion. The Northern Water Planning Committee met April 11, 2012, reviewed and recommends approval of the enlargement and increase in the number of managers petition of the BRRWD. Increase the number of managers to seven with the distribution of: 3-Clay County, 2-Wilkin County, 1-Becker County and 1-Otter Tail County; and the BRRWD's Watershed Management Plan be amended within two years. ***DECISION ITEM***

2. **Crow Wing SWCD Supervisor Boundary Change Request** - The Crow Wing Soil and Water Conservation District is requesting that BWSR approve a change to Supervisor Nomination Districts. At their January 18, 2012 regular board meeting, the Crow Wing board of supervisors voted to change the boundaries of supervisor nomination Districts 3 and 4 (see attached map). The purpose of the change is to have the Whitefish Chain of Lakes entirely within one nominating district (District 4). This would be achieved by the City of Crosslake from District 3 and placing it in District 4. ***DECISION ITEM***

3. **Isanti County Five Year Plan Amendment** - On June 30, 2006, the Board of Water and Soil Resources approved Isanti County's Comprehensive Local Water Management Plan for a ten year period from 2006-2016 with a required amendment by May 2011. On April 20th, 2011, the county passed a resolution to begin the amendment process. The amended plan was submitted to the Brainerd field office on December 5, 2011. The Northern Water Planning committee met on April 11, 2012 where they reviewed the plan amendment and recommended approval of the amendment through May 31, 2016. ***DECISION ITEM***

4. **Itasca County Local Water Management Plan Amendment**- Itasca County submitted their amended Local Water Management Plan for final state review and comment. The Northern Water Planning Committee met April 11, and recommends approval of the Plan amendment. ***DECISION ITEM***

5. **Polk County Local Water Management Plan Update** - The Northern Water Planning Committee met on April 11, 2012 to review the Polk County Plan Update and recommend approval. The Polk County Local Water Management Plan is identified as a 10-year plan with a review of the Plan in five years. ***DECISION ITEM***

NEW BUSINESS

1. **Minnesota Conservation Corps Apprentice Program** – The Conservation Corps of Minnesota and Iowa partners with BWSR for Clean Water Funding and the highly successful SWCD Apprentice Academy. The Apprentice Academy transfers knowledge from experienced professionals to the next generation of conservation managers. Real-world experience gained with SWCDs during their busy construction season is experience textbooks cannot convey. Len Price and James Adkinson will present the results of year one and address where the effort will go in 2012, 2013, and 2014. ***INFORMATION ITEM***

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. The Board meeting is expected to adjourn about noon. I look forward to seeing you on April 25th!

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, APRIL 25, 2012

PRELIMINARY AGENDA

9:00 AM **CALL MEETING TO ORDER**

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF MARCH 28, 2012 BOARD MEETING

PUBLIC ACCESS FORUM (10-minute agenda time, two-minute limit/person)

INTRODUCTION OF NEWLY APPOINTED BOARD MEMBERS

- Joe Collins, WD Representative
- Jack Ditmore, Citizen
- Steve Sunderland, SWCD Representative

INTRODUCTION OF NEW BWSR STAFF

- Angie Becker Kudelka, Organizational Effectiveness Director
- Tim Dykstal, Fiscal Compliance Director
- Misty Pellerin, Accounting Officer

REPORTS

- Chair – Brian Napstad
- Administrative Advisory Committee – Brian Napstad
- Executive Director – John Jaschke
- Dispute Resolution Committee – Gerald Van Amburg
- Wetlands Committee – Gerald Van Amburg
- Grants Program & Policy Committee – Paul Langseth
- Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth
- RIM Reserve Management Planning Committee – Gene Tiedemann
- Drainage Work Group – Tom Loveall

COMMITTEE RECOMMENDATIONS

Grants Program & Policy Committee

1. Biennial Budget Request – Dave Weirens – ***DECISION ITEM***

Metro Water Planning Committee

1. Mississippi WMO Plan Amendment – Bob Burandt and Brad Wozney – ***DECISION ITEM***

2. Ramsey-Washington Metro WD Enlargement Public Hearing – Melissa Lewis – ***DECISION ITEM***

3. Wright SWCD Nomination Districts – Jim Haertel – ***DECISION ITEM***

Northern Water Planning Committee

1. Buffalo Red Watershed District Enlargement and Increase of Managers Petition - Ron Shelito and Pete Waller - ***DECISION ITEM***

2. Crow Wing SWCD Supervisor Boundary Change Request – Quentin Fairbanks – ***DECISION ITEM***

3. Isanti County Five Year Plan Amendment – Quentin Fairbanks – ***DECISION ITEM***

4. Itasca County Local Water Management Plan Amendment – Quentin Fairbanks - ***DECISION ITEM***

5. Polk County Local Water Management Plan Update – Quentin Fairbanks – ***DECISION ITEM***

NEW BUSINESS

1. Conservation Corps Minnesota & Iowa Apprentice Program – Len Price and James Adkinson - ***INFORMATION ITEM***

AGENCY REPORTS

- Minnesota Department of Agriculture – Matthew Wohlman
- Minnesota Department of Health – Chris Elvrum
- Minnesota Department of Natural Resources – Tom Landwehr
- Minnesota Extension Service – Faye Sleeper
- Minnesota Pollution Control Agency – Rebecca Flood

ADVISORY COMMENTS

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

UPCOMING MEETINGS

- Next Board Meeting – May 23, 2012

Noon **ADJOURN**

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MARCH 28, 2012

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

BOARD MEMBERS ABSENT:
John Meyer

STAFF PRESENT:
Mary Jo Anderson, Don Buckhout, Travis Germundson, Jim Haertel, John Jaschke, Al Kean, Melissa Lewis, Jeff Nielsen, Dave Weirens

OTHERS PRESENT:
Jim Leach, Josh Eash, Gregg Knutsen, U.S. Fish & Wildlife Service
John Linc Stine and Suzanne Rhees, MPCA
LeAnn Buck, MASWCD
Steve Sunderland

DRAFT

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

PLEDGE OF ALLEGIANCE

** 12-18 **ADOPTION OF AGENDA** – Moved by Quentin Fairbanks, seconded by Matt Wohlman, to adopt the agenda as presented. Motion passed on a voice vote.

** 12-19 **MINUTES OF JANUARY 25, 2012 BOARD MEETING** – Moved by Paul Langseth, seconded by Keith Mykleseth, to approve the minutes of January 25, 2012, as circulated. Motion passed on a voice vote.

REPORTS

Chair's Report – Brian Napstad reported that he appointed new Committee chairs: Jerry Van Amburg is chair of the Dispute Resolution Committee and the Wetlands Committee; Paul Langseth is chair of the Grants Program and Policy Committee; and Gene Tiedemann is chair of the RIM Reserve Management Planning Committee. Chair Napstad thanked them for serving as chair of the Committees.

Chair Napstad attended the EQB meeting last week; discussions continue regarding the Governor's Executive Order on environment and natural resources permitting process. BWSR and other agencies are providing staff to work on the process and products which are scheduled to be completed by September. Chair Napstad stated that he was asked by Pine County to discuss recommended modifications to the Wetland Conservation Act. Chair Napstad attended the AMC legislative meeting last week in St. Paul. Julie Blackburn attended and presented the BWSR legislative update.

Chair Napstad stated that BWSR board members have received the annual evaluation form for the executive director's review. Bill Eisele is collecting the evaluations; Chair Napstad and Vice-Chair Van Amburg will conduct the executive director's review and convey results at an upcoming Board meeting. Chair Napstad announced that the Governor has made new appointments to the Board. Sandy Hooker has been reappointed as township representative; Jack Ditmore appointed as citizen member; Steve Sunderland appointed as SWCD representative; and Joseph Collins appointed as watershed representative. Chair Napstad will be making committee assignments. He asked board members to let him know if they have an interest in serving on a specific committee.

Administrative Advisory Committee (AAC) – Brian Napstad reported that the AAC met this morning with newly appointed committee members Paul Langseth, Gene Tiedemann, and Jerry Van Amburg. Items discussed will be on the agenda later in the meeting.

DRAFT

Executive Director' Report – John Jaschke reported that the AAC discussed the committee roster changes; PRAP grants; and the revised Stockton-Rollingstone-MN City WD plan.

John provided a legislative update on bonding, policy, and legacy funding. John stated that former Senator Gary DeCramer passed away unexpectedly of a heart attack.

John reported that he was in Washington, D.C., last week regarding conservation efforts in the Farm Bill. John stated that USDA NRCS Chief Dave White is in Minnesota this week. Chief White is meeting this afternoon with the "Minnesota Grassland Conservation Roundtable"; and tomorrow at the "Precision Conservation: Technology Redefining Local Water Quality Practices" conference. John also reported that NACD and USDA NRCS is entering into Field Offices of the Future – meetings with BWSR and MASWCD to assess how things work and how things might be approached in new ways.

John reviewed information in board members packets. John announced that Angie Becker Kudelka (BWSR Training Coordinator) has been hired to fill the new BWSR position of Organizational Effectiveness Director. BWSR will be hiring a new Training Coordinator and a Communications and Public Relations Coordinator. John stated that new staff will be introduced at an upcoming Board meeting. John will be on vacation next week; Julie Blackburn, Assistant Director, will serve as Acting Director March 30-April 5 and Steve Woods will serve as Acting Director April 6-8.

Chair Napstad suggested having a presentation on Minnesota Filter/mining filings at an upcoming Board meeting. John Jaschke will work with Faye Sleeper, MES; and Rebecca Flood, MPCA; to schedule a presentation at a future meeting.

Dispute Resolution Committee – Travis Germundson reported that there are currently 13 appeals pending; one new appeal of no-loss determination filed in Hennepin County. Travis thanked LuAnn Tolliver and Louise Smallidge for their service on the Dispute Resolution Committee.

Wetlands Committee – LuAnn Tolliver stated that the Wetlands Committee will meet in April. Gerald Van Amburg stated that he will work with staff on scheduling the meeting. John Jaschke stated that rules and local government road replacement issues will be on the Wetlands Committee agenda in the near future.

Grants Program & Policy Committee – Paul Langseth reported that the Grants Program & Policy Committee meets today immediately following adjournment of the Board meeting.

DRAFT

Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth reported that the Public Relations, Outreach & Strategic Planning Committee met in January; a meeting is tentatively scheduled for April.

Drainage Work Group – Tom Loveall and Al Kean reported that the Drainage Work Group met on February 17, 2012; John Jaschke, Don Baloun, NRCS; and Representative Torkelson attended to discuss federal and state efforts to coordinate a drainage water management initiative. Chair Napstad appreciated Al's attendance at the AMC Environment and Natural Resources Policy Committee meeting on March 2. Al stated that he appreciated the opportunity attend.

Dave Schad, DNR, entered the meeting at 9:45 a.m.

John Jaschke reported that BWSR recently hired Tim Dykstal to fill the new Fiscal Compliance Director position; Tim will start in mid-April. John also reported that the BWSR St. Paul office is expanding; the Metro Regional Office and IT staff will move to space just west of the main BWSR entrance.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Begin Rulemaking for Metropolitan Area Local Water Management Rule Revision - Jim Haertel reported that the Metropolitan Area Local Water Management Rule Revision, Minnesota Rules Chapter 8410, is at a point where the formal rulemaking process can begin. The Rule Advisory Committee has completed its work and a draft revised rule has been developed. The next step would be to publish and mail the Request for Comments. In August, or later, the draft revised rule and SONAR would come before the Board for a decision. At this point the only item before the Board is to begin the formal rulemaking process. The Metro Water Planning Committee met on March 8, 2012, and unanimously voted to recommend beginning the rulemaking process for Chapter 8410. Moved by Bob Burandt, seconded by Rebecca Flood, to adopt the Metro Water Planning Committee's recommendation to authorize the initiation of the rulemaking process for the revision of Minnesota Rules Chapter 8410. Discussion followed. Motion passed on a voice vote.

** 12-20

Public Relations, Outreach & Strategic Planning Committee

Performance Review and Assistance Program (PRAP) and Training Assistance Grants to LGUs – Don Buckhout reported that the Board is requested to authorize the use some of the cost-share rollover dollars that currently fund the PRAP program to be used for grants or contracts to local government units with organizational development, training or critical assistance needs. In most cases the money will buy professional consultant services or training to help LGUs address operational needs or issues

identified by BWSR staff during a PRAP or other assessment. Don explained that the AAC reviewed this and recommends FY12-13 Board authorization for PRAP and Training Assistance Grants to LGUs, renewed annually in future years. The individual grants or contracts under this authorization will be awarded by the Executive Director to expend up to $10,000 per grant or contract for specialized assistance to local government water management entities to address operational or service delivery problems.

** 12-21 Moved by Quentin Fairbanks, seconded by Paul Langseth, to approve the FY12-13 Board authorization for PRAP and Training Assistance Grants to LGUs; that BWSR requires all such funds awarded be cost-shared by the grantee at a percentage dependent on the size of the grant and determined by the Executive Director; and the aggregate amount of expenditures for PRAP and awards are consistent with any appropriation conditions set by the legislature. Discussion followed. Todd Foster asked that board members receive notice from the Executive Director when a grant is awarded, as an information item when issues arise. Motion passed on a voice vote.

Southern Water Planning Committee

Belle Creek Watershed District (BCWD) Watershed Management Plan – Paul Langseth reported that the BCWD was established by BWSR Board Order on November 14, 1968. Minnesota Statutes 103D.401 states that a board of watershed district managers must adopt a plan for any or all reasons for which the district may be established. The BCWD has completed the planning process for its proposed ten-year plan through December 31, 2021. The Southern Water Planning Committee met with representatives of the BCWD on February 9, 2012, and unanimously voted to

** 12-22 recommend approval of the Plan. Moved by Paul Langseth, seconded by Tom Loveall, to approve the Belle Creek Watershed District Watershed Management Plan. Motion passed on a voice vote.

Bear Valley Watershed District (BVWD) Watershed Management Plan – Paul Langseth reported that the BVWD was established by BWSR Board Order on April 27, 1961. The BVWD has completed the planning process for its proposed ten-year plan through December 31, 2021. The Southern Water Planning Committee met with representatives of the BVWD on February 9, 2012; the Committee unanimously voted

** 12-23 to recommend approval of the Plan. Moved by Paul Langseth, seconded by Keith Mykleseth, to approve the Bear Valley Watershed District Watershed Management Plan. Motion passed on a voice vote.

Heron Lake Watershed District (HLWD) Watershed Management Plan – Jeff Nielsen reported that the Commissioners in Nobles, Jackson, Murray, and Cottonwood Counties submitted a petition requesting the establishment of the Middle Des Moines

Watershed District on April 2, 1969. The petition was approved on February 25, 1970. In October of 1995, the name of the district was changed to the Heron Lake Watershed District. The HLWD has completed the planning process for its proposed ten-year plan through December 31, 2021. The HLWD distributed its draft Watershed Management Plan as required for final review and comment. Comments received were considered by the HLWD, the plan was revised as needed, and submitted to BWSR for approval. BWSR provided proper Notice of Filing for the plan. This notice provided an invitation to submit written comments or a written request for a hearing if opposed to the plan. Written comments and a request for hearing were received by BWSR. On October 13, 2011, the Southern Water Planning Committee held a public hearing and received comments in opposition to the Plan and the creation of a Water Management District from Jackson County and watershed residents. The Committee met on Thursday, November 3, 2011, and took no action, based on HLWD request to postpone any action on the Plan until the public had been provided the necessary information. On November 28, 2011, HLWD conducted an Open House on the Plan. A plan revision was drafted to impose a maximum per parcel charge of $24. The Committee met again on February 9, 2012. Clarification was provided that 103D.729 requires that projects are initiated and ordered to be implemented through a formal hearing and adoption process. Although comments in opposition were received, the defined need for projects is evident through impaired waters in the watershed and flooding concerns that still need to be addressed. After discussion and based on the entire record, the Southern Water Planning Committee made a motion recommending approval of the revised Heron Lake Watershed District Water Management Plan.

** 12-24 Moved by Paul Langseth, seconded by Tom Loveall, to approve the Heron Lake Watershed District Watershed Management Plan. Discussion followed. Travis Germundson clarified that the statutory requirements of watershed district have been followed. Chair Napstad thanked board members for their respectful discussions on this controversial topic. Motion passed on a voice vote. Jeff Nielsen thanked the Southern Water Planning Committee for their time and efforts on the controversial issues in the plan.

Chair Napstad called for a break in the meeting at 10:50 a.m. The meeting reconvened at 11:05 a.m.

Stockton-Rollingstone-Minnesota City Watershed District (SRMCWD) Watershed Management Plan – Paul Langseth reported that the SRMCWD was established by BWSR Board Order on December 26, 1958. The SRMCWD has completed the planning process for its proposed ten-year plan through December 31, 2021. BWSR provided proper Notice of Filing for the plan. This notice provided an invitation to submit written comments or a written request for a hearing if opposed to the plan. One written comment was received by BWSR but there was not a request for hearing submitted.

DRAFT

The Southern Water Planning Committee met with representatives of the SRMCWD on February 9, 2012, the Committee unanimously voted to recommend approval of the Plan. Board members received an alternative resolution for review. The Administrative Advisory Committee approved the alternative resolution. The Stockton-Rollingstone-Minnesota City Watershed District approved the alternative resolution and agreed to rework their plan.

** 12-25 Moved by Paul Langseth, seconded by Matt Wohlman, to adopt the alternative resolution, the Management Plan for the Stockton-Rollingstone-Minnesota City Watershed District will expire December 31, 2015. Discussion followed. Paul is hopeful that the SRMCWD will work with the county to incorporate their plan into the county plan. Paul stated that this is a benchmark plan to move forward; this plan will come before the Board again. The alternative resolution provides a conditional approval through 2015; allowing the SRMCWD to continue their role and financing of the WD operation for two years and to consider embedding the WD plan with the Winona County Water Plan (which will be updated about the same time). Motion passed on a voice vote. Paul Langseth appreciated Jeff Nielsen's involvement in getting these four plans moving ahead.

Winona County Soil and Water Conservation District (SWCD) Nomination Districts Resolution – Paul Langseth reported that the Winona County SWCD approved a Nomination Districts Resolution on July 13 2011, which proposed to change nomination districts for the Winona County SWCD supervisor seats. The proposed Nomination Districts will provide consistent and equal distribution of township representation in the County. The Southern Water Planning Committee met on February 9, 2012, discussed said Resolution, and unanimously voted to recommend approval of the Winona County SWCD Nomination Districts Resolution. Moved by Paul

** 12-26 Langseth, seconded by Sandy Hooker, to approve the Winona County Soil and Water Conservation District Nomination Districts Resolution. Motion passed on a voice vote.

NEW BUSINESS

Evaluation of Water Related Programs – John Linc Stine, MPCA Deputy Commissioner, introduced Suzanne Rhees, working part-time at DNR; and part-time at PCA. John Linc Stine explained that Legislation was passed in Special Session 2011 that directs the Pollution Control Agency to accomplish an evaluation of water related programs in conjunction with other water agencies and the University of Minnesota. The legislation began as a rule moratorium but that aspect of the legislation was set aside. John presented an overview of the plans developed thus far for the $75,000 study and provided some perspective on how the Board and local governments may be best able to contribute. John encouraged board members to contact Suzanne if they are interested in being interviewed and contributing to an idea pool to assist in the process

to simplify overlap. Chair Napstad asked about starting with a clean slate, and asked how that might work. John stated that a sustainable water management system is complex but is needed; streamlining via a coordinated approach is what this effort is aiming for. Suzanne stated that the disruption of starting over is a challenge. John Linc Stine will provide an update on this topic as they move forward. Chair Napstad thanked John and Suzanne for their presentation.

Amending Board Resolution #11-96: FY 2012 Competitive Grants Program Funding Recommendation – Dave Weirens reported that the Board is requested to amend Resolution #11-96 to address a fund calculation discrepancy and a request by the manager of a funded project. Delaying the project and funding it with FY2013 Clean Water Funds will allow all projects approved for funding in Resolution #11-96 to be implemented as proposed. Moved by Paul Langseth, seconded by Louise Smallidge, to approve the amending Board Resolution #11-96 to remove Project C12-159 from the list of projects funded with FY2012 Clean Water Funds and to instead fund this project with FY2013 Clean Water Funds. Discussion followed. Motion passed on a voice vote.

** 12-27

Agassiz National Wildlife Refuge (NWR) Water Quality Study – U.S. Fish & Wildlife Service Jim Leach, Refuge Supervisor; Josh Eash, Regional Hydrologist; and Gregg Knutsen, Wildlife Biologist presented information on the impacts of sedimentation on wildlife habitat at the Agassiz National Wildlife Refuge. Recent water quality studies at Agassiz National Wildlife Refuge have shown substantial sediment loading in Refuge wetlands. Results document more than 1.2 million tons of inorganic sediment have been trapped within the Refuge's largest impoundment. The sediment and excess water are being transported to the Refuge via off-refuge surface drainage ditches. Additionally, this research has determined the majority of incoming sediments are sourced from agricultural runoff within the Thief River Watershed. These accumulated sediments have not only accelerated the wetland aging process but also have negatively impacted the Refuge's ability to manage vegetation and address Refuge priorities for migratory birds and other wildlife.

U.S. Fish and Wildlife Service staff and multiple partners (NRCS, Marshall Co. SWCD, Red Lake Watershed District), are now working with private landowners to implement conservation practices (e.g. grass buffers, side channel inlets), on private lands to reduce future sediment inputs and ultimately improve water quality in the Thief River Watershed. Discussion followed. Jim Leach stated that we need to look at perpetual conservation projects by maintaining easements. Chair Napstad stated that it would be great if the USF&WS could be involved in more partnerships and also endorse improved wetland mitigation. Jim Leach stated that they appreciate the opportunity to be here, and are willing to work together on issues. Chair Napstad thanked Jim Leach, Josh Eash, and Gregg Knutsen for their very informative presentation.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Matthew Wohlman reported that MDA Commissioner Frederickson announced the new Minnesota Agriculture Water Quality Certification Program. Matt stated that candidates are sought for the advisory committee; applications will be taken through April 16.

Minnesota Department of Natural Resources (DNR) – Dave Schad reported that Minnesota's Game and Fish Fund is in dire condition; projected to be in the red by early July 2013. The Game and Fish Fund supports conservation delivery and impacts infrastructure if fees are eroded. DNR is seeking a hunting and fishing license fee increase this legislative session. Fees cannot be changed without action by the Legislature. It has been 11 years since the last fee increase.

Minnesota Extension Service – Faye Sleeper distributed the "Conservation Reserve Readiness Initiative" for board members' information. Faye explained that this is a new USDA NRCS funded national training initiative. Board members should contact Faye with questions.

ADVISORY COMMENTS

Minnesota Association of Townships (MAT) – Sandy Hooker reported that Executive Director Dave Fricke is retiring; Gary Peterson has been hired as executive director.

UPCOMING MEETINGS

Chair Napstad stated that the next Board Meeting is April 25, 2012.

Chair Napstad reminded board members to submit the executive director's evaluation form so he and Vice-Chair Van Amburg can conduct the performance review.

** 12-28 Moved by LuAnn Tolliver, seconded by Louise Smallidge, to adjourn the meeting at 1:05 p.m. Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder

DRAFT

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution Committee Report

Meeting Date: April 25, 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: 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
April 13, 2012
By: Travis Germundson

There are presently **15** appeals pending. All of the appeals involve WCA except File 10-10. There has been **2** new appeals filed since the last report dated March 28, 2012.

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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 12-05 (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. No decision has been made on the appeal.

File 12-04 (3-23-12) This is an appeal of a restoration order in Todd County. The appeal regards the placement of fill within the building setback zone identified in the local shoreland management ordinance. No decision has been made on the appeal.

File 12-03 (2-21-12) This is an appeal of a no-loss determination in Hennepin County. The site is within the boundaries of the Mississippi National River and Recreation Area. 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. The appeal has been remanded for the TEP to produce a written report adequately addressing the No-Loss determination and for administrative proceeding (conduct a public hearing producing written findings).

File 12-02 (1-18-12) This is an appeal of a restoration order in Aitkin County. The appeal regards the excavation and filling of approximately 30,200 sq. ft. of a Type 7 wetland association with the construction of private road/trail. The appeal has been placed in abeyance and the restoration order stayed for proper service of the restoration order and for submittal of additional information in support of the appeal.

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

File 10-10 (6-10-10) This is an appeal filed under Minn. Stat. 103D.535 regarding an order of the managers of the Wild Rice Watershed District not to go forward with the Upper Becker Dam Enhancement Project as proposed. Appeals filed under 103D.535 require that the Board follow the Administrative Procedures Act. The Act requires that the hearing be conducted by an Administrative Laws Judge through the Office of Administrative Hearings. The appeal has been placed in abeyance pending settlement discussions. A verbal settlement agreement has been reached by the parties. (at the December 2010 Board meeting, Managers voted 6 to 1 to move forward with Option D)

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

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

File 09-13 (8-20-09) This is an appeal of an exemption decision in Otter Tail County. The appeal regard the denial of an exemption request for agricultural/drainage actives. A previous denial of the same exemption decision had been appealed (File 09-6). The appeal was remanded for further technical evaluation and a hearing, and now the current denial has been appealed. The appeal has been granted. A pre hearing conference convened on November 12, 2009. At which time parties agreed to hold off scheduling written briefs until the petition before NRCS is concluded. The appeal has been placed in abeyance by mutual agreement until there is a final decision by the Department of Agriculture National Appeals Division.

File 09-10 (7-9-09) This is an appeal of a banking plan application in Aitkin County. The appeal regards the LGU's denial of a banking plan application to restore 427.5 acres of wetlands through the use of exceptional natural resource value. The appeal has been accepted and pre-hearing conferences convened on October 13 and 30, and December 14, 2009. Settlement discussions are on hold while the appellant addresses permitting issues with the Corps of Engineers. The appeal has been placed in abeyance by mutual agreement on determining the viability of a new wetland banking plan application.

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

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

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

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

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

Summary Table

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

COMMITTEE RECOMMENDATIONS

Grants Program & Policy Committee

1. Biennial Budget Request – Dave Weirens – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Biennial Budget Request

Meeting Date: April 25, 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: 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

Accept the recommendation of the Grants Program and Policy Committee to adopt the Biennial Budget Request policy and authorize staff to implement this Program.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
BWSR staff have been developing the Biennial Budget Request (BBR) process for approximately two years. Through the BBR BWSR will be collecting information on planned conservation projects from local governments that thay intend to implement in the State 2014-15 biennium if funds are available. The BBR has the following objectives:

a. Provide more effective support to the implementation of local water management plans;
b. Collect information on local government projects and programs to maintain or improve water quality and use this information to inform the State budget and appropriations processes;
c. Increase the efficiency of BWSR grant programs, for BWSR and our grantees;
d. Improve the connections among all State funds appropriated for local government land and water management programs;
e. Encourage local governments to proactively plan for implementing projects and programs over a longer period of time, instead of the current annual grant and funding processes; and
f. Address the increased expectations that go along with the new funds that are a result of the Clean Water, Land and Legacy Constitutional Amendment.

Board Resolution # 12-

AUTHORIZING THE FY2014-15 BIENNIAL BUDGET REQUEST

WHEREAS, in FY2011the Board of Water and Soil Resources administered more than 32 different grant programs that included 921 separate grant agreements that provided $28,617,583 in State funds to local governments; and

WHEREAS, the complexity and quantity of BWSR grant activity has increased substantially as total grant funds has increased over the past five years and expectations and scrutiny have increased with growth in BWSR grant programs; and,

WHEREAS, almost all BWSR grants are made to local governments, however the State budget process does not adequately consider local water management priorities; and,

WHEREAS, local water management planning is fundamental to BWSR grants programs and enhanced targeting of projects with resulting improvements in water quality outcomes needs to be effectively encouraged by BWSR grants programs and processes; and

WHEREAS, through the Grants Allocation Initiative, staff have developed a new grants process called the Biennial Budget Request (BBR). The BBR will:

- Result in local governments providing information on their water management priorities to BWSR which will serve as the basis for BWSR's budget request to the Governor,
- Not directly award grant funds, but support BWSR grant-making decisions following enactment of appropriations,
- Serve as the soil and water conservation district annual plan of work for program and operations grants and as the Allocation and Contribution Statement for the Natural Resources Block Grant,
- Support local government water management planning and project development, and
- Improve coordination of State funds used by local governments for program and project implementation; and,

WHEREAS, the BBR is part of an overhaul of BWSR grant making processes that includes the following four phases:

1. BBRs will be developed and submitted by local governments once every two years, including information for program and operations and competitive project grants;
2. Up to 80% of biennial CWF competitive grant funds will be awarded once every two years via three year grant agreements;
3. Program and operations will be awarded annually similar to current processes; and
4. An annual challenge grant program with a minimum of 20% of biennial CWF funds (separate from BBR); and,

WHEREAS, the Board adopted resolution #09-75 on September 23, 2009 under which the Board adopted the Grants Allocation Initiative milestones that included a proposed schedule and grant making processes; and,

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WHEREAS, the Grants Program and Policy Committee reviewed the draft FY2014-15 Biennial Budget Request policy, schedule and other program elements on January 24, 2012 and March 28, 2012 and is recommending the Board adopt the draft policy and authorize staff to implement this initiative.

NOW THEREFORE BE IT RESOLVED, the Board adopts the FY2014-15 Biennial Budget Request policy and authorizes staff to implement this Program.

_____ Date: _____

Brain Napstad, Chair
Board of Water and Soil Resources

Attachment: FY2014-15 Biennial Budget Request Policy

DRAFT

March 28, 2012

FY 2014-15 Biennial Budget Request Policy

1.0 Overview

The Board of Water and Soil Resources (BWSR) issues grants to local units of government under Minnesota Statutes 103B.3369, and appropriations in applicable Session Laws. These appropriations primarily include General Funds and Clean Water Funds. These grants typically fall into two types of grants: program and operations grants and competitive grants.

The Biennial Budget Request (BBR) is intended to obtain information on water management projects and activities from local governments that are to be implemented under a program and operations or competitive grant through BWSR. Projects and activities included in a BBR are:

- Priorities of the local government that are directly connected to the local water management plan;
- Targeted to address a water management priority; and
- Can be realistically implemented within a three year grant agreement period.

The purpose of this FY2014-15 Biennial Budget Request Policy is to provide direction and guidance for local governments that will be providing information to BWSR through the BBR process.

The BWSR will use the BBR process to:

- Serve as the basis for budget requests made to the Governor and Legislature,
- Support grant-making decisions following enactment of appropriations;
- Serve as the soil and water conservation district annual plan of work for program and operations grants and as the Allocation and Contribution Statement for the Natural Resources Block Grant;
- Support local government water management planning and project development; and
- Improve coordination of State funds used by local governments for project and activity implementation.

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The BBR will not be used to directly award grants, but is a tool that is used to support grant making decisions following enactment of appropriations. However, projects and activities that are included in a BBR and assessed as a high priority by BWSR will receive priority consideration for competitive grant funds. Up to 80% of competitive grant funds appropriated to BWSR may be prioritized to projects and activities that are included in a BBR.

Local governments that are eligible to receive program and operations grants (for example Natural Resources Block Grant and Conservation Delivery Grants) shall complete, at a minimum, the program and operations grant components of the BBR to ensure eligibility to receive these funds. Failure to timely submit the program and operations grant component of the BBR will result in being ineligible for these grants unless a petition their BWSR regional staff, for cause, results in re-instatement.

2.0 Local Government Eligibility Criteria and Requirements

Local governments (counties, watershed districts, soil and water conservation districts, cities, joint powers boards, etc.) that are eligible to receive grant funds as provided in Minn. Stat. 103B.3369, and plan on requesting grant funds, are strongly encouraged to complete a BBR for the FY2014-15 biennium. Cities in the seven-county metropolitan area are eligible if they have a water plan that has been approved by a watershed district or a watershed management organization as provided under Minn. Stat. 103B.235. Cities, including those outside of the seven-county metropolitan area, without such plans are encouraged to partner with another eligible local government if interested in receiving grant funds.

Future grant program requirements and/or request for proposals may identify more specific requirements or eligibility criteria when specified by statute, appropriation, rule or policy.

3.0 Eligible Projects and Activities

The primary purpose of grants issued by BWSR is to support local government water and natural resource management responsibilities. Eligible projects and activities proposed in the BBR must be consistent with a watershed management plan, county comprehensive local water management plan, soil and water conservation district comprehensive plan, metropolitan local water plan or metropolitan groundwater plan, that has been state approved and locally adopted or an approved total maximum daily load study (TMDL), surface water intake plan, or well head protection plan. Local governments may include projects and activities in their BBR that are derived from an eligible plan of another local government. BWSR may request documentation outlining the cooperation between the local government submitting the BBR and the local government that has adopted the plan.

Actual Legislative appropriations will determine the specific activities that can be eligible for BWSR grant funds. BWSR cannot guarantee that all water management projects and activities that are included in a BBR will be eligible for funding. Future grant program requirements and/or request for proposals may identify more specific requirements or eligibility criteria when specified by statute, appropriation, rule or policy.

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3.1 Program and Operations Grants

In general, eligible activities for Program and Operations grants are those necessary to support local government implementation of state programs. These activities and the associated costs are specified in program statute, rule, policy and/or guidance issued by the state agency with program oversight responsibilities.

3.2 Competitive Grants

In general, eligible projects and activities for competitive funds will have a primary purpose of control, reduction, or prevention of chemical or nutrient water pollution, soil erosion, sedimentation, or materials that affect human or aquatic system health and can consist of structural practices, non-structural practices and measures, project support, and grant administration and reporting. Technical and engineering assistance necessary to implement these activities are considered essential and are to be included in the total estimated project or practice cost.

4.0 Ineligible Projects and Activities

Ineligible projects and activities vary by BWSR grant program or funding source; specific ineligible projects and activities are identified within grant program policies and/or guidance. Local governments are encouraged to review the most recent Clean Water Fund Competitive Grant Program policy and Cost-Share policy available on the BWSR website for specific information on ineligible projects and activities.

5.0 Project and Activity Cost Estimates

Project and activity cost estimates that are included in the BBR are expected to be good faith estimates of the complete cost to implement the listed project or activity according to established design, construction, or other standard, including an appropriate minimum life expectancy, when relevant. It is understood that project or activity costs may be adjusted during development of the grant application and/or workplan. Eligible activities that should be included when developing cost estimates include: program administration, project support including inspection following activity or project completion, technical and engineering assistance, and grant administration and reporting.

6.0 BBR Review Process and Criteria

Following submission, BWSR regional staff will review and evaluate BBRs as high or low priority for State funding and BWSR management will further analyze these priorities to compile a budget request.

6.1 Program and Operations Grants

The program and operations grants components of the BBR will be reviewed for eligibility, and then retained for use in awarding funds following the enactment of appropriations.

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6.2 Competitive Grants

The following criteria will be considered in the review and evaluation of competitive grants projects and activities:

a. The eligibility of the local government;
b. The eligibility of the project and/or activity;
c. The relationship of the projects and activities to the plan as provided in 3.0;
d. An evaluation of why the project or activity is a priority for the LGU;
e. If the project or activity is targeted to effectively achieve the water management objective;
f. The anticipated effectiveness of the project or activity in achieving the identified water management outcomes; and
g. The amount of work that can be accomplished within a three year grant period.

The BBR will not be used to directly award grants, but is a tool that is used to support grant making decisions following enactment of appropriations. However, projects and activities that are included in a BBR and assessed as a high priority by BWSR will receive priority consideration for competitive grant funds. Up to 80% of competitive grant funds appropriated to BWSR may be prioritized to projects and activities that are included in a BBR.

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Minnesota Board of Water & Soil Resources

BIENNIAL BUDGET REQUEST

Background and Overview

March 28, 2012

What is the Biennial Budget Request (BBR)?
The BBR will be used by the Board of Water and Soil Resources (BWSR) to support the implementation of local priorities as identified in local water management plans. More directly, the BBR is a tool and process to obtain information on water quality projects and activities from local governments that are to be implemented under a grant from the BWSR.

The BBR has been developed under a BWSR initiative that uses a successful State of Washington grants process as its basis. The Washington Conservation Commission uses a process to front-end load their legislative appropriation request. Under this process, each SWCD submits a list of real projects that are ready to be implemented in the upcoming fiscal year. The Washington Conservation Commission then combines the project lists from all SWCDs and uses it as a base for their budget request to the legislature. Their goal is to show the legislature that they have a docket of projects with willing landowners that are ready to be implemented. All that is required is cost-share and technical assistance funding. According to the Washington Conservation Commission, this approach has been very effective in helping the legislature understand the real need and to be more willing to fund projects that are ready to go. Following legislative appropriations, grants are made to SWCDs based on their project lists.

The BBR will implement a system similar to the Washington State process to support the development of an **informed legislative request for both competitive and program and operations grants**, and to serve as an initial screening tool for local governments to apply for grant funds.

The BBR has the following objectives:

- Provide more effective support to the implementation of local water management plans;
- Collect information on local government projects and programs to maintain or improve water quality and use this information to inform the State budget and appropriations processes;
- Increase the efficiency of BWSR grant programs, for BWSR and our grantees;
- Improve the connections among all State funds appropriated for local government land and water management programs;
- Encourage local governments to proactively plan for implementing projects and programs over a longer period of time, instead of the current annual grant and funding processes; and
- Address the increased expectations that go along with the new funds that are a result of the Clean Water, Land and Legacy Constitutional Amendment.

Why the BBR?
The Clean Water, Land and Legacy Constitutional Amendment that was passed by voters in 2008 has already changed how we restore and protect Minnesota's water in three short years. More importantly, the Constitutional Amendment has changed expectations on how we (State agencies and local governments) are protecting and restoring our land and water resources. More changes are expected as we work to fulfill the expectations brought with this 25-year water quality program.

BWSR also receives State General Funds that are used to finance grants to support local government programs. These grants are generally not affected by the Constitutional Amendment, but they support many of the same resource management goals. There is value in improving the connections and efficiencies of all funds appropriated by the Legislature to BWSR to support local water quality, land and related natural resource management.

Implementing water management projects on a "first-come, first-served" basis (sometimes referred to as "random acts of conservation") is no longer good enough. While many local governments have set priorities and targeted projects to address these priorities, these efforts need to be ramped up so that all Clean Water Funds are used to implement targeted, local priorities.

That's what Biennial Budget Request (BBR) will address; continue the evolution in the State-local partnership by changing how BWSR supports local government water quality implementation and changing how local governments identify and implement water quality projects and programs.

BWSR currently offers grant programs annually, which has been standard operating procedure for BWSR (and most, if not all other State agencies). Annual grants processes consume considerable amounts of BWSR and local government staff time, instead of doing conservation. Reducing the number and frequency of grants processes will free up state and local staff time for other activities.

Benefits of the BBR.
The BBR will benefit both BWSR and local governments by:

- *Reducing the time spent on chasing grants and administration.* BBRs will be developed once every two years and up to 80% of biennial CWF competitive grant funds will be awarded once every two years via three year grant agreements;
- *Increasing the focus on project prioritization and targeting* will continue through the biennial competitive grant and annual challenge grant programs via program guidance and scoring criteria. Local governments that effectively establish their priorities and target projects and activities to address these priorities will be successful in the BBR process.
- *Improved project development.* Current annual grant programs establish clear incentives for developing projects on an annual cycle. Changing the grant-making schedule to allocate a majority of the funds once every two years will allow local governments to plan further into the future when developing projects and activities.

How has BWSR engaged local governments during the development of the BBR?
This new grants process can only be successful if it works for local governments as well as for BWSR. With this in mind, meetings were held with a number of local governments in March and April, 2011 when the BBR was still in concept form. Two well attended sessions were also held during the BWSR Academy in October 2011 when details were available. Input received from local governments at these sessions centered on this new way of doing business as a significant change and concerns over planning for projects more than two years from when funds will be available, concerns over the quality of local water management plans and this process will require more frequent plan updates, and that there were two types of local governments in attendance: those that welcome this approach and those that are apprehensive.

How will BWSR Grants Programs be implemented as a result of the BBR?
Grants will be implemented using a four phased process under the BBR:

1) BBRs will be developed by local governments once every two years, including information for program and operations and competitive grants;
2) Up to 80% of biennial CWF competitive grant funds will be awarded once every two years via three year grant agreements;
3) Program and operations grants will be awarded annually similar to current processes; and
4) An annual challenge grant program with a minimum of 20% of biennial CWF funds (separate from BBR).

The BBR processes will result in BWSR collecting information on planned conservation projects and programs from local governments that does the following:

- Serves a base from which BWSR will develop its biennial budget for submission to the Governor;
- Serves as the soil and water conservation districts annual work plan for program and operations grants;
- Serves as the Allocation Contribution Statement for the NRBG; and
- Serves as the initial screen for competitive grant requests.

➢ <u>BBR - Phase 1</u>
BWSR will require local governments that are eligible for program and operations grants (counties and soil and water conservation districts) to submit a request using the BBR form. Local governments that plan on requesting BWSR competitive grant funds are strongly encouraged to complete a BBR. Projects and activities that are included in a BBR and assessed as a high priority by BWSR will receive priority consideration for competitive grant funds.

The BBR request will be completed using spreadsheets. The spreadsheets will ask for limited information designed to give enough detail to know the where, what, how, and how much for the request. The cost/financial information provided in the BBR must be reasonable, good faith estimates and include non-state funds (match and/or leverage).

BWSR staff will screen the submitted BBRs for use in informing the State budget and appropriations processes, and to support the biennial competitive grant program that will occur as phase 2.

BBRs will be screened by BWSR staff using the following criteria:

a. The eligibility of the local government;
b. The eligibility of the project and/or activity;
c. The relationship of the projects and activities to the plan;
d. An evaluation of why the project or activity is a priority for the LGU;
e. If the project or activity is targeted to effectively achieve the water management objective;
f. The anticipated effectiveness of the project or activity in achieving the identified water management outcomes; and
g. The amount of work that can be accomplished within a three year grant period.

- Biennial Competitive Grant Program – Phase 2
  When the CWF competitive grant program funds are established, the BBR will then be used in the project scoring criteria. Projects and activities that are included in a BBR and assessed as a high priority by BWSR will receive priority consideration for competitive grant funds. In addition, local governments will be reminded that this is a competitive process and an emphasis in applying for funds should be placed on the highest priority projects submitted in the BBR. As is currently the case, detailed applications and work plans will be required to fund successful projects.

- Program and Operations Grants – Phase 3
  After the BWSR biennial budget is enacted, conservation program and operations grants will be set for each local government using formulas taking into account the actual appropriation for each grant. SWCDs and counties will have to complete a BBR to receive these grants.

- Annual Challenge Grant Program – Phase 4
  A minimum of twenty percent of the total CWF allocation will be reserved for an annual challenge grant program. Projects and activities do not need to be included in a BBR to be eligible for these grants.

Timeline for Implementation.
The BBR process will begin in the biennium before the biennium where the funds will actually be allocated. For instance we will begin the BBR process in the spring of 2012 for funding in the FY 14-15 biennium. Key dates in the first BBR process are:

- *October 26 and 27, 2011* – Introduce to Local Governments at BWSR Academy
- *January 25, 2012* – Grants Program and Policy Committee Review BBR
- *March 28, 2012* – Grants Program and Policy Committee recommend to Board
- *April 25, 2012* – BWSR Board
- *May 15, 2012* – BBR submittal period opens
- *June 29, 2012* – BBR submittal closes
- *Summer/Fall 2012* – BWSR budget development
- *May 2013* – Legislative appropriations for FY 2014/2015
- *June 2013* – FY2014/2015 Program and Operations grants approved by BWSR Board
- *August 2013* – CWF Biennial Grants RFP and Annual Challenge Grants RFP opens
- *September 2013* – CWF Biennial Grants RFP and Annual Challenge Grants RFP closes
- *December 2013* – CWF Biennial Grants and Challenge Grants awarded by BWSR Board

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Mississippi WMO Plan Amendment – Bob Burandt and Brad Wozney – ***DECISION ITEM***

2. Ramsey-Washington Metro WD Enlargement Public Hearing – Melissa Lewis – ***DECISION ITEM***

3. Wright SWCD Nomination Districts – Jim Haertel – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Mississippi WMO Plan Amendment☐

Meeting Date: April 25, 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: Bob Burandt and 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 Plan Amendment to the Mississippi Watershed Management Organization's Watershed Management Plan

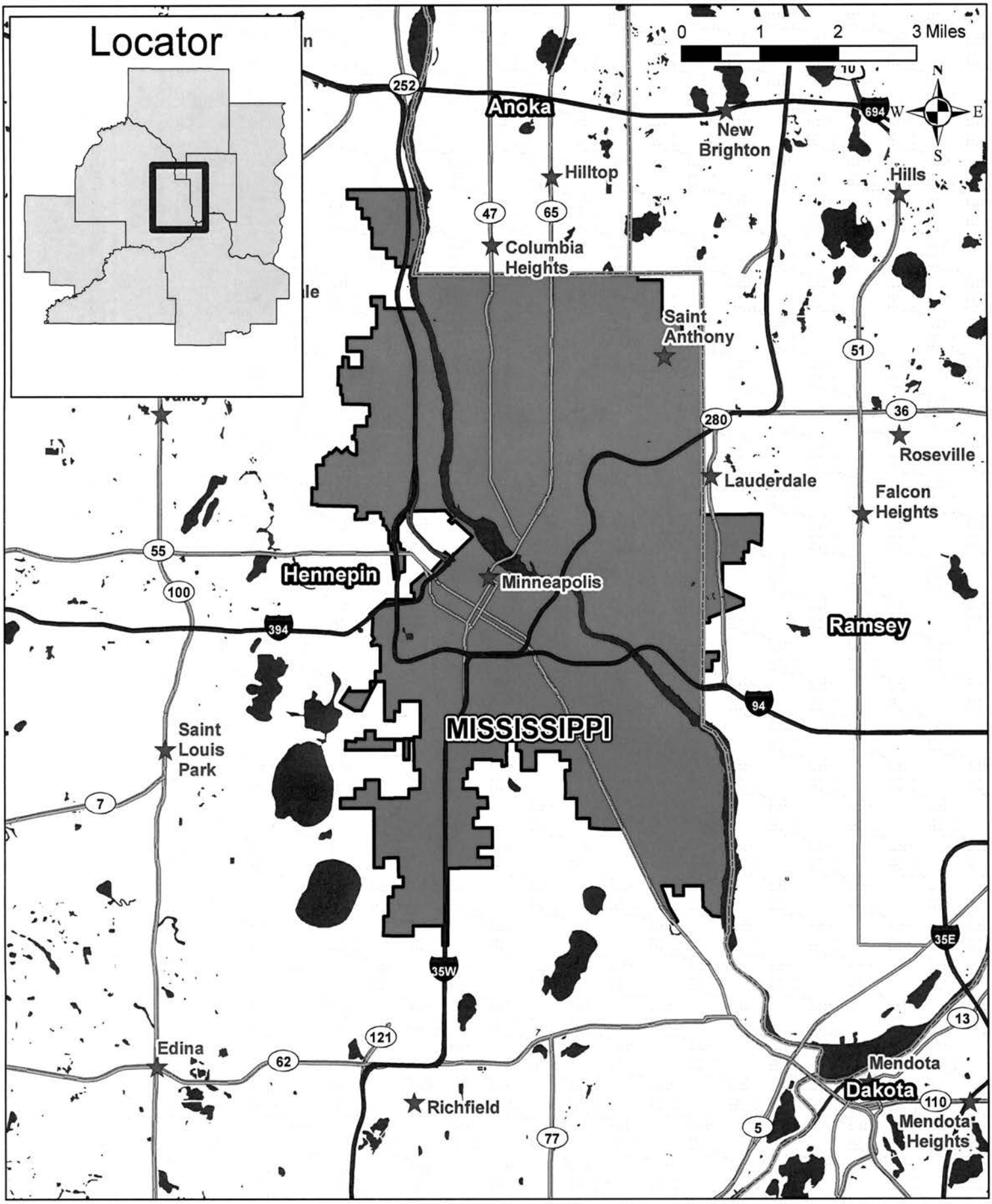
SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Middle Mississippi WMO was established in 1985 and included the University of Minnesota. The first Watershed Management Plan was published in December 1986. In 1997, a Joint and Cooperative Agreement, more commonly entitled "Joint Powers Agreement" across the metro region, was entered into by the Cities of Minneapolis, St. Paul, Lauderdale, Falcon Heights, St. Anthony, and the Minneapolis Park and Recreation Board. The agreement changed the name to Mississippi WMO (MWMO) and replaced the agreement executed in 1985 that created the original organization. In 1999, the MWMO's legal boundary was redrawn to exclude the City of Falcon Heights, which is now a part of the Capitol Region Watershed District. The second Watershed Management Plan was approved by the Board in 2000. In 2001 the legislature granted MWMO the authority as a "special purpose taxing district" under MN Statutes § 275.066.

The MWMO is located in Hennepin and Ramsey Counties in the heart of the Minneapolis – St. Paul seven county metropolitan area. It is bound by the recently dissolved Six Cities Watershed Management Organization to the north, on the west by the West Mississippi / Shingle Creek Watershed Management Organizations and Bassett Creek Watershed Management Organization, on the south by Minnehaha Creek Watershed District, and on the east by the Capitol Region and Rice Creek Watershed Districts. The MWMO encompasses 13,602 acres (31.5 square miles) of fully developed urban lands (90%), parks and open space (7%), and open water (3.6%). It is important to note that 95% of the watershed is within the City of Minneapolis. The Mississippi River is the primary water resource in the MWMO, but other water resources include Loring Park Pond – an eight acre, annually stocked recreational fishing lake, and Mallard Marsh and Kasota Ponds. There are three dams with navigation locks on the Mississippi River within the MWMO. Subwatersheds in the region that were historically defined by topography are now defined by extensive networks of stormwater tunnels and pipes. Bassett Creek flows by way of a tunnel through the MWMO.

The Amendment proposes to revise the implementation program by adding new capital improvement projects and adding details to several existing capital improvement projects. All comments on the amendment were fully addressed.

The Metro Water Planning Committee met on April 9, 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 March 2012 to the full Board per the attached draft Order.

Mississippi
Watershed Management Organization



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

In the Matter of the review of the Amendment to the Watershed Management Plan for the **Mississippi 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 Mississippi Watershed Management Organization (MWMO) submitted an Amendment to the Watershed Management Plan (Amendment) dated March 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 Management Organization Establishment.** The Middle Mississippi WMO was established in 1985 and included the University of Minnesota. The first watershed management plan was published in December 1986. In 1997, a Joint and Cooperative Agreement, more commonly entitled "Joint Powers Agreement" across the metropolitan area, was entered into by the Cities of Minneapolis, St. Paul, Lauderdale, Falcon Heights, St. Anthony, and the Minneapolis Park and Recreation Board. The agreement changed the name to Mississippi WMO and replaced the agreement executed in 1985 that created the original organization. In 1999, the MWMO's legal boundary was redrawn to exclude the city of Falcon Heights, which is now a part of the Capitol Region Watershed District. The second watershed management plan was approved by the Board in 2000. In 2001 the legislature granted MWMO the authority as a "special purpose taxing district" under MN Statutes § 275.066.

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 MWMO is located in Hennepin and Ramsey Counties in the heart of the Minneapolis – St. Paul seven county metropolitan area. It is bound by

the recently dissolved Six Cities Watershed Management Organization to the north, on the west by the West Mississippi / Shingle Creek Watershed Management Organizations and Bassett Creek Watershed Management Organization, on the south by Minnehaha Creek Watershed District, and on the east by the Capitol Region and Rice Creek Watershed Districts. The MWMO encompasses 13,602 acres (31.5 square miles) of fully developed urban lands (90%), parks and open space (7%), and open water (3.6%). The MWMO consists of portions of the Cities of Lauderdale, St. Paul, St. Anthony, and Minneapolis including property owned by the Minneapolis Park and Recreation Board. It is important to note that 95% of the watershed is within the City of Minneapolis. As of 2010 the population within MWMO was over 236,000 and projected to be over 248,000 by 2020. Over the course of the next ten years Minneapolis is proposing significant redevelopment around "growth centers" which are characterized by a concentration of employment-generating development. The Mississippi River is the primary water resource in the MWMO, but other water resources include Loring Park Pond – an eight acre, annually stocked recreational fishing lake, and Mallard Marsh and Kasota Ponds. There are three dams with navigational locks on the Mississippi River within the MWMO. Subwatersheds in the region that were historically defined by topography are now defined by extensive networks of stormwater tunnels and pipes. Bassett Creek flows by way of a tunnel through the MWMO.

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 December 19, 2011. The Amendment proposes to add capital improvement projects and add detail to several existing capital projects. The MWMO held a public hearing on March 13, 2012. No revisions to the Amendment were made as a result of comments received at the hearing. The final draft Amendment was submitted to the Board and plan review agencies on March 20, 2012, for final review and approval.

5. **Local Review.** The MWMO 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 comments from the Cities of Minneapolis and St. Anthony Village, Minneapolis Park and Recreation Board, Hennepin County, Bassett Creek WMO, and Rice Creek WD. All comments were fully addressed.

6. **Metropolitan Council Review.** The Metropolitan Council was supportive of the amendment stating it is consistent with the Council's *Water Resources Management Policy Plan*.

7. **Department of Agriculture Review.** The MDA did not comment on the Amendment.

8. **Department of Health Review.** The MDH did not comment on the Amendment.

9. **Department of Natural Resources Review.** The DNR did not comment on the Amendment.

10. **Pollution Control Agency Review.** The PCA stated they had no comments.

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

12. **Board Review.** Board staff commended the MWMO for maintaining a current capital improvement program and had no other comments on the Amendment.

13. **Amendment Summary.** The Amendment proposes to revise the implementation program by adding new capital improvement projects and adding details to several existing capital improvement projects.

14. **Metro Water Planning Committee Meeting.** On April 9, 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, Christy Jo Fogarty, Faye Sleeper, and Robert Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationist Brad Wozney. Board staff recommended approval of the Amendment. After discussion, the Committee unanimously voted to recommend approval of the Amendment to the full Board.

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving an Amendment to the Watershed Management Plan for the Mississippi Watershed Management Organization 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 March 2012 to the Mississippi Watershed Management Organization Watershed Management Plan.

Dated at Saint Paul, Minnesota this 25th day of April 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Ramsey-Washington Metro WD Enlargement Public Hearing**☐

Meeting Date: April 25, 2012

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

Item Type: ☐ Decision ☐ Discussion ☐ Information

Section/Region: Metro

Contact: Melissa Lewis

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: _____

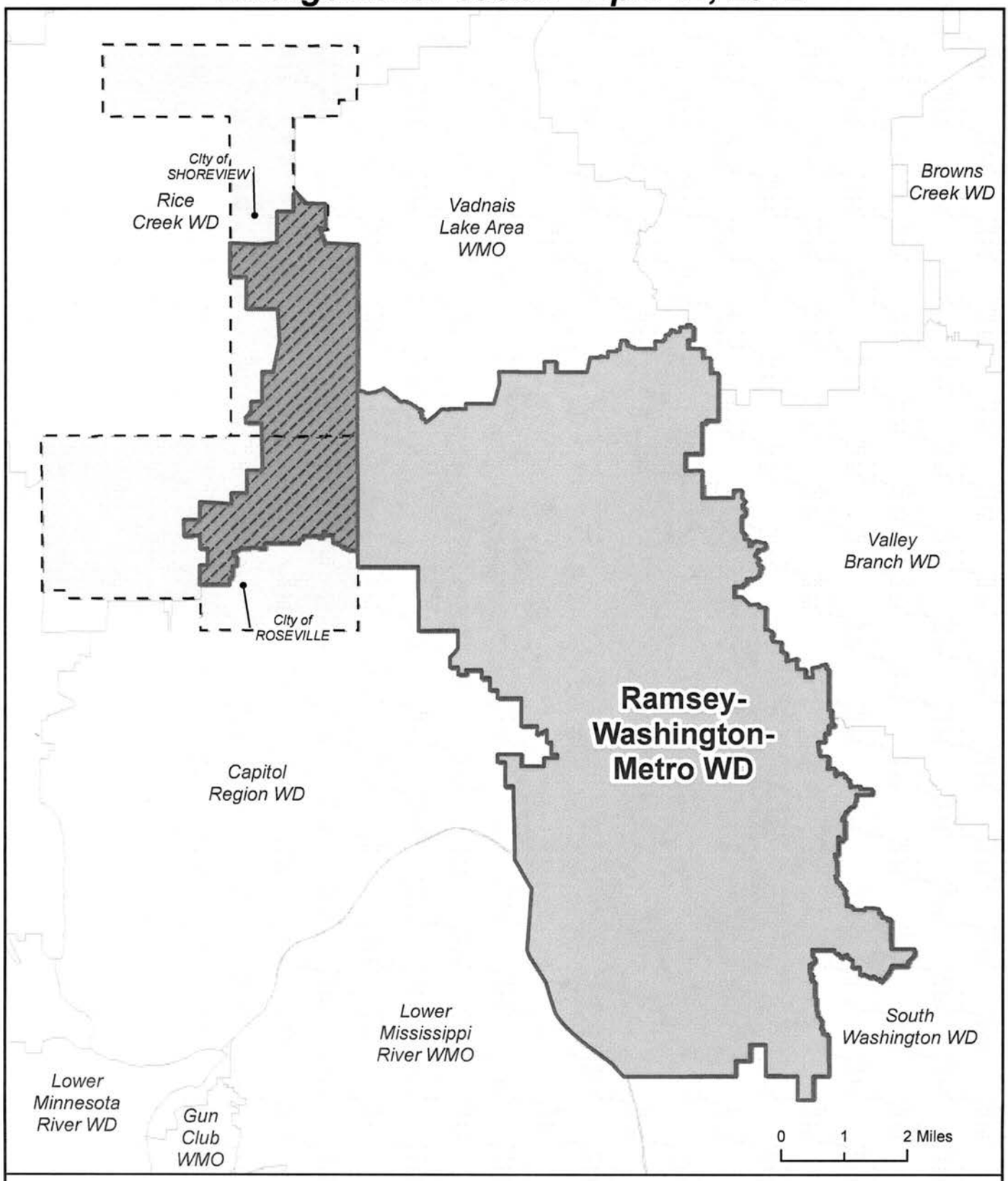
ACTION REQUESTED

Approve Order for Public Hearing

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Cities of Roseville and Shoreview submitted a petition to enlarge the Ramsey-Washington Metro Watershed District pursuant to Minn. Stat. § 103D.261. Each city previously took action to begin the dissolution proceedings of the Grass Lake Watershed Management Organization (GLWMO). 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 GLWMO. GLWMO has passed a resolution to dissolve, effective June 21, 2012.

Minn. Stat. § 103D.261, subdivision 2, subitem a requires a public hearing be held before the Board makes a decision on the Petition. The Metro Water Planning Committee recommends a public hearing be held within 35 days of the date of the Board's Order after proper notice has been given, that the Committee preside over the public hearing and bring recommendations on the Petition to the Board, and that the Executive Director set the date, time and location of the public hearing after coordination with the appropriate parties per the attached draft Order.

Ramsey-Washington Metro Watershed District
Enlargement Petition - April 11, 2012



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

In the Matter of the Petition for Enlargement of the Ramsey-Washington Metro Watershed District in the Cities of Roseville and Shoreview, Ramsey County, pursuant to Minnesota Statutes Section 103D.261.

ORDER
WATERSHED DISTRICT
ENLARGEMENT
PUBLIC HEARING

Whereas, a petition (Petition) for an enlargement of the Ramsey-Washington Metro Watershed District (RWMWD) was filed by the Cities of Roseville and Shoreview with the Board on April 4, 2012, pursuant to Minn. Stat. § 103D.261, and;

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

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

FINDINGS OF FACT

1. On April 4, 2012 the Board received a Petition for a boundary change of the RWMWD from the Cities of Roseville and Shoreview pursuant to Minn. Stat. §103D.261.

2. The proposed watershed district enlargement would expand the watershed district into the area of the former Grass Lake Watershed Management Organization involving parts of the Cities of Roseville and Shoreview.

3. Written statements of concurrence from the governing bodies of each affected city, namely Roseville and Shoreview, accompanied the Petition.

4. A majority of the cities in the proposed area of enlargement has proper standing to file the Petition pursuant to Minn. Stat. § 103D.261, subdivision 1, subitem a.

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

DRAFT

6. Minn. Stat. § 103D.261, subdivision 1, subitem c requires a public hearing to be held before the Board makes a decision on the Petition.

7. The Board's Metro Water Planning Committee and staff met on April 9, 2012 in Saint Paul to review and discuss the Petition. Those in attendance from the Board's Committee were Rebecca Flood, Christy Jo Fogarty, Faye Sleeper, and Robert Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationist Melissa Lewis. Board staff recommended the Board order a public hearing be held within 35 days of the date of the Board's Order after proper legal notice has been given, that the Metro Water Planning Committee preside over the public hearing and bring recommendations on the Petition to the Board, and that the Executive Director set the date, time and location of the public hearing after coordination with the appropriate parties. After discussion, the Committee unanimously voted to recommend to the full Board that a public hearing be ordered to be held within 35 days of the date of the Board's Order after proper notice has been given, that the Metro Water Planning Committee preside over the public hearing and bring recommendations on the Petition to the Board, and that the Executive Director set the date, time and location of the public hearing after coordination with the appropriate parties.

CONCLUSIONS

1. The Petition for enlargement of the Ramsey-Washington Metro Watershed District is valid in accordance with Minn. Stat. § 103D.261.

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

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

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

5. The Board's Metro Water Planning Committee should preside over the public hearing and bring recommendations on the Petition to the Board after the public hearing has been held.

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

DRAFT

ORDER

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

Dated at Saint Paul, Minnesota this 25th day of April, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Brian Napstad, Chair

DRAFT

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Wright SWCD Nomination Districts

Meeting Date: April 25, 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

Approval of Wright SWCD Nomination Districts

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

The Wright SWCD currently has nomination districts for supervisors. The attached Nomination Districts Resolution does not change the current nomination districts, rather it clarifies them. The Wright County Auditor requested clarification due to the expansion of rural cities over the years. The resolution clarifies that the nomination districts remain along township lines regardless of city boundaries. The Wright SWCD Board of Supervisors unanimously adopted the resolution. The Metro Water Planning Committee based on a unanimous vote recommends the Board approve the Nomination Districts Resolution per the one sentence resolution immediately under the signature of the Wright SWCD Secretary.

NOMINATION DISTRICTS RESOLUTION

Be it resolved by the Wright Soil and Water Conservation District Supervisors that pursuant to M.S. 103C.311, the District be divided into five areas for nominating candidates for the positions of Soil and Water Conservation District Supervisors to be elected at large as follows:

District	Description of Boundaries
I	Clearwater, Corinna, Maple Lake and Silver Creek Townships and that portion of the Cities of Annandale, Clearwater and Maple Lake located within those geographic townships boundaries are in District I
II	Monticello Township and the Cities of Albertville, Hanover, Monticello, Otsego and St. Michael. Only those City portions included in the District II geographic Townships are in District II
III	Buffalo, Chatham, Franklin, Rockford and Woodland Townships and that portion of the Cities of Buffalo, Delano, Hanover, Montrose, Rockford and Waverly located within those geographic township boundaries are in District III
IV	Albion, Marysville and Middleville Townships and that portion of the Cities of Howard Lake, Maple Lake, Montrose and Waverly located within those geographic township boundaries are in District IV
V	Cokato, French Lake, Southside, Stockholm and Victor Township and that portion of the Cities of Annandale, Cokato, Howard Lake and South Haven located within those geographic township boundaries are in District V

I, Duane Dahlman, Secretary of the Wright Soil and Water Conservation District, do hereby certify that the above resolution relating to the division of the Wright Soil and Water Conservation District into five nominating areas was adopted by the said District Supervisors at a regular meeting held on March 12, 2012, that I have compared the above copy with the original resolution as set forth in the minutes of said meeting, and it is a true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of the Board was duly called and held, that a quorum of members of said Board was present thereat, and that said resolution was duly adopted thereat by a vote of 5 to 0 of the members present.

Signed: _____

Secretary
Wright Soil and Water Conservation District

Be it resolved by the Board of Water and Soil Resources that the division of the Wright Soil and Water Conservation District into five nominating areas as set forth in the above resolution adopted by the supervisors of said District on March 12, 2012, is hereby approved.

I, John Jaschke, Executive Director of the Board of Water and Soil Resources, do hereby certify that I have compared the above copy of resolution relating to the division of the Wright Soil and Water Conservation District into five nominating areas adopted by said Board at a regular meeting held on _____, with the original as set forth in the minutes of said meeting, and that said copy is a true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of said Board was duly called and held, that a quorum of members of said Board was present thereat, and that said resolution was duly adopted thereat by a vote of ___ to ___ of the members presents.

Signed: _____

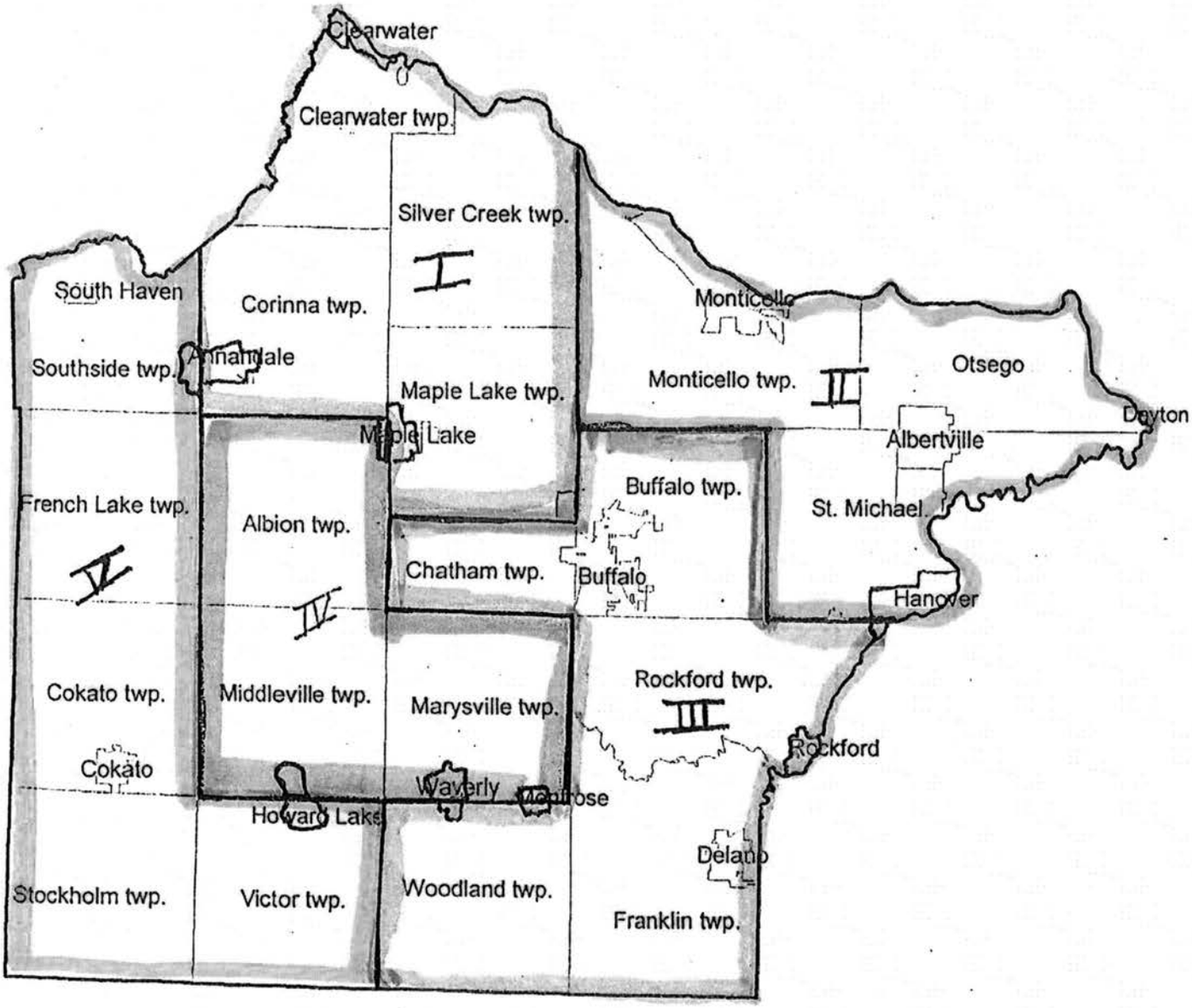
Executive Director
Board of Water and Soil Resources

Filed _____ day of _____, 2012

Signed: _____

County Auditor
Wright County

Wright SWCD
Supervisor's Districts



COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Buffalo Red Watershed District Enlargement and Increase of Managers Petition - Ron Shelito and Pete Waller - ***DECISION ITEM***

2. Crow Wing SWCD Supervisor Boundary Change Request – Quentin Fairbanks – ***DECISION ITEM***

3. Isanti County Five Year Plan Amendment – Quentin Fairbanks – ***DECISION ITEM***

4. Itasca County Local Water Management Plan Amendment – Quentin Fairbanks - ***DECISION ITEM***

5. Polk County Local Water Management Plan Update – Quentin Fairbanks – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Order to Enlargement and Increase the Number Buffalo Red River Watershed District Managers**

Meeting Date: April 25, 2012

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Northern Region

Contact: Travis Germundson or Pete Waller

Prepared by: Tarvis Germundson & Pete Waller

Reviewed by: Northern Water Planning Committee(s)

Presented by: Ron Shelito & Pete Waller

☐ **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 enlargement and increase in the number of managers petition for the Buffalo Red River Watershed District. Directing the distribution of the two new manager appointments as follows: one from Wilkin County and one from Otter Tail County.

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

The territory proposed to be added to the BRRWD is approximately 430 square miles that affects Wilkin and Otter Tail Counties. This is the same area Wilkin County petitioned to establish the Upper Red Lower Otter Tail Watershed District.

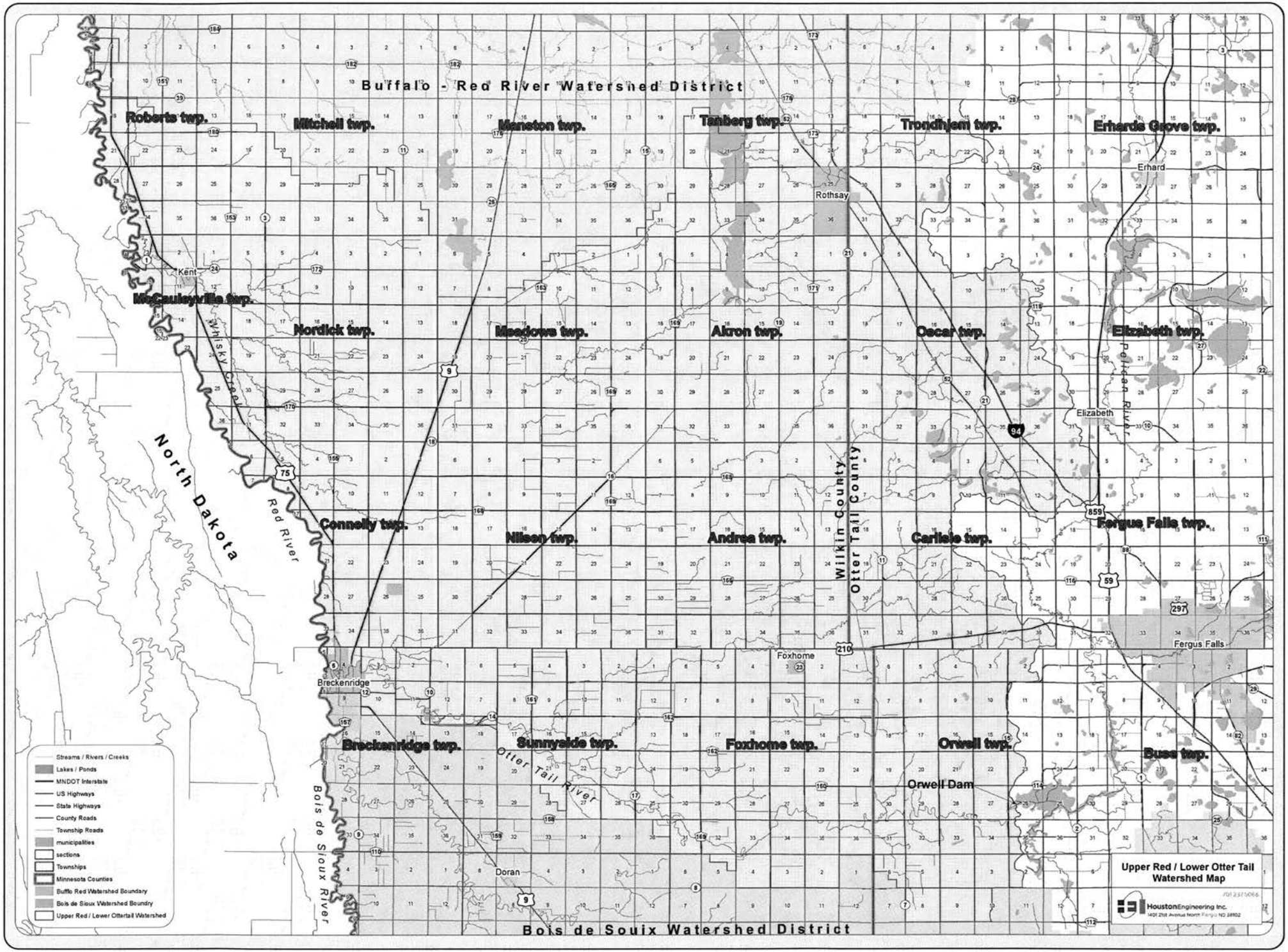
At the September 7,2011 establishment hearing Otter Tail County suggested enlarging the BRRWD as an alternative to establishing a new watershed district. Wilkin County agreed to have their establishment petition held in abeyance to allow time for Wilkin and Otter Tail Counties and the BRRWD to further explore this alternative.

On January 4, 2012, BWSR received a joint petition from the Buffalo Red River Watershed District, Otter Tail County and Wilkin County to enlarge the Buffalo Red River Watershed District and increase the number of watershed district managers from five to seven.

Wilkin County Board of Commissioners submitted a letter stating that they will rescind the original petition for the formation of the Upper Red Lower Otter Tail Watershed immediately following BWSR final decision.

The Northern Water Plan Committee met April 11th to consider the petition and recommended approval per draft Order.

A copy of the Petition and a map illustrating the enlargement area are attached. Also attached is a draft Board Order that would approve the enlargement and increase in the number of managers petition.


Buffalo - Red River Watershed District
Roberts twp.
Mitchell twp.
Maneton twp.
Tanberg twp.
Trondhjem twp.
Erhards Grove twp.
Erhard
Rothsay
Kent
McCauleyville twp.
Nordick twp.
Meadows twp.
Akron twp.
Oscar twp.
Elizabeth twp.
Elizabeth
Whisky Creek
Red River
North Dakota
Connelly twp.
Nilsen twp.
Andrea twp.
Carlisle twp.
Fergus Falls twp.
Wilkin County
Otter Tail County
Fergus Falls
Foxhome
Breckenridge
Breckenridge twp.
Sunnyside twp.
Foxhome twp.
Orwell twp.
Buse twp.
Otter Tail River
Orwell Dam
Bois de Sioux River
Doran
Bois de Souix Watershed District
Streams / Rivers / Creeks
Lakes / Ponds
MNDOT Interstate
US Highways
State Highways
County Roads
Township Roads
municipalities
sections
Townships
Minnesota Counties
Buffalo Red Watershed Boundary
Bois de Sioux Watershed Boundry
Upper Red / Lower Ottertail Watershed
Upper Red / Lower Otter Tail Watershed Map
HoustonEngineering Inc.
1401 21st Avenue North Fargo ND 58102

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

In the Matter of the Petition for Enlargement and Increase the Number of Managers of the Buffalo Red River Watershed District pursuant to Minnesota Statutes §§ 103D.261 and 103D.305.

ORDER ENLARGEMENT AND INCREASING NUMBER OF MANAGERS

Whereas, a joint Petition was filed with the Board of Water and Soil Resources (Board) on January 4, 2012 by the Otter Tail and Wilkin County Board of Commissioners and Buffalo Red River Watershed District (BRRWD), to enlarge the territory and increase the number of managers of the BRRWD pursuant to Minn. Stat. §§ 103D.261 and 103D.305, and;

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

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

FINDINGS OF FACT

1. **Petition.** The Petition (Exhibit 1) to enlarge and increase the number of mangers of the BRRWD dated December 27, 2011, was filed by the Otter Tail and Wilkin County Board of Commissioners and BRRWD, with the Board on January 4, 2012 pursuant to Minn. Stat. §§ 103D. 261 Subd. 1 and 103D.305 Subd. 2.

2. **Property Description.** The territory to be included in the watershed district, the Petitioned Area, is located in Wilkin and Otter Tail Counties and is approximately 430 square miles of land depicted on a map (Exhibit 1A) included in the Petition. The area is contiguous to BRRWD, and includes land in the Cities of Breckenridge, Kent, Rothsay, and Foxhome. The area includes lands contemplated to be included in the January 11, 2011 establishment petition for the Upper Red Lower Otter Tail Watershed District.

3. **Reasons for the Enlargement.** The Petition states that enlargement is needed for those purposes specified in Minn. Stat. §103D.201Watershed District Purposes. In addition it would help prevent damage to property due to flooding, remove county boundaries, regulate private ditching, and provide opportunity for re-evaluation of drainage.

   The record contains support for the enlargement from Wilkin, Clay, and Otter Tail Counties, City of Moorhead, and BRRWD. The record contains opposition from Bois de Sioux Watershed District, Red River Water Management Board, and City of Rothsay. Most of the entities in opposition of enlargement are supportive of establishing a stand-alone watershed district.

The Wilkin County Local Water Plan 2008-2017 includes an action to investigate the establishment of a water management structure or ordinance for the Lower Otter Tail and Red River Headwaters watershed areas of Wilkin County. Wilkin County established a committee of township supervisors charged to identify resource concerns and issues; and consider management structure alternatives. The township committee by consensus found the resource concerns and issues to be predominately water quantity related, but acknowledge surface water quality also. The township committee considered structures such as Traditional Management, Working Agreement, Joint Powers Agreement, and Watershed District. The enlargement of existing neighboring Watershed Districts and the establishment of an independent Watershed District where considered.

Based on the Township Committee recommendation the Wilkin County Commissioners selected as their preferred structure an independent watershed district with the proposed boundary (Exhibit 1A).

4. **Establishment Petition.** An establishment Petition dated January 11, 2011 was filed with the Board on January 18, 2011 by Wilkin County Board of Commissioners pursuant to Minn. Stat. § 103D.205, Sub. 3. The territory is the same as the proposed enlargement of the BRRWD. A public hearing on the Petition was held on September 7, 2011. Representatives from Otter Tail County spoke in opposition. At the September 14, 2011 BWSR's North Region Local Water Management Committee Meeting Wilkin County Commissioner Lyle Hovland indicated that the Wilkin County Water Plan Task Force believes that expanding the BRRWD to include the proposed area is an acceptable alternative. With the alternative option of enlargement of the BRRWD the North Region Local Water Management Committee made the recommendation to continue the committee review in accordance with statutory time lines. Otter Tail County Board of Commissioners passed a resolution dated September 13, 2011 stating that they would join in a petition with Wilkin County to enlarge the BRRWD. This action enabled Otter Tail and Wilkin County Commissioners and Buffalo Red River Watershed District Managers to discuss the enlargement of the BRRWD to include the area proposed in the Upper Red Lower Otter Tail Watershed District Establishment Petition. That discussion resulted in the submittal of the Petition for Enlargement and Increase in the Number of Managers of the BRRWD.

As per the Wilkin County Board of Commissioners' letter dated April 10, 2012, Wilkin County will rescind the Upper Red Lower Otter Tail Watershed District establishment petition contingent on the approval of the BRRWD enlargement and increase in managers petition, with a manager distribution being: 3- Clay County, 2- Wilkin County, and 1 each for Becker and Otter Tail Counties.

5. **Number of Managers.** The Petition for the BRRWD specifies the proposed number of managers shall be increased to seven (7) from the present number of five (5) managers. The additional managers would provide added representation from the District for the proposed territory. When more than one county is affected by a watershed district, Minn. Stat. § 103D.305 Subd. 5.(b) requires the distribution of managers be made among the affected counties.

Presently, Clay County appoints three managers, Wilkin County appoints one manager, Becker County appoints one manager, and Otter Tail has no appointments.

Wilkin and Otter Tail Counties request that two additional managers be allocated to serve the expanded district, one to Wilkin and one to Otter Tail (Exhibits 20, 22, 24, and 26). Clay County and the City of Moorhead request that one of the two managers be allocated to Clay County (Exhibits 13, 21, and 21A) so they can maintain the majority of the representation based on population, drainage area, and tax capacity of the current and proposed area.

The proposed enlarged BRRWD characteristics as depicted in the follow table include two manager distribution alternatives.

	Clay County			Wilkin County			Becker County			Otter Tail County		
Characteristic	Number	%	Ordinal Ranking	Number	%	Ordinal Ranking	Number	%	Ordinal Ranking	Number	%	Ordinal Ranking
Land Value tax capacity	$40,710,504	73	1	$8,893,158	16	2	$ 4,860,120	9	3	$1,496,598	3	4
Drainage Area, sq miles	797	44	1	553	31	2	290	16	3	166	9	4
population, 2010 census	57377	82	1	5220	7	3	5911	8	2	1474	2	4
Board Managers #'s Alternative A	3	43	1	2	29	2	1	14	4	1	14	4
Board Manager #'s Alternative B	4	57	1	1	14	4	1	14	4	1	14	4

Proposed BRRWD population and taxable market values are reasonable findings to allocate of one of the two additional managers to Clay County (Alternative B). However, the distribution of managers one to Wilkin County and one to Otter Tail County closely mirrors the proposed BRRWD drainage area percentages. This manager distribution (Alternative A) represents the various hydrologic areas within the expanded territory and the entire area of the BRRWD and Clay County would still maintain the greatest number of managers

6. **Hearing Order**. At its regular meeting on January 25, 2012, the Board determined that the Petition met the requirements of Minn. Stat. §§ 103D. 261 and 103D.305, consequently ordered a public hearing to be held on the Petition and appointed the Northern Water Planning Committee to preside over the hearing and bring recommendations to the Board. (Exhibit 2)

7. **Hearing Notice.** Legal Notice of the public hearing on the Petition, pursuant to Minn. Stat. §§ 103D. 261 Subd. 1 C and 103D.305 Subd. 4, was published in the Form on January 30, and February 5, 2012 (Exhibit 4), in the Wahpeton Daily News on January 31 and February 7, 2012 (Exhibit 5), in the Barnesville Record on January 30, and February 6, 2012 (Exhibit 6), in the Fergus Falls Daily Journal on January 31, and February 7, 2012 (Exhibit 7), in the Detroit Lakes Tribune on February 1, and 8, 2012 (Exhibit 8), in the Pelican Rapids Press on February 1 and 8, 2010 (Exhibit 9), and in the Hawley Herald on January 30, and February 6, 2012 (Exhibit 10). Further, a copy of the hearing notice and map was mailed to several addressees notifying them of the public hearing, including the Becker, Clay, Wilkin, and Otter Tail County Auditors, Administrators, Attorneys, and Soil and Water Conservation Districts; all cities within the existing and proposed boundary; BRRWD; Bois de Sioux Watershed District; Red River Watershed Management Board; Department of Natural Resources; and Minnesota Association of Watershed Districts. (Exhibit 3)

8. **Public Hearing.** A public hearing was held on the Petition on February 23, 2012, at the Hildebrand Hall, Assumption Catholic Church, 307 Front Street North, Barnesville, Minnesota. The proceedings were recorded. The hearing panel consisted of Board Members Brian Napstad, Gene Tiedemann, Keith Mykleseth, and Quentin Fairbanks as chair. (Exhibit 16)

   Travis Germundson, Board staff, entered Exhibits 1 through 13 into the record by reading a brief description of each exhibit.

Exhibit 1. Enlargement and Increase the Number of Managers Petition for the Buffalo Red River Watershed District, dated December 27, 2011 consisting of Exhibits 1A-1B.

Exhibit 1A. Map of the territory to be included in the proposed enlargement.

Exhibit 1B. Letter dated December 28, 2011 from Bruce Albright, Buffalo Red River Watershed District, to John Jaschke, Board of Water and Soil Resources transmitting the petition and map.

Exhibit 2. Board Order for a public hearing to be held on the enlargement and increase in the number of managers petition for the Buffalo Red River Watershed District, dated January 25, 2012.

Exhibit 3. Memorandum dated January 26, 2012 from Travis Germundson, Board of Water and Soil Resources to several addressees providing notice of the public hearing including legal notice, map, and list of addressees.

Exhibit 4. Affidavit of Publication dated January 30, 2012, of Legal Notice in The Form on January 30 and February 5, 2012.

Exhibit 5. Affidavit of Publication dated February 7, 2012, of Legal Notice in Wahpeton Daily News on January 31 and February 7, 2012.

Exhibit 6. Affidavit of Publication dated February 7, 2012, of Legal Notice in Barnesville Record Review on January 30 and February 6, 2012.

Exhibit 7. Affidavit of Publication dated February 7, 2012, of Legal Notice in Fergus Falls Daily Journal on January 31 and February 7, 2012.

Exhibit 8. Affidavit of Publication dated February 7, 2012, of Legal Notice in Detroit Lakes Tribune on February 1 and 8, 2012.

Exhibit 9. Affidavit of Publication dated February 7, 2012, of Legal Notice in Pelican Rapids Press on February 1 and 8, 2012.

Exhibit 10. Affidavit of Publication dated February 12, 2012, of Legal Notice in Hawley Herald on January 30, and February 6, 2012.

Exhibit 11. Email correspondence dated February 9, 2012, from Mark Reineke, Widseth Smith Nolting to Travis Germundson, Board of Water and Soil Resources regarding the geography and economy of the territory to be added and options for consideration.

Exhibit 12. Memorandum dated February 10, 2012 from Travis Germundson, Board of Water and Soil Resources to the Board's Northern Water Planning Committee providing notice of the hearing.

Exhibit 13. Letter dated February 21, 2012 from Grant Weyland, Clay County Board of Commissioners, to John Jaschke, Board of Water and Soil Resources expressing support for enlargement of the district and requesting that one of the two manager positions be allocated to Clay County.

The following exhibits where received during the February 23, 2012 public hearing.

Exhibit 14. Letter dated February 22, 2012 from Wilkin County Soil and Water Conservation District to the Board of Water and Soil Resources that supports of the establishment of a watershed district on a watershed basis rather than political boundaries.

Exhibit 15. Letter dated February 23, 2012 from Travis Shirely, City of Rothsay to the Board of Water and Soil Resources in opposition to enlargement of the Buffalo Red River Watershed District within the city limits.

Exhibit 16. Compact Disk of audio recording of the February 23, 2012 public hearing

After all people present at the public hearing were given an opportunity to speak and enter written comments, the hearing record was left open for two weeks until 4:30 PM on March 9, 2012, for receipt of written comments. The following exhibits were received while the hearing record was open.

Exhibit 17. Letter dated February 28, 2012 from Jon Roeschlein, Bois de Sioux Watershed District to the Board of Water and Soil Resources not in support of expanding the Buffalo Red River Watershed District. The District would support a stand-alone watershed district or expansion of both district boundaries to address the petitioned area (Exhibit 11).

Exhibit 18. Email correspondence dated March 1, 2012 from John Roeschlein, Bois de Sioux Watershed District to Travis Germundson, Board of Water and Soil Resources clarifying the District's support for dismissal of the petition.

Exhibit 19. Letter dated March 2, 2012 from Thomas Richels, Wilkin County Engineer to Travis Germundson, Board of Water and Soil Resources in support of expanding the Buffalo Red River Watershed District.

Exhibit 20. Email correspondence dated March 6, 2012 from Lyle Hovland, Wilkin County Commissioner to Travis Germundson, Board of Water and Soil Resources in support of the petition specifying that the two additional managers should be from the enlarged area as proposed in the petition (1 from Otter Tail and 1 from Wilkin).

Exhibit 21. Email correspondence dated March 6, 2012 from Michael Redlinger, City of Moorhead to John Jaschke, Board of Water and Soil Resources transmitting Moorhead City Council Resolution.

Exhibit 21 A. Moorhead City Council Resolution, dated February 13, 2012 in support of the enlargement petition and Clay County majority representation. Requesting that one of the additional managers be allotted to Clay County.

Exhibit 22. Letter dated March 6, 2012 from Leland Rogness, Otter Tail County Board of Commissioners to John Jaschke, Board of Water and Soil Resources stating that the intention of the petition was that areas being added to the enlarged district receive representation of the additional managers (1 from Otter Tail and 1 from Wilkin).

Exhibit 23. Letter dated March 7, 2012 from Bruce Poppel, landowner in the proposed expanded area to Travis Germundson, Board of Water and Soil Resources expressing support for the petition and that one representative manager go to Wilkin County and one to Otter Tail.

Exhibit 24. Letter dated March 7, 2012 from Stephanie Miranowski, Wilkin County Board of Commissioners to John Jaschke, Board of Water and Soil Resources stating concurrence with the Otter Tail County Board of Commissioners letter dated March 6, 2012 (Exhibit 22).

Exhibit 25. Letter dated March 8, 2012 from John Finney, President Red River Watershed Management Board to Travis Germundson, Board of Water and Soil Resources in opposition to the petition for enlargement and support of an independent watershed district as proposed in the establishment petition of the Upper Red Lower Otter Tail Watershed District. Including attached documents of reference.

Exhibit 26. Email correspondence dated March 8, 2012 from Dan Johnson, West Otter Tail Soil and Water Conservation District (SWCD) to John Jaschke, Board of Water and Soil Resources transmitting a letter from the West Otter Tail SWCD Board of Managers.

Exhibit 26A. Letter from Charles Piekarski, West Otter Tail SWCD Board of Supervisors to John Jaschke in support of Otter Tail County Board of Commissioners' March 6, 2012 Letter (Exhibit 22).

Exhibit 27. Email correspondence dated March 8, 2012 from John Walkup, Orwell Township Otter Tail County to Travis Germundson, Board of Water and Soil Resources in favor of the petition for enlargement and increase in number of managers (1 to Otter Tail and 1 to Wilkin).

Exhibit 28. Email correspondence dated March 8, 2012 from Jonathan Piekarski, citizen Otter Tail County to Travis Germundson, Board of Water and Soil Resources in opposition of the proposed expansion of the Buffalo Red River Watershed District.

Exhibit 29. Email correspondence dated March 9, 2012 from Roger Ellefson, Buffalo Red River Watershed District to Travis Germundson, Board of Water and Soil Resources advocating that Wilkin and Otter Tail Counties be able to appoint their own managers.

Exhibit 30. Email correspondence dated March 9, 2012 from Sharon Josephson, Harvego Family Farms Wilkin County to Travis Germundson, Board of Water and Soil Resources in support of the petition to enlarge and increase in the number of managers of the Buffalo Red River Watershed District (1 from Wilkin and 1 from Otter Tail).

Exhibit 31. Letter dated March 9, 2012 from Ron Harnack, Red River Water Management Board to Travis Germundson, Board of Water and Soil Resources of additional findings in support of the Board's recommendation to deny the petition to enlarge the Buffalo Red River Watershed District and to approve the establishment petition for the Upper Red Lower Otter Tail River Watershed District.

9. **Board Staff Report.** In review of the Petition for Enlargement and Increase the Number of Managers of the BRRWD pursuant to Minn. Stat. §§ 103D.261 and 103D.305; the proposed enlargement and increase in the number of managers meets these requirements. Board staff determines the public welfare and public interest and the purpose of Minn. Stat. §§ 103D would be served. Based on these determinations, Board staff recommends the Petition to enlarge and increase the number of managers be approved, with one new manager position coming from Wilkin County and one from Otter Tail County with a final manager distribution being 3-Clay County, 2-Wilkin County and 1 each in Becker and Otter Tail Counties.

10. **Northern Water Planning Committee.** The committee met on Wednesday, April 11, 2012. Board members and staff in attendance were committee members Brian Napstad, Keith Mykleseth, Gene Tiedemann, Quentin Fairbanks and Mike Carroll and Board staff Ron Shelito and Pete Waller. After discussion and based on the entire record, the committee voted 4 to 1 to recommend approval of the enlargement and increase in the number of managers petition of the BRRWD; increase the number of managers to 7 with the distribution being 3-Clay County, 2-Wilkin County, 1-Becker County and 1-Otter Tail County; and the BRRWD's Watershed Management Plan be amended within two years of the date of the Order.

CONCLUSIONS

1. The Petition for the enlargement and increase in the number of managers of the Buffalo Red River Watershed District are valid in accordance with Minn. Stat. §§ 103D.261 and 103D.305.

2. Proper notice of hearing was given and the public hearing was held in accordance with applicable laws.

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

4. The Board has proper jurisdiction in the matter of approving the enlargement and increase in the number of managers Petition for the BRRWD pursuant to Minn. Stat. §§ 103D.261 and 103D.305 .

5. The enlargement and increase in number of managers of the BRRWD as proposed in the Petition would be for the public welfare and public interest and the purpose of Minnesota Statutes Chapter 103D would be served.

6. The two additional managers shall provide added representation for the proposed territory, one from Wilkin County and one from Otter Tail County.

7. The BRRWD Watershed Management Plan should be amended within two years to include the Petitioned Area.

8. Wilkin County has stated the establishment petition for the proposed Upper Red Lower Otter Tail Watershed District shall be withdrawn contingent upon the Enlargement and Increase in the Number of Managers Petition being finalized.

ORDER

The Board hereby orders that the Buffalo Red River Watershed District be enlarged per the joint Petition dated December 27, 2011 (Exhibit 1), according to map (Exhibit 1A) of said Petition attached and made part of this Order hereof, that the number of managers be increased to seven with the two additional managers one appointed from Wilkin County one appointed from Otter Tail County. The Board further orders that the Watershed Management Plan for the Buffalo Red River Watershed District be amended within two years of the date of this Order to include the Petitioned Area.

Dated at Saint Paul, Minnesota this _____ day of April, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____

Brian Napstad, Chair

Chronology/Status Report
Upper Red Lower Otter Tail Watershed District Establishment Petition
&
Buffalo Red River WD Enlargement & Increase Number of Managers Petition

Wilkin Water LWP 2008 – 2017; Action item within the LWP Implementation Plan (page 20): 'Investigate establishment of a water management structure/ordinance for the Lower Otter Tail and Red River Headwaters watershed areas of Wilkin County."

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

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

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

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

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

February 3, 2010; Information meeting held in Fergus Falls (60 to 80 people attended)

Outcome of the meetings: Commissioners asked lead local staff to investigate/develop alternative management structure options and determine if there are potential cost savings vs a watershed district.

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

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

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

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

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

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

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

Chronology/Status Report
Upper Red Lower Otter Tail Watershed District Establishment Petition
&
Buffalo Red River WD Enlargement & Increase Number of Managers Petition

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

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

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

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

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

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

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

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

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

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

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

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

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

September 28, 2011; **Board was provided information from the North Region Local Water Management Committee motion to continue the Upper Red Lower Otter Tail Watershed District Establishment.**

October 5, 2012; Otter Tail and Wilkin County Commissioners and Buffalo Red River Watershed District Managers met to discuss the pros & cons of enlarging the Buffalo Red River Watershed District to include the area considered in the Upper Red Lower Otter Tail Watershed District Establishment.

Chronology/Status Report
Upper Red Lower Otter Tail Watershed District Establishment Petition
&
Buffalo Red River WD Enlargement & Increase Number of Managers Petition

January 4, 2012; **BWSR received a joint petition to enlarge the Buffalo Red River Watershed District and increase the number of watershed district managers by two from Otter Tail County, Wilkin County and the Buffalo Red River Watershed District.**

January 19, 2012; BWSR North Region Local Water Management Committee recommends approval of draft order to hold a public hearing on the Buffalo Red River Watershed District enlargement and increase of managers petition.

January 25, 2012; BWSR Order for a public hearing to be held on the Buffalo Red River Watershed District enlargement and increase of managers petition.

February 23, 2012; **Hearing was held for Buffalo Red River Watershed District Enlargement and Increase Number of managers. Written comments were accepted until 4:30 pm Friday, March 9, 2012.**

April 11, 2012; The committee met and based on the entire record, the committee decided to recommend enlarging the BRRWD per the petition; increase the number of managers to 7 with the distribution being 3-Clay County, 2-Wilkin County, 1-Becker County and 1-Otter Tail County; and the BRRWD's Watershed Management Plan be amended within two years of the date of the Order. Wilkin County has stated the establishment petition for the proposed Upper Red Lower Otter Tail Watershed District shall be withdrawn contingent upon the Enlargement and Increase in the Number of Managers Petition being finalized

BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

114 FRONT STREET SOUTH – PO BOX 341 PHONE 218-354-7710

December 28, 2011

RECEIVED

JAN 04 2012

Bd. of Water & Soil Resources
St. Paul

John Jaschke, Executive Director
MN Board of Water and Soil Resources
500 Lafayette RD N
St. Paul, MN 55155

RE: Enlargement Petition and Petition to Increase Number of Board Members

John,

Enclosed, please find the original copy of the above referenced petition, which has now been signed by the Otter Tail and Wilkin County Commissioners, and the Buffalo-Red River Watershed District (BRRWD). We look forward to working with your staff in both regards.

If you should have questions or comments concerning the above or enclosed, please feel free to contact this office.

Sincerely,

BUFFALO-RED RIVER WATERSHED DISTRICT

Bruce E. Albright

Bruce E. Albright
BRRWD Administrator

BEA/jj
Encl: As noted above

cc: Pete Waller, Board Conservationist, MN Board of Water & Soil Resources, 1004 Frontier DR Fergus Falls, MN 56537
Gerald L. VanAmburg, Chairman, Buffalo-Red River Watershed District, 4518 5th ST S, Moorhead, MN 56560
David J. Hauser, Otter Tail County Attorney, 121 W Junius, Suite 320, Fergus Falls, MN 56537
Tim Fox, Wilkin County Attorney, 420 Nebraska AVE, Breckenridge, MN 56520

STATE OF MINNESOTA
BOARD OF WATER AND SOIL RESOURCES
ST. PAUL, MINNESOTA

In the Matter of the Petition to
Enlarge Buffalo-Red River Watershed District

ENLARGEMENT PETITION and PETITION TO INCREASE NUMBER OF BOARD MEMBERS

Pursuant to Minnesota Statutes §103D.261, and Minnesota Statute §103D.305, Petitioner's request that the Minnesota Board of Water and Soil Resources enlarge the boundaries of the Buffalo-Red River Watershed District (BRRWD).

I.

That the area to be added to the Buffalo-Red Watershed District (BRRWD) is contiguous to the existing watershed district, and is the lands contemplated to be included in the petition to create the Upper Red Lower Otter Tail Watershed District, which is now before the board, but being continued pending this petition.

II.

The Managers of the BRRWD believe that this additional area can be administered by the District. The staff of the District also believes it can manage the additional area. Some additional staffing would be required and can be funded by the attribution of costs through various projects. The offices of the District are in Barnesville which will be centrally located in the enlarged district.

III.

That the proposed expansion is needed as a means of conserving and making prudent use of the waters and natural resources of the state within the additional territory to be included in the district, and for the following purposes:

1. Control or alleviation of damaged by flood waters;
2. Improvement of stream channels for drainage, navigation, and any other public purpose;
3. Reclaiming or filling wet and overflowed lands;
4. Providing water supply for irrigation;
5. Regulating the flow of streams and conserving the waters thereof;
6. Diverting or changing watercourses in whole or in part;

7. Providing and conserving water supply for domestic, industrial, recreational, agricultural, or other public use;

8. Providing for sanitation and public health and regulating the use of streams, ditches, or watercourses for the purpose of disposing of waste;

9. Repair, improve, relocate, modify, consolidate, and abandon, in whole or in part, drainage systems within a watershed district;

10. Imposition of preventive or remedial measures for the control or alleviation of land and soil erosion and siltation of watercourses or bodies of water affected thereby;

11. Regulation improvements by riparian landowners of the beds, banks, and shores of lakes, streams, and marshes by permit or otherwise in order to preserve the same for beneficial use;

12. Protecting or enhancing the quality of water in watercourses or bodies of water;

13. Providing for the protection or groundwater and regulating groundwater use to preserve groundwater for beneficial use.

Addition of the area to the BRRWD will be conducive to the public health and public welfare and accomplish the purposes of M.S. Chapter 103D for the following reasons:

14. Would prevent damage to farm buildings and farm yards, public roads and farmlands due to flooding.

15. Would remove county boundaries from determining an overall and comprehensive use of the water and natural resources.

16. Would control and regulate private ditching, obstruction of natural waterways and the antagonism amongst neighboring land owners regardless of the county in which they were located.

That the nature and extent of the contemplated projects in the new areas include:

17. A re-evaluation of drainage, ditches, affected areas and proper assessment districts including a re-determination of benefits derived from drainage as is currently assessed which assessment could be made no the territory affected regardless of county boundaries.

18. A comprehensive plan for water use and natural resources within the area.

IV.

A map of the area to be added to the BRRWD is attached to this petition.

V.

The name of the proposed enlarged watershed district will continue to be the Buffalo-Red River Watershed District.

VI.

For reasons stated in paragraph three the expansion of the BRRWD is requested. A new watershed district, the proposed Upper Red Lower Otter Tail, had been considered, however, that would have been a small watershed district which would have been more difficult to administer. It is believed that as part of the expanded BRRWD the area would be more efficiently administered and being part of the larger watershed district is supported by citizens in the area.

VII.

To serve the expanded district, the petitioners propose increasing the number of managers from five to seven pursuant to Minnesota Statute §103D.305.

WHEREFORE, the petitioner prays that the Board fix a time and place for a hearing hereon and upon such hearing make its order:

1. Expanding said watershed district.
2. Fixing and defining the boundaries of the district.
3. Increase the number of managers.
4. For such other and further orders as may be necessary for the expansion of the district as allowed by law.

Signed this 13th day of December, 2011, by the Chairman of the Otter Tail County Board of Commissioners as authorized by resolution of said Board and attested to by the Clerk of the Board.

John Lindquist

John Lindquist, Chairman, Otter Tail County Board

Lauy Kjohn

Clerk of the Board

Signed this 20 day of December, 2011, by the Chairman of the Wilkin County Board of Commissioners as authorized by resolution of said Board and attested to by the Wilkin County Auditor.

Neal Folstad, Wilkin County Board

Wayne Bezanek
Wilkin County Auditor

Signed this 27th day of December, 2011, by the Chairman of the Buffalo-Red River Watershed District as authorized by resolution of said Board and attested to by the Secretary of the Buffalo-Red River Watershed District.

Gerald L. VanAmburg, Chair

John E Hanson
John E. Hanson

Board of Commissioners
Wilkin County, Minnesota

TELEPHONE (218) 643-4981
P.O. BOX 409
BRECKENRIDGE, MINNESOTA 56520

John Jaschke
Board of Water and Soil Resources
520 Lafayette Road
St. Paul, MN 55155

Dear Mr. Jaschke:

Wilkin County is submitting this letter to clarify our position on the initial petition for the establishment of the Upper Red Lower Otter Tail Watershed District. At the September 14, 2011 BWSR North Committee meeting, Wilkin County requested the Committee to delay action on the petition to establish the Upper Red Lower Otter Tail Watershed District, because there was ongoing discussion with Otter Tail County to submit a petition for the expansion of the Buffalo-Red Watershed District. Since a petition was submitted jointly from Wilkin County, Otter Tail County and the Buffalo-Red Watershed District for the expansion of the watershed district and the required public hearing was held on February 23, 2012, Wilkin County is willing to rescind the original petition for the formation of the Upper Red Lower Otter Tail watershed district contingent on the following.

1. BWSR approves the expansion of the Buffalo-Red Watershed District as presented in the petition.
2. BWSR approves to increase the number of managers from 5 to 7 members distributed as follows; Clay County 3 managers, Wilkin County 2 managers, and Becker and Otter Tail Counties 1 each.

If each of these two contingencies are met, Wilkin County will rescind the original petition for the formation of the Upper Red Lower Otter Tail Watershed District immediately following BWSR final decision.

If BWSR chooses to approve something different than the 2 contingencies, then Wilkin County reserves the right to request BWSR to take action on the original petition filed by Wilkin County.

Sincerely,

Stephanie Miranowski
Chairman – Wilkin county Board of Commissioners

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Crow Wing SWCD Supervisor Nomination District Change**

Meeting Date: April 25, 2012

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: Northern Region
Contact: Dan Steward
Prepared by: Dan Steward
Reviewed by: Northern Water Planning Committee(s)
Presented by: Quentin Fairbanks

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

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

Fiscal/Policy Impact

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

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

ACTION REQUESTED

Decision on Crow Wing SWCD Nomination Districts Changes

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Crow Wing Soil and Water Conservation District (SWCD) approved a Nomination Districts Resolution on January 18, 2012. The reason for this resolution is to have Whitefish Lake be entirely within one Nominating District in order to better represent the area. Whitefish Lake is currently split between Nominating Districts 3 and 4. The proposed Nomination Districts will result in Whitefish Lake being entirely within District 4. Nominating Districts 1, 2 and 5 are not affected by the proposed change.

Resolution Nomination Districts

Be it resolved by the Crow Wing Soil and Water Conservation District Supervisors that pursuant to M.S. 103C.311, the district be divided into five areas for nominating candidates for the positions of Soil and Water Conservation District Supervisors to be elected at large as follows:

District Description of Boundaries

I To include: Fort Ripley, St. Mathias, Crow Wing, Oak Lawn Townships and City of Baxter.

II To include: Long Lake, Daggett Brook, Maple Grove, Platte, Roosevelt, Garrison Townships

III To include Fifty Lakes, Emily, Fairfield, Center, Little Pine, Ross, Mission, Perry Lake, 2nd Assessment Townships.* To Remove Crosslake from Current boundaries.

IV To include: Timothy, Gail Lake, Lake Edward, Pelican Lake Townships and the *City of Crosslake* City of Jenkins, City of Pequot lakes, City Breezy Point, and City of Nisswa, and 1st Assessment. These new boundaries would provide the opportunity for entire Whitefish Chain to be in one district versus two districts. (for adding the City of Crosslake)

V To include: Wolford, Rabbit, Irondale, Deerwood, Nokay, and Bay Lake Townships.

I, Diane Jacobson, Secretary of the Crow Wing Soil and Water Conservation District, do hereby certify that the above resolution relating to the division of the Crow Wing Soil and Water Conservation District into five nominating areas was adopted by the said District by the said District Supervisors at a regular meeting held on January 18, 2012, that I have compared the above copy with the original resolution as set forth in the minutes of said meeting, and it is a true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of the Board was duly called and held, that a quorum of the members of said Board was present thereat, and that said resolution was duly adopted thereat by a vote of 5 to 5 of the members present.

Signed: Diane Jacobson
Secretary

Crow Wing Soil and Water Conservation District

Be it resolved by the Board of Water and Soil Resources that the division of the _____ Soil and Water Conservation District into five nominating areas as set forth in the above resolution adopted by the supervisors of said district on _____, 20 _____, is hereby approved.

I, _____, Executive Director of the Board of Water and Soil Resources, do hereby certify that I have compared the above copy of resolution relating to the division of the _____, 20____, with the original as set forth in the minutes of said meeting, and that said copy is true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of said Board was duly called and held, that quorum of members of said Board was

present thereat, and that said resolution was duly adopted thereat by a vote of _____to _____of the member present.

Signed: _____
Executive Director
Board of Water and Soil Resources

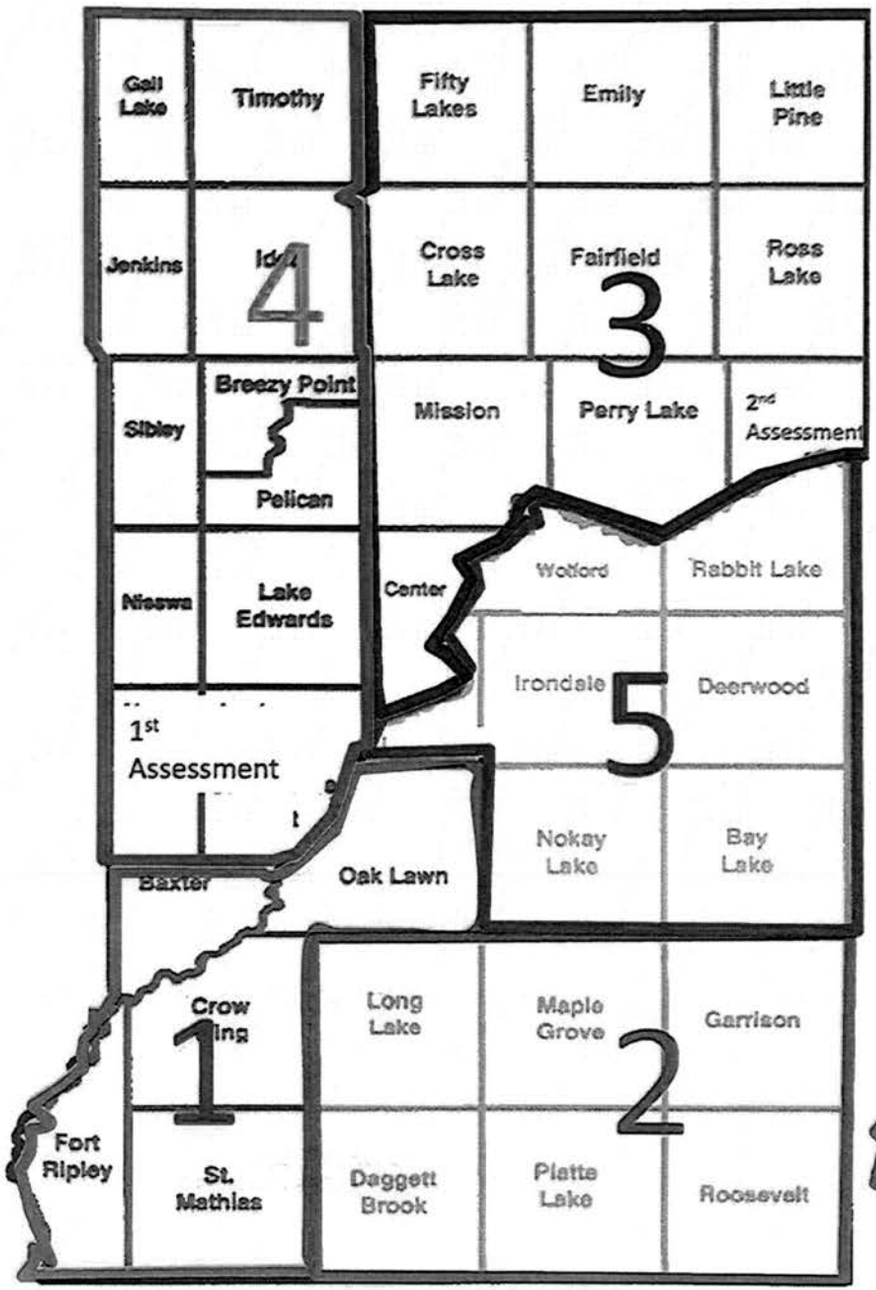
Filed _____ day of _____, 20____

Signed: _____

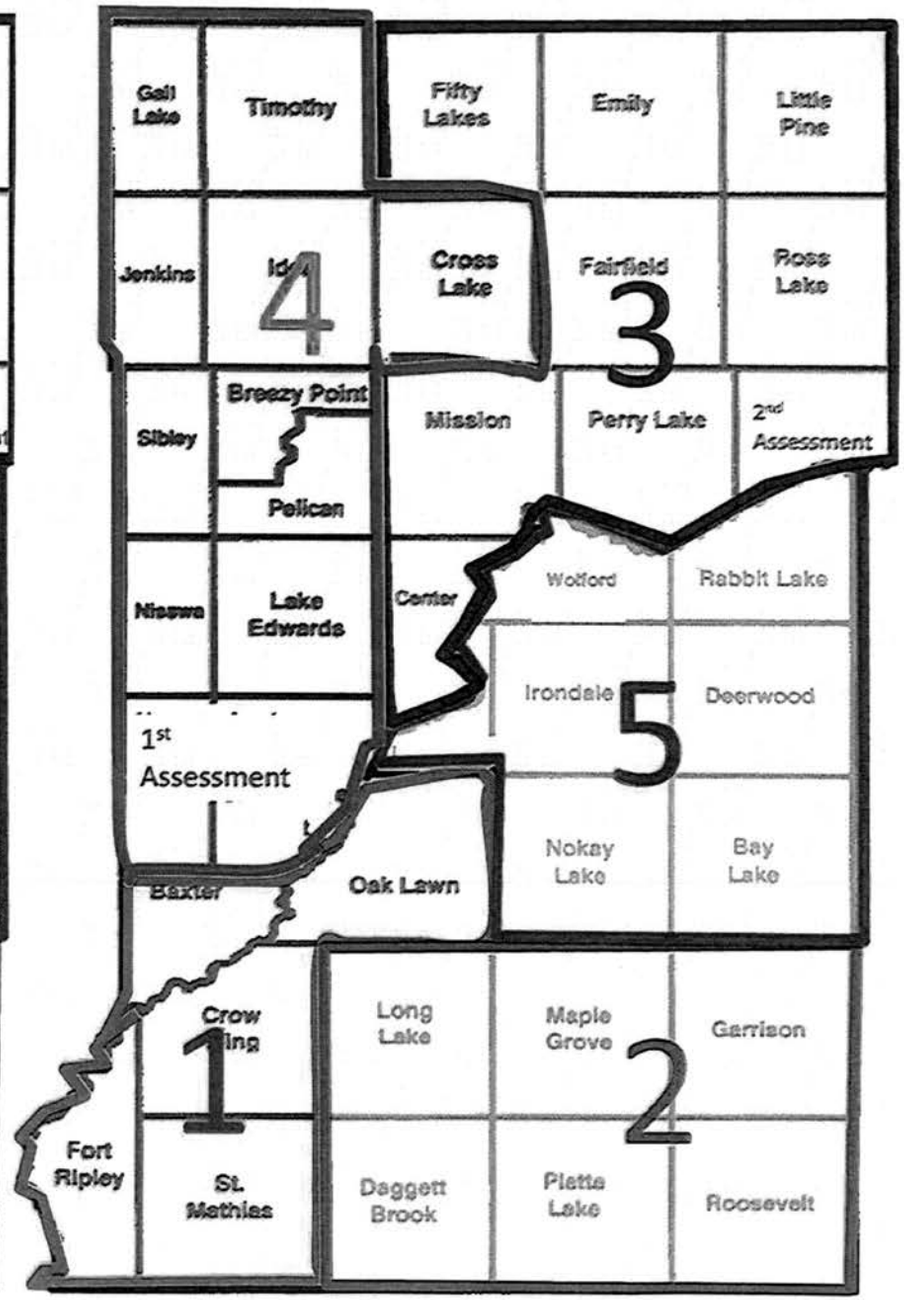
County Auditor

_____ County

Current Election Boundaries



Proposed Election Boundaries



Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Isanti County CLWMP 5 Year Amendment

Meeting Date: April 25, 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 Isanti County Comprehensive Local Water Management Plan

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
On June 30, 2006, the Board of Water and Soil Resources approved the Isanti County Comprehensive Local Water Management Plan with a date range from 2006 to 2016. The Board required a five year amendment of the Plan by 2011.

The County passed a resolution to amend the Plan on April 20, 2011 and submitted the updated Plan to the Brainerd field office on December 5th, 2011. As part of the submission, the water planner included documentation of the required public hearing. Agency comments were received from the Minnesota Department of Agriculture and the Minnesota Pollution Control Agency.

The five year Plan amendment was presented to the Northern Water Planning Committee on April 11, 2012. As the Plan amendment met state statutes and is non-controversial, the Committee recommends 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 **Isanti County** (Minnesota Statutes , Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, the **Isanti** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Amendment) to the Board on **December 5, 2011** 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 **June 30, 2006**, the Board of Water and Soil Resources approved the Isanti County Comprehensive Local Water Management Plan from 2006 to 2016 with a requirement for an amendment by 2011.

2) On **April 20, 2011,** the Isanti 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) Development Pressure
   B) Natural Habitat/Impaired Waters
   C) Groundwater Quality and Quantity

4) On **December 5, 2011,** the BWSR received the **Isanti** County Plan Amendment, a record of the public hearing, and copies of all written comments pertaining to the plan amendment to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On **April 11, 2012,** the Northern Water Planning Committee of the board reviewed the recommendations of the state review agencies regarding the five year amendment of the **Isanti** County Plan Amendment.

6) This amendment will be in effect until **May, 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 **Isanti** County pursuant to Minnesota Statutes , 103B.315, Subd. 5.

2. The **Isanti** 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 **Isanti** Local Water Management Plan **May 31, 2006 to May 31, 2016.**

Dated at **St. Paul,** Minnesota, this **twenty fifth day of April, 2012.**

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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BY: Brian Napstad, Chair

I. Executive Summary

Introduction

Isanti County is located north of the twin cities metro region amid the Anoka Sand Plain with relatively smooth relief and fingerlike depressions of lakes and rivers, developing into gently rolling hills along the northwestern and southwestern edges. The majority of the county's 54 protected lakes and 151 protected wetlands are formed in this sandy area. The Rum River flows through the county from the west to the northeast, then abruptly turns and flows out to the south – southeast. Greater than eighty percent of the county lies within the Rum River Watershed. The eastern edge (14%) is in the St. Croix River Watershed and two fingers (5%) of the Snake River Watershed creep down along the northern edge of the county. Isanti County is bordered on the east by Chisago County, north by Kanabec County, west by Mille Lacs County and Sherburne County and south by Anoka county in east central Minnesota. It is 24 miles across at the southern border and 18 miles across at the northern border, extending 22 miles from north to south. It encompasses a total area of 452 square miles or 289,404 acres. The City of Cambridge is the county seat. The county population between (2000) and (2010) has increased by 20.9%.

Agriculture, in the form of cultivated land is the dominant land use within the county. Of the 289,404 acres of land in Isanti County, 103,358 acres (35.7%) is classified as cultivated land. The county acreage classification includes 3.1% water and 3.4% wetlands.

Isanti County's Local Water Management Plan (LWMP) is implemented by the Isanti County Zoning Office. The original LWMP was formally adopted on August 18, 1993. A plan revision was implemented in 2000 and expired on December 31, 2005. This ten-year plan will be effective on or before January 1, 2006 and be implemented through December 31, 2015 with a five-year amendment to goals, objectives and action items.

Purpose

The purpose of this LWMP is to identify existing and potential problems and opportunities for protection, management and development of water resources and related land resources in Isanti County. Pursuant to the requirements of Minn. Stat. 103B.311subd., the five requirements of this plan are as follows:

1. The plan must cover the entire county.
2. The plan must address problems in the context of watershed units and groundwater systems.
3. The plan must be based upon principals of sound hydrologic management of water, effective environmental protection, and efficient management.
4. The plan must be consistent with local water management plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or ground water system.
5. The plan must cover a ten year period (2006 – 2015).

Changing development patterns and economic growth will eventually create more pressure on natural resources and impact agricultural, water resources and recreational needs of Isanti County residents.

Description of Priority Concerns
Following public participation meeting in Isanti County, priority concerns were established. This meeting was facilitated with both a survey of perceived threatened resources and problems within the county and an active participation process to address these problems. From this process, the following priority concerns were identified:

1. Development Pressures: Zoning and Ordinances – platting within the shoreland / sensitive areas, stormwater runoff and existing drainage systems.
2. Natural Habitat / Impaired Waters: breaking up contiguous natural areas for habitat, destruction of wetlands, development of agriculture lands and diminishing water quality in area lakes.
3. Groundwater Quality and Quantity: failing septic systems, agriculture contamination, potential for well contamination, arsenic / radon, and education needs of the public.

These three issues will be the focus in establishment of goals, objectives and a plan for implementation.

Summary of Goals and Actions
During the public input process, pressure on the lakes created by development was the number one concern of residents in Isanti County.

Cumulative Effects of Development on Surface Waters Goal: Develop regulations, education, and incentives to ensure orderly development with minimal impacts to sensitive areas to preserve Isanti County's natural resources. Actions focus on implementation of the following objectives:

- Guide new development with comprehensive planning, accurate information, and consideration for natural resources.
- Improve stormwater runoff quality by compliance with stormwater rules, continuing public education, and promotion of BMPs.

Protection and Restoration of Natural Habitat and Impaired Waters Goal: Preserve and improve quality and quantity of habitat areas and quality of lakes and wetlands in Isanti County. Actions focus on implementation of the following objectives:

- Implement and promote land use practices that will reduce and/or mitigate negative human impacts on natural resources.
- Position Isanti County to maximize local control and funding of ***TMDL (Total Maximum Daily Loads).***
- Reduce the loss of water clarity in Isanti County lakes and rivers by promoting lakeshore and river stewardship, wetland restoration, and preservation of habitat areas.

Groundwater Quality and Quantity Goal: Protect groundwater quality and quantity through education and enforcement of existing regulations. Actions focus on implementation of the following objectives:

- Educate County residents about distribution of naturally occurring contaminants in groundwater, well construction, and geologic factors that affect contaminant distributions.
- Work to prevent failure of SSTS (Subsurface Septic Treatment Systems) and related sewage pollution in Isanti County.

Consistency of plan with other pertinent local, state, and regional plans
Plans considered in the completion of this document include the Upper Mississippi River Basin Plan with data and concerns regarding the Rum River and the St. Croix Basin Water Resources Planning Status Report with its data on the North Branch of the Sunrise River. Input from Chisago and Anoka County was considered and included in the implementation strategies of this plan. Chisago County expressed concerns regarding the North Branch of the Sunrise River TMDL, increased coordination on water resources issues between Chisago and Isanti Counties, and stormwater management in developing areas. Anoka County expressed concern as a downstream neighbor that has already experienced the development pressures now being faced by Isanti County. Their suggested focus on Impaired Waters, protection of sensitive areas and the Rum River fit with Isanti County's focus areas.

Summary of recommended amendments of other plans and official controls
The Isanti County Local Water Management task force recommends statewide revision of the Shoreland Regulations. It was the feeling of the general public, supported by the task force, that the existing regulations do not adequately preserve the sensitive shorelines that are still undeveloped.

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Itasca County Water Plan Amendment

Meeting Date: April 25, 2012

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: Northern Region

Contact: Dan Steward
Prepared by: Dan Steward
Reviewed by: Northern Water Planning Committee(s)
Presented by: Quentin Fairbanks

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

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

Fiscal/Policy Impact

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

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

ACTION REQUESTED
Decision

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
By Board Order, the Board of Water and Soil Resources (Board) approved the Itasca County Comprehensive Local Water Management Plan (Plan) on March 28, 2007. The Plan covers the ten year period of March 2007 to March 2017 and contained a 2007 -2012 implementation section. Board Order required an update of the Implementation section (Goals, Objectives, and Actions) by March 28, 2012. Following the guidelines established by the Board, Itasca County has completed the local water management plan amendment process and submitted the 'Implementation Plan Amendment April 2012-March 2017. The Board's Northern Water Planning Committee (Committee) met on April 11, 2012 to review the Itasca County Plan Amendment. The Committee recommends approval of the Plan Amendment.

See attachments: Board Order, County Location Map and the Itasca LWP Implementation Plan Amendment April 2012 - March 2017.

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, on March 28, 2007, the Minnesota Board of Water and Soil Resources Board (Board), by Board Order, approved the Itasca County Comprehensive Local Water Management Plan Update (Plan); and

Whereas, The Board Order stipulated Itasca County was required to update the action plan in five-years (2012); and

Whereas, the Itasca County Board of Commissioners submitted a Local Water Management Plan 2012 Amendment to the Board on February 15, 2012; and

Whereas, the 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) In April 2011, Itasca County convened its water plan task force to review to review past accomplishments and consider proposed changes to the Plan.

2) The Itasca County Water Plan Implementation Committee met several times during 2011 and 2012 to receive input and develop the amendment.

3) On February 15, 2012, Itasca County submitted the 2012 Amendment which includes the 2012-2017 five year implementation schedule for the required state agency review.

4) On April 11, 2012, the BWSR North Region Planning Committee met to review the proposed amendment.

5) This update will be in effect until **March 28, 2017.**

CONCLUSIONS

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

2. The Itasca 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 Itasca County Local Water Management Plan.

Dated at St. Paul, Minnesota, this 25th day of April, 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: Polk County LWMP Update Approval☐

Meeting Date: April 25, 2012

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

Item Type: ☐ Decision ☐ Discussion ☐ Information

Section/Region: North Region

Contact: Ron Shelito

Prepared by: Brian Dwight

Reviewed by: Northern Water Planning Committee(s)

Presented by: Committee Member

☐ **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

Board approval of the Polk County Local Water Management Plan Update

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

The Polk County Plan Update adequately addresses all of the priority concerns identified in the Priority Concerns Scoping Document. The priority concerns for this Plan Update have remained the same as in the previous Plan with an addition of an additional priority concern. Priority concerns for this Plan update are:

- Surface Water quality: With attention give to lakes in East Polk County and source water protection (surface water appropriations) for domestic use in West Polk County
- Quantity of water passing through Polk County
- Management, Enhancement, and Preservation of Natural Resources
- Exotic and Invasive Species Management: Aquatic and Terrestrial Invasive Species (new priority concern)

The Plan Update identifies four major watersheds within the county (Grand Marais River, Sand Hill River, Red Lake River and the Clear Water River) and has identified the tasks needed to address priority concerns in the watersheds. In addition to the LWMP objectives, the Polk Plan Update also makes specific reference to the Red Lake and Sand Hill River Watershed Districts Long Range Plans as a major guidance document for the implementation strategies for the priority concerns identified in the Polk County Plan Update. The Polk County Plan Update is identified as a 10-year plan with a review of the plan in five years. The Polk County Local Water management Plan meets the content requirements in 103D.314, follows BWSR guidelines and addresses the issues identified by the local planning task force and the state review agencies. The Northern Water Planning Committee recommends approval of the Polk County Local Water Management Plan.

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Polk County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on March 14, 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 April 6, 2010 The Polk County Board of Commissioners passed a resolution to update their Local Water Management Plan, pursuant to M.S. Sections 103B.301- 103B.335.

2) On April 15, 2011 the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Polk County, pursuant to M.S. Section 103B.312.

3) On June 15, 2011 The Northern Plan Review Committee reviewed the Priority Concerns Scoping Document with representatives from Polk County.

4) On June 22, 2011 the Board of Water and Soil Resources approved official comments on the Polk County Priority Concerns Scoping Document, which were mailed to the county on June 25, 2011.

5) The priority concerns, in no particular order of importance, the Plan Update addresses include:
    - Surface Water quality: Lakes in East Polk County and Surface water quality particularly for domestic use in West Polk County
    - Quantity of water passing through Polk County
    - Management, Enhancement, and Preservation of Natural Resources in Polk County
    - Exotic and Invasive Species Management: Aquatic and Terrestrial Invasive Species

6) On March 14, 2012 the BWSR received the Polk County Plan Update for final review.

7) On March 16, 2012 the final Polk County Plan Update was sent out for state agency review.

8) Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture: Missing the plan input opportunity during Priority Concerns Scoping, MDA provided suggestive considerations to the final Plan Update regarding agricultural drainage, ground and surface water protection, and manure management.
   B) Minnesota Department of Health: Approve the entire Plan Update as submitted
   C) Minnesota Department of Natural Resources: The DNR stated that the Plan Update adequately addressed the stated priority concerns and recommends its approval but provided comments regarding suggestive changes to grammatical corrections, goal and objective statements, and formatting to provide for better "readability".
   D) Minnesota Pollution Control Agency: no recommendation received
   E) Minnesota Environmental Quality Board: no recommendation received;
   F) Minnesota Board of Water and Soil Resources: the Plan Update meets plan content requirements of 103B.314 and regional staff recommends approval;

9) On April 11 2012, the Northern Water Planning Review Committee of the board meet with representatives from Polk County to review the Plan Update, and the recommendations of the state review agencies regarding final approval of the Polk County Plan Update.

10) Northern Water Plan Review Committee: Pending no concerns brought forward at the public hearing held by the Polk County board of Commissioners regarding the Polk County Plan Update the Northern Plan Review Committee recommends approval of the Polk County Local Water Management Plan

11) On April 20, 2012 a record of the public hearing, and copies of all written comments pertaining to the Plan Update where received by the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

12) This Plan Update will be in effect for a ten-year period until April 25, 2022, with a review and an update of the work plan in 2017.

CONCLUSIONS

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

2. The Polk County Plan Update attached to this Order states water and water-related problems within the county; 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 Polk County Local Water Management Plan – April 25, 2012 to April 25, 2022 with a review and update of its work plan in 5 years.

Dated at St Paul, Minnesota, this twenty-fifth day of April 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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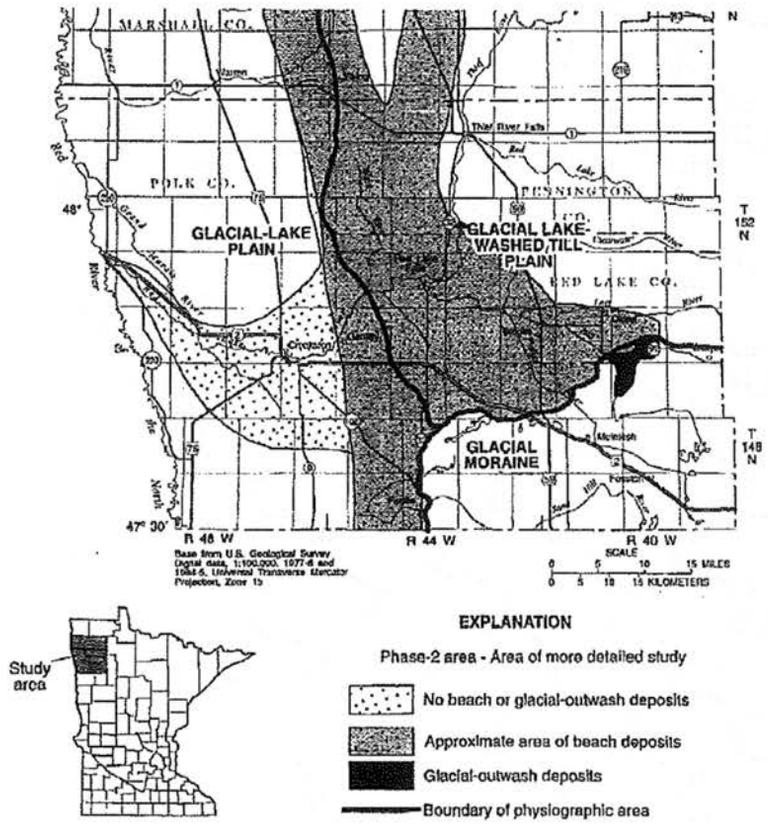
BY: Brian Napstad, Chair

I. Executive Summary

Introduction

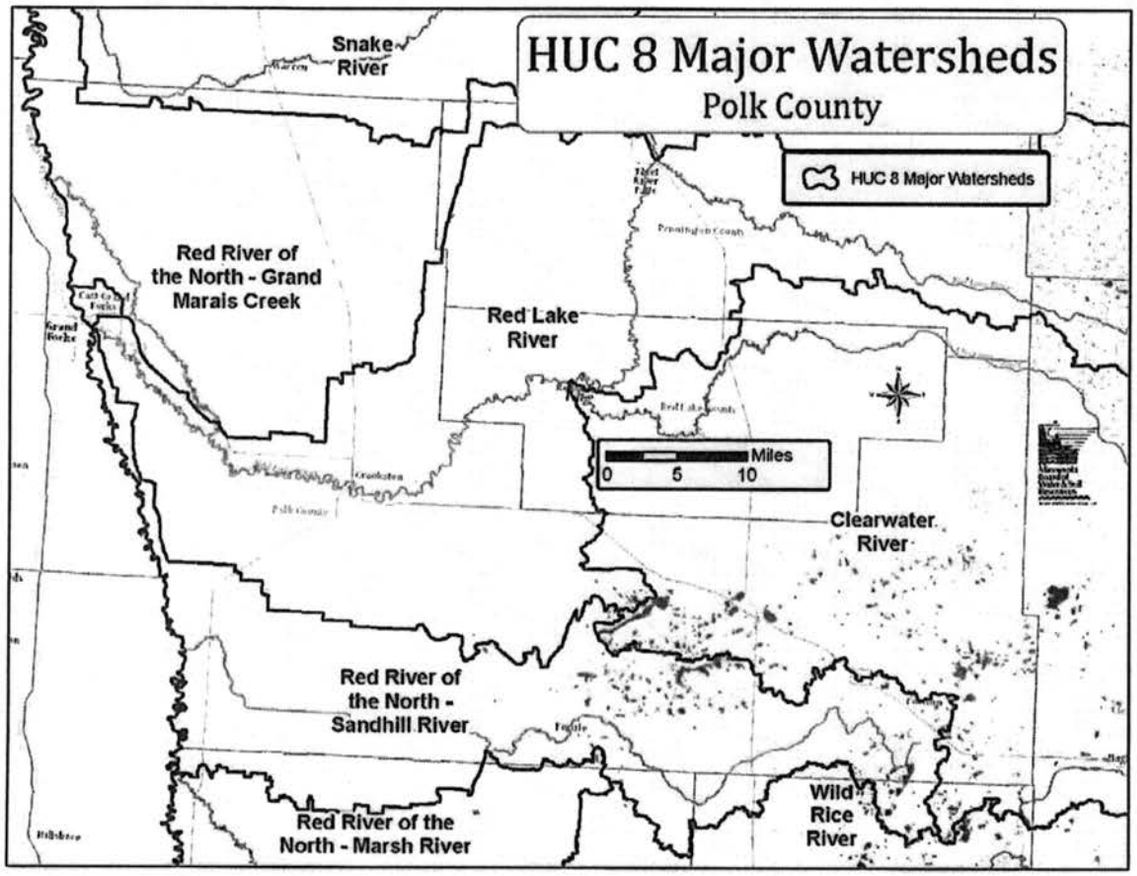
Polk County is located in northwest Minnesota. According to the U.S. Census Bureau, the county has a total area of 1,998 square miles, of which 1,971 square miles are land and 27 square miles are water. According to the April 1, 2010 census, the population of Polk County was 31,600. Projected population change as reported by the Minnesota Demographic Center, (June, 2007) show the population increases slightly (32,610) by the year 2015. The County seat is located in Crookston and the largest community is East Grand Forks. There are 58 townships and 15 cities within the county.

Polk County includes three general physiographic areas; glacial-lake plain, glacial lake-washed till plain, and glacial moraine area. The western third of Polk County is glacial-lake plain. This area is extremely flat, sloping only a few feet per mile. At one time it was the floor of glacial Lake Agassiz. The silty loam sediments that accumulated there formed fertile soils making one of North America's most fertile farming regions. The glacial lake-washed till plain is flat to gently rolling area that has local relief up to 15 feet and is located mid-county. The western part of the glacial lake-washed till plain is traversed by north-south and northeast-southwest trending long, narrow beach ridges, some are as much as 20 feet high. The glacial moraine is an area of hills and depressions that has local relief up to 150 feet and is present in the eastern part of Polk County. (*U.S. Geological Survey, Water-Resources Investigation Report 95-4201, 1996*).



Polk County lies within the Red River of the North Basin Watershed. Due to the unique lake/river basin soils left by Glacial Lake Agassiz the primary land use of Polk County is agriculturally based, approximately 78%. The 2007 Census of Agriculture County Data from the USDA National Agriculture Statistic Service shows the number of farms in Polk County is 1,609 with the average farm size at 684 acres. The total cropland acres are 976,367 and with 10,439 acres of irrigated land. Land use practices in the beach ridge areas have previously been gravel mining and agriculture. These areas are now trending toward the restoration of pre-settlement conditions.

Four major watersheds are predominant within the jurisdictional boundaries of Polk County. They include the *Grand Marais Creek, Red Lake River, Sand Hill River and the Clearwater River Watersheds*. Three other major watersheds have small acreage within the County. They are the *Wild Rice, Snake, and Marsh Watersheds*.



Purpose of the Local Water Management Plan:

The purpose of this updated Local Water Management Plan (LWMP) is to identify existing and potential problems and opportunities for protection, management and development of water resources and related land resources in Polk County. Pursuant to the requirements of Minn. Stat. 103B311 subd.4, the five requirements of this plan are as follows:

1. The plan must cover the entire county.

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

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

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

5. The plan will cover a ten year period (2012 – 2022) with an implementation plan that will cover a five year period (2012 – 2017) and will then be update for the remaining five years.

Polk County Local Water Management Plan's Update Process

The Polk County Water Plan focuses on water and related land resource issues. The county has gathered and studied available information relating to the physical environment, including, but not limited to, the surface and ground water resources, and their related land use.
Concerns were identified, analyzed, and prioritized by the Polk County Water Plan Task Force Committee within the context of the watershed units and ground water systems where appropriate. The plan applies to the entire area within the county.

The Polk County Water Plan is coordinated and administered by the East Polk Soil and Water Conservation District and the West Polk Soil and Water Conservation District.
The Polk County Water Plan (previously known as the Polk County Comprehensive Local Water Plan) was first developed and approved by the Minnesota Board of Water and Soil Resources in 1990. It was developed as a five year plan and was updated in 1997 (the 1990-1995 Plan was granted a two year extension). The 1997-2002 Plan was granted a two year extension. The 2005 to 2009 plan was also granted a two year extension which expired December 31, 2011.

Priority Concerns of Polk County

Priority Concern #1

The Polk County Local Water Management Plan will focus on protection and enhancement of surface water quality. Specific areas of focus will be:

- Lake Region in the eastern part of the county, with specific focus on the human impacts.
  - Increases in development around smaller, non-recreational lakes and larger wetland complexes should be assessed to determine if adverse impacts have affected the water quality of these smaller bodies of water.
  - For nearly all of the lakes in this ecoregion phosphorus is the limiting factor. Major management efforts related to water quality are directed at limiting the amount of phosphorus loading into the lakes.
  - Sediment loading has also become a major concern to the water quality of the lakes. Proper land use management and implementation of Best Management Practices needs to be analyzed and addressed.
- Surface water and ground waters in the western part of the county.
  - The City of East Grand Forks receives its public water supply from the Red Lake River.
  - The Red Lake River is impaired for turbidity and management efforts should focus on sediment loading into the Red Lake River and its tributaries.
- In addition to the above mentions specific areas of concern for Polk County, The County Board, Watershed Districts and SWCD's will actively pursue efforts to address surface water quality concerns within the county.
- Although surface water is of primary concern for Polk County we will be responsive to the need to monitor and protect our groundwater resources. We will participate to our fullest capacity but state and federal agencies such as Minnesota Department of Health (MDH) and United States Geological Survey (USGS) will need to be the primary source for groundwater protection and management.

Priority Concern #2

Due to the fluvial geomorphic characteristics of the Red River of the North Basin, Polk County is subject to frequent flooding. Some factors such as topography and increase precipitation are unmanageable, but other factors such as flood plain encroachment, channelization of waterways, land use practices and effective private drainage into public systems, are factors that can be assessed for *Best Management Practices.*

- Polk County Local Water Management Plan will focus on the quantity of water passing through the County and its associated watersheds by inventorying, assessing and evaluating the drainage infrastructure.

Priority Concern #3

Polk County is concerned with the preservation and enhancement of its natural resources. The geology of Polk County is divided into 3 distinct areas; the glacial-lake plain, glacial lake washed till plain and glacial moraine region. These major areas, because of their size, unique geographical features, and wide diversity of natural resources are of significant benefit to the area and citizens.

- Polk County in cooperation with other local, state, and federal agencies will work to restore, enhance and protect these areas through programs and projects that accomplish this; cautious it is not done at the expense of the local economy.

Priority Concern #4

Polk County Local Water Management Plan will identify any new or yet to date undiscovered exotic and invasive species for prevention and management practices.

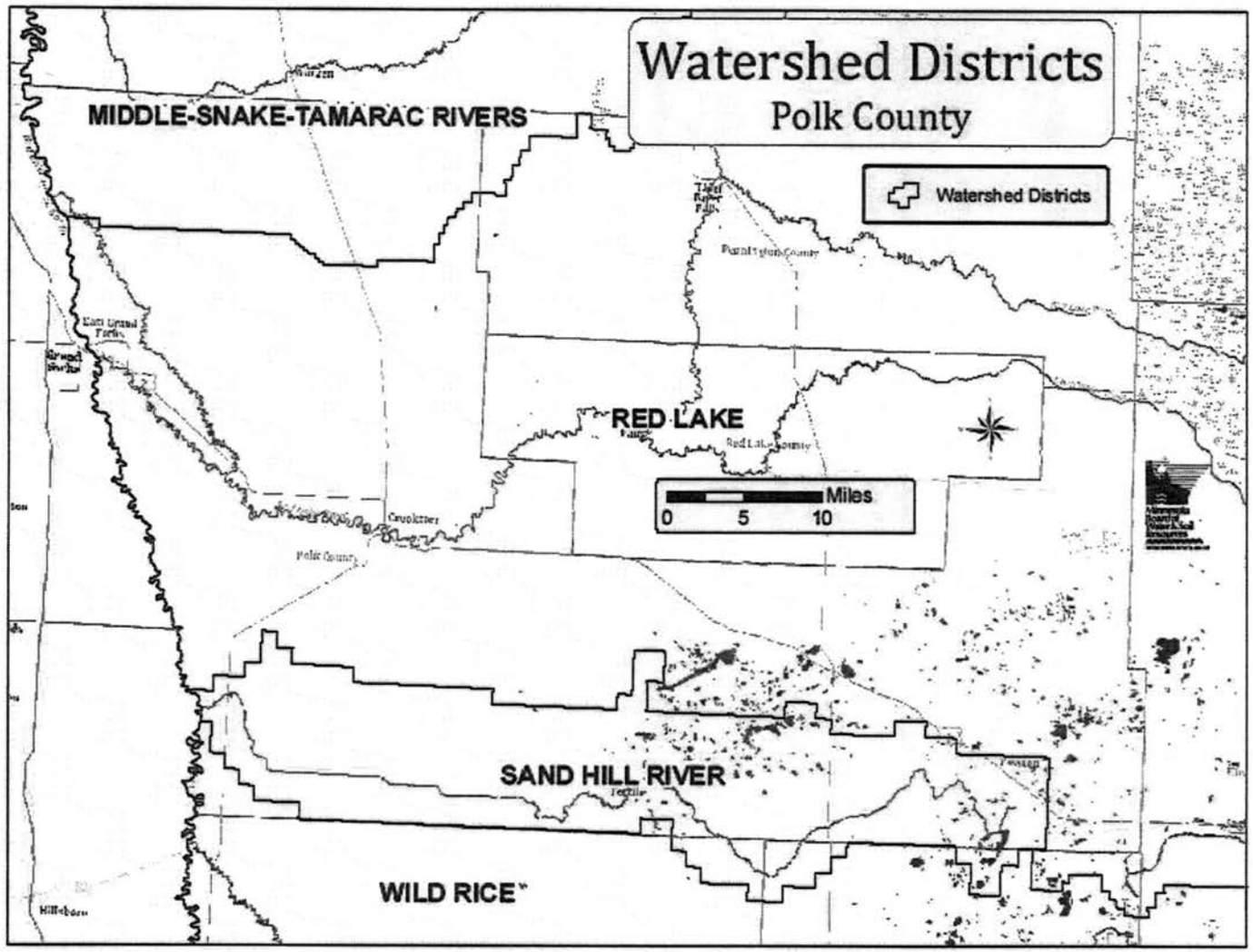
Consistency with Other Plans

In preparation of the Polk County Local Water Plan the most recent plans from several entities were examined to ensure consistency with their concerns. Major plans reviewed were the Sand Hill Watershed District Draft Watershed Management Plan and the Red Lake Watershed District Comprehensive 10 Year Plan. Local plans include Local Water Plans from adjacent counties, and local annual plans from SWCD's and Polk County Environmental Services. The Polk County Local Water Management Plan Update has utilized appropriate action items to support these plans and is consistent with goals and objectives presented in these plans.

The plan is also based on key economic and environmental principles, and is consistent with other plans that exist for Polk County, including Watershed Districts, Soil and Water Conservation Districts, Environmental Service agencies, Red River Valley Basin organizations, and appropriate state and federal agencies.

The plan also takes into consideration the adjacent County Local Water Management Plans in its water management strategies. All the river systems flowing through Polk County are influenced by watersheds that go beyond the jurisdictional boundary of Polk County, therefore to manage water on a watershed bases coordination with adjacent counties with common watersheds to Polk County will be required.

The four major watersheds that have drainage areas within the boundaries of Polk County include the *Grand Marais Creek, Red Lake River, Clearwater River Watersheds*, which are within the boundaries of the Red Lake Watershed District and the *Sand Hill River* which is the boundary for the Sand Hill River Watershed District. Having been an active participant in the updating processes of the Red Lake Watershed District Overall Plan, which was updated in 2006, and the Sand Hill River Watershed District Overall Plan in 2011 it is the intentions of Polk County Board of Commissioners and the Board of Supervisors for the West and East Polk SWCDs to recognize these Watershed District overall plans as a major reference documents for the implementation strategies for the priority concerns identified in the Polk County Local Water Management Plan. We support this approach based on the principles that water management is best managed on a comprehensive watershed basis. We realize we only make up portions of four of the sub-watersheds addressed in these 2 Watershed overall plans. We intend to reference these frequently as we proceed to implement local water management in our county.


Watershed Districts
Polk County
Watershed Districts
MIDDLE-SNAKE-TAMARAC RIVERS
RED LAKE
Miles
0 5 10
SAND HILL RIVER
WILD RICE

NEW BUSINESS

1. Conservation Corps Minnesota & Iowa Apprentice Program – Len Price and James Adkinson - ***INFORMATION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Conservation Corps Minnesota & Iowa

Meeting Date:

Agenda Category: ☐ Committee Recommendation ☒ New Business ☐ Old Business
Item Type: ☐ Decision ☐ Discussion ☒ Information
Section/Region:
Contact: Steve Woods
Prepared by: Steve Woods
Reviewed by: John Jaschke Committee(s)
Presented by: Len Price and James Adkinson

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other:

ACTION REQUESTED

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Conservation Corps of Minnesota and Iowa partners with BWSR for Clean Water Funding and the highly successful SWCD Apprentice Academy. The Apprentice Academy transfers knowledge from experienced professionals to the next generation of conservation managers. Real-world experience gained with SWCDs during their busy construction season is experience textbooks cannot convey. Len Price and James Adkinson will present the results of year one and address where the effort will go in 2012, 2013, and 2014.

Minnesota Board of Water & Soil Resources

DATE: May 14, 2012

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

FROM: John Jaschke, Executive Director

SUBJECT: BWSR Board Meeting Notice – May 23, 2012

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, May 23, 2012, beginning at 9:00 a.m. The meeting will be held in the lower level Board Room at 520 Lafayette Road N., St. Paul. Parking is available in the lot directly in front of the building (see hooded parking area).

We have a short meeting as there are two Committees (RIM and Grants) that will be meeting before and after the Board meeting with long agendas. The goal is to be finished by about 10:30 a.m. so that the Grants Committee can get started before lunch. The Committee meeting notices and agendas are at: http://www.bwsr.state.mn.us/aboutbwsr/index.html. Most of these items are expected to be part of the June Board meeting.

The following information pertains to agenda items:

COMMITTEE MEETINGS

Northern Water Planning Committee

1. **Polk County Local Water Management Plan Update** - The Northern Water Planning Committee met on April 11, 2012 to review the Polk County Plan Update and recommend approval. The Polk County Local Water Management Plan is identified as a 10-year plan with a review of the Plan in five years. ***DECISION ITEM***

NEW BUSINESS

1. **Legislative Update** – Julie Blackburn, Assistant Director. The legislature adjourned on May 8th. Bills that were passed and signed by the Governor included: the Omnibus Environment and Natural Resources Policy Bill, a Bonding Bill and the Legacy Bill. Julie will overview the key provisions of each bill. ***INFORMATION ITEM***

2. **Minnesota Elevation Mapping Project Update (aka LiDAR)** – Tim Loesch, DNR, GIS Operations Supervisor, will overview the digital elevation data acquisition and describe how it is used for many natural resource management functions and projects, including terrain analysis, other GIS applications, conservation practice planning and design (including wetland restorations), as well as for hydrologic modeling and other natural resource studies. ***INFORMATION ITEM***

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. The Board meeting is expected to adjourn about 10:30 a.m. I look forward to seeing you on May 23rd!

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

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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MAY 23, 2012

PRELIMINARY AGENDA

9:00 AM **CALL MEETING TO ORDER**

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF APRIL 25, 2012 BOARD MEETING

PUBLIC ACCESS FORUM (10-minute agenda time, two-minute limit/person)

INTRODUCTION OF NEW BWSR STAFF
- Angie Becker Kudelka, Organizational Effectiveness Director
- Jenny Gieseke, Training Coordinator

REPORTS
- Chair – Brian Napstad
- Administrative Advisory Committee – Brian Napstad
- Executive Director – John Jaschke
- Dispute Resolution Committee – Gerald Van Amburg
- Wetlands Committee – Gerald Van Amburg
- Grants Program & Policy Committee – Paul Langseth
- Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth
- RIM Reserve Management Planning Committee – Gene Tiedemann
- Drainage Work Group – Tom Loveall

COMMITTEE RECOMMENDATIONS
Northern Water Planning Committee
1. Polk County Local Water Management Plan Update – Quentin Fairbanks – ***DECISION ITEM***

NEW BUSINESS
1. Legislative Update – Julie Blackburn – ***INFORMATION ITEM***

2. Minnesota Elevation Mapping Project Update (aka LiDAR) – Tim Loesch, DNR, GIS Operations Supervisor - ***INFORMATION ITEM***

AGENCY REPORTS

- Minnesota Department of Agriculture – Matthew Wohlman
- Minnesota Department of Health – Chris Elvrum
- Minnesota Department of Natural Resources – Tom Landwehr
- Minnesota Extension Service – Faye Sleeper
- Minnesota Pollution Control Agency – Rebecca Flood

ADVISORY COMMENTS

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

UPCOMING MEETINGS

- Next Board Meeting – June 27, 2012
- BWSR Board Tour and Meeting – August 22-23, 2012

11:30 AM ADJOURN

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, APRIL 25, 2012

BOARD MEMBERS PRESENT:
Bob Burandt, Joe Collins, Jack Ditmore, Chris Elvrum, MDH; Quentin Fairbanks, Christy Jo Fogarty, Sandy Hooker, Paul Langseth, Tom Loveall, Keith Mykleseth, Brian Napstad, Tom Landwehr, DNR; Faye Sleeper, MES; Steve Sunderland, Gene Tiedemann, Gerald Van Amburg, Matt Wohlman, MDA

BOARD MEMBERS ABSENT:
Rebecca Flood, PCA
Todd Foster
John Meyer

STAFF PRESENT:
Don Buckhout, Tim Dykstal, Bill Eisele, Travis Germundson, Jim Haertel, John Jaschke, Sherri Johnson, Al Kean, Kari Keating, Misty Pellerin, Paul Senne, Ron Shelito, Pete Waller, Jason Weinerman, Dave Weirens, Brad Wozney

OTHERS PRESENT:
Leann Buck, MASWCD
Tim Koehler, NRCS
Doug Norris, DNR
Len Price, Conservation Corp. MN
James Adkinson, Conservation Corp. MN
Eric Antonson, Conservation Corp. MN

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Chair Napstad called the meeting to order at 9:04 a.m.

PLEDGE OF ALLEGIANCE

** 12-29 **ADOPTION OF AGENDA** Moved by Paul Langseth, seconded by Sandy Hooker, to adopt the agenda as amended. Motion passed on a voice vote.

** 12-30 **MINUTES OF MARCH 28, 2012 BOARD MEETING** – Moved by Quentin Fairbanks, seconded by Paul Langseth, to approve the minutes of the March 28, 2012, as circulated. Motion carried.

INTRODUCTION OF NEWLY APPOINTED BOARD MEMBERS
Joe Collins, WD Representative
Jack Ditmore, Citizen
Steve Sunderland, SWCD Representative

INTRODUCTION OF NEW BWSR STAFF
Tim Dykstal, Fiscal Compliance Director
Misty Pellerin, Accounting Officer

REPORTS
Chair – Brian Napstad reported that he is ready to conduct the Executive Director's performance evaluation, but he is still missing a few evaluations. He is on the EQB Board (now vice chair), and that as part of the Executive Order they are looking for stakeholder input from people related to environmental permitting and are planning for an upcoming environmental congress, "State of the Environment". The Mississippi Headwaters Board met with the member counties involved to assess whether they were on the right track with the Clean Water Fund money they had received from BWSR.

Administrative Advisory Committee – John Jaschke reported on the agenda items that included; Legislative update, a revised Committee roster, the Buffalo Red River Watershed District enlargement petition, the Executive Director Performance Review schedule and a staffing update.

Executive Director – John Jaschke went through materials in the folder and provided a Legislative update that included: Environmental Policy Bills: HF 2164/SF 1830. RIM and Road Wetland Replacement Bonding Bills: HF 2622, HF1752, HF1752, SF 2577; the Legacy Omnibus Bills: SF 2493/HF 2430; and, the Omnibus Agriculture Policy Bill: HF2398.

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Dispute Resolution Committee – Travis Germundson reported that there has been one new appeal since the summary included in the board packet. File 12-06 is an appeal of a restoration order in Rock County. Travis provided an update on a couple of pending appeals and mentioned that with several new Dispute Resolution Committee appointments, he will discuss with the new committee chair the possibility of a training session with the Office of the Attorney General.

Wetlands Committee – Gerald Van Amburg reported that the Wetlands Committee will be meeting directly after the Board Meeting. He previously met with staff to discuss current business.

Grants Program & Policy Committee – Paul Langseth reported that the Grants Program & Policy Committee met after last month's meeting and they will have an item on the agenda.

Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth reported that they have not met.

RIM Reserve Management Planning Committee – Gene Tiedemann reported that they have not met but plan to next month.

Drainage Work Group – Tom Loveall reported that they have not met due to legislative session, but that they have received a report from Al Kean. The report deals with what is the effect of drainage tile on flooding based on analysis from the Red River Valley. The report will be posted on BWSR's website. The Drainage Work Group is looking to schedule a meeting in June.

COMMITTEE RECOMMENDATIONS

Grants Program & Policy Committee

Biennial Budget Request – Dave Weirens gave some background on the Biennial Budget Request. He walked the Board through the timeline to implement the Biennial Budget request and reviewed the policy. This process will replace the SWCD Annual Plan and the Allocation and Contribution Statements for the Natural Resources Block Grant. There was some discussion and several questions. Moved by Paul Langseth, seconded by Matt Wohlman to approve the Biennial Budget Request and authorize staff to implement this new approach to agency grant programs. Gerald Van Amburg called for the question. Motion passed on a voice vote.

** 12-31

Metro Water Planning Committee

Mississippi WMO Plan Amendment – Brad Wozney presented the final draft Amendment to the Mississippi WMO Watershed Management Plan, filed with the Board on March 20, 2012. The draft Order contains a summary of the changes and

DRAFT

the reviewing agencies' comments. No comments were received during the public
** hearing that resulted in revisions to the draft Amendment. Moved by Bob Burandt,
12-32 seconded by Faye Sleeper, to approve the Metro Water Planning Committee's recommendation to approve the Plan Amendment. Motion passed on a voice vote.

Ramsey-Washington Metro WD Enlargement Public Hearing – 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 soon to be dissolved Grass Lake WMO. Minn. Stat. § 103D.261, subdivision 2, subitem A, requires a public hearing be held before the Board makes a decision on the Petition. The Metro Water Planning Committee recommends a public hearing be held within 35 days of the date of the Board's Order after proper notice has been given, that the Committee preside over the public hearing and bring recommendations on the Petition to the Board, and that the Executive Director set the date, time and location of the public hearing after coordination with the appropriate parties per the attached draft Order.
** Moved by Bob Burandt, seconded by Tom Landwehr, DNR, to approve the Committee
12-33 recommendation to set a public hearing. A date for the hearing is tentatively set for Tuesday, May 29, 2012. Motion passed on a voice vote.

Wright SWCD Nomination Districts – Jim Haertel reported that the Wright SWCD currently has nomination districts for supervisors. The attached Nomination Districts Resolution does not change the current nomination districts, rather it clarifies them. The Wright County Auditor requested clarification due to the expansion of rural cities over the years. The resolution clarifies that the nomination districts remain along township lines regardless of city boundaries. The Wright SWCD Board of Supervisors unanimously adopted the resolution. The Metro Water Planning Committee, based on a
** unanimous vote recommends the Board approve the Resolution. Moved by Paul
12-34 Langseth, seconded by Sandy Hooker, to approve the Nomination Districts Resolution per the one sentence resolution immediately under the signature of the Wright SWCD Secretary. Motion passed on a voice vote.

Northern Water Planning Committee

Buffalo Red Watershed District Enlargement and Increase of Managers Petition – Ron Shelito and Pete Waller reported that the Enlargement and increase in Number of Managers of the Buffalo Red River Watershed District (BRRWD) was held February 23rd as a result of the January 4, 2012 petition from the Buffalo Red River Watershed District, Otter Tail County and Wilkin County. This is the same area Wilkin County Petitioned to establish the Upper Red Lower Otter Tail Watershed District. At the September 7, 2011 establishment hearing, Otter Tail County suggested enlarging the

BRRWD as an alternative to establishing a new watershed district. Wilkin County agreed to have their establishment petition held in abeyance to allow time for Wilkin and Otter Tail Counties and the BRRWD to further explore Otter Tail County's suggestion. The Northern Water Planning Committee met April 11, 2012, reviewed and recommends approval of the enlargement and increase in the number of managers petition of the BRRWD. Increase the number of managers to seven with the distribution of: 3-Clay County, 2-Wilkin County, 1-Becker County and 1-Otter Tail County; and the BRRWD's Watershed Management Plan be amended within two years.

** 12-35 Moved by Paul Langseth, seconded by Gene Tiedemann, to approve the Northern Water Planning Committee recommendation of the approval of the enlargement and increase in the number of managers petition of the BRRWD and to increase the number of managers to seven. Gerald Van Amburg abstained. Motion passed on a voice vote.

Crow Wing SWCD Supervisor Boundary Change Request – Quentin Fairbanks reported that the Crow Wing Soil and Water Conservation District is requesting that BWSR approve a change to Supervisor Nomination Districts. At their January 18, 2012 regular board meeting, the Crow Wing board of supervisors voted to change the boundaries of supervisor nomination Districts 3 and 4 (see attached map). The purpose of the change is to have the Whitefish Chain of Lakes entirely within on nominating district (District 4). This would be achieved by the City of Crosslake from District 3 and placing it in District 4. Moved by Keith Mykleseth, seconded by Quentin Fairbanks to approve the change to Supervisor Nomination Districts. Motion passed on a voice vote.

** 12-36

Isanti County Five Year Plan Amendment – Quentin Fairbanks reported that on June 30, 2006, the Board of Water and Soil Resources approved Isanti County's Comprehensive Local Water Management Plan for a ten year period from 2006-2016 with a required amendment by May 2011. On April 20, 2011, the county passed a resolution to begin the amendment process. The amended plan was submitted to the Brainerd field office on December 5, 2011. The Northern Water Planning Committee met on April 11, 2012 where they reviewed the plan amendment and recommended approval of the amendment through May 31, 2016. Moved by Keith Mykleseth, seconded by Quentin Fairbanks, to approve the amendment through May 31, 2016. Motion passed on a voice vote.

** 12-37

Itasca County Local Water Management Plan Amendment – Quentin Fairbanks reported that Itasca County submitted their amended Local Water Management Plan for final state review and comment. The Northern Water Planning Committee met on April 11, 2012 and recommends approval of the Plan amendment. Moved by Quentin Fairbanks, seconded by Sandy Hooker, to approve the Itasca County Local Water Management Plan Amendment. Motion passed on a voice vote.

** 12-38

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NEW BUSINESS

Conservation Corps Minnesota & Iowa Apprentice Program – The Conservation Corps of Minnesota and Iowa partners with BWSR for Clean Water Funding and the highly successful SWCD Apprentice Academy. The Apprentice Academy transfers knowledge from experienced professionals to the next generation of conservation managers. Real-world experience grained with SWCDs during their busy construction season is experience textbooks cannot convey. Len Price and James Adkinson presented the results of year one and addressed where the effort is expected go in 2012 and beyond.

AGENCY REPORTS

Minnesota Department of Agriculture – Matthew Wohlman reported that MDA Ag Water Quality Certification Task Force will be named in May and begin their work in June.

Minnesota Department of Health – Chris Elvrum reported that Health pulled together a meeting with different agencies to discuss Frac Sand mining.

Minnesota Department of Natural Resources – Tom Landwehr reported on the recent grasslands meeting that included NRCS Chief Dave White. CRP acres will be coming up for renewal and it is likely that a lot of landowners may not renew. There are discussions underway on how to keep more grass on the landscape. He also updated members on the legislative status of the school trust land management issue.

ADVISORY COMMENTS

Minnesota Association of Soil and Water Conservation Districts – LeAnn Buck welcomed new board members. MASWCD has policy positions related to some of what BWSR does and if there are comments to let her know. Streamlining of federal programs is one expected outcome of the next federal farm bill. The Ag water certainty project includes several SWCD representatives. LeAnn was asked about the BBR and what MASWCD thinks. The Association has not taken a position on this program because they are still learning. They have some reservations yet, but support the goal of the effort.

Minnesota Association of Townships – Sandy Hooker reported that they have a new Executive Director and they are excited about him taking them in a new direction.

Natural Resources Conservation Service – Tim Koehler reported that they are working with RIM /WRP funds in the Red River Valley. There have been some expressed needs for increased technical support. NRCS has been working with BWSR's Engineering and Easement staff to work on a process for the local government units to know who does what.

DRAFT

UPCOMING MEETINGS
Next Board Meeting – May 23, 2012

** 12-39 Moved by Bob Burandt, seconded by Paul Langseth, to adjourn the meeting at 1:05 p.m. Motion passed on a voice vote.

Respectfully submitted,

Kari Keating
Recorder

DRAFT

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution Committee Report

Meeting Date: May 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
May 11, 2012
By: Travis Germundson

There are presently **16** appeals pending. All of the appeals involve WCA except File 10-10. There have been **no** new appeals filed since the last report dated April 25, 2012.

.

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 12-06 (4-16-12). This is an appeal of a restoration order in Rock County. The appeal regards the ditching and tiling of up to 20 acres of wetlands associated with agricultural activities. No decision has been made on the appeal.

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.

File 12-04 (3-23-12) This is an appeal of a restoration order in Todd County. The appeal regards the placement of fill within the building setback zone identified in the local shoreland management ordinance. No decision has been made on the appeal.

File 12-03 (2-21-12) This is an appeal of a no-loss determination in Hennepin County. The site is within the boundaries of the Mississippi National River and Recreation Area. 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. The appeal has been remanded for the TEP to produce a written report adequately addressing the No-Loss determination and for administrative proceeding (conduct a public hearing producing written findings).

File 12-02 (1-18-12) This is an appeal of a restoration order in Aitkin County. The appeal regards the excavation and filling of approximately 30,200 sq. ft. of a Type 7 wetland association with the construction of private road/trail. The appeal has been placed in abeyance and the restoration order stayed for proper service of the restoration order and for submittal of additional information in support of the appeal.

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

File 10-10 (6-10-10) This is an appeal filed under Minn. Stat. 103D.535 regarding an order of the managers of the Wild Rice Watershed District not to go forward with the Upper Becker Dam Enhancement Project as proposed. Appeals filed under 103D.535 require that the Board follow the Administrative Procedures Act. The Act requires that the hearing be conducted by an Administrative Laws Judge through the Office of Administrative Hearings. The appeal has been placed in abeyance pending settlement discussions. A verbal settlement agreement has been reached by the parties. (at the December 2010 Board meeting, Managers voted 6 to 1 to move forward with Option D)

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

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

File 09-13 (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. The scheduling was delayed to allow the LGU the opportunity to resolve this matter in formally. Discussions have since broken off and now the LGU is requesting that BWSR move forward with the appeal.

File 09-10 (7-9-09) This is an appeal of a banking plan application in Aitkin County. The appeal regards the LGU's denial of a banking plan application to restore 427.5 acres of wetlands through the use of exceptional natural resource value. The appeal has been accepted and pre-hearing conferences convened on October 13 and 30, and December 14, 2009. Settlement discussions are on hold while the appellant addresses permitting issues with the Corps of Engineers. The appeal has been placed in abeyance by mutual agreement on determining the viability of a new wetland banking plan application.

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

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

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

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

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

Summary Table

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

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

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

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Polk County LWMP Update Approval☐

Meeting Date: May 23, 2012

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

Item Type: ☐ Decision ☐ Discussion ☐ Information

Section/Region: North Region

Contact: Ron Shelito

Prepared by: Brian Dwight

Reviewed by: Northern Water Planning Committee Committee(s)

Presented by: Committee Member

☐ **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

Board approval of the Polk County Local Water Management Plan Update

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
This agenda item was delayed from the April meeting until the May meeting due to the official county newspaper failure to publish the public hearing announcement , thus the hearing had to be delayed a month to meet public meeting announcment requirments

The Polk County Plan Update adequately addresses all of the priority concerns identified in the Priority Concerns Scoping Document. The priority concerns for this Plan Update have remained the same as in the previous Plan with an addition of an additional priority concern. Priority concerns for this Plan update are:

- Surface Water Quality: With attention given to lakes in East Polk County and source water protection (surface water appropriations) for domestic use in West Polk County
- Quantity of water passing through Polk County
- Management, Enhancement, and Preservation of Natural Resources
- Exotic and Invasive Species Management: Aquatic and Terrestrial Invasive Species (new priority concern).

The Plan Update identifies four major watersheds within the County (Grand Marais River, Sand Hill River, Red Lake River and the Clear Water River) and has identified the tasks needed to address priority concerns in the watersheds. In addition to the LWMP objectives, the Polk Plan Update also makes specific reference to the Red Lake and Sand Hill River Watershed Districts Long Range Plans as a major guidance document for the implementation strategies for the priority concerns identified in the Polk County Plan Update. The Polk County Plan Update is identified as a 10-year plan with a review of the plan in five years. The Polk County Local Water management Plan meets the content requirements in 103D.314, follows BWSR guidelines and addresses the issues identified by the local planning task force and the state review agencies. The Northern Water Planning Committee recommends approval of the Polk County Local Water Management Plan.

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Polk County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on March 14, 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 April 6, 2010 The Polk County Board of Commissioners passed a resolution to update their Local Water Management Plan, pursuant to M.S. Sections 103B.301- 103B.335.

2) On April 15, 2011 the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Polk County, pursuant to M.S. Section 103B.312.

3) On June 15, 2011 The Northern Plan Review Committee reviewed the Priority Concerns Scoping Document with representatives from Polk County.

4) On June 22, 2011 the Board of Water and Soil Resources approved official comments on the Polk County Priority Concerns Scoping Document, which were mailed to the county on June 25, 2011.

5) The priority concerns, in no particular order of importance, the Plan Update addresses include:
    - Surface Water quality: Lakes in East Polk County and Surface water quality particularly for domestic use in West Polk County
    - Quantity of water passing through Polk County
    - Management, Enhancement, and Preservation of Natural Resources in Polk County
    - Exotic and Invasive Species Management: Aquatic and Terrestrial Invasive Species

6) On March 14, 2012 the BWSR received the Polk County Plan Update for final review.

7) On March 16, 2012 the final Polk County Plan Update was sent out for state agency review.

8) Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture: Missing the plan input opportunity during Priority Concerns Scoping, MDA provided suggestive considerations to the final Plan Update regarding agricultural drainage, ground and surface water protection, and manure management.
   B) Minnesota Department of Health: Approve the entire Plan Update as submitted
   C) Minnesota Department of Natural Resources: The DNR stated that the Plan Update adequately addressed the stated priority concerns and recommends its approval but provided comments regarding suggestive changes to grammatical corrections, goal and objective statements, and formatting to provide for better "readability".
   D) Minnesota Pollution Control Agency: no recommendation received
   E) Minnesota Environmental Quality Board: no recommendation received;
   F) Minnesota Board of Water and Soil Resources: the Plan Update meets plan content requirements of 103B.314 and regional staff recommends approval;

9) On April 11 2012, the Northern Water Planning Review Committee of the board meet with representatives from Polk County to review the Plan Update, and the recommendations of the state review agencies regarding final approval of the Polk County Plan Update.

10) Northern Water Plan Review Committee: Pending no concerns brought forward at the public hearing held by the Polk County board of Commissioners regarding the Polk County Plan Update the Northern Plan Review Committee recommends approval of the Polk County Local Water Management Plan

11) On May 18, 2012 a record of the public hearing, and copies of all written comments pertaining to the Plan Update where received by the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

12) This Plan Update will be in effect for a ten-year period until May 23, 2022, with a review and an update of the work plan in 2017.

CONCLUSIONS

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

2. The Polk County Plan Update attached to this Order states water and water-related problems within the county; 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 Polk County Local Water Management Plan – May 23, 2012 to May 23, 2022 with a review and update of its work plan in 5 years.

Dated at St Paul, Minnesota, this twenty-third day of May 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Brian Napstad, Chair

Polk County Local Water Plan



Local Water Management Coordinators

East Polk Soil & Water Conservation District
West Polk Soil and Water Conservation District

Polk County Board of Commissioners

Warren Affeldt
P.O. Box 265
Fosston, MN 56542

Donald Dietrich
32620 200th St. SW
Warren, MN 56762

Craig Buness
408 Stuart Ave.
Crookston, MN 56716

William (Bill) Montague
813 Thorndale Ave.
Crookston, MN 56716

Warren Strandell
2024 10th St. SE
East Grand Forks, MN 56721

Polk County Water Plan Task Force Committee Members

Warren Affeldt	County Commissioner
Craig Buness	County Commissioner
Gary Lee	East Polk Soil & Water Conservation District
Katie Engelmann	East Polk Soil & Water Conservation District
Larry Vettleson	East Polk Soil & Water Conservation District
Russ Severson	West Polk Soil & Water Conservation District
Nicole Bernd	West Polk Soil & Water Conservation District
Brian Dwight	MN Board of Water & Soil Resources
Josh Johnston	Polk County Environmental Services
Terry Wolfe	MN Department of Natural Resources
Randy Huelskamp	Natural Resources Conservation Service
Dan Wilkens	Sand Hill River Watershed District
Corey Hanson	Red Lake Watershed District
Nick Drees	Middle River Snake River Watershed District
Jim Courneya	MN Pollution Control Agency
Keith Mykleseth	The Nature Conservancy
Wayne Goeken	River Watch
	U.S. Fish & Wildlife Service
	MN Department of Agriculture
	MN Department of Health
	Maple Lake Improvement District
	City of Crookston
	City of East Grand Forks

Table of Contents

County Commissioners.....2
Task Force Committee.....3

I. Executive Summary.....5
Introduction
Purpose of the Local Water Management Plan
Local Water Management Update Process
Description of Priority Concerns
Consistency with Other Plans
Watersheds in Polk County

II. Priority Concerns.....20
Assessment of Priority Concern 1
Assessment of Priority Concern 2
Assessment of Priority Concern 3
Assessment of Priority Concern 4

III. Goals and Objectives.....59
Priority Concern 1
Priority Concern 2
Priority Concern 3
Priority Concern 4

IV. Implementation Schedule.....69
Priority Concern 1
Priority Concern 2
Priority Concern 3
Priority Concern 4

V. Ongoing Activities.....77

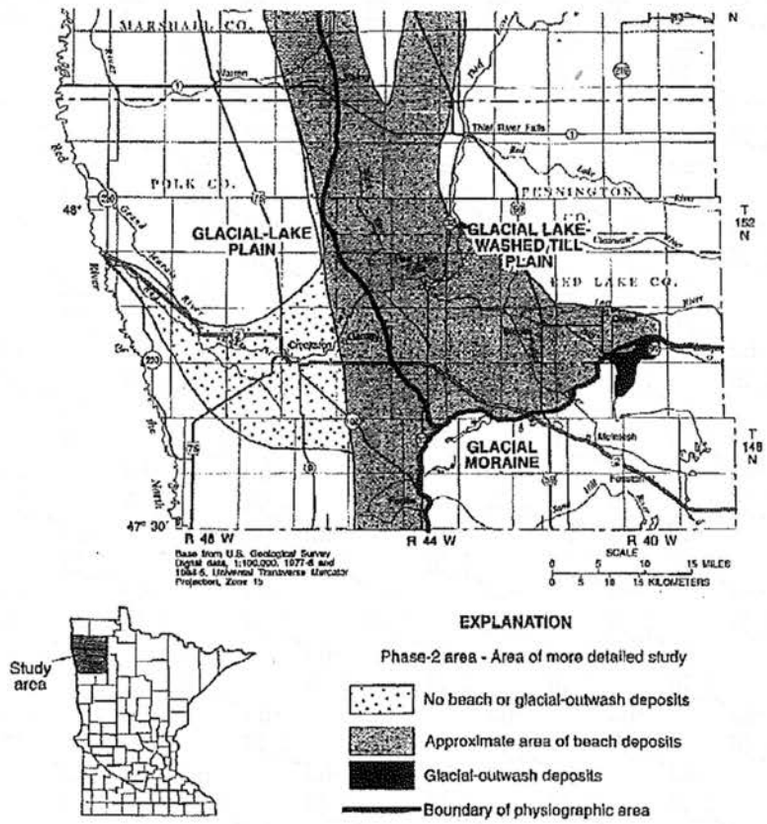
Appendix A: Acronyms for Cooperators.....79
Appendix B: Priority Concerns Scoping Document.....80

I. Executive Summary

Introduction

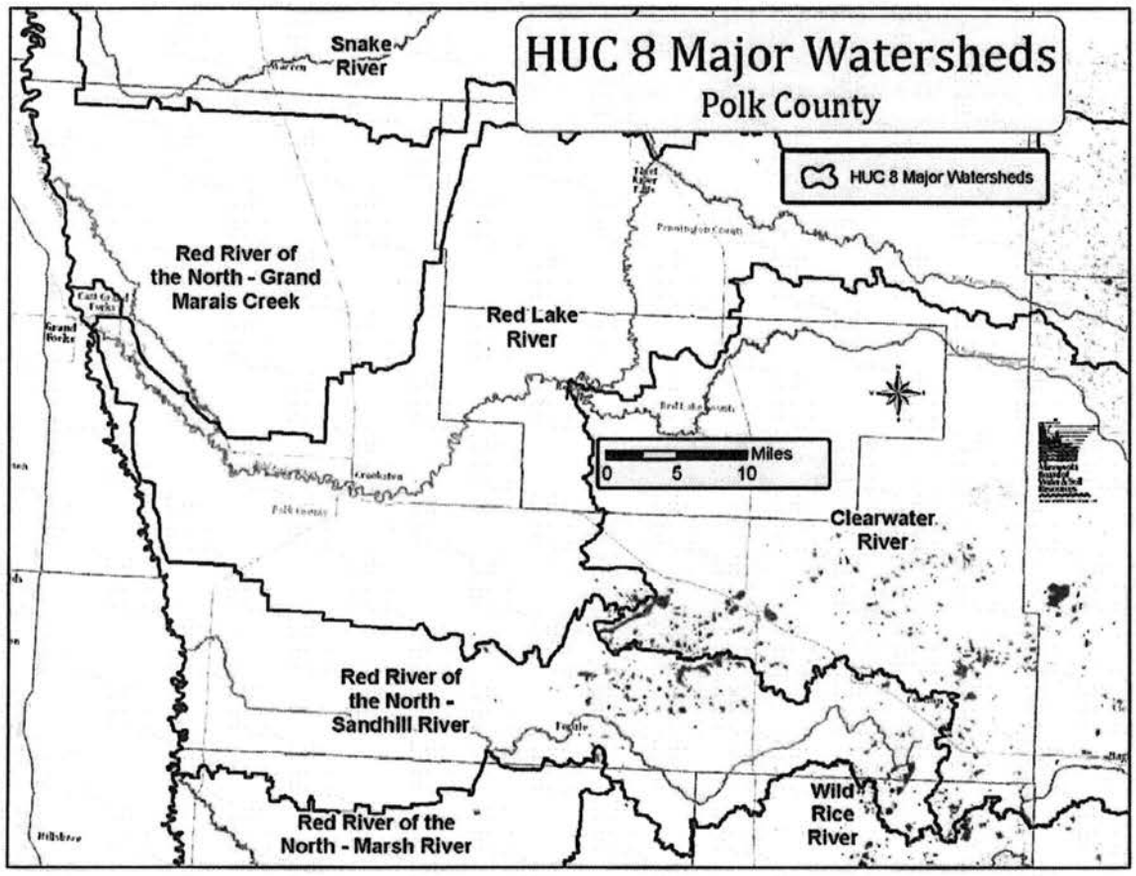
Polk County is located in northwest Minnesota. According to the U.S. Census Bureau, the county has a total area of 1,998 square miles, of which 1,971 square miles are land and 27 square miles are water. According to the April 1, 2010 census, the population of Polk County was 31,600. Projected population change as reported by the Minnesota Demographic Center, (June, 2007) show the population increases slightly (32,610) by the year 2015. The County seat is located in Crookston and the largest community is East Grand Forks. There are 58 townships and 15 cities within the county.

Polk County includes three general physiographic areas; glacial-lake plain, glacial lake-washed till plain, and glacial moraine area. The western third of Polk County is glacial-lake plain. This area is extremely flat, sloping only a few feet per mile. At one time it was the floor of glacial Lake Agassiz. The silty loam sediments that accumulated there formed fertile soils making one of North America's most fertile farming regions. The glacial lake-washed till plain is flat to gently rolling area that has local relief up to 15 feet and is located mid-county. The western part of the glacial lake-washed till plain is traversed by north-south and northeast-southwest trending long, narrow beach ridges, some are as much as 20 feet high. The glacial moraine is an area of hills and depressions that has local relief up to 150 feet and is present in the eastern part of Polk County. (*U.S. Geological Survey, Water-Resources Investigation Report 95-4201, 1996*).



Polk County lies within the Red River of the North Basin Watershed. Due to the unique lake/river basin soils left by Glacial Lake Agassiz the primary land use of Polk County is agriculturally based, approximately 78%. The 2007 Census of Agriculture County Data from the USDA National Agriculture Statistic Service shows the number of farms in Polk County is 1,609 with the average farm size at 684 acres. The total cropland acres are 976,367 and with 10,439 acres of irrigated land. Land use practices in the beach ridge areas have previously been gravel mining and agriculture. These areas are now trending toward the restoration of pre-settlement conditions.

Four major watersheds are predominant within the jurisdictional boundaries of Polk County. They include the *Grand Marais Creek, Red Lake River, Sand Hill River and the Clearwater River Watersheds*. Three other major watersheds have small acreage within the County. They are the *Wild Rice, Snake, and Marsh Watersheds*.



Purpose of the Local Water Management Plan:

The purpose of this updated Local Water Management Plan (LWMP) is to identify existing and potential problems and opportunities for protection, management and development of water resources and related land resources in Polk County. Pursuant to the requirements of Minn. Stat. 103B311 subd.4, the five requirements of this plan are as follows:

1. The plan must cover the entire county.

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

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

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

5. The plan will cover a ten year period (2012 – 2022) with an implementation plan that will cover a five year period (2012 – 2017) and will then be update for the remaining five years.

Polk County Local Water Management Plan's Update Process

The Polk County Water Plan focuses on water and related land resource issues. The county has gathered and studied available information relating to the physical environment, including, but not limited to, the surface and ground water resources, and their related land use.
Concerns were identified, analyzed, and prioritized by the Polk County Water Plan Task Force Committee within the context of the watershed units and ground water systems where appropriate. The plan applies to the entire area within the county.

The Polk County Water Plan is coordinated and administered by the East Polk Soil and Water Conservation District and the West Polk Soil and Water Conservation District.
The Polk County Water Plan (previously known as the Polk County Comprehensive Local Water Plan) was first developed and approved by the Minnesota Board of Water and Soil Resources in 1990. It was developed as a five year plan and was updated in 1997 (the 1990-1995 Plan was granted a two year extension). The 1997-2002 Plan was granted a two year extension. The 2005 to 2009 plan was also granted a two year extension which expired December 31, 2011.

Priority Concerns of Polk County

Priority Concern #1

The Polk County Local Water Management Plan will focus on protection and enhancement of surface water quality. Specific areas of focus will be:

- Lake Region in the eastern part of the county, with specific focus on the human impacts.
  - Increases in development around smaller, non-recreational lakes and larger wetland complexes should be assessed to determine if adverse impacts have affected the water quality of these smaller bodies of water.
  - For nearly all of the lakes in this ecoregion phosphorus is the limiting factor. Major management efforts related to water quality are directed at limiting the amount of phosphorus loading into the lakes.
  - Sediment loading has also become a major concern to the water quality of the lakes. Proper land use management and implementation of Best Management Practices needs to be analyzed and addressed.
- Surface water and ground waters in the western part of the county.
  - The City of East Grand Forks receives its public water supply from the Red Lake River.
  - The Red Lake River is impaired for turbidity and management efforts should focus on sediment loading into the Red Lake River and its tributaries.
- In addition to the above mentions specific areas of concern for Polk County, The County Board, Watershed Districts and SWCD's will actively pursue efforts to address surface water quality concerns within the county.
- Although surface water is of primary concern for Polk County we will be responsive to the need to monitor and protect our groundwater resources. We will participate to our fullest capacity but state and federal agencies such as Minnesota Department of Health (MDH) and United States Geological Survey (USGS) will need to be the primary source for groundwater protection and management.

Priority Concern #2

Due to the fluvial geomorphic characteristics of the Red River of the North Basin, Polk County is subject to frequent flooding. Some factors such as topography and increase precipitation are unmanageable, but other factors such as flood plain encroachment, channelization of waterways, land use practices and effective private drainage into public systems, are factors that can be assessed for *Best Management Practices.*

- Polk County Local Water Management Plan will focus on the quantity of water passing through the County and its associated watersheds by inventorying, assessing and evaluating the drainage infrastructure.

Priority Concern #3

Polk County is concerned with the preservation and enhancement of its natural resources. The geology of Polk County is divided into 3 distinct areas; the glacial-lake plain, glacial lake washed till plain and glacial moraine region. These major areas, because of their size, unique geographical features, and wide diversity of natural resources are of significant benefit to the area and citizens.

- Polk County in cooperation with other local, state, and federal agencies will work to restore, enhance and protect these areas through programs and projects that accomplish this; cautious it is not done at the expense of the local economy.

Priority Concern #4

Polk County Local Water Management Plan will identify any new or yet to date undiscovered exotic and invasive species for prevention and management practices.

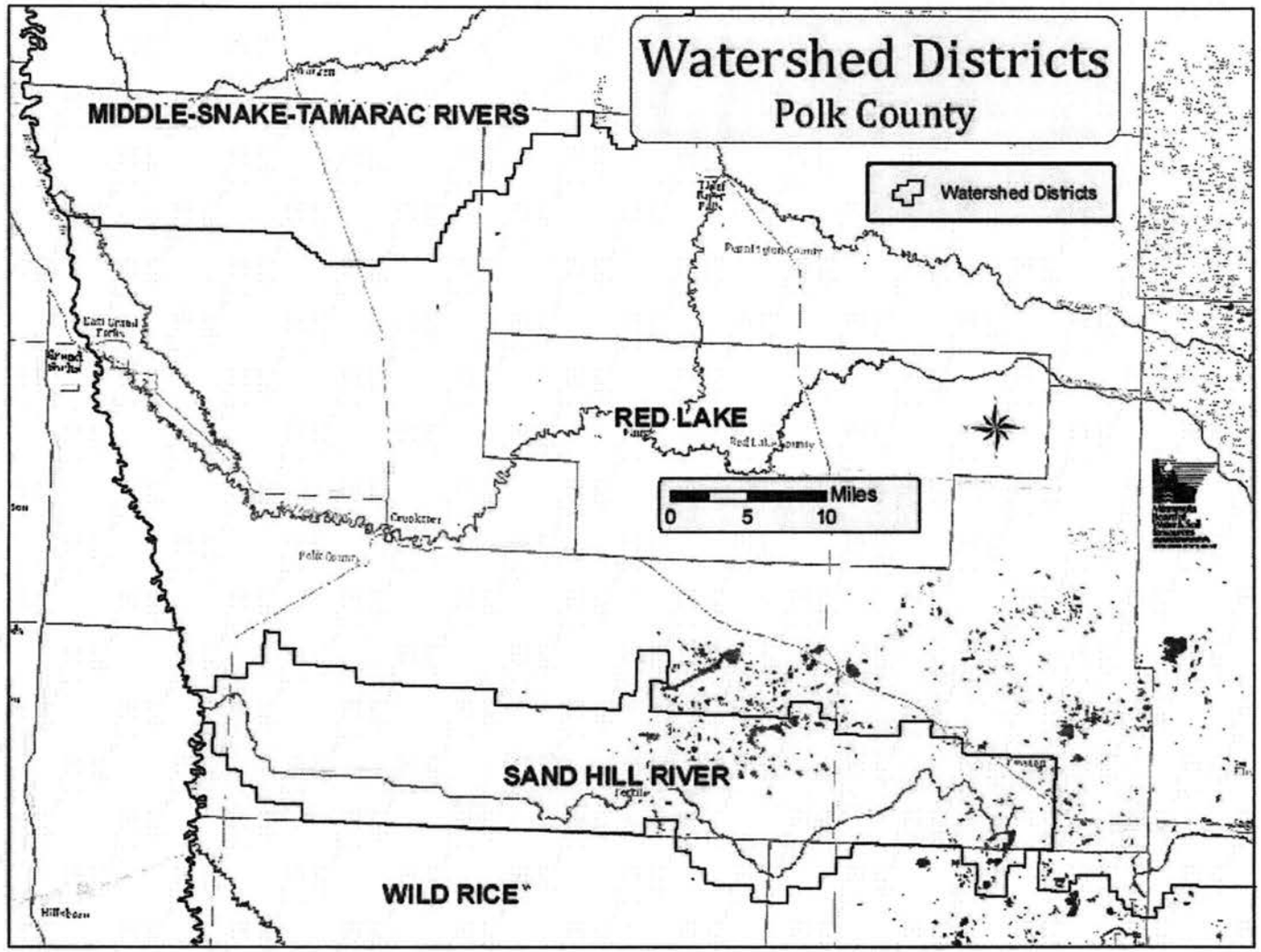
Consistency with Other Plans

In preparation of the Polk County Local Water Plan the most recent plans from several entities were examined to ensure consistency with their concerns. Major plans reviewed were the Sand Hill Watershed District Draft Watershed Management Plan and the Red Lake Watershed District Comprehensive 10 Year Plan. Local plans include Local Water Plans from adjacent counties, and local annual plans from SWCD's and Polk County Environmental Services. The Polk County Local Water Management Plan Update has utilized appropriate action items to support these plans and is consistent with goals and objectives presented in these plans.

The plan is also based on key economic and environmental principles, and is consistent with other plans that exist for Polk County, including Watershed Districts, Soil and Water Conservation Districts, Environmental Service agencies, Red River Valley Basin organizations, and appropriate state and federal agencies.

The plan also takes into consideration the adjacent County Local Water Management Plans in its water management strategies. All the river systems flowing through Polk County are influenced by watersheds that go beyond the jurisdictional boundary of Polk County, therefore to manage water on a watershed bases coordination with adjacent counties with common watersheds to Polk County will be required.

The four major watersheds that have drainage areas within the boundaries of Polk County include the *Grand Marais Creek, Red Lake River, Clearwater River Watersheds*, which are within the boundaries of the Red Lake Watershed District and the *Sand Hill River* which is the boundary for the Sand Hill River Watershed District. Having been an active participant in the updating processes of the Red Lake Watershed District Overall Plan, which was updated in 2006, and the Sand Hill River Watershed District Overall Plan in 2011 it is the intentions of Polk County Board of Commissioners and the Board of Supervisors for the West and East Polk SWCDs to recognize these Watershed District overall plans as a major reference documents for the implementation strategies for the priority concerns identified in the Polk County Local Water Management Plan. We support this approach based on the principles that water management is best managed on a comprehensive watershed basis. We realize we only make up portions of four of the sub-watersheds addressed in these 2 Watershed overall plans. We intend to reference these frequently as we proceed to implement local water management in our county.


Watershed Districts
Polk County
Watershed Districts
MIDDLE-SNAKE-TAMARAC RIVERS
RED LAKE
Miles
0 5 10
SAND HILL RIVER
WILD RICE

NEW BUSINESS

1. Legislative Update – Julie Blackburn – ***INFORMATION ITEM***

2. Minnesota Elevation Mapping Project Update (aka LiDAR) – Tim Loesch, DNR, GIS Operations Supervisor - ***INFORMATION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: MN Digital Elevation Mapping (LiDAR) Update

Meeting Date: May 23, 2012

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

Item Type: ☐ Decision ☐ Discussion ☒ Information

Section/Region: Technical Services Section

Contact: Al Kean

Prepared by: Al Kean

Reviewed by: _____ Committee(s)

Presented by: Tim Loesch, DNR, Al Kean, BWSR

☒ **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

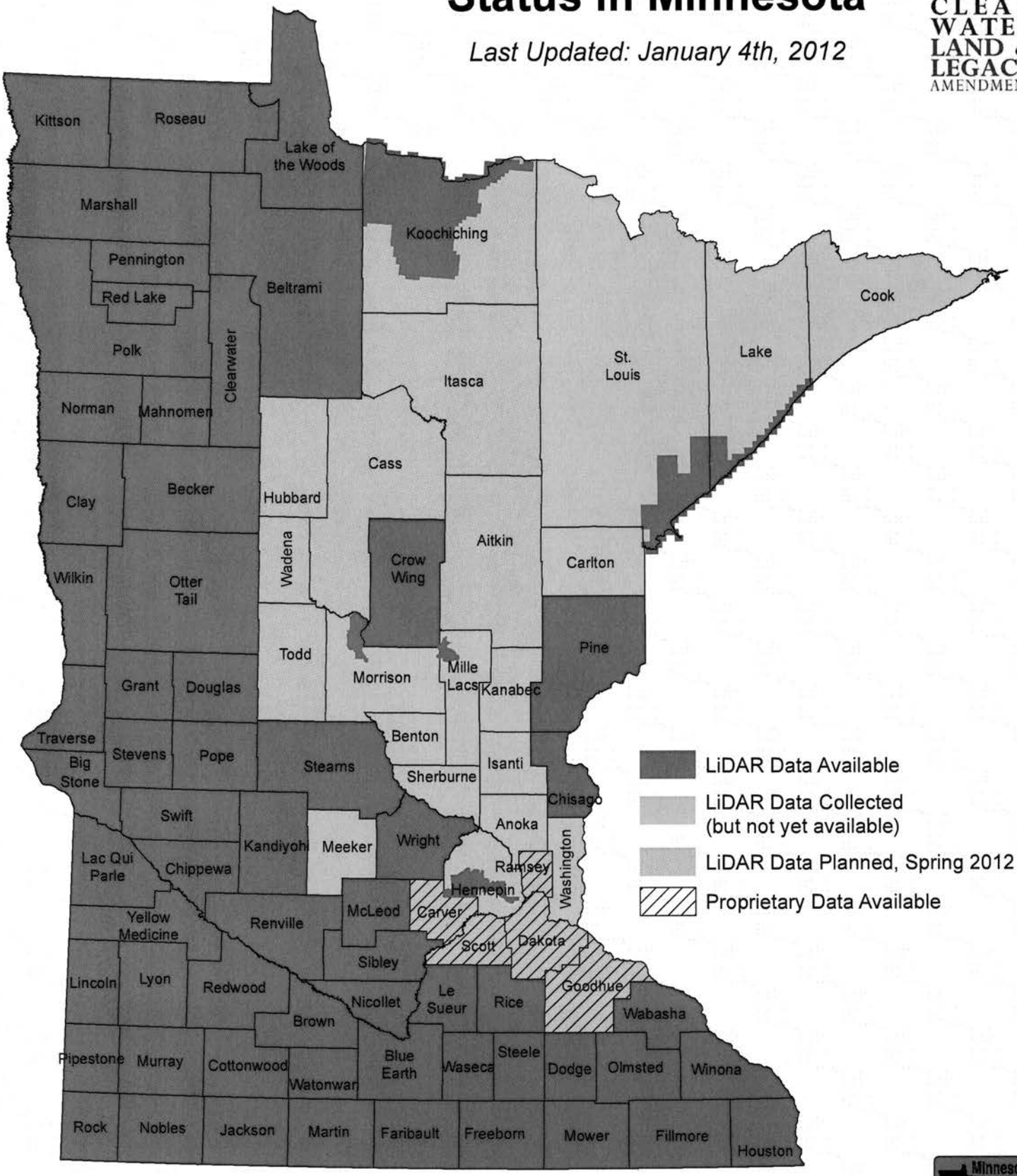
None

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
In 2002, an ad hoc state, federal and local government Digital Elevation Committee assisted DNR to prepare a white paper about the need and opportunity to develop digital elevation models and maps for Minnesota using Light Detecting and Ranging (LiDAR) technology. Several Minnesota counties were early adopters of this technology. As the cost for LiDAR moved downward, the support for digital elevation mapping grew. The Red River Basin was the first large scale digital elevation mapping intiative in Minnesota, involving a partnership of state, federal and local funding sources lead by the Internatiol Water Institute. Southeast Minnesota was next, via 2007 flood response funding transferred to DNR. In 2009, after passage of the Clean Water Land and Legacy Amendment, the Legislature appropriated an initial investment of amendment funds to the DNR to advance completion of statewide digital elevation mapping, and provided the final increment of funding in FY 2012. Tim Loesch, DNR GIS Operations Supervisor, has served as the project manager for this statewide effort. Digital elevation data is used for many natural resource management functions and projects, including terrain analysis, other GIS applications, conservation practice planning and design (including wetland restorations), as well as for hydrologic modeling and other natural resource studies. This agenda item will provide an overview and update of statewide digital elevation mapping and current uses.

LiDAR
Status in Minnesota

Last Updated: January 4th, 2012

CLEAN WATER LAND & LEGACY AMENDMENT



Minnesota DEPARTMENT OF NATURAL RESOURCES

Map URL = http://www.mngeo.state.mn.us/committee/elevation/resources/lidar_status_map_mn.pdf
All available data is currently accessible via anonymous ftp at: lidar.dnr.state.mn.us

State LiDAR Project Update
5/11/2012
Prepared by Tim Loesch, MnDNR

The State LiDAR project is being coordinated by the Minnesota Digital Elevation Committee and managed by the Department of Natural Resources. Funded through the Clean Water Legacy funds, this project will create a high quality set of elevation data, tools and technical resources that are available to everyone. This project is a cooperative effort between municipal, county, state and federal governments.

Acquisition Status
On April 28th LiDAR acquisition over the Central Lakes project area was completed and we reached a monumental milestone for the Minnesota Elevation Mapping Project. With this final acquisition the total coverage for the project reached 57,500 square miles and complete coverage of publicly available data (when available) for the entire state!

Anticipated delivery dates have not yet been provided by the vendor but we expect to see data starting to show up in early October.

An acquisition contract for Blue Earth County was awarded to Aerometric Inc (the vendor for the surrounding areas) and the area was acquired in mid-April. Product deliverables for this acquisition include full-waveform data over the entire county. This data will be made available once it arrives.

Data Delivery Status
Data delivery for the Arrowhead and Metro project areas is ongoing. For the Arrowhead project Blocks 1, 2, 3 and 4 have been delivered with Blocks 1 and 2 published and available for download. Blocks 3 and 4 are currently undergoing QA/QC. Block 5 delivery is expected by the end of May. RMSEz for Blocks 1 and 2 came in very well at 8.2cm and 12.4cm respectively.

In the Metro project area data has started to arrive. Meeker county data was received in May 5th and is undergoing QA/QC procedures. The RMSEz on this delivery is 12.1cm. Additional data is expected to be delivered in quantities over the next couple of weeks.

Data Download Status

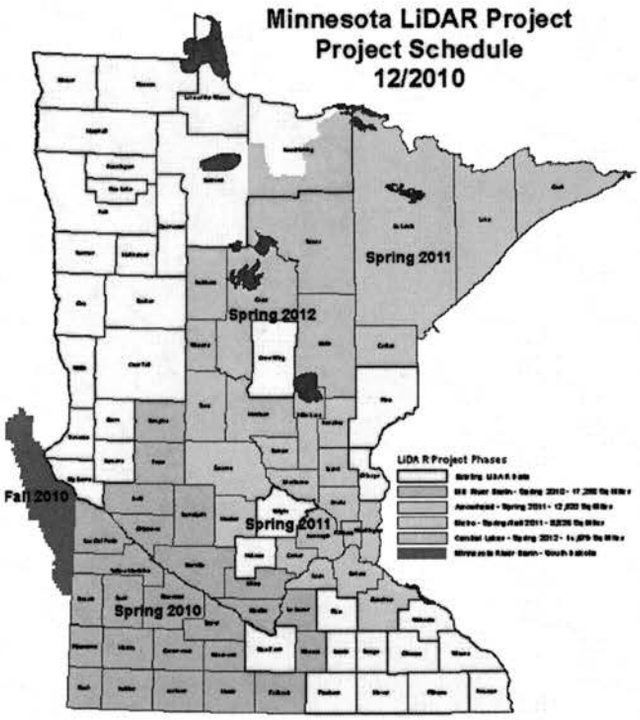
The Minnesota Geospatial Information Office has recently added LiDAR data to it's FTP site. This site is more than three times faster than the DNR site and users are encouraged to use that site for data downloads. The organizational structure has been modified just a bit (the tiled LAS and Geodatabases are included in one place) but the content is identical to the DNR site.

Main ftp address:	**ftp.lmic.state.mn.us**
LiDAR folder:	**/pub/data/elevation/lidar**
Arrowhead Block 1	**/pub/data/elevation/lidar/data/projects/arrowhead/block_1**
Arrowhead Block 2	**/pub/data/elevation/lidar/data/projects/arrowhead/block_2**

Phase 1 – Minnesota River Basin, MN portion – 17,258 sq miles
This portion of the project was acquired in the spring and fall of 2010. This project has been completed and data are available to the public.

Phase 2 – Minnesota River Basin, SD portion – 1,940 sq miles
This project was funded by the USGS (no state funds were utilized) and was acquired the fall of 2011. This project has been completed and data are available to the public.

Phase 3 – Arrowhead Region - 15,520 sq miles
Acquisition was completed in the spring of 2011. Blocks 1 and 2of the data has been delivered and approved, blocks 3 and 4 have been delivered but are in QA/QC processing.



Phase 4 – Metro Region, - 8,826 sq miles
Covering 15 counties in the metro region this was acquired in the spring and fall of 2011.
Meeker county has been delivered and is in the QA/QC Processing stage

Phase 5 - Central Lakes Region - 13,065 sq miles
This project area covers all or parts of seven central Minnesota counties square miles and acquisition will commence when ground conditions are favorable this spring. The contract has been fully executed and the vendor (Woolpert) is preparing for acquisition.

For More information contact Tim Loesch, tim.loesch@state.mn.us or visit the project web site at http://www.mngeo.state.mn.us/committee/elevation/mn_elev_mapping.html
Or Friend the project on Facebook at http://www.facebook.com/minnesotalidar

FOR YOUR INFORMATION

May 23, 2012

- ☐ BWSR Board Member Listing – *please edit your information*
- ☐ BWSR Committees, dated April 2012
- ☐ BWSR Staffing Plan Update and Org Chart
- ☐ "BWSR Snapshots" – May 2012
- ☐ Memo from Gerald Van Amburg, regarding enlargement of the Buffalo Red River Watershed District and assignment of new managers from Wilkin and Otter Tail Counties
- ☐ Memo from Don Buckhout regarding new authorization for PRAP Assistance Grants/Contracts

Board Members,
Please review – give edits to Mary Jo Anderson.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
ST. PAUL, MINNESOTA 55155
Phone: 651-296-3767 Fax: 651-297-5615

Appointed Members	*Appointment Designation*	*Term*	*Telephone/Fax/Cell*	
Brian Napstad, Chair 51227 Long Point Place, McGregor, MN 55760	**County Commissioner** bnapstad@yahoo.com	**2/03/10 - 1/06/14**	218-426-3008 218-426-4662	*Home* *Office*
Quentin Fairbanks 16374N Blackduck Road NE, Hines, MN 56647	**Co. Commissioner** quentin@paulbunyan.net	**6/30/11 - 1/05/15**	218-835-4184 218-553-0433	*Home* *Cell*
Tom Loveall 39290 200th St., Winnebago, MN 56098	**Co. Commissioner** Tomcat56098@yahoo.com	**5/11/09 - 1/07/13**	507-854-3572 507-854-3300	*Home* *Office*
Jack Ditmore 61 Flandrau Place, St. Paul, MN 55106	**Citizen** ditjc9999@msn.com	**3/29/12 – 1/04/16**	651-774-7239 651-334-1478	*Home* *Cell*
Gerald Van Amburg 4518 5th Street S., Moorhead, MN 56560	**Citizen** vanambur@cord.edu	**6/30/11 - 1/05/15**	218-236-7659 218-790-2502	*Home* *Cell*
John Meyer 18689 Highway 248, Rollingstone, MN 55969	**Citizen** john@qhdairy.com	**5/11/09 - 1/07/13**	507-689-2612 507-689-2457	*Home* *Office*
Robert Burandt 1340 Waconia Pkwy. S., Waconia, MN 55387	**SWCD** rlburandt@gmail.com	**5/11/09 - 1/07/13**	952-442-4216	*Home*
Paul Langseth 35505 280th St., Worthington, MN 56187	**SWCD** paul.langseth@gmail.com	**2/03/10 - 1/06/14**	507-360-5844 507-376-5686	*Office* *Home*
Steve Sunderland 2030 20th Ave., SE, Montevideo, MN 56265	**SWCD** sunderland@mvtvwireless.com	**3/29/12 – 1/04/16**	320-226-3550	*Home*
Todd Foster 1020 Co. Rd. 134, St. Cloud, MN 56303	**Watershed** iliketheoutdoors@gmail.com	**6/30/11 - 1/05/15**	320-241-6041	*Home*
Gene Tiedemann 13099 310th Ave., SW, Euclid, MN 56722	**Watershed** gtiedemann@rrv.net	**2/03/11 - 1/06/14**	218-289-3511 218-281-6723 218-289-1348	*Office* *Home* *Cell*
Joseph Collins 534 West Orange Ave., St. Paul, MN 55117	**Watershed** joe.collins@ci.stpaul.mn.us	**3/29/12 – 1/04/16**	651-488-5108	*Home*
Sandra Hooker 14418 618th Avenue, Mapleton, MN 56065	**Townships** sandy.hooker@mntownships.org	**3/29/12 – 1/04/16**	507-869-3114	*Home*
Christy Jo Fogarty 18946 Excalibur Trail, Farmington, MN 55024	**Metro City** cfogarty@charter.net	**9/21/09 - 1/07/13**	651-460-8057 612-867-8875	*Home* *Office*
Keith Mykleseth 532 Summit Avenue, Crookston, MN 56716	**Non-Metro City** kmykleseth@tnc.org	**9/21/09 - 1/05/15**	218-281-1801 218-521-0565	*Home* *Cell*

State Agency Members:

Matthew Wohlman Freeman Office Bldg., 625 Robert St. N., St. Paul, MN 55155 Matthew.Wohlman@state.mn.us	**Department of Agriculture**	651-201-6551 651-201-6120	*Office* *Fax*
Chris Elvrum P.O. Box 64975, St. Paul, MN 55164-0975 chris.elvrum@state.mn.us	**Department of Health**	651-201-4598 651-201-4986	*Office* *Fax*
Tom Landwehr 500 Lafayette Road, St. Paul, MN 55155 Tom.Landwehr@state.mn.us	**Department of Natural Resources**	651-259-5555 651-296-4799	*Office* *Fax*
Faye Sleeper Room 173 McNeal Hall, 1985 Buford Avenue, St. Paul, MN 55108 fsleeper@umn.edu	**U of M/Extension**	612-624-3738 612-625-1263	*Office* *Fax*
Rebecca Flood 520 Lafayette Road, St. Paul, MN 55155 Rebecca.Flood@state.mn.us	**Pollution Control Agency**	651-757-2022 651-296-7923	*Office* *Fax*

BOARD OF WATER AND SOIL RESOURCES
COMMITTEES
April 20, 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.*

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 AND 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:

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

*Chairs

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.

From: Gerald Van Amburg <vanambur@cord.edu>
Date: May 16, 2012 10:17:37 AM CDT
To: Buffalo-Red River Watershed District <brrwd@bvillemn.net>, "John Jaschke (BWSR)" <John.Jaschke@state.mn.us>, "Germundson, Travis (BWSR)" <travis.germundson@state.mn.us>, "Breanna L. Paradeis Kobiela" <breanna.paradeis@ndsu.edu>, Jones Erik <ejones@houstoneng.com>, "Pete Waller (BWSR)" <Pete.Waller@state.mn.us>
Subject: BRRWD Enlargement

Colleagues,
Clay county commissioners have decided to **not** appeal the order made by BWSR for enlargement of the BRRWD and assignment of new manergers from Wilkin and Otter Tail counties. This is good news which will help to keep the peace and allow the district to move ahead.

Regards,

Gerry V.

Gerald L. Van Amburg
Professor of Biology (Ret.)
Biology Department
Concordia College
Moorhead, MN 56562

Cell Phone (218) 790-2502
Home Phone (218) 236-7659

BWSR Staffing Plan Update

By Julie Blackburn, Assistant Director

Last September the SMT developed an agreed upon approach to adding staff to address critical agency needs. We have made very significant progress on this approach with some minor adjustments and have a lot of hiring and staffing activity lately. This is a summary of the SMT plan and our progress towards meeting that plan and some additional staffing updates as well.

New positions

- Easement Specialist - Dave Rickert started with the BWSR Conservation Easement Section on December 7, 2011. Dave came to us from the Scott SWCD where he was a Resources Conservation Technician. Dave is a farm boy from WISCONSIN! And received his BS degree from UW Oshkosh in Environmental Analysis and Management and Geographic Information Services. Dave resides in Bloomington with his wife, Kelsey, who is an RN at Abbot Northwestern Hospital. Dave and Kelsey are expecting their first baby in late July.

- Organization Effectiveness – Angie Becker Kudelka. Angie accepted this new position in March, leaving a vacancy for the Training Program hire (see note below about Jenny Gieseke joining our team to fill this vacancy). Angie's new role has four components: 1) overseeing the communications strategic planning and implementation, 2) overseeing the internal and external training programs, 3) developing comprehensive project management systems for major initiatives, and 4) developing systems and processes that result in improved agency performance. This new position is essential to insuring BWSR's success launching coordinated and consistent program initiatives.

- NRCS/WCA positions (2) –
  - Laura DeBeer in Marshall . Laura was hired as a South Region Wetland Specialist on February 1st to work on accelerated processing of NRCS form 1026s. With a huge backlog of drainage requests from landowners, BWSR is helping NRCS and SWCDs process these requests. As the requests get reviewed, both the Swampbuster and WCA requirements are documented for the landowner. Laura graduated with a degree in Biology with an environmental emphasis. She previously worked for the Lyon SWCD for four years as a wetland specialist and worked ten years as a quality assurance laboratory technician for a corn processing plant.

  - Ryan Heinen in Bemidji. Ryan was hired as North Region Wetland Specialist to work on Ag banking. He is from St. Joseph, MN, graduated from St. Cloud State University with a Wildlife Biology degree. He spent the first 3 and 1/2 years of his young career rebuilding and salvaging the WCA program in Koochiching County and lived to talk about it. He enjoyed that so much he decided to move to the lonely prairies of South Dakota in his mid 20's and has managed a Bison ranch for The Nature Conservancy for the past three years. In his new BWSR position he will be assisting Dale K and Steve H with the ag banking crush and will be working on site evaluations, completing MnRAMs, and assisting SWCDs with ag bank project implementation

- Wetland Specialist – Jerry Stensing, formerly of the Beltrami SWCD, working part time in Bemidji and is in a temporary position working on Dale's LCCMR project. Jerry is a recently retired forester with the Beltrami SWCD was already tired of retirement and is back in the saddle to help save our iconic white cedar forests. Jerry is working part time for 2 years under Dale Krystosek as we complete an LCCMR grant project. Jerry will be working out of his home near Upper Red Lake and helping to set up 4 to 5 white cedar demonstration projects in northern Minnesota (and southern Ontario – only if his GPS is not working) .

- Fiscal Compliance Director - Tim Dykstal began April 16th The purpose of this new position is: 1) To lead and manage internal financial and program audits by developing a comprehensive risk-based internal financial compliance plan; 2) to develop and direct a comprehensive grants monitoring, reconciliation and verification program that meets state policies while efficiently limiting reporting requirement burdens; 3) to execute a systematic audit program that provides assurances to management on the effectiveness of control, risk management, and governance processes; and 3) offering advice and recommendations designed to add value within the organization and with external partners to achieve operational goals and objectives. Tim is a Certified Internal Auditor and was a Senior Internal Auditor at the Metropolitan Council. He previously worked at the Office of the Legislative Auditor as a Program Evaluator. Tim also has a Master's Degree in Public Policy from the Humphrey Institute at the University of Minnesota.

- Project manager/Metro BC - We approached Melissa Lewis and Jim Haertel about a temporary work out of class assignment associated with developing the updated eLINK for Web system. This is a big, big project that Tim Ogg is heading up. Its size is such that we have engaged an additional project manager from OET to assist Tim. Melissa's historical work on the eLINK Team and prominent role with several other Teams is needed to interact with LGUs and integrate the front line perspectives of the executive branch agencies into the new tool. Melissa will use 25 percent of her time for Metro Region work and utilize the other 75 percent for projects such as eLINK, liaison to PCA's Minimal Impact Development Standards (MIDS) Project, and "knowledge management" by continuing to coalesce scattered grants guidance, files, and maintenance of the Grants Manual.

- Easement Administrative Services Coordinator – PD being finalized.

Vacancies filled/being filled

- **NEWEST HIRE STARTING MAY 23!** Training Program Coordinator – **Jenny Gieseke** will be joining the BWSR team on May 23. Jenny has extensive experience in watershed management, training, and program coordination. She comes to us from the CROW (Crow River Organization of Water) JPB organization where she has worked for the past 13 years as a watershed specialist and watershed coordinator. Prior to this, she was a wetland technician at Stearns County and also worked for a private company conducting wetland delineations, inventories and monitoring. She has a degree in Biology from Mankato State and is currently pursuing her Masters in Communications. Jenny will be housed in the Mankato office, but will be in the central office frequently. The first few weeks after coming to BWSR she will work 20 hours a week and in mid-June will be full-time. Please be sure to give Jenny a warm welcome as she joins our team next week!

- Conservation Drainage Engineer – Kyle Skov, began on January 3. Kyle came to BWSR with about 15 years of experience as a civil engineer in the private sector and most recently as an environmental engineer for the City of Albert Lea. Kyle grew up and lives in farm country and has experience working with various local government units, as well as state and federal agencies, for water and relate resource and infrastructure management.

- Bemidji OAS – Kathy Moore. Her starting date is May 16. She comes prepared with very strong computer software skills, and logistical skills honed during 20 years in the military. Her references confirmed that she is an exceptional employee who is great at anticipating what needs to be done.

- Accounting Officer – Misty Pellerin, filling Dianne Hubbell's position. Misty joined BWSR April 2nd. She brings a strong background in state accounting processes plus welcome knowledge of the new fiscal management system SWIFT. She jumped right in to work on pending contracts including the BWSR Academy RFP. Misty's most recent position was with the Department of Corrections as an Accounting Technician, and this position at BWSR was a promotional opportunity for her. She has other interesting experience in the accounting field including working at an animal humane society and a horse racing track. Welcome Misty.

- PR and Communications Coordinator – Interviews were held May 9th and 10th. We hope to have an announcement of a new staff person soon!

- Metro BC – vacancy to back-fill Melissa Lewis' position will be posted soon

- Wetland Banking Coordinator – position is posted currently and will close on May 18th.

FY 2012
BWSR Organizational Chart
with functional titles

May 15, 2012

Senior Management Team

BOARD

John Jaschke
Executive Director

Mary Jo Anderson
Exec Asst to the Board

Programs and Policy Development

Julie Blackburn
Assistant Director

Proposed
Project Manager

Tim Dykstal
Fiscal Compliance Coordinator

Easements / Private Lands Conservation

Kevin Lines
Section Manager

Easements
Tim Fredbo
Conservation Easement Specialist
Polly Remick
Realty Specialist
Kristie Mack
Easement Processor
Char Sokatch
Easement Processor
Dave Rickert
Easement Processor
Seth Weeks
Easement GIS Specialist

Working Lands
Tabor Hoek
Private Lands Specialist

Land and Water Management

Dave Weirens
Section Manager

WCA
Les Lemm
WCA Coordinator
Carol Strojny
Monitoring Coordinator
Karli Swenson
Monitoring Technician

Wetland Banking & Monitoring
Vacant
Banking Administrator
Natasha DeVoe
Wetland Planner
Sarma Straumanis
Banking Specialist (MNDOT employee)

Grants
Wayne Zellmer
Grants Coordinator
Michelle Lewis
Grants Specialist
Kari Keating
Grants Specialist

Water Management
Travis Germundson
Water Management Specialist

Technical Services and Training

Al Kean
Chief Engineer Manager

Engineering and Drainage
Tom Wenzel
Sr. Water Resources Engineer
Terry Ragan
Project Engineer
Kyle Skov
Conservation Drainage Engineer
Jeff Hedtke
Conservation Engineering Technician
Karen Bonde
Conservation Engineering Technician
Jim Luniewski
Conservation Engineering Technician
Scott Santjer
Conservation Engineering Technician
Mitch Cabak
Conservation Engineering Technician
Bruce Wilken
Conservation Engineering Technician
Pete Felland
Conservation Engineering Technician
Jesse Preston
Conservation Engineering Technician

Soils / Hydrology / Vegetation
Eric Mohring
Ground Water Specialist
Greg Larson
BWSR/U of M Soil Scientist .5 FTE
Dan Shaw
Vegetation Specialist
Megan Lennon
Soils Specialist

Organizational Effectiveness Coordination

Angie Becker Kudelka
Organizational Effectiveness Director

Jennie Gieseke
Training Program Coordinator
Vacant
PR and Communications Coord.

Administrative & Technology Services

Bill Eisele
Admin & Tech Svcs Director

Finance & Accounting

Misty Pellerin
Accounting Officer

IT / eLINK

Tim Ogg
IT Director
Conor Donnelly
eLINK - GIS Specialist
Paul Senne
GIS Specialist / Programmer
Aaron Spence
GIS Specialist

Central Office OAS

Sherri Johnson
Administrative Support

Regional Operations & LGU Oversight

Steve Woods
Assistant Director

Don Buckhout
PRAP Coordinator

Vacant (Proposed Temp)
Measures/Outcomes eLINK

Metro Region

Jim Haertel
Supervisor

Melissa Lewis
Board Conservationist
Lynda Peterson
Wetland Specialist
Ken Powell
Senior Wetland Specialist
Marcey Westrick
Clean Water Specialist
Brad Wozney
Board Conservationist

Southern Region

Jeff Nielsen
Supervisor

Laura DeBeer
Wetland Specialist-temporary
Matt Drewitz
Clean Water Specialist
Dorothy Erickson
Administrative Support
Tom Fischer
Board Conservationist
Mark Hiles
Board Conservationist
Chris Hughes
Board Conservationist
Mary Kells
Board Conservationist
Steve Lawler
Wetland Specialist
Jeremy Maul
Senior Wetland Specialist
Kane Radel
Wetland Specialist
Roxie Serreyn
Administrative Support
David Sill
Board Conservationist
Carla Swanson-Cullen
Administrative Support

Northern Region

Ron Shelito
Supervisor

Donna Caughey
Administrative Support
Brian Dwight
Board Conservationist
Mary Jo Flemming
Administrative Support
Keith Grow
Wetland Specialist
Ryan Heinen
Wetland Specialist-temporary
Steven Hofstad
Wetland Specialist
Jeff Hrubes
Clean Water Specialist
Ryan Hughes
Board Conservationist
Dale Krystosek
Senior Wetland Specialist
John Overland
Wetland Specialist
Chad Severts
Board Conservationist
Dan Steward
Board Conservationist
Pete Waller
Board Conservationist
Jason Weinerman
Board Conservationist
Joan Weyandt
Wetland Specialist
Kathy Moore
Administrative Support
Vacant (Proposed Temp)
Red River Specialist

Minnesota Board of Water & Soil Resources

BWSR Snapshots

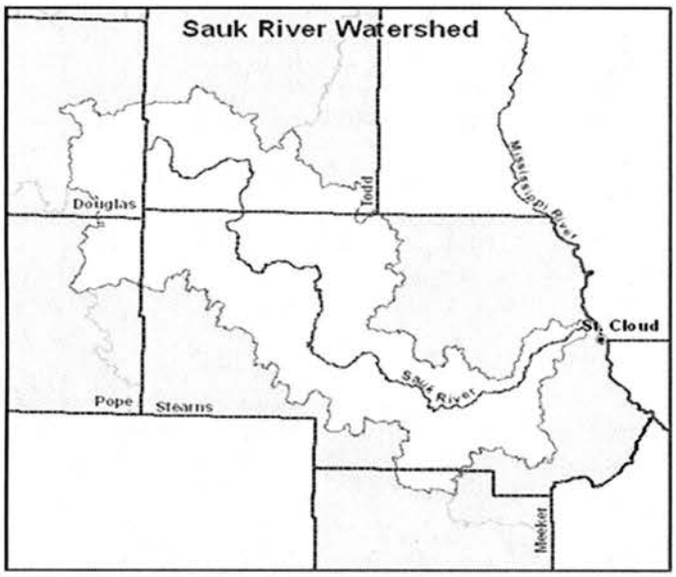
May 2012

Watershed-based PRAP Pilot Project
By Don Buckhout, PRAP Coordinator

BWSR's 5-year old Performance Review and Assistance Program (PRAP) is testing a new approach to local water management performance review with a pilot project in the Sauk River watershed in central Minnesota. This approach will focus on the collaborative efforts of all local water management entities that operate within the same major watershed.

Watershed-based local water planning is receiving increased attention in Minnesota. The recently enacted omnibus environmental policy bill clears a path for even more collaboration on local water planning and creates a new, yet-to-be-defined "comprehensive watershed management plan," to be developed and implemented locally. In recognition of this trend, this new PRAP methodology will assess the extent to which local governments operating in the same watershed have a "watershed focus" and are collaborating on plan implementation and program delivery.

Until now, PRAP has focused on individual local government unit performance, completing 34 such reviews since 2008. This new multi-LGU approach to PRAP will serve in place of the standard performance review process. BWSR has selected the Sauk River watershed for this pilot project because the watershed is well-defined, there are multiple organizations, including a watershed district, which are already top performers.



BWSR has contacted lead staff from the eleven different local governments to notify them about the project. The process will be initiated with an information meeting scheduled for early July. During the remainder of 2012, these organizations will be implementing and testing the new concept, process, schedule and methodology.

The Elk River Watershed Association: A County Crossing Watershed Collaboration
By Jason Weinerman, Board Conservationist

Watersheds have a tendency to ignore geo-political boundaries. This can result in uneven management as governing entities have different priorities within the same watershed. In recognition of the management efficiencies gained through greater collaboration, Benton and Sherburne County came together, through a specific effort to coordinate their water plans, to form the Elk River Watershed Association (ERWA), a joint powers board consisting of county commissioners, SWCD board members, and citizens at large. Since 1994, the ERWA has worked to understand and improve the water quality across county boundaries.

The diversity of land use within the Elk River Watershed Association means that efforts to improve water quality encompass a variety of activities requiring a broad base of technical skills. The SWCD and county staff provide outreach and technical assistance to farmers, exurban residents, lakeshore residential owners, and urban residents. In addition to technical assistance, many landowners received financial assistance through a 2011 Clean Water Fund grant.

In addition to using Clean Water Fund dollars, the SWCDs from both counties prioritize the use of their State Cost Share dollars to projects that occur within the watershed. Long term voluntary collaborations are difficult because funding can be intermittent, partner interest can move to other priorities, and support can vary with the wishes of local elected officials. However, the Elk River Watershed Association demonstrates that long term voluntary partnerships can be successful and result in real improvements in local water quality and management efforts. The ERWA website is:
http://www.sherburneswcd.org/ERWSA/ERWS.htm

State and Federal Agencies Working Together on Wetland Training

By Lynda Peterson, Metro Wetland Specialist

For the past two years BWSR and the Corps of Engineers (Corps) have partnered to train wetland staff from both agencies. Wetland staff primarily review wetland delineations submitted by private wetland consultants, but we seldom do wetland delineations. This partnership resulted in having Corps and BWSR wetland staff do actual on-site delineations.

In 2011, two training sessions were held in Brainerd and Farmington. First, delineations were completed, then wetland staff defended why they chose a particular wetland boundary. In 2012, two more sessions are scheduled. At a recent session in Willmar staff from both agencies reviewed aerial photographic slides of agricultural fields throughout the past 20 years and determined whether aerial photography showed evidence of hydrology. Then the staff from both agencies went on-site and completed wetland delineations for the areas that showed hydrology. Ten project managers from the Corps and five BWSR wetland specialists attended this session.

At the end of May another session will be held in the Cloquet area to teach the staff from both agencies about the red clay soils that are dominant in the Northeast Region of the State.

This combined training has given both agencies a comfort level with each other and involved technical abilities to provide better and more efficient program delivery and public service.

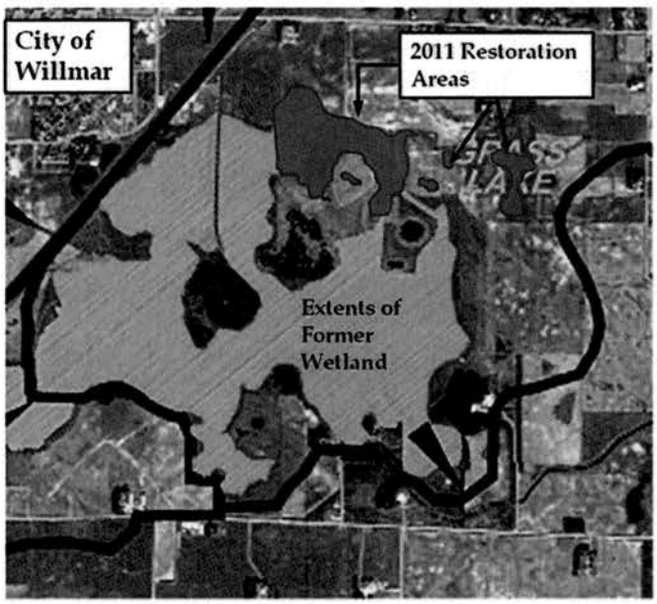


Wetland or not? That is the first Question. Second Question: where is the boundary?

Grass Lake Restoration – Recent Phase

By Tom Wenzel, Senior Water Resources Engineer

In the fall of 2011, another phase of the Grass Lake Prairie Wetland restoration project was constructed. This phase of restoration involved a cooperative venture between the state's Reinvest in Minnesota (RIM) Reserve program and the USDA's Wetlands Reserve Program (WRP), along with a private landowner's need to develop a suitable wetland replacement site for recent wetland impacts within the city of Willmar. The work was completed in the northeast corner of the Grass Lake Project area and included the restoration of several drained wetlands with one large wetland area approximately 80 acres in size.



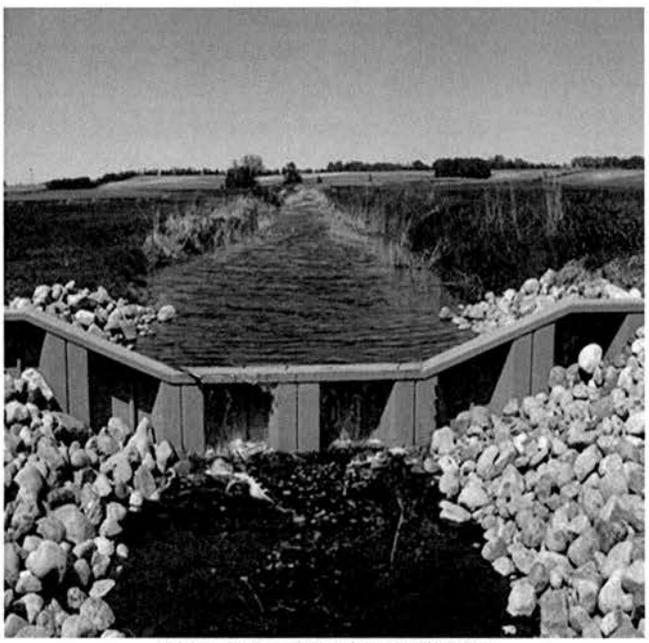
Historic Grass Lake and 2011 Restoration Areas

The Grass Lake Prairie Wetland is approximately 1,200 acres in size and is located just to the southeast of the city of Willmar in Kandiyohi County. Drainage of the lakebed began in 1885 for farming purposes. Beginning in the early 1990s, a combination of several factors including above normal precipitation cycles, increased runoff from upstream watershed areas and inadequate drainage capacity of the ditch system through the area, caused significant crop losses within the lakebed.

As a result of these marginal farming conditions, most of the landowners within the basin have enrolled just over 1,300 acres of the lakebed into perpetual conservation easements, primarily through RIM Reserve. These easements were secured for the purpose of restoring the drained lakebed to a shallow prairie wetland and its surrounding shoreline to native prairie to the extent practicable.

Recent restoration efforts within the lakebed have been limited to smaller, isolated areas where outcomes could be feasibly attained as the restoration of the larger project is still being planned through the coordinated efforts of state, federal, and local government agencies along with conservation groups and the project landowners. The phase of work completed this past fall is located within a separate, isolated area of the lakebed with the restored wetlands all being at elevations higher than what is currently being considered for a larger, main basin. The work was in an area where a new RIM-WRP easement for 243 acres was recently secured.

Prior to its restoration, this area of the project contained a variety of former wetland habitats all extensively drained by subsurface tile and open ditches. A branch of a county ditch system was successfully abandoned in the project area through a petition and hearing with the Kandiyohi County Board, the local drainage authority. One large 80-acre shallow wetland basin was restored via installation of a steel sheet pile structure across a drainage ditch.

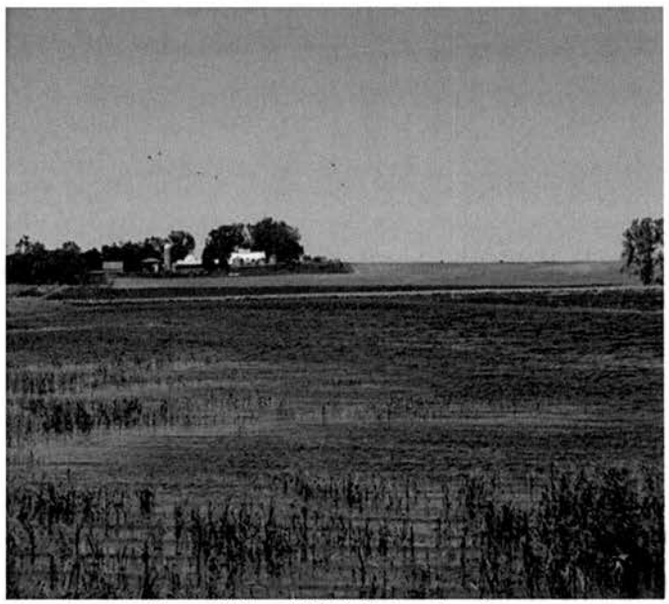


Primary Sheetpile Outlet Structure

A 1,000-acre-plus drainage area contributes runoff to this restored wetland. In addition, five other smaller, tile drained depressional wetlands were restored. The restoration work also involved raising and protecting a field access road, outletting and protecting an upstream functioning subsurface drainage tile, and constructing several embankments to help manage and control wetland runoff.

In total, the cost of construction for this phase of work was approximately $290,000. The majority of these costs were covered by the adjoining private landowner in their work to restore wetland areas on their property as part of a wetland replacement plan. This restoration plan was completed by BWSR staff with the assistance and support of the local Soil and Water Conservation District (SWCD) and Natural Resources Conservation Service (NRCS).

Restoration efforts within other areas of the Grass Lake Project are continuing, with additional construction work scheduled for this fall.



Recent View of 2011 Restoration Area

From: "Buckhout, Donald (BWSR)" <don.buckhout@state.mn.us>
Date: May 16, 2012 1:39:37 PM CDT
To: "Jaschke, John (BWSR)" <john.jaschke@state.mn.us>
Cc: "Woods, Steve (BWSR)" <steve.woods@state.mn.us>
Subject: FYI: PRAP Assistance Grants Status

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

Under the new authorization for PRAP Assistance Grants we have issued the following Grant Agreement:

PRAP ASSISTANCE GRANTS/CONTRACTS							
No.	Grantee	Purpose	Assmnt.	Tot. Amt. Requested	Grant Amt.	Start Date	End Date
12-01	Root River SWCD	Org. Devel.; consultant contract	PRAP Recom.	7500	2800 50:50 CS	4/30/2012	

There have been at least three other inquiries, but LGUs have yet to submit applications.

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